



Legislation Details (With Text)

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In control: City Council Regular Meeting

On agenda: 8/2/2022 **Final action:**

Title: Status Report Regarding Bruce’s Beach (City Attorney Barrow).
(Estimated Time: 30 Min.)
RECEIVE REPORT

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board of Supervisors Motion and Agreements, 2. Maps

Date	Ver.	Action By	Action	Result
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TO:
Honorable Mayor and Members of the City Council

THROUGH:
Bruce Moe, City Manager

FROM:
Quinn Barrow, City Attorney
Brendan Kearns, Assistant City Attorney
Alexandria Latragna, Policy and Management Analyst

SUBJECT:
Status Report Regarding Bruce’s Beach (City Attorney Barrow).
(Estimated Time: 30 Min.)
RECEIVE REPORT

RECOMMENDATION:
Staff recommends that the City Council receive the status report regarding the Bruce’s Beach land transfer.

FISCAL IMPLICATIONS:
There are no fiscal implications associated with the recommended action.

BACKGROUND:
In the early 1900s, several families purchased property in the area now known as Bruce’s Beach Park, including Willa and Charles Bruce. In 1924, the Manhattan Beach Board of Trustees (predecessor to the Manhattan Beach City Council) exercised eminent domain to purchase the property for park purposes.

In 1948, the City transferred a portion of the property - Block 5, located between 26th and 27th Streets and the Strand and Manhattan Avenue - to the state of California, subject to a covenant (“City Covenant”) that the property can be used only for public park or beach purposes. In 1995, the State transferred the property to Los Angeles County as part of a larger transfer of eight beaches, subject to statutory and deed restrictions (collectively “State Statutory Restrictions”) limiting the use of the property. The County improved the property with a lifeguard-training center and governmental offices.

At the request of the County, the State Senate introduced and adopted Senate Bill (“SB”) 796 to eliminate the State Statutory Restrictions. On September 30, 2021, Governor Gavin Newsom signed SB 796 into law.

On December 10, 2021, the State Department of Parks and Recreation modified the grant deed between the State and the County to remove its deed restrictions. On December 21, 2021, the Los Angeles County Board of Supervisors adopted a resolution approving and authorizing acceptance of the grant deed modification.

In the lawsuit of *Ryan v. Los Angeles County Board of Supervisors*, the petitioner challenged the County’s proposed return of the property to the Bruces’ heirs. On April 14, 2022, Judge Mitchell Beckloff found that a return of the property to the Bruces’ heirs served a public purpose. The Judge’s opinion states: “where the appropriation of public funds and/or property is to address and/or remedy racial discrimination committed by government, it serves a public purpose.” The opinion further states, “redressing past acts of discrimination as well as preventing such acts in the future benefits the whole of the community and its general welfare.”

On June 28, 2022, the Los Angeles County Board of Supervisors approved transfer and lease agreements with the “legal heirs of Charles and Willa Bruce.” The Board’s motion and related documents are attached.

ANALYSIS:

The transfer agreement transfers the property to an LLC “subject to satisfaction of the terms and conditions of the agreement.” The County will continue to use the property for its existing use as a lifeguard facility, pursuant to a 24-month lease agreement with an annual rent of \$413,000. The LLC can require the County to acquire the property, and the County can require the LLC to sell the property to the County, within certain time frames. The purchase price has been established at either \$19,150,000 or \$19,550,000, depending on the timing of such purchase.

If neither option to transfer ownership of the property to the County is exercised, the LLC would continue to own the Property and enjoy the rights and privileges of such ownership, including the right to take possession after expiration of the Lease. The Lease provides that, upon the expiration or earlier termination of the Lease, the County must “peaceably and quietly surrender” the Property to the LLC. [Lease § 5.3.] If the County holds over after the expiration of the 24-month term with the LLC’s express written consent, the resulting tenancy will be month-to-month. [Lease § 5.2.] If the County does not demolish its lifeguard facility before the expiration of the 24-month term, it will become property of the LLC. [Lease § 5.3.]

ATTACHMENTS:

1. Board of Supervisors Motion and Agreements
2. Maps

