

R. 75-543

RESOLUTION No. 211762

Adopted on OCT 10 1974

BE IT RESOLVED, by the Council of The City of San Diego as follows:

That Council Policy 600-21, entitled "Subdivision Agreements," be, and it is hereby established as set forth in the form of Council Policy filed in the office of the City Clerk as Document No. '748931.

BE IT FURTHER RESOLVED, that the City Clerk be, and he is hereby instructed to add the aforesaid to the Council Policy Manual.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

FCC:mmb
8-28-74

City of San Diego, California

COUNCIL POLICY

| Subject | Policy Number | Effective Date | Page |
|------------------------|---------------|----------------|--------|
| SUBDIVISION AGREEMENTS | | | 1 of 3 |

BACKGROUND

The Council annually approves between 100 and 150 subdivision maps and related improvement agreements which are intended to assure that the improvements necessary to develop and serve the subdivided property are provided, such as streets, water and sewer facilities, and other improvements, such as on-site grading and private streets and utilities.

The subdivision agreements normally contain a two-year time limit for completion of the required facilities. The majority of subdivisions, both in total number and in value of improvements, are completed within this time limit. There are, however, a number of such agreements which for various reasons are not concluded within the normal time period.

The appropriate course of action is primarily dependent upon the public benefit involved in the proposed improvements. Should the improvements serve either property purchasers within the subdivision or property beyond the subdivision itself, installation of all improvements may be mandatory. However, should the improvements serve only the subdivided property and none of the property has been sold, a delay in the installation of the improvements may be appropriate.

PURPOSE

To establish a uniform policy and criteria for the appropriate actions on subdivision agreements, which may be by any of the following, dependent upon conditions, and Council approvals: (1) Time extension, (2) Agreement amendment, (3) Legal default, (4) Subdivision map revocation, or (5) Rezoning of property.

POLICY

Time Extensions

A. The City Council may approve by resolution a time extension of one year for subdivision agreements when all of the following conditions are found to exist:

1. Improvements have not been completed but are not necessary to serve adjacent development or the general public, and
2. Are not necessary to serve development within the subdivision if property in the subdivision has been sold; the purchasers of the property must indicate in writing their concurrence in the time extension for completion of the improvements.

B. No more than a single one-year time extension may be approved. If the further deferment of public improvements is desired and the above findings can be made, a new agreement will be processed and a new surety provided. The new surety shall be based on a re-estimate of the value of the improvement work remaining, reflecting the most current unit prices.

DOCUMENT NO. 748931
FILED OCT 17 1974
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

City of San Diego, California
COUNCIL POLICY

| Subject | Policy Number | Effective Date | Page |
|------------------------|---------------|----------------|--------|
| SUBDIVISION AGREEMENTS | | | 2 of 3 |

POLICY

Amended Agreements

A. The City Council may by resolution approve amendments to the subdivision agreement with new surety when any of the following conditions exist:

1. When the subdivider wishes to transfer or assign the agreement to a new owner, or
2. When the subdivider wishes to change the type of surety provided.
(Example: Change from cash bond or instrument of credit to surety bond)

B. Such amended or new subdivision agreements, however, shall not provide a time extension unless the findings set forth under the above "Time Extensions" can be made.

Legal Default Actions

The City Council may direct the City Attorney to institute default proceedings against subdivision agreements when it is determined that:

1. The subdivider has failed to complete the improvements in accordance with the agreement, and
2. The conditions for a time extension or new agreement cannot be met, or is not desirable, and
3. It is determined that the public improvements are necessary to protect the public interest, safety, and general welfare of the community.

NOTE: Default action, if successfully prosecuted in Superior Court, can at best provide all or a portion of the original agreement improvements. Where the public interest is involved, such default action, if successful, may only produce unwanted improvements.

Revocation of Subdivision Map

A. As an alternative to the default action on the subdivision agreement, Council may revoke the subdivision map in accordance with the provisions of Section 11640 of the State Subdivision Map Act, if:

1. None of the lots within the subdivision have been sold within five years from the date of recordation of the map; or
2. None of the improvements required have been made within two years from the date of recordation.

B. The revocation of the map shall be considered concurrent with any associated rezoning of the property to an appropriate zone.

City of San Diego, California
COUNCIL POLICY

| Subject | Policy Number | Effective Date | Page |
|------------------------|---------------|----------------|--------|
| SUBDIVISION AGREEMENTS | | | 3 of 3 |

POLICY

Rezoning of Property

- A. The Council may direct the Planning Commission to consider rezoning the property to an appropriate zone and at the same time, Council may terminate the subdivision agreement when any of the following facts exist:
1. Subdivider has failed to complete the improvements in accordance with the agreement; or
 2. It is determined that a new agreement is appropriate or necessary, but the subdivider is unwilling to enter into said agreement; or
 3. Revocation is not desirable or conditions for revocation cannot be met; or
 4. It is determined that none of the public improvements covered in the agreement are necessary to protect the public interest, safety and general welfare of the community.
- B. Such rezoning shall be subjected to the normal requirements as to Planning Commission and Council hearings.

OCT 10 1974

Passed and adopted by the Council of The City of San Diego on _____,
by the following vote:

| Councilmen | Yeas | Nays | Excused | Absent |
|---------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| Gil Johnson | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Maureen F. O'Connor | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lee Hubbard | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Leon L. Williams | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Floyd L. Morrow | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bob Martinet | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Jim Ellis | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Jim Bates | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Pete Wilson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Patricia Polen*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **211762** Adopted **OCT 10 1974**