



BOARD OF DIRECTORS MEETING

Tuesday, November 18, 2014

Treasure Mountain Inn

Mission statement:

To promote, enhance and encourage an atmosphere that is beneficial to the businesses of Historic Park City and the community, while informing and building consensus among property owners, merchants and governmental agencies.

HPCA Regular Meeting

I.	Roll Call	8:30am
II.	Minutes from October 21, 2014	8:35am
III.	Public Input (Any matter of business not scheduled on agenda)	8:35am
IV.	Questions on Items included within the Written Update Section	8:40am
V.	Peak Parking Demand Update	8:45am
VI.	Halloween Feedback	8:55am
VII.	Outdoor Dining Decks located in Public Parking	9:05am
VII.	Background on Main Street Leasing	9:25am
VIII.	Main Street Tenant Mix – Discussion	9:40am
VIII.	Adjourn Regular Meeting	10:00am

Written updates included within the packet:

Infrastructure Improvements Update
Marketing and Communications Snapshot
Sundance Temporary Occupancy Calculations
Parking Fee-In Lieu Study

Future Meetings

Note: This future meeting schedule is TENTATIVE and subject to change.

<u>December 16, 2014</u>	2015 Construction Event Code Changes Sundance Rules of the Road
<u>January 2015</u>	No Meeting
<u>February 17, 2015</u>	HPCA Events Board Check-in on Retreat Items
<u>March 17, 2015</u>	Review of HPCA Visioning Statements

Pending Discussion Items:

- Swede Alley development
- Future Olympic Bid
- HPCA Strategic Planning

DRAFT
Minutes of the Board of Directors Meeting
Tuesday, October 18, 2014 8:30a.m.
Treasure Mountain Inn

BOD Attendance: Stephanie Johnston, Susan Meyer, Judy Cullen, Sandra Morrison, Lori Harris, Ken Davis, Becca Gerber, Monty Coates, Puggy Holmgren, Georgia Anderson (ex-officio), Matt Gebo (ex-officio), Myles Rademan (ex-officio), and Alison Butz (Executive Director).

Absent: Charles Mudd, Ron Wedig, Elisabeth Flaherty, Emerson Oliveira, Jan Wilking, and Andy Beerman (ex-officio).

Others present: Tim Henney, Meisha Lawson, Rick Anderson, Jonathan Weidenhamer, Mark Harrington, Thomas Eddington, Nathan Rafferty, Michael Kaplan, Blake Foncesbeck, Samantha Davis, Braden Hughes, Mike Sweeney, Craig Sanchez, and John Kenworthy.

The meeting was called to order at 8:33 am.

Minutes from September 16, 2014 Meeting

Monty Coates made a motion to approve the minutes. Maren Mullin seconded the motion. The minutes were unanimously approved.

Public Input (Any matter of business not scheduled on agenda)

Ken Davis thanked Monty Coates and Meisha Lawson for their efforts on Autumn Aloft. It was a successful weekend and a great start to bring the event back. Ken Davis introduced his daughter Samantha and Braden Hughes who now work for Java Cow. Samantha is now the General Manager. Java Cow will be opening a second location for ice cream at Kimball's Junction, planned opening in spring.

Meisha Lawson indicated that she has flyers for Halloween for the merchants to take and post. Maren Mullin stated that while the Gallery Stroll is scheduled for Halloween evening, not all galleries will be open. Meisha gave an overview of the Halloween activities.

John Kenworthy asked for an update on the USC Marching Band's parade on Main Street. Alison gave a brief overview and stated that information will be sent to merchants in an email later in the day. Bob Kollar stated that the Chamber reaches out to the visiting teams and their alumni associations to attract them to stay here when their teams are playing the University of Utah or BYU.

Questions on Items included within the Written Update Section

Monty Coates had a question as to when the Plazas are scheduled to be constructed. Craig Sanchez stated that an RFP is being developed for the design of the Brew Pub Plaza and that there is a hope to construct Miners Park this time next year. Craig will provide a more defined update at a future meeting. Ken Davis asked when the Bear Bench Walkway would be completed. Craig stated that December 1 is the goal for completion.

Holidays in Historic Park City

Alison Butz explained that the HPCA requested \$4,500 of the needed \$5,500 from the Chamber for Historic Park City holiday activities which have included Mr. and Mrs. Claus, carolers and juggling elves on Main Street during the holiday promotion period between Thanksgiving and Christmas. Only \$1,000 in funding was allocated through the grant process.

