

**10-DAY REPORT ON THE CITY OF RICHMOND
URGENCY 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 the anticipated study and development of reasonable regulations for tobacco retailers. On May 21, 2024, the City Council adopted Ordinance No. 05-24 N.S. extending the 45-day moratorium for 10 months and 15 days. Under *Government Code* Section 65858(d), at least 10 days prior to the expiration of any extension, the legislative body shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance. Issuance of this report satisfies the requirements of *Government Code* Section 65858(d). The 10 month-15-day moratorium extension is set to expire on April 15, 2025.

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, tobacco retailers, businesses and residents on the contemplated municipal code amendments. This effort has included compiling a list of stakeholders to engage in the community input process. The City has also assembled a taskforce tasked with the enforcement and review of licensed and unlicensed tobacco retailers to understand violations of current regulations and the need for potential new regulations. City staff has developed a list of tobacco retailers with current licenses, those with expired licenses, and those operating with no licenses to study the current landscape and determine types of regulations that may be beneficial. The City has also created and published a project webpage to post information regarding the project. See <https://www.ci.richmond.ca.us/4662/Tobacco-Retailers-License>
2. Since May 21, 2024, Good City Company was contracted by the City of Richmond in November of 2024 to update the City's tobacco retailer regulations and permitting process.
3. In the past 4 months, Good City has developed an existing conditions report outlining concerning trends in tobacco consumption, current City regulations, the number of licensed and unlicensed tobacco retailers, as well as the number and type of violations seen by the tobacco task force enforcement team. The existing conditions report also compares Richmond's tobacco retail ordinance to those in San Francisco, Berkeley, Oakland, and San Jose and describes potential regulations and enforcement mechanisms available to the City.
4. The existing conditions report, potential regulations, and enforcement mechanisms were presented to the community at a workshop on February 11th.

5. City staff and/or Good City presented at the Richmond Neighborhood Coordinating Council meeting on March 10 to discuss permitting and enforcement options for tobacco retailers for feedback and input.

The above reflects actions undertaken during this time 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

At the direction of the City Council, staff and the City's consultant, Good City, are studying and will develop reasonable regulations for tobacco retailers, such as the inclusion of provisions: requiring a potential use permit, to address community concerns regarding underage access, to provide public notification of licenses, and to address proliferations of retailers. These contemplated regulation changes require public outreach, a public hearing before the Planning Commission, and a second public hearing before the City Council. Actions addressing the underlying need for the moratorium are on-going. Specifically, the following next steps are still needed:

1. Staff and/or Good City will host two virtual stakeholder roundtables in March. One will be in collaboration with the school district and a second with interested tobacco retailers.
2. A second community meeting will take place in April where Staff and Good City will present the draft ordinance proposing the key changes detailed above.
3. The draft ordinance will be presented at a public hearing before the Planning Commission.
4. Upon recommendation by Planning Commission, the draft ordinance will be presented to the City Council for consideration. If introduced, a second reading (adoption hearing) will be required at Council. If adopted the ordinance will become effective 30 days after adoption.

These tasks cannot be completed by April 15, 2025. Therefore, the need for the moratorium remains and City staff recommend the City Council adopt an ordinance extending the current moratorium for a period of 12 months to provide sufficient time for these tasks. Unless extended by Council, the moratorium would automatically expire on April 15, 2025. Staff intends to return to Council with municipal code amendments by Summer 2025.

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 April 1, 2025. The City will publish notice for this meeting pursuant to Government Code § 65090.