Draft Initial Study/Negative Declaration

Music Overlay District and Old Poway Specific Plan Amendment (SPA24-0002; EA25-0001)

May 2025

Prepared for:

CITY OF POWAY
Department of Development Services
13325 Civic Center Drive
Poway, CA 92064
Contact: Stan Donn
Telephone: (858) 668-4604

Prepared by:

DUDEK

605 3rd Street
Encinitas, California 92024
Contact: Candice Disney Magnus
Telephone: (760) 642-8261

Table of Contents

INITIAL STUDY AND NEGATIVE DECLARATION INTRODUCTION 1
1. PROJECT TITLE 1
2. LEAD AGENCY NAME AND ADDRESS 1
3. CONTACT PERSON AND PHONE NUMBER 1
4. PROJECT LOCATION. 1
5. PUBLIC REVIEW PERIOD 1
6. GENERAL PLAN DESIGNATION 1
7. SPECIFIC PLAN DESIGNATION 2
8. ZONING 2
9. PROJECT DESCRIPTION: 2
10. SURROUNDING LAND USES AND ENVIRONMENTAL SETTING 3
11. NECESSARY PUBLIC AGENCY APPROVALS 3

CEQA OVERVIEW AND PROCESS 5

ENVIRONMENTAL FACTORS AFFECTED 7

DETERMINATION 8

ENVIRONMENTAL CHECKLIST 9
1. AESTHETICS 9
2. AGRICULTURAL AND FORESTRY RESOURCES 10
3. AIR QUALITY 11
4. BIOLOGICAL RESOURCES 13
5. CULTURAL RESOURCES 14
6. ENERGY 16
7. GEOLOGY AND SOILS 16
8. GREENHOUSE GAS EMISSIONS 20
9. HAZARDS AND HAZARDOUS MATERIALS 22
10. HYDROLOGY AND WATER QUALITY 25
11. LAND USE AND PLANNING 27
12. MINERAL RESOURCES 28
13. NOISE 28
14. POPULATION AND HOUSING 41
15. PUBLIC SERVICES 42

16. RECREATION 43
17. TRANSPORTATION 44
18. TRIBAL CULTURAL RESOURCES 45
19. UTILITIES AND SERVICE SYSTEMS 46
20. WILDFIRE 48
21. MANDATORY FINDINGS OF SIGNIFICANCE 49

REFERENCES 51

FIGURE

1 Proposed Music Overlay District Location 4

TABLES

1. Short-term Baseline Sound Level Measurements 29
2. Long-term Baseline Sound Level Monitoring 30
3. Land Use Compatibility for Community Noise Environments 32
4.City of Poway Exterior Noise Thresholds 34
5. Measures of Substantial Increase for Transportation Noise Sources 35
6. Operational Noise Levels at Nearest Sensitive Receptors – *with* wall* 36
7. Operational Noise Levels at Nearest Sensitive Receptors – *without* wall* 38

APPENDICES

A Draft Music Overlay District and Old Poway Specific Plan Amendment
B Music Overlay District and Old Poway Specific Plan Amendment Noise Assessment

INITIAL STUDY AND NEGATIVE DECLARATION INTRODUCTION

This Draft Initial Study/Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). It is available for a 30-day public review period as shown below. All comments are to be made in writing and addressed to Mr. Stan Donn, City Planner, Development Services Director, City of Poway, 13325 Civic Center Drive, Poway, CA 92064 or by e-mail to sdonn@poway.gov. Comments must be received in the Development Services Department Office of the City of Poway no later than 5:00 P.M. on the last day of the public review period noted below.

1. **PROJECT TITLE:**

   Music Overlay District and Old Poway Specific Plan Music Overlay District Project (SPA24-0002; EA25-0001)

2. **LEAD AGENCY NAME AND ADDRESS:**

   City of Poway
   Development Services Department
   13325 Civic Center Drive
   Poway, CA 92064

3. **CONTACT PERSON AND PHONE NUMBER:**

   Stan Donn, City Planner
   Development Services Department, City of Poway
   (858) 668-4604

4. **PROJECT LOCATION:**

   The project includes an amendment to the Old Poway Specific Plan including text and map amendments for the creation of a Music Overlay District that would be applied to certain commercial properties in the City. The Music Overlay District would allow for indoor and outdoor musical performances as an allowed use within the District. The parcels upon which the Music Overlay District are proposed are located within the City, along the Midland Road. The proposed Music Overlay District would span a rectangular block of currently commercial zoned properties bounded by Temple Street to the north, Brighton Avenue to the east, Edgemoor Street to the south, and Midland Road to the west. Additionally, the City leases Open Space to the Hamburger Stop, a commercial enterprise, on the southern portion of Old Poway Park (Park). Amongst its features and existing historic structures, the Park includes a gazebo from which public events have been hosted and include musical performances and reinforced speech. Hence, the proposed Music Overlay District would include this southern portion of the Park, extending from Temple Street north to the plane of Adrian Street, with an understood music venue location at the gazebo.

5. **PUBLIC REVIEW PERIOD**

   May 8, 2025 to June 7, 2025

6. **GENERAL PLAN DESIGNATION:**

   Commercial General

7. SPECIFIC PLAN DESIGNATION:

Currently: Commercial General
Proposed: Commercial General with Music Overlay District

8. ZONING

Commercial General

9. PROJECT DESCRIPTION:

The proposed project involves a specific plan amendment (SPA) to the Old Poway Specific Plan to enable indoor and outdoor music performances in one area of the Old Poway Specific Plan area and the addition of a Music Overlay District. Musical performances would be allowed in the commercial zone where the Music Overlay District would be applied with the approval of a permit by the City. The Music Overlay District would be applied to certain commercially zoned parcels in one area of the City. The proposed Music Overlay District would span a rectangular block of currently commercial zoned properties bounded by Temple Street to the north, Brighton Avenue to the east, Edgemoor Street to the south, and Midland Road to the west. Additionally, the City leases Open Space to the Hamburger Stop, a commercial enterprise, on the southern portion of Old Poway Park (Park). Amongst its features and apparent historic structures, the Park includes a gazebo from which public events have been hosted and include musical performances and reinforced speech. Hence, the proposed Music Overlay District would include this southern portion of the Park, extending from Temple Street north to the plane of Adrian Street, with an understood music venue location at the gazebo.

The Music Overlay District's SPA would regulate the indoor and outdoor musical performances allowed on the property as well as establish the standards that must be followed related to the noise ordinance and the Specific Plan and General Plan policies pertaining to noise. The amendment does not include any proposal for new construction. In general, the Music Overlay District contains the following regulations:

- Indoor and outdoor musical performances that are permitted with a permit in the Old Poway Specific Plan in an existing commercial zone.
- Any proposed musical performances would be subject to the City's existing permitting process, including review and approval by the Director of the Development Services Department of the City of Poway. Conditions of approval could be required for permits as part of the approval process.

The addition of this Music Overlay District in the Old Poway Specific Plan will not result in construction on any building or structure in the specified commercial zone as no construction is proposed. Figure 1 illustrates the regional location and the commercial areas that could be eligible to request a permit in the Music Overlay District. See Appendix A for a full draft of the proposed SPA as incorporated into the Old Poway Specific Plan.

10. SURROUNDING LAND USES AND ENVIRONMENTAL SETTING

The Music Overlay District would be applied to certain parcels in the City that are currently zoned for commercial use in one specific location in the City as illustrated in Figure 1. The land uses surrounding these commercial parcels include single-family, multi-family, institutional, commercial, and open space and park uses. The location is a built out urbanized area and the areas where the Music Overlay District would be established are within fully urbanized neighborhoods.

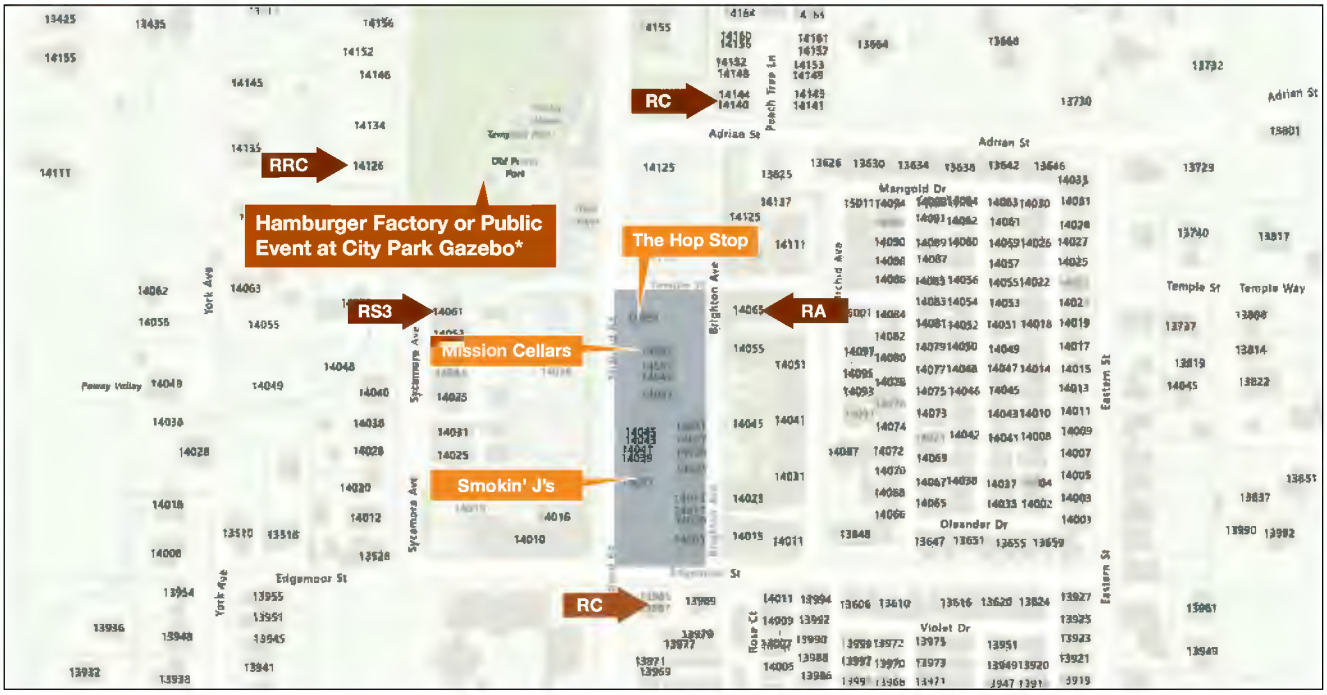
11. NECESSARY PUBLIC AGENCY APPROVALS:

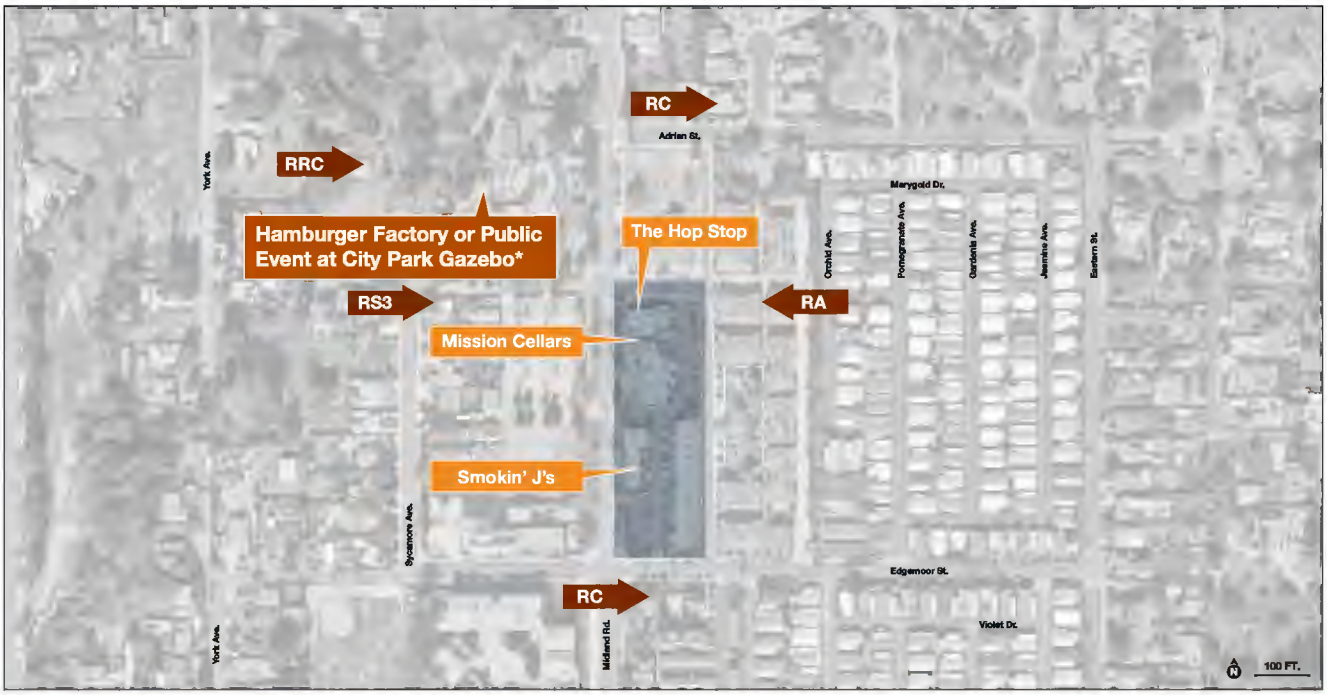
The proposed Music Overlay District and SPA require review and approval by the City of Poway City Council.

Proposed Music Overlay District Location

Nearest Residential Land Uses | Existing local businesses | Music Overlay District

- The Commercial-zoned block bounded by Midland Road, Temple Street, Brighton Avenue, and Edgemoor Street
- Surrounded by **Residential Apartment (RA)**, **Residential Condominium (RC)**, **Rural Residential C (RRC)** and **Single-Family Residence (RS-3)** land uses





* Including the Hamburger Factory in case of city- or business-sponsored event

The Hop Stop

Mon.–Thurs.	12 – 8:30 PM
Friday	11 AM – 9:30 PM
Saturday	10 AM – 9:30 PM
Sunday	10 AM – 8 PM

Mission Cellars

Mon.	Closed
Tues. – Thurs.	3 – 8 PM
Friday	3 – 9 PM
Saturday	11 AM – 9 PM
Sunday	12 – 7 PM

Smokin' J's

Mon. – Fri.	11 AM – 8 PM
Saturday	10 AM – 8 PM
Sunday	10 AM – 7 PM

Sources: Dudek, Aerial Image: Google Earth

DUDEK

CEQA OVERVIEW AND PROCESS

The City of Poway (City) Development Services Department has prepared this Draft Initial Study/Negative Declaration (IS/ND) to evaluate the potential environmental effects associated with the city's Music Overlay District and Old Poway SPA (project). As part of the approval process, the proposed project is required to undergo an environmental review pursuant to CEQA. One of the main objectives of CEQA is to disclose to the public and decision makers the potential environmental effects of proposed projects. CEQA requires that the lead agency prepare an Initial Study to determine whether an Environmental Impact Report (EIR), Negative Declaration (ND), or a Mitigated Negative Declaration (MND) is needed. The City of Poway, Development Services Department is the lead agency for the proposed project under CEQA, and per State CEQA Guidelines Section 15070 has determined that an ND would be prepared. A description of the proposed project is found above.

The City has prepared this IS/ND following the CEQA Appendix G Environmental Checklist. The preparation of this IS/ND is governed by two principal sets of documents: CEQA (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations Section 15000 et seq.). Specifically, the preparation of an IS and an ND is guided by the State CEQA Guidelines; Section 15063 describes the requirements for an IS, and Sections 15070–15073 describes the process and requirements for the preparation of an ND. Where appropriate and supportive to an understanding of the issues, reference will be made either to the CEQA statutes or State CEQA Guidelines. This IS/ND contains all of the contents required by CEQA, which includes a project description, a description of the environmental setting, potential environmental impacts, consistency with plans and policies, and names of preparers.

This IS/ND evaluates the proposed project's potential effects on the following resources / topics:

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land use Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation

- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire
- Mandatory Findings of Significance

ENVIRONMENTAL FACTORS AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture/Forestry Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☐ Transportation	☐ Tribal Cultural Resources	☐ Utilities/Services Systems
☐ Mandatory Findings of Significance	☐	☐

DETERMINATION

On the basis of this initial evaluation:

☒ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

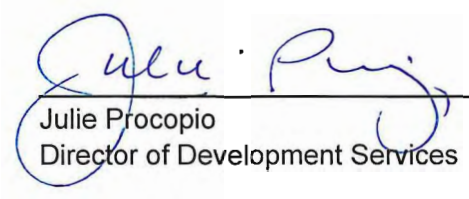
☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature



Julie Procopio
Director of Development Services

5/7/2025
Date

ENVIRONMENTAL CHECKLIST

1. AESTHETICS

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

a) **No Impact.** Generally, scenic vistas are limited in commercial areas of the City due to the fact that these areas are built-out and urbanized. The Project, which is the creation of a Music Overlay District and SPA, would not result in any new construction or development. There are views of the hills to the east and west of the City from the commercial corridor along Midland Road, however the Music Overlay District would not impact height limits in the Old Poway Specific Plan area; so buildings would remain the same as in the existing condition, and would not be any taller than other existing buildings in the vicinity. Buildings of this scale would fit into the existing commercial development patterns of the City, which range from one-story to two-story buildings, and are unlikely to block any scenic vistas that may exist. Since no buildings are proposed as a result of this Music Overlay District, the establishment of the Music Overlay District would have no impacts on scenic vistas.

b) **No Impact.** The closest officially designated State Scenic Highway is the segment of State Route (SR) 52, located approximately 7.7 miles south of the project site (Caltrans 2022). Distance and intervening topography would obstruct potential views of the project site from this segment of SR-52. There are no state scenic highways in the City of Poway. Additionally, the proposed project is the creation of a Music Overlay District and SPA which does not involve the construction of any structures or buildings. Therefore, no scenic resources would be damaged by the implementation of the proposed amendment, no significant impacts would occur, and no mitigation measures would be required.

c) **No Impact.** The proposed Music SPA analyzed in this document is the establishment of a Music Overlay District in a commercial area of the City along Midland Road. The area where the Music Overlay District would be established is an urbanized, built-out commercial corridor, and the project proposes no new development of buildings or structures as part of the SPA. As such, the proposed SPA would not conflict with applicable zoning and other regulations governing scenic quality and would not change the visual quality of the area. The musical performances allowed under the SPA would be temporary in nature and would not permanently impact the visual character of the neighborhood in which it is located. Therefore, the proposed project will not impact the overall visual character and quality of the area.

d) **Less than Significant impact.** The creation of a Music Overlay District would not introduce a new source of light and/or glare. The Music Overlay District does not propose any new structures in the commercial area that would introduce new sources of light and glare. Any new buildings proposed in the Music Overlay District would be subject to review by the City and would be required to comply with CEQA. The Music Overlay District would be applied to the commercial corridor in the City along Midland Road, which is urban and generally has high levels of existing light. Any new source of light would be temporary for the music performance and would require compliance with the Poway Municipal Code which requires the use of low sodium or LED lights in commercial uses between 11:00pm and dawn. Because of this, the proposed amendment is not expected to substantially change the lighting in the area or create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Impacts from lighting and glare would be less than significant.

2. AGRICULTURAL AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an option model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environment effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project; and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an option model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environment effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project; and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

a-e) **No Impact.** The proposed Music Overlay District is located in a commercial corridor along Midland Road that is in an urban setting that does not contain any agricultural resources as defined by the state farmland mapping and monitoring program (State of California Department of Conservation, 2012). The project is not located on or adjacent to any agricultural resources or forest land. Further, the proposed project would not require any changes to the existing environment that would result in the conversion of farmland to non-agricultural uses. The project site is not enrolled under a Williamson Act contract and it is not located on or near a site with timberland or other forestry resources, nor does the Music Overlay District area have any zoning or General Plan designations for forest land, farmland, timberland or timberland production. Therefore, no significant impacts to existing agricultural resources, forest land, farmland, Prime Farmland, or Unique Farmland would occur from implementation of the project and no mitigation measures are necessary.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.
Would the project:

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. *Would the project:*				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

a,b) **Less than Significant Impact.** The City of Poway is within the San Diego County Air Pollution Control Basin (SDCAPCB). Air quality in the SDCAPCB Basin is managed by the San Diego County Air Quality Management District (SDCAQMD). The SDAQMD has an Air Quality Management Plan (AQMP) to outline a strategy to meet state and federal air quality standards. A project is considered to have a significant adverse impacts to air quality if it individually or cumulatively interferes with progress toward the attainment of ozone standards or results in the exceedance of state or federal ambient air quality standards for criteria pollutants. Because the project is the creation of a Music Overlay District that will be applied to one defined commercial area in the City and its associated SPA, the project will not result in the development of any physical structures, buildings, or development in the Music Overlay District area. As such, there would be no construction emissions associated with the proposed project, and the project would not impede progress toward the attainment of ozone standards or result in the exceedance of state or federal ambient air quality standards for criteria pollutants.

The AQMP does discuss the impacts of vehicle miles traveled (VMT) on air quality in the SDCAPCB. While it is possible that the Music Overlay District businesses hosting daytime and evening outdoor music events may experience more patrons (i.e., compared to current customer metrics) and thus slightly increase future traffic volumes to the area, the Project is not proposing any changes to existing parking, seating capacity, or other infrastructure features. Hence, with Project-attributed changes to the area are not anticipated to increase the VMT to the area and there would be less than significant impacts from air quality emissions.

c) **Less than Significant Impact.** In general, projects are considered to have significant impacts to sensitive receptors if they expose sensitive receptors to substantial levels of toxic air contaminants. Nearby sensitive receptors include places where children, the elderly and people with health problems would congregate or frequent. This includes parks, hospitals, community centers, schools, and residential areas. The proposed project is the creation of a Music Overlay District and its associated SPA to be made to the Old Town Specific Plan, and no physical buildings, structures or development are proposed at this time. The creation of the Music Overlay District would not result in redevelopment of sites in the City or result in demolition of any buildings that would need to comply with regulations related to asbestos and lead paint, which are considered to be toxic air contaminants. Because no physical development would occur under the Music Overlay District, no emissions of substantial levels of toxic air contaminants would occur and impacts would be less than significant.

d) **Less than Significant Impact.** The creation of the Music Overlay District and its associated SPA would not include any physical development of buildings and structures and would not result in future development activity. As such, no objectionable odors would be created and no odors

would impact a substantial number of people or occur in localized areas during construction. Further, diesel emissions would not be created as no construction is proposed. The proposed amendment would not result in increased localized air pollutant emissions during performances and no industrial uses that may produce objectionable odors are proposed. Therefore, the implementation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations.

4. BIOLOGICAL RESOURCES

Would the project:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

a. **No Impact.** The commercial area where the new Music Overlay District would be applied is an urban area along Midland Road that is currently developed. The Migratory Bird Treaty Act states that it is unlawful to "pursue, hunt, take, capture, or kill" a migratory bird except as permitted by the U.S. Fish and Wildlife Service. The subject commercial area of the City currently contain minimal landscaping. The creation of the Music Overlay District does not include physical development of buildings and structures and would not include the removal of any existing street trees or biological habitat that could contain special species identified as a candidate, sensitive, or special

status species in local or regional plans, policies, or regulations. Therefore, no significant impacts would occur and no mitigation measures would be required.

b. **No Impact.** The proposed Music Overlay District area is a fully developed commercial area along Midland Road. The SPA involves the addition of a Music Overlay District to the Old Poway Specific Plan and the application of the district to one existing commercial area in the City. All commercial land that is part of this Project is either improved with structures and/or located within an entirely urbanized area. No significant habitats or migratory wildlife corridors would be directly affected by the proposed amendment, and the project does not propose any policy changes that present significant impacts to endangered, threatened, or rare species or their habitats. The Music Overlay District area is not within the vicinity of identified natural water courses. Wetlands are defined under the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as swamps, marshes, streams, lakes, and bogs. According to the U.S. Fish and Wildlife Service Wetlands Mapper, the project is not located within a wetlands or riparian habitat. The proposed project is located in an urban area developed with a mixture of residential and commercial developments that do not contain any wildlife or wetlands. No wildlife species would be impacted by approval of the Music Overlay District and its associated SPA. The project site is not considered a migratory wildlife corridor due to the existing surrounding urban development. Therefore, there is no potential impact to any protected habitat or wetlands.

e) **No Impact.** The potential Music Overlay District would only apply to one commercial area in the City along Midland Road and does not propose the construction or operation of any buildings, structures or development beyond what already exists in that area. The City does not have any local policies or ordinances protecting biological resources in commercial areas. Therefore, the proposed Music Overlay District and its associated SPA will not conflict with any local policies or ordinances protecting biological resources and no impacts would result from the project implementation.

f) **No Impact.** The potential Music Overlay District would only apply to one commercial area in the City along Midland Avenue and does not propose the construction or operation of any buildings, structures or development beyond what already exists in that area. There are no natural habitats or natural biological communities in the vicinity of the subject commercial area in the city. As the project is not of such a scope as to have a significant, wide-ranging effect on the natural environment, it is consistent with all the habitat conservation plan that is applicable to the area.

