

**CERTIFIED FOR PUBLICATION**

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION ONE

PARCHESTER VILLAGE  
NEIGHBORHOOD COUNCIL et al.,

Plaintiffs and Respondents,

v.

CITY OF RICHMOND et al.,

Defendants and Appellants.

A123859

(Super. Ct. No. CIV MSC07-01090)

**ORDER MODIFYING OPINION  
AND DENYING REHEARING  
[NO CHANGE IN JUDGMENT]**

**THE COURT:**

It is ordered that the opinion filed herein on February 24, 2010, be modified in the following particulars:

1. On page 16, footnote 14 is added at the end of the first sentence. Footnote 14 will read:

In their petition for rehearing, plaintiffs contend CEQA review is required because the city “committed in the MSA to the Station 68 expansion project.” The record shows that the City agreed to make the following modification to Station 68, regardless of which fire protection option was ultimately chosen: “Addition of second restroom facility for female staff, additional sleeping quarters for 3 additional staff.” There is nothing in the record to suggest that these changes to the station will require any physical expansion of the facility.

2. On page 17, in the first sentence of the fourth paragraph, the words “it does not appear any” are deleted; the words “only a minor portion” are inserted. The sentence will now read:

We first observe that only a minor portion of the traffic improvements specified in this provision are within the City’s boundaries.

3. Additionally, on page 17, at the end of the first sentence, a footnote will be added. The footnote, which will be footnote 15, will read:

These traffic improvements consist solely of repaving two existing streets, a portion of which fall within the City’s boundaries. Taken in isolation, it does not appear that the repaving of an existing paved street constitutes a “project” within the meaning of section 21065.

There is no change in the judgment.

The petition for rehearing is denied.

Trial Court: Contra Costa County Superior Court

Trial Judge: Hon. Barbara Zúñiga

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