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STAFF REPORT: REGULAR CALENDAR

Map Adoption No.: MA-2014-001

Local Government: County of Los Angeles

Local Government Staff: Richard J. Bruckner, Director
Department of Regional Planning

Location: Coastal Zone area within Los Angeles County's Santa Monica Mountains LCP Segment.

Map Description: Draft Post-LCP Certification Permit and Appeal Jurisdiction Maps, prepared by staff to depict the geographic areas where the Commission retains permit authority and where appeals of local government coastal development permit approvals are allowed within Los Angeles County's Santa Monica Mountains LCP Segment.

Staff Recommendation: Approval

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission **approve** the draft maps prepared by staff, which show the geographic areas where the Commission retains permit authority pursuant to California Coastal Act Sections 30519(b) and where appeals of Los Angeles County coastal development permit approvals are allowed pursuant to Coastal Act Section 30603(a)(1) and (2).

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EXHIBITS

Exhibit 1 – Los Angeles County Location Map

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Exhibit 3 – Draft Post-LCP Certification Permit and Appeal Jurisdiction Maps

Exhibit 4 – Portion of existing Coastal Zone Boundary map 134 showing parcels affected by
MBA#2014-001

I. RECOMMENDED MOTION AND RESOLUTION

MOTION:

*I move that the Commission **approve** the draft Los Angeles County Post-LCP Certification Permit and Appeal Jurisdiction Maps prepared by staff for MA-2014-001 pursuant to the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in approval of the draft Los Angeles County Post-LCP Certification maps for the Santa Monica Mountains LCP segment and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION:

The Commission hereby approves Map Adoption MA-2014-001 and adopts the findings set forth below on grounds that the draft maps depict the areas where the Commission retains permit authority pursuant to Coastal Act Section 30519(b), and where appeals of County of Los Angeles coastal development permits are allowed pursuant to Coastal Act Section 30603(a)(1) and (a)(2).

II. STAFF NOTE

Between 1979 and the present the Commission has adopted approximately 75% of the Post-LCP Certification Permit and Appeal Jurisdiction maps for California's 61 coastal cities and 80% of the maps for the 15 coastal counties, respectively. Most jurisdictions without adopted maps, such as Los Angeles County require adoption in conjunction with Commission actions to certify the LCP.¹ After the initial adoption, map revisions can be made from time to time, to incorporate updates that reflect changing conditions in the Coastal Zone environment upon which the boundaries are based, and to make corrections or refinements made possible by the use of more accurate data and modern mapping technology. The timing of revisions to a city or county's Post-LCP Certification Maps is usually coordinated with Local Coastal Program updates.

The use of geographic information system (GIS) software is presently an integral part of the map adoption, revision, and update process underway throughout the Coastal Zone, and maps that the Commission adopts through these actions will be distributed primarily in digital form in order to allow the widest possible use of consistent, official information within the Coastal Zone community. In addition to these maps prepared for Los Angeles County, the staff is also currently working to finalize "GIS-based" draft post LCP Certification maps for a number of other jurisdictions (most notably, the cities of Del Mar, San Diego, and Chula Vista, and counties of Marin and Sonoma) in preparation for their adoption at future Coastal Commission meetings.

¹ Los Angeles County's LCP for the Santa Monica Mountains segment was certified by the Commission on July 10, 2014.

III. BACKGROUND

After the Commission certifies a local government's LCP, permit authority within that jurisdiction is delegated to the local government. However, pursuant to relevant provisions of Section 30519(b) and Section 30613 of the Coastal Act, the Commission retains permit authority after LCP certification over developments occurring on tidelands, submerged lands, and public trust lands, and may transfer permit authority to the local government for public trust lands that are determined by the Commission to be filled, developed, and committed to urban uses.²

In addition to the Commission's retained permit jurisdiction, Section 30603 of the Coastal Act defines certain areas and types of development for which approvals by the local government may be appealed to the Commission. Geographic appeal jurisdiction is retained, for example, on lands within 100 feet of streams or wetlands, lands subject to the public trust that are no longer within the Commission's retained jurisdiction, lands within 300 feet of coastal bluffs, beaches, or Mean High Tide Line (MHTL), and lands between the sea and the First Public Road Paralleling the Sea (FPR).

The Commission's administrative regulations (14 CCR Section 13576) provide that a map, or maps, portraying the areas of continuing Commission permit and appeal jurisdiction be adopted in conjunction with the final LCP certification. An update procedure is also described and provides the basis for revision and re-adoption of maps by the Commission. Within these regulations is implicit the idea that, while the adopted maps should portray the various jurisdiction boundaries as accurately as possible, they remain only a depiction, a cartographic representation and not a definition of the Commission's jurisdiction, and should not be used on their own without field determination procedures to establish a precise boundary location. Conditions on the ground may change, and thus conditions on the ground control permit and appeal jurisdiction boundary location regardless of how accurate the mapped boundary may be at this time.

During formulation of the regulations governing the delineation of post-LCP Certification jurisdiction areas, the Commission also recognized that the diversity and complexity of the Coastal Zone is such that a literal interpretation of the FPR definition could result in the inclusion of large areas within the Commission's Post-LCP Certification appeal jurisdiction in which the grounds for appeal set forth in Coastal Act Section 30603(b) may not be an issue. The regulations therefore provide that the Commission may evaluate these areas and limit the effect of designating the FPR to the area in which the grounds for appeal specified in Coastal Act Section 30603(b) are clearly an issue.

² The County of Los Angeles has not requested that the Commission transfer permit authority for any filled, former tidelands located within the Santa Monica Mountains LCP segment.

IV. FINDINGS AND DECLARATIONS

A. PREVIOUS LOS ANGELES COUNTY POST –LCP CERTIFICATION MAPS

During the late 1970's and early 1980's the Commission's Technical Services Division began a project to complete Draft Post-LCP Certification Permit and Appeal Jurisdiction maps for all local governments within or partly within the Coastal Zone. The first effort consisted of producing a set of 161 draft maps using the United States Geological Survey (USGS) 7.5 minute quadrangle base (scale 1:24,000 or 1 inch equals 2000 feet), which was completed in 1981. The primary purpose of this project was to provide a consistent, *statewide* view of the *draft* permit and appeal boundaries for review by the local government staff, Commission staff, and other interested parties. It was fully anticipated that these maps would be reviewed and revised or refined, as indicated by the map notes and general correspondence sent out with maps for review. The area of the Coastal Zone within the Los Angeles County Santa Monica Mountains LCP Segment was covered by map sheets 133-136, the Triunfo Pass, Point Dume, Malibu Beach, and Topanga quadrangles, and was completed in mid-1980. Copies of these regional 7.5-minute quadrangle-scale draft maps were subsequently distributed for review to the Regional Coastal Commission offices³ and Los Angeles County in the fall of 1980, however, without a corresponding LCP certification for this area, they have remained in draft status for 34 years.

B. COASTAL ZONE BOUNDARY

In item F21a, which is on the Commission's agenda immediately preceding this item, Commission staff recommends that the Commission approve a minor Coastal Zone Boundary adjustment affecting 19 parcels in the vicinity of Latigo Canyon Road. Should the Commission vote to make this adjustment, the Coastal Zone Boundary will shift landward on 16 of the parcels and seaward on the other three parcels. The Coastal Zone Boundary depicted on the draft Post LCP Certification maps in Exhibit 3 represents the Coastal Zone Boundary for the Santa Monica Mountains LCP segment of Los Angeles County including the minor boundary adjustment recommended by staff in item F21a. Commission staff recommends that the Commission adopt these maps and that they be transmitted to Los Angeles County as the adopted Post LCP Certification jurisdiction maps.

If, however, the Commission does not adopt the minor boundary adjustment recommended in Item F21a, staff recommends that the Commission instead adopt the maps depicted in Exhibit 3, but modified to include the unadjusted Coastal Zone Boundary in the vicinity of Latigo Canyon Road as it is depicted in Exhibit 4 of this staff report.

Coastal Zone Boundary Depicted on Post LCP Certification Permit and Appeal Jurisdiction Maps for the Santa Monica Mountains LCP Segment

In the areas of the Santa Monica Mountains LCP segment to east and to the west of the approximately 1400 foot long segment of Coastal Zone Boundary in MBA 2014-001, the Coastal

³ The former South Coast Regional Coastal Commission offices are now the South Coast District offices of the Coastal Commission. The Malibu/Santa Monica Mountains portion of Los Angeles County was made a part of the South Central District in 1994.

Zone Boundary depicted on the draft Post LCP Certification Permit and Appeal Jurisdiction maps being considered for adoption at the October 2014 Commission meeting reflects the Commission's current operative landward boundary of the Coastal Zone.

The Coastal Commission adopted this boundary in March of 1977 as a set of one hundred sixty-one 1:24,000 scale maps (1 inch equals 2000 feet) that were intended to be a conformed copy of the 1:62,500 scale maps adopted in 1976 by the state legislature. A 1978 Attorney General's opinion (63 Ops.Cal.Atty.Gen.107) confirmed that the maps rather than the generalized language in the Coastal Act defined the geographic extent of the Coastal Zone.

The legislature and the Commission, by adopting sets of maps to be the defining element for the Coastal Zone, created a situation requiring interpretation of the mapped jurisdiction boundary in order to establish its location relative to other boundaries and landscape features (roads, buildings, etc.). The Commission staff has used a system of interpretation conventions over the last 37 years to establish specific CZB locations.

The digital version of the Coastal Zone Boundary developed using modern mapping software during the recent years is a conformed copy of the official 1:24,000 scale boundary, and reflects legislative changes and Coastal Commission minor boundary adjustments made since March 1977. For CZB segments where a road or railroad right of way, a property boundary or other boundaries such as municipal boundaries, section lines, and land grants control the precise location of the CZB, digital lines representing the CZB were created using the most recent version of the County's GIS parcel layer and the State's California parcel dataset as a base. With the current, official 1:24,000 scale CZB maps as a reference, segments of CZB were "digitized" and aligned with parcel layer features (parcel boundaries, roads, city boundaries, etc.) that control the location of the boundary. For CZB segments where a road or railroad right of way, a property boundary or other boundaries such as municipal boundaries, section lines, and land grants do not control the precise location of the CZB, digital lines representing the CZB were created using georeferenced scans of the current adopted version of the 1:24,000 scale CZB maps. Segments of CZB were "digitized" along the landward edge of the delineated 1:24,000 scale CZB for all areas where the CZB meanders at varying distances from the shoreline, or along, around, adjacent to, or offset from coastal topographic features such as ridgelines, bays, lagoons, and estuaries, to a maximum of five miles inland from the MHTL. This latter approach is most typical of CZB segments in the Santa Monica Mountains

All of these various digital CZB segments are intended to follow the delineated features that form their basis, however, it is understood that they remain cartographic depictions and are therefore not intended to represent a set of surveyed boundaries. They were prepared with all of the care and precision required for creating thematic boundaries and maps intended for use in the planning and regulatory work of the Coastal Commission. The accuracy of the boundary segment locations is ultimately dependent on the positional accuracy of features and boundaries in the County's parcel layer, USGS quads, possible geometry errors that could affect the transformation or "georeferencing" process necessary to overlay boundaries from two different maps, and changes in the coordinate system or map projection used in creating the map. The segments of

boundary created in this process are not intended to replace or eliminate the potential need for a formal Coastal Zone boundary determination made by the Commission.

Coastal Zone Boundary Interpretations

The original hand drawn Coastal Zone Boundary adopted by the Commission in March 1977 was approximately 80 feet wide due to the thickness of the inked line depicted on the original maps. As the Coastal Zone Boundary is “digitized,” the line delineating the landward edge of the Coastal Zone captured in a manner so as to follow the inland, or landward side of the inked boundary depicted on the 1977 maps. This can create some confusion in areas where the Coastal Zone does not follow a defined feature like a road or railroad right-of-way. Los Angeles County raised concerns about a number of parcels that it believed were newly bisected by the Coastal Zone Boundary when it reviewed Commission staff’s draft maps. Commission staff reviewed each of these parcels, as described below.

In reviewing the digital Coastal Zone Boundary in the area west of Latigo Canyon Road, the County identified one parcel (APN 4472-003-025) east of the Los Angeles/Ventura County boundary as a privately owned parcel adjacent to and possibly bisected by the Coastal Zone Boundary. Commission staff has examined the boundary at this location and determined the subject parcel to be adjacent to, but entirely landward of the boundary, which follows the Etz-Meloy Motorway through this area.

In the area immediately to the east of the Latigo Canyon Road minor boundary adjustment area, The Coastal Zone Boundary follows an unnamed fire road as it trends northeasterly a distance of approximately five miles from the shoreline. The County identified two parcels at this location (APN’s 4464-017-009 and 010) as privately owned parcels adjacent to and possibly bisected by the Coastal Zone Boundary. Commission staff has examined the boundary at this location and also determined both of these parcels to be adjacent to, but entirely landward of the boundary.

Further to the east where the Coastal Zone Boundary crosses Mulholland Highway, the county identified four privately owned parcels adjacent to and possibly bisected by the Coastal Zone Boundary (APN’s 4455-011-020, 4455-046-001, 4455-037-012, and 4455-037-013). Commission staff has examined the boundary at this location and also determined that three of these four parcels are adjacent to, but entirely landward of the boundary, which is approximately five miles from the shoreline in this area. Because the fourth parcel (APN 4455-011-020) is bisected by the CZB in a manner such that the width of the inked boundary on the official hand drawn boundary map obscures the property boundary, the staff has also interpreted the digital CZB location to be along the seaward boundary of this property so that it is entirely outside the Coastal Zone.

In the areas west of Old Topanga Road and Topanga Skyline Drive a similar situation exists involving four parcels, two of which are publicly owned (APN’s 4455-008-904 and 4436-005-901) and two of which are private (APN’s 4438-014-002 and 4438-014-004). The staff has also examined the boundary at this location and determined that all four of these parcels are bisected by the boundary, which is approximately five miles from the shoreline in this area. Because the

four parcels are each bisected by the CZB in a manner such that the width of the inked boundary on the official hand drawn boundary map obscures the property boundary, the staff has also interpreted the digital CZB location to be along the seaward boundary of these properties, so that they are all outside of the Coastal Zone.

The County identified one parcel west of Will Geer Road as a privately owned parcel adjacent to and possibly bisected by the Coastal Zone Boundary. The staff examined the boundary at this location and also determined that the subject parcel is bisected by the CZB in a manner such that the width of the inked boundary on the official hand drawn boundary map obscures the property boundary, therefore Commission staff has also interpreted the digital CZB location to be along the seaward boundary of this property.

In the area east of N. Topanga Canyon Road, along Callon Drive, and adjacent to Penny Road, the County identified 33 parcels, eight of which are publicly owned⁴ and 25 that are private.⁵ The staff has also examined the boundary in these locations and determined that all 33 parcels are bisected by the boundary, which is approximately five miles from the shoreline in this area. Because the 33 parcels are each bisected by the CZB in a manner such that the width of the inked boundary on the official hand drawn boundary map obscures the property boundary, the staff has also interpreted the digital CZB location to be along the seaward boundary of these properties, as appropriate to maintain a consistency with previous boundary determinations and interpretation policy for these parcels.

In sum, Commission staff has examined each of the parcels that the County of Los Angeles was concerned was depicted in the digitized map as being bisected by the Coastal Zone Boundary, when it was less clear that they were bisected by the original inked maps. In the vast majority of these cases the parcels were only adjacent to the Coastal Zone Boundary or the portion of the property “bisected” by the new depiction of the Coastal Zone Boundary was within the width of the original inked Coastal Zone Boundary line, so Commission staff was able to determine that these parcels were entirely outside of the Coastal Zone.

C. COMMISSION RETAINED AND APPEALS JURISDICTION

The depiction of the Commission’s permit and appeal jurisdictions in the Santa Monica Mountains LCP segment presents several opportunities for clarification and perhaps explanatory discussion, but staff is not aware of any significant areas of controversy affecting the recommendation to adopt the maps at this time. Commission staff has reviewed the revised post-LCP Certification maps and jurisdictional boundaries with both regional planning and GIS staff of the County and consulted with the staff of the State Lands Commission about tidelands located along this stretch of coastline within the two sections of the segment that have shoreline or estuarine character. A number of the areas have been inspected in the field. The Coastal Zone is relatively wide in this part of Los Angeles County, with the landward boundary extending inland a maximum of five miles from the Mean High Tide Line (MHTL), except where

⁴ APN’s 4441-027-902, 906, 907, 909, and 4442,-018-908, and 909, 4442-017-901, and 909

⁵ APN’s 4441-008-002, 003, and 010, 4441-011-002, 003, 004, 005, 007, 008, and 014, 4441-013-001, 009, 4441-015-019, 4441-027-006, 007, 012, 016, and 017, 4442-009-002, 4442-016-044, 4442-017-012, 013, 022, 025, 4442-018-012

following property boundaries, certain roads or where Commission-approved minor boundary adjustments (MBA 3-1983 and MBA 1-1986) have modified the boundary. The Coastal Commission's retained permit jurisdiction consists entirely of lands seaward of the MHTL and public trust lands, whether filled or unfilled. Its appeal jurisdiction boundary encompasses lands seaward of the FPR and in areas to the north or inland of the FPR the appeals jurisdiction may be located 300 feet from the MHTL, 300 feet from the inland extent of the beach, 300 feet from top of coastal bluffs, and also 100 feet from the upland boundaries of wetlands and streams. The route of the designated FPR is set forth in the section entitled: **First Public Road Description**.

As mentioned earlier in the **Background** section, while the maps portray the various jurisdiction boundaries as accurately as possible, they remain only a depiction, a cartographic representation, and not a definition of the Commission's jurisdiction, and should not be used on their own without field determination procedures to establish a precise boundary location. Conditions on the ground may change, and thus conditions on the ground control permit and appeal jurisdiction boundary location regardless of how accurate the mapped boundary may be at this time.

Permit Jurisdiction

Geographically, the Commission's original permit jurisdiction includes tidelands, submerged lands, and specific upland areas that are lands where the Public Trust exists⁶. The primary sources for determining the Commission's continuing permit jurisdiction in the County of Los Angeles are the contemporary USFWS National Wetland Inventory dataset covering this area; vertical and oblique coastal aerial photography; and maps 133 through 136 (Triunfo Pass, Point Dume, Malibu Beach, and Topanga quadrangles, scale 1:24,000) from the map set showing potential public trust lands prepared for the Coastal Commission by the State Lands Commission staff in the late 1970's using, among other sources, tide and submerged land grant documents and historical US Coast Survey (now known as the National Geodetic Survey) topographic maps from the 19th century.

The State Lands Commission maps and other documents and information were analyzed to establish the public trust component, when that was the controlling permit boundary criterion. Given the complexity involved in precisely mapping public trust boundaries, however, it is evident that the permit boundary delineation on these maps may or may not include all areas subject to the trust. Should additional public trust lands be identified in the future, those lands would be part of the Commission's retained permit jurisdiction. Questions regarding the exact location and extent of public trust lands must be referred to the State Lands Commission for determination.

⁶ Tidelands, the first component of the Commission's retained permit jurisdiction, are lands lying between the lines of mean high tide and mean low tide. The Mean High Tide Line (MHTL) is the landward tidelands boundary, an ambulatory boundary that moves with changes in the profile of the shoreline, particularly in sandy beach areas. The MHTL is and has been used by the U.S. Supreme Court, the California Supreme Court, federal and state courts, the state legislature, state regulatory and administrative agencies, and local governments as the boundary between public tidelands and private uplands.

The location of the fluctuating Mean High Tide Line is determined by establishing the intersection of the shore with the plane (elevation) of Mean High Water as calculated by the National Geodetic Survey for a particular location. Surveys can be performed to establish MHTL or tidelands locations. The State Lands Commission, as administrator of California's tidelands, can and does perform such surveys.

Review of the above-referenced source materials indicates that the Commission's continuing permit jurisdiction in the County of Los Angeles Santa Monica Mountains LCP Segment exists primarily on lands lying below the MHTL along the open coast. For the purposes of the Post-LCP Certification map proposed for adoption by the Commission for this segment of the County's Coastal Zone, the landward boundary of the Commission's retained permit jurisdiction has been drawn to include a combination of the potential public trust boundary as it is shown on the USGS 7.5 minute Triunfo Pass, Point Dume, Malibu Beach, and Topanga quadrangles (scale 1:24,000), the inland extent of the active beach and estuarine intertidal zones as mapped by the US Fish and Wildlife Service in its National Wetlands Inventory (NWI), and as shown in the aerial images of the County for the area located east and west of the City of Malibu (**See Exhibit 3**).

Appeal Jurisdiction

As with all other coastal counties, the appeal jurisdiction boundary in Los Angeles County's Santa Monica Mountains LCP segment is mapped according to the geographic criteria specified in Section 30603(a) of the Coastal Act, and further defined in the Commission's regulations at 14 CCR Section 13577. The appeal area is also shown in Exhibit 3. Because the Coastal Zone is relatively wide here compared to other locations, and the pattern of development is influenced by the area's complicated geography, Highway One, the designated First Public Road, is a controlling boundary criterion along the shoreline portion of the LCP Segment. Where Highway One is nearer than 300 feet from the MHTL or is built directly adjacent to the inland extent of the beach, or where the coastal bluff face is directly inland of the highway, the appeal boundary is 300 feet inland from the landward extent of the beach or 300 feet inland from the top of the coastal bluff, whichever applies. In addition, there are considerable stream and wetland appeal areas north of the highway where the appeals jurisdiction boundary is located 100 feet from the top of the stream channel or 100 feet landward from the upland limit of a wetland.⁷

Stream Appeal Areas

The Coastal Act specifies that, after LCP certification, developments approved by a local government within 100 feet of *any* stream are appealable. 14 CCR Section 13577(a) further specifies boundary determination criteria to be used in mapping stream appeal areas, including not only *how* to determine the appeal boundary location, but also *which* streams to identify and map. The regulation language, crafted in the early 1980's, essentially states that any stream mapped by the USGS on its standard 7.5 minute topographic quadrangle series, or any stream identified in a city or county's local coastal program would be mapped with an adjacent 100 foot appeal area.

In the current milieu there are several important concerns regarding the use of this nearly thirty-five year old language built into the Commission's mapping regulations. The most important is that the USGS itself has ceased maintaining this series of maps as the agency has moved towards the use of more modern digital mapping technology.⁸ As a result, the features such as shorelines,

⁷ See Coastal Act Section 30603(a)(1), and 14 CCR Section 13577(a) through Section 13577(i).

⁸ For purposes of stream identification, these maps were replaced by the USGS National Hydrography Dataset.

beaches, roads, *and streams* depicted on these maps show conditions as they existed 20 to 30 years ago, and do not reflect changes that have occurred naturally or as a result of human activity. Since current conditions on the ground dictate where the stream appeal boundary should be drawn the USGS quads have now lost much of their intended value as a source of consistent, up to date information regarding streams.

Fortunately, there are many local governments, including Los Angeles County, that have identified stream resources as part of developing an LCP for their respective segments of Coastal Zone jurisdiction using other more current comprehensive sources of stream data such as the USGS National Hydrography Dataset (NHD) and the National Wetlands Inventory (NWI) that provide overlap with the more outdated USGS streams. Where local governments (such as Los Angeles County) have integrated NWI and/or NHD into their LCP's, the Commission can easily map the appropriate stream appeal areas consistent with its regulations.

First Public Road Paralleling the Sea (FPR)

The language of 14 CCR Section 13577(i)(1) was intended to ensure that the designated FPR extends inland around water bodies that are considered the “sea” as defined by Coastal Act Section 30115. The Coastal Commission’s regulations provide that in order for a road to qualify as the FPR, it must be a road that “does in fact connect with other public roads providing a continuous public access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.” *See* 14 CCR Section 13577(i)(1)(E). The appeal jurisdiction boundary, where based on the FPR, is aligned along the inland, or landward right of way boundary.

First Public Road Description

The series of roadways and streets within Los Angeles County’s Santa Monica Mountains LCP Segment listed below and shown as a component of the Commission’s appeal jurisdiction boundary on the attached Exhibit 3, constitute the current route of the FPR for purposes of Coastal Act Sections 30600.5, 30601, 30603, 30115, and all other applicable Coastal Act provisions. This system of coastal roadways and streets is consistent with, and meets the criteria set forth in 14 CCR Section 13577, in particular Section 13577(i).

The FPR within the Santa Monica Mountains LCP segment has two components, both following Pacific Coast Highway (PCH).⁹ The first segment begins at the Ventura/Los Angeles County line and extends east along the northern right of way of PCH to the western boundary of the City of Malibu. The second segment begins at the eastern boundary of the City of Malibu and continues eastward along the northern right of way of PCH to its intersection with the western boundary of the City of Los Angeles.

D. BISECTED PARCELS

In some areas a parcel is bisected by the appeal jurisdiction boundary. All development proposed within the area defined as appealable is subject to the Commission’s appellate jurisdiction. In

⁹ State Highway One is known as PCH in this part of Southern California’s Coastal Zone.

addition, if a development is proposed partly on the portion of the parcel that forms the basis for geographic appeal jurisdiction, and partly on the remainder of the parcel, and the Commission finds that the portion of the project within its appeals jurisdiction raises a substantial issue, then it will consider the project *de novo*. The Commission's *de novo* review is of the entire project approved by the local government, including the development authorized in the permit that is outside the appeals jurisdiction.

E. DRAFT MAP REPRODUCTION

Due to the cost of reproduction, paper copies of the map legend sheet (Exhibit 2) and the large scale map sheets (Exhibit 3) are not mailed to Coastal Commissioners and other interested persons who receive the report digitally via the Commission's public website. Printed copies of Exhibits 2 and 3 are available for review at the County of Los Angeles, and at the Coastal Commission's offices in San Francisco and Ventura. Full-size maps will also be available for review at the October 8-10, 2014 Commission meeting in Newport Beach.

F. DRAFT MAP LEGEND AND MAP NOTES

One of the elements of the Commission's transition to using GIS technology is the use of standardized base maps, boundary symbols, and map notes. In order to maintain consistency throughout the Coastal Zone, Post LCP Certification Jurisdiction boundaries have been developed using the Coastal Zone portions of the fifteen coastal counties as the basic unit. Accordingly, the Map Legend (Exhibit 2) includes all of the possible types of boundary and area symbols that may occur within any given County, while the draft map itself will include only those types of jurisdiction found within that area. In addition, the use of coastal counties as the basic geographic unit means that the maps may depict jurisdiction areas outside of the area for which a particular map adoption is occurring. In the case of the County's Santa Monica Mountains LCP segment, areas adjacent to, but located south of the segment within the City of Malibu, and east of the segment within the City of Los Angeles, are not affected by the Commission's action to adopt the map for the Santa Monica Mountains segment. Post LCP Certification maps for the City of Malibu were adopted by the Commission on September 13, 2002. Post LCP Certification maps for the City of Los Angeles have not yet been adopted.