Both Meisha Lawson and Alison Butz feel \$1,000 in programming will not be adequate and request \$3,000 from unallocated funds in the HPCA's budget be used for the Holiday activation. This will provide a total budget of \$5,000. There is \$3,770 in unallocated funds in the HPCA budget. The travel budget of \$750 will remain unused and Alison felt there additional unfunded money will remain after this reallocation.

The Board was supportive of the change to the budget.

Alison then explained that during the October Executive Meeting the Committee reviewed the plans for winter employee parking. During the discussion the Committee weighed the positive outreach provided by having free parking on Main

Street between Thanksgiving to December 19th and the use of the free parking by employees, real estate agents and contractors. The Executive Committee felt that the positive outreach is in conflict with the winter employee parking plan and therefore recommends that the HPCA not offer free parking from Thanksgiving through December 19th.

Becca Gerber commented that consistency is key when working to institute changes and offering free parking would confuse the issue. Georgia Anderson asked if tokens could be given, or another option would be available that could be shared with local clientele. Lori Harris stated that she buys tokens and gives them away to customers. Georgia asked if some offer could be included within a promotion. Rick Anderson felt the free parking drives business.

Meisha Lawson walked through some options as to how parking could be given for free and she will investigate the ease for the customer. Maren Mullin asked if it is something the stores should pay for versus the HPCA. Alison Butz shared concerns about the cost and keeping up stock of tokens if that was the option. Becca felt it should be up to individual business owners. Ken suggested there be a free parking ad in the newspaper that can be used on the dash of a customer's car. The Board supported a way to look at offering free parking for customers.

Susan Meyer indicated that much of the funds spent for Holidays is on one time activation items versus spending funds on attractions that are a permanent investment, such as special lighting. Alison and Meisha committed to scheduling the discussion at a future Board Meeting.

Peak Parking Demand Update

The Peak Parking Demand Committee continues to meet with City Staff to further refine an employee parking solution for this winter. Alison Butz, Stephanie Johnston and John Kenworthy met with a few restaurants to review the potential program. During that meeting the restaurants were supportive of addressing the issue and felt an employee lot could work. They suggested the employee lot operate 7 days a week; however the Park City Transit Department does not have the ability to use the school lot on additional nights.

The City is still working with a consultant to investigate adding more parking within town. This report will provide an overview of how many spaces can be added at certain locations and the cost for construction. This information will be available in December.

Alison reviewed the components of the program where the duration of China Bridge remains at 6 hours which the Board has supported in the past. She reviewed a proposed tiered system for the parking passes. Consistency of enforcement until 11pm is added to the covered areas in China Bridge and on Main Street.

A satellite lot at Treasure Mountain Junior High is proposed for Friday and Saturday evenings. The stop is serviced by two bus routes and a 15 passenger van will be traveling point to point to the satellite lot. The van will run from 3:30 to 7pm and the buses run until 3pm.

Ken Davis is concerned about the unintended consequences during the daytime when there are no issues at this time. Rick Anderson confirmed it would cause issues for his employees. The enforcement in China Bridge currently begins at 8am. Maren Mullin confirmed that the issue is not the day time issues. Rick felt that employees should not be driven into the six hours area. Monty Coates stated that he felt the new tiered parking pass fees are too much and would push employees to shuffle cars.

Rick is concerned that we are eliminating free employee parking which has always been available. He feels there will be a reaction to that. John Kenworthy agreed, but stated that the facts are that we have more employees working on Main Street than can ever be accommodated in China Bridge or in the parking surrounding Main Street. John feels the City understands the issue, which has not been the case in the past. There has not been additional parking added to the area to solve this issue. It will require retraining employees on where they can park.

Alison suggested that she can pull together a meeting to draw comments from morning and professional office users within the next week to two weeks. Susan Meyer stated that her employees come to work at 10am. She stated that she has her employees parking on the lots closest to Marsac Avenue. Concerns on all day Saturday restrictions were voiced. Rick expressed concern that the greatest mistake made was changing the covered parking duration from four hours to six hours. Stephanie Johnston clarified that the extension of the duration was done for customers.

Michael Kaplan mentioned that there needs to be an outlet for 24 hour parking. Stephanie agreed.

Becca stated that Aloha Ski and Snowboard employees do not need their car when they are at work. Rick mentioned that he has some employees that are parents and they need to pick up their kids after school which is right after the shift ends. Becca stated that at some point in time people will need to be more proactive regarding their schedules and parking to accommodate guests.

Ken felt it is good that we have the City's attention and that everyone will have some pain and suffering with the changes, but something needs to be figured out that works for all of us. He encouraged input from all sectors.

Alison confirmed that the plans being reviewed are in draft form and was shown at the meeting to garner input. Matt Gebo cautioned the committee to look at how employees travel back to their cars after a shift and safety needed. Sandra Morrison asked if the peak is indeed between 7pm and 9pm. Alison stated that there are some weekends where there is a problem during the day, but it should not be managed the same.

Susan Meyer is strongly supportive of lighting both the Sandridge Lots and stairways to Main Street.

Maren reiterated the proposed restrictions are in place to address the peak demand times.

One Wasatch Presentation

Nathan Rafferty with Ski Utah gave the Board an overview of the plans for One Wasatch which is a proposal to connect seven ski resorts along the Wasatch creating a skier experience similar to what can be found in Europe. Nathan confirmed that the terrain would be accessible for various levels of skiers.

Main Street Tenant Mix – Background

Alison Butz explained that the HPCA has often asked what restrictions could be put in place to limit chain stores and uses in the area. Prior to the Board discussing their thoughts, opinions and providing direction on these topics Mark Harrington, Jonathan Weidenhamer and Thomas Eddington are attending the meeting to provide us background and information on if such regulations can exist.

Jonathan explained that his role with the City allows him to address concerns and goals of local businesses and he can return to the City Council with our concerns to receive direction. Regarding the commercial mix on Main Street an initial look was done in 2002 and an additional study in 2006. There was a perception that the number of real estate offices was increasing on Main Street. While that was not the actual case, the City Council did a vertical zoning limiting the number of real estate offices on the first floor. The most recent study in 2011 stated that the mix was healthy; the recommendation to improve Main Street's health was to cultivate locals and local business. It gave comparisons from other peer communities on pricing. If there are issues that are important to the HPCA it is important that we express them to him.

Thomas Eddington stated vertical zoning was put in place in 2007 to encourage more vitality on the street. There are some discussion points the HPCA may want to have regarding chain stores. In the work done for the General Plan the staff had the same discussions and looked into regulations around the US. There are some municipalities that have a percentage limit on chain versus local stores in a district. The Planning Commission and City Council would need to look at potential solutions if the HPCA wants to pursue this issue. He cautioned the group not to request prohibition since there are already chain stores on Main Street.

Mark Harrington agreed that these issues have been discussed by the City Council over the past 20 years. They had never passed legislation, but have wanted to know the facts versus responding to fear. Matt Gebo asked if definitions of what a chain is be provided such as definitions used by communities that have limited percentages. Ken Davis asked what has precipitated this discussion. Alison stated that the concern that a large store, that is currently seen in a mall, was looking to move to Main Street. The concern is that once one large store moves in then a trend begins. Michael Kaplan stated that the concern is how to keep our uniqueness. The size of the storefronts used to be a limiting factor; however there are now larger companies who develop a boutique store in markets such as Park City.

Jonathan cautioned not to just look at concerns regarding chains, but also uses converting from nightly rental to residences. Positions such as nightly rentals are important to the HPCA help guide the City Council.

Adjourn

Motion by Maren Mullin and seconded by Ken Davis. The meeting adjourned at 10:15am.

Next meeting November 18, 2014 at 8:30 am at the Treasure Mountain Inn

Written Updates

Infrastructure Improvements and Private Construction Update – Information provided by Craig Sanchez

The only work remaining for this year is the completion of the Bear Bench walkway between Main Street and the Transit Center. The original completion date was December 1st. Miller Paving is working to complete this as soon as possible, however construction will extend past December 1st. The lighting for the mine cart track element are delayed and will be installed in the spring.

Marketing and Communications Snapshot – Information provided by Meisha Lawson

A Peek of Historic Park City – September 26 – October 26

- As expected, having a media buy in market had a positive impact on website visitation.
- Website traffic compared to September was up 40% (7,143 v. 5,082). Website traffic compared to 2013 was up 8% (7,143 v. 6,600).
- In fact, October was our highest month for web traffic ever, with over 1,000 visitors landing on the Peek of Historic Park City landing page.

