

**ATTACHMENT E – Form of
Decision Approving PDS2025-
MUP-04-012W1**

**FORM OF DECISION
MAJOR USE PERMIT MODIFICATION PDS2025-MUP-04-012W1**

April 22, 2026

PERMITEE: H GROVE NK INVESTORS BY NUWI CAPITAL, INC
MAJOR USE PERMIT No.: PDS2025-MUP-04-012W1
E.R. NUMBER: PDS2024-ER-17-08-003A
PROPERTY: NORTHWEST AND SOUTHWEST CORNERS OF COUNTRY CLUB
DRIVE AND COUNTRY LIVING WAY
APN(s): 235-570-56-00 & 235-571-17-00

DECISION OF THE BOARD OF SUPERVISORS

ORIGINAL MAJOR USE PERMIT DECISION (3300-04-012)

GRANT, as per plot plan dated October 27, 2006, consisting of 19 sheets, as amended and approved concurrently herewith, a Major Use Permit, pursuant to Section 6600 of the Zoning Ordinance, for a Planned Development as covered by Tentative Map Number TM 5365RPL², or a subsequent revision thereof, and in accordance with the Harmony Grove Specific Plan, which provides for a maximum of 739 dwelling units and related recreation facilities.

The following conditions are imposed with the granting of this Major Use Permit:

The applicant shall allow the County to inspect the property for which the Major Use Permit has been granted, at least once every 12 months, to determine if the applicant is complying with all terms and conditions of the Major Use Permit. If the County determines the applicant is not complying with the Major Use Permit terms and conditions the applicant shall allow the County to conduct follow up inspections more frequently than once every 12 months until the County determines the applicant is in compliance.

The approval of this Major Use Permit P04-012 shall take effect and be in force on March 9, 2007, but only if GPA 07-001, SP 04-003 and R04~010 also are approved and become effective that day.

MODIFICATION TO MAJOR USE PERMIT DECISION (MUP-04-012W1)

GRANT, this Major Use Permit Modification for a residential live/work development as per plot plan and elevations dated February 23, 2024. This permit authorizes continued use and maintenance of the currently entitled 739 dwelling units and allows the construction of 27 additional dwelling units and related facilities. The purpose of this modification is to update the permit to accurately reflect the additional units proposed as part of this Project and the Harmony Grove Village Specific Plan Amendment, ensuring that the revised development totals are fully incorporated into the entitlements governing Harmony Grove Village. This permit also affirms the previously identified alternative use allowed under the

Harmony Grove Village Specific Plan, permitting the site to develop with live/work units should commercial or retail uses not prove viable. The previous Planned Development was authorized by Major Use Permit (P04-012) dated February 7, 2007. This permit is pursuant to Section 6985, 6986, and 7385 of the Zoning Ordinance.

MAJOR USE PERMIT MODIFICATION EXPIRATION: This Major Use Permit Modification shall expire on January 6, 2028, at 4:00 pm (or such longer period as may be approved pursuant to Section 7376 of the Zoning Ordinance of the County of San Diego prior to said expiration date) unless construction or use in reliance of this Major Use Permit Modification has commenced prior to said expiration date.

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SPECIFIC CONDITIONS: Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Major Use Permit. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

SPECIFIC CONDITIONS FOR MAJOR USE PERMIT (3300-04-012):

The following conditions are imposed with the granting of this Major Use Permit:

ANY PERMIT: *(Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).*

1. File and receive approval of a final subdivision map of the property pursuant to TM 5365RPL² or subsequent revision thereof.
2. Submit for the approval of the Director of Public Works structural and geometric plans for all private streets within this subdivision, said plans to be followed in the construction of the subdivision. Plans shall show cross-sections, a minimum of two inches of asphaltic concrete over four inches of approved base, Portland cement concrete curbs, gutters, and sidewalks, asphaltic concrete dike or better (where appropriate), and other details as required by the Director. Grades shall be a minimum of .5 percent and a maximum of 15 percent, and designed to drain the surface properly. The minimum unobstructed private road width shall be as indicated on TM 5365RPL².
3. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the private improvements.
4. Submit to and receive approval from the Director of Planning and Land Use a complete and detailed Landscape Plan. Landscape Plans shall be prepared by a California licensed landscape architect and shall fulfill the requirements of the Landscape Water Conservation Ordinance and Design Manual. The Landscape

Plans and review fee shall be submitted to the Regulatory Planning Division, Zoning Counter. Plans shall include:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit from the Department of Public Works approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s)-of-way shall be maintained by the landowner(s) shall be submitted to the Department of Planning and Land Use.
- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. The planting plan shall be compatible with the requirements of the Master Reclamation Plan (MRP) for the Wastewater Reclamation Plant. "Refined" open space, as indicated in the MRP, are landscaped areas that will have permanent irrigation and be planted with a combination of native and exotic species subject to approval by the Director of Planning and Land Use.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring permanent irrigation system.
- d. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- e. The location and detail of all walls, fences, and walkways shall be shown on the plans. A lighting plan and light standard details shall be included in the plans.
- f. Additionally, the following items shall be addressed as part of the Landscape Plans:
 - i. The Landscape Plans shall be consistent with the Conceptual Landscape Plan included as part of the approved plot plan for this permit.
 - ii. The street side of the project-proposed noise barriers within the Village shall be landscaped with vegetation such as noninvasive vines and medium-height shrubs that conform to the landscape concept plan and the fire protection plan in order to screen the sound barriers and help them blend into the surrounding Project landscaping. This is in addition to planting required for public streetscapes (ALM-5).

- iii. Provide a table identifying the responsible entity's for maintaining the landscape and irrigation within the public right-of-ways, private streetscapes, common areas, including neighborhood parks, public trails, water quality swales, riparian areas, native open space lots, parking lots, and the equestrian activity areas throughout the site. Indicate who will be responsible for maintaining the existing groves. If a Homeowner's Association will be set up to maintain these areas, please indicate who will be responsible for all these areas until the HOA can be formed. All approved landscaping is required to be maintained in a healthy, disease free condition for the life of the permit.
- iv. All irrigation plans proposing reclaimed water, will have to be submitted, reviewed, and approved by the Department of Environmental Health prior to submitting to the Department of Planning and Land Use. Please contact Glenn Leeks (858-694-2121) for additional information on submittal requirements.
- v. Irrigation Plans shall demonstrate on-site disposal capability utilizing a combination of irrigation and storage, for all reclaimed water generated by the project. Irrigation Plans shall also demonstrate that all easements necessary to implement the plan have been granted. Compliance with these requirements shall be verified to the satisfaction of the Director of Public Works.
- vi. All proposed landscape lighting shall be in conformance with the County's Dark Sky Policy.
- vii. An Encroachment Permit shall be obtained from the Department of Public Works for all street trees proposed within public right-of-ways. Proof of this permit shall be required prior to final approval of the landscape plans.
- viii. The following measures have been incorporated into the Project design to reduce the potential for impacts related to Biological Resources, Transportation and Circulation:
 - 1. Project landscaping for slope stabilization in all transitional zones shall include a hydroseed mix that incorporates native species appropriate to the area and that does not include invasive species.
 - 2. "California" pepper trees (*Schinus molle*) shall not be planted in streetscapes where they could "volunteer" into areas of native habitat, and no peppers shall be planted by the POA within 50 feet of native habitat.

3. Native vegetation shall be preserved whenever feasible, and all disturbed areas shall be reclaimed as soon as possible after completion of grading. Native topsoil shall be stockpiled and reapplied as part of the site restoration, whenever possible. (BR-OF)
4. Should any Proposed Project roadway landscaping be located within public road rights-of-way, such landscaping will be evaluated for traffic safety concerns at the time landscaping is implemented. (TC OF)
5. Furnish the Director of Planning and Land Use a letter from the Director of the Department of Public works stating Conditions B.3 and 4 have been complied with to that Department's satisfaction.
6. Demonstrate that a six-foot high sound attenuation barrier will be constructed at Lots 224 through 227 adjacent to Harmony Grove Road, Lots 236,237,243 through 248,425 through 427,569. 575, 581,587, 593, 599, 600, 605, 606, 610, and 633 adjacent to Country Club Drive and lots 616, 623, 638, 643 and 647 through 650 adjacent to Village Road (Figure 2.3-6) in compliance with the Noise Easement required as a condition of approval of VTM 5365RPL². The height of each barrier shall be relative to pad elevation except where located along County Club Drive, in which case the barrier shall be relative to the top of slope adjacent to the road. Table 5 of the project EIR Acoustical Assessment Report (AAR) summarizes the height and elevation of each noise barrier.
Sound attenuation barriers may be constructed of earthen berm, sound wall or a combination of both. Materials used are required to have a minimum surface density of 3.5 pounds per square foot. Wall materials may be masonry, plexiglass, tempered glass or a combination of these materials. The noise barrier shall be designed to exclude openings or spaces. (NM - 5b)
A subsequent noise study shall be conducted to determine whether or not the proposed sound attenuation barrier mitigates exterior noise if the proposed building pad elevations or locations shown on the VTM are modified. (NM - 5c)
7. Conduct an interior acoustical study prior to issuance of building permits for Lots 224 through 227,236,237,242 through 248, 425 through 427,554, 562,569,570,575, 576,581,587, 593, 599,600,605,606,610, 611, 616,623, 624, 630 through 633, 638, 639, 643, and 647 through 650. The acoustical assessment shall ensure that the interior noise levels for each lot will not exceed 45 dB CNEL in compliance with the Noise Easement required as a condition of approval of VTM 5365RPL².
Based on the acoustical study, should noise levels at the second floor exceed the 45 dB CNEL limit, those residences on the lots listed may require air-conditioning or mechanical ventilation so that windows could be closed at an occupant's discretion. Sound-rated windows also may be required. (NM - 5d)

8. Complete to the satisfaction of the Director of the DPLU, an acoustical analysis performed by a County-certified acoustical engineer, demonstrating that the present and anticipated future noise levels in the final plans of the Sewer Lift Station will not exceed the allowable average hourly sound level of 45 dB(A) at any adjacent residential property line according to the County Noise Ordinance (Section 36.404).
9. Incorporate to the satisfaction of the Director of the DPLU all of the recommendations and specifications of the acoustical analysis into the Project design and building plans of the Sewer Lift Station.
10. The following list includes potential components or design features to be included in the design of the Sewer Lift Station in order to achieve compliance with the County noise regulations:
 - a. Three-foot long sound attenuators at the generator engine exhaust and intake air louvers (IAC Model 3 LFS, or equivalent)
 - b. Three-foot long sound attenuator at the exhaust fan opening (IAC Model 3ES, or equivalent)
 - c. Twelve-inch (12') thick acoustical louvers at the generator engine exhaust and intake openings (Construction Specialties Model A-12350, or equivalent)
 - d. Replace roll-up doors with sound rated doors having a minimum STC 50 rating
 - e. Install a super critical grade silencer for the engine generator (GT Exhaust Model 201-6100, or equivalent)
 - f. The exhaust pipe between the muffler and exterior outlet shall have at least one 90-degree turn
 - g. Install two-inch thick sound absorbing material on at least 50 percent of the interior and ceiling surfaces of the building
 - h. Orient the building such that the engine exhaust louver faces the equestrian park's parking lot and the door faces the closest residences
 - i. Permit the testing of the generator once a week between the hours of 9:00 a.m. and 5:00 p.m., excluding Sundays and holidays as defined in Section 36.410 of the County Noise Ordinance

- j. Implementation of the above measures would result in a one-hour average noise level of 45 dB or less at any adjacent residential property line, and during testing would be a one-hour average of 50 dB at the day use portion of the park. A noise study shall be prepared prior to approval of final facility design to ensure that necessary noise abatement measures are incorporated into the building and site plans to mitigate equipment noise from the pump station to the noise levels described above. (NM-8a)
- 11. In the event that road improvements are approved that reflect a 40 mph design speed, the applicant shall construct six-foot high sound attenuation barriers to mitigate long-term traffic noise impacts to on-site development and adjacent multi-family lots. The exact location and heights of the sound attenuation barriers are to be determined based on the 40 mph design speed as set forth by a Replacement Tentative Map that would supersede the current project Tentative Map (TM 5365RPL2). (NM-11)
- 12. Dedicate a maintenance easement over the manufactured slopes within lots 208 to 227 and lot 236. The Property Owners Association (POA) shall have the responsibility to maintain the installed landscaping along these slopes and on the berms surrounding the water quality basins. Slopes and berms shall retain coverage adequate to visually soften manufactured slopes. (ALM-1)
- 13. Dedicate a maintenance easement over the landscaped areas in front of the sound barriers (walls) along Country Club Drive and Village Road. Lots 236, 237, 243 through 248, 425, 426, 569, 575, 581, 587, 593, 599, 610, 623, 638, 643, 647 through 650, and POAs 38 and 49 will require said sound barriers. The POA shall have the responsibility to maintain the installed landscaping in front of these barriers to retain coverage resulting in adequate screening. (ALM-6)

GRADING PERMIT: *(Prior to approval of any grading and/or improvement plans and issuance of any Grading or Construction Permits).*

- 14. Agree to the following as conditions of approval of the grading permit:
 - a. To use quieter equipment when working on Lots adjacent to the northern property boundary (i.e., Lots 7, 8, 45, 46 and 69 through 73). Said equipment shall include, but not be limited to, smaller dozers, loaders, compactors and backhoes that generate sound levels of 80 dB or less measured at a distance of 50 feet. (NM-1a)
 - b. Site deliveries and the operation of construction equipment shall only occur during the time period allowed by the County's noise ordinance (i.e., 7:00 a.m. through 7:00 p.m., Monday through Saturday). Access to the site shall be secured and gates locked so that no vehicles or equipment enter the site prior to 7:00 a.m. Also, there shall be no queuing of trucks inside or outside

the site or warming-up/idling of engines or equipment prior to 7:00 a.m. (NM 1b)

- c. Notify residents within 200 feet of the construction activities of the construction schedule at least one week prior to initial activities. The notification shall include the construction hours and days of operation, anticipated construction duration, as well as the construction superintendent's name and work phone number. (NM 1c)
- d. Obtain approval of a Noise Control Plan that requires noise monitoring during the initial construction operation to ensure that the noise level complies with the County's noise ordinance limits. Potential construction noise monitoring locations are depicted on Figure 10 of the Proposed Project AAR. If the noise monitoring indicates that the County's noise criteria have been exceeded, subsequent monitoring shall be conducted after implementation of remedial noise abatement measures. A noise report shall be filed with the County DPLU summarizing the results of the noise monitoring and method of compliance. If noise complaints are received from off-site residences, the DPLU Code Enforcement Division shall respond to the complaints by providing the results of the noise measurements to the complainant, if the locations of the noise measurements are applicable to their property. If applicable noise measurements are not available for the complainant property, the developer shall conduct a sound test at the complainant's property. The results of the noise measurement shall be submitted to the County within three business days of the noise monitoring. If the noise measurement indicates that the Project is in compliance with the County's noise ordinance criteria, no additional sound tests will be required at the complainant's property (or similar adjacent properties) if additional complaints are received. If the noise level exceeds the allowable limit, then remedial noise abatement measures (e.g., reducing the number or sizes of construction equipment) shall be implemented and subsequent noise measurements conducted to verify compliance with the County's construction noise level requirement. (NM 1 d)
- e. Any rock drill used at the site shall be tested by a County-certified acoustical consultant prior to use on the Project site. The results of the sound tests shall be filed with the County DPLU. The report shall summarize the results of the sound test and method of compliance with the County's noise ordinance criteria (i.e., demonstrate that the rock drilling would be located far enough from the property lines or that a temporary noise barrier around the drill would mitigate the one-hour average noise level to 75 dB or less at the at the adjacent property lines). (NM - 2a)
- f. To mitigate the noise impact associated with drilling for blasting holes, a quieter rock drill (i.e., a rock drill with a noise level of 89 dB or less at 50 feet) shall be utilized to achieve the County's noise criteria. Also, a

temporary noise barrier located around the rock drill shall be used to attenuate the drilling noise by 5 to 15 dB. The height of the noise barrier will depend on several factors including the rock drill noise level, distance from the drill rig to the receiver, and elevation of the drill rig relative to the receiver. The temporary barrier shall be constructed of minimum ¾-inch thick plywood with R-11 fiberglass insulation batts attached to the interior of the panels or of temporary portable barriers, made from a variety of materials, and available from various noise control manufacturers. (NM - 2b)

- g. During rough grading at the beginning for Phases 1, 2 and 3 (approximately three to five months in duration for each phase), a disclosure statement shall be provided to home buyers within the Project site stating that they will be exposed to drilling and blasting noise and general noise from construction activities during the remaining phases of development. (NM - 2c)
- h. During construction of road improvements near the intersection of Avenida del Diablo and Citracado Parkway, a 12-foot high noise barrier shall be constructed adjacent to the construction area. The location of the noise barrier shall be as depicted in Figure 12 of the Acoustical Assessment Report, and it shall be approximately 120 feet long. The barrier shall remain in place until the completion of construction, or until it can be demonstrated that the construction noise is in compliance with the City of Escondido Noise Ordinance. The temporary barrier shall be constructed of materials similar to those described for the off-site sewer pipeline barrier. (NM - 3)
- i. Noise mitigation associated with drilling and blasting activities shall be the same as identified above, under mitigation measures N M-2a through 2c. (NM - 4)
- j. If one of the design speed roadway improvement scenarios with manufactured slopes is implemented along Harmony Grove Road, the manufactured slopes created by the resulting realignment and widening of Harmony Grove Road shall be varied in slope and texture. Any exposed rock faces shall be stained to resemble aged rock in order to shield the manufactured appearance and blend new slopes with existing rocks and slopes in the same area. (ALM-2)
- k. If one of the roadway design speed improvement scenarios with retaining walls is implemented along Harmony Grove Road, the retaining walls shall be textured and stained or colored to reduce visibility. (ALM-3)
- l. If one of the roadway design speed improvement scenarios is implemented along Country Club Drive, all manufactured slopes created by the curve realignment shall be vegetated beyond the minimal erosion control

vegetation (larger trees, higher density spacing, additional shrubs) and exposed newly cut rocks shall be stained to soften and screen the appearance of the manufactured slopes. (ALM-4)

- m. If the off-site Country Club Drive 30 or 35 mph roadway design speed improvement scenario is implemented, the required noise barrier shall be colored and textured, and shall vary in height (not less than the required six feet) to create visual interest and reduce visual dominance. (ALM-7)

OCCUPANCY: (Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).

- 15. The applicant shall demonstrate that the significant impact from traffic noise to off-site residences in the City of Escondido is mitigated through construction of six-foot tall sound attenuation barriers at the yard edge/top of slope, as appropriate. The feasibility of implementing these measures is dependent on obtaining permission from private property owners, or the City approval of encroachment permits for the right-of-way. (NM - 6)
- 16. Obtain approval, from the Director of Planning and Land Use, of a noise certification report prepared by a County-certified acoustical consultant that evaluates and implements any necessary measures to ensure that the Sewer Lift Station is in compliance with the property line sound level limits of the San Diego County Noise Ordinance (Section 36.404). The report shall include the following measurements to provide evidence of compliance:
 - a. A minimum 24-hour measurement of the site's existing noise conditions including any interim plant operations on a non-holiday weekend. Provide a log of hourly Leq and L90 measurements noting weather conditions and any temporary noise events. The measurement location shall be 5 feet above ground and shall be located outdoors within 75 feet but no closer than 30 feet from any sound attenuation louver located on the facility buildings.
 - b. Provide a set of noise measurements of the permanent facility operations demonstrating property line compliance and for a comparison with estimated values provided in the Noise Control Plans submitted prior to the issuance of building permits. The certification is required to include separate ambient and equipment noise measurements at each property line. A sound test shall be conducted to determine the location of the hourly 50-dB(A) noise contour when the standby generator is in operation. At least 48 hours prior to starting the on-site noise evaluation of the wastewater reclamation facility, the Applicant shall notify nearby residents and businesses (within a quarter mile radius) of the Project's operational test. (NM - 8c)
- 17. To mitigate direct and indirect cumulative noise impact at Receptor 4 associated with implementation of the 30 or 35 mph design speed scenario, a six-foot high

sound attenuation barrier shall be constructed along the realigned section of Country Club Drive as shown in Figure 14 or Figure 15 of the AAR, respectively. The sound attenuation barrier would reduce future noise levels to less than 60 dB CNEL at the significantly impacted home. (NM-12)

18. All recreational facilities within the construction phase where units are proposed for occupancy shall be completed and available for use.
19. All landscaping, recreational facilities, and improvements (for said phase) shown on the approved plot plan and landscaping plan shall be installed. Submit to the Director of Planning and Land Use a statement from the project California licensed landscape architect that all landscaping has been installed as shown on the approved landscape planting and irrigation plans.
20. All parking areas shall be improved with a minimum of two inches of asphaltic concrete or concrete. The base and surface of all private streets shall conform to San Diego County Standards for Public Streets.
21. Finished grading shall be certified by a registered civil engineer and inspected by the County Engineer for drainage clearance. Approval of the rough grading does not certify finished grading because of potential surface drainage problems that may be created by landscaping accomplished after rough grading certification. If a grading permit is not required for the project, a registered civil engineer's certification for the drainage clearance shall still be required.
22. Property owners shall agree to preserve and save harmless the County of San Diego and each officer and employee thereof from any liability or responsibility for any accident, loss, or damage to persons or property happening or occurring as the proximate result of any of the work undertaken to complete this work, and that all of said liabilities are hereby assumed by the property owner.
23. The permittee shall make suitable provisions as outlined in "a." and "b." following, to assure the continued maintenance and operation of open space, recreational facilities, and improvements specified herein:
 - a. The permittee and all persons, firms, or corporations owning the property subject to this Major Use Permit at the time of the recording of the Final Map or Maps, their heirs, administrators, executors, successors, and assigns shall operate, maintain, and repair all common open space, recreational facilities, and improvements shown on the plot plan primarily for the benefit of the residents of the subject development and shall continue to operate, maintain, and repair said open space, facilities, and improvements until such time as the operation and maintenance of said recreational facilities and improvements is assured by some public agency, district, corporation, or legal entity approved by the Board of Supervisors.

- b. The maintenance and operation of said open space, recreational facilities, and improvements shall be assured by the granting of an undivided interest in said open space, recreational facilities, and improvements to the purchasers of each of the individual dwelling units in said subject development and inclusion in the deeds conveying said individual units of provisions, such as covenants running with the land, requiring the owners, their heirs, administrators, successors, and assigns to participate in the cost of such maintenance and operation, and the creation of legal entity with the right to assess all owners, in the costs of maintenance and operation of said facilities and improvements, or be assured by some other device creating a legal entity capable of maintaining and operating said open space, facilities, and improvements and providing for the participation by the owners of all dwelling units in the cost of maintenance and operation and the enforcement of such participation.
24. Furnish the Director of Planning and Land Use, along with their request for final inspection, a letter from the Director of Public Works, stating that Conditions C.3 and 4 have been completed to that Department's satisfaction.

ONGOING: *(The following conditions shall apply during the term of this permit).*

25. The landscaping for the manufactured slopes within the maintenance easement dedicated for Lots 208 to 227 and lot 236 shall be maintained by the Property Owners Association (POA). The POA shall have the responsibility to maintain the installed landscaping along these slopes and on the berms surrounding the water quality basins. Slopes and berms shall retain coverage adequate to visually soften manufactured slopes. (ALM-1)
26. The landscaping for the front of the sound barriers (walls) along Country Club Drive and Village Road and subject to the maintenance easement dedicated for Lots 236, 237, 243 through 248, 425, 426, 569, 575, 581, 587, 593, 599, 610, 623, 638, 643, 647 through 650, and POAs 38 and 49 shall be maintained by the POA. The POA is responsible for ensuring that these barriers retain coverage resulting in adequate screening. (ALM-6)
27. The grove acreage within Lot 1 that is subject to an open space easement is allowed to continue in this use. If the groves are removed, the land shall revert to natural native habitat and shall not be converted to other farming or agricultural pursuits (equestrian facilities , greenhouses, etc.). The use of reclaimed water to irrigate the groves will be preferred to potable water if necessary to meet the needs of the water district to dispose of the reclaimed water. The district will continue to have the right to spray reclaimed water on the open space easement if the groves are removed.
28. All features shown on the approved plot plan shall be located substantially where they are shown, and shall be constructed in accordance with appropriate San

Diego County Code sections.

29. No exterior radio or television antennas shall be permitted . The developer shall make the necessary arrangements for the installation of licensed cable television service to all dwelling units. If such service is unavailable (no licensed operator is found to be willing and able to install a system), the developer shall provide a Master Antenna System with a common central antenna and underground cable to all dwelling units. The Master Antenna System shall be maintained and ultimately conveyed to the purchasers of the dwelling units in the same manner provided for open space, recreational facilities, and other improvements that are also a part of this Major Use Permit.
30. All utility distribution facilities within the boundaries of the subject development shall be placed underground in accordance with Section 81.403(e) of the San Diego County Code.
31. All light fixtures (and tennis court lighting) shall be designed and adjusted to reflect light downward, away from any road or street, and away from any adjoining premises and shall otherwise conform to Section 6324 of the Zoning Ordinance.
32. No loudspeaker or sound amplification system shall be used to produce sounds in violation of the County Noise Ordinance.
33. The paving for any roads, parking areas, and driveways shall be well maintained and promptly repaired to smooth out cracks, potholes, or other effects of aging and weathering.
34. All landscaping shall be adequately watered and well maintained at all times. Any malfunctioning irrigation systems shall be promptly replaced. The plants shall be trimmed to maintain consistency with the approved landscape plan. Any dead plants shall be replaced with those.
35. The terms and conditions of this Major Use Permit shall be binding upon the permittee and all persons, firms, and corporations having an interest in the property subject to this Major Use Permit and the heirs, executors, administrators, successors, and assigns of each of them, including municipal corporations, public agencies, and districts.
36. Subject development shall meet all provisions of the Harmony Grove Village Specific Plan (SP 04-003).
37. The water supply for all uses and activities conducted within the premises shall be imported to the site by the Rincon del Diablo Water District. Use of any other water source (including groundwater) is prohibited. Modification of this use permit to delete or modify this requirement so as to permit the use of groundwater shall be reviewed by the County Groundwater Geologist.

38. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9424 and Ordinance No. 9426) and all other applicable ordinances and standards. This includes requirements for materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information on-site concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.
39. All of the work described above pertaining to erosion control, irrigation system, slope protection, drainage systems, desilting basins, energy dissipators, and silt control shall be secured by an Instrument of Credit in a form satisfactory to County Counsel for an amount equal to the cost of this work as determined or approved by the County Department of Public Works. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. If said deposit collected for grading is less than \$5,000.00, the developer will supplement the deposit to equal \$5,000.00. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.
40. The equestrian facility proposed for Lot POA 4 shall operate in strict compliance with the provisions of the "Manure Management and Fly/Vector Control Plan as set forth in Appendix Q (dated August 2006) of the Environmental Impact Report, dated November 15, 2006.
41. This Major Use Permit shall expire on March 9, 2010 at 4:00 p.m. unless construction and/or use of the property in reliance on this permit is established prior thereto. Recordation of a Final Map pursuant to TM 5365RPL² and completion of (or entry into agreements to construct where permitted) all required improvements shall be deemed to establish such construction and/or use in reliance. If a moratorium is imposed pursuant to Section 66452.6(b) of the Subdivision Map Act which precludes recordation of TM 5365RPL², this permit shall expire on the same date as TM 5365RPL² (unless a time extension is granted for said Tentative Map).

The approval of this Major Use Permit P04-012 shall take effect and be in force on March 9, 2007, but only if GPA 07-001, SP 04-003 and R04~010 also are approved and become effective that day.

CONDITIONS FOR MAJOR USE PERMIT MODIFICATION (MUP-04-012W1)

SPECIFIC CONDITIONS FOR MAJOR USE PERMIT MODIFICATION PDS2025-MUP-04-012W1: Compliance with the following Specific Conditions (Mitigation Measures when applicable) shall be established before the property can be used in reliance upon this Major Use Permit. Please note that all applicable conditions (ongoing, maintenance, etc.) associated with Major Use Permit (3300-04-012) and subsequent Modifications approval shall apply. Where specifically indicated, actions are required prior to approval of any grading, improvement, building plan and issuance of grading, construction, building, or other permits as specified:

ANY PERMIT: (Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).

1. GEN#1 - FINAL MAP RECORDATION

INTENT: In order to comply with the approved project requirements. **DESCRIPTION OF REQUIREMENT:** The applicant shall record the respective Final Map of PDS2025-TM-5660. **DOCUMENTATION:** The applicant shall provide evidence to [PDS, PPD] that the respective Final Map for PDS2025-TM-5660 has been recorded prior to use of the units in reliance of this permit. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit, per Final Map Unit, and prior to use in reliance of this permit, the respective Final Map of PDS2025-TM-5660 shall be recorded. **MONITORING:** The [PDS, PPD] shall verify that Final Map for TM-5660 has been recorded.

2. GEN#2 - COST RECOVERY

INTENT: In order to comply with Section 362 of Article XX of the San Diego County Administrative Code, Schedule B.5, existing deficit accounts associated with processing this permit shall be paid. **DESCRIPTION OF REQUIREMENT:** The applicant shall pay off all existing deficit accounts associated with processing this permit. **DOCUMENTATION:** The applicant shall provide evidence to Planning & Development Services, Zoning Counter, which shows that all fees and trust account deficits have been paid. No permit can be issued if there are deficit trust accounts. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, all fees and trust account deficits shall be paid. **MONITORING:** The [PDS, Zoning Counter] shall verify that all fees and trust account deficits have been paid.

3. GEN#3 - RECORDATION OF DECISION

INTENT: In order to comply with Section 7019 of the Zoning Ordinance, the Permit Decision shall be recorded to provide constructive notice to all purchasers, transferees, or other successors to the interests of the owners named, of the rights and obligations created by this permit. **DESCRIPTION OF REQUIREMENT:** The applicant shall sign, notarize with an “all-purpose acknowledgement” and return the original recordation form to PDS. **DOCUMENTATION:** Signed and notarized

original recordation form. **TIMING:** Prior to the approval of any plan and prior to the issuance of any permit and prior to use in reliance of this permit, a signed and notarized copy of the Decision shall be recorded by PDS at the County Recorder's Office. **MONITORING:** The [PDS Zoning Counter] shall verify that the Decision was recorded and that a copy of the recorded document is on file at PDS.

4. BLD#1-BUILDING PERMIT APPLICATION

INTENT: In order to ensure the as-built structures are permitted Johnston/Ward House is permitted. **DESCRIPTION OF REQUIREMENT:** The applicant shall submit building permit application(s) and any required plans to the Building Counter. **DOCUMENTATION:** A building permit application shall be submitted to the Building Division. **TIMING:** Within 140 days of MUP approval and prior to the approval of any plan and prior to the issuance of any building permit and prior to use in reliance of this permit, a building permit application shall be submitted. **MONITORING:** The PDS Building Division shall verify that the building permit application has been submitted for the as-built structure (s).

5. ROADS#1-SIGHT DISTANCE

INTENT: In order to provide an unobstructed view for safety while exiting the property and accessing a public road from the site, and to comply with the Design Standards of Section 6.1.E of the County of San Diego Public Road Standards, an unobstructed sight distance shall be verified. **DESCRIPTION OF REQUIREMENT:**

-
- a. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is _____ feet of unobstructed intersectional sight distance in eastbound (EB) direction from the proposed driveway along **Country Living Way** (serving Alley 2) in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code."
- b. A registered civil engineer or a licensed land surveyor provides a certified signed statement that: "There is _____ feet of unobstructed intersectional sight distance in westbound (WB) direction from the proposed driveway along **Country Living Way** (serving Alley 652) in accordance with the methodology described in Table 5 of the March 2012 County of San Diego Public Road Standards. These sight distances exceed the required intersectional Sight Distance requirements of _____ as described in Table 5 based on a speed

of _____, which I have verified to be the higher of the prevailing speed or the minimum design speed of the road classification. I have exercised responsible charge for the certification as defined in Section 6703 of the Professional Engineers Act of the California Business and Professions Code.”

- c. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: “Said lines of sight fall within the existing right-of-way and a clear space easement is not required.”
- d. The engineer or surveyor shall further certify that: “The sight distance of adjacent driveways and street openings will not be adversely affected by this project.”

DOCUMENTATION: The applicant shall have a Registered Civil Engineer, or a Licensed Land Surveyor provide a signed statement that physically, there is minimum unobstructed sight distance as detailed above, and submit them to the [PDS, LDR] for review. **TIMING:** Prior to the recordation of the Final Map and prior to the approval of any plan for the following lots, the sight distance shall be verified. **MONITORING:** The [PDS, LDR] shall verify the sight distance certifications.

6. **ROADS#2–RIGHT OF WAY CONSTRUCTION PERMIT**

INTENT: In order to promote orderly development for public health and safety of the area, and to provide access to the facility, a driveway curb cut shall be installed connecting to **Country Living Way**. **DESCRIPTION OF REQUIREMENT:** Install driveway curb cut in accordance with San Diego Regional Standard Drawing G-14 to the satisfaction of DPW along the westbound and eastbound sides of **Country Living Way**. **DOCUMENTATION:** The applicant shall process and obtain approval of a DPW Right of Way Construction Permit for the driveway connection to the public right of way. The applicant shall provide a copy of the permit, proof of payment, and evidence that all the requirements of the permit have been met, to the [PDS, LDR]. PDS Construction/Road Right of Way Permits Services Section should be contacted at rowpermitcounter@sdcounty.ca.gov or (858)-694-2055 to coordinate departmental requirements. **TIMING:** Prior to approval of any building permits, improve or agree to improve and provide security for the driveway improvements as shown on the approved Tentative Map. **MONITORING:** The [PDS, LDR] shall review the permit for compliance with this condition and [DPW, PDCI] shall verify installation.

7. **STRMWTR#1–EROSION CONTROL**

INTENT: In order to Comply with all applicable stormwater regulations, the activities proposed under this application are subject to enforcement under permits from the State Construction General Permit, Order No. 2022-0057-DWQ, or subsequent order and the County Watershed Protection Ordinance (WPO) No.10410, County Code Section 67.801 et. seq. and all other applicable

ordinances and standards for this priority project. **DESCRIPTION OF REQUIREMENT:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Quality Management Plan (SWQMP) and Erosion Control Plan including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

- a. An agreement and instrument of credit shall be provided pursuant to Subdivision Ordinance 81.408, for an amount equal to the cost of this work as determined or approved by the [PDS, LDR], in accordance with the County of San Diego Grading Ordinance Section 87.304. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to [PDS, LDR] authorizing the use of this deposit for emergency measures.
- b. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County PDS and/or DPW by the date agreed.

DOCUMENTATION: The applicant shall provide the letter of agreement and any additional security and/or cash deposit to the [PDS, LDR]. **TIMING:** Prior to recordation of the Final Map for all phases, and the approval of any plan and the issuance of any permit, the agreement and securities shall be executed. **MONITORING:** The [PDS, LDR] shall ensure that the agreement and the securities provided adequately satisfy the requirements of the conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforce the required stormwater and erosion control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

GRADING PERMIT: *(Prior to approval of any grading and/or improvement plans and issuance of any Grading or Construction Permits).*

8. **PLN#1-PLAN CONFORMANCE**

INTENT: In order to implement the required mitigation measures for the project, the required Grading and Improvement Plans shall conform to the approved Conceptual Grading and Development Plan pursuant to Section 87.207 of the County Grading Ordinance. **DESCRIPTION OF REQUIREMENT:** The Grading and Improvement Plans shall conform to the approved Conceptual Grading and Development Plan, which includes all of the following mitigation measures: Air Quality (Fugitive Dust, Construction Architectural Coatings), Cultural Resources (Temporary Fencing, Pre-Grade Survey, Dust Control Plan, Archaeological Monitoring), Noise (Temporary Construction Noise, Construction Notification, and

Limitation of Site Deliveries and Construction Equipment Usage). All conditions, requirements, mitigation measures and information stated on the sheets of the plans shall be made conditions of the permit's issuance. No deviation of the requirements can be made without modification of this permit. **DOCUMENTATION:** The applicant shall submit the grading plans and improvement plans, which conform to the conceptual development plan for the project. **TIMING:** Prior to approval of any grading or improvement plan and prior to issuance of any grading or construction permit, the notes and items shall be placed on the plans as required. **MONITORING:** The [DPW, ESU, DPR, TC, or PDS, BD for Minor Grading] shall verify that the grading and/or improvement plan requirements have been implemented on the final grading and/or improvement plans as applicable. The environmental mitigation notes shall be made conditions of the issuance of said grading or construction permit.

9. **NOISE#1 (N M-1b) SITE DELIVERIES AND CONSTRUCTION EQUIPMENT**

INTENT: In order to comply with the County of San Diego Noise Ordinance 36.409 & 36.410, site deliveries and construction equipment shall only occur during the time period allowed by the County's Noise Ordinance. **DESCRIPTION OF REQUIREMENT:** The operations shall be limited to the hours of 7:00 a.m. through 7:00 p.m. Monday through Saturday. Access to the site shall be secured and gates locked so that no vehicles or equipment enter the site prior to 7:00 a.m. Also, there shall be no queuing of trucks inside or outside the site or warming-up/idling of engines or equipment prior to 7:00 a.m. **DOCUMENTATION:** The applicant shall maintain the limited construction operations and incorporate the construction noise measures as indicated above until all construction activities have been completed. The applicant is responsible for implementing any further noise reducing measures to remain in compliance with this condition and comply with the requirements of the County Noise Ordinance, Section 36.409 & 36.410. **TIMING:** The above shall occur throughout the duration of construction. **MONITORING:** The [DPW, PDCI; PDS, CODES] is responsible for enforcement of this condition.

10. **NOISE#2 (N M-1c) CONSTRUCTION NOTIFICATION.**

INTENT: In order to comply with the County of San Diego Noise Ordinance 36.409 & 36.410, residents shall be notified of all construction activities, as described below. **DESCRIPTION OF REQUIREMENT:** Residences within 200 feet of construction activities shall be notified of the construction schedule at least one week prior to initial activities. The notification shall include the construction hours and days of operation, anticipated construction duration, as well as the construction superintendent's name and work phone number. **DOCUMENTATION:** A copy of the construction notice, and mailing list, shall be filed with the County DPLU to confirm all relevant information is included. **TIMING:** One week prior to initial construction activities. **MONITORING:** The [DPW, PDCI; PDS, CODES] is responsible for enforcement of this condition.

11. **NOISE#3 (N M-1d) CONSTRUCTION NOISE MONITORING.**

INTENT: In order to comply with the County of San Diego Noise Ordinance 36.409

& 36.410, noise monitoring shall be conducted, as described below.
DESCRIPTION OF REQUIREMENT: Noise monitoring shall be conducted as part of a Noise Control Plan during the initial construction operation to ensure that the noise level complies with the County's noise ordinance limits. Potential construction noise monitoring locations are depicted on Figure 10 of the Project AAR. If the noise monitoring indicates that the County's noise criteria have been exceeded, subsequent monitoring shall be conducted after implementation of remedial noise abatement measures. A noise report shall be filed with the County DPLU summarizing the results of the noise monitoring and method of compliance. If noise complaints are received from off-site residences, the County Department of Noise Abatement shall respond to the complaints by providing the results of the noise measurements to the complainant, if the location of the noise measurements are applicable to their property. If applicable noise measurements are not available for the complainant property, the developer shall conduct a sound test at the complainant's property. The results of the noise measurement shall be submitted to the County within three business days of the noise monitoring. If the noise measurement indicates that the Project is in compliance with the County's noise ordinance criteria, no additional sound tests will be required at the complainant's property (or similar adjacent properties) if additional complaints are received. If the noise level exceeds the allowable limit, then remedial noise abatement measures (e.g., reducing the number or sizes of construction equipment) shall be implemented and subsequent noise measurements conducted to verify compliance with the County's construction noise level requirement.
DOCUMENTATION: A noise report shall be filed with the County DPLU summarizing the results of the noise monitoring and method of compliance.
TIMING: Noise monitoring shall be conducted as part of a Noise Control Plan during the initial construction operation to ensure that the noise level complies with the County's noise ordinance limits. **MONITORING:** The [DPW, PDCI, PDS, CODES] is responsible for enforcement of this condition.

12. **CULT#1 - TRIBAL MONITORING**

INTENT: In order to mitigate for potential impacts to undiscovered Tribal Cultural Resources, a Tribal Monitoring Program and potential Data Recovery Program shall be implemented pursuant to the County of San Diego Guidelines for Determining Significance for Cultural Resources and the California Environmental Quality Act (CEQA). **DESCRIPTION OF REQUIREMENT:** A Native American monitor from an affiliated tribe shall be contracted to perform tribal monitoring during all grading, clearing, grubbing, trenching, and construction activities. The tribal monitoring program shall include the following:

- a. The Native American monitor from an affiliated tribe shall perform the tribal monitoring duties before, during and after construction pursuant to the most current version of the County of San Diego Guidelines for Determining Significance and Report Format and Requirements for Cultural Resources. The Native American monitor of an affiliated tribe shall also evaluate fill soils to determine that they are clean of cultural resources. The contract or letter

of acceptance provided to the County shall include an agreement that the tribal monitoring will be completed. The contract or letter of acceptance shall include a cost estimate for the monitoring work and reporting.

- b. The cost of the monitoring shall be added to the grading bonds or bonded separately.

Note: If resources are identified, a County approved archaeologist shall be engaged to address all conditions related to the identification of resources.

DOCUMENTATION: The applicant shall provide a copy of the Tribal Monitoring Contract or letter of acceptance, copy of the Tribal monitoring contract and cost estimate to [PDS, PPD]. Additionally, the cost amount of the monitoring work shall be added to the grading bond cost estimate. **TIMING:** Prior to approval of any grading and or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** [PDS, PPD] shall review the contract or letter of acceptance, and cost estimate or separate bonds for compliance with this condition. The cost estimate should be forwarded to [PDS, PPD] for inclusion in the grading bond cost estimate, and grading bonds and the grading monitoring requirement shall be made a condition of the issuance of the grading or construction permit.

13. **CULT#2 - CULTURAL RESOURCES TREATMENT AGREEMENT AND PRESERVATION PLAN**

INTENT: In order to mitigate for potential impacts to Traditional Cultural Properties, develop and enter into a Cultural Resources Treatment Agreement and Preservation Plan with culturally-affiliated Tribes. **DESCRIPTION OF REQUIREMENT:** A Cultural Resources Treatment Agreement and Preservation Plan shall be developed between the applicant or their representative, and consulting culturally-affiliated Tribes. The Cultural Resources Treatment Agreement and Preservation Plan shall be reviewed and agreed to by the County prior to final signature and authorization. The Cultural Resources Treatment Agreement and Preservation Plan shall include but is not limited to the following:

- a. Parties entering into the agreement and contact information.
- b. Responsibilities of the Property Owner or their representative, Principal Investigator, archaeological monitors, Native American monitors of affiliated tribes, and consulting tribes.
- c. Requirements of the Tribal Monitoring Program including unanticipated discoveries. The requirements shall address grading and grubbing requirements including controlled grading and controlled vegetation removal in areas of cultural sensitivity, and analysis of identified cultural materials.
- d. Excavated soils. Approximately 885 cubic yards of soil are proposed for export.

Consultation with the culturally-affiliated tribes shall occur should excavated soils need to be exported offsite.

- e. Treatment of identified Native American cultural materials. Any identified Native American cultural materials with the exception of Native American human remains and associated grave goods (described in item g below) are to be reburied onsite, if feasible. The Treatment Agreement and Preservation Plan shall identify a suitable location for reburial of cultural materials should they be encountered and recovered during construction monitoring. Should the reburial area be required, the location shall be recorded on Department of Parks and Recreation (DPR) forms, and an open space easement shall be dedicated for the protection of the resources in perpetuity. If the proposed reburial location is not required, then neither recordation on DPR forms, nor dedication of an open space easement over the proposed location is required.

If reburial onsite is not feasible, consultation with consulting Tribes is required to find an alternative solution which may include repatriation.

- f. Deed restriction. If resources are buried onsite, Details of the requirement for a deed restriction for reburial of identified Native American cultural materials. The requirements shall address protection of Native American cultural materials, access, and responsibilities for management and maintenance of the open space.

- g. Treatment of Native American human remains and associated grave goods. Consultation with the Most Likely Descendant (MLD) pursuant to Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered. The Treatment Agreement and Preservation Plan shall identify a suitable location for reburial of human remains, sacred items, and funerary items, should they be encountered and recovered during construction monitoring. Should the reburial area be required, the location shall be recorded on Department of Parks and Recreation (DPR) forms, and an open space easement shall be dedicated for the protection of the resources in perpetuity. If the proposed reburial location is not required, then neither recordation on DPR forms, nor dedication of an open space easement over the proposed location is required.

- h. Confidentiality of cultural information including location and data.

- i. Regulations that apply to cultural resources that have been identified or may be identified during project construction.

DOCUMENTATION: A copy of the implemented agreement shall be submitted to the [PDS, PPD] for approval. **TIMING:** Prior to approval of any grading and/or improvement plans and issuance of any Grading or Construction Permits. **MONITORING:** The [PDS, PPD] shall review the implemented agreement for

compliance this condition.

Draft Grading Plan Notes:

Tribal Monitoring

PRE-CONSTRUCTION GRADING AND/OR IMPROVEMENTS: *(Prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

(TRIBAL CULTURAL RESOURCES)

14. CULT#GR-1 - TRIBAL MONITORING – PRECONSTRUCTION MEETING
INTENT: In order to comply with the County of San Diego Guidelines for Significance – Cultural Resources, a Tribal Monitoring Program shall be implemented. **DESCRIPTION OF REQUIREMENT:** The Native American Monitor of an affiliated tribe shall attend the pre-construction meeting with the contractors to explain and coordinate the requirements of the tribal monitoring program. The Native American Monitor of an affiliated tribe shall monitor the original cutting of all deposits in all areas identified for development including off-site improvements. The Native American monitor of an affiliated tribe shall also evaluate fill soils to determine that they are clean of tribal cultural resources. The tribal monitoring program shall comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources and as outlined in the Treatment Agreement and Preservation Plan. **DOCUMENTATION:** The applicant shall have the Native American monitor of an affiliated tribe attend the preconstruction meeting to explain the monitoring requirements. **TIMING:** Prior to any clearing, grubbing, trenching, grading, or any land disturbances this condition shall be completed. **MONITORING:** The [DPW, PDCI] shall confirm the attendance of the Native American monitor.

DURING CONTRUCTION: *(The following actions shall occur throughout the duration of the grading construction).*

15. DPW RECYCLING#2 - GRADING MATERIAL DIVERSION:
INTENT: In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. **DESCRIPTION OF REQUIREMENT:** For all grading projects >5,000 cubic yards, a Daily Log of all grading, land clearing, and brushing material that is exported or reused/repurposed must be retained onsite. The Daily Log must include all export receipts or other vendor or disposal or transfer station facility information that accepted grading material from the approved grading project. **DOCUMENTATION:** Daily Logs shall be prepared and kept on-site for inspection and include the following:

- a. Identify the project location.
- b. Log date that material was transported off the site
- c. Log type of grading or clearing material
- d. Weight of the material or its approximate tonnage or cubic yards
- e. Name of the party transporting the materials
- f. Name of the receiving facility or exporter, and whether the material was disposed of in a landfill, salvaged for future use off-site, or recycled.
- g. Each log entry shall correspond with a receipt issued by the party that transported the material off-site or by facility that accepted the materials. If the materials were hauled by the grading contractor, export receipts shall be compiled within 90 days of the date of the log entry.
- h. The Daily Log shall include separate entries for each occurrence of materials reused on-site.
- i. The Daily Log and all receipts shall be maintained at the project site and made available to any County inspector responsible to ensure compliance with this requirement

TIMING: The following actions and logs shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall ensure that the grading contractor is preparing and maintaining the daily logs on-site. The [DPW, PDCI] shall contact the [DPW, CO] if the grading contractor or applicant fails to comply with this condition.

(TRIBAL CULTURAL RESOURCES)

16. CULT#GR-2 - TRIBAL MONITORING – DURING CONSTRUCTION

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Tribal Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: The Native American Monitor of an affiliated tribe shall monitor the original cutting of deposits in all areas identified for development including off-site improvements. The tribal monitoring program shall comply with the following requirements during earth-disturbing activities:

- a. **Monitoring.** Native American Monitor of an affiliated tribe shall be onsite to inspect the materials excavated for the of artifacts and features. The

frequency and location of inspections will be determined by the Native American monitor.

- b. **Engage a Project Archaeologist.** If resources are identified, a County approved archaeologist shall be engaged to evaluate resources, in addition to the Native American monitor. The project archaeologist shall complete all applicable conditions after a resource is identified.
- c. **Inadvertent Discoveries of Native American Resources.** In the event that previously unidentified potentially significant Native American resources are discovered:
- The Project Archaeologist or the Native American monitor of an affiliated tribe, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant cultural resources.
 - At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist and culturally-affiliated tribes as identified in the Treatment Agreement and Preservation Plan.
 - All ground disturbance activities within 100 feet of the discovered cultural resources shall be halted until a meeting is convened between the developer, the project archaeologist, tribal monitor(s), and the tribal representative(s) to discuss the significance of the find. Optionally, the County Archaeologist may attend the meeting to discuss the significance of the find.
 - After consultation with the developer, project archaeologist, tribal monitor(s), and tribal representative(s), a decision shall be made, with the concurrence of the County Archaeologist, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the identified cultural resources.
 - Construction activities shall not resume in the area of discovery until an agreement has been reached by all parties as to appropriate mitigation. Work shall be allowed to continue outside of the buffer area and shall be monitored.
 - Isolates and clearly non-significant deposits shall be minimally documented in the field. The isolates and/or non-significant deposits shall be reburied onsite as identified in the Treatment Agreement and Preservation Plan.

- Treatment and avoidance of the newly discovered resources shall be consistent with the Treatment Agreement and Preservation Plan entered into with the appropriate tribes. This may include avoidance of the cultural resources through project design, in-place preservation of cultural resources located in native soils and/or re-burial on the Project property so they are not subject to further disturbance in perpetuity.
- If cultural resources are identified, one or more of the following treatments, in order of preference, shall be employed:
 - a. Preservation in place of the Cultural Resources, if feasible. Preservation in place means avoiding the resources, leaving them in place where they were found with no development affecting the integrity of the resources.
 - b. Reburial of the resources on the project property. The measures for reburial shall include, at least, the following:
 - Measures and provisions to protect the future reburial area from any impacts in perpetuity.
 - Reburial shall not occur until all legally required cataloging and basic recordation have been completed, with the exception that sacred items, burial goods, and Native American human remains are excluded.
 - Any reburial process shall be culturally appropriate.
 - Listing of contents and location of the reburial shall be included in the confidential appendix of the Monitoring Report.
 - The Monitoring Report shall be filed with the County under a confidential cover and is not subject to Public Records requests.
 - c. If preservation in place or reburial is not feasible, consultation with consulting Tribes (Rincon) is required to find an alternative solution which may include repatriation.
 - d. If avoidance, reburial, or other alternative solution including repatriation is not feasible, a Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist in consultation with the Tribe, and the Native American Monitor of an affiliated tribe and approved by the County Archaeologist prior to implementation. There shall be no destructive or invasive testing on sacred items, burial goods, and Native American human remains.

Results concerning finds of any inadvertent discoveries shall be included in the Monitoring Report.

Pursuant to Calif. Pub. Res. Code § 21083.2(b) avoidance is the preferred method of preservation for archaeological resources and cultural resources. If the landowner and the Tribe(s) cannot agree on the significance or the mitigation for the archaeological or cultural resources, these issues will be presented to the Planning & Development Services Director for decision. The Planning & Development Services Director shall make the determination based on the provisions of the California Environmental Quality Act with respect to archaeological resources, recommendations of the project archeologist and shall take into account the cultural and religious principles and practices of the Tribe.

c. Inadvertent Discoveries of Historic Resources. In the event that previously unidentified potentially significant historic cultural resources (non-Native American) are discovered:

1. The Project Archaeologist or the Native American monitor, shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow evaluation of potentially significant historic cultural resources.
2. At the time of discovery, the Project Archaeologist shall contact the PDS Staff Archaeologist.
3. All ground disturbance activities within 100 feet of the discovered historic cultural resources shall be halted until a meeting is convened between the developer and the project archaeologist to discuss the significance of the find. Optionally, the County Archaeologist may attend the meeting to discuss the significance of the find.
4. Construction activities shall not resume in the area of discovery until an agreement has been reached by all parties as to appropriate mitigation. Work shall be allowed to continue outside of the buffer area and shall be monitored.
5. Historic isolates and clearly non-significant deposits shall be minimally documented in the field.
6. If historic cultural resources are identified, the following shall be employed:

- a. A Research Design and Data Recovery Program (Program) shall be prepared by the Project Archaeologist and approved by the County Archaeologist prior to implementation. Results concerning finds of any inadvertent discoveries shall be included in the Monitoring Report.
- d. **Human Remains.** If any human remains are discovered:
 1. The Property Owner or their representative shall contact the County Coroner and the PDS Staff Archaeologist.
 2. Upon identification of human remains, no further disturbance shall occur in the area of the find until the County Coroner has made the necessary findings as to origin. If the human remains are to be taken offsite for evaluation, they shall be accompanied by the Native American monitor of an affiliated tribe.
 3. If the remains are determined to be of Native American origin, the NAHC shall immediately contact the Most Likely Descendant (MLD).
 4. The immediate vicinity where the Native American human remains are located is not to be damaged or disturbed by further development activity until consultation with the MLD regarding their recommendations as required by Public Resources Code Section 5097.98 has been conducted.
 5. The MLD may with the permission of the landowner, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.
 6. Public Resources Code §5097.98, CEQA §15064.5 and Health & Safety Code §7050.5 shall be followed in the event that human remains are discovered.
- e. **Tribal Cultural Resources.** If tribal cultural resources are discovered, the Project Archaeologist shall conduct consultation with culturally-affiliated tribes to determine the most appropriate mitigation. Should the two parties not be able to reach consensus, then the County Archaeologist shall consider the concerns of the culturally-affiliated tribe and the Project Archaeologist, and the Director of Planning & Development Services shall make a final decision regarding appropriate mitigation.

- f. **Fill Soils.** The Project Archaeologist and Native American monitor of an affiliated tribe shall evaluate fill soils to determine that they are clean of cultural resources.
- g. **Monthly Reporting.** The Project Archaeologist Native American monitor shall submit monthly status reports to the Director of Planning and Development Services starting from the date of the Notice to Proceed to termination of implementation of the archaeological monitoring program. The report shall briefly summarize all activities during the period and the status of progress on overall plan implementation. Upon completion of the implementation phase, a final report shall be submitted describing the plan compliance procedures and site conditions before and after construction.

DOCUMENTATION: The applicant shall implement the Tribal Monitoring Program pursuant to this condition. **TIMING:** These actions shall occur throughout the duration of the earth disturbing activities. **MONITORING:** The [DPW, PDCI] shall make sure that the Native American monitor and/or the project archaeologist is on-site performing the monitoring duties of this condition. The [DPW, PDCI] shall contact the [PDS, PPD] if the applicant fails to comply with this condition.

ROUGH GRADING: *(Prior to rough grading approval and prior to issuance of any building permit).*

17. **DPW RECYCLING#1 - GRADING MATERIAL DIVERSION:**

INTENT: In order to comply with the Grading Material Diversion Program, project recycling and diversion is designed to increase diversion of grading, land clearing, and brushing materials from landfills, extend the useful life of local landfills, and support construction and demolition project compliance with State waste diversion requirements. **DESCRIPTION OF REQUIREMENT:** At the conclusion of the grading activities and prior to the release of Rough Grade Inspection, and prior to issuance of any building permit, the Final Debris Management Report (DMR) must be prepared and submitted for review and approval. **DOCUMENTATION:** The DMR final report (see template) shall be prepared and submitted for review and approval by the [DPW, CO] and shall include:

- a. Project name.
- b. List of total weight, tonnage, or cubic yards of materials, by type, which was recycled, salvaged, or disposed of in a landfill.
- c. Provide copies of receipts for export facilities, haulers, or materials reused on site.
- d. Signed self-certification letter (see template).

TIMING: The final report shall be prepared and submitted at Rough Grade inspection. **MONITORING:** The [DPW, PDCI] shall ensure that the grading contractor has prepared and submitted the final report to [DPW, CO]. The [DPW, PDCI] shall contact the [DPW, CO] if the grading contractor or applicant fails to comply with this condition.

(TRIBAL CULTURAL RESOURCES)

18. CULT#GR-3 - TRIBAL MONITORING – ROUGH GRADING

INTENT: In order to comply with the County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Cultural Resources, a Tribal Monitoring Program shall be implemented.

DESCRIPTION OF REQUIREMENT: If resources are identified, the Project Archaeologist shall prepare one of the following reports upon completion of the earth-disturbing activities that require monitoring:

- a. **No Archaeological Resources Encountered.** If no archaeological resources are encountered during earth-disturbing activities, then submit a final Negative Monitoring Report substantiating that earth-disturbing activities are completed, and no cultural resources were encountered. Archaeological monitoring logs showing the date and time that the monitor was on site and any comments from the Native American Monitor of an affiliated tribe must be included in the Negative Monitoring Report.
- b. **Archaeological Resources Encountered.** If archaeological resources were encountered during earth disturbing activities, the Project Archaeologist shall provide an Archaeological Monitoring Report stating that the field monitoring activities have been completed, and that resources have been encountered. The report shall detail all cultural artifacts and deposits discovered during monitoring and the anticipated time schedule for completion of the reburial and/or repatriation phase of the monitoring.

DOCUMENTATION: (1) If no resources were identified, the applicant shall provide notification in the form of an email or letter that no resources were found and shall submit it to the [PDS, PPD] for review and approval, or (2) if resources were identified, the applicant shall submit the Monitoring Report to [PDS, PPD] for review and approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center and any culturally-affiliated Tribe who requests a copy. **TIMING:** Upon completion of all earth-disturbing activities, and prior to Rough Grading Final Inspection (Grading Ordinance SEC 87.421.a.2), the notification or report shall be completed. **MONITORING:** [PDS, PPD] shall review the notification, report or field monitoring memo for compliance, and inform [DPW, PDCI] that the requirement is completed.

FINAL GRADING RELEASE: (Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).

(TRIBAL CULTURAL RESOURCES)**19. CULT#GR-4 - TRIBAL MONITORING – FINAL GRADING**

INTENT: In order to ensure that tribal monitoring occurred during the earth-disturbing activities, notification that tribal monitoring is completed shall be provided to [PDS, PPD]. **DESCRIPTION OF REQUIREMENT:** Notification that tribal monitoring occurred during the earth-disturbing activities, and that tribal monitoring is completed shall include the following:

1. If no resources were identified, the applicant shall:
 - a. Provide notification in the form of an email or letter and shall submit it to the [PDS, PPD] for review and approval that identifies that no resources were identified, and the dates that the tribal monitor was on site. The notification shall include tribal daily logs, if available.
2. If resources were identified:
 - a. A final Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Monitoring Program shall be prepared by the project archaeologist. The report shall include the following items:
 - (1) DPR Primary and Archaeological Site forms.
 - (2) Daily Monitoring Logs
 - b. Evidence that all Native American cultural materials in order of preference have been conveyed as follows:
 - (1) Evidence that all Native American materials collected during the monitoring program have been reburied.

or

Evidence that all Native American materials collected during the archaeological and tribal monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the archaeological materials have been received.

- (2) Evidence that all historic cultural materials have been conveyed as follows:

Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

DOCUMENTATION:

1. If no resources were identified, the applicant shall provide notification in the form of an email or letter that shall be submitted to the [PDS, PPD] for review and approval.

or

2. If resources were identified, the applicant's archaeologist shall prepare the final report and submit it to the [PDS, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and any culturally-affiliated Tribe who requests a copy. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PPD] shall review the final report for compliance with this condition and the report format guidelines.

20. LNDCP#1–LANDSCAPE DOCUMENTATION PACKAGE

INTENT: In order to provide adequate Landscaping that addresses screening/aesthetics, and to comply with the Water Conservation in Landscaping Ordinance, a landscape plan shall be prepared. **DESCRIPTION OF REQUIREMENT:** The Landscape Plans shall be prepared pursuant to the COSD Water Efficient Landscape Design Manual and the COSD Water Conservation in Landscaping Ordinance, the COSD Parking Design Manual, the COSD Grading Ordinance, Harmony Grove Village Specific Plan, and the San Dieguito Community Plan. All Plans shall be prepared by a California licensed Landscape Architect, Architect, or Civil Engineer, and include the following information:

- a. Indication of the proposed width of any adjacent public right-of-way, and the locations of any required improvements and any proposed plant materials to be installed or planted therein. The applicant shall also obtain a permit approving the variety, location, and spacing of all trees proposed to be planted within said right(s)-of-way. A copy of this permit and a letter stating that all landscaping within the said right(s) -of-way shall be maintained by the landowner(s) shall be submitted to PDS.

- b. A complete planting plan including the names, sizes, and locations of all plant materials, including trees, shrubs, and groundcover. Wherever appropriate, native or naturalizing plant materials shall be used which can thrive on natural moisture. These plants shall be irrigated only to establish the plantings.
- c. A complete watering system including the location, size, and type of all backflow prevention devices, pressure, and non-pressure water lines, valves, and sprinkler heads in those areas requiring a permanent, and/or temporary irrigation system.
- d. The watering system configuration shall indicate how water flow, including irrigation runoff, low head drainage, overspray or other similar conditions will not impact adjacent property, non-irrigated areas, structures, walkways, roadways or other paved areas, including trails and pathways by causing water to flow across, or onto these areas.
- e. Spot elevations of the hardscape, building and proposed fine grading of the installed landscape.
- f. The location and detail of all walls, fences, and walkways shall be shown on the plans, including height from grade and type of material. A lighting plan and light standard details shall be included in the plans (if applicable) and shall be in compliance with the [County's Light Pollution Code](#).
- g. No landscaping material or irrigation or other infrastructure shall be located within a proposed trail easement or designated pathway.
- h. Parking areas shall be landscaped and designed pursuant to the [Parking Design Manual](#) and the County Zoning Ordinance Section 6793.b
- i. Additionally, the following items shall be addressed as part of the Landscape Documentation Package: Landscaping shall be in substantial conformance to the conceptual landscape plan, 40/17/2022 07/31/2025
- j. BMP slope trees can be planted at a minimum 15 gallon, but all other trees shall be planted at a minimum 24-inch box container size to mitigate for visual impacts.

DOCUMENTATION: The applicant shall prepare the Landscape Plans using the [Landscape Documentation Package Checklist](#) (PDS Form #404), and pay all applicable review fees. **TIMING:** Prior to approval of any plan, issuance of any permit, approval of final grading release and prior to use of the premises in reliance of this permit, the Landscape Documentation Package shall be prepared and approved. **MONITORING:** The [PDS, LA] and [DPR, TC, PP] shall review the Landscape Documentation Package for compliance with this condition.

OCCUPANCY: (Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).

21. GEN#4 - INSPECTION FEE

INTENT: In order to comply with Zoning Ordinance Section 7362.e the inspection fee shall be paid. **DESCRIPTION OF REQUIREMENT:** Pay the inspection fee at the [PDS, ZC] to cover the cost of inspection(s) of the property to monitor ongoing conditions associated with this permit. In addition, submit a letter indicating who should be contacted to schedule the inspection. **DOCUMENTATION:** The applicant shall provide a receipt showing that the inspection fee has been paid along with updated contact information [PDS, PPD]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit. **MONITORING:** The [PDS, ZC] shall process an invoice and collect the fee. PDS will schedule an inspection within one year from the date that occupancy or use of the site was established.

22. PLN#2 - SITE PLAN IMPLEMENTATION

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved plot plan and the building plans. This includes, but is not limited to: all parking areas, trails, parks and driveways, installing all required design features, painting all structures with the approved colors, trash enclosures are properly screened, required and approved signage is installed and located properly, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for compliance with the approved Building Plans.

23. PLN#3 - SITE CONFORMANCE

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved landscape plan(s), building plans, and plot plan(s). This includes but is not limited to maintaining the following: all parking, trails, parks and driveways areas, watering all landscaping at all times, painting all necessary aesthetics design features, and all lighting wall/fencing and required signage. Failure to conform to the approved plot plan(s); is an unlawful use of the land and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of

San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

24. PLN#4 - ACCESSORY USES

INTENT: A Minor Deviation or Modification to a Site Plan is not required for any building, structure or projection listed in Section 4835 or any use listed in the Accessory Use Regulations, section 6150-6199 (or as otherwise referenced), provided the building, structure, or projection or use meets the specific accessory use setbacks in the Site Plan and meets all other conditions and restriction in the Site Plan. This condition is intended to comply with Zoning Ordinance Section 7175, ensuring the ability to allow for structures as detailed in this section without Minor Deviation or Modification. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved landscape plan(s), building plans, and plot plan(s); should any accessory uses be proposed that do not meet the requirements as detailed in the Zoning Ordinance sections listed above, the property owner shall be responsible for obtaining all necessary permits. **DOCUMENTATION:** None. The property owner and permittee shall conform to the Zoning Ordinance requirements for Accessory Uses as detailed above and within the County Zoning Ordinance. **TIMING:** Upon establishment of the modified use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

25. PLN#5 - PLOT PLAN IMPLEMENTATION

INTENT: In order to comply with the approved project design indicated on the approved plot plan, the project shall be constructed as indicated on the approved building and construction plans. **DESCRIPTION OF REQUIREMENT:** The site shall conform to the approved plot plan and the building plans. This includes, but is not limited to: improving all parking areas, trails, parks, and driveways; installing all required design features, painting all structures with the approved colors, trash enclosures are properly screened, required and approved signage is installed and located properly, and all temporary construction facilities have been removed from the site. **DOCUMENTATION:** The applicant shall ensure that the site conforms to the approved plot plan and building plans. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the site shall conform to the approved plans. **MONITORING:** The [PDS, BI] and [DPR TC, PP] shall inspect the site for compliance with the approved Building Plans.

26. LNDSKP#2–CERTIFICATION OF INSTALLATION

INTENT: In order to provide adequate Landscaping that addresses screening, and to comply with the [COSD Water Efficient Landscape Design Manual](#), the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Off-Street Parking Design Manual](#), the COSD Grading ordinance, the Alpine Design Guidelines, and the requirements of the S Designator, all landscaping shall be installed. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be installed

pursuant to the approved Landscape Documentation Package. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the *[PDS, LA, PCC] [DPR, TC, PP]*. **DOCUMENTATION:** The applicant shall submit to the *[PDS LA, PCC]*, a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The *[PDS, LA]* shall verify the landscape installation upon notification of occupancy or use of the property, and notify the *[PDS, PCC] [DPR, TC, PP]* of compliance with the approved Landscape Documentation Package.

27. LNDSCP#3–CERTIFICATION OF INSTALLATION

INTENT: In order to provide adequate Landscaping that addresses screening/aesthetics, and to comply with the [COSD Water Efficient Landscape Design Manual](#) and the [COSD Water Conservation in Landscaping Ordinance](#), the [COSD Parking Design Manual](#), the COSD Grading Ordinance, Harmony Grove Village Specific Plan, and the San Dieguito Community Plan, all landscaping shall be installed. **DESCRIPTION OF REQUIREMENT:** All of the landscaping shall be installed pursuant to the approved Landscape Documentation Package. This does not supersede any erosion control plantings that may be applied pursuant to [Section 87.417 and 87.418 of the County Grading Ordinance](#). These areas may be overlapping, but any requirements of a grading plan shall be complied with separately. The installation of the landscaping can be phased pursuant to construction of specific buildings or phases to the satisfaction of the *[PDS, LA, PCC] [DPR, TC, PP]*. **DOCUMENTATION:** The applicant shall submit to the *[PDS LA, PCC]*, a Landscape Certificate of Completion from the project California licensed Landscape Architect, Architect, or Civil Engineer, that all landscaping has been installed as shown on the approved Landscape Documentation Package. The applicant shall prepare the Landscape Certificate of Completion using the Landscape Certificate of Completion Checklist, PDS Form #406. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the landscaping shall be installed. **MONITORING:** The *[PDS, LA]* shall verify the landscape installation upon notification of occupancy or use of the property, and notify the *[PDS, PCC] [DPR, TC, PP]* of compliance with the approved Landscape Documentation Package.

28. STRMWTR#2–VERIFICATION OF STRUCTURAL BMPs

INTENT: In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801](#)

et. seq., verification of Structural BMPs shall be completed. **DESCRIPTION OF REQUIREMENT:** Complete a Structural BMP Verification Form as shown in Attachment 10 of the PDP SWQMP. **DOCUMENTATION:** The applicant shall process the Structural BMP Verification Forms with [DPW, PDCI] or [PDS, BLDG]. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; execution of the Structural BMP Verification Form shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the Structural BMP Verification Forms for consistency with the condition and County Standards.

29. **STRMWTR#3–PROVISION OF STORMWATER DOCUMENTATION TO PROPERTY OWNER**

INTENT: In order to promote orderly development and to comply with the County Watershed Protection Ordinance (WPO) No.10410, County Code Section 67.801 et. seq., stormwater documentation shall be provided to property owner. **DESCRIPTION OF REQUIREMENT:** Demonstrate that copies of the following documents are provided to the property owner and initial occupants:

- a. A copy of the project’s approved SWQMP (with attached Operation & Maintenance Plan).
- b. A copy of project’s recorded Maintenance Notification Agreement and/or Stormwater Facilities Maintenance Agreement and/or Private Road Maintenance Agreement showing the Structural BMPs pertaining to the property.
- c. Sample copies of the following:
 - i. A Letter for Privately Owned Stormwater Treatment Control Best Management Practices Operation and Maintenance Verification.
 - ii. One Operation and Maintenance Verification Form for each type of Private Treatment Control BMP.

DOCUMENTATION: The applicant shall submit a letter stating that the above documentation has been submitted to the property owner and initial occupants. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit; provision of stormwater documents shall be completed. **MONITORING:** The [PDS, LDR] and [DPW, WPP] shall review the letter provided by the applicant for consistency with the condition and County Standards.

30. **CULT#3 – EVIDENCE OF TRIBAL MONITORING COMPLETION**

INTENT: In order to ensure that tribal monitoring occurred during earth-disturbing activities, notification that tribal monitoring is completed shall be provided to [PDS, PPD]. **DESCRIPTION OF REQUIREMENT:** Notification that tribal monitoring occurred during the earth-disturbing activities shall include the following:

1. If no resources were identified, the applicant shall:
 - a. Provide notification in the form of an email or letter that shall be submitted to the [PDS, PPD] for review and approval that identifies that no resources were found, and the dates that the tribal monitor was on site. The notification shall include tribal daily logs, if available.
2. If resources were identified:
 - c. A final Monitoring and Data Recovery Report that documents the results, analysis, and conclusions of all phases of the Monitoring Program shall be prepared by the project archaeologist. The report shall include the following items:
 - (1) DPR Primary and Archaeological Site forms.
 - (2) Daily Monitoring Logs
 - b. Evidence that all Native American cultural materials in order of preference have been conveyed as follows:
 - (1) Evidence that all Native American materials collected during the monitoring program have been reburied.

or

Evidence that all Native American materials collected during the tribal monitoring program have been repatriated to a Native American group of appropriate tribal affinity. Evidence shall be in the form of a letter from the Native American tribe to whom the cultural resources have been repatriated identifying that the Native American materials have been received.

- (2) Evidence that all historic cultural materials have been conveyed as follows:

Historic materials shall be curated at a San Diego curation facility and shall not be curated at a Tribal curation facility or repatriated. The collections and associated records, including title, shall be transferred to the San Diego curation facility and shall be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility stating that the historic materials have been received and that all fees have been paid.

DOCUMENTATION:

a. If no resources were identified, the applicant shall provide notification in the form of an email or letter that shall be submitted to the [PDS, PPD] for review and approval.

Or

b. If resources were identified, the applicant's archaeologist shall prepare the final report and submit it to the [PDS, PPD] for approval. Once approved, a final copy of the report shall be submitted to the South Coastal Information Center (SCIC) and any culturally-affiliated Tribe who requests a copy.

TIMING: Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the final report shall be prepared. **MONITORING:** The [PDS, PPD] shall review the final report for compliance with this condition and the report format guidelines.

ONGOING: (The following conditions shall apply during the term of this permit).

31. PLN#6–SITE CONFORMANCE

INTENT: In order to comply with Zoning Ordinance Section 7703, the site shall substantially comply with the approved plot plans and all deviations thereof, specific conditions and approved building plans. **DESCRIPTION OF REQUIREMENT:** The project shall conform to the approved building plans, and plot plan(s). Failure to conform to the approved plot plan(s); is an unlawful use of the land, and will result in enforcement action pursuant to Zoning Ordinance Section 7703. **DOCUMENTATION:** The property owner and permittee shall conform to the approved plot plan. If the permittee or property owner chooses to change the site design in any way, they must obtain approval from the County for a Minor Deviation or a Modification pursuant to the County of San Diego Zoning Ordinance. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Compliance Division] is responsible for enforcement of this permit.

32. STRMWTR#4–SELF-VERIFICATION OPERATION AND MAINTENANCE LETTER

INTENT: In order to promote orderly development and to comply with the [County Watershed Protection Ordinance \(WPO\) No.10410, County Code Section 67.801 et. seq.](#), an operation and maintenance verification form for each Structural BMPs shall be completed. **DESCRIPTION OF REQUIREMENT:** Every year the property owner shall receive from the County a BMP Verification Form to be completed for each privately owned Structural BMP. **DOCUMENTATION:** Every year the property owner shall file with the County the completed Structural BMP Verification Form stating the maintenance performed during the reporting period for each privately owned Structural BMP with [DPW, WPP]. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit.

MONITORING: The [DPW, WPP] is responsible for compliance of this permit.

33. HIST#1–HISTORIC PRESERVATION EASEMENT

INTENT: In order to comply with the mitigation measures of the Harmony Grove Village Environmental Impact Report, preserve historic resources (Johnston-Ward House), and comply with the historic preservation easement of the property.

DESCRIPTION OF REQUIREMENT: The project shall conform to the requirements of the recorded Historic Preservation Easement tied to DOC#2012-0588646 or any subsequent recorded historic preservation easement. The Johnston-Ward House shall be maintained in perpetuity in accordance with the Secretary of the Interiors Standards for the Treatment of Historic Properties.

DOCUMENTATION: The property owner and permittee shall conform to the applicable requirements. **TIMING:** Upon establishment of the use, this condition shall apply for the duration of the term of this permit. **MONITORING:** The [PDS, Code Enforcement Division] is responsible for enforcement of this permit.

NOTICES (MUP-04-012):

NOTICE - The 90 day period in which the applicant may file a protest of the fees, dedications or exactions required in this approval begins on February 7, 2007.

NOTICE - This subject property is known to contain Coastal sage scrub plant community. Such plant community is habitat for the coastal California gnatcatcher. The Federal government recently listed the gnatcatcher as a threatened species under the Federal Endangered Species Act of 1973 (16 U.S.C. Section 1531 et seq.). THE LISTING MAY RESULT IN AN APPLICANT'S INABILITY TO PROCEED WITH HIS/HER PROJECT WITHOUT A PERMIT FROM THE FEDERAL GOVERNMENT IF THE SPECIES OR ITS HABITAT ARE PRESENT ON THE PROJECT SITE. It is advisable to contact the United States Fish and Wildlife Service to determine the applicability of the prohibitions under the Act to each applicant's property.

THE ISSUANCE OF THIS PERMIT BY THE COUNTY OF SAN DIEGO DOES NOT AUTHORIZE THE APPLICANT FOR SAID PERMIT TO VIOLATE ANY FEDERAL, STATE, OR COUNTY LAWS, ORDINANCES, REGULATIONS, OR POLICIES INCLUDING, BUT NOT LIMITED TO, THE FEDERAL ENDANGERED SPECIES ACT AND ANY AMENDMENTS THERETO.

NOTICE: Fish and Game Fees have been paid in the amount of \$875 for the review of the EIR, Receipt number 267820, date paid May 22, 2006.

ORDINANCE COMPLIANCE AND NOTICES (MUP-04-012W1): The project is subject to, but not limited to, the following County of San Diego, State of California, and U.S. Federal Government, Ordinances, Permits, and Requirements:

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to

enforcement under permits from the [San Diego Regional Water Quality Control Board \(SDRWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10410](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Quality Management Plan (SWQMP), all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep the Storm Water Pollution Prevention Plan (SWPPP) onsite and updated as needed. The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: The San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning in May 2013 and amended in November 2015. *Project design shall be in compliance with the new Municipal Permit regulations.*

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link:

http://www.sandiegocounty.gov/content/dam/sdc/dpw/WATERSHED_PROTECTION_PROGRAM/susmppdf/lid_handbook_2014sm.pdf

STORMWATER COMPLIANCE NOTICE: Updated studies, including Hydro-modification Management Plans for Priority Development Projects, will be required prior to approval of grading and improvement plans for construction pursuant to County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance No. 10410 (N.S.), dated February 26, 2016 and BMP Design Manual. These requirements are subject to the MS4 Permit issued by the Regional Water Quality Control Board, Order No. R9-2013-0001 and any subsequent order. Additional studies and other action may be needed to comply with future MS4 Permits.

DRAINAGE: The project shall be in compliance with the County of San Diego [Flood Damage Prevention Ordinance](#) No. 10631, adopted November 29, 2019.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities of excavation or fill results in the movement of material exceeding 200 cubic yards or eight feet (8') in vertical height of cut/fill pursuant to [Section 87.201 of the County Code](#).

CONSTRUCTION PERMIT REQUIRED: A Construction Permit and/or Encroachment Permit for any and all work within the County road rights-of-way. Contact DPW/PDS

Construction/Road right-of-way Permits Services Section, (858) 694-3275, to coordinate departmental requirements. In addition, before trimming, removing or planting trees or shrubs in the County road rights-of-way, the applicant must first obtain a permit to remove plant or trim shrubs or trees from the PDS Permit Services Section.

ENCROACHMENT PERMIT REQUIRED: An Encroachment Permit is required for any and all proposed/existing facilities within the County road rights-of-way. At the time of construction of future road improvements, the proposed facilities shall be relocated at no cost to the County, to the satisfaction of the Director of Public Works.

EXCAVATION PERMIT REQUIRED: An excavation permit is required for undergrounding and/or relocation of utilities within the County road rights-of-way.

TRANSPORTATION IMPACT FEE: The project is subject to County of San Diego Transportation Impact Fee (TIF) pursuant to [County TIF Ordinance number 77.201 – 77.223](#). The Transportation Impact Fee (TIF) shall be paid. The fee is required for the entire project, or it can be paid at building permit issuance for each phase of the project. The fee is calculated pursuant to the ordinance at the time of building permit issuance. The applicant shall pay the TIF at the *[PDS, Land Development Counter]* and provide a copy of the receipt to the *[PDS, Building Division Technician]* at time of permit issuance.

Department of Public Works policy prohibits trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three (3) years following project surface application. Therefore, you will need to notify all adjacent property owners who may be affected by this policy and are considering development of applicable properties. The owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.

Address all correspondence regarding this matter to PDS Land Development Teams, 5510 Overland Avenue, Suite 310 (MS O650), San Diego, California 92123.

Any personal inquiries or submittals should be made at the Land Development Counter, 5510 Overland Avenue, Suite 110 (MS O650), San Diego, California 92123.

EXPLANATION OF COUNTY DEPARTMENT AND DIVISION ACRONYMS			
Planning & Development Services (PDS)			
Project Planning Division	PPD	Land Development Project Review Teams	LDR
Permit Compliance Coordinator	PCC	Project Manager	PM
Building Plan Process Review	BPPR	Plan Checker	PC

ATTACHMENT E

Building Division	BD	Map Checker	MC
Building Inspector	BI	Landscape Architect	LA
Zoning Counter	ZO		
Department of Public Works (DPW)			
Private Development Construction Inspection	PDCI	Environmental Services Unit Division	ESU
Department of Environmental Health (DEH)			
Land and Water Quality Division	LWQ	Local Enforcement Agency	LEA
Vector Control	VCT	Hazmat Division	HMD
Department of Parks and Recreation (DPR)			
Trails Coordinator	TC	Group Program Manager	GPM
Parks Planner	PP		
Department of General Service (DGS)			
Real Property Division	RP		

ON Motion of Supervisor _____, seconded by Supervisor _____, this Major Use Permit Modification Resolution is passed and approved by the Board of Supervisors of the County of San Diego, State of California, at a regular meeting held on this April 22, 2026 in Board of Supervisors North Chamber Room 310, 1600 Pacific Highway, San Diego, California, by the following vote:

AYES:

NOES:

ABSENT: