



# COUNTY OF SAN DIEGO

## LAND USE AGENDA ITEM

### BOARD OF SUPERVISORS

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**DATE:** September 10, 2025

**03**

**TO:** Board of Supervisors

### SUBJECT

**COUNTY OF SAN DIEGO TRACT NO. 4736-1 (FINAL MAP NO. 13856): APPROVAL OF FIFTH AMENDMENT TO THE UNRECORDED JOINT AGREEMENT TO IMPROVE MAJOR SUBDIVISION (EXTENSION OF TIME TO COMPLETE SUBDIVISION IMPROVEMENTS) FOR BONSALL OAKS (FORMERLY POLO CLUB ESTATES) LOCATED IN THE BONSALL COMMUNITY PLAN AREA (DISTRICT: 5)**

### OVERVIEW

The Polo Club Estates/Bonsall Oaks Tentative Map project (Project) is a subdivision consisting of 165 residential lots and two open space lots on a total of 449.54 acres. The site is located within the Bonsall Community Plan Area, on the north side of Gopher Canyon Road and Vista Valley Road, west of Interstate 15 within the unincorporated county (Attachment A).

The San Diego County Code of Regulatory Ordinances establishes the requirements for time extensions for private developers to complete required improvements on their private development projects, including new or improved roads, water, and sewer facilities. As conditions of their permits, private development applicants are often required to construct specific improvements that benefit the public, such as roads and stormwater drainage systems. In many cases, these improvements are accepted by the County into the County-maintained system to be owned, operated, and maintained by the Department of Public Works (DPW). Subdivision Improvement Agreements include the specific improvements that need to occur, when they need to be completed, and financial security requirements. The financial security requirements protect the County by ensuring any required improvements are constructed.

In the event of a default by the applicant, financial security can be used by the County to complete the required improvements. However, under certain circumstances, the County can grant time extensions to allow an applicant additional time to complete the improvements, while simultaneously preserving the County's rights to have the public improvements constructed by the applicant.

On November 3, 1993 (1), the Board of Supervisors (Board) approved the Project, and on September 22, 1999 (10), the Board approved a Final Map and a Joint Agreement to Improve Major Subdivision (Joint Agreement for Improvements) for the Project. The Joint Agreement for Improvements was secured by bonds that guaranteed the construction of the streets, sewer

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facilities, water facilities, and drainage facilities in favor of the Rainbow Municipal Water District (District) and the County of San Diego (County). The Joint Agreement for Improvements expired on September 22, 2001.

The Project has received a total of three extensions since the Final Map was recorded in 1999. The first request to extend the agreement was submitted to the County in 2012. On August 8, 2012 (10), the Board approved the first Amendment to the Joint Agreement for Improvements, extending the time for completion of the improvements to August 8, 2014. On October 22, 2014 (13), the Board approved another time extension to October 22, 2016, and the former owners substituted the bonds with a lien contract with the County to secure the completion of the improvements. After the second time extension was granted by the Board, the previous owners decided to sell County Tract No. 4736-1 (Final Map No.13856), and the new, current owner has agreed to assume responsibility of all obligations. On January 15, 2020 (5), the Board approved an assumption agreement and time extension for the current owner, extending the time to complete improvements to October 21, 2021. The last Board action was on September 16, 2020 (6), when the Board approved the Third Amendment to the Joint Improvement Agreement, which extended the completion date for the improvements to August 5, 2022, as well as a partial release of the lien contract for Lots 2-17, because it was replaced with bonds. On June 28, 2022, the Director of Planning & Development Services approved the Fourth Amendment to the Joint Improvement Agreement to release a portion of the project from the lien contract, which was replaced with bonds as allowed under the County's Subdivision Ordinance. Finally, on November 16, 2022(4), the Board approved another two-year time extension of the Improvement Agreement to complete the subdivision. As of today, the agreement has expired, and no time extension was submitted prior to the expiration date. As a result, the project is currently in breach of the agreement and requires an extension.

The subdivision owner has requested an extension for an additional two years to construct the public improvements. There is no limitation on the number of extensions that can be approved by the Board. To date, the applicant is phasing the improvements and has begun construction on other phases of the project. In Phase 1 of the project, 60 residential lots were included in the major grading plan issued on December 5, 2022. An associated improvement plan for roadway construction was also approved for this phase. The winery lot was developed under a separate grading plan. However, construction has not yet commenced on the phases covered under the lien contract, which would be the final phase. Once this extension is approved, the owner intends to move forward with the required improvements for the next phase, with construction anticipated to begin before the end of 2025.

Today's request is for the Board to review and approve the Fifth Amendment to the Joint Agreement and time extension to Improve Major Subdivision for San Diego Tract No. 4736-1.

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**RECOMMENDATION(S)**

**CHIEF ADMINISTRATIVE OFFICER**

1. Find that the Fifth Amendment to the Joint Agreement to Improve Subdivision and associated actions for County Tract No. 4736-1 is not a project subject to review under the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(3) and 15378(b)(5) of the CEQA Guidelines because administrative activities of governments will not result in a direct or indirect physical change in the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
2. Approve and authorize the Clerk of the Board of Supervisors (Clerk) to execute the Fifth Amendment to the Joint Agreement to improve major subdivision. This agreement extends the time to construct the improvements to two (2) years from the date of execution of this Fifth Amendment.
3. Authorize the Clerk of the Board of Supervisors to forward the Fifth Amendment to Joint Agreement for Tract No. 4736-1, to the County Recorder for recordation.

**EQUITY IMPACT STATEMENT**

Planning & Development Services (PDS) ensures that public improvements are constructed as part of new housing developments, such as roads and stormwater drainage systems. PDS ensures the completion of the public improvements through agreements and financial security, which ensures communities are safe. This extension to the improvement agreement will allow the applicant additional time to complete the required public improvements, which will help provide housing for unincorporated communities.

**SUSTAINABILITY IMPACT STATEMENT**

Planning & Development Services (PDS) is committed to promoting sustainable community growth by ensuring that essential public infrastructure, such as roads and stormwater drainage systems, are constructed in new housing developments. These improvements are vital for creating safe, resilient, and environmentally responsible communities. This extension to the improvement agreement provides additional time for the applicant to complete these essential required improvements for the projects. This ensures that housing developments in the unincorporated communities meet both current and future sustainability standards.

**FISCAL IMPACT**

There is no fiscal impact associated with the approval of the requested time extension as presented today. If the developer wishes to move forward with the project, they will incur all costs. There will be no change in net General Fund costs and no additional staff years.

**BUSINESS IMPACT STATEMENT**

N/A

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### **ADVISORY BOARD STATEMENT**

Staff reached out to both the Bonsall Community Planning Group and Design Review Board regarding the extension request. No comments were received from the group.

Staff updated several stakeholder groups as part of regular project updates. No concerns were raised.

### **BACKGROUND**

On November 3, 1993 (1), the Board of Supervisors (Board) approved Tentative Map (TM) No. 4736RPL4 and Major Use Permit (MUP) P92-019 (Project), and on September 22, 1999 (10) approved the Final Map (Map No. 13856) and Secured Joint Agreement for Improvements for the public and private improvements related to the Project known as the Polo Club. The Project is a subdivision consisting of 165 residential lots and two open space lots, on a total of 449.54 acres. The site is located within the Bonsall Community Plan Area, on the north side of Gopher Canyon Road and Vista Valley Road, west of Interstate 15, within the unincorporated county. The Board also approved a Joint Agreement to Improve Major Subdivision (Joint Agreement for Improvements) secured by surety bonds, which guaranteed the construction of the streets, sewer system, water facilities, and drainage facilities. The Rainbow Municipal Water District (District) is also a party to the agreement because the Project includes water infrastructure improvements, including sewer and water mains, and fire hydrants. The agreement expired on September 22, 2001, and the improvements had not been constructed.

On August 8, 2012 (10), the Board approved the First Amendment to Joint Agreement to Improve Subdivision (Extension of Time and Substitution of Security) for public and private improvements for the Project.

On October 22, 2014 (13), the Board approved a Joint Lien Contract securing the obligations under the Joint Agreement to Improve Subdivision and approved a two-year time extension for the Project that extended the performance completion date to October 22, 2016. After approval of the second extension was granted, the owner sold the property. The new and current owner agreed to assume responsibility of all obligations. However, the agreement went into breach at the end of 2016 and required another extension.

On January 15, 2020 (5) the Board approved the “Second Amendment to and Assignment and Assumption of Joint Agreement to Improve Major Subdivision, County of San Diego (County) Tract No. 4736-1 (Final Map 13856)” (“Second Amendment”), entered into by the County, District, former Owner, and the First American Trust, FSB (Holder). This extended the performance completion date for the improvements by a total of twenty-two months.

**SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 4736-1 (FINAL MAP NO. 13856): APPROVAL OF FIFTH AMENDMENT TO THE UNRECORDED JOINT AGREEMENT TO IMPROVE MAJOR SUBDIVISION (EXTENSION OF TIME TO COMPLETE SUBDIVISION IMPROVEMENTS) FOR BONSALL OAKS (FORMERLY POLO CLUB ESTATES) LOCATED IN THE BONSALL COMMUNITY PLAN AREA (DISTRICT: 5)**

On September 16, 2020 (6), the Board approved a third amendment to the improvement agreement, thereby extending the performance completion date for the improvements to August 5, 2022.

On January 27, 2021, the Director of Planning & Development Services (PDS) approved the owner's request to modify the Final Map (Final Map 13856), thereby amending certain conditions of approval due to the deletion and realignment of streets and reconfiguration of lot lines from the final map to comply with the County's Conservation Subdivision Program by clustering the development, which provides greater sensitivity to environmental habitat, and adherence to community character.

Finally, on June 28, 2022, the Director of PDS approved a fourth amendment to the improvement agreement to allow the developer to proceed with partial construction of the improvements and provide replacement security, as well as pay the deposits and fees sufficient to cover the actual cost of construction of the improvements to Lots 19-23. Since that approval, there have been three subsequent actions which approved the extension of the performance completion date and updates to the property ownership.

On November 16, 2022 (4), the Board extended to November 16, 2024, the performance completion date for improvements. As of today, the agreement has expired, and no time extension was submitted prior to the expiration date. As a result, the project is currently in breach of the agreement and requires an extension.

Lastly, on December 13, 2022, PDS approved an assumption agreement, whereby the new current owner fully assumed all rights and obligations relating to the improvement agreements.

The project has received multiple extensions to complete the project. This is due to a combination of various factors including regulatory requirements, applicant-initiated design changes, and the decision to phase construction. The applicant pursued significant project revisions in 2005 and 2006, leading to a reduced development footprint. Additional regulatory changes including revised drainage plans requested by Regional Water Quality Control Board (RWQCB) in 2010 and updated road improvement requirements in 2015 necessitated redesigns and formal map modifications.

In response to rising construction costs, the applicant chose to move forward in phases rather than build the entire project at once. This phased approach began with the construction of phase one in 2020. Phase 2 is currently in review and will be the final phase. The current time extension request is for the portion of the project that remains under the lien contract, pending future development.

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When a developer enters into an agreement to construct required improvements for a major subdivision, the developer must deposit improvement security with the Clerk of the Board, such as a bond, to ensure they have the financial resources to construct all the improvements within the two-year agreement. If requested by a developer, the County may instead allow a lien on the property as security.

The entire subdivision is currently secured by a lien contract for public and private improvements, and the owner has requested that a portion of the Final Map be secured by a lien contract and that certain lots be secured with bonds. A lien contract prevents permits from being approved for the Project. Allowing the lien contract to be replaced by bonds for a portion of the Project will allow the owner to pull permits and begin construction for those lots not bound by the lien contract.

To date, the applicant is phasing the improvements and has begun construction on other phases of the project. In phase one of the project, 60 residential lots were included in the major grading plan that was issued on December 5, 2022. Currently, the construction of phase 1 is near completion and fully built out. The winery lot was developed under a different grading plan. However, construction has not yet commenced on this last phase, which is covered under the lien contract. The last phase would create the remaining 104 residential units.

**ENVIRONMENTAL STATEMENT**

Sections 15060(c)(3) and 15378(b)(5) of the CEQA Guidelines because administrative activities of governments will not result in a direct or indirect physical change in the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. CEQA review was completed in connection with the approval of each of the Tentative Maps, which were conditioned on completion of improvements identified in the improvement agreements. The proposed action does not change any improvement obligations imposed at the time of Tentative Map approval. Therefore, the proposed action is not subject to CEQA review pursuant to Sections 15060(c)(3) and 15378(b)(5) of the CEQA Guidelines.

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**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

Today's proposed actions support all the Initiatives in the County of San Diego's 2025-2030 Strategic Plan. The project includes an amendment to an agreement to improve a major subdivision, ultimately creating new housing opportunities, once the project is fully built out. This will help meet the needs of a diverse community (Equity Initiative), provides a program that helps increase the well-being of our residents by improving housing opportunities (Community Initiative), and incorporates equity and environmental justice to reduce disproportionate housing access (Justice Initiative).

Respectfully submitted,



DAHVIA LYNCH

Deputy Chief Administrative Officer

**ATTACHMENT(S)**

Attachment A Vicinity Map

Attachment B Fifth Amendment to Unrecorded Joint Agreement to Improve Major  
Subdivision