

MINUTE ITEM  
This Calendar Item No. 69  
was approved as Minute Item  
No. 69 by the State Lands  
Commission by a vote of 3  
to 0 at its 10/28/96  
meeting.

CALENDAR ITEM  
**69**

A 14  
S 9

10/28/96  
PRC7927 W 25355  
M. Howe

**AUTHORIZE THE PURCHASE, WITH KAPILOFF LAND BANK FUNDS,  
OF A 168 ACRE PARCEL OF LAND LOCATED ADJACENT TO  
POINT PINOLE REGIONAL PARK AND SAN PABLO BAY,  
CONTRA COSTA COUNTY**

**APPLICANT:**

California State Lands Commission,  
and as Trustee of the Kapiloff Lands Bank Fund

The East Bay Regional Park District (EBRPD) has requested that the California State Lands Commission (SLC) contribute \$1,788,000 toward the purchase of 168 acres, more or less, of land located in the City of Richmond, Contra Costa County. \$1,500,000 of this amount would come from the Kapiloff Land Bank Fund, of which the Commission is Trustee. An additional \$288,000 will come from funds currently held in trust for Commission by EBRPD, pursuant to a previous title settlement agreement with Richmond Sanitary Service. The EBRPD and the Shell Oil Spill Litigation Settlement Trustee Committee will contribute the remainder of the total purchase price of the property, \$7,712,000, for a total of \$9,500,000.

The subject property is situated adjacent to Point Pinole Regional Park which is managed by EBRPD, and San Pablo Bay. Acquisition of this property is critical to the preservation of the character of the park for wildlife habitat and recreational uses. The acquired parcel will act as an extension of the park and will also serve as a buffer to upland development. The purchase will connect five miles of public ownership on the San Pablo Bay shoreline and it will provide for future alignment of the San Francisco Bay trail. This project has the support of the Mayor of the City Richmond, Contra Costa County Board of Supervisors, Congressman George Miller, and the California East Bay Legislative Delegation.

In return for the contribution of \$1,788,000, the SLC, as Trustee, will take title to a portion of the subject property, the value of which is equal to or greater than the total Funds contributed by the Commission toward the acquisition. Title to the subject property will be vested in the East Bay Regional Park District and the State as land of the legal character of tide and submerged lands subject to the public trust under the jurisdiction of the California State Lands Commission, pursuant to the provisions of Division 6 of the Public Resources Code (commencing with Section 6001).

(Revised 10/25/96)

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Staff has concluded that the subject property is useful for the public trust purposes of recreation, public access, open space and wildlife habitat. SLC's interest in the subject property will be leased to the EBRPD, and will assume all liability for the property.

Staff therefore recommends that the Commission authorize the expenditure of funds set forth above, subject to the termination of such authority without further Commission action, if the acquisition has not taken place by December 31, 1997.

**STATUTORY AND OTHER REFERENCES:**

- A. Public Resources Code: Division 6, Parts 1 and 2; Division 13.
- B. Cal. Code Regs.: Title 3, Division 3; Title 14, Division 6.

**OTHER PERTINENT INFORMATION:**

Pursuant to the Commission's delegation of authority and the State CEQA guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutorily exempt project. The project is exempt because it involves an action taken pursuant to the Kapiloff Land Bank Act, Public Resources Code Sections 8600, et seq.

Authority: Public Resources Code Section 8631.

**EXHIBIT:**

- A. Land Bank Acquisition Parcel

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A STATUTORILY EXEMPT PROJECT PURSUANT TO PUBLIC RESOURCES CODE SECTION 8631, AN ACTION TAKEN PURSUANT TO THE KAPILOFF LAND BANK ACT, PUBLIC RESOURCES CODE SECTIONS 8600, ET SEQ.
2. FIND THAT THE VALUE OF THAT PORTION OF LAND DEPICTED IN EXHIBIT "A" TO BE ACQUIRED BY THE CALIFORNIA STATE LANDS COMMISSION IS GREATER THAN \$1,788,000.

**CALENDAR ITEM NO. 69 (CONT'D)**

3. AUTHORIZE THE EXPENDITURE OF \$1,500,000 FROM THE KAPILOFF LAND BANK FUND TOGETHER WITH FUNDS HELD IN TRUST BY EAST BAY PARKS TOWARD THE PURCHASE OF A PORTION OF THAT PARCEL OF LAND DEPICTED ON EXHIBIT "A" ATTACHED HERETO, AND ACCEPTANCE OF TITLE TO THAT PORTION OF THE PARCEL; PROVIDED THAT SAID AUTHORIZATION WILL EXPIRE BY ITS OWN TERMS ON DECEMBER 31, 1997, WITHOUT FURTHER COMMISSION ACTION, IF THE ACQUISITION HAS NOT TAKEN PLACE BY THAT DATE.
  
4. AUTHORIZE STAFF OF THE CALIFORNIA STATE LANDS COMMISSION TO ENTER INTO A LEASE FOR THE TERM OF 49 YEARS TO THE EAST BAY REGIONAL PARK DISTRICT FOR THE MANAGEMENT OF THE PROPERTY ACQUIRED PURSUANT TO COMMISSION ACTION, ABOVE, FOR THE PURPOSE OF RECREATION, PUBLIC ACCESS, OPEN SPACE AND WILDLIFE HABITAT.

