

## CALIFORNIA COASTAL COMMISSION

SOUTH CENTRAL COAST AREA  
89 SOUTH CALIFORNIA ST., SUITE 200  
VENTURA, CA 93001  
(805) 641-6142

## RECORD PACKET COPY



Filed: 04/20/01  
49<sup>th</sup> Day: 6/09/01  
180<sup>th</sup> Day: 04/20/01  
Staff: B. Luke  
Staff Report: 04/20/01  
Hearing Date: 5/8-11/01  
Commission Action:

### STAFF REPORT: REGULAR CALENDAR

**APPLICATION No.** 4-01-052

**APPLICANT:** Arco Products Co., Tony Brown

**AGENT:** David Mellor, Fred Fiedler and Associates

**PROJECT LOCATION:** 22661 Pacific Coast Highway, Malibu (Los Angeles County)

**PROJECT DESCRIPTION:** Demolition and removal of all on-site structures, including the following: a 1,420 sq. ft. former mini-market, septic tank and leach field, two pump islands, an overhead canopy, three 12,000 gallon underground fiberglass gasoline storage tanks, all associated piping, a storage shed, trash enclosure, asphalt paving, and the excavation and removal of 2,200 cu. yds. of petroleum hydrocarbon-impacted soils (to be replaced with clean base soils) to a certified facility outside of the coastal zone. Also proposed in the application are the installation of four, on-site groundwater monitoring wells, and associated lateral piping, for the purposes of continued monitoring and site characterization, use of a temporary above-ground Baker storage tank during excavation, and the installation of four temporary groundwater sampling wells to be located to the south of Pacific Coast Highway, on the beach. The application seeks after-the-fact approval for the installation of five additional groundwater monitoring wells located off-site to the south: four in the Pacific Coast Highway right-of-way, and one on the property of 22706 Pacific Coast Highway.

<b>Area of Lot:</b>	10,935 square feet
<b>Building Coverage:</b>	1,420 square feet (existing)
<b>Impermeable Coverage:</b>	10,835 square feet (existing)

**SUMMARY OF STAFF RECOMMENDATION:** Staff recommends **approval** of the proposed project with four (4) special conditions regarding erosion and sediment control plans; required approvals; traffic control; and condition compliance. The proposed project as condition is consistent with the Chapter Three Policies of the Coastal Act.

## **I. STAFF RECOMMENDATION**

**MOTION:**        *I move that the Commission approve Coastal Development Permit No. 4-01-052 pursuant to the staff recommendation.*

### **STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and 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. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**LOCAL APPROVALS RECEIVED:** City of Malibu, Planning Department, Approval in Concept, 3/9/2001; City of Malibu, Geology Review Referral Sheet, 2/1/2001; City of Malibu, Environmental Health Review Referral Sheet, No Approval Needed, 2/22/2001; City of Malibu, Biology Review Referral Sheet, 1/30/2001; County of Los Angeles, Fire Department, Fire Prevention Unit, No Approval Needed, 2/1/2001; City of Malibu, Planning Department Demolition Permit Determination, Approval in Concept, 3/9/2001; Caltrans Encroachment Permits 700-6TK-1396, 791-6MW-2686, and 700-6SV-2697 dated 6/28/2000, 11/6/2000; County of Los Angeles Department of Health Services, Well Destruction Permit Application Approvals, dated 6/15/2000, 1/9/2001; Well Construction Permit Application Approval, dated 11/9/2000,

**SUBSTANTIVE FILE DOCUMENTS:** Rule 1166 Contaminated Soil Mitigation Plan, South Coast Air Quality Management District, dated 3/18/1999; "Underground Storage Tank Program" letter from California Regional Water Quality Control Board to ARCO Products Co., dated 11/17/1999, Work Plan for Additional Assessment and Groundwater Remediation (partial), by Delta Environmental Consultants, Inc., dated 2/18/2000; Work Plan for Soil Over Excavation, Arco Facility No. 1033, by Delta Environmental Consultants, Inc., dated 8/7/2000; "Additional Record Fee Title Holder Information", letter from Delta Environmental to Regional Water Quality Control Board, Los Angeles, dated 5/8/2000; "Underground Storage Tank Program," letter from California Regional Water Quality Control Board to ARCO Products Co., dated 7/11/2000; Health and Safety Plan, Delta Environmental Consultants, Inc., dated

8/3/2000; "Response Letter - Work Plan Amendments," letter from Delta Environmental to California Regional Water Quality Control Board, Los Angeles, dated 8/7/2000; "Access Agreement," letter from Delta Environmental to Misters Norman Ackerberg and Richard Scott, dated 8/23/2000; "Underground Storage Tank Program," letter from Regional Water Quality Control Board, Los Angeles, to ARCO Products, Co., dated 9/29/2000; Access Agreement, 22706 Pacific Coast Highway, dated 10/31/2000; "Underground Storage Tank Program," letter from Regional Water Quality Control Board to Mr. Eugene Monkarsh, dated 11/1/2000; "Well Destruction Report," letter from Delta Environmental to California Regional Water Quality Control Board, Los Angeles, dated 12/15/2000; ARCO Quarterly Groundwater Monitoring Report, Fourth Quarter 2000, dated 1/15/2001; "Well Destruction Report," letter from Delta Environmental to California Regional Water Quality Control Board, Los Angeles, dated 1/23/2001; "Meeting Record," letter from Delta Environmental to California Regional Water Quality Control Board, dated 2/7/2001; "Meeting Record," letter from Delta Environmental to California Regional Water Quality Control Board, dated 2/7/2001; "Exemption Request," letter from Delta Environmental to City of Malibu Planning Director, dated 2/16/2001; Application for Closure, County of Los Angeles Department of Public Works, dated 2/28/2001; "Request for Exemption to Standard Filing Procedure," letter from David Mellor (agent) to California Coastal Commission, dated 3/14/2001; "Changes to HVDPE Schedule," letter from Delta Environmental to Regional Water Quality Control Board, dated 3/30/2001; and the certified Malibu/Santa Monica Mountains Land Use Plan.

## 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. Interpretation. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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**

#### **1. Erosion and Sediment Control Plans.**

- a. Prior to the issuance of the coastal development permit, the applicant shall submit, for the review and approval of the Executive Director, an erosion and sediment control plan and Storm Water Pollution Prevention Plan for the demolition and remediation phase of the project. The approved plan(s) shall be subject to the following requirements and include the following components, at a minimum:
- b. The project site shall be in compliance with the State Water Resources Control Board NPDES Permit Waste Discharge Requirements For Construction Activity and shall not cause or contribute to significant adverse impacts on coastal resources.
- c. No debris or waste shall be placed or stored where it may enter a storm drain or be subject to erosion and dispersion.
- d. Best Management Practices (BMP) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition related materials, and to contain sediment or contaminants associated with demolition or remediation activities shall be implemented prior to the on-set of such activity. BMPs and GHPs which shall be implemented include, but are not limited to the following: stormdrain inlets must be protected with sandbags or berms, all stockpiles must be covered, and a pre-construction meeting should be held for all personnel to review procedural and BMP/GHP guidelines. Selected BMPs shall be maintained in a functional condition throughout the duration of the project.
- e. Demolition debris and sediment shall be properly contained and secured on site with BMPs to prevent the unintended transport of sediment and other debris into coastal waters by wind, rain or tracking. Demolition debris and sediment shall be removed from the demolition areas as necessary to prevent the accumulation of sediment and other debris, which may be discharged into coastal waters. Debris shall be disposed at an appropriate debris disposal site outside the coastal zone.
- f. At the completion of demolition and remediation activities the site shall be seeded with native grass or other appropriate plant material to minimize erosion from the undeveloped site.

#### **2. Required Approvals**

By acceptance of this permit, the applicant agrees to obtain all other necessary State or Federal permits that may be necessary for all aspects of the proposed project. Accordingly, any substantial changes to the approved site plan, which occur as a result of the acquisition of these permits, shall require an amendment to Permit No. 4-01-052 from the Commission or shall require an additional coastal development permit from the Commission or the applicable certified local government. The Executive Director shall determine whether changes are substantial.

**3. Traffic Control and Public Access**

In addition to any conditions or restrictions required by other governing agencies, the closure of any portion, including the shoulder, of Pacific Coast Highway, shall be limited to the days of Monday through Friday. No closure of the road right-of-way shall take place on weekends (Saturday or Sunday), nor on any designated state or national holiday.

**4. Condition Compliance**

Within 60 days of Commission action on this coastal development permit application, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to issuance of this permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

**IV. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

**A. Project Description and Background**

The subject site is located at the base of the Santa Monica Mountains, approximately 200 feet north of the Pacific Ocean, at 22661 Pacific Coast Highway. The site is located adjacent to a drainage ditch, driveway, and small, defunct commercial business building to the west, and a business office complex known as the Christina Development Corporation to the east. Immediately south of the site is the Pacific Coast Highway, a designated scenic highway in the Malibu/Santa Monica Mountains certified Land Use Plan. Across the highway, to the south, is the abandoned Windsail property, the Zonker Harris Access Way (to the beach), and several residential apartment complexes, including the Malibu Beach Club Luxury Apartments.

The project site is fully developed with a 1,420 sq. ft. former mini-market, septic tank and leach field, two pump islands, an overhead canopy, three 12,000-gallon underground, fiberglass gasoline storage tanks, a storage shed, trash enclosure, and 7,092 sq. ft. of asphalt paving. The site has been operated as a fueling facility by ARCO

Products Co. since 1954, and officially ceased operation in that capacity in January 2001. Public sales of gasoline were discontinued in May of 2000. There are two prior coastal development permits pertaining to the site: #P-4651, and #81-7913. CDP #81-7913 concerned the conversion of part of the property for use as an AM/PM market while continuing the sales of gasoline. An exemption request (# 4-94-094-X) is also on file for the site, regarding a change in signage which occurred at that time.

The project proposes the demolition of all on-site structures, including the following: a 1,420 sq. ft. former mini-market, septic tank and leach field, two pump islands, an overhead canopy, three 12,000 gallon underground fiberglass gasoline storage tanks, all associated piping, a storage shed, trash enclosure, asphalt paving, and the excavation and removal of 2,200 cu. yds. of petroleum hydrocarbon-impacted soils (to be replaced with clean base soils) to a certified facility outside the coastal zone. Also proposed in the application is the installation of four groundwater monitoring wells and lateral piping to be located on-site, use of a temporary above-ground Baker storage tank during excavation, four temporary groundwater sampling wells to be located to the south of Pacific Coast Highway, on the beach, and after-the-fact approval for the installation of five groundwater monitoring wells located off-site to the south: four in the Pacific Coast Highway right-of-way, and one on the property of 22706 Pacific Coast Highway. The ARCO Products Co. has previously obtained permits and permission from the Los Angeles County Department of Health Services, Caltrans, and the affected parties with regard to these activities.

## **B. Geology and Water Quality**

Section 30253 of the Coastal Act states in pertinent part that new development shall:

***(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.***

***(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.***

The Commission also recognizes that new development in Malibu and the Santa Monica Mountains has the potential to adversely impact coastal water. Section 30231 of the Coastal Act states:

***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, minimizing alteration of natural streams.***

The geology of the site location consists of unconsolidated marine sediments overlying the Miocene Topanga Formation. Depth to water beneath the site has been determined to be approximately 9 to 12 feet below ground surface (bgs). Groundwater elevations for the site are approximately 16 to 19 feet above sea level. Impact from petroleum-based hydrocarbons has been documented at the site since 1990. The *Soil Assessment and High-Vacuum Dual Phase Extraction Test Report*, by Delta Environmental Consultants, dated January 15, 2001, states:

*...an initial site assessment was conducted following detection of hydrocarbon odors during an excavation for a utility line along the north side of PCH. ...Soil analytical results indicated the presence of diesel fuel...*

The Work Plan for Soil Over Excavation, prepared by Delta, and dated 8/7/2000, further states:

*The investigation revealed that shallow soil has been impacted by petroleum hydrocarbons to a depth of approximately 11 feet below ground surface (bgs) in the vicinity of the USTs, the product dispensers, and some of the associated piping. ...The purpose of the propose soil excavation is to remove impacted soil associated with the existing underground storage tanks (USTs), product dispensers, and associated piping.*

In their "Underground Storage Tank Program," letter to ARCO, dated 11/17/1999, the California Regional Water Quality Control Board (CRWQCB), Los Angeles Region, required that ARCO initiate remediation activities at the site in response to elevated MTBE levels, and the migration of the petroleum hydrocarbon contamination plume off site. A letter from Delta to the CRWQCB, dated 2/7/2001, further explains the contaminants beneath the site:

*Soil excavation is intended to remove soil containing adsorbed-phase hydrocarbons as part of site demolition activities to abate the vadose zone hydrocarbons. Adsorbed-phase hydrocarbons have been observed immediately beneath and adjacent to current underground storage tanks and dispenser islands. ...It is critical to remove adsorbed-phase hydrocarbons beneath the Site to prevent any potential of leaching of petroleum hydrocarbons into groundwater beneath the Site.*

The proposed development provides for the removal of three 12,000-gallon underground storage tanks, associated piping, and the removal of 2,200 cu. yds. of petroleum hydrocarbon-impacted soils. The applicant has submitted documents prepared by Delta Environmental Consultants, Inc., entitled, *Work Plan for Soil Over Excavation*, dated 8/7/2000, and *Work Plan for Additional Assessment and Groundwater Remediation*, dated 2/18/2001, which document the proposed removal of the underground storage tanks, and the associated remediation of the site.

Pursuant to these reports, Delta shall excavate 2,200 cu. yds. of petroleum hydrocarbon-impacted soils, perform groundwater monitoring and sampling; monitor excavated soil and the breathing zone for volatile organic compounds (VOCs) during tank excavation activities; direct segregation of excavated soil; collect soil samples from the tank excavation, and beneath the fuel dispensers; submit soils samples to a State of

California laboratory for analysis; and coordinate the transport and recycling of petroleum hydrocarbon-impacted soils.

As stated in "Response Letter" letter from Delta Environmental Consultants Inc., to the California Regional Water Quality Control Board, Los Angeles Region, dated 8/7/00:

***All work will be performed under the direction of a registered geologist or civil engineer. ...Soil and groundwater samples collected... will be analyzed by Environmental Protection Agency (EPA) Method 8015 modified for total petroleum hydrocarbons as gasoline (TPHg), and EPA Method 8260B for benzene, toluene, ethylbenzene, xylenes (BTEX), MTBE, DIPE, ETBE, TAME, and TBA.***

The applicant has submitted a document prepared by Delta Environmental Consultants, Inc., entitled, "Work Plan for Additional Assessment and Groundwater Remediation," dated 2/18/2001, which documents the proposed removal of the underground storage tanks, and the associated site remediation activities, including the installation of four, temporary groundwater monitoring wells. These wells are proposed to be located south of the project site, on the beach. Concerning the installation and potential impact of the temporary groundwater monitoring wells, the report states:

***Four temporary well casings (TW-1 through TW-4) or standpipes, will attempt to be installed south of Pacific Coast Highway on the beach... The standpipes will allow the groundwater to be sampled at each location unless buried rocks near the base of the apartment buildings are encountered. A standpipe will consist of interconnecting lengths of 1-inch diameter steel pipe with a disposable steel point which will be driven to groundwater depth using a slide hammer. ...After sampling is completed at each location, the standpipe will be removed. This activity will occur on a quarterly basis in conjunction with quarterly sampling of groundwater at the Site. An attempt will be made to collect samples during low tide.***

With regard to the installation and structure of the four proposed on-site groundwater monitoring wells, and the five groundwater monitoring wells located off-site (Exhibits 3 & 4), this report states:

***Each soil boring will be converted to a groundwater monitoring well with the screened interval extending from approximately 5 to 30 feet bgs. ...The well will be constructed of 4-inch diameter, 0.02-inch, factory-slotted, schedule 40 polyvinyl chloride well casing. ...The wells will be installed by a qualified geologist working under the supervision of a California Registered Geologist. ...The elevation of all preexisting and new groundwater monitoring well casing will be surveyed to a known benchmark by a California registered professional surveyor.***

Delta Environmental proposes groundwater monitoring and sampling; monitoring of excavated soil and the breathing zone for volatile organic compounds (VOCs) during tank excavation; collection of soil samples from the tank excavation, and from beneath the fuel dispensers; submission of soil samples to a State of California laboratory; and coordination of the transport and recycling of petroleum hydrocarbon-impacted soil to a designated management site outside of the coastal zone.



Additionally, soil samples will be collected from the tank excavation area and sent to a certified laboratory for analysis. The Delta Environmental Consultants Inc., *Work Plan for Additional Assessment and Groundwater Remediation*, dated 2/18/2000, states:

**All soil samples collected from the ground surface to the capillary fringe will be submitted to an ARCO-contracted and California Department of Health Services-certified laboratory for chemical analysis. The selected soil samples will be analyzed for total petroleum hydrocarbons as gasoline (TPHg) according to Environmental Protection Agency (EPA) Method 8015B Modified, and benzene, toluene, ethylbenzene, and xylenes (BTEX), methyl tertiary butyl ether (MTBE), di-isopropylether (DIPE), ethyl tertiary butyl alcohol (TBA) according to EPA Method 8260B.**

In order to ensure that all hydrocarbon-impacted soil is removed, additional soil samples will be performed in both the areas of the USTs and the fuel dispensers. Furthermore, as groundwater is expected to accumulate in the excavation, water samples shall also be taken and analyzed and for concentrations of contaminants. As part of this process, a laboratory analysis will be performed for water samples taken from the groundmonitoring wells for total petroleum hydrocarbons (TPHg), benzene, toluene, ethylbenzene, total xylene isomers (BTEX), and methyl tertiary butyl ether (MTBE) by the approved Environmental Protection Agency (EPA) methods. All soil removed from the excavation will be loaded directly into trucks and removed off-site to an approved facility located outside of the coastal zone.

The excavated site shall be backfilled with base material similar to the native soils of the proximal area, as approved by a certified geologist. Lastly, four on-site monitoring wells, one of which shall function as an extraction well, will be installed in order to provide continued monitoring and evaluation of the site, and for the purposes of continued remediation, as necessary (Exhibit 3).

Delta proposes, as part of its excavation activities, and as outlined in their *Work Plan for Soil Overexcavation*, dated 8/7/2000, to construct temporary, interlocking shoring walls along the proposed limits of excavation (Exhibit 5). The purpose of these walls is to prevent the collapse of the sidewalls as the site is excavated. The total volume of soil to be excavated from the site is estimated in this report to be 2,200 cubic yards. In anticipation of encountering groundwater during the course of excavation, the applicant proposes to utilize an above-ground Baker storage tank (12,000-gallon) to temporarily contain groundwater that will be pumped out of the excavation pit. The groundwater will then be transferred off-site for treatment. The tank is to be removed from the site upon completion of the demolition and excavation activities.

As stated above, Section 30253 of the Coastal Act requires that new development minimize risk to life and property in areas of high geologic, flood, and fire hazard, and to neither create nor contribute significantly to erosion, geologic instability, or destruction of the site. The Commission finds that the use of the sheet pile shoring, and the Baker storage tank during excavation activities will minimize the potential impacts to the site and to water quality from the excavation. The Commission further finds that preventative erosion and sedimentation control measures, and the institution of Best Management Practices (BMPs) can minimize the impact that development has on the coastal

resources and water quality as the result of demolition and remediation activities. Therefore, the Commission finds, that, prior to issuance of the permit, the applicant must submit Erosion and Sedimentation Control Plans as outlined in **Special Condition One**, which will incorporate BMPs designed to prevent spillage or runoff of demolition related materials, and to contain sediment or contaminants associated with the demolition and remediation activities proposed. Finally, in order to ensure that the proposed development is in compliance with the directives issued by the CRWQCB regarding remediation of the site, the Commission requires the applicant to obtain all appropriate State or Federal Permits necessary for the proposed development, as outlined in **Special Condition Two**. The Commission therefore finds, for the reasons set forth above, that the proposed development, as conditioned, is consistent with Sections 30253 and 30231 of the Coastal Act.

### **C. Public Access**

With regards to public access, Article 2 of the Coastal Act provides the following guidance:

**Section 30210**

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of property owners, and natural resource areas from overuse.*

**Section 30211**

*Development shall not interfere with the public' right of access to the sea where acquired through use or legislative authorization...*

The project proposes the demolition of all on-site structures and the removal of approximately 2,200 cu. yds. of petroleum hydrocarbon-impacted soils. In order to accomplish the excavation required, the applicant proposes to close the right shoulder of Pacific Coast Highway during construction for the purposes of loading trucks. This has the potential to adversely impact the ability of the public to access the nearby beaches, and recreational areas.

Pacific Coast Highway is a four-lane, designated scenic highway in the Malibu / Santa Monica Mountains Land Use Plan. As stated above, the applicant proposes a partial closure of the right shoulder of the highway in order to load trucks with the soil and debris to be removed from the site. The applicant has submitted a Traffic Control Plan (Appendix C of the Work Plan for Soil Overexcavation, dated 8/7/2000) which outlines the methods of closure and the portion of road to be affected (Exhibit 6). Pacific Coast Highway (PCH) provides the primary access to the site, and due to the limited size of the site, the closure of a portion of PCH is necessary in order to ensure the safety of the public during the demolition and excavation of the site. The Commission finds that PCH is a vital transportation artery linking Malibu, coastal areas to the north, and the Los Angeles Basin; that it is critical in providing the public with access to the coastal and scenic recreational opportunities available along this stretch of coastline; and that closure of any portion of Pacific Coast Highway during times of increased traffic flow,

such as weekends and holidays, will impact the ability of the highway to provide adequate public access to the coastal and scenic opportunities along this stretch of coastline. The Commission, therefore, restricts the applicant from closure of the highway during periods of peak traffic flow such as weekends, and holidays, as outlined in **Special Condition Three**.

#### **D. Violations**

Section 30106 of the Coastal Act states that:

*"Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; use of land,.... ..change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility...*

*As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.*

As stated previously, the installation of the five off-site groundwater monitoring wells, occurred without the required coastal development permit. These activities are proposed as after-the-fact development under this permit application. To ensure that the violation portion of this development project is resolved in a timely manner, **Special Condition Four** requires that the applicant satisfy all conditions of this permit, which are prerequisites to the issuance of this permit, within 60 days of Commission action.

Consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Review 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.

#### **E. 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 Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200).*

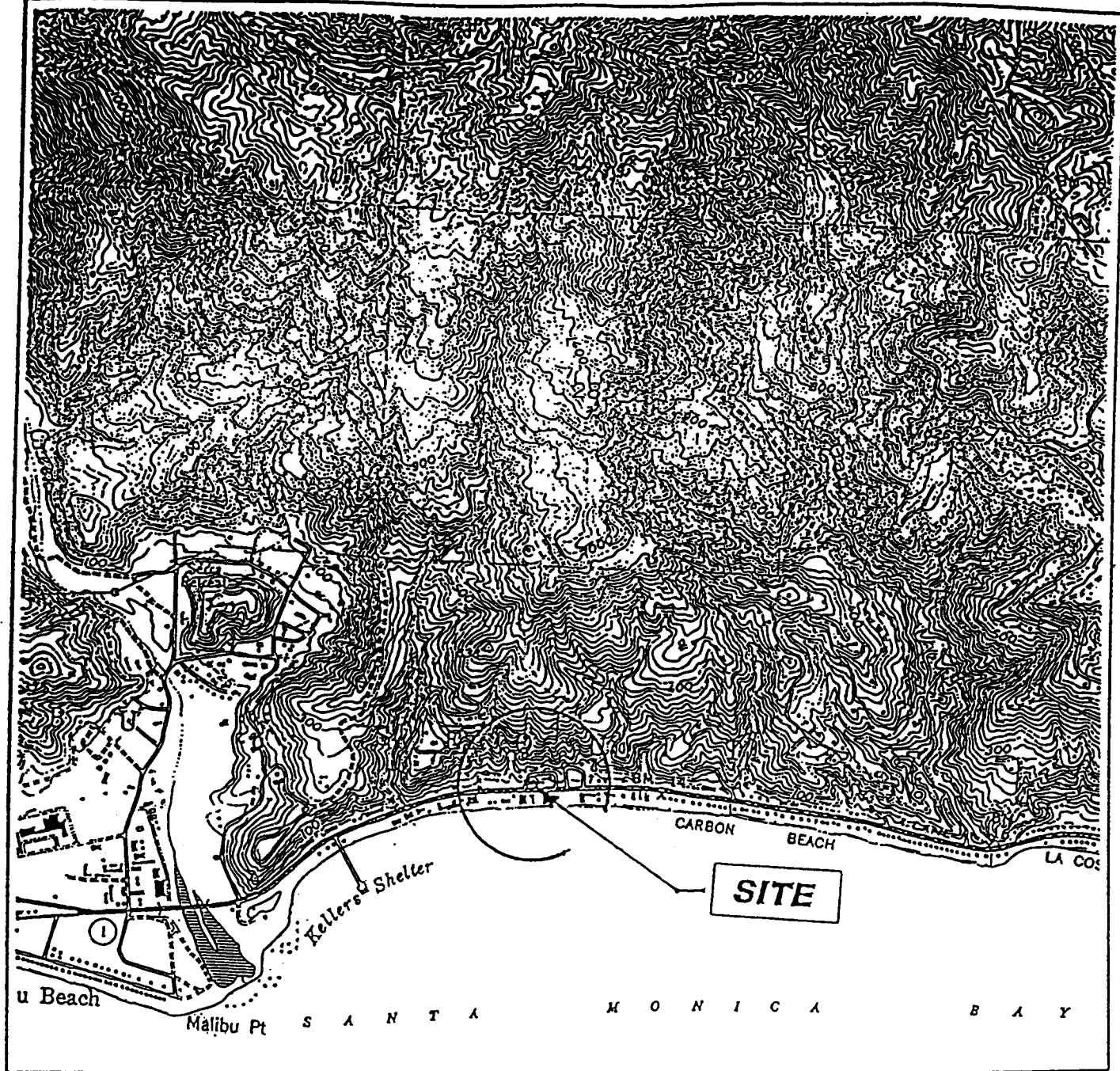
Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act. The preceding sections provide findings that the proposed project

will be in conformity with the provisions of Chapter 3 if certain conditions are incorporated into the project and accepted by the applicant. As conditioned, the proposed development will not create adverse effects and is found to be consistent with the applicable policies contained in Chapter 3. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City of Malibu's ability to prepare a Local Coastal Program for the City of Malibu that is also consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

#### **F. California Environmental Quality Act**

The Coastal Commission's permit process has been designated as the functional equivalent of CEQA. Section 13096(a) of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of CEQA. Section 21080.5 (d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effects that the activity may have on the environment.

The proposed development, as conditioned, will not have significant adverse effects on the environment, within the meaning of the California Environmental Quality Act of 1970. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified effects, is consistent with the requirements of CEQA and the policies of the Coastal Act.



GENERAL NOTES:  
 BASE MAP FROM U.S.G.S.  
 MALIBU BEACH, CA. QUADRANGLE  
 7.5 MINUTE TOPOGRAPHIC MAP  
 1950  
 PHOTOREVISED 1981

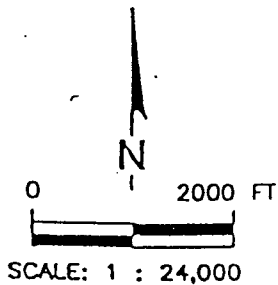


FIGURE 1  
 SITE LOCATION MAP  
 ARCO FACILITY NO. 1033  
 22661 PACIFIC COAST HIGHWAY  
 MALIBU, CA.

