

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
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SAN DIEGO, CA 92108-4421  
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# Thu 19a

Filed: July 12, 2006  
49th Day: August 30, 2006  
180th Day: January 8, 2007  
Length of Extension: 90 Days  
Final Date for  
Commission Action: April 8, 2007  
Staff: D. Lilly-SD  
Staff Report: January 24, 2007  
Hearing Date: February 14-16, 2007

AMENDMENT REQUEST  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-88-356-A1

Applicant: Michael & Shelley Perry

Original Description: Construction of a five bedroom, two-story, 29-foot high, 5,493 sq.ft. single-family residence on a vacant 2.86-acre lot. The project also includes a swimming pool and a 2-story detached four car garage and maid's quarters.

Proposed Amendment: After-the-fact authorization of an orchard on the north-facing slopes on the site.

Site: 3972 Stonebridge Court, Rancho Santa Fe, San Diego County.  
APN 262-190-06.

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STAFF NOTES:

Summary of Staff's Preliminary Recommendation: Staff is recommending that the Commission deny the proposed orchard, as it will result in impacts to visual and biological resources, inconsistent with the Chapter 3 policies of the Coastal Act. The proposed development is located on a slope overlooking San Elijo Lagoon, on a site with an existing single-family residence. When the subdivision was originally approved, Special Conditions placed on the project prohibited development on the steep slopes identified on the subject site, with area intended to remain as open grasslands. The hillside is highly visible, and encroachment into the steep (and non-steep) slopes in this location will degrade the quality of the natural lagoon environment. The project would also eliminate the existing grassland, which can serve as a foraging area for birds and insects. The orchard also increases the potential that fertilizers and sedimentation will enter the lagoon. Therefore, staff recommends that the development application be denied.

Standard of Review: Chapter 3 policies of the Coastal Act, with the certified City of San Diego LCP used as guidance.

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Substantive File Documents: Certified County of San Diego Local Coastal Program;  
CDPs #6-83-314.

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I. PRELIMINARY STAFF RECOMMENDATION:

**MOTION:**     *I move that the Commission approve proposed amendment to Coastal Development Permit No. 6-88-356-A1 for the development as proposed by the applicant.*

**STAFF RECOMMENDATION OF DENIAL:**

Staff recommends a **NO** vote. Failure of this motion will result in denial of the permit amendment and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO DENY THE PERMIT AMENDMENT:**

The Commission hereby denies the proposed amendment to the coastal development permit on the grounds that the development as amended will not conform with the policies of Chapter 3 of the Coastal Act and will prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the amendment would not comply with the California Environmental Quality Act because there are feasible mitigation measures or alternatives that would substantially lessen the significant adverse impacts of the amended development on the environment.

II. Findings and Declarations.

The Commission finds and declares as follows:

1. Project History/Amendment Description. The proposed project is after-the-fact authorization of an orchard (a lemon grove) on the northern portion of a 2.86-acre lot that also contains a two-story, 5,493 sq.ft. single-family residence, swimming pool, 2-story detached four car garage and maid's quarters. The grove consists of approximately 170 trees with a drip irrigation system. The applicants have indicated that the hillside was not graded during the installation of the trees or the drip irrigation system.

The roughly rectangular-shaped lot is located on the north side of Stonebridge Court, just west of El Camino Real, near the inland extent of San Elijo Lagoon and the floodplain of Escondido Creek in the Rancho Santa Fe community of San Diego County. The subject parcel was created through the subdivision of a larger 50-acre site approved by the Commission in 1983 (CDP #6-83-314/Manchester Estates) which created the subject Lot 6 and included the rough grading of portions of the overall site and construction and installation of roadways and utilities.

The subject site is on the “inland” portion of the subdivision, not immediately adjacent to San Elijo Lagoon, on a mesa top overlooking the lagoon. The existing house is on the mesa top, and the site slopes down steeply to the north. There is a private street (Stonebridge Lane) and one row of residential parcels between the subject site and the lagoon.

The subdivision was approved with a variety of special conditions designed to address future development of individual custom estate sites so as to avoid adverse impacts to the adjacent floodplain, downstream San Elijo Lagoon and the surrounding viewshed. The conditions prohibited any alteration of landforms, removal of vegetation or erection of structures within a minimum 100-foot setback from the southern property line adjoining the lagoon wetlands, without the approval of the Coastal Commission.

In addition, the original subdivision permit prohibited the grading or erection of any structures on slopes greater than 25% grade on certain lots, including the subject site. This condition was required to be recorded as a deed restriction to ensure that future property owners are aware of the restrictions. A slope analysis for the original development indicates that approximately half of the slope where the orchard is located was mapped as steep (greater than 25% grade).

In September 1988, the Commission approved construction of a single-family residence and detached garage/maid's quarter on the site (CDP #6-88-356/Perry). At that time, the Commission found that encroachment into approximately 6.6% of the steep slopes on the upper, southern portion of the site next to Stonebridge Lane for construction of the residence would not have a significant adverse impact on the scenic quality of the area, as long as the project was conditioned to provide a landscape screen on the north and west sides of the structure.

In order to ensure that visual and biological resources on the site continued to be protected, a special condition was placed on the project stating “All subsequent development proposals, including grading and planting associated with creation of an orchard on a portion of the lot, shall be subject to separate review under the coastal development permit process.”

In August 2005, the applicants applied for construction of a new 959 sq.ft. pool house with 235 sq.ft. basement/wine cellar; landscape and hardscape improvements, including installation of a vineyard, on the steep upper portion of the lot, in an area intended in the original subdivision to remain as grasslands (CDP #6-04-109/Perry). It was at this time that Commission staff discovered the entire northern, sloping portion of the site had been developed with a citrus grove. Staff recommended denial of the pool house and vineyard, and the permit request was withdrawn. The applicants subsequently resubmitted a revised project, greatly reduced in size and scale, consisting of various landscaping and hardscaping improvements on the previously developed portion of the site next to the existing residence. The revised project was determined to be exempt from coastal permit requirements.

The Commission previously certified the County of San Diego Local Coastal Program (LCP); however, the County never assumed permit issuing authority. Therefore, the County LCP is not effectively certified, and Chapter 3 of the Coastal Act is the standard of review, with the County LCP used as guidance.

2. Visual Quality/Landform Alteration. Section 30251 of the Coastal Act states in part:

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...

The slope on which the development is located is visible from numerous trails located throughout the eastern side of the lagoon, and from Manchester Avenue, a major coastal access road. As noted above, when the original subdivision creating the project site was approved by the Commission, a deed restriction was placed on the property prohibiting grading or erection of any structures on slopes greater than 25% grade. The condition states:

9. Lot Development Restrictions. Prior to or concurrent with recordation of the final map, the applicant shall record the following restrictions, on each individual parcel specified, to run with the land free of prior encumbrances, except for tax liens, and in a manner approved by the Executive Director:

A. (Lots 5, 6, 7, 8 and 9). No grading or erection of any structures shall occur on slopes of greater than 25% grade except that filling of the eroded gullies shall be permitted for the purpose of landscaping and erosion control. [...]

The subject site is Lot 6. Lots 5-9 all contain northwest-facing slopes with the development located up above on the southern, flat portions of the site. The intent of the grading restrictions placed on these lots was to concentrate development on the flat portion of the sites and thereby minimize landform alteration to preserve the scenic quality of the lagoon viewshed and the sensitive resources of the lagoon reserve.

The applicants have stated that the Stonebridge Property Owners Association requested that all properties with slopes investigate landscaping to enhance the visual impact of the area. According to the applicants, prior to construction of the orchard, the hillsides were weedy and turned dry and brown, necessitating constant maintenance at the behest of the Rancho Santa Fe Fire Department, including bi-monthly weed maintenance performed into late fall to remain in compliance with fire department regulations. The applicants report that erosion problems and gullies occurred during the rainy season, destabilizing the hillside. According to the applicants, the Stonebridge Architectural Review Committee originally approved and encouraged the installation of orchards on 4 lots, including the subject lot, and has since approved installation of orchards on 3 more lots.

The area proposed for development was proposed and approved to remain as undeveloped steep grassy hillsides when the subdivision was developed. Because the subdivision is immediately adjacent to San Elijo Lagoon, all of the properties in Stonebridge have strict requirements on coloring and landscaping in order to limit the impact the development would have on the visual quality of the natural environment. As described above, when construction of the residence was approved, the Commission specifically prohibited grading and planting associated with creation of an orchard on the lot without approval of the Commission, because of potential adverse visual and biological impacts that could result from development of the sloping portion of the lot. The hillsides on and adjacent to the site are highly visible from surrounding areas, including public trails and Manchester Avenue, and are a significant feature of the landscape. Preservation of this natural landform provides a gradual visual transition from the open space lagoon reserve to the development along the ridgetops, as well as to the coastal sage scrub habitat on some of the slopes on the easternmost lots in the subdivision.

An orchard is, of course, a green landscape feature that does not have the adverse visual impact that a structure would. It is, however, a cultivated, not a natural look, as was intended when development of the site was approved. The orchard is arranged in rows down the hillside and from a distance, has a very linear, non-natural appearance. The proposed orchard transforms the natural appearance of the hillside in conflict with the intent of the Commission to minimize the impact that development on this site would have on the visual quality of the area. The Commission is particularly concerned with the clear intent to transform not only the subject site, but all of the grassy hillsides in the subdivision. Approval of the project would set an adverse precedent for developing the steep landform and vegetation of the hillsides not only on this site, but also on the surrounding lots, which would cumulatively have a significant adverse impact on the visual quality of the area.

In addition, the Commission finds that there are feasible alternatives to the proposed project, which would eliminate its inconsistency with the Coastal Act policies. Native, fire resistant vegetation could be planted on the hillside to reduce erosion concerns. The Rancho Santa Fe Department has worked with the Commission on several projects in the subdivision, including the property less than 100 feet east of the subject site, to determine appropriate brush management requirements for existing coastal sage vegetation. Native vegetation, thinned and managed as necessary, can be fire safe, effective for controlling erosion, and would maintain a natural environment.

In summary, the proposed orchard would alter the natural landform of the grassy steep slopes on the subject site and have an adverse visual impact on the surrounding lagoon viewshed inconsistent with the policies of the certified LCP and the Chapter 3 policies of the Coastal Act addressing the preservation of coastal scenic areas. There are feasible alternatives to the proposed project. Therefore, the Commission finds the permit application must be denied.

3. Environmentally Sensitive Habitat/Runoff & Water Quality. Section 30231 of the Coastal Act is applicable to the proposed development and states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

In addition, Section 30240 of the Coastal Act is applicable and states:

(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.

At the time the subdivision was approved, the area proposed for the orchard was identified as non-native grasslands. The slopes adjacent to the subject site contained some coastal sage scrub. At the time the Commission approved both the subdivision and residence, the northern slopes were to remain in a undeveloped undeveloped state.

The Commission's staff ecologist has reviewed the proposed project and the biological surveys of the site submitted with the previous applications. His conclusions are that grassland provides foraging habitat for birds of prey; orchards do not. Grassland may also provide upland foraging opportunities for insects that utilize both upland and wetlands during various times in their life cycle.

Typically, orchards require the use of chemical fertilizers, and pesticides & herbicides are also often used. These chemicals are flushed into the lagoon. The applicants have submitted a letter from the manager of the citrus grove on the site (see Exhibit #\*). The manager states that "while conventional fertilizers are used on the trees, it is done foliarly so that no granular fertilizers are placed on the slope," furthermore, most of the weed control is done by mowing and weedeating; pre-emergent weed chemicals are not used. According to the grove manager, "together with the root system from the trees and the fiber rolls placed in the grove, the "cover crop" of non-native weeds do an excellent job of holding the soil and preventing irrigation runoff from ever leaving the property...[a]ny pest control we must do is with an organically registered tree oil and done only when the beneficials cannot control the pest population."

The approach the applicants have taken to grove management undoubtedly reduces impacts to the environment. However, an orchard is still not the ideal biological habitat for the site, and not all adverse impacts can be eliminated. Upon visiting the project site, staff saw that some gullies have formed on the slopes, and erosion does appear to be occurring. Staff at the California Department of Fish and Game have reviewed the project, and agree that grasslands are a superior habitat, and that the limited chemicals and fertilizers used on the site may still be entering the lagoon. Fish & Game staff has suggested that without some controls downslope to capture runoff, removal of the orchard is appropriate. Furthermore, as discussed above, the subject site is not the only existing and planned grove. Other homeowners may be less inclined to adopt the best management practices employed on the subject site. The Commission's water quality staff have reviewed the project, and noted that while best management practices can be effective in reducing impacts to water quality at large-scale commercial agricultural and horticultural operations with one grove operator, they can be difficult to enforce on a small-scale, lot-by-lot basis. Approval of the subject project would set an adverse precedent for approving orchards on the surrounding lots, which would cumulatively have a significant adverse impact on the biological productivity of the area.

The potential for these types of impacts is why the County LCP included the site in its CRP overlay, and why the Commission prohibited alteration of the steep slopes on the site in its approval of the subdivision, as described above. The subject proposal represents an incremental encroachment into an area that was intended to provide both a habitat area itself and a buffer between the development and lagoon, which would degrade the area and not be compatible with the nearby lagoon. As noted, were the proposed project approved, it would set a precedent for allowing development to encroach into the native habitat on adjacent lots, some of which contain coastal sage scrub habitat, an environmentally sensitive habitat area.

The no project alternative would not impact the existing residence and allow the applicant continued reasonable use of the site. Native, fire-resistant vegetation could be planted on slopes to reduce the potential for erosion without the need for long-term irrigation or fertilizers, consistent with the resource protection policies of the Coastal Act.

In summary, the proposed orchard directly impacts grasslands which have both intrinsic habitat value and play a role in protecting and preserving the sensitive habitat of the adjacent lagoon, inconsistent with the environmentally sensitive habitat policies of the certified LCP and the Chapter 3 policies of the Coastal Act. There are feasible alternatives to the proposed project. Therefore, the Commission finds the permit application must be denied.

4. Unpermitted Development. Development has occurred on the subject site without the required coastal development permit, including, but not limited to, the removal of grassland habitat, the construction of a citrus orchard in its place. Special conditions placed on the permit for construction of the residence on the subject site specifically required that "grading and planting associated with creation of an orchard on a portion of the lot, shall be subject to separate review under the coastal development permit process" (CDP #6-98-356/Perry).

Although development occurred prior to the submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Commission review and action on this permit application does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

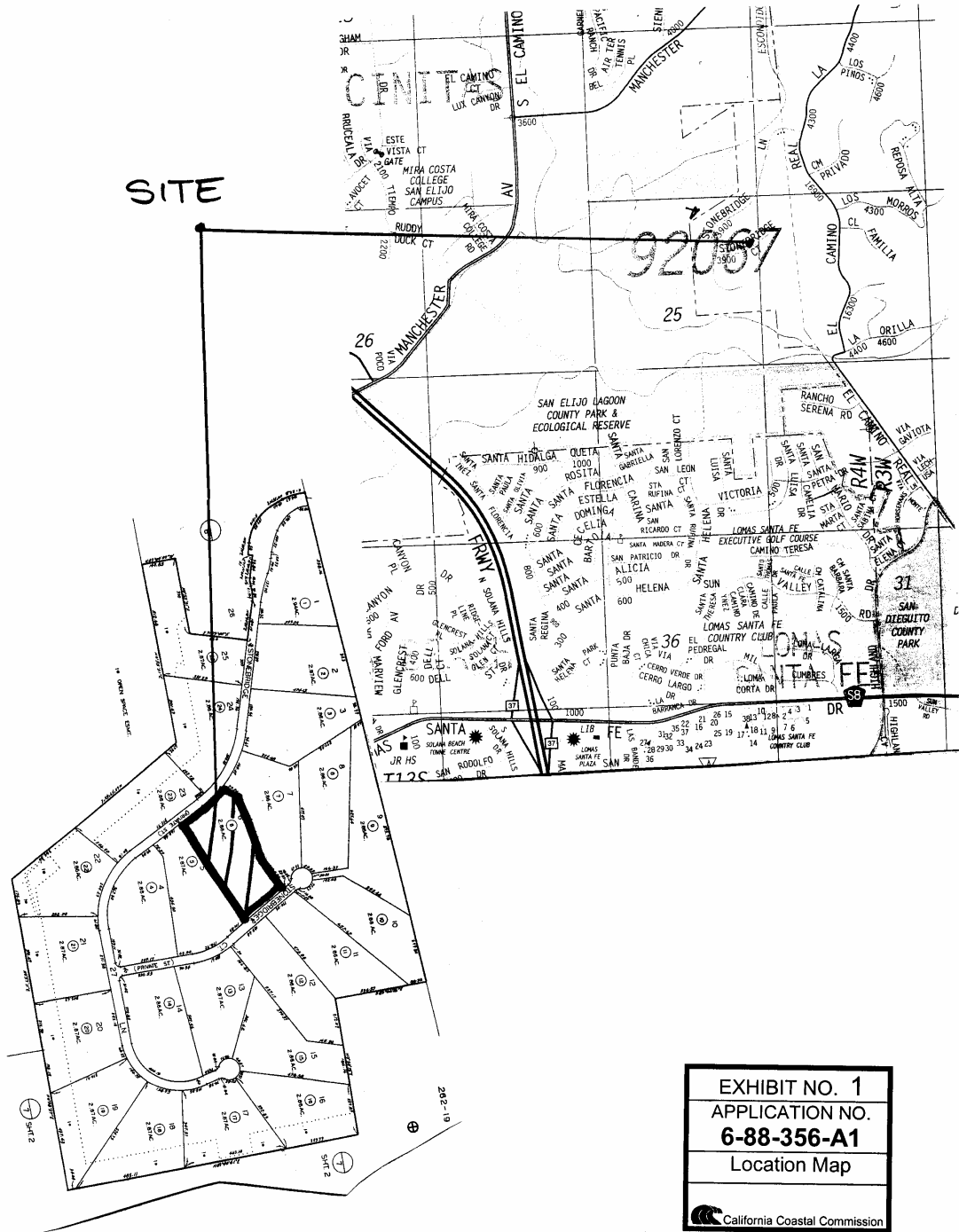
5. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding cannot be made.

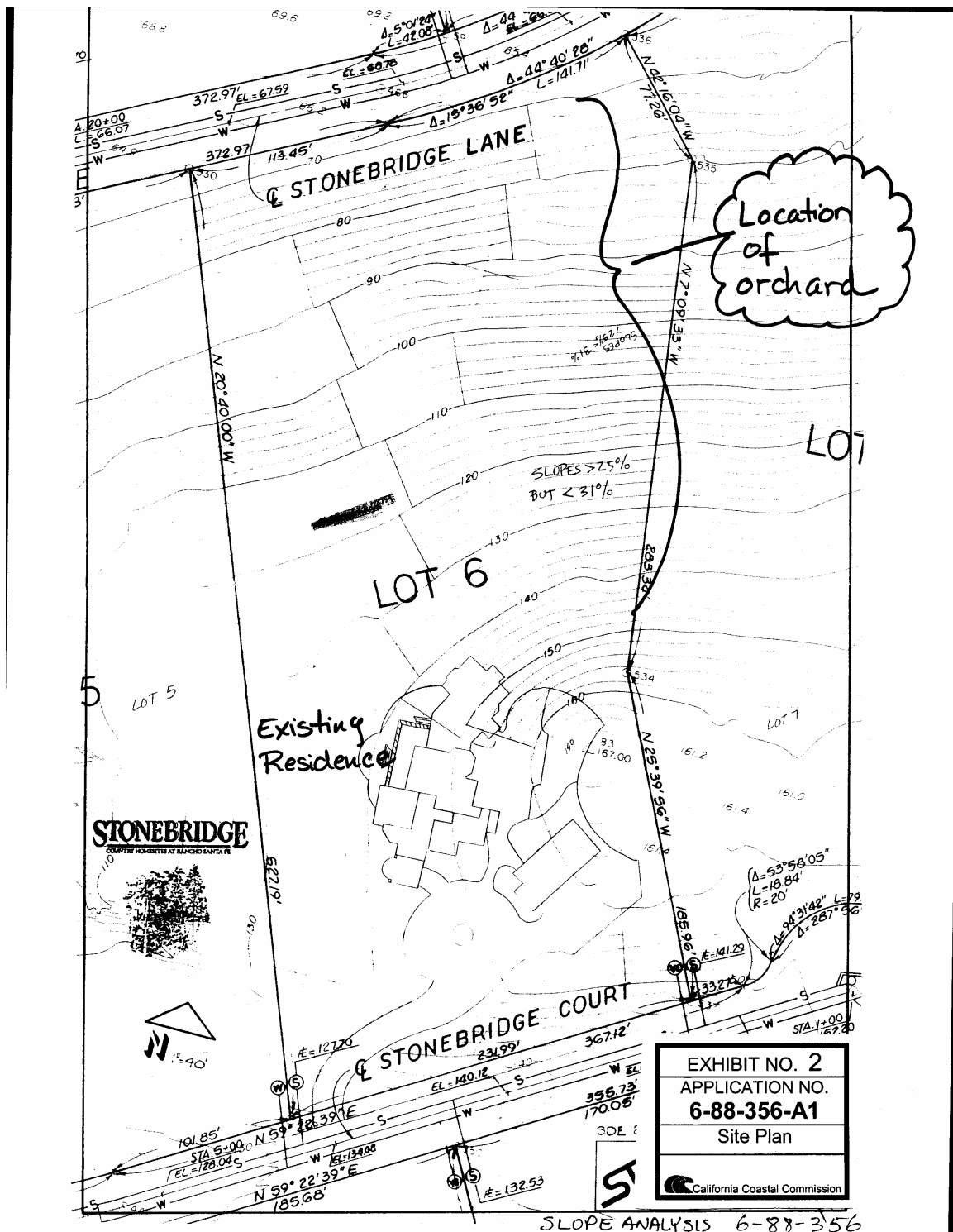
Based on the above discussion, the proposed development has been found to be inconsistent with the Chapter 3 policies of the Coastal Act requiring the protection and preservation of natural landforms, visual quality, sensitive biological resources and water quality. In addition to non-compliance with Chapter 3 policies of the Coastal Act, the subject proposal also does not comply with the existing LCP provisions cited above pertaining to preservation of steep slopes. The Commission finds that approval of the proposed development as proposed would prejudice the ability of the County of San Diego to prepare a Local Coastal Program that is in conformity with Chapter 3 policies. Therefore, it must be denied.

6. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

As described above, the proposed project would have adverse environmental impacts. There are feasible alternatives or mitigation measures available such as the no project alternative or planting of natives that would substantially lessen any significant adverse impacts that the activity may have on the environment. Therefore, the proposed project is not consistent with CEQA or the policies of the Coastal Act because there are feasible alternatives which would lessen significant adverse impacts which the activity would have on the environment. Therefore, the project must be denied.







State of California, George Deukmajian, Governor

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California Coastal Commission  
 San Diego District  
 6154 Mission Gorge Road, Suite 220  
 San Diego, California 92120  
 (619) 521-4000  
 ATSS 636-3368

COASTAL DEVELOPMENT PERMIT NO. 6-88-314

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On July 27, 1988, The California Coastal Commission granted to

Manchester Estates

this permit for the development described below, subject to the attached Standard and Special conditions.

Description: 26 unit estate subdivision including 25 custom single-family home sites (each 2.9 acres net) and Lot 26 as a residential site and open space (51.5 acres gross). Project includes approximately 3500 cubic yards balanced grading for internal access roads and associated improvements and landscaping.

Lot area	127 acres
Building coverage	0
Pavement coverage	128,800 sq.ft. ( 2%)
Landscape coverage	20,000 sq.ft. ( 1%)
Parking spaces	0
Zoning	RR5, A70
Plan designation	Estate 1 du/2 & 4 acres; Impact Sensitive
Project density	1 du/2.9 acres

Site: West of El Camino Real, southeast of Manchester Avenue, adjacent to and east of San Elijo Lagoon Ecological Reserve and Regional Park. APNs 262-072-02; 262-070-78, 79, portion of 76 & 77, 262-061-71 & 72 (portion)

Issued on behalf of the California Coastal Commission by

*[Signature]*  
 MICHAEL L. FISCHER  
 Executive Director  
 and

IMPORTANT: THIS PERMIT IS NOT VALID UNLESS  
 AND UNTIL A COPY OF THE PERMIT WITH THE  
 SIGNED ACKNOWLEDGEMENT HAS BEEN RE-  
 TURNED TO THE COMMISSION OFFICE.

*[Signature]*

## ACKNOWLEDGEMENT

The undersigned permittee acknowledges this permit and agrees to abide by the conditions thereof.

Date

Signature of Permittee

EXHIBIT NO. 3

APPLICATION NO.

6-88-356-A1

Subdivision Permit

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California Coastal Commission

COASTAL DEVELOPMENT PERMIT NO. 6-83-314Page 2 of 10STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. Permanent Open Space. Prior to issuance of the permit, the applicant shall record an irrevocable offer to dedicate to a public agency, or to a private association acceptable to the Executive Director, an open space easement over the area described as follows:

That portion of Lot 26 between the northern and southern floodway limits, as shown on County of San Diego Tentative Map #4254 and Exhibit A attached.

The offer shall first be made to the County of San Diego. The document shall include legal descriptions of both the applicant's entire parcel and the easement areas and shall prohibit any alteration of landforms, placement or removal of vegetation, or erection of structures of any type.

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6-88-356-A1  
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COASTAL DEVELOPMENT PERMIT NO. 6-83-314

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SPECIAL CONDITIONS - continued:

Such easement shall be recorded free of prior liens except for tax liens and free of prior encumbrances which the Executive Director determines may effect the interest being conveyed. The offer shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner. The offer of dedication shall be irrevocable for a period of 21 years, such period running from the date of recording.

2. Drainage and Runoff Control. The applicant shall comply with the following conditions related to drainage and runoff control:

A. Prior to issuance of the permit, the applicant shall submit final drainage and runoff control plans designed by a licensed engineer qualified in hydrology and hydraulics, which would assure no increase in peak runoff rate from the fully developed site over runoff that would occur from the existing undeveloped site as a result of the greatest intensity of rainfall expected during a six-hour period once every 10 years (10 year six-hour rainstorm).