Appendix A – List of Substantive File Documents

- National Wetland Inventory Digital Data, U.S. Fish & Wildlife Service, October 2013.
- Potential Public Trust Land Maps, (Triunfo Pass, Point Dume, Malibu Beach, and Topanga Quadrangles), California State Lands Commission, 1979.
- U.S. Coast Survey Historical Topographic Maps, T-702 (1857), T-703 (1857), and T-1432a (1877), NOAA, 2000.
- National Ocean Survey (NOS) Shoreline Manuscript Maps, TP-00782, TP-00783, and TP-00784 (1976), NOAA, 2000.
- Coastal Commission 1: 12,000-scale vertical aerial photography 1970-2001.
- California Coastal Records Project, 2010-2014.
- U.S. Geological Survey (USGS) 7.5 Minute Series Topographic Maps, (Triunfo Pass, Point Dume, Malibu Beach, and Topanga Quadrangles), USGS, 1950, (revised 1991-94).

Appendix B – Relevant California Public Resources Code Sections

30519 (a) Except for appeals to the commission, as provided in Section 30603, after a local coastal program, or any portion thereof, has been certified and all implementing actions within the area affected have become effective, the development review authority provided for in Chapter 7 (commencing with Section 30600) shall no longer be exercised by the commission over any new development proposed within the area to which the certified local coastal program, or any portion thereof, applies and shall at that time be delegated to the local government that is implementing the local coastal program or any portion thereof.

(b) Subdivision (a) shall not apply to any development proposed or undertaken on any tidelands, submerged lands, or on public trust lands, whether filled or unfilled, lying within the coastal zone, nor shall it apply to any development proposed or undertaken within ports covered by Chapter 8 (commencing with Section 30700) or within any state university or college within the coastal zone; however, this section shall apply to any development proposed or undertaken by a port or harbor district or authority on lands or waters granted by the Legislature to a local government whose certified local coastal program includes the specific development plans for such district or authority.

(c) The commission may, from time to time, recommend to the appropriate local government local coastal program amendments to accommodate uses of greater than local importance, which uses are not permitted by the applicable certified local coastal program. These uses may be listed generally or the commission may recommend specific uses of greater than local importance for consideration by the appropriate local government.

30603 (a) After certification of its local coastal program, an action taken by a local government on a coastal development permit application may be appealed to the commission for only the following types of developments:

(1) Developments approved by the local government between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance.

(2) Developments approved by the local government not included within paragraph (1) that are located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.

(3) Developments approved by the local government not included within paragraph (1) or (2) that are located in a sensitive coastal resource area.

(4) Any development approved by a coastal county that is not designated as the principal permitted use under the zoning ordinance or zoning district map approved pursuant to Chapter 6 (commencing with Section 30500).

(5) Any development which constitutes a major public works project or a major energy facility.

(b) (1) The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

(2) The grounds for an appeal of a denial of a permit pursuant to paragraph (5) of subdivision (a) shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies set forth in this division.

(c) Any action described in subdivision (a) shall become final at the close of business on the 10th working day from the date of receipt by the commission of the notice of the local government's final action, unless an appeal is submitted within that time. Regardless of whether an appeal is submitted, the local government's action shall become final if an appeal fee is imposed pursuant to subdivision (d) of Section 30620 and is not deposited with the commission within the time prescribed.

(d) A local government taking an action on a coastal development permit shall send notification of its final action to the commission by certified mail within seven calendar days from the date of taking the action.

30603.1 (a) In any city and county which so requests, the commission may adjust the inland boundary of the area within which the issuance of coastal development permits may be appealed to the commission pursuant to paragraph (1) of subdivision (a) of Section 30603. Any such adjustment shall be made solely to avoid the circumstance of having the boundary of that area bisect an individual parcel of property. The adjustment may be made landward or seaward, but shall be the minimum distance necessary, consistent with the policies of Chapter 3 (commencing with Section 30200), to avoid bisecting a parcel of property.

(b) If the commission subsequently finds that the circumstances which warranted a boundary adjustment pursuant to subdivision (a) have changed, it may, after notice to the city and county, readjust the boundary so that it is consistent with the changed circumstances. The requirements of subdivision (a) shall apply to any such boundary adjustment.

30613 (a) The provisions of subdivision (b) of Section 30519, subdivision (b) of Section 30600, and subdivision (b) of Section 30610.5, which apply to lands subject to the public trust shall not apply to any lands which may be subject to the public trust but which the commission, after consultation with the State Lands Commission, determines are (1) filled and developed and are (2) located in an area which is committed to urban uses.¹⁰

(b) No later than 120 days after receiving a request from a local government, the commission shall determine the lands within the jurisdiction of that local government to which the provisions of subdivision (a) apply.

(c) The provisions of this Section shall apply to lands which have been the subject of coastal development permits, local coastal programs, categorical exclusions or urban exclusions, which have previously been approved, authorized, or certified by the commission.

¹⁰ The Commission retains appeal jurisdiction over developments occurring on any areas transferred to the permit jurisdiction of the local government.)

Appendix C – Relevant California Code of Regulations Sections

§ 13576. Map(s) of Areas of Commission Permit and Appeal Jurisdiction.

(a) In conjunction with final Local Coastal Program certification or the delegation of coastal development permit authority pursuant to Public Resources Code Section 30600.5, whichever occurs first, the Commission shall, after public hearing, adopt a map or maps of the coastal zone of the affected jurisdiction that portrays the areas where the Commission retains permit authority pursuant to Public Resources Code Sections 30603 (a) (1) and (a)(2), or 30600.5 (d). These maps shall be drawn based on the criteria for permit and appeal boundary determinations, set forth in Section 13577 below, and will serve as the official maps of the Commission's permit and appeal jurisdiction. The Commission, in consultation with the local government, shall update these maps from time to time, where changes occur in the conditions on which the adopted maps were based, or where it can be shown that the location of the mapped boundary does not adequately reflect the intended boundary criteria. Revisions of the adopted maps shall be based on precise boundary determinations made using the criteria set forth in Section 13577. The revised maps shall be filed with the affected jurisdiction within 30 days of adoption by the Commission. In addition, each adopted map depicting the permit and appeal jurisdiction shall include the following statement:

"This map has been prepared to show where the California Coastal Commission retains permit and appeal jurisdiction pursuant to Public Resources Code Sections 30519(b), 30603(a)(1) and (a)(2) and 30600.5(d). In addition, development may also be appealable pursuant to Public Resources Code Sections 30603(a)(3), (a)(4), and (a)(5). If questions arise concerning the precise location of the boundary of any area defined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This plat may be updated as appropriate and may not include all lands where permit and appeal jurisdiction is retained by the Commission"

(b) In the case of local governments which have received Commission approval of their Phase III (implementation) Work Program and Budget prior to January 1, 1980, the permit and appeal area maps shall be adopted by the Commission prior to the certification becoming effective pursuant to Section 13547 of the Commission's regulations.

§ 13577. Criteria for Permit and Appeal Jurisdiction Boundary Determinations.

For purposes of Public Resources Code Sections 30519, 30600.5, 30601, 30603, and all other applicable provisions of the Coastal Act of 1976, the precise boundaries of the jurisdictional areas described therein shall be determined using the following criteria:

(a) Streams. Measure 100 feet landward from the top of the bank of any stream mapped by USGS on the 7.5 minute quadrangle series, or identified in a local coastal program. The bank of a stream shall be defined as the watershed and relatively permanent elevation or acclivity at the outer line of the stream channel which separates the bed from the adjacent upland, whether valley or hill, and serves to confine the water within the bed and to preserve the course of the

stream. In areas where a stream has no discernable bank, the boundary shall be measured from the line closest to the stream where riparian vegetation is permanently established. For purposes of this section, channelized streams not having significant habitat value should not be considered.

(b) Wetlands.

(1) Measure 100 feet landward from the upland limit of the wetland. Wetland shall be defined as land where the water table is at, near, or above the land surface long enough to promote the formation of hydric soils or to support the growth of hydrophytes, and shall also include those types of wetlands where vegetation is lacking and soil is poorly developed or absent as a result of frequent and drastic fluctuations of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate. Such wetlands can be recognized by the presence of surface water or saturated substrate at some time during each year and their location within, or adjacent to, vegetated wetlands or deep-water habitats. For purposes of this section, the upland limit of a wetland shall be defined as:

(A) the boundary between land with predominantly hydrophytic cover and land with predominantly mesophytic or xerophytic cover;

(B) the boundary between soil that is predominantly hydric and soil that is predominantly nonhydric; or

(C) in the case of wetlands without vegetation or soils, the boundary between land that is flooded or saturated at some time during years of normal precipitation, and land that is not.

(2) For the purposes of this section, the term "wetland" shall not include wetland habitat created by the presence of and associated with agricultural ponds and reservoirs where:

(A) the pond or reservoir was in fact constructed by a farmer or rancher for agricultural purposes; and

(B) there is no evidence (e.g., aerial photographs, historical survey, etc.) showing that wetland habitat pre-dated the existence of the pond or reservoir. Areas with drained hydric soils that are no longer capable of supporting hydrophytes shall not be considered wetlands.

(c) Estuaries. Measure 300 feet landward from the mean high tide line of the estuary. For

purposes of this section, an estuary shall be defined as a coastal water body, usually semi-enclosed by land, having open, partially obstructed, or intermittent exchange with the open ocean, and in which ocean water is at least occasionally diluted by freshwater from the land. The salinity level may be periodically increased to above that of the open ocean due to evaporation. The mean high tide line shall be defined as the statistical mean of all the high tides over the cyclical period of 18.6 years, and shall be determined by reference to the records and elevations of tidal benchmarks established by the National Ocean Survey. In areas where observations covering a period of 18.6 years are not available, a determination may be made based on observations covering a shorter period, provided they are corrected to a mean value by comparison with observations made at some suitably located control tide station.

(d) Tidelands. Tidelands shall be defined as lands which are located between the lines of mean high tide and mean low tide.

(e) Submerged Lands. Submerged lands shall be defined as lands which lie below the line of mean low tide.

(f) Public Trust Lands. Public Trust lands shall be defined as all lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation, and other public purposes. Public Trust lands include tidelands, submerged lands, the beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed, and which were subject to the Public Trust at any time.

(g) Beaches. Measure 300 feet landward from the inland extent of the beach. The back beach, or dry beach, if it exists, shall be included. The inland extent of the beach shall be determined as follows:

(1) from a distinct linear feature (e.g., a seawall, road, or bluff, etc.);

(2) from the inland edge of the further inland beach berm as determined from historical surveys, aerial photographs, and other records or geological evidence; or

(3) where a beach berm does not exist, from the further point separating the dynamic portion of the beach from the inland area as distinguished by vegetation, debris or other geological or historical evidence.

(h) Coastal Bluffs. Measure 300 feet both landward and seaward from the bluff line or edge. Coastal bluff shall mean:

(1) those bluffs, the toe of which is now or was historically (generally within the last 200 years) subject to marine erosion; and

(2) those bluffs, the toe of which is not now or was not historically subject to marine erosion, but the toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2).

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.

(i) First Public Road Paralleling the Sea.

(1) The "first public road paralleling the sea" means that road nearest to the sea, as defined in Public Resources Code Section 30115, which:

(A) is lawfully open to uninterrupted public use and is suitable for such use;

(B) is publicly maintained;

(C) is an improved, all-weather road open to motor vehicle traffic in at least one direction;

(D) is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and

(E) does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuaries, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline.

When based on a road designated pursuant to this section, the precise boundary of the permit and appeal jurisdiction shall be located along the inland right-of-way of such road.

(2) Whenever no public road can be designated which conforms to all provisions of (i)(1) above, and a public road does exist, which conforms to all provisions of (i)(1) except (i)(1)(v), the effect of designating the first public road paralleling the sea shall be limited to the following:

(A) all parcels between the Pacific Ocean and such other public road; and

(B) those parcels immediately adjacent of the sea inland of such other public road.

(3) Where the Commission determines that the designation of the "first public road paralleling the sea" results in the inclusion of areas within the permit and appeal jurisdiction where the grounds for an appeal set forth in Public Resources Code Section 30603(b) are not an issue, the Commission may take action to limit the geographic area where developments approved by a local government may be appealed to the Commission, to that area where any such grounds are, in fact, an issue.

Exhibit 1- Los Angeles County Location Map



**Los Angeles County
Santa Monica Mountains
LCP Segment**

Post LCP Certification Permit and Appeal Jurisdiction Index Map: County of Los Angeles

Santa Monica Mountains LCP Segment, Cities of Malibu, Los Angeles, Santa Monica, Marina Del Rey, El Segundo, Manhattan Beach, Hermosa Beach, Redondo Beach, Torrance, Palos Verdes Estates, Rancho Palos Verdes, Long Beach

Index Map



Note 1

The coastal zone boundary depicted on this map may have been revised due to legislative amendments and/or minor boundary adjustments approved by the Coastal Commission pursuant to Public Resources Code §30103. The digital version of this Coastal Zone Boundary dataset (which is a conformed copy of the adopted inked version of the Coastal Zone Boundary) includes attribution that identifies each segment in which a boundary has changed as a result of legislative changes and/or minor boundary adjustments.

Note 2

The coastal zone boundary shown on this map is based on a digital version of the boundary depicted on maps adopted by the California Coastal Commission pursuant to §30103(b) of the California Coastal Act of 1976 (California Public Resources Code §30000 et seq.), and modified from time to time by legislative amendments and Minor Boundary Adjustments. Both this depicted boundary and the digital version of this data represent conformed copies of the original adopted boundary and also reflect subsequent legislative and Coastal Commission changes. In addition to the land area delineated, the coastal zone includes all offshore islands, and extends seaward to the State's outer limit of jurisdiction.

