



**PLANNING & DEVELOPMENT  
APPEAL FORM**

SITE ADDRESS: 2285 Lillie Avenue, Summerland, CA 93067

ASSESSOR PARCEL NUMBER: 005-177-005

Are there previous permits/applications? no  yes numbers: 22APL-00000-00001, 22APL-00000-00012, 21SCC-00000-00006, 22BAR-00000-00062, 20CDP-00000-00085

(include permit# & lot # if tract)

Is this appeal (potentially) related to cannabis activities?  no  yes

Are there previous environmental (CEQA) documents? no  yes numbers: unknown

1. **Appellant:** Summerland Citizen's Association Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: Post Office Box 508, Summerland CA 93067 E-mail: summerlandcitizens@gmail.com  
Street City State Zip

2. **Owner:** Rose T. Robertson Trust Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: c/o Sharon Kussman, 411 Fairmont Road, Lake Oswego, OR 97034  
Street City State Zip

3. **Agent:** \_\_\_\_\_ Phone: \_\_\_\_\_ FAX: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Street City State Zip

4. **Attorney:** Law Office of Marc Chytilo, APC Phone: (805) 682-0585 FAX: \_\_\_\_\_

Mailing Address: P.O. Box 92233, Santa Barbara, CA 93190 E-mail: marc@lomcsb.com  
Street City State Zip

**COUNTY USE ONLY**

Case Number: _____	Companion Case Number: _____
Supervisor's District: _____	Submital Date: _____
Applicable Zoning Ordinance: _____	Receipt Number: _____
Project Planner: _____	Accepted for Processing _____
Zoning Designation: _____	Comp. Plan Designation _____

# COUNTY OF SANTA BARBARA APPEAL TO THE:

**BOARD OF SUPERVISORS**

**PLANNING COMMISSION:**  **COUNTY**       **MONTECITO**

RE: Project Title: Scott Appeal of the Fuel Depot/The Point Signs

Case No. 22APL-00000-00001, 22APL-00000-00012, 21SCC-00000-00006, 22BAR-00000-00062

Date of Action: June 1, 2022

I hereby appeal the  approval  approval w/conditions  denial of the:

Board of Architectural Review – Which Board? \_\_\_\_\_

Coastal Development Permit decision

Land Use Permit decision

Planning Commission decision – Which Commission? County

Planning & Development Director decision

Zoning Administrator decision

### Is the appellant the applicant or an aggrieved party?

Applicant

Aggrieved party – if you are not the applicant, provide an explanation of how you are and “aggrieved party” as defined on page two of this appeal form:

See Attached.

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Reason of grounds for the appeal – Write the reason for the appeal below or submit 8 copies of your appeal letter that addresses the appeal requirements listed on page two of this appeal form:

- A clear, complete and concise statement of the reasons why the decision or determination is inconsistent with the provisions and purposes of the County’s Zoning Ordinances or other applicable law; and
- Grounds shall be specifically stated if it is claimed that there was error or abuse of discretion, or lack of a fair and impartial hearing, or that the decision is not supported by the evidence presented for consideration, or that there is significant new evidence relevant to the decision which could not have been presented at the time the decision was made.

See Attached.

**Specific conditions imposed which I wish to appeal are (if applicable):**

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_


**Please include any other information you feel is relevant to this application.**


**CERTIFICATION OF ACCURACY AND COMPLETENESS** Signatures must be completed for each line. If one or more of the parties are the same, please re-sign the applicable line.

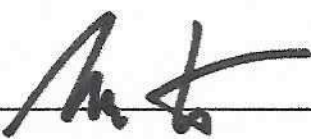
**Applicant's signature authorizes County staff to enter the property described above for the purposes of inspection.**


*I hereby declare under penalty of perjury that the information contained in this application and all attached materials are correct, true and complete. I acknowledge and agree that the County of Santa Barbara is relying on the accuracy of this information and my representations in order to process this application and that any permits issued by the County may be rescinded if it is determined that the information and materials submitted are not true and correct. I further acknowledge that I may be liable for any costs associated with rescission of such permits.*

Law Office of Marc Chytilo  6/13/2022  
 \_\_\_\_\_  
 Print name and sign – Firm Date

Law Office of Marc Chytilo  6/13/2022  
 \_\_\_\_\_  
 Print name and sign – Preparer of this form Date

 6/13/2022  
 \_\_\_\_\_  
 Print name and sign – Applicant Appellant Date  
 Phyllis Noble  
 Summerland Citizen's Association President 6/13/2022

Law Office of Marc Chytilo  6/13/2022  
 \_\_\_\_\_  
 Print name and sign – Agent Date

 6/13/2022  
 \_\_\_\_\_  
 Print name and sign – Landowner Aggrieved Party Date  
 Phyllis Noble  
 Summerland Citizen's Association President 6/13/2022

# LAW OFFICE OF MARC CHYTILO, APC

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ENVIRONMENTAL LAW

June 13, 2022

Santa Barbara County Board of Supervisors  
123 E. Anapamu Street  
Santa Barbara, California 93101

*By email to [sbcob@co.santa-barbara.ca.us](mailto:sbcob@co.santa-barbara.ca.us)*

RE: Summerland Citizen's Association Appeal of the Fuel Depot/The Point Signs (21SCC-00000-00006)

*Chair Hartmann and Honorable Supervisors:*

Please accept this appeal of the Planning Commission's approval of the above-referenced permit for two signs located on Lillie Avenue in Summerland. This appeal is filed on behalf of the Summerland Citizen's Association (SCA). We reserve the right to supplement this appeal with additional issues, evidence and argument.

The SCA is an aggrieved party to this permit. SCA is a community organization with a long history of involvement in land use planning matters that impact Summerland, like the instant project. SCA seeks to avoid the significant adverse effects that can follow from the incorrect interpretation of the Coastal Zoning Ordinance, Summerland Community Plan and other governing authority that allows signs to be visible from Highway 101 from adjacent lots and buildings that do not take access from the highway. SCA participated in the Planning Commission's hearing on the appeal of the Planning and Development's approval of 21SCC-00000-00006 ("Project"). At the Planning Commission, SCA raised concerns regarding how the Project will impact the Summerland community. SCA raised the Project's inconsistency with the Summerland Community Plan and Coastal Zoning Ordinance ("CZO"), and the inadequacy of the County's California Environmental Quality Act ("CEQA") review, among other issues.

When the South Board of Architectural Review ("SBAR") considered this Project on April 15, 2022, they rejected the proposed rear lighted Fuel Depot sign (referred to as Wall Sign "B") on grounds that it is a freeway sign and not visible from a street frontage, and that its current location does not comply with sign requirements in the CZO and elsewhere. (SBAR Minutes, PC Staff Report Attachment G). The Applicant appealed SBAR's determination to the Planning Commission, which was heard together with the Scott appeal. The Planning Commission voted to uphold the Applicant's appeal and reverse SBAR's determination, and made new Design Review findings for the Project. The Planning Commission's findings however are incomplete and unsupported by substantial evidence in the record.

Specific grounds for this appeal are as follows:

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P.O. Box 92233 • Santa Barbara, California 93190  
Phone: (805) 682-0585  
Email(s): [marc@lomcsb.com](mailto:marc@lomcsb.com) (Marc); [ana@lomcsb.com](mailto:ana@lomcsb.com) (Ana)

- The proposed signage is not in compliance with applicable sign standards. Summerland has special sign standards which control in the event of a conflict with other applicable regulations. These standards include that wall signs are allowed on each street frontage, defined as “*The footage of the property that abuts an improved street or streets open to public use to which the property has access.*” (County Code Article I, Section 35-3.) The rear Fuel Depot sign is not located on a street frontage, including because the property does not have access from Highway 101.
- The Planning Commission’s Findings of Approval lack the finding required to approve a Sign Certificate of Compliance that “the proposed signage is in compliance with Chapter 35.38 (Sign Standards)” which for Summerland include CZO § 35-138. (*See* Action Letter, Attachment A, Section 2.1.)
- LUDC § 35.38.040.A (incorporated by reference in CZO § 35-138) provides that signs shall not be erected/affixed etc. without a Sign Certificate of Conformance. There are currently 12 other unpermitted signs on the parcel, and accordingly the Property is not in compliance with all laws including the Special Sign Standards for Summerland (CZO § 35-138.A). For this reason, the required finding that the subject property is in compliance with all laws, regulations, and rules is not supported by substantial evidence (*see* LUDC § 35.82.170.F (Findings required for approval of Sign Certificates of Conformance)).
- The Design Review Findings include that the proposed signs are in conformance with the existing community, and other existing or permitted structures in the surrounding area. The proposed rear Fuel Depot sign is unlike any other existing or permitted signs in the area, in that it faces only the Highway 101 frontage, and will include 24-hour lighting. Other signs in the area such as the Bikini Factory and Red Kettle Coffee are side facing and unilluminated.

For these reasons, the reasons raised by SCA at the Planning Commission, we respectfully request that you uphold this appeal and deny the proposed signage.

Respectfully Submitted,

LAW OFFICE OF MARC CHYTILO, APC



Marc Chytilo  
For Appellant SCA