



Categorical Exemption Appeal

2651-2653 Octavia Street

Date: April 12, 2021
To: Angela Calvillo, Clerk of the Board of Supervisors
From: Lisa Gibson, Environmental Review Officer – (628) 652-7571
Kei Zushi - kei.zushi@sfgov.org; (628) 652-7495
RE: **Planning Case No. 2018-011022ENV**
Appeal of Categorical Exemption for 2651-2653 Octavia Street
Hearing Date: April 20, 2021
Project Sponsor: Jane Cote-Cook, (415) 500-1610
Appellant(s): Gloria D. Smith, on behalf of GGV Library Friends

Introduction

This memorandum is a response to the letter of appeal to the board of supervisors (the board) regarding the planning department's (the department) issuance of a categorical exemption under the California Environmental Quality Act (CEQA determination) for the proposed 2651-2653 Octavia Street project (proposed project).

The department, pursuant to Article 19 of the CEQA Guidelines, issued a categorical exemption for the proposed project on January 27, 2021 finding that the proposed project is exempt from the California Environmental Quality Act (CEQA) as a Class 1 categorical exemption.

The decision before the board is whether to uphold the department's decision to issue a categorical exemption and deny the appeal, or to overturn the department's decision to issue a categorical exemption and return the proposed project to the department staff for additional environmental review.

Site Description and Existing Use

The approximately 3,100-square-foot proposed project site (Assessor's Block 0554 and Lot 002) is located on the block bounded by Green Street to the north, Octavia Street to the east, Vallejo Street to the south, and Laguna Street to the west, in the Pacific Heights neighborhood. The proposed project site is within the Residential, House, Two-Family (RH-2) Zoning District and a 40-X Height and Bulk District. The proposed project site is currently occupied by a two-family residence.

Project Description

The proposed project would construct a fourth-floor-level vertical and horizontal addition to an existing 37-foot-tall (inclusive of a 7-foot-tall mansard roof), three-story, 4,151-gross-square-foot two-family residence constructed in 1950, resulting in a 40-foot-tall (exclusive of a 3.5-foot-tall parapet and clear glass guardrail on the roof deck), four-story, 6,512-gross-square-foot two family residence. The project construction would involve localized excavation for new foundation and possible excavation to replace existing foundations in kind, resulting in a total of approximately 15 to 30 cubic yards of soil excavated. The average depth of excavation would be 1.5 feet, with a maximum depth of 2 feet.

Background

The following is a brief summary of the relevant project background for the appeal of the January 27, 2021 categorical exemption issued for the 2651-2653 Octavia Street project.

On August 3, 2018, the project sponsor, Jane Cote-Cook, filed a building permit application for the proposed project with the department of building and inspection (building department).

On August 10, 2018, the project sponsor filed a project application with the department for its review of the proposed project described above.

On September 5, 2019, the department issued a categorical exemption determination, finding that the proposed project was categorically exempt under CEQA Class 1 - alteration and addition to an existing structure, and that no further environmental review was required.

On September 19, 2019, the department issued neighborhood notification pursuant to planning code section 311 for the proposed project under building permit application #2018.08.03.6405.

On October 21, 2019, Paul Guermonprez, on behalf of the 2634 Octavia Street Homeowners Association (HOA) and 1791-1795 Green Street HOA, filed with the department a discretionary review request regarding the proposed project.

On February 6, 2020, the planning commission (commission) denied the discretionary review request at a public hearing (Planning Department Case No. 2018-011022DRP), which constituted the approval action for the proposed project under section 31.04(h) of the San Francisco Administrative Code.

On March 6, 2020, Maureen Holt, Elizabeth Reilly, Paul Guermonprez, and Jack Fowler timely filed an appeal of the September 5, 2019 categorical exemption to the board.

On March 17, 2020, the Office of the Clerk of the Board scheduled a hearing before the board to hear the appeal on April 21, 2020.

On March 20, 2020, the Office of the Clerk of the Board continued the appeal hearing indefinitely in accordance with Governor Gavin Newsom’s statewide order for all residents to stay at home in response to the COVID-19 pandemic, and numerous preceding local and state proclamations, orders, and supplemental directions.

On July 14, 2020, the Office of the Clerk of the Board rescheduled the appeal hearing to July 28, 2020.

On July 28, 2020, the board held a duly noticed public hearing to consider the appeal, upheld the appeal, and reversed the September 5, 2019 categorical exemption.

On September 22, 2020, the board unanimously passed Motion No. M20-129 finding that the department did not document that it analyzed the proposed project’s potential impacts on the character-defining features¹ of the Golden Gate Valley Library (“library”), a category A known historic resource,² prior to issuing the September 5, 2019 categorical exemption. Motion No. M20-129 directed the department to analyze the proposed project’s potential historic resource impacts on the character-defining features of the library – specifically, to consider whether the proposed project’s potential impacts on the lighting inside the library’s main reading room would significantly impact those character-defining features. In Motion No. M20-129, the board found that, except for the proposed project’s potential historic resource impacts on the character-defining features of the library, the September 5, 2019 categorical exemption “conforms to the requirements of CEQA and is adequate, accurate, and objective, the record does not include substantial evidence to support a fair argument that the proposed project may have a significant effect on the environment, and no further analysis is required.”

On January 27, 2021, the department issued a second categorical exemption determination, which is the subject of this appeal, again finding that the proposed project is categorically exempt under CEQA Class 1 - alteration and addition to an existing structure, and that no further environmental review is required. As directed by the board, before issuing the second categorical exemption determination, the department carefully considered the proposed project’s potential impacts on the character-defining features of the library, including the proposed project’s potential impacts on the interior light level inside the library. The department also documented its analysis in the historic preservation review memorandum attached to the January 27, 2021 categorical exemption.³

On February 4, 2021, the commission denied the discretionary review request at a public hearing (Planning Department Case No. 2018-011022DRP), which constituted the approval action for the proposed project under section 31.04(h) of the San Francisco Administrative Code. This hearing was held solely because the September 5, 2019 categorical exemption, on which the commission’s February 6, 2020 decision relied in denying the 2019

¹ “Character-defining features” are physical characteristics of a historic resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources or local register of historical resources (CEQA Guidelines section 15064.5(b)(2)).

² Category A resources include those listed on or formally determined to be eligible for the California Register and those listed on adopted local registers, and properties that have been determined to appear or may become eligible for the California Register. Category B properties are those requiring further consultation and review. Properties that do not meet the criteria for listing in category A, but for which the City has information indicating that further consultation and review will be required for evaluation whether a property is a historical resource for the purposes of CEQA.

³ Allison Vanderslice, Planning Department, *Historic Preservation Review Memorandum, 2651-2653 Octavia Street (Planning Case No. 2018-011022ENV)*, January 26, 2021, available online at <https://sfplanninggis.org/PIM/>.

discretionary review request, became void under section 31.16(b)(10) of the San Francisco Administrative Code as a result of the board's Motion No. M20-129 to overturn the September 5, 2019 categorical exemption.

On March 5, 2021, Gloria D. Smith, on behalf of GGV Library Friends (collectively, "appellant"), timely filed an appeal of the January 27, 2021 categorical exemption to the board.

On March 12, 2021, the Office of the Clerk of the Board scheduled a hearing before the board to hear the appeal on April 20, 2021.

CEQA Guidelines

Categorical Exemptions

In accordance with CEQA section 21084 CEQA Guidelines sections 15301 through 15333 list classes of projects that have been determined by the Secretary of Resources not to have a significant effect on the environment and are exempt from further environmental review.

CEQA Guidelines section 15301, or Class 1, consists of the operation, repair, or minor alteration of existing public or private structures and facilities, including additions to an existing structure, provided that the addition will not increase by more than 10,000 square feet if the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the area in which the project is located is not environmentally sensitive (CEQA Guidelines section 15301(e)).

In determining the significance of environmental effects caused by a project, CEQA Guidelines section 15064(f) states that the decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency. CEQA Guidelines section 15064(f)(5) offers the following guidance: "Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts."

Planning Department Responses

The concerns raised in the appeal letter are addressed in the responses below.

Response 1: The department's issuance of a new categorical exemption determination for the proposed project was not inconsistent with the board's findings in Motion No. M20-129.

The appellant contends that the department acted in violation of the board's findings that "a categorical exemption cannot be relied upon to approve a project that may have an impact on a historic resource" in Motion No. M20-129. The board adopted the motion on September 22, 2020 to adopt its findings to reverse the September 5, 2019 categorical exemption issued for the proposed project. According to the appellant, the proposed project would have negative impacts on the library, a category A known historic resource, and as a result the department's issuance of the January 27, 2021 categorical exemption for the proposed project violated the board's findings noted above.

Contrary to the appellant's contention, the department acted consistently with the board's findings as explained below. The appellant misinterprets the quoted language out of context. The quoted language can be found in a section on page 3 of Motion No. M20-129 where the board summarized the requirements under CEQA section 21084 and CEQA Guidelines sections 15064.5 and 15300.2. CEQA Guidelines section 15300.2(f) states that "[a] categorical exemption shall not be used for a project which may cause a **substantial adverse change** in the significance of a historic resource." [Emphasis added.] None of the sections in the CEQA statute or the CEQA Guidelines, including the three sections cited above, prohibits the department from issuing a categorical exemption for a project that has a less-than-significant impact on a historic resource.

As directed by the board, the department properly analyzed the proposed project's potential historic resource impacts on the character-defining features of the Golden Gate Valley Library. The department's analysis demonstrates that the proposed project would not cause a substantial adverse change in the historic significance of the library. The department's analysis is supported by substantial evidence in the record, as discussed in Responses 3 and 4 below. The department properly documented its analysis before it issued the January 27, 2021 categorical exemption for the proposed project. Thus, the department acted consistently with, and responded to, the board's findings included in Motion No. M20-129.

Response 2: The proposed project's less-than-significant impacts on historic resources do not disqualify it from a class 1 categorical exemption under CEQA.

The appellant argues that the proposed project is not eligible for a class 1 categorical exemption under CEQA because the proposed project may impact the library, a historic resource. According to the appellant, if a project has an impact - even if it is a less-than-significant impact - on a historic resource, the department is prohibited from issuing a categorical exemption for the project. The appellant is mistaken.

The appellant misinterprets the requirements of CEQA. As discussed in Response 1 above, neither the CEQA statute, nor the CEQA Guidelines, prohibits the lead agency from issuing a categorical exemption for a project that has a less-than-significant impact on a historic resource. Specifically, CEQA sections 21084(a) and (e) prohibit a categorical exemption from being issued for a "project that may cause a **substantial adverse change** in the significance of a historical resource." [Emphasis added.]

In determining if a project may cause a substantial adverse change in the significance of a historic resource, CEQA Guidelines section 15064.5(b)(3) clarifies that a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer (secretary's standards), shall be considered as mitigated to a level of less than a significant impact on the historical resource.

As discussed in the historic preservation review memorandum attached to the January 27, 2021 categorical exemption issued for the proposed project, the department analyzed the proposed project's impacts on historic resources, including the Golden Gate Valley Library, and determined based on substantial evidence in the record that the proposed project would meet the secretary's standards and thus would result in less-than-significant impacts on historic resources - specifically on the library. Thus, the department correctly determined that the proposed project's historic resources impacts do not disqualify it from a class 1 categorical exemption under CEQA.

Response 3: The department determined based on substantial evidence in the record that interior light level is not a character-defining feature of the Golden Gate Valley Library.

The appellant contends that indoor light level should be considered a character-defining feature of the library because the library's interior was designed with large windows on all sides to maximize natural light into the main and other reading rooms.

The department's historic preservation review of a project involves two steps, consistent with CEQA requirements. The first step is to determine whether a historic resource is present that could be impacted by the project and, if so, to identify its character-defining features that convey the significance of the historic resource. This first step is addressed in this response, Response 3. The second step (discussed in Response 4, below) is to determine whether the project would materially alter any of the identified character-defining features.

To identify the library's character-defining features, the department reviewed the 2008 historic resource evaluation response prepared by the department for the renovation of the library (Planning Department Case 2008.0239E)⁴ and the proposed character-defining features in the 2020 draft landmark report prepared for the library.⁵ As discussed in the January 26, 2021 historic preservation review memorandum the library is a Carnegie library designed by master architect Ernest Coxhead. As the library is a Carnegie library, the department also reviewed the character-defining features of the six landmarked Carnegie libraries in San Francisco.⁶ Similar to the Golden Gate Valley Library, these libraries were built using Carnegie Corporation grant funds and designed in the early 20th century by master architects (G. Albert Landsburgh, Bliss & Faville, and John Reid, Jr.) following the guidelines proscribed for branch libraries by the Carnegie Corporation. None of these landmarked libraries includes indoor lighting as a character-defining feature.

The department confirmed the previously identified character-defining features of the Golden Gate Valley Library that are significant to expressing master architect Ernest Coxhead's design of the library. These features include the following: exterior composition and materials, especially the window pattern including arched windows on all sides and terra cotta detailing; basilica shaped-plan; small alley at south side and courtyard at west side; corner lot location; west side courtyard gates of similar terra cotta material; interior entry vestibule and stair; the spatial volume of the main reading room; the ornamental ceiling of the main reading room, and built in shelving around the main reading room.

The appellant speculates that an oversight caused indoor light level not to be listed as a character-defining feature of the six Carnegie libraries. However, the appellant does not provide evidence to support this assertion. The San Francisco Landmarks Preservation Advisory Board, commission, and board reviewed each of the six

⁴ Planning Department, *Historic Resource Evaluation Response for 1801 Green Street, Golden Gate Valley Branch Library, Case No. 2008.0239E*, October 17, 2008, available online at <https://sfplanninggis.org/pim/>.

⁵ Bridget Maley, *Draft Landmark Designation Report, Golden Gate Valley Branch, San Francisco Public Library, 1801 Green Street, San Francisco, CA, Case No. 2020-003803DES*, July 22, 2020, available online at <https://sfplanninggis.org/PIM/>.

⁶ The San Francisco Carnegie libraries are significant for their architecture and their association with the patterns of social and cultural history of San Francisco, particularly with the contesting of political and cultural power between working class based groups and middle class based Progressives; architectural embodiment of Progressive and City Beautiful tenets of civic grandeur used as a means of social organization, particularly to the acculturation of working class and immigrant populations; architectural embodiment of the distinctive characteristics of branch libraries, especially those delineated in "Notes of the Erection of Library Buildings."

Carnegie libraries at public hearings as part of the landmarking proceedings for them and determined that interior light level is not a character-defining feature for any of the Carnegie libraries.

As discussed above, the department correctly determined based on substantial evidence in the record that interior light level in the library's main reading room is not a character-defining feature that conveys the historic significance of the library. The substantial evidence test applies to the lead agency's determinations of whether a historic resource exists.⁷ The determination of what physical characteristics are the character-defining features of a historic resource is part of the process of identifying a historic resource and assessing physical environmental impacts under CEQA. The appellant has not demonstrated that the department's determination in this regard is not supported by substantial evidence.

Response 4: The proposed project's impact on the indoor light level in the library's main reading room would not have a significant impact on the library's character-defining features.

In Motion No. M20-129, the board directed the department to analyze the proposed project's potential historic resource impacts on the character-defining features of the library – specifically, to consider whether the proposed project's potential impacts on the lighting inside the library's main reading room would significantly impact those character-defining features.

As directed by the board, the department analyzed the proposed project's potential impacts on the character-defining features of the library. This analysis considered whether the proposed project's potential impacts on the lighting inside the library's main room would significantly impact those character-defining features, as explained below. A project that meets the secretary's standards would not result in a significant impact on a historic resource.

Examples of the types of changes that could result in a significant impact to the historic significance of the library include removal of windows or new additions that would block or enclose exterior windows so that they no longer function as exterior windows; such changes could alter Coxhead's design and modify character-defining features. The proposed project does not include any changes to these character-defining features that could result in an impact on the historic significance of the library. No windows would be removed, altered, covered over, or otherwise fail to remain exterior windows as a result of the proposed project. Therefore, Coxhead's design of a grand interior reading room with exterior windows on all sides would not be altered by the proposed project.

The appellant analogizes obstructing natural light into the library's main reading room to physically altering the reading room. The appellant provides no evidence to support this claim. This analogy is inconsistent with the National Register Bulletin No. 15⁸ and professional practice.

As discussed in Response 3, the department determined that indoor light level in the library's main reading room is not a character-defining feature of the library. As a result, the department is not required to further analyze the proposed project's impact on the indoor light level in the library's main reading room under CEQA.

⁷ *Valley Advocates v. City of Fresno* (2008) 160 Cal.App.4th 1039.

⁸ National Park Service. *National Register Bulletin 15. How to Apply the National Register Criteria for Evaluation*, available online at: https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf.

Thus, the proposed project itself or the proposed project's impact on the indoor light level in the library's main reading room would not have a significant impact on the library's character-defining features.

Response 5: Based on substantial evidence in the record, the proposed project's impact on the indoor light level in the library's main reading room would not substantially affect the natural light (daylight) levels and quality at the main floor reading room of the library. Furthermore, the City Librarian has no concerns about the proposed project's impact in this regard.

Although the department determined that indoor light level is not a character-defining feature of the library and is therefore not a factor relevant to the determination that the proposed project would affect the library's historical significance, a daylight impact study⁹ was prepared by a consulting firm specializing in shading impact analysis in December 2020 pursuant to the board's findings in Motion No. M20-129. Planning department preservation and environmental planning staff reviewed the scope of the study to ensure that it would fully address the board's direction to assess the impact of the proposed project on the natural light (daylight) levels and quality at the main floor reading room of the library.

The December 2020 study concluded that the proposed project would not substantially reduce the visual comfort of the library's patrons. Specifically, the study found that the proposed project would reduce the library's averaged indoor illumination levels by 1.8 percent on clear days, 4 percent on overcast days, and 11.1 percent on partially cloudy days, as compared to the existing conditions. The daylight impact study further states that the existing indoor illumination levels on overcast and partially cloudy days require supplemental electrical illumination at all times to provide the necessary illumination recommended for libraries (300-500 LUX). In other words, the lights in the library already have to be turned on during overcast and partially cloudy days, so library patrons' experience would not be substantially altered by the minimal reduction in indoor illumination levels at those times. The minimal reductions in the indoor illumination levels that would result from the proposed project would not alter the comfort of library patrons or materially impair any of the character-defining features of the library (i.e., exterior composition and materials, especially the window pattern including arched windows on all sides and terra cotta detailing; basilica shaped-plan; small alley at south side and courtyard at west side; corner lot location; west side courtyard gates of similar terra cotta material; interior entry vestibule and stair; the spatial volume of the main reading room; the ornamental ceiling of the main reading room, and built in shelving around the main reading room).

Two supplemental illumination impact analysis reports were voluntarily prepared by the project sponsor in April 2021 to provide more detailed analysis of the project's shading impacts.^{10,11} While the department did not rely on either of these reports in preparing this response or issuing the January 27, 2021 categorical exemption, the results of these reports are summarized below for informational purposes.

One of the reports, entitled "Illumination Impact Analysis Report, Sun Shade Devices Impact Study for Golden Gate Valley Library," evaluates project effects during the library's typical indoor conditions when the existing grey

⁹ Symphysis, *Daylight Impact Analysis Report for 2651-53 Octavia Street*, December 13, 2020, available online at <https://sfplanninggis.org/PIM/>.

¹⁰ Symphysis, *Illumination Impact Analysis Report, Sun Shade Devices Impact Study for Golden Gate Valley Library*, April 2021, available online at <https://sfplanninggis.org/PIM/>.

¹¹ Symphysis, *Illumination Impact Analysis Report, Daylight & Electrical Lights Illumination Study for Golden Gate Valley Library*, April 2021, available online at <https://sfplanninggis.org/PIM/>.

shades on the library's windows are used.¹² The analysis shows that using the window shades reduces the indoor light level inside the reading room more than would occur with the proposed project.

The other report, entitled "Illumination Impact Analysis Report, Daylight & Electrical Lights Illumination Study for Golden Gate Valley Library," shows that under typical indoor conditions, where the electrical lights are turned on inside the library's main reading room,¹³ the proposed project's impacts on the indoor light level would be less than those shown in the December 2020 study, except that the proposed project would reduce the library's averaged indoor illumination by 2 percent on clear days (i.e., a 0.2-percent greater reduction compared with the results in the December 2020 study). Thus, the results in these supplemental reports do not change the department's determination in the January 27, 2021 categorical exemption.

Representatives of the San Francisco Public Library (SF library) have indicated that the SF library has no concerns regarding the effect of the proposed project on the amount of the light that would be able to enter the Golden Gate Valley Library.¹⁴

The analysis described above demonstrates that the department fully analyzed the proposed project's impact on the indoor light level in the library's main reading room as directed by the board Motion No. M20-129.

Response 6: The appellant's concerns regarding the effects of the proposed project on the library's solar system were previously raised to the board and were dismissed. As such, they cannot now be reconsidered. Furthermore, representatives of the library have no concerns regarding the proposed project's effects in this regard.

The appellant contends that the board should overturn the department's determination that the proposed project qualifies for a class 1 categorical exemption because the proposed project would partially shade photovoltaic solar panels on the roof of the Golden Gate Valley Library. The department recommends that the board reject this argument because the board already rejected such claims in its action on the prior appeal of this project.

Like the present appeal, the prior appeal of the categorical exemption for this project filed on March 6, 2020 (first appeal) contended that the board should overturn the department's CEQA determination for the proposed project because the proposed project would partially shade the solar panels on the roof of the library. The department addressed this claim in its July 20, 2020 response to the first appeal. During its July 28, 2020 public hearing on the first appeal, the board rejected the appellant's claims regarding the proposed project's shading of the library's solar system. Specifically, in Motion No. M20-129, the board found that except for the proposed project's potential historic resource impacts on the character-defining features of the library the September 5, 2019 categorical exemption "conforms to the requirements of CEQA and is adequate, accurate, and objective, the record does not include substantial evidence to support a fair argument that the project may have a significant

¹² The April 2021 Illumination Impact Analysis Report, Sun Shade Devices Impact Study states that "there is consistent use of dark grey shades, which cover half the glass of all south facing windows."

¹³ The April 2021 Illumination Impact Analysis Report, Daylight & Electrical Lights Illumination Study states that "during open hours, the normal use condition in the library is natural light from the windows AND illumination from electric lights."

¹⁴ Michael Lambert, City Librarian, San Francisco Public Library, Email to Kei Zushi, Senior Planner, Planning Department, March 23, 2021, available online at <https://sfplanninggis.org/PIM/>.

effect on the environment, and no further analysis is required.” [Emphasis added.] The scope of the proposed project has not changed since the board adopted Motion No. M20-129 on September 22, 2020. As such, there is no reason to rehear this issue, which the board has already resolved in favor of the department.

Representatives of the SF library have indicated that the SF library has no concerns regarding the proposed project’s impacts on the solar panels located on the library’s roof.¹⁵

Response 7: The appellant misrepresents the requirements of CEQA concerning conflicts with plans, policies, and regulations.

The appellant states that under Appendix G of the CEQA Guidelines, “agencies must assess whether a project would conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including a general plan, specific plan or ordinance) adopted for the purpose of avoiding or mitigating environmental effects.” Based on this, the appellant appears to argue that the department violated CEQA by issuing the January 27, 2021 categorical exemption for the proposed project.

The appellant misstates the law. Under CEQA the department is required to analyze whether a project would result in a significant environmental impact due to a conflict with applicable land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect. The appellant fails to demonstrate that the proposed project’s shading of the library’s solar panels would result in a significant environmental impact. The alleged policy conflicts are irrelevant under CEQA in the absence of an associated significant impact on the physical environment. As discussed below, the proposed project’s shading of the libraries solar panels would not result in a significant environmental impact. Thus, even if the proposed project’s shading of the library’s solar panels did conflict with an applicable plan, policy, or regulation, such a conflict would not provide a basis to overturn the department’s CEQA determination for the proposed project.

A shadow study prepared for the February 6, 2020 public hearing where the commission reviewed the discretionary review request^{16,17} indicates that that the proposed project would reduce solar radiation on the existing solar panels located on the library’s roof by an average of 5.8%. The study also indicates that this decrease in solar generation translates to a reduction of 1,976 to 2,080 kWh per year or a reduction of \$178 to \$187 per year based on the commercial electrical rate of \$0.99 per kWh. This reduction represents a little less than half of the energy consumption by a high efficiency electric hot water heater, which consumes approximately 4,600 kWh per year.¹⁸ This level of reduction in the amount of solar radiation would not cause conflicts with a land use or renewable energy policy or plan in a way that would result in a significant environmental impact under CEQA, even if the proposed project were found to conflict with an adopted land use or renewable energy policy or plan that would apply to the proposed project.

¹⁵ Ibid.

¹⁶ Symphysis, *Shading Impact Analysis Report for 2653 Octavia Street*, December 1, 2019, available online at <https://sfplanning.org/hearings-cpc-grid>.

¹⁷ To clarify the information in Table 1: Percentage Decrease in Global Horizontal Radiation at Roof Level in the December 2019 Shading Impact Analysis Report, the December 2019 report has been updated. *Shading Impact Analysis Report for 2653 Octavia Street*, December 1, 2019, Revised April 9, 2021, available online at <https://sfplanninggis.org/PIM/>.

¹⁸ Department of Energy, Office of Energy Efficiency & Renewable Energy, Energy Cost Calculator for Electric and Gas Water Heaters, available online at <https://www.energy.gov/eere/femp/energy-cost-calculator-electric-and-gas-water-heaters#output>.

The appellant points out that the shadow study indicates that the proposed project would increase shadowing on the eastern array of solar panels located on the library's roof by 69 percent. However, this does not change the department's determination that the proposed project would not conflict with a land use or renewable energy policy or plan in a way that would result in a significant environmental impact under CEQA. This is because the western array of solar panels on the library's roof would continue to receive solar radiation after the proposed project is completed (thus, the proposed project would reduce solar radiation on the existing solar panels located on the library's roof by an average of 5.8 percent.)

As noted above, representatives of the SF library have indicated that the SF library has no concerns regarding the proposed project's impacts on the solar panels located on the library's roof.

Based on the above, the department correctly determined that the project qualifies for a class 1 categorical exemption because the project would not conflict with any land use plan, policy, or regulation and would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency in a way that would result in a significant environmental impact under CEQA.

Conclusion

The department has determined that the proposed project is categorically exempt from environmental review under CEQA on the basis that: (1) the proposed project meets the definition of one or more of the classes of projects that the Secretary of Resources has found do not have a significant effect on the environment, and (2) none of the exceptions specified in CEQA Guidelines section 15300.2 prohibiting the use of a categorical exemption are applicable to the proposed project. The appellant has not demonstrated that the department's determination is not supported by substantial evidence in the record.

For the reasons stated above and in the January 27, 2021 categorical exemption determination, the CEQA determination complies with the requirements of CEQA and the proposed project is appropriately exempt from environmental review pursuant to the cited exemption. The department therefore respectfully recommends that the board uphold the CEQA categorical exemption determination and deny the appeal of the CEQA determination.