Historic Park City Holiday Campaign

- Electric Parade Scheduled for 11/29
 - Going to be featured in an upcoming Travel & Leisure web feature.
- 11/28 – 12/19 Holiday Window Display Contest and parking promotion
- Advertising in market 11/17 – 12/19

Sundance Temporary Occupancy Calculations – Information provided by Alison Butz

Stephanie Johnston, Mike Sweeney and Alison Butz have met with City Staff to discuss the enforcement of the ratio of bathrooms to number of people allowed in a venue. Previously capacities for temporary uses were allowed to operate at a ratio of 65 people to 1 restroom, while the code required capacity is set at 40 people to 1 restroom. The code capping the limit at 40:1 has been in place since 2003. Stephanie, Mike and Alison are following up with the City to understand how many of the temporary venues would be limited by this new calculation. The desire is to mitigate this on a case by case basis for those spaces impacted.

Parking Fee-In Lieu Study – Information provided by Kent Cashel

The City's Parking Fee-in-Lieu program enables property owners in the HCB zone to pay a per space fee in order to satisfy project parking requirements set forth in the City's Land Management Code. The current per space fee-in lieu is \$14,000. Staff has three concerns/questions with the current fee-in lieu program and fee.

1. The current fee may be inadequate to offset current structured parking construction costs.
2. The City may not have the space (land) required to construct additional parking in the Main Street Area.
3. Should the parking fee-in-lieu program continued to be offered as an option for property owners?

To address the above questions, Transportation Planning Staff have engaged FFKR Architects and a construction cost estimating professional to conduct a parking structure feasibility and per space cost analysis. This analysis will answer the following questions:

1. Does the City currently own property that would be required to add 300 additional spaces of parking to the Main Street inventory?
2. If adequate property is available what is probable construction cost (per space) for 300 additional spaces?

It is important to understand that the scope of this feasibility study is designed to provide background information for a review of the City's parking fee- in -lieu. While this property and cost analysis could provide valuable information for any parking expansion discussion in the future (e.g., budget level cost estimate and determination if required land is available) the study scope is **not** designed to:

- Answer questions regarding adequacy of current parking supply for Main Street.
- Provide design documents for any future structure
- Lock down a specific site for any potential parking expansion project in the future.

Staff is working cooperatively with Historic Park City Alliance on a Peak-Day Peak- Hour Parking Management program for the 2014-15 winter season. Parking Services will continue to conduct and monitor parking counts to ensure the City has a clear picture of current parking supply and demand.

The parking feasibility study is scheduled for completion in early December 2014. Staff will present study and findings to Council at that time (tentatively scheduled for December 11 work session).

Items Scheduled for Discussion

Peak Parking Demand Update – Alison Butz

Action Requested: Provide feedback as to the update provided by the committee.

The City Council discussed the proposed parking amendments drafted at their November 13th Council Meeting. At the meeting the City Council was favorable towards taking a phased approach to address the parking capacity issues. The Council directed staff to reduce the recommended number of permits issued for each type. The report recommended 500 CB permits be sold and 100 permits allowing parking during the black-out times. The Council also asked for the transferability of the passes be limited to within a household.

City Council Report - Proposed Amendments to the Peak Parking Demand Recommendations

	Existing	Proposed (10/2014)	Amended
Sandridge Parking Lots	24 Hours – Free	6 Hours	24 Hours - Free
China Bridge			
• Top Level	Unlimited – No parking 3am to 7am	6 Hours	Unlimited – No parking 3am to 7am
• Covered	6 hours per space – 8am to 8pm	6 hours per vehicle – 8am to 11pm	6 hours per vehicle – 8am to 11pm
Main Street	3 hours - \$1.50/hr – 11am to 8pm	3 hours - \$1.50/hr – 11am to 11pm	3 hours - \$1.50/hr – 11am to 11pm

	CB Permit	CB Permit w/ Black Outs Amended	CB Permit w/out Black Outs Amended
Cost	\$100	\$150/year	\$300/year
Maximum Number Issued	None	TBD	TBD
Permits	Unlimited parking in covered area	Unlimited parking in covered area Sundays –Thursdays all day. Unlimited parking Fridays and Saturdays until 6pm.	Unlimited parking in covered area
Who can purchase?	Employees of businesses	Businesses (similar to season passes through Chamber)	Businesses (similar to season passes through Chamber)
Transferrable	Yes, no notification needed	Yes, no notification needed	Yes, no notification needed
Sundance	Top Level of China Bridge if available *additional add-on for covered area available for purchase	Top Level of China Bridge if available *additional add-on for covered area available for purchase	Top Level of China Bridge if available *additional add-on for covered area available for purchase
Arts Festival	Top Level of China Bridge if available	Top Level of China Bridge if available	Top Level of China Bridge if available

Transit Hours included in the City Council Report

- Countywide Service until 3am – Fridays and Saturdays (20 minute frequency)
- Dedicated employee lot at Treasure Mountain School on Kearns Boulevard (150 spaces)
- 15 passenger van service direct to Transit Center in addition to Yellow and Red bus lines from TMMS (3:30pm to 7pm)
- Ability to see the passenger van's location on the Transit App

The next step is for the City Council to formally adopt the proposed changes at a future meeting. Alison will work with Meisha Lawson to finalize the marketing materials that will be distributed to the merchants and employees regarding this winter's plan.

Halloween Feedback – Meisha Lawson and Alison Butz

Action Requested: Provide feedback on Halloween activities.

- Halloween was very well attended, estimates of 5,000 people.
- Do any Lower Main Street merchants have feedback on Lower Main Closure?
- We saw costumed kids and their parents arriving at 1 – 1:30. Do board members have comments on how we should handle arrivals before the listed trick-or-treat time?
- We have already started the discussions on how to handle Halloween on a Saturday?
 - Do any board members have institutional knowledge we can use from the last time Halloween was on a Saturday?

Outdoor Dining Decks located in Public Parking – Alison Butz

Action Requested: Provide feedback on whether dining decks still provide a benefit to the area and whether dining decks, in close proximity to construction, can close for lunch.

The HPCA has supported the placement of dining decks in the street and the vision statement on this topic states the HPCA agrees upon the following:

- The outdoor dining decks in the public way are a continuing program that started in 2010.
- The outdoor dining decks, located in public parking spaces, bring a vibrancy and positive atmosphere to the District.
- The outdoor dining decks, located in public parking spaces, may not have measurably increased traffic to the District, but continuing the program will help to maintain HPC's vibrancy, competitiveness, and overall economic health.
- The outdoor dining program should be managed in a proactive manner to insure that it is consistent with all of our efforts to improve the district and serve our membership. The HPCA believes that the decks are a positive addition and supports their continuation. However, the HPCA is cautious about the rapid growth in number of decks, and will closely monitor (and annually review) their effect on public parking, site lines, events, and pedestrian flow.

During the parking capacity discussions, many comments were received stating that if parking is such a premium then they should not be used for the placement of decks for outdoor dining. As provided above, the HPCA has felt the decks bring aspects to the street that outweigh the loss of parking. In no circumstance can a dining deck take up more than two (2) parking spaces and City codes limit the number of dining decks on the street to a maximum of twelve (12). Currently there are nine (9) decks on the street.

Within the HPCA's recommendations to the City it clearly states that restaurants must have full lunch and dinner service 7 days a week. Over this past summer, Cicero's closed their deck to lunch traffic due to the construction on the Main Street Mall. The construction created an unsavory atmosphere for the diners. The Planning Department did not enforce this requirement.

Background on Main Street Leasing – Jan Wilking and Jon-Eric Greene

Action Requested: No action requested.

The discussion topic of Main Street Tenant Mix will be one that the Board will focus on over the next few months as they determine if they would like to pursue any actions on how the City looks at the tenant mix, chain stores and the ability to keep "mom and pop" shops on Main Street in the future.

Jan Wilking and Jon-Eric Greene will provide the Board with information on the currently leasing market and thoughts on future trends.

Main Street Tenant Mix – Discussion – Alison Butz

Action Requested: No action requested.

The discussion topic of Main Street Tenant Mix will be one that the Board will focus on over the next few months as they determine if they would like to pursue any actions on how the City looks at the tenant mix, chain stores and the ability to keep “mom and pop” shops on Main Street in the future.

To assist a quick calculation of the percentage of “chain” stores as part of the overall business mix on Main Street, a “chain” store was defined as a store with an additional location outside of Summit County. Currently 10% of business licenses within the BID are “chain” stores. With the knowledge of at least 4 of the Main Street Mall tenants, the percentage increases to 12% of the overall business licenses within the BID.

Researching information on restrictions of these types of uses showed findings similar to the HPCA’s concerns within the adoption of regulations. The common reasons were as follows:

- wish to retain their distinctive character
- worry that chains have a negative impact on the town’s economy
- preservation of “historical relevance” and “unique character”
- preserve aesthetics and an attempt to retain the historic identity of the town
- chains like to follow one another; it’s not uncommon for formula businesses to arrive in an area en masse, squeezing out independents and causing a speculative run-up in rents that results in the wholesale transformation of a business district almost overnight.
- long-term economic consequences as the downtown or neighborhood business district loses its distinctive appeal and no longer offers opportunities for independent entrepreneurs.
- in an increasingly homogenized world, cities that have preserved their distinctive character have an economic edge. They are far better able to attract visitors, skilled workers, entrepreneurs, and relocating firms, and thus to prosper over the long-term.

While opponents often claim that such policies will stifle economic growth, the experiences of many of these communities suggest otherwise. Not only have they protected their sense of place and local identity, but they have also prospered economically.

One reason for this is that locally owned stores generate far more local economic activity than chains do. Hometown retailers keep profits in the community. They also support a variety of other local businesses. They hire local accountants, bank at local banks, and advertise in local newspapers. Chain stores do not require much in the way of local goods and services, and instead tend to siphon dollars out of the local economy.

Formula Businesses

Most regulations that limit “chain” stores define the activity as a “Formula Business.” A “Formula Business” means any use that includes, incorporates or utilizes any two or more of the following standardized items that cause it to be substantially identical to more than five other stores, restaurants, businesses, offices or institutions regardless of ownership or location:

A standardized array of products or merchandise, a standardized menu, uniform apparel, standardized architectural design, layout or façade, standardized décor or color scheme and/or standardized signs trademarks, service marks or logos.

- *“Standardized” does not mean identical, but means “substantially the same.”*
- *A standardized array of products or merchandise shall be defined as 50% or more of in-stock products or merchandise from a single distributor bearing uniform markings.*
- *Uniform apparel shall be defined as standardized items of clothing worn by employees including but not limited to standardized aprons, pants, shirts, smocks or dresses, hats and pins (other than name tags) as well as standardized colors of clothing.*

- *Façade shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.*
- *Décor shall be defined as the style of interior furnishings, which may include but is not limited to, style of furniture, wall coverings or permanent fixtures.*
- *Color scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the façade.*
- *Sign shall be defined and include every illustration, lettering, device, insignia or display of any kind, however made, displayed, painted, supported or attached, used for the purpose of advertisement, identification, publicity or notice of any kind.*
- *Trademark shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.*
- *Service mark shall be defined as work, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.*

To prevent and mitigate these problems, some cities and towns have adopted ordinances that prohibit Formula Businesses, cap their total number, or require that they meet certain conditions to open. A ban on formula businesses does not prevent a chain such as Starbucks from coming in, but it does require that Starbucks open a coffee shop that is distinct — in name, operations, and appearance — from all of its other outlets. Although there are a few examples of a chain complying with a formula business ordinance by opening a unique outlet, in most cases, they refuse to veer from their cookie-cutter formula and opt not to open.

About half the policy examples banned formula businesses outright. Others cap their number. Arcata, California, for example, allows no more than nine formula restaurants in the city at any one time. McCall, Idaho, limits formula businesses to no more than 10 percent of the total number of “like businesses” in town (i.e., no more than 10 percent of restaurants, 10 percent of clothing stores, etc.).

Still another approach is to designate formula businesses as a conditional use subject to case-by-case review by either the planning board or the city council. A formula business that wishes to open in any of San Francisco’s neighborhood business districts, for example, must obtain approval from the planning commission. The law states that, in making its decision, the commission must consider: the existing concentration of formula businesses within the neighborhood, whether similar goods or services are already available, compatibility with the character of the neighborhood, retail vacancy rates, and the balance of neighborhood-serving versus citywide or regional-serving businesