

**COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

Subject

Minor Modifications and Time Extensions on Subdivision Agreements

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Purpose

To establish a more efficient method of processing minor modifications of subdivision improvement agreements and required security.

Background

State law and the County Subdivision Ordinance authorize the use of subdivision improvement agreements to allow for the construction of improvements after a final map or parcel map is approved. From time to time, minor modifications of the agreements and required security are necessary to, among other things, reflect changes in the ownership of subdivisions, increases of security and extensions of performance completion dates. This policy delegates authority to the Director, Department of Public Works, to approve minor modifications to subdivision improvement agreements and security required for the agreements.

Policy

It is the policy of the Board of Supervisors that:

The Board of Supervisors hereby authorizes and delegates to the Director, Department of Public Works (Director), the authority to approve all minor modifications to subdivision improvement agreements and security required for the agreements as follows:

1) Time Extensions: Except where a substitution of security has previously been approved, the Director may grant an initial extension of up to two years of the performance completion date set forth in a subdivision improvement agreement and of the time to substitute alternative security in place of a lien contract. All subsequent extensions of time or initial extensions made after a substitution of security must be approved by the Board. Notwithstanding the foregoing, the Director may in conjunction with the granting of an initial time extension require the adjustment of existing security.

2) Change of Ownership. Where ownership of a subdivision subject to an improvement agreement has changed, the Director may amend the improvement agreement and modify or authorize the acceptance of replacement security to reflect the new ownership. The Director may in conjunction with the modification of existing security to reflect a change of ownership require adjustment of the security.

3) Adjustment of Security. The Director may from time to time allow for the adjustment of existing security to allow for changes in security necessary to ensure performance security is maintained in an amount equal to 100% of the total estimated

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cost of improvements and payment security is maintained in an amount equal to 50% of the required performance security.

4) Plan Changes. The Director may allow minor changes to improvement plans attached to improvement agreements where such changes are needed to ensure the constructability of improvements in a manner consistent with the conditions of approval which the improvement plans were designed to satisfy.

In those instances where security is modified by the Director, the Director will transmit the necessary documents directly to the Clerk of the Board (Clerk) to effectuate the change. The Clerk is delegated the authority and directed to release security, accept modifications or riders to existing security, accept substitute security, and to take such other action as is reasonably necessary to implement the Director's authority to make minor modifications to subdivision improvement agreements and required security.

Sunset Date

This policy will be reviewed for continuance by 12-31-18.

Board Action

11-17-69 (64)
3-10-70 (23)
12-11-84 (9)
8-8-89 (33)
12-15-93 (5)
5-15-96 (11)
08-07-02 (5)
10-12-11 (12)
09/25/2012 (11)

CAO Reference

1. Department of Public Works
2. Department of Planning and Development Services
3. County Counsel