



THE CITY OF SAN DIEGO
REPORT TO THE PLANNING COMMISSION

DATE ISSUED: November 9, 2010 **REPORT NO. PC-10--102**

ATTENTION: **Planning Commission, Agenda of November 18, 2010**

SUBJECT: MIRA MESA RALPHS - Project No.214225
Process 4

**OWNER/
APPLICANT:** Mira Mesa Shopping Center – East, L.L.C.

SUMMARY

Issue(s): Should the Planning Commission approve or deny an application to amend the existing Mira Mesa Shopping Center – East’s Sign Program with deviations to signage area within the Mira Mesa Community Plan area?

Staff Recommendation: **Approve** Planned Development Permit No. 762087, an amendment to Planned Commercial Development Permit No. 85-0500.

Community Planning Group Recommendation: On September 20, 2010, the Mira Mesa Community Planning Group voted unanimously to recommend approval of the proposed project with no additional conditions.

Environmental Review: The City of San Diego, as Lead Agency, has made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15303, New Construction or Conversion of Small Structures and Section 15311(A), Minor Structures (Attachment No. 8). This project is not pending an appeal of the environmental determination. The environmental exemption determination for this project was made on September 10, 2010, and the opportunity to appeal that determination ended October 5, 2010.

Fiscal Impact Statement: All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

Code Enforcement Impact: None

BACKGROUND

The project is located on an 11.2-acre site at 9400 through 9490 Mira Mesa Boulevard, on the northwest corner of Mira Mesa Boulevard and Westview Parkway (Attachment No. 1), in the CC-1-3, Airport Influence Area, FAA Part 77 Overlay Zones within the Mira Mesa Community Plan area. The project site, Mira Mesa Ralphs Center, is an existing commercial and retail shopping center with eleven buildings encompassing approximately 118,000 square feet of retail and commercial uses on eight parcel lots (Attachment No. 2).

The project site is designated Community Commercial by the Mira Mesa Community Plan (Attachment No. 3). The Community Commercial land use designation is intended to encourage organized concentration of a wide variety of retail goods and services for the community.

On October 26, 1986, the Mira Mesa Ralphs Center development was approved with a Planned Commercial Development Permit (PCD) No. 85-0500 and Tentative Map by the Planning Commission (Attachment No. 4). The PCD No. 85-0500 approval also included the commercial center's specific Mesa Center East Sign Program (Sign Program) to govern signage on the site. The Sign Program allowed the development of up to seven ground signs on the property and to date, four signs have been constructed. The property owner proposes to amend their PCD's Sign Program and modify the maximum dimensions (height and signage area) of the Center Identification Entry Sign, Types "A" and "B" (Attachment No. 7). The proposed signage would exceed the Municipal Code's Sign Regulation for sign area and quantity of signage allowed on a street frontage. Therefore, the proposed changes to the Sign Program require a Planned Development Permit to deviate from the sign regulations of the City's Land Development Code.

DISCUSSION

Project Description:

The Mira Mesa Ralphs Center's Sign Program permitted the development of up to seven ground signs on the property, including four signs along the property's Mira Mesa Boulevard frontage and three signs along the property's Westview Parkway frontage. Currently, only four signs have been constructed on-site; three signs along Mira Mesa Boulevard and one sign along Westview Parkway.

The existing Sign Program identifies Type "A" and "B" signage and the proposed amendment would allow the replacement of an existing pylon sign along Mira Mesa Boulevard and Westview Parkway with a new sign Type "A," of 30 feet in height and 15 feet in width with 240 square feet of sign area on Mira Mesa Boulevard, and a new sign Type "B," of 24 feet in height and 13 feet in width with 150 square feet of sign area on Westview Parkway. The replacements would be constructed at the same location as the existing sign Type's "A" and "B." The proposed amendment would only affect the Sign Program's Type "A" and "B" signage and no other changes are proposed for the Sign Program's existing and permitted (undeveloped) signage.

The proposed changes to the Center Identification Entry Sign, Types "A" and "B" criteria would

comply with all the development regulations, except for San Diego Municipal Code (SDMC) section 142.1240(c), which allows for a maximum of 75 square feet of sign area for ground signs. The proposed deviation would allow one ground sign along Westview Parkway with 150 square feet of sign area and one ground sign along Mira Mesa Boulevard with 240 square feet of sign area. Also, SDMC section 142.1240(d)(3)(A), which allows for a 50 percent reduction to ground sign area when more than one sign is located on the same street frontage. The proposed deviation would allow three ground signs along Mira Mesa Boulevard and exceed the maximum number of ground signs permitted along the street frontage and one ground sign exceeding the maximum sign area as noted previously.

Community Plan Analysis:

The project site is designated Community Commercial by the Mira Mesa Community Plan (MMCP) and is intended to encourage organized concentration of a wide variety of retail goods and services for the community. Consistent with the MMCP's Development Criteria Element, the City staff has reviewed the proposed discretionary action for this property located in the commercially designated area. The proposed amendment to the Mira Mesa Ralphs Center's Sign Program continues to meet the Development Criteria Element for multi-building commercial developments with a coordinated sign program that limits signs to two or three colors, landscaped areas at the base of all pole and monument signs, and the size of the landscaped area greater than the area of the sign face.

Project-Related Issues:

Although the proposed changes to the Center Identification Entry Sign, Types "A" and "B" would be slightly larger than the existing signs at the Mira Mesa Ralphs Center, the proposed signage would be similar in character as the existing signage on the property. In addition, existing commercial signage in the vicinity of the project site is comparable to the proposed project. The Mira Mesa Marketplace, located across the street on the south side of Mira Mesa Boulevard, has two signs that are approximately 25-30 feet high and 8-10 feet wide. Immediately adjacent to and west of the Marketplace is a smaller shopping center which contains a sign that is approximately 20 feet tall and 12 feet wide.

Considering the above and as evaluated by City staff, the height, width, and area of the proposed signs would be comparable to the composition of nearby existing commercial signage. Also, the proposed signage would be set back from the public right of way at similar distance as the signage for surrounding commercial centers. Therefore, City staff supports the amendment to PCD No. 85-0500 and the requested deviations.

Conclusion:

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies and regulations of the Land Development Code. Staff has provided the draft findings to support approval of the proposed development (Attachment No, 5) and draft conditions of approval (Attachment No. 6). City staff is recommending the Planning Commissioners approve the project as proposed.

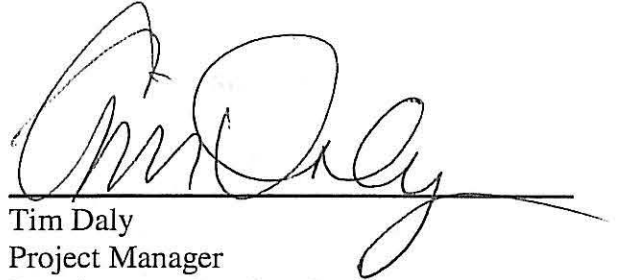
ALTERNATIVES

1. **Approve**, Planned Development Permit No. 762087 with modifications.
2. **Deny** Planned Development Permit No. 762087, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department

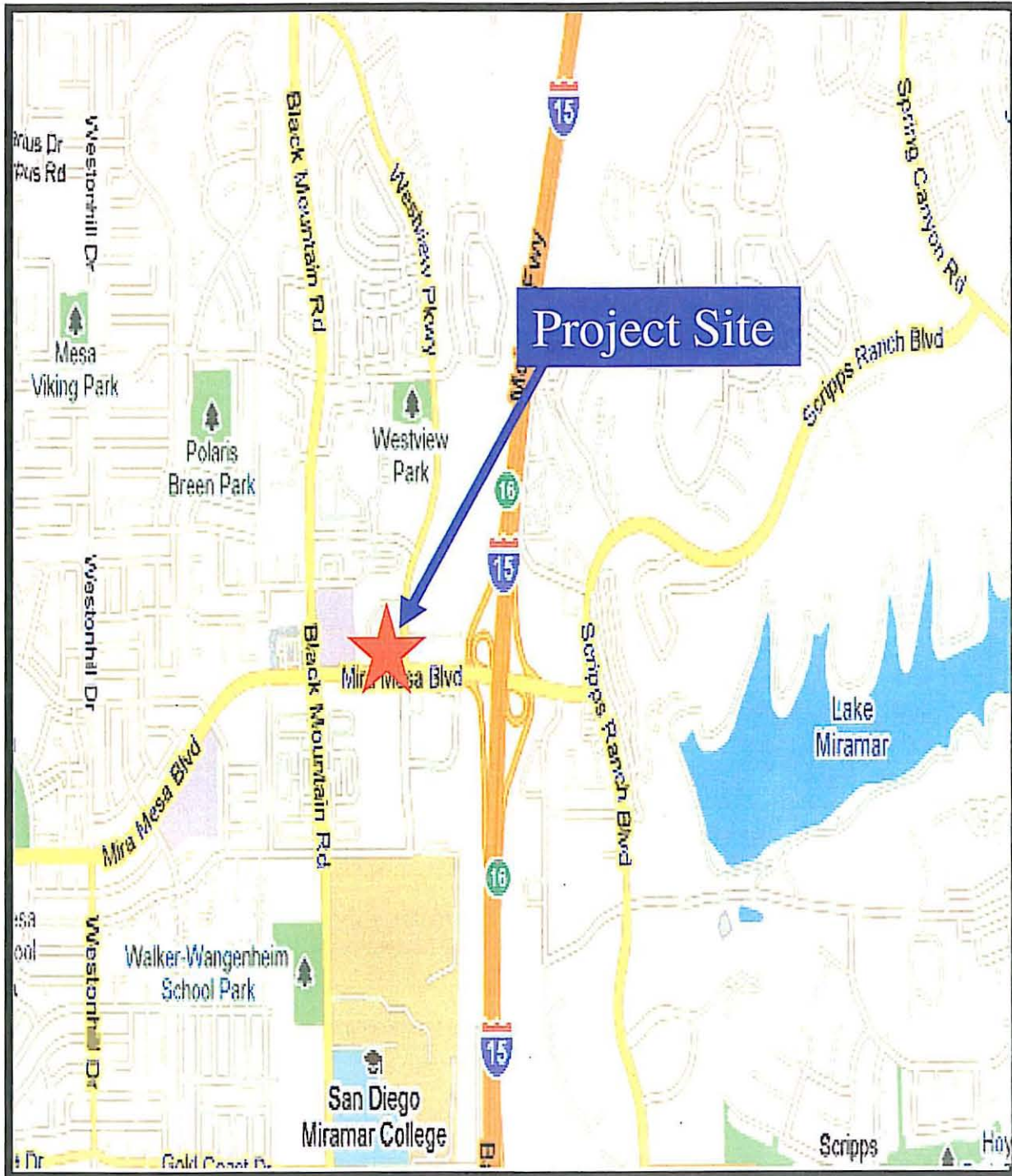


Tim Daly
Project Manager
Development Services Department

BROUGHTON/TPD

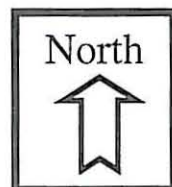
Attachments:

1. Project Location Map
2. Aerial Photograph
3. Community Plan Land Use Map
4. Planned Commercial Development Permit No. 85-0500 w/ Sign Program
5. Draft Permit Resolution with Findings
6. Draft Permit with Conditions
7. Draft Mira Mesa Ralphs Center Sign Program
8. Notice of Exemption
9. Ownership Disclosure Statement
10. Project Data Sheet
11. Project Chronology



Project Location

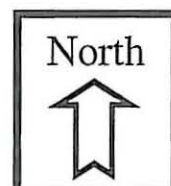
Mira Mesa Ralphs Center, Project No. 214225
9400 – 9490 Mira Mesa Blvd.

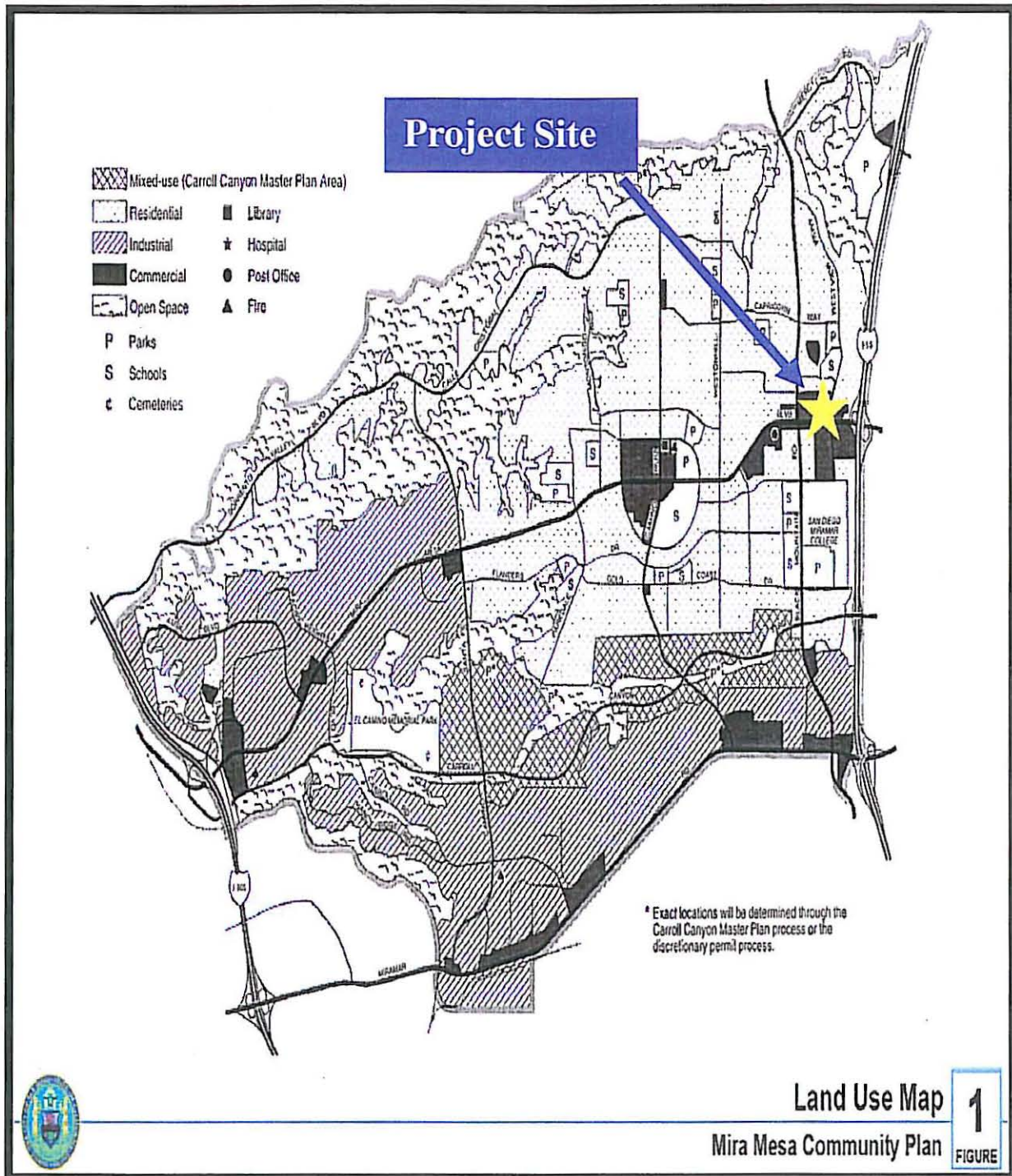




Aerial Photo

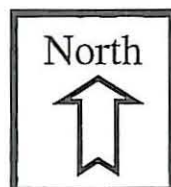
Mira Mesa Ralphs Center, Project No. 214225
9400 - 9490 Mira Mesa Blvd.





Mira Mesa Land Use Map

Mira Mesa Ralphs Center, Project No. 214225
9400 – 9490 Mira Mesa Blvd.



PLANNED COMMERCIAL DEVELOPMENT PERMIT NO. 85-0500
PLANNING COMMISSION

This Planned Commercial Development Permit is granted by the Planning Commission of The City of San Diego to MESA SHOPPING CENTER EAST, a General Partnership, Owner/Permittee, under the conditions in Section 101.0910 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct 118,000 square feet of General Commercial Uses and a 180-room motel, with 9,500 square feet of Commercial Visitor Uses located on the north side of Mira Mesa Boulevard between I-15 and Black Mountain Road, described as a portion of the northeast quarter of Section 31, T14S, R2W, SBBM, in the A-1-1 (proposed CA) Zone.

2. The facility shall consist of the following:

- a. 11 buildings totaling 118,000 square feet for General Commercial Uses;
- b. A 180-room motel with 9,500 square feet of Commercial Visitor Uses;
- c. Off-street parking;
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. As a condition of approval of this PCD Permit, an amendment to the Mira Mesa Community Plan redesignating the site from low/medium density residential (10-15 dwelling units/acre) to a commercial land use designation shall be approved by the San Diego City Council prior to this permit becoming valid and prior to issuance of building permits.

4. No fewer than 805 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated October 30, 1986, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

5. No permit for construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Planning Department;
- b. The Planned Commercial Development Permit is recorded in the office of the County Recorder.

6. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A" dated October 30, 1986, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

7. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A" dated October 30, 1986, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

8. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.

9. This Planned Commercial Development Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0910 of the Municipal Code.

10. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.

11. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Commission; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

12. This Planned Commercial Development Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

13. This Planned Commercial Development Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.


14. The subdivider shall relinquish access rights to Mira Mesa Boulevard adjacent to the subdivision; no driveway access will be allowed onto Mira Mesa Boulevard.

Passed and Adopted by the Planning Commission on October 30, 1986.

PCD Permit No. 85-0500

Page 3 of 4

AUTHENTICATED BY:



 Burch Ertle, Senior Planner
 Planning Department

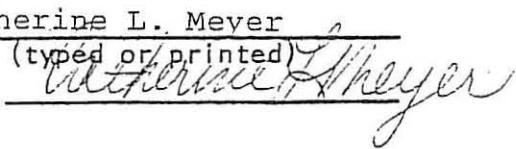


 Sue Blackman, Secretary to the
 Planning Commission

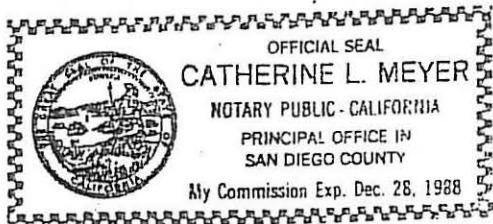
State of California,)
 County of San Diego.) SS.

On this 15th day of December, in the year 1986,
 before me, Catherine L. Meyer, a Notary Public
 in and for said county and state, personally appeared Burch Ertle,
 personally known to me (or proved to me on the basis of satisfactory
 evidence) to be the person who executed this instrument as Senior
 Planner of The City of San Diego Planning Department, and SUE BLACKMAN,
 personally known to me (or proved to me on the basis of satisfactory
 evidence) to be the person who executed this instrument as Secretary
 to the Planning Commission of The City of San Diego, and acknowledged
 to me that The City of San Diego executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in
 the County of San Diego, State of California, the day and year in this
 certificate first above written.

Name Catherine L. Meyer
 (typed or printed)
 Signature 

NOTARY STAMP



LS

PCD Permit No. 85-0500

Page 4 of 4

ACKNOWLEDGED:

The undersigned "Owner/Permittee" by execution hereof agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

MESA SHOPPING CENTER EAST, a general partnership, Owner/Permittee

By _____

State of California,)
County of San Diego.) SS.

On this _____ day of _____, in the year _____, before me, _____, a Notary Public in and for said county and state, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person that executed this instrument, on behalf of the partnership and acknowledged to me that the partnership executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, the day and year in this certificate first above written.

Name _____
(typed or printed)

NOTARY STAMP Signature _____

State of California,)
County of San Diego.) SS.

On this _____ day of _____, in the year _____, before me, _____, a Notary Public in and for said county and state, personally appeared _____, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person that executed this instrument, on behalf of the partnership and acknowledged to me that the partnership executed it.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal, in the County of San Diego, State of California, the day and year in this certificate first above written.

Name _____
(typed or printed)

NOTARY STAMP Signature _____

(partner . . . ip)

(partnership)

PCD 85-0500

MESA CENTER EAST
SIGN PROGRAM

85-0500

MESA EAST SHOPPING CENTERMESA EAST SHOPPING CENTER

Signage facing the public right-of-way and located on the Mesa Shopping Center East shall conform to the general guidelines and restrictions outlined herein and to the criteria specified for individual sign types. Where no criteria are defined, the current provisions of the City Wide Sign Regulations shall apply. Signs that fall outside the parameters of these criteria and the City-Wide sign Regulations may be approved by the Planning Director if such signs are deemed to be tasteful, well-balanced, and contribute to the success of the Center.

The objectives of the sign program are:

- . To establish signage as a design element that contributes a sense of place to the Mesa Center East.
- . To provide signage that adequately identifies Mesa Center East tenants
- . To create a balance between commercial and aesthetic interests
- . To provide standards of acceptability for signs in order to facilitate the review and approval process

MESA CENTER EAST

DEFINITIONS

BUILDING SETBACK

That area of a building site between the property line and the area where habitable structures and required parking are generally built, as designated in the Zoning Ordinance.

Fascia Sign

A building wall sign located above pedestrian level, with the sign face parallel to the fascia.

Letter Height

Letter height shall be determined by measuring the normal capital letter of a type font exclusive of swashes, ascenders, and descenders.

Logo

An image composed of a collection of symbols, figures, design elements, and letters which together form a distinct and unique identifying mark.

Major Tenant

A tenant of a site or building who occupies from 20,000 square feet of leased floor space.

Mid-Size Tenant

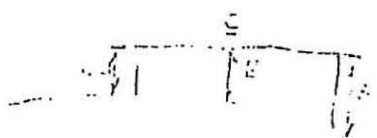
A tenant of a site or building who occupies from 3,500 to 20,000 square feet of leased floor space.

Minor Tenant

A Tenant of a site or building who occupies less than 3,500 square feet of leased floor space.

Maximum Average Height (Monument Signs)

Maximum average height and width of sign face area for monument signs on level ground shall be no greater than 6 feet high and 8 feet wide. In no case shall the overall height of a monument sign on sloped ground as measured from the highest extremity to ground level immediately beneath that point, be more than two feet greater than the maximum average height.



MESA CENTER EAST

Monument Sign

A ground sign forming a continuous mass including the sign face, base and its connection to the earth.

Pad Tenant

A user who occupies a freestanding building on the street perimeter of the project.

Sign Face Area

The area of a sign, including margins, potentially available for display of copy and graphics. The area of monument signs and signs on garden walls shall be computed by drawing a line around each graphic element and/or line of copy and calculating the area contained within the line.

Wall Sign

Any sign affixed to the elevation of a building wall, or letters, figures or signs affixed to a freestanding garden or retaining wall.

MESA CENTER EAST

PROHIBITED SIGN TYPES

The following sign types shall be prohibited at the Mesa Center East.

- . Signs on mansard roofs and equipment screens
- . Rooftop signs and signs projecting above roof lines or parapets
- . Rotating and flashing signs
- . Pole signs and other signs with exposed structural supports not intended as a design element, except for code-required signs
- . Temporary wall signs, pennants, banners, flags, inflatable displays or sandwich boards (Note: Temporary grand opening signs shall be allowed in accordance with current provisions of City-Wide Sign Regulations. These criteria shall not prevent granting of a temporary special permit or otherwise permitting signs advertising or pertaining to any civic, charitable or special event of general public interest that takes place within the City when it can be found that such signs will not be materially detrimental to the public welfare, interest or safety, nor injurious to adjacent property.)
- . Pre-manufactured signs, such as franchise signs, that have not been modified to meet the criteria
- . Signs on vehicles except for the following:
 - The driving, operation and movement of vehicles displaying political campaign advertisements for candidates for public office and ballot measures.
 - The identification of a business enterprise upon a vehicle used primarily for the purpose of and in the usual business of the owner for transporting or servicing goods or persons for commercial or other business purposes, provided that the identification is painted on or otherwise affixed so as not to project from the usual profile of the vehicle.
 - A single isolated movement of a sign or sign equipment or materials from one place to another within the City.

MESA CENTER EAST

GENERAL SIGN DESIGN GUIDELINES

1. Signs shall be designed as a family of signs, with selected elements such as materials, colors, form, typestyle, or layout remaining consistent throughout. Colors shall be restricted to choices provided by the Landlord so that signs will be compatible with building background colors. Use of established corporate colors, where they vary from the criteria, shall be allowed with landlord review and written approval.
2. Permanent monument signs shall not exceed 6 feet in maximum average height and 8 feet in maximum sign face area width as defined on Page 2.
3. Signs and typography shall fit comfortably into designated architectural spaces, leaving sufficient margins and negative space on all sides. Wall signs shall appear balanced and in scale within the context of the sign space and the building as a whole. Thickness, height, and color of sign lettering shall be visually balanced and in proportion to other sign on the building.
4. Finish surfaces of all pedestrian-oriented signs (i.e., signs less than 8 feet in height above ground shall be metal, wood, tile, acrylic, or paint and signs shall be front illuminated. Automobile-oriented wall signs (i.e., wall signs oriented to parking lots or public rights-of-way) may contain acrylic for the transmission of light.
5. Monument signs may be placed in building setbacks. Where monument signs are placed in setback areas, signs shall be positioned so that safe sight distances are maintained at entrances to the public right-of-way.
6. Signs illuminated with neon and fluorescent shall be in accordance with industry standards. No exposed raceways or conduits shall be allowed.
7. Dimensional letters and plaques shall be affixed without visible means of attachment, unless attachments make an intentional statement.

MESA CENTER EAST

8. Signage that incorporates logos, business identity, and/or designates the type of business (e.g., Men's Store, Jewelry, Flowers, etc.) shall be encouraged.
9. All sign fabrication work shall be of excellent quality and identical in workmanship to other signs of the same type. All logo images and typestyles shall be accurately reproduced. The Architect and Landlord reserve the right to reject any fabrication work deemed to be below standard.
10. Signs identifying minor and mid-size tenants may be placed on awnings and architectural projections. Awning signs shall be allowed in lieu of fascia signs on horizontal bands.

MESA CENTER EAST

PERMANENT SIGN CRITERIA

Address Numbers

- A. Center Identification Entry Sign (PYLON SIGNS ON SITE PLAN)
Center Entry Signs shall be allowed at primary entrances to the Center as indicated on Exhibit 1. Materials shall be as specified. Sign A. (MIRA MESA BLVD) shall not exceed 20 feet in height and 15 feet in maximum sign face area width. Sign face area shall not exceed 120 square feet. Copy shall be limited to Five Tenants. Sign will be illuminated. Sign B. (WEST VIEW SITE) shall not exceed 12' in height, 10' in width. Sign face area not to exceed 50 sq. ft.
- B. Major Tenant Identification Wall Sign
Signs shall consist of individual letters and logos in the tenant's typestyle and colors. One major identification wall sign shall be allowed per major tenant. Wall signs may be internally illuminated and shall conform to the following criteria:
- . 100 square feet maximum sign face area
 - . 8 feet maximum sign face height
 - . internally illuminated backgrounds shall be acceptable

MESA CENTER EAST

C. Pad Tenant Identification Signage

Each pad tenant shall be allowed three wall signs and one monument sign.

