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California Land Use & Development Law Report

# **Athletic Field Lighting Project Not Categorically Exempt from CEQA**

The First District Court of Appeal overturned the City of San Francisco's decision that Saint Ignatius High School's project to install four permanent 90-foot-tall athletic field lights was exempt from CEQA. *Saint Ignatius Neighborhood Association v. City and County of San Francisco*, 85 Cal.App 5th (2022).

The City approved the lighting project without environmental review concluding the project was exempt from CEQA. Specifically, the City's Planning Commission and Board of Supervisor's decided that the project was subject to Class 1 (existing facilities involving negligible expansion) and Class 3 (new construction of small structures) CEQA categorical exemptions.



The City determined that the project qualified for a Class 1 exemption because it involved negligible or no expansion of the existing use of the facility. The court ruled that while the lights would not represent an expansion of the existing facility (the High School's athletic field) or the overall frequency of its use, the lights significantly expanded the High School's nighttime use of the facility from 40-50 to 150 nights per year. As such, this represented a significant expansion of the facility's existing use, and the City erred in finding the Class 1 categorical exemption applicable.

The court also ruled the project was not the kind of small improvement that fell under the Class 3 exemption, explaining the project resulted in the construction of 90-foot structures significantly taller than the built environment surrounding the project (where the nearby houses and streetlights did not exceed 30 feet). The project's completion would also likely result in significant (but potentially mitigable) impacts on light, sound and traffic.

The court added that "the purpose here for enforcing the environmental analysis . . . [was] not necessarily to kill the project but to require careful consideration of measures that will mitigate the environment impacts of the project."

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