



March 19, 2018

Assembly Member Mathis
State Capitol, Room 2026
Sacramento, California 95814

SUBJECT: **SUPPORT IF AMENDED FOR AB 2341 (MATHIS) – EXEMPTION FOR CONSIDERATION OF AESTHETICS UNDER CEQA** – in Assembly Natural Resources Committee – April 9th

Dear Assembly Member Mathis:

APA California would be pleased to support AB 2341 if amended. This bill would specify that the aesthetic effects of projects meeting certain requirements are not significant effects on the environment for purposes of CEQA.

APA California supports rebuilding or replacing buildings in infill areas and generally agrees that aesthetics shouldn't be cause for concern as it relates to CEQA impacts. However, there are some situations where aesthetics should be considered under CEQA that could be swept into the exemption in this bill, such as: scenic protections, scenic requirements in a local coastal plan, or increases in the mass or height of building replacements, that result in critical blockage of views. The community should be able to understand the environmental impacts of these types of aesthetic issues. We would also suggest that the concept of "cultural resources" mentioned in subdivision (b)(2)(B) is an overly broad term with respect to CEQA and should be amended to be consistent with other existing CEQA terms.

Given our comments above, we would suggest the following amendments to clarify and narrow the bill, while still maintaining the goal:

21081.3.

(a) For purposes of this section, "project" means a project *Except as provided in paragraph (b), a lead agency is not required to evaluate the aesthetic effects of a project* involving the refurbishment, conversion, or repurposing, ~~or replacement of an existing building~~ *or of a project involving the replacement of an existing building where the new building does not substantially exceed the height of the building being replaced if the project that* meets all of the following requirements, and the aesthetic effects of such a project are not significant effects on the environment for purposes of this division:

- (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

C/O STEFAN/GEORGE ASSOCIATES
1333 36TH STREET
SACRAMENTO CA 95816-5401

P: 916.736.2434
F: 916.456.1283
www.calapa.org

of the site adjoins parcels that have previously been developed for qualified urban uses.

(3) The project includes the construction of housing.

(4) The project is located within a city or an urbanized area.

(b) (1) Except as provided in paragraph (2), a lead agency is not required to evaluate the aesthetic effects of a project and the aesthetic effects of a project are not significant effects on the environment for purposes of this division.

(2) Paragraph (1) **Subdivision (a)** does not apply to either of the following:

(A) **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.

(B) **2** A project with potentially significant aesthetic effects on historical ~~or~~ **resources**, **unique archaeological resources**, or **tribal** 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 mitigation or avoidance of adverse aesthetic effect pursuant to other laws.

(d) For purposes of this section, "urbanized area" means a central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile.

If you have any questions, please contact Lauren De Valencia, Stefan/George Associates, APA California's lobbyist, at 443-5301, lauren@stefangeorge.com.

Sincerely,



John Terell, AICP
Vice President Policy and Legislation
APA California
icterell@aol.com

cc: Members of the Assembly Natural Resources Committee, The Governor, OPR, Republican Caucus

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