

1 [Affirming the Categorical Exemption Determination - 35 Ventura Avenue]

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3 **Motion affirming the determination by the Planning Department that the proposed**
4 **project at 35 Ventura Avenue is categorically exempt from further environmental**
5 **review.**

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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-

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1 basement single-family home, resulting in a single-family residence measuring approximately
2 3,271 square feet; and

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

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

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

11 WHEREAS, On July 29, 2021, the Planning Commission (Commission) denied the
12 request for discretionary review at a public hearing (Planning Department Case No. 2016-
13 013505DRP), which constituted the approval action for the Project under section 31.04(h) of
14 the San Francisco Administrative Code; and

15 WHEREAS, On August 30, 2021, Ryan J. Patterson of Zacks, Freedman & Patterson,
16 PC, on behalf of Tom and Kari Rocca (“Appellant”) timely filed an appeal of the November 8,
17 2018 categorical exemption to the Board of Supervisors; and

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

21 WHEREAS, On November 9, 2021, the Board of Supervisors held a duly noticed public
22 hearing to consider the appeal of the exemption determination filed by Appellant; and

23 WHEREAS, In reviewing the appeal of the exemption determination, the Board of
24 Supervisors reviewed and considered the exemption determination, the appeal letter, the
25 responses to the appeal documents that the Planning Department prepared, the other written

1 records before the Board of Supervisors and all of the public testimony made in support of
2 and opposed to the exemption determination appeal; and

3 WHEREAS, Following the conclusion of the public hearing, the Board of Supervisors
4 affirmed the exemption determination for the Project based on the written record before the
5 Board of Supervisors as well as all of the testimony at the public hearing in support of and
6 opposed to the appeal; and

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

12 MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by
13 reference in this motion, as though fully set forth, the exemption determination; and, be it

14 FURTHER MOVED, That the Board of Supervisors finds that based on the whole
15 record before it there are no substantial project changes, no substantial changes in project
16 circumstances, and no new information of substantial importance that would change the
17 conclusions set forth in the exemption determination by the Planning Department that the
18 Project is exempt from environmental review; and, be it

19 FURTHER MOVED, That after carefully considering the appeal of the exemption
20 determination, including the written information submitted to the Board of Supervisors and the
21 public testimony presented to the Board of Supervisors at the hearing on the exemption
22 determination, the Board of Supervisors concludes that the Project qualifies for an exemption
23 determination under CEQA.