

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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Th10a

Date Filed: 3/10/2009
49th Day: 4/28/2009
180th Day: 9/6/2009
Staff: Charles Posner-LB
Staff Report: 5/21/2009
Hearing Date: June 11, 2009
Commission Action:

**STAFF REPORT: MATERIAL AMENDMENT**

AMENDMENT NUMBER: 5-98-071-A1

APPLICANT: Axe Restaurant (Joanna Moore)

AGENT: Philip J. Hess, Attorney

PROJECT LOCATION: 1009 Abbot Kinney Boulevard, Venice, City of Los Angeles.

ORIGINAL PROJECT DESCRIPTION - APPROVED MAY 14, 1998:

Restaurant with 690 square feet of dining area on the ground floor of an existing two-story structure (with no on-site parking).

DESCRIPTION OF PERMIT AMENDMENT REQUEST:

Establish a 600 square foot patio dining area as part of an existing restaurant with 690 square feet of indoor dining area, and provide off-site parking with valet service.

Lot Area	4,882 square feet
Building Coverage	1,984 square feet
Pavement Coverage	1,018 square feet
Landscape Coverage	1,880 square feet
Parking Spaces	0
Zoning	C2-1 Commercial
Plan Designation	Community Commercial
Building Height	25 feet above fronting street

SUMMARY OF STAFF RECOMMENDATION

Special Condition One of the underlying coastal development permit requires the applicant to obtain Commission approval for any increase in customer service area. In this case, the applicant is requesting approval to increase the amount of dining area in the restaurant from 690 square feet to 1,290 square feet. The applicant is also proposing to provide assisted off-site parking in order to mitigate the anticipated increase in parking demand. Staff is recommending **APPROVAL** of the permit amendment with special conditions that require the implementation of the proposed assisted off-site parking program and the implementation of Best Management Practices (BMPs) to protect water quality. The applicant agrees with the staff recommendation. **The motion to accomplish the staff recommendation is on Page Two.**

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles certified Land Use Plan for Venice, 6/14/2001.
2. City of Los Angeles Specific Plan for Venice, Ordinance No. 175,693.
3. Coastal Development Permit 5-98-071 (Mitchell, Watts & McBain).
4. City of Los Angeles Department of City Planning Case No. ZA-97-0849-CUB (Conditional Use Permit for Beer & Wine).
5. City of Los Angeles Department of City Planning Case No. APCW-2007-4515 (Venice Specific Plan Project Permit & Parking Exception).
6. City of Los Angeles Department of City Planning Mitigated Negative Declaration No. ENV-2007-5467-MND (CEQA).

PROCEDURAL NOTE: The Commission's regulations provide for referral of permit amendment requests to the Commission if:

- 1) The Executive Director determines that the proposed amendment is a material change,
- 2) Objection is made to the Executive Director's determination of immateriality, or
- 3) The proposed amendment affects conditions required for the purpose of protecting a coastal resource or coastal access.

In this case, the Executive Director has determined that the proposed amendment is a material change that affects a condition required for the purpose of protecting a coastal resource. If the applicant or objector so requests, the Commission shall make an independent determination as to whether the proposed amendment is material. [Title 14 California Code of Regulations 13166].

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution to **APPROVE** the permit amendment request with special conditions:

MOTION: *"I move that the Commission approve the proposed amendment to Coastal Development Permit 5-98-071 pursuant to the staff recommendation."*

Staff recommends a **YES** vote. Passage of this motion will result in approval of the amendment and adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

I. Resolution for Approval of the Permit Amendment

The Commission hereby approves the coastal development permit amendment on the ground that the development as amended and conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any

significant adverse effects of the amended development on the environment, or 2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the amended development on the environment.

II. Special Conditions of the Permit Amendment

1. Approved Development

Coastal Development Permit Amendment 5-98-071-A1 approves the use of a 600 square foot patio dining area as part of a restaurant with a 690 square foot indoor dining area (**as shown on Exhibit No. 3 of the Staff Report dated May 21, 2009**). The use of the 600 square foot patio dining area is contingent upon the permittee's continued implementation of the assisted off-site parking program proposed and approved pursuant to this permit amendment (**as described in Exhibit #4 of the Staff Report dated May 21, 2009**). In the event of non-compliance with the approved assisted off-site parking program (e.g., loss of any of the leased off-site parking stalls), the permittee's right to use the 600 square foot patio dining area for customer service shall terminate. All development must occur in strict compliance with the special conditions and the final plans approved by the Executive Director. Any deviation from the approved plans, proposed change in use, expansion of customer dining areas, change to the approved assisted off-site parking program, change in number of parking stalls, or any other deviation from the approved development, shall be submitted for review by the Executive Director to determine whether another amendment to this coastal development permit is necessary pursuant to the requirements of the Coastal Act and the California Code of Regulations. If the Executive Director determines that an amendment is necessary, no changes shall be made until a permit amendment is approved by the Commission and issued by the Executive Director.

2. Protection of Marine Resources

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT AMENDMENT, the applicant shall submit plans, subject to the review and approval of the Executive Director, for the implementation of appropriate source control, treatment, and both structural and non-structural Best Management Practices (BMPs) to mitigate the pollutant load of stormwaters and nuisance flows from the development site. The BMPs shall include, but are not limited to the following:

- A. Washing-down of impervious surfaces is prohibited, unless these nuisance flows are diverted through an approved filter and do not contribute any additional pollutants to the runoff.
- B. The applicant shall use trash and recycling containers that, if they are to be located outside or apart from the principal structure, are fully enclosed and water-tight in order to prevent stormwater contact with waste matter which can be a potential source of bacteria, grease and other pollutants in runoff.
- C. Wash down areas for restaurant equipment and accessories shall be designed as follows: i) The area should be self-contained, equipped with a grease trap or

grease interceptor, or other BMP that prevents grease from reaching the sewer system, and properly connected to a sanitary sewer; ii) if the wash area is to be located outdoors, it should be covered, paved, have primary containment, and be connected to the sanitary sewer; and, iii) the grease trap/interceptor shall be regularly maintained according to manufacturer's specifications to ensure maximum removal efficiencies.

The permittee shall implement, maintain and carry out the plans for BMPs as approved by the Executive Director.

3. Local Government Approval

This action has no effect on conditions imposed by a local government pursuant to an authority other than the Coastal Act, including the conditions of the City of Los Angeles Department of City Planning Case No. APCW-2007-4515 (Venice Specific Plan Project Permit & Parking Exception). In the event of conflict between the terms and conditions imposed by the local government and those of this amended coastal development permit, the terms and conditions of Coastal Development Permit Amendment 5-98-071-A1 shall prevail.

III. FINDINGS AND DECLARATIONS

The Commission hereby finds and declares:

A. Project Description

On May 14, 1998, the Commission approved Coastal Development Permit 5-98-071 for a restaurant with 690 square feet of dining area on the ground floor of an existing two-story commercial building situated on a C2-1 zoned lot on the north (inland) side of Abbot Kinney Boulevard (See Exhibits). Offices occupy the second floor. The site is land-locked and has no on-site parking supply (Exhibit #2). The existing restaurant is not required to provide any parking. The site is about one-half mile inland of the ocean and across the street from Westminster Elementary, a public school (Exhibit #1). Abbot Kinney Boulevard is an established pedestrian-oriented commercial street that is lined with small restaurants, boutiques, stores, art galleries, and artist residences. Both sides of Abbot Kinney Boulevard have curbside public parking. Residential neighborhoods surround the boulevard.

The applicant is now seeking Commission approval to expand the existing restaurant's customer service area by using a 600 square foot portion of the rear yard for patio dining (Exhibit #3). The special condition of the underlying permit states that any increase in customer area will require a new permit or an amendment, and that off-street parking must be provided with any proposed increase in customer service area.

Special Condition One of Coastal Development Permit 5-98-071 states:

1. Permitted Use – Prior to the issuance of the coastal development permit, the applicants shall record a deed restriction, in a form and content approved by the Executive Director, which states that: a) the permitted use of the ground floor of

the structure located at 1009 Abbot Kinney Boulevard is limited to a restaurant with 690 square feet of customer dining area; b) any intensification or change in use of the structure, including any increase in customer service area, will require an amendment to the permit of new coastal development permit; and c) any application that proposes an increase in customer service area shall be accompanied by a parking plan that provides off-street parking for customers.

In 2008, the applicant obtained the City's approval of the proposed restaurant expansion with assisted off-site parking (Case No. APCW-2007-4515 - Venice Specific Plan Project Permit & Parking Exception). The City approval includes a set of conditions that regulate the use of the proposed patio dining area (e.g., noise, hours and sanitation) and require the provision of the proposed assisted off-site parking program (Exhibit #5).

Parking Program (Exhibit #4)

As part of the application, and as required by the terms of the restaurant's underlying coastal development permit, the applicant is proposing to provide off-street parking for its customers. The restaurant's proposed parking program will provide customers with assisted off-site parking (valet service) on Wednesdays through Sundays from 6 p.m. to closing. The restaurant is currently closed on Mondays and Tuesdays. The curbside vehicle drop-off and pick-up area (valet stand) is the white curb passenger loading zone that exists in front of the restaurant on Abbot Kinney Boulevard (Exhibit #3). The customers' vehicles will be parked by the valets at two locations within two hundred feet of the restaurant: 1) five stalls at 920 Abbot Kinney Boulevard, an office building; and 2) fifteen stalls at Westminster Elementary School - 1010 Abbot Kinney Boulevard (Exhibit #2). The applicant leases five stalls from the owner of 920 Abbot Kinney Boulevard for use on Wednesday, Thursday and Sunday evenings. The applicant has a contract with the valet service, and the valet service has an agreement to use fifteen stalls at Westminster Elementary School on Friday and Saturday evenings.

B. Land Use

A restaurant is an appropriate land use for the project site as the certified City of Los Angeles Land Use Plan for Venice (Venice LUP) designates the site with the "Community Commercial" land use category, the lot is zoned by the City as C2-1 (Commercial), and the Coastal Act requires that visitor-serving commercial uses be given priority over residential and other non-priority land uses. Section 30222 of the Coastal Act states:

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

In addition, Coastal Act Section 30252(2) states that new development should provide commercial facilities within or adjoining residential development as a way to reduce vehicular traffic. Coastal Act Section 30252(2) states:

The location and amount of new development should maintain and enhance public access to the coast by (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads.

The proposed restaurant project will provide coastal visitors and nearby residents with more sit-down dining service. The certified Venice LUP specifically calls for visitor-serving commercial uses, such as restaurants, to be located in the Community Commercial land use designation. Therefore, the restaurant use and the proposed expansion of the use complies with Section 30222 of the Coastal Act and the land use designation set forth by the certified Venice LUP because it is a visitor-serving commercial use.

C. Public Access/Parking

New development must provide an adequate parking supply in order to protect the existing public parking facilities that support public access to the many recreational opportunities available in Venice. The provision an increased parking supply is required by the certified Venice LUP and Section 30252 of the Coastal Act.

Certified LUP Policy II.A.1 states:

Policy II. A. 1. General. *It is the policy of the City to provide increased parking opportunities for both visitors and residents of Venice, and improve summer weekend conditions with respect to Venice Beach parking and traffic control.*

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

The Commission has consistently found that a direct relationship exists between the provision of adequate parking and availability of public access to the coast. Section 30252 of the Coastal Act requires that public access be protected by ensuring that adequate parking is provided to meet the increased parking demand generated by new development. Further intensification of uses in the project area will increase the demand for parking. The demand for parking already surpasses the supply during peak use periods. The peak use periods along Abbot Kinney Boulevard are primarily evenings when residents return home from work and restaurant customers arrive for dinner. The public parking supply in Venice is also strained on summer weekends when people flock to the beach.

In order to conform to the requirements of the Coastal Act, the proposed project is required to maintain and enhance public access to the coast by providing adequate parking facilities. The amount of parking that is “adequate” is typically determined by calculating the parking demand of a specific project using a parking standard. The parking standard is usually part of a certified local coastal program or zoning ordinance. The Commission, on June 14, 2001, certified the Venice Land Use Plan (LUP), which contains specific policies to carry out the requirements of the Coastal Act. The certified Venice LUP requires that new development, including expansion of uses, shall provide the necessary additional parking spaces as required by the LUP Parking Requirement Table, or pay the City an in lieu fee.

Policy II.A.3 of the certified LUP states:

Policy II. A. 3. Parking Requirements. *The parking requirements outlined in the following table shall apply to all new development, any addition and/or change of use. The public beach parking lots and the Venice Boulevard median parking lots shall not be used to satisfy the parking requirements of this policy. Extensive remodeling of an existing use or change of use which does not conform to the parking requirements listed in the table shall be required to provide missing numbers of parking spaces or provide an in-lieu fee payment into the Venice Coastal Parking Impact Trust Fund for the existing deficiency. The Venice Coastal Parking Impact Trust Fund will be utilized for improvement and development of public parking facilities that improve public access to the Venice Coastal Zone.*

The certified LUP parking table, contained within LUP Policy II.A.3, sets forth the parking requirements for restaurants as follows:¹

Restaurant: 1 space for each 50 square feet of service area (including outdoor).

The applicant’s proposal includes five leased off-site parking stalls (located at 920 Abbot Kinney Boulevard) for customer use on Wednesday, Thursday and Sunday evenings, and fifteen leased off-site parking stalls (located at Westminster Elementary School) for customer use on Friday and Saturday evenings (Exhibit #4). The restaurant is currently closed on Mondays and Tuesdays. The applicant is not proposing to pay an in lieu fee into the Venice Coastal Parking Impact Trust Fund, nor has the City required any in lieu fee in this case.

The proposed increase in customer seating area is 600 square feet. The applicant is not proposing to provide the twelve parking spaces (one per fifty square feet) to meet the parking standard set forth by the certified Venice LUP, except on Friday and Saturday evenings after 6 p.m. No parking is being provided before 6 p.m. on any day. The proposed restaurant expansion, however, is relatively small, and the proposed off-site parking plan will provide more than the required number of spaces on Friday and Saturday evenings when the parking demands for the area’s restaurants peaks. Additionally, Abbot Kinney Boulevard is a pedestrian oriented street that serves the local area, and the applicant asserts that many of the restaurant’s customers are locals who walk or bicycle to the site. There are two bicycle racks outside of the restaurant which are regularly used by patrons. Public transportation (MTA bus) is also available on Main Street, about two blocks west of the site (Exhibit #2).

¹ The parking standards in the certified Venice LUP are identical to the parking standard contained in the Commission’s Regional Interpretive Guidelines for Los Angeles County, adopted 1980.

Even though the proposed project does not conform with the parking standards set forth by the certified Venice LUP and the Venice Specific Plan, the City approved the proposed restaurant expansion by granting a Parking Exception and requiring the implementation of the proposed assisted off-site parking program.

The primary issue for the permit amendment is whether the proposed project will adversely affect coastal access. In this case, the proposed project will not have a significant adverse affect on the parking supply that supports coastal access because of the limited scope of development (a 600 square foot dining patio), the distance of the site from the beach (about two thousand feet), and the implementation of the proposed assisted off-site parking program. Therefore, as conditioned by Special Condition One to mitigate the parking demands of the proposed restaurant expansion by implementing the proposed off-site parking program (as described in Exhibit #4 of the Staff Report), the Commission finds that the proposed project and permit amendment are consistent with the public access policies of the Coastal Act. In the event of non-compliance with the approved assisted off-site parking program (e.g., loss of any of the leased off-site parking stalls), the permittee's right to use the 600 square foot patio dining area for customer service shall terminate.

D. Control of Polluted Runoff

Section 30230 of the Coastal Act states:

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

Section 30231 of the Coastal Act states:

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

The restaurant poses a potential source of pollution due to contaminated runoff from the restaurant and its trash areas. Runoff from the site enters the City's stormdrain system and is ultimately discharged into the marine environment. Untreated wastewater from the site must be prevented from negatively affecting the marine resources in the adjacent waters of the Pacific Ocean. In order to mitigate potential impacts to marine resources caused by polluted runoff leaving the site, a special condition requires the applicant to incorporate best

management practices (BMPs) into the project and site management procedures to reduce or prevent contaminants from running off the site.

As conditioned, the proposed development will minimize water quality impacts and is consistent with past Commission action with regards to water quality requirements. A similar condition was imposed by the Commission when it approved small restaurant intensifications at: 1401 Ocean Front Walk [Amendment 5-93-389-A1 (10/8/01)], 205 Ocean Front Walk [Permit 5-01-177 (10/8/01)], 18 Washington Boulevard [Permit 5-03-378 (1/15/04)], and 796 Main Street [Amendment A5-07-200-A1 (11/14/08)]. The Commission, therefore, finds that, as conditioned, the development will be consistent with Sections 30230 and 30231 of the Coastal Act.

E. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with Chapter 3 policies of the Coastal Act:

- (a) Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a Coastal Development Permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

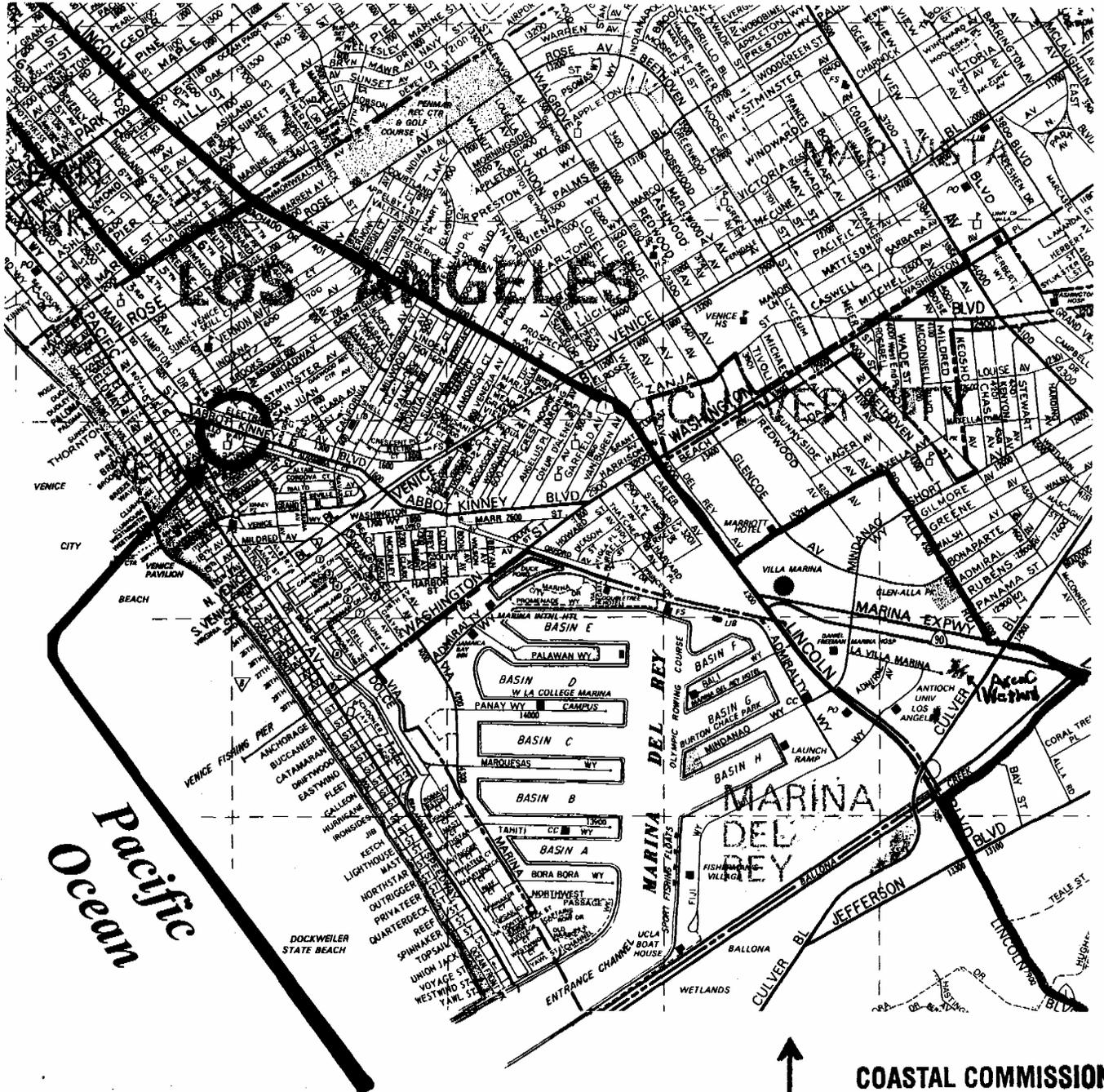
The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The City of Los Angeles Land Use Plan (LUP) for Venice was effectively certified on June 14, 2001. The proposed development, as conditioned, provides off-site parking and is consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

F. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed development, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed development and permit amendment can be found consistent with the requirements of the Coastal Act to conform to CEQA.

VENICE, CA



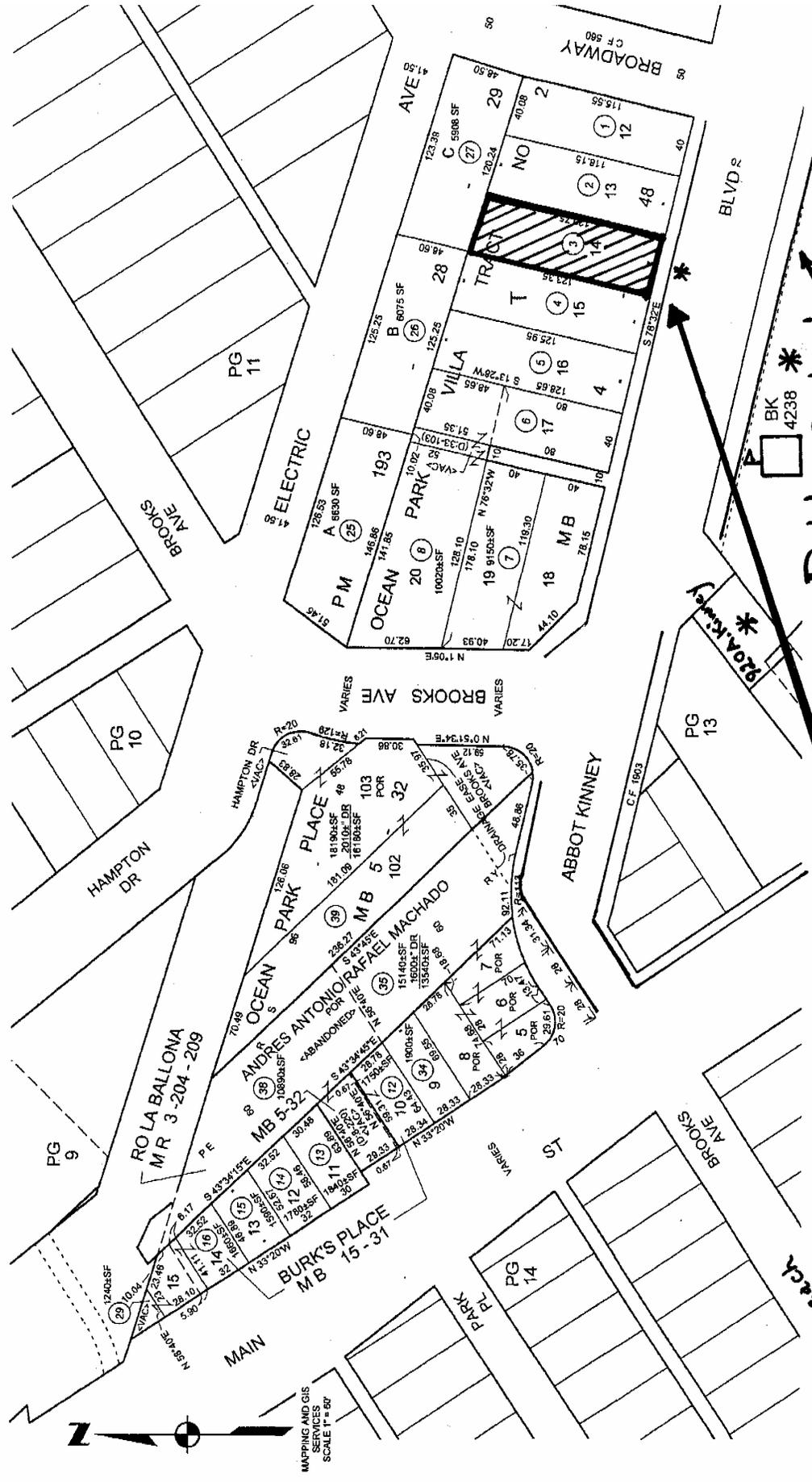
Site: 1009 Abbot Kinney



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5-98-071-A1
EXHIBIT # 1
PAGE 1 OF 1

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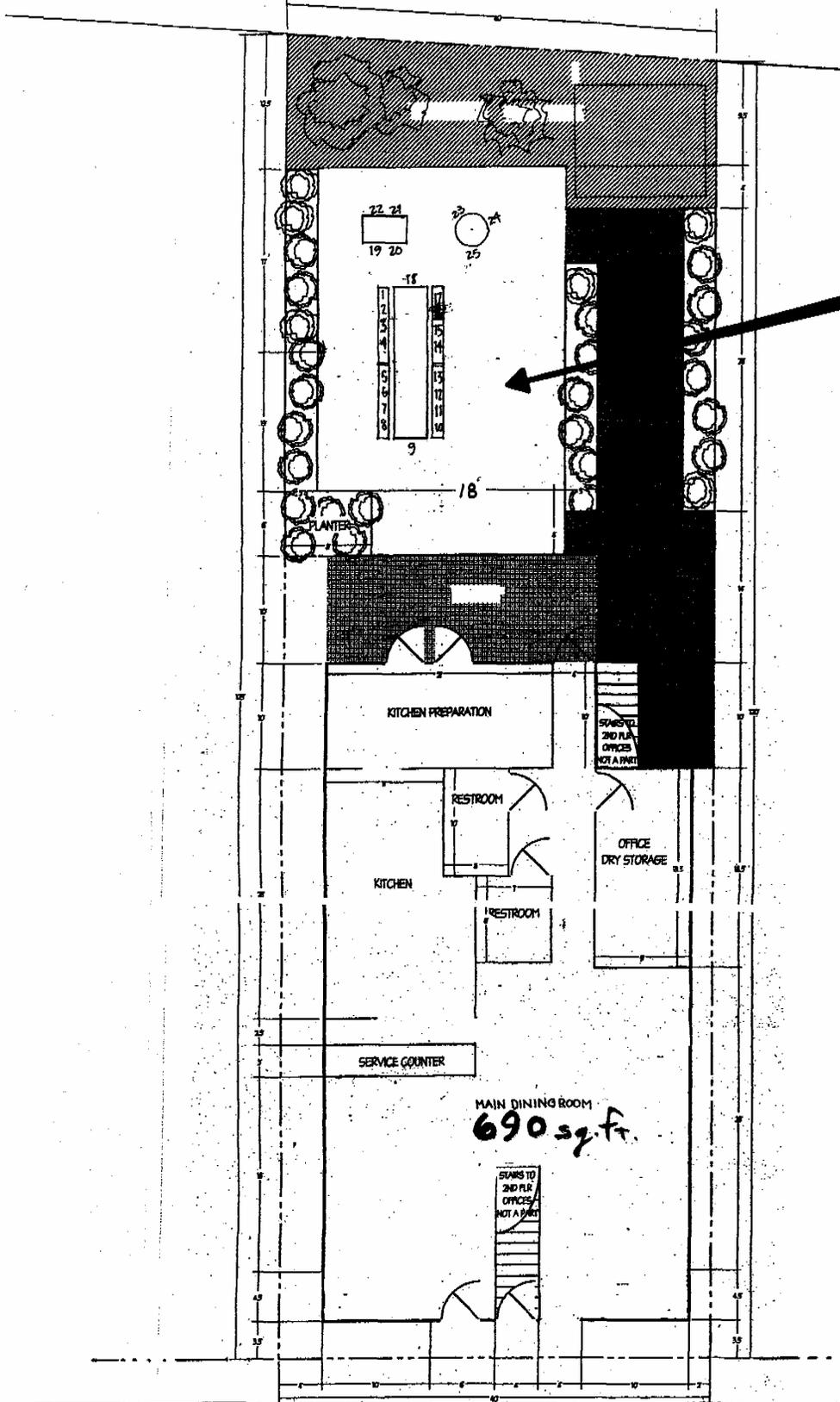
Public School
Westminster Elem.

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5-98-071-A1

EXHIBIT # 2
PAGE 1 OF 1

1009 Abbot Kinney Blvd.

*- Valet Parking Sites



Proposed
600 sq. ft.
Dining
Patio



Site Plan

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EXHIBIT # 3

PAGE 1 OF 1

ABBOT KINNEY ← White Curb → BOULEVARD

5-9B-071-A1

AXE RESTAURANT PARKING PLAN

I. Hours of Operation

Monday-Thursday: Lunch 11:30-3
Dinner 6-10 (patio closes at 9)

Friday: Lunch 11:30-3
Dinner 6-10:30 (patio closes at 10:00)

Saturday: Brunch 9-3
Dinner 6-10:30 (patio closes at 10:00)

Sunday: Brunch 9-3
Dinner 5:30-9:30 (patio closes at 9:00)

Note: The hours shown above assume economic conditions warrant opening every day. Currently Axe is closed on Mondays and Tuesdays.

II. Parking Arrangements

Approximately one third to one half of Axe patrons arrive on foot or by bicycle. Axe has two bicycle racks outside the restaurant which are regularly used and are often fully occupied by patron bicycles.

For patrons arriving by car, a drop off and pickup zone is provided at a City-authorized white curb delivery zone in front of the restaurant. Valet service for patrons arriving by car is currently provided Wednesday-Sunday from 6:00 to closing, with the valet collecting and delivering cars in the delivery zone.

There is no parking available on site at 1009 Abbot Kinney Boulevard. On Wednesday, Thursday and Sunday, the valet service uses 5 off site spaces at 920 Abbot Kinney Boulevard that are available under a lease between Axe Restaurant and the owner of 920 Abbot Kinney.

Friday and Saturday, the valet service uses 15 off site spaces in the parking lot of the Westminster Elementary School at 1010 Abbot Kinney Boulevard that are available under a license agreement between the valet service and the Los Angeles Unified School District.

The valet service will be prohibited in its contract with Axe from using on street spaces to park cars collected from Axe patrons.

EXHIBIT # 4
PAGE 1 OF 2

Axe Parking Plan
page 2

Outside of valet hours Axe will advise patrons that off street parking is available nearby along Electric Avenue. Patrons will be directed to the existing off street parking spaces along Electric Avenue and, as they become available, the two new metered parking lots, with a total of 115 new spaces, that the City is developing along Electric Avenue and Irving Tabor Court.

Axe will provide information on off-street parking locations by various means, including a sign at the entrance to the restaurant visible to arriving motorists similar to the sign used to advise that valet service is available during valet operating hours.

3/6/2009

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5-98-071- A1

EXHIBIT # 4
PAGE 2 OF 2

CONDITIONS OF APPROVAL

A. Entitlement Conditions

1. **Use.** The use of the property shall be limited to the construction, use, and maintenance of a restaurant in the C2-1-CA Zone. The project as approved is for the addition of a 600 square foot outdoor patio dining area and an additional 32 seats to an existing restaurant.
2. **Site Plan.** The development of the subject property shall be in substantial compliance with the site plan and floor plan labeled "Exhibit A" dated July 16, 2008, and attached to the subject case file. Prior to the issuance of any permits for the subject project, detailed development plans including new seating areas on the patio shall be submitted for review and approval by the Department of City Planning for verification of compliance with the imposed conditions.
3. **Parking Lease.** The applicant shall submit on an annual basis to the Planning Department, valid agreements between the restaurant and the valet company and the lessor of property where off-site parking is provided for the subject restaurant. The agreement shall identify the location, hours, and number of parking spaces provided. In addition the following parking conditions shall be complied with:
 - A. A copy of the contract shall be provided for valet parking services for parking spaces every night exclusively for AXE Restaurant (Applicant). The contract shall specify that no street parking or any other spaces available to the public will be used to satisfy the valet parking condition.
 - B. AXE Restaurant employees shall not park on any public street or other spaces available to the public.
 - C. The valet parking program shall be submitted to the Los Angeles City Department of Building and Safety.
 - D. Should the valet contract terminate, the right to use the outdoor patio area also terminates unless a new valet contract is signed.
4. **Patio Use.** The sole use of the patio shall be sit down meal services. No events, including but not limited to, weddings, meetings, reunions, parties, ceremonies, etc. shall be scheduled to take place on the patio. In addition, events taking place during permitted hours of operation within the non-patio portion of the restaurant premises shall not make use of any portion of the outdoor patio. In addition the following patio use conditions shall be complied with:
 - A. The patio shall be covered to minimize noise impacts for the adjacent residential uses. The cover shall consist of a fabric cover.
 - B. There shall be no music or live entertainment or other amplified sounds on the patio.
 - C. Patio hours of operation:
Sunday through Thursday 11:00 a.m. to 9:00 p.m.
Friday and Saturday 11:00 a.m. to 10:00 p.m.
 - D. The restaurant shall maintain in a clean and sanitary manner that area specifically designated for the restaurant's trash collection bins. The trash bins shall be fully enclosed and located a minimum of 20-feet from residential property.

EXHIBIT # 5
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CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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June 8, 2009



Th10a

ADDENDUM

To: Commissioners and Interested Parties

From: John Ainsworth, Deputy Director
Gary Timm, Coastal Program Manager
Charles Posner, Staff Analyst

Re: Permit Amendment 5-98-071-A1 (Axe Restaurant), 1009 Abbot Kinney Boulevard, Venice, City of Los Angeles.

Correspondence

The attached correspondence should be added to the staff report as an exhibit.



BILL ROSENDAHL

City of Los Angeles
Councilmember, Eleventh District

Committees

Chair, *Public Works*

Vice-Chair, *Trade, Commerce & Tourism*

Member, *Budget & Finance*

Member, *Transportation*

Member, *Ad Hoc Homelessness*

May 21, 2009

California Coastal Commission
South Coast Area Office
200 OceanGate – Suite 1000
Long Beach, CA 908024302

RECEIVED
South Coast Region

MAY 26 2009

CALIFORNIA
COASTAL COMMISSION

Re: Axe Restaurant Patio Expansion
Coastal Development Permit Application No. 598071A1

Honorable Commissioners:

I urge you to concur in the action already taken by the City of Los Angeles in approving the application by Axe Restaurant to expand into the outdoor patio. Axe has long provided a welcome dining experience and a positive contribution to the spirit and character of Venice.

The City has incorporated numerous conditions in its permits that will ensure the operation of the patio is carefully controlled. Parking for restaurant patrons will be provided through the permit conditions. Axe restaurant is also committed to responding to and resolving any adverse impacts that may arise from the patio expansion once it is operating.

Axe is the kind of local business that Venice needs and government should encourage. I know this application enjoys strong support in the community, and I encourage you to act favorably on it without delay.

Regards,

BILL ROSENDAHL
Councilmember, 11th District

BR: wb

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California State Senate

SENATOR
GILBERT CEDILLO
TWENTY-SECOND SENATE DISTRICT



COMMITTEES
APPROPRIATIONS
HEALTH
PUBLIC SAFETY
RULES
TRANSPORTATION AND HOUSING
SELECT COMMITTEES
IMMIGRATION AND THE ECONOMY, CHAIR
JOINT COMMITTEES
RULES

May 21, 2009

California Coastal Commission
South Coast Area Office
200 Oceangate – Suite 1000
Long Beach, CA 908024302
Re: Axe Restaurant Patio Expansion
Coastal Development Permit Application No. 598071A1

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South Coast Region

MAY 22 2009

CALIFORNIA
COASTAL COMMISSION

Honorable Commissioners:

I am writing to express my support for the application by Axe Restaurant to expand into the outdoor patio behind the existing dining room. Axe is an established local business with a strong following in the neighborhood and the surrounding area. Axe also sets an example to the restaurant industry through its commitment to buying and serving local produce, thereby supporting the farmers and strengthening the diversity of the regional economy. I am a regular customer and know first hand that Axe provides a welcome setting for dining and a valuable asset to the Venice community.

Please give this application your favorable consideration so that Axe may continue to flourish in the future.

Sincerely yours,

A handwritten signature in cursive script that reads "Gilbert Cedillo".

Gilbert Cedillo
CA State Senator
22nd District

cc: Axe Restaurant



Anthony & Bonnie Brockliss
222 14th Street
Santa Monica, CA 90402

June 1, 2009

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JUN 2 - 2009

CALIFORNIA
COASTAL COMMISSION

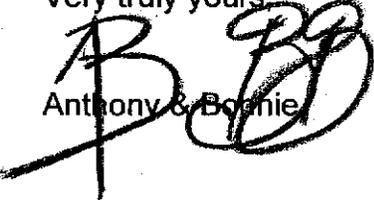
California Coastal Commission
South Coast Area Office
200 Oceangate - Suite 1000
Long Beach, CA 908024302

Re: Axe Restaurant Patio Expansion
Coastal Development Permit Application No. 598071A1

Honorable Commissioners:

We urge you to grant approval for the Axe Restaurant Patio Expansion. Patio dining at Axe would benefit the whole area, cause no additional disruption to the neighbors and would not in any way harm the California Coast.

Very truly yours


Anthony & Bonnie

B R I A N B R A F F

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JUN 5 - 2009

CALIFORNIA
COASTAL COMMISSION

June 3, 2009

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

**Re: Axe Restaurant Patio Expansion
Coastal Development Permit Application No. 598071A1**

Dear Sir/Madam:

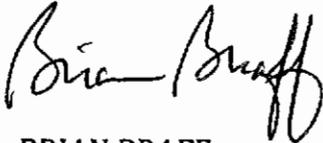
We are writing in support of granting the above permit for a rear garden dining area on Abbot Kinney Blvd.

We are long term customers of Axe Restaurant, which is located on the east side of the boulevard in a commercial area in which there are quite a number of restaurants and bars. Very close by is a restaurant named Lilly's French Bar and Café, which has outdoor dining in the back. Joe's Restaurant also has semi-outdoor dining in a back patio, which is not fully enclosed by walls. We also believe Primitivo has outdoor dining. Down the street is a newer restaurant called Gjelina, which has outdoor dining in the back. Therefore, there is a substantial precedent for outdoor dining on this commercially zoned street. In addition, we can't see that there would be any disruption to the peace and quiet of the neighborhood.

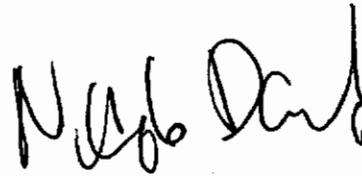
This is not a restaurant that is loud, boisterous, nor disrespectful of its neighbors. Just the opposite - it's a quiet place. It deserves the same competitive advantages as neighboring restaurants, and the ability to responsibly utilize its space.

Thank you.

Very truly yours,



BRIAN BRAFF



NICOLE DAVID

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South Coast Region

JUN 8 - 2009

CALIFORNIA
COASTAL COMMISSION

Permit No: 5-98-071-A1

Item No: TH10a

Christine Yoo

Opposition To Project

To Whom It May Concern:

Personally I oppose the request by Axe Restaurant to extend dining into our backyard. For years, as a concerned resident of 1007 Abbot Kinney, I have organized any expansion efforts by the restaurant for several key reasons.

The primary reason is the increase of noise. I am a film director, writer, producer and I work out of my home. In the past the residents of our building have had to contend with loud noises when Axe, against city code restrictions, used the patio to serve customers.

Secondly, during that period we noticed a increase in trash and vermin infestation. After contacting the L.A. County Health Dept., they sent an investigator out to inspect the Axe. The unsanitary conditions that they discovered inside and outside the restaurant caused them to shut the restaurant down on three separate occasion spanning the last five years.

Lastly, the relationship between Axe and the residents of my building have never been good. It has been 10 years of conflict. Joanna Moore, the Axe, in the beginning has even offered free meals to the residents of our building on several different occasion. Each time all the residents have refused the offer of free food, and to this not one resident of our building has ever eaten at that Restaurant. I have many friends that use to frequent that restaurant, but once I've explained the hostility that exists between us and the restaurant, they've have stopped patronizing Axe.

All I can say is, the residents of my building have shared a long bad history with Axe. The only periods of peace between us and Axe is when the restaurant customers dine inside and do so without loud raucous noise.

To maintain the fragile peace we have with Axe, I implore you to stop Axe from serving customers in the back yard adjacent to ours.

Thank you for this consideration,



Christine Yoo



City of Santa Monica
Farmers Market
1901 Main Street, Suite F
Santa Monica, CA. 90405



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South Coast Region

June 5, 2009

JUN 8 = 2009

California Coastal Commission
South Coast Area Office
200 Ocean Gate Suite 1000
Long Beach CA 90802-4302

**CALIFORNIA
COASTAL COMMISSION**

RE: AXE Restaurant Patio Expansion
Coastal Development Permit Application No. 598071A1

Honorable Commissioners:

I would like to express my support for approval of AXE Restaurant's patio expansion. I have been personally acquainted with AXE owner and chef Joanna Moore for ten years through our mutual support of California farmers at the Santa Monica Farmers Market, and I have enjoyed dining at AXE over the years.

As a restaurateur and small business owner, Joanna has demonstrated an exemplary commitment to supporting her community and to ethically sourcing and preparing the delicious food she serves at AXE. Her presence on Abbott Kinney is a true benefit to the neighborhood, and the proposed patio expansion would offer additional capacity to her highly regarded business.

Thank you for your support of AXE's efforts to serve the local community and to support California's small family farms.

Yours sincerely,

Laura Avery
Laura Avery
Farmers Market Supervisor

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South Coast Region

JUN 8 - 2009

CALIFORNIA
COASTAL COMMISSION

Permit Number: 5-98-071-A1

Item Number: TH10a

Derek Draper

Opposition to project

California Coastal Commission:

The history between the residents of 1007 Abbot Kinney Blvd. and the owner and management of Axe restaurant over the past ten years has not been a pleasant one. In fact it has been 12 years of endless conflict full of enmity. Before Axe even opened its doors we fought with the LA. city permit office to limit Axe's operation to serve customers only indoors. The city agreed to the "indoor only" policy to spare the residents of 1007 the noise pollution that would've incurred had Axe been allowed to service customers outdoors on a rear patio.

A major source of the conflict between Axe and residents of 1007 stems from the fact that Axe started serving customers, against city permit limitations, on the patio. For over a period of 3 years approx. 3 years ago, the owner of Axe opened the back patio up to diners. Often she would even hosts parties, fundraisers live concerts, etc. Axe even had a wood burning open pit fire to warm the outside diners. The smoke from the pit fire would fill our apartment building with noxious fumes. The only way Axe stopped illegally hosting diners on the patio was after repeated calls to the local police and fire department. After several visits from L.A. Dept. Of Building & Safety who inspected the Axe property at our request, the owner of Axe finally stopped entertaining diners illegally on the back patio.

The owner of Axe Restaurant has shown absolutely no regard for the tenants of 1007 Abbot Kinney. She has flagrantly, as if considering herself above state & city codes, has operated Axe for over a decade without proper valet parking. For a decade Axe's primary parking has been on the city street. This is all documented by the city of L.A. I even have video footage of Axe's valet service parking dozens of cars on the front lawn and side to the main entrance of Westminster Avenue Elementary School which is located directly across the street from Axe. This can be verified by contacting the school. The residents of 1007 Abbot Kinney has talked numerous times with the school's principal about the issue. She informed us to contact the L.A. public school police about the matter and was herself concerned about the oil and gas leaking on the lawn and concrete entrance to the school's main entrance. That situation went on for at least 6 years before Axe finally stopped parking there only one year ago.

To this day, we still have patrons of the restaurant parking and blocking our driveway as they wait for valet service, often leaving their cars unattended, or they park for carry out lunch. Not only patrons but many food delivery trucks will fill up our driveway. Often I have to inform them that there is no delivery parking for Axe in our driveway. Never once has anyone from the restaurant made an effort to instruct a delivery person not to park in our driveway.

Aside from the above, the primary reason for my opposition to Axe is that I suffer Post Traumatic Stress Disorder. Almost eleven years ago I was struck and nearly killed by a drunk

driver. The accident occurred on the night of OCT 2, 1997 on Ocean Park Ave. & Main Street in Santa Monica. I was returning from the grocery store that night, and 24yr.old drunk driver was leaving with Circle Bar on main. He ran the light at Ocean Park & Main Street. His SUV plowed through the back seat of my Honda Civic coupe. I was literally ejected from the car. I don't remember the accident, but I was told by a witness that I was lying on the ground, my head and face busted open. The witness told me that paramedics that arrived on the scene, shook their heads, and said this guy is not going to make it. I was rushed to UCLA trauma unit. I had fractured ribs, broken arm, and a large blood clot in my brain. Doctors were hours from cranial surgery, but somehow, they say the clot cleared up. I was comatose for several days and I don't remember any of those events. All of it is documented. The drunk driver is still making monthly payments for that accident that might seem like a long time ago. But for me, it's like the accident happened yesterday. Then, doctors told me it would take years just for the swelling in my brain to go down. The effect of that cranial swelling has led to PTSD.

Several times a day, due to PTSD, I must retreat to a quiet place for several minutes to calm my neural system down. If I don't I am overcome with stress, and anger because my body relives the violent impact of that car accident. Although I can't remember how it happened, my body feels the turbulent blow from the impact. That's the best that I can explain it.

For me, one of the benefits for living a block from the ocean is the lack traffic in the evenings. And recently, due to an increase of traffic on Abbot Kinney, our building is erecting a higher fence to damp down the day noise from the increased day traffic and to enhance the tenant's sense of personal privacy.

Due to my condition of PTSD due to a violent car accident, I am requesting that you do not permit Axe to expand its dining services on to the rear patio. Although there is currently an eight foot fence that separates our two yards, the sounds carry through the fence, and flood the upper windows with sound. And I know that the sound of 25-40 people drinking wine, laughing, clanging silverware on plates and bowls will agitate my PTSD and cause stress and frustration in my daily life. This is a health issue for me. Often I seek refuge in my backyard where I grow plants and I meditate. Please, I pray that you consider my urgent health concerns when you make your final decision regarding the expansion of Axe into our back yard. Do not take my only refuge of peace of mind away from me.

Also, I'm a film writer/producer. I work at home and am currently producing a low budget romantic comedy "Wedding Palace" which is being directed by my neighbor Christine Yoo. Often I work in my backyard during the day, and in the evening. Having the burden of the additional impact of Axe on my personal and business life would be a travesty.

As a matter of fact, I contacted L.A. Building & Safety last Thursday because Axe's kitchen exhaust fan has not been functioning properly for two weeks now. It has been making a high pitched squealing sound. It has been left running non-stop now for several days making this uncomfortable noise that fills up our apartments. I and several tenants have called the restaurant and asked them to fix fan. The person I spoke to last week, told me that it wasn't the

restaurant's fan. The Axe employee in fact lied. In any event, the City Inspector, Marcus Mendez is looking into it this week. His number is (323) 789-1491. The confirmation number for the L.A. Building and Safety case is: #224886.

Thank you for your time and consideration of my personal health and public concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Derek Draper', with a long, sweeping horizontal stroke extending to the right.

Derek Draper

(310) 621-3674