

AMENDED IN SENATE MAY 28, 2021
AMENDED IN SENATE MAY 3, 2021
AMENDED IN SENATE APRIL 19, 2021
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)
(Coauthors: Senators Kamlager, Laird, and Stern)
*(Coauthors: Assembly Members Bloom, Lorena Gonzalez,
Jones-Sawyer, and Luz Rivas)*

February 19, 2021

An act to amend Section 5002.6 of the Public Resources Code, relating to state parks, and declaring the urgency thereof, to take effect immediately.

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, 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 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 December 31, 2021, 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.”

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*

3 *(a) The United States of America has never fully addressed the*
4 *institution and practice of 250 years of chattel slavery; the ideology*
5 *that established and maintained it has left an indelible stain on*
6 *the fabric of this nation and is embedded in virtually every facet*
7 *of American culture and civil society.*

8 *(b) The legacy of the intentional structuring of opportunity,*
9 *implementation of policies and practices, and assignment of value*
10 *based solely on skin color and other physical characteristics has*
11 *created, and continues to create, unfair disadvantages for Black*
12 *people.*

13 *(c) Racial discrimination has prevented entire communities of*
14 *people from achieving their full potential due to its manifestations,*

1 *including, but not limited to, the implementation of Black codes*
2 *and Jim Crow laws, the widespread and accepted practices of*
3 *lynching and sexually assaulting Black men and women, voter*
4 *suppression of Black Americans, the false concept of separate but*
5 *equal schools, state-sanctioned housing discrimination in the form*
6 *of redlining and enforcement of racially restrictive covenants,*
7 *disparate access to and substandard treatment within the health*
8 *care system, police brutality in Black communities, the misguided*
9 *war on drugs, and mass incarceration.*

10 *(d) Racism aggravates and exacerbates historical inequities*
11 *and consequently deprives marginalized communities of access to*
12 *land, economic opportunities, and a stable future.*

13 *(e) The experience of Willa and Charles Bruce is an example*
14 *of how racism against Black people has reached crisis proportions*
15 *and has resulted in large disparities in family stability, health and*
16 *mental wellness, education, employment, economic development,*
17 *public safety, criminal justice, and housing.*

18 *(f) In 1912, Willa and Charles Bruce purchased the first of two*
19 *lots of land along the Strand in the City of Manhattan Beach and*
20 *turned the location into a seaside resort that welcomed Black*
21 *beach goers from all over and became colloquially referred to as*
22 *“Bruce’s Beach.”*

23 *(g) In 1924, the Manhattan Beach City Council voted to*
24 *condemn Bruce’s Beach and the surrounding land through the*
25 *power of eminent domain under the ostensible purpose of building*
26 *a park. After the land was ultimately taken in 1929, the Bruce*
27 *family moved out of the City of Manhattan Beach, and the city*
28 *immediately demolished the Bruce’s Beach resort. The city did*
29 *not move to build a park and, instead, the land sat empty for*
30 *decades.*

31 *(h) Willa and Charles Bruce were deprived of their rightful*
32 *property, as well as their right to derive the benefits of that*
33 *property, including the freedom and fortune of operating their own*
34 *business on their land.*

35 *(i) The fraudulent appropriation of land from private persons*
36 *in general, and especially on the basis of race, is against the public*
37 *interest and denies individuals and communities the right to*
38 *enjoyment, the right to own property alone, as well as in*
39 *association with others, the right to inherit, and the right to control*
40 *one’s property.*

1 (j) Government has a responsibility to prohibit and eliminate
 2 racial discrimination in all forms and to ensure that all persons
 3 are entitled to security against forced removal, harassment, and
 4 intimidation by entities who seek to deprive individuals of their
 5 rights to self-determination and dignity on the basis of their race.

6 (k) Government must act in the public’s interest to ensure that
 7 communities can fairly access justice and an effective remedy,
 8 including, when appropriate, the potential return, restitution,
 9 resettlement, rehabilitation, or compensation, for unlawful and
 10 race-based displacements.

11 (l) The land in the City of Manhattan Beach, which was
 12 wrongfully taken from Willa and Charles Bruce, should be returned
 13 to their living descendants, and it is in the public interest of the
 14 State of California, the County of Los Angeles, the City of
 15 Manhattan Beach, and the People of the State of California to do
 16 so.

17 **SECTION 1.**

18 **SEC. 2.** Section 5002.6 of the Public Resources Code is
 19 amended to read:

20 5002.6. (a) Notwithstanding any other law, and upon the
 21 adoption of a resolution of acceptance pursuant to subdivision (i),
 22 the director shall grant to the County of Los Angeles, at no cost
 23 to the county, in trust for the people of the State of California, and
 24 subject to the conditions set forth in this section, all of the rights,
 25 title, and interest of the State of California in lands, and
 26 improvements thereon, generally described as follows, and more
 27 particularly described in the deed:

28 (1) Parcel 1. Approximately 3.83 acres of unimproved land,
 29 known as Las Tunas State Beach.

30 (2) Parcel 2. Approximately 31.21 acres of improved land,
 31 known as Topanga State Beach.

32 (3) Parcel 3. Approximately 46.34 acres of improved land,
 33 being a portion of Manhattan State Beach.

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

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

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

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

4 (8) Parcel 8. Approximately 10.50 acres of improved land,
5 being a portion of Malibu Lagoon State Beach, known as Surfrider
6 Beach.

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

17 (2) Upon a material breach of a condition of a grant made
18 pursuant to this section that is determined by a court of competent
19 jurisdiction to have been made intentionally, the State of California
20 shall terminate the interest of the County of Los Angeles in the
21 granted lands and improvements pursuant to Chapter 5
22 (commencing with Section 885.010) of Title 5 of Part 2 of Division
23 2 of the Civil Code. Upon exercise of the state's power of
24 termination in accordance with Section 885.050 of the Civil Code,
25 all rights, title, and interest of the County of Los Angeles in the
26 granted lands and improvements shall terminate and revert to, and
27 rest in, the state, and the county shall, within 30 days from the date
28 of that judgment, pay to the state an amount equal to funds received
29 by the county annually from the appropriation under ~~schedule~~
30 *Schedule* (a) of Item 3680-105-516 of the Budget Act of 1995 or
31 from any subsequent appropriation received from the state
32 specifically for the operation or maintenance of the granted lands
33 and improvements. However, in no event shall that payment exceed
34 the sum of one million five hundred thousand dollars (\$1,500,000).
35 The returned funds shall be deposited into the State Parks and
36 Recreation Fund.

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

1 (c) An operating agreement between the State of California and
2 the County of Los Angeles pertaining to any of the real property
3 described in subdivision (a), in existence at the time of the grant,
4 shall be terminated by operation of law upon the conveyance of
5 the real property to the County of Los Angeles.

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

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

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

15 (B) A project for new or expanded noncommercial development
16 on the granted real property shall not exceed an estimated cost
17 limitation for each project of two hundred fifty thousand dollars
18 (\$250,000), as adjusted annually to reflect the California
19 Construction Index utilized by the Department of General Services.
20 An authorization for new and expanded noncommercial
21 development shall be limited to projects that provide for the safety
22 and convenience of the general public in the use and enjoyment
23 of, and enhancement of, recreational and educational experiences,
24 and shall be consistent with the use, operation, and maintenance
25 of the granted lands and improvements as required pursuant to
26 subdivision (b). The expenditure of public funds for shoreline
27 protective works shall only be permitted for those protective works
28 that the County of Los Angeles determines are necessary for the
29 protection of public infrastructure or a public facility. For purposes
30 of this subparagraph, “project” means the whole of an action that
31 constitutes the entirety of the particular type of new construction,
32 alteration, or extension or betterment of an existing structure.

33 (C) Notwithstanding subparagraph (B), the deed for the
34 conveyance of Royal Palms State Beach shall contain a provision
35 that allows for the implementation of the state-approved local
36 assistance grant (project number SL-19-003) to the County of Los
37 Angeles already approved in the Budget Act of 1988 for
38 noncommercial development to rehabilitate the existing park
39 infrastructure at that state beach.

1 (D) The estimated cost limitation specified in subparagraph (B)
2 shall not apply to the noncommercial projects necessary to bring
3 public accessways and public facilities into compliance with the
4 *federal* Americans with Disabilities Act of 1990, as amended (42
5 U.S.C. Sec. 12101 et seq.). The limitation described in this
6 subparagraph shall not affect the restriction described in
7 subparagraph (A).

8 (2) The granted lands and improvements shall not be
9 subsequently sold, transferred, or encumbered. For purposes of
10 this section, “encumber” includes, but is not limited to, mortgaging
11 the property, pledging the property as collateral, or any other
12 transaction under which the property would serve as security for
13 borrowed funds. A lease of the granted lands or improvements
14 shall only be consistent with the public recreation and beach
15 purposes of this section.

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

21 (g) On and after June 30, 1998, it is the intent of the Legislature
22 that an application by the County of Los Angeles Fire Department
23 to secure state funding support for boating safety and enforcement
24 on waters within the County of Los Angeles shall be given priority
25 consideration by the Legislature, unless an alternative source of
26 funding is secured before that date that serves the same or similar
27 purposes.

28 (h) (1) Paragraph (1) of subdivision (b), except the requirement
29 that the County of Los Angeles comply with all restrictions
30 specified in the deed, and subdivision (e) shall not apply to a
31 portion of land within Manhattan State Beach, described in
32 paragraph (3) of subdivision (a), known as “Peck’s Manhattan
33 Beach Tract Block 5” and commonly referred to as “Bruce’s
34 Beach.”

35 (2) Notwithstanding any other law, the portion of land identified
36 in paragraph (1) may be sold, transferred, or encumbered upon
37 terms and conditions determined by the Board of Supervisors of
38 the County of Los Angeles to be in the best interest of the County
39 of Los Angeles and the general public.

1 (i) This section shall become operative only if the Board of
 2 Supervisors of the County of Los Angeles adopts a resolution
 3 accepting the fee title grants, in trust for the people of the State of
 4 California, in accordance with this section, of the lands and
 5 improvements described in subdivision (a).

6 ~~SEC. 2.~~

7 *SEC. 3.* With regard to a deed executed by the Director of Parks
 8 and Recreation granting property to the County of Los Angeles
 9 pursuant to Section 5002.6 of the Public Resources Code, the
 10 director, on or before December 31, 2021, shall execute an
 11 amendment to that deed modifying the deed restriction required
 12 by subdivision (e) of Section 5002.6 of the Public Resources Code
 13 to incorporate the provisions of subdivision (h) of Section 5002.6
 14 of the Public Resources Code as amended by this act.

15 ~~SEC. 3.~~

16 *SEC. 4.* The Legislature finds and declares that a special statute
 17 is necessary and that a general statute cannot be made applicable
 18 within the meaning of Section 16 of Article IV of the California
 19 Constitution because of the unusual circumstances surrounding
 20 the land ownership at “Bruce’s Beach.”

21 ~~SEC. 4.~~

22 *SEC. 5.* This act is an urgency statute necessary for the
 23 immediate preservation of the public peace, health, or safety within
 24 the meaning of Article IV of the California Constitution and shall
 25 go into immediate effect. The facts constituting the necessity are:
 26 To ensure that the property located in Manhattan State Beach,
 27 commonly known as “Bruce’s Beach,” is expeditiously sold,
 28 transferred, or encumbered upon terms and conditions determined
 29 by the Board of Supervisors of the County of Los Angeles to be
 30 in the best interest of the county and the general public, it is
 31 necessary that this act take effect immediately.