

**RESOLUTION NO. 2023-67**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, APPROVING 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 PROJECTS) 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) SUBJECT TO SPECIFIED CONDITIONS OF APPROVAL. USE-21-0049/MF 1428.**

**APPLICANT: DEL TACO / IRFAN BOUKAI, COASTLINE DESIGN & CONSTRUCTION**

**WHEREAS**, on August 16, 2023, the City Council of the City of Imperial Beach held a public meeting consider the merits of approving or denying a six-month time extension for a previously approved application for 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; and

**WHEREAS**, on August 17, 2022, the City Council of the City of Imperial Beach adopted Resolution 2022-66 approving an application for a 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; and

**WHEREAS**, on June 16, 2022, the Design Review Board recommended approval of the project with a vote of 4-0; and

**WHEREAS**, the project is demolishing an existing building and constructing a new Del Taco restaurant with a drive-through facility and outdoor patio seating area is compatible in use with other developments in the vicinity which consist of commercial buildings and retail and is consistent with Policy D-8 (Project Design) of the Design Element of the General Plan; and,

**WHEREAS**, the City Council finds that the project is in substantial compliance with Policy L-4c of the Land Use Element of the General Plan, which promotes commercial uses that provide goods and services to residents and visitors that will increase the City's tax base in the C/MU-1 Zone (General Commercial and Mixed Use) Zone; and

**WHEREAS**, the City Council finds that the project is consistent with the C/MU-1 (General Commercial and Mixed Use) Zone of the Zoning Ordinance, to provide areas for businesses to meet the local demand for commercial goods and services; and

**WHEREAS**, the City Council finds that the project complies with the requirements of the California Environmental Quality (CEQA) as the project is categorically exempt pursuant to CEQA Guidelines 15332 (In-Fill Development Projects); and

**WHEREAS**, the City Council further offers the following findings in support of its decision to conditionally approve the project:

**CONDITIONAL USE PERMIT (IBMC § 19.82.040):**

1. **That the proposed use is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community;**

The C/MU-1 (General Commercial and Mixed Use) Zone is to provide areas for mixed-use development, multiple-family dwellings, and for businesses to meet the local demand for commercial goods and services. It is intended that the dominant type of commercial activity in the C/MU-1 zone will be community and neighborhood serving retail and office uses. The proposed use provides a new Del Taco restaurant with a drive-through facility and outdoor patio seating area, which would be consistent with the Local Coastal Plan/General Plan with approval of a Conditional Use Permit. The use is similar to the existing use, necessary and desirable as it will provide a restaurant establishment that would generate income for the community, and there are similar uses in the vicinity.

2. **That the use will not, under the circumstances of the particular use, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;**

The proposed Del Taco restaurant with a drive-through facility and outdoor patio seating area in the C/MU-1 (General Commercial and Mixed Use) Zone will not be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity because specific conditions have been set forth by the Community Development Department, Public Works Department, Building Department, and Public Safety Department to mitigate public safety and welfare concerns such a development project may raise in the Conditions of Approval. In addition, the use is similar to other establishments in the vicinity.

3. **That the proposed use will comply with the regulations and conditions specified in this title for the use and for other permitted uses in the same zone; and**

The proposed use will comply with the regulations and conditions specified in the title for such use and for other permitted uses in C/MU-1 (General Commercial and Mixed Use) Zone because the conceptual plans for the discretionary entitlements have been reviewed for compliance with zoning regulations.

4. **That the granting of the conditional use permit will be in harmony with the purpose and intent of the zoning code, the adopted General Plan and the adopted Local Coastal Program.**

The granting of the Conditional Use Permit for the proposed use will be in harmony with the purpose and intent of the zoning code, General Plan, and Local Coastal Program because the C/MU-1 (General Commercial and Mixed Use) Zone provides for restaurant establishments consistent with the purposes of General Commercial Zone and drive-through establishments subject to a Conditional Use Permit. In addition, the project would be considered a substantial improvement to the area that would serve to increase the City's tax base, which serves Land Use Element Policy L-4c of the adopted General Plan and Local Coastal Program.

**DESIGN REVIEW/SITE PLAN REVIEW (IBMC § 19.81.060):**

5. **The proposed use does not have any detrimental effect upon the general health, safety and convenience of persons residing or working in the neighborhood, or is not detrimental or injurious to the value of the property and improvements in the neighborhood.**

The proposed Del Taco restaurant with a drive-through facility and outdoor patio seating area in the C/MU-1 (General Commercial and Mixed Use) Zone will not be detrimental to the health, safety or convenience of persons residing or working in the neighborhood, or detrimental or injurious to the property and improvements in the neighborhood because it is consistent with the development standards and zoning designation of the site as well as provides improvements to the project site and public right-of-way. Specific conditions have been set forth by the Community Development Department, Public Works Department, Building Department, and Public Safety Department to mitigate public safety and welfare concerns such a development project may raise in the Conditions of Approval.

**6. The proposed use does not adversely affect the General Plan or the Local Coastal Plan.**

The proposed use will not adversely affect the General Plan or Local Coastal Plan because the C/MU-1 (General Commercial and Mixed Use) Zone provides for restaurant uses and drive-through establishments subject to a Conditional Use Permit. In addition, the project would be considered a substantial improvement to the area that would increase the City's tax base, which serves Land Use Element Policy L-4c of the adopted General Plan and Local Coastal Program.

**7. The proposed use is compatible with other existing and proposed uses in the neighborhood.**

The proposed Del Taco restaurant with a drive-through facility and outdoor patio seating area is compatible in use with established uses in the neighborhood which consist of a mix of commercial businesses, retail shops, some of which have drive-through services. The subject site is in the C/MU-1 (General Commercial and Mixed Use) Zone, which provides uses similar in character and scale.

**8. The location, site layout and design of the proposed use orients the proposed structures to streets, driveways, sunlight, wind and other adjacent structures and uses in a harmonious manner.**

The proposed new Del Taco restaurant with a drive-through facility and outdoor patio seating area would be replacing an existing commercial building. The surrounding uses consist of a mix of other commercial businesses, retail shops, gas stations, and a drive-through restaurant. The primary building elevation would face Palm Avenue, which is consistent with the surrounding commercial and mixed-use uses along the Palm Avenue Corridor. There is a 7' paved sidewalk on Palm Avenue that connects to two paved pedestrian pathways which lead directly into the businesses two main entrances. Landscaping including trees, shrubs, and hedges are adjacent to the pathways and provide relief from traffic along Palm Avenue. Additionally, the project also proposes to install an additional 2,065 square feet of landscaping in the right-of-way surrounding the project site. The design of the proposed use orients the proposed structures to streets, driveways, sunlight, wind and other adjacent structures and uses in a harmonious manner promoting pedestrian access to the business from Palm Avenue.

**9. The combination and relationship of one proposed use to another on the site is properly integrated.**

The Del Taco restaurant with a drive-through facility and outdoor patio seating area is properly integrated so that the entrance to the Del Taco is provided on Palm Avenue. Direct pedestrian access is provided to the restaurant from Palm Avenue with two paved pedestrian pathways that lead to the restaurant's two main entrances. Adjacent to the

pathways are trees, shrubs, and hedges that would provide relief from traffic along Palm Avenue. The drive-through queue entrance is located on the western portion of the lot with the drive-through lane directly adjacent to the southern elevation of the building. Vehicles would travel east, exiting on the eastern portion of the lot to a two-way drive aisle, allowing for vehicles to exit the site off of the alley on the western portion of the lot or off of a curb cut on the eastern portion of the lot on to Georgia Street. The proposed site improvements, right of way improvements, and building design style and materials properly integrate the building with surrounding uses.

**10. Access to and parking for the proposed use does not create any undue traffic problem.**

The parking design will not create any undue traffic problems as the required amount of parking is provided and the drive-through queue can accommodate eight vehicles which, based on the applicant's queuing analysis, would be maintained on site with no overflow on the street. Vehicular ingress and egress occurs through a public alley entrance west of the property as well as a curb cut on Georgia Street. The drive-through queue entrance is located on the western portion of the lot with the drive-through lane directly adjacent to the southern elevation of the building. Vehicles would travel east, exiting on the eastern portion of the lot to a two-way drive aisle, allowing for vehicles to exit the site off of the alley on the western portion of the lot or off of a curb cut on the eastern portion of the lot on to Georgia Street. The project proposes a total of 734 square feet of net floor area which consists of 480 square feet of dining room & standing area inside the restaurant and a 254 square foot outdoor patio requiring 15 parking spaces. Drive-through facilities require one parking space for each 50 square feet of net floor area, plus one space per two employees at the largest work shift. The restaurant would have 8 employees at the largest work shift requiring 4 parking spaces. The project proposes a total of 19 parking spaces (17 standard, 1 ADA accessible, and 1 EV Charging Station). The applicant would be required to show conformance with the off-street parking requirements per IBMC Section 19.48.050.

**11. All other applicable provisions of the Zoning Code are complied with.**

The project complies with all other criteria set forth in the City of Imperial Beach Zoning ordinance.

**12. Any other considerations as the Community Development Department deem necessary to preserve the health, safety and convenience of the City in general.**

Standard and applicable conditions of approval have been included with the Resolution to further ensure that the health, safety, welfare, and convenience of the City in general is preserved.

**13. Public Notice requirements, pursuant to Zoning Ordinance Section 19.81.050, have been satisfied.**

The project description and the date of the City Council public hearing were sent to property owners within 300 feet and occupants within 100 feet of the subject site on August 1, 2022, and a public hearing notice was published in the Imperial Beach Eagle & Times newspaper on August 4, 2022.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Imperial Beach that the above-listed findings and recitals are true and correct and are incorporated by reference; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Imperial Beach that Conditional Use Permit (CUP-21-0003), Design Review Case (DRC-21-0016), Site Plan Review (SPR-21-0017), and categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects) proposing to demolish an existing building and construct a new Del Taco restaurant with a drive-through facility at 1333 Palm Ave (APN 627-011-19-00) in the C/MU-1 (General Commercial and Mixed Use) Zone are hereby approved subject to the following:

**CONDITIONS OF APPROVAL:**

1. **Approval** Conditional Use Permit (CUP-21-0003), Design Review Case (DRC-21-0016), Site Plan Review (SPR-21-0017), and categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects) is valid for ~~one year~~ six months from the effective date following final action by the City Council (10 working days following final action) and **shall expire at the end of business on September 1, 2023, March 1, 2024** unless vested with substantial construction pursuant to an approved building permit. Approvals of the Conditional Use Permit (CUP-21-0003), Design Review Case (DRC-21-0016), Site Plan Review (SPR-21-0017), and categorical exemption pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 (In-Fill Development Projects) shall run coterminous.
2. The site shall be developed in substantial compliance with the plans dated August 1, 2022, on file at the Community Development Department, or as otherwise amended and approved, and the conditions contained herein.
3. The property owner or authorized designee shall sign/notarize a lot tie agreement with the City of Imperial Beach prior to the issuance of all building permits for the project.
4. Noise shall not have a negative effect on the existing neighborhood. If the property receives any noise complaints, the Developer shall investigate said complaint and mitigate any issues to meet Imperial Beach Municipal Code noise requirements (Imperial Beach Municipal Code 9.32 – Noise).
5. Lighting shall not have a negative effect on the existing neighborhood. All lighting shall be situated and adjusted to shine only on the subject property. If the property receives complaints related to lighting, the applicant shall investigate said complaint and mitigate any issues (adjustment, shades, removal of light, etc.).
6. Drought tolerant landscaping shall be provided throughout the site.
7. All landscaped areas on site and within the public right-of-way adjacent to the property shall be drought tolerant and shall be permanently irrigated and maintained by the applicant/owner in a healthy condition, free from weeds, trash, and debris.
8. A permanent irrigation system shall be installed and permanently maintained to serve all landscaped areas. The applicant/owner shall comply with all State requirements for the Model Water Efficient Landscape Ordinance.
9. This project is subject to all Model Codes, State Codes and City Ordinances adopted by the City of Imperial Beach.
10. Obtain all required building permits (Building, Plumbing, Mechanical, Electrical, Grading etc.) for this project. All construction shall comply with the adopted 2019 California Building Standards Codes; Residential, Building, Electrical, Mechanical, Plumbing, Energy, Fire, Green Building, Historic Building, Existing Building, as amended by City

Ordinance 2019-1190 and other applicable Municipal Codes in effect at the time of plan submittal for building permits.

11. Provide a note on plans: Prior to Foundation Inspection a survey of the property shall be conducted from a California Licensed Surveyor or Engineer and survey pins shall be in placed to identify the corners.  
  
A setback certification prepared by the responsible licensed Land Surveyor or Engineer shall be submitted to the City Building Inspector prior to inspection or approval of the foundation.
12. All projects greater than or equal to twenty-five thousand dollars (\$25,000), or which involve the construction and/or demolition of two-hundred-fifty (250) square feet or more of floor space shall comply with Imperial Beach Municipal Code Chapter 8.38. A completed Waste Management Plan shall be submitted with the building permit application.
13. Any development of property other than single-family residence(s) or duplex(es) with a valuation in excess of fifty thousand dollars (\$50,000) will be required to underground all utility services on-site, adjacent thereto and those which traverse the site. IBMC 13.08
14. Plans deviating from conventional wood frame construction shall have the structural portions signed and sealed by the California state licensed engineer or architect responsible for their preparation, along with structural calculations. (California Business and Professions Code).
15. No work for which a building permit is required shall be performed within the hours of 7:00 P.M. - 7:00 A.M. Monday - Friday, nor prior to 8:00 A.M. or after 5:00 P.M. on Saturday nor anytime on Sundays. A sign shall be posted at a conspicuous location near the main entry to the site, prominently displaying these hour restrictions.
16. Per Table 5.106.5.3.3 of the California Green Building Code, a minimum of two electric vehicle (EV) chargers are required to be installed when there is a total number of parking spaces between 10-25. The proposed plans only show a single EV charger.
17. Per Table 5.106.5.2 of the California Green Building Code, a minimum of three parking spaces shall be designated for clean air vehicles when there is a total number of parking spaces between 10-25. The proposed plans only show a single clean air vehicle space.
18. Construction plans shall include the following specifications for the EV chargers:
  - A. The type and location of the electric vehicle supply equipment (EVSE).
  - B. The raceway(s) shall originate at a service panel or a subpanel(s) serving the area and shall terminate in close proximity to the proposed location of the charging equipment and into listed suitable cabinet(s), box(es), enclosure(s), or equivalent.
  - C. Plan design shall be based upon 40-ampere minimum branch circuits.
  - D. Electrical calculations shall substantiate the design of the electrical system, to include the rating of equipment and any on-site distribution transformers and have sufficient capacity to simultaneously charge all required EVs at its full rated amperage.
  - E. The service panel or subpanel(s) shall have sufficient capacity to accommodate the required number of dedicated branch circuit(s) for the future installation of the EVSE.

19. Ensure that the proposed ADA parking spaces and access aisle meet the minimum width requirements per section 11B-502 of the California Building Code. The minimums shall be specified on the plans when submitted for the building permit.
20. A soils report must be provided with the building permit application. The report shall include foundation design recommendations based on the engineer's findings and shall comply with Section R401.4.

Should the soils engineer recommend that he/she review the foundation excavations, provide a note on the foundation plan that "Prior to the contractor requesting a Building Department foundation inspection, the soils engineer shall advise the building official in writing that:

- A. The building pad was prepared in accordance with the soils report,
- B. The utility trenches have been properly backfilled and compacted, and
- C. The foundation excavations, the soils expansive characteristics and bearing capacity conform to the soils report."

A letter will need to be provided from the soils engineer confirming that the foundation plan, grading plan and specifications have been reviewed and that it has been determined that the recommendations in the soils report are properly incorporated into the construction documents (when required by the soil report).

21. This project will be required to provide an energy design detailing compliance with the Mandatory Measures and either the Performance or Prescriptive methods of compliance.
22. The mandatory Green Building requirements for non-residential construction must be included on your plans. Green Building Standards are applicable to newly constructed buildings, additions of 1,000 square feet or greater and/or alterations with a permit valuation of \$200,000 or above.
23. Contact California American Water at 619-446-5713 should the existing water meter need to be replaced or upgraded as part of this project.
24. Please contact the San Diego Gas & Electric Project Planning Team (Metro Service Order Team) at 619-230-7800 to confirm that the proposed service locations detailed on your site plan are in compliance with their service standards.
25. The west elevation shows the gas meter and riser in close proximity to other equipment. Ensure that the equipment placement meets the clear zone and source of ignition clearances required by SDGE. Refer to Service and Standards Guide SG 1007.1 for additional information.
26. Fire would like to discuss with the developer the opportunity of conducting some ventilation and forced entry training on the structure immediately prior to demolition. Contact Tom Santos at to coordinate: [tsantos@imperialbeachca.gov](mailto:tsantos@imperialbeachca.gov) or 619.628.1392
27. Customer will need to contact Cal American Water to identify current water source and what will be needed. Contact Matthew Schuler, California American Water, Operations Specialist, San Diego Operations. Phone: (619) 446-5713.
28. New sewer connection(s) to the main line shall be coordinated with the Public Works Sewer Department.

29. Prior to approval of these plans the sewer lateral locations shall be drawn on the plans and submitted to the City for review and approval. If applicable, new buildings cannot be constructed on top of existing sewer lateral, rerouting is required.
30. (If Applicable) The applicant is required to demonstrate that existing sewer laterals conform to all City standards, specifications and codes. In order to determine the existing condition of the lateral, the applicant must provide an in-line closed-circuit video (CCTV) inspection of the lateral from the building to the City's sewer main. Any damaged sections of pipe found during the video inspection must be repaired before approval of the lateral for use.
31. For new installations, all sewer laterals shall be installed per Regional Standards SS-01 through SS-04, SP-01 through SP-03 & SC-01. Prior to sewer tap, the applicant shall contact the Public Works Department for an inspection of the tie to the Main by calling the Public Works Inspector (619) 551-8005.
32. If an existing sewer lateral servicing the site will not be utilized and is to be abandoned, it shall be abandoned per the Greenbook standards or other approved building standards. Include the abandonment procedures on the building plans for City approval.
33. No building roof or landscape water drains may be piped to the street or onto impervious surfaces that lead to the street. A design that has these water discharges directly into the storm drain conveyance system (onto an impervious surface that flows to the street) is in violation of the Municipal Storm Water Permit - Order R9-2013-0001.
34. Building foundation elevations shall be at least one (1) foot above gutter line to minimize flooding during storm conditions.
35. The owner of private property adjoining the public right-of-way shall be responsible to maintain the proposed bio retention landscaping in the area between the sidewalk and private property line for the entire frontage of the property. Such maintenance shall include watering and clearing of weeds.
36. The proposed driveways shall be constructed in a manner so as to:
  - D. Maintain existing stormwater runoff flows:
  - E. Avoid the flow of stormwater across the new driveway (or associated sidewalk); and
  - F. Include the installation of an expansion joint between the paved surface on the private property and the paved surface of the public right-of-way.
37. If it is necessary to cut into the alley pavement as part of this project, all concrete cuts in the alley must be replaced with #4 rebar dowels positioned every 2 feet on center. Concrete specification must be 560-C-3250. Concrete cuts must also comply with Condition #15 and cuts parallel to the alley drainage must be at least 1-foot from the alley drain line.
38. Proposed driveway approaches on Georgia Street shall be constructed in compliance with San Diego Regional Standard Drawings G-14F (Concrete Driveway- Type B, Contiguous Sidewalk), G-15 (Driveway Location – Adjacent to Curb Returns and Street Lines), and G-16 (Driveway Location and Width Requirements). New curb and gutter shall be constructed in compliance with San Diego Regional Standard Drawing G-2 (Curbs and Gutter – Combined).
39. Proposed driveway approach in alleyway shall be constructed in compliance with San Diego Regional Standard Drawings G-14E (Concrete Driveway-Alley Type), G-15



(Driveway Location – Adjacent to Curb Returns and Street Lines), and G-16 (Driveway Location and Width Requirements). New curb and gutter shall be constructed in compliance with San Diego Regional Standard Drawing G-2 (Curbs and Gutter – Combined).

40. Existing pedestrian ramp on southwest corner of Palm Ave. & Georgia St. shall be removed and reconstructed to meet current ADA standards per SDRSD G-27, G-30, G-32A & G-32B.
41. For alley, sidewalk or curb & gutter replacement ensure compliance with San Diego Regional Standard Drawing G-11 (Concrete Curb, Gutter, Sidewalk & Pavement Removal and Replacement) in that, the “Area to be removed [must be] 5’ or from joint to joint in panel, whichever is less.” The distance between joints or score marks must be a minimum of 5-feet. Where the distance from “Area to be removed”, to existing joint, edge or score mark is less than the minimum shown, “Area to be removed” shall be extended to that joint, edge or score mark.
42. All existing sidewalk abutting the property on Palm Ave. & Georgia St. that does not conform to current ADA standards shall be reconstructed and replaced per SDRSD G-7, with sidewalk joint locations per SDRSD G-9 and concrete joint details per SDRSD G-10.
43. Along the public right-of-way, the applicant shall eliminate any existing tripping hazard caused by the condition of the existing public sidewalk along the property frontage. The remedial work required herein shall be performed to the satisfaction of the Public Works Inspector.
44. Where existing right-of-way pavement is to be removed, a clean, neat line shall be saw-cut at the edge of existing pavement where the new replacement pavement to be installed. A minimum twelve (12) inch cut shall be provided between a new driveway, curb or other concrete work that meets with asphalt. This will give a clean, compactable area to transition from new concrete to existing road surface. All driveways or sidewalks shall be poured as soon as possible after disturbance of existing pavement to prevent erosion of pavement integrity. Any damaged pavement shall be repaired with like material to the satisfaction of the Public Works Inspector. Existing street widths shall not be narrowed as a result of apron placement.
45. All trench resurfacing shall be performed in accordance with the standards shown below and shall be subject to inspection by the City’s Public Works Inspector. The permittee shall be responsible for calling for an inspection at (619) 551-8005. Trenches and improvements in streets shall conform to regional standards as follows:
  - A. Trenches wider than six (6) inches: Use Regional Standard G-24A type C. The base shall be compacted with twelve (12) inch maximum lifts to 95% modified proctor and test reports.
  - B. Trenches six (6) inches or less: Use regional standard G-33 Type B. Call for an inspection prior to the Asphalt repair at (619) 423-8311.
  - C. Traffic Control plans shall be followed per approved plans and adjusted by the contractor for changing conditions.\
  - D. Trench plates used for a SDG&E gas connection (which can take several weeks), or on downhill road sections, need to be ground down so plates are flush with roadway. All plates are to be slip resistant. All open trenches in

roadway shall be plated and secured at the end of the work day. All other open trenches shall be plated or covered in heavy plywood.

- E. Where a curb exists, the applicant shall bore under curb or saw cut a minimum of the width of the asphalt patch and replace with same construction.
  - F. No trench shall be opened in any street for the purpose of laying pipes, conduits or ducts except when the prior written consent of the Director of Public Works has been obtained. Construction shall include restoration of all speed controls (bumps or humps) and all striping and/or any signage that may be disturbed as the result of project implementation. Restoration of disturbed speed humps shall include a double coat of speed hump paint with glass crystals. No open trench shall be allowed across any street or within 10 ft. of any travel way.
- 46. For any work to be performed in the street or alley, submit a traffic control plan for approval by Public Works Inspector a minimum of 5 working days in advance of street work. Traffic control plan is to be per Regional Standard Drawings or CALTRANS Traffic Control Manual.
  - 47. The applicant shall be responsible for informing the public of the traffic conditions existing within the construction area at all times by placement of appropriate warning and advisory signs. The applicant shall also provide and maintain all traffic control and safety items. Barricades and any other delineation in the right of way shall be required and maintained by applicant for the duration of the right of way improvements. Applicant assumes sole and complete responsibility for the job and site conditions during the course of construction, including safety of all persons and property. This requirement shall apply continuously twenty-four (24) hours per day and shall not be limited to normal work hours.
  - 48. For any project that proposes work within the public right-of-way (i.e., driveway removal/construction, sidewalk removal/construction, street or alley demolition/reconstruction, sewer lateral trenching and installation, landscaping and irrigation, fences, walls within the public right-of-way, etc.), a Temporary Encroachment Permit (TEP) shall be applied for and approved either prior to or concurrent with issuance of the building permit required for the project. Application for a Temporary Encroachment Permit shall be made on forms available at the Community Development Department.
  - 49. Permittee shall schedule inspections with the Public Works Department (619) 551-8005 at least 24 hours prior to need as follows:
    - A. Sidewalk, Driveway, Curb and Gutter and other Concrete Work Pre-pour and Final
    - B. Street Excavation T-Cut and Final
    - C. Sewer Lateral Capping during Demolition and New Lateral Connection to Main
    - D. All Other Encroachment Activity Final
  - 50. All alley, driveway, sidewalk, or curb & gutter construction within the City right-of-way shall require either a "CLASS A" or "C-8" Contractor's license. All sewer lateral installations and trenching work within the City right-of-way shall require a "CLASS A" Contractor's license.

51. Any disposal/transportation of solid/construction waste in roll off containers must be contracted through EDCO Disposal Corporation unless the hauling capability exists integral to the prime contractor performing the work.
52. The parcel impervious surfaces are not to increase beyond that proposed in the project review drawings. This will be as a post-construction condition in order to maximize the water runoff infiltration area on the parcel in compliance with Municipal Storm Water Permit – Order R9-2013-0001.
53. Install/set property survey monuments at all property corners. Prepare either a Record of Survey or Corner Record, whichever is applicable pursuant to the requirements of the State Land Surveyor's Act. Said Record of Survey or Corner Record shall be recorded in the office of the San Diego County Recorder. Provide the City with a recorded copy.
54. Applicant required to provide verification of post construction Best Management Practice (BMP) maintenance provisions through a legal agreement, covenant, CEQA mitigation requirement, and / or Conditional Use Permit. Agreement is provided through the Community Development Department.
55. Property owner must institute "Best Management Practices" to prevent contamination of storm drains, ground water and receiving waters during both construction and post construction. The property owner or applicant BMP practices shall include but are not limited to:
  - A. Contain all construction water used in conjunction with the construction. Contained construction water is to be properly disposed in accordance with Federal, State, and City statutes, regulations and ordinances.
  - B. All recyclable construction waste must be properly recycled and not disposed in the landfill.
  - C. Water used on site must be prevented from entering the storm drain conveyance system (i.e. streets, gutters, alley, storm drain ditches, storm drain pipes).
  - D. All wastewater resulting from cleaning construction tools and equipment must be contained on site and properly disposed in accordance with Federal, State, and City statutes, regulations, and ordinances.
  - E. Erosion control - All sediment on the construction site must be contained on the construction site and not permitted to enter the storm drain conveyance system. Applicant is to cover disturbed and exposed soil areas of the project with plastic-like material (or equivalent product) to prevent sediment removal into the storm drain system. See CASQA's (California Stormwater Quality Association) Construction Best Management Practices Handbook for other alternative erosion and sediment control BMPs.
56. Two days prior to any excavation, "Dig-Alert" (800) 227-2600 shall be notified to locate all known underground utilities.
57. Applicant must underground all utilities in accordance with I.B.M.C. 13.08.060.C as noted below, applicability to new structures:
  - A. For any development which requires a building permit but is of a valuation of fifty thousand dollars or less, the applicant will be required either to underground the utilities or to sign a deferral agreement pertaining thereto.

- B. For any development of single-family residence(s) or duplex(es) which exceeds a valuation of fifty thousand dollars, the applicant will be required to sign a deferral agreement with, and pay a recording fee to, the City.
  - C. Any development of property other than as described in subsection A or B of this section in excess of fifty thousand dollars valuation will be required to underground all utility services on-site, adjacent thereto and those which traverse the site.”
58. The applicant/property owner shall read, understand, and accept the conditions listed herein and shall, within 30 days, return a signed statement to the Community Development Department accepting said conditions.
59. The applicant/property owner shall pay off any deficits in his project account (21-0049-DEP) prior to building permit issuance and prior to final inspection.

**Appeal Process under the California Code of Civil Procedure (CCP):** The time within which judicial review of a City Council decision must be sought is governed by Section 1094.6 of the CCP. A right to appeal a City Council decision is governed by CCP Section 1094.5 and Chapter 1.18 of the Imperial Beach Municipal Code.

**PROTEST PROVISION:** The 90-day period in which any party may file a protest, pursuant to Government Code Section 66020, of the fees, dedications or exactions imposed on this development project begins on the date of the final decision.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Imperial Beach as follows:

- 1. That the foregoing recitals are true and correct.
- 2. That a six (6) month time extension for Conditional Use Permit (CUP-21-0003), Design Review Case (DRC-21-0016), and Site Plan Review (SPR-21-0017) and Categorical Exemption pursuant to CEQA guidelines 15332 (In-Fill Development Projects) is approved for the demolition of an existing building and construct a new Del Taco restaurant with a drive-through facility and outdoor patio seating area at 1333 Palm Ave (APN 627-011-19-00), subject to the conditions set forth in this Resolution.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Imperial Beach at its meeting held on the 16<sup>th</sup> day of August 2023, by the following vote:

<b>AYES:</b>	<b>COUNCILMEMBERS:</b>
<b>NOES:</b>	<b>COUNCILMEMBERS:</b>
<b>ABSENT:</b>	<b>COUNCILMEMBERS:</b>

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**PALOMA AGUIRRE, MAYOR**

**ATTEST:**

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**JACQUELINE M. KELLY, MMC**  
**CITY CLERK**