Said plans shall be accompanied by a hydrology study which indicates drainage patterns and peak runoff rates (volume and velocity) for the existing undeveloped site and the projected developed site (including streets and 25 homes) for 10 year and 100 year rainstorms. The points of discharge of water shall be designed to eliminate potential for erosion downstream and off-site through use of retention basins and energy dissipators or other acceptable means, including easements and off-site improvements. The runoff control plan and hydrology study with supporting calculations shall be submitted to and determined adequate in writing by the Executive Director.

3. Grading and Erosion Control. The applicant shall comply with the following regarding grading and erosion control:

A. Prior to issuance of the permit, the applicant shall submit final grading and improvement plans for the proposed project. In addition to plans for the streets and associated improvements, said plans shall include potential development plans for proposed Lots 17 and 22. Said plans shall indicate that these proposed lots can be developed to accommodate the proposed sewer line and potential drainage and erosion control devices utilizing contour grading with minimal cut and fill, or to the satisfaction of the Executive Director.

If deemed appropriate by the Executive Director, the submitted site development plans, or certain aspects thereof, shall become a part of the proposed project, to be implemented at time of residential construction. Assurance of this can be provided through lot development restrictions as provided in the following condition #9. If Lot 17 and/or 22 cannot be developed to the satisfaction of the Executive Director, a revised tentative map shall be submitted which indicates 25, or less, buildable lots, acceptable to the Executive Director.

Exhibit #3

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COASTAL DEVELOPMENT PERMIT NO. 6-83-314

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SPECIAL CONDITIONS - continued:

B. Grading activity shall be prohibited during the rainy season from October 1st to April 1st of any year.

C. All graded areas shall be hydroseeded prior to October 1st with either temporary or permanent landscape materials. Landscaping shall be maintained and replanted if not established by December 1st.

D. Grading plans shall indicate staking or fencing of open space areas during construction and shall specifically prohibit running or parking earthmoving equipment, stockpiling of earthwork material, or other disturbances within the open space areas.

E. Any necessary temporary or permanent erosion control devices shall be developed and installed prior to any on- or off-site grading activities, or, concurrent with grading, provided all devices are installed and operating prior to October 1st, and installation is assured through bonding or other acceptable means.

F. Arrangements for maintenance of the drainage improvements shall be secured to the satisfaction of the Executive Director, prior to issuance of this permit. If said improvements are not to be accepted and maintained by a public agency, the responsibility shall be that of the homeowners association or owner until a homeowners association is formed and detailed maintenance agreements including provisions for financing the maintenance through bonding or other acceptable means shall be secured prior to issuance of the permit. Maintenance shall be addressed as a part of the drainage and runoff control plan required above. The plan shall discuss maintenance costs and such costs shall be certified as a best effort at obtaining accurate figures.

4. Sewer Line. Prior to issuance of this permit, the applicant shall submit to the Executive Director detailed plans and specifications prepared by a licensed engineer for the proposed sewer line, which have been reviewed and approved by the Cardiff Sanitation District and the County of San Diego. Said plans shall be accompanied by an environmental study which addresses the potential impact of the sewer line on the hydrology and riparian habitat within the floodplain of Escondido Creek and downstream San Elijo Lagoón. Said study shall also recommend and plan incorporate the appropriate schedule of installation based on the hydrology of the area.

Prior to the issuance of the permit, a representative from the Department of Fish and Game, along with the applicant's engineer, shall survey the proposed alignment of the sewer line to identify any endangered or significant plant species to assure minimal disturbance of any riparian habitat. Completion and results of the survey shall be documented in writing to the Executive Director. Any disagreement on identification or possible relocation of plant materials shall be resolved by the Executive Director. Additionally, all disturbed areas shall be suitably replanted or restored to their natural state to the maximum

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SPECIAL CONDITIONS - continued:

extent feasible. No imported fill shall be permitted.

Said environmental study prepared by a qualified engineer shall also address the potential for flooding and rupture of the proposed sewer line, include specific recommendations for appropriate design techniques to provide adequate protection against flooding and rupture, specifically addressing that portion of pipe which spans the creek channel. The plans shall incorporate the recommendations contained in the report and be accompanied by certification from the project engineer that the sewer main is designed to withstand the potential impact of the projected 100-year flood.

5. Access Road. Prior to issuance of the permit, the applicant shall submit final improvement plans for the access road off El Camino Real which indicate minimal encroachment into and filling of the floodplain and preservation of existing riparian vegetation to the degree feasible. Said plan shall indicate existing trees located on the south side of the streambed which are to remain. One eucalyptus tree, as shown on the TM within the roadway alignment, may be removed. Landscaping along the road right-of-way, within and adjacent to the floodplain shall be subject to approval by the Executive Director in consultation with the Department of Fish and Game.

6. Fish and Game Review. Prior to issuance of the permit, the applicant shall submit either a 1600 series permit for streambed alteration or exemption from the State Department of Fish and Game.

7. Landscaping. Prior to issuance of the permit, a detailed landscape plan for the entranceway, the proposed cut and fill slopes, the street right-of-ways and the perimeter of the residential portion of the project shall be submitted to, reviewed and determined adequate in writing by the Executive Director. Said plan shall indicate the type, size, extent and location of plant materials, the proposed irrigation system and other landscape features.

Native plant materials shall be utilized to the maximum extent feasible. Additionally, all cut and fill slopes shall be protected from future street and surface runoff through the construction of lined brow ditches or other suitable means of intercepting runoff. Graded areas shall be hydroseeded in accordance with condition #3. Perimeter and right-of-way trees shall be planted by the applicant upon completion of construction approved pursuant to this permit.

8. CC&R's. The following provisions shall be included in the covenants, conditions and restrictions of the subdivision:

A. A separate coastal development permit, from the Commission or its successor in interest, is required for construction of each single family home within this subdivision.

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COASTAL DEVELOPMENT PERMIT NO. 6-83-314Page 6 of 10SPECIAL CONDITIONS - continued:

B. Site development shall respond to the natural landforms to the maximum degree feasible utilizing contour grading and/or pole construction and minimizing manufactured building pads. Grading and drainage improvement plans for construction of the residences shall be designed by a licensed engineer in accordance with County of San Diego standards.

C. The maximum height of any building above adjacent natural grade shall be 35 feet.

D. Maintenance of the erosion control devices shall be the responsibility of the homeowner's association if not accepted by a public agency. Detailed maintenance arrangements and financing shall be outlined.

E. Exterior colors and materials of all structures shall respond to the colors of the native environment.

F. Landscaping shall be maintained in accordance with the approved plans (on file in the Commission office).

A copy of the CC&R's incorporating the above provisions shall be submitted to the Executive Director for review and approval concurrent with recordation of the final map.

9. Lot Development Restrictions. Prior to or concurrent with recordation of the final map, the applicant shall record the following restrictions, on each individual parcel specified, to run with the land free of prior encumbrances, except for tax liens, and in a manner approved by the Executive Director:

A. (Lots 5, 6, 7 8 and 9). No grading or erection of any structures shall occur on slopes of greater than 25% grade except that filling of the eroded gulleys shall be permitted for the purpose of landscaping and erosion control.

B. (Lots 9, 10, 11, 12, 15 and 16). No grading or erection of any structures shall occur on naturally vegetated slopes of greater than 25% grade, except for the minimal amount necessary to access the site.

10. Archaeology. The applicant shall comply with the appropriate salvage program or preservation plan required by the County of San Diego to protect the archaeological resources which are known to exist on the subject site.

11. State Lands Commission Review. Prior to issuance of the coastal development permit, permittee shall obtain a written determination from the State Lands Commission that:

A. No State Lands are involved in the development, or

B. State Lands are involved in the development and all permits required by the State Lands Commission have been obtained, or

Exhibit # 3  
6-88-356-A1  
Page 6 of 10



COASTAL DEVELOPMENT PERMIT NO. 6-83-314

Page 7 of 10

SPECIAL CONDITIONS - continued:

C. State Lands may be involved in the development, but pending a final determination an agreement has been made with the State Lands Commission for the project to proceed without prejudice to that determination.

12. Waiver of Liability. Prior to the issuance of a coastal permit, the applicant shall submit to the Executive Director a deed restriction for recording, free of prior liens except for tax liens, that binds the applicant and any successors in interest. The form and content of the deed restriction shall be subject to the review and approval of the Executive Director. The deed restriction shall be recorded against the land area containing the portion of the property involving construction within or adjacent to the floodplain, i.e., for the sewer line and access road. The deed restriction shall provide (a) that the applicants understand that the site may be subject to extraordinary hazard from flooding during storms and from erosion, and the applicants assume the liability from those hazards; (b) the applicants unconditionally waive any claim of liability on the part of the Commission or any other regulatory agency for any damage from such hazards; and (c) the applicants understand that construction in the face of these known hazards may make them ineligible for public disaster funds or loans for repair, replacement, or rehabilitation of the property in the event of storms.

13. Open Space. Prior to issuance of this permit, the applicant shall record a deed restriction in a form and content acceptable to the Executive Director, which prohibits any alteration of landforms, placement or removal of vegetation, or erection of structures of any type unless approved by the Coastal Commission or its successor in interest in the area described as follows:

That portion of Lot 26 between the northern floodway limit and the northern subdivision boundary as shown on County of San Diego TM #4254 and Exhibit B attached.

and

Buffer zones 100 feet in width parallel and adjacent to the southern, western and northern property lines and a buffer zone 50 feet in width parallel and adjacent to the southern floodway limit on Lots 25 and 26, as shown on TM #4254 and Exhibit C attached.

Such restriction shall be recorded to run with the land, free of prior liens and encumbrances, except tax liens which in the opinion of the Executive Director, would adversely affect the intent of the restriction.

Exhibit #3  
6-88-356-A1  
Page 7 of 10

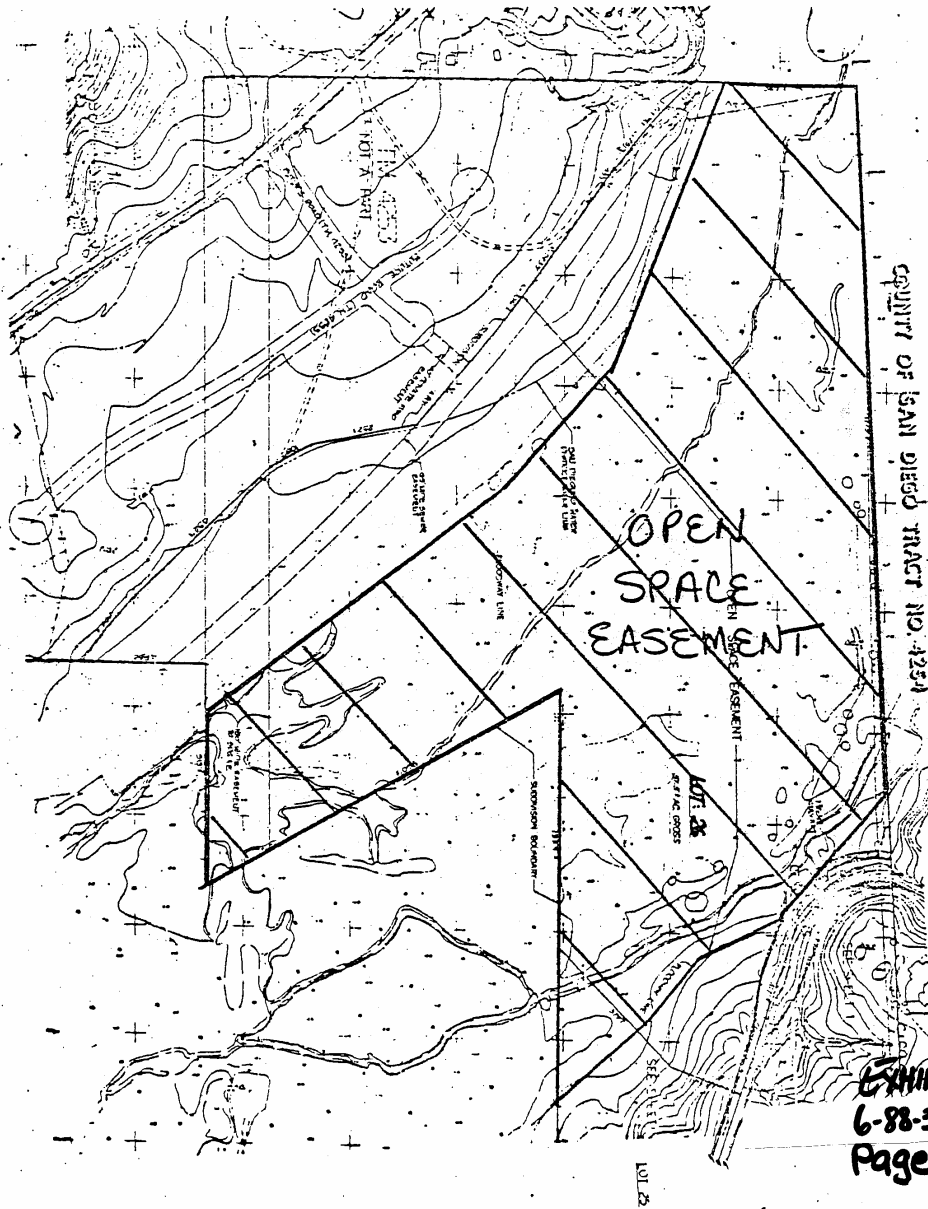


EXHIBIT 43  
6-88-356-A1  
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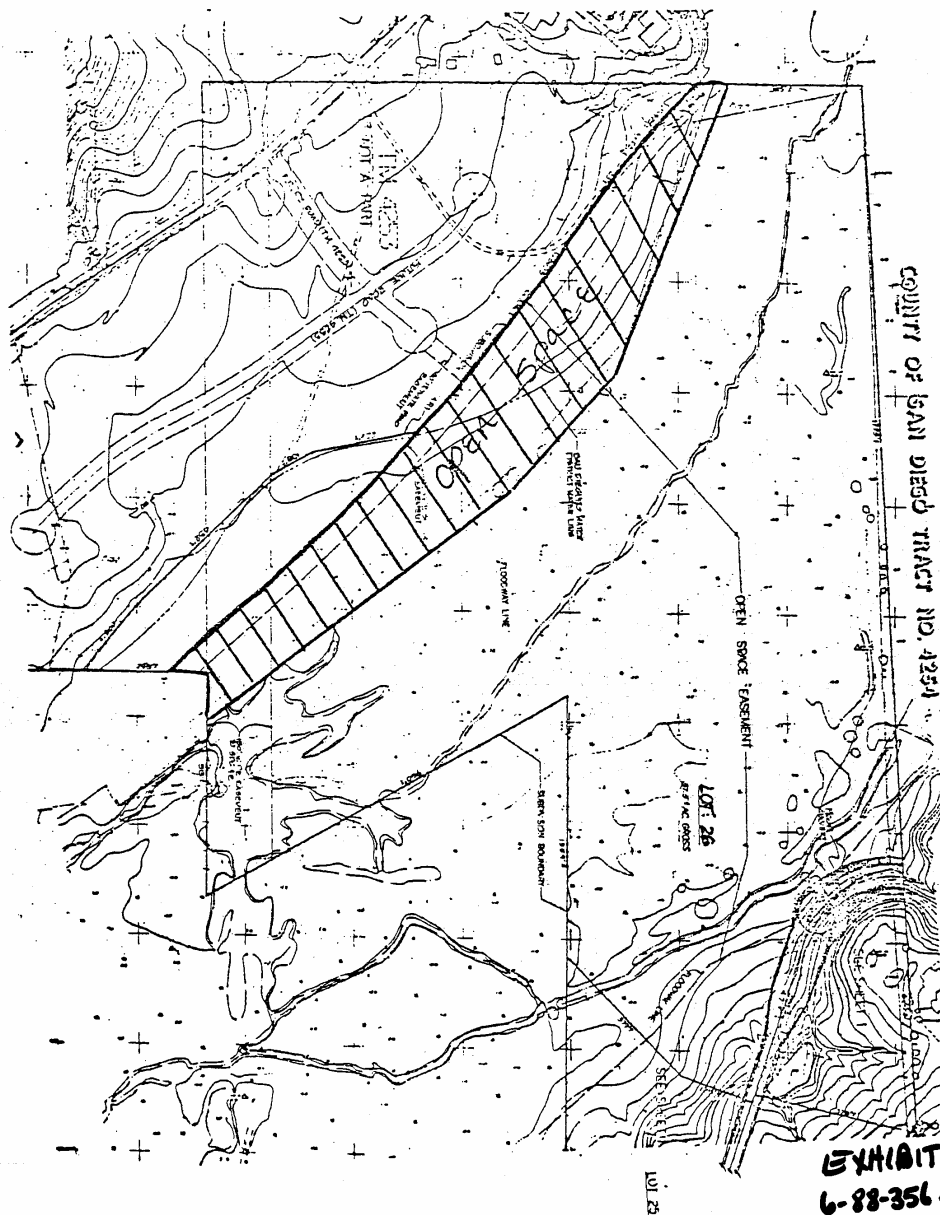
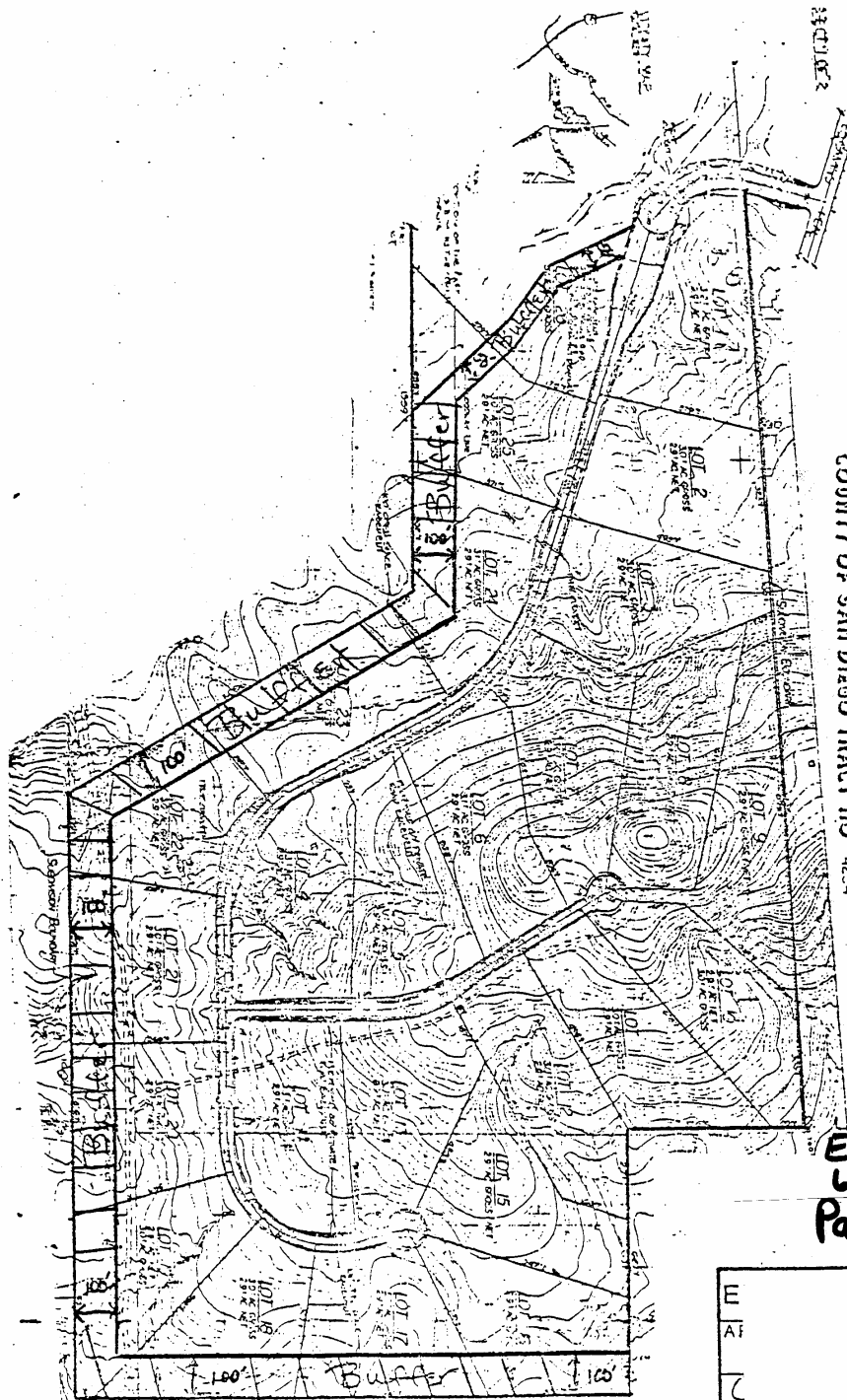


EXHIBIT #3  
6-88-356-A1  
Page 9 of 10



COUNTY OF SAN DIEGO TRACT NO. 4254

EXHIBIT #3  
6-88-356-A1  
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#13	

STATE OF CALIFORNIA—THE RESOURCES AGENCY

GEORGE DEUKMEJIAN, Governor

**CALIFORNIA COASTAL COMMISSION**

SAN DIEGO COAST DISTRICT  
1333 CAMINO DEL RIO SOUTH, SUITE 125  
SAN DIEGO, CA 92108-3520  
(619) 297-9740

Staff: SC-SO  
Staff Report: 10/31/88  
Hearing Date: 11/15-18/88

REVISED FINDINGS

Application No.: 6-88-356

Applicant: Michael Perry Agent: San Dieguito Engineering

Description: Construction of a five bedroom, two-story, 29-ft. high, 5,493 sq. ft. single-family residence on a vacant 2.86 acre lot. The project also includes a swimming pool and a 2-story detached four car garage and maid's quarters.

Lot Area	2.86 acres
Building Coverage	6,342 sq. ft. ( 5%)
Pavement Coverage	10,235 sq. ft. ( 8%)
Landscape Coverage	26,412 sq. ft. (21%)
Unimproved Area	81,593 sq. ft (66%)
Parking Spaces	4
Zoning	RR-.5
Plan Designation	Estate-1 du/2 and 4 ac
Project Density	.35 dua
Ht abv fin grade	29 feet

Site: 3972 Stonebridge Court, Rancho Santa Fe, San Diego County.  
APN 262-190-06.

Substantive File Documents: Certified County of San Diego LCP  
CDP #6-83-314

Date of Commission Action: September 15, 1988

Commissioners on Prevailing Side: Commissioners Cervantes, Franco, Glickfeld,  
Howard, MacElvaine, Malcolm, McInnis, Nathanson, Warren, Wright  
and Wornum

SUMMARY OF COMMISSION ACTION: The original staff recommendation supported approval of the project with six special conditions attached, one of which would have required the revision of the site plan to eliminate disturbance of identified steep slope areas and minimize the severity of grade of the visible manufactured slopes of the project. The Commission approved the project without the special condition requiring revised plans (then No. 1) but did not make changes to any of the other special conditions recommended by staff.

COMMISSION

- ☒ Approve  
☐ Denied a  
☐ Approve  
☐ Denied  
☐ Other

EXHIBIT NO. 4
APPLICATION NO.
<b>6-88-356-A1</b>
Residence Permit
Page 1 of 10
California Coastal Commission

1988

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Page 2

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the conditions below, on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Grading/Erosion Control. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final site and grading plans approved by the County which incorporate the following requirements:

a. All grading activity shall be prohibited between October 1st and April 1st of any year.

b. All areas disturbed by grading shall be planted within 60 days of the initial disturbance and prior to October 1st with temporary or permanent (in the case of finished slopes) erosion control methods. Said planting shall be accomplished under the supervision of a licensed landscape architect, shall provide adequate coverage within 90 days, and shall utilize vegetation of species compatible with surrounding native vegetation, subject to Executive Director approval.

2. Drainage. Prior to the issuance of the coastal development permit, the applicant shall submit for the review and written approval of the Executive Director, a drainage and runoff control plan designed by a licensed engineer. The plan, with supporting calculations, shall document that runoff from the roof, driveway and other impervious surfaces will be collected and appropriately discharged. Runoff shall be directed away from the hillside and into existing street drains where appropriate. Any runoff directed over the slope shall be retained and discharged at a non-erosive velocity and elevation to protect the slope and downstream resources from degradation by scouring or siltation.

3. Building Materials. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, building plans for the project which shall include the use of building materials of natural earthen tones for the exterior surfaces of

6-88-356

Page 3

the structures to minimize the visual impacts of the project.

4. Future Permits. This coastal development permit is for the proposed grading associated with and construction of the residence, garage and maid's quarters and swimming pool. All subsequent development proposals, including grading and planting associated with creation of an orchard on any portion of the lot, shall be subject to separate review under the coastal development permit review process.

5. Landscape Plan. Prior to the issuance of the coastal development permit, the applicant shall submit a detailed landscape plan indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. Drought tolerant plant materials shall be utilized to the maximum extent feasible. Special emphasis shall be placed on creating an intermittent landscape screen on the north and west sides of the proposed structure and on creating a landscape screen at the base of any proposed north or west facing retaining walls or manufactured slopes so as to shield them from view. Said plan shall be subject to the review and written approval of the Executive Director.

#### IV. Findings and Declarations.

1. Project Description/Site History. The applicant proposes to construct a two-story, 5,493 sq. ft. single family residence with a two-story, detached four-car garage and maid's quarters on a vacant 2.86 acre parcel. The project site is located upland from San Elijo Lagoon and the floodplain of Escondido Creek, east of Interstate 5 and south of Manchester Avenue in the Rancho Santa Fe community of San Diego County. The subject site is bounded by Stonebridge Lane to the north and Stonebridge Court to the south. Vacant residential parcels bound the property to both the east and west. In 1983 the Commission approved a 26-estate lot subdivision (CDP #6-83-314, Manchester Estates) which created the subject Lot 6 and included the rough grading of portions of the overall site and construction and installation of roadways and utilities.

The overall site, including the subject lot is highly visible from San Elijo Lagoon, Interstate 5 and other surrounding roadways. Portions of the larger subdivided property, though not the subject lot, contain wetland habitat and are located within the 100-year floodplain of Escondido Creek. Other portions of the larger subdivided site include steep sloping hillsides in grades of 25% or greater.

