

## EXHIBIT "A"

### FINDINGS AND FACTS IN SUPPORT OF FINDINGS

#### 1) THE PLANNING COMMISSION FINDINGS REGARDING IMPACTS MITIGATED TO A LEVEL OF INSIGNIFICANCE

##### a) Aesthetics

- i) The proposed project would have negative aesthetic effects on views from the Strand, the beach and surrounding public areas.

Finding: TyCom has elected to eliminate the Longfellow Avenue landing site from further consideration and consider only the 2<sup>nd</sup> Street landing site and alignment. This alternative would decrease environmental impacts during installation relating to aesthetics, since the Longfellow Avenue site is no longer applicable. Following installation of the fiber optic cable system, there is be no above ground facilities visible from view. As a result, the aesthetic impacts are reduced to level of insignificance.

Facts Supporting Finding: This fiber optic cable project is considered a public facility. Since the fiber optic cables would be buried on the beach and in the street or greenbelt, and either buried or laid on the sea floor, the presence of these fiber optic cables would not be in conflict the General Plan goals of preserving open space or protecting the beach and ocean as a recreational resource.

- ii) Temporary View Impacts. Construction staging areas on the beach could have temporary adverse effects on views from the beach and The Strand.

Finding: TyCom has elected to eliminate the Longfellow Avenue landing site from further consideration and consider only the 2<sup>nd</sup> Street landing site and alignment. This alternative would decrease environmental impacts during installation relating to temporary view impacts, since the Longfellow Avenue site is no longer applicable. Conditions and mitigation measures have been incorporated into the project, which avoid or substantially lessen the significant environmental effect identified above.

Facts in Support of Finding: Pursuant to Mitigation Measure #MU/LU/R-11: TyCom shall fence the staging areas and cover the fence with screening acceptable to the Community Development Director to prevent public access and reduce the visibility of construction activities.

##### b) Short-Term Air Quality Impacts.

Fugitive Dust. Clearing, excavation and grading operations, construction vehicle traffic on unpaved ground and wind blowing over exposed earth surfaces will generate dust at and near the project site during the construction period.

Finding: TyCom has elected to eliminate the Longfellow Avenue landing site from further consideration and consider only the 2<sup>nd</sup> Street landing site and alignment. This alternative would decrease environmental impacts during installation relating to fugitive dust, since the Longfellow Avenue site is no longer applicable. Conditions and mitigation measures have been incorporated into the project, which avoid or substantially lessen the significant environmental effect identified above.

Facts in Support of Finding: SCAQMD Rule 402, which requires that there be no dust impacts off-site sufficient to cause a nuisance, SCAQMD Rule 403, which restricts visible emissions from construction, and other feasible dust control measures shall be implemented as part of the proposed project Air Quality Pursuant to Mitigation Measure #A-1: TyCom shall implement at least one of the reasonably available control measures specified in SCAQMD Rule 403 to minimize fugitive dust impacts. Measures to minimize this impact may include using water on a periodic basis on uncovered stockpiles or cleaning the tires of work vehicles to limit the amount of dirt tracked on to streets. Pursuant to Mitigation Measure #A-2: TyCom shall use best available control technology for construction equipment (CBACT).

- c) Biological Marine Resources: Impacts of the project may have adverse impacts on whales and result in marine mammal entanglement

Finding: Conditions and mitigation measures have been incorporated into the project, which avoid or substantially lessen the significant environmental effect identified above.

Facts in Support of Finding: TyCom has agreed to bury the marine cables, where feasible, in water depths less than 1,200 meters. TyCom has also agreed to attempt to retrieve fishing gear that may become snagged on the cables and that subsequently could threaten whales. Given the mitigation measures agreed to by TyCom, impacts on marine mammal entanglement will be less than significant. Pursuant to Mitigation Measure #MB-4 – 13, support vessels shall make every effort to maintain an acceptable distance sighted whales and other threatened or endangered marine mammals and sea turtles or not cross in front of migrating whales. TyCom shall bury the marine fiber-optic cable to reduce the probability marine mammal entanglement.

