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AB-2341 California Environmental Quality Act: aesthetic impacts. (2017-2018)

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Assembly Bill No. 2341

CHAPTER 298

An act to add and repeal Section 21081.3 to the Public Resources Code, relating to environmental quality.

[Approved by Governor September 07, 2018. Filed with Secretary of State September 07, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2341, Mathis. California Environmental Quality Act: aesthetic impacts.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

This bill would, until January 1, 2024, specify that, except as provided, the aesthetic effects of projects meeting certain requirements are not significant effects on the environment for purposes of CEQA and that the lead agency is not required to evaluate the aesthetic effects of those projects.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 21081.3 is added to the Public Resources Code, to read:

21081.3. (a) Except as specified in subdivision (b), a lead agency is not required to evaluate the aesthetic effects of a project and aesthetic effects shall not be considered significant effects on the environment if the project involves the refurbishment, conversion, repurposing, or replacement of an existing building that meets all of the following requirements:

- (1) The building is abandoned, dilapidated, or has been vacant for more than one year.
- (2) The building site is immediately adjacent to parcels that are developed with qualified urban uses or at least 75 percent of the perimeter of the site adjoins parcels that are developed with qualified urban uses and the remaining 25 percent of the site adjoins parcels that previously have been developed for qualified urban uses.
- (3) The project includes the construction of housing.
- (4) Any new structure does not substantially exceed the height of the existing structure.

(5) The project does not create a new source of substantial light or glare.

(b) Subdivision (a) shall not apply to either of the following:

(1) A project with potentially significant aesthetic effects on an official state scenic highway established pursuant to Article 2.5 (commencing with Section 260) of Chapter 2 of Division 1 of the Streets and Highways Code.

(2) A project with potentially significant aesthetic effects on historical or cultural resources.

(c) This section does not alter, affect, or otherwise change the authority of a lead agency to consider aesthetic issues and to require the mitigation or avoidance of adverse aesthetic effect pursuant to other laws.

(d) For purposes of this section, "dilapidated" means decayed, deteriorated, or fallen into such disrepair through neglect or misuse so as to require substantial repair for safe and proper use.

(e) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.