

# R E P O R T

**MEETING DATE:** August 2, 2004  
**TO:** Planning Commission  
**FROM:** Development Services  
**SUBJECT:** TSM 408 (04TE)/SEIR 90-16; San Marcos Highlands

## **A. SUMMARY:**

Request: A Tentative Subdivision Map extension for two years as allowed per the State Subdivision Map Act (SEIR) for 230 residential lots. Refer to attachment "A", project site plan.

Location: In the northwest portion of San Marcos, both within the City of San Marcos and its adopted sphere of influence, more particularly located north of the Santa Fe Hills planned community (previously known as Paloma), along an extension of Las Posas Road.

Applicant: KB Homes (aka San Marcos Highlands)

### **Background:**

- The previously approved Tentative Subdivision Map will soon expire that was approved by the City Council July 9, 2002 along with Specific Plan 89-16(01M) and a Supplemental Environmental Impact Report (SEIR 90-16). A Tentative Subdivision Map extension will serve to implement the approved Specific Plan for 230 residential lots.

- The applicant is currently processing regulatory permits required by the resource protection agencies (i.e., the United States Fish & Wildlife Service and California Department of Fish & Game). Due to the slow pace of wildlife agency negotiations, the applicant has requested a map extension.

- There has also been a request for annexation to the San Diego Local Agency Formation Commission (LAFCO).

### **Analysis:**

Tentative Map Extension Consideration:

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• The issues for Planning Commission consideration is whether to approve the requested time extension. The Subdivision Map Act and court decisions prevent an agency from adding new conditions to a previously approved TM. Similarly, this Commission is not being asked to re-consider or to re-adopt the previous findings made in conjunction with the TM and related project entitlement (prior findings are set forth below for your information). The Commission is not being asked to review project design or environmental effects of the project which were the subject of the previously certified Supplemental Environmental Impact Report. Rather, the Commission is being asked to exercise its discretion with regard to the time, if any, by which the existing Tentative Map should be extended.

Land Use Compatibility/General Plan Compliance:

• The originally approved Specific Plan for the project area (approved in 1991 for 45 more units than now proposed), as well as the 2002 Specific Plan modification, is consistent with the College Area Community Plan. It should also be emphasized that the project assists and is relied on to implement the adopted College Area Public Facilities Financing Plan (PFFP). Facilities included within the Financing Plan that would serve the site have already been developed for use by the Project including an existing elementary school, an active City Park, an upgraded Fire Station, Las Posas Road improvements and master drainage facilities. The PFFP also has considered the anticipated buildout of the project in the overall backbone infrastructure financing based on the number of units previously approved (Exhibit C, PFFP).

• The Project area is proposed for 1.13 dwelling units per acres, clustered to maximize open-space and habitat, which is comprised of 138 acres, 68% of the Project site, and the largest proposed percentage of open space included within any project in the City of San Marcos.

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• The project design, as explained herein, provides for clustered development and significant open space/habitat with landscape buffer areas between the Project and nearby properties. The proposed development areas are also significantly lower in elevation than the adjacent County residential areas.

**Findings:**

• In order to approve the extension, the Commission must make the findings that 1) the design and improvements, including public facilities phasing, of the subdivision are consistent with the General Plan, the Specific Plan, the City Code relative to major subdivisions and zoning; and, 2) that the applicant is diligently pursuing all actions required to obtain final map approval for the subdivision.

• Staff feels that the above findings have been met in that the Tentative Subdivision Map is consistent with the City Council adopted Specific Plan, that the improvements shown on the Tentative Subdivision Map is consistent with and implements the College Area Financing Plan and that the applicant is diligently pursuing habitat permits and annexation evidenced by submittal of applications to the required governmental entities.

**Staff Recommendation:**

• Staff is recommending granting of the requested extension, but for only 12 months. Previously imposed conditions of approval will remain in place. There is no evidence to suggest that new information, project changes or changed circumstances require further CEQA analysis in light of the existing certified Supplemental EIR. The extension request is reasonable given the continuing negotiations with wildlife agencies and the applicant's efforts to resolve remaining issues.

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Development Services Department

Attachment A: Project Vicinity Map

Attachment B: Reduced TSM Map

Attachment C: Specific Plan Land Use Map

Attachment D: City Council Report, July 2002

City Council Minutes, July 2002

Planning Commission Report, June 2002

Planning Commission Minutes, June 2002

Attachment E: Letter from Luce Forward

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