

ORDINANCE NO. 89-43

AN ORDINANCE OF THE CITY OF SANTA CRUZ ADDRESSING EMERGENCY CONDITIONS IN THE AREAS OF PERMIT PROCESSING, FEES, AND TEMPORARY LIVING QUARTERS AND DECLARING THE URGENCY THEREOF.

BE IT ORDAINED by the City of Santa Cruz as follows:

WHEREAS, the October 17, 1989 earthquake caused extensive damage to structures in the City of Santa Cruz. As a result, residents were displaced from their homes and businesses. Many suffer hardships because of the time and cost involved in reestablishing lives or businesses. Without a streamlined permit processing system, families may be left homeless during the winter, neighborhoods will continue to experience the negative effects of unrepaired buildings, and economic hardships will result from the delay in reconstruction. Action is necessary by the City to further the public welfare and safety as set forth in this ordinance.

The regulations set forth in this ordinance shall supersede existing regulations, and shall control if a conflict exists with any existing regulation.

Section 1. Building Permit Fee Waiver.

For a period of three (3) months from the effective date of this ordinance, no building permit fee shall be charged for building permits which are issued for purposes of repairing earthquake damage in kind. In kind replacement shall meet current City Building and Planning code requirements, except as specified in this ordinance.

The following type of work is covered:

- 1) Electrical, gas, drainways, water systems; water heaters and furnaces.
- 2) Damaged residential and commercial building components which can be readily repaired in kind, and do not constitute more than 25% of the overall structural value.
- 3) Nonhabitable accessory structures less than 120 sq. ft. used for storage, playhouses or similar uses.
- 4) Repair of nonhabitable residential structures which do not exceed 75% of the structural value are replaced in kind and in the same location, as set forth in Section 24.18.040 of the Zoning Ordinance. In addition, fire separations will be required if less than 6 feet from habitable structures and 3 feet from property line.

Section 2. Building Permit Fee Waiver for Chimneys and Fireplaces

For a period of twelve (12) months from the effective date of this ordinance, no building permit fee shall be charged for building permits which are issued for purposes of in kind repairs of earthquake damage to chimneys and fireplaces. Replacements and repairs must be made in existing locations, unless necessary changes are made to meet requirements of the Uniform Building Code.

Section 3. Public Hearings Waived for Design Permits.

For a period of six (6) months from the effective date of this ordinance, no public hearing shall be required for design permits required in connection with the rebuilding, in kind, of residential structures damaged by the earthquake and located on substandard lots. In kind rebuilding shall be as defined in Section 24.18.040 of the Zoning Ordinance.

Section 4. Temporary Living Quarters.

For a period of twelve (12) months from the effective date of this ordinance, temporary living quarters may be located on parcels which contain residential dwellings identified as "red tag" or "yellow tag" as identified in the Structural Survey of Earthquake Damage Report which is maintained in the Department of Planning and Community Development, and three copies of which are on file in the office of the City Clerk and is based on a survey of structures damaged by the October 17, 1989 earthquake. Such temporary living quarters shall require a temporary living quarter permit.

The following findings must be made prior to issuance of the permit:

1. That the principal structure is sufficiently damaged to make it not habitable during repair/reconstruction.
2. That the property can safely accommodate the temporary structure, as set forth by the following criteria:
 - adequate distance to other structures to meet Fire Code requirements.
 - appropriate connections to water and sanitary facilities.
 - location does not impair access or circulation required for emergency services.
 - it does not adversely impair or affect adjacent properties.
 - the property owner signs an agreement to remove temporary structure when permanent structure is habitable.

ORDINANCE NO. 89-43

Permits shall be issued by the Zoning Administrator for a 6-month period and automatically expire unless extended. Extensions shall be granted only if the property owner is proceeding in a timely manner to repair or rebuild a premanent residential structure on the lot.

Section 5. Declaration of Urgency. This ordinance is declared to be an emergency measure adopted under Section 612 of the Santa Cruz City Charter, and is necessary to preserve the public peace, health, safety, property and the general welfare, and the urgency for its adoption is set forth in the findings above.

Section 6. Effective Date. This ordinance shall take effect immediately as provided in Section 4.

PASSED FOR FINAL ADOPTION this 14th day of November, 1989, by the following votes:

AYES: Councilmembers - Ghio, Laird, Lane, Mahaney, Beiers, Yokoyama; Mayor Wormhoudt.

NOES: Councilmembers - None.

ABSENT: Councilmembers - None.

DISQUALIFIED: Councilmembers - None.

APPROVED

Mark Wormhoudt
Mayor

ATTEST

Patricia M. Kenyon
City Clerk

This is to certify that the above and foregoing is the original document. Ordinance No. 89-43 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Patricia M. Kenyon
City Clerk