

NOISE COMPLIANCE PLAN
The Centre at Lexus Escondido
January 22, 2014

Date: 1-22-14 By: R. Cherry

This Noise Compliance Plan ("Plan") is adopted by The Centre at Lexus Escondido pursuant to the City of Escondido's application to amend Master Plan, Case No. ENV 12-0006/PHG 12-0001. The purpose of the Plan is to ensure that any noise generated from the outdoor rooftop decks from entertainment and other events, including general outdoor music provided by the restaurant, is attenuated and limited to a level not to exceed 65 dBA when measured from the perimeter walls of the property during daytime hours (7:00 a.m. to 10:00 p.m.) and the existing applicable lower limits during nighttime hours, after 10:00 p.m. This Plan is designed for the benefit of the neighbors and residents living adjacent to the property.

1. Scope and Effectiveness. This Plan shall become effective upon approval by the Escondido City Council of the application in Case No. ENV 12-0006/PHG 12-0001 and shall apply to outdoor entertainment events and general outdoor music provided by the restaurant on the third floor roof decks at The Centre. The Plan may be modified from time to time to ensure continued compliance.

2. Monitoring.

2.1. Perimeter Noise Monitors. The Centre will install and maintain noise monitoring meters on the south and west boundaries of the property to measure noise levels during all outdoor rooftop entertainment events with live or amplified music. All sound level measurements shall be made pursuant to the provisions of the Escondido Noise Ordinance. The noise meters will measure and create a permanent record of the noise levels generated during an entertainment event. There will be two meters. They will be located as depicted in Exhibit A, a minimum of four feet (4') above the perimeter walls.

2.2. Telephone Hot Line. A telephone number or "hotline" shall be established to receive suggestions, complaints and comments from neighbors regarding noise levels and shall be posted on The Centre's website and the restaurant's website. The Centre shall provide residents within 500 feet of the perimeter of the property with notice of the hotline number. The hotline number shall be attended by a live operator during outdoor entertainment events and shall be equipped with voicemail. All calls and voice messages shall be entered into a permanent log.

2.3. Email Address. In addition to the hotline telephone number, The Centre shall establish and provide adjacent residents and neighbors with an email address to which they can direct comments, complaints or questions concerning the noise generated during an outdoor entertainment event. The email address shall be posted on the websites of The Centre and the restaurant and provided to the residents and neighbors within 500 feet of the property at the same time as they are provided with the hotline telephone number.

3. Reporting to City.

3.1. Within 30 days of the first outdoor entertainment event(s) totaling more than 200 attendees, and at the request of the Director of Community Development, the Centre will prepare and submit to the Director of Community Development of the City of Escondido, a report which shall include:

- (a) a description of the event;
- (b) the number of attendees;
- (c) the starting and ending times;
- (d) periodic sound level readings during the event;
- (e) identification of any sound level readings that exceeded the daytime and/or nighttime thresholds and the actions taken to reduce sound levels;
- (f) stage and speaker locations and orientation;
- (g) volume settings of the sound system at the start and the end of the event;
- (h) mitigation measures implemented;
- (i) comments and feedback received and responses thereto; and
- (j) any unusual occurrences.

4. Mitigation Measures and Procedures. The Centre shall employ none, some or all of the following measures to ensure that noise is attenuated and is in compliance with the 65 dBA daytime perimeter noise limits.

4.1. The operator attending the telephone hotline shall investigate complaints of excessive noise and, if necessary, take immediate corrective action. Operator shall involve the manager on duty or the Centre's general manager if necessary. The operator shall have the capability of reading the measurements of the noise compliance meters during an entertainment event, and upon reasonable request shall provide current and recent readings to the interested caller.

4.2. Configure the orientation of the stage so that noise is directed away from the south and west perimeters of the property.

4.3. Limit the number and configure the location and orientation of the speakers so that noise is directed away from the south and west property lines.

4.4. Utilize acoustical blankets to attenuate sound around the stage and form sound barriers in strategic locations, such as the breezeway between the west deck and the parking area.

4.5. Reduce the amplified volume of the speakers at the source in order to ensure compliance with the 65 dBA daytime limit or the nighttime limits, as appropriate.

5. Artist Notice and Compliance. The Centre and its tenants, including Vintana Wine and Dine, will provide any entertainer or artist performing outdoors with advance notice that they will be required to comply with the applicable noise limits and restrictions.

EXHIBIT "A"

MONITOR LOCATIONS

