



MEMORANDUM

TO: City Council

FROM: Whitney McDonald, City Manager

SUBJECT: Consideration of Adoption of a Resolution Confirming the Emergency Services Director's Proclamation of Existence of a Local Emergency in the City of Arroyo Grande and Waiving Demolition Permit and Inspection Fees Related to Flood Damage

DATE: January 24, 2023

SUMMARY OF ACTION:

Adoption of a Resolution confirming the Emergency Services Director's proclamation of existence of a local emergency related to the January 2023 storm events and approving the waiver of demolition permit and inspection fees for flooded residents and businesses.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

Adoption of the Resolution will facilitate the ability for the City to utilize all available resources to respond to the emergency, including through the use of emergency procurement processes.

There are approximately nine homes that experienced flood damage on Tally Ho Road, with more homes in the City that experienced flooding into yards, garages, and outbuildings. The City's [demolition permit and inspection fee](#) is \$375. Waiver of demolition permit and inspection fees is estimated to result in approximately \$3,375 in lost revenue to the City.

RECOMMENDATION:

Adopt a Resolution confirming the Emergency Services Director's proclamation of the existence of a local emergency and waiving demolition permit and inspection fees for flooded residents and businesses.

BACKGROUND:

On January 4, 2023, Governor Newsom issued a [Proclamation of a State of Emergency](#) relating to severe winter storms and a series of atmospheric river systems that struck California beginning December 27, 2022, bringing high winds, substantial precipitation, and river, stream, and urban flooding. The Governor's Proclamation declared that conditions of extreme peril to the safety of persons and property exist due to these storms,

Item 9.e.

City Council

Consideration of Adoption of a Resolution Confirming the Emergency Services Director's Proclamation of Existence of a Local Emergency in the City of Arroyo Grande and Waiving Demolition Permit and Inspection Fees Related to Flood Damage

January 24, 2023

Page 2

which have forced closures and caused damage to highways and roads, as well as caused levee and culvert failures, and mandatory evacuations in severely impacted counties, including San Luis Obispo County. Statewide, the storms threatened, and continue to imminently threaten, critical infrastructure including utilities and thoroughfares, movement of resources, runoff in burn scars from recent wildfires potentially causing mud and debris flows, power outages to thousands of households and businesses, river, and urban flooding due to excessive and prolonged rainfall.

On January 8, 2023, the President of the United States declared that an emergency exists in the State of California relating to severe winter storms, flooding, landslides, and mudslides. The [Presidential Emergency Declaration](#) makes residents in impacted counties who had damage or losses from the storms eligible to apply for federal disaster assistance. On January 17, 2023, San Luis Obispo County was added as an affected county, meaning San Luis Obispo County residents who had damage or losses from the storms may now apply for Federal Emergency Management Agency (FEMA) disaster assistance.

On January 9, 2023, the County Administrative Officer of San Luis Obispo issued a [Proclamation of Local Emergency](#) relating to severe winter storms and a series of atmospheric river systems that struck San Luis Obispo County, bringing high winds, substantial precipitation, and river, stream and urban flooding.

The City of Arroyo Grande has specifically been, and is under continued threat to be, adversely impacted by the above-referenced winter storms in a manner that threatens local infrastructure and public health and safety, and which exceeds the capacity of the City to address with its own personnel, resources, or in a timely manner to protect life and property, particularly if bound by strict compliance with various statutes and regulations. Conditions of disaster or extreme peril to the safety of persons and property within the City have already included rising water levels throughout the Tally Ho and Arroyo Grande Creek systems, flooding, major street and highway closures, and damage or threatened damage to City infrastructure.

While the federal, State, and County emergency declarations also apply to the City and assist the City and its residents and businesses in obtaining assistance and resources through the California Office of Emergency Services and the Federal Emergency Management Agency, proclamation of a local emergency within the City of Arroyo Grande enables the City to utilize all available resources, including emergency procurement processes, to respond to and recover from this disaster. Therefore, after consideration of the facts reasonably available at the time, on January 18, 2023, at approximately 4:34 p.m., the City Manager, acting as the Director of Emergency Services in accordance with [Section 8.12.060 of the Arroyo Grande Municipal Code](#), proclaimed the existence of a

Item 9.e.

City Council

Consideration of Adoption of a Resolution Confirming the Emergency Services Director's Proclamation of Existence of a Local Emergency in the City of Arroyo Grande and Waiving Demolition Permit and Inspection Fees Related to Flood Damage

January 24, 2023

Page 3

local emergency in the City of Arroyo Grande effective as of January 4, 2023, to ensure that all available resources are made available to the City and its residents and businesses to respond to and address the disaster created by the January 2023 storms.

ANALYSIS OF ISSUES:

Pursuant to [Government Code § 8630](#), a local emergency throughout the City declared by the Director of Emergency Services shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the City Council. Therefore, the City Manager, acting as the City's Director of Emergency Services, requests that the City Council ratify and affirm the existence of a local emergency throughout the City of Arroyo Grande as described in the attached Resolution (Attachment 1) and Proclamation (Attachment 2).

Approximately nine homes on Tally Ho Road experienced flood damage that may necessitate demolition permits and inspections. Additional homes in the City experienced flooding into yards, garages, and outbuildings. While City staff are unaware of any businesses in the City that experienced flooding that may necessitate a demolition permit or inspection, it is possible that this will occur in the coming weeks. The City's demolition permit and inspection fee is approximately \$375. To provide financial support and assistance to City residents and businesses who have experienced flooding from the storm, it is recommended that the demolition permit and inspection fee be waived as provided in the proposed Resolution (Attachment 1).

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Adopt the Resolution Proclaiming and Affirming the Existence of a Local Emergency and Approval of Demolition Permit and Inspection Fee Waivers for Flooded Residents and Businesses; or
2. Provide other direction to staff.

ADVANTAGES:

Adoption of the Resolution will facilitate the ability for the City to utilize all available resources to respond to and recover from the emergency conditions created by the January 2023 storm events.

DISADVANTAGES:

The City estimates approximately \$3,375 in lost revenue by waiving the demolition permit and inspection fees.

City Council

Consideration of Adoption of a Resolution Confirming the Emergency Services Director's Proclamation of Existence of a Local Emergency in the City of Arroyo Grande and Waiving Demolition Permit and Inspection Fees Related to Flood Damage

January 24, 2023

Page 4

ENVIRONMENTAL REVIEW:

No environmental review is required for this item.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2.

Attachments:

1. Proposed Resolution
2. Proclamation of the Existence of a Local Emergency (January 18, 2023)