

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
200 Oceangate, Suite 1000  
Long Beach, CA 90802-4302  
(562) 590-5071

**W 11****RECORD PACKET COPY**

Submitted (WAN) 6/2/2005  
Submitted (VDMN) 6/8/2005  
Staff: PE-LB *PL*  
Staff Report: 6/28/2005  
Hearing Date: 7/13/2005  
Commission Action:

**STAFF REPORT: REVOCATION REQUEST****APPLICATION NUMBER:** R-5-03-478**APPLICANT:** Playa Capital Company, LLC**PROJECT LOCATION:** Culver Boulevard and Vista del Mar, Playa del Rey, Los Angeles County

**PROJECT DESCRIPTION** Restripe Culver Boulevard to add an additional southbound left turn lane at the Culver Boulevard/Vista del Mar intersection; widening the westerly side of Vista del Mar by 21 feet over approximately 365 feet between Culver Boulevard and Pacific Avenue; 2) construct a sidewalk on west side of Vista del Mar from Culver Boulevard to Pacific Avenue; 3) construct bioswale system within the parkway along the west side of the widened portion of Vista del Mar between Culver Boulevard and Pacific Avenue; 4) implement street lighting, striping, bus stop relocation and other improvements, including relocating and installing a new fence along a portion of the adjacent private property. Approximately 600 cubic yards of grading is also proposed.

**PARTIES REQUESTING REVOCATION:**

- 1) Robert Roy van de Hoek, Dan Sharkey; and John Crosse, Wetlands Action Network and Coastal Law Enforcement Action Network
- 2) Julie Inouye and Michael Rubottom, Vista Del Mar Neighbors Association.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Commission deny the request for revocation on the basis that no grounds have been shown to exist for revocation under Section 13105

**LOCAL APPROVALS RECEIVED:**

1. City of Los Angeles, CDP No.-03-01
2. City of Los Angeles EIR-90-0200 (SUB)(C)(CUZ)(CUB), September 1993

**SUBSTANTIVE FILE DOCUMENTS:** See Appendix A

## PROCEDURAL NOTE:

The Commission's regulations state the grounds for the revocation of a coastal development permit as follows:

Grounds for revocation of a permit shall be:

- (a) Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the Commission finds that accurate and complete information would have caused the Commission to require additional or different conditions on a permit, deny an application; or
- (b) Failure to comply with the notice provisions of Section 13054, where the views of the person (s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application (14 Cal. Code of Regulations Section 13105.)

---

## STANDARD OF REVIEW

A revocation of a permit removes a previously granted permit. Even if the permit is vested, i.e. the permittee has undertaken construction of the project, if the Commission revokes the permit, the permittee is required to stop work and if wishing to continue, to reapply for the project. In fact, if the evidence clearly shows that there are grounds for revocation, the Executive Director, upon receipt of a request for revocation, must order the permittee to stop work on the project. Section 13107 provides, in part: "Where the executive director determines, in accord with Section 13106, that grounds exist for revocation of a permit, the operation of the permit shall be suspended." In this case, the Executive Director has not determined that grounds exist for revocation and the operation of the permit has not been suspended.

Because of the impacts on a permittee, the grounds for revocation are necessarily narrow. The rules of revocation do not allow the Commission to have second thoughts on a previously issued permit based on information that comes into existence after the granting of the permit, no matter how compelling that information might be. Similarly, a violation of the Coastal Act or the terms and conditions of a permit or an allegation that a violation has occurred are not grounds for revocation under the California Code of Regulations. **The grounds for revocation are, of necessity, confined to information in existence at the time of the Commission's action.**

The instant revocation request is based on subsection (b) of Section 13105 of the Commission's regulations.

13105(b) Failure to comply with the notice provisions of Section 13504 where the views of the person(s) not notified were not otherwise made known to the commission and could have caused the commission to require additional or different conditions on a permit or deny an application.

The three elements of Section 13105(b) that must be proved before a permit can be revoked are:

- 1) That parties were not notified because the permittee failed to comply with the notice provisions of Section 13054
- 2) That the individuals who were not notified had views that were not otherwise made known to the Commission, AND
- 3) That, if the Commission had heard the information that the individuals would have provided, it might have denied the permit or imposed different conditions.

Section 13054 of the Commission's regulations states:

**§ 13054. Identification of Interested Parties/Submission of Envelopes/Posting of Site.**

(a) For applications filed after the effective date of this subsection, the applicant shall provide names and addresses of, and stamped envelopes for adjacent landowners and residents, and other interested persons as provided in this section. The applicant shall provide the commission with a list of:

- (1) the addresses of all residences, including each residence within an apartment or condominium complex, located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed,
- (2) the addresses of all owners of parcels of real property of record located within one hundred (100) feet (not including roads) of the perimeter of the parcel of real property of record on which the development is proposed, based upon the most recent equalized assessment roll, and,
- (3) the names and addresses of all persons known to the applicant to be interested in the application, including those persons who testified at or submitted written comments for the local hearing(s).

This list shall be part of the public record maintained by the commission for the application.

(b) The applicant shall also provide the commission with stamped envelopes for all addresses on the list prepared pursuant to subsection (a) above. Separate stamped envelopes shall be addressed to "owner," "occupant," or the name of the interested person, as applicable. The applicant shall also place a legend on the front of each envelope including words to the effect of "Important. Public Hearing Notice." The executive director shall provide an appropriate stamp for the use of applicants in the commission office. The

legend shall be legible and of sufficient size to be reasonably noted by the recipient of the envelope. The executive director may waive this requirement for addresses identified under subsection (a)(1) and (2) above and may require that some other suitable form of notice be provided by the applicant to those interested persons pursuant to section 13063(b) of these regulations.

(c) If at the applicant's request, the public hearing on the application is postponed or continued after notice of the hearing has been mailed, the applicant shall provide an additional set of stamped, addressed envelopes that meet the requirements of section 13054 (b). The additional set of stamped, addressed envelopes shall be submitted within ten days of the commission's decision to postpone or continue the hearing.

(d) At the time the application is submitted for filing, the applicant must post, at a conspicuous place, easily read by the public which is also as close as possible to the site of the proposed development, notice that an application for a permit for the proposed development has been submitted to the commission. Such notice shall contain a general description of the nature of the proposed development. The commission shall furnish the applicant with a standardized form to be used for such posting. If the applicant fails to sign the declaration of posting, the executive director of the commission shall refuse to file the application.

(e) Pursuant to Sections 13104 through 13108.5, the commission shall revoke a permit if it determines that the permit was granted without proper notice having been given.

In addition to these three elements, a person requesting revocation needs to have filed the revocation with due diligence. Section 13108(d) clearly establishes that the Commission must deny a revocation request that has not been filed with due diligence. Clearly, it may take some months to prepare a request. In this case, the permit was granted in February 2004, and the request was filed in June 2005, when construction commenced. The Commission can reject the request if it was not filed with due diligence.

## **I. CONTENTIONS OF PARTIES REQUESTING REVOCATION:**

The parties requesting revocation contend that grounds for revocation in Section 13105(b) exist because known interested parties (per 13054(a)(3)) were not noticed, or, if notice was attempted, that in two instances, the notice was sent to an address that was no longer current. They further argue that that they have no recollection of seeing notice posted at the site; and that owners and occupants of residential structures located 100 feet from the proposed project did not receive notice of the permit (as required by 13054(a)(1) & (2)). The Vista del Mar Neighbors Association representatives (Julie Inouye and Dr. Michael Rubottom) contend that as an officer of a community-based planning committee constituted to review proposals for Playa Vista's development, Ms. Inouye should routinely receive notice of applications for coastal development permits by Playa Vista in Playa del Rey, as should the organization itself. All parties requesting revocation contend that the proposed project is a dangerous hazard and will actually be a detriment to traffic mobility in the coastal zone. Wetlands Action Network contends that constructing the project in the

summer time could impede beach access. In addition, Julie Inouye and Michael Rubottom argue that the roadway will encourage additional South Bay commuters to use Vista del Mar and Culver Boulevard, which will increase traffic on roads that are routed through the wetlands. All parties requesting revocation contend that had they been noticed, they would have presented information regarding the traffic hazards of the design of the improvements that would have led the Commission to reject the application, modify it significantly, or at least require additional conditions.

## II. STAFF RECOMMENDATION

Staff recommends that the Commission **reject** the request for revocation because the parties raising objections have not met the test of section 13105 of the California Code of Regulations.

**MOTION:**        *I move that the Commission grant revocation of Coastal Development Permit No. 5-03-478.*

### **STAFF RECOMMENDATION OF DENIAL:**

Staff recommends a **NO** vote on the motion. Failure of this motion will result in denial of the request for revocation and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of Commissioners present.

### **RESOLUTION TO DENY REVOCATION:**

The Commission hereby denies the request for revocation of the Commission's decision on coastal development permit no. **5-03-478 (Playa Capital)** on the grounds that there is no failure to comply with the notice provisions of § 13054, where the views of the person(s) not notified were not otherwise made known to the Commission and could have caused the Commission to require additional or different conditions on a permit or deny an application.

## III. Findings and Declarations

The Commission hereby finds and declares as follows:

### **A. Project Description and Background**

On February 18, 2004, the Commission approved a project to widen a one block long portion of Vista del Mar Boulevard in Playa del Rey, Los Angeles County. The project included:

1. Restriping Culver Boulevard to add an additional southbound left turn lane at the Culver Boulevard/Vista del Mar intersection; and widening the westerly

- side of Vista del Mar by 21 feet over approximately 365 feet between Culver Boulevard and Pacific Avenue;
2. Constructing a sidewalk on the west side of Vista del Mar from Culver Boulevard to Pacific Avenue;
  3. Constructing a bioswale system within the parkway along the west side of the widened portion of Vista del Mar between Culver Boulevard and Pacific Avenue;
  4. Implementing street lighting, striping, bus stop relocation, and other improvements, including relocating and installing a new fence along a portion of the adjacent private property.
  5. Approximately 600 cubic yards of grading was also proposed.

The purpose of the project is to increase the capacity of an intersection in Playa del Rey. The intersection connects Culver Boulevard, a major east/west collector street with Vista del Mar, a north/south beach-fronting collector street. The intersection is located in a built-out area and is separated from the beach and wetlands by existing development. Both streets are major beach access and commuter routes. The street widening along Vista del Mar is expected to create an additional 13-foot wide southbound lane along Vista del Mar on the block between Culver Boulevard and Pacific Avenue. This will accommodate the additional left turn lane from Culver Boulevard. The staff report indicated that final lane widths may be adjusted by the City of Los Angeles Department of Transportation in response to concerns about the safety of the present lane widths on the eastern (inland) side of northbound Vista del Mar. Currently there are two westbound lanes on Culver and a left turn pocket. Cars in both the left turn pocket and in the left lane are now allowed to turn left onto Culver, while the curb lane is currently restricted to either right turns or west bound (through) traffic. After the widening, cars in the left turn pocket and both travel lanes will be permitted to turn left. The cars in the curb lane along Culver Boulevard would also be allowed to continue west, where Culver Boulevard provides access to a neighborhood park and to a beach front neighborhood located along two streets, Trolley Way and Pacific Avenue. These streets serve a row of beachfront duplexes, and Pacific Avenue serves the west side of the neighborhood park, including two small parking areas and a small beach parking lot located at the Marina Channel. Vista del Mar extends south where it serves a large parking lot at a heavily used portion of Dockweiler State Beach, a beach noted for its fire pits, and further south, the communities of Manhattan Beach, Hermosa Beach and El Segundo.

The project is a required mitigation measure for the first phase of the Playa Vista project and was required in the City's conditions of approval for Vesting Tentative Tract Map 49104 (Playa Vista Phase I) and in the mitigation measures required in the Environmental Impact Report for the first phase of the Playa Vista project. The City cites this requirement in its review as an indication of the purpose of and need for the project, indicating that the project is necessary to maintain traffic flow once this approved development is complete.

At the Commission hearing, staff recommended approval of the project with special conditions to protect water quality during and after construction, and a limitation on

construction during summer weekends and holidays. Staff indicated that the project was located several hundred feet away from both the del Rey lagoon and the southwestern corner of the Ballona wetlands, and, at the time of approval, developed commercial and residential lots occupied the intervening area. In a letter, an opponent, Heal the Bay, raised issues concerning the cumulative impact of the construction of roads in the Ballona wetlands and the concomitant increase in impervious surfaces. Heal the Bay also requested that the Commission include numeric standards in its water quality conditions on the project. Staff drew the Commission's attention to the water quality conditions imposed on the project, and the applicant indicated that the Regional Board was not presently supporting numeric standards.

The applicant described the project, agreed to the recommended special conditions, and provided information concerning the distance between the project from the wetlands (1700 ft.), the del Rey Lagoon (850 ft.), and from the El Segundo Dunes (approximately 850 ft.). The applicant also indicated that the City of Los Angeles Police Department, the Fire Department, the City Council office, and the Department of Transportation supported the project. A representative of the City of Los Angeles Department of Transportation approached the microphone, having signed up to testify in support of the project, but having no speakers signed up to oppose the project, the chair questioned the need to hear the ten people who had signed up to speak in support of the application. The applicant requested a show of hands from supporters and the Commission did not hear further testimony. No opponents appeared at the hearing.

The Commission findings did not expressly analyze the safety of lane designations; instead indicating that the wider road would improve public access to beaches. The Commission found that the number of on street parking spaces available to support beach access would increase. The findings stated that the Los Angeles City Department of Public Works had required the project as mitigation for traffic impacts of Playa Vista Phase I on this intersection, and had approved it in a locally issued coastal development permit. The applicant had provided its traffic engineer's analysis of the project, which staff attached as an exhibit to the report (Exhibit 5). The Commission had this available as background information. However, the Commission did not, as asserted by the applicant's counsel, explicitly adopt the Exhibit 5 as its findings. The City staff report findings on the change of road capacity did analyze the project in terms of traffic safety and public access. The Commission findings on the change of road capacity on public access state:

Once completed, this project will improve access from Jefferson and Culver Boulevards to Vista del Mar, which is adjacent to and provides access to Dockweiler State Beach. The northerly end of Dockweiler State Beach in Playa del Rey is located 500-600 feet directly west of the project. While a small portion of the beach is located north of the channel in Venice, most of Dockweiler State Beach is located in Playa del Rey, extending south past Playa del Rey, the Airport, and the sewer plant to Manhattan Beach. Over most of its length, access to the beach is provided by Vista del Mar and by the South Bay bike path. Jefferson and Culver Boulevards are major beach access routes from Culver City, and Los Angeles to the coastline. Jefferson Boulevard is a popular bicycle route. Playa del Rey is a popular place to get on the South Bay bicycle trail, which extends from this area south to

Torrance, and north, through the Marina del Rey and Washington Boulevard to Pacific Palisades.

Once complete, this project will enhance public recreation. It provides a sidewalk along Vista del Mar where no sidewalk existed and widens lanes for safer turning at this busy corner. Increasing the width of Vista del Mar will enhance safety. The project also provides four additional public parking spaces in walking distance of Dockweiler State Beach and Del Rey Lagoon Park, important public recreation areas. However, if work to improve the street is carried out during summer weekends, it could reduce access to the southerly picnic areas of Dockweiler State Beach and to the bike path. For this reason the Commission is imposing Special Condition 3 that restricts lane closure during summer weekends and holidays. The applicant states that most of the work will occur on the existing undeveloped property and not in the roadway. However, the applicant states it may be necessary to have a few short term lane closures, and requests that the Executive Director be allowed to make exceptions in advance if the lane closures are not expected to significantly interrupt beach traffic. In lieu of exceptions, Special Condition 3 would allow lane closures during weekdays and on any day outside of the peak beach season. As conditioned the proposed project is consistent with sections 30210, 30211, and 30222 of the Coastal Act. (Findings, 5-03-478, February 18, 2004)

## **B. BASIS FOR REVOCATION REQUEST**

**1. Notice.** Wetland Action Network states, in part: We request revocation based on improper and insufficient notice, as required by the Coastal Act and the Coastal Commission's procedures. (See also Exhibit 3, Wetlands Action Network/CLEAN, revocation request):

**a) The site was not posted.** ... "No notice was posted on the site, as required by the Commission in order for a proper hearing to take place. Two of the signatories of this letter, Daniel Sharkey and Robert Roy van de Hoek, are well known in the area for seeking out such postings (for Coastal Commission and other government agency hearings) and reporting them to interested parties. Playa Vista is well known to Commission staff and to opponents of their project for photographing evidence of such postings. No evidence of this photographic documentation of a posting exists in the Commission file, backing up the observations of Mr. Sharkey and Mr. van de Hoek. In addition, requests were made far and wide in the community during the last few weeks, and no one has reported remembering seeing a posting on this highly visible site, where many of us who reside in the neighborhood pass by several times daily."

**b) Known interested parties were not noticed,** including Wetlands Action Network. ... For example, Wetlands Action Network has been involved in monitoring and objecting to many of Playa Vista's actions during the past decade, and Wetlands Action Network received no notice about this specific permit. In fact, a review of the notices show that notices was mailed to an address on Heathercliff where Wetlands Action Network has not had an office since 2000.



**c) People we interviewed had received no written notice.** "Those of us who are signatories to this letter have asked numerous residents who live in Playa del Rey and who would be adversely impacted by the proposed permit, and we can find no one who was notified of the Coastal Commission."

**2. Notice:** Vista del Mar Neighbors Association asserts: (See also Exhibit 4, Vista del Mar Neighbors Request for Revocation.)

**a) A known interested party was not noticed.** The interested parties are long term neighborhood representative, Julie Inouye, and the neighborhood association itself. "After requesting and reviewing the list of those notified by mail of the hearing and the list of attendees, we were told that this list is provided by Playa Vista. The Phase I project was overseen by Julie Inouye who was appointed by then Councilmember Ruth Galanter to chair a 6th District, community based committee to review and give advice to the council office on the environmental impacts to and on the community. The Vista del Mar Neighbors is not on that list provided by the Coastal Commission and was not aware of any hearings."

**b) Playa Vista failed to notice local committee members.** "Well over 15 years ago, initial conceptual talks took place between Playa Vista, then the Maguire Thomas Partner executives and staff and a few residents, but there was no further communication as the project changed administrators two more times. Obviously, these talks happened long before City actions were taken and well before a Coastal Commission hearing was planned."

**c) Residents do not recall receiving notice.** "As long time community members of over 25 years, we asked numerous residents who live in Playa del Rey and specifically adjacent to the project, if they were notified or if they saw any posting of the site. Everyone stated they were never notified, nor did they see any public posting of the project on the site."

**d) There is no evidence that the site was ever posted.** "This was also confirmed by two phone conversations Ms. Inouye had with Ms. Brenda Leakes and Mr. Al Padilla on May 25, 2005, stating that there was no picture in the file from Playa Vista on the posting, which is their normal protocol. Playa Vista is well known to Commission staff for photographing evidence of such postings. No evidence of this photographic documentation of a posting exists in the Commission file, backing-up the observations of community members."

**C. APPLICANT'S RESPONSE TO REVOCATION REQUEST.** (See also Exhibit 5, applicant's response)

**1) The project agents posted the site.** In support of this contention, the applicant has provided a photograph of the site, posted, with a front-page news story dated 1/21/2003. Applicant argues that it replaced the posted notice several times.

**2) "Playa Vista met all notice requirements as required by Cal. Code Regs. Title. 14, § 13054(a). Playa provided addresses for the following, for noticing purposes:**

- (a) All residences within 100 feet of the perimeter of the parcel on which the development is proposed.
- (b) All owners of parcels of real property of record located within 100 feet of the perimeter of the parcel on which the development is proposed
- (c) All persons known to the applicant to be interested in the application, including those persons who testified at or submitted written comments for the local hearing."

**3) Applicant argues that despite the outdated address for Wetland Action Network and Mr. van de Hoek, it made a reasonable attempt to provide notice, relying on the address it received from Commission staff, and that it was WAN's responsibility to update the address in Coastal Commission files<sup>1</sup>.**

**4) Applicant argues that the item appeared on the Coastal Commission agenda, and that appearance triggered the only letter of opposition that was received, the letter from Heal the Bay.**

---

<sup>1</sup> The Permittee provides the following summary of its position: "The opponents fail to show that notice was not provided as required under Section 13054. Under Section 13054(a)(3), the applicant must provide the Commission with a list of "the names and addresses of all persons known to the applicant to be interested in the application, including those persons who testified or submitted written comments for the local hearing(s)" (emphasis added). There are two significant components to the standard for providing notice to interested parties. First, only parties and their addresses known to be interested in the coastal permit application are required to be provided with notice. Second, the applicant must possess that knowledge. If a party is interested in the application but their interest is not known, notice is not required for obvious reasons. Further, with respect to the address, if the notice is sent to the address known to the applicant, there is no defect in notice if the party has moved. In this case, when preparing the interested parties list, Playa Vista consulted Coastal Commission staff, which provided a list of interested parties. Playa Vista reviewed that list and submitted the list with the Permit application. A review of the list shows that representatives of many of the environmental groups generically referenced in the WAN letter were sent notices, including Mr. Robert Roy van de Hoek, WAN's representative, as well as other individuals/organizations, including Ballona Ecosystem Education Project ("BEEP"), Ballona Wetlands Land Trust, Mr. Rex Frankel, Mr. John Davis, Mr. John Hodder, Mr. Doug Korthof, Ms. Patricia McPherson, and Ms. Sabrina Venskus. While WAN does not deny that it was on the interested party mailing list, WAN alleges that the notice was not properly sent to it because the address was WAN's former address. WAN was mailed notice of the Permit application at the address shown on the interested party list. This is the same address provided by Coastal Commission staff. The permittee argues that if WAN moved, it was WAN's responsibility to provide notice of its change of address. In fact, GuideStar .org, a leading website used to locate nonprofit organizations and their addresses, provides the same address for WAN today that was used for the Permit application notice list when it was prepared in 2003." (Permittee's response, Exhibit 5.)

#### **D. ANALYSIS OF THE NOTICE ISSUE.**

**1. Mailed Notice Generally.** Evidence in the file shows that the applicant provided 99 envelopes, addressed to 99 individuals identified as owners, occupants and interested parties. Of these, 12 were returned. The returned envelopes were addressed to:

Ms. Samantha Christie (on staff-provided interested party list)  
WAN--Ms. Marcia Hanscom (opponent on staff provided interested party list)  
Mr. Mario Juravich (Planning Deputy for previous council member, Ruth Galanter)  
Mr. R. V. MacHardy (on staff provided interested party list)  
Ms. Lola Terrell (on staff provided interested party list)  
Mr. Robert Roy van de Hoek (opponent on staff provided interested party list)  
Mr. Marco Valleyos (attorney for applicant)  
Mr. Rick Zbur (attorney for applicant)

Occupant, 140 Culver Blvd  
Occupant, 142 Culver Blvd  
Occupant, 138 Culver Blvd  
Occupant, 6819 Pacific Avenue

The twelve returns include two of the applicant's attorneys; an aide to the former councilwoman and five others from the interested parties lists, including s. Hanscom and Mr. van de Hoek. A twelve percent return rate is not uncommon in public hearing notices. In such notices, a certain percentage is inevitably returned. In addition, revocation is a punitive action taken in response to learning that a permittee is culpable of having obtained the permit under false pretenses. If the permittee took reasonable steps to notify known interested parties, the failure of any individual to receive notice, based on a faulty address, is not a basis for revocation

The Applicant provided envelopes addressed to all owners of property located within 100 feet of the project and all occupants of these properties accompanied by a map of these properties and a list of the names and addresses used in preparing the envelopes. Section 13054(a)(1) and (2) of Title 14 of the California Code of Regulations requires the applicant to notice all occupants and owners of property within 100 feet of the project. None of the notices sent to owners were returned, but four notices sent to occupants were returned. The following parties requesting revocation, who did not receive notice, have provided addresses more than 100 feet from the project. If a person owns property or resides more than 100 feet from the project, and the applicant does not know of their interest in the project, the applicant is not required to provide notice of the hearing on the project.

Name	Distance of Feb. 2004 address from project
John Crosse	Approximately 1,000 feet
Michael Rubottom	Approximately 1,000 feet
Julie Inouye	Approximately 1,000 feet
Daniel Sharkey	Approximately 218 feet
Robert Roy van de Hoek Culver Blvd. address	Approximately 500 feet
Robert Roy van de Hoek Malibu address	21 miles
Wetlands Action Network Culver Blvd. address	Approximately 500 feet
Wetlands Action Network Malibu address	21 miles

The parties requesting revocation also argue generally that they canvassed local residents to see if any had received notice, and none of the people to whom they spoke had received notice. However, the revocation requesters did not identify any specific parties, other than the ones listed above, whom they alleged should have but did not receive notice. Without such specific information, the Commission has no way to determine whether the failure of these individuals to receive notice was a violation of the requirements of section 13054 or a result of these individuals living outside of the required notice area, as with the individuals listed in the table above. All of the individuals the parties requesting revocation specifically identified as failing to receive notice are listed in the table above.

**2. The Commission agenda.** Any person can request to receive the Commission agenda by sending his or her name and address to Mailing and Records at the Commission's San Francisco office, indicating that the person wants to receive meeting notices. They will remain on the list for at least a year; then they will have to return a postcard or a label to continue receiving the notices. Since 1996, the Wetland Action Network has been receiving the agenda at the following address:

Marcia Hanscom - since 10/8/96  
Wetland Action Network  
P.O. Box 1145  
Malibu, CA 90265

This Malibu address on the agenda mailing list is different from the older Malibu address provided by staff to the applicant. The San Francisco office has not received any notice from Wetlands Action Network that this post office box address is incorrect. If the Malibu address listed above is correct, the Wetlands Action Network did not have to rely on the

mailing from the Long Beach Office for notice of the hearing on the Culver/Vista del Mar road-widening project, since it is listed on the agenda.

Ms. Inouye and the Vista del Mar neighbors are not on the statewide agenda list, nor are they listed on any list maintained by staff of persons who have requested notice of any particular category of projects. Therefore, Ms. Inouye did not receive the agenda.

**3. Known Interested parties.** In addition to occupants and owners, an applicant is required to provide envelopes addressed to parties he or she knows to be interested in the matter and a list of such names and addresses for the record. The applicant provided a list of persons who had testified at the local hearing. Two notices sent to individuals who appeared on this list were returned. These two notices were addressed to the applicant's attorneys. None of the other notices were returned. The applicant also provided a second list of known interested parties, which it contends the staff provided. The list was derived from a previous hearing, and was created in 2001. The applicant had submitted several applications for road projects beginning in 2000 (A5-PLV-00417/5-01-382, for example, widening Culver Boulevard between Lincoln and Route 90). Staff agrees that at some point a mailing list of interested parties was forwarded to the applicant at the applicant's request. This list includes the now-outdated address for Wetlands Action Network and others (Exhibit 6). Staff has retained no records as to the date on which the list was sent, but did not send out a list in advance of the hearing of this particular application. As returns from the list the applicant used indicate, a number of addresses were outdated.

Ms. Inouye and her association were not on the 2001 known interested party list. While Ms. Inouye argues that she was appointed to a committee by a previous councilperson to deal with improvements required for Playa Vista, again her interest was unknown to the applicant.

Although the known interested party list was partially outdated, an attempt was made to notify interested persons. Revocation is a punitive action taken in response to learning that a permittee is culpable of having obtained the permit under false pretenses. If the permittee took reasonable steps to notify known interested parties, the failure of any individual to receive notice, based on a faulty address, is not a basis for revocation.

**4. Posting the site.** The parties requesting revocation inspected the file and found no notice of posting and no copy of a photograph of the site with a notice posted. Staff did not inspect the site to confirm the posting. While there is no requirement to provide a photograph of the posting, Wetlands Action Network is correct that it is the practice of Playa Vista to photograph its notices. After becoming aware of the revocation request, Playa Vista found such a picture in its files. The picture contained a January 21, 2004 newspaper. In this case, there is contradictory testimony from the opponents and the applicant. The applicant also provided Xerox copies of several notices, each showing different dates. Playa Capital indicates that its practice is to inspect the site and replace any notices that may have become dislodged.

**5. Conclusion regarding notice.** For public notification of permit hearings, the Commission relies on a combination of posting the site, its agenda, and on lists prepared by applicants of owners, occupants, and known interested parties. Section 13054 of the Commission's Regulations establishes the procedures for notice, and it is only a violation of those requirements that justifies revocation under section 13105(b). At any hearing a certain percentage of notification letters are returned due to incorrect addresses or because the former owner/resident has moved or sold the property. The Commission has therefore consistently taken the position that a certain number of "returns" does not invalidate the notice or evidence that the applicant failed to comply with the notice provision of Section 13054. In this case there had already been two City of Los Angeles hearings on the matter, a hearing on the Notice of Preparation of a negative declaration (the "NOP" hearing), and a coastal development permit hearing held by the Los Angeles City Department of Public Works.

Although there are parties requesting revocation who did not receive notice in this case, Dan Sharkey, John Crosse, Dr. Rubottom and Ms. Inouye resided outside the 100-foot radius around the project site, which is the key criterion under Section 13054(a)(1) and (2). Although some of these people claim they were "known interested parties" pursuant to Section 13054(a)(3), in the case of Ms. Inouye, who did not attend the local hearings, the applicant asserts that it was not aware of her interest. Ms. Inouye asserts that they should have known of her interest due to her appointment by a former councilmember "about 15 years ago" to a committee to address project impacts. In the case of the Wetlands Action Network and Mr. van de Hoek, the organization address was more than 100 feet from the project site and attempts to notify them regardless of their location relied on lists that were outdated. Playa Capital's representatives agree they were aware of the opposition of the Wetlands Action Network (Ms. Hanscom and Mr. van de Hoek) to the underlying project, Playa Vista Phase I and II. The Playa Capital representatives had been in contact with Ms. Hanscom's attorney regarding litigation that had been settled about eight months prior to this action. Playa Capital simply did not check staff's list to ascertain whether the addresses were current. There is no evidence that this lapse was a knowing omission, though, and the Wetland Action Network could have relied on the Commission agenda, instead of a mailed notice of the matter.

In sum, while the noticing process in this matter did experience the problems described above, the parties requesting revocation have not provided sufficient evidence to show that the permittee failed to comply with Coastal Act Section 13054, and there are not grounds for revocation under Section 13105(b).

**E. STAFF ANALYSIS OF INFORMATION THAT OPPONENTS ASSERT WOULD HAVE CAUSED THE COMMISSION'S TO TAKE A DIFFERENT ACTION ON THE PERMIT.**

Even if the permittee were shown to have violated Section 13054, the parties requesting revocation also would have had to show that the parties who, as a result of that violation, were not notified of the hearing, held views that were not expressed to the Commission and that, if expressed, could have caused the Commission to act differently on the

application. Similarly, even if the Commission were to agree that, had it been aware of the information discussed in this section, that information could have caused the Commission to act differently, it could revoke the permit unless it also were to find a violation of Section 13054. Nevertheless, despite the conclusion that the permittee did not violate Section 13054, the Commission considers the revocation requesters' claims about what views were not brought to the Commission's attention and how those views could have changed the Commission's approach.

## 1. Claims

**a. Traffic hazards/public access.** Both groups argue that the proposed project is a dangerous hazard and will actually be a detriment to traffic mobility. Both revocation requests, and a supplemental email from Ms. Inouye, provided the following objection based on traffic hazards:

"This project will significantly hinder public access to Del Rey Lagoon and Toes Beach. The changing of the southbound Culver Blvd. lanes from two straight ahead lanes to only one westbound lane will impact this public access in a negative way."

They assert that allowing cars in the right hand lane to turn left will result in stacking in the right lane during peak times, which will impede traffic for residents or beach goers who wish to go either right or straight to their homes or to the beach.

b) Merging. At a meeting attended by City staff, representatives of the City Council persons (present and newly elected), coastal staff, the applicant and the parties requesting revocation, Ms. Inouye indicated that the three turn lanes were designed to then merge to two lanes within the 395 feet southwest of the intersection. In her opinion, this merging is dangerous.

c) Work during summer season. The Wetland Action Network argues that summer time is the worst possible time for this construction to occur, if it is to occur at all.

**b. Impacts to wetlands.** The Vista del Mar Neighbors Association argues, in addition, that: "the widening will encourage South Bay commuters to use this roadway to overly impact the already sensitive Ballona Wetlands, where many nests of various birds, animals, and numerous creatures live. Please review citation: R. T. T Forman, et. al., Road Traffic and Nearby Grassland Bird Patterns in a Suburbanizing Landscape, in Environmental Management, V. 29, no. 6, 2002, Pp. 782-800.

"None of the information about the impacts of vehicle traffic on birds was considered, and ideas like having Playa Vista pay for street barriers, for instance, near the wetlands, could have been required by the Commission, to minimize road-kill - had this topic been brought up by revocation requesters. Other impacts like noise would have been considered, and there are scientific reports (like the one we mentioned in the revocation request) that address these issues and could have been considered by the Commission."



## 2. Analysis.

**Commission discussion of traffic issues at hearing.** Only the sidewalk and increased road width were analyzed during the hearing. The Commission found that the sidewalk would increase access to local beaches and that increased width would increase safety and public access to southern Dockweiler State Beach. The Commission did not independently analyze the design of the intersection with regard to striping, traffic safety, efficiency, and volume, instead relying on the City Los Angeles Department of Transportation review of the design and City standards in terms of width, sidewalks, the design of the merging traffic lanes and safety issues. The City analysis indicated that narrow lanes had contributed to accidents in the past, and that a wider lane and shoulder would increase safety. Instead of revisiting these issues, staff attached the applicant's engineers' description of the project to the report for the Commission's review as exhibit 5 of its report, and the Commission had that report available in finding the project to be consistent with the public access policies of the Coastal Act. However, the Commission did not adopt the exhibit (Exhibit 5 of the staff report) as its finding, instead treating it as information provided by the applicant for its review. The applicant's representative centered her testimony on the improvements to safety brought about by the widening, including widening the easternmost lane, (northbound curb lane) which is both narrow and too close to a vertical retaining wall. The applicant noted that the project would provide a net increase of ten on-street parking spaces. No members of the public testified about the design or the merging. The Commission had no questions about the design. When Jay Kim, the Supervising Engineer from the Los Angeles City Department of Transportation approached the microphone, the Commission asked no questions, and instead, indicated that if no other issues were being raised, additional testimony would not be necessary.

In its approval, the Commission concurred that widening the road in this location would increase traffic safety, even though it did not discuss the details of striping the lanes. To evaluate technical matters such as merging lanes, the Commission relied on engineers from the City of Los Angeles, and reviewed information provided by the applicant's consultants. No evaluations from other professional consultants were presented at the hearing for comparison. In their request for revocation, the parties requesting revocation have not provided technical evaluations that could refute the evaluation provided by the City of Los Angeles engineers. The Commission approved similar merging arrangements in its approvals on Culver and on Lincoln Boulevards, with no opposition to the lane design. In past years, Caltrans has constructed similar merging lanes on Pacific Coast Highway in the Pacific Palisades and elsewhere, which the Commission reviewed and accepted.

There is no evidence that the Commission failed to consider traffic safety at its hearing. If the Commission findings and hearing included a discussion about traffic safety, the first element for revocation has not been met. Moreover, the technical decision concerning which lanes should be designated for a left turn is a local issue, not raising any potential conflict with any policy in Chapter 3 of the Coastal Act, as long as access to Pacific



Avenue, Vista del Mar and Trolley Way, remains. In fact, changing lane designations and striping, as opposed to adding a lane, is addressed in a categorical exclusion for public works and utilities that the Commission adopted in 1978. With the project as presented, the westbound right lane can be used to access the neighborhood and beaches served by these streets. The Commission finds that the issues raised could not have resulted in a different action or changed conditions.

**2. Impacts on summer beach use** The Commission did discuss the impacts of the construction of the project on summer beach use. The Commission imposed a condition restricting lane closures on summer weekends and holidays, which stated in part:

To minimize impacts to beach access during the peak summer season, construction activities for the proposed improvement shall be limited such that no lane closures shall be permitted on weekends and holidays during the peak beach use season.

Therefore, this is not information to which the Commission could have responded with different conditions.

**3) Traffic volumes/wetlands/bird impacts.** Parties requesting revocation argue that the changes to the intersection will increase commuter traffic volumes along Vista del Mar, Culver Boulevard and Jefferson Boulevard. This increased volume, they argue, will result in increased traffic through the wetland on Culver and or Jefferson Boulevards, which, they argue will impact nesting birds. Impacts on wetland were discussed in the findings. In support of this contention, they cite an article that documents a correlation between failure of nesting birds and traffic volumes on adjacent highways. The article correlates success of nesting birds with traffic volumes of highways adjacent to nesting areas. The Commission found that the project was several hundred feet away from two wetland areas separated from those areas by urban development. The Commission did not discuss indirect cumulative effects raised by Ms Inouye.

There is no evidence that the article in question was in the possession of the parties requesting revocation in February 18, 2004. The parties requesting revocation have not, therefore, shown that the views in the article would have been presented to the Commission if they had received notice of the hearing. While staff came upon the article in May 2005, there has been no analysis of the article by the staff ecologist. Staff provided a copy of the article to the opponents when the subject came up in a meeting concerning the project in May 2005. If the opponents did not have the article in February 2004, it could not have been discussed at the time of the hearing.

Second, the parties requesting revocation did not show the relationship between the proposed change in this intersection and the traffic volumes along the roads through the wetlands. The parties requesting revocation have not provided evidence that the Phase I improvements will increase traffic volumes—the EIR suggests that the Playa Vista project and ambient growth will increase traffic volumes. The proposed project, according to the

City will merely increase the speed of travel through the intersection. The widened intersection is proposed in response to a projected increase in traffic volumes in the intersection that will occur because of the Playa Vista Phase One project. It is intended to reduce the Volume/Capacity ratio at the intersection. Once the improvement is installed, the Level of Service will remain at Level D instead of worsening to Levels E (stop and go) and F (gridlock) as the traffic volume increases. The information provided with the application showed that the present traffic volume at the project site intersection is high and expected to get worse.

<b>Expected Traffic Impacts from Playa Vista Phase I Playa Vista Phase I EIR</b> (Submitted with application)								
		Existing LOS	Existing LOS	1997 <sup>2</sup> no project VC	1997 LOS	1997 with project VC	LOS	Impact
Culver/Nicholson	AM	0.951	E	1.057	F	1.109	F	0.052
	PM	0.842	D	0.935	E	1.018	F	0.083
Culver/Vista del Mar	AM	0.837	D	0.940	E	0.969	E	0.029
	PM	0.873	D	0.974	E	1.012	F	0.038

Third, the parties have not shown that the project in itself will increase the noise level of the wetlands. There is no evidence that Level of Service F at this intersection, which is the anticipated Level of Service without the project, will result in less noise (which caused the impact on the birds in the cited study) than Levels of Service D and E (at the widened intersection).

Fourth, opponents argue that widening will result in increased traffic, because as congestion increases in the area, drivers will change their routes to incorporate efficient intersections. No evidence of calculations relating to any threshold that might have an impact on birds is provided.

Finally, the parties requesting revocation raise a specific issue related to traffic volume, the exposure of the nesting birds to noise. This issue was not discussed at the hearing, but the opponents have not provided information on which the Commission could base different special conditions or deny the project. Therefore, this request does not raise an issue that would cause revocation of the permit.

## **F. DUE DILIGENCE**

In addition to these three elements, a person requesting revocation needs to have filed the revocation with due diligence. Section 13108(d) establishes that the Commission must deny a revocation request that has not been filed with due diligence. This request was filed 18 months after the Commission's action on the matter, and only filed once construction and removal of toxic soils from the site began. Clearly, it may take some time

<sup>2</sup> Ambient growth 1.5% traffic per year minus committed projects

to prepare a request, and parties who did not receive or see a posted notice may not have been aware of the project until construction began. The Commission finds that given that the parties requesting revocation allege they did not receive notice, the request was filed with due diligence.

**G. CONCLUSION**

The Commission finds that the grounds for revocation contained in Section 13105(b) are not satisfied, and as mentioned, the request for revocation does not assert that grounds for revocation of the subject permit exist pursuant to Section 13105(a). Therefore, the Commission finds that the revocation request must be denied.

**APPENDIX A**  
**SUBSTANTIVE FILE DOCUMENTS:**

1. City of Los Angeles, CDP No.-03-01
2. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 49104 (As Revised December 8, 1995)
3. City of Los Angeles City Council: Conditions of Approval, Vesting Tentative Tract Map 52092 (December 8, 1995)
4. California Department of Fish and Game, Memorandum: "Extent of Wetlands in Playa Vista, December 1991."
5. LADOT Inter-departmental correspondence --Amendment of Initial Traffic Assessment and Mitigation Letter dated September 16, 1992 --Revised May 24, 1993.
6. 5-03-478(Playa Capital)



## Project Location

Q 6-03-478 Exhibit  
1  
Vicinity Map



**RECEIVED**  
South Coast  
JUN 2 2005  
CALIFORNIA  
COASTAL COMMISSION

Coastal Law Enforcement Action Network (CLEAN)  
*enforcing laws protecting the California coast*  
and  
Wetlands Action Network  
*protecting & restoring wetlands along the Pacific Migratory Pathways*

322 Culver Blvd., Suite 317  
Playa del Rey, CA 90293  
(310) 821-9045 ~ facsimile: (310) 448-1219

**Daniel Sharkey ~ (310) 822-7352**  
**102 Montreal Street, Playa del Rey, CA 90293**

**John Crosse ~ (310) 301-6339**  
**6333 Esplanade, Playa del Rey, CA 90293**

**Robert Roy van de Hoek, Conservation Biologist ~ (310) 821-9045**  
**322 Culver Blvd., Suite 317, Playa Del Rey, CA 90293**

June 1, 2005

Mr. Peter Douglas, Executive Director  
California Coastal Commission

Ms. Deborah Lee, Deputy Director  
California Coastal Commission

Dear Mr. Douglas and Ms. Lee:

**Introduction**

This letter is a formal request for revocation of coastal development permit 5-03-478, approved February, 2005, for road widening and traffic mitigations for Playa Vista, and proposed to be constructed at Vista del Mar and Culver Blvd. in Playa del Rey, California.

Coastal Law Enforcement Action Network (CLEAN), Wetlands Action Network and residents Daniel Sharkey, John Crosse and Robert Roy van de Hoek believe the issuance of this permit is in violation of the Coastal Act, and we request revocation of this permit under Title 14 of the California Code of Regulations section 13107.

Under the Commission's regulations governing revocation of permits, we request a hearing at the Commission's next possible meeting; prior to the Commission's ruling on this issue, we request that the Commission suspend the permit to halt construction at the site, which we are led to believe will occur sometime in June, 2005. In order to not

**02. 5. 03. 478      Exhibit 3 p1**

Playa Vista/Vista del Mar/Culver traffic cdp  
Revocation request to California Coastal Commission  
June 1, 2005  
Page 2

prejudice our revocation request, it is important that no construction be allowed to proceed while the Commission and staff undertake review of this request.

In addition, summer-time is the worst possible time for this construction to occur, if it is to occur at all. Playa Vista would not be harmed if the construction of this traffic mitigation is delayed until the Commission can conduct a new hearing wherein residents and other interested parties can have their views and concerns heard.

### **Allegation**

We request revocation based on improper and insufficient notice, as required by the Coastal Act and the Coastal Commission's procedures.

As you know, Playa Vista and its mitigations, particularly those in the Coastal Zone, have caused strong reactions and concerns from those in the environmental community, as well as from those who reside in surrounding areas. It must have been at least curious for those who normally would be in attendance at a Coastal Commission hearing on such a matter to have been conspicuously absent. The reason is that improper and insufficient notice was given to those who Playa Vista is well aware are interested parties.

For example, Wetlands Action Network has been involved in monitoring and objecting to many of Playa Vista's actions during the past decade, and no notice was received by Wetlands Action Network about this specific permit. In fact, a review of the notices show that notice was mailed to an address on Heathercliff where Wetlands Action Network has not had an office since 2000. This is well-known to Playa Vista, who has been in litigation with Wetlands Action Network on several issues since that time.

Those of us who are signatories to this letter have asked numerous residents who live in Playa del Rey and who would be adversely impacted by the proposed permit, and we can find no one who was notified of the Coastal Commission. While initial talks took place between Playa Vista and a few residents, these talks happened before any city actions were taken and well before a Coastal Commission hearing was planned.

In addition, no notice was posted on the site, as required by the Commission in order for a proper hearing to take place. Two of the signatories of this letter, Daniel Sharkey and Robert Roy van de Hoek, are well-known in the area for seeking out such postings (for Coastal Commission and other government agency hearings) and reporting them to interested parties.

R5-03-478 Exhibit 3  
P2



Playa Vista/Vista del Mar/Culver traffic edp  
Revocation request to California Coastal Commission  
June 1, 2005  
Page 3

Playa Vista is well-known to Commission staff and to opponents of their project for photographing evidence of such postings. No evidence of this photographic documentation of a posting exist in the Commission file, backing up the observations of Mr. Sharkey and Mr. van de Hoe<sup>1</sup>. In addition, requests were made far and wide in the community during the last few weeks, and no one has reported remembering seeing a posting on this highly visible site, where many of us who reside in the neighborhood pass by several times daily.

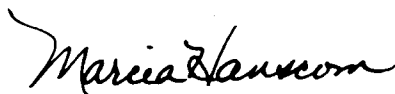
Petitioners argue that the proposed project is a dangerous hazard and will actually be a detriment to traffic mobility in the coastal zone. Further, petitioners believe that the Commission voted as it did because it was provided with incomplete and inaccurate testimony because of this insufficient and incomplete notice, and had the community and other interested parties been properly notified of the proposed project and Commission hearing, public testimony would have swayed the Commission to vote against the project, to modify it significantly or at the very least to require additional conditions.

### Conclusion

Petitioners request that the Commission act to suspend Playa Vista's coastal development permit, and move to revoke the permit pending a new hearing where residents and other interested parties are able to provide the Commission and its staff with additional information about the proposed project and its impacts in the coastal zone.

Thank you for the opportunity to submit this request in furtherance of the public's right to protect our California coastal resources and to access the California coast in a safe manner.

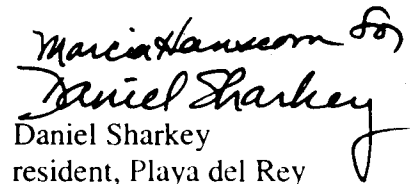
Sincerely,



Marcia Hanscom  
Executive Director  
Wetlands Action Network  
Managing Director  
Coastal Law Enforcement Action Network (CLEAN)



John Crosse  
resident, Playa del Rey



Daniel Sharkey  
resident, Playa del Rey



Robert Roy van de Hoek  
Conservation Biologist &  
resident, Playa del Rey

R5-03-478  
Exhibit 3c3



## VISTA DEL MAR NEIGHBORS

May 31, 2005

California Coastal Commission  
200 Ocean gate Suite 1000  
Long Beach, CA. 90802  
(562) 590.5071

Mr. Peter Douglas, Executive Director  
Ms. Deborah Lee, Deputy Director  
Ms. Pam Emerson, Los Angeles County Area Supervisor  
Mr. Al Padilla, Coastal Program Analyst

Dear Mr. Douglas, Ms. Lee and Ms. Emerson and Mr. Padilla,

### Introduction

This letter is a formal request for revocation of coastal development permit # 5-03-478 approved February 2005, for road widening and traffic mitigations for Playa Vista. Location of project constructed at Vista del Mar and Culver Blvd. in Playa del Rey, California.

On behalf of the Vista del Mar Neighbors Association in Playa del Rey, founded in 1985, we believe the issuance of this permit is in violation of the Coastal Act, and we request revocation of this permit under Title 14 of the California Code of Regulations section 13107.

Under the Commission's regulations governing revocation of permits, we request a hearing at the Commission's next possible meeting; prior to the Commission's ruling on this issue, we request that the Commission suspend the permit to halt construction at the site, which we are led to believe will occur sometime in June, 2005. In order to not prejudice our revocation request, it is important that no construction be allowed to proceed while the Commission and staff undertake review of this request.

We request that this project, called a traffic mitigation, be delayed until the Commission can conduct a new hearing wherein residents and other interested parties can have their views and concerns heard.

We request revocation based on improper and insufficient notice, as required by the Coastal Act and the Coastal Commission's procedures.

6508 VISTA DEL MAR . PLAYA DEL REY . CA . 90293

310.306.1487 INO@CYBERVERSE.COM

R-5-03-478  
Exhibit 4 p1

Playa Vista/Vista del Mar/Culver traffic cdp  
Revocation request to California Coastal Commission  
May 31, 2005  
Page 2

### **Allegation**

After requesting and reviewing the list of those notified by mail of the hearing and the list of attendees, we were told that this list is provided by Playa Vista.

The Phase I project was overseen by Julie Inouye who was appointed by then Councilmember Ruth Galanter to chair a 6<sup>th</sup> District, community based committee to review and give advice to the council office on the environmental impacts to and on the community. The Vista del Mar Neighbors is not on that list provided by the Coastal commission and was not aware of any hearings.

As long time community members of over 25 years, we asked numerous residents who live in Playa del Rey and specifically adjacent to the project, if they were notified or if they saw any posting of the site. Everyone stated they were never notified, nor did they see any public posting of the project on the site. This was also confirmed by two phone conversations Ms. Inouye had with Ms. Brenda Leakes and Mr. Al Padilla on May 25, 2005, stating that there was no picture in the file from Playa Vista on the posting, which is their normal protocol. Playa Vista is well known to Commission staff for photographing evidence of such postings. No evidence of this photographic documentation of a posting exists in the Commission file, backing-up the observations of community members.

Well over 15 years ago, initial conceptual talks took place between Playa Vista, then the Maguire Thomas Partner executives and staff and a few residents, but there was no further communication as the project changed administrators two more times. Obviously, these talks happened long before city actions were taken and well before a Coastal Commission hearing was planned.

### **Objection of Project**

Petitioners argue that the proposed project is a dangerous hazard and will actually be a detriment to traffic mobility in the coastal zone. Further, petitioners believe that the Commission voted as it did because it was provided with incomplete and inaccurate testimony because of this insufficient and incomplete notice, and had the community and other interested parties been properly notified of the proposed project and Commission hearing, public testimony would have swayed the Commission to vote against the project, to modify it significantly or at the very least to require additional conditions.

RS-03-478  
Exhibit 4 p 2

Vista/Vista del Mar/Culver traffic cdp  
Revocation request to California Coastal Commission  
May 31, 2005  
Page 3

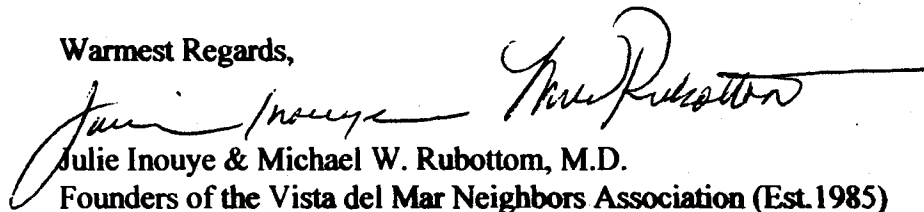
As well, the widening will encourage South Bay commuters to use this roadway to overly impact the already sensitive Ballona Wetlands, where many nests of various birds, animals, and numerous creatures live. Please review citation: R.T.T Forman, et al. , Playa "Road Traffic and Nearby Grassland Bird Patterns in a Suburbanizing Landscape." in Environmental Management, V. 29, no. 6, 2002, Pp. 782-800.

### Conclusion

Petitioners respectfully request that the Commission act to suspend Playa Vista's coastal development permit, and move to revoke the permit pending a new hearing where residents and other interested parties are able to provide the Commission and its staff with additional information about the proposed project and its impacts in the coastal zone.

Thank you for the opportunity to submit this request in furtherance of the public's right to protect our California coastal resources and to access the California coast in a safe manner.

Warmest Regards,

  
Julie Inouye & Michael W. Rubottom, M.D.  
Founders of the Vista del Mar Neighbors Association (Est.1985)

1

R.5.03.478  
Exhibit 4p3

633 West Fifth Street, Suite 4000  
Los Angeles, California 90071-2007  
Tel: (213) 485-1234 Fax: (213) 891-8763  
www.lw.com

FIRM / AFFILIATE OFFICES

Boston	New York
Brussels	Northern Virginia
Chicago	Orange County
Frankfurt	Paris
Hamburg	San Diego
Hong Kong	San Francisco
London	Shanghai
Los Angeles	Silicon Valley
Milan	Singapore
Moscow	Tokyo
New Jersey	Washington, D.C.

File No. 012467-0233

**LATHAM & WATKINS** LLP

June 13, 2005

**BY HAND DELIVERY AND VIA FACSIMILE**

Ms. Pam Emerson  
California Coastal Commission  
200 OceanGate, Tenth Floor  
Long Beach, CA 90802

Re: Coastal Development Permit No. 5-03-478

Dear Ms. Emerson:

On behalf of Playa Capital Company, LLC ("Playa Vista"), we are writing in opposition to the revocation request for Coastal Development Permit 5-03-478 ("Permit"), which permits the construction of a roadway improvement at the intersection of Culver Boulevard and Vista del Mar. The California Coastal Commission ("Commission") approved the Permit nearly a year and half ago, and construction under the Permit is well under way. The revocation request is frivolous and completely without merit. We request that you decline to set the request for hearing.

The intersection improvement was required by the City of Los Angeles ("City"). The improvement would enhance traffic flow, improve safety and provide other community benefits, including pedestrian enhancements, a sidewalk, a bioswale system, restriping and other related improvements. The City approved a coastal development permit ("CDP") in October of 2003 (No. 03-01) and the Commission approved CDP (No. 5-03-478) in February 2004.

We understand Wetlands Action Network/CLEAN ("WAN") and the Vista Del Mar Neighbors ("VDMN") (collectively, "Opponents") have submitted letters to you received June 2, 2005 and June 8, 2005, respectively, requesting revocation of the Permit due to alleged violations of the notice requirements under Cal. Code Regs tit. 14, § 13054. Specifically, the Opponents make two factually incorrect allegations: 1) that Playa Vista did not comply with notice mailing requirements; and 2) that Playa Vista did not post the site. These assertions are not substantiated by the evidence.

The Opponents have failed to meet the requirements for revocation as described below, and the lack of evidence supporting their claims demonstrates the matter should not be set for hearing:

- 1) Notice was properly and fully provided, and thus there are no grounds for revocation;

R. 5-03-478  
Exh. bit 5  
P1

LATHAM & WATKINS LLP

2) Even if notice had not been provided (which it was), the underlying issues raised by the Opponents were fully considered by the City and the Commission; and

3) There is no evidence to support the required finding that the Commission could have reached a different result because: (i) the contentions raised by the Opponents were put forth by others and considered as part of the City and the Commission's consideration of the CDP and (ii) the substance of the concerns raised by the Opponents in the requests generally do not involve Coastal Act issues.

In addition, the Opponents request suspension of the Permit. There is no basis for suspension because: (i) no grounds exist in the first place for revocation – in fact, the Opponents cannot meet any one of the three required prongs discussed above even though they are legally required to meet all three; and (ii) Playa Vista has commenced construction of the improvement and has a vested right to proceed with the Permit.

**I. PROPER NOTICE WAS PROVIDED**

The Opponents assert that the Permit should be revoked because notice was not properly provided. Under Cal. Code Regs. tit. 14, § 13105, the grounds for revoking a permit as requested by the Opponents require “[f]ailure to comply with the Notice Provisions of Section 13054”, and *in addition*, even if notice was not properly provided, the Opponents must demonstrate that “..the views of the person(s) not notified were not otherwise known to the commission *and* could have caused the commission to require additional or different conditions on a permit or deny an application” (emphasis added).

**A. Playa Vista Met All Notice Requirements**

As required by Cal. Code Regs. tit. 14, § 13054(a) Playa provided the following notices:

(1) all residences within 100 feet of the perimeter of the parcel on which the development is proposed. *Playa Vista met this obligation, as shown in Exhibit 1 which was included in the Permit application.* The Opponents do not dispute that this requirement was met.

(2) all owners of parcels of real property of record located within 100 feet of the perimeter of the parcel on which the development is proposed. *Playa Vista met this obligation, as shown in Exhibit 1 which was included in the Permit application.* The Opponents do not dispute that this requirement was met.

(3) “the names and addresses of all persons known to the applicant to be interested in the application, including those persons who testified at or submitted written comments for the local hearing.” *Playa Vista met this obligation, as shown in Exhibit 1 which was included in the Permit application.* The Opponents claim this requirement was not met; however, the facts are to the contrary and the Opponents fail to meet their burden to show that notice was not properly provided.

R-5.03.478  
Exh. b.15  
p 2

LATHAM & WATKINS LLP

**B. The Opponents Fail To Show That Notice Was Not Provided As Required Under Section 13054**

Under Section 13054(a)(3), the applicant must provide the Commission with a list of "the names and addresses of all persons *known to the applicant* to be interested in the application, including those persons who testified or submitted written comments for the local hearing(s)" (emphasis added).

There are two significant components to the standard for providing notice to interested parties. First, only parties and their addresses *known to* be interested in the *permit application* are required to be provided with notice. Second, the applicant must possess that knowledge. If a party is interested in the application but their interest is not known, notice is not required for obvious reasons. Further, with respect to the address, if the notice is sent to the address known to the applicant, there is no defect in notice if the party has moved.

In this case, when preparing the interested parties list, Playa Vista consulted Coastal Commission staff, which provided a list of interested parties. Playa Vista reviewed that list and submitted the list with the Permit application. A review of the list shows that representatives of many of the environmental groups generically referenced in the WAN letter were sent notices, including Mr. Robert Roy Van de Hoek, WAN's representative, as well as other individuals/organizations, including Ballona Ecosystem Education Project ("BEEP"), Ballona Wetlands Land Trust, Mr. Rex Frankel, Mr. John Davis, Mr. John Hodder, Mr. Doug Korthof, Ms. Patricia McPherson, and Ms. Sabrina Venskus.

While WAN does not deny that it was on the interested party mailing list, WAN alleges that the notice was not properly sent to it because the address was WAN's former address. WAN was mailed notice of the Permit application at the address shown on the interested party list. This is the same address provided by Coastal Commission staff. If WAN moved, it was WAN's responsibility to provide notice of its change of address. In fact, GuideStar.org, a leading website used to locate nonprofit organizations and their addresses, provides the same address for WAN today that was used for the Permit application notice list when it was prepared in 2003 (see Exhibit 2).

WAN also claims that Playa Vista knew WAN's address had changed because Playa Vista was in litigation with WAN. In fact, Playa Vista was not in litigation with WAN during the Permit notice period. WAN's last litigation against Playa Vista was dismissed in April 2003. Furthermore, in a litigation where parties are represented by counsel (which WAN has always been in its Playa Vista matters), State Bar Rules of Professional Conduct provide that all correspondence would be sent to WAN's counsel, not to WAN.

VDMN alleges that their group was omitted from a list of interested parties in the distribution of the permit application notices and that the selected residents they asked claimed to not recall having received notice of this hearing about a year and a half ago. However, the legal standard VDMN must meet is that: (1) they had an interest in the Permit application; and (2) this was known to the applicant. First, there is no evidence that VDMN made Playa Vista aware of their interest in the Coastal permit application. Further, when Playa Vista consulted with

**LATHAM & WATKINS LLP**

Commission staff, Commission staff also did not indicate that VDMN had an interest in the Permit application. However, VDMN had plenty of opportunities to express their interest or notify Commission staff or Playa Vista. Notices were mailed for the City CDP Hearing. In fact, eleven members of the community attended the City CDP hearing and they were added to the list of individuals who received notice of the Commission hearing that was held in February 2004. Obviously people received notice and were aware of the City CDP hearing. The Commission hearing was also noticed, with notices having been sent to approximately 100 people, as shown on Exhibit 1. In addition to the notices and to posting the site, the Permit application was also on the Commission's public agenda available on the internet. Heal the Bay filed a comment letter on the improvement with the Coastal Commission. Sabrina Venskus, regular counsel to Ballona Wetlands Land Trust, even attended the Commission hearing on the day the Permit was heard, albeit on another matter. Further, Playa Vista engaged in community outreach that went beyond the requirements of the Coastal Act. For example, in addition to the required City and Coastal Commission notices, on December 9, 2003, Playa Vista held a community meeting at La Marina restaurant, which is near the area of the improvement. At that meeting, among other things, Playa Vista's representatives presented the Culver/Vista Del Mar improvement and answered questions about the improvement which was in the permitting process. VDMN had ample opportunity to participate in the process or make Playa Vista or Coastal Commission staff aware of their interest in the Permit application. VDMN failed to do so.

Playa Vista complied with all of the notice requirements and there is no substantive evidence in the VDMN letter to the contrary. In fact, Playa Vista went above and beyond what is legally required. Both the VDMN letter and the WAN letter conveniently ignore the specific provisions of Section 13054(a) and the fact Playa Vista met those requirements. The request for revocation must be denied.

**C. Playa Vista Properly Posted Notice at the Site as Required by Section 13054(d)**

The Opponents also claim, without providing evidence, that Playa Vista failed to post the site. Section 13054(d) requires, at the time an application for a permit is submitted for filing, that:

[T]he applicant must post, at a conspicuous place, easily read by the public which is also as close as possible to the site of the proposed development, notice that an application for a permit for the proposed development has been submitted to the commission. Such notice shall contain a general description of the nature of the proposed development.

Playa Vista complied with this requirement by posting a "Notice of Pending Permit" at the site, which was provided by the Coastal Commission. The site was initially posted on November 13, 2003. Playa Vista staff then exercised continuing diligence by regularly checking the site and reposting the posting whenever it was torn down. Thus, Playa Vista staff again posted the site on November 21, 2003, January 21, 2004, and February 12, 2004. A copy of these notices is provided in Exhibit 3. The posting used the standard form provided by



**LATHAM & WATKINS<sup>LLP</sup>**

Commission staff. Thus, the site was posted for approximately three months, from November 2003 through the February 2004 hearing. This notice requirement was met and exceeded.

The Opponents' claim that the site was not posted is not supported by the evidence. The Opponents also claim because there was no photographic evidence of the posting, that the site in fact was not posted. However, there is no legal requirement for posting of the site to be photographed. Nevertheless, Playa Vista did photograph the site on January 21, 2004, when the site was reposted for the second time. A photograph of the posting is provided in Exhibit 4. The Opponents have presented absolutely no evidence other than unsupported assertions that the posting requirements were not met; rather, the evidence demonstrates that the site was posted.

**II. THE OPPONENTS FAIL TO PRESENT ANY NEW ISSUES**

**A. The Opponents Do Not Meet the Requirements for Revocation Under the California Code of Regulations**

The Opponents fail to show that they meet the standard for revocation even if there had been improper notice. Even if notice requirements have not been met, the standard for revocation under Cal. Code Regs. tit. 14, § 13105(b) requires:

Failure to comply with the notice provisions of Section 13054, *where the views of the person(s) not notified were not otherwise made known to the commission....*(emphasis added)

Thus, even if notice was defective (which it was not), a second component to establish grounds for revocation requires the Opponents to make an additional showing that their views were not otherwise made known to the Coastal Commission. In fact, the Opponents have failed to meet their burden of proof and it is clear that the issues they now raise were, in fact, considered.

**B. The Views Raised by the Opponents Were Considered**

The Opponents generally raise issues with respect to: (1) safety and traffic mobility; (2) summer construction; and (3) whether the Permit improvement affects habitat, including the Ballona Wetlands. In order to analyze whether the Opponents' views were not otherwise made known to the Commission, one must look at the specific claims made by the Opponents and compare them to the information and issues considered by the Commission.

WAN alleges, generically and without any supporting information, that the project is: (1) "a dangerous hazard and will actually be a detriment to traffic mobility in the coastal zone" and (2) "summer-time is the worst possible time for this construction to occur, if it is to occur at all". WAN letter at pages 2 and 3. VDMN alleges, also generically and without any supporting information, that project is: (1) "a dangerous hazard and will actually be a detriment to traffic mobility in the coastal zone" and (2) "the widening will encourage South Bay commuters to use this roadway to overly impact the already sensitive Ballona Wetlands, where many nests of various birds, animals and numerous creatures live. Please review citation: R.T.T. Foreman et al., [sic] Playa 'Road Traffic and Nearby Grassland Patterns in a Suburbanizing Landscape.' In

**LATHAM & WATKINS LLP**

Environmental Management V. 29, no. 6 2002, Pp. 782-800.” This is the entire extent of any views or evidence provided by the Opponents with respect to this issue. As demonstrated below, the Opponents have not and cannot make the showing that these views were not otherwise made known to the Commission. In fact the Staff Reports and materials indicate that both the City and the Commission considered these issues.

**1. *Hazard and Traffic Mobility.***

The Opponentis’ unsubstantiated contention that the project is a dangerous hazard and will be a detriment to traffic was addressed in the staff reports. The safety of the improvement and the potential effect on traffic mobility was addressed and fully considered by the Commission. As evidence of this, the City staff report (which was considered by Commission staff) found that the project would improve public safety and improve traffic mobility. The Commission staff report also found that the project would improve public safety and access. See excerpts from City and Commission Staff Report at Exhibit 5. Exhibit 5 to the Coastal Commission Staff Report also provides an analysis of the traffic efficiency and safety benefits of the Permit improvement.

As shown in Exhibit 5, it is clear that views with respect to traffic safety and mobility were thoroughly considered by the Commission. In fact, the Commission determined the Permit improvement would provide a safer and more efficient intersection than currently exists.

**2. *Summer Time Construction.***

Summer time construction was also addressed in the staff report. While most of the work will be done on property owned by the applicant’s affiliate which is immediately adjacent to the roadway, the staff report considered impacts of constructing during the summer. As stated in the staff report, “[i]f work to improve the street is carried out during summer weekends, it could reduce access to the southerly picnic areas of Dockweiler State Beach and to the bike path. For this reason, the Commission is imposing Special Condition 3 that restricts lane closure during summer weekends and holidays.” See excerpt from Staff Report, p. 7 at Exhibit 6 to this letter.

Not only was this issue considered, but the Commission specifically conditioned the Permit to address the issues raised by the Opponents.

**3. *Impacts to the Ballona Wetlands/Habitat.***

The Opponentis’ claims about impacts to the Ballona Wetlands and bird habitat are, similarly, not new information and were addressed by the Commission. The Commission specifically explored the issue of biology and determined that the project “was not adjacent to any environmentally sensitive area or wetland,” including the Ballona wetlands. See excerpts from Commission Staff Report pp. 7-8, at Exhibit 7 to this letter.

The City report (which was considered by Commission staff) also addressed this issue, and includes the following:

The proposed project contains no environmentally sensitive habitat areas, would not adversely affect any archaeological or paleontological resources and does not contain agricultural land or soils or timberland [City Staff Report, p. 5]

Thus, views with respect to habitat, including the Ballona Wetlands, were indeed considered by the Commission. In fact, the Commission determined that this limited road improvement would not impact the Ballona Wetlands, which is more than a quarter of a mile away, nor would it affect habitat, as the project does not contain any environmentally sensitive habitat areas.

### III. THE OPPONENTS CANNOT SHOW THAT THE COMMISSION COULD HAVE REACHED A DIFFERENT RESULT

A third component the Opponents must prove is that the Commission could have reached a different result. Even if notice were not properly made, and the Opponents' views were not considered or otherwise known to the Commission, under Cal. Code Regs. tit. 14, § 13105(b), the standard for revocation requires:

Failure to comply with the notice provisions of Section 13054, where the views of the person(s) not notified were not otherwise made known to the commission ***and could have caused the commission to require additional or different conditions on a permit or deny an application....*** (emphasis added)

The Opponents cannot make this showing because: (1) the issues raised by the Opponents, in fact, were considered by the Commission and (2) the primary concerns raised by the Opponents generally are not Coastal Act issues. In a meeting with Playa Vista and City and Commission staff on June 10, 2005, Opponents made clear that their traffic and "safety" concerns related mostly to local neighborhood access, not Coastal Act issues. Public Shoreline Access and Public Recreation, on the other hand, are not part of the Opponents' concerns but clearly are Coastal Act issues under Coastal Act Sections 30210, 30211, and 30221, all of which were evaluated in the Coastal Commission staff report. Further, the hollow allegations the Opponents make are not supported by the evidence and cannot lead to a conclusion that the Commission could have taken a different action. There is no evidence that the information could have caused the Commission to require additional or different conditions or to deny the Permit. Therefore, the required finding that the Commission could have acted differently cannot be met and the request for revocation must be denied.

### IV. THERE IS NO BASIS TO SUSPEND THE PERMIT

As discussed in sections I through III above, there is no basis for revoking the permit and therefore a revocation hearing should not be held. Moreover, there is no basis to suspend the permit. First, the legal requirements for suspension of the Permit cannot be met. Second, the Permit improvement is well under construction and Playa Vista has a vested right to proceed with the Permit.

#### A. The Legal Requirements for Suspending the Permit Cannot be Met

The legal requirement for suspending the Permit cannot be met because: (1) the executive director is not initiating revocation proceedings on his or her own motion; and (2) there is no basis for the executive director to recommend revocation. The standard for suspension of the Permit presents a high bar. In order to suspend the Permit under Cal. Code Regs. tit. 14, § 13107, the executive director must affirmatively determine "that grounds exist for revocation of a permit." Unlike the standard for setting a revocation request for hearing, which requires a review of the request and a determination of whether it is "patently frivolous and without merit," in order to suspend a Permit, the executive director must engage in an affirmative analysis and determine that the grounds do in fact exist for revocation, meaning that staff must be prepared to recommend revocation.

Not only do the grounds not exist for revocation and suspension, Opponents cannot even meet the "patently frivolous and without merit" standard for setting a revocation hearing. The Opponents have failed to provide any real evidence to meet their burden that the grounds for revocation exist: first, notice was properly provided; second, the views were known to the Commission; and third, there is no evidence that a different result could have been reached. Opponents must meet all three prongs of the test; they have failed to meet any of them. Because Opponents cannot even meet the lower standard for setting a revocation hearing, it is legally impossible to meet the much higher bar of affirmatively recommending revocation in order to suspend the Permit. Therefore, the Permit cannot be suspended.

**B. The Permit Has Vested and Therefore Cannot be Suspended or Revoked**

Finally, even if the grounds to revoke and suspend the Permit existed, which they clearly do not, the vested rights doctrine under California law allows Playa Vista to continue under the Permit and vitiates any right to revoke or suspend the permit. Under the vested rights doctrine, "[i]t has long been a rule in this state and in other jurisdictions that if a property owner has performed substantial work and incurred substantial liabilities in good faith reliance upon a permit issued by the government, he acquires a vested right to complete construction in accordance with the terms of the permit." *Avco Community Developers, Inc. v. South Coast Regional Commission*, 17 Cal. 3d 785, 791, 132 Cal. Rptr. 386, 389-90 (1976), cert. denied, 429 U.S. 1083 (1977); *County of San Diego v. McClurken*, 37 Cal. 2d 683, 691, 234 P.2d 972, 977 (1951).

Playa has already performed substantial work and incurred substantial liabilities for this project and construction is well underway. Contracts have been signed for construction work to be performed under the Permit and contractual obligations for the work have been incurred. Playa Vista's contractors have graded, removed soil and performed other critical elements for the widening project. Playa Vista has already ordered lead time items in order to complete the project, including ordering a new traffic signal, signal poles, street lights, signal leads, and controllers. In short, Playa Vista, in good faith reliance on the permit that was issued to it by the Commission, has spent substantial sums of money and has taken irreversible steps in the implementation of this project, which is authorized by a Permit issued nearly a year and a half ago. Playa Vista therefore has the right to complete its project, as permitted by the Commission.

R 503 478  
Ex 4.6.15  
07

LATHAM & WATKINS<sup>LLP</sup>

**V. PLAYA VISTA RESPECTFULLY REQUESTS DENIAL OF THE  
REVOCATION REQUEST**

The burden is on the Opponents to meet the standard for revocation and suspension. The Opponents have failed to meet this burden and therefore the requests must be denied. The two requests before the Commission contain very general and wholly unsubstantiated claims. While the Opponent letters request revocation, no evidence is provided in the letters to support the requests or the basis for the requests. In fact, all of the evidence is to the contrary. The evidence shows that notice was properly provided and the site was posted. Further, the underlying issues raised in the Opponent letters were known and considered and there is no basis to conclude that a different result could have been reached.

For the reasons set forth above, the request for revocation is frivolous and completely without merit; therefore we request that you decline to set the request for hearing. We also respectfully request that you deny the request for suspension which has no basis in law or in fact.

Very truly yours,

*Rich Zbur*

Richard S. Zbur  
of LATHAM & WATKINS LLP

**Attachments**

Cc: Ms. Deborah Lee  
Mr. Al Padilla  
Patricia T. Sinclair, Esq.  
Mr. Douglas Moreland  
Mr. Mark Huffman  
George J. Mhlsten, Esq.  
Marcos D. Velayos, Esq.

