



# County of San Diego

MARK WARDLAW  
DIRECTOR

PLANNING & DEVELOPMENT SERVICES  
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KATHLEEN A. FLANNERY  
ASSISTANT DIRECTOR

April 10, 2018

Freedom Fighters Foundation Inc.  
c/o Antoinette Djokich  
PO Box 235191  
Encinitas, CA 92023

## **Administrative Warning Letter for Case PDS2018-ENFGEN-000328**

Location of Violation: 00000 Old Guejito Rd., Escondido, CA 92027  
APN: 240-12-15-00  
Zone: A-70

Dear Freedom Fighters Foundation Inc.,

Planning & Development Services, Code Compliance Division (Code Compliance) has received complaints regarding potential grading and clearing of land in violation of County Code as well as shooting activity occurring on APN 240-12-15-00, located at 0000 Old Guejito Rd., Escondido, CA 92027 (referred to as the Property). During a site visit to the Property on Thursday, March 15, 2018, Code Compliance staff verified violations for unpermitted grading, solid waste, unpermitted structures including sea cargo containers, and inoperable vehicles. The violations and required corrective actions are provided below.

We encourage the owner/operator to make every effort to correct these violations quickly to avoid further enforcement efforts. We are available to provide information and assistance in navigating the process to resolve the violations. Please contact Chris Calatrello at 858-495-5473 or [chris.calatrello@sdcounty.ca.gov](mailto:chris.calatrello@sdcounty.ca.gov) to arrange a meeting to discuss options to bring the property into compliance. To assist the owner/operator in reaching compliance, we prepared the attached Compliance Schedule. The owner/operator has fourteen (14) calendar days from the date of this letter to contact us and schedule a meeting before escalated enforcement will begin, including but not limited to Administrative Citations and/or Civil Penalties.

### **Unpermitted Grading and Clearing**

Code Compliance observed several flat pads of varying sizes at the Property along with new and/or expanded access roads. In addition, extensive clearing of native vegetation was observed. Such earthwork and vegetation clearing require various discretionary permits and associated environmental review as well as installation of permanent Best Management Practices (BMPs). Several incidents of erosion were observed throughout the property, and Code Compliance has verified that sensitive resources may have been affected by this activity.

Immediate installation of temporary BMPs are required to minimize further erosion and prevent additional environmental impacts. The owner/operator will be required to hire a licensed civil engineer to prepare plans and exhibits for staff review to resolve these violations.

San Diego County Code of Regulatory Ordinances (SDCCRO) Section 87.110, requires that the site be restored to its previous condition prior to the grading and clearing. Restoration will include remedial grading and revegetation of the site with species of plants identical to or serving biological resource values as close as possible to those of the vegetation which existed on the site prior to the illegal grading or clearing. These activities require a Revegetation Plan permit prepared by a qualified biologist and/or landscape architect as well as a Grading Plan permit prepared by a licensed civil engineer.

As required by the regional Stormwater Municipal Permit, the County of San Diego must notify the San Diego Regional Water Quality Control Board (RWQCB) of any property where construction or demolition activity may be occurring without permit coverage, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a land disturbance of equal to or greater than one acre covered under the statewide Construction General Permit (Adopted Order 2009-0009-DWQ, as amended by 2010-0014-DWQ and 2012-0006-DWQ) but has not obtained permit coverage. Please contact the San Diego RWQCB at (619) 516-1990 for additional information about enrollment under the statewide Construction General Permit and to confirm if you are subject to coverage. Please review the attached Watercourse Tip Sheet and contact the appropriate resource agencies before conducting any additional activities in or around a watercourse or other natural drainage area.

### **Unpermitted Structures**

Code Compliance observed various unpermitted structures at the Property including, but not limited to a staircase, storage buildings and various other structures. Such structures are not allowed on vacant land without an established primary use as described in Section 6152 of the San Diego County Zoning Ordinance (SDCZO). All of these structures must be removed from the property.

### **Sea Cargo Containers**

A sea cargo container was observed on the property in violation of SDCZO Section 6162. As described above, there is no established primary use of the property and no accessory structures such as sea cargo containers can be placed on the property. All the cargo containers must be removed from the property.

