



August 17, 2022

**DEL TACO (APPLICANT); CONSTRUCTION OF A NEW DEL TACO RESTAURANT WITH A DRIVE-THROUGH AND OUTDOOR PATIO SEATING AREA AND CATEGORICAL EXEMPTION PURSUANT TO CEQA GUIDELINES SECTION 15332 AT 1333 PALM AVE (APN 627-011-19-00) USE-21-0049. (0600-20)**

**ORIGINATING DEPARTMENT:**

Community Development

**EXECUTIVE SUMMARY:**

The owner of a property at 1333 Palm Avenue, which is located in the C/MU-1 (General Commercial & Mixed-Use) Zone, has initiated the process to demolish an existing building and construct a new Del Taco restaurant with a drive-through facility and outdoor patio seating area.

**RECOMMENDATION:**

That the City Council adopt Resolution 2022-66, approving Conditional Use Permit (CUP-21-0003), Design Review Case (DRC-21-0016), Site Plan Review (SPR-21-0017), and Categorical Exemption pursuant to CEQA guidelines 15332 (In-Fill Development Projects) to construct a new 1,856 SF 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 & Mixed-Use) Zone subject to the conditions as specified in the attached resolution.

**OPTIONS:**

In addition to receiving this report and adopting staff's recommendations, the City Council can:

- Approve the project with modifications requested by the City Council; or
- Disapprove the project and deny the requested permits by making specific findings for denial; or
- Continue the Public Hearing to a specific future meeting to allow staff to provide additional information upon which a decision can be rendered.

**BACKGROUND/ANALYSIS:**

An application (USE-21-0049/MF 1428) was originally filed with the City on November 24, 2021, for a Conditional Use Permit (CUP-21-0003), Design Review Case (DRC-21-0016), Site Plan Review (SPR-21-0017), and Categorical Exemption pursuant to CEQA guidelines 15332 (In-Fill Development Projects) to demolish an existing building and construct a new 1,856 square foot single-story Del Taco restaurant drive through facility and outdoor patio seating area at 1333 Palm

Avenue (APN 627-011-19-00) in the C/MU-1 (General Commercial & Mixed-Use) Zone. The project is located on a 16,100 square foot lot situated on the southwest corner of Palm Avenue and Georgia Street. Vehicular ingress and egress to the property would be provided from both Georgia Street and a drive aisle accessible off an alley that is parallel to the lot's western property line. The properties east and west of the project site are also located in the C/MU-1 Zone and the land uses are commercial in character. The properties located south of the project site are zoned residential and are residential in character. The properties to the north are located within the City of San Diego's jurisdictional boundaries and are commercial in character.

#### Building Orientation & Design:

The proposed project would consist of an 1,856 square foot single-story Del Taco restaurant with a drive through facility and a 254 square foot outdoor patio. The building is designed in Del Taco's "Nu Prototype" architectural style, which features a rectangular shaped building with varying roof heights, various art graphics depicting the character of the local community, bright accent colors, and a mixture of wall finishes. The overall height of the building is 24', including the structure's parapet and signage. Direct pedestrian access to the restaurant would be provided off Palm Avenue and an ADA path of travel originating from the northernmost portion of the parking lot would provide access to the restaurant's main entrances on Palm Avenue.



The restaurant's drive through facility and parking lot would be accessible from both the alley situated to the west of the project site as well as off Georgia Street. A queuing analysis was conducted to ensure no spill over from the drive through into adjacent streets and alleyways. The proposed site plan shows a drive through storage capacity of 8 vehicles, which would be sufficient to accommodate the expected maximum queue length when compared to the queue data for three similar Del Taco locations within San Diego County.

The restaurant's parking lot would locate on the southern portion of the property behind the proposed restaurant and would provide 19 parking spaces, including one ADA stall and one EV charging station. Landscaping would be installed around the parking lot perimeter and within the parking area.

A 254 square foot outdoor patio is proposed to front Georgia Street and would consist of outdoor dining facilities and a mobile pick-up station. The patio would include decorative paving and an open patio trellis with a solar panel array above the patio cover. The area would be shielded from traffic with landscaping consisting of trees, shrubs, grasses, and a bio-retention basin. A bicycle parking area is proposed adjacent to the outdoor seating area.

A trash and recycling enclosure would be situated in the parking lot, behind the drive through queue, surrounded by landscaping, and away from outdoor seating. The enclosure would be constructed from CMU block walls, metal frame double doors, a galvanized corrugated sheet metal underside trellis roofing, and a painted color PX-1 stucco finish to match the building. Waste,

recycling, and organics pick-up would occur from the parking lot accessed off Georgia Street or the alley.

The proposed design should conform to the intent and purpose of the design standards outlined in IBMC Section 19.83.010 and should contribute positively to the mixed-use corridor, which is comprised of a mix of commercial and residential uses. The applicant's design provides varied building materials and architectural interest beyond what currently exists and would promote pedestrian activity with an active commercial use.



