

# RECORD PACKET COPY

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

## CALIFORNIA COASTAL COMMISSION

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Staff: AJP-LB  
Staff Report: 4/24/00  
Hearing Date: 6/13-16/00

### STAFF REPORT: DENOVO & REGULAR CALENDAR

**LOCAL GOVERNMENT:** City of Los Angeles

**LOCAL DECISION:** Approval with Conditions

**APPLICATION NUMBER:** A-5-PPL-00-028/5-00-147

**APPLICANT:** J. Paul Getty Trust/Stephen Rountree

**AGENT:** Latham & Watkins, Attorneys at Law

**PROJECT LOCATION:** 17985 Pacific Coast Highway, and the northwest corner of Pacific Coast Highway and Coastline Drive, Pacific Palisades, City of Los Angeles

**PROJECT DESCRIPTION FOR A-5-PPL-00-028 :** 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 450-seat Outdoor Classical Theater and two partially subterranean parking structures for a net increase of 269 parking spaces for a total of 560 on-site parking spaces; parking spaces for up to 8 buses; remodel and expansion of ancillary facilities including the Auditorium, the Ranch House, the Garden Tea Room, the Bookstore and other maintenance and central plant facilities; grading and modification of on-site landscaping; widening of fire roads and the terminus of Los Liones Drive. The project includes approximately 163,300 cubic yards of cut and 45,500 cubic yards of fill.

**PROJECT DESCRIPTION FOR 5-00-147:** Public roadway improvements along Pacific Coast Highway including 10-foot widening of Pacific Coast Highway; extending right-turn deceleration lane; and construction of a bus stop and a 90-foot long, 10-foot wide sidewalk extension.

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#### Summary of Staff Recommendation

The proposed project raises Coastal Act issues regarding impacts to beach and recreational access due to increase in traffic and parking demand; impacts to Monarch butterfly habitat; polluted runoff; geologic hazards; and increased noise impacts to surrounding areas. To mitigate the impacts staff recommends approval of the proposed

project with special conditions regarding traffic and access improvements, erosion and runoff mitigation, habitat protection, grading, future improvements, and assumption of risk.

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**SUBSTANTIVE FILE DOCUMENTS:**

1. Environmental Impact Report, Getty Villa Master Plan, No. 96-0077.
2. City of Los Angeles Local Coastal Development Permit No. 83-017.
3. City of Los Angeles Local Coastal Development Permit No. 98-015.
4. Latham & Watkins, submittal document, dated March 10, 2000.

**Staff Note:**

The proposed development is within the coastal zone area of the City of Los Angeles. Section 30600(b) of the Coastal Act allows local government to assume permit authority prior to certification of a local coastal program. Under that section, the local government must agree to issue all permits within its jurisdiction. In 1978, the City of Los Angeles chose to issue its own coastal development permits.

Within the areas specified in Section 30601, which is known in the City of Los Angeles permit program as the Dual Permit Jurisdiction area, the Coastal Act requires that the development which receives a local development permit also obtain a permit from the Coastal Commission. Section 30601 requires a second coastal development permit from the Commission on all lands located (1) between the sea and the first public road, (2) within 300 feet of the inland extent of a beach, or the sea where there is no beach, (3) on tidelands or submerged lands, (4) on lands located within 100 feet of a wetland or stream, or (5) on lands located within 300 feet of the top of the seaward face of a coastal bluff. Outside that area, the local agency (City of Los Angeles) coastal development permit is the only coastal development permit required.

The majority of the development approved by the City is within the single permit area. Only the off-site traffic improvements along Pacific Coast Highway are located in the dual permit area. For the development that lies within the single permit area, unless the Commission appeals the decision and finds substantial issue, the local government's action is final. For development within the dual area, a second permit is required from the Commission under the requirements of section 30601 in addition to the Commission's action on this appeal.

The City's approval of the local coastal development permit for the single permit area was appealed to the Commission in January 2000. The Commission found substantial issue at the April 2000 hearing. The De Novo portion of the appeal is the subject of this staff report.

In order to minimize duplication and unnecessary delays, Commission staff has herein combined the De Novo appeal and coastal development permit into one staff report and one Commission hearing. However, commission approval, modifications, or disapproval of this project will require separate actions on the appeal (De Novo) and coastal development permit.

I. **MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR A-5-PPL-00-028:**

Staff recommends that the Commission make the following motion and adopt the following resolution:

**MOTION:** *I move that the Commission approve Coastal Development Permit #A-5-PPL-00-028 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

**II. MOTION, STAFF RECOMMENDATION AND RESOLUTION FOR 5-00-147:**

Staff recommends that the Commission make the following motion and adopt the following resolution:

**MOTION:** *I move that the Commission approve Coastal Development Permit #5-00-147 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a permit, subject to the conditions below, for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the provisions of Chapter 3 of the California Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a local coastal program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/ or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternative that would substantially lessen any significant adverse impacts of the development on the environment.

**III. STANDARD CONDITIONS:**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth

below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.

4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

#### IV. SPECIAL CONDITIONS FOR A-5-PPL-OO-028

##### 1. Outdoor Theater Operation

- (a) The maximum number of persons attending theatrical or musical performances at the Outdoor Theater shall not exceed 450.
- (b) No performances in the Outdoor Theater shall be conducted during the hours which the Museum is open to the public nor during evenings when any class, lecture, reception, or other scheduled event or activity is to take place in the Museum, Auditorium or Garden Tea Room.
- (c) All vehicles transporting visitors for theater performances shall be admitted onto the subject property no earlier than 7:00 P.M., unless theater patrons arrive prior to 5:00 P.M. during regular Museum hours.

Any proposed changes to the attendance provisions, capacity limits, or the hours of operation shall require an amendment to this permit.

##### 2. On-site Parking Reservation

By acceptance of this permit the applicant shall agree to continue operating the parking reservation system as described in Exhibit no. 23. Under the reservation system pedestrian and walk-in traffic to the site will not be permitted or allowed by the Getty Villa, except for mass transit riders, including taxi services, that provide proof of ridership, and neighborhood residents. All proposed changes to the reservation program shall be reported to the Executive Director. Any changes to

the parking reservation program the Executive Director determines to be substantial shall require an amendment to the permit.

3. Priority of Pacific Coast Highway Traffic

By acceptance of this permit the applicant shall agree that Pacific Coast Highway through traffic has priority over traffic exiting or entering from the facility. Pursuant to this condition the applicant shall not use or solicit from public agencies the use of traffic personnel, devices or traffic signals to facilitate use of the exit at Coastline Drive and Pacific Coast Highway in any way that would change the flow of traffic on Pacific Coast Highway.

4. Off-Site Shuttle Program

With the acceptance of this permit the applicant agrees that the Shuttle program shall not include any off-site public parking lots or public streets within the Coastal Zone.

5. Parking, Car Pool and Transit Incentive Program

a) The applicant shall provide for an employee parking, carpool and transit incentive program as follows:

(1) The applicant shall actively encourage employee participation in a Transportation Ride Sharing Program and take appropriate measures to ensure that employees utilizing the car pool program are give locational preference for parking within the garage.

(2) A public transit fare reimbursement program shall be implemented by the applicant. The system shall be in effect for at least a 30-year period. The applicant shall provide for partial reimbursement to one hundred percent of the employees of the development for public transit fare to and from work.

(3) The applicant shall provide a bicycle parking area, free of charge, within the parking garage in a preferred, secured location.

(4) The applicant shall implement a publicity program, the contents of which is subject to the review and approval of the Executive Director, that indicates how the future occupants of the development will be made aware of the provisions of this special condition. The publicity program shall be implemented during the first month of occupancy of the new development.

b) PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development within the applicant's parcel or parcels. The deed restriction shall

include legal descriptions of the applicant's entire parcel or parcels. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Tree Trimming/ Monarch Butterfly Habitat.

Prior to the issuance of the permit, the applicant shall submit, for review and approval by the Executive Director, a tree trimming and fuel modification plan/program that includes procedures for trimming and/or removal of trees. The plan/program shall be prepared by an entomologist or biologist with expertise in Monarch butterflies and shall be submitted to the Department of Fish and Game for the Department's review and comment. The plan shall conform to the following:

- a) The plan shall identify the locations of potential Monarch Butterfly habitat, as generally depicted in Exhibit no. 9.
- b) The plan shall identify the amount and density of the tree canopy necessary to support Monarch Butterfly habitat.
- c) Trees located in areas described as potential Monarch Butterfly habitat areas, as identified in the plan, generally depicted in Exhibit no. 9, shall not be trimmed or removed during the Monarch butterfly's fall or winter roosting period (October through February).
- d) Any proposed tree trimming in areas designated as potential Monarch Butterfly habitat, as generally depicted in Exhibit no. 9, shall be reviewed and approved as to location, amount, and timing by an entomologist or biologist with expertise in Monarch butterflies.
- e) All fuel modification plans shall have been first reviewed and approved by the City of Los Angeles Fire Department. If the Fire Department requires trimming or removal of trees that is inconsistent with (c) above, the applicant shall obtain an amendment to this permit.

7. Future Development Deed Restriction

- A. This permit is only for the development described in coastal development permit No.A-5-PPL-00-028. Pursuant to Title 14 California Code of Regulations Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610(b) shall not apply to the entire parcel, generally depicted in Exhibit No. 2. Accordingly, any future improvements to the permitted

development, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Section 30610(d) and Title 14 California Code of Regulations Sections 13252(a)-(b), which are proposed within the restricted area shall require an amendment to Permit No. A-5-PPL-00-028 from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

**B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and each of the restricted lots. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

8. Grading

Prior to issuance of the permit, the applicant shall submit for review and approval of the Executive Director, final grading plans which include grading for all roads, structures, stockpiling, and remedial landslide construction.

The applicant shall also agree, in writing, to abide by said plans. The plans shall have received preliminary review by the project geologist and the City engineer and the City geologist. Grading plans shall identify stockpiling areas and haul routes and hours during which off-site hauling if any shall occur. Hauling and other off site transportation of heavy equipment shall not occur during weekends between Memorial Day Weekend (May) and Labor Day (September).

Pursuant to such plans:

- a) All cut and fill slopes shall be stabilized with planting at the completion of rough tract grading, and upon the completion of final grading, and/or, if the Executive Director determines that grading has stopped and that the interruption of grading will extend into the rainy season. Planting should be of primarily native plant species indigenous to the Santa Monica/Malibu Mountains area. Non-native plants used for stabilization shall not be invasive or persistent species. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all unsurfaced roads and pads;
- b) Should grading take place during the rainy season (November 1 – April 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be



required on the project site prior to or concurrent with the initial grading operations and maintained throughout the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.

- c) At the end of rough grading, all disturbed areas not scheduled for immediate development, shall be revegetated with plants indigenous to the area. The plans shall specify seed and plant sources, using, as far as possible locally collected seed. Non-native plants may be used but shall not be invasive or persistent species.
- d) All proposed changes to approved plans shall be reported to the Executive Director. No changes shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

9. Conformance of Design and Construction Plans to Geotechnical Report

- A. All final design and construction plans, including foundations, grading and drainage plans, shall be consistent with all recommendations contained in the Geotechnical/Soils Reports prepared by Woodward-Clyde, dated January 27, 1997 and subsequent supplemental reports. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the Executive Director's review and approval, evidence that an appropriate licensed professional has reviewed and approved all final design and construction plans and certified that each of those final plans is consistent with all of the recommendations specified in the above-referenced geologic evaluation approved by the California Coastal Commission for the project site.
- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

10. Assumption of Risk

- A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from landslides and soil erosion; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or

damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

- B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant, J. Paul Getty Trust, shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

## 11. Water Quality

Prior to the issuance of coastal development permit A-5-PPL-00-028, the applicant shall submit for the review and approval of the Executive Director, a drainage and polluted runoff control plan for the on-site roadways, turnouts, and parking areas. The plan shall be prepared by a licensed civil engineer and shall employ all feasible, best management practices to minimize the volume, velocity and pollutant load of stormwater leaving the developed areas of the site. The plan shall include, but not be limited to, the following criteria:

(a) Post-development peak runoff rates and average volumes shall not exceed pre-development conditions.

(b) Runoff from all parking areas, turnouts, and driveways shall be collected and directed through a system of vegetated and/or gravel filter strips or other media filter devices. The filter elements shall be designed to 1) trap sediment, particulates and other solids and 2) remove or mitigate contaminants through infiltration and/or biological uptake. The drainage system shall also be designed to convey any runoff in excess of this standard from the developed site in a non-erosive manner.

(c) The plan shall include provisions for maintaining the drainage and filtration systems so that they are functional throughout the life of the approved development. Such maintenance shall include the following: (1) the drainage and filtration system shall be inspected, cleaned and repaired prior to the onset of the storm season, no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system and restoration of the eroded area.

## 12. Pacific Coast Highway Improvements

Prior to issuance of the permit, the applicant shall submit plans for the review and approval by the Executive Director, showing the following improvements:

a) Relocation of bus stop, from the northeast corner to the northwest corner of Pacific Coast Highway and Coastline Drive, and construction of an approximately 90- foot long by 10-foot wide sidewalk extension for the bus stop, generally depicted in Exhibit no.19.

b) Widening by 10 feet on the north side of Pacific Coast Highway at Sunset Boulevard for a distance of approximately 230 feet to provide a right turn lane on the westbound Pacific Coast Highway approach. Relocate and modify traffic signals, street lights, and other public improvements as required and install a wheelchair ramp at the northeast corner of the intersection, generally depicted in Exhibit no. 20.

The plans shall indicate the location and type of development proposed. Prior to the issuance of the certificate of occupancy, the applicant shall submit evidence that the plans have been reviewed and approved by the California Department of Transportation. By acceptance of this permit, the applicant agrees to complete such improvements prior to occupancy of the Getty Villa's on-site improvements approved in this permit.

13. Music/ Noise Restriction

No amplified instrumental or vocal music shall be permitted for the Outdoor Theater. At no time shall amplified performers' voices, instrumental or vocal music from the Outdoor Theater be audible beyond the property boundaries.

14. Project Scope.

If not specifically modified by this action, the project shall be carried out as described in the application submitted to the City of Los Angeles, in the bound document, dated March 10, 2000, submitted by the applicant, and as required by in the conditional use permit #98-0361 and coastal development permit #98-015 issued by the City of Los Angeles. The project as described by this permit and its accompanying proposal, generally described in Exhibits no. 2 and 7, includes the operating procedures, hours of operation, parking and traffic management, restrictions on use of the amphitheater during hours of museum operation, management of tour buses, limitation on visitors to a reservation system, number and types of activities. Any proposed change to such procedures, operations and activities, including but not limited to changes in the City requirements shall be reported to the Executive Director to determine if an amendment to this permit is necessary. This action has no effect on local conditions imposed pursuant to an authority other than the Coastal Act.

15. Off-Site Improvements

Prior to the issuance of the coastal development permit, the applicant shall provide a schedule for the completion of traffic improvements required by the Commission or by the City of Los Angeles in its action approving the project.

The required off-site improvements include those listed in Condition no. 12 above. All identified off-site improvements shall be completed prior to the City's issuance of the certificate of occupancy. The completion schedule shall be submitted to, reviewed and approved in writing by the Executive Director. Any change in City or California Department of Transportation requirements shall be reported to the Executive Director who shall determine whether or not an amendment to this permit is necessary.

**V. SPECIAL CONDITIONS FOR 5-00-147**

**1. Pacific Coast Highway Improvements**

Prior to issuance of the permit the applicant shall submit plans for the review and approval by the Executive Director, showing the following improvements:

- a) Construction of an approximately 90-foot long, 10-foot wide sidewalk extension along Pacific Coast Highway, at the northwest corner of Pacific Coast Highway and Coastline Drive, and installation of a pole sign for a public bus stop.

The plans shall indicate the location and type of development proposed. Prior to the issuance of the certificate of occupancy, the applicant shall submit evidence that the plans have been reviewed and approved by the California Department of Transportation. By acceptance of this permit, the applicant agrees to complete such improvements prior to occupancy of the Getty Villa's on-site improvements approved in this permit.

**VI. FINDINGS AND DECLARATIONS FOR A-5-PPL-00-028:**

The Commission hereby finds and declares:

**A. Project Description and Location**

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 the expansion and enhancement of certain ancillary facilities, museum support functions, the art and conservation laboratories and facilities, public lobbies, circulation and entry areas, restrooms and widening and relocation of portions of existing fire roads. Ancillary facilities to be renovated include the Auditorium, the Ranch House, the Garden Tea Room, the Bookstore and other maintenance and central plant facilities; grading and modification of on-site landscaping; widening of fire roads and the terminus of Los Liones Drive; construction of a 450-seat Outdoor Classical Theater and a 250-space and 200-space partially subterranean parking structures for a total of 560 on-site parking spaces plus parking spaces for up to 8 buses (see Exhibits no. 2-4).

The project includes excavation of approximately 163,300 cubic yards of earth and 45,500 cubic yards of fill, within or adjacent to areas already paved or disturbed. Of the total excavated material, approximately 117,800 cubic yards would be exported (see Exhibit no. 8).

The City's conditions of approval include: relocation of an existing MTA bus stop and extension of the existing sidewalk; widening by 10-feet on the north side of Pacific Coast Highway at Sunset Boulevard for a distance of approximately 230 feet to provide a right-turn lane for westbound Pacific Coast Highway; installation of a stop sign at the intersection of Los Liones Drive and Tramonto Drive; future street dedication and improvements at Los Liones Drive terminus; limiting Outdoor Classical Theater attendance to 450 persons; and hours of operation for the Outdoor Theater (see Exhibit no. 21, for City's permit).

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 proposed site is bounded on the east and west by residential development; to the north Topanga State Park; and to the south Pacific Coast Highway and Will Rogers and Topanga State Beaches.

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 City 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. The additions included a single-story building, approximately 1,700 square feet to be used as a restoration workshop; and an approximately 3,000 square foot single-story building to be used as a conservation laboratory. The City's permit included conditions that limited the size of the ancillary facilities; restricted the number of days and hours of operation of the Museum; required a parking reservation system; and limited the number of on-site parking spaces. (see City's permit and conditions, Exhibit no. 22).

## **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 the landslides above Pacific Coast Highway. There is no draft LCP for this area.

## **C. Public Access/Traffic**

All projects requiring a coastal development permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. Section 30210 states that maximum access and recreational opportunities shall be provided to protect public rights:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 of the Coastal Act states in part:

*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 30252 of the Coastal Act states:

*The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities.*

Section 30211 and 30252 of the Coastal Act emphasizes that development should protect access to the coast by preserving the availability of access routes and parking facilities. Congestion of access routes to this area has been an issue in many past Commission permit actions.

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 adjacent to Coastline Drive. Additional vehicular access is provided for employees and some service vehicles via Los Liones Drive, which is located northeast of the proposed property and west of Sunset Boulevard. Coastline Drive, which serves the adjoining neighborhood, is located immediately to the west of the project site.

Pacific Coast Highway is the major thoroughfare providing direct access to the various beaches from Santa Monica to Malibu. Pacific Coast Highway is oriented in an east-west direction in the vicinity of the project site. Sunset Boulevard is oriented in a north-south direction in the general vicinity of the project side but continuous as a curving, winding roadway through Pacific Palisades and Brentwood, generally oriented in an east-west direction. Sunset Boulevard provides access to the coast and to two lower entrances to Topanga State Park, for people living in the inland areas. Topanga State Park, which is a major 8,000-acre recreational area. The lower trailhead entrance to the park, is located off of and north of Sunset Boulevard via Los Liones Drive, and is within close proximity to the project site.

## 1. Traffic

Traffic generated by increasing the intensity of the site will impact access to the coast by adding traffic to the already congested roadway system. Additional traffic generated by new development will contribute to the congestion of the road system, which will cause travel delays and access difficulties to public recreational areas that are accessed by the congested roadways. Due to the increase traffic congestion, the public may avoid the beaches and recreational areas found in the area and go to more easily accessible beaches and recreational areas, which may overburden those areas.

Current public vehicular access to the site is via the ingress driveway from Pacific Coast Highway, east of Coastline Drive; and the egress driveway from Coastline Drive north of Pacific Coast Highway.

Ingress from Pacific Coast Highway is available only for west bound traffic. Visitors traveling eastbound on Pacific Coast Highway must drive past the site and complete a U-turn to return to the driveway. Employee vehicular access is provided via Los Lions Drive, west of Sunset Boulevard.

The EIR states that the peak traffic periods for the surrounding area are between the hours of 8:00-9:00 A.M. and 5:00-6:00 P.M., based on traffic counts conducted in June, 1995, and August 1999. Traffic counts were conducted during the weekday and weekend. However, because weekday traffic counts were greater during the weekday, the traffic study prepared for the proposed project used weekday traffic counts for the analysis (see Exhibits no. 12-14, for existing traffic volumes at key intersections).

According to the EIR's traffic study, the existing use generates approximately 1,400 daily trips (700 inbound, 700 outbound), 138 A.M. peak hour trips (131 inbound, 7 outbound), and 203 P.M. peak hour trips (39 inbound, 164 outbound).

The proposed project will generate 1,334 net new daily trips, consisting of 79 net new A.M. peak hour trips (75 trips inbound and 4 trips outbound) and 162 net new P.M. peak hour trips (58 trips inbound and 104 trips outbound).

The traffic study analyzed nine intersections in the surrounding area. Existing conditions at each of the intersections were evaluated using the Critical Movement Analysis (CMA) method which determines the Volume to Capacity (V/C) ratio on a critical lane basis. The overall intersection V/C ratio was subsequently assigned a Level of Service (LOS) value to describe intersection operations. LOS is a qualitative measure of the effect of such factors as travel speed, travel time, interruptions, freedom to maneuver, safety, driving comfort, and convenience. The LOS ranges in descending order of congestion from A (free flow) to F (jammed condition). LOS D is generally accepted as the lowest satisfactory service level in urban areas.



There are currently six intersections in the surrounding area operating at LOS E or LOS F under existing conditions. The six intersections are:

- Topanga Canyon Boulevard and Pacific Coast Highway (A.M. peak hour)
- Coastline Drive and Pacific Coast Highway (A.M. and P.M. peak hours)
- Porto Marina Way and Pacific Coast Highway (A.M. and P.M. peak hours)
- Temescal Canyon Road and Pacific Coast Highway (A.M. peak hours)
- Chautauqua Road/Channel Road and Pacific Coast Highway (A.M. and P.M. peak hours)
- California Incline and Pacific Coast Highway (A.M. and P.M. peak hours)

According to the EIR, the Los Angeles Department of Transportation has established criteria for determination of a significant transportation impact. The criteria are based on a sliding scale, as shown below:

CRITERIA FOR DETERMINING SIGNIFICANCE

<u>Level of Service</u>	<u>Final V/C Ratio</u>	<u>Project-Related Increase in V/C</u>
C	>0.700-0.800	Equal to or greater than 0.040
D	>0.800-0.900	Equal to or greater than 0.020
E, F	>0.900	Equal to or greater than 0.010

The EIR states that the proposed project, prior to mitigation, would result in significant traffic impacts at the following intersections during the P.M. peak hour:

- Coastline Drive and Pacific Coast Highway (V/C change: .02)
- Porto Marina Way and Pacific Coast Highway (V/C change : .015)
- Sunset Boulevard and Pacific Coast Highway (V/C change: .014)

Incremental, but less than significant, impacts would occur at all other intersections within the study area, during the A.M. and P.M. peak hours.

To mitigate the traffic impacts, the applicant is proposing the following mitigation measures which have been incorporated into the project as conditions of approval by the City:

Coastline Drive/Pacific Coast Highway. Relocate the existing MTA bus stop located on the northeast corner of the intersection to the northwest corner; and extend the existing sidewalk on the northwest corner of the intersection to the relocated bus stop location.

Sunset Boulevard/Pacific Coast Highway. Widen by 10 feet on the north side of Pacific Coast Highway at Sunset Boulevard for a distance of approximately 230 feet to provide a right turn lane on the westbound Pacific Coast Highway approach. Relocate and modify traffic signals, street lights, and other public improvements as required and install a wheelchair ramp at the northeast corner of the intersection.

With implementation of the mitigation measures, impacts at the intersection of Sunset Boulevard and Pacific Coast Highway would be reduced to less than significant levels. Significant impacts at the Coastline Drive/PCH intersection would still remain. The EIR states that while the bus stop relocation at the Coastline Drive/PCH intersection would incrementally improve operations, the measure is not sufficient to mitigate the impacts to a level of insignificance based on the Los Angeles Department of Transportation criteria.

According to the EIR and Caltrans, the impact to Coastline Drive and PCH would result from traffic delays on Coastline Drive rather than PCH, due to outbound traffic associated with evening events (see letter from Caltrans, Exhibit no. 11). During the evening, traffic volumes are at their lowest levels of the day. However, Getty Villa staff has previously been stationed on-site at the Coastline Drive exit driveway to monitor and assist traffic flow leaving the property. According to the applicant, the Getty Villa will continue this traffic management during the evening events. The EIR concludes that, based on the number of vehicles and current timing of the signal, it is expected that the Coastline Drive/PCH intersection will adequately accommodate traffic exiting the Getty Villa following an evening event.

Moreover, according to the applicant, the applicant has not requested and is not anticipating requesting that the California Department of Transportation change the timing at the Coastline Drive/Pacific Coast Highway intersection to accommodate exiting traffic from the Getty Villa.

Furthermore, the use of Los Liones Drive, which provides access to the lower portion of Topanga State Park and serves as ingress and egress to the Getty site for employees and business visitors, will continue to function in the same manner under the proposed plan. The lower trail head entrance to Topanga State Park is located off of and west of Sunset Boulevard via Los Liones Drive. Under the City's approval Los Liones Drive will be prohibited from use by the general public for entry onto the property. Los Liones Drive will remain limited to egress for buses and to ingress and egress for employees, business visitors, and delivery vehicles.

The California Department of Parks and Recreation, initially expressed concern with the original project due to potential use of Los Liones Drive as a possible public entrance to the Getty Villa. However, after reviewing the recently proposed project and the City's conditions of approval limiting the use of Los Liones Drive, State Parks does not feel that the project will adversely impact Topanga State Park and supports the use of Los Liones Drive as limited access to Getty Villa (see Exhibit no. 10 for letter from the Director of the California State Parks).

Moreover, according to attendance figures provided by the Getty Villa, during the last ten years the museum attracted approximately 400,000 annual visitors. The Getty Villa estimates 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. Therefore, they conclude, 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 historically. However, this prediction does not take into account increased tourism, population growth in California, and increased demand for cultural and recreational activities that can be expected to occur.

The proposed project will add approximately 76,000 square feet to the existing 134,000 square-foot facility. 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. The proposed project will not increase the public gallery areas of the Museum. Approximately 20% of the increase in floor area will provide improved circulation, restrooms and public lobbies. 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. 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 (see Exhibit no. 7). Moreover, the City's condition of approval for the permit prohibit the Garden Tea Room from serving as a destination restaurant.

Forty percent of the increase in floor area will be added to the Art and Conservation Laboratories and Facilities. This expansion will provide employees with needed space to restore and preserve art. According to the applicant, the number of employees will not change from the previous levels.

The conclusions in the EIR were based upon the 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. 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.

The project as proposed and approved by the City has been modified to reduce the traffic impacts along Pacific Coast Highway. The museum and theater will operate non-concurrently so that traffic for the two uses will not be generated at the same time. The City has limited the museum to 10:00 A.M. to 5:00 P.M. five days per week and 10:00 AM to 9:00 P.M. one day per week. The theater is prohibited from operating during hours the Museum is open to the public and visitors for theater performances are prohibited from admittance onto the property to no earlier than 7:00 P.M. The Commission finds that these restrictions are necessary to mitigate the traffic impacts of the proposed project and therefore they are required under the special conditions.

The increase in traffic along Pacific Coast Highway, which is the major beach access route to the beaches between Santa Monica and Malibu in this area, can impact beach access. With additional traffic there will be longer delays and travel time will increase. Such changes could discourage beach and recreational users from this area and force them to go to other area with easier access. This may result in the over use of other areas that are more easily accessed. Therefore, a special condition requiring improvements along PCH at the intersections of Sunset and Coastline are also necessary to ensure that the traffic impacts generated by the proposed project are adequately mitigated. Furthermore, because timing of the traffic signals can affect traffic flow and congestion, it is important that the project will not cause a change in the traffic signal timing along PCH. Therefore, as a condition of this permit the applicant shall agree that Pacific Coast Highway traffic has priority over traffic exiting from the facility and the applicant will not request a modification in the traffic signal timing, the use of traffic control personnel or other devices to facilitate use of the exit at Coastline Drive and Pacific Coast Highway in any way that would change the flow of traffic on Pacific Coast Highway.

Moreover, to ensure that future development will not adversely impact traffic to and along the beach, a future improvements condition is necessary. The future improvements condition will require that any future development, including repair and maintenance activities to development approved by this permit shall require an additional coastal development permit from the Commission. The Commission finds, therefore, that the proposed project, only as conditioned, will not adversely impact traffic and access to and along the beach and will be consistent with Section 30210, 30211, and 30252 of the Coastal Act.

## 2. Parking

The Getty Villa property currently provides 291 parking spaces for visitors and employees. The three primary parking areas are a partially subterranean parking facility below the Main Peristyle Garden, that provides 110 spaces, a 83 space surface parking area (camper lot) southwest of the Museum, and a surface area that provides 98 spaces located northeast of the Museum and east of the Ranch House.

In order to ensure adequate on-site parking, the Museum operates a parking reservation system whereby visitors are required to have an advance reservation to park on-site. To prevent off-site parking on local streets, pedestrians using local transit or taxi service are admitted into the Museum only with a receipt. The parking reservation system was originally part of a 1974 agreement between the adjoining Sunset Mesa Property Owners Association and the Getty Museum (see no.23). The reason for the agreement was due to Museum visitors parking on the nearby residential streets and the parking conflicts between residents and Museum visitors. Subsequently, the reservation system was incorporated into the City's original coastal development permit in 1983, and has been incorporated, by reference, in the City's current coastal development permit and conditional use permit.

Public transit service in the area is provided by the Los Angeles County Metropolitan Transportation Authority. A transit stop is located at the northeast corner of Coastline Drive and Pacific Coast Highway.

The proposed project includes the construction two partially subterranean parking structures. One structure will provide of 250-spaces and the other will provide 200-spaces. With the new proposed structures and the remaining on-site parking spaces there will be a total of 560 on-site parking spaces, plus parking spaces for up to 8 buses. Of the 560 total parking spaces, 360 spaces will be available for public use and the remaining 200 will be for employees.

To ensure that adequate on-site parking would be available, as mentioned above, the parking reservation system would remain in effect for guests, visitors, and invitees for each day the Museum is open to the public. In addition the applicant is proposing to institute a shuttle program, as conditioned by the City's permit approvals.

According to the applicant the condition of a shuttle program was imposed when the theater was originally proposed with an occupancy of 600 visitors. Subsequently, the City Council limited the attendance of the theater to 450 and prohibited simultaneous use of the Museum and theater.

The applicant asserts that with the reduction of theater attendance and restriction to non-concurrent use of the Museum and Theater, it is not anticipated that an off-site shuttle program will be necessary. Furthermore, the EIR traffic and parking analysis estimates that average vehicle ridership (AVR) for theater performances will be 2.5 persons per vehicle. Based on this AVR, only 180 on-site parking spaces need to be available at the Getty Villa to accommodate the demand that will be generated by the theater. Therefore, since the supply exceeds the projected demand generated by the theater, there will be more than adequate parking for patrons and no need for a shuttle.

Although a shuttle may not be needed, the City required a condition for a shuttle program. The Commission concurs that a shuttle system may not be necessary since there is adequate parking to meet the projected demand for the Outdoor Theater. However, if shuttle sites are used they could adversely impact beach and recreational parking if the sites are within the coastal zone and are used by beach or recreational users or the museum/theater usurps support parking for other visitor serving uses. The applicant has indicated that all potential shuttle site locations are located outside of the coastal zone. The applicant has submitted a letter tentatively identifying three locations outside of the coastal zone, that could be used as shuttle sites. The proposed shuttle sites, located outside the coastal zone, will not have an adverse impact on coastal access. To ensure that future off-site shuttle program remote parking sites will not usurp beach or State Park parking opportunities, a condition is necessary requiring the applicant to agree that no off-site parking areas within the Coastal Zone will be used for the shuttle program.

The City's approval of the project included a parking variance. Based on City parking standards for institutions, the City requires two parking spaces per 1,000 square feet. Based on this ratio, the proposed project would require 746 parking spaces. The City granted a parking variance permitting a reduction in the on-site parking requirement to 560 parking spaces, including 360 public visitor spaces. The City granted the variance based on the parking needs of the site and the existing parking reservation system, which limits the number of vehicles parking on the site. As a condition of the City's approval, the City required the continuation of the reservation system.

According to the applicant, the Getty Villa's physical characteristics and operations will remain consistent with the Getty Villa as it existed before it closed to the public. The proposed project provides for an expansion of certain ancillary services, but 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. 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. Furthermore, the applicant estimates 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.

Furthermore, according to the EIR, a parking supply of 560 on-site spaces will be adequate to meet the parking demand for the Museum and theater uses. The EIR states that, based on a worst-case analysis, a total of 376 parking spaces would be required to meet peak parking demand for Museum visitors and employees, and an additional 180 spaces would be required to meet the demand generated by the 450-seat theater. Therefore, the total parking demand of the Museum and theater would be 556 spaces. The total parking demand is based on simultaneous use of the Museum and theater. However, the Museum and theater will not operate concurrently, as conditioned by the City.

In the City's conditional use permit and coastal development permit, the City conditioned the project to prohibit the simultaneous use of the Museum and theater. The City has limited the operating hours of the Museum to 10:00 A.M. to 5:00 P.M. five days per week and 10:00 AM to 9:00 P.M. one day per week. The theater is prohibited from operating during hours the Museum is open to the public and visitors for theater performances are prohibited from admittance onto the property to no earlier than 7:00 P.M.

In summary, to ensure that the parking demand will not exceed the on-site parking supply, special conditions requiring that the Museum and theater uses will not operate simultaneously and the theater will be limited to a maximum attendance of 450 people is necessary. Furthermore, one of the reasons that the on-site parking has been adequate to meet the demand generated by the on-site facilities is due to the reservation system that has been in place since 1984. Without this reservation system, parking demand for

the Museum could exceed the supply and adversely impact traffic and surrounding public beach and State Park parking. Therefore, as a condition of this permit, the reservation system shall continue to be enforced. The Commission, therefore, finds that only as conditioned will the proposed project be consistent with Section 30210, 30211, and 30252 of the Coastal Act.

**D. Environmentally Sensitive Resources**

Section 30230 states:

*Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

Section 30231 states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

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.

1. Monarch Butterfly Habitat

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 and report prepared by LSA Associates, Inc., roosts are generally located in tree groves, including exotic trees such as eucalyptus, pine and cypress, that are protected from wind and cold and in close proximity to nectar and water sources. Tree groves located in the bottom of canyons and on north and east facing slopes, that are protected from the sun, are generally areas that provide the most suitable habitat.

Monarch butterflies tend to cluster in areas beneath overhanging foliage and above ground covered by duff (decaying leaves and branches) or vegetation. Foliage overhanging the monarch butterfly clusters lessens the radiation of heat from clusters at night. Trees that are not used to support clusters are important to Monarchs because they serve as perches for sunning and protection from wind.

According to the California Department of Fish and Game, the Monarch butterfly is not listed by the State as a California Species of Special Concern (the EIR and the City's report incorrectly state that the Monarch butterfly is listed). The Commission, however, in past coastal development permit actions has considered habitat that is used by the Monarch butterfly as environmentally sensitive habitat and has required protection of the habitat.

Adult Monarch butterflies winter on the coast of California from Baja California to Mendocino County. These butterflies travel to their wintering locations in the fall, remain during the winter, and disperse in spring. Aggregations of wintering Monarch butterflies begin to form as early as September and October. They tend to disperse by mid-February or march in Northern California and earlier in Southern California.

Monarch butterfly aggregations consist of clusters of butterflies on leaves, branches and trunks of trees. Clusters vary in size between 10 and a few thousand butterflies. According to the California Department of Fish and Game's Natural Diversity Data Base report, over 1,000 Monarch butterflies were observed roosting in a grove of eucalyptus trees south of the public parking lot in previous years. In 1989-90, up to 15,000 Monarch butterflies 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 aggregating Monarch butterflies have been observed by Museum personnel over the last few years.

A recent survey was conducted by Clinton Kellner, PH.D., of LSA Associates, Inc. The survey was conducted on January 20, 21, 31, and February 1, 2000. The survey indicates that only 10 butterflies were observed at the Getty Villa site, but no aggregations were observed. According to the report, an off-site Monarch butterfly aggregation at the northwest corner of the intersection of Pacific Coast Highway and Busch Drive, near Point Dume, Malibu, was surveyed on January 31, 2000, to determine whether aggregations



continued to exist for the winter. The presence of between 40 and 50 Monarch butterflies flying and sunning themselves indicated that the butterflies had not yet dispersed from their aggregations. Based on this surveyed aggregation, LSA Associates, Inc. determined that the survey for aggregating Monarch butterflies at the Getty site was conducted at the proper time of year.

The proposed development will be located within the central and southwestern portion of the site. The proposed development sites are outside of the areas that have previously been used as roosting sites for the Monarach butterfly.

According to the applicant approximately 645 eucalyptus trees, including many groves of trees, will be preserved on-site. These groves are generally located along the southeastern and northern portion of the site. Trees to be removed are located in southwestern portions of the site where development is proposed. Approximately 74 trees on the southwestern portion of the site are proposed for removal.

According to the survey conducted by Clinton Kellner, PH.D. of LSA Associates, Inc., the groves located in the eastern, southeastern and northern portions of the site, because of their grouping and location, offer the most suitable conditions for Monarch butterflies. Based on past observations by Getty personnel these are the areas where prior aggregations have been sighted.

Trees located on the southwestern portion of the site provide the least suitable habitat on-site because they receive sunlight throughout the day. According to the survey, there are approximately 645 trees on the eastern and southeastern portion of the site and north of the Ranch House.

According to the applicant, the Getty Villa has maintained a routine tree trimming program to satisfy the City's Fire Department requirements for fuel modification. Past fuel modification measures included tree trimming along the property's boundary and clearing of debris. To continue to allow the fuel modification process and at the same time attempt to protect the Monarch butterflies roosting sites, the City required a condition to limit pruning of the trees during the winter roosting period. However, the language in the City's permit does not make it clear when the critical period is and when trimming should be avoided.

According to the Department of Fish and Game and the report prepared by LSA Associates, Inc., aggregations of wintering monarchs begin to form as early as September and October. Monarch butterflies tend to disperse by mid-February or March in Northern California and earlier in Southern California.

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. It is possible that large numbers of Monarchs will return seeking to roost at the site in the future.

To address the potential impacts to the Monarch, as a condition of the local permit, the City required 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 permit, 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 permit does not provide any protection or mitigation measures for these trees to minimize damage to the canopy which could have impact on the Monarch butterflies. Therefore, as a condition of the permit, the applicant shall submit a tree trimming plan/program that specially states when trees will be trimmed/pruned, and that areas designated as potential Monarch butterfly habitat, generally depicted in Exhibit no. 9, will be avoided during the Monarch butterfly's roosting period. Furthermore, any proposed trimming/pruning or tree removal within those areas designated as potential Monarch butterfly habitat will require review and on-site supervision by a qualified entomologist or biologist with expertise with Monarch butterflies and be consistent with all fuel modification plans. The Commission, therefore, finds that only as conditioned will the proposed project be consistent with Section 30230, 30231, and 30240 of the Coastal Act.

## 2. Control of Polluted Runoff

The proposed project poses a potential source of pollution due to contaminated runoff from the proposed parking areas and other hardscape. The EIR indicates that soils in this area have moderate to high permeability. Runoff rates are generally low due to shallow slopes. The EIR estimates that 150.1 cubic feet per second (cfs) of surface water runoff is currently generated within the primary southern watershed during a 50-year storm event. The majority of the runoff is conveyed to the Pacific Ocean via a privately maintained underground storm drain system connecting to the public storm drain system operated by the City of Los Angeles Department of Public Works. The remaining runoff is conveyed as surface flow and sheet flow to public storm drain inlets located off-site.

Existing development is concentrated in the lower canyon of the property with approximately 8.35 acres or 13 percent of the property comprised of impervious surface

area. The remaining area consists of pervious areas of natural vegetation and landscaped gardens, lawns, and slopes. The proposed project would result in the addition of approximately 2.10 acres of impervious surface area and will increase surface water runoff by approximately 4 cfs.

To mitigate the potential impacts, the project should incorporate best management practices with extensive recommendations and measures to reduce or prevent contaminants from running off the site. Therefore, a special condition is necessary to require the applicant to prepare a drainage and polluted runoff plan to prevent oil, grease and sediment from washing off the parking and hardscape areas and entering the stormdrain system. The Commission, therefore, finds that only as conditioned will the proposed project be consistent with Section 30230 and 30231 of the Coastal Act.

**E. Hazards and Landform Alteration**

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 project site is located on a marine terrace on the southern flank of the Santa Monica mountains. The property includes a south-trending main canyon in the center of the site, northern east-west trending ridgeline and a portion of Los Liones Canyon in the northern end, the slopes of Castellammare Mesa on the east, and an unnamed south-trending remnant terrace on the west.

Site elevations range from 24 feet above mean sea level at the Pacific Coast Highway entrance to approximately 607 feet above MSL at the northwest-trending ridgeline in the northern part of the property. The majority of the property is composed of steep slopes, with approximately 85 percent of the property at over 15 percent slope, approximately 4 percent at 10-15 percent slope, and approximately 11 percent at less than 10 percent slope.

The main soil and bedrock materials within the Getty Villa include: landslide material, artificial fill, alluvium, stream-terrace deposits, terrace deposits (older alluvium), marine terrace deposits, and sedimentary bedrock of the Topanga Canyon, Sespe, and Tuna Canyon Formations.

The proposed project would result in approximately 163,300 cubic yards of cut and 45,500 cubic yards of fill. The EIR states that the grading will be within or adjacent to areas already paved or developed and lacking original undisturbed topography. Of the total excavated material, approximately 117,800 cubic yards would be exported (see Exhibit no. 8).

Approximately 44% of the excavation is due to the construction of the two proposed partially subterranean two and three level parking structures. The 250 space parking structure located in the southwest portion of the site will replace the 83 space surface parking lot. One of the reasons for constructing the parking structure partially subterranean is to lower the profile to reduce the visibility from the adjacent residences.

Additional grading (54,000 cubic yards) is also required to repair an existing landslide. 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 eastside slopes, and a third is located near the entrance to the Getty Villa.

Because of reactivation of the East Side slide and the potential hazard the slide poses, the City has required remediation of the slide. Remediation includes removal of the slide material and recompaction with suitable fill material and the use of retaining walls to buttress the fill. The East Side slide is located east of the existing northern access road. The road will be widened along the western side of the road, which will not require cutting

into the slope. Furthermore, all proposed development will be located to the west of the road and away from the slide.

Because the other slides have not exhibited any recent movement, and no development is planned in the area of the other slides, the City is not requiring remediation of the other two slide areas.

A comprehensive geologic/soils report (Woodward-Clyde, 1997) prepared for the project and incorporated in the EIR have been reviewed and approved by the City's Department of Building and Safety. Mitigation measures that have been incorporated into the plan and approved by the City include adherence to all City of Los Angeles design review, permitting and construction inspection procedures, field testing and materials analysis. The reports conclude that, as conditioned, no significant grading or slope stability impacts are anticipated. To ensure that the recommendations made by the consultants are implemented, the applicant shall submit evidence indicating that the consultants have reviewed the plans and all recommendations have been incorporated into the design.

Furthermore, in previous actions on hillside development in geologically hazardous areas the Commission has found that there are certain risks that can never be entirely eliminated. In addition, the Commission notes that the applicant has no control over off-site or on-site conditions that may change and adversely affect the coastal slope on the property. Therefore, the Commission finds that the proposed project is subject to risk from erosion and/or slope failure (topple) and that the applicant should assume the liability of such risk. The assumption of risk, when recorded against the property as a deed restriction, will show that the applicant is aware of and appreciates the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development. Furthermore, to ensure that all future development will be consistent with the Commission's action and with the Chapter 3 policies of the Coastal Act a future improvements deed restriction is necessary. The Commission, therefore, finds that only as conditioned will the proposed development be consistent with Section 30253 of the Coastal Act.

**F. Community Character**

Section 30250 of the Coastal Act provides:

*(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...*

*(c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

The Getty Villa has been a visitor-serving destination within the coastal zone since it opened to the public in 1974. The Getty Villa has offered cultural, educational and recreational opportunities free of charge to visitors throughout California and the world. The proposed project will continue to provide the existing programs through upgrades of existing facilities.

However, part of the project includes a new outdoor classical theater. Although this may be a continuation of an existing program that the Getty Villa had on site, the theater will be new and performances will be in the open. The performances may produce additional noise that may affect the surrounding areas.

As stated, the proposed project is located between two residential neighborhoods with homes immediately adjacent to the site. The proposed theater location will be approximately 307 feet from the property line and approximately 350 feet from the nearest residence.

The additional noise from the evening performances may carry into these neighborhoods, especially the homes adjacent to the property. According to a noise analysis that was incorporated in the EIR, noise levels from sources including applause and soprano voice, range from inaudible to occasionally audible at the monitoring locations adjacent to the residential community (see Exhibit no. 17, for sound level comparison chart).

To ensure that noise from the theater would not impact the adjoining residential community, the City required extensive mitigating measures, including prohibiting the use of amplified instrumental or vocal music, and prohibited voice amplification from any sound enhancement system from exceeding 65 dBA at the theater seating areas most distant from the stage area.

With visitor-serving uses adjacent to residential neighborhoods conflicts may arise. The Commission, in the past, has been cognizant of these potential conflicts and has attempted to minimize the conflicts to increase compatibility between visitor-serving and residential uses. The condition imposed by the City may not ensure that noise will not travel into the adjoining neighborhoods and may not minimize the conflicts. Therefore, as a special condition of this permit, noise levels shall be limited so that no amplified noise from the theater performances shall extend beyond the boundaries of the property. The Commission finds, that only as conditioned will the proposed project be consistent with Section 30250 of the Coastal Act.

**G. Local Coastal Program**

Section 30604 (a) of the Coastal Act states:

*Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.*

In 1978, the Commission approved a work program for the preparation of local coastal programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability.

The City has submitted five land use plans for Commission review and the Commission has certified two (Playa Vista and San Pedro). However, the City has not prepared a land use plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process, in 1978, with the exception of two tracts (a 1200-acre tract of land and an adjacent approximately 300-acre tract) which were then undergoing subdivision approval, most private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decisions remained in the Pacific Palisades. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

As conditioned, to address coastal access, environmental resources, and geologic stability, approval of the proposed development will not prejudice the City's ability to prepare a local coastal program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

#### **H. California Environmental Quality Act**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.

**DUAL PERMIT JURISDICTION (Section 30601)-- CDP 5-00-147**

**Staff Note:**

The following section of the report discusses the application for a permit to construct traffic improvements that are located within 300 feet of the inland extent of a beach, or the sea where there is no beach, an area that was designated as within the Dual Permit Jurisdiction area by the Commission pursuant to Section 13307 of the California Code of Regulations. Thus, a coastal development permit is required from both the City and the Commission.

**VII. FINDINGS AND DECLARATIONS FOR COASTAL DEVELOPMENT  
PERMIT No. 5-00-147:**

The Commission hereby finds and declares:

**A. Project Description and Location**

Within the City's dual permit area there are three areas of proposed traffic improvements. The three improvements involve the following:

1. Coastline Drive/Pacific Coast Highway. Extend existing deceleration lane on the northbound side of Pacific Coast Highway at Coastline Drive.
2. Coastline Drive/Pacific Coast Highway. Relocate the existing MTA bus stop located on the northeast corner of the intersection to the northwest corner; and extend the existing sidewalk approximately 90-feet on the northwest corner of the intersection to the relocated bus stop location. The new sidewalk will be 10 feet wide.
3. Sunset Boulevard/Pacific Coast Highway. Widen by 10 feet on the north side of Pacific Coast Highway at Sunset Boulevard for a distance of approximately 230 feet to provide a right turn lane on the westbound Pacific Coast Highway approach. Relocate and modify traffic signals, street lights, and other public improvements as required and install a wheelchair ramp at the northeast corner of the intersection.

After review of the proposed improvements the Executive Director determined that two of the three improvements are exempt from coastal development permit requirements. The two improvements that are exempt are the extension of the deceleration lane at Coastline



Drive and Pacific Coast Highway, and the improvements at the intersection of Sunset Boulevard and Pacific Coast Highway.

The existing deceleration lane at Coastline Drive and Pacific Coast Highway was extended through lane markings by the Department of Transportation (Caltrans) in 1998, following the construction of a slough wall along the toe of the bluff. The wall was placed within the shoulder of the roadway, and measures approximately 10 to 12 feet high and 430 feet long. The wall was installed by Caltrans in 1998, as an emergency measure to prevent earthslide debris from the hillside from falling onto the highway. As an emergency measure, the construction of the wall was exempt under Section 30600(e)(2) of the Coastal Act, which allows emergency work to repair and maintain existing highways. The section states:

*Emergency projects undertaken, carried out, or approved by a public agency to maintain, repair, or restore an existing highway, as defined in Section 360 of the Vehicle Code, except for a highway designated as an official state scenic highway pursuant to Section 262 of the Streets and Highways Code, within the existing right-of-way of the highway, damaged as a result of fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide, within one year of the damage. This paragraph does not exempt from this section any project undertaken, carried out, or approved by a public agency to expand or widen a highway damaged by fire, flood, storm, earthquake, land subsidence, gradual earth movement, or landslide.*

The extension of the deceleration lane is exempt under the Repair and Maintenance Activities, section 13252(3)(B) of the California Coastal Commission Regulations. This section allows the State Department of Transportation, or their equivalent conducted by local road departments, to conduct various repair and maintenance activities which do not result in an addition to or enlargement or expansion of the existing public road facility.

The proposed improvements along Sunset Boulevard and PCH also fall under the exemption provisions of Section 13252(3)(B). The site of the proposed improvements at Sunset Boulevard and PCH is currently improved with a right-turn pocket/ deceleration lane and walkway within Caltrans existing right-of-way. The proposed 10-foot widening will remain within the existing improved area and will not increase the number of lanes. All other work including relocating and modification to the traffic signals, street lights, and installation of a wheelchair ramp at the northeast corner of the intersection is also exempt under Section 13252(3)(B).

Therefore, the only improvement that is not exempt is the relocation of the bus stop which will require the extension of the sidewalk within an unimproved area of the road right-of-way. This improvement is not exempt because it will result in the addition to or enlargement or expansion of the existing public road facility and, as such, is not considered repair or maintenance work of an existing roadway facility.

The existing bus stop, which consists of a pole sign along the shoulder of the roadway, is located in the City of Los Angeles, and in the City's Dual Permit Area. The pole sign will

be removed from this location. The removal of the sign also falls under the exemption provisions of Section 13252(3)(B).

The proposed relocated site for the bus stop and sidewalk improvements are located in the County of Los Angeles. Therefore, since the new improvements are located outside of the City's jurisdiction, this project is not in the City's Dual Permit area.

Therefore, the only portion of this project that requires a coastal development permit is the construction of the new sidewalk and relocated bus stop, which is within the County of Los Angeles.

**B. Public Access/Traffic**

All projects requiring a coastal development permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. Section 30210 states that maximum access and recreational opportunities shall be provided to protect public rights:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

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 30252 of the Coastal Act states:

*The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities.*

Section 30252 of the Coastal Act emphasizes that development should protect access to the coast by preserving the availability of access routes. Congestion of access routes to this area has been an issue in many past Commission permit actions.

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. Pacific Coast Highway is the major thoroughfare providing north-south access to the various beaches to the south and north of the project site. Additional vehicular access to the site is provided for employees and some service vehicles via Los Liones Drive, which is located northeast of the proposed property and

west of Sunset Boulevard. Coastline Drive, which serves an adjoining neighborhood, is located immediately to the west of the project site.

There is currently a mass transit stop located approximately in front of the Getty Villa property (northeast corner of Coastline Drive and PCH). The existing bus stop consists of a single pole sign along the shoulder of the roadway. The applicant is proposing to relocate the existing bus stop pole sign on the northeast corner of Coastline Drive and PCH to the northwest corner and extend the sidewalk and curb approximately 90-feet to the proposed location of the bus stop (see Exhibit no. 19). The proposed location for the bus stop consists of the improved roadway, unimproved (dirt/gravel) shoulder and a brick wall on the inland side of the shoulder.

The new sidewalk will be constructed within the unimproved shoulder and within Caltrans' right-of-way. The sidewalk will abut the existing brick wall. The work required will include leveling of the area and pouring of concrete for the 10-foot wide sidewalk and bus pad, which will be within the existing improved roadway. A handicap ramp will also be cut into the sidewalk at the street corner.

The City required this improvement as traffic mitigation to improve the flow of traffic at this intersection. The EIR states that, the bus stop relocation at the Coastline Drive/PCH intersection would incrementally improve operations at the intersection.

The Coastline Drive/Pacific Coast Highway intersection has only one cross-walk across Pacific Coast Highway. This cross-walk is located on the northwest side of the intersection. Therefore, by relocating the bus stop to the northwest corner, transit riders going to the beach that disembark at this stop will have easier access to the beach.

For the reasons discussed above, the proposed relocation of the bus stop and sidewalk extension will not adversely impact public access. To ensure that the proposed improvements comply with Caltrans requirements and specifications, the applicant shall submit for the review and approval by the Executive Director plans that have been reviewed and approved by Caltrans prior to the issuance of the City's certificate of occupancy permit. The Commission finds that the proposed project, only as conditioned, will be consistent with Sections 30210, 30211, and 30252 of the Coastal Act.

**C. Local Coastal Program**

Section 30604 (a) of the Coastal Act states:

*Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not*

*prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.*

In 1978, the Commission approved a work program for the preparation of local coastal programs in a number of distinct neighborhoods (segments) in the City of Los Angeles. In the Pacific Palisades, issues identified included public recreation, preservation of mountain and hillside lands, and grading and geologic stability.

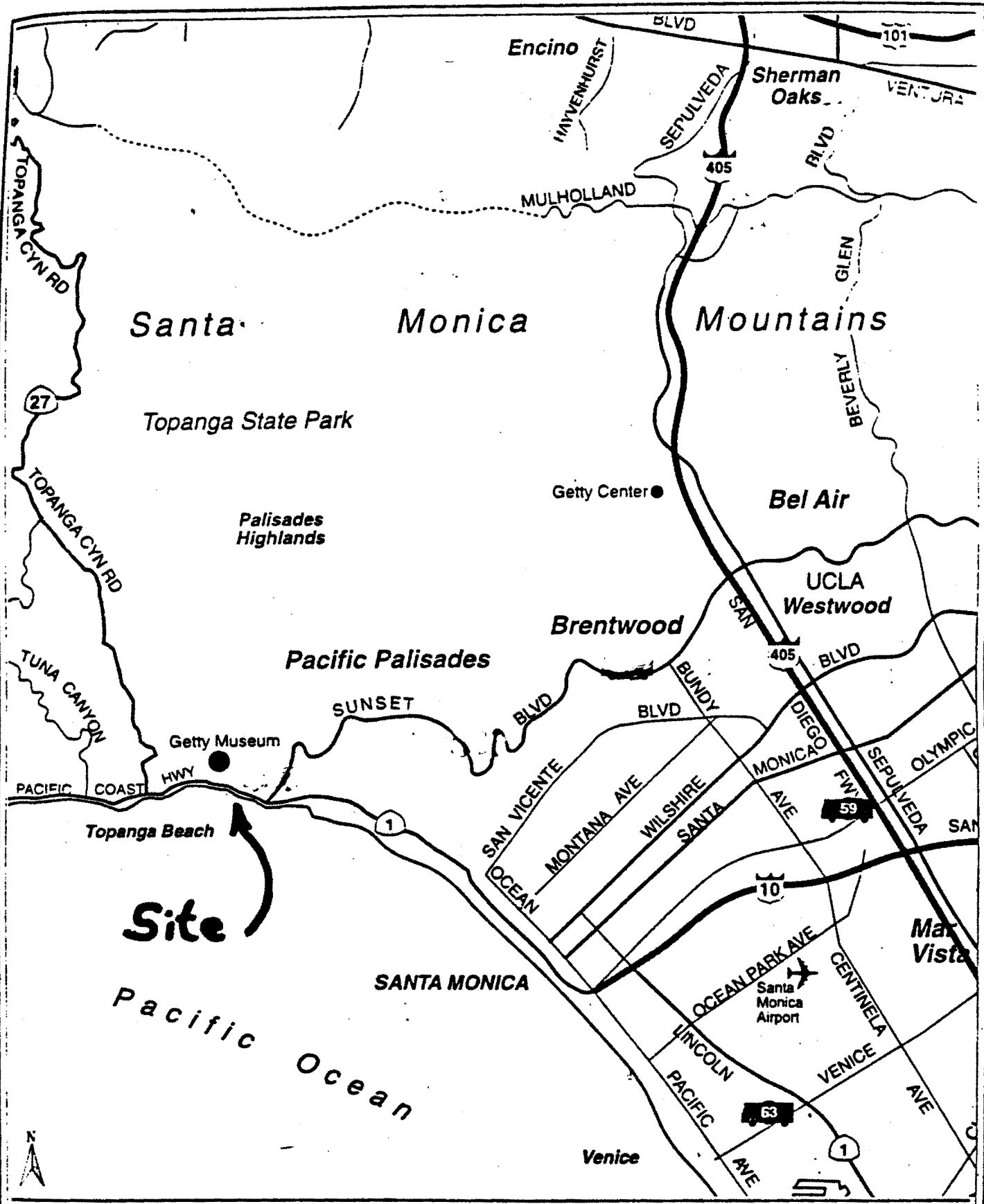
The City has submitted five land use plans for Commission review and the Commission has certified two (Playa Vista and San Pedro). However, the City has not prepared a land use plan for Pacific Palisades. In the early seventies, a general plan update for the Pacific Palisades had just been completed. When the City began the LUP process, in 1978, with the exception of two tracts (a 1200-acre tract of land and an adjacent approximately 300-acre tract) which were then undergoing subdivision approval, all private lands in the community were subdivided and built out. The Commission's approval of those tracts in 1980 meant that no major planning decisions remained in the Pacific Palisades. The tracts were A-381-78 (Headlands) and A-390-78 (AMH). Consequently, the City concentrated its efforts on communities that were rapidly changing and subject to development pressure and controversy, such as Venice, Airport Dunes, Playa Vista, San Pedro, and Playa del Rey.

As conditioned, to address coastal access, approval of the proposed development will not prejudice the City's ability to prepare a local coastal program in conformity with Chapter 3 of the Coastal Act. The Commission, therefore, finds that the proposed project is consistent with the provisions of Section 30604 (a) of the Coastal Act.

**D. California Environmental Quality Act**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.



The Getty Villa Master Plan

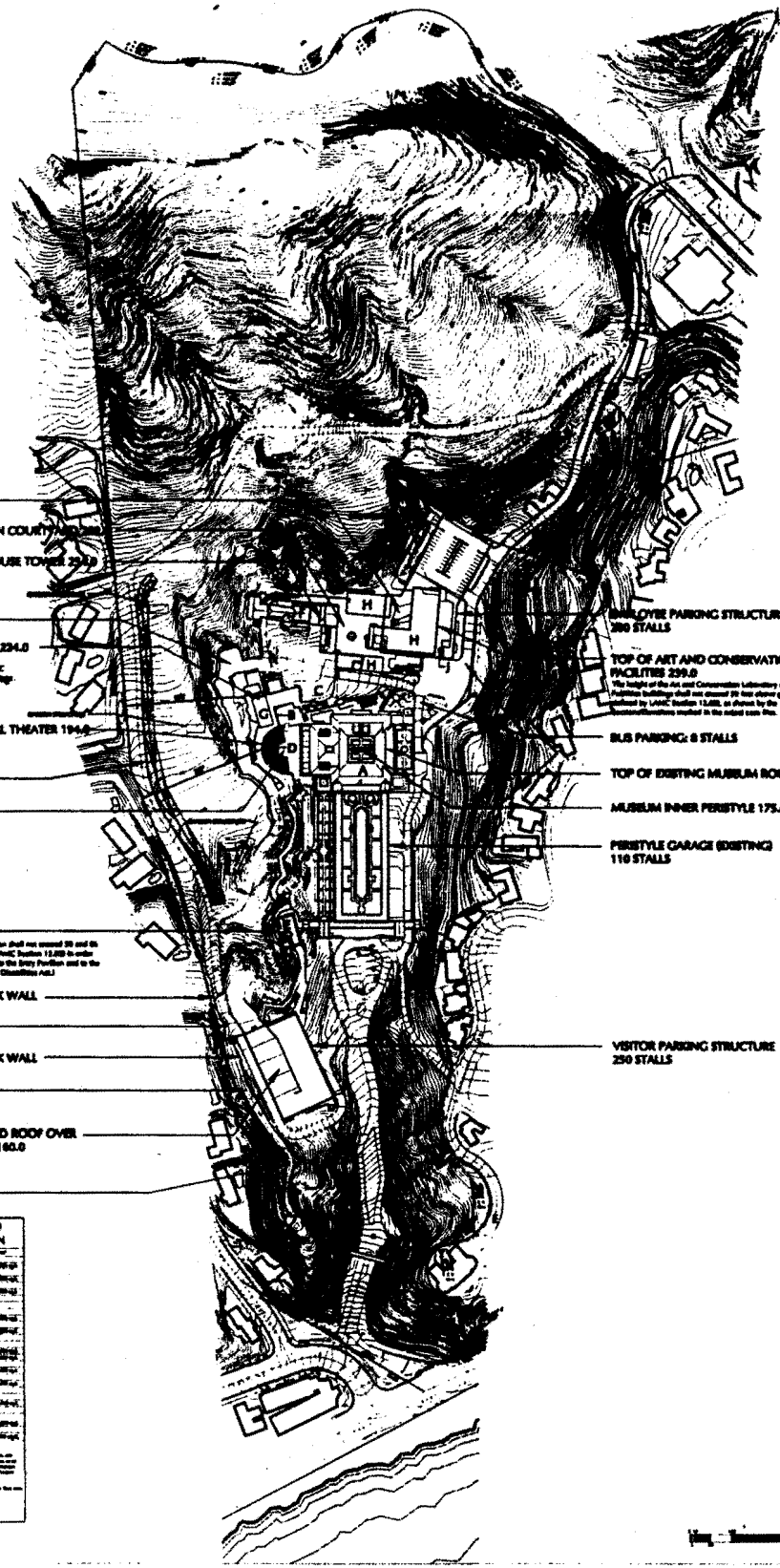


EXHIBIT NO. 1

APPLICATION NO.

A-5-PPL-00-028/5-00-147

Vicinity Map



NEW COURTYARD 292.0

EXISTING MONKEY FOUNTAIN COURTYARD 292.0

TOP OF EXISTING RANCH HOUSE TOWER 291.0

FIRE ACCESS ROAD 288.0

TOP OF GARDEN TEA ROOM 234.0  
 The height of the Garden Tea Room shall not exceed 45 feet above grade as defined by LARC Section 12.02, as shown by the bottom/topography marked in the record case file.

TOP OF OUTDOOR CLASSICAL THEATER 194.0  
 Elevation Base

EARTHBERM

ENTRY PLAZA 174.0  
 Base of Outdoor Classical Theater

ENTRY PAVILION  
 The main and oblique ramping the Entry Pavilion shall not exceed 30 and 35 feet, respectively, above grade as defined by LARC Section 12.02 in order to provide access with ramps and 50 options to the Entry Pavilion and to the Upper Garden (as shown in the Architecture with Circulation Plan.)

6' HIGH LANDSCAPED BLOCK WALL

TOP OF RIDGE 163.5

6' HIGH LANDSCAPED BLOCK WALL

TOP OF RIDGE 164.0

TOP OF SLOPED LANDSCAPED ROOF OVER PARKING STRUCTURE 151.3-160.0

TOP OF RIDGE 164.0

EMPLOYEE PARKING STRUCTURE 260 STALLS

TOP OF ART AND CONSERVATION LABORATORY AND FACILITIES 239.0  
 The height of the Art and Conservation Laboratory and Facilities facilities shall not exceed 30 feet above grade as defined by LARC Section 12.02, as shown by the bottom/topography marked in the record case file.

BUS PARKING: 6 STALLS

TOP OF EXISTING MUSEUM ROOF 217.0

MUSEUM INNER PERISTYLE 175.0

PERISTYLE GARAGE (EXISTING) 110 STALLS

VISITOR PARKING STRUCTURE 250 STALLS

FACILITY LOCATION AND FLOOR AREA ALLOCATION	
Facility	Floor Area (sq. ft.)
1. Entry Pavilion	20,000
2. Garden Tea Room	10,000
3. Outdoor Classical Theater	20,000
4. Entry Plaza	10,000
5. Art and Conservation Laboratory and Facilities	100,000
6. Employee Parking Structure	260,000
7. Visitor Parking Structure	250,000
8. Bus Parking	6,000
9. Peristyle Garage	110,000
10. Existing Museum	100,000
11. Existing Peristyle	100,000
12. Existing Courtyards	100,000
13. Existing Foundations	100,000
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**EXHIBIT NO. 2**

Application Number  
*A-5-PPL-028/5-00-147*

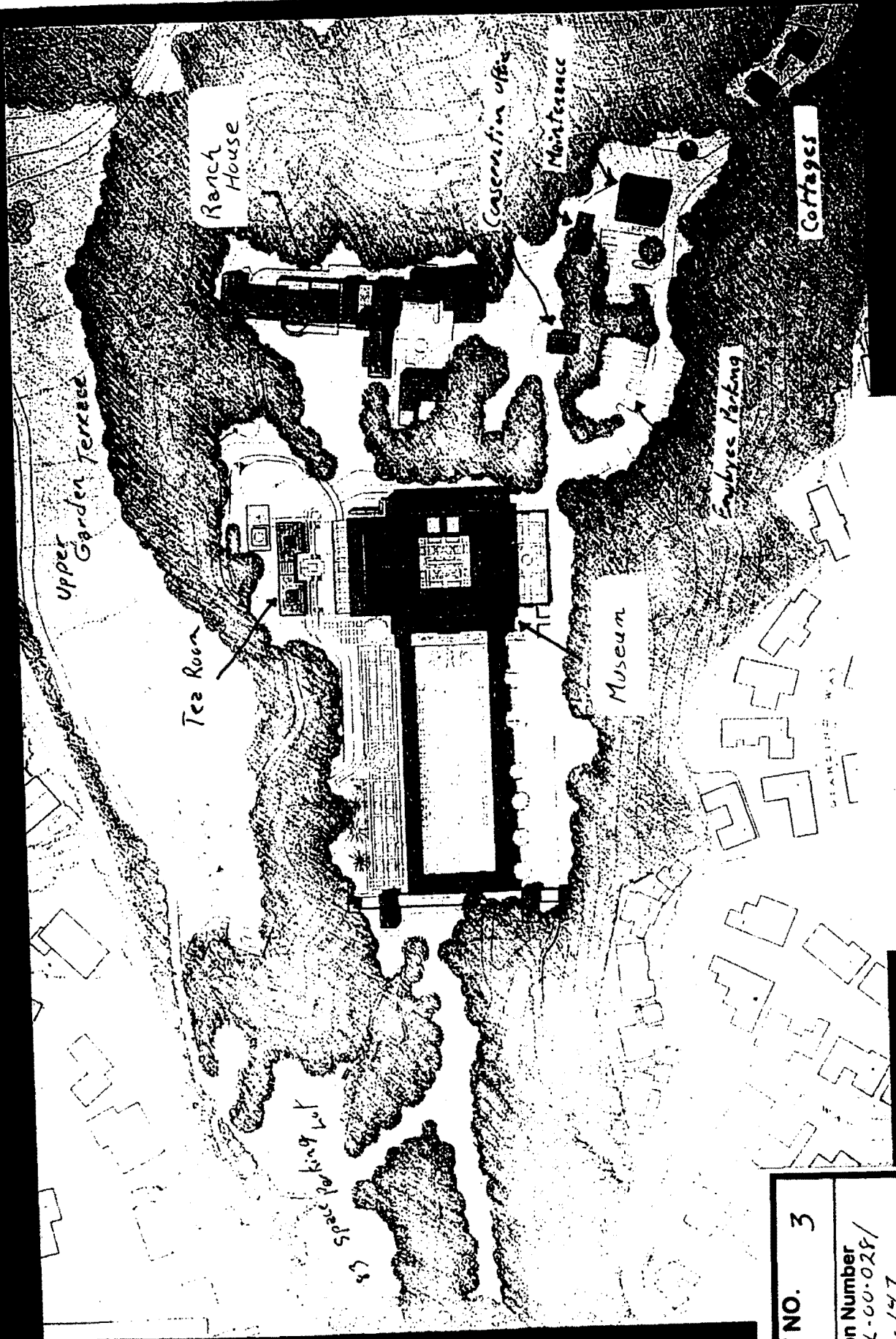
*Site Plan - Existing and Proposed Development*

California Coastal Commission

Getty Villa  
 Master Plan

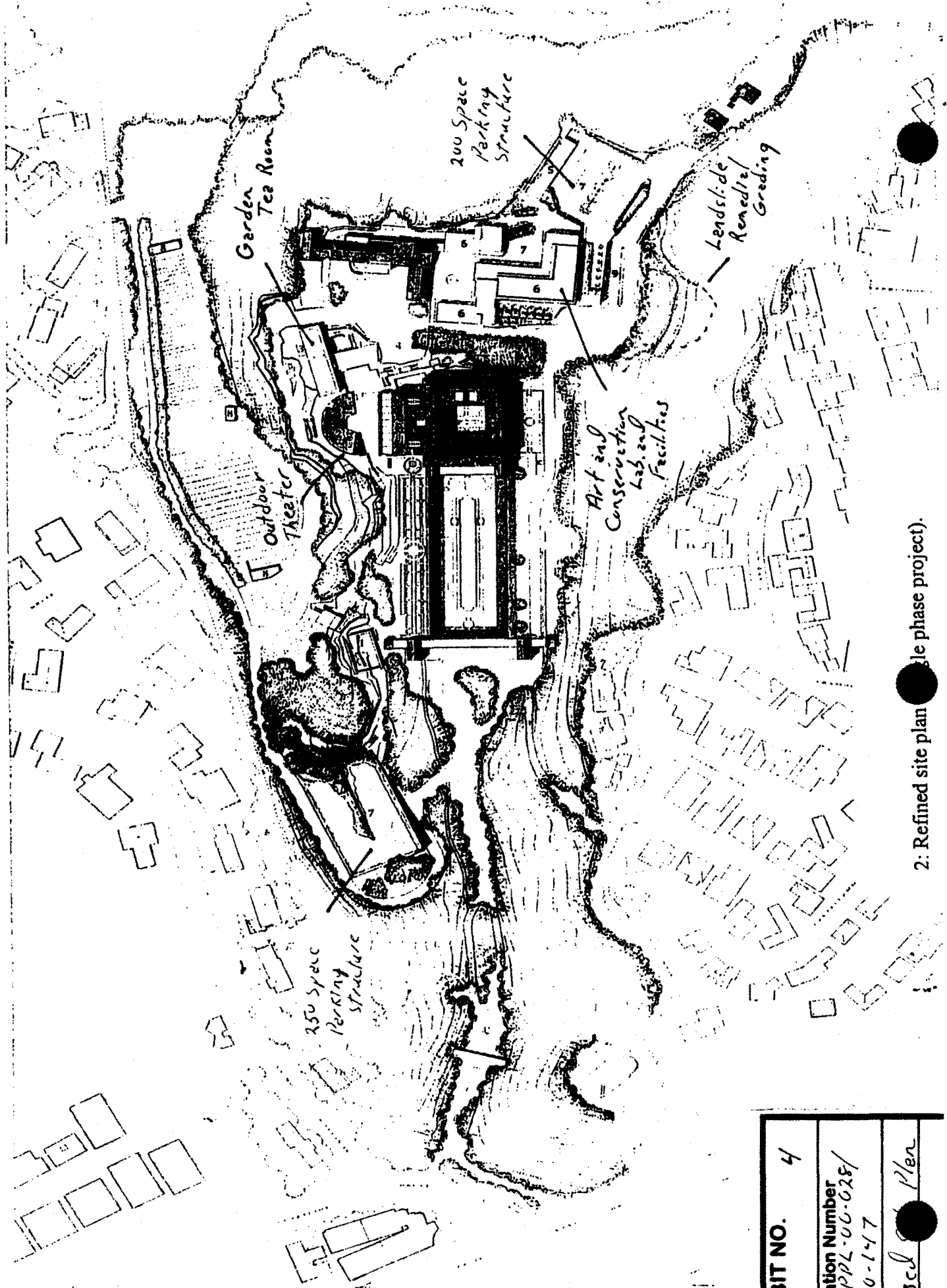
Refined Site Plan  
 (Single Phase)

Prepared by Machado and Silvetti Assoc., Inc. for the J. Paul Getty Trust - March 22, 2000



1: Existing site plan.

EXHIBIT NO.	3
Application Number	A-5-PPL-00-028/ 5-00-147
Existing Site Plan	



2: Refined site plan (multiple phase project).

EXHIBIT NO.	4
Application Number	H-5-PPL-00-028/ 5-00-147
	Proposed Plan



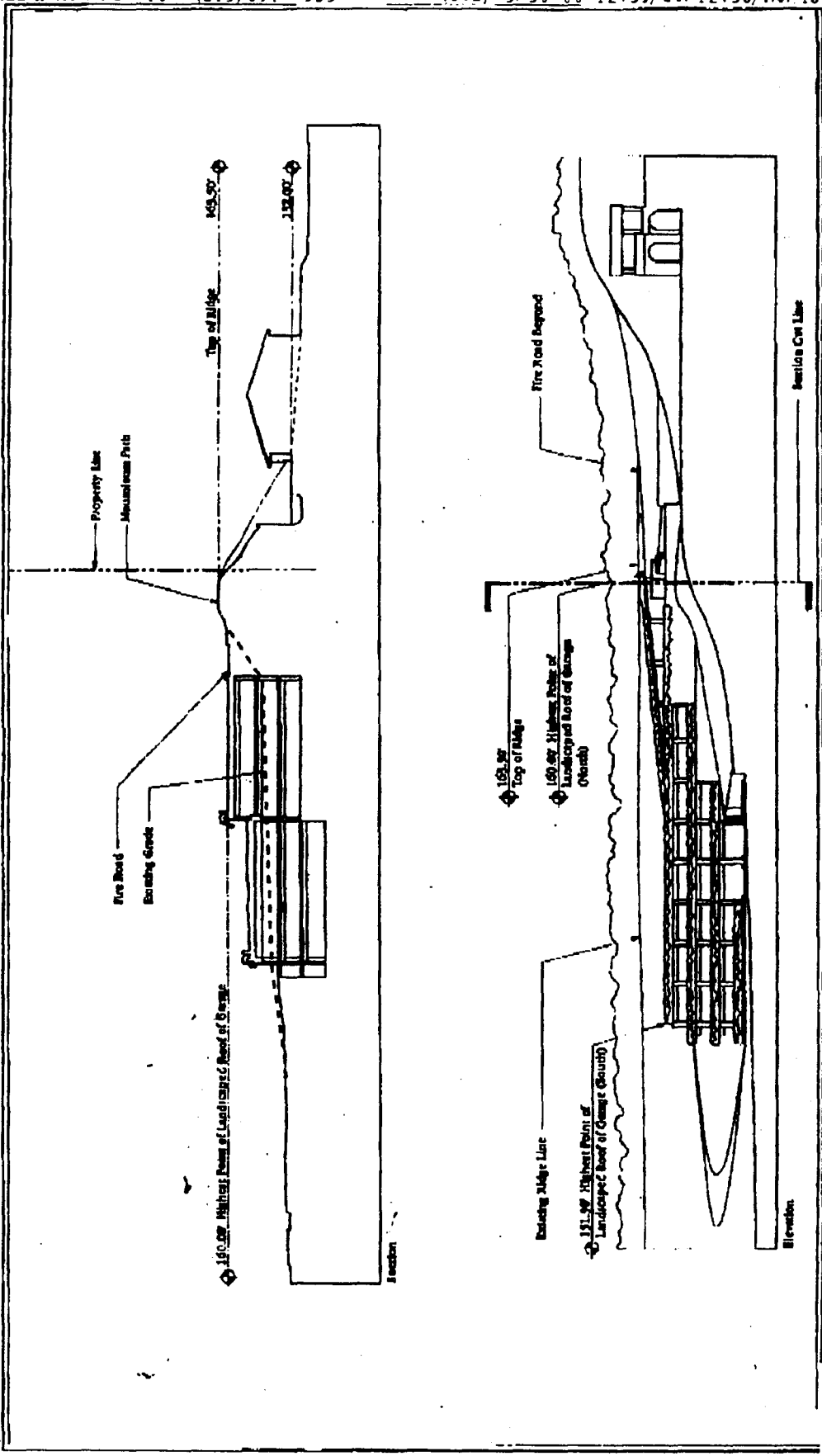
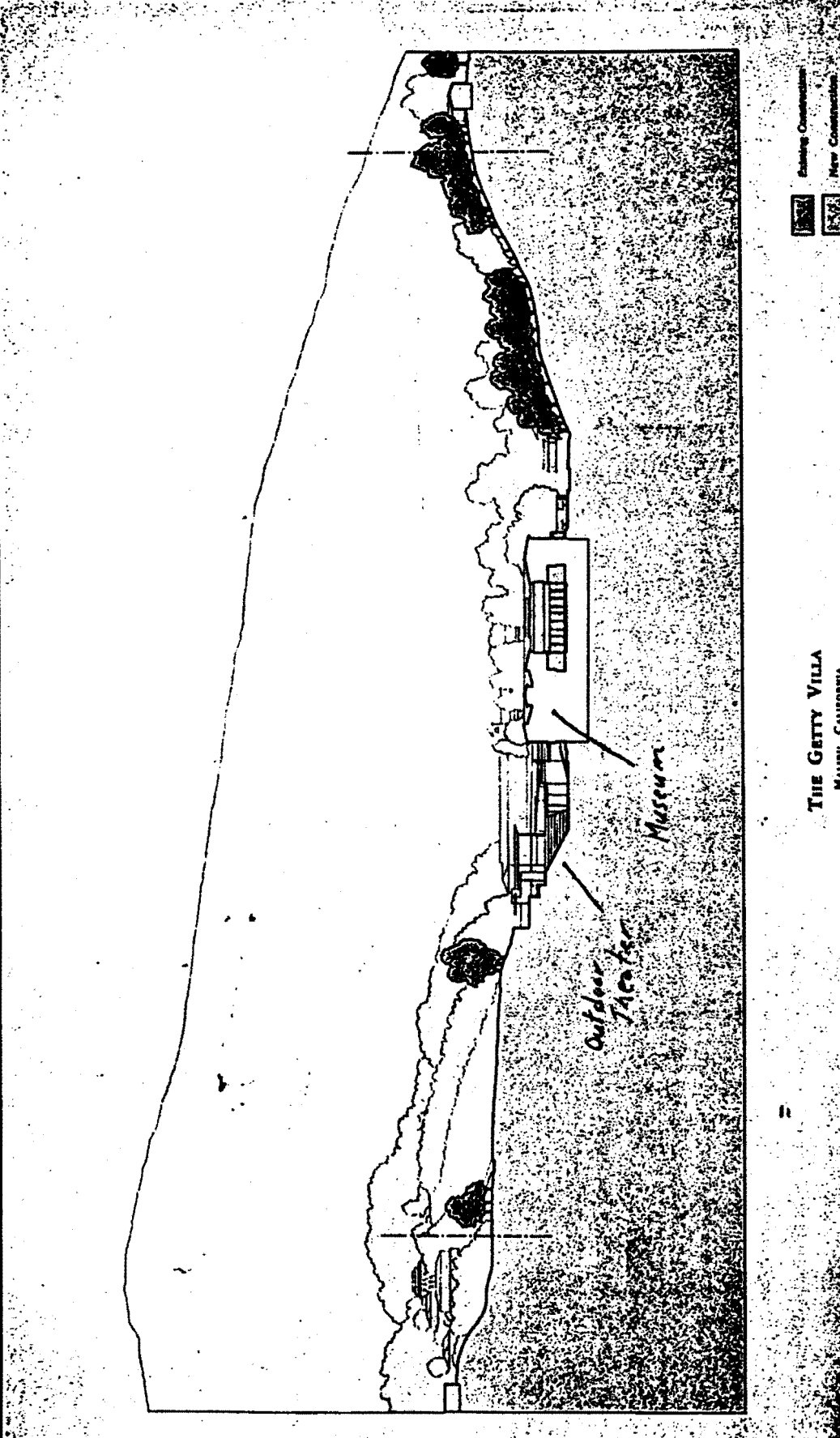


FIGURE VAK-1  
 Casper Lot Structure  
 Cross Section and Elevation

Section and elevation of parking structure

EXHIBIT NO.	5
Application Number	A-5-PPL-00-028/5-00-147
Section & Elevation	Section & Elevation of Parking Structure located in SW portion of California Coastal Commission



Existing Construction  
 New Construction  
 Property Line  
 0 25 50 100 150  
 Feet

**THE GETTY VILLA**  
 MALIBU, CALIFORNIA

**CROSS SECTION LOOKING NORTH**  
 September 1, 1998

Outdoor Theater  
 Museum

<b>EXHIBIT NO.</b>	6
<b>Application Number</b>	A-5-PPL-00-025/5-00-147
<b>Cross-Section Through</b>	Museum and Outdoor Theater
<b>California Coastal Commission</b>	

Cross section of canyon, looking north.

## Existing Getty Villa vs. Getty Villa under the Master Plan

	<b>Existing Getty Villa</b>	<b>Getty Villa under the Master Plan</b>
Floor Area	<ul style="list-style-type: none"> <li>• Museum-103,000 sq.ft.</li>   <li>• Art and Conservation Laboratories and Facilities-15,200 sq.ft.</li>   <li>• Ranch House-9,500 sq.ft.</li> </ul>	<ul style="list-style-type: none"> <li>• Museum-105,500 sq.ft.</li>   <li>• Public gallery space in the Museum will not increase at all. Thus, the Museum will neither accommodate nor attract more visitors than in past years. The additional floor area shown for the Museum results from the creation of a corridor in the parking garage which links the Museum to the new Entry Pavilion, thereby converting this area to countable square footage under the Los Angeles Municipal Code.</li>   <li>• Art and Conservation Laboratories and Facilities-45,500 sq.ft.</li>   <li>• Approximately 40% of the total increase in floor area at the Getty Villa is for the Art and Conservation Laboratories and Facilities. Conservation laboratories are large spaces where antiquities are restored and involve few employees. This expansion will not increase the number of employee's on-site and will not result in the attraction or accommodation of more visitors to the Getty Villa.</li>   <li>• New Public Lobbies, Circulation and Restrooms-15,000 sq.ft.</li>   <li>• Approximately 20% of the total increase in floor area at the Getty Villa is for new public lobbies, circulation and restrooms.</li>   <li>• Ranch House-11,000 sq.ft.</li>   <li>• The increase in floor area of the Ranch House results from the reconfiguration of interior office space.</li> </ul>

**EXHIBIT NO.** 7

**APPLICATION NO.**

A-5-PPL-00-028/5-00147

Chart for Existing and Proposed Development

California Coastal Commission

	<ul style="list-style-type: none"> <li>• Auditorium-4,200 sq.ft (included as part of Museum floor area)</li>   <li>• Garden Tea Room-1,800 sq.ft. (indoor) and 2,200 sq.ft. (outdoor, included as part of Museum floor area)</li>   <li>• Bookstore-550 sq.ft. (included as part of Museum floor area).</li>   <li>• Grounds Maintenance-1,500 sq.ft.</li>   <li>• Cottages-3,000 sq.ft.</li> <li>• Total: 134,000 sq.ft.</li> </ul>	<ul style="list-style-type: none"> <li>• Auditorium-10,000 sq.ft.</li>   <li>• The number of seats at the Auditorium will remain at 250. The additional square footage for the Auditorium comprises lobbies, dressing rooms and storage areas.</li>   <li>• Garden Tea Room- 10,000 sq.ft. (indoor) and 2,500 sq.ft. (outdoor)</li>   <li>• The Conditions of Approval imposed by the City of Los Angeles prohibit the Garden Tea Room from serving as a destination restaurant and require that it be open to the public only to serve Museum visitors. The additional floor area of the Garden Tea Room will provide disabled access, ample circulation in the cafeteria service area, and adequate food preparation, storage and employee areas. Additional seating area at the restaurant will be provided to reduce wait-time for existing guests during the lunch period.</li>   <li>• Bookstore-3,000 sq.ft.</li>   <li>• The Bookstore is ancillary to the Museum and its expansion will not generate an increase in visitor use. The additional floor area will only provide for adequate display areas and on-site book storage.</li>   <li>• Grounds Maintenance-3,000 sq.ft.</li>   <li>• Entry pavilion-2,500 sq.ft.</li>   <li>• The Entry pavilion will serve as a location where incoming visitors may obtain Museum programs, check their coats and bags, and obtain strollers and wheelchairs.</li>   <li>• Cottages-2,000 sq.ft.</li>   <li>• Total: 210,000 sq.ft.</li> <li>• The increase in floor area generally includes new floor area necessary to comply with the disabled access requirements of the Americans with Disabilities Act and other code compliance, to</li> </ul>
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		expand the existing Art and Conservation Laboratory and Facilities and to enhance ancillary amenities for visitors. As shown above, new floor area will not be utilized for purposes that would increase visitor use of the Getty Villa.
Number of Annual Visitors	<ul style="list-style-type: none"> <li>Approximately 400,000</li> </ul>	<ul style="list-style-type: none"> <li>Will likely be fewer than 400,000. All of the collections previously housed on-site, except the antiquities collection, have been relocated to the Getty Center in Brentwood, which will attract visitors that would have visited the Getty Villa in past years. The Getty Villa will have a more narrow appeal than in past years because it will house only the antiquities collection.</li> <li>The Environmental Impact Report forecast a 56.7% increase in traffic flow based solely upon a 56.7% increase in total floor area. However, the public gallery areas of the Museum will not increase at all. The new floor area will not be utilized for purposes that would increase visitor use of the Getty Villa, but rather for such needs as improved disabled access, code compliance, circulation, art and conservation laboratories, and enhanced ancillary amenities for visitors.</li> </ul>
Collections	<ul style="list-style-type: none"> <li>Antiquities, paintings, decorative arts, European sculpture, photographs, illuminated manuscripts and drawings</li> </ul>	<ul style="list-style-type: none"> <li>Antiquities only. All other collection have been relocated to the Getty Center in Brentwood.</li> </ul>
Parking	<ul style="list-style-type: none"> <li>291 on-site spaces</li> <li>No parking for buses on-site</li> </ul>	<ul style="list-style-type: none"> <li>560 on-site spaces. Additional on-site parking will accommodate those visitors on-site who previously parked in private beach parking lots and arranged private shuttle transportation to the Getty Villa.</li> <li>Parking for up to eight buses on-site.</li> </ul>

Access	<ul style="list-style-type: none"> <li>• Parking reservation system, to assure parking supply meets parking demand by prohibiting vehicles from parking on-site without a reservation.</li> <li>• Prohibition on walk-in traffic, except those arriving from public buses, to assure that visitors do not affect beach or recreational parking by parking off-site and walking into the Getty Villa.</li> <li>• Public enter PCH and leave Coastline Drive.</li> <li>• Employees, visiting scholars, business visitors and deliveries shall primarily use Los Liones Drive to enter and exit.</li> <li>• Most buses enter PCH and exit Los Liones Drive.</li> </ul>	<ul style="list-style-type: none"> <li>• The parking reservation system will be maintained.</li> <li>• Prohibition on walk-in traffic will be maintained.</li> <li>• Public will continue to enter PCH and leave Coastline Drive.</li> <li>• Employees, visiting scholars, business visitors and deliveries shall primarily use Los Liones Drive to enter and exit.</li> <li>• Buses will continue to enter PCH and depart Los Liones Drive.</li> </ul>
Hours of Operation	<ul style="list-style-type: none"> <li>• 10:00 a.m. to 5:00 p.m., six days per week</li> <li>• Evening classes extending to 9:00 p.m.</li> <li>• Closed one day per week</li> <li>• Special events ending by 11:00 p.m.</li> </ul>	<ul style="list-style-type: none"> <li>• 10:00 a.m. to 5:00 p.m., five days per week</li> <li>• 10:00 a.m. to 9:00 p.m. one day per week in order provide enhanced visitor access.</li> <li>• Evening classes extending to 9:00 p.m.</li> <li>• Closed one day per week</li> <li>• Special events ending by 11:00 p.m.</li> </ul>
Outdoor Theater Performances	<ul style="list-style-type: none"> <li>• Located at Inner Peristyle Garden of the Museum.</li> <li>• Accommodated up to 450 nightly guests</li> <li>• No performances when museum open to public</li> </ul>	<ul style="list-style-type: none"> <li>• Located at new entry steps and seating area in front of the Museum.</li> <li>• Limited to 450 seats.</li> <li>• No performances when museum is open to public or when other large events are scheduled on-site.</li> <li>• Limited to 35 evening performances and 10 daytime performances per year. The daytime performances will be primarily for school children.</li> </ul>




S O M A S

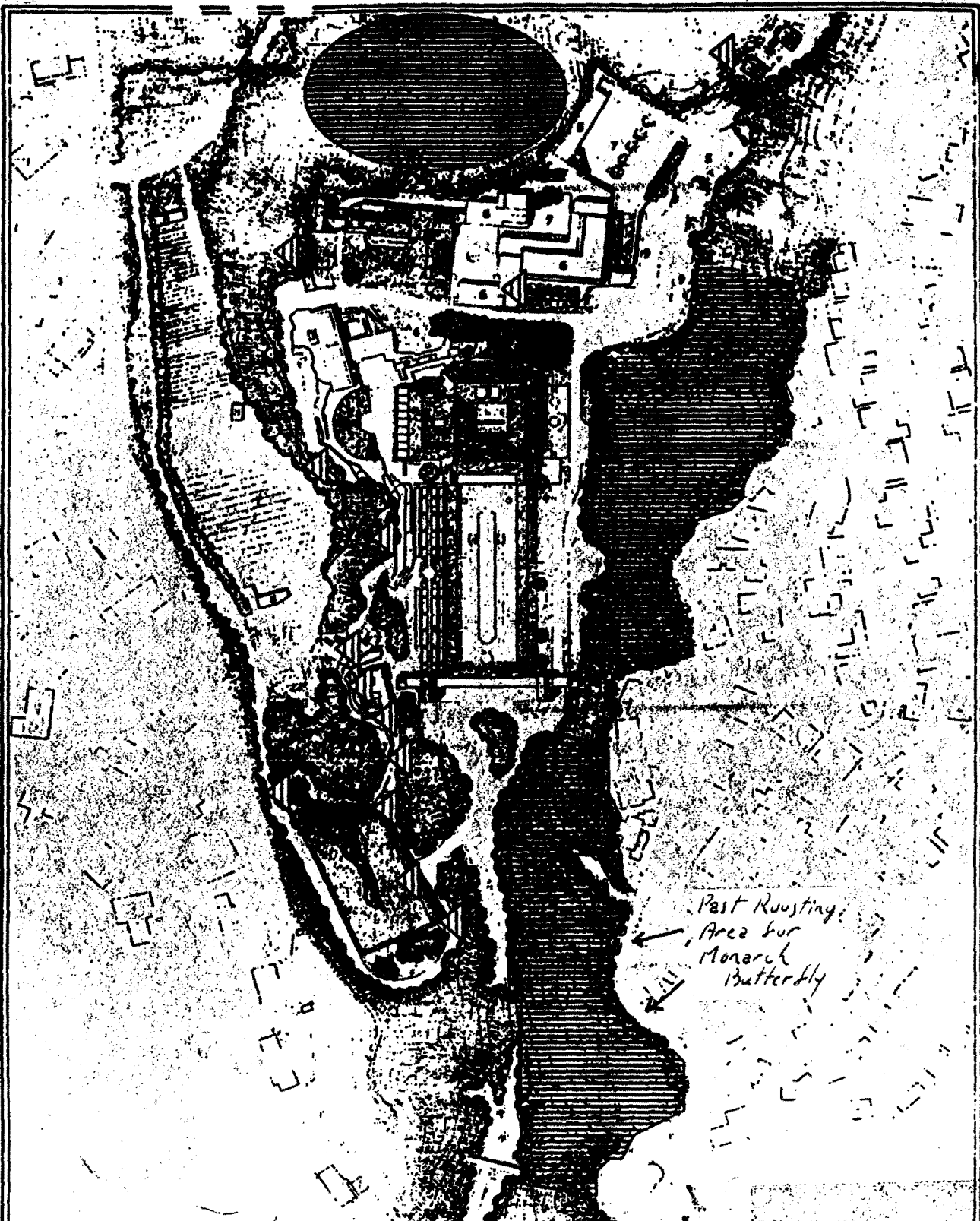
## GETTY VILLA EARTHWORK QUANTITIES

May 25, 2000



<u>Area</u>	<u>Cut (c.y.)</u>	<u>Fill (c.y.)</u>	<u>Export (c.y.)</u>
Phase 1 (Entry Ct., walkways, audit, w/ty fire rd., café, amphith.)	63,600	13,700	49,900
Phase 2 (N. Campus parking, office, loading dock)	44,900	800	44,100
South Parking Structure	27,700	4,000	23,700
East Side Sldo Repair	27,000	27,000	0
East Drwy. To Los Lomas Dr.	<u>100</u>	<u>0</u>	<u>100</u>
<b>TOTALS:</b>	<b>163,300 c.y.</b>	<b>45,500 c.y.</b>	<b>117,800 c.y.</b>


052500 4/12/00  
by: PTM / AS

<b>EXHIBIT NO.</b> 8
<b>APPLICATION NO.</b> A-5-PPL-00-028/ 5-00-147
<i>Grading Quantities</i>
 California Coastal Commission



Past Roosting Area for Monarch Butterfly

 General areas containing eucalyptus groves to be preserved. Potential Monarch Butterfly Habitat.  
 Eucalyptus sites affected by development.

**EXHIBIT NO. 9**  
**APPLICATION NO.**  
 A-5-PPK-00-028/5-00-147  
*Eucalyptus Groves*  
 California Coastal Commission



# California State Parks

Rusty Areias  
Director

April 4, 2000

Ms. Sara Wan, Chair  
California Coastal Commission  
22380 Carbon Mesa Road  
Malibu, CA 90265

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

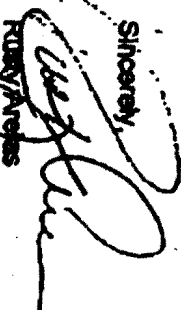
Dear Commissioner Wan:

We are writing this letter in connection with the above-referenced appeal of the Coastal Permit issued by the City of Los Angeles permitting the Getty Trust to implement its master plan leading to the reopening of the Getty Villa as a center for the study of antiquities. Questions have arisen regarding the potential effect of the reopening of the Getty Villa on the Topanga State Park. As you may be aware, the Department of Parks and Recreation under Coastal Permit 5-97-401 is in the process of constructing visitor serving facilities on the lower part of the park along Los Lones. These improvements will ultimately include ranger offices and meeting rooms, restrooms, interpretive panels, picnic tables, an outdoor amphitheater and parking. We plan to use these facilities to enhance our educational programs in nature and conservation studies including information about the native coastal flora and fauna found in the park and the history of the area included in and surrounded by the Topanga State Park.

We have been in discussions with the Getty Trust and look forward to ultimately entering into a memorandum of understanding pursuant to which the Getty Trust and the State Park would participate in joint programs involving the school children who are coming to the Getty Villa for the Getty's educational programs. In this way, school children who would not otherwise have access to the Park's resources would be able to participate in the nature and conservation programs which we are planning to offer.

With respect to the effect of traffic from the Getty Villa on the Topanga State Park, we understand that the conditions of approval from the City of Los Angeles do not allow the use of Los Lones Drive by the general public as an entrance or exit for the Getty Villa. So long as the access to the Getty Villa from Los Lones Drive is limited to use for ingress and egress by employees, docents, volunteers, business visitors and deliveries and for egress by buses, and not for use by the general public as an entrance or exit to the Getty Villa, the Getty Villa will not adversely impact Topanga State Park. The Department of Parks and Recreation supports the use of Los Lones Drive for this limited access to the Getty Villa.


We appreciate your consideration of our views as you consider the coastal access and other issues before your commission.

Sincerely,  
  
Rusty Areias  
Director

cc: Mary Nichols, Resources Agency  
The J. Paul Getty Trust



1416 Ninth Street, Suite 1405 Sacramento, CA 95814 (916) 653-1570

	<b>EXHIBIT NO. 10</b>
	APPLICATION NO.

*Letter from  
Cal. State Parks*  
A-5-PPL-00-028/500-05

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

GRAY BARR, Governor

## DEPARTMENT OF TRANSPORTATION

DISTRICT 7, 529 SO. SPRING ST.  
LOS ANGELES, CA 90013-0000

(213) 897-4000

April 12, 2000

Ms. Sara Wan, Chair  
California Coastal Commission  
22350 Carbon Mesa Road  
Malibu, CA 90165

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


Dear Commissioner Wan:

In connection with the above-referenced project, certain questions have been raised regarding the potential effect of the project on traffic flow on Pacific Coast Highway. A traffic analysis was prepared for the project and is contained in the Environmental Impact Report certified by the City of Los Angeles. The traffic study determined that a significant impact may occur during the weekday p.m. commuter peak hour at the intersection of Pacific Coast Highway and Coastline Drive, based on worst-case assumptions.

The project will have only a minimal effect on traffic flow on Pacific Coast Highway, however. The impact described in the traffic study is based on the effect of the project on Coastline Drive, not the effect on Pacific Coast Highway. Under the worst-case assumptions, the project will add 705 daily trips and 63 trips in the p.m. peak hour to Pacific Coast Highway. This compares to the 68,400 daily trips and 6,327 trips in the p.m. peak hour that are projected to be on Pacific Coast Highway even without the project. Even in the worst case, therefore, the project adds only 1.03% to the daily trips and 0.99% to the p.m. peak hour trips on Pacific Coast Highway. These changes are well within the range of daily fluctuations in traffic flow on Pacific Coast Highway and would therefore not be noticed by the average motorist.

Caltrans does not believe that the renovation and re-opening of the Getty Villa will have significant impact on traffic flow on Pacific Coast Highway or on coastal access in the vicinity of the Getty Villa.



EXHIBIT NO. 11
APPLICATION NO. A-5-PPL-00-028/5-00-197
Letter from Caltrans
 California Coastal Commission

Ms. Sara Wan  
April 12, 2000  
Page Two

Thank you for considering the views of Caltrans as you review this matter.

Sincerely

*RW*  
R. W. SASSAMAN  
District Director

cc: The J. Paul Getty Trust


Table IV.G.1-2  
EXISTING TRAFFIC VOLUMES

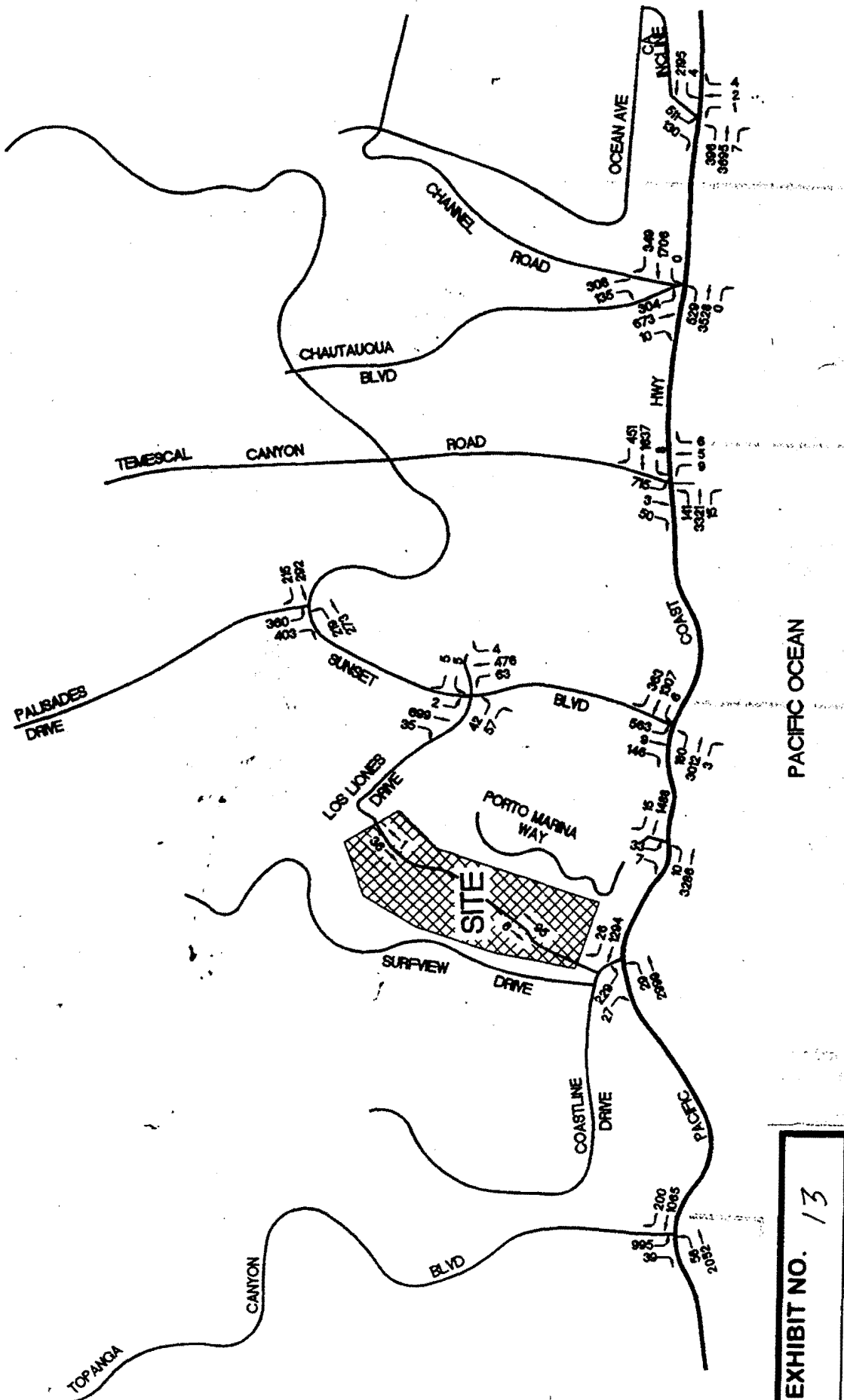
Int.	Intersection	Date	Dir	A.M. Peak Hour		P.M. Peak Hour	
				Began	Volume	Began	Volume
1	Topanga Canyon Boulevard and Pacific Coast Highway <sup>a</sup>	06/07/95	NB	7:30	0	5:00	0
			SB		1,034		539
			EB		2,110		1,810
			WB		1,265		2,555
2	Coastline Drive and Pacific Coast Highway <sup>a</sup>	06/07/95	NB	7:30	0	5:00	0
			SB		256		229
			EB		3,028		2,084
			WB		1,320		2,586
3	Porto Marina Way and Pacific Coast Highway <sup>a</sup>	06/07/95	NB	7:30	0	4:45	0
			SB		40		43
			EB		3,296		2,227
			WB		1,503		2,693
4	Palisades Drive and Sunset Boulevard <sup>a</sup>	06/07/95	NB	7:45	0	5:00	0
			SB		763		340
			EB		492		569
			WB		507		662
5	Sunset Boulevard and Los Lions <sup>a</sup>	06/07/95	NB	7:45	543	5:00	568
			SB		736		595
			EB		99		106
			WB		10		3
6	Sunset Boulevard and Pacific Coast Highway <sup>a</sup>	06/07/95	NB	8:00	0	4:45	0
			SB		718		688
			EB		3,195		2,259
			WB		1,676		2,854
7	Temescal Canyon Road and Pacific Coast Highway <sup>a</sup>	06/07/95	NB	7:45	20	5:00	22
			SB		768		504
			EB		3,477		2,336
			WB		2,096		3,234
8	Chautauqua Road/Channel Road and Pacific Coast Highway <sup>a</sup>	06/07/95	NB	8:00	987	4:45	596
			SB		443		732
			EB		4,057		2,606
			WB		2,055		3,170
9	California Incline and Pacific Coast Highway	06/07/95	NB	7:45	7	5:00	20
			SB		641		1,083
			EB		4,098		2,905
			WB		2,199		2,548

<sup>a</sup> Counts conducted by Wiltec.

Source: Traffic Impact Study for the Getty Villa Master Plan, Linscott, Law & Greenspan Engineers, June 1997.

The Get  
Draf

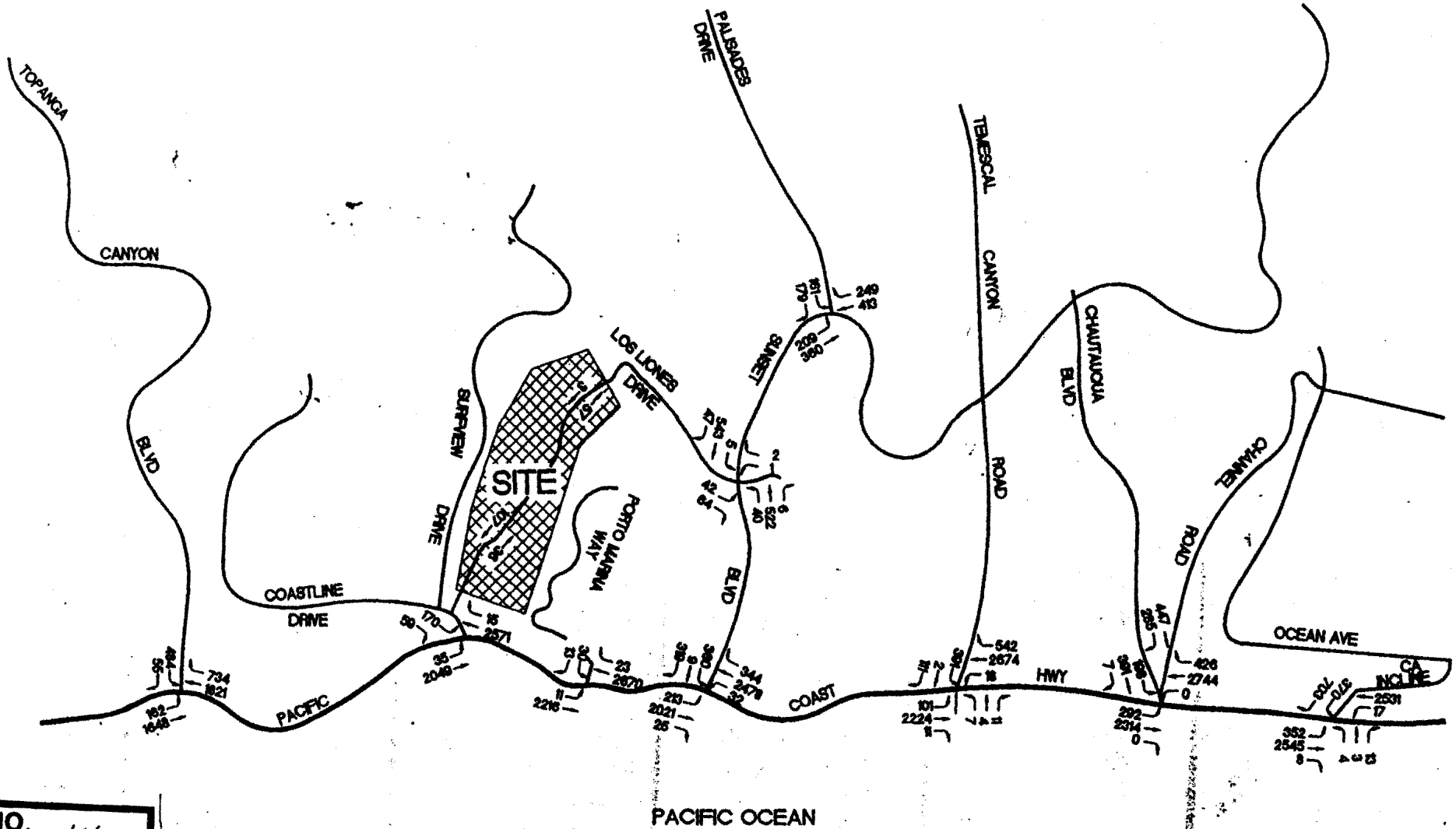
EXHIBIT NO. 12
APPLICATION NO.
A-5-PH-00-028/5-00-171
Existing Traffic Volumes
 California Coastal Commission



**FIGURE IV.G.1-2**  
**Existing Traffic Volumes A.M. Peak Hour**

plan  
 NOT TO SCALE  
 Source: Lincoln Law & Greenman Engineers, June 1987

<b>EXHIBIT NO.</b>	13
<b>Application Number</b>	A-5-PPA-00-028/5-00-147
	Existing Traffic Volume
	A.M. Peak
	California Coastal Commission



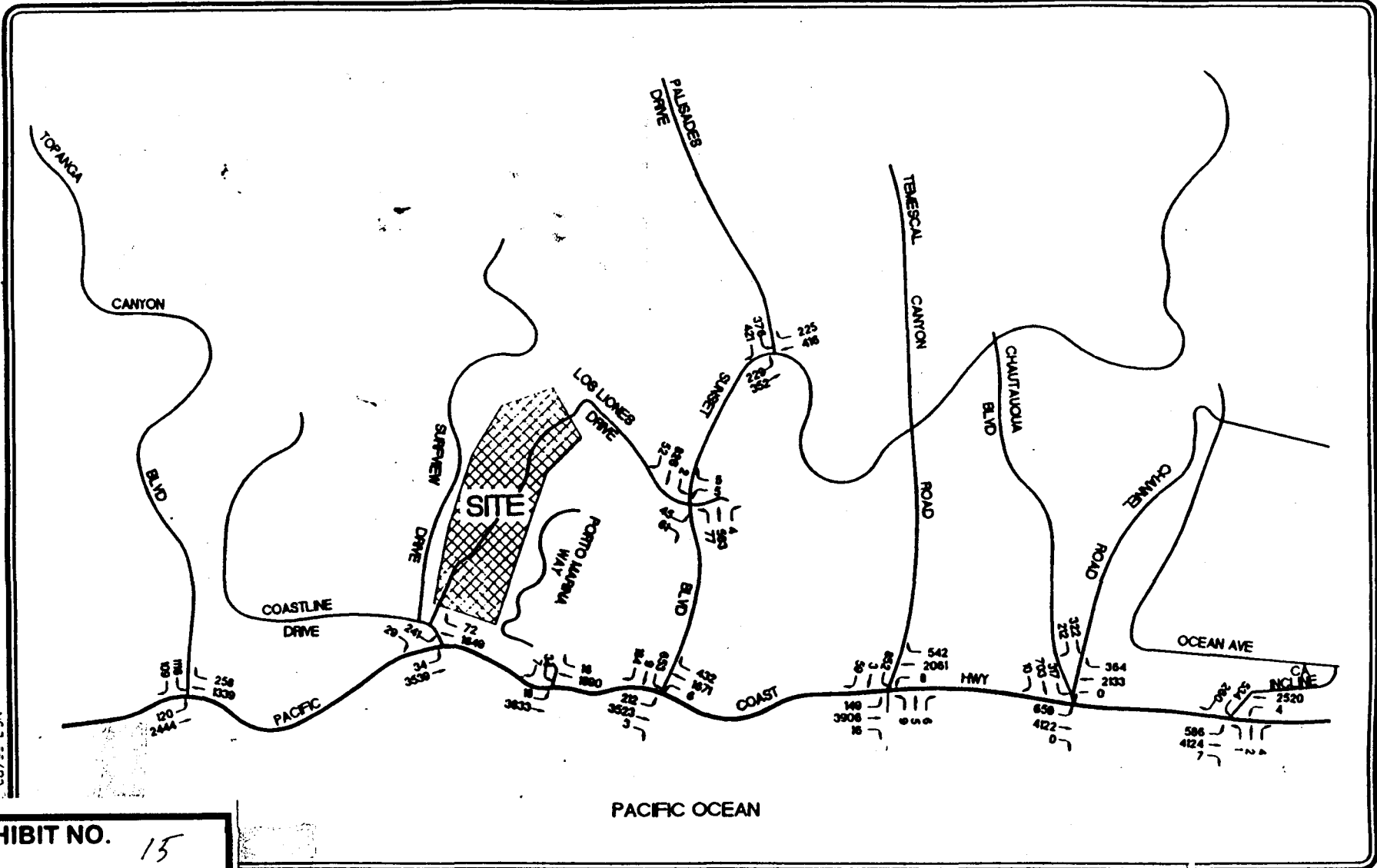
**EXHIBIT NO.** 14  
**Application Number**  
A-5-PPL-CO-028/5-00-147  
*Existing Traffic Volumes*  
*P.M. Peak*  
California Coastal Commission

**la Master Plan**  
**PCR**

N  
NOT TO SCALE

Source: Linscott Law & Greenpan Engineers, June 1997

**FIGURE IV.G.1-3**  
**Existing Traffic Volumes P.M. Peak Hour**



**EXHIBIT NO.** 15

**Application Number**  
 A-5-PPL-00-028/15-00-147

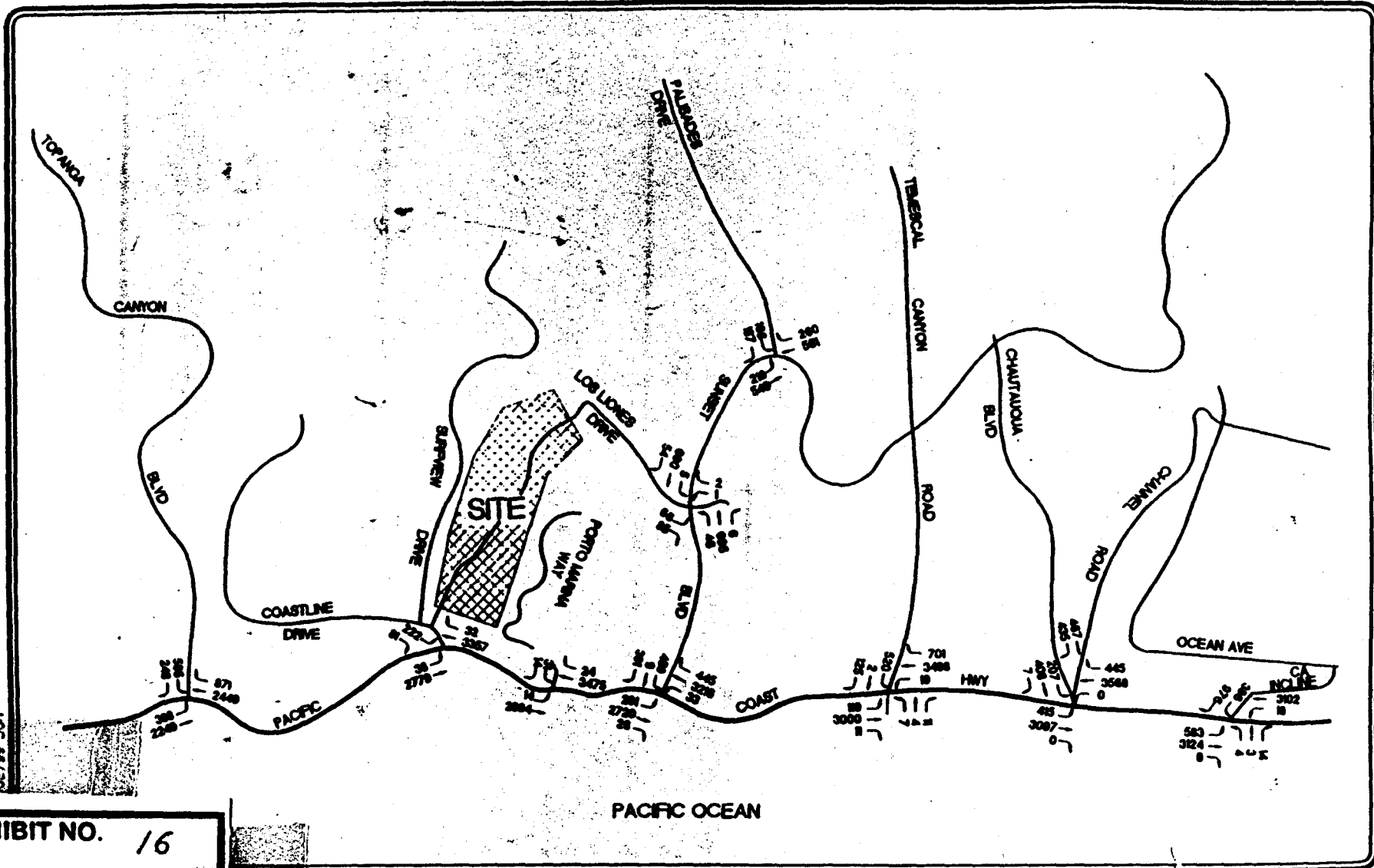
*Future Traffic Volumes*  
 with Project - AM Peak

California Coastal Commission



A-3

**FUTURE WITH PROJECT TRAFFIC VOLUMES**  
 THEATER ALTERNATIVES (ALTERNATIVES 4.1, 4.2, AND 4.3), EXISTING SITE ACCESS  
 AM PEAK HOUR  
 GETTY VILLA



**EXHIBIT NO.** 16  
**Application Number**  
 A-5-PPL-00-028/5-00  
*Future Traffic Volumes*  
 w. Project - PM Peak  
 California Coastal Commission

NOT TO SCALE  
**FUTURE WITH PROJECT TRAFFIC VOLUMES**  
**ALTERNATIVE 4.1 - LIMITED OPERATION THEATER WITH 480 SEATS, EXISTING SITE ACCESS**  
**PM PEAK HOUR**  
 A-7  
 CITY VILLA



# Sound Pressure      Sound Pressure Level

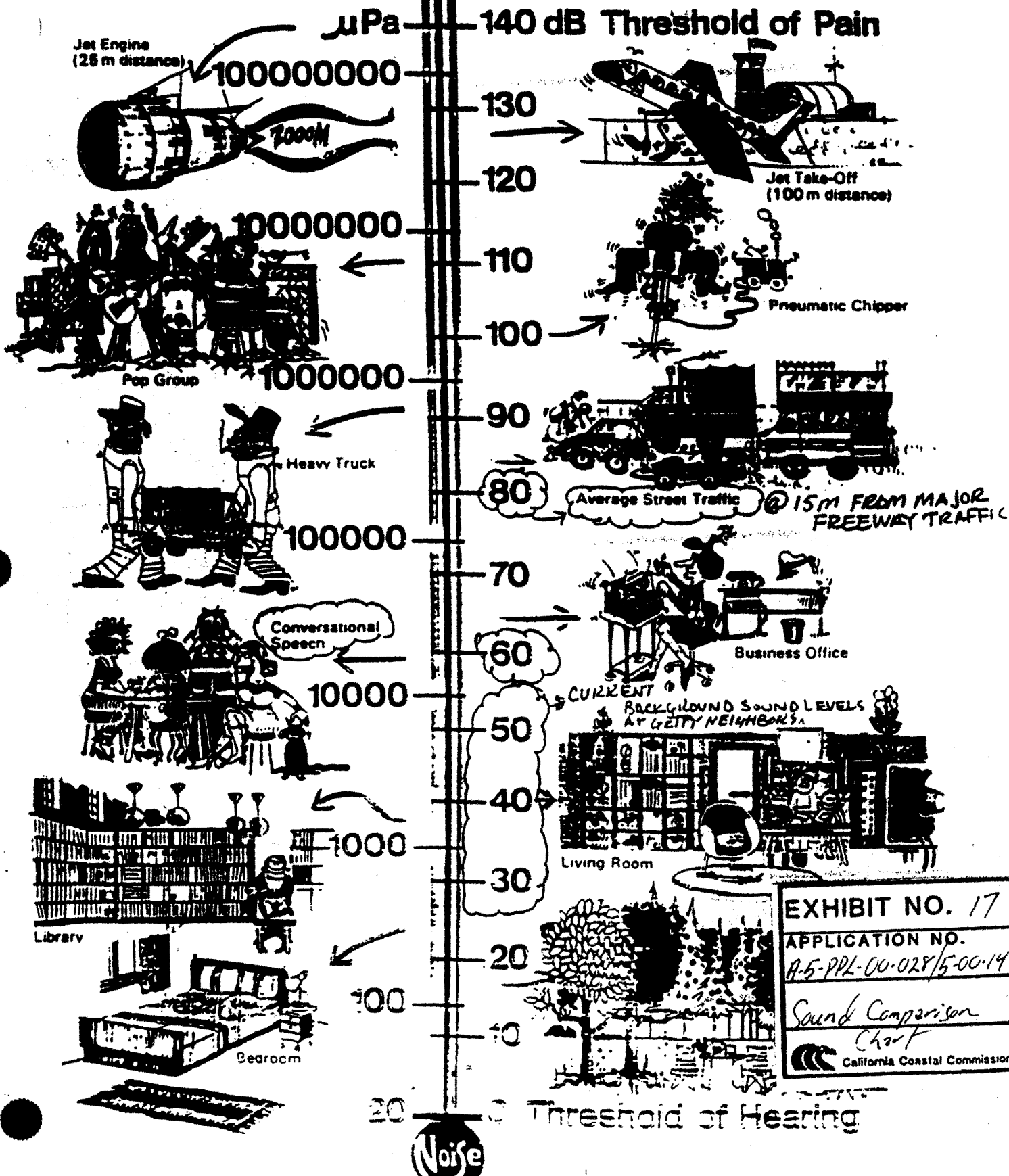
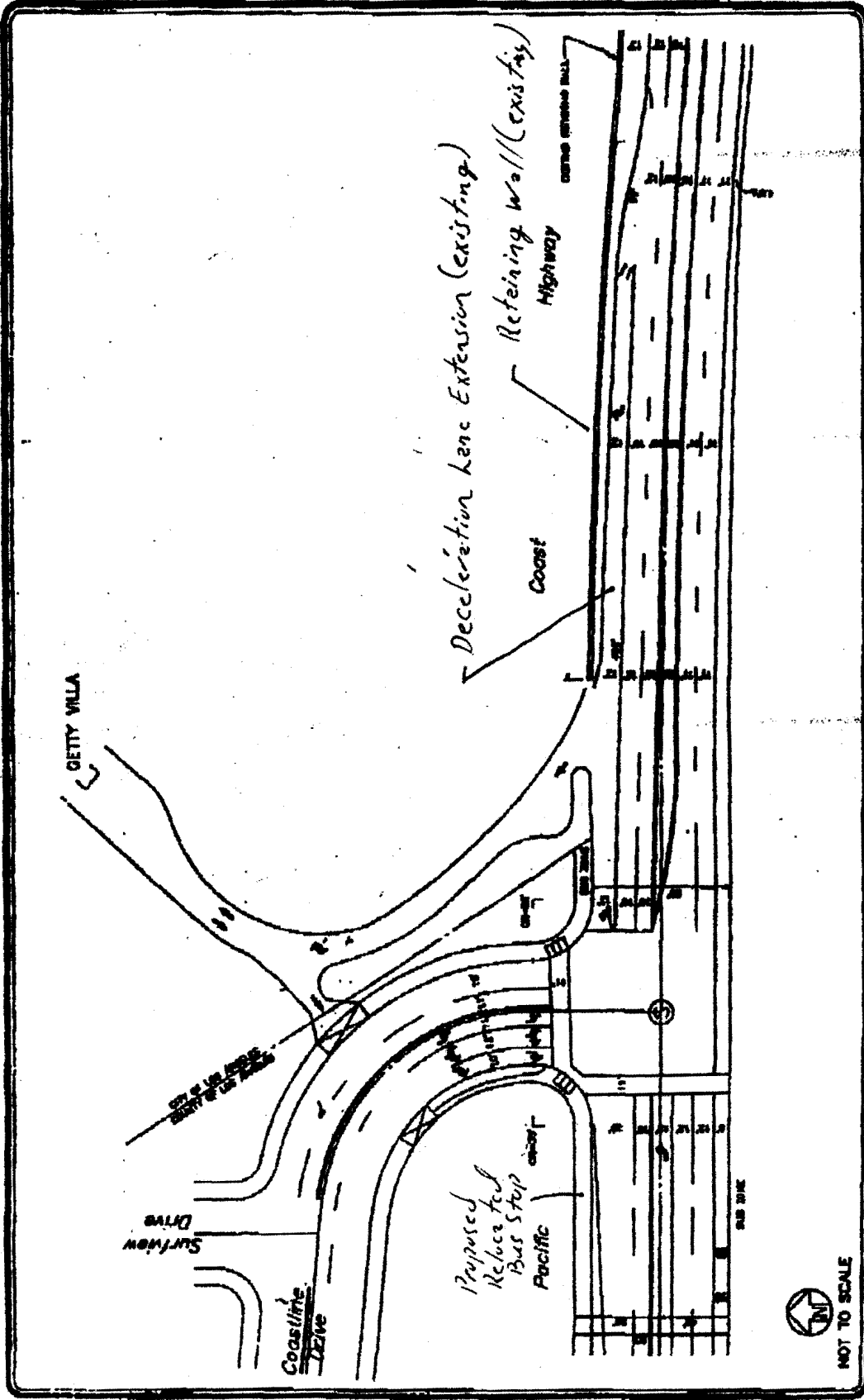


EXHIBIT NO. 17
APPLICATION NO. A-5-PPL-00-028/5-00-197
Sound Comparison Chart
California Coastal Commission

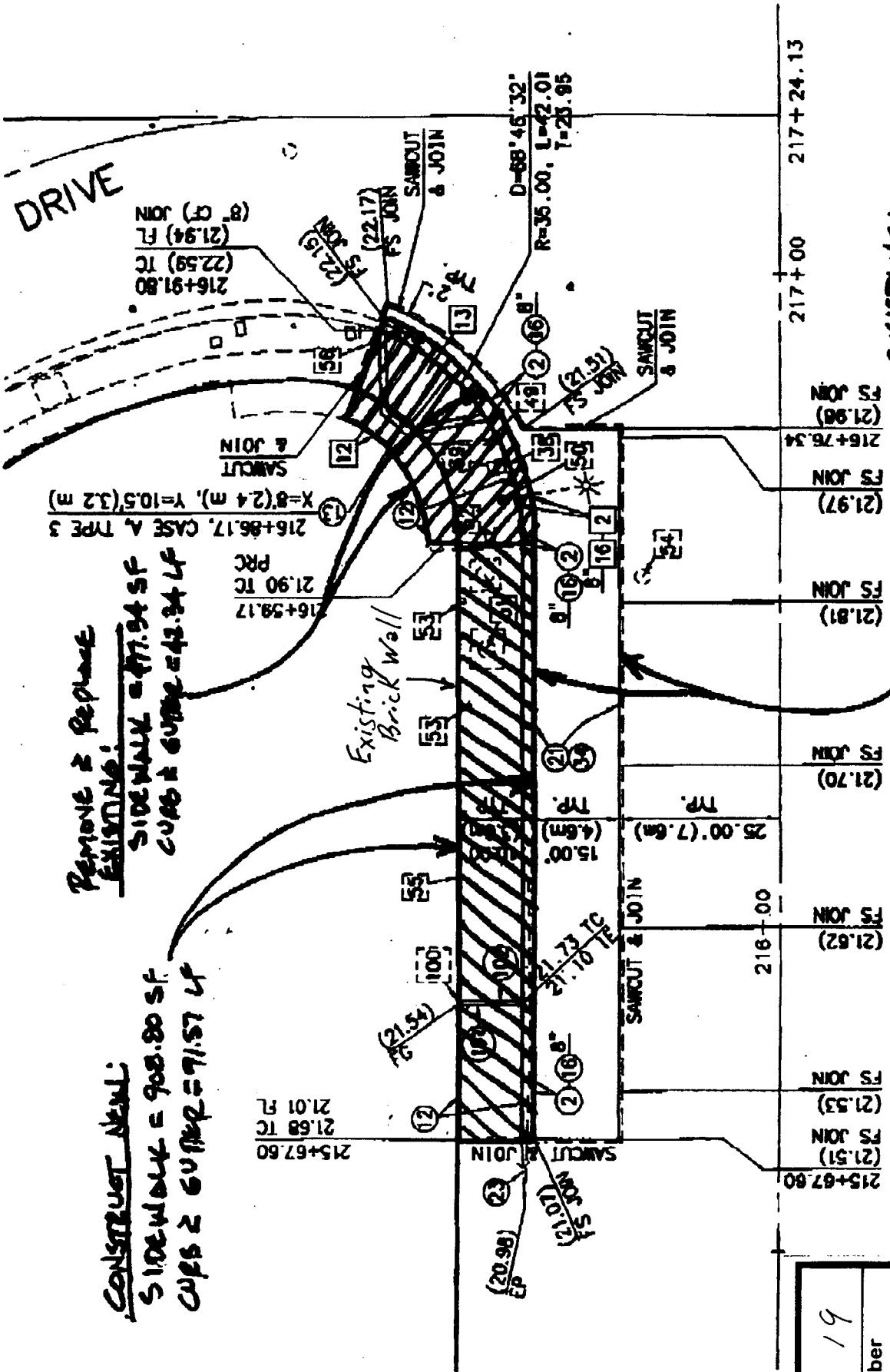
FIGURE 4: Typical sound levels for various common activities (after Brüel & Kjaer)



**CONCEPT "AS-BUILT" PLAN**  
**PACIFIC COAST HIGHWAY • COASTLINE DRIVE**  
**GETTY VILLA**

**LINSCOTT**  
**SPAIN**  
**ENGINEERS**

<b>EXHIBIT NO.</b>	18
<b>Application Number</b>	15-PPL-00-028/5-00-147
<b>Project Name</b>	Coastline Drive / PCH
<b>Improvements</b>	Improvements
<b>California Coastal Commission</b>	California Coastal Commission



Remove & Replace  
EXISTING:  
SIDEWALK = 477.94 SF  
CURB & GUTTER = 42.94 LF

CONSTRUCT NEW:  
SIDEWALK = 908.80 SF  
CURB & GUTTER = 71.57 LF

REMOVE & REPLACE EXISTING:  
AS PAVEMENT = 1493 SF

EXHIBIT NO.	19
Application Number	7-5-00-00-028/5-00-147
	Sidewalk and Bus
	Stop Improvements
	California Coastal Commission

DESIGN OVERSIGHT  
 DESIGNER'S RESPONSIBILITY  
 DATE REVISED BY  
 DESIGNED BY  
 CHECKED BY  
 DATE REVISED  
 DATE REVISION

**EXHIBIT NO.** 20  
**Application Number**  
 A-5 PR-00-028/5-0047  
 Sunset Blvd / PC/H  
 Improve It!  
 California Coastal Commission

**CURVE DATA**

STATION	ANGLE	CURVE	ELEVATION
0+00	90.00	100.00	100.00
0+25	90.00	100.00	100.00
0+50	90.00	100.00	100.00
0+75	90.00	100.00	100.00
1+00	90.00	100.00	100.00
1+25	90.00	100.00	100.00
1+50	90.00	100.00	100.00
1+75	90.00	100.00	100.00
2+00	90.00	100.00	100.00
2+25	90.00	100.00	100.00
2+50	90.00	100.00	100.00
2+75	90.00	100.00	100.00
3+00	90.00	100.00	100.00
3+25	90.00	100.00	100.00
3+50	90.00	100.00	100.00
3+75	90.00	100.00	100.00
4+00	90.00	100.00	100.00
4+25	90.00	100.00	100.00
4+50	90.00	100.00	100.00
4+75	90.00	100.00	100.00
5+00	90.00	100.00	100.00
5+25	90.00	100.00	100.00
5+50	90.00	100.00	100.00
5+75	90.00	100.00	100.00
6+00	90.00	100.00	100.00
6+25	90.00	100.00	100.00
6+50	90.00	100.00	100.00
6+75	90.00	100.00	100.00
7+00	90.00	100.00	100.00
7+25	90.00	100.00	100.00
7+50	90.00	100.00	100.00
7+75	90.00	100.00	100.00
8+00	90.00	100.00	100.00
8+25	90.00	100.00	100.00
8+50	90.00	100.00	100.00
8+75	90.00	100.00	100.00
9+00	90.00	100.00	100.00
9+25	90.00	100.00	100.00
9+50	90.00	100.00	100.00
9+75	90.00	100.00	100.00
10+00	90.00	100.00	100.00

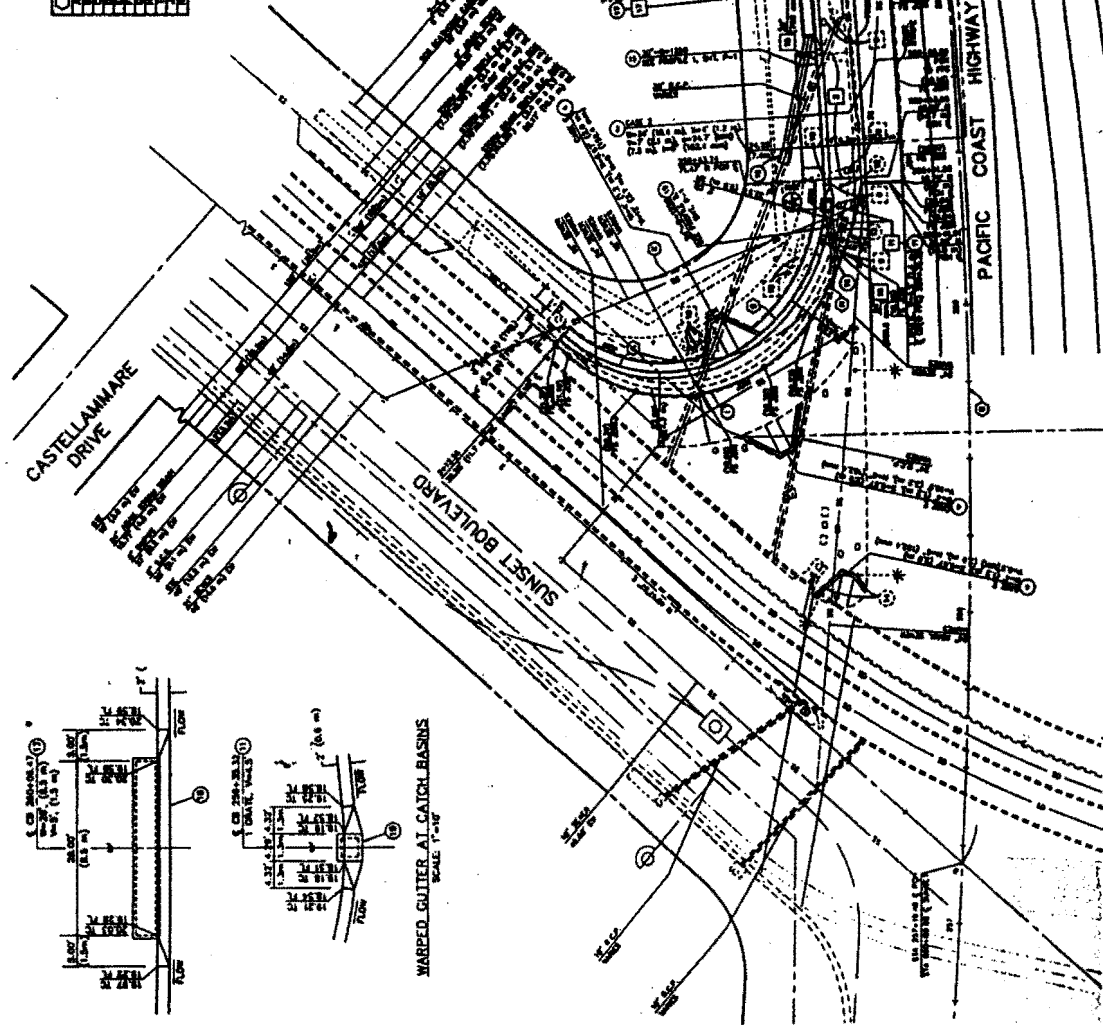
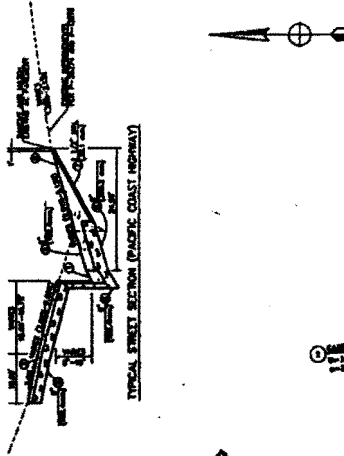
**CALIFORNIA**

DATE SUBMITTED: 08/07/00  
 DATE APPROVED: 08/07/00  
 COUNTY: L.A.  
 SHEET NO: 00  
 TOTAL SHEETS: 0

P. S. O'MARA  
 11444 W Olympic Blvd. - Ste 750  
 West Los Angeles, CA 90048-1549

**CONSTRUCTION NOTES**

- 1. TYPE C ORIGINAL GUTTER HAS OUTER 2'-0" x 4'-0" x 4'-0" (SEE SPEC. SECTION 05100-1-1.1)
- 2. CONCRETE BENCHTOP, CASE, N. S. & S. S. 1'-6" HIGH SHOWN
- 3. CONCRETE BENCHTOP, CASE, N. S. & S. S. 1'-6" HIGH SHOWN
- 4. CONCRETE BENCHTOP, CASE, N. S. & S. S. 1'-6" HIGH SHOWN
- 5. CONCRETE BENCHTOP, CASE, N. S. & S. S. 1'-6" HIGH SHOWN
- 6. CONCRETE BENCHTOP, CASE, N. S. & S. S. 1'-6" HIGH SHOWN
- 7. CONCRETE BENCHTOP, CASE, N. S. & S. S. 1'-6" HIGH SHOWN
- 8. CONCRETE BENCHTOP, CASE, N. S. & S. S. 1'-6" HIGH SHOWN
- 9. CONCRETE BENCHTOP, CASE, N. S. & S. S. 1'-6" HIGH SHOWN
- 10. CONCRETE BENCHTOP, CASE, N. S. & S. S. 1'-6" HIGH SHOWN
- 11. CONCRETE BENCHTOP, CASE, N. S. & S. S. 1'-6" HIGH SHOWN
- 12. CONCRETE BENCHTOP, CASE, N. S. & S. S. 1'-6" HIGH SHOWN
- 13. CONCRETE BENCHTOP, CASE, N. S. & S. S. 1'-6" HIGH SHOWN
- 14. CONCRETE BENCHTOP, CASE, N. S. & S. S. 1'-6" HIGH SHOWN
- 15. CONCRETE BENCHTOP, CASE, N. S. & S. S. 1'-6" HIGH SHOWN
- 16. CONCRETE BENCHTOP, CASE, N. S. & S. S. 1'-6" HIGH SHOWN



ALL DIMENSIONS ARE IN METERS UNLESS OTHERWISE SHOWN

LAYOUT

SCALE AS SHOWN L-1

CU 00000 EA 000000

FOR PROPOSED PLANS, SPECIFICATIONS, SCALE 1/8" = 10' UNLESS NOTED OTHERWISE

J. MICHAEL CAREY  
City Clerk

# CITY OF LOS ANGELES

CALIFORNIA



RICHARD J. RIORDAN  
MAYOR

Office of the  
**CITY CLERK**  
Council and Public Services  
Room 616, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 485-5703  
General Information - (213) 485-3705

# RECEIVED

JAN 6 2000

## CALIFORNIA COASTAL COMMISSION

When making inquiries  
relative to this matter  
refer to File No.

99-1999

CD 11

December 21, 1999

Council Member Miscikowski  
Planning Commission  
Director of Planning  
Board of Zoning Appeals  
Office of Zoning Administration (2)  
Advisory Agency  
Planning Department,  
Community Planning Section  
cc: GIS Section - Attn Fae Tsukamoto  
221 North Figueroa Street, Rm 900  
Bureau of Engineering,  
Development Services Division  
Attn: Glenn Hirano  
Department of Transportation  
Traffic/Planning Sections

California Coastal Commission  
South Coast Area Office  
200 Oceangate, 10<sup>th</sup> Floor Suite 1000  
Long Beach, CA 90802-4302  
  
State of California  
Alcoholic Beverage Control  
300 South Spring Street, Suite 2001N  
Los Angeles, CA 90013  
  
City Administrative Officer  
Chief Legislative Analyst  
Police Department  
Fire Department  
Department of Water and Power  
Information Technology Agency  
Department of Building and Safety,  
C/O Zoning Coordinator  
Bureau of Street Lighting,  
"B" Permit Section

SEE ATTACHED LIST FOR FURTHER NOTIFICATIONS

RE: **CONDITIONAL USE AND COASTAL DEVELOPMENT PERMIT APPEALS FOR THE  
PROPERTY AT 17985 PACIFIC COAST HIGHWAY** [REDACTED]

At the meeting of the Council held December 15, 1999, the following  
action was taken:

Attached report adopted.....	_____	X
"    motion    "    (    ).....	_____	
"    resolution    "    (    ).....	_____	
To the Mayor FORTHWITH.....	_____	
Mayor vetoed.....	_____	
Mayor concurred.....	_____	12-20-99
Mayor failed to act - deemed approved.....	_____	
Findings adopted.....	_____	X
EIR certified.....	_____	

*J. Michael Carey*  
City Clerk  
vdw

<b>EXHIBIT NO. 21</b>
<b>APPLICATION NO.</b>
A5-PPL-00-028/500-147
City's Approval
CUP and CDP

TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

Your **PLANNING AND LAND USE MANAGEMENT** Committee

reports as follows:

Public Comments Yes No  
XX —

ENVIRONMENTAL IMPACT REPORT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING REPORT and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to Conditional Use and Coastal Development Permit appeals for the property at 17985 Pacific Coast Highway (Getty Villa Museum).

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. CERTIFY that the Environmental Impact Report (EIR No. 96-0077-CUZ(ZV)(DA)(CDP)(CUB); State Clearing House No. 96051051) has been completed in compliance with the California Environmental Quality Act, the State Guidelines and the City Guidelines and that the City Council has reviewed the information contained therein and considered it along with other factors related to this project; that this determination reflects the independent judgment of the lead agency City of Los Angeles; and that the documents constituting the record of proceedings in this matter are located in Council File 99-1999 in the custody of the City Clerk and in the files of the Department of City Planning in the custody of the Environmental Review Section; and ADOPT the Environmental Impact Report.
2. ADOPT FINDINGS made pursuant to and in accordance with Section 21081 of the Public Resources Code and the Statement of Overriding Considerations prepared by the City Planning Department.
3. ADOPT FINDINGS of the City Planning Commission as the Findings of Council as well as environmental findings and a Mitigation Monitoring and Reporting Program, as modified by the Council's action.
4. RESOLVE TO DENY APPEALS filed by: Greg and Jocelyn Cortese (Garrett L. Hanken); and Pacific Coast Homeowners and Pacific Palisades Residents Association, et al. (John B. Murdock), appellants, from the decision of the City Planning Commission, THEREBY APPROVE the following: 1) conditional use permitting the continued operation and expansion of the J. Paul Getty Museum; 2) conditional use permitting the sale of alcoholic beverages for on-site consumption incidental to on-site dining at the Museum's Garden Tea Room and on-site events hosted by the Getty Villa; and 3) Coastal Development

Permit No. 98-015, all subject to Conditions of Approval, as modified. The proposed project is located at 17985 Pacific Coast Highway.

5. RESOLVE TO GRANT APPEAL filed by J. Paul Getty Trust (Donald P. Baker, Latham & Watkins), appellant, relative to modifying Condition No. 17 of the Conditions of Approval, THEREBY APPROVE the following:

Parking. On-site vehicular parking shall be provided as follows: in the three-level partially subterranean ~~250-space~~ parking structure located southwest of the Museum; in the existing parking area under the Outer Peristyle Garden of the Museum, which shall contain a maximum of ~~110~~ spaces; and in a two-level partially subterranean ~~200-space~~ parking structure located in the eastern part of the site near the Ranch House as shown on the "Refined Site Plan (Single Phase)," for a total maximum of 560 parking spaces. Parking for up to 8 buses shall be provided in the area of the Ranch House parking structure so that parking shall be available for all buses transporting visitors to the site.

- a. On-site parking requirements shall also be subject to the terms and conditions imposed by Case No. ZA 98-0817 (2V) and BZA Case Nos. 5763 and 5764.
- b. The roof of the 250-space parking structure located southwest of the Museum shall be landscaped with no surface parking permitted. Design plans for the structure, including floor plans, elevations and landscaping, shall be reviewed by the Director of Planning for approval prior to issuance of grading or building permits for the structure by the Department of Building and Safety.
- c. Prior to issuance of any building permits for the 250-space parking structure located southwest of the Museum, the applicant shall construct the 6-foot high block walls required by Condition No. 12-c herein. Landscaping of the block walls shall be installed prior to issuance of any certificate of occupancy for the Museum.
- d. The floor surfaces of any above-ground parking level in the parking structures shall be treated to minimize tire squeal.
- e. The applicant shall strictly enforce a policy which informs all bus drivers to prevent bus engines from idling while parked on the subject site, except only when necessary while passengers are embarking or disembarking.

Applicant: J. Paul Getty Trust

CPC 98-0361 CU  
CPC 98-0370 CUB

Fiscal Impact Statements: The Planning Department advises that there is no General Fund impact, as administrative costs are recovered through fees.

**TIME LIMIT FILE - JANUARY 5, 2000**  
**(Public Hearing Scheduled in Council December 15, 1999)**

Summary:

At their meeting held on December 14, 1999, the Planning and Land Use Management Committee conducted a public hearing on three appeals filed by: Greg and Jocelyn Cortese (Garrett L. Hanken); J. Paul Getty Trust (Donald P. Baker, Latham & Watkins); and Pacific Coast Homeowners and Pacific Palisades Residents Association, et al. (John B. Murdock), appellants, from the decision of the City Planning Commission, approving the following: 1) conditional use permitting the continued operation and expansion of the J. Paul Getty Museum; 2) conditional use permitting the sale of alcoholic beverages for on-site consumption incidental to on-site dining at the Museum's Garden Tea Room and on-site events hosted by the Getty Villa; and 3) Coastal Development Permit No. 98-015, all subject to Conditions of Approval. The proposed project is located at 17985 Pacific Coast Highway.

Representatives of the Planning Department were present to discuss the proposed project. The Department representative stated that the Planning Commission approved the applicants requests, subject to 42 Conditions of Approval. Conditions limit the number of performances to 45 a year, with no more than 35 to be held at night; entertainment shall be in theme with the display museum antiquities and shall be held outside regular museum hours so as to reduce traffic congestion; and limitations on the proposed theaters seating capacity. The Commission also required landscape buffers to reduce noise, site monitoring from an independent sound consultant to evaluate the level and impact of theater noise, and the establishment of a \$2 million neighborhood impact mitigation fund.

The Planning and Land Use Management Committee conducted joint public hearings for both appeals related to both the matter of the theater expansion and parking and the conditional use for the on-site sale and consumption of alcohol (Council File Nos. 99-1999, S1). During the public comment period, project opponents stated that the proposed is opposed by a majority of residents who live near the Getty Museum. Concerns regarding the inadequacy of the Environmental Impact Review, diesel emissions during construction, increased traffic congestion and noise, and attempts by the J. Paul Getty Trust to continually request incremental development were stated. A representative of the property owners stated that the Getty's commitment in 1975 to limiting facility parking to 216 was binding and no further increases should be allowed. Other concerns relative to the



impacts on surrounding park areas and theater access were also stated. Project supporters stated the proposed theater expansion would bring a unique form of entertainment to Los Angeles. The classical music and plays to be presented will serve to enhance the material displayed at the Museum. A representative of the J. Paul Getty Trust said that the Museum operators will continue to require RSVP's for parking to help control parking. Other local residents stated their support for the project, noting that the final proposal was reached in an atmosphere of compromise and takes into account the concerns of nearby property owners. Supporters also stated that hill surrounding the theater sound reduce noise and any traffic impact will be nominal.

Councilmember Cindy Miscikowski stated that an outdoor classical theater was an appropriate accessory use to the Museum. The Councilmember further stated that the 1975 agreement to limit the number of parking spaces to 216 was effective until adequate on-site parking facilities were constructed. Ms. Miscikowski also presented a list of modified conditions which provided for additional landscape buffers and parking restrictions to reduce noise, reduced the number of parking spaces to 560 and limited the number of theater seats to 450, and established penalties consisting of cash fines and increased performance restrictions for operator violations. The applicant representative stated that the applicant agrees to the imposition of the recommended violation penalties. The Planning and Land Use Management Committee recommended that Council deny the appeal filed by Greg and Jocelyn Cortese and the Pacific Coast Homeowners and Pacific Palisades Residents Association, et al, thereby approving conditional uses to permit the continued operation and expansion of the J. Paul Getty Museum, the sale of alcoholic beverages for on-site consumption incidental to on-site dining at the Museum's Garden Tea Room and on-site events hosted by the Getty Villa; and the Coastal Development Permit, all subject to Conditions of Approval, as modified.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE

*Cindy Miscikowski*

*[Signature]*

JAW:ys  
12/16/99  
Enc: CPCs 98-0361 CU  
          98-0370 CUB  
      CDP 98-015

CD 11  
Attachments: Conditions of Approval, as modified

1991999a

REPT 1 FINDINGS

ADOPTED

DEC 15 1999

LOS ANGELES CITY COUNCIL  
EIR CERTIFIED

COUNCIL FILE NO. 99-1999  
CITY PLAN CASE NO. 98-0361 CU  
CITY PLAN CASE NO. 98-0370 CUB  
COASTAL DEVELOPMENT PERMIT NO. 98-015

**CONDITIONAL USE  
CONDITIONS OF APPROVAL**

1. Administrative:
  - a. Approval verification and submittals. Copies of any approvals, guarantees or verification of consultations, review or approval, plans, etc., as may be required by the subject conditions, shall be provided to the Planning Department for placement in the subject file.
  - b. Covenant. Prior to the issuance of any permits relative to this matter, an agreement concerning all the information contained in these conditions shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent property owners, heirs or assigns. The agreement must be submitted to the Planning Department for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Planning Department.
  - c. Definition. Any agencies, public officials or legislation referenced in these conditions shall mean those agencies, public officials, legislation or their successors, designees or amendments to any legislation.
  - d. Enforcement. Compliance with these conditions and the intent of these conditions shall be to the satisfaction of the Planning Department and any other designated agency, or the agency's successor, and in accordance with any stated laws or regulations, or any amendments thereto.

**MUSEUM CONDITIONS**

2. **Use.** This conditional use grant is for the renovation, expansion and use of the existing J. Paul Getty Museum, "Ranch House" and related facilities which make up the Museum and antiquities center known as the "Getty Villa" on the 64 acre site previously approved for Museum and related uses. The use of the subject property shall be limited to include the following: a Museum; bookstore; auditorium; entry pavilion; offices; meeting rooms; library; art, education and conservation laboratories and facilities; entry steps, seating area and entry plaza which may be used as an Outdoor Classical Theater; restaurant facilities; garden structures; grounds maintenance and mechanical facilities; public lobbies, circulation areas and restrooms; parking; fire access roads; and agricultural exhibits.
3. **Floor Area.** Floor area additions shall not exceed 76,000 square feet over the existing 134,000 square feet for a total maximum floor area of 210,000 square feet. The allocation of floor area by permitted use shall be in substantial conformance with the following:

<u>FACILITY</u>	<u>FLOOR AREA</u> <u>(square feet)</u>
Museum/Museum Support	105,500
Bookstore	3,000
Auditorium, not to exceed 250 seats	10,000
Entry steps, seating area and entry plaza	—
Entry Pavilion	2,500
Ranch House	11,000
Garden Tea Room, not to exceed 375 seats	
indoor	10,000
outdoor covered	2,500
Art and conservation laboratories and facilities**	45,500
Existing cottages	2,000
Grounds maintenance	3,000
New public lobbies, circulation and restrooms	<u>15,000</u>
<b>TOTAL</b>	<b>210,000</b>

Floor area shall be calculated as provided by LAMC Section 12.21.1 A 5. All covered space including peristyles, belvederes and terraces shall be counted as floor area. As provided by LAMC Section 12.03, floor area shall not include exterior walls, stairways, shafts, rooms housing building-operating equipment or machinery, parking areas with associated driveways and ramps, and basement storage areas. The subterranean tunnel connecting the art and conservation laboratories and facilities to the Museum shall also be excluded from floor area calculation.

4. **Plan.** The subject property shall be developed in substantial conformance with the conditions imposed herein and by Case No. ZA 98-0817 (ZV) and BZA case Nos. 5763 and 5764, and as to location of buildings and structures shown upon a revised site plan, which shall be submitted to the Planning Department no later than 90 days after the effective date of the subject determination. Minor deviations may be allowed in order to comply with provisions of the Municipal Code, the subject conditions and the intent of the subject permit authorization. The revised plan shall contain all of the features shown on the "Refined Site Plan (Single Phase)" dated December 18, 1998 and marked Exhibit E-3 in the subject case files, except:
  - a. Each of the parking areas and structures (including the designated bus parking area) shall be identified in accordance with the number of parking spaces authorized by this grant;

\* Area is not included as building area and, therefore, not included in the total floor area.

\*\* Includes area for offices and meeting rooms.

- b. **Deleted**
  - c. The location of the earth berm required by Condition No. 10-c shall be shown on the plan; and,
  - d. The location of the 6-foot-high landscaped block walls required by Condition No. 12-c shall be shown on the plan.
5. **Height.** Except for the Garden Tea Room, the Art and Conservation Laboratory and Facilities buildings, and the stairs and elevators serving the Entry Pavilion, no new building or structure on the subject property shall exceed the height permitted in Height District No. 1 pursuant to LAMC Section 12.21.1.
- a. Garden Tea Room. The height of the Garden Tea Room shall not exceed 49 feet above grade (as defined by LAMC Section 12.03), as shown by the Sections/Elevations marked Exhibit E-6 in the subject case files.
  - b. Art and Conservation Laboratory and Facilities. The height of the Art and Conservation Laboratory and Facilities building shall not exceed 59 feet above grade (as defined by LAMC Section 12.03), as shown by the Sections/Elevations marked Exhibit E-7 in the subject case files.
  - c. Stairs and Elevators Serving the Entry Pavilion. The stairs and elevators serving the Entry Pavilion shall not exceed 50 and 86 feet, respectively, above grade (as defined by LAMC Section 12.03) in order to provide patrons with access and lift options to the Entry Pavilion and to the Upper Garden (pursuant to the Americans with Disabilities Act).
6. **Hours (Museum).**
- a. The Museum may be open to the general public 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 Museum may be open to school groups and invited guests beginning at 9:00 a.m.
  - b. Evening classes shall not extend later than 9:00 p.m.
  - c. Receptions, lectures and cultural events which are for either specific groups or the general public shall conclude no later than 10:30 p.m. in order that all persons attending are off the premises by no later than 11:00 p.m.
  - d. No class, lecture, reception, or event or scheduled activity (other than theatrical or musical performances in the Outdoor Classical Theater) which is scheduled or anticipated to draw a combined total of 100 people or more shall be held after the Museum is closed to the general public more than two nights per week, nor shall any class, lecture, reception, or event or scheduled activity utilizing the Museum, Auditorium or Garden Tea Room, regardless of the number of persons anticipated to attend, be held after the Museum is closed concurrent with any

evening performance conducted in the Outdoor Classical Theater. This condition shall not preclude classes, receptions, events or scheduled activities anticipated to draw fewer than 100 people which are held in the Ranch House and Art and Conservation facilities simultaneously with Outdoor Classical Theater performances provided that those persons will utilize the northern parking structure.

7. **Outdoor Classical Theater (Operating Requirements).**

- a. The entry steps, seating area and entry plaza west of the Museum may also be used as an Outdoor Classical Theater provided that the theater shall not exceed 15 rows of seating area nor extend above the elevation of the service road behind the steps and seating area, as shown on the "Refined Site Plan (Single Phase)", and subject to the conditions set forth herein.
- b. The maximum number of persons attending theatrical or musical performances at the Outdoor Classical Theater shall not exceed 450.
- c. No performances in the Outdoor Classical Theater shall be conducted during the hours which the Museum is open to the public nor during evenings when any class, lecture, reception, or other scheduled event or activity is to take place in the Museum, Auditorium or Garden Tea Room.
- d. All vehicles transporting visitors for theater performances shall be admitted onto the subject property no earlier than 7:00 p.m., unless theater patrons arrive prior to 5:00 p.m. during regular Museum hours. Performances in the theater shall conclude no later than 10:30 p.m. in order that all theater patrons are off the premises by no later than 11:00 p.m.
- e. Off-Site Shuttle Program:
  - i. In order to reduce the number of vehicle trips generated, the applicant shall implement an off-site shuttle program to transport visitors to any evening performance held at the Outdoor Classical Theater.
  - ii. Prior to any evening performance held in the Outdoor Classical Theater, the applicant shall determine the location of an off-site shuttle site to the satisfaction of the applicable Council Office(s) and the Departments of Transportation and City Planning.
    - (1) A potential 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. A potential site may include, but not necessarily be limited to, City-owned parking lots or other public parking areas, or shared parking arrangements with available private commercial or office parking facilities.

- (2) Selection of the off-site shuttle location shall consider sites where the adjacent community will not be negatively impacted by visitor traffic, parking and shuttle operations.
  - (3) Prior to the off-site shuttle location being submitted for approval by the City, the off-site shuttle program shall be reviewed by the Getty Villa Community Relations Committee, comprised of local homeowners and community associations set forth under Condition No. 23-b.
- iii. The applicant shall develop appropriate plans and mechanisms designed to encourage shuttle ridership.
- f. Outdoor Classical Theater performances shall not take place more than 45 times in one calendar year as follows:
- i. No more than 35 evening performances shall be permitted; the remaining 10 performances may take place between 10:00 a.m. and 4:00 p.m. only on days when the Museum is not open to the public.
  - ii. No performances shall be permitted on Sunday evenings.
- g. No amplified instrumental or vocal music shall be permitted.
- h. Spoken voice enhancement amplification shall be permitted and controlled by the Outdoor Classical Theater sound enhancement system. This sound enhancement system shall be designed such that maximum sound levels generated by the spoken voice amplification will not exceed 65 dBA at the theater seating areas most distant from the stage area.
- i. "Impulsive sounds" shall be avoided during performances. Impulsive sound is defined in Section 111.01 of the City Noise Ordinance as "sound of short duration, usually less than one second, with an abrupt onset and rapid decay. By way of example, 'impulsive sound' shall include, but shall not be limited to, explosions, musical bass drum beats, or the discharge of firearms."
- j. Visitor parking for Outdoor Classical Theater performances shall be limited to the camper lot parking structure and the parking area under the Outer Peristyle Garden.
- k. All performances conducted in the Outdoor Classical Theater shall require advance ticket purchase and parking reservations (pursuant to Condition No. 16-b) from theater patrons.
- l. All performances in the Outdoor Classical Theater shall be conducted in a manner which is considerate and respectful of the desired quiet enjoyment and tranquility of the surrounding residential community. The applicant shall be responsible for informing and enforcing this policy

toward both performers and audiences alike.

- i. Prior to each performance, audiences shall be advised of this policy and asked to conduct themselves accordingly at all times while on the premises (i.e., refrain from unnecessarily loud or prolonged applause, shouting, whistling, or any other intrusive conduct during performances), and to exit the premises promptly and quietly at the conclusion of the performance, by applying one or more of the following methods:
  - (1) an announcement made prior to the performance;
  - (2) a statement featured prominently in the printed program for the performance;
  - (3) signs posted in the theater/entry plaza area, entry walkways, driveways and parking areas;
  - (4) the assignment of security personnel in the theater/entry plaza area, entry walkways, driveways and parking areas; or
  - (5) other means effective in conveying the purpose and intent of this requirement.
- ii. Audience participation in performances shall not be permitted. All theater productions shall be designed to be staged before a passive audience.
- m. The selection of concerts and performances to be conducted in the Outdoor Classical Theater shall be consistent with the programmatic objectives contained in the Getty Villa Mission Statement, attached to the City Plan Case No. 98-0361-CU file.
- n. Instrumental or vocal musical performances and accompaniments shall be limited to small ensembles. Brass and percussion instruments shall either be avoided or used sparingly in the makeup of musical ensembles.
- o. No picnic dining by theater patrons or Museum guests shall be permitted beyond the immediate vicinity of the Garden Tea Room and Outdoor Classical Theater.
- p. All theater lighting shall be shielded and directed onto the site. No flood or stage lighting shall be located so as to shine directly onto any adjacent residential property.
- q. Enforcement. Prior to the three-year review of the Outdoor Classical Theater as specified in Condition No. 8, the City Planning Commission shall retain jurisdiction to review compliance with the operating requirements of this permit authorization and to evaluate the traffic, parking and noise effects of theater performances upon the surrounding community. If deemed necessary and if supported by findings of fact, the City Planning Commission may make the subject conditions

more or less restrictive or impose any new conditions to address theater use. If action is required to be taken prior to the three-year review, the City Planning Commission can establish an appropriate time for a scheduled review of the Outdoor Classical Theater.

8. **Outdoor Classical Theater (Review and Evaluation of Permit Compliance).** Three years from the date on which the Getty Villa officially opens to the public, the applicant shall file an application for conditional use "plan approval" for the purpose of determining the theater's compliance with the operating requirements of this permit authorization and to evaluate the traffic, parking and noise effects of theater performances upon the surrounding community.
- a. The application shall be accompanied by the standard 500-foot owner/tenant notice labels and radius map required for a new conditional use permit, and also include the names and addresses of the presidents or contact persons for the local homeowner and community associations listed under Condition No. 23-b below. The application must be accompanied by the payment of appropriate fees and be accepted as complete by the Planning Department public counter. Note: The applicant's fee shall be determined on an actual cost basis for City staff review involved in this compliance review process and the sound monitoring requirement specified under Condition No. 25.
  - b. The application shall be filed and accepted as complete no earlier than the end of the three-year period or later than 90 days after the end of such three-year period. Failure to submit a completed application within this time period constitutes a violation of the subject conditions and could result in permit revocation proceedings.
  - c. The City Planning Commission shall retain jurisdiction over the size of the Outdoor Classical Theater and evaluate the effectiveness of the required operating requirements in relation to the traffic, parking and noise effects of theater performances upon the surrounding community.
  - d. The applicant shall submit the following additional information along with the application to assist the City Planning Commission in reviewing and evaluating permit compliance and any proposed increase in audience attendance at the Outdoor Classical Theater:
    - i. An updated traffic analysis, comparing daily and peak hour trip generation characteristics resulting from project implementation to forecasts and baseline conditions analyzed in the project environmental impact report (SCH 96051051), and comparing the effects of project traffic volumes on the local roadway system from those analyzed in the EIR, with particular emphasis on the significantly impacted intersections identified in that document;
    - ii. An updated parking analysis which evaluates the adequacy of existing parking supply in light of peak parking demand, with recommendations for any proposed changes to include the option of new or expanded off-site parking and shuttle transit service as an alternative to further expansion of on-site parking;



- iii. A status report on the effectiveness of transportation demand management (TDM) strategies to reduce the number of vehicle trips and promote higher average vehicle ridership, as generally required by environmental mitigation measures B-14 through B-18 herein;
  - iv. A status report on the implementation and effectiveness of the off-site shuttle program, as required by Condition No. 7-e;
  - v. The results of sound measurement data collected by the independent third-party sound consultant pursuant to Condition No. 25 herein;
  - vi. A summary description of the number and type of theater performances and their duration (in terms of individual program length and number of performances in any series) conducted to date, and the audience attendance figures at those performances; and,
  - vii. A report of any complaints received by the applicant from the surrounding community about project operations and measures undertaken to resolve legitimate community concerns, as set forth by Condition No. 23 herein. A copy of the complaint log required by Condition No. 23 shall be included with this report.
- e. The City Planning Commission, or a hearing examiner on its behalf, shall conduct a hearing as a part of the subject review. Notification of the hearing shall comply with the requirements set forth under LAMC Section 12.24 D 2.
- f. Upon its review of the Outdoor Classical Theater as to compliance with the operating requirements of this permit authorization and the traffic, parking and noise effects of theater performances upon the surrounding community, the City Planning Commission may, if it deems necessary and supported by findings of fact, make the subject conditions more or less restrictive or impose any new conditions to address the traffic, parking or noise effects upon the surrounding community which may have resulted from the theater use. It shall also determine whether further extension of the complaint monitoring procedure required herein by Condition No. 23-a and the third-party sound monitoring program required by Condition No. 25 is necessary for the protection of the surrounding community. Further, the City may terminate the grant allowing performances in the Outdoor Classical Theater if the conditions herein are found either not complied with or if it is determined that the Outdoor Classical Theater use is contributing substantially to the detriment of the surrounding community.
- g. The applicant or any other person aggrieved by the determination of the City Planning Commission may appeal to the City Council as set forth under LAMC Section 12.24 D 7.
- h. Any proposed modifications to the parking variance terms and conditions authorized under Case

No. ZA 98-0817 (ZV) and BZA Case Nos. 5763 and 5764 shall be reviewed by the Zoning Administrator.

9. **Bookstore.** The merchandise available for sale at the expanded bookstore shall be limited to titles, gifts and incidental materials related to art, archaeology, education and classical culture and any books or materials produced or published by the Getty Trust.
10. **Upper Garden ("Lemon Grove").** Use of the Upper Garden area shall be limited to horticultural and educational archaeological displays from the Classical period.
  - a. Visitor access shall be limited to the hours of 10:00 a.m. to 5:00 p.m.
  - b. No visitor access shall be permitted on the maintenance road westerly of the Upper Garden area.
  - c. A landscaped earth berm shall be constructed and maintained, measuring 6 to 8 feet in height, approximately 25 feet in width and extending approximately 880 feet in length along the westerly maintenance road, as shown on the exhibit entitled "Site Plan Showing Proposed Earthberm" in the Supplemental Noise Impact Study (Appendix F of the Draft EIR - Part B).
11. **Landscaping.** Except for the natural open space areas of the site, all open areas not used for buildings, driveways, parking areas, recreational facilities or walks shall be attractively landscaped, including an automatic irrigation system, and maintained in accordance with a landscape plan prepared by a licensed landscape architect or licensed architect. The landscape plan shall designate the areas which shall remain natural open space.
12. **Landscape Buffer/Screen.**
  - a. The temporary storage areas located in a cluster near the existing camper lot surface parking area shall be converted to a landscaped buffer zone and shall not be used for other purposes.
  - b. Upon receipt of a written request of the Pacific View Estates Homeowners Association with respect to the residential properties on the westerly boundary of the site or the Castellammare Mesa Home Owners with respect to the residential properties on the easterly boundary of the site, the applicant shall: (1) install and maintain shrubbery which either fully screens the Villa buildings and/or roadways from contiguous residential properties or which is at least 12 feet in height at the time of planting; and (2) install and maintain an 8-foot high chain link fence or other metal fence satisfactory to the applicant and such requesting homeowners association along the common boundary. The requesting homeowners association shall be responsible for resolving differences of opinion among contiguous residential property owners as to what landscaping or fencing is appropriate, and the applicant shall not be required to install landscaping or fencing if objected to by a contiguous homeowner or to the extent not permitted by applicable code or regulation. The applicant shall use all reasonable efforts and incur all reasonable costs to implement this condition

before any part of the Villa is opened to the general public.

- c. Landscaped Block Walls. A 6-foot-high landscaped block wall shall be located along the west side of the "camper lot" parking structure at its northerly end, between the service road and existing mausoleum path, along with a second 6-foot-high landscaped block wall along the west side of the service road extending northerly toward the Upper Garden area, as shown on the exhibit entitled "Site Plan Showing Proposed Earthberm" in the Supplemental Noise Impact Study (Appendix F of the Draft EIR - Part B), for the purpose of reducing noise from on-site maintenance and security vehicles. Construction of the block walls shall be completed prior to issuance of building permits for the camper lot parking structure. Drainage and erosion control measures shall be installed to avoid damage to adjoining properties satisfactory to the Department of Building and Safety.

13. **Service Road (adjacent to westerly property line)**. The road adjacent to the westerly property line shall be used for security, emergency, and limited garden maintenance uses.

- a. When gardeners require access to the landscape buffer near contiguous residential properties, they may use the road for access, equipment movement, and removal of landscape wastes. This road shall not be used by visitors, food service delivery, or as a route for maintenance equipment to other portions of the site.
- b. If the Fire Department determines it necessary to widen this service road for fire safety access purposes, every effort shall be made to prevent road construction or realignment any closer to the westerly property line which adjoins the rear yards of single-family residences on Surfview Drive, and to minimize the removal of desirable trees.

14. **Trees**. Prior to issuance of a grading permit or other building permit for the subject project, a plot plan prepared by a reputable tree expert, as defined by Municipal Code Section 17.02, shall be submitted to the Planning Department and Street Tree Division of the Bureau of Street Maintenance for approval. The plan shall contain the following:

- a. Location, size, type and current condition of existing significant desirable trees.
- b. Measures recommended by the tree expert for preservation or relocation of as many significant desirable trees as possible on the subject property, including any parkway.
- c. Measures for replacement of significant desirable trees which cannot be preserved or relocated on the property including:
  - i. Replacement trees in the parkway.
  - ii. Replacement trees of not less than 24 inch box trees which are not less than eight feet in

height, not less than two inches in trunk diameter and with not less than a five foot spread. In those cases where trees of the required size and caliper cannot be obtained, a larger container stock shall be required. Further, all trees shall be in a healthy growing condition. Root bound trees are not acceptable.

- d. The subject condition does not supersede any requirements of the Municipal Code relative to oak trees.
  - e. The location of oak trees is identified in Section IV D of the Environmental Impact Report.
  - f. Eucalyptus trees on the 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.
15. **Outdoor Public Address System.** There shall be no outdoor public address system permitted on the subject property other than voice enhancement amplification for the Outdoor Classical Theater.
16. **Access.**
- a. Access Walkway. The access walkway between the Entry Pavilion and the entry steps, seating area and entry plaza shall substantially conform to the "Refined Site Plan (Single Phase)" and shall be located easterly of and below the adjacent ridge line.
  - b. Pedestrian/Parking Reservation System. 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 dated May 9, 1974, attached to the City Plan Case No. 98-0361-CU file. Instructions to the general public utilizing the parking reservation system shall clearly advise that vehicular access to the Pacific Coast Highway entrance is available only to traffic on the westbound approach (traveling toward Malibu) and that vehicles may not enter the property via Coastline Drive.
  - c. Vehicular Access (general).
    - i. Prior to issuance of any permits, a parking area and driveway plan shall be prepared for approval by the appropriate District Offices of the Bureau of Engineering and the Department of Transportation.
    - ii. Vehicular access for the general public shall be limited to entering the Villa property from Pacific Coast Highway (its present entrance) and exiting from the Villa property onto Coastline Drive over the existing driveway to Pacific Coast Highway, except that

employees visiting scholars, business visitors and deliveries shall primarily use Los Liones Drive for ingress and egress to the site.

iii. Buses shall be limited to entering the site from Pacific Coast Highway and exiting the site onto Los Liones Drive.

d. Vehicular Egress from Project Driveway onto Coastline Drive. During Museum hours of operation and at the conclusion of evening events, including performances held at the Outdoor Classical Theater, trained on-site traffic control personnel shall assist in safely directing exiting visitor traffic from the project driveway exit gate onto Coastline Drive to the Pacific Coast Highway/Coastline Drive intersection. The applicant shall have the option to contract for traffic control personnel to meet this requirement whenever necessary.

e. Emergency Access.

i. Access to Los Liones Drive shall be provided as an alternate means for exiting of visitors in an emergency or temporary closure or restriction of traffic on Pacific Coast Highway.

ii. Except for emergency vehicles, all other vehicles, including construction vehicles, and pedestrian access to and from the Villa property shall be restricted from Surfview Lane.

17. **Parking.** On-site vehicular parking shall be provided as follows: in the three -level partially subterranean 250-space parking structure located southwest of the Museum; in the existing parking area under the Outer Peristyle Garden of the Museum, which shall contain a maximum of 110 spaces; and in a two-level partially subterranean 200-space parking structure located in the eastern part of the site near the Ranch House as shown on the "Refined Site Plan (Single Phase)", for a total maximum of 560 parking spaces. Parking for up to 8 buses shall be provided in the area of the Ranch House parking structure so that parking shall be available for all buses transporting visitors to the site.

a. On-site parking requirements shall also be subject to the terms and conditions imposed by Case No. ZA 98-0817 (ZV) and BZA Case Nos. 5763 and 5764.

b. The roof of the 250-space parking structure located southwest of the Museum shall be landscaped with no surface parking permitted. Design plans for the structure, including floor plans, elevations and landscaping, shall be reviewed by the Director of Planning for approval prior to issuance of grading or building permits for the structure by the Department of Building and Safety.

c. Prior to issuance of any building permits for the 250-space parking structure located southwest of the Museum, the applicant shall construct the 6-foot high block walls required by Condition No. 12-c herein. Landscaping of the block walls shall be installed prior to issuance of any certificate of occupancy for the Museum.

- d. The floor surfaces of any above-ground parking level in the parking structures shall be treated to minimize tire squeal.
  - e. The applicant shall strictly enforce a policy which informs all bus drivers to prevent bus engines from idling while parked on the subject site, except only when necessary while passengers are embarking or disembarking.
18. **Transportation Improvements (off-site).** Prior to the issuance of any building permits, the following transportation improvements shall be guaranteed through the B-permit process of the Bureau of Engineering, Department of Public Works, and the Encroachment Permit process of the California Department of Transportation (Caltrans). These improvements shall be constructed and completed prior to the issuance of any certificate of occupancy to satisfaction of the Department of Transportation and Bureau of Engineering:
- a. Coastline Drive and Pacific Coast Highway. Relocate the existing MTA bus stop located on the northeast corner of the intersection to the northwest corner. Also, extend the existing sidewalk on the northwest corner of the intersection to the relocated bus stop location. (Coordination with the MTA, Caltrans and the County Department of Public Works is required.)
  - b. Sunset Boulevard and Pacific Coast Highway. Widen by 10 feet on the north side of Pacific Coast Highway at Sunset Boulevard for a distance of approximately 230 feet beginning immediately east of Sunset Boulevard to provide a right turn lane for westbound Pacific Coast Highway. Relocate and modify traffic signals, street lights, and other public improvements as required, and install a wheelchair ramp at the northeast corner of the intersection.
  - c. Los Liones Drive and Tramonto Drive. Install a stop sign at the southeast bound lane of Los Liones Drive at the intersection with Tramonto Drive, if approved by the Department of Transportation.
  - d. Future Street Dedication at Los Liones Drive terminus. The applicant shall coordinate with the Bureau of Engineering to determine the City's possible acceptance for public street purposes the 25-foot half-width future street dedication located at the terminus of Los Liones Drive. Should the City Council accept the future street dedication, the applicant shall improve the dedicated area to the satisfaction of the City Engineer.
  - e. Pacific Coast Highway Entry Improvement. Extend the deceleration lane on northbound Pacific Coast Highway from the project ingress driveway in general conformance with the exhibit entitled "Concept Improvement Plan" in the Supplemental Traffic Impact Study (Exhibit 14 in Appendix G of the Draft EIR - Part B).

Should extension of the deceleration lane not be approved by Caltrans, widen the entrance to the

project ingress driveway by 15 feet, to the extent such widening is found to be geologically feasible by the Department of Building and Safety, in order to provide a safer entry into the site for vehicles approaching from northbound Pacific Coast Highway.

- f. Directional Signage on Northbound Approach of Pacific Coast Highway. For traffic safety purposes, the applicant shall consult with and obtain approval from Caltrans, the Department of California Highway Patrol and the City's Department of Transportation regarding the installation, at the applicant's expense, of improved directional signage to the Getty Villa and Coastline Drive on the westbound approach of Pacific Coast Highway. The signage shall assist in directing approaching traffic by indicating the availability of a right-turn lane for access to the project driveway and Coastline Drive. This signage shall be installed satisfactory to the Department of Transportation prior to issuance of any certificate of occupancy for the Museum or Outdoor Classical Theater.

19. **Public Requirements.** The applicant shall provide the following, or assurance of suitable guarantees without expense to the City of Los Angeles:

- a. Construction of any necessary sewers to the satisfaction of the City Engineer. Notice: if conditions dictate, connections to the public sewer system may be postponed until adequate capacity is available.
- b. Construction of any necessary drainage facilities to the satisfaction of the City Engineer.
- c. Installation of any necessary street lights to the satisfaction of the Bureau of Street Lighting.

Notice: The Certificate(s) of Occupancy for the subject project will not be issued by the City until the construction of all the public improvements required herein are completed to the satisfaction of the City Engineer.

20. **Fire Department Plan Approval.** Recommendations of the Fire Department relative to fire safety, which may include but are not limited to access and interior heat sensitive sprinkler systems, shall be incorporated into the building plans for the subject project, to the satisfaction of the Fire Department.

21. **Construction Activities.** The following conditions shall regulate construction activities on the site:

- a. Construction shall be completed in a single development phase and the applicant shall provide a five-day written notice to all residents within a 500-foot radius of the site apprising them of the commencement date and anticipated schedule of planned grading, excavation or construction activities. This notice shall include the name/phone number of the contact person referred to in Condition No. 23.

- b. Construction personnel and construction-related vehicles shall not park or have engines idle on any off-site street, or at any point of entry or exit to the Getty Villa property at any time.
  - c. Construction-related vehicles shall arrive at the site no earlier than 6:30 a.m. Actual construction activities may begin no earlier than 7:00 a.m. Construction worker vehicles shall exit the property by 5:30 p.m. This condition does not apply to construction personnel engaged in supervisory, administrative or inspection activities.
  - d. The road on the western boundary of the site shall not be used for storage of construction equipment, and shall serve as a construction access route only for small equipment and only as necessary for limited purposes and times.
  - e. Hours of excavation, hauling and all types of construction, except interior finish work and installations, shall be limited to the period of 7:00 a.m. to 5:00 p.m., Monday through Friday excluding national holidays.
  - f. Construction equipment and trucks shall be staged on the property.
  - g. On weekends, no deliveries of building materials by large, slow-moving trucks shall be allowed, except as otherwise required by any government agency or as needed because of special circumstances (e.g., long hauls or wide loads).
  - h. A maximum of two visits per day during the project construction phase by a catering truck shall be permitted. Catering trucks shall be instructed not to use their horns or other loud signals. Catering trucks shall not be permitted on-site during the project operation phase.
  - i. Construction activities shall be conducted in such manner as to avoid to the extent practical violation of all SCAQMD pollution thresholds, including those for  $PM_{10}$ ,  $NO_2$  and CO, and any future thresholds that may be established by SCAQMD.
  - j. Noise:
    - i. The applicant shall comply with City of Los Angeles Noise Ordinance Nos. 144,331 and 161,574, and subsequent ordinances which prohibit the emissions or creation of noise beyond certain levels at adjacent uses, unless technically infeasible.
    - ii. The project contractors shall use power construction equipment with shielding and muffling devices.
22. **Lighting.** All lighting shall be shielded and directed onto the site. No floodlighting shall be located so as to shine directly onto any adjacent residential property. This condition shall not preclude the installation of low-level security lighting.



23. **Complaint Response/Community Relations.**

- a. Complaint monitoring. The applicant shall identify a contact person and establish a 24-hour, toll-free telephone number for the receipt of complaints. Complaints received from 7:00 a.m. to 5:00 p.m. on weekdays shall be responded to within one hour. Complaints received during evening hours shall be responded to by 10:00 a.m. the following morning. This complaint monitoring system shall be implemented prior to the beginning of project construction. The 24-hour telephone number for the receipt of complaints from the community regarding the subject facility shall be:
- i. Provided to the immediate neighbors and local homeowner associations.
  - ii. Mailed at least once every 12 months to all owners of property located within 500 feet of the subject property.
  - iii. Log. The applicant shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for a minimum of three years and shall be made available on request to the Planning Department for review and made part of the official three-year compliance review by the City Planning Commission, as required by Condition No. 8.
- b. Community liaison. If a Getty Villa Community Relations Committee is formed, the applicant shall assign a management level employee as a community liaison. The community liaison shall coordinate with representatives of one or more of the following homeowners and community associations:
- i. Pacific View Estates Homeowners Association;
  - ii. Castellammare Mesa Home Owners;
  - iii. Miramar Homeowners Association;
  - iv. Sunset Mesa Property Owners Association;
  - v. The Pacific Palisades Community Council;
  - vi. The Pacific Palisades Residents Association; and,
  - vii. The Pacific Palisades Historical Society

The applicant's community liaison shall meet with the Committee twice per year in regard to

matters of concern to the neighbors and the community. Meetings shall be held when called by the Committee on at least two weeks notice. The community liaison shall also attend special meetings on reasonable notice called by a majority of the participating associations. The Committee and the applicant shall work together in good faith to reach a reasonable, practical resolution of matters which addresses legitimate community concerns and legal requirements and operating and programmatic requirements of the Getty Villa.

