CALIFORNIA COASTAL COMMISSION South Coast Area Office 200 Oceangate, Suite 1000 Long Beach, CA 90802-4302 (562) 590-5071



Permit Application No. **5-13-1396** Date: March 20, 2014 Page 1 of 6



ADMINISTRATIVE PERMIT

APPLICANT:	AT&T California
PROJECT DESCRIPTION:	Installation of fiber optic cables and fiber enclosures requiring directional borings, trenching, a 4'x4' bore pit and a '6x4' bore pit within CalTrans right-of-way along four distinct segments of Pacific Coast Hwy between Los Trancos and El Morro Canyon in the vicinity of Crystal Cove State Park, Newport Beach
PROJECT LOCATION:	Pacific Coast Hwy (SR-1) along four distinct segments between Los Trancos and El Morro Canyon (within CalTrans public right-of-way), in the vicinity of Crystal Cove State Park, Newport Beach, Orange County

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

<u>NOTE</u>: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

Friday, April 11, 2014 8:30 am Hyatt Santa Barbara 1111 East Cabrillo Blvd. Santa Barbara, CA 93103

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

CHARLES LESTER Executive Director

By: <u>Liliana Roman</u> Title: <u>Coastal Program Analyst</u>

STANDARD CONDITIONS:

- 1. <u>Notice of Receipt and Acknowledgment.</u> The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. <u>Expiration.</u> If development has not commenced, the permit will expire two years from the date on which this permit is voted on by the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. <u>Interpretation</u>. Any questions of intent or interpretation of any term or condition will be resolved by the Executive Director or the Commission.
- 4. <u>Assignment.</u> The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 5. <u>Terms and Conditions Run with the Land.</u> These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS: See pages five to six.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development, which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an Administrative Permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976 and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

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FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

A. <u>Project Location and Description</u>

The project site is located within CalTrans public right-of-way along Pacific Coast Hwy in the vicinity of Crystal Cove State Park in Newport Beach, Orange County. The proposed development is along four distinct segments between the Crystal Cove State Park Los Trancos parking lot and the Crystal Cove El Morro Canyon/State Park Access Road. Crystal Cove State Park is located on both the inland (northbound) and seaward (southbound) side of Pacific Coast Hwy. The surrounding area is predominantly State Park open space, the Los Trancos Crystal Cove parking lot and park amenities, and the El Morro Elementary School.

The proposed development is an operational improvement project for AT&T telecommunication systems which proposes installation of fiber optic cables and fiber enclosures within CalTrans public right-of-way along Pacific Coast Hwy. on paved roadway, paved sidewalk or dirt/vegetated areas adjacent to the public sidewalk. **Exhibit 1** includes a map depicting the general location of each proposed installations and **Exhibit 2** provides proposed project plans. The chart below describes the proposed work in detail:

Site	Limits	Proposed Work – all within CalTrans public right-of-way
L-1	E. Coast Hwy., 119.52' east	217' directional boring, 73.63 ' open trench in asphalt concrete,
	of Los Trancos	one ground bed fiber barrel/vault in dirt, one at-grade fiber
		enclosure in concrete, and four 6'x4' bore pits, one in concrete and
		three in asphalt concrete.
L-3	E Coast Hwy., 420.63' west	13' open trench in asphalt concrete, 10' open trench in dirt, one
	of Crystal Heights Drive	ground bed fiber barrel/vault in dirt, one above ground pedestal
		(47"H x 30" L x 18"W)
L-4	E. Coast Hwy., 75.25' west	13' open trench in asphalt concrete, 10' open trench in dirt, one
	of Reef point Drive	ground bed fiber barrel/vault in dirt, one fiber enclosure in dirt
L-5	E. Coast Hwy., 78'east of El	268' directional boring, 19' open trench in asphalt concrete, 10' in
	Morro/State Park Access Rd	concrete, 2' in dirt, one fiber enclosure in dirt, one ground bed fiber
	to 200' west of El	barrel/vault in dirt, one 6'x4' bore pit in dirt, one 4'x4' bore pit in
	Morro/State Park Access Rd	asphalt concrete.

To address water quality during construction, the applicant proposes to implement BMPs for temporary sediment control during trenching, temporary soil stabilization, scheduling, waste management, materials handling and other non-storm water BMPs. The proposed project does not include any drainage improvements or grading of slopes.

The majority of the proposed development will be underground utilities. Only one above ground pedestal (47"H x 30" L x 18"W) is proposed at location L-3 on the inland side of Pacific Coast Hwy. The Pelican Point housing community is inland of Pacific Coast Hwy. along this stretch, therefore, the placement of the pedestal would result in minimal negative impact on visual resources. Any change to the visual quality of the project area would be considered low and would have little visual effect to the surrounding areas as there are no open space views inland of Pacific

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Coast Hwy. at this location and motorists and cyclists typically will focus on the ocean views on the seaward side of Pacific Coast Hwy. Ocean views would not be impacted by the project.

Biological Resources

As portions of the proposed project are immediately adjacent to the Crystal Cove State Park (both inland and seaward of Pacific Coast Hwy) special status species and habitats of concern are found in the project's vicinity. The applicant, submitted a Biological Resources Assessment for Site L-1 and L-5 dated November 6, 2013.

At Site L-1 adjacent to the Crystal Cove State Park Los Trancos Parking Lot, the work site is comprised of two general work locations, the "East Work Area" and the "West Work Area" respectively, along the paved east and west shoulder of Pacific Coast Hwy. The entire work at this location is proposed within paved areas, therefore, no vegetation will be disturbed as part of the proposed development (**Exhibit 3**). The proposed ground disturbance is restricted to the roadway or sidewalk and includes (1) excavation of two 6'x4' bore pits and a 6'x4' receiving pit at the East Work Area, and (2) the excavation of a 6'x'4' receiving pit and the installation of a fiber barrel/vault at the West Work Area; approximately 168' of underground duct will be placed between the East Work Area bore pits and the West Work Areas receiving pit.

The Biological Assessment documented vegetation communities in the vicinity of the proposed work areas to be of medium-quality restored coastal sage scrub. Within the East Work Area, a narrow strip of restored coastal sage scrub vegetation borders the 8' dirt shoulder adjacent to Pacific Coast Hwy. A federally listed threatened California gnatcatcher was observed calling and actively foraging in the narrow strip of restored coastal sage scrub near the East Work Area. No other sensitive of special status biological resources were observed in the study areas during the survey. The Study concluded that project activities (all outside habitat areas) are not expected to cause substantial impacts to special-status species and recommended mitigation measures such as work to be completed between September 15 and February 15 to avoid potential impacts to breeding birds in the project vicinity. The applicant has included the recommended biological mitigation measures in the project proposal.

At Site L-5 adjacent to the Crystal Cove State Park El Morro/State Park Access Rd, the work site is comprised of two general work locations, the "North Work Area" and the "South Work Area" respectively, along the unpaved east shoulder of Pacific Coast Hwy. The proposed ground disturbance is entirely within the unpaved shoulder of Pacific Coast Hwy. and includes (1) digging a 4'x4' receiving pit at the North Work Area, and (2) digging a 6'x4' bore pit at the South Work Area; approximately 270' of underground duct will be placed between the excavated pits. The Biological Assessment documented on-site vegetation communities of disturbed coastal sage scrub in the North Work Area and restored coastal sage scrub in the South Work Area (**Exhibit 4**). No special status biological resources were observed onsite. Ground disturbance activities at the North Work Area have the potential to impact approximately 16 sq. ft. of disturbed coastal sage scrub vegetation. No vegetation will be impacted at the South Work Area. The area does not rise to the level of ESHA. The Study concluded that project activities are not expected to cause substantial impacts to special-status species and recommended mitigation measures such as removal of all native shrubs occurring within ground disturbance areas of the North Work Area prior to

excavation. The removed shrubs are recommended to be balled, wrapped, and stored adjacent to the construction area and replaced in approximate location of removal area immediately following excavation and watered until re-established. The applicant has included the recommended biological mitigation measures in the project proposal.

