

RESOLUTION NO. 1967

A RESOLUTION OF INTENTION TO AMEND THE ZONING ORDINANCE
TO PROVIDE RELIEF TO OWNERS OF NONCONFORMING
COMMERCIAL BUILDINGS/USES WITHIN THE CITY
DESTROYED BY THE OCTOBER 17TH, 1989
EARTHQUAKE DISASTER

BE IT RESOLVED by the City Council of the City of
Soledad, as follows:

Section 1. That it is the intention of the City
Council to initiate and consider the following proposed
amendment or amendments to Title 17 of the Municipal Code, the
City zoning ordinance marked, "Exhibit A" and by reference
incorporated herein and made a part hereof:

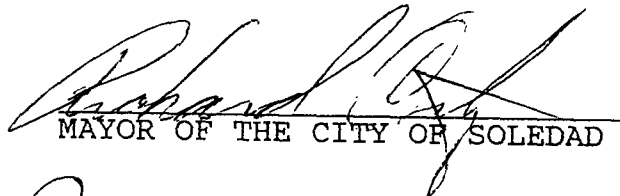
Section 2. A public hearing upon said proposed
amendment or amendments shall be held by the Planning Commission
in the Council Chambers at City Hall, 647 Front Street, Soledad,
California, on April 4, 1990, at 7:30 o'clock p.m. The
Planning Director is directed to give notice of such hearing in
accordance with the provisions of Sections 65854, 65090, 65091,
65092 and 65094 of the Government Code.

PASSED AND ADOPTED by the City Council of the City of
Soledad at a regular meeting duly held on the 13th day of March,
1990, by the following vote:

AYES, and in favor thereof, Councilmembers: Manuel Campos,
John Holguin, Fred Ledesma, Mayor Pro Tem Joe Ledesma,
Mayor Richard Ortiz

NOES, Councilmembers: None

ABSENT, Councilmembers: None


MAYOR OF THE CITY OF SOLEDAD

ATTEST:


CITY CLERK OF THE CITY OF SOLEDAD

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLEDAD
PROVIDING RELIEF TO THE OWNERS OF NONCONFORMING
COMMERCIAL BUILDINGS DESTROYED IN THE
OCTOBER 17, 1989, EARTHQUAKE
DISASTER

WHEREAS, the October 17, 1989, California earthquake destroyed commercial buildings in the City of Soledad that were nonconforming and which, under existing zoning regulations, cannot be restored to their former uses; and

WHEREAS, the destruction of said buildings has caused severe economic loss and hardship to the owners and occupants thereof and to the community as large; and

WHEREAS, it has been and is the policy of the Federal and State governments and local agencies to provide emergency assistance to persons whose properties were damaged or destroyed in the earthquake; and

WHEREAS, in pursuit of that policy, assistance in the form of grants and low-interest loans has been made available to the owners of such buildings by the Small Business Administration, the Federal Emergency Management Agency (FEMA), and the Office of Emergency Services; and

WHEREAS, it is equitable and in the best interests of the City of Soledad to allow the restoration of nonconforming buildings totally destroyed in said earthquake by temporarily lifting the zoning restrictions that now preclude such restoration.

NOW, THEREFORE, the City Council of the City of Soledad does ordain as follows;

Section 1. Notwithstanding the provisions of Section 17.40.050 of the Soledad Municipal Code, any commercial use or occupancy of a nonconforming building, together with an accompanying incidental use or occupancy thereof, which was discontinued as the result of the total destruction of said building in the October 17, 1989, earthquake, may be resumed and re-established upon the full reconstruction and restoration of

Exhibit "A"

said building subject to the following provisions of this ordinance.

Section 2. In order to restore the destroyed building and to resume the nonconforming use, a permit is required. Application for such permit, on a form provided by the City, shall be filed with the Planning Director by the owner of the property or the owner's authorized representative within one (1) year after the effective date of this ordinance; applications filed after the expiration of said one (1) year period will not be considered. No application fee shall be charged. The application shall contain the following information:

(a) A legal description of the property, the street address and the Assessor's Parcel Number.

(b) The name, mailing address and telephone number of the owner of the property and of the owner's authorized representative, if any.

(c) A statement describing in detail all uses of said building on and prior to October 17, 1989, and all intended uses of the same after restoration.

(d) Detailed plans and specifications for the proposed building restoration in accordance with the requirements of the Planning Director and the provisions of the Uniform Building Code. A plan for the undergrounding of electrical utilities shall be included.

(e) Such other information as the Planning Director may require.

Section 3. The Planning Director shall determine when the application is complete and shall give written notice of such determination to the property owner, or to the owner's authorized representative, as the case may be.

Section 4. The Planning Director shall approve, conditionally approve, or deny the application within forty-five (45) days after the date on which the application is deemed to be complete. Written notice of the action taken shall be given

to the applicant, either personally or by mail, immediately thereafter.

Section 5. The applicant, or any member of the public, may appeal the decision of the Planning Director upon said application within five(5) days after the date of decision in accordance with the appeal procedures set forth in Chapter 17.46 of the Soledad Municipal Code.

Section 6. Each permit issued under the provisions of this ordinance shall be conditioned upon the owner obtaining a building permit and commencing the work of reconstruction within one (1) year after the date of permit approval.

Section 7. Any nonconforming building reconstructed and restored to its former use under the provisions of this ordinance shall, after reconstruction and restoration, remain nonconforming and subject to the provisions of subsection "A" of Section 17.04.050 of the Municipal Code.

Section 8. This ordinance shall expire one (1) year after its effective date and thereafter shall have no further force or effect.

Section 9. This ordinance shall be in force and effect commencing thirty (30) days after the date of its final passage and shall be published once within fifteen (15) days in the Soledad Bee, a newspaper of general circulation printed and published in the County of Monterey and circulated in the City of Soledad.

This ordinance was introduced and read on the ___ day of March, 1990, and was finally passed and adopted on the ___ day of March, 1990, by the following vote:

AYES, and in favor thereof, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

MAYOR OF THE CITY OF SOLEDAD

ATTEST:

CITY CLERK OF THE CITY OF SOLEDAD