

1 [Planning Code - Interim Zoning Controls for Pharmacy and Medical Uses in Castro Street
2 Neighborhood Commercial District]

3 **Resolution imposing interim zoning controls for an 18-month period in the Castro**
4 **Street Neighborhood Commercial District to require a Conditional Use authorization by**
5 **the Planning Commission under Planning Code Section 303 for a proposed pharmacy**
6 **or Medical Service use; and making environmental findings and findings of**
7 **consistency with the General Plan and with the Priority Policies of Planning Code**
8 **Section 101.1.**

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

16 WHEREAS, Planning Code Section 715 regulates uses in the Castro Street
17 Neighborhood Commercial District (NCD), and the accompanying Zoning Control Table allows
18 as a permitted use on the first and second stories (a) a Retail Sales and Services Use not
19 specifically listed and (b) a Medical Service use, as defined in Planning Code Section
20 790.114; and

21 WHEREAS, Pursuant to Planning Code Section 790.102(c), a use selling or providing
22 pharmaceutical drugs and personal toiletries is a Retail Sales and Services Use that is not
23 specifically listed in the Section 715 Zoning Control Table, and thus is a permitted use on the
24 first and second stories in the Castro Street NCD; and

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1 WHEREAS, The Castro Street NCD has special controls that are designed, among
2 other things, to promote a balanced mix of uses and to preserve the existing equilibrium of
3 neighborhood-serving convenience and specialty commercial uses; and

4 WHEREAS, The City has invested considerable capital resources in improving Castro
5 Street within the NCD area to enhance pedestrian activities; and

6 WHEREAS, The Planning Code Section 715(a) describes the physical form of the
7 District as “a crossing at Castro and 18th Streets, the arms of which contain many small, but
8 intensely active commercial businesses”; and

9 WHEREAS, The Castro Street NCD has a problem with an over-concentration of
10 Medical Service and pharmacy uses with approximately three pharmacies and two Medical
11 Service uses within one block of the intersection of Castro Street and 18th Street; and

12 WHEREAS, One of the aforementioned Medical Services is a recently-relocated large
13 use taking up almost three storefronts and its previous location in the Castro NCD is now
14 vacant and available; and

15 WHEREAS, An over-concentration of Medical Service and pharmacy uses in the
16 Castro Street NCD undercuts the NCD’s goals of having a balanced mix of uses and
17 preserving the existing equilibrium of neighborhood-serving convenience and specialty
18 commercial uses; and

19 WHEREAS, One of the ways that Planning Code Section 715 achieves the legislative
20 goal of maintaining and protecting the balanced mix of uses in the Castro Street NCD is by
21 requiring conditional use authorization for most uses, including restaurants, liquor stores, adult
22 entertainment, other entertainment, financial services, limited financial services, business or
23 professional services, massage establishments, tourist hotels, automobile parking, animal
24 hospitals, tobacco paraphernalia establishments and large-scale urban agriculture (See Table
25 715); and

1 WHEREAS, In view of the current over-concentration of Medical Service and pharmacy
2 uses in the Castro NCD, it is fair and equitable to require the same conditional use
3 authorization for Medical Service and pharmacy uses that Planning Code Section 715 already
4 imposes on many other uses in the Castro NCD; and

5 WHEREAS, Preventing the relocation of existing pharmacy uses and Medical Service
6 uses within the Castro Street NCD would, over time, ameliorate the existing problem with
7 over-concentration of Medical Service and pharmacy uses due to the natural attrition of
8 existing uses; and

9 WHEREAS, These proposed interim controls will allow time for the orderly completion
10 of a planning study and for the adoption of appropriate legislation; and

11 WHEREAS, The Board of Supervisors (“Board”) has considered the impact on the
12 public health, safety, peace, and general welfare if the interim controls proposed herein for the
13 Castro Street NCD are not imposed; and

14 WHEREAS, The Board has determined that the public interest will best be served by
15 imposition of these interim controls for the Castro Street NCD to ensure that the
16 comprehensive legislative scheme that may be ultimately adopted is not undermined during
17 the planning and legislative process for permanent controls; and

18 WHEREAS, The Board makes the following findings of consistency with the Priority
19 Policies set forth in Planning Code Section 101.1: By requiring a Conditional Use
20 authorization for a new or relocated pharmacy use or Medical Service use in the Castro Street
21 NCD, these interim controls advance Priority Policy 1 that existing neighborhood-serving retail
22 uses be preserved and enhanced and Priority Policy 2 that existing housing and
23 neighborhood character be conserved and protected to preserve the cultural and economic
24 diversity of our neighborhoods; further, these interim controls do not conflict with the other
25 Priority Policies of Section 101.1; and

1 WHEREAS, The Planning Department has determined that the actions contemplated in
2 this Resolution are in compliance with the California Environmental Quality Act (California
3 Public Resources Code sections 21000 et seq.) and the Board hereby affirms that
4 determination. Said determination is on file with the Clerk of the Board of Supervisors in File
5 No. 160799 and is incorporated herein by reference; now, therefore, be it

6 RESOLVED, That in the Castro Street NCD, a Conditional Use authorization by the
7 Planning Commission is required under Planning Code Section 303 for a new or relocated (a)
8 use selling or providing pharmaceutical drugs and personal toiletries, defined herein as a
9 “pharmacy use,” or (b) a Medical Service use defined in Planning Code Section 790.114; and,
10 be it

11 FURTHER RESOLVED, That any proposed use in the Castro Street NCD within the
12 scope of these interim controls that has not received a final decision on any required approval
13 action by any City department, board, commission, or agency, including the Board of Appeals
14 or other appellate body, shall be covered by these interim controls; and, be it

15 FURTHER RESOLVED, That upon imposition of these interim controls for the Castro
16 Street NCD, the Planning Department shall conduct a study and propose permanent
17 legislation to address the issue of an over-concentration of a pharmacy or Medical Service
18 use in the Castro NCD; and, be it

19 FURTHER RESOLVED, That these interim controls for the Castro Street NCD shall
20 remain in effect for a period of eighteen (18) months unless extended in accordance with
21 Planning Code Section 306.7(h) or until permanent controls are adopted; and, be it

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1 FURTHER RESOLVED, That the Planning Department shall provide reports to the
2 Board pursuant to Planning Code Section 306.7(i).

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

5 By: _____
6 JUDITH A. BOYAJIAN
7 Deputy City Attorney

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