- d) Biological Resources/Fisheries and Recreation: The project may have adverse impacts on fisheries.

Finding: Conditions and mitigation measures have been incorporated into the project, which avoid or substantially lessen the significant environmental effect identified above. The California Coastal Act requires that the economic, commercial and recreation importance of fishing activities be recognized and protected.

Facts in Support of Finding: Pursuant to Mitigation Measure #F-1: TyCom shall advise commercial and recreational fishermen of a definite work schedule two weeks in advance of installation. Pursuant to Mitigation Measure #F-2 – 7, TyCom has

agreed to notify commercial fisheries of the installation and repair activities two weeks in advance, will bury the marine cables, where feasible, in water depths of than 1,200 meters to reduce the likelihood that fishing gear will become snagged, will compensate fishers for loss of gear and will hold the fishers hold harmless for unintentional damage to the cable.

- e) Cultural Resources: The project may have adverse impacts on archaeological or paleontological resources.

Finding: TyCom has elected to eliminate the Longfellow Avenue landing site from further consideration and consider only the 2nd Street landing site and alignment. This alternative would decrease environmental impacts, since the Longfellow Avenue site is no longer applicable. Conditions and mitigation measures have been incorporated into the project, which avoid or substantially lessen the significant environmental effect identified above.

Facts in Support of Finding: The California Coastal Act requires reasonable mitigation measures where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer. TyCom has agreed to have a qualified archaeologist monitor construction wherever soil-disturbing activities could affect known or potential terrestrial cultural resources. There are no known marine cultural resources along the marine routes. Because shipwrecks could be present, TyCom has agreed to conduct marine surveys under the direction of a qualified marine archaeologist. If potentially significant marine cultural resources are identified, TyCom has agreed to reroute the cables and avoid the potential resources. Pursuant to Mitigation #CR-1- 4, TyCom shall conduct enhanced monitoring for all soil-disturbing activities, conduct standard archaeological monitoring for all soil-disturbing activities north of Fifth Street in Hermosa Beach, and conduct additional marine surveys and to avoid any features identified during the survey that could be cultural resources of potential significance.

- f) Hazardous Material and Risk of Upset: The project may create a hazard to the public or to the environment during construction and installation of the fiber optic cable system.

Finding: TyCom has elected to eliminate the Longfellow Avenue landing site from further consideration and consider only the 2<sup>nd</sup> Street landing site and alignment. This alternative would decrease environmental impacts during installation relating to hazards and the risk of upset, since the Longfellow Avenue site is no longer applicable. Conditions and mitigation measures have been incorporated into the project, which avoid or substantially lessen the significant environmental effect identified above.

Facts in Support of Finding: The proposed project is subject to local, state and federal requirements governing the used of hazardous materials. Standard safety measures shall be incorporated into vessel operating procedures to limit the risk of fire and explosion. TyCom shall ensure all hazardous materials used at the staging area shall

be stored in the proper storage containers and shall have sufficient secondary containment to contain any potential spill. Pursuant to Mitigation Measure #H-1-23, TyCom shall prepare a Spill Prevention and Contingency Plan (SPCP) for construction activities, site workers will be trained to recognize and respond to spills, and have an emergency spill kit containing sorbent booms and pads, personal protective equipment (PPE), and emergency response guidance. Any refueling shall be conducted at least 30.5 meters (100 feet) away from the mean high tide. Pursuant to Mitigation Measure #H-5: TyCom shall ensure all hazardous materials used at the staging area shall be stored in the proper storage containers and shall have sufficient secondary containment to contain any potential spill. TyCom shall identify all utilities before construction, using utility locator services. Pursuant to Mitigation Measure #H-16: As described in Section 16.1.5 of the EIR, other mitigation measures detailing construction offsets will be required if utilities are encountered and notification of the proper authorities if a utility is damaged.

- g) Noise Impacts. General construction activities during installation will result in temporary significant increases in noise levels.

Finding: TyCom has elected to eliminate the Longfellow Avenue landing site from further consideration and consider only the 2<sup>nd</sup> Street landing site and alignment. This alternative would decrease environmental impacts during installation relating to noise, since the Longfellow Avenue site is no longer applicable. The proposed project is considered a public utilities project and therefore is not subject to restricted hours of construction stated with the State Health and Safety Code. However, there will be noise generated during the short-term construction of the terrestrial and marine activities. Conditions and mitigation measures have been incorporated into the project to address these impacts, but are still found to be unavoidable.

Facts in Support of Finding: Some construction-related noise impacts are inevitable from any construction project. Pursuant to Mitigation Measure #N-1- 4, TyCom will be restricted to the hours of construction to 8 a.m. to sunset, Monday through Friday, for construction on the beach which is more restrictive than currently permitted for general construction throughout the City. This limitation of work hours should reduce the impacts to adjacent residential uses. In addition, conditions are recommended in the EIR to implement operational constraints such as operating one piece of equipment at a time when on the beach. Notification prior to start of construction by TyCom to residents will also be required. Prior to construction, TyCom shall prepare a plan containing noise control measures for construction equipment and submit it to the cities of Hermosa Beach and Redondo Beach for review and approval. This plan will detail how the equipment noise will be muffled.

- h) Public Utilities and Services: General construction activities during installation will result in temporary adverse impacts on existing public services and facilities.

Finding: TyCom has elected to eliminate the Longfellow Avenue landing site from further consideration and consider only the 2<sup>nd</sup> Street landing site and alignment. This

alternative would decrease environmental impacts during installation relating to public services, since the Longfellow Avenue site is no longer applicable. Conditions and mitigation measures have been incorporated into the project, which avoid or substantially lessen the significant environmental effect identified above.

Facts in Support of Finding: The proposed project is considered a public utilities project. However, there will be the short-term construction impacts on public services and facilities affecting fire, police, public works departments and County Life Guards for the terrestrial and marine activities. Mitigation measures have been adopted to address these impacts. TyCom shall work with local police and fire departments and utility service providers, and prepare and implement an Emergency Response Plan. Pursuant to Measure #PU/S-1 – 10, prior to issuance of construction permits, TyCom shall disseminate information to the Los Angeles County Life Guards and fire, police, and public works departments in Hermosa Beach, Redondo Beach, and Manhattan Beach to notify them of construction on affected roads. TyCom shall work with local police and fire departments and utility service providers, and prepare and implement an Emergency Response Plan. Prior to issuance of construction permits, TyCom shall submit detailed maps of the proposed fiber optic cable route to utility providers and agencies. TyCom shall coordinate with utility providers and applicable agencies to determine the appropriate depth of fiber optic cable and construction method for installation, through the use of “Dig Alert” and other means approved by the Director of Public Works. TyCom shall comply with State and Federal law concerning location of fiber optic cable relative to other utilities. TyCom shall ensure that there will be no time lapse between the establishment of temporary lifeguard towers and the displacement of lifeguard towers at Longfellow Avenue and Second Street. TyCom shall provide mock up designs of the proposed fencing around the beach construction area to the Los Angeles County Lifeguards to ensure that visibility from the lifeguard towers is maintained.

- i) Recreation: The proposed project may not protect the public’s right of access to the beach and the sea.

Finding: TyCom has elected to eliminate the Longfellow Avenue landing site from further consideration and consider only the 2<sup>nd</sup> Street landing site and alignment. This alternative would decrease environmental impacts during installation relating to the public’s right of access and use of the beach, since the Longfellow Avenue site is no longer applicable. Conditions and mitigation measures have been incorporated into the project, which avoid or substantially lessen the significant environmental effect identified above.

Facts in Support of Finding: Pursuant to Mitigation Measure #MU/LU/R-1- 20, during project construction, the public will be precluded from using a portion of Hermosa Beach at the two cable landing locations. If construction occurs during off peak months, this will be a minor impact, and visitors will use alternative recreational sites easily within 50 meters of the cable landings. TyCom shall maintain access to neighborhood businesses, including parking lots, at all times during project

construction in a manner approved by the Director of Public Works. However, if construction occurs during summer peak usage, this impact may be significant. The applicant has agreed to compensate the City for public access impacts by paying a sum of money into a fund dedicated to improving recreational activities and maintenance of the beach, storm drains and the pier. Mitigation measures have been adopted to address these impacts, but are found to be unavoidable. TyCom shall protect public safety by preventing public access to the marine construction zone by using barriers, buoys, or other controls in a manner approved by the CCC or other applicable permitting agency. TyCom shall submit a plan to the City of Hermosa Beach Community Development Director and Public Works Directors for City and CCC approval showing how TyCom will ensure that the cable stays buried in the shoreline area such that it won't impact beach users. In the event the cable becomes exposed, TyCom shall initiate actions to rebury the cable in a manner and time frame approved by the Director of Public Works. TyCom shall provide written notice to the City of Los Angeles, City of El Segundo, City of Lawndale, City of Manhattan Beach, City of Redondo Beach, and City of Torrance one month prior to the commencement of construction to alert these municipalities that a portion of the beach will be closed, the length of time it will be closed. TyCom shall relocate any affected existing municipal facilities on the beach. Notice will also be given to local residents through announcement in The Beach Reporter and on the City of Hermosa Beach's website. Pursuant to Mitigation Measure #MU/LU/R-15: TyCom shall ensure that access to The Strand is not disrupted for more than 4 hours at any location. During construction of segments at pedestrian or bike paths, the construction crews will keep all construction equipment and trenching equipment off the paved roadway or it will be maintained to the maximum extent feasible to allow bicyclists to continue to use the road or detours. TyCom shall maintain access to neighborhood businesses, including parking lots, at all times during project construction in a manner approved by the Director of Public Works.

j) Transportation:

- i) Construction of the project will temporarily displace public parking spaces along Manhattan Avenue.

Finding: TyCom has elected to eliminate the Longfellow Avenue landing site from further consideration and consider only the 2<sup>nd</sup> Street landing site and alignment. This alternative would decrease environmental impacts during installation, mainly in relation to beach access, recreation, and noise. This factor eliminates the concerns along Manhattan Avenue regarding displacement of parking. Conditions and mitigation measures have been incorporated into the project, which avoid or substantially lessen the significant environmental effect identified above.

- ii) Construction of the project will temporarily cause traffic delays

Finding: TyCom has elected to eliminate the Longfellow Avenue landing site from further consideration and consider only the 2<sup>nd</sup> Street landing site and alignment. This

alternative would decrease environmental impacts during installation, mainly in relation to beach access, recreation, and noise. This factor reduces the concerns along Manhattan Avenue regarding traffic delays. Construction along these streets will delay local traffic and prevent residential street parking. Construction along these streets will be adjacent to the city boundary along these streets may force higher traffic volumes on adjacent streets, particularly in Manhattan Beach, during this construction period. Construction in front of a specific residential or commercial driveway is likely to last no longer than 3 hours to 4 hours. Access to each driveway will be maintained using steel plates over open trenches. The road and street pedestrian and bicycle circulation network will not be impacted from the terrestrial operation of the cable lines. Traffic delays associated with construction are expected to be 3 to 5 minutes. The proposed route does not traverse signalized intersections with a LOS of D or worse.

Facts in Support of Finding: Pursuant to Mitigation Measure #T-1 – 7, TyCom shall notify the Public Works Department, Fire Department, Police Department, medics, and school bus garage of Hermosa Beach, Redondo Beach, and Manhattan Beach, before operations so that they may re-route emergency and service vehicles around the construction zones. Trenchless construction will be used at major intersections, such as Pier and Manhattan Avenues, and Pier Avenue and the greenbelt. During the permitting process, the cities of Hermosa Beach and Redondo Beach will route project plans to the fire and police departments in order to inform them of the potential effect on emergency response along the terrestrial route. The equipment and materials will be delivered daily to the individual work sites from this main site. Delivery of materials is expected to take approximately 10 minutes to 20 minutes for unloading. In most cases, pedestrian traffic will be diverted around the delivery truck, although it may be necessary to divert pedestrian traffic to an adjacent bike path or street as an alternative. Standard construction cones, signs, and traffic control personnel will be used to direct pedestrians. The contractor shall prepare and submit traffic control plans prepared in accordance with Caltrans and city guidelines to the Cities of Hermosa Beach and Redondo Beach for review and approval before beginning construction. All business and residences that would be directly affected by a blocked driveway or loss of parking will be provided with advance notification from TyCom of one week as to when the access and/or parking will be blocked. TyCom shall submit a parking plan to the City of Hermosa Beach, subject to the review and approval by the Public Works Director.

## 2. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL IMPACTS.

a) Air Quality Impacts. Approval of the project will result in increased regional and local air pollutant levels on a project-specific and cumulative basis.

Finding: Although mitigation measures have been adopted to address the project's impacts on air quality, air emissions from the ocean segment installation will exceed daily allowable limits established by the South Coast Air Quality Management District (SCAQMD). Over a period of 12 to 24 days, the marine cable installation

activities generated from TyCom's sea vessels will result in daily emissions that exceed the Southern California Air Quality Management District (SCAQMD) thresholds for oxides of nitrogen, reactive organic compounds, carbon monoxide and sulfur dioxide. TyCom will comply with the requirements imposed upon the project by the SCAQMD through the CEQA process. Therefore, vessel emissions from the project are considered significant and unavoidable. The City finds that there are specific economic, social and other considerations that make infeasible other mitigation measures or alternatives identified in the EIR and that the benefits of the project outweigh its potential adverse air quality impacts. A Statement of Overriding Considerations has been prepared and is set forth below.

Facts in Support of Finding: Pursuant to Mitigation Measure #A-4: TyCom shall acquire emission credits, as per rules of the SCAQMD to further reduce NOX, ROC and SO2 emissions. Pursuant to Mitigation Measure #A-5: TyCom shall use ARB on-road diesel fuel to reduce ROC emissions. Pursuant to Mitigation Measure #A-6: TyCom shall implement a comprehensive maintenance program for vessel diesel engines, to reduce CO emissions. Pursuant to Mitigation Measure #A-7: TyCom shall use clean diesel fuel having a maximum sulfur content of 15 ppm, or as otherwise allowed by SCAQMD and the CCC.

### 3. FINDINGS REGARDING ALTERNATIVES

The City Council has considered various project alternatives as analyzed in the EIR and makes the following findings:

- i. No Project Alternative. This alternative is required by CEQA. A No Project alternative means the fiber optic cable would not be installed. With a No Project alternative, none of the environmental impacts of the fiber optic cable installation, operation or repair would occur. The No Project alternative is a no impact alternative, since the existing project site conditions would not change.

Finding: Specific economic, social or other considerations make this alternative infeasible.

Facts in Support of Finding: The No Project Alternative is infeasible because it is inconsistent with the City's goals, among others, enhancing beach and recreational resources. The No Project Alternative is also inconsistent with the Applicant's goals, among others, of providing a financially sound project.

- ii. Alternative route with a cable landing site in Manhattan Beach. This alternative was identified to reduce the potential impact to fishers and whales. This alternative was selected because Global-West installed fiber optic cable last year in Manhattan Beach. This alternative would parallel the Global-West route, creating a cable corridor.

Finding: Specific economic, social or other considerations make this alternative

infeasible.

Facts in Support of Finding: This alternative would result in more impacts to the length and time of construction, aesthetics, noise, public access and transportation. In addition, the City of Manhattan Beach rejected the application for a cable landing in its jurisdiction, making this alternative infeasible.

- iii. Terrestrial Route for Segment #5. A terrestrial cable system would have many more environmental impacts than would Segment 5.

Finding: Specific economic, social or other considerations make this alternative infeasible.

Facts in Support of Finding: Although this alternative would reduce the marine impacts, it would have more significant impacts on air quality, biological resources, and terrestrial waters, making this alternative infeasible.

- iv. One cable landing site rather than two in Hermosa Beach. A single fiber optic cable site alternative was evaluated to reduce the noise and public access impacts associated with two cable sites.

Finding: Specific economic, social or other considerations make this alternative



Facts in Support of Finding: TyCom has elected to eliminate the Longfellow Avenue landing site from further consideration and consider only the 2<sup>nd</sup> Street landing site and alignment. This alternative would decrease environmental impacts during installation, mainly in relation to beach access, recreation, and noise. This alternative would reduce beach and terrestrial impacts, but would not reduce the marine impacts and based on re evaluation by the applicant, can meet the project objectives.

- v. Terrestrial route using existing fiber. This alternative would require TyCom to lease multiple routes of existing fiber and would not fulfill TyCom's objective to provide their customers with reliable and uninterrupted service diverse from the terrestrial corridors, making this alternative infeasible.

Finding: Specific economic, social or other considerations make this alternative infeasible.

Facts in Support of Finding: This alternative would reduce beach and terrestrial impacts, but would not reduce the marine impacts and did not meet the project objectives, since it would somewhat compromise the security of a ring system.

- vi. Boring to the cable landing rather than trenching. According to the Coastal Commission staff, projects that use boring rather than trenching have minimized or eliminated impacts on public access recreation and biological resources.

Finding: Specific economic, social or other considerations make this alternative infeasible.

Facts in Support of Finding: Boring from a single site does not allow for route segment diversity and does not meet the project the objectives, making this alternative infeasible. Boring from the staging area in Redondo Beach has substantial technical limitations, which make this alternative infeasible. In addition, the use of direct burial, as discussed below, will have very short-term impacts on beach usage avoiding the need for boring.

- vii. Alternative fiber optic cable installation method in the beach. A direct cable landing is the method typically used in the submarine cable industry and utilized for most shore-end cable installations around the world. The time period to do a direct burial is fairly short in comparison to other methods, including drilling.

Finding: The applicant has chosen to utilize this alternative to help reduce and/or avoid potentially significant impacts. The City concurs with the use of the method of burial.

Facts in Support of Finding: This alternative would reduce the time needed to install the fiber optic cable, would reduce the impacts on beach access, recreation and noise, but would have similar impacts on the marine segment.

4. Statement of Overriding Considerations.

The Planning Commission has considered each of the potentially unavoidable adverse environmental impacts identified above (air quality) in deciding whether to approve the Project. Although the Planning Commission believes that many of the unavoidable impacts identified in the EIR will be substantially lessened by the mitigation measures incorporated into the project, it recognizes that approval of the Project will nonetheless result in certain unavoidable impacts.

The Planning Commission recommends that the City Council specifically find that, to the extent that adverse impacts set forth above have not been mitigated to level of insignificance that specific economic, social, legal, environmental, technological or other benefits of the project outweigh the significant effects on the environment. Furthermore, the Planning Commission recommends that the City Council find that any and each of the considerations is sufficient to approve the Project despite any one or more of the unavoidable impacts identified and that each of the overriding considerations is adopted with respect to each of the impacts individually and that each consideration is severable from any other considerations should one or more consideration be shown to be legally insufficient for any reason. The following considerations support approval of the Project:

- a) The Project will implement the City's General Plan. The City has determined pursuant to its General Plan, Coastal Land Use Plan and other plans, that the sites, routes and alignments are appropriate for the fiber optic cable system. Given all the facilities will be underground or under the sea floor, the existing character of the surrounding areas will not be affected.
- b) The Project will provide a needed public service of increasing capacity and reliability for voice data and Internet transmission from Asia to the United States and eventually serving the LA Basin. This fiber optic cable project is considered a public facility, public utility/structure and a public corridor under the FCC.
- c) The Project, following installation, will not adversely impact the beachfront, affect views, impact parking or would increase traffic, in that the fiber optic cables will be buried on the beach the street or greenbelt, and either buried or laid on the sea floor, therefore the presence of these fiber optic cables will not be in conflict with the goals of the General Plan and Zoning Ordinance relating to preserving open space or protecting the beach and ocean as a natural resource.
- d) TyCom has elected to eliminate the Longfellow Avenue landing site from further consideration and consider direct burial at only the 2<sup>nd</sup> Street landing site. These alternatives help reduce and/or avoid potentially short-term significant impacts.

cd.TyCom.Exhibit A