ORDINANCE NO. 6-08 N.S.

AN URGENCY ORDINANCE, PURSUANT TO GOVERNMENT CODE
SECTION 65858, EXTENDING UNTIL APRIL 25, 2008 A MORATORIUM ON
THE APPROVAL OF PERMIT APPLICATIONS TO CONSTRUCT, MODIFY OR
PLACE WIRELESS COMMUNICATION FACILITIES WHICH WAS ADOPTED
ON SEPTEMBER 18, 2007 (ORDINANCE NO. 35-07 N.S.)

WHEREAS, on September 18, 2007, the City Council adopted Urgency
Ordinance No. 35-07 N.S., establishing a 45-day moratorium on the approval of
permit applications for the construction, modification, or placements of wireless
communication facilities in order to prepare a revised Telecommunications
Ordinance; and

WHEREAS, on October 30, 2007, the City Council extended the
moratorium to March 11, 2008; and

WHEREAS, the City of Richmond Planning and Building Services
Department has conducted several public meetings to discuss proposed changes
to the Telecommunications Ordinance; and

WHEREAS, in response to comments received at public meetings, staff is
preparing extensive revisions to the Telecommunications Ordinance that will not
be presented to Council before the moratorium expires; and

WHEREAS, due notice of the hearing requesting this extension of the
moratorium has been given as required by law; and

WHEREAS, for reasons set forth above and in Ordinance No. 35-07 N.S.,
this ordinance is declared by the Richmond City Council to be necessary for
preserving the public peace, health, safety, and to avoid a current, immediate
and direct threat to the health, safety, or welfare of the community, and the
recitals above taken together constitute the City Council's statements of the
reasons constituting such necessity and urgency.

WHEREAS, NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
RICHMOND does ordain as follows:

SECTION 1. The City Council finds and determines the recitals set forth
in this Ordinance and Ordinance 37-05 to be true and correct and hereby makes
them a part of this ordinance.

SECTION 2. The City Council finds and determines the adoption of this
ordinance is exempt from CEQA under Sections 15061(b)(3), 15307, 15308, and
15183 of the State CEQA Guidelines.

SECTION 3. All provisions of Ordinance No. 35-07 N.S., except for
Section 6, shall remain in full force and effect during the extended term of the
moratorium. Section 6 of Ordinance No. 35-07 N.S. is revised to reflect that the
extended moratorium shall expire, and be no further force and effect, on
midnight, April 25, 2008, unless a permanent ordinance establishing new
regulations governing wireless communication facilities covered by this
moratorium is adopted earlier, in which case, the moratorium shall expire upon
effective date of the permanent regulations.

SECTION 4. If any section, subsection, sentence, clause or phrase of this
Ordinance is for any reason held by a court of competent jurisdiction to be
invalid, such decision shall not affect the validity of the remaining portions of this
ordinance. The City Council declares that it would have adopted this Ordinance
and each section, subsection, sentence, clause and phrase thereof, irrespective
of the fact that any one or more section, subsection, sentence, clause, or phrase
be declared invalid.
SECTION 5. This Ordinance shall take effect and be in full force immediately upon its passage.

I certify that the foregoing Ordinance was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held March 4, 2008, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, 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:

LOUISE RENNE, Interim
City Attorney

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

I certify that the foregoing is a true copy of Ordinance No. 6-08 N.S., finally passed and adopted by the Council of the City of Richmond at a meeting held on March 4, 2008, and published in accordance with law.