24. **Neighborhood Protection Plan.** Prior to the issuance of any building permit for the subject property, the property owner shall submit to the Planning Department a proposed Neighborhood Protection Program (the "Plan") designed to create a formal mechanism for addressing issues of community concern that may arise during the operation of the Getty Villa.
- a. The Plan shall be developed in consultation with the Planning Department, the Los Angeles Department of Transportation ("LADOT"), the applicable Council District Office(s), the applicant and the Getty Villa Community Relations Committee, comprised of the homeowners and community associations listed under Condition No. 23-b. The Plan shall be submitted to the Planning Department prior to issuance of any building permit for any project building in order to allow ample opportunity for community and City review. Implementation of the Plan shall proceed immediately upon the acceptance of the Plan by the City.
  - b. The Plan shall specify monitoring programs which shall commence from the date on which the Getty Villa officially opens to the public.
  - c. The Plan shall establish the mechanisms needed to address concerns of the adjacent community as they may arise, including creation of additional monitoring plans and implementation of any improvements pursuant to the results of the monitoring programs.
  - d. The Plan may include landscaping and buffering, and acoustical and traffic improvements, as well as other improvements of possible concern to the neighbors and community that may be brought to the attention of the Planning Department, LADOT, the applicable Council District Office(s), the applicant or the Getty Villa Community Relations Committee.
  - e. The property owner shall guarantee the necessary funding of the Neighborhood Protection Plan through cash or irrevocable letter of credit, payable to LADOT, with \$1,000,000 to be guaranteed prior to issuance of any project building permit and an additional \$1,000,000 to be guaranteed prior to issuance of any certificate of occupancy. In the event the Plan is guaranteed by cash, LADOT shall deposit the monies in an interest bearing account and shall provide the property owner with an annual statement reflecting interest earned and payments made. All expenditures from the fund shall be made at the discretion of the Director of Planning and with the concurrence of the applicable Council District Office(s). All monies contained in such fund and unused upon the expiration of a five-year period following the date on which the Getty Villa officially opens to the public shall be refunded to the property owner, including all interest thereon.

25. **Monitoring and Review by Third-Party Sound Professional.**

- a. Establishment of Third-Party Monitoring Program. The Director of Planning shall select an independent, third-party sound consultant who shall have the responsibility of conducting on-site and off-site sound level measurements during performances in the Outdoor Classical Theater to determine if sound levels are in compliance with the requirements of this grant and the City Noise Ordinance. The costs for the noise monitoring to be provided by the third-party consultant shall be borne by the applicant. In addition, any City staff review involved in coordinating this requirement shall be reimbursed by the applicant on an actual cost basis.
- b. Random Monitoring Dates. The sound level measurements shall be conducted twice a year on random dates when performances are scheduled to take place in the Outdoor Classical Theater, to be selected by the third-party sound consultant in consultation with the Planning Department.
- c. Monitoring Locations. On each of the two dates when measurements are conducted, the third-party sound consultant shall measure sound levels on-site at the Outdoor Classical Theater and at the five off-site monitoring locations analyzed in the project environmental impact report.
- d. Measurement Criteria.
  - i. Measurements of on-site noise sources shall include any of the following:
    - (1) on-site vehicle traffic associated with the use of parking areas for guests to the Outdoor Classical Theater;
    - (2) lecture/theatrical or musical performances at the Outdoor Classical Theater, including sound both from performers and audiences; and,
    - (3) use of the Garden Tea Room outdoor dining area.
  - ii. Measurements on-site at the Outdoor Classical Theater shall be taken at the theater seating areas most distant from the stage area. All sound measurements shall be conducted with the sound level meter set for "fast" response.
  - iii. Off-site measurements shall be attended and conducted for a minimum of 15 minutes at each site. Off-site measurements shall monitor compliance with  $L_{max}$  and  $L_{eq}$  levels, and other relevant parameters of the City Noise Ordinance, including those set forth therein under Article 1 – "Noise Regulation", Article 5 – "Amplified Sound" and Article 6 – "General Noise", where not in conflict with the requirements set forth by these conditions.
- e. Significance Threshold of Noise Impact. A significant noise impact shall occur if the operation of the measured on-site noise sources causes either of the following:

- i. Increases the existing ambient noise levels (hourly  $L_{eq}$ ) by 5 dBA or greater; or
- ii. Increases by 3 dBA or greater in CNEL that results in a change in the land use noise compatibility, or increases by 5 dBA or greater in CNEL that does not result in a change in land use noise compatibility.

“Existing ambient noise levels” shall mean the measured ambient sound levels (average hourly  $L_{eq}$  and CNEL) at each of the five off-site monitoring locations, surveyed in May 1995 and January 1996, as summarized on Table 2 of the Supplemental Noise Impact Study (Appendix F of the Draft EIR - Part B, and presented in detail in Volume II of the Technical Appendices to the Draft EIR - Part A). Since access to Outdoor Classical Theater performances are required herein to occur after 7:00 P.M., the relevant existing ambient noise levels are summarized as follows:

Time Period	Measured Ambient Sound Levels, $L_{eq}$ (hr) (dBA) and CNEL (dBA) at Monitor Location				
	A	B	C	D	E
8 A.M. - 9 A.M.	48.0	50.0	50.0	48.0	49.0
9 A.M. - 5 P.M.	53.0	55.0	52.0	50.0	49.0
5 P.M. - 6 P.M.	50.0	53.0	51.0	48.0	46.0
6 P.M. - 7 P.M.	48.0	50.0	51.0	47.0	44.0
7 P.M. - 10 P.M.	44.0	46.0	46.0	45.0	43.0
10 P.M. - 11 P.M.	41.0	43.0	44.0	42.0	42.0
CNEL	55.5	54.0	53.3	51.2	49.0

- f. Consultant Report. The third-party sound consultant shall prepare a written report, with his/her findings concerning the sound level measurements, to the Director of Planning and to the applicant, within 15 calendar days after completion of the sound level measurements for the second random monitoring date. Copies of the report shall be provided by the Planning Department to interested parties upon request.
- g. Remedy and Penalty for Non-Compliance.
  - i. If any of the measured on-site noise sources are found by the third-party sound consultant’s report to exceed the significance threshold criteria described above, the applicant shall submit a corrective action plan to the Director of Planning within 15

calendar days after receipt of the final sound level measurements report from the consultant. The corrective action plan shall specify those measures necessary for the applicant to comply with the City Noise Ordinance, and specify a schedule for remedial action as soon as reasonably practicable. The Director of Planning shall review and either approve or disapprove the corrective action plan within 15 calendar days of receipt of the plan.

ii. If the Director of Planning disapproves the corrective action plan, or if the applicant otherwise fails to submit a corrective action plan to the satisfaction of the Director, then the Director shall request the Superintendent of the Department of Building and Safety to issue the applicant an Order to Comply, with instructions that the violating noise source discontinue operation until such time as a corrective action plan is submitted and approved by the Director and corrective measures are prepared to be undertaken by the applicant.

h. Expiration. The third-party sound monitoring program shall remain in effect for a minimum of the first three years of operation of the Outdoor Classical Theater. The City Planning Commission, upon its review pursuant to Condition No. 8 herein, may authorize the sound monitoring program to be discontinued thereafter. However, if during the first three years of operation of the Outdoor Classical Theater there are found in the sound consultant's reports to be any occurrences of non-compliance with the significance thresholds described above, the City Planning Commission shall consider whether appropriate remedial action has been undertaken by the applicant and whether to extend the sound monitoring program.

26. **Future Applications.** 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 of in Section 12.24 D 2 of the Municipal Code for new applications, and also include notice to the presidents or contact persons for the local homeowner and community associations listed under Condition No. 23-b, or appropriate successor organizations in the local community, if any.

27. **Mitigation Monitoring Program Reports.** Copies of reports prepared in accordance with the Mitigation Monitoring Program adapted in connection with certification of the Environmental Impact Report shall be provided to the Getty Villa Relations Committee and to the applicable Council District Office(s).

**CONDITIONAL USE - ALCOHOLIC BEVERAGES  
CONDITIONS OF APPROVAL**

28. The authorized use shall be conducted at all times with due regard for the character of the surrounding neighborhood. The right is reserved to the City Planning Commission to impose additional corrective conditions if, in the opinion of the Commission, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
29. The conditional use authorization granted herein for the sale or dispensing of alcoholic beverages for consumption on the premises shall be incidental to on-site dining at the Garden Tea Room and on-site events hosted by the Getty Villa.
- a. At all times when the premises are open to Museum visitors (i.e., during regular Museum operating hours), the sale and dispensing of alcoholic beverages therein shall be confined to the Garden Tea Room, limited to the sale of beer or wine and be incidental to the sale of food.
  - b. The sale or dispensing of a full line of alcoholic beverages shall be permitted during special events hosted by the Getty Villa outside of regular Museum visiting hours for the general public, as further specified in Condition No. 32 herein, and in the Ranch House offices, including the Art and Conservation Facilities building.
30. The Garden Tea Room shall be operated as a convenience for Museum visitors and events. It shall operate as a self-service cafeteria/food service facility and not serve or be promoted as a destination restaurant.
- a. The maximum seating capacity for the Garden Tea Room shall be 375 persons.
  - b. All food service to the general public shall be in the area of the Garden Tea Room except for food service incidental to a reception, event or other specific activity.
  - c. No fixed bar or bar seating shall be permitted within the Garden Tea Room or anywhere else within the Getty Villa premises.
  - d. Hours. The Garden Tea Room shall not be open outside of regular Museum visiting hours, except:
    - i. For Museum-related events conducted after regular Museum visiting hours, the Garden Tea Room shall not remain open beyond 10:00 p.m.
    - ii. If a matinee performance is scheduled for the Outdoor Classical Theater when the Museum is closed to visitors, the Garden Tea Room may operate between 10:00 a.m. and

4:00 p.m.

- iii. In no event shall the dispensing of alcoholic beverages in the Garden Tea Room be permitted after 9:00 p.m.
  - iv. The dispensing and consumption of alcoholic beverages during any performance within the Outdoor Classical Theater shall be limited to beer and wine only. No food or alcoholic beverage sales to theater guests shall be permitted after intermission or 9:00 p.m., whichever occurs earlier.
31. The permitted areas within the Garden Tea Room for alcoholic beverage service and consumption (beer and wine only) shall be limited to the following, as illustrated on the floor plans marked as Exhibit E-8 (and attached to the subject case files):
- a. The public lobby, servery area and the indoor and outdoor dining areas of the Level 194.0 floor plan; and,
  - b. The public lobby and indoor dining area of the Level 208.0 floor plan.
32. The permitted areas within the Getty Villa premises for portable bar service (full line of alcoholic beverages) in connection with the catering of Museum-related events shall include the Museum, the Inner and Outer Peristyle Garden areas, the Garden Tea Room, the Ranch House offices, the Art and Conservation Facilities building and the auditorium area. The dispensing of alcoholic beverages in the Inner and Outer Peristyle Garden areas and the outdoor areas of the Garden Tea Room shall not be permitted after 9:00 p.m.
33. The sale of distilled spirits by the bottle shall be prohibited.
34. The sale of alcoholic beverages for consumption off the premises shall be prohibited.
35. No exterior signage of any kind or type shall advertise the availability of alcoholic beverages, nor shall leaflets, newspaper or other forms of advertising be used to promote the sale of alcoholic beverages.
36. Arcade-style video game machines shall be prohibited; however, interactive, computerized devices used for educational purposes related to the applicant's programs shall be permitted.
37. The owners, operators, managers and all employees serving alcohol to patrons shall enroll in and complete a certified training program recognized by the State Department of Alcoholic Beverage Control for the responsible service of alcohol. This training shall be completed by new employees within four weeks of employment and shall be completed by all employees serving alcoholic beverages every 24 months.

38. A 24-hour telephone number shall be provided and maintained by the applicant for the purpose of reporting of any complaints. The telephone number shall be distributed to all properties within a 500-foot radius of the subject property, and to the presidents of surrounding homeowner associations provided by the applicable Council District and County Board of Supervisors offices representing those neighborhoods. The applicant shall maintain a written record of all complaint calls, if any, with said record to include the caller's name, address, date and time of the call, and the nature of the complaint. The applicant shall respond promptly to resolve complaints regarding any public nuisance or disturbance caused by alcoholic beverage service within the Garden Tea Room or in connection with Museum-related events, or by any violation of this grant.
39. A "Designated Driver Program" shall be operated to provide an alternate driver for restaurant patrons unable to safely operate a motor vehicle. The applicant shall submit the details of the program to the Director of Planning for review and approval prior to the issuance of any license or permit by the State Department of Alcoholic Beverage Control.
40. Non-alcoholic "beer" and "wine" as well as other non-alcoholic beverages shall be made available for sale by the subject facility whenever alcoholic beverages are made available for sale.
41. Security personnel shall patrol the subject property during the hours it is open to the public and during Museum-related events.
42. A copy of these conditions shall be retained on the premises at all times and shall be produced immediately upon the request of the Planning or Police Departments.



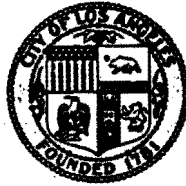
COUNCIL FILE NO. 99-1999  
CITY PLAN CASE NO. 98-0361 CU  
CITY PLAN CASE NO. 98-0370 CUB  
COASTAL DEVELOPMENT PERMIT NO. 98-015

COASTAL DEVELOPMENT PERMIT  
CONDITIONS OF APPROVAL

1. The conditions imposed under the conditional use approval of City Plan Case Nos. 98-0361-CU and 98-0370-CUB shall be strictly complied with.
2. Prior to any construction within the dual permit jurisdiction area of the subject property, a second Coastal Development Permit shall be obtained from the California Coastal Commission, South Coast District, insofar as such may be required by the California Administrative Code, Title 14, Division 5.5, Section 13301.
3. The subject property shall be developed substantially in accordance with the revised site plan required pursuant to Condition No. 4 of City Plan Case No. 98-0361-CU, attached to Coastal Development Permit Case File No. 98-015.

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CITY OF LOS ANGELES  
CALIFORNIA



TOM BRADLEY  
MAYOR

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

CALVIN S. HAMILTON  
DIRECTOR

FRANK P. LOMBARDI  
EXECUTIVE OFFICER

CITY PLANNING  
COMMISSION

DANIEL F. GARCIA  
PRESIDENT

J. S. KRUEGER  
VICE-PRESIDENT

STEVE HARRINGTON  
CARL MASTON  
SUZETTE NEIMAN

RAYMOND I. NORMAN  
SECRETARY

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.

EXHIBIT NO.
APPLICATION NO.
PL-00-028/5-00-147
City of L.A.
Original/CDP No. 83-017
with Conditions
California Coastal Commission

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*  
Ruby Ann Justis, Acting Secretary  
City Planning Commission

RAJ:dps

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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

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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

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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.

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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.

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The Chairman advised of the problem that has existed with the Sunset Mesa Property Owners Association regarding the number of Museum visitors parking on the streets of the area and walking to the Museum and that, in order to try to prevent this, the Property Owners Association have brought an action against the Trustees to prevent the use by the Museum of the exit presently used onto Coastline Drive because the exit crosses a buffer strip approximately four feet wide owned by the Sunset Mesa Property Owners Association, and which runs parallel to Coastline Drive and between the boundary line of the Museum property and Coastline Drive.

After discussion and upon motion duly made, and seconded, the following resolution was unanimously adopted:

WHEREAS, a dispute has arisen between the Sunset Mesa Property Owners Association and the Trustees of The J. Paul Getty Museum over the right of the Museum to the use of certain land owned by Sunset Mesa Property Owners Association, and


WHEREAS, an agreement of understanding has been reached between the Museum's Counsel and Counsel for the Sunset Mesa Property Owners Association as set out in that certain document dated April 19, 1974, and

WHEREAS, Trustees of The J. Paul Getty Museum have considered the advisability of entering into the agreement with the Sunset Mesa Property Owners Association and have deemed it advisable to do so,

NOW, THEREFORE, BE IT RESOLVED, that the Trustees of The J. Paul Getty Museum deem, and they hereby do deem, it advisable to agree to the terms and conditions of the said agreement, and

BE IT FURTHER RESOLVED, that Morris Bramlett be, and he hereby is, authorized and directed, for and on behalf of the Trustees, to affix his signature to the agreement as presented to the Trustees with such amendments, if any, as may be negotiated by Counsel, and

BE IT FURTHER RESOLVED, that all Trustees and Officers of The J. Paul Getty Museum be, and they hereby are, authorized and directed to do all things necessary to carry out the provisions of the said agreement.

EXHIBIT NO. 23
APPLICATION NO.
A-5-PPK-00-028/5-00-197
Sunset Mesa Agreement and Parking Reservation Program
 California Coastal Commission



## AGREEMENT

### 1. PARTIES AND IDENTIFICATION

This Agreement is dated for purposes of identification April 19, 1974, and is between Sunset Mesa Property Owners Association, a California non-profit corporation, (herein called "Sunset") and J. Paul Getty, J. Ronald Getty, Gordon Getty, Norris Bramlett and Stewart Peeler, as Trustees of The J. Paul Getty Museum, a California Charitable Trust (herein called "Museum").

### 2. RECITALS

2.1 Sunset has been formed for the primary purpose of serving and for the mutual benefit of the residents of the Sunset Mesa residential development in the County of Los Angeles, State of California, consisting of some 500 single family and apartment residential units.

2.2 Museum is the owner of a leasehold estate in real property, the description of which is set forth on Exhibit A attached hereto and by this reference made a part hereof (herein called the "Museum Parcel"). The Museum Parcel is adjacent to the residential developments located in Los Angeles County California commonly referred to as Sunset Mesa and Pacific View Estates.

2.3 Sunset is the owner of a parcel of real property described as Lot 91, Tract No. 27667 as per map recorded in Book 723, pages 2, 3, 4, 5, 6 and 7 of Maps in the office of the County Recorder of the County of Los Angeles (herein called the "Sunset Parcel"). The Sunset Parcel is a strip of land running along the public thoroughfare of Coastline Drive between its intersection with Pacific Coast Highway and Surfview Drive and is contiguous to the Museum Parcel separating the Museum Parcel from Coastline Drive.

2.4 Museum has made written claim upon Sunset alleging the existence of certain prescriptive rights of ingress and egress

over and upon the Sunset Parcel and appurtenant to the Museum Parcel. Sunset has denied the existence of any such rights and claims to hold the Sunset Parcel in fee simple absolute free and clear of any encumbering rights or interests, including but not limited to, any rights or interests appurtenant to the Museum Parcel.

2.5 Sunset has filed a Complaint (herein called the "Action") in the Superior Court of the State of California for the County of Los Angeles, No. C 77029 which is captioned Sunset Mass Property Owners Association, Plaintiffs, vs. J. Paul Getty Museum, Defendants 1 through 50, inclusive, Defendants. Such Complaint is for trespass, to quiet title to real property and for injunctive relief.

2.6 Sunset and Museum desire to enter into this Agreement for the purpose of resolving their dispute, whereby: the action and all cross-claims or counter-claims thereto shall be dismissed without prejudice; and, Sunset shall grant to Museum certain rights of exit over the Sunset Parcel to be appurtenant to the Museum Parcel leasehold estate subject to certain limitations, restrictions, conditions, and covenants of Museum.

### 3. DISMISSAL OF ACTION

Concurrently herewith the parties shall dismiss the Action without prejudice.

### 4. RIGHTS AND COVENANTS OF MUSEUM

4.1 Employees, officers, agents, guests, visitors and invitees of the Museum shall hereafter have the right to exit the Museum Parcel over that portion of the Sunset Parcel which is described on Exhibit B attached hereto and incorporated herein by this reference subject however to the following limitations, restrictions and conditions:

A) That said use of the Sunset Parcel by Museum employees, officers, agents, guests, visitors and invitees shall be maintained only as an exit from the Museum Parcel and that Museum shall at all times maintain and use a separate driveway and entrance from Pacific Coast Highway as an entrance to the Museum Parcel;

B) 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. Notwithstanding the provisions of this section, nothing herein contained shall abrogate or nullify the provisions of Paragraph 4.1 E) below, of this Agreement;

C) That immediately upon execution of this Agreement, Museum shall institute and use a reservation system for its guests, visitors and invitees for each day Museum is open to the public, whereby no 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, as such reservation system is determined and implemented by Museum. This section is not intended to apply and does not apply to residents, social guests, business invitees, and visitors of the two (2) private residences located on the property now owned by J. Paul Getty which adjoins the Museum Parcel, who may use the roadways located on Museum Parcel as a means of access to and from said private residences;

D) That said 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 and that adequate parking facilities exist on Museum premises to accommodate all Museum guests, visitors, invitees and employees;

E) That at all times all Museum employees, guests, visitors and invitees shall be required to park on or in Museum's parking facilities located on Museum's leasehold property. This requirement shall apply to all automobiles, motor coaches, busses, trucks and motorcycles.

4.2 Museum covenants and agrees that its use of the Sunset Parcel shall conform and comply with the limitations, restrictions and conditions which are set forth above in Paragraph 4.1.

4.3 (a) In addition to any and all of the other rights and remedies existing in favor of Sunset, in the event of any breach of the agreements and covenants set forth in Paragraph 4.2, Sunset shall give written notice of such breach and failure to the Museum. Museum shall have thirty (30) days from the receipt of said notice to remedy, cure and correct said breach. Provided, however, if Museum contests any such breach or failure as set forth in Sunset's written notice, then Museum shall have the right within such thirty (30) day period to initiate Arbitration proceedings with the American Arbitration Association and such controversy shall be settled by Arbitration in accordance with the rules, then obtaining, of the American Arbitration Association and the findings pursuant thereto shall resolve the controversy and be binding

upon the parties. If as a result of such arbitration it is determined that such breach or failure by Museum has occurred as set forth in Sunset's written notice then Museum shall have thirty (30) days from such finding within which to remedy, cure and correct such breach.

(b) In the event that Museum does not remedy and correct said breach within thirty (30) days of receipt of written notice from Sunset, or within thirty (30) days of receipt of final decision or ruling of the American Arbitration Association in favor of Sunset and against Museum, then such failure or violation of any of the limitations, restrictions or conditions of Museum's rights to exit over the Sunset Parcel by Museum, its officers, employees, agents, guests, visitors or invitees, as are provided above in Paragraph 4.1, shall be deemed a failure of condition whereupon all rights of Museum as set forth in Paragraph 4.1 shall be terminated, cancelled, released and reverted and shall be of no further force or effect whatsoever and the Sunset Parcel shall be free and clear of any and all rights or easements of any kind or character whatsoever in favor of Museum or appurtenant to the Museum Parcel; further, after any such violation of any such restrictions and attendant failure of any such conditions, any entry upon the Sunset Parcel by Museum, its officers, employees, agents, guests or invitees shall be subject to an action for damages and/or injunctive relief.

4.4 Rights of Museum as provided in Paragraph 4.1 which are subject to the conditions and provisions of Paragraph 4.1A) through E) inclusive, are appurtenant to Museum's leasehold estate in the Museum Parcel and are not transferable or assignable by Museum. Any such attempted transfer or assignment shall render any such rights void and of no further force or effect.

5. NOTICE

Any notice required or permitted to be given hereunder shall be in writing and may be served personally or by certified mail return receipt requested, addressed to the parties respectively at the addresses set forth opposite their signatures at the end of this Agreement.

6. NO WAIVER

No waiver by Sunset of any provision hereof shall be deemed a waiver of any other provisions hereof or of any subsequent breach or violation by Museum of the same or any other provisions. Sunset's consent to or approval of any act shall not be deemed to render unnecessary the obtaining of Sunset's consent to or approval of any subsequent act by Museum.

7. ATTORNEY'S FEES

If either party to this Agreement brings an action to enforce the terms hereof or declare rights hereunder, the prevailing party in such action, on trial or appeal, shall be entitled to reasonable attorney's fees and expenses to be paid by the losing party as fixed by the Court, or other tribunal, including fees and expenses of Arbitration.

8. BINDING EFFECT; CALIFORNIA LAW

Subject to the provisions of Paragraph 4.4, this Agreement shall bind the parties, and their personal representatives, successors and assigns. This Agreement shall be governed by the law of the State of California.

9. CANCELLATION

Notwithstanding any of the provisions herein contained to the contrary, at such time as Museum shall permanently discontinue its use of the Sunset Parcel altogether, and shall release any and all rights with respect to said parcel, including but not limited to rights of exit from Museum Parcel as provided in this Agreement,

then upon proper notice to Sunset, this Agreement shall be of no further force and effect.

Executed this 9th day of May, 1974, by the undersigned.

Address:  
18126 Coastline Drive  
Malibu, California 90265

SUNSET MESA PROPERTY OWNERS  
ASSOCIATION, a corporation

By Arthur M. McClure  
ARTHUR M. McCLURE, Pres.

By John L. Child  
JOHN L. CHILD, Treas.

Address:  
17985 Pacific Coast Highway  
Malibu, California 90265

THE W. PAUL GETTY MUSEUM, a  
Charitable Trust

By Norris Bramlett  
NORRIS BRAMLETT, as authorized agent and officer on behalf of the Trust and the Trustees thereof as set forth above in Paragraph 1.

APPROVED AS TO FORM:

BRILL, HUNT, DeBUYS & BURBY

By John R. Johnson  
JOHN R. JOHNSON  
Attorneys for Sunset

MUSICK, PEELER & GARRETT

By Donald J. Dren  
DONALD J. DREN  
Attorneys for Museum

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