

1 [Approving Conditional Use Application for property located at 1575 South Van Ness Avenue.]

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3 **Motion disapproving decision of the Planning Commission disapproving Conditional**
4 **Use Application No. 2007.1456C on property located at 1575 South Van Ness Avenue.**

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6 WHEREAS, On March 13, 2008 the Planning Commission considered a conditional
7 use authorization (Case No. 2007.1456C) under Planning Code Sections 703.3 and 703.4 to
8 allow a Formula Retail Use paint store (dba ICI Paints) within a Moderate Scale (NC-3)
9 Neighborhood Commercial District on property located at 1575 South Van Ness Avenue (Lot
10 027 in Assessor's Block 6571); and,

11 WHEREAS, the Commission could not affirmatively vote to either approve or
12 disapprove the application due to a 3-3 split on the Commission. In the absence of an
13 affirmative action, the project is considered disapproved by the Commission; and

14 WHEREAS, On April 4, 2008, Paul R. Johnson, on behalf of The Glidden Company
15 dba ICI Paints, filed an appeal of the Planning Commission's decision to the Board of
16 Supervisors; and,

17 WHEREAS, On April 29, 2008, the Board of Supervisors held a duly noticed public
18 hearing to consider the appeal; and

19 WHEREAS, The Board has reviewed and considered the appeal letter, the evidence
20 and arguments submitted, and public testimony; now, therefore be it

21 MOVED, That this Board of Supervisors disapproves the determination of the Planning
22 Commission, disapproving Conditional Use Application No. 2007.1456C, on property located
23 at 1575 South Van Ness Avenue; and be it

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1 FURTHER MOVED, That the Board of Supervisors approves Conditional Use
2 Application No. 2007.1456C, on property located at 1575 South Van Ness Avenue, subject to
3 the following conditions:

4 1. This authorization is for a Conditional Use Authorization under Section 703.3
5 and 703.4 of the Planning Code to allow a Formula Retail Use at 1575 South Van Ness
6 Avenue within the NC-3 (Moderate Scale Neighborhood Commercial) District and a 50-X
7 Height and Bulk District, in general conformance with plans filed with the Application as
8 received on December 20, 2007 and stamped "EXHIBIT B" included in the docket for Planning
9 Department Case No. 2007.1456C.

10 2. Prior to the issuance of the Building Permit for the Project the Zoning
11 Administrator shall approve and order the recordation of a notice in the Official Records of the
12 Recorder of the City and County of San Francisco for the premises (Assessor's 6571, Lot
13 027), which notice shall state that construction has been authorized by and is subject to the
14 conditions of this Motion. From time to time after the recordation of such notice, at the
15 request of the Project Sponsor, the Zoning Administrator shall affirm in writing the extent to
16 which the conditions of this Motion have been satisfied.

17 3. Violation of the conditions contained in this Motion or of any other provisions of
18 the Planning Code may be subject to abatement procedures and fines up to \$500 a day in
19 accordance with Planning Code Section 176.

20 4. Should monitoring of the Conditions of Approval contained in Exhibit A of this
21 Motion be required, the Project Sponsor or successors shall pay fees as established in
22 Planning Code Section 351(e)(1).

23 5. The property owner shall maintain the main entrance to the building and all
24 sidewalks abutting the subject property in a clean condition. Such maintenance shall include,
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1 at a minimum, daily litter pickup and disposal, and washing or steam cleaning of the main
2 entrance and abutting sidewalks at least once each week.

3 6. Signs for the business shall be reviewed and approved by the Planning
4 Department before they are installed.

5 7. The Project Sponsor shall install four 15 gallon street trees along Cesar Chavez
6 Street and four 15 gallon street trees along South Van Ness Avenue.

7 8. The Project Sponsor shall assure the execution and recordation of the specified
8 conditions as a Notice of Special Restrictions at the Office of the County Recorder / County
9 Clerk.

10 9. The Planning Commission may, in a public hearing, consider the revocation of
11 this conditional use authorization if a site or building permit has not been issued within three
12 (3) years of the date of the Motion approving the project. Once a site or building permit has
13 been issued, construction must commence within the timeframe required by the Department
14 of Building Inspection and be continued thenceforth diligently to completion. The Commission
15 may also consider revoking this conditional use authorization if a permit for the project has
16 been issued but is allowed to expire and more than three (3) years have passed since the
17 Motion was approved. This authorization may be extended at the discretion of the Zoning
18 Administrator only if the failure to issue a permit by the Department of Building Inspection is
19 delayed by a City, state or federal agency or by appeal of the issuance of such permit.

20 10. The Project Sponsor comply with and perform operations in strict conformance
21 with all City noise ordinances.

22 11. The Project Sponsor shall ensure that all equipment, including but not limited to
23 delivery trucks, performing warehousing/logistics functions to and from the subject property,
24 are not left idling and that engines are completely turned off while parked on-site.

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1 12. The Project Sponsor will provide trees and shrubs around the site to provide a
2 greener edge to the property, and will hold a meeting with neighbors and community
3 organizations to gather input and suggestions for this work.

4 13. The Project Sponsor shall provide information as requested by planning
5 department staff in connection with any review of neighborhood impacts from this project.

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