

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
3111 CAMINO DEL RIO NORTH, SUITE 200  
SAN DIEGO, CA 92108-1725  
(619) 521-8036



Filed: 5/7/99  
49th Day: 6/25/99  
180th Day: 11/3/99  
Staff: LRO-SD  
Staff Report: 6/17/99  
Hearing Date: 7/13-16/99

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

*Tu 15h*

Application No.: 6-99-65

Applicant: Vignato Development Corp.

Agent: Ziebarth Associates

Description: Addition of 960 sq.ft. (detailing bays) to an existing one-story, 6,812 sq.ft. gas station/convenience store/car wash and revision to sign cabinet of existing 20 ft. high pole sign.

Lot Area	34,783 sq. ft.
Building Coverage	7,772 sq. ft. (22%)
Pavement Coverage	24,843 sq. ft. (72%)
Landscape Coverage	2,168 sq. ft. ( 6%)
Parking Spaces	21
Zoning	CA
Plan Designation	Commercial Area
Ht abv fin grade	17 feet (structure); 20 feet (pole sign)

Site: 2661 Via de la Valle, San Diego, San Diego County. APN 280-490-35

Substantive File Documents: City of San Diego Certified LCP; CDP #6-83-39; 6-88-581;  
City of San Diego CUP #98-0125

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SUMMARY OF STAFF'S PRELIMINARY RECOMMENDATION:

The staff recommends that the Commission approve the subject permit as it will not result in any adverse impacts to visual resources and is consistent with all applicable Coastal Act policies.

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STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval.

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

## II. Standard Conditions.

See attached page.

## III. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the addition of 960 sq.ft. (detailing bays) to an existing one-story, 17-foot high, 6,812 sq.ft. gas station/convenience store/car wash including revisions to the sign cabinet of an existing existing 20-foot high pole sign on the subject site. The existing gas station facility is located in a commercial retail plaza located on the southeast corner of Via de la Valle and Interstate 5 in the City of San Diego. The station is located on the western boundary of the commercial plaza, adjacent to I-5. The southernmost commercial building in the plaza, Pier 1 Imports, is adjacent to and just south of the site. Further south is the San Dieguito River Valley and lagoon which extends west under I-5 to the ocean. The applicant has already modified the copy on an existing approximately seven-foot high monument sign along the Via de la Valle frontage. However, these latter improvements do not require a coastal development permit.

The existing and proposed improvements require a total of 22 on-site parking spaces which were required through the conditional use permit (CUP) approved by the City of San Diego for the site. A total of 22 spaces are proposed, consistent with Section 30252 of the Act which requires adequate on-site parking to serve new development.

Coastal Development Permit #6-83-39 was approved for the subject site on 3/23/83 by the Commission for the construction of four service bays at the rear of an existing gas station and car wash and installation of a monument sign and 20-foot high freestanding/pole sign on the site. Both the monument sign and pole sign are still existing on the site. The project site is geographically within the City of San Diego which has a certified LCP. However, the Coastal Commission retains permit authority because the area consists of historic public trust lands (i.e., original jurisdiction). Thus, Chapter 3 policies of the Coastal Act are the standard of review with the City's LCP used as guidance.

2. Visual Resources. Section 30251 of the Act states, in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas,...

The subject site is located adjacent to the San Dieguito River Valley, a scenic coastal area. Views to the east from I-5 include the river valley. Views to the west from the freeway include the lagoon, Del Mar fairgrounds and racetrack and the Pacific Ocean. The subject site is visible from I-5 while traveling north.

As noted previously, the applicant is proposing to modify the cabinet of an existing 20-foot high pole sign to reflect the logo of the new lessee. Presently, the sign cabinet is round in shape as it was a former 76-Union gas station. The new gas station is a Chevron gas station; as such, the owner would like to change the shape of the sign cabinet from round to square. The copy on the sign has already been changed to reflect the new name of the gas station. The Commission has typically regarded any changes to the cabinet of existing signage as development which requires a coastal development permit. However, changes to the copy only, without modifications to the cabinet, is not regarded as development and therefore does not require a coastal development permit.

Also noted previously, the Commission approved the existing pole sign on the subject site in 1983, pursuant to CDP #6-83-39, in association with the construction of four service bays at the rear of an existing gas station and car wash and installation of a 7 ft. high monument sign on the site. At that time, the applicant was originally requesting to construct a 40-foot high pole sign; however, the Commission required that the proposed height of the sign be reduced to a maximum height of 20 feet. The sign was permitted because it was required for visibility from the freeway. At the time of approval, the City did not yet have a certified LCP, but it was anticipated when the LCP would become certified, it would include abatement provisions for removal of non-conforming signs. However, subsequently when the LCP was certified in 1987, abatement provisions associated with non-conforming signs were not incorporated into the certified LCP. The City permits non-conforming signage to remain if it existed prior to 1984 as a legal non-conforming use.

As noted previously, the project site is located on Via de la Valle and adjacent to the I-5 right-of-way; both of these are major coastal access routes. The City's certified LCP includes a sign ordinance which prohibits freestanding signs over eight feet in height within the coastal zone, except where permitted by a Conditional Use Permit (CUP). CUP No. 98-0125, approved by the City of San Diego on 9/16/98, for the proposed sign improvements and addition of service bays permitted the retention of the existing 20-foot high pole sign through the following condition of approval:

20. All signage on the property shall maintain compliance with the City-Wide Sign Ordinance, and Exhibit "A" dated September 16, 1998, as modified and

with exceptions as noted below:

a. Sign #1 – pole/ground sign shall be permitted to retain its nonconformity as allowed by the Municipal Code and be limited to a maximum height of 20'0" and 90 sq.ft. each face. ANY FUTURE CHANGES IN HEIGHT OR SQUARE FOOTAGE MUST COMPLY WITH ALL APPLICABLE PROVISIONS OF THE MUNICIPAL CODE IN EFFECT FOR THIS SITE, LOCATED IN THE COASTAL ZONE.

The remainder of the condition (#20 a-d) applies to the existing monument sign and other wall signage proposed, both of which do not require a coastal development permit.

Historically, the Commission has attempted to maintain and enhance public views on major coastal access routes by, among other means, minimizing the proliferation of tall freestanding pole signs. This has been achieved both through the prohibition of such signs in new development, and the abatement of existing pole signs when properties are redeveloped or expanded. Section 30251 of the Coastal Act, has been incorporated into various local LCPS through the adoption of sign standards which address enhancement of visual amenities. Many of these certified LCPs for different communities have incorporated sign requirements that allow for special provisions through the Conditional Use Permit process for businesses that need signage for visibility from adjacent freeways. As noted above, the City of San Diego has incorporated such provisions into its certified LCP. In addition, the Cities of Carlsbad and Encinitas both have provisions in their certified LCPs through the Conditional Use Permit process that allow for taller signage for freeway-oriented signs in the coastal zone, as well. The City's approval of the subject sign is consistent with the City of San Diego's certified LCP and is similar to provisions contained in other certified LCPs in San Diego County.

The existing retail/commercial shopping center where the subject site is located contains a variety of shops and commercial leaseholds, including a McDonald's fast food restaurant. The existing McDonald's sign is located 180 linear feet to the south of the subject site immediately adjacent to the I-5 right-of-way. That sign is 40 feet high and is visible from both northbound and southbound I-5 at greater distances away than the subject 20-foot pole sign due to its increased height and larger-sized cabinet. This sign greatly dwarfs the existing 20-foot sign. The McDonald's sign was permitted through CDP #6-88-581 and was found to be acceptable for the same reasons the existing pole sign was permitted on the subject site; it was necessary for visibility from the freeway and also, it was anticipated that such signage would be abated in the future.

The subject applicant performed a sight analysis to demonstrate the need for the subject sign and from the photographs submitted, as well as a site inspection conducted by Commission staff, it was confirmed that the signage does not appear to be visually obtrusive as viewed from northbound I-5. The sign does not block any public views as the existing gas station structure is the backdrop behind the sign. Also, the sign is not visible from southbound I-5 due to the presence of median landscaping, the height of the sign and its distance from the west side of I-5. In addition, the existing pole sign appears

no higher than the roofline of the existing gas station building and other structures to the north of it within the existing retail/commercial shopping center as viewed from northbound I-5. The surrounding area does not contain a lot of signs nor does the existing shopping center other than the existing McDonald's sign noted previously. The applicant has also stated that the retention of the existing sign height is necessary in order to be valuable as a freeway-oriented sign. If the sign were any lower, it would not be visible from the freeway to passing motorists. For all of the reasons cited above, the retention of the sign will not pose an adverse visual impact, consistent with Section 30251 of the Coastal Act. The proposed modifications to the existing sign are consistent with the City's Citywide sign regulations of the certified LCP. It is also important to emphasize that the existing sign was previously permitted by the Commission and due to the necessity to maintain its height for visibility from the freeway, its retention does not result in an adverse precedent.

In addition, the only other structural improvements to the gas station facility consisting of the addition of three service bays will be of similar scale and design to the existing structures on site, and the remodelled facility will be compatible with the mixture of large and small commercial buildings at the existing retail/commercial shopping center. Also, there is existing as well as proposed landscaping on the subject site which reduces the visual impacts associated with the development, consistent with Section 30251. Therefore, the proposed modifications to the existing pole sign and other improvements on the site can be found consistent with Section 30251 of the Act.

3. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The project site is zoned CA (Commercial – Area Shopping Center) and designated for commercial development in the certified City of San Diego LCP. The City has approved Conditional Use Permit #98-0125 for the proposed additional of 960 sq.ft. of service bays and changes to the existing on-site signage for the project. However, the site is in an area of public trust lands where coastal development permit jurisdiction remains with the Coastal Commission. The proposed project has been found consistent with all applicable Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that project approval will not prejudice the ability of the City of San Diego to continue implementation of its certified local coastal program.

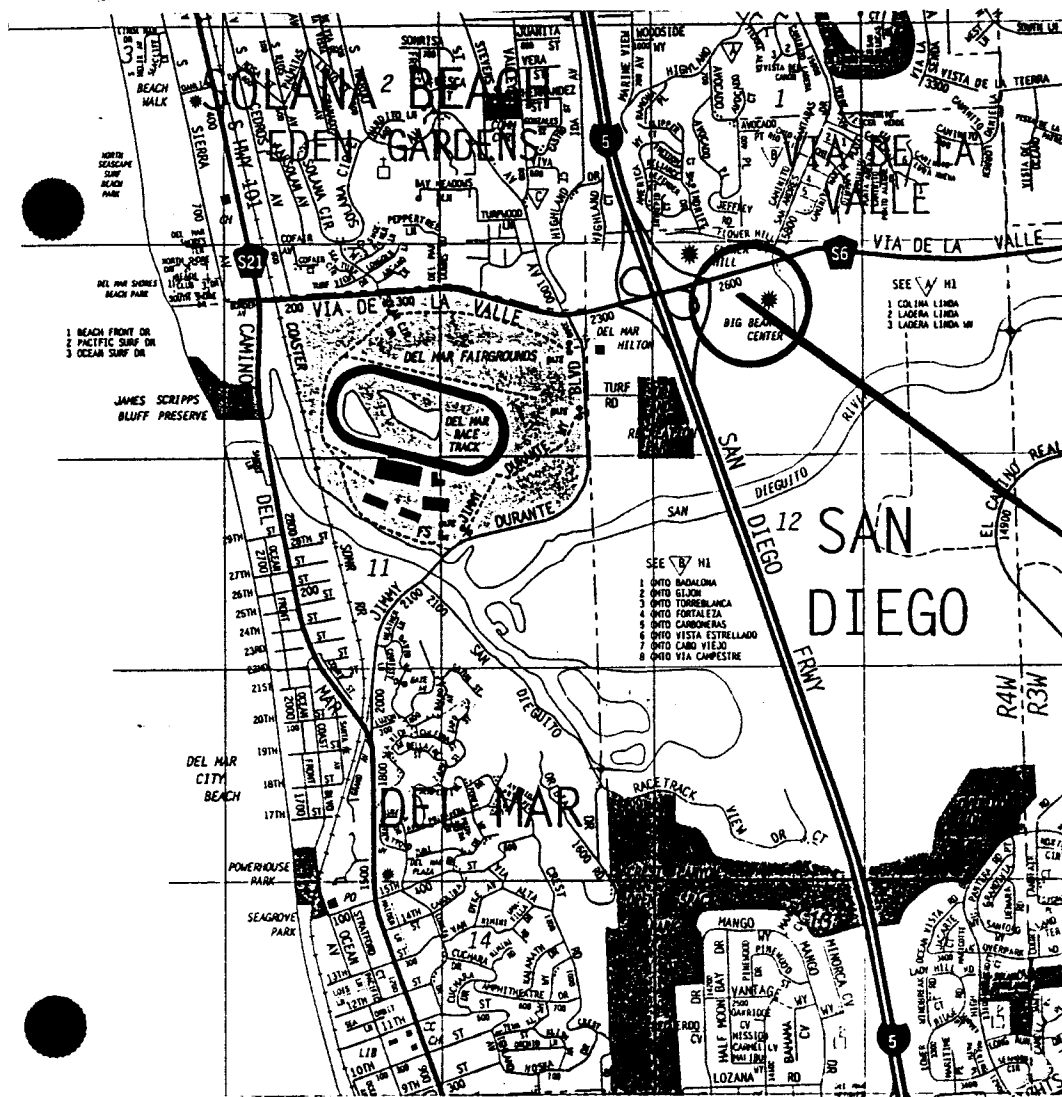
4. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available

which would substantially lessen any significant adverse effect which the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the visual resource and community character policies of the Coastal Act. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



Site

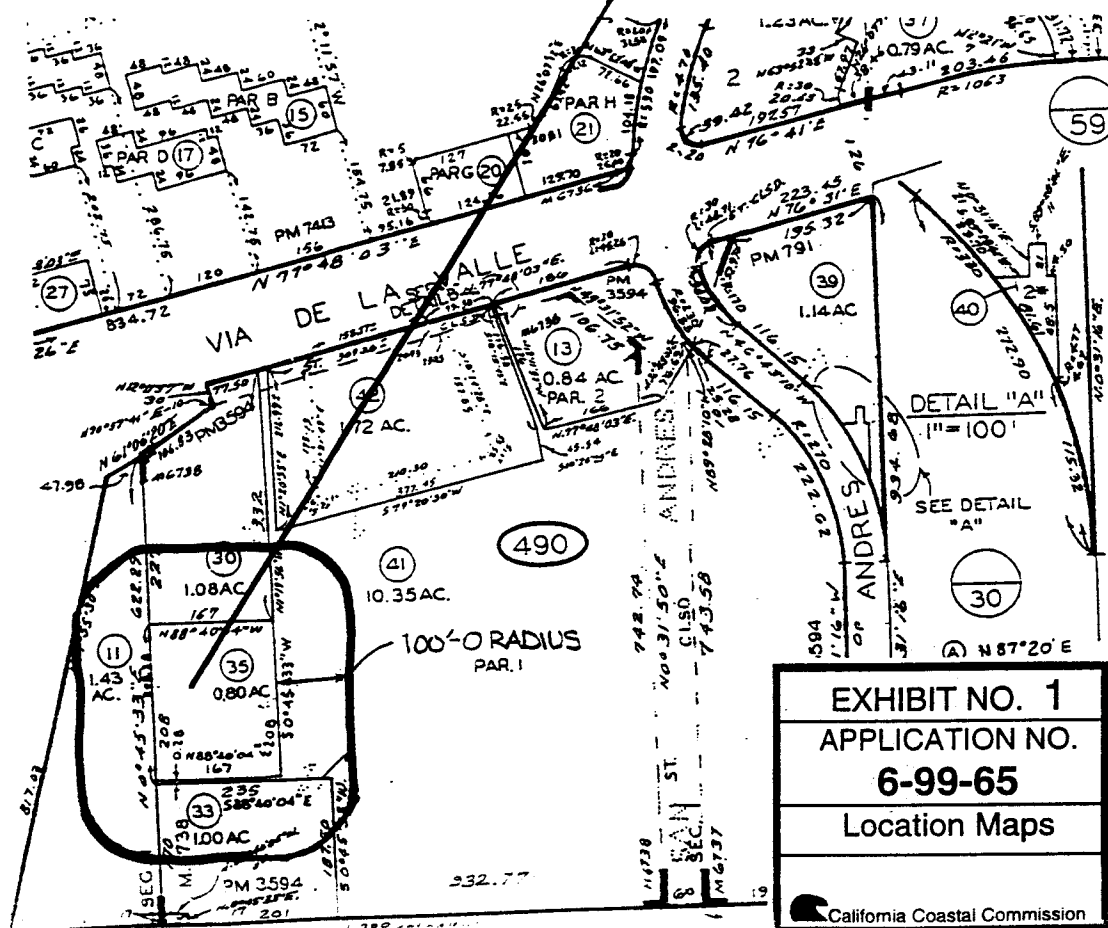
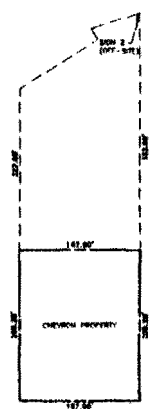


EXHIBIT NO. 1
APPLICATION NO.
6-99-65
Location Maps

California Coastal Commission

[illegible]

<b><u>QUANTITIES</u></b>	
<b><u>LAND AREA</u></b>	34,782 SQ FT (.80 ACRES)
<b><u>BUILDING AREA:</u></b>	
CONVENIENCE STORE	2,227 SQ FT
EQUIPMENT & STORAGE	<u>928 SQ FT</u>
SUB-TOTAL	3,115 SQ FT
CAR WASH BAY	2,697 SQ FT
DETAILING	<u>980 SQ FT</u>
TOTAL	6,812 SQ FT

PREPARED BY: ZIERARTH ASSOCIATES INC. REVISION 14:  
NAME: ZIERARTH ASSOCIATES INC. REVISION 13:  
REVISION 12:  
ADDRESS: 800 WEST IVY ST., STE. E REVISION 11:  
SAN DIEGO, CA. 92101 REVISION 10:  
PHONE: (619) 233-8450 REVISION 09:  
FAX: (619) 233-8449 REVISION 08:  
REVISION 07:  
PROJECT ADDRESS: REVISION 06:  
2881 VIA DE LA VALLE REVISION 05: 01-03  
SAN DIEGO, CA. 92130. REVISION 04: 08-04  
REVISION 03: 03-18  
PROJECT NAME: REVISION 02: 03-18  
RANCHO CAR WASH REVISION 01: 12-17

SHEET TITLE: PROPOSED SITE PLAN ORIGINAL DATE: OCT 1987



EXISTING SIGN  
CABINET

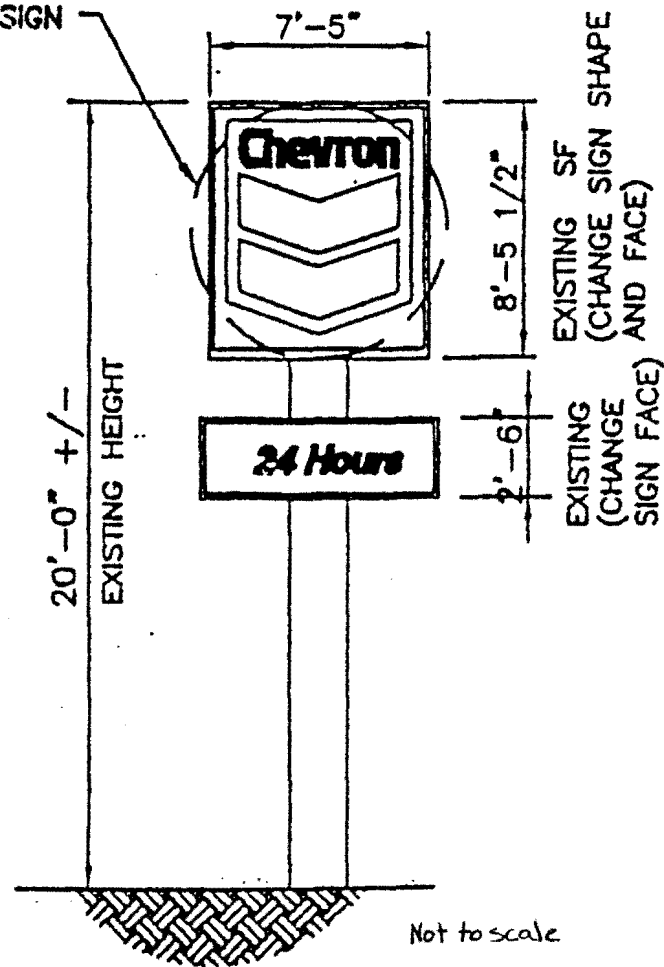


EXHIBIT NO. 3  
APPLICATION NO.  
**6-99-65**  
Sign Plan