

**RESOLUTION NO. 23-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND  
ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION  
MONITORING AND REPORTING PROGRAM FOR A TEMPORARY BY-PASS  
ROAD AT THE INTERSECTION OF REGATTA BOULEVARD AND MEADE  
STREET IN THE CITY OF RICHMOND**

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**WHEREAS**, the Richmond Community Redevelopment Agency (“Agency”) proposes to construct a temporary by-pass road in an east-west direction that would extend from the intersection of Regatta Boulevard and Erlandson Street to Meade Street to circumvent train traffic and to provide access to the south shoreline area (the “Project”); and

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), a Mitigated Negative Declaration (“MND”) and accompanying Mitigation Monitoring Reporting Program (“MMRP”) was prepared analyzing all phases and potential impacts of the Project; and

**WHEREAS**, the MND was distributed and circulated for public review on May 7, 2009, for a review period of 30 days as required by CEQA. The 30-day comment period was extended to July 6, 2009 at the request of state and other local agencies to allow sufficient time for their review. During the public review period, several letters and e-mails were received on the environmental document, proposed construction of the temporary by-pass road. The City fully responded to all comments in the Responses to Comments attached to the MND and published in August 2009; and

**WHEREAS**, copies of the Responses to Comments were distributed to those parties that commented on the document during the review period; and

**WHEREAS**, at a duly noticed public hearing on October 1, 2009, the City of Richmond Planning Commission (the “Commission”) heard public comments on the MND. After reviewing and considering all oral and written information regarding the MND as presented at or before that hearing, the Commission recommended that the MND was adequate for the purposes of approving the proposed Project; and

**WHEREAS**, the City Council conducted a duly noticed public hearing on the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program on February 16, 2010, and finds that mitigation measures identified in the MND have been imposed on and incorporated into the Meade Street Bypass project to mitigate to a less-than-significant level or to avoid the project’s potentially significant environmental effects,

**NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF RICHMOND** hereby adopts the Meade Street By-Pass Road Project Mitigated Negative Declaration (which consists of the Initial Study/Draft Mitigated Negative Declaration, Comments and Responses to Comments) attached hereto as Exhibit A, and the Mitigation Monitoring and Report Program, attached hereto as Exhibit B, based on the following findings:

**A. CEQA FINDINGS**

1. The Meade Street By-Pass Road Mitigated Negative Declaration, which consists of the Initial Study/Draft Mitigated Negative Declaration, Comments and Responses to Comments, and the Mitigation Monitoring and Report Program, was completed in accordance with the requirements of the CEQA, and the CEQA Guidelines.

2. The Mitigated Negative Declaration was prepared, published, circulated and reviewed in accordance with the requirements of CEQA, and the CEQA Guidelines, and constituted an adequate, accurate, objective and complete document addressing all issues relevant to the approval of the Project.

3. The City Council reviewed and considered the information contained within the Mitigated Negative Declaration prior to acting on the proposed Project, and finds that the Mitigated Negative Declaration reflects the independent judgment and analysis of the City.

4. The Mitigated Negative Declaration contains certain additions, clarifications, modifications or other revisions (as the result of the public review and comments on the Initial Study/Draft Mitigated Negative Declaration, public agency responses to those comments, and refinements to the Project description), but such work does not present substantial revisions or significant new information requiring recirculation of the Mitigated Negative Declaration.

5. The Mitigated Negative Declaration identified all potentially significant adverse environmental impacts and feasible mitigation measures or standard conditions of approval that would reduce these impacts to a less-than-significant level. All of the mitigation measures identified in the Mitigated Negative Declaration, including those in the Mitigation Monitoring and Reporting Program, are adopted and will be implemented as Conditions of Approval for the Project. The Commission finds that on the basis of the whole record before it, there is no substantial evidence that the Project, as mitigated in the Mitigated Negative Declaration, will have a significant impact on the environment.

6. The monitoring and reporting of CEQA mitigation measures in connection with the Project will be conducted in accordance with the attached Mitigation Monitoring and Reporting Program incorporated into the Conditions of Approval for the Project. Adoption of the Mitigation Monitoring and Reporting Program will constitute fulfillment of the CEQA monitoring and/or reporting requirement set forth in Section 21081.6 of CEQA. All proposed mitigation measures are capable of being fully implemented by the Project Sponsor.

**B. RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD**

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's findings and determinations consists of the following documents and testimony, at a minimum:

- Planning Commission agenda report prepared for the hearing of October 1, 2009.
- City Council agenda report prepared for the hearing of February 16, 2010.
- All written and oral comments submitted during the public review period for the Mitigated Negative Declaration and all records pertaining to public hearings or meetings regarding Project review.
- All other public reports, documents, studies, memoranda, maps, or other planning documents related to the project and the Mitigated Negative Declaration, prepared by the City, consultants to the City, or responsible or trustee agencies.
- The City of Richmond General Plan, as amended and all environmental review documents for the General Plan, including findings and statements of overriding considerations related thereto.
- The Richmond Zoning Ordinance.
- All matters of common knowledge to this City Council, including, but not limited to (1) the Richmond General Plan and other applicable policies, (2) the Richmond Zoning Ordinance and other applicable ordinances, (3) applicable City policies and regulations, (4) reports, projections, and documentation regarding development within and surrounding the City, and (5) federal, state, and county laws, regulations, guidelines, and publications.

The documents described above comprising the record of proceedings are located in the offices of the Planning and Building Department, Planning Division, City of Richmond, 450 Civic Center Plaza, Richmond, CA 94804. The custodian of these documents is the Director of Planning and Building Services, or his or her designee.

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I certify that the foregoing Resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting of the City Council held on February 16, 2010, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

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DIANE HOLMES  
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

RANDY RIDDLE  
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. 23-10**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on February 16, 2010.