

1 [Conditionally Approving Waiver, Adjustment, or Reduction of Market & Octavia Community
2 Infrastructure Fee - Annunciation Cathedral - Religious Worship Building Project - 245-275
3 Valencia Street]

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4 **Motion conditionally approving a waiver, adjustment, or reduction of the Market &**
5 **Octavia Community Infrastructure Fee imposed under Planning Code, Section 421, for**
6 **the Religious Worship Building Project at the Annunciation Cathedral located at 245-**
7 **275 Valencia Street, Assessor's Parcel Block No. 3532, Lot No. 091, subject to the**
8 **adoption of written findings by the Board in support of this determination.**

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

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

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

19 WHEREAS, On December 19, 2022, the Appellant submitted a letter appealing the
20 imposition of the Market & Octavia Community Infrastructure Fee, as well as the related
21 indexing fee; and

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

24 WHEREAS, This Board has reviewed and considered all documents submitted by the
25 Appellant and all other written records before the Board of Supervisors, and heard testimony

1 and received public comment regarding the appeal, and said documents and testimony are
2 incorporated herein by reference; now, therefore, be it

3 MOVED, That the Board concludes that the Appellant has met the burden of presenting
4 substantial evidence to support the appeal, including comparable technical information to
5 support the Appellant's position that there is no reasonable relationship or nexus between the
6 impact of development and the amount of the fee charged; and, be it

7 FURTHER MOVED, That the Board approves the Appellant's request to waive, adjust
8 or reduce the fee, and hereby [waives the fee (or) adjusts the fee to \$_____] pursuant
9 to Planning Code, Section 406, subject to the adoption of written findings by the Board in
10 support of this determination; and, be it

11 FURTHER MOVED, That this waiver, adjustment or reduction shall not be valid if the
12 use or scope of the project changes in any way, and in that event, the Appellant shall pay the
13 full fee unless the Board waives, reduces or adjusts that fee; and, be it

14 FURTHER MOVED, That the Board directs the Clerk of the Board to promptly transmit
15 to the Planning Department notice of the Board's decision in this appeal.

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