

File No. 130992

Committee Item No. _____

Board Item No. 24

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee _____

Date _____

Board of Supervisors Meeting

Date November 26, 2013

Cmte Board

- | | | |
|--------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Budget Justification |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Agreement/Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input type="checkbox"/> | Public Correspondence |

OTHER (Use back side if additional space is needed)

- | | | |
|--------------------------|--------------------------|-------|
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Completed by: Joy Lamug

Date November 21, 2013

Completed by: _____

Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

1 [Approving Waiver, Adjustment, or Reduction of Condominium Conversion Fee - 124-5th
2 Avenue, Apartment 2]

3 **Motion approving a waiver, adjustment, or reduction of the condominium conversion**
4 **fee in Subdivision Code, Section 1396.4(j), for 124-5th Avenue, Apartment 2.**

5
6 WHEREAS, On September 13, 2013, Appellant Scott Yarmark submitted an
7 application for condominium conversion under Subdivision Code, Section 1396.4(j), for the
8 building located at 124-5th Avenue, Apartment 2, Assessor's Block No. 1364, Lot No. 034; and

9 WHEREAS, On October 3, 2013, the Appellant filed a timely appeal to the Board of
10 Supervisors for a reduction, adjustment, or waiver of the fee requirements based upon the
11 absence of any reasonable relationship or nexus between the impact of development and the
12 amount of the fee charged; and

13 WHEREAS, On November 26, 2013, this Board held a duly noticed public hearing to
14 consider the appeal filed by the Appellant; and

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

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

23 FURTHER MOVED, That the Board approves the Appellant's request to waive, adjust,
24 or reduce the fee, and hereby [waives the fee (or) adjusts the fee to \$12,000] pursuant to
25 Subdivision Code, Section 1396.4(j); this waiver, adjustment, or reduction shall not be valid if

1 the use or scope of the project changes in any way, and in that event, the Appellant shall pay
2 the full fee required under Subdivision Code, Section 1396.4(j), unless the Board waives,
3 reduces, or adjusts that fee; and, be it

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

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Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

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

- 1. For reference to Committee:
- An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee:
- 4. Request for letter beginning "Supervisor inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Clerk of the Board

Subject:

Approving Waiver, Adjustment, or Reduction of Condominium Conversion Fee - 124-5th Avenue, Apartment 2

The text is listed below or attached:

Motion approving a waiver, adjustment, or reduction of the condominium conversion fee in Subdivision Code, Section 1396.4(j), for 124-5th Avenue, Apartment 2.

Signature of Sponsoring Supervisor: Olivia Miller for

For Clerk's Use Only:

130992