

CALIFORNIA COASTAL COMMISSION

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September 20, 2002

Mary Beth Broeren
Planning Department
City of Huntington Beach
City Hall
2000 Main Street
Huntington Beach, CA 92648-2702

RE: Environmental Impact Report 97-2 (Parkside Estates)

Dear Ms. Broeren:

On September 9, 2002, Coastal Commission staff submitted a letter to the City commenting on the water quality issues in the Parkside Estates EIR (97-2). The letter addressed multiple fundamental flaws in the water quality analyses of the EIR. Since receipt of the letter, the City has engaged Coastal Commission staff in a dialogue regarding the issues we raised and the contents of the EIR. Coastal Commission staff has received two letters from the City (September 10 and 18, 2002) and two memorandums from Rivertech Consultants (September 10 and 17, 2002) clarifying how the EIR conducted the water quality analysis.

We thank both the City and Rivertech for their responses. Coastal Commission staff recognizes that the CEQA process operates at a level of specificity less than what a regulatory agency like ours would expect in seeing a water quality plan. Thus, the City is correct in stating that a Water Quality Management Plan detailing the exact treatment train and Best Management Practices (BMPs) would come at a later phase of the development planning process, as stated in Mitigation Measure 3 (MM3) of the EIR. However, we maintain our conclusion that the information presented in the EIR's water quality documents is fundamentally flawed.

We agree with Management Measure 3 in that the final WQMP shall be developed at a later stage; rather, our concern was that the Rivertech Reports (1998 and 2002) used inaccurate data and assumptions to help explain and support the EIR's findings of insignificant impact. We continue to maintain that the information in these Reports, as well as the Response to Comments which drew heavily on these reports, is fundamentally flawed. This was discussed in depth in our September 9, 2002 letter. The Rivertech memoranda (September 10th and 17th, 2002) concur with our analyses: CDS Units are not sufficient to protect water quality from this development. CDS Units do not achieve 90%

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reductions of all urban runoff pollutants, and therefore, there will not be 45% area-wide reductions in pollutant load as was stated in the EIR.

When multiple comment letters questioned the impact of this development on Huntington Harbor, the Response to Comments cited the 45% figure and then stated that there would be no impact on the Harbor's water quality. Given its inaccuracies, the 45% reduction figure cannot be used to determine that there will be no significant impact on Huntington Harbor; therefore, we believe the impacts to Huntington Harbor, a 303(d)-listed water body, have not been fully considered. At the same time, we concede that discerning the difference between significant or insignificant impacts to an already-impaired water body is not an easy task. Ultimately, though, the solution must rest in the development of WQMP that incorporates a thorough and protective array of structural BMPs, site design, and source control measures. We would be happy to continue working with the consultants to develop an appropriate WQMP.

In addition, Rivertech concurs with Coastal Commission staff's statement that runoff from this development can reach the Bolsa Chica reserve, although the EIR states otherwise. Therefore, similar to our statements about Huntington Harbor, we do not believe water quality impacts to the Bolsa Chica Reserve have been fully considered.

Coastal Commission staff will not suggest a particular action be taken by the City's Planning Commission at its September 24th hearing. We simply request that the Huntington Beach Planning Commission and City Council consider these problem areas in the EIR when they determine what course of action to take.

We look forward to continuing this dialogue with the City and the consultants to develop a sound and protective Water Quality Management Plan for the Parkside Estates. Such a plan will need to be prepared by the time this project is submitted to the Commission for review. It is our understanding that the development contemplated under this EIR will be submitted to the Commission as an amendment to the City's Local Coastal Program.

Sincerely,



Stephen Rynas, AICP
Orange County Area Supervisor