

AMENDED IN SENATE APRIL 12, 2021

AMENDED IN SENATE MARCH 24, 2021

SENATE BILL

No. 796

Introduced by Senator Bradford
(Principal coauthor: Senator Allen)

(Principal coauthors: Assembly Members Burke and Muratsuchi)

February 19, 2021

An act to amend Section 5002.6 of the Public Resources Code, relating to state parks.

LEGISLATIVE COUNSEL'S DIGEST

SB 796, as amended, Bradford. State parks: state beaches: County of Los Angeles: *Manhattan State Beach*: deed restrictions.

Existing law requires the Director of Parks and Recreation, upon the adoption of a specified resolution by the Board of Supervisors of the County of Los Angeles, to grant to the County of Los Angeles, in trust for the people of California, all of the rights, title, and interest of the State of California in specified state beach ~~property~~. ~~Existing law prohibits any project for new or expanded noncommercial development on that beach property from exceeding an estimated cost limitation for each project of \$250,000, as adjusted. Existing law requires this cost limitation to be specified in each deed.~~ *property, including a portion of Manhattan State Beach. Existing law requires the grant to be made upon the express condition that the County of Los Angeles use, operate, and maintain the granted lands and improvements only for public recreation and beach purposes in perpetuity. Existing law subjects the transfer of those rights, title, and interest in the granted lands to specified restrictions, including prohibitions on new or expanded*

commercial development on those granted lands and on the sale, transfer, or encumbrance of those granted lands.

~~This bill would increase the cost limitation specified above to \$750,000. The bill would require the Director of Parks and Recreation to, on or before June 30, 2022, execute an amendment to the deeds that incorporates the above provisions.~~

This bill would exclude specified property located in Manhattan State Beach, commonly known as “Bruce’s Beach,” from the requirement that the property be used only for public recreation and beach purposes in perpetuity and from those specified restrictions. The bill would authorize the property to be sold, transferred, or encumbered upon terms and conditions determined by the Board of Supervisors of the County of Los Angeles to be in the best interest of the county and the general public. The bill would require the Director of Parks and Recreation, on or before June 30, 2022, to execute an amendment to a specified deed that incorporates the exclusion of that property from those restrictions.

This bill would make legislative findings and declarations as to the necessity of a special statute for “Bruce’s Beach.”

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5002.6 of the Public Resources Code is
2 amended to read:
3 5002.6. (a) Notwithstanding any other ~~provision of law~~, and
4 upon the adoption of a resolution of acceptance pursuant to
5 subdivision ~~(h)~~, (i), the director shall grant to the County of Los
6 Angeles, at no cost to the county, in trust for the people of the State
7 of California, and subject to the conditions set forth in this section,
8 all of the rights, title, and interest of the State of California in lands,
9 and improvements thereon, generally described as follows, and
10 more particularly described in the deed:
11 (1) Parcel 1. Approximately 3.83 acres of unimproved land,
12 known as Las Tunas State Beach.
13 (2) Parcel 2. Approximately 31.21 acres of improved land,
14 known as Topanga State Beach.
15 (3) Parcel 3. Approximately 46.34 acres of improved land,
16 being a portion of Manhattan State Beach.

1 (4) Parcel 4. Approximately 26.03 acres of improved land,
2 known as Redondo State Beach.

3 (5) Parcel 5. Approximately 18.07 acres of improved land,
4 known as Royal Palms State Beach.

5 (6) Parcel 6. Approximately 30.64 acres of improved land,
6 being a portion of Point Dume State Beach.

7 (7) Parcel 7. Approximately 15.12 acres of unimproved land,
8 known as Dan Blocker State Beach, and that includes Latigo
9 Shores.

10 (8) Parcel 8. Approximately 10.50 acres of improved land,
11 being a portion of Malibu Lagoon State Beach, known as Surf
12 Rider Beach.

13 (b) (1) The grant in trust for the people of the State of California
14 made pursuant to subdivision (a) shall be made upon the express
15 condition that the County of Los Angeles shall use, operate, and
16 maintain the granted lands and improvements ~~thereon~~ *on the*
17 *granted lands* for public recreation and beach purposes in
18 perpetuity, and shall comply with all restrictions specified in each
19 deed and prescribed in subdivision (e). The county shall not make
20 or permit any other use of the granted lands and improvements.
21 ~~Any~~ A violation of this prohibition or ~~any~~ a violation of subdivision
22 (e) shall constitute a breach of conditions for purposes of paragraph
23 ~~(2) of this subdivision.~~ (2).

24 (2) Upon a material breach of ~~any~~ a condition of a grant made
25 pursuant to this section ~~which~~ *that* is determined by a court of
26 competent jurisdiction to have been made intentionally, the State
27 of California shall terminate the interest of the County of Los
28 Angeles in the granted lands and improvements pursuant to Chapter
29 5 (commencing with Section 885.010) of Title 5 of Part 2 of
30 Division 2 of the Civil Code. Upon exercise of the state's power
31 of termination in accordance with Section 885.050 of the Civil
32 Code, all rights, title, and interest of the County of Los Angeles
33 in the granted lands and improvements shall terminate and revert
34 to, and rest in, the state, and the county shall, within 30 days from
35 the date of that judgment, pay to the state an amount equal to funds
36 received by the county annually from the appropriation under
37 schedule (a) of Item 3680-105-516 of the Budget Act of 1995 or
38 from any subsequent appropriation received from the state
39 specifically for the operation or maintenance of the granted lands
40 and improvements. However, in no event shall that payment exceed

1 the sum of one million five hundred thousand dollars (\$1,500,000).
2 The returned funds shall be deposited in the State Parks and
3 Recreation Fund.

4 (3) Notwithstanding Section 885.030 of the Civil Code, the
5 state's power of termination pursuant to paragraph (2) shall remain
6 in effect in perpetuity.

7 (c) ~~Any~~ An operating agreement between the State of California
8 and the County of Los Angeles pertaining to any of the real
9 property described in subdivision (a), in existence at the time of
10 the grant, shall be terminated by operation of law upon the
11 conveyance of the real property to the County of Los Angeles.

12 (d) There is hereby excepted and reserved to the State of
13 California from the grants made pursuant to subdivision (a) all
14 mineral deposits, as defined in Section 6407, ~~which~~ *that* lie below
15 a depth of 500 feet, without surface rights of entry.

16 (e) The transfer of all rights, title, and interest in the lands and
17 improvements described in subdivision (a) shall be subject to the
18 following restrictions, which shall be specified in each deed:

19 (1) (A) No new or expanded commercial development shall be
20 allowed on the granted real property.

21 (B) ~~Any~~ A project for new or expanded noncommercial
22 development on the granted real property shall not exceed an
23 estimated cost limitation for each project of two hundred fifty
24 thousand dollars (\$250,000), as adjusted annually to reflect the
25 California Construction Index utilized by the Department of
26 General Services. ~~Any~~ An authorization for new and expanded
27 noncommercial development shall be limited to projects that
28 provide for the safety and convenience of the general public in the
29 use and enjoyment of, and enhancement of, recreational and
30 educational experiences, and shall be consistent with the use,
31 operation, and maintenance of the granted lands and improvements
32 as required pursuant to subdivision (b). The expenditure of public
33 funds for shoreline protective works shall only be permitted for
34 those protective works that the County of Los Angeles determines
35 are necessary for the protection of public infrastructure or a public
36 facility. For purposes of this subparagraph, "project" means the
37 whole of an action that constitutes the entirety of the particular
38 type of new construction, alteration, or extension or betterment of
39 an existing structure.

1 (C) Notwithstanding subparagraph (B), the deed for the
2 conveyance of Royal Palms State Beach shall contain a provision
3 that allows for the implementation of the state-approved local
4 assistance grant (project number SL-19-003) to the County of Los
5 Angeles already approved in the Budget Act of 1988 for
6 noncommercial development to rehabilitate the existing park
7 infrastructure at that state beach.

8 (D) The estimated cost limitation specified in subparagraph (B)
9 shall not apply to the noncommercial projects necessary to bring
10 public accessways and public facilities into compliance with the
11 Americans with Disabilities Act of 1990, as amended (42 U.S.C.
12 Sec. 12101 et seq.). The limitation described in this subparagraph
13 shall not affect the restriction described in subparagraph ~~(A)~~ of
14 ~~paragraph (1) of subdivision (e): (A).~~

15 (2) The granted lands and improvements ~~may~~ shall not be
16 subsequently sold, transferred, or encumbered. For purposes of
17 this section, “encumber” includes, but is not limited to, mortgaging
18 the property, pledging the property as collateral, or any other
19 transaction under which the property would serve as security for
20 borrowed funds. ~~Any~~ A lease of the granted lands or improvements
21 shall only be consistent with the public recreation and beach
22 purposes of this section.

23 (f) As an alternative to the exercise of the power of termination
24 for a material breach of conditions, each condition set forth in this
25 section shall be enforceable as a covenant and equitable servitude
26 through injunction for specific performance issued by a court of
27 competent jurisdiction.

28 (g) On and after June 30, 1998, it is the intent of the Legislature
29 that ~~any~~ an application by the County of Los Angeles Fire
30 Department to secure state funding support for boating safety and
31 enforcement on waters within the County of Los Angeles shall be
32 given priority consideration by the Legislature, unless an alternative
33 source of funding is secured ~~prior to~~ before that date ~~which~~ that
34 serves the same or similar purposes.

35 (h) (1) Paragraph (1) of subdivision (b), except the requirement
36 that the County of Los Angeles comply with all restrictions
37 specified in the deed, and subdivision (e) shall not apply to a
38 portion of land within Manhattan State Beach, described in
39 paragraph (3) of subdivision (a), known as “Peck’s Manhattan

1 *Beach Tract Block 5” and commonly referred to as “Bruce’s*
2 *Beach.”*

3 *(2) Notwithstanding any other law, the portion of land identified*
4 *in paragraph (1) may be sold, transferred, or encumbered upon*
5 *terms and conditions determined by the Board of Supervisors of*
6 *the County of Los Angeles to be in the best interest of the County*
7 *of Los Angeles and the general public.*

8 ~~(h)~~

9 *(i) This section shall become operative only if the Board of*
10 *Supervisors of the County of Los Angeles adopts a resolution*
11 *accepting the fee title grants, in trust for the people of the State of*
12 *California, in accordance with this section, of the lands and*
13 *improvements described in subdivision (a).*

14 *SEC. 2. With regard to a deed executed by the Director of*
15 *Parks and Recreation granting property to the County of Los*
16 *Angeles pursuant to Section 5002.6 of the Public Resources Code,*
17 *the director, on or before June 30, 2022, shall execute an*
18 *amendment to that deed modifying the deed restriction required*
19 *by subdivision (e) of Section 5002.6 of the Public Resources Code*
20 *to incorporate the provisions of subdivision (h) of Section 5002.6*
21 *of the Public Resources Code as amended by this act.*

22 *SEC. 3. The Legislature finds and declares that a special statute*
23 *is necessary and that a general statute cannot be made applicable*
24 *within the meaning of Section 16 of Article IV of the California*
25 *Constitution because of the unusual circumstances surrounding*
26 *the land ownership at “Bruce’s Beach.”*

27 ~~SECTION 1. Section 5002.6 of the Public Resources Code is~~
28 ~~amended to read:~~

29 ~~5002.6.—(a) Notwithstanding any other law, and upon the~~
30 ~~adoption of a resolution of acceptance pursuant to subdivision (h),~~
31 ~~the director shall grant to the County of Los Angeles, at no cost~~
32 ~~to the county, in trust for the people of the State of California, and~~
33 ~~subject to the conditions set forth in this section, all of the rights,~~
34 ~~title, and interest of the State of California in lands, and~~
35 ~~improvements thereon, generally described as follows, and more~~
36 ~~particularly described in the deed:~~

37 ~~(1) Parcel 1.—Approximately 3.83 acres of unimproved land,~~
38 ~~known as Las Tunas State Beach.~~

39 ~~(2) Parcel 2.—Approximately 31.21 acres of improved land,~~
40 ~~known as Topanga State Beach.~~

1 ~~(3) Parcel 3. Approximately 46.34 acres of improved land,~~
2 ~~being a portion of Manhattan State Beach.~~

3 ~~(4) Parcel 4. Approximately 26.03 acres of improved land,~~
4 ~~known as Redondo State Beach.~~

5 ~~(5) Parcel 5. Approximately 18.07 acres of improved land,~~
6 ~~known as Royal Palms State Beach.~~

7 ~~(6) Parcel 6. Approximately 30.64 acres of improved land,~~
8 ~~being a portion of Point Dume State Beach.~~

9 ~~(7) Parcel 7. Approximately 15.12 acres of unimproved land,~~
10 ~~known as Dan Blocker State Beach, and that includes Latigo~~
11 ~~Shores.~~

12 ~~(8) Parcel 8. Approximately 10.50 acres of improved land,~~
13 ~~being a portion of Malibu Lagoon State Beach, known as Surf~~
14 ~~Rider Beach.~~

15 ~~(b) (1) The grant in trust for the people of the State of California~~
16 ~~made pursuant to subdivision (a) shall be made upon the express~~
17 ~~condition that the County of Los Angeles shall use, operate, and~~
18 ~~maintain the granted lands and improvements on the lands for~~
19 ~~public recreation and beach purposes in perpetuity, and shall~~
20 ~~comply with all restrictions specified in each deed and prescribed~~
21 ~~in subdivision (c). The county shall not make or permit any other~~
22 ~~use of the granted lands and improvements. A violation of this~~
23 ~~prohibition or a violation of subdivision (c) shall constitute a breach~~
24 ~~of conditions for purposes of paragraph (2).~~

25 ~~(2) Upon a material breach of a condition of a grant made~~
26 ~~pursuant to this section that is determined by a court of competent~~
27 ~~jurisdiction to have been made intentionally, the State of California~~
28 ~~shall terminate the interest of the County of Los Angeles in the~~
29 ~~granted lands and improvements pursuant to Chapter 5~~
30 ~~(commencing with Section 885.010) of Title 5 of Part 2 of Division~~
31 ~~2 of the Civil Code. Upon exercise of the state's power of~~
32 ~~termination in accordance with Section 885.050 of the Civil Code,~~
33 ~~all rights, title, and interest of the County of Los Angeles in the~~
34 ~~granted lands and improvements shall terminate and revert to, and~~
35 ~~rest in, the state, and the county shall, within 30 days from the date~~
36 ~~of that judgment, pay to the state an amount equal to funds received~~
37 ~~by the county annually from the appropriation under schedule (a)~~
38 ~~of Item 3680-105-516 of the Budget Act of 1995 or from any~~
39 ~~subsequent appropriation received from the state specifically for~~
40 ~~the operation or maintenance of the granted lands and~~

1 improvements. However, in no event shall that payment exceed
2 the sum of one million five hundred thousand dollars (\$1,500,000).
3 The returned funds shall be deposited in the State Parks and
4 Recreation Fund.

5 (3) Notwithstanding Section 885.030 of the Civil Code, the
6 state's power of termination pursuant to paragraph (2) shall remain
7 in effect in perpetuity.

8 (e) An operating agreement between the State of California and
9 the County of Los Angeles pertaining to any of the real property
10 described in subdivision (a), in existence at the time of the grant,
11 shall be terminated by operation of law upon the conveyance of
12 the real property to the County of Los Angeles.

13 (d) There is hereby excepted and reserved to the State of
14 California from the grants made pursuant to subdivision (a) all
15 mineral deposits, as defined in Section 6407, that lie below a depth
16 of 500 feet, without surface rights of entry.

17 (e) The transfer of all rights, title, and interest in the lands and
18 improvements described in subdivision (a) shall be subject to the
19 following restrictions, which shall be specified in each deed:

20 (1) (A) No new or expanded commercial development shall be
21 allowed on the granted real property.

22 (B) A project for new or expanded noncommercial development
23 on the granted real property shall not exceed an estimated cost
24 limitation for each project of seven hundred fifty thousand dollars
25 (\$750,000), as adjusted annually to reflect the California
26 Construction Index utilized by the Department of General Services.
27 An authorization for new and expanded noncommercial
28 development shall be limited to projects that provide for the safety
29 and convenience of the general public in the use and enjoyment
30 of, and enhancement of, recreational and educational experiences,
31 and shall be consistent with the use, operation, and maintenance
32 of the granted lands and improvements as required pursuant to
33 subdivision (b). The expenditure of public funds for shoreline
34 protective works shall only be permitted for those protective works
35 that the County of Los Angeles determines are necessary for the
36 protection of public infrastructure or a public facility. For purposes
37 of this subparagraph, "project" means the whole of an action that
38 constitutes the entirety of the particular type of new construction,
39 alteration, or extension or betterment of an existing structure.

1 ~~(C) Notwithstanding subparagraph (B), the deed for the~~
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3 ~~that allows for the implementation of the state-approved local~~
4 ~~assistance grant (project number SL-19-003) to the County of Los~~
5 ~~Angeles already approved in the Budget Act of 1988 for~~
6 ~~noncommercial development to rehabilitate the existing park~~
7 ~~infrastructure at that state beach.~~

8 ~~(D) The estimated cost limitation specified in subparagraph (B)~~
9 ~~shall not apply to the noncommercial projects necessary to bring~~
10 ~~public accessways and public facilities into compliance with the~~
11 ~~federal Americans with Disabilities Act of 1990, as amended (42~~
12 ~~U.S.C. Sec. 12101 et seq.). The limitation described in this~~
13 ~~subparagraph shall not affect the restriction described in~~
14 ~~subparagraph (A) of paragraph (1) of subdivision (c).~~

15 ~~(2) The granted lands and improvements shall not be~~
16 ~~subsequently sold, transferred, or encumbered. For purposes of~~
17 ~~this section, “encumber” includes, but is not limited to, mortgaging~~
18 ~~the property, pledging the property as collateral, or any other~~
19 ~~transaction under which the property would serve as security for~~
20 ~~borrowed funds. A lease of the granted lands or improvements~~
21 ~~shall only be consistent with the public recreation and beach~~
22 ~~purposes of this section.~~

23 ~~(f) As an alternative to the exercise of the power of termination~~
24 ~~for a material breach of conditions, each condition set forth in this~~
25 ~~section shall be enforceable as a covenant and equitable servitude~~
26 ~~through injunction for specific performance issued by a court of~~
27 ~~competent jurisdiction.~~

28 ~~(g) On and after June 30, 1998, it is the intent of the Legislature~~
29 ~~that an application by the County of Los Angeles Fire Department~~
30 ~~to secure state funding support for boating safety and enforcement~~
31 ~~on waters within the County of Los Angeles shall be given priority~~
32 ~~consideration by the Legislature, unless an alternative source of~~
33 ~~funding is secured before that date that serves the same or similar~~
34 ~~purposes.~~

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36 ~~Supervisors of the County of Los Angeles adopts a resolution~~
37 ~~accepting the fee title grants, in trust for the people of the State of~~
38 ~~California, in accordance with this section, of the lands and~~
39 ~~improvements described in subdivision (a).~~

1 ~~SEC. 2. With regard to any deed executed by the Director of~~
2 ~~Parks and Recreation granting property to the County of Los~~
3 ~~Angeles pursuant to Section 5002.6 of the Public Resources Code,~~
4 ~~the director, on or before June 30, 2022, shall execute an~~
5 ~~amendment to that deed modifying the deed restriction required~~
6 ~~by subdivision (e) of Section 5002.6 of the Public Resources Code~~
7 ~~to incorporate the provisions of subparagraph (B) of paragraph (1)~~
8 ~~of subdivision (e) of Section 5002.6 of the Public Resources Code~~
9 ~~as amended by this act.~~

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