The subject site does not contain any wetland resources and is not located within the 100-year floodplain of Escondido Creek. It is separated from the lagoon wetlands and immediate upland by another of the Stonebridge lots. The subject site does, however, contain areas of slopes in grades of 25% and greater.

Pursuant to the policies of the Coastal Act and the certified County of San Diego Local Coastal Program, the Commission approved the earlier subdivision permit with a variety of conditions attached. The conditions included the establishment of a development setback from the wetlands of San Elijo Lagoon

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Page 4

and imposed various standards for future residential development to protect the scenic resources of the area and the sensitive downstream resources. Among these conditions were a prohibition on future grading and erection of structures on identified steep slopes (25% grade or greater) and requirements for use of contour grading in future construction proposals.

The approval also specified that separate coastal development permits would be required for subsequent residential construction and that such proposals would be judged for their consistency with the terms of the subdivision permit, as well as with the policies of the certified County of San Diego LCP and Coastal Act.

2. Environmentally Sensitive Habitat/Visual Resources.

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.

Coastal Act Section 30251 states:

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 surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Pursuant to these policies, the Commission approved the earlier subdivision of the larger Stonebridge site with conditions attached regarding, among other things, the protection of certain steep sloping hillsides on the property. The slopes to be protected were identified through a slope analysis submitted at the time of application of the original subdivision permit. The slope analysis included areas of the subject Lot 6.

Additionally the regulations of the County's Coastal Resource Protection (CRP) overlay zone were applied to the subdivision permit. The CRP ordinance regulates the development of slopes in excess of 25% grade. The basic terms of the ordinance prohibit the grading of undisturbed steep slopes except where it would deny the minimum reasonable use of the property. While allowances for encroachments onto steep slope areas are allowed in some instances, where



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there is the possibility to develop sites without such encroachments, encroachments are to be avoided.

The slope preservation regulation previously applied by the Commission is found in Special Condition No. 9 of CDP 6-83-314, which states, in part:

9. Lot Development Restrictions. Prior to or concurrent with recordation of the final map, the applicant shall record the following restrictions, on each of the individual parcels specified, to run with the land free of prior encumbrances, except for tax liens, and in a manner approved by the Executive Director:

A. (Lots 5, 6, 7, 8 and 9). No grading or erection of any structures shall occur on slopes of greater than 25% grade except that filling of of the eroded gulleys shall be permitted for the purpose of landscaping and erosion control....

The required recordation did occur in 1984, serving notice to future owners, including the subject applicant, that certain grading and building restrictions were applicable to the property.

As mentioned, the subject lot does contain slopes of 25% grade and greater with elevations ranging from 167 MSL to 64 MSL. The percentage of the total lot area containing slopes of 25% grade or greater is 39.9 percent. The steep slope area is generally located in the northern portion of the property adjacent to Stonebridge Lane separating relatively flatter developable areas to the east along Stonebridge Court and to the west along Lot 5. The placement of, and associated grading for, portions of the proposed residence, swimming pool and hardscape, as originally proposed, involved encroachment into the steep slope areas identified in both the 1983 slope analysis prepared for the original subdivision and a subsequent analysis prepared this year by the applicant's representative. The amount of encroachment proposed was 4,356 sq. ft., or 8.77 percent of the area of 25% steep slopes. The applicant subsequently modified the proposal, prior to Commission action, to include the provision of retaining walls which serve to limit the amount of steep slope encroachment by the proposal. The area of encroachment was thereby reduced to 6.6 percent of the steep portion of the lot.

In addition, the original grading plan proposed grading which incorporated fill slopes at a 2:1 grade. In an attempt to mitigate the scenic impacts of the subdivision and grading, the Commission also attached a condition to CDP #6-83-314 addressing future grading proposals. That condition, No. 8 states:

8. CC&Rs. The following provisions shall be included in the covenants, conditions and restrictions of the subdivision:

...B. Site development shall respond to the natural landforms to the maximum degree feasible utilizing contour grading and/or pole construction and minimizing manufactured building pads...

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Page 6

E. Exterior colors and materials of all structures shall respond to the colors of the native environment...

The modified grading plan also included the provision of 3:1 grades for the proposed fill slopes in response to the contour grading requirements of the subdivision permit. The revision was applicable to the visible slopes of the project as shown on Exhibit No. 4.

The intent of the Commission's prohibition of grading on identified steep slopes on the subdivision approval was to minimize the visual impact of future development on the individual lots as viewed from Interstate 5, Manchester Avenue and the surrounding resource area to the maximum extent feasible and to preserve the habitat value of significantly vegetated steep slopes. The modification of the grading plan to include the provision of retaining walls and 3:1 slopes reduces the visual impact of the project by limiting the visible surface area disturbed by grading. The amount of encroachment is limited to 6.6 percent of the steep portion of the site and the proposed structure itself will block a majority of the area of encroachment from view. Further, the area of encroachment consists of grassland, which is not considered as being as significant for its habitat value as coastal sage and chaparral communities. For the above stated reasons, the project as modified by the applicant, is consistent with the applicable sections of Chapter 3 of the Coastal Act, the County's CRP Ordinance and the provisions of the Commission's earlier action regarding the property.

To protect the sensitive habitat resources of the site and adjacent San Elijo Lagoon, Special Conditions No. 1 and No. 2 have also been attached to the permit to reduce the potential for erosion and sedimentation of downstream resources. The conditions call for the provision of drainage, grading and erosion control plans and are in accordance with the terms of the subdivision permit and subsequent CC&R's. The conditions are designed to assure the site does not remain in an unstabilized state during the rainy season, the time in which the potential for erosion and associated downstream impacts are greatest, and that all runoff from the impervious surfaces of the site are collected and appropriately discharged, consistent with Sections 30231 and 30240 of the Coastal Act. Although a preliminary erosion control plan was included with the application, it does not fully address the concerns expressed above.

Special Condition No. 3 further addresses visual concerns and requires the submittal of a plan of the exterior building materials to be used in project implementation. Consistent with the Commission's earlier action, said materials shall be composed of earthen tones to mitigate the visual impacts of the structures proposed. A landscaping plan was submitted with this application but the plan must be revised to reflect the required modifications to the developable area of the site. Special Condition No. 5 requires that a revised landscape plan be submitted for Executive Director review and written approval. The condition specifies that particular emphasis shall be placed on creating an intermittent landscape screen on the north and west sides of the proposed residence, associated structures and grading. As conditioned, the

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Commission finds the project consistent with the policies of Chapter 3 of the Coastal Act, the provisions of the certified San Diego County LCP, and with the terms and conditions of the Commission's earlier permit approval for the property.

3. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act.

The proposed residence meets the minimum lot size requirements contained in the land use designations of Estate and Impact Sensitive found in the certified San Dieguito LCP Land Use Plan. As conditioned to eliminate encroachment into protected steep slope areas and to minimize the severity of grade of the manufactured slopes proposed, the Commission also finds the project consistent with the CRP overlay zone policies of the certified LCP and past Commission action on the property. Other attached conditions also related to the CRP provisions of the LCP address drainage concerns to protect downstream resources and building materials to minimize the visual impacts of the project. As conditioned, approval should not prejudice the ability of the County of San Diego to implement its certified Local Coastal Program.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

