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CALIFORNIA COASTAL COMMISSION

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Commission Action:

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE for A-5-PPL-00-028

LOCAL GOVERNMENT: City of Los Angeles

LOCAL DECISION: Approval with Conditions

APPEAL NUMBER: A-5-PPL-00-028

APPLICANT: J. Paul Getty Trust/Stephen Rountree

AGENT: Latham & Watkins, Attorneys at Law

PROJECT LOCATION: 17985 Pacific Coast Highway, Pacific Palisades, City of Los Angeles

PROJECT DESCRIPTION: Renovation and expansion of the Getty Villa and Museum facility (an addition of approximately 76,000 square feet to an existing 134,000 square-foot facility, for a new total of 210,000 square feet). Development includes construction of a 600-seat Outdoor Classical Theater and two partially subterranean parking structures for a net increase of 169 parking spaces. Conditions of approval limit the proposed Outdoor Classical Theater to 450 seats and require a total of 460 on-site parking spaces.

SUMMARY OF STAFF RECOMMENDATION

The staff recommends that the Commission, after public hearing, determine that a substantial issue exists with respect to the grounds on which the appeal has been filed because the project approved by the City raises substantial issues of conformity with regard to the Chapter 3 policies involving impacts to traffic and beach access, impacts to habitat areas, landforms alterations, risks to life and property and stability and structural integrity in an area of high geologic hazards.

APPELLANTS:

Palisades Preservation Association, Inc.; Pacific Palisades Residents Association; Barbara Kohn; and Executive Director of the California Coastal Commission, Peter Douglas

SUBSTANTIVE FILE DOCUMENTS:

1. Environmental Impact Report No. 96-0077
2. City of Los Angeles Local Coastal Development Permit No. 83-017

I. APPEAL PROCEDURES

Prior to certification of a local coastal program Section 30602 of the Coastal Act allows any action by local government on a Coastal Development Permit application pursuant to Section 30600(b) to be appealed to the Commission. Sections 13302-13319 of the California Code of Regulations provide procedures for issuance and appeals of locally issued Coastal Development Permits prior to certification of a LCP.

After a final local action on a Coastal Development Permit issued pursuant to section 30600(b) of the Coastal Act prior to certification of the LCP, the Coastal Commission must be noticed within five days of the decision. After receipt of a notice, which contains all the required information, a twenty working day appeal period begins. During the appeal period, any person, including the applicant, the Executive Director, or any two members of the Commission, may appeal the local decision to the Coastal Commission (Section 30602). Section 30621 of the Coastal Act states that a hearing on the appeal must be scheduled for hearing within 49 days of the receipt of a valid appeal. The appeal and local action are analyzed to determine if a substantial issue exists as to the conformity of the project to Chapter 3 of the Coastal Act (Section 30625(b)(1)). If the Commission finds substantial issue, the Commission holds a new public hearing to act on the Coastal Development Permit as a de novo matter.

In this case, the City's Notice of Final Local Action was received on December 28, 1999. The twenty working day appeal period was determined on that day, ending on January 26, 2000. The South Coast District office received four appeals of the Local Coastal Development Permit during the appeal period.

The Commission may decide that the appellants' contentions raise no substantial issue of conformity with the Coastal Act, in which case the action of the local government stands. Alternatively, if the Commission finds that the proposed project may be inconsistent with the Chapter 3 policies of the Coastal Act of 1976, it will find that a substantial issue exists with the action of the local government. If the Commission

finds substantial issue, then the hearing will be continued open and scheduled to be heard as a de novo permit request at the same or subsequent hearing. Section 13321 specifies that de novo actions will be heard according to the procedures outlined in Section 13114 of the Code of Regulations.

In this case because the development is located within the City's single coastal development permit area, unless the Commission finds substantial issue, the local governments action is final.

II. APPELLANTS' CONTENTIONS

The City of Los Angeles Local Coastal Development Permit #98-015 approves a permit, with conditions, for, as described by the City, the development of:

Renovation and expansion of the Getty Villa and Museum facility (an addition of approximately 76,000 square feet to an existing 134,000 square-foot facility, for a new total of 210,000 square feet). Development includes construction of a 600-seat Outdoor Classical Theater and two partially subterranean parking structures for a net increase of 169 parking spaces. Conditions of approval limit the proposed Outdoor Classical Theater to 450 seats and require a total of 460 on-site parking spaces with parking spaces for up to 8 buses; and include grading and landslide remediation, widening of Pacific Coast Highway to include a turn lane and other transportation improvements along Pacific Coast Highway, Sunset Boulevard and Los Liones Drive.

The City's approval of the proposed development was appealed on January 24, 25, and 29, 2000, by four appellants. The project was appealed by Palisades Preservation Association, Inc.; Pacific Palisades Residents Association; Barbara Kohn, and by the Executive Director of the California Coastal Commission.

The appeal by Palisades Preservation Association, Inc. contends that:

1. Vehicle access will use Los Liones Drive in Los Liones State Park for egress of buses and for ingress and egress of employees, visiting scholars, delivery vehicles, and business visitors. The use of this road will be inconsistent with Sections 30604(c) and 30223 of the Coastal Act.

The appeal by Pacific Palisades Residents Association contends that:

1. The project is contrary to Section 30211 of the Coastal Act.

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2. Approval of a project of this magnitude will prejudice the ability of the City of Los Angeles to prepare a local Coastal Program in conformity with Chapter 3 of the Coastal Act.
 3. In approving the project, the City of Los Angeles has failed to be guided by prior relevant decisions of the Coastal Commission.
 4. The project conflicts with Section 30240(a), which requires that environmentally sensitive habitat be protected from significant disruption.
 5. The project violates Section 30253 by increasing risk to life and property in an area of high geologic, flood and fire hazard.
 6. The project conflicts with the Interpretive Guidelines for the area as adopted by the Coastal Commission. The project alters natural landforms along bluffs, which should be prohibited under the Guidelines.

The appeal by Ms. Kohn contends that:

1. The 1983 Coastal Commission [approval] limited parking at this site to 291 spaces with visitor capacity limited to no more than 216.
2. The project will result in increased traffic on Pacific Coast Highway.
3. The project is inconsistent with Sections 30211, 30253, 30250 and 30240(a) of the Coastal Act.
4. Approval will prejudice the ability of the City of Los Angeles to prepare an LCP in conformity with the Coastal Act.

The appeal by the Executive Director contends that:

1. The proposed project site is located adjacent to Pacific Coast Highway, which provides the only access to the site. The project will add additional traffic to Pacific Coast Highway and to nearby Sunset Boulevard. Pacific Coast Highway is the major thoroughfare providing north-south access to the various beaches to the south and north of the project site. Sunset Boulevard provides east-west access to the area beaches for people living in the inland areas and to two lower entrances to Topanga State Park. Topanga State Park, which is a major recreational area, is located off of Sunset Boulevard and is within close proximity to the project site. Additional traffic generated by the proposed development could have an adverse impact to beach access along Pacific Coast Highway and to nearby Topanga State Park.

2. One of the conditions of the City's permit requires an off-site shuttle program to transport visitors to evening performances at the proposed Outdoor Classical Theater. The off-site parking locations have not been identified in the permit. Therefore, there is a potential that use of off-site parking areas may adversely impact beach and recreational parking use if the potential sites are used by beach or recreational users.
3. In the City's approval, the City indicates that with an imposed reservation system and shuttle program adequate parking will be provided to meet the current and expanded use. The City's approval indicates that a total of 560 parking spaces will be provided but does not indicate the current parking supply, nor does it include the existing parking demand and the parking demand generated by the expansion. Furthermore, according to the City's approval, the reservation system is part of a 1974 agreement with the Sunset Mesa Property Owners Association. The agreement was not included as part of the City's approval. Without this parking information it can not be determined what potential parking impacts the proposed project would have on beach access and recreational use.

III. STAFF RECOMMENDATION, MOTION AND RESOLUTION

The staff recommends that the Commission determine that a substantial issue exists with respect to the City's approval of the project with the provisions of Chapter 3 of the Coastal Act (commencing with Section 30200), pursuant to Public Resources Code Section 30625(b)(1).

MOTION: Staff recommends a **NO** vote on the following motion:

I move that the Commission determine that Appeal No. A-5-PPL-00-028 raises **NO** substantial issue with respect to the grounds on which the appeal has been filed.

A majority of the Commissioners present is required to pass the motion.

RESOLUTION:

The California Coastal Commission hereby finds that Appeal number A-5-PPL-00-028 presents a Substantial Issue with respect to the grounds on which the appeal has been filed under Section 30602 of the Coastal Act regarding consistency with Chapter 3 policies of the Coastal Act.

IV. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description and Area History

The proposed project includes the renovation and expansion of the Getty Villa and Museum facility (an addition of approximately 76,000 square feet to an existing 134,000 square-foot facility, for a new total of 210,000 square feet). Development includes construction of a 600-seat Outdoor Classical Theater and two partially subterranean parking structures for a total of 460 parking spaces. Conditions of approval limit the proposed Outdoor Classical Theater to 450 seats and require a total of 460 on-site parking spaces with parking spaces for up to 8 buses, and include grading and landslide remediation, widening of Pacific Coast Highway to include a turn lane and other transportation improvements along Pacific Coast Highway, Sunset Boulevard and Los Liones Drive.

The project site consists of a 64 acre parcel just off of Pacific Coast Highway in the Pacific Palisades area of the City of Los Angeles. The property is situated within a small canyon. The property is located approximately three miles northwest of the City of Santa Monica and one-half mile east of the City of Malibu.

The surrounding area is residentially developed with Topanga State Park immediately adjacent to the site to the north.

According to the EIR the J. Paul Getty Museum opened to the public in 1953 as a museum housing the art collection of its founder J. Paul Getty. The collection was housed in gallery space located at the east end of the Ranch House, the original residence purchased by J. Paul Getty. In 1957, a gallery wing was constructed adjacent to the Ranch House. In 1974 the collection was moved to the newly completed Roman villa building, which has since served as the Museum.

In 1983 the issued a Coastal Development Permit (#83-017) for the renovation and construction of two new additions to the existing Ranch House and additional staff parking for the Museum.

B. Area Planning History

The City of Los Angeles has a work program to complete a Local Coastal Program in the Pacific Palisades planning area. This work program discusses hillside development standards to reduce grading, the Sunset Boulevard corridor, and landslides above Pacific Coast Highway. There is no draft LCP for this area.

C. DESCRIPTION OF LOCAL APPROVAL

On July 20, 1999, the City's Zoning Administrator approved a coastal development permit, with conditions, for the renovation and expansion of the Getty Villa and Museum facility (an addition of approximately 76,000 square feet to an existing 134,000 square-foot facility, for a new total of 210,000 square feet). Development includes construction of a 600-seat Outdoor Classical Theater and two partially subterranean parking structures for a total of 460 parking spaces. Conditions of approval limit the proposed Outdoor Classical Theater to 450 seats and require a total of 460 on-site parking spaces.

Conditions of the City's permit also include limiting the Museum public hours from 10:00 a.m. to 5:00 p.m. five days per week and 10:00 a.m. to 9:00 p.m. one day per week. The Outdoor Theater is limited to no more than 35 evening performances and 10 performances between 10:00 a.m. and 4:00 p.m. on days when the Museum is not open to the public. Vehicle access for visitors to the Outdoor Theater is restricted to before 5:00 p.m., or no earlier than 7:00 p.m.

The Zoning Administrator's decision was appealed to the Board of Zoning Appeals by the applicant and a protestant. On September 28, 1999, the Board of Zoning Appeals denied the protestant appeal, and granted in part the appeal by the applicant.

With regards to the City's analysis of coastal issues, the City's Coastal Development Permit incorporated by reference the project's EIR (NO. 96-0077). The City's Coastal Development Permit provides an analysis of the project's consistency with applicable Chapter 3 policies of the Coastal Act, including impacts to access, scenic and visual qualities of the coastal area, Environmentally sensitive habitat areas, and hazards. Based on this analysis, the Board of Zoning Appeals found, as part of its CEQA findings, that the project is consistent with all of the applicable policies of Chapter 3 of the Coastal Act. However, as stated above, the proposed project raises substantial issues with respect to the Chapter 3 policies of the Coastal Act.

D. SUBSTANTIAL ISSUE ANALYSIS

Section 30602 of the Coastal Act states:

Prior to certification of its local coastal program, any action taken by a local government on a coastal development permit application may be appealed by the executive director of the commission, any person, including the applicant, or any two members of the commission to the commission..

Coastal Act Section 30625(b)(1) states that the Commission shall hear an appeal filed pursuant to subdivision (a) of Section 30602 (the pre-certification permit option) unless it determines:

(1) ... that no substantial issue exists as to conformity with Chapter 3 (commencing with Section 30200).

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal of a locally issued coastal development permit unless it "finds that the appeal raises no substantial issue in accordance with the requirements of public resources code section 30625(b) and section 13115(a) and (c) of these regulations" (Cal. Code Regs., tit. 14, section 13321.) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the policies Chapter 3 of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City raises a substantial issue with regard to the appellants' contentions regarding coastal resources.

1. Appellants' Contentions That Raise a Substantial Issue

Some of the contentions raised in the appeal present valid grounds for appeal in that they allege the approved project's inconsistency with policies of the Coastal Act. As stated above, four separate appellants have filed appeals. Listed below

are the appellants' contentions that are valid grounds for appeal because they address Chapter 3 policies of the Coastal Act:

A. Public Access

(a) The appeal by Palisades Preservation Association, Inc contends that:

1. The project is contrary to Section 30211 of the Coastal Act.
2. Vehicle access will use Los Liones Drive in Los Liones State Park for egress of buses and for ingress and egress of employees, visiting scholars, delivery vehicles, and business visitors. The use of this road will be inconsistent with Section 30223 of the Coastal Act.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30223 of the Coastal Act states

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

The approved project site abuts the lower southern portion of the 8,000-acre Topanga State Park. Los Liones Drive serves as the entrance road and parking area for the trailhead into Los Liones Canyon, which is located in the lower portion of Topanga State Park. Los Liones Drive is a local roadway providing one through travel lane in each direction and parking along both curbs.

In 1998, the Commission approved park improvements along Los Liones Drive and Los Liones Canyon (CDP no. 5-97-40). Approved improvements include additional visitor serving amenities, such as an amphitheater, picnic tables, shade structures, interpretive panels, landscaping, and hiking trails within Los Liones Canyon. According to the Department of Parks and Recreation, this entrance serves thousands of park visitors annually. The parking area, due to its relative proximity to Will Rogers State Beach (1/3 mile from the beach), also serves as beach parking.

According to the EIR and City's CDP, public access to the museum and proposed theater will be from Pacific Coast Highway, however, Los Liones Drive, located in the

northern portion of the site, will be used by employees, visiting scholars, delivery vehicles, and as an exist for buses. The EIR indicates that buses leaving the museum could stop and use the park facilities.

In responding to the EIR, the California Department of Parks and Recreation expressed concern that the project and the use of Los Lions Drive would adversely impact visitors to Topanga State Park by taking up the limited parking in the area.

The EIR and the City's present CDP do not address the impact of the approved expansion on the adjacent State Park or on the use of the park's parking lot as parking for beach use. Therefore, the local approval does not ensure that potential adverse impacts to visitor use of the park and to beach access are avoided and/or mitigated consistent with the Chapter 3 Policies of the Coastal Act. Because the park is a coastal recreational area and the parking lot provides parking for beach access, additional traffic and use of Los Lions Drive can adversely impact recreational use of the park and beach access. Therefore, the appellant's contentions raise a substantial issue with respect to Section 30211 and 30223 of the Coastal Act.

B. Traffic/ Parking

(a) Ms. Kohn contends that:

1. The project will result in increased traffic on Pacific Coast Highway and will be inconsistent with Section 30250 of the Coastal Act.
2. The 1983 Coastal Commission [approval] limited parking at this site to 291 spaces with visitor capacity limited to no more than 216.

(b) The Executive Director contends that:

1. The approved project will add additional traffic to Pacific Coast Highway and to nearby Sunset Boulevard, which will adversely impact beach access and access to Topanga State Park.
2. In the City's approval, the City indicates that with an imposed reservation system and shuttle program adequate parking will be provided to meet the current and expanded use. The City's approval indicates that a total of 560 parking spaces will be provided but does not indicate the current parking supply, nor does it include the existing parking demand and the parking demand generated by the expansion. Furthermore, according to the City's approval, the reservation system is part of a 1974 agreement with the Sunset Mesa Property Owners Association. The agreement was not included as part of the City's approval. Without this

parking information it can not be determined what potential parking impacts the proposed project would have on beach access and recreational use.

Section 30250 of the Coastal Act states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

The 64-acre Getty Villa property is located just off of Pacific Coast Highway in the Pacific Palisades Area of the City of Los Angeles. Public access to the Getty Villa property is from Pacific Coast Highway. Additional vehicular access is provided for employees and some service vehicles via Los Liones Drive, which is located inland of Pacific Coast Highway and west of Sunset Boulevard. Coastline Drive, which serves an adjoining neighborhood, is located immediately to the west of the project site.

Pacific Coast Highway is the major thoroughfare providing north-south access to the various beaches to the south and north of the project site. Sunset Boulevard provides east-west access to the coast for people living in the inland areas and to two lower entrances to Topanga State Park. Topanga State Park, which is a major 8,000-acre recreational area, is located off of and north of Sunset Boulevard via Los Liones Drive, and is within close proximity to the project site.

Additional traffic generated by the proposed development could have an adverse impact to beach access along Pacific Coast Highway and to nearby Topanga State Park. The EIR indicates that the approved project would result in significant P.M. peak hour traffic impacts at three study intersections (Coastline Drive/Pacific Coast Highway; Porto Marino Way/Pacific Coast Highway; and Sunset Boulevard/Pacific Coast Highway). However, the City's CDP states that with the required non-concurrent use of the Outdoor Classical Theater during museum operating hours (i.e., use of the theater permitted during evenings only and outside of visitor hours to the museum), significant P.M. peak hour traffic impacts resulting from implementation of the project would occur only at the intersection of Coastline Drive and Pacific Coast Highway.

The EIR indicates that the peak parking demand by museum visitors, employees, and business visitors would increase by 10% with development of the approved project. However, as many of the prior exhibits and programs previously accommodated at this site have been relocated to the Getty Center in Brentwood, the EIR states that it is expected that the level of visitation at the Getty Villa would be the same or lower than previous levels, making the 10% increase a conservative estimate.

However, the number of visitors to the existing museum was limited, as a condition of the City's original Coastal Development Permit (CDP #83-017), by the number of on-site public parking spaces (216) and a reservation system. [The Coastal permit cited by Ms. Kohn did in fact limit the parking spaces as noted, but was in fact issued by the City of Los Angeles under its authority granted by section 30600(b).] The limit on the number of parking spaces and the reservation system was part of a 1974 agreement with the Sunset Mesa Property Owners Association. This original reservation system was incorporated into the City's original Coastal Development Permit and has been incorporated, by reference, in this Coastal Development Permit. The approved project will provide 460 visitor-parking spaces, or 244 more spaces than approved in 1983. Although the approved project will continue the reservation system, as required by the City's approved Coastal Development Permit, the limit on the potential number of visitor vehicles will increase to 460 spaces. Neither the City's 1983 coastal development permit nor the City's current Coastal Development Permit provides information or analysis substantiating the basis for the earlier restriction to 216 visitor spaces or for the present expansion to 460 visitor spaces. The actual 1974 agreement was not included as part of the City's submitted documentation to Commission staff. Without analysis of the reasons for the limitations and without this parking agreement, the City-required reservation system and on-site parking limitations cannot be evaluated for consistency with section 30250 of the Coastal Act. Therefore, the potential parking impacts on beach access and recreational use can not be determined.

Furthermore, as a condition of the City's present permit, in an effort to reduce the parking demand by having the theater and museum operate non-concurrently, the Getty Villa will prohibit entrance of vehicles transporting visitors for theater performances to no earlier than 7:00 p.m., unless theater patrons arrive prior to 5:00 p.m.

This condition and the proposed operation has the potential to increase the on-site parking demand and traffic along PCH beyond the EIR's projected figures. First, contrary to the applicant's expectation that parking will remain the same or even decrease, there is a potential that there may be a simultaneous use of the parking facilities by museum patrons and theater patrons, which may result in an actual increase in the parking demand during the day.

Second, one can not assume that all theater patrons will arrive after the 7:00 p.m. theater parking opening. Taking into account driving distances and traffic conditions

that are unpredictable, some theater patrons will undoubtedly arrive prior to 7:00 p.m. Therefore, additional traffic will be generated along PCH by theater patrons that arrive after 5:00 p.m. and before 7:00 p.m. These patrons will not be allowed onto the property and will need to drive and find temporary parking until the 7:00 opening. This will add additional traffic to Pacific Coast Highway and the surrounding streets and could add to the parking demand in the surrounding area, including the adjoining neighborhoods

Finally, one of the conditions of the City's permit requires an off-site shuttle program to transport visitors to evening performances at the proposed Outdoor Classical Theater. The off-site parking locations or times of use have not been specifically identified in the City's Coastal Development Permit. The conditions of the Coastal Development Permit indicate that potential shuttle sites could be located along the corridor extending from Sunset Boulevard to the McClure Tunnel in Santa Monica and may include City owned parking lots or other public parking areas. Without information as to the specific lots and the times that such lots will be used, the impacts to beach access can not be determined. Therefore, there is a potential that use of off-site parking areas within the coastal zone may adversely impact beach and recreational parking if the potential sites are used by beach or recreational users or the museum/theater usurps support parking for other visitor serving uses. Therefore, the appellant's contentions do raise a substantial issue with respect to Section 30250 of the Coastal Act.

C. Environmentally Sensitive Habitat

(a) Pacific Palisades Residents Association, Inc. and Ms. Kohn contend that:

The project conflicts with Section 30240(a), which requires that environmentally sensitive habitat be protected from significant disruption.

Section 30240(a) states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

According to the EIR utilized by the City in approving the CDP, historical use of the property as a residence and for cultivation of citrus orchards, followed by museum related development, has eliminated nearly all natural vegetation from the southern and central canyon in which the project site is located. Although small numbers of coast live oak trees, western sycamores and native shrub species persist, the lower canyon is currently dominated by non-native plant species.

The southern periphery of the property and slopes lining the lower canyon currently support large numbers of myoporum, eucalyptus and pine trees. Eucalyptus also line the entrance driveway.

According to the approved project's EIR, the Monarch butterfly has previously been observed on the site. Monarch butterflies were observed roosting on the property between 1984 and 1993. According to the EIR, roosts are generally located in tree groves, including exotic trees such as eucalyptus, pine and cypress. The EIR and the City's Coastal Development Permit indicate that the Monarch butterfly is listed by the State as a California Species of Special Concern.

According to the California Department of Fish and Game's Natural Diversity Data Base report, over 1,000 butterflies were observed roosting in a grove of eucalyptus trees south of the public parking lot. In 1989-90, up to 15,000 monarchs returned to the property and roosted in pine trees in the same location. The most recent reported sighting was 500 monarchs in 1992-93. The EIR states that although the groves of eucalyptus and pine trees are still present, no butterflies were observed during field surveys.

The City's coastal development permit states that development will be located within the southern portion of the site. According to the EIR, the southern portion of the site is the location of the Monarch's roosting area. Although the EIR states that monarchs have not been observed during recent field surveys, the report does not state the time of year the surveys were conducted or whether Monarchs were observed in other areas off-site. Therefore, it can not be determined, at this time, if there was an overall decline in the Monarch population during the period of the recent survey, or if there were other factors contributing to Monarchs not roosting on the property or surrounding area.

To address the potential impacts to the Monarch, as a condition of the CDP permit, the City requires that:

Eucalyptus trees on -site shall be maintained, trimmed, and (if necessary) removed at such seasons as will not be detrimental to the migration, resting or reproduction of the Monarch Butterfly, except in the case of emergencies or as necessary for public safety.

The EIR and City's CDP, does not specify the seasons, or potentially critical months to be avoided, to ensure that the Monarch Butterfly will not be adversely impacted. Furthermore, the condition allows the removal of Eucalyptus trees, which may eliminate or adversely impact groves as roosting sites. Because Monarchs roost in groves, the trimming or removal of Eucalyptus trees, as allowed by the condition of the permit, could irreparably damage the grove and eliminate the roosting site. Moreover, the EIR

indicates that pine trees on the property were also used as roosting sites, but the City's CDP does not provide any protection or mitigation measures for these trees to minimize damage to the canopy which could have impact on the butterflies. Therefore, the applicant's contention does raise a substantial issue with respect to Chapter 3 policies of the Coastal Act.

D. Hazards and Landform Alteration

(a) Pacific Palisades Residents Association, Inc. and Ms. Kohn contend that:

The project violates Section 30253 by increasing risk to life and property in an area of high geologic, flood and fire hazard.

(b) Pacific Palisades Residents Association contends that:

The project conflicts with the Interpretive Guidelines for the area as adopted by the Coastal Commission. The project alters natural landforms along bluffs, which should be prohibited under the Guidelines.

The Commission notes that the interpretive guidelines are not a standard for appeal, but also notes that Section 30251 and 30253 require applicants to minimize the alteration of natural landforms and require that development minimize risks to life and safety.

Section 30251 states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

Section 30253 states:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or

surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

(3) Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.

(4) Minimize energy consumption and vehicle miles traveled.

(5) Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.

The City's CDP indicates that the Final EIR indicates that implementation of the project would increase the demand for fire protection and Emergency Medical Service and result in significant impacts on fire protection service. The City approval also states that mitigation measures in the EIR and in the Mitigation Monitoring and Reporting Program have been incorporated into the project which will avoid or substantially reduce project impacts to a less than significant level.

According to the EIR, flood and fire hazards will be minimized, as drainage facilities within the site will be adequate to accommodate peak storm flows. Furthermore, emergency access throughout the site will be improved and recommendations of the Fire Department, relative to fire safety, will be incorporated into the building plans.

However, in terms of geologic stability, the EIR indicates that landslides are common in the coastal region surrounding the project site and that three known landslides are located on-site. One of these slides, known as the East Side Slide, occurred on the east side slopes below Castellammare Mesa, to the northeast of the Museum, in March 1995. According to the EIR this landslide represented a partial reactivation of a prehistoric landslide. A possible second, probably prehistoric, landslide is also located on the east side slopes, and a third is located near the entrance to the Getty Villa.

The EIR indicates that remediation of the East Side Slide is proposed. However, the EIR further states that the potential for other landslides exists, primarily along the eastern slopes. The City's Coastal Development Permit does not address the potential impacts of these slides on the approved project or mitigation measures with regards to Sections 30251 and 30253 of the Coastal Act.

Furthermore, the City's approved Coastal Development Permit does not specify the amount or location of grading and remediation that is required. As approved by the City, the grading and remediation is subject to additional on-site evaluation and the City's review. The City's Coastal Development Permit does not indicate that the City's Department of Building and Safety has reviewed the project and determined the project

to be safe from geologic hazards. At this time it can not be determined what impact the approved landform alteration will have on the area.

Furthermore, without prior review by the Department of Building and Safety there is the potential that the approved project, once it is reviewed by the Department of Building and Safety, will be significantly modified to address geologic concerns. Such modifications could result in a significantly different project and include additional grading and landform alteration, which may require the City to issue a new Coastal Development Permit. Therefore, the applicant's contention does raise a substantial issue with Sections 30251 and 30253 of the Coastal Act.

Conclusion

The Commission finds that substantial issues exist with respect to the approved project's conformance with the Chapter 3 policies of the Coastal Act. Therefore, appeal No. A-5-PPL-00-028 raises substantial issue with respect to the grounds on which the appeals have been filed.

2. Issues Raised by Appellants that do not Address the Approved Project's Inconsistency with the Chapter 3 Policies of the Coastal Act

The contentions listed below do not address valid grounds for appeal with respect to Chapter 3 policies of the Coastal Act or raise substantial issues of conformity with respect to the Chapter 3 Policies of the coastal act..

(a) Pacific Palisades Residents Association and Ms. Kohn contend that:

Approval of a project of this magnitude will prejudice the ability of the City of Los Angeles to prepare a local Coastal Program in conformity with Chapter 3 of the Coastal Act.

This contention addresses the Commission's review of Local Coastal Programs and does not identify how the approved project is inconsistent with the Chapter 3 policies of the Coastal Act. Therefore, the appellant's contention does not raise a valid ground for appeal with respect with the Chapter 3 policies of the Coastal Act.

(b) Pacific Palisades Residents Association contends that:

In approving the project, the City of Los Angeles has failed to be guided by prior relevant decisions of the Coastal Commission.

While in administering the pre-certification permit option, the City is directed by the regulations to consider the Commission's past actions, the grounds for appeal remain

the chapter 3 policies of the Coastal act. The City, in approving CDP's is guided by the policies of the Coastal Act. This contention does not identify how the approved project is inconsistent with the Chapter 3 policies of the Coastal Act. Therefore, the appellant's contention does not raise a valid ground for appeal with respect with the Chapter 3 policies of the Coastal Act

(c) Pacific Palisades Residents Association contends that:

The project conflicts with the Interpretive Guidelines for the area as adopted by the Coastal Commission. The project alters natural landforms along bluffs, which should be prohibited under the Guidelines.

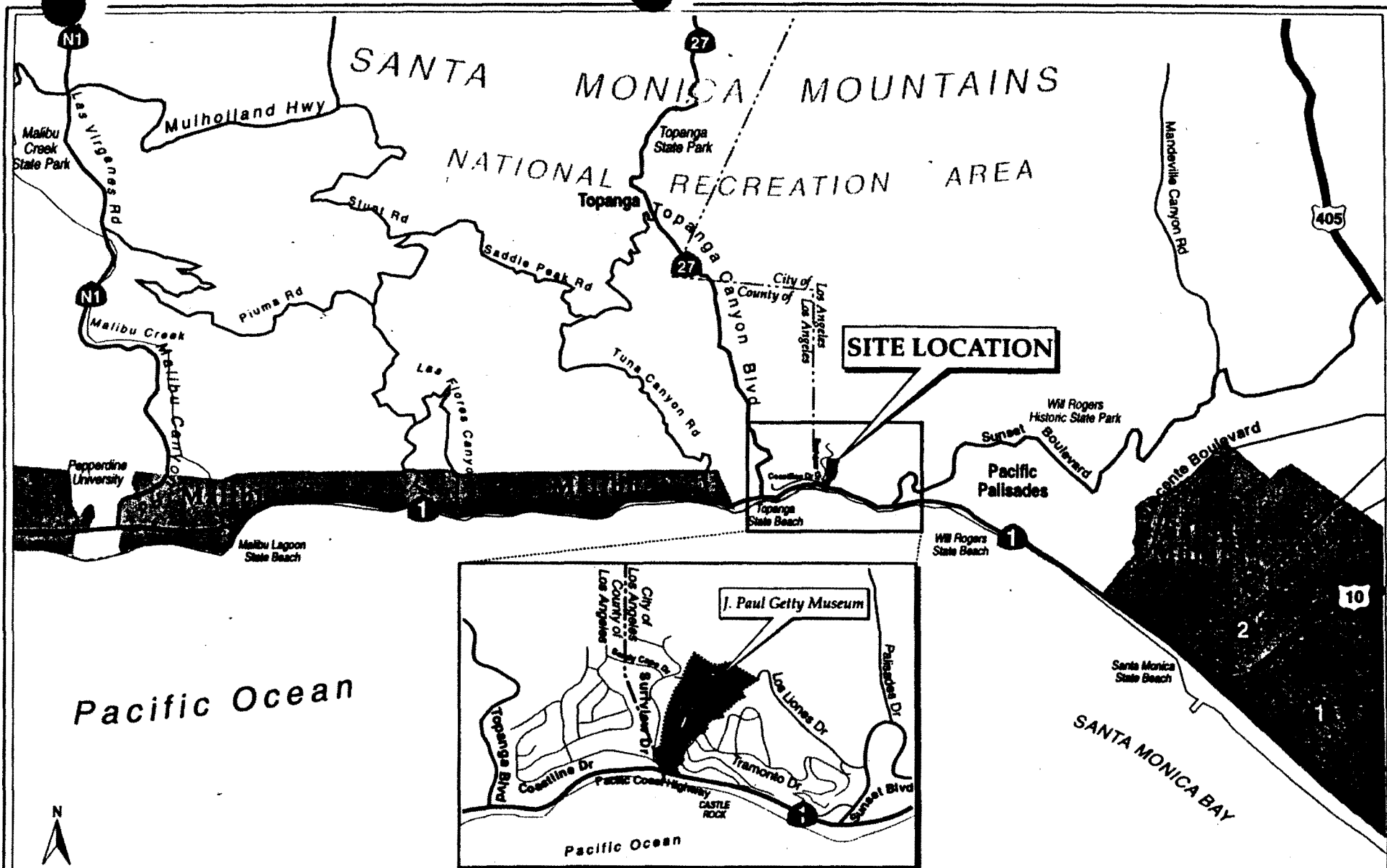
As noted above the Coastal Act does include provisions to limit the alteration of natural landforms. However, failure to conform to the interpretive guidelines in itself is not a valid basis for appeal.

(d) Palisades Preservation Association, Inc. contend that:

Section 30604(c) states:

Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

The project is not located between the nearest public road and the sea or shoreline. Pacific Coast Highway is the first public road nearest and paralleling the sea. The project is located on the north side of Pacific Coast Highway. Therefore, the appellant's contention raises no substantial issues with respect to Chapter 3 policies of the Coastal Act.



The Getty Villa Master Plan



Inset Map Not To Scale

EXHIBIT NO. 1

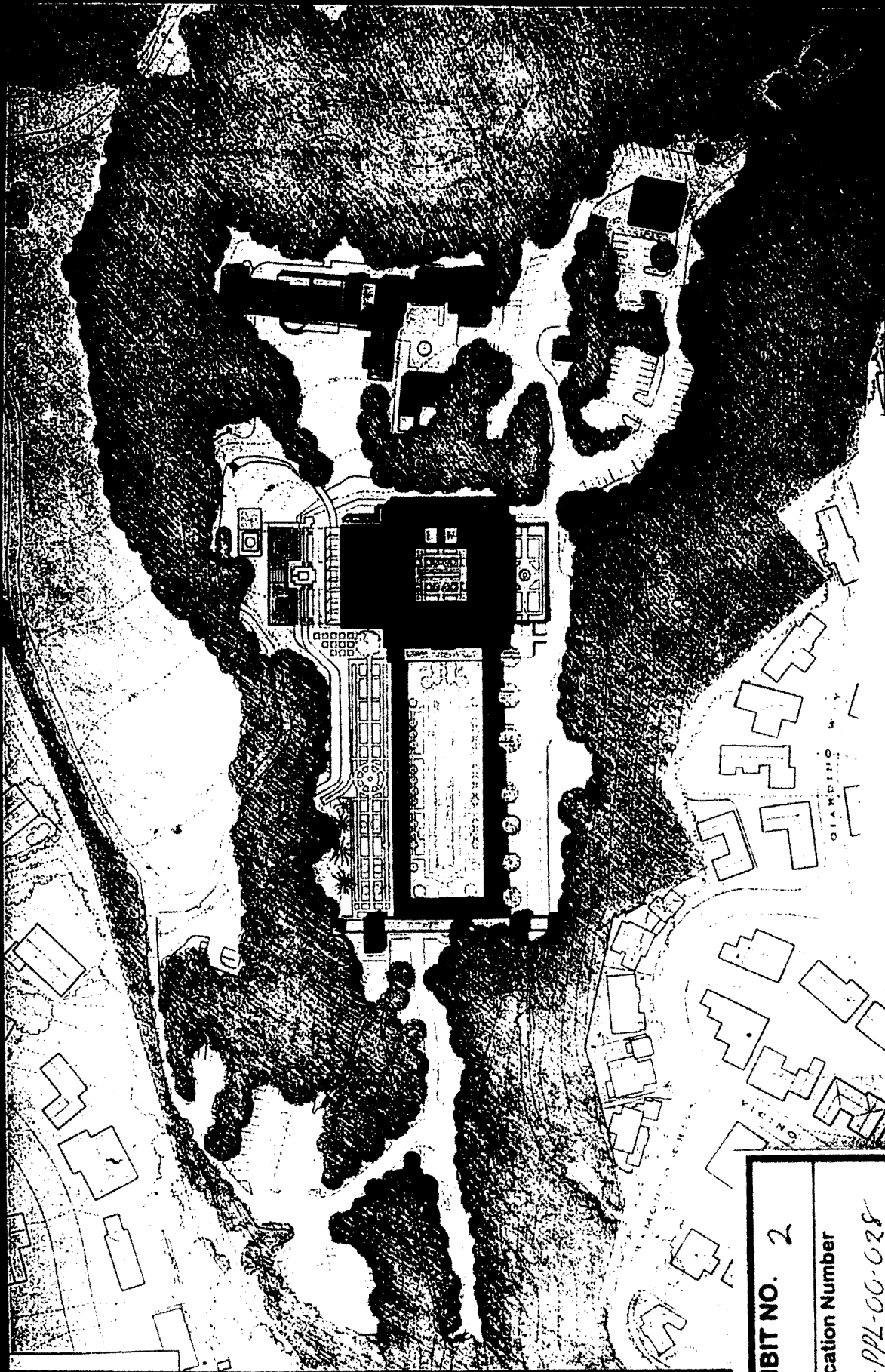
Application Number

A-5-PPL-CO-028

Vicinity Map

(From EIR)

California Coastal Commission



1: Existing site plan.

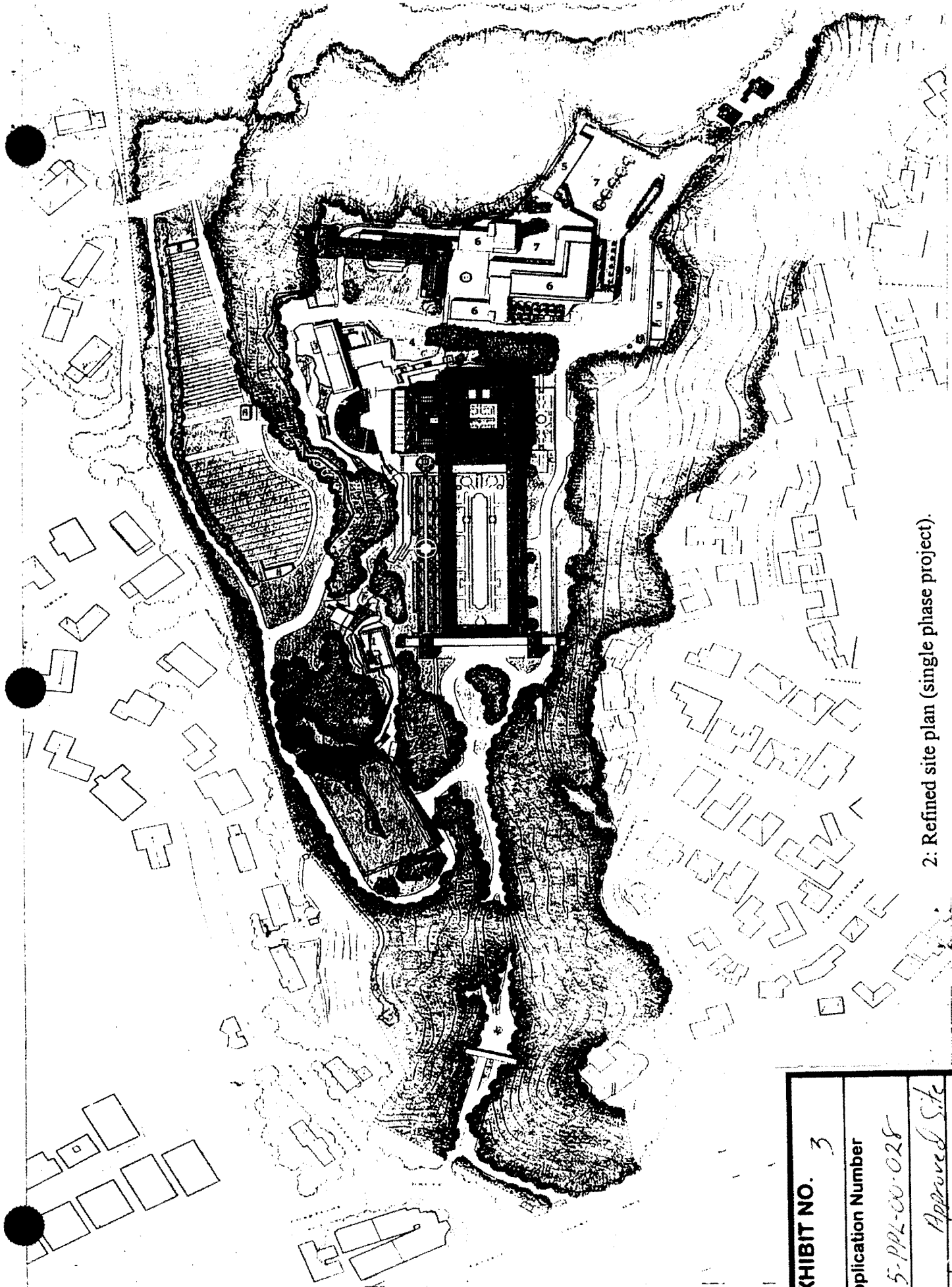
EXHIBIT NO. 2

Application Number

A-5-PPL-00-028

Existing Site Plan

California Coastal Commission



2: Refined site plan (single phase project).

EXHIBIT NO.	3
Application Number	A-5-PPL-00-028
Plan	Approved Site
California Coastal Commission	

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March 10, 2000

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CALIFORNIA
COASTAL COMMISSION

These materials have been
forwarded to Commission
Staff.


Ms. Teresa Henry
California Coastal Commission
South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Re: Coastal Commission Appeal A-5-PPL-00-028
J. Paul Getty Trust
The Getty Villa Master Plan
17985 Pacific Coast Highway

Dear Ms. Henry:

We appreciated the opportunity to meet with you and other members of the staff on February 25, 2000 regarding the Getty Villa Master Plan (the "Master Plan"). We are writing on behalf of our client, The J. Paul Getty Trust (the "Getty"), to address questions raised at our meeting and to address Coastal Commission Appeal A-5-PPL-00-028 (the "Appeal"), which includes the Executive Director Appeal filed on January 26, 2000 (the "Staff Appeal") and the three citizen appeals by the Pacific Coast Homeowners, Barbara Kohn and the Palisades Preservation Association, Inc. filed on January 21, 2000 (the "Citizen Appeals").

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EXHIBIT NO. 4
APPLICATION NO. A-5-PPL-00-028
Applicant's Letter to Commission
 California Coastal Commission

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As you are aware, the Coastal Development Permit (the "CDP") that is the subject of the Appeal simply allows the continuation of an existing visitor-serving use in the coastal zone, which provides unique educational and cultural opportunities for families and children of diverse socio-economic backgrounds throughout California and the world. The Master Plan primarily provides for the renovation of the existing facilities at the J. Paul Getty Museum in the Pacific Palisades, known as the Getty Villa. The Master Plan will allow the Getty Villa to continue as a center for the study, display and conservation of classical antiquities; will ensure the Getty Villa meets current building safety and access standards under the Americans with Disabilities Act ("ADA"); will provide upgraded facilities for the Getty Villa's conservation program; and will provide enhanced ancillary amenities for visitors. We are hopeful that, after review of the information provided herein, you will agree that the Master Plan raises no substantial issues under the Coastal Act and that the Master Plan will enhance access to and the preservation of coastal resources. Therefore, we respectfully request that Staff recommend to the Coastal Commission, pursuant to Coastal Act Section 30625, "that no substantial issue exists as to conformity with" the policies of the Coastal Act.

The Getty Villa, which was opened to the public in 1974, was designed to be a recreation of the Villa dei Papiri, a 1st century AD Roman villa located on the Mediterranean coast in Herculaneum near Naples, Italy. The Villa's coastal property in Pacific Palisades is particularly appropriate for this purpose, as it replicates the original Villa dei Papiri's coastal setting. The Getty Villa has a unique visitor-serving use, providing people throughout California with opportunities to experience art and to understand culture and conservation issues around the world. The CDP will allow the Getty Villa to continue to provide important educational and recreational opportunities, including school and family programs, which reach children and families from lower socio-economic communities throughout Southern California. Furthermore, the CDP will allow the Getty Villa to proceed with the implementation of new programs and activities such as exhibitions and lectures related to comparative ancient cultures, which will provide visitors with cross-cultural comparisons.

This letter first describes the Master Plan's modifications to the Getty Villa, which are subject to the CDP. Second, this letter addresses the issues contained in the Staff Appeal, each related to the effect of the Master Plan on public access to coastal resources. Third, this letter addresses questions raised by staff during oral briefings regarding the Master Plan. Finally, we have addressed each of the issues raised in the Citizen Appeals in a separate exhibit, attached hereto as Exhibit A.

1. Overview of the Getty Villa Master Plan.

The Getty Villa has been a visitor-serving destination within the coastal zone for over two decades, offering cultural, educational and recreational opportunities free-of-charge to visitors throughout California and the world. The CDP would allow the continuation of the Getty Villa's existing programs. The Master Plan does not propose a new facility for the area, but rather an upgrade of the existing facilities at the Getty Villa in order to provide enhanced

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disabled access and other code compliance and to upgrade and reconfigure ancillary amenities for visitors and for the Getty Villa's conservation program. Neither the number of visitors nor the number of employees present on-site is anticipated to exceed those numbers that existed during the Getty Villa's historical operations. In fact, the Getty projects that the number of visitors will decline from historical peak operations because all of the other collections previously displayed at the Getty Villa, including paintings, decorative arts, European sculpture, photographs, illuminated manuscripts, and drawings, have been relocated to the Getty Center in Brentwood. The Getty Villa will only contain the antiquities collection.

Under the Master Plan, the Getty Villa's physical characteristics and operations will remain consistent with the Getty Villa as it existed before it closed to the public. We have enclosed site plans depicting the existing Getty Villa and the Getty Villa as modified under the Master Plan, attached hereto as Exhibit B. We have also enclosed a chart comparing the existing Getty Villa to the Getty Villa as modified under the Master Plan, attached hereto as Exhibit C. As set forth in Exhibits B and C, the Getty Villa Master Plan will continue to provide the Museum, the Auditorium, the Art and Conservation Laboratories and Facilities, the Garden Tea Room, and the Bookstore.

Although the Master Plan provides for a moderate expansion of certain ancillary services, this expansion will not result in the attraction or accommodation of additional visitors or the need for additional employees. Public gallery space at the Museum will not increase at all, and the number of seats at the Auditorium will remain unchanged. Additional floor area provided for restoring art objects in the Art and Conservation Laboratories and Facilities will serve a low intensity use and will not result in an increase in employees on-site. The expansion of the Garden Tea Room includes floor area for disabled access and improved circulation, and additional seating will reduce wait-time for existing guests. As shown in Exhibit C, most of the increase in floor area at the Getty Villa will comprise floor area necessary to comply with current disabled access requirements and other code compliance, and to provide enhanced ancillary services for visitors and the conservation program. The Master Plan will not result in an increase in the number of visitors or employees on-site.

In addition, the hours of operation and means of access to and from the site will remain substantially similar to those in effect before the Getty Villa's closure. One night per week, however, the site will remain open until 9:00 p.m. in order to provide enhanced visitor access. Evening theater performances on-site will also remain consistent with past use, as performances will continue to be restricted to hours when the museum is closed to the public, and the number of permitted nightly guests will remain the same as the number that attended performances in the past.

Contrary to the points raised in the Citizen Appeals, the Master Plan does not provide for a new facility, but rather for enhancements to an existing facility which has successfully existed at its location in the coastal zone since 1974. The enhancements provided under the Master Plan will not only increase the value and importance of the Getty Villa as a

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coastal resource, but will also ensure that uses at the Getty Villa remain similar with past uses on-site.

2. Implementation of the Master Plan enhances public access to coastal resources.

A. As a unique and important visitor-serving use in the coastal zone, the Getty Villa is a favored use under the Coastal Act.

As a museum that offers educational and recreational opportunities free-of-charge, the Getty Villa is a favored use under the Coastal Act, which provides that "[l]ower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided" (California Coastal Act Section 30213), and that "[t]he use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development . . ." (California Coastal Act Section 30222). The Getty Villa has offered free educational and recreational opportunities in the coastal zone for over two decades, and the CDP will allow the Getty Villa to continue to do so.

- The Getty Villa benefits from a coastal location in carrying out its educational and cultural programs.

The Getty Villa's coastal location is a central feature to the unique cultural experience the site offers. J. Paul Getty's life-long interest in the history of ancient Greece and Rome inspired him to design the Getty Villa as a re-creation of the Villa dei Papiri, a 1st century AD Roman villa located on the Mediterranean coast in Herculaneum near Naples, Italy. The Getty Villa's coastal property in Pacific Palisades is particularly appropriate for this purpose. Because of the nature of the Getty Villa as a replica of a coastal villa, a coastal site is a central feature of the facility. This coastal location also allows the Getty Villa to provide visitors with views of the ocean and open space lands adjacent to the neighboring Topanga State Park.

- The Getty Villa provides unique cultural, educational and recreational activities at no cost.

For over two decades, the Getty Villa has been a cultural, educational and recreational institution, which offers visitors from all parts of California and the world free use of the Museum, as well as classes, lectures, performances and special events. The Getty Villa historically has displayed only 10% of its antiquities collection, along with other collections including paintings, decorative arts, European sculpture, photographs, illuminated manuscripts, and drawings. All of these collections except the antiquities collection have been relocated to the new Getty Center in Brentwood. The CDP will allow the Getty Villa to display a significantly larger portion of its antiquities collection, as well as special loan exhibitions, and will enhance the Getty Villa as a center for the display, interpretation, conservation and analysis of classical antiquities.

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The CDP will also allow the Getty Villa to implement its plans for a thematic installation of the antiquities collection, as well as an active exhibitions program. For example, the Getty is currently developing an exhibition with the Fowler Museum of Cultural History at UCLA that will compare the manufacturing techniques of vases made in 5th century BC Athens with vases made in 10th century AD Peru. The Getty's programs will provide visitors of all ages and socio-economic backgrounds with important cross-cultural educational opportunities. By allowing the Getty Villa to continue to provide such important cultural, educational and recreational opportunities, the CDP enhances the Getty Villa as a free visitor and recreational facility in the coastal zone.

B. The Getty Villa provides education programs, which reach schools and organizations in all areas of Southern and Central California, including many visitors who do not otherwise have the resources to travel to the coastal zone.

The Getty has long recognized the importance of accessibility to its role as an educational institution. The CDP will allow the Getty Villa to continue its education programs, which bring to the Getty Villa elementary and secondary students, teachers and other visitors, including many who would not otherwise have the resources to visit the Museum. Such programs provide school children with guided and unguided visits to the Museum, which may include in-depth gallery and studio lessons. As a center for the study and display of classical antiquities, the Getty Villa will enhance students' understanding of the Greek and Roman world, which is a part of California's standard sixth grade curriculum. The Getty's programs enhance access to an important educational resource in the coastal zone for many school children, as well as their families. Every student who visits the Getty Villa through the school program is provided with a coupon for a priority parking reservation, so that the child may return with his or her family for a second visit.

The Getty's school programs also provide teachers with workshops to prepare them to self-guide school groups, as well as workshops and courses to assist them with integrating the visual arts with the social sciences and language arts curricula. In addition, the Getty will again offer "family festivals" at the Getty Villa. These festivals, which are all-day family events, include performances, art-making workshops and family activities such as storytelling that highlight works in the Museum's collection.

The Getty Villa previously served approximately 30,000 school children annually through its school program, as well as additional visitors who are members of community-based organizations. The Getty Villa and Getty Center have together extended outreach efforts to student groups from all areas of Los Angeles, as well as over 140 cities as diverse and far as Alhambra, Compton, Fresno, Huntington Beach, Indio, La Puente, Modesto, Oxnard, Rialto, Santa Barbara, San Diego and Yucaipa, among others. The CDP will allow the Getty to continue these programs, which provide many school children, including those who would not otherwise have the resources to visit, with free access to the educational and recreational opportunities at the Getty Villa. For your reference, we have attached hereto as Exhibit D, a list of those schools

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in Los Angeles and throughout California in lower socio-economic areas that have either participated or have been invited to participate in Getty school programs (either at the Getty Villa or Getty Center) over the last five years.

3. The Master Plan will not impair public access to coastal resources.

The Staff Appeal suggests that the Master Plan might, by increasing visitor traffic, adversely affect beach access along Pacific Coast Highway ("PCH") and Sunset Boulevard, as well as access to Topanga State Park (the "State Park"). However, as discussed below, implementation of the Master Plan is anticipated by the Getty to result in less visitor traffic than in past years, and beach and park access will not be adversely affected. Moreover, uses at the Getty Villa will remain consistent with the site's historical uses, and the intensity of those uses, that have occurred there over the past two decades.

A. The number of annual visitors at the Getty Villa is not anticipated to be greater than during the Getty Villa's historical operations.

- Visitor demand is not projected to increase because most of the art previously on display at the Getty Villa has been relocated to the Getty Center in Brentwood.

During the Getty Villa's last ten years of full operation, the Getty Villa attracted approximately 400,000 annual visitors. After renovation, it is likely that fewer visitors will visit the site than in past years, since the Getty Villa will only house the collection of classical antiquities. Popular collections previously housed at the Getty Villa, including paintings, decorative arts, European sculpture, photographs, illuminated manuscripts, and drawings, have all been relocated to the new Getty Center in Brentwood. The Getty Center, a new museum campus designed by Richard Meier, will likely attract many of the visitors that in previous years would have visited the Getty Villa. Therefore, both because of the more narrow appeal of the antiquities collection on-site and the presence of the Getty Center as a competitor for visitors, the Getty Villa will likely attract fewer visitors than it attracted during its historical operations.

- Floor area added to the Getty Villa is not projected to generate additional visitors or employees or otherwise impair public access to coastal resources.

As set forth in Exhibit C, the increase in floor area at the Getty Villa includes floor area necessary to comply with ADA access requirements and other code compliance and to enhance ancillary amenities for visitors and the conservation program. Under the Master Plan, the public gallery areas of the Museum will not increase at all. Approximately 20% of the increase in floor area will provide improved circulation, restrooms and public lobbies. Approximately 16% of the increase in floor area will be added to the Garden Tea Room in order to provide ADA access, ample circulation in the cafeteria service area, adequate food preparation, storage and employee areas. The expansion of the Garden Tea Room will not generate additional visitors on-site because the City's Conditions of Approval for the Coastal

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Development Permit (the "Conditions of Approval") prohibit it from serving as a destination restaurant. Approximately 8% of the increase in floor area will be added to the Auditorium to provide lobbies, dressing rooms and storage areas, but the number of seats in the Auditorium will remain unchanged.

Although 40% of the increase in floor area will be added to the Art and Conservation Laboratories and Facilities, this floor area includes large space used for restoring art objects and generally involves few employees. Such expansion will provide employees with the space, previously absent at the Getty Villa, necessary to properly restore and preserve art. Neither the expansion of the Art and Conservation Laboratories and Facilities nor of the Getty Villa overall will result in an increase in the number of employees on-site compared to the Getty Villa's historical operations. Because expansion of the Getty Villa will neither accommodate nor attract additional visitors, nor necessitate additional employees, traffic will not increase over historical levels, and the Master Plan will not impair coastal access.

The conclusions in the Environmental Impact Report (the "EIR") for the Master Plan, which was certified by the City of Los Angeles, were based upon a worst-case traffic analysis, using Los Angeles Department of Transportation methodology, which assumes traffic growth to be directly proportional to increased floor area. The traffic analysis in the EIR forecasted a 56.7% increase in traffic generated by the Getty Villa, based solely upon a corresponding increase in the total floor area of the Getty Villa under the Master Plan. The EIR did not take into account that attendance is not projected to increase or that additional floor area would not attract or accommodate additional visitors. Even under this worst case analysis, the EIR demonstrates that, after implementation of mitigation measures, no significant traffic impacts will occur at any intersection on Sunset Boulevard and at only one intersection on PCH. The EIR concluded the Master Plan would only result in an adverse traffic impact at the intersection of PCH and Coastline Drive, which is the intersection adjacent to the front entrance to the Getty Villa.

B. The Master Plan will not adversely affect Topanga State Park.

The Staff Appeal also questioned whether the Master Plan might generate additional traffic that could have an adverse impact on access to the State Park facilities to the north and east of the Getty Villa.

The Getty's use of Los Liones Drive, which provides access to portions of State Park, will remain similar to the use before closure of the Getty Villa. The City's Conditions of Approval continue to prohibit the use of Los Liones Drive by public visitors to the Getty Villa. Under Condition 16(c), attached hereto as Exhibit E, Los Liones Drive will remain limited to egress for buses and to ingress and egress for employees, business visitors, and delivery vehicles.

Moreover, the traffic study contained in the EIR concluded that the Master Plan would not result in a significant traffic impact at any intersection affecting access to the State Park, including the intersection nearest an entrance to the State Park—Sunset Boulevard and Los

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Liones Drive. The EIR classified the condition at this intersection after implementation of the Master Plan at an "A" level-of-service (L.O.S.), a classification used to describe intersections with the least impairment to the free flow of traffic.¹ The Master Plan will therefore not have an adverse effect upon access to the State Park because the use of the Los Liones Drive exit will remain restricted, and no significant traffic impact will result at the Los Liones Drive/Sunset Boulevard intersection.

Contrary to the concerns raised in the Appeal, the Master Plan will provide significant opportunities to enhance public access for school children and others to the State Park. The Getty is working with the California Department of Parks and Recreation to provide joint programming for school children and youth groups from all parts of California, including many children who do not otherwise have the resources to access the coastal zone. This joint programming effort will provide children who visit the Getty Villa with an opportunity to spend a portion of their trip at the State Park participating in nature conservation programs. Such joint programming will heighten participants' awareness of and appreciation for coastal resources.

4. The off-site shuttle program provided in the Master Plan will not adversely affect beach and recreational parking.

The Staff Appeal expressed concern that the off-site shuttle program required by the City to transport visitors to performances at the proposed theater might adversely impact beach and recreational parking. The Staff Appeal additionally expressed concerns that off-site parking locations have not been identified in the Coastal Development Permit granted by the City. However, the City specified in the Conditional Use Permit that the purpose of the shuttle program is to reduce traffic along PCH. In accordance with this purpose, the City imposed the following condition in its Conditions of Approval:

7(e)(ii) [P]otential shuttle site location should be within convenient proximity to either the Route 405 (San Diego) or Route 10 (Santa Monica) Freeways, generally along the corridor extending from Sunset Boulevard to the McClure Tunnel in Santa Monica.²

Since a beach parking lot would not be within this approved area, the Getty is prohibited from selecting an off-site location that would affect beach or recreational parking. Furthermore, under the Conditions of Approval, the off-site shuttle program will only operate on thirty-five evenings per year and will not arrive at the site until after 7 p.m. Therefore, even if an off-site parking location could be placed near the coast, which it will not, occasional evening use

¹ Please refer to DEIR Part B, Table V.G.1-1 and FEIR, Comments and Responses 3.1 and 12.2, which relate to the effect of the Master Plan on Los Liones Drive and the State Park.

² For your reference, we have enclosed a copy of Condition 7(e)(ii) from the Conditions of Approval, which mandates the off-site shuttle program, attached hereto as Exhibit F.

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of such a location would not result in the displacement of beach and recreational parking, since public use of beach and recreational parking takes place predominately during daylight hours.

In addition, the City Planning Commission originally imposed the condition requiring the shuttle program when it permitted a 600-seat theater. However, the City Council limited the size of the theater to 450 seats and prohibited the simultaneous use of the Museum and the theater. Over the past ten years, the Getty has regularly hosted evening performances at the site, attracting up to 450 visitors. As approved, therefore, the 450-seat theater for evening performances is a continuation of an activity, involving the same number of visitors at the same time of day, which has existed at the Getty Villa for the past ten years. Since attendance at theater performances will not exceed historical levels, it is not likely that demand for an off-site shuttle program will be significant.

Finally, the EIR traffic analysis estimated that average vehicle ridership ("AVR") for theater performances will be 2.5 persons per vehicle. Given this AVR, only 180 on-site parking spaces need to be available at the Getty Villa to accommodate all of those who wish to drive directly to the site for performances at the theater. Since the Getty Villa is required to provide 560 on-site parking spaces, there will be more than enough parking for patrons not utilizing its shuttle. Thus, neither the theater performances or the shuttle program will impact beach and recreational parking because the off-site parking for the shuttle program will be located only within the City's permitted boundaries, in a location that reduces traffic along PCH; the shuttle program will only operate thirty-five evenings a year and will not arrive at the site until after 7 p.m; and there will be more than adequate on-site parking available at the Getty Villa.

5. The increase in on-site parking at the Getty Villa under the Master Plan is consistent with the public access policies of the Coastal Act that require the provision of adequate parking facilities on-site.

The Staff Appeal questions what potential parking impacts the Master Plan would have on beach access and recreational use. The Getty Villa site currently contains 291 on-site parking spaces. The City required the addition of 269 parking spaces, which will increase total on-site parking capacity at the Getty Villa to 560 parking spaces. Based on the EIR, a total of 376 parking spaces would be required at the Getty Villa to accommodate peak parking demand for the Museum, and an additional 240 spaces would be required to accommodate parking demand for a 600-seat theater. Since the City's Conditions of Approval limit the size of the theater to 450 seats and prohibit the simultaneous use of the Museum and the theater, only 180 spaces will be required to accommodate theater parking demand, based upon the analysis in the EIR. Therefore, a parking supply at the Getty Villa of 560 spaces will more than adequately satisfy the parking requirements for Museum or theater uses.

In addition to increasing the number of parking spaces at the Getty Villa, the Master Plan provides additional protections to ensure that no adverse traffic impacts occur within the coastal zone. The City's Conditions of Approval require the Getty to maintain a parking

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reservation system, which prohibits walk-in visitors other than those arriving by public transportation and prohibits vehicles from entering the site without a reservation. Specifically, the City required the following condition:

16(b) Pedestrian and walk-in traffic to the Villa shall not be permitted except by scheduled municipal bus service or other public regulated carrier transporting passengers for such service to the Villa premises. The Villa shall institute and use a parking reservation system for its guests, visitors and invitees for each day the Museum is open to the public, as set forth in the Agreement with Sunset Mesa Property Owners Association. . .³

The 1974 Agreement with the Sunset Mesa Property Owners Association referenced by the City, and which is still in effect, provides in part as follows:

[N]o guest, visitor or invitee of the Museum shall be allowed entrance to or admission to Museum Parcel without an advance reservation or ticket or pass . . . [S]aid reservation system as adopted by Museum shall continue in full force and effect until such time that same is no longer necessary to insure that Museum traffic will not cause unreasonable traffic congestion at or near the intersection of Pacific Coast Highway and Coastline Drive . . .

That pedestrian and walk-in traffic to the Museum Parcel will not be permitted or allowed by the Museum; except that if a regularly scheduled municipal bus service operated by Southern California Rapid Transit District or other Public Utilities Commission regulated carrier is established for the Malibu area, then passengers disembarking from such bus service at Museum entrance or on Museum premises shall be permitted.

This Agreement is contained within the Administrative Record for the City's action and the EIR materials. We have enclosed a copy of this Agreement for your reference, attached hereto as Exhibit H.

Since the Getty is required to increase on-site parking, maintain the parking reservation system and prohibit walk-in visitors, parking demand can not exceed supply and

³ For your reference, we have enclosed a copy of Condition 16(b), attached hereto as Exhibit G.

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Getty related parking cannot affect nearby streets or parking capacity. Therefore, implementation of the Master Plan will have no adverse impacts on beach access or parking.

6. Responses to Other Issues Raised by Commission Staff

During meetings with you and other members of staff regarding the Master Plan, additional information was requested in certain areas. Set forth below is the additional information requested.

A. The Staff requested information that compares the peak number of employees at the Getty Villa under the Master Plan with the peak number of employees on-site prior to closure.

- According to the EIR, the daily number of employees on-site under the Master Plan is anticipated to be 254, which does not represent an increase over daily number of employees previously employed on-site. Please refer to DEIR Part B, Table V.B.6 attached hereto as Exhibit I.

B. The Staff requested information regarding the Getty's legal right to use Los Liones Drive as an access route to and from the Getty Villa.

- For over two decades, the Getty has used Los Liones Drive, which extends over a portion of property owned by the Church of Jesus Christ of Latter-Day Saints, for ingress to and egress from the Getty Villa. The Getty is currently in the process of formalizing an agreement with the Church whereby the Church will provide an easement for emergency and fire access, egress for buses and ingress and egress for employees, business visitors and delivery vehicles.

C. The Staff requested information regarding whether the EIR includes weekend traffic counts, and why the weekend peak traffic hours were not selected as the peak traffic hours for the traffic analysis.

- The EIR does include weekend traffic counts, which were taken on Saturday, June 3, 1995, as well as weekday traffic counts, which were taken on Wednesday, June 7. In its traffic analysis, the EIR selected the weekday a.m. and p.m. peak traffic hours as the peak traffic hours because traffic counts during the weekday a.m. and p.m. peak traffic hours involved more trips than weekend peak traffic hours. Please refer to DEIR, Section IV.G.1., Existing Traffic Conditions, DEIR, Technical Appendices, Appendix G, Subappendix A: Manual Traffic Count, and FEIR Comments and Responses 11.1, 15.12 and 44.16, attached hereto as Exhibit J.

D. The Staff requested information regarding several issues related to fire hazard and other emergency evacuation plans at the Getty Villa.

March 10, 2000

Page 12

- Please refer to Exhibit K, attached hereto, which responds to this request for additional information. Please also refer to DEIR, Section IV.H.1., DEIR Part B, Section V.H.1. and FEIR Part B, Comments and Responses 12.6, 48.92 and 79.40, attached hereto as Exhibit L.

E. The Staff requested information regarding whether the Getty Villa would affect the California Department of Parks and Recreation's plans for improvement to the Topanga State Park.

- The California Department of Parks and Recreation has received funding from the California Department of Transportation for the Los Liones Canyon Roadside Recreation and Restoration Project (the "Roadside Recreation Project"). According to the Coastal Commission's Staff Report for the CDP application for the Roadside Recreation Project, the project will construct an entrance-way to Los Liones Canyon located within Topanga State Park, reconstruct a drainage course and construct 2500 linear feet of hiking trails, an amphitheater, two trailer pads, a monument sign, restrooms, interpretive panels, shade ramadas, picnic tables, landscaping, 69 parking spaces and 1600 cubic feet of grading.
- Under the Master Plan, the Getty's use of Los Liones Drive, which provides access to portions of the State Park, will remain consist with past uses and will not disrupt plans for improvement to the State Park. Please refer the discussion provided above on pages 7 and 8 of this letter regarding the effect of the Master Plan on the State Park.

F. The Staff requested information regarding annual attendance at the Getty Villa during prior periods of full operation.

- Please refer to the Attendance Report for the Getty Villa, attached hereto as Exhibit M. As shown on the Attendance Report, annual attendance at the Getty Villa during its last 10 years of full operation ranged from 370,959 visitors to 427,673 visitors.

G. The Staff requested information regarding the amount of queuing space for vehicles between the intersection of PCH and Coastline Drive and the entrance gate to the Getty Villa.

- Approximately 350 feet exists between the intersection of PCH and Coastline Drive and the entrance Gate to the Getty Villa. If vehicles are arranged in a single file format, this entrance path can accommodate up to 17 vehicles, which will more than adequately and safely meet peak hour conditions. During its regular public operations, the Getty Villa has never experienced a situation where the queue for vehicles extended onto PCH.

H. The Staff requested additional information regarding the boundaries of the Getty Villa property with respect to the northern ridgeline.

March 10, 2000

Page 13

- Please refer to the topographical site plan for the Getty Villa site, attached hereto as Exhibit N. This site plan indicates that the northern boundary of the Getty Villa property extends beyond the peak of the ridgeline.

7. Conclusion

As demonstrated above, the Master Plan raises no substantial issues under the policies of the Coastal Act because the Master Plan preserves coastal access and coastal resources. As a valuable visitor-serving resource in the coastal zone for over two decades, the Getty Villa enhances coastal access and is a favored use under the Coastal Act. The Master Plan simply upgrades the facilities at the Getty Villa. Neither the number of visitors nor employees on-site under the Master Plan is projected to increase compared to historical operations at the Getty Villa, and uses at the Getty Villa will remain consistent with past uses on-site. The CDP will allow the Getty Villa to continue to provide important educational and recreational opportunities, including a unique collection of antiquities, at a unique coastal location. In addition, the CDP will enhance the Getty Villa as an educational institution that serves children and families from diverse communities throughout California. The Getty Villa's active exhibitions program will provide exhibits from around the world, which will foster cross-cultural experiences for its visitors. The Getty Villa's school programs will provide school children from all socio-economic backgrounds with access to the Getty Villa's educational and recreational resources. As described above, the Master Plan will upgrade facilities at the Getty Villa, but the Master Plan will not increase the intensity of its operations. Therefore, we respectfully request that the Staff recommend to the Commission that the Master Plan raises no substantial issues under the policies of the Coastal Act.

March 10, 2000

Page 14

We thank you for your time and consideration regarding this matter. We look forward to the Coastal Commission's review of this matter. If you have any questions, please feel free to call Rick Zbur, Jeff Haber or me at (213) 485-1234.

Sincerely,



Donald P. Baker
of LATHAM & WATKINS

Enclosures

cc: Pam Emerson
Al Padilla
The J. Paul Getty Trust

ALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)



Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

BARBARA Kohn

222 SURVIEW DRIVE

Pacific Palisades, CA 90272 (310) 454-8185

Zip

Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: city of Los Angeles

2. Brief description of development being appealed: Gethy Villa Museum expansion including, but not limited to, a new use theater with 950 patron capacity, additional 269 parking spaces in new structured

3. Development's location (street address, assessor's parcel no., cross street, etc.): 17985 Pacific Coast Highway Pacific Palisades, CA 90272

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: ☒ _____

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO.: _____

DATE FILED: _____

DISTRICT: _____

H5: 4/88

EXHIBIT NO. _____

APPLICATION NO.

A-5-PPL-CC-028

Appeal by Ms. Kohn

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. ☒ City Council/Board of Supervisors d. Other

6. Date of local government's decision: December 15, 1999

7. Local government's file number (if any): CF 99-1999
CDP 98-015

SECTION III. Identification of Other Interested Persons

ER# 96-0077-CUZ-ZV-D
CDP-CUB-Revise

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

J. Paul Getty Trust - Stephen Bountree
1200 Getty Center Drive
Los Angeles, CA 90049

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Don Baker; Latham - Watkins
633 W. Fifth Street, Suite 4000
Los Angeles, CA 90071

(2) Garrett Hanken; Greenberg, Glusker Fields Clamen & Madtinger
1900 Avenue of the Stars, Suite 2100
Los Angeles, CA 90062-4590

(3) Lawrence Sherman, Palisadian for Getty Master Plan
15332 Antioch Street, #165
Pacific Palisades, CA 90272

(4) John Munday
225 Santa Monica Blvd. 11th Floor
Santa Monica, CA 90401

(5) additional notification per Pacific Coast Homeowners appeal

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

The 1983 Coastal Commission limited parking at this site to 291 spaces with visitor capacity limited to "no more than 216". Traffic on PCH has increased significantly in the intervening years. Museum visitors, theater patrons & the more than 700 plus residences in Pacific View & Sunset Mesa will compete for and funnel onto PCH at Coastline Drive, the only access & egress for these residences. Traffic mitigations proposed for this enormous project, including the new large-house capacity theater, surround by single family homes, Topanga State Park including Los Hornes gateway & Will Rogers State Beach, are illusory. The project is contrary to & violates Sections 30211, 30253, 30250, 30240(a).

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Approval of the project by the city of L.A. to prepare an LC in conformity with the Coastal Act

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Barbara Kohn
Signature of Appellant(s) or
Authorized Agent

Date January 21, 2000

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____



CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 OceanGate, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

RECEIVED
JAN 25 2000

Governor



CALIFORNIA
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

See Attachment

Zip

()
Area Code

Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Los Angeles

2. Brief description of development being appealed: Addition of 76,000 sq ft of floor space, plus doubling visitor parking, plus outdoor theater with capacity for 950 patrons

3. Development's location (street address, assessor's parcel no., cross street, etc.): 17985 Pacific Coast Highway, Pacific Palisades, CA 90272

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: ☒ _____

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-PPL-00-028

DATE FILED: 1.25.00

DISTRICT: S. Coast / Long Beach

H5: 4/88

EXHIBIT NO. <u>C</u>
APPLICATION NO. <u>A-5-PPL-00-028</u>
Appeal by <u>PPR Assoc.</u>
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

John E. Murdock
Signature of Appellant(s) or
Authorized Agent

Date Jan. 21, 2000

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize John E. Murdock to act as my/our representative and to bind me/us in all matters concerning this appeal.

Robert C. Lock
Signature of Appellant(s)

Robert C. Lock
President, Pacific
Pinecoast Assoc.

Date 1-21-00

ATTACHMENT TO COASTAL APPEAL (Commission Form D)
SECTION I. Appellants

re: CF 99-1999; CDP 98-015; CPC 98-0361; CPC 0361CU;
ZA 98-0817(ZV); BZA 5763 & 5764
EIR # 96-0077-CUZ-ZV-DA-CDP-CUB-REVISED
Getty Villa Master Plan
17985 Pacific Coast Highway, Pacific Palisades

=====

The following homeowner associations in the immediate vicinity of the Getty Villa are appellants in this matter:

Pacific View Estates Homeowner Association
Attn: Barbara Kohn
222 Surfview Drive
Pacific Palisades, CA 90272

Castellammare Mesa Homeowners
Attn: Kelly Comras
17721 Tramonto Drive
Pacific Palisades, CA 90272

Sunset Mesa Property Owners Association
Attn: Paul Leoni
18301 Wavecrest Drive
Malibu, CA 90265

In addition, two community-wide groups are appellants:

Pacific Palisades Residents Assn.
Attn: Robert Locker
P.O. Box 617
Pacific Palisades, CA 90272

Pacific Palisades Community Council
Attn: Frank Wilson
P.O. Box 1131
Pacific Palisades, CA 90272

These groups have joined to work together under the umbrella organization Pacific Coast Homeowners, which is authorized as a committee under Pacific Palisades Residents Assn., Box 617, Pacific Palisades, CA 90272.

ATTACHMENT TO COASTAL APPEAL (Commission Form D)
SECTION III b. Identification of Other Interested Persons

re: CF 99-1999 + S1; CPC 98-0361; CPC 0361CU; CDP 98-015;
ZA 98-0817(ZV); BZA 5763 & 5764
EIR # 96-0077-CUZ-ZV-DA-CDP-CUB-REVISED
Getty Villa Master Plan
17985 Pacific Coast Highway, Pacific Palisades, CA 90272

=====

The Getty Villa Master Plan EIR Parts A and B elicited letters from 600 to 700 people, with many duplications. In addition, petitions with hundreds of signatures were submitted in response to the EIR, all in support of the position of appellants.

The City's notification list for final approval of the project does not include names/addresses of some of the most active participants, and includes names of persons we have no reason to believe are interested.

We will provide immediate notice to the key parties listed on the form, Section III b. We believe that providing notice to all persons known to be interested under the circumstances described is an unreasonable burden and serves as a detriment to participation in the process. However, we will continue to prepare a notification list, eliminating duplicates, and will provide postcard notice at the earliest possible date if it is your decision that this is required.

ATTACHMENT TO COASTAL APPEAL (Commission Form D)
SECTION IV. Reasons Supporting This Appeal

re: CF 99-1999 + S1; CPC 98-0361; CPC 0361CU; CDP 98-015;
ZA 98-0817(ZV); BZA 5763 & 5764
EIR # 96-0077-CUZ-ZV-DA-CDP-CUB-REVISED
Getty Villa Master Plan
17985 Pacific Coast Highway, Pacific Palisades

=====

Appellants offer the following reasons in justification for this appeal:

1. The project is contrary to Sec. 30211. It will interfere with the public's right of access to the sea. The Villa is directly across Pacific Coast Highway from Will Rogers State Beach, one of the City's most popular. The sole public access to the site is via PCH. Contiguous beaches in Santa Monica and Malibu are also entirely dependent upon Pacific Coast Highway, the most important coastal access route of the Los Angeles region -- and one of the region's 12 most congested corridors. According to the EIR, the project will double the amount of traffic generated by the Villa.

The project is enormous. If built as proposed, the revamped Villa would be more than twice the size of the largest commercial development in Pacific Palisades (the mixed-use project at the northwest corner of Sunset/Pacific Coast Highway). The expansion by itself is second in size (in structural square footage) only to this largest commercial development.

Traffic mitigations are illusory.

2. Approval of a project of this magnitude will prejudice the ability of the City of Los Angeles to prepare a Local Coastal Program in conformity with Chapter 3 of the Coastal Act. That the Interpretive Guidelines do not state requirements with respect to institutional uses (City Planning Staff Report, p. 52) is prima facie proof.

Whether a cultural/entertainment center of a commercial nature, with a large-house theater (i.e., one with a capacity for 500 or more patrons) should be allowed to emerge at one of Pacific Coast Highway's most overburdened intersection is an issue for the LCP. By placing a world-class cultural/entertainment facility at the very edge of the City, the project will significantly increase vehicle miles traveled.

Heights of the structures are greater than allowed by the Hillside Ordinance and by all other height regulations that apply in the community. The Interpretive Guidelines do not specify height limits for Pacific Palisades. This issue must be addressed in the LCP.

Consideration of a project of this magnitude must await the prior certification of a Local Coastal Program for the area.

SECTION IV. Reasons Supporting This Appeal, p. 2

3. In approving the project, the City of Los Angeles has failed to be guided by prior relevant decisions of the Coastal Commission.

The Coastal Commission in 1983 required that parking be limited to 291 spaces (specifically limiting visitor spaces to 216), well under normal standards for a project of the Villa's size, based upon evidence that this limitation was necessary to mitigate the traffic impacts on PCH which would be magnified by additional parking and vehicle trips. The City has no justification for overriding the prior conditions.

4. The project conflicts with Sec. 30240(a), which requires that environmentally sensitive habitat be protected from significant disruption. The parking structures, theater and conservation facilities are in no way types of development dependent on the natural resources of the site. The project will generate traffic disruptive to recreational and conservation uses of adjacent Los Liones Canyon/Topanga State Park.

The project will impact wildlife resources and habitat upon which wildlife depends. Monarch Butterflies (a Species of Special Concern) were observed in the thousands on and near the site within the past year. The project would result in the removal of several groves of eucalyptus that serve as roosting sites for the Monarch, as well as most of the ancient coastal live oaks and perhaps a grove of sycamores.

The site contains springs which provide important habitat values and which will be disrupted.

No provision is made to require that portions of the site left in a natural condition are not developed or degraded in the future.

5. The project violates Sec. 30253 by increasing risk to life and property in an area of high geologic, flood and fire hazard. The risk from fire is severe and cannot be mitigated.

6. The project conflicts with the Interpretive Guidelines for the area as adopted by the Coastal Commission. The project alters natural landforms along bluffs, which "should be prohibited" under the Guidelines. Grading may result in violations of air quality standards.

The Guidelines provide that "all development" in Pacific Palisades "shall be compatible with the neighboring Santa Monica Mountains Park." (Sec. 30250) The project proposes significant expansion of trips through the Los Liones Canyon gateway to Topanga State Park, which is being restored as a riparian area and provided with public parking and interpretive facilities. Such added traffic through the park is not compatible with the park and will degrade visitor experiences.

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceanside, 10th Floor
Long Beach, CA 90802-4302
(562) 590-5071

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT
(Commission Form D)

RECEIVED
JAN 24 2000

CALIFORNIA
COASTAL COMMISSION

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name, mailing address and telephone number of appellant(s):

Palisades Preservation Assn., Inc.
P.O. Box 1256, Pacific Palisades, CA
90272 (310) 454-2062
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Los Angeles

2. Brief description of development being appealed: Expansion of existing Museum

3. Development's location (street address, assessor's parcel no., cross street, etc.): 17985 Pacific Coast Highway
Pacific Palisades, CA

4. Description of decision being appealed:

a. Approval; no special conditions: _____

☒ b. Approval with special conditions: Coastal Permit

c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-5-PPL-00-028

DATE FILED: 1-24-00

DISTRICT: South Coast/Long Beach

H5: 4/88

EXHIBIT NO. 7
APPLICATION NO. 19-5-PPL-00-028
Prepared by P.P. Assoc.
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

a. ☐ Planning Director/Zoning Administrator c. ☐ Planning Commission

b. ☒ City Council/Board of Supervisors d. ☐ Other _____

6. Date of local government's decision: 12/20/99

7. Local government's file number (if any): Council File No 99-1999

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

J. Paul Petty TRUST
1200 Getty Center Dr.
Los Angeles, CA 90049

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

- (1) See letter attached

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attached letter

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Jack Miller, President
Signature of Appellant(s) or
Authorized Agent

Date January 19, 2000

NOTE: If signed by agent, appellant(s) must also sign below.

Section VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

Jack Allen

Attorney at Law

15015 Bestor Boulevard,
Pacific Palisades, California 90272

(310) 454-2062

Fax (310) 454-8037

January 21, 2000

California Coastal Commission,
200 Oceangate, 10th Floor,
Long Beach, California 90802-4302

Re: Appeal, Palisades Preservation Assn. of City of Los Angeles Approval of
Coastal Permit for Getty Villa, 17985 Pacific Coast Highway, Pacific Palisades

Dear Sirs:

The following information is attached to the Appeal of the Palisades Preservation Assn.
Inc.:

SECTION III. b.: Identification of Interested Parties:

Approximately two hundred persons testified during the hearings on this matter and the appellant does not have access to the names of all that testified. However, the following are parties that appealed to the City Council and are interested parties. All these parties are represented by John Murdock, Attorney at Law, 225 Santa Monica Blvd., Santa Monica, California 90401.

Pacific Palisades Homeowners.

Pacific Palisades Residents Assn.

Pacific View Estates.

Sunset Mesa Property Owners.

Miramar Homeowners.

Castellamare Mesa Homeowners Assn.

Pacific Palisades Community Council.

SECTION IV. Reasons Supporting This Appeal:

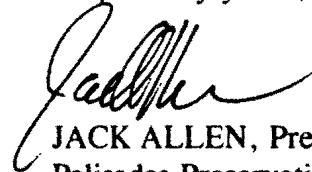
Appellant appeals Condition 16 c. ii and iii. Vehicular Access, which permit the use of

Los Liones Drive in Los Liones State Park for egress of buses and for ingress and egress of employees, visiting scholars, delivery vehicles, and business visitors. Los Liones State Park is located in Los Liones Canyon which is close to the beach and has been used for over 50 years as an access route for hikers coming out of the Santa Monica Mountains to the shoreline.

