

CITY OF LOS ANGELES  
CALIFORNIA



RICHARD J. RIORDAN  
MAYOR

DEPARTMENT OF  
CITY PLANNING  
221 N. FIGUEROA STREET  
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California Coastal Commission  
South Coast Area Office  
200 Oceangate, 10<sup>th</sup> Floor  
Long Beach, CA 90802-4302

Attn: Jim Ryan

**NOTICE OF PERMIT ISSUANCE**

DATE: December 27, 1999  
CDP NUMBER: 98-015  
ADDRESS: 17985 Pacific Coast Highway (Getty Villa)

Please take notice that, in accordance with Section 12.20.2 H of the Los Angeles Municipal Code, the above referenced Coastal Development Permit was issued on December 21, 1999 by the Los Angeles City Council, acting on appeals from the action taken by the City Planning Commission on the Coastal Development Permit and conditional use approvals and from the action taken by the Board of Zoning Appeals on a zone variance for the underlying project, pursuant to a public hearing held by the Council on December 15, 1999.

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

- (X) The proposed development is in the dual permit jurisdiction area, and will require an additional permit from the California Coastal Commission upon the expiration of the above 20 working day appeal period. **NOTE:** The subject property extends both into the single and dual permit jurisdiction area. Most of the proposed development is located within the single permit jurisdiction area.
- ( ) The proposed development is in the single permit jurisdiction area, and if the application is not appealed within the 20 working day period, the applicant may apply to the city of Los Angeles Department of Building and Safety for a building permit.

CON HOWE  
Director of Planning

By Larry Friedman

Larry Friedman, City Planner  
Print Name and Title of Individual Signing

(over)

PUBLIC COUNTER & CONSTRUCTION SERVICES CENTER  
201 NORTH FIGUEROA STREET, ROOM 300 • (213) 977-6083  
VAN NUYS 6251 VAN NUYS BLVD. 1<sup>st</sup> FLOOR, VAN NUYS 91401 • (818) 756-8596

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

**1. Article Addressed to:**

California Coastal Commission  
South Coast Area Office  
200 Oceangate, 10th Floor  
Long Beach, CA 90802-4302

ATTN: Jim Ryan

**2. Article Number (Copy from service label)**

**2 322 900 971**

**COMPLETE THIS SECTION ON DELIVERY****A. Received by (Please Print Clearly)****B. Date of Delivery****C. Signature****X**☐ Agent☐ Addressee**D. Is delivery address different from item 1?**☐ Yes

If YES, enter delivery address below:

☐ No**3. Service Type**☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.**4. Restricted Delivery? (Extra Fee)**☐ Yes

J. MICHAEL CAREY  
City Clerk

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

CITY OF LOS ANGELES  
CALIFORNIA



RICHARD J. RIORDAN  
MAYOR

Office of the  
CITY CLERK  
Council and Public Services  
Room 615, City Hall  
Los Angeles, CA 90012  
Council File Information - (213) 485-5701  
General Information - (213) 485-5705

99-1999-S1

CD 11

December 21, 1999

California Coastal Commission  
South Coast Area Office  
200 Oceangate, 10<sup>th</sup> Floor, Suite 1000  
Long Beach, CA 90802-4302

Council Member Miscikowski  
Planning Commission  
Director of Planning  
Board of Zoning Appeals  
Office of Zoning Administration (2)  
Advisory Agency  
Bureau of Engineering,  
Development Services Division  
Attn: Glenn Hirano  
Department of Transportation,  
Traffic/Planning Sections  
Department of Building and Safety,  
C/O Zoning Coordinator

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  
Bureau of Street Lighting,  
"B" Permit Section

SEE ATTACHED LIST FOR FURTHER NOTIFICATIONS

RE: ZONE VARIANCE APPEAL FOR THE PROPERTY AT 17985 PACIFIC COAST HIGHWAY  
(GETTY VILLA MUSEUM)

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

Attached report adopted.....	_____
" motion " ( ).....	_____
" resolution " ( ).....	_____
Motion adopted to approve attached report.....	X
communication.....	_____
To the Mayor FORTHWITH.....	_____
Mayor vetoed.....	_____
Mayor concurred.....	_____
Mayor failed to act - deemed approved.....	12-20-99
Findings adopted.....	X
Categorically exempt.....	_____
Generally exempt.....	_____
IR certified.....	X

J. Michael  
City Clerk  
vdw

Mayor's Time Stamp

RECEIVED

99 DEC 20 AM 9:39

DEPUTY MAYOR

FORTHWITH

City Clerk's Time Stamp

CITY CLERK

99 DEC 20 AM 9:19

SUBJECT TO MAYOR'S APPROVAL

COUNCIL FILE NO. 99-1999-S1

COUNCIL DISTRICT NO. 11

COUNCIL APPROVAL DATE December 15, 1999

RE: ZONE VARIANCE APPEAL FOR THE PROPERTY AT 17985 PACIFIC COAST HIGHWAY  
(GETTY VILLA MUSEUM)

LAST DAY FOR MAYOR TO ACT DEC 30 1999  
(10 Day Charter requirement as per LAMC 12.24H)

DO NOT WRITE BELOW THIS LINE - FOR MAYOR OFFICE USE ONLY

APPROVED

\*DISAPPROVED

\*Transmit objections in  
writing pursuant to  
LAMC 12.24H

DATE OF MAYOR APPROVAL OR DISAPPROVAL DEC 20 1999

*Richard H. Rink*

(COPY)

MAYOR  
vdw

scene\991999.1

TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

Your                      PLANNING AND LAND USE MANAGEMENT                      Committee

reports as follows:

	Yes	No
Public Comments	<u>XX</u>	<u>  </u>

ENVIRONMENTAL IMPACT REPORT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING REPORT and PLANNING AND LAND USE MANAGEMENT COMMITTEE REPORT relative to Zone Variance appeal 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 Board of Zoning Appeals as the Findings of Council as well as environmental findings.
4. RESOLVE TO DENY APPEAL filed by Pacific Coast Homeowners (Bob Lockyer), appellant, from the entire determination of the Board of Zoning Appeals in sustaining the decision of the Zoning Administrator under BZA Case No. 5763, and from the entire determination in granting the applicant's appeal, in part, under BZA Case No. 5764, THEREBY GRANT a variance to permit a reduction in Code required on-site parking to a maximum of 560 spaces, with visitor parking by-reservation only, in conjunction with the renovation and expansion of the Getty Villa and Museum facility (an addition of approximately 76,000 square feet to an existing approximately 134,000 square for a new total of 210,000

square feet), for property at 17985 Pacific Coast Highway.

Applicant: J. Paul Getty Trust

BZA 5763 & 5764  
ZA 98-0817-2V

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

TIME LIMIT FILE - FEBRUARY 14, 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 an appeal filed by Pacific Coast Homeowners (Bob Lockyer), appellant, from the entire determination of the Board of Zoning Appeals in sustaining the decision of the Zoning Administrator under BZA Case No. 5763, and from the entire determination in granting the applicant's appeal, in part, under BZA Case No. 5764, in granting a variance to permit a reduction in Code required on-site parking to a maximum of 560 spaces, with visitor parking by-reservation only, in conjunction with the renovation and expansion of the Getty Villa and Museum facility (an addition of approximately 76,000 square feet to an existing approximately 134,000 square for a new total of 210,000 square feet), for property 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.

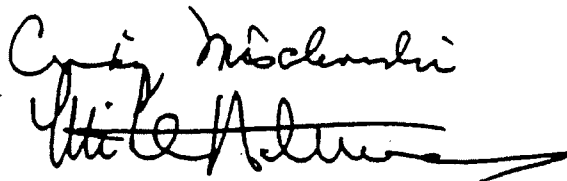
The Planning and Land Use Management Committee conducted joint public hearings for both appeals related to both the matter of the theater expansion and parking and the conditional use for the on-site sale and consumption of alcohol (Council File Nos. 99-1999, S1). During the public comment period, project 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 Pacific Coast Homeowners, thereby approving the proposed project to expand the outdoor theater, subject to Conditions of Approval as modified.

Respectfully submitted,

PLANNING AND LAND USE MANAGEMENT COMMITTEE



JAW:ys

12/14/99

Enc: BZA 5763 & 5764

ZA 98-0817-ZV

CD 11

Attachments: Conditions of Approval, as modified

1991999a.1

**ADOPTED**

MOTION ADOPTED TO APPROVE COMMITTEE REPORT RECOMMENDATION  
DEC 15 1999

Mayor With File - LMC  
- 12.2A -

LOS ANGELES CITY COUNCIL  
FINDINGS ADOPTED  
BY CERTIFIED  
TO THE MAYOR

CONDITIONS OF APPROVAL

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted and approved pursuant to City Plan Case Nos. CPC 98-0361-CU and 98-0370-CUB/CDP 98-015. A copy of the plot plan shall be given to the Zoning Administrator for placement in the file. The plot plan shall identify the total number of parking spaces and their locations, including automobile and bus parking.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms conditions established herein shall be recorded in the County Recorder's Office. The agreement shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
5. The locations and character of the 560 on-site parking spaces for the subject facility shall be specifically approved by the Zoning Administrator, (and any subsequent modifications as may be approved on appeal).
6. Pedestrian/Parking Reservation System: Pedestrian and walk-in traffic to the Villa shall not be permitted except by scheduling 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 City Plan Case 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



CF 99-1999-S1  
BZA 5763 & 5764  
ZA 98-0817-ZV

traffic on the westbound approach (traveling toward Malibu) and that vehicles may not enter the property via Coastline Drive.

7. Buses shall be prohibited from parking or idling off-site while the riders are visiting the subject facility.
8. All of the requirements of City Plan Case Nos. CPC 98-0361-CU and 98-0370-CUB/CDP No. 98-015 (and any modifications thereto) shall be in addition to those contained herein. In the event that conditions conflict, the more restrictive shall apply.
9. The findings of Environmental Impact Report No. 96-0077-CUZ(ZV) (DA)(CDP)(CUB), Statement of Overriding Conditions and any subsequent amendments thereto are incorporated herein by reference. A copy of said findings are located in the Case File No. ZA 97-0817(ZV).
10. Any change in the character and mode of operations at the subject site as conditioned by City Plan Case Nos. CPC 98-0361-CU and 98-0370-CUB/CDP No. 98-015 shall require a new parking variance application and public hearing.
11. Plan Approval Review of automobile and bus parking. The applicant shall file a Plan Approval Review for the Parking Variance at the same time and under the same procedures and requirements as the Plan Review required pursuant to City Plan Case Nos. CPC 98-0361-CU and 98-0370-CUB/CDP No. 98-015. The purpose of the Plan Approval Review will be to determine the applicant's compliance with the parking requirements, including maintenance of the reservation system, enforcement of bus parking, idling prohibitions, etc. The parking review shall be conducted before a Zoning Administrator.

1991999a.doc

J. MICHAEL CAREY  
City Clerk

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

CITY OF LOS ANGELES  
CALIFORNIA



RICHARD J. RIORDAN  
MAYOR

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General Information - (213) 483-5705

99-1999

CD 11

December 21, 1999

California Coastal Commission  
South Coast Area Office  
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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

State of California  
Alcoholic Beverage Control  
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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 (GETTY VILLA MUSEUM)

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.....	_____
Mayor failed to act - deemed approved.....	_____12-20-99_____
Findings adopted.....	_____X_____
EIR certified.....	_____X_____

*J. Michael Carey*  
City Clerk  
vdw

CF 99.1999  
CPC 98-0370-CUB  
"GETTY VILLA"  
\\docs\reports\W991999.lab

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LOS ANGELES, CA 90071

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ATTN: STEPHEN ROUNTREE  
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DEPT. / ALCOHOLIC BEVERAGE CONTROL  
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CALIFORNIA COASTAL COMMISSION  
SOUTH COAST AREA OFFICE  
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Sylvia Sethur  
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CF 99-1999  
CPC 98-0376-CUB  
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IndocsreportsW991999.bb

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OKID

Mayor's Time Stamp

RECEIVED

FORTEWITH

City Clerk's Time Stamp

DEC 20 AM 9:21

SUBJECT TO MAYOR'S APPROVAL

COUNCIL FILE NO. 99-1999 COUNCIL DISTRICT NO. 11


COUNCIL APPROVAL DATE December 15, 1999

RE: CONDITIONAL USE AND COASTAL DEVELOPMENT PERMIT APPEALS FOR THE  
PROPERTY AT 17985 PACIFIC COAST HIGHWAY (GETTY VILLA MUSEUM)

DEC 30 1999

LAST DAY FOR MAYOR TO ACT  
(10 Day Charter requirement as per LAMC 12.24H)

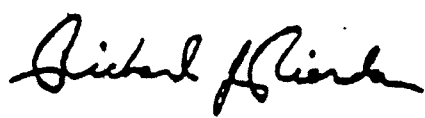
DO NOT WRITE BELOW THIS LINE - FOR MAYOR OFFICE USE ONLY

APPROVED  


\*DISAPPROVED

\*Transmit objections in  
writing pursuant to  
LAMC 12.24H

DATE OF MAYOR APPROVAL OR DISAPPROVAL DEC 20 1999



(COPY)

MAYOR  
vdw

steno\991999

COUNCIL VOTE

15-Dec-99 12:32:47 PM, #1

ITEM NO. (9)

Voting on Item(s): 9

Roll Call

BERNSON	Yes
CHICK	Yes
FEUER	Yes
GALANTER	Absent
GOLDBERG	Absent
HERNANDEZ	Yes
HOLDEN	Yes
MISCIKOWSKI	Yes
PACHECO	Yes
PADILLA	Yes
RIDLEY-THOMAS	Absent
*SVORINICH	Yes
WACHS	Yes
WALTERS	Yes
FERRARO	Absent
Present: 11, Yes: 11 No: 0	

CF 99-1999  
CPC 98-0361 CU; 98-0370-CUB; & CDP 98-015

#### FINDINGS

At the Council Planning and Land Use Committee meeting held on December 14, 1999, Councilmember Cindy Miscikowski introduced a Motion which provided various additional conditions/modifications to the conditions of approval set forth in the City Planning Commission's determination of September 22, 1999 for City Plan Case Nos. 98-0361 CU and 98-0370 CUB and Coastal Development Permit No. 98-015. The applicant's representative, Mr. Donald P. Baker of Latham and Watkins, indicated to the Committee that his client was aware of the additional conditions/modifications, including the financial penalty provisions, and agreed to comply with the terms of the revised conditions.

#991999.f

CF 49.1199

3. 4

Sum 2017

CD

12-4-50

## MOTION

CPC 98-0361-CU and 98-0370-CUB/ CDP No. 98-015.

These additional conditions/modifications are essential to achieving an appropriate level of project impact mitigation.

Amend Condition 4a: 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 Case Numbers BZA 5763 and 5764.

Amend Condition 4b: The elevations for the 2 1/2 to 3 level, partially subterranean 250 space parking structure located southwest of the Museum shall be corrected to be consistent with the elevations shown on Exhibit E-5 (Modified Garage Site Plan), attached to the subject case files.

Amend Condition 7b: The maximum number of persons attending performances at the Outdoor Classical Theater shall not exceed 450.

Amend Condition 8f: 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, including the imposition of financial penalties in the amount of \$250,000 for each such violation and reduction in the number of performances, permitted size of the audience or the reduction in the number of annual operating days, 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 whether not complied with or if it is determined that the Outdoor Classical Theater use is contributing substantially to the detriment of the surrounding community.

Amend Condition 17: On-site vehicular parking shall be provided as follows: in the 2 1/2 to 3 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.

Amend Condition 17b: 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.

Amend Condition 17c: 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 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.

Amend Condition 18: 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. In the event that any of the Transportation Improvements (off-site) described in this Condition 18 is rejected by the County Department of Public Works, the Metropolitan Transportation Authority (MTA), Caltrans or any other responsible agency, or is not approved prior to or concurrently with the approval of a building permit by the City of Los Angeles, then the project shall be deemed as having satisfied this Condition 18. In the event that the County Department of Public Works, the Metropolitan Transportation Authority (MTA), Caltrans, the California Highway Patrol or any other responsible agency, rejects any of the proposed transportation improvements described in this Condition 18, then the Department of Transportation shall identify a substitute transportation improvement not to exceed the cost of the originally proposed improvement. In the event that such substitute improvement is rejected by the County Department of Public Works, the Metropolitan Transportation Authority (MTA), Caltrans or any other responsible agency, or is not approved prior to or concurrently with the approval of a building permit by the City of Los Angeles, then the applicant shall contribute an amount equal to the cost of that improvement to the interest bearing account to be established in connection with the Neighborhood Protection Plan required pursuant to Condition 24 (below), which amount shall be designated for the purpose of making transportation improvements related to Pacific Coast Highway. All such amounts will be expended, and in the case of unspent funds returned to the property owner, in the manner provided in Condition 24 for the improvements made as part of the Neighborhood Protection Plan.

Amend Condition 24: If the applicant fails to abide by any of the terms of the Neighborhood Protection Plan, the City shall impose appropriate sanctions, including financial penalties in the amount of \$250,000 for each such violation.

Amend Condition 24d: The Plan may include landscaping and buffering, acoustical and traffic improvements and improvements of the State Park at Los Liones, 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.

Amend Condition 25gi: 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 pay a penalty of \$250,000 for each such violation to be deposited in a the Neighborhood Protection Plan fund and 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.

Add New Condition: The applicant shall implement a Traffic Management Program (as required by environmental mitigation measures B-14 through B-18) with a Trip Reduction Plan for its employees including consideration of the development of a shuttle system to transport employees, visiting scholars and business visitors between the Getty Villa, Getty Center and Getty Trust facilities to the satisfaction of the DOT, CPC and the ZA prior to the issuance of a certificate of occupancy or temporary certificate of occupancy.

Add New Condition: Develop an educational program with broad community outreach for those that otherwise cannot get to the Getty Villa. such as seniors, disadvantaged children, disabled, infirm, etc. The program shall travel to off-site venues such as other museums, parks, senior centers, etc. throughout the City.

Amend Condition E4(a): (Environmental Mitigation Measures) Delete "600" and replace with "450" seats.

Add New Condition: Council to authorize the Planning Director to enter into a 3<sup>rd</sup> party contract as required by Condition 25A.

TO THE COUNCIL OF THE  
CITY OF LOS ANGELES

Your                      PLANNING AND LAND USE MANAGEMENT                      Committee  
reports as follows:

	Yes	No
Public Comments	<u>XX</u>	<u>  </u>

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. 2A 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.

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

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

*Cindy Miscikowski*  
*[Signature]*

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

hph

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>
TOTAL	210,000

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;

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\* 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 earthberm 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, server 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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