

Surprise for Capitola - no flood insurance

11-21-84
By KEITH MURAOKA

Sentinel Staff Writer

CAPITOLA — The city remains suspended from the federal government's flood insurance program, making it ineligible for disaster aid — and Capitola officials didn't even know it.

The City Council Tuesday night lambasted the Federal Emergency Management Agency after learning that Capitola's suspension still has not been lifted. FEMA representative Dale Peterson promised the council five weeks ago — at a special meeting with U.S. Rep. Leon Panetta, D-Monterey — that he would immediately reinstate Capitola into the federal flood insurance program upon receipt of an approved flood-zone ordinance.

But Tuesday, the council discovered

that the ordinance, which received Peterson's own approval at that meeting, now does not meet the federal agency's criteria. Council members who had assumed the suspension had been lifted and the city had the federal government's backing in case of winter storm damage — now know they don't have such insurance.

To top it off, the city has received no official word from FEMA's San Francisco office. City Manager Steve Burrell said he was told by telephone that a formal letter

Please see back of section

esday, Nov. 21, 1984

Flood insurance

Continued from Page A1

outlining the agency's problems with Capitola's flood-zone ordinance would be sent next week.

Angry council members, however, aren't going to wait that long. They directed City Attorney Richard Manning to look into alternatives including gaining a federal court injunction against FEMA, demanding reinstatement to the flood insurance program, based on the city's having followed the federal agency's direction.

Councilman Dennis Beltram, who is an attorney, maintained the federal agency has "no legal justification" to keep Capitola suspended. "I feel a federal court would uphold us," he added.

The council also left open the option to hold a special meeting next week to adopt yet another ordinance — one which hopefully would meet the federal agency's requirements.

What concerns council members — besides the feeling expressed by Burrell that "we can't trust FEMA because they don't know what they're doing" — is the fact the winter storm season is already here. Two storms have passed and the season's first series of 6-foot-plus high tides will begin Thanksgiving Day and run through the weekend.

Mayor Michael Routh told The Sentinel afterward that it was his feeling the federal government would be hard-pressed not to give Capitola disaster aid in case of winter storm damage. He cited not only Peterson's promises of reinstatement, but also the fact the promises were made in the presence of Panetta. The city also has the meeting on tape.

"We're just kind of stupefied at what FEMA wants," Routh said. "We've adopted precisely the ordinance they

wanted, yet we're still suspended. I don't think they know what they want."

Patricia Clendenning, a community planner in FEMA's San Francisco office, told The Sentinel this morning there is really only one problem with Capitola's ordinance. It pertains to the variance section, which allows the city to exempt structures from ordinance provisions if the structures are on the city's historical list.

According to Clendenning, federal regulations only allow exemptions from reconstruction standards to historical structures listed on the National Inventory of Historical Places or a similar state registry — not a local historical list.

"Our concern is that the city can place any building on its list, thus exempting it from having to be rebuilt in conformance to the federal standards," she said. "It's not a big problem. It should be a simple matter to amend the ordinance."

Clendenning could not say how Peterson missed the clause in Capitola's second version of the ordinance. "I can't speak for Mr. Peterson. Maybe he just overlooked it," she said. "Nonetheless, it's in their version and shouldn't be. Capitola is still under suspension."

Strict new building restrictions in Capitola Village would be instituted under the flood-zone ordinance being mandated by the federal agency. In most of downtown, buildings would have to be reconstructed on stilts whenever more than 50 percent damage occurs. The federal agency believes the restrictions would prevent it from having to pay out future repair costs from natural disasters.

Capitola was suspended more than three months ago and remains one of only three California cities on suspension by the federal agency.