PROJECT NO. L098-630	DRAWN BY
FILE NO. B-630-26	PREPARED BY J. VAIL
DATE 16 FEB 00	REV. REVIEWED BY



EXHIBIT 1  
 CDP 4-01-052 (ARCO)  
 LOCATION MAP

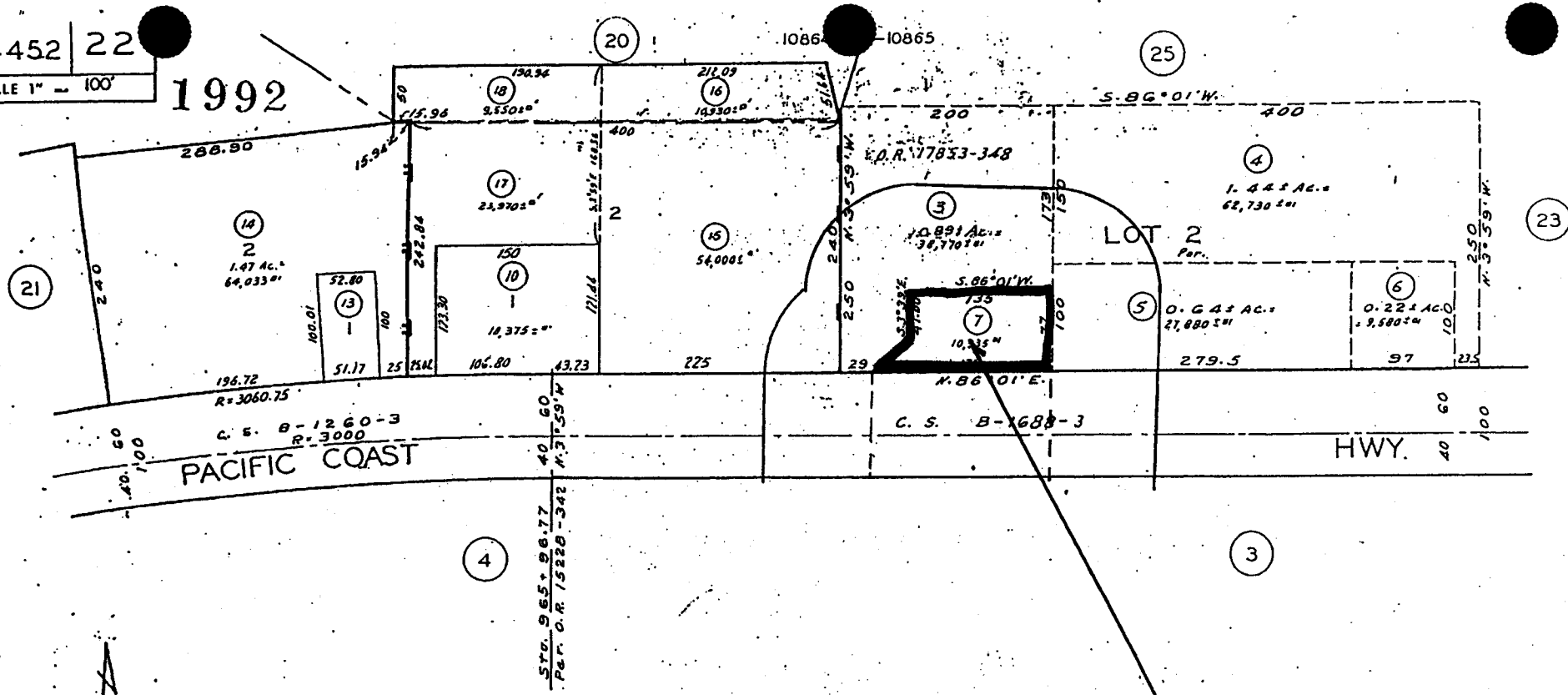
REVISED  
1-7-55  
11-18-66

6812  
7702  
7801  
78  
871211050  
310606

4452 | 22

SCALE 1" = 100'

1992



LAND OF MATTHEW KELLER  
IN THE RANCHO TOPANGA MALIBU SEQUIT.  
R. F. 534

Site Location

CODE  
10864  
10865

PARCEL MAP  
P.M. 14-30

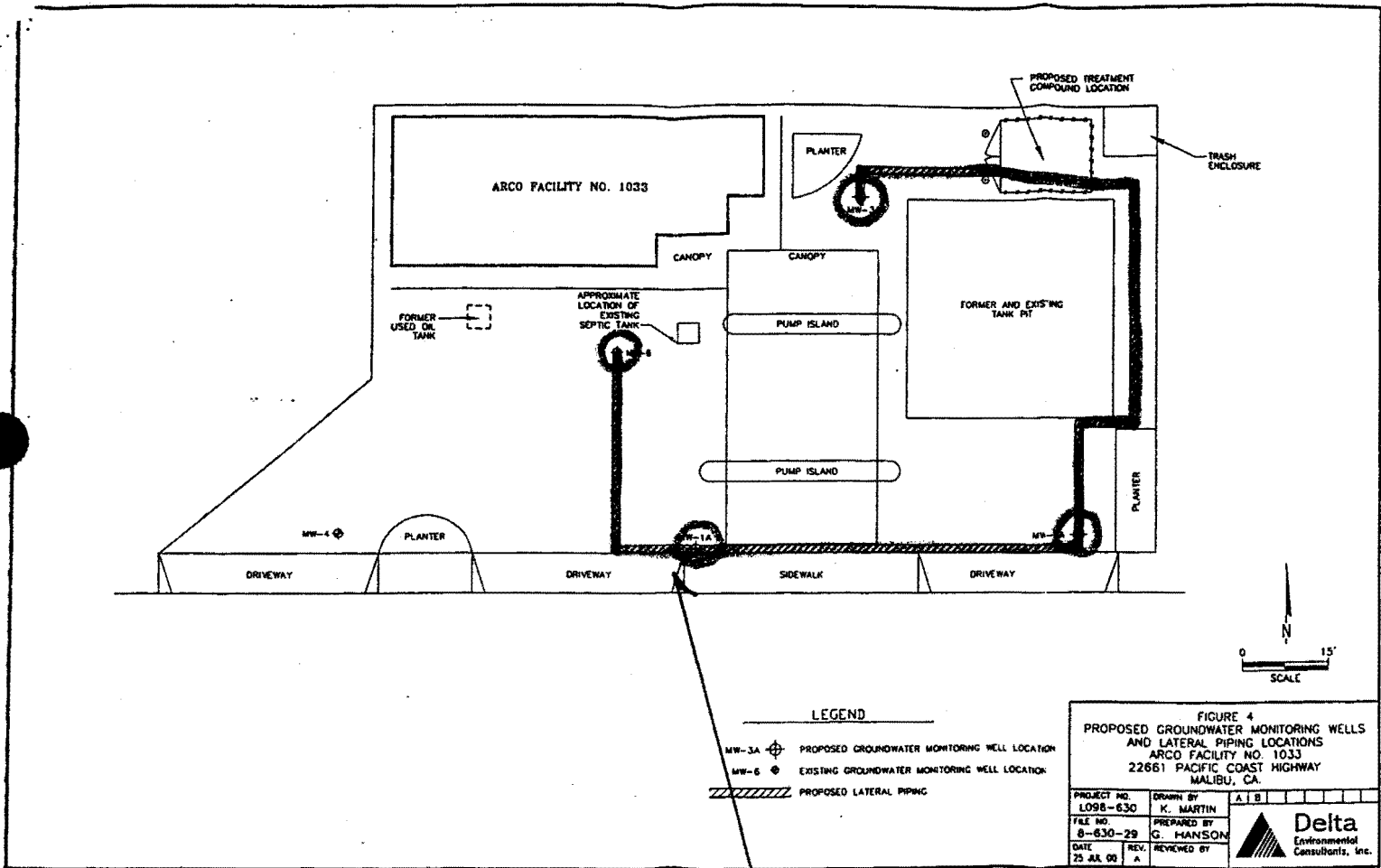
PARCEL MAP  
P.M. 100-99

FOR PREV. ASSMT. SEE:  
4452-20 & 22

APR 0 1992  
COUNTY OF LOS ANGELES

ASSESSOR'S MAP  
COUNTY OF LOS ANGELES, C

EXHIBIT 2  
CDP 4-01-052(ARCO)  
PARCEL MAP

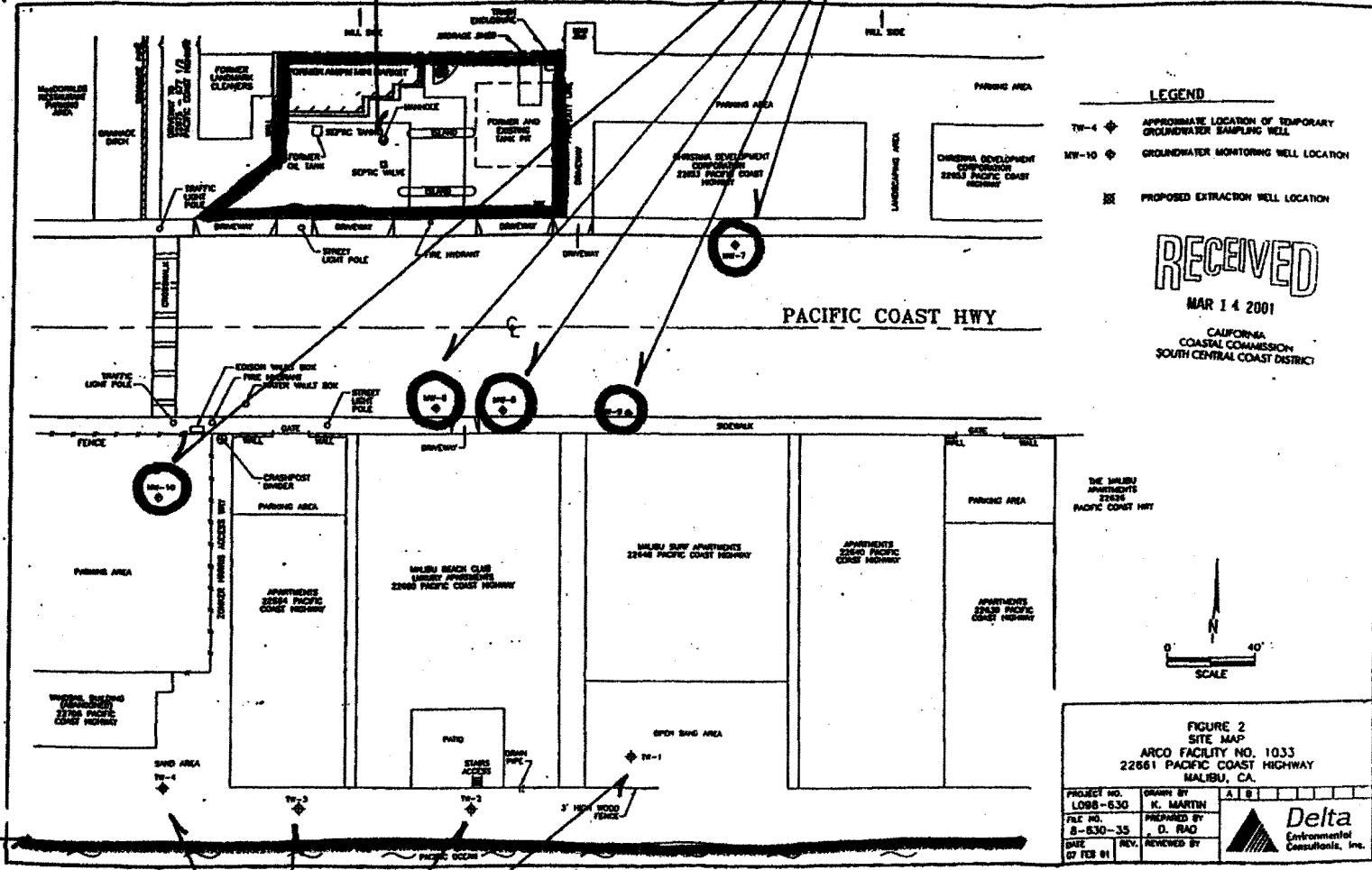


**EXHIBIT 3**  
**CDP 4-99-052 (ARCO)**  
**SITE PLAN**

Proposed Monitoring (1-4)  
 Wells & Lateral Piping

Site Location

Groundwater [Existing]  
Monitoring Wells



**LEGEND**

- TW-4 ◊ APPROXIMATE LOCATION OF TEMPORARY GROUNDWATER SAMPLING WELL
- MW-10 ◊ GROUNDWATER MONITORING WELL LOCATION
- EW-1 ◻ PROPOSED EXTRACTION WELL LOCATION

**RECEIVED**  
MAR 14 2001  
CALIFORNIA COASTAL COMMISSION  
SOUTH CENTRAL COAST DISTRICT

THE MALIBU APARTMENTS  
22626 PACIFIC COAST HWY

SCALE  
0' 40'

FIGURE 2  
SITE MAP  
ARCO FACILITY NO. 1033  
22661 PACIFIC COAST HIGHWAY  
MALIBU, CA.

PROJECT NO. L088-630	DRAWN BY K. MARTIN
FILE NO. 8-630-35	PREPARED BY D. RAD
DATE 07 FEB 01	REV. REVIEWED BY

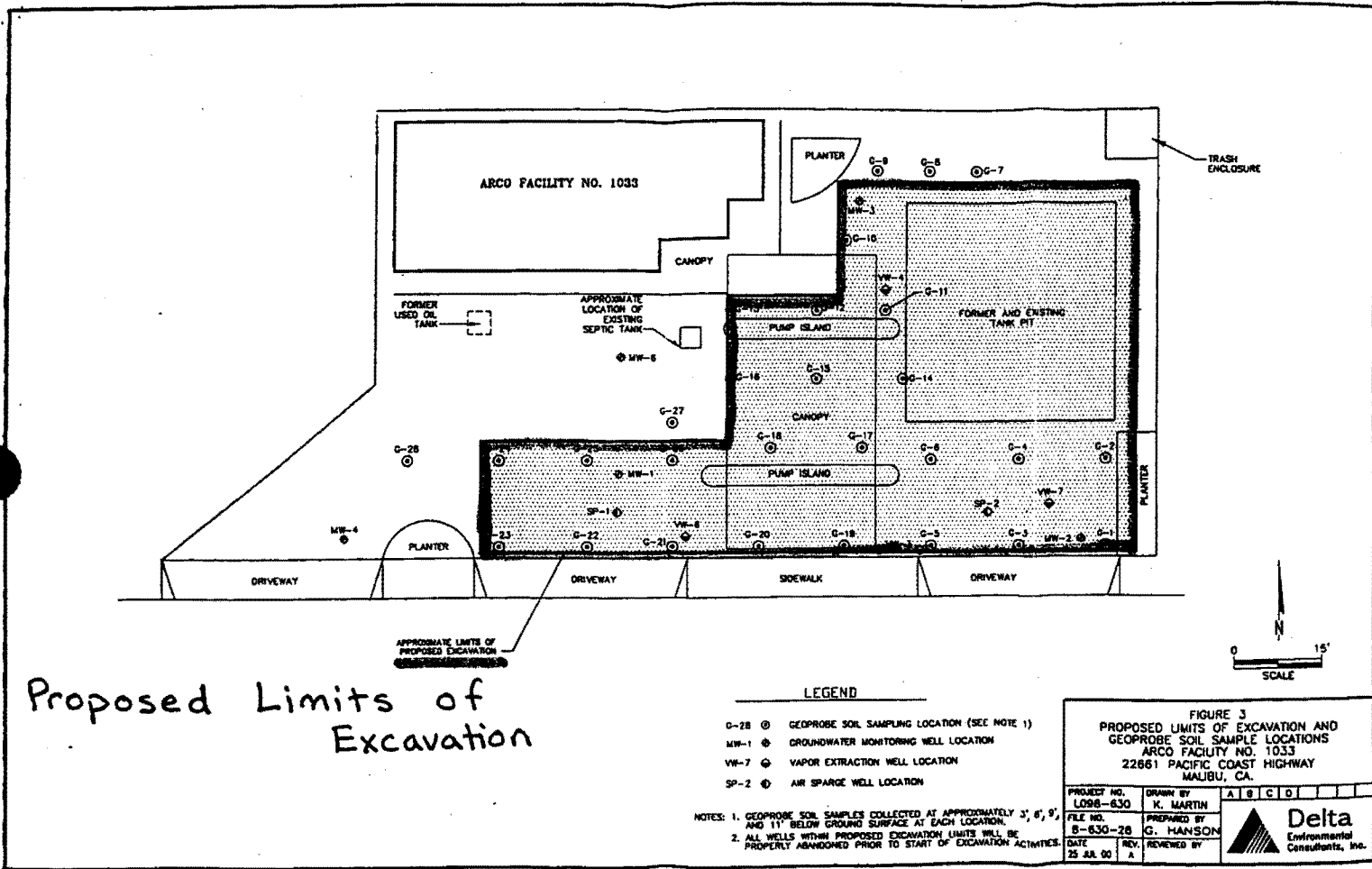
**Delta**  
Environmental  
Consultants, Inc.

High Tide Line

Temporary Wells (1-4)

**EXHIBIT 4**  
**CDP 4-99-052 (ARCO)**  
**WELL LOCATIONS**





Proposed Limits of Excavation

- LEGEND**
- G-28 ⊙ GEOPROBE SOIL SAMPLING LOCATION (SEE NOTE 1)
  - MW-1 ⊕ GROUNDWATER MONITORING WELL LOCATION
  - VW-7 ⊕ VAPOR EXTRACTION WELL LOCATION
  - SP-2 ⊕ AIR SPARGE WELL LOCATION

NOTES: 1. GEOPROBE SOIL SAMPLES COLLECTED AT APPROXIMATELY 3', 6', 9' AND 11' BELOW GROUND SURFACE AT EACH LOCATION.  
 2. ALL WELLS WITHIN PROPOSED EXCAVATION LIMITS WILL BE PROPERLY ABANDONED PRIOR TO START OF EXCAVATION ACTIVITIES.

**FIGURE 3**  
 PROPOSED LIMITS OF EXCAVATION AND  
 GEOPROBE SOIL SAMPLE LOCATIONS  
 ARCO FACILITY NO. 1033  
 22861 PACIFIC COAST HIGHWAY  
 MALIBU, CA.

PROJECT NO. L098-630	DRAWN BY K. MARTIN	A	B	C	D
FILE NO. B-630-28	PREPARED BY G. HANSON				
DATE 25 JUL 00	REV. A	REVIEWED BY			

**Delta**  
 Environmental  
 Consultants, Inc.

**EXHIBIT 5**  
**CDP 4-99-052 (ARCO)**  
**PROPOSED EXCAVATION**

005  
DELTA AV  
B.E.S.I.  
WED 07:09 FAX 949 450 1177



22661 PACIFIC COAST HWY.  
ARCO GAS STATION (CLOSED)

CALTRANS  
PERMIT PLANS  
JUN 28 2000  
ATTACHED TO  
PERMIT NO. 700-1396

subject site

BLOCK WALL  
SEPARATING PROPERTIES

DRIVEWAY FOR  
22653 P.C.H.

450' N.T.S.

450' N.T.S.

C24

C18

WORK AREA - 9' x 65'

2' BUFFER

C30A

11'

12'

12'

12'

12'

12'

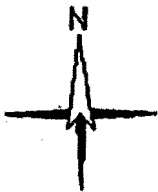
11'

PACIFIC COAST HWY.

RECEIVED

MAY 25 2000

OFFICE OF PERMITS



WORK AREA TRAFFIC CONTROL PLAN : 22661 PACIFIC COAST HWY.

BELSHIRE ENVIRONMENTAL

MALIBU/CALTRANS

SCALE: N.T.S.

SHEET 1 OF 1

TRAFFIC MANAGEMENT



EXHIBIT 6

CDP 4-99-052 (ARCO)

TRAFFIC PLAN