

FILE NO. 080462

MOTION NO.

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

2

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.**

5

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.

24

25

Name of Supervisor/Committee/Department

BOARD OF SUPERVISORS