



## **CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT**

January 22, 2026  
Agenda Item No. 2

**SUBJECT:** Kristi A. Dumont Trust Encroachment (PA2025-0228)  
▪ Encroachment Permit No. N2025-0390

**SITE LOCATION:** 520 Poinsettia Avenue, Units A, B & C

**APPLICANT:** Kristi Dumont

**OWNER:** Kristi A. Dumont Trust

**PLANNER:** Jake Marshall, Associate Civil Engineer  
949-644-3323, [jmarshall@newportbeachca.gov](mailto:jmarshall@newportbeachca.gov)

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### **PROJECT SUMMARY**

A request to waive City Council Policy L-6 to retain certain existing, non-compliant private improvements encroaching into the 50-foot-wide Third Avenue public right-of-way and the 50-foot-wide Poinsettia Avenue public right-of-way. As part of this consideration, staff is recommending the removal of other non-compliant improvements within the same public rights-of-way due to traffic safety concerns.

### **RECOMMENDATION**

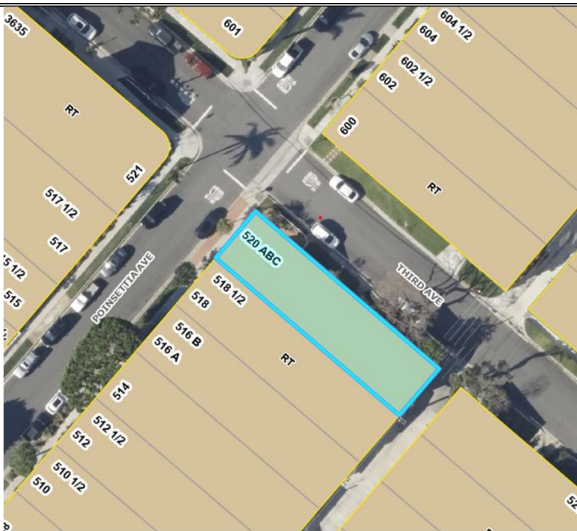
- 1) Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) (Preliminary Review), and Section 15301 Class 1 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
- 2) Adopt Resolution No. PC2026-001, waiving City Council Policy L-6 (Encroachments in Public Rights-of-Way) and approving Encroachment No. N2025-0390, to retain certain existing improvements which encroach into the public right-of-way, including brick hardscape, a low brick wall, brick pilaster, a gate, and landscaping and requiring the removal of an existing fence, lights, hedge, and tall landscaping within the traffic safety visibility area.

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## VICINITY MAP



## GENERAL PLAN



## ZONING

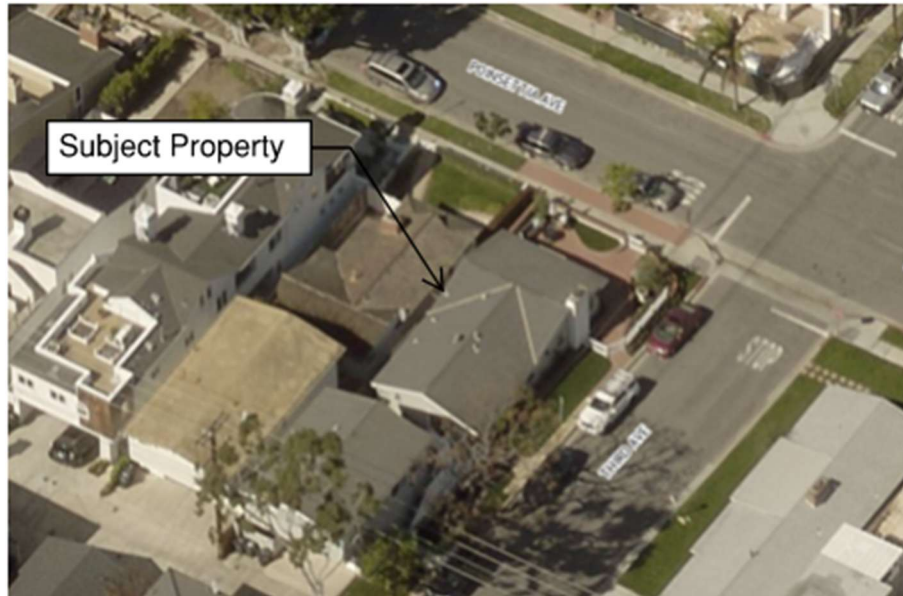


LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Two Unit Residential (RT)	Two-Unit Residential (R-2)	Residential
NORTH	RT	R-2	Residential
SOUTH	RT	R-2	Residential
EAST	RT	R-2	Residential
WEST	RT	R-2	Residential

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## **INTRODUCTION**

The subject property at 520 Poinsettia Avenue is located on the corner of Poinsettia and Third Avenues. The property is improved with an existing duplex and accessory dwelling unit and includes a variety of unauthorized accessory structures which encroach onto both the Poinsettia and Third Avenues public rights-of-way. Site photographs and site plans are included as Attachment Nos. PC 3 and PC 5.



### *Improvements to Remain*

The property owner is requesting a waiver of City Council Policy L-6 (Encroachment in Public Rights-of-Way) to retain certain existing improvements within the Poinsettia and Third Avenues public right-of-way. The Policy, included as Attachment No. PC 2, limits the existing walls and fences to a 1-foot encroachment into the right-of-way, as well as limits heights to 36 inches. Therefore, the property owner is requesting a waiver of the Policy to retain the following improvements:

- a. A 30-inch-high brick wall encroaching approximately 7.5 feet into the Third Avenue right-of-way;
- b. A 33-inch-high brick pilaster encroaching approximately 7 feet 9 inches into the Third Avenue right-of-way;
- c. A 36-inch-high gate encroaching approximately 7 feet into the Third Avenue right-of-way;
- d. Existing landscaping of various heights encroaching approximately 6 feet into the Third Avenue public right-of-way; and
- e. Existing hardscape encroaching approximately 9.5 feet into the Poinsettia Avenue and Third Avenue public right-of-way.





Figure 1: Brick hardscape in the Poinsettia Avenue right-of-way to remain

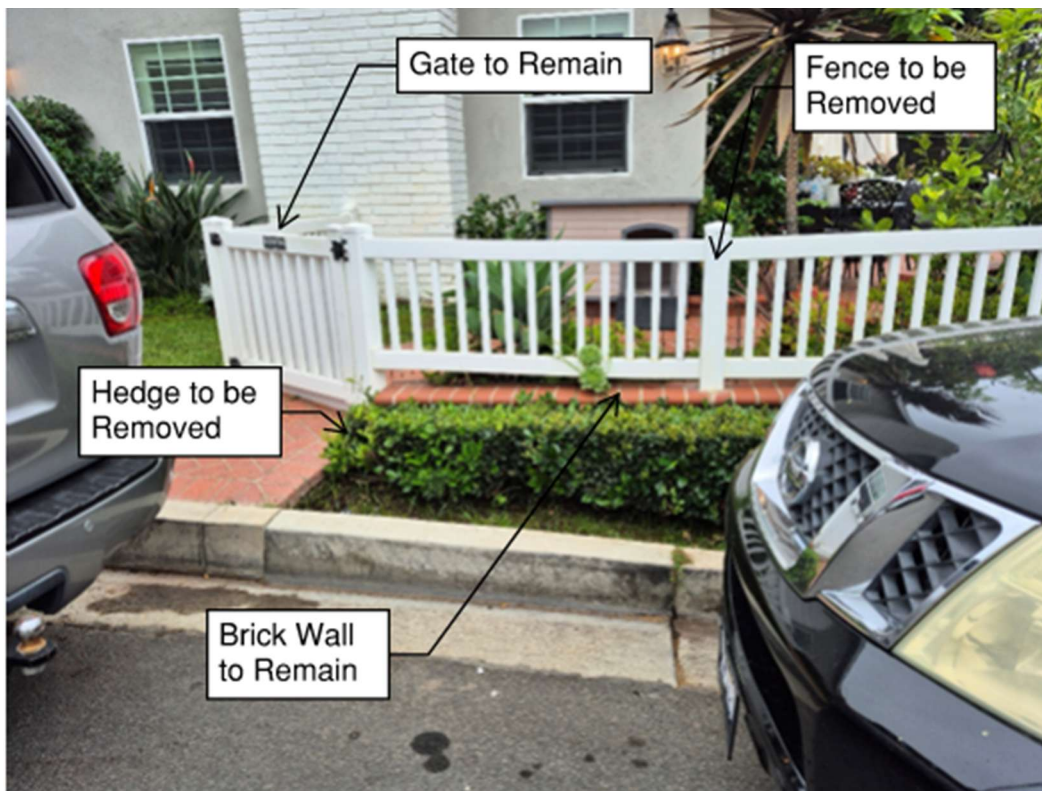


Figure 2: Existing, non-compliant encroachments into Third Avenue public right-of-way

### *Improvements to be Removed*

The following encroachments into the Poinsettia and Third Avenues rights-of-way are recommended by staff to be removed:

- a. A 30-inch-high fence encroaching approximately 7.5 feet into the Third Avenue right-of-way;
- b. An outdoor light (above an existing pilaster to remain) encroaching approximately 7 feet into the Third Avenue right-of-way;
- c. A hedge encroaching approximately 9.5 feet into the Third Avenue right-of-way; and
- d. Landscaping of various heights encroaching approximately 7.5 feet into the Third Avenue public right-of-way.



*Figure 3: Existing, non-compliant encroachments into Third Avenue public right-of-way*

## **DISCUSSION**

### Analysis

City Council Policy L-6 (Encroachments in Public Rights-of-Way) describes how the public rights-of-way are to be reserved for public use or open space. The Policy states that rights of the public, in both the present and future, are not to be diminished by the retention of private improvements within the public rights-of-way. The Policy specifies

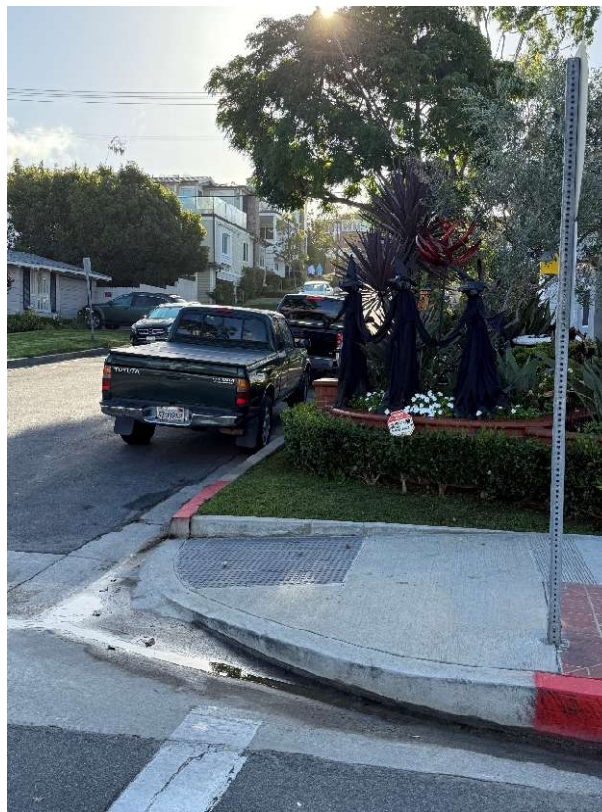


allowable and prohibited encroachments and describes the required permits and/or encroachment agreements.

Without a waiver granted by the Planning Commission, the Policy prohibits private encroachments of fences, walls, patios, raised planters, etc., which encroach in excess of 1-foot into the public rights-of-way or exceed 3 feet in height. Due to these limits, the property owner is requesting a waiver of this policy to retain the previously discussed encroachments.

### Safety Concern

The existing brick wall constructed on the corner of Poinsettia Avenue and Third Avenue is short enough to be within the area of traffic safety visibility, but the landscaping and fence placed on top within the public right of way does not comply. Zoning Code Section 20.30.130 (Traffic Safety Visibility Area) limits landscaping to 24 inches above adjacent grade within the area of traffic safety visibility, which is a triangular-shaped area on a corner lot formed by applying City Standard 105 to determine the driver's line of sight at the two intersecting streets and connecting the lines diagonally making a triangular area. The current encroachments obstruct visibility to motorists across the corners of the intersections and are a significant safety concern. The property owner has agreed to remove the landscape within this area as part of Encroachment Permit No. N2025-0390.



*Figure 4: Current corner visibility looking towards Third Avenue from Poinsettia Avenue.*



### Staff Recommendation

The Public Works Department has reviewed this request and is recommending approval of the following:

1. The retention of the existing improvements consisting of the low brick wall, brick pilaster, gate, landscaping outside of the area of traffic safety visibility maintained to 36 inches in height encroaching into the Third Avenue public right-of-way, and brick hardscape encroaching into the Poinsettia Avenue and Third Avenues public rights-of-way; and
2. The removal of the existing improvements consisting of the white fence placed on top of the brick wall encroaching into the Third Avenue public right-of-way, the light placed on top of the brick pilaster encroaching into the Third Avenue public right-of-way, landscaping that is placed within the area of traffic safety visibility encroaching into the Third Avenue public right-of-way, and the hedge planted in front of the brick wall encroaching into the Third Avenue public right-of-way.

### Environmental Review


This Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment), Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3 (CEQA Guidelines), because the Project, consisting of a thirty-inch high brick wall along with pilaster, gate and landscaping, has no potential for resulting in direct or indirect physical change to the environment. The existing improvements are consistent with structures allowed under this exemption.

### Public Notice

Notice of this hearing was mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicants and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the city website.

Prepared by:

Submitted by:

  
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Jake Marshall P.E.  
Associate Civil Engineer  
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Jaime Murillo, AICP  
Acting Community Development Director

**ATTACHMENTS**

- PC 1 Draft Resolution with Findings and Conditions
- PC 2 City Council Policy L-6 (Encroachments in Public Right-of-Way)
- PC 3 Site Photos
- PC 4 Owner Letter dated September 19, 2025
- PC 5 Site Plan