

August 21, 2025, Planning Commission Item 1 Comments

These comments on a Newport Beach Planning Commission [agenda](#) item are submitted by:

Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229).

Item No. 1. MINUTES OF AUGUST 7, 2025

The passages in *italics* are from the [draft minutes](#), with corrections suggested in **strikeout underline** format.

Page 3 of 5, paragraph 3: “All ~~Commissions~~ Commissioners reported no ex ~~Parte~~ parte communications.”

Page 3 of 5, paragraph 8, sentence 1: “Robert Stayner reported that he lives across from the site and has not had any communication with the applicant.”

Page 3 of 5, last full paragraph, sentence 1: “Mr. Lindsay corrected Mr. Mosher to note that the front setback one lot over, on Heliotrope Avenue, from the project site is only 15 feet, extending for five lots, making it not a continuous 20- foot setback along Heliotrope Avenue and making this variance request not out of context.”

[**Comment:** Since Mr. Lindsay said he was “fact-checking” me, I think it is fair to point out he may have misunderstood the comment he was fact-checking.

My comment was that while the origin of the 10-foot rear setback, applicable to the subject lot alone, was not clear and might be a candidate for adjustment, the 20-foot setback along Heliotrope, applicable to all lots on both sides of the street, appeared to be part of a purposeful design that should be respected. Mr. Lindsay seems to have been pointing out that five other lots on the west side of this block of Heliotrope contain structures intruding into the 20-foot setback design by varying amounts, up to five feet. I do not know the history of how those structures came to intrude into the setback. It is hard to see anything peculiar about those lots that would justify variances from the plan for them. But the existence of nonconforming structures does not contradict the existence of a plan or justify additional deviations from it. Indeed, the plan for 20-foot setbacks along both sides of Heliotrope was part of the original [Districting Map 17](#) adopted by Ordinance No. 525 in 1943,¹ which seems to have been intended to bring future order to the neighborhoods as the properties redeveloped – as Mr. Roth of Fernleaf testified he had to do when he rebuilt his residence there. In my view, if the Planning Commission thinks a different plan for Heliotrope setbacks is more appropriate than that adopted in 1943, it should recommend the Council change the plan, not grant deviations from it. Allowing new structures that do not conform to the setback plan means its vision will never be realized.]

Page 3 of 5, last full paragraph, sentence 2: “He stated that the applicant is not asking for a privilege but rather correcting old lot layouts to meet how the area has adapted over time.” [?]

¹ The setback notations are clearer on the [1950 version](#) of the map. It might be noted the 20-foot setback plan for Heliotrope may have been less purposeful than I imagined at the time of my comment. I see now that for reasons unknown to me, the last five addresses (214 - 224) on the east side of Heliotrope closest to Ocean Blvd were singled out for future front setbacks of only 15 feet (these are not the five lots Mr. Lindsay was referring to).]