

Objection to CDP-#A-6-ENC-18-0019  
(Leucadia Streetscape)  
Coastal Development Permit Extension

November 4, 2020

The logo for the California Coastal Atlas, featuring a blue and green background with silhouettes of coastal plants and the text "California Coastal Atlas" in white.

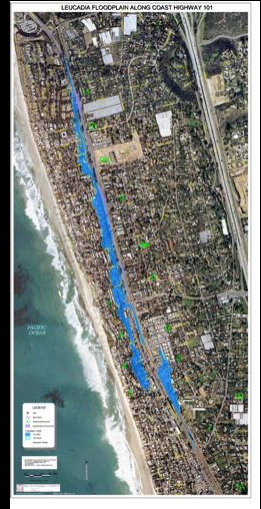
California Coastal Atlas

## Summary

- 1 City of Encinitas is acting in a **disingenuous manner** in pursuit of Streetscape despite long-standing stormwater problems **disruptive to coastal access and expensive** to fix if Streetscape proceeds first.
- 2 There are also important **changes to the federal judicial interpretation of coastal pollution** that exacerbate the situation and raise new issues not previously considered.
- 3 These reasons interact to demonstrate a **reckless disregard** by the City of Encinitas for the health and safety of the coast in both natural resources and the human community inhabiting it.
- 4 As the California Coastal Commission, representing the public interest, you should ask yourselves **Why don't they deal with this first?**

# [1] Streetscape EIR Documents Plan to Divert Stormwater into Groundwater

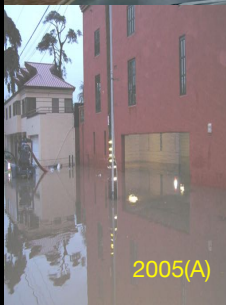
- 1 Streetscape is located directly in a flood zone that floods regularly
- 2 Streetscape EIR documents construction of stormwater retention areas the injection of stormwater into groundwater.
- 3 This groundwater flows to the ocean bluffs contributing to both upper and lower bluff erosion and failures
- 4 Some of these failures have killed people.



# Leucadia Flooding



2019(A)



2005(A)

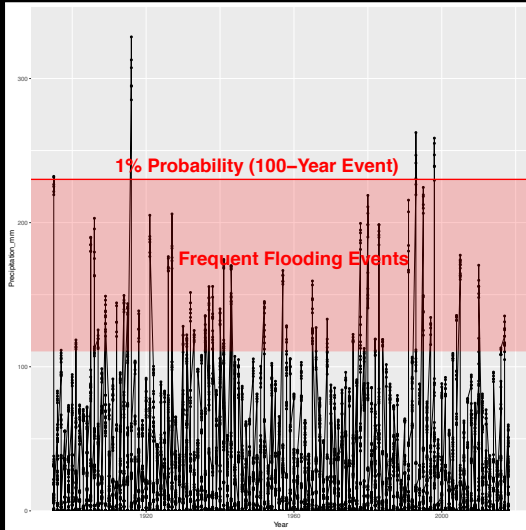


2005(B)



2009(C)

# Leucadia Historical Precipitation



# Groundwater Percolating Through Coastal Bluffs



## Upper Bluff Failure



## Lower Bluff Failure

The San Diego Union-Tribune

51 EVENT  
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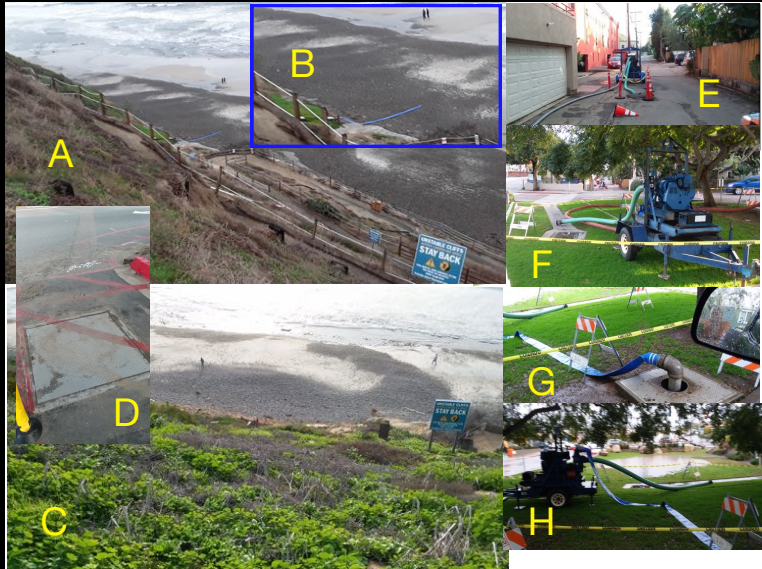
### 'Normal beach day gone awry': 3 killed in Encinitas bluff collapse



Three people died after an Encinitas beach bluff collapsed Friday afternoon. (Hayne Palmour / The San Diego Union-Tribune)



# Pumping Stormwater Onto Beach



# Dumping Stormwater Into Batiquitos Lagoon (left), Moonlight Beach (right)



# Stormwater is likely to be similar Polluted Runoff per COE Jurisdictional Runoff Management Program

- 1 ... Cottonwood Creek is 303(d) listed for DDT, selenium, and sediment toxicity stressors.
- 2 Pacific Ocean at Moonlight Beach, where Cottonwood Creek meets the ocean, is listed as a 303(d) impaired water body for total coliform bacteria.
- 3 Batiquitos Lagoon, ... is designated a Critical Coastal Area in the State of California 2002 Critical Coastal Areas Strategic Plan...

# Current Development Undercover of Ponto Hotel



## Current Development Undercover of Ponto Hotel



# City of Encinitas Has Repeatedly Failed to Develop and Publicly Review A Stormwater Management Plan

- 1 2011-2012 San Diego County Grand Jury recommended immediate plan to solve Leucadia's storm water flooding,
- 2 Even since the CDP, repeated requests for such a plan have met with delays, obfuscation, failure to disclose engineering plans publicly
- 3 Even though public money is being spent in on-going contractual work by multiple contractors for millions of dollars.
- 4 70% Design Review for Streetscape has blank placeholder for Stormwater design



# City of Encinitas Plans to Divert Contaminated Stormwater into Pacific Ocean and Batiquitos Lagoon as Implicit Part of the Streetscape Design

- 1 Incremental projects are being used to avoid regulatory intervention for an overall Streetscape plan
- 2 More polluted groundwater and stormwater will contaminate beach, ocean and contribute to bluff failure
- 3 SCOTUS has found that the USEPA Clean Water Act cannot be bypassed merely by passing pollutants through groundwater so there is looming federal litigation risk
- 4 What other interpretation of these facts can you come up with?

## Conclusion

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