

City Hall Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

- TO: Supervisor Malia Cohen, Chair Land Use and Transportation Committee
- FROM: Alisa Somera, Committee Clerk
- DATE: August 2, 2016
- SUBJECT: **COMMITTEE REPORT, BOARD MEETING** Tuesday, August 2, 2016

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, August 2, 2016. This item was acted upon at the Committee Meeting on Monday, August 1, 2016, at 1:30 p.m., by the votes indicated.

Item No. 55 File No. 160799

Resolution imposing interim zoning controls for an 18-month period in the Castro Street Neighborhood Commercial District to require a Conditional Use authorization by the Planning Commission under Planning Code, Section 303, for a proposed pharmacy or Medical Service use; and making environmental findings and findings of consistency with the General Plan and with the eight priority policies of Planning Code, Section 101.1.

AMENDED, AMENDMENT OF THE WHOLE BEARING SAME TITLE

Vote: Supervisor Malia Cohen - Aye Supervisor Scott Wiener - Aye Supervisor Aaron Peskin - Aye

RECOMMENDED AS A COMMITTEE REPORT

- Vote: Supervisor Malia Cohen Aye Supervisor Scott Wiener - Aye Supervisor Aaron Peskin - Aye
- c: Board of Supervisors Angela Calvillo, Clerk of the Board Jon Givner, Deputy City Attorney

File No. <u>160799</u>

Committee Item No. 2 Board Item No. 55 Board Item No. ____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Board of Supervisors Meeting

Date	August 1, 2016	

Date AVENET 2, 2016

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	Motion Resolution Ordinance Legislative Digest Budget and Legislative Analyst Report Youth Commission Report Introduction Form Department/Agency Cover Letter and/or Report Memorandum of Understanding (MOU) Grant Information Form Grant Budget Subcontract Budget Contract/Agreement Form 126 - Ethics Commission Award Letter Application Form 700 Vacancy Notice
	Information Sheet
	Public Correspondence
OTHER	(Use back side if additional space is needed)
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	CUMMITTEE REPORT WEND - OF 08 2016
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Completed	hu Alice Semere Dete July 20, 2016

Completed by:	Alisa Somera	Date	<u> </u>
Completed by: _	, QMQ	Date	08 00 94 6

FILE NO. 160799

AMENDED IN COMMITTE. 08/01/2016 RESOLUTION NO.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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FURTHER RESOLVED, That the Planning Department shall provide reports to the

Board pursuant to Planning Code Section 306.7(i).

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

By: JUDITH A. BOYAJIAN Deputy City Attorney

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City Hall Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

July 19, 2016

File No. 160799

Sarah Jones **Environmental Review Officer Planning Department** 1650 Mission Street, Ste. 400 San Francisco, CA 94103

Dear Ms. Jones:

On July 12, 2016, Supervisor Wiener introduced the following proposed legislation:

File No. 160799

Resolution imposing interim zoning controls for an 18-month period in the Castro Street Neighborhood Commercial District to require a Conditional Use authorization by the Planning Commission under Planning Code, Section 303, for a proposed pharmacy use; and making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A. Auberry

By: Andrea Ausberry, Assistant Clerk Land Use and Transportation Committee

Attachment

Joy Navarrete, Environmental Planning c: Jeanie Poling, Environmental Planning

Not defined as project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a physical change in the environment.

Digitally signed by Joy Navarrete Jov Navarrete C=US Date: 2016.07.21 10:25:25 - 07'00'

DN: cn=Joy Navarrete, o=Planning, ou=Environmental Planning, email=joy.navarrete@sfgoy.org,



City Hall Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

July 19, 2016

File No. 160799

Sarah Jones Environmental Review Officer Planning Department 1650 Mission Street, Ste. 400 San Francisco, CA 94103

Dear Ms. Jones:

On July 12, 2016, Supervisor Wiener introduced the following proposed legislation:

File No. 160799

Resolution imposing interim zoning controls for an 18-month period in the Castro Street Neighborhood Commercial District to require a Conditional Use authorization by the Planning Commission under Planning Code, Section 303, for a proposed pharmacy use; and making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A. Auberry

By: Andrea Ausberry, Assistant Clerk Land Use and Transportation Committee

Attachment

c: Joy Navarrete, Environmental Planning Jeanie Poling, Environmental Planning



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July 19, 2016

File No. 160799

John Rahaim Director Planning Department 1650 Mission Street, 4th Floor San Francisco, CA 94103

Dear Director Rahaim:

On July 12, 2016, Supervisor Wiener introduced the following proposed Interim Zoning Control:

File No. 160799

Resolution imposing interim zoning controls for an 18-month period in the Castro Street Neighborhood Commercial District to require a Conditional Use authorization by the Planning Commission under Planning Code, Section 303, for a proposed pharmacy use; and making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1

This legislation is being transmitted to you for environmental review, pursuant to Planning Code Section 306.7(c).

Angela Calvillo, Clerk of the Board A Auberry

By: Andrea Ausberry, Assistant Clerk Land Use and Transportation Committee

Attachment

c: Scott Sanchez, Zoning Administrator Sarah Jones, Environmental Review Officer Aaron Starr, Legislative Affairs Manager AnMarie Rodgers, Senior Policy Advisor Joy Navarrete, Environmental Planning Jeanie Poling, Environmental Planning



City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

MEMORANDUM

TO: Regina Dick-Endrizzi, Director Small Business Commission, City Hall, Room 448

- FROM: Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee Board of Supervisors
- DATE: July 20, 2016
- SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

File No. 160799

Resolution imposing interim zoning controls for an 18-month period in the Castro Street Neighborhood Commercial District to require a Conditional Use authorization by the Planning Commission under Planning Code, Section 303, for a proposed pharmacy use; and making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

RESPONSE FROM SMALL BUSINESS COMMISSION - Date: ____

No Comment

_ Recommendation Attached

Chairperson, Small Business Commission



City Hall 1 Dr. Carlton B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No. 554-5184 Fax No. 554-5163 TDD/TTY No. 554-5227

NOTICE OF PUBLIC HEARING

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

LAND USE AND TRANSPORTATION COMMITTEE

NOTICE IS HEREBY GIVEN THAT the Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard:

Date: Monday, August 1, 2016

Time: 1:30 p.m.

- Location: Legislative Chamber, Room 250, located at City Hall 1 Dr. Carlton B. Goodlett Place, San Francisco, CA
- Subject: File No. 160799. Resolution imposing interim zoning controls for an 18month period in the Castro Street Neighborhood Commercial District to require a Conditional Use authorization by the Planning Commission under Planning Code, Section 303, for a proposed pharmacy use or Medical Service use; and making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the Committee. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlett Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Clerk of the Board. Agenda information relating to this matter will be available for public review on Friday, July 29, 2016.

10.10 Angela Calvillo Clerk of the Board

DATED: July 22, 2016 MAILED/POSTED: July 22, 2016 PUBLISHED: July 24, 2016



City Hall 1 Dr. Cax B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No 554-5184 Fax No. 554-5163 TTD/ITTY No. 5545227

NOTIFICACIÓN DE AUDIENCIA PÚBLICA

JUNTA DE SUPERVISORES DE LA CIUDAD Y CONDADO DE SANFRANCISCO COMITÉ DE USO DE TERRENOS Y TRANSPORTE

Fecha: Lunes, 1.º de agosto de 2016

Hora: 1:30 p.m.

Lugar: Cámara Legislativa, Sala 250 del Ayuntamiento 1 Dr. Carlton B. Goodlett Place, San Francisco, CA

Asunto: Expediente Núm. 160799. Resolución para imponer controles provisionales de zonificación por un período de 18 meses en el Distrito Comercial del Vecindario de la Calle Castro para requerir una autorización de Uso de Condicional de parte de la Comisión de Planificación según la Sección 303 del Código de Planificación, para un propuesto uso de farmacia; y realiza conclusiones medioambientales y conclusiones coherentes con el Plan General, y las ocho políticas prioritarias de la Sección 101.1 del Código de Planificación.

Angela Calvillo,

Angela Calvillo,
 Secretaria de la Junta

FECHADO: 22 de julio 2016



City Hall 1 Dr. Ca. B. Goodlett Place, Room 244 San Francisco 94102-4689 Tel. No 554-5184 Fax No. 554-5163 TTD/ITTY No. 5545227

公聼會通知

三藩市市及縣市參事委員會 土地使用與交通運輸委員會

- 日期: 2016年8月1日星期一
- 時間: 下午1時30分
- 地點: 市政廳,立法會議廳 250 室,1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102
- 議題: 檔案號碼 160799。 決議擬對卡斯楚(Castro)街鄰里商業區施加為 期18個月的臨時區劃管制,旨在要求規劃委員會依據規劃法規第303 條予以建議藥房用途用地提供條件性使用授權;並作出環境性裁斷以 及與總體計劃及規劃法規第101.1條的八項優先政策相一致的有關裁 斷。

Angela Calvillo 市參事委員會書記

日期: July 22, 2016

CALIFORNIA NEWSPAPER SERVICE BUREAU

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ALISA SOMERA CCSF BD OF SUPERVISORS (OFFICIAL NOTICES) 1 DR CARLTON B GOODLETT PL #244 SAN FRANCISCO, CA 94102

COPY OF NOTICE

Notice Type:	GPN GOVT PUBLIC NOTICE
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08.01.16 LAND USE - 160799 Ad Description

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

07/24/2016

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NOTICE OF PUBLIC HEARING BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO LAND USE AND TRANSPORTA-TION COMMITTEE MONDAY, AUGUST 1, 2016 - 1:30 PM LEGISLATIVE CHAMBER, ROOM 250, CITY HALL 1 DR. CARL TON B. GOODLETT PLACE, SAN FRANCISCO, CA NOTICE IS HEREBY GIVEN THAT the Land Use and NOTICE IS HEREBY GIVEN THAT the Land Use and NOTICE IS HEREBY GIVEN THAT the Land Use and Consider the following proposal and said public hearing will be held as follows, at which time all interrested parties may attend and be heard: File No. 160799. Resolution imposing Interim zoning controls for an 18-month period in the Castro Street Neighborhood Commercial District to consider the following Commission under Planning Code, Section 303, for a proposed pharmacy use or Medical Service use; and making environmental findings and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 11.1. In accordance with Administrative Code The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice. Section 67.7-1, persons who summaries to the City prior to the time the hearing on this matter may submit written comments to the City prior to the time the hearing begins. These comments will be made part of the official public record in this matter, and shall be brought to the attention of the members of the addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton Goodlet Place, Room 244, San Francisco, CA 94102. Information relating to this matter is available in the Office of the Board, Agenda information relating to this matter is available in the Office of the Board City Jan.



RECEIVES BOARD of SUPERVISORS SAN FRANCISCO	
2016 JUL 22 PM 12: 57	
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PROOF OF MAILING

Legislative File No.

160799 - Three-Language Hearing Notices: [Planning Code - Interim Zoning Controls for Pharmacy and Medical Uses in Castro Street Neighborhood Commercial District]

Description of Items: Resolution imposing interim zoning controls for an 18-month period in the Castro Street Neighborhood Commercial District to require a Conditional Use authorization by the Planning Commission under Planning Code, Section 303, for a proposed pharmacy or Medical Service use; and making environmental findings and findings of consistency with the General Plan and with the eight priority policies of Planning Code, Section 101.1.

I, <u>John Carroll</u>, an employee of the City and County of San Francisco, mailed the above described document(s) by depositing the sealed items with the United States Postal Service (USPS) with the postage fully prepaid as follows:

Date:	July 22, 2016
Time:	12:55 p.m.
USPS Location:	Clerk's office USPS pickup box 993 COPIES
Mailbox/Mailslot Pick-Up	Times (if applicable): _N/A
Signature:	the

Instructions: Upon completion, original must be filed in the above referenced file.

Introduction Form

By a Member of the Board of Supervisors or the Mayor

I her	reby submit the following item for introduction (select only one):	or meeting date
	1. For reference to Committee.	
	An ordinance, resolution, motion, or charter amendment.	
	2. Request for next printed agenda without reference to Committee.	
	3. Request for hearing on a subject matter at Committee.	
	4. Request for letter beginning "Supervisor	inquires"
	5. City Attorney request.	
	6. Call File No. from Committee.	
	7. Budget Analyst request (attach written motion).	
\boxtimes	8. Substitute Legislation File No. 160799	
	9. Request for Closed Session (attach written motion).	
	10. Board to Sit as A Committee of the Whole.	
	11. Question(s) submitted for Mayoral Appearance before the BOS on	
Plea	se check the appropriate boxes. The proposed legislation should be forwarded to the following Small Business Commission I Youth Commission Ethics Comm	-
	Planning Commission Building Inspection Commission	n
Note:	For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative	
Spons	sor(s):	
Supe	rvisor Wiener	
Subje	ect:	
	ning Code - Interim Zoning Controls for a Pharmacy and Medical Uses in Castro Street hborhood Commercial District	
The f	text is listed below or attached:	
Distr for a	lution imposing interim zoning controls for an 18-month period in the Castro Street Neighboric to require a Conditional Use authorization by the Planning Commission under Planning Corroposed pharmacy use or Medical Service use; and making environmental findings and find the General Plan and with the eight priority policies of Planning Code, Section 101.1.	Code, Section 303,
l	< 411	<u> </u>

Signature of Sponsoring Supervisor:

or: Scott Wien

For Clerk's Use Only:

Print Form	
Introduction Form	
By a Member of the Board of Supervisors or the Mayor	
I hereby submit the following item for introduction (select only one):	
1. For reference to Committee. (An Ordinance, Resolution, Motion, or Charter Amendment)	
2. Request for next printed agenda Without Reference to Committee.	
3. Request for hearing on a subject matter at Committee.	
4. Request for letter beginning "Supervisor inquire	:s"
5. City Attorney request.	
6. Call File No. from Committee.	
7. Budget Analyst request (attach written motion).	
8. Substitute Legislation File No.	
9. Reactivate File No.	
10. Question(s) submitted for Mayoral Appearance before the BOS on	
Please check the appropriate boxes. The proposed legislation should be forwarded to the following:	
Planning Commission Building Inspection Commission	
Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative Form. Sponsor(s):	
Wiener	
Subject:	
Planning Code Interim Zoning Controls for a Pharmacy Use in the Castro Street Neighborhood Commer District	cial
The text is listed below or attached:	
Resolution imposing interim zoning controls for an 18-month period in the Castro Street Neighborhood Co District to require a Conditional Use authorization by the Planning Commission under Planning Code Sect a proposed pharmacy use; and making environmental findings and findings of consistency with the General with the Priority Policies of Planning Code Section 101.1	ion 303 for
Signature of Sponsoring Supervisor:	1

For Clerk's Use Only: