



STAFF REPORT	
SUBJECT: Discussion and Direction Regarding Legal Non--conforming Status of Residences in the Sulphur Fire Area	MEETING DATE: Dec. 1, 2022
SUBMITTED BY: Alan Flora, City Manager	
PURPOSE OF REPORT: <input type="checkbox"/> Information only <input checked="" type="checkbox"/> Discussion <input checked="" type="checkbox"/> Action Item	

WHAT IS BEING ASKED OF THE CITY COUNCIL/BOARD:

The City Council is being asked to consider direction regarding the extension of the Community Development Director’s authority to waive certain zoning requirements for homes in the Sulphur Fire area.

BACKGROUND/DISCUSSION:

Over 150 homes were lost in the City of Clearlake as a result of the Sulphur Fire in 2017. Rebuilding has been slow. This is the result of a variety of factors, but largely center around underinsurance, high cost of construction, and delays in the payment of settlement funds from PG&E.

Many of the properties in this area of the City do not meet current zoning requirements. The area was developed before modern zoning and the properties are considered legal non-conforming. The zoning ordinance allows a legal non-conforming use to be replaced within six months of a disasters such as the Sulphur Fire, but if a permit is granted after six months, it must meet current regulations. In response to this the City allowed up to nine months, and granted a one-time six month extension to legal non-conforming status, for a total of 15 months.

Some insurance companies have been slow to pay and only just recently have property owners received any significant funds from the PG&E settlement. We are getting additional interest in being allowed to build back homes consistent with what was initially on the property.

Is the Council interested in authorizing the Community Development Director to extend this interpretation, on a case-by-case basis, for an additional period in order to facilitate the rebuilding of homes within the fire area?

OPTIONS:

1. Provide Direction to Staff Allowing the Community Development Director to review projects within the Sulphur Fire area for legal non-conforming status and approve permits consistent

with previous development if they do not hinder the general health and welfare of the community.

2. Other direction

FISCAL IMPACT:

None \$ Budgeted Item? Yes No

Budget Adjustment Needed? Yes No If yes, amount of appropriation increase: \$

Affected fund(s): General Fund Measure P Fund Measure V Fund Other:

Comments: This could facilitate a number of additional home starts that would be unlikely under existing regulations. If so this would result in an increase in permit revenue and the eventual increase in property tax revenue for local agencies.

STRATEGIC PLAN IMPACT:

Goal #1: Make Clearlake a Visibly Cleaner City

Goal #2: Make Clearlake a Statistically Safer City

Goal #3: Improve the Quality of Life in Clearlake with Improved Public Facilities

Goal #4: Improve the Image of Clearlake

Goal #5: Ensure Fiscal Sustainability of City

Goal #6: Update Policies and Procedures to Current Government Standards

Goal #7: Support Economic Development

SUGGESTED MOTIONS:

Attachment: Zoning Interpretation #15 – Replacing Destroyed Houses from the Sulphur Fire