

1 [Approving Waiver, Adjustment, or Reduction of Condominium Conversion Fee - 124-5<sup>th</sup>  
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 124-5<sup>th</sup> Avenue, Apartment 2.**

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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 124-5<sup>th</sup> 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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