



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

**DATE:** March 23, 2023

**SUBJECT:** Report on Measures Taken Following Adoption of Interim Urgency Ordinance Number 02-23 N.S. Establishing a Temporary, 45-Day Moratorium

**BACKGROUND:** On February 21, 2023, the Richmond City Council adopted urgency-measure Interim Ordinance Number 02-23 N.S. ("Ord. No. 02-23 N.S."), which established a temporary moratorium on the issuance of building permits requiring sewer connections to the Keller Beach Sanitary Sewer ("KBSS"); and further declaring an urgency thereof. Ord. No. 02-23 N.S. is set to expire on April 7, 2023.

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 twenty-two (22) months and fifteen (15) days following a noticed, public hearing and with a four-fifths (4/5) 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 02-23 N.S. will expire on April 7, 2023; thus, this report's date of issue satisfies the requirements of California Government Code § 65858(d).

**DISCUSSION:** The Public Works and Planning Department(s) (collectively, the "Departments") are actively reviewing and analyzing the totality of circumstances facing the KBSS line.

The Departments face 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; the cost of any such proposed solution; the geographical difficulties the site presents both on land and in water; and, the inherently sensitive environmental and public health concerns central to this situation. The Departments will take a multi-pronged approach to addressing the matter; specific activities being undertaken currently include the following:

- Analyzing and evaluating NCE-Coastland's Keller Beach Sanitary Sewer CCTV Review and Assessment Report, dated January 3, 2022 to understand and define the critical issues and to prioritize the myriad issues impacting the KBSS line and public safety;
- Researching and evaluating best-practices for addressing pipeline engineering and identifying proven technological or mechanical interventions while maintaining public-safety protections;
- Analyzing the need for additional information and studies and determining which categories of consultants would be most useful and at which point in the process.

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 April 4, 2023, in person or 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 April 4, 2023 meeting.

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