



7 November 2011

To: City of Newport Beach
3300 Newport Boulevard
Newport Beach, California 92663
Attention: Patrick Alford

Surfrider Foundation Newport Beach Chapter and Huntington/Seal Beach Chapter Position on Newport Banning Ranch Development

The Surfrider Foundation Newport Beach and Huntington/Seal Beach chapters support an environmentally sensitive plan to maximize public space, improve water quality, clean polluted run off and protect natural and sensitive habitat and species. Such a plan must address the existing conditions of concern including: untreated urban runoff to the ocean, destabilized bluffs, existing mineral rights of oil companies and appropriate assessment and cleanup of abandoned oil drilling operations and equipment and site remediation. Our concerns also include the plans for roads on the property, which would carry additional pollutants and untreated urban runoff to the ocean and local beaches.

The Draft Environmental Impact Report (DEIR) is required to select an Environmentally Superior Alternative from the several alternative actions that are analyzed within the scope of the Report. The DEIR lists Alternative B – General Plan Open Space Designation as the Environmentally Superior Alternative. This is consistent with the primary use for the property as listed in the City of Newport Beach General Plan approved by the voters on November 6, 2006.

Regarding the project alternatives presented in the DEIR, our chapters see Alternative B – General Plan Open Space Designation as our preferred plan for Banning Ranch, assuming all concerns for water quality, untreated run off and land remediation are addressed in this alternative.

Surfrider Foundation comments on Newport Banning Ranch DEIR

A. Property Acquisition

On pages 1-2 of the Executive Summary and 3-5 of the Project Description, under the City of Newport Beach General Plan, approved by the voters November 6, 2006, the Primary Use of the subject property is Open Space, with an Alternative Use stated as follows:

“If not acquired for open space within a time period and pursuant to terms agreed to by the City and property owner, the site may be developed as a residential village containing a mix of housing types, limited supporting retail, visitor accommodations, and active community parklands, with a majority of the property preserved as open space.”

1. What steps has the City taken to acquire the property?
2. What is the time period for the City to acquire the property?
3. What terms and conditions has the City considered, negotiated or discussed for the acquisition of the property?



4. Please provide any and all information regarding any discussions the City has had with the proposed developer, property owner(s), third parties or any other entities, public or private, regarding acquisition of the property for the primary purpose of maintaining it as Open Space, consistent with the City's General Plan.

B. Water Quality Impacts

1. Regarding water quality impacts of the proposed project, Section 4 of the DEIR, we note that very little data are provided to support the general conclusion that the proposed project will have no significant impacts on the water quality of the receiving waters (Semenuik Slough, Santa Ana River and Pacific Ocean). Please provide a quantitative analysis to support the conclusions made in Appendix C regarding pollutant concentrations or the expected removal efficiencies of BMPs.
2. With regard to individual classes of pollutants, the paragraph on Bacteria & Pathogens (Appendix C, page 123), unlike the similar paragraphs for other pollutants, does not conclude with a statement such as "As a result, it is anticipated that water quality standards will not be exceeded, and potential impacts from bacteria and pathogens are less than significant." Was this an oversight? What are the possibilities that the water quality standards will be exceeded in regards to bacteria and pathogens?

C. Residential Landscaping

1. Appendix C, Part 2 of the DEIR, page 867 of 877 has text that reads:
"Use Efficient Irrigation Systems and Landscape Design

Projects shall design the timing and application methods of irrigation water to minimize the runoff of excess irrigation water into the municipal storm drain system. (Limited exclusion: detached residential homes.) The following methods to reduce excessive irrigation runoff shall be considered, and incorporated on common areas of development and other areas where determined applicable and feasible by the City"

This suggests that exclusion exists for detached residential homes concerning the landscaping and garden management programs. Are there any restrictions or incentives for residential property to create sustainable and low water use gardens and landscaping that is consistent with the design concepts and source BMPs?

D. Comments From Surfrider Foundation's OFG Coordinator, Paul Herzog

Appendix C Part 1 of the DEIR, pp. 117- 5.3.3 Interior Water Quality Features

1. Rain barrels, at about 55-70 gallons, are more a tool to slow down the first flush (the first $\frac{3}{4}$ "-1" of rain after a dry period) than a water harvesting vehicle. It is better to create a "sponge" by infiltrating rain water into healthy soil and utilizing native plants than focus on capturing water for irrigating climate inappropriate plants. Note that clay soils can infiltrate water, but just at a slower rate. See Milagro CoHousing Project (28 units) as an example - http://www.milagrocohousing.org/milagro_009.htm
2. With regard to Storm Water Planters, is infiltration in vegetated soil and utilizing these planters when that is not possible prioritized?



3. Regarding Tree Box Filters, these are typically considered an expensive “tree in a box,” primarily used to filter runoff. Is infiltration and above-ground bio-filtration prioritized?
4. In regard to Pocket Rain Gardens: When tied into a system of tools, there is not a need for one, large solution, i.e., piece of land (as alluded to on pp.127 “In those instances where the LID features are not sufficient to handle treatment requirements independently, water quality calculations will quantify how much the additional treatment is required by the next downstream LID feature or water quality basin.”). There is not a need for an underdrain with healthy soil and an exit to another permeable area. Has this been considered?
5. In regard to Appendix C 5.3.4 Transitional Phase Water Quality Features, to build healthy soils, deeper infiltration (than suggested in the drawing on p. 127) is required. What is the basis for the depth of infiltration suggested and where is the data to confirm this?

Appendix C Part 2, pp. 859 Site Design and LID BMPs.

6. Have currently available pervious pavers been considered?
7. With regard to POA activity restrictions, has consideration been made to include requirements for POA's to comply with AB 1881, the State or municipality's Water Efficient Landscape Ordinance or the County Water Conservation Resolution?
8. Regarding Common Area Landscape Management has consideration been made to encourage the building of healthy soil through organic methods and regular aeration of any turf areas, restricting or preventing the application of fertilizers, pesticides, herbicides or fungicides?
9. With regard to Vehicle Wash Areas, have recommendations and requirements been made to restrict the use of saps to those that are bio-compatible (no salts)?
10. Regarding LID/Treatment Control BMP Sizing Calculations what is meant by “amended soil layer?”
11. With regard to Vegetated BioCell Sizing, What is a Biocell?

A handwritten signature in black ink, appearing to read "Dudley Tabakin".

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A handwritten signature in black ink, appearing to read "Tony Soriano".

Tony Soriano
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