

RESOLUTION NO. 2024-01

RESOLUTION OF THE CITY OF CHULA VISTA PLANNING COMMISSION  
APPROVING PLANNED SIGN PROGRAM NO. PSP23-0001 FOR A  
SHOPPING CENTER LOCATED AT 765 PALOMAR STREET ON  
APPROXIMATELY 4.76 ACRES WITHIN THE PALOMAR GATEWAY  
DISTRICT SPECIFIC PLAN AREA

WHEREAS, on March 30, 2023, a duly verified application for a Planned Sign Program No. PSP23-0001 was filed with the City of Chula Vista Development Services Department by Chedraui USA, Inc. dba El Super Stores (“Applicant”); and

WHEREAS, the application requests approval of a Planned Sign Program No. PSP23-001 for a total of ten (10) signs, including wall signs, freestanding (pylon) signs, and a monument sign on a 4.76-acre parcel within the MU-2 (Mixed Use Corridor) zone of the Palomar Gateway District Specific Plan (“Project”); and

WHEREAS, the area of land that is the subject of this Resolution is an existing site consisting of four contiguous parcels (APNs 622-020-65, 622-020-51, 622-020-05, and 622-020-68) located at the southwest corner of Palomar Street and Industrial Boulevard (“Project Site”); and

WHEREAS, the Director of Development Services has reviewed the Project for compliance with the California Environmental Quality Act (“CEQA”) and determined that the Project qualifies for a Class 11 categorical exemption pursuant to Section 15311 (Accessory Structures) of the CEQA Guidelines; therefore, no further environmental review is required; and

WHEREAS, the Director of Development Services set the time and place for a hearing on the Project, and notice of the hearing, together with its purpose, was given by its publication in a newspaper of general circulation in the City and its mailing to property owners and residents within 500 feet of the exterior boundaries of the property at least 10 days prior to the hearing; and

WHEREAS, after review and consideration of the Staff Report and related materials, and the Staff recommendation for approval of Planned Sign Program No. PSP23-0001, the hearing was held before the Planning Commission at 6:00 p.m. on Wednesday, February 14, 2024 in the Chula Vista City Council Chambers, 276 Fourth Avenue, and the hearing was thereafter closed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Chula Vista does hereby make the following findings:

- 1. The proposed Project, as conditioned, is consistent with the sign guidelines adopted for the Palomar Gateway District Specific Plan and the Chula Vista Municipal Code.**

Chula Vista Municipal Code (“CVMC”) 19.60.050(J) authorizes the Planning Commission to approve a sign program that modifies standards related to the size, height, illumination, spacing, orientation, or other non-communicative aspects of signs. Approval of this Project

would establish site-specific sign regulations regarding regulatory aspects as to the size, height, spacing, location, and total number of signs. All signs on the Project Site will be required to conform to the approved Planned Sign Program. All signs are also generally compliant with the Palomar Gateway District Specific Plan and the CVMC in terms of sign design, compatibility, and placement.

**2. The Project, as conditioned, is consistent with the design guidelines approved for the Palomar Gateway District Specific Plan.**

The proposed sign colors and materials are compatible with the primary building's colors and materials in accordance with the Specific Plan. The proposed signs are complementary to the overall design of the shopping center and consistent with the proportion and scale of elements within the primary building's facade. The additional size of the proposed signs is proportionate to the scale of the primary building on the Project Site.

BE IT FURTHER RESOLVED that the Planning Commission, based on the findings above, does hereby approve Planned Sign Program No. PSP23-0001 subject to the following conditions:

**I. Unless otherwise specified, the following shall be accomplished to the satisfaction of the Director of Development Services or their designee prior to issuance of any building permits:**

1. Each sign approved in this Planned Sign Program shall obtain a sign permit and building permit. Signs shall comply with the approved Planned Sign Program and all applicable provisions of the California Building Code and CVMC.
2. All signs must be placed on private property on the Project Site unless an encroachment permit is obtained from the Engineering Department for any signs proposed within the public right-of-way.
3. Required permit drawings for the proposed signage/monuments along public rights-of-way shall include distances from property lines, specifically for signs designated as D-A3, D-A2, P1, P2, and M1 as shown on the site plan approved with this Planned Sign Program.
4. All proposed signage shall conform to the City of Chula Vista's sight distance visibility requirements in accordance with CVMC 12.12.120 and 12.12.130 and Chula Vista Design Standard RWY-05. Signs shall not obstruct the visibility of drivers at street intersections and/or driveways.

**II. The following ongoing conditions shall apply to the Project for as long as it relies upon this approval:**

1. Signage shall be installed in accordance with this Planned Sign Program. Approval of additional signage not authorized by this Resolution shall require amendment of this Planned Sign Program by the Zoning Administrator.

2. Approval of this Planned Sign Program shall not waive compliance with any applicable provisions of the CVMC nor any other applicable laws and regulations in effect at the time of permit issuance.
3. The Property Owner (identified below) and Applicant shall and do agree to fully and timely indemnify, protect, defend, and hold harmless the City, its City Council Members, Planning Commission Members, officers, employees, and representatives from and against any and all liabilities, losses, damages, demands, claims, and costs, including any costs, fees, and expenses to prepare the administrative record for any challenge to the Project approvals and/or compile a response to a Public Records Act request(s) to provide the record of proceedings materials for the Project, the City's costs to retain its own defense counsel to defend any challenge to any Project-related approvals, court costs and attorney's fees (collectively, "liabilities") incurred by the City arising, directly or indirectly, from (a) the City's approval of this Planned Sign Program; (b) the City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated on the Project Site; and (c) any environmental determinations under CEQA for the Project. The Property Owner and Applicant shall acknowledge their agreement to this provision by executing a copy of this Resolution where indicated below. The Property Owner's and Applicant's compliance with this provision shall be binding on any and all of the Property Owner's and Applicant's successors and assigns.
4. This Planned Sign Program shall become void and ineffective if not utilized within three years of the effective date thereof (February 28, 2027), in accordance with CVMC 19.14.260. Failure to comply with any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.

### **III. GOVERNMENT CODE SECTION 66020(d)(1), NOTICE**

Pursuant to Government Code Section 66020(d) (1), NOTICE IS HEREBY GIVEN that the 90-day period to protest the imposition of any impact fee, dedication, reservation, or other exaction described in this Resolution begins on the effective date of this Resolution; that any such protest must be in a manner that complies with Government Code Section 66020(a); and that failure to follow this procedure in a timely manner will bar any subsequent legal action to attack, review, set aside, void, or annul imposition. The right to protest the fees, dedications, reservations, or other exactions does not apply to planning, zoning, grading, or other similar application processing fees or service fees in connection with this project, nor does it apply to any fees, dedication, reservations, or other exactions that have been given notice similar to this, nor does it revive challenges to any fees for which the statute of limitations has previously expired.

### **IV. EXECUTION OF RESOLUTION OF APPROVAL**

The Property Owner and Applicant shall execute this document signing on the lines provided below, indicating that the Property Owner and Applicant have each read, understood, and

agreed to the conditions contained herein and will implement same. Upon execution, this document shall be signed and returned to the City's Development Services Department.

\_\_\_\_\_  
Luis Delgado  
*for* Cima, N.V.  
Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Tom Apodaca  
*for* Chedraui USA, Inc. dba El Super Stores  
Applicant

\_\_\_\_\_  
Date

**V. CONSEQUENCE OF FAILURE OF CONDITIONS**

If any of the foregoing conditions fails to be met, or in the case that they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted; institute and prosecute litigation to compel their compliance with said conditions; or seek damages for their violation. Failure to satisfy the conditions of this approval may also result in the imposition of civil or criminal penalties.

**VI. INVALIDITY; AUTOMATIC REVOCATION**

It is the intention of the Planning Commission that its adoption of this Resolution is dependent upon the enforceability of each and every term, provision, and condition herein stated and that, in the event that any one or more terms, provisions, or conditions are determined by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, this Resolution and the permit shall be deemed to be automatically revoked and of no further force and effect.

Presented by:

Approved as to form by:

\_\_\_\_\_  
Laura C. Black, AICP  
Director of Development Services

\_\_\_\_\_  
*for* Jill D.S. Maland  
Lounsbury Ferguson Altona & Peak  
Acting City Attorney

PASSED AND APPROVED BY THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA, CALIFORNIA, this 14th day of February 2024, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Michael De La Rosa  
Chair

ATTEST:

---

Mariluz Zepeda  
Secretary