

File No. 221294

Committee Item No. _____

Board Item No. 23

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: February 14, 2023

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 |
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| ☐ | ☐ | Contract/Agreement |
| ☐ | ☐ | Form 126 – Ethics Commission |
| ☐ | ☐ | Award Letter |
| ☐ | ☐ | Application |
| ☐ | ☐ | Public Correspondence |

OTHER

☐	☐	_____
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Prepared by: Lisa Lew

Date: February 10, 2023

Prepared by: _____

Date: _____

1 [Denying Appeal for Waiver, Adjustment, or Reduction of Community Infrastructure Fee -
2 Annunciation Cathedral - Religious Worship Building Project - 245-275 Valencia Street]

3 **Motion denying the appeal seeking a waiver, adjustment, or reduction of the Market &**
4 **Octavia Community Infrastructure Fee imposed under Planning Code, Section 421, for**
5 **the Religious Worship Building Project at the Annunciation Cathedral located at 245-**
6 **275 Valencia Street, Assessor's Parcel Block No. 3532, Lot No. 091.**

7
8 WHEREAS, On September 15, 2011, by Motion No. 18449, the Planning Commission
9 approved a conditional use authorization for the expansion of an existing religious institution,
10 Annunciation Cathedral ("Appellant"), at 245 Valencia Street to replace the existing parking lot
11 with a new cathedral building with off-street parking (the "Project"); and

12 WHEREAS, On November 30, 2022, the Planning Department issued a Letter of
13 Determination, Record No. 2022-010103ZAD, regarding the Project, confirming the
14 applicability of the Market & Octavia Community Infrastructure fee; and

15 WHEREAS, On December 5, 2022, the Planning Department issued a Final
16 Development Impact Fee Report to the Appellant; and

17 WHEREAS, On December 19, 2022, the Appellant timely submitted a letter appealing
18 the imposition of the Market & Octavia Community Infrastructure Fee; and

19 WHEREAS, On February 14, 2023, this Board held a duly noticed public hearing to
20 consider the appeal; and

21 WHEREAS, This Board has reviewed and considered all documents submitted by the
22 Appellant and all other written records before the Board of Supervisors, and heard testimony
23 and received public comment regarding the appeal, and said documents and testimony are
24 incorporated herein by reference; now, therefore, be it
25

1 MOVED, That the Board concludes that the Appellant has not met the burden of
2 presenting substantial evidence to support the appeal, including comparable technical
3 information to support the Appellant's position that there is no reasonable relationship or
4 nexus between the impact of development and the fee charged; now, therefore, be it

5 MOVED, That the Board denies the Appellant's request to waive, adjust or reduce the
6 fee, and hereby approves the imposition of the fee pursuant to the Planning Code.

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

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

- ☐ 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- ☐ 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- ☐ 3. Request for Hearing on a subject matter at Committee
- ☐ 4. Request for Letter beginning with "Supervisor inquiries..."
- ☐ 5. City Attorney Request
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget and Legislative Analyst Request (attached written Motion)
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Reactivate File No.
- ☐ 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- ☐ Small Business Commission ☐ Youth Commission ☐ Ethics Commission
- ☐ Planning Commission ☐ Building Inspection Commission ☐ Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- ☐ Yes ☐ No

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

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: