

File No. 210930

Committee Item No. _____

Board Item No. 45

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: October 26, 2021

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

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Prepared by: Lisa Lew

Date: October 22, 2021

Prepared by: _____

Date: _____

1 [Preparation of Findings to Reverse the Exemption Determination - 35 Ventura Avenue]

2

3 **Motion directing the Clerk of the Board to prepare findings reversing the determination**
4 **by the Planning Department that the proposed project at 35 Ventura Avenue is**
5 **categorically exempt from further environmental review.**

6

7 WHEREAS, On November 8, 2018, the Planning Department (“Department”), issued a
8 categorical exemption for the proposed project located at 35 Ventura Avenue (“Project”) under
9 the California Environmental Quality Act (Public Resources Code Section 2100 et seq.,
10 “CEQA”), the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter
11 3, Sections 15300-15333), and San Francisco Administrative Code, Chapter 31; and

12 WHEREAS, The approximately 7,174 sq. ft-square-foot Project site (Assessor’s Parcel
13 Block No. 2816 and Lot No. 008) is located on an irregularly shaped block bounded by
14 Linares Avenue to the north, Castenada Avenue to the south, and Laguna Street to the west,
15 and to the east a green space which separates the neighborhood from Laguna Honda
16 Boulevard, in the Forest Hills neighborhood in the West of Twin Peaks area; and

17 WHEREAS, The site contains an existing one-story-over-garage, single family home;
18 and is within the Residential House, One-Family Detached (RH-1(D)) Zoning District and a
19 40-X Height and Bulk District; and

20 WHEREAS, The existing building was built in 1938 and is located within the boundaries
21 of the Forest Hills Historic District, which is a California-Register eligible historic district; and

22 WHEREAS, The Project proposes to construct a 1,453 square foot, second story
23 vertical addition, a new covered deck and a bay window to the existing one-story-over-
24 basement single-family home, resulting in a single-family residence measuring approximately
25 3,271 square feet; and

1 WHEREAS, On October 18, 2016, the Project Sponsor filed a Project Application with
2 the Department for its review of the Project; and

3 WHEREAS, On November 8, 2018, the Department issued a Categorical Exemption
4 Determination for the Project, finding that the Project is exempt from CEQA as a Class 1
5 Categorical Exemption (alteration and addition to an existing structure) and that no further
6 environmental review was required; and

7 WHEREAS, On April 15, 2021, Tom Rocca of 1 Ventura Avenue filed a request for
8 discretionary review with the Department on the Project; and

9 WHEREAS, On July 29, 2021, the Planning Commission (Commission) denied the
10 request for discretionary review at a public hearing (Planning Department Case No. 2016-
11 013505DRP), which constituted the approval action for the Project under section 31.04(h) of
12 the San Francisco Administrative Code; and

13 WHEREAS, On August 30, 2021, Ryan J. Patterson of Zacks, Freedman & Patterson,
14 PC, on behalf of Tom and Kari Rocca (“Appellant”) timely filed an appeal of the November 8,
15 2018 categorical exemption to the Board of Supervisors; and

16 WHEREAS, By memorandum to the Clerk of the Board dated September 2, 2021, the
17 Planning Department’s Environmental Review Officer determined that the appeal was timely
18 filed; and

19 WHEREAS, On October 26, 2021, the Board of Supervisors held a duly noticed public
20 hearing to consider the appeal of the exemption determination filed by Appellant; and

21 WHEREAS, In reviewing the appeal of the exemption determination, the Board of
22 Supervisors reviewed and considered the exemption determination, the appeal letter, the
23 responses to the appeal documents that the Planning Department prepared, the other written
24 records before the Board of Supervisors and all of the public testimony made in support of
25 and opposed to the exemption determination appeal; and

1 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
2 conditionally reversed the exemption determination subject to the adoption of written findings
3 of the Board in support of such determination based on the written record before the Board of
4 Supervisors, as well as all of the testimony at the public hearing in support of and opposed to
5 the appeal; and

6 WHEREAS, The written record and oral testimony in support of and opposed to the
7 appeal and deliberation of the oral and written testimony at the public hearing before the
8 Board of Supervisors by all parties and the public in support of and opposed to the appeal of
9 the exemption determination is in the Clerk of the Board of Supervisors File No. 210927, and
10 is incorporated in this motion as though set forth in its entirety; now, therefore, be it

11 MOVED, That the Board of Supervisors directs the Clerk of the Board to prepare the
12 findings specifying the basis for its decision on the appeal of the exemption determination
13 issued by the Planning Department for the Project.

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Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date _____

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning "Supervisor inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form.

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: