



ATTACHMENT B

APPEAL FORM AND REQUEST



AA 26-0002

CITY OF SAN MARCOS
DEVELOPMENT SERVICES

MAY 28 2026

RECEIVED

CITY COUNCIL APPEAL APPLICATION FORM

Appeal of a Prior Planning Commission Decision

APPELLANT INFORMATION

Appellant Name: Elizabeth Santos

Organization/Company (if applicable): _____

Mailing Address: P.O. Box 1561 San Marcos, CA 92079

Phone Number: 760-943-9132

Email Address: jesantos1@hotmail.com

PROJECT INFORMATION

Project Name: University District Specific Plan Area (North City) Master Sign Program

Project Address/Location: North City University District Specific Plan Area (CSP19-0003) specifically the comprehensive district-wide signage changes and right-of-way alterations along the Barham Drive corridor and adjacent private parcels.

Planning Commission Application/File No.: CSP19-0003

Planning Commission Hearing Date: May 18, 2026

Date of Planning Commission Decision: May 18, 2026

Type of Approval/Decision Being Appealed:

- Conditional Use Permit
- Site Development Plan
- Tentative Map
- Variance



- Design Review
- Environmental Determination
- Other: Master Sign Program (Resolution PC 26-5212)

BASIS FOR APPEAL

Please clearly state the specific basis for the appeal and the reason(s) the Planning Commission decision should be overturned, modified, or reconsidered. Attach additional sheets if necessary.

The Planning Commission erred under Zoning Ordinance Section 20.320.040. The decision is premature due to active litigation (Case No 37-2023-00007946-CU-OR-NC) regarding land boundaries and fails to account for documented safety hazards created by the applicant.

SEE ATTACHED LETTER FOR FULL DETAILS

REQUESTED ACTION

Please describe the action you are requesting the City Council take regarding this appeal.

I request that the City Council grant a De Novo hearing and overturn or stay the approval until the Quiet Title Trial is resolved.



SUPPORTING MATERIALS

Please check all materials submitted with this appeal application:

- Written Statement/Letter of Appeal
- Supporting Exhibits/Documents
- Project Plans
- Environmental Information
- Other: _____

APPELLANT CERTIFICATION

I hereby certify that the information provided in this appeal application and any attached materials is true and correct to the best of my knowledge.

Appellant Signature: 

Date: May 28, 2026

CITY USE ONLY

Date Appeal Received: 5/28/25

Appeal Deadline: 5/28/26 at 5:20 pm

Appeal Fee Paid: \$100.00

Received By: Sam Dominguez

Appeal Determined Complete: _____

City Council Hearing Date: _____



IMPORTANT INFORMATION

- Appeals must be filed within the time period established by the Municipal Code.
- Appeals submitted after the filing deadline will not be accepted.
- Additional information may be required to process the appeal.
- Filing an appeal may require payment of an appeal fee pursuant to the City's adopted fee schedule.

SUBJECT: ATTACHMENT TO APPEAL FORM – COMPREHENSIVE SIGN PROGRAM (CSP19-0003)

RESOLUTION UNDER APPEAL: Resolution PC 26-5212

APPELLANT: J. Elizabeth Santos (Owner of APN 221-110-17 & 221-110-18)

Pursuant to San Marcos Zoning Ordinance Section 20.320.040, the Planning Commission's approval of Resolution PC 26-5212 constitutes an abuse of administrative discretion and a failure to protect the public interest.

1. Administrative Bad Faith & Statutory Nuisance (CA Civil Code § 3479): The City is knowingly authorizing a private nuisance that directly targets specific private property owners, despite knowing that property lines are currently contested in active litigation (Case No. 37-2023-00007946-CU-OR-NC). Granting discretion to the developer under these circumstances is a calculated infringement on the comfortable enjoyment of my property.

2. Unlawful Delegation & Procedural Instability: The City has unlawfully delegated public authority to a private developer, granting them unilateral control over infrastructure in the Public Right-of-Way (ROW) without the required consent of the affected private property owners. This delegation creates procedural instability, as the developer lacks the standing to act on behalf of the underlying Land Owners.

3. Unmitigated Physical Impact (5-Foot Grade Discrepancy): The Commission ignored site-specific topography, approving a 20-foot sign that results in a 25-foot effective height relative to my property. This failure to adjust for the 5-foot grade discrepancy demonstrates a gross lack of substantial evidence to support their findings.

4. Objection to Administrative-Only Review: I object to the resolution's provision allowing "Minor architectural adjustments" to be approved administratively. All discretionary decisions regarding sign location, brightness, and height must be subject to public City Council oversight to ensure transparency and accountability.

REQUESTED ACTION:

The Appellant respectfully requests that the City Council vacate the approval of Resolution PC 26-5212 and stay all entitlements until the Superior Court has finalized property lines in September 2026. Alternatively, the Council must modify the program to include:

Requirement for verified written consent from all abutting property owners for any ROW signage.

Mandatory City Council Review for all future sign adjustments and location approvals.

Zero-Light-Trespass Standards and height limits strictly adjusted for the 5-foot grade difference.

STATEMENT OF LEGAL NECESSITY

SUBJECT: ATTACHMENT TO APPEAL FORM – CASE NO. CSP19-00003

DATE: May 28, 2026

APPELLANT: Elizabeth Santos (Owner of APN: 221-110-17 & 221-110-18)

RESOLUTIONS UNDER APPEAL: Resolution PC26-5212

STATEMENT OF BASIS FOR APPEAL

This appeal is submitted as formal notice of Administrative Bad Faith and potential Administrative Liability. The City is hereby put on notice that granting discretionary entitlements to the Applicant while the following conditions remain unresolved constitutes a breach of the City's Duty of Care.

- **Jurisdictional Conflicts:** The project site is currently subject to active litigation (Case No. 37-2023-00007946-CU-OR-NC). Any administrative action taken by the City prior to a final Court judgment is premature and lacks a legal basis.
- **Documented Site Hazards & Administrative Negligence:** The Applicant has a documented history of safety violations (Sheriff Dispatch Incident #E10351159) confirming physical endangerment of neighbors. Proceeding with this district-wide reconfiguration without a formal investigation is a direct act of Bad Faith.
- **Integrated Project Review:** This application is inextricably linked to the site hazards, ownership discrepancies, and public safety issues detailed in the concurrent appeal of TSM24-0004. These must be reviewed as a single, problematic project footprint.

DEMAND: The Appellant demands that the City Council grant a **De Novo hearing** and stay all project entitlements until the Superior Court has issued a final order.

Signature: _____

Date: 5/28/2026