November 29, 2001

**Honorable Chairman and Members of the Hermosa Beach Planning Commission**

**Regular Meeting of December 5, 2001**

SUBJECT: PLANNED DEVELOPMENT PERMIT/PRECISE DEVELOPMENT PLAN (PDP) TO CONSTRUCT A SUBMARINE FIBER OPTIC CABLE SYSTEM LOCATED AT THE BEACH AND ON CITY OWNED PROPERTY.

APPLICANT: TYCOM NETWORKS (US) INC.
10 PARK AVENUE
MORRISTOWN, NJ 07960

REQUESTS: PLANNED DEVELOPMENT PERMIT/PRECISE DEVELOPMENT PLAN NO. 01-10 AND FINAL ENVIRONMENTAL IMPACT REPORT

**Recommendation:**

Consider the subject permits and adopt the attached Resolution recommending that City Council:

- Approve the Planned Development Permit/Precise Development Plan No. 01-10 with conditions,
- Certify the Final Environmental Impact Report, including adopting a Mitigation Monitoring Program, Findings and Facts in Support of Findings and a Statement of Overriding Considerations relating to air quality, and
- Find the lease agreement is consistent with the General Plan (Attachment No. 1).

Project Information

| | |
|---|---|
| ZONING: | OS-1 (Greenbelt) and Public Right-of-Way |
| GENERAL PLAN: | Open Space and Public Right-of Way |
| ENVIRONMENTAL DETERMINATION: | Environmental Impact Report required pursuant to Section 1500 of the California Environmental Quality Act (CEQA) |

**Background:**

This item was continued from the November 20, 2001 Planning Commission meeting. A detailed staff report was provided at that time, which analyzed the project and discussed the Draft Environmental Impact Report (EIR). The Final EIR, including the response to comments, is attached (Attachment No. 2). The City sent out the Draft EIR to 39 agencies and organizations. The City received comments from 9 agencies or individuals, including the Coastal Commission

and State Lands Commission. The comments to the Draft EIR and the City's responses to comments are included in the attached Final EIR.
The City Council is scheduled to take final action on the project on December 11, 2001. If TyCom receives approval from the City Council, the project will then require permit approval by the California Coastal Commission and permits from other applicable state and federal agencies. Construction will commence upon acquisition of all required permits and approvals. According to TyCom, their goal is to be operational by the end of May 2002.

At the November 20th meeting, a number of issues and questions were discussed regarding the project. The Planning Commission also received public input from three citizens. Below are the responses to those questions or concerns:

*The Planning Commission asked if the grounding beds would need to be replaced during the life of the project?*

TyCom's response was no they will not need to be replaced. TyCom has provided the attached justification of how they determine replacement needs (Attachment No. 3).

*The Planning Commission asked why wasn't Dockweiler Beach an option to land the cable system as discussed in the project staff report?*

The Desktop Study prepared by TyCom analyzed approaches to the greater Los Angeles Basin, including potential landings in El Segundo, Manhattan Beach, and Huntington Beach. The approach to a northern El Segundo landing would require crossing through a restricted area established for protection of offshore industrial outfalls and pipelines. A southern El Segundo landing was found to pass through a restricted area with a number of active pipelines and numerous offshore buoy anchors.

The primary terrestrial constraint identified at the southern El Segundo landing was uncertainty and complexity regarding jurisdictional authority over Dockweiler State Beach, where the cable landing was proposed. The State of California owns the property at the beach. The City of Los Angeles leases property from the state to use as part of the city's park system. The lease has expired and the City and the State are in the midst of complex negotiations concerning renewal. The County of Los Angeles has a maintenance agreement with the City of Los Angeles for all of the city beaches. The multiple jurisdictions over the cable landing area were assessed as potentially complicating factors in obtaining permits and approvals in a timely manner to support the project's schedule. There is additional discussion regarding this alternative in Section 17.2.5, pg.17-3 of the DEIR.

*The Planning Commission expressed concerns over the feasibility of the timing of the various beach, ocean and land segments.*

In response, TyCom has prepared a schedule indicating the steps involved with the project and

the interrelationships between the various construction activities and how they all work together. If TyCom is successful in obtaining a Coastal Development Permit in March 2002, it shows the project could be completed before the peak summer time usage begins.
*The Planning Commission expressed concerns about what time is "dusk"?*

In response, the recommended Conditions of Approval have been revised to reflect "sunset" rather than "dusk", which was acceptable to the Planning Commission.

*The Planning Commission expressed concerns over the level of detail and information the City has for the utility improvements within the streets.*

As a follow up to the Planning Commission's concerns, the Public Works Department indicated that they have certain utility improvement details for those facilities that have been more recently installed in the greenbelt and within city streets. The Public Works plans show utilities from at least 1973 forward. TyCom has also provided their typical cross sections of street improvement drawings to date, showing what information they have complied to date for work within the public right-of-way (See Attachment No. 4). In addition, as a recommended condition of approval and normal City practice, TyCom will utilize the "Dig Alert" process and the all vendors will have to come in and identify their facilities prior to installation. As discussed below, TyCom is now proposing only one cable landing point at 2nd Street, rather than two. This modification will eliminate the need for cable trenching along the greenbelt or Manhattan Avenue to serve the Longfellow Street connection and minimize the trenching and underground work.

*The Planning Commission requested a performance bond be retained for up to 18-24 months for possible trench settling following installation.*

TyCom has responded that they would do what ever is normally required. According to the Public Works Department, the current performance bond timeframe can be 18 to 24 months to remedy any settling of the trench following installation.

*The Planning Commission discussed the Greenbelt vs. Manhattan Avenue alignment.*

This issue has been resolved since TyCom is now proposing only one cable landing point at 2nd Street.

*The Planning Commission discussed one landing rather than two.*

This issue has been resolved, since TyCom is now proposing only cable landing point at 2nd Street.

*The Planning Commission discussed the need for a cost benefit analysis for the use of city owned property.*

The costs and benefits of the lease agreement are discussed below.

**Public comments:**

1. *What happens when the lease expires?*

   Under the terms of the lease and as a condition of approval, TyCom is required to remove the cable from the beach manhole to past the end of the pier. Removal of the remaining ocean portions of the system will be subject to Coastal Commission permit requirements.

2. *What is TyCom's contingency plan if unsuccessful in Hermosa Beach?*

   TyCom's response is that the transpacific link of their global system will not go forward.

3. *If only the 2nd Street landing is approved, will TyCom still go forward?*

   As discussed below, TyCom is now proposing a single cable landing point at 2nd Street.

**Project Description**

Since the Planning Commission meeting on the 20th, TyCom has elected to eliminate the Longfellow Avenue landing site from further consideration and consider only the 2nd Street landing site and alignment. This modification is in response to reducing the environmental impacts and timeframes associated with the project, enhancing the probability of TyCom obtaining Coastal Commission approval and meeting the City's financial requests for use of city property. TyCom's formal written request to eliminate the Longfellow Avenue landing site was received by the City on November 30, 2001, and is attached (Attachment No. 5).

According to TyCom, they feel they can still satisfy their project objectives with a single landing site. TyCom states they will accept that some route diversity will be sacrificed by landing both cables at a single cable landing point, from the manhole at 2nd Street seaward to just beyond three nautical miles. They indicated that risks to cables have been reevaluated in this area and they are agreeable to installing both cable segments within a shared landing point at 2nd Street. TyCom does not view this change as being significant in terms of network security. TyCom has indicated they may be able to lease cable capacity from existing carriers to address their system redundancy concerns.

The one cable landing has been analyzed as an alternative in the EIR, Chapter 17. The City's EIR consultant feels that no new biological surveys are needed, since the single cable landing route was previously studied and that all associated environmental impacts will still be less than significant, except for air quality. In regards to air impacts with a single landing point, there will be no additional time required beyond that previously analyzed, thus no new air quality impacts

would result. The City is requiring TyCom, through a condition of approval, to acquire credits to offset the excess emissions created during the ocean segment of installation out to 3 nautical miles. TyCom is working with SCAQMD to determine whether SCAQMD has the legal right to impose conditions beyond 3 nautical miles. The condition states that TyCom will provide whatever is lawfully required as a result of that decision. The findings to support approval of a statement of overriding consideration relating to air quality are included in the attached resolution. Based on a single landing site at 2nd Street, the issue of a preferred alignment along the Greenbelt or down Manhattan Avenue has now been eliminated from discussion. The alignment for a single landing site at 2nd street would be that shown within the Draft EIR.

According to the City's EIR consultant, the overall short-term impacts during the construction would be reduced significantly with only the 2nd Street landing utilizing a direct burial method of installation. This procedure is a typical method commonly employed in the submarine cable industry and is in fact the method utilized in the majority of cable shore ends around the world. The direct landing alternative is discussed in section 17.3.7 beginning on page 17-14 of the EIR. The conclusion in the EIR states "This alternative would decrease environmental impacts during installation, mainly in relation to beach access, recreation, and noise."

It is important to note that the installation using the direct landing method can be completed more quickly than the method originally proposed by TyCom. Thus, the duration of traffic, noise, recreation, aesthetic and beach access impacts along the shoreline would be reduced from approximately 4 to 6 weeks to approximately 7 to 10 days for the beach segment of the project that involves both cables within the single trench at 2nd Street. Therefore, staff will be recommending this alternative be the preferred method of installation for the beach segment of the project.

**Analysis**

***Direct Landing: Two Cables At One Location (2nd Street)***

This section describes TyCom's latest proposal of directly landing both cables at one location (2nd Street). The direct landing will consist of landing both cables into one trench across the beach. This description will discuss the landing operations on the beach and through the surf zone. Project activities at the beach manhole, along the terrestrial OSP route would be the same as the proposed project. The steps in the direct landing process are described below and a timeframe for the activities is shown in Attachment No. 6.

*Staging Area Establishment*

Prior to the cable ship's arrival in the area, the staging area will be established on the beach. The staging area will measure approximately one hundred feet (100') wide and will extend from near the strand wall to near the mean high-tide line. Minimum buffers of twenty five feet (25') will be maintained on both the strand side and the water side of the staging area. During the actual cable pulling access around the ocean side of the staging area will not be possible due to the presence of the cable being pulled. A winch will be placed in the staging area and prepared for use in the

cable landing process. Approximately six to ten deliveries of supplies and equipment to the staging area will be necessary.

*Trenching Across Beach*

In advance of the scheduled cable landing operations, and after the staging area is established a trench will be excavated across the beach using an excavator. Due to surf and landing conditions at the time of construction, a portion of the trench may need to be excavated after the cables are landed. The trench will be approximately 3 meters deep. A 2:1 slope will require the width of the trench at the top to approach forty feet (40') wide. Safety barricades and watchmen are used at all times while the trench is being dug and is open.

*Cable Landings*

After the trench has been excavated across the beach, and the cable ship arrives on station approximately ¾ miles off-shore, the cable pulling operation can commence. A small support vessel will haul the marine fiber optic cable to a point just offshore of the surf zone. At this point a wire rope from the beach winch will be attached to the cable for pulling. The winch will pull the cable ashore while the cable ship simultaneously pays-out submarine cable at the same rate. The crew of the cable ship will apply floats to the submarine cable at approximately three to five meter spacings. This will allow the cable to float ashore. The pulling continues until the cable end reaches the pulling winch. The cable will then be back-fed to the beach manhole that will be installed in the public road right-of-way. This process will then be followed for the second cable.

*Cable Slack Management*

When the marine cables are pulled into the beach manhole, a minimum of ten meters of slack will be left in the manhole. This would allow the cable to pay out of the manhole if ocean events make it necessary. The landing operations have pre-configured sufficient cable slack to allow the cable to self bury in the shifting seafloor.

*Cable Protection & Trench Backfilling*

After the cables are installed into the trench and back-fed into the beach manhole, cast iron split pipe protection is applied from the beach manhole towards the sea. After the protection is completed on the beach, the cable is secured down in the trench and buried. No split pipe will be applied seaward of the Mean Low Water mark. After the split pipe is applied to both cables, and final trenching activities on the beach are completed, the trench will be backfilled. The sand will be placed back into the trench in lifts with the proper moisture content to ensure proper compaction.

*Restoration*

Beach restoration normally can be completed in one day. The original beach contours will be reestablished and the sand will be graded. All tools and excavation equipment and any debris or evidence of construction activities will be removed from the site. All public safety notices and barriers will be removed and the site will be re-opened to the public

*Post Lay Burial of Marine Cable*
Once the marine cable is landed, the buoys applied to the cables during cable pulling, can be removed and the cable allowed to settle to the bottom. This cable will then be buried using post lay burial methods. Post lay burial methods include diver assisted jetting tools, jet sled jetting, tracked trencher or diver-assisted air or water lift tools. In the surf zone, where target cable burial depth is two meters, a jet sled or tracked trencher will most likely be the tool used to achieve the burial. Beyond the surf zone, where target burial depths are one meter, diver assisted jet burial will likely be the method used. These methods are described in previously submitted documents.

*Beach Equipment & Supplies*
The equipment required on the beach to conduct this operation includes a winch and excavator. This equipment for pulling cable will be identical to that described in the primary project description. The articulated split pipe consists of individual cast iron pieces that encase the submarine fiber optic cable to provide additional protection to the cable. This split pipe is delivered to the beach in pallet size crates. Eight to ten crates will support approximately 600 horizontal feet (2 cables x 300 feet) of split pipe protection.

This typical installation procedure will also require toolboxes containing all tools and rigging gear necessary to support the operation. These miscellaneous boxes (typically gangboxes 5 feet wide x 3 feet deep x 4 feet high) need to be accessible during the operations and can easily be removed when operations cease. The total amount of space for the operation, including staging, will be approximately 50,000 square feet.

Regardless of the method of installation approved, the conditions of approval will include requirements that all work within the City be subject to review and approval by the Public Work's Department, the City will inspect all the work as it proceeds and all work will be designed and constructed in accordance with all applicable local, state and federal regulations. The other conditions, the Mitigation Monitoring Program and the findings to support the EIR and the need to make a statement of overriding Considerations for air quality are included in the attached resolution.

*General Plan Consistency*
Pursuant to Section 65402 of the Government Code, Restriction on the Acquisition and Disposal of Real Property (attached), a local agency shall not dispose of any real property (sale, long term lease or easement) until the location, purpose and extent of such disposition has been submitted to and reported upon the planing agency having jurisdiction as to the conformity with the adopted General Plan or part thereof. This fiber optic cable project is considered a public facility under the purview of the FCC. Since the fiber optic cables would be buried on the beach and in the street, and either buried or laid on the sea floor, the presence of these fiber optic cables would not be in conflict General Plan goals and the Zoning Ordinance relative to preserving open space or protecting the beach and ocean as a recreational resource. The impacts of such a facility have been analyzed in the EIR. All potential significant impacts have been avoided or reduced to a less

than significant level, and thus do not adversely affect the public use of the beach or the ocean. It is recommended that the Planning Commission find the lease is consistent with the city's General Plan as detailed in the attached resolution.

*Financial Benefits/Lease Agreement*

The proposed project will provide the City with revenues from the lease of city owned property. The details of the lease are still being negotiated, however they are summarized as follows: Under the agreement, the City will receive one time license fee of 2 million dollars from TyCom for the use of city owned property and annual rent payments of approximately $200,000 dollars over the life of the agreement (25 years). The exact amounts are still being negotiated, These revenues would be used to offset the City's current costs to renovate, maintain or improve the beach, storm drains, adjacent streets, walkways, public parking areas, the lifeguard building on the pier and the pier. TyCom's obligations will include the funding of up to $900,000 dollars to upgrade the three beach bathrooms, plus construction of one new bathroom near the pier. The lease will also cover TyCom's obligation to fund the costs of implementing the mitigation monitoring program, inspection costs, on-going maintenance and retirement and/or removal of the system at the end of the lease. Other terms of the lease to include:

- Revocability/cancellation clause with due cause,
- Applicant responsibility for all mitigation monitoring,
- All project construction and project coordination within and outside City limits.

The City Attorney has advised that the proposed use of those revenues are consistent with the terms of the grant for the use of Trust lands, which in this case is seaward of mean high tide. These revenues are sufficient to offset the temporary loss of the beach during construction and the use of city property for the life of the lease. The City Council will review the terms of the lease as part of their action on the project.

**Conclusion:**

In summary, given that the proposed project environmental impacts have been reduced to a level of insignificance with the exception of air quality and that, upon completion, the project is entirely underground and will not impact long term use of the beach and further that compensation received through the lease agreement will provide long term funding for improvement of the beach, related beach facilities and adjacent streets and walkways, staff recommends that the Planning Commission approve the project subject to conditions in the attached resolution.

**Recommendation:**

Consider the subject permits and adopt the attached Resolution recommending that City Council:

- Approve the Planned Development Permit/Precise Development Plan No. 01-10 subject to conditions of conditions,
- Certify the Final Environmental Impact Report, including a Mitigation Monitoring Program, Findings and Facts in Support of Findings and adopting a Statement of Overriding Considerations relating to air quality, and
- Find that the lease agreement is consistent with the General Plan (Attachment No. 1).

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Bob Goldin
Project Planner

CONCUR:

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Sol Blumenfeld,
Director of Community Development Department

Attachments

1. Resolution No. ____ Planned Development Permit/Precise Development Plan No. 01-10, finding the lease agreement is consistent with the General Plan
2. Final EIR
3. Grounding Bed Justification
4. TyCom Typical Street Cross Section
5. TyCom's letter revising the number of landings
6. Schedule of Activities

cd.tycom. 12-5-01 report

ATTACHMENT NO. 6

Relative Schedule of Activities

| ACTIVITY | DAYS / DURATION | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| BEACH ACTIVITIES | | | | | | | | | | |
| Establish Staging Area (1-2 days) | | | | | | | | | | |
| Mobilize Equipment and Supplies Onto Beach (1 day) | | | | | | | | | | |
| Open Trench Across Beach (1 day) | | | | | | | | | | |
| Pull First Cable (1 day) | | | | | | | | | | |
| Pull Second Cable (1 day) | | | | | | | | | | |
| Install Ocean Ground Beds (3 days) | | | | | | | | | | |
| Complete Trenching and Backfilling (1 day) | | | | | | | | | | |
| Clean-up and Restoration of Beach (1 day) | | | | | | | | | | |
| Contingency Days for Equipment or Weather Delays | | | | | | | | | | |
| MARINE ACTIVITIES | | | | | | | | | | |
| Post Lay Burial by Jet Sled or Tracked Trencher – Surf Zone (1 – 2 weeks) | Day 5 through day 12 or 19 | | | | | | | | | |
| Diver Post Lay Burial – Beyond Surf Zone (1 – 2 weeks) | Day 12 or 19 through day 26 or 33 | | | | | | | | | |