

DATE ISSUED: January 9, 2002 REPORT NO. 02-004

ATTENTION: Honorable Mayor and City Council  
Docket of January 15, 2002

SUBJECT: LA JOLLA MOBIL CARWASH - COASTAL DEVELOPMENT AND  
SITE DEVELOPMENT PERMIT NO. 41-0161. COUNCIL DISTRICT  
1. PROCESS 4

REFERENCE: Planning Commission Hearing November 1, 2001, Planning Report  
No. P-01-184

OWNER/  
APPLICANT: John M. Percival, John A. Percival, Francis M. Smith and Lawrence W.  
Percival, Individuals/Owners and K.A. LA JOLLA, LLC, (Mr. Ken Assi)  
Permittee

#### SUMMARY

Issues - Should the City Council deny the appeal and reaffirm the Planning Commission's November 1, 2001, approval of the requested permits to allow for the addition of a 648 square-foot carwash facility as an accessory use to a previously permitted and operating gasoline service station and mini-mart at 2204 Torrey Pines Road within the La Jolla Community Planning area and La Jolla Shores Planned District?

Manager's Recommendation - The City Manager recommends that the City Council deny the appeal of the Planning Commission's action and affirm the approval of the La Jolla Mobil Carwash project by taking the following actions:

1. **CERTIFY** Mitigated Negative Declaration LDR No. 41-0161 and **ADOPT** the Mitigation Monitoring and Reporting Program (MMRP), and
2. **APPROVE** Coastal Development and Site Development Permit No. 41-0161, amending Coastal Development and La Jolla Shores Planned District Permit No. 96-0112 (subject to conditions, see attachment No. 5).

Planning Commission Recommendation - On November 1, 2001, the Planning Commission voted 5-1, with Commissioner Lettieri voting no and Commissioner Schultz not present, to approve the project.

Community Planning Group Recommendation - The La Jolla Community Planning Association voted 6-2-2 in September, 2001, to recommend denial of the requested project (Attachment No. 9).

Other Recommendations - The La Jolla Shores Planned District Advisory Board voted 4- 1 on

October 16, 2001, to recommend approval of the project, finding that the design guidelines had been met.

Environmental Impact - A Mitigated Negative Declaration, LDR No. 41-0161, was completed in compliance with the California Environmental Quality Act (CEQA) Guidelines. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared and will be implemented to reduce to a level of insignificance, impacts related to Noise and Water Quality.

Fiscal Impact - All costs associated with the processing of this application are recovered from a deposit account maintained by the applicant.

Code Enforcement Impact - None with this action.

Housing Affordability Impact - None with this action.

### PLANNING COMMISSION ACTION

On November 1, 2001, the Planning Commission considered this Process Four Coastal Development and Site Development Permit requesting the addition of a carwash facility to a previously approved gasoline service station. The Commissioners discussed on-site circulation, the method of delivery service vehicles to the site, the future restaurant pad and parking areas to understand how the carwash would relate to the overall site and function. On motion by Commissioner Stryker and second by Commissioner Butler, the Planning Commission voted 5-1 to approve the requested project. Commissioner Lettieri voted in the negative, expressing concerns that the carwash circulation, with parking and delivery zones in the area, could be problematic.

### BACKGROUND

The subject property is a 0.70 acre site located on the easterly side of the intersection of La Jolla Shores Drive and Torrey Pines Road within the 'V' Visitor use zone of the La Jolla Shores Planned District which is encompassed by the La Jolla Community Plan. The site had long been occupied by a gasoline service station and sit-down restaurant prior to being redeveloped in 1997, with a new gasoline service station with no service bays, a new mini-mart facility and a graded pad for a future 2,735 square-foot sit-down restaurant. The project site is accessible by two driveways each from the adjoining streets. Ardath Lane is a paper street adjoining the east property-line with no physical connections to either Torrey Pines Road or La Jolla Shores Drive. Portions of this dedicated right-of-way are utilized for parking and on-site circulation. The existing development provides parking in excess of the minimum required for the gasoline station and future restaurant and free parking within the La Jolla Shores Drive right-of-way and on Ardath Lane. The site was fully landscaped and is being properly maintained by the permittees.

### DISCUSSION

**Community Plan Context** - The La Jolla Shores Precise Plan, in the 'Shores Center and Other Commercial Development' section, specifies that the subject 0.70 acre site, "...continue to serve the community's auto-visitor oriented commercial needs." The La Jolla Shores Planned District Ordinance specifically permits a gasoline service station on this one particular site in addition to any other permitted uses of the Visitor 'V' zone.

**Project Analysis** - The permittees propose to add an automated carwash facility to the project site which will be 648 square-feet in size, 22-feet in height, and having a stucco finish with precast concrete door trim and a simulated stone finish. Roofing will be concrete roof tiles. The addition of the carwash will displace 1,085 square-feet of existing landscaping to be replaced by 1,115 square-feet of new landscaping. The carwash will be located on the southeastern portion of the lot with access from the gasoline pump area by driveway between the mini-mart and restaurant pad to the carwash entry behind the mini-mart area. The most easterly existing driveway on Torrey Pines Road will be converted from an entry/exit driveway to an exit only for the carwash patrons.

Impacts from the carwash facility have been identified for the areas of water quality and noise. The Mitigation Monitoring and Reporting Program requires that no water be discharged into the City's storm drains. The system is designed to reuse 50% of water after filtering out solids and pollutants and discharge 50% of water used into the sewer system. Captured pollutants and solids will be collected and discharged at an appropriate waste facility. A noise analysis for the same type of equipment to be used at this site was completed and shows that the facility would not exceed sound level limits contained in the Municipal Code.

There has been discussion as to whether a carwash is a 'stand alone' commercial use or an accessory to the service station and if the carwash is a 'drive-in/drive thru' use and not permitted by the applicable land use regulations. City staff and the City Attorney have found that carwash facilities may be separate commercial uses offering full service car washes and auto detailing services or as an accessory use to a gasoline service station where discounted car washes are offered based on gasoline sales and the washes are generally fully automated, self contained and wash one car at a time. The car wash being proposed would be an accessory use to the existing gasoline service station. The Visitor 'V' zone has no specific language addressing drive-ins/drive-thru's while the Commercial Center 'CC' zone forbids only drive-in and drive-thru restaurants only. Again, City staff and the City Attorney are in agreement that the proposed carwash facility is not a drive-in/drive-thru, which is an option for some forms of restaurants but is a basic intrinsic feature of a carwash, wether it be full service or fully automated and self service.

City staff has determined that the proposed addition of the 648 square-foot carwash facility as an accessory use to the existing gasoline service station, with the consideration of the site design, circulation and restoration of landscaping, complies with all adopted plans and development regulations and is therefore recommended for approval.

#### APPEAL ISSUES

The appellant, in the November 16, 2001, appeal of the Planning Commission's action, cites two

areas of contention, that the proposed carwash is not permitted as the La Jolla Planned District Ordinance forbids 'drive-ins/drive-thrus' and that the proposed signage is not permitted by the ordinance.

**Issue One** - The appellant cites the Purpose and Intent, SDMC Section 103.0304, where it specifically states that, "...automobile drive-in and drive-through establishments will be prohibited". The allegation is that the gasoline service station itself is a drive-thru establishment. An additional citation of Municipal Code Section 103.1203B9 (La Jolla Planned District) is a definition of a drive thru facility listing types of uses that might have drive-thru services including service stations.

**Reply** - As specified in this report, Section 103.0304.3(a)(4), specifically permits a restaurant and gasoline service station on this site. Neither the Visitor Zone or the Commercial Center Zone directly address the issue of drive-ins except for the direct prohibition in the Commercial Zone for restaurants. No other permitted use in either zone has this specific language.

MC Section 103.1203B9 defines drive-thru's for the La Jolla Planned District Ordinance and Section 103.1208(f) and (g) specifically permits fast food restaurants and all other drive-thru facilities subject to design standards. The appellant is cross referencing two different Planned District Ordinances. The City Attorney has opined that the gasoline service station is not a drive-in facility and that the design of the proposed carwash facility is an accessory use.

**Issue Two** - The appellant cites concerns that the signage for the La Jolla Mobil use, existing and proposed, is not in conformity to the La Jolla Shores Planned District Ordinance.

**Reply** - All existing signage on the premises were approved by the City Council with the approval of Coastal Development and La Jolla Shores PDO Permit on May 6, 1997. The applicant is requesting signage on the carwash fascia identifying the use and directional signage, all as permitted by the PDO. The specific language prohibiting signage for accessory uses is only in relation to those uses found customarily in hotels and motels, as cited in MC Section 103.0304.3(a)(2).

ALTERNATIVES

The City Council, after consideration of the City Managers Report and recommendations, and consideration of all written and oral testimony presented for your evaluation, you could:

1. Approve the proposed permits for the requested project with modifications to the project and/or conditions of approval, or
2. The City Council could determine that one or more of the required 'Findings' cannot be made and Deny the project .

Respectfully submitted,

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Tina P. Christiansen, A.I.A.....  
Development Services Director.....

Approved: P. Lamont Ewell  
Assistant City Manager

RMK

Note: Attachment Nos. 1, 2, 4, 9, 10, 11, and 12 are not available in electronic format. A copy is available for review in the Office of the City Clerk.

- Attachments: 1. La Jolla/La Jolla Shores Land Use Map(s)  
..... 2. Project Location Map(s)  
..... [3. Project Data](#)  
..... 4. Project Site Plans  
..... [5. Draft Permit](#)  
..... [6. Draft Resolution/Findings](#)  
..... [7. Project Chronology](#)  
..... [8. Ownership Information](#)  
..... 9. Planning Group Recommendation  
..... 10. Existing Permit No. 96-0112  
..... 11. Site Plan Permit No. 96-0112  
..... 12. Architectural elevations/carwash