

ORDINANCE NO. 45-07 N.S.

AN URGENCY ORDINANCE, PURSUANT TO GOVERNMENT CODE SECTION 65858, EXTENDING UNTIL MARCH 11, 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; and

WHEREAS, the 45-day moratorium will expire on November 2, 2007; and,

WHEREAS, the legislative process by which any proposed amendments to the wireless regulations in the City of Richmond Zoning Ordinance can be adopted requires a public hearing before the Planning Commission, as well as two readings before the full City Council, the competition of which cannot occur prior to November 2, 2007; and

WHEREAS, the City of Richmond Planning and Building Services Department is in the process of studying proposed amendments to the City's Zoning Ordinance, and it is expected that proposed amendments will be presented at a hearing of the Planning Commission on December 6, 2007, before proceeding to the City Council for consideration; 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.

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, March 18, 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 meeting thereof held October 30, 2007 , 2007, 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. 45-07 N.S., finally passed and adopted by the Council of the City of Richmond at a meeting held on October 30, 2007.