

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

MINUTE ORDER NO. 3

**SUBJECT: COUNTY OF SAN DIEGO TRACT NO. 5610-1 (FINAL MAP NO. 16348):
APPROVAL OF FIRST AMENDMENT TO AGREEMENT TO IMPROVE
MAJOR SUBDIVISION (INCREASE AMOUNT OF SECURITY AND
EXTENSION OF TIME) FOR CREEKSIDE AT VILLAGE WALK LOCATED IN
THE RAMONA COMMUNITY PLAN AREA (DISTRICT: 2)**

OVERVIEW

The San Diego County Code of Regulatory Ordinances establishes the requirements for time extensions for completion of required improvements on private development projects. As conditions of their permits, 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 of San Diego (County) into the County-maintained system to be owned, operated, and maintained by the Department of Public Works (DPW). Subdivision Improvement Agreements and their financial security protect the County by ensuring any required improvements are constructed. In the event of a default by the applicant, the 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.

The Creekside at Village Walk project (TM 5610), is a subdivision consisting of a 40-unit market rate residential detached condominium project. The site is 5.5 acres and is located north of the Pala Street/Robertson Street intersection in the Ramona Community Plan Area within unincorporated San Diego County. On July 14, 2017, the San Diego County Planning Commission approved the Subdivision Map and Improvement Agreement, which includes improvements to streets, drainage, water, and sewer facilities. The Director of Planning & Development Services approved an extension to the Improvement Agreement on June 4, 2019. The subdivision owner has requested an additional two-year extension to construct the public improvements due to rising construction costs and current interest rates. To date, no improvements or construction has begun.

This is a request for the Board of Supervisors (Board) to approve the First Amendment to Agreement to Improve Major Subdivision (First Amendment to Agreement) which includes an increase in the amount of security from \$361,900 to \$431,800 for the Faithful Performance Bond and an increase of \$180,900 to \$215,900 for the Labor & Material Bond. The request also includes a two-year extension of performance completion date of the improvements for County Tract No. 5610-1 (Final Map No. 16348), known as Creekside at Village Walk. The County Code allows the Director of PDS to grant the first extension for up to two additional years. All subsequent extensions require Board approval. If the Board chooses not to grant the extension as recommended, it may have other options available, including (but not limited to): Approving the recommended extension upon substitution of security; denying the recommended extension and using the existing security to fund the completion of the improvements; denying the recommended extension and seeking a remedy against the developer or surety.

RECOMMENDATION(S)

CHIEF ADMINISTRATIVE OFFICER

1. Find that the approval of the First Amendment to Agreement (Attachment A) and associated actions for County Tract No. 5610-1 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.
2. Approve and authorize the Clerk of the Board of Supervisors to execute the First Amendment to the Agreement. This agreement extends the time to construct improvements to two (2) years after the execution of this First Amendment to Agreement.

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

The requested Improvement Agreement extension to construct public road, water, and sewer improvements associated with the construction of 40 detached condominiums will contribute housing to the unincorporated area while protecting natural spaces and water quality. The project will treat and address stormwater runoff in accordance with State requirements.

FISCAL IMPACT

There is no fiscal impact associated with the approval of the requested time extension as presented today. Any costs incurred to continue this project, at such time the owner wishes to move forward, will be paid for by the applicant (or owner/developer). There will be no change in net General Fund costs 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