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# Memo

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**Date** June 10, 2009

**To** Getty Villa Community Relations Committee

**From** The J. Paul Getty Trust

**Cc:** Stephen Clark, Patricia Woodworth, Melanie Ferguson, Guy Wheatley, Jeffrey Haber

**Subject** **Proposed Modifications to the CUP**

This memorandum confirms agreements between the J. Paul Getty Trust (the Getty) and the homeowners association member representatives to the Getty Villa Community Relations Committee (GVCRC) regarding proposed modifications to the Villa Condition Use Permit.

Condition No. 8 of the CUP requires a review and evaluation of the OCT's compliance with the CUP after the first three years of operation. Condition No. 8-f states in part: "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 ... new Conditions ...."

Several months ago, the Getty proposed to the GVCRC certain modifications to the CUP and related documents that the Getty wished to seek in the context of the three year review. Over the course of several meetings, the Getty and the GVCRC discussed those proposals and neighbor concerns and reached agreement about which modifications the Getty would seek. Some of the original proposals were approved without modification, some were dropped, and many were revised to address neighbor concerns. The Getty is grateful to the GVCRC members and the neighborhood organizations they represent for the time and thought they have committed to this project and, particularly, for the collegial way in which they have addressed these issues. The Getty is pleased that we have reached compromises which will, if adopted by the authorities, provide needed relief and flexibility to the Getty while protecting the interests of the Villa neighbors.

This memorandum will serve (a) as the parties' agreement regarding the changes to the CUP that the Getty will propose to the Planning Commission (and, as necessary, the Coastal Commission) and (b) our side agreement with regard to matters noted below (as indicated by italicized text). The Getty will not propose any other modifications to the CUP at this time. The Getty and the GVCRC will, a year after the Planning Commission completes the three-year review, review the effects of the modifications approved by the Planning Commission. If the GVCRC members believe that one or more of the CUP modifications have caused detrimental effects on the community, then the Getty and the GVCRC will consider and agree to appropriate changes to the applicable CUP modification. If the Getty and the GVCRC are unable to reach agreement on changes to the applicable CUP modification, then, at the request of a majority of the GVCRC homeowner association members, the Getty will no longer comply with the applicable CUP modification but will instead comply with the applicable CUP original condition.

The Getty will, consistent with Condition 8 and these agreements with the GVCRC, propose modifications of the CUP as follows.

1. Evening events for 100 people or more. The Getty will ask the Planning Commission to modify Condition No. 6-d regarding evening events for 100 people or more. The Getty will not request an increase in the total number of such events permissible during a year, but will ask for more flexibility about when these events may take place during the year. Specifically, the Getty will propose this change:

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~~ **104 nights per year with a maximum of 12 nights per month and 4 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.

2. Entry to the Villa site for OCT Performances. The Getty will ask the Planning Commission to omit that part of Condition No. 7-d that prohibits Outdoor Classical Theater-goers from entering the site between 5 p.m. and 7 p.m., subject to certain agreed upon limitations. Specifically, the Getty will propose this change:

~~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.

*This memorandum also reflects the Getty's agreement that, on OCT performance nights, a) the Villa will close to the public by 5:00 p.m.; (b) theater tickets will indicate that theater-goers may arrive no earlier than 5:30 p.m.; and (c) if, notwithstanding the information on the tickets, theater-goers arrive before 5:30 p.m., the Getty may permit them to enter the site.*

3. OCT Shuttle. The Getty will ask the Planning Commission to eliminate Condition No. 7-e, which requires that we maintain the off-site shuttle program.
4. Amplification in the OCT. The Getty will seek modification of the CUP to permit use of recorded and electronic music as well as spoken voice amplification in the OCT, subject to the limitation that recorded and electronic music would, like spoken voice amplification, not result in sound exceeding 65 dBA at the theater seating areas most distant from the stage area. Specifically, the Getty will ask the Planning Commission to modify Condition Nos. 7-g and 7-h as follows:

~~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. **Amplified instrumental or vocal music and recorded and electronic music shall also be permitted in the Outdoor Classical Theater, subject to this 65 dBA limitation and to Condition No. 7-n.<sup>1</sup>**

5. Amplification in the Inner and Outer Peristyle and Herb Gardens. The Getty will seek modification of the CUP to permit limited amplification of voice and instruments in the Inner and Outer Peristyle gardens and the herb garden. Specifically, the Getty will ask the Planning Commission to modify Condition 15 as follows:

Outdoor Public Address System. There shall be no outdoor public address system permitted on the subject property other than **(a) voice enhancement** amplification for the Outdoor

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<sup>1</sup> Condition 7-n provides: 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.

Classical Theater as described in Condition No. 7-h and (b) limited amplification of voice and instrumental music, but not brass or percussion instruments, in the Inner and Outer Peristyle gardens and the herb garden provided that the amplification will not exceed 65 dBA sixty feet from the speakers.

6. Neighborhood Protection Plan The CUP (Condition No. 8-f) requires the City Planning Commission to "determine whether further extension of the complaint monitoring procedure required ... 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."

a. Complaint monitoring. The applicant shall identify a contact person and establish a 24-hour, ~~toll-free~~ local telephone number for the receipt of complaints. **The Getty will respond promptly to 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 provided to the immediate neighbors and local homeowner associations and ii. A~~mailed at least once every 12 months to ~~all residents of owners of any property~~ **residents of owners of any property** located within 500 feet of the subject property **that are not within the jurisdiction of local homeowner associations.** ~~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.~~

*The Getty shall report to the Getty Villa Community Relations Committee at each meeting regarding all complaints received, and the Getty's responses to them.*

b. Community liaison. ~~If a~~ **The** Getty Villa Community Relations Committee **having been** is formed, the applicant shall **continue to** 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 **at least twice six times** 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.

**If the Getty and the representatives of the homeowner and community associations cannot reach such reasonable and practical resolution of any matter, the representatives of the homeowner and community associations may seek the intervention of the Council Office or the Planning Commission.**

7. Authority of City Planning Commission. The GVCRC expressed concern that future managers of the Getty might not have the same collegial relations with neighbors that the Getty currently enjoys. While the Getty hopes and expects that, with the GVCRC continuing to meet, collegial relations will continue, the Getty will ask the Planning Commission to amend the CUP to make it clear that this provision, which appears in some parts of the approval documents, applies to the full CUP.

**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.**

8. Third-party sound monitoring program. The Getty will, consistent with Condition No. 25-h, ask the Planning Commission to discontinue the third-party-monitoring program, subject to this agreement between the Getty and the GVCRC:

*This Memorandum also reflects the Getty's commitment to test noise within the OCT during each OCT production and promptly report its findings to the GVCRC. If, based on credible complaints of excessive noise from the Outdoor Classical Theater or amplified events in the Inner or Outer Peristyles or herb garden, the GVCRC requests third party testing, the Getty will undertake third party testing at the five perimeter locations identified in the CUP to ensure that OCT sound levels do not exceed the limits established in the CUP.*

9. The Getty will ask the Planning Commission (and the Coastal Commission) to amend the CUP and related documents to authorized maximum attendance of 500 at the OCT.

The maximum number of persons attending theatrical or musical performances at the Outdoor Classical Theater shall not exceed **500** ~~450~~.