



CITY OF MANHATTAN BEACH
DEPARTMENT OF COMMUNITY DEVELOPMENT
MEMORANDUM

DATE: June 24, 2020

TO: Planning Commission

FROM: Carrie Tai, AICP, Director of Community Development

BY: Ted Faturos, Assistant Planner

SUBJECT: Proposed Use Permit for Establishing a Mixed-Use Development, Consisting of a Hotel Facilities (Limited) Use on the First Floor While Maintaining the Second Floor as a Residential Use in an Existing Two-Story, Two-Unit Residential Building in the Downtown Commercial (CD) Zone, Located at 325 12th Place; and Make an Environmental Determination in Accordance with the California Environmental Quality Act (Correa)

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the Public Hearing and **ADOPT** the attached resolution approving the Use Permit subject to certain conditions.

APPLICANT

Robert Correa
325 12th Place
Manhattan Beach, CA 90266

BACKGROUND

On January 30, 2020, the Community Development Department received an application requesting a Use Permit for establishing a mixed-use development in an existing two-story, two-unit residential building, with the proposed mixed-use development composed of a hotel facilities (limited) use on the first floor residential unit while maintaining the second floor as a residential use. The subject site is located at 325 12th Place in the Downtown Commercial (CD) zone in Area District III.

The site is a 1,350 square-foot lot with street frontage along 12th Place. Early permits and plans for the property do not exist in the City’s records, but the Los Angeles County Office of the Assessor has the property listed as a 1,639 square-foot duplex with an “effective year built” date of 1940. The structure on the site is a two-story duplex, with each unit occupying a floor in the building. There is no on-site parking, as the building’s age likely pre-dates the establishment of any of the City parking requirements.

The applicant, Robert Correa, has owned and lived at the property since 1987. The applicant states that guests stayed in the first-floor unit of his property on a short-term basis from 2015 through 2019. The City has no record of any Code Enforcement action on the property. The Police Department has no record of any disturbances emanating from the property.

PROJECT OVERVIEW

Location: 325 12th Place
(see Vicinity Map- Attachment C)

Legal Description: Southeast 45 Feet of Lot 14, Block 93, Manhattan Beach Division No. 2

LAND USE

General Plan: Downtown Commercial
 Zoning: Downtown Commercial (CD)
 Area District: III
 Coastal Zone: Yes (Non-Appealable Area)

Land Use:	<u>Existing</u>	<u>Proposed</u>
	Multi-Family Residential	Multi-Family Residential Hotel Facilities (Limited)

Neighboring Zoning and Land Uses:

North	CD: Industrial/Retail (Bar au Chocolat)
South (across 12 th Place)	CD: Office (Zislis Group)
East	CD: Office (Multi-Tenant)
West	CD: Multi-Family Residential (Duplex)

DISCUSSION

The applicant is requesting a Use Permit for establishing a mixed-use development in an existing residential building, with the proposed mixed-use development composed of a hotel facilities (limited) use ion the first floor while maintaining the second floor as a residential use.

M.B.M.C 10.08.030 (E) and Local Coast Permit (LCP) A.08.030 (D) define multi-family residential use as “two (2) or more dwelling units on a site.” Multi-family residential uses in the CD Downtown Commercial zone require a Use Permit (M.B.M.C 10.16.020 and LCP A.16.020). The property does not have a Use Permit for its existing multi-family residential use, as the building’s construction pre-dates the establishment of the City’s Use Permit process. The applicant’s property is considered to have a legal non-conforming use because there is no Use Permit on file establishing the multi-family use at the property, as the construction of the duplex pre-dates the establishment of the City’s Use Permit process. If granted, the Use Permit for the proposed mixed-use development would establish conforming uses at the site.

M.B.M.C 10.08.050 (Q) and LCP A.08.050 (P) define a mixed-use as “a project which has commercial and residential uses on the same site.” The applicant would like to maintain the multi-family residential use but have of offering commercial lodging in the first-floor unit on a short-term basis. Lodging on a short-term basis is considered a transient hotel, as those terms are defined in M.B.M.C. Section 8.20.010. Further, M.B.M.C. Section 10.08.050 (DD.1.a) defines hotel facilities (limited) use as “facilities which offer lodging without other associated services on-site such as restaurant and banquet services, and which provide associated operational or maintenance services on-site.”

The applicant is not proposing to do any construction or remodeling to his property in association with the Use Permit request. The building is under the 2,025 square-foot maximum buildable floor area allowed on the site. The building is either at or close to the 22-foot maximum height allowed on the site.

The applicant states in his submitted documents (Attachment B) that he is retired, on a fixed income, and plans to continue to live in the second-floor residential unit. The applicant is requesting he be able to offer the first-floor unit for lodging in order to supplement his fixed income. The applicant proposes to manage the unit himself and will not employ a management company. The applicant will not employ a cleaning service, and will clean the unit himself after his guests leave. The applicant will establish a 12:00 p.m. check-out time, and have check-in time no later than 11:00 p.m. The applicant intends to make the first-floor unit available for lodging year-round with a minimum stay of two nights. The hosting platform would handle all the money exchanged between the lodgers and the applicant.

The proposed mixed-use development will continue the non-conforming parking status of the existing building, as the site has no off-street parking. No parking would be required for the ground floor hotel facilities (limited) commercial use, as the first floor is excluded for purposes of calculating parking for properties in the Downtown Commercial zone in accordance with M.B.M.C 10.64.050 (A.1). Two off-street parking spaces would be required for the upstairs residential use. Staff recommends that the applicant be required to purchase and maintain ownership of two “Overnight Residential Parking Permits” to help bring the proposed use closer to meeting the two car parking requirement of the proposed use. Lodgers will not be allowed to use the Overnight Residential Parking Permits.

The state's recent replacement housing law (SB 330) does not come into play because the applicant is not undertaking any demolition. **SB 330 states** "An affected city or an affected county shall not approve a housing development project that will require the demolition of residential dwelling units unless the project will create at least as many residential dwelling units as will be demolished." In **addition, this Project does not implicate the "no net loss" statute (SB 166) because the proposal does not constitute "development" within the context of that statute.**

Transient commercial uses involving the renting of property for periods less than 30 days, such as the hotel facilities (limited) use, are permitted with a Use Permit in the Downtown Commercial (CD) zone and the North End Commercial Zone (CNE). Both the CD and CNE zones are within the Coastal Zone.

A Use Permit is required for a mixed-use development in the CD Downtown Commercial zone. Staff has prepared a Draft Resolution approving a Use Permit (Attachment A). As is the case with all entitlements, the applicant will be required to sign and record a covenant agreeing to all of the **Resolution's conditions of approval.** The Draft Resolution incorporates a number of conditions to ensure the potential short-term commercial use is compatible with the surrounding uses, including:

The hotel facilities (limited) use shall only be allowed as long as the building is maintained as an **owner-occupied primary residence.** "Owner-occupied primary residence" is defined as a single-family dwelling unit in which the property owner lives as a resident at the dwelling unit for at least 270 days per year.

The owner shall only offer lodging to guests who have a minimum stay of at least two nights. Guests shall check-in no later than 11:00 p.m..

The owner shall obtain a City Business License prior to offering lodging. The owner or the **hosting platform shall be required to collect the city's Transient Occupancy Tax from all lodgers,** and to remit all Transit Occupancy Tax collections to the City.

The owner shall be required to ensure lodgers follow the City's noise ordinance and are not a nuisance to near-by residents and business owners.

The first-floor unit shall not be rented out for events or parties.

The owner shall be required to purchase and maintain ownership of two Overnight Residential Parking Permits. These Overnight Residential Parking Permits shall only be used by the occupant living in the second-floor residential unit. The Overnight Residential Parking Permits shall not be given to lodgers for their use.

The owner shall obtain written confirmation from the City's Building & Safety Division that the first-floor unit meets the Building Code's requirements for smoke detectors and carbon dioxide detectors before the property owner makes the first-floor unit available to lodgers.

OTHER DEPARTMENT COMMENTS

Applicable codes and regulations were communicated to the owner by other departments.

REQUIRED FINDINGS

Section 10.84.010 of the Manhattan Beach Municipal Code states that "Use Permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area."

The following findings must be met in order to grant a Use Permit for the Project. Staff suggests the following findings in support of the Use Permit request:

1. *The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located.*

The proposed use is a mixed-use development located in the CD Downtown Commercial zone, and the establishment of the proposed use is appropriate for its zoning classification.

2. *The proposed location of the use and the proposed conditions under which the use would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such uses; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.*

The proposed use is **consistent with the General Plan's Downtown Commercial land use** designation assigned to the project site, as well as neighboring properties. The proposed use is compatible with neighboring uses, as the neighboring lots are developed with mostly commercial uses and a few residential uses. The proposed use is located on an alley in the heart of Downtown Manhattan Beach, and is thus isolated from most residents in nearby blocks (with the notable exception of the residential properties located at 316 13th Street, 320 13th Street, and 317 12th Place) with the Civic Center, Metlox Plaza, and commercial properties to the south and west providing barriers that help minimize any impacts associated with the use. **The General Plan encourages a "vibrant downtown" that offers "services and activities for residents and visitors",** and the proposed use will allow overnight accommodation opportunities for visitors who will also spend time and money supporting Downtown businesses. The proposed mixed-use development will only enhance the services provided to residents and visitors.

3. *The proposed use will comply with the provisions of the City's Planning and Zoning Title, including any specific condition required for the proposed use in the district in which it would be located.*

The proposed use complies with all provisions of Municipal Code Title 10 Planning and Zoning and any specific conditions imposed.

4. *The use will not adversely impact or be adversely impacted by nearby properties.*

The proposed use is located in the Downtown Commercial zone on a site mostly surrounded by commercial uses. The proposed use is located on an alley in the heart of Downtown Manhattan Beach, and is thus isolated from most residents in nearby blocks (with the notable exception of the residential properties located at 316 13th Street, 320 13th Street, and 317 12th Place) with the Civic Center, Metlox Plaza, and commercial properties to the south and west providing barriers that help minimize any impacts associated with the use. Accordingly, any potential impacts arising from the use related to traffic, parking noise, vibration, odors, resident security and personal safety, and aesthetics are either minimal or mitigated by conditions of approval contained herein. The use will not create demands exceeding the capacity of public services and facilities.

General Plan

The General Plan states the Downtown Commercial designation allows residential development consistent with the High Density Residential category. One method of establishing a residential and commercial balance in Downtown is to encourage mixed use development. This type of development allows commercial uses on the ground floor and residential usage above the commercial tenants. The project is specifically consistent with General Plan Goals and Policies as follows:

LU-6: Maintain the viability of the commercial areas of Manhattan Beach.

LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.

LU-7.6: Recognize the unique qualities of mixed-use development, and balance the needs of both commercial and residential uses.

The project helps further the General Plan Goals and Policies identified above by establishing a mixed-use development with a hotel facilities (limited) use in the Downtown Commercial zone that will provide additional opportunities for visitors to stay in the Downtown when visiting Southern California. These visitors will support local businesses while staying in the Downtown, thus

contributing to the health of these businesses, which will in turn support the City's tax base. The proposed use at the site, as conditioned, creates a unique relationship where the applicant's business is in the same building as their primary residence. In addition, the proposal furthers the Coastal Act's goal of providing access to the coast. The short-term commercial lodging, in a commercial zone, is in close proximity to the beach.

PUBLIC COMMENT

A public notice for the Use Permit was published in The Beach Reporter on June 11, 2020 and mailed to all property owners within a 500-foot radius of the site. The public notice indicates that members of the public would not be allowed in the City Council chambers in order to adhere to social distancing requirements in light of the Covid-19 pandemic. The public notice included information on how members of the public could comment via email and voicemail prior to the meeting. The notice also indicated that the public would be able to attend the meeting remotely with instructions posted on the City's website and meeting agenda. As of the writing of this report, staff has received one public comment expressing opposition to the applicant's request, as well as six public comments expressing support for the applicant's request (Attachment D).

ENVIRONMENTAL DETERMINATION

The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15303 (Conversion of Small Structures) in that the project is an existing two-unit multi-family residential structure that will convert one of the two residential units into a hotel facilities (limited) use with no modifications made to the exterior of the structure. The existing structure is classified as a small structure in that the structure is under 10,000 square feet of buildable floor area. The proposed use is in a structure located in an urbanized area, does not involve significant amounts of hazardous substances, is located in an area where all necessary public services and facilities are available, and is located in an area where the surrounding area is not environmentally sensitive.

CONCLUSION

Staff recommends that the Planning Commission conduct the public hearing, discuss the applicant's request, and approve the attached resolution approving the Use Permit subject to certain conditions.

Attachments:

- A. Draft Resolution No. PC 20-
- B. **Applicant's** Written Documents
- C. Vicinity Map
- D. Public Comment
- E. Plans- 325 12th Place

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Attachment A

RESOLUTION NO. PC 20-

RESOLUTION OF THE MANHATTAN BEACH PLANNING COMMISSION APPROVING A USE PERMIT FOR A MIXED-USE DEVELOPMENT CONSISTING OF A HOTEL FACILITIES (LIMITED) USE IN THE FIRST FLOOR RESIDENTIAL UNIT WHILE MAINTAINING THE SECOND FLOOR AS A RESIDENTIAL USE IN AN EXISTING TWO-STORY, TWO-UNIT RESIDENTIAL BUILDING, IN THE DOWNTOWN COMMERCIAL (CD) ZONE AT 325 12TH PLACE, AND MAKING AN ENVIRONMENTAL DETERMINATION IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CORREA)

THE MANHATTAN BEACH PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Robert Correa (“Applicant” and “Owner”) has applied for a Use Permit establishing a mixed-use development, consisting of a hotel facilities (limited) use in the first floor while maintaining the second floor as a residential use in an existing two-story, two-unit residential building in the Downtown Commercial (CD) Zone (the “Project”), located at 325 12th Place (the “site”). Mixed uses, hotel facilities (limited), and multi-family residential uses require a Use Permit pursuant to Municipal Code Section 10.16.020.

SECTION 2. On June 24, 2020, the Planning Commission conducted a duly noticed public hearing to consider the application. The Commission provided an opportunity for the public to provide evidence and testimony at the public hearing.

SECTION 3. The Project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to State CEQA Guidelines Section 15303 (Conversion of Small Structures) in that the project is an existing two-unit multi-family residential structure that will convert one of the two residential units into a hotel facilities (limited) use with no modifications made to the exterior of the structure. The existing structure is classified as a small structure in that the structure is under 10,000 square feet of buildable floor area. The proposed use is in a structure located in an urbanized area, does not involve significant amounts of hazardous substances, is located in an area where all necessary public services and facilities are available, and is located in an area where the surrounding area is not environmentally sensitive. The project will neither individually nor cumulatively have an adverse effect on wildlife resources, as defined in California Fish and Game Code Section 711.2.

SECTION 4. The record of the public hearing indicates:

A. The legal description of the site is: Southeast 45 Feet of Lot 14, Block 93, Manhattan Beach Division No. 2, in the City of Manhattan Beach, County of Los Angeles. The site is located in Area District III and is zoned CD, Downtown Commercial. The surrounding properties are zoned CD to the North, CD to the South (across 12th Place), CD to the East, and CD to the West.

B. The Project is permitted in the CD zone subject to a Use Permit and is in compliance with the City’s General Plan and Local Coastal Program designations of Downtown Commercial. The General Plan provides the Downtown Commercial designation allows residential development consistent with the High Density Residential category. One method of establishing a residential and commercial balance in Downtown is to encourage mixed use development. This type of development allows commercial uses on the ground floor and residential usage above the commercial tenants.

C. The proposed use is located in the Downtown Commercial zone on a site mostly surrounded by commercial uses. The proposed use is located on an alley in the heart of Downtown Manhattan Beach, and is thus isolated from most residents in nearby blocks (with the notable exception of the residential properties located at 316 13th Street, 320 13th Street, and 317 12th Place) with the Civic Center, Metlox Plaza, and commercial properties to the south and west providing barriers that help minimize any impacts associated with the use.

D. The applicant is requesting establish a mixed-use development in an existing two-story, two-unit residential building, with the proposed mixed-use development composed of a hotel facilities (limited) use on the first floor while maintaining the second floor as a residential use. Under the City’s Municipal Code, a hotel facility (limited) use is considered short-term transient lodging as those terms are defined per M.B.M.C. 8.20.010.

E. The project is specifically consistent with General Plan Policies as follows:

LU-6: Maintain the viability of the commercial areas of Manhattan Beach.

LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.

LU-7.6: Recognize the unique qualities of mixed-use development, and balance the needs of both commercial and residential uses.

The project helps further the General Plan Goals and Policies identified above by establishing a mixed-use development with a hotel facilities (limited) in the Downtown Commercial zone that will provide additional opportunities for visitors to stay in the Downtown when visiting Southern California. These visitors will support local businesses while staying in the Downtown, thus contributing to the health of these businesses, which will in turn support the City's tax base. The proposed use at the site, as conditioned, creates a unique relationship where the applicant's business is in the same building as their primary residence. In addition, the proposal furthers the Coastal Act's goal of providing access to the coast. The short-term commercial lodging, appropriately located in a commercial zone, is in close proximity to the beach.

SECTION 5. Based upon substantial evidence in the record, and pursuant to Manhattan Beach Municipal Code Section 10.84.060, the Planning Commission hereby finds:

- 1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located.**

The proposed use is a mixed-use development located in the CD Downtown Commercial zone, and the establishment of the proposed use is appropriate for its zoning classification.

- 2. The proposed location of the use and the proposed conditions under which the use would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such uses; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.**

The proposed use is consistent with the General Plan's Downtown Commercial land use designation assigned to the project site, as well as neighboring properties. The proposed use is compatible with neighboring uses, as the neighboring lots are developed with mostly commercial uses and a few residential uses. The proposed use is located on an alley in the heart of Downtown Manhattan Beach, and is thus isolated from most residents in nearby blocks (with the notable exception of the residential properties located at 316 13th Street, 320 13th Street, and 317 12th Place) with the Civic Center, Metlox Plaza, and commercial properties to the south and west providing barriers that help minimize any impacts associated with the use. The General Plan encourages a "vibrant downtown" that offers "services and activities for residents and visitors", and the proposed use will allow overnight accommodation opportunities for visitors who will also spend time and money supporting Downtown businesses. The proposed mixed-use development will only enhance the services provided to residents and visitors.

- 3. The proposed use will comply with the provisions of the City's Planning and Zoning Title, including any specific condition required for the proposed use in the district in which it would be located.**

The proposed use complies with all provisions of Municipal Code Title 10 Planning and Zoning and any specific conditions imposed.

- 4. The use will not adversely impact or be adversely impacted by nearby properties.**

The proposed use is located in the Downtown Commercial zone on a site mostly surrounded by commercial uses. The proposed use is located on an alley in the heart of Downtown Manhattan Beach, and is thus isolated from most residents in nearby blocks (with the notable exception of the residential properties located at 316 13th Street, 320 13th Street, and 317 132th Place) with the Civic Center, Metlox Plaza, and commercial properties to the south and west providing barriers that help minimize any impacts associated with the use. Accordingly, any potential impacts arising from the use related to traffic, parking noise, vibration, odors, resident security and personal safety, and aesthetics are either minimal or mitigated by conditions of approval contained herein. The use will not create demands exceeding the capacity of public services and

facilities.

SECTION 6. Based upon the foregoing, the Planning Commission hereby **APPROVES** the Use Permit to establish a mixed-use development subject to the following conditions:

1. The project shall be in substantial conformance with the plans and project description submitted to, and approved by the Planning Commission on June 24, 2020 as conditioned. Any substantial deviation from the approved plans and project description, as conditioned, shall require review by the Community Development Director to determine if approval from the Planning Commission is required.
2. Any questions of intent or interpretation of any condition will be reviewed by the Community Development Director to determine if Planning Commission review and action is required.

Operation

3. The hotel facilities (limited) use shall only be allowed as long as the building is maintained as an owner-occupied primary residence. "Owner-occupied primary residence" is defined as a single-family dwelling unit in which the property owner lives as a resident at the dwelling unit for at least 270 days per year.
4. In conformance with the definition of Hotel Facilities (limited) in M.B.M.C 10.08.050, no other on-site associated services such as restaurant and banquet services shall be offered. Associated operational or maintenance services shall be provided on-site.
5. The owner shall only offer lodging to guests who have a minimum stay of at least two nights. Guests shall check-in no later than 11:00 p.m.
6. The owner shall obtain a City Business License prior to offering lodging. The owner or the hosting platform shall be required to collect the city's Transient Occupancy Tax from all lodgers, and to remit all Transit Occupancy Tax collections to the City.
7. The owner shall be required to ensure lodgers follow the City's noise ordinance and are not a nuisance to near-by residents and business owners.
8. The first-floor unit shall not be rented out for events or parties.
9. The owner shall be required to purchase and maintain ownership of two Overnight Residential Parking Permits. These Overnight Residential Parking Permits shall only be used by the occupant living in the second-floor residential unit. The Overnight Residential Parking Permits shall not be given to lodgers for their use.
10. At any time in the future, the Planning Commission or City Council may review the Use Permit for the purpose of revocation or modification in accordance with the requirements of the MBMC Chapter 10.104. Modification may consist of conditions deemed reasonable to mitigate or alleviate impacts to adjacent land uses.
11. The owner shall obtain written confirmation from the City's Building & Safety Division that the first-floor unit meets the Building Code's requirements for smoke detectors and carbon dioxide detectors before the property owner makes the first-floor unit available to lodgers.
12. The Community Development Department staff shall be allowed to inspect the site at any time.

Procedural

13. Terms and Conditions are Perpetual; Recordation of Covenant. The provisions, terms and conditions set forth herein are perpetual, and are binding on the owner, its successors-in-interest, and, where applicable, all tenants and lessees of the site. Further, the owner shall submit the covenant, prepared and approved by the City, indicating its consent to the conditions of approval of this Resolution and all ADA requirements, and the City shall record the covenant with the Office of the County Clerk/Recorder of Los Angeles. Owner shall deliver the executed covenant, and all required recording and related fees, to the Department of Community Development within 30 days of the adoption of this Resolution. Notwithstanding the foregoing, the Director may, upon a request by owner, grant an extension to the 30-day time limit. The project approval shall not become effective until recordation of the covenant.

14. *Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City.* The owner shall defend, indemnify, and hold harmless the City, its elected officials, officers, employees, volunteers, agents, and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees") from and against any claims, damages, actions, causes of actions, lawsuits, suits, proceedings, losses, judgments, costs, and expenses (including, without limitation, attorneys' fees or court costs) in any manner arising out of or incident to this approval, related entitlements, or the City's environmental review thereof. The owner shall pay and satisfy any judgment, award or decree that may be rendered against City or the other Indemnitees in any such suit, action, or other legal proceeding. The City shall promptly notify the owner of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the owner of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the owner shall not thereafter be responsible to defend, indemnify, or hold harmless the City or the Indemnitees. The City shall have the right to select counsel of its choice. The owner shall reimburse the City, and the other Indemnitees, for any and all legal expenses and costs incurred by each of them in connection therewith or in enforcing the indemnity herein provided. Nothing in this Section shall be construed to require the owner to indemnify Indemnitees for any Claim arising from the sole negligence or willful misconduct of the Indemnitees. In the event such a legal action is filed challenging the City's determinations herein or the issuance of the approval, the City shall estimate its expenses for the litigation. The owner shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due.

SECTION 7. The Planning Commission's decision is based upon each of the totally independent and separate grounds stated herein, each of which stands alone as a sufficient basis for its decision.

SECTION 8. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Chapter 10.100 have expired.

SECTION 9. The Secretary of the Planning Commission shall certify to the adoption of this Resolution and shall forward a copy of this Resolution to the owner. The Secretary shall make this resolution readily available for public inspection.

SECTION 10. The entitlements conferred by this Use Permit shall lapse two years after the date of approval, unless exercised or extended pursuant to 10.84.090 of the Municipal Code.

June 24, 2020

Planning Commission Chair

I hereby certify that the following is a full, true, and correct copy of the Resolution as **ADOPTED** by the Planning Commission at its regular meeting on **June 24, 2020** and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Carrie Tai, AICP,
Secretary to the Planning Commission

Rosemary Lackow,
Recording Secretary

Attachment B

Jan. 30th. 2020

To: Honorable Members of the Planning Commission
Subject: STR at 325, 12th. Place located within the Commercial Zone.

Dear Sirs,

My name is Robert Correa. I am 71 years old. In 1987, I was lucky enough to purchase a duplex at 325, 12th. Place. I am certain that I could not afford to buy a property such as this today. I lived there with my young son. He has since grown up and left the nest. I have been employed by the City of Los Angeles, as a security officer. I retired after twenty years of service. I now live alone in the upper unit of the duplex. The ground floor unit has always been a rental unit. As a security officer, we needed the extra income to pay for schooling and the bringing up of my son. I love living in Manhattan Beach and consider this community to be my only and permanent home. I know my neighbors and feel a sense of belonging. I attend city sponsored events and enjoy our wonderful public library.

Benefits of STR in the Commercial Zone:

Having a certified, legal, STR in the Commercial Zone provides many benefits to the community.

1. **Affordability & Access:** My son and I have provided a safe and affordable place for our visitors since 2015. We have had 208 verified 5-star reviews from grateful guests who appreciate access to our beaches and our downtown commercial businesses. I have included these unedited reviews as reference.
2. **Safety and Orderliness:** We have had no complaints or single incident where the police were summoned. I live in the upstairs unit and keep close watch. We do not rent to professional, event planners. Our rules specify that NO parties are allowed.
3. **Guests:** Our guests are mostly families who enjoy staying together while on vacation. We have also had the pleasure to host volleyball players and those who come from far away to participate in the many athletic and cultural events that our city is known for.
4. **Economic benefits:** Our visitors shop in our stores, eat in our restaurants, stroll on our Strand, attend our concerts at Pollywog Park and bring not only their dollars but also their enthusiasm to the place we call home. Needless to say, there will be a benefit to our city in the TOT taxes that henceforth we shall be obligated to pay.
5. **My family:** I am retired on a very limited pension. This small property is my only nest egg. I depend on it for my living. I have a vested interest in making sure that it is always clean and safe and that people who stay can report back to their friends and family what a great welcome they enjoyed in our fair city.

Thank you for your kind consideration and for giving me the opportunity to place my request before you,

Robert Correa
310-720-5431, email: robertdwp@gmail.com

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Attachment C

Vicinity Map



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Attachment D

Public Comment

From: Susan Adams <susanadams510@gmail.com>

Sent: Wednesday, June 10, 2020 3:22 PM

To: List - Planning Commission <PlanningCommission@citymb.info>; Ted Fatuross
<tfatuross@citymb.info>

Subject: [EXTERNAL] 325 12th Place

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Mr. Fatuross and Planning Commission,

I think converting residential property to hotel use is a very bad idea for our downtown and anywhere else in the city for that matter. It seems a back door to the VRBO and AirBNB concept which we have successfully opposed (except for rentals of one month or more). It defies logic to imagine one of two residential units functioning as a "hotel facility". A bad precedent that could lead to more of the same. Please do not approve this project.

Sincerely,

Susan Adams

1204 Manhattan Ave

Manhattan Beach, CA 90266

310/508-6187

Attachment D Public Comment

From: TONY CHOUKE <tchoueke@aol.com>
Sent: Sunday, June 14, 2020 10:42 AM
To: Ted Faturros <tfaturros@citymb.info>; List - Planning Commission
<PlanningCommission@citymb.info>
Subject: [EXTERNAL] Robert Correa application

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Madam/Sirs,

As a long time resident of Manhattan Beach, I should like to express my full support of Robert Correa in establishing a rental in the Commercial District. I have known Robert for many years and am pleased to have been his neighbor at 326 13th St. in Manhattan Beach since 2014. Robert is a very good neighbor and a very responsible person whose efforts have only enhanced our city.

I believe it is important to empower good citizens like Robert to further contribute to the character and small town feeling of Manhattan Beach.

Thank you for considering my input.

Best wishes

Tony

Tony Choueke
Choueke Capital Group
2708 The Strand
Manhattan Beach, Ca. 90266
Tel. 310-809-5888
website: www.choueke.com





June 15, 2020

To Whom it May Concern,

I am writing to voice my full approval and support of Robert Correa renting out the lower portion of his duplex, located at 325 12 Pl, Manhattan Beach, as a short-term rental. This property is located in the Downtown Commercial District, and should therefore be subject to those rules of commerce.

This short term rental activity will have no negative impact on surrounding residential areas, but will have a positive impact on local businesses. Short-term rental business in the MB Downtown area tends to attract tourist dollars, and should therefore be encouraged.

Sincerely,

Steve R. Murillo

Broker

First Manhattan Mortgage and Realtors

Attachment D Public Comment

From: Don Spencer <donspencer.art@hotmail.com>
Sent: Monday, June 15, 2020 3:35 PM
To: Ted Faturros <tfaturros@citymb.info>
Subject: [EXTERNAL] Robert Correa request

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

To whomever it concerns:

15 June 2020

Regarding Robert Correa's application to operate a short term rental in the lower unit of the duplex in which he lives:

Why should anybody living in the commercial district have to get permission to conduct such a low-impact business?

Of course, let Mr. Correa use the lower areas of the duplex as a "hotel" function.

Don Spencer
901 Crest Drive, Manhattan Beach
310 546 7913

Sent from Mail for Windows 10

Attachment D Public Comment

-----Original Message-----

From: Guy Gabriele <guygabriele@gmail.com>

Sent: Monday, June 15, 2020 5:05 PM

To: Ted Fatturos <tfatturos@citymb.info>

Subject: [EXTERNAL] Robert Correa's property.

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello Mr Fatturos,.

I am writing to you to let you know that i support Mr Robert Correa's application to operate a short term rental in the lower unit of the duplex in witch he lives.The property is in the downtown commercial district and,i believe has no negative impact on residential properties.

Thank you,

Guy Gabriele

Attachment D Public Comment

From: nicole@barauchocolat.com <nicole@barauchocolat.com>
Sent: Tuesday, June 16, 2020 7:36 PM
To: List - Planning Commission <PlanningCommission@citymb.info>; Ted Faturros
<tfaturros@citymb.info>
Subject: [EXTERNAL] Robert Correa Application

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Ted and Honorable Members of the Planning Commission,

I would like to express my heartfelt support of Robert Correa's application.

Robert has had many guests over the past years and had to stop because of the city's ban.

He used to have his guests come over to my chocolate studio to stock up on chocolate. I have never had a single instance where the guests were obtrusive or offensive. Robert runs a tight ship.

I look forward to his reopening his apartment to people from around the world and look forward to them buying my fine chocolate.

Thank you for your consideration.

Yours respectfully,
Nicole Trutanich

BAR AU CHOCOLAT
326 13th Street
Manhattan Beach
California 90266

Attachment D Public Comment

From: Uni <uni90266@gmail.com>

Sent: Wednesday, June 17, 2020 12:09 PM

To: Ted Faturos <tfaturos@citymb.info>; List - Planning Commission
<PlanningCommission@citymb.info>

Cc: Uni <uni90266@gmail.com>

Subject: [EXTERNAL] Robert Correa application for short term rental of the lower portion of his duplex

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Mr. Ted Faturos and Planning Commission:

I wanted to write in support of robert Correa's application for short term rental for his duplex in the Downtown Commercial District. As a long time Manhattan Beach resident who works in the Downtown Commercial center I think this is a good idea.

Thank You

Uni
"The Right Energy For You!"
Serving Southbay since 1989

Palm Realty Boutique
1145 Highland Ave
Manhattan Beach, CA 90266
CalBRE#01055089

Uni90266@gmail.com

Mobile: [\(310\) 569-6535](tel:(310)569-6535)



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Attachment E

PROJECT SITE



CLIENT

ROBERT CORREA
325 12TH PL
MANHATTAN BEACH CA
P.310.720.5431

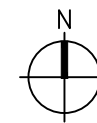
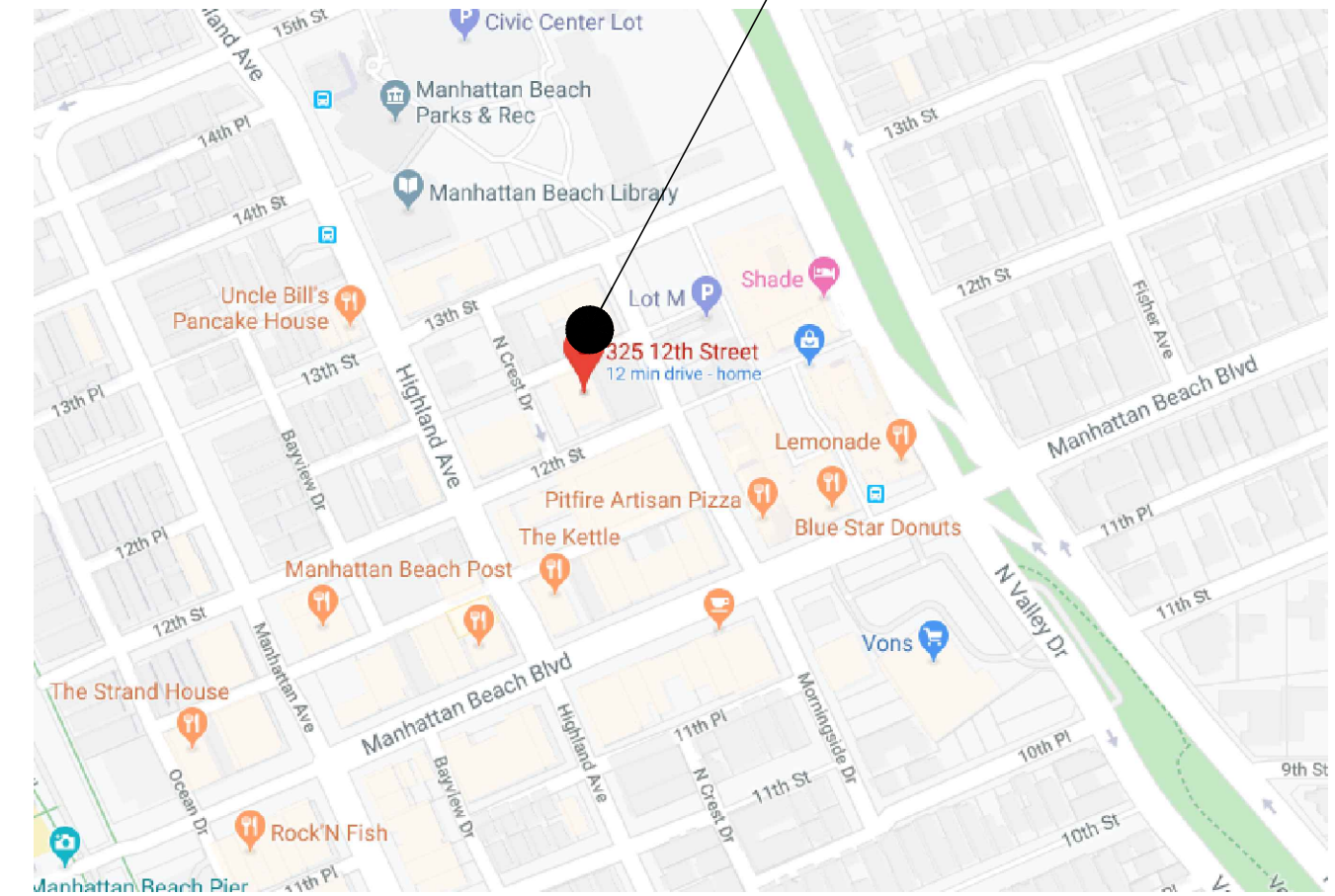
CONSULTANT

ARCHITECTURAL SERVICES
MARLON GONZALEZ
EL SEGUNDO, CA 90245
P.310.722.7246
E.MARLONEGONZALEZ@AOL.COM

PROJECT

PROPOSED SHORT TERM RENTAL

PROJECT SITE



Project Owner:

ROBERT CORREA
325 12TH PL
MANHATTAN BEACH CA
P. 310.720.5431

Consultant:

ARCHITECTURAL SERVICES
MARLON GONZALEZ
EL SEGUNDO, CA
P.310.722.7246
MARLONEGONZALEZ@AOL.COM

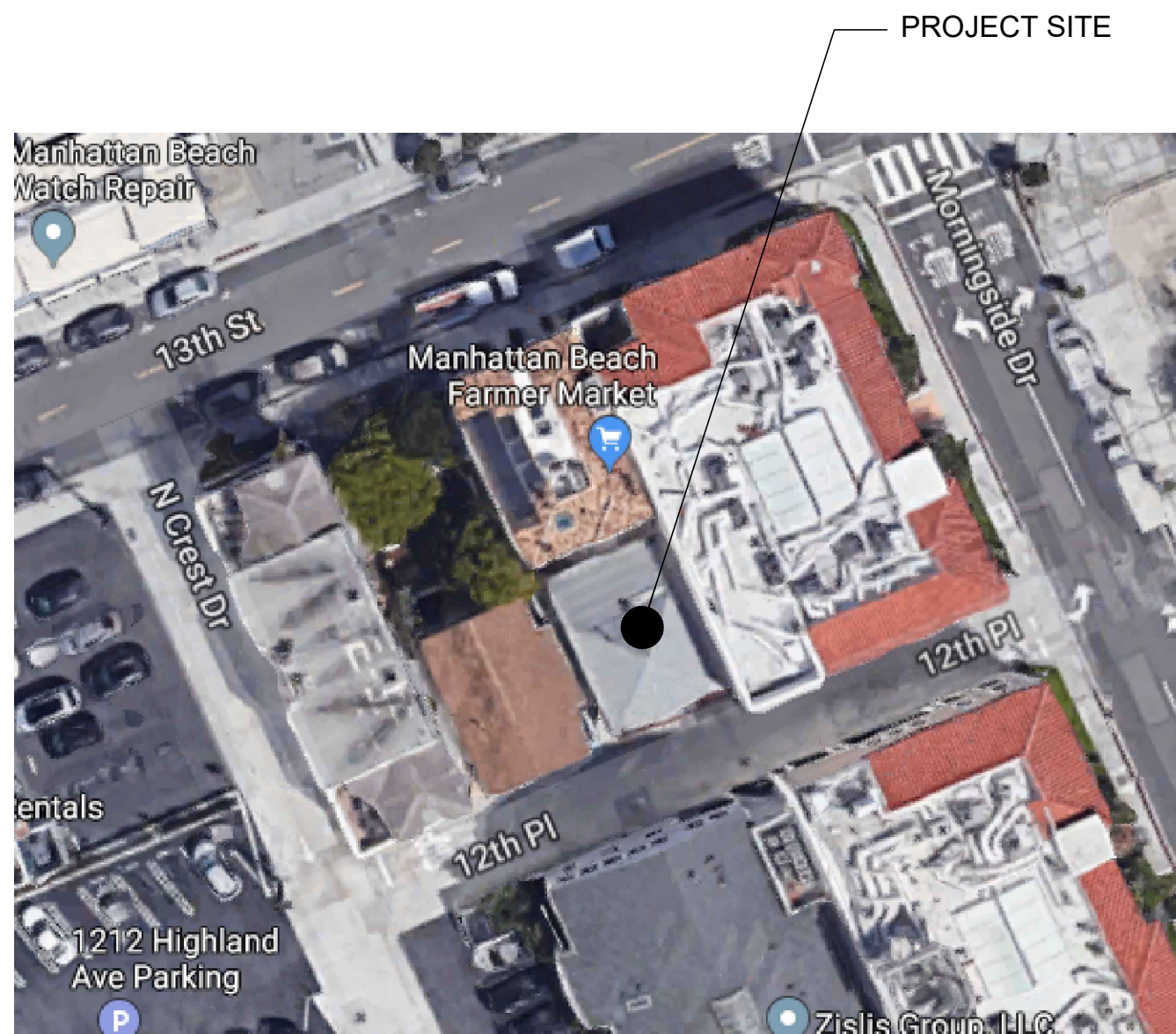
Project Address:

325 12TH PL
MANHATTAN BEACH,
CA 90266

PROJECT PHOTO

PROJECT DIRECTORY

VICINITY MAP



PROJECT SITE

<p>DETAIL NUMBER ? A7 ? INTERIOR ELEVATION SYMBOL SHEET NUMBER</p> <p>DETAIL NUMBER ? A7 EXTERIOR ELEVATION SYMBOL SHEET NUMBER</p> <p>DETAIL NUMBER ? A7 WALL/BUILDING SECTION SYMBOL SHEET NUMBER</p> <p># NOTE TAG</p> <p>N PLAN ORIENTATION</p> <p>UP STAIR DIRECTION</p> <p>BREAK LINE</p> <p>ROOM NAME ROOM NAME</p> <p>CEILING HT #'-#" CEILING HEIGHT ABOVE FINISHED FLOOR</p>	<p>(102) DOOR TAG</p> <p>(101) WINDOW TAG</p> <p>MATCH LINE SEE ???? DETAIL/SHEET NUMBER MATCH LINE</p> <p>DETAIL NUMBER ? A7 SHEET NUMBER DETAIL REFERENCE</p> <p>+ XX" LEVEL CHANGE</p> <p>EL +0.00 ELEVATION TAG</p>
--	---

SHEET	DESCRIPTION	REVISION
G000	COVER SHEET	
A100	SITE PLAN	
A101	AS-BUILT FLOOR PLAN	
A201	INTERIOR ELEVATIONS	
A202	INTERIOR ELEVATIONS	
A203	INTERIOR ELEVATIONS	
A204	INTERIOR ELEVATIONS	
A401	AS-BUILT EXTERIOR ELEVATIONS	

Stamp:

No.	Date	Description

Sheet Title:

COVER SHEET

DWG. DATE: 12.22.2019

REVIEWED BY: MG

PROJECT NUMBER:

SHEET:

G000

AERIAL MAP

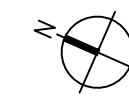
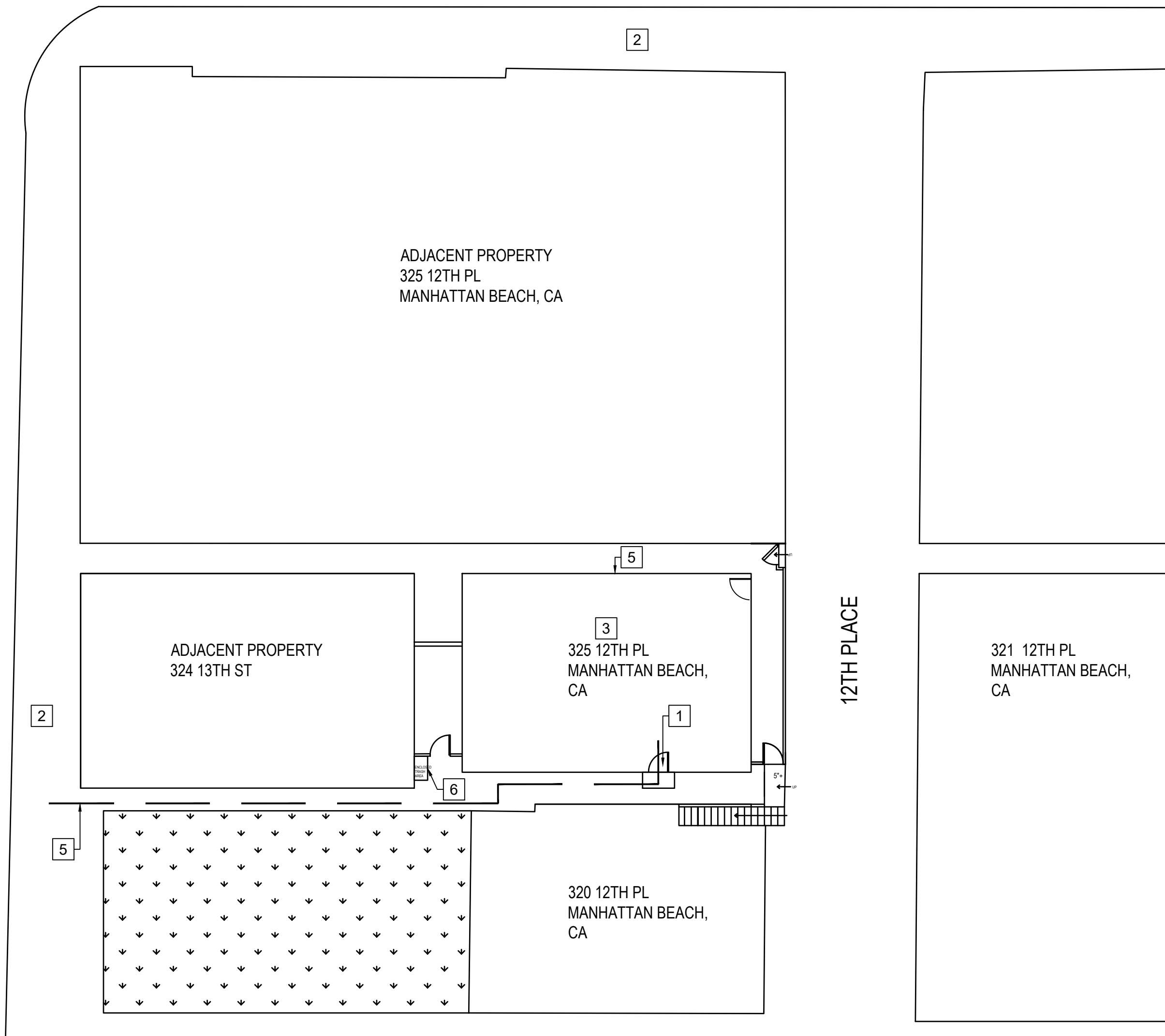
SYMBOL LEGEND

SHEET INDEX

MORNINGSIDE DR

13TH PLACE

12TH PLACE



- 1 MAIN ENTRANCE
- 2 PUBLIC SIDEWALK
- 3 PROPOSED RENTAL UNIT
- 4 PATH TO SIDEWALK
- 5 OWNER RESIDENCE ON 2ND FLOOR
- 6 ENCLOSED TRASH BIN AREA

Project Owner:

ROBERT CORREA
325 12TH PL
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P. 310.720.5431

Consultant:

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Project Address:

325 12TH PL
MANHATTAN BEACH,
CA 90266

Stamp:

No.	Date	Description

Sheet Title:

SITE PLAN

DWG. DATE: 12.22.2019
REVIEWED BY: MG
PROJECT NUMBER:

SHEET:

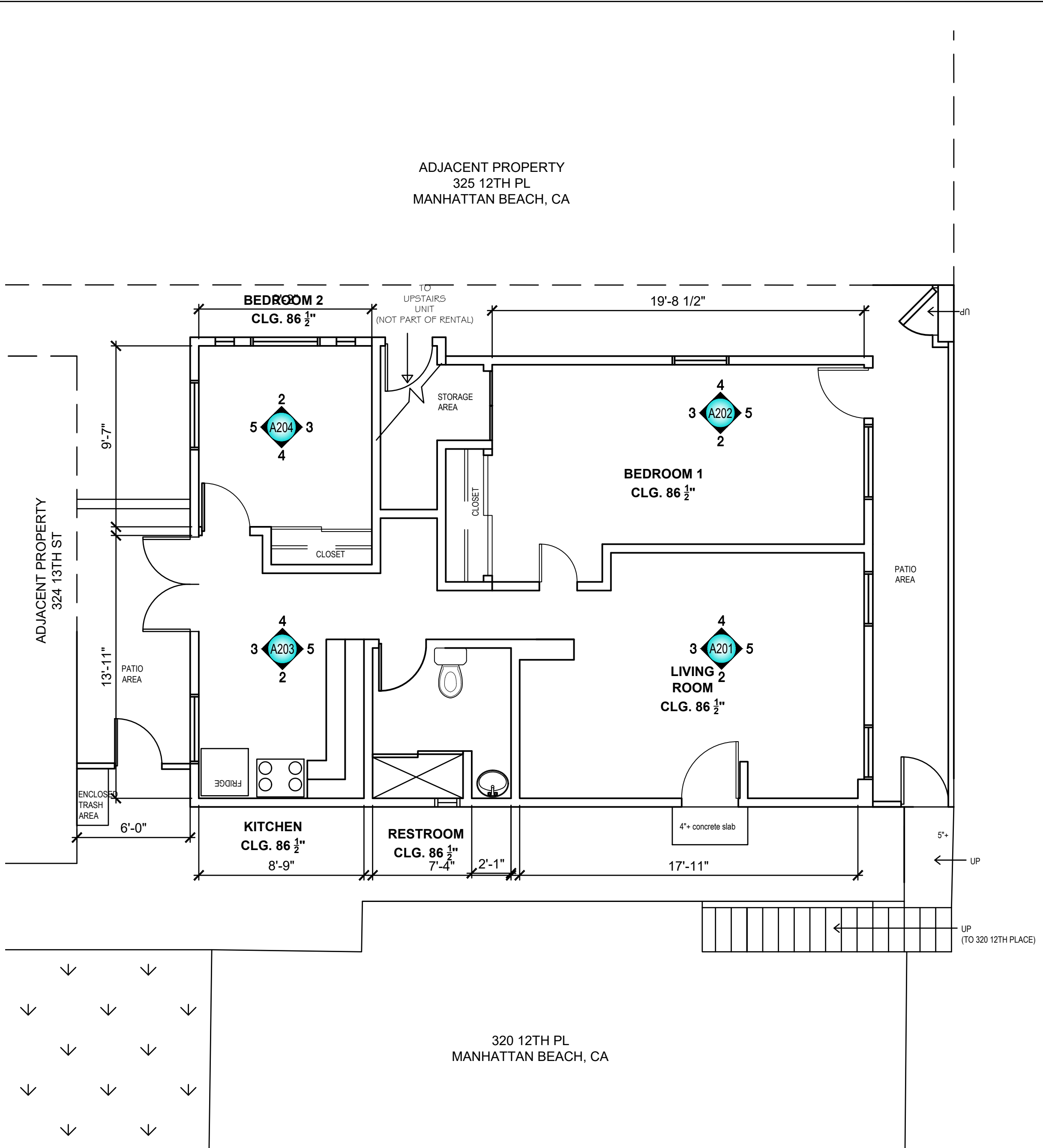
A100

SITE PLAN

SCALE
3/32"=1'-0"

1

KEYNOTES



ADJACENT PROPERTY
325 12TH PL
MANHATTAN BEACH, CA

ADJACENT PROPERTY
324 13TH ST

12TH PLACE

320 12TH PL
MANHATTAN BEACH, CA

ENLARGED PLAN GROUND LEVEL

SCALE
1/4"=1'-0" **1**

KEYNOTES

Project Owner:

ROBERT CORREA
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Project Address:

325 12TH PL
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CA 90266

Stamp:

No.	Date	Description

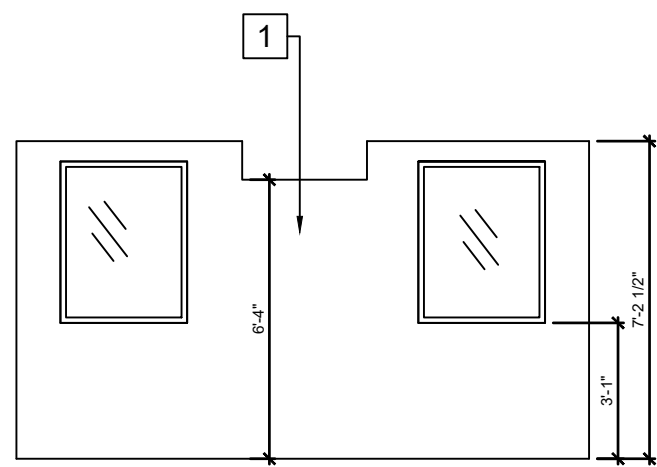
Sheet Title:

AS-BUILT
FLOOR PLAN

DWG. DATE: 12.22.2019
REVIEWED BY: MG
PROJECT NUMBER:

SHEET:

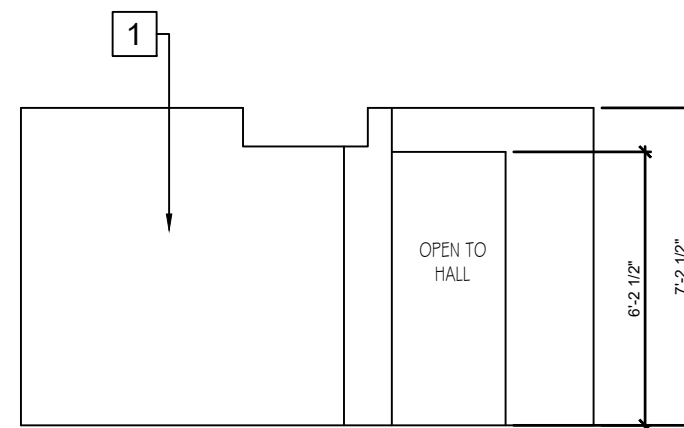
A101



INTERIOR ELEVATION

SCALE
1/4"=1'-0"

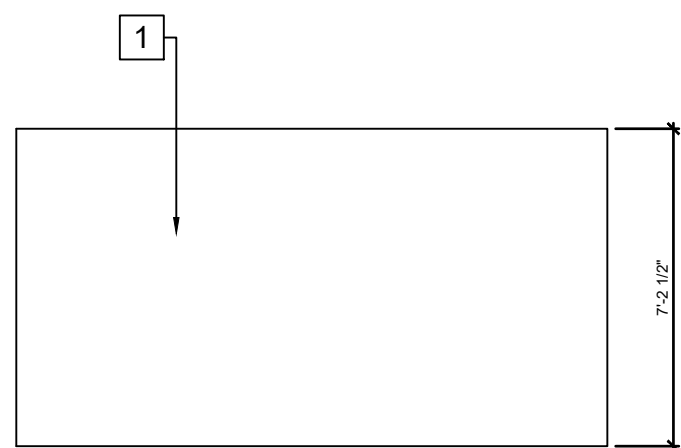
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INTERIOR ELEVATION

SCALE
1/4"=1'-0"

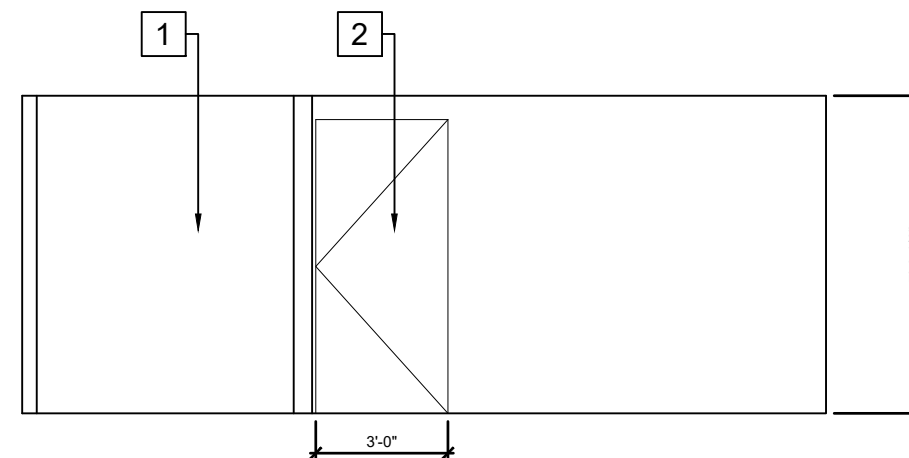
3



INTERIOR ELEVATION

SCALE
1/4"=1'-0"

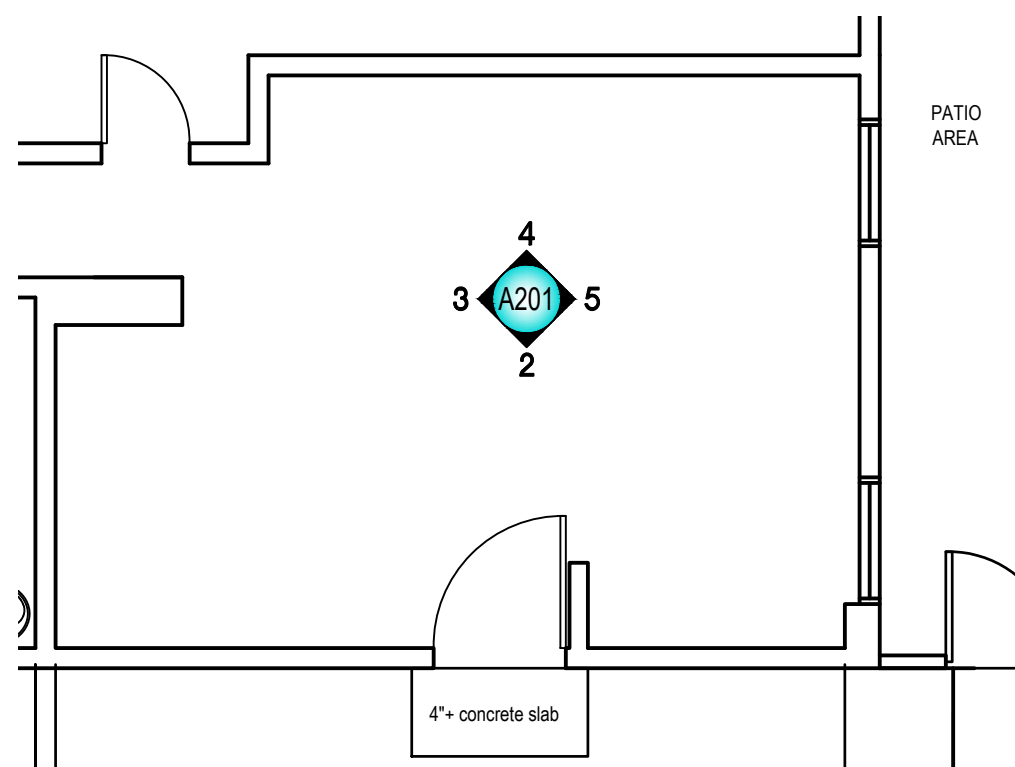
4



INTERIOR ELEVATION

SCALE
1/4"=1'-0"

2



ENLARGED PLAN

SCALE
1/4"=1'-0"

1

KEYNOTES

- 1 PAINTED GYP. BOARD
- 2 MAIN ENTRY

Project Owner:

ROBERT CORREA
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MARLONGONZALEZ@AOL.COM

Project Address:

325 12TH PL
MANHATTAN BEACH,
CA 90266

Stamp:

No.	Date	Description

Sheet Title:

AS-BUILT
ELEVATIONS
LIVING ROOM

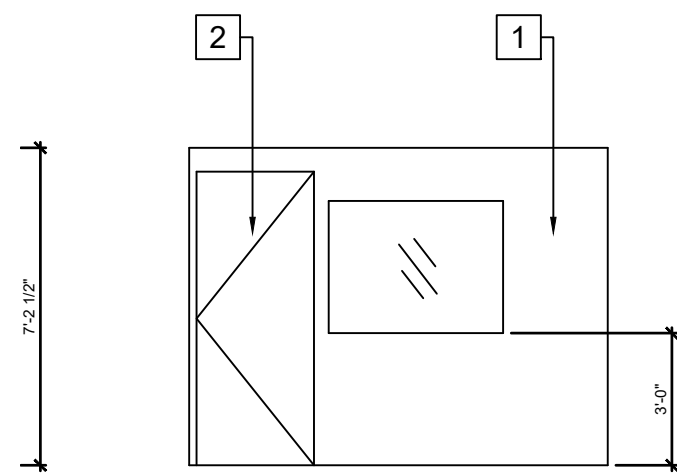
DWG. DATE: 12.22.2019

REVIEWED BY: MG

PROJECT NUMBER:

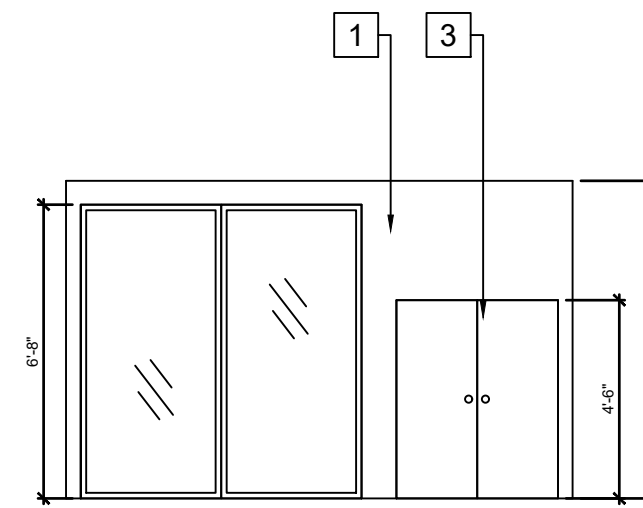
SHEET:

A201



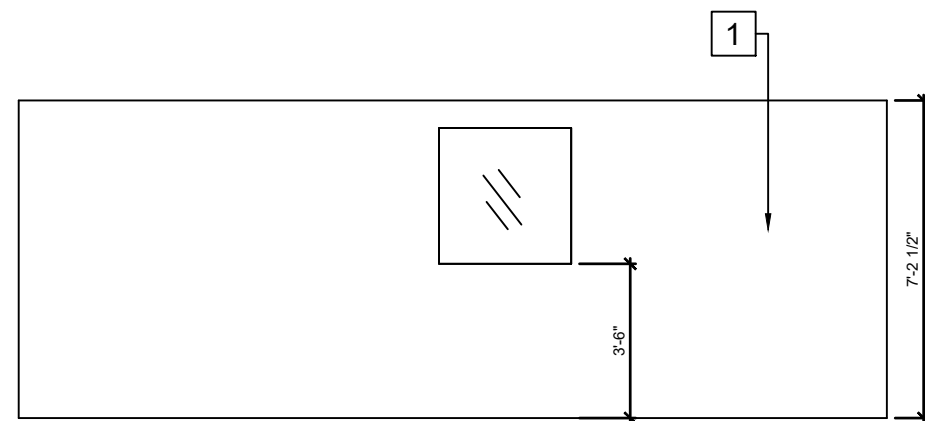
INTERIOR ELEVATION

SCALE
1/4"=1'-0" 5



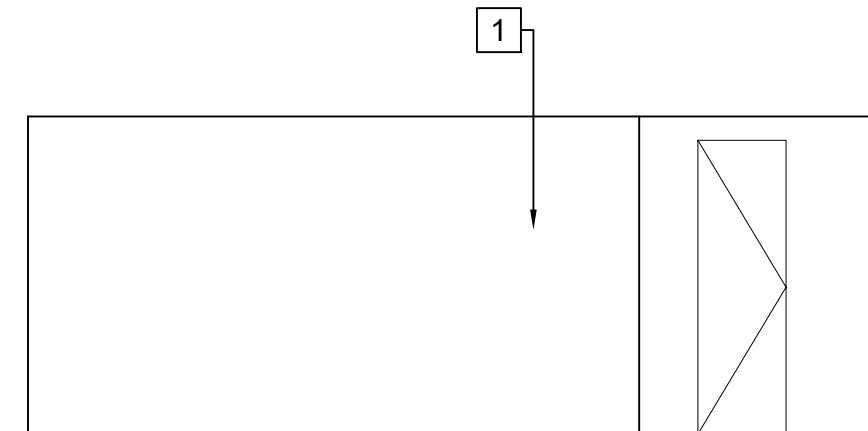
INTERIOR ELEVATION

SCALE
1/4"=1'-0" 3



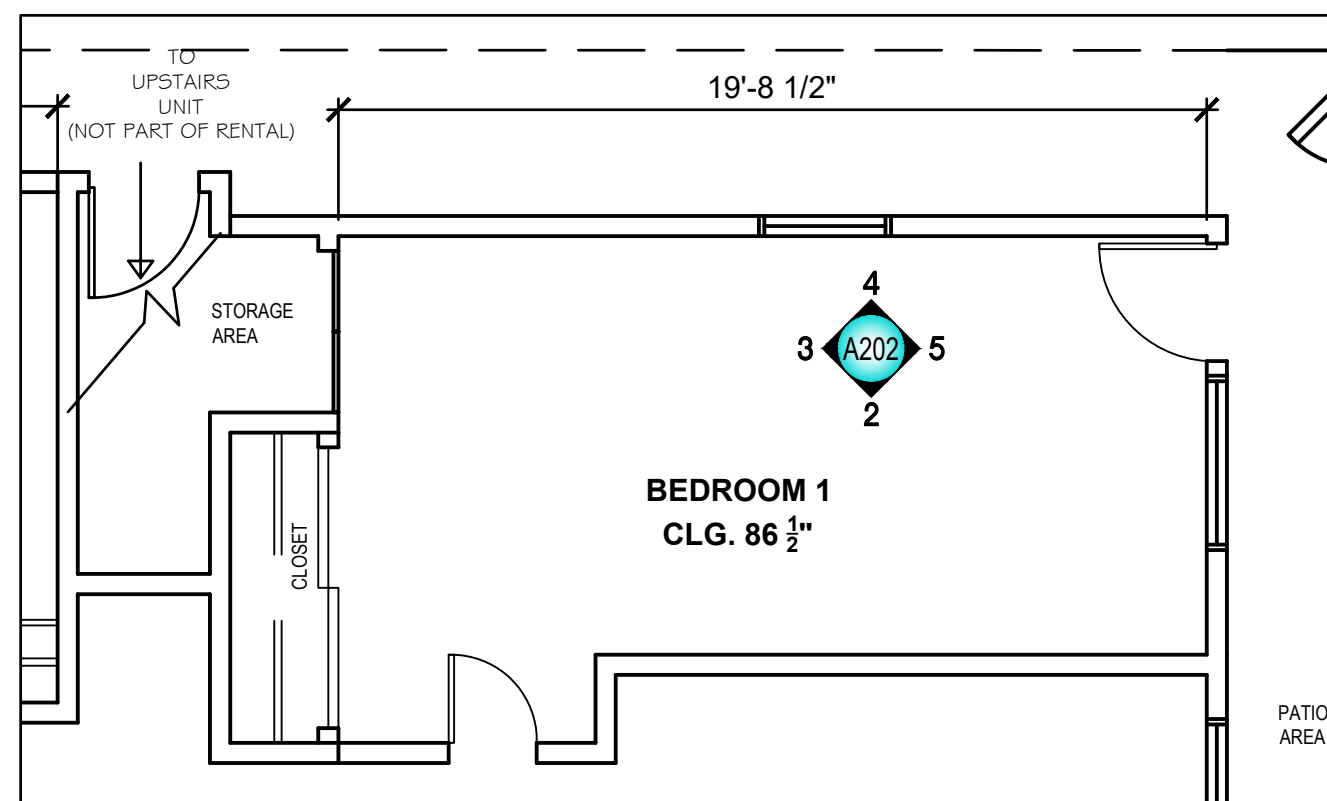
INTERIOR ELEVATION

SCALE
1/4"=1'-0" 4



INTERIOR ELEVATION

SCALE
1/4"=1'-0" 2



ENLARGED PLAN

SCALE
1/4"=1'-0" 1

- 1 PAINTED GYP. BOARD
- 2 EMERGENCY EXIT
- 3 STORAGE CLOSET

KEYNOTES

Project Owner:

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Project Address:

325 12TH PL
MANHATTAN BEACH,
CA 90266

Stamp:

No.	Date	Description

Sheet Title:
AS-BUILT
ELEVATIONS
BEDROOM 1

DWG. DATE: 12.22.2019
REVIEWED BY: MG
PROJECT NUMBER:

SHEET:

A202

Project Owner:

ROBERT CORREA
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Consultant:

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MARLONEGONZALEZ@AOL.COM

Project Address:

325 12TH PL
MANHATTAN BEACH,
CA 90266

Stamp:

No.	Date	Description

Sheet Title:

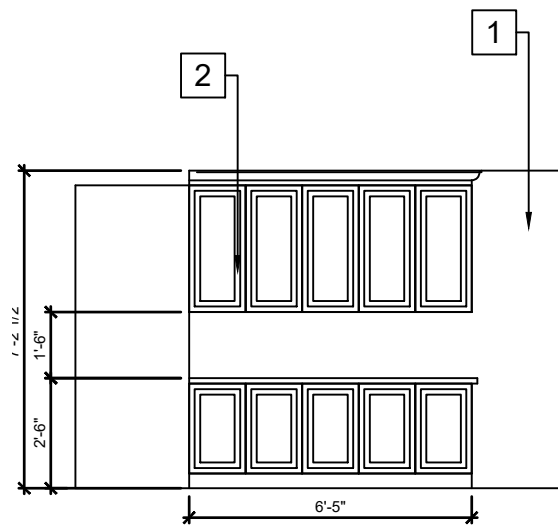
AS-BUILT
ELEVATIONS
KITCHEN

DWG. DATE: 12.22.2019
REVIEWED BY: MG
PROJECT NUMBER:

SHEET:

A203

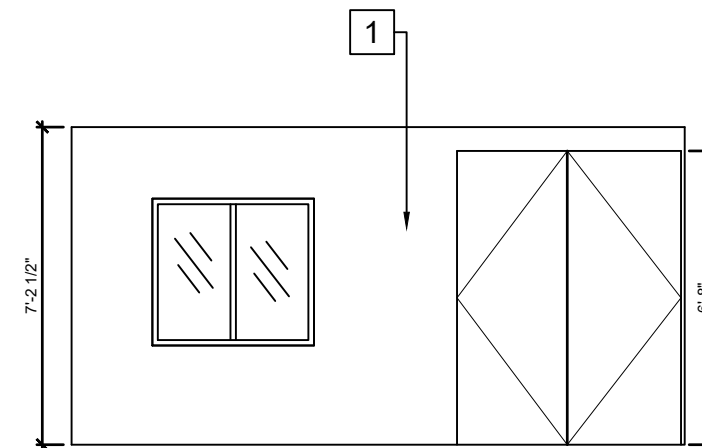
- 1 PAINTED GYP. BOARD
- 2 BUILT-IN CABINETS



INTERIOR ELEVATION

SCALE
1/4"=1'-0"

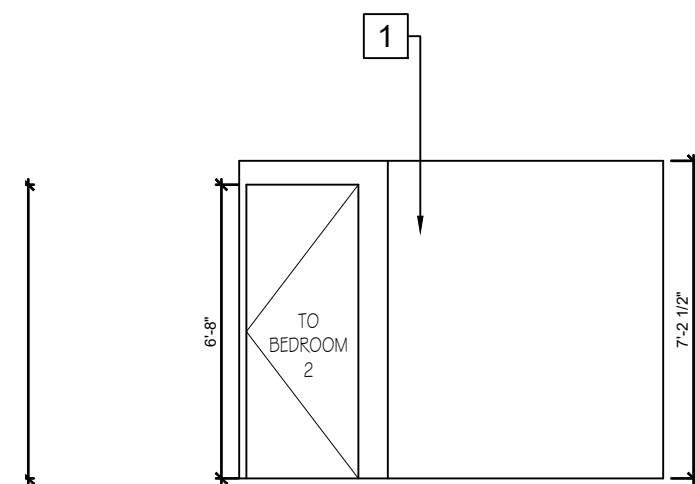
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INTERIOR ELEVATION

SCALE
1/4"=1'-0"

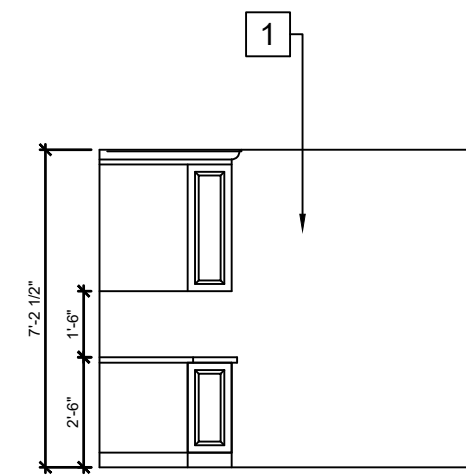
3



INTERIOR ELEVATION

SCALE
1/4"=1'-0"

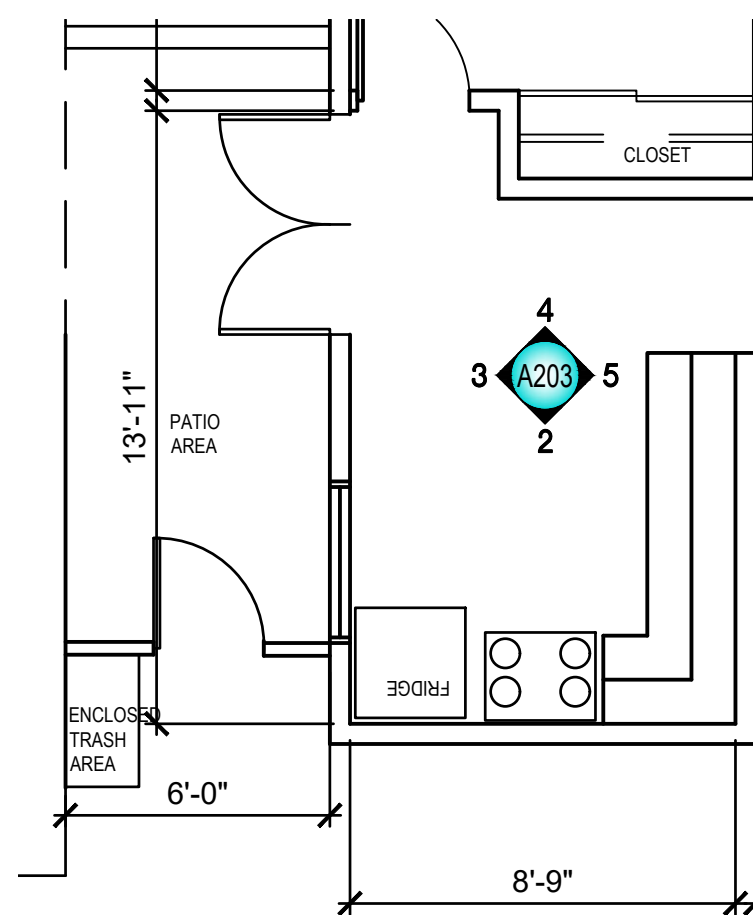
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INTERIOR ELEVATION

SCALE
1/4"=1'-0"

2

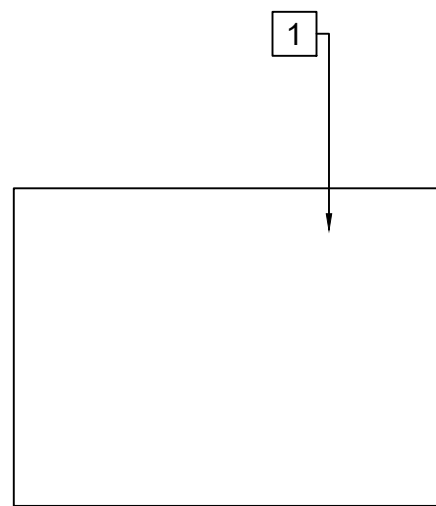


ENLARGED PLAN

SCALE
1/4"=1'-0"

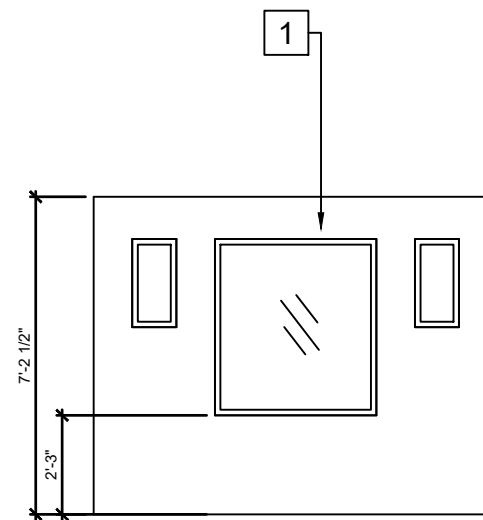
1

KEYNOTES



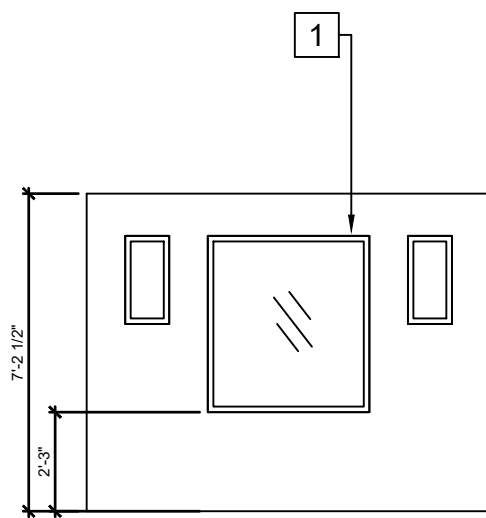
INTERIOR ELEVATION

SCALE
1/4"=1'-0" **5**



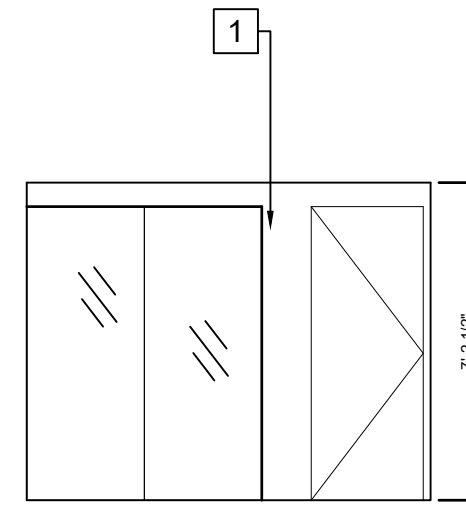
INTERIOR ELEVATION

SCALE
1/4"=1'-0" **3**



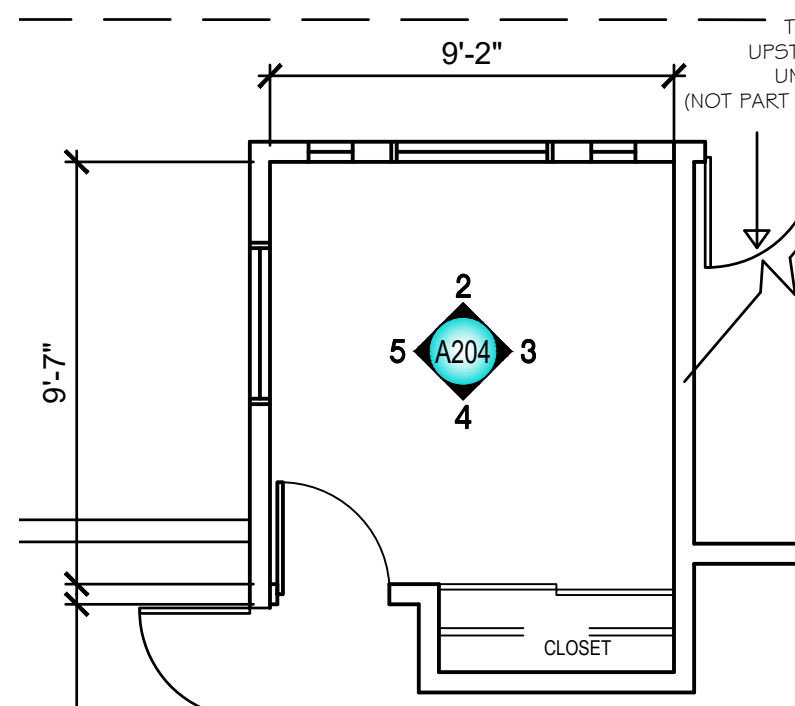
INTERIOR ELEVATION

SCALE
1/4"=1'-0" **4**



INTERIOR ELEVATION

SCALE
1/4"=1'-0" **2**



ENLARGED PLAN

SCALE
1/4"=1'-0" **1**

KEYNOTES

- 1** PAINTED GYP. BOARD
- 2** MAIN ENTRY

Project Owner:

ROBERT CORREA
325 12TH PL
MANHATTAN BEACH CA
P. 310.720.5431

Consultant:

ARCHITECTURAL SERVICES
MARLON GONZALEZ
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P.310.722.7246
MARLONEGONZALEZ@AOL.COM

Project Address:

325 12TH PL
MANHATTAN BEACH,
CA 90266

Stamp:

No.	Date	Description

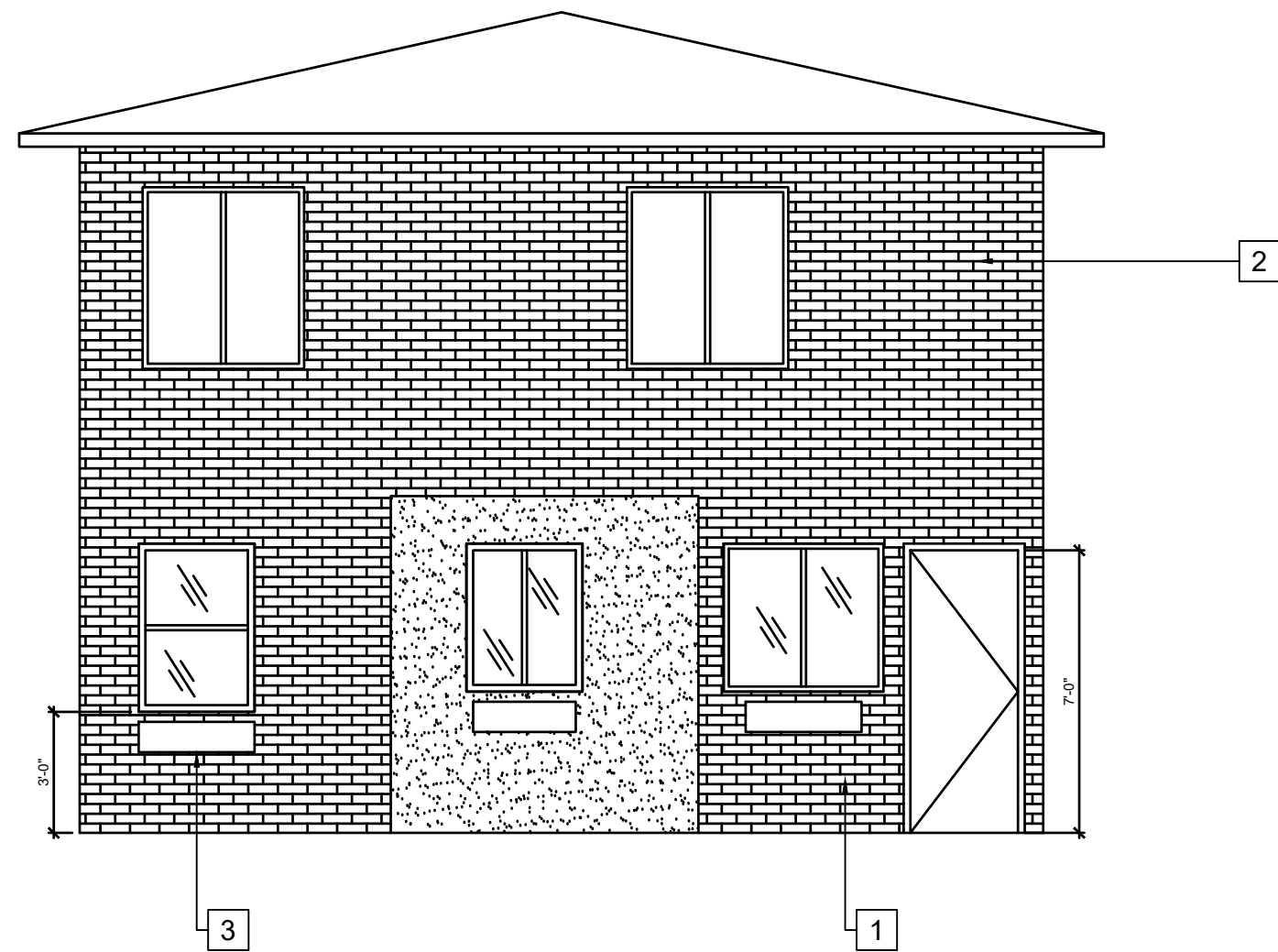
Sheet Title:

AS-BUILT
ELEVATIONS
BEDROOM 2

DWG. DATE: 12.22.2019
REVIEWED BY: MG
PROJECT NUMBER:

SHEET:

A204



- 1 BRICK FINISH
- 2 OWNER OCCUPIES 2ND FLOOR
- 3 PLANTER
- 4 WOODEN GATE
- 5 MAIN ENTRANCE TO RENTAL UNIT

Project Owner:

ROBERT CORREA
325 12TH PL
MANHATTAN BEACH CA
P. 310.720.5431

Consultant:

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MARLONEGONZALEZ@AOL.COM

Project Address:

325 12TH PL
MANHATTAN BEACH,
CA 90266

Stamp:

No.	Date	Description

Sheet Title:

EXTERIOR
ELEVATIONS

DWG. DATE: 12.22.2019
REVIEWED BY: MG
PROJECT NUMBER:

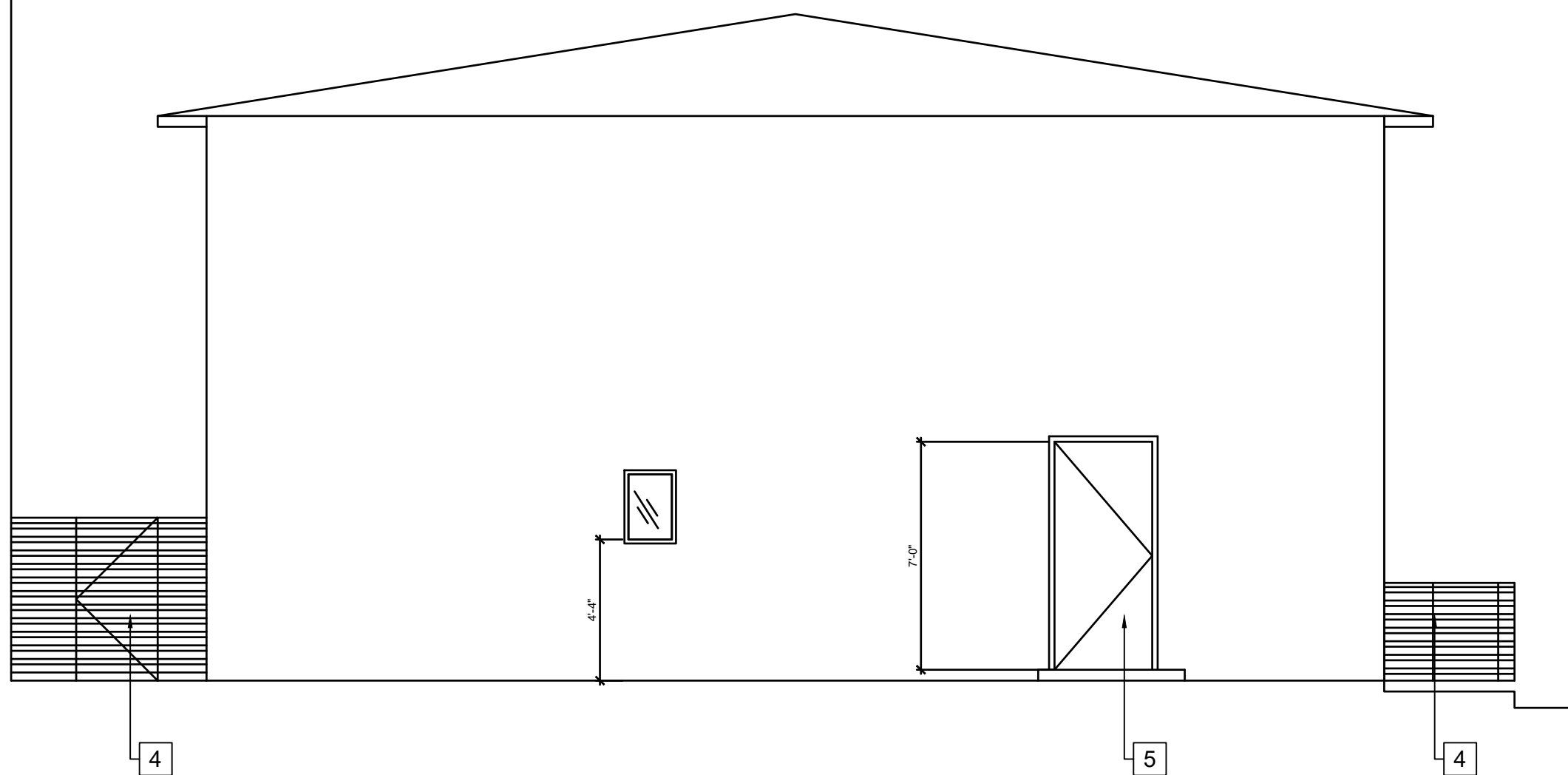
SHEET:

A401

EXTERIOR ELEVATION

SCALE
1/4"=1'-0"

2



EXTERIOR ELEVATION

SCALE
1/4"=1'-0"

1

KEYNOTES