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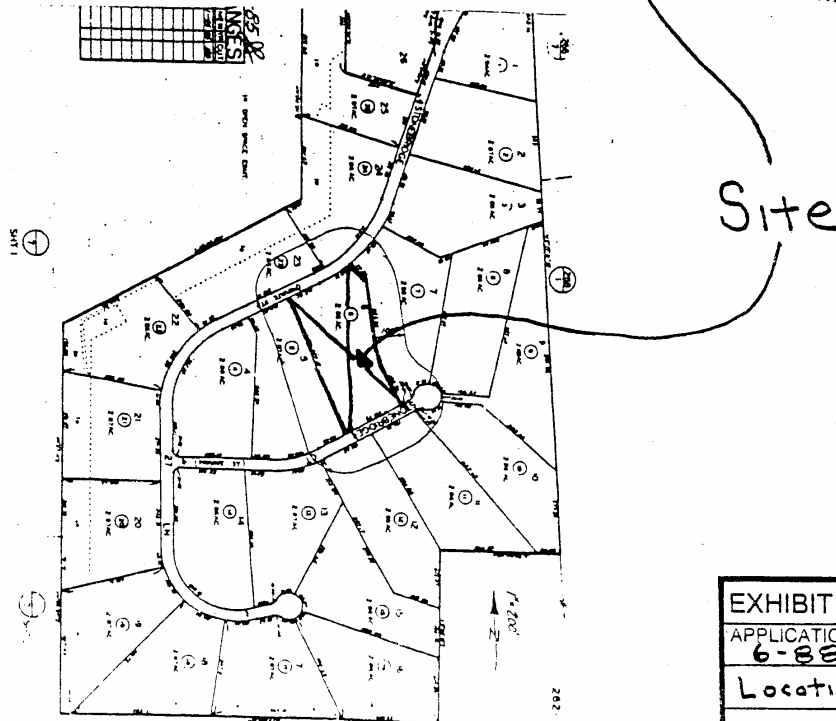
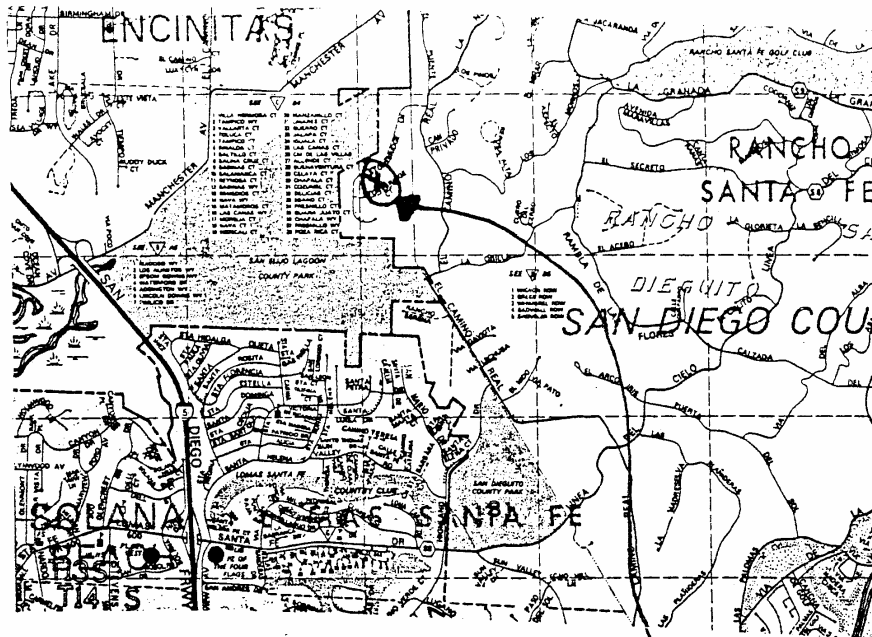
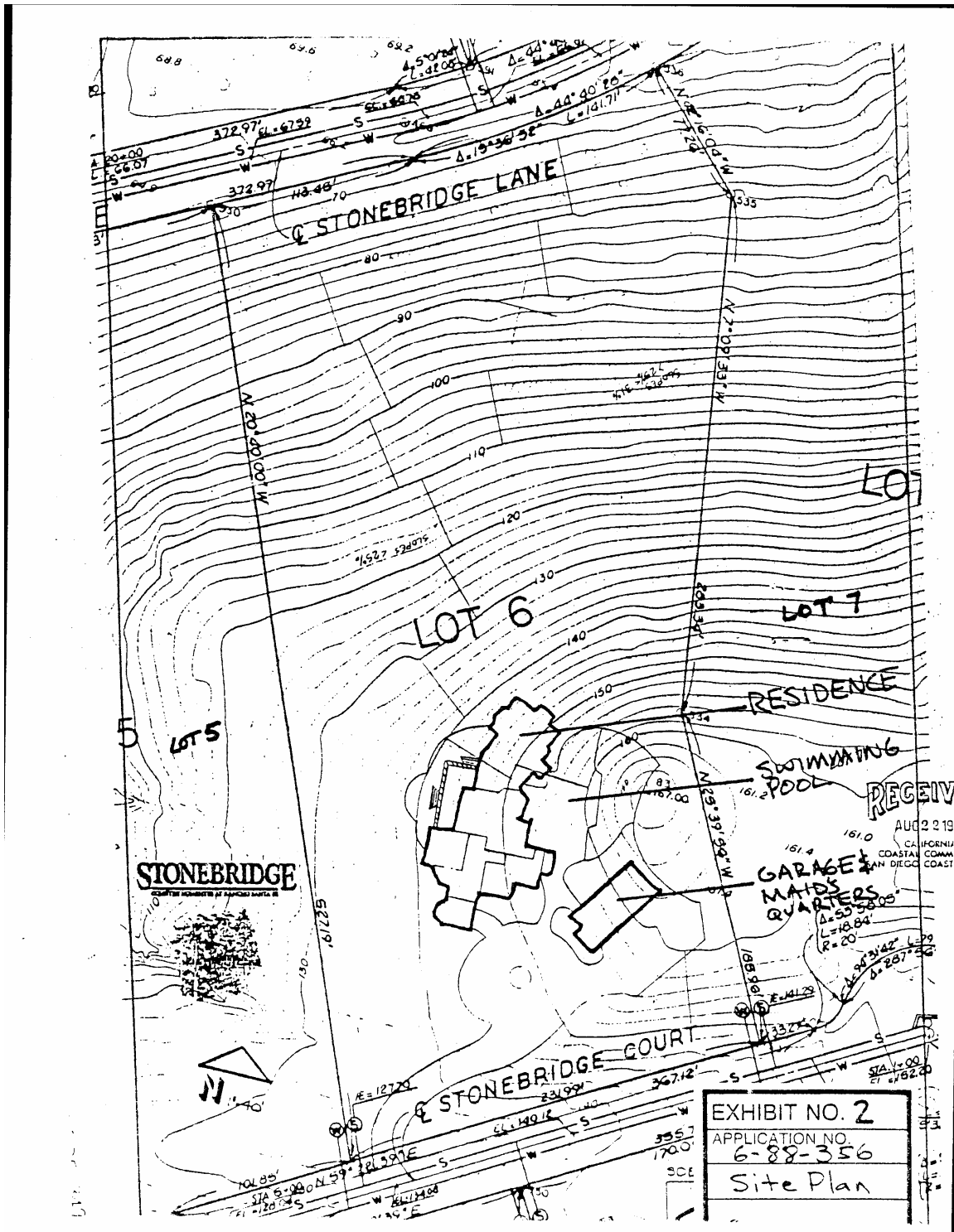


EXHIBIT NO. 1
APPLICATION NO. 6-88-356
Location Maps
California Coastal Commission



**R. E. BADGER & SON, INC.**

P. O. BOX 830  
 RANCHO SANTA FE, CALIFORNIA 92067  
 TELEPHONE (858) 756-1402  
 SINCE 1922

PRESIDENT CHARLES E. BADGER  
 PESTICIDE APPLICATOR  
 LICENSE NO. 33845

June 30, 2006

To Whom It May Concern,

Our company has been managing citrus orchards in coastal North County since 1922. We have consistently been in the forefront of environmentally sound horticultural practices since that time. My grandfather was one of the first to use integrated pest management practices beginning in the 1950s. Working in the exclusive Rancho Santa Fe area with its many equestrian trails and other outdoor activities, as well as its proximity to the San Dieguito River Watershed, Escondido Creek, and several lagoons, we have always been sensitive to our impact on the local environment. In fact, we believe the way we manage the groves has always made the citrus orchards here a net positive for our coastal ecosystem.

Such is the case with the grove we manage for Mike and Shelley Perry in the Stonebridge development. The grove is now four years old, and because it is on a slope near the San Elijo Lagoon we have always been mindful of what we use and how we use it. Obviously, we have implemented best management practices here to ensure that we do not negatively impact the coastal waters. I can only wish that all the homeowners in this development were as conscientious as we—I shudder to think of what ends up in the lagoon from the area's lawns and other home impacts!

To begin with, the grove is practically managed organically. The only reason we don't register organically is because the cost to certify for such a small orchard doesn't make economic sense. We have used conventional fertilizers on the trees, but it is done foliarly so that we don't put any granular fertilizers on the slope. In addition, the weed control is almost all done by mowing and weedeating. We do not use pre-emergent weed chemicals here. Because water is so expensive, we cannot afford to have any irrigation runoff. Together with the root system from the trees and the fiber rolls placed in the grove, the "cover crop" of non-native weeds do an excellent job of holding the soil and preventing irrigation runoff from ever leaving this property. Our emitters are extremely low-flow so that the water can penetrate the soil and go where we need it—into the root zone and not off the property. Any pest control we must do is with an organically registered tree oil and done only when the beneficials cannot control the pest population. And finally, we time all of our operations around the weather. We simply do not fertilize during the rainy season—October through March. We are careful not to leave anything behind that might be carried into the lagoon by heavy rains. Using these best management practices, not only do we adhere to all the new storm water regulations, but we also ensure that we continue our decades old tradition of positively affecting our environment. Please feel free to call me with any questions.

Sincerely,

*Charles Everett Badger*  
 Charles Everett Badger

CITRUS GROVES - DEVELOPMENT and MAINTENANCE

EXHIBIT NO. 5
APPLICATION NO.
<b>6-88-356-A1</b>
Letter from Grove
Manager
California Coastal Commission

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