

Local

Two cities bow to pressure, OK federal flood-zone rules

• IN SANTA CRUZ

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By JOAN RAYMOND

Sentinel Staff Writer

SANTA CRUZ — Stricter building requirements on new construction and stiffer insurance premiums on construction loans are in the offing for downtown property owners, following action Tuesday by the City Council on new flood hazard zones.

With their backs against a federal bureaucratic wall, council members reluctantly rezoned downtown properties near the San Lorenzo River into new flood zones to comply with federal flood insurance program requirements.

The new regulations are expected to take effect Feb. 8 after final approval is given by the council in January, said City Manager Richard Wilson.

The new flood zone, drafted from maps prepared by the Federal Emergency Management Agency, encompasses downtown properties along the east and west sides of the San Lorenzo River, as well as parcels

along Moore, Carbonera, Branciforte and Arana Creeks.

More than 1,700 homes, mobile homes, apartment houses and businesses, plus the old Front Street jail, are affected.

The regulations mean little, if any, new construction would be allowed in areas closest to the river if the construction would obstruct the flow of water during a flood. These areas — considered to be the most flood-hazardous in the city — are called "floodways."

New construction would be allowed in "floodplains" — areas considered to be flood-hazardous, but buildable — but first floors would have to be elevated above the flood level mark. This means construction on stilts. Flood level marks vary from property to property. Maps are available at City Hall.

Builders hoping to beat the new regulations must have made "substantial progress" on their buildings before the effective date of the new regulations. Wilson said "to be safe" from having to meet the new regulations, builders should have foundations poured before the new regulations become final.

The council had little choice but to adopt the new guidelines.

Without the new zones, the city would be dropped from the federal flood insurance program. Without the flood insurance program, the city would not be eligible for federal disaster assistance and Small Business Administration loans — such as those used for reconstruction after the devastating storms of 1982 and 1983 — as well as other federally-backed programs such as Housing and Urban Development projects.

Also, if the city did not participate in the federal flood insurance program, home and reconstruction loans would be almost impossible to come by, because banks, savings and loans, and other financial institutions would be reluctant to make loans without backing from the federal government. Almost all financial institutions are federally insured.

The Planning Department has mailed notices to affected property owners.

About 20 residents attended a City Council public hearing on Tuesday about the pending regulations.

City Council members said they had been put over a barrel by the federal regulations.

The explanation for the new regulations is a bureaucratic puzzle.

FEMA is requiring the stricter rules because FEMA officials have ruled downtown is not adequately protected from a flood — despite river levees constructed 30 years ago by the Army Corps of Engineers that were supposedly designed for flood protection.

• IN CAPITOLA

By KEITH MURAOKA

Sentinel Staff Writer

CAPITOLA — Yet another flood-zone emergency ordinance was approved by the City Council at a special meeting Tuesday afternoon and council members are confident the city will finally be taken off suspension by the federal government.

But then, they've heard those assurances before from the Federal Emergency Management Agency.

Just last month the council reluctantly passed a similar emergency ordinance. Dale Peterson, the federal agency's assistant regional director, assured the council the ordinance was up to snuff and he would personally lift the suspension immediately.

That was five weeks ago. Since then, the city has received a letter from FEMA Regional Director Robert Vickers informing them the ordinance did not meet specifications. The new ordinance makes the minor modifications spelled out by Vickers in his letter.

Mayor Michael Routh told The Sentinel afterward, "They (FEMA) have to accept this, it's exactly what they asked for. If they don't, there won't be anyone at City Hall who knows what they want."

City Manager Steve Burrell said the new ordinance will be delivered to the federal agency in San Francisco today. He said FEMA spokesmen have told him the city's suspension will be lifted within 48 hours of receipt.

The suspension has placed Capitola in a precarious position for the past three months. The city's eligibility for federal disaster aid — in case of storm damage — was also suspended. Additionally, federally insured loans have been held up by local banks, making it impossible for city residents to buy or sell homes or property.

Capitola became only the third city in California to be suspended by the federal government, joining Nevada City and Grover City in that dubious distinction.

The federal agency is mandating the

ordinance on flood-prone cities throughout the nation. The ordinance places severe building restrictions on property owners living throughout Capitola Village near Soquel Creek or the ocean.

The building restrictions could dictate a future village built on stilts since the federal agency's new flood-zone is generally eight to 10 feet higher than present regulations.

The federal agency believes the restrictions would prevent it from ever having to pay out repair costs from future storms.

U.S. Rep. Leon Panetta, D-Monterey, who met with FEMA and city officials last

month to try and iron matters out, conceded the federal government was "pointing a gun to our (Capitola's) head." At one point he even accused a FEMA spokesman of "shoving it (the ordinance) up our rear ends."

The emergency passage of Capitola's ordinance means it is effective immediately. It will not have to be approved at a second reading, which takes another 30 days.

Capitola's variance section of its ordinance required modification, according to Vickers. The ordinance had allowed the city to exempt structures from regu-

lations if the structures were on the city's historical list.

The federal agency only allows exemptions from reconstruction regulations to historical structures listed on the National Inventory of Historical Places or a similar state registry — not a local historical list.

Even after passage of the ordinance, Routh vowed the city will continue to fight to get out from under the regulations. One longshot involves getting the entire village declared a national historical monument to gain an exemption. The city Tombstone, Ariz., was successful in such a declaration.

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City officials say if there is any doubt about flood protection, FEMA should hold the Corps responsible.

Corps officials say the city should be dredging the river annually to remove silt buildup that reduces the degree of flood protection.

But city officials say dredging is not the answer. Public Works Director Larry Erwin said the result of the Corps design was to make the channel into a sedimentation basin, since the water flows below sea level.

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