

**GEORGETOWN PRESERVATION SOCIETY V. COUNTY OF EL DORADO-
DESPITE COMPLAINT WITH LOCAL DESIGN STANDARDS LAY OPINION ON
AESTHETICS CAN SUPPORT A CEQA “FAIR ARGUMENT”**

Georgetown Preservation Society v. County of El Dorado (Simoncre Abbie, LLC, Real Party in Interest) (2018) _____ Cal.App.3rd _____)

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A recent opinion by California’s Third Appellate District holds that even if a project conforms to county historic design guidelines, lay opinions relating to the aesthetics may support a fair argument of substantial impacts on the environment.

This case centered around a proposal to construct a large store in the downtown district of Georgetown. The proposed project building and parking lot would be much larger than all surrounding businesses. The project complied with applicable county zoning ordinances and the design of the building complied with the El Dorado County Historic Design Guide. Even with certain design features, many local residents opposed the project stating that the size of the project did not match the surrounding atmosphere of central Georgetown. Despite the comments by local residents, the Board of Supervisors approved the project. Project opponents appealed, and the trial court found that the comments provided by local residents supported a fair argument that the project may have significant aesthetic impacts.

On appeal the Third Appellate District stated that local zoning ordinances such as historic design guidelines do not provide as a substitute for CEQA review. Much like another recent unpublished case in California’s First Appellate District *Protect, Niles v. City of Fremont*, the court here noted that aesthetics is a nontechnical subject, and lay opinion can be substantial evidence for the “fair argument” standard. Even though the project complied with applicable design standards, this did not address the aesthetic impacts. Because enough local residents raised comments specifically relating to the size of the building and the character of the surrounding town, the low threshold needed for the “fair argument” standard was met.

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