

## 1 Executive Summary: Engineering Chicanery and Dubious Intentions

The chronology of events, summarized below in this section and supported by references to other parts of this white paper, reveals a pattern of behavior by multiple individuals in the City of Encinitas (COE) and its contractors. This pattern is so complicated and convoluted that it defies the rationality one would expect in a straight-forward engineering effort to solve a long-standing stormwater problem. One of the strangest things about this whole activity is the extent to which it appears to be choreographed. One has to ask 'Why the coverup?'

Why not simply be open and reasonable about developing a stormwater management solution for Leucadia, and Encinitas overall, rather than going to all the extraordinary effort to break it up and hide it in various fragments of contracts and designs? This is either (1) incredibly foolish and wasteful but simply the result of incompetence and piece-meal decision-making optimization or (2) there are other non-obvious reasons. Then the obvious questions are what are those reasons and who is responsible for planning this elaborate ruse? First, let's look at the sequence of events and, later, contemplate alternative hypotheses to explain these facts.

(1) In 2018-07: The hydrology section of the Streetscape EIR was reviewed and found to be substantially deficient. This led to a series of meetings, some public, some not public, involving the COE, SANDAG, and the North County Transit District (NCTD) and the right-of-way of the railroad through Encinitas. Finally, NCTD came to a meeting of the COE City Council, and along with SANDAG, essentially said they would not grant ROW exceptions needed for Streetscape unless COE fixed its stormwater problems to the extent that they affect the railroad operations.

(2) 2018-12-12: COE applied for grant monies from CALTRANS to model the hydrodynamics of the watershed and was rejected. This shows that COE knew it needed to analyze the watershed properties before designing an engineering solution.

(3) 2019-08-28 Council Meeting: COE authorized \$431,857.20 to contractor Q3 to develop a watershed plan for Leucadia and Old Encinitas. There were no deliverables specified in this contract. It was made clear in that COE council meeting that this contract should produce an early, 'hurry-up' result that would enable Streetscape project to proceed

(4) 2020-05-11: A report from Michael Baker Company was delivered with an addendum produced by Q3. An attachment shows a diagram connecting the proposed stormwater plumbing to the three outfalls at Batiquitos Lagoon. The *North Coast Highway 101 Streetscape Project: Hydrology and Water Quality Technical Report*. This report is woefully inadequate in technical detail. Nonetheless, this report from Michael Baker identifies:

(a) ...two existing outfall locations discharging runoff from the project area. Along N. Coast Highway 101, immediately north of La Costa Ave, the first existing outfall (24" RCP) discharges runoff east of the 101 (east-101) into the southwestern-most sliver of the Batiquitos Lagoon. This portion of the Lagoon is tidally influenced and mostly cutoff from roughly 90-percent of the lagoon via a pinch point created by construction of a railroad bridge and associated embankments.

(b) The second existing outfall consists of an 18" RCP and 24" RCP and drains west of the 101 (west-101), into a series of detention basins adjacent to the Ponto Beach parking lot, and then into the Lagoon immediately adjacent to the Pacific Ocean via open channel flow.

(c) The project does include a new diversion structure immediately upstream of these two existing outfalls. This new diversion structure has been designed to control discharge to each of the existing outfalls while simultaneously providing flood control for the businesses and residents adjacent to N. Coast Highway 101 south of La Costa Avenue and water quality benefit for the Lagoon.

- 110 (5) 2020-10-10: Plans were received by the COE Development Services Department describing the en-  
111 gineering details of the plumbing and Batiquitos Lagoon terminus of the stormwater system without  
112 indicating the portion of the system that was built as part of the hotel project but originally identified as  
113 part of the stormwater system for Leucadia, driven by Streetscape.
- 114 (6) 2020-12: There was a scramble by COE staff to get a Notice of Determination sent to the County and  
115 the State in a hurry to stay within a 30-day window in which CEQA lawsuits could be filed about the  
116 stormwater solution and to avoid a 180-day window. Only after this was a public notice and review  
117 meeting held (i.e., CPP) and even then notice of the review was buried in an obscure COE website.
- 118 (7) 2021-01-19: The first public review of this effort was conducted via Zoom with only chat available for  
119 public comment.

120 **Throughout this period of time, I have repeatedly requested, in writing and oral presentations**  
121 **before the City of Encinitas city council, engineering analyses and details about the proposed solution.**  
122 **Nothing was forthcoming and the City Engineer, Ed Wimmer, repeatedly claimed he had to wait for**  
123 **more meetings and review by City Council.**

124 Apparently, there isn't any analysis or evaluation other than the most cursory application of a simple  
125 hydraulic model for a foregone conclusion. There is no evidence of alternative design evaluations, competi-  
126 tive procurement or any of the normal evaluative processes one would expect from a sound decision-making  
127 process compliant with the extant regulatory framework.

128 Why go to all this trouble of subterfuge and hidden government? If this is all above board and based on  
129 sound science and engineering, good for the environment and people of Encinitas, why hide it?