

File No. 210929

Committee Item No. \_\_\_\_\_

Board Item No. 44

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: October 26, 2021

#### Cmte Board

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#### OTHER

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Prepared by: Lisa Lew

Date: October 22, 2021

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Conditionally Reversing the Exemption Determination - 35 Ventura Avenue]

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3 **Motion conditionally reversing the determination by the Planning Department that the**  
4 **proposed project at 35 Ventura Avenue is categorically exempt from further**  
5 **environmental review, subject to the adoption of written findings of the Board in**  
6 **support of this determination.**

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8 WHEREAS, On November 8, 2018, the Planning Department (“Department”), issued a  
9 categorical exemption for the proposed project located at 35 Ventura Avenue (“Project”) under  
10 the California Environmental Quality Act (Public Resources Code Section 2100 et seq.,  
11 “CEQA”), the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter  
12 3, Sections 15300-15333), and San Francisco Administrative Code, Chapter 31; and

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

18 WHEREAS, The site contains an existing one-story-over-garage, single family home;  
19 and is within the Residential House, One-Family Detached (RH-1(D)) Zoning District and a  
20 40-X Height and Bulk District; and

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

23 WHEREAS, The Project proposes to construct a 1,453 square foot, second story  
24 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 October 26, 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 conditionally reversed the exemption determination subject to the adoption of written findings  
5 of the Board of Supervisors in support of such determination based on the written record  
6 before the Board of Supervisors as well as all of the testimony at the public hearing in support  
7 of and opposed to the appeal; and

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

13 MOVED, That this Board of Supervisors conditionally reverses the determination by the  
14 Planning Department that the project is exempt from environmental review, subject to the  
15 adoption of written findings of the Board in support of this determination.

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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:**

Motion conditionally reversing the determination by the Planning Department that the proposed project at 35 Ventura Avenue is categorically exempt from further environmental review, subject to the adoption of written findings of the Board in support of this determination.

Signature of Sponsoring Supervisor: \_\_\_\_\_

For Clerk's Use Only: