

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



Click here to go to
original staff report

W29a

Addendum

March 10, 2015

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W29a**, Coastal Commission Permit Application
#LCP-6-CII-14-0837-2 (Daybreak Community Church), for the
Commission Meeting of March 11-13, 2015

Attachments:

- Letter from Aviara Premier Collection Association
- Letter from Daniel and Gina Browne

Agenda No. W29a
Assistant Planner: Shannon Werneke

March 6, 2015

VIA HAND DELIVERY

California Coastal Commission
c/o Rick Caswell, Coastal Analyst II
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

RECEIVED

MAR 09 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Re: City of Carlsbad, LCP Amendment No. 1 (Daybreak Community Church)
Our Client: Aviara Premier Collection Association
Meeting Held at Chula Vista Council Chambers, 276 Fourth Avenue, Chula Vista,
CA 91910
Hearing Date: March 11, 2015
Our File No. 5130.01

Dear Commission Members:

We write to you on behalf of the Board of Directors of the Aviara Premier Collection Association ("Association") regarding the above matter scheduled to be heard at the March 11, 2015 Public Hearing.

Initially, the Association expresses its frustration that it was not notified this matter would be heard by the California Coastal Commission ("Commission") on March 11, 2015, despite the fact the Daybreak Community Church ("Daybreak Church") is a member of the Association and subject to its governing documents. Specifically, Article 9 of the CC&Rs, in relevant provides:

"9.1 Scope. Except as otherwise provided in this Declaration, there shall be no excavation, construction, building, landscaping, development or other Improvements in the Covered Property, including any change or alteration or exterior addition to any Improvements situated within the Covered Property without compliance with this Article. The provisions of this Article shall preempt and supersede any inconsistent provision of any rules or restrictions of any Individual Project Association to the extent that any Individual Project Declaration or any other governing documents for an Individual Project are in conflict with the provisions of this Declaration."¹

Daybreak Church's obligation to comply with the Association's governing documents, and specifically section 9.1 of the CC&Rs, was the subject of prior litigation which arose from

¹ See Exhibit 1-relevant excerpts from the 1999 Declaration of Covenants, Conditions and Restrictions for the Aviara Premier Collection Association

San Diego

10200 Willow Creek Rd., Suite 100
San Diego, California 92131
858.527.0111 • fax 858.527.1531

Coachella Valley

74830 Highway 111, Suite 100
Indian Wells, California 92210
760.836.1036 • fax 760.836.1040

Inland Empire

43460 Ridge Park Dr., Suite 200
Temecula, California 92590
951.461.1181 • fax 858.527.1531

Daybreak Church's failure to meet its obligations to the Association during an improvement project. The litigation resulted in a February 18, 2004 Settlement and General Release Agreement ("Agreement")².

Daybreak Church's obligation to submit an architectural application to the Association was brought to its attention in or about August 2014, shortly after the Association became aware of this project. Daybreak Church submitted an architectural application on or about November 4, 2014, which was denied by the Association on or about November 24, 2014.

Daybreak Church's architectural application does not comply with the Association's governing documents for a number of reasons, including, but not limited to the following:

1. Daybreak Church failed to provide the Association a complete set of plans for the proposed improvements.
2. A portion of Daybreak Church's proposed improvements includes a 38 foot structure in violation of the Association's Residential, Architectural And Landscaping Improvement Manual (the "Manual")³ which on page 9, Section D prohibits structures over 30 feet above the street level. The proposed 38 foot addition also violates Section Q4 on page 16 of the Manual which prohibits improvements which exceed the roof heights of the existing structure, which is approximately 30 feet.
3. Daybreak Church's proposal includes a chain link fence which is prohibited by Section A of page 10 of the Manual (See Exhibit 3).
4. Daybreak Church failed to submit any landscaping plans for the Association's review and consideration. We note in its February 25, 2015 Staff Recommendations ("Staff Recommendations"); the Commission stressed the importance of ensuring the proposed landscaping complies with all relevant standards. Specifically, on page 73, the Mitigation Measures section provides Daybreak Church "shall not use any non-native invasive plant species in the landscaping adjacent to the HMP Preserve."⁴

Over the past several months, the Association and Daybreak Church have been in the process of bringing Daybreak Church's application into compliance with the Association's governing documents. Notably, on March 4, 2015, Daybreak Church provided a complete set of plans for the project, including landscaping plans. However, as of this date, the Association's review process continues and it has not yet approved an architectural application Daybreak Church's proposed improvement project.

The Association also expresses concern over a number of issues raised in the Staff Recommendations, including, but not limited to:

² See Exhibit 2-February 18, 2004 Settlement and General Release Agreement

³ See Exhibit 3 for relevant excerpts from the manual

⁴ See Exhibit 4 for relevant excerpts from the Staff Recommendations
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1. Traffic-on pages 59-62 (see Exhibit 4) there is a discussion of traffic density during weekday peak traffic times and Sunday traffic during Church service hours, which the staff concludes will have either a "Less than Significant Impact" or "No Impact" on the adjacent community. However, this study appears not to have considered that a significant number of Daybreak Church attendees park along Ambrosia Lane, rather than in the parking lot. Additionally, it does not appear to consider the outdoor events, e.g., late evening concerts, Easter Egg Hunts and other non-church service related events throughout the year which are very well attended. When many of these attendees park along Ambrosia Lane they not only impact traffic into and out of the Aviara community, their park vehicles are visually unappealing to adjacent residents.

2. Traffic and Noise-page 56 (see Exhibit 4) discusses traffic and project related noise, and in the 1st paragraph predicts the properties adjacent to Poinsettia Lane will experience up to 70 db of noise, which exceeds the permissible 45 db of noise for church interiors. Accordingly, the staff recommends a screen wall as a mitigation measure to offset this impact on the Church. Surprisingly, there is no discussion of permissible sound levels for the adjacent residences or proposed mitigation measures to reduce the adverse impact on adjacent residents.

3. Lighting-The Association shares the concerns expressed on pages 25 and 35 (See Exhibit 4) of the Staff Recommendation regarding the potential negative impact of proposed parking lot lighting on the adjacent residences. Given the importance of this issue to the Aviara community, the Association would appreciate further study of the lighting issue and more detailed, residence specific mitigation measures.

Accordingly, for the reasons set forth more fully above, the Association requests the Commission table its proposed approval of the Daybreak Church's project pending before it today.

Sincerely,

EPSTEN GRINNELL & HOWELL, APC



Kieran J. Purcell

KJP:avl
Attachments

EXHIBIT 1

RECORDED AT THE REQUEST OF
CHICAGO TITLE CO.

6380 DOC # 1999-0330774

MAY 14, 1999 2:40 PM

RECORDING REQUESTED BY:)

WHEN RECORDED MAIL TO:)

Luce, Forward, Hamilton & Scripps)
600 West Broadway, Suite 2600)
San Diego, CA 92101)
Attn: Nancy T. Scull, Esq.)

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 450.00
WAY: 3



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43P
SW
W

93066177-50

DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
THE AVIARA PREMIER COLLECTION

condition that is consistent with the standards adhered to by the City for the maintenance of public streets, public sidewalks and public streetlights.

8.8 **Storm Drain Maintenance.** The surface of the storm drainage easements shown on Final Maps for the Individual Project and all underground storm drains and storm drainage disposal facilities located within said storm drainage easements shall be maintained (by the Community Association where located within Community Common Area, by the Merchant Builder and thereafter the Individual Project Association of each Individual Project where located within an Individual Project and by the Apartment Owner where located within the Apartment Area) free of any obstructions which would interfere with the normal collection, passage and disposal of storm waters accumulating within or flowing through the master plan area.

8.9 **Sewer Facilities Maintenance.** Sewer mains and other sewer facilities located within the private sewer easements shown on any Final Maps shall be maintained (by the Community Association if located within the Community Common Area, by the Merchant Builder and thereafter the Individual Project Association if located within an Individual Project and by the Apartment Owner where located within the Apartment Area) free of any obstructions which interfere with the normal passage of sewage to the public sewer system and shall also be maintained free of unreasonable amounts of inflow or infiltration; provided, however, that each Owner of a Dwelling shall be individually responsible for maintaining any sewer lateral which connects the sewer system serving a building or structure on his or her Lot to a sewer main located within the private sewer easements even though a portion of such sewer lateral is located within the boundaries of the private sewer easements.

ARTICLE 9

ARCHITECTURAL CONTROL

9.1 **Scope.** Except as otherwise provided in this Declaration, there shall be no excavation, construction, building, landscaping, development or other Improvements in the Covered Property, including any change or alteration or exterior addition to any Improvements situated within the Covered Property without compliance with this Article. The provisions of this Article shall preempt and supersede any inconsistent provision of any rules or restrictions of any Individual Project Association to the extent that any Individual Project Declaration or any other governing documents for a Individual Project are in conflict with the provisions of this Declaration.

9.2 **Exemptions.** The provisions of this Article shall not apply to Declarant, the Merchant Builders or the Apartment Owner or any Improvements erected or installed by Declarant, the Merchant Builders or the Apartment Owner on the Covered Property.

9.3 **Appointment of Architectural Committee.** There shall be one (1) Architectural Committee for the Covered Property. The Architectural Committee shall consist of not less than

EXHIBIT 2

SETTLEMENT AND GENERAL RELEASE AGREEMENT

This Settlement and General Release Agreement ("Agreement") is entered into February 18, 2004 by and between Avlara Premier Collection Association, a California non-profit mutual benefit corporation ("Avlara"), and Daybreak Community Church of Coastal North County, a California non-profit religious corporation ("Daybreak"). Avlara and Daybreak shall sometimes be referred to collectively herein as the "parties" and individually as a "party."

RECITALS

A. WHEREAS, Avlara was created for the purpose of managing the common interest development known as Avlara Premier Collection (the "Project");

B. WHEREAS, Daybreak is the owner of the real property known located at 6515 Ambrosia Lane; Carlsbad, California (the "Daybreak Property") located within the Project;

C. WHEREAS, the Project and the lots located within the Project, including the Daybreak Property, are subject to the terms of the Declaration of Covenants, Conditions and Restrictions For the Avlara Premier Collection recorded on May 14, 1999 in the San Diego County Recorder's Office as Document No. 1999-0330774 (the "Declaration");

D. WHEREAS, certain portions of the Daybreak Property are encumbered with a maintenance easement memorialized in a Grant of Easement dated May 7, 1999 and recorded in the Official Records of the San Diego County Recorder's Office on May 10, 1999 as Document No. 1999-0317421 (the "Easement");

E. WHEREAS, the Easement defines two easement areas, as follows:

- (1) the rear (south) slope of the Daybreak Property (the "E8 Easement Area"); and
- (2) the front (north) and a portion of the side (east) slope of the Daybreak Property (the "E9 Easement Area").

F. WHEREAS, Daybreak has installed certain improvements on the Daybreak Property, as follows: a handicap ramp (the "Ramp"); footings for a monument sign (the "Monument") at the north east corner of the Daybreak Property near Poinsettia Lane and Ambrosia Lane; and a prayer garden on the rear slope of the Daybreak Property In or near the E8 Easement Area (the "Prayer Garden");

G. WHEREAS, to the rear (south) of the Church Property there is a high-voltage transmission tower (the "Tower") owned by San Diego Gas & Electric Company ("SDG&E") with an access road to such Tower;

H. WHEREAS, Daybreak owns property adjacent to the Daybreak Property (the "Adjacent Property") and has placed certain storage containers on the Adjacent Property (the "Containers");

I. WHEREAS, certain disputes have arisen between Avlara and Daybreak arising out of and/or relating to the Project, the Daybreak Property, the Declaration, the E8 Easement Area, the E9 Easement Area, the Ramp, the Monument, irrigation located in the Easement Areas, the Prayer Garden, the Tower, the area located beneath the Tower; the Adjacent Property, the Containers and the maintenance of the Daybreak Property, including the E8 Easement Area and the E9 Easement Area (collectively, the "Disputes");

J. WHEREAS, on November 5, 2003, Avlara filed an action entitled Avlara Premier Collection Association v. Daybreak Community Church, San Diego Superior Court, North County Division, Case No. IN033841 (the "Action") arising out of and/or relating to the Disputes and asserting claims for injunctive and declaratory relief, trespass, unjust taking and nuisance against Daybreak;

K. WHEREAS, Avlara and Daybreak wish to settle all claims currently existing between them, including without limitation all claims arising out of and/or relating to the Disputes and the claims asserted in the Action (collectively, the "Settled Claims") on the terms set forth herein.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

AGREEMENT

1. Dismissal of Action. Immediately upon the full execution of this Agreement, Avlara shall file a dismissal with prejudice of the Action.

2. Ramp.

a. Daybreak shall provide Avlara with written evidence that the City of Carlsbad ("City") has approved the construction of the Ramp.

b. Daybreak shall execute a Maintenance and Indemnity Agreement in the form attached as Exhibit "A" hereto providing that Daybreak will assume all future maintenance responsibilities for and liability in connection with the Ramp.



3. Monument.

a. Daybreak has submitted an application to the Aviara architectural committee (the "AC") for the construction of the Monument (the "Application").

b. Daybreak shall provide to Aviara written verification that the City has approved the current location and design of the Monument.

c. If the requirement of Paragraph 3(b) is met, the AC and Aviara shall not unreasonably delay, withhold or condition their consent to the location of the Monument. However consent is not guaranteed. The AC and Aviara retain all rights under the CC&Rs and California law to either deny the application, provide a conditional approval of the application, request further information before approving the application, or approve the application.

d. If the requirement of Paragraph 3(b) is met, and if Aviara's approval is required under Aviara's architectural guidelines, the AC and Aviara shall review the design of the sign in good faith and shall approve or disapprove the design; provided, however, Aviara shall not unreasonably delay, withhold or condition its approval of the design of the sign. If Aviara does not approve the design of the sign and if the parties cannot reach agreement on the design of the sign, the provisions of Paragraph 17 shall control such dispute.

4. Irrigation. Aviara will provide to Daybreak a report from Aviara's landscaper stating any proposed changes to the irrigation in the E9 Easement Area located on the Poinsettia and Ambrosia slopes. Daybreak's landscaper, under the direction of Aviara's landscaper, shall repair or, to the extent necessary, replace any irrigation modified by Daybreak in the E9 Easement Area located on the Poinsettia and Ambrosia slopes. Daybreak shall pay the cost of such repair by Aviara's landscaper in accordance with the Aviara's landscaper's proposal from O'Connell Landscape Maintenance Quote #OLMQ 1450 for \$3,587.00 which is incorporated herein by reference.

5. Prayer Garden. Daybreak shall execute a Maintenance and Indemnity Easement in the form attached as Exhibit "B" hereto providing that Daybreak will indemnify Aviara from and against any claims arising out of the use and/or occupancy of the Prayer Garden. No further modifications, changes, expansion or other improvements will be made to the Prayer Garden without first obtaining the written permission of Aviara and AC pursuant to the CC&Rs.

6. Future Maintenance of Rear Slope. Daybreak shall assume all future expense and maintenance of the E8 Easement Area. The maintenance standard applicable to the E8 Easement Area shall be no lower than that standard met by Aviara for such maintenance prior to the execution of this Agreement. The standard shall be as follows: the maintenance shall be reasonably comparable to Aviara's maintenance of other slopes within the Project that are not contiguous to public streets.

Handwritten signatures and initials are present at the bottom right of the page. There are three distinct signatures: a stylized 'A', a signature that appears to be 'D', and a signature that appears to be 'ACB'.

7. Parking. Daybreak shall not use the area beneath the Tower for parking and shall take reasonable measures to prevent others from parking there.

8. Containers. Daybreak has represented that the containers are located temporarily on the Adjacent Property and that the Adjacent Property is not subject to the Declaration. Daybreak will cooperate with Aviara and its other neighbors to minimize the visual impact of such containers, but shall not be obligated to paint, move or landscape around the containers.

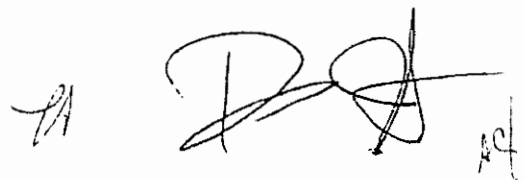
9. Future Use of Daybreak Property. In its use of the Daybreak Property, Daybreak shall abide by Aviara's governing documents and shall not make any exterior improvements facing Poinsettia Lane and Ambrosia Lane except in accordance with such governing documents.

10. Signs. Daybreak shall not place any signage on the Daybreak Property facing Ambrosia Lane and/or Poinsettia Lane except in accordance with the governing documents and applicable law and regulations.

11. Legal Fees. Thirty days after execution of this Agreement, Daybreak shall pay Aviara the sum of \$4,500.00 for Aviara's legal fees and expenses associated with the Action, the resolution of the Settled Disputes and the negotiation and drafting of this Agreement. These fees shall be paid to Peters & Freedman, L.L.P. and shall not be disbursed to Aviara until the Action has been dismissed. Except as provided in this Paragraph 11, the parties shall bear their own legal fees and costs.

12. Mutual General Releases.

a. Daybreak Release. As a material inducement to Aviara entering into this Agreement, and contingent on the full execution and performance of this Agreement, Daybreak and its officers, directors, employees, agents, representatives, predecessors, successors, assigns and attorneys, and all persons acting under, in concert with and/or for them or any of them (collectively, the "Daybreak Releasers"), hereby irrevocably and unconditionally release, acquit and forever discharge Aviara and its employees, agents, representatives, predecessors, successors, assigns and attorneys, and all persons acting by, through, under and/or in concert with them, or any of them (collectively, the "Aviara Releasees"), from any and all claims, charges, complaints, liabilities, obligations, promises, agreements, controversies, damages, actions, causes of action, suits, rights, demands, costs, losses, debts and expenses (including attorneys' fees and costs actually incurred) of any nature whatsoever, known or unknown, suspected or unsuspected, which the Daybreak Releasers now have, own or hold, or claim to have, own or hold, or which the Daybreak Releasers at any time previously had, owned or held, or claimed to have, own or hold, against the Aviara Releasees arising out of and/or relating to the Settled Claims and/or any and all other matters and/or claims existing by and between the Daybreak Releasers and the Aviara Releasees that existed at anytime in the past and up to the date

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of execution of this Agreement.

b. Aviara Release. As a material inducement to Daybreak entering into this Agreement, and contingent on the full execution and performance of this Agreement, Aviara and its respective employees, agents, representatives, predecessors, successors, assigns and attorneys, and all persons acting under, in concert with and/or for them or any of them (collectively, the "Aviara Releasers"), hereby irrevocably and unconditionally release, acquit and forever discharge Daybreak and its officers, directors, employees, agents, representatives, predecessors, successors, assigns and attorneys, and all persons acting by, through, under and/or in concert with them, or any of them (collectively, the "Daybreak Releasees"), from any and all claims, charges, complaints, liabilities, obligations, promises, agreements, controversies, damages, actions, causes of action, suits, rights, demands, costs, losses, debts and expenses (including attorneys' fees and costs actually incurred) of any nature whatsoever, known or unknown, suspected or unsuspected, which the Aviara Releasers now have, own or hold, or claim to have, own or hold, or which the Aviara Releasers at any time previously had, owned or held, or claimed to have, own or hold, against the Daybreak Releasees arising out of or relating to Settled Claims and/or any and all other matters and/or claims existing by and between the Aviara Releasers and the Daybreak Releasees that existed at anytime in the past and up to the date of execution of this Agreement.

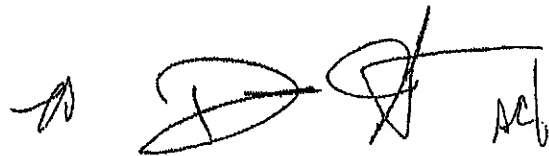
13. Civil Code Section 1542 Waiver. The releases contained in Paragraph 12 above extend to all claims, whether known or unknown, claimed or suspected. Each party hereto, and its respective officers, directors, employees, agents, assigns, attorneys, representatives, predecessors and successors, and all persons acting by, through, under or in concert with them, or any of them, hereby waives all claims against the other party hereto which may exist under California Civil Code Section 1542 and/or any similar state or federal law. California Civil Code Section 1542 provides as follows:

A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.

14. No Release of Obligations Under This Agreement. Notwithstanding the provisions set forth in Paragraphs 12 and 13 above, nothing set forth in this Agreement shall release or be deemed to release the obligations of the parties set forth in this Agreement.

15. Representations and Warranties. The parties hereto represent and warrant as follows:

a. Each party to this Agreement has reviewed and revised this Agreement.



Each party to this Agreement has had the opportunity to have such party's legal counsel review and revise this Agreement. The rule of construction that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Agreement or of any amendments or exhibits to this Agreement.

b. Each party has received independent legal advice from its attorneys with respect to the advisability of making the settlement provided for in this Agreement and with respect to the advisability of executing this Agreement.

c. No party (nor any agent, representative, insurer or attorney of or for any party) has made any statement or representation to any other party regarding any fact relied upon in entering into this Agreement, and each party does not rely upon any statement, representation or promise of any other party (or of any director, officer, agent, employee, representative, insurer, or attorney of or for any party) in executing this Agreement or in making the settlement provided for in this Agreement, except as expressly set forth in this Agreement.

d. Each party to this Agreement has made such investigation of the facts pertaining to this settlement and this Agreement, and of all the matters pertaining thereto, as it deems necessary.

e. Each party has read this Agreement and understands the contents of this Agreement.

f. Each party has not heretofore assigned, transferred or granted, or purported to assign, transfer or grant, any of the claims, demands or cause or causes of action disposed of by this Agreement.

g. Each term of this Agreement, including those set forth in the section entitled "Recitals," is contractual and not merely a recital.

16. No Admissions. This Agreement is entered into solely for the purpose of settlement, and no statement set forth herein shall be deemed to be an admission of liability by or on behalf of any party.

17. Dispute Resolution. Any dispute arising out of or relating to this Agreement, including, without limitation, any dispute concerning the interpretation or implementation of this Agreement, ("Dispute"), shall be resolved as follows:

a. Settlement Negotiations. The parties agree to attempt to settle the Dispute by participating in good faith settlement negotiations.

b. Mediation. If the parties cannot settle the Dispute within thirty (30)

Handwritten signatures and initials in black ink, including a stylized signature, a circled signature, and the initials 'AC'.

days, or such other reasonable time provided that the parties are in good faith negotiations to resolve the Dispute, the Dispute shall be submitted to voluntary mediation under the auspices of the San Diego, California office of the American Arbitration Association ("AAA"). The parties shall each pay their own attorneys' fees and costs in connection with the mediation, but shall share equally in the costs of mediation assessed by the AAA. The parties agree that no other proceeding can or will be initiated before a court or other tribunal unless and until the disputing parties have fully complied with the provisions of this paragraph 17(b), unless one party is taking action that threatens immanent harm or injury to the other party.


c. Binding Arbitration. If the Dispute is not resolved by settlement negotiations and/or mediation, the parties shall submit the Dispute to binding arbitration before a sole arbitrator under the auspices and Commercial Arbitration Rules of the San Diego, California office of the AAA. The arbitrator shall have the power to issue provisional and permanent injunctive relief in addition to all other powers provided for by statute and/or AAA Commercial Arbitration Rules. The prevailing party in any arbitration shall be entitled to recover from the unsuccessful party all costs, expenses and actual attorneys' and expert witness fees relating to or arising out of such proceeding and/or arising out of any post-judgment proceeding. Any award or judgment shall contain a specific provision for the recovery of all such subsequently incurred costs, expenses, actual attorneys' and expert witness fees. Any judgment rendered by the arbitrator may be confirmed and entered as a judgment of the court by any court of competent jurisdiction.

d. Waiver of Jury Trial. Each party acknowledges that such party has had the opportunity to be represented by counsel in the negotiation and drafting of this Agreement, and each party acknowledges and understands that such party has waived his or its rights to jury trial in the event of a Dispute between the parties.

18. Miscellaneous Provisions.

a. Successors. This Agreement shall be binding on and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

b. Notices. All notices, demands, consents or requests that may be or are required to be given from any party to another party shall be in writing. Notice may be effected either by personal delivery or by registered or certified mail, postage paid, return receipt requested. Notices shall be given to the parties at the addresses appearing below, and each party may change its address by giving written notice in accordance with the provisions of this paragraph. Notices shall be deemed given and effective as of the date of actual receipt.



To Avlara: Avlara Premier Collection Association
c/o Walters Management Company
9665 Chesapeake Drive, Suite 300
San Diego, CA 92123-1364

with a copy to: David M. Peters, Esq.
Peters & Freedman, LLP
191 Calle Magdalena, Suite 220
Encinitas, CA 92024

To Daybreak: Daybreak Community Church
6515 Ambrosia Lane
Carlsbad, CA 92009

with a copy to: Jeffrey C. Bloom, Esq.
Glavis & Bloom, PLC
110 West C Street, Suite 1002
San Diego, CA 92101

c. Invalid Provisions. If any provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws in effect during the term of this Agreement, such provision shall be fully severable, and this Agreement shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part of this Agreement. The remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by the illegal, invalid or unenforceable provision or by its severance from this Agreement.

d. Amendments. This Agreement may be amended at any time and from time to time, in whole or in part, only by an instrument in writing executed by the parties hereto. Any attempt at oral modification or written modification, except as specifically set forth herein, shall be void ab initio and shall not be construed as, nor shall it be, modification of this Agreement.

e. Future Assurances. The parties hereto shall do all things and take all action as may be reasonably necessary to carry out the purposes of this Agreement.

f. Venue and Jurisdiction. For purposes of venue and jurisdiction, this Agreement shall be deemed made and to be performed in the City of San Diego, California.

g. Governing Law. This Agreement shall be construed and interpreted in accordance with, and governed by, the laws of the State of California without regard to principles of conflicts of law.

h. Entire Agreement. The Recitals are incorporated into and made a Settlement and General Release Agreement
Avlara Premier Collection Association with
Daybreak Community Church of Coastal North County
February 18, 2004
Page 8

Handwritten signatures and initials in black ink, including a stylized 'A', a large 'D', a signature, and the letter 'M'.

part of this Agreement. This Agreement contains the entire agreement between the parties hereto concerning the subject matter of this Agreement.

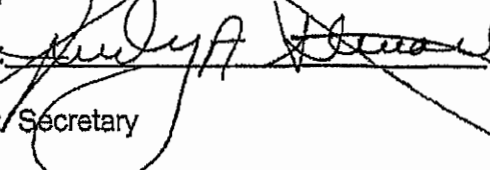
i. Counterparts. This Agreement may be executed in one or more counterparts, all of which taken together shall constitute one single document.

j. Acknowledgment. The parties hereto acknowledge that they have read and understand this Agreement and have received copies thereof.

~~AVIARA PREMIER COLLECTION
ASSOCIATION, a California Non-Profit
Mutual Benefit Corporation~~

~~By: ~~

~~Its: President~~

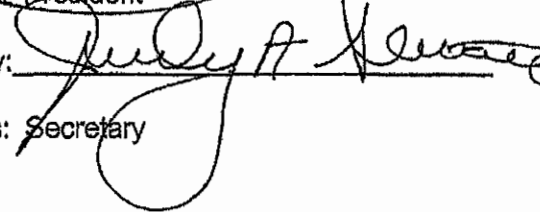
~~By: ~~

~~Its: Secretary~~

DAYBREAK COMMUNITY CHURCH OF
COASTAL NORTH COUNTY, a
California Non-Profit Religious
Corporation

By: 

Its: President

By: 

Its: Secretary

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AVIARA PREMIER COLLECTION
ASSOCIATION, a California Non-Profit
Mutual Benefit Corporation

By: Sharon Gray
SHARON GRAY

Its: President

By: Louis A. Schwab
LOUIS A. SCHWAB

Its: Secretary

DAYBREAK COMMUNITY CHURCH OF
COASTAL NORTH COUNTY, a
California Non-Profit Religious
Corporation

By: _____

Its: President

By: _____

Its: Secretary

EXHIBIT 3

Aviara Premier Collection Association

*Residential Architectural and
Landscape Improvement Manual*

APPROVED 2010

EXHIBIT 3

- b. Site plan showing house (plot plan) and location of the proposed landscaping (plant materials).
- c. Planters and retaining walls – dimensions, materials, color/finish.
- d. Hardscape, such as concrete, walk and patios, deck, patio covers with elevations (side views) and construction detail.
- e. Drainage plan including location of drain inlets and water flow direction.

B. Landscape & Irrigation Drainage

All surface water must have positive drainage away from the building and be collected in a landscape drainage system. Drain inlets must be located throughout landscape areas including side yards. All drainage must flow to the front of the home and daylight onto the City street. The ARC is not responsible for installation of proper drainage. This is the sole responsibility of the Owner and/or his landscape contractor. Members are responsible to one another and/or the Association for proper drainage. All drainage must be in compliance with the Coastal Zone Restrictions and the City of Carlsbad guidelines.

C. Fire Suppression Guidelines

Aviara's Master Plan and Coastal permit provide for creation of fire suppression zones whenever native chaparral and coastal sage type plant species are located adjacent to development sites. This includes areas within the deed restricted open spaces as well as revegetated native open space areas. The fire suppression landscape guidelines are for use in situations where deed restricted coastal resource areas and revegetated native plant areas require fire suppression landscape treatments as shown on Exhibit H-1 of the CC&R's.

The full text and graphics of the fire suppression landscape guidelines and requirements are on file with the Aviara Premier Collection.

D. Site Distance Corridor Areas

1. On the final map or parcel map certain areas are described as "site distance corridor areas." A copy of the parcel map is available for review through the City of Carlsbad.
2. No structure, fence, wall, tree, shrub, sign or other object over thirty (30") above the street level may be placed or permitted to encroach within the site distance corridor areas.
3. You are responsible for maintaining the site distance corridor area, if any, on your property.

E. Open Space Coastal Deed Restrictions

Aviara is a unique community in which large acreages of natural habitats are preserved as native open space. These scenic areas have been protected and preserved from the impacts of intensified use of the property by way of an

Open Space Coastal Deed Restriction Agreement between the Aviara developers and the California Coastal Commission on behalf of the State of California. The restriction covers 44 different parcels and totals 248 acres. This agreement is irrevocable, benefits the property, runs with the land and is binding to all its assigns or successors. The open space Coastal deed restricted areas are off the trails or the underdeveloped areas behind homes.

The Open Space Coastal Deed Restriction prohibits:

1. Any development within these areas.
2. Any alteration of land from within these areas.
3. Removal of vegetation from these areas.
4. Erection of any structure within these areas.

ARCHITECTURAL GUIDELINES

A. Walls and Fences

1. Fence style, materials and finished color are to be compatible with the neighborhood. Chain link is not permissible as fence material except as specified in the Dog Run section. Barbed wire is not permissible as fence material.
2. No walls or fences over thirty inches (30") above the street level may be placed or permitted to encroach within the site distance corridor area more fully discussed in section D of the Landscape Guidelines.
3. Placement of the fence and support structures may not interfere with the adjacent Associations sprinkler systems, nor shall fences be constructed over irrigation lines.
4. Structural framing or an unfinished side or a fence varying from existing fence standards shall not be exposed to any public street, sidewalk, walkway, park recreation area or neighboring lot.
5. Material for side yard fencing will be given special consideration depending on its exposure to the neighborhood.
6. Stepped fencing is permissible where the grade slopes.
7. Fences are required to surround pool and spa area. Minimum height requirement per City codes.
8. Specific fence requirements:
 - a. Wrought Iron:
 1. Must have painted finish with Aviara approved color (verify paint color with Management company).
 2. Welded wire mesh may be applied to interior side of a fence to restrain small pets and children and painted to match fence color. Supplemental landscape must be used to soften the appearance.

Q. Room Additions

1. Room additions must be compatible in scale, materials, and color with the applicant's existing structure.
2. Location of the addition should not unreasonably impair view, sunlight, privacy or natural ventilation to adjacent properties.
3. Pitched roofs must match or be complementary to the existing structure in slope and form.
4. No improvement (unless second story improvement or chimneys) shall exceed the roof heights of the existing structure.
5. New windows and doors are to be compatible with existing exterior openings.
6. Changes in grade, which will affect drainage, are to be indicated in the application. Provisions must be made to prevent run-off to adjacent properties.
7. Materials for construction shall be stored in the least conspicuous area. Excess debris and material shall be removed from the site daily.
8. Major features of the existing house such as the vertical and horizontal lines, projections and trim details, are to be reflected in the design of the proposed addition.

R. Screen Doors and Security Doors

1. Plans and specifications for screen doors and security doors must be submitted to the ARC for approval.
2. All screen doors must be installed within the existing door jamb in a style or color, which matches the existing dwelling.
3. Invisible/retractable screens are pre-approved provided the screen is grey in color and the screen door casing matches the existing dwelling.
4. Addition of an extra door frame structure to install a retractable screen door requires submission of an Architectural Request form.

S. Security and Realty Signs

1. Security signs shall be no larger than 12" X 12" (one foot square). A maximum of one sign shall be permitted in the front yard. Additional signs may be approved upon written request. Signs shall be freestanding and not attached to the house or garage.
2. No signs are permitted which can be seen outside any unit or home with the exception of a security sign or a single "FOR SALE" sign or "FOR RENT" sign of customary and reasonable dimensions, not to exceed 18" X

EXHIBIT 4

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



February 25, 2015

W29a

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
GABRIEL BUHR, LCP MANAGER, SAN DIEGO COAST DISTRICT
RICK CASSWELL, COASTAL PLANNER, SAN DIEGO COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD LCP
AMENDMENT NO. LCP-6-CII-14-0837-2 (Daybreak Community Church)
for Commission Meeting of March 11-13, 2015**

SYNOPSIS

The City of Carlsbad is proposing revisions to both the Land Use Plan (LUP) and Implementation Plan (IP) components of the certified Mello II LCP segment of the City. Specifically, the City of Carlsbad's Local Coastal Program (LCP) Amendment Request #LCP-6-CII-14-0837-2 involves modifications to the City's LCP Land Use Map, Zoning Map, and Habitat Management Plan (HMP) for a land use redesignation and rezoning of a property from residential use to residential/open space (Hardline Preserve).

The subject request was filed as complete on September 24, 2014, and a one-year extension was granted on December 10, 2014; therefore, the Commission must act on the amendment request no later than the December 2015 meeting.

SUMMARY OF AMENDMENT REQUEST

This LCP amendment is a project-driven amendment for the City that would facilitate expansion of the existing Daybreak Community Church campus. The subject property is comprised of two parcels and located on the south side of Poinsettia Lane, bounded by Fisherman Drive on the west and Ambrosia Lane on the east. The western parcel (located within the Mello II LCP segment) is proposed to change from a single land use designation of Residential Low-Medium Density (RLM, 0-4 du/ac) to both RLM and Open Space (OS); and will also undergo a zone change from Limited Control (L-C) to both One-Family Residential (R-1) and OS. The new Open Space designated areas will add 1.66 acres of new Hardline Preserve to the HMP.

The project includes the addition of a 17,931 square foot, 30-foot-tall sanctuary and the construction of an additional parking lot on the 11.3 acre site. The project site is located in a largely suburban area, with steep slopes vegetated by sensitive native upland habitat (i.e. environmentally sensitive habitat areas, or 'ESHA') to the south.

*Daybreak
Church plan
submitted to
Agenda for
Review at
Board of
Supervisors*

EXHIBIT

4

MITIGATION MEASURE		Monitoring Type	Monitoring Department	Shown on Plans
BIO-10	<u>Fencing, Signs and Lighting:</u> Prior to the release of grading securities, a five foot tall black vinyl-coated chain link fence shall be constructed along the northern boundary of the Open Space lot to discourage the access of humans into the HMP open space conservation areas. Signage shall be installed on the fence at consistent intervals to educate and inform the public about the goals of HMP Preserve and to prohibit public access. Lighting in the parking lot adjacent to the HMP preserve shall be of a minimum necessary for safety and security, and shall be shielded and directed to shine downward and not into the preserve area. Owner lighting restrictions shall be included in the administration office of the church.	Prior to issuance of grading permit	PLN	Yes- identify on grading plans
BIO-11	<u>Exotic Species Control:</u> The project shall not use any non-native, invasive plant species in the landscaping adjacent to the HMP Preserve.	Prior to issuance of grading permit	PLN	Yes- confirm on landscape plans
CULTURAL-1	<p>a. Prior to the issuance of grading permits, the owner/developer shall enter into a pre-excavation agreement with a representative of the San Luis Rey Band of Mission Indians. Verification shall be documented by a letter from the property owner/developer and the San Luis Rey Band of Mission Indians to the City of Carlsbad City Planner. The purpose of this agreement will be to establish the requirement of tribal monitoring and to formalize procedures for the treatment of Native American human remains and burial, ceremonial, or cultural items that may be uncovered during any ground disturbance activities.</p> <p>b. Prior to the issuance of grading permits, the property owner/developer shall retain the services of a qualified archeologist to oversee and implement the cultural resources mitigation measures as discussed herein. Verification shall be documented by a letter from the property owner/developer and the archeologist to the City of Carlsbad City Planner.</p>	Prior to issuance of grading permit	PLN	

project completion. Thus, the construction-related impacts to the site's visual character would be less than significant.

d) Potentially Significant Impact Unless Mitigation Incorporated. The eastern parcel (APN 215-841-07) is currently developed with a church, accessory classroom/office building and a parking lot. The existing structures and parking lot are elevated above the surrounding streets and land uses to the east by approximately 50 feet. At the closest point, the existing church is located approximately 380 feet from the apartments to the east and 580 feet from the single-family residential subdivision to the west. Based on the distance of the separation between the existing uses, there are no light or glare impacts.

The proposed project entails the addition of a new assembly building on the eastern parcel as well as an expansion of the parking lot on the adjacent vacant parcel to the west (APN 215-080-04). The new parking lot and assembly building will be located approximately 100 feet (at closest point) and 410' from the adjacent single-family residential subdivision to the west (off of Fisherman Drive), respectively. In addition, the elevation of the parking lot will be at approximately the same elevation (within 5 feet) of the elevation of two adjacent homes to the west. As parking lot lighting will be incorporated into parking lot design, mitigation measures have been included to reduce any impacts to the adjacent residences to the west. Compliance with mitigation measure AESTHETIC-1 would reduce the potential impacts to the residential subdivision to the west to a less than significant level. A less than significant impact is assessed to the residential land uses to the east as the existing church and accessory building will shield the new parking lot and assembly building.

Mitigation Measure:

AESTHETICS 1: Prior to the issuance of building permits for the proposed parking lot on the subject West parcel (APN: 215-080-04), the applicant shall submit a lighting plan to the City Planner for approval. The lighting plan shall indicate the location of proposed light standards (in exhibit form), along with detailed information outlining illumination and lighting fixture design with the objective of providing adequate and safe parking lot lighting that does not impact residential properties or native upland habitat adjacent to the project. Specifically, the lights shall be shielded downward (i.e., away from the adjacent native habitat and residential uses), shall be low pressure sodium, and shall be on a timer such that the lighting is turned off no later than 9:30 p.m.

monitoring biologist. No construction activities shall occur within any portion of the site where they would result in noise levels exceeding 60 dB(A) hourly average at the edge of CSS.

BIO 7: Fire Management: All fire management activities shall occur completely within the development boundaries and shall not occur within any of the HMP open space conservation areas or open space easement. Landscaping within the HMP buffer shall include low-fuel native species in compliance with the HMP.

BIO 8: Erosion control: Prior to issuance of a grading permit, Developer shall obtain approval of an erosion control plan. The plan shall identify areas susceptible to erosion on the property and immediately adjacent to the HMP open space conservation and open space easement areas. Mechanical and biological methods shall be implemented to control any potential erosion, including engineering the manufactured slopes to maximize slope stability; choosing appropriate plants for the slopes to reduce the level of erosion of the slopes; implementing post-construction best management practices (BMPs) that shall ensure run-off is appropriately treated to minimize the potential for erosion; and implementing construction-level BMPs to prevent any silt from entering any of the HMP open space conservation areas.

BIO 9: Landscaping Restrictions: The Final Landscape plans for the 20-foot-wide HMP buffer adjacent to the HMP open space preserve/conservation areas shall require the use of a native plant palette consistent with the adjacent native vegetation communities, prohibit the use of ornamental invasive species, and limit the use of fertilizers to prevent excess run-off from entering the HMP open space conservation areas. The project shall control irrigation of landscaping adjacent to the HMP conservation areas so as to prevent runoff from spreading into the preserve. In addition, the use of cultivars of native species shall be prohibited to avoid genetic contamination of the native plant species in the preserve.

BIO 10: Fencing, Signs and Lighting: Prior to the release of grading securities, a five foot tall black vinyl-coated chain link fence shall be constructed along the northern boundary of the Open Space lot to discourage the access of humans into the HMP open space conservation areas. Signage shall be installed on the fence at consistent intervals to educate and inform the public about the goals of HMP Preserve and to prohibit public access. Lighting in the parking lot adjacent to the HMP preserve shall be of a minimum necessary for safety and security, and shall be shielded and directed to shine downward and not into the preserve area. Owner lighting restrictions shall be included in the administration office of the church.

BIO 11: Exotic Species Control: The project shall not use any non-native, invasive plant species in the landscaping adjacent to the HMP Preserve.

HMP FINDINGS

The proposed project occurs within Zones 19 (Eastern parcel, APN 215-841-07, 6515 Ambrosia Lane) and 20 (Western parcel, APN 215-080-04) of the HMP. The Western parcel is located in a Proposed Standards Area while the southern portion of the Eastern parcel is located within an Existing Hardline Area. The Existing Hardline Area is not currently managed or maintained as part of a long-term management plan. The project proposes no change to the Existing Hardline area located on the southern portion of the Eastern lot. Through onsite preservation, the project proposes a contribution of

activity would occur during allowable times, in compliance with Section 8.48.010 of the City of Carlsbad Municipal Code. As noise impacts associated with construction are temporary in nature, no potentially significant noise impact related to construction would occur.

Future Condition- Traffic and Project-Generated Noise

The existing church as well as the proposed sanctuary, are setback approximately 50 feet from Poinsettia Lane, which is designated as a Major Arterial road pursuant to the city's General Plan. Pursuant to the Future Noise Exposure Contour Map of the City's *Noise Guidelines Manual*, properties located adjacent to Poinsettia Lane will be subject to noise up to 70 dB as a result of projected traffic along the corridor. As identified in the *Manual*, churches are required to meet an interior noise standard of 45 dBA. Therefore, in order to reduce impacts associated with interior noise to a less than significant level, mitigation is required.

As a majority of the church activities are proposed to be located inside, impacts to the adjacent residential land uses to the east and west are not anticipated. However, the proposed screen wall located adjacent to the southwest corner of the expanded parking lot will assist in reducing any noise impacts associated with vehicle parking and circulation. Therefore, a less than significant impact is anticipated.

Mitigation Measure:

***NOISE-1.** Prior to issuance of the building permit, an acoustical analysis consistent with City standards shall be prepared by a registered professional to demonstrate that the proposed building design will limit interior noise for the church to 45 dBA. The building plans shall incorporate the recommendations in the report to satisfy the requirements.*

b & d) Less than Significant Impact. The anticipated grading operations associated with the proposed project will result in a temporary and minor increase in groundborne vibration and ambient noise levels. Following the completion of demolition, grading, and construction activities, ambient noise level and vibrations are expected to return to pre-existing levels. Therefore, impacts are considered to be less than significant.

c) No Impact. The project will not result in a substantial permanent increase in the ambient noise. Therefore, no impact is anticipated.

e) Less than Significant Impact. The McClellan-Palomar Airport is located approximately one mile north of the subject site. Pursuant to the McClellan-Palomar Airport Land Use Compatibility Land Use Plan (ALUCP), the project is located within Review Area 2 of the Airport Influence Area (AIA) as well as Safety Zone 6, Traffic Pattern Zone. Pursuant to Table III-2 of the ALUCP, a large indoor assembly area with a seating capacity greater than 1,000 people is a conditionally compatible land use in Safety Zone 6. As such, pursuant to the ALUCP, one additional exit is required for every 1,000 people. The Uniform Building Code (UBC) currently requires a total of four exits for the proposed assembly building. The proposed assembly building has been designed with five exits; therefore, the project complies with the requirements of the ALUCP. In addition, while the project is located within Airport Overflight Notification Area of the ALUCP, an overflight notification is not required to be recorded on title since the proposal does not include new residential development. Finally, the project site is located outside of

56

XVI. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Less than Significant Impact. Pursuant to the city's Growth Management Program (GMP) circulation standards, no road segment or intersection in the zone or any road segment or intersection outside of the zone which is impacted by development within the zone, shall be projected to exceed a level of service (LOS) "D" during peak hours.

To analyze the proposed project's compatibility with the GMP threshold, a *Traffic Impact Analysis (TIA)* was prepared by Linscott, Law & Greenspan (May, 2013). As discussed in the TIA, the existing street network in the project area consists of Poinsettia Lane, an east-west, four-lane Major Arterial road, as well as Fisherman Drive and Ambrosia Lane, unclassified roadways. Each of these road segments and intersections is currently operating at a Level of Service (LOS) A during the PM commuter peak hour during the weekdays and the AM peak hour (9:30-11:30 a.m.) for the Sunday church service.

Based on the proposal to add a 1,010-seat worship center to the property, the project is projected to generate 249 average daily trips (ADTs) on a weekday PM peak hour and 1,718 ADTs during the AM peak Sunday service (i.e., between 9:30-11:30 AM). Pursuant to Tables 8-1, 8-2, 9-1 and 9-2 of the TIA, no significant impacts were calculated for the weekday PM peak hour or AM Sunday service (i.e., Existing + Project scenarios) for the affected segments and intersections. While the increase in traffic from the proposed project may be slightly noticeable, the street system has been designed and sized to

accommodate traffic from the project and cumulative development in the City of Carlsbad. The proposed project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system. Therefore, a less than significant impact is anticipated.

b) *No Impact.* In 2009 the congestion management agency (SANDAG) employed an "opt out" option defined in Assembly Bill (AB) 2419. The congestion management program is no longer relevant to development in the City of Carlsbad.

c) *No Impact.* The proposed project does not include any aviation components. Therefore, it would not result in a change of air traffic patterns or substantial safety risks. No impact assessed.

d) *Less than Significant Impact.* Due to neighborhood concerns regarding the addition of a new driveway access point off of Fisherman Drive and the impact it may have on the adjacent residential subdivision to the south, the TIA included a Queuing Analysis. In addition, the alternative of adding the new driveway off of Poinsettia Lane instead of Fisherman Drive was studied.

As concluded in the TIA, a new driveway off of Poinsettia Lane could not be supported due to the lack of adequate intersection spacing as well as concerns regarding adding a new ingress/egress point along a Major Arterial with a high speed of travel. Further, native upland habitat would need to be removed for the addition of a driveway off of Poinsettia Lane. In addition, pursuant to Table 9-3 of the TIA, it was concluded that the project would not cause queues to exceed the available storage or add more than five (5) vehicles or 125 feet of queue. Therefore, the project would not adversely affect the operations along Fisherman Drive or at the intersection of Poinsettia Lane and Fisherman Drive.

The applicant has designed the egress point of the driveway off of Fisherman Drive to include a small concrete island which precludes vehicles from turning left or going straight (i.e., through the Redeemer by the Sea property to the west) when exiting the development. All other project circulation improvements will be designed and constructed to City standards and would not result in design hazards. Therefore, a less than significant impact is anticipated.

In addition, with the proposed General Plan Amendment and Zone Change, the proposed project will be consistent with the City's general plan and zoning. Therefore, it would not increase hazards due to an incompatible use. Therefore, no impact assessed.

e) *No Impact.* The addition of a second driveway to the Daybreak Community Church property will improve emergency access to and from the site. In addition, the proposed project has been designed to address the emergency requirements of the Fire and Police Departments. Therefore, no impact is assessed.

f) *No Impact.* The proposed project is not served by nor is it located in an area conducive to public transportation. However, as required by the 2013 Green Building Code, bike racks have been incorporated into the project design. Therefore, no impact is assessed.

XVII. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-g) No Impact. The East and West parcels are located within the boundaries of Local Facilities Management Plan (LFMP) Zones 19 and 20, respectively. The proposed expansion to the Daybreak Community Church campus is also located within the service boundaries of the Carlsbad Municipal Water District for water and sewer services. Adequate water supply and sewer treatment capacity exists to serve the proposed project. In addition, the proposed project will be required to comply with all Regional Water Quality Control Board Requirements. One new private storm drain is proposed in association with the church expansion project. No new water or wastewater treatment facilities are proposed or required. All proposed public facilities, including water, wastewater, and drainage facilities, have been designed to accommodate the proposed project. In addition, the proposed project will be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and the project will comply with federal, state, and local statutes and regulations related to solid waste. Therefore, no impact is assessed.

61

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause the substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) **Less than Significant Impact with Mitigation Incorporated.** As outlined in the Biological Resources section of this report, the project's required mitigation reduces impacts to sensitive native habitat and wildlife species to a less than significant level. In addition, the project is consistent with the city's Habitat Management Plan (HMP). Further, the implementation of the HMP provides mitigation for cumulative biological impacts as it allows for the adoption of a long-term biological preserve system throughout the City. Therefore, there will be no cumulative impacts to sensitive habitat or wildlife communities. In addition, given the minimal grading proposed as well as the fact that development is occurring on a previously-grading pad, no impacts are anticipated to important examples of California history or prehistory.

b) **Less than Significant Impact.** The San Diego Association of Governments (SANDAG) projects regional growth for the greater San Diego area, and local General Plan Land Use policies are incorporated into SANDAG projections. Based upon those projections, region-wide standards, including storm water quality control, air quality standards, habitat conservation, congestion management standards, etc., are established to reduce the cumulative impacts of development in the region. All of the City's development standards and regulations are consistent with the region wide standards. The City's standards and regulations, including grading standards, water quality and drainage standards, traffic standards, habitat and cultural resource protection regulations, and public facility standards, ensure that development within the City will not result in a significant cumulatively considerable impact.

There are two regional issues that development within the City of Carlsbad has the potential to have a cumulatively considerable impact on. Those issues are air quality and regional circulation. As described above, the project would contribute to a cumulatively considerable potential net increase in emissions throughout the air basin. However, the air quality would be essentially the same whether or not the

62

Amendment No. LCP-6CII-14-0837-2

Item N0.W29a

Daniel P Browne

Gina H Browne

Opposition

March 5, 2015

RECEIVED

MAR 10 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Sir,

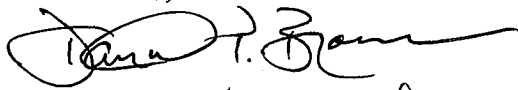
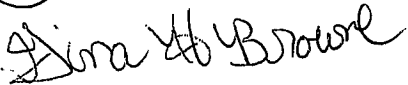
We are adamantly opposed to this proposed land use by Daybreak Community Church. Here are the following reasons:

- 1.) Excessive noise and music already made by this church will be exacerbated by this expansive proposal especially on weekends. This is very disturbing to our neighborhood which is located immediately south of the church location.
- 2.) Excessive car traffic generated by the current church facility will only increase with this proposal.
- 3.) Downward pressure on home values will be unfortunate as noise and traffic volumes generated by this church location will only be exacerbated by this planned growth.

Please vote no to this latest planned growth which negatively impacts all of the homeowners *living* around and so close to this property. Who is most impacted by this proposal ? The home owners and tax payers living immediately adjacent to this property !

Sincerely,

Daniel p Browne
Gina H Browne
6619 Fiona Pl.
Carlsbad, CA 92011

CALIFORNIA COASTAL COMMISSION

San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, California 92108-4402
(619) 767-2370 FAX (619) 767-2384

www.coastal.ca.gov



Page: 1

Date: February 20, 2015

IMPORTANT PUBLIC HEARING NOTICE**Local Coastal Program****LCP AMENDMENT NO. LCP-6-CII-14-0837-2****Daybreak Community Church**

Request by the City of Carlsbad to amend its certified LCP Land Use and Implementation Plans to redesignate and rezone (from residential use to residential/open space uses) a site located at the southeast corner of Poinsettia Lane and Fisherman Drive.

HEARING DATE AND LOCATION:

DATE: Wednesday, March 11, 2015

TIME: 9 a.m.

PLACE: Chula Vista Council Chambers
276 Fourth Street
Chula Vista, CA 91910
(415) 407-3211

ITEM NO: **W29a**

HEARING PROCEDURES:

This item has been scheduled for a public hearing and vote. People wishing to testify on this matter may appear at the hearing or may present their concerns by letter to the Commission on or before the hearing date. The Coastal Commission is not equipped to receive comments on any official business by electronic mail. Any information relating to official business should be sent to the appropriate Commission office using U.S. Mail or courier service.

AVAILABILITY OF STAFF REPORT:

A copy of the staff report on this matter will be available no later than 10 days before the hearing on the Coastal Commission's website at <http://www.coastal.ca.gov/mtgcurr.html>. Alternatively, you may request a paper copy of the report from Rick Casswell Coastal Planner at the San Diego Coast District Office.

SUBMISSION OF WRITTEN MATERIALS:

If you wish to submit written materials for review by the Commission, please observe the following suggestions:

- We request that you submit your materials to the Commission staff no later than three working days before the hearing (staff will then distribute your materials to the Commission).

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



February 25, 2015

W29a

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
GABRIEL BUHR, LCP MANAGER, SAN DIEGO COAST DISTRICT
RICK CASSWELL, COASTAL PLANNER, SAN DIEGO COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD LCP
AMENDMENT NO. LCP-6-CII-14-0837-2 (Daybreak Community Church)
for Commission Meeting of March 11-13, 2015**

SYNOPSIS

The City of Carlsbad is proposing revisions to both the Land Use Plan (LUP) and Implementation Plan (IP) components of the certified Mello II LCP segment of the City. Specifically, the City of Carlsbad's Local Coastal Program (LCP) Amendment Request #LCP-6-CII-14-0837-2 involves modifications to the City's LCP Land Use Map, Zoning Map, and Habitat Management Plan (HMP) for a land use redesignation and rezoning of a property from residential use to residential/open space (Hardline Preserve).

The subject request was filed as complete on September 24, 2014, and a one-year extension was granted on December 10, 2014; therefore, the Commission must act on the amendment request no later than the December 2015 meeting.

SUMMARY OF AMENDMENT REQUEST

This LCP amendment is a project-driven amendment for the City that would facilitate expansion of the existing Daybreak Community Church campus. The subject property is comprised of two parcels and located on the south side of Poinsettia Lane, bounded by Fisherman Drive on the west and Ambrosia Lane on the east. The western parcel (located within the Mello II LCP segment) is proposed to change from a single land use designation of Residential Low-Medium Density (RLM, 0-4 du/ac) to both RLM and Open Space (OS); and will also undergo a zone change from Limited Control (L-C) to both One-Family Residential (R-1) and OS. The new Open Space designated areas will add 1.66 acres of new Hardline Preserve to the HMP.

The project includes the addition of a 17,931 square foot, 30-foot-tall sanctuary and the construction of an additional parking lot on the 11.3 acre site. The project site is located in a largely suburban area, with steep slopes vegetated by sensitive native upland habitat (i.e. environmentally sensitive habitat areas, or 'ESHA') to the south.

The City is proposing to amend its LUP and IP Plans to reflect the changes made to both the Land Use and Zoning Maps for a land use redesignation and rezoning of the subject property from residential use to residential/open space uses as part of the aforementioned proposed expansion of the existing Daybreak Community Church campus. The City is also proposing to update the HMP maps within the LCP to reflect the additional acreage added to the Hardline Preserve as a result of the subject amendment. The campus is located on two parcels, although the subject amendment will change the land use and zoning designations of only the western parcel (APN: 215-080-04). Both the eastern (APN: 215-841-07) and western parcels contain ESHA on the southern portions of those parcels. The eastern parcel (located within the Mello I LCP segment) will maintain the existing land use designations of Residential Medium Density (RM, 4-8 du/ac) and OS, and will also retain the existing zoning classification of Planned Community (P-C). Consequently, only the Mello II segment and HMP components of the LCP are proposed to be modified by this LCP Amendment request.

The southern portion (2.22 acres) of the eastern parcel is existing Hardline Preserve under the City's Habitat Management Plan (HMP), which is part of the City's LUP, and has a land use designation of OS, but is not currently protected or managed under a biological conservation easement. The main intent of the proposed LCP amendment is to separate proposed area for new development on the northern 2.87 acres of the western parcel from the sensitive habitat areas located on the southern portion of that parcel and to add this 1.66 acre area to the existing Hardline Preserve in the HMP. Additionally, the following City issued, coastal development permit (CDP) for this project will add conservation easements to the Hardline Preserve areas on both parcels, and will require active management and maintenance of the onsite sensitive habitat in those areas of the property.

SUMMARY OF STAFF RECOMMENDATION

The proposed land use and zoning redesignations for the western parcel of the subject property are consistent with the Mello II and HMP components of the City's LUP, as well as the Chapter 3 policies of the Coastal Act. The proposed development is clustered on the north portion of the property, where existing development is already located, and the steep slopes and sensitive habitat areas on the southern portion of the property will be conserved and maintained as part of the City's HMP Hardline Preserve. The proposed project will add 1.66 acres of additional land into the Hardline Preserve (on the western parcel) that is connected to other large habitat areas already set aside for preservation. The proposed OS land use and zoning designations for the southern portion of the western parcel will be combined with a conservation easement and management program for both the eastern and western parcels to ensure the conservation of ESHA on the subject property.

Staff recommends that the Commission find that the City's request to amend the certified LCP Land Use Plan meets the requirements of, and conforms with, the Chapter 3 policies of the Coastal Act as submitted. Additionally, staff recommends that the City's request to amend the certified LCP Implementation Plan can be found to be

consistent with the certified Mello II Land Use Plan and HMP. No adverse impacts to coastal access or public views are anticipated, and as amended, impacts to coastal resources have been minimized (specifically, 0.05 acres of Coastal Sage Scrub habitat) and will be appropriately mitigated as allowed under the provisions of the HMP.

Staff is therefore recommending that the amendment be approved as submitted by the City. The appropriate resolutions and motions may be found on Pages 6 and 7. The findings for approval of the LUP Amendment as submitted begin on Page 7 and the findings for approval of the IP Amendment as submitted begin on Page 10.

BACKGROUND

LCP Amendment #LCP-6-CII-14-0837-2 was submitted and filed as complete on September 24, 2014. A one year time extension was granted to Commission staff at the December 2014 Commission meeting, due to insufficient time to adequately review and prepare recommendations on the amendment. Commission staff has worked with Planning staff from the City of Carlsbad during the review of this proposed amendment.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad's LCP Amendment #LCP-6-CII-14-0837-2 may be obtained from Rick Casswell, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of Carlsbad's certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties, East Batiquitos Lagoon/Hunt Properties, and Village Area. Pursuant to Sections 30170(f) and 30171 of the Public Resources Code, the Coastal Commission prepared and approved two portions of the LCP, the Mello I and II segments in 1980 and 1981, respectively. The West Batiquitos Lagoon/ Sammis Properties segment was certified in 1985. The East Batiquitos Lagoon/Hunt Properties segment was certified in 1988. The Village Redevelopment Area LCP was certified in 1988; the City has been issuing coastal development permits there since that time. On October 21, 1997, the City assumed permit jurisdiction and has been issuing coastal development permits for all segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment is a deferred certification area until an implementation plan for that segment is certified. The proposed amendment modifies only the Mello II segment of the LCP.

On June 12, 2003, the California Coastal Commission approved a Local Coastal Program (LCP) amendment request for the adoption of the City's Habitat Management Plan (LCPA 1-03B). In its action, the Commission adopted land use plan revisions to the Carlsbad LCP and incorporated the City's Habitat Management Plan (HMP) into the certified LCP. The modifications addressed revised development limitations on specific properties and included additional requirements for development of the preserve management plan. The Carlsbad HMP was prepared to satisfy the requirements of a federal Habitat Conservation Plan (HCP), and as a subarea plan of the regional Multiple Habitat Conservation Plan (MHCP). The MHCP study area involves approximately 186 square miles in northwestern San Diego County. This area includes the coastal cities of Carlsbad, Encinitas, Solana Beach and Oceanside, as well as the inland cities of Vista and San Marcos and several independent special districts. The participating local governments and other entities will implement their portions of the MHCP through individual subarea plans such as the Carlsbad HMP. Once approved, the MHCP and its subarea plans replace interim restrictions placed by the U.S. Fish and Wildlife Services (USFWS) and the California Department of Fish and Game (CDFG) on impacts to coastal sage scrub and gnatcatchers within that geographical area. The MHCP and subarea plans will allow the incidental take of the gnatcatcher and other covered species as specified in a particular plan.

Since certification of the LUP Amendment that established the HMP, the Commission has approved several LCP amendments, similar to that proposed here, which would modify the land use and open space boundaries to accommodate development. These include, but are not necessarily limited to, Carlsbad LCP Amendment Nos. 2-07B (Kelly JRMC); 1-04B (Kirgis); 1-05A (Yamamoto); 1-05C (North Coast Calvary Chapel); 2-01A (Lynn); 2-04B (Black Rail); 2-06B (La Costa Village); 1-07C (La Costa Glen); and 2-07A (Aura Circle). In order to memorialize the additions to the HMP Hardline Preserve created as a part of the proposed LCP amendment, the City will be required to

submit revised HMP maps as part of their next annual update to the HMP.

B. STANDARD OF REVIEW

The standard of review for land use plans and their amendments is set by Section 30512 of the Coastal Act. This section requires the Commission to certify an LUP or LUP amendment if it finds that it meets the requirements of, and conforms to, Chapter 3 of the Coastal Act. Specifically, it states:

Section 30512

(c) The Commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200). [A decision to certify shall require a majority vote of the appointed membership of the Commission.]

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

In those cases when a local government approves implementing ordinances in association with a land use plan amendment and both are submitted to the Commission for certification as part of one LCP amendment, pursuant to Section 13542(c) of the Commission's regulations, the standard of review of the implementing actions shall be the land use plan most recently certified by the Commission. Thus, if the proposed land use plan amendment is conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL – RESOLUTION

Following a public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided.

- I. MOTION:** *I move that the Commission approve the Land Use Plan Amendment No. LCP-6-CII-14-0837-2 for the City of Carlsbad LCP as submitted.*

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Land Use Plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

RESOLUTION TO CERTIFY LAND USE PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Land Use Plan Amendment for the City of Carlsbad as submitted and adopts the findings set forth below on grounds that the land use plan, as amended, will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan amendment.

- II. MOTION:** *I move that the Commission approve the Implementation Plan Amendment No. LCP-6-CII-14-0837-2 for the City of Carlsbad LCP as submitted.*

STAFF RECOMMENDATION TO CERTIFY:

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan amendment as submitted and adoption of the following resolution and findings. The motion to certify as submitted passes only upon an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Plan Amendment for the City of Carlsbad certified LCP as submitted and adopts the findings set forth below on grounds that the Implementation Plan Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, as amended, and certification of the Implementation Plan Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Plan amendment.

PART III. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD MELLO II LAND USE PLAN AMENDMENT, AS SUBMITTED

A. AMENDMENT DESCRIPTION

The proposed amendment would change the City's Land Use Plan by modifying the certified LCP Land Use Map to re-designate the Daybreak Community Church property's western parcel from RLM (Residential Low-Medium Density; 0-4 du/ac) to RLM and OS (Open Space). Also, the HMP component of the LUP would be modified through the addition of 1.66 acres of new Hardline Preserve. The proposed changes to land use would facilitate expansion of the Daybreak Community Church complex and would result in 0.05 acres of impacts to coastal sage scrub habitat on the northwestern edge of the subject site. Impacts to habitat areas have been avoided and minimized to the greatest extent feasible and are proposed to be mitigated onsite consistent with the provisions of the HMP.

This amendment will allow for the preservation and conservation of steep slopes, vegetated with sensitive native upland habitat (i.e. ESHA), on the southern (1.66 acres) portion of the western parcel, while also allowing for the proposed new development to occur in the northern portion of the western parcel. The preservation and conservation of the 1.66 acres of ESHA located on the southern portion of the western parcel will involve this area of land being added to the City's existing Hardline Preserve and will require active management and maintenance.

B. CONFORMITY OF THE CITY OF CARLSBAD MELLO II LAND USE PLAN AMENDMENT WITH CHAPTER 3

Relevant Coastal Act policies include the following:

Environmentally Sensitive Habitat Areas

Section 30240

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Coastal Development/Visual Resources

Section 30250

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. [...]

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

ANALYSIS

As previously described in this report, relative to the subject LCP amendment, the certified City of Carlsbad LCP land use plan includes both the City's HMP and the Mello II segment of the LUP. The certified LUP references Coastal Act Section 30240 as one of the applicable standards of review for development located adjacent to ESHA. The subject LCP Amendment proposes an expanded Hardline Preserve area be added to the HMP that would protect onsite ESHA from the proposed new development on the western parcel. This will involve the conversion of Standards Area Zone 20 (the western parcel) to Hardline Preserve.

The LCP amendment will accommodate development on the northern portion of the western parcel that would impact 0.05 acres of Coastal Sage Scrub (CSS), within an

isolated area of vegetation that exists as a linear strip located between an existing dirt overflow parking lot and the Poinsettia Lane right-of-way. The expanded church facility is an allowed use under the RLM land use designation, and the concentration of the proposed development along an existing developed corridor away from sensitive habitat areas is consistent with Coastal Act policies and the HMP. The property owner is proposing to comply with the no net loss requirement of the HMP by creating 0.05 acres of new CSS within the southern portion of the parcel that is proposed to be added to the Hardline Preserve, and will be maintained through a conservation easement. Additionally, as indicated by the supplemental letter from the City of Carlsbad (dated February 20, 2015) and revised Figure 7 (from the Biological Technical Report), the property owner is also proposing to restore 0.05 acres of CSS at another location within the southern portion of the western parcel. This will ensure compliance with the HMP's requirement of 2:1 mitigation for impacts to CSS. By locating both the creation and restoration components of CSS mitigation on the southern portion of the western parcel, which will adjoin the existing Hardline Preserve on the eastern parcel, the proposed project will ensure that sensitive habitat is being conserved in a contiguous configuration, consistent with the provisions of the HMP.

Given that the proposed project will be consolidating new development on the northern portions of the two subject parcels, avoids and minimizes impacts to native habitats, and will conserve ESHA (specifically through re-designating the southern portion of the western parcel to OS, and adding this acreage to the existing Hardline Preserve of the HMP), the proposed LCP amendment will be in consistent with Section 30240 of the Coastal Act. Also, because the proposed new development will be located within the existing, developed areas of the property, and away from the sensitive habitat areas towards the south of the subject site, the subject LCP amendment request also complies with Section 30250 of the Coastal Act. Further, scenic views are not impacted by the proposed amendment, as the steep slopes at the south of the subject property are proposed to be conserved, consistent with Section 30251 of eth Coastal Act. Therefore, the proposed Land Use Plan amendment can be found consistent with Chapter 3 of the Coastal Act, as submitted.

**PART IV. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED**

A. AMENDMENT DESCRIPTION

The proposed amendment would change the City's Implementation Plan by modifying the certified LCP Zoning Map to re-designate the Daybreak Community Church property's western parcel from L-C (Limited Control) to R-1 (One-Family Residential) and OS (Open Space).

The western parcel is located within Planning Area E of the Zone 20 Specific Plan. Pursuant to the Zone 20 Specific Plan, any development located within Planning Area E requires a rezone from L-C to R-1. The northern 2.87 acres of the western parcel is proposed to change from L-C to R-1, to meet this requirement. The southern 1.66 acres of the western parcel is proposed to be rezoned from L-C to OS, which is also consistent with this Specific Plan, in that it permanently preserves sensitive upland habitat and ensures protection of the wildlife corridor.

The entire 6.77 acre eastern parcel is located within Planning Area 32B of the Aviara Master Plan (part of the City's IP), and will maintain its zoning designation of P-C (Planned Community), which is implemented by the Aviara Master Plan. The Aviara Master Plan designates the 2.22 acres of steep slopes (with sensitive habitat) at the south of this parcel as open space. Therefore, the City is not requesting a zone change from P-C to OS for the southern portion of the eastern parcel as part of this LCP amendment, because this portion is already designated open space (and included in the HMP Hardline Preserve) and is consistent with the LCP.

B. CONFORMANCE WITH THE CERTIFIED LAND USE PLAN

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. The certified LUP for the Mello II segment of the City has two main policies relevant to the proposed amendment.

Policy 1-1: Allowable Land Uses

Allowable uses are those that are consistent with both the General Plan and the Local Coastal Program.

Policy 3-1 Carlsbad Habitat Management Plan

Certain areas of Carlsbad Coastal Zone have very high habitat value. These areas are not suitable for farming... The Carlsbad Habitat Management Plan (HMP) is a comprehensive, citywide program to identify how the city, in cooperation with federal and state agencies, can preserve the diversity of habitat and protect sensitive biological resources within the Coastal Zone. [...]

The certified HMP has the following policies which are applicable to the proposed amendment:

Policy 7-1 Environmentally Sensitive Habitat Areas (ESHA)

Pursuant to Section 30240 of the California Coastal Act, environmentally sensitive habitat areas, as defined in Section 30107.5 of the Coastal Act, shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Policy 7-2 Coastal Sage Scrub

Coastal Sage Scrub is a resource of particular importance to the ecosystems of the Coastal Zone, due in part to the presence of the Coastal California gnatcatcher (Federal Threatened) and other species. Properties containing Coastal Sage Scrub located in the Coastal Zone shall conserve a minimum 67% of the Coastal Sage Scrub and 75% of the gnatcatchers onsite. Conservation of gnatcatchers shall be determined in consultation with the wildlife agencies.

Policy 7-8 No Net Loss of Habitat

There shall be no net loss of Coastal Sage Scrub, Maritime Succulent Scrub, Southern Maritime Chaparral, Southern Mixed Chaparral, Native Grassland, and Oak Woodland within the Coastal Zone of Carlsbad.

Mitigation for impacts to any of these habitat types, when permitted, shall include a creation component that achieves the no net loss standard. Substantial restoration of highly degraded areas (where effective functions of the habitat type have been lost) may be substituted for creation subject to the consultation and concurrence of the U.S. Fish and Wildlife Service and the California Department of Fish and Game (wildlife agencies). The Coastal Commission shall be notified and provided an opportunity to comment upon proposed substitutions of substantial restoration for the required creation component. Development shall be consistent with Policy 7-1 of this subsection, unless proposed impacts are specifically identified in the HMP; these impacts shall be located to minimize impacts to Coastal Sage Scrub and maximize protection of the Coastal California gnatcatcher and its habitat.

Policy 7-9 Upland Habitat Mitigation Requirements

Where impacts to the habitats stated in 7-1 are allowed, mitigation shall be provided as follows:

- a. The no net loss standard shall be satisfied as stated in 7-8. Typically this will consist of creation of the habitat type being impacted (or substantial restoration where allowed) at a ratio of at least 1:1 as provided in the HMP.

- b. Onsite preservation is not eligible for mitigation credit in the coastal zone. Onsite or off-site open space preserve areas may be utilized to satisfy required mitigation for habitat impacts associated with development if the preserve areas are disturbed and suitable for restoration or enhancement, or they are devoid of habitat value and therefore suitable for the 1:1 mitigation component requiring creation or substantial restoration of new habitat. Substantial restoration is restoration that has the effect of qualitatively changing habitat type and may meet the creation requirement if it restores habitat type that was historically present, but has suffered habitat conversion or such extreme degradation that most of the present dominant species are not part of the original vegetation. Substantial restoration contrasts with enhancement activities, which include weeding, or planting within vegetation that retains its historical character, and restoration of disturbed areas to increase the value of existing habitat which may meet other mitigation requirements pursuant to the HMP.

- c. Impacts to Coastal Sage Scrub shall be mitigated at an overall ratio of 2:1, with the creation component satisfying half of the total obligation. The remainder of the mitigation obligation shall be satisfied pursuant to the provisions of the HMP.

[...]

- f. Mitigation for impacts within the coastal zone should be provided within the coastal zone if possible, particularly the 1:1 creation component, in order to have no net loss of habitat within the coastal zone. Mitigation measures on land outside the Coastal Zone may be acceptable if such mitigation would clearly result in higher levels of habitat protection and value and/or would provide significantly greater mitigation ratios, and the mitigation area is part of the HMP. Land area inside and outside the coastal zone which serves as mitigation for habitat impacts in the coastal zone shall be permanently retired from development potential and secured as part of the HMP preserve management plan as a condition of development approval.

- g. Habitat mitigation requirements other than the creation or substantial restoration component may be partially or wholly fulfilled by acquisition of existing like habitat and/or retirement of development credits on existing like habitat with permanent preservation as part of the HMP preserve management plan.

- h. All mitigation areas, onsite and offsite, shall be secured with a conservation easement in favor of the wildlife agencies. In addition, a preserve management plan shall be prepared for the mitigation areas, to the satisfaction of the City, the wildlife agencies, and the Coastal Commission. [...]

Policy 7-11 Buffers and Fuel Modification Zones

Buffers shall be provided between all preserved habitat areas and development. Minimum buffer widths shall be provided as follows:

- a. 100 ft. for wetlands
- b. 50 ft. for riparian areas
- c. 20 ft. for all other native habitats (coastal sage scrub, southern maritime chaparral, maritime succulent scrub, southern mixed chaparral, native grassland, oak woodland).

Buffer widths shall be measured from the edge of preserved habitat nearest the development to the closest point of development. For wetlands and riparian areas possessing an unvegetated bank or steep slope (greater than 25%), the buffer shall be measured from the top of the bank or steep slope rather than the edge of habitat, unless there is at least 50 ft. between the riparian or wetland area and the toe of the slope. If the toe of the slope is less than 50 feet from the wetland or riparian area, the buffer shall be measured from the top of the slope.

[...]

ANALYSIS

The intent of the R-1 zone is to implement the Residential Low density (RL), Residential Low-Medium density (RLM) and Residential Medium density (RM) land use designations of the Carlsbad general plan; and to provide regulations and standards for the development of one-family dwellings and other permitted or conditionally permitted uses as specified in this chapter. The R-1 zone allows for churches with a conditional use permit. Therefore, the proposed rezoning of the northern portion of the western parcel from L-C to R-1 will maintain consistency with the City's LUP.

The intent of the OS zone is to provide for open space and recreational uses which have been deemed necessary for the aesthetically attractive and orderly growth of the community. It is used in conjunction with publicly owned property such as parks, open space, recreation areas, civic centers and other public facilities of a similar nature.

Currently, the City's HMP Implementation Plan remains uncertified. One of the major goals of the HMP Implementation Plan was the establishment of an open space conservation mechanism that will ensure protection of coastal resources in perpetuity. It was anticipated this mechanism would include a conservation oriented open space zone or overlay that would restrict uses within the habitat preserve to only resource-dependent uses that would be more restrictive and protective of coastal resources than the current open space zone as certified in the LCP. Currently, the Open Space designation allows

for numerous uses including orchards, vineyards, bicycle paths, baseball fields, etc. that could lead to impacts to sensitive resources.

No such open space zone or overlay currently exists in the IP, however, in the absence of that zone/overlay the Commission finds that the sensitive habitat onsite can be protected as open space through use of the OS land use plan designation, which is controlling, the inclusion of the OS area into the Hardline Preserve of the HMP, and the recordation of a conservation easement. The proposed project includes this conservation easement as part of the Mitigation Monitoring and Reporting Program implementation, which is a condition of approval imposed by the City as a part of the locally issued CDP. The conservation easement prohibits private encroachment or development in dedicated open space; but does allow for habitat restoration and enhancement. This also complies with Policy 7-9 (h) of the HMP.

The proposed development would minimize impacts to only 0.05 acres of the 1.3 acres of CSS located across the two parcels; this would result in 96% of the onsite CSS being conserved; which exceeds the requirements of Policy 7-2 of the HMP, which maintains that a minimum of 67% of onsite CSS shall be conserved. No California gnatcatchers were observed during the 2013 biological study of the property.

As previously discussed in this report, Policies 7-8 and 7-9, which require no net loss of CSS, along with a mitigation ratio of 2:1 for impacted CSS, are both being met by the proposed project's mitigation for 0.05 acres of impacted CSS. The project will involve 0.05 acres of onsite creation and an additional 0.05 acres of onsite restoration of CSS within the proposed OS (Hardline Preserve) portion of the western parcel. Additionally, a minimum 20-foot buffer is incorporated between the proposed Hardline Preserve and any areas of proposed project development, consistent with Policy 7-11 of the HMP. Therefore, the proposed OS zoning designation will maintain compliance with the HMP component of the City's LUP.

In summary, the Commission finds that the proposed amendment can be certified, as submitted, because it is in conformance with the certified land use plan, as amended herein, protects sensitive habitat areas consistent with the provisions of the City's HMP, and will not adversely impact coastal access or coastal resources.

PART VI. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and approvals necessary for the preparation and adoption of a local coastal program. The Commission's Local Coastal Program (LCP) review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of

the responsibility to prepare an EIR for its review of an LCP or LCP amendment submittal, instead requiring the Commission to prepare a functional equivalent environmental analysis document consistent with its certified program.

At the local level, in connection with the revisions to its HMP, Land Use Map, and Zoning Map, the City determined that the subject LCP amendment was adequately addressed within the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP), approved by the City on June 4, 2014.

Nevertheless, the Commission is required, as provided under Section 13540 of its regulations, in an LCP submittal, such as in this case, to find that the approval of the proposed LCP, or LCP, as amended, does conform with Section 21080.5(d)(2)(A) of CEQA which requires "that an activity will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available that would substantially lessen a significant adverse effect that the activity may have on the environment." The proposed amendment would not result in an intensification of land uses incompatible with the surrounding development or have adverse impacts on coastal resources. Further, the Commission finds that the proposed amendment is unlikely to have any significant adverse effect on the environment as a whole. Therefore, the Commission finds that the subject LCP implementation plan, as amended, conforms to the provisions of CEQA.

(G:\Reports\LCPs\Carlsbad\LCP-6-CII-14-0837-2 (Daybreak Community Church) stf rpt.doc.docx)

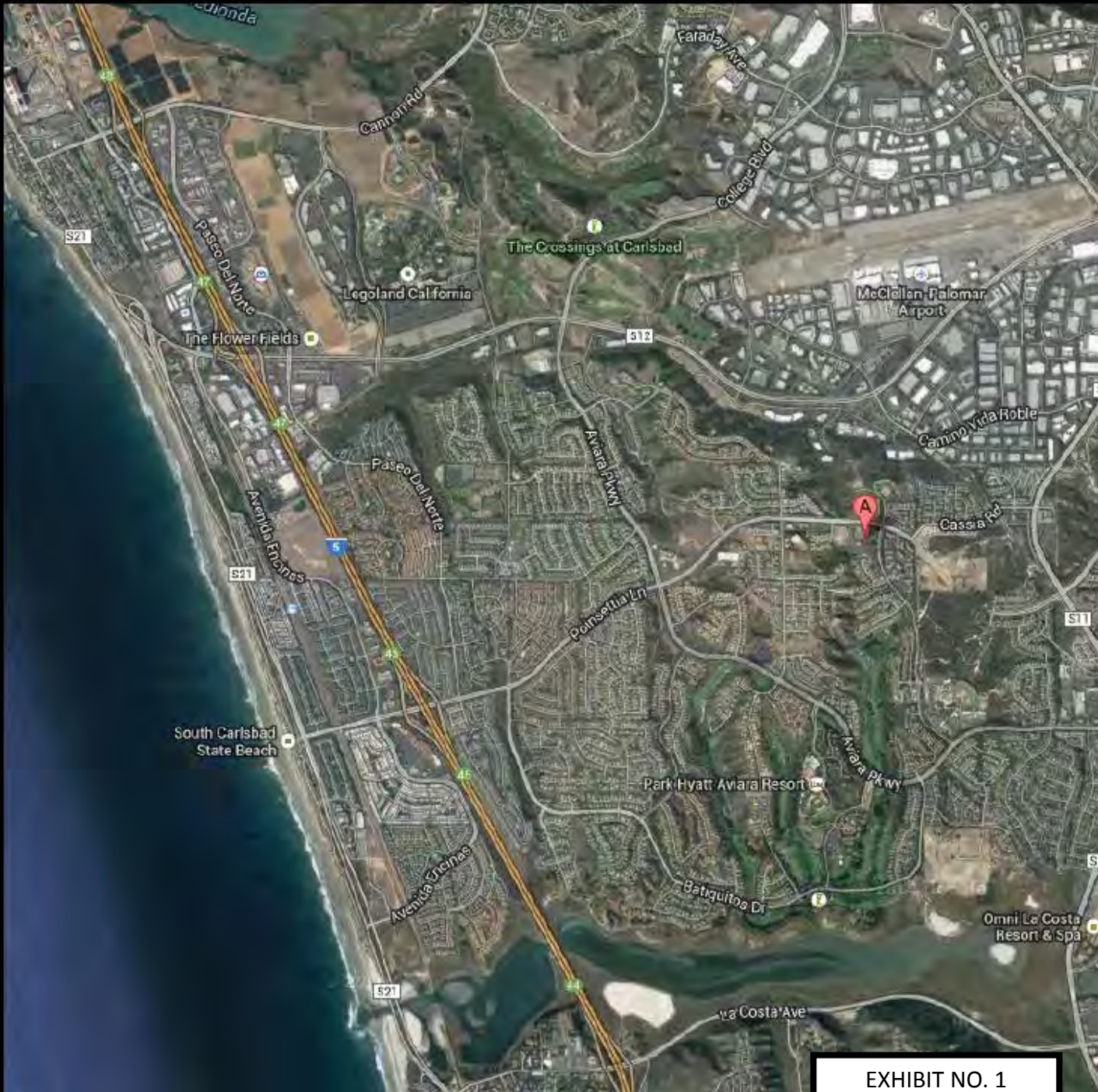


EXHIBIT NO. 1
APPLICATION NO.
LCP-6-CII-14-0837-2
(Daybreak Community Church)
Location Map
 California Coastal Commission

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING SECTION 21.05.030 OF THE CARLSBAD MUNICIPAL CODE BY AN AMENDMENT TO THE ZONING MAP TO GRANT A ZONE CHANGE FROM LIMITED CONTROL (L-C) TO ONE-FAMILY RESIDENTIAL (R-1) AND OPEN SPACE (OS) ON A 4.53-ACRE PROPERTY LOCATED ON THE SOUTHEAST CORNER OF FISHERMAN DRIVE AND POINSETTIA LANE, WITHIN THE MELLO II SEGMENT OF THE LOCAL COASTAL PROGRAM AND LOCAL FACILITIES MANAGEMENT ZONE 20.

CASE NAME: DAYBREAK COMMUNITY CHURCH

CASE NO.: ZC 12-04

The City Council of the City of Carlsbad, California, does ordain as follows:

WHEREAS, the City Council did on the 22nd day of July, 2014, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, said application constitutes a request for a Zone Change as shown on Exhibit "ZC 12-04 – DAYBREAK COMMUNITY CHURCH," dated June 4, 2014, attached hereto and made a part hereof; and

WHEREAS at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said City Council considered all factors relating to the "ZC 12-04 – DAYBREAK COMMUNITY CHURCH."

NOW, THEREFORE, the City Council of the City of Carlsbad does ordain as follows:

SECTION I: That section 21.05.030 of the Carlsbad Municipal Code, being the zoning map, is amended as shown on the map marked "ZC 12-04 – DAYBREAK COMMUNITY CHURCH," dated June 4, 2014, attached hereto and made a part hereof.

SECTION II: That the findings and conditions of the Planning Commission Resolution No. 7056 shall also constitute the findings of the City Council.

EXHIBIT NO. 2

APPLICATION NO.

LCP-6-CII-14-0837-2

(Daybreak Community Church)

Ordinance



California Coastal Commission

1 PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City
2 of Carlsbad on the 26th day of August, 2014, by the following vote to wit:
3
4

5 AYES: Council Members Hall, Packard, Wood, Schumacher and Blackburn.

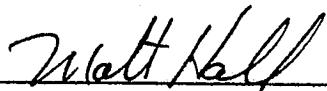
6 NOES: None.

7 ABSENT: None.

8 ABSTAIN: None.
9

10 APPROVED AS TO FORM AND LEGALITY
11

12
13 
14 CELIA A. BREWER, City Attorney

15
16 
17 MATT HALL, Mayor

18 ATTEST:

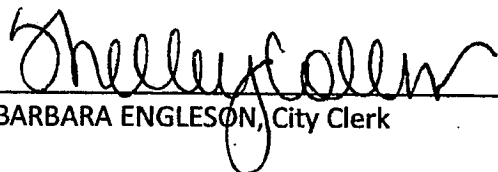
19
20 
21 BARBARA ENGLERSON, City Clerk

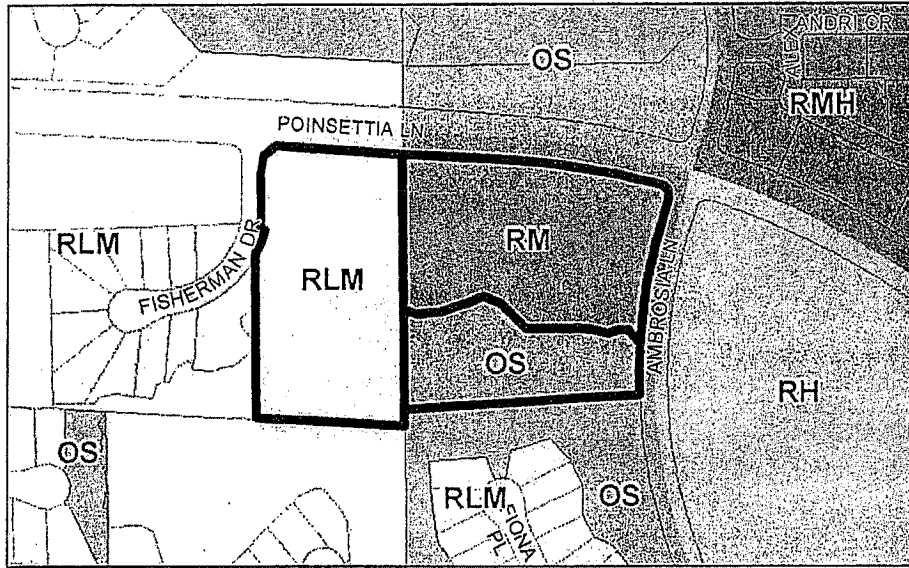


Exhibit "LCPA 12-04"

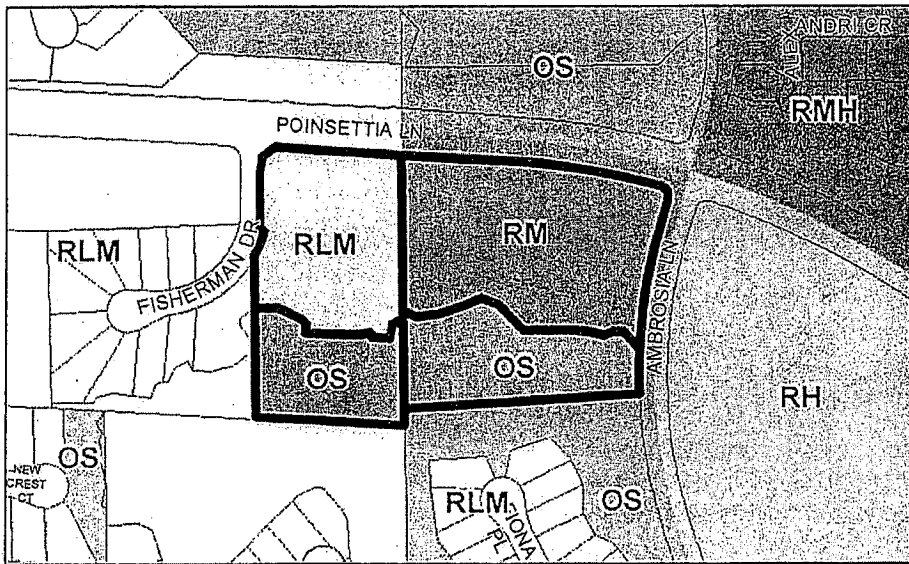
June 4, 2014

LCPA 12-04 (Land Use)

Daybreak Community Church



EXISTING



PROPOSED

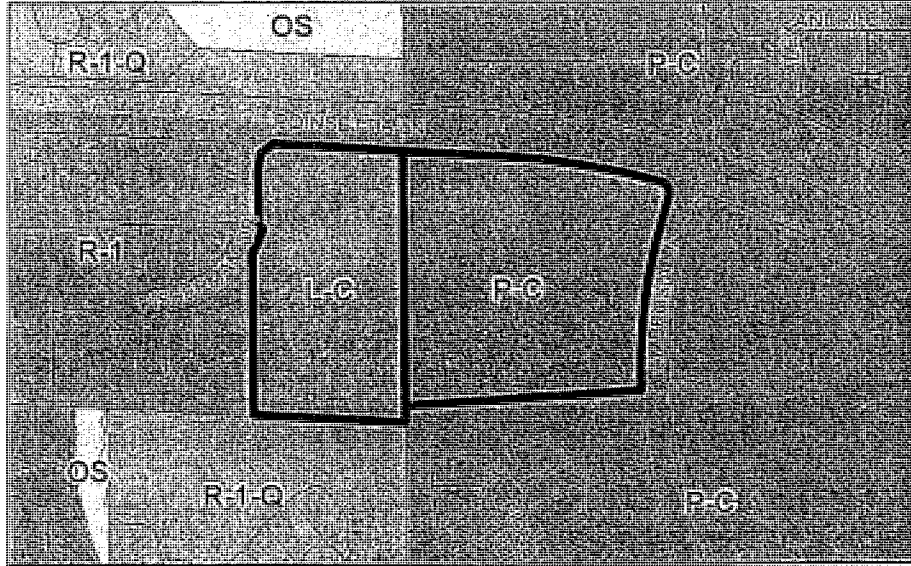
Related Case File No(s): GPA 13-01/ZC 12-04/ SDP 00-06(C)/CUP 00-06(C)/CDP 00-09(C)/HMP 13-02			
LCPA Land Use Designation Changes			
	Property	From:	To:
A.	215-080-04	RLM	RLM/OS
B.			
C.			

Exhibit "LCPA 12-04"

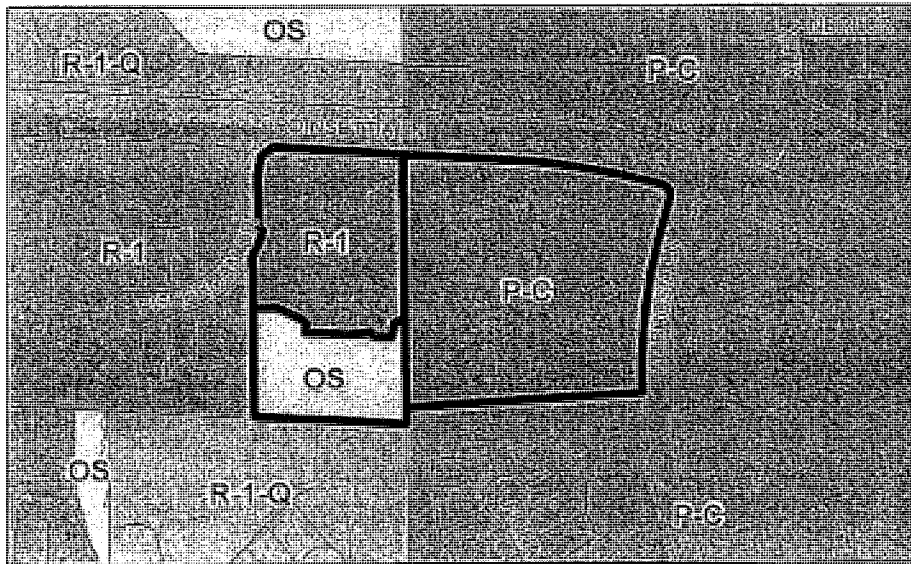
June 4, 2014

LCPA 12-04 (Zoning)

Daybreak Community Church



EXISTING



PROPOSED

Related Case File No(s): GPA 13-01/ZC 12-04/ SDP 00-06(C)/CUP 00-06(C)/CDP 00-09(C)/HMP 13-02			
LCPA Zoning Designation Changes			
	Property	From:	To:
A.	215-080-04	L-C	R-1/OS
B.			
C.			

RESOLUTION NO. 2014-194

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING A MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PROGRAM AND ADDENDUM, APPROVING AN AMENDMENT TO THE LAND USE ELEMENT AND THE OPEN SPACE AND CONSERVATION ELEMENT OF THE GENERAL PLAN TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM RESIDENTIAL LOW-MEDIUM DENSITY (RLM) TO RLM AND OPEN SPACE (OS), APPROVING AN AMENDMENT TO THE CARLSBAD LOCAL COASTAL PROGRAM TO BRING THE DESIGNATIONS ON THE LOCAL COASTAL PROGRAM, GENERAL PLAN, AND ZONING MAP INTO CONFORMANCE, ON A 4.53-ACRE SITE WHICH IS LOCATED ON THE SOUTHEAST CORNER OF FISHERMAN DRIVE AND POINSETTIA LANE, WITHIN THE MELLO II SEGMENT OF THE LOCAL COASTAL PROGRAM, AND APPROVING A SITE DEVELOPMENT PLAN AMENDMENT, CONDITIONAL USE PERMIT AMENDMENT, A COASTAL DEVELOPMENT PERMIT AMENDMENT AND A HABITAT MANAGEMENT PLAN PERMIT TO ALLOW FOR AN EXPANSION TO THE EXISTING DAYBREAK COMMUNITY CHURCH CAMPUS, INCLUDING THE ADDITION OF A 17,391 SQUARE FOOT, 30-FOOT-TALL SANCTUARY AND THE CONSTRUCTION OF AN ADDITIONAL PARKING LOT ON A 11.3-ACRE SITE, COMPRISING TWO PROPERTIES, WHICH ARE BOUNDED BY POINSETTIA LANE TO THE NORTH, AMBROSIA LANE TO EAST AND FISHERMAN DRIVE TO THE WEST, WITHIN THE MELLO I AND MELLO II SEGMENTS OF THE LOCAL COASTAL PROGRAM AND LOCAL FACILITIES MANAGEMENT ZONES 19 AND 20.

CASE NAME: DAYBREAK COMMUNITY CHURCH
CASE NO.: GPA 13-01/LCPA 12-04/SDP 00-06(C)/
CUP 00-06(C)/CDP 00-09(C)/HMP 13-02

The City Council of the City of Carlsbad, California, does hereby resolve as follows:

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did, on June 4, 2014, hold a duly noticed public hearing as prescribed by law to consider a Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program and Addendum, General Plan Amendment 13-01, according to Exhibit "GPA", Planning Commission Resolution No. 7056, Local Coastal Program Amendment, and Site Development Plan Amendment SDP 00-06(C), Conditional Use Permit

EXHIBIT NO. 3
APPLICATION NO.
LCP-6-CII-14-0837-2
(Daybreak Community Church)
Resolution
 California Coastal Commission

1 06(C), Coastal Development Permit Amendment CDP 00-09(C), and Habitat Management Plan
2 Permit HMP 13-02 according to Exhibits "A-S" dated June 4, 2014; and

3 WHEREAS, the City Council of the City of Carlsbad, on the 22nd day of
4 July, 2014, held a duly noticed public hearing to consider said Mitigated Negative
5 Declaration, Mitigation Monitoring and Reporting Program and Addendum, General Plan
6 Amendment, Local Coastal Program Amendment, Site Development Plan Amendment,
7 Conditional Use Permit Amendment, Coastal Development Permit Amendment and Habitat
8 Management Plan Permit; and

9
10 WHEREAS, at said public hearing, upon hearing and considering all testimony and
11 arguments, if any, of all persons desiring to be heard, the City Council considered all factors
12 relating to the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program
13 and Addendum, General Plan Amendment, Local Coastal Program Amendment, Site
14 Development Plan Amendment, Conditional Use Permit Amendment, Coastal Development
15 Permit Amendment and Habitat Management Plan Permit.

16
17 NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of
18 Carlsbad as follows:

- 19
- 20 1. That the above recitations are true and correct.
 - 21 2. That the application for a General Plan Amendment (GPA 13-01) to the
22 amend the Land Use Element and the Open Space and Conservation Element of the General
23 Plan to change the General Plan Land Use designation from Residential Low-Medium Density
24 (RLM) to RLM and Open Space (OS), as shown in Planning Commission Resolution No. 7056, is
25 hereby accepted and approved and shall not be effective until LCPA 12-04 is approved by the
26 California Coastal Commission and the California Coastal Commission's approval becomes
27 effective, that the findings and conditions of the Planning Commission contained in Planning
28 Commission Resolution No. 7056, on file with the City Clerk, are incorporated herein by
reference, and are the findings and conditions of the City Council.


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PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the 22nd day of July 2014, by the following vote to wit:

AYES: Council Members Hall, Packard, Wood, Schumacher, Blackburn.

NOES: None.

ABSENT: None.



MATT HALL, Mayor

ATTEST:



BARBARA ENGLESON, City Clerk





**NOTICE OF INTENT TO ADOPT A
MITIGATED NEGATIVE DECLARATION**

PROJECT NAME: DAYBREAK COMMUNITY CHURCH
PROJECT NO: GPA 13-01/ZC 12-04/LCPA 12-04/SDP 00-06(C)/CUP 00-06(C)/CDP 00-09(C)/HMP 13-02

PROJECT LOCATION: Two parcels bound by Poinsettia Lane to the north, Ambrosia Lane to the east and Fisherman Drive to west, addressed as 6515 Ambrosia Lane, APNs 216-124-16, -17.

PROJECT DESCRIPTION: The proposed Daybreak Community Church project consists of the expansion of an existing church campus with the addition of a 17,391 square foot (SF), 30-foot-tall assembly building. The new assembly building is proposed to accommodate up to 1,010 seats. A total of 53 parking spaces are proposed to be removed from the existing parking lot and a total of 221 parking spaces will be added (i.e., net gain of 168 parking stalls) on the vacant parcel to the west (APN 215-080-04) . The total number of parking spaces which will exist following the parking lot expansion will be 368. A 1,908 square foot outdoor storage area is also proposed at the southwest corner of the expanded parking lot and will be screened with a 6'8" masonry wall. Access to the site will be provided by an existing driveway located off of Ambrosia Lane and a new driveway proposed off of Fisherman Drive. Grading for the development of the proposed project includes 5,150 cubic yards of cut and 2,150 cubic yards of fill, resulting in a total of 3,000 cubic yards of exported material.

PROPOSED DETERMINATION: The City of Carlsbad has conducted an environmental review of the above described project pursuant to the Guidelines for Implementation of the California Environmental Quality Act (CEQA) and the Environmental Protection Ordinance of the City of Carlsbad. As a result of said review, the Initial study identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the City that the project "as revised" may have a significant effect on the environment. Therefore, a **Mitigated Negative Declaration** will be recommended for adoption by the City of Carlsbad Planning Commission.

AVAILABILITY: A copy of the Initial Study documenting reasons to support the proposed Mitigated Negative Declaration is on file in the Planning Division, 1635 Faraday Avenue, Carlsbad, California 92008 and is available online at: <http://www.carlsbadca.gov/planning-notices.aspx>.

COMMENTS: Comments from the public are invited. Pursuant to Section 15204 of the CEQA Guidelines, in reviewing Mitigated Negative Declarations, persons and public agencies should focus on the proposed finding that the project will not have a significant effect on the environment. If persons and public agencies believe that the project may have a significant effect, they should: (1) identify the specific effect; (2) explain why they believe the effect would occur; and (3) explain why they believe the effect would be significant. Written comments regarding the draft Mitigated Negative Declaration should be directed to Shannon Werneke, Associate Planner, at the address listed below or via email to Shannon.Werneke@carlsbadca.gov. Comments must be received within 30 days of the date of this notice.

The proposed project and Mitigated Negative Declaration are subject to review and approval/adoption by the Planning Commission. Additional public notices will be issued when those public hearings are scheduled. If you have any questions, please call Shannon Werneke in the Planning Division at (760) 602-4621.

PUBLIC REVIEW PERIOD March 12, 2014 – April 10, 2014
PUBLISH DATE March 12, 2014



Planning Division
1635 Faraday Ave. | Carlsbad, CA 92008 | 760-602-4600 | 760-602-8558 fax

EXHIBIT NO. 4
APPLICATION NO. LCP-6-CII-14-0837-2
(Daybreak Community Church)
MND California Coastal Commission

Initial Study

1. **PROJECT NAME:** Daybreak Community Church
2. **PROJECT NO:** GPA 13-01/ZC 12-04/LCPA 12-04/SDP 00-06(C)/CUP 00-06(C)/CDP 00-09(C)/HMP 13-02
3. **LEAD AGENCY:**
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008
4. **PROJECT APPLICANT:**
Hofman Planning
Bill Hofman
3156 Lionshead Avenue, Suite 1
Carlsbad, CA 92010
5. **LEAD AGENCY CONTACT PERSON:** Shannon Werneke, Associate Planner, (760) 602-4621
6. **PROJECT LOCATION:** Two contiguous parcels (APNs 215-080-04 and APN 215-841-07) located on the south side of Poinsettia Lane, between Ambrosia Lane to the east and Fisherman Drive to the west, within the Mello I and Mello II Segments of the Local Coastal Program and Local Facilities Management Zones 19 and 20.
7. **GENERAL PLAN LAND USE DESIGNATION:** APN 215-080-04: RLM (Residential Low-Medium Density, 0-4 du/ac), APN 215-841-07: RM/OS (Residential Medium Density, 4-8 du/ac and Open Space).
8. **ZONING:** APN 215-080-04: L-C (Limited Control)/Zone 20 Specific Plan, APN 215-841-07: P-C (Planned Community), MP 177 (Aviara Master Plan).
9. **PROJECT DESCRIPTION:**
The proposed Daybreak Community Church project consists of the expansion of an existing church campus with the addition of a 17,391 square foot (SF), 30-foot-tall assembly building. The new assembly building is proposed to accommodate up to 1,010 seats. A total of 53 parking spaces are proposed to be removed from the existing parking lot and a total of 221 parking spaces will be added (i.e., net gain of 168 parking stalls) on the vacant parcel to the west (APN 215-080-04). The total number of parking spaces which will exist following the parking lot expansion will be 368. A 1,908 square foot outdoor storage area is also proposed at the southwest corner of the expanded parking lot and will be screened with a 6'8" masonry wall. Access to the site will be provided by an existing driveway located off of Ambrosia Lane and a new driveway proposed off of Fisherman Drive. Grading for the development of the proposed project includes 5,150 cubic yards of cut and 2,150 cubic yards of fill, resulting in a total of 3,000 cubic yards of exported material.

The project site comprises two parcels; the western parcel is vacant while the eastern parcel is developed with the existing Daybreak Community Church. The 11.3-acre infill site is located in the southwest quadrant of the city of Carlsbad and is bound by Poinsettia Lane to the north, Ambrosia Lane to the east and Fisherman Drive to the west.

The eastern parcel (APN 215-841-07), 6.77 acres in size, is located on the southwest corner of Poinsettia Lane and Ambrosia Lane. The property has a General Plan Land Use designation of Residential Medium Density (RM, 4-8 du/ac) and Open Space (OS), and a Zoning designation of P-C,

Planned Community. The parcel is also located within the Mello I Segment of the Local Coastal Program and the boundaries of the Aviara Master Plan (MP 177). The property is currently developed with a 11,600 SF church, 6,200 SF accessory classroom/administrative office building and an associated parking lot. A 9,000 SF addition to the accessory building, which was approved in 2012, is currently under construction.

The vacant western parcel (APN 215-080-04) is 4.53 acres in size and is located on the southeast corner of Poinsettia Lane and Fisherman Drive. The parcel has a General Plan Land Use designation of Residential Low-Medium Density (RLM, 0-4 du/ac) and a Zoning designation of L-C, Limited Control, which is a holding zone for undeveloped properties. The property is also located within the Mello II Segment of the Local Coastal Program and the boundaries of the Zone 20 Specific Plan.

The project applications include a General Plan Amendment (GPA 13-01), Zone Change (ZC 12-4), Local Coastal Program Amendment (LCPA 12-04), Site Development Plan Amendment (SDP 00-06(C)), Conditional Use Permit Amendment (CUP 00-06(C)), Coastal Development Permit Amendment (CDP 00-09(C)), and a Habitat Management Plan Permit (HMP 13-02).

The General Plan Amendment is proposed for the western parcel (APN 215-080-04) and is intended to create consistency between the Open Space portions of both the western and eastern properties. The existing General Plan Land Use designation for the western parcel is RLM and the proposed designations are RLM and OS. The RLM General Plan Land Use designation will comprise the northern half of the property and is consistent with the proposed R-1 zone. The new OS General Plan Land Use designation will permanently preserve the native upland habitat located on the southern half of the property as open space on a separate parcel (to be combined with eastern parcel open space as one parcel), as required pursuant to the city's Habitat Management Plan (HMP) as well as the city's General Plan.

The Zone Change is also proposed for the western parcel (APN 215-080-04), which is currently zoned L-C, Limited Control. The proposed zoning for the northern half of the property is R-1, One-Family Residential. The R-1 zone implements the RLM General Plan Land Use designation. As with the General Plan Amendment, the southern half of this property (to be re-configured per the Lot Line Adjustment component of the project description outlined below) is proposed to be zoned O-S to permanently preserve the sensitive upland habitat on a separate parcel.

As APN 215-080-04 is located in the Mello II segment of the coastal zone and a General Plan Amendment and a Zone Change are proposed, a Local Coastal Program Amendment is also proposed to provide consistency between the two land use documents. Approval from the California Coastal Commission will be required for the LCPA.

Amendments to the Site Development Plan, Conditional Use Permit and the Coastal Development Permit are required for the proposed expansion to the church campus and the associated parking lot. The proposed amendments represent the 3rd amendment to the original permits. Each of these permits will be analyzed for consistency with the Zoning Code and the existing Master and Specific Plans.

To facilitate the long-term preservation of the sensitive upland habitat located on the southern portion of each lot, the project also proposes a Lot Line Adjustment to allow for the natural open space to be placed in a separate lot.

Finally, as the western parcel is located in a Standards Area pursuant to the city's Habitat Management Plan (HMP), Consistency Findings as well as a Habitat Management Plan Permit are required to permanently preserve the sensitive upland habitat as open space.

10. ENVIRONMENTAL SETTING/SURROUNDING LAND USES:

The existing environmental setting of the subject properties can be generally characterized as suburban. Surrounding land uses include a public park to the north, single family homes to the south, apartments to the east and a church (Redeemer by the Sea) and single-family homes to the west. The southern half of both properties is vegetated with native upland habitat. Topographically, the property ranges from a high point of 330 feet above mean sea level (MSL) to 265 feet above MSL. The areas proposed to be developed are predominantly flat; as a result, only a limited amount of grading will be required. A 100-foot-wide SDG&E easement bisects the site diagonally in a northwest/southeast direction.

11. OTHER REQUIRED AGENCY APPROVALS (i.e., permits, financing approval or participation agreements):

California Department of Fish and Game, U.S. Fish and Wildlife Service, California Coastal Commission

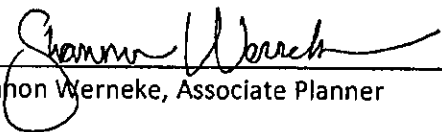
12. PREVIOUS ENVIRONMENTAL DOCUMENTATION: N/A

13. SUMMARY OF ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Population & Housing |
| <input checked="" type="checkbox"/> Agriculture & Forestry Resources | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use & Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities & Service Systems |
| <input type="checkbox"/> Geology/Soils | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings of Significance |

14. PREPARATION: The Initial Study for the subject project was prepared by:


Shannon Werneke, Associate Planner

3/6/14 Date

15. DETERMINATION: (to be completed by Lead Agency)

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 the mitigation measures described herein have been added to the project. 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(s)" on the environment, but at least one potentially significant impact 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 herein. A Negative Declaration 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, there WILL NOT be a significant effect in this case 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. Therefore, nothing further is required.

16. ENVIRONMENTAL DETERMINATION: The initial study for this project has been reviewed and the environmental determination, indicated above, is hereby approved.

Don Neu 3-6-14
 DON NEU, City Planner Date

17. APPLICANT CONCURRENCE WITH MITIGATION MEASURES: This is to certify that I have reviewed the mitigation measures in the Initial Study and concur with the addition of these measures to the project.

Fory R. Webb 3-7-14
 Signature Date
 Fory R. Webb

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
 - a. The significance criteria or threshold, if any, used to evaluate each question; and
 - b. The mitigation measure identified, if any, to reduce the impact to less than significant.

I. AESTHETICS	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a-b) No Impact. The project site, comprised of two lots, one of which is vacant (i.e., West parcel), is bound by Poinsettia Lane to the north, Ambrosia Lane to the east and Fisherman Drive to the west. Surrounding land uses include a public park to the north, apartments to the east and single-family homes to the south and west. Topographically, the property ranges in elevation from 330 feet above mean sea level (MSL) to 265 feet above MSL. A 100-foot-wide SDG&E easement bisects the site diagonally in a northwest/southeast direction.

The East parcel is currently developed with a church, an accessory structure and a parking lot. The southern half of each of the lots comprises sensitive upland habitat, all of which is proposed to be permanently preserved in a separate parcel as open space. There are no public scenic vistas available from the project site. In addition, no scenic resources, including trees or rock outcroppings or historic buildings within a State scenic highway will be impacted by the proposed expansion to the church. Therefore, no impact is assessed.

c) Less than Significant Impact. The project is subject to various site design and architectural standards outlined within the Avira Master Plan (MP 177) and the Zone 20 Specific Plan; these documents are intended to result in the development of aesthetically-appealing projects. The proposed expansion to the church campus will be consistent with these documents. The proposed Spanish/Mediterranean architecture will complement the existing design of the church as well as the architecture of the surrounding single-family and multi-family uses in the Avira community. In addition to landscaping proposed around the perimeter of the project, a 140' long masonry screen wall ranging in height from 3'6" to 6'8" is proposed adjacent to the southwestern perimeter of the parking lot. This wall will provide a solid screen of the vehicles as viewed from the single-family residential neighborhood to the southwest of the proposed parking lot expansion. In addition, a 6'8" tall masonry wall is proposed around the perimeter of a 1,908 square foot outdoor storage area adjacent to the southwest corner of the new parking lot. Landscaping will be planted in front of the walls to soften the view. Therefore, the proposed project's impact on the visual character of the site as well as the surroundings would be less than significant.

Short-term construction-related impacts would consist primarily of grading and building activities, including the presence of construction equipment, truck traffic, construction debris, and temporary safety signage. No valuable aesthetic resources would be destroyed as a result of construction-related activities. These short-term impacts (approximately 12 months) are temporary and would cease upon

project completion. Thus, the construction-related impacts to the site's visual character would be less than significant.

d) Potentially Significant Impact Unless Mitigation Incorporated. The eastern parcel (APN 215-841-07) is currently developed with a church, accessory classroom/office building and a parking lot. The existing structures and parking lot are elevated above the surrounding streets and land uses to the east by approximately 50 feet. At the closest point, the existing church is located approximately 380 feet from the apartments to the east and 580 feet from the single-family residential subdivision to the west. Based on the distance of the separation between the existing uses, there are no light or glare impacts.

The proposed project entails the addition of a new assembly building on the eastern parcel as well as an expansion of the parking lot on the adjacent vacant parcel to the west (APN 215-080-04). The new parking lot and assembly building will be located approximately 100 feet (at closest point) and 410' from the adjacent single-family residential subdivision to the west (off of Fisherman Drive), respectively. In addition, the elevation of the parking lot will be at approximately the same elevation (within 5 feet) of the elevation of two adjacent homes to the west. As parking lot lighting will be incorporated into parking lot design, mitigation measures have been included to reduce any impacts to the adjacent residences to the west. Compliance with mitigation measure AESTHETIC-1 would reduce the potential impacts to the residential subdivision to the west to a less than significant level. A less than significant impact is assessed to the residential land uses to the east as the existing church and accessory building will shield the new parking lot and assembly building.

Mitigation Measure:

AESTHETICS 1: Prior to the issuance of building permits for the proposed parking lot on the subject West parcel (APN: 215-080-04), the applicant shall submit a lighting plan to the City Planner for approval. The lighting plan shall indicate the location of proposed light standards (in exhibit form), along with detailed information outlining illumination and lighting fixture design with the objective of providing adequate and safe parking lot lighting that does not impact residential properties or native upland habitat adjacent to the project. Specifically, the lights shall be shielded downward (i.e., away from the adjacent native habitat and residential uses), shall be low pressure sodium, and shall be on a timer such that the lighting is turned off no later than 9:30 p.m.

II. AGRICULTURAL AND FOREST RESOURCES*	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* 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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources are significant environmental 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.)

a) Potentially Significant Impact Unless Mitigation Incorporated. The project site (eastern and western parcels) is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (California State Department of Conservation, June 1990). Pursuant to Map X of the Local Coastal Program, the western parcel (APN 215-080-04) is identified as an area of non-prime agricultural land in the Mello II Segment of the Local Coastal Program (LCP). Although the property is not currently being utilized for agricultural purposes, it was historically used as such. As a result, the conversion of the property to urban development is permitted subject to the payment of an Agricultural Conversion Mitigation fee as specified in Policy 2-1 of the Mello II Segment of the LCP. The Agricultural Conversion Mitigation fee is only applicable to the area that will be developed (2.26 acres); any area that is permanently preserved or which will require the payment of a Habitat Mitigation fee will not be subject to the Agricultural Conversion Mitigation Fee. With the incorporation of the following mitigation measures, impacts to agricultural resources will be reduced to a less than significant level.

Mitigation Measure:

AGRICULTURAL 1: Prior to the issuance of the grading permit, an Agricultural Conversion Mitigation Fee shall be paid for the conversion of 2.26 acres of non-prime agricultural land on APN 215-080-04 to urban uses.

b) No Impact. The existing zoning for the eastern parcel, Planned Community (P-C), as implemented through MP-177, and the proposed zoning for the western parcel, One-Family Residential (R-1), allow for conditional uses such as a church. In addition, the subject site is not encumbered by a Williamson Act contract.

c) No Impact. The project would not conflict with the existing zoning or land uses within the project area or in adjacent areas. The project is not proposed within a forestry or timber zone, nor is any part of the project area used for forestry or timber purposes. As a result, no impacts will occur related to the rezoning of forest land, timberland, or timberland production. In addition, as discussed above, the conversion of non-prime agricultural land to urban uses shall require the payment of an Agricultural Conversion Mitigation Fee.

III. AIR QUALITY*	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less Than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

* 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.

a) No Impact. The project site is located in the San Diego Air Basin which is currently designated as a nonattainment area for the state standard for PM₁₀, PM_{2.5}, 1-Hour and 8-Hour ozone, and the Federal 8-Hour Standard for ozone. The periodic violations of national Ambient Air Quality Standards (AAQS) in the San Diego Air Basin (SDAB), particularly for ozone in inland foothill areas, requires that a plan be developed outlining the pollution controls that will be undertaken to improve air quality. In San Diego County, this attainment planning process is embodied in the Regional Air Quality Strategies (RAQS) developed jointly by the Air Pollution Control District (APCD) and the San Diego Association of Governments (SANDAG). The RAQS outlines the APCD's plans and regulatory control measures designed to attain state air quality standards for ozone. The RAQS, which was initially adopted in 1991, is updated on a triennial basis with the most recent update occurring in April 2009.

The APCD has also developed the SDAB's input into the State Implementation Plan (SIP) which is required under the Federal Clean Air Act (CAA) for pollutants that are designated as being in nonattainment of national air quality standards for the air basin. The SIP relies on the same information from SANDAG to develop emission inventories and emission control strategies that are included in the attainment demonstration for the air basin.

27

The proposed project relates to the SIP and/or RAQS through the land use and growth assumptions that are incorporated into the air quality planning document. These growth assumptions are based on each city's and the County's general plan. If a proposed project is consistent with its applicable General Plan, then the project presumably has been anticipated with the regional air quality planning process. Such consistency would ensure that the project would not have an adverse regional air quality impact. As discussed in Section X (Land Use & Planning) below, the proposed project is consistent with the General Plan; therefore, the project would not have an adverse regional air quality impact.

Section 15125(d) of the State of California Environmental Quality Act (CEQA) Guidelines contains specific reference to the need to evaluate any inconsistencies between the proposed project and the applicable air quality management plan. Transportation Control Measures (TCMs) are part of the RAQS. The RAQS and TCM plan set forth the steps needed to accomplish attainment of state and federal ambient air quality standards. The California Air Resources Board provides criteria for determining whether a project conforms with the RAQS which include the following:

- Is a regional air quality plan being implemented in the project area?
- Is the project consistent with the growth assumptions in the regional air quality plan?

The project area is located in the San Diego Air Basin, and as such, is located in an area where a RAQS is being implemented. The project is consistent with the growth assumptions in the regional air quality plan and will in no way conflict with or obstruct implementation of the regional plan.

b) *Less than Significant Impact.* The closest air quality monitoring stations to the project site are at Camp Pendleton and Escondido (E. Valley Parkway). Data available for these monitoring sites from 2009 through 2011, indicate that the most recent air quality violations recorded were as follows: the 1-Hour ozone concentration did not exceed the state standard any time during the years 2009 through 2011; the 8-Hour ozone concentration exceeded both the state and federal standard in 2009 and 2010 and the state standard was exceeded twice in 2011; the daily PM₁₀ concentration exceeded the state standard in 2009, but not in 2010 or 2011; and the federal standard for PM₁₀ and the federal 24-Hour PM_{2.5} standard was not exceeded during the 2009 through 2011 time period. No other violations of any air quality standards have been recorded during the years 2009 through 2011.

The project would involve minimal short-term emissions associated with grading and construction. Such emissions would be minimized through standard construction measures and Best Management Practices (BMPs) that would reduce fugitive dust emissions and other criteria pollutant emissions during construction. Long-term emissions associated with travel to and from the project will be minimal. Although air pollutant emissions would be associated with the project, they would neither result in the violation of any air quality standard (comprising only an incremental contribution to overall air basin quality readings), nor contribute substantially to an existing or projected air quality violation. Any impact is assessed as less than significant.

c) *Less than Significant Impact.* The air basin is currently in a state non-attainment zone for ozone and suspended fine particulates. The proposed project would represent a contribution to a cumulatively considerable potential net increase in emissions throughout the air basin. As described above, however, emissions associated with the proposed project would be minimal. Given the limited emissions potentially associated with the proposed project, air quality would be essentially the same whether or not the proposed project is implemented. According to the CEQA Guidelines Section 15064(h)(3), the

28

proposed project's incremental contribution to the cumulative effect is not cumulatively considerable. Any impact is assessed as less than significant.

d) Less than Significant Impact. Redeemer by the Sea, an existing church which includes a preschool, is located approximately 1/4 mile to the west of the Western parcel of the proposed project. As discussed above, the proposed project would not result in substantial pollutant emissions or concentrations. Therefore, a less than significant impact is assessed.

e) No Impact. The construction of the proposed project could generate fumes from the operation of construction equipment, which may be considered objectionable by some people. Such exposure would be short-term or transient. In addition, the number of people exposed to such transient impacts is not considered substantial.

IV. BIOLOGICAL RESOURCES	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
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 California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian, aquatic or wetland habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a-b, d-f) Less than Significant with Mitigation Incorporated. The City of Carlsbad has an adopted Habitat Management Plan (HMP), which is a comprehensive, city-wide program to identify how the City, in cooperation with the federal and state wildlife agencies, can preserve the diversity of habitat and protect sensitive biological resources within the City, while allowing for additional development

79

consistent with the General Plan and Growth Management Plan. In so doing, the HMP is intended to lead to city-wide permits and authorization for the incidental take of sensitive species in conjunction with private development projects, public projects, and other activities, which are consistent with the HMP. In addition, Chapter 21.210 of the city's Zoning Ordinance (Habitat Preservation and Management Requirements) implements the HMP as well as the goals and objectives of the city's Open Space Element of the General Plan. As discussed in the subsequent sections, with the incorporation of mitigation measures to reduce the impacts to a less than significant level, the project does not conflict with any of the provisions of the HMP or the Zoning Ordinance.

For some key properties within the city which have not submitted proposed hardline designs for inclusion in the preserve system, the HMP includes conservation goals and standards which will apply to future development proposals. The goals and standards have been arranged according to the Local Facilities Management Zones (LFMZ) to which they apply. The standards only apply to those areas within the LFMZs not already covered by existing and proposed hardline areas, existing take authorizations or areas shown as development areas on the HMP map. Therefore, the standards only apply to those parcels which are designated as "Standards Areas" on the HMP map. If individual properties are proposed for development within a zone, the property owner must show how the standards, which include goals and objectives of the HMP, will be met.

The HMP identifies the 11.3-acre project area, which comprises two parcels, as being located in two different LFMZs. The vacant Western parcel (4.53 acres, APN 215-080-04) is located within Zone 20 and is identified as a Standards Area in the HMP. The Eastern parcel (6.77 acres, APN 215-841-07) is located within Zone 19. The southern half of the eastern property is identified as an Existing Hardline Preserve Area and is not currently encumbered with a conservation easement. A 100-foot-wide SDG&E easement bisects the properties/project site diagonally in a northwest/southeast direction. As the eastern parcel is not located within a Standards Area, there are no goals or standards in the Zone for which to analyze the project against. However, the removal of any sensitive habitat on this parcel would need to comply with the HMP.

Pursuant to the HMP, much of Zone 20 is already developed and much of the remainder is agricultural land. Coastal sage scrub, maritime succulent scrub, southern mixed chaparral and southern maritime chaparral are predominant in this zone and support a variety of HMP species, including the California gnatcatcher. Habitats within this zone are part of a stepping-stone linkage (Linkage F) that connects Core Areas 4, 6, and 8. The subject site (both parcels) is located east of Linkage F and is immediately adjacent to the northwest edge of Core Area 6.

The HMP conservation goals for Zone 20 require developments to establish, enhance, and maintain a viable habitat linkage across Linkage F (located to the west of property) to ensure connectivity for gnatcatchers and other HMP species between Core Area 4 (located to the north) and Core Area 6 (located immediately east and south of subject property); and that they conserve the majority of sensitive habitats in or contiguous with biological core and linkage areas, including a no-net-loss of wetland habitats and coastal sage scrub within Core Area 6 and Linkage Area F. Protection of coastal sage scrub (CSS) is of particular importance in the Standards Areas, and therefore 67% of the CSS is required to be conserved. Table 11 (Pg. D-113) of the HMP identifies mitigation ratios for impacts to habitat types identified as sensitive in the HMP, and furthermore allows for impacts to agriculture, eucalyptus, and disturbed lands to be mitigated through the payment of an in-lieu mitigation fee.

A *Biological Technical Report (BTR)* for the Daybreak Community Church Study Area was prepared by HELIX Environmental Planning (dated February 24, 2014), for which six (6) vegetation communities were identified within the study area.

Table 1 below summarizes the vegetation communities located on-site.

TABLE 1		
EXISTING VEGETATION COMMUNITIES WITHIN THE PROJECT SITE		
VEGETATION COMMUNITY	HABITAT GROUP	ACREAGE
Upland		
Southern maritime chaparral	B	2.5
Diegan coastal sage scrub (including disturbed CSS)**	D	1.3
Diegan coastal sage scrub/Chaparral scrub - Disturbed	D	0.3
Ornamental/Non-native vegetation	F	1.6
Disturbed habitat	F	1.0
Urban/Developed	N/A	5.2
TOTAL		11.9

**The isolated stand of CSS on the western parcel, located in between the proposed parking lot and Poinsettia Lane, represents 0.35 acres of the total 1.3 acres located on the overall project site.

Sensitive Plant Species

A total of 52 plant species were observed within the project site during biological surveys (Appendix A of *BTR*). The majority of observed plants were non-native, and none was listed as state or federally rare, threatened or endangered. Table 3 of the *BTR* includes a list of special-status plant species assessed for potential to occur within the project site, none of which were determined to have a moderate or high potential to occur.

Sensitive Wildlife Species

A single non-listed sensitive species, southern California rufous-crowned sparrow, was observed on the project site in the March, 2013 survey conducted by HELIX. In addition, protocol surveys for the federally-threatened coastal California gnatcatcher (*Poliioptila californica californica*) were conducted within the project site. No gnatcatchers were observed or otherwise detected during the June, 2013 protocol surveys. Further, no gnatcatchers were incidentally observed or otherwise detected within the project site during the 2013 general biological and rare plant surveys.

However, given the habitat types within the study area and vicinity, the *BTR* identifies a high potential that the coastal California gnatcatcher could temporarily use the coastal sage scrub during foraging and dispersal activities. Pursuant to the *BTR*, although it cannot be ruled out, this species would not be expected to breed onsite due to a variety of reasons, including small habitat patch size, proximity to existing developments, steepness of slope, lack of constituent vegetation elements in areas, and signs of domestic pet use (e.g., cats and dogs). Due to the presence of CSS on the project site and the likelihood that the coastal California gnatcatcher could temporarily use the site, the project has been designed to minimize impacts to the habitat on-site to the greatest extent possible. Mitigation measures have been incorporated into the project to reduce the potential direct and indirect impacts to these species, if present. Specifically, the measures include removing vegetation that is critical to these species outside

of the breeding season to avoid direct impact to nests and establishing a protocol of surveying and monitoring to avoid indirect impacts to nests within 500 feet of construction activity.

Jurisdictional Waters and Wetlands

Pursuant to the *BTR*, the entirety of the site is characterized by upland habitats that lack the physical attributes and criteria to qualify them as potential jurisdictional waters and wetlands. Therefore, jurisdictional waters and wetlands are presumed to be absent from the project site and the proposed project would have no effect on such resources.

Impacts

Table 2 below summarizes the impacts to the various vegetation communities.

TABLE 2 SUMMARY OF IMPACTS TO VEGETATION COMMUNITIES			
VEGETATION COMMUNITY	HABITAT GROUP	EXISTING (Eastern and Western parcel)	IMPACTS (Western parcel)
Southern maritime chaparral	B	2.5	0
Diegan coastal sage scrub (including disturbed) **	D	1.3**	0.05**
Diegan coastal sage scrub/chaparral scrub - Disturbed	D	0.3	0
Ornamental/Non-native vegetation	F	1.6	0.20
Disturbed habitat	F	1.0	0.60
Urban/Developed	N/A	5.2	2.20
TOTAL		11.9	3.05

***The isolated stand of CSS on the western parcel, located in between the proposed parking lot and Poinsettia Lane, represents 0.35 acres of the total 1.3 acres located on the overall project site. The 0.05 acres of impacted CSS is located within this isolated stand of CSS. The resulting size of the isolated stand after the removal is 0.30 acres, which will be preserved in an open space easement.*

30

Mitigation

Table 3 below summarizes the mitigation proposed to offset impacts to each of the vegetation communities on the western parcel.

Vegetation Community	Mitigation (Western addition to preserve)			Exiting Preserve (eastern parcel) (acres)	Total Preserve (acres)
	Creation (acres)	Preservation (acres)	Total (acres)		
Southern maritime chaparral	0.00	1.46	1.46	1.07	2.53
Diegan coastal sage scrub (incl. disturbed)	0.05	0.04	0.09	0.78	0.87
Diegan coastal sage scrub/Chaparral scrub -- disturbed	0.00	0.06	0.06	0.09	0.15
Ornamental/Non-native vegetation**	0.00	0.05	0.05	0.02	0.07
Disturbed habitat	0.00	0.00	0.00	0.20	0.20
Urban/Developed	0.00	0.00	0.00	0.04	0.04
TOTAL	0.05	1.61	1.66	2.20	3.86

***Impacts to the Ornamental and Disturbed Habitat will be mitigated through the long-term preservation of 3.86 acres of sensitive upland habitat. No creation/restoration or payment of fees is proposed with respect to impacts to this habitat.*

In general, the project proposes to offset impacts to unoccupied Diegan coastal sage scrub (Habitat Group D), disturbed habitat (Habitat Group F), and ornamental/non-native vegetation (Habitat Group F) through a combination of onsite preservation and creation (for Habitat Group D). As the project site is located in the coastal zone, the project is consistent with the "no net loss" provision in the HMP (Section 7-8, page D-115) for Diegan coastal sage scrub and southern maritime chaparral (please see HMP Findings below for detailed findings/analysis).

Because Diegan coastal sage scrub is considered to be potentially occupied and/or important for foraging or dispersal by HMP species, including the southern California rufous-crowned sparrow and coastal California gnatcatcher, impacts to the habitat are required to be mitigated at a 2:1 ratio. In addition, half of the mitigation (i.e., 1:1 ratio) is required to include a restoration or creation component. Accordingly, the project proposes to mitigate the removal of the 0.05 acres of Diegan coastal sage scrub through on-site creation of 0.05 acres (i.e., 1:1 ratio) and on-site preservation of 0.87 acres (i.e., exceeds 1:1 ratio) of CSS in a separate open space lot along the southern portion of the entire project site. In addition, the entire area of 2.53 acres of southern maritime chaparral is proposed to be preserved in the open space lot. Ultimately, the proposed 3.86-acre open space lot will result in additional hardline area and an extension of Core Area 6. Impacts to the disturbed/ornamental vegetation will be mitigated through the long-term preservation of the 3.86 acre open space lot. An in-lieu fee is not required as long-term preservation of sensitive habitat is proposed. In addition, the 0.30-acre isolated stand of CSS located in between the new parking lot and the northern property line of the western parcel, as well as the HMP buffer, will be placed in an open space easement.

The following mitigation measures will reduce impacts to biological resources to a less than significant level.

33

Mitigation Measures:

BIO 1: Prior to recordation of the Lot Line Adjustment, the project applicant shall dedicate on the Final Map an open space and conservation easement over the 3.86-acre Open Space Lot to prohibit any encroachment, development, grading, or alterations within the Lot.

BIO 2: Prior to recordation of the Lot Line Adjustment, a revegetation plan shall be submitted and approved by the City Planner to mitigate for the loss of 0.05 acres of Diegan coastal sage scrub (CSS) by creating 0.05 acres of CSS in the proposed open space lot.

BIO 3: Prior to the issuance of a grading permit, and/or the clearing of any habitat on-site, whichever occurs first, the Developer shall take the following actions to the satisfaction of the City Planner in relation to the proposed 3.86-acre Open Space lot, which is being conserved for natural habitat in conformance with the City's Habitat Management Plan:

- a. Select a conservation entity, subject to approval by the City, which possesses qualifications to manage the open space lot and open space easement areas for conservation purposes;
- b. Prepare a Property Analysis Record (PAR) or other method acceptable to the City for estimating the costs of management and monitoring of the open space lot in perpetuity in accordance with the requirements of the North County Multiple Habitats Conservation Plan and the City's Open Space Management Plan;
- c. Based on the results of the PAR, provide a non-wasting endowment or other financial mechanism acceptable to the City Planner and conservation entity, if any, in an amount sufficient for management and monitoring of the open space lot in perpetuity; and
- d. Prepare a Preserve Management Plan which will ensure adequate management of the open space lot in perpetuity.

BIO 4: Prior to recordation of the Lot Line Adjustment, the developer shall dedicate an open space easement over the 20 foot-wide habitat buffer area located adjacent to the southern edge of the proposed parking lot and the 0.30-acre isolated patch of Diegan coastal sage scrub located in between the new parking lot and the northern property line to prohibit any encroachment, development, grading, alterations, including the clearing of vegetation, unless required by the Fire Department.

BIO 5: No clearing, grubbing, grading or other construction activities shall occur onsite during the avian nesting season (February 15 through August 30), unless a qualified biologist confirms, through a documented survey immediately prior to clearing activities, that no nesting gnatcatchers or other sensitive bird species will be impacted.

BIO 6: Construction noise that could affect migratory songbirds and other species associated with the sensitive habitat area shall be avoided. In order to ensure compliance, grading shall be avoided during the avian nesting season (February 15 through August 30). If a grading permit is required, this restriction can be waived by the City of Carlsbad, with concurrence from the Wildlife Agencies (USF&W, CDF&G), upon completion of a breeding/nesting bird survey in accordance with the Migratory Bird Treaty Act. If nests are present, no grading or removal of habitat may take place within 500 feet of active nesting sites during the nesting/breeding season (February 15 through August 30). A buffer zone will be established around any identified nests in coordination with the

24

monitoring biologist. No construction activities shall occur within any portion of the site where they would result in noise levels exceeding 60 dB(A) hourly average at the edge of CSS.

BIO 7: Fire Management: All fire management activities shall occur completely within the development boundaries and shall not occur within any of the HMP open space conservation areas or open space easement. Landscaping within the HMP buffer shall include low-fuel native species in compliance with the HMP.

BIO 8: Erosion control: Prior to issuance of a grading permit, Developer shall obtain approval of an erosion control plan. The plan shall identify areas susceptible to erosion on the property and immediately adjacent to the HMP open space conservation and open space easement areas. Mechanical and biological methods shall be implemented to control any potential erosion, including engineering the manufactured slopes to maximize slope stability; choosing appropriate plants for the slopes to reduce the level of erosion of the slopes; implementing post-construction best management practices (BMPs) that shall ensure run-off is appropriately treated to minimize the potential for erosion; and implementing construction-level BMPs to prevent any silt from entering any of the HMP open space conservation areas.

BIO 9: Landscaping Restrictions: The Final Landscape plans for the 20-foot-wide HMP buffer adjacent to the HMP open space preserve/conservation areas shall require the use of a native plant palette consistent with the adjacent native vegetation communities, prohibit the use of ornamental invasive species, and limit the use of fertilizers to prevent excess run-off from entering the HMP open space conservation areas. The project shall control irrigation of landscaping adjacent to the HMP conservation areas so as to prevent runoff from spreading into the preserve. In addition, the use of cultivars of native species shall be prohibited to avoid genetic contamination of the native plant species in the preserve.

BIO 10: Fencing, Signs and Lighting: Prior to the release of grading securities, a five foot tall black vinyl-coated chain link fence shall be constructed along the northern boundary of the Open Space lot to discourage the access of humans into the HMP open space conservation areas. Signage shall be installed on the fence at consistent intervals to educate and inform the public about the goals of HMP Preserve and to prohibit public access. Lighting in the parking lot adjacent to the HMP preserve shall be of a minimum necessary for safety and security, and shall be shielded and directed to shine downward and not into the preserve area. Owner lighting restrictions shall be included in the administration office of the church.

BIO 11: Exotic Species Control: The project shall not use any non-native, invasive plant species in the landscaping adjacent to the HMP Preserve.

HMP FINDINGS

The proposed project occurs within Zones 19 (Eastern parcel, APN 215-841-07, 6515 Ambrosia Lane) and 20 (Western parcel, APN 215-080-04) of the HMP. The Western parcel is located in a Proposed Standards Area while the southern portion of the Eastern parcel is located within an Existing Hardline Area. The Existing Hardline Area is not currently managed or maintained as part of a long-term management plan. The project proposes no change to the Existing Hardline area located on the southern portion of the Eastern lot. Through onsite preservation, the project proposes a contribution of

3.86 acres of habitat to be included into the preserve system which will create a newly-established HMP Hardline Preserve on the Daybreak Community Church property. Ultimately, the Existing Hardline Area will also be included within the long-term management plan.

Modifications to the Proposed Standards Area on the Western parcel, APN 215-080-04, including development and habitat preservation to meet specified HMP standards, requires the processing of Consistency Findings and approval from the Wildlife Agencies. This section below summarizes the HMP requirements and how the proposed project is consistent with each of the applicable components of the HMP.

HMP Conservation Goals in Zone 20, Section D.3.C (Carlsbad HMP p. D-80)

Establish, enhance, and maintain a viable habitat linkage across Linkage Area F to ensure connectivity for gnatcatchers and other HMP species between Core Areas 4 and 6.

The Western parcel of the Daybreak Community Church project is located within Local Facilities Management Zone 20 (Zone 20) and Core 6 of the Carlsbad HMP planning area. Zone 20 and Core 6 occur in the central portion of Carlsbad. The objectives of Core 6 FPA generally include conservation of southern maritime chaparral, grassland, vernal pools, coastal sage scrub, Del Mar manzanita, summer holly and coastal California gnatcatcher, among other resources. Core 6 has linkages to Core 4 and Core 8 via Linkage Area F; Core 5 via Linkage Area D; and Core 7 via Linkage Area E. Core 6 objectives that most pertain to the project site include conservation of southern maritime chaparral and coastal sage scrub, in addition to conservation of movement functions through a fragmented arrangement of habitat, primarily for the coastal California gnatcatcher.

As depicted in Figure 5 of the *BTR*, the southeastern portion (i.e., Eastern parcel) of the project site is designated as Existing Hardline within Zone 19. As depicted on Figures 6 and 7 of the *BTR*, the proposed project does not include any impacts to native habitat located within the Existing Hardline area. A very limited portion (approximately 0.002 acre or 90 square feet) of the proposed parking lot impact area encroaches into disturbed habitat located within the northwestern tip of the Existing Hardline on the site. This disturbed 0.002-acre area is contained within the existing SDG&E access road and easement footprint. As such, it is routinely disturbed and considered to have little or no biological function or value. The impacts to this disturbed area are considered to have negligible effects on the Existing Hardline.

As also depicted on Figure 5 of the *BTR*, the western portion of the site is identified as a Standards Area within Zone 20. The objective of the Standards Area and surrounding Hardline Preserve through this area is to maintain the connectivity for gnatcatchers and other HMP species between Core Areas 4, 6 and 8, in addition to conserving the majority of sensitive species in or contiguous with biological core and linkage areas, including no net loss of wetland habitats, southern maritime chaparral, maritime succulent scrub, and coastal sage scrub within Core Area 6 and Linkage Area F. Coastal sage scrub and chaparral habitat contained within the Standards Areas and Existing Hardline on and in the vicinity of the project site contribute to the functional assemblage of Core 6 and Linkage Area F, including a stepping-stone linkage for the coastal California gnatcatcher, a sensitive species determined to have the potential to occur.

30

The proposed project would result in impacts to Diegan coastal sage scrub, disturbed habitat, and ornamental/non-native vegetation within the HMP Standards Area. Of the habitat types impacted, Diegan coastal sage scrub is the only habitat type that provides any biological function and value with respect to meeting the conservation goals and objectives of the Carlsbad HMP. The proposed impacts to Diegan coastal sage scrub are limited to 0.05 acre of habitat presumed to have been artificially created and situated adjacent to existing developments. The habitat was determined to have a low potential to support five non-listed sensitive reptile species: silvery legless lizard, orange-throated whiptail, coastal whiptail, Coronado Island skink, and coast patch-nose snake. The habitat was further determined to provide suitable foraging and dispersal habitat for the non-listed sensitive bird, southern rufous-crowned sparrow, in addition to the federally threatened coastal California gnatcatcher. Rufous-crowned sparrow and gnatcatcher would not be expected to use the impact area for breeding due to adjacency of the habitat with existing developments, small habitat patch size, and absence of constituent vegetation elements typically associated with these species' breeding habitat requirements. Gnatcatcher protocol surveys were performed at the project site during the breeding season in June 2013. No gnatcatchers were observed or otherwise detected during the protocol surveys. The principal functions and values of the impacted habitat include providing temporary habitat for facilitating north-south movement of bird species over and through the site.

Under current conditions, bird movement likely occurs over existing development barriers and incompatible habitats in the project vicinity, including those associated with existing Daybreak Community Church developments and Poinsettia Lane. The project would avoid nearly all (99 percent) of native habitat that exists within the project site, including 99 percent of native habitat that exists within the Standards Area and 100 percent that exists within the Hardline. All avoided habitat within the Standards Area is proposed for preservation either through an open space easement (adjacent to northern edge of western parking lot) or through the creation of a separate Open Space lot which will be encumbered with a conservation easement and included in the newly-established HMP Hardline Preserve area. The habitat that will be avoided and preserved represents the highest quality habitat within the project site in terms of functioning to facilitate wildlife movement, especially for native birds such as the coastal California gnatcatcher. The proposed developments are limited to second access, parking lot, underground storm drain, and landscape improvements only. As it pertains to accommodating bird movement functions, these improvements would result in minimal impacts and changes to the existing condition. No vertical developments are proposed that would introduce new barriers in areas that do not currently support existing developments. Existing bare areas currently used for overflow parking would be paved, but would also support an increase in vegetative components as a result of proposed landscaping. The proposed landscaping improvements, coupled with the proposed creation and preservation measures, would enhance the function of the project site in conserving contiguous stands of high quality southern maritime chaparral and Diegan coastal sage scrub habitat, in addition to accommodating wildlife movement functions and values consistent with the HMP goals and objectives for the area.

Figure 7 of the *BTR* depicts the proposed on-site mitigation consistent with the HMP goals and standards, including proposed HMP Preserve, HMP 20-foot buffer, and Diegan coastal sage scrub creation areas. The proposed HMP Preserve will encompass the Diegan coastal sage scrub creation area. A minimum 20-foot buffer (HMP 20-foot buffer) is incorporated between the proposed HMP Preserve and project developments consistent with the Coastal Zone Conservation Standards and Section 7-11 of the HMP. No development, grading, or alterations, including clearing of vegetation, shall occur in the buffer area. The proposed HMP Preserve and Existing Hardline Preserve in the

57

southeastern portion of the property will be joined to establish the new HMP Hardline Preserve on the property.

The following mitigation proposal for the project has been prepared consistent with the applicable HMP goals and standards:

- On-site creation of 0.05 acre of Diegan coastal sage scrub in the central western portion of the property to ensure no net loss of the habitat. This area is currently located in the Standards Area and shall be included in the proposed HMP Preserve for the project. The proposed creation area would require preparation of a creation plan, as detailed above, and would be subject to maintenance, monitoring, and reporting requirements;
- On-site preservation of 3.86 acres of existing high quality habitat located within the proposed HMP Preserve and Existing Hardline Preserve in the southern half of the property (i.e., southern portion of east and west parcels). This shall include the 0.05 acre of created Diegan coastal sage scrub. This 3.86-acre total area (1.66 acres western addition to preserve + 2.20 acres existing hardline on eastern parcel) shall represent the newly-established HMP Hardline Preserve on the property and shall be protected by a conservation easement and fully funded for long-term biological management and monitoring; and
- Portions of the property supporting additional Diegan coastal sage scrub to be avoided by the project and located outside of the newly-established HMP Hardline Preserve shall be designated open space and placed into an open space easement (0.30 acres). This includes Diegan coastal sage scrub and other habitat in the northwestern portion of the property and within the HMP 20-foot buffer area.

Therefore, the proposed project is considered consistent with the Carlsbad HMP as it meets the goals and objectives of the HMP for this portion of the plan, providing superior type and quantity of habitat areas within the project site and maintaining viable habitat linkage. In addition, the project would be consistent with this HMP Conservation Goal in Zone 20.

Conserve the majority of sensitive habitats in or contiguous with biological core and linkage areas, including no net loss of wetland habitats, southern maritime chaparral, maritime succulent scrub, and coastal sage scrub within Core Area 6 and Linkage Area F.

As discussed above, the project would avoid nearly all (99 percent) of native habitat that exists within the project site. This includes 99 percent of native habitat that exists within the Standards Area and 100 percent that exists within the Hardline Preserve. No wetland, southern maritime chaparral, or maritime succulent scrub habitat is within the proposed impact area. All avoided habitat within the Standards Area is proposed for preservation either through an open space easement or through the creation of the separate open space parcel, which will be incorporated into the HMP Hardline Preserve that will be established by the project. Impacts to coastal sage scrub will be fully compensated through on-site creation and preservation to ensure no net loss of habitat or long-term impact to its function. With the proposed creation to achieve a no net loss, 100 percent of the native habitats will be conserved over the long-term. Therefore, the project would be consistent with this HMP Conservation Goal in Zone 20.

CONSISTENCY WITH HMP HABITAT REQUIREMENTS

Planning Standards in Zone 20, Section D.3.C – (Carlsbad HMP p. D-80)

Impacts to Diegan coastal sage scrub must be mitigated consistent with Table 11 of the HMP. As included above within Table 6 of the *BTR*, the mitigation ratios proposed for the project are consistent with and exceed the ratios in Table 11.

Specifically, the project would create Diegan coastal sage scrub in the southern portion of the site and incorporate the created habitat into the 3.86-acre newly-established HMP Hardline Preserve area. The newly-established HMP Hardline Preserve would include high quality native southern maritime chaparral, Diegan coastal sage scrub, and coastal sage-chaparral scrub habitats. The preservation of habitat would represent a biologically superior alternative to the current conditions within the Standards Area. By incorporating the onsite preservation areas into the Hardline, the proposed project would result in a net increase of habitat within the HMP preserve area. A minimum 20-foot buffer is also incorporated into the proposed design to protect the preserve area from edge effects and other indirect impacts over the long-term. The proposed project is therefore consistent with the HMP for upland mitigation requirements.

Conserve habitats in a continuous configuration through Linkage Area F, from Core Area 6 to where Linkage Area F crosses Palomar Airport Road with a minimum constriction of 500 feet.

As discussed above, the proposed project avoids existing Hardline Preserve areas on the site and incorporates all avoided existing Standards Areas either through an open space easement or through the new, expanded Hardline Preserve. This will result in preservation of existing native habitat on the site, including the entirety of the existing highest-quality habitat. With the proposed creation, 100 percent of the native habitats will be conserved over the long-term and habitat connectivity will be improved from Core 6 to Linkage Area F. Therefore, the project would be consistent with this Planning Standard in Zone 20.

Areas of coastal sage scrub and maritime succulent scrub outside of the designated Linkage F may be taken in exchange for restoration and enhancement inside the linkage, as long as the result is no net loss of these habitats or the associated gnatcatcher population within the standards portions of the zone.

The proposed project is within Core 6 and all Diegan coastal sage scrub taken by the project will be fully compensated, in-kind, through on-site creation and preservation. The result will be no net loss and increase of habitat and improved habitat connectivity within Standards Areas of Zone 20. Therefore, the project would be consistent with this Planning Standard in Zone 20.

Southern maritime chaparral outside of core and linkage areas may also be taken unless it supports significant populations of Narrow Endemic plants.

The project proposes no impacts to southern maritime chaparral. The project would avoid and preserve all 2.53 acres of southern maritime chaparral that exists within the property, including areas that could contribute to core and linkage functions and values. Therefore, the project would be consistent with this Planning Standard in Zone 20.

Creation of Linkage F must utilize patches of existing habitat within the identified alignment. Where consistent with creation of Linkage F, avoid removal of natural habitats that are contiguous with open space on adjacent parcels.

The proposed project would not result in removal of natural habitats that are contiguous with open space on adjacent parcels. The project would create coastal sage scrub in the southwest portion of the site and incorporate the created habitat into the 3.86-acre newly-established HMP Hardline Preserve. Habitat within the newly-established HMP Hardline Preserve will be enhanced as a result of the project and will maintain contiguity with open space on adjacent parcels. Therefore, the project would be consistent with this Planning Standard in Zone 20.

Maintain and enhance the wildlife movement potential between core areas using sensitive design of any road or utility crossings of Linkage F.

The proposed project would introduce no new barriers which would impede wildlife movement. Proposed landscape vegetation in the parking area would represent an improvement over existing bare, disturbed conditions. Therefore, the project would be consistent with this Planning Standard in Zone 20.

Conserve all riparian habitats on site, and prohibit fill or development within the existing flood plain except where required for Circulation Element roads, Drainage Master Plan facilities, or other essential infrastructure. When conversion of agricultural lands to other uses is proposed, set back all development impacts at least 100 feet from existing wetland habitats and require habitat restoration or enhancement in the riparian and buffer areas.

No wetland or riparian areas would be affected by the proposed project. The site contains no agricultural lands. Therefore, the project would be consistent with this Planning Standard in Zone 20.

Mitigation for any allowed impacts shall be as stated in Table 11 on Page D-113.

The mitigation ratios proposed for the project are consistent with and exceed the ratios in Table 11 of the HMP. The project would create coastal sage scrub in the southwest portion of the site and incorporate the created habitat into the 3.86-acre newly-established HMP Hardline Preserve, which would also include native southern maritime chaparral and coastal sage-chaparral scrub habitats. The preservation of habitat would represent a biologically superior alternative to the current conditions within the Standards Area. By incorporating the on-site preservation areas into the Hardline Preserve, the proposed project would result in a net increase of habitat within the HMP Preserve area. Impacts to the Ornamental and Disturbed Habitat will be mitigated through the long-term preservation of 3.86 acres of sensitive upland habitat as HMP Hardline Preserve. No creation/restoration or payment of fees is proposed with respect to impacts to this habitat. Therefore, the project would be consistent with this Planning Standard in Zone 20.

CONSISTENCY WITH HMP SPECIES REQUIREMENTS

Section D6 of the HMP (pg. D-90), measures to minimize impact on HMP species and mitigation requirements.

No narrow endemic plant species were identified during the rare plant surveys. The HMP states that "the primary mitigation for impacts to HMP Species under the Plan is the conservation and management

of habitat for species in the preserve system" (City of Carlsbad, 2004). It also states that incidental take must be minimized and mitigated to the maximum extent practicable. Table 9 of the HMP provides specific minimization and mitigation measures for covered species. A single species addressed in Table 9, the southern California rufous-crowned sparrow, was observed during biological surveys and is presumed to be present in the southern portions of the site. One additional species addressed in Table 9, the coastal California gnatcatcher, was determined to have a high potential to temporarily disperse through the site, although protocol surveys in June 2013 were negative. Consistency analyses are provided below for the two HMP species determined present or with a high potential to occur.

Southern California Rufous-Crowned Sparrow

Conservation goals for the southern California rufous-crowned sparrow include:

- Conserve known locations within proposed and existing hardline conservation areas.
- Conserve approximately 2,000 acres of coastal sage scrub.
- Maintain regional linkages.

Impact avoidance/minimization measures for the southern California rufous-crowned sparrow include:

- Manage preserve areas to minimize edge effects, control cowbirds and predators, prevent livestock overgrazing, and restrict human disturbance.
- Prepare and implement a fire management program for preserve areas as part of the detailed management plan.
- Where opportunities arise, enhance and restore sage scrub habitat within preserve areas, with priority given to creating breeding opportunities within constrained linkages.

The proposed project would conserve a total of 0.87 acres of sage scrub habitat (0.09 acres on western parcel and 0.78 on eastern parcel) which would be incorporated into Hardline Preserve area as the newly-established HMP Hardline Preserve. Additional sage scrub to be avoided (0.30 acres) and located within Standards Area portions of the property will be placed into an open space easement. All chaparral habitat within the Standards Area on the site would be avoided and the project would incorporate the habitat into the proposed HMP Preserve. The proposed HMP Preserve area is contiguous with Existing Hardline area, and both areas will be joined to form a 3.86-acre newly-established HMP Hardline Preserve on the property. The newly-established HMP Hardline Preserve will be protected by a conservation easement and fully funded for long-term biological management and monitoring. Open space designation and placement of an open space easement over the habitat in the northwestern portion of the project would help conserve existing bird movement functions over the long-term. For these reasons, the project is consistent with the goals and measures for the southern California rufous-crowned sparrow.

Coastal California Gnatcatcher

Conservation goals for the coastal California gnatcatcher include:

- Conserve approximately 2,000 acres of coastal sage scrub.
- Conserve mapped gnatcatcher locations within conserved habitat.
- Maintain regional linkages.

Impact avoidance/minimization measures for the coastal California gnatcatcher include:

- Manage preserve areas to minimize edge effects.
- Prepare and implement a fire management program for preserve areas.
- Where possible, enhance and restore sage scrub habitat within preserve areas.

As stated above for rufous-crowned sparrow, the proposed project would conserve a total of 0.87 acres of sage scrub habitat (0.09 acres on western parcel and 0.78 on eastern parcel) which would be incorporated into Hardline Preserve area as the newly-established HMP Hardline Preserve. Additional sage scrub to be avoided (0.30 acres) and located within Standards Area portions of the property will be designated open space and placed into an open space easement. The proposed HMP Preserve area is contiguous with Existing Hardline area, and both areas will be joined to form a 3.86-acre newly-established HMP Hardline Preserve on the property. The newly-established HMP Hardline Preserve will be protected by a conservation easement and fully funded for long-term biological management and monitoring. Open space designation and placement of an open space easement over the northwestern portion of the project would help conserve existing bird movement functions over the long-term. For these reasons, the project is consistent with the goals and measures for the coastal California gnatcatcher.

CONSISTENCY WITH HMP ADJACENCY STANDARDS AND ZONE-LEVEL RECOMMENDATIONS

Adjacency Standards, Section F3 (Carlsbad HMP pg. F-16)

Fire Management

Fire management includes both the recognition that fire is an important component of natural ecosystems in Southern California while insuring public safety for areas adjacent to the HMP preserve. The project does not propose any structures adjacent to native habitat or preserve area that would require fuel modification or brush management. As such, a Fire Management Plan is not required. The project proposes a second access from Fisherman Drive that would enhance emergency access to native habitat in the southern portions of the site in the event of a fire. Therefore, the project would be consistent with this Adjacency Standard.

Erosion Control

Erosion can become an issue within and adjacent to the preserve where steep, erodible slopes occur, or where areas lack vegetation. All slopes adjacent to the preserve will be fully vegetated and maintained to avoid significant erosion onto the preserve, and the project will be required to implement the SWPPP during construction. The Preserve Management Plan for the proposed preservation areas in the southern portions of the site will include measures to address erosion within the preserve. Therefore, the project would be consistent with this Adjacency Standard.

Landscaping Restrictions

Invasive plant species will not be included in landscaping palettes. Irrigation will be designed so as to minimize runoff from landscaped areas, and pesticide/herbicide application will avoid overspray and drift into preserve areas. The landscaping palette will not include native plants or propagules from distant source populations, nor will it include cultivated species known to hybridize with related native species. Therefore, the project would be consistent with this Adjacency Standard.

Fencing, Signs, and Lighting

Fencing and signage provide access control to the preserve. Permanent fencing shall be provided along areas that occur between proposed developments and preservation areas. In addition, preserved habitat shall be posted with signs precluding access due to habitat sensitivity and prohibiting dumping. The landowner shall be educated in access restrictions, control of domestic animals, prevention of irrigation runoff, and sensitivity of habitats on site.

Excessive lighting can adversely affect animal species within the preserve. All exterior lighting adjacent to preserved habitat, including lighting required for parking lot developments, shall be limited to low pressure sodium sources of the lowest illumination allowed for human safety, selectively placed, shielded, and directed away from preserved habitat to the maximum extent practicable.

The project would be consistent with this Adjacency Standard with the incorporation of the required fencing, sign, and lighting specifications.

Predator and Exotic Species Control

As the proposed project entails an expansion to the Daybreak Church, domesticated animals are not anticipated on the project site. The project shall not use any non-native, invasive plant species in the landscaping adjacent to the HMP Preserve. Therefore, the project would be consistent with this Adjacency Standard.

Zone-Level Recommendations for Zone 20, Section F5 (Carlsbad HMP pg. F-28)

Manage preserve areas for habitat value for California gnatcatchers and narrow endemic plants.

Proposed additions to the Hardline Preserve areas will contain Diegan coastal sage scrub habitat of higher quality than existing disturbed phases of that community. The management plan will include area specific management directives for maintaining and enhancing functions and values for target conservation species, especially the gnatcatcher. Therefore, the project would be consistent with this Zone-Level Recommendation for Zone 20.

Restore and enhance disturbed areas contiguous with conserved habitats.

The project would create additional coastal sage scrub habitat within areas currently characterized by disturbed land. The areas targeted for creation occur adjacent to high quality undeveloped habitat that will be avoided by the project. The habitat creation and avoidance areas will be preserved as a result of the project. Therefore, the project would be consistent with this Zone-Level Recommendation for Zone 20.

Restrict fuel reduction for fire management to areas immediately adjacent to existing housing and minimize the removal of conserved habitats to the extent feasible, given safety concerns.

No new fuel modification zones are proposed, as all proposed and qualifying structures are in areas already associated with existing fuel modification zones. Therefore, the project would be consistent with this Zone-Level Recommendation for Zone 20.

CONSISTENCY WITH COASTAL ZONE STANDARDS

The project proposes development within the coastal zone and would be subject to the approval of a Coastal Development Permit (CDP). Pursuant to the HMP, additional conservation standards are to be applied to properties in the coastal zone. This section summarizes the applicable coastal zone standards and provides an analysis demonstrating project compliance.

Coastal zone standards pertaining to biological resources and applicable to the proposed project include:

- Protect environmentally sensitive habitat areas; and
- Impacts to sensitive upland habitat, when permitted, shall include a creation component that achieves the no net loss standard.

The project would result in 0.05 acre impacts to disturbed Diegan coastal sage scrub. As required by the HMP, 0.05 acre of onsite creation is proposed to fully offset and mitigate this impact, thereby ensuring no net loss. The 0.05 acre of created habitat would be incorporated into the proposed HMP Preserve for the project. The proposed HMP Preserve would be joined with the Existing Hardline Preserve areas in the southeastern portion of the property to form the newly-established 3.86-acre HMP Hardline Preserve. The newly-established HMP Hardline Preserve will be protected by a conservation easement and fully funded for long-term biological management and monitoring. A minimum 20-foot buffer (HMP 20-foot buffer) is incorporated between the proposed HMP Preserve and project developments consistent with the Coastal Zone Conservation Standards and Section 7-11 of the HMP. No development, grading, or alterations, including clearing of vegetation, shall occur in the buffer area. Additional sage scrub to be avoided (0.30 acres) and located within Standards Area portions of the property will be designated open space and placed into an open space easement. For these reasons, the project is consistent with the Coastal Zone standards.

c) **No impact.** As no federally protected wetlands are located on-site, no impact is assessed.

V. CULTURAL/PALEONTOLOGICAL RESOURCES	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a & d) No Impact. Pursuant to the Aviara Phase III Environmental Impact Assessment conducted in 1993 for the Aviara Master Plan (MP 177(G)), which included the existing church site (i.e., eastern parcel), no historical structures or known areas of human remains were detected. In addition, the existing church site represents development of that area and thus no historical resources currently exist.

For the vacant portion of the current project, a cultural resource investigation was undertaken by Dudek and did not identify any historic resources or the likelihood of encountering human remains onsite (*Results of a Cultural and Paleontological Resource Inventory for the Proposed Daybreak Church Expansion Project, Carlsbad, San Diego County, California*; Dudek, June 21, 2013). Therefore, no impacts are anticipated. In the event that human remains are discovered, proper treatment would be required in accordance with the applicable state laws.

b- c) Less than Significant Impact. The above-referenced Dudek report and corresponding cultural resource inventory effort included the assessment of the potential presence of archaeological and

paleontological resources at the project site. A records search was completed, as well as a pedestrian survey for both archaeological and paleontological resources. The records search yielded no previously-recorded cultural resources onsite. The records search did reveal four recorded archaeological sites within a ¼ mile radius of the project site, all of which were evaluated for, but not ultimately eligible for California Register of Historical Resources (CRHR) status. Overall, the conclusion was made that a low potential for buried significant cultural deposits exists in the general vicinity.

Based on the pedestrian survey conducted and as summarized in the Dudek report, no additional resource work was recommended. This conclusion was made based on the existing archaeological and paleontological resources assessments, as well as a review of the proposed grading plans for the project. Given the grading proposal and maximum depths of cut/excavation to be less than 5 vertical feet, no fossil discoveries are anticipated and likewise no monitoring is recommended nor necessary.

Finally, the Dudek inventory included Native American correspondence via contact with the Native American Heritage Commission (NAHC) on June 12, 2013 (Appendix B of the Dudek report). A written response from the NAHC on June 13, 2013 indicated that no records of Native American traditional cultural places for the project site exist. Follow-up correspondence was mailed to the recommended list of Native American tribes and individuals who may have knowledge of cultural resources in or near the project area. A written response was received from the Rincon Band of Luiseno Indians was received on June 26, 2013 wherein it was indicated that the project did not fall within the tribes boundaries. No additional responses were received. Given the above information, including the results of the Dudek report of June 21, 2013 and related cultural resource assessments for the project site, the impacts to potential archaeological and paleontological resources are considered to be less than significant.

VI. GEOLOGY AND SOILS	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: <ul style="list-style-type: none"> 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? iii. Seismic-related ground failure, including liquefaction? iv. Landslides? 	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soils, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a.i-a.iv) Less than Significant Impact. Pursuant to the *Geotechnical Update Report* prepared for the Daybreak Community Church project (Vinje & Middleton Engineering, November, 2011), the subject site is not located within any Earthquake Fault Zones as delineated on the Alquist-Priolo Earthquake Fault Zone Map, nor are there any known major or active faults on or in the immediate vicinity of the site. Because of the lack of known active faults on the site, the potential for surface rupture at the site is considered low. The main seismic hazard that may affect the site is ground shaking from one of the active regional faults, the nearest of which is the Rose Canyon Fault Zone located 6.9 miles from the site. Due to the relatively dense nature of on-site soils, the risk of seismic-related ground failure or liquefaction is not a significant concern. In addition, the proposed project would be constructed in compliance with the *California Building Code*, which includes specific design measures which are intended to maximize structural stability in the event of an earthquake. Therefore, a less than significant impact is anticipated. The proposed building pads are to be primarily located on an existing, paved parking area; the proposed new parking area is proposed for an area that has been previously graded with rough pad preparation for future development. In addition, there are no mapped landslides underlying the subject site; and the site is located in an area that is not classified as being susceptible to

4/10

landslides. The *Geotechnical Update Report* concludes that no geologic hazards are located on the project site. Therefore, a less than significant impact is anticipated.

b-e) Less than Significant Impact. In general terms, the existing earth materials consist of Eocene age Santiago Formation sandstone deposits in the easterly site area; the westerly site area is underlain by Pleistocene age sandstone Terrace Deposits. The Geotechnical Report does not identify any abnormal or unusual soil types or conditions that would promote substantial soil erosion and geologic hazards or instability. Likewise, slope stability is not a project concern from a geotechnical standpoint. While the report does note some silty to clayey soils that require added processing and moisture conditioning, incorporating the recommended design methods as conditions of approval into the project will result in less than significant impacts for the Geology and Soils assessment made herein. Finally, the use of septic tanks or alternative wastewater disposal systems are not proposed nor are they required given geologic or soil conditions. Therefore, a less than significant impact is anticipated.

VII. GREENHOUSE GAS EMISSIONS	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purposes of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a-b) Less than Significant Impact. The City of Carlsbad has not adopted its own greenhouse (GHG) thresholds of significance and is, therefore, following guidance provided from the California Air Pollution Control Officers Association (CAPCOA) report, *CEQA and Climate Change*, dated January, 2008, for interim screening criteria to determine when a GHG analysis would be required. Specifically, CAPCOA proposed a 900-metric tons of CO₂ E (i.e., equivalent) screening threshold to evaluate whether a project requires further analysis. Projects with emissions above the 900 metric ton threshold are required to evaluate whether emissions can be reduced to below "business as usual" levels.

Pursuant to the *Greenhouse Gas Study* prepared for the project (Rincon Consultants, Inc., July, 2013), GHG emissions for the project were estimated separately for the following categories, construction and operational indirect and stationary direct emissions. As reviewed and presented in the *Study*, emissions were estimated and modeled using the California Emissions Estimator Model (CalEEMod).

Construction GHG Emissions

Construction GHG emissions include emissions from heavy construction equipment, truck traffic for the export of material, and worker trips. Emissions were calculated utilizing the CalEEMod Model, which is the newest land use emissions model for completed and proposed construction. Pursuant to Table 1 in the *Study*, construction CO₂ equivalent emissions are estimated to be 507.53 metric tons. Lead agencies, including the South Coast Air Quality Management District, the City of San Diego, and the County of San Diego, recommend that construction emissions be amortized over a 30-year period to account for the

contribution of constructions emissions over a lifetime of the project. Amortizing emissions from construction of the proposed project over a 30-year period would result in an annual contribution of 16.9 metric tons of CO₂ e. These emissions are added to the operational emissions to account for the contribution of construction to GHG emissions for the lifetime of the project.

Operational Emissions

CalEEMod modeling of the project outlined in the Study and summarized in the table below take into account the existing church use, proposed expansion and parking area, as well as the set aside of natural open space into perpetuity proposed by the project. Area source emissions center on the landscape maintenance, which is already on-going onsite and would use consumer products for a negligible source of emissions (0 metric tons per year). Energy use emissions include both electrical consumption (approximately 55.72 metric tons of CO₂ E per year) and natural gas consumption (approximately 11.01 metric tons of CO₂ E per year) for a total of approximately 66.73 CO₂ E tons per year. Solid waste consumption was modeled at approximately 45.09 CO₂ E tons per year. For water use emissions, an annual estimate of 1.39 millions gallons of water was used with a corresponding demand of electrical energy to supply the yearly water use estimate, which yielded approximately 6.37 metric tons of CO₂ E per year. For transportation emissions, traffic study information calculated 249 weekday trips for the project and 1,718 Sunday peak hour trips. These calculations generate approximately 394.63 metric tons of CO₂ E associated with CO₂ and CH₄ emissions; and approximately 18.43 metric tons of CO₂ E associated with N₂O emissions from mobile/automobile sources.

Annual Greenhouse Gas Emissions – Daybreak Community Church Expansion

Emission Source	Annual Emissions in Carbon Dioxide Equivalent (CO ₂ E) metric tons
Construction	16.9
Area Source	0
Energy Use	66.73
Solid Waste	45.09
Water Use	6.37
Transportation (CO ₂ + CH ₄)	394.63
Transportation (N ₂ O)	18.43
TOTAL	548.15

As demonstrated in the table above, the 548.15 metric tons CO₂ E net emissions associated with the Daybreak Community Church Project is below the 900 metric ton screening threshold.

Therefore, the project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, nor will it conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The project will be consistent with the goals of AB 32, and would not result in a cumulatively significant global climate change impact. As a result, a less than significant impact is assessed.

VIII. HAZARDS AND HAZARDOUS MATERIALS	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) **No Impact.** The proposed church expansion project, as well as the on-going church activities, would not involve the routine transport, use or disposal of hazardous materials; therefore, no impact is anticipated.

b) No Impact. Since no hazardous materials are routinely used, transported and stored with the existing and proposed church expansion uses, no impact is anticipated. Furthermore, no building demolitions are proposed as part of the project which would otherwise require an assessment of existing conditions for asbestos-containing materials; therefore no impact is anticipated.

c-d) No Impact. While a preschool (Redeemer by the Sea) is located approximately ¼ of mile west of the proposed Daybreak Community Church expansion, the project will not involve the use or transport of hazardous materials. In addition, the project site is not included on any lists as a hazardous materials site, pursuant to the Government Code Section 65962.5. Therefore, no impact is assessed.

e) Less than Significant Impact. The McClellan-Palomar Airport is located approximately one mile north of the subject site. Pursuant to the Airport Land Use Compatibility Land Use Plan (ALUCP), the project is located within Review Area 2 of the Airport Influence Area (AIA) as well as Safety Zone 6, Traffic Pattern Zone. Pursuant to Table III-2 of the ALUCP, a large indoor assembly area with a seating capacity greater than 1,000 people is a conditionally compatible land use in Safety Zone 6. As such, pursuant to the ALUCP, one additional exit is required for every 1,000 people. The Uniform Building Code (UBC) currently requires a total of four exits for the proposed assembly building. The proposed assembly building has been designed with five exits; therefore, the project complies with the requirements of the ALUCP. In addition, while the project is located within the Airport Overflight Notification Area of the ALUCP, an overflight notification is not required to be recorded on title since the proposal does not include new residential development. Finally, the project site is located outside of any noise contour lines which can limit certain land uses from being developed. Therefore, a less than significant impact is anticipated.

f) No Impact. The project site is not located in the vicinity of a private airstrip. Therefore, no impact is anticipated.

g) No Impact. The project site has frontage on Poinsettia Lane to the north, Ambrosia Lane to the east and Fisherman Drive to the west. Poinsettia Lane is classified as a major arterial in the General Plan and is designated as an emergency access or emergency evacuation route to move people during emergencies. The City of Carlsbad's Fire Department will provide all basic fire and emergency medical services to the project site. Specifically, the project will be served by Fire Station No. 4. The site is within a five minute response time from the fire station. Additionally, the City of Carlsbad's Fire Department has agreements with other agencies, such as the County of San Diego, to provide additional services, including hazardous materials incident response. In the event of a large scale incident, the City of Carlsbad will activate its Emergency Operations Center (EOC) and provide details to residents, employment centers and community facilities such as private school, day cares and church locations. The proposed church use and expansion project will not impact the ability to provide emergency services to the project site, nor will it physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, no impact is anticipated.

h) Less than Significant Impact. The subject parcels are located in a developed area and the project site is considered as infill development. The existing paved parking lot (i.e., eastern lot) is the proposed location for the church expansion and the existing pre-graded western lot is the location for the proposed expansion to the parking lot. To the north, east and west are existing street systems and residential neighborhoods as well as a public park. As a result, fire hazards to the north, east and west are low. To the south, and located on the subject property, is an existing open space area with native vegetation. However, the church expansion project does not locate any new structures closer than 160

feet to this native upland habitat. Therefore, given the distance of future structures from the open space area, no fire hazards are created by the project. While the City is considered a medium fire hazard area (Public Safety Element, General Plan), given the project location and proposed layout of the church expansion project, no significant impacts are anticipated. In addition, fire sprinklers are required for the new construction. Therefore, a less than significant impact is anticipated.

IX. HYDROLOGY AND WATER QUALITY	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with ground water recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the flow rate or amount (volume) of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) **Less than Significant Impact.** The project is required by law to comply with all federal, state and local water quality regulations, including the Clean Water Act, California Administrative Code Title 23,

51

specific basin plan objectives identified in the "Water Quality Control Plan for San Diego Basin" (WQCP), and the city's Standard Urban Storm Water Management Plan (SUSMP). The WQCP contains specific objectives for the Carlsbad Hydrologic Unit, which includes the requirement to comply with National Pollutant Discharge Elimination System (NPDES) and the use of Best Management Practices (BMPs). Construction activities as well as post-development activities for this project are covered under state-wide construction permit Order No. 2009-0009-DWQ issued by the State Water Resource Control Board Permit and regional Order No. R9-2013-0001 issued by the California Regional Water Quality Control Board's San Diego region.

As the project qualifies as a Priority Development Project, a *Preliminary Storm Water Management Plan* (Hofman Planning & Engineering, October 2013) has been prepared for the project which addresses what treatment Best Management Practices (BMP's) will be constructed to treat the post-development runoff from the project. The *Plan* addresses how pollutants from this project will be reduced, captured, filtered, and/or treated prior to discharge from the project site. In addition, as a standard condition for this project, a Stormwater Pollution Prevention Plan (SWPPP) will be required to control the quality of storm water runoff, erosion, and sediment during construction.

Through the implementation of the recommendations of the above-noted reports, the project will not violate any water quality standards or waste discharge requirements. Any impacts to water quality standards or waste discharge requirements are therefore considered to be less than significant.

b) No Impact. Pursuant to the *Geotechnical Update Report* (Vinje & Middleton Engineering, Inc. November 2011), groundwater conditions were not encountered and any related groundwater conditions are not expected to impact new building pad construction and improvement subgrade preparations. The project will be served via existing public water distribution lines adjacent to the site. Therefore, no impact is anticipated.

c-f) Less than Significant Impact. Pursuant to the *Preliminary Hydrology Study* (Hofman Planning & Engineering, October 2013) prepared for the project, storm water runoff generated by the existing church use is collected within an existing storm drain located on-site and is conveyed to a public system across Ambrosia Lane. The East parcel (i.e., existing church site, APN: 215-841-07) is currently developed with two structures, a parking lot, landscaping and additional hardscape features. The proposed project entails the development of a new sanctuary over a portion of the existing parking lot. This parcel drains through a series of catch basins and private storm drain pipes that connect to the public storm drain system at the corner of Ambrosia and Poinsettia Lanes, with flows continuing through the Ambrosia Lane system and ultimately drains to Batiquitos Lagoon. The West parcel (APN: 215-080-04) is proposed to be developed with additional parking as well as a small portion of the new church building. This parcel does not impact the flows of the East parcel since it drains into two different sub-basins of the Carlsbad Hydrologic Unit. The north portion drains to the "Canyon de las Encinas Creek" Hydrologic Area with runoff from the site flowing northerly through a storm drain system that crosses Poinsettia Lane to the Encinas Creek and ultimately into the Pacific Ocean. The south portion drains to a part of the San Marcos Creek sub basin that drains to the Batiquitos Lagoon.

The East parcel will get an upsized drainage pipe, as outlined in the *Study*, and the West parcel will be improved with a new private storm drain system. As a Priority Project, and per Carlsbad's SUSWMP, the project is subject to hydromodification criteria as detailed in the San Diego County's *Hydromodification Plan*, dated March 25, 2011. As a result, the project will be designed to match pre-project runoff flow

rates for storms up to a 10-year design storm. Per the *Preliminary Storm Water Management Plan* prepared for the project (Hofman Planning & Engineering, October 2013) and corresponding pre-project and post-project runoff calculations identified, the average runoff coefficient will not change. Total peak runoff will increase, however, due to the inclusion of a new storm drain within the project site, and the corresponding decrease in time of concentration. With the incorporation of Low Impact Development (LIDs) features and hydromodification BMPs, the increase in runoff will reduce the impacts to a less than significant level. Specifically, pursuant to the *Preliminary Storm Water Management Plan*, the incorporation of bioretention basins, higher rate filters, permeable pavements and vegetated areas will not only treat the water but will also reduce the rate of runoff leaving the site. Through these efforts, the project will not violate any water quality standards, or otherwise substantially degrade water quality; will not substantially alter existing drainage patterns causing substantial erosion, siltation, or flooding; and will not significantly impact the capacity of storm water drainage systems. Therefore, impacts are considered to be less than significant.

g-j) No Impact. The project site is not located within the 100-year flood hazard area. In addition, pursuant to the *City of Carlsbad Geotechnical Hazards Analysis and Mapping Study, Catastrophic Dam Failure Inundation, Tsunami, and Seiche Hazard Zone Maps (September 1992)*, based on the distance between the site and large, open bodies of water, as well as the elevation of the site with respect to the sea level (300-330 feet above mean sea level), the possibility of tsunami or mudflow is considered to be low. Therefore, no impact is anticipated.

X. LAND USE AND PLANNING	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) No Impact. The proposed expansion to the church on the East parcel and the development of the currently vacant West parcel with a parking lot will not create a physical division within an established community since the East parcel is already developed with a church. In addition, the southern portion of the both the East and West parcels will be permanently preserved as a separate open space lot. Therefore, no impact is anticipated.

b-c) Less than Significant Impact. The East parcel (APN 215-841-07), 6.77 acres in size, has a split General Plan Land Use designation of Residential Medium Density (RM, 4-8 du/ac) and Open Space (OS) and a Zoning designation of P-C, Planned Community. The parcel is also located within the Mello J

53

Segment of the Local Coastal Program and the boundaries of the Aviara Master Plan (MP 177). The property is currently developed with a 11,600 SF church, 6,200 SF accessory classroom/administrative office building and an associated parking lot. A 9,000 SF addition to the accessory building, which was approved in 2012, is currently under construction.

The vacant West parcel (APN 215-080-04), 4.53 acres in size, has an existing General Plan Land Use designation of Residential Low-Medium Density (RLM, 0-4 du/ac) and a Zoning designation of L-C, Limited Control, which is a holding zone for undeveloped properties. The property is also located within the Mello II Segment of the Local Coastal Program and the boundaries of the Zone 20 Specific Plan.

In addition to a number of discretionary applications proposed for the expansion to the church and associated parking lot, legislative actions are proposed for the West parcel. Specifically, the General Plan Land Use Designation and Local Coastal Program (LCP) Land Use designation for the northern half of the West parcel is proposed to remain as RLM while the southern half is proposed to change from RLM to Open Space (OS) to reflect the permanent preservation of the sensitive upland habitat as open space on a separate parcel (via a lot line adjustment). In addition, to allow for the development of the conditional use (i.e., church) and associated parking lot on the West parcel, a zone change is proposed from the current L-C designation to R-1, One-Family Residential and OS, Open Space. The R-1 designation implements the RLM General Plan Land Use designation and the OS Zoning designation will coincide with the proposed OS General Plan Land Use designation. As the West parcel (APN 215-080-04) is located in the Mello II segment of the coastal zone and a Zone Change and General Plan Amendment are proposed, a Local Coastal Program Amendment (LCPA) is also proposed to provide consistency between the land use documents. Approval from the California Coastal Commission will be required for the LCPA.

As discussed in Section IV of this document (Biological Resources), the project is compatible with the City's Habitat Management Plan. In addition, the project is in compliance with the Airport Land Use Compatibility Plan (see Section VIII, Hazards and Hazardous Materials) as well as the Zone 20 Specific Plan and Aviara Master Plan. Therefore, impacts associated with Land Use and Planning are considered to be less than significant.

XI. MINERAL RESOURCES	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-b) No Impact. Carlsbad is devoid of non-renewable energy resources. Mineral resources within the City are no longer being utilized and extracted as exploitable natural resources. Therefore, no mineral resource impacts will occur as a result of any project. (MEIR 93-01, page 5.13-1)

XII. NOISE Would the project result in:	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundbourne vibration or groundbourne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Less than Significant Impact with Mitigation Incorporated.

Construction/Short-Term Impacts

Grading for the development of the proposed project includes 5,150 cubic yards of cut and 2,150 cubic yards of fill, resulting in a total of 3,000 cubic yards of export. Construction of the project would generate a temporary increase in noise in the project area. The increase in noise level would be primarily experienced closest to the noise source. The magnitude of the impact would depend on the type of construction activity, noise level generated by various pieces of construction equipment, duration of the construction phase, and distance between the noise source and receiver.

Construction activity and delivery of construction materials and equipment would be limited to non-holidays, between 7:00 a.m. to 6:00 p.m., Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on Saturday. This project would utilize conventional construction techniques and equipment. Standard equipment such as scrapers, graders, backhoes, rollers, loaders, tractors, cranes, and miscellaneous trucks would be used for construction of a majority of the project facilities. Sound levels of typical construction equipment range from approximately 65 dBA to 95 dBA at 50 feet from the source (U.S. Environmental Protection Agency [U.S. EPA] 1971). The average sound levels (CNEL) would be expected to be less than estimated because of downtime that typically occurs during construction. Construction

activity would occur during allowable times, in compliance with Section 8.48.010 of the City of Carlsbad Municipal Code. As noise impacts associated with construction are temporary in nature, no potentially significant noise impact related to construction would occur.

Future Condition- Traffic and Project-Generated Noise

The existing church as well as the proposed sanctuary, are setback approximately 50 feet from Poinsettia Lane, which is designated as a Major Arterial road pursuant to the city's General Plan. Pursuant to the Future Noise Exposure Contour Map of the City's *Noise Guidelines Manual*, properties located adjacent to Poinsettia Lane will be subject to noise up to 70 dB as a result of projected traffic along the corridor. As identified in the *Manual*, churches are required to meet an interior noise standard of 45 dBA. Therefore, in order to reduce impacts associated with interior noise to a less than significant level, mitigation is required.

As a majority of the church activities are proposed to be located inside, impacts to the adjacent residential land uses to the east and west are not anticipated. However, the proposed screen wall located adjacent to the southwest corner of the expanded parking lot will assist in reducing any noise impacts associated with vehicle parking and circulation. Therefore, a less than significant impact is anticipated.

Mitigation Measure:

***NOISE-1.** Prior to issuance of the building permit, an acoustical analysis consistent with City standards shall be prepared by a registered professional to demonstrate that the proposed building design will limit interior noise for the church to 45 dBA. The building plans shall incorporate the recommendations in the report to satisfy the requirements.*

b & d) Less than Significant Impact. The anticipated grading operations associated with the proposed project will result in a temporary and minor increase in groundborne vibration and ambient noise levels. Following the completion of demolition, grading, and construction activities, ambient noise level and vibrations are expected to return to pre-existing levels. Therefore, impacts are considered to be less than significant.

c) No Impact. The project will not result in a substantial permanent increase in the ambient noise. Therefore, no impact is anticipated.

e) Less than Significant Impact. The McClellan-Palomar Airport is located approximately one mile north of the subject site. Pursuant to the McClellan-Palomar Airport Land Use Compatibility Land Use Plan (ALUCP), the project is located within Review Area 2 of the Airport Influence Area (AIA) as well as Safety Zone 6, Traffic Pattern Zone. Pursuant to Table III-2 of the ALUCP, a large indoor assembly area with a seating capacity greater than 1,000 people is a conditionally compatible land use in Safety Zone 6. As such, pursuant to the ALUCP, one additional exit is required for every 1,000 people. The Uniform Building Code (UBC) currently requires a total of four exits for the proposed assembly building. The proposed assembly building has been designed with five exits; therefore, the project complies with the requirements of the ALUCP. In addition, while the project is located within Airport Overflight Notification Area of the ALUCP, an overflight notification is not required to be recorded on title since the proposal does not include new residential development. Finally, the project site is located outside of

any noise contour lines which can limit certain land uses from being developed. Therefore, a less than significant impact is anticipated.

f) No Impact. The proposed project is not located in the vicinity of a private airstrip. Therefore, no impact is assessed.

XIII. POPULATION AND HOUSING	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Induce substantial 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-c) No Impact. The proposal to construct a new sanctuary and expand the parking lot at the Daybreak Church campus will not induce growth nor will it displace substantial numbers of people or housing. The proposed change in the General Plan Land Use and zoning designations are to accommodate the conditional church use and to designate the south portion of the West parcel as open space. No impacts are created or anticipated.

XIV. PUBLIC SERVICES	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, a need for new or physically altered government 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:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a.i-a.v) No Impact. While the public service demands for the proposed church expansion will increase, it will not significantly affect the provision and/or availability of public services (i.e., fire protection, police protection, schools, parks, etc.). Furthermore, the proposed project shall be subject to the conditions and facility service level requirements within the Local Facilities Management Plan for Zones 19 and 20. As a result, no impact is assessed to public services.

XV. RECREATION	Potentially Significant Impact	Less than Significant with Mit. Incorporated	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) No Impact. The project site does not currently accommodate any private recreational facilities, nor does the proposed church expansion include recreational facilities. In addition, given the proposed church use, the project would not increase the use of existing neighborhood parks. Further, because the existing and proposed church use is not considered to be residential or commercial development, an in-lieu park fee is not required. Therefore, no impact is assessed.

XVI. TRANSPORTATION/TRAFFIC	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Less than Significant Impact. Pursuant to the city's Growth Management Program (GMP) circulation standards, no road segment or intersection in the zone or any road segment or intersection outside of the zone which is impacted by development within the zone, shall be projected to exceed a level of service (LOS) "D" during peak hours.

To analyze the proposed project's compatibility with the GMP threshold, a *Traffic Impact Analysis (TIA)* was prepared by Linscott, Law & Greenspan (May, 2013). As discussed in the *TIA*, the existing street network in the project area consists of Poinsettia Lane, an east-west, four-lane Major Arterial road, as well as Fisherman Drive and Ambrosia Lane, unclassified roadways. Each of these road segments and intersections is currently operating at a Level of Service (LOS) A during the PM commuter peak hour during the weekdays and the AM peak hour (9:30-11:30 a.m.) for the Sunday church service.

Based on the proposal to add a 1,010-seat worship center to the property, the project is projected to generate 249 average daily trips (ADTs) on a weekday PM peak hour and 1,718 ADTs during the AM peak Sunday service (i.e., between 9:30-11:30 AM). Pursuant to Tables 8-1, 8-2, 9-1 and 9-2 of the *TIA*, no significant impacts were calculated for the weekday PM peak hour or AM Sunday service (i.e., Existing + Project scenarios) for the affected segments and intersections. While the increase in traffic from the proposed project may be slightly noticeable, the street system has been designed and sized to

accommodate traffic from the project and cumulative development in the City of Carlsbad. The proposed project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system. Therefore, a less than significant impact is anticipated.

b) **No Impact.** In 2009 the congestion management agency (SANDAG) employed an "opt out" option defined in Assembly Bill (AB) 2419. The congestion management program is no longer relevant to development in the City of Carlsbad.

c) **No Impact.** The proposed project does not include any aviation components. Therefore, it would not result in a change of air traffic patterns or substantial safety risks. No impact assessed.

d) **Less than Significant Impact.** Due to neighborhood concerns regarding the addition of a new driveway access point off of Fisherman Drive and the impact it may have on the adjacent residential subdivision to the south, the TIA included a Queuing Analysis. In addition, the alternative of adding the new driveway off of Poinsettia Lane instead of Fisherman Drive was studied.

As concluded in the TIA, a new driveway off of Poinsettia Lane could not be supported due to the lack of adequate intersection spacing as well as concerns regarding adding a new ingress/egress point along a Major Arterial with a high speed of travel. Further, native upland habitat would need to be removed for the addition of a driveway off of Poinsettia Lane. In addition, pursuant to Table 9-3 of the TIA, it was concluded that the project would not cause queues to exceed the available storage or add more than five (5) vehicles or 125 feet of queue. Therefore, the project would not adversely affect the operations along Fisherman Drive or at the intersection of Poinsettia Lane and Fisherman Drive.

The applicant has designed the egress point of the driveway off of Fisherman Drive to include a small concrete island which precludes vehicles from turning left or going straight (i.e., through the Redeemer by the Sea property to the west) when exiting the development. All other project circulation improvements will be designed and constructed to City standards and would not result in design hazards. Therefore, a less than significant impact is anticipated.

In addition, with the proposed General Plan Amendment and Zone Change, the proposed project will be consistent with the City's general plan and zoning. Therefore, it would not increase hazards due to an incompatible use. Therefore, no impact assessed.

e) **No Impact.** The addition of a second driveway to the Daybreak Community Church property will improve emergency access to and from the site. In addition, the proposed project has been designed to address the emergency requirements of the Fire and Police Departments. Therefore, no impact is assessed.

f) **No Impact.** The proposed project is not served by nor is it located in an area conducive to public transportation. However, as required by the 2013 Green Building Code, bike racks have been incorporated into the project design. Therefore, no impact is assessed.

XVII. UTILITIES AND SERVICE SYSTEMS	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a-g) No Impact. The East and West parcels are located within the boundaries of Local Facilities Management Plan (LFMP) Zones 19 and 20, respectively. The proposed expansion to the Daybreak Community Church campus is also located within the service boundaries of the Carlsbad Municipal Water District for water and sewer services. Adequate water supply and sewer treatment capacity exists to serve the proposed project. In addition, the proposed project will be required to comply with all Regional Water Quality Control Board Requirements. One new private storm drain is proposed in association with the church expansion project. No new water or wastewater treatment facilities are proposed or required. All proposed public facilities, including water, wastewater, and drainage facilities, have been designed to accommodate the proposed project. In addition, the proposed project will be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs and the project will comply with federal, state, and local statutes and regulations related to solid waste. Therefore, no impact is assessed.

61

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant Impact	Less than Significant with Mit. Incorporated	Less than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause the substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a) *Less than Significant Impact with Mitigation Incorporated.* As outlined in the Biological Resources section of this report, the project's required mitigation reduces impacts to sensitive native habitat and wildlife species to a less than significant level. In addition, the project is consistent with the city's Habitat Management Plan (HMP). Further, the implementation of the HMP provides mitigation for cumulative biological impacts as it allows for the adoption of a long-term biological preserve system throughout the City. Therefore, there will be no cumulative impacts to sensitive habitat or wildlife communities. In addition, given the minimal grading proposed as well as the fact that development is occurring on a previously-grading pad, no impacts are anticipated to important examples of California history or prehistory.

b) *Less than Significant Impact.* The San Diego Association of Governments (SANDAG) projects regional growth for the greater San Diego area, and local General Plan Land Use policies are incorporated into SANDAG projections. Based upon those projections, region-wide standards, including storm water quality control, air quality standards, habitat conservation, congestion management standards, etc., are established to reduce the cumulative impacts of development in the region. All of the City's development standards and regulations are consistent with the region wide standards. The City's standards and regulations, including grading standards, water quality and drainage standards, traffic standards, habitat and cultural resource protection regulations, and public facility standards, ensure that development within the City will not result in a significant cumulatively considerable impact.

There are two regional issues that development within the City of Carlsbad has the potential to have a cumulatively considerable impact on. Those issues are air quality and regional circulation. As described above, the project would contribute to a cumulatively considerable potential net increase in emissions throughout the air basin. However, the air quality would be essentially the same whether or not the

62

development is implemented. In addition, while the incremental increase in traffic from the proposed project may be slightly noticeable, the street system has been designed and sized to accommodate traffic in the short-term as well as build-out in the City of Carlsbad. Therefore, the cumulative impacts from the project to the regional circulation system are less than significant.

With regard to any other potential impacts associated with the project, City standards and regulations will ensure that development of the site will not result in any significant cumulatively considerable impacts.

c) ***Less than Significant Impact with Mitigation Incorporated.*** As outlined in the Noise section of this document, mitigation measures are required to reduce environmental impacts which may cause substantial adverse effects on human beings, either directly or indirectly, to a less than significant level. In addition to the mitigation measures, the project will be designed to comply with all applicable Federal, State, Regional and City regulations, which will ensure that development of the site will not result in adverse impacts on human beings, either directly or indirectly.

63

EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

- a) Earlier analyses used. Identify earlier analyses and state where they are available for review.
- b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation measures. For effects that are "Less Than Significant with Mitigation Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

EARLIER ANALYSIS USED AND SUPPORTING INFORMATION SOURCES

The following documents were used in the analysis of this project and are on file in the City of Carlsbad Planning Division located at 1635 Faraday Avenue, Carlsbad, California, 92008.

1. *Final Master Environmental Impact Report* for the City of Carlsbad General Plan Update (MEIR 93-01), City of Carlsbad Planning Division, March 1994.
2. *Aviara Phase III, Environmental Impact Assessment*, City of Carlsbad Planning Division, September 30, 1993.
3. *Carlsbad General Plan*, City of Carlsbad Planning Division, dated March 1994, as updated.
4. *City of Carlsbad Municipal Code (CMC), Title 21 Zoning*, City of Carlsbad Planning Division, as updated.
5. *Habitat Management Plan for Natural Communities in the City of Carlsbad (HMP)*, City of Carlsbad Planning Division, November, 2004.
6. San Diego Regional Airport Authority/San Diego County Airport Land Use Commission. *McClellan-Palomar Airport Land Use Compatibility Plan (ALUCP). Amended December 1, 2011.*
7. *Cultural and Paleontological Resource Inventory for the Proposed Daybreak Church Expansion Project*, Dudek, June 21, 2013.
8. *Geotechnical Update Report Proposed Phase III and Phase IV Daybreak Community Church*, Vinje & Middleton Engineering, Inc., November 30, 2011.

9. *Greenhouse Gas Study*. Rincon Consultants, Inc., July, 2013.
Preliminary Hydrology Study for Daybreak Church Phase IV. Hofman Planning & Engineering, October, 2013.
10. *Preliminary Storm Water Management Plan for Daybreak Church Phase IV*, Hofman Planning & Engineering, October 2013.
11. *Traffic Impact Analysis*, Linscott, Law & Greenspan, May 13, 2013.
12. *Biological Technical Report*, HELIX Environmental Planning, February 24, 2014.

LIST OF MITIGATING MEASURES

AESTHETICS 1: Prior to the issuance of building permits for the proposed parking lot on the subject West parcel (APN: 215-080-04), the applicant shall submit a lighting plan to the City Planner for approval. The lighting plan shall indicate the location of proposed light standards and poles (in exhibit form), along with detailed information outlining illumination and lighting fixture design with the objective of providing adequate and safe parking lot lighting that does not impact residential properties or native upland habitat adjacent to the project. Specifically, the lights shall be shielded downward (i.e., away from the adjacent native habitat and residential uses), shall be low pressure sodium, and shall be on a timer such that the lighting is turned off no later than 9:30 p.m.

AGRICULTURAL 1: Prior to the issuance of the grading permit, an Agricultural Conversion Mitigation Fee shall be paid for the conversion of 2.26 acres of non-prime agricultural land on APN 215-080-04 to urban uses.

BIO 1: Prior to recordation of the Lot Line Adjustment, the project applicant shall dedicate on the Final Map an open space and conservation easement over the 3.9-acre Open Space Lot to prohibit any encroachment, development, grading, or alterations within the Lot.

BIO 2: Prior to recordation of the Lot Line Adjustment, a revegetation plan shall be submitted and approved by the City Planner to mitigate for the loss of 0.05 acres of Diegan coastal sage scrub (CSS) by creating 0.05 acres of CSS and preserving the remaining 0.82 acres of CSS in the Open Space Lot.

BIO 3: Prior to the issuance of a grading permit, and/or the clearing of any habitat on-site, whichever occurs first, the Developer shall take the following actions to the satisfaction of the City Planner in relation to the proposed 3.9-acre Open Space lot, which is being conserved for natural habitat in conformance with the City's Habitat Management Plan:

- a. Select a conservation entity, subject to approval by the City, which possesses qualifications to manage the open space lot and open space easement areas for conservation purposes;
- b. Prepare a Property Analysis Record (PAR) or other method acceptable to the City for estimating the costs of management and monitoring of the open space lot in perpetuity in accordance with the requirements of the North County Multiple Habitats Conservation Plan and the City's Open Space Management Plan;
- c. Based on the results of the PAR, provide a non-wasting endowment or other financial mechanism acceptable to the City Planner and conservation entity, if any, in an amount sufficient for management and monitoring of the open space lot in perpetuity; and
- d. Prepare a Preserve Management Plan which will ensure adequate management of the open space lot in perpetuity.

BIO 4: Prior to recordation of the Lot Line Adjustment, the developer shall dedicate an open space easement over the 20 foot-wide habitat buffer area and the isolated patch of Diegan coastal sage scrub located in between the new parking lot and the northern property line to prohibit any encroachment, development, grading, alterations, including the clearing of vegetation, unless required by the Fire Department.

BIO 5: No clearing, grubbing, grading or other construction activities shall occur onsite during the avian nesting season (February 15 through August 30), unless a qualified biologist confirms, through a

66

documented survey immediately prior to clearing activities, that no nesting gnatcatchers or other sensitive bird species will be impacted.

BIO 6: Construction noise that could affect migratory songbirds and other species associated with the sensitive habitat area shall be avoided. In order to ensure compliance, grading shall be avoided during the avian nesting season (February 15 through August 30). If a grading permit is required, this restriction can be waived by the City of Carlsbad, with concurrence from the Wildlife Agencies (USF&W, CDF&G), upon completion of a breeding/nesting bird survey in accordance with the Migratory Bird Treaty Act. If nests are present, no grading or removal of habitat may take place within 500 feet of active nesting sites during the nesting/breeding season (February 15 through August 30). A buffer zone will be established around any identified nests in coordination with the monitoring biologist. No construction activities shall occur within any portion of the site where they would result in noise levels exceeding 60 dB(A) hourly average at the edge of CSS.

BIO 7: Fire Management: All fire management activities shall occur completely within the development boundaries and shall not occur within any of the HMP open space conservation areas or open space easement. Landscaping within the HMP buffer shall include low-fuel native species in compliance with the HMP.

BIO 8: Erosion control: Prior to issuance of a grading permit, Developer shall obtain approval of an erosion control plan. The plan shall identify areas susceptible to erosion on the property and immediately adjacent to the HMP open space conservation and open space easement areas. Mechanical and biological methods shall be implemented to control any potential erosion, including engineering the manufactured slopes to maximize slope stability; choosing appropriate plants for the slopes to reduce the level of erosion of the slopes; implementing post-construction best management practices (BMPs) that shall ensure run-off is appropriately treated to minimize the potential for erosion; and implementing construction-level BMPs to prevent any silt from entering any of the HMP open space conservation areas.

BIO 9: Landscaping Restrictions: The Final Landscape plans for the 20-foot-wide HMP buffer adjacent to the HMP open space preserve/conservation areas shall require the use of a native plant palette consistent with the adjacent native vegetation communities, prohibit the use of ornamental invasive species, and limit the use of fertilizers to prevent excess run-off from entering the HMP open space conservation areas. The project shall control irrigation of landscaping adjacent to the HMP conservation areas so as to prevent runoff from spreading into the preserve. In addition, the use of cultivars of native species shall be prohibited to avoid genetic contamination of the native plant species in the preserve.

BIO 10: Fencing, Signs and Lighting: Prior to the release of grading securities, a five foot tall black vinyl-coated chain link fence shall be constructed along the northern boundary of the Open Space lot to discourage the access of humans into the HMP open space conservation areas. Signage shall be installed on the fence at consistent intervals to educate and inform the public about the goals of HMP Preserve and to prohibit public access. Lighting in the parking lot adjacent to the HMP preserve shall be of a minimum necessary for safety and security, and shall be shielded and directed to shine downward and not into the preserve area. Owner lighting restrictions shall be included in the administration office of the church.

BIO 11: Exotic Species Control: The project shall not use any non-native, invasive plant species in the landscaping adjacent to the HMP Preserve.

NOISE-1. Prior to issuance of the building permit, an acoustical analysis consistent with City standards shall be prepared by a registered professional to demonstrate that the proposed building design will limit interior noise for the church to 45 dBA. The building plans shall incorporate the recommendations in the report to satisfy the requirements.

Mitigation Monitoring and Reporting Program



PROJECT NAME: Daybreak Community Church
 PROJECT NO: GPA 13-01/ZC 12-04/LCPA 12-04/SDP 00-06(C)/CUP 00-09(C)/HMP 13-02
 APPROVAL DATE/RESOLUTION NUMBER(S):

The following environmental mitigation measures were incorporated into the Conditions of Approval for this project in order to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist for each mitigation measure indicates that this mitigation measure has been compiled with and implemented, and fulfills the City's monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6).

MITIGATION MEASURE	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
AESTHETICS-1 Prior to the issuance of building permits for the proposed parking lot on the subject West parcel (APN: 215-080-04), the applicant shall submit a lighting plan to the City Planner for approval. The lighting plan shall indicate the location of proposed light standards and poles (in exhibit form), along with detailed information outlining illumination and lighting fixture design with the objective of providing adequate and safe parking lot lighting that does not impact residential properties or native upland habitat adjacent to the project. Specifically, the lights shall be shielded downward (i.e., away from the adjacent native habitat and residential uses), shall be low pressure sodium, and shall be on a timer such that the lighting is turned off no later than 9:30 p.m.	Prior to issuance of the building permit	PLN	Yes- lighting plan required as part of building plans		
AGRICULTURAL-1 Prior to the issuance of the grading permit, an Agricultural Conversion Mitigation Fee shall be paid for the conversion of 2.26 acres of non-prime agricultural land on APN 215-080-04 to urban uses.	Prior to issuance of the grading permit	PLN	n/a		

Explanation of Headings
 Type = Project, ongoing, cumulative.
 Monitoring Dept. = Department, or Agency, responsible for monitoring a particular mitigation measure.
 Shown on Plans = When mitigation measure is shown on plans, this column will be initialed and dated.
 Verified Implementation = When mitigation measure has been implemented, this column will be initialed and dated.
 Remarks = Area for describing status of ongoing mitigation measure, or for other information.

Legend

- PLN Planning Division
- ENG Land Development Engineering Division
- BLDG Building Division

69

MITIGATION MEASURE	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
<p>BIO-1</p> <p>Prior to recordation of the Lot Line Adjustment, the project applicant shall dedicate on the Final Map an open space and conservation easement over the 3.9-acre Open Space Lot to prohibit any encroachment, development, grading, or alterations within the Lot.</p>	<p>Prior to recordation of the lot line adjustment</p>	<p>PLN/ ENG</p>	<p>Yes-identify on lot line adjustment</p>		
<p>BIO-2</p> <p>Prior to recordation of the Lot Line Adjustment, a revegetation plan shall be submitted and approved by the City Planner to mitigate for the loss of 0.05 acres of Diegan coastal sage scrub (CSS) by creating 0.05 acres of CSS and preserving the remaining 0.82 acres of CSS in the Open Space Lot.</p>	<p>Prior to recordation of the lot line adjustment</p>	<p>PLN/ ENG</p>	<p>Yes- show on revegetation plan</p>		
<p>BIO-3</p> <p>Prior to the issuance of a grading permit, and/or the clearing of any habitat on-site, whichever occurs first, the Developer shall take the following actions to the satisfaction of the City Planner in relation to the proposed 3.9-acre Open Space lot, which is being conserved for natural habitat in conformance with the City's Habitat Management Plan:</p> <ol style="list-style-type: none"> Select a conservation entity, subject to approval by the City, which possesses qualifications to manage the open space lot and open space easement areas for conservation purposes; Prepare a Property Analysis Record (PAR) or other method acceptable to the City for estimating the costs of management and monitoring of the open space lot in perpetuity in accordance with the requirements of the North County Multiple Habitats Conservation Plan and the City's Open Space Management Plan; Based on the results of the PAR, provide a non-wasting endowment or other financial mechanism acceptable to the City Planner and conservation entity, if any, in an amount sufficient for management and monitoring of the open space lot in perpetuity; and Prepare a Preserve Management Plan which will ensure adequate management of the open space lot in perpetuity. 	<p>Prior to issuance of the grading permit</p>	<p>PLN</p>	<p>n/a</p>		

70

MITIGATION MEASURE	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
<p>BIO-4</p> <p>Prior to recordation of the Lot Line Adjustment, the developer shall dedicate an open space easement over the 20 foot-wide habitat buffer area located adjacent to the southern edge of the proposed parking lot and the 0.30-acre isolated patch of Diegan coastal sage scrub located in between the new parking lot and the northern property line to prohibit any encroachment, development, grading, alterations, including the clearing of vegetation, unless required by the Fire Department.</p>	<p>Prior to recordation of the lot line adjustment</p>	<p>PLN/ ENG</p>	<p>Yes-identify on lot line adjustment</p>		
<p>BIO-5</p> <p>No clearing, grubbing, grading or other construction activities shall occur onsite during the avian nesting season (February 15 through August 30), unless a qualified biologist confirms, through a documented survey immediately prior to clearing activities, that no nesting gnatcatchers or other sensitive bird species will be impacted.</p>	<p>Prior to issuance of the grading and building permit</p>	<p>PLN</p>	<p>n/a</p>		
<p>BIO-6</p> <p>Construction noise that could affect migratory songbirds and other species associated with the sensitive habitat area shall be avoided. In order to ensure compliance, grading shall be avoided during the avian nesting season (February 15 through August 30). If a grading permit is required, this restriction can be waived by the City of Carlsbad, with concurrence from the Wildlife Agencies (USF&W, CDF&G), upon completion of a breeding/nesting bird survey in accordance with the Migratory Bird Treaty Act. If nests are present, no grading or removal of habitat may take place within 500 feet of active nesting sites during the nesting/breeding season (February 15 through August 30). A buffer zone will be established around any identified nests in coordination with the monitoring biologist. No construction activities shall occur within any portion of the site where they would result in noise levels exceeding 60 dB(A) hourly average at the edge of CSS.</p>	<p>Prior to issuance of the grading and building permit</p>	<p>PLN</p>	<p>n/a</p>		

MITIGATION MEASURE	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
<p>BIO-7</p> <p><u>Fire Management:</u> All fire management activities shall occur completely within the development boundaries and shall not occur within any of the HMP open space conservation areas or open space easement. Landscaping within the HMP buffer shall include low-fuel native species in compliance with the HMP.</p>	On-going	PLN	n/a		
<p>BIO-8</p> <p><u>Erosion control:</u> Prior to issuance of a grading permit, Developer shall obtain approval of an erosion control plan. The plan shall identify areas susceptible to erosion on the property and immediately adjacent to the HMP open space conservation and open space easement areas. Mechanical and biological methods shall be implemented to control any potential erosion, including engineering the manufactured slopes to maximize slope stability; choosing appropriate plants for the slopes to reduce the level of erosion of the slopes; implementing post-construction best management practices (BMPs) that shall ensure run-off is appropriately treated to minimize the potential for erosion; and implementing construction-level BMPs to prevent any silt from entering any of the HMP open space conservation areas.</p>	Prior to issuance of the grading permit	PLN	Yes- identify on grading plans		
<p>BIO-9</p> <p>The Final Landscape plans for the 20-foot-wide HMP buffer adjacent to the HMP open space preserve/conservation areas shall require the use of a native plant palette consistent with the adjacent native vegetation communities, prohibit the use of ornamental invasive species, and limit the use of fertilizers to prevent excess run-off from entering the HMP open space conservation areas. The project shall control irrigation of landscaping adjacent to the HMP conservation areas so as to prevent runoff from spreading into the preserve. In addition, the use of cultivars of native species shall be prohibited to avoid genetic contamination of the native plant species in the preserve.</p>	Prior to issuance of grading permit	PLN	Yes- identify on landscape plans		

MITIGATION MEASURE	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
<p>BIO-10</p> <p><u>Fencing, Signs and Lighting:</u> Prior to the release of grading securities, a five foot tall black vinyl-coated chain link fence shall be constructed along the northern boundary of the Open Space lot to discourage the access of humans into the HMP open space conservation areas. Signage shall be installed on the fence at consistent intervals to educate and inform the public about the goals of HMP Preserve and to prohibit public access. Lighting in the parking lot adjacent to the HMP preserve shall be of a minimum necessary for safety and security, and shall be shielded and directed to shine downward and not into the preserve area. Owner lighting restrictions shall be included in the administration office of the church.</p>	<p>Prior to issuance of grading permit</p>	<p>PLN</p>	<p>Yes- identify on grading plans</p>		
<p>BIO-11</p> <p><u>Exotic Species Control:</u> The project shall not use any non-native, invasive plant species in the landscaping adjacent to the HMP Preserve.</p>	<p>Prior to issuance of grading permit</p>	<p>PLN</p>	<p>Yes- confirm on landscape plans</p>		
<p>CULTURAL-1</p> <p>a. Prior to the issuance of grading permits, the owner/developer shall enter into a pre-excavation agreement with a representative of the San Luis Rey Band of Mission Indians. Verification shall be documented by a letter from the property owner/developer and the San Luis Rey Band of Mission Indians to the City of Carlsbad City Planner. The purpose of this agreement will be to establish the requirement of tribal monitoring and to formalize procedures for the treatment of Native American human remains and burial, ceremonial, or cultural items that may be uncovered during any ground disturbance activities.</p> <p>b. Prior to the issuance of grading permits, the property owner/developer shall retain the services of a qualified archeologist to oversee and implement the cultural resources mitigation measures as discussed herein. Verification shall be documented by a letter from the property owner/developer and the archeologist to the City of Carlsbad City Planner.</p>	<p>Prior to issuance of grading permit</p>	<p>PLN</p>			

MITIGATION MEASURE	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
<p>c. Prior to commencement of grading, a qualified archeologist and Native American Monitor and/or representative of the San Luis Rey Band of Mission Indians shall be present at the pre-construction meeting to consult with the grading and excavation contractors.</p> <p>d. In the event that any cultural resources, concentration of artifacts, or culturally modified soil deposits are discovered within the project area at any time during brushing, grading, and/or construction activities, the archeologist, in coordination with the Native American Monitor, shall be empowered to suspend work in the immediate area of the discovery until such time as a data recovery plan can be developed and implemented.</p> <p>e. The discovery of any resource shall be reported to the City of Carlsbad City Planner prior to any evaluation testing.</p> <p>f. If any deposits are evaluated as significant under CEQA, mitigation may be required as recommended by the archeologist in coordination with the Native American Monitor.</p>					
<p>NOISE-1</p>	<p>Prior to issuance of building permit</p>	<p>PLN</p>	<p>If measures required, show on building plan</p>		
<p>Prior to issuance of the building permit, an acoustical analysis consistent with City standards shall be prepared by a registered professional to demonstrate that the proposed building design will limit interior noise for the church to 45 dBA. The building plans shall incorporate the recommendations in the report to satisfy the requirements.</p>					

**ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION FOR
DAYBREAK COMMUNITY CHURCH**

GPA 13-01/ZC 12-04/LCPA 12-04/SDP 00-06(C)/CUP 00-06(C)/CDP 00-09(C)/HMP 13-02

The purpose of this Addendum to the Mitigated Negative Declaration is to describe a revision to the Mitigation Monitoring and Reporting Program associated with the Daybreak Community Church project, and to state the determination that this revision does not create any new significant environmental effects, that none of the conditions contained in Section 15162 of the California Environmental Quality Act (CEQA) have occurred, and that a subsequent Mitigated Negative Declaration is not required.

The revision contained in this addendum adds Mitigation Measure No. **CULTURAL-1** to the Mitigation Monitoring and Reporting Program. The following additional mitigation measure shall be included:

CULTURAL 1

Archeological mitigation measures shall be implemented as follows:

- a. *Prior to the issuance of grading permits, the owner/developer shall enter into a pre-excavation agreement with a representative of the San Luis Rey Band of Mission Indians. Verification shall be documented by a letter from the property owner/developer and the San Luis Rey Band of Mission Indians to the City of Carlsbad City Planner. The purpose of this agreement will be to establish the requirement of tribal monitoring and to formalize procedures for the treatment of Native American human remains and burial, ceremonial, or cultural items that may be uncovered during any ground disturbance activities.*
- b. *Prior to the issuance of grading permits, the property owner/developer shall retain the services of a qualified archeologist to oversee and implement the cultural resources mitigation measures as discussed herein. Verification shall be documented by a letter from the property owner/developer and the archeologist to the City of Carlsbad City Planner.*
- c. *Prior to commencement of grading, a qualified archeologist and Native American Monitor and/or representative of the San Luis Rey Band of Mission Indians shall be present at the pre-construction meeting to consult with the grading and excavation contractors.*
- d. *In the event that any cultural resources, concentration of artifacts, or culturally modified soil deposits are discovered within the project area at any time during brushing, grading, and/or construction activities, the archeologist, in coordination with the Native American Monitor, shall be empowered to suspend work in the immediate area of the discovery until such time as a data recovery plan can be developed and implemented.*
- e. *The discovery of any resource shall be reported to the City of Carlsbad City Planner prior to any evaluation testing.*
- f. *If any deposits are evaluated as significant under CEQA, mitigation may be required as recommended by the archeologist in coordination with the Native American Monitor.*

This revision is not considered substantial or significant as it relates to the environmental effects associated with the project, or the conditions contained in Section 15162 of CEQA, and a subsequent Mitigated Negative Declaration is not required.

5-9-14
Date

Don Neu
Don Neu
City Planner



February 20, 2015

Mr. Rick Casswell
California Coastal Commission
San Diego District Office
Suite 103
7575 Metropolitan Drive
San Diego, CA 92108

SUBJECT: LCPA 12-04 – DAYBREAK COMMUNITY CHURCH

Mr. Casswell,

In response to your request to provide additional mitigation for the loss of 0.05 acres of Diegan coastal sage scrub (CSS) beyond the 1:1 ratio creation area (i.e., 0.05 acres) proposed on the western parcel of the Daybreak Community Church project site, the applicant has agreed to implement Option 1 as depicted on the attached revised Figure 7 of the Biological Technical Report prepared by Helix Environmental Planning. Option 1 consists of restoring 0.05 acres of CSS on the western parcel, south of the proposed creation area. The implementation of this Option fully satisfies the 2:1 mitigation requirement pursuant to the Habitat Management Plan.

City staff will ensure that the additional area is incorporated into the final habitat mitigation/creation plan and the resulting upland habitat preserve for Daybreak Community Church. Please contact me at (760) 602-4621 or Shannon.Werneke@carlsbadca.gov, if you have any additional questions.

Sincerely,

SHANNON WERNEKE
Associate Planner

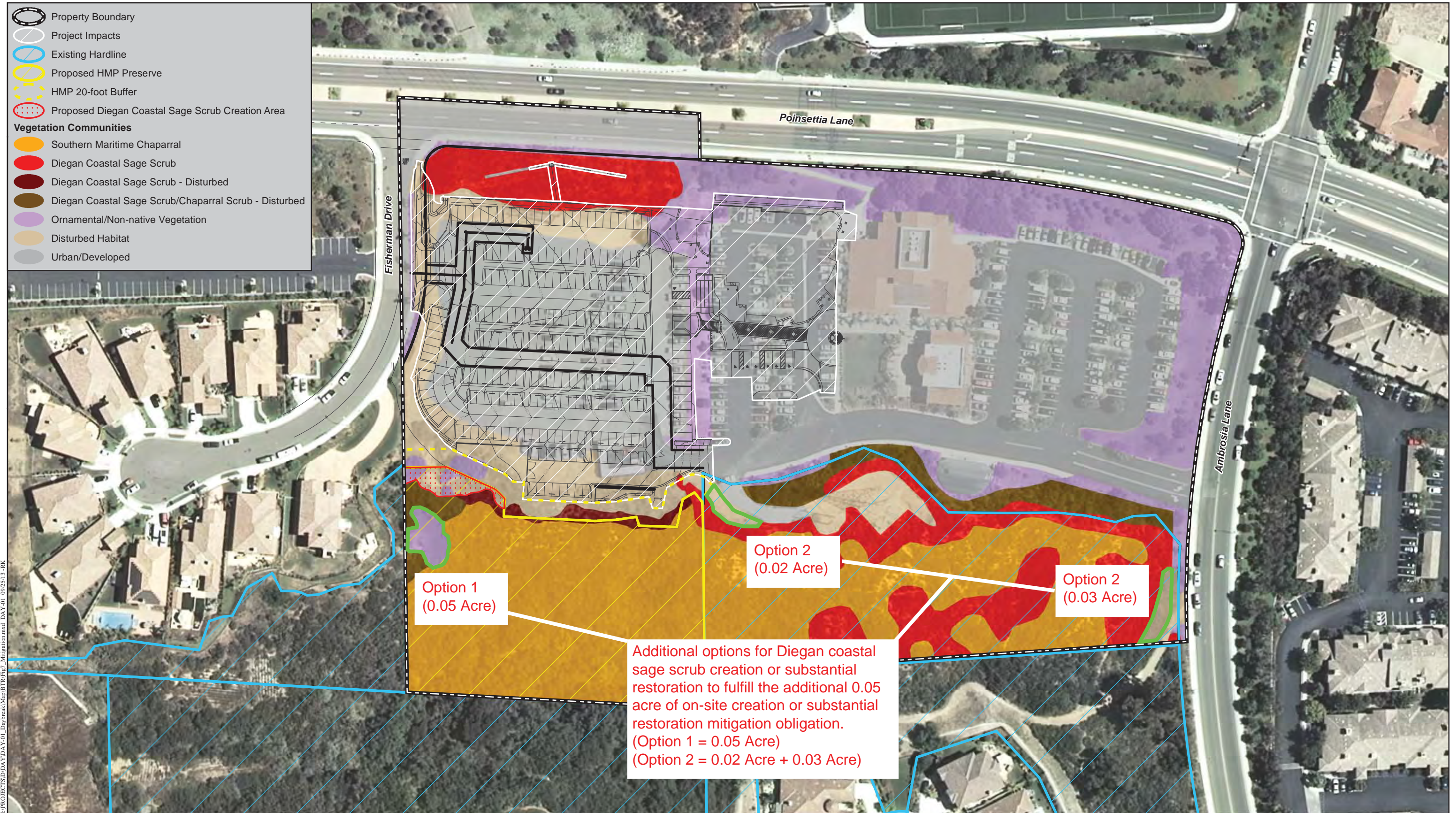
SW:fn

Enclosure: Revised Figure 7, Proposed Mitigation and HMP Preserve, Daybreak Community Church

- c: Bill Hofman, Hofman Planning & Engineering, Suite 1, 3156 Lionshead Avenue, Carlsbad, CA 92010
- Gary Webb, Daybreak Community Church, 6515 Ambrosia Lane, Carlsbad, CA 92011
- Chris DeCerbo, Principal Planner
- File Copy
- Data Entry



EXHIBIT NO. 5
APPLICATION NO.
LCP-6-CII-14-0837-2
(Daybreak Community Church)
Mitigation Revision
California Coastal Commission



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 Additional Diegan Coastal Sage Scrub Creation or Substantial Restoration Options

Proposed Mitigation and HMP Preserve

DAYBREAK COMMUNITY CHURCH PROJECT