

# Capitola council OKs flood rules — for now

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CAPITOLA — The city plans to comply with a controversial federal flood-zone ordinance, but don't look away too fast because the ordinance might not be on the books too long.

Strategy set forth at a special City Council meeting Friday afternoon with U.S. Rep. Leon Panetta, D-Monterey, and Federal Emergency Management Agency officials from San Francisco calls for the city to perhaps rescind the ordinance once Capitola is taken off suspension by the federal agency.

The agency suspended the city from its National Flood Insurance Program two months ago because it failed to adopt an acceptable flood-zone ordinance. What's more important is that the suspension leaves Capitola ineligible for federal assistance in case of a natural disaster.

The meeting smacked of bureaucratic red tape and included more than a few raised voices. Panetta repeatedly reminded the federal agency officials that the key issue was to get the city back in compliance in order to have the federal government's help in case of a natural disaster, such as storm damage that occurred last year.

Dale Peterson, executive assistant to the federal agency's regional director, said the council could adopt an acceptable ordinance and then turn around and rescind it. "And we probably wouldn't even find out about it," he said.

That was good enough for the council, which directed City Manager Steve Burrell to have an amended ordinance before them Thursday for adoption on an emergency basis. The ordinance complies with the federal agency guidelines, and Peterson said he would immediately reinstate Capitola upon receipt of the adopted ordinance.

Panetta conceded the city "has a gun at your heads," and this called for desperate measures. "Rather than let your community hang out there while we fight this out, at least we'll have some breathing room."

Peterson and fellow agency representative, Robert Johnson, saw adoption of the acceptable ordinance the only solution.

During the meeting, every suggestion by council members and Panetta were shot down by Peterson.

At one point, a frustrated congressman told Peterson, "I didn't ask you to come down here and shove it up our rear-ends. You're essentially saying, 'look wise guys, it's not going to work, but you can try.'"

To which Peterson replied, "All I can tell you is what's happened in the past. I'm not trying to ram it up your butt just because the city hasn't complied. That's not my job."

The exchange occurred during discussion of Capitola possibly requesting a special exemption from the flood-zone guidelines.

"I can tell you, you won't get it," Peterson said. "No community since 1969 has gotten an exemption for hardship reasons."

He added that Panetta could carry the city's request to Jeffrey Bragg, administrator of the federal agency flood insurance program in Washington, D.C. "All you can do is try," he said. "I didn't write

the law, all I do is carry it out."

Peterson and Mayor Michael Routh also traded barbs earlier after Peterson maintained the agency tailor-made the acceptable flood-zone ordinance to communities.

"Balony," answered Routh. "Your recommended ordinance has nothing to do with Capitola. We don't have a damn mangrove swamp within 2,000 miles of us, yet you want it in your ordinance. That's ridiculous."

"That's the law," answered Peterson. "There are absolutely no exemptions granted for any situation."

The exemption the city may look for in the future would allow rebuilding in Capitola Village as they were before if buildings are more than 50 percent damaged due to natural disasters other than flooding. Capitola officials do not want to be under the gun of the federal agency's strict flood-zone ordinance, which calls for compliance "regardless of cause." That means if a fire or earthquake damaged buildings downtown they would not be able to be rebuilt as before.

The federal agency's building restrictions essentially could mean a downtown area built on stilts since living quarters would have to be above the new flood zone, which is about eight feet higher than the old zone. Commercial buildings would have to be flood-proofed with steel shields around windows and doors.

Routh argued that such drastic changes would ruin the character of the village. Peterson said other cities up and down the coast of California and across the country have managed to adopt the ordinance.

Councilman Dennis Beltram noted that since Capitola originated in 1875, there hasn't been a flood as high as the federal agency's floodzone guidelines. Peterson replied that it didn't matter.

The new flood zone marks the boundaries of an area that would be affected by a major flood. It takes in downtown and areas along Soquel Creek. The federal agency believes the new building restrictions would prevent it from having to pay out future repair costs after any natural disaster.

What also is bothering council members is that the federal agency is presently conducting a second coastal flood study — this one involving the impact of ocean waters on Capitola. The council doesn't want to have to adopt one guideline and then have to amend it once the second study is completed.

At one point, council members even suggested declaring the village a historical monument to gain an exemption. Peterson said that Tombstone, Ariz., was successful, but he doubted Capitola would get such a declaration from the Department of Interior.

Panetta said a drastic measure might even include him seeking legislative relief on the matter by introducing a bill. That, however, takes time and at least city adoption of an ordinance that met the federal agency's guidelines would buy them that time.

If the proposed emergency ordinance is approved as expected Thursday, federal assistance would be available to the city in emergencies. Also, the federal blanket that is preventing property owners within the flood-zone to get loans from federally-insured banks would be lifted.

REFERENCE

APTC'S BRANCH LIBRARY  
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