

1 [Planning Code - Interim Zoning Controls for a Pharmacy Use in the 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 **use; and making environmental findings and findings of consistency with the General**
7 **Plan and with the eight priority policies of Planning Code, Section 101.1.**

8
9 WHEREAS, Planning Code, Section 306.7 permits the imposition of interim zoning
10 controls that promote the public interest, including but not limited to (a) development and
11 conservation of the City’s commerce and industry to maintain the City’s economic vitality and
12 maintain adequate services for its residents, visitors, businesses and institutions, and (b)
13 preservation of neighborhoods and areas of mixed residential and commercial uses and their
14 existing character; and,

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

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

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

1 WHEREAS, The City has invested considerable capital resources in improving Castro
2 Street included within the NCD area in order to enhance pedestrian activities; and,

3 WHEREAS, The Castro Street (NCD) has a problem with an over-concentration of
4 pharmacy uses, especially on Castro Street, that undercuts the NCD's goals of having a
5 balanced mix of uses and preserving the existing equilibrium of neighborhood-serving
6 convenience and specialty commercial uses; and,

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

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

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

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

24 WHEREAS, The Planning Department has determined that the actions contemplated in
25 this Resolution are in compliance with the California Environmental Quality Act (California

1 Public Resources Code, Sections 21000 et seq.) and the Board hereby affirms that
2 determination. Said determination is on file with the Clerk of the Board of Supervisors in File
3 No. _____ and is incorporated herein by reference; now, therefore, be it

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

8 FURTHER RESOLVED, That any proposed use in the Castro Street NCD within the
9 scope of these interim controls that has not received a final decision on any required approval
10 action by any City department, board, commission, or agency shall be covered by these
11 interim controls; and, be it

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

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

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

21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 JUDITH A. BOYAJIAN
25 Deputy City Attorney
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