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 NCO, 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 NCO 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 NCO, 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 NCO; and, be it

FURTHER RESOLVED, That these interim controls for the Castro Street NCO 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
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.

August 01, 2016 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

August 01, 2016 Land Use and Transportation Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

August 02, 2016 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160799

I hereby certify that the foregoing Resolution was ADOPTED on 8/2/2016 by the Board of Supervisors of the City and County of San Francisco.

Angela Galvillo
Clerk of the Board

Mayor

Date Approved

8/16/16