

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CHULA VISTA APPROVING A CATEGORICAL EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES AND APPROVING CONDITIONAL USE PERMIT PLN25-0043 (CUP25-0043) TO ALLOW A CONVENIENCE MARKET AND THE SALE OF ALCOHOLIC BEVERAGES WITHIN AN EXISTING 2,240-SQUARE FOOT SUITE WITHIN A MIXED-USE COMMERCIAL AND RESIDENTIAL BUILDING LOCATED WITHIN THE TRANSECT 4 (T-4): TOWN CENTER (TC) ZONE OF THE OTAY RANCH VILLAGE 8 WEST SECTIONAL PLANNING AREA

WHEREAS, on August 29, 2025, a duly verified application for a Conditional Use Permit was filed with the City of Chula Vista (“City”) Development Services Department by Nader Hanna for Cota Vera Mini Market (“Applicant”) for the property owned by Otay Affordable I V8, LP (“Property Owner”); and

WHEREAS the area leased by the Applicant, which is the subject of this Resolution, is a portion of an existing mixed-use commercial and residential building, identified by Assessor’s Parcel Number 644-071-03 and otherwise known as 1982 La Media Parkway South (“Project Site”); and

WHEREAS the Applicant requests approval of a Conditional Use Permit for the use of a convenience market and the retail sale of alcohol for offsite consumption (“Project”); and

WHEREAS, in accordance with Chapter 3 (Development Code), Section 3.3.7(C) – Transect 4 (T-4): Town Center (TC) Zone of the Otay Ranch Village 8 West Sectional Planning Area, convenience markets are permitted with a Conditional Use Permit approved by the Zoning Administrator; and

WHEREAS, in accordance with Chapter 3 (Development Code), Section 3.3.7(C) – Transect 4 (T-4): Town Center (TC) Zone of the Otay Ranch Village 8 West Development Code, sale of alcohol is permitted with a Conditional Use Permit approved by the Planning Commission; and

WHEREAS in accordance with Chapter 9 (Implementation & Administration), Section 9.1.4 – Multiple Applications of the Otay Ranch Village 8 West Sectional Planning Area, when an applicant applies for more than one permit or other approval for a single development, the applications shall be consolidated for processing and shall be reviewed by a single decision maker or decision-making body pursuant to the requirements of Chula Vista Municipal Code Section 19.14.050.

WHEREAS the Director of Development Services set the time and place for a hearing before the Planning Commission of the City of Chula Vista (“Planning Commission”), and notice of said 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 within 500 feet of the exterior boundaries of the property at least ten (10) days prior to the hearing; and

WHEREAS the hearing was held at the time and place as advertised in the Council Chambers, 276 Fourth Avenue, before the Planning Commission, the Planning Commission heard the staff presentation and any public testimony, and the hearing was thereafter closed; and

WHEREAS City staff recommended that the Planning Commission approve PLN25-0043 (CUP25-0043) in accordance with the findings and subject to the conditions of approval contained within this Resolution; and

WHEREAS the Planning Commission reviewed and considered the staff report and related materials for PLN25-0043 (CUP25-0043), as well as other Project materials, in accordance with all City codes and requirements.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Chula Vista, that, after incorporation of the Recitals above, hereby makes the following findings:

I. COMPLIANCE WITH CEQA

The proposed Project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, and no exceptions to the Categorical Exemption exist pursuant to CEQA Guidelines section 15300.2. The Project involves negligible or no expansion of use(s). No further CEQA review is required.

II. CONDITIONAL USE PERMIT FINDINGS

1. The proposed use at this particular location is necessary or desirable to provide a service or facility that will contribute to the general wellbeing of its neighborhood or the community.

The proposed use is located in the Transect 4 (T-4): Town Center (TC) Zone (“T4-TC Zone”) of the Otay Ranch Village 8 West Sectional Planning Area. The T4-TC Zone is designated as a high-density, mixed-use area that fosters a vibrant, 24-hour urban experience through pedestrian-oriented design and public spaces. By occupying a vacant ground-floor storefront within an existing shopping center, this project directly supports the primary purpose for the zone. The new market would enhance the local retail mix and promote walkability by providing convenient products in a space intended for active pedestrian-accessible use.

2. **Such use will not, under the circumstances of this particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, nor will it be injurious to property or improvements in the vicinity.**

The operational characteristics of the proposed use have been reviewed and analyzed in consideration of the suitability of the site. Based upon hours of operation, operational characteristics, and location of the establishment among many similar and compatible commercial uses, it has been determined that the proposed convenience market with alcohol sales would be suitable in type and intensity for the subject site. To further ensure compatibility with surrounding uses, conditions have been placed on the Project to minimize potential negative impacts created by the use, including limits to the hours of operation and placement of signage. Furthermore, the Applicant will be required to provide Responsible Beverage Service (RBS) training and video surveillance for the investigation and prosecution of criminal acts within or near the premise.

3. **The proposed use will comply with the regulations and conditions specified in the Otay Ranch Village 8 West Sectional Planning Area (SPA) Plan and the Chula Vista Municipal Code (“CVMC”).**

The Project will adhere to the applicable performance standards set forth in Chapter 3 (Development Code), Section 3.6 – Performance Standards of the Otay Ranch Village 8 West Sectional Planning Area. Additionally, the proposed conditions of this permit are in proportion to the nature and extent of the impacts created by the use in that the conditions imposed are directly related to, and of a nature and scope related to, the size and impacts of the use. Approval of this permit is contingent upon the Applicant’s and Property Owner’s commitment to satisfy all conditions of approval for the proposed use and will comply with all applicable regulations.

4. **Granting this permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.**

The General Plan designates the site as Town Center (TC). The Project is consistent with the General Plan land use designation and will not adversely affect implementation of the General Plan. The Project, as approved by a Conditional Use Permit pursuant to the Otay Ranch Village 8 West Sectional Planning Area, is consistent with the Transect 4 (T-4): Town Center (TC) permitted land uses.

III. CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

Planning Division

1. The Applicant shall eliminate any graffiti on the building they occupy upon receiving actual notice of its presence.

2. The Applicant shall execute this permit only as the authorized use. Any new use or modification/expansion of uses shall be subject to review and approval by the Development Services Department.
3. The requirements and restrictions of the State Department of Alcoholic Beverage Control (“ABC”) license issued for the Project Site shall be in addition to this approval. Prior to initiating use in reliance on this permit, the Applicant shall obtain necessary permit approvals from the ABC. Business shall be conducted in a manner that will not violate any provisions of the California Alcoholic Beverage Control Act and conditions of the ABC license.
4. The Applicant shall provide video surveillance on both the interior and related publicly accessible areas in the exterior of the premises. Such video recordings shall be maintained for a minimum of seven (7) days and shall be provided to the Chula Vista Police Department. The Applicant shall cooperate with Chula Vista Police Department or related law enforcement agencies by providing all video surveillance for the investigation and prosecution of criminal acts within or near the premise.

Police Department

1. Sale of alcoholic beverages shall be permitted inside the premises only between 8:00 A.M. and 12:00 A.M. (midnight) each day of the week.
2. The use of any amplifying system or device inside the premises shall not be audible outside the premises.
3. Loitering is prohibited on or around the premises under control of the licensee. Employees shall police the area under their control to prevent loitering.
4. Signs must be posted at all exits, to include exits on the patio, advising customers that open containers of alcohol are prohibited outside of the ABC established services areas.
5. All servers/managers/owners shall attend Responsible Beverage Service (RBS) training.

IV. 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 and any such protest must be in a manner that complies with Government Code Section 66020(a) and failure to timely follow this procedure 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; and it does not apply to any fees, dedication, reservations, or other exactions which have been given notice similar to this, nor does it revive challenges to any fees for which the statute of limitations has previously expired.

V. 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 the same. Upon execution, this document shall be signed and returned to the City's Development Services Department.

Signature of Property Owner
(George Russo, CFO of MHCMT Otay, LLC for Otay Affordable I V8, LP)

Date

Printed Name of Property Owner
(George Russo, CFO of MHCMT Otay, LLC for Otay Affordable I V8, LP)

Signature of Applicant
(Nader Hanna for Cota Vera Mini Market)

Date

Printed Name of Applicant
(Nader Hanna for Cota Vera Mini Market)

VI. CONSEQUENCE OF FAILURE OF CONDITIONS

If any of the foregoing conditions fail to occur, or if 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 permit may also result in the imposition of civil or criminal penalties.

VII. 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

Anna Colamussi
Deputy Director of Development Services

Marco A. Verdugo
City Attorney

PASSED, APPROVED, and ADOPTED by the Planning Commission of the City of Chula Vista, California, this 22nd day of April 2026, by the following vote:

AYES: Commissioners:
NOES: Commissioners:
ABSENT: Commissioners:

Rodrigo Leal, Chair

ATTEST:

Mariluz Zepeda, Deputy City Clerk
STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO)
CITY OF CHULA VISTA)

I, Mariluz Zepeda, Deputy City Clerk of Chula Vista, California, do hereby certify that the foregoing Resolution No. 2026-XXX was duly passed, approved, and adopted by the Planning Commission at a regular meeting of the Planning Commission held on the 22nd of April 2026.

Executed this 22nd day of April 2026.

Mariluz Zepeda, Deputy City Clerk