



Planning & Transportation Commission Staff Report

From: Planning and Development Services Director
Lead Department: Planning and Development Services

Meeting Date: April 24, 2024
Report #: 2404-2884

TITLE

Retail Study Session Retail Strategies

RECOMMENDATION

Staff recommends the Planning and Transportation Commission (PTC) receive an update from the PTC Ad Hoc Retail Committee and a presentation from the consultant regarding retail strategies, discuss the strategies, and provide comments.

BACKGROUND

The PTC's last study session on the Retail Study was held on March 27, 2024. Draft verbatim minutes are provided as Attachment A. The PTC Ad Hoc Retail Committee met with staff and the consultant on April 16, 2024 to discuss a set of proposals and questions the Ad Hoc members prepared prior to the meeting. These are shared in the next section of this report.

The City's consultant has been working on a parking analysis related to the passage of AB 2097 and may be able to share some of this work with the PTC on April 24th, as time allows.

DISCUSSION

The PTC Ad Hoc Retail Committee

The Ad Hoc committee prepared the following proposals and questions for the April 16, 2024 meeting with staff and the consultant.

Simplify Rules:

1. Consolidate zoning rules into a "what uses are allowed where" table for key locations. This already exists, but is out-of-date.
2. Relax definitions in PAMC; many seem overly complex and specific.
3. Eliminate operating-hours constraints more strict than those required of restaurants.
4. Consider removing restrictions related to take-out.

5. Rewrite PAMC to have fewer combinations of districts and overlays.
6. Revisit R and GF modifying districts, maybe eliminate use on side streets.

Reduce Uncertainty:

1. Eliminate CUPs for uses that don't impact street frontage.
2. Eliminate CUPs for combinations of otherwise-allowed uses.
3. Eliminate CUPs except in situations where there is an impact that needs mitigation.
4. Eliminate rules based on the types or sizes of businesses nearby, which change over time; depend on market forces to correct temporary excesses. (Has happened many times in Downtown.) But see also "Beyond Zoning".
5. Rewrite parts of PAMC to make sure unsuccessful changes aren't locked-in. For example, if an office converts to retail that then fails, it should be possible to revert to the previous use. This encourages risk-free experimentation. It's complicated, though.

Relax Restrictions:

1. RPO should apply only to customer-facing frontage portion, rather than all square footage.
2. RPO should apply to University Ave, Cal Ave, and CN zones; should not apply to, e.g., Lytton, Hamilton, Cambridge, El Camino.
3. Relax RPO for resident-serving businesses.
4. Remove constraints on non-restaurant formula retail on Cal Ave.
5. Increase numerical threshold for restaurant formula retail on Cal Ave. Suggestion: At most 50 sites. (For comparison: Coupa, 9; Il Fornaio, 18; McDonald's, 14K). Beyond this limit, require a CUP (e.g. to enforce architectural consistency).
6. Revisit size constraints for commercial recreation (e.g. 1800 sq ft, 5000 sq ft).

Beyond Zoning:

1. Sales tax relief or other incentives to attract specific business types to particular areas. Diversify the retail environment so that it's more resilient and can attract a wider variety of clients, without resorting to zoning rules that can be complex or inflexible.
2. Incentives to reduce office vacancy rates Downtown. Effective more quickly because less physical redevelopment required than for equivalent amounts of new housing.
3. As a special case of the two previous proposals, perform a study to consider general vacancy taxes for Downtown and Cal Ave. Do not limit to retail vacancies; that might create incentives to eliminate retail.
4. Cleanliness, signage, pedestrian access, public safety, parking availability.
5. Proactively plan for new CN nodes on El Camino and San Antonio.

Questions

1. What types of resident-serving businesses are not currently allowed in the definition of retail uses? Medical/Dental services, Medical retail, Resident-serving offices like legal or insurance services? Do these need to be distinguished from generic offices that are subject to the office cap?
2. There's uncertainty about restrictions related to take-out. Would there be any surprising consequences if these are removed?

3. What types of businesses are most dependent on foot traffic, and therefore should be encouraged to locate together for synergy?
4. Does PAMC currently constrain any hours of operation?
5. Review history of nail salon constraints on Cal Ave.
6. Review history of Town & Country Medical Retail proposal. Consider Council's direction to PTC and PTC's final action.
7. Does PAMC currently have any constraints on multiple uses at a single location (e.g. coffee shop at a retailer)?
8. Does PAMC currently have any constraints on multiple independent tenants at a single location?
9. Request more information about San Diego's pedestrian activity rules. Can we get ped counts for Palo Alto?
10. Would sales-tax relief (on the order of 1% of sales?) be sufficient incentive to attract a targeted business type to a specific area?
11. PAMC uses the presence of a commercial dishwasher to define a restaurant. What are the ramifications of that designation? Parking? Do we still need a distinction?

This material is anticipated as the main focus of the discussion on the retail study during the April 24, 2024 PTC meeting.

ATTACHMENTS

Attachment A: Draft Verbatim Minutes PTC March 27, 2024

AUTHOR/TITLE:

Amy French, Chief Planning Official



Planning & Transportation Commission

Action Agenda: March 27, 2024

Council Chambers & Virtual
6:00 PM

Study Session

4. Study Session: Retail Study – Recommendations for Strategies

Chair Summa: Okay, let's get started on our next item, I will note for the record that Commissioner Chang [Vice-Chair Chang] has left the meeting. Thank her for coming at all, because she wasn't feeling well. So, okay we're on to our study session for retail. So I do not know... this is a continued meeting, I do not know if there is anything additional that our consultants or staff would like to add.

Ms. French: Just noting that the consultants are here, I was going to check to see if they're... if they're floating out there in ... can you see, are they there? Okay. I was messaging them that we're about to start. We did have an ad hoc meeting yesterday, that I know two of the members of the ad hoc were present for, so but I don't believe the consultants have new slides from the last time... the slides are in your packet to make it easy, from the last time, to refer to during tonight's discussion.

Chair Summa: Thank you for that. Okay, so what I think we'll do is have the ad hoc report out and then we'll open it to public... to the public for comment because we didn't do that at the last meeting, and then we'll come back for discussion. So, ad hoc...

Commissioner Akin: Alright, I will take the lead on this, and I was hoping that Vice-Chair Chang could attend because she could fill in some gaps, but I will ask Commissioner Reckdahl to take that on if I've missed anything crucial or misunderstood something. So, Vice-Chair Chang couldn't attend the ad hoc meeting last night but did report the Council's ad hoc desire to make immediate improvements in things that were in their purview. So, things like cleanliness, signage, code enforcement, and presumably Council will follow up with medium and long term improvements still to be determined. I think it's useful for us, for the PTC to recommend actions that fit within that framework as well. So, we think about things being short medium, and long term. But before I get into those, we did spend some time asking for explanations of some of the data that the consultants had presented previously, and this included things like vacancy rates in Palo Alto that didn't match our personal observations, the vacancy rates on University Avenue for example seems lower than the approximately 19% that we believe currently exists. We were trying to resolve that. And there's some really striking differences like the 70% higher vacancy rate in the 3rd Street promenade in Santa Monica and so we asked about what might be... what the possible explanations for that might be. Mr. Wery suggested that we're looking at pandemic related phenomena mostly, so if the businesses were on 3rd Street were tilted towards in person services, then they might have been adversely affected to

1 a greater extent than our own and then the long lead time in finding new tenants just amplified
2 that. The vacancy time in Town and Country seems quite high at forty months and I don't think
3 we exactly understand what's going on there other than again, the long lead time. It just seems
4 particularly acute in that space. And there was also a discussion of the total amount of retail
5 space oversupply, which is enormous. So, it's a little unclear which areas are being counted that
6 lead to that estimation of oversupply in Palo Alto. There are still some mysteries about
7 downtown, we don't understand whether there might be floor area counted as retail that's not
8 at... that's not first floor frontage. So, there's things we might want to look into later. But
9 they're not consequential for the rest of the discussion. We heard a lot about stakeholder
10 requests, but there were consistent themes, and I tried to boil them down to just three, one is
11 simplifying the rules, two is reducing uncertainty, and three is relaxing restrictions. So, you
12 might think those things are interrelated, but they really are pretty independent. You can have
13 simple rules that are not implementable, so, keeping restrictions relaxed and simple rules and
14 then reducing the uncertainty, each is important. The consultants presentation offers many
15 proposals that address these things. But I believe there was good consensus for at least three of
16 them. One is removing some of, or even all constraints on formula retail on Cal Ave, another is
17 limiting the areas to which the retail preservation ordinance applies, and third is making code
18 changes to ensure that changes in use are not locked in if market conditions change. And this is
19 worth a little more discussion because it came up in stakeholder requests multiple times. You
20 might say, well, we'd like to encourage conversion of office to retail, but if the retail
21 preservation ordinance, then prevents it from being changed back if it's not successful, then
22 that's a deterrent for people who might otherwise be willing to experiment with conversion to
23 retail. And Ms. French enlightened us on the complexities involved in that issue by explaining
24 that not all of the locked in provisions are limited to the retail preservation ordinance. You
25 might convert something from office to retail but then be tripped up by the office space
26 limitations if you attempt to convert it from retail back to office; and those are not in the retail
27 preservation ordinance, those are elsewhere in the code. So...

28
29 Commissioner Reckdahl: There's kind of two generations of retail preservation, and this was
30 the first one.

31
32 Commissioner Akin: Right, so we have ... we would have to look a little more broadly to make
33 sure that we're not accidentally locking in changes and the goal there would be to encourage
34 experimentation to fill vacancies regardless of what the type of retail or retail-like application
35 might be. So, we'll need to do a little further review on that. When I spoke to Vice-Chair Chang
36 earlier today, she also raised the issue that we will... we the PTC, at least the ad hoc... perhaps
37 the whole commission, will want to look at the code again to make more concrete and specific
38 proposals for Council to consider. So for example, if we elect to retail some constraints on some
39 formula retail on Cal Ave, there are constraints on the number of similar businesses that
40 constitute formula retail. We might change those numbers and that requires scanning the code
41 to come up with more specific proposals. So, that's something that Vice-Chair Chang argues
42 pretty strongly belongs in our court, so we have yet to do that work. There was some interest in
43 making sure new rules, whatever they are, are fully predictable and not context dependent. For
44 example, you might want to avoid rules that depend on fluctuating things like vacancy rates, or

1 the other nearby retail uses, because those conditions might change between the application
2 and the entitlement. So, given that there's a window of opportunity for those conditions to be
3 violated, you've introduced uncertainty that is then a deterrent for people exploring new retail
4 uses. So, keeping things predictable, consistent, not context dependent, has some value. In the
5 long term, it makes good sense to scrub the municipal code and either simplify it or at least
6 make it feasible to document which uses are allowed in which areas. We had versions of that
7 that existed for What did we decide... seventeen years ago, but nothing that is recent
8 enough to resolve the uncertainty that plagues potential applicants today. And finally, I wanted
9 to comment on a side discussion which was about incentives Council might implement in
10 conjunction with zoning changes that we propose. And there are many that seem promising.
11 They are outside the scope of what we're discussing tonight, but they include things like what
12 incentive programs could Council implement in order to ensure a desirable mix of retail types
13 within an area. It could be done flexibly, and we could react quickly to changes in market
14 conditions, so they don't have to be baked under the code. So, once again, that's beyond the
15 scope of what we discuss tonight, but it is something that Council should take a look at and at
16 some point, we may want to recommend that formally. Alright, I think that's all that I have for
17 the summary. Keith...

18
19 Commissioner Reckdahl: Yeah, no, that was a really good summary. One of the things is that
20 RPO gets ... some people love it, some people hate it. And ... but with Commissioner Chang
21 [Vice-Chair Chang] sent a summary ... she listened to the ad hoc for the Council and there they
22 were saying that it wasn't so much RPO issue, it was that people were leaving downtown to go
23 to the Stanford shopping center... paying more rent because they had more certainty... for
24 example they're not going to have tents blocking their signs and stuff like that. And some of
25 that uncertainty... is the issue... is an issue. The uncertainty of how is retail on Cal Ave and
26 University going to... what requirements are we going to have on it. The propane haters in front
27 of your store, and some of the signage and some of the garbage collection... was a complaint
28 and that would be one way of fixing things without changing zoning. And that was a major
29 complaint, it wasn't just a hypothetical guess ... but then the second thing, like Allen said, we
30 really want... we don't want to micromanage and, in the meeting, he brought up the case with
31 five bagel stores on University Avenue and is it the market's job to determine that or is it the
32 City's job. And we kept our nose out of it and it all kind of shake-d out. Now some of those
33 bagel stores went out of business and switched over, so there's always this transition, but that's
34 probably the easier thing to do than micromanage by zoning what you can have down there.
35 Let's see, there was also... oh yea... RPO... now if we change the RPO you don't have to
36 necessarily get rid of it altogether. You can change and say instead... if you have retail in some
37 areas, we might be happy to have that retail replaced by a dental office. That still brings in
38 people and so you may not want a dental office on University itself, but on Hamilton that may
39 be fine. And that would bring people downtown, they'd go to the dentist office, or go get their
40 nails done over on Hamilton and then they walk over and have food on University. So we may
41 want to have different regulations for University and the side streets or Cal Ave and Cambridge
42 for example. And so if there are concerns about what you have on that main street, that
43 doesn't necessarily... you shouldn't have those same concerns elsewhere. Because you want to
44 bring people into the area and if they're nearby, they'll go to the other businesses. And so,

1 when we loosen RPO, we aren't necessarily allowing tech offices we may just be expanding
2 what is considered resident serving business.

3
4 Chair Summa: Well, I think Council already changed that downtown, I think they allow medical
5 retail as we called it... I believe this is right, maybe they just had a discussion and didn't do it.
6 But on the side streets they now allow retail like medical downtown, I think. So those kinds of
7 changes have been made in some places.

8
9 Commissioner Akin: If Commissioner Reckdahl is finished, or when Commissioner Reckdahl is
10 finished, we should probably ask our consultants if they would like to speak to the discussion
11 from last night as well.

12
13 Commissioner Reckdahl: Yeah, I'm ready.

14
15 Chair Summa: Okay. I see that Mr. Wery is here now and also ...

16
17 Consultant Dan Wery: Surabhi

18
19 Consultant Surabhi Barbhaya: Surabhi.

20
21 Consultant Dan Wery: Excellent presentation, [TIMESTAMP 3:03 Unintelligible] So thanks again
22 for the summary, I think we had a pretty productive discussion yesterday with the ad hoc
23 committee and I think those were really excellent points that were brought up. Our objective
24 tonight was to try to facilitate the discussion of those zoning strategies and see if there are
25 recommendations that the full PTC could make. One of the points that I was starting to think
26 about when we had our discussion yesterday is the importance of... and I think that Keith or
27 Allen might have mentioned you know the idea of experimentation and just action... taking
28 some action. Don't let the perfect prevent the good. And so there may be somethings that you
29 can do now that you feel confident with, there may be some things that you want to study
30 further. And there may be certain things that are priorities, certain changes... one that we
31 talked about as an example... you know, comprehensive code revisions. That's a long term
32 complex, expensive you know, resource intensive effort. There's other things that we could do
33 on the interim you know, slight amendments, target amendments and so the idea would be to
34 think about maybe a gradation or a spectrum of recommendations. Some you may feel very
35 strongly about and can be very specific and sy sync, others you might be a little more general
36 on and provide guidance to the City Council. I think some of the examples were you know, keep
37 it simple, make sure that it's certain, it's clear, you know even... some things may be phased in...
38 for instance the ... in terms of the comprehensive revisions and simplifying the broader code,
39 trying to make it more understandable, the recommendation I had mentioned I think two
40 weeks ago and certainly yesterday was... start with those Use tables. Because those are a
41 relatively simple task to put them together, create the comparison and that's when you start to
42 see the gaps, the overlaps, the conflicts and in the end you end up with a useful tool, a
43 comprehensive table, like the ... what uses where from 2007, that works for staff, it works for
44 applicants and property owners and people thinking about coming to Palo Alto. So. The long

1 way of saying, we're trying to get you some recommendations to City Council and the idea is
2 that I don't think you need... not all of them have to be you know, perfected. I think some of
3 them you can be pretty specific, I think you've got some good ones that are coming out of ad
4 hoc committee and what you heard tonight. Other ones may need some more work. Others
5 may be more you know kind of thematic and that would be okay. But I would encourage you to
6 do what Allen just did and with Keith as well, collect those thoughts and forward those on to
7 the City Council, if you can sharpen the recommendations that's great. The one thing that we
8 were hoping to help facilitate with you is you know, if we look back at those strategies, if
9 there's certain ones that do sound worthwhile, then we want to talk about more specifically to
10 the extent that you're comfortable and can, where they would apply. So, we talked about some
11 revisions perhaps reducing or eliminating RPO in certain areas, or the R modifying district, or
12 the ground floor modifying district. Maybe those ground floor retail spaces on side streets are
13 allowed and it's converted. And then you preserve the focus and the retail attention along Cal
14 Ave and University Avenue. So, I think that was something that seemed to be pretty strong
15 consensus as an example of being a specific recommendation. So, with that, I guess I'll try not
16 to speak too much and try to answer some questions and facilitate any recommendations you
17 guys might be willing to elaborate on.

18
19 Chair Summa: Alright, well thank you for the Ad hocs work and your summary and also our
20 consultants but I think now we're going to go to the public and I know I saw one speaker on
21 zoom, but...

22 23 PUBLIC COMMENTS

24
25 Ms. Dao: Correct, just the one speaker on zoom from Winter Dellenbach.

26
27 Winter Dellenbach: Yes, high Commissioners, so, I have my recommendations and you don't
28 have to pay me as a consultant so that's really good. For God sakes, keep ground floor retail
29 protections on Cal Ave, on University Ave and I don't know if you consultants have taken time
30 to go into the ... along El Camino, to the Baron Park and Venture neighborhoods, but we are a
31 walkable neighborhood and there's not a lot of those in Palo Alto. And what makes them
32 walkable is that we have protected ground floor retail, we have a lot of mom and pops, some of
33 them are a little shaggy looking but most of them are very vital businesses. And those have
34 protection and should continue strong protection and the same goes for the Cal Avenue
35 shopping district and University because people want services. They don't want.... Here... here's
36 a story. Quite a few years ago University Avenue loaded up on financial institutions and so the
37 City stepped in and said and put a limit on how many financial institutions because it was
38 suppressing other types of businesses and retail and the whole health of University Avenue.
39 The same thing happened on Cal Avenue, with nail salons and hair salons. Because they were
40 proliferating like rabbits. And it's not good. It wasn't a good healthy environment, and we can't
41 just not have regulation. The market is a dumb beast. And of course, instead of leaving it to the
42 supposed market, the City of course has to be involved. You know, you're call... it's called
43 Planning for a reason. This has to be planned, it has to be... and the City's involvement has to be
44 strong. One of the things that's happening is we're losing retail along Baron Park, Ventura

1 neighborhoods on ECR, I'd be interested if you folks have gone there. And have you now gone
2 to Midtown? And have you now... this is the consultants... have you gone to Charleston Center?
3 Where our very very important shopping areas and retails areas and other services. And I sure
4 as heck hope you are because if you're earning your money as a consultant, you'll be... should
5 be looking at the whole range of retail areas and not just one or two. So... and that's what I
6 want to say. Thanks.

7
8 Chair Summa: Thank you. I think that's our only speaker.

9
10 Ms. Dao: Correct.

11
12 Chair Summa: Okay thanks, so I'll bring it back to the Commission for discussion. Would anyone
13 like to start us off?

14
15 Commissioner Akin: Sure, I'll say just a few more words. Since Vice-Chair Chang isn't here I
16 wanted to reinforce some of the points that were of concern to her and perhaps the top one is
17 that we need to go through the code. The books is... perhaps we don't understand well enough
18 how all of the constraints are interacting right now. And that's the way we'll get workable
19 proposals is to look at some of the details. During the ad hoc discussion last night, I proposed
20 just cutting the Gordian knot on Cal Ave and allowing formula retail of all kinds and I'll thrown
21 that out there and just say, what's your immediate reaction to that?

22
23 Chair Summa: Are you asking me?

24
25 Commissioner Akin: The Commission as a whole, all of us.

26
27 Chair Summa: I... the thing about formula retail is I think many people would find you know,
28 things like that... they're useful. I mis... we even had a doofy-little pharmacy on Cambridge... it
29 was this little tiny independent pharmacy. I think having a pharmacy and I think pharmacies are
30 by and large now ... you know... a drugstore... not that I'm suggesting this specific thing, but I
31 think that having formula on retail is not something that we should take off the plate
32 completely. And I think the reason is.... And I know that won't be popular with everyone who
33 are perhaps listening out there in zoom land but I think particularly if you're going to allow
34 formula retail with a CUP to any formula retail applicant that has only has 10 or fewer sites
35 across the nation. To me that doesn't seem to make any sense. It just feels arbitrary. That being
36 said, I don't know... I think that any formula retail on Cal Ave would have to fit in with the
37 rhythm and size of the existing store fronts. Just like McDonalds when they go in the Vatican or
38 Paris or Rome, they don't look like a McDonalds on El Camino. So, I think they would have to fit
39 in. I'm not sure how attractive any of those places are. I feel very strongly about bike/ped...
40 goals for bike/ped, getting more people on those. We acknowledge that many of those will be
41 short trips. I just think if we don't preserve walkable retail we're going to have a very
42 unbalanced city with more car trips because more people are going to drive to do errands than
43 are going to bike. And so, I don't feel that removing the ground floor retail protection is a wise
44 thing to do, I think we need a whole new ground floor retail ordinance for San Antonio that's

1 going to be built out, but I'm afraid it's a little too late for that. But, many of the... the
2 comments about the ways in which the code could be fixed were so broad and I think Mr. Wery
3 just said rewriting the code actually is a huge project and I don't think we can do that tonight,
4 but I think there's some strategies we can discuss. But doing away with somebody's ground
5 floor retail to reduce the overall vacancy rate in retail in Palo Alto does not seem wise to me. I
6 was hoping for an approach that was more proactively positively suggesting how to get some
7 more retail. So, I mean it's... it's really a problem and I do think the biggest problem is ... I mean,
8 when you have retail... Gallery house left California Avenue and they went to Santa Cruz...
9 they're on Santa Cruz in Menlo Park. That is a ... that is a cost of rental decision. And we had
10 sort of an impromptu list of businesses and we never followed up and made it more official ...
11 that had moved to Menlo Park or Mountain View or Los Altos because it was less expensive.
12 And I understand that the problems I think that Commissioner Reckdahl was referring to... it ... I
13 think what you meant was ... like the parklets are obstructing the storefronts. So, yeah these
14 are big trade offs and their pretty hard. But I... the formula retail one, not getting rid of it, but
15 adjusting it a little... that being said I don't think we're getting a lot of applicants of that type
16 because of the size of the storefronts. So that's kind of my opinion on that one. And I see lights
17 from Templeton and Lu.

18
19 Commissioner Templeton: Okay, so I guess my thoughts here are a little bit ... mine won't
20 directly answer your question, a little bit more abstract but what I would say is... the places
21 we've listed as competition for us are destinations right... going to the Stanford Mall is a
22 destination, going to University Avenue has been a destination in the past and those are things
23 we have to think about and I think what that means is a place that's vibrant during the work
24 day, after school and at nights and weekends, they have something on those locations that's
25 interesting to do at all of those times and that's a process or approach that has been studied in
26 planning for many years. They know that's what makes a place vibrant and attractive ... you can
27 just go and hang out; you don't even have to be necessarily with a shopping goal in mind. You
28 want to go there, and you spend money. So, those are something that we can think about, and
29 it involves a mix of things to do right. We have the ground floor retail I think is the key
30 attractive factor, right? Those are something to do, something that you can always do. But we
31 have to have a proper mix. One thing is happening on California right now... Winter said that it
32 was nail salons and hair salons and we have moved... that was certainly my experience ten
33 years ago when I was doing those things, but now I feel like it's all gymnasiums and smoke
34 shops. It's like things that I just don't interest me... maybe I should be more interested in the
35 gymnasiums, but you know, because California Avenue still has a mix of things I enjoy going
36 there. Because they have other op... like a variety of options. But, you know, I worry that every
37 time a shop closes that it's going to become a gym. Like, it's a thing that's happening, I don't
38 know if there's a way for us to manage that... like think about Town and County, another great
39 destination, they have a management company ... the mall has a management company ... is
40 there a way for us to say this is This is a group of people that are going to manage this. I
41 think that's a possibility, but it's complicated right? Because of the duration of these leases and
42 commitments. So, I know it's not a solution, but you wanted to know I think... that's what I
43 think. Thanks.

1 Commissioner Lu: I'll make a few specific comments and maybe ask just a general question at
2 the end. So, I was speaking with a local retailer on Cal Ave, a pretty small business, they said
3 that their perspective on this has changed over time, that they favor relaxing formula retail,
4 also favor just like more development in general along that corridor. For them, the most
5 important thing was just getting people on the street, with any purpose in mind so that they
6 can swing by and meander into other shops, or kind of fill other shopping needs while they're
7 there. And I think that makes a lot of sense. Relaxing formula retail ... like a 100% in context of
8 pharmacies, and potentially some similar kinds of stores, and I'd have to think it's true that like
9 many other uses too, would make sense for me. I think increasing the threshold from 10 would
10 certainly be a start. I think like Santa Monica, like how they exclude restaurants from their... or
11 only exclude restaurants from formula retail ... like something like that would also be a start. I
12 do agree that you know, people aren't applying for Conditional use permits now, but I think
13 there is a perception that going through the effort to actually propose a plan and have a
14 concrete plan and go through conditional use permit is too risky, and I think if we can just relax
15 this up front, like that would make a lot of sense to me. Like our public commenter noted, I am
16 a little bit skeptical in loosening ground floor retail restrictions, I think one benefit that's not
17 mentioned is that a medical office or a dental office can pay pretty good rent and we know that
18 supply and demand is somehow broken here, but adding a lot of demand that can pay pretty
19 high rent may displace mom and pops and I'd be really concerned about that, even on the side
20 streets. Even on the Hamiltons' and other streets that like ... yeah medical office will
21 cannibalize... some of the retail we really do want to preserve. And so, okay sorry, going
22 through my notes. I do support loosening ground floor retail restrictions in theory ... like there
23 were things mentioned of like dog grooming businesses or other kind of uses that weren't
24 permitted and I think things like that don't make sense to me. Yeah, so I guess my kind of more
25 general question is ... where do staff and consultants want us to be at this point. I see we have
26 one more meeting with the whole commission before we actually recommend this to Council ...
27 should we actually be workshopping specific zoning changes... like now... are we on schedule,
28 are we going to arrive at May 8th and be a bit lost in terms of what actually to recommend.

29
30 Consultant Dan Wery: I'll take a shot at that and thank you those are good thoughts. In terms
31 of where to be, I was a little verbose but I think you should feel comfortable with having a
32 spectrum of recommendations, I think if you can make specific ones that you have a majority or
33 consensus on, make those. But don't feel limited to just the things you've got consensus on, I
34 think we're getting a lot of good discussion and ideas here tonight and I think with those, even
35 if you stopped right there, you can record those and forward those on to City Council and that's
36 good direction to use. So, I think you've actually provided a lot of good thought here tonight
37 and I think that's all valuable to City Council. Just a reminder, the idea is not to have specific
38 zoning amendments at this end of this, in this period, the idea is these are the strategies that
39 are going to lead to specific amendments or other actions. And, so you're looking at... think of it
40 like a menu... hey these are the things that make... have the highest promise, or here's an
41 approach and if you can be specific, that's great. If you can agree on changing the threshold as a
42 formula business, great, if you can agree on limiting the formula to certain types of businesses
43 such as restaurants, all the better. And if you can agree on some of the recommendations
44 maybe allowing or repealing the ground floor restrictions on certain side streets, that's great.

1 Those alone, those would be three really good concrete recommendations, and again, maybe
2 there's some other ones that might need a little more time and effort, and that's fine. I think
3 that's your roll and the value of your recommendations, and then City Council and staff can
4 come up with a plan to prioritize and you know, implement those, or develop those further. So I
5 would say, what you're doing now is exactly the right thing.

6
7 Ms. French: I would echo that and I could also say that I can upload the presentation that's in
8 the packet if it would help to have something to stare at and yea, nay; if that's of value I can do
9 that right now.

10
11 Commissioner Reckdahl: I want to get feedback for... Allen asked a specific question and I
12 wanted to get your opinions on that. Formula retail on Cal Ave... on one hand Cal Ave always
13 had this kind of unique vibe about it and if you bring in formula retail now, it just becomes
14 another boring retail spot, or on the other hand, would you rather have a subway next to you,
15 or an empty store. And so that's the tradeoff. What are you willing to give up and would bring
16 in some formula retail enhance Cal Ave, or ruin it?

17
18 Commissioner Templeton: Well, let me use University as an example instead of Cal Ave. When
19 I used to go to University as a destination like a place to hang out and shop and buy things or
20 whatever, you guys remember when the Border's was there? And that little theater? I loved it,
21 right? That's a form... a big nationwide chain. But we had all these other really cool places
22 around it. You know, we had a couple of those restaurants were also nationwide chains...
23 Cheesecake Factory used to be there, but that wasn't my vibe. Maybe some people visiting
24 from out of town or people who love cheesecake, I'm looking at you George (laughter)... You
25 know, so maybe it had a variety of options, but for me, that was a hub... I loved to go to the
26 bookstore and then walk around and buy ice cream or go out to dinner or whatever ... this was
27 probably pre-kids so maybe that was a different vibe... and I go to California Avenue now
28 because they can play in the street, but you know, anyway... I think there's some value in
29 having them there, but also their tolerance for competing with the online retailers ... you know,
30 had them leave too early. I think if they were there now, they would be popular again. Right?
31 So we were kind of subject to our corporate overlords deciding those things instead of the mom
32 and pop owners, right, that we've been talking about. It has its pluses; it has its minuses. It can
33 be a draw, but they're not invested in the community the same way some of the smaller
34 companies might be. So I go to Town and County now and I shop at Booksy.

35
36 Commissioner Reckdahl: So, if we came with a proposal to allow formula retail on Cal Ave,
37 you're saying you don't know, right now. You see the pros, you see the cons and you're not
38 sure which side of the coin you're going to end up on?

39
40 Commissioner Templeton: In the end, I really prefer the model of Town and County, which has
41 at least as they've discussed with us, that their approach is to find really quirky people to rent
42 to and if it is a chain it'll be a special chain that fits in somehow nicely with their other retail
43 shops that they're renting to. So, it's a conditional yes, it's like you know... your question...
44 subway / McDonalds / CVS are probably not the vibe we're looking for in this City for long term

1 investment. I don't know how, you know, how long term their investments are. The McDonalds
2 on El Camino has been here since I've been here... a long time but you know, that doesn't mean
3 that others would be. So, it's... I would probably prefer ... I have gotten used to the fun locally
4 owned businesses that we have, and I want them to be successful and I hear what I think both
5 of you have said that that ... if we have more of the larger chains that it will change the rental
6 pricing and drive out local businesses. I think that would be touch to swallow. But, then again, I
7 can't deny that I liked shopping at the big bookstore.

8
9 Commissioner Reckdahl: But there's a lot of vacancies on Cal Ave. So, one of the points that we
10 made in the ad hoc is that it doesn't seem like formula retail has ruined University so if we have
11 the same ...

12
13 Commissioner Templeton: Well, to you... like I don't go there anymore.

14
15 Commissioner Reckdahl: Because of...

16
17 Commissioner Templeton: I don't know why. I mean I'd have to really take some introspection
18 like I said, it was different phases of my life as well. But, you know, do I miss the bookstore
19 that's not there anymore on Cal Ave? I do. So. Sorry that is not a definitive answer for you, I'm
20 just demonstrating the struggle is real.

21
22 Commissioner Reckdahl: Doria [Chair Summa], what do you think? Formula retail.

23
24 Chair Summa: So, what I think is that I don't see what the magic number of 10, that that makes
25 it evil, you know, or undesirable, evil is the wrong word, but I do think ... I do worry about small
26 mom and pop businesses leaving, I think that's ... they're leaving anyway.

27
28 Commissioner Reckdahl: But if you had some chain like subway come in... is that going to bring
29 more people in and help those mom and pops or (crosstalk) be more competition and drive
30 mom and pops out more?

31
32 Chair Summa: Well I will say that I would not have formula dining because I think the one really
33 successful draw on California Avenue besides the market, are the restaurants and I don't want
34 to compete with those. And the only ... the two ... Cal Ave... there's a Pizza Hut or something on
35 Cambridge, and there was a Subway on Cal Ave, those are the only restaurants... those both
36 went out of business. They weren't a draw... as did the luxury hotdog business...

37
38 Commissioner Akin: Starbucks. There was also Starbucks.

39
40 Chair Summa: Yeah... and Starbucks. So those don't... I would not want to compete with the
41 local ... and I think of the success of Backyard Brew... and it's packed all the time because it's a
42 quirky adorable lovable place that provides a great service. I'm glad Starbucks left more than
43 would be if Backyard Brew failed, but they're not going to fail because they're so busy. I mean
44 something could happen, but I do think that ... I think the problem... I don't see formula dining

1 on Cal Ave. You know, and this came up sort of for a little reminiscence about every body's
2 favorite project... NVCAP, the North Ventura ... there was a time before COVID when they
3 thought they were going to get a specialty Target there, and the representative from the... he
4 was almost ... from... Sobrato was almost kind of sheepish saying 'you wouldn't want that in
5 Palo Alto' and I'm like... are you kidding?? They have boutique Targets ... they're called
6 Boutique's in Manhattan, they fit in like what I was saying like a McDonald's in the Vatican or
7 Paris, they fit in to the street's rhythm and storefront structure, they're much smaller than big
8 Target's and even the signage is appropriate and I thought people would love having that there,
9 to walk to... but that didn't happen... but that's why... that was 60,000 or 80,000 square feet,
10 right, so that's different... (interrupted)

11
12 Commissioner Reckdahl: No, it was going to be actually much smaller than that.

13
14 Chair Summa: I forget.

15
16 Commissioner Reckdahl: The building was 60 or 80 but I think Target only wanted (interrupted)

17
18 Chair Summa: No... Fry's... Fry's...

19
20 Commissioner Reckdahl: Fry's was 60 or 80, but Target didn't want that whole thing.

21
22 Chair Summa: Yeah. But anyway... I'm just saying that I don't think that was... that would be a
23 disaster, I actually think it would be a practical place that people would go to. I do not want to
24 do things that hurt our existing businesses, but half the people that have businesses on Cal Ave,
25 didn't want the street closed and half did. And... I don't know... I'm glad ... I hope everything
26 works out for the best, but I think people are leaving because of the cost of rentals. And I know
27 that the guy who opened not too long ago now, the hardware shop, on California Ave, which I
28 desperately try to go to as often as possible, he told me, the owner of that store, that worked
29 out for him finally... they wanted a location there because the property owner or manager
30 dropped the price. That's why they were able to move in... yeah. So, that being said, I'm willing
31 to believe that some of the way we structure our zoning code and regulation might be a turn
32 off... I continue to think that conditional use permits are a very good tool to control a mix.
33 Because if you have to have a conditional use permit for something, it can be turned down
34 because your discretionary view, there's already too much of that type of thing. And it does
35 control gyms, which I think is good because gyms don't really draw the public, they draw the
36 members of the gym in. So, I just can't think of many of these zoning strategies that were
37 recommended that really seemed like a good idea to me. And I don't want to take away any
38 body's walking area, I am more open to sort of expanding uses on side streets. As for animal
39 services ... pet grooming is already allowed as a retail use, so... one thing we could go through...
40 what we could do is go through the allowed retail uses and see if something is missing. I would
41 prefer to approach it as adding a clause that was like 'or any other business that is open to or
42 for the public'. You know, that's really what retail is, its something that anybody can choose to
43 go to. So, because I don't know what we're missing in those definitions so I think a broad
44 discretionary clause like that could be useful. We no longer... and as to... somebody mentioned

1 something, I forget who about ... if there's not the ground floor retail requirement, I don't
2 understand what's going to go on the ground floor. There's also a huge vacancy in office space.
3 And... so what would go there...

4
5 Commissioner Reckdahl: Like over in Ramona... off Hamilton... there's tech offices ground floor.

6
7 Chair Summa: And I'd like to know how much... because there was some sort of... you know the
8 bigger buildings downtown on Hamilton is a ... what we called back in the day... Faux-tail... it's
9 actually an office parading as retail. I would want to know how many of those were counted as
10 vacancy... and do they count as retail vacancy or office vacancy... you know, it's funny the way
11 the numbers are kind of counted too. And we did have some conversions to non-ground floor
12 retail uses that may have been errors and then they were allowed to continue so there's that
13 also. I wanted to see ideas about... I wonder... I mean I went to ... there's... I want to see ideas
14 that positively go and court the kind of businesses that we want here.

15
16 Commissioner Reckdahl: They City's doing that. This is a zoning issue. It's already occurring,
17 one of the complaints they have is the uncertainties of ... well I have to go up and apply for a
18 CPM and I'm not sure if I'm going to get it and so... and so that's one of the things the
19 applicants are pushing back to the City on and saying the uncertainty is making me less likely to
20 jump in and rent the place.

21
22 Chair Summa: But I think... well I don't know I've never tried to apply for a CUP, but I think that
23 if there is ... I think staff has dealt with it often enough that if there are reasons why you're not
24 going to get it, they'll tell you and then you should leave... but I think the CUP's for larger gyms
25 is a good way of not having too much of that on Cal Ave and some people already think there is
26 too much in the way of work out spaces on Cal Ave. So...

27
28 Commissioner Reckdahl: Gyms are personal service, right? They're not retail.

29
30 Chair Summa: They're Retail-like, they're allowed in ground floor.

31
32 Commissioner Reckdahl: Ok.

33
34 Commissioner Templeton: Have we thought about ... I mean... I going back to the ... what
35 we're all saying is we wish there was somebody curating and cultivating and courting these
36 people and that already have a set level of expectation of permission already granted. What
37 we're talking about is a management company or a management service ... is that something
38 that we can as a City ... like do?

39
40 Commissioner Akin: Yeah, this is part of the discussion from last night that I deliberately
41 skipped today...

42
43 Commissioner Templeton: Sorry.

1 Commissioner Akin: But perhaps that was a mistake. For a good part of the meeting, Steve
2 Guagliardo, who's our Economic Development person in the City Manager's office, attended
3 and it's clear that a lot of these issues are in ... those balls are in his court, but we discussed a
4 number of possibilities that Council could pursue as well, they're simply not within the purview
5 of the PTC, so these things are going to get looked at and there is a person who is in charge
6 nominally of making sure they get looked at ... Council has, at its disposal a huge number of
7 carrots that can be applied to encourage particular kinds of tenants and I think it would be well
8 for us to suggest a few of those but I sort of doubt that we're coming up with anything that
9 they haven't already thought of. But you're point is well taken, and... I just want to be
10 encouraging that yes, people are thinking about it, it's not getting lost.

11
12 Commissioner Templeton: That's good to know. Thank you.

13
14 Commissioner Lu: I just want to make a couple of quick comments and clarifications, so, when I
15 was speaking earlier about formula retail, I just wanted to be clear that for restaurants I am not
16 against blocking formula retail of restaurants, just increasing the threshold ... I think maybe I
17 made that point in a disjointed way. For example, Cupa Café apparently has nine locations and
18 if they had one more, they would not be allowed to open on Cal Ave, but they're hyper local
19 business that has a lot of character and so... restaurants can be allowed up to some pretty high
20 limit I think, that still has character and certainly something more than ten. For other areas, I
21 haven't thought about all the uses but would be generally very permissive... or more permissive
22 of formula retail ... I think CUP's are incredibly painful for businesses to actually pursue and I
23 think it's a really strong disincentive from even getting a proposal together, to have to do a lot
24 of negotiation with the landlord and then have even a 10% chance or even 20% change that
25 your project gets blown up can radically alter the economics of opening in Palo Alto versus
26 opening in a neighboring city next door. So, I think anything possible to avoid CUPs for
27 reasonable use cases is a line I would want to pick.

28
29 Commissioner Templeton: That's why I was thinking in trying to something like that for like a
30 district or like a couple of blocks like as a group.. is that something... even thought it's different
31 buildings and landlords and like... I know it's a little different but ... like if you can make that ...
32 part of the process... the reason that's so painful for our small business owners is they don't
33 know it... so if we could have somebody who knows how to navigate that process, kind of help
34 them with that it might make it easier. I don't know.

35
36 Commissioner Akin: Yeah, that's one of the options... Dan mentioned this, I think some of the
37 others of us described it as well, the spiritual successor to the what uses for our document...
38 and just as long as we stay simple and consistent as possible so that it's predictable and
39 understandable. I'm amused by the discussion about formula retail restaurants because I've
40 been around here long enough that I remember generations of these things coming and going
41 downtown ... how many people here ate in the Burger King on University Ave... the ToGo's ?
42 The Roundtable? Right... so, these things existed and yet somehow the local restaurants
43 managed to survive and even thrive, so I'm less worried about that than I once was just
44 because of remembering the history here. Any rate... to try and bring this to some close, we

1 need to move on to other things, I guess what my thinking is... and what Commissioner
2 Reckdahl and Vice-Chair Chang and I need to take what you just told us and make a pass
3 through the code and come up with some at least some pointers to the areas that might be
4 fruitful. And then we can consider suggesting changes in those areas to Council. Does that seem
5 like a good next step?

6
7 Commissioner Templeton: Yes, to me.

8
9 Chair Summa: I think so, because unless we just want to react to the slide that Ms. French had
10 up... hoping that we would look at it, and we didn't talk about it... unless we want to react to
11 those seven bullet points or whatever... however many there are... I'm looking for it... but ... we
12 could do that and give some direction to both ... to everybody...

13
14 Commissioner Reckdahl: What I think... I want to understand what you guys are thinking so
15 that when we're in our group we're not in there ... our tiny little group without taking your
16 opinions into account, so any guidance you can give us by saying ... Oh.. Not that one or ... Yes, I
17 like that one...

18
19 Chair Summa: Okay here it is... So I would say there is a considerable interest amongst the
20 group of ... in number 1. Not to eliminate it but to find a way so it will be more usable. I didn't
21 hear much interest in 2. I think three...

22
23 Commissioner Reckdahl: Well, but 2 ... could you broaden that, is there... should we look
24 through the list of retail ... not tonight, but look through the list of retail and propose perhaps
25 adding these categories that we think that these categories in a ground floor retail would not
26 ruin the retail vibe.

27
28 Chair Summa: I guess that would be useful, but we'd have... what's allowed is retail and retail-
29 like, so and there's a lot of things, like pet grooming is allowed; that we're... we need to
30 understand clearly amongst us all. Eliminating number 3, I didn't hear any interest in that based
31 on region, district, whatever, and maybe there's interest in having more leeway on side streets
32 like the Council decided to do downtown. I don't know what lower relief standards means.

33
34 Commissioner Akin: Perhaps Dan would like to speak to that. But there was one specific
35 example in the RPO or to get a waiver, essentially requires a legal standard that's so high it
36 would never ever be done. And that seems like low hanging fruit.

37
38 Commissioner Templeton: So like somebody couldn't rent this property ever because it's
39 zoned in a way that's not popular anymore and they can't change it.

40
41 Chair Summa: So I wasn't sure what that meant... it's to allow more waivers from the ground
42 floor retail. I'd have to think about that, I didn't now what it meant so I didn't read... I didn't
43 review the waiver process. Simplifying the zoning code to make it more user friendly is a whole

1 separate thing that I don't think we were specifically being asked here and I think Commissioner
2 Akin sort of said that also. And if anybody else has comments on these five things...

3
4 Commissioner Templeton: I just want to correct the record because I said that Town and
5 Country is mostly not these formula places, but they do have a CVS, so.

6
7 Chair Summa: They have a CVS, a Trader's Joe's, a Pete's

8
9 Commissioner Akin: And a forty percent vacancy rate.

10
11 Commissioner Templeton: Dangit. But I like to go there.

12
13 Chair Summa: Yeah.

14
15 Commissioner Templeton: So I'm still trying to say the destination idea is fine, what I'm trying
16 to correct is it does tolerate some of this formula retail use.

17
18 Chair Summa: Exactly. I think it's mostly formula, and so I've kind of commented on the
19 possible zoning strategies preliminaries, would anyone else like to? We've kind of all talked
20 about them. And What else specifically could we ... it's hard to discuss simplifying the zoning
21 code without having the zoning code with redline additions in front of you to compare. It's too
22 broad and open of a thing. And ...

23
24 Commissioner Akin: It's too long term.

25
26 Commissioner Reckdahl: The consultants looked at this and they're newbies, right? And they
27 say Oh my God this is really complicated. And even, I've been through the zoning code a lot and
28 it's still complicated for me. And so, that can't be a good thing. Is there ways of like reducing
29 the overlays or reducing the number of different types of zones so there's less complexity. Or is
30 that complexity necessary. If you think it's necessary, that's a valid opinion.

31
32 Chair Summa: I think... I'm sure the code could be rewritten better because it gets kind of... it
33 gets added on to and changed, in an ad hoc sort of manner, it's not one thing, it's a compilation
34 of things. I don't know if it's worse than other city's codes. You know, but I do think 'allow
35 alternate active uses' ... if there are uses, we have left out, that are not retail and retail-like uses
36 that are left out, we should definitely accommodate for adding those in. I just think...

37
38 Commissioner Templeton: More libraries and book stores.

39
40 Chair Summa: Well, we can't tell people to open libraries and bookstores. I don't know if that's
41 enough for tonight or if the consultant and the ad hoc and the staff need more than that.

42
43 Commissioner Akin: Speaking only for myself, yeah I think we have enough to work on. We can
44 do something useful and be ready for another round.

1
2 Commissioner Reckdahl: Okay but we don't want to go open loop and propose something that
3 you're drastically opposed to so getting your opinions is very valuable.

4
5 Chair Summa: Thanks. Mr. Wery, is there something else you would like our specific feedback
6 on this evening?

7
8 Consultant Dan Wery: I think we've actually made a lot of progress here, I think when we start
9 taking... and record it and we've been taking good notes, there's quite a bit to go on and it is
10 guidance and that's good. So I think you've made some real progress. The... I'll just loop back to
11 the last discussion quickly on simplifying the code, under that category there were a couple of
12 items there ... one was what Allen [Commissioner Akin] had mentioned about the ... or actually
13 that's the relief standard... you do have a relief standard in there which is the alternative active
14 uses, that's a good... a reasonably good standard. One of the things you could do in terms of
15 simplifying the code and or lower the relief standards to be more reasonable, the other
16 standard that was in there, by the way, is an unconstitutional taking of all economic use of your
17 property. That's an impossible standard. You don't want to go there. I'm just advising you,
18 that's not a good standard threshold, that's the ultimate ... it's life or death, it's extrastencial.
19 The alternative active uses is a typical reasonable hardship standard is the [TIMESTAMP 3:55
20 Unintelligible] there's other provisions in there that when you ... how do you prove that? Their
21 code says well you need to look at ten years of history... that's a long history that.. so again.. the
22 other details start to pile up on that... it becomes... again... if you want to deny something,
23 you've got every ability to deny something... so again, all these things kind of feed into each
24 other... so there's opportunities there to lessen that up and we can get into more details
25 perhaps with the ad hoc committee. In terms of simplifying the code, one of the examples I
26 suggested was kind of a... those use tables... I think Commissioner Akin had mentioned that an
27 Commissioner Reckdahl had mentioned that as well. That I think is a great starting point. You
28 can do that.. we've already started that ... just a broader understanding of the code. And I think
29 that's something that can be done relatively quickly, that will pay dividends again for staff and
30 property owners and applicants and will lead to more specific changes when you look at the
31 code through that lens you'll see gaps and conflicts and inconsistencies as we did, and I think
32 that's a good method. So I think that would be a recommendation in terms of simplifying the
33 code. And then with any other provisions that you're looking for again... simplifying the code in
34 general... great idea. I'd make that a recommendation... and then you can get into how do we
35 implement that. And again... as I mentioned there's a couple different ways. Any other
36 amendments that you make again, keep that same thing in mind... you want that certainty, you
37 want that ease of use and simplify wherever you can. So let's not add more complexity in the
38 code, let's make it simpler. So even if you're looking at formula retail, or the ground floor R or
39 GF modifying districts, you know, think of it that way, hey maybe we can simplify that. We
40 have... there is redundancy for instance between the RPO and those R and GF modifying
41 districts, and then as was pointed out earlier.. there's kind of the inverse, which is the
42 restrictions on office uses. And they're all kind of circling and competing and working together.
43 So there's opportunity there to simplify. One of the things I think Chair that you mentioned that
44 I specifically noted was you know, in terms of the permissible uses, the retail and retail-like,

1 focusing on other ... other public uses that are open to the public and that's an approach that
2 has been used elsewhere so rather than trying to define each and every type of use, again ...
3 uses come and go, they evolve, focus on the outcome that you want, which is you want
4 activity... you want people going in and out of the door... you want to have a use that drags or
5 generates pedestrians past the doors of the other businesses, so you have that synergy there
6 that adds to vitality. Just as an example San Diego has certain streets and districts that they
7 require certain amount of active street frontage and they give example of uses and it's much
8 like you're retail and retail-like but the standard is... does it generate that activity. And that's
9 very similar to what Chair, you had mentioned about, you know, is it generating that.. open to
10 the public ... is it generating that traffic. That's something that you know, would be a relatively
11 discreet easy change that could open up you know, flexibility in to your uses. Again... kind of
12 you know, mitigate some of the you know, other restrictions. Where you're trying to be so
13 precise and you're never going to get it right, if it's only this use and not those uses, there's
14 always going to be some use that falls through the gap or doesn't quite fit the interpretation. So
15 I think those are just a couple of things I... you know maybe, we can follow up on with the ad
16 hoc together. I think those are good opportunities. So.

17
18 Chair Summa: Okay, Is that enough for us this evening. Does anybody have anything to add?
19 Okay well thank you very much. I will release our consultants and thank you for coming this
20 evening and we can move on to our final item which is the Palo Alto Link.