

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS - LAND USE
WEDNESDAY, OCTOBER 01, 2025**

MINUTE ORDER NO. 4

**SUBJECT: NOTICED PUBLIC HEARING:
HARMONY GROVE VILLAGE SOUTH GENERAL PLAN AMENDMENT,
SPECIFIC PLAN, ZONE RECLASSIFICATION, TENTATIVE MAP, MAJOR
USE PERMIT, SITE PLAN AND ENVIRONMENTAL IMPACT REPORT AND
ASSOCIATED DOCUMENTS (DISTRICT: 3)**

OVERVIEW

The proposed Harmony Grove Village South project (Project) consists of 111 acres in the San Dieguito Community Plan Area and includes 453 single family and multi-family units including five product types, 5,000 square feet of commercial/ civic uses, four acres of private and public parks, approximately two miles (11,000 feet) of public multi-use trails and pathways and approximately 35 acres of biological open space. The project also analyzed an on site wastewater treatment facility, but is conditioned to annex into the Rincon Municipal Water District. The project site is located within the Harmony Grove-Elfin Forest Subarea of the San Dieguito Community Plan Area, west of Interstate 15, south of State Route 78, and directly south of the Harmony Grove Village (HGV) community. The site is approximately one-third of a mile west of the City of Escondido, south and east of the City of San Marcos, and north of the Del Dios Highlands Preserve. The project site is currently vacant, although some remnants of prior structures remain on site.

On July 25, 2018 (1), the Board of Supervisors (Board) approved entitlements for the Project and certified its Final Environmental Impact Report (FEIR). Following County approval and certification of the FEIR, the Project was challenged in a CEQA action. On February 20, 2020, the trial court ruled that the Project's FEIR violated CEQA based on inadequate Greenhouse Gas (GHG) mitigation measures, failure to address fire safety and evacuation issues, insufficient analysis of air quality impacts, and found the Project was inconsistent with the San Diego Association of Governments (SANDAG) Regional Plan and the County's General Plan related to a policy to provide affordable housing and a community plan policy requiring septic instead of sewer. On October 14, 2021, the Court of Appeal affirmed the trial court's ruling related to the GHG mitigation measure and General Plan policy to provide affordable housing. The Court of Appeal reversed the trial court's ruling related to the other concerns, including fire safety and evacuation, inconsistency with the SANDAG Regional Plan, and the community plan policy related to septic systems. On October 19, 2022, the trial court issued a revised order requiring the County to rescind the Project approvals within 60 days. On December 14, 2022 (10), the Board adopted a resolution to rescind the previous Project approvals.

As a result of the litigation, the project has revised its GHG mitigation measure that would offset all GHG emissions through the installation of a photovoltaic (PV) solar system on existing commercial and industrial buildings located offsite in San Diego County. In addition, the Project will also provide, as a condition of approval, an affordable housing component that will include 10 percent of the project's total dwelling units as on-site affordable housing consisting of five percent reserved as affordable for low-income households (up to 80% of Area Median Income (AMI) and five percent reserved as affordable for moderate income households (up to 120% AMI). These changes will not result in changes to the Project design. All other issues have been fully resolved by litigation and, as such, cannot be raised in future legal challenges.

Under CEQA, a court can only require changes that are needed to bring the project into compliance. Because the court only took issue with the FEIR with respect to the GHG mitigation measure as related to GHG carbon offset credit purchase (location, registry confirmation, and approval by the Director of PDS), the law assumes that the 2018 FEIR is adequate in all other respects (otherwise known as Res Judicata), directing the court to address each alleged ground of non-compliance). Other than this specific issue, the County is not able to mandate additional revisions to the other portions of the 2018 FEIR.

Today's requested actions are for the Board to consider amending the General Plan and approving the associated implementing actions, such as a Zone Reclassification, Tentative Map, Major Use Permit, Site Plan and certification of the FEIR. Staff is recommending approval of the Project in concurrence with the Planning Commission. The Board is not required to approve General Plan Amendments and may deny the project as the Court of Appeal ordered the previous approvals to be rescinded.

If the project is approved by the Board, any legal challenges will be limited to the subjects not protected by the legal application of Res Judicata by the court, which would cover all subjects except for the GHG mitigation measure and the affordable housing component.

RECOMMENDATION(S)

PLANNING COMMISSION

On August 22, 2025, the Planning Commission considered the Harmony Grove Village South Project and made the following recommendations to the Board of Supervisors:

1. Adopt the California Environmental Quality Act (CEQA) Findings, which include the certification and findings regarding significant effects of the project, the mitigation and monitoring program, the Statement of Overriding Considerations, and certify the Environmental Impact Report (EIR), REF: PDS2015-ER-15-08-006 (Attachment A).
2. Adopt a Resolution entitled A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING GENERAL PLAN AMENDMENT (GPA) PDS2015-GPA-15-002, approving General Plan Amendment PDS2015-GPA-15-002 for the reasons stated therein and discussed in this report (Attachment B).
3. Adopt a Resolution entitled RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING SPECIFIC PLAN SP-15-002 HARMONY GROVE VILLAGE SOUTH SPECIFIC PLAN, approving Specific Plan SP-15-002 for the reasons stated therein and discussed in this report (Attachment C).
4. Adopt the Ordinance entitled An Ordinance Changing the Zoning Classification of Certain Property Within THE ELFIN FOREST-HARMONY GROVE SUBAREA AND the San Dieguito Community Plan AREA, REF: PDS2015-REZ-15-003 (Attachment D).
5. Adopt a Resolution entitled RESOLUTION OF SAN DIEGO COUNTY CONDITIONALLY APPROVING VESTING TENTATIVE MAP NO. 5626 approving the Vesting Tentative Map PDS2018-TM-5626 for 453 dwelling units, which includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and County of San Diego regulations (Attachment E).

