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Climate change influencing development restrictions

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Coastal property owners beware — local jurisdictions are adding regulations to address the effects of sea level rise and climate change on coastal properties.

These regulations address not only sea level rise itself, but associated hazards such as increased storm surge and wave action. The California Coastal Commission first released its “Interpretive Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits” in 2015. This led to a storm of regulation by coastal cities and counties, including agencies throughout the Central Coast. This trend has intensified with the commission’s other efforts to address risks, including its “Residential Adaptation Policy Guidance,” last revised in March 2018. These policy documents consider risk avoidance through siting and design restrictions and more controversial options such as “managed retreat.”

Santa Barbara County’s proposed LCP amendments provide insight into the gamut of restrictive measures property owners should expect. Some of the notable amendments are:

- Required Coastal Hazard Reports for bluff-top development.
- A new Sea Level Rise and Coastal Hazard Screening Areas Map to be used for site-specific analyses on proposed development projects, subdivisions and certain lot line adjustments. This map will be based on “high” sea level rise scenarios for the years 2030, 2060 and 2100.
- Property owners cannot rely on existing shoreline protection (commonly called seawalls, revetments or riprap) when calculating threats on new development.
- Coastal hazard setbacks that vary depending upon the anticipated life of the development.
- Expanded setback standards for bluff-tops and

dune-adjacent parcels.

- Preference for non-structural shoreline protection of “existing principal structures,” coastal-dependent uses and public beaches.

- Requirement that all Coastal Development Permits include a condition to remove and restore the coastal area if a structure is damaged and designated unsafe or essential services maintenance is no longer feasible.

- Redefinition of “redevelopment” to include remodeling of more than 50 percent of the structure.

- Allowing the minimum economic use necessary to avoid an unconstitutional taking of private property where full compliance with all LCP policies and standards would constitute a taking of the property.

Viewpoint

Additional highly contested areas of coastal regulation remain such as beach stairs, lateral and vertical beach access, setbacks from and protection of environmentally sensitive habitat areas, and shoreline protection of any kind.

In 2018, the city of Santa Barbara, Santa Barbara County and Ventura County prepared sea level rise vulnerability assessments — a precursor to updates of their local coastal regulations. Both the city of Santa Barbara and Ventura County are currently in the process of preparing adaptation plans.

The economic stakes are high along California’s coastline. Any owner of coastal property that requires repair or maintenance or anyone contemplating redevelopment, a change in use, subdivision, or even a lot line adjustment on a coastal property should consider consulting a professional regarding the impact of these pending regulations.

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