

## Martha Alvarez

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**From:** Joanne Hadley <joanne@hadleybiz.com>  
**Sent:** Saturday, April 17, 2021 5:29 PM  
**To:** Richard Montgomery; Steve Napolitano; Suzanne Hadley; Joe Franklin; City Clerk; Hildy Stern  
**Subject:** [EXTERNAL] Our mayor's statements today

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear CC,

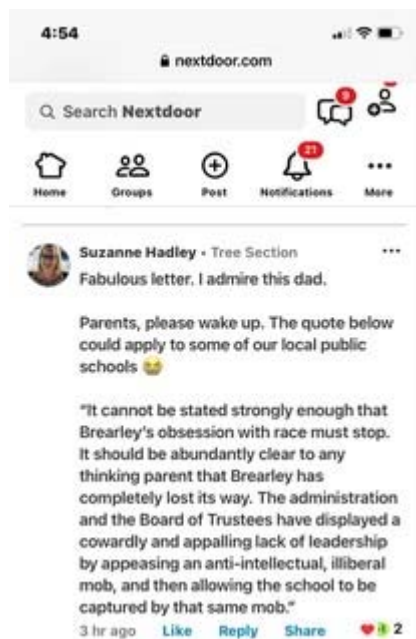
This article was posted on next-door today and today, Mayor Suzanne posted her strong admiration and support of its sentiment.

Folks were starting to comment but then it disappeared but I took a screenshot of what she said.

I think it is something our mayor should not be saying.

(I also heard this parent letter message has been recycled a few times over possibly 4 years. The position of the one who wrote it is from privilege than most of us being able to afford a school that costs \$54,000 a year)

<https://bariweiss.substack.com/p/you-have-to-read-this-letter>



Why do you think this string was taken down from Nextdoor? Do you see a problem with it?

Thanks,  
Joanne

## Martha Alvarez

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**From:** Zac Dean <zakdances@gmail.com>  
**Sent:** Tuesday, April 20, 2021 4:51 PM  
**To:** City Clerk  
**Subject:** [EXTERNAL] Public Comment

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello -

First off, I'd like to thank Mayor Hadley and the entire council for your service to the city.

I'm writing this comment to once again urge the council to zone for more housing. Housing costs are jumping year after year (20%+ increase) and far too many middle class families, young people, and working class people are being excluded from home ownership in Manhattan Beach.

The reality is that Manhattan Beach is not keeping up with housing needs. Much more new housing needs to be built here. There is far too much exclusionary zoning (it is illegal to build apartments and duplexes in most of the city). Manhattan Beach should be welcoming to all, it should not be a segregated enclave of the wealthy.

By not building enough new housing, the city will increasingly come under legal scrutiny from state agencies (RHNA, HCD).

I know the council is well intentioned, so I'm urging you to take action and demonstrate that local control can produce more than just NIMBYism, but opportunity for more people to own homes.

Otherwise, those of us concerned about the housing supply will unfortunately be forced to petition the state government to take action.

Please do what you can to build more new housing in Manhattan Beach.

- Zac Dean

## Martha Alvarez

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**From:** Nadine Jackson <nadinejackson54@gmail.com>  
**Sent:** Tuesday, April 20, 2021 4:24 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] George Gascon

CAUTION: This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council,

I am opposed to resolution of No Confidence in George Gascon!  
He was elected fairly by the people-  
let me do his job.

I feel like the whole nation is grappling with issue of racial injustice. Please, City Council, please, be on the right side of history on this. You were not when you couldn't even issue apology on Bruce's Beach even though the most of city council meeting call-ins were in favor of and so many of us signed our names to an ad begging you to do just that! Please make every effort to move us forward-do not hold us back!  
Who are you listening to???

Nadine Jackson

## Martha Alvarez

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**From:** DTC Trinidad <dttrinidad@gmail.com>  
**Sent:** Tuesday, April 20, 2021 2:32 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] resolution of no confidence for Gascon

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Good afternoon City Council members- I am once again amazed at the fact that two of our council members will be trying to suggest a resolution to oppose our District Attorney George Gascon. Are you just on a mission to completely destroy our name in the news? Have you not read the fallout of your "acknowledgement vs an apology" vote that was carried in various news sources across the country. A vote that was done despite two-thirds of the callers opposing this move and hundreds listing their names publicly.

The whole country obviously needs to look at police reform. We have witnessed countless senseless deaths by police including the most recent case of George Floyd. Hopefully the fact that Chauvin was convicted guilty of all charges will give you pause. Yes he did murder that guy by putting his body weight on his neck for nine minutes.

With the Covid protocols, there were residents trying to go against the LA County protocols and Montgomery in particular understood the high risks we would be exposed to from his wife, a nurse. That loosening of protocol caused our cases to skyrocket back in the summer and fall.

Please take the time to reconsider this path and work with our District Attorney to ensure we are all doing the right procedures and where we are not, let's improve them! If we need to make changes, it can only keep us safer.

Thank you for listening,  
Donna Thomas

## Martha Alvarez

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**From:** Kim Brant-Lucich <kbrant007@gmail.com>  
**Sent:** Tuesday, April 20, 2021 12:56 PM  
**To:** List - City Council; Steve Napolitano; Suzanne Hadley; Hildy Stern; Joe Franklin; Richard Montgomery  
**Subject:** [EXTERNAL] Vote of No Confidence for George Gascon

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council Members,

Once again, I write to you as a long time resident of Manhattan Beach who plans to retire here and cares about the reputation and value of my community. I observed that City Council, in Item L of the agenda, will be discussing the following: *"16. Consider Request by Mayor Hadley and Councilmember Montgomery to Place on a Future Agenda a Resolution of No Confidence in Los Angeles County District Attorney, George Gascón."* I find this request to be inappropriate and reprehensible on a number of levels.

George Gascón has spent a lifetime focused on criminal justice reform, something that is much needed in our state and in our nation, and perhaps even in our local community. Gascón's known top priority is police reform - holding police accountable and ensuring that police misconduct is tracked, with appropriate action taken. A vote of "no-confidence" by the City of Manhattan Beach suggests, to me, that our City Council believes our own community and perhaps our police are beyond reproach and should not be held accountable for their actions. I have great respect for MBPD and have even attended the Community Policy Academy; however, I do not believe our MBPD or any other city police department should be exempt from policies put in place at the county level. A vote of "no confidence" is a rejection of policy, not just regarding police, but also regarding other policies of George Gascón, including his protections for victims of violent crime, treatment of juveniles as juveniles and not adults, and environmental philosophies that hold corporations accountable for environmental harm.

If this proposed resolution for a vote of no confidence were a stand-alone topic, I might not have noticed it. However, it comes on the heels of City Council's recent refusal to issue a resolution of apology to the Bruce's and other families for our community's past racist acts, thus continuing to foment the seeds of racism. This decision made me acutely aware of local politics as well as brand and reputation of our city. That decision to offer only an acknowledgement and condemnation was a largely unsupported decision by hundreds of residents in our community, and it has positioned this city in a negative light nationally and internationally. Ironically, it has left many in our community with a "vote of no confidence" for our City Council. To exacerbate this poor City Council decision, we are a small community that made a decision that is in stark opposition to LA County's decision to address the wrongs of the past and to return the Bruce's Beach land to descendants of the Bruce family. Optically, we appear to be an affluent and entitled community that is non-inclusive. We seem to be a renegade from LA County, a city that views itself exempt from rules and laws, or simply common decency that apply to other communities in LA County.

Please do not put this discussion about George Gascón onto your calendar as a resolution; it will only further alienate us as an entitled and unaccountable city. This Council needs to stop harming the reputation of our community and should focus instead on representing the best of Manhattan Beach and fixing issues of greater importance to our community, like theft, vandalism, traffic congestion, and COVID compliance, just to name a few.

Regards,

Kim Brant-Lucich

## Martha Alvarez

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**From:** Scott C. Chambers <mbchambers4@roadrunner.com>  
**Sent:** Tuesday, April 20, 2021 10:42 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Vote no confidence in Gascon

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear M.B. city council , all you have to do is talk with our local police dept. as I did at the 'coffee with a cop". Petty theft is on the rise here in Manhattan Beach. Or just look at the many Ring videos on Nextdoor. We have groups a people every night going through cars with no fear. Gascon's policies ruined San Francisco a once great city. And now he is doing the same to L.A. county.

Regards,  
Scott C. Chambers

Sent from [Mail](#) for Windows 10

## Martha Alvarez

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**From:** Mike Michalski <mike@realestateedge.com>  
**Sent:** Tuesday, April 20, 2021 10:09 AM  
**To:** List - City Council  
**Cc:** City Clerk; Bruce Moe  
**Subject:** [EXTERNAL] Gascon No Confidence Resolution & Bruce's Beach Legal Analysis  
**Attachments:** Bruce's Beach - City Atty Analysis.pdf

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council:

Two items:

1. Please support Item 16 on tonight's agenda and place a Resolution of No Confidence in County DA George Gascon on a future meeting agenda, preferably May 4. Gascon's policies and directives have endangered the safety and security of residents of Manhattan Beach. Just talk to some of our police officers and detectives (as I did at last week's Coffee-With-A-Cop) and they'll tell you how they are arresting people who the DA simply refuses to charge.
2. If you haven't already done so, please familiarize yourself with the legal analysis from Manhattan Beach's City Attorney dated March 12, 1987 (attached). While today's vote of the LA County Supervisors may be a foregone conclusion, the bottom line is they can't do what they are proposing to do (nor can the state pass legislation to help the county do what it is trying to do), namely, to return the land to the Bruce family heirs where the original deed from the City to the State (and, subsequently from the state to the county) imposes restrictive covenants on the usage of the land that the state and county, some 71 years later, cannot undo without violating basic contract, real estate and constitutional law.

This is NOT the same issue as challenging the city's original ownership of the two Bruce family lots by claiming the eminent domain process was tainted by racial animus. That's a separate legal issue that should be addressed in a court of law.

In my view, our City Attorney needs to begin back-channel discussions with the County's legal advisors immediately to apprise the County of the significant legal issues that the city of Manhattan Beach and/or its residents are prepared to raise to any attempt to circumvent these restrictive covenants which are commonplace, legal and facially valid.

Thank you,

*Mike Michalski*

BURKE, WILLIAMS & SORENSEN -- OFFICE MEMORANDUM

To CKN

Date 3/6/87

From KSM *WLSM*

cc:

Subject DEED RESTRICTIONS

You have asked me to review certain deeds involving beach and park lands to determine whether the restrictions contained therein are enforceable against the County by the City of Manhattan Beach.

The short answer is that the deed restrictions may be enforced by the City against the County. Residents of the City may be able to enforce these deed restrictions. Finally, statutory law may prevent the County from abandoning the public beach and park.

FACTS:

On June 10, 1929, the City of Manhattan Beach condemned certain private property for public park purposes.

On June 17, 1948, the City adopted a Resolution for Matching Lands with the State and County of Los Angeles. Under this resolution, the property condemned by the City in 1929 would be accepted by the State under the condition, among others, that the land be accepted for use as a public beach or park and that all rights conveyed by the City to the State are for use as a public beach or park only.

On March 23, 1949, the State Department of Finance signed a Certificate of Approval concerning the conveyance of land by the City to the State.

On August 20, 1948, the State Park Commission adopted a resolution accepting the matching deeds under the Los Angeles County Master Plan for Parks.

On October 18, 1948, the City and the State executed a Deed to grant to the State for use as a public beach or a park only, certain lands to have and to hold for use as a public beach or park only.

DISCUSSION:

The restrictions contained in these deeds are in the form of covenants. A covenant is an agreement to refrain from doing a certain thing. O'Sullivan v. Griffith, 153 Cal. 502 (1908). Covenants which do not restrict alienation are valid. 8 Witkin, Real Property, Section 322, p. 2029. The original parties to the agreement are in



privity of contract and may enforce the terms of the covenants. Realty and Rebuilding Company v. Rea, 184 Cal. 565 (1920). The remedy for breach of covenant is in the nature of an action for damages. Barrows v. Jackson, 112 Cal.App.2d 534 (1952).

Covenants concerning the use of land are not favored at law. All doubts concerning the scope or legality of covenants must be resolved in favor of the free use of land. Mountain Home Properties, Inc. v. Pine Mountain Lake Association, 185 CR 623 (1982); Welsch v. Goswick, 130 Cal.App. 3d 398 (1982). The enforceability of a covenant, in the final analysis, depends upon an intent of the parties. Harrison v. Domergue, 274 Cal.App.2d (1969). The language in the deeds establish beyond doubt that the property was to be held by the grantee for use as a public beach and park only.

Where damages are not available or where they would not provide an adequate remedy, equity may be employed to compel compliance with the covenant. Under an equitable servitude Courts will, after a determination that the parties had full knowledge of the covenant, consider the original intent of the parties along with the likely consequences of failure to enforce the covenant. Richardson v. Callahan, 213 Cal.683 (1931). Also see, McDonald Properties v. Bel Aire Country Club, 72 Cal.App. 693 (1977); Hudson Oil Company v. Shortstop, 111 Cal.App. 3d 488 (1980).

Equitable servitude is also available where the covenant does not run with the land because it lacks some essential element (Restatement of Property, Section 539). Equitable servitude requires that the parties take the land with knowledge of the restriction and that their intent was to have that covenant a part of the deed.

Equitable servitudes may also be enforced by persons other than the parties to the agreement. A third party may enforce the equitable servitude where the parties to the agreement intended that the restriction should benefit the land of the person claiming the right of enforcement. See, generally, 51 ALR 3d 556.

Statutory law may restrict the County's ability to abandon the use of the public beach and park land. The County Park Abandonment Law of 1959 (Government Code Section 25580, et seq.) provides that:

"The Board of Supervisors of any County may abandon all or any portion of a park

. . . acquired by the County by deed limiting its use to park purposes, and may . . . use the land for other County purposes, if it finds. . . the park, . . . is not being used by the public for park purposes and that . . . said park . . . is not appropriate, convenient or necessary for park purposes."

As far as we know, there has been no finding of the Board of Supervisors that the park is not being used by the public for park purposes and that the park is not appropriate, convenient or necessary for park purposes.

Further, prior to the abandonment of park property, the Board of Supervisors must adopt by unanimous vote a Resolution of Intention describing the park to be abandoned and fixing a time for the adoption of a final resolution.

Next, the County Board of Supervisors must publish and post notice of its Resolution of Intention and conduct a hearing on the intended action. Should more than 200 voters of the City object to the abandonment of the park, the Board of Supervisors shall either terminate their proceedings to abandon the park or submit the question of abandonment to the voters at the next election.

Health and Safety Code Section 5400, et seq. provides for the preservation of public parks under the Public Park Preservation Act of 1971. Under the provisions of this Act, it is extremely difficult to dispose of or alter the use of land reserved for public park purposes. This Act, however, does not apply to charter Cities. In Simons v. City of Los Angeles, 63 Cal.App. 3d 455 (1976), the court ruled this was a local affair and the State had not preempted the field. It is entirely likely, that following a similar line of reasoning, the courts would conclude that a charter County is not subject to these provisions.

In conclusion, it is unlikely that the County may use the subject property for any purpose other than a public beach or park. The City may demand the beach be used for park purposes only under contract law through deed covenants and the doctrine of equitable servitude. Contract enforcement may be available to interested third parties as well. Lastly, through the application of statutory limitations on County abandonment of public parks,

conversion of this land to other than park use is extremely difficult if not, in a practical sense, impossible.

KSM/MEM5727

## Martha Alvarez

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**From:** lucy artinian <lartinian20@hotmail.com>  
**Sent:** Tuesday, April 20, 2021 9:41 AM  
**To:** List - City Council; City Manager  
**Subject:** [EXTERNAL] City Council

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Sent from [Mail](#) for Windows 10

Hello to all City Council Members:

I heard through a friend that the Redondo Beach City Council is considering building 1000+ low income housing in North Redondo, in TRW/Northrop Grumman area.

As we fought against homeless shelter there, we again are requesting MB City Council's assistance to prevent such a project.

A thousand or more low income housing in North Redondo will increase traffic, noise, and will impact quality of life for us in Liberty Village.

We strongly urge the MBCC to object to such a plan.

Thanks much for your efforts to keep MB a small city where we can live in peace.

Lucy Artinian  
Robert Hoersch  
1400 Faymont Ave

## Martha Alvarez

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**From:** Ali Putnam <aliputnam@gmail.com>  
**Sent:** Monday, April 19, 2021 11:43 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Gascon resolution and soccer masks for kids

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Mayor Hadley and council members,

I want to thank Mayor Hadley and Council Member Montgomery for proposing a City Resolution of No Confidence in Los Angeles County District Attorney, George Gascon. His decisions are creating a less safe environment for our children and families. Please strongly consider voting in favor of this resolution.

I also heard that the question of whether or not kids should be required to wear masks while participating in youth activities will be coming up for a vote, and I am strongly urging you to make masks voluntary as opposed to mandatory. If a family is worried, the child can always wear one if they wish, but it was 90 degrees this past weekend when my children were playing their soccer games, and it is much more difficult for them to comfortably breath while playing with masks on. The kids are screened for COVID prior to playing, they are outdoors in a very low contact sport, and the risk is minimal. In addition, the WHO cautions against vigorous exercise while wearing a mask as it may pose an additional health risk. I am putting my kids in soccer as they haven't been able to play for the last year, however, I really don't want them winded, running outdoors while wearing masks.

Thanks for your consideration!

Blessings,  
Ali Putnam

## Martha Alvarez

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**From:** Elizabeth Heatherton <heatherton101@verizon.net>  
**Sent:** Monday, April 19, 2021 9:27 PM  
**To:** Suzanne Hadley; Richard Montgomery; Joe Franklin; Steve Napolitano; Hildy Stern; List - City Council  
**Subject:** [EXTERNAL] City Resolution of No Confidence in LA County D.A. Gascon

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Mayor Hadley and City Council Members:

I would like to thank Mayor Hadley and Council Member Montgomery for proposing a City Resolution of No Confidence in Los Angeles County District Attorney, George Gascon. I cannot begin to tell you how urgent this City Resolution is for us all; since Gascon was appointed, murders in Los Angeles County are up nearly 200% and violent crimes are increasing at a staggering rate (this data is from LA County Sheriffs statistics).

A City Resolution of No Confidence in DA Gascon is a non-partisan decision in which all the residents, civic and political institutions can agree. It is obvious to any rational observer that Mr. Gascon's unilaterally imposed "special directives" are the dangerous furtherance of wrong policies and wrong ideologies – the same which failed during Gascon's tenure as San Francisco DA when property crime rose 37%. Gascon is ignoring the law and making Los Angeles County less safe for everyone.

I thank you for your consideration of this very serious situation and dire matter, we are all counting on you.

Elizabeth Heatherton  
310-500-5592  
[heatherton101@verizon.net](mailto:heatherton101@verizon.net)

## Martha Alvarez

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**From:** Jon Chaykowski <rideformbef@yahoo.com>  
**Sent:** Sunday, April 18, 2021 1:04 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Month of April

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear City Council Members,

I believe it is nice to make April National Child Abuse Prevention Month.

I was thinking of one slight modification. Remembering that February was Black History month and March was Woman's history month, I would like to name one day, the first of April as White Male's Day (not a month, just give them one day).

And what day would be better suited than April 1st, APRIL FOOL'S DAY, ha, ha, to describe the current view of white men today in almost all of today's media and commentary.

Sincerely,  
Jon C.

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## Martha Alvarez

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**From:** Jon Chaykowski <rideformbef@yahoo.com>  
**Sent:** Sunday, April 18, 2021 12:49 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] Park name

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

City Council Members,

I suggest/request the Council agenda include "Changing Bruce's Beach park name" and I still like and suggest the name Reflection Park.

Jon C.



## Martha Alvarez

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**From:** Jon Chaykowski <rideformbef@yahoo.com>  
**Sent:** Sunday, April 18, 2021 12:44 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] LA County DA

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City Council Members,

I support request AND resolution:

Request by Mayor Hadley and Councilmember Montgomery to 21-0127 Place on a Future Agenda a Resolution of No Confidence in Los Angeles County District Attorney, George Gascon

Jon Chaykowski

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## Martha Alvarez

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**From:** CityOfManhattanBeach@citymb.info on behalf of City of Manhattan Beach  
<CityOfManhattanBeach@citymb.info>  
**Sent:** Saturday, April 17, 2021 10:50 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] ywburke@gmail.com

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Message submitted from the <City of Manhattan Beach> website.

**Site Visitor Name:** Yale W Burke  
**Site Visitor Email:** ywburke@gmail.com

Bruce Beach. I heard that Bruce Beach will be returned to its rightful owner. I also heard that some of the members of the council are not for that. Shame on you. To the public it looks like you're showing your racist side. According to the history this property was taken from them and we all know the reason why!

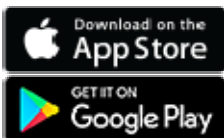


### CITY OF MANHATTAN BEACH

CITY ENOTIFICATION

(310) 802-5000  
CityofManhattanBeach@citymb.info

**CITY OF MANHATTAN BEACH** 1400 Highland Avenue Manhattan Beach, CA 90266  
Office Hours: M-Th 7:30 AM-5:30 PM | Fridays 7:30 AM-4:30 PM | Not Applicable to Public Safety  
Reach Manhattan Beach Here for you 24/7, use our click and fix it app  
Download the mobile app now



## Martha Alvarez

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**From:** Lucia La Rosa <larosa\_lucia@yahoo.com>  
**Sent:** Saturday, April 17, 2021 12:36 AM  
**To:** List - City Council  
**Subject:** [EXTERNAL] City Resolution of No Confidence in DA Gascon

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Mayor Hadley and Council Members:

I would like to thank Mayor Hadley and Council Member Montgomery for proposing a City Resolution of No Confidence in Los Angeles County District Attorney, George Gascon. I really hope that this City Council will approve such resolution in the next City Council hearing. This is a non-partisan decision around which all the residents and civic and political institutions can agree. It is obvious to any rational observer that Mr. Gascon's unilaterally imposed "special directives" are the dangerous furtherance of wrong policies and wrong ideologies – the same which failed during Gascon's tenure as San Francisco DA when property crime rose 37%. Gascon is ignoring the law and making Los Angeles county less safe for everyone.

Kind regards,

Lucia La Rosa Ames

## Martha Alvarez

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**From:** Laura Santos <laura.santos@earthlink.net>  
**Sent:** Thursday, April 15, 2021 10:14 PM  
**To:** List - City Council  
**Subject:** [EXTERNAL] SB9

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Another issue and here is my opinion.

Manhattan Beach is a very special place. I understand that change happens but to invite the chaos SB9 would bring would increase the very limited parking with which we already struggle. I also am concerned about the environmental issues that would further impact our lives.

Please take whatever steps you can to stop this from coming to MB.

Thanks, Laura Santos