



Re: Formal California Public Records Act Request and Neighborhood Opposition CUP26-0008 1690 Via Cancion

From Corina Flores <cflores@sanmarcosca.gov>

Date Mon 10/19/2026 4:29 PM

To Tiffany DeMichele [REDACTED]

Cc Danny DeMichele [REDACTED]

Hi Tiffany,

Thank you for your email - this correspondence is logged in the project file and you will be notified once a public hearing has been scheduled for this project.

Please note, the City is currently in the initial review stage of the project. I have provided responses in **red**, within your original message below. All available documents have been uploaded to the public records request portal and will be made available by our City Clerk's office once all reviewers have responded to the public records request.

Please let me know if I can provide any clarification or if you have additional comments.

Best,



Corina Flores | Associate Planner

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FREQUENTLY REQUESTED INFORMATION:

[Zoning Map](#) | [Zoning Ordinance](#) | [Planning Applications](#) | [Business Resources](#)

Public Counters at City Hall are open from 8:00 am to 5:30 pm Monday-Thursday, and every other [Friday](#).

From: Tiffany DeMichele [REDACTED]

Sent: Monday, October 12, 2026 10:31 AM

To: Joseph Farace <jfarace@sanmarcosca.gov>; Corina Flores <cflores@sanmarcosca.gov>

Cc: Danny DeMichele [REDACTED] Planning Division General Email

<PlanningDivision@sanmarcosca.gov>; DevSvcs General Email

<DevelopmentServices@sanmarcosca.gov>; CityClerk <cityclerk@sanmarcosca.gov>

Subject: Formal California Public Records Act Request and Neighborhood Opposition CUP26-0008 1690 Via Cancion

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Dear City of San Marcos Planning and Development Services,

My name is Tiffany DeMichele, and I reside at [REDACTED] San Marcos, CA 92078. I am writing regarding Conditional Use Permit application **CUP26-0008**, which involves the proposed approximately 16,100 square foot, two story assembly building at **1690 Via Cancion**, the location of the existing nursery.

As neighbors, we are not opposed to any church, faith, or congregation. Our concerns are specifically related to the potential parking, traffic, neighborhood safety, emergency vehicle access, and fire evacuation impacts of a large assembly building on our rural residential street. Only a single residential home is acceptable.

Additionally, we understand that the property is currently zoned **Agricultural-1 (A-1)**. We request clarification regarding how the proposed use complies with this zoning designation, the City's General Plan, and the applicable development standards.

The Agricultural-1 Zone permits Places of Assembly land uses with the approval of a Conditional Use Permit. This information can be verified through Table 20.201-2 of SMMC [Section 20.210.040](#).

Places of Assembly is defined within the Municipal Code as follows:

Places of Assembly (land use). Gathering places for public, private, commercial or nonprofit gatherings with permanent or moveable seating.

The following use types shall all be considered within the "Places of Assembly" land use:

Place of Worship. A facility or establishment where the principal purpose of which is religious worship. A primarily religious or nonprofit facility may include structures and activities including sanctuary space, religious education, ministry, clothing and food distribution (kitchen facility), counseling, employment assistance, study or library space, referral services, and support groups, and assembly rooms.

Pursuant to the California Public Records Act (Government Code § 7920.000 et seq.), I request copies of the following existing records, in electronic format where available, relating to CUP26-0008 and the property at 1690 Via Cancion, including any related or predecessor applications, pre application submissions, or inquiry numbers.

1. Complete Application File

All application forms, project descriptions, operational or business statements, proposed occupancy and operating hours, site plans, floor plans, architectural elevations and sections, landscape and lighting plans, grading and drainage plans, title reports, and any easement, access, or right of way documents submitted by or on behalf of the applicant.

All available requested files are uploaded to the Public Records request portal.

2. Application Completeness and Review

Any completeness or incompleteness letters, plan check comments, departmental review letters, requests for corrections, and the applicant's responses.

Please also identify whether the application has been deemed complete and, if so, the date of that determination.

At this time The City has not provided any letters, comments, corrections or received applicant responses. The project is currently under review and has not been deemed complete at this time.

3. Technical and Environmental Impact Studies

All existing draft or final technical studies and supporting documents addressing:

- Traffic and transportation, including vehicle miles traveled (VMT), projected daily and peak hour trips, and intersection impacts.
- Parking demand, parking availability, and potential overflow parking on surrounding residential streets.
- Noise, outdoor lighting, and neighborhood impacts.
- Biological and cultural resources.
- Geotechnical conditions, grading, drainage, hydrology, and stormwater.
- Fire protection, emergency vehicle access, and wildfire evacuation.
- Sewer or septic systems and water supply.

CEQA documents have not been provided to the City at this time. Relevant available requested files are uploaded to the Public Records request portal.

4. California Environmental Quality Act (CEQA) Records

All existing CEQA-related documents, including any environmental determination, draft exemption memorandum, Initial Study, Notice of Exemption, Negative Declaration, Mitigated Negative Declaration, Environmental Impact Report, or EIR scoping materials.

Please also provide any environmental review correspondence or analysis addressing the project's potential impacts on nearby residential properties.

CEQA documents have not been provided to the City at this time.

5. Agency and Departmental Comments

All existing comments, recommendations, review letters, or correspondence concerning the project from:

- San Marcos Fire Protection District
- City Engineering and Traffic Divisions

- City Building Division
- Vallecitos Water District
- County of San Diego departments
- Caltrans
- San Diego Gas & Electric (SDG&E)
- Any other reviewing public agency

At this time, the City has not issued any response to comments and has only received comments from SDGE, which is attached to the public record request portal.

6. Applicant and City Correspondence

All existing emails, letters, meeting notes, and other correspondence between City staff and the applicant, property owner, developer, architects, engineers, consultants, attorneys, or other representatives from January 1, 2025, through the date the City conducts its records search, including communications regarding pre application meetings and preliminary project discussions.

All correspondence related to CUP26-0008 and IM25-0019 have been uploaded to the public record request portal.

7. Public Notification Records

The 500 foot notification radius map, property owner and occupant notification lists, mailing records, affidavits, and any documentation or photographs of the on site Notice of Permit Application posting referenced in San Marcos Municipal Code § 20.505.030.C.

Please also provide copies of all public notices already issued concerning CUP26-0008.

The notification radius map, property owner and occupant notification lists, and the Notice of Application are uploaded to the public record request portal.

8. Previous Permits and Code Enforcement

All existing permits, approvals, business licenses, Director's Permits, and code enforcement records associated with the existing nursery use at 1690 Via Cancion.

Available land use and zoning entitlements for 1690 Via Cancion have been uploaded to the public record request portal. Business license and code enforcement requests will be addressed via the public record request portal by applicable city staff.

9. Via Cancion Road Ownership and Maintenance

All existing records identifying:

- Ownership of Via Cancion.
- Whether the roadway has been dedicated to or accepted by the City.
- Responsibility for roadway maintenance.

- Existing public and private right of way widths.
- Recorded easements affecting roadway access.
- The definitions of the "OwnedBy" and "MaintainedBy" codes shown in the City's GIS Roads layer for Via Cancion.

All application documents have been uploaded to the public records request portal, additional documents regarding Via Cancion ownership and maintenance have not been provided at this time.

10. Application Fees and Deposits

All existing fee payment, deposit, and application processing records associated with CUP26-0008, including records establishing the filing date and current processing status.

The fee payment receipt has been uploaded to the public record request portal.

11. Assigned Project Planner

Please identify the name, title, direct email address, and telephone number of the City planner assigned to CUP26-0008.

Corina Flores, Associate Planner

cflores@sanmarcosca.gov



12. Agricultural-1 (A-1) Zoning and Land-Use Compatibility

Because the property is understood to be zoned **Agricultural-1 (A-1)**, please provide or identify:

- The property's current official zoning and General Plan land use designation.

Zoning: Agricultural-1 (A-1)

General Plan Land Use: Agricultural/Residential (AG)

- The Municipal Code provisions governing assembly or religious uses within the A-1 zoning district.

The Agricultural-1 Zone permits a Places of Assembly land use with the approval of a Conditional Use Permit. This information can be verified through Table 20.201-2 of SMMC Section 20.210.040.

Places of Assembly is defined within the Municipal Code as follows:

Places of Assembly (land use). Gathering places for public, private, commercial or nonprofit gatherings with permanent or moveable seating.

The following use types shall all be considered within the "Places of Assembly" land use:

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- Whether the proposed use is conditionally permitted under existing zoning.

The proposed use may be conditionally permitted under the existing zoning, with the approval of a Conditional Use Permit.

- The specific findings required for approval of CUP26-0008.

The approval of a CUP shall be accompanied by all the following findings which are based on objective evidence provided to the Planning Commission and/or City Council:

1. Approval of the CUP would not result in detrimental impacts to adjacent properties or the character and function of the neighborhood.
2. The design, development, and conditions associated with the CUP are consistent with the goals, policies, and intent of the General Plan, the purpose and intent of the applicable Zone, and the character of any applicable Specific Plan.
3. The land use allowed in conjunction with the CUP is compatible with the existing and future land uses of the applicable Zone, and the general area in which the proposed use is to be located.

- Any requested zoning amendments, variances, exceptions, or deviations from development standards.

At this time, no zoning amendments, variances, exceptions or deviations from development standards have been requested by the applicant team, and the City is currently reviewing the proposal to verify compliance with development standards.

- Applicable building height, setback, lot coverage, parking, landscaping, and screening requirements.

Applicable municipal code standards are linked below:

[Section 20.210.050](#) - Agricultural Zone Development Standards

[Section 20.330.040](#) - Landscape Standards

[CHAPTER 20.340](#) - OFF-STREET PARKING AND LOADING

[Section 20.400.090](#) - Equipment Screening

Please note, as the project is currently under review, additional sections of the municipal code may be identified as applicable to the project standards.

- Any existing City analysis addressing compatibility with surrounding rural residential properties.

At this time the City does not have an analysis of the project's compatibility with surrounding properties.

However, the 2003 Rezone Record for the property, which represents the legislative action that established the current zoning and contains historical analysis regarding neighborhood compatibility has been uploaded to the public records request portal.

13. Current Project Status and Public Hearings

Please identify the current application review status, the anticipated Planning Commission or City Council hearing dates, and the decision making authority responsible for approval or denial.

Please also provide any existing staff reports, hearing schedules, or review timelines relating to CUP26-0008.

A public hearing has not been scheduled at this time, nor have any staff reports or review timelines prepared. The Conditional Use Permit will be subject to Planning Commission decision.

14. Public Participation and Appeal Procedures

Please provide the procedures and deadlines for submitting written public comments or objections, the applicable public hearing notification requirements, and the process and deadlines for appealing any approval of CUP26-0008.

An appeal deadline has not been established at this time, all appeals are subject to the requirements in SMMC [CHAPTER 20.545](#) - APPEALS AND REVOCATIONS.

15. Fire Safety, Emergency Access, and Evacuation

Given the rural character of Via Cancion and the potential for increased vehicle traffic, we are particularly concerned about emergency evacuation and fire apparatus access.

Please provide all existing studies, analyses, fire department comments, or correspondence addressing:

- The ability of residents to evacuate during a wildfire or other emergency.
- Emergency vehicle access to and through Via Cancion.
- Roadway width and accessibility during peak building attendance.
- Potential impacts of parked vehicles or traffic congestion on emergency access.
- Simultaneous arrival and departure traffic during large gatherings.
- Any required roadway improvements or emergency access conditions associated with project approval.

Fire Department staff will address emergency evacuation questions via the public records request portal.

Formal Neighborhood Opposition and Request for Inclusion in the Public Record

Please consider this correspondence a formal expression of opposition to **CUP26-0008 in its currently proposed form.**

Our opposition is based on concerns regarding land-use compatibility, traffic congestion, parking, neighborhood safety, emergency access, and fire evacuation. It is not based on the religious affiliation or beliefs of any proposed occupant.

We request that this correspondence be included in the official administrative record for CUP26-0008 and provided to the Planning Commission, City Council, and any other decision-making body reviewing the application.

We also request notification of upcoming public hearings and opportunities for neighborhood participation.

California Public Records Act Response

Please acknowledge receipt of this request and provide the date by which the City expects to make its initial determination under the California Public Records Act.

We understand that Government Code § 7922.535 generally requires a determination within 10 calendar days, subject to legally permitted extensions.

If any requested records are withheld, please identify the specific legal exemption and release all reasonably segregable, nonexempt portions.

If any requested records do not exist or have not yet been prepared, please advise accordingly where possible.

If the records are voluminous, please provide them on a rolling basis, prioritizing Items 1, 4, 9, 12, and 15.

We request electronic copies or download links wherever possible. Please notify me before incurring any fees associated with this request.

Thank you for your time and assistance. I look forward to receiving the requested information and ensuring that affected residents have a meaningful opportunity to participate before any decision is made.

Sincerely,

Tiffany DeMichele

[REDACTED]
San Marcos, CA 92078
[REDACTED]