Additionally, due to its proximity to sensitive habitat, there is a potential for indirect impacts during construction such as activities of equipment or personnel outside designated construction areas, erosion, water runoff, soil disturbances that enhance germination and proliferation of nonnative and invasive plans species. To avoid adverse impacts to biological resources during construction, **Special Condition #1** requires the applicant comply with general avoidance and minimization BMP measures such as use of temporary Environmentally Sensitive Area (ESA) fencing to keep personnel and equipment outside of the sensitive areas; to have a biologist approve all parking and staging areas; to clean and inspect all construction equipment of mud or other debris that may contain invasive plants/seeds prior to arrival at the site and before leaving the site and parking and staging to take place outside vegetated areas along the Pacific Coast Hwy road shoulder.

B. <u>Water Quality</u>

The proposed development has a potential for discharge of polluted runoff from the project site into nearby coastal waters. The storage or placement of construction material, debris, or waste in a location where it could be discharged into coastal waters would result in an adverse effect on the marine environment. To reduce the potential for construction related impacts on water quality, the Commission imposes special conditions requiring, but not limited to, the appropriate storage and handling of construction equipment and materials to minimize the potential of pollutants to enter coastal waters. Therefore, the Commission finds that the proposed development, as conditioned, conforms to Sections 30230 and 30231 of the Coastal Act regarding the protection of water quality to promote the biological productivity of coastal waters and to protect human health.

C. Local Coastal Program

The applicant is proposing to conduct development in the coastal zone along the Pacific Coast Hwy. corridor, including areas covered by the Crystal Cove State Park Public Works Plan, the Newport Coast LCP and areas of unincorporated Orange County.

Section 30601.3 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission with the agreement of the applicant, the local government and the Commission through its executive director consent to consolidate the permit action, provided that public participation is not substantially impaired by that review consolidation. As the project site crosses jurisdictional boundaries, and the applicant submitted the coastal development permit application directly to the Commission, both the applicant and the County of Orange agree to a consolidated permit action by the Commission. Consequently, the standard of review is the Coastal Act and the County's Newport Coast LCP and Crystal Cove State Park Public Works Plan are used only as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act and with the certified LCP for the area.

D. California Environmental Quality Act (CEQA)

As conditioned, there are no feasible alternatives or additional feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS:

- 1. **Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris.** The permittee shall comply with the following construction-related requirements:
 - (a) No demolition or construction materials, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain, or tidal erosion and dispersion.
 - (b) No demolition or construction equipment, materials, or activity shall be placed in or occur in any location that would result in impacts to environmentally sensitive habitat areas, streams, wetlands or their buffers.
 - (c) Any and all debris resulting from demolition or construction activities shall be removed from the project site within 24 hours of completion of the project.
 - (d) Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters.
 - (e) Temporary Environmentally Sensitive Area (ESA) fencing shall be utilized to keep personnel and equipment outside of the sensitive areas.
 - (f) All construction equipment shall be inspected and cleaned of mud or other debris that may contain invasive plants/seeds prior to arrival at the site and before leaving the site.
 - (g) All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day.
 - (h) The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction.
 - Debris shall be disposed of at a legal disposal site or recycled at a recycling facility.
 If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required.
 - (j) All stock piles and construction materials shall be covered with a sheeting material that will prevent dispersal of the stock pile and construction materials, enclosed on all sides, and shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil.
 - (k) Construction equipment or activity shall not occur outside the staging or storage area.
 - (1) Public parking areas shall not be used for staging or storage of equipment.
 - (m) Habitat areas shall not be used as staging or storage areas.

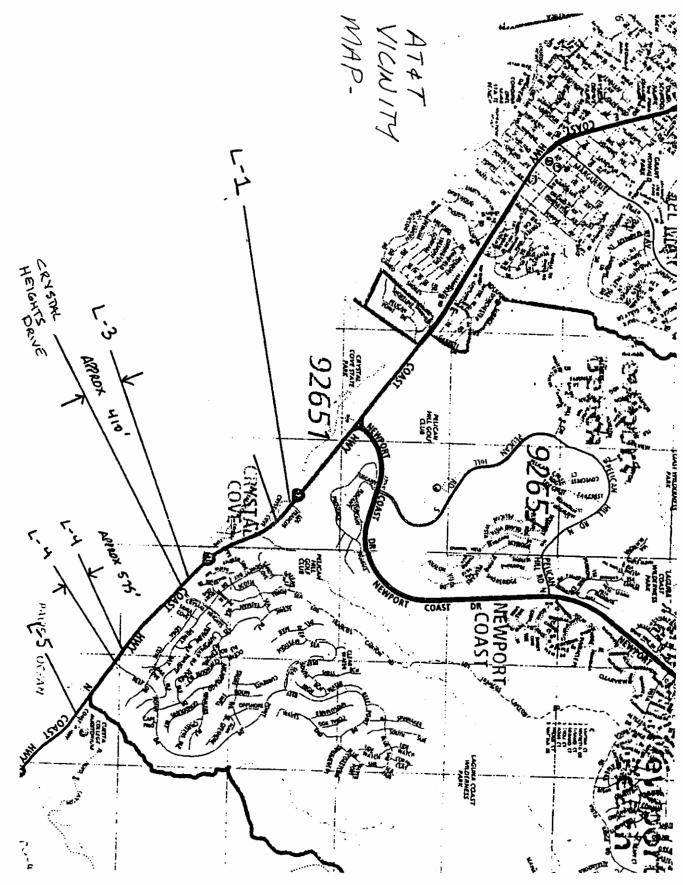
- Machinery and equipment shall be maintained and washed in confined areas.
 specifically designed to control runoff and contaminants. Thinners or solvents shall not be discharged into sanitary or storm sewer systems.
- (o) The discharge of any hazardous materials into any receiving waters shall be prohibited.
- (p) Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff. The area shall be located as far away from the receiving waters and storm drain inlets as possible.
- (q) Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity
- (r) All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

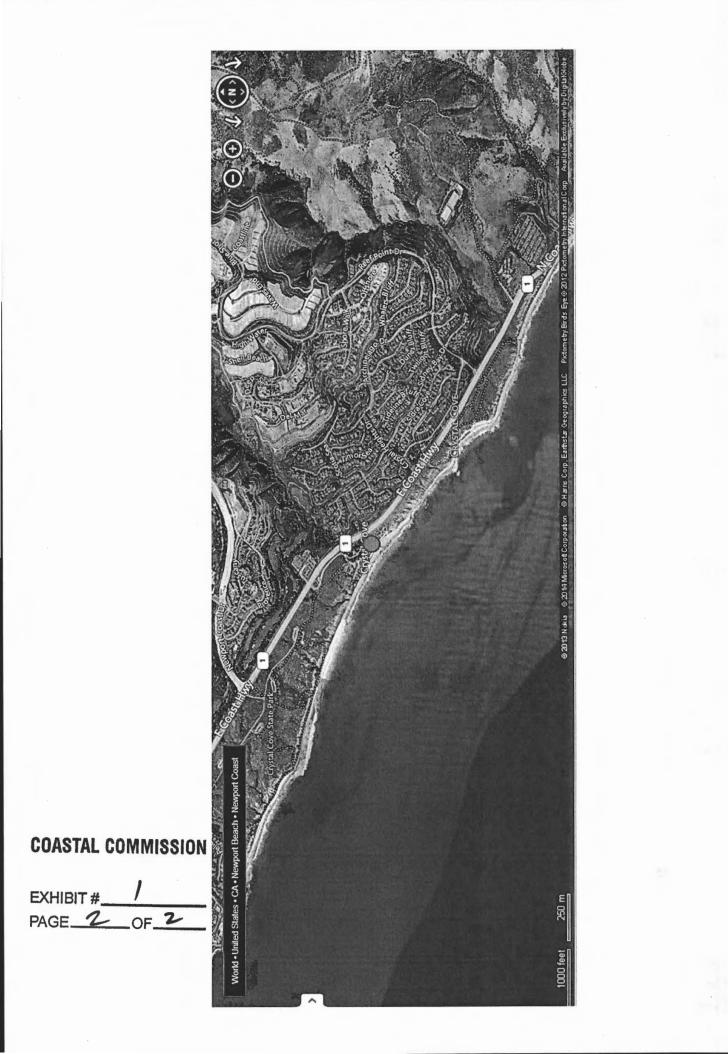
Applicant's Signature

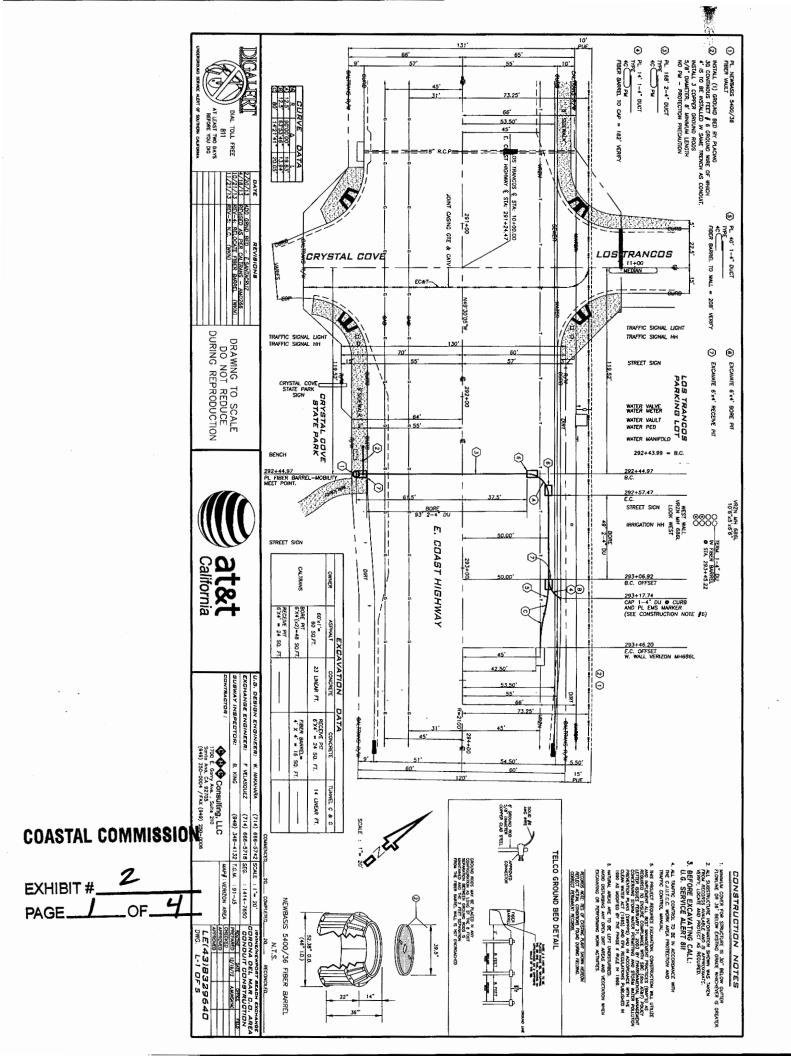
Date of Signing

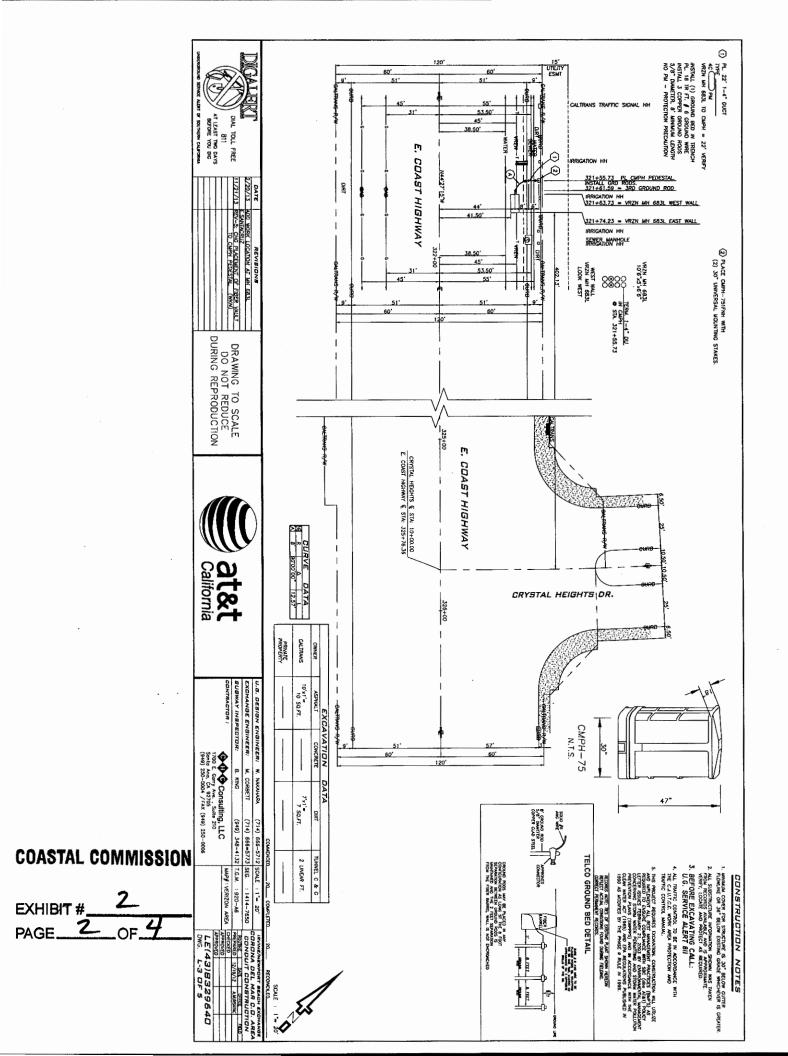


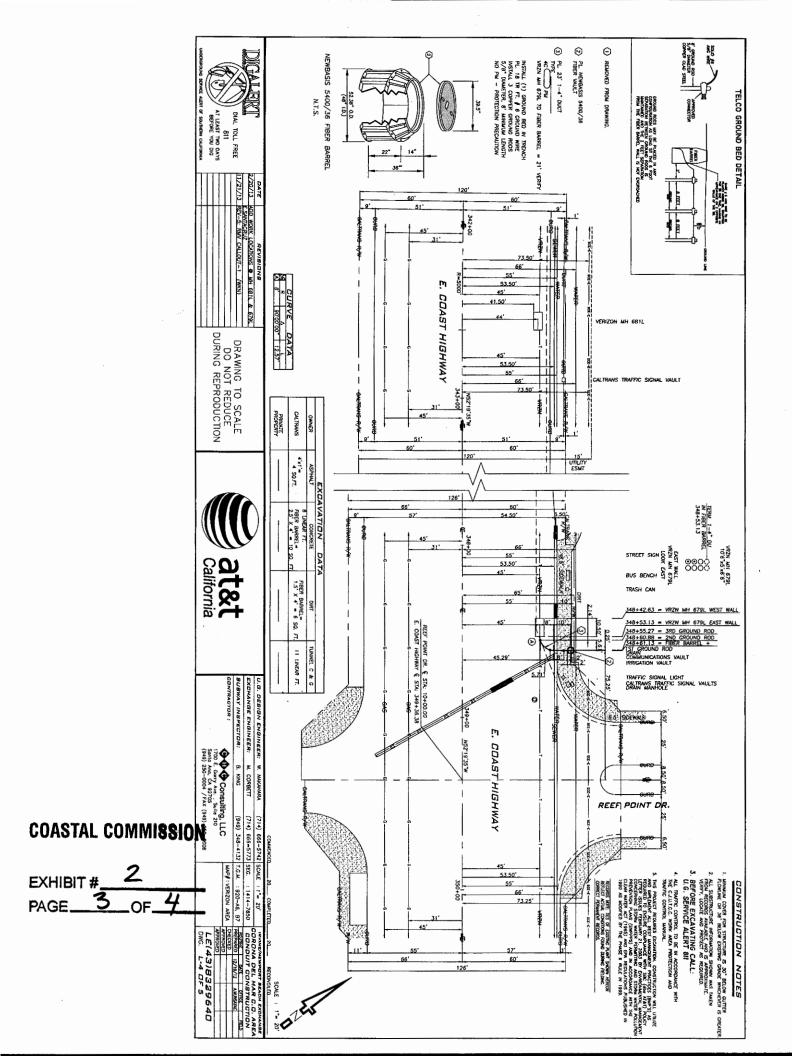