R503 478  
Exh. bit 5  
p8

**OWNER/OCCUPANT MAILING LIST**

**CULVER/VISTA DEL MAR INTERSECTION IMPROVEMENT**

R.5.03 478  
Exhibit 5  
P9

PLAYA SOL OCEANFRONT  
PROPERTIES  
PO BOX 11358  
PLAYA DEL REY, CA 90295

DEL REY INVESTMENT COMPANY  
512 N HILLCREST RD  
BEVERLY HILLS, CA 90210

ENTREKIN GARY  
2951 SURFRIDER AVE  
VENTURA, CA 93001

ENTREKIN GARY W  
2951 SURFRIDER AVE  
VENTURA, CA 93001

ENTREKIN CHARLES W  
2951 SURFRIDER AVE  
VENTURA, CA 93001

MARINA VISTA COMPANY LLC  
1999 AVENUE OF THE STARS 26  
LOS ANGELES, CA 90067

MARINA VISTA COMPANY LLC  
1999 AVENUE OF THE STARS 26  
LOS ANGELES, CA 90067

MARINA VISTA COMPANY LLC  
1999 AVENUE OF THE STARS 26  
LOS ANGELES, CA 90067

MARINA VISTA COMPANY LLC  
1999 AVENUE OF THE STARS 26  
LOS ANGELES, CA 90067

MARINA VISTA COMPANY LLC  
1999 AVENUE OF THE STARS 26  
LOS ANGELES, CA 90067

MARINA VISTA COMPANY LLC  
1999 AVENUE OF THE STARS 26  
LOS ANGELES, CA 90067

MARINA VISTA COMPANY LLC  
1999 AVENUE OF THE STARS 26  
LOS ANGELES, CA 90067

LA CITY

MAYER STEPHEN P & PAMELA P  
7117 RINDGE AVE  
PLAYA DEL REY, CA 90293

FENDER NICHOLAS A  
200 CULVER BLVD  
PLAYA DEL REY, CA 90293

ELLING EUGENE & JENNIFER  
200 WATerview ST  
PLAYA DEL REY, CA 90293

PATEL MAHENDRA & DEVAL M  
2030 N ACACIA AVE  
FULLERTON, CA 92831

NORTON JOHN & CAMILLE  
7314 RINDGE AVE  
PLAYA DEL REY, CA 90293

SHEHAB EDMOND T  
6321 ESPLANADE  
PLAYA DEL REY, CA 90293

SHEHAB EDMOND T  
6321 ESPLANADE  
PLAYA DEL REY, CA 90293

SHEHAB EDMOND T  
6321 ESPLANADE  
PLAYA DEL REY, CA 90293

ELLING TRUST  
200 WATerview ST  
PLAYA DEL REY, CA 90293

GRAVES SANDRA L  
7518 WHITLOCK AVE  
PLAYA DEL REY, CA 90293

TEITELL JON E  
108 CULVER BLVD  
PLAYA DEL REY, CA 90293

POPKO GENE & KAREN L  
2061 MIL SORPRESAS DR  
FALLBROOK, CA 92028

ARZOUManIAN LARRY & K TRUST  
1129 MOUND AVE  
SOUTH PASADENA, CA 91030

MAYER STEPHEN P  
7117 RINDGE AVE  
PLAYA DEL REY, CA 90293

KENT ROGER E  
29897 SAINT ANDREWS DR  
MENIFEE, CA 92584

APRAHAMIAN SUSAN V  
1141 E TUJUNGA AVE  
BURBANK, CA 91501

POPKO GENE & KAREN L  
2061 MIL SORPRESAS DR  
FALLBROOK, CA 92028

R-5 478  
Eh. h. 5 p 10

KARR EVELYN  
134 MONTREAL ST  
PLAYA DEL REY, CA 90293

HUNNER CHARLES G & V JEAN  
27002 ESCONDIDO LN  
MISSION VIEJO, CA 92691

ADAMS ELMER L  
7055 TROLLEYWAY  
PLAYA DEL REY, CA 90293

HADDAD HANY D & HELEN T  
6934 TROLLEYWAY B  
PLAYA DEL REY, CA 90293

DEL REY INVESTMENT CO  
512 N HILLCREST RD  
BEVERLY HILLS, CA 90210

DEL REY INVESTMENT CO  
512 N HILLCREST RD  
BEVERLY HILLS, CA 90210

HAUETER FRANK W & BERNICE  
508 ALVARADO ST  
REDLANDS, CA 92373

HAUETER FRANK W & BERNICE  
508 ALVARADO ST  
REDLANDS, CA 92373

HAUETER FRANK W & BERNICE  
508 ALVARADO ST  
REDLANDS, CA 92373

DEL REY INVESTMENT CO  
512 N HILLCREST RD  
BEVERLY HILLS, CA 90210

OPENSHAW JENNIFER A  
142 CONVOY ST  
PLAYA DEL REY, CA 90293

BARD JACKSON E  
136 CONVOY ST  
PLAYA DEL REY, CA 90293

MARK PETER A  
PO BOX 2580  
NORFOLK, VA 23501

BONENFANT ROBERT & MARIE  
130 CONVOY ST  
PLAYA DEL REY, CA 90293

BUTT IQBAL H  
6202 ROUNDHILL DR  
WHITTIER, CA 90601

FEIN JOEL & KELLY  
124 CONVOY ST  
PLAYA DEL REY, CA 90293

BOULLIANNE GEORGE E  
120 CONVOY ST  
PLAYA DEL REY, CA 90293

BRYANT CHRISTOPHER  
118 CONVOY ST  
PLAYA DEL REY, CA 90293

FERNANDES ANTONE  
114 CONVOY ST 9  
PLAYA DEL REY, CA 90293

ANDERSON KENNETH G  
112 CONVOY ST  
PLAYA DEL REY, CA 90293

CANNON GIL  
221 REES ST  
PLAYA DEL REY, CA 90293

ENTREKIN GARY W  
2951 SURFRIDER AVE  
VENTURA, CA 93001

ENTREKIN GARY W  
2951 SURFRIDER AVE  
VENTURA, CA 93001

MARINA VISTA COMPANY LLC  
1999 AVENUE OF THE STARS 26  
LOS ANGELES, CA 90067

ENTREKIN GARY W  
2951 SURFRIDER AVE  
VENTURA, CA 93001

ENTREKIN GARY W  
2951 SURFRIDER AVE  
VENTURA, CA 93001

ENTREKIN GARY  
2951 SURFRIDER AVE  
VENTURA, CA 93001

ENTREKIN GARY  
2951 SURFRIDER AVE  
VENTURA, CA 93001

125-03 478  
Exhibit 5  
p 11



Occupant  
6819 Pacific Avenue  
Playa Del Rey, CA 90293

Occupant  
177 Culver Boulevard  
Playa Del Rey, CA 90293

Occupant  
165 Culver Boulevard  
Playa Del Rey, CA 90293

Occupant  
6805 Vista Del Mar Lane  
Playa Del Rey, CA 90293

Occupant  
200 Montreal Street  
Playa Del Rey, CA 90293

Occupant  
6931 Vista Del Mar Lane  
Playa Del Rey, CA 90293

Occupant  
6935 Trolley Place  
Playa Del Rey, CA 90293

Occupant  
112 Culver Boulevard  
Playa Del Rey, CA 90293

Occupant  
104 Culver Boulevard  
Playa Del Rey, CA 90293

Occupant  
123 Montreal Street  
Playa Del Rey, CA 90293

Occupant  
119 Montreal Street  
Playa Del Rey, CA 90293

Occupant  
115 Montreal Street  
Playa Del Rey, CA 90293

Occupant  
111 Montreal Street  
Playa Del Rey, CA 90293

Occupant  
107 Montreal Street  
Playa Del Rey, CA 90293

Occupant  
128 Montreal Street  
Playa Del Rey, CA 90293

Occupant  
124 Montreal Street  
Playa Del Rey, CA 90293

Occupant  
143 Culver Boulevard  
Playa Del Rey, CA 90293

Occupant  
119 Culver Boulevard  
Playa Del Rey, CA 90293

Occupant  
132 Convoy Street  
Playa Del Rey, CA 90293

Occupant  
126 Convoy Street  
Playa Del Rey, CA 90293

Occupant  
195 Culver Boulevard  
Playa Del Rey, CA 90293

Occupant  
179 Culver Boulevard  
Playa Del Rey, CA 90293

Occupant  
6712 Culver Place  
Playa Del Rey, CA 90293

Occupant  
185 Culver Boulevard  
Playa Del Rey, CA 90293

R-508-478  
Exh. b. + 5 p 12

**INTERESTED PARTIES MAILING LIST**

**CULVER/VISTA DEL MAR INTERSECTION IMPROVEMENT**

R 5.03. 478  
En h. h+5 r 13

Mr. Myne Smith  
PSOMAS  
11444 West Olympic Boulevard, Suite 750  
Los Angeles, CA 90064

SOUTHERN CALIFORNIA GAS COMPANY  
SBE PAR 7 Map 149  
Southern Region Headquarters  
8141 Gulana Avenue  
Playa del Rey, CA 90293

Mr. Mario Juravich  
Planning Deputy  
515 City Hall East  
200 North Main Street  
Los Angeles, CA 90012

Ms. Josephine Powe  
801 Malibu Meadows Drive  
Calabasas, CA 91307

Mr. Bill Tippets  
Supervisor NCCP  
DEPARTMENT OF FISH AND GAME  
1949 Viewridge Avenue  
San Diego, CA 92123-1662

Ms. Arlene Pinzler  
Planning Deputy  
Office of Senator Debra Bowen  
2512 Artesia Blvd., Suite 200  
Redondo Beach, CA 90278

Ms. Patricia McPherson  
Friend of Animals Earthways  
3745 Leewood Avenue  
Los Angeles, CA 90066

Ms. Ruth Lansford  
Friends of Ballona Wetlands  
6953 Trolley Way  
Playa del Rey, CA 90293

R.V. MacHardy  
1204 Vista del Mar, #180  
Playa del Rey, CA 90293

Mr. Douglas Korthof  
1020 Mar Vista  
Seal Beach, CA 90740

Ms. Cardya Allen  
532 Jasmino Avenue, #6  
Los Angeles, CA 90034

Mr. Rex Frankel  
8320 Lincoln Blvd. #102  
Los Angeles, CA 90045

Mr. Stuart Sperling  
5 Rose Avenue, #10  
Cerritos, CA 90291

Ms. Lola Terrell  
10760 Woodbine Street, #1  
Los Angeles, CA 90034

R 5.03 478  
Exh. 141  
P. 141

Sandra Venskus  
171 Pier Ave. #204  
Santa Monica, CA 90405

Ms. Valerie Shlareeshy  
P.O. Box 6022  
Malibu, CA 90264

Samantha Christie  
125 Eastwind St. #8  
Marina del Rey, CA 90292

Ms. Catherine Tyrrell  
Playa Vista  
12555 West Jefferson Boulevard, Suite 300  
Los Angeles, CA 90066

John Davis  
P.O. Box 10152  
Marina del Rey, CA 90295

Jamee Jordan Patterson  
Office of the Attorney General  
110 West "A" Street, Suite 700  
P.O. Box 85266  
San Diego, CA 92186-5266

John David Hodder  
411 Manitoba St  
Playa del Rey, CA 90293

John David Hodder  
410 Manitoba St.  
Playa del Rey, CA 90293

Stephen K. Jones  
2932 Wilshire Blvd.  
Santa Monica, CA 90403

Ms. Jan Williamson  
1669 18<sup>th</sup> Street  
Santa Monica, CA 90404

B.E.E.P.  
6038 W. 75<sup>th</sup> St.  
Los Angeles, CA 90045

Ms. Patricia Healy  
403 San Vicente Boulevard  
Santa Monica, CA 90402

Barbara Lee Walker  
21 Via Marina, #1  
Marina del Rey, CA 90292

Ballona Wetlands Trust  
P.O. Box 5623  
Playa del Rey, CA 90296

R. S. 03-474  
Encl. h. t 5 p 15

Roy Van de Hoek  
29170 Heathercliff, #1  
Malibu, CA 90265

Friends of Ballona Wetlands  
6953 Trolley Way  
Playa del Rey, CA 90293

Rex Frankel  
8320 Lincoln Blvd., #103  
Los Angeles, CA 90045

R 5-03-478  
Exh. 615  
p. 16

**OCTOBER 3, 2003 CITY PUBLIC HEARING ATTENDEES**  
**CULVER/VISTA DEL MAR INTERSECTION IMPROVEMENT**  
**COASTAL DEVELOPMENT PERMIT APPLICATION**

R. 5.03.478  
Exh. 6.15 p  
0 17

Mr. Rick Zbur  
633 West 5<sup>th</sup> Street  
Angeles, CA 90071

Mr. Steve Coleman  
6621 West Manchester Avenue  
Los Angeles, CA 90045

Mr. John Patchett  
6621 West Manchester Avenue  
Los Angeles, CA 90045

Mr. Bob Krauch  
6633 Esplanade  
Playa del Rey, CA 90293

Mr. Eugene Elling  
200 Montreal  
Playa del Rey, CA 90293

Jean Claude Sakoun  
6805 Vista del Mar Lane  
Playa del Rey, CA 90293

Mr. Frank Gleberman  
4314 Glencoe Avenue  
Marina del Rey, CA 90292

Mr. Gary Entrekin  
6824 Esplanade  
Playa del Rey, CA 90293

Mr. Marcos Valleyos  
633 West 5<sup>th</sup> Street  
Los Angeles, CA 90071

Mr. Ross Moen  
4707 La Villa Marina, #D  
Marina del Rey, CA 90292

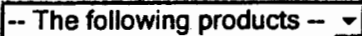
Mr. Steven Matilla  
225 Culver Boulevard  
Playa del Rey, CA 90293

Mr. Jim Moore  
4764 #B La Villa Marina  
Marina del Rey, CA 90292

Ms. Susan Zolk  
Inn at Playa del Rey  
435 Culver Boulevard  
Playa del Rey, CA 90293

R.5-03-478  
Exh. b.t 5  
p. 18

Welcome back 

You are subscribed to:  -- The following products --

[Search Results](#) | [New Search](#)

## WETLANDS ACTION NETWORK

29170 HEATHERCLIFF ROAD #1

MALIBU, CA 90265

### GENERAL INFORMATION

#### Who We Are

ENVIRONMENTAL EDUCATION, INFORMATION AND  
SCIENTIFIC RESEARCH.

- This organization files an IRS Form 990 or 990-EZ.
- Contributions are deductible, as provided by law

EIN:	You must be a GuideStar Select or Premium subscriber to view this information.
Year Founded:	Information not available
Ruling Year:	1996
Fiscal Year:	You must be a GuideStar Premium subscriber to view this information.
Assets:	You must be a GuideStar Premium subscriber to view this information.
Income:	You must be a GuideStar Select or Premium subscriber to view this information.
No. of Board Members:	Information not available
No. of Full-Time Employees:	Information not available
No. of Part-Time Employees:	Information not available
No. of Volunteers:	Information not available

### My Tools

#### Subscribe Now

[GuideStar Select](#)  
[GuideStar Premium](#)  
[Analyst Reports](#)  
[Charity Check](#)  
[Grant Explorer](#)  
[Data Services](#)  
[Compensation Reports](#)  
[Salary Search](#)  
[GuideStar for Grantmakers](#)  
[GuideStar Pro](#)  
[eDocs](#)

#### Power Searches for Professionals



Our search, sort, and retrieval options save you time and energy. [Learn more](#)

Q 5 03.478  
Exh. b. 15  
p 17



# NOTICE OF PENDING PERMIT

A PERMIT APPLICATION FOR DEVELOPMENT ON THIS SITE IS  
PENDING BEFORE THE CALIFORNIA COASTAL COMMISSION.

PROPOSED DEVELOPMENT: Traffic Improvement  
to the intersection of Culver Boulevard  
and Vista Del Mar

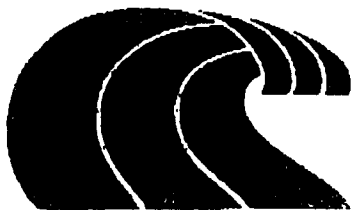
LOCATION: Intersection of Culver  
Boulevard and Vista Del Mar

APPLICANT: Playa Capital Company, LLC

APPLICATION NUMBER: 5-03-478

DATE NOTICE POSTED: Nov. 21, 2003

FOR FURTHER INFORMATION, PLEASE PHONE OR WRITE THE  
OFFICE LISTED BELOW BETWEEN 8 A.M. AND 5 P.M., WEEKDAYS.



CALIFORNIA COASTAL COMMISSION  
SOUTH COAST AREA  
200 OCEANGATE 10<sup>TH</sup> FLOOR  
LONG BEACH, CA 90802-4325  
(562) 590-5071

R. 5-03-478  
Exhibit 5  
p 20

# NOTICE OF PENDING PERMIT

A PERMIT APPLICATION FOR DEVELOPMENT ON THIS SITE IS  
PENDING BEFORE THE CALIFORNIA COASTAL COMMISSION.

## PROPOSED DEVELOPMENT:

Restriping Culver Boulevard to add an additional southbound left turn lane at the culver/Vista del mar intersection and widening the westerly side of Vista del Mar by 21 feet between Culver Boulevard and Pacific Avenue; 2) Construct sidewalk on west side of Vista del Mar from Culver Boulevard to Pacific Avenue; 3) Construct bioswale system within the parkway along the west side of the widened portion of Vista del Mar between Culver Boulevard and Pacific Avenue; 4) implement other street lighting, striping, bus stop relocation and other improvements, including relocating and installing new fence along portion of private property.

## LOCATION:

Culver Blvd. And Vista Del Mar, Playa Del Rey (Los Angeles County)

## APPLICANT(S):

Playa Capital Company, Attn: Catherine Tyrrell

APPLICATION NUMBER: 5-03-478

DATE NOTICE POSTED:

1/21/04

For further information, please phone or write the office listed below between 8 AM and 5 PM, weekdays.



**CALIFORNIA COASTAL COMMISSION**

**SOUTH COAST DISTRICT**

PO Box 1450

200 Oceangate, 10th Floor

LONG BEACH, CA 90802-4416

(562) 590-5071

R 5.03 478  
Exh. 6.15  
p 21

# NOTICE OF PENDING PERMIT

A PERMIT APPLICATION FOR DEVELOPMENT ON THIS SITE IS  
PENDING BEFORE THE CALIFORNIA COASTAL COMMISSION.

## PROPOSED DEVELOPMENT:

Restriping Culver Boulevard to add an additional southbound left turn lane at the culver/Vista del mar intersection and widening the westerly side of Vista del Mar by 21 feet between Culver Boulevard and Pacific Avenue; 2) Construct sidewalk on west side of Vista del Mar from Culver Boulevard to Pacific Avenue; 3) Construct bioswale system within the parkway along the west side of the widened portion of Vista del Mar between Culver Boulevard and Pacific Avenue; 4) implement other street lighting, striping, bus stop relocation and other improvements, including relocating and installing new fence along portion of private property.

## LOCATION:

Culver Blvd. And Vista Del Mar, Playa Del Rey (Los Angeles County)

## APPLICANT(S):

Playa Capital Company, Attn: Catherine Tyrrell

APPLICATION NUMBER: 5-03-478

DATE NOTICE POSTED:

2/12/04

For further information, please phone or write the office listed below between 8 AM and 5 PM, weekdays.



CALIFORNIA COASTAL COMMISSION  
SOUTH COAST DISTRICT  
PO Box 1450  
200 Oceangate, 10th Floor  
LONG BEACH, CA 90802-4416  
(562) 590-5071

R. 503 478  
Exh. b. 15  
P 22



Capp response  
R.S. 103.478  
Exhibits  
p 23

**Exhibit 5**  
**Traffic and Mobility**  
**Excerpts from Coastal Commission Staff Report and City CDP Staff Report**

"The purpose of the proposed project is to improve traffic flow and safety at the Culver/Vista del Mar intersection... This road improvement will address traffic deficiencies on one of the more important coastal access routes in Los Angeles, the Culver/Vista del Mar corridor. In addition, the proposed project would improve pedestrian safety and enhance pedestrian access... Current conditions impair the safe and convenient movement of pedestrians along this relevant stretch from Playa del Rey to the beach areas north and south of the project site." City Staff Report, p. 2.

"The improvement proposed in this application will itself improve and enhance beach access routes for both pedestrian and non-pedestrian uses... The proposed improvement will not impede access and traffic flow and will provide a general benefit to transit at this intersection." City Staff Report, p. 3.

"Once complete, the project will enhance public recreation. It provides a sidewalk along Vista del Mar where no sidewalk existed and widens lanes for safer turning at this busy intersection." Commission Staff Report, p. 7.

**"The Proposed Project will Provide Wider, Safer Lanes.** As a result of the improvement, the total curb-to-curb width of Vista del Mar will be increased from 40 to 61 feet, with 13 feet of this additional width required for the added southbound lane and 8 feet of the additional width required to increase the width of the existing travel lanes as described above to conform to LADOT requirements and to provide for safer operation of the intersection turning movements." Commission Staff Report, Exhibit 5, p.3. Exhibit 5 to the Commission Staff Report provides the analysis submitted in the Permit Application.

**"The Proposed Project Will Increase Operating Efficiency and Traffic Flow.** In addition to providing safer operation of the intersection turning movements, the improvement is also designed to increase the operating efficiency of the intersection. Providing an additional southbound lane on Vista del Mar between Culver Boulevard and Pacific Avenue, together with re-striping the southbound Culver Boulevard approach to the intersection to add an additional left turn lane, would allow for improved traffic flow during the critical P.M. peak hour and would reduce queuing on Culver Boulevard at the Vista del Mar intersection." Commission Staff Report, Exhibit 5, p.3.

R. 5.08-475  
Exhibit 5  
P 24

**Exhibit 6**  
**Summer Time Construction**  
**Excerpt from the Coastal Commission Staff Report**

"If work to improve the street is carried out during summer weekends, it could reduce access to the southerly picnic areas of Dockweiler State Beach and to the bike path. For this reason, the Commission is imposing Special Condition 3 that restricts land closure during summer weekends and holidays." Commission Staff Report, p. 7.

Not only was this issue considered, but the Commission specifically conditioned the permit to address the issues raised by the Opponents. Special condition number 3 restricts lane closures as follows:

"Prior to issuance of the coastal development permit, the applicant shall agree in writing to the following: To minimize impacts to beach access during the peak summer season, construction activities for the proposed improvement shall be limited such that no lane closures shall be permitted on weekends and holidays during the peak beach use season (Memorial Day through Labor Day)." Commission Staff Report, p. 5.

R. 5-03-478  
Exh. b. t 5  
p25

**Exhibit 7**  
**Impacts to the Ballona Wetlands/Habitat**  
**Excerpts from Coastal Commission Staff Report and City CDP Staff Report**

"The widening and associated sidewalk will occur on approximately 6-7000 square feet of a larger parcel that was previously developed with a gasoline station and restaurant, and which supports no native habitat, and in fact few plants of any kind. The site is surrounded by urban development. The applicant has provided a survey of the site, which shows no biotic resources on the site with the exception of common weeds (ruderal vegetation) which are visited by birds common to urbanized areas, including pigeons, sparrows, house finches and crows. Grading on the site will have no direct impacts. If plants were installed on the site that could prove to be invasive there is some chance of impact to nearby habitat areas. The applicant proposes to introduce no vegetation to the area that might prove invasive, and to use a native grass, Melic grass, for its biofiltration system. Playa del Rey abuts the Ballona Wetlands as does Culver Boulevard through parts of its length. However, the project is located 1,700 feet from the Ballona wetlands and 850 feet from Del Rey Lagoon, a remnant extension of Ballona Lagoon that extends south of the Ballona Creek Channel. Therefore, the project is not adjacent to any environmentally sensitive area or wetland." Commission Staff Report, pp. 7-8.

"The proposed project contains no environmentally sensitive habitat areas, would not adversely affect any archaeological or paleontological resources, and does not contain agricultural land or soils or timberland." City Staff Report, p. 5.

Q.5.03478  
Exhibit 5  
p25

Mr. Wayne Smith  
PSOMAS  
11444 West Olympic Blvd., Suite 750  
Los Angeles, CA 90064

Southern California Gas Company  
SBE PAR 7 Map 149  
Southern Region Headquarters  
8141 Gulana Avenue  
Playa del Rey, CA 90293

Mr. Mario Juravich  
Planning Deputy  
515 City Hall East  
200 North Main Street  
Los Angeles, CA 90012

Ms. Jo Powe  
547 N. Cahuenga Blvd.  
Los Angeles, CA 90004

Mr. Bill Tippets  
Supervisor NCCP  
Department of Fish and Game  
4949 Viewridge Ave.  
San Diego, CA 92123-1662

Ms. Arlene Pinzler  
Planning Deputy  
Office of Senator Debra Bowen  
2512 Artesia Blvd., Suite 200  
Redondo Beach, CA 90278

Ms. Patricia McPherson  
Friends of Animals Earthways  
3749 Greenwood Ave.  
Los Angeles, CA 90066

Ms. Ruth Lansford  
Friends of Ballona Wetlands  
6953 Trolley Way  
Playa del Rey, CA 90293

R.V. MacHardy  
6204 Vista del Mar #180  
Playa del Rey, CA 90293

Mr. Douglas Korthof  
1020 Mar Vista  
Seal Beach, CA 90740

Ms. Cardya Allen  
3532 Jasmino Ave. #6  
Los Angeles, CA 90034

Mr. Rex Frankel  
6038 West 75<sup>th</sup> Street  
Los Angeles, CA 90045

Mr. Stuart Sperling  
45 Rose Ave. #10  
Venice, CA 90291

Ms. Lola Terrell  
10760 Woodbine St. #1  
Los Angeles, CA 90034

Ms. Marcia Hanscom  
29170 Heathercliff Road, Suite 1  
Malibu, CA 90265

Ms. Valerie Shlareeshy  
PO Box 6022  
Malibu, CA 90264

Ms. Jan Williamson  
1669 18<sup>th</sup> Street  
Santa Monica, CA 90404

Ms. Catherine Tyrrell  
Playa Vista  
12555 West Jefferson Blvd., Suite 300  
Los Angeles, CA 90066

Ms. Patricia Healy  
403 San Vicente Blvd.  
Santa Monica, CA 90402

Jamee Jordan Patterson  
Office of the Attorney General  
110 West "A" Street, Suite 700  
P.O. Box 85266  
San Diego, CA 92186-5266

Ms. Kathy Knight  
Spirit of the Sage  
1122 Oak Street  
Santa Monica, CA 90405

Michael Bressler  
SEIU  
704 Hartford Ave  
Los Angeles, CA 90017

Stephanie Reeder  
Caltrans District 7  
120 South Spring St.  
Los Angeles, CA 90012

2001 list  
Exhibit 6  
R 5-03.478