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March 11, 2026

Via Electronic Mail

Lena Shumway, City Clerk
City of Newport Beach City Council
100 Civic Center Drive, Bay 2E
Newport Beach, CA 92660
cityclerk@newportbeachca.gov

Re: Brown Act Violation – February 10, 2026 City Council Meeting Agenda

Dear City Council and City Attorney,

Pursuant to Government Code section 54960.1, on behalf of Beaches for All-California this letter constitutes a formal demand that the City of Newport Beach cure and correct a violation of the Ralph M. Brown Act arising from the February 10, 2026 City Council Meeting Agenda.

Agenda Item No. 3 was titled “Safety Enhancement Zones Expansion and Enforcement During Peak Activity Periods.” The description framed the action as addressing illegal activity during designated “Spring Break” and other “High-Risk Periods.” The agenda referenced expansion of Safety Enhancement Zones and enforcement measures during specified dates (March 14 through April 12).

However, the action taken included introduction of Ordinance No. 2026-2 amending Section 11.08.020 of the Newport Beach Municipal Code governing “Use of Shade Coverings.” As adopted for introduction, the ordinance permanently reduces the maximum allowable size of shade structures on public beaches from 10 feet by 10 feet to 6 feet by 6 feet.

The agenda description did not clearly disclose that:

- The shade structure size reduction is permanent rather than limited to Spring Break;
- The restriction applies year-round rather than only during designated high-risk periods;
- The amendment alters general beach use regulations beyond Safety Enhancement Zones;
or
- A substantive reduction in permitted shade area (from 100 square feet to 36 square feet) was being enacted.

Government Code section 54954.2 requires that agendas contain a brief general description sufficient to inform the public of the business to be transacted. Courts interpreting the Brown Act have held that agenda descriptions must not be misleading as to the scope or impact of the action under consideration and must allow members of the public to determine whether their interests may be affected.

By framing the item as a Spring Break “Safety Enhancement Zone” enforcement measure, while simultaneously introducing a permanent, year-round amendment to beach conduct regulations, the City failed to provide adequate notice of the true scope and effect of the action. A reasonable member of the public reviewing the agenda would not have understood that a permanent reduction of allowable beach shade structures was being adopted.

Accordingly, pursuant to Government Code section 54960.1 subdivision (a), we request the City cure and correct this violation by:

1. Rescinding the February 10, 2026 action introducing Ordinance No. 2026-2; and
2. Re-agendizing the proposed amendment with a clear and accurate agenda description that expressly discloses the permanent, year-round reduction in allowable shade structure size.

Please confirm within 30 days whether the City intends to cure and correct the violation as required by statute.

This request is made in the interest of transparency, meaningful public participation, and compliance with California’s open meeting laws.

Sincerely,



Douglas P. Carstens