

Attachment J-(b)

Draft Letter to be submitted with CIS to Council File # 09-0969

**RE: Comprehensive Fee Study & Recommended Fee Changes & Preparation of Ordinance
for BABCNC Board Approval**

The BABCNC understands that the City is considering increasing the fees for land use appeals and that some in the City are advocating for "full cost recovery" (estimated to be around \$13,000). The BABCNC is strongly opposed to the proposed fee increase. The fundamental flaw in the City's logic is premised on the assumption that these appeals serve no benefit or value. On the contrary, these appeals often result in better projects. Developers often modify their projects to address community concerns and/or agree to new conditions of approval as a result of appeals. This is a net positive for the community even if there are additional costs borne by the City to process the appeal.

The mere fact that the City does not receive a *financial* benefit does not mean that the City and community does not ultimately benefit (both from a financial and pecuniary perspective). Moreover, these appeals spur additional community input which, again, often results in concessions and better projects. Further, in many situations, errors explained in appeal justification letters often result in corrections. Certainly, compliance with the law is a good thing for the community and the City. Other times, appeals are granted in their entirety when particularly egregious mistakes are made. We are all human and mistakes happen. The appeal process provides a venue to ensure mistakes are corrected.

Finally, in some instances, for example, the 8150 Sunset Boulevard project, settlements are reached and community benefit funds are established that would have not otherwise been possible. These are all products of the appeal process. Increasing the appeal fees creates a giant barrier to entry and this is not beneficial to either the community or the City.

Thank you any efforts in advance to oppose this increase.