NextG Networks, Inc. of California
Huntington Beach Distributed Antenna System Project

Final Initial Study and Negative Declaration

February 2010

Prepared for:
California Public Utilities Commission
Energy Division
505 Van Ness Avenue
San Francisco, California 94102

Prepared by:
DUDEK
605 Third Street
Encinitas, California 92024

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PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

NEGATIVE DECLARATION

NEXTG NETWORKS, INC. APPLICATION

Huntington Beach Distributed Antennae System (DAS) Project

INTRODUCTION

NextG Networks, Inc. (NextG) has filed an application with the California Public Utilities Commission (CPUC) for the Huntington Beach Distributed Antennae System (DAS) Project for the installation of a telecommunications system in the City of Huntington Beach. The project was approved by the CPUC under Categorical Exemption via the Notice to Proceed (NTP) process and a portion of the project was constructed prior to the parties agreeing to prepare a document under the California Environmental Quality Act (CEQA). The applicant's proposed objective is to provide added diversity within the existing telecommunication network and enhance competition for telecommunication services. The project would also permit NextG's customers—the wireless carriers—to improve wireless coverage and expand capacity.

The project is to be constructed entirely within the public right-of-way within the City of Huntington Beach. A portion of the proposed project was approved and constructed under the NTP process prior to the CPUC being requested to analyze the entire project within the City under CEQA. Once complete, the new system would include a total of 8,696 feet of underground fiber-optic cable, 112,975 feet of aboveground fiber-optic cable, and 15 node antennae.

Under the CPUC's rules, approval of this project must comply with CEQA, including an assessment of the potential environmental impacts of the proposed project. This Negative Declaration has been prepared based upon the assessment of potential environmental impacts outlined in the attached Initial Study prepared for the Huntington Beach DAS Project.

PROJECT DESCRIPTION

NextG is proposing the completion of its DAS within the City of Huntington Beach in northwestern Orange County. The DAS communications network is intended to transmit wireless voice and data communications to clients in the City. Once construction is complete, within Huntington Beach the system would consist of 15 nodes, approximately 112,975 feet of aerial fiber cable, and approximately 8,696 feet of underground fiber cable. Eight of the 15 nodes, 79,419 feet of aerial fiber, and approximately 1,531 feet of underground fiber have been constructed under previous granted authority. The remaining seven nodes, and the cable to connect them to the network, would complete the project within the City of Huntington Beach. The remaining seven nodes include three new poles, approximately 33,555 feet of aerial fiber, and 7,165 feet of underground fiber.

The project consists of:

- Installation of 7,165 feet (1.36 miles) of underground conduit and fiber-optic cable necessary to connect Nodes HB N08, N12, N14, and N15 to the network
- Installation of 33,556 feet (6.36 miles) of overhead fiber-optic cable necessary to connect Nodes HB N07, and N10 through N15 installed via poles
- Installation of three new poles (two tapered steel poles (HB N12 and N14) and one concrete pole (HB N08))
- Installation of Nodes HB N07, N08, and N10 to N14 repeater enclosures, fiber-optic splice boxes, and electrical splice boxes
- This project description also includes the installation of seven operational nodes for which NextG has completed installation. These seven existing nodes (Nodes HB N01 through N06, and N09) are connected to the network via 79,419 feet of installed aerial fiber-optic cable, and 1,531 feet of underground conduit and cable.

Installation of New Poles

A total of three new poles would need to be constructed at Nodes HB N08, N12, and N14. Node HB N08 would be constructed on a new concrete pole, and Nodes HB N12 and N14 would be constructed on new steel poles.

Installation of Aerial Cable

Approximately 79,419 feet (15.04 miles) of aerial cable have been installed and are operational. Approximately 33,556 feet (6.36 miles) of aerial cable are proposed to be constructed. Aerial cables have been installed on existing wooden pools, and one replacement wooden pole. Aerial cable to be installed would be installed on five existing wood poles and three new steel or concrete poles. The cables would be overlashed to existing wires where feasible. The cable has been or would be grounded at the first, last, and every fifth pole by driving a copper rod into the ground.

Installation of Underground Conduit and Cable

Approximately 1,531 feet (0.29 mile) of underground cable have been installed and are operational. Approximately 7,165 feet (1.36 miles) of underground cable are proposed to be constructed. This would be accomplished through trenching of a 2- to 3-foot-deep trench between 3 and 6 feet from the edge of the pavement. The cable would be placed within an approximately 2-inch-diameter conduit. Handholes would be placed where the cable would be spliced or where access to the cable would be required. Each handhole would be fitted with a traffic-rated lid.

Pole Construction

Construction of the two tapered steel poles and one concrete pole would involve the following steps:

a) Staking the pole location

b) Flagging the work area

c) Installing silt fencing

d) Preparing a crane pad

e) Excavating an approximately 4-foot-wide, 4-foot-long, and 3-foot-deep hole
f) Installing forms, rebar, and anchor bolts
g) Pouring concrete for a foundation of 4 feet wide, 4 feet long, and 3 feet deep
h) Removing forms and placing gravel around the base
i) Installing the new pole
j) Transferring wire and equipment
k) Removal of old pole
l) Backfilling of hole
m) Removal of excess soil and material for disposal off site.

An approximately 50-foot radius around each pole would be required for construction. Some vegetation removal may be required at some sites, but grading of the pad is not anticipated. Equipment needed for pole installation would include a hole auger, a boom truck, a ready-mix concrete truck, and a backhoe.

Construction of Aerial Cables and Nodes

The antenna, other node equipment, and the cable have been or would be installed on the poles using a crew with one bucket truck. The truck carries spooled fiber that is unwound for installation on the poles.

Construction of Underground Conduit and Cable

Construction of the underground portion of the proposed project has involved or would involve the placement of conduit and fiber-optic cable within the publicly owned right-of-way. A rubber-tired backhoe or rock saw excavator has been or would be used to dig a 1- to 2-foot-deep and 14-inch-wide trench, typically 3 to 6 feet from the edge of the roadway. A 20- to 40-foot-wide construction zone has been or would typically be required during trenching and conduit operations. The conduit has been or would be placed in the trench. A warning tape has been or would be placed 12 inches below grade, and a second tape has been or would be placed 3 inches above the conduit. Fiber-optic cable has been or would be pulled through the conduit and the trench backfilled. The trench has been or would be bored under curbs, gutters, and sidewalks. No more than 1,000 feet of trench at a time has been or would be exposed. Once trenching has been completed, debris has been or would be removed and the asphalt or concrete surface has been or would be restored.

Construction Schedule and Workforce

Construction of the previously installed eight nodes, approximately 79,419 feet of aerial fiber, and 1,531 feet of underground fiber took place over an approximately 1.5-month period in 2008. Construction required two crews: an aerial crew consisting of three to four workers who strung all fiber; and a ground crew consisting of five to eight workers who dug trenches, bored holes, installed poles and enclosures, and installed antennas on poles. Construction of the remaining seven nodes and fiber-optic network is anticipated to use the same two crews and to take 1 to 2 months, depending on whether aerial cable construction and trenching are accomplished concurrently or in stages.

Construction equipment has included and during future proposed installations would include one bucket truck, one backhoe, one boring machine, one 1-ton flatbed truck for the aerial crew,

three or four light trucks for the ground crew, ready-mix concrete trucks, water trucks, and a dump truck hauling asphalt patching material.

Operation and Maintenance

NextG would be accountable for the safe and reliable operation of the DAS network after installation. Operation and maintenance activities associated with the project are expected to be minimal, and would include periodic system inspections.

PROJECT OBJECTIVE

The applicant's project objective is to provide added diversity within the existing telecommunication network and enhance competition for telecommunication services. The project would also permit NextG's customers—the wireless carriers—to improve wireless coverage and expand capacity.

APPLICANT PROPOSED MEASURES

NextG has included the following Applicant Proposed Measures that reduce certain associated impacts to levels below significance. These Applicant Proposed Measures are part of the project description and are fully enforceable by the CPUC.

Air Quality

Applicant Proposed Measure AQ-1: NextG will reduce emissions by using California on-road diesel vehicles for all diesel-powered construction equipment.

Applicant Proposed Measure AQ-2: NextG will use construction equipment that is properly tuned and maintained in accordance with manufacturer specifications, thereby maximizing equipment efficiency.

Applicant Proposed Measure AQ-3: NextG will encourage workers to carpool to the jobsite as well as during any break or lunch trips. This measure will reduce criteria pollutants and greenhouse gas emissions by 10%.

Applicant Proposed Measure AQ-4: NextG will suspend emission-generating construction activity during "Stage 2" smog alerts.

Applicant Proposed Measure AQ-5: NextG will use best management practices to reduce unnecessary idling time to a limit of 4 minutes. California regulations prohibit idling of on-road diesel trucks or large off-road diesel equipment for more than 5 minutes. Therefore, NextG conservatively estimates that reducing idling times to no more than 4 minutes will reduce criteria pollutants and greenhouse gas emissions by up to 5%.

Applicant Proposed Measure AQ-6: NextG will obtain greenhouse gas emission offset credits that are accredited to protocols specified by the California Climate Air Registry (CCAR). To be conservative, NextG will purchase offset credits for 30% of the estimated gross greenhouse gas emissions, irrespective of reductions achieved through other Applicant Proposed Measures or other reducing measures. Therefore, NextG will purchase offset credits for 30 MT CO_2-E.

Construction, Transportation, and Traffic

Applicant Proposed Measure CTT-1: Because the project is located within the publicly owned right-of-way, traffic would be controlled and coordinated. NextG will consult with the local jurisdiction and will prepare a traffic control plan in accordance with professional engineering standards prior to construction. Traffic control measures would conform to the specifications of the local jurisdiction and Caltrans (if applicable). Typically, traffic control would be set up for one day's work operation. One lane of traffic may need to be closed during work activities. During such periods, flagmen would be used to direct traffic in the construction zone. Delays would typically average 3 to 5 minutes. If access to any residential or commercial driveway is obstructed by an open trench, steel plates would be placed over excavations to provide temporary access. NextG traffic control measures will include the following:

- Next G will identify all roadway locations where special construction techniques (e.g., directional drilling or night construction) would be used to minimize impacts to traffic flow.
- NextG will develop detour plans to minimize impacts to local street circulation. This will include the use of signing and flagging to guide vehicles through and/or around the construction zone.
- NextG will schedule truck trips outside of peak traffic hours to the extent possible.
- NextG will use haul routes minimizing truck traffic on local roadways to the extent possible.
- NextG will include detours for bicycles and pedestrians in all areas potentially affected by project construction.
- NextG will store construction materials only in designated areas.
- NextG will coordinate with local transit agencies for temporary relocation of routes or bus stops in work zones, as necessary.
- NextG will inform the local transit authority of when and where construction is planned to occur along transit routes, of the anticipated plans to manage traffic around the construction area, and of any specific potential impacts to the transit routes.

Applicant Proposed Measure CTT-2: Pre-construction training would be conducted for all construction employees prior to the start of ground-disturbing activities. The purpose of the training would be to inform construction supervisors, workers, and inspectors of any potential sensitive resources that may occur along the project route, explain the importance of these resources and their sensitivity to disturbance, review regulatory protections according to these resources, and describe controls adopted for the project. Training would identify individual responsibilities regarding these resources and communication procedures. Pre-construction training would also cover construction practices, traffic controls, applicable regulations and permits, and health and safety practices.

Applicant Proposed Measure CTT-3: Dust would be controlled by use of water trucks to wet affected surfaces. Stockpiles of dirt would be covered where appropriate.

Applicant Proposed Measure CTT-4: Erosion control measures would be used as appropriate and would include silt fence, and certified weed-free straw wattles and straw bales.

Applicant Proposed Measure CTT-5: Prior to and during construction of the project, NextG plans to prepare and implement a Hazardous Materials Spill Prevention and Contingency Plan (SPCP). The SPCP would evaluate potential spill scenarios, identify avoidance and prevention measures, and identify response actions to such situations.

Applicant Proposed Measure CTT-6: To reduce construction-related waste, NextG plans to recycle construction materials to the maximum extent possible.

Applicant Proposed Measure CTT-7: To avoid impending emergency vehicle traffic around the construction activities, NextG will develop an emergency vehicle access plan that includes the following:

- Evidence of advanced coordination with emergency service providers, including but not necessarily limited to police departments, fire departments, ambulance services, and paramedic services
- Provisions that emergency service providers will be notified of the proposed project locations, nature, timing, and duration of any construction activities, and will be asked for advice about any road access restrictions that could impact their response effectiveness
- Design of project construction schedules and routes to avoid restricting movement of emergency vehicles to the extent possible
- Provisions to be ready at all times to accommodate emergency vehicles at locations where access to nearby properties may be blocked. Provisions could include the use of platings over excavations, short detours, and/or alternate routes.

Cultural Resources

Applicant Proposed Measure CR-1: NextG will hire a cultural resources monitor to observe construction activities. If historical or unique archaeological resources (such as chipped or ground stone, historic debris, building foundation, or human bone) are discovered during ground-disturbing activities, NextG will stop construction activities within 10 feet of the discovery, and consult with a qualified archaeologist to assess and develop appropriate measures. If the find is determined to be a historical or unique archaeological resource, and if avoidance of the resource will not be feasible, the archaeologist or cultural resources consultant will prepare a treatment plan pursuant to the provisions of Section 15126.4(b)(3)(c) of the CEQA Guidelines, as well as all other laws, rules, and regulations applicable to the data recovery. Such data recovery would be performed by the qualified archaeologist or cultural resources consultant and result in any required detailed technical reports in accordance with CEQA and all other applicable laws, rules, and regulations. Data recovery shall result in detailed technical reports. Such reports shall be submitted to the California Historical Resources Regional Information System. This procedure is documented in the applicant's construction protocols, and included in pre-construction training (see Applicant Proposed Measure CTT-2).

Applicant Proposed Measure CR-2: NextG will inform project personnel that no archaeological or historical resources shall be removed from the site, and that collecting significant historical or unique archaeological resources discovered during development of the project is prohibited by law. Prehistoric or Native American resources can include chert or obsidian flakes, projectile points, mortars, and pestles as well as dark friable soil

containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources can include nails, bottles, or other items often found in refuse deposits. This policy will be included in pre-construction training (see Applicant Proposed Measure CTT-2).

Applicant Proposed Measure CR-3: If human remains are discovered, there shall be no further excavation or disturbance of the discovery site or any nearby area reasonably suspected to overlie adjacent human remains until the project applicant has immediately notified the County Coroner and otherwise complied with the provisions of Section 15064.5(e) of the CEQA Guidelines. If the remains are found to be Native American, the County Coroner shall notify the Native American Heritage Commission within 24 hours. The most likely descendant of the deceased Native American shall be notified by the Native American Heritage Commission and given the chance to make recommendations for the remains. If the Native American Heritage Commission is unable to identify the most likely descendant, or if no recommendations are made within 24 hours, remains may be reinterred with appropriate dignity elsewhere on the property in a location not subject to further subsurface disturbance. If recommendations are made and not accepted, the Native American Heritage Commission would mediate the problem. This policy will be included in pre-construction training (see Applicant Proposed Measure CTT-2).

Applicant Proposed Measure CR-4: If fossil remains are discovered during earth-moving activities by the cultural resources monitor or by construction personnel, the applicant will contact and consult with a qualified palaeontologist. Construction within 100 feet of the discovery in non-urban areas, and within 50 feet in urban areas will be temporarily halted or diverted until a qualified vertebrate palaeontologist examines the discovery. This policy will be included in pre-construction training (see Applicant Proposed Measure CTT-2).

Biological Resources

Applicant Proposed Measure BIO-1: NextG will conduct a Worker Environmental Awareness Program (WEAP) for construction crews to educate workers to be aware of sensitive biological resources. The WEAP training will include a brief review of any relevant sensitive biological resources, as identified in the Pre-Construction Checklist for Biological Resources.

NextG will retain qualified biologists and recourse specialists to monitor construction activities where sensitive resources have been identified. NextG will confine construction equipment and associated activities to the approved right-of-way at all locations.

Construction impacts will be limited to a 20-foot right-of-way in areas that support sensitive resources (i.e., near areas that support riparian and wetland communities and special-status species adjacent to the work area), and will be delineated by qualified biologists or resource specialists prior to construction.

Work area boundaries will be delineated with flagging or other marking to minimize surface disturbance associated with vehicle straying and to minimize the potential for inadvertent worker intrusion into sensitive areas.

After NextG has identified specific project routes, qualified biologists will carry out focused pre-construction biological resource surveys consistent with approved survey protocols to identify the location of sensitive biological resources.

Sensitive resources will be clearly mapped and marked on construction drawings or project maps before construction in these areas.

If sensitive resources cannot be avoided, no work will be authorized until the appropriate resource agencies (California Department of Fish and Game (CDFG), U.S. Fish and Wildlife Services (USFWS), National Marine Fisheries Service (NMFS)) determine that the action will not result in significant impacts to biological resources.

Applicant Proposed Measure BIO-2: Prior to construction, a qualified biologist will survey project areas and establish exclusive zones around special-status plant populations or areas identified as suitable habitat for special-status plants that were not identifiable at the time of the field surveys.

Exclusion zones will have a minimum 20-foot radius and will be marked in the field with stakes and flagging, and correspondingly be marked on the construction drawings. Construction-related activities will be prohibited within these zones.

Construction activities, vehicle operation, material and equipment storage, and other surface-disturbing construction activities will be prohibited within the exclusion zones. Fiber-optic cable installation near these resources will be accomplished by rerouting around the exclusion zone. If rerouting is not feasible, the fiber-optic conduit will be bored beneath the exclusion zone.

NextG will remove all stakes and flagging demarcating exclusion zones within 60 days after construction and site restoration have been completed in the area.

NextG will avoid impacts to California Native Plant Society (CNPS) Lists 2 and 4 special-status plant populations by implementing the following specific measures:

- Identify plant populations and areas identified as suitable habitat in the construction corridor and staging areas using staking and flagging
- Conduct construction activities when the plant is not flowering or fruiting
- Minimize disturbance in areas that support special-status plants by limiting ground disturbance and other activities to the smallest possible corridor
- Identify CNPS List 2 plant populations what may be affected at least 2 weeks prior to disturbance, to allow for coordination with the appropriate land management and resource agencies for determination of the appropriate measures to take to avoid/reduce vegetation damage.

Applicant Proposed Measure BIO-3: NextG will implement the following measures:

- Use certified weed-free imported materials (or rice straw in upland areas)
- Continue to coordinate with land management agencies to ensure that the appropriate best management practices are implemented
- County agricultural commissions and land management agencies will be contacted to develop lists of target noxious weed species for each project and to discuss measures to avoid the dispersal of noxious weeds

- Educate construction supervisors and managers on weed identification and the importance of controlling and preventing the spread of noxious weed infestations.

Land Use

Applicant Proposed Measure LU-1: NextG will comply with the City of Huntington Beach's Rule 20A undergrounding district, which runs along Beach Boulevard from Yorktown Avenue to the Pacific Coast Highway. If the Beach Boulevard Undergrounding project has undergrounded the aboveground facilities at the Atlanta Avenue intersection by the time NextG installs its fiber-optic cable, then NextG will underground its facilities at this intersection by either leasing conduit from another carrier or installing underground conduit. If the other carriers' facilities have not been undergrounded when NextG installs its cables at this intersection, NextG will install its cables above ground and then move the aboveground cable under ground in conjunction with the larger undergrounding project effort.

ENVIRONMENTAL DETERMINATION

The Initial Study was prepared to identify potential effects on the environment from the installation and construction of a DAS in the public right-of-way within the City of Huntington Beach, and to evaluate the significance of these effects. The Initial Study was based on site visits, analysis of the environmental setting, and the Proponent's Environmental Assessment.

Based on the Initial Study, the project as proposed by NextG, including the Applicant Proposed Measures, would have no significant impacts in the areas of aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.

REVIEW PERIOD

All comments regarding the correctness, completeness, or adequacy of the Negative Declaration must be received by the CPUC no later than 5:00 p.m. on December 22, 2009.

CONTACT PERSON

Jensen Uchida,
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102
(415) 703-5484

November 18, 2009

Julie Fitch, Director
Energy Division
California Public Utilities Commission

Date

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1. INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

1. PROJECT TITLE

NextG Networks Huntington Beach Distributed Antenna System (DAS) Project

2. LEAD AGENCY NAME AND ADDRESS

California Public Utilities Commission (CPUC)
Energy Division
505 Van Ness Avenue
San Francisco, California 94102

3. CONTACT PERSON AND PHONE NUMBER

Jensen Uchida, CPUC Project Manager
Energy Division
(415) 703-5484

4. PROJECT LOCATION

The project is linear, and is located along 121,671 feet (approximately 23 miles) of publicly owned right-of-way within the City of Huntington Beach.

5. PROJECT SPONSOR'S NAME AND ADDRESS

Robert Millar
Davis Wright Tremaine, LLP
505 Montgomery Street, Suite 800
San Francisco, California 94111
(415) 276-6500

6. GENERAL PLAN DESIGNATION

The project is located entirely within the publicly owned right-of-way. The General Plan designations of the areas adjacent to the project site are:

- CR: Commercial Regional
- CV-F7-sp: Commercial Visitor Max. FAR 3.0 – Specific Plan required for large-scale, mixed-use, multiphased development projects
- I: Industrial
- OS-P: Parks – Public Parks
- OS-S: Shoreline – Publicly owned coastal beaches
- P: Public, including schools, hospitals, or churches
- RL-3.0-sp: Residential Low 3 dwelling units/net acre max – Specific Plan required for large-scale, mixed-use, multiphased development projects
- RH-30-d-sp: Residential High Density, greater than 30 units per net acre
- RMH-25-d: Residential Medium High Density, 25 dwelling units/net acre max – Special Design Standards apply (City of Huntington Beach 2008a).

Portions of the project are located with the City of Huntington Beach Coastal Zone, and are therefore subject to the Coastal Element of the General Plan. Specifically, Nodes HB N13, HB

N14, and HB N15, as well as the fibers to connect these nodes to the network, are within the publicly owned right-of-way within Huntington Beach Coastal Zones 4 and 5. The proposed location for Node HB N13 and the fiber to connect it to the network is adjacent to areas zoned RH-30-d-sp. The proposed location for Node HB N14 and the fiber to connect it to the network is adjacent to areas zoned CV-F7-sp. The proposed location for Node HB N15 and the fiber to connect it to the network is adjacent to areas designated CV under the General Plan, and zoned Coastal Conservation on the City's zoning map. Nodes HB N13 and HB N15 are to be installed on existing poles. Installation of Node HB N14 would require a new pole and, therefore, a Coastal Development Permit.

7. ZONING

The project is located entirely within the publicly owned right-of-way. Zoning designations of the areas adjacent to the project site are (City of Huntington Beach 2008b):

- CC: Coastal Conservation
- CG: Commercial General
- IG: Industrial General
- IL: Industrial Limited
- SP: Specific Plan Designations
- OS-PR: Open Space – Parks and Recreation Subdistrict
- PS: Public Semi-Public
- RL: Residential Low Density
- RM: Residential Medium Density
- RMH: Residential Medium High Density, and Residential Medium High Density small lot subdistrict
- RMP: Manufactured Home Park
- SP5: Specific Plan Designation 5
- SP9: Specific Plan Designation 9.

8. DESCRIPTION OF THE PROJECT

This project description is based on information provided by NextG Networks, Inc. (NextG) of California in their Proponent's Environmental Assessment (NextG 2009a) and from NextG's responses to the May 4, 2009, data request (NextG 2009b).

NextG is proposing the completion of its Distributed Antenna System (DAS) within the City of Huntington Beach in northwestern Orange County. The DAS communications network is intended to transmit wireless voice and data communications to clients in the area. Once construction is complete, the system would consist of 15 nodes, approximately 112,975 feet of aerial fiber cable, and approximately 8,696 feet of underground fiber cable. Eight of the 15 nodes, 79,419 feet of aerial fiber, and approximately 1,531 feet of underground fiber have been constructed. The remaining seven nodes, and the cable to connect them to the network, would complete the project within the City of Huntington Beach. The remaining seven nodes include three new poles, approximately 33,556 feet of aerial fiber, and 7,165 feet of underground fiber.

8.1 Project Location and Regional Context

The project site is located in northwestern Orange County in the City of Huntington Beach (Figure 1-1). Figure 1-2 illustrates NextG's DAS system, including facilities already constructed as well as facilities proposed to complete the Huntington Beach DAS for the area. Figure 1-3 provides an aerial map of the Huntington Beach DAS project addressed in this document, and Figures 1-4, 1-5, 1-6, 1-7, and 1-8 provide additional details of the portion of the project that is to be constructed. The nodes, aerial cable, and underground cables are constructed and proposed to be constructed within publicly owned rights-of-way.

8.2 Description of Project Components

The project consists of:

- Installation of 7,165 feet (1.35 miles) of underground conduit and fiber-optic cable necessary to connect Nodes HB N08, N12, N14, and N15 to the network.
- Installation of 33,556 feet (6.35 miles) of overhead fiber-optic cable necessary to connect Nodes HB N07, and N10 through N15 installed via poles.
- Installation of three new poles (two tapered steel poles (HB N12 and N14) and one concrete pole (HB N08))
- Installation of Nodes HB N07 and N08, and N10 to N14 repeater enclosures, fiber-optic splice boxes, and electrical splice boxes.
- This project description also includes the installation of seven operational nodes for which NextG has completed installation. These seven existing nodes (Nodes HB N01 through N06, and N09) are connected to the network via 79,419 feet of installed aerial fiber-optic cable, and 1,531 feet of underground conduit and cable.

Installation of Nodes

Nodes have been or are proposed to be constructed on existing or new poles. Table 1-1 summarizes the node locations and jurisdiction controlling the right-of-way. Figures 1-2 and 1-3 provide the locations of the nodes in their regional context, and Figures 1-4 through 1-8 illustrate the more precise locations.

Table 1-1: Location of Existing and Proposed Nodes

Node Identification	Node Status	Pole Type	Street Address	City	Right-of-Way Ownership
HB N01	Completed	Existing Wood	4531 ½ Suite Drive	Huntington Beach	Huntington Beach
HB N02	Completed	Existing Wood	5471 Meadowlark Drive	Huntington Beach	Huntington Beach
HB N03	Completed	Existing Wood	6100 ½ Edinger	Huntington Beach	Huntington Beach
HB N04	Completed	Existing Wood	6507 ½ Bishop	Huntington Beach	Huntington Beach
HB N05	Completed	Replacement Wood	7942 Stark Avenue	Huntington Beach	Huntington Beach
HB N06	Completed	Existing Wood	5972 ½ Padua Drive	Huntington Beach	Huntington Beach
HB N07	Proposed	Existing Wood	501 ½ 17th Street	Huntington Beach	Huntington Beach
HB N08	Proposed	New Concrete	18690 Edwards Street	Huntington Beach	Huntington Beach

Table 1-1 (Continued): Location of Existing and Proposed Nodes

Node Identification	Node Status	Pole Type	Street Address	City	Right-of-Way Ownership
HB N09	Completed	Existing Wood	17321 La Mesa Lane	Huntington Beach	Huntington Beach
HB N10	Proposed	Existing Wood	626 Palm Avenue	Huntington Beach	Huntington Beach
HB N11	Proposed	Existing Wood	501 Pecan Street	Huntington Beach	Huntington Beach
HB N12	Proposed	New Steel	18475 Goldenwest	Huntington Beach	Huntington Beach
HB N13	Proposed	Existing Wood	1099 ½ Pacific Coast Highway	Huntington Beach	Caltrans
HB N14	Proposed	New Steel	21500 Pacific Coast Highway	Huntington Beach	Caltrans
HB N15*	Proposed	Existing Wood	21791 ½ Pacific Coast Highway	Huntington Beach	Caltrans

* This node has been constructed, but has not been connected by aerial fiber cable.

Standard node equipment on each pole includes (1) a 1- to 2-inch-diameter × 24-inch-long omni-directional antenna or a 6×24×10-inch panel antenna; (2) the node, commonly 6×6×36 inches; (3) a disconnect switch, which allows powering down the equipment; and (4) a 12×12×6-inch Wireless Tariff Rate fuse box that would be buried at the base of the pole. Figure 1-9 shows examples of the typical equipment.

Installation of New Poles

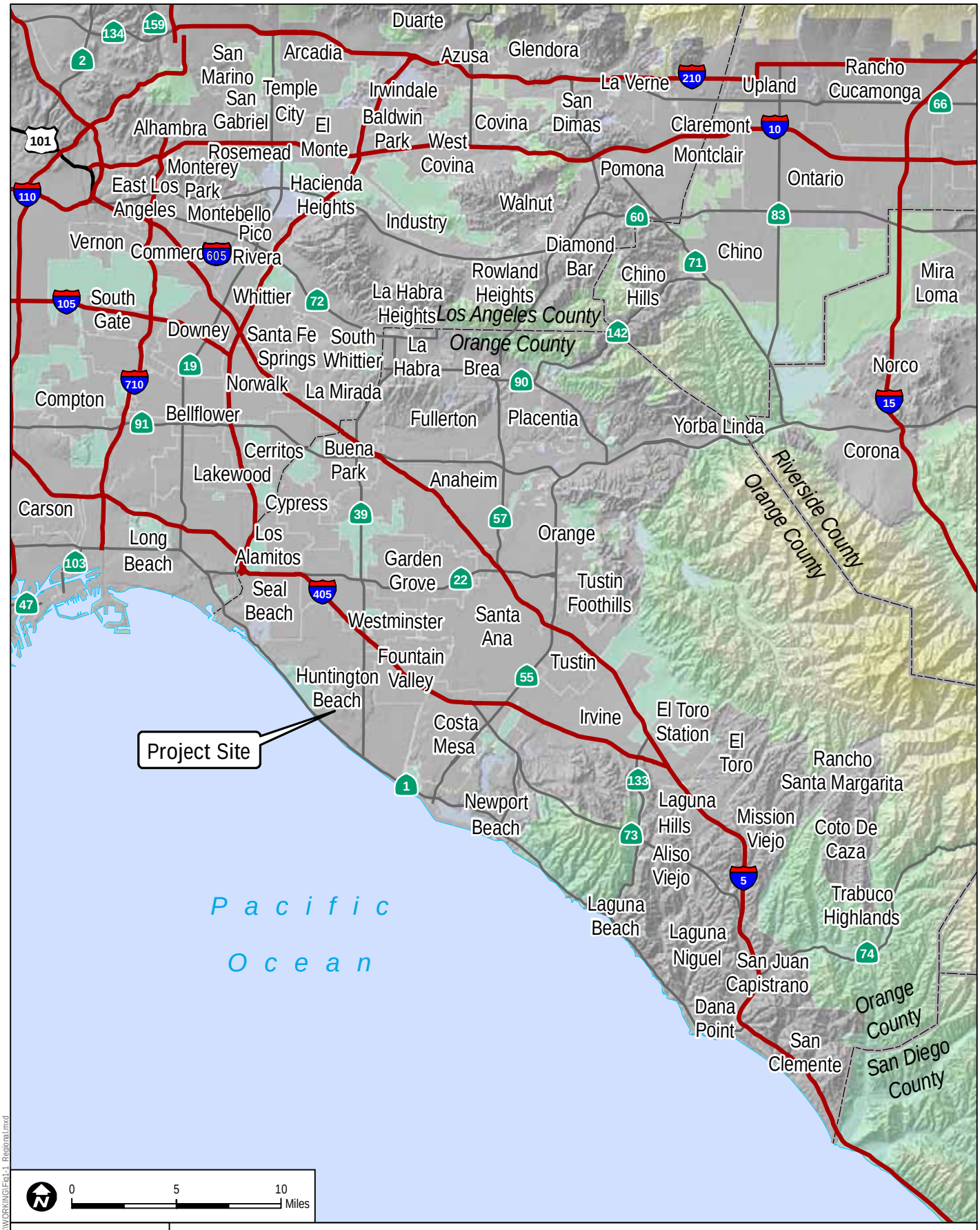
As indicated in Table 1-1, a total of three new poles would need to be constructed at Nodes HB N08, N12, and N14. Node N08 would be constructed on a new concrete pole, and Nodes N12 and N14 would be constructed on new steel poles.

Installation of Aerial Cable

Approximately 79,419 feet (21.4 miles) of aerial cable have been installed and are operational. Approximately 33,556 feet (6.35 miles) of aerial cable are proposed to be constructed. Aerial cables have been installed on existing wooden pools, and one replacement wooden pole. Aerial cable to be installed would be installed on five existing wood poles and three new steel or concrete poles. The cables would be overlashed to existing wires where feasible. The cable has been or would be grounded at the first, last, and every fifth pole by driving a copper rod into the ground.

Installation of Underground Conduit and Cable

Approximately 1,531 feet (0.29 mile) of underground cable have been installed and are operational. Approximately 7,165 feet (1.35 miles) of underground cable are proposed to be constructed. This would be accomplished through trenching of a 1- to 2-foot-deep trench between 3 and 6 feet from the edge of the pavement. The cable would be placed within an approximately 2-inch-diameter conduit. Handholes would be placed where the cable would be spliced or where access to the cable would be required. Each handhole would be fitted with a traffic-rated lid.



DUDEK

6377-01

FEBRUARY 2010

FIGURE 1-1

Regional Map

NextG Networks Huntington Beach DAS Project

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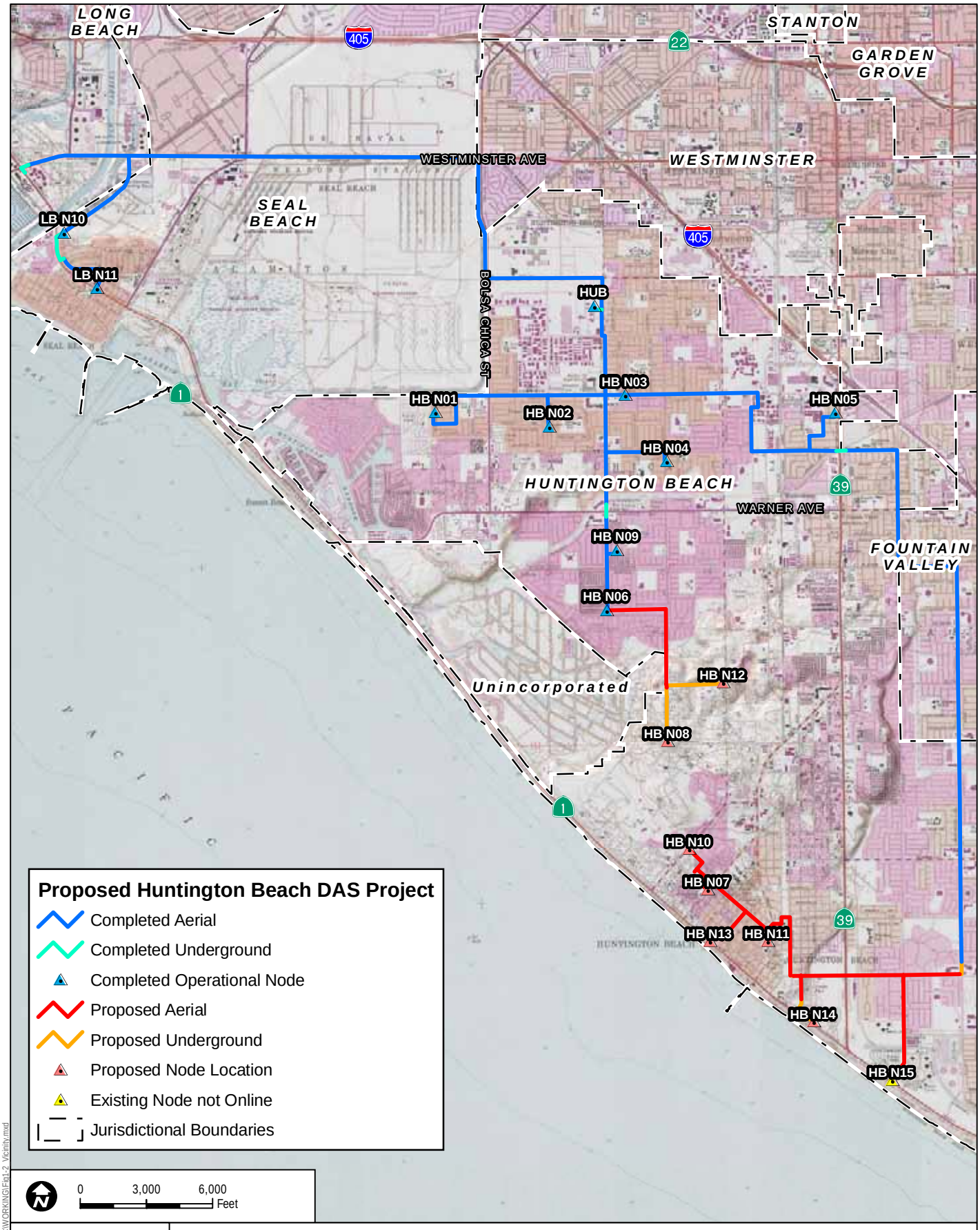

SOURCE: USGS 7.5 Minute Series Anaheim, Los Alamitos, Newport Beach, Seal Beach Quadrangles.

FIGURE 1-2

Vicinity/Project Overview Map

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NextG Networks Huntington Beach DAS Project

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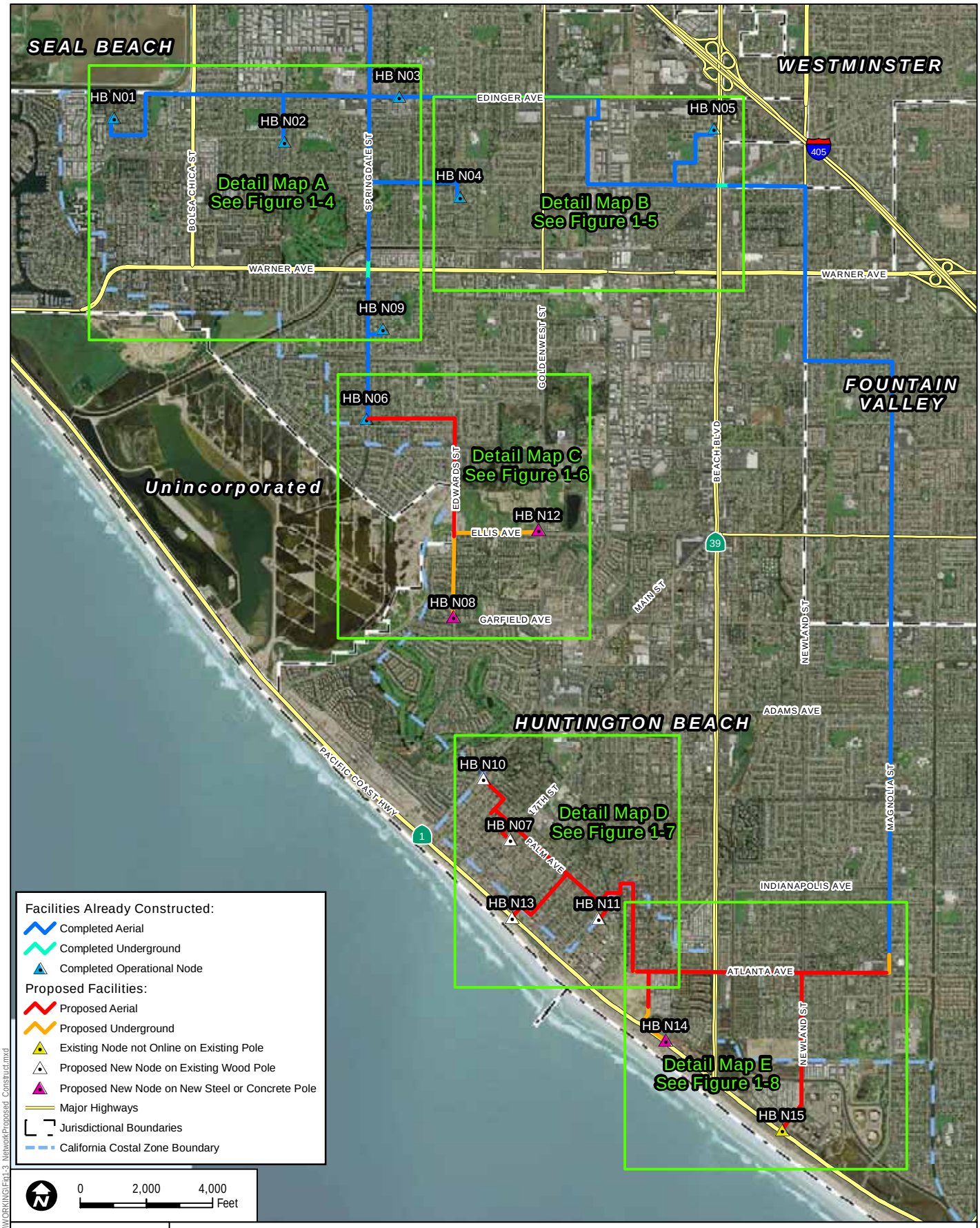

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SOURCE: DigitalGlobe 2008

FIGURE 1-3

Huntington Beach DAS Project

NextG Networks Huntington Beach DAS Project

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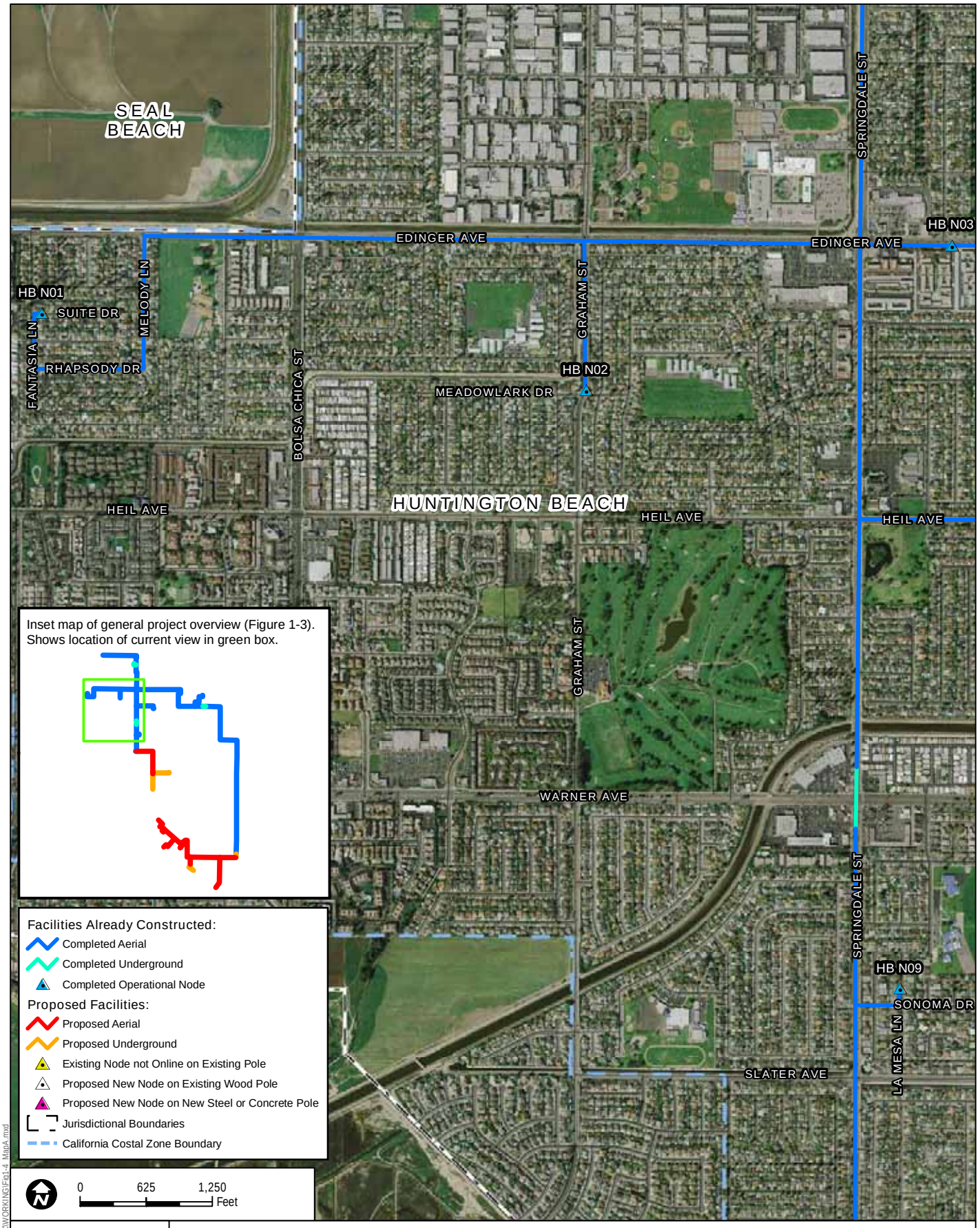

SOURCE: DigitalGlobe 2008

Figure 1-4

Huntington Beach DAS Project - Detail Map A

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NextG Networks Huntington Beach DAS Project

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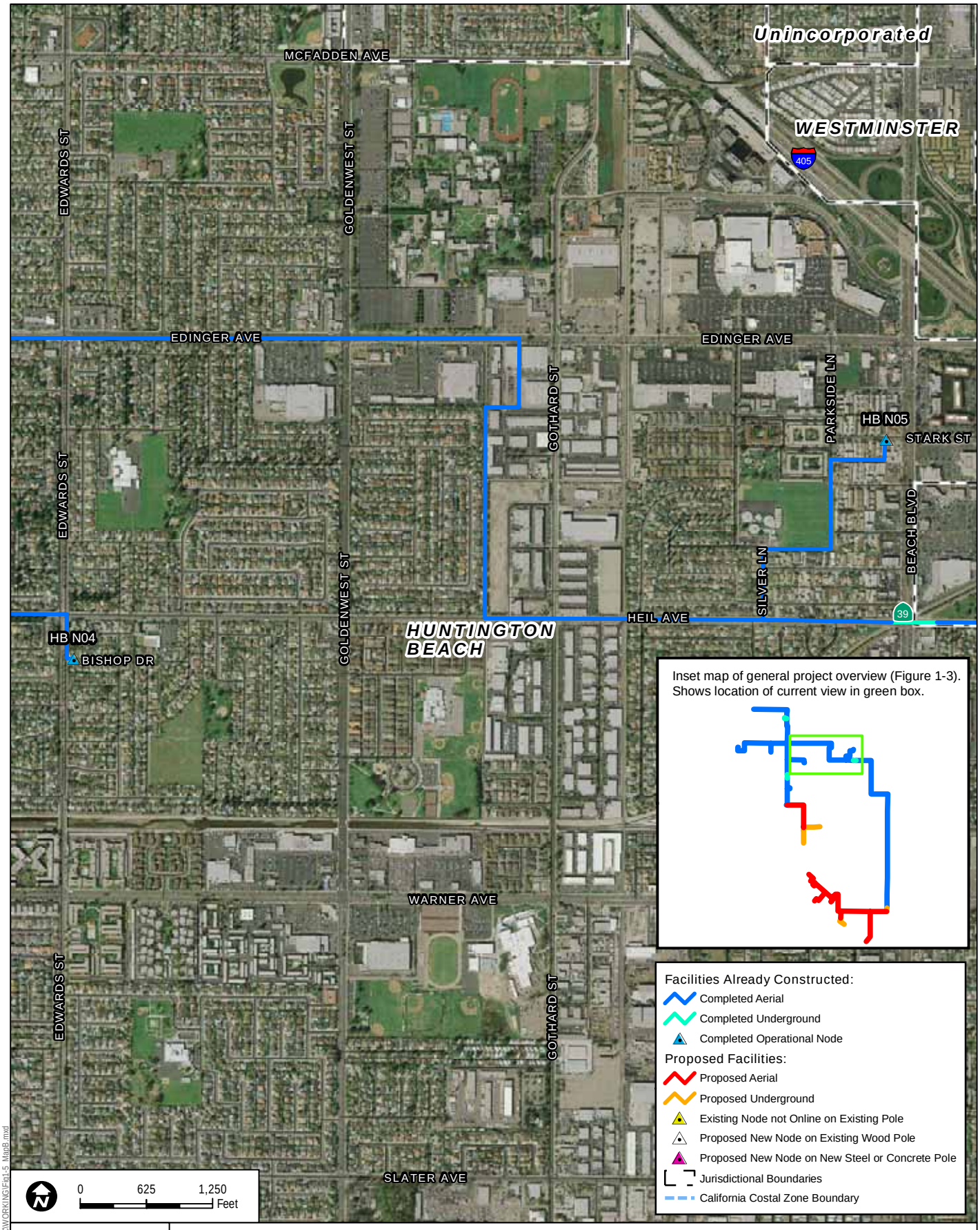

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SOURCE: DigitalGlobe 2008

Figure 1-5

Huntington Beach DAS Project - Detail Map B

NextG Networks Huntington Beach DAS Project

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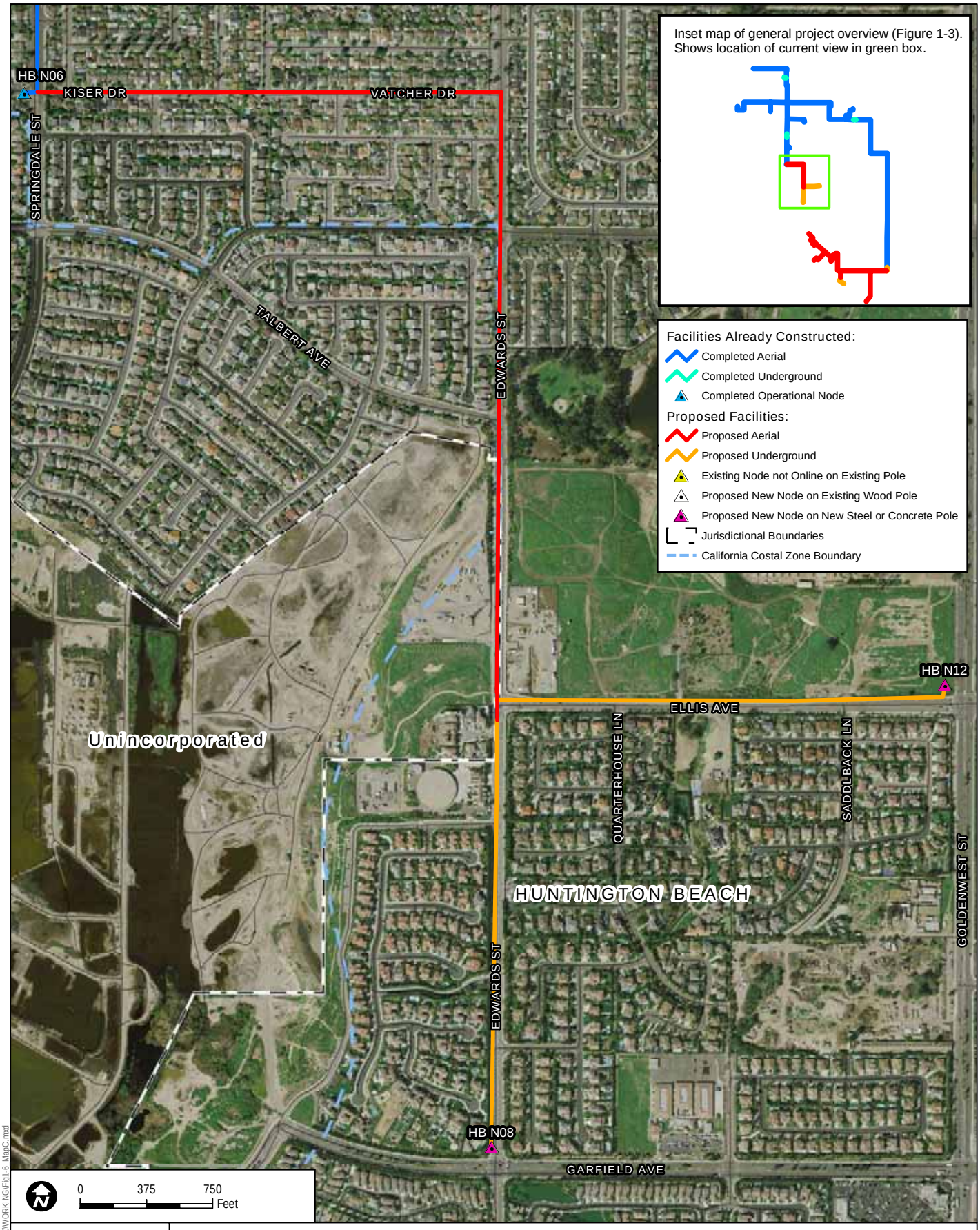

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SOURCE: DigitalGlobe 2008

Figure 1-6

Huntington Beach DAS Project - Detail Map C

NextG Networks Huntington Beach DAS Project

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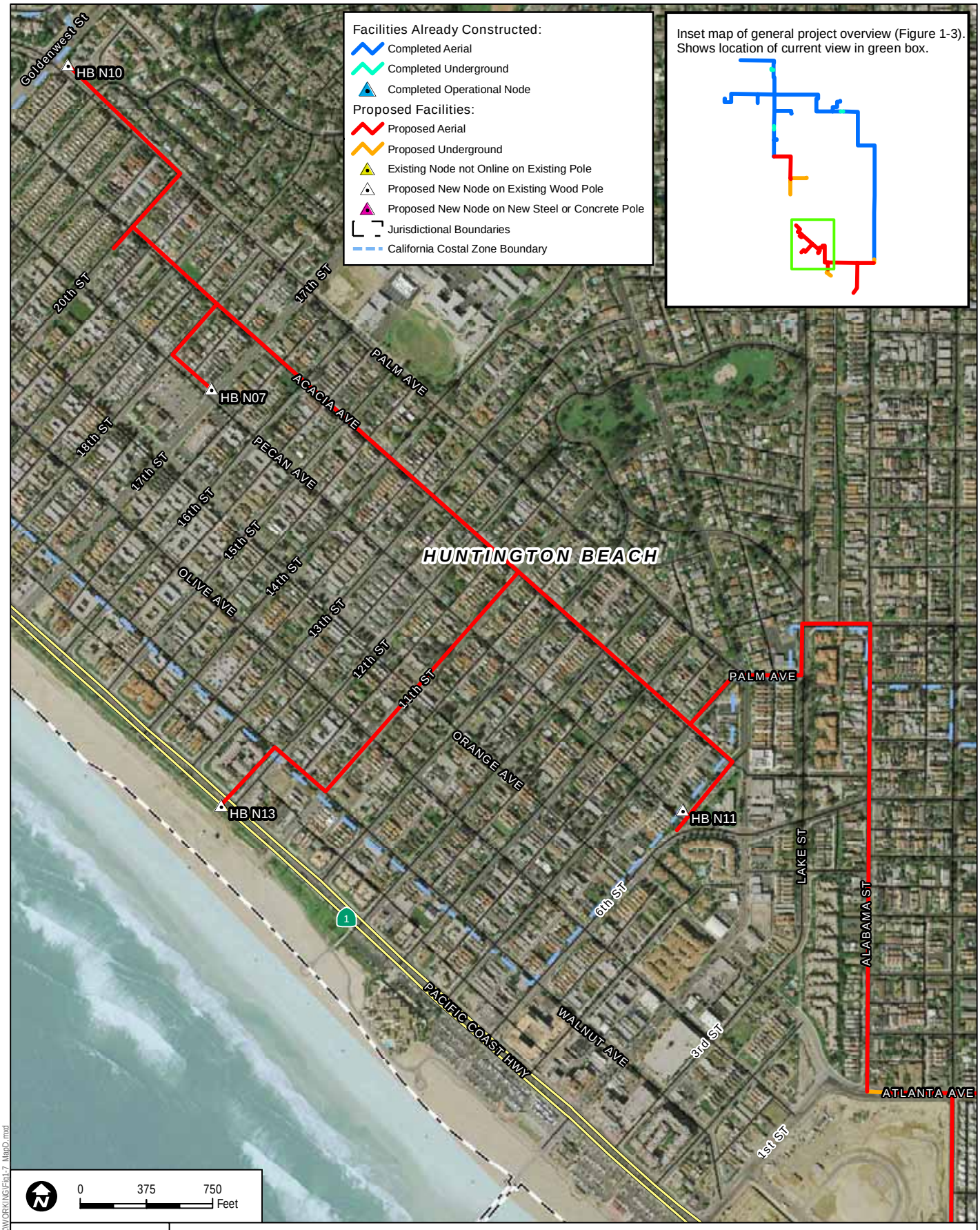

SOURCE: DigitalGlobe 2008

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Figure 1-7

Huntington Beach DAS Project - Detail Map D

NextG Networks Huntington Beach DAS Project

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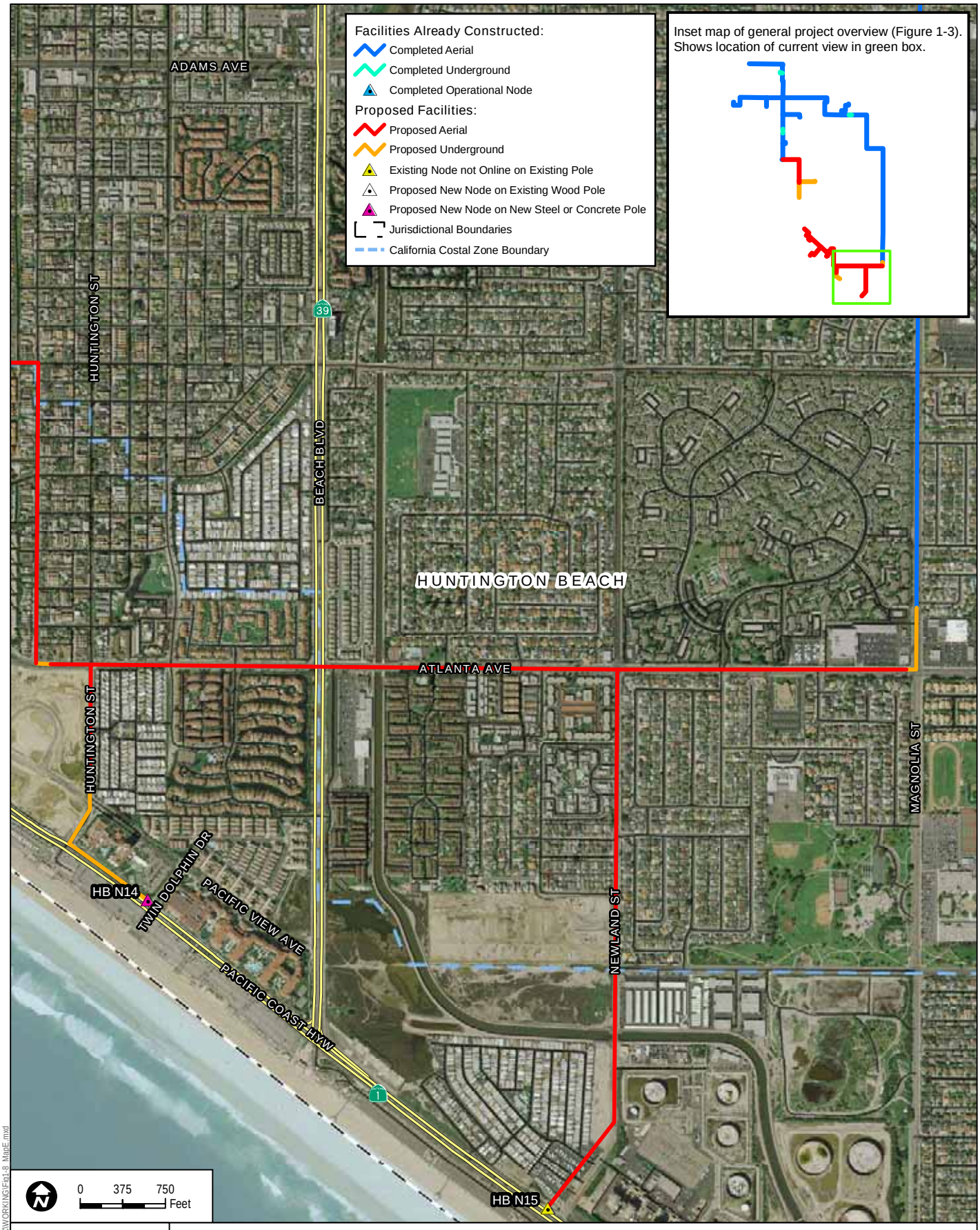

SOURCE: DigitalGlobe 2008

Figure 1-8

Huntington Beach DAS Project - Detail Map E

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NextG Networks Huntington Beach DAS Project

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Photo 1: Typical Node Installation

Photo 2: Typical Node Installation

Photo 3: Close-Up of Equipment

Photo 4: Close-Up of Antenna with Mounting Bracket

Photo 5: Close-Up of Inside Connection Box

Photo 6: Ground Buss Connections

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8.3 Construction Methods

Pole Construction

Construction of the two tapered steel poles and one concrete pole involve the following steps:

a) Staking the pole location
b) Flagging the work area
c) Installing silt fencing
d) Preparing a crane pad
e) Excavating an approximately 5- to 7-foot-wide and 15- to 30-foot-deep hole
f) Installing forms, rebar, and anchor bolts
g) Pouring concrete for a foundation of 5 to 7 feet wide and 15 to 30 feet deep
h) Removing forms and placing gravel around the base
i) Installing the new pole
j) Transferring wire and equipment
k) Removal of old pole
l) Backfilling of hole
m) Removal of excess soil and material for disposal off site.

An approximately 50-foot radius around each pole would be required for construction. Some vegetation removal may be required at some sites, but grading of the pad is not anticipated. Equipment needed for pole installation would include a hole auger, a boom truck, a ready-mix concrete truck, and a backhoe.

Construction of Aerial Cables and Nodes

The antenna, other node equipment, and the cable has been or would be installed on the poles using a crew with one bucket truck. The truck carries spooled fiber that is unwound for installation on the poles.

Construction of Underground Conduit and Cable

Construction of the underground portion of the proposed project has involved or would involve the placement of conduit and fiber-optic cable within the publicly owned right-of-way. A rubber-tired backhoe or rock saw excavator has been or would be used to dig a 1- to 2-foot-deep and 14-inch-wide trench, typically 3 to 6 feet from the edge of the roadway. A 20- to 40-foot-wide construction zone has been or would typically be required during trenching and conduit operations. The conduit has been or would be placed in the trench. A warning tape has been or would be placed 12 inches below grade, and a second tape has been or would be placed 3 inches above the conduit. Fiber-optic cable has been or would be pulled through the conduit and the trench backfilled. The trench has been or would be bored under curbs, gutters, and sidewalks. No more than 1,000 feet of trench at a time has been or would be exposed. Once trenching has been completed, debris has been or would be removed and the asphalt or concrete surface has been or would be restored.

Construction Schedule and Workforce

Construction of the previously installed eight nodes, approximately 79,419 feet of aerial fiber, and 1,531 feet of underground fiber took place over an approximately 1.5-month period in 2008. Construction required two crews: an aerial crew consisting of three to four workers who strung all fiber; and a ground crew consisting of five to eight workers who dug trenches, bored holes, installed poles and enclosures, and installed antennas on poles. Construction of the remaining seven nodes and fiber-optic network is anticipated to use the same two crews and to take 1 to 2 months, depending on whether aerial cable construction and trenching are accomplished concurrently or in stages.

Construction equipment has included and during future proposed installations would include one bucket truck, one backhoe, one boring machine, one 1-ton flatbed truck for the aerial crew, three or four light trucks for the ground crew, ready-mix concrete trucks, water trucks, and a dump truck hauling asphalt patching material.

8.4 Operation and Maintenance

NextG would be accountable for the safe and reliable operation of the DAS network after installation. Operation and maintenance activities associated with the project are expected to be minimal, and would include periodic system inspections.

8.5 Applicant Proposed Measures

NextG has included the following Applicant Proposed Measures that reduce certain associated impacts to levels below significance. These Applicant Proposed Measures are part of the project description and are fully enforceable by the California Public Utilities Commission (CPUC).

Air Quality

Applicant Proposed Measure AQ-1: NextG will reduce emissions by using California on-road diesel vehicles for all diesel-powered construction equipment.

Applicant Proposed Measure AQ-2: NextG will use construction equipment that is properly tuned and maintained in accordance with manufacturer specifications, thereby maximizing equipment efficiency.

Applicant Proposed Measure AQ-3: NextG will encourage workers to carpool to the jobsite as well as during any break or lunch trips. This measure will reduce criteria pollutants and greenhouse gas emissions by 10%.

Applicant Proposed Measure AQ-4: NextG will suspend emission-generating construction activity during “Stage 2” smog alerts.

Applicant Proposed Measure AQ-5: NextG will use best management practices to reduce unnecessary idling time to a limit of 4 minutes. California regulations prohibit idling of on-road diesel trucks or large off-road diesel equipment for more than 5 minutes. Therefore, NextG conservatively estimates that reducing idling times to no more than 4 minutes will reduce criteria pollutants and greenhouse gas emissions by up to 5%.

Applicant Proposed Measure AQ-6: NextG will obtain greenhouse gas emission offset credits that are accredited to protocols specified by the California Climate Air Registry

(CCAR). To be conservative, NextG will purchase offset credits for 30% of the estimated gross greenhouse gas emissions, irrespective of reductions achieved through other Applicant Proposed Measures or other reducing measures. Therefore, NextG will purchase offset credits for 30 MT CO_2-E.

Construction, Transportation, and Traffic

Applicant Proposed Measure CTT-1: Because the project is located within the publicly owned right-of-way, traffic would be controlled and coordinated. NextG will consult with the local jurisdiction and will prepare a traffic control plan in accordance with professional engineering standards prior to construction. Traffic control measures would conform to the specifications of the local jurisdiction and Caltrans (if applicable). Typically, traffic control would be set up for one day's work operation. One lane of traffic may need to be closed during work activities. During such periods, flagmen would be used to direct traffic in the construction zone. Delays would typically average 3 to 5 minutes. If access to any residential or commercial driveway is obstructed by an open trench, steel plates would be placed over excavations to provide temporary access. NextG traffic control measures will include the following:

- Next G will identify all roadway locations where special construction techniques (e.g., directional drilling or night construction) would be used to minimize impacts to traffic flow.
- NextG will develop and detour plans to minimize impacts to local street circulation. This will include the use of signing and flagging to guide vehicles through and/or around the construction zone.
- NextG will schedule truck trips outside of peak traffic hours to the extent possible.
- NextG will use haul routes minimizing truck traffic on local roadways to the extent possible.
- NextG will include detours for bicycles and pedestrians in all areas potentially affected by project construction.
- NextG will store construction materials only in designated areas.
- NextG will coordinate with local transit agencies for temporary relocation of routes or bus stops in work zones, as necessary.
- NextG will inform the local transit authority of when and where construction is planned to occur along transit routes, of the anticipated plans to manage traffic around the construction area, and of any specific potential impacts to the transit routes.

Applicant Proposed Measure CTT-2: Pre-construction training would be conducted for all construction employees prior to the start of ground-disturbing activities. The purpose of the training would be to inform construction supervisors, workers, and inspectors of any potential sensitive resources that may occur along the project route, explain the importance of these resources and their sensitivity to disturbance, review regulatory protections according to these resources, and describe controls adopted for the project. Training would identify individual responsibilities regarding these resources and communication procedures. Pre-construction training would also cover construction practices, traffic controls, applicable regulations and permits, and health and safety practices.

Applicant Proposed Measure CTT-3: Dust would be controlled by use of water trucks to wet affected surfaces. Stockpiles of dirt would be covered where appropriate.

Applicant Proposed Measure CTT-4: Erosion control measures would be used as appropriate and would include silt fence, and certified weed-free straw wattles and straw bales.

Applicant Proposed Measure CTT-5: Prior to and during construction of the project, NextG plans to prepare and implement a Hazardous Materials Spill Prevention and Contingency Plan (SPCP). The SPCP would evaluate potential spill scenarios, identify avoidance and prevention measures, and identify response actions to such situations.

Applicant Proposed Measure CTT-6: To reduce construction-related waste, NextG plans to recycle construction materials to the maximum extent possible.

Applicant Proposed Measure CTT-7: To avoid impending emergency vehicle traffic around the construction activities, NextG will develop an emergency vehicle access plan that includes the following:

- Evidence of advanced coordination with emergency service providers, including but not necessarily limited to police departments, fire departments, ambulance services, and paramedic services
- Provisions that emergency service providers will be notified of the proposed project locations, nature, timing, and duration of any construction activities, and will be asked for advice about any road access restrictions that could impact their response effectiveness
- Design of project construction schedules and routes to avoid restricting movement of emergency vehicles to the extent possible
- Provisions to be ready at all times to accommodate emergency vehicles at locations where access to nearby properties may be blocked. Provisions could include the use of platings over excavations, short detours, and/or alternate routes.

Cultural Resources

Applicant Proposed Measure CR-1: NextG will hire a cultural resources monitor to observe construction activities. If historical or unique archaeological resources (such as chipped or ground stone, historic debris, building foundation, or human bone) are discovered during ground-disturbing activities, NextG will stop construction activities within 10 feet of the discovery, and consult with a qualified archaeologist to assess and develop appropriate measures. If the find is determined to be a historical or unique archaeological resource, and if avoidance of the resource will not be feasible, the archaeologist or cultural resources consultant will prepare a treatment plan pursuant to the provisions of Section 15126.4(b)(3)(c) of the CEQA Guidelines, a swell as all other laws, rules, and regulations applicable to the data recovery. Such data recovery would be performed by the qualified archaeologist or cultural resources consultant and result in any required detailed technical reports in accordance with CEQA and all other applicable laws, rules, and regulations. Data recovery shall result in detailed technical reports. Such reports shall be submitted to the California Historical Resources Regional Information System. This procedure is documented in the applicant's construction protocols, and included in pre-construction training (see Applicant Proposed Measure CTT-2).

Applicant Proposed Measure CR-2: NextG will inform project personnel that no archaeological or historical resources shall be removed from the site, and that collecting significant historical or unique archaeological resources discovered during development of the project is prohibited by law. Prehistoric or Native American resources can include chert or obsidian flakes, projectile points, mortars, and pestles as well as dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources can include nails, bottles, or other items often found in refuse deposits. This policy will be included in pre-construction training (see Applicant Proposed Measure CTT-2).

Applicant Proposed Measure CR-3: If human remains are discovered, there shall be no further excavation or disturbance of the discovery site or any nearby area reasonably suspected to overlie adjacent human remains until the project applicant has immediately notified the County Coroner and otherwise complied with the provisions of Section 15064.5(e) of the CEQA Guidelines. If the remains are found to be Native American, the County Coroner shall notify the Native American Heritage Commission within 24 hours. The most likely descendant of the deceased Native American shall be notified by the Native American Heritage Commission and given the chance to make recommendations for the remains. If the Native American Heritage Commission is unable to identify the most likely descendant, or if no recommendations are made within 24 hours, remains may be reinterred with appropriate dignity elsewhere on the property in a location not subject to further subsurface disturbance. If recommendations are made and not accepted, the Native American Heritage Commission would mediate the problem. This policy will be included in pre-construction training (see Applicant Proposed Measure CTT-2).

Applicant Proposed Measure CR-4: If fossil remains are discovered during earth moving activities by the cultural resources monitor or by construction personnel the applicant will contact and consult with a qualified palaeontologist. Construction within 100 feet of the discovery in non-urban areas, and within 50 feet in urban areas will be temporarily halted or diverted until a qualified vertebrate palaeontologist examines the discovery. This policy will be included in pre-construction training (see Applicant Proposed Measure CTT-2).

Biological Resources

Applicant Proposed Measure BIO-1: NextG will conduct a Worker Environmental Awareness Program (WEAP) for construction crews to educate workers to be aware of sensitive biological resources. The WEAP training will include a brief review of any relevant sensitive biological resources, as identified in the Pre-Construction Checklist for Biological Resources.

NextG will retain qualified biologists and recourse specialists to monitor construction activities where sensitive resources have been identified. NextG will confine construction equipment and associated activities to the approved right-of-way at all locations

Construction impacts will be limited to a 20-foot right-of-way in areas that support sensitive resources (i.e., near areas that support riparian and wetland communities and special-status species adjacent to the work area), and will be delineated by qualified biologists or resource specialists prior to construction.

Work area boundaries will be delineated with flagging or other marking to minimize surface disturbance associated with vehicle straying and to minimize the potential for inadvertent worker intrusion into sensitive areas.

After NextG has identified specific project routes, qualified biologists will carry out focused pre-construction biological resource surveys consistent with approved survey protocols to identify the location of sensitive biological resources.

Sensitive resources will be clearly mapped and marked on construction drawings or project maps before construction in these areas.

If sensitive resources cannot be avoided, no work will be authorized until the appropriate resource agencies (CDFG, USFWS, NMFS) determine that the action will not result in significant impacts to biological resources.

Applicant Proposed Measure BIO-2: Prior to construction, a qualified biologist will survey project areas and establish exclusive zones around special-status plant populations or areas identified as suitable habitat for special-status plants that were not identifiable at the time of the field surveys.

Exclusion zones will have a minimum 20-foot radius and will be marked in the field with stakes and flagging, and correspondingly be marked on the construction drawings. Construction-related activities will be prohibited within these zones.

Construction activities, vehicle operation, material and equipment storage, and other surface-disturbing construction activities will be prohibited within the exclusion zones. Fiber-optic cable installation near these resources will be accomplished by rerouting around the exclusion zone. If rerouting is not feasible, the fiber-optic conduit will be bored beneath the exclusion zone.

NextG will remove all stakes and flagging demarcating exclusion zones within 60 days after construction and site restoration have been completed in the area.

NextG will avoid impacts to CNPS Lists 2 and 4 special-status plant populations by implementing the following specific measures:

- Identify plant populations and areas identified as suitable habitat in the construction corridor and staging areas using staking and flagging
- Conduct construction activities when the plant is not flowering or fruiting
- Minimize disturbance in areas that support special-status plants by limiting ground disturbance and other activities to the smallest possible corridor
- Identify CNPS List 2 plant populations what may be affected at least 2 weeks prior to disturbance, to allow for coordination with the appropriate land management and resource agencies for determination of the appropriate measures to take to avoid/reduce vegetation damage.

Applicant Proposed Measure BIO-3: NextG will implement the following measures:

- Use certified weed-free imported materials (or rice straw in upland areas)
- Continue to coordinate with land management agencies to ensure that the appropriate best management practices are implemented

- County agricultural commissions and land management agencies will be contacted to develop lists of target noxious weed species for each project and to discuss measures to avoid the dispersal of noxious weeds
- Educate construction supervisors and managers on weed identification and the importance of controlling and preventing the spread of noxious weed infestations.

Land Use

Applicant Proposed Measure LU-1: NextG will comply with the City of Huntington Beach's Rule 20A undergrounding district, which runs along Beach Boulevard from Yorktown Avenue to the Pacific Coast Highway. If the Beach Boulevard Undergrounding project has undergrounded the aboveground facilities at the Atlanta Avenue intersection by the time NextG installs its fiber-optic cable, then NextG will underground its facilities at this intersection by either leasing conduit from another carrier or installing underground conduit. If the other carriers' facilities have not been undergrounded when NextG installs its cables at this intersection, NextG will install its cables above ground and then move the aboveground cable under ground in conjunction with the larger undergrounding project effort.

9. SURROUNDING LAND USES AND SETTING

The project is located within the publicly owned right-of-way along roadways in developed urban areas. The majority of the project would be located along residential or commercial developments. A portion of the project located along Pacific Coast Highway would be placed aerially along existing utilities adjacent to vacant or open space areas. The portion of the project that has already been constructed is also in the publicly owned right-of-way in developed urban areas, specifically in residential, commercial, and industrial areas.

10. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED

In addition to a Permit to Construct required by the CPUC, NextG will be required to obtain the following approvals:

Table 1-2: Other Public Agencies Whose Approval is Required

Agency	Type of Permit or Approval
City of Huntington Beach	Encroachment permit for construction in the publicly owned right-of-way Coastal Development Permit
Caltrans District 7	Encroachments permit for Caltrans publicly owned right-of-way
Santa Ana Regional Water Quality Control Board	National Pollution Discharge Elimination System (NPDES) permit for dewatering (if required)

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2. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agricultural Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology and Soils
☐ Hazards and Hazardous Materials	☐ Hydrology and Water Quality	☐ Land Use and Planning
☐ Mineral Resources	☐ Noise	☐ Population and Housing
☐ Public Services	☐ Recreation	☐ Transportation and Traffic
☐ Utilities and Service Systems	☐ Mandatory Findings of Significance	

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3. ENVIRONMENTAL DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. ☒

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION will be prepared. ☐

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT (EIR) is required. ☐

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant impact unless mitigated" on the environment, but a least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required. ☐

11/18/2009

Julie Fitch, Director
Energy Division
California Public Utilities Commission

Date

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4. EVALUATION OF ENVIRONMENTAL IMPACTS

INTRODUCTION

This Initial Study includes analyses of the 16 environmental issue areas listed below by section number. These issue areas incorporate the topics presented in the CEQA's Environmental Checklist (identified in Appendix G of the CEQA Guidelines (14 CCR 15000 et seq.)).

4.1	Aesthetics	4.9	Land Use and Planning
4.2	Agricultural Resources	4.10	Mineral Resources
4.3	Air Quality	4.11	Noise
4.4	Biological Resources	4.12	Population and Housing
4.5	Cultural Resources	4.13	Public Services
4.6	Geology and Soils	4.14	Recreation
4.7	Hazards and Hazardous Materials	4.15	Transportation and Traffic
4.8	Hydrology and Water Quality	4.16	Utilities and Service Systems

Explanations for the checklist findings are provided for each environmental issue area.

4.1. AESTHETICS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Existing Conditions

The project is located within an urbanized portion of Orange County in the City of Huntington Beach. Construction has occurred or is proposed to occur with the publicly owned right-of-way consisting of roadway, sidewalks, curbs, gutters, and landscaped areas. The following describes the visual characteristics of the various node and cable locations:

Existing Node Locations

HB NO1: This node has been installed at 4531 ½ Suite Drive (Figure 1-4). The area is within the publicly owned right-of-way in a residential community. One wooden utility pole currently exists on the site, on the north side of Suite Drive.

HB NO2: This node has been installed at 5471 Meadowlark Drive (Figure 1-4). The area is within the publicly owned right-of-way in a residential neighborhood. One wooden utility pole currently exists on the site.

HB NO3: This node has been installed at 6100 ½ Edinger Avenue (Figure 1-4). The area is within the publicly owned right-of-way near residential and commercial properties. One wooden utility pole currently exits on the site on the southern side of Edinger Avenue.

HB NO4: This node has been installed at 6507 ½ Bishop Drive (Figure 1-5). The area is within the publicly owned right-of-way of a residential community. One wooden utility pole currently exists on the site.

HB NO5: This node has been installed at 7942 Stark Avenue (Figure 1-5). The area is within the publicly owned right-of-way in a high-density residential community. One wooden utility pole currently exists on the site.

HB NO6: This node has been installed at 5972 ½ Padua Drive (Figure 1-6). The area is within the publicly owned right-of-way near residential homes. One wooden utility pole currently exists on the site.

HB NO9: This node has been installed at 17321 La Mesa Lane (Figure 1-4). The area is within the publicly owned right-of-way of a residential community. One wooden utility pole currently exists on the site.

Installed Underground Conduit

Springdale Street where it crosses Warner Avenue: There are no overhead utility lines at this intersection. The area is developed with commercial shopping centers and gas stations.

Heil Avenue where it crosses Beach Boulevard: This is a commercially developed area. There are no overhead utilities at this intersection.

Installed Aerial Cable

From Suite Drive, south along Fantasia Lane, east along Rhapsody Drive, north along Melody Lane: This aerial cable has been installed in a residential area along existing utility lines on wooden poles.

Edinger Avenue from Melody Lane to near Gothard Lane: This aerial cable has been installed along the southern side of Edinger Avenue on existing wooden utility poles. The area is developed with a mix of commercial and residential uses, as well as Marina High School.

Graham Street between Meadowlark Drive and Edinger Avenue: This aerial cable has been installed on existing wooden utility poles in a residential area.

Heil Avenue from Springdale Street to Edwards Street and south along Edwards Street to Bishop Drive: This aerial cable has been installed in a residential and commercial area on existing wooden utility poles.

Heil Avenue from near Sabot Lane west to Newland Street: This aerial cable has been installed in a residential and commercial area along existing wooden utility poles.

Gothard Street between Edinger Avenue and Heil Avenue: This aerial cable has been installed behind commercial buildings on existing wooden utility poles.

Silver Lane from Heil Avenue north along the western side of Sunview Park, along a portion of Parkside Lane, and through the back of some residences to Stark Avenue: This portion of the installed aerial cable goes through a residentially developed area along existing wooden utility lines.

Springdale Street from the city limit south to Kiser Drive: This is a highly developed area with residential and commercial uses. The aerial cable has been installed on the east side of Springdale Street on existing wooden utility poles.

From Springdale Lane east to La Mesa Lane: This portion of the aerial cable has been installed on existing wooden poles behind residences.

New Node Locations on New Poles

HB NO8: This node is proposed near the corner of Edwards Street and Garfield Avenue (Figure 1-6). The area is within the publicly owned right-of-way near residential units. The residential units are separated from the area by a block wall. Streetlights with steel poles are located on the western side of Edwards Street, and larger distribution power lines are located on the eastern side of Edwards Street.

HB N12: This node is proposed on the northwest corner of Ellis Avenue and Goldenwest Street (Figure 1-6). The area is in the publicly owned right-of-way and is adjacent to areas formerly used for oil extraction. Ellis Avenue has streetlights but no electrical lines, although aboveground utility poles are located along Goldenwest Street.

HB N14: This node is located within the Huntington Beach Coastal Zone along Pacific Coast Highway (Figures 1-8 and 4.1-1). It is located along a busy six-lane roadway, adjacent to hotel resort developments. Streetlights and traffic signals are near the proposed site.

HB N15: This node is also located along Pacific Coast Highway. The pole and node have already been constructed, but not connected. Figure 1-8 illustrates the location, and Figure 4.1-2 provides a photo of the completed pole and node. This area is located near industrial and residential facilities and contains streetlights and traffic signals.

New Node Locations on Existing Poles

HB N07: This proposed node would be located on an existing wooden pole in a residential/commercial area near 17th Street (Figure 1-7). The area already contains aboveground utility lines and wooden poles.

HB N10: This proposed node would be placed on an existing wooden pole along Palm Avenue within a residential area (Figure 1-7).

HB N11: This proposed node would be located on an existing wooden pool in a residential area along 6th Street (Figure 1-7).

HB N13: This node is proposed to be placed on an existing wooden pole along Pacific Coast Highway (Figures 1-7 and 4.1-3). This area is multiresidential and commercial, and contains streetlights and aboveground utility poles.

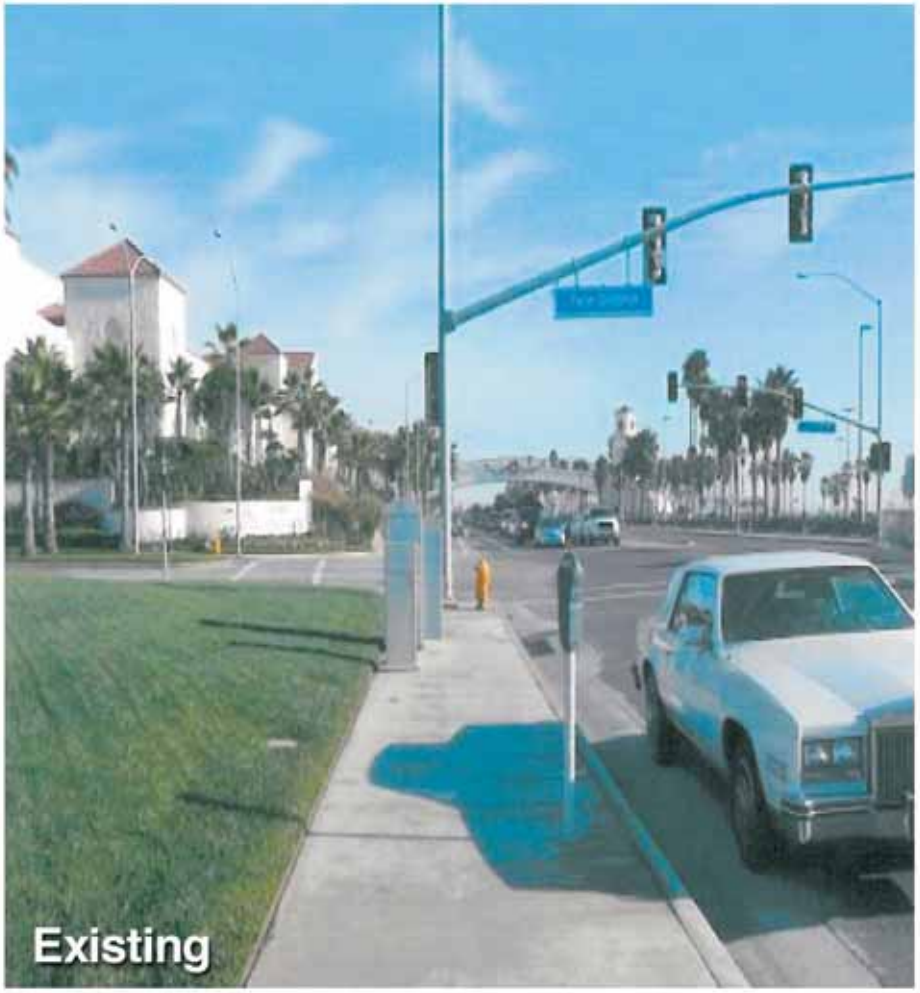
To-Be-Built Underground Conduit

Ellis Avenue: This route is located on an existing street with street lighting only.

Magnolia Street: This is a small segment of publicly owned right-of-way with few aboveground utility poles.

Edwards Street south of Ellis Avenue: This proposed route would be along a four-lane roadway with streetlights and distribution power lines.

Huntington Drive and Pacific Coast Highway: This small segment would align through a resort and commercial areas along Pacific Coast Highway.



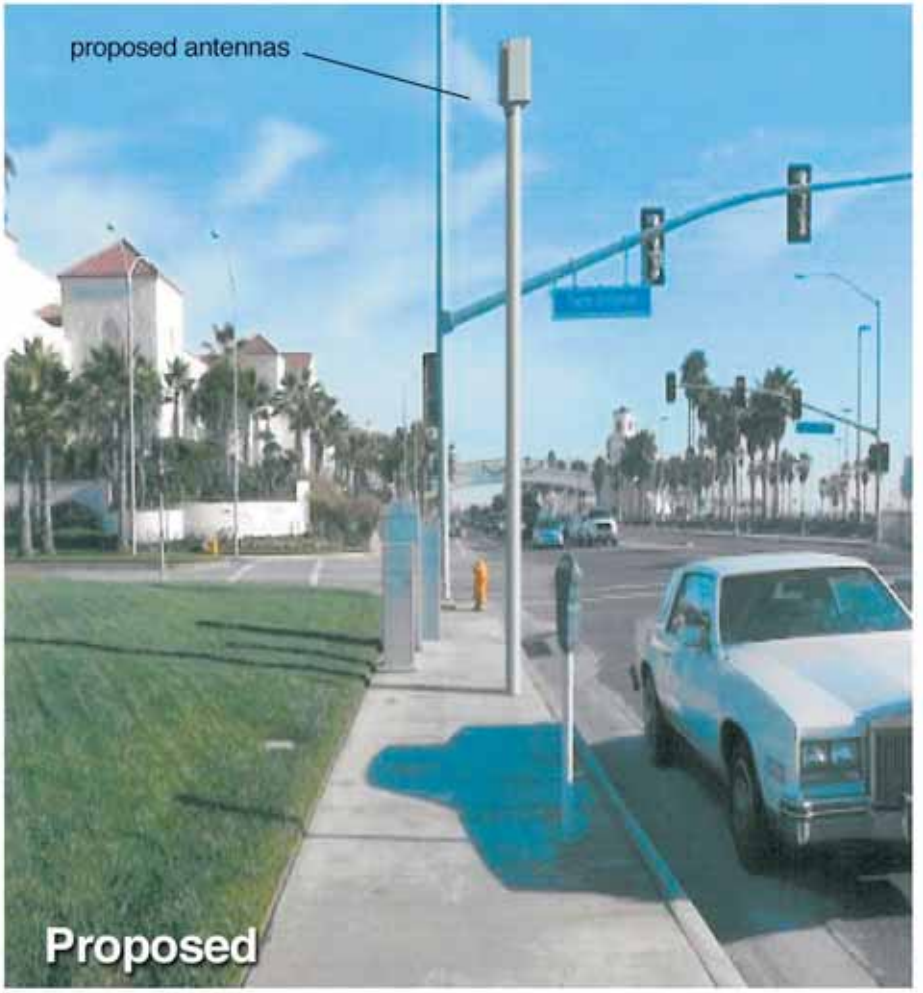


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FIGURE 4.1-1

Proposed Location of Node HB N14

NextG Networks Huntington Beach DAS Project

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FIGURE 4.1-2

Proposed Location of Node HB N15

NextG Networks Huntington Beach DAS Project

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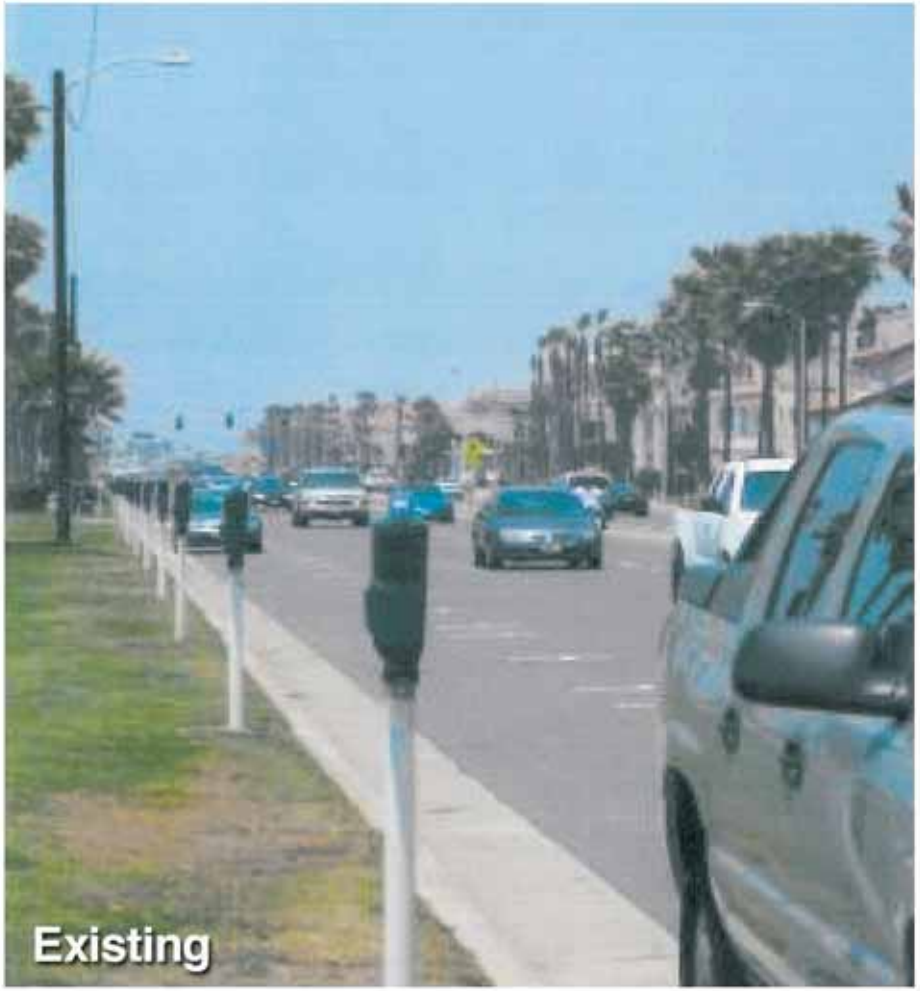

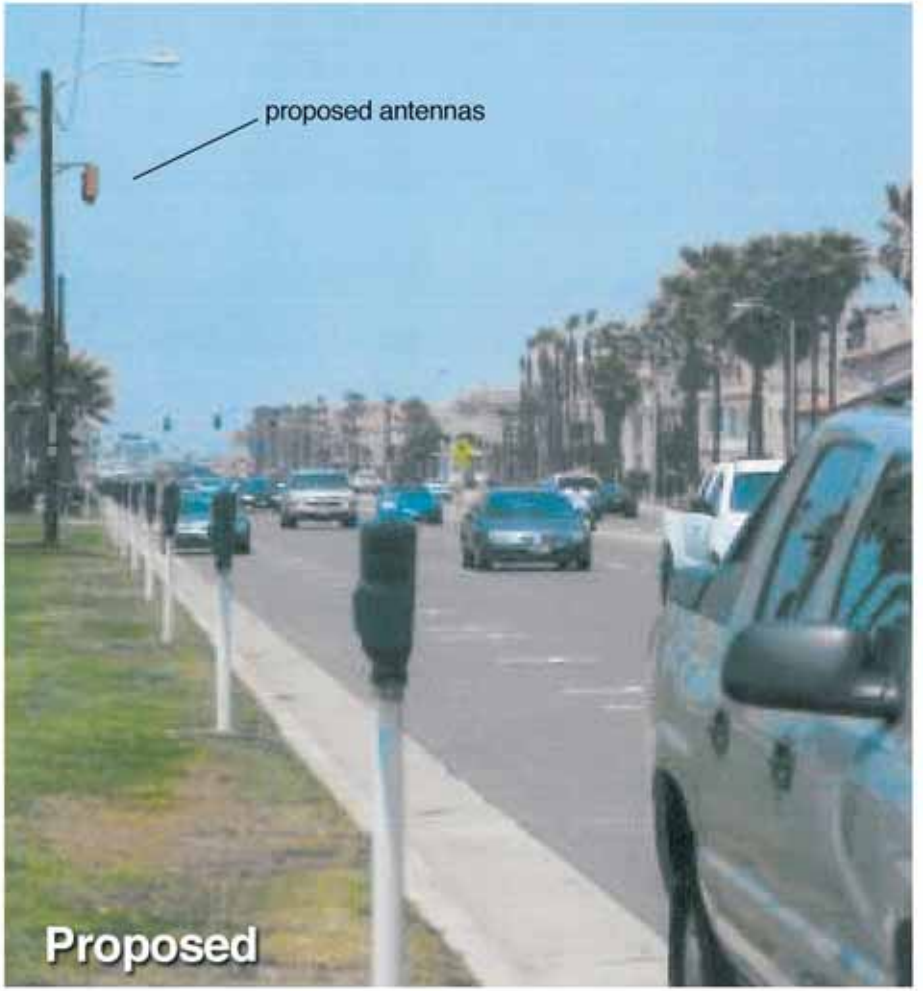

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FIGURE 4.1-3

Proposed Location of Node HB N13

NextG Networks Huntington Beach DAS Project

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To-Be-Built Aerial Cable

Edwards north of Ellis Avenue: This aerial cable route would be on existing utility poles containing power, telephone, and cable TV.

Kiser and Vatcher Drives: This aerial cable route would be on existing utility poles containing power, telephone, and cable TV. Unlike other routes, this would not be on the residential streets, but on a utility easement in the backyards of the homes.

Atlanta Avenue: This route follows a major roadway with aboveground utilities containing power, cable TV, and telephone.

Huntington Street South: The route would be placed on existing utility poles containing power, cable TV, and telephone.

Near Huntington North: This route would follow the existing power, phone, and cable TV lines.

Newland Street: This route would follow the existing aboveground utility lines through a generally industrial area.

Palm Avenue/Acacia Avenue/13th Street: This route also would be on existing wooden poles containing utilities.

Impacts

Would the project:

a) Have a substantial adverse effect on a scenic vista?

Implementation of the proposed project would not significantly affect scenic vistas. The project area is generally flat and, therefore, pre-construction of aboveground and underground structures would not impact vistas. See response (c) below.

b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?

The California Department of Transportation (2008) indicates that Pacific Coast Highway is eligible for designation as a state scenic highway. The nodes that would be located on Pacific Coast Highway would be located in urban areas where traffic signals and streetlights already exist. Therefore, there would be a less-than-significant impact to this eligible state scenic highway.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Implementation of the project would result in the placement of aboveground and underground structures within the project area. This includes (1) new nodes on new poles, (2) new nodes on existing poles, (3) new aboveground aerial cable attached to poles, (4) new underground cable, and (5) existing nodes and cables:

New Nodes on New Poles

Four new nodes on new poles are proposed. One, HB N15, is already constructed, and its visual characteristics are shown in Figure 4.1-2. This node is relatively non-obtrusive and blends in with the streetlights and traffic signals. HB N14 would also be constructed on

Pacific Coast Highway. As shown in Figure 4.1-1, it would be located within a hotel commercial zone and would blend with other structures in the area. HB N12 and HB NO8 would be in an area with streetlights and electrical distribution lines and would also blend into the area.

New Nodes on Existing Poles

The nodes on existing poles, as illustrated in Figure 1-9, would add another component to the existing pole, but would not in themselves create a significant impact since a small box, antenna, and other equipment would be added. This is illustrated in Figure 4.1-3.

New Aerial Cable

Placement of additional aerial cables on existing poles would further add to the number of cables attached to the poles. These would be attached near the phone and cable TV cables and would incrementally add to the visual impact of these structures. This additional impact would constitute a less-than-significant impact due to the presence of other cables on the pole. As an example, a photo of a location where aerial cable would be installed can be seen in Figure 4.1-4.

New Underground Cable Installation

Construction of underground conduits and cable would place these structures within existing roadways and would not constitute a significant impact.

Existing Node and Cable Installation

The portion of the project that has been constructed and is currently operational was added within the publicly owned right-of-way along existing utility lines. The addition of the nodes and one new cable along these existing utility lines does not substantially degrade the existing visual character of the surrounding areas, and therefore does not constitute a significant impact. Examples of the portions of the project that have been installed can be seen in Figures 4.1-5 and 4.1-6.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Construction activities associated with project components would occur Monday through Saturday between 7:00 a.m. and 7:00 p.m. The City of Huntington Beach or Caltrans could require that some construction be conducted at night to relieve traffic congestion. In that case, nighttime lighting may be required. This would be temporary in nature, lasting a night or two at any one place, and would be considered a less-than-significant impact. No long-term impacts would occur.

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FIGURE 4.1-4

Location of Proposed Aerial Cable along Atlanta Avenue

NextG Networks Huntington Beach DAS Project

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FIGURE 4.1-5

Aerial Cable along Magnolia Avenue near Slater Avenue

NextG Networks Huntington Beach DAS Project

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FIGURE 4.1-6

Aerial Cable along Slater Avenue

NextG Networks Huntington Beach DAS Project

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4.2. AGRICULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

Existing Conditions

The project has been or would be located entirely within the existing publicly owned right-of-way along existing roadways and within generally urban and residentially developed areas. A portion of the project would be located adjacent to undeveloped areas along Pacific Coast Highway. No portion of the project site or adjacent areas is considered to be Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (California Department of Conservation 2006).

Impacts

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The project has been or would be located entirely within the existing publicly owned right-of-way along existing roadways and within generally urban and residentially developed areas. A portion of the project would be located adjacent to undeveloped areas along Pacific Coast Highway. No portion of the project site or adjacent areas is considered to be Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (California Department of Conservation 2006). The project is not expected to result in impacts to agricultural resources.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The project is located within a publicly owned right-of-way and is not zoned for agricultural use or under a Williamson Act Contract (California Government Code, Sections 51200–51297.4).

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

There has been or would be no conversion of farmland since the project site is in a publicly owned right-of-way and is not used for agriculture.

4.3. AIR QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☒	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐
Greenhouse Gases				
*f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**	☐	☐	☒	☐
*g) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?**	☐	☐	☐	☒

* Significance criteria for greenhouse gases taken from Appendix G proposed revisions to the CEQA Guidelines (OPR 2008).

Existing Conditions

The project has been or would be located within the publicly owned right-of-way within the City of Huntington Beach. The City of Huntington Beach is located within the South Coast Air Basin. The South Coast Air Quality Management District (SCAQMD) is the agency principally responsible for comprehensive air pollution control in the South Coast Air Basin. The SCAQMD develops rules and regulations, establishes permitting requirements for stationary sources, inspects sources, and enforces such measures through educational programs or fines, when

necessary. Regional planning efforts to improve air quality include a variety of strategies to reduce emissions from motor vehicles and to minimize emissions from stationary sources.

The applicable air quality plan for the South Coast Air Basin is the Air Quality Management Plan (AQMP). The AQMP is based on the Southern California Association of Governments (SCAG) growth forecast for the region, and incorporates measures to meet state and federal requirements. The significance of air quality impacts is based on the degree to which the project is consistent with SCAG's growth forecasts. If a project is consistent with growth forecasts, its resulting impacts were anticipated in the AQMP and are considered to be less than significant. Growth forecasts in the AQMP are based on approved General Plans, Community Plans, and Redevelopment Plans.

The SCAQMD CEQA Air Quality Handbook (SCAQMD 1993) sets forth quantitative emission significance thresholds below which a project would not have a significant impact on ambient air quality. Project-related air quality impacts estimated in this environmental analysis would be considered significant if any of the applicable significance thresholds presented in Table 4.3-1, SCAQMD Air Quality Significance Thresholds, are exceeded.

Table 4.3-1: SCAQMD Air Quality Significance Thresholds

Pollutant	**Thresholds**	
Criteria Pollutants Mass Daily Thresholds	**Construction**	**Operation**
VOC (Volatile Organic Compounds)	75 lbs/day	55 lbs/day
NO_x (Oxides of Nitrogen)	100 lbs/day	55 lbs/day
CO (Carbon Monoxide)	550 lbs/day	550 lbs/day
SO_x (Sulfur Oxides)	150 lbs/day	150 lbs/day
PM_{10} (Particulate Matter less than 10 microns)	150 lbs/day	150 lbs/day
$PM_{2.5}$ (Particulate Matter less than 2.5 microns)	55 lbs/day	55 lbs/day
Lead [a]	3 lbs/day	3 lbs/day
Toxic Air Contaminants and Odor Thresholds		
(Including carcinogens and non-carcinogens)	Maximum Incremental Cancer Risk ≥ 10 in 1 million Hazard Index ≥ 1.0 (project increment)	
Odor	Project creates an odor nuisance pursuant to SCAQMD Rule 402 (SCAQMD 1976)	
Ambient Air Quality for Criteria Pollutants [b]		
NO_2 1-hour average	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 0.18 ppm (state)	
NO_2 annual average	0.030 ppm (state)	
CO 1-hour average	SCAQMD is in attainment; project is significant if it causes or contributes to an exceedance of the following attainment standards: 20 ppm (state)	
CO 8-hour average	9.0 ppm (state/federal)	

Table 4.3-1 (Continued): SCAQMD Air Quality Significance Thresholds

Pollutant	Thresholds
PM_{10} 24-hour average	10.4 μg/m^3 (construction)[c] 2.5 μg/m^3 (operation)
PM_{10} annual arithmetic mean	20 μg/m^3
$PM_{2.5}$ 24-hour average	10.4 μg/m^3 (construction)[c] 2.5 μg/m^3 (operation)

SOURCE: SCAQMD 1993.

[a] The phasing out of leaded gasoline started in 1976. As gasoline no longer contains lead, the project is not anticipated to result in impacts related to lead; therefore, it is not discussed in this analysis.

[b] Ambient air quality thresholds for criteria pollutants based on SCAQMD Rule 1303, Table A-2 unless otherwise stated (SCAQMD 2002).

[c] Ambient air quality threshold based on SCAQMD Rule 403 (SCAQMD 2005).

NOTES: lbs/day = pounds per day; ppm = parts per million; μg/m3 = microgram per cubic meter; ≥ = greater than or equal to

Thresholds listed in Table 4.3-1 represent screening-level thresholds that can be used to evaluate whether project-related emissions could cause a significant impact on air quality. Emissions below the screening-level thresholds would not cause a significant impact. For non-attainment pollutants, if emissions exceed the thresholds shown in the table, the project could have the potential to result in a cumulatively considerable net increase in these pollutants and thus could have a significant impact on the ambient air quality.

In addition to the emission-based thresholds listed above, SCAQMD also recommends the evaluation of localized air quality impacts to sensitive receptors in the immediate vicinity of the project as a result of construction activities. The significance thresholds for NO_2 and CO represent the allowable increase in concentrations above background levels in the vicinity of a project that would not cause or contribute to an exceedance of the relevant national or state ambient air quality standards (AAQS), while the threshold for PM_{10} represents compliance with Rule 403 (Fugitive Dust) (SCAQMD 2005). The significance threshold for $PM_{2.5}$ is intended to ensure that construction emissions do not contribute substantially to existing exceedances of the $PM_{2.5}$ AAQS. For project sites of 5 acres or less, the SCAQMD Localized Significance Threshold Methodology (SCAQMD 2008) includes "lookup tables" that can be used to determine the maximum allowable daily emissions that would satisfy the localized significance criteria (i.e., the emissions would not cause an exceedance of the applicable concentration limits for NO_2, CO, PM_{10}, and $PM_{2.5}$) without performing project-specific dispersion modeling. The allowable emission rates depend on the following parameters:

a) Source-Receptor Area (SRA) in which the project is located
b) Size of the project site
c) Distance between the project site and the nearest sensitive receptor (e.g., residences, schools, hospitals).

The project site is located in SRA 18 (North Coastal Orange County). Construction that has already been completed consisted of 0.10 acre, and the proposed construction consists of another 0.19 acre. The nearest sensitive receptors are single-family residences that are adjacent to the project site. Therefore, the values used to determine the applicable local significance thresholds from the SCAQMD lookup tables for SRA 18 were the thresholds for sites that are within 75 feet (25 meters) or less, the threshold values for the shortest distance to

a sensitive receptor. The thresholds are shown in Table 4.3-2, Localized Significance Thresholds for SRA 18.

Table 4.3-2: Localized Significance Thresholds for SRA 18

Pollutant	Localized Significance Threshold for Sensitive Receptors within 75 feet/25 meters on sites up to 1 acre in size (lbs/day)
NO_2	158
CO	333
Respirable Particulate Matter (PM_{10})	4
Fine Particulate Matter ($PM_{2.5}$)	3

SOURCE: SCAQMD 2008, Appendix C.

Impacts

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

The project would not alter or introduce new conflicts with land use designations. The project does not include development of new homes or businesses and, therefore, would not induce population growth in the South Coast Air Basin. Emissions during construction of the remaining portion of the project would be less than the SCAQMD's recommended thresholds of significance, as discussed in response (b), below, and operation of the project would result in minimal emissions from occasional vehicle trips to maintain the project facilities. The types and quantities of construction equipment that was used to install eight nodes and 116,886 feet of fiber and would be used for construction of the remaining seven nodes and 40,721 feet of cable was and would be typical of the industry and not of sufficient quantity to exceed those assumptions used in the preparation of construction equipment emissions in the AQMP (see Table 4.3-3, Estimated Maximum Daily Construction Emissions). Because the AQMP has accounted for construction-related emissions, construction emissions generated by the project would be consistent with those included in the emissions inventory of the AQMP and, therefore, would be consistent with construction-related emissions projected in the AQMP. In addition, NextG has incorporated Applicant Proposed Measures AQ-1, AQ-2, AQ-3, AQ-4, and AQ-5 into the project, which will further reduce criteria pollutant emissions. Impacts would thus be less than significant.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Construction-Related Impacts

Air quality impacts associated with both the construction of the completed eight nodes and 116,886 feet of fiber and the remaining seven nodes and 40,721 feet of cable, consisted of and would consist of construction equipment emissions and clearing, excavation, and unpaved surface travel, which can produce particulate matter emissions. Construction activities generated and would generate mobile sources of air pollutants from on-site equipment operations and increased traffic to and from the site, including delivery of equipment and materials, and temporary increase in the number of construction-related

employees. Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and, for dust, the prevailing weather conditions. Therefore, emission levels were estimated approximately on a reasonable worst-case scenario basis with a corresponding uncertainty in precise air quality impacts. Fugitive dust emissions primarily result from grading and site preparation activities. NO_x, CO, and SO_x emissions primarily result from the use of construction equipment and motor vehicles.

Emissions from the construction phase of the project were estimated through the use of the Sacramento Metropolitan Air Quality Management District's (SMAQMD's) Road Construction Emissions Model, Version 6.3.1. This model was used since it was the only model available that estimated emissions from linear construction projects. Emissions calculations are included in Attachment 1. The following assumptions were made when using the SMAQMD model to calculate a conservative estimate of the air quality emissions for the construction of the project:

- It was conservatively estimated that installation of the eight nodes and 116,886 feet of fiber that have already been completed took approximately 1.5 months to construct.
- The remaining portion of the project would commence in 2010 and last 2 months.
- No substantial import or export of soil did occur or would occur.
- A mix of typical construction equipment was used and is anticipated, including one bucket truck, one backhoe, one boring machine, one 1-ton flatbed truck for the aerial crew, three or four light trucks for the ground crew, two ready-mix concrete trucks, two water trucks, and a dump truck hauling asphalt patch material.
- To account for dust control measures in the calculations, it was assumed that the active sites were and would be watered daily, per Applicant Proposed Measure CTT-3.
- Twelve construction employees traveled and would travel to and from the site on a daily basis, commuting an estimated 20 miles each way.

During construction, the project would be subject to SCAQMD Rule 403 (Fugitive Dust) (SCAQMD 2005), which sets forth general and specific requirements for all construction sites (as well as other fugitive dust sources) in the SCAQMD, but does not require a permit for construction activities.

Table 4.3-3 shows the estimated maximum unmitigated daily construction emissions associated with construction of the previously installed nodes and cable and the remaining construction phase of the project in comparison to the SCAQMD significance thresholds.

Table 4.3-3: Estimated Daily Maximum Construction Emissions (lbs/day unmitigated)

	VOC	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
Proposed Project – Installed	2.6	14.5	12.7	<1	1.2	1.1
Proposed Project – To Be Built	2.6	14.5	12.7	<1	1.2	1.1
Criteria Pollutant Mass Emissions Daily Threshold	75	100	550	150	150	55
Localized Significance Threshold for SRA 18	NA	158	333	NA	4	3
Thresholds Exceeded?	No	No	No	No	No	No

SOURCE: SMAQMD Road Construction Emissions Model, Version 6.3.1. See Attachment 1 for complete results.
NA = Not applicable

As shown, daily construction emissions did not and would not exceed the thresholds for VOC, NO_x, CO, SO_x, PM_{10}, or $PM_{2.5}$. As such, the project would result in a less-than-significant air quality impact with respect to these criteria.

As indicated in the discussion of the thresholds of significance, the SCAQMD recommends the evaluation of localized NO_2, CO, PM_{10}, and $PM_{2.5}$ impacts as a result of construction activities to sensitive receptors in the immediate vicinity of the project site. The allowable emission rates for SRA 18 (North Coastal Orange County) are also shown in Table 4.3-3. As shown, construction activities would not generate emissions in excess of site-specific localized significance thresholds. In addition, NextG has incorporated Applicant Proposed Measures AQ-1, AQ-2, AQ-3, AQ-4, and AQ-5 into the project, which will further reduce criteria pollutant emissions. Therefore, construction-related air quality impacts would be less than significant.

Operation-Related Impacts

No long-term emissions would be associated with the project, aside from minimal emissions resulting from travel to and from the project for maintenance purposes. These emissions would neither result in the violation of any air quality standard (comprising only an incremental contribution to overall air basin quality readings), nor contribute substantially to an existing or projected air quality violation. Any impact is assessed as less than significant.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Implementation of the project would result in short-term impacts to air quality associated with construction of the completed eight nodes and 116,886 feet of cable and the remaining seven nodes and 40,721 feet of cable. The cumulative effect of the project and other projects in the vicinity would incrementally contribute to the South Coast Air Basin's inability to attain federal and state AAQS for O_3, PM_{10}, and $PM_{2.5}$. Short-term cumulative effects to air quality due to construction activities would be less than significant through implementation of dust abatement procedures in accordance with SCAQMD rules, as well as the control of construction-generated CO, VOC, and NO_x through implementation of Applicant Proposed Measures AQ-1, AQ-2, AQ-3, AQ-4, and AQ-5.

As stated in the previous response, operations of the project would generate minimal air quality impacts that are less than significant and not cumulatively considerable.

d) Expose sensitive receptors to substantial pollutant concentrations?

Air quality problems arise when the rate of pollutant emissions exceeds the rate of dispersion. Reduced visibility, eye irritation, and adverse health impacts upon those persons termed sensitive receptors are the most serious hazards of existing air quality conditions in the area. Some land uses are considered more sensitive to changes in air quality than others, depending on the population groups and the activities involved. People most likely to be affected by air pollution, as identified by the California Air Resources Board (CARB), include children, the elderly, athletes, and people with cardiovascular and chronic respiratory diseases. Sensitive receptors include residences, schools, playgrounds,

childcare centers, athletic facilities, long-term health care facilities, rehabilitation centers, convalescent centers, and retirement homes. Existing sensitive receptors in proximity to the project site consist of single-family residences located adjacent to the project site.

The project would not require the extensive use of heavy-duty construction equipment. The construction period would last for 2 months, after which project-related emissions of toxic air contaminants (TACs) would cease. Thus, the project would not result in a long-term source of TAC emissions. No residual TAC emissions and corresponding cancer risk are anticipated after construction. As such, the exposure of project-related TAC emission impacts to sensitive receptors during construction would be less than significant.

e) Create objectionable odors affecting a substantial number of people?

The construction of the completed seven nodes and remaining eight nodes and cable could generate fumes from the operation of construction equipment and from asphalt paving, which may be considered objectionable by some people. Such exposures would be short term and/or transient since they would occur during the construction phase only. Furthermore, the SCAQMD rules restrict the VOC content (the source of odor-causing compounds) in asphalts and paints. The project would utilize typical construction techniques in compliance with SCAQMD rules. The area to be paved is small (approximately 0.2 acre), and the odors would be temporary. As such, project construction would not cause an odor nuisance, and odor impacts would be less than significant.

f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Greenhouse gas (GHG) emissions contributing to global climate change have only recently been addressed in CEQA documents, such that CEQA and case law do not provide much guidance relative to their assessment. Quantitative significance thresholds for this topic have not been adopted by the State of California or any particular air pollution control district, although the SCAQMD has adopted an interim threshold of 10,000 metric tons of carbon dioxide equivalent ($MTCO_2e$) (operational emissions plus construction emissions amortized over 30 years) for "industrial" projects for which the SCAQMD is the lead agency and is in the process of developing guidelines for projects for which other agencies are the lead agency. The CEQA Guidelines do, however, provide guidance regarding topics such as climate change, in Section 15144, Forecasting. Section 15144 notes that preparation of an environmental impact analysis document necessarily involves some degree of forecasting. While forecasting the unforeseeable is not possible, an agency must use its best efforts to find out and disclose all that it reasonably can.

The State of California Governor's Office of Planning and Research has issued a Technical Advisory titled *CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act (CEQA) Review* (OPR 2008). This advisory provides guidance to land use agencies in the interim period, until the State of California CEQA Guidelines are revised. The advisory states that "public agencies are encouraged but not required to adopt thresholds of significance for environmental impacts. Even in the absence of clearly defined thresholds for GHG emissions, the law requires that such emissions from CEQA projects must be disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact"

(p. 4, third paragraph). Furthermore, the advisory document indicates that, "in the absence of regulatory standards for GHG emissions or other scientific data to clearly define what constitutes a 'significant impact', individual lead agencies may undertake a project-by-project analysis, consistent with available guidance and current CEQA practice" (p. 6, third bullet item).

While the project would result in emissions of GHGs during construction, no guidance exists to indicate what level of GHG emissions would be considered substantial enough to result in a significant adverse impact on global climate.

At this time, no mandatory GHG regulations or finalized agency thresholds of significance apply to this project. However, as discussed above, the SCAQMD has issued interim GHG significance threshold guidance. The SCAQMD interim CEQA GHG significance threshold for an industrial project is 10,000 $MTCO_2e$ per year (operational emissions plus 30-year amortized construction emissions).

As with other individual small projects (e.g., projects that are not within the identified AB 32 mandatory GHG reporting sectors), the emissions increases that would result under the NextG project would not be expected to individually have a significant impact on global climate change.

The project would generate GHG emissions primarily during construction activities. Construction of the proposed project would result in emissions of GHGs from on-site construction equipment as well as from off-site worker and delivery truck trips. The most common GHGs associated with fuel combustion include CO_2 and methane, which would be emitted from on-road vehicles and non-road equipment during project construction.

Based on the SMAQMD construction model results, the estimated GHG emissions associated with construction of both the completed eight nodes and 116,886 feet of fiber, and the remaining seven nodes and 40,721 feet of fiber would be approximately 100 metric tons, as noted in Table 4.3-4.

Table 4.3-4: Estimated Project Construction Emissions of Greenhouse Gases

Construction Year	Metric Tons CO_2E
2008	48.55
2010	51.49

SOURCE: SMAQMD Road Construction Emissions Model, Version 6.3.1. See Attachment 1 for complete results.

The project's contribution to the State of California's total emissions (484 million metric tons CO_2 equivalent, including out-of-state electrical generation, in 2004 (CARB 2007)) would be less than 0.00001%. In addition, the project would be subject to many of the measures to be adopted pursuant to the AB 32 Scoping Plan (CARB 2008), including but not limited to GHG emission standards for passenger vehicles and light trucks and the Low Carbon Fuel Standard.

Over the entire construction phase of the proposed project, approximately 100 $MTCO_2e$ would be emitted as shown in Table 4.3-4. Amortized over a 30-year period, this equals 3.3 $MTCO_2e$ per year. While this represents a short-term increase in the baseline GHG emissions inventory, it is well below the SCAQMD 10,000 $MTCO_2e$ significance threshold.

However, the CPUC Energy Division has a policy of maximum GHG reductions in order to ensure that a project does not conflict with the implementation of AB 32. Therefore, to ensure no conflict with the goals of AB 32 and with CPUC Policy, NextG will reduce impacts associated with GHG emissions by at least 30% through Applicant Proposed Measure AQ-6. As described previously, Applicant Proposed Measure AQ-6 states that NextG will obtain greenhouse gas emission offset credits that are accredited to protocols specified by the California Climate Air Registry (CCAR). To be conservative NextG will purchase offset credits for 30% of the estimated gross greenhouse gas emissions, irrespective of reductions achieved through other Applicant Proposed Measures or other reducing measures. Therefore, NextG will purchase offset credits for 30 MT CO_2-E. In addition to Applicant Proposed Measure AQ-6, NextG will implement Applicant Proposed Measures AQ-1, AQ-2, AQ-3, and AQ-5, which will further reduce greenhouse gas emissions.

With implementation of Applicant Proposed Measures AQ-1, AQ-2, AQ-3, AQ-5, and AQ-6, this impact is considered less than significant.

g) Would the project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?

The Climate Change Scoping Plan, approved by the CARB December 12, 2008, provides an outline for actions to reduce California's GHG emissions. The Scoping Plan requires CARB and other state agencies to adopt regulations and other initiatives to reduce GHGs. At this time, no mandatory GHG regulations or finalized agency guidelines would apply to this project.

Implementation of Applicant Proposed Measure AQ-6 would require that 30% of the GHG emissions associated with construction of the project would be offset; thus, achieving a reduction consistent with the strategies of the Scoping Plan. In addition to Applicant Proposed Measure AQ-6, NextG will implement Applicant Proposed Measures AQ-1, AQ-2, AQ-3, and AQ-5, which will further reduce greenhouse gas emissions. Project construction would not conflict with the emission reduction goals envisioned in the Scoping Plan. Therefore, the project would result in a less than significant impact under this threshold.

4.4. BIOLOGICAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☒	☐
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☒	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Existing Conditions

The Huntington Beach area contains wetlands, including the Bolsa Chica Wetlands, Huntington Beach Wetlands, and the wetlands at the mouth of the Santa Ana River. These areas contain a number of listed species, including Belding's savannah sparrow, California least tern, and snowy plover. The project area is within the publicly owned right-of-way and is primarily paved, containing some landscaping and some non-native trees, including palm trees. There is a potential that runoff from the construction areas could enter some of these sensitive wetlands via storm drains and storm channels.

Impacts

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The project has been and would be constructed within the publicly owned right-of-way, which consists of primarily paved surfaces with no habitat for sensitive species. Therefore, the project poses no direct impact to sensitive species. There would be a potential for indirect impact to habitat containing special-status species from construction runoff or release of hazardous substances during construction. Applicant Proposed Measures CTT-2, CTT-4), CTT-5, BIO-1, and BIO-3, as described in Section 1, Subsection 8.5 of this Initial Study, would reduce the likelihood that the project would impact sensitive species or their habitat. Therefore, a less-than-significant impact to these species would occur.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

Construction of the project has been and would be within the publicly owned right-of-way, which contains primarily paved surfaces with some landscaped areas. The project has not and would not have a substantial adverse effect on any riparian habitat or any other sensitive habitat. Additionally, implementation of Applicant Proposed Measures CTT-2, CTT-4, CTT-5, BIO-1, BIO-2, and BIO-3 would prevent any indirect impact to habitat in the area. The impact is considered less than significant.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (33 U.S.C. 1251 et seq.) (including but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

Construction of the project has been and would be within the publicly owned right-of-way, which is paved or landscaped. These areas do not contain wetlands, resulting in no significant direct impact. Additionally, implementation of Applicant Proposed Measures CTT-2, CTT-4, CTT-5, BIO-1, BIO-2, and BIO-3 would ensure that any resulting indirect impacts to these resources are less than significant.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Because the project has been and would be constructed in the publicly owned right-of-way, no tree removal is anticipated and no migratory routes have been identified in the project area. However, pruning of ornamental trees, including palm trees, may be required in order to string the aerial cable. As stated in Applicant Proposed Measures BIO-1 and BIO-2 in Section 1, Subsection 8.5 of this Initial Study, NextG will hire a qualified biologist to conduct pre-construction surveys along the construction route to identify sensitive resources that will be avoided, unless otherwise authorized by the resource agencies, With implementation of Applicant Proposed Measures BIO-1 and BIO-2, potential impacts to nesting birds would be less than significant.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The project has not and would not result in tree removal or impacts to biological resources; therefore, no impact to local policies or ordinances would occur.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The project site is not located within a habitat conservation area, natural communities conservation plan area, or other habitat conservation area; therefore, no impact would occur.

4.5. CULTURAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	☐	☒	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☒	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

Existing Conditions

The Huntington Beach area, due partially to its proximity to the coast and coastal resources, has historically contained a number of cultural resources. The Proponent's Environmental Assessment (NextG 2009a) provides a list of known cultural resource sites within the area. The project would be constructed within the publicly owned right-of-way, which has been previously disturbed by grading, roadway, and sidewalk construction. It is not likely that intact resources would still exist in most of this area; however, there is a potential that resources could be present in less disturbed areas. Huntington Beach in general consists of alluvial deposits that could contain paleontological resources.

Impacts

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

Based on records searches conducted for the project, no historical resources are located in the vicinity of the project; therefore, a less-than-significant impact would occur.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

The project area is considered to contain sensitive cultural resources. The records search indicates that up to nine previously recorded sites may occur within areas where work may occur. The project would involve boring for three poles and the trenching for laying of conduit and fiber. This excavation would be in previously disturbed areas. However, due to

the presence of resources within the area, there is a slight potential that construction could uncover resources during excavation. Incorporation of Applicant Proposed Measures CR-1 and CR-2, as stated in Section 1, Subsection 8.5 of this Initial Study, would ensure that impacts to cultural resources would be less than significant.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Construction of the conduits and the installation of poles would have a potential to disturb paleontological resources. Since the excavations would be relatively shallow and in disturbed areas, it is unlikely that any resources still in their stratigraphic context would be impacted. This impact is therefore considered less than significant.

d) Disturb any human remains, including those interred outside of formal cemeteries?

The potential for impacts to previously undisturbed human remains during construction is remote, but possible due to the presence of burials within portions of the city. To avoid this potentially significant impact, NextG will hire a cultural resources monitor to observe all earth-moving activities and will temporarily halt construction activities until proper procedures are followed, as described in Applicant Proposed Measures CR-1 and CR-3, in Section 1, Subsection 8.5 of this Initial Study. With Applicant Proposed Measures CR-1 and CR-3 incorporated into the project impacts to human remains would be less than significant.

4.6. GEOLOGY AND SOILS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☒	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

Existing Conditions

The City of Huntington Beach is located on a relatively flat coastal plan consisting primarily of alluvium. The Environmental Hazards Element of the City of Huntington Beach General Plan (City of Huntington Beach 1996a) describes the geology and the seismic hazards in the region. The seismic environment in the area is dominated by the Newport-Inglewood Fault Zone. This is a right-lateral fault system consisting of a series of fault segments and anticlinal folds. These segments occur along most of the project alignments in a northwest-to-southeast series of fault segments. This fault is expected to produce an earthquake up to magnitude 7 and acceleration of 0.29 to 0.55 g.

The coastal and southeastern portions of the project area have a very high and high potential for liquefaction based on the information provided in the Huntington Beach General Plan (City of Huntington Beach 1996a). Much of the Huntington Beach Coastal Zone area of the project is identified as a moderate run-up area for tsunami. The area also contains high to moderate expansive soils.

Impacts

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 (Hart 1988).

The City of Huntington Beach is located in an area of high seismic activity and faulting. An Alquist-Priolo Earthquake study area is located within the City for the Newport-Inglewood Fault Zone. The various segments of the fault cross the underground trenches and aerial cable routes, and would be near several of the nodes. The applicant will design the project to comply with the City's seismic design standards for utilities, resulting in a less-than-significant impact.

ii) Strong seismic ground shaking?

The project area may be subject to severe ground shaking from a seismic event, since the area has a high liquefaction potential. The project facilities will be or would be subjected to strong seismic shaking from an event on the Newport-Inglewood Fault and from other faults in the Los Angeles Basin. The applicant will ensure that the project complies with the City's seismic design standards for utilities, resulting in a less-than-significant impact.

iii) Seismic-related ground failure, including liquefaction?

The Huntington Beach area, including the project area, is prone to liquefaction. The applicant will ensure that the project is in compliance with the City's seismic design standards for utilities, resulting in a less-than-significant impact.

iv) Landslides?

The project area is relatively flat and not prone to landslides. No impact would occur.

b) Result in substantial soil erosion or the loss of topsoil?

The erosion hazard of the soils in most of the project area is slight. Implementation of Applicant Proposed Measure CTT-4 would ensure that the impacts are less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

As described above, the area is prone to liquefaction. The impact is considered less than significant.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

Soils in the area are moderately to highly expansive. The applicant will ensure that the project complies with the City's design standards for utilities, resulting in a less-than-significant impact.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Septic tanks or alternative wastewater systems are not a part of the project. No impact would occur.

4.7. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

Existing Conditions

The Huntington Beach area is a historic oil-producing area and has a number of hazardous waste sites located throughout the city. The project has been and would be constructed within the publicly owned right-of-way that has been previously graded and has roadways, sidewalks, and other structures already constructed on the site. No known hazardous waste sites are found within the project alignments (NextG 2009a). The City of Huntington Beach (1996a) does identify most of the project area as having potential for methane due to the area's history of oil and gas extraction.

Impacts

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Implementation of Applicant Proposed Measure CTT-5 (equipment maintenance and refueling restrictions; prepare and implement a construction and operation safety and emergency response plan) as described in Section 1, Subsection 8.5 of this Initial Study, will ensure, as a result of the routine transport, use, or disposal of hazardous materials, that impacts will be less than significant. Additionally, hazardous materials would be stored at off-site facilities within secure storage areas. Impacts would be less than significant.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Once constructed, the facilities would not release hazardous materials. Implementation of Applicant Proposed Measure CTT-5 would reduce any potential for release of hazardous materials into the environment during construction, resulting in a less-than-significant impact.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Construction would occur within 0.25 mile of several schools, including Ethel Dwyer Middle School, Edison High School, Agnes Smith Elementary School, Carden Conservatory, and Crag Elementary School. Hazardous materials would be used during construction and would

involve chemicals used during routine construction activities. Implementation of Applicant Proposed Measure CTT-5 will ensure that impacts to schools are at less-than-significant levels.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No known hazardous material sites would be located within the project route or facility locations. No impact would occur.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

The project is not located within an airport land use plan, or within 2 miles of a public airport or public use airport. No impact would occur.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

The project is not located within the vicinity of a private airport. No impact would occur.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Access along project area roadways during construction is expected to be maintained so that residents living in the vicinity are not significantly impacted by the project. No street closures are planned or anticipated as a part of the project (see Applicant Proposed Measure CTT-1). Due to the temporary nature of construction and location of project components, the project is not expected to physically interfere with an adopted emergency response plan or emergency evacuation plan. Implementation of Applicant Proposed Measure CTT-7 will further ensure that the project will not interfere with an adopted emergency response plan or emergency evacuation plan. With both Applicant Proposed Measures CTT-1 and CTT-7 incorporated into the project, impacts would be less than significant.

h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

The project area is within an urbanized area and is not prone to wildfire. The impact is less than significant.

4.8. HYDROLOGY AND WATER QUALITY

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☒	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☒	☐
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

Existing Conditions

The project is or would be located within the roadways and sidewalk areas of the publicly owned right-of-way. Drainage from these areas enters the street gutters through storm drains and eventually travels into the storm channels that drain into Anaheim Bay. Groundwater levels are shallow, and groundwater could be encountered during auguring for poles. The City of Huntington Beach (1996a) identifies the portion of the project area east of Beach Boulevard as potentially flooding by sheet flow from 1 to 3 feet in depth. Portions of Pacific Coast Highway may be subjected to coastal flooding, including wave action during extremely high tides.

Impacts

Would the project:

a) Violate any water quality standards or waste discharge requirements?

Construction activities (grading, trenching, and dewatering) could impact surface water and groundwater. NextG will manage construction-induced sediment and excavated spoils in accordance with the requirements of the State Water Resources Control Board (SWRCB) National Pollution Discharge Elimination System (NPDES) permit for stormwater runoff associated with construction activities.

Prior to the onset of construction, NextG will complete a Storm Water Pollution Prevention Plan (SWPPP) that outlines best management practices (BMPs) to control discharges from construction areas. NextG will provide a copy of the SWRCB-approved NPDES permit to the CPUC prior to start of construction.

If the build requires directional boring activities near streams, NextG will provide the CPUC with a Frac-Out Contingency Plan. The plan will outline procedures NextG would put in place for containment, as well as cleanup equipment that must be present for use at staging areas and construction sites.

With implementation of Applicant Proposed Measures CTT-2, CTT-4, and CTT-5, and adherence to the SWPPP and the requirements of the NPDES permit, impacts would be less than significant.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

The project may require pumping of a minor amount of groundwater when constructing the base supports for the three proposed new poles. If dewatering is required for pole construction, an NPDES permit must be obtained from the Santa Ana Regional Water Quality Control Board prior to discharge into the drainage system (see discussion under Section 4.8(a) of this Initial Study). No other impacts related to groundwater are expected to occur as a result of the project. Impacts to groundwater are considered less than significant.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?

The project would involve minor construction within the publicly owned right-of-way. No alteration of the course of a stream or river would occur, and no impact would occur. Implementation of Applicant Proposed Measure CTT-4 would reduce any potential for erosion during construction.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

The project would involve minor construction within the publicly owned right-of-way. The project will not substantially increase the rate or amount of surface runoff in a manner that would result in flooding. No alteration of the course of a stream or river would occur and no impact would occur.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

The project would not be adding a significant amount of impervious area to the project area, since facilities would be constructed primarily on previously paved areas.

f) Otherwise substantially degrade water quality?

Implementation of Applicant Proposed Measures CTT-2, CTT-4, and CTT-5, along with compliance with the NPDES permit, will reduce construction activities that could degrade water quality to less-than-significant levels.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The project does not involve placement of housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, because the project does not include any residential housing within those zones. No impact would occur.

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

Structures that have been or are proposed to be placed within the 100-year flood zone will be small and limited to poles, aboveground aerial cables, and underground cables. These will not impede or redirect flood flows. Therefore, no impact would occur.

i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?

The project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, since this is a utility project and will not involve redirection of any flood flows or impoundment of water. The impact is considered less than significant.

j) Inundation by seiche, tsunami, or mudflow?

Portions of Pacific Coast Highway could be subjected to tsunami. The facilities that would be constructed along the Pacific Coast Highway could be impacted by a tsunami. No portion of the project site is expected to be subjected to seiche or mudflow. The portion of the project site along Pacific Coast Highway is developed with existing traffic lights, streetlights, and commercial buildings. The addition of fiber-optic cable and wireless telecommunication nodes would not significantly alter the existing risks posed by tsunamis in this area. Additionally, these utilities will be constructed in compliance with City of Huntington Beach design requirements. Impacts of the project are considered less than significant.

4.9. LAND USE AND PLANNING

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☒	☐
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

Existing Conditions

The project is located entirely within the publicly owned right-of-way within developed urban areas of the City of Huntington Beach. The majority of the existing landscape of the project area is characterized by major roadways and smaller ancillary streets containing residences, commercial businesses, parks or recreation areas, and industry, such as active oil wells. In some areas, namely along Pacific Coast Highway, the project site is located adjacent to vacant or open space areas. The fifteen nodes and associated cable to connect them to the network are located in residential, commercial, and industrial areas. Twelve of the total fifteen proposed new node locations currently have existing wood utility poles with utility lines connecting to them Installation of the remaining three proposed new nodes (HB N08, N12, and N14) would include the installation of new concrete or steel poles in residentially and commercially developed areas. Node HB N08, and its corresponding new concrete pole, would be located in a residentially developed area on the northwestern corner of the intersection of Edwards Street and Garfield Avenue. The underground conduit that would connect Node HB N08 to the network would be adjacent to single-family residences along the western side of Edwards Street. Node HB N12, and its corresponding new steel pole, would be located in an industrial and residentially developed area on the northwestern corner of the intersection of Ellis Avenue and Goldenwest Street. The intersection of Ellis Avenue and Goldenwest Street experiences heavy traffic and includes existing streetlight and traffic signal poles. Immediately adjacent to the proposed new pole site is a fenced-off, abandoned oil field that continues along the northern side of Ellis Avenue west toward Edwards Street, where the project also proposes to install the underground conduit and cable to connect node HB N12. The remaining other corners of the intersection of Ellis Avenue and Goldenwest Streets (east, southeast, and south) are developed with residential communities. Node HB N14 and its corresponding new steel pole would be

located at the northeast corner of the intersection of Twin Dolphin Road and Pacific Coast Highway, in front of an existing large, corporate, multistory hotel. The intersection of Twin Dolphin Road currently includes streetlight and traffic signal poles.

Impacts

Would the project:

a) Physically divide an established community?

Construction of the previously installed eight nodes endured for approximately 1.5 months and construction of the proposed project's remaining seven nodes would last approximately 2 months. Once installation of these remaining nodes is complete, the proposed new DAS network would not introduce a new land use or result in any land use compatibility conflicts. Therefore, impacts related to the physical division of an established community as a result of the project would be less than significant.

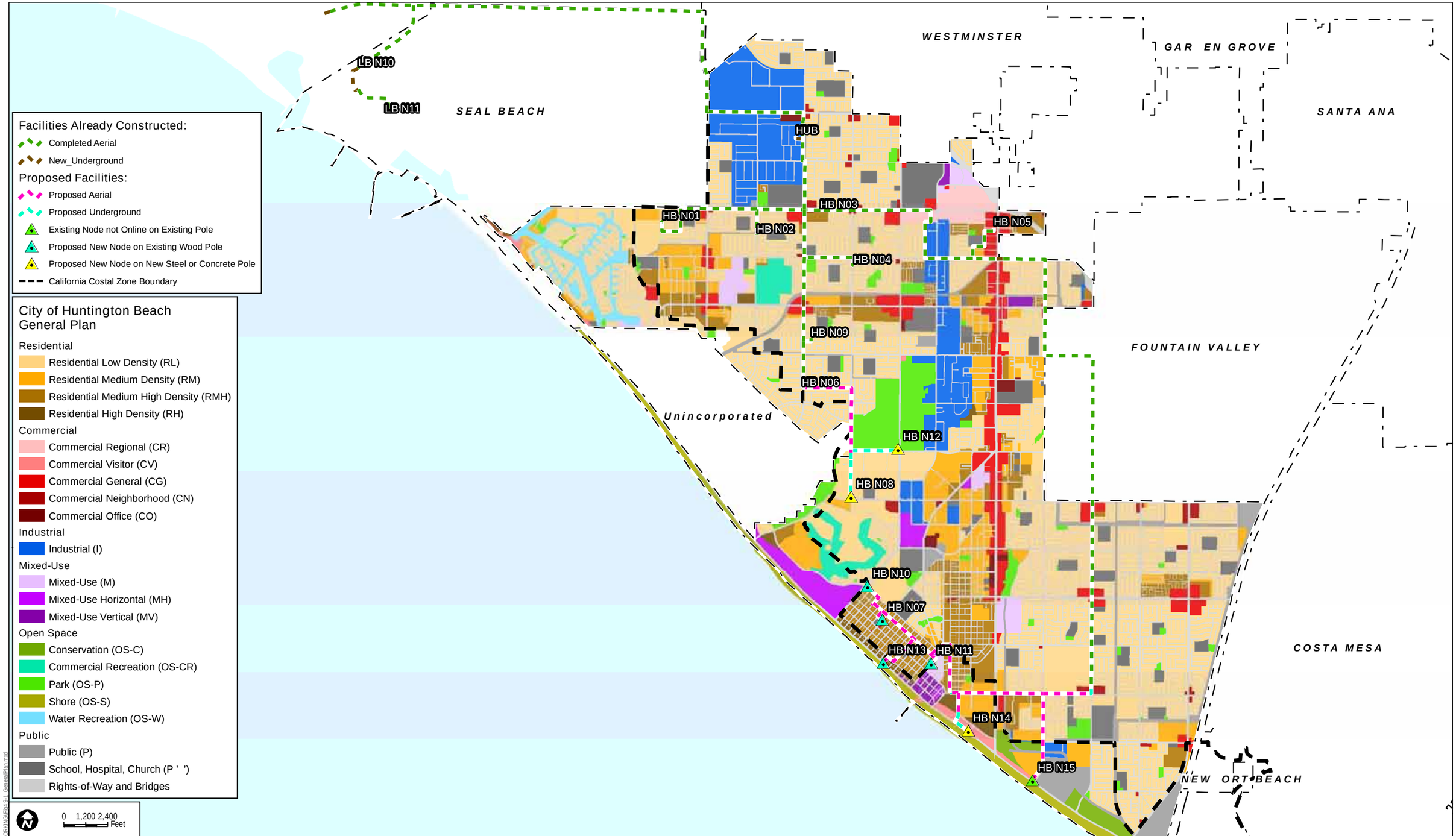
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

The project's nodes and cable have been or would be installed within the existing right-of-way. Figure 4.9-1 shows the project location and the adjacent General Plan designations. The General Plan designations of the areas adjacent to the project site are (City of Huntington Beach 2008a):

- CR: Commercial Regional
- CV-F7-sp: Commercial Visitor Max. FAR 3.0 – Specific Plan required for large-scale, mixed-use, multiphased development projects
- I: Industrial
- OS-P: Parks – Public Parks
- OS-S: Shoreline – Publicly owned coastal beaches
- P: Public, including schools, hospitals, or churches
- RL-3.0-sp: Residential Low 3 dwelling units/net acre max – Specific Plan required for large-scale, mixed-use, multiphased development projects
- RH-30-d-sp: Residential High Density, greater than 30 units per net acre
- RMH-25-d: Residential Medium High Density, 25 dwelling units/net acre max – Special Design Standards apply.

Figure 4.9-2 shows the project location and the adjacent zoning designations. Zoning designations of the areas adjacent to the project site are (City of Huntington Beach 2008b):

- CC: Coastal Conservation
- CG: Commercial General
- IG: Industrial General
- IL: Industrial Limited



SOURCE: City of Huntington Beach 2008

Figure 4.9-1

Proposed Project and General Plan Designations

DUDEK

6377-01

FEBRUARY 2010

NextG Networks Huntington Beach DAS Project

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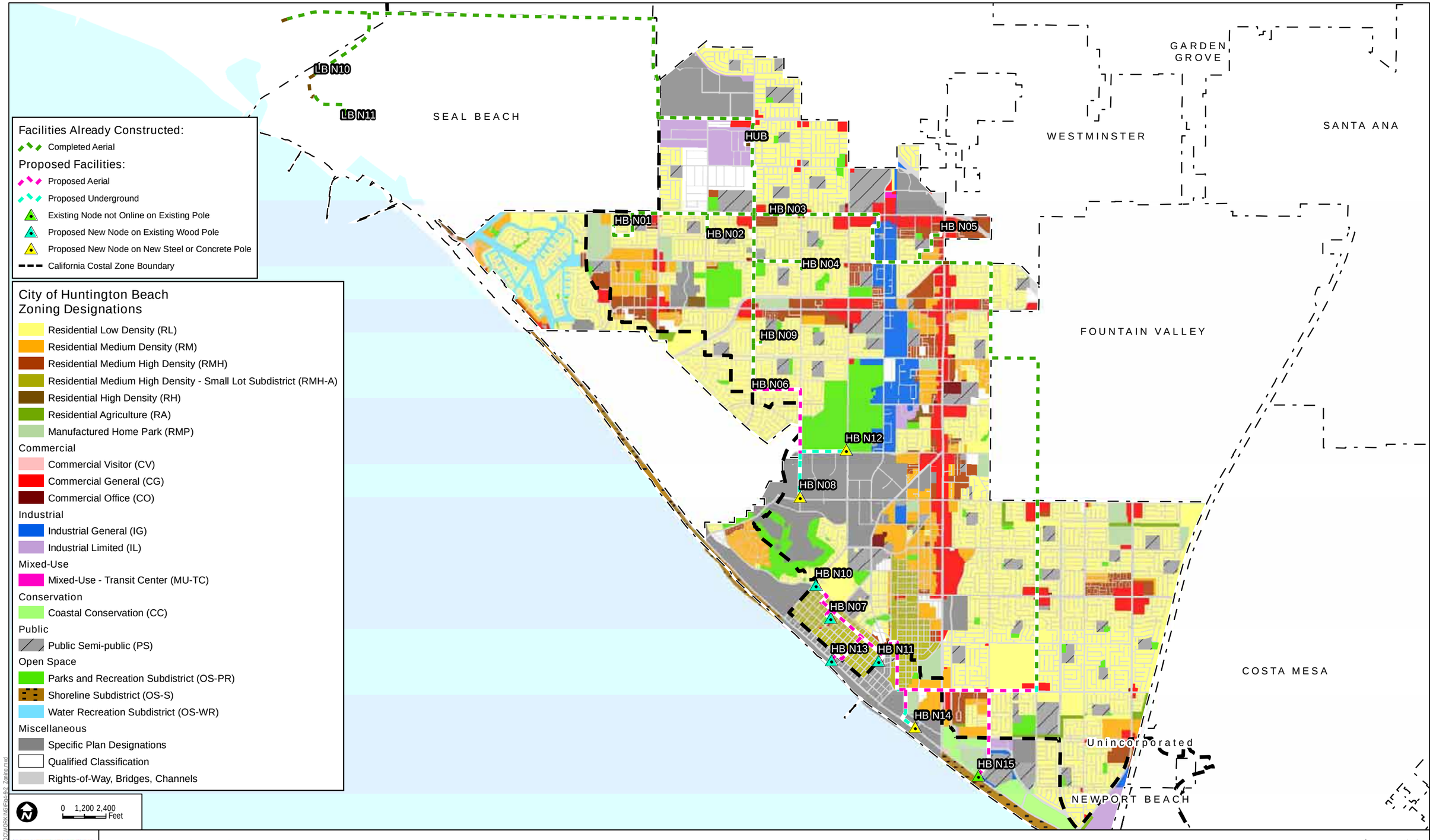

DUDEK

6377-01

FEBRUARY 2010

SOURCE: City of Huntington Beach 2008

Figure 4.9-2

Proposed Project and Zoning Designations

NextG Networks Huntington Beach DAS Project

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- SP: Specific Plan Designations
- OS-PR: Open Space – Parks and Recreation Subdistrict
- PS: Public Semi-Public
- RL: Residential Low Density
- RM: Residential Medium Density
- RMH: Residential Medium High Density, and Residential Medium High Density small lot subdistrict
- RMP: Manufactured Home Park.
- SP5: Specific Plan Designation 5
- SP9: Specific Plan Designation 9.

Portions of the project are located with the City of Huntington Beach Coastal Zone, and are therefore subject to the Coastal Element of the General Plan (City of Huntington Beach 2008c). Specifically, Nodes HB N13, N14, and N15, as well as the fibers to connect these nodes to the network, are within the publicly owned right-of-way within Huntington Beach Coastal Zones 4 and 5. The proposed location for Node HB N13 and the fiber to connect it to the network are adjacent to areas zoned RH-30-d-sp. The proposed location for Node HB N14 and the fiber to connect it to the network are adjacent to areas zoned CV-F7-sp. The proposed location for Node HB N15 and the fiber to connect it to the network is adjacent to areas designated CV under the General Plan, and zones Coastal Conservation on the City's zoning map. Nodes HB N13 and HB N15 are to be installed on existing poles. Installation of Node HB N14 would require a new pole and, therefore, a Coastal Development Permit (City of Huntington Beach 2008c).

As indicated in Table 4.9-1, the project would be consistent with all applicable land use policies, zoning codes, and local regulations. Therefore, impacts would be less than significant.

Table 4.9-1: Consistency Analysis with Applicable Land Use Plan, Policy, or Regulation for the Proposed Project

Applicable Land Use Plan, Policy, or Regulation	Consistency Determination
Coastal Commission	
California Coastal Act. The California Coastal Act was enacted in 1976 by the State Legislature to provide long-term protection of the state's 1,100 miles of coastline. The Coastal Act policies, among other aspects, focus on protection and expansion of public access to the shoreline and recreational opportunities; protection, enhancement, and restoration of biological resources; and protection of scenic seascapes and coastal landscapes.	Management of the conservation and development of coastal resources within the project area reside with local jurisdictions upon certification of the Local Coastal Program. The Coastal Element of the City of Huntington Beach's General Plan (City of Huntington Beach 2008c) serves as the Local Coastal Program under the California Coastal Act. See consistency determination with the Coastal Element of the General Plan below.
City of Huntington Beach General Plan – Land Use Element	
Policy LU 2.1.1. Plan and construct public infrastructure and service improvements as demand necessitates to support the land uses specified in the Land Use Plan (City of Huntington Beach 1996b.	The project would provide the surrounding residential and commercial areas with enhanced telecommunication coverage and capacity. The project is consistent with this policy.

Table 4.9-1 (Continued): Consistency Analysis with Applicable Land Use Plan, Policy, or Regulation for the Proposed Project

Applicable Land Use Plan, Policy, or Regulation	Consistency Determination
City of Huntington Beach General Plan – Coastal Element	
Policy C 4.2.3. Promote the preservation of significant public view corridors to the coastal corridor, including views of the sea and the wetlands, through strict application of local ordinances, design guidelines, and related planning efforts, including defined view corridors. **Policy C 4.2.4.** Wireless communication facilities shall be sited, to the maximum extent feasible, to minimize visual resource impacts. Minimization may be accomplished through one or more of the following techniques: co-locating antennas on one structure, stealth installations, locating facilities within existing building envelopes, or minimizing visual prominence through colorization or landscaping and removal of facilities that become obsolete.	The project has occurred or would occur entirely within an existing publicly owned right-of-way. The project proposes to construct one new pole in the Huntington Beach Coastal Zone to hold Node HB N14. Node HB N14, and its corresponding new steel pole, would be located at the northeast corner of the intersection of Twin Dolphin Road and Pacific Coast Highway, in front of an existing large, corporate, multistory hotel. The intersection of Twin Dolphin Road currently includes streetlight and traffic signal poles. Node HB N14 would be connected to the network through underground conduit and cable. The project proposes to install two other nodes and overhead transmission lines to connect them to the network within the Huntington Beach Coastal Zone (Node HB N13, and Node HB N15, which is already installed but not connected). These two additional nodes would be installed on existing structures where utility poles and lines already exist. The addition of these nodes, cables to connect them, and the one additional pole to hold Node HB N14 would not result in a substantial change from existing visual conditions. Therefore, the project would not change the existing visual quality of the Huntington Beach Coastal Zone. The project would not conflict with policies C 4.2.3 and C 4.2.4. For a more thorough discussion on the project and visual impacts see Section 4.1, Aesthetics, of this Initial Study.
Policy C 4.2.5. New wireless communication facilities affecting the public view shed and/or located in areas designated Water Recreation, Conservation, Parks, and Shoreline shall be conditioned to require removal within six (6) months of termination of use and restoration of the site to its natural state.	The applicant, NextG, would remove the proposed nodes, and the proposed new pole to hold Node HB N14, once the nodes were installed but were at some point in the future no longer planned for use. The proposed project is not considered to be in conflict with this policy.
City of Huntington Beach General Plan – Utilities Element	
Policy U 5.1.2. Continue to underground aboveground electrical transmission lines. **Policy U 5.1.3.** Review requests for new utility facilities, relocations, or expansions to existing facilities (City of Huntington Beach 1996c).	The project has been modified to underground the new fiber-optic cable network wherever existing aboveground utility lines do not currently exist and to the extent feasible. The proposed project includes adding additional overhead cable where existing overhead utilities occur, along the existing publicly owned right-of-way. The project would not result in a substantial change from existing conditions and is not considered to be a conflict with policies U 5.1.2 or U 5.1.3.

Table 4.9-1 (Continued): Consistency Analysis with Applicable Land Use Plan, Policy, or Regulation for the Proposed Project

Applicable Land Use Plan, Policy, or Regulation	Consistency Determination
Policy U 5.1.4: Require the review of new, and/or expansions of existing, industrial, and utility facilities to ensure that such facilities will not visually impair the City's coastal corridors and entry nodes.	The project would occur entirely within an existing publicly owned right-of-way. The project proposes to construct one new pole in the Huntington Beach Coastal Zone to hold Node HB N14. Node HB N14, and its corresponding new steel pole, would be located at the northeast corner of the intersection of Twin Dolphin Road and Pacific Coast Highway, in front of an existing large, corporate, multistory hotel. The intersection of Twin Dolphin Road currently includes streetlight and traffic signal poles. Node HB N14 would be connected to the network through underground conduit and cable. The project proposes to install two other nodes and overhead transmission lines to connect them to the network within the Huntington Beach Coastal Zone (Node HB N13, and Node HB N15, which is already installed but not connected). These two additional nodes would be installed on existing structures where utility poles and lines already exist. The addition of these nodes, cables to connect them, and the one additional pole to hold Node HB N14 would not result in a substantial change from existing visual conditions. Therefore, the project would not change the existing visual quality of the Huntington Beach Coastal Zone. The project would not conflict with policy U 5.1.4. For a more thorough discussion on the proposed project and visual impacts see Section 4.1, Aesthetics, of this Initial Study.
City of Huntington Beach Zoning Ordinance	
230.96 Wireless Communication Facilities. Also known as the "Wireless Ordinance," this section of the local zoning code states, among other things, that "a. Any wireless communication facilities to be constructed on or beneath the public right-of-way must obtain an encroachment permit from the City and the applicant must provide documentation demonstrating that the applicant is a state-franchise telephone corporation exempt from local franchise requirements", and "b. All equipment associated with the operation of a facility…, excepting antennas, shall be placed underground in those portions of the street, sidewalks, and public right-of-way where cable television, telephone or electric lines are underground." (City of Huntington Beach 2008b, Section 230.96.12).	The project applicant shall obtain an encroachment permit from the City of Huntington Beach and will provide sufficient documentation demonstrating exemption status from local franchise requirements. The project has been modified to underground the new fiber-optic cable network wherever existing aboveground utility lines do not currently exist and to the extent feasible. The project includes adding one additional overhead cable where existing overhead utilities occur, along the existing publicly owned right-of-way, and adding three new poles also within the existing publicly owned right-of-way. The proposed project would not result in a significant change from existing conditions and is not considered to be a substantial conflict with Zoning Ordinance 230.96.
City of Huntington Beach Municipal Code	
17.64. Undergrounding of Utilities. Also known as the "Undergrounding Ordinance," this section requires that "all new public and private utility lines and distribution facilities,…shall be installed underground," and states that "this section shall not apply to main feeder lines or transmission lines located within the public right-of-way of an arterial highway as shown in the circulation element of the general plan." (Municipal Code 17.64.060, City of Huntington Beach 2009b).	The proposed project has been modified to underground the new fiber-optic cable network wherever existing aboveground utility lines do not currently exist and to the extent feasible. The project includes adding one additional overhead cable where existing overhead utilities occur, along the existing publicly owned right-of-way, and adding three new poles also within the existing publicly owned right-of-way. The project would not result in a significant change from existing conditions and is not considered to be a substantial conflict with Municipal Code 17.64.

Table 4.9-1 (Continued): Consistency Analysis with Applicable Land Use Plan, Policy, or Regulation for the Proposed Project

Applicable Land Use Plan, Policy, or Regulation	Consistency Determination
City of Huntington Beach Underground Utility District	
Pursuant to CPUC Rule 20A, Southern California Edison has established a funding program for current and future Underground Utility Districts within the City of Huntington Beach. The City of Huntington Beach's Underground Utilities Coordinating Committee determines the location and priority of where this funding will be spent by creating Underground Utility Districts. The City of Huntington Beach currently has one Rule 20A Underground Utility District that runs along Beach Boulevard from Yorktown Avenue south to the Pacific Coast Highway. The three top aerial lines located on the east side of Beach Boulevard from Atlanta Avenue to Pacific Coast Highway are Southern California Edison 66 kilovolt electrical transmission lines, and are exempt from undergrounding by Municipal Code 17.64. These aerial lines will remain. All other aerial wires on these poles will be moved under ground. (City of Huntington Beach 2006).	As stated in Applicant Proposed Measure LU-1, NextG will install underground fiber-optic cable along Atlanta Avenue where it crosses Beach Boulevard either during initial construction of the proposed project; or, if the other carriers' fiber-optic lines have not been installed under ground when NextG installs its fiber-optic cable, then NextG will install its fiber-optic cable above ground and move it under ground when the Beach Boulevard Underground Project moves all other carriers' lines under ground. The proposed project is not anticipated to conflict with the Beach Boulevard Underground Utility District.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

None of the project components are located on lands covered by a habitat conservation plan or natural community conservation plan. Therefore, no impacts would occur.

4.10. MINERAL RESOURCES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	☒

Existing Conditions

Since the 1920s Huntington Beach has been, and continues to be, a source of large-scale oil and gas production (City of Huntington Beach 1996d). According to Figure IV-3, Orange County Mineral Resources, in the Orange County General Plan, no locally significant mineral resources have been identified within the project area (County of Orange 2005).

Impacts

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

The project alignment is located within the previously developed publicly owned right-of-way. The majority of the project is an aerial installation that has not or would not impact the underlying land. The remaining underground fiber installation would be achieved through minimal ground disturbance in developed areas that have been previously disturbed. Therefore, the project would not interfere with the current or future extraction of oil and gas in the area, or result in the loss of availability of a known mineral resource. Impacts to mineral resources are not anticipated as a result of the proposed project.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

See response (a) above. Impacts to mineral resources are not anticipated as a result of the proposed project.

4.11. NOISE

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

Existing Conditions

The project is within the publicly owned right-of-way in developed areas within the City of Huntington Beach, which includes existing utility lines, such as power lines, telephone lines, and cable television lines. Based on the City of Huntington Beach's Noise Element (City of Huntington Beach 1996e), noise levels along the major roadways, 50 feet from the roadway, range from 55 to 65 dB(A). Residential areas parallel to Kiser Drive and Vatcher Drive would be expected to have lower noise levels near 50 dB(A).

Residential areas, hospitals, and schools are considered by the City of Huntington Beach to be sensitive receptors. The permanent and construction noise exterior levels are required to be below 60 dB(A). Sensitive receptors are limited along the proposed project and consist of existing residential areas. With the exception of residential areas along Kiser Drive and Vatcher Drive, these residential areas are along major roadways and are buffered from street noise by block walls.

Impacts

Would the project:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Construction activities would result in temporary increases in noise levels in the area of construction activity.

Construction activities associated with project components would occur Monday through Saturday between 7:00 a.m. and 7:00 p.m. The City of Huntington Beach or Caltrans could require that some construction be conducted at night to relieve traffic congestion. In that case, some nighttime noise from construction may occur. This would be temporary in nature, lasting a night or two at any one place, and would be considered a less-than-significant impact.

The least-impacting construction activities would be in the location where fiber cable is strung on existing poles. This activity would use a bucket truck outfitted with a cable spool. Noise levels would be in the 60 dB(A) range and would only last for a few hours in a particular location. This will occur in residential areas including along Kiser Drive and Vatcher Drive. It is expected that exterior noise levels will not exceed 60 dB(A), resulting in a less-than-significant impact.

Trenching and installation of the underground cable, placement of the three new poles, and construction of the new nodes would require up to 3 days in any one place. Noise levels up to 80 dB(A) may occur during these activities. Areas near residential areas are buffered by block walls that are expected to reduce exterior noise levels to 60 dB(A) at residential units. The remainder of the construction will be near commercial uses where noise levels are already high.

During construction NextG will ensure that:

- All equipment will have sound-control devices no less effective than those provided on original equipment
- No equipment will have an unmuffled exhaust
- Construction equipment will be located as far from sensitive receptors (e.g. residences, schools, places of worship, and hospitals) as possible
- If traffic control devices requiring electrical power are employed within 500 feet of sensitive receptors, the devices will be battery/solar powered instead of powered by electrical generators
- The name and telephone number of a person for the public to contact to resolve noise-related problems will be easily viewable by the public during construction activities.

In addition, NextG would implement a variety of measures to reduce noise levels from directional boring where noise levels of 60 dBA or greater would be experienced at sensitive receptor locations. Noise reducing measures would include:

- Application of noise-reducing mufflers to the boring rig exhaust
- Shielding erected between the noise source and the receptor
- As an extreme measure, a temporary enclosure would be erected to house the boring operation.

The noise generated from construction activities would be short term in duration and are considered less than significant.

Once construction is complete, the proposed project is not expected to generate noise. Impacts associated with operations are considered less than significant.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Construction activity associated with the proposed project would not result in excessive ground-borne noise or perceptive vibration. Removal of pavement and drilling for new poles would create short-term, low levels of ground-borne noise and vibrations. No high vibration-producing activities, such as pile driving, are proposed. Once construction is complete, the proposed project is not expected to generate vibration or noise. Therefore, impacts associated with construction-related noise and vibrations are considered less than significant.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

The DAS system does not and would not once constructed, produce noise, and therefore, would create no increase in ambient noise levels. Therefore, no impact would occur.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

As discussed in response (a) above, there would be a short-term increase in noise levels during construction; however, due to the short duration and location, the impacts are considered less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The project is not located within an airport land use plan or within 2 miles of a public airport or public use airport. Therefore, no impact would occur.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

The project is not located in the vicinity of a private airstrip. Therefore, no impact would occur.

4.12. POPULATION AND HOUSING

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Existing Conditions

The project is within the publicly owned right-of-way in developed areas within the City of Huntington Beach, which includes existing utility lines, such as power lines, telephone lines, and cable television lines.

Impacts

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

The proposed project would not result in substantial population growth in the area because no new homes or businesses are proposed and no infrastructure related to population growth is proposed. Therefore, no impact would occur.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

No housing would be displaced by the proposed project and no impact would occur.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

The project would not displace people or housing, or require replacement housing elsewhere. Therefore, no impact would occur.

4.13. PUBLIC SERVICES

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	☐	☐	☒	☐
ii) Police protection?	☐	☐	☐	☒
iii) Schools?	☐	☐	☐	☒
iv) Parks?	☐	☐	☐	☒
v) Other public facilities?	☐	☐	☐	☒

Existing Conditions

The project is within the publicly owned right-of-way in developed areas within the City of Huntington Beach, which includes existing utility lines, such as power lines, telephone lines, and cable television lines.

Impacts

Would the project:

a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

i) Fire Protection?

The project would not introduce any new fire hazards that would require an increase in fire protection. A portion of the proposed underground fiber-optic cable that would otherwise be installed in front of Huntington Beach Fire Station No. 6, located at 18591 Edwards Street, will be installed on the opposite side of the street from the fire station. Construction and installation of the underground cable will not interfere with access to and from the fire station. Impacts would be less than significant.

ii) Police Protection?

The project would be an unmanned facility and would not generate population growth. Therefore, the project would not require an increase in police protection services, and no impact would occur.

iii) Schools?

The project would not result in an increase of population or housing in the project area. Therefore, no new demand on local schools would occur.

iv) Parks?

The project would not result in an increase of population or housing in the project area. Therefore, no new demand on local parks would occur.

v) Other Public Facilities?

The project would not result in an increase of population or housing in the project area. Therefore, no new demand on other local public facilities would occur.

4.14. RECREATION

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

Existing Conditions

The project is within the publicly owned right-of-way in developed areas within the City of Huntington Beach, which includes existing utility lines, such as power lines, telephone lines, and cable television lines.

Impacts

Would the project:

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

The proposed project is not expected to cause an increase in the use of existing neighborhood and regional parks. Therefore, no impacts would occur.

b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities. Therefore, no impacts would occur.

4.15. TRANSPORTATION/TRAFFIC

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
e) Result in inadequate emergency access?	☐	☐	☒	☐
f) Result in inadequate parking capacity?	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☒	☐

Existing Conditions

The proposed project would be constructed along roadways in the City of Huntington Beach, ranging from major roadways to residential streets. A number of the roadways where the proposed project would be constructed have high average daily traffic (ADT), as shown in Table 4.15-1.

Table 4.15-1: Average Daily Traffic in the Project Area

Roadway	ADT
Pacific Coast Highway	34,000
Ellis Avenue	6,000
Edwards Street	15,000
Atlanta Avenue	31,000
Garfield Avenue	16,000
Newland Street	16,000

SOURCE: City of Huntington Beach 2009a.

Impacts

Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

During the peak of construction, up to 10 trips per day have been or may be generated on the roadways by construction vehicles over a 2-month period. It is expected that this short-term construction-related traffic impact would not exceed an established level of service or roadway capacity, since it represents less than 0.1% of traffic on the roadways and would occur for a short period of time. Additionally, NextG will schedule truck trips outside of peak morning and evening commute hours. Impacts would be less than significant.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

Due to the low number of construction vehicles required by the proposed project, no changes in the level of service are anticipated during the 1- to 2-month construction period. Impacts would be less than significant.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

Construction and operational traffic associated with the proposed project is not expected to result in a change in air traffic patterns, since no airport or air patterns are involved with the proposed project. No impact would occur.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

The project would result in trenching and laying of conduit, construction of new utility poles, and laying of aerial cable. This would result in potential lane closures, loss of access, and short-term traffic congestion. This would occur for a maximum of 2 to 3 days at any location. With the implementation of Applicant Proposed Measure CTT-2, the impact would be less than significant.

e) Result in inadequate emergency access?

Construction-related activities associated with the project could result in short-term restriction of access. To address potential impacts to emergency access, NextG has incorporated into the project Applicant Proposed Measures CTT-1, CTT-2, and CTT-7, which include the development of an emergency vehicle access plan. With Implementation of Applicant Proposed Measures CTT-1, CTT-2, and CTT-7, impacts would be less than significant.

f) Result in inadequate parking capacity?

No demand for parking would be created by the project during operation. During construction, work crews would comprise fewer than 10 personnel, who would park adjacent to construction areas. Trenching activities could affect parking for area business and other facilities. Since access to the areas will be maintained during construction and parking will be restricted for no more than 3 days, no significant impact would occur.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

There may be short-term impacts to bicycle paths or bus turnouts during construction for 1 to 2 days in any location. As stated in Applicant Proposed Measure CTT-1 in Section 1, Subsection 8.5 of this Initial Study, NextG will include pedestrian and bicycle detours in all areas potentially impacted, will consult with the local jurisdiction and prepare a traffic control plan, and will coordinate with local transit agencies for temporary relocation of routes or bus stops in work zones, as necessary. With implementation of Applicant Proposed Measure CTT-1, this impact is considered less than significant.

4.16. UTILITIES AND SERVICE SYSTEMS

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☒	☐

Existing Conditions

The project is within the publicly owned right-of-way in developed areas within the City of Huntington Beach, which includes existing utility lines, such as power lines, telephone lines, and cable television lines.

Impacts

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

The project would not generate a demand for water or wastewater treatment, and thus would not exceed wastewater treatment requirements of the Regional Water Quality Control Board. Therefore, no impact would occur.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The project would not generate a demand for water or wastewater treatment. Therefore, the project would not cause a violation in wastewater treatment requirements, or require the construction of new water or wastewater treatment facilities. Therefore, no impact would occur.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

During construction of the proposed project, all ground disturbance would be limited to the previously developed publicly owned right-of-way. To avoid impacts to the existing stormwater system, the applicant is planning to tunnel or bore under existing curbs and gutters where the project proposes to install underground fiber-optic communication lines. Therefore, the project would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, and no impacts would occur.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

The project would not generate a demand for water or wastewater treatment. Therefore, the project would not cause a violation in wastewater treatment requirements, or require the construction of new water or wastewater treatment facilities. Therefore, no impact would occur.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The project would not generate a demand for water or wastewater treatment. Therefore, the project would not cause a violation in wastewater treatment requirements, or require the construction of new water or wastewater treatment facilities. Therefore, no impact would occur.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

The project would generate a minimal amount of solid waste during construction. No regular solid waste disposal is proposed as a part of the project. To reduce construction-related

waste, NextG would recycle construction materials to the maximum extent possible, as described in Applicant Proposed Measure CTT-6. Therefore, the amount of solid waste generated by the project would not be substantial or interfere with the sufficient permitted capacity of nearby landfills. Impacts would be less than significant.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

NextG and its contractors comply with all relevant federal, state, and local statutes and regulations related to solid waste. With the implementation of Applicant Proposed Measure CTT-7, recycling of construction waste, and compliance with applicable laws and regulations, impacts would be less than significant.

4.17. MANDATORY FINDINGS OF SIGNIFICANCE

Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☐	☒	☐
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐

Explanation of Mandatory Findings of Significance Checklist

a) As discussed in the sections above, the project would involve the construction of a utility system and would not significantly impact fish or wildlife resources, nor impact rare, threatened, or endangered species. The proposed project, with incorporation of Applicant Proposed Measures, would not significantly impact cultural or biological resources.

b) No significant cumulative impacts have been identified with the implementation of the proposed project.

c) No substantial environmental effects that would cause adverse effects on human beings have been identified.

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6. LIST OF PREPARERS AND AGENCIES/PERSONS CONTACTED

6.1. LEAD AGENCY

Jensen Uchida, CPUC Project Manager, Energy Division
Jason Rieger, Staff Attorney

6.2. PREPARERS

John Westermeier, Dudek, Senior Project Manager

John Porteous, Dudek, Principal

Emily Lyons, Dudek, Environmental Planner

David Deckman, Senior Air Quality Scientist,

Andrew Weis, Dudek, GIS Technician

Lesley Terry, Dudek, Graphic Specialist

Cynthia Cohen and Becky Golden-Harrell, Dudek, Technical Editors

The Sanberg Group, Geology and Cultural Resources

6.3. AGENCIES AND PERSONS CONTACTED

Marybeth Boerne, Planning Manager, City of Huntington Beach

Scott Field, Assistant City Attorney, City of Huntington Beach

James Wagner, Engineer, City of Huntington Beach

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ATTACHMENT 1
Air Quality Emissions Estimates

Road Construction Emissions Model, Version 6.3.1

Emission Estimates for -> Next G Project - Proposed Project Phases (English Units)	ROG (lbs/day)	CO (lbs/day)	NOx (lbs/day)	Total PM10 (lbs/day)	Exhaust PM10 (lbs/day)	Fugitive Dust PM10 (lbs/day)	Total PM2.5 (lbs/day)	Exhaust PM2.5 (lbs/day)	Fugitive Dust PM2.5 (lbs/day)
Grubbing/Land Clearing	0.6	7.6	2.9	0.4	0.2	0.3	0.2	0.1	0.1
Grading/Excavation	1.7	12.3	14.0	0.9	0.7	0.3	0.6	0.6	0.1
Drainage/Utilities/Sub-Grade	1.8	12.7	14.5	1.0	0.7	0.3	0.7	0.6	0.1
Paving	2.6	0.1	0.1	1.2	1.2	-	1.1	1.1	-
Maximum (pounds/day)	2.6	12.7	14.5	1.2	1.2	0.3	1.1	1.1	0.1
Total (tons/construction project)	0.0	0.3	0.3	0.0	0.0	0.0	0.0	0.0	0.0

Notes:

Project Start Year ->	2010
Project Length (months) ->	2
Total Project Area (acres) ->	0.192
Maximum Area Disturbed/Day (acres) ->	0.027
Total Soil Imported/Exported (yd^3/day)->	0

CO_2E (tons/project)	CO_2E (Mtons/yr)
56.76	51.49

PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified.

Notes:

CO_2E	Carbon dioxide equivalent
Mtons	metric tons (= 1.1023 tons)

Road Construction Emissions Model, Version 6.3.1

Emission Estimates for -> Next G Project - Completed Project Phases (English Units)	ROG (lbs/day)	CO (lbs/day)	NOx (lbs/day)	Total PM10 (lbs/day)	Exhaust PM10 (lbs/day)	Fugitive Dust PM10 (lbs/day)	Total PM2.5 (lbs/day)	Exhaust PM2.5 (lbs/day)	Fugitive Dust PM2.5 (lbs/day)
Grubbing/Land Clearing	0.6	7.6	2.9	0.4	0.2	0.3	0.2	0.1	0.1
Grading/Excavation	1.7	12.3	14.0	0.9	0.7	0.3	0.6	0.6	0.1
Drainage/Utilities/Sub-Grade	1.8	12.7	14.5	1.0	0.7	0.3	0.7	0.6	0.1
Paving	2.6	0.1	0.1	1.2	1.2	-	1.1	1.1	-
Maximum (pounds/day)	2.6	12.7	14.5	1.2	1.2	0.3	1.1	1.1	0.1
Total (tons/construction project)	0.0	0.2	0.3	0.0	0.0	0.0	0.0	0.0	0.0

Notes:

Project Start Year ->	2008
Project Length (months) ->	2
Total Project Area (acres) ->	0.101
Maximum Area Disturbed/Day (acres) ->	0.027
Total Soil Imported/Exported (yd^3/day)->	0

CO_2E (tons/project)	CO_2E (Mtons/yr)
53.51	48.55

PM10 and PM2.5 estimates assume 50% control of fugitive dust from watering and associated dust control measures if a minimum number of water trucks are specified.

Notes:

CO_2E	Carbon dioxide equivalent
Mtons	metric tons (= 1.1023 tons)

Road Construction Emissions Model

Version 6.3.1

Data Entry or sheet

Note: equired data input sections have a yellow background.
Optional data input sections have a blue background. Only areas with a
yellow or blue background can be modified. Program defaults have a white background.
The user is required to enter information in cells C10 through C25.

nput Type		
Project Name	Next G Project - Completed	
Construction Start Year	2008	Enter a Year between 2005 and 2025 (inclusive)
Project Type	1	1 New oad Construction 2 oad idening 3 ridge/Overpass Construction
Project Construction Time	1.5	months
Predominant Soil/Site Type: Enter 1 2 or 3	1	1. Sand Gravel 2. eathered ock-Earth 3. lasted ock
Project Length	0.71	miles
Total Project Area	0.1010	acres
Maximum Area Disturbed/Day	0.0268	acres
ater Trucks sed	1	1. Yes 2. No
Soil Imported	0.0	yd^3/day
Soil Exported	0.0	yd^3/day
Average Truck Capacity	20.0	yd^3 (assume 20 if unknown)

To begin a new project click this button to clear data previously entered. This button will only work if you opted not to disable macros when loading this spreadsheet.

The remaining sections of this sheet contain areas that can be modified by the user, although those modifications are optional.

Note: The program s estimates of construction period phase length can be overridden in cells C34 through C37.

Construction Periods	ser Override of Construction Months	Program Calculated Months	2005	%	2006	%	2007	%
Grubbing/Land Clearing		0.15	0.00	0.00	0.00	0.00	0.00	0.00
Grading/Excavation		0.60	0.00	0.00	0.00	0.00	0.00	0.00
Drainage/ tilities/Sub-Grade		0.53	0.00	0.00	0.00	0.00	0.00	0.00
Paving		0.23	0.00	0.00	0.00	0.00	0.00	0.00
Totals	0.00	1.50						

auling emission default values can be overridden in cells C45 through C46.

Soil auling Emissions	ser Override of Soil auling Defaults	Default alues
User nput		
Miles/round trip		30
ound trips/day		0

ehicle miles traveled/day (calculated)	0

auling Emissions	ROG	NOx	CO	PM10	PM2.5	CO2
Emission rate (grams/mile)	1.11	14.47	7.75	0.56	0.48	1855.42
Emission rate (grams/trip)	11.78	8.19	205.93	0.02	0.01	223.55
Pounds per day	0.0	0.0	0.0	0.0	0.0	0.0
Tons per contruction period	0.00	0.00	0.00	0.00	0.00	0.00

orker commute default values can be overridden in cells C60 through C65.

or er Commute Emissions	ser Override of orker Commute Default alues	Default alues
Miles/ one-way trip		20
One-way trips/day		2
No. of employees: Grubbing/Land Clearing	12.00	1
No. of employees: Grading/Excavation	12.00	3
No. of employees: Drainage/ tilities/Sub-Grade	12.00	3
No. of employees: Paving	12.00	4

	ROG	NOx	CO	PM10	PM2.5	CO2	CO_2E
Emission rate - Grubbing/Land Clearing (grams/mile)	0.169	0.294	2.971	0.034	0.019	426.400	
Emission rate - Grading/Excavation (grams/mile)	0.169	0.294	2.971	0.034	0.019	426.400	
Emission rate - Draining/ tilities/Sub-Grade (gr/mile)	0.169	0.294	2.971	0.034	0.019	426.400	
Emission rate - Paving (grams/mile)	0.169	0.294	2.971	0.034	0.019	426.400	
Emission rate - Grubbing/Land Clearing (grams/trip)	0.953	0.402	9.269	0.120	0.012	191.400	
Emission rate - Grading/Excavation (grams/trip)	0.953	0.402	9.269	0.120	0.012	191.400	
Emission rate - Draining/ tilities/Sub-Grade (gr/trip)	0.953	0.402	9.269	0.120	0.012	191.400	
Emission rate - Paving (grams/trip)	0.953	0.402	9.269	0.120	0.012	191.400	
Pounds per day - Grubbing/Land Clearing	0.279	0.353	4.121	0.049	0.021	471.056	
Tons per const. Period - Grub/Land Clear	0.000	0.001	0.007	0.000	0.000	0.777	
Pounds per day - Grading/Excavation	0.279	0.353	4.121	0.049	0.021	471.056	
Tons per const. Period - Grading/Excavation	0.002	0.002	0.027	0.000	0.000	3.109	
Pounds per day - Drainage/ tilities/Sub-Grade	0.279	0.353	4.121	0.049	0.021	471.056	
Tons per const. Period - Drain/ til/Sub-Grade	0.002	0.002	0.024	0.000	0.000	2.720	
Pounds per day - Paving	0.279	0.353	4.121	0.049	0.021	471.056	
Tons per const. Period - Paving	0.001	0.001	0.010	0.000	0.000	1.166	
tons per construction period	0.005	0.006	0.068	0.001	0.000	7.772	8.181

ater truck default values can be overriden in cells C91 through C93 and E91 through E93.

ater Truc Emissions	ser Override of Default ater Trucks	Program Estimate of Number of ater Trucks	ser Override of Truck Miles Traveled/Day	Default alues Miles Traveled/Day
Grubbing/Land Clearing - Exhaust	2.00	1	10.00	40
Grading/Excavation - Exhaust	2.00	1	10.00	40
Drainage/ tilities/Subgrade	2.00	1	10.00	40

	ROG	NOx	CO	PM10	PM2.5	CO2
Emission rate - Grubbing/Land Clearing (grams/mile)	1.11	14.47	7.75	0.56	0.48	1855.42
Emission rate - Grading/Excavation (grams/mile)	1.11	14.47	7.75	0.56	0.48	1855.42

Emission rate - Draining/ tilities/Sub-Grade (gr/mile)	1.10	14.47	7.75	0.56	0.48	1855.42
Pounds per day - Grubbing/Land Clearing	0.05	0.64	0.34	0.02	0.02	81.74
Tons per const. Period - Grub/Land Clear	0.00	0.00	0.00	0.00	0.00	0.54
Pound per day - Grading/Excavation	0.05	0.64	0.34	0.02	0.02	81.74
Tons per const. Period - Grading/Excavation	0.00	0.00	0.00	0.00	0.00	0.54
Pound per day - Drainage/ tilities/Subgrade	0.05	0.64	0.34	0.02	0.02	81.74
Tons per const. Period - Drainage/ tilities/Subgrade	0.00	0.00	0.00	0.00	0.00	0.47

ugitive dust default values can be overridden in cells C110 through C112.

Fugitive Dust	ser Override of Max Acreage Disturbed/Day	Default Maximum Acreage/Day	PM10 pounds/day	PM10 tons/per period	PM2.5 pounds/day	PM2.5 tons/per period
ugitive Dust - Grubbing/Land Clearing		0.026772268	0.3	0.0	0.1	0.0
ugitive Dust - Grading/Excavation		0.026772268	0.3	0.0	0.1	0.0
ugitive Dust - Drainage/ tilities/Subgrade		0.026772268	0.3	0.0	0.1	0.0

Off-Road E uipment Emissions

Grubbing/Land Clearing Override of Default Number of ehicles	Default Number of ehicles *Program-estimate*	Type	OG pounds/day	CO pounds/day	NOx pounds/day	PM10 pounds/day	PM2.5 pounds/day	CO2 pounds/day
		Aerial Lifts	0.00	0.00	0.00	0.00	0.00	0.00
		Air Compressors	0.00	0.00	0.00	0.00	0.00	0.00
		ore/Drill igs	0.00	0.00	0.00	0.00	0.00	0.00
		Cement and Mortar Mixers	0.00	0.00	0.00	0.00	0.00	0.00
		Concrete/Industrial Saws	0.00	0.00	0.00	0.00	0.00	0.00
		Cranes	0.00	0.00	0.00	0.00	0.00	0.00
		Crushing/Proc. Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Excavators	0.00	0.00	0.00	0.00	0.00	0.00
		orklifts	0.00	0.00	0.00	0.00	0.00	0.00
		Generator Sets	0.00	0.00	0.00	0.00	0.00	0.00
		Graders	0.00	0.00	0.00	0.00	0.00	0.00
		Off- ighway Tractors	0.00	0.00	0.00	0.00	0.00	0.00
		Off- ighway Trucks	0.00	0.00	0.00	0.00	0.00	0.00
		Other Construction Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Other General Industrial Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Other Material andling Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Pavers	0.00	0.00	0.00	0.00	0.00	0.00
		Paving Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Plate Compactors	0.00	0.00	0.00	0.00	0.00	0.00
		Pressure ashers	0.00	0.00	0.00	0.00	0.00	0.00
		Pumps	0.00	0.00	0.00	0.00	0.00	0.00
		ollers	0.00	0.00	0.00	0.00	0.00	0.00
		ough Terrain orklifts	0.00	0.00	0.00	0.00	0.00	0.00
0.00	1	ubber Tired Do ers	0.00	0.00	0.00	0.00	0.00	0.00
		ubber Tired Loaders	0.00	0.00	0.00	0.00	0.00	0.00
0.00	1	Scrapers	0.00	0.00	0.00	0.00	0.00	0.00

0.00	1	Signal oards	0.00	0.00	0.00	0.00	0.00	0.00
		Skid Steer Loaders	0.00	0.00	0.00	0.00	0.00	0.00
		Surfacing Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Sweepers/Scrubbers	0.00	0.00	0.00	0.00	0.00	0.00
1.00		Tractors/Loaders/ ackhoes	0.22	2.15	1.44	0.07	0.06	327.38
		Trenchers	0.00	0.00	0.00	0.00	0.00	0.00
1.00		eavy Duty On- oad Trucks	0.07	0.96	0.51	0.04	0.03	122.60
		elders	0.00	0.00	0.00	0.00	0.00	0.00
	Grubbing/Land Clearing	pounds per day	0.3	3.1	2.0	0.1	0.1	450.0
	Grubbing/Land Clearing	tons per phase	0.0	0.0	0.0	0.0	0.0	1.0

Grading/Excavation	Default Number of ehicles		OG	CO	NOx	PM10	PM2.5	CO2
Override of Default Number of ehicles	*Program-estimate*	Type	pounds/day	pounds/day	pounds/day	pounds/day	pounds/day	pounds/day
1.00		Aerial Lifts	0.23	0.84	1.49	0.12	0.11	128.30
		Air Compressors	0.00	0.00	0.00	0.00	0.00	0.00
1.00		ore/Drill igs	0.79	2.94	9.00	0.32	0.30	1641.74
0.00		Cement and Mortar Mixers	0.00	0.00	0.00	0.00	0.00	0.00
		Concrete/Industrial Saws	0.00	0.00	0.00	0.00	0.00	0.00
	0	Cranes	0.00	0.00	0.00	0.00	0.00	0.00
		Crushing/Proc. Equipment	0.00	0.00	0.00	0.00	0.00	0.00
0.00	1	Excavators	0.00	0.00	0.00	0.00	0.00	0.00
		orklifts	0.00	0.00	0.00	0.00	0.00	0.00
		Generator Sets	0.00	0.00	0.00	0.00	0.00	0.00
0.00	1	Graders	0.00	0.00	0.00	0.00	0.00	0.00
		Off- ighway Tractors	0.00	0.00	0.00	0.00	0.00	0.00
0.00		Off- ighway Trucks	0.00	0.00	0.00	0.00	0.00	0.00
	0	Other Construction Equipment	0.00	0.01	0.01	0.00	0.00	0.77
		Other General Industrial Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Other Material andling Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Pavers	0.00	0.00	0.00	0.00	0.00	0.00
		Paving Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Plate Compactors	0.00	0.00	0.00	0.00	0.00	0.00
		Pressure ashers	0.00	0.00	0.00	0.00	0.00	0.00
		Pumps	0.00	0.00	0.00	0.00	0.00	0.00
		ollers	0.00	0.00	0.00	0.00	0.00	0.00
		ough Terrain orklifts	0.00	0.00	0.00	0.00	0.00	0.00
		ubber Tired Do ers	0.00	0.00	0.00	0.00	0.00	0.00
0.00	1	ubber Tired Loaders	0.00	0.00	0.00	0.00	0.00	0.00
0.00	1	Scrapers	0.00	0.00	0.00	0.00	0.00	0.00
0.00	1	Signal oards	0.00	0.00	0.00	0.00	0.00	0.00
		Skid Steer Loaders	0.00	0.00	0.00	0.00	0.00	0.00
		Surfacing Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Sweepers/Scrubbers	0.00	0.00	0.00	0.00	0.00	0.00
1.00		Tractors/Loaders/ ackhoes	0.22	2.15	1.44	0.07	0.06	327.38
0.00		Trenchers	0.00	0.00	0.00	0.00	0.00	0.00
2.00		eavy Duty On- oad Trucks	0.15	1.91	1.02	0.07	0.06	245.21
		elders	0.00	0.00	0.00	0.00	0.00	0.00

	Grading/Excavation	pounds per day	1.4	7.8	13.0	0.6	0.5	2343.4
	Grading	tons per phase	0.0	0.1	0.1	0.0	0.0	20.6

Drainage/Utilities/Subgrade	Default Number of ehicles		OG	CO	NOx	PM10	PM2.5	CO2
Override of Default Number of ehicles	*Program-estimate*		pounds/day	pounds/day	pounds/day	pounds/day	pounds/day	pounds/day
1.00		Aerial Lifts	0.23	0.84	1.49	0.12	0.11	128.30
		Air Compressors	0.00	0.00	0.00	0.00	0.00	0.00
1.00		ore/Drill igs	0.79	2.94	9.00	0.32	0.30	1641.74
2.00		Cement and Mortar Mixers	0.08	0.40	0.52	0.03	0.03	64.89
		Concrete/Industrial Saws	0.00	0.00	0.00	0.00	0.00	0.00
		Cranes	0.00	0.00	0.00	0.00	0.00	0.00
		Crushing/Proc. Equipment	0.00	0.00	0.00	0.00	0.00	0.00
0.00		Excavators	0.00	0.00	0.00	0.00	0.00	0.00
		orklifts	0.00	0.00	0.00	0.00	0.00	0.00
		Generator Sets	0.00	0.00	0.00	0.00	0.00	0.00
0.00	1	Graders	0.00	0.00	0.00	0.00	0.00	0.00
		Off- ighway Tractors	0.00	0.00	0.00	0.00	0.00	0.00
0.00		Off- ighway Trucks	0.00	0.00	0.00	0.00	0.00	0.00
		Other Construction Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Other General Industrial Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Other Material andling Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Pavers	0.00	0.00	0.00	0.00	0.00	0.00
		Paving Equipment	0.00	0.00	0.00	0.00	0.00	0.00
0.00	1	Plate Compactors	0.00	0.00	0.00	0.00	0.00	0.00
		Pressure ashers	0.00	0.00	0.00	0.00	0.00	0.00
		Pumps	0.00	0.00	0.00	0.00	0.00	0.00
		ollers	0.00	0.00	0.00	0.00	0.00	0.00
		ough Terrain orklifts	0.00	0.00	0.00	0.00	0.00	0.00
		ubber Tired Do ers	0.00	0.00	0.00	0.00	0.00	0.00
0.00		ubber Tired Loaders	0.00	0.00	0.00	0.00	0.00	0.00
0.00	1	Scrapers	0.00	0.00	0.00	0.00	0.00	0.00
0.00	1	Signal oards	0.00	0.00	0.00	0.00	0.00	0.00
		Skid Steer Loaders	0.00	0.00	0.00	0.00	0.00	0.00
		Surfacing Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Sweepers/Scrubbers	0.00	0.00	0.00	0.00	0.00	0.00
1.00		Tractors/Loaders/ ackhoes	0.22	2.15	1.44	0.07	0.06	327.38
0.00	1	Trenchers	0.00	0.00	0.00	0.00	0.00	0.00
2.00		eavy Duty On- oad Trucks	0.15	1.91	1.02	0.07	0.06	245.21
		elders	0.00	0.00	0.00	0.00	0.00	0.00
	Drainage	pounds per day	1.5	8.2	13.5	0.6	0.6	2407.5
	Drainage	tons per phase	0.0	0.1	0.1	0.0	0.0	18.5

Paving	Default Number of ehicles		OG	CO	NOx	PM10	PM2.5	CO2
Override of Default Number of ehicles	*Program-estimate*	Type	pounds/day	pounds/day	pounds/day	pounds/day	pounds/day	pounds/day
		Aerial Lifts	0.00	0.00	0.00	0.00	0.00	0.00
		Air Compressors	0.00	0.00	0.00	0.00	0.00	0.00
		ore/Drill igs	0.00	0.00	0.00	0.00	0.00	0.00

		Cement and Mortar Mixers	0.00	0.00	0.00	0.00	0.00	0.00
		Concrete/Industrial Saws	0.00	0.00	0.00	0.00	0.00	0.00
		Cranes	0.00	0.00	0.00	0.00	0.00	0.00
		Crushing/Proc. Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Excavators	0.00	0.00	0.00	0.00	0.00	0.00
		orklifts	0.00	0.00	0.00	0.00	0.00	0.00
		Generator Sets	0.00	0.00	0.00	0.00	0.00	0.00
		Graders	0.00	0.00	0.00	0.00	0.00	0.00
		Off- ighway Tractors	0.00	0.00	0.00	0.00	0.00	0.00
		Off- ighway Trucks	0.00	0.00	0.00	0.00	0.00	0.00
		Other Construction Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Other General Industrial Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Other Material andling Equipment	0.00	0.00	0.00	0.00	0.00	0.00
	1	Pavers	0.92	2.92	5.41	0.48	0.44	386.18
	1	Paving Equipment	0.69	2.19	4.07	0.36	0.33	291.96
		Plate Compactors	0.00	0.00	0.00	0.00	0.00	0.00
		Pressure ashers	0.00	0.00	0.00	0.00	0.00	0.00
		Pumps	0.00	0.00	0.00	0.00	0.00	0.00
	1	ollers	0.61	2.12	3.75	0.33	0.30	299.86
		ough Terrain orklifts	0.00	0.00	0.00	0.00	0.00	0.00
		ubber Tired Do ers	0.00	0.00	0.00	0.00	0.00	0.00
		ubber Tired Loaders	0.00	0.00	0.00	0.00	0.00	0.00
		Scrapers	0.00	0.00	0.00	0.00	0.00	0.00
0.00	1	Signal oards	0.00	0.00	0.00	0.00	0.00	0.00
		Skid Steer Loaders	0.00	0.00	0.00	0.00	0.00	0.00
		Surfacing Equipment	0.00	0.00	0.00	0.00	0.00	0.00
		Sweepers/Scrubbers	0.00	0.00	0.00	0.00	0.00	0.00
		Tractors/Loaders/ ackhoes	0.00	0.00	0.00	0.00	0.00	0.00
		Trenchers	0.00	0.00	0.00	0.00	0.00	0.00
1.00		eavy Duty On- oad Trucks	0.07	0.96	0.51	0.04	0.03	122.60
	Paving	pounds per day	2.3	8.2	13.7	1.2	1.1	1100.6
	Paving	tons per phase	0.0	0.0	0.0	0.0	0.0	3.6
Total Emissions all Phases (tons per construction period) >			0.0	0.2	0.3	0.0	0.0	43.8

Equipment default values for horsepower load factor and hours/day can be overridden in cells C285 through C317 E285 through E317 and G285 through G317.

E uipment		Default alues orsepower		Default alues Load actor		Default alues ours/day
Aerial Lifts		60		0.46		8
Air Compressors		106		0.48		8
ore/Drill igs		291		0.75		8
Cement and Mortar Mixers		10		0.56		8
Concrete/Industrial Saws		19		0.73		8
Cranes		399		0.43		8
Crushing/Proc. Equipment		142		0.78		8
Excavators		168		0.57		8
orklifts		145		0.30		8

Generator Sets		549		0.74		8
Graders		174		0.61		8
Off- ighway Tractors		267		0.65		8
Off- ighway Trucks		479		0.57		8
Other Construction Equipment		75		0.62		8
Other General Industrial Equipment		238		0.51		8
Other Material andling Equipment		191		0.59		8
Pavers		100		0.62		8
Paving Equipment		104		0.53		8
Plate Compactors		8		0.43		8
Pressure ashers		1		0.60		8
Pumps		53		0.74		8
ollers		95		0.56		8
ough Terrain orklifts		93		0.60		8
ubber Tired Do ers		357		0.59		8
ubber Tired Loaders		157		0.54		8
Scrapers		313		0.72		8
Signal oards		20		0.78		8
Skid Steer Loaders		44		0.55		8
Surfacing Equipment		362		0.45		8
Sweepers/Scrubbers		91		0.68		8
Tractors/Loaders/ ackhoes		108		0.55		8
Trenchers		63		0.75		8
elders		45		0.45		8

0

END OF D T ENTR S EET

ATTACHMENT 2
Comments Received and Responses to Comments

NextG Networks Inc. of California
Huntington Beach Distributed Antenna System Project

COMMENTS RECEIVED AND RESPONSES TO COMMENTS

ATTACHMENT 2 OF THE INITIAL STUDY

February 2010

Prepared for:
California Public Utilities Commission
Energy Division
505 Van Ness Avenue
San Francisco, California 94102

Prepared by:
DUDEK
605 Third Street
Encinitas, California 92024

TABLE OF CONTENTS

TABLE

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1. Introduction

This attachment provides responses to comments received during the Draft Initial Study (IS) and Negative Declaration (ND) for the NextG Huntington Beach Digital Antenna System (DAS) project public review period, which began on November 23, 2009, and ended on December 22, 2009, providing 30 days for public review. Detailed responses are provided to individual comments in Section 1.4, which also provides copies of comments submitted on the Draft IS/ND.

2. Comment Letters Received

Table 1-1 provides an index of all comment letters received and corresponding numbered responses. Comment letters are organized by category and then chronologically in the order the letter was received. Each letter is assigned a letter designation and each comment within that letter is numbered. Comment letters, bracketed by comment, are reproduced in their entirety and are followed by responses to each comment. Changes to the IS/ND, where deemed appropriate, are summarized in the response and refer to the applicable section in the IS/ND. Text changes are indicated with ~~strikethrough~~/underline. A clean version of the text is provided in the Final IS/ND.

Table 1-1: Index to Comment Letters and Responses to Comments

Document Letter Designation	Agency/Respondent and Date of Letter	Response Designations
Public Agencies and Organizations		
A	Department of Toxic Substances Control (Greg Holmes), December 14, 2009	A-1–A-12
B	Department of Transportation, District 12 (Maryam Molavi), December 21, 2009	B-1–B-4
C	City of Huntington Beach, Office of City Attorney (Scott Field), December 22, 2009	C-1–C-56
D	Governor's Office of Planning and Research, State Clearinghouse and Planning Unit (Scott Morgan), December 24, 2009	D-1–D-3
The Applicant		
E	NextG Nextworks of California, Inc. (Davis Wright Montgomery—Suzanne Toller, Kerry Shea, Robert Millar), December 22, 2009	E1–E-16
F	NextG Nextworks of California, Inc. (Davis Wright Montgomery—Robert Millar), January 11, 2010	F-1–F-10

3. Public Meeting

In order to help understand the proposed project and to obtain public comments on the IS/ND, the California Public Utilities Commission (CPUC) held a public meeting on Thursday, December 3, 2009, in Community Room B at the Huntington Beach Central Library at 7111 Talbert Avenue in Huntington Beach, California, from 6:30 p.m. to 9:00 p.m. At the public meeting, the environmental team and CPUC staff were available to discuss the environmental document and to obtain public comments on the environmental document. Attendees were provided with comment cards and contact information with the option to submit comments at a later date. No comments were received as a result of this meeting.

4. Comments and Responses

Comment Letter A

Department of Toxic Substances Control

Maziar Movassaghi, Acting Director
5796 Corporate Avenue
Cypress, California 90630

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

December 14, 2009

Mr. Jensen Uchida
California Public Utilities Commission
Energy Division
505 Van Ness Avenue
San Francisco, California 94102

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
FOR HUNTINGTON BEACH DISTRIBUTED ANTENNA SYSTEM PROJECT
(SCH # 2009111073), ORANGE COUNTY

Dear Mr. Uchida:

The Department of Toxic Substances Control (DTSC) has received your submitted draft Initial Study (IS) and purposed Mitigated Negative Declaration (MND) for the above-mentioned project. The following project description is stated in your document: "NextG Networks, Inc. (NextG) is proposing the completion of its Distributed Antenna System. Eight of the15 nodes, 79,419 feet of aerial fiber, and approximately 1,531 feet of underground fiber have been constructed. The remaining seven nodes, and the cable to connect them to the network, would complete the project. The remaining seven nodes include three new poles, approximately 33,556 feet of aerial fiber, and 7,165 feet of underground fiber. This would be accomplished through trenching of a 1- to 2-foot-deep trench between 3 and 6 feet from edge of the pavement. The project is located entirely within the publicly owned right-of-way within developed urban area of the City of Huntington Beach in northwestern Orange County, California. The majority of the existing landscape of the project area is characterized by major roadways and smaller ancillary streets containing residences, commercial businesses, parks or recreation areas, and industry, such as active oil wells. In some areas, namely along Pacific Coast Highway, the project site is located adjacent to vacant or open space areas." DTSC has the following comments: — A-1

1) The MND should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would — A-2

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require an oversight agreement in order to review such documents. Please see comment No. 9 below for more information.

For all identified sites, the MND should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the pertinent regulatory agencies:

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- EnviroStor: A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).

A-2 Cont.

2) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table.

A-3

3) If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies. — A-4

4) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination. — A-5

5) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment. — A-6

6) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA. — A-7

7) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented. — A-8

8) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project. — A-9

9) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be considered responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489. — A-10

10) In future CEQA documents, please provide your e-mail address, so DTSC can send you comments both electronically and by mail — A-11

If you have any questions regarding this letter, please contact Mr. Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491. — A-12

Sincerely,

Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program - Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
1001 I Street, 22nd Floor, M.S. 22-2
Sacramento, California 95814
nritter@dtsc.ca.gov

CEQA# 2732

Response to Document A
Department of Toxic Substances Control (Greg Holmes)
Dated December 14, 2009

A-1 The commenter provides an accurate description of the proposed project.

A-2 A database search for contaminated sites within the vicinity of the proposed project has been completed. Appropriate databases were included in this search and no identified sites were found within the project area. It should be noted that no actual maps of these facilities are available but are provided by address or universal transverse mercator (UTM) coordinates.

A-3 No remediation activities have been identified as necessary for the proposed project. Should one be deemed necessary, a work plan will be provided to the Department of Toxic Substances Control (DTSC).

A-4 No buildings or other structures will be demolished as part of the proposed project.

A-5 It is anticipated that any material that will be used for excavation or filling will be from the same right-of-way area. Any fill material will be tested to ensure that it is not contaminated prior to its use. Any contaminated soils will be removed and disposed of according to the California Environmental Protection Agency's (EPA's) Department of Toxic Substances Control regulations and the fill material will be replaced with clean material.

A-6 Human health and any sensitive receptors will be protected during the construction process.

A-7 As discussed in the Initial Study, there will be the potential to generate hazardous waste during construction. The waste will be managed in accordance with the California Hazardous Waste Control Law and the Hazardous Waste Control Regulations.

A-8 In the event that contaminated groundwater is encountered, construction will cease in the area until appropriate health and safety procedures are implemented.

A-9 The project site has not been used for agricultural or livestock activities.

A-10 It is not anticipated that clean-up activities will be required. If appropriate, the DTSC will be contacted for guidance.

A-11 This information is noted.

A-12 This information is noted.

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Comment Letter B

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2241
Fax: (949) 724-2592

Flex your power!
Be energy efficient!

December 21, 2009

Jensen Uchida
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102

File: IGR/CEQA
SCH#: 2009111073
Log #: 2409
SR-1, SR-39

Subject: Huntington Beach Distributed Antennae System Project

Dear Mr. Uchida,

Thank you for the opportunity to review and comment on the **Initial Study and Negative Declaration (IS/ND) for the Huntington Beach Distributed Antennae System Project**. The proposal is to install approximately 7.5 miles of fiber-optic cables, steel & concrete poles, enclosures and splice boxes, including 33,555 feet of aerial fiber-optic cable, and 7,165 feet of underground fiber-optic cable. The project site is located is located at various areas within the City of Huntington Beach. The nearest State routes to this project are SR-1 and SR-39. **B-1**

The Department of Transportation (Department) is a responsible agency on this project and we have the following comments: **B-2**

1. As part of Applicant Proposed Measure CTT-1 (as listed on Page 5 of the Negative Declaration), a Traffic Management Plan (TMP) shall be submitted to Caltrans, summarizing the procedures that may be used to minimize traffic impacts and the process for distribution of accurate and timely traffic information to the public.

2. Any project work proposed in the vicinity of the Department's right-of-way would require an encroachment permit and all environmental concerns must be adequately addressed. If the environmental documentation for the project does not meet the Department's requirements, additional documentation would be required before approval of the encroachment permit. Please coordinate with Department to meet requirements for any work within or near State right-of-way. All entities other than the Department working within the Department's right-of-way must obtain an Encroachment Permit prior to commencement of work. Please allow 2 to 4 weeks for a complete submittal to be reviewed and for a permit to be issued. When applying for an Encroachment Permit, please incorporate Environmental Documentation, SWPPP/ WPCP, Hydraulic Calculations, Traffic Control Plans, Geotechnical Analysis, right-of-way certification and all relevant design details including design exception approvals. For specific details on the Caltrans Encroachment Permits procedure, please refer to the Caltrans Encroachment Permits Manual. The latest edition of the manual is available on the web site: http://www.dot.ca.gov/hq/traffops/developserv/permits/ **B-3**

"Caltrans improves mobility across California"

Please continue to keep us informed of this project and any future developments, which could potentially impact the State Transportation Facilities. If you have any questions or need to contact us, please do not hesitate to call Marlon Regisford at (949) 724-2241. B-4

Sincerely,

Maryam Molavi

Maryam Molavi, Acting Branch Chief
Local Development/Intergovernmental Review

"Caltrans improves mobility across California"

TRANSMISSION VERIFICATION REPORT

TIME : 12/21/2009 17:03
NAME :
FAX :
TEL :
SER.# : BROE2J341404

DATE,TIME	12/21 17:02
FAX NO./NAME	914157032200
DURATION	00:00:39
PAGE(S)	02
RESULT	OK
MODE	STANDARD ECM

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2241
Fax: (949) 724-2592

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December 21, 2009

Post-it® Fax Note 7671	Date 12/21/09 # of pages ▶ 2
To Jensen Uchida	From Marlon Regisford
Co./Dept. California P.U.C.	Co. Caltrans District 12
Phone # (415) 703-5484	Phone # (949) 724-2241
Fax # (415) 703-2200	Fax #

Jensen Uchida
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California 94102

Subject: Huntington Beach Distributed Antennae System Project

Dear Mr. Uchida,

Thank you for the opportunity to review and comment on the **Initial Study and Negative Declaration (IS/ND) for the Huntington Beach Distributed Antennae System Project**. The proposal is to install approximately 7.5 miles of fiber-optic cables, steel & concrete poles, enclosures and splice boxes, including 33,555 feet of aerial fiber-optic cable, and 7,165 feet of underground fiber-optic cable. The project site is located is located at various areas within the City of Huntington Beach. The nearest State routes to this project are SR-1 and SR-39.

The Department of Transportation (Department) is a responsible agency on this project and we have the following comments:

1. As part of Applicant Proposed Measure CTT-1 (as listed on Page 5 of the Negative Declaration), a Traffic Management Plan (TMP) shall be submitted to Caltrans, summarizing the procedures that may be used to minimize traffic impacts and the process for distribution of accurate and timely traffic information to the public.

2. Any project work proposed in the vicinity of the Department's right-of-way would require an encroachment permit and all environmental concerns must be adequately addressed. If the

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Response to Document B
California Department of Transportation, District 22 (Maryam Molavi)
Dated January 21, 2010

B-1 This comment is noted. This description is an accurate description of the proposed project.

B-2 This comment is noted. The Traffic Management Plan shall be submitted to Caltrans for approval.

B-3 This comment is noted, no further response is provided or required.

B-4 This comment is noted, no further response is provided or required.

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Comment Letter C

Jennifer McGrath
City Attorney

OFFICE OF
CITY ATTORNEY
P.O. Box 190
2000 Main Street
Huntington Beach, California 92648
Telephone: (714) 536-5555
Facsimile: (714) 374-1590

Paul D'Alessandro, Assistant City Attorney
Scott Field, Assistant City Attorney
Neal Moore, Sr. Deputy City Attorney
John Fujii, Sr. Deputy City Attorney
Daniel K. Ohl, Deputy City Attorney
Sarah Sutton, Deputy City Attorney
Mike Vigliotta, Deputy City Attorney

December 22, 2009

Jensen Uchida
California Public Utilities Commission
c/o Dudek
605 Third Street
Encinitas, CA 92024

Re: **NextG Networks Inc. of California Huntington Beach Distributed Antenna System Project**
CPCN Application No. A09-03-007

Dear Mr. Uchida:

The City of Huntington Beach has reviewed the Draft Initial Study and Negative Declaration (the "IS") that the California Public Utilities Commission issued for NextG's Huntington Beach Distributed Antenna System Project (the "Project"). The City's comments are divided into two sections. First are general comments that require revisions to the IS throughout the document. Second are specific page and paragraph comments. Together, they require revising the IS to find that an EIR is necessary for the Project. — C-1

I. General Comments.

Municipal Code Chapter 17.64-the Undergrounding Ordinance. The IS concludes that the installation of three new poles "would not result in a significant change from existing conditions and is not considered to be a substantial conflict with Municipal Code 17.64." (p. 4-53.) To the contrary, Chapter 17.64 (the "Undergrounding Ordinance"), expressly *prohibits* all new poles and lines. The City General Plan further enforces this requirement. At page 4-52, the IS acknowledges that the Utilities Element of the City General Plan states a policy to continue to underground above ground electrical transmission lines.

Contrary to the suggestion in the matrix at page 4-45 that the Project will not conflict with any regulation adopted for "the purpose of avoiding an environmental effect," Chapter 17.64 was *adopted for the purpose of mitigating the environmental effects* on community aesthetics of above ground utility lines and poles. Consequently, checking the "less than significant impact" box is inappropriate. Rather, these above ground lines and poles present a potentially significant impact, and consequently, an EIR is required, not a negative declaration. — C-2

In support of the negative declaration, the IS states that installation of three new utility poles and miles of new aerial cable on utility poles is not a "significant change from existing conditions." (p. 4-53.) Notably, the IS distinguishes between the new poles and new aerials. Only the aerials are a "less-than-significant" impact. (p. 4-12.) The IS states merely that the poles would "blend into the area." (p. 4-12.) C-3

The City Council of Huntington Beach has concluded in adopting the Undergrounding Ordinance and prohibiting new poles and new lines that both are significant impacts. CEQA recognizes that any conflict with applicable land use regulations should be treated as a potentially environmental significant impact. (*City of Santa Cruz v. PG&E* (2000) 82 Cal.App.4th, 1167, 1177-78; *People v. Hardacre* (2004) 116 Cal.App.4th 1292, 1301.) Moreover, CEQA requires preparation of an EIR whenever a "fair argument" can be made that the project will have a significant environmental impact. (*No Oil v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.) C-4

The conclusion of the IS that violation of the Undergrounding Ordinance is not a significant environmental effect violates the principle of CEQA that regulatory standards like the Undergrounding Ordinance are thresholds of significance. (See, *Schaeffer Land v. San Jose* (1989) 215 Cal App 3d 612, 623-625, holding that a negative declaration was appropriate where the project *satisfied* City level of traffic service standards.) Moreover, the CPUC has already decided in the case of NextG that, "consistent with long standing Commission policy to recognize local government concerns," the Commission would continue to "*require utilities to accommodate local land use requirements in constructing their facilities*." (D.07-07-023, at p. 6; emphasis added.) C-5

Not only does the Undergrounding Ordinance require that the IS find new poles and aerials are potentially significant impacts, but the facts demand the same result. The IS claims that the new aerial cable "constitutes a less-than significant impact due to the presence of other cables on the pole." (p. 4-12.) To the contrary, attached as Exhibit A are photographs showing the new cables NextG has already added to the utility poles. The cumulative effect of adding another tier of lines is to *exacerbate* visual blight. Moreover, if these wires are permitted, another company will want to add still another tier of wires, and the process continues, *ad nauseam*, until the blight is intolerable. C-6

Because violation of the Undergrounding Ordinance is a potentially significant environmental effect, Public Resources Code Sections 21002.1 and 210061 require preparation of an EIR. (See, CEQA Guidelines Section 15080-15096.) Equally important is that any EIR must consider a reasonable range of project alternatives that could feasibly attain the basic project objectives while avoiding the significant effects of the project. (CEQA Guidelines § 15126.6.) Such alternatives should include compliance with the Undergrounding Ordinance by undergrounding new lines and placing antennas outside of the right-of-way instead, not on new utility poles. C-7

41664

Zoning Code Section 230.96-the Wireless Ordinance. The IS wrongly concludes that violation of the City Zoning Code Section 230.96 (the "Wireless Ordinance") will not potentially have a significant environmental effect. C-8

One reason for this error may be a misunderstanding of the requirements of the Wireless Ordinance. For example, the Land Use and Planning matrix states that Section 230.96 only requires that NextG obtain an encroachment permit. (p. 4-53.) The reference to an encroachment permit at Section 230.96(F)(12)(a) is an *additional* requirement for facilities in the public right-of-way. It is not a substitute for obtaining a Wireless Permit and CUP under the Ordinance. C-9

Section 230.96 applies to any "Wireless Communication Facility," which is identified as any "antenna structure and any appurtenant facilities or equipment that transmits electronic waves…used in connection with the provision of wireless communication service, including, but not limited to digital, cellular and radio service." (Sec. 230.96(B)(11).) This definition includes NextG's antennas. C-10

The purpose of the Wireless Ordinance is expressly environmental; it is designed to "[prevent] visual clutter by locating wireless communication facilities outside of residential zones and where they are invisible to pedestrians, and co-located with other facilities." (Sec. 230.96(A).) C-11

To accomplish this objective, the City requires submittal of a Wireless Permit Application, which is issued upon an applicant showing "that the antenna is located in the least obtrusive location feasible so as to eliminate any gap in service." (Sec. 230.96(D).) This siting standard was judicially approved in *MetroPCS v. City of San Francisco* (9th Cir. 2005) 400 F.3d 715, and *Sprint v. City of Palos Verdes Estates* (9th Cir. 2009) 583 F.3d 716. C-12

Page 4 of the IS states that the Project Objective is "to improve wireless coverage and expand capacity." This suggests that the Project may not satisfy the requirement that the Project is necessary to eliminate a service gap. In *Palos Verdes Estates*, the Court explained that the operator must demonstrate that there are "significant gaps in coverage" in the mobile network and that no alternative sites are available. Merely improving coverage and expanding capacity is not equivalent to a service gap. C-13

Pursuant to the Ordinance, if a Wireless Permit is issued, antennas found to be "stealth" or camouflaged may be administratively approved. (Sec. 230.96(E)(1).) However, CUPs are required for installation in non-residential zones of the City. (Sec. 230.96(E)(2).) NextG's Project is principally located in the non-residential zones of the City. C-14

As explained above regarding the Undergrounding Ordinance, violation of a regulation constitutes a significant environmental effect, particularly where the regulation was enacted like the Wireless Ordinance to prevent "visual clutter." It follows that—despite the claim that the Project "is not considered to be a substantial conflict with Zoning Ordinance 230.96 (p. 4-53)"—installing the Project pursuant only to an encroachment permit is a potentially significant environmental effect, requiring the completion of an EIR. C-15

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Undergrounding Districts. The IS states that NextG will underground its lines where other aboveground utility lines do not exist. (p. 4-52.) It also states that NextG will comply with the Beach Boulevard Undergrounding District (p. 1-29), but does not accurately identify the requirements of that District, and ignores another City Undergrounding Project. Consequently, the following IS modifications are required: C-16

a. Atlanta from 300 feet west to 300 east of Beach Boulevard per the Beach Boulevard Undergrounding project. C-17

b. Newland Avenue from PCH to Hamilton per the current City undergrounding project. C-18

II. Page and Paragraph Comments.

Pg. 1, ¶1- Pg. 2, ¶1. The Project history is inaccurate. The system was not partially constructed as a result of the categorical exemption, as the IS suggests, but pursuant to a preliminary injunction issued in the Federal lawsuit entitled, *NextG v. City of Huntington Beach*, U.S. District Court for the Central District of California, Case No. SACV 07-1471. This lawsuit required the City to issue NextG encroachment permits to construct a portion of the Project. The Ninth Circuit reversed the injunction in Appeal No. 08-55430. The City then obtained a judgment in its favor and against NextG on March 16, 2009. As to the existing partial system, the District Court directed NextG to either immediately apply to the City for approval of that system, or file for relief in State Court. NextG chose the latter course, resulting in the pending law suit entitled *NextG Networks of California, Inc. v. City of Huntington Beach,* Orange County Superior Court No. 30-2009-00119646. C-19

The City also filed Complaint No. 08-04-037 with the CPUC on April 23, 2008 to challenge the categorical exemption issued by the Energy Division of the CPUC. When the CPUC rejected NextG's motion to dismiss the City's Complaint dismissed, NextG chose to withdraw pursuing Project approval by way of the categorical exemption and instead seek an environmental assessment of the entire Project. Hence the instant IS. C-20

Pg. 2, ¶1. The Project is described principally in connection with the uncompleted portion of the Project. The IS states that "this project description also includes the installation of seven operational nodes for which NextG has completed installation." By only including the operational nodes in the Project, the IS excludes 1,531 feet of underground cable and 79,419 feet of aerial cable from the Project. C-21

The City is aware that at the December 3, 2009 public meeting, the Consultant stated that the Project includes the installed aerial. However, just revising the Project description to reference the installed portion of the Project is no remedy. The fundamental problem is that the IS does not describe how the NextG's proposed mitigation measures apply to work already completed. This point will be addressed later as to specific issues, such as completing a biological survey on work already completed. C-22

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Pg. 2, ¶3. The IS states that aerial cable "would be overlashed to existing wires where feasible." To the contrary, in the State lawsuit, NextG has refused to disclose any arrangements to overlash to existing cables. To the best knowledge of the City, none of the installed aerial cable was overlashed to existing cable, nor would any new cable be overlashed to existing cable. — C-23

Pg. 2, ¶4. Revise the third sentence to read: "This would be accomplished through trenching of a 2 to 3 foot-deep trench. Trench location is dependent on location of other existing utilities and shall meet minimum vertical and horizontal clearance requirements from said utilities." — C-24

There is no explanation of why the new poles require an excavation and pouring of a foundation 5 to 7 feet wide and 15 to 30 feet deep. This size of a foundation will have a significant impact on the roadway and curb and gutter since poles are required to be installed a minimum of 18" from the curb face. Any tree (vegetation) removal from public right of way will be required to be replaced with two new trees for every one removed. — C-25

Pg. 2, ¶¶ 1-5. The description of the new poles fails to provide any information of the height of the poles. — C-26

Pg. 3, ¶1. Any tree (vegetation) removal from public right-of-way must be replaced two for one. — C-27

Pg. 3, ¶3. "…placement of conduit and cable within public r/w" Prior to any work within City streets or City right-of-way, the following shall be addressed: — C-28

i. A Plan showing the proposed alignments of such structures shall be submitted to PW for review and approval.
ii. Traffic Control Plans shall be submitted to PW for review and approval.
iii. Open pavement trenching in City street is prohibited. Any potholing or open cuts in existing pavement shall adhere to all PW Standards for pavement patching and open cut street moratoriums.

Pg. 5, ¶1(CTT-1). See comment re: Pg. 3, ¶3(i) above. Further, the second and third paragraphs of CTT-1 should be removed. Specific conditions relating to construction traffic control are determined during issuance of the encroachment permit. — C-29

Pg.5, ¶6 (CTT-4). Revise to provide that NextG shall comply with current State, County and City stormwater measures, ordinances and codes. — C-30

Pg. 6, ¶1 (CTT-7). Revise to provide that emergency vehicle access plan shall be reviewed by Fire Dept and PW (Traffic). — C-31

41664

Pg. 1-1. At last sentence on the page, "the City's Local Coastal Program" should be added after the reference to the General Plan. C-32

Pg. 1-2. Section 7 should be modified to reflect that zoning for properties located in the Coastal Zone includes the "-CZ" suffix, which stands for Coastal Zone Overlay. C-33

Pg. 1-23. See comments re: Pg. 3, ¶3 above. C-34

Pg. 1-25. See comments re: Pg. 3, ¶3(ii) above. Further, the second and third paragraphs of CTT-1 should be removed. Specific conditions relating to construction traffic control are determined during issuance of the encroachment permit. C-35

Pg. 1-27–1-29, and 4-32 (d). NextG proposes retaining qualified biologists and recourse specialists to survey the route to protect in biological resources, including nesting and migratory birds. There are several problems with this proposal. C-36

First, there is no explanation of why the survey has not already been completed given that the Project alignment is known. (See, Figure 1-2.) C-37

Second, implementation of the Biological Resources measures must be specific. Attached as Exhibit B is sample language from a recent City project regarding nesting birds that could be used as a reference in drafting conditions for this Project. C-38

Third, tree pruning is necessary in order for NextG to install new aerial lines. NextG should employ a professional arborist where all tree pruning is required, to ensure that no pruning endangers the health of the trees. Further, all pruning should be performed consistent with City pruning standards, which are contained in City Resolution No. 4545. Attached as Exhibit C are excerpted Pruning Standards from Resolution No. 4545, pruning diagrams and ANSI-A 300 Pruning Standards from the City Tree Management Plan. C-39

Fourth, a tree survey should be completed to mitigate those impacts already caused by installation of aerials. Section 232.04 (E) of the Zoning Codes states that trees must be replaced with equivalent size and specie where improper pruning has permanently disfigured or mutilated beyond their ability to re-grow to an acceptable form for that specific variety. Typically replacement is two 36" box trees for each mature tree removed. C-40

Pg. 4-11 (a). The analysis should be corrected to indicate that construction of pole HBN14 will obstruct views of the Pacific Ocean, which is considered a scenic vista. C-41

Pg. 4-37 (b). See comments re Pg. 5, ¶1. C-42

Pg. 4-39 (a). The IS states that hazardous material will be stored securely at offsite facilities. The location of such facilities should be provided. C-43

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Pg. 4-40 (e) and Pg. 4-58 (e). The airport analysis is incorrect. A portion of the project site lies within the Planning Area for the Joint Forces Training Center in Los Alamitos. This area of the City is included in the AELUP for the Training Center. See attached Exhibit E. The Project does not have any impact to air space, but the IS should be corrected. C-44

Pg. 4-41-43. The City's standard CEQA checklist includes six items related to Hydrology and Water Quality that are not on the CEQA Guidelines example form. A copy of the additional items is attached as Exhibit D. These items were added per the Orange County Drainage Area Management Plan update in 2003/2004. The IS should be revised to thoroughly analyze these issues that have been deemed important by the City and County. C-45

Pg. 4-42 (a). A copy of the SWRCB-approved NPDES permit and SWPPP shall be submitted to Public Works for their records prior to issuance of any encroachment permit. C-46

Pg. 4-43 (b). "… if dewatering is required for pole construction, an NPDES permit from the Santa Ana Regional Water Quality Control Board" shall be revised to, "a De Minimis permit from the State Water Resources Control Board." C-47

Pg. 4-45. The description of existing conditions regarding Node HB N12 misconstrues site conditions. It states that this pole "would be located in an industrial and residentially developed area on the northwestern corner of the intersection of Ellis Avenue and Goldenwest Street….Immediately adjacent to the proposed new pole site is a fenced-off, abandoned oil field that continues along the northern side of Ellis Avenue…." In actuality, the northwestern corner of the intersection of Ellis Avenue and Goldenwest Street is City park space, designated as Open Space-Park. The park space is unimproved; however, this corner site is used on an annual basis for spillover from the Equestrian Center, when they have larger shows. The site is across the street from residential uses; however, there is no industrial use in the area. There is no "abandoned oil field." There is an abandoned oil well west of the intersection. Not mentioned in the IS is the regularly used equestrian trail that parallels the north side of Ellis Avenue. C-48

Pg. 4-62. The City's standard checklist includes an item that is not on the CEQA Guidelines example form, which is "c) Affect existing recreational opportunities." The IS should address the temporary impacts to the equestrian trail, referenced in the item above. In addition, the IS should analyze the temporary impacts to tourists on PCH. C-49

Pg. 6-1. "Broeren" is misspelled. C-50

III. Conclusion.

In conclusion, the IS bases its recommendation that the Project be issued a negative declaration principally on the opinion of the CPUC's consultant that new poles and aerials will have not have a potentially significant environmental effect. This conclusion fails to pay appropriate deference to the existing regulations of the City, a responsible agency under CEQA. In particular, the mere existence of the Undergrounding Ordinance and the Wireless C-51

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Ordinance constitute "fair argument" that the Project will potentially have significant environmental effects. Consequently, the IS should be revised to conclude that an EIR should be prepared for the Project. The EIR should be scoped to focus on aesthetic impacts and Project alternatives.

C-51 Cont.

Should the CPUC or its consultant have any questions or require any additional information, please don't hesitate to contact me.

Sincerely,

Scott Field

SCOTT FIELD
Assistant City Attorney

Attachments – Exhibits A-E

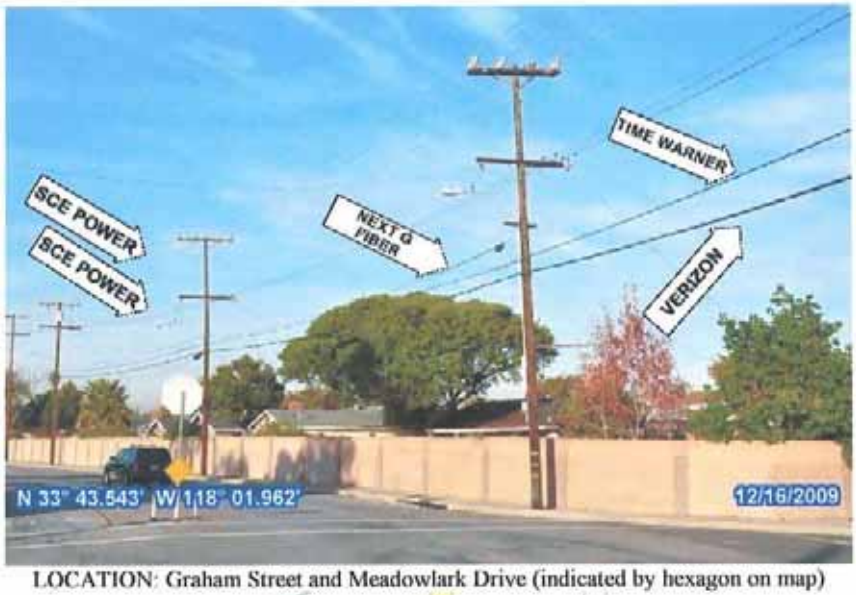
c: Tony Olmos, City Engineer
Steven Bogart, Acting Principal Engineer
Darren Sam, Senior Traffic Engineer
Mary Beth Broeren, Planning Manager
Robert Millar, NextG

41664

EXHIBIT A

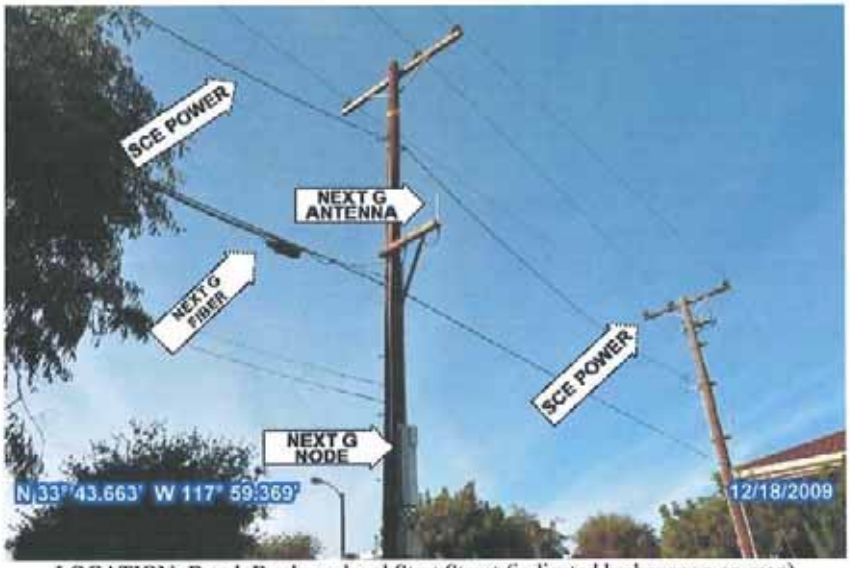
PHOTOGRAPHS TAKEN
AND
ANNOTATIONS APPLIED
BY
JONATHAN KRAMER

C-52



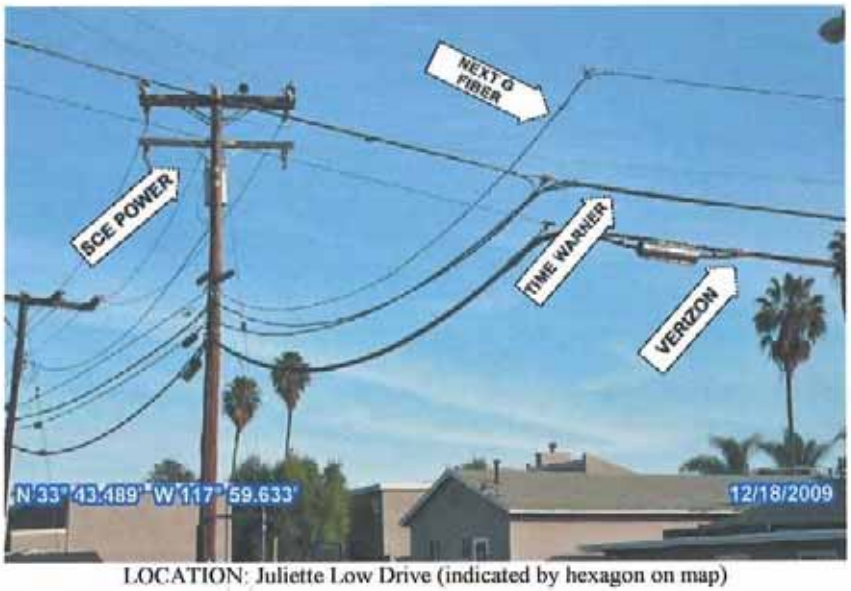
LOCATION: Graham Street and Meadowlark Drive (indicated by hexagon on map)

C-52 Cont.



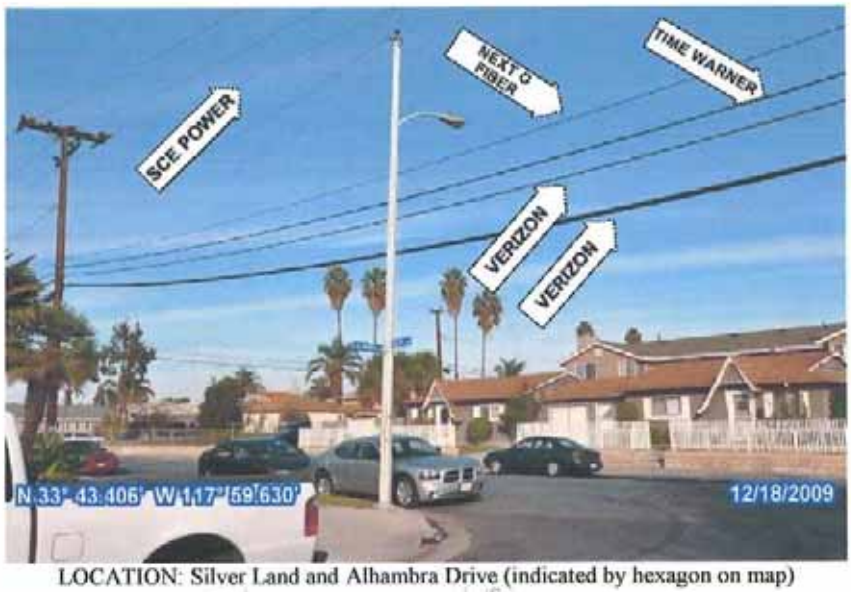
LOCATION: Beach Boulevard and Start Street (indicated by hexagon on map)

C-52 Cont.



LOCATION: Juliette Low Drive (indicated by hexagon on map)

C-52 Cont.



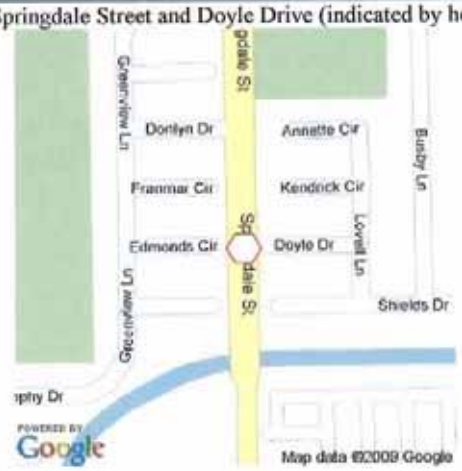
LOCATION: Silver Land and Alhambra Drive (indicated by hexagon on map)

C-52 Cont.

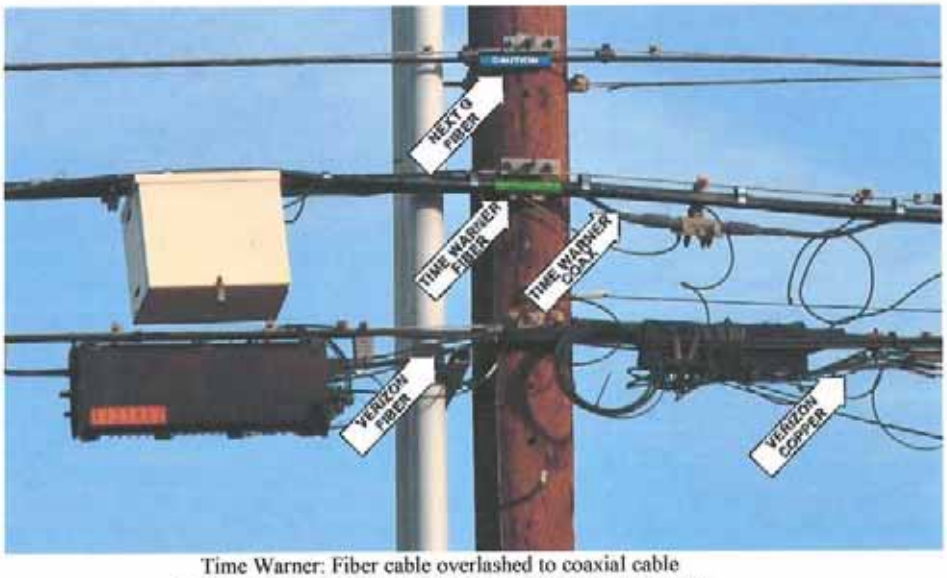
LOCATION: Heil Avenue and Gothard Street (indicated by hexagon on map)

C-52 Cont.

LOCATION: Springdale Street and Doyle Drive (indicated by hexagon on map)



C-52 Cont.



Time Warner: Fiber cable overlashed to coaxial cable
Verizon: Fiber cable overlashed to twisted pair copper cable
LOCATION: Springdale Street near Dorita Drive (indicated by hexagon on map)

C-52 Cont.

EXHIBIT B

C-53

C-53
Cont.

EXHIBIT C

C-54

(1) As a general rule, cables should be placed approximately two-thirds (2/3) of the distance between the crotch and top branch ends. Rust-resistant cables, thimbles, and lags should be used. The ends of a cable should be attached to hooks or eyes of lags or bolts, and thimbles must be used in the eye splice in each end of the cable. In no instances shall cable to wrapped around a branch.

(2) All cabling and bracing practices with screw rods shall follow National Arborist Association or other city accepted Arboricultural standards.

5. PRUNING STANDARDS

a) Purpose

Trees and other woody plants respond in specific and predictable ways to pruning and other maintenance practices. Careful study of these responses has led to pruning practices which best preserve and enhance the beauty, structural integrity, and functional value of trees.

In an effort to promote practices, which encourage the preservation of tree structure and health, the Western Chapter of the International Society of Arboriculture Certification Committee has established the following Standards of Pruning for Certified Arborist. The Standards are presented as working guidelines, recognizing that trees are individually unique in form and structure, and that their pruning needs may not always fit strict rules. The Certified Arborist must take responsibility for special pruning practices that vary greatly from these Standards.

C-54 Cont.

b) Pruning Techniques

(1) A thinning cut removes a branch at its point of attachment or shortens it to a lateral large enough to assume the terminal role. Thinning opens up a tree, reduces weight on heavy limbs, can reduce a tree's height, distributes ensuing invigorating growth throughout a tree and helps retain the tree's natural shape. Thinning cuts are therefore preferred in tree pruning.

When shortening a branch or leader, the lateral to which it is cut should be at least one-half the diameter of the cut being made. Removal of a branch or leader back to a sufficiently large lateral is often call "drop crotching."

(2) A heading cut removes a branch to a stub, a bud or a lateral Branch not large enough to assume the terminal role. Heading cuts should seldom be used because vigorous, weakly attached upright sprouts are forced just below such cuts, and the tree's natural form is altered. In some situations, branch stubs die or produce only weak sprouts.

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(3) When removing a live branch, pruning cuts should be made in branch tissue just outside the branch bark ridge and collar, which are trunk tissue. (Figures 1 and 2) If no collar is visible, the angle of the cut should approximate the angle formed by the branch bark ridge and the trunk.

(4) When removing a dead branch, the final cut should be made outside the collar of live callus tissue. If the collar has grown out along the branch stub, only the dead stub should be removed, the live collar should remain intact, and uninjured. (Figures 1 and 2)

(5) When reducing the length of a branch or the height of a leader, the final cut should be made just beyond (without violating) the branch bark ridge of the branch being cut to. The cut should approximately bisect the angle formed by the branch bark ridge and an imaginary line perpendicular to the trunk or branch cut. (Figure 3)

(6) A goal of structural pruning is to maintain the size of lateral branches to less than three-fourth the diameter of the parent branch or trunk. If the branch is codominant or close to the size of the parent branch, thin the branch's foliage by 15% to 25%, particularly near the terminal. Thin the parent branch less, if at all. This will allow the parent branch to grow at a faster rate, will reduce the weight of the lateral branch, slow its total growth, and develop a stronger branch attachment. If this does not appear appropriate, the branch may need to be shortened to a large lateral or be completely removed. (Figure 4)

(7) On large-growing trees, except whorl-branching conifers, branches that are more than one-third the diameter of the trunk should be spaced along the trunk at least 18 inches apart, on center. If this is not possible because of the present size of the tree, such branches should have their foliage thinned 15% to 25%, particularly near their terminals and/or be shortened. (Figures 4 and 5)

(8) Pruning cuts should be clean and smooth with the bark at the edge of the cut firmly attached to the wood.

(9) Large or heavy cut branches should be lowered on ropes or thrown clear to prevent injury to personnel, the tree, or other property.

C-54 Cont.

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(10) Wound dressing and tree paints have not been shown to be effective in preventing or reducing decay. They are therefore not recommended for routine use when pruning.

c) Types of Pruning - Mature Trees

(1) Crown Cleaning

Crown cleaning or cleaning out is the removal of dead, dying, diseased, crowded, weakly attached, and low-vigor branches and waterspouts from a tree drown.

(2) Crown Thinning

Crown thinning includes crown cleaning and the selective removal of branches to increase light penetration and air movement into the crown. Increased light and air stimulates and maintains interior foliage, which in turn improves branch taper and strength. Thinning reduces the wind-sail effect of the crown and the weight of heavy limbs. Thinning the crown can emphasize the structural beauty of trunk and branches as well as improve the growth of plants beneath the tree by increasing light penetration. When thinning the crown of mature trees, seldom should more than one-third of the live foliage be removed.

At lest one-half of the foliage should be on branches that arise in the lower two-thirds of the trees. Likewise, when thinning laterals from a limb, an effort should be made to retain inner lateral branches and leave the same distribution of foliage along the branch. Trees and branches so pruned will have stress more evenly distributed throughout the tree or along a branch.

An effect known as 'Lion's-tailing" results from pruning out the inside lateral branches. Lion's-tailing, by removing all the inner foliage, displaces the weight to the ends of the branches and may result in sunburned branches, waterspouts, weakened branch structure and limb breakage.

(3) Crown Reduction

Crown reduction is used to reduce the height and/or spread of a tree. Thinning cuts are most effective in maintaining the structural integrity and natural form of a tree and in delaying the time when it will need to be pruned again. The lateral to which a branch or trunk is cut should be at least one-half the diameter of the cut being made.

C-54 Cont.

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(4) Crown Restoration

Crown restoration can improve the structure and appearance of trees that have been topped or severely pruned using heading cuts. One to three sprouts on main branch stubs should be selected to reform a more natural appearing crown. Selected vigorous sprouts may need to be thinned to a lateral, or even headed, to control length growth in order to ensure adequate attachment for the size of the sprout. Restoration may require several prunings over a number of years.

(5) Crown Raising

Crown raising removes the lower branches of a tree in order to provide clearance for buildings, vehicles, pedestrians, and vistas. It is important that a tree have at least one-half of its foliage on branches that originate in the lower two-thirds of its crown to ensure a well-formed, tapered structure and to uniformly distribute stress within the tree.

When pruning for view, it is preferable to develop "windows" throughout the foliage of the tree, rather than to severely raise or reduce the crown.

C-54 Cont.

d) Size of Pruning Cuts

Each of the Pruning Techniques (Section 5, b, Page 62) and Types of Pruning (Section 5,c, Page 66) can be done to different levels of detail or refinement. The removal of many small branches rather than a few large branches will require more time, but will produce a less-pruned appearance, will force fewer watersprouts and will help to maintain the vitality and structure of the tree. Designating the maximum size (base diameter) that any occasional undesirable branch may be left within the tree crown, such a 1/2", 1" or 2" branch diameter, will establish the degree of pruning desired.

e) Climbing Techniques

(1) It is recommended and preferred that physical climbing of trees be avoided. If there is a need to elevate the trimmer up into the tree structure to properly trim the tree, the utilization of equipment such as a manlift or aerial truck is recommended.

(2) Climbing and pruning practices should not injure the tree except for the pruning cuts.

65

(3) Climbing spurs or gaffs should not be used when pruning a tree, unless the branches are more than throw-line distance apart. In such cases, the spurs should be removed once the climber is tied in.

(4) Spurs may be used to reach an injured climber and when removing a tree.

(5) Rope injury to thin barked trees from loading out heavy limbs should be avoided by installing a block in the tree to carry the load. This technique may also be used to reduce injury to a crotch from the climbers line.

The remaining blank page is intentional.

C-54 Cont.

66

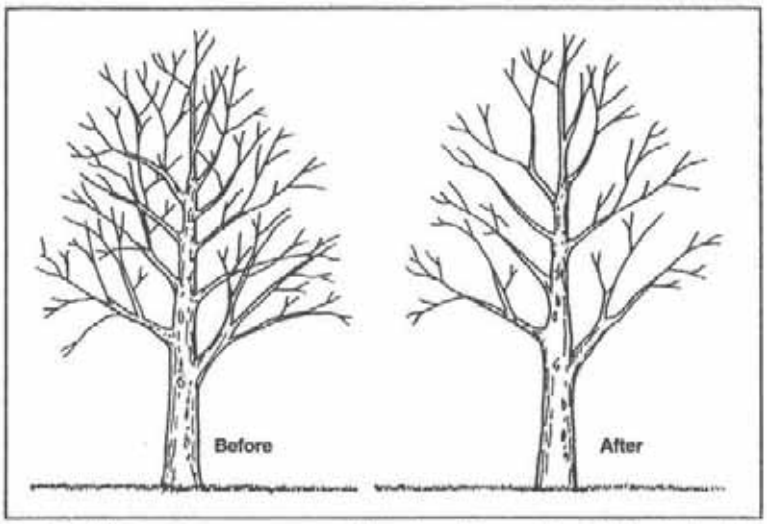


Fig. 4 Thinning a tree removes unwanted branches, reduces weight, and allows light and air penetration.

C-54
Cont.

Figures from the Arborists' Certification Study Guide 1991 used with permission from the International Society of Arboriculture.

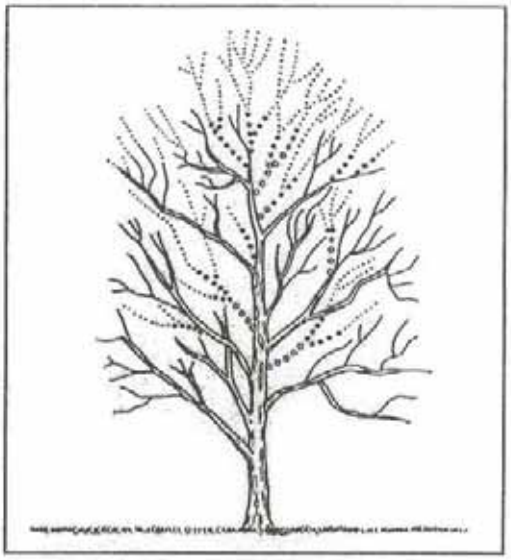


Fig. 5 If the height of a tree must be reduced, all cuts should be made to strong laterals or to the parent limb. Do not cut limbs back to stubs.

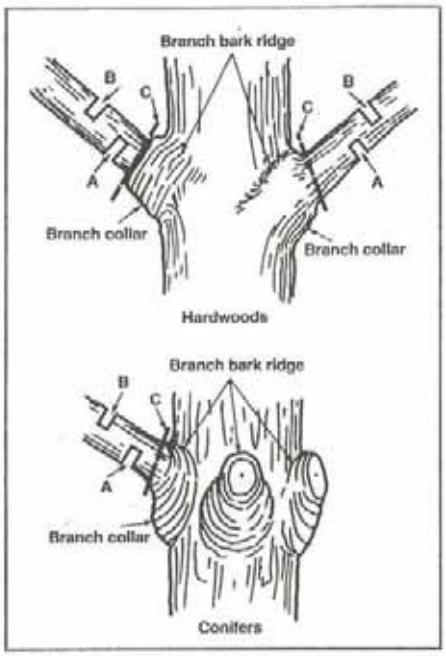


Fig. 1 Pruning principles. The first cut (A) undercuts the limb. The second but (B) removes the limb. The final cut (C) should be just outside the branch collar to remove the resultant stub.

Figures from the Arborists' Certification Study Guide 1991 used with permisaion from the International Society of Arboriculture.

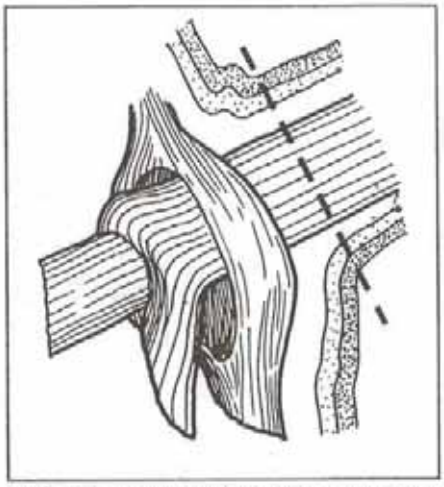


Fig. 2 Proper pruning cut. Cutting outside the branch collar does not damage trunk tissues.

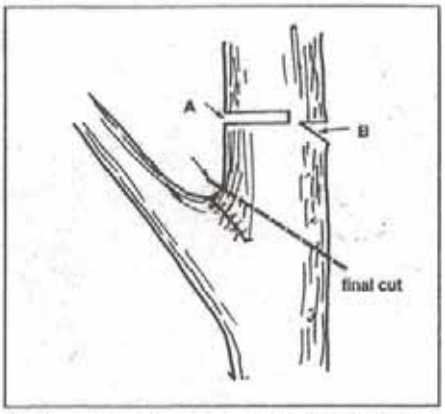


Fig. 3 Drop crotch pruning cuts a limb back to a major lateral.

C-54 Cont.

Appendix C
Tree Pruning Standards
ANSI-A 300 Pruning Standards
(Append to all tree pruning contracts)

The American National Standards Institute A-300-1995 for Tree Care Operations, Standard Practices shall apply to all tree care operations. Tree pruning will be based on the diagnosis of specific tree health or structural problems. Because tree health and structural stability are of major importance, most pruning will be done to assure high quality tree health and branch structure. In conjunction with these intentions and the ANSI A-300 standards these general diagnoses and treatments will apply:

Young Trees
The general diagnosis for young trees (trees with a DBH less than 3 inches) is to develop good branch structure without reducing root growth. The recommended work type scheduled for young trees between one and six years of planting is "Young Tree Pruning" (A-300 section 5.4). The standard practice for training young trees will be a combination of Crown Thinning and Crown Reduction techniques.

Mature Trees
1. The general diagnosis for mature trees (trees with a DBH greater than 6 inches, but less than 24 inches), not in proximity to high voltage utility lines, is to maintain health and structural stability. This will be best accomplished by retaining as much leaf area as possible. The recommended standard practice for maintaining mature trees is Crown Cleaning (A-300 5.3.3.2, a) removal of dead, dying, diseased, weak branches and waterspouts. In some cases it may be desirable to slow the growth of a mature tree or reduce wind-throw. In these or similar cases Crown Thinning (A-300 5.3.3.2, b) is recommended. In some cases the crown of the tree may be growing too large for the site. For this diagnosis, Crown Reduction (A-300 5.3.3.2, d) is recommended. For trees causing obstructions (traffic signs, roadways, etc.), Crown Raising (A-300 5.3.3.2, c) is appropriate. These same procedures are recommended for trees with mature heights less than 30 feet, growing adjacent to high voltage utility lines.

2. The general diagnosis for trees having a mature height potential of greater than 30 feet, adjacent to primary utility lines is to keep the trees from coming into contact with the utility line. The Utility Line Operator or their Contractor will do this work.

Over-Mature Trees
The general diagnosis for over-mature (heritage) trees is to maintain their health and structure without increasing the rate of normal senescence. Over-mature trees require the highest ratio of green leaf tissue for maximum health. **It is not desirable to remove leaf tissue or prune during the time period between bud swell and leaf abscission.** Only Crown Cleaning (A-300 5.3.3.2, a) is recommended for over-mature trees. Specific situations may require other types of pruning. However, if extensive crown reduction, crown thinning, or crown raising are needed, structural weakness and susceptibility to pests may result. If, after pruning, an over mature tree loses branches from summer-branch-drop or during windstorms, the tree should be considered for removal.

C-54 Cont.

City of Huntington Beach Tree Management Plan **Appendix C** 11/5/01 Page 1

Special Pruning

Some trees in the community forest require special pruning procedures. In some cases these trees have special requirements due to their usage or they require special maintenance to sustain them. In addition to the ANSI A-300-1995 Standards, the following special pruning maintenance procedures shall apply:

1. **Brazilian Pepper** (Schinus terebinthefolius): Brazilian Pepper trees account for a significant percentage of damage to sidewalks, curbs and gutters. The primary diagnosis for these trees is to slow their growth as much as possible to impede root growth and the resulting damage to hardscape. For this purpose, Brazilian Pepper trees in street landscape plantings shall be maintained by **shearing** the crown to a rounded symmetrical shape balanced over the center line of the trunk; removal of epicormic (water sprout) shoots to leave a clean trunk; and, Crown Cleaning (A-300 5.3.3.2, a) with the exception that Cross-over branches **should not** be removed as would normally apply to Crown Cleaning.

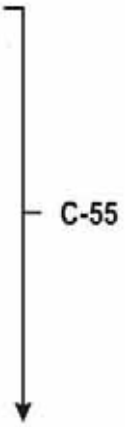
2. **Palms** (all species): Due to several infectious diseases that infect palms such as *Fusarium* and *Gliocladium*, in addition to (A-300 5.6) palms shall be pruned **only to remove dead fronds** and flowers or flower pods. When flowers or pods are removed, only the flower portion shall be removed. The flower stem should be left as long as possible. Collateral damage to living portions of palms as a result of pruning shall not be tolerated. In addition, the use of chain saws for palm pruning is prohibited. Hand or reciprocal power saws can be used. All saws used for pruning palms shall be treated to reduce inoculum. Treatment shall consist of a five-minute dip in a 2.5% solution of sodium hypochlorite prior to pruning each individual tree.

3. **Overmature-previously topped-Eucalyptus** (*Eucalyptus spp.*): Many of the Eucalyptus trees in the older portions of Huntington Beach were topped as a general practice prior to the discovery that this process was very harmful to trees. The City's policy since 1996 has been to eliminate this practice for City trees. The regrowth of long, epicormic branches from these topping cuts is weakly connected and presents a hazard in high-use areas of the City. To reduce the effect of these old topping cuts and to sustain these Over-Mature trees as long as possible the maintenance procedure for these trees will be Crown Restoration (A-300 5.3.3.2, f). Crown Restoration is a long-term process of shortening the long epicormic branches and retraining the regrowth to shorter internodes. Crown Restoration begins with heading (A-300, section 3.22) the scaffold branches below the old topping cuts and beginning a process which alternates Crown Thinning and Crown Reduction on alternate years for a minimum of five years to retrain the crown branch structure. This process, while visually similar to topping, is a standard practice for trees that have been damaged, as required.

C-54
Cont.

City of Huntington Beach Tree Management Plan **Appendix C** 11/5/01 Page 2

EXHIBIT D



ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
Discussion: See discussion below.				
k) Potentially impact storm water runoff from construction activities? (Sources: #5)	☐	☐	☐	☒
Discussion: See discussion below.				
l) Potentially impact storm water runoff from post-construction activities? (Sources: #5)	☐	☐	☐	☒
Discussion: See discussion below.				
m) Result in a potential for discharge of storm water pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas? (Source: #5)	☐	☐	☐	☒
Discussion: See discussion below.				
n) Result in the potential for discharge of storm water to affect the beneficial uses of the receiving waters? (Sources: #5)	☐	☐	☐	☒
Discussion: See discussion below.				
o) Create or contribute significant increases in the flow velocity or volume of storm water runoff to cause environmental harm? (Sources: #5)	☐	☐	☐	☒
Discussion: See discussion below.				
p) Create or contribute significant increases in erosion of the project site or surrounding areas? (Sources: #5)	☐	☐	☐	☒

C-55 Cont.

Page 14

EXHIBIT E

C-56

PP-75

CITY OF HUNTINGTON BEACH
INTER-DEPARTMENT COMMUNICATION

HUNTINGTON BEACH

TO: Planning Staff

FROM: Howard Zelefsky, Planning Director

DATE: February 10, 1999

SUBJECT: **REVIEW OF HIGH RISE STRUCTURES FOR COMPLIANCE WITH FAA REGULATIONS**

REFERENCE: Airport Environs Land Use Plan (Section 2.2.3)

Section 21675 of the Public Utilities Code of the State of California requires the Airport Land Use Commission (ALUC) of Orange County to formulate a comprehensive land use plan for the area surrounding each public airport within Orange County. The purpose of the Airport Environs Land Use Plan (AELUP) is to protect the public from the adverse effects of aircraft noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities adversely affect navigable airspace. State legislation has made it mandatory that the City's General Plan and/or implementing zoning regulations be consistent with the AELUP.

C-56 Cont.

The AELUP (Section 2.1.7) states that:

> "Local agencies are required to submit only those matters which contemplate or permit structures that would penetrate the imaginary surfaces as defined in Federal Aviation Regulation (FAR) Part 77.13, 77.25, or 77.28 which have been designated for each individual airport for height restriction referral. It is the Commission's intent that a local jurisdiction's legislative acts (general plan amendments, zone changes, etc.) be referred to the Commission pursuant to Public Utilities Code Section 21676(b)."

The City of Huntington Beach is located within the Planning Area for the Armed Forces Reserve Center in Los Alamitos (AFRC). The primary concern addressed in the AELUP for the AFRC focuses on how building heights of future development in Huntington Beach may affect that airport's navigable airspace.

As a result, the City must comply with current FAA regulations that require that:

1. Notice must be filed with the FAA if the proposed object lies above or penetrates the 100:1 imaginary surface from the nearest point of the runway (one foot in height for each 100 feet horizontally) as defined in FAR Part 77.13. (Refer to the attached map to determine if the project is located within the boundary that would require a building height calculation.)

G:\NOWAK\ALEUP.DOC

The following formula shall be used to determine whether or not FAA Approval is required:

a. Distance from nearest portion of proposed building to nearest portion of airport runway / Divided by 100 (feet) = X

b. X + 35 feet (ground elevation of airport) = Total Height

c. Building height + building pad elevation – Total Height = Y

d. If Y is zero or less, FAA Approval **is not required**

2. Any proposed objects more than 20,000 feet away from the airport, that will exceed 200 feet in height above ground level at each site also must be submitted to the FAA and ALUC for their review.

If the calculation results in review by the FAA, a project description and a copy of plans shall be submitted to the FAA, and an additional set will also need to be submitted to the ALUC.

Addresses:

FAA
Western Pacific Regional Office
AWP-530
P.O. Box 92007
Worldway Postal Center
Los Angeles, CA 9009

ALUC
3160 Airway Avenue
Costa Mesa, CA 92626
(949) 252-5170

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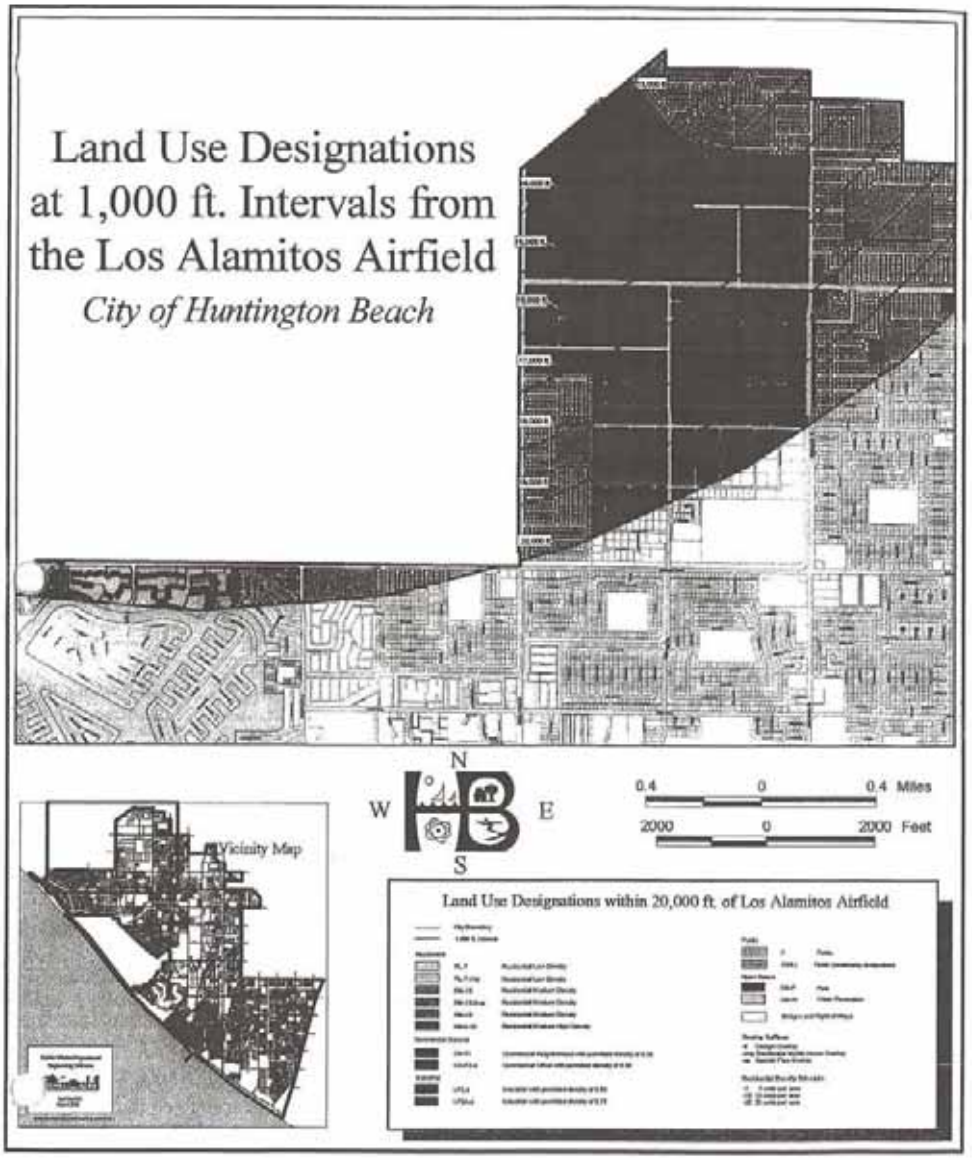
C-56 Cont.


Land Use Designations at 1,000 ft. Intervals from the Los Alamitos Airfield
City of Huntington Beach
Vicinity Map
N
W
E
S
0.4 0 0.4 Miles
2000 0 2000 Feet
Land Use Designations within 20,000 ft. of Los Alamitos Airfield

C-56 Cont.

Response to Document C
City of Huntington Beach, Office of City Attorney (Scott Field)
Dated December 22, 2009

C-1 Responses to specific comments from the City of Huntington Beach (City) are found herein. As stated in the IS, no significant impacts associated with the proposed project have been identified and the preparation of an Environmental Impact Report (EIR) is not warranted.

C-2 The proposed project will not result in placement of utility lines in areas where the aboveground cables and poles do not already exist. In areas where utilities are currently undergrounded, the cables for the DAS will also be undergrounded. In areas where the electrical, phone, and cable TV will be undergrounded in the future, NextG would also place its cables in the common conduits. Therefore, the proposed project would conform with the undergrounding ordinance described by the commenter.

C-3 The three new utility poles are in locations where there are other utility or light poles; therefore, these new poles would not be out of character for the area since other poles are located in the area. Therefore, the addition of these three poles within an area containing existing poles and other utilities is not considered a significant impact.

C-4 As stated in response C-2, the proposed project is not considered to be in conflict with the undergrounding ordinance and is therefore not considered a significant impact. Additionally, the CEQA Checklist specifically requires analysis to evaluate whether a project "would …. conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project…" [emphasis added]. The CPUC has constitutional preemptive jurisdiction over public utilities.

C-5 The proposed project is not considered in conflict with the City's undergrounding ordinance since the proposed project will be underground in locations where utilities are currently undergrounded and will be aboveground where aboveground utilities are present.

C-6 It is interpreted that the existing aboveground utilities do constitute an aesthetic impact. However, the additional cable proposed by the project does not substantially increase this impact so that the proposed project would constitute a significant impact. Comments regarding future additions of more wires by other companies is purely speculative and not require analysis in this CEQA document.

C-7 See responses C-1 and C-2. No significant impacts have been identified and an EIR is not required.

C-8 The requirement of the project to obtain a wireless permit is a matter of debate among the applicant, CPUC, and the City, and is the subject of current litigation. The placement of antenna on utility poles is not considered a significant impact.

C-9 Please see response C-8. The applicant and CPUC believe they are exempt from the wireless permit since the project falls under the auspices of the CPUC. This is currently under litigation.

C-10 The definition is noted but please see response C-9. It is assumed that the City also considers the ordinance as it applies to cellular hot spots and facilities with wireless interconnections.

C-11 The antenna system is located in areas where they will be generally unobtrusive and located where other utilities and light poles are located.

C-12 Please see response C-9.

C-13 The proposed project is expected to improve the wireless service for the project area. The DAS is designed to provide localized improved service to the area based on the applicant's engineering studies.

C-14 The project facilities are primarily located in public right-of-ways (ROWs) away from residential areas.

C-15 As described in response C-8, the applicant does not believe they are subject to the requirements of a wireless permit under the CPUC's regulations and a significant impact resulting from the proposed project will not occur.

C-16 The applicant will underground cables where cables are currently or proposed to be underground, but not where cables are aboveground.

C-17 The area described by the commenter was recognized in the IS and it is proposed to underground the cable 300 feet west to 300 feet east of Beach Boulevard.

C-18 Newland Avenue from Pacific Coast Highway to Hamilton was under reconstruction when the IS was completed. It is understood that utilities would be undergrounded as part of the reconstruction process. NextG will underground the cable either in vacant conduit or in new trenches in the ROW. It is assumed that additional conduits would have been installed for future projects.

C-19 This information is noted. However, it should be noted that a substantial part of the aerial portion of the line in the City was constructed under the Categorical Exemption (CE) during the time that the injunction was in effect.

C-20 The applicant agreed to allow the preparation of the California Environmental Quality Act (CEQA) document while still pursuing other legal remedies.

C-21 The project description and project map delineate the location of the previously installed nodes, aerial cables, and the underground cable areas.

C-22 The vast majority of the already completed portions of the project are aerial cables and nodes on existing poles. Since the Applicant Proposed Measures (APMs) identified in the IS are those measures to be implemented by the applicant, it is assumed that these measures were implemented for the prior construction.

C-23 NextG proposes to overlash aerial cables where feasible. Apparently, it was not feasible to overlash to existing cable in the previous construction and it is not known where it will be feasible to overlash cables in future construction.

C-24 The exact location of trenching will depend upon the location of other utilities within the public ROW.

C-25 Based on the applicant's response, the excavation for the poles will be 4 feet long, 4 feet wide, and 3 feet deep. This is not expected to create a significant impact within the public ROW.

C-26 The poles will vary in height, but will be no taller than the existing poles in the vicinity of the new pole.

C-27 No removal of trees is anticipated for the proposed project. However, there could be some minor pruning required.

C-28 The City's requirements for a ROW permit are noted.

C-29 The traffic control plan in the IS is provided as general guidance. Additional requirements may be added by the City as part of the issuance of the encroachment permit.

C-30 NextG will provide measures for erosion control and prevention of water quality impacts as stipulated in the APMs. Other conditions may be required by the City as part of their encroachment permit.

C-31 It is understood that the City may require approval of an emergency access plan by the fire department as a requirement of its encroachment permit.

C-32 The City's Local Coastal Plan is noted by reference regarding land use plans.

C-33 It is noted that the CZ suffix refers to the Local Coastal Plan Overlay.

C-34 See response C-28.

C-35 The APMs provided are basic standards for traffic control. It is understood that the City may add additional conditions as a part of its encroachment permit.

C-36 See responses C-38 through C-40.

C-37 The location of nesting birds varies year to year and is only of concern during nesting season. Conducting surveys early in the process would not accurately reflect the current nesting of birds. Furthermore, nesting surveys would not be necessary during non-nesting periods.

C-38 See response C-37.

C-39 This comment is noted. No further response is provided or required.

C-40 It is our understanding that pruning was not required for the past cable installation.

C-41 Although the pole is located near the Pacific Ocean, it is located within a highly urbanized area with a number of other features including traffic lights, buildings, light posts, etc. This single pole will not further obstruct views of the ocean.

C-42 Please see response C-29.

C-43 The location of the facility is not known at this time, but will be at the headquarters of the selected contractor(s). No temporary construction yards will be required as a portion of the proposed project.

C-44 It is noted that the northeastern portion of the project area is within the planning area for the Joint Forces Training Center in Los Alamitos. The proposed project will not impact this area.

C-45 The IS covers all required CEQA topics, including hydrology and water quality, and is in conformance with CPUC standards. No significant water quality impacts have been indentified. The project will not increase surface areas or contribute to urban runoff or conflict with the Drainage Area Management Plan.

C-46 This comment is noted. No further response is provided or required.

C-47 Although the State Water Resources Control Board requires National Pollutant Discharge Elimination System permits for discharge of construction water associated with dewatering, the permits are issued by the Regional Water Quality Control Boards.

C-48 According to Division of Oil, Gas, and Geothermal Resources records, the site was originally used for oil extraction although the site is no longer used for oil extraction. It is basically undeveloped open space. The proposed project will result in the placement of one node within the public ROW away from the equestrian trail and will not impact the trail. Underground cable will be installed within the roadway again away from the trail.

C-49 The IS was prepared consistent with CEQA Guidelines. As discussed in response C-48, the proposed project will result in no significant impact to the equestrian trail. Only two poles will be placed along Pacific Coast Highway (PCH), one of which is already in place. The construction of the two poles and the underground connection will be short term in nature and will not significantly impact tourism along PCH.

C-50 This comment is noted. No further response is provided or required.

C-51 As discussed in responses C-2 to C-15, the proposed project is not anticipated to result in a significant impact, including an impact associated with the undergrounding and wireless ordinance and an EIR is not required.

C-52 Exhibit A is noted, no further response is provided or required.

C-53 Exhibit B is noted. See responses C-37 and C-38.

C-54 Exhibit C is noted. See response C-39.

C-55 Exhibit D is noted. See response C-45.

C-56 Exhibit E is noted. See response C-44.

Comment Letter D

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

ARNOLD SCHWARZENEGGER
GOVERNOR

CYNTHIA BRYANT
DIRECTOR

December 24, 2009

Jensen Uchida
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

Subject: Huntington Beach Distributed Antenna System
SCH#: 2009111073

Dear Jensen Uchida:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 22, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

D-1

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Acting Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH#	2009111073
Project Title	Huntington Beach Distributed Antenna System
Lead Agency	Public Utilities Commission
Type	Neg Negative Declaration
Description	NOTE: Review Per Lead The proposed project is to be constructed entirely within the public right-of-way within the City of Huntington Beach. A portion of the proposed project was approved and constructed under the Notice of Proceed (NTP) process prior to the CPUC being requested to analyze the entire project within the City under CEQA. Once complete, the new system would include a total of 8,96 ft of underground fiber-optic cable, 112,975 ft of aboveground fiber-optic cable, and 15 node antennae.

Lead Agency Contact

Name	Jensen Uchida		
Agency	California Public Utilities Commission		
Phone	415-704-5484	*Fax*	
email			
Address	505 Van Ness Avenue		
City	San Francisco	*State* CA *Zip*	94102-3298

Project Location

County	Orange			
City	Huntington Beach			
Region				
Lat / Long				
Cross Streets	Numerous			
Parcel No.				
Township		*Range*	*Section*	*Base*

Proximity to:

Highways	SR 39, SR 1
Airports	
Railways	
Waterways	
Schools	Numerous
Land Use	Public Roadway Right of Way

Project Issues	Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Coastal Zone; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife
Reviewing Agencies	Resources Agency; California Coastal Commission; Department of Fish and Game, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 12; Regional Water Quality Control Board, Region 8; Department of Toxic Substances Control; Native American Heritage Commission
Date Received	11/19/2009 *Start of Review* 11/19/2009 *End of Review* 12/22/2009

D-2

Note: Blanks in data fields result from insufficient information provided by lead agency.

Department of Toxic Substances Control

Maziar Movassaghi, Acting Director
5796 Corporate Avenue
Cypress, California 90630

Linda S. Adams
Secretary for
Environmental Protection

Arnold Schwarzenegger
Governor

December 14, 2009

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DEC 15 2009
STATE CLEARING HOUSE

Mr. Jensen Uchida
California Public Utilities Commission
Energy Division
505 Van Ness Avenue
San Francisco, California 94102

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR HUNTINGTON BEACH DISTRIBUTED ANTENNA SYSTEM PROJECT (SCH # 2009111073), ORANGE COUNTY

Dear Mr. Uchida:

The Department of Toxic Substances Control (DTSC) has received your submitted draft Initial Study (IS) and purposed Mitigated Negative Declaration (MND) for the above-mentioned project. The following project description is stated in your document: "NextG Networks, Inc. (NextG) is proposing the completion of its Distributed Antenna System. Eight of the15 nodes, 79,419 feet of aerial fiber, and approximately 1,531 feet of underground fiber have been constructed. The remaining seven nodes, and the cable to connect them to the network, would complete the project. The remaining seven nodes include three new poles, approximately 33,556 feet of aerial fiber, and 7,165 feet of underground fiber. This would be accomplished through trenching of a 1- to 2-foot-deep trench between 3 and 6 feet from edge of the pavement. The project is located entirely within the publicly owned right-of-way within developed urban area of the City of Huntington Beach in northwestern Orange County, California. The majority of the existing landscape of the project area is characterized by major roadways and smaller ancillary streets containing residences, commercial businesses, parks or recreation areas, and industry, such as active oil wells. In some areas, namely along Pacific Coast Highway, the project site is located adjacent to vacant or open space areas." DTSC has the following comments:

1) The MND should identify the mechanism to initiate any required investigation and/or remediation for any site that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would

D-3

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require an oversight agreement in order to review such documents. Please see comment No. 9 below for more information.

For all identified sites, the MND should evaluate whether conditions at the site may pose a threat to human health or the environment. Following are the databases of some of the pertinent regulatory agencies:

- National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).
- EnviroStor: A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
- Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
- Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
- Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
- Leaking Underground Storage Tanks (LUST) / Spills, Leaks, Investigations and Cleanups (SLIC): A list that is maintained by Regional Water Quality Control Boards.
- Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
- The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS)

2) All environmental investigations, sampling and/or remediation for the site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found should be clearly summarized in a table.

D-3 (Cont.)

3) If buildings or other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should be conducted for the presence of other related hazardous chemicals, lead-based paints or products, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.

4) Project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.

5) Human health and the environment of sensitive receptors should be protected during the construction or demolition activities. If it is found necessary, a study of the site and a health risk assessment overseen and approved by the appropriate government agency and a qualified health risk assessor should be conducted to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.

6) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.

7) If during construction/demolition of the project, the soil and/or groundwater contamination is suspected, construction/demolition in the area should cease and appropriate health and safety procedures should be implemented.

8) If the site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.

D-3 (Cont.)

9) DTSC can provide guidance for cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies which would not be considered responsible parties under CERCLA, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

10) In future CEQA documents, please provide your e-mail address, so DTSC can send you comments both electronically and by mail

If you have any questions regarding this letter, please contact Mr. Rafiq Ahmed, Project Manager, at rahmed@dtsc.ca.gov, or by phone at (714) 484-5491.

Sincerely,

Greg Holmes
Unit Chief
Brownfields and Environmental Restoration Program - Cypress Office

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
1001 I Street, 22nd Floor, M.S. 22-2
Sacramento, California 95814
nritter@dtsc.ca.gov

CEQA# 2732

D-3
(Cont.)

Response to Document D
Governor's Office of Planning and Research,
State Clearinghouse and Planning Unit (Scott Morgan)
Dated December 24, 2009

D-1 This comment is noted, no further response is provided or required.

D-2 This comment is noted. The project details as presented in the Document Details Report are correct.

D-3 For responses to comments presented in the letter from the DTSC, please refer to Document A.

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Comment Letter E

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of NextG Networks of California, Inc. (U-6745-C) for Authority to Engage In Ground-Disturbing Outside Plant Construction	Application No. 09-03-007 (Filed March 3, 2009)

COMMENTS OF NEXTG NETWORKS OF CALIFORNIA, INC. (U-6745-C)
ON THE DRAFT INITIAL STUDY AND DRAFT NEGATIVE DECLARATION

Suzanne Toller
Kerry Shea
Robert Millar
DAVIS WRIGHT TREMAINE LLP
505 Montgomery Street, Suite 800
San Francisco, CA 94111-6533
Telephone: (415) 276-6500
Facsimile: (415) 276-6599
E-mail: robertmillar@dwt.com

On behalf of NextG Networks of California, Inc.

Dated: December 22, 2009

DWT 13717821v2 0058588-000014

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA

Application of NextG Networks of California, Inc. (U-6745-C) for Authority to Engage In Ground-Disturbing Outside Plant Construction	Application No. 09-03-007 (Filed March 3, 2009)

COMMENTS OF NEXTG NETWORKS OF CALIFORNIA, INC. (U-6745-C) ON THE DRAFT INITIAL STUDY AND DRAFT NEGATIVE DECLARATION

In accordance with the Notice of Intent to Adopt a Negative Declaration issued on November 18, 2009 in Application Docket A.09-03-007, NextG Networks of California, Inc. ("NextG" or "Applicant") respectfully submits the following comments on the Draft Initial Study and Draft Negative Declaration (collectively referred to as the "Draft Neg Dec").

I. BACKGROUND & INTRODUCTION

On March 3, 2009, NextG submitted a detailed Proponent's Environmental Assessment ("PEA") and Application for Authority to Engage in Ground-Disturbing Outside Plant Construction in the City of Huntington Beach (collectively referred to as "Application"). In its Application, NextG sought confirmation of the authorization previously obtained from the Commission through the Notice of Proposed Construction ("NPC") process to construct a Distributed Antenna System ("DAS") network in the City of Huntington Beach, California, and portions of Westminster and Fountain Valley ("Huntington Beach Project" or "Project").[1] Although the Project had already been found by the Commission to be categorically exempt

E-1

[1] NextG was authorized to submit a Notice of Proposed Construction ("NPC") by the Commission in D.07-04-045. *See* Letter from Jensen Uchida, Commission Energy Division, to Sharon James, NextG Networks, Inc., issued December 3, 2007 ("Notice to Proceed" or "NTP"); and Letters from Jensen Uchida , issued March 17, 2008, June 6, 2008, and July 22, 2008 (these subsequent letters authorized minor modifications to the Project) (collectively the letters are referred to as "Notices to Proceed" or "NTPs"). In accordance with the authorizations issued, NextG constructed the majority of the network, with only 7 of 15 nodes and a relatively minor portion of the fiber remaining to be constructed today.

E-1a

under the California Environmental Quality Act ("CEQA"), NextG stipulated to file the Application in order to resolve disputed issues between the City of Huntington Beach ("City") and NextG in Complaint Docket 08-04-037.

While the prior Notices to Proceed are still valid, and thus NextG's Project is still categorically exempt from CEQA, NextG requested the Commission conduct further environmental review pursuant to its stipulation with the City to seek a Negative Declaration, Mitigated Negative Declaration or Environmental Impact Report for the Project.

E-1 (Cont.)

II. GENERAL COMMENTS

Both NextG's environmental consultant, ICF Jones and Stokes Inc. ("Jones and Stokes"), and the environmental consultant hired by the Commission, Dudek, concluded the project would have less than significant or no significant environmental impacts under CEQA. Jones and Stokes conducted a comprehensive assessment of the potential environmental impacts and presented its findings in a detailed 128 page report (plus exhibits) that was submitted with NextG's Application. Similarly, Dudek and the Commission have conducted a time consuming and exhaustive review of the Project that took a total of 259 days and resulted in a 134 page Draft Neg Dec that considers every possible environmental impact in significant detail.[2] The Commission and Dudek have consulted with the City and held two public meetings in Huntington Beach to review the Project and seek comment by local residents.[3]

E-2

As a general matter NextG agrees with the Draft Neg Dec's evaluation of environmental impacts and finds that there is no impact or less than significant impact.

E-3

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[2] Per CEQA Guidelines, Section 15107 a Negative Declaration must be completed and approved within 180 days from the date when the lead agency accepts the application as complete. The Commission issued a notice of completion on May 21, 2009 however the Application was filed March 3, 2009 and therefore deemed statutorily complete on April 3, 2009. *See* CEQA Guidelines, Section 15101.

E-2a

[3] More than 1700 parcel owners adjacent to the Project were individually notified about the Project when the Application was filed and before both of the two public meetings held in Huntington Beach. The same parcel owners were provided with a copy of the Draft Neg Dec by mail in November 2009 and invited to provide written comments to the Commission. The Public Meetings were also advertised in the Orange Country Register.

E-2b

NextG further agrees that given the Stipulation between NextG and the City, and given the Application's request for further environmental review, the CPUC's issuance of a Negative Declaration in this circumstance is proper. That said, NextG has (as the Draft Neg Dec reflects)[4] constructed a portion of the project pursuant to the NTP and categorical exemption originally issued by the CPUC. Accordingly, it would be helpful for the Commission to confirm in the final Negative Declaration that further environmental review as undertaken only because it was requested by NextG as a result of stipulation and to resolve outstanding disputes in Complaint Docket 08-04-037, and that the previous approvals and findings that the Project is categorically exempt from CEQA are still valid and have not been withdrawn.[5]

E-4

NextG also requests that the Draft Neg Dec be finalized and submitted for final disposition as soon as possible. At the December 3, 2009 Public Meeting in Huntington Beach, the Commission's Consultant posted an anticipatory schedule for finalizing the Draft Neg Dec in early January with final Commission action in "January or February 2009." In order to ensure this project moves forward, NextG proposes the following schedule:

Action	Date
Comment Review Period Closes	12/22/09
Comments (if any) Circulated to Applicant	12/23/09
Replies to Comments (if any)	1/4/09
Responses to Comments and Replies formulated by Dudek, with Commission and NextG input if necessary	1/11/09
Final Negative Declaration submitted to ALJ	1/15/09

E-5

[4] *See generally* Draft Neg Dec at Introduction and Project Description, p.1.

[5] In its Application, NextG specifically requested the Commission "confirm the authority" NextG previously received from the Commission to construct the Project in addition to reviewing the detail filed in the PEA. Such an affirmative statement is important because City has asserted in court filings that the Commission's previous findings of categorical exemption are no longer valid.

E-4a

E-4b

III. SPECIFIC COMMENTS ON TEXT IN THE NEGATIVE DECLARATION

Specific comments on passages in the Draft Neg Dec are provided herewith in Appendix A to these Comments.

E-6

IV. CONCLUSION

NextG requests that the Commission confirm the continued validity of the categorical exemption previously issued for this Project and clarify the basis for issuing a Negative Declaration for this Project. NextG also requests that the Commission take the necessary action to correct those specific passages identified by NextG so that the Project accurately reflects the record and materials previously submitted by NextG in this proceeding. NextG requests that the Commission adopt the above proposed timeline for resolution of staff and Dudek's review of the Project.

E-7

Respectfully submitted,

/s/

Suzanne Toller
Kerry Shea
Robert Millar
DAVIS WRIGHT TREMAINE LLP
505 Montgomery Street, Suite 800
San Francisco, CA 94111-6533
Telephone: (415) 276-6500
Facsimile: (415) 276-6599
E-mail: robertmillar@dwt.com

Dated: December 22, 2009

On behalf of NextG Networks of California, Inc.

Appendix A – Specific Comments on the draft Negative Declaration

1. Project Description

Comment: The Project Description in NextG's Application and the Draft Neg Dec do not match. In its Application to the Commission, NextG sought confirmation of previous approvals to construct a fiber-fed DAS network in the Cities of Huntington Beach, Westminster and Fountain Valley. The Project Description, provided on pages 8-9 of the Application, summarily describes the Project to include:

- Installation of approximately 9,848 linear feet (1.8 miles) of underground fiber in polyvinyl chloride conduit installed via trenching;
- Installation of approximately 148,676 linear feed (28.2 miles) of aerial fiber installed via utility poles;
- Installation of three new poles (and one replacement pole); and
- Installation of 15 communications nodes, repeater enclosures, fiber optic splice boxes, and electrical splice boxes.

E-8

The PEA accompanying the Application also describes the Project with the same detail pertaining to total underground fiber, aerial fiber, number of poles and nodes[6] and analyzes the environmental impacts of the entire Project – including portions that have already been built.[7] The initial Public Notice also provides the same project description.[8] The Initial Study, however, only describes the Project as being within the "publicly owned right-of-way within the City of Huntington Beach."[9] Additionally, although the Draft Neg Dec concludes that "the project as proposed by NextG" would have no significant impacts on the environment,[10] the Draft Neg Dec

E-9

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[6] *See* PEA at Section 3.
[7] *See, e.g.*, PEA at Section 4.1 (reviewing the aesthetic impact of the unbuilt and already built sections of the network); *see also* PEA at Section 4.3 (reviewing the air quality impact of the unbuilt and already built sections of the network).
[8] *See* CPUC Notification of August 5, 2009 Public Meeting (including a project description that matched the project description in NextG's Application and PEA).
[9] *See* Initial Study at Project Location, p. 1-1.
[10] *See* Draft Neg Dec at Environmental Determination, p. 9.

E-9a

only describes the complete Project to include "15 nodes, approximately 112, 975 feet of aerial fiber cable, and approximately 8,696 feet of underground fiber cable."[11]

While it is logical to focus the environmental assessment on the portions that have yet to be built, the descriptions of the Project should be consistent and should match those in the Application and the PEA. NextG requests the Commission review the Project descriptions in the Draft Neg Dec and Initial Study to ensure they are consistent with the materials provided in NextG's Application, or provide an explanation of the rationale in the Final Negative Declaration for narrowing the scope of the Project.

2. Project Sponsor

Comment: Project Sponsor should be changed to read: Sharon James, NextG Networks of California, Inc., 2216 O'Toole Avenue, San Jose, CA 95131, 408-426-6629.

3. Air Quality

Comment: The Initial Study addresses the Project's impacts on air quality and accurately concludes the project will have either no impact or less than significant impact.[12] However, the Initial Study refers to a policy of "maximum GHG reductions" for construction of a project in order to ensure that a project will not conflict with "the implementation of AB32,"[13] and states that NextG will purchase offset credits for 30% of the estimated GHG emissions to ensure no conflicts "with the goals of AB32 or CPUC Policy."[14]

At this time AB 32 has not been implemented, nor has the CPUC Energy Division policy been published or formally issued by the Commission through a rulemaking proceeding. Consequently, there is no risk of this Project conflicting with AB 32 or any official Commission policy on this matter. Yet, to move this Project toward completion, and without committing to

[11] *See, e.g.*, Draft Neg Dec at Project Description, p. 1.
[12] *See* Initial Study at Air Quality, pp. 4-21-4-29.
[13] *Id.*, at p. 4-29.
[14] *Id.*, *and see* Draft Neg Dec at Applicant Proposed Measure AQ-6, p. 4.

E-9 (Cont.)
E-10
E-11
E-12
E-13
E-9b
E-12a

doing so on future similar projects, NextG has voluntarily agreed to purchase the stated level of offsets for this Project.

E-13 (Cont.)

The Draft Neg Dec refers to both an "Energy Division Policy" and "CPUC Policy" of "maximum GHG reduction."[15] However, because there is no officially adopted Commission Policy on this matter, NextG requests that the Draft Neg Dec be modified to clearly refer only to the Energy Division's informal policy of reducing GHG emissions, and not infer the adoption of a Commission policy to reduce GHG emissions.

E-14

4. Cultural Resources

Comment: Applicant Proposed Measure CR-1 states that "NextG will hire a cultural resources monitor to observe construction activities."[16] This statement is not consistent with prior documentation and correspondence on the subject. Per NextG's Construction Protocol Measures at Appendix B to NextG's PEA, and the Applicant's October 5, 2009 response to Dudek, NextG will hire a cultural resources monitor only *if* cultural resources are encountered; "upon making a cultural resource finding, NextG will stop construction within 100 feet of the find, and consult with a qualified archaeologist to assess and develop appropriate measures."[17] A similar reference is made in the Initial Study that "NextG will hire a cultural resources monitor to observe all earth-moving activities ...."[18] NextG requests that the Commission correct such references and revise them to state that "if cultural resources are encountered, NextG will hire a cultural resources monitor."

E-15

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[15] *See* Initial Study, p.4-29.
[16] *See* Draft Neg Dec at Cultural Resources, p. 6.
[17] *See* October 5, 2009 Response to Dudek's Fourth Data Request at 1-2; *and* PEA at Appendix B, Section 3.1, Construction Protocols.
[18] Initial Study at Section 4.5, Cultural Resources, p. 4-34.

E-14a

E-15a

5. Biological Resources

Comment: Applicant Proposed Measure BIO-2 provides that a "qualified biologist will survey project areas and establish exclusive zones around special-status plant populations or areas identified as suitable habitat for special-status plants that were not identifiable at the time of the field surveys."[19] However, as detailed in NextG's construction protocol, such field survey was already conducted prior to the initiation of any construction on this Project, and therefore it will not be necessary to establish exclusion zones within the Project area.[20]

E-16

[19] *See id.*, at Biological Resources, p. 8.
[20] *See* PEA at Appendix B ("Construction Protocols"). *See also* PEA at Section 4.4.3.1, p. 4-55. ("no sensitive plant and wildlife species are known to occur within the immediate Project area").

E-16a

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Response to Document E
Davis Wright Tremaine on behalf of NextG
(Suzanne Toller, Kerry Shea, Robert Millar)
Dated December 22, 2009

E-1 This comment is noted, no further response is provided or required.

E-1a This comment is noted, no further response is provided or required.

E-2 This comment is noted, no further response is provided or required.

E-2a The application was deemed complete on April 3, 2009.

E-2b This comment is noted, no further response is provided or required.

E-3 This comment is noted, no further response is provided or required.

E-4 This comment is noted, no further response is provided or required.

E-4a This comment is noted, no further response is provided or required.

E-4b This comment is noted, no further response is provided or required.

E-5 This comment is noted. The schedule will be determined by CPUC staff.

E-6 Responses to comments in Appendix A are provided in responses E-8 through E-16.

E-7 See response E-5.

E-8 The proposed project is for the construction of facilities within the City of Huntington Beach. The Proponent's Environmental Assessment (PEA) described the entire project, which included the facilities within the Cities of Fountain Valley and Westminster. The facilities within those cities were already constructed pursuant to the existing Notice to Proceed and CE authority and therefore those impacts were not addressed within the IS/ND, which was the product of an agreement between NextG and the City of Huntington Beach and not required by CEQA. The mileage of aboveground aerial cable and underground cable were derived based on the information in the PEA.

E-9 See response E-8.

E-9a This comment is noted, no further response is provided or required.

E-9b This comment is noted, no further response is provided or required.

E-10 The IS/ND addresses the impacts of the proposed project within the City of Huntington Beach and includes both the constructed portion and the yet-to-be-constructed portion within the city. See also response E-8.

E-11 The change in sponsor is noted; however, Robert Millar served as the primary contact with the CPUC.

E-12 This comment is noted, no further response is provided or required..

E-12a This comment is noted, no further response is provided or required.

E-13 CEQA Guidelines were amended as of December 31, 2009. The CPUC's Energy Division policy is consistent with those guidelines.

E-14 See response E-13.

E-14a This comment is noted, no further response is provided or required.

E-15 By definition of stopping work if cultural resources are encountered, the excavations will require monitoring to determine if cultural resources are found. It would not provide adequate protection to these resources if the determination of cultural resources were left to construction workers.

E-15a This comment is noted, no further response is provided or required.

E-16 Biological resources, especially special-status plants, may not be visible during some periods of the year. Therefore, additional surveys may need to be conducted after initial surveys.

E-16a This comment is noted, no further response is provided or required.

Comment Letter F

Davis Wright Tremaine LLP

Suite 800
505 Montgomery Street
San Francisco, CA 94111-6533

Robert Miller
415.276.6521 tel
415.276.4861 fax

robertmiller@dwt.com

January 11, 2010

VIA U.S. MAIL AND EMAIL

Jensen Uchida
California Public Utilities Commission
505 Van Ness Avenue, 4A
San Francisco, CA 94102-3298

Re: Project Proponent's Further Comments on the Initial Study and Negative Declaration in Docket No. A.09-03-007

Dear Jensen:

Attached as Appendix A are further comments of the Project Proponent on the Initial Study and Negative Declaration in Docket No. 09-03-007. Per your request the comments and notes are limited to the Negative Declaration and Initial Study. Please note that these comments are not intended to supersede NextG's initial comments filed on December 22, 2009, as there are many comments in the initial submittal that are not repeated here. Please let me know if the Commission or Dudek need any further information as you complete your review and prepare the Final Negative Declaration. F-1

Sincerely,

Davis Wright Tremaine LLP

/Robert Miller

Enclosures

cc: Jason Reiger, CPUC
John Westermeier, Dudek

Appendix A

Project Proponent's Further Line Item Comments
on the Initial Study and Negative Declaration
Docket No. 09-03-007
(circulated November 19, 2009)

Project History (P. 1)

NextG supports the current description of the Project History but requests that the Negative Declaration be clarified to note further that the Application filed by NextG in this proceeding was for additional environmental review and that the Categorical Exemption is still valid.

In this regard, NextG's Application sought confirmation of the previous authorization issued by the Commission: F-2

> Specifically, through this Application NextG seeks to confirm the authority it has received from the Commission to construct a Distributed Antenna System ("DAS") network … and have the Commission review the Proponents Environmental Assessment ("PEA") filed herewith.[1]

Furthermore, NextG never withdrew its previous categorical exemption granted by the Commission nor did the Commission ever withdraw it: F-3

> … NextG asserts that the entirety of the Project is exempt from CEQA and that NextG has already received the appropriate authorization from the Commission to construct the entirety of the Project through the NTP process, NextG stipulated to filing this Application in order to resolve the parties' remaining disputes in the Complaint Docket 08-04-037.[2]

Trenching (P. 2)

The description of trenching should be modified to read "2- to 3-feet-deep" instead of the current language of "1- to 2-foot-deep." F-4

Excavation for New Poles (P. 3)

The description of excavation and foundation for new poles should be modified to indicate excavation and the new foundation will be approximately 4 feet wide, 4 feet long and 3 feet deep. F-5

[1] NextG Application, p. 1. F-2a
[2] NextG Application, p. 2. F-3a

DWT 13822126v1 0058588-000014

1

Biological Resources (P. 1-28, 4-32(d))

NextG believes that the sections regarding biological resources are accurate as written and require no modification. But if the Commission wishes to alter the description to provide more detail, it should clarify that the referenced survey was conducted prior to initial construction under the NTP issued by the Commission. NextG is unaware of any additional biological requirements that should be added to the proposed mitigation measures. F-6

Scenic Vista (P. 4-11(a))

NextG believes the description regarding scenic vistas is accurate and does not require modification. However, if the Commission wishes to alter the description to provide more detail, it should clarify that Node 14 is to be constructed on the side of the street opposite the Pacific Ocean. Moreover, as noted in the visual simulation at Figure 1-1, the new steel pole for Node 14 blends in with the numerous other light poles, traffic signals, utility boxes and parking meters in the area. In addition, although Node 13 will be located on the Pacific Ocean side of the Pacific Coast Highway, it is to be located on an existing pole in the public right-of-way and is minimally visible. F-7

Description of and Consistency Determination with the Wireless Ordinance (P. 4-53)

Although the portion of the Wireless Ordinance that is described is correct, it is incomplete. The Description of the Wireless Ordinance should be changed as follows:

> **230.96 Wireless Communications Facilities.** Also known as the "Wireless Ordinance," this section of the local zoning code states, among other things that certain types of permits must be obtained including (depending on a number of factors) a Wireless Permit(230.96(D)), Conditional Use Permit (230.96(E)(2)) and, for facilities in the public right of way, an Encroachment Permit (230.96(F)(12)(a)). The Wireless Ordinance also requires that certain information be provided in applications for permits (Section 230.96(D)) and generally proposes standards that appear to be designed to minimize the visual impact of the wireless facilitiesm (230.96(F)(12)(b). ~~"a. Any wireless communication facilities to be constructed on or beneath the public right-of-way must obtain an encroachment permit from the City and the applicant must provide documentation demonstrating that the applicant is a state-franchise telephone corporation exempt from local franchise requirements," and "b. All equipment associated with the operation of a facility …, excepting antennas, shall be placed underground in those portions of the street, sidewalks, and public right-of-way where cable television, telephone or electric lines are underground." (City of Huntington Beach 2008b, Section 230.96.12).~~ F-8

The Consistency Determination in Table 4.9-1 also requires revision. The validity of Zoning Code Section 230.96 is the subject of ongoing litigation between NextG and the City of Huntington Beach. Significantly, the Commission has determined that "[t]his proceeding will not adjudicate the legal validity of City of [Huntington Beach's] undergrounding ordinance, wireless ordinance, or other ordinances or regulations adopted by the City of [Huntington Beach]." Joint Ruling of Assigned Commissioner and Assigned ALJ Regarding F-9

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Recategorization and Scoping Memo, at 15. What permits, if any, NextG will be required to obtain will be decided in that litigation. Rather than specifying the type of permit NextG will obtain or discussing undergrounding aspects of the Wireless Ordinance, the Consistency Determination should simply state the following:

> The project is not considered to be a substantial conflict with Zoning Ordinance 230.96. The micro-antennas being used by NextG for the project are minimally visible and the associated facilities NextG proposes to construct will not result in a significant change from existing conditions. Moreover, the fact that materials submitted by NextG in support of the project do not contain all of the information that may be required in an application under the Wireless Ordinance does not create a conflict with the Wireless Ordinance.[3] ~~The project applicant shall obtain an encroachment permit from the City of Huntington Beach and will provide sufficient documentation demonstrating exemption status from local franchise requirements. The project has been modified to underground the new fiber-optic cable network wherever existing aboveground utility lines do not currently exist and to the extent feasible. The project includes adding one additional overhead cable where existing overhead utilities occur, along the existing publicly owned right-of-way, and adding three new poles also within the existing publicly owned right-of-way. The proposed project would not result in a significant change from existing conditions and is not considered to be a substantial conflict with Zoning Ordinance 230.96.~~

F-9 (Cont.)

Consistency Determination with the Undergrounding Ordinances (P. 4-53)

NextG believes the current description of the Undergrounding Ordinance and the Consistency Determination are accurate. However, to ensure complete accuracy, the Commission could change the Consistency Determination of the Undergrounding Ordinance (Municipal Code 17.64) to read:

> The proposed project has been modified to underground the new fiber-optic cable network wherever existing aboveground utility lines do not currently exist and to the extent feasible. The project includes adding one additional overhead cable ~~where~~ adjacent to existing overhead ~~utilities already occur,~~ cables along the existing publicly owned right-of-way, and adding three new poles also within the existing right-of-way.

F-10

[3] Moreover, to the extent the project presents any conflict with either Zoning Code Section 230.96 or Municipal Code 17.64, such a conflict does not dictate a mandatory finding of significant impact. The Resources Agency has determined that some kinds of physical impacts are necessarily significant pursuant to CEQA Guidelines. *See* CEQA Guidelines, at Sec. 15065 (outlining conditions of a mandatory finding of significance). Neither CEQA nor the CEQA Guidelines state that a conflict with local ordinance requires a mandatory finding of significant impact. Moreover, as previously briefed by NextG, when considering this issue California Courts have declined to find that, as a matter of law, a project's inconsistency with a local land use requirement is a potentially significant impact. *See* Reply of NextG to Protest of Huntington Beach, Dkt. No. A.09-03-007 (filed April 20, 2009) (citing *Lighthouse Field Beach Rescue v. City of Santa Cruz* (6th Dist. 2005) 131 Cal App. 4th 1170, at 1207 ("an inconsistency between a project and other land use controls does not in itself mandate a finding of significance")). The inconsistency with local permit requirements is merely one factor to be considered in determining whether a particular project will cause a significant impact on the environment; inconsistency with a local ordinance is not a "per se" significant effect.

F-9a

The project will not result in a significant change from existing conditions and is not considered to be a substantial conflict with Municipal Code 17.64.

F-10
(Cont.)

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Response to Document F
Davis Wright Tremaine on behalf of NextG (Robert Millar)
Dated January 11, 2010

F-1 This comment is noted. Responses to the December 22, 2009, letter referenced by the commenter are found in responses to Document E.

F-2 This comment is noted, no further response is provided or required. See also response E-8.

F-2a This comment is noted, no further response is provided or required.

F-3 This comment is noted, no further response is provided or required. See also response E-8.

F-3a This comment is noted, no further response is provided or required.

F-4 In response to this comment, the description of installation of underground conduit and cable in the project description has been revised to say the trenches will be 2–3 feet deep, as follows:

> Installation of Underground Conduit and Cable
>
> Approximately 1,531 feet (0.29 mile) of underground cable have been installed and are operational. Approximately 7,165 feet (1.36 miles) of underground cable are proposed to be constructed. This would be accomplished through trenching of a ~~1- to 3-foot-deep~~ 2- to 3-foot-deep trench between 3 and 6 feet from the edge of the pavement. The cable would be placed within an approximately 2-inch-diameter conduit. Handholes would be placed where the cable would be spliced or where access to the cable would be required. Each handhole would be fitted with a traffic-rated lid.

This change does not create a new significant impact nor warrant recirculation.

F-5 In response to this comment, the description of excavation and the foundation for new poles in the project description (under Pole Construction) has been modified to indicate that the size of the holes for the poles will be 4 feet wide, 4 feet long, and 3 feet deep. The text has been revised as follows:

> Pole Construction
>
> Construction of the two tapered steel poles and one concrete pole would involve the following steps:
>
> a) Staking the pole location
>
> b) Flagging the work area
>
> c) Installing silt fencing
>
> d) Preparing a crane pad

e) Excavating an approximately 4-foot-wide, 4-foot-long, and 3-foot-deep ~~5- to 7-foot-wide and 15- to 30-foot-deep~~ hole

f) Installing forms, rebar, and anchor bolts

g) Pouring concrete for a foundation of 4 feet wide, 4 feet long, and 3 feet deep. ~~5 to 7 feet wide and 15 to 30 feet deep…~~

This change does not create a new significant impact nor warrant recirculation.

F-6 The comment is noted, no further response is provided or required.

F-7 This comment is noted; this description accurately describes the location of Nodes 13 and 14.

F-8 The description in the IS accurately describes the Wireless Ordinance as described by the City. It is understood that this is a subject of current litigation. This comment is noted, no further response is provided or required.

F-9 Comment noted. It is understood that provisions of the Wireless Ordinance are currently under litigation between the City and the applicant. The IS accurately describes the ordinance as represented by the City.

F-9a This comment is noted, no further response is provided or required.

F-10 This comment is noted, no further response is provided or required.