5. CULTURAL RESOURCES

Would the project:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	☒	☐

Would the project:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

a) **Less than Significant Impact**. CEQA requires an evaluation of project impacts on historic resources, including properties "listed in, or determined eligible for listing in, the California Register of Historical Resources [or] included in a local register of historical resources." In analyzing the historic significance of properties located within the study area, various criteria for designation under federal, state, and local landmark programs were considered and applied. However, pursuant to CEQA Section 15064.5(a)(4), "[t]he fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources…or identified in an historical resources survey…does not preclude a lead agency from determining that the resource may be a historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1."

Local landmarks can be designated in the City, and a search of the California Register of Historic Resources "California Historical Landmarks" lists Old Poway Park as a landmark. Old Poway Park features a variety of historic buildings, including the Nelson House, Porter House, and the Hamburger Factory (originally a bar and eatery). The park also includes the Poway Midland Railroad, a vintage train that runs around the park. Thus Old Poway Park showcases Poway's history and heritage.

Historic districts are unified geographic entities which contain a concentration of historic buildings, structures, objects, or sites united historically, culturally, or architecturally. Historic districts are defined by precise geographic boundaries. Therefore, districts with unusual boundaries require a description of what lies immediately outside the area, in order to define the edge of the district and to explain the exclusion of adjoining areas. The potential district must meet at least one of the criteria for significance required for listing in the California Register of Historical Resources. Those individual resources contributing to the significance of the historic district will also be listed in the California Register. For this reason, all individual resources located within the boundaries of an historic district must be designated as either contributing or as noncontributing to the significance of the historic district. Old Poway Park itself is not designated as a historic district even though the park is a site of significant historical importance and is home to a collection of historic buildings and structures that reflect Poway's past.

The area that would be subject to the Music Overlay District is within the vicinity of the Old Poway Park; however, the proposed SPA does not include any physical changes or demolition, and it does not propose any new buildings, structures, or development that would be subject to review under CEQA to determine if there is a potential cultural resource impact. Therefore, the project as proposed would not cause a substantial adverse change in significance of a historical resource as defined in CEQA Section 15064.5 and the impact would be less than significant.

b-c) **Less than Significant Impact.** California Assembly Bill 52 (AB 52) and California Senate Bill 18 (SB 18) outline formal consultation processes for California tribes during the CEQA process. The introduction and application of the Music Overlay District within the existing commercial zone

area does not trigger a General Plan Amendment or land use change. Therefore, AB 52 is not required.

The commercial properties in the proposed Music Overlay District area are developed and have been previously disturbed by the construction of the buildings existing on the sites. The project area is located within a culturally sensitive area as identified in the Old Poway Specific Plan; however, there is no evidence to suggest that the site has ever been used as a cemetery. Impacts would be less than significant.

6. ENERGY

Would the project:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	☒
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	☒

a - b) **No Impact.** The proposed SPA would allow a Music Overlay District for temporary musical performances in existing commercial uses. The SPA does not propose any physical development of buildings or structures in the Music Overlay District area that require construction and operation. As such, the proposed SPA would not consume energy resources in a wasteful, inefficient or unnecessary manner. The proposed SPA would also not conflict with or obstruct any state or local plan for renewable energy or energy deficiency. No impacts would occur and no mitigation measures would be required.

7. GEOLOGY AND SOILS

Would the project:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐

Would the project:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒

The City of Poway is located in a region that is subject to high seismic activity. There are several active faults in or near the city.

a) Seismic hazards.

i. **Less than Significant Impact.** The project site is located in an area that is known to have Alquist-Priolo fault zones, however, no known active faults cross the project area (State of California Department of Conservation, 2024). According to the most recently released map from the State of California, the City is located within the San Diego region, which is prone to earthquakes and has numerous active faults. While not directly on a major active fault like the Rose Canyon Fault (which is considered the only major active fault in the urban San Diego area), Poway is still considered to be at risk due to its proximity to other active faults and the potential for ground shaking from larger earthquakes on nearby faults. The nearest known faults are the Elsinore Fault Zone and the Rose Canyon Fault. The Rose Canyon Fault is the nearest known "potentially active" fault, located approximately 20 miles to the south west.

   The proposed amendment being analyzed in this document includes the creation of a Music Overlay District in one commercial area of the City, and does not include any physical development of buildings or structures. The commercial businesses that would be allowed to have musical performances under the proposed amendment would be in structures that have been designed per the California Building Code (CBC) to resist forces generated by strong earthquakes. It is not possible to conclude that these buildings and their inhabitants would never be at risk of significant adverse impacts due to the rupture of a known or unknown earthquake fault, but compliance with the CBC can reduce the potential for the exposure of

people or structure to substantial risk of seismic hazards to a less than significant level. As such, the proposed Music Overlay District and its associated SPA would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving the rupture of a known earthquake fault.

ii. **Less than Significant Impact.** Southern California is a seismically active region and prone to earthquakes, which may result in hazardous conditions to people within the region. Earthquakes and ground motion can affect a wide-spread area. The potential severity of ground shaking depends on many factors, including the distance from the originating fault, the earthquake magnitude and the nature of the earth materials beneath the site. The most serious impacts associated with ground shaking would occur if the structures were not properly constructed according to seismic engineering standards. The proposed SPA includes the creation of a Music Overlay District and does not include any physical development of buildings or structures. If in the future musical performances increase the patronage of existing commercial business, all existing buildings are required to meet the CBC and undergo engineering checks in compliance with State and City standards. These necessary compliance strategies will reduce potentially significant impacts to less than significant levels.

iii. **Less than Significant Impact.** Portions of the Project area are located in a mapped liquefaction area (State of California Department of Conservation, 2024); however the proposed SPA being analyzed in this document includes the creation of a Music Overlay District and does not include any physical development of buildings or structures that would require a liquefaction study and full geological report that meets the CBC. If in the future musical performances increase the patronage of existing commercial business, all existing buildings are required to meet the CBC and undergo engineering checks in compliance with State and City standards. Therefore the impacts are expected to be less than significant.

iv. **No Impact.** The commercial area that is located in the proposed Music Overlay District is mostly level and there is no evidence of potential landslides in any commercial areas of the City. There is minimum grade change within the project area as a whole. The Poway General Plan indicates that the project site is located several miles from the nearest areas subject to landslide, which are the Friars Formation and areas in the southwestern portion of the City (City of Poway General Plan Safety Element, 2011). Therefore, the project is not expected to have any potentially significant, adverse impact from landslides.

b. **Less than Significant Impact.** The project area consists of a commercial street in the City of Poway that has been improved with existing structures. The proposed SPA includes the creation of a Music Overlay District and does not include any physical development of buildings or structures. There is no risk of erosion would occur as no grading and excavation of a site is proposed and there are already existing erosion control measures and best management practices (BMPs) implemented throughout the commercial district. As such, implementation of the proposed amendment would have less than significant impacts regarding soil erosion or the loss of topsoil.

c. **No Impact.** The proposed amendment area is generally flat and not located in an area that is prone to landslides. Landslides are a type of erosion in which masses of earth and rock move down slope as a single unit. Susceptibility of slopes to landslides and other forms of slope failure depend on several factors. These are usually present in combination and include, but are not limited to, steep slopes, condition of rock and soil materials, presence of water, formational

contracts, geologic shear zones, and seismic activity. The commercial area that is the subject of the proposed amendment is made up of flat lots that would not be susceptible to landslides. Additionally, there are no hills or slopes near the subject properties that could pose a landslide danger to the project area.

The proposed amendment includes the creation of a Music Overlay District and does not include any physical development that would experience subsidence. Any increased patronage of the commercial buildings in the Music Overlay District would occur in existing building that were required to meet the CBC and Uniform Building Code (UBC) requirements. These requirements would govern the design and construction of excavation and building elements to mitigate any effects related to hazardous soil conditions.

The proposed amendment area includes properties that are within a liquefaction zone that is located on the eastern side of the City; however, the amendment does not propose any physical development and any increased patronage of existing commercial businesses would occur in existing buildings that complies with the City's building codes and groundwater and dewatering requirements to address any potential liquefaction issues. Therefore, implementation of the proposed amendment would not have an impact regarding unstable soil and no mitigation measures would be required.

d. **No Impact.** The proposed amendment includes the creation of a Music Overlay District and does not include any physical development of buildings or structures. As such, it is not anticipated to result in impacts involving expansive soils. Any increased patronage from the Music Overlay District would occur in existing buildings that were required to meet the CBC and the City would have been required a soils report to be prepared to ensure the buildings adhere to the applicable building codes and undergo engineering checks in compliance with State and City standards. Therefore, no impacts are anticipated.

e. **No Impact.** The use of septic tanks or alternative waste water disposal systems are not proposed since the entirety of the project area is fully served by the City's wastewater disposal system and the SPA does not include any physical development. Therefore no potential exists for soil incompatibility with septic systems and no impact is expected to occur.

f. **No impact**. The project area is located in a developed setting containing no unique geologic features or any identified paleontological resources and the amendment would not involve any development of buildings or structures that would require grading, excavation or trenching. Therefore, the amendment, as proposed, would not have a significant impact on an archaeological resource and would not destroy a unique paleontological resource or site or unique geological feature as defined in CEQA Section 15064.5.

8. GREENHOUSE GAS EMISSIONS

Would the project:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐

a,b) **Less Than Significant:** GHGs are gases that absorb infrared radiation in the atmosphere. The greenhouse effect is a natural process that contributes to regulating the Earth's temperature. Global climate change concerns are focused on whether human activities are leading to an enhancement of the greenhouse effect. As defined in California Health and Safety Code Section 38505(g), for purposes of administering many of the state's primary GHG emissions reduction programs, GHGs include carbon dioxide (CO_2) methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), sulfur hexafluoride (SF_6), and nitrogen trifluoride (NF_3) (see also 14 CCR 15364.5). If the atmospheric concentrations of GHGs rise, the average temperature of the lower atmosphere will gradually increase. Globally, climate change has the potential to impact numerous environmental resources through uncertain impacts related to future air temperatures and precipitation patterns. Although climate change is driven by global atmospheric conditions, climate change impacts are felt locally. Climate change is already affecting California: average temperatures have increased, leading to more extreme hot days and fewer cold nights; shifts in the water cycle have been observed, with less winter precipitation falling as snow, and both snowmelt and rainwater running off earlier in the year; sea levels have risen; and wildland fires are becoming more frequent and intense due to dry seasons that start earlier and end later (CAT 2010).

The effect each GHG has on climate change is measured as a combination of the mass of its emissions and the potential of a gas or aerosol to trap heat in the atmosphere, known as its global warming potential (GWP), which varies among GHGs. Total GHG emissions are expressed as a function of how much warming would be caused by the same mass of CO_2. Thus, GHG emissions are typically measured in terms of pounds or tons of CO_2 equivalent (CO_{2e}). The CO_{2e} for a gas is derived by multiplying the mass of the gas by the associated GWP, such that metric tons (MT) of CO_{2e} = (MT of a GHG) × (GWP of the GHG).

The project would not result in GHG emissions, which are primarily associated with use of off-road construction equipment, on-road vendor and haul trucks, and worker vehicles. As stated above, due to the fact that no demolition, physical improvements, or development of buildings or structures are contemplated as part of the proposed Music Overlay District and the associated SPA, the proposed project would not result in significant impacts related to GHG emissions.

Existing Plans and Policies

California Air Resources Board Scoping Plan

The California State Legislature passed the Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32) to provide initial direction to limit California's GHG emissions to 1990 levels by 2020 and initiate the state's long-range climate objectives. Since the passage of AB 32, the State has adopted GHG emissions reduction targets for future years beyond the initial 2020 horizon year. The relevant GHG emissions reduction targets include those established by Senate Bill 32 (SB 32) and AB 1279, which require GHG emissions be reduced to 40% below 1990 levels by 2030, and 85% below 1990 levels by 2045, respectively. In addition to its target for reduction of anthropogenic GHG emissions, AB 1279 establishes a policy of the state to achieve net zero GHG emissions by no later than 2045 and achieve and maintain net negative GHG emissions thereafter.

As defined by AB 32, California Air Resources Board (CARB) is required to develop the Scoping Plan, which provides the framework for actions to achieve the State's GHG emission targets. The Scoping Plan is required to be updated every 5 years and requires CARB and other state agencies to adopt regulations and initiatives that will reduce GHG emissions statewide. The first Scoping Plan was adopted in 2008, and was updated in 2014, 2017, and most recently in 2022. While the Scoping Plan is not directly applicable to specific projects, nor is it intended to be used for project-level evaluations, it is the official framework for the measures and regulations that will be implemented to reduce California's GHG emissions in alignment with the adopted targets. Therefore, a project would be found to not conflict with the statutes if it would meet the Scoping Plan policies and would not impede attainment of the goals therein.

The 2017 Climate Change Scoping Plan Update (Second Update) included measures to promote renewable energy and energy efficiency (including the mandates of SB 350), increase stringency of the Low Carbon Fuel Standard (LCFS), measures identified in the Mobile Source and Freight Strategies, measures identified in the proposed Short-Lived Climate Pollutant Plan, and increase stringency of SB 375 targets (CARB 2017). The 2022 Scoping Plan for Achieving Carbon Neutrality (Third Update) builds upon and accelerates programs currently in place, including moving to zero-emission transportation; phasing out use of fossil gas use for heating homes and buildings; reducing chemical and refrigerants with high GWP; providing communities with sustainable options for walking, biking, and public transit; and displacement of fossil-fuel fired electrical generation through use of renewable energy alternatives (e.g., solar arrays and wind turbines) (CARB 2022). Many of the measures and programs included in the Scoping Plan would result in the reduction of project-related GHG emissions with no action required at the project level.

The 2045 carbon neutrality goal required CARB to expand proposed actions in the Third Update to include those that capture and store carbon in addition to those that reduce only anthropogenic sources of GHG emissions. However, the Third Update emphasizes that reliance on carbon sequestration in the state's natural and working lands will not be sufficient to address residual GHG emissions, and achieving carbon neutrality will require research, development, and deployment of additional methods to capture atmospheric GHG emissions (e.g., mechanical direct air capture).

Given that the proposed Music Overlay District and its associated SPA is not anticipated to result in any new construction or operation-related GHG emission sources, including operational VMT, the project would not conflict with the Scoping Plan. Overall, the project would comply will all

regulations adopted in furtherance of the Scoping Plan to the extent applicable and required by law. The project would not conflict with CARB's 2017 or 2022 Scoping Plan updates and with the state's ability to achieve the 2030 and 2045 GHG reduction and carbon neutrality goals and would support decarbonization of the energy sector.

SANDAG's San Diego Forward: The 2021 Regional Plan

The passage of SB 375 requires metropolitan planning organizations (MPOs) to prepare a Sustainable Communities Strategy (SCS) in their Regional Transportation Plan (RTP). SANDAG serves as the MPO for the San Diego region and is responsible for developing and adopting a SCS that integrates transportation, land use, and housing to meet GHG reduction targets set by CARB. The RTP/SCS is updated every 4 years in collaboration the 18 cities and unincorporated County of San Diego, in addition to regional, state, and federal partners. The most recent, San Diego Forward: The 2021 Regional Plan was adopted in 2021 and provides guidance on meeting or exceed GHG targets through implementation of five key transportation strategies, including complete corridors, high-speed transit services, mobility hubs, flexible fleets, and a digital platform to tie the transportation system together. Through these strategies, the 2021 Regional Plan is projected to reduce per capita GHG emissions from cars and light-duty trucks to 20% below 2005 levels by 2035, exceeding the region's state-mandated target of 19% (SANDAG 2021). The primary objective of the RTP/SCS is to provide guidance for future regional growth (i.e., the location of new residential and non-residential land uses) and transportation patterns throughout the region, as stipulated under SB 375.

The proposed Music Overlay District would allow for temporary music performances in one commercial district along Midland Road and would have no routine daily trips to and from the site. As such, the proposed project would not conflict with the goals and policies of the SANDAG RTP/SCS.

Overall, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions.

Conclusion:

The proposed Music Overlay District would not produce GHG emissions because it does not involve any demolition or physical development of buildings or structures on the proposed project site. Therefore, the GHG impacts are less than significant.

9. HAZARDS AND HAZARDOUS MATERIALS

Would the project:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	☐	☐	☒	☐

Would the project:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

a) **No Impact.** The proposed project would not involve the routine transport, use, or disposal of any significant quantities of hazardous materials. No hazardous emissions will be associated with the proposed Music Overlay District and its associated SPA. The properties located in the project area are not included in the list of hazardous waste facilities as established by Government Code section 65962.5. There are also no open hazardous waste investigations going on in the immediate area. The Music Overlay District and the SPA do not propose to demolish any structures within the project area that would require City testing for asbestos and/or lead paint. As such, there is no risk of exposure to hazardous materials, and no impacts are anticipated.

b) **Less Than Significant Impact.** The amendment neither proposes nor facilitates any activity involving significant use, transport, or disposal of hazardous substances. The proposed SPA allows musical performances in a commercially zoned area with a Music Overlay District that would not involve the use and storage of landscape maintenance supplies such as herbicides and/or pesticides. The use of such materials is regulated by a number of agencies including the San Diego County Department of Environmental Health, the City of Poway Fire Department and the California Division of Occupational Safety and Health Administration. The implementation of the Music Overlay District on the project site would allow musical performances in existing commercial uses and would not allow industrial uses of the site. Therefore, the impacts would be less than significant.

c) **Less Than Significant Impact.** Portions of the project area are located immediately adjacent to Midland Elementary School and within one-mile of Tierra Bonita Elementary School. The proposed SPA would create and apply a Music Overlay District to an existing commercially zoned area of the City along Midland Road. The proposed SPA allows musical performances and does not propose any physical development. As such, there would be no hazardous materials used to construct any new buildings or structures and no change in existing operational activities in the project area that would require special handling of hazardous materials. Any hazardous materials used on the existing commercial facilities would also be regulated by state and local agencies and standards. Therefore, a less than significant impact would occur.

d) **No Impact.** A review of the California Department of Toxic Substances Control EnviroStor and the State Water Resources Control Board Geotracker websites indicates that the following properties that are located in the project area are or were cleanup sites, as established by Government Code section 65962.5. These sites include:

Address	Site/Facility Name	Program Type	Status
12430 Poway Road Poway, CA 92064 San Diego County	Midland Elementary School (Envirostor ID #37990006)	Evaluation	Cleanup status certified as of 3/15/2005
13626 Twin Peaks Road Poway, CA 92064 San Diego County	Poway Unified School District (Geotrack #T0607300023)	Leaking Underground Storage Tank Cleanup Site	Completed - Case Closed as of 12/14/1988

No properties in the proposed SPA area are hazardous waste facilities and no properties in the project area are subject to inspection, compliance, and enforcement. The proposed project does not include demolition or construction and any existing commercial properties would be subject to all rules and regulations that apply to cleanup sites. No impacts would occur.

e) **No Impact.** The project is not located within an airport land use plan and is not located within two miles of any airport. The Ramona Airport is approximately 8.6 miles west of the project area and Gillespie Field is approximately 11.4 miles south of the project area. The musical performances allowed under the regulations set forth in the Music Overlay District would not involve the development of any structures or buildings and would not alter the height of existing buildings in the district. The Music Overlay District would also not affect air operations, alter air traffic patterns or conflict with Federal Aviation Administration safety protection zones.

There would be no impacts to any airport land use plan or airport.

f) **No Impact.** The project is not located within the vicinity of an airstrip. Therefore, there would be no impacts associated with any private airstrip.

g) **Less than Significant Impact.** Allowable uses in the Music Overlay District would allow for temporary music performances and would not involve any uses that would interfere with the City's emergency operations plan or with any major emergency evacuation routes out of the area. The existing commercial uses were required to obtain plan approval by the City Fire Department, which ensures that recommendations were incorporated into building and site design. Any increased patronage within these existing commercial businesses would occur in existing

buildings that comply with the City's existing Fire Department regulations, evacuation plans and procedures. As such, less than significant impacts to emergency services would occur.

h) **No Impact.** The proposed SPA does not propose any physical development of buildings or structures in the Music Overlay District area that would be subject to review and approval by the City to ensure compliance with all applicable codes and regulations for fire protection. As such, the proposed SPA would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas. No impacts to the public or the environment would result from the proposed amendment and no mitigation measures are required.

10. HYDROLOGY AND WATER QUALITY

Would the project:

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☐	☒
i) Result in a substantial erosion or siltation on- or off-site;	☐	☐	☐	☒
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	☐	☐	☐	☒
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	☒
iv) Impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release or pollutants due to project inundation?	☐	☐	☒	☐
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

a) **Less Than Significant Impact.** The properties in the proposed SPA area are currently developed with commercial structures. The proposed SPA involves the creation and application of a Music Overlay District, which would allow temporary musical performances as an allowable use in one commercial area in the City along Midland Road. No physical development of buildings or structures is proposed that would have the potential to degrade water quality by exposing surface runoff to exposed soils, dust, and other debris and construction equipment. The proposed SPA would also not interfere with any existing BMPs required by the regulations established under the National Pollution Discharge Elimination System (NPDES) program to control storm water discharges. Therefore, the proposed Music Overlay District would not degrade water quality and would have less than significant impacts.

b) **No Impact.** The proposed SPA involves the creation of a Music Overlay District to allow musical performances in one existing commercial area of the City along Midland Road. Since the project does not include the construction or operation of any buildings or structures, it would not impact groundwater supplies. The Music Overlay District and associated SPA would not deplete groundwater supplies and no impacts would occur.

c) **No Impact.** The proposed project will not result in changes in absorption rates, drainage patterns or the rate and amount of surface runoff. Properties in the Project area are already developed with commercial structures with minimal landscaped areas that have proper drainage to enter the storm drain systems. The proposed SPA would allow for musical performances that could increase patronage in existing commercial buildings in the Project area; however, these buildings are existing and are not proposed to be modified.. The proposed SPA would also not result in substantial erosion or siltation or impede or redirect any flood flows. Therefore, no impacts would occur as a result of the proposed SPA and no mitigation measures would be required.

d) **No Impact.** The project site is not located within an existing flood hazard as mapped by the Federal Emergency Management Agency (FEMA 2025). The proposed amendment area is located approximately 12 miles east of the Pacific Ocean, and is not located near any lake, river or large body of water, making the risk of damage or endangerment from seiche and mudflow minimal. The City's Safety Element does not identify mudflows and seiches as dangers in the City. Thus, the project would not be located within a designated flood hazard zone, tsunami zone, or seiche zone. Any increased patronage in the Project area would occur in existing buildings that have City permit requirements to ensure soil stability and flooding. Therefore, no impacts would occur as a result of the proposed SPA and no mitigation measures would be required.

e) No Impact. The proposed SPA would allow a Music Overlay District for temporary musical performances in existing commercial uses. The SPA does not propose any physical development of buildings or structures in the Music Overlay District area that would require construction and operation. As such, the proposed SPA would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. No impacts would occur as a result of the proposed SPA and no mitigation measures would be required.

11. LAND USE AND PLANNING

Would the project:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a conflict with any land use plan, policy or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	☐	☐	☒	☐

a) **No Impact.** The proposed SPA would allow for the creation and application of a Music Overlay District in one commercial area in the City and does not include physical construction. It will not physically divide an established community. Further, the creation of the Music Overlay District would not provide more opportunity for structures or buildings that would change, or divide existing commercial or residential neighborhoods. Due to the built-out nature of the property and the surrounding area, and due to no physical development being proposed, implementation of the proposed SPA would not physically divide an established community.

b) **Less Than Significant Impact.** The proposed amendment involves the creation and application of a Music Overlay District, which also requires an amendment of the Old Poway Specific Plan. The change of allowing for musical performances as an allowed use in one commercial area along Midland Road would not introduce incompatible land uses to the neighborhood. The proposed SPA is consistent with goals and objectives in the General Plan and the goals and objectives of the Old Poway Specific Plans]. The proposed amendment does not conflict with any adopted plan, policy, or regulation, and thus would not have a significant impact in this regard.

With the implementation of the SPA, the proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project, including, but not limited to the City of Poway General Plan, the Old Poway Specific Plan, or the Poway Municipal Code (PMC). Therefore any impact would be less than significant.

12. MINERAL RESOURCES

Would the project:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

a, b) **No Impact.** There is no mining activity in the Project area. In addition, no known mineral resource appear to be present that would be valuable to the region or state residents and that would be lost due to the proposed Music Overlay District and its associated SPA. The Project area is located in Mineral Resource District MRZ-2 as defined by the Division of Mines and Geology Mineral Classification System (City of Poway General Plan Conservation Element, 2025). MRZ-2 areas are areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists (California Department of Conservation). However, no mineral resource of value to the region and the residents of the State are known to be within the project area, and the project proposes no development or policies that would have any effect on any mineral resources located in the vicinity. Therefore, there will be no impact or loss of availability of a known mineral resource.

13. NOISE

Would the project result in:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

a,b) **Less than Significant Impact:** The discussion below is based on the Noise Assessment that was prepared by Dudek in December 2024 and is included as Appendix B to this IS/ND. For a discussion of noise fundamentals please see Appendix B.

Existing Noise Environment

Outdoor Ambient Sound Environment

Outdoor ambient sound level measurements were performed in the vicinity of the Project area in early August 2024 to quantify and characterize the existing (a.k.a., baseline) noise environment. Short-term (ST) measurements were conducted during daytime hours at three representative locations appearing in Exhibit B of Appendix B and using an investigator-attended Rion Model NL-62, which is an American National Standards Institute (ANSI) Type 1 sound level meter (SLM). The calibration status of the sound level meter was checked before and after the measurements, and the measurements were conducted with the measurement microphone covered with a windscreen and positioned approximately five feet above the ground, as shown in Appendix B, Baseline Noise Measurement Survey Notes and Data.

Table 1. Short-term Baseline Sound Level Measurements

Survey Tag*	Location/Address	Date and Time (hh:mm)	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)
ST1	Northwest corner of Brighton Avenue and Temple Street	August 8, 2024 (12:05 – 12:20)	47.4	45.2	50.9
ST2	Temple Street, north of parking lot on west side of Midland Road	August 8, 2024 (12:45 – 13:00)	53.7	48.4	64.5
ST3	Northwest corner of Midland Road and Temple Street	August 8, 2024 (12:25 – 12:40)	56.9	48.6	64.2

Source: Appendix A of Appendix B; *see Exhibit B for baseline noise survey positions in the Project vicinity.
Notes: L_{eq} = equivalent continuous sound level (time-averaged sound level); L_{max} = maximum sound level during the measurement interval.

As shown in Table 1, short-term (ST) outdoor ambient SPL measurement results ranged from 47.4 dBA L_{eq} at ST1 to 56.9 dBA L_{eq} at ST3. While the outdoor ambient sound levels at ST2 and ST3 were measured to be higher than the daytime (7:00 a.m. to 10:00 pm) exterior noise threshold established in Section 8.08.040 of the Poway Municipal Code, the exterior noise threshold refers to noise produced by any person, not the culmination of noise produced by existing sources, such as traffic on adjacent, commercial operation, etc. (City of Poway 1981). Thus, the measured ambient sound levels do not represent an exceedance of the City's exterior noise threshold, but rather represent a characterization of the existing outdoor ambient noise environment. The same is true for the measured 24-hour long-term (LT) sound levels.

At survey locations LT1 and LT2 appearing in Exhibit B, outdoor ambient SPL was also monitored over a continuous 24-hour period, at successive one-minute intervals, with unattended ANSI Type 2 SLM that were deployed on August 8, 2024 and retrieved on the following afternoon of August 9, 2024. Exhibits C and D in Appendix B display the ranges of one-minute metrics (L_{eq}, L_{min}, and L_{max} values) over this uninterrupted 24-hour period, while Table 2 summarizes the calculated 24-hour values and derived CNEL from the collected data.

Table 2. Long-term Baseline Sound Level Monitoring

Survey Tag*	Location/Address	Date and Time (hh:mm)	CNEL (dBA)	24-hour L_{eq} (dBA)	24-hour L_{min} (dBA)	24-hour L_{max} (dBA)
LT1	Northwest corner of Brighton Avenue and Temple Street	August 8-9, 2024 (12:00 – 12:00)	56	53	38	86
LT2	Temple Street, north of parking lot on west side of Midland Road	August 8-9, 2024 (12:00 – 12:00)	57	54	43	88

Source: Appendix A of Appendix B; *see Exhibit B for baseline noise survey positions in the Project vicinity.
Notes: L_{eq} = equivalent continuous sound level (time-averaged sound level); L_{max} = maximum sound level during the measurement interval.

LT1 and LT2 are each located approximately 185 feet perpendicular to the centerline of Midland Road. For this reason, if vehicular noise from roadway traffic on Midland Road was a dominant acoustical contributor to the measurable outdoor sound environment, one would expect L_{eq} and CNEL metrics to be comparable, and indeed Table 2 shows that this is true. Furthermore, the CNEL values at these distances are consistent with estimates associated with the "Recommended Master Plan ADT" case for the Midland Road Edgemoor to Twin Peaks segment as appearing on page 41 of the City's General Plan Public Safety chapter.

Sensitive Offsite Receptors

As defined by the City on page 33 of its Public Safety chapter of the General Plan:

> "Noise sensitive land uses are land uses associated with indoor/and/or outdoor human activities that may be subject to stress and/or significant interference for noise. They include residential (single and multi-family dwellings, mobile home park, dormitories and similar uses); transient lodging (including hotels, motels, and similar uses); hospitals, nursing homes, convalescent hospitals, and other facilities for long-term medical care; and public or private education facilities, libraries, churches and other places of public gathering." (City of Poway 2011)

Exhibit E of Appendix B displays a portion of the City's zoning map (City of Poway 2024), on which the nearest samples of offsite noise-sensitive land uses are shown and tagged (with red arrows) by their zoning classifications: Residential Apartment (RA), Residential Condominium (RC), Rural Residential C (RRC), and Single-Family Residence (RS3). Orange-colored callouts denote three existing commercial establishments interested in providing outdoor music venues and the Old Poway Park gazebo where public events (sometimes with live music) have been hosted. The proposed Music Overlay District of the Project is the shaded rectangular region of commercially zoned parcels bounded by Temple Street, Brighton Avenue, Edgemoor Street, and Midland Road.

Regulatory Setting

Federal Guidance

Environmental Protection Agency

The Environmental Protection Agency (EPA) has identified a range of yearly day-night sound levels (L_{dn}) deemed sufficient to protect the public from the effects of environmental noise (EPA 1974). For the exteriors of residential land uses, 55 dBA L_{dn} is recommended as a threshold in the absence of local or other standards.

State Regulations

Government Code Section 65302(g)

California Government Code Section 65302(g) requires the preparation of a Noise Element in a general plan, which shall identify and appraise the noise problems in the community. The Noise Element shall recognize the guidelines adopted by the Office of Noise Control in the State Department of Health Services and shall quantify, to the extent practicable, current and projected noise levels for the following sources:

- Highways and freeways
- Primary arterials and major local streets
- Passenger and freight on-line railroad operations and ground rapid transit systems
- Aviation and airport-related operations
- Local industrial plants
- Other ground stationary noise sources contributing to the community noise environment

California General Plan Guidelines

The California General Plan Guidelines, published by the Governor's Office of Planning and Research, provides guidance for the acceptability of specific land use types within areas of specific noise exposure. Table 3, Land Use Compatibility for Community Noise Environments, presents guidelines for determining acceptable and unacceptable community noise exposure limits for various land use categories. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution. The Office of Planning and Research guidelines are advisory in nature. Local jurisdictions, including the City of Poway, have the responsibility to set specific noise standards based on local conditions.

Because the Project involves a new or different use of existing commercial properties, and not the insertion or new development or renovations, the guidance CNEL value ranges appearing in Table 3 do not represent thresholds that would apply to the project; instead, and for purposes of this assessment, they indicate expectations for the outdoor sound environment of a community predominantly characterized by the listed land use type.

Table 3. Land Use Compatibility for Community Noise Environments

Land Use Type	Community Noise Exposure (CNEL)			
	Normally Acceptable[1]	Conditionally Acceptable[2]	Normally Unacceptable[3]	Clearly Unacceptable[4]
Residential-low density, single-family, duplex, mobile homes	50–60	55–70	70–75	75–85
Residential – multiple-family	50–65	60–70	70–75	70–85
Transit lodging – motel, hotels	50–65	60–70	70–80	80–85
Schools, libraries, churches, hospitals, nursing homes	50–70	60–70	70–80	80–85
Auditoriums, concert halls, amphitheaters	NA	50–70	NA	65–85
Sports arenas, outdoor spectators' sports	NA	50–75	NA	70–85
Playgrounds, neighborhood parks	50–70	NA	67.5–77.5	72.5–85
Golf courses, riding stables, water recreation, cemeteries	50–70	NA	70–80	80–85
Office buildings, business commercial and professional	50–70	67.5–77.5	75–85	NA
Industrial, manufacturing, utilities, agriculture	50–75	70–80	75–85	NA

Source: OPR 2017

CNEL = Community Noise Equivalent Level; NA = not applicable

1 Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

2 Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features have been included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.

3 Normally Unacceptable: New construction or development should be discouraged. If new construction of development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise-insulation features must be included in the design.

4 Clearly Unacceptable: New construction or development should generally not be undertaken.

California Code of Regulations Title 24

The State of California has adopted noise standards in areas of regulation not preempted by the federal government. State standards regulate noise levels of motor vehicles, sound transmission through buildings, occupational noise control, and noise insulation. State regulations governing noise levels generated by individual motor vehicles and occupational noise control are not applicable to planning efforts, nor are these areas typically subject to CEQA analysis. State noise regulations and policies applicable to the project include Title 24 requirements and noise exposure limits for various land use categories. The 2019 California Building Code (CBC, Part 2, Title 24, Section 1204.6, California Code of Regulations) stipulates "interior noise levels attributable to exterior sources shall not exceed 45 dB in any habitable room. The noise metric shall be either the day-night average sound level (L_{dn}) or the community noise equivalent level (CNEL)" (ICC 2023).

Local Regulations

Poway General Plan (Public Safety - Noise Hazards)

The Noise Hazards (NH) subchapter of the Public Safety Element within the City of Poway General Plan "quantifie[s] the community noise environment in terms of noise exposure contours. These contours serve as guidelines for the development outlined in the Community Development Element in order to achieve noise-compatible land uses and to provide baseline levels and noise source identification for local noise ordinance enforcement" (City of Poway 2011). The NH subchapter also refers to aforementioned state regulations and provides narratives on noise reduction strategies and land use exterior noise sensitivity.

Old Poway Specific Plan

Section VIII (Specific Plan Goals) from Part Two (Implementation Plan) of the Old Poway Specific Plan (SP 88-01) includes: "3. Resolving the land use and planning problems, deficiencies, and environmental concerns associated with the Old Poway area." (City of Poway 1989)

The Initial Study for the OPSP, which led to a Negative Declaration with regards to environmental impacts, determined that it would not increase existing noise levels, nor would it expose people to potentially dangerous noise levels. (City of Poway 1989)

Poway Municipal Code

Section 8.08.140.C.2.a of the PMC indicates under Uses Restricted: "The use, operation, or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring residents or persons of normal sensitivity residing in the area."

Further, Section 8.08.140.C.2.b states: "The operation of any such set, instrument, phonograph, television set, machine or similar device between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this section."

However, since the planned outdoor music events from prospective venues within the OZ (but likely limited to a handful of current or candidate participating establishments) would generate noise from live acoustic or sound reinforcement means that are not associated with "advertising" or public events, but could be classified as "entertainment" per Section 8.08.170.B.3 of the City's Municipal Code, the following regulation and reference to the table of exterior noise level limits under 8.08.040 would apply:

> Unless a variance has been applied for and granted pursuant to this chapter, it is unlawful for any person to cause or allow the creation of any noise to the extent that the one-hour average sound level, at any point on or beyond the boundaries of the property on which the sound is produced, exceeds the applicable limits set forth below, except that construction noise level limits shall be governed by PMC 8.08.100.

In addition: "The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts" (City of Poway 1981). Table 4 reproduces the table from PMC 8.08.040.

Table 4. City of Poway Exterior Noise Thresholds

Zone or Land Use Designation	Allowable Time	Applicable Limit One-Hour Average Sound Level (dBA)
OS-RM, OS, OS/1du, RR-A, RR-B, RR-C, RS-2, RS-3, RS-4, RS-7, and Specific Plan, PRD and PC regulations with a density of 11 dwelling units or less per acre	10:00 p.m. to 7:00 a.m.	40
	7:00 a.m. to 10:00 p.m.	50
PF, RA, RC, MHP, and Specific Plan, PRD and PC regulations with a density of 11 or more dwelling units per acre	7:00 a.m. to 7:00 p.m.	55
	7:00 p.m. to 10:00 p.m.	50
	10:00 p.m. to 7:00 a.m.	45
SPC, MU, CO, CN, CB, CG, TC, A/GC and HC	7:00 a.m. to 7:00 p.m.	60
	7:00 p.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	50
MRE, SC, LI, LI/S and IP	anytime	70

Source: City of Poway 1981.

Significance Thresholds

The following significance criteria, included in Appendix G of the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.), will determine the significance of a noise impact. Impacts related to noise would be significant if the proposed project would result in:

a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
b. Generation of excessive groundborne vibration or groundborne noise levels.
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the exposure of people residing or working in the project area to excessive noise levels.

Significance criteria "b" (vibration) and "c" (proximity to airport) would not apply to the Project and are not considered herein. Quantitative thresholds of significance have been established with respect to significance criterion "a" (noise) for the purposes of this analysis based on the local polices and regulations described in Section 4.3 as well as those of federal and State agencies and are listed below.

- **Project-Related Stationary Noise:** With respect to the four nearest offsite residential land use types that may be affected by the Project as shown in Exhibit E, 50 dBA hourly L_{eq} would be the common noise threshold during evening hours (7 p.m. to 10 p.m.) as presented in Table 5. During daytime hours (7 a.m. to 7 p.m.), 50 dBA hourly L_{eq} would apply to RS-3 and RR-C zoned parcels, and 55 dBA hourly L_{eq} would apply to RA and RC land use types.
- **Traffic Noise:** Guidance regarding the determination of a substantial permanent increase in transportation noise levels in the project vicinity above existing levels is provided by the 1992 findings of FICON, which assessed the annoyance effects of changes in ambient noise levels resulting from aircraft operations. The FICON recommendations are

based upon studies that relate aircraft noise levels to the percentage of persons highly annoyed by the noise. Annoyance is a qualitative measure of the adverse reaction of people to noise that generates speech interference, sleep disturbance, or interference with the desire for a tranquil environment. The rationale for the FICON recommendations is that it is possible to consistently describe the annoyance of people exposed to transportation noise in terms of Ldn (and, by extension, CNEL). The changes in noise exposure that are shown in Table 5 are expected to result in equal changes in annoyance at sensitive land uses. Although the FICON recommendations were developed to address aircraft noise impacts, they are used in this analysis to define a substantial increase in community noise levels related to all transportation noise sources.

Table 5. Measures of Substantial Increase for Transportation Noise Sources

Ambient Noise Level Without Project (L_{dn}/CNEL)	Significant Impact Assumed to Occur if the Project Increases Ambient Noise Levels by:
<60 dB	+ 5 dB or more
60–65 dB	+ 3 dB or more
>65 dB	+ 2 dB or more

Source: FICON 1992.

Impact Analysis

Stationary Noise Sources

Outdoor Music Venues

Methodology

This noise study has utilized the Datakustik CadnaA outdoor sound propagation prediction model, which applies International Organization of Standardization (ISO) 9613-2 sound propagation algorithms to evaluate sound pressure levels across a user-defined horizontal assessment plane (e.g., five feet above local ground elevation, which would simulate a pedestrian listening to the outdoor sound environment). Prediction model inputs may be summarized as follows for each of all four studied scenarios representing the anticipated Music Overlay District venue locations (The Hop Stop, Mission Cellars, Smokin' J's, and Hamburger Factory), as well as a fifth case that assumes all four outdoor music venues occur simultaneously:

- On average, sixty (60) spectators at the venue are each talking for up to a cumulative fifteen (15) minutes during an hour at (on average) "raised normal speaking" (RNS) speech levels (60 dBA L_{eq} at one meter distance [Hayne 2006]). These spectators are presumed to be sitting, so that the horizontal area source representing their combined speech in the prediction model is approximately four feet above local grade.
- One or more performers are playing live, unamplified instruments; or, their music is amplified or includes playback of pre-recorded music such that the aggregate SPL, idealized as a point-type source, is not more than 89 dBA hourly L_{eq} when measured at a distance of one (1) meter from the source; and, this point-type source is located five feet above the local ground level.

Two cases were modeled for each studied outdoor venue scenario: 1) one with an 8'-tall noise barrier on the perimeter of the designated outdoor venue space, and 2) one without.

The usage of a fixed SPL value on the music sound sources in these above-listed scenarios allows for flexibility of possible instruments and performance types that may be planned for the outdoor event. However, Exhibit F in Appendix B shows that some instruments (or combinations thereof) may not be suitable for consideration due to elevated sound amplitude ranges that may exceed these input constraints.

By way of example, a "vocalist" having an SPL range of 70 to 85 dBA at ten feet (three meters) according to Exhibit F of Appendix B could, after adjusting the distance to one meter by applying an added 9 dB, be considered compatible with many of the above-listed model input parameters.

Exhibit G of Appendix B depicts an isometric view of the three-dimensional (3-D) model space rendered for all studied scenarios, illustrating the insertion of commercial buildings within the Music Overlay District and the nearest residential and non-residential structures beyond.

In addition to the above-mentioned sound source inputs and the parameters that define the 3-D sound propagation model space shown in Exhibit G in Appendix B, the following assumptions are included in this CadnaA-supported stationary noise source predictive analysis:

- Ground effect acoustical absorption coefficient equal to 0.5, which intends to represent an average or blending of ground covers that include hard reflective pavements and soft absorptive vegetated soils across the Project site and the surroundings;
- Reflection order of 2, which allows for up to two reflections of a sound path on encountered structural surfaces such as the rendered building masses; and
- Calm meteorological conditions (i.e., wind does not exceed three meters per second [mps]) with 68 degrees Fahrenheit and 70% relative humidity.

Details of the CadnaA modeling input parameters (e.g., derivation of source levels) can be found in Appendix B of Appendix B.

Prediction Results

Table 6 summarizes the predicted results for the five scenarios, including an installed noise screen, at each of the five studied nearest offsite residential receptors. Exhibits 1A, 2A, 3A, 4A, and 5A in Appendix B display the predicted sound propagation as adjoining color-coded five-dB ranges across a horizontal plane five feet above grade for these same scenarios.

Table 6. Operational Noise Levels at Nearest Sensitive Receptors – *with* wall*

Receiver	Receiver Description	Predicted Project Noise Exposure (dBA hourly L_{eq}) from Event at:				
		The Hop Stop	Mission Cellars	Smokin' J's	Old Poway Park gazebo	All Four Concurrent
R1	10456 Sycamore Avenue	40	43	29	34	45
R2	13066 Edgemoor St. (2nd floor)	38	35	50	28	51
R3	14065 Brighton Avenue	50	40	32	40	51

Table 6. Operational Noise Levels at Nearest Sensitive Receptors – *with* wall*

Receiver	Receiver Description	Predicted Project Noise Exposure (dBA hourly L_{eq}) from Event at:				
		The Hop Stop	Mission Cellars	Smokin' J's	Old Poway Park gazebo	All Four Concurrent
	(unit 58, 2nd floor)					
R4	14105 Brighton Avenue (1st floor)	45	32	31	39	46
R5	14126 Sycamore Avenue	30	33	21	45	45

Note: *venue has 8'-tall screen surrounding outdoor venue area encompassing performer stage and spectator seating area.

The predicted hourly L_{eq} values in Table 7 demonstrate that based on the previously described input parameters, it is possible for noise exposures from individual outdoor venues to be compliant with (i.e., not exceed) the City's 50 dBA exterior noise standard during evening hours (i.e., 7 p.m. to 10 p.m.) at all five studied receptor positions (R1-R5).

If all four venues were operating concurrently, a highly unlikely but conservative scenario, the rightmost column in Table 6 tells us that receivers R2 and R3 would see combined sound levels that slightly exceed 50 dBA. This combination of concurrent sound emission levels from the multiple but separate and independent event-hosting establishments resulting in an hourly L_{eq} value greater than 50 dBA is merely a consequence of acoustical principles and would not result in noncompliance with the City's noise regulations. In this studied case, the aggregate sound levels from the four lawfully compliant events logarithmically add together and cause a combined hourly L_{eq} value greater than 50 dBA. While this result may appear to be an exceedance of the standard, it is not because Section 8.08.040 clearly ties responsibility of compliance to an individual property per the following clause (with emphasis added in bold): "it is unlawful for any person to cause or allow the creation of any noise to the extent that the one-hour average sound level, at any point on or beyond the boundaries of the property on which the sound is produced." As explained earlier in this report, the human ear discerns 3 dBA increases when noise is under 60 dBA, meaning the receptor would not be able to detect the difference between 50 dBA and 51 dBA.

Table 7 summarizes the prediction results for the same outdoor venue scenarios and same set of offsite nearest residential receptors, but the values are generally higher because the sound wall is not included. (The qualifier "generally" is used because in one case, the predicted noise exposure at R2 dropped by a decibel because the sound-reflective effect of the sound wall no longer occurred, meaning that R2 received less total acoustic energy from the modeled Hop Stop outdoor music venue.) Exhibits 1B, 2B, 3B, 4B, and 5B in Appendix B display the predicted sound propagation as adjoining color-coded five-dB ranges across a horizontal plane five feet above grade for these same scenarios.

Table 7. Operational Noise Levels at Nearest Sensitive Receptors – *without* wall*

Receiver Description	Predicted Project Noise Exposure (dBA hourly L_{eq}) from Event at:				
	The Hop Stop	Mission Cellars	Smokin' J's	Old Poway Park gazebo	All Four Concurrent
10456 Sycamore Avenue	41	44	31	35	46
13066 Edgemoor St. (2nd floor)	37	38	56	28	56
14065 Brighton Avenue (unit 58, 2nd floor)	55	41	35	40	55
14105 Brighton Avenue (1st floor)	51	35	33	39	52
14126 Sycamore Avenue	34	35	23	50	50

Note: *outdoor venue area is exposed, has no sound-occluding screen surrounding outdoor venue area encompassing performer stage and spectator seating area.

The predicted hourly L_{eq} values in Table 7 show that without a sound barrier, sound propagating from these events as modeled herein would exceed daytime and evening levels for most of the studied receptor locations. These prediction results thus show, by the decibel difference between the Table 7 and Table 6 values for a given receptor and scenario, how well an 8'-tall barrier would be expected to reduce noise if implemented properly.

Alternately, if a venue operator did not want to install a barrier, 50 dBA subtracted from the values presented in Table 7 would approximate how much lower the SPL of the sound emission source would need to be in order to achieve compliance with the City's evening exterior noise level standard. For instance, at R3 when the Hop Stop would have an outdoor event, without a barrier the source SPL would be capped at 84 dBA at one meter instead of the 89 dBA at one meter input value—in other words, a five dB difference because the value of 55 dBA in Table 7 implies that at least 5 dB (55 – 50 = 5) reduction at the source would be necessary. Project Design Feature (PDF) NOI-1, as outlined below, provides further guidance regarding the acoustical conditions outdoor events would conform to. If the proposed event parameters (i.e., lowering the SPL of the sound emission source) do exceed the indicated constraints, the need for additional noise control or sound abatement implementation measures (e.g., temporary noise walls, curtains, or other barrier forms) should be identified (see PDF-NOI-1 below).

Indoor Music Venues

For approximating sound emission from inside an establishment, and because input parameters for detailed interior-to-exterior sound prediction are unknown at this time or beyond the scope of this study, one can utilize the previous outdoor noise modeling scenarios but apply some working assumptions regarding the indoor venue building envelope as follows:

- If the building has partially open windows and/or doors, then the structural envelope can be expected to provide approximately 10 dB of overall SPL interior-to-exterior sound reduction; or
- If the building has closed windows and doors, then the structural envelope can be expected to provide approximately 20 dB of overall SPL interior-to-exterior sound reduction.

These interior-to-exterior attenuation magnitudes are based upon Federal Highway Administration (FHWA) noise guidelines for similar but reversed sound intrusion conditions through a "light frame" building envelope (FHWA 2011).

What these decibel adjustments mean is that the music sound source, if located indoors, can be increased by the building envelope attenuation case—open or closed windows/doors—and thus allow for more intense live performances or pre-recorded music playback with speakers. By way of example, the 89 dBA SPL at one meter constraint could be raised to 99 dBA SPL at one meter if within a structure with open windows and doors. Note that such a venue would be within an indoor room, not a porch, patio or balcony that is designed and used as an outdoor space.

If the windows and doors to this space were fully closed, the sound source could be as high as 109 dBA SPL at one meter and in turn allow more acoustically energetic options for performances to be considered by the hosting entity. Using an approximate +9 dB correction (to convert SPL at three meters to one meter) applied to the value ranges appearing in Exhibit E, one can see what individual instruments, performance types, or logarithmic combinations might qualify.

Traffic Noise

While it is possible that the OZ businesses hosting daytime and evening outdoor music events may experience more patrons and thus increase future traffic volumes to the area, the Project is not proposing any changes to existing parking, seating capacity or other infrastructure features. Consequently, changes in traffic volumes or trips are likely to be constrained by these parameters, such as available parking and seating capacity. Additionally, one should bear in mind that all else being equal (i.e., vehicle type proportion, roadway speed, receptor location and its perpendicular distance to the roadway, etc.), the change in roadway traffic noise level can be coarsely estimated by a logarithmic expression as follows:

For a given time period, change in traffic noise level (dB) at a receptor = $10*LOG(V_f/V_e)$;

where V_f is the future volume of traffic (e.g., peak hour [PH] or average daily traffic [ADT]) and V_e is existing traffic flow using the same metric (PH or ADT, and thus the corresponding time period being evaluated). So, by way of illustration, a hypothetical increase in traffic of thirty percent (30%), meaning the V_f to V_e ratio is 1.3, the change in traffic noise would be 1.13 dB—a barely perceptible difference. Put another way, to affect a greater than five dB change that FICON guidance would consider a potentially significant impact, the future-to-existing traffic ratio would need to be over 3.14—more than a tripling of volumes. Hence, with Project-attributed changes to traffic unlikely to be that great, the corresponding expected change in traffic noise would be less than significant.

Project Design Features – Performance Standards

PDF-NOI-1 Operation of any outdoor or indoor music event hosted by a commercial business within the Overlay District as defined by Section 6.1.1 herein shall conform to the following acoustical conditions:

A. Daytime (7 a.m. to 7 p.m.) or Evening (7 p.m. to 10 p.m.)
   1. Attendance within the spectator area of the outdoor venue shall not exceed 60 (or fewer if limited by City code or permit) and include patrons and any on-site support staff that host the event in progress.
   2. Music from the event shall not begin before 7 a.m. or continue after 10 p.m.

3. For outdoor events, the aggregate sound level from live (acoustic) performers and/or from one or more speakers emitting amplified music shall not exceed a total of 83-94[1]* A-weighted decibel (dBA) sound pressure level (SPL) at a distance of 3.28 feet (one meter) from the position of the nearest performer or speaker. A higher aggregate sound level of up to +5 dB may be permitted if an acoustic blanket, solid fence, or other acoustically non-porous barrier is installed and provides linear occlusion (a.k.a., line-of-sight block) between the music sound sources and the nearest offsite receptors that would otherwise be exposed.

   For indoor events, the aggregate sound level from live (acoustic) performers and/or from one or more speakers emitting amplified music shall not exceed a total of 94 dBA at a distance of 3.28 feet (one meter) from the position of the nearest performer or speaker. A higher aggregate sound level of up to +15 dB (i.e., 109 dBA SPL at one meter) may be permitted if all windows and doors of the event space are closed.

4. If any proposed event parameters above may exceed the indicated constraints, then a qualified acoustician shall prepare or review a predictive sound propagation analysis prior to the proposed event in order to identify need for recommended noise control or sound abatement implementation measures that could include (but not be limited to):

   a. Via the pre-installed house audio-visual (A/V) system or on A/V hardware supplied by the hosted event performers, set electronic controls on amplified sound levels to comply with the A.3 SPL threshold;

   b. For an outdoor venue, install temporary noise walls, curtains, or other barrier forms so as to improve containment and absorption of sound within the outdoor music venue space and thus minimize spill-over noise to the community beyond; and

      For an indoor music venue, install means to improve containment and absorption of sound within the indoor music venue space and thus minimize spill-over noise to the outdoors and the community beyond;

   c. Install on-site sound level measurement systems (e.g., akin to NTiAudio or comparable supplier technology) to monitor event sound levels in real-time and provide alerts to event hosts and administrators. Collected data and alerts offer opportunity to provide feedback to event performers as part of implementing administrative control of sound emission levels.

   Collected data from A.4.c above can also provide evidence that an event was compliant with required sound limits and might be used to support assertions that future events having identical conditions (e.g., a recurring event, such as an annual seasonal festival) would also be compliant.

   For purposes of PDF-NOI-1 4.a, a Qualified Acoustician shall have the following minimal qualifications:

   - Bachelor of Science or higher degree from a qualified program in engineering, physics, or architecture offered by an accredited university or college, and five years of experience in noise control

[1] Note: 83dBA for Smokin Joes, 84 dBA for the Hop Stop and 94 dBA for Mission Cellars.

engineering and construction noise analysis; or current enrollment as a full Member or Board-certified Member in the Institute of Noise Control Engineering (INCE); and

- Demonstrated experience in predicting performance from and/or evaluating (via measurement) equipment noise controls or site sound abatement, developing and implementing sound level monitoring plans, and calculating propagated noise levels.

c) **No Impact.** The proposed Music Overlay District is not located within the vicinity of an airstrip;therefore, there would be no impacts associated with any private airstrip. The proposed Music Overlay District is also not located within an airport land use plan and is not located within two miles of an airport. The Ramona Airport is approximately 8.6 miles west of the project area and Gillespie Field is approximately 11.4 miles south of the project area. The proposed Music Overlay District would not include any new development where people would reside and would not expose existing employees to increased aircraft noise or require an increased number of employees. Therefore, the project would have no impact regarding the exposure of people residing or working in the project area to excessive aircraft-related noise levels, and no mitigation is required. There would be no impacts to any airport land use plan or airport.

14. POPULATION AND HOUSING

Would the project:

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example., by proposing new homes and businesses) or indirectly (for example., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

a) **No Impact.** The proposed SPA area currently contains commercial uses with minimal housing uses. The creation of a Music Overlay District and its associated SPA does not include any physical development of buildings and structures that could represent a change in potential population growth. The SPA does not propose the creation of any new housing units or businesses which would accommodate growth in the population and does not propose any new roads or other infrastructure. Therefore, no impacts would be anticipated.

b) **No Impact.** The creation and application of a Music Overlay District and its associated SPA would not displace existing housing or people. Creating and implementing a Music Overlay District would allow for musical performances in one area of the City along Midland Road without the demolition of any existing housing, which would displace populations. Because no physical development of buildings or structures is proposed and there are generally no residential uses

directly in the commercial area where the Music Overlay District is proposed, displacement of existing housing or people would not occur. There would be no impact due to the fact that no people or housing units would be displaced as a result of this Project.

15. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Fire Protection?	☐	☐	☒	☐
b) Police Protection?	☐	☐	☒	☐
c) Schools?	☐	☐	☒	☐
d) Parks?	☐	☐	☒	☐
e) Other public facilities?	☐	☐	☒	☐

a) **Less than Significant**. Fire protection at the project site is provided by the City of Poway Fire Department. The proposed project being analyzed in this document is the creation of a Music Overlay District that would be applied to one commercial area of the City along Midland Road and its associated SPA and does not include any physical changes or development. The Music Overlay District would be applied to an area of the City that is already developed, and any new patronage that would occur as a result of the Music Overlay District would be occurring in existing commercial buildings that have been required to meet all applicable fire codes, building codes, and local fire codes including the California Fire Code, Uniform Building Code and Poway Fire Department standards. This includes any regulations pertaining to fire safety, ingress and egress and other design requirements. Therefore, any impacts to fire protection would be less than significant.

b) **Less than Significant**. The City of Poway has contracted with the San Diego Sheriff's Department (SDSO) since incorporation. The City of Poway is one of nine municipalities that contract for law enforcement services from the SDSO. Poway maintains a facility, the San Diego Sheriff's Poway Station, staffed with sworn, civilian, reserve and volunteer personnel. The Poway Station is managed by a Captain with assistance from a Lieutenant. SDSO has a ratio of 2.3 officers per 1,000 residents. The Department achieves a response time of approximately 6.8 minutes (SDSO, 2025). The project being analyzed in this document includes the creation of a Music Overlay District and its associated SPA that does not include any physical development of buildings and structures in the project area. Any new patronage that would occur as a result of the Music Overlay District would be occurring in existing commercial buildings that would continue to be patrolled by the SDSO that has the capacity to respond to any calls. Impacts on police protection would be less than significant.

c) **Less than Significant.** The project is located in the Poway School District (PSD). The proposed SPA being analyzed in this document allows for the creation of a Music Overlay District and does

not include any physical changes or development of buildings or structures that could house any new students. Impacts schools would be less than significant.

d) **Less than Significant.** The Poway Recreation and Parks department is responsible for the parks in the vicinity of the project. The nearest parks to the project area are Old Poway Park and Railroad, which is located immediately adjacent to a portion of the project site to the north, Aubrey Park, which is located approximately one quarter mile north from the Project area, and Hilleary Park, which is located approximately one half mile southwest of the Project area. The proposed SPA would allow for musical performances within the Music Overlay District, including portions of Old Poway Park and Railroad near the gazebo; however, the musical performances that would be allowed in Old Poway Park would be temporary and would not impact the park beyond the performance's duration. In addition, the performances would be subject to a permit issued by the City, so all performances in the park would be subject to the conditions. Furthermore, the proposed SPA would not include any new development that would prompt payment of Parks and Recreation Facilities to fund public parks and offset any impacts associated with new development. Therefore, the impacts to parks would be less than significant.

e) **Less than Significant**. The proposed SPA being analyzed in this document would allow for musical performances and does not include any physical changes or development in the Music Overlay District area. As such, there would be no impacts to public services, including storm drains, solid waste, water usage and wastewater disposal. Any increased patronage of commercial business in the Music Overlay District area would result in minimal demands on services, and as such, the project would cause a less than significant impact to other public facilities.

16. RECREATION

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	☒

a) **Less than Significant.** The nearest parks to the project area are Old Poway Park and Railroad, which is located immediately adjacent to a portion of the project site to the north, Aubrey Park, which is located approximately one quarter mile north from the Project area, and Hilleary Park, which is located approximately one half mile southwest of the Project area. The proposed SPA would allow for musical performances within the Music Overlay District, including portions of Old Poway Park and Railroad near the gazebo; however, the proposed amendment would allow musical performances that would be temporary in nature and would not last beyond the performance's duration. In addition, the performances would be subject to a permit issued by the

City, so all performances in the park would be subject to the conditions. Furthermore, the SPA does not include any new development and would not include, nor require, the construction or expansion of Old Poway Park or any other recreational facilities. Therefore, impacts would be less than significant.

b) **No Impact.** The proposed SPA does not include, nor require, the construction or expansion of the Old Poway Park or any other recreational facilities and would not include any new development that would be required to pay the Parks and Recreation Facilities fees to offset any potential impacts to parks and recreation. Therefore, no impacts would occur and no mitigation measures are required.

17. TRANSPORTATION

Would the project:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
b) Conflict or be inconsistent with CEQA Guidelines 15064.3, subdivision (b)?	☐	☐	☒	☐
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
d) Result in inadequate emergency access?	☐	☐	☒	☐

a,b) **Less Than Significant Impact.** The project being analyzed in this document is the creation of a Music Overlay District that would be applied to one commercial area of the City and an associated SPA and does not include any physical changes or development in the area. In general, the proposed Music Overlay District would allow musical performances as an allowed use along the commercial corridor of Midland Road. No residential or commercial uses are proposed that would generate additional vehicular trips to the local street network. Commercial businesses offering musical performances could attract additional patrons to the area while hosting daytime and evening music performances, but the trips added to the local street network would be minimal and would be along Midland Road where there is existing transit and alternative modes of transportation. While it is possible that the Music Overlay District businesses may experience more patrons (i.e., compared to current customer metrics) and thus slightly increase future traffic volumes to the area, the Project is not proposing any changes to existing parking, seating capacity, or other infrastructure features. Hence, with Project-attributed changes to the area are not anticipated to increase the VMT to the area. In addition, use of transit in the area could reduce the number of people that rely on automobile travel to get to and from the area.

The California Office of Planning and Research Technical Advisory on Evaluating Transportation Impacts in CEQA (Dec 2018), lists numerous strategies that may reduce vehicle miles travelled (VMT). The proposed amendment meets one of these strategies on a broad scale, as the

amendment would create a Music Overlay District in an already urbanized area near high quality transit and/or near express bus routes.

CEQA Guidelines section 15064.3 establishes VMT as the most appropriate measure of transportation impacts. At this time, the City approved thresholds to "screen out" certain projects from requiring VMT analysis due to the fact that they would not cause significant impacts based on state guidance, data, and the characteristics of the City. The proposed amendment would create a Music Overlay District that would be "screened out" of requiring VMT analysis due to the fact that it would allow for musical performances and would not include any new physical development of buildings or structures that could house residential or commercial uses. Impacts would be less than significant and no mitigation would be required.

c) **No impact.** Approval of the Old Poway SPA would create a Music Overlay District and its associated SPA that would not include any physical development and would not contain any features that would increase traffic hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? The City's General Plan calls for the safe and efficient roadway circulation system within the City. All future potential development in the Music Overlay District will be reviewed in accordance with these requirements and any proposed changes to the circulation system would be evaluated at the time of proposal. Therefore, no impacts would occur and no mitigation measures would be required.

d) **Less than Significant Impact.** Allowable uses in the Music Overlay District would allow for temporary music performances and would not involve any uses that would interfere with the City's emergency operations plan or with any major emergency evacuation routes out of the area. The existing commercial uses were required to obtain plan approval by the City Fire Department, which ensures that recommendations were incorporated into building and site design. Any increased patronage within these existing commercial businesses would occur in existing buildings that are required to comply with the City's existing Fire Department regulations, evacuation plans and procedures. As such, less than significant impacts would occur.

18. TRIBAL CULTURAL RESOURCES

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Listed or eligible for listing in the California register of Historical Resources, or in a local register of historical resources as defined in Public resources Code section 5020.1(k) or	☐	☐	☒	☐
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section	☐	☐	☒	☐

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.				

a,b) **Less than Significant Impact.** The proposed SPA area is a fully developed urbanized area. The introduction and application of the Music Overlay District within the existing commercial zone area does not trigger a General Plan Amendment or land use change. Therefore, AB 52 is not required, and impacts will be less than significant.

19. UTILITIES AND SERVICE SYSTEMS

Would the project:				
Environmental Issues	**Potentially Significant Impact**	**Less Than Significant With Mitigation**	**Less Than Significant Impact**	**No Impact**
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	☒
c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

a,b,c) No Impact. Because the parcels in the Music Overlay District area are already developed with structures, mainline water and sewer infrastructure is in place. The Poway Department of Public Works maintains the sewer collection and distribution system throughout the City. All wastewater generated in the City of Poway is collected and treated at the City of San Diego's North City Water Reclamation Facility located at 4949 Eastgate Mall in San Diego.. The North City Water Reclamation Facility Wastewater Treatment Plant treats an average of 30 million gallons of waste per day, which is 22 million gallons per day lower than their capacity of 52 million gallons per day (City of San Diego Public Utilities, 2025). The project being analyzed in this document is the creation of a Music Overlay District that would be applied to one commercial area of the City and an associated SPA that does not include any physical changes or development of buildings and structures in the project area. As such, the SPA would not require the relocation or construction of any new or expanded wastewater treatment facilities, the construction of which could cause significant environmental effects.

The City receives its water from San Diego County Water Authority (SDCWA). The City of Poway 2020 Urban Water Management Plan (UWMP) provides a framework for long term water planning for the City's water service area. This UWMP contemplates a growth in population by 2040 in the water service area. Further, the UWMP illustrates the actual demands for potable water of various uses, and shows that multi- family dwellings require less than half the water that single-family dwellings use on an annual basis and that multi-family development uses approximately the same amount of water per year as commercial development (UWMP 2015). Given these parameters, the City should not experience any impacts to water usage. The project being analyzed in this document does not include any physical changes in the project area at this time. The project being analyzed in this document is the creation of a Music Overlay District that would be applied to one commercial area of the City and an associated SPA that does not include any physical changes or development of buildings and structures in the project area. As such, the SPA would not require the relocation or construction of any new or expanded water facilities, the construction of which could cause significant environmental effects.

There are also no changes to the existing stormwater system proposed. BMPs that are currently in place to handle operation of the commercial district along Midland Road would remain and place and would not change. The City requires urban runoff mitigation plans for all projects that comply with the most recent Standard Urban Stormwater Mitigation Plan (SUSMP) and the current National Pollutant Discharge Elimination System permit. This is meant to reduce the amount of stormwater discharged from the site by requiring an increase in pervious surface area on the project site thus reducing the amount of runoff. No new pervious surface area is proposed with the Music Overlay District, and the uses that currently exist in the area (general commercial, park, and multi-family and single-family residential) would not change and/or generate new amounts of wastewater. At this time, there is no physical development proposed in the project area and no development is included in the scope of the project being analyzed in this document. Therefore, no significant impacts would occur and no mitigation measures would be required.

As currently proposed, the project would also not require the relocation or construction of any electric power, natural gas, or telecommunications facilities as well, as it only includes the implementation of a Music Overlay District and would not include any physical development of buildings or structures, Therefore, no significant impacts would occur and no mitigation measures would be required.

d,e) **Less Than Significant Impact.** The project being analyzed in this document is the creation of a Music Overlay District that would allow indoor and outdoor musical performances in one commercial area of the City and an associated SPA and does not include any physical changes or development of buildings or structures on the site. Since no habitable structures would be constructed or operated as part of the SPA, it is expected that minimal solid waste would be generated by any increased patronage to existing commercial businesses. The Sycamore Landfill has a maximum permitted throughput of 5,000 tons per day. Additionally, the landfill has a max permitted capacity of 147,908,000 cubic yards and a remaining capacity of 113,972,637 cubic yards. It is anticipated that the landfill would close in 2042 (CalRecycle 2025). Additionally, with adherence to the appliable waste management plans and regulations set by the state and local jurisdiction, impacts would be less than significant and no mitigation measures would be required.

20. WILDFIRE

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Substantially impar an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilizes) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

a) **Less Than Significant Impact.** The project being analyzed in this document is the creation of a Music Overlay District that would allow indoor and outdoor musical performances in one commercial area of the City and an associated SPA and does not include any physical changes or development of buildings or structures on the site. Allowable uses in the Music Overlay District would allow for temporary music performances and would not involve any uses that would interfere with the City's emergency operations plan or with any major emergency evacuation routes out of the area. The existing commercial uses were required to obtain plan approval by the City Fire Department, which ensures that recommendations were incorporated into building and site design. Any increased patronage within these existing commercial businesses would occur in existing buildings that comply with the City's existing Fire Department regulations, evacuation plans and procedures. As such, less than significant impacts would occur.

b) **Less Than Significant Impact.** The proposed project being analyzed in this document is the creation of a Music Overlay District that would be applied to one urbanized, commercial area of the City along Midland Road and its associated SPA and does not include any physical changes or development. Since no habitable structures would be constructed or operated as part of the SPA, it is expected that wildfire risk will be minimal. Fire protection at the project site is provided by the City of Poway Fire Department. The Music Overlay District would be applied to an area of the City that is already developed, and any new patronage that would occur as a result of the Music Overlay District would be occurring in existing commercial buildings that have been required to meet all applicable fire codes, building codes, and local fire codes including the California Fire Code, Uniform Building Code and Poway Fire Department standards. This includes any regulations pertaining to fire safety, ingress and egress and other design requirements. Therefore, any wildfire impacts would be less than significant.

c) **No Impact.** The proposed project being analyzed in this document is the creation of a Music Overlay District that would be applied to one urbanized, commercial area of the City along Midland Road and its associated SPA and does not include any physical changes or development. The project does not propose any installation or maintenance of any infrastructure such as roads, fuel breaks, emergency water sources, power lines or other utilizes that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. No impacts would occur and no mitigation measures would be required.

d) **No Impact.** The proposed amendment area is generally flat and not located in an area that is prone to landslides. The commercial area that is the subject of the proposed amendment is made up of flat lots that would not be susceptible to landslides. Additionally, there are no hills or slopes near the subject properties that could pose a landslide danger in the event of a wildfire. As such, no people or structures would be exposed to significant risks, including downslope or downstream flooding or landslides. No impact would occur and no mitigation measures would be required.

21. MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

a) **Less Than Significant Impact**. Based on the preceding analysis, the proposed Music Overlay District and its associated SPA does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self- sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

b) **Less Than Significant Impact.** The proposed amendment being analyzed in this document is the creation of a Music Overlay District that would allow for indoor and outdoor musical performance in one commercial area of the City along Midland Road and an associated SPA and does not include any physical changes or development of buildings and structures in the project area.

There are no nearby current, and future probable projects which involve the development in the project area. The proposed SPA that has been analyzed in this document does not include any physical development on the site; therefore, no significant impacts have been identified and no mitigation measures are required.

c) **Less Than Significant Impact.** Based on the preceding analysis, the proposed Music Overlay District and its associated SPA does not have the potential to cause substantial adverse effects on human beings. Therefore, no significant impacts have been identified and no mitigation measures are required.

REFERENCES

1. Air Resources Board (ARB), 2014. Assembly Bill 32 Overview. [online]: http://www.arb.ca.gov/cc/ab32/ab32.htm

2. California Building Code (CBC). [online]: http://www.bsc.ca.gov/

3. California Department of Industrial Relations (Cal/OSHA). [online]: https://www.dir.ca.gov/dosh/

4. California Department of Transportation (Caltrans). 2016. California Scenic Highway Mapping System. [online]: https://dot.ca.gov/programs/design/lap-landscape-architecture- and-community-livability/lap-liv-i-scenic-highways

5. California Department of Toxic Substances Control Envirostor Database. 2017. [online]: https://www.envirostor.dtsc.ca.gov/public/

6. California Integrated Waste Management Board [online]: https://www.calrecycle.ca.gov/stateagency/iwmplans

7. California Public Resources Code sections 5020. [online]:

8. City of Poway. 2024. Fire Department: About the Fire Department. [online]:

9. City of Poway General Plan, 20>> [online]:

10. City of Poway Old Poway Specific Plan, 1998:

11. City of Poway, Low Impact Development (LID) Standards. [online]:

12. City of Poway Local Register of Historic Properties. March 2025. [online]:

13. City of Poway; Municipal Code [online]:

14. City of Poway. 2016. Police Department: About the Police Department. [online]:

15. City of Poway Website.Public Works Department, 2025 [online]:

16. City of Poway Urban Water Management Plan. 2015. [online]:

17. City of San Diego CEQA Thresholds Guidelines. 2006. [online]:

18. Federal Emergency Agency, Flood Insurance Rate Map 00059C0036H

19. City of San Diego Flood Zones, ArcGIS [online]:

20. National Pollution Discharge Elimination System NPDES https://www.epa.gov/npdes

21. San Diego Air Quality Management District Final AQMP [online]:

22. San Diego Air Quality Management District 2012 Air Quality Data [online]: [online]:

23. San Diego Air Quality Management District (SCAQMD), Asbestos Demolition & Removal. [online]:

24. San Diego Air Quality Management District CEQA Air Quality Handbook. 1993:

25. San Diego Association of Governments, Adopted RTP Growth Forecast. [online]:

26. San Diego Association of Governments, Adopted 2016 RTP Growth Forecast. [online]:

27. State of California Department of Conservation, 2017. Alquist-Priolo Earthquake Fault Zoning Map. [online]: http://maps.conservation.ca.gov/cgs/informationwarehouse/index.html?map=regulatorymaps

28. State Water Resources Control Board [online]: https://www.waterboards.ca.gov/

29. State Water Resources Control Board, Standard Urban Stormwater Mitigation Plan (SUSMP). [online]: https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/susmp/sus mp_details.shtml

30. State of California Department of Conservation, 2016. Guidelines for Classification and Designation of Mineral Lands. Department of Conservation, State Mining and Geology Board, and Department of Conservation Division of Mines and Geology. California Mineral Land Classification System Diagram. [online]: https://www.conservation.ca.gov/smgb/Guidelines/Documents/ClassDesig.pdf

31. State of California Department of Conservation, 2012. Farmland Mapping and Monitoring Program – Los Angeles County Farmland 2012. [online]: https://www.conservation.ca.gov/dlrp/fmmp/Pages/LosAngeles.aspx

32. State of California Office of Historic Preservation, California Register of Historic Places [online]. Accessed 2025: https://ohp.parks.ca.gov/?page_id=21238

33. United States Census Bureau, American Community Survey. Table DP-1 profile off general population and housing characteristics: 2010. [online]: https://data.census.gov/cedsci/ accessed February 2025.

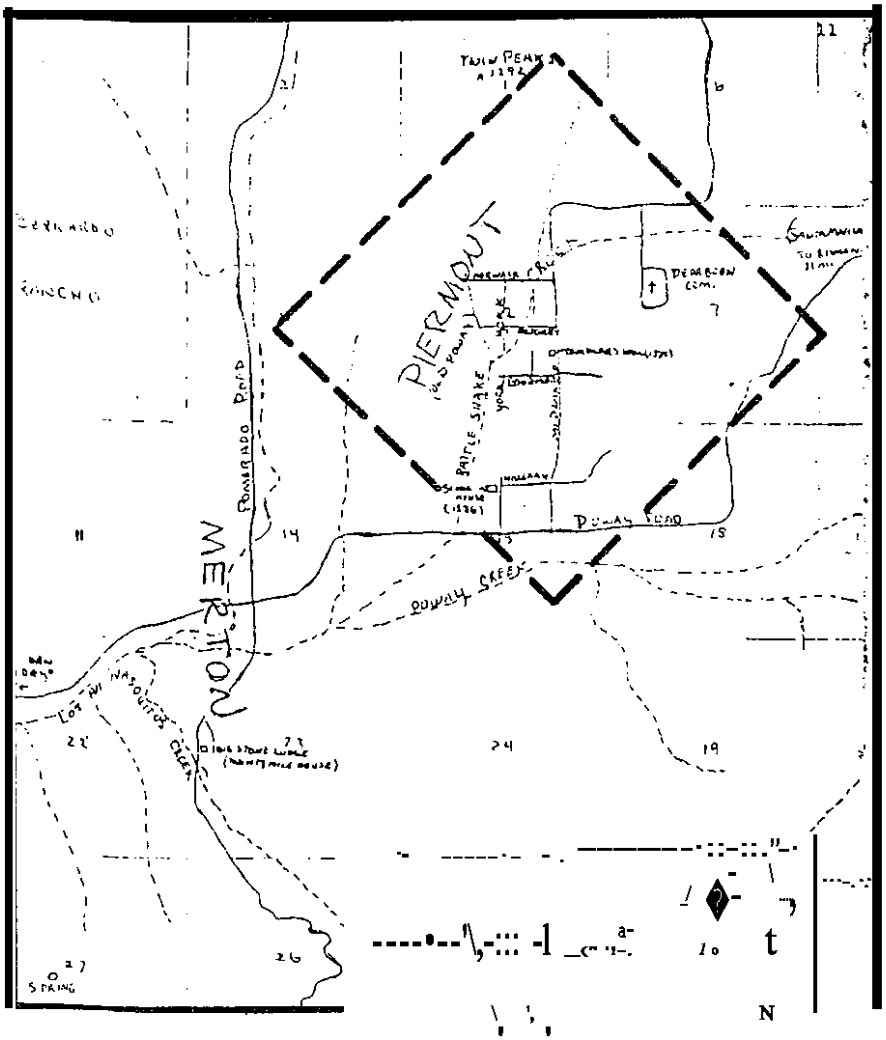
34. U.S. Fish & Wildlife Service, 2017. National Wetlands Inventory Wetlands Mapper. [online]: https://www.fws.gov/wetlands/Data/Mapper.html

APPENDIX A

Music Overlay District and Old Poway Specific Plan Amendment

OLD POWAY SPECIFIC PLAN

(SP 88-01)



a component of the Poway General Plan

• 1988 •

2. Supermarkets

3. Gasoline dispensing and/or automotive service stations

4. Department stores, discount department stores and membership department stores

11, Motorcycle sales and services including motorized bicycles

12. Nurseries and garden supply stores (except small-scale, retail, specialty stores where all equipment and supplies are kept within an enclosed area)

13. Sign painting shops

14. Tire sales and services

15. Vehicle storage yard

16. Convalescent homes and hospitals

The following additional uses shall be permitted:

1. Small hotels, bed and breakfast establishments, and boarding houses

2. Farmer's market

3. Civic buildings

The following uses shall be permitted with approval of a Conditional Use Permit:

Residential units within a commercial project

Outdoor musical performances shall be an allowed use within the designated Music Overlay District of the Old Poway Specific Plan with an Administrative Use Permit (AUP), which requires discretionary approval authorized by the Director and subject to the requirements outlined in Section XX under the implementation plan for allowed uses in the Music Overlay District.

XI. RESIDENTIAL LAND USES

The planning and design of residential projects shall be in comformance with the regulations and special requirements of the Zoning Development Code and those of the Old Poway Specific Plan concerning land use density, architectural design, signage, historic exterior colors, streetscape planning, and works of fine art.

XII, PARKING AND LANDSCAPING REQUIREMENTS

Parking and landscaping requirements sha11 be in conformance with the

The following standards must be achieved for mixed use projects:

a. Residential units for rental or ownership shall be attached to co111Tiercial buildings and located above or to the rear of the first floor commercial space.

b. All on-site parking requirements must be met for specific residential and co111Tiercial uses proposed as identified in the on-site parking regulations of the Zoning Development Code.

c. The adopted Landscaping Standards of the City of Poway shall be employed.

d. The City shall require that agreements be approved between the project developer and project owners and/or tenants with respect to project management, building and parking lot maintenance, utilities, financing, on-site parking arrangements, and landscape maintenance.

e. The intensity and lot coverage of mixed use projects shall be no greater than that permitted by the Co111Tiercial General (CG zone) and Multi-family Residential (RA and RC zone) requirements of the Zoning Development Code.

f, Architectural design, exterior colors, signage and graphics, works of fine art, structural setbacks, and streetscape features/furniture of mixed use projects shall be in conformance with Parts One and Two of this specific plan.

g. The ratio of residential to co111Tiercial floor area within mixed-use projects shall require special consideration and approval by the City.

XX, IMPLEMENTATION PROCEDURES

Development under this specific plan shall proceed according to normal procedures of the City of Poway with regard to development review, conditional use permit, variance, and subdivision provisions. A development review may be required on any, and all, new structures as outlined in the Poway Municipal Code.

This specific plan proposes development goals, objectives, standards, and guidelines for the project area. Where such provisions differ from those listed in the Poway Comprehensive Plan and Municipal Code, the provisions contained within this specific plan shall take precedent.

a. Implementation Procedures for Musical Performances in the Old Poway Specific Plan Music Overlay District with an Administrative Use Permit

Outdoor and indoor music performances are conditionally allowed at commercially zoned properties within the designated Music Overlay District as outlined below, but only with the approval of an Administrative Use Permit.

b. Music Overlay District Location

See Exhibit A below for an aerial map depiction of the Music Overlay District. The proposed Music Overlay District would span a rectangular block of currently Commercial zoned properties bounded by Temple Street

to the north, Brighton Avenue to the east, Edgemoor Street to the south, and Midland Road to the west. Additionally, the City leases Open Space to the Hamburger Stop, a commercial enterprise, on the southern portion of Old Poway Park (Park). Amongst its features and apparent historic structures, the Park includes a gazebo from which public events have been hosted and include musical performances and reinforced speech. The proposed Music Overlay District would include this southern portion of the Park, extending from Temple Street north to the plane of Adrian Street, with an understood outdoor music venue location at the gazebo.

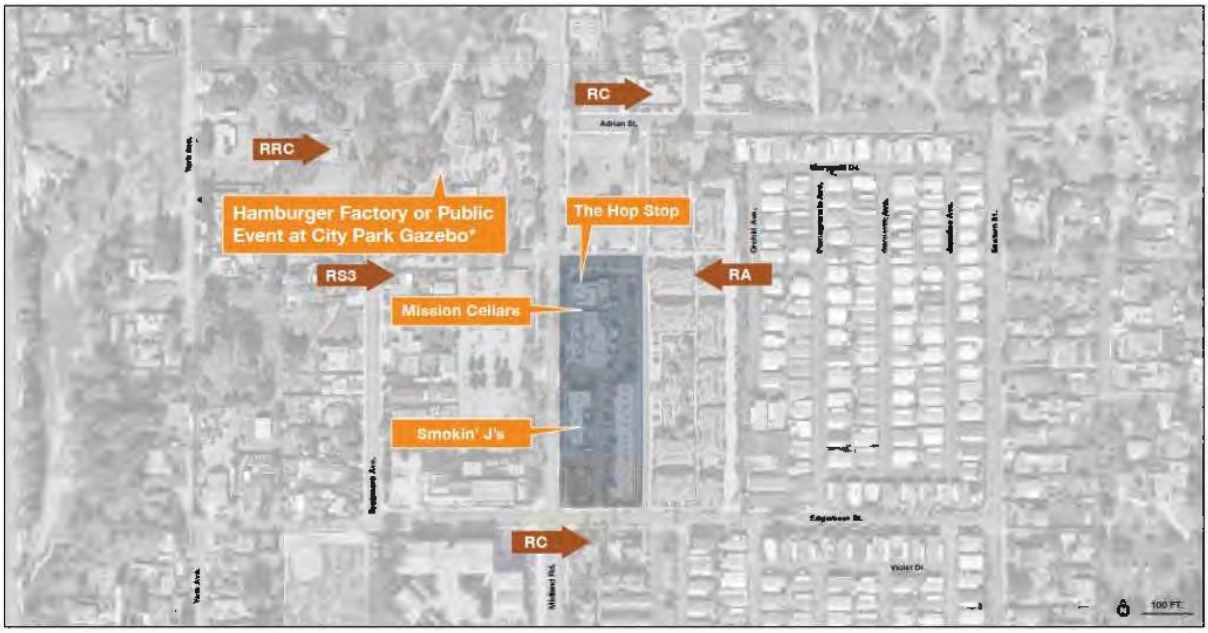


Exhibit A - Plan view of the Music Overlay District (MOD, shaded) and sample inclusive venue locations (orange callouts) and nearby noise-sensitive residential land uses (red arrows, tagged by zoning abbreviation)

c. Procedures for obtaining an Administrative Use Permit

The following discusses the procedure that an existing or future commercial business within the Music Overlay District can use to obtain an Administrative Use Permit.

I. **Investigation and Report.** At the applicant's sole cost and expense, the Director shall make an investigation of the application site plan showing the proposed location of the music, the sound attenuation measures, time and date of the performance, and a description of the proposed musical event characteristics. The Director shall then prepare a report identifying the proposed action to be taken, as well as any conditions to be applied to the application.

II. **Action.** Prior to acting to approve, approve with conditions, or deny an application for an Administrative Use Permit, the Director shall provide notice to property owners within 500 feet of the exterior boundaries of the subject property. The notice shall state that the Director will decide whether to approve, conditionally approve, or deny the Administrative Use Permit application on a date specified in the notice, and a public hearing will be held only if requested in writing by any interested person before the specified date for the decision.

Any written request for a hearing shall be based on issues of significance directly related to the application. If the Director determines that the evidence has merit and can be properly addressed

by a condition(s) added to the Administrative Use Permit approval, the Director may consider the permit in compliance with the Findings requirements below and not conduct a public hearing.

If a public hearing is requested and the provisions of the paragraph above do not apply, a hearing before the Director shall be scheduled, noticed, and conducted.

III. **Required Findings**. The Director shall make the following findings before granting or modifying an Administrative Use Permit:

a. That the proposed location and operating characteristics of the proposed musical performances is in accord with this Music Overlay District, the Old Poway Specific Plan, the purpose of the zone in which the site is located, and the City General Plan;

b. That the location and operating characteristics of the proposed use will be compatible with and will not adversely affect or be materially detrimental to adjacent uses, residents, buildings, structures or natural resources;

c. That there will not be a harmful effect upon desirable neighborhood characteristics;

d. That the generation of noise will not adversely impact the physical character of surrounding streets, the Music Overlay District and/or the Old Poway Specific Plan area.

e. That the site is suitable for the type and intensity of music performance which is proposed;

f. That there will not be significant harmful effects upon environmental quality and natural resources;

g. That there are no other relevant negative noise impacts of the proposed use that cannot be mitigated; and

h. That the proposed use will comply with each of the applicable provisions of this Specific Plan.

IV. **Notice of Decision**. Within five days of rendering a decision on an Administrative Use Permit, the Director shall notify the applicant in writing of the decision.

V. **Appeals**. Any decision of the Director may be appealed to the City Council and filed in accordance with the Poway Municipal Code.

VI. **Permit to Run with the Land**. An Administrative Use Permit granted pursuant to the provisions of the Music Overlay District in the Old Poway Specific Plan shall continue to be valid upon a change of ownership of the site, business, service, use or structure which was the subject of the application.

VII. **Permit Allowances**. Upon receiving an Administrative Use Permit within the Music Overlay District, participating existing and future commercially zoned businesses can host (or produce their own) indoor or outdoor music performances including live or pre-recorded music comprising vocals and instruments that may be amplified with

conventional reinforcement techniques (e.g., speakers). Outdoor music (or more broadly, entertainment) must be consistent in character with the neighborhood and the OPSP objectives.

d. Music Overlay District Permit Compliance Requirements

Hosted music performances at venues within the Music Overlay District would need to comply with the City of Poway's existing noise ordinance, which includes exterior noise limits depending on time of day and the type of land use on which the sound from an event is received. Pertinent portions of the Poway Municipal Code (PMC) are summarized in the Noise Assessment prepared for the Music Overlay District (available for review at the City Development Services Department).

e. Music Overlay District Monitoring

Permittees shall be required to self-monitor and report to the City Development Services Department by filling out and complying with the associated requirements in the Old Poway Specific Plan (OPSP) Music Overlay District PDF-NOI-1 Implementation Form (see attached for PDF-NOI-1-IF).

The requirements for monitoring in the OPSP Music Overlay District include the following:

I. A sound level meter (SLM) models implemented for Event measurement sampling must be American National Standards Institute (ANSI) Standard S1.4 Type 2 (general purpose) rated or better.

II. All SLM, microphones, and calibrators shall demonstrate, by way of an affixed seal on the instrument or via documentation reviewed by and/or to the satisfaction of the Qualified Acoustician, that they have undergone certified factory or laboratory calibration conformance testing within a year prior to expected usage in the field.

III. The SLM shall be capable of measuring A-weighted (dBA) noise levels and operating on the "slow" response setting.

IV. A Qualified Acoustician shall have the following minimal qualifications:

i. Bachelor of Science or higher degree from a qualified program in engineering, physics, or architecture offered by an accredited university or college, and five years of experience in noise control engineering and construction noise analysis; or current enrollment as a full Member or Board-certified Member in the Institute of Noise Control Engineering (INCE).

ii. Demonstrated experience in preparing and implementing construction noise controls, sound abatement, and monitoring plans on construction projects, calculating construction noise levels, and designing and overseeing the implementation of construction noise abatement measures.

f. Music Overlay District Reporting

Permittee shall produce annual reports demonstrating compliance with the shared threshold during evening hours at the one meter from the source of the music. The annual report would include all Old Poway Specific Plan (OPSP) Music Overlay District PDF-NOI-1 Implementation Forms produced throughout the calendar year.

g. Scope of the Musical Performances Allowed in the Music Overlay District

Because of the proximity of existing residential land uses outside the Music Overlay District, the scope of outdoor music performances should be relatively modest productions– Larger or more intense performances would almost certainly need to be planned and executed indoors–and within buildings structural envelopes featuring closed windows and doors or would require a separate noise analysis confirming compliance with the noise ordinance. Additionally, no performances would occur during nighttime hours (10 p.m. through 7 a.m.).

h. Project Design Feature Requirements in the Music Overlay District

Permittees wishing to host outdoor or indoor music performances in the Music Overlay District must ensure compliance with this City's noise threshold by implementing the following Project Design Features (PDF) identified below.

PDF-NOI-1 Operation of any outdoor or indoor music event hosted by a commercial business within the Overlay Zone shall conform to the following acoustical conditions:

A. Daytime (7 a.m. to 7 p.m.)

1. Attendance within the spectator area of the indoor or outdoor venue shall not exceed 60 (or fewer if limited by City code or permit) and include patrons and any on-site support staff that host the event in progress.

2. Music from the event shall not begin before 7 a.m. or continue after 7 p.m.

3. For outdoor events, the aggregate sound level from live (acoustic) performers and/or from one or more speakers emitting amplified music shall not exceed a total of 84 A-weighted decibel (dBA) sound pressure level (SPL) at a distance of 3.28 feet (one meter) from the position of the nearest performer or speaker. A higher aggregate sound level of up to +5 dB may be permitted if an acoustic blanket, solid fence, or other acoustically non-porous barrier is installed and provides linear occlusion (a.k.a., line-of-sight block) between the music sound sources and the nearest offsite receptors that would otherwise be exposed.

   For indoor events, the aggregate sound level from live (acoustic) performers and/or from one or more speakers emitting amplified music shall not exceed a total of 99 dBA at a distance of 3.28 feet (one meter) from the position of the nearest performer or speaker. A higher aggregate sound level of up to +15 dB (i.e., 109 dBA SPL at one meter) may be permitted if all windows and doors of the event space are closed.

4. If any proposed event parameters above may exceed the indicated constraints, then a qualified acoustician shall prepare or review a predictive sound propagation analysis prior to the proposed event in order to identify need for recommended noise control or sound abatement implementation measures that could include (but not be limited to):

   a. Via the pre-installed house audio-visual (A/V) system or on A/V hardware supplied by the hosted event

performers, set electronic controls on amplified sound levels to comply with the A.3 SPL threshold;

b. For an outdoor music venue, install temporary noise walls, curtains, or other barrier forms so as to improve containment and absorption of sound within the outdoor music venue space and thus minimize spill-over noise to the community beyond; and

For an indoor music venue, install means to improve containment and absorption of sound within the indoor music venue space and thus minimize spill-over noise to the outdoors and the community beyond; and

c. Install on-site sound level measurement systems (e.g., akin to NTiAudio or comparable supplier technology) to monitor event sound levels in real-time and provide alerts to event hosts and administrators. Collected data and alerts offer opportunity to provide feedback to event performers as part of implementing administrative control of sound emission levels.

Collected data from A.4.c above can also provide evidence that an event was compliant with required sound limits and might be used to support assertions that future events having identical conditions (e.g., a recurring event, such as an annual seasonal festival) would also be compliant.

B. Evening (7 p.m. to 10 p.m.)

1. Attendance within the spectator area of the outdoor or indoor venue shall not exceed 60 dBA (or fewer if limited by City code or permit) and include patrons and any on-site support staff that host the event in progress.

2. Music from the event shall not continue after 10 p.m.

3. For outdoor events, the aggregate sound level from live (acoustic) performers and/or from one or more speakers emitting amplified music shall not exceed a total of 84 dBA SPL at a distance of 3.28 feet (one meter) from the position of the nearest performer or speaker. A higher aggregate sound level of up to +5 dB may be permitted if an acoustic blanket, solid fence, or other acoustically non-porous barrier is installed and provides linear occlusion (a.k.a., line-of-sight block) between the music sound sources and the nearest offsite receptors that would otherwise be exposed.

For indoor events, the aggregate sound level from live (acoustic) performers and/or from one or more speakers emitting amplified music shall not exceed a total of 99 dBA SPL at a distance of 3.28 feet (one meter) from the position of the nearest performer or speaker. A higher aggregate sound level of up to +15 dB (i.e., 109 dBA SPL at one meter) may be permitted if all windows and doors of the event space are closed.

4. If any proposed event parameters above may exceed the indicated constraints, then a qualified acoustician shall prepare or review a predictive sound propagatio analysis prior to the proposed event in order to identify need for recommended noise control or sound abatement

implementation measures that could include (but not be limited to):

a. Via the pre-installed house audio-visual (A/V) system or on A/V hardware supplied by the hosted event performers, set electronic controls on amplified sound levels to comply with the B.3 SPL threshold;

b. For an outdoor music venue, install temporary noise walls, curtains, or other barrier forms so as to improve containment and absorption of sound within the outdoor music venue space and thus minimize spill-over noise to the community beyond; or

   For an indoor music venue, install means to improve containment and absorption of sound within the indoor music venue space and thus minimize spill-over noise to the outdoors and the community beyond; and

c. Install on-site sound level measurement systems (e.g., akin to NTiAudio or comparable supplier technology) to monitor event sound levels in real-time and provide alerts to event hosts and administrators. Collected data and alerts offer opportunity to provide feedback to event performers as part of implementing administrative control of sound emission levels.

Collected data from B.4.c above can also provide evidence that an event was compliant with required sound limits and might be used to support assertions that future events having identical conditions (e.g., a recurring event, such as an annual seasonal festival) would also be compliant.

In lieu of prescriptions for the types or scopes of performances or allowable instruments and technology, this PDF include quantitative constraints on aggregate sound pressure level (SPL) from an indoor or outdoor event for a variety of potential scenarios, thus providing a participating business with some flexibility. Regardless of PDF application, the Music Overlay District does not waive the responsibility for a business-hosted outdoor or indoor music event to comply with the Poway Municipal Code and could be subject to its enforcement measures.

i. Music Overlay District Enforcement

The Sheriff Captain of Police shall have primary responsibility for the enforcement of noise complaints about musical performances within the Music Overlay District per Poway Municipal Code (PMC) 8.08.180. Noise complaints can be made by contacting the Sheriff's non-emergency dispatch at 858-565-5200.

XXI. AMENDMENT PROCEDURES

Any amendment, whether City-initiated or private, to Specific Plan 88-01 (Part Two) shall be processed in accordance with Chapter 17.47 (Specific Plan Regulations) of the Zoning Development Code and shall, if approved, be adopted by City Council resolution.

APPENDIX B

Music Overlay District and Old Poway Specific Plan Amendment Noise Assessment

Draft Noise Assessment

Music Overlay District and Old Poway Specific Plan Amendment Project

APRIL 2025

Prepared for:

City of Poway
Development Services
13325 Civic Center Drive
Poway, CA 92064
Contact: Stan Donn, AICP

Prepared by:

DUDEK

2280 Historic Decatur Road
Suite 200
San Diego, CA 92106
Contact: Mark Storm, INCE Bd. Cert.

Printed on 30% post-consumer recycled material.

Table of Contents

SECTION **PAGE NO.**

Acronyms and Abbreviations iii

Executive Summary 5

1. Project Background 6
   - 1.1 Purpose 6
   - 1.2 Project Description 6

2 Fundamentals of Noise and Vibration 9
   - 2.1 Sound, Noise, and Acoustics 9
   - 2.2 Vibration 13

3 Existing Settings 14
   - 3.1 Outdoor Ambient Sound Environment 14
   - 3.2 Sensitive Offsite Receptors 17

4 Regulatory Setting 19
   - 4.1 Federal Guidance 19
   - 4.2 State Regulations 19
   - 4.3 Local Regulations 21

5 Significance Criteria 23
   - 5.1 Significance Thresholds 23

6 Impact Analysis 25
   - 6.1 Stationary Noise Sources 25
     - 6.1.1 Outdoor Music Venues 25
     - 6.1.2 Indoor Music Venues 29
   - 6.2 Traffic Noise 30

7 Project Design Features 32

8 References 35

TABLES

Table 1. Typical A-Weighted Noise Levels 10
Table 2. Short-term Baseline Sound Level Measurements 15
Table 3. Long-term Baseline Sound Level Monitoring 15
Table 4. Land Use Compatibility for Community Noise Environments 20
Table 5. City of Poway Exterior Noise Thresholds 22
Table 6. Measures of Substantial Increase for Transportation Noise Sources 24
Table 7. Operational Noise Levels at Nearest Sensitive Receptors – *with* wall* 28
Table 8. Operational Noise Levels at Nearest Sensitive Receptors – *without* wall* 29

FIGURES

See Figures 1A through 5B

APPENDICES

A Baseline Noise Measurement Survey Notes and Data
B Operation Noise Model Input Notes

Acronyms and Abbreviations

Acronym/Abbreviation	Definition
3-D	Three-dimensional
ADT	average daily traffic
ANSI	American National Standards Institute
Caltrans	California Department of Transportation
CBC	California Building Code
CEQA	California Environmental Quality Act
City	City of Poway
CNEL	community noise equivalent level
dB	Decibel
dBA	A-weighted decibels
FHWA	Federal Highway Administration
FICON	Federal Interagency Committee on Noise
FTA	Federal Transit Administration
Hz	Hertz
ips	inches per second
ISO	International Organization of Standardization
kHz	Kilohertz
Leq	equivalent sound level
Ldn	day-night level
Lmax	maximum sound level during measurement interval
LT	Long-term
Lxx	Percentile-exceeded sound level
MOD	Music overlay h
MND	Mitigated negative declaration
mPA	micro-Pascals
NA	Noise assessment
OPSP	Old Poway Specific Plan
OPR	California Governor's Office of Planning and Research
Park	Old Poway Park
PDF	Project Design Feature
PMC	Poway Municipal Code
PPV	peak particle velocity
RA	Residential apartment
RNS	Raised normal speaking (speech level)
RC	Residential condominium
RCC	Rural residential C
RMS	Root mean square
RS-3	Single-family residential (City of Poway zoning classification)
SLM	Sound level meter
SPA	Specific Plan Amendment
SPL	sound pressure level
ST	short-term noise measurement location
VdB	Vibration velocity decibels

INTENTIONALLY LEFT BLANK

Executive Summary

The proposed Music Overlay District (MOD) representing the Project that would become an Amendment to the Old Poway Specific Plan (OPSP) is expected to provide existing local restaurants and similar commercial establishments near Old Poway Park a way to host modest outdoor live music performances during daytime or evening hours that are compatible with current City of Poway (City) noise ordinance requirements pertaining to exterior noise level exposures received by surrounding residential land use types (single-family, condominium, multi-family apartment, and rural residential).

Predictive outdoor sound propagation analyses described herein for a variety of known and likely sample performance venue locations and expected intensity of sound emission—either "live" (unamplified) acoustic instruments and/or vocals, or with speaker-aided amplitude reinforcement—demonstrate that with limits on sound sources and the potential usage of sound attenuating screens, compliance with the City's evening hours (7 p.m. to 10 p.m.) threshold of 50 dBA hourly energy equivalent sound level (L_{eq}) can be achieved. Although no new environmental noise impacts have been identified, and thus consistent with the findings of the original OPSP, the conditions under which such compliance could occur is presented herein as Project Design Features (PDF), which offer interested parties (i.e., those establishments desiring to host outdoor or indoor music performances on their premises) quantified parameters to help plan appropriate sound-producing events and associated attendance by patrons and guests.

