

RESOLUTION NO. 27-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, ADOPTING THE FINAL MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, APPROVING THE GRANT FUNDS, AND AUTHORIZING THE CITY MANAGER TO EXECUTE GRANT AGREEMENTS WITH THE STATE COASTAL CONSERVANCY FOR THE 1.25-MILE SEGMENT OF THE SAN FRANCISCO BAY TRAIL CONNECTING POINT MOLATE BEACH PARK TO THE WINEHAVEN HISTORIC DISTRICT PROJECT

WHEREAS, the Legislature of the State of California has established the State Coastal Conservancy (“SCC”) under Division 21 of the California Public Resources Code, and has authorized the SCC to award grants to public agencies and nonprofit organizations to implement the provisions of Division 21; and

WHEREAS, the SCC awards grants for projects that it determines are consistent with Division 21 of the Public Resources Code and with the SCC’s Strategic Plan and that best achieve the SCC’s statutory objectives, in light of limited funding; and

WHEREAS, City of Richmond (“applicant”) has applied for or intends to apply for SCC grant funding for the 1.25-mile segment of the San Francisco Bay Trail connecting Point Molate Beach Park to the Winehaven Historic District (the “Project”); and

WHEREAS, the SCC encourages applicants for grant funding to certify through a resolution the applicant’s acceptance of the grant awards, and to designate a named officer or employee to act as representative of the applicant to enter into and execute agreements; and

WHEREAS, the City of Richmond is being recommended for PCA program funding in the amount of \$1,000,000 by the SCC for the purposes of constructing the Project; and

WHEREAS, pursuant to Section 15085 of the California Environmental Quality Act (CEQA) Guidelines, East Bay Regional Park District (EBRPD) submitted a Notice of Completion (NOC) for the proposed IS/MND to the California State Clearinghouse (SCH) on March 14, 2018. The IS/MND addresses both the proposed project and the 1.25-mile segment of Bay Trail to be constructed by EBRPD immediately south of the proposed project. Also, pursuant to Section 15072 of the CEQA Guidelines the EBRPD posted a Notice of Intent to Adopt (NOI) the proposed IS/MND. In accordance with Section 15105(b) CEQA Guidelines, the public review and comment period began on March 14, 2018 and ended on April 13, 2018. In response to the publication of the Draft IS/MND for public review, agency, organizational, and public comments were received and made available for public review at EBRPD Headquarters located at: 2950 Peralta Oaks Court, Oakland, CA 94605 or by email; and

WHEREAS, on May 1, 2018, EBRPD subsequently adopted the IS/MND with minor revisions and modifications and approved the segment of Bay Trail to the south of the proposed project. None of the minor revisions to the IS/MND resulted in “substantial revision” to the Draft IS/MND, requiring recirculation. Rather, the changes in the IS/MND provide clarifying information (“merely clarifies, amplifies, or makes insignificant modifications to the negative declaration”) as specified in §15073.5(c)(4) of the CEQA Guidelines; and

WHEREAS, the IS/MND included a Mitigation Monitoring Reporting Program (Appendix A to MND in Exhibit A) which addresses the potential impacts of the proposed trail construction. The IS/MND identified potential impacts in the areas of aesthetics, air quality, biological resources, cultural resources, hazards and hazardous materials, and noise and vibration. Mitigation measures were adopted to assure that these potential impacts are avoided or reduced to less-than-significant levels; and

WHEREAS, on March 16, 2021, the Richmond City Council held a public meeting to consider adoption of the Final MND and acceptance of a \$1,000,000 PCA grant from the SCC.

NOW, THEREFORE, BE IT RESOLVED that, after hearing all interested persons and considering all relevant evidence, the Council finds and determines as follows:

1. The Project Final MND, consisting of the Draft MND and Responses to Comments in Exhibit A, and the Mitigation Monitoring and Reporting Program (Appendix A to MND in Exhibit A), have been completed in accordance with the requirements of the California Environmental Quality Act, and the State CEQA Guidelines (14 Cal. Code Regs Section 15000et.seq);

2. The Final MND for the project was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, and the State CEQA Guidelines, and constitutes an adequate, accurate, objective, and complete MND in accordance with the requirement of CEQA statues and the State CEQA Guidelines;

3. The Final MND for the project has been reviewed and found adequate by the City Council prior to authorizing the initiation of the bidding process for the work, and the Final MND reflects the independent judgment and analysis of the City; and

4. The Initial Study for the Project identifies potentially significant effects on the environment; however, revisions to the Project and incorporation of the mitigation measures in the Project will reduce any and all significant adverse environmental impacts to a less-than-significant level. There is no substantial evidence in the record that the resulting Project, in light of the whole record before the Council, will have a significant effect on the environment.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council does hereby adopt the Final Mitigated Negative Declaration, which consists of the Draft MND and Responses to Comments, and MMRP dated May 1, 2018; hereby accepts and appropriates the State Coastal SCC grant funds to complete construction of the Project; and authorizes the City Manager, or their designee, to enter into the necessary funding agreements with the SCC or amendments thereto for the funding for the Project.

Exhibit A: Final Mitigated Negative Declaration

<https://www.ebparks.org/about/planning/default.htm#sfbt-point-molate>

Exhibit B: Mitigation Monitoring and Reporting Program

<https://www.ebparks.org/civicax/filebank/blobdload.aspx?blobid=29933>

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held March 16, 2021, by the following vote:

AYES:	Councilmembers Bates, Jimenez, Martinez, McLaughlin, Willis, Vice Mayor Johnson III, and Mayor Butt.
NOES:	None.
ABSTENTIONS:	None.
ABSENT:	None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
 (SEAL)

Approved:

THOMAS K. BUTT
 Mayor

Approved as to form:

TERESA STRICKER
 City Attorney

State of California	}	
County of Contra Costa	}	: ss.
City of Richmond	}	

I certify that the foregoing is a true copy of **Resolution No. 27-21**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on March 16, 2021.


Pamela Christian, Clerk of the City of Richmond