

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.**

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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

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.

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