File No. <u>130991</u>   Committee Item No._____
                                        Board Item No._____<u>23</u>_____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee_____   Date_____

Board of Supervisors Meeting   **Date <u>November 26, 2013</u>**

Cmte Board

Cmte	Board	
☐	☒	Motion
☐	☐	Resolution
☐	☐	Ordinance
☐	☐	Legislative Digest
☐	☐	Budget Analyst Report
☐	☐	Legislative Analyst Report
☐	☐	Introduction Form (for hearings)
☐	☐	Department/Agency Cover Letter and/or Report
☐	☐	MOU
☐	☐	Grant Information Form
☐	☐	Budget and Budget Justification
☐	☐	Subcontract Budget
☐	☐	Contract/Agreement
☐	☐	Agreement/Award Letter
☐	☐	Application
☐	☐	Public Correspondence

OTHER   (Use back side if additional space is needed)

☐	☐	_____
☐	☐	_____
☐	☐	_____
☐	☐	_____

Completed by:<u>Joy Lamug</u>   **Date <u>November 21, 2013</u>**
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 [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.**

6

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

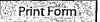13 amount of the fee charged; and

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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25

Clerk of the Board
BOARD OF SUPERVISORS   Page 1

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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Introduction Form

By a Member of the Board of Supervisors or the Mayor

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:

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

The text is listed below or attached:

Motion denying the appeal seeking 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: _____*Alia Miller for*_____

For Clerk's Use Only:

130991