

1 [Disapproving Conditional Use Application for property located at 1575 South Van Ness  
2 Avenue.]  
3

4 **Motion disapproving decision of the Planning Commission disapproving Conditional**  
5 **Use Application 2007.1456C on property located at 1575 South Van Ness Avenue.**  
6

7 WHEREAS, On March 13, 2008, the Planning Commission considered a conditional  
8 use authorization (Case No. 2007.1456C) under Planning Code Sections 703.3 and 703.4 to  
9 allow a Formula Retail Use paint store (dba ICI Paints) within a Moderate Scale (NC-3)  
10 Neighborhood Commercial District on property located at 1575 South Van Ness Avenue (Lot  
11 027 in Assessor's Block 6571); and,

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

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

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

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

22 MOVED, That this Board of Supervisors disapproves the determination of the Planning  
23 Commission, disapproving Conditional Use Application No. 2007.1456C, on property located  
24 at 1575 South Van Ness Avenue.  
25