

**COUNTY OF SAN DIEGO  
BOARD OF SUPERVISORS - LAND USE  
WEDNESDAY, DECEMBER 06, 2023**

**MINUTE ORDER NO. 5**

**SUBJECT: EXTENSION OF PERFORMANCE COMPLETION DATES ON VARIOUS SECURED IMPROVEMENT AGREEMENTS TO COMPLETE SUBDIVISION IMPROVEMENTS AND RELATED CEQA EXEMPTION (DISTRICTS: 2, 3 & 5)**

**OVERVIEW**

Within the existing legal boundaries of their property, private property owners may use the County of San Diego's (County) land development process to further subdivide their land, creating new internal legal lots and boundaries, which are recorded on subdivision maps. Subdivision developers, as conditions of their permits, are often required to construct specific improvements that benefit the public, such as roads and storm drainage systems. In many cases, these improvements are accepted by the County to be owned, operated, and maintained by the Department of Public Works (DPW) in perpetuity. Subdivision improvement agreements and the requirement for developers to provide security (i.e., a bond or other financial instrument) are executed at the time of final map approval in order to ensure that any required improvements are constructed for approved subdivisions with a recorded map.

The security amount is 100% of the total estimate of the improvements, conditioned on the developer's completion of the improvements listed in the agreement, and an additional amount of 50% securing payment for labor and materials in the event the developer does not complete the improvements as required. If a developer defaults without completing the improvements included in the subdivision improvement agreement, this security can be used to finance the completion of the required improvements.

The San Diego County Code of Regulatory Ordinances allows for and establishes the requirements for time extensions for the completion of these required improvements on private development subdivisions in order to grant the developer additional time to complete construction, while simultaneously preserving the County's rights to have the public improvements constructed by the developer. It is not uncommon for development projects to take an extended time to complete. Construction schedules can be affected by the economy, the developer's circumstances, permitting, site conditions, and other related factors. DPW staff monitors the status of subdivision improvement agreements and the associated work. If developers need additional time and wish to extend the agreement, they can submit an extension request and provide a current cost estimate of the remaining work. DPW staff reviews the estimate to confirm the total security is adequate based on construction progress and estimated costs for remaining work based on current pricing. If the original security is insufficient, staff will confirm the increased total amount matches the current cost estimate. If staff determine a time extension is warranted, staff will then bring the request forward for Board of Supervisors (Board) consideration.

This is a request for the Board to approve two-year extensions of performance completion dates for the following subdivisions in Districts 2, 3, and 5:

1. Tract No. 5365-1 (Map No. 15888), Harmony Grove Village Unit 1, located in the Escondido area. This project has 71 single-family residential lots, one non-residential lot, one fire station lot, one wastewater treatment/water reclamation lot, seven property owners' association (POA) lots, 18

private road lots, and two open space lots. The overall acreage is of the site is 84.4 acres. This extension is specifically for project condition 3.b to provide an additional northbound through-lane and a dedicated northbound right-turn lane at the Via Rancho Parkway and Del Dios Highway intersection per offsite public improvement plan CG 4777. All other conditions of the project have been met.

2. Tract No. 5110-1 (Map No. 14997), Belmont Estates, located in the Valley Center area. This project has 14 single-family residential lots and the overall area is 34.83 acres.
3. Tract No. 5537-1 (Map No. 16320), F Street Subdivision, located in the Ramona area. This project has 10 single-family residential lots and the overall area is 2.06 acres.

Staff has determined these two-year extensions to complete improvements are warranted due to the developers' requests, the County's continued interest in receiving the improvements, and the absence of negative impacts associated with later delivery. In the case of Harmony Grove Unit 1 (TM 5365-1), the developer encountered difficulties in designing the offsite intersection improvements and is currently working through design changes to complete the improvements. All units for Harmony Grove Unit 1 have been completed along with the onsite infrastructure to support this development. The extension would be solely for the offsite improvements required by project condition 3.b as described above. No units for Belmont Estates or F Street Subdivision have been completed to date. The developer of Belmont Estates has chosen not to begin construction due to economic reasons. For F Street Subdivision, the improvement permit was not issued until February of 2022 delaying the start of construction. The developer is currently working on site preparation in order to begin construction of the required improvements. For these reasons, staff believes there are no adverse consequences to granting the developers additional time to complete the improvements. Staff has also determined that there is adequate security for all improvements to guarantee completion of the remaining work for the agreement, should that become necessary to leverage in the future to ensure improvements are constructed.

Today's request is for the Board to approve the extension of the performance completion dates in subdivision agreements for developments referenced by Tract No. 5365-1, Tract No. 5110-1 and Tract No. 5537-1 to December 6, 2025.

**RECOMMENDATION(S)**  
**CHIEF ADMINISTRATIVE OFFICER**

1. Find in accordance with Section 15060(c)(3) of the California Environmental Quality Act (CEQA) Guidelines that extension of the performance completion dates in subdivision agreements to complete subdivision improvements is not a "project" as defined in Section 15378 of the state CEQA Guidelines.
2. Extend to December 6, 2025, the performance completion dates in subdivision agreements for developments referenced by Tract No. 5365-1, Tract No. 5110-1 and Tract No. 5537-1.

**EQUITY IMPACT STATEMENT**

It is anticipated that the extension will allow time for infrastructure to be completed by the developer for the benefit of the unincorporated communities where the projects are located. This infrastructure includes roads and drainage systems that will support housing development.

**SUSTAINABILITY IMPACT STATEMENT**

The extension will allow time for stormwater infrastructure to be completed by the developer which have environmental and sustainability benefits. Storm drain inlet filter inserts for Harmony Grove Unit 1 (5365-1); a bioretention basin, permeable interlocking pavers, and vegetated swales for Belmont Estates (5110-1); and tree wells for F Street Subdivision (5537-1) will be installed to address stormwater quality.

**FISCAL IMPACT**

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

**BUSINESS IMPACT STATEMENT**

N/A

**ACTION:**

ON MOTION of Supervisor Anderson, seconded by Supervisor Montgomery Steppe, the Board of Supervisors took action as recommended, on Consent.

AYES: Vargas, Anderson, Montgomery Steppe, Desmond

NOT PRESENT: Lawson-Remer

State of California)  
County of San Diego)

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

ANDREW POTTER  
Clerk of the Board of Supervisors



**Signed**  
by Andrew Potter