COASTAL COMMISSION

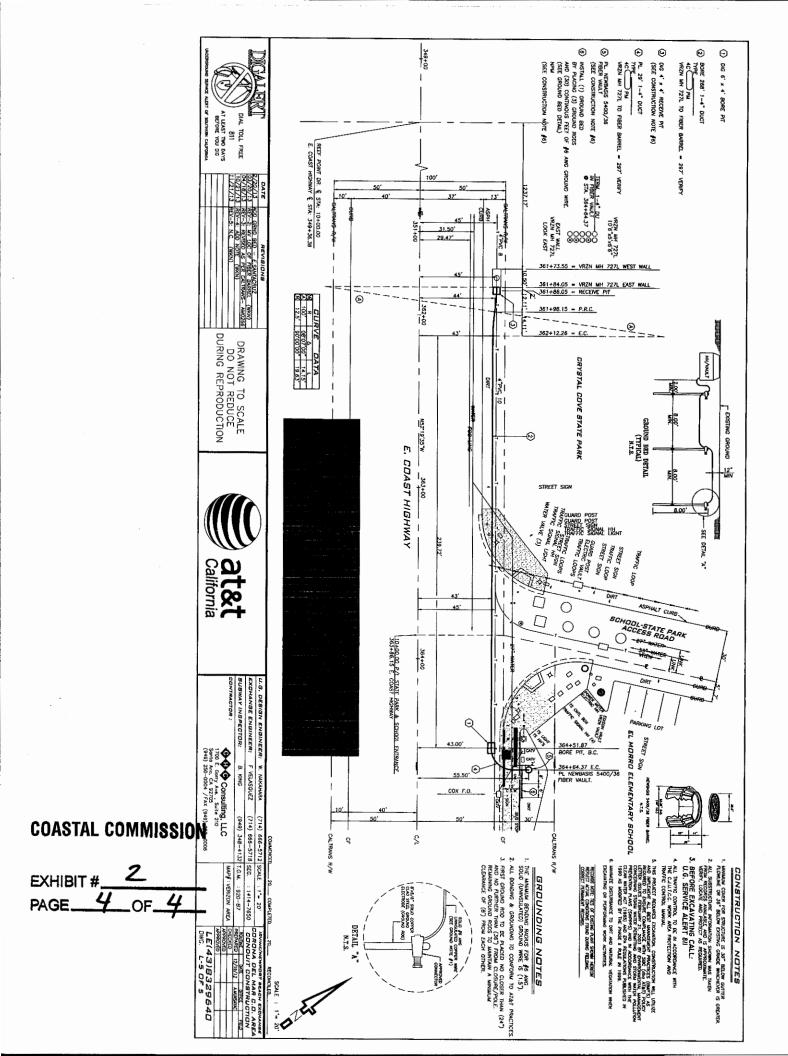
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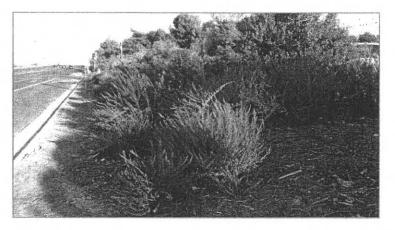








COASTAL COMMISSION



Рното 1:

VIEW OF EAST WORKHREA# _____ APPROXIMATELY 1 PAGE SOUTH OF THE / INTERSECTION OF NORTH PACIFIC COAST HWY AND LOS TRANCOS ROAD. NOTE THE DIRT SHOULDER ADJACENT TO THE HIGHWAY. PHOTO IS TAKEN FACING NORTHWEST.

Рното 2:

VIEW OF EAST WORK AREA . NO IMPACTS TO VEGETATION ARE ANTICIPATED AS GROUND DISTURBANCE ACTIVITIES WILL BE RESTRICTED TO THE ROAD. PHOTO IS TAKEN FACING SOUTH.





Рното З:

VIEW OF WEST WORK AREA. APPROXIMATELY 120-FT SOUTH OF THE INTERSECTION OF NORTH PACIFIC COAST HWY AND LOS TRANCOS ROAD. GROUND DISTURBANCE WILL BE RESTRICTED TO THE SIDEWALK. PHOTO IS TAKEN FACING NORTH.

Рното 4:

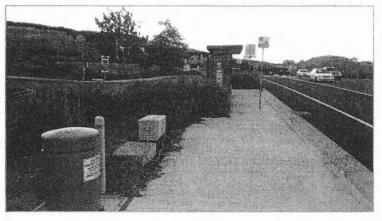
VIEW OF WEST WORK AREA. APPROXIMATELY 120-FT SOUTH OF THE INTERSECTION OF NORTH PACIFIC COAST HWY AND LOS TRANCOS ROAD. NO IMPACTS TO VEGETATION WILL OC-CUR AND ALL GROUND DISTURBANCE WILL BE RESTRICTED TO THE SIDEWALK. PHOTO IS TAKEN FACING WEST.





EXHIBIT 2: SITE PHOTOS – 18 OCTOBER 2013 LOS TRANCOS | ORANGE COUNTY, CA

COASTAL COMMISSION



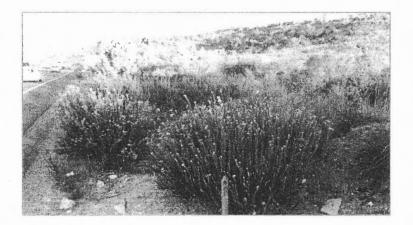
Рното 1:

VIEW OF SOUTH WORK AREA. APPROXIMATELY 60 PF South OF OFFIE / INTERSECTION OF NORTH PACIFIC COAST HWY AND STATE PARK ACCESS ROAD. NOTE EXISTING VAULT INFRA-STRUCTURE AT THE BACK OF THE SIDE-WALK. PHOTO IS TAKEN FACING SOUTH-EAST.

Рното 2:

VIEW OF RESTORED COASTAL SAGE SCRUB BETWEEN THE SIDEWALK AND SCHOOL PARKING LOT AT THE SOUTH WORK AREA. GROUND DISTURBANCE ACTIVITIES WILL OCCUR WITHIN THE ROADWAY AND NO IMPACTS TO VEGETATION ARE ANTICIPATED IN THIS LOCATION. PHOTO IS TAKEN FACING WEST.





Рното З:

VIEW OF NORTH WORK AREA. APPROXI-MATELY 160-FT NORTH OF THE INTER-SECTION OF NORTH PACIFIC COAST HWY AND STATE PARK ACCESS ROAD. GROUND DISTURBANCE WILL INCLUDE THE EXCAVATION OF AN APPROXIMATE 4 -FT BY 4-FT BORE PIT. PHOTO IS TAKEN FACING NORTHWEST.

Рното 4:

VIEW OF DISTURBED COASTAL SAGE SCRUB IN THE NORTH WORK AREA. NATIVE VEGETATION WITHIN THE DISTURBANCE AREA WILL BE TEMPORARILY REMOVED PRIOR TO DISTURBANCE AND REPLANTED FOLLOWING CONSTRUCTION. PHOTO IS TAKEN FACING NORTH

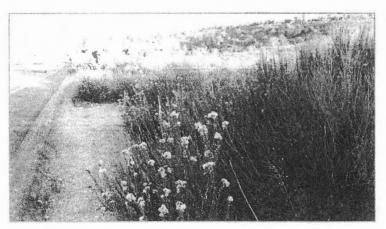




EXHIBIT 2: SITE PHOTOS – 18 OCTOBER 2013 EL MORRO | ORANGE COUNTY, CA