

**10-DAY REPORT ON THE CITY OF RICHMOND'S 45-DAY
URGENCY MORATORIUM ORDINANCE PLACING A TEMPORARY MORATORIUM
ON ALL NEW TOBACCO RETAILERS WITHIN THE CITY OF RICHMOND PENDING
THE STUDY AND DEVELOPMENT OF REASONABLE REGULATIONS AS REQUIRED
BY GOVERNMENT CODE SECTION 65858(d)**

BACKGROUND:

On April 16, 2024, pursuant to *Government Code* Sections 65858 and 36937, the City Council adopted Ordinance No. 03-24 N.S., a 45-day urgency moratorium ordinance. Ordinance No. 03-24 N.S. was adopted in an effort to protect the public health, safety, and welfare by placing a 45-day moratorium on all new tobacco retailers with the City of Richmond pending completion of anticipated study and development of reasonable regulations for tobacco retailers. Under *Government Code* Section 65858(d), at least 10 days prior to the expiration of the 45-day ordinance, the City is to issue a written report describing the measures taken to alleviate the conditions which led to the adoption of the moratorium. Issuance of this report satisfies the requirements of *Government Code* Section 65858(d). The 45-day moratorium is set to expire on May 31, 2024.

MEASURES TAKEN TO ALLEVIATE THE CONDITIONS THAT LED TO THE ADOPTION
OF THE URGENCY ORDINANCE

1. Since April 16, 2024, City staff has been developing a community engagement plan to receive input from stakeholders, including neighborhood councils, school organizations, and residents on the contemplated municipal code amendments. This effort has included compiling a list of stakeholders to engage in the community input process.
2. The City has assembled a legal team that will be needed to study and implement the recommendations contained in Ordinance No. 03-24 N.S.
3. City staff has prepared a draft scope of work seeking a planning consultant to assist in the study and development of reasonable regulations on tobacco retailers.
4. City staff has started reviewing municipal code regulations of peer cities with regard to regulations on tobacco retailers.
5. City staff has started to assemble an inter-department and inter-agency team that will be tasked with the enforcement and review of licenses and unlicensed tobacco retailers to understand violations of current regulations and the need for potential new regulations.
6. City staff has created and published a project webpage to post information regarding the project. See <https://www.ci.richmond.ca.us/4662/Tobacco-Retailers-License>
7. City staff has started developing lists of tobacco retailers with current licenses, those with expired licenses, and those operating with no licenses to study the current landscape and determine certain regulations that may be beneficial.

The above reflects actions undertaken during this short period. Conditions continue to exist that make it necessary to extend the interim urgency ordinance currently in effect to provide staff with

the necessary time to complete its analysis and research, develop appropriate regulations, and ensure the protection of the public health, safety, and welfare.

CONTINUED NEED FOR THE MORATORIUM

Actions addressing the underlying need for the moratorium are on-going. Specifically, at the direction of Council, staff is studying and will develop reasonable regulations for tobacco retailers, including a potential use permit, to address community concerns regarding underage access, public notification of licenses, and proliferations of retailers. These contemplated regulation changes require public outreach, additional study, a public hearing before the Planning Commission, and a second public hearing before the City Council. These tasks cannot be completed within the initial 45-day period which ends on May 31, 2024. Therefore, the need for the moratorium remains and staff recommends the City Council adopt an ordinance extending the current moratorium for a period of 10 months and 15 days. Unless extended by Council, the moratorium would automatically expire on May 31, 2024. Staff intends to return to Council with municipal code amendments by the end of the calendar year.

OPPORTUNITY FOR PUBLIC COMMENT: Members of the public will have the opportunity to comment on the draft extension of the Urgency Ordinance at the City Council hearing to be held on May 21, 2024. The City will publish notice for this meeting pursuant to Government Code § 65090.