



**Brianda Negrete**

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**From:** Marc Chytilo <marc@lomcsb.com>  
**Sent:** Friday, December 9, 2022 11:37 AM  
**To:** sbcob  
**Cc:** Williams, Das; Laura Capps; Hartmann, Joan; Nelson, Bob; Lavagnino, Steve; Phyl Noble  
**Subject:** LOMC SCA to BOS SGS 12-9-22.pdf  
**Attachments:** LOMC SCA to BOS SGS 12-9-22.pdf

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Clerk and Members of the Board of Supervisors:

This office represents the Summerland Citizens Association in its appeal of the Planning Commission approval of the Summerland Gas Station, item # 2 on your December 13, 2022 agenda. Attached please find Appellant's letter and appendices containing the authority for the Board's inability to make the findings for approval of this important and precedential project.

Best regards

Marc

\* \* \* \* \*

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# LAW OFFICE OF MARC CHYTILO, APC

A PROFESSIONAL CORPORATION

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ENVIRONMENTAL LAW

December 9, 2022

Chair Joan Hartmann and Members                      By Email to: [sbcob@co.santa-barbara.ca.us](mailto:sbcob@co.santa-barbara.ca.us)  
Santa Barbara County Board of Supervisors  
105 E. Anapamu Street, Fourth Floor  
Santa Barbara, California 93101

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

Honorable Supervisors:

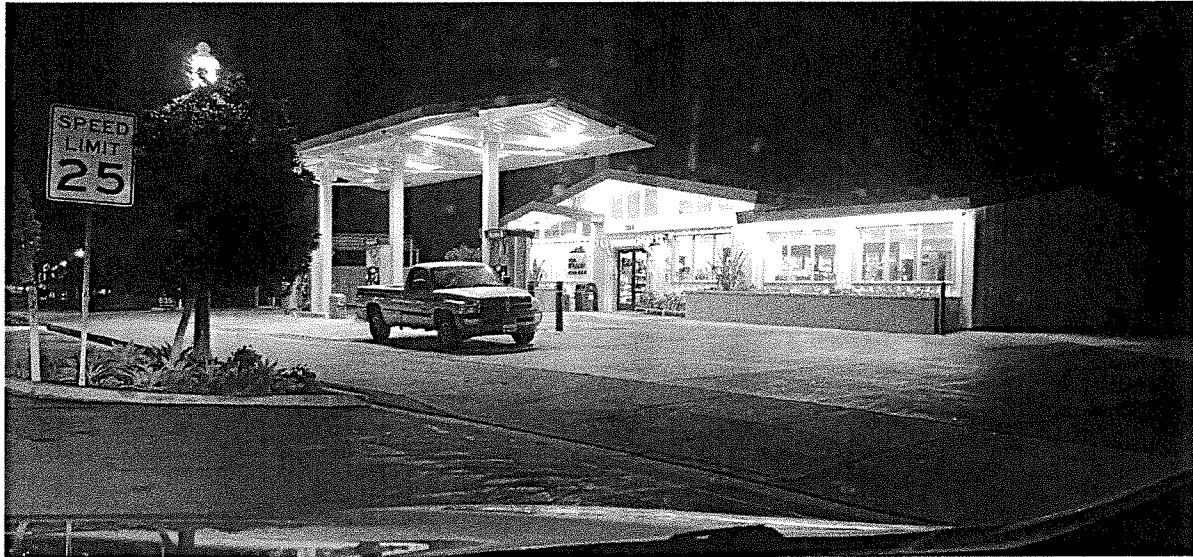
This community appeal seeks simply to apply well established design and zoning standards to uphold a prohibition against allowing buildings facing Highway 101 from becoming commercial billboards. Wall Signs are allowed only on a Street Frontage. The zoning ordinance is clear: commercial buildings that abut Highway 101 may only install signs that face the roadway from which the business takes public access, in this case, Lillie Avenue. Additionally, it is black-letter law that new signs cannot be installed in the setback area. Only Wall Sign B and its lighting is challenged, the ten foot by 4 foot gaudy tricolor "Fuel Depot" Logo, improperly approved on the rear (south) wall of the Summerland Gas Station in the setback. SCA does not object to the tasteful and compliant wall sign by the entrance (The Point) however notes that the existing lighting on The Point sign is neither approved or approvable, and should be illuminated with down-facing gooseneck lights as required by SBAR and the Summerland Community Plan Design Guidelines.

The Appellant has worked at length to try to resolve the community's concerns over aspects of the project. Several members of the community met with Mr. Price early in this process, reviewed partial and conceptual plans, and discussed aspects of the proposed remodel of the Summerland Gas Station. These members and SCA at large were not afforded the opportunity to review the final plans and design. No written or other agreement exists between the applicant and SCA, and while SCA has expended considerable effort and resources in attempts to compromise and resolve this dispute, the parties are unable to agree whether a wall sign is allowed on the rear wall of this building, facing Highway 101.

Although technically not a part of this appeal, SCA notes that the applicant has installed unpermitted lighting, failed to install approved lighting fixtures, and is excessively bright, ignoring limits on lighting levels and mandatory nighttime dimming of lights. It is undisputed that this project must return to SBAR to address lighting that was installed without permits and requires SBAR approval, and that a new gasoline price sign, mandated by California Weights and Measures, must also be approved by SBAR and included in a permit. The existing pole sign is nonconforming, and itself lacked a permit. The lighting under the canopy was installed without the required cutoff shields, used different fixtures than approved, is much brighter than the SBAR-imposed 100 watt incandescent illumination allowed for each fixture and is not

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dimming at 10 PM as required. The Project's landscaping is dysfunctional and invites cars to drive on the sidewalk. While the community of Summerland appreciates some aspects of the project, a sustained series of compliance problems arose with the installation of signs and lighting, and with the operation of the facility. SCA believes these remaining issues can be resolved before SBAR and with the applicant, but only after the core issue of the rear wall sign and lighting is favorably resolved by your Board.



Lighted commercial freeway signage poses a tangible threat to the character of Summerland and other communities bordering Highway 101. The community significance of the zoning ordinance's prohibition against wall signs facing Highway 101 is demonstrated by the support appellant SCA has received from the Montecito Association, Carpinteria Valley Association and other community groups and individuals. Santa Barbara County does not allow billboards along Highway 101, unlike surrounding counties. Our County's zoning, design and aesthetic standards disallow use of adjacent buildings as freeway billboards or sign platforms. **SCA asks your Board to uphold the appeal and make a narrow decision that no sign is allowable on the rear wall of the Summerland Gas Station, and direct the applicant to revise the Sign and Lighting Plans to eliminate the Rear Wall Sign for review and approval by SBAR, along with the other pending lighting, signage and landscaping changes pending SBAR's review.**

**1. Wall Signs Are Allowed Only on Each Street Frontage**

Coastal Zoning Ordinance Section 35-138 incorporates the County's sign ordinance (Chapter 35, Article 1) by reference, including additional Summerland-specific sign standards (Sec. 35-43). See Attachment 1, Article 1 of the County zoning ordinance, and Attachment 2, the CZO's Summerland-specific sign standards. **The definitions and specific prohibitions in the sign and**

**zoning ordinances control the disposition of this appeal and prohibit the proposed Rear Wall Sign.**

**In a nutshell, the zoning ordinance allows wall signs only on the “Street Frontage” side of a building, and defines Street Frontage specifically as those streets providing public access to the property.**

A. Applicable Authority

Sec. 35-43.2 defines permitted signs, establishing that only three types of signs are allowed in Summerland: Wall, Identification, and Banner Signs. All others are disallowed. **Wall signs are permitted “on each street frontage”.** The Zoning Ordinance allows one Wall Sign “on each Street Frontage.” Sec. 35-43.2.a (Summerland); Sec. 35-17.3 (Countywide).

Sec 35-3 defines Street Frontage as “[t]he footage of the property that abuts an improved street or streets open to public use to which the property has access.” Sec. 35-138.A.1 establishes that this is the controlling definition of Street Frontage (“If there is a conflict, the regulations of this section apply.” Sec. 35-138 establishes that signs “are regulated by Article 1 of this Chapter 35 [the Sign Ordinance]”.



The Street Frontage of the Project Parcel, outlined in red above, where the public can access the property from an abutting parcel, is only the North side, facing Lillie Avenue. The Wall sign is

proposed on the south side, against Highway 101. There is no Street Frontage to Highway 101 as defined by the sign ordinance because the public cannot access the parcel from that side.

The language of all authority cited in this letter is attached as Appendix A.

B. Actions below

The Applicant made multiple applications and proposed numerous revisions to the Project and its signs through the course of its processing, with the improper wall sign added at the very last SBAR hearing, after final approval had already been granted for a different sign. Staff and the SBAR initially approved the project with a roof sign that is clearly prohibited by Sec. 35-4.2 of the Sign Ordinance, and those plans are, incredibly, included and identified as “Approved project plans” with the Board’s materials. See Board of Supervisors’ Attachment 5, entitled Stamped Plans and bearing indication that these were “Zoning Approved January 3, 2022”, with the Roof Sign mislabeled as a Wall sign on the chimney and the building envelope sited erroneously on the lot, intimating the structure was not located in the setback. After the project (with the roof sign) was approved by SBAR, Staff discovered the sign ordinance Sec 35-4.2 prohibition, directed the applicant to remove the roof sign and substitute the rear wall sign. On April 15, 2022, the Applicant presented the proposed Rear Wall Sign for the first time, and SBAR denied the proposed Wall Sign and specifically found:

- a. **SBAR considers the rear wall sign (Sign B) a freeway sign and not visible from a street frontage.**
- b. **Wall Sign B should be restudied as current location does not comply with sign requirements with regard to location.**

*Grubb moved, seconded by Pujo, and carried by a vote of 4-1-1 (Gilliland absent, Richards no, and Blumer abstained) to deny the project based on the incompatibility of Wall Sign B with sign regulations.*

See Appendix B, SBAR Minutes, 4/25/22 (emphasis added).

On appeal to the Planning Commission, staff contended that since the County Sign ordinance did not define “Street” or “Highway” “[t]here is no indication that Article 1 intended to prohibit wall signs facing Highway 101.” Planning Commission Staff Report, June 1, 2022, page 7. Staff then contended that two nearby Summerland Businesses, Bikini Factory and Red Kettle Coffee, had permitted wall signs visible from Highway 101. Id. Staff missed the point - These business’ signs are on the side walls, not rear walls, and while visible from Highway 101, they each are present on walls on sides of the buildings and visible from the side from which the public has street access, meeting the definition of Street Frontage.

Staff finally concluded:

“Thus, P&D Staff has interpreted these provisions together to concludes that Article 1 does not prohibit a wall sign on a property with frontage on Highway 101, and that the County’s Sign Regulations are *intended to authorize wall signs on property facing a public right of way open to public use, to which the property has access to the travelling public* for purposes of identifying and promoting its business. Therefore the County’s Sign Regulations do not prohibit the proposed wall sign in the proposed location on the rear of the building, and staff recommends approval.”

Id., at page 7 (emphasis added).

Staff is incorrect, as they overlooked the stated purposes of the Sign Regulations, and ignored the clear definition of Street Frontage in the Sign Regulations. Specifically, Staff substitutes a different standard for Wall signs, not limited to Street Frontage as stated in the sign ordinance, but expanding it to “property facing a public right of way open to public use, to which the property has access to the travelling public.” This muddled interpretation simply overrides the Street Frontage definition’s abutment requirement (Street Frontage “abuts an improved street or streets open to public use to which the property has access”) and inserts an inconsistent standard – that wall signs are allowable anywhere on any property the travelling public can access. The Coastal Zoning Ordinance establishes that the Sign Ordinance definitions applies in the event of conflict. Staff’s interpretation is muddled and omits the nexus between the Wall sign and the Street Frontage that is central to the Sign Regulation.

The Red Kettle Coffee signs were approved by SBAR in 2016 after a careful review and finding that these signs do conform to the Sign regulations, are outside of the setbacks, and with simple 15" and 16" lettering on the existing wall, not a massive brightly colored logo that is patently incompatible with the “beach cottage style” of the structure (SBAR 12/4/2020, Minutes p. 2) and out of proportion with the building (Summerland Community Plan Guidelines, Sign Materials, page 7-2).

### C. Purpose of the Sign Regulations

The Sign Regulations explain the balance between private and public purposes for signs, establishing that the ordinance is intended to protect the aesthetic quality of the site, limit driver distractions and allow the business to identify itself to customers. Staff weighed only the private purposes and ignored the public aesthetic and safety issues, and based on that objective, misinterpreted the Sign Regulation.

#### Sec. 35-2. Purpose.

The purpose of this article is to harmonize by regulations the legitimate private purpose of signs; that is, the identification and promotion of the seller to the buyer, with the public purposes of public safety, health and welfare. The public purposes most directly expressed in the regulation of signs in the county are traffic safety as related to the

diversion of a vehicle driver's attention from the road, both in direction and time, and the economic and aesthetic welfare of the county as related to the existing and future economic significance of tourism; retirement income; and quality residential, recreational, commercial and light industrial developments. All of these economic bases depend in large measure upon the county's ability to maintain its well established reputation as an attractive area, both as to natural and man-made features, in which to visit and to live.

While the regulations contained in this article serve both public purposes, they also may enhance the private purpose of signs. For example, the prohibition against animated signs, roof signs, most projecting signs, marquee signs and portable signs clearly serves both public purposes, but this prohibition also eliminates a jungle of competing signs in which the individual business's identity or message is lost to his potential customer. On the other hand, the permitted use, under this article, of wall signs, freestanding signs permitting changeable copy or multiple copy in place of portable signs, and under canopy signs will serve both public purposes while at the same time permit the more effective realization of the private objectives of signs.

Contrary to Staff's analysis, the Sign Regulations are intended to consider aesthetic factors. Significantly, policies in the Summerland Community Plan establish that "[p]ublic views from Summerland to the ocean and from the Highway to the foothills shall be protected and enhanced." Policy VIS-S-3. While this policy alone does not prohibit the proposed Rear Wall Sign, it mandates enhanced consideration of aesthetic issues, and supports SCA's interpretation of the other elements of the Sign Regulations, including the requirement that Wall Signs are allowable only on the sides of buildings with Street Frontage-- from which the public can access the business-- as established by the Sign Regulation itself.

#### D. Interpretation of the Sign Regulations

While the Board has some discretion to interpret its own ordinances, it may not interpret ordinances in a manner that conflicts with their plain language. Words are construed "in context, keeping in mind the nature and obvious purpose of the statute". *People v. Venice Suites, LLC* (2021) 71 Cal.App.5 715, 727. In this case, the plain words of the ordinance are clear in context, allowing wall signs only where there is Street Frontage, defined as streets to which the property and the public have access, so a customer can see the sign and access the business. Looking at the purpose of the ordinance: maintaining the aesthetic welfare, preventing visual clutter and avoiding driver distractions underscore the plain words of the limitation, and define clearly where wall signs are appropriate – when visible from a road that the customer can use to access the business. Staff's interpretation rewrites the definition of Street Frontage to exclude the required link between public access to the business and the wall sign location.

Sec. 35-17 and Sec. 35-43.2.a each unequivocally establish that one Wall Sign is allowed "on each street frontage" in a Commercial district. This standard establishes a clear, objective

standard for where Wall Signs are allowable on a property. Wall Signs are not allowable on any wall, but only walls that face and have a Street Frontage.

Section 35-138 defines Street Frontage in a particular and limiting fashion to only “[t]he footage of the property that abuts an improved street or streets open to public use to which the property has access.”

Breaking down this definition into two parts elucidates how this language imposes a nexus requirement between the Street Frontage and Wall sign.

- a) “Footage of the property that abuts an improved street or streets” is a clear reference to the side of a parcel that has a property line that abuts, or touches, an improved street or streets, and this side defines the side of a building on which a Wall Sign is allowable
- b) “To which the property has access” from a street “open to public use” specifically limits which abutting streets may be considered in determining whether a Wall Sign is allowable. Wall Signs are allowed to only face those sides of a parcel that the public gains access to the parcel and business.

Highway 101 is a restricted access freeway and the public may not lawfully access the Summerland Gas Station parcel from Highway 101. The public route of access from Highway 101 to the Summerland Gas Station is to exit the freeway at either the Lillie Avenue exit east of the parcel, or from the Evans Avenue exit to the west. Customers may only access the parcel and the Summerland Gas Station from Lillie Avenue. Thus, Lillie Avenue is the only street abutting the Summerland Gas Station parcel from which the public has access to the Summerland Gas Station.

This accords with a policy goal of using signage to direct customers to a business from a place where they can actually get to the business.

For these reasons, the Rear Wall sign is prohibited because there is no Street Frontage on that side of the parcel or building.

## 2. The Rear Wall Sign Cannot Be Installed in the Rear Setback Area

A second independent legal barrier prohibits the proposed rear wall – the sign is proposed in the setback area, where it is specifically disallowed.

The Summerland Gas Station building extends into the 10’ rear setback. As such, the building is legal nonconforming, and the Coastal Zoning Ordinance prohibits the construction of the new rear wall sign and installation of new lights on a building in such an area, since these represent an enlargement of the non-conforming use within the setback.





**B. Analysis: Installing the Sign and Light Array on the Building is an Enlargement of a Nonconforming Use**

The Rear Wall Sign and array of four lights represent a physical enlargement of the Summerland Gas Station building.<sup>1</sup> Physically, the Rear Wall Sign is ten (10) feet wide and over four (4) feet high. See Appendix, Sign B. Four Gooseneck Lights extend out 18” from the rear wall and are over 14” tall and 10” wide and will illuminate the sign.

The CZO prohibits any enlargement, extension or alteration of a nonconforming structure that does not comply with the applicable setback requirements. Section 35-162 A.1. Since the Rear Wall Sign and light array are proposed to be installed in the setback area, they are inconsistent with the CZO and cannot be approved.

**3. Conclusion**

The Sign and zoning ordinances do not allow a wall sign and lighting on the rear wall of the Summerland Gas Station both because there is no Street Frontage on that side, and the sign would constitute an impermissible enlargement of the structure in the setback. The Board cannot make the Findings for approval of the rear wall sign and lighting.

The community of Summerland values its aesthetic qualities, which are reflected in the Summerland Community Plan and the Summerland-specific sign standards in the Sign Regulation. Travelers on Highway 101 do not need or want ten foot wide garish commercial logos emblazoned on buildings from Carpinteria to Gaviota – this was intended to be foreclosed with the adoption of the Sign Regulation that strictly limited what signs are allowed and where they could be sited. The Summerland Gas Station will be a successful business without the Rear Wall sign and lighting, and the scenic and aesthetic values of Santa Barbara County’s most heavily travelled corridor will be “protected and enhanced” as envisioned in the Summerland Community Plan.

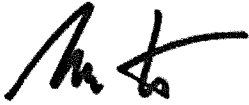
**SCA asks your Board to uphold the appeal and make a narrow decision that no sign is allowable on the rear wall of the Summerland Gas Station for the reasons stated herein, and direct staff and the applicant to revise the Sign and Lighting Plans to eliminate the Rear Wall Sign for review and approval by SBAR, along with addressing all of the other outstanding lighting, signage and landscaping problems associated with non-compliance with the applicable code and approved permits.**

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<sup>1</sup> The Rear Wall Sign and array of four lights themselves fit the CZO’s definition of a Structure as “things attached to something having location on the ground”, specifically the Summerland Gas Station building.

Respectfully Submitted,

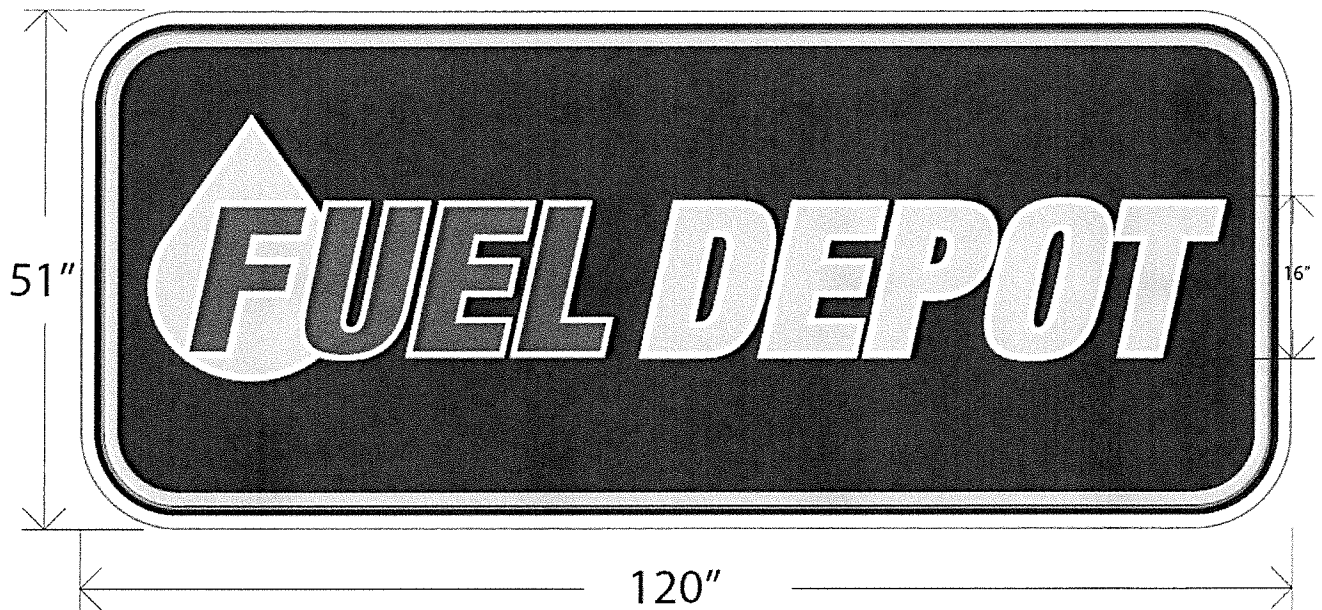
LAW OFFICE OF MARC CHYTILO, APC



Marc Chytilo  
For Appellant Summerland Citizens Association

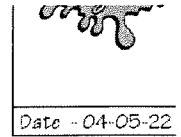
Attachments:

- A. Appendix of applicable Code Sections
- B. Appendix B, SBAR Minutes, 4/25/22
- C. Red Kettle Sign Certificate of Conformance



1/2" matte not reflective painted MDO panel  
illuminated by x4 gooseneck light fixtures see sheet attached  
120"x51"= 42.5sqft

Scale - 1":1



Gooseneck lighting

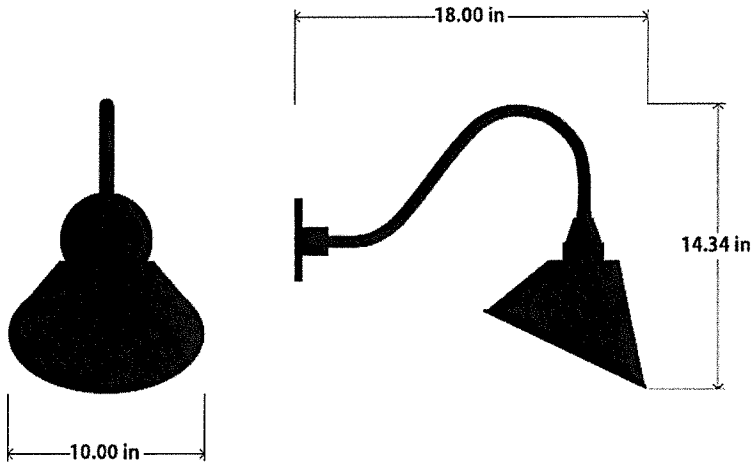
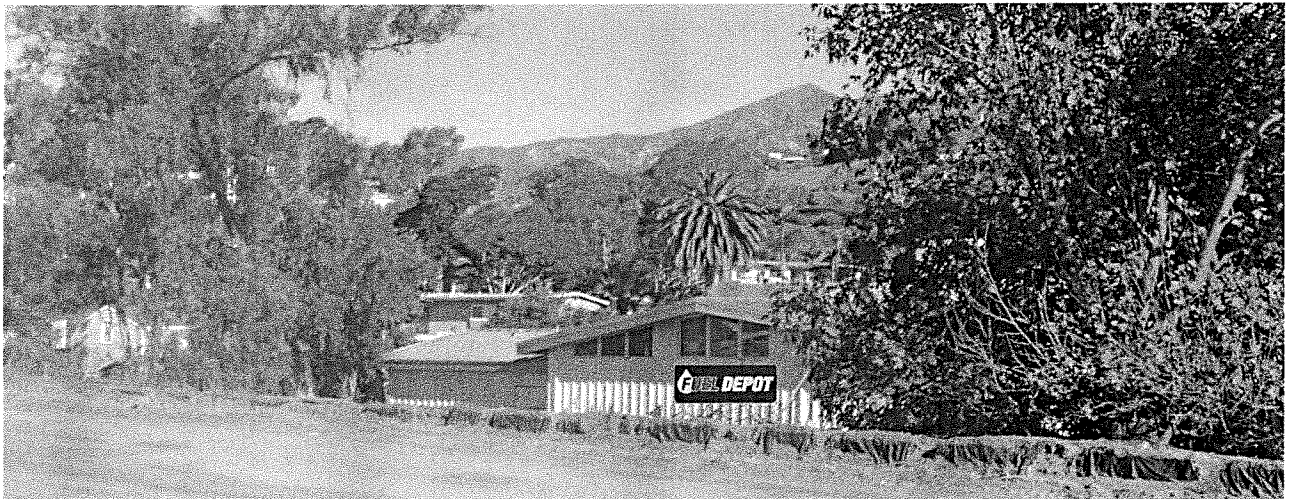


photo for reference. actual color will be black

Aluminum gooseneck fixtures, powder coated black  
DARK SKIES COMPLIANT FIXTURES (FULLY SHIELDED, NO BRIGHTER THAN NECESSARY,  
ONLY LIGHTS THE AREA TO BE ILLUMINATED, MINIMAL LIGHT LEAKAGE)  
LED 10W Bulb equivalent to 100W incandecent bulb max per fixture  
x2 fixtures per sign A  
x4 fixtures per sign B



## Appendix to SCA Summerland Gas Station Appeal

### Applicable Authority – Zoning Ordinances

#### A. Sign Standards

##### **Coastal Zoning Ordinance Section 35-138. Signs and Advertising Structures.**

Except as provided below, signs and advertising structures are regulated by Article 1 of this Chapter 35 of the Code of Santa Barbara County and any amendments thereto.

*(Amended by Ord. 4887, 06/09/2016)*

#### A. **Special Sign Standards for Summerland.**

1. **Applicability.** Signs within the Commercial, Industrial, and Public Utility zones located within the Summerland Community Plan area shall comply with the regulations of the other Sections of this Chapter, as well as the regulations of this Section. If there is a conflict, the regulations of this Section shall apply.

#### **Sec. 35-43. Sign Ordinance, Summerland sign requirements.**

1. **In General.** All signs within the commercial, industrial and public utility zone districts in the planning area of Summerland as shown on Summerland Community Land Use Map shall comply with the regulations of division 1—8 of this article, as well as the regulations of this division. If there is a conflict, the regulations of division 9 shall apply notwithstanding the regulations of division 1—8.
2. **Permitted Signs.** Only those signs of each type listed below shall be permitted to be erected or maintained upon any building, lot or parcel of land located in the commercial, industrial and public utility zone districts:
  - a. **Wall Signs.** One or more wall sign(s) on each street frontage unlighted or indirectly lighted. Said sign(s) shall not exceed the lesser of the following areas: (1) one-tenth of the square footage of the building facade of that portion of a single floor occupied by a business and upon which facade the wall sign is to be located; or (2) sixty square feet. If more than one business occupies the building, the businesses may have separate signs or they may share the sign space, so long as the combined sign area does not exceed one-tenth of the square footage of the building facade or sixty square feet, whichever is less.
  - b. **Identification Signs.** One identification sign, unlighted or indirectly lighted, not to exceed ten square feet in area, and no more than five feet in height measured from the ground to the top of the sign, which identifies the business primarily being conducted on the premises.
  - c. **Banner Signs.** One banner sign, unlighted, not to exceed sixteen square feet on the facade having street frontage of the building occupied by the business. The sign shall remain in the public view no longer than forty-five days.

# Appendix A

## **Sec. 35-4. Sign Ordinance Prohibited signs.**

The following signs are prohibited in all districts within the unincorporated area of the county:

1. Animated signs.
2. Roof signs.

## **Sec 35-3: Sign Ordinance Definitions (excerpts):**

**Wall Sign.** A sign affixed in any manner to any exterior wall of a building or structure and which is parallel to and projects not more than eighteen inches from the building or structure wall and which does not extend more than six inches above the parapet wall or roof of the building on which it is located. Signs which are on architectural projections which do not extend more than six inches above the roof or parapet wall of the building area, for the purpose of this article, are wall signs.

**Street Frontage.** The footage of the property that abuts an improved street or streets open to public use to which the property has access.

**Roof Sign.** A sign any portion of which extends more than six inches above a roof or parapet wall of a building and which is wholly or partially supported by the building on which it is located. Signs which are on pylons or other architectural projections and extend more than six inches above a roof or parapet wall are, for the purpose of this article, roof signs. (Roof signs are not permitted in any district—See section 35-4.)

## **Sec. 35-17. Commercial and industrial districts outside of shopping centers.**

1. All signs permitted in residential districts under paragraphs (2) and (3) of section 35-14.
2. For Sale, Lease or Rent Signs. [ . . . ]
3. Wall Signs.
  - a. One on each street frontage.
    1. Not to exceed one-eighth of the square footage of the building facade of that portion of the first floor occupied by the enterprise and upon which facade the wall sign is to be located.
    2. Not to exceed a maximum of one hundred square feet in sign area unless approved as an approved modification, pursuant to sections 35-28 through 35-31.

## Summerland Community Plan Design Guidelines – Chapter 7: Signage

### Chapter 7: Signage

#### OVERALL CONCEPT

In addition to these Guidelines, signs are subject to the requirements of the Zoning Ordinance Sign Standards, including “Special Sign Standards for Summerland.” The intent of this chapter is to supplement (not supercede) the ordinance by specifying points related to the design of signs, specifically as this relates to the architectural style of the building to which the sign belongs, placement and proportion of signs, and aesthetics such as color and lettering style.

In order to efficiently process a proposed project involving architectural review, the applicant should provide sign information as part of the overall proposal. If sign details are unknown at the time of architectural review, the plans should, at a minimum, indicate sign locations and ensure appropriate accommodation of mechanical equipment.

Signs identify businesses, provide directions, and add to the overall appearance of a commercial area. The use of too many signs and poor quality materials can clutter the streetscape and detract from the ambiance. Commercial signs should provide a unified treatment to maintain and enhance the appeal and integrity of Summerland’s Commercial Core. “Unified treatment” does not mean that all signs must have the same style of lettering. Rather, the lettering should have similar stylistic traits, and the signs should complement the buildings and businesses they serve or the instructions that they convey.

Signs should be compatible with, but not necessarily similar to, the signs of adjoining premises. These sign guidelines are intended to guide business identification as well as to augment the expression of the local history and commercial development. Signs for commercial development should be designed as an integral part of the structure they serve and should relate in lettering style and form.

#### MATERIALS

All signs shall be constructed of high quality, matte finish, non-reflective materials. Figure 7.2 is an example of a sign made with quality material. Signs mounted to the façade of a building may require additional room to accommodate necessary electrical equipment. When considering design of a structure and sign placement, take into account the proportions of the sign in relation to the building.

Compare Figure 7.2 example sign with project sign:

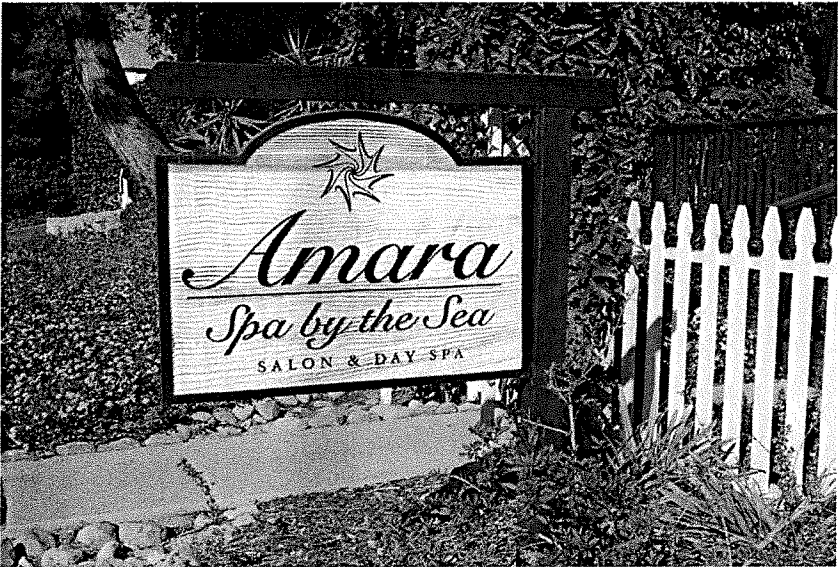
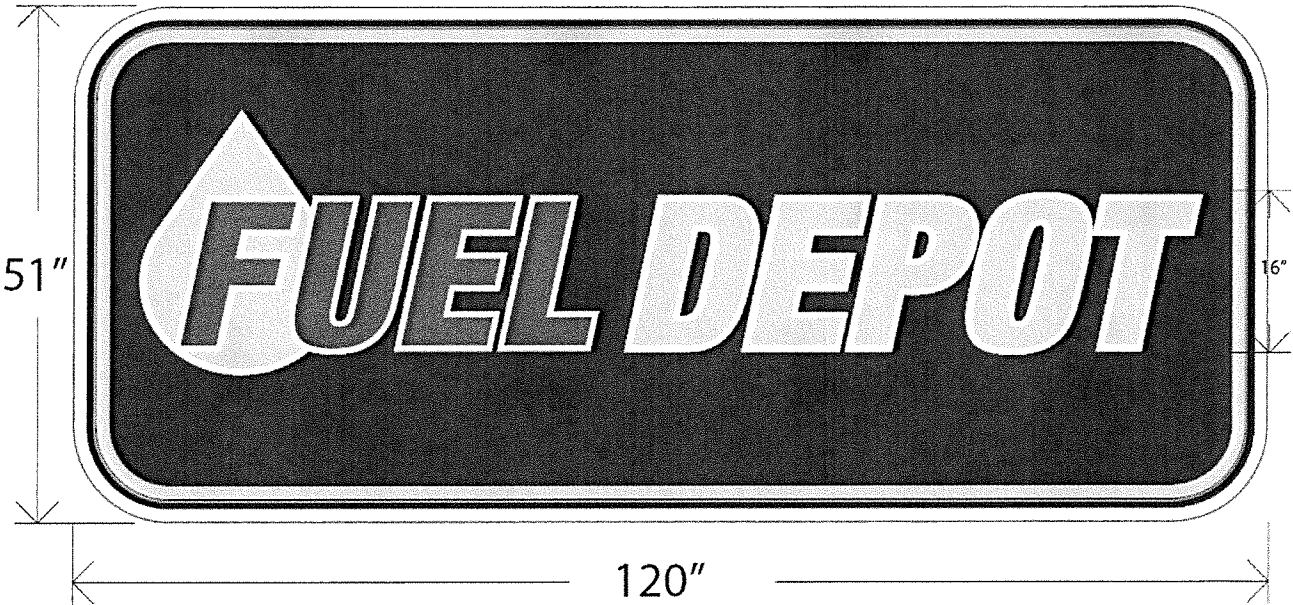


Figure 7.2 – Example of an appropriate “Quality Sign” From Summerland Community Plan Design Guidelines



1/2" matte not reflective painted MDO panel  
Illuminated by x4 gooseneck light fixtures see sheet attached  
120"x51"= 42.5sqft

Scale - 1":1'



## B. Purposes of Sign Ordinance

### Sec. 35-2. Purpose.

The purpose of this article is to harmonize by regulations the legitimate private purpose of signs; that is, the identification and promotion of the seller to the buyer, with the public purposes of public safety, health and welfare. The public purposes most directly expressed in the regulation of signs in the county are traffic safety as related to the diversion of a vehicle driver's attention from the road, both in direction and time, and the economic and aesthetic welfare of the county as related to the existing and future economic significance of tourism; retirement income; and quality residential, recreational, commercial and light industrial developments. All of these economic bases depend in large measure upon the county's ability to maintain its well established reputation as an attractive area, both as to natural and man-made features, in which to visit and to live.

While the regulations contained in this article serve both public purposes, they also may enhance the private purpose of signs. For example, the prohibition against animated signs, roof signs, most projecting signs, marquee signs and portable signs clearly serves both public purposes, but this prohibition also eliminates a jungle of competing signs in which the individual business's identity or message is lost to his potential customer. On the other hand, the permitted use, under this article, of wall signs, freestanding signs permitting changeable copy or multiple copy in place of portable signs, and under canopy signs will serve both public purposes while at the same time permit the more effective realization of the private objectives of signs.

## C. New or Enlarged Structures on Non-conforming Building In Setback

Coastal Zoning Ordinance 35-58 definitions.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A trailer shall not constitute a structure within the meaning of this Article. As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

**Setback:** The minimum required distance that a building or structure must be located from any property line of the lot on which they are located or street center line in order to provide an open yard area which is unoccupied and unobstructed from the ground upward except as specifically allowed for in this Article.

# Appendix A

## Section 35-162. Nonconforming Buildings and Structures.

(Amended by Ord. 4227, 06/18/1996; Ord. 4318, 06/23/1998; Ord. 4557, 12/07/2004; Ord. 4884, 09/08/2016)

If a building or structure is conforming as to use but nonconforming as to setbacks, height, lot coverage, or other requirements concerning the building or structure, such structure may remain so long as it is otherwise lawful, subject to the following regulations.

### B. Structural change, enlargement, or extension.

#### 1. Enlargements or extensions allowed in limited circumstances.

- Except as listed below or otherwise provided in this Article, a nonconforming structure shall not be enlarged, extended, moved, or structurally altered unless the enlargement, extension, etc., complies with the height, lot coverage, setback, and other requirements of this Article.

### D. Lighting Standards

#### 2. Section 35-139. Exterior Lighting.

(Amended by Ord. 4196, 05/16/1995; Amended by Ord. 4887, 06/09/2016; Amended by Ord. 4942, 12/14/2017)

All exterior lighting shall be hooded and no unobstructed beam of exterior lighting shall be directed toward any area zoned or developed residential, or toward any environmentally sensitive habitat area. No lighting shall be so designed as to interfere with vehicular traffic at any portion of a street. Division 13 (Summerland Community

### Summerland Community Plan Commercial Design Guidelines, Sign Guidelines

C7.7 Sign lighting should be minimal and should limit impacts to the night sky and to off-site areas.

#### SIGN LIGHTING

Signs must be lit only with shielded lights. High-quality fixtures appropriate to the architecture of the building should be used. Exposed standard spotlights and floodlights should not be used. Light supports should complement the design of the sign and building façade. Fixtures should be mounted above the sign.

Lighting should be directed toward the sign with no light spill beyond the sign face. In keeping with the Summerland Sign Standards, all sign lighting should be external. Interior illuminated cabinet or flashing signs should not be used. Gooseneck light fixtures are a common means of providing down lighting on signs and storefronts and are appropriate for Summerland (Figure 7.3).

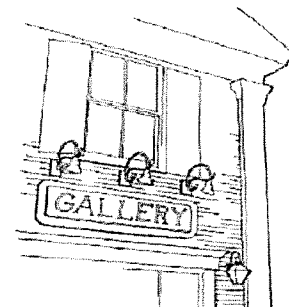


Figure 7.3 – Appropriate Sign Lighting

## Appendix A

### E. Purpose of C-1 Zoning:

**Section 35-77A. C-1 - Limited Commercial.**

***Section 35-77A.1 Purpose and Intent.***

The purpose of the C-1 zone district is to provide areas for commercial activities, including both retail businesses and service commercial activities, that serve the travelling public as well as the local community. This zone district allows diverse uses, yet restricts the allowable uses to those that are also compatible with neighboring residential land uses in order to protect such uses from any negative impacts such as noise, odor, lighting, traffic, or degradation of visual aesthetic values.

*Froscher moved, seconded by Richards, and carried by a vote of 5-0 (Gilliland absent, Grubb recused) to grant Preliminary and Final Approval as submitted.*

8. 21BAR-00000-00139 Xerxes New SFD Toro Canyon  
21CDP-00000-00070 (Veronica King, Planner [kingv@countyofsb.org](mailto:kingv@countyofsb.org))

Request of Bildsten Architecture and Planning, architect for Kass Nourishad, to consider Case No. 21BAR-00000-00139 for further Conceptual Review and Preliminary Approval of a new 4,675 (net) square foot two-story single family dwelling with attached 530 (net) square foot garage. A new Accessory Dwelling Unit of 1,200 SF is also proposed. The parcel is currently vacant. The proposed project will require approximately 600 cubic yards of cut and 600 cubic yards of fill. The property is a 3.68-acre parcel zoned AG-I-40 and shown as Assessor's Parcel Number 155-140-065, located at 3040 Foothill Road in the Carpinteria area, First Supervisorial District. (Continued from 08/27/21, 12/17/21, and 03/18/22)

*Froscher moved, seconded by Grubb, and carried by a vote of 4-0 (Gilliland, Blumer and Vrtiak absent) to drop 21BAR-00000-00139 from the Standard Agenda.*

9. 22BAR-00000-00062 Robertson Trust Summerland Gas Signage Summerland  
22SCC-00000-00006 (Dara Elkurdi, Planner [delkurdi@countyofsb.org](mailto:delkurdi@countyofsb.org))

Request of Gelare Macon, agent for Sharon Kusman, to consider Case No. 22BAR-00000-00062 for Conceptual Review and Preliminary Approval of 2 walls signs (A – The Point Market, B – Fuel Depot), and associated light fixtures. The following structures exist on the parcel currently: convenience store (The Point Market), fuel dispensers, canopy, and trash enclosures. Wall sign 'A' measures 14.2 sq. ft. and will be externally illuminated by two gooseneck light fixtures, with a maximum wattage of 10 LED watts per fixture. Wall sign 'B' measures 42.5 sq. ft. and will be externally illuminated by a dark sky compliant, 80 LED watt light fixture. The property is a 0.38 acre parcel zoned C-1 and shown as Assessor's Parcel Number 005-177-005 located at 2285 Lillie Avenue in the Summerland area, First Supervisorial District.

**PUBLIC COMMENT:**

- a. Tom Evans
- b. Phyllis Noble
- c. Pamela Scott
- d. Tim Howie
- e. Teufel (letter)

**SBAR COMMENTS:**

- a. SBAR considers the rear wall sign (Sign B) a freeway sign and not visible from a street frontage.
- b. Wall Sign B should be restudied as current location does not comply with sign requirements with regard to location.

*Grubb moved, seconded by Pujo, and carried by a vote of 4-1-1 (Gilliland absent, Richards no, and Blumer abstained) to deny the project based on the incompatibility of Wall Sign B with sign regulations.*

*There being no further business to come before the Board of Architectural Review Committee, Committee Member Richards moved, seconded by Vrtiak, and carried by a vote of 6 to 0 (Gilliland*



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### Planning 16SCC-OOOOO-00004:

#### Sign Certificate of Conformance for Commercial or Industrial

Record Status: Closed

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### Work Location

2275 ORTEGA HILL RD \*  
 SUMMERLAND CA 93067

### Planning Details

Project Description:

TINGSTROM NEW SIGNAGE  
TWO NEW WALL SIGNS AND ONE HANGING SIGN. THE  
TWO WALL SIGNS ARE LOCATED ON THE EAST AND  
NORTH WALLS AND ARE 20 SF AND 9 SF RESPECTIVELY.  
THE HANGING SIGN WILL BE LOCATED ALONG THE EAST  
SIDE OF THE BUILDING AND OUTSIDE OF SETBACKS.

▼ **More Details**

▣ **Parcel Information**

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