

August 16, 2023

**ITEM TITLE: PROJECT APPROVAL EXTENSION REQUEST FOR DEL TACO; CUP-21-0003; DRC-21-0016; SPR-21-0017; FOR CONSTRUCTION OF A NEW DEL TACO RESTAURANT WITH A DRIVE-THROUGH AND OUTDOOR PATIO SEATING AREA AT 1333 PALM AVENUE (APN 627-011-19-00). (0600-20)**

**ORIGINATING DEPARTMENT:**

Community Development

**EXECUTIVE SUMMARY:**

On August 17, 2022, the City Council of the City of Imperial Beach adopted Resolution 2022-66 authorizing the construction of a new Del Taco restaurant with a drive-through facility and outdoor patio seating area at 1333 Palm Avenue (APN 627-011-19-00) in the C/MU-1 (General Commercial and Mixed Use) Zone on the Zoning Map. Project approval was set to expire at the end of business on September 1, 2023, unless vested with substantial construction or if an extension is authorized. The applicant is requesting a six (6) month extension for the Project Approval by the City Council, which is set to expire on September 1, 2023.

**RECOMMENDATION:**

That the City Council adopt Resolution No. 2023-67 approving a six (6) month time extension for the Project Approval as set for in Resolution No. 2022-66 which included Conditional Use Permit (CUP-21-0003), Design Review Case (DRC-21-0016), Site Plan Review (SPR-21-0017), & Categorical Exemption pursuant to CEQA guidelines section 15332 (In-fill Development) for a new Del Taco restaurant with a drive-through facility and outdoor patio seating area at 1333 Palm Ave (APN 627-011-19-00) in the C/MU-1 (General Commercial and Mixed Use) Zone on the Zoning Map subject to the conditions as specified in Resolution No. 2022-66 (Attachment 4).

**OPTIONS:**

- Adopt Resolution No. 2023-67 approving a six (6) month time extension for the Project Approval; or
- Deny the extension request; or
- Continue review of the extension request to a future meeting where additional information can be provided, and a decision can be rendered.

## BACKGROUND/ANALYSIS:

On August 17, 2022, the City Council of the City of Imperial Beach adopted Resolution No. 2022-66 authorizing the construction of a new Del Taco restaurant with a drive-through facility and outdoor patio seating area at 1333 Palm Avenue (APN 627-011-19-00) in the C/MU-1 (General Commercial and Mixed Use) Zone on the Zoning Map. Project approval is set to expire at the end of business on September 1,



2023, unless vested with substantial construction or if an extension is authorized. The applicant is requesting a six (6) month time extension for project approvals pursuant to Resolution No. 2022-66, which is set to expire on September 1, 2023. The City has been informed that the applicant has been working with San Diego Gas & Electric (SDG&E) for many months to have the power and gas disconnected in order to start demolition and prepare for construction. The processing time for the Letter of Disconnect from SDG&E has delayed the applicant from receiving building permits from the City. Attachment 2 of this staff report provides a summary from the applicant with an explanation of why the extension is being requested, next steps, and an estimated timeline to initiate construction and completion of the project.

On July 26, 2023, the applicant received the Letter of Disconnect from SDG&E, resolving the delay, and has provided the document to city staff. The demolition permit for the project was issued to the applicant and contractor on July 26, 2023, and as of August 8, 2023, the existing commercial building at 1333 Palm Avenue has been demolished. This is the first extension request for the project



and the original project approval shall not expire until the time when the extension application has been acted upon by the City Council.

There have been no changes to the zoning code and no change in circumstances where the site plan would conflict with development regulations. The original analysis for the project can be reviewed in the staff report from August 17, 2022 (Attachment 3).

## ENVIRONMENTAL DETERMINATION:

A California Environmental Quality Act (CEQA) Exemption (Section 15332, Class 32, In-Fill Development Projects) was previously adopted with the City of Imperial Beach and filed with the San Diego County Assessor/Recorder/County Clerk on February 8, 2023.

## FISCAL IMPACT:

The applicant deposited \$10,380.50 to process the application.

**ATTACHMENTS:**

1. ATT 1 – Resolution 2023-67
2. ATT 2 – Applicant Extension Request and Timetable
3. ATT 3 – Original staff report from August 17, 2022 (attachments available at the City Clerk)
4. ATT 4 – Resolution No. 2022-66

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