Prior to the closing of the Getty Museum at this location and the transfer of its artwork to the Getty Museum in Brentwood, only employees were permitted to use Los Liones Drive for ingress and egress. However, that was before the development of Los Liones Park. The proposed expansion which includes an greatly expanded restaurant which will mean many more delivery trucks. Additional traffic from buses, visiting scholars and delivery vehicles will make the Park a much less desirable place for recreation. The State Department of Parks and Recreation has stated that the expanded traffic will change the character of lower Los Liones Canyon, with vehicle noise disrupting the park experience and passing vehicles disrupting planned education and outdoor programs and forcing users to move further up the canyon to avoid the noise and disruption associated with Getty traffic.

This violates Public Resources Code Section 30604(c) and 30223. "Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible."

Respectfully yours,



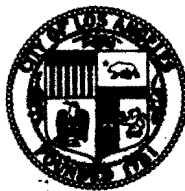
JACK ALLEN, President
Palisades Preservation Assn., Inc.

Mailing list:

- (1) City of Los Angeles
- (2) J. Getty Trust
- (3) John Murdoch on behalf of Pacific Palisades Homeowners. Pacific Palisades Residents Assn. Pacific View Estates. Sunset Mesa Property Owners. Miramar Homeowners, Castellamare Mesa Homeowners Assn. Pacific Palisades Community Council.

CITY OF LOS ANGELES

CALIFORNIA



TOM BRADLEY
MAYOR

DEPARTMENT OF
CITY PLANNING
561 CITY HALL
LOS ANGELES, CA 90012

CALVIN S. HAMILTON
DIRECTOR

RECEIVED
OCT 23 1983

CALIFORNIA
COASTAL COMMISSION
COURT HOUSE BUILDING

October 24, 1983

California Coastal Commission
Division V
245 West Broadway, Suite 330
Long Beach, CA 90802

NOTICE OF PERMIT ISSUANCE

The above-referenced Coastal Development Permit was issued on September 29, 1983, pursuant to the City Planning Commission action of August 18, 1983. No appeal was filed with the City of Los Angeles, City Planning Department as advised in the permit during the mandatory appeal period.

An appeal period of 20 working days must expire from the date this notice and attached Coastal Development Permit is received and accepted by the California Commission, Division V, in Long Beach before this Coastal Development Permit will become effective.

The proposed development is in the dual permit jurisdiction area, and will require an additional permit from the California Coastal Commission upon the expiration of the above 20-working-day appeal period.

CALVIN S. HAMILTON
Director of Planning

Raymond I. Norman
RAYMOND I. NORMAN, SECRETARY
City Planning Commission

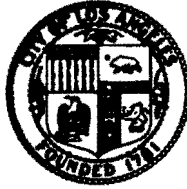
Attachments: Permit
Staff Report
Application

CSH:RIN:mev

CCC APPEAL	
PERIOD TERMINATES	
<i>Nov 28/83</i>	
EXHIBIT NO. 8	
APPLICATION NO.	
<i>A-5-PPL-CO-028</i>	
<i>LACity CDIP83-017</i>	
California Coastal Commission	

CITY OF LOS ANGELES

CALIFORNIA



TOM BRADLEY
MAYOR

CITY PLANNING COMMISSION

DANIEL P. GARCIA
PRESIDENT

J. S. KRUEGER
VICE-PRESIDENT

STEVE HARRINGTON
CARL MASTON
SUZETTE NEIMAN

RAYMOND I. NORMAN
SECRETARY

DEPARTMENT OF
CITY PLANNING
561 CITY HALL
LOS ANGELES, CA 90012

CALVIN S. HAMILTON
DIRECTOR

FRANK P. LOMBARDI
EXECUTIVE OFFICER

Sept. 29, 1983

The J. Paul Getty Museum
Attn: S. Rountree
17985 Pacific Coast Highway
Los Angeles, CA 90265

Department of Building and Safety
Zoning - Room 423, City Hall
Los Angeles, CA 90012

CITY PLAN CASE NO. 83-270 (CU)
COASTAL DEVELOPMENT PERMIT NO. 83-017 - COUNCIL DISTRICT NO. 11

The City Planning Commission has permitted the Conditional Use at the specified location and subject to the conditions shown on the attached report of its action. This action was taken in accordance with Section 12.24 of the Los Angeles Municipal Code.

This authorization must be utilized within 180 days from the effective date of this grant. If not utilized, or if some construction work is not begun and carried on to completion of at least one usable unit, the authorization shall become void. This authorization does not waive the need to secure any other required permits or licenses.


The Commission approved the Coastal Development Permit as provided in Section 12.20.2 of the Los Angeles Municipal Code.

Unless an appeal is filed at the public counter of this department on the form provided for that purpose, the Commission's determination becomes effective fifteen days from the date of this communication.

Provided no appeal has been filed, the Coastal Development Permit will be issued and a copy of the permit will be sent to the applicant and the State Coastal Commission, Division V.

No Coastal Development Permit may be issued until twenty (20) working days have expired from the date the Planning Commission's action is deemed received by the State Coastal Commission, Division V, and without an appeal having been taken to the State Coastal Commission, Division V.

CALVIN S. HAMILTON
Director of Planning



Ruby Ann Justis, Acting Secretary
City Planning Commission

RIN:RJ:rc

cc: John R. Browning, Esq.
Musick, Peeler & Garrett
One Wilshire Blvd., #2000
Los Angeles, CA 90017

Notification List

CITY PLANNING DEPARTMENT
ACTION OF THE CITY PLANNING COMMISSION

COASTAL DEVELOPMENT PERMIT NO. 83-017 DATE: AUGUST 18, 1983

Pursuant to the provisions of the Los Angeles City Charter, the City Planning Commission adopted the FINDINGS of the Planning Department staff as the FINDINGS of the Commission as to relationship to and effect upon the General Plan of the City that the renovations and the construction of two new additions to the existing "Ranch-House" building and additional staff parking, subject to terms and limitations herein imposed, will be desirable to the public convenience and welfare and in harmony with the various elements and objectives of the General Plan.

Action:

Approved the Conditional Use and the Coastal Development Permit to permit the renovation and the construction of two new additions to the existing "Ranch-House" building and additional staff parking for an existing museum on a 63-acre site located on an irregular-shaped parcel on the north side of Pacific Coast Highway and the City boundary line between Surfview Drive and Porto Marina Way.


Adopted the attached Conditions of Approval.

Report:

Concurred substantially in the recommendations of the Commission Chief Examiner and Commissioner Hearing Examiner - modified Condition Nos. 15 and 17.

VOTE:

Moved:	Maston
Seconded:	Harrington
Ayes:	Krueger, Garcia
Absent:	Neiman



Ruby Ann Justis, Acting Secretary
City Planning Commission

RAJ:dps

CONDITIONS OF APPROVAL

1. That this grant is for the expansion of the existing Museum and "Ranch House" portion of the Museum to undertake various repairs and improvements. Such additions shall be limited to a single-story building (approximately 1,700 square feet) adjacent to the "Ranch House", to be used as a restoration workshop; and, a single-story building (approximately 3,000 square feet) adjacent to the "Ranch House", to be used as a conservation laboratory for the Museum's collection of paintings and papers.
2. That the book store including a display area, shall have a total area not larger than 990 square feet.
3. That the tea-room, approximately 1,920 square feet in size, shall have a maximum interior seating for approximately 54 people and exterior seating of 174 people (see Exhibit "A-1").
4. That Museum shall not operate more than six days per week (including both Saturday and Sunday) during the summer months between June 15 and September 15, on a trial basis during 1984, and that a traffic report be prepared and submitted to the satisfaction of the Department of Transportation for their review and approval regarding the traffic conditions during this period. Further, that within 30 days after September 15, 1984, this matter shall be reviewed by the Planning Commission to determine the results of the trial period and whether to permit a continuation on a permanent basis during subsequent summer months. During the remainder of the year, the Museum shall not operate more than six days per week.
5. That the hours of operation that the Museum shall be open to the general public shall be from 10:00 a.m. to 5:00 p.m., and that evening classes shall not extend later than 9:00 p.m.. In addition, certain lectures and receptions which are for either specific groups or the general public shall not take place more than two times in one week after the Museum has closed, and shall not last later than 11:00 p.m..
6. That pedestrian and walk-in traffic to the Museum shall not be permitted except by scheduled municipal bus service or other public regulated carrier transporting passengers for such service to the Museum premises, and that the Museum shall institute and use a reservation system for its guests, visitors and invitees for each day the Museum is open to the public, as set forth in the Museum agreement with the Sunset Mesa Property Homeowners Association on May 9, 1974. (Exhibit "A-3" attached to City Plan Case No. 25604).
7. That the Museum shall provide not more than the 216 existing

parking spaces, including bus parking, for museum visitors, and 75 parking spaces for museum staff.

8. That all lighting shall be directed onto the site and no such lighting shall be located as to be seen directly by the adjacent residential area.
9. That vehicular access be limited to entering the Museum property from Pacific Coast Highway (its present entrance) and exiting from the Museum property onto Coastline Drive (its present vehicular exit point).
10. That there shall be no outdoor public address system permitted on the subject property.
11. In connection with any future action by the City Planning Commission relative to enlargement of the site or construction of new or modified buildings, structures or other facilities, public notice shall be given and a hearing conducted. The extent and time of notice shall be as provided for in Section 12.24-B of the Municipal Code for new applications.
12. That all vehicular and pedestrian access to and from the Museum property shall be restricted from Surfview Lane, except for emergency vehicles only.
13. That plot plans shall be submitted to the Fire Department for approval and copies of such approval attached to the file (City Plan Case No. 83-270-CU).
14. That the subject property shall be developed (substantially) in accordance with the plan, Exhibit "A-1", attached to City Plan Case No. 83-270 (CU) on file in the Los Angeles City Planning Department.
15. That access to Los Liones Drive shall be provided as an alternate means for museum employee's vehicular ingress to and egress from the museum site. Such access between the museum property and Los Liones Drive shall be dedicated and improved in a manner acceptable to the City Engineer, West Los Angeles District Office, to the extent topographically feasible and subject to the Museum's ability to obtain any necessary easements or approvals from adjoining property owners.
16. That the provisions of the Flood Hazard Ordinance shall be considered and appropriate measures taken to the satisfaction of the City Engineer, and an approved copy of the certification shall be attached to the file.

17. That a qualified archaeologist shall be consulted on the subject property during all grading operations to monitor any subsurface grading, excavation, trenching, boring or other subsurface operations, with the authority to order reasonable measures to ensure protection and recovery of significant archaeological resources.

CITY PLANNING DEPARTMENT
ACTION OF THE CITY PLANNING COMMISSION

CITY PLAN CASE NO. 83-270 (CU)

DATE: AUGUST 18, 1983

Pursuant to the provisions of the Los Angeles City Charter, the City Planning Commission adopted the FINDINGS of the Planning Department staff as the FINDINGS of the Commission as to relationship to and effect upon the General Plan of the City that the renovations and the construction of two new additions to the existing "Ranch-House" building and additional staff parking, subject to terms and limitations herein imposed, will be desirable to the public convenience and welfare and in harmony with the various elements and objectives of the General Plan.

Action:

Approved the Conditional Use and the Coastal Development Permit to permit the renovation and the construction of two new additions to the existing "Ranch-House" building and additional staff parking for an existing museum on a 63-acre site located on an irregular-shaped parcel on the north side of Pacific Coast Highway and the City boundary line between Surfview Drive and Porto Marina Way.


Adopted the attached Conditions of Approval.

Report:

Concurred substantially in the recommendations of the Commission Chief Examiner and Commissioner Hearing Examiner - modified Condition Nos. 15 and 17.

VOTE:

Moved: Maston
Seconded: Harrington
Ayes: Krueger, Garcia
Absent: Neiman



Ruby Ann Justis, Acting Secretary
City Planning Commission

RAJ:dps /