

**RESOLUTION NO. 43-12**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND ADOPTING  
A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING  
PROGRAM FOR THE VIA VERDI REPAIR PROJECT: SAN PABLO CREEK  
CULVERT REPLACEMENT**

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**WHEREAS**, on April 15, 2010, a portion of a culvert underneath Via Verdi, near the El Portal Drive intersection collapsed and created a 120 foot long by 40 foot wide by 30 foot deep sinkhole; and

**WHEREAS**, in February 2011, staff provided Council with a presentation of alternatives for the final Via Verdi restoration project, including general descriptions, costs, timelines, permitting requirements, land acquisitions, constructability, and potential for reimbursement; and

**WHEREAS**, in March 2011, Council directed staff to proceed with the recommended alternative, to replace the collapsed and existing corrugated metal pipe with a modern box culvert, and to reconstruct Via Verdi and El Portal Drive; and

**WHEREAS**, pursuant to the responsibility given to the Planning Director of the City of Richmond by City Council Resolution 125-03 for the general administration of the California Environmental Quality Act (CEQA), and the State CEQA Guidelines, and in accordance with CEQA of 1970 as amended, an Initial Study and Draft Mitigated Negative Declaration (DMND) was prepared by Nichols Consulting Engineers on October 18, 2011 for the Via Verdi Repair Project: San Pablo Creek Culvert for which a Notice of Intent was published on October 18, 2011 announcing a thirty (30) day public comment period; and

**WHEREAS**, during the comment period five comments were received on the DMND; and

**WHEREAS**, following the public comment period, a final Mitigated Negative Declaration was prepared. The final MND includes minor edits to the DMND text in response to comments received (Exhibit A, attached hereto). As required by CEQA, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared to report on and monitor the changes which are required to mitigate or avoid significant environmental effects (Exhibit B, attached hereto); and

**WHEREAS**, the minor revisions to the MND do not constitute “substantial revisions” as defined in Section 15073.5(b) of the CEQA Guidelines, thus the MND is not subject to recirculation prior to adoption; and

**WHEREAS**, on March 20, 2012, the Richmond City Council held a public meeting to consider adoption of the final MND.

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

1. The Via Verdi Repair Project: San Pablo Creek Culvert Replacement MND, consisting of the DMND in Exhibit A, and the Mitigation Monitoring and Reporting Program in Exhibit B, 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 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 MND for the project has been reviewed and found adequate by the City Council prior to approving the contract for the work, and the 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 City of Richmond will have a significant effect on the environment.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the City Council does hereby adopt the Mitigated Negative Declaration, which consists of the Draft MND and MMRP dated October 2011.

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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 held on March 27, 2012, by the following vote:

AYES: Councilmembers Bates, Beckles, Booze, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

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. 43-12, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on March 27, 2012.