

ORDINANCE NO. 10-08 N.S.

AN URGENCY ORDINANCE, PURSUANT TO GOVERNMENT CODE SECTION 65858, EXTENDING UNTIL JULY 31, 2008 A MORATORIUM ON THE ACCEPTANCE AND APPROVAL OF PERMIT APPLICATIONS TO CONSTRUCT, MODIFY OR PLACE WIRELESS COMMUNICATIONS 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 acceptance and approval of permit applications for the construction, modification, or placements of wireless communication facilities in order to prepare a revised Wireless Communications Facilities Ordinance; and

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

WHEREAS, on March 4, 2008, the City Council extended the moratorium to April 25, 2008; and

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

WHEREAS, in response to comments received at public meetings, staff is preparing extensive revisions to the Wireless Communications Facilities Ordinance that will not be presented to Council for consideration 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 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.

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 of no further force and effect, on midnight, July 31, 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 April 15, 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. 10-08 N.S., finally passed and adopted by the Council of the City of Richmond at a meeting held on April 15, 2008, published in accordance with law.