6. Grant the accompanying Site Plan PDS2018-STP-18-011 and impose the requirements and conditions set forth in the Site Plan Form of Decision (Attachment F).
7. Grant Major Use Permit PDS2015-MUP-15-008, make the findings, and impose the requirements and conditions as set forth in the Form of Decision (Attachment G).

DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Planning & Development Services (PDS) concurs with the recommendations made by the Planning Commission, and makes the following additional recommendations to the Board of Supervisors (Board):

Require the applicant to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this project, require RCS - Harmony Partners, LLG to provide security in the amount of \$1,250,000, either as an irrevocable letter of credit or bond (whichever is acceptable to County Counsel), within 10 days of litigation being filed (Attachment S).

EQUITY IMPACT STATEMENT

This amendment is aligned with the goal to provide housing opportunities that meet the needs of the community. The approval of the Project would provide 453 new housing units in the Harmony Grove-Elfin Forest Subarea of the San Dieguito community. The Project includes a range of lots that will allow for market rate homes and will also be conditioned to include 10 percent of the project's total dwelling units as on-site affordable housing (five percent reserved as affordable for low-income households and five percent reserved as affordable for moderate income households).

SUSTAINABILITY IMPACT STATEMENT

The Project is conditioned to install solar systems on existing commercial/industrial buildings located offsite in San Diego County. The solar panel system will be capable of generating a total of 1,720 kilowatt (kW), which will offset 100% of the Project's emissions. The project includes sustainable design features including energy efficient home designs, native and drought tolerant landscaping, and low impact development stormwater facilities. The project incorporates cool pavement technology, participation in the California Green Builder Program, installation of electric vehicle charging stations, and 100% residential electricity through renewable energy to help reduce energy consumption, air pollution, and greenhouse gas emissions.

FISCAL IMPACT

There is no fiscal impact associated with today's recommendations. There will be no change in net General Fund cost and no additional staff years.

BUSINESS IMPACT STATEMENT

N/A

ACTION:

ON MOTION of Supervisor Desmond, seconded by Supervisor Anderson, the Board of Supervisors took the following actions:

1. Adopted the California Environmental Quality Act (CEQA) Findings, which include the certification and findings regarding significant effects of the project, the mitigation and monitoring program, the Statement of Overriding Considerations, and certify the Environmental Impact Report (EIR), REF: PDS2015-ER-15-08-006 (Attachment A).
2. Adopted Resolution No. 25-111 entitled: A RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ADOPTING GENERAL PLAN AMENDMENT (GPA) PDS2015-GPA-15-002, approving General Plan Amendment PDS2015-GPA-15-002 for the reasons stated therein and discussed in this report (Attachment B).
3. Adopted Resolution No. 25-112 entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS APPROVING SPECIFIC PLAN SP-15-002 HARMONY GROVE VILLAGE SOUTH SPECIFIC PLAN, approving Specific Plan SP-15-002 for the reasons stated therein and discussed in this report (Attachment C).
4. Adopted Ordinance No. 10957 (N.S.) entitled: AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE ELFIN FOREST-HARMONY GROVE SUBAREA AND THE SAN DIEGUITO COMMUNITY PLAN AREA, REF: PDS2015-REZ-15-003 (ATTACHMENT D).
5. Adopted Resolution NO. 25-113 entitled: RESOLUTION OF SAN DIEGO COUNTY CONDITIONALLY APPROVING VESTING TENTATIVE MAP NO. 5626 approving the Vesting Tentative Map PDS2018-TM-5626 for 453 dwelling units, which includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with State law and County of San Diego regulations (Attachment E).
6. Granted the accompanying Site Plan PDS2018-STP-18-011 and imposed the requirements and conditions set forth in the Site Plan Form of Decision (Attachment F).
7. Granted Major Use Permit PDS2015-MUP-15-008, made the findings, and imposed the requirements and conditions as set forth in the Form of Decision (Attachment G).
8. Required the applicant to enter into a standard Defense and Indemnification Agreement with the County of San Diego (County) in accordance with County Code Section 86.201 et seq. and authorize the Director of PDS to execute the Agreement. If litigation is filed challenging the Board's action on this project, require RCS - Harmony Partners, LLG to provide security in the amount of \$1,250,000, either as an irrevocable letter of credit or bond (whichever is acceptable to County Counsel), within 10 days of litigation being filed (Attachment S).

9. Added the additional condition that the HOA provide bi-annual reports to the County on the fuel management zones to ensure they are being implemented and maintained in accordance with the Fire Protection Plan and be able to address any maintenance issues to ensure future residents are safe.
10. Directed the Chief Administrative Officer to explore secondary access and report back to the Board.

AYES: Aguirre, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

State of California)
County of San Diego)

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Andrew Potter