

1 [Interim Zoning Controls Six-Month Extension - Formula Retail Uses in the Castro Street  
2 Neighborhood Commercial District]

3 **Resolution extending, for an additional six-month period, interim zoning controls in the**  
4 **Castro Street Neighborhood Commercial District to require a Conditional Use**  
5 **authorization under Planning Code, Section 303.1, for a proposed use that has been**  
6 **determined to be Formula Retail, even if a project sponsor subsequently removes one**  
7 **or more distinguishing Formula Retail Use features from the project proposal; and**  
8 **affirming the Planning Department’s determination under the California Environmental**  
9 **Quality Act.**

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11 WHEREAS, Planning Code, Section 306.7, provides for the imposition of interim  
12 zoning controls that promote the public interest, including but not limited to development and  
13 conservation of the City’s commerce and industry to maintain the City’s economic vitality and  
14 maintain adequate services for its residents, visitors, businesses and institutions; and the  
15 preservation of neighborhoods and areas of mixed residential and commercial uses and their  
16 existing character; and

17 WHEREAS, Planning Code, Section 306.7(h), authorizes imposition of interim controls  
18 for a period of 18 months, which may be extended by the body imposing the controls for an  
19 additional six months; and

20 WHEREAS, On July 8, 2014, the Board of Supervisors adopted Resolution No. 238-14,  
21 which was signed by the Mayor on July 18, 2014; and

22 WHEREAS, Resolution No. 238-14 imposed interim controls for an 18-month period  
23 that required Conditional Use authorization in the Castro Street NCD under Planning Code,  
24 Section 303(i), in circumstances where there has been a determination by Planning  
25 Department staff or a City board, commission, or agency that a proposed project is a Formula

1 Retail Use, including circumstances when the project sponsor subsequently removes one or  
2 more of the Formula Retail Use features formerly listed in Planning Code, Sections 703.3(b)  
3 and 303(i), and now listed in Planning Code, Section 303.1, as defining a Formula Retail Use,  
4 and applied this requirement to any proposed use in the Castro Street NCD that has not  
5 received a final decision on any required approval action by any City department, board,  
6 commission, or agency; and

7 WHEREAS, It is necessary to extend the interim controls in the Castro Street NCD for  
8 an additional six-month period to allow time for further study and possibly permanent  
9 legislation to be enacted; and

10 WHEREAS, The Planning Department has determined that the actions contemplated in  
11 this Resolution are in compliance with the California Environmental Quality Act (California  
12 Public Resources Code, Sections 21000 et seq.); and

13 WHEREAS, The Board of Supervisors hereby affirms that determination on file with the  
14 Clerk of the Board of Supervisors in File No. 140736 and incorporated herein by reference;  
15 now, therefore, be it

16 RESOLVED, That pursuant to Planning Code, Section 306.7, the Board of Supervisors  
17 hereby extends the interim controls imposed by Resolution No. 238-14 for an additional six-  
18 month period that begins on January 16, 2016, or until permanent controls are enacted,  
19 whichever shall first occur; and, be it

20 FURTHER RESOLVED, That, as required by said interim controls, a Conditional Use  
21 authorization under Planning Code, Section 303.1, is required to establish a formula retail use  
22 as defined in Planning Code, Section 303.1, even where the project sponsor subsequently  
23 removes one or more of the Formula Retail Use features listed in Planning Code, Section

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1 303.1, for all parcels located within the Castro Street Neighborhood Commercial District.

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3 APPROVED AS TO FORM:  
4 DENNIS J. HERRERA, City Attorney

5 By: \_\_\_\_\_  
6 KATE H. STACY  
7 Deputy City Attorney

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