

Public Comment - Law Office of Marc Chytilo, APC #2



Brianda Negrete

From: Marc Chytilo <marc@lomcsb.com>
Sent: Monday, December 12, 2022 11:32 AM
To: sbcob
Cc: Phyl Noble
Subject: LOMC to BOS 12-12-22.pdf
Attachments: LOMC to BOS 12-12-22.pdf

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Clerk – please find a one page letter for item # 2, SCA appeal of Summerland Gas Station

Thanks

Marc

* * * * *

Marc Chytilo
Law Office of Marc Chytilo, APC
Post Office Box 92233
Santa Barbara, California 93190
Phone: (805) 682-0585
Email: Marc@lomcsb.com
We Saved the San Marcos Foothills - Forever! <https://www.foothillsforever.org/>

LAW OFFICE OF MARC CHYTILO, APC
A PROFESSIONAL CORPORATION

ENVIRONMENTAL LAW

December 12, 2022

Chair Joan Hartmann and Members

By Email to: sbcob@co.santa-barbara.ca.us

RE: Summerland Citizens Association Appeal of Summerland Gas Station Rear Wall Sign

Honorable Supervisors:

Attorneys for the Summerland Gas Station (SGS) cherry pick some, but not all provisions of the County Code to resolve the SCA appeal in their favor. They cannot have it both ways.

SCA contends that Article 1's definition of Street Frontage controls and completely resolves the question, while SGS contends the weaker Article II definition applies. Even if the Article II definition of Street Frontage applies, it must also incorporate Article II's definition of "Street", which imposes the public access element of the Street Frontage definition.

Sec. 35-38 (Article II) defines Street as "[a] permanently reserved, public or private right-of-way which affords the public a principal means of vehicular access to abutting or adjacent property, not including alleys or driveways as defined herein. The service or frontage road of a freeway or limited access highway shall be considered as a street separate from such freeway or highway."

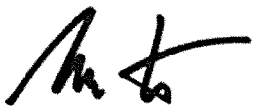
SGS contends that a weaker standard applies only in Summerland. Article II applies in the whole Coastal Zoning and Sec 35-138 states "except as provided below [for Summerland] Article 1 regulates all signs." The LUDC, applicable inland, also uses the complete definition of Street Frontage that includes a public access requirement.

This is nonsensical. In defining Street Frontage, the Board must also integrate the Article II definition of "Street", which contains the public access element of the definition and harmonizes with every other area in the County. SGS' interpretation would allow Summerland to be the only place in the county where Freeway Billboards would be allowed if attached to buildings abutting the Freeway. This plainly conflicts with the Summerland Community Plan's goals of protecting public views from the highway to the foothills (Policy VIS-S-3) and the specific goals in Action VIS-S-2.1:

- a. Protect the scenic character of Summerland;
- b. Preserve the architectural, rural and historic qualities of Summerland;
- c. Promote visual relief throughout the community by preservation of scenic ocean and mountain vista, creation of open space, and variation of styles of architecture, setbacks, and landscaping;
- d. Promote high standards of architectural design and the construction of aesthetically pleasing structures;
- e. Encourage the protection of public views;
- f. Encourage the protection of privacy for individual residences;
- g. Encourage the development of safe and attractive residential areas in a variety of housing styles;
- h. Encourage the development of attractive and appropriate commercial facilities and the signage therein; and
- i. Encourage the use of native plants, especially in the open space areas.

Regardless of what section is applied, County Code consistently requires public access as part of a definition of Street Frontage and this interpretation is necessary to conform to the Summerland Community Plan.

Additionally, the sign would be located in the rear setback, where it is not allowed, regardless of the definition of Street Frontage.



For Appellant Summerland Citizens Association

MARC CHYTILO
P.O. Box 92233 • Santa Barbara, California 93190
Phone: (805) 682-0585 • Email: Marc@lomcsb.com