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AB-356 California Environmental Quality Act: aesthetic impacts. (2023-2024)

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Assembly Bill No. 356

CHAPTER 116

An act to amend Section 21081.3 of the Public Resources Code, relating to environmental quality.

[Approved by Governor July 27, 2023. Filed with Secretary of State July 27, 2023.]

LEGISLATIVE COUNSEL'S DIGEST

AB 356, 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.

Existing law, until January 1, 2024, specifies that, except as provided, a lead agency is not required to evaluate the aesthetic effects of a project and aesthetic effects are not considered significant effects on the environment if the project involves the refurbishment, conversion, repurposing, or replacement of an existing building that meets certain requirements.

This bill would extend the operation of the above provision to January 1, 2029. The bill would require the lead agency to file a notice with the Office of Planning and Research and the county clerk of the county in which the project is located if the lead agency determines that it is not required to evaluate the aesthetic effects of a project and determines to approve or carry out that project. By imposing additional duties on lead agencies, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

SECTION 1. This act shall be known, and may be cited, as the Dilapidated Building Refurbishment Act.

SEC. 2. Section 21081.3 of the Public Resources Code is amended 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) If the lead agency determines that it is not required to evaluate the aesthetic effects of a project pursuant to this section, and the lead agency determines to approve or carry out that project, the lead agency shall file a notice with the Office of Planning and Research and the county clerk of the county in which the project is located in the manner specified in subdivisions (b) and (c) of Section 21108 or subdivisions (b) and (c) of Section 21152.

(f) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.