

Alexander, Jacquelyne



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From: Thomas Bollay <tba@architect.com>
Sent: Monday, May 14, 2018 4:32 PM
To: Board Letters
Cc: Thomas Bollay
Subject: Like for Like Ordinance as proposed - Potential Unintended Consequences
Attachments: Like for Like diagram w text.pdf; ATT00001.htm

May 14, 2018
Santa Barbara County Board of Supervisors 105 E. Anapamu Street
Santa Barbara, CA 93101
sent via email

Re: Proposed like for like Ordinance, May 15, 2018 Board Hearing , Item 18-00303, Ordinance Amendments 18 ORD-00000-00006 & 18 ORD-00000-00007, Damaged or Destroyed Structure (Debris Flow)

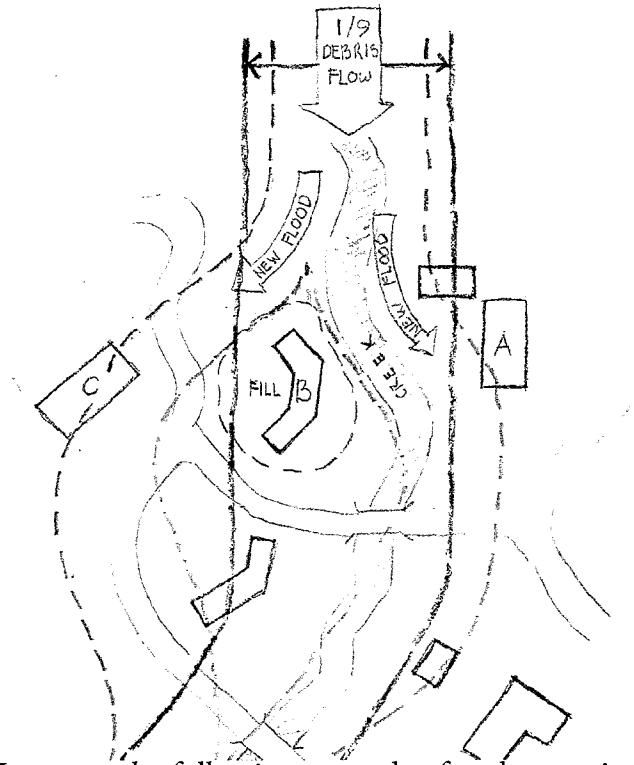
Dear Chair Williams and Members of the Board of Supervisors:

The January 9th debris flow caused an unprecedented amount of damage and destruction to our community. With more than 400 structures damaged or destroyed, there is great need for our County to assist in the reconstruction of our community.

The current wording of the proposed like for like ordinance, although well intended has many shortcomings. The most glaring flaws in the current ordinance language is the exclusion of public notice and lack of a process for affected neighbors to raise concerns before a project next door has been permitted. If a home was to be rebuilt under this ordinance, an owner could choose to utilize the existing mud on his or her property as fill to meet the new FEMA base flood elevation (as is encouraged by County staff), that could create a condition where future flood waters would be diverted around the reconstructed home site and flow onto adjacent properties at a higher elevation, causing more severe damage and increasing the potential for loss of life. It is critical for your board to recognize that the reconstruction of these homes will have real consequences on the surrounding properties (some damaged by the 1/9 debris flow and some not) and it is important that you represent both. I have attached a more detailed explanation and diagram outlining the potential hazard to adjacent properties.

Because of the real potential for unintended consequences associated with the proposed like for like ordinance modifications, and the real threat to adjacent neighbors that may come with the next flood event, I urge you to hold off on modifying this ordinance until the new FEMA mapping has been released to the public for comment, and then proceed with care in crafting a solution that considers both the reconstruction of homes lost and potential future flood impacts to neighboring homes.

LIKE FOR LIKE ORDINANCE - POTENTIAL UNINTENDED CONSEQUENCES



For illustrative purposes I suggest the following example of such an unintended consequence: House A is located on the east bank of one of Montecito's creeks near the mountains, house B is located on the opposite bank of the same creek at the same elevation, and House C is one house farther removed from the creek on the west bank and is also at approximately the same elevation. House A suffered some damage from the 1/9 debris flow with about 3' mud deposited on the yard between the house and the creek, House B was more heavily damaged and will need to be rebuilt from the ground up, having about 4' of mud deposited around the house, House C suffered no damage with a little mud deposited in their garden. Under the Like for like ordinance as currently proposed, House A rebuilds at its current elevation and removes the 3' of mud from its driveway and garden, House B also chooses to rebuild and needs to build with the new finish floor 2' above the new FEMA base flood elevation (for this example, I assume the new base flood elevations is about a foot above the elevation of the mud deposited in the 1/9 debris flows). House B decides not to remove the mud but use it to create a new pad to raise the finish floor to the new required elevation. This scenario is not only allowed under the proposed like for like ordinance, it is encouraged.

The problem with this scenario is that there has been no public notice, so House B's neighbors (House A and C) are not aware of House B's proposed grading and reconstruction plans. The new grading is not subject to FEMA's probation of increasing obstructions in the flood way because the new hazard map will not delineate a new floodway (that will occur later, after most homes will have been rebuilt), but only creates a new base flood elevation. This scenario creates a much greater risk of future flooding for both houses A & C (and an increased potential for loss of life) as the new grading for House B will divert future flood water to each side of the rebuilt house pad and when new major flood damage does occur, and the neighbors ask "how did grading in a floodway ever get approved", how should we answer? There needs to be public notice to avoid this scenario, the neighbors need to be informed with full knowledge of the implications of the new FEMA maps, before reconstruction is allowed to begin.

Thomas Bollay AIA, Architect / Civil Engineer