

CONSENT ORDERS

This combined Consent Cease and Desist Order, Consent Restoration Order, and Consent Administrative Civil Penalty action collectively, the “Consent Orders” is entered into by and among: (1) the California Coastal Commission (the “Commission”), (2) the City of Newport Beach (the “City”), and (3) the private parties listed in Appendix A, which is attached hereto (“Private Parties”). The City and the Private Parties are hereinafter collectively referred to as the “Parties”, except where explicitly referred to individually. The Commission and the Parties have agreed to work collaboratively to facilitate a resolution of the matters described in the “Notification of Intent to Commence Cease and Desist Order, Restoration Order, and Administrative Civil Penalties Proceedings” issued to the City on January 28, 2020, and revised on January 30, 2020 (collectively “NOI”).

To that end, the Commission and the Parties have had discussions over the past several months for the purpose of resolving this matter amicably and through these Consent Orders. Through the execution of these Consent Orders, the Commission and the Parties have mutually agreed to resolve, with respect to the Parties, all claims asserted in the NOI, as described herein.

1 CONSENT CEASE AND DESIST ORDER CCC-20-CD-02

Pursuant to its authority under California Public Resources Code (“PRC”) Section 30810, the Commission hereby authorizes and orders the City; and all its successors, assigns, employees, agents, contractors, and any persons or entities acting in concert with any of the foregoing to; and the City agrees to:

1.1 Refrain from engaging in development, as defined in PRC Section 30106, that requires a coastal development permit (“CDP”), on any of the property identified in Section 4.2 below (“Properties”), unless authorized pursuant to the Coastal Act (PRC Sections 30000 – 30900), including as authorized by these Consent Orders.

1.2 Remove or cause the removal from the Properties, subject to the terms and conditions of these Consent Orders, and as set forth in Section 5, below, all Encroachments, as that term is defined below in Section 4.3.

1.3 Remove or cause the removal, subject to the terms and conditions of these Consent Orders, and as set forth in Section 5, below, any physical materials or structures placed on the Properties after the effective date of these Consent Orders.

1.4 Fully and completely comply with the terms and conditions of Consent Restoration Order CCC-20-RO-01, as provided in Section 2, below.

2 CONSENT RESTORATION ORDER CCC-20-RO-01

Pursuant to its authority under PRC Section 30811, the Commission hereby orders and authorizes the City to restore the Properties by complying with Consent Order CCC-20-RO-01 described herein, and taking all other restorative actions described in Section 5, below.

3 CONSENT ADMINISTRATIVE PENALTY CCC-20-AP-02

Pursuant to its authority under PRC Section 30821 and its authority to authorize development, the Commission hereby orders the parties listed in Appendix A to pay an administrative civil penalty in the amounts that they are obligated to pay, as listed in Appendix A, , and orders and authorizes the City to take other actions in lieu of paying a monetary penalty, by complying with the terms and conditions listed herein, including taking all actions described in Section 5. The aggregate amount of the administrative civil penalty to be paid by the parties listed in Appendix A is \$1,706,834.63.

PROVISIONS COMMON TO ORDERS AND CONSENT ADMINISTRATIVE PENALTY

4 DEFINITIONS

4.1 Consent Orders. Consent Cease and Desist Order No. CCC-20-CD-02, Consent Restoration Order No. CCC-20-RO-01, and Consent Administrative Penalty action No. CCC-20-AP-02 are referred to collectively in this document alternatively as “the Consent Orders” or “these Consent Orders.”

4.2 Properties. The area subject to these Consent Order, which is located in Newport Beach, Orange County, identified by Assessor’s Parcel Nos. 048-310-01, 048-170-24, 048-170-38, and 048-320-03, and which area is generally depicted in the rendering attached hereto in Exhibit A, is referred to in this document collectively as the “Properties.”

4.3 Encroachments. These Consent Orders address activities that have occurred, and structures and materials that are present, on the Properties as of the effective date of these Consent Orders that constitute, or are present as a result of, development (as defined by the Coastal Act at PRC section 30106) for which authorization under the Coastal Act was not received. The unpermitted development activities, which development was not undertaken by the City, includes the placement of structures, and materials that are the subject of and encompassed by these Consent Orders including the placement of objects and materials on public sandy beach, including, but not necessarily limited to landscaping such as lawns, hedges, iceplant, trees, and shrubs; irrigation systems; walkways; stepping stones; fences; and patios, and the structures and materials themselves, on the Properties, all of which interferes with public coastal access. The objects and materials that are present on the Properties on the effective date of these Consent Orders as a result of the unpermitted development activities are referred to herein as the “Encroachments”.

5 RESTORATION PLAN

5.1 These Consent Orders authorize and require the City to, at its sole cost, except as provided for in Section 5.3, below, implement the Encroachment Removal and Restoration Plan prepared by Glenn Lukos Associates, Inc., for the City dated January 21, 2020, which is attached as Exhibit B to these Consent Orders, as revised as necessary to be consistent with the terms in this section below (hereinafter referred to as the “Restoration Plan”). Within 30 days of issuance of these Consent Orders, the City shall submit a proposal for such revised Restoration Plan for the review and approval of the Executive Director of the Commission (“Executive Director”). Except as provided in Section 5.9, once the Restoration Plan is approved, the City shall have discretion, upon the approval of the Executive Director, to determine who performs the work required by and in compliance with the terms and conditions of the Restoration Plan including, but not limited to, the use of the City’s own employees. The Commission recognizes that substantial cost savings can be achieved through the utilization of the City’s own forces and one of the goals of these Consent Orders is to ensure the full implementation of the Restoration Plan in an efficient manner without the City having to incur unnecessary costs. The City shall ensure all work undertaken pursuant to the Restoration Plan shall, at a minimum, be monitored by a qualified specialist, as described in Section 5.9, below.

5.2 The Restoration Plan shall set forth the measures that the City proposes to use to remove all of the Encroachments in the area depicted in the rendering attached hereto as Exhibit C, which includes all areas other than those Encroachments set forth in the next sub-section, and to restore said area to appropriate natural habitat consisting of beach strand and southern foredune habitat. The discussion of Existing Native Plant Communities shall take into account the presence of southern foredune habitat in the area and all aspects of the Restoration Plan shall be drafted with consideration of dune habitat in the project area.

5.3 In addition to the portions of the Encroachments that the City proposes to remove or cause the removal of through implementation of the Restoration Plan, the Restoration Plan shall describe the measures the City proposes to use to cause the removal of the Encroachments located adjacent to the private properties with postal addresses 1320, 1322, 1324, 1400, 1412, 1504, 1510, 1514, 1516, 1520, 1526, and 2042 East Oceanfront, Newport Beach, which area is depicted in the rendering attached hereto as Exhibit D, that are proposed in the Restoration Plan to be removed by the corresponding homeowners. The Parties expressly agree that if the homeowners fail to remove the Encroachments adjacent to their properties in the area depicted in the rendering attached hereto as Exhibit D, the City is authorized by the Commission to take any and all actions necessary to complete this work and the applicable homeowners shall be liable to the City for all reasonable costs associated in any way with performing said work.

5.4 The City shall, subject to the terms of these Consent Orders, and consistent with the Restoration Plan, remove or cause the removal of any physical materials or structures placed on the Properties after the effective date of these Consent Orders and restore the impacted area to appropriate natural habitat consisting of beach strand and southern foredune habitat. Nothing in this agreement precludes the City from seeking compensation from the responsible party(ies) for

costs the City incurs in the removal of any future encroachments from the Properties, with the “responsible party(ies)” being the parties that caused such encroachments to exist and “future encroachments” being encroachments placed on the Properties without a Coastal Development Permit after the effective date of these Consent Orders. Nor is the Commission precluded from addressing future encroachments as violations of the Coastal Act.

5.5 The Restoration Plan shall include a map of proposed staging areas and access and haul routes for encroachment removal work. These activities must avoid existing habitat areas, other than areas covered by the Restoration Plan.

5.6 The Restoration Plan shall indicate that removal of the Encroachments will be undertaken in a manner that does not block, impede, or disrupt use of the public beach and other public areas, except that any disruption of public use of the beach will be limited to the installation of temporary habitat fencing during habitat restoration, and minimal, temporary disruption of access as a result of equipment staging. The Restoration Plan shall propose placement of temporary symbolic fencing, consisting of stakes and rope, around native plant container planting zones, as generally depicted on Exhibit 6 of the Restoration Plan, during the plant establishment period.

5.7 The Restoration Plan shall include installation of informational signage, to be displayed while the Restoration Plan is being implemented, including during the monitoring period, that identifies and describes habitat in the project area.

5.8 Planting and seeding shall occur between the months of September and February, inclusive, with seeding to occur following a rain event.

5.9 Any plans, reports, or revisions prepared pursuant to the terms of the Restoration Plan or these Consent Orders shall be prepared by a qualified restoration ecologist or resource specialist approved by the City and Executive Director, and shall identify that party and include a description of the education, training, and experience of said ecologist/specialist. A qualified ecologist/specialist for this project shall have experience successfully completing dune restoration.

5.10 The City shall endeavor to implement the final approved Restoration Plan pursuant to the approved schedule/timeline as set forth in Table 1 of the Restoration Plan, which contains a more accelerated schedule for implementation than the deadlines listed below, with all work to be completed as early as possible and consistent with recommendations by the consulting resource specialist, designed to both avoid negative impacts on wildlife and on public access. With specific regard to the following activities, at the latest, Round 1 of iceplant removal and planting and seeding shall be initiated by December 31st, 2021; removal of ornamental vegetation, excepting iceplant, and removal of all encroachments that can be removed by hand, shall occur by June 30, 2022, except that the encroachment removal described in Section 5.3 shall occur by June 30, 2023; and Round 1 of iceplant removal shall occur by December 31, 2022, and Round 1 of planting and seeding shall occur by December 31, 2022, and Round 2 iceplant removal and Round 2 planting and seeding shall occur by December 31, 2023, excepting that planting that abuts the areas where encroachments will be removed pursuant to Section 5.3 shall occur by June 23, 2023.

5.11 Each annual report, as described in the Restoration Plan, shall include first year photographs. All photographs and exhibits shall be provided as separate jpeg or pdf files.

5.12 The final monitoring report shall include an assessment of whether the project has satisfied the performance standards and, if standards are not met, the report shall propose measures for reaching those standards, including additional seeding/planting and monitoring. The City shall undertake those measures upon approval by the Executive Director.

6 REVISION OF DELIVERABLES

The Executive Director may require revisions to deliverables under these Consent Orders. The City shall revise any such deliverables consistent with the Executive Director's specifications, and resubmit them for further review and approval by the Executive Director by the deadline established by the Executive Director. The Executive Director may extend the deadline for submittals upon a written request from the City and a showing of good cause, pursuant to Section 15 of these Consent Orders.

7 RESPONSIBLE PARTIES

The Parties and all their successors, assigns, employees, agents, contractors, and any persons or entities acting in concert with any of the foregoing agree to undertake the specific and individual obligations assigned to them herein and to comply with all the applicable requirements of these Consent Orders and therefore shall be subject to the requirements herein. In addition, the Private Parties listed in Appendix A agree to pay the monetary penalties, as listed in Appendix A, provided for in Section 19.

8 SUBMITTAL OF DOCUMENTS

All documents submitted to the Commission pursuant to these Consent Orders must be sent to:

California Coastal Commission
Attn: Andrew Willis
301 E. Ocean Boulevard, Suite 300
Long Beach, CA 90802

WITH A COPY TO:

California Coastal Commission
Attn: Chief of Enforcement

45 Fremont Street Suite 2000
San Francisco, CA 94105¹

9 COMMISSION JURISDICTION

The Commission has jurisdiction over resolution of these Coastal Act violations pursuant to PRC Sections 30810, 30811, and 30821. The Parties agree not to, and shall not, contest the Commission's jurisdiction to issue or enforce these Consent Orders at a public hearing or any other proceeding by or before the Commission, any other governmental agency, any administrative tribunal, or a court of law.

10 RESOLUTION OF MATTER VIA SETTLEMENT

In light of the intent of the Parties to resolve these matters through these Consent Orders, the Parties have not submitted a "Statement of Defense" form as provided for in Sections 13181 and 13191 of Title 14 of the California Code of Regulations and have agreed not to contest the legal and factual bases for, the terms of, or the issuance of these Consent Orders, including the allegations of Coastal Act violations contained in the NOI. Specifically, the Parties have agreed not to, and shall not, contest the issuance or enforcement of these Consent Orders at a public hearing or any other proceeding. In addition, the Private Parties listed in Appendix A have agreed not to contest the validity of these Consent Orders by contesting the commencement of proceedings to issue these Consent Orders without their having first received written notice of commencement of cease and desist order and restoration order proceedings pursuant to sections 13181 and 13191, respectively, of the Commission's administrative regulations.

11 SETTLEMENT VIA CONSENT AGREEMENT

In light of the desire to settle this matter via the Consent Orders and avoid litigation, pursuant to the agreement of the parties as set forth in these Consent Orders, the Parties hereby agree not to seek a stay pursuant to PRC Section 30803(b) or to challenge the issuance and enforceability of these Consent Orders in a court of law or equity.

12 EFFECTIVE DATE AND TERMS OF THE SETTLEMENT AGREEMENT

The effective date of these Consent Orders is the date these Consent Orders are approved by the Commission. These Consent Orders shall remain in effect permanently unless and until rescinded by the Commission.

¹ The San Francisco office will be moving soon, please contact Andrew Willis at (562) 590-5071 to obtain the new address if necessary.

13 FINDINGS

These Consent Orders are issued on the basis of the findings adopted by the Commission, as set forth in the document entitled “Staff Report: Recommendations and Findings for Issuance of Consent Cease and Desist Order and Consent Restoration Order and Consent Administrative Civil Penalty.” The activities authorized and required in these Consent Orders are consistent with the resource protection policies set forth in Chapter 3 of the Coastal Act. The Parties agree that the activities required in these Consent Orders are, and the Commission has authorized the activities as being, consistent with the resource protection policies set forth in Chapter 3 of the Coastal Act.

14 COMPLIANCE OBLIGATION

14.1 Each of the Parties is required to perform work, make payments or take action as required of them by these Consent Orders in strict conformance with the terms and conditions of these Consent Orders. Failure to comply with any term of these Consent Orders required of such party, including any deadline contained in these Consent Orders, unless the Executive Director grants an extension under Section 15, will constitute a violation of these Consent Orders and shall result in the responsible part(ies) being liable for stipulated penalties in the amount of \$500 per day per violation. The non-compliant party or parties shall pay stipulated penalties within 15 days of the date of the written demand by the Commission for such penalties, regardless of whether the non-compliant party or parties have subsequently complied.

14.2 If the non-compliant Party or Parties do not comply with the agreed-upon terms of these Consent Orders, nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of the Commission to seek any other remedies available, in addition those remedies set forth in the prior paragraph, including the imposition of civil penalties and other remedies pursuant to Public Resources Code Sections 30803, 30805, 30820, 30821, 30821.6, and 30822, as a result of the lack of compliance with these Consent Orders and for the underlying Coastal Act violations as described herein.

15 DEADLINES

Prior to the expiration of any of the deadlines established by these Consent Orders, the City may request from the Executive Director an extension of that deadline. Such a request shall be made no fewer than 10 days in advance of the deadline and directed to the Executive Director, in care of Andrew Willis at the address identified in Section 8, above.

The Executive Director may grant an extension of deadlines upon a showing of good cause, either if the Executive Director determines that the City has diligently worked to comply with its obligations under these Consent Orders but cannot meet deadlines due to unforeseen circumstances beyond its control, or if the Executive Director determines that any deadlines should be extended if additional time would benefit the success of the obligations under these Consent Orders.

16 SEVERABILITY

Should any provision of these Consent Orders be found invalid, void or unenforceable, such illegality or unenforceability shall not invalidate the whole, but these Consent Orders shall be construed as if the provision(s) containing the illegal or unenforceable part were not a part hereof.

17 SITE ACCESS

The Properties consist of public beach, thus there are no limitations on Commission staff access to the site and the Parties agree not to preclude access to the public beach areas, except in the limited and specific instances provided herein. Nothing in these Consent Orders is intended to limit in any way the right of entry or inspection that Commission staff or any agency may otherwise have by operation of any law.

18 GOVERNMENT LIABILITIES

Neither the State of California, the Commission, nor its employees shall be liable for injuries or damages to persons or property resulting from acts or omissions by the City in carrying out activities pursuant to these Consent Orders, nor shall the State of California, the Commission or its employees be held as a party to any contract entered into by City or its agents in carrying out activities pursuant to these Consent Orders.

19 SETTLEMENT OF CLAIMS

19.1 In light of the intent of the Parties to resolve these matters in settlement, the Private Parties listed in Appendix A have agreed to pay a monetary settlement in the amount that they are obligated to pay, as listed in Appendix A, and in lieu of payment of a monetary penalty, the City has agreed to be responsible for, at its sole cost, except as provided for in Section 5.3, above, ensuring implementation of the Restoration Plan. The Private Parties listed in Appendix A shall submit the amount that they are obligated to pay, as listed in Appendix A, in 1 payment per party, within 1 year of the effective date of these Consent Orders. The settlement monies shall be deposited in the Violation Remediation Account of the California Coastal Conservancy Fund (see PRC§ 30823), for the purpose of providing public access improvements or undertaking or maintaining habitat restoration in coastal Orange County, preferably in the City of Newport Beach, and preferably, including, but not limited to, such projects as undertaking dune habitat restoration, providing additional public access and supporting efforts to protect the Western Snowy Plover, including through protecting the plover and its habitat from disturbance. The settlement monies shall be submitted to the Commission's Long Beach office, at the address provided in Section 8, above, to the attention of Andrew Willis, payable to the Violation Remediation Account of the California State Coastal Conservancy Fund, and shall include a reference to these Consent Orders by number.

19.2 The Parties and the Commission agree that these Consent Orders settle any monetary claims for relief the Commission may have against the Parties with respect to the violations of the Coastal Act specifically enumerated in Section 4.3, above, occurring prior to the date of these

Consent Orders, (specifically including claims for civil penalties, fines, or damages under the Coastal Act, including under PRC Sections 30805, 30820, 30821, and 30822), with the exception that, if the Parties fail to comply with any term or condition of these Consent Orders, the Commission may seek monetary or other claims for both the underlying violations of the Coastal Act and for the violations of these Consent Orders against the non-compliant party. In addition, the Consent Agreement does not limit the Commission from taking enforcement action due to Coastal Act violations at the Properties or elsewhere, other than those specified herein, or which occur after the date of these Consent Orders.

20 SUCCESSORS AND ASSIGNS

These Consent Orders constitute a contractual obligation between the Parties and the Commission, and therefore shall remain in effect until all terms are fulfilled.

21 MODIFICATIONS AND AMENDMENTS

Minor, non-substantive modifications to these Consent Orders may be made subject to agreement between the Executive Director and the City. Otherwise, except as provided in Section 15, above, these Consent Orders may be amended or modified only in accordance with the standards and procedures set forth in Section 13188(b) of Title 14 of the California Code of Regulations.

22 GOVERNMENTAL JURISDICTION

These Consent Orders shall be interpreted, construed, governed, and enforced under and pursuant to the laws of the State of California.

23 NO LIMITATION OF AUTHORITY

Except as expressly provided herein, nothing in these Consent Orders shall limit or restrict the exercise of the Commission's enforcement authority pursuant to Chapter 9 of the Coastal Act, (PRC Sections 30800 to 30824), including the authority to require and enforce compliance with these Consent Orders and the authority to take enforcement action regarding Coastal Act violations beyond those that are specified in Section 4.3, above.

24 INTEGRATION

These Consent Orders constitute the entire agreement between the Parties and may not be amended, supplemented, or modified except as provided in these Consent Orders.

25 STIPULATION


The Parties attest that they have reviewed the terms of these Consent Orders and understand that their consent is final and stipulate to their approval by the Commission.

26 REPRESENTATIVE AUTHORITY

The signatories below attest that they have the authority to represent and bind in this agreement the Parties.

IT IS SO STIPULATED AND AGREED:

On behalf of the City of Newport Beach:



Grace Leung, City Manager

5/19/20

Date

Executed in _____ on behalf of the California Coastal Commission:

John Ainsworth, Executive Director

Date

Appendix A List of Private Parties and Administrative Civil Penalties

Exhibit A	Depiction of Area Subject to Consent Orders
Exhibit B	Glenn Lukos Associates, Inc., Restoration Plan dated January 21, 2020
Exhibit C	Depiction of Area to be restored to Natural Habitat
Exhibit D	Depiction of Area Located Adjacent to the Private Properties

APPENDIX A

As described in Section 19.1 of these Consent Orders, the parties listed herein shall submit the amount that they are obligated to pay, as listed below, in 1 payment per party, within 1 year of the effective date of these Consent Orders.

1. 1504/1510 East Oceanfront	\$96,848.64
2. 1514 East Oceanfront	\$50,799.02
3. 1516 East Oceanfront	\$75,912.86
4. 1520 East Oceanfront	\$6,327.75
5. 1526 East Oceanfront	\$26,463.35
6. 1556 East Oceanfront	\$18,268.46
7. 1564 East Oceanfront	\$14,138.46
8. 1572 East Oceanfront	\$29,480.59
9. 1576 East Oceanfront	\$58,601.90
10. 1580 East Oceanfront	\$63,448.31
11. 1712 East Oceanfront	\$66,030.98
12. 1714 East Oceanfront	\$15,979.95
13. 1718 East Oceanfront	\$69,940.13
14. 1722 East Oceanfront	\$134,223.96
15. 1724 East Oceanfront	\$104,525.89
16. 1740 East Oceanfront	\$75,904.76
17. 1744 East Oceanfront	\$62,097.53
18. 2020 East Oceanfront	\$61,116.30
19. 2026 East Oceanfront	\$36,856.13
20. 2030 East Oceanfront	\$52,455.09
21. 2042 East Oceanfront	\$13,999.50
22. 2046 East Oceanfront	\$20,730.60
23. 2050 East Oceanfront	\$72,858.06
24. 2054 East Oceanfront	\$22,531.64
25. 2060 East Oceanfront	\$14,184.98
26. 2108 East Oceanfront	\$95,731.88
27. 2144 East Oceanfront	\$20,795.49
28. 2152 East Oceanfront	\$112,000.00 ¹
29. 2156 East Oceanfront	\$18,071.71
30. 2166 East Oceanfront	\$99,000.00
31. 2172 East Oceanfront	\$12,510.71

¹A previous owner of 2152 East Oceanfront has agreed to pay this amount.

1504/1510 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the Lilien Family Trust:



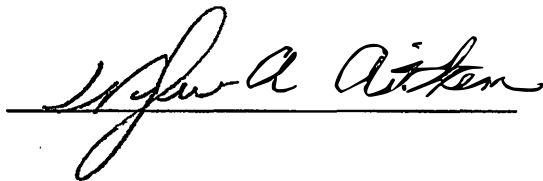
5-23-20

Date

1514 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the Wylie A. Aitken Trust:



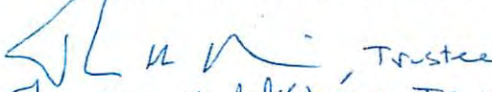
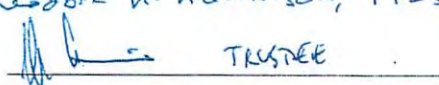
22 MAY 2020

Date

1516 East Oceanfront

IT IS SO STIPULATED AND AGREED:

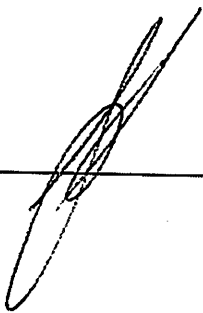
On behalf of the Revocable Trust of Don R. Adkinson and Elizabeth S. Adkinson:

 Trustee 5/22/20
Theodore R. Adkinson, Trustee
 TRUSTEE 5/22/2020
Gwen Adkinson Trustee Date

1520 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the T & G Trust: .

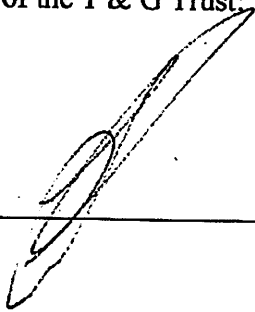
A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke, is written over a solid horizontal line.

5/22/20
Date

1526 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the T & G Trust:

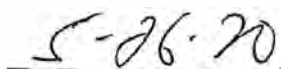
A handwritten signature in black ink, consisting of a stylized, cursive 'T' and 'G' intertwined, written over a horizontal line.

5/22/20
Date

1556 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of Larry R. Haupert and Kristine E. Haupert:

A handwritten signature in black ink, appearing to be "L. Haupert", written over a horizontal line.A handwritten date "5-26-20" in black ink, written over a horizontal line.

Date

1564 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of Hannah S. Kully

Hannah S. Kully

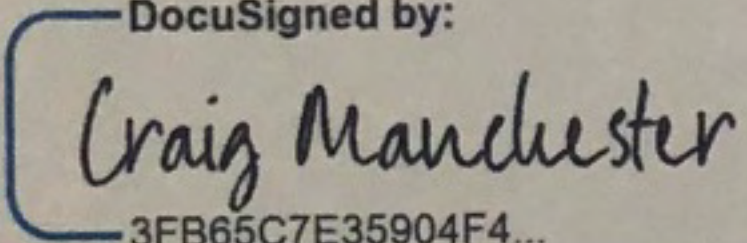
May 18, 2020

Date

1572 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of KPMW Integral LLC:

<div><div>DocuSigned by:</div><div></div><div>3FB65C7E35904F4...</div></div>	5/18/20
<div>Name: Craig Manchester</div> <div>Title: Authorized Representative</div>	Date

1576 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the Thomas H. Morgan Revocable Trust

A black rectangular box redacting a signature.

May 20, 2020

Date

On behalf of the Amended and Restated Elizabeth M. Baker Trust

Date

On behalf of the Pamela Morgan Revocable Trust

A handwritten signature in cursive script, appearing to read "Pamela Morgan".

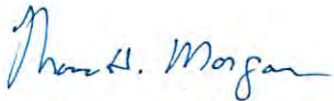
May 20th 2020

Date

1576 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the Thomas H. Morgan Revocable Trust



May 20, 2020

Date

On behalf of the Amended and Restated Elizabeth M. Baker Trust

Date

On behalf of the Pamela Morgan Revocable Trust

Date

1576 East Oceanfront

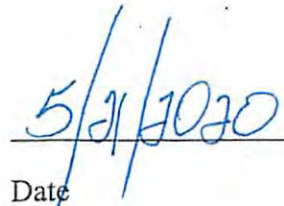
IT IS SO STIPULATED AND AGREED:

On behalf of the Thomas H. Morgan Revocable Trust

Date

On behalf of the Amended and Restated Elizabeth M. Baker Trust




Date

On behalf of the Pamela Morgan Revocable Trust

Date

1580 East Oceanfront

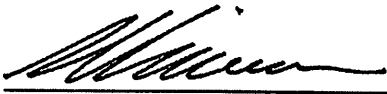
IT IS SO STIPULATED AND AGREED:

On behalf of:

Akins Family Revocable Trust

Dated: June 29, 1983

Restated: January 22, 2020



Bruce Akins, Trustee

5-21-2020

Date



Carole Akins, Trustee

5-21-2020

Date

1712 East Oceanfront

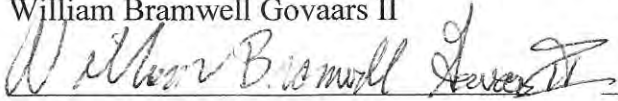
IT IS SO STIPULATED AND AGREED:

On behalf of the Govaars Community Property Trust:

William Bramwell Govaars II

~~5/21/20~~

5/22/20



Date

1714 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the Hamill Trust:

*Carol Bryner and
Marilyn Thompson*
on behalf of the Hamill Trust *5/20/2020*
Date

RECEIVED
South Coast Region

MAY 22 2020

CALIFORNIA
COASTAL COMMISSION

1718 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the Survivors Trust under the Joanne & Roger Kozberg Trust:

Joanne C. Kozberg, Trustee 5-19-20
Joanne C. Kozberg, Trustee Date

AND

On behalf of the Exemption Trust under the Joanne & Roger Kozberg Trust:

Joanne C. Kozberg, Trustee 5-19-20
Joanne C. Kozberg, Trustee Date

AND

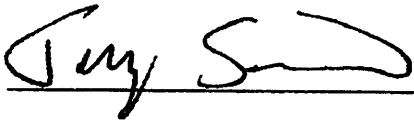
On behalf of The Corday Trust:

Stephen R. Corday 5/19/2020
Stephen R. Corday, Trustee Date

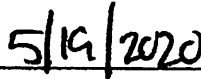
1722 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the Therese O'Malley Seidler Trust

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By John Seidler, as Attorney-in-Fact

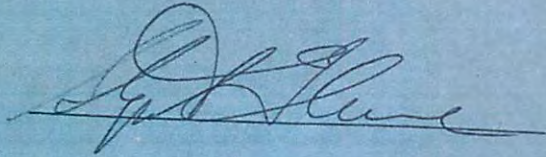
A handwritten date "5/19/2020" in black ink, written over a horizontal line.

Date

1724 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the Stephen E. Thorne, IV Principal Residence Trust and Pamela A. Thorne Principal Residence Trust



5-22-20

Date

Pamela A. Thorne

5-22-20

Date

CCC-20-CD-02, CCC-20-RO-01, CCC-20-AP-02

1740 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the D&J Wojtaszek Trust

D. Wojtaszek

05.20.20

Date

CCC-20-CD-02, CCC-20-RO-01, CCC-20-AP-02

1744 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the Muth Family Trust

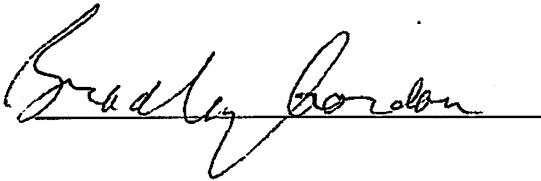
John T. Muth 5/21/20
Michelle S. Muth 5/21/20

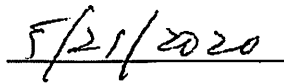
Date

2020 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the Gordon Family Trust

A handwritten signature in cursive script, appearing to read "Bradley Gordon", written over a horizontal line.

A handwritten date "5/21/2020" written over a horizontal line.

Date

2026 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the Schwartz Children Living Trust

Elizabeth G. Dwyer, Trustee 5/21/2020
Date

CCC-20-CD-02, CCC-20-RO-01, CCC-20-AP-02
2030 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the Pauline D. Ventura Irrevocable Trust

Pauline D. Ventura, Trustee

Date

2042 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of Edmund H. Shea, Jr., and Mary S. Shea:

Mary Shea

5/17/20
Date

2046 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of Purple Sage NB LLC

Sean Smith

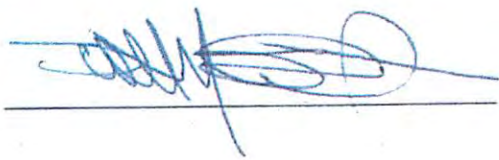
May 18, 2020

Date

2050 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of SMS 2012-1 Irrevocable Trust and DAS 2012-1 Irrevocable Trust



5/18/20

Date



5/18/20

Date

2054 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of Mary E. Buntmann 2011 Revocable Trust, dated August 24, 2011:

 Trustee

Gary Buntmann, Trustee

5/21/20

Date

2060 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the R. and A. Matros Revocable Trust:

R. & A. Matros

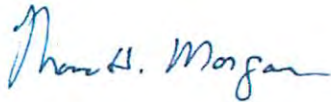
May 18, 2020

Date

2108 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of the Thomas H. Morgan Declaration of Trust:



Thomas H. Morgan

May 19, 2020

Date

2152 East Oceanfront

IT IS SO STIPULATED AND AGREED:

On behalf of James Previti:

A handwritten signature in blue ink, appearing to read 'J Previti', is written over a horizontal line.A handwritten date '5-26-20' in blue ink is written over a horizontal line.

Date

2156 East Oceanfront .

IT IS SO STIPULATED AND AGREED:

On behalf of NB East Oceanfront LLC:

Mark D. Hulme
Mark D. Hulme
Manager

5-19-20

Date

2166 East Oceanfront¹

IT IS SO STIPULATED AND AGREED:

On behalf of the Meyers-Jacobson-Nouget Living Trust:

Joyce M. Meyers

5-27-20

Date

Joyce M. Meyers

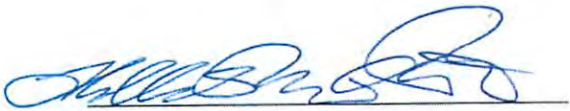
¹ The encroachment fee for 2166 East Oceanfront shall be paid in two equal payments. The first payment is due within 1 year of issuance of these Consent Orders, and the second payment is due within 2 years of issuance of these Consent Orders.

CCC-20-CD-02, CCC-20-RO-01, CCC-20-AP-02

2172 East Oceanfront

IT IS SO STIPULATED AND AGREED:



On behalf of Helle E. S. McLain:

A handwritten signature in blue ink, appearing to be "Helle E. S. McLain", written over a horizontal line.

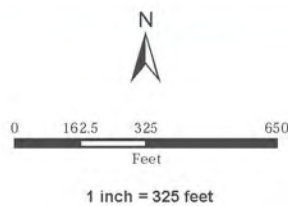
21 May 2020

Date



 Western Snowy Plover Critical Habitat
 Encroachments

 Properties



**PENINSULA POINT ENROACHMENT
REMOVAL AND REPLACEMENT PLAN**
Western Snowy Plover Critical Habitat Map

GLENN LUKOS ASSOCIATES

Exhibit 5



CCC-20-CD-02, CCC-20-RO-01
CCC-20-AP-02
Appendix A - Exhibit A

X:\PROJECTS\THE REST\0560-20\NOV\560-20_GIS\CriticalHabitat\GIS\560-20\CriticalHabitat2019.mxd

ENCROACHMENT REMOVAL AND RESTORATION PLAN

PENINSULA POINT CITY OF NEWPORT BEACH ORANGE COUNTY, CALIFORNIA

**December 2, 2019
[Revised January 21, 2020]**

**Prepared for:
City of Newport Beach
Contact: Jim Campbell
100 Civic Center Drive
Newport Beach, California 92660
Telephone: (949) 644-3210**

**Prepared by:
Glenn Lukos Associates, Inc.
Contact: Sheri Asgari
1940 E. Deere Avenue, Suite 250
Santa Ana, California 92705
Telephone: (949) 837-0404**

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**PENINSULA POINT
ENCROACHMENT REMOVAL AND RESTORATION PLAN
CITY OF NEWPORT BEACH, ORANGE COUNTY, CALIFORNIA**

I. EXECUTIVE SUMMARY

This proposed Encroachment Removal and Restoration Plan (Plan/Project) addresses removal of private improvements on an area of beach located along the southern (oceanfront) side of Balboa Peninsula from the end of the existing Ocean Front boardwalk continuing east to Channel Road, also known as Peninsula Point, in the City of Newport Beach (City), Orange County, California. Encroachments consist of private landscaping elements including irrigated lawns, shrubs, trees, and groundcovers that have expanded beyond private property lines and onto City-owned public beach. The encroachments are varied in terms of type and extent, and in some cases have occurred over several decades, and have been passed on through previous owners to current owners. In some cases, encroachments may predate the City's current Local Coastal Program (LCP) and ordinances governing permissible improvements oceanward. A few properties have no encroachments, while other properties have landscaping that extends up to 50-60 feet oceanward from the property lines. There is also variety in level of maintenance currently being performed on the landscaping, ranging from minimal or no maintenance leading to a "natural" appearance, to irrigated and mowed lawns, resembling well-maintained yards. In several cases, native coastal strand vegetation is interspersed with the ornamental vegetation or beginning to establish in areas of less profuse ornamental vegetation.

In addition to lawns and other ornamental landscape features, a significant component of the vegetation interspersed with encroachments consists of hottentot fig "iceplant" (*Carpobrotus edulis*), an invasive exotic species that has historically been planted in coastal areas for erosion control purposes and currently occurs throughout areas of coastal strand on the Balboa Peninsula, including areas outside of the encroachment zones above the high tide mark. Local residents are concerned that removal of the iceplant would jeopardize their property since unvegetated sand is highly vulnerable to movement and erosion from natural processes such as wind and flooding during high tides and storm events. As such, this Plan proposes replacement of iceplant with native southern foredune/coastal strand vegetation to protect the stability of the sandy areas, particularly those close to the residences.

To date, multiple property owners have received Notices of Violation (NOV) from the California Coastal Commission (CCC) alleging unpermitted development under the Coastal Act. The NOV letters highlight that in addition to violation of the Coastal Act, the private encroachments are inconsistent with the City of Newport Beach LCP and thus the encroachments must be removed and sandy beach restored for public use.

To resolve the issue raised by private encroachments in a comprehensive manner, the City is proposing to take on the responsibility of encroachment removals and restoration of the area to sandy beach with dune vegetation appropriate for the coastal strand and facilitate public use of the beach. In addition to the private encroachments, this Plan also addresses ornamental vegetation on City property at street ends, that is not necessarily associated with resident encroachment, but will be removed as a part of implementation of this Plan.

The encroachment removal and restoration actions described herein provide a work plan and strategy to perform the removals and implement replacement of iceplant within the encroachment zones with native coastal strand vegetation and sandy beach using a phased approach. In order to avoid leaving large areas

of sand completely devoid of vegetation and unstable at any time during the process, removal of existing iceplant will be performed in stages over a two-year period, while introducing appropriate native vegetation in removal areas. This Plan also proposes five years of maintenance and monitoring following the encroachment removals. The five-year maintenance and monitoring period is inclusive of the two-year phased iceplant removal and replacement with coastal strand and native southern foredune vegetation.

The primary purpose of this Plan is to return the encroachment areas to sandy beach for public use. The replacement of iceplant with native coastal strand vegetation is driven by the goal to stabilize sand movement close to residences while removing iceplant from those areas immediately adjacent to residences.

II. PROJECT DESCRIPTION

A. Responsible Parties

City of Newport Beach
Contact: Jim Campbell
100 Civic Center Drive
Newport Beach, California 92660
Telephone: (949) 644-3210

B. Project Location

This Encroachment Removal and Replacement Plan (Plan) addresses unpermitted improvements at Peninsula Point, located along the southern (oceanfront) side of Balboa Peninsula extending between the end of the existing bike trail west of F Street and terminating at Channel Road, in the City of Newport Beach, Orange County, California [Exhibit 1]. The areas addressed within this Plan consist of 74 properties and ornamental vegetation on City property at street ends located between the end of the existing bike trail west of F Street (latitude 33.555759N, longitude 117.533381W) and Channel Road (latitude 33.595346, longitude -117.882098) [Exhibit 2].

C. Encroachment Mapping Methodology

Current georeferenced aerial photographs dated April 16, 2019 were produced by the City using a drone to document the status of encroachments. Property parcel maps were overlaid onto the aerial photographs to identify the limits of encroachments associated with each parcel. The City produced preliminary measurement of cover by hardscape, lawn, groundcover, shrub, and tree vegetation types based on the aerial photography using Geographic Information System (GIS). This preliminary GIS data was provided to Glenn Lukos Associates (GLA) by the City as a basis for further analysis and inclusion in this Encroachment Removal and Restoration Plan.

GLA conducted a site walk to “ground truth” the aerial photography, confirming the accuracy of cover types provided by the City and refined the categories, as necessary, providing more detailed classifications of the City’s mapping¹. In some cases, the mapped polygons were refined using GPS to differentiate iceplant from ornamental ground covers at a finer scale. As much as possible, bare areas, dead iceplant, and native southern foredune vegetation intermingled with the groundcovers were cut out of the mapped encroachments. Notes were taken on vegetation types and encroachment materials during the site walk. New and previously taken photographs were used to further inform the mapping details.

The encroachment cover types were categorized as hardscaping/steppingstones, ornamental trees², ornamental shrub and groundcovers, and lawn associated with each property. Other cover types also

¹ The use of aerial photography, GIS mapping, and ground truthing is the industry standard for mapping that is acceptable by regulatory agencies for measurement of land cover types.

² Many of the mapped ornamental trees are Mexican Fan Palms, consistent with planted trees along the boardwalk and otherwise present throughout Peninsula Point.

mapped included iceplant and wildland weeds/escaped ornamentals. Encroachments and vegetation types at street ends outside the parcel line alignment for adjacent properties were attributed to the City.

Iceplant in the vicinity of the encroachments associated with each property and at street ends was also mapped for inclusion in the beach restoration program described herein, but the square footage of the iceplant is not counted toward encroachments because this invasive species is ubiquitously present throughout the coastal strand, is not limited to the encroachment areas, and it cannot be conclusively determined to have been planted in the encroachment areas by the homeowners. It is not the intent of this Plan to remove all the existing iceplant throughout the coastal strand, rather only mapped iceplant in close vicinity to the encroachment areas.

In a few cases, ornamentals from one property expanded beyond the property line to the neighboring property that did not appear to have encroachments otherwise. Wildlands weeds were also sometimes present intermixed with ornamental groundcovers and iceplant. These were categorized as wildland weeds/escaped ornamentals and were not counted as encroachments, though they will be removed as a part of this Plan. In cases of intermixed cover types that could not be separated by finer mapping, the mapping was attributed to the dominant layer.

Appendix A provides a measurement of encroachments by type at each property, and at City property at street ends. Appendix A includes detailed notes regarding type and material of hardscaping, presence of irrigation systems, invasive plants, and any other notable information for each property. Appendix B provides a measurement of iceplant and wildland weeds/escaped ornamentals associated with each property and at City property at street ends. Exhibit 3 provides a map of encroachments by type.

D. Summary of Encroachments

Existing encroachments include landscaping elements placed by private property owners on sandy beach areas owned by the City and within the jurisdiction of the California CCC. Landscape features include hardscaping such as patios, walking paths, steppingstones, planter boxes; vegetation including ornamental, trees, shrubs and groundcovers, lawns; and irrigation valves and components ranging from a few feet from the property line to 50-60 feet oceanward. Some encroachments have developed over several decades, in some cases by previous property owners, and some may predate the City's current LCP and policies and ordinances governing permissible improvements oceanward. A few properties have no or very minor encroachments, while several have extensive encroachments. There is a variety in the level of maintenance currently being performed on the landscaping, ranging from minimal or no maintenance leading to a "natural" appearance, to irrigated and mowed lawns, resembling well-maintained yards. In some cases, native coastal strand vegetation is interspersed with the ornamental vegetation or beginning to establish in areas of less profuse ornamental vegetation.

A total of 53,859 square feet (1.24 acres) of encroachments were mapped based on the April 2019 aerial photography and using the encroachment mapping methodology described above. Of the total square footage, 51,875 square feet (1.19 acres) were associated with private residences and 1,984 square feet (0.05 acre) were associated with the City (primarily areas at street ends). Appendix A provides a measurement of encroachments by type associated with each property and City, as appropriate. Exhibit 3 provides a map of encroachments by type for each property and City property at street ends, as appropriate.

In many instances, a significant component of the ground cover within the encroachment areas consists of iceplant, an invasive species that currently occurs throughout areas of coastal strand, including areas outside of the encroachment zones above the high tide mark. A concern of the residents is that removal of the iceplant would jeopardize their property since unvegetated sand is highly vulnerable to movement and erosion from natural processes such as wind and flooding during high tides and storm events. Several property owners have voiced strong apprehensions about removing the existing iceplant groundcover to the City due to concerns regarding erosion and sand movement. As a result, phased removal of iceplant and replacement with native southern foredune scrub vegetation typical of the coastal strand is being proposed as a part of this Plan. Exhibit 4 provides mapping of the existing iceplant within encroachment zones and immediately adjacent on the beach outside of encroachment zones.

A total of 42,651 square feet (0.98 acres) of iceplant and wildland weeds/escaped ornamentals were mapped based on the April 2019 aerial photography. Escaped ornamentals and wildland weeds, while not being considered encroachments, were mapped, as shown on Exhibit 3, and will be removed as a part of the restoration plan. Appendix B provides measurement of mapped iceplant and wildland weeds/escaped ornamentals associated with each property and City property at street ends, as appropriate.

E. Proposed Encroachment Removal and Restoration

The City proposes to resolve the encroachment issue through a program consisting of:

1. The removal of encroachments from all City-owned areas extending oceanward from resident property lines to reinstate the area to public sandy beach;
2. Implementation of a phased iceplant removal program over two years and replacement with appropriate native coastal strand vegetation; and
3. Five years of maintenance and monitoring following encroachment removals.

The City will coordinate closely with property owners prior to the removal of the encroachments and throughout the removal and restoration process

F. Existing Native Plant Communities

Southern Foredune Scrub/Coastal Strand/Coastal Beach³

The existing native plant community on the Balboa Peninsula in the vicinity of the encroachment areas consists primarily of Coastal Strand with sparse patches of southern foredune scrub, a plant community that is found along the Pacific Coast in loose sand just above the high tide line and before soil-based scrub plant communities occur. In southern California, this plant community is the most adjacent to public beach use and provides important functions in terms of protection from sand erosion and providing scenic and visual qualities. Due to its position in areas of high recreational use, this plant community is often disturbed.

The coastal strand is characterized by low plant density (often less than 20-percent cover by vegetation) and low species diversity, as few species can withstand the harsh conditions characteristic of this environment

³ Munz, Philip A. (2003). Introduction to Shore Wildflowers of California, Oregon, and Washington (p.13-14).

including wind, sand and salt spray, low soil nutrients, lack of soil moisture retention, high summer temperatures, and human disturbance. Typical coastal strand plants are perennial, have gray or succulent leaves (or both), have prostrate or creeping growth patterns, and often produce roots along their length, reproducing both vegetatively and through seed dispersal. Plants typically have a long flowering season.

These characteristics enable plants in the coastal strand plant community to withstand the unstable sandy substrate, strong winds, poor water retention, and high summer surface temperatures. Common species include pink sand verbena (*Abronia umbellata*), beach primrose (*Cammisoniopsis cheiranthifolia*), beach morning glory (*Calystegia soldanella*), sand bur (*Ambrosia chamissonis*), saltgrass (*Distichlis spicata*), and beach saltbush (*Atriplex leucophylla*).

A map of existing coastal strand/southern foredune vegetation in the vicinity of the encroachment removal areas is attached as Exhibit 4.

G. Special-Status Wildlife Species

Western Snowy Plover (*Charadrius alexandrinus nivosus*)

The western snowy plover is a small shorebird listed as federally threatened (FT) and a State of California species of special concern (SSP). This species uses sandy or gravelly beaches in peninsulas, offshore islands, bays, and estuaries of the Pacific Coast for nesting/wintering habitat. The breeding season for this species is March 1 through September 30, predominantly in May. Nesting occurs on coastal sandpits, dune-backed beaches, beaches at creek mouths, and lagoons, and salt pans and lagoons and estuaries. Plover nests are simple depressions in the sand and may be next to kelp, shells, driftwood and rocks.⁴ The non-breeding season, or “wintering” period, occurs from September through February. This species is known to return to the same beaches every year after nesting elsewhere and has been observed to use the Balboa Peninsula primarily as wintering habitat rather than nesting.⁵

A 25-acre unit of critical habitat for the western snowy plover was designated by the United States Fish and Wildlife Service (USFWS) in June 2012 [referenced in the Federal Register⁶ as CA 48] is immediately adjacent to the encroachment areas, generally bounded by A Street and G Street [Exhibit 5]. This unit was occupied at the time of listing and supported two breeding adult western snowy plovers in 2009 (P. Knapp, pers. comm. 2010) and three breeding adults in 2010 (T. Ryan, in litt. 2010). It also supported an average wintering flock of 35 western snowy plovers from 2003 through 2010 (Service unpublished data). Since 2009, additional year-round surveys have been conducted, including surveys by Josh Weinik during 2013, 2014, and 2015. Counts are variable but the majority of the snowy plovers were observed during the wintering season. Plover numbers were low or absent between mid-March to mid-July.⁷

This unit of critical habitat is currently being managed by the City’s Recreation and Senior Services Department. A comprehensive management plan for this unit has been prepared by the City and is currently under review by the California Coastal Commission.

⁴ http://www.fws.gov/refuge/willapa/wildlife_and_habitat/western_snowy_plover.html

⁵ Glenn Lukos Associates. July 2019. Western Snowy Plover Management Plan for East Balboa Peninsula Beaches.

⁶ Federal Register/ Vol. 77, No. 118 / Tuesday, June 19, 2012 / Rules and Regulations (p. 36771).

⁷ Josh Weinik. PowerPoint Presentation provided to Tony Bomkamp June, 2019.

III. PROJECT IMPLEMENTATION

A. Project Goals

This Plan outlines the following goals:

1. To remove the unauthorized encroachments oceanward beyond resident property lines between the terminus of the existing bike trail west of F Street extending east to Channel Road;
2. Provide for a two-year iceplant removal program which gradually replaces the invasive groundcovers with appropriate native coastal strand vegetation and sandy public beach; and
3. Conduct five years of maintenance and monitoring (including the two-year phased iceplant removal) to ensure successful restoration of coastal strand plant community in the encroachment areas.

B. Schedule of Work

Work is expected to occur in two phases:

- Phase 1: Encroachment Removal (Spring 2021)
- Phase 2: Iceplant Removal and Coastal Strand Restoration, Maintenance, and Monitoring (Summer 2021-Winter 2025)

Phase 1 – Encroachment Removals

The Initial Removal Phase is expected to begin following approval of this Plan by the CCC, in spring 2021. Encroachment removals are recommended to occur between the months of March and May 2021, a time period of minimum snowy plover presence/activity. Work will consist mainly of removal of ornamental landscaping components (lawns, trees, shrubs, groundcovers, and hardscape) as detailed in Appendix C. Initial removals may be performed through a variety of physical removal methods including use of heavy equipment such as front loader/excavator, manual/mechanical removal, and limited use of chemicals for species that cannot be otherwise controlled. Installation of a stabilizing fabric or binder application may be necessary in some or all encroachment removal areas, to stabilize sand.

Phase 2 – Iceplant Removal and Coastal Strand Restoration

Invasive iceplant occurs throughout the coastal strand on the Balboa Peninsula and has established within many of the encroachment areas. In some areas, the occurrence is sparse and limited due to existing natural constraints associated with hot, dry sand. In other areas, the iceplant has formed thick mats benefitting from ornamental landscape irrigation. The presence of iceplant functions as a natural sand stabilizer, which is important to the residents on beachfront properties. Native dune plants would serve the same purpose once established within the encroachment zones. Therefore, this Plan proposes phased removal of iceplant within encroachment areas and replacement with native species over a five-year period.

The initial step in iceplant removal is herbicide treatment in place to allow dieback facilitating future phased removal. This initial step is recommended to occur in summer 2021 after completion of the encroachment landscape elements. Effective treatment may require up to two follow-up treatments.

Physical removal of iceplant biomass will be performed in two stages or “rounds”, with each round being followed by installation of native container plants and seed. Round 1 will entail removal of approximately fifty-percent of the iceplant biomass in fall 2021, followed by installation of native coastal strand plants and seed. Round 2 will occur in fall 2022 and will entail removal of the remaining iceplant, followed by a second installation of native coastal plants and seed. Each fall during the subsequent maintenance period, a supplemental native seed mix may be applied to the encroachment removal areas to continually expand coverage by native coastal strand species, as coverage by iceplant is diminished.

Maintenance and monitoring is proposed to continue through the end of the 2025, with an annual monitoring report to be submitted to the CCC at the end of each calendar year for a period of five year starting in 2021.

Table 1 below provides the recommended timeline of encroachment removals, native plant replacement, maintenance, monitoring, and reporting for the proposed activities.

TABLE 1 IMPLEMENTATION SCHEDULE												
Work Phase/Seasonal Timeline	Spring (Mar-May)	Summer (Jun-Aug)	Fall (Sep-Nov)	Winter (Dec-Feb)	Spring (Mar-May)	Summer (Jun-Aug)	Fall (Sep-Nov)	Winter (Dec-Feb)	Spring (Mar-May)	Summer (Jun-Aug)	Fall (Sep-Nov)	Winter (Dec-Feb)
Site Preparation	2021		2022		2023		2024		2025		2026	
Spray Iceplant (leave in place)												
Round 1 Iceplant Removal (50%)												
Round 1 Install Native Plants/Seed												
PHASE 1 - Removals	2021		2022		2023		2024		2025		2026	
Encroachment Removals												
Stabilizer Fabric Application												
PHASE 2 - Restoration	2021		2022		2023		2024		2025		2026	
Round 2 Iceplant Removal (100%)												
Round 2 Native Plants/Seed												
Supplemental Seed (if necessary)												
Qualitative Monitoring (Bi-Monthly Yrs 1-2 and Quarterly Yrs 3-5)												
Maintenance (Bi-Monthly Yrs 1-2 and Quarterly Yrs 3-5)												
Quantitative Monitoring (Annually)												
Annual Report												

TABLE 2 ANNUAL BUDGET ALLOCATION						
	2021	2022	2023	2024	2025	2026
Tentative Annual Budget Allocation	\$ 48,500	\$ 309,500	\$ 47,000	\$ 47,000	\$ 47,000	\$ 46,000

C. Snowy Plover Breeding and Wintering

The breeding season for snowy plover is March 1 through September 30, predominantly in May. The non-breeding season, or “wintering” period, occurs from September through February. Observation of the plover population on the Balboa Peninsula has indicated that the plovers primarily use the area as wintering habitat rather than for nesting. The Project implementation schedule provides for encroachment removals during the months of March and May, when plovers have been documented as either absent, or present in low numbers. Presence of a biological monitor during the encroachment removal is required to minimize any incidental impacts to the snowy plover as a result of project activities.

D. Responsible Parties

The City will be responsible for the implementation of this Plan.

Applicant: City of Newport Beach
Contact: Jim Campbell
City of Newport Beach Planning Division
100 Civic Center Drive
Newport Beach, California 92660
Telephone: (949) 644-3210

Project Biologist: Glenn Lukos Associates, Inc.
Contact: Sheri Asgari
1940 E. Deere Avenue, Suite 250
Santa Ana, California 92705
Telephone: (949) 837-0404

E. Biological Monitoring

Glenn Lukos Associates has extensive experience designing habitat restoration projects in southern California, including projects within the coastal zone. This experience provides a strong basis for confidence in the success of the program proposed herein, as well as a valuable resource in the field for ensuring that any necessary changes are implemented should unanticipated site conditions warrant in-field changes to the Plan. A qualified resource specialist, referred to herein as Project Biologist, will supervise the implementation and maintenance of the Project and perform the proposed five-year monitoring of the restored encroachment areas.

The Project Biologist will be on-site to monitor the removal of the encroachments and monitor the phased removal of invasive groundcovers and replacement with native coastal strand vegetation. The Project Biologist will also perform ongoing training with landscape personnel during the course of the removals as the vegetative components vary among the encroachment areas and provide direction and monitoring during the native plant establishment and maintenance period.

F. Contractor Education

Contracting for the Project comprises two categories. The first category consists of removal of encroachments, which in some cases may require heavy equipment and can be performed by a commercial landscape contractor. For the purpose of this Plan, this contractor will be referenced as the "Removal Contractor". It is recommended that the same Removal Contractor conduct all the encroachment removals for continuity. Prior to the commencement of Project related activities, the Project Biologist will review all aspects of the Encroachment Removal and Replacement Plan with the Removal Contractor. A contractor education handbook will be prepared by the Project Biologist to familiarize Contractor personnel with the native coastal strand plant community within and adjacent to the encroachment areas and provide them with field copies of a plant identification guide depicting native plant species to be protected during the removal of unauthorized landscape/encroachments.

The second category, consisting of invasive plant treatment/removal and replacement with native coastal strand vegetation will require specialized knowledge in native plant communities. This work shall be performed by a qualified landscape contractor with a minimum of five years of experience in habitat restoration projects. For the purpose of this Plan, this contractor will be referenced as the "Restoration Contractor". The Restoration Contractor will be required to demonstrate experience in this field to the Project Biologist prior to contracting with the Applicant. The Restoration Contractor shall possess C27 and Pest Control Advisor (PCA) licenses for herbicide treatment of the invasive non-native species in the encroachment removal areas.

All contractors must strictly adhere to the Best Management Practices and Impact Minimization Measures outlined in Section IV.C. of this Plan.

G. Cost Estimate

The approximate cost for implementation of the Plan is provided in Table 2a below. The cost estimate is an initial estimate based on average costs that are typically encountered for revegetation projects. However, this project differs from other revegetation projects due to the labor intensive aspect of this Plan that is associated with encroachment removals. The City has mechanisms to provide efficiencies and reduce the cost through the competitive bidding process and use of City crews for a portion of the labor during removals. As such, this table should be used a conservative estimate to establish not-to-exceed costs for the proposed tasks.

**TABLE 2a
COST ESTIMATE**

Task	Cost
Phase 1-Initial Removals	\$ 200,000
Biological Monitoring During Removals	\$ 15,000
Phase 2-Isceplant Thinning and Removal	\$ 50,000
Container Stock Installation (Including plant costs)	\$ 30,000
Seeding (Including seed cost)	\$ 20,000
Irrigation	\$ 48,000
Erosion Control	\$ 15,000
Five-Year Maintenance	\$ 92,500
Five-Year Monitoring	\$ 75,000

IV. WORK PLAN FOR ENCROACHMENT REMOVAL [PHASE 1]

A. Survey/Staking

The City will survey/stake the limits of the encroachment removal areas prior to start of work by the Removal Contractor to clearly delineate private residence property boundaries, limits of encroachment removals and access path for equipment to minimize driving on the beach and existing dunes. Survey stakes will be spaced within a line of sight and no more than 50 feet apart. Access routes will be limited to the footprint of existing encroachments within 25 feet of property lines and shall not exceed the limits of encroachments in cases where encroachments extend beyond 25 feet beachward of property lines.

Final staging and access will be determined prior to commencement of work and be approved by Coastal Commission staff.

The Project Biologist will flag limits of existing native plants to be avoided during the encroachment removal activities.

B. Removal of Encroachments

Encroachment removals are recommended to occur between the months of March and May, a time period of minimal snowy plover presence/activity. The City is committed to removal of ornamental landscaping components (lawns, trees, shrubs, groundcovers, and hardscape) as detailed in Appendix C. Initial removals may be performed through a variety of physical removal methods including use of heavy equipment such as front loader/excavator, manual/mechanical removal, and limited use of chemicals for species that cannot be otherwise controlled. Installation of a stabilizing fabric or binder application may be necessary in some areas to stabilize sand. The type and quantity of fabric installed will require coordination with the CCC, City, and Project Biologist.

Hardscape and Irrigation

In cases of structural encroachments such as patios or decks that are attached to a residence, individual homeowners will be responsible to obtain appropriate demolition permits and perform the demolition and removal to the property line using their own contractors. Appendix A lists all properties with structural encroachments to be removed by homeowners. Private contractors shall coordinate the work schedule with the City for scheduling and adherence to Best Management Practices and Impact Minimization Measures outlined in this Plan. The City will be responsible for removal of hardscape elements such as pavers, bricks, planter boxes, and stepping stones that are not attached. All hardscape encroachments will be removed and disposed of offsite, in an appropriate landfill. Irrigation lines will be capped at the private property limit and visible components will be removed. Buried irrigation lines not immediately visible or made visible during the landscape removal activity will be capped but remain buried.

Ornamental Vegetation

The initial removal of ornamental vegetation will be performed using a combination of removal methods including use of heavy equipment such as a front loader or excavator, manual or mechanical removal, and limited use of herbicides for species that cannot be otherwise controlled. It is important that all soil amendments, lining and borders associated with the lawns be removed, leaving native sand.

Lawns

Irrigated grass lawns are one of the main components of the encroachments. Lawns may be treated with herbicide prior to removal to achieve initial “kill” prior to hauling away. All sod and soil amendments shall be completely removed and the condition returned to sandy beach.

Trees

Trees may be removed using the cut/stump treatment, a method that involves the cutting of the trunk at ground level and painting the stump with herbicide. Follow-up monitoring and as needed treatment in the next years would consist of herbicide treatment of any new growth. This method would be repeated as necessary each year during the maintenance and monitoring period.

Ornamental Shrubs and Groundcover

Removal of ornamental shrubs and groundcover will be performed using a combination of removal methods including use of heavy equipment such as a front loader/excavator, manual/mechanical removal, and limited use of herbicide for species such as Bermuda grass and English Ivy that cannot be otherwise controlled.

In areas where ornamental shrubs/groundcovers or invasive species are intermixed with native coastal strand vegetation, the ornamental and invasive species will be removed manually around the native plants in order to allow for the expansion of the native species without competition. Native plants must be protected in place during the removal activities and trampling minimized to the extent feasible. In some cases, the invasive species (i.e. iceplant) may be spot sprayed with herbicide and left in place to function as interim groundcover while the native species expand coverage.

Hottentot Fig (Iceplant)

This species constitutes a large segment of the mapped vegetation within the encroachment zones. Since its proliferation has largely occurred naturally and not through planting by homeowners, it is not being counted toward the encroachments, but will be removed as a part of this restoration program. This Plan proposes removal of iceplant in phases, and replacement with native coastal strand vegetation. In instances where the iceplant is very thick, it may be partially removed with equipment and treated using herbicide to reduce biomass before phased removal as a part of Phase 2, described below in Section V.

Wildland Weeds/Escaped Ornamentals

In cases where lawns, ornamental shrubs or groundcovers from one property appeared to have expanded beyond the property line to the neighboring property, and in areas where patches of wildland weeds were present, these were mapped, but not counted as encroachments, but will be removed as a part of this restoration program.

C. Best Management Practices and Impact Minimization Measures

All work will be performed in conformance with BMPs outlined in this Plan and under the direction of the Project Biologist experienced in habitat restoration and resource management in Southern California. BMPs set forth herein limit the introduction, transport, and proliferation of invasive species on the beach and to ensure that all work is performed with the least incidental impact to native plant communities and protected wildlife.

- Flagging, stakes, and/or rope shall be used to demarcate the boundary of the work areas and the beach, particularly previously mapped snowy plover locations.
- All contractors working on site shall be instructed on the sensitivity of the area by the Project Biologist prior to start of work and receive information regarding impact avoidance and minimization to the snowy plover and coastal strand habitat.
- Equipment access and staging areas shall be identified by the City and approved by Coastal Commission staff prior to start of work. Goal is to limit access and staging to within 25-feet from property lines, if possible.
- Flagging or roping off native species locations to be avoided within encroachment areas shall be conducted by the Project Biologist prior to start of work.
- Contractors shall clean all equipment, tools, gear, and clothing prior to start of work to avoid introduction of invasive species to work areas.

- Clear demarcation of access routes prior to start of work shall be conducted by the City and the Project Biologist.

D. Waste Disposal

Waste Disposal locations to be identified at one or multiple locations prior to start of work. All materials removed from encroachment areas shall be disposed of offsite at a landfill. The ornamental plant material will be removed off-site to a “green” waste recycling facility or otherwise legally disposed of, as necessary. Nonnative plant material will be covered during transport.

E. Erosion Control

In areas where large sections of lawn or ornamental vegetation are to be removed, temporary erosion control may be installed to prevent excessive sand movement following the removals. Erosion control may be achieved through the installation of jute netting or similar natural material. Any future erosion control will be addressed on a case by case basis. Any proposed erosion control action will be subject to approval by the CCC prior to implementation.

V. WORK PLAN DURING ICEPLANT REMOVAL AND RESTORATION [PHASE 2]

A. Iceplant Removal

As previously described, invasive iceplant occurs throughout the coastal strand on the Balboa Peninsula and has established within many of the encroachment areas. In some areas, the occurrence is sparse and limited due to existing natural constraints associated with hot, dry sand. In other areas, the iceplant has formed thick mats benefitting from ornamental landscape irrigation. The presence of iceplant functions as a natural sand stabilizer, which is important to the residents on beachfront properties. Native dune plants would serve the same purpose once established within the encroachment area. Therefore, this Plan proposes phased removal of iceplant and replacement with native species over a two-year period.

The initial step in iceplant removal is herbicide treatment in place to allow dieback facilitating future phased removal. This initial step is recommended to occur in summer 2021 after completion of the encroachment landscape elements. Effective treatment may require up to two follow-up spray treatments.

Physical removal of iceplant biomass will be performed in two stages or “rounds”, with each round being followed by installation of native container plants and seed. Round 1 will entail removal of approximately fifty-percent of the iceplant biomass in fall 2021, followed by installation of native coastal strand plants and seed. Round 2 will occur in fall 2022 and will entail removal of the remaining iceplant, followed by a second installation of native coastal plants and seed. Each fall during the subsequent maintenance period, a supplemental native seed mix may be applied to the encroachment removal areas to continually expand coverage by native coastal strand species, as coverage by iceplant is diminished.

B. Native Plants and Seed

It is expected that in time the encroachment areas will begin to reestablish with coastal strand native vegetation through natural recruitment following the removal of the ornamental landscaping and continued

weed abatement within the encroachment removal areas. A slow transition from the invasive iceplant groundcover is proposed through gradual thinning of the iceplant over a two-year period, leaving the decomposing biomass as groundcover⁸ while promoting the growth of native species such as pink sand verbenas, beach primrose, beach morning glory, sand bur, saltgrass, and beach saltbush. It is important to note that ultimately the decomposing iceplant will be removed to avoid soil formation on the sand as the native coastal strand species establish over the five-year project maintenance period.

To aid the revegetation by native coastal strand species, a combination of native container stock and seed mix will be installed in removal areas to initiate the growth of native groundcovers. Container stock will be generally installed within the iceplant removal areas, while a native seed mix will be applied to the encroachment removal areas, as depicted on Exhibit 6.

Table 3 below provides a list of container stock to be planted in the fall months following encroachment removals.

**TABLE 3
COASTAL STRAND PLANT LIST**

Species	Common Name	Stock Type	Number/Acre
<i>Abronia umbellata</i>	Pink sand verbenas	1-gallon	100
<i>Ambrosia chamissonis</i>	Sand bur	1-gallon	50
<i>Atriplex leucophylla</i>	Beach saltbush	1-gallon	50
<i>Calystegia soldanella</i>	Beach morning glory	1-gallon	100
<i>Cammisoniopsis cheiranthifolia</i>	Beach evening primrose	1-gallon	100
<i>Distichlis spicata</i>	Saltgrass	1-gallon	100

Source of Plant Materials

It is preferred that the source of all propagules and seed used at the mitigation site be from coastal Orange County. If not available, the remainder of propagules and seed required may be considered from coastal San Diego and Los Angeles Counties, and collected as close to the restoration site as possible to preserve regional genetic integrity.

Contract Growing

Contract growing of all container plants shall be by a local experienced native plant nursery. Substitution of plant material at the time of planting depends upon the discretion of the Project Biologist. Any substitutions that are approved will be documented in the annual monitoring reports to the City and CCC.

Container Stock

One-gallon container stock, rosepots, and liners may be utilized for the restoration project, as available, with one-gallon size being the preferred container size. Plant materials will be inspected by the Project Biologist and approved as healthy, disease free, and of proper size prior to planting. Overgrown, root-bound container stock will be rejected. Container stock will be laid out in such a manner that mimics natural plant distribution

⁸ This method has been successful in restoration efforts in the adjacent western snowy plover critical habitat, in eradicating iceplant while increasing native coastal strand vegetation. Personal conversation with Michelle Clemente (City of Newport Beach) on July 18, 2013.

(i.e., in clusters and islands) to emulate existing the coastal strand plant community on Balboa Peninsula. Prior to container stock installation, the Project Biologist will flag plant locations in the field with pin-flags that will be color coded as to plant species. A list of species with their appropriate color code will be provided to the Contractor prior to plant installation.

Table 4 below provides a list of species and application rate to be applied to encroachment removal areas. This seed mix may be applied multiple times during the five-year monitoring period, as directed by the Project Biologist.

**TABLE 4
COASTAL STRAND SEED MIX**

Species	Common Name	Stock Type	Lbs/Acre
<i>Abronia umbellata</i>	Pink sand verbena	Seed	5
<i>Ambrosia chamissonis</i>	Sand bur	Seed	5
<i>Atriplex leucophylla</i>	Beach saltbush	Seed	5
<i>Cammisoniopsis cheiranthifolia</i>	Beach evening primrose	Seed	5
<i>Lupinus bicolor</i>	Dove lupine	Seed	8

Method and Timing of Seed Application

The seed mix will be broadcast by hand and will be scattered mainly in the larger encroachment removal areas. To maximize the germination of seed, broadcast will occur following a rain event of roughly 1-inch, or more, in the months between September and February.

Irrigation

Planting and seeding will be conducted during the late fall and winter months (between November and February) to take advantage of cooler temperatures and natural rain cycles to establish planted container stock and seed. However, in case of unseasonable warm winters or drought conditions, the Project Biologist may recommend supplemental irrigation to establish the native plant material. This will be conducted using a water buffalo or similar vehicle to apply water by hose/hand to the planted container stock once per week for a four-month period to establish the native container plant material, and as-needed thereafter. No permanent irrigation systems will be installed as a part of this plan.

Fencing/Signage

The primary purpose of this Plan is to return the encroachment areas to sandy beach for public use with some native plantings. Placement of significant or permanent fencing would deter public use and would create visual clutter; however, to protect the restoration plantings, the temporary installation of low stake and rope fencing is necessary. The fencing shall be installed along the seaward side of restoration planting areas between each street end. Temporary signs indicating “restoration in progress” may be appropriate to inform the public and to deter trampling of native plants being established. The type, size, and location of such signs should be selected carefully to ensure effectiveness and minimize visual impacts. Placement of the signs should be limited to City property at street ends; however, the final sign design and locations shall be approved by Coastal Commission staff in consultation with the City. All fencing and signs shall be installed and maintained during the planting and monitoring phases and they shall be removed following completion of the project. General sign locations are depicted on Exhibit 7.

VI. MAINTENANCE

A. Responsible Parties

The City will be responsible for carrying out the five-year maintenance program.

B. Weed Abatement

Following initial encroachment removals during Phase 1, regrowth of some of the ornamental species, as well as a variety of opportunistic annual and perennial non-native species such as red brome (*Bromus madritensis* ssp. *rubens*), sea rocket (*Cakile maritima*), and Bermuda grass (*Cynodon dactylon*), among others, may proliferate within encroachment removal areas. The follow-up maintenance will focus on the suppression of these and other non-native species in the encroachment removal areas, while promoting the recruitment of native coastal strand species.

To the extent practicable, follow-up non-native species control will largely consist of hand-pulling or spot spray to avoid impacts to newly establishing native species. Herbicide use shall occur only in areas where native species will not be affected and only after consulting the Project Biologist. Large, conspicuous piles of dead biomass shall not be left on the beach.

The type and quantity of herbicide application will be determined by a California licensed Pest Control Advisor (PCA) who will recommend types of herbicide to be used, rates of application, and areas to which herbicides are to be applied. A licensed Pest Control Operator (PCO) may work under the supervision of the PCA who will employ best management practices regarding the timing, quantity, and type of herbicide for each species. The PCA will determine both immediate and follow-up herbicide application for each species. All recommendations will be submitted to the Project Biologist for approval prior to treatment.

Hottentot Fig (Iceplant)

While this species comprises a significant groundcover within the encroachment zones, it will not be removed during the initial Phase 1 removals. In instances where the iceplant is very thick due to irrigation, spot treatment using herbicide may be recommended by the Project Biologist to reduce the biomass.

Mixed Ornamental Shrubs and Groundcovers and Native Species

In areas where ornamental shrubs/groundcovers or invasive species are intermixed with native coastal strand vegetation, the ornamental and invasive species will be removed manually around the native plants in order to allow for the expansion of the native species without competition.

C. Irrigation

This will be conducted using a water buffalo or similar vehicle to apply water by hose/hand to the planted container stock on an as-needed basis during the maintenance period, under the direction of the Project Biologist.

D. Trash Removal

The Project areas shall be well-maintained in order to deter vandalism and dumping of trash. Contractor shall, during routine quarterly maintenance, manually remove weeds, litter, and trash from the Project areas

and dispose of off-site as permitted by law. Driftwood, wrack and other natural vegetative debris shall be left in place.

E. Supplemental Seeding

Each year, the Project Biologist will assess the infill of native coastal strand species and recommend supplemental seeding of the seed mix outlined in Table 4, if necessary, to provide additional vegetative cover for sand stabilization.

F. Maintenance Schedule

The maintenance program will begin immediately following initial removals in spring 2021 and will occur on a monthly basis during the first year following removals and quarterly thereafter for the remainder of the five-year restoration project. Table 5 below provides a recommended maintenance schedule.

**TABLE 5
MAINTENANCE SCHEDULE**

Season/ Schedule	Maintenance Activity
Year 1 - 2021	
Spring	Initial removals
Summer	Spray iceplant in place; remove weeds and regrowth of ornamentals
Fall	Remove weeds and regrowth of ornamental/perform thinning of iceplant (50%)/remove trash
Winter	Install native coastal strand plants and seed/remove weeds and regrowth of ornamentals/remove trash
Year 2 - 2022	
Spring	Remove weeds and regrowth of ornamentals/remove trash
Summer	Remove weeds and regrowth of ornamentals/remove trash
Fall	Remove weeds and regrowth of ornamental/perform thinning of iceplant (100%)/remove trash
Winter	Install native coastal strand plants and seed/remove weeds and regrowth of ornamentals/remove trash
Year 3 - 2023	
Spring	Remove weeds and regrowth of ornamentals/remove trash
Summer	Remove weeds and regrowth of ornamentals/remove trash
Fall	Remove weeds and regrowth of ornamentals/remove trash
Winter	Remove weeds and regrowth of ornamentals/remove trash; apply native seed (if necessary)
Year 4 - 2024	
Spring	Remove weeds and regrowth of ornamentals/remove trash
Summer	Remove weeds and regrowth of ornamentals/remove trash
Fall	Remove weeds and regrowth of ornamentals/remove trash
Winter	Remove weeds and regrowth of ornamentals/remove trash; apply native seed (if necessary)
Year 5 - 2025	
Spring	Remove weeds and regrowth of ornamentals/remove trash
Summer	Remove weeds and regrowth of ornamentals/remove trash
Fall	Remove weeds and regrowth of ornamentals/remove trash
Winter	Remove weeds and regrowth of ornamentals/remove trash; apply native seed (if necessary)

VII. MONITORING PLAN

A. Baseline Data

Aerial photography using drone imagery will be used to measure vegetative coverage by native coastal strand vegetation, non-native vegetation, and sandy beach on the areas outside the encroachment on the Balboa Peninsula between F Street and Channel Street. Representative sampling from the snowy plover critical habitat area will also be included to establish baseline conditions as a reference point for the restoration program. These aerial photographs will be produced at high resolution to map the existing vegetation within reference areas. Field truthing of the aerial photography will be conducted by the Project Biologist and a plant list will be compiled of the vegetated portion of the baseline reference areas to measure species composition and coverage.

Coverage data of baseline conditions will be used as the reference for comparison to measure the effectiveness of the proposed restoration strategy and to ensure ultimate consistency of the encroachment removal areas with existing conditions outside the encroachment areas. Baseline data will be collected concurrently with the initiation of Project activities.

B. Performance Standards

The coastal strand is characterized by low plant density (often less than 20-percent cover by vegetation) and low species diversity, as few species can withstand the harsh conditions characteristic of this environment.

To assess performance, baseline data on coverage by native species, non-native species, and sandy beach will be collected as outlined above. This data will be used as the final (fifth-year) success standard for comparison. Due to the slow growing nature of the native coastal strand species and phased removal of the iceplant, performance standards are proposed for years 3 and 5.

The performance standard for native plant coverage for year 3 will be 50-percent of the baseline coverage, while performance standard for year 5 will be 90-percent of baseline coverage. For example, if baseline coverage by native species is 20-percent, the performance standard for year 3 will be set at 10-percent and for year 5 at 18-percent. The maximum cover by native species shall not exceed 20-percent of the encroachment removal areas in order to preserve sandy beach.

Additional performance standards include eradication of ornamental plant species, and control of invasive non-native species such as iceplant to less than 5-percent cover within the encroachment removal areas.

Table 6 below provides the proposed performance standards for years 3 and 5.

TABLE 6
Performance Standards

Cover Attribute	Performance Standard
Year 3	
Native Cover	50-Percent of Baseline

Ornamental Cover	Less than 5-Percent
Non-Native Invasive Cover	Less than 10-Percent
Year 5	
Native Cover	90-Percent of Baseline
Ornamental Cover	Less than 1-Percent
Non-Native Invasive Cover	Less than 5-Percent

C. Monitoring Methods

For the duration of the five-year monitoring period, elimination of the ornamental and invasive ground cover and establishment of the plantings will be measured through a series of qualitative and quantitative measurements assessing native species cover, non-native species cover, and unvegetated sandy beach. Monitoring will be performed by a qualified Biologist/Ecologist, and continuity within the personnel and methodology of monitoring shall be maintained insofar as possible to ensure comparable assessments.

Qualitative Monitoring

The Project Biologist will conduct qualitative monitoring surveys on a bimonthly basis during the first two years and quarterly during the last three years of the five-year monitoring period. Qualitative surveys will consist of walking the length of the encroachment area and documenting general observations, such as regrowth of ornamental vegetation, natural recruitment of native coastal strand species, establishment of planted container stock and seed, trash/debris, signs of disturbance, and weed invasions. Records will be kept of signs of erosion, predator bird species such as crows, and weed infestation. The Project Biologist will determine adaptive management measures to be undertaken to ensure successful implementation of the Plan. All adaptive management measures undertaken will be referenced in annual monitoring reports submitted to the CCC.

Quantitative Monitoring

Consistent with the methodology used for baseline data collection, aerial photography using drone imagery will be flown annually to measure vegetative coverage by native coastal strand vegetation, non-native vegetation, and sandy beach within the encroachment removal and restoration areas. Georeferenced aerial photographs will be produced at high resolution to map the vegetation within encroachment removal and restoration areas. Field truthing of the aerial photography will be conducted by the Project Biologist and a plant list will be compiled of the vegetated portion of the assessment areas to measure species composition and coverage.

Photo-Documentation

Permanent stations for photo-documentation will be established before the initiation of the Project as a part of baseline data collection and recorded using GPS. Photos shall be taken during each quantitative monitoring event from the same vantage point and in the same direction each year and shall reflect material discussed in the annual monitoring reports.

D. Monitoring Schedule

The monitoring program will begin immediately following initial removals. Qualitative monitoring will occur on a bimonthly basis during the first two years and quarterly for years three through five of the five-year monitoring period. Quantitative monitoring will be conducted annually in spring months, with annual monitoring reports to be submitted to the CCC by the end of each year (December 31).

E. Annual Monitoring Reports

At the end of each of the five years of maintenance and monitoring, an annual report shall be prepared by the City for submittal to the CCC. These reports will document the revegetation progress of the work areas and summarize maintenance activities that occurred during each respective year. At the end of the fifth monitoring year, the CCC will be notified in writing that the monitoring period is complete. All annual monitoring reports shall include the following:

- a list of names, titles, and companies of all persons who prepared the content of the annual report and participated in monitoring activities for that year;
- a vicinity map indicating location of the encroachment removal and restoration sites;
- an aerial photograph/drone imagery flown each year at the same time of year;
- a site plan identifying GPS points or polygons for significant natural recruitment of native coastal strand species, invasive non-native species removal areas, photo station locations, etc.;
- a description of the status native plant communities, and percent cover by non-native species in the Project areas;
- an analysis of monitoring results; and
- copies of all monitoring photographs.

The City will notify the CCC in writing when the five-year monitoring period is complete. The final report will provide an assessment of encroachment removal areas and achievement of the fifth-year performance standards. If any portion of the performance standards have not been met, adaptive management measures will be implemented to address any deficiency.

F. Adaptive Management

The five-year maintenance period in this Plan, as outlined in Section VI and Table 5, provides for an adaptive management component during the maintenance period, which includes application of native seed each of the five years, as necessary, to promote infill of southern foredune vegetation within the encroachment removal areas. Additional adaptive management measures may include planting container stock and continuing weed abatement until performance standards are met.

The monitoring period will be extended one year at a time until stated performance standards are satisfied and the CCC provides written confirmation that the City has completed their maintenance and monitoring obligation within the encroachment removal areas.

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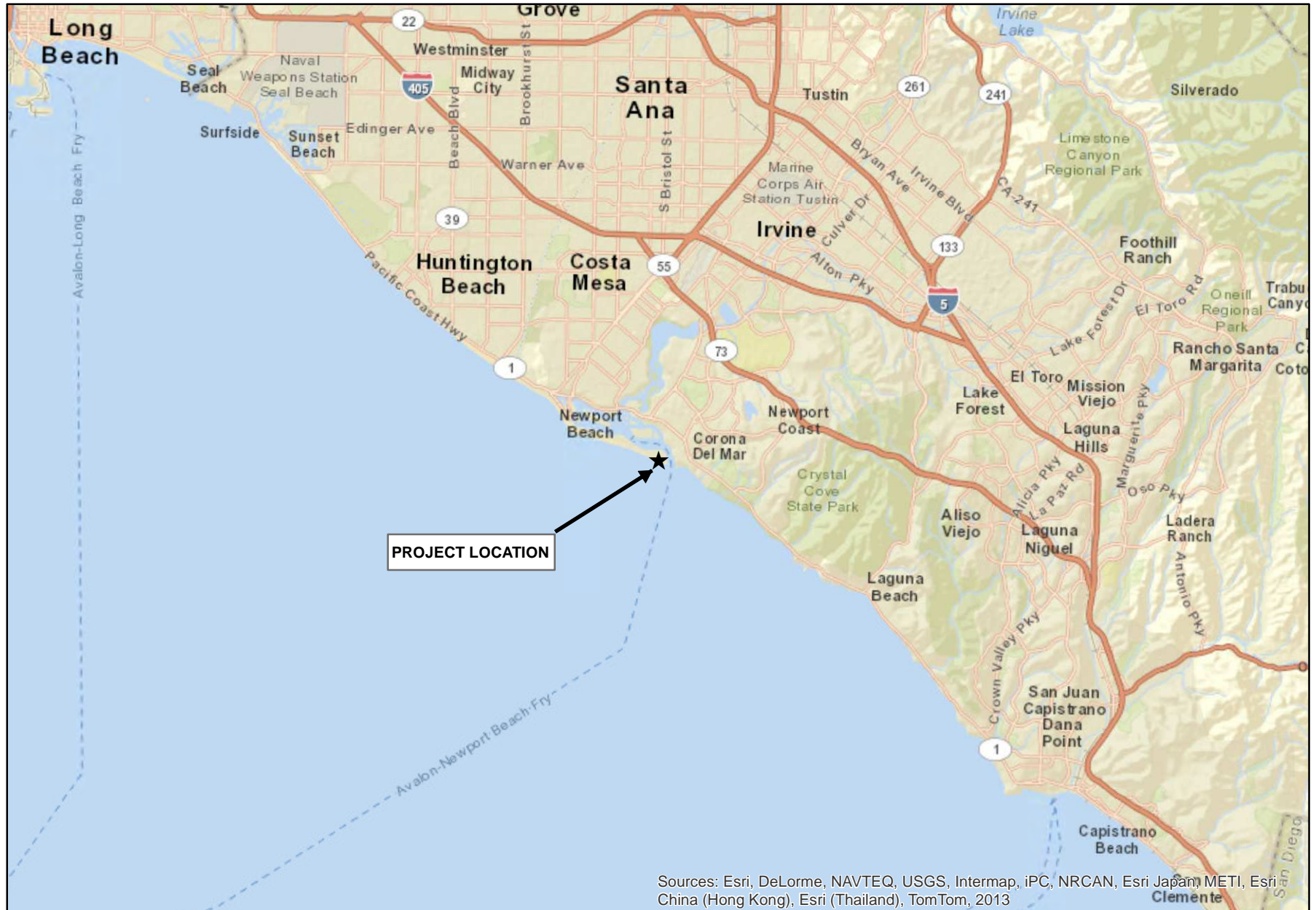
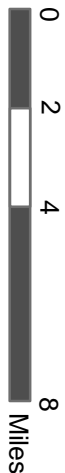
**Distribution Page of all Persons Receiving a Copy of the Encroachment Removal and Replacement
Plan and Annual Monitoring Reports**

Mr. Andrew Willis
California Coastal Commission
200 Oceangate
Suite 1000
Long Beach, California 90802-4302

Mr. Jim Campbell
City of Newport Beach
100 Civic Center Drive
Newport Beach, California 92660

Mr. Seimone Jurjis
City of Newport Beach
100 Civic Center Drive
Newport Beach, California 92660

Source: ESRI World Street Map



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, IPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013

PENINSULA POINT ENCROACHMENT REMOVAL AND REPLACEMENT PLAN

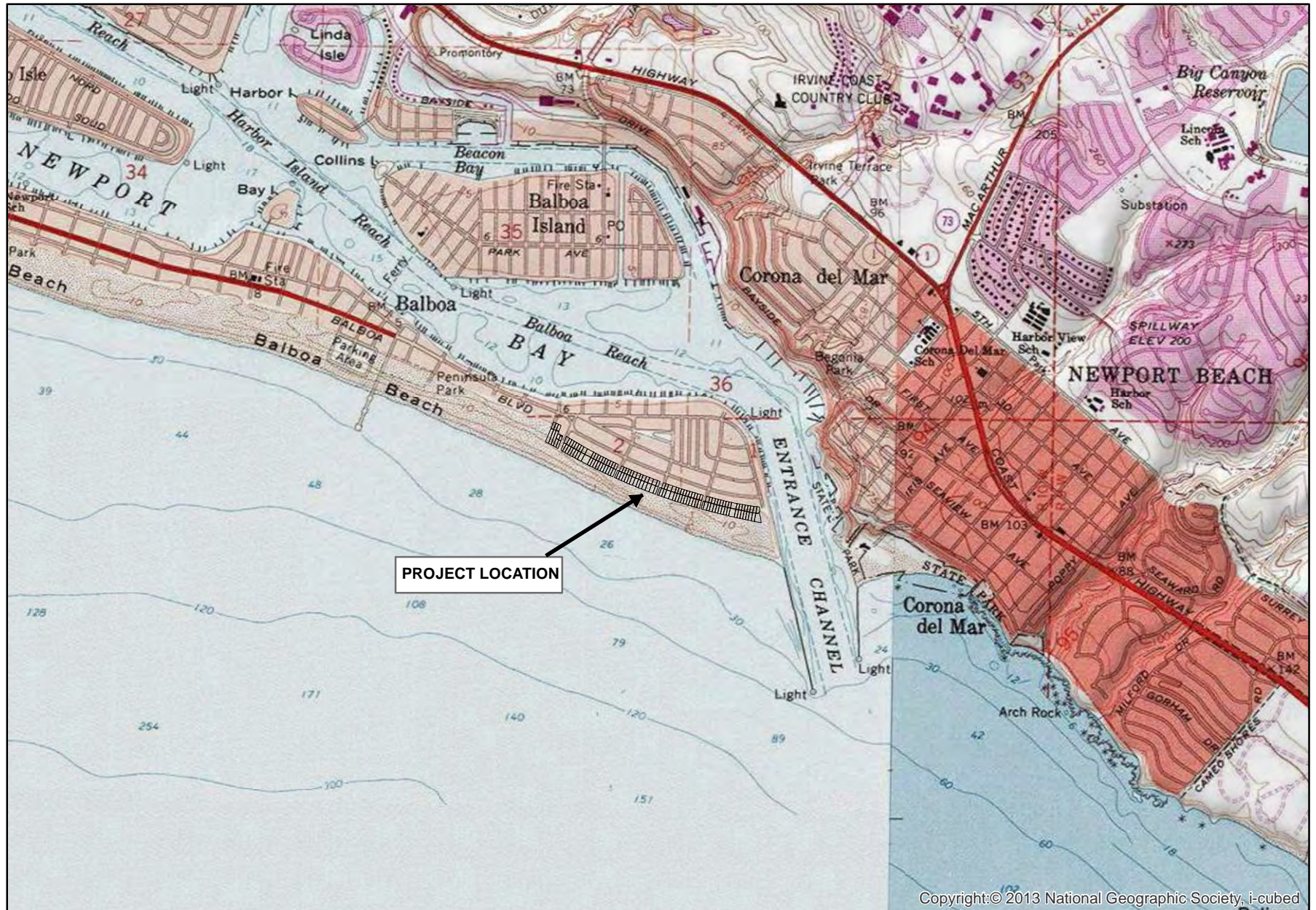
Regional Map

GLENN LUKOS ASSOCIATES



CCC-20-CD-02, CCC-20-RO-04 Exhibit 1
CCC-20-AP-02
Appendix A - Exhibit B

Adapted from USGS Newport Beach OE S, CA quadrangle



PENINSULA POINT ENCROACHMENT REMOVAL AND REPLACEMENT PLAN

Vicinity Map

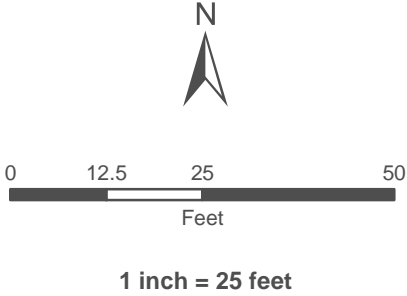
GLENN LUKOS ASSOCIATES



CCC-20-CD-02, CCC-20-RO-01 Exhibit 2
CCC-20-AP-02
Appendix A - Exhibit B

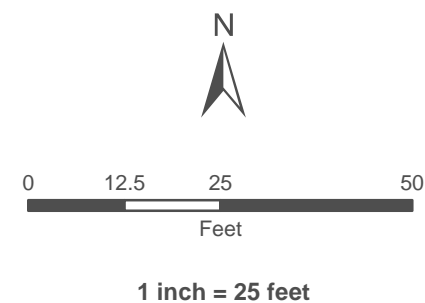


-  Parcel Boundary
- Phase 1 - Encroachment Removal**
-  Hardscape/Stepping Stones
-  Lawn
-  Ornamental Shrub/Groundcover
-  Ornamental Tree
-  Wildland Weeds/Escaped Ornamental
-  City Restoration Area*
- *Areas labelled "City Restoration Area" are not associated with any private residence address, but will be subject to removal and restoration activity by the City
- Phase 2 - Iceplant Removal**
-  Iceplant



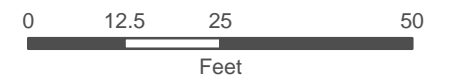


- Parcel Boundary
- Phase 1 - Encroachment Removal**
 - Hardscape/Stepping Stones
 - Lawn
 - Ornamental Shrub/Groundcover
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-  Parcel Boundary
- Phase 1 - Encroachment Removal**
-  Hardscape/Stepping Stones
-  Lawn
-  Ornamental Shrub/Groundcover
-  Ornamental Tree
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1 inch = 25 feet

PENINSULA POINT ENCROACHMENT REMOVAL AND REPLACEMENT PLAN

East of G Street

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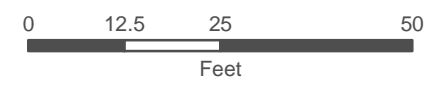
Exhibit 3 - Page 3

Appendix A - Exhibit B

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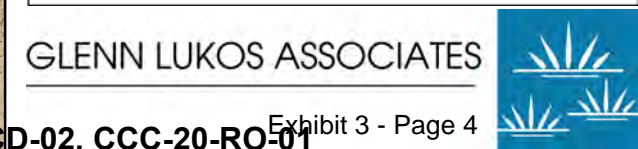


- Parcel Boundary
- Phase 1 - Encroachment Removal**
- Hardscape/Stepping Stones
- Lawn
- Ornamental Shrub/Groundcover
- Ornamental Tree
- Wildland Weeds/Escaped Ornamental
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- Iceplant



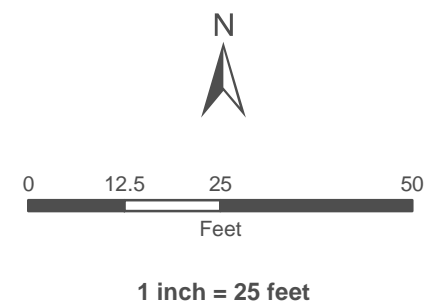
1 inch = 25 feet

**PENINSULA POINT ENCROACHMENT
REMOVAL AND REPLACEMENT PLAN**
Between G Street and I Street



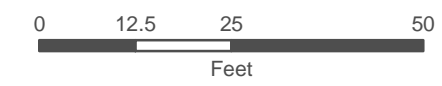


- Parcel Boundary
- Phase 1 - Encroachment Removal**
 - Hardscape/Stepping Stones
 - Lawn
 - Ornamental Shrub/Groundcover
 - Ornamental Tree
 - Wildland Weeds/Escaped Ornamental
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 - Iceplant





- Parcel Boundary
- Phase 1 - Encroachment Removal**
 - Hardscape/Stepping Stones
 - Lawn
 - Ornamental Shrub/Groundcover
 - Ornamental Tree
 - Wildland Weeds/Escaped Ornamental
- City Restoration Area***
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- Phase 2 - Iceplant Removal**
 - Iceplant



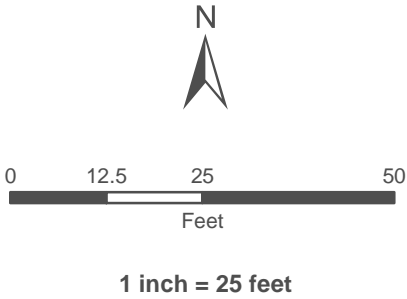
1 inch = 25 feet

PENINSULA POINT ENCROACHMENT REMOVAL AND REPLACEMENT PLAN

West of I Street



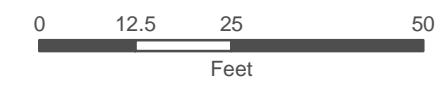
-  Parcel Boundary
- Phase 1 - Encroachment Removal**
-  Hardscape/Stepping Stones
-  Lawn
-  Ornamental Shrub/Groundcover
-  Ornamental Tree
-  Wildland Weeds/Escaped Ornamental
-  City Restoration Area*
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- Phase 2 - Iceplant Removal**
-  Iceplant



**PENINSULA POINT ENCROACHMENT
REMOVAL AND REPLACEMENT PLAN**
Between I Street and L Street



- Parcel Boundary
- Phase 1 - Encroachment Removal**
- Hardscape/Stepping Stones
- Lawn
- Ornamental Shrub/Groundcover
- Ornamental Tree
- Wildland Weeds/Escaped Ornamental
- City Restoration Area*
- *Areas labelled "City Restoration Area" are not associated with any private residence address, but will be subject to removal and restoration activity by the City
- Phase 2 - Iceplant Removal**
- Iceplant



1 inch = 25 feet

**PENINSULA POINT ENCROACHMENT
REMOVAL AND REPLACEMENT PLAN**

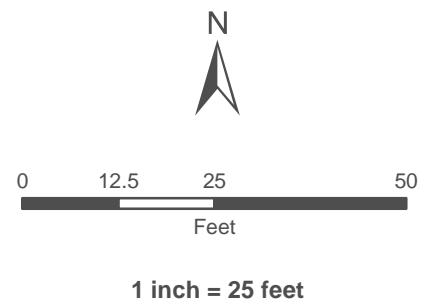
L Street

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Exhibit 3 - Page 8




- Parcel Boundary
- Phase 1 - Encroachment Removal**
 - Hardscape/Stepping Stones
 - Lawn
 - Ornamental Shrub/Groundcover
 - Ornamental Tree
 - Wildland Weeds/Escaped Ornamental
- City Restoration Area***
 - *Areas labelled "City Restoration Area" are not associated with any private residence address, but will be subject to removal and restoration activity by the City
- Phase 2 - Iceplant Removal**
 - Iceplant



**PENINSULA POINT ENCROACHMENT
REMOVAL AND REPLACEMENT PLAN**

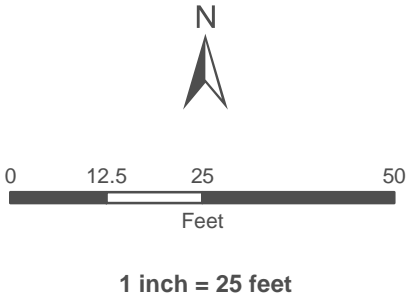
East of L Street

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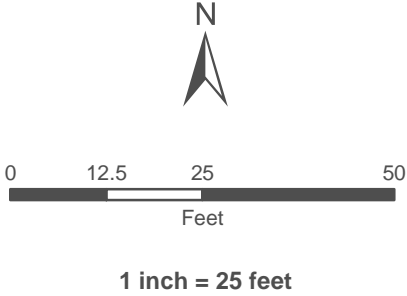
- Parcel Boundary
- Phase 1 - Encroachment Removal**
 - Hardscape/Stepping Stones
 - Lawn
 - Ornamental Shrub/Groundcover
 - Ornamental Tree
 - Wildland Weeds/Escaped Ornamental
- City Restoration Area***
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- Phase 2 - Iceplant Removal**
 - Iceplant



**PENINSULA POINT ENCROACHMENT
REMOVAL AND REPLACEMENT PLAN**
West of M Street



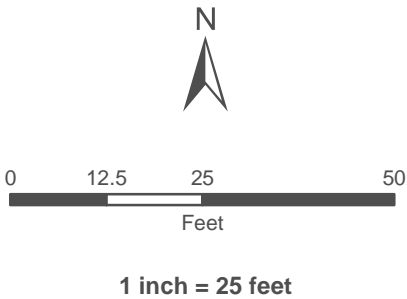
- Parcel Boundary
- Phase 1 - Encroachment Removal**
- Hardscape/Stepping Stones
- Lawn
- Ornamental Shrub/Groundcover
- Ornamental Tree
- Wildland Weeds/Escaped Ornamental
- City Restoration Area*
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- Phase 2 - Iceplant Removal**
- Iceplant



**PENINSULA POINT ENCROACHMENT
REMOVAL AND REPLACEMENT PLAN**
East of M Street



- Parcel Boundary
- Phase 1 - Encroachment Removal**
- Hardscape/Stepping Stones
 - Lawn
 - Ornamental Shrub/Groundcover
 - Ornamental Tree
 - Wildland Weeds/Escaped Ornamental
 - City Restoration Area*
- *Areas labelled "City Restoration Area" are not associated with any private residence address, but will be subject to removal and restoration activity by the City
- Phase 2 - Iceplant Removal**
- Iceplant



**PENINSULA POINT ENCROACHMENT
REMOVAL AND REPLACEMENT PLAN**

Between M Stree and Channel Road

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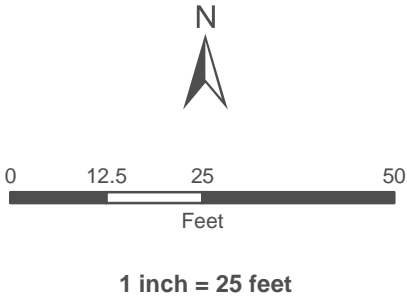