Wall Signs (E1) shall consist of internally-illuminated channel letters in the tenant's typestyle and colors or cabinet type signs for logos. Signage shall conform to the following criteria:

- . 40 square feet maximum sign face area per sign
- . 24 inches maximum letter height
- . 36 inches maximum logo height
- . height of lettering and logos not to exceed 60% of the height of the field on which it is placed.
- . logos may be up to 48" high when used without separate dimensional lettering
- . matte finishes

D. Minor and Mid-Size Tenant Identification Fascia Sign (on horizontal bands)

Signs shall consist of individual letters and logos in the tenant's typestyle. Illuminated Channel letter are required. One lighted identification fascia sign shall be allowed per tenant building frontage. Signs shall conform to the following criteria:

- . 40 square feet maximum sign face area per sign
- . 24 inch maximum capital letter height
- . 30 inch maximum logo height
- . sign width not to exceed 70% of storefront width
- . letter colors to comply with Center standards; logo colors may vary

MONUMENT SIGNS shall be double-faced with matte-finished dimensional lettering and graphics in tenant's typestyle and colors. Letters and logos to be lighted. Signs shall conform to the following criteria:

- . 40 square feet maximum sign face area
- . 5 feet maximum average height and 8' maximum sign face area width
- . on a 2' high concrete base
- . logos may be up to 36" high when used without separate dimensional lettering

MESA CENTER EAST

E. Mid-Size Tenant Identification Wall Sign (on open fields)

Signs shall consist of internally illuminated channel letters and logos in the tenant's typestyle. Each mid-size tenant shall be allowed one sign per building frontage, not to exceed a maximum of two signs per tenant. Signs shall conform to the following criteria:

- . 60 square feet maximum sign face area per sign
- . height of lettering and logos not to exceed 70% of the width nor 70% of the height of the field on which it is placed
- . letter colors to comply with Center standards; logo colors may vary
- . 24 inch maximum letter height
- . signs to be a minimum of eight feet above ground level
- . 36" inch maximum logo height

MESA CENTER EAST

F. Minor and Mid-Size Tenant Identification hanging Sign
(Pedestrian Oriented)

Each minor and mid-size tenant shall be allowed one single-faced or double-faced hanging sign per building entrance. Signs may be placed under canopies or near doorways. The following criteria shall apply:

- . 10 square feet maximum sign face area
- . colors to comply with Center standards
- . front lighting only

G. SECONDARY SITE SIGNS

In addition to the Center and tenant identification signage outlined herein, secondary site signs oriented to the interior of the project shall be allowed as necessary to provide information, direction, and identification. These signs, which must be approved by the Architect and the Landlord, include:

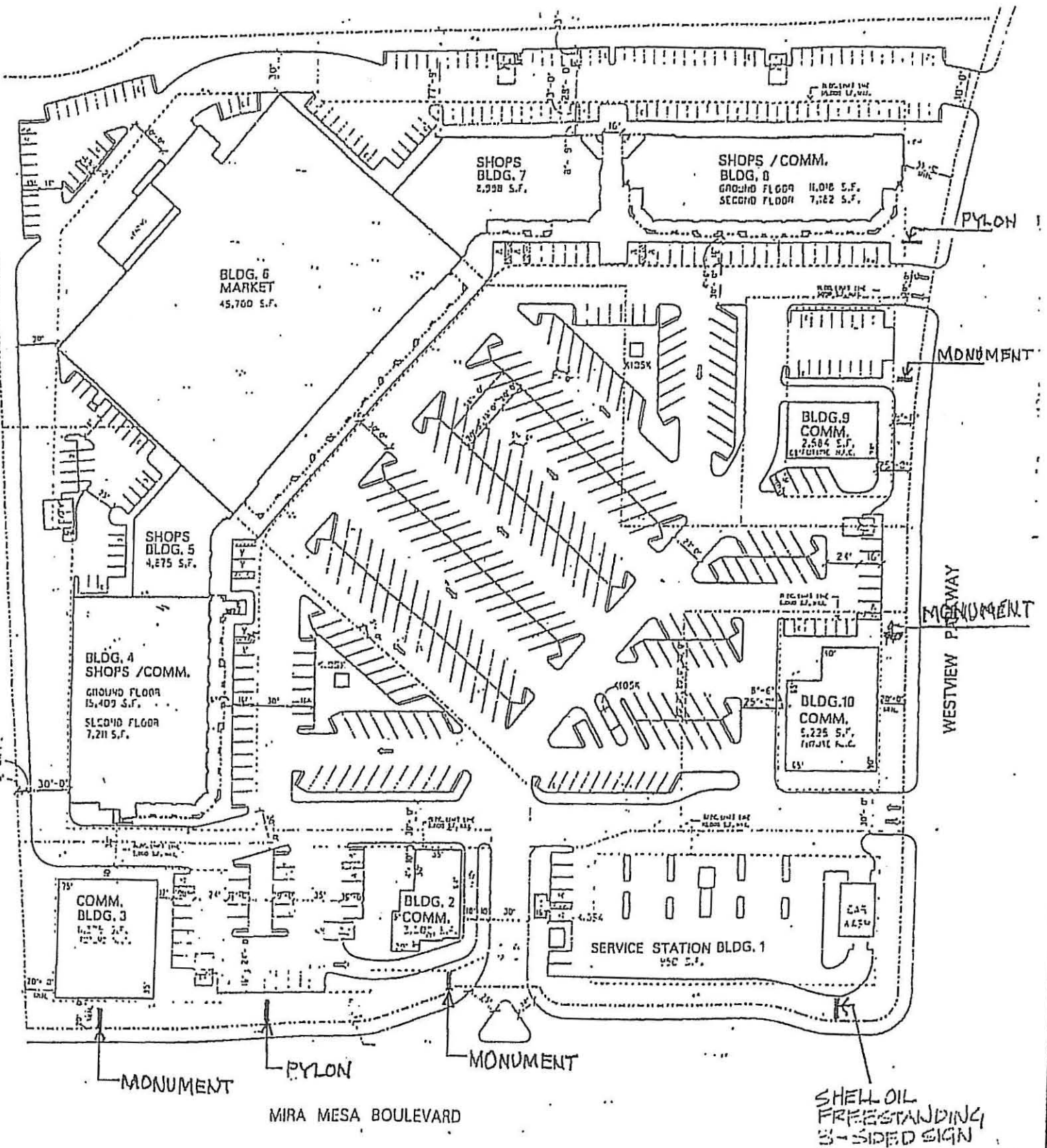
- . address signage
- . entrance signs
- . directory maps and listings
- . directional signs, both pedestrian and automobile-oriented
- . restaurant menuboards
- . informational signs, such as identification for public restrooms
- . parking and traffic control signs.

MESA CENTER EAST

APPROVALS FOR TENANT SIGNAGE

Shop drawings for all signs shall be submitted to the owner's architect for review and approval prior to construction. Drawings shall include exact sizes, locations, placement on building elevations, copy layouts, materials, colors, lighting and construction details. No sign plans shall be submitted to local authorities for approval without first obtaining the owners approval.

Only those sign types provided for in the Sign Plan and specifically approved in writing by the owner shall be allowed. The Landlord may, at his sole discretion and at the tenant's expense, correct, replace, or remove any sign that is installed without written approval and/or that is deemed not to be in conformance with the Sign Plan.



PLANNING COMMISSION RESOLUTION NO. XXXX
PLANNED DEVELOPMENT PERMIT NO. 762087
Amendment to Planned Commercial Development Permit No. 85-0500
MIRA MESA RALPHS - PROJECT NO. 214225

WHEREAS, Mira Mesa Shopping Center – East, L.L.C, Owner/Permittee, filed an application with the City of San Diego for a permit to amend the Mesa Center East Sign Program for an existing community shopping center (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 762087), on portions of a 11.2-acre property;

WHEREAS, the project site is located at 9400 - 9490 Mira Mesa Boulevard in the CC-1-3 Zone, Airport Influence Area, FAA Part 77 Overlay Zones and within the Mira Mesa Community Plan area;

WHEREAS, the project site is legally described as Parcels 6, 7, and 11, in the City of San Diego, County of San Diego, State of California, according to Parcel Map No. 12628, File No. 90-226865 in the Office of County Recorder of San Diego County, April 26, 1990 and Parcels 1, 2, 3, 4, and 5 of Parcel Map 16392, File No. 91-83770 in the Office of County Recorder of San Diego County, February 26, 1991;

WHEREAS, on November 18, 2010, the Planning Commission of the City of San Diego considered Planned Development Permit No. 762087 pursuant to the Land Development Code of the City of San Diego;

WHEREAS, on September 10, 2010, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code section 21000 et. seq.) under CEQA Guideline Section 15311(A), accessory structures, and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520;

BE IT RESOLVED by the Planning Commission of the City of San Diego as follows:

That the Planning Commission adopts the following written Findings, dated November 18, 2010.

FINDINGS:

Planned Development Permit - Section 126.0604

1. The proposed development will not adversely affect the applicable land use plan.

The project site is designated Community Commercial by the Mira Mesa Community Plan. The Community Commercial land use designation is intended to encourage organized concentration of a wide variety of retail goods and services for the community. The existing commercial retail center was developed in the late 1980's under approved Planned Commercial Development Permit No. 85-0500. The proposed sign program for the Mira Mesa Ralphs Center would not adversely affect the policies and goals of the Mira Mesa Community Plan and would provide updated design for identification of the businesses located within one of the major commercially

designated areas of the community. As such, the proposed comprehensive sign plan for the existing community shopping center would not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

This project proposes a new comprehensive sign plan for an existing community shopping center located within the Mira Mesa Community Plan area. This existing community shopping center is located within a well established urbanized commercial and residential portion of the community. During the project's review the comprehensive sign plan's design was modified to comply with the current visibility requirements to help assure pedestrian and vehicular traffic safety. During environmental review, it was determined that the project would not have a significant environmental effect and found it to be categorically exempt under the California Environmental Quality Act (CEQA). This environmental review included an analysis of the proposed project effect on public health, safety and welfare. The proposed comprehensive sign plan to this existing shopping center would therefore not be detrimental to the public health, safety and welfare.

3. The proposed development will comply with the regulations of the Land Development Code.

This project proposes a comprehensive sign plan for an existing community shopping center located within the Mira Mesa Community Plan area. The 11.2-acre project is zoned CC-1-3. This development was reviewed for compliance with the applicable development regulations such as the City's, sign regulations, building setbacks, height, maximum sign area, sight visibility requirements, CC-1-3 Zone development regulations. This proposal was found to comply with all the development regulations except for SDMC section 142.1240(c), which allows for maximum of 75 square feet of sign area for ground signs, and allow one ground sign along Westview Parkway with 150 square feet of sign area. Also, SDMC section 142.1240(d)(3)(A), which allows for a 50 percent reduction to ground sign area when more than one sign is located on the same street frontage, and allow three ground signs along Mira Mesa Boulevard, of which one sign will be 240 square feet and exceed the maximum number of ground signs permitted along the street frontage and the maximum sign area. These exceptions are proposed deviation under this Planned Development Permit.

4. The proposed development, when considered as a whole, will be beneficial to the community.

This project proposes a new comprehensive sign plan for an existing community shopping center located within the Mira Mesa Community Plan area. The subject property is designated "Community Commercial" by the Mira Mesa Community Plan. The 11.2-acre project is zoned CC-1-3. This development was reviewed for compliance with the applicable development regulations such as the City's sign regulations, number of allowed signs, sign setbacks, sign height, maximum sign area, sight visibility requirements, CC-1-3 Zone development regulations. This proposal was found to comply with all the development regulations, except for SDMC section 142.1240(c), which allows for maximum of 75 square feet of sign area for ground signs, and allow one ground sign along Westview Parkway with 150 square feet of sign area. Also, SDMC section 142.1240(d)(3)(A), which allows for a 50 percent reduction to ground sign area when more than one sign is located on the same street frontage, and allow three ground signs

along Mira Mesa Boulevard, of which one sign will be 240 square feet and exceed the maximum number of ground signs permitted along the street frontage and the maximum sign area.

The continued use of this community shopping center provides needed goods and services to the community as a whole and the proposed project has been supported by the Mira Mesa Community Planning Group. In view of the long history of this facility, when considered as a whole, it will be beneficial to the community.

5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

This project proposes a new comprehensive sign plan for an existing community shopping center located within the Mira Mesa Community Plan area. The 11.2-acre project is zoned CC-1-3. This development was reviewed for compliance with the applicable CC-1-3 zone development regulations and the City's sign regulations such as, setbacks, height, maximum sign area, sight visibility requirements.

The proposed deviations would allow a total of seven ground signs along Mira Mesa Boulevard were the code would normally allow six along the 1,550 feet of frontage. The shopping center has street frontage along both Reagan Road and Camino Ruiz. No deviations are requested for the total number of signs allowed along either of those street frontages. With the proposed deviation, a total of 14 ground signs would be constructed on-site, which is less than 16 ground signs permitted by the Municipal Code. There are currently six ground signs along Mira Mesa Boulevard. In exchange for allowing the additional sign along Mira Mesa Boulevard, the project will install two fewer signs along the site's Reagan Road street frontage. Reagan Road is primarily a residential street and placement of multiple commercial retail signs would not be compatible with the character of this area.

The Municipal Code limits ground signs to a maximum permitted area, which in this case would result in a maximum sign area of 75 square feet. A deviation is requested to allow the ground signs to have greater sign areas at approximately 240 square feet in area. Considering the width of Mira Mesa Boulevard's public right-of-way and the established traffic speeds, the proposed larger sign area would provide for adequate advertising space for the commercial retail tenants.

Therefore, the proposed deviations are appropriate for this location and the comprehensive sign program has an attractive design that was supported by the Community Planning Group resulting in a more desirable project for the community.

Attachment 5

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Planned Development Permit No. 762087 are hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 762087, a copy of which is attached hereto and made a part hereof.

Tim Daly
Development Project Manager
Development Services

Adopted on: November 18, 2010

Internal Order No. 24000984

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
PERMIT INTAKE, MAIL STATION 501

PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24000984

PLANNED DEVELOPMENT PERMIT NO. 762087
MIRA MESA RALPHS - PROJECT NO. 214225
Amendment to Planned Commercial Development Permit No. 85-0500
Planning Commission

This Planned Development Permit No. 762087, an amendment to Planned Commercial Development Permit No. 85-0500, is granted by the Planning Commission of the City of San Diego to Mesa Shopping Center - East, L.L.C, Owner and Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0601. The 11.2-acre site is located at 9400 - 9490 Mira Mesa Boulevard in the CC-1-3 zone of the Mira Mesa Community Plan. The project site is legally described as Parcels 6, 7, and 11, in the City of San Diego, County of San Diego, State of California, according to Parcel Map No. 12628, File No. 90-226865 in the Office of County Recorder of San Diego County, April 26, 1990 and Parcels 1, 2, 3, 4, and 5 of Parcel Map 16392, File No. 91-83770 in the Office of County Recorder of San Diego County, February 26, 1991.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to amend Planned Commercial Development Permit No. 85-0500, Mesa Center East Sign Program as described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated November 18, 2010, on file in the Development Services Department.

The project shall include:

- a. Replacement of an existing pylon sign along Mira Mesa Boulevard and Westview Parkway with a new Sign "A," of 30 feet height and 15 feet width with 240 square feet of sign area on Mira Mesa Boulevard, and a new Sign "B," of 24 feet height and 13 feet width with 150 square feet of sign area on Westview Parkway;

- b. Allowance for deviations to SDMC section 142.1240(c) for maximum sign area for ground signs and SDMC Section 142.1240(d)(3)(A) for a 50 percent reduction to ground sign area when more than one sign is located on the same street frontage; and
- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

7. The Owner/Permittee shall secure all necessary construction permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.

8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

PLANNING/DESIGN REQUIREMENTS:

11. Unless specifically modified by herein this Permit and approved Exhibit "A," the Owner/Permittee shall continue to comply with Planned Commercial Permit No. 85-0500.

12. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the structure(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

13. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on November 18, 2010 and Resolution Number XXXXXX.

Permit Type/Approval No.: PDP No. 762087
Date of Approval: Nov. 18, 2010

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Tim Daly
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Mesa Shopping Center – East, L.L.C.
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**