CALIFORNIA COASTAL COMMISSION

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Staff:

LRO-SD

Staff Report:

9/11/00

Hearing Date:

10/10-13/00

REGULAR CALENDAR STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-00-25

Applicant:

University of California, San Diego

Agent: Milt Phegley

Description:

Removal of one existing sign and installation of 45 freestanding

identification and directional signs in public right-of-ways at existing

university campus.

Site:

Along North Torrey Pines Road, La Jolla Shores Drive and El Paseo

Grande, La Jolla, San Diego, San Diego County. APNS 342-110-45, 342-

010-24, 344-090-07

Substantive File Documents: 1989 Revised Long Range Development Plan; Certified La

Jolla- La Jolla Shore LCP Segment

STAFF NOTES:

The proposed project was originally scheduled for Commission review at its July, 2000 meeting. However, the applicant requested a postponement to respond to the staff recommendation. The applicant has since revised its proposal to include the deletion of one pole sign from its sign program. To comply with Permit Streamlining Act requirements, the Commission must act on this application at their October meeting.

Summary of Staff's Preliminary Recommendation:

Staff recommends that the Commission approve the subject permit. The proposed development, consisting of a sign program for the University, raises an issue with regard to protection of visual resources. Forty-three of the proposed signs have already been installed prior to being authorized by the Commission and the applicant is requesting after-the-fact approval to retain the signs. The majority of the signs will not result in impacts to public views or visual resources. However, one sign that has already been installed is inconsistent with Coastal Act policies as it will result in adverse visual impacts. After further review and discussion with Commission staff, the applicant has

proposed to revise its sign program to delete the subject 9 ft. high pole sign. A special condition requires the applicant to remove the sign, as proposed.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. MOTION:

I move that the Commission approve Coastal Development Permit No. 6-00-25 pursuant to the staff recommendation.

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. This will result in adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. <u>Final Sign Plan</u>. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit for review and written approval of the Executive Director, a final sign plan that is in substantial conformance with the sign plan submitted with this permit application but revised to reflect that:

The existing pole sign (Sign Type #13) on the west side of North Torrey Pines Road south of its intersection with Genessee Avenue be deleted.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

2. Condition Compliance/Project Implementation. WITHIN THIRTY (30) DAYS OF COMMISSION ACTION ON THIS COASTAL DEVELOPMENT PERMIT APPLICATION, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. In addition, after issuance of the permit, the applicant shall remove the sign on North Torrey Pines Road within 30 days. Failure to comply with these requirements may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. <u>Detailed Project Description</u>. Proposed is a comprehensive sign program for placement of 45 identification and directional signs on the UCSD campus. The location of the proposed signs at the UCSD campus will largely be within the interior parts of the campus. However, 14 of the proposed 45 signs are proposed to be located along public right-of-ways which are also major coastal access routes in the coastal zone. These major streets include North Torrey Pines Road between Genesee Avenue and La Jolla Shores Drive, La Jolla Shores Drive and El Paseo Grande. La Jolla Shores Drive is a designated scenic roadway in the certified La Jolla-La Jolla Shores LCP Addendum.

It should be noted that 43 of the signs have already been installed without benefit of a coastal development permit. The subject permit application is for after-the-fact approval of the 43 signs that have already been installed, approval of installation of three additional signs and the removal of one existing pole sign on North Torrey Pines Road. The University of California campus is not subject to the City of San Diego's certified Local Coastal program (LCP), although geographically the Scripps Institute of Oceanography (SIO) campus is within the La Jolla Shores segment of the City's LCP. Until such time that UCSD submits a Long Range Development Plan (LRDP) for Commission review and certification, the Commission retains permit jurisdiction for those areas of the campus that are within the coastal zone. The location of each of the signs on public right-of-ways are located on the UCSD campus and, as such, are within the Commission's area of permit jurisdiction. Thus, the standard of review is Chapter 3 policies of the Coastal Act.

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

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 installation of signage in the coastal zone raises a concern with regard to their potential adverse impacts on public views toward the ocean as well as on visual resources. The proliferation of signage along major coastal access routes can create a "cluttered look" and detract from the scenic quality of nearshore areas in the coastal zone. For this reason, in prior permit actions, the Commission has required that signs be sited and designed in a manner that is visually compatible with the area in which the sign is located.

As noted above, 14 of the signs subject to this review are/will be located on public right-of-ways that are also major coastal access routes (reference Exhibit Nos. 2 & 3). Each of the signs are of different heights and design types as shown on exhibits submitted by UCSD. All of the signs are monument signs, except for the sign proposed for removal, which is mounted on top of a pole.

Specifically, along North Torrey Pines Road, there will be a total of six signs between Genesee Avenue and La Jolla Shores Drive. Five of the signs are on the east side of the road and one of the signs is on the west side of the road. In addition, one sign on the west side of the road is proposed to be removed. None of the signs will impact public views to the ocean because no views are visible from this stretch of roadway in this location due to its distance from the shoreline as well as the presence of other development to the west. The signs are proposed for identification and directional purposes to different parts of the campus and, as such, are proposed to be located at different driveway entrances onto the campus. Four of the signs are 12' x 5'4" (Sign Type 1). Two signs are approximately 10'x 2'(Sign Type 9). The sign proposed for removal is 9' x 4' including a 3' high base (Sign Type 13).

In addition, seven signs are proposed along La Jolla Shores Drive between North Torrey Pines Road and El Paseo Grande. La Jolla Shores Drive is designated as a scenic roadway in the certified LCP. In describing the Scripps Subarea of the certified LCP, of which the subject area is a part, it is stated "The entire area is visually accessible from La Jolla Shores Drive, a scenic coastal access route of statewide significance." Views of the ocean can be seen to the west while driving/walking/bicycling either north or south along La Jolla Shores Drive. There are also numerous view corridors depicted by an arrow in a westerly direction from various points along the west side of La Jolla Shores Drive. Although the proposed signs are located along a designated scenic roadway, they are not within the specific "view corridors" identified in the LCP.

Along La Jolla Shores Drive, commencing from north to south, the first sign (Sign Type SIO 2) will be 9'6" high and is proposed to be located near Azul Street as a directional sign to the Stephen Birch Scripps Aquarium on the northbound side (east side) of the street. This area is predominantly residential and is on the upper portion of the roadway before it descends in elevation where panoramic ocean views looking west are visible. As such, this particular site will not obstruct any public views toward the ocean. The sign will also be located near other signs on the roadway (for pedestrian crossing, etc.). Near the Biological Grade entrance to SIO, there are two proposed signs on the west side of the street. One will be located at the northwest corner of driveway exit off of La Jolla Shores Drive in close proximity to the sidewalk. This sign will be 9'3" high x 4' wide (Sign Type 3). After turning right onto the driveway there is a fork in the road. Another sign is proposed at the fork in the road. This sign will be 6' high x 4'wide (Type 4). The latter sign will not block any views toward the ocean because the driveway descends in elevation and it will not encroach into the viewshed or ocean horizon views looking west. However, the first sign will be located within the viewshed of the ocean but due to its siting on the side of the roadway it will not significantly impede views toward the ocean.

Further south along La Jolla Shores Drive, there are two other signs which are 9'3" high x 4' wide (Sign Type 3). One sign will be located at the northwest corner of Naga Way and La Jolla Shores Drive. The other sign will be located at the northeast corner of Downwind Way and La Jolla Shores Drive at an entrance to SIO. Neither of these signs impede any views toward the ocean. The remaining two signs will be located along El Paseo Grande and an existing parking lot near the SIO on the north side of El Paseo Grande. The proposed sign at the northwest corner of La Jolla Shores Drive and El Paseo Grande is located on a grassy lawn area and is an identification sign that is approximately two to three feet high and 15 feet long. It is proposed to be replaced with another sign of similar dimensions, although not identical. The sign proposed in the parking lot (Sign Type SIO 4) will be 6' high by 4' ft. wide and will be located in an area where it does not block views toward the ocean.

In prior actions on permit applications for signs, the Commission has found that monument signs are consistent with the visual resource protection policies of the Coastal Act as long as they do not exceed a height of eight feet. The Commission has also found that pole and roof signs are inconsistent with the Coastal Act. 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. The Commission has permitted signs over eight feet in height for direction type signs that include directions for motorists to various locations within an existing facility.

The City of San Diego's certified Land Development Code (LDC), which the Commission may use for guidance, permits signs in the coastal zone overlay based on the width and speed limit of the right-of-way. The maximum height permitted is 8 ft. If the right-of-way is 60 feet wide or less, the smallest sign permitted would be 32 sq.ft. It

would be difficult to design a pole sign that would meet the dimension requirements of the code. In addition, in the coastal zone, roof and projecting signs are not permitted. Although the LDC does not specifically prohibit pole signs, it does contain language regarding ground sign pole covers and states that where ground signs are supported by poles, covers may be added onto those poles to improve the aesthetic quality of the ground sign.

In this case, most of the 45 signs that are proposed in this application are signs for different areas of the University campus and as discussed above, do not block public views and are consistent with Coastal Act policies. However, one of the existing direction signs will have an adverse impact on visual resources; the proposed pole sign located on the west side of North Torrey Pines Road just south of its intersection with Genesee Avenue.

The proposed sign at issue is 9' high by 4' wide and is situated atop a 3 ft. high pole for its base. The 9 ft. height includes the 3 ft. base, so the actual sign copy is approximately 5 ft. by 4 ft. As noted above, in the coastal zone, only monument signs or wall signage have typically been permitted, primarily due to the adverse visual impact associated with other types of signs such as pole signs, roof signs, and projecting signs. The existing pole sign which is situated along a major coastal access route is inconsistent with past Commission precedent and Section 30251 of the Coastal Act. This particular pole sign is visually incompatible with the character of the surrounding area because it is the only pole sign of its kind in the immediate vicinity and, as such, it not compatible with the other monument-type signs in the area. The proposed pole sign is the only sign that is inconsistent with the design of all of the other proposed signs along North Torrey Pines Road and La Jolla Shores Drive.

Again, as noted earlier, these two roadways are major coastal access routes where the policies of the Coastal Act call for protection of views along scenic coastal areas and the visual compatibility of new development to the surrounding area. The general area is scenic in nature and is closely located to major recreational areas such as the Torrey Pines Park and the gliderport to the south. The subject roadway is heavily utilized to gain access to the beach. To maintain the scenic resources of the area, "commercial strip" type of signage such as pole signs, billboards and the like are not appropriate for coastal areas as they diminish the scenic beauty of the area. The Commission remains concerned that allowing a pole sign along a major coastal access route may result in an adverse precedent for other pole signage in the area. In addition, cumulatively, such signs along major coastal access routes or along scenic roadways would pose a significant adverse visual impact inconsistent with Section 30251 of the Coastal Act.

In response to Commission concerns with regard to the subject sign's impacts on visual resources, the university is proposing with this application to delete and remove the subject sign. Therefore, Special Condition No. 1 requires submittal of final sign plans which show the deletion of this sign from the sign program. Special Condition #2 requires that the final plans be submitted within 30 days of Commission action and that the pole sign be removed within 30 days of acceptance of the plans. Thus, authorization

for removal of the sign is permitted through this coastal development permit. Overall, the proposed signs can be found consistent with Coastal Act policies. However, the above-referenced pole sign is not consistent with Coastal Act policies. Only as conditioned, can the proposed project be found consistent with the Chapter 3 policies of the Coastal Act addressing protection of visual resources.

- 3. No Waiver of Violation. The proposed development involves after-the fact approval for 42 freestanding directional and identification signs along public roadways on the UCSD campus which were installed without benefit of a coastal development permit. Although development has taken place prior to the submission of this permit request, consideration of the request by the Commission has been based solely upon Chapter 3 policies of the Coastal Act. Commission action upon the permit does not constitute a waiver of any legal action with regard to the alleged violation of the Coastal Act that may have occurred; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.
- 4. <u>Local Coastal Planning</u>. 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. The University of California campus is not subject to the City of San Diego's certified Local Coastal program (LCP), although geographically the Scripps Institute of Oceanography (SIO) campus is within the La Jolla Shores segment or the City's LCP. UCSD does, however, have the option of submitting an LRDP for Commission review and certification.

While UCSD has submitted a draft LDRP, its EIR and topographic maps to the Commission staff informally, as an aid in analyzing development proposals, the Coastal Commission has not yet formally reviewed the LRDP, and the University has not indicated any intention of submitting the LRDP for formal Commission review in the future.

As stated previously, Chapter 3 policies of the Coastal Act are the standard of review for UCSD projects, in the absence of a certified LRDP. Since the proposed development, as conditioned, has been found consistent with all applicable Chapter 3 policies, the Commission finds that approval of the proposed project, will not prejudice the ability of UCSD to prepare a certifiable Long Range Development Plan for its campus.

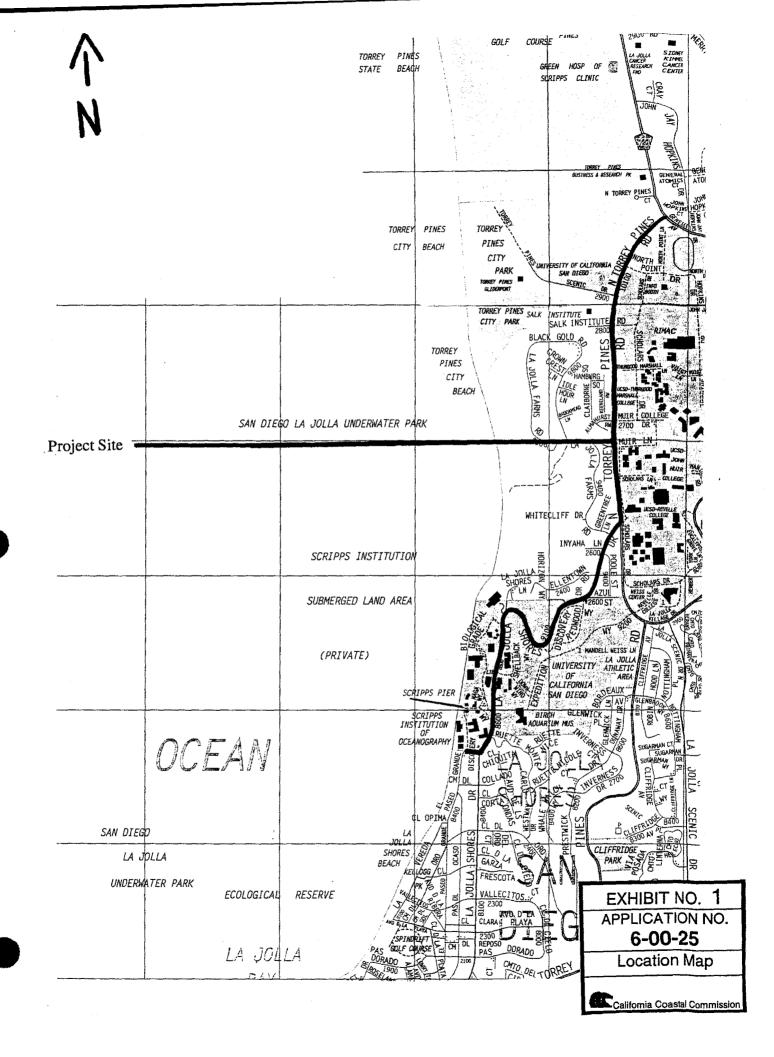
4. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of 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.

The proposed project has been conditioned in order to be found consistent with the visual resource policies of the Coastal Act. Mitigation measures, including conditions addressing signage/visual resources will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative under CEQA.

STANDARD CONDITIONS:

- 1. <u>Notice of Receipt and Acknowledgment</u>. 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. <u>Expiration</u>. 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. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment</u>. 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.
- 5. <u>Terms and Conditions Run with the Land</u>. 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.

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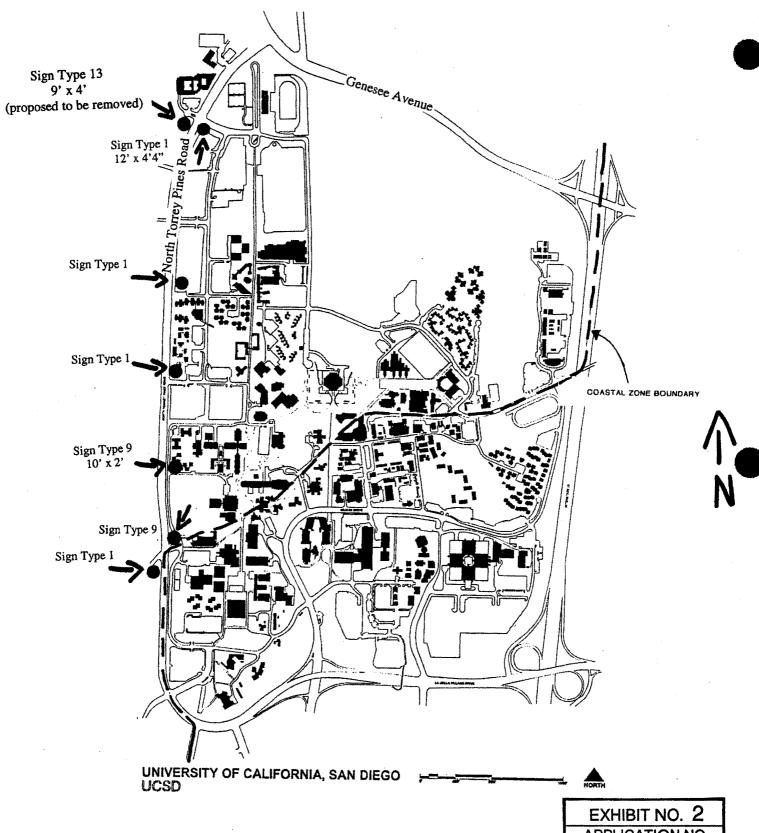
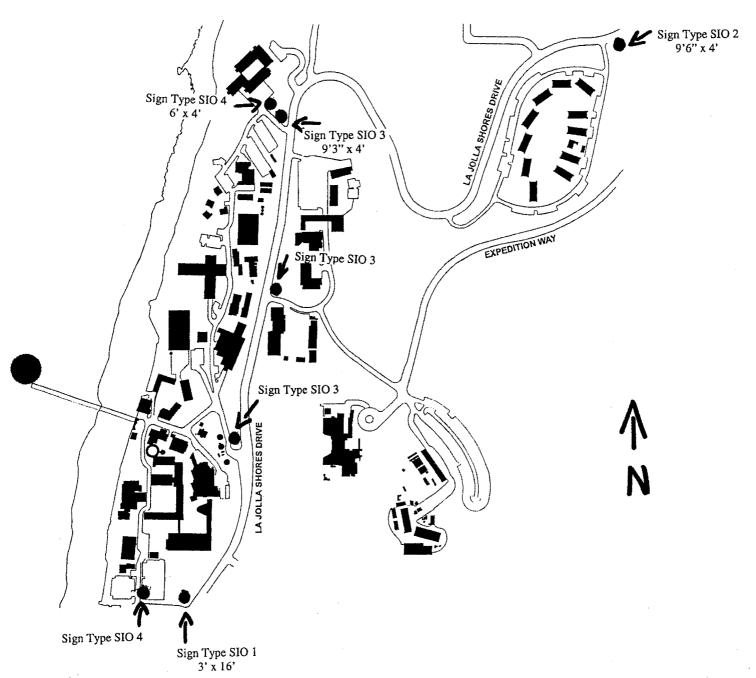


EXHIBIT NO. 2
APPLICATION NO.
6-00-25

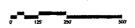
Site Plan for Signs on North Torrey Pines Road





SCRIPPS INSTITUTION OF OCEANOGRAPHY

UCSD





LOCATIONS OF SIGN TYPE (3

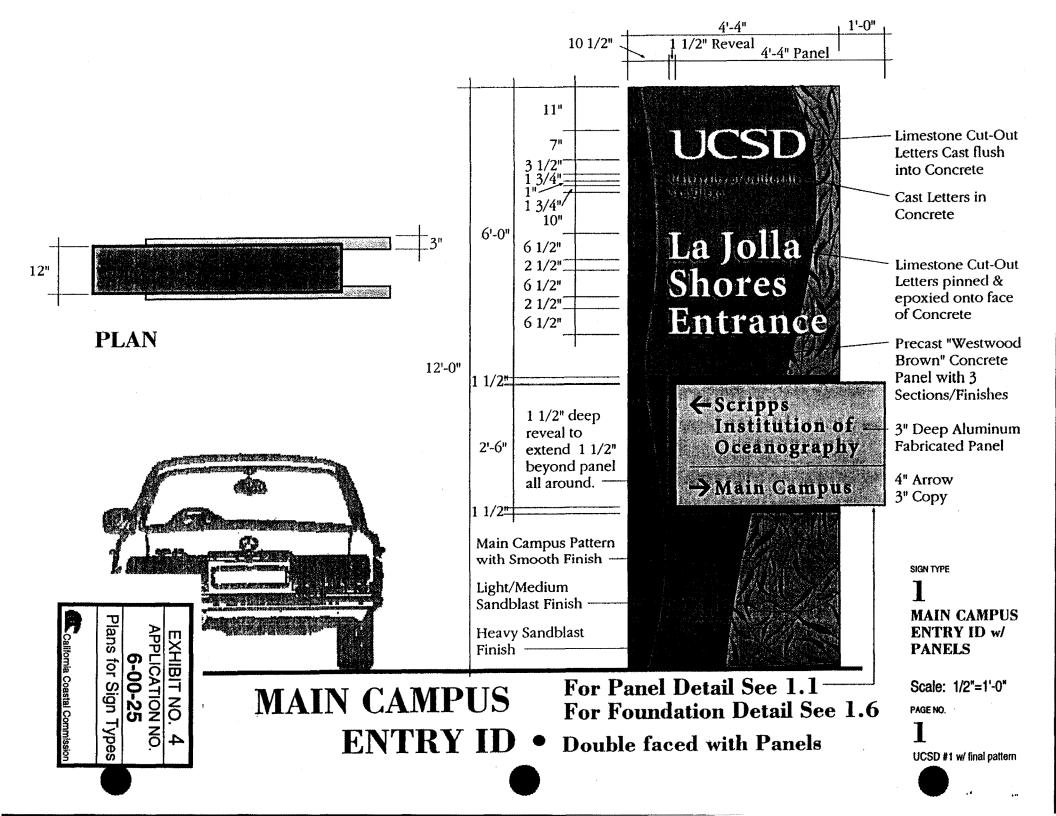
WITHIN COASTAL ZONE

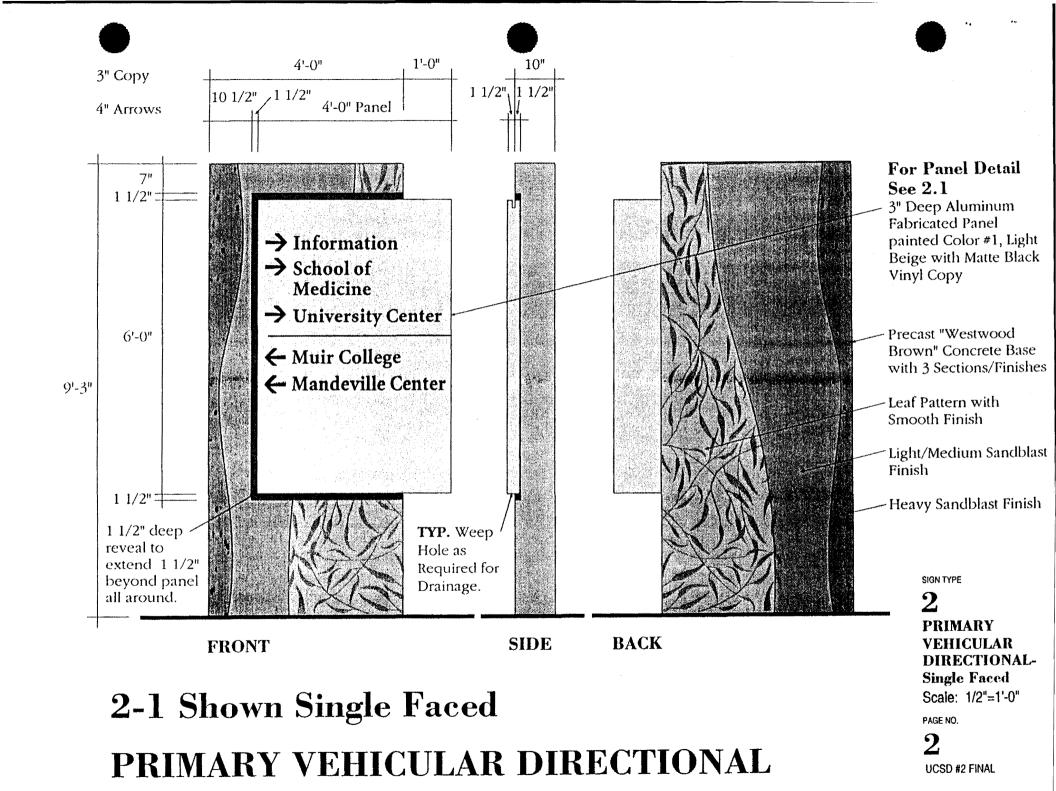
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APPLICATION NO. 6-00-25

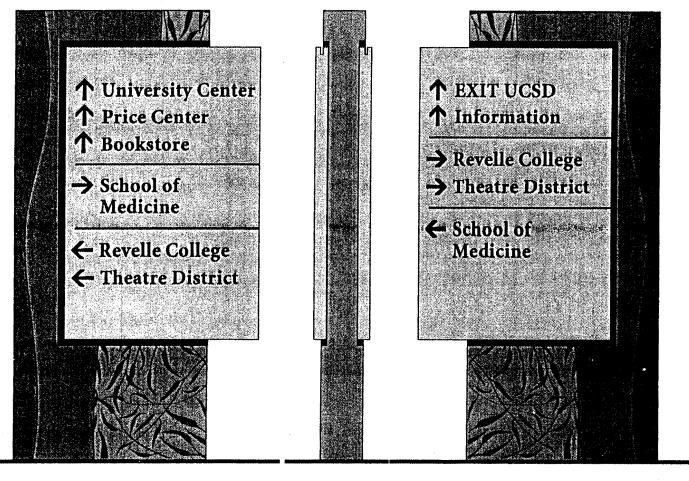
Site Plan for Signs on La Jolla Shores Road

California Coastal Commission





SEE SIGN TYPE 2 FOR SIZING & DETAILS



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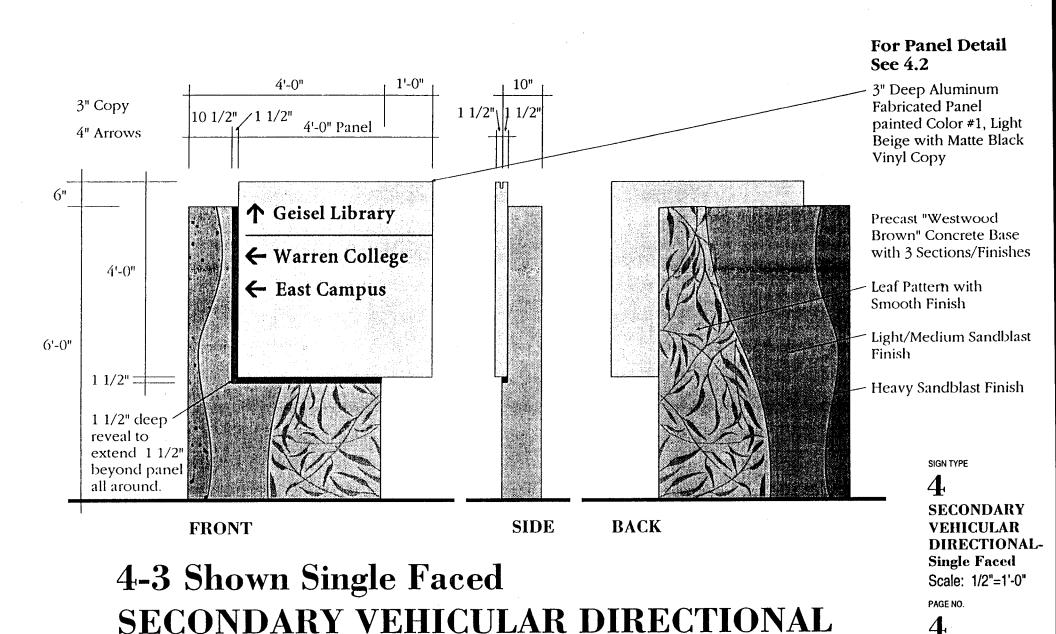
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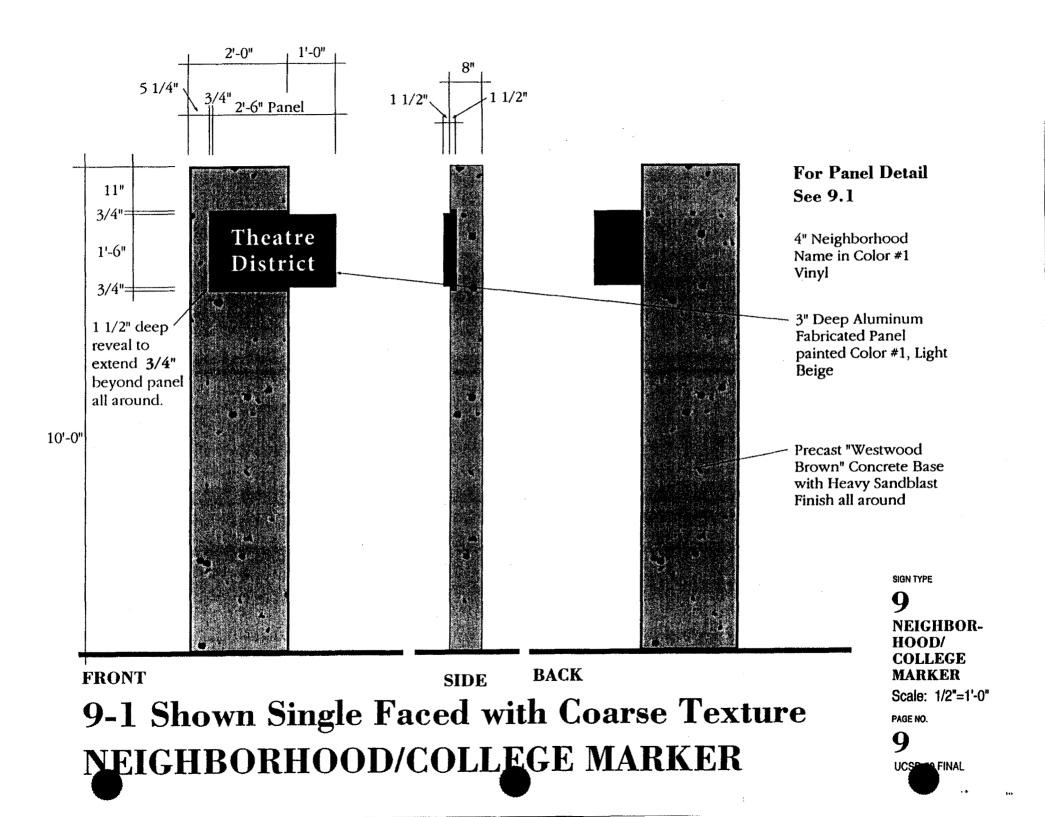
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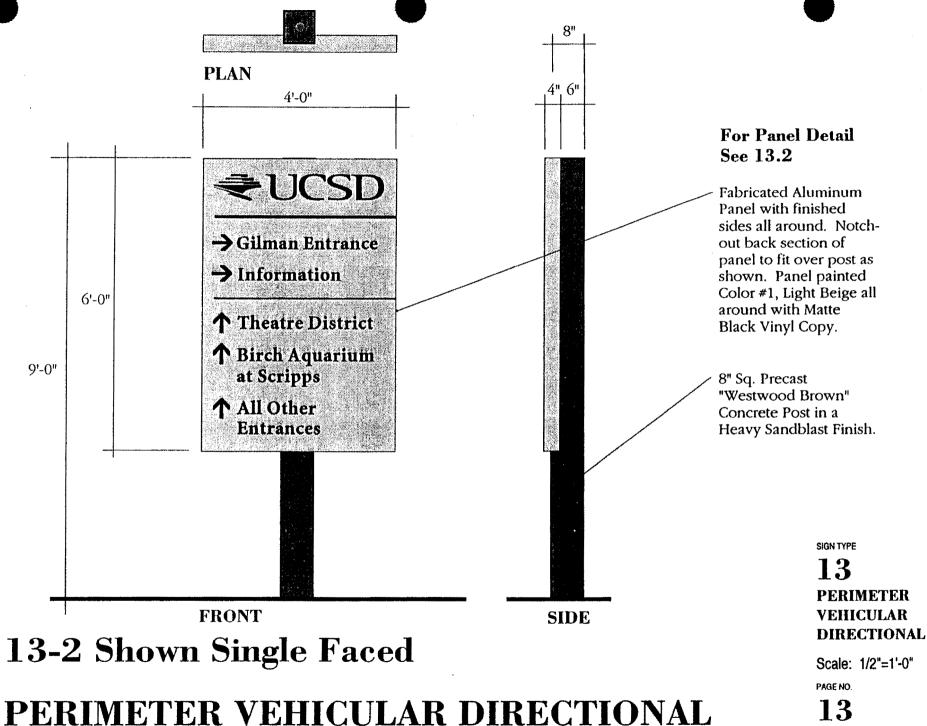
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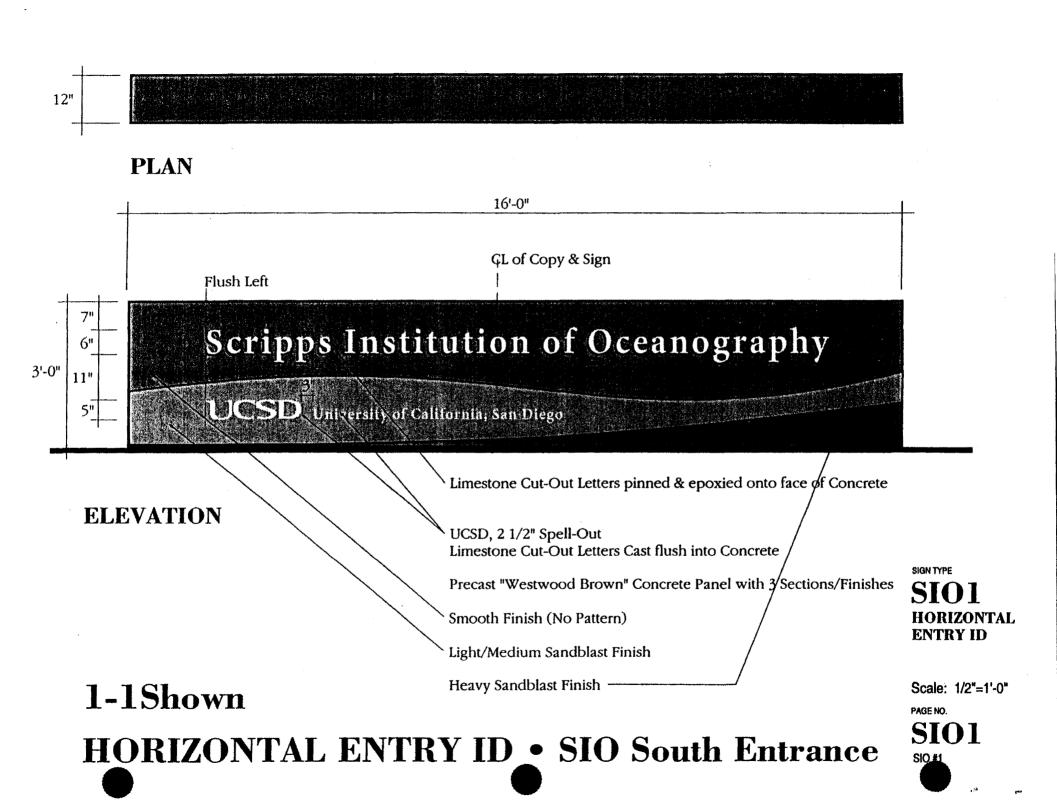


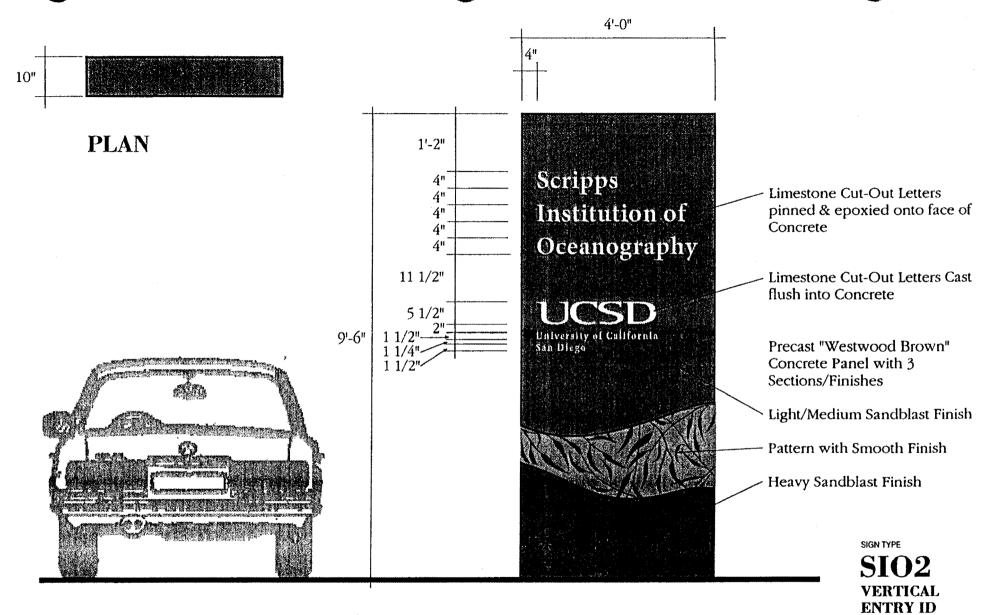
UCSD #4 FINAL





UCSD #13 FINAL





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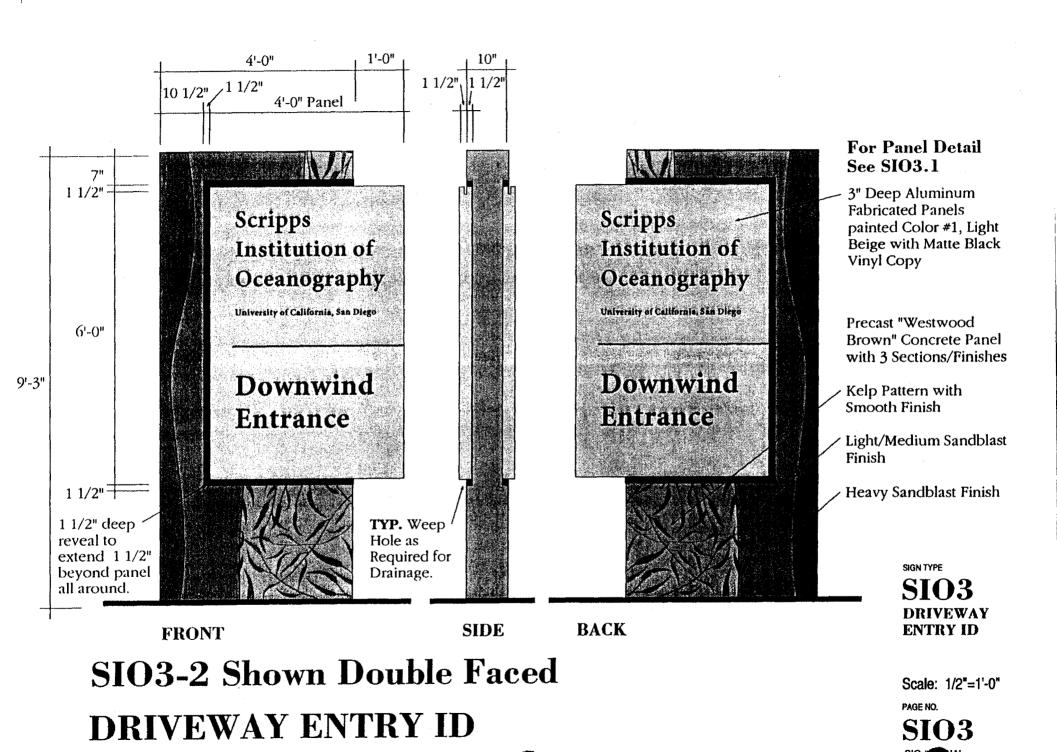
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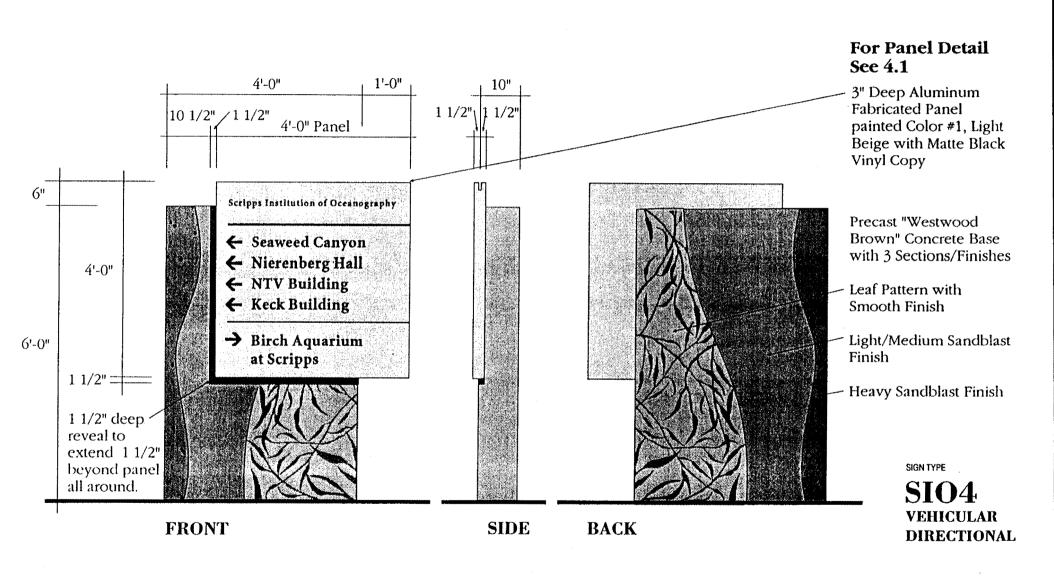
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SIO2

SIO #2





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