

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 eight priority policies of Planning Code,**  
8 **Section 101.1.**

9  
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,

25

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

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

24           WHEREAS, The Board has determined that the public interest will best be served by  
25 imposition of these interim controls for the Castro Street NCD to ensure that the

1 comprehensive legislative scheme that may be ultimately adopted is not undermined during  
2 the planning and legislative process for permanent controls; and,

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

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

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

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

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

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

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

10 APPROVED AS TO FORM:  
11 DENNIS J. HERRERA, City Attorney

12 By: \_\_\_\_\_  
13 JUDITH A. BOYAJIAN  
14 Deputy City Attorney  
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