While it is possible that the MOD businesses hosting daytime and evening outdoor music events may experience more patrons (i.e., compared to current customer metrics) and thus increase future traffic volumes to the area, the Project is not proposing any changes to existing parking, seating capacity, or other infrastructure features. Hence, with Project-attributed changes to traffic are anticipated to be well below a magnitude threshold (e.g., tripling of existing volumes on Midland Road) that would cause a significant noise impact, the corresponding expected change in traffic noise would be less than significant.

1. Project Background

1.1 Purpose

Dudek understands that the City, as the California Environmental Quality Act (CEQA) lead agency for the proposed project, is proposing a Specific Plan Amendment (SPA) to allow limited music in the OPSP area, such as at the Hop Stop Restaurant (herein a sample "Applicant"). Limited outdoor music performances are proposed by the Applicant include a singular live performance with limited instrumentation to perform for specified hours on Friday and Saturday evenings. This noise assessment (NA) has been prepared to evaluate noise exposure levels at nearest offsite sensitive receivers caused by the proposed limited music performances.

The prepared NA supports a focused CEQA Section 15162 Amendment (Amendment) under separate cover for the proposed project that would determine if conditions specified in the CEQA Guidelines Section 15162 would require preparation of additional CEQA review for the proposed project. The Amendment would consider the analysis provided in the Old Poway Specific Plan Mitigated Negative Declaration (MND) that was adopted for the Old Poway SPA 88-01D adopted by the City in 2004, to see if the proposed project would result in any new or substantial changes to any significant effects previously identified in the MND.

1.2 Project Description

The proposed Amendment to the OPSP entails the development of an MOD within which participating existing and future businesses could host (or produce their own) indoor or outdoor performances including live or pre-recorded music comprising vocals and instruments that may be amplified with conventional reinforcement techniques (e.g., speakers). Such commercially zoned uses are not currently specified or listed in the OPSP, but neither are they prohibited. Feedback from members of the Old Poway community gained at a recent public workshop on October 29, 2024 that introduced the MOD generally supports the opportunity for outdoor music (or more broadly, entertainment) that is consistent in character with the neighborhood and the OPSP objectives.

As shown in Exhibit A below, the proposed MOD would span a rectangular block of currently Commercial zoned properties bounded by Temple Street to the north, Brighton Avenue to the east, Edgemoor Street to the south, and Midland Road to the west. Additionally, the City leases Open Space to the Hamburger Stop, a commercial enterprise, on the southern portion of Old Poway Park (Park). Amongst its features and apparent historic structures, the Park includes a gazebo from which public events have been hosted and include musical performances and reinforced speech. Hence, the proposed MOD could be interpreted to include this southern portion of the Park, extending from Temple Street north to the plane of Adrian Street, with an understood music venue location at the gazebo.

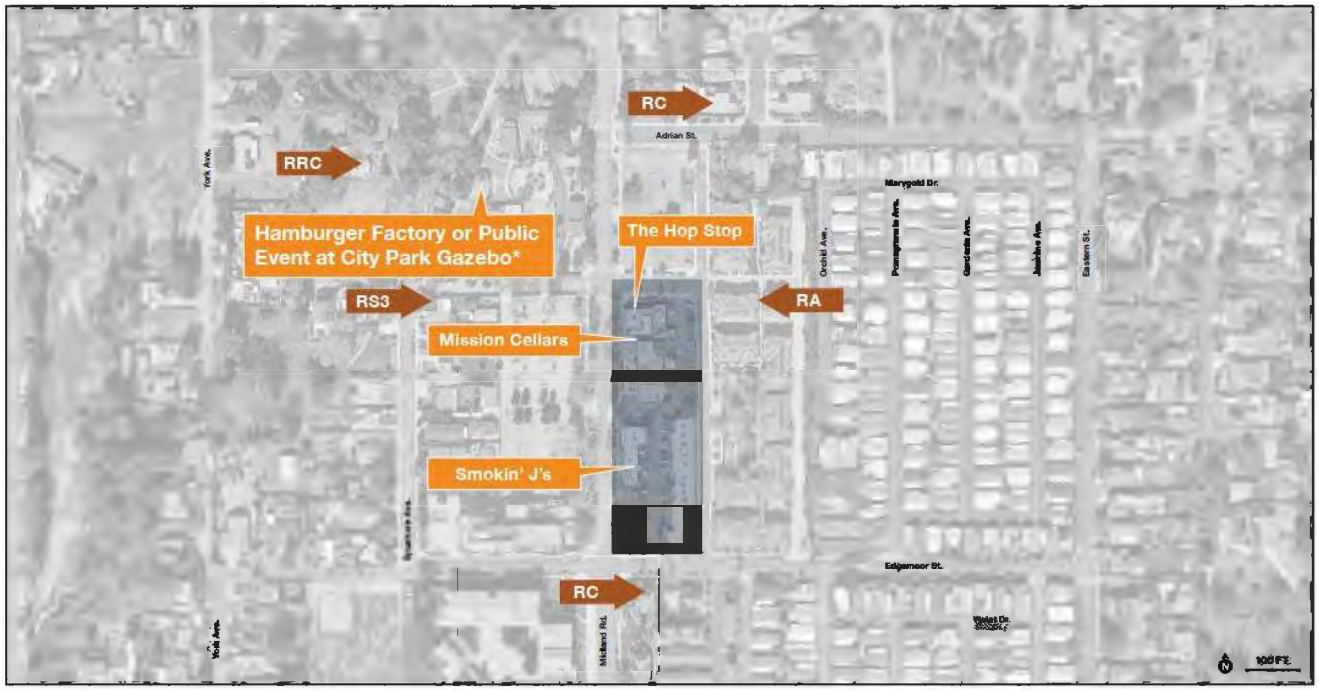


Exhibit A – Plan view of the Music Overlay District (MOD, shaded) and sample inclusive venue locations (orange callouts) and nearby noise-sensitive residential land uses (red arrows, tagged by zoning abbreviation)

The Initial Study of the current OPSP led to a Negative Declaration with regards to environmental impacts, including a determination that it would not increase existing noise levels, nor expose people to potentially dangerous noise levels. Hence, implementation of the MOD and consequential outdoor and indoor performances at participating establishments would aim to be consistent with these conclusions and not introduce new noise impacts, or the requirement of new noise mitigation measures, or changes to the City's current noise ordinance and related General Plan policies and guidance. To do this, hosted music performances at venues within the MOD would need to comply with the City's existing noise ordinance, which includes exterior noise limits depending on time of day and the type of land use on which the sound from an event is received. While pertinent portions of the Poway Municipal Code (PMC) are summarized in the accompanying NA prepared for this proposed OPSP Amendment, the shared threshold during evening hours at the nearest four varieties of residentially zoned land use is 50 dBA hourly L_{eq}.

To help ensure compliance with this City's noise threshold, the NA includes recommended MOD Project Design Features (PDF) that participating entities desiring to host outdoor or indoor music performances would need to implement properly. In lieu of prescriptions for the types or scopes of performances or allowable instruments and technology, these PDF include quantitative constraints on aggregate sound pressure level (SPL) from an indoor or outdoor event for a variety of potential scenarios, thus providing a participating business within the OZ some flexibility. Regardless of PDF application, the proposed OZ does not waive the responsibility for a business-hosted outdoor or indoor music event to comply with the PMC and be subject to its enforcement measures.

As supported by the predictive analyses of the NA, and because of the proximity of existing residential land uses outside the MOD, the scope of outdoor music performances will tend to be modest productions—one or a few vocalists accompanied by one to a few instruments. Larger or more intense performances during evening hours would almost certainly need to be planned and executed indoors—and within buildings structural envelopes

featuring closed windows and doors. Additionally, no performances would occur during nighttime hours (10 p.m. through 7 a.m.).

2 Fundamentals of Noise and Vibration

2.1 Sound, Noise, and Acoustics

Sound can be described as the mechanical energy of a vibrating object transmitted by pressure waves through a liquid or gaseous medium (e.g., air) to a hearing organ, such as a human ear. Noise is often defined as unwanted, unexpected, or annoying sound. In the science of acoustics, the fundamental model consists of a sound (or noise) source, a receptor, and the propagation path between the two. The loudness of the noise source and obstructions or atmospheric factors affecting the propagation path to the receptor determine the sound level and characteristics of the noise perceived by the receptor. The field of acoustics deals primarily with the propagation and control of sound.

The following subsections provide an explanation of key concepts and acoustical terms used in the analysis of environmental and community noise.

Frequency

Continuous sound can be described by frequency (pitch) and amplitude (loudness). A low-frequency sound is perceived as low in pitch. Frequency is expressed in terms of cycles per second, or Hertz (Hz) (e.g., a frequency of 250 cycles per second is referred to as 250 Hz). High frequencies are sometimes more conveniently expressed in kilohertz (kHz), or thousands of Hertz. The audible frequency range for humans is generally between 20 Hz and 20,000 Hz.

Sound Pressure Levels and Decibels

The amplitude of pressure waves generated by a sound source determines the loudness of that source. Sound pressure amplitude is measured in micro-Pascals (mPa). One mPa is approximately one hundred billionth (0.00000000001) of normal atmospheric pressure. Sound pressure amplitudes for different kinds of noise environments can range from less than 100 to 100,000,000 mPa. Because of this huge range of values, sound is rarely expressed in terms of mPa. Instead, a logarithmic scale is used to describe sound pressure level (SPL) in terms of decibels (dB). The threshold of hearing for young people is about 0 dB, which corresponds to 20 mPa.

Addition of Decibels

Because decibels are logarithmic units, SPL cannot be added or subtracted through ordinary arithmetic. Under the decibel scale, a doubling of sound energy corresponds to a 3 dB increase. In other words, when two identical sources are each producing sound of the same loudness, the resulting sound level at a receptor equidistant to each sound source would be 3 dB higher than one source under the same conditions. For example, if one automobile produces an SPL of 70 dB when it passes an observer, two cars passing simultaneously would not produce 140 dB—rather, they would combine to produce 73 dB. Under the decibel scale, three sources of equal loudness together produce a sound level 5 dB louder than one source.

A-Weighted Decibels

The decibel scale alone does not adequately characterize how humans perceive noise. The dominant frequencies of a sound have a substantial effect on the human response to that sound. Although the intensity (energy per unit

area) of the sound is a purely physical quantity, the loudness or human response is determined by the characteristics of the human ear.

Human hearing is limited in the range of audible frequencies as well as in the way it perceives the SPL in that range. In general, people are most sensitive to the frequency range of 1,000–8,000 Hz and perceive sounds within that range better than sounds of the same amplitude in higher or lower frequencies. To approximate the response of the human ear, sound levels of individual frequency bands are weighted, depending on the human sensitivity to those frequencies. Then, an "A-weighted" sound level (expressed in units of dBA) can be computed based on this information.

The A-weighting network approximates the frequency response of the average young ear when listening to most ordinary sounds. When people make judgments of the relative loudness or annoyance of a sound, their judgments correlate well with the A-scale sound levels of those sounds. Other weighting networks have been devised to address high noise levels or other special problems (e.g., B-, C-, D-, and G-scales), but these scales are rarely used in conjunction with highway traffic noise. Noise levels for traffic noise reports are typically reported in terms of A-weighted decibels (dBA). Table 1 provides typical outdoor and indoor noise sources against a decreasing linear scale of A-weighted sound levels.

Table 1. Typical A-Weighted Noise Levels

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	— 110 —	Rock band
Jet fly-over at 1000 feet		
	— 100 —	
Gas lawn mower at 3 feet		
	— 90 —	
Diesel truck at 50 feet at 50 mph		Food blender at 3 feet
	— 80 —	Garbage disposal at 3 feet
Noisy urban area, daytime		
Gas lawn mower, 100 feet	— 70 —	Vacuum cleaner at 10 feet
Commercial area		Normal speech at 3 feet
Heavy traffic at 300 feet	— 60 —	
		Large business office
Quiet urban daytime	— 50 —	Dishwasher next room
Quiet urban nighttime	— 40 —	Theater, large conference room (background)
Quiet suburban nighttime		
	— 30 —	Library
Quiet rural nighttime		Bedroom at night, concert hall (background)
	— 20 —	
		Broadcast/recording studio
	— 10 —	
Lowest threshold of human hearing	— 0 —	Lowest threshold of human hearing

Source: Caltrans 2013.

Human Response to Changes in Noise Levels

As discussed above, doubling sound energy results in a 3 dB increase in sound. However, given a sound level change measured with precise instrumentation, the subjective human perception of a doubling of loudness will usually be different than what is measured.

Under controlled conditions in an acoustical laboratory, the trained, healthy human ear is able to discern 1 dB changes in sound levels, when exposed to steady, single-frequency ("pure-tone") signals in the mid-frequency (1,000 Hz–8,000 Hz) range (Caltrans 2013). In typical noisy environments, however, it is widely accepted that people can begin to detect sound level increases of 3 dB in typical outdoor noisy environments. Further, a 5 dB increase is generally perceived as a distinctly noticeable increase, and a 10 dB increase is generally perceived as a doubling of loudness. Therefore, a doubling of sound energy (e.g., doubling the volume of traffic on a highway) that would result in a 3 dB increase in sound would generally be perceived as barely detectable.

Noise Descriptors

Noise in our daily environment fluctuates over time at varying rates. Various noise descriptors have been developed to describe time-varying noise levels. The following are the noise descriptors are utilized in this analysis.

- **Equivalent Sound Level (L_{eq}):** L_{eq} represents an energy average of the sound level occurring over a specified period. The 1-hour A-weighted equivalent sound level ($L_{eq}[h]$) is the energy average of A-weighted sound levels occurring during a one-hour period and is the basis for noise abatement criteria used by the California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA). Note that L_{eq} is not an arithmetic average of varying dB levels over a period of time, it accounts for greater sound energy represented by higher decibel contributions.
- **Percentile-Exceeded Sound Level (L_{xx}):** L_{xx} represents the sound level exceeded for a given percentage of a specified period (e.g., L_{10} is the sound level exceeded 10% of the time, and L_{90} is the sound level exceeded 90% of the time).
- **Maximum Sound Level (L_{max}):** L_{max} is the highest instantaneous sound level measured during a specified period.
- **Day-Night Level (L_{dn}):** L_{dn} is the energy average of A-weighted sound levels occurring over a 24-hour period, with a 10 dB penalty applied to A-weighted sound levels occurring during nighttime hours between 10 p.m. and 7 a.m.
- **Community Noise Equivalent Level (CNEL):** Similar to L_{dn}, CNEL is the energy average of the A-weighted sound levels occurring over a 24-hour period, with a 10 dB penalty applied to A-weighted sound levels occurring during the nighttime hours between 10 p.m. and 7 a.m., and a 5 dB penalty applied to the A-weighted sound levels occurring during evening hours between 7 p.m. and 10 p.m.

It is noted that various federal, state, and local agencies have adopted CNEL or L_{dn} as the measure of community noise. While not identical, CNEL and L_{dn} are normally within 1 dBA of each other when measured in typical community environments, and many noise standards/regulations use the two interchangeably.

Sound Propagation

When sound propagates over a distance, it changes in level and frequency content. The manner in which noise reduces with distance depends on the following factors:

- **Geometric Spreading** – Sound from a localized source (i.e., an ideal point source) propagates uniformly outward in a spherical pattern (or hemispherical when near a surface). The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source. Roadways consist of several localized noise sources on a defined path, and hence can be treated as a line source, which approximates the effect of several point sources. Noise from a line source propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source.
- **Ground Absorption** – The propagation path of noise from a sound emission source to a receptor is usually horizontal and proximate to the ground. Under these conditions, noise attenuation from ground absorption and reflective-wave canceling can add to the attenuation associated with geometric spreading. For acoustically "hard" paths over which sound may traverse (i.e., sites with a reflective surface between the source and the receptor, such as a parking lot or body of water), no excess ground attenuation is assumed. For acoustically absorptive or "soft" sites (i.e., those sites with an absorptive ground surface between the source and the receptor, such as fresh-fallen snow, soft dirt, or dense vegetative ground cover), an additional ground-attenuation value of +1.5 dB per doubling of distance is normally assumed. When added to cylindrical spreading for line source sound propagation, the excess ground attenuation results in an overall drop-off rate of 4.5 dB per doubling of distance.
- **Atmospheric Absorption** – In addition to aforementioned geometric spreading, the fluid medium (i.e., the air) through which sound travels yields frequency-dependent attenuation that increases in magnitude with increasing frequency. The effect is influenced by temperature and relative humidity, and typically negligible over short source-to-receptor distances (e.g., less than 500 feet); but it helps explain why lower-frequency sound such as a thunderclap appears to "travel farther" over great distances.
- **Meteorological Effects** – Receptors located downwind from a source can be exposed to increased noise levels relative to calm conditions, whereas locations upwind can have lowered noise levels. Sound pressure levels can also be increased at large distances (e.g., more than 500 feet) due to atmospheric temperature inversion (i.e., increasing temperature with elevation). Other factors such as air temperature, humidity, and turbulence can also have significant effects when distances between a source and receptor are large.
- **Shielding by Natural or Human-Made Features** – A large object or barrier in the direct path between a noise source and a receptor can substantially attenuate noise levels at the receptor. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Natural terrain features (e.g., hills and ridgelines) and human-made features (e.g., buildings and walls) can substantially reduce noise levels. Walls are often constructed between a source and a receptor specifically to reduce noise. A barrier that breaks the line of sight between a source and a receptor will typically result in at least 5 dB of noise reduction. Taller barriers provide increased noise reduction. While a line of trees may visually occlude the direct line between a source and a receptor, its actual noise-reducing effect is usually negligible because it does not create an acoustically solid barrier. Deep expanses of dense wooded areas, on the other hand, can offer noise reduction under the right conditions.

2.2 Vibration

Vibration is the oscillatory movement of solid mass. Like sound, it is described in terms of frequency and amplitude, which can be expressed as displacement, velocity, or acceleration. For purposes of environmental assessment, vibration is typically presented and discussed as units of velocity (inches per second [ips]) and its decibel equivalent as appropriate. Vibration impacts to buildings are generally discussed in terms of peak particle velocity (PPV), while human annoyance or disturbance is often discussed with root-mean-square (RMS) vibration velocity levels that are converted to decibels (VdB). Vibration at sufficient amplitudes can impact people, structures, and sensitive equipment or processes (Caltrans 2020). Common sources of vibration within communities include construction activities and railroad operations. Groundborne vibration from roadway traffic can also occur, but the magnitude depends on roadway surface conditions—i.e., is it smooth, or are there potholes or other grade discontinuities that may cause a passing vehicle tire to cause an impulse (e.g., a bump)?

According to Federal Transit Administration (FTA) guidance, typical background vibration is less than 55 VdB, and the vibration level at 50 feet from a passing truck or bus is less than 65 VdB, the approximate threshold for human perception of vibration (FTA 2018).

3 Existing Settings

3.1 Outdoor Ambient Sound Environment

Outdoor ambient sound level measurements were performed in the vicinity of the Project area in early August 2024 to quantify and characterize the existing (a.k.a., baseline) noise environment. Short-term (ST) measurements were conducted during daytime hours at three representative locations appearing in Exhibit B and using an investigator-attended Rion Model NL-62, which is an American National Standards Institute (ANSI) Type 1 sound level meter (SLM). The calibration status of the sound level meter was checked before and after the measurements, and the measurements were conducted with the measurement microphone covered with a windscreen and positioned approximately five feet above the ground, as shown in Appendix A (Baseline Noise Measurement Survey Notes and Data.



Exhibit B – Baseline Outdoor Ambient Sound Level Survey Locations

Table 2. Short-term Baseline Sound Level Measurements

Survey Tag*	Location/Address	Date and Time (hh:mm)	L_{eq} (dBA)	L_{min} (dBA)	L_{max} (dBA)
ST1	Northwest corner of Brighton Avenue and Temple Street	August 8, 2024 (12:05 – 12:20)	47.4	45.2	50.9
ST2	Temple Street, north of parking lot on west side of Midland Road	August 8, 2024 (12:45 – 13:00)	53.7	48.4	64.5
ST3	Northwest corner of Midland Road and Temple Street	August 8, 2024 (12:25 – 12:40)	56.9	48.6	64.2

Source: Appendix A; *see Exhibit B for baseline noise survey positions in the Project vicinity.
Notes: L_{eq} = equivalent continuous sound level (time-averaged sound level); L_{max} = maximum sound level during the measurement interval.

As shown in Table 2, short-term (ST) outdoor ambient SPL measurement results ranged from 47.4 dBA L_{eq} at ST1 to 56.9 dBA L_{eq} at ST3. While the outdoor ambient sound levels at ST2 and ST3 were measured to be higher than the daytime (7:00 a.m. to 10:00 pm) exterior noise threshold established in Section 8.08.040 of the Poway Municipal Code, the exterior noise threshold refers to noise produced by any person, not the culmination of noise produced by existing sources, such as traffic on adjacent roadways, commercial building operations, etc. (City of Poway 1981). Thus, the measured ambient sound levels do not represent an exceedance of the City's exterior noise threshold, but rather represent a characterization of the existing outdoor ambient noise environment. The same is true for the measured 24-hour long-term (LT) sound levels.

At survey locations LT1 and LT2 appearing in Exhibit B, outdoor ambient SPL was also monitored over a continuous 24-hour period, at successive one-minute intervals, with unattended ANSI Type 2 SLM that were deployed on August 8, 2024 and retrieved on the following afternoon of August 9, 2024. Exhibits C and D display the ranges of one-minute metrics (L_{eq}, L_{min}, and L_{max} values) over this uninterrupted 24-hour period, while Table 3 summarizes the calculated 24-hour values and derived CNEL from the collected data.

Table 3. Long-term Baseline Sound Level Monitoring

Survey Tag*	Location/Address	Date and Time (hh:mm)	CNEL (dBA)	24-hour L_{eq} (dBA)	24-hour L_{min} (dBA)	24-hour L_{max} (dBA)
LT1	Northwest corner of Brighton Avenue and Temple Street	August 8-9, 2024 (12:00 – 12:00)	56	53	38	86
LT2	Temple Street, north of parking lot on west side of Midland Road	August 8-9, 2024 (12:00 – 12:00)	57	54	43	88

Source: Appendix A; *see Exhibit B for baseline noise survey positions in the Project vicinity.
Notes: L_{eq} = equivalent continuous sound level (time-averaged sound level); L_{max} = maximum sound level during the measurement interval.

LT1 and LT2 are each located approximately 185 feet perpendicular to the centerline of Midland Road. For this reason, if vehicular noise from roadway traffic on Midland Road was a dominant acoustical contributor to the measurable outdoor sound environment, one would expect L_{eq} and CNEL metrics to be comparable, and indeed

Table 3 shows that this is true. Furthermore, the CNEL values at these distances are consistent with estimates associated with the "Recommended Master Plan ADT" case for the Midland Road Edgemoor to Twin Peaks segment as appearing on page 41 of the City's Comprehensive Plan Public Safety chapter.

