

# ATTACHMENT 1

## RESOLUTION NO. PC 26-XX

### **A RESOLUTION OF THE MANHATTAN BEACH PLANNING COMMISSION APPROVING A VARIANCE TO REDUCE THE REQUIRED FRONT YARD SETBACK FROM 20 FEET TO 10 FEET AS PART OF THE CONSTRUCTION OF A NEW TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED AT 620 25TH STREET, AND FINDING THE PROJECT EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

#### **THE MANHATTAN BEACH PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. On August 13, 2025, Amir Zagross (“Applicant”), applied for a Variance to reduce the required front yard building setback from a minimum 20 feet to 10 feet for the construction of a new two-story single-family residence with a basement and attached three car garage totaling 3,134 square feet of buildable floor area at 620 25<sup>th</sup> Street (“Project”).

SECTION 2. Variances are governed by Chapter 10.84 of the Manhattan Beach Municipal Code (“MBMC”), which specifies that “Variances are intended to resolve practical difficulties or unnecessary physical hardships that may arise from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.” (MBMC Section 10.84.010.) Furthermore, a variance is required for a reduction in the required minimum front yard building setback. The Applicant’s request consists of reducing the required front yard building setback from a minimum 20 feet to 10 feet, thus necessitating the need for a variance.

SECTION 3. On May 13, 2026, the Planning Commission conducted a duly noticed public hearing to consider the Project, during which the Planning Commission received a presentation by staff and testimony from the Applicant and provided an opportunity for the public to provide evidence and testimony.

SECTION 4. The Planning Commission finds that the Project qualifies for a Categorical Exemption from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15303 (New Construction), which is a Class 3 categorical exemption. Specifically, the Project proposes the construction of a new single-family residence under 10,000 square feet in an urbanized area, and is consistent with zoning requirements for the site. Furthermore, there are no features that distinguish this Project from others in the exempt class, and therefore, there are no unusual circumstances. Thus, no further environmental review is necessary.

SECTION 5. The record of the public hearing indicates:

- A. The legal description of the Property is: A portion of Lot 3, Block 86, Tract No. 2474, in the City of Manhattan Beach, County of Los Angeles. The Property is located in Area District II and is zoned Residential Single-Family (RS), with a General Plan land use designation of Low Density Residential. The Property is surrounded by RS zoned residential properties to the north, east, south, and west.
- B. The Project is located within a low density residential neighborhood which allows single-family homes on lots of at least 4,600 square feet in size. The Project proposes to construct a new single-family dwelling with a basement and attached three-car garage totaling 3,134 square feet of buildable floor area (BFA), and is in compliance with the City’s General Plan land use designation of Low Density Residential. The General Plan calls for the Low Density Residential land use designation to “provide for the development of single-family residences within a density range of 1.0 to 16.1 units per acre. Development is characterized generally by detached homes on individual lots”.
- C. The Applicant is requesting approval of a variance to reduce the minimum required front yard building setback from a minimum 20 feet to 10 feet, for the construction of a new two-story single-family residence and basement.
- D. The Project is consistent with the following General Plan goals and policies:
  - Goal LU-1: Maintain the low-profile development and small-town atmosphere of Manhattan Beach

The project proposes one single-family dwelling, which is consistent with allowable uses under the General Plan land use designation of Low Density Residential. It will replace an existing single-family dwelling with another single-family dwelling and will not increase the overall density. Aside from the front-yard setback requirement, the Project will comply with all

other development standards, which are intended to maintain low-profile development. The maximum BFA resulting from the setback reduction would be less than that allowed on other properties in the RS zone, and several other properties in the neighborhood have similar front-yard setbacks.

- Policy LU-1.1: Limit the height of new development to three stories where the height limit is thirty feet, or to two stories where the height limit is twenty-six feet, to protect the privacy of adjacent properties, reduce shading, protect vistas of the ocean, and preserve the low-profile image of the community

The project will construct a two-story single-family residence within the 26-foot height limit, which will protect privacy and reduce negative impacts on adjacent properties. The Project will comply with all development standards, except for the front setback requirement, that are intended to preserve low-profile development.

- Policy LU-1.2: Require the design of all new construction to utilize notches, balconies, rooflines, open space, setbacks, landscaping, or other architectural details to reduce the bulk of buildings and to add visual interest to the streetscape.

The project will comply with required side and rear yard building setbacks, as well as required landscaping and supplemental setback requirements. These design elements will ensure that the project enhances the building's visual interest and improve the neighborhood's streetscape.

- Policy LU-3.1: Continue to encourage quality design in all new construction

The MBMC contains various development standards that encourage quality design in new residential developments. These standards include, but are not limited to, building wall height limitations for walls abutting side and rear property lines, a 6% front-yard supplemental setback requirement, side- and rear-yard building setbacks, and landscaping minimums. The Project will comply with all these development standards.

**SECTION 6.** Based upon substantial evidence in the record, and pursuant to MBMC Section 10.32.060, the Planning Commission hereby makes the following findings related to Variance:

- A. *Because of special circumstances or conditions applicable to the subject property- including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions- strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property.*

The Property's trapezoidal shape creates a challenging buildable envelope in comparison to most residential lots in the immediate vicinity. The Property's unique shape results in a lot depth of only 58.3 feet. The unusually shallow lot, coupled with the unique trapezoidal shape, result in a buildable envelope that is a significantly smaller percentage of the lot (32.64%) when compared the buildable envelope-to-lot ratio of other nearby properties that have a typical rectangular shape (56%).

Strict application of the front setback development standard to this site would result in a burdensome buildable envelope and an undue hardship on the applicant. When applying all development standards, the maximum achievable BFA within the triangular shaped buildable envelope is 72.47% of the Code's theoretical maximum allowable BFA of 3,278 square feet. A reduction in the required minimum front yard setback would prevent an undue hardship on the property owner by allowing the development achieve a larger BFA within a larger buildable envelope that is more in keeping with the development potential enjoyed by other regularly shaped property in the vicinity and in the same zone.

- B. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

Relief from the minimum required front yard building setback may be granted without substantial detriment to the public good. The proposed two-story single-family residence would adhere to all other City development standards, including but not limited to BFA limitations, height, front yard supplemental setback requirements, landscaping requirements, and required side and rear yard building setbacks. The proposed front setback will also approximately match the existing structure's 9'-10" front yard setback, which has stood at the property since 1947. The proposed single-family dwelling would not represent a departure from other nearby single-family residences as it pertains to its size, massing, and impact on adjoining properties. The reduced front yard setback would not result in materially injurious impacts to the neighborhood, nor would it have negative public health, safety, or general welfare impacts.

- C. Granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district.

Granting the application is consistent with the purposes of the MBMC, specifically MBMC 10.12.010 (B), (E), and (H). The required 20-foot front-yard setback is appropriate for typical, rectangular-shaped lots, but could impose an undue constraint on irregularly shaped properties such as the Property. The Property has a unique, trapezoidal lot shape that reduces the Property's buildable envelope and maximum achievable BFA as compared to other properties in the vicinity and in the same zoning and area districts. The maximum allowable BFA for this Property is calculated by taking the lot size and multiplying it times .7, which results in a maximum allowable BFA of 3,278 square feet. However, when netting out the required setbacks, the maximum BFA realistically achievable is 2,375 square feet, which is 55% of the lot area. This maximum achievable BFA is significantly less than other rectangular-shaped properties in the vicinity, which average between 4,400 and 5,120 square feet in size and are able to achieve 100% of their respective BFA allowances.

Most other properties in the vicinity are rectangular in shape with significantly greater lot depths that result in larger buildable envelopes. Reducing the minimum front-yard setback would increase the buildable envelope, thereby increasing the maximum achievable BFA. The reduced front-yard setback allows the Project to be constructed in a with a BFA similar to that enjoyed by other properties in the vicinity, while simultaneously adhering to other development regulations applicable to nearby residential properties in the same zoning district. The Project will provide consistency with neighboring properties, will ensure adequate light, air, and privacy, protect neighboring properties from adverse impacts, and achieve design compatibility.

Several similarly shaped triangular properties in the vicinity have also received variances for reduced front and rear yard building setbacks. These variances have allowed new developments to reach a higher achievable BFA consistent with other rectangular shaped properties in the vicinity.

**SECTION 7.** Based upon the foregoing, the Planning Commission hereby **APPROVES** the Project, subject to the conditions below:

**General**

1. The Project shall be in substantial conformance with the plans and project description submitted to, and approved by, the Planning Commission on May 13, 2026, as amended by these conditions. 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.
3. Future modifications and improvements to the site shall be in compliance with all applicable Planning Division, Building Division, Public Works Department, Waste Management, Fire Department, and Los Angeles County Health Department regulations.

**Operational**

4. The Project shall be constructed in conformance with all applicable provisions of the Manhattan Beach Municipal Code (MBMC) and this Variance.

**Procedural**

5. 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 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 Community Development Department within 45 calendar days of receipt of a signed copy of this Resolution. Notwithstanding the foregoing, the Director may, upon a request by owner, grant an extension to the 45-day time limit. The Project approval shall not become effective until the covenant is recorded.
  
12. Indemnity, Duty to Defend and Obligation to Pay Judgments and Defense Costs, Including Attorneys' Fees, Incurred by the City. The operator and owner shall each 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 operator and/or 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 operator and owner of any claim, action, or proceeding and the City shall reasonably cooperate in the defense. If the City fails to promptly notify the operator and owner of any claim, action, or proceeding, or if the City fails to reasonably cooperate in the defense, the operator and 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 operator and/or 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 operator and 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 operator and/or owner shall deposit said amount with the City or enter into an agreement with the City to pay such expenses as they become due. The foregoing notwithstanding, the operator and owner shall not be required to indemnify, defend, or hold harmless the City in any manner with respect to an action brought by the operator, owner, or any other person, alleging that the public agency violated the project applicant's rights or deprived the applicant of the benefits or protections provided by a housing reform law.

SECTION 11. 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 12. This Resolution shall become effective when all time limits for appeal as set forth in MBMC Section Chapter 10.100 have expired.

SECTION 13. The Secretary of the Planning Commission shall certify to the adoption of this Resolution and shall forward a copy of this Resolution to the Applicant. The Secretary shall make this resolution readily available for public inspection.

May 13, 2026

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**Rachel Hackett**  
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 **May 13, 2026**, and that said Resolution was adopted by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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**Adam Finestone, AICP**  
Secretary to the Planning Commission

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**Lauryn Bradley**  
Recording Secretary