### **Hazardous Material and Waste Management:**

The owner/operator is required to store and handle any hazardous material in accordance with State law and County ordinance. Also, if hazardous waste is generated the waste shall be identified, accumulated and disposed of in accordance with the law. Refer to the Dept. of Environmental Health webpage regarding storage and County permitting requirements: <https://www.sandiegocounty.gov/content/sdc/deh/hazmat.html> SDCC Sections 68.904, 68.905, and 68.906.

**Solid Waste**

Solid waste including six (6) large pipes, wood debris, miscellaneous metal debris and seven (7) water drums were observed in violation of SDCCRO Section 68.503. All solid waste must be removed from the property and disposed of properly.

**Inoperable Vehicles**

Two inoperable vehicles were observed on the property in violation of SDCCRO Section 78.103. These vehicles must be removed from the property and disposed of properly.

**Property Use**

The property does not have an established primary principal use and is considered vacant land. It is zoned A-70 (Limited Agriculture) with allowed uses described in SDCZO Sections 2702-2705. Code Compliance has received complaints of shooting activity on the property, and observed targets and related materials while onsite. We request that the owner/operator provide a description of these shooting activities during the requested meeting with staff to discuss the grading and clearing violations.

**Corrections Required**

This letter and the attached Compliance Schedule describe each of the required corrective actions necessary to resolve the violations at the Property. Deadlines for each of these corrective actions must be met and the owner/operator must cease any unpermitted developed of the property to avoid further enforcement action. Robust communication between staff and property owners is essential to ensure the violations are corrected quickly and avoid further enforcement actions. Staff is available to assist the owner/operator in preparing for and resolving these violations. Please contact Chris Calatrello at 858-495-5473 or [chris.calatrello@sdcounty.ca.gov](mailto:chris.calatrello@sdcounty.ca.gov) within the next fourteen (14) calendar days to schedule a meeting to discuss the scope of work and permitting process for rectifying these violations.

Thank you in advance for taking an active role in correcting the violation(s) at the Property and for being part of the solution as Code Compliance strives to enhance safe and livable communities.

Sincerely,



Brent Panas  
Chief, Code Compliance Division  
Planning & Development Services

Attachments:  
Compliance Schedule  
Watercourse Tip Sheet

Freedom Fighters Foundation Inc.

April 10, 2018

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Cc: Robert Wright, Wright, L'Estrange & Ergastolo,  
401 West A Street, Suite 2250, San Diego, CA 92101

Antionette Djokich, Secretary/CFO  
2051 Escenico Terrace, Carlsbad, CA 92009

Chad Kipper, CEO  
3025 Cadencia Street, Carlsbad, CA 92009



**County of San Diego, Planning & Development Services  
ZONING VIOLATION COMPLIANCE SCHEDULE  
CODE COMPLIANCE DIVISION**

Property Owner Name: Freedom Fighters Foundation  
 Property Address: 0000 Old Guejito Rd  
 Code Compliance Officer: Chris Calatrello

ENF Case Number: PDS2018-ENFGEN-000328  
 Date: 4/10/2018

Revision Dates:

**FAILURE TO CORRECT THE VIOLATION IN ACCORDANCE WITH COMPLIANCE DEADLINES WILL RESULT IN ADDITIONAL COMPLIANCE ACTION AGAINST THE PROPERTY OWNER AT ANY POINT IN THE PROCESS, UNLESS AN EXTENSION IS GRANTED BY THE CODE COMPLIANCE OFFICER.**

**Administrative Warning Issued:**

**4/10/2018**

COMPLIANCE TASK OR ACTIVITY	Estimated Duration (days)	Time Extensions Granted	Due Date	Actual Completion Date
Property Owner to contact Code Compliance Officer to arrange for meeting to discuss grading and revegetation requirements AND proposed use of property.	14		4/24/2018	
<i>If deadline(s) are not met, compliance action will be taken*</i>				
Remove sea cargo container(s) from property	21		5/1/2018	
<i>If deadline(s) are not met, compliance action will be taken*</i>				
Remove solid waste from property.	30		5/10/2018	
Remove inoperable vehicles from property.	30		5/10/2018	
<i>If deadline(s) are not met, compliance action will be taken*</i>				
Remove unpermitted structures including staircase.	45		5/25/2018	
<i>If deadline(s) are not met, compliance action will be taken*</i>				
Meet all deadlines included in the discretionary processing schedule for grading and revegetation plan permits. <i>This process usually takes anywhere from 1 to 3 years to complete. A detailed schedule will be provided after submittal of the discretionary application.</i>				
<i>If deadline(s) are not met, compliance action will be taken*</i>				
Meet the applicable conditions of the Discretionary Permit				
<i>If deadline(s) are not met, compliance action will be taken*</i>				

\* Compliance action will include one or more of the following: 1. Issuances of Administrative Citations up to \$10,000 2. Issuances of Civil Penalties 3. Public Nuisance Abatement with violations removed by the County at your expense 4. Referral to County Counsel for Civil Enforcement Action 5. Referral to the District Attorney's Office for Criminal Prosecution

The County retains the discretion to require any unauthorized use to cease during Discretionary and/or Building Permit processing for any reason.

\*\* Major Pre-application Meeting Request Form: [http://www.sandiegocounty.gov/content/dam/sdcd/pds/zoning/formfields/ESUB\\_Major\\_Project\\_Pre\\_App.pdf](http://www.sandiegocounty.gov/content/dam/sdcd/pds/zoning/formfields/ESUB_Major_Project_Pre_App.pdf)

**Acknowledged by:** \_\_\_\_\_ **Property Owner or Agent:** \_\_\_\_\_ **Date:** \_\_\_\_\_



# Watercourse Tip Sheet

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## **United States Army Corps of Engineers**

Los Angeles District, San Diego Section

Regulatory Division

5900 La Place Court, Suite 100

Carlsbad, CA 92008

**Mission Statement:** Protect the nation's aquatic resources through the issuance of permits for projects that have undergone careful evaluation in light of applicable laws, regulations and policy to ensure that no action authorized by our program will have an adverse impact on the overall public welfare. Provide strong protection of the Nation's aquatic environment, including wetlands; to enhance the efficiency of the Corps administration of its regulatory program; and, to ensure that the Corps provides the regulated public with fair and reasonable decisions.

**Main Contacts:** Shelly Lynch, South Coast Branch Chief, (760) 602-4850  
Main Office (760) 602-4829

### **General Guidance for Flood Control Activities:**

**DO** contact our agency if you intend to conduct activities that result in the discharge (placement) of fill material into waters of the United States, including their adjacent wetlands, since these activities require a Department of the Army Permit from the Corps. Examples of activities in waters of the U.S. that require a permit from the Corps include (but are not limited to) mechanized land clearing, bank protection/stabilization, mechanized dredging, construction of road crossings, and levee construction.

**DO** contact our agency if you are not sure whether you will need a permit from the Corps and we will discuss your project with you and schedule a site visit if needed. If you anticipate that you are going to have a flooding problem or experienced one last year because a watercourse is blocked or inhibited please call us now so we can start working on solutions with you.

### **Flood control activities that typically do not require a permit from the Corps include:**

Hand removal (i.e. without the use of heavy machinery within the stream channel) of trash, debris, and sediment; and

Hand removal of invasive species, such that the plants are being cut above the root system (e.g., mowing, rotary cutting, and chainsawing) and the cut materials are disposed of outside waters of the U.S.

## **California Regional Water Quality Control Board**

CRWQCB, San Diego Region

2375 Northside Drive, Suite 100

San Diego, CA 92108-2700

**Mission Statement:** Develop and enforce water quality objectives and implement plans that will best protect the area's waters while recognizing local differences in climate, topography, geology and hydrology.

**Main Contact:** Alan Monji Engineering Geologist, (619) 521-3968

### **General Guidance for Flood Control Activities:**

**DO** remove trash and debris (i.e. leaf litter, wrack, dead vegetation) without mechanized equipment.

**DO** contact our agency for any other activity that may result in a discharge of a pollutant or waste to waters and check to see if you need a permit for activities such as the removal of exotic invasive plants/weeds.

Updated: April 2017

# Watercourse Tip Sheet

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**United States Fish and Wildlife Service**  
Carlsbad Fish and Wildlife Office  
2177 Salk Ave #250  
Carlsbad, CA 92008

**Mission Statement:** Working with others to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.

**Main Contacts:** Doreen Stadtlander, Division Chief, (760) 431-9440, ext. 223  
Email: [Doreen\\_Stadtlander@fws.gov](mailto:Doreen_Stadtlander@fws.gov)

Susan Wynn, Staff Biologist, (760) 431-9440 ext. 216  
Email: [susan\\_wynn@fws.gov](mailto:susan_wynn@fws.gov)

**General Guidance for Flood Control Activities:**

**DO** plan ahead for the rainy season so that there is time for early coordination

**DO** hand remove shopping carts, mattresses, large fallen logs, and trash from streams and areas of ponded water

**DO** hand clear debris and sediment from within existing culverts to allow water to pass

**DO** contact our office if you have questions about the presence of endangered or threatened species on your property. We are available to visit your property and provide technical assistance.

**DO** contact our office if you have questions about the potential for vernal pools on your property. We are available to visit your property and provide technical assistance.

**DO NOT** move soil, alter water flow, create dams, or empty areas of ponded water (except those areas where water has ponded on asphalt roadways, asphalt parking lots, or manicured lawns) without first contacting our office

**DO NOT** use machinery within or adjacent to streams and/or areas of ponded water (except those areas where water has ponded on asphalt roadways, asphalt parking lots, or manicured lawns) without first contacting our office

**DO NOT** place rocks, rip rap, or cement within streams and/or areas of ponded water (except those areas where water has ponded on asphalt roadways, asphalt parking lots, or manicured lawns) without first contacting our office

**DO NOT** remove vegetation from within or around streams or areas of ponded water



# Watercourse Tip Sheet

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## California Department of Fish and Wildlife

South Coast Region  
3883 Ruffin Road  
San Diego, CA 92123

**Mission Statement:** Conserve, protect and manage California's fish, wildlife and native plant resources.

**Main Contact:** Kelly Fisher, Environmental Scientist, (858) 467-4207  
Email: [Kelly.Fisher@wildlife.ca.gov](mailto:Kelly.Fisher@wildlife.ca.gov)

### General Guidance for Flood Control Activities:

**DO** notify CDFW of any proposed activity that may substantially modify a river, stream, or lake.

**DO** notify CDFW if the flood control activity will: substantially divert or obstruct the natural flow of any river, stream or lake; substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake; or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, involve the use of mechanized equipment that displace the soil, that remove sediment, rocks, or other substrates, that divert or obstruct the stream flow, or that remove native vegetation.

The notification requirement applies to any work undertaken in or near a river, stream, or lake that flows at least intermittently through a bed or channel, including ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water.

**DO** provide CDFW with a completed notification form and the corresponding fee if your activities will do any of the above. Forms and fee schedule are available at <http://www.dfg.ca.gov/habcon/1600/forms.html>

If CDFW determines that the activity may substantially adversely affect fish and wildlife resources, a Lake or Streambed Alteration Agreement will be prepared. The Agreement includes reasonable conditions necessary to protect those resources and must comply with the California Environmental Quality Act (CEQA). Once the Agreement is signed and finalized, the entity may proceed with the activity in accordance with the final Agreement.

**DO** contact CDFW if you are planning an activity within or near a stream and are unsure whether you need to notify CDFW, please contact us to discuss your individual project with a Streambed Program representative.

### Flood control activities that typically do not require a permit from CDFW include:

Hand-removal of human-generated trash and debris;

Hand-removal, above ground, of small amounts of arundo, tamarisk, castor bean, and pampas grass, provided such activities are conducted outside the bird-breeding season, native vegetation is not removed, and no vegetative material is allowed to enter the stream; and

Hand-removal of newly-fallen trees or branches that obstruct the flow of the stream.

Additional resource information on the Ramona Vernal Pool Study:  
[http://www.sdcounty.ca.gov/dplu/mscp/NCMSCP\\_documents.html](http://www.sdcounty.ca.gov/dplu/mscp/NCMSCP_documents.html)

