

1 [Approving Waiver, Adjustment or Reduction of Condominium Conversion Fee - 273A-29th
2 Street]

3 **Motion approving a waiver, adjustment or reduction of the condominium conversion**
4 **fee in Subdivision Code Section 1396.4(j) for 273A-29th Street.**

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6 WHEREAS, On August 16, 2013, Appellants Jasmine Oberste and Michele Smart
7 submitted an application for condominium conversion under Subdivision Code Section
8 1396.4(j) for the building located at 273A-29th Street, Assessor's Block No. 6633, Lot No. 025;
9 and

10 WHEREAS, On September 26, 2013, the Appellants filed a timely appeal to the Board
11 of Supervisors for a reduction, adjustment or waiver of the fee requirements based upon the
12 absence of any reasonable relationship or nexus between the impact of development and the
13 amount of the fee charged; and

14 WHEREAS, On November 19, 2013, this Board held a duly noticed public hearing to
15 consider the appeal filed by the Appellants; and

16 WHEREAS, This Board has reviewed and considered all documents submitted by the
17 Appellants and all other written records before the Board of Supervisors, and heard testimony
18 and received public comment regarding the appeal. Said documents and testimony are
19 incorporated herein by reference; now, therefore, be it

20 MOVED, That the Board concludes that the Appellants have met the burden of
21 presenting substantial evidence to support the appeal, including comparable technical
22 information to support the Appellants' position that there is no reasonable relationship or
23 nexus between the impact of development and the amount of the fee charged; and be it

24 FURTHER MOVED, That the Board approves the Appellants' request to waive, adjust
25 or reduce the fee, and hereby waives the fee (or) adjusts the fee to \$16,000 pursuant to

1 Subdivision Code Section 1396.4(j). This waiver, adjustment or reduction shall not be valid if
2 the use or scope of the project changes in any way, and in that event, the Appellants shall pay
3 the full fee required under Section 1396.4(j) unless the Board waives, reduces or adjusts that
4 fee; and be it

5 FURTHER MOVED, That the Board directs the Clerk of the Board to promptly transmit
6 to the Treasurer and the Department of Public Works notice of the Board's decision in this
7 appeal.

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