

**CALIFORNIA COASTAL COMMISSION**

SOUTH CENTRAL COAST AREA  
800 SOUTH CALIFORNIA ST., SUITE 200  
LOS ANGELES, CA 90001  
(805) 641-0142

Filed: 6/19/97  
49th Day: 8/7/97  
180th Day: 12/16/97  
Staff: S. Hudson  
Staff Report: 7/24/97  
Hearing Date: August 12-15, 1997  
Commission Action:

**STAFF REPORT: REGULAR CALENDAR**

APPLICATION NO.: 4-97-039

APPLICANT: Union Oil Company of California, D.B.A. UNOCAL  
AGENT: Tait & Associates, Inc.

PROJECT LOCATION: 23670 Pacific Coast Highway, City of Malibu; Los Angeles County

PROJECT DESCRIPTION: Replacement of two (2) existing single-walled 9,950 gallon underground storage tanks (USTs), associated piping, gasoline dispensers with two (2) new double-walled 12,000 and 15,000 gallon USTs, new fail-safe devices, associated piping, gasoline dispensers, remodel service station, 1,623 cu. yds. of grading for recompaction (900 cu. yds. cut and 723 cu. yds. fill) and the temporary placement of a trailer on site.

Lot area:	22,322 sq. ft.
Building coverage:	1,610 sq. ft.
Pavement coverage:	21,103 sq. ft.
Landscape coverage:	609 sq. ft.
Parking spaces:	22

LOCAL APPROVALS RECEIVED: City of Malibu Approval in Concept; County of Los Angeles Public Works Tank Closure and Removal Permit; South Coast Air Quality Management District Contaminated Soil Mitigation Plan

SUBSTANTIVE FILE DOCUMENTS: UST Closure Report dated 6/3/97 by Tait & Associates, Inc.

**SUMMARY OF STAFF RECOMMENDATION:**

Staff recommends approval of the proposed project with no special conditions. The applicant has replaced the original single-walled underground storage tanks (USTs), associated piping and dispenser islands with new, larger, double-walled tanks with improved fail-safe devices, piping and dispenser islands in order to comply with U.S. EPA standards requiring all UST's installed prior to December 22, 1988, to be upgraded, replaced, or properly closed by December 22, 1998. All

**Summary Continued**

work has been previously carried out without the benefit of a coastal development permit and constitutes a violation of the Coastal Act. Although some water and soil contamination has resulted from past operation of the service station, the Regional Water Quality Control Board has determined that no significant threat is posed and has required no further action to be taken by the applicant. All contaminated material excavated for UST replacement was properly disposed of and clean crushed rock and sand was used as replacement fill for recompaction.

**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. Approval with Conditions.**

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

**II. Standard Conditions.**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. Special Conditions.

NONE

### IV. Findings and Declarations.

The Commission hereby finds and declares:

#### A. Project Description and Background

The applicant is requesting "after the fact" approval for the replacement of two (2) existing single-walled 9,950 gallon underground storage tanks (USTs), associated piping, gasoline dispensers with two (2) new double-walled 12,000 and 15,000 gallon USTs, new fail-safe devices, associated piping, gasoline dispensers, remodel service station, 1,623 cu. yds. of grading for recompaction (900 cu. yds. cut and 723 cu. yds. fill) and the temporary placement of a trailer on site. The site is located in a built-out commercial section of Malibu and has been previously developed as a service station. The above ground elements of the project, although visible from Pacific Coast Highway, are consistent with both the previous and surrounding development and will not result in any new impacts to visual resources.

The United States Environmental Protection Agency (EPA) requires that all USTs installed before December 22, 1988, must be upgraded, replaced, or properly closed by December 22, 1998. Although some soil contamination has occurred on site, the Regional Water Quality Control Board has determined that the level of contamination does not pose a significant threat to water quality. Further, in order to improve the condition of the site, the applicant has removed all contaminated excavated material from the site for transportation to the TPS Technologies Center for reclamation. Uncontaminated crushed rock and sand was used as replacement fill. All work was carried out with the benefit of a coastal development permit and constitutes a violation of the Coastal Act.

This application was previously presented to the Commission at the hearing of July 9, 1997, as a Coastal Development Permit Waiver item. At the Commission's request, this item has been rescheduled to be heard as a Regular Calendar Item.

#### B. Water Quality Protection

Section 30231 of the Coastal Act states that:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30232 states:

*Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.*

The applicant is requesting "after the fact" approval for the replacement of two (2) existing single-walled 9,950 gallon underground storage tanks (USTs), associated piping, gasoline dispensers with two (2) new double-walled 12,000 and 15,000 gallon USTs, new fail-safe devices, associated piping, gasoline dispensers, remodel service station, 1,623 cu. yds. of grading for recompaction (900 cu. yds. cut and 723 cu. yds. fill) and the temporary placement of a trailer on site. The United States Environmental Protection Agency (EPA) requires that all USTs installed before December 22, 1988, must be upgraded, replaced, or properly closed by December 22, 1993. The applicant has replaced the existing single-walled tanks with new, larger, double-walled tanks which will comply with federal regulations and significantly reduce the opportunity for any future soil and ground water contamination to occur.

Approximately 900 cu. yds. of soil was excavated to remove the USTs, piping and dispenser islands. Volatile organic compound (VOC) concentration levels for the excavated material ranged from 20-680 ppm. No leaks were detected in the original USTs. The Regional Water Quality Control Board has determined that although contamination of the soil and groundwater has occurred, the level of contamination at this site does not pose a significant threat to ground water supplies and no further action by the applicant regarding contamination is required. However, in order to improve site conditions, the applicant transported 900 cu. yds. of hydrocarbon-impacted soil removed during excavation to the TPS Technologies Center for reclamation. To replace the contaminated material, the applicant used 653 cu. yds. of clean crushed rock and 70 cu. yds. of sand for backfill and recompaction of the project area. The Commission finds that the proposed project will protect the biological productivity of coastal waters, prevent contamination of ground water supplies, and is consistent with Sections 30231 and 30232 of the Coastal Act.

### C. Violations

The applicant is requesting "after the fact" approval for the replacement of two (2) existing single-walled 9,950 gallon underground storage tanks (USTs), associated piping, gasoline dispensers with two (2) new double-walled 12,000 and 15,000 gallon USTs, new fail-safe devices, associated piping, gasoline dispensers, remodel service station, 1,623 cu. yds. of grading for removal and recompaction (900 cu. yds. cut and 723 cu. yds. fill) and the temporary placement of a trailer on site.

All construction activities have been completed and the trailer used for office space during construction has been removed. All work was carried out without the benefit of a coastal development permit and constitutes a violation of the Coastal Act. However, Staff notes that the proposed project is beneficial in nature and that the replacement of the original single-walled USTs

with new double-walled USTs and fail-safe devices in order to comply with U.S. EPA standards will substantially reduce the potential hazard of future soil and groundwater contamination from the existing service station.

Although the above mentioned development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

F. Local Coastal Program.

Section 30604 of the Coastal Act states that:

*a) Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a local program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200).*

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The proposed development will not create adverse impacts and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development will not prejudice the City of Malibu's ability to prepare a Local Coastal Program which is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

G. CEQA

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project will not have significant adverse effects on the environment within the meaning of the California Environmental Quality Act of 1970. Therefore, the proposed project has been adequately mitigated and is determined to be consistent with CEQA and the policies of the Coastal Act.

SMH-VNT

File: SMH1/4-97-039

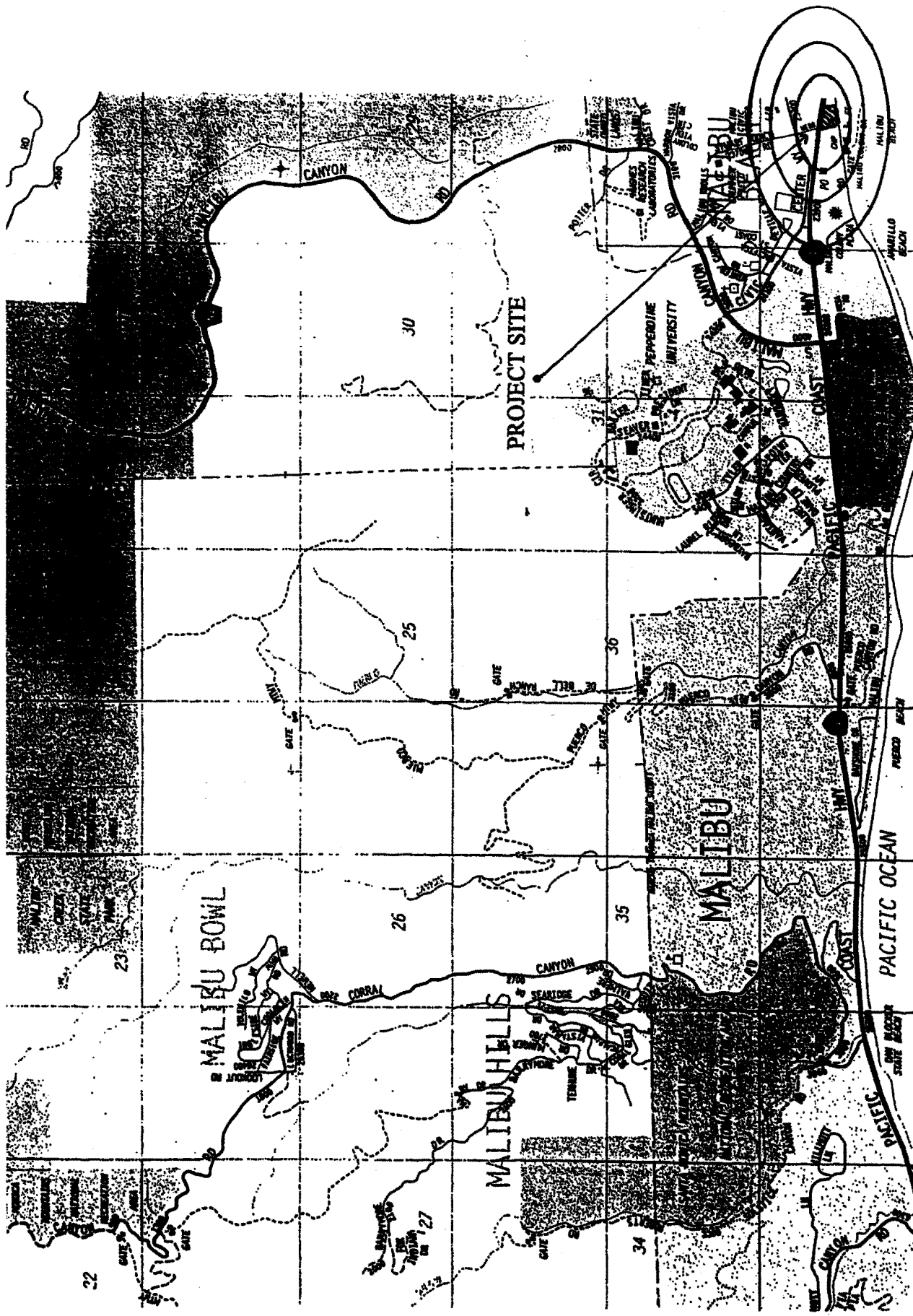
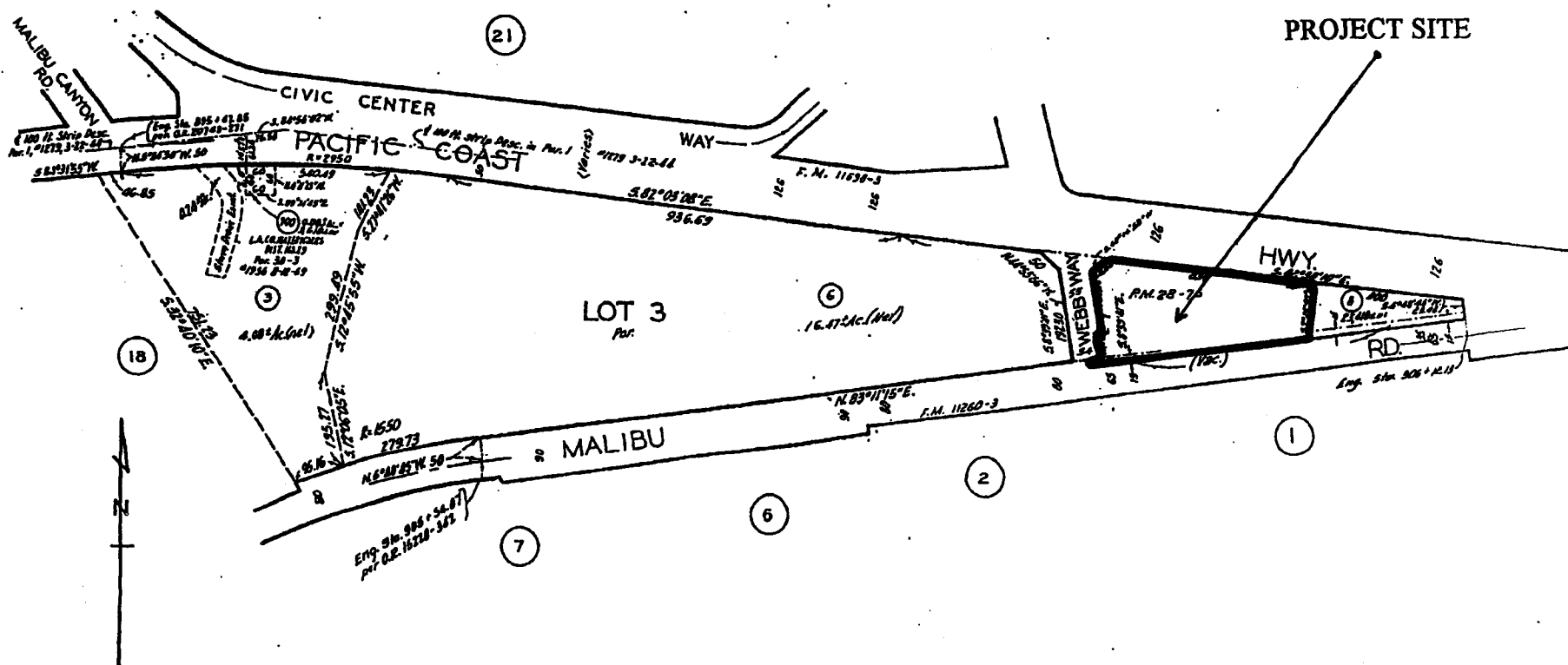
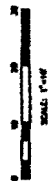


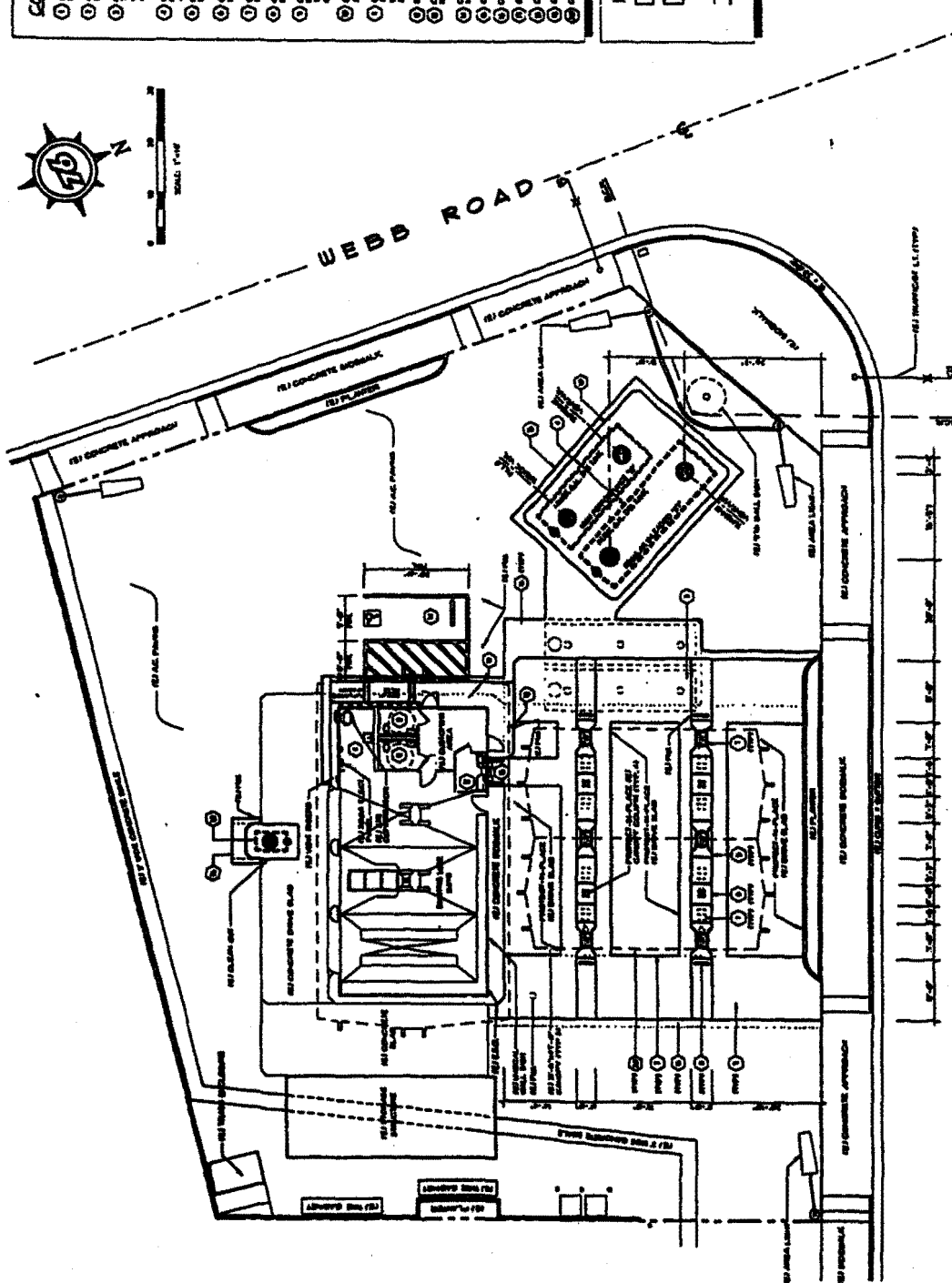
Exhibit No. 1: (4-97-039) Location Map



**Exhibit No. 2: (4-97-039) Parcel Map for Project Site**

[illegible]

- ☐ NEW CAPTION IS A, AB
- ☐ NEW ARE PLANNED
- ☐ REMOVED CHARTING
- ☐ CHARTING TO RETURN
- ☐ NEW ADDITION



**PACIFIC COAST HWY.**

THE UNION OF CALIFORNIA, also UNOCAL, 1984 THIS DOCUMENT AND THE INFORMATION CONTAINED HEREIN IS PREPARED FOR THE USE OF CALIFORNIA (UNOCAL) AND THE INFORMATION CONTAINED HEREIN IS NOT TO BE RELEASED TO THE PUBLIC OR TO ANY OTHER PARTY WITHOUT THE WRITTEN PERMISSION OF THE UNION OF CALIFORNIA. THE UNION OF CALIFORNIA, 1984, IS NOT TO BE RELEASED TO THE PUBLIC OR TO ANY OTHER PARTY WITHOUT THE WRITTEN PERMISSION OF THE UNION OF CALIFORNIA.		DATE: 1984 BY: [Signature] TITLE: [Title]		REVIEWED: [Signature] DATE: 1984 BY: [Signature] TITLE: [Title]		APPROVED: [Signature] DATE: 1984 BY: [Signature] TITLE: [Title]		UNOCAL 21500 PACIFIC COAST HWY. & WEBB ROAD BAKERSFIELD, CALIFORNIA 93311 TEL: (805) 338-1000 FAX: (805) 338-1001		PROPOSED SITE PLAN UNOCAL SERVICE STATION #6267 21500 PACIFIC COAST HWY. & WEBB ROAD BAKERSFIELD, CALIFORNIA 93311		APPROVALS [Signature] [Signature] [Signature] [Signature] [Signature] [Signature]		UNOCAL 21500 PACIFIC COAST HWY. & WEBB ROAD BAKERSFIELD, CALIFORNIA 93311 TEL: (805) 338-1000 FAX: (805) 338-1001	
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**Exhibit No. 3: (4-97-039) Site Plan (Proposed)**



