

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
(619) 767-2370



# W4a

Filed: February 26, 2009  
49th Day: April 16, 2009  
180th Day: August 25, 2009  
Staff: Toni Ross-SD  
Staff Report: March 18, 2009  
Hearing Date: April 8-10, 2009

## STAFF REPORT: CONSENT CALENDAR

**Application No.:** 6-08-119

**Applicant:** Conoco Phillips      **Agent:** Quality Project Management LLC

**Description:** The removal of underground storage tanks, waste oil tank, islands and dispensers, piping and closed monitoring wells.

**Site:** 895 Tamarack Blvd., Carlsbad, San Diego County.  
APN# 206-040-2900

**Substantive File Documents:** The City of Carlsbad's certified Local Coastal Program.

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### **I. STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

**MOTION:**      *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*

### **STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

### **II. Standard Conditions.**

See attached page.

### **III. Special Conditions.**

The permit is subject to the following conditions:

1. Project Modifications. Only that work specifically described in this permit is authorized. Any additional work requires separate authorization from the Executive Director. **If, during construction, site conditions warrant changes to the project, the San Diego District office of the Coastal Commission shall be contacted immediately prior to any changes to the project in the field.**

2. Future Development Restriction. This permit is only for the development described in coastal development permit No. 6-08-119. Except as provided in Public Resources Code section 30610 and applicable regulations, any future development, such as installation of new storage tanks, islands, dispensers, or additional demolition and subsequent reconstruction, etc., shall require an additional coastal development permit from the California Coastal Commission or shall require an amendment to Permit No. 6-08-119 from the California Coastal Commission or from the applicable certified local government.

#### **IV. Findings and Declarations.**

The Commission finds and declares as follows:

##### **A. Detailed Project Description/History.**

The project site is an existing service station that has been closed for over a year and is located at 895 Tamarack Ave. The project is immediately west of Interstate-5 and approximately two blocks north of Agua Hedionda Lagoon. The current site configuration includes two gasoline underground storage tanks; one used oil tank, four product islands under one canopy, a service station building and convenience store, three metal storage sheds, and seven existing parking spaces. The proposed project includes the removal of underground storage tanks, waste oil tank, islands and dispensers, piping and closed monitoring wells. None of the existing buildings will be demolished and all the existing parking spaces will remain.

Other than described above there is no new construction associated with this permit application; as the future use of the project site has not yet been determined. Nevertheless, the underground storage facilities, and the gasoline dispensers would have to be replaced if the future use remained a gas station, as such the project does not preclude any sort of future developments. The removal of the gasoline tanks and associated equipment will require approximately 100 cubic yards of grading and any necessary soil remediation. Water quality best management practices and erosion control measures for both during and post-construction are proposed and include fencing, sand bags, and hydro-seeding. If, during excavation, contamination is found, that material will be stockpiled on-site, and covered with visqueen and secured to prevent erosion and impacts to water quality. Test results identifying the extent of contamination will direct the appropriate method of disposal. If needed, contaminated soils will be hauled by a hazardous hauler to a facility where they will be treated.

**B. Biological Resources.** Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact on any sensitive habitat, and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate Water Quality BMP's and erosion controls will be provided. Furthermore, Special Condition #2 requires that any future development at this location will require a separate and additional review process. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

**C. Community Character /Visual Quality.** The development is located within an existing developed area and, will be compatible with the character and scale of the surrounding area and will not impact public views. Again, the future use at this site has not been determined; as such no future impacts to community character and/or visual quality can be determined. As such, Special Condition #2 requires that any additional demolition/construction at this site require additional review by the Coastal Commission. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

**D. Public Access/Parking.** The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As proposed, the project site will continue to provide the same number of parking spaces. Again, the future use at this site has not been determined; as such no future impacts to public access/parking can be determined. As such, Special Condition #2 requires that any additional demolition/construction at this site require additional review by the Coastal Commission. Thus, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

**E. Local Coastal Planning.** The City of Carlsbad has six certified segments of its LCP. While most of the city's coastal zone has a fully certified LCP, with the city issuing coastal development permits, the portion of the City surrounding Agua Hedionda lagoon and 6 other small properties have not been certified as yet. The proposed site is located in one of the six other properties where certification has been deferred; thus, permit responsibility remains with the Commission, and Chapter 3 of the Coastal Act is the standard of review, with guidance from the City's certified LCP. The proposed development is consistent with all applicable Chapter 3 policies of the Coastal Act. Approval of the project will not prejudice the ability of the City of Carlsbad to obtain a fully certified local coastal program for the remaining portions of the City.

**F. California Environmental Quality Act.** As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the

identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

**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 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.



# PERMIT AND SITE INVESTIGATION REPORT



## VICINITY MAP:

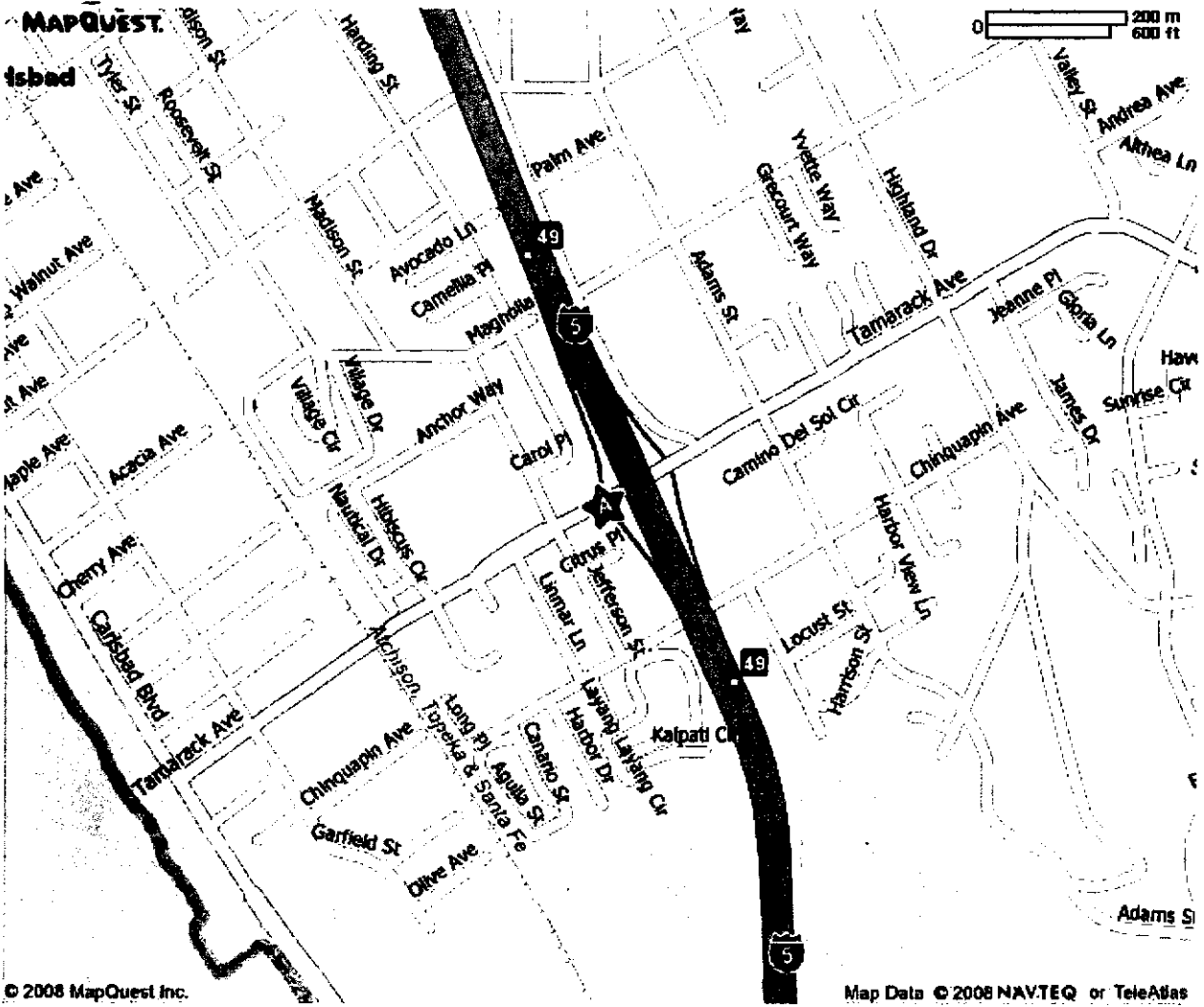
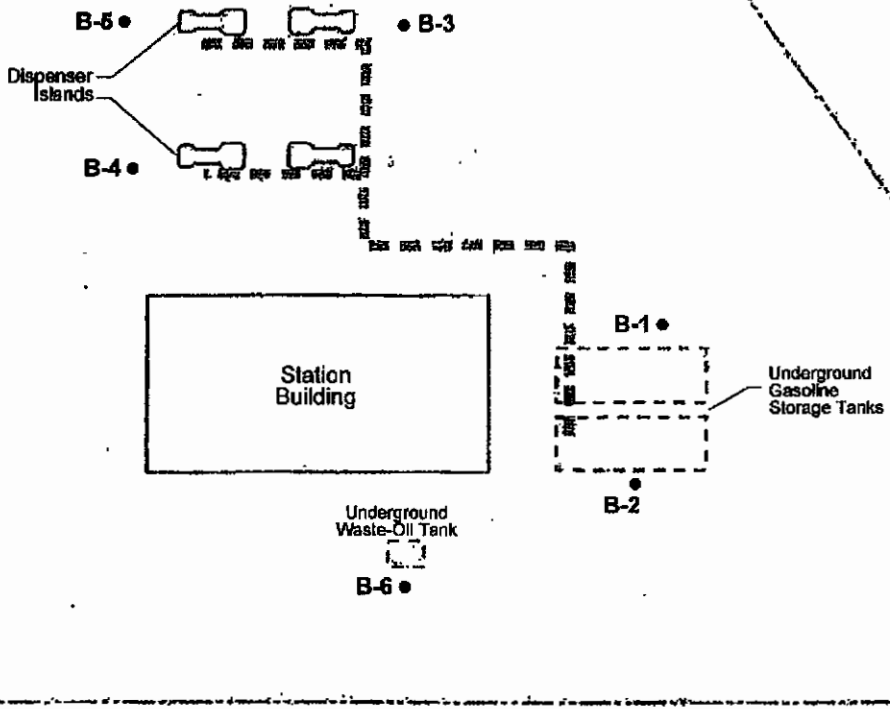
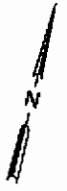


EXHIBIT NO. 1
APPLICATION NO.
<b>6-08-119</b>
Location Map
California Coastal Commission

TAMARACK AVENUE



SOUTH I-5 FREEWAY ONRAMP

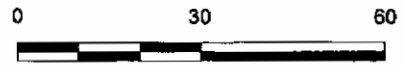
**LEGEND:**

**B-1 ●** BORING LOCATION

**USTs** UNDERGROUND STORAGE TANKS

**NOTES:**

1. DIMENSIONS AND LOCATIONS ARE APPROXIMATE



APPROXIMATE SCALE (FEET)

2655 CAMINO DEL RIO NORTH, SUITE 302  
SAN DIEGO, CALIFORNIA  
PHONE: (619) 296-6195/296-6199 (FAX)

FOR: **ConocoPhillips**  
STATION NO. 255927  
895 TAMARACK AVENUE  
CARLSBAD, CALIFORNIA

JOB NUMBER: CPDD.55927.00  
DRAWN BY: JA  
CHECKED BY: *[Signature]*  
APPROVED BY: *[Signature]*

FIGURE: **SITE PLAN**

EXHIBIT NO. 2  
APPLICATION NO.  
**6-08-119**  
Site Plan