Under the provisions of §304(a) of the federal Coastal Zone Management Act of 1972, as amended, "excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the federal government, its officers or agents."

Under the provisions of §30008 of the California Coastal Act as amended in 1978, "within federal lands excluded from the coastal zone pursuant to the federal Coastal Zone Management Act of 1972, the State of California shall, consistent with applicable federal and state laws, continue to exercise the full range of powers, rights, and privileges it now possesses or which may be granted."

Note 3

This map has been prepared to show where the California Coastal Commission retains post-LCP certification permit and appeal jurisdiction pursuant to P.R.C. §30519(b), and §30603(a)(1) and (a)(2), and §30613. In addition, developments may also be appealable pursuant to P.R.C. §30603(a)(3), (a)(4), and (a)(5). If questions arise concerning the precise location of the boundary of any area defined in the above sections, the matter should be referred to the local government and/or the Executive Director of the Commission for clarification and information. This plat may be updated as appropriate and may not include all lands where post-LCP certification permit and appeal jurisdiction is retained by the Commission.



Permit Jurisdiction

This area includes tidelands, submerged lands, and lands where the public trust may exist.



Appeal Jurisdiction

This area includes lands between the sea and the designated first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line if there is no beach, whichever is the greater distance. Also included are lands within 100 feet of streams and wetlands and lands within 300 feet of the top of the seaward face of any coastal bluff.



Appeal Jurisdiction (P.R.C. §30613)

This area includes lands where the Commission has delegated original permit jurisdiction to the local government for areas subject to the public trust but which are determined by the Commission to be filled, developed and committed to urban uses.



First Public Road



First Public Road 14 CCR 13577(i)(2)



100 Feet from Stream Top of Bank



100 Feet from Wetland Extent



300 Feet from Top of Coastal Bluff



300 Feet from Inland Extent of Beach



300 Feet from Mean High Tide Line

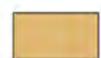


Potential Public Trust Land P.R.C. §30613



Areas of Deferred Certification (ADC)

Development in this area remains subject to Coastal Commission original permit jurisdiction.



Certified Coastal Long Range Development Plan

Development in this area either remains subject to Coastal Commission review and approval, or Coastal Commission review of projects approved under a Long Range Development Plan.



Coastal Zone Boundary



City Boundary

Note 4

The Appeal Jurisdiction shown on this map may include areas adjacent to streams depicted on the corresponding USGS 7.5 minute quadrangle maps that have been channelized or otherwise altered. Pursuant to 14 C.C.R. §13577(a), channelized streams not having significant habitat value should not be considered as a basis for delineating stream appeal jurisdiction.

Note 5

In addition to the geographic areas of appeal jurisdiction depicted hereon, the following types of development are appealable throughout the coastal zone pursuant to P.R.C. §30603 (a)(4) and (a)(5):

1. Any development approved by a county that is not designated as a principal permitted use under zoning approved pursuant to the applicable Local Coastal Program;
2. Any development that constitutes a major public works project or a major energy facility.

Note 6

In some areas individual parcels of land may be bisected by the appeal jurisdiction boundary. All development proposed within the appeal area defined as appealable is subject to the Commission's jurisdiction. In addition, if a development is proposed partly on the portion of the parcel that forms the basis for geographic appeal jurisdiction, and partly on the remainder of the parcel, and the Commission decides to hear the appeal, then the Commission reviews the local government approved permit de novo including all the development that was authorized in the permit.

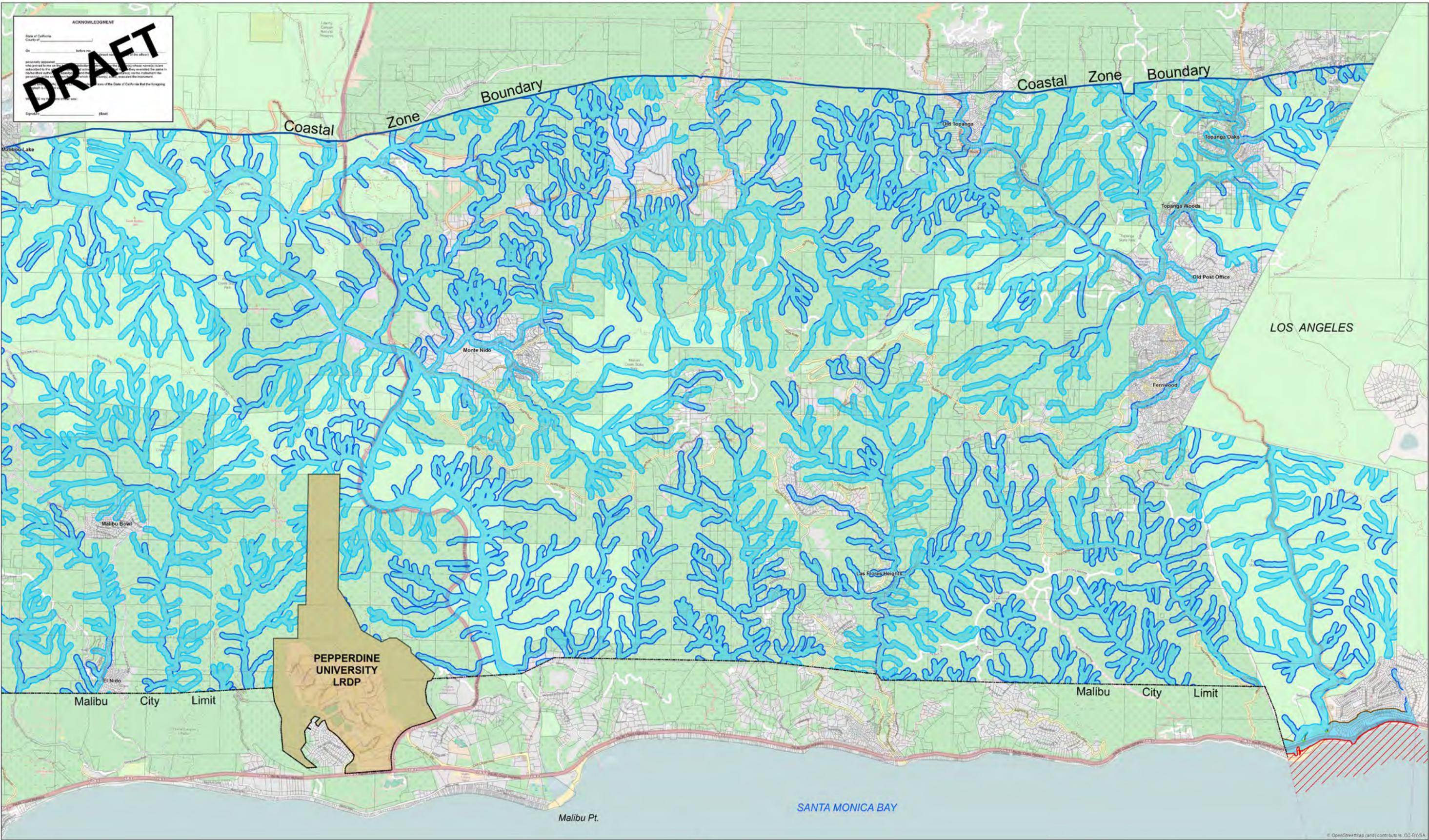
Note 7

The boundaries shown on this map are not to be used for establishing or depicting State ownership boundaries or granted lands and are to be used in reference to the Coastal Commission's Post LCP Certification Permit and Appeal Jurisdictions only. This map has not been approved by the California State Lands Commission, is subject to change, and may not include all lands subject to the public trust. Any questions which arise, pursuant to the public trust, should be directed to the California State Lands Commission.

Note 8

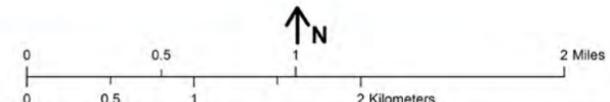
Development on Federal Lands requires a Coastal Commission Coastal Development Permit or federal consistency certification or determination.





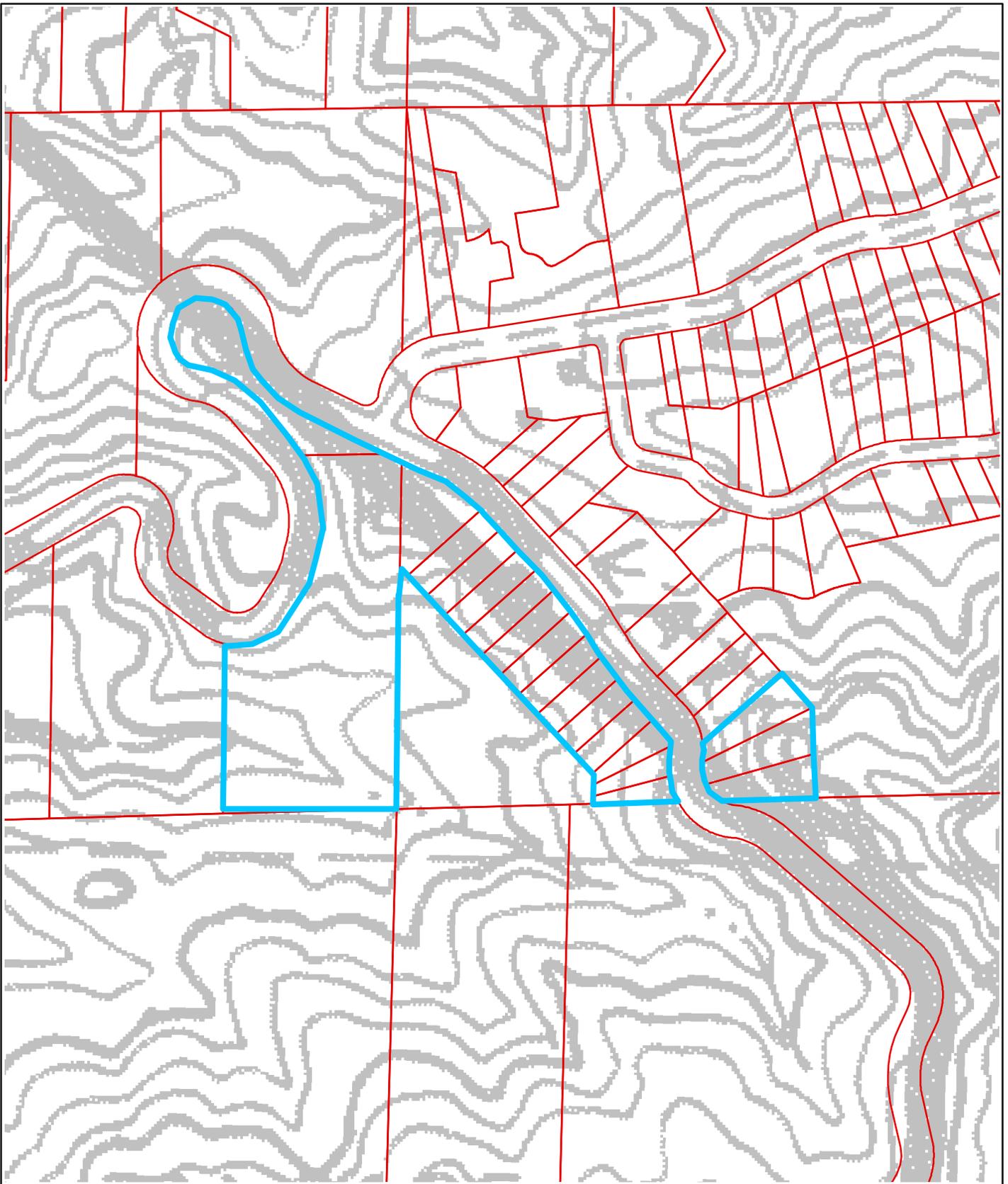
ACKNOWLEDGMENT
State of California
County of _____
On _____ before me,
personally appeared _____
I, _____, a Notary Public in and for the State of California, do hereby certify that _____
is the true and correct name of the person who executed the foregoing instrument and that the instrument was executed on the date and at the place stated therein.
I, _____, Notary Public in and for the State of California, do hereby certify that the foregoing instrument was executed on the date and at the place stated therein.
Signature: _____ (Title): _____

The Coastal Zone Boundary depicted on this map is shown for illustrative purposes only and does not define the Coastal Zone. The depiction is representational and may not eliminate the need for a formal boundary determination by the Coastal Commission.



Base map: (c) OpenStreetMap and contributors, Creative Commons-Share Alike License (CC-BY-SA). For Illustrative Purposes Only.

*The Appeal Jurisdiction shown on this map may include areas adjacent to streams depicted on the corresponding USGS 7.5 minute quadrangle maps that have been channelized or otherwise altered. Pursuant to 14 C.C.R. §13577(a), channelized streams not having significant habitat value should not be considered as a basis for delineating stream appeal jurisdiction.



MA-2014-001

Portion of Coastal Zone Boundary Map No. 134
showing parcels affected by MBA-2014-001

APN 4464-008-013, APN 4464-008-049, APN 4464-010-001, APN 4464-010-002, APN 4464-010-003,
APN 4464-010-004, APN 4464-010-005, APN 4464-010-006, APN 4464-010-007, APN 4464-010-008,
APN 4464-010-009, APN 4464-010-010, APN 4464-010-011, APN 4464-010-012, APN 4464-010-013,
APN 4464-010-014, APN 4464-013-022, APN 4464-013-023, APN 4464-013-024



Exhibit 4
DAR 09/2014