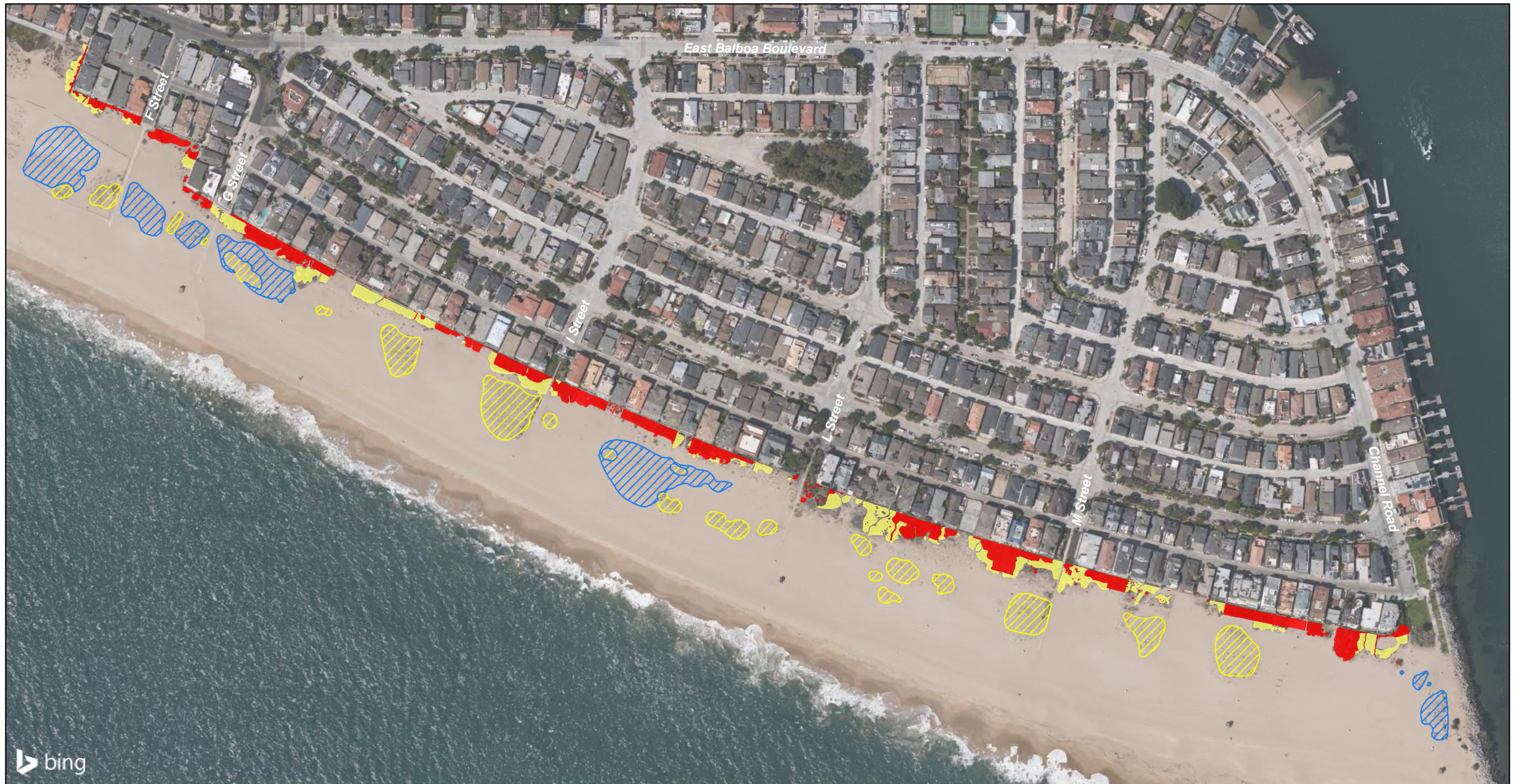
- Parcel Boundary
- Phase 1 - Encroachment Removal**
 - Hardscape/Stepping Stones
 - Lawn
 - Ornamental Shrub/Groundcover
 - Ornamental Tree
 - Wildland Weeds/Escaped Ornamental
- City Restoration Area***

*Areas labelled "City Restoration Area" are not associated with any private residence address, but will be subject to removal and restoration activity by the City

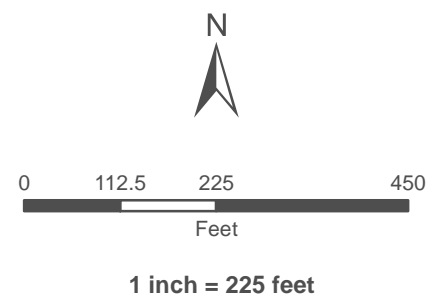
- Phase 2 - Iceplant Removal**
 - Iceplant



**PENINSULA POINT ENCROACHMENT
REMOVAL AND REPLACEMENT PLAN**
West of Channel Road



- Encroachments
- Vegetation Adjacent to Encroachments**
- Iceplant (within Encroachment Zone)
- Iceplant (outside Encroachment Zone)
- Southern Foredune Scrub / Coastal Strand



**PENINSULA POINT ENROACHMENT
REMOVAL AND REPLACEMENT PLAN**

Existing Vegetation Adjacent to Encroachment Zones

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CCC-20-AP-02**

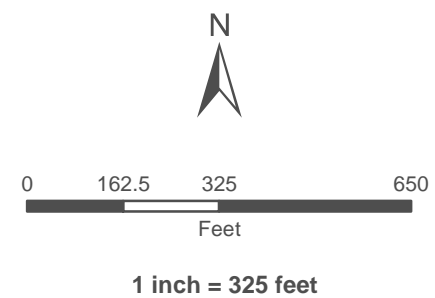
Exhibit 4

Appendix A - Exhibit B


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 Western Snowy Plover Critical Habitat
 Encroachments



**PENINSULA POINT ENROACHMENT
REMOVAL AND REPLACEMENT PLAN**
Western Snowy Plover Critical Habitat Map

GLENN LUKOS ASSOCIATES 

CCC-20-CD-02, CCC-20-RO-01
CCC-20-AP-02
Appendix A - Exhibit B

Exhibit 5

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bing

Native Seed Application Zone (Encroachment Removal Areas - 53,859 sqft/1.24 ac.)

Native Container Planting Zone (Iceplant Removal Areas - 42,651 sqft/0.98 ac.)



0 112.5 225 450
Feet

1 inch = 225 feet

PENINSULA POINT ENROACHMENT REMOVAL AND REPLACEMENT PLAN

Revegetation Map

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CCC-20-AP-02

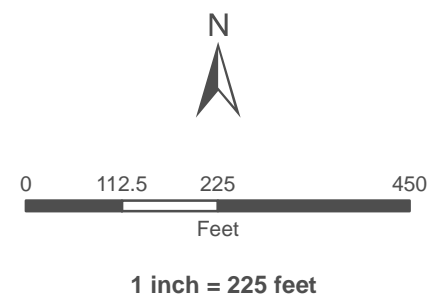
Exhibit 6

Appendix A - Exhibit B

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- Encroachment Removal Areas
- Iceplant Removal and Native Plant Replacement within Encroachment Areas
- Iceplant (outside Encroachment Areas)
- Southern Foredune Scrub / Coastal Strand (outside Encroachment Areas)
- Proposed Temporary Signage Locations



**PENINSULA POINT ENROACHMENT
REMOVAL AND REPLACEMENT PLAN**

Proposed Temporary Sign Location Map

GLENN LUKOS ASSOCIATES

CCC-20-CD-02, CCC-20-RO-01
CCC-20-AP-02

Exhibit 7

APPENDIX A
PENINSULA POINT ENCROACHMENT DETAILS

Property Address	Encroachment Type	Area (Sqft)	Notes
West of F Street			
1319 Balboa Blvd E	Hardscape/Stepping Stones	54	Non-native sea lavender and other annual weeds mixed with ornamental shrubs. One Canary Island palm
	Ornamental Shrub/Groundcover	474	
	Ornamental Tree	59	
Total Encroachment (sqft)		587	
1320 Oceanfront E	Hardscape/Stepping Stones	296	Concrete block wall and patio extending beyond property line. LOCATION TO BE CONFIRMED WITH FUTURE SURVEY. REMOVAL TO BE COORDINATED WITH PROPERTY OWNER.
	Ornamental Shrub/Groundcover	472	
Total Encroachment (sqft)		768	
1322 Oceanfront E	Hardscape/Stepping Stones	282	Concrete patio extending beyond property line. LOCATION TO BE CONFIRMED WITH FUTURE SURVEY. REMOVAL TO BE COORDINATED WITH PROPERTY OWNER.
	Ornamental Tree	28	
Total Encroachment (sqft)		310	
1324 Oceanfront E	Hardscape/Stepping Stones	296	Concrete block wall and patio extending beyond property line. LOCATION TO BE CONFIRMED WITH FUTURE SURVEY. REMOVAL TO BE COORDINATED WITH PROPERTY OWNER.
	Ornamental Shrub/Groundcover	466	
Total Encroachment (sqft)		762	
City F Street	Ornamental Shrub/Groundcover	153	Oleander and agave east side of the F-Street walkway.
Total Encroachment (sqft)		153	
F Street to G Street			
1350 Oceanfront E	Ornamental Shrub/Groundcover	1016	Mapped juniper and Brazilian pepper were removed in 2019. Regrowth of pepper noted outside the fencing and next door.
	Ornamental Tree	30	
		1045	
1354 Oceanfront E	No Encroachment	0	Escaped ornamental landscaping from 1350 next door. Seedlings of non-native Brazilian pepper and annual weeds interspersed with native plants.
Total Encroachment (sqft)		0	
1358 Oceanfront E	No Encroachment	0	Escaped ornamental landscaping appears to have been from 1350. Seedlings of non-native Brazilian pepper and annual weeds.
Total Encroachment (sqft)		0	
City Tree	Ornamental Tree	85	Mexican fan palm tree.
Total Encroachment (sqft)		85	
107 G St.	Hardscape/Stepping Stones	83	Lawn, wooden footpath, and ornamental shrubs.
	Lawn	290	
Total Encroachment (sqft)		373	
1400 Oceanfront E	Hardscape/Stepping Stones	106	Juniper tree and ornamental groundcovers. Potential patio block wall encroachment. May be the patio cover overhang. LOCATION TO BE CONFIRMED WITH FUTURE SURVEY. REMOVAL TO BE COORDINATED WITH PROPERTY OWNER.
	Ornamental Shrub/Groundcover	216	
	Ornamental Tree	91	
Total Encroachment (sqft)		413	

APPENDIX A
PENINSULA POINT ENCROACHMENT DETAILS

Property Address	Encroachment Type	Area (Sqft)	Notes
1412 Oceanfront E	Hardscape/Stepping Stones	254	Potential wood deck and fencing encroachment. LOCATION TO BE CONFIRMED WITH FUTURE SURVEY. REMOVAL TO BE COORDINATED WITH PROPERTY OWNER.
	Ornamental Shrub/Groundcover	319	
	Ornamental Tree	76	
Total Encroachment (sqft)		649	
City G Street	Ornamental Tree	18	Two Mexican fan palm trees.
Total Encroachment (sqft)		18	
G Street to I Street			
1500 Oceanfront E	Ornamental Shrub/Groundcover	202	Ornamental shrubs lining the patio.
Total Encroachment (sqft)		202	
1504 Oceanfront E	Hardscape/Stepping Stones	200	Irrigated lawn, header board, and gazania groundcover. Potential wall and patio encroachment. LOCATION TO BE CONFIRMED WITH FUTURE SURVEY. REMOVAL TO BE COORDINATED WITH PROPERTY OWNER.
	Lawn	614	
	Ornamental Shrub/Groundcover	329	
Total Encroachment (sqft)		1143	
1510 Oceanfront E	Hardscape/Stepping Stones	201	Irrigated lawn, header board, and gazania groundcover. Potential wall and patio encroachment. Some ornamental shrubs and groundcover appear escaped from adjacent property to the east. LOCATION TO BE CONFIRMED WITH FUTURE SURVEY. REMOVAL TO BE COORDINATED WITH PROPERTY OWNER.
	Lawn	768	
	Ornamental Shrub/Groundcover	289	
Total Encroachment (sqft)		1259	
1514 Oceanfront E	Hardscape/Stepping Stones	245	Ornamental shrubs and aloe. Irrigation system. Potential brick wall and patio encroachment. LOCATION TO BE CONFIRMED WITH FUTURE SURVEY. REMOVAL TO BE COORDINATED WITH PROPERTY OWNER.
	Ornamental Shrub/Groundcover	896	
Total Encroachment (sqft)		1142	
1516 Oceanfront E	Hardscape/Stepping Stones	227	Ornamental shrubs and aloe. Irrigation system. Potential brick wall and patio encroachment. LOCATION TO BE CONFIRMED WITH FUTURE SURVEY. REMOVAL TO BE COORDINATED WITH PROPERTY OWNER.
	Ornamental Shrub/Groundcover	952	
Total Encroachment (sqft)		1179	
1520 Oceanfront E	Hardscape/Stepping Stones	186	Ornamental shrubs and aloe. Irrigation system. Potential brick wall and patio encroachment. LOCATION TO BE CONFIRMED WITH FUTURE SURVEY. REMOVAL TO BE COORDINATED WITH PROPERTY OWNER.
	Lawn	174	
	Ornamental Shrub/Groundcover	427	
Total Encroachment (sqft)		786	
1526 Oceanfront E	Lawn	804	Irrigated lawn with hedge of ornamental shrubs.
Total Encroachment (sqft)		804	
1528 Oceanfront E	Hardscape/Stepping Stones	4	Ornamental shrubs on the west may belong to adjacent property (1526).
	Ornamental Shrub/Groundcover	77	
Total Encroachment (sqft)		81	

APPENDIX A
PENINSULA POINT ENCROACHMENT DETAILS

Property Address	Encroachment Type	Area (Sqft)	Notes
1540 Oceanfront E	Hardscape/Stepping Stones	18	Small concrete pad.
Total Encroachment (sqft)		18	
1550 Oceanfront E	Hardscape/Stepping Stones	48	Narrow hardscape footpath.
Total Encroachment (sqft)		48	
1554 Oceanfront E	Ornamental Shrub/Groundcover	48	A small section of lawn from adjacent property at 1556. Small patch of aloe.
Total Encroachment (sqft)		48	
1556 Oceanfront E	Hardscape/Stepping Stones	20	Lawn and small wooden pad/deck.
	Lawn	494	
Total Encroachment (sqft)		514	
1560 Oceanfront E	Ornamental Shrub/Groundcover	220	Mixed low growing ornamentals and iceplant. May be escaped ornamentals.
Total Encroachment (sqft)		220	
1564 Oceanfront E	Hardscape/Stepping Stones	26	Approximately 30 ornamental agave intermixed with native dune species. Stepping stones.
	Ornamental Shrub/Groundcover	687	
Total Encroachment (sqft)		713	
1570 Oceanfront E	No Encroachment	0	Native dune species.
Total Encroachment (sqft)		0	
1572 Oceanfront E	Hardscape/Stepping Stones	32	Lawn, irrigation, and ornamental groundcover. Small wall.
	Lawn	811	
	Ornamental Shrub/Groundcover	299	
Total Encroachment (sqft)		1141	
1576 Oceanfront E	Hardscape/Stepping Stones	6	Lawn. Ornamental shrubs and groundcovers Water hose. Few stepping stones.
	Lawn	465	
	Ornamental Shrub/Groundcover	602	
Total Encroachment (sqft)		1073	
1580 Oceanfront E	Hardscape/Stepping Stones	21	Lawn, irrigation system, concrete patio. Extensive ornamental landscaping and irrigated iceplant extends to include west side of I-Street boardwalk.
	Lawn	450	
	Ornamental Shrub/Groundcover	435	
Total Encroachment (sqft)		906	
City - I Street	Lawn	6	
	Ornamental Shrub/Groundcover	735	
Total Encroachment (sqft)		741	

APPENDIX A
PENINSULA POINT ENCROACHMENT DETAILS

Property Address	Encroachment Type	Area (Sqft)	Notes
I Street to L Street			
1700 Oceanfront E	Hardscape/Stepping Stones	47	Irrigation system, concrete patio. Extensive ornamental landscaping and irrigated iceplant extends to include west side of I-Street boardwalk.
	Ornamental Shrub/Groundcover	1412	
Total Encroachment (sqft)		1459	
1706 Oceanfront E	Hardscape/Stepping Stones	58	Lawn, irrigation system, headerboard, hardscape, all removed in 2019. Ornamental shrubs and groundcover remain.
	Lawn	590	
	Ornamental Shrub/Groundcover	565	
Total Encroachment (sqft)		1213	
1712 Oceanfront E	Hardscape/Stepping Stones	16	Lawn had died back, but sod and soil amendments to be removed.
	Lawn	833	
Total Encroachment (sqft)		849	
1714 Oceanfront E	Hardscape/Stepping Stones	63	Ornamental shrubs and drip irrigation. Small walkway hardscape.
	Ornamental Shrub/Groundcover	165	
Total Encroachment (sqft)		228	
1718 Oceanfront E	Hardscape/Stepping Stones	11	Lawn, irrigation, headerboard.
	Lawn	838	
	Ornamental Shrub/Groundcover	51	
Total Encroachment (sqft)		900	
1722 Oceanfront E	Hardscape/Stepping Stones	17	Lawn, irrigation. Small concrete pad.
	Lawn	1200	
	Ornamental Shrub/Groundcover	21	
Total Encroachment (sqft)		1238	
1724 Oceanfront E	Hardscape/Stepping Stones	9	Lawn, irrigation. Small concrete pad.
	Lawn	1207	
	Ornamental Shrub/Groundcover	121	
Total Encroachment (sqft)		1337	
1730 Oceanfront E	Ornamental Shrub/Groundcover	31	Small quantity of ornamental groundcover including fountaingrass.
Total Encroachment (sqft)		31	
1740 Oceanfront E	Hardscape/Stepping Stones	86	Lawn, irrigation, stepping stones, header board, hosebib, and ornamental hedge.
	Lawn	997	
	Ornamental Shrub/Groundcover	710	
Total Encroachment (sqft)		1792	

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CCC-20-AP-02

Revision Date: December 2, 2019

Appendix A - Exhibit B

APPENDIX A
PENINSULA POINT ENCROACHMENT DETAILS

Property Address	Encroachment Type	Area (Sqft)	Notes
1744 Oceanfront E	Hardscape/Stepping Stones	80	Lawn, irrigation, stepping stones, header board, hosebib, and ornamental hedge.
	Lawn	886	
	Ornamental Shrub/Groundcover	475	
Total Encroachment (sqft)		1441	
1750 Oceanfront E	Hardscape/Stepping Stones	19	Ornamental shrubs and groundcover. Small concrete pad.
	Ornamental Shrub/Groundcover	519	
Total Encroachment (sqft)		539	
1752 Oceanfront E	No Encroachment	0	No encroachment.
Total Encroachment (sqft)		0	
City - L Street	Ornamental Shrub/Groundcover	427	
Total Encroachment		427	
2000 Oceanfront E	Hardscape/Stepping Stones	60	Ornamental shrubs. Concrete pad.
	Ornamental Shrub/Groundcover	188	
Total Encroachment (sqft)		248	
2004 Oceanfront E	Ornamental Shrub/Groundcover	183	Ornamental shrubs and aloe.
Total Encroachment (sqft)		183	
2008 Oceanfront E	No Encroachment	0	No encroachment.
Total Encroachment (sqft)		0	
2016 Oceanfront E	No Encroachment	0	Few escaped ornamental shrubs and succulents.
Total Encroachment (sqft)		0	
2020 Oceanfront E	Hardscape/Stepping Stones	20	Ornamental shrubs, succulents, lawn including invasive English ivy. Irrigation system.
	Lawn	285	
	Ornamental Shrub/Groundcover	872	
Total Encroachment (sqft)		1177	
2026 Oceanfront E	Lawn	76	Ornamental shrubs, succulents, lawn including invasive English ivy. Irrigation system.
	Ornamental Shrub/Groundcover	1850	
Total Encroachment (sqft)		1926	
2030 Oceanfront E	Hardscape/Stepping Stones	68	English ivy, ornamental groundcovers and shrubs. Irrigation system. Steppingstones.
	Ornamental Shrub/Groundcover	1105	
Total Encroachment (sqft)		1173	

APPENDIX A
PENINSULA POINT ENCROACHMENT DETAILS

Property Address	Encroachment Type	Area (Sqft)	Notes
2034 Oceanfront E	Hardscape/Stepping Stones	51	Lawn, ornamental shrubs and groundcover. Steppingstones.
	Lawn	358	
	Ornamental Shrub/Groundcover	222	
Total Encroachment (sqft)		631	
2038 Oceanfront E	No Encroachment	0	No encroachment.
Total Encroachment (sqft)		0	
2042 Oceanfront E	Hardscape/Stepping Stones	135	Brick patio. Ornamental groundcover. LOCATION TO BE CONFIRMED WITH FUTURE SURVEY. REMOVAL TO BE COORDINATED WITH PROPERTY OWNER.
	Ornamental Shrub/Groundcover	301	
Total Encroachment (sqft)		436	
2046 Oceanfront E	Hardscape/Stepping Stones	17	Extensive lawn and irrigation system. Ornamental groundcovers. Small hardscape pad.
	Lawn	1454	
	Ornamental Shrub/Groundcover	509	
Total Encroachment (sqft)		1980	
2050 Oceanfront E	Lawn	2273	Extensive lawn and irrigation system. Ornamental groundcovers.
	Ornamental Shrub/Groundcover	102	
Total Encroachment (sqft)		2374	
2054 Oceanfront E	Lawn	599	Lawn or grasslike ornamental groundcover. Ornamental palms.
	Ornamental Shrub/Groundcover	32	
	Ornamental Tree	2	
Total Encroachment (sqft)		633	
2060 Oceanfront E	Lawn	287	Lawn or grasslike ornamental groundcover. Ornamental palm.
	Ornamental Shrub/Groundcover	145	
	Ornamental Tree	10	
Total Encroachment (sqft)		443	
City - M Street	Ornamental Shrub/Groundcover	361	
Total Encroachment (sqft)		361	
M Street to Channel Road			
2100 Oceanfront E	Ornamental Shrub/Groundcover	446	Ornamental shrubs and aloes. Palm tree.
Total Encroachment (sqft)		446	
2104 Oceanfront E	Hardscape/Stepping Stones	42	Steppingstones. Lawn, and ornamental goundcover. Two palm trees.
	Lawn	608	
	Ornamental Shrub/Groundcover	134	
	Ornamental Tree	34	
Total Encroachment (sqft)		818	

APPENDIX A
PENINSULA POINT ENCROACHMENT DETAILS

Property Address	Encroachment Type	Area (Sqft)	Notes
2108 Oceanfront E	Lawn	1167	Lawn. Irrigation system. Ornamental shrubs.
	Ornamental Shrub/Groundcover	256	
Total Encroachment (sqft)		1423	
2112 Oceanfront E	Ornamental Shrub/Groundcover	130	Mixed ornamental shrubs and aloes.
Total Encroachment (sqft)		130	
2116 Oceanfront E	Ornamental Shrub/Groundcover	47	Ornamental shrubs and aloes. May be escaped ornamentals.
Total Encroachment (sqft)		47	
2120 Oceanfront E	Hardscape/Stepping Stones	9	Small wood plank.
Total Encroachment (sqft)		9	
2124 Oceanfront E	No encroachment	0	No encroachment.
Total Encroachment (sqft)		0	
2128 Oceanfront E	Ornamental Shrub/Groundcover	25	Ornamental shrub.
Total Encroachment (sqft)		25	
2132 Oceanfront E	No Encroachment	0	No encroachment.
Total Encroachment (sqft)		0	
2140 Oceanfront E	Lawn	1877	Lawn, irrigation system, header board. Ornamental hedge.
	Ornamental Shrub/Groundcover	226	
Total Encroachment (sqft)		2103	
2144 Oceanfront E	Lawn	1009	Lawn, irrigation system.
Total Encroachment (sqft)		1009	
2148 Oceanfront E	Lawn	994	Irrigation system. Lawn. Two palm trees.
	Ornamental Tree	29	
Total Encroachment (sqft)		1024	
2152 Oceanfront E	Lawn	882	Palm tree, ornamental shrubs and lawn. Irrigation system.
	Ornamental Tree	14	
Total Encroachment (sqft)		896	
2156 Oceanfront E	Lawn	853	Irrigation system. Lawn. Ornamental groundcovers.
	Ornamental Shrub/Groundcover	306	
Total Encroachment (sqft)		1159	
2160 Oceanfront E	No Encroachment	0	Ornamental groundcover. Palm tree.
Total Encroachment (sqft)		0	

APPENDIX A
PENINSULA POINT ENCROACHMENT DETAILS

Property Address	Encroachment Type	Area (Sqft)	Notes
2166 Oceanfront E	Hardscape/Stepping Stones	205	Extensive ornamental shrubs, succulents, and groundcovers. Stepping stones, irrigation, and lighting.
	Ornamental Shrub/Groundcover	3016	
Total Encroachment (sqft)		3221	
2168 Oceanfront E	Ornamental Shrub/Groundcover	317	Ornamental shrubs. Steppingstones.
Total Encroachment (sqft)		317	
2172 Oceanfront E	Hardscape/Stepping Stones	118	Ornamental shrubs and grasses. Steppingstones.
	Ornamental Shrub/Groundcover	715	
Total Encroachment (sqft)		833	
City - Channel Road	Ornamental Shrub/Groundcover	198	
Total Encroachment (sqft)		198	
Total Encroachment (sqft)		53859	
Total Encroachment (acres)		1.24	
Resident Encroachments (sqft)		51875	
Resident Encroachments (acres)		1.19	
City Encroachments (sqft)		1984	
City Encroachments (Acres)		0.05	

APPENDIX B
PENINSULA POINT - ICEPLANT AND ESCAPED ORNAMENTALS/WILDLAND WEEDS

Property Address	Iceplant and Wildland Weeds/Escaped Ornamental	Type	Area (Sqft)
West of F Street			
1319 Balboa Blvd E	Iceplant		2107
	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	156
1320 Oceanfront E	Iceplant		389
1322 Oceanfront E	No Iceplant		0
1324 Oceanfront E	Iceplant		307
City F Street	No Iceplant		0
F Street to G Street			
1350 Oceanfront E	No Iceplant		0
1354 Oceanfront E	No Iceplant		0
	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	749
1358 Oceanfront E	No Iceplant		0
	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	187
107 G St.	Iceplant		39
	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	135
1400 Oceanfront E	Iceplant		652
	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	230
1412 Oceanfront E	No Iceplant		0
City G Street	Iceplant		758
G Street to I Street			
1500 Oceanfront E	Iceplant		1940
1504 Oceanfront E	Iceplant		175
1510 Oceanfront E	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	99
1514 Oceanfront E	Iceplant		71
1516 Oceanfront E	Iceplant		30
1520 Oceanfront E	Iceplant		1367
1526 Oceanfront E	Iceplant		665
1528 Oceanfront E	Iceplant		4
1540 Oceanfront E	Iceplant		3226
1550 Oceanfront E	No Iceplant		0
	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	36
1554 Oceanfront E	Iceplant		616
	Wildland Weeds/Escaped Ornamental	Lawn	42
1556 Oceanfront E	No Iceplant		0
	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	8
1560 Oceanfront E	Iceplant		43
1564 Oceanfront E	No Iceplant		0
1570 Oceanfront E	Iceplant		434
1572 Oceanfront E	Iceplant		532
1576 Oceanfront E	Iceplant		295
1580 Oceanfront E	Iceplant		978
	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	35
City - I Street	Iceplant		1188

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Appendix A - Exhibit B

APPENDIX B
PENINSULA POINT - ICEPLANT AND ESCAPED ORNAMENTALS/WILDLAND WEEDS

Property Address	Iceplant and Wildland Weeds/Escaped Ornamental	Type	Area (Sqft)
I Street to L Street			
1700 Oceanfront E	No Iceplant		0
1706 Oceanfront E	No Iceplant		0
1712 Oceanfront E	No Iceplant		0
1714 Oceanfront E	No Iceplant		0
1718 Oceanfront E	No Iceplant		0
1722 Oceanfront E	No Iceplant		0
1724 Oceanfront E	No Iceplant		0
1730 Oceanfront E	Iceplant		664
	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	15
1740 Oceanfront E	Iceplant		132
1744 Oceanfront E	Iceplant		188
1750 Oceanfront E	Iceplant		303
	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	11
1752 Oceanfront E	Iceplant		819
	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	39
2000 Oceanfront E	Iceplant		91
2004 Oceanfront E	Iceplant		1279
2008 Oceanfront E	Iceplant		820
2016 Oceanfront E	Iceplant		3257
2020 Oceanfront E	Iceplant		1413
2026 Oceanfront E	No Iceplant		0
2030 Oceanfront E	Iceplant		227
	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	148
2034 Oceanfront E	Iceplant		363
2038 Oceanfront E	Iceplant		247
2042 Oceanfront E	Iceplant		1091
2046 Oceanfront E	Iceplant		621
2050 Oceanfront E	Iceplant		416
2054 Oceanfront E	Iceplant		917
	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	4
	Wildland Weeds/Escaped Ornamental	Ornamental Tree	31
2060 Oceanfront E	Iceplant		684
	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	63
City M Street	Iceplant		1950
M Street to Channel Road			
2100 Oceanfront E	Iceplant		1696
	Wildland Weeds/Escaped Ornamental	Ornamental Tree	21
2104 Oceanfront E	Iceplant		439
2108 Oceanfront E	Iceplant		22
2112 Oceanfront E	Iceplant		939
2116 Oceanfront E	Iceplant		707
2120 Oceanfront E	Iceplant		435
	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	17

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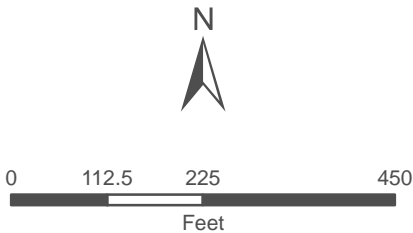
Appendix A - Exhibit B

APPENDIX B
PENINSULA POINT - ICEPLANT AND ESCAPED ORNAMENTALS/WILDLAND WEEDS

Property Address	Iceplant and Wildland Weeds/Escaped Ornamental	Type	Area (Sqft)
2124 Oceanfront E	No Iceplant		0
2128 Oceanfront E	No Iceplant		0
2132 Oceanfront E	Iceplant		507
2140 Oceanfront E	Iceplant		62
2144 Oceanfront E	Iceplant		620
2148 Oceanfront E	Iceplant		273
2152 Oceanfront E	No Iceplant		0
2156 Oceanfront E	No Iceplant		0
2160 Oceanfront E	Wildland Weeds/Escaped Ornamental	Ornamental Shrub/Groundcover	486
	Wildland Weeds/Escaped Ornamental	Ornamental Tree	15
2166 Oceanfront E	No Iceplant		0
2168 Oceanfront E	Iceplant		1670
2172 Oceanfront E	Iceplant		1397
	Wildland Weeds/Escaped Ornamental	Ornamental Tree	27
City - Channel Road	Iceplant		35
Total Iceplant/Wildland Weeds/Escaped Ornamental (sqft)			42651
Total Iceplant/Wildland Weeds/Escaped Ornamentals (acres)			0.98



-  Native Seed Application Zone (Encroachment Removal Areas - 53,859 sqft/1.24 ac.)
-  Native Container Planting Zone (Iceplant Removal Areas - 42,651 sqft/0.98 ac.)



**PENINSULA POINT ENROACHMENT
REMOVAL AND REPLACEMENT PLAN**

Revegetation Map

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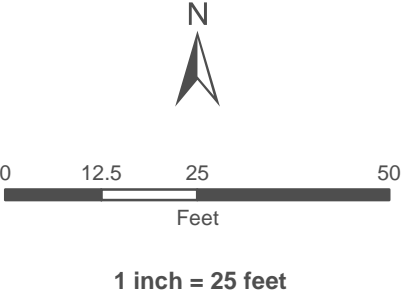


Exhibit 6

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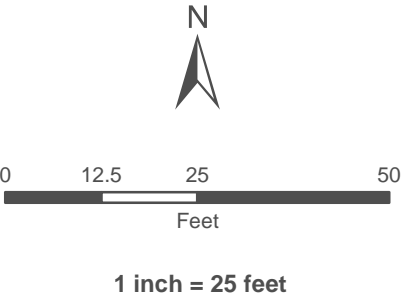


- Parcel Boundary
 - Phase 1 - Encroachment Removal**
 - Hardscape/Stepping Stones
 - Lawn
 - Ornamental Shrub/Groundcover
 - Ornamental Tree
 - Wildland Weeds/Escaped Ornamental
 - City Restoration Area*
 - Phase 2 - Iceplant Removal**
 - Iceplant
- *Areas labelled "City Restoration Area" are not associated with any private residence address, but will be subject to removal and restoration activity by the City



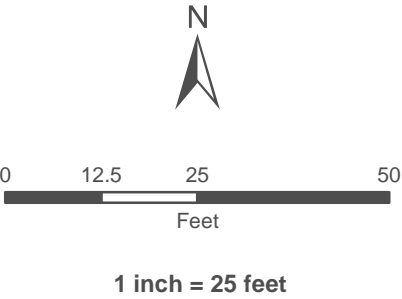


- Parcel Boundary
- Phase 1 - Encroachment Removal**
- Hardscape/Stepping Stones
 - Lawn
 - Ornamental Shrub/Groundcover
 - Ornamental Tree
 - Wildland Weeds/Escaped Ornamental
 - City Restoration Area*
- *Areas labelled "City Restoration Area" are not associated with any private residence address, but will be subject to removal and restoration activity by the City
- Phase 2 - Iceplant Removal**
- Iceplant





- Parcel Boundary
- Phase 1 - Encroachment Removal**
- Hardscape/Stepping Stones
 - Lawn
 - Ornamental Shrub/Groundcover
 - Ornamental Tree
 - Wildland Weeds/Escaped Ornamental
 - City Restoration Area*
- *Areas labelled "City Restoration Area" are not associated with any private residence address, but will be subject to removal and restoration activity by the City
- Phase 2 - Iceplant Removal**
- Iceplant



**PENINSULA POINT ENCROACHMENT
REMOVAL AND REPLACEMENT PLAN**

East of G Street

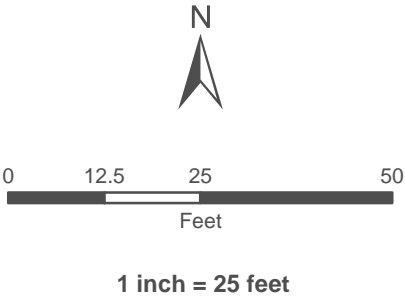
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CCC-20-AP-02

Appendix A -Exhibit D



- Parcel Boundary
- Phase 1 - Encroachment Removal**
 - Hardscape/Stepping Stones
 - Lawn
 - Ornamental Shrub/Groundcover
 - Ornamental Tree
 - Wildland Weeds/Escaped Ornamental
- City Restoration Area***
*Areas labelled "City Restoration Area" are not associated with any private residence address, but will be subject to removal and restoration activity by the City
- Phase 2 - Iceplant Removal**
 - Iceplant



**PENINSULA POINT ENCROACHMENT
REMOVAL AND REPLACEMENT PLAN**

West of M Street

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Appendix A -Exhibit D

