



CITY COUNCIL REPORT ISSUED PURSUANT TO GOVERNMENT CODE SECTION 65858(d)

DATE: February 18, 2022

SUBJECT: Report on Measures Taken Following Adoption of Interim Urgency Ordinance Number 01-22 N.S. Establishing a Temporary, 45-Day Moratorium

BACKGROUND: On January 18, 2022, the Richmond City Council adopted urgency-measure Interim Ordinance Number 01-22 N.S. ("Ord. No. 01-22 N.S."), which established a temporary moratorium on the issuance of building permits requiring new sewer connections to the Keller Beach Sanitary Sewer ("KBSS"); and further declaring an urgency thereof. Ord. No. 01-22 N.S. is set to expire on March 4, 2022.

Pursuant to California Government Code § 65858(b), an interim ordinance remains in effect for forty-five (45) days from its adoption date and may be extended for ten (10) months and fifteen (15) days following a noticed, public hearing and with a four-fifths vote for adoption from the City Council, which would require six (6) of seven (7) votes. If adopted, the proposed extended interim ordinance would take effect immediately.

California Government Code § 65858(d) requires the City Council to issue a written report ten (10) days before the earliest of either: the interim ordinance's expiration; or, prior to the extension's adoption. The report shall describe measures the City is taking to alleviate the condition(s) that led to the interim ordinance's adoption.

Ordinance Number 01-22 N.S. will expire on March 4, 2022. The City Council is scheduled to consider an extension of Interim Ordinance No. 01-22 N.S. on March 1, 2022; thus, this report's date of issue satisfies the requirements of California Government Code § 65858(d).

DISCUSSION: The Public Works Department is actively reviewing and analyzing the totality of circumstances facing the KBSS line.

Public Works faces a complex situation with this pipeline, especially given the seriousness of the sanitary sewer issues it presents. The lack of straightforward, easy solutions adds to the complexity. Challenges include, but are not limited to: defining and evaluating potentially viable solutions for repair and/or replacement; the cost of any such proposed solution; the geographical difficulties presented by both the pipeline's in-water location and the limited staging area for repair equipment; and, the inherently sensitive environmental and public health concerns, which would potentially result from a failure.

Public Works is taking a multi-pronged approach to addressing the matter; specific activities being undertaken currently include the following:

- Presented NCE-Coastland's Keller Beach Sanitary Sewer CCTV Review and Assessment Report, detailing KBSS conditions, to the City Council on January 18, 2022; and
- Is mid-process on executing a work authorization for consultants to complete the next-stage feasibility study and evaluation of alternatives, including but not limited to: alternate alignments to, and sewerage of, properties; and
- Developed and drafted correspondence to property owners advising them of the moratorium and the forthcoming studies; letter to be mailed pending the moratorium extension's adoption; and
- Developed an informational webpage to provide information about the moratorium and details on petitioning for relief from same.

The above reflects actions undertaken during the short period necessary to extend the interim urgency ordinance in effect currently.

OPPORTUNITY FOR PUBLIC COMMENT: Members of the public will have the opportunity to comment on the drafted extension of the Urgency Ordinance at the City Council's Public Hearing to be held on March 1, 2022 online via Zoom. The City will publish notice for this meeting pursuant to Government Code § 65090.

To participate in the Zoom video conference online meeting and obtain detailed information on how to provide public comment, please visit the City of Richmond, City Clerk's Office website, Council Agenda Documents webpage at <http://www.ci.richmond.ca.us/151/Council-Agenda-Documents> and review the published agenda for the March 1, 2022, meeting. The agenda is scheduled to be published on Thursday, February 24, 2022.