North Elevation



South Elevation

**Mural:** The project colored elevations and renderings on the south elevation show a light blue mural with two blue dolphins and a State of California Geographic state boundary that reads Imperial Beach in dark blue channel lettering. The applicant is proposing to work with a muralist, and as such, the final design of the mural is subject to change. Therefore, a condition of approval will be added into Resolution 2022 – 66 stating that the final design of the mural is subject to city review and approval prior to installation.





Night Rendering

**Building and Floor to Ceiling Height:** New buildings fronting Palm Avenue would be required to locate along the front property line and provide a minimum ground floor height of fifteen feet. The applicant is proposing a 64' long, 24' tall building with a 15' 5 1/4" interior floor to ceiling height and 29' building depth.

**Lighting:** The project proposes LED light fixtures throughout the site. LED string lights along the underside trellis roofing for the drive-through facility are proposed. On the exterior of the building, LED light fixtures would be mounted to the walls. Light poles with LED fixtures would locate within the parking lot near the east and south property lines, and near the drive-through facility. All proposed lighting adjacent to residential and/or commercial uses would incorporate shielded or focused lights to ensure that the proposed lighting would not impact the surrounding area/uses.

**Parking:** The property would provide a total of 19 parking spaces, including one ADA stall and one EV charging station. Vehicle ingress and egress would be provided from a curb cut off Georgia Street as well as from a drive aisle accessible off the alley. Additionally, the project would provide a bicycle parking rack adjacent to the outdoor seating area that would accommodate three bicycles. In accordance with the City's commercial landscaping requirements, the parking lot would include landscaping such as trees, shrubs, and grasses. Additionally, as part of the project, two existing curb cuts off Palm Avenue would be removed.

**Queuing:** 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. A drive-through service window queuing analysis was performed to determine if the storage capacity of the drive-through lane is sufficient to meet the demand of vehicles using the drive-through. This task is completed by estimating the expected maximum queue length and comparing it to the storage capacity. If the storage capacity exceeds the

**Signage:** The project is proposing a wall sign located above the business facing Palm Avenue, Georgia Street, and the west public alley. Any proposed signage should be conformance with standards pursuant to IBMC Section 19.52.050 and the colors and size relate to the business therefore making it consistent with the General Plan.

### Design Review Board:

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- Relocate parking lights located along the southern property line or install shielding on light poles.
- Apply a cosmetic treatment or remove the existing retaining wall along the Georgia street right of way.
- Consider an alternate color instead of the neon green.
- Remove or don't illuminate the signage on the south side of the structure (southern elevation).
- Use similar materials as used on the building on the trash enclosures for cohesiveness.
- Golden medallion trees along the southern property line must be replaced with evergreen trees.
- Wood fencing must be vertical with no space between the panels and consider using block or vinyl with steel posts for longevity.
- Consider using stucco instead of foam EIFs for longevity.
- Consider staggering the parapet heights on the north and south elevation.
- Seal wood elements.
- Wooding fencing on the west elevation used to shield switchgear should be replaced with a block wall and finish materials must match the building's exterior finish.
- Provide legend on landscape plan.

These recommendations have been incorporated into the plans and provided as conditions of approval within Resolution 2022-66.

**General Plan/ Zoning Consistency:** The proposed development is subject to C/MU-1 (General Commercial & Mixed-Use) zoning requirements. The purpose of the C/MU-1 zone is to provide areas for businesses to meet the demand for commercial goods and services required primarily by the local population. 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. Mixed-use development and multiple family residences are also permitted in the C/MU-1 Zone. The proposed project would provide restaurant services, meeting the intent of the land use designation.

Zoning:

Standards	Provided/Proposed
<p>Yard requirements for the C/MU-1 zone are as follows:</p> <p>A. Front Yard. Zero feet; up to forty percent of the project frontage may be set back up to an additional five feet. Front yards facing Donax Avenue or Calla Avenue shall be a minimum of fifteen feet.</p> <p>B. Side Yard. There shall be a minimum side yard of five feet.</p>	<p>A. One hundred percent of the project fronts Palm Avenue. Direct pedestrian and ADA access to the restaurant is provided off Palm Avenue where there are two entrances.</p> <p>B. The side yards of the project are adjacent to Georgia Street and an alley. The side yard for the portion of the building off</p>

<p>C. Rear Yard. There shall be a minimum rear yard of ten feet.</p> <p>The open space and landscaping requirements as stated in Chapter 19.50 of this code shall be met.</p>	<p>the alley adjacent to the eastern property line measures 48 feet 9 inches and the side yard for the portion of the patio off of Georgia Street measures 10 feet 2 inches.</p> <p>C. The rear yard abuts the parking area for the project and measures approximately 84 feet from the property line to the proposed building.</p> <p>15% of the site must be landscaped, and 21% is provided. Hardscape surfaces or landscaping in the public right of way directly abutting the property were not utilized in the landscape calculations.</p>
<p>“Active Commercial Uses” as defined in Chapter 19.05 are required for all buildings with frontage along Palm Avenue at a minimum of 60% of each building’s ground floor lineal footage, have direct pedestrian access from the Palm Avenue sidewalk or a plaza, and have a minimum building depth of twenty-five feet. The remaining forty percent must either be primarily related to the commercial use, such as parking, access, or other non-active commercial purpose or, if related to non-commercial use, must be designed either to encourage and promote pedestrian activity or to visually screen required on-site parking (Section 19.26.020.A.1).</p>	<p>The commercial building is located along Palm Avenue. 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. The building depth would be 29-feet.</p>
<p>For property with a side or rear yard abutting a residential zone, the second floor shall be set back a minimum of five feet from the abutting residential property line and the third floor shall be set back a minimum of ten feet from the abutting residential property line. (Section 19.26.041)</p>	<p>The property abuts a residential zone directly to the south. The proposed project is a single-story commercial building with an 84-foot rear yard setback.</p>
<p>Minimum lot size of 3,000 square-feet (Section 19.26.050).</p>	<p>The lot size is 16,100 square feet.</p>
<p>Minimum street frontage of 30 feet (Section 19.26.060).</p>	<p>The Palm Avenue frontage is approximately 140 feet, and the Georgia Street frontage is 115 feet.</p>

Maximum building height of four stories or 40 feet (Section 19.26.070).	<p>The project proposes a building height that ranges from 20-feet to 24-feet,</p> <p>The applicant will be required to show conformance with the height requirement as required by IBMC 19.04.400.</p>
All commercial spaces on the ground floor shall have a minimum fifteen-foot floor-to-ceiling height; and single-story commercial buildings shall have a minimum building height of twenty feet. (Section 19.27.070).	The project is a single-story commercial building proposing a floor-to-ceiling height of 15-feet 5 ¼". The building height would range from 20 feet to 24-feet.
No buildings shall be located less than five feet from any other building on the same lot. (Section 19.26.080)	No other buildings are proposed on the same lot.
<p>Landscaping requirements are as follows (Section 19.50.030, Commercial Landscaping):</p> <p>A. Not less than fifteen percent of the total site shall be landscaped and permanently maintained.</p> <p>B. There shall be a five-foot-wide landscape area between any parking area and any public street right-of-way.</p> <p>C. A portion of a property not used for buildings, parking, walkways, loading or storage areas shall be landscaped.</p>	<p>A. The project proposes landscape 21% of the project site by installing a total of 3,431 square feet of landscaping which would consist of 3,002 square feet of on-site landscaping, a 267 square foot bio-retention basin, and a 162 square foot bio-retention non-living groundcover area. In addition, the applicant also proposes to install an added 2,065 square feet of landscaping in the right-of-way abutting the project site. In total, the project would install 5,543 square feet of landscaping, including 27 new trees</p> <p>B. The project provides a 5' landscape area between the parking lot and Georgia Street.</p> <p>C. Portions of a property not used for buildings, parking, walkways, loading, or storage are landscaped.</p>



<p>D. There shall be a minimum three-foot by fifteen-foot, or forty-five square foot, landscaped area within the parking area (not including perimeter area landscaping) for every three parking spaces or the equivalent. A minimum width of three feet is required. A four-foot by fifteen-foot area may be permitted for every four spaces, five-foot-wide for five spaces, etc.</p> <p>E. Prior to issuance of any building permits, a complete landscaping plan shall be submitted to the Community Development Department for approval. Such approval shall be subject to appeal in the manner set forth in Sections 19.84.070 through 19.84.090.</p> <p>F. Landscaping and required watering system shall be installed prior to the use of the premises. All landscaping material in required landscaping areas shall be permanently maintained in a growing and healthy condition, including trimming, as appropriate to the landscaping material.</p> <p>A permanent irrigation system shall be installed to serve all landscaped areas.</p>	<p>D. The project provides adequate landscaping in the surface parking spaces.</p> <p>E. A complete landscape plan would be required prior to issuance of building permits.</p> <p>F. Landscaping and required watering system shall be installed prior to the use of the premises subject to state requirements.</p> <p>A permanent irrigation system shall be installed to serve all landscaped areas subject to state requirements.</p>
<p>Required parking spaces for drive-through establishments in the C/MU-1 Zone: one space for each fifty square feet of net floor area, plus one space per two employees at largest work shift (IBMC 19.48.050.E).</p>	<p>The project proposes a total of 734 square feet of net floor area which consists of 480 square feet of dining room &amp; standing area inside the restaurant and a 254 square foot outdoor patio requiring 15 parking spaces. Additionally, the restaurant would have 8 employees at the largest work shift requiring 4 parking spaces. The project provides 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.</p>

Surrounding Land Use and Zoning:

Surrounding Properties	Surrounding Zoning	Surrounding Land Use
North	City of San Diego	Commercial
South	R-3000 (Two-Family Residential)	Residential

East	C/MU-1 (General Commercial & Mixed-Use)	Commercial
West	C/MU-1 (General Commercial & Mixed-Use)	Commercial

**ENVIRONMENTAL DETERMINATION:**

This project may be categorically exempted from the requirements of the California Environmental Quality Act (CEQA) as a Class 32 project pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects).

**ATTACHMENTS:**

1. Attachment 1 – Resolution 2022-66
2. Attachment 2 – Project Plans
3. Attachment 3 – Design Review Minutes 061622
4. Attachment 4 – Project Renderings, Landscape Plan, Materials Board