

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

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

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

10 WHEREAS, On October 3, 2013, the Appellant filed a timely appeal to the Board of
11 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 26, 2013, this Board held a duly noticed public hearing to
15 consider the appeal filed by the Appellant; and

16 WHEREAS, This Board has reviewed and considered all documents submitted by the
17 Appellant 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 Appellant has not met the burden of
21 presenting substantial evidence to support the appeal, including comparable technical
22 information to support the Appellant's 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
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1 FURTHER MOVED, That the Board denies the Appellant's request to waive, adjust, or
2 reduce the fee, and hereby approves the imposition of the fee pursuant to Subdivision Code,
3 Section 1396.4(j).
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