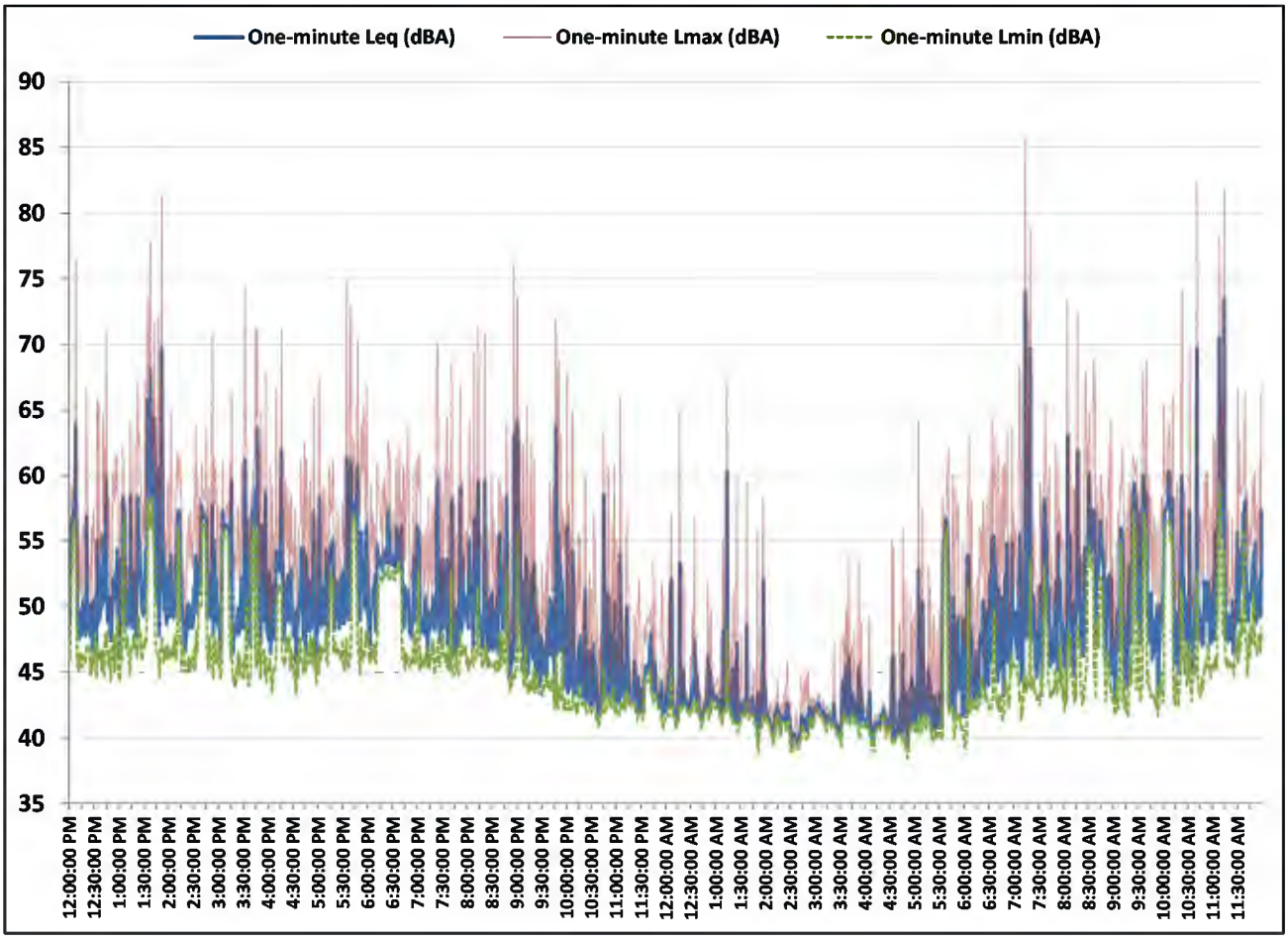


Exhibit C – Monitored outdoor ambient sound level at LT1, in successive one-minute intervals

The volatility of measured L_{max} values in Exhibit B, and to a lesser degree the L_{eq} and L_{min} values, during daytime hours agrees with expectations: the outdoor ambient sound environment is influenced largely by intermittent acoustical contributors such as passing roadway vehicles above the somewhat steady and indistinct din of background sound that represents the amalgam of many nearby and distant natural and artificial sound sources, such as leaves rustling, birdsong, conversational speech, building air-conditioning systems, and operation of other electro-mechanical equipment. Note that this value volatility narrows during nighttime hours, when roadway traffic is less and thus allows the background sound to better quantify and characterize the outdoor ambient environment.

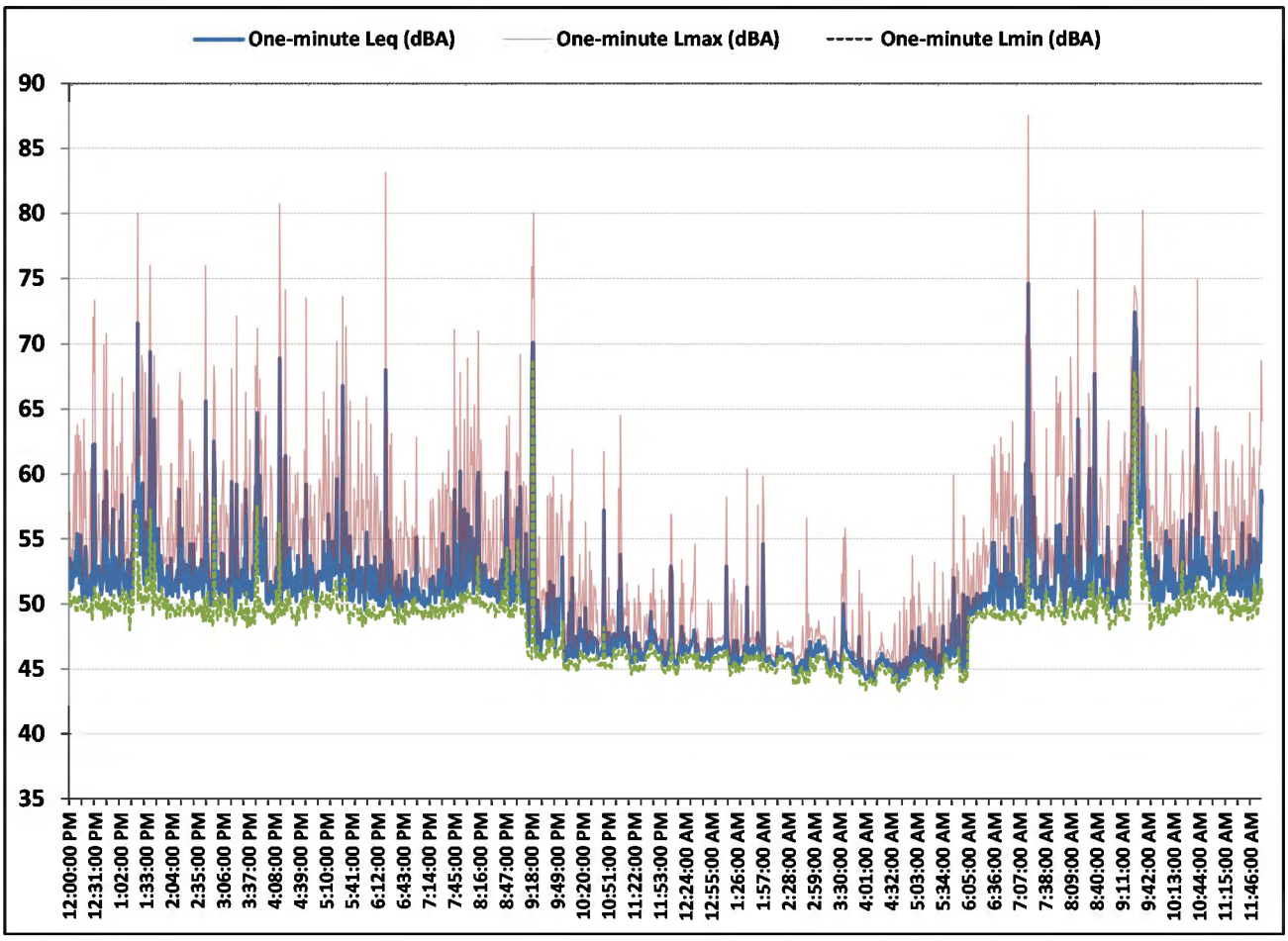


Exhibit D – Monitored outdoor ambient sound level at LT2, in successive one-minute intervals

Similar to the plots of one-minute intervals shown for LT1 in Exhibit C, the volatility of measured values in Exhibit D during daytime hours also agrees with expectations: the outdoor ambient sound environment is influenced largely by intermittent acoustical contributors such as passing roadway vehicles above the somewhat steady and indistinct din of background sound that represents the amalgam of many nearby and distant natural and artificial sound sources, such as leaves rustling, birdsong, conversational speech, building air-conditioning systems, and operation of other electro-mechanical equipment. Note that this value volatility not only narrows during nighttime hours, when roadway traffic is less and thus allows the background sound to better quantify and characterize the outdoor ambient environment, but the range of values drops by at least a few decibels between 9 p.m. and 6 a.m. and suggests there may have been operating equipment during the day that was reduced in capacity or even de-activated during these nighttime hours.

3.2 Sensitive Offsite Receptors

As defined by the City on page 33 of its Public Safety chapter of the Comprehensive Plan:

"Noise sensitive land uses are land uses associated with indoor/and/or outdoor human activities that may be subject to stress and/or significant interference for noise. They include residential (single and multi-family dwellings, mobile home park, dormitories and similar uses); transient lodging (including hotels, motels, and similar uses); hospitals, nursing homes, convalescent hospitals, and other facilities for long-term medical care; and public or private education facilities, libraries, churches and other places of public gathering." (City of Poway 2011)

Exhibit E displays a portion of the City's zoning map (City of Poway 2024), on which the nearest samples of offsite noise-sensitive land uses are shown and tagged (with red arrows) by their zoning classifications: Residential Apartment (RA), Residential Condominium (RC), Rural Residential C (RRC), and Single-Family Residence (RS3). Orange-colored callouts denote three existing commercial establishments interested in providing outdoor music venues and the Old Poway Park gazebo where public events (sometimes with live music) have been hosted. The proposed MOD of the Project is the shaded rectangular region of commercially zoned parcels bounded by Temple Street, Brighton Avenue, Edgemoor Street, and Midland Road.

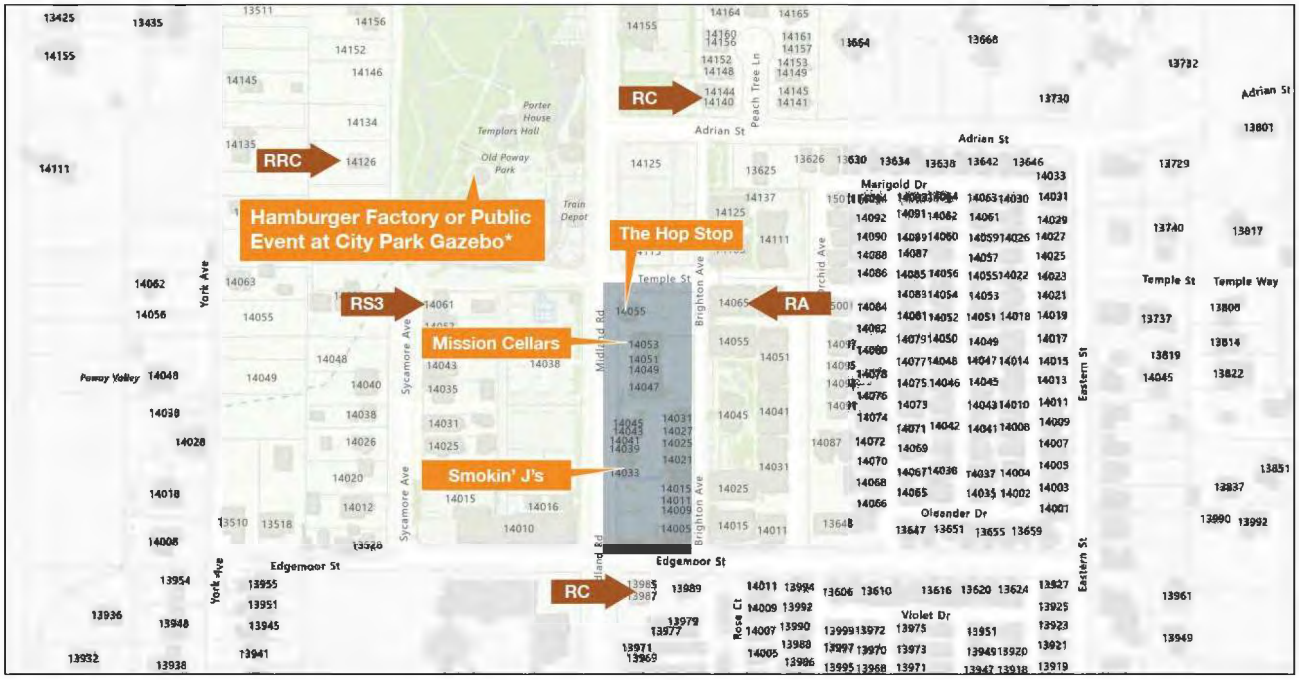


Exhibit E – Nearest offsite noise-sensitive land use types (red arrows) with respect to the Project location (shaded region) and proposed outdoor music venues (orange callouts).

4 Regulatory Setting

4.1 Federal Guidance

Environmental Protection Agency

The Environmental Protection Agency (EPA) has identified a range of yearly day-night sound levels (L_{dn}) deemed sufficient to protect the public from the effects of environmental noise (EPA 1974). For the exteriors of residential land uses, 55 dBA L_{dn} is recommended as a threshold in the absence of local or other standards.

4.2 State Regulations

Government Code Section 65302(g)

California Government Code Section 65302(g) requires the preparation of a Noise Element in a general plan, which shall identify and appraise the noise problems in the community. The Noise Element shall recognize the guidelines adopted by the Office of Noise Control in the State Department of Health Services and shall quantify, to the extent practicable, current and projected noise levels for the following sources:

- Highways and freeways
- Primary arterials and major local streets
- Passenger and freight on-line railroad operations and ground rapid transit systems
- Aviation and airport-related operations
- Local industrial plants
- Other ground stationary noise sources contributing to the community noise environment

California General Plan Guidelines

The California General Plan Guidelines, published by the Governor's Office of Planning and Research, provides guidance for the acceptability of specific land use types within areas of specific noise exposure. Table 4, Land Use Compatibility for Community Noise Environments, presents guidelines for determining acceptable and unacceptable community noise exposure limits for various land use categories. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution. The Office of Planning and Research guidelines are advisory in nature. Local jurisdictions, including the City of Poway, have the responsibility to set specific noise standards based on local conditions.

Because the Project involves a new or different use of existing commercial properties, and not the insertion or new development or renovations, the guidance CNEL value ranges appearing in Table 4 do not represent thresholds that would apply to the project; instead, and for purposes of this assessment, they indicate expectations for the outdoor sound environment of a community predominantly characterized by the listed land use type.

Table 4. Land Use Compatibility for Community Noise Environments

Land Use Type	Community Noise Exposure (CNEL)			
	Normally Acceptable[1]	Conditionally Acceptable[2]	Normally Unacceptable[3]	Clearly Unacceptable[4]
Residential-low density, single-family, duplex, mobile homes	50–60	55–70	70–75	75–85
Residential – multiple-family	50–65	60–70	70–75	70–85
Transit lodging – motel, hotels	50–65	60–70	70–80	80–85
Schools, libraries, churches, hospitals, nursing homes	50–70	60–70	70–80	80–85
Auditoriums, concert halls, amphitheaters	NA	50–70	NA	65–85
Sports arenas, outdoor spectators' sports	NA	50–75	NA	70–85
Playgrounds, neighborhood parks	50–70	NA	67.5–77.5	72.5–85
Golf courses, riding stables, water recreation, cemeteries	50–70	NA	70–80	80–85
Office buildings, business commercial and professional	50–70	67.5–77.5	75–85	NA
Industrial, manufacturing, utilities, agriculture	50–75	70–80	75–85	NA

Source: OPR 2017

CNEL = Community Noise Equivalent Level; NA = not applicable

1 Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

2 Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features have been included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.

3 Normally Unacceptable: New construction or development should be discouraged. If new construction of development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise-insulation features must be included in the design.

4 Clearly Unacceptable: New construction or development should generally not be undertaken.

California Code of Regulations Title 24

The State of California has adopted noise standards in areas of regulation not preempted by the federal government. State standards regulate noise levels of motor vehicles, sound transmission through buildings, occupational noise control, and noise insulation. State regulations governing noise levels generated by individual motor vehicles and occupational noise control are not applicable to planning efforts, nor are these areas typically subject to CEQA analysis. State noise regulations and policies applicable to the project include Title 24 requirements and noise exposure limits for various land use categories. The 2019 California Building Code (CBC, Part 2, Title 24, Section 1204.6, California Code of Regulations) stipulates "interior noise levels attributable to exterior sources shall not exceed 45 dB in any habitable room. The noise metric shall be either the day-night average sound level (L_{dn}) or the community noise equivalent level (CNEL)" (ICC 2023).

4.3 Local Regulations

Poway General Plan (Public Safety - Noise Hazards)

The Noise Hazards (NH) subchapter of the Public Safety Element within the City of Poway General Plan "quantifie[s] the community noise environment in terms of noise exposure contours. These contours serve as guidelines for the development outlined in the Community Development Element in order to achieve noise-compatible land uses and to provide baseline levels and noise source identification for local noise ordinance enforcement" (City of Poway 2011). The NH subchapter also refers to aforementioned state regulations and provides narratives on noise reduction strategies and land use exterior noise sensitivity.

Old Poway Specific Plan

Section VIII (Specific Plan Goals) from Part Two (Implementation Plan) of the Old Poway Specific Plan (SP 88-01) includes: "3. Resolving the land use and planning problems, deficiencies, and environmental concerns associated with the Old Poway area." (City of Poway 1989)

The Initial Study for the OPSP, which led to a Negative Declaration with regards to environmental impacts, determined that it would not increase existing noise levels, nor would it expose people to potentially dangerous noise levels. (City of Poway 1989)

Poway Municipal Code

Section 8.08.140.C.2.a of the Poway Municipal Code (PMC) indicates under Uses Restricted: "The use, operation, or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring residents or persons of normal sensitivity residing in the area."

Further, Section 8.08.140.C.2.b states: "The operation of any such set, instrument, phonograph, television set, machine or similar device between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to be plainly audible at a distance of 50 feet from the building, structure or vehicle in which it is located, shall be prima facie evidence of a violation of this section."

However, since the planned outdoor music events from prospective venues within the OZ (but likely limited to a handful of current or candidate participating establishments) would generate noise from live acoustic or sound reinforcement means that are not associated with "advertising" or public events, but could be classified as "entertainment" per Section 8.08.170.B.3 of the City's Municipal Code, the following regulation and reference to the table of exterior noise level limits under 8.08.040 would apply:

"Unless a variance has been applied for and granted pursuant to this chapter, it is unlawful for any person to cause or allow the creation of any noise to the extent that the one-hour average sound level, at any point on or beyond the boundaries of the property on which the sound is produced, exceeds the applicable limits set forth below, except that construction noise level limits shall be governed by PMC 8.08.100."

In addition: "The sound level limit at a location on a boundary between two zoning districts is the arithmetic mean of the respective limits for the two districts" (City of Poway 1981). Table 5 reproduces the table from PMC 8.08.040.

Table 5. City of Poway Exterior Noise Thresholds

Zone or Land Use Designation	Allowable Time	Applicable Limit One-Hour Average Sound Level (dBA)
OS-RM, OS, OS/1du, RR-A, RR-B, RR-C, RS-2, RS-3, RS-4, RS-7, and Specific Plan, PRD and PC regulations with a density of 11 dwelling units or less per acre	10:00 p.m. to 7:00 a.m.	40
	7:00 a.m. to 10:00 p.m.	50
PF, RA, RC, MHP, and Specific Plan, PRD and PC regulations with a density of 11 or more dwelling units per acre	7:00 a.m. to 7:00 p.m.	55
	7:00 p.m. to 10:00 p.m.	50
	10:00 p.m. to 7:00 a.m.	45
SPC, MU, CO, CN, CB, CG, TC, A/GC and HC	7:00 a.m. to 7:00 p.m.	60
	7:00 p.m. to 10:00 p.m.	55
	10:00 p.m. to 7:00 a.m.	50
MRE, SC, LI, LI/S and IP	anytime	70

Source: City of Poway 1981.

5 Significance Criteria

5.1 Significance Thresholds

The following significance criteria, included in Appendix G of the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.), will determine the significance of a noise impact. Impacts related to noise would be significant if the proposed project would result in:

a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
b. Generation of excessive groundborne vibration or groundborne noise levels.
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the exposure of people residing or working in the project area to excessive noise levels.

Significance criteria "b" (vibration) and "c" (proximity to airport) would not apply to the Project and are not considered herein. Quantitative thresholds of significance have been established with respect to significance criterion "a" (noise) for the purposes of this analysis based on the local polices and regulations described in Section 4.3 as well as those of federal and State agencies and are listed below.

- **Project-Related Stationary Noise:** With respect to the four nearest offsite residential land use types that may be affected by the Project as shown in Exhibit E, 50 dBA hourly L_{eq} would be the common noise threshold during evening hours (7 p.m. to 10 p.m.) as presented in Table 5. During daytime hours (7 a.m. to 7 p.m.), 50 dBA hourly L_{eq} would apply to RS-3 and RR-C zoned parcels, and 55 dBA hourly L_{eq} would apply to RA and RC land use types.

- **Traffic Noise:** Guidance regarding the determination of a substantial permanent increase in transportation noise levels in the project vicinity above existing levels is provided by the 1992 findings of FICON, which assessed the annoyance effects of changes in ambient noise levels resulting from aircraft operations. The FICON recommendations are based upon studies that relate aircraft noise levels to the percentage of persons highly annoyed by the noise. Annoyance is a qualitative measure of the adverse reaction of people to noise that generates speech interference, sleep disturbance, or interference with the desire for a tranquil environment.

  The rationale for the FICON recommendations is that it is possible to consistently describe the annoyance of people exposed to transportation noise in terms of L_{dn} (and, by extension, CNEL[1]). The changes in noise exposure that are shown in Table 6 are expected to result in equal changes in annoyance at sensitive land uses. Although the FICON recommendations were developed to address aircraft noise impacts, they are used in this analysis to define a substantial increase in community noise levels related to all transportation noise sources.[2]

1 As discussed in Section 3.1, the L_{dn} and CNEL noise metrics are very similar and often used interchangeably.
2 Traffic noise and other transportation noise sources are similar to aircraft/airport noise in that all of these noise sources can and do operate throughout the daytime and nighttime hours. The FICON recommendations use a weighted 24-hour noise metric, in

Table 6. Measures of Substantial Increase for Transportation Noise Sources

Ambient Noise Level Without Project (L_{dn}/CNEL)	Significant Impact Assumed to Occur if the Project Increases Ambient Noise Levels by:
<60 dB	+ 5 dB or more
60–65 dB	+ 3 dB or more
>65 dB	+ 2 dB or more

Source: FICON 1992.

which noise occurring during nighttime hours has a penalty applied to account for the increased sensitivity of persons to noise at night. Additionally, the graduated levels of the FICON guidance for substantial increase account for the diminishing tolerance of the typical person to noise increases as ambient noise levels are increased. Such is the case whether the dominant noise source is aircraft, or some other transportation source.

6 Impact Analysis

6.1 Stationary Noise Sources

6.1.1 Outdoor Music Venues

Methodology

This noise study has utilized the Datakustik CadnaA outdoor sound propagation prediction model, which applies International Organization of Standardization (ISO) 9613-2 sound propagation algorithms to evaluate sound pressure levels across a user-defined horizontal assessment plane (e.g., five feet above local ground elevation, which would simulate a pedestrian listening to the outdoor sound environment). Prediction model inputs may be summarized as follows for each of all four studied scenarios representing the anticipated MOD venue locations (The Hop Stop, Mission Cellars, Smokin' J's, and Hamburger Factory), as well as a fifth case that assumes all four outdoor music venues occur simultaneously:

- On average, sixty (60) spectators at the venue are each talking for up to a cumulative fifteen (15) minutes during an hour at (on average) "raised normal speaking" (RNS) speech levels (60 dBA L_{eq} at one meter distance [Hayne 2006]). These spectators are presumed to be sitting, so that the horizontal area source representing their combined speech in the prediction model is approximately four feet above local grade.

- One or more performers are playing live, unamplified instruments; or, their music is amplified or includes playback of pre-recorded music such that the aggregate SPL, idealized as a point-type source, is not more than 89 dBA hourly L_{eq} when measured at a distance of one (1) meter from the source; and, this point-type source is located five feet above the local ground level.

Two cases were modeled for each studied outdoor venue scenario: 1) one with an 8'-tall noise barrier on the perimeter of the designated outdoor venue space, and 2) one without.

The usage of a fixed SPL value on the music sound sources in these above-listed scenarios allows for flexibility of possible instruments and performance types that may be planned for the outdoor event. However, Exhibit F shows that some instruments (or combinations thereof) may not be suitable for consideration due to elevated sound amplitude ranges that may exceed these input constraints.

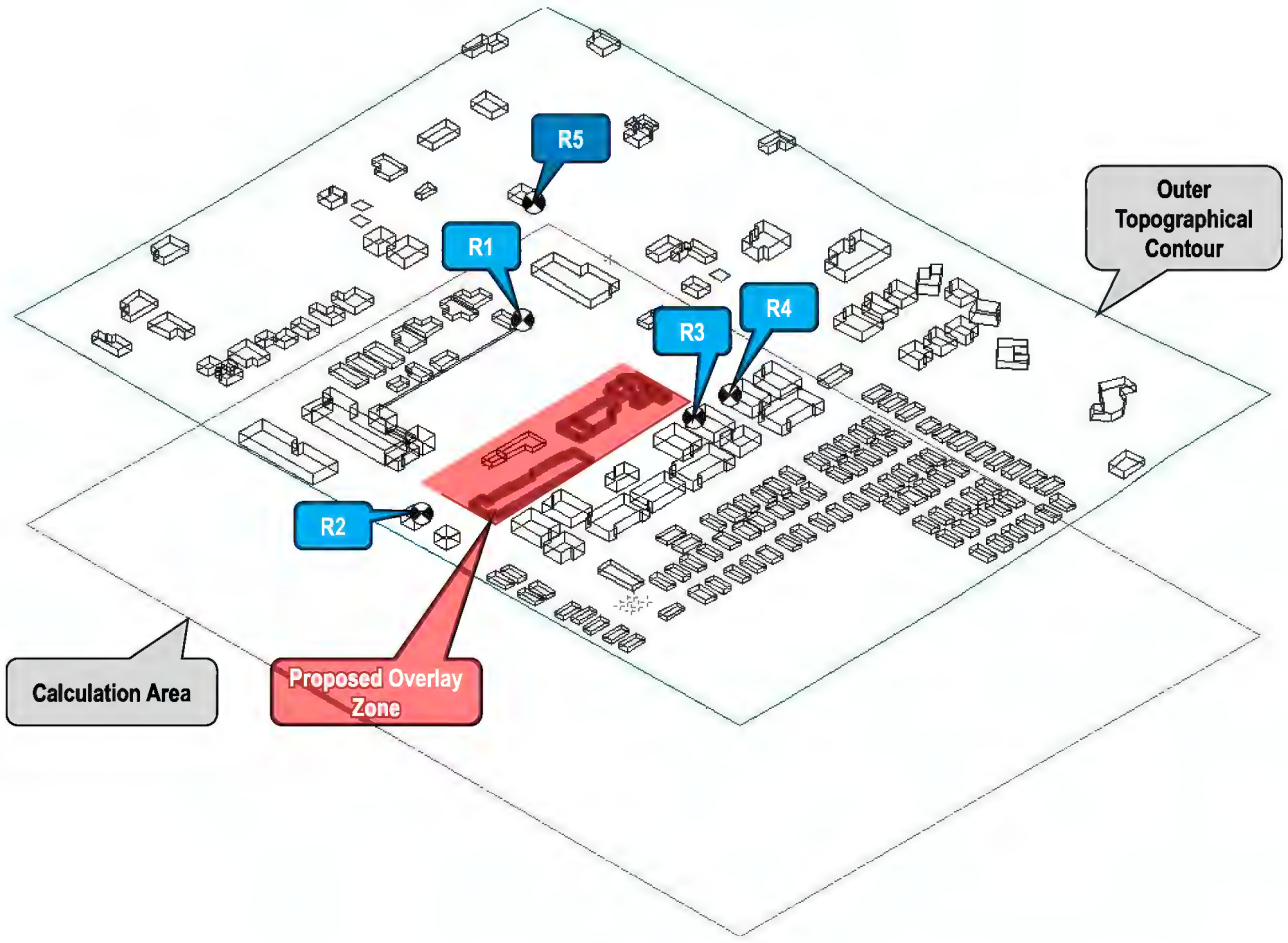
Instrument measured (at a distance of 3 m/10 ft unless otherwise indicated)	dB (A-weighted)
Normal piano practice	60–90
Loud piano	70–105
Keyboards (electric)	60–110
Vocalist	70–85
Chamber music (classical)	70–92
Violin/viola (at left ear of player)	85–105
Violin/viola	80–90
Cello	80–104
Acoustic bass	70–94
Clarinet	68–82
Oboe	74–102
Saxophone	75–110
Flute	92–105
Flute (near right ear)	98–114
Piccolo	96–112
Piccolo (near right ear)	102–118
French horn	92–104
Trombone	90–106
Trumpet	88–108
Timpani and bass drum	74–94
Percussion (hi-hat near left ear)	68–94
Amplified guitar (on stage using ear monitors)	100–106
Amplified guitar (on stage with wedge monitors)	105–112
Full symphonic orchestra	86–102
Amplified rock music	102–108
Portable music (e.g., iPod) in ear canal (50% volume)	94
iPod in ear canal (full volume)	105

Source: Darling (https://www.daviddarling.info/images_music/decibel_levels_musical_instruments.jpg)

Exhibit F – Sample Sound Pressure Level (SPL) Ranges of Musical Instruments

By way of example, a "vocalist" having an SPL range of 70 to 85 dBA at ten feet (three meters) according to Exhibit F could, after adjusting the distance to one meter by applying an added 9 dB, be considered compatible with many of the above-listed model input parameters.

Exhibit G depicts an isometric view of the three-dimensional (3-D) model space rendered for all studied scenarios, illustrating the insertion of commercial buildings within the MOD and the nearest residential and non-residential structures beyond.



Source: Dudek

Exhibit G – Isometric view of 3-D rendered outdoor sound prediction model space and features

In addition to the above-mentioned sound source inputs and the parameters that define the 3-D sound propagation model space shown in Exhibit G, the following assumptions are included in this CadnaA-supported stationary noise source predictive analysis:

- Ground effect acoustical absorption coefficient equal to 0.5, which intends to represent an average or blending of ground covers that include hard reflective pavements and soft absorptive vegetated soils across the Project site and the surroundings;
- Reflection order of 2, which allows for up to two reflections of a sound path on encountered structural surfaces such as the rendered building masses; and
- Calm meteorological conditions (i.e., wind does not exceed three meters per second [mps]) with 68 degrees Fahrenheit and 70% relative humidity.

Details of the CadnaA modeling input parameters (e.g., derivation of source levels) can be found in Appendix B.

Prediction Results

Table 7 summarizes the predicted results for the five scenarios, including an installed noise screen, at each of the five studied nearest offsite residential receptors. Figures 1A, 2A, 3A, 4A, and 5A display the predicted sound propagation as adjoining color-coded five-dB ranges across a horizontal plane five feet above grade for these same scenarios.

Table 7. Operational Noise Levels at Nearest Sensitive Receptors - *with* wall*

Receiver	Receiver Description	Predicted Project Noise Exposure (dBA hourly L_{eq}) from Event at:				
		The Hop Stop	Mission Cellars	Smokin' J's	Old Poway Park gazebo	All Four Concurrent
R1	10456 Sycamore Avenue	40	43	29	34	45
R2	13066 Edgemoor St. (2nd floor)	38	35	50	28	51
R3	14065 Brighton Avenue (unit 58, 2nd floor)	50	40	32	40	51
R4	14105 Brighton Avenue (1st floor)	45	32	31	39	46
R5	14126 Sycamore Avenue	30	33	21	45	45

Note: *venue has 8'-tall screen surrounding outdoor venue area encompassing performer stage and spectator seating area.

The predicted hourly L_{eq} values in Table 7 demonstrate that based on the previously described input parameters, it is possible for noise exposures from individual outdoor venues to be compliant with (i.e., not exceed) the City's 50 dBA exterior noise standard during evening hours (i.e., 7 p.m. to 10 p.m.) at all five studied receptor positions (R1-R5).

If all four venues were operating concurrently, a highly unlikely but conservative scenario, the rightmost column in Table 7 tells us that receivers R2 and R3 would see combined sound levels that slightly exceed 50 dBA. This combination of concurrent sound emission levels from the multiple but separate and independent event-hosting establishments resulting in an hourly L_{eq} value greater than 50 dBA is merely a consequence of acoustical principles and would not result in noncompliance with the City's noise regulations. In this studied case, the aggregate sound levels from the four lawfully compliant events logarithmically add together and cause a combined hourly L_{eq} value greater than 50 dBA. While this result may appear to be an exceedance of the standard, it is not because Section 8.08.040 clearly ties responsibility of compliance to an individual property per the following clause (with emphasis added in bold): "it is unlawful for any **person** to cause or allow the creation of any noise to the extent that the one-hour average sound level, at any point on or beyond the boundaries **of the property on which the sound is produced**." As explained earlier in this report, the human ear discerns 3 dBA increases when noise is under 60 dBA, meaning the receptor would not be able to detect this increase.

Table 8 summarizes the prediction results for the same outdoor venue scenarios and same set of offsite nearest residential receptors, but the values are generally higher because the sound wall is not included. (The qualifier "generally" is used because in one case, the predicted noise exposure at R2 dropped by a decibel because the sound-reflective effect of the sound wall no longer occurred, meaning that R2 received less total acoustic energy from the modeled Hop Stop outdoor music venue.) Figures 1B, 2B, 3B, 4B, and 5B display the predicted sound

propagation as adjoining color-coded five-dB ranges across a horizontal plane five feet above grade for these same scenarios.

Table 8. Operational Noise Levels at Nearest Sensitive Receptors - *without* wall*

Receiver	Receiver Description	Predicted Project Noise Exposure (dBA hourly L_{eq}) from Event at:				
		The Hop Stop	Mission Cellars	Smokin' J's	Old Poway Park gazebo	All Four Concurrent
R1	10456 Sycamore Avenue	41	44	31	35	46
R2	13066 Edgemoor St. (2nd floor)	37	38	56	28	56
R3	14065 Brighton Avenue (unit 58, 2nd floor)	55	41	35	40	55
R4	14105 Brighton Avenue (1st floor)	51	35	33	39	52
R5	14126 Sycamore Avenue	34	35	23	50	50

Note: *outdoor venue area is exposed, has no sound-occluding screen surrounding outdoor venue area encompassing performer stage and spectator seating area.

The predicted hourly L_{eq} values in Table 8 show that without a sound barrier, sound propagating from these events as modeled herein would exceed daytime and evening levels for most of the studied receptor locations. These prediction results thus show, by the decibel difference between the Table 8 and Table 7 values for a given receptor and scenario, how well an 8'-tall barrier would be expected to reduce noise if implemented properly.

Alternately, if a venue operator did not want to install a barrier, 50 dBA subtracted from the values presented in Table 8 would approximate how much lower the SPL of the sound emission source would need to be in order to achieve compliance with the City's evening exterior noise level standard. For instance, at R3 when the Hop Stop would have an outdoor event, without a barrier the source SPL would be capped at 84 dBA at one meter instead of the 89 dBA at one meter input value—in other words, a five dB difference because the value of 55 dBA in Table 8 implies that at least 5 dB (55 – 50 = 5) reduction at the source would be necessary.

Again, when a combination of concurrent sound emission levels from two or more separate and independent event-hosting establishments may result in a measurable hourly L_{eq} value greater than the applicable threshold at an assessment location, that is not an exceedance. However, it signifies that one or more contributing sources may be exceeding the standard, and to determine which of the events may be causing an exceedance would typically require additional sound level measurements at positions closer to the suspected source(s). Analysis of this collected sound data, and accounting for distances between multiple sources and common measurement points, would help evaluate actual occurrence of exceedance and if so, whether or not it can be definitively attributed to one or more events or non-event background sound from the measurable environment.

6.1.2 Indoor Music Venues

For approximating sound emission from inside an establishment, and because input parameters for detailed interior-to-exterior sound prediction are unknown at this time or beyond the scope of this study, one can utilize the previous

outdoor noise modeling scenarios but apply some working assumptions regarding the indoor venue building envelope as follows:

- If the building has partially open windows and/or doors, then the structural envelope can be expected to provide approximately 10 dB of overall SPL interior-to-exterior sound reduction; or
- If the building has closed windows and doors, then the structural envelope can be expected to provide approximately 20 dB of overall SPL interior-to-exterior sound reduction.

These interior-to-exterior attenuation magnitudes are based upon Federal Highway Administration (FHWA) noise guidelines for similar but reversed sound intrusion conditions through a "light frame" building envelope (FHWA 2011).

What these decibel adjustments mean is that the music sound source, if located indoors, can be increased by the building envelope attenuation case—open or closed windows/doors—and thus allow for more intense live performances or pre-recorded music playback with speakers. By way of example, the 89 dBA SPL at one meter constraint could be raised to 99 dBA SPL at one meter if within a structure with open windows and doors. Note that such a venue would be within an indoor room, not a porch, patio or balcony that is designed and used as an outdoor space.

If the windows and doors to this space were fully closed, the sound source could be as high as 109 dBA SPL at one meter and in turn allow more acoustically energetic options for performances to be considered by the hosting entity. Using an approximate +9 dB correction (to convert SPL at three meters to one meter) applied to the value ranges appearing in Exhibit E, one can see what individual instruments, performance types, or logarithmic combinations might qualify.

6.2 Traffic Noise

While it is possible that the OZ businesses hosting daytime and evening outdoor music events may experience more patrons and thus increase future traffic volumes to the area, the Project is not proposing any changes to existing parking, seating capacity, or other infrastructure features. Consequently, changes in traffic volumes or trips are likely to be constrained by these parameters, such as available parking spaces and seating capacity. Additionally, one should bear in mind that all else being equal (i.e., vehicle type proportion, roadway speed, receptor location and its perpendicular distance to the roadway, etc.), the change in roadway traffic noise level can be coarsely estimated by a logarithmic expression as follows:

For a given time period, change in traffic noise level (dB) at a receptor = $10*LOG(V_f/V_e)$;

where V_f is the future volume of traffic (e.g., peak hour [PH] or average daily traffic [ADT]) and V_e is existing traffic flow using the same metric (PH or ADT, and thus the corresponding time period being evaluated). So, by way of illustration, a hypothetical increase in traffic of thirty percent (30%), meaning the V_f to V_e ratio is 1.3, the change in traffic noise would be 1.13 dB—a barely perceptible difference. Put another way, to affect a greater than five dB change that FICON guidance would consider a potentially significant impact, the future-to-existing traffic ratio would need to be over 3.14—more than a tripling of volumes. Hence, with Project-attributed changes to traffic unlikely to be that great, the corresponding expected change in traffic noise would be less than significant.

7 Project Design Features – Performance Standards

PDF-NOI-1 Operation of any ***outdoor*** or ***indoor*** music event hosted by a commercial business within the Overlay District as defined by Section 6.1.1 herein shall conform to the following acoustical conditions:

A. Daytime (7 a.m. to 7 p.m.) or Evening (7 p.m. to 10 p.m.)

1. Attendance within the spectator area of the outdoor venue shall not exceed 60 (or fewer if limited by City code or permit) and include patrons and any on-site support staff that host the event in progress.
2. Music from the event shall not begin before 7 a.m. or continue after 10 p.m.
3. For outdoor events, the aggregate sound level from live (acoustic) performers and/or from one or more speakers emitting amplified music shall not exceed a total of 84 A-weighted decibel (dBA) sound pressure level (SPL) at a distance of 3.28 feet (one meter) from the position of the nearest performer or speaker. A higher aggregate sound level of up to +5 dB may be permitted if an acoustic blanket, solid fence, or other acoustically non-porous barrier is installed and provides linear occlusion (a.k.a., line-of-sight block) between the music sound sources and the nearest offsite receptors that would otherwise be exposed.

   For indoor events, the aggregate sound level from live (acoustic) performers and/or from one or more speakers emitting amplified music shall not exceed a total of 94 dBA at a distance of 3.28 feet (one meter) from the position of the nearest performer or speaker. A higher aggregate sound level of up to +15 dB (i.e., 109 dBA SPL at one meter) may be permitted if all windows and doors of the event space are closed.
4. If any proposed event parameters above may exceed the indicated constraints, then a qualified acoustician shall prepare or review a predictive sound propagation analysis prior to the proposed event in order to identify need for recommended noise control or sound abatement implementation measures that could include (but not be limited to):
   a. Via the pre-installed house audio-visual (A/V) system or on A/V hardware supplied by the hosted event performers, set electronic controls on amplified sound levels to comply with the A.3 SPL threshold;
   b. For an outdoor venue, install temporary noise walls, curtains, or other barrier forms so as to improve containment and absorption of sound within the outdoor music venue space and thus minimize spill-over noise to the community beyond; and

      For an indoor music venue, install means to improve containment and absorption of sound within the indoor music venue space and thus minimize spill-over noise to the outdoors and the community beyond;
   c. Install on-site sound level measurement systems (e.g., akin to NTiAudio or comparable supplier technology) to monitor event sound levels in real-time

and provide alerts to event hosts and administrators. Collected data and alerts offer opportunity to provide feedback to event performers as part of implementing administrative control of sound emission levels.

Collected data from A.4.c above can also provide evidence that an event was compliant with required sound limits and might be used to support assertions that future events having identical conditions (e.g., a recurring event, such as an annual seasonal festival) would also be compliant.

For purposes of PDF-NOI-1 4.a, a Qualified Acoustician shall have the following minimal qualifications:

- Bachelor of Science or higher degree from a qualified program in engineering, physics, or architecture offered by an accredited university or college, and five years of experience in noise control engineering and construction noise analysis; or current enrollment as a full Member or Board-certified Member in the Institute of Noise Control Engineering (INCE); and
- Demonstrated experience in predicting performance from and/or evaluating (via measurement) equipment noise controls or site sound abatement, developing and implementing sound level monitoring plans, and calculating propagated noise levels.

INTENTIONALLY LEFT BLANK

8 References

Caltrans (California Department of Transportation). 2020. *Transportation and Construction Vibration Guidance Manual*. Division of Environmental Analysis, Environmental Engineering, Hazardous Waste, Air, Noise, Paleontology Office. Sacramento, California. April.

Caltrans. 2013. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. September 2013.

City of Poway. 2024. Zoning Map. Accessed at https://powaygis.poway.org/websites/powgis/

City of Poway. 2011. Comprehensive Plan – Public Safety Element. Accessed at https://docs.poway.org/WebLink/PDF10/d534d142-20e3-44d7-abde-37dec1eff213/49303

City of Poway. 1989. Old Poway Specific Plan. Revised Draft (SP 88-01) Part Two. Implementation Plan. November 29th.

City of Poway. 1981. Poway Municipal Code, Section 8.08 (Noise). Accessed at https://www.codepublishing.com/CA/Poway/#!/Poway08/Poway0808.html#8.08.100

Federal Highway Administration (FHWA). 2011. Highway Traffic Noise: Analysis and Abatement Guidance. FHWA-HEP-10-025. December 2011

FICON (Federal Interagency Committee on Noise). 1992. Federal Agency Review of Selected Airport Noise Analysis Issues. August 1992.

FTA (Federal Transit Administration). 2018. *Transit Noise and Vibration Impact Assessment Manual*. FTA Report No. 123. September 2018.

Hayne. 2006. Prediction of Crowd Noise. Proceedings of ACOUSTICS 2006. Christchurch, New Zealand. November 20-22.

International Code Council (ICC). 2023. 2022 California Building Code. Accessed December 26, 2024 at https://codes.iccsafe.org/content/CABC2022P1.

OPR (Governor's Office of Planning and Research). 2017. State of California General Plan Guidelines 2017: Appendix D, Noise Element Guidelines: Guidelines for the Preparation and Content of the Noise Element of the General Plan.

U.S. Environmental Protection Agency (EPA). 1974. Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety. Report 550/9-74-004. March.

INTENTIONALLY LEFT BLANK

Appendix A

Baseline Noise Measurement Survey Notes and Data

FORMS FIELD DATA REPORT

Field Noise Measurement Data

Record: 1962	
Project Name	*Old Poway Specific Plan*
Project #	*16198.01*
Observer(s)	
Date	*2024-08-08*

Meteorological Conditions

Upload NOAA Forecast



Temp (F)	89
Humidity % (R.H.)	46
Wind	Light
Wind Speed (MPH)	4
Wind Direction	West
Sky	Clear

Instrument and Calibrator Information	
Instrument Name List	(SAC) NL-62
Instrument Name	(SAC) NL-62
Instrument Name Lookup Key	(SAC) NL-62
Manufacturer	Rion
Model	NL-62
Serial Number	350915
Calibration Date	7/18/2018
Calibrator Name	(SAC) Rion NC-74
Calibrator Name	(SAC) Rion NC-74
Calibrator Name Lookup Key	(SAC) Rion NC-74
Calibrator Manufacturer	Rion
Calibrator Model	NC-74
Calibrator Serial #	34187829
Pre-Test (dBA SPL)	93.6
Post-Test (dBA SPL)	94

Windscreen	Yes
Weighting?	A-WTD
Slow/Fast?	Slow
ANSI?	Yes

Monitoring	
Record #	1
Site ID	ST1
Site Location Lat/Long	32.889451, -117.035513
Begin (Time)	12:00:00
End (Time)	12:20:00
Leq	47.4
Lmax	50.9
Lmin	45.2
Other Lx?	L90, L60, L10
L90	45.7
L60	47.0
L10	49.2
Other Lx (Specify Metric)	L
Primary Noise Source	Traffic
Other Noise Sources (Background)	Rustling Leaves
Other Noise Sources Additional Description	idling bus nearby
Is the same instrument and calibrator being used as previously noted?	Yes

Are the meteorological conditions the same as previously noted?	*Yes*

Description / Photos	
Terrain	*Hard*

Site Photos	
Photo	
Comments / Description	*Facing N*

Site Photos	
Photo	

Comments / Description	*Facing W*

Site Photos	
Photo	
Comments / Description	*Facing S*

Site Photos	
Photo	

Comments / Description	Facing E

Monitoring	
Record #	2
Site ID	373
Site Location Lat/Long	32.969432, -117.030232
Begin (Time)	12:25:00
End (Time)	12:40:00
Leq	55.9
Lmax	64.2
Lmin	48.8
Other Lx?	L90, L50, L10
L90	49.9
L50	54.4
L10	62.0
Other Lx (Specify Metric)	L
Primary Noise Source	Traffic
Other Noise Sources (Background)	Distant Conversations / Yelling, Rustling Leaves
Is the same instrument and calibrator being used as previously noted?	Yes
Are the meteorological conditions the same as previously noted?	Yes

Description / Photos	
Terrain	*Hard*

Site Photos	
Photo	
Comments / Description	*Facing N*

Site Photos	
Photo	

Comments / Description	*Facing E*

Site Photos	
Photo	
Comments / Description	*Facing S*

Site Photos	
Photo	

Comments / Description	Facing W

Monitoring	
Record #	3
Site ID	372
Site Location Lat/Long	32.969277, -117.036701
Begin (Time)	12:45:00
End (Time)	13:00:00
Leq	53.7
Lmax	64.5
Lmin	48.4
Other Lx?	L90, L50, L10
L90	49.2
L50	50.4
L10	56.6
Other Lx (Specify Metric)	L
Primary Noise Source	Traffic
Other Noise Sources (Background)	Distant Conversations / Yelling, Distant Industrial
Other Noise Sources Additional Description	Nearby HVAC for restaurant
Is the same instrument and calibrator being used as previously noted?	Yes
Are the meteorological conditions the same as previously noted?	Yes

Description / Photos	
Terrain	*Hard*

Site Photos	
Photo	
Comments / Description	*Facing N*

Site Photos	
Photo	

Comments / Description	*Facing E*

Site Photos	
Photo	
Comments / Description	*Facing S*

Site Photos	
Photo	

Comments / Description	*Facing W*

Description / Photos

Site Photos

Photo	
Comments / Description	*LT1*

Site Photos

Photo	

Comments / Description	LT2

Appendix B
Operation Noise Model Input Notes

15	minutes out of an hour
60	speech level at 1m SPL (per Hayne)
60	number of spectators chatting
71.8	aggregate SPL
79.8	aggregate sound power (PWL)

from Hayne 2006:

Table 2. Equivalent sound levels of speakers at a distance of 1m from the speaker's mouth for indicated vocal efforts

Voice Effort	Average Speech Level (dB(A))
Whispering	36
Soft Speaking	42
Relaxed Speaking	48
Relaxed Normal Speaking	54
Raised Normal Speaking	60
Raised Speaking	66
Loud Speaking	72
Very Loud Speaking	78
Shouting	84
Maximal Shout	90
Maximal Shout (Individuals)	96

Source: (Lazarus (1986))

For the selected average speech level, or for music which is likely to be largely vocal performance with music accompaniment, the spectra shown in Figure 5 (below) would be raised or lowered in each frequency to attain the overall SPL.

from Hayne 2006:

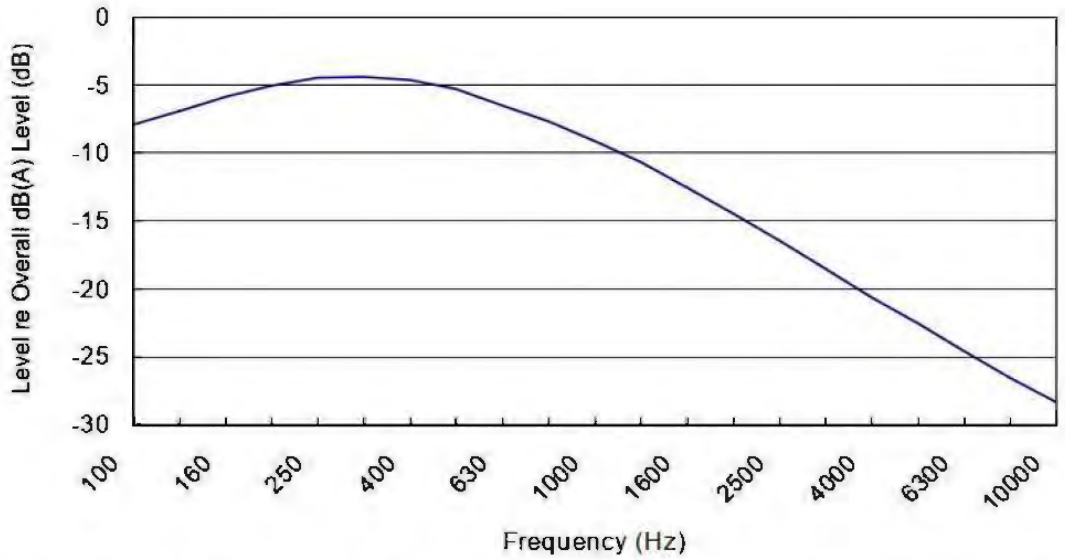


Figure 5: Long-term average speech spectrum (Source: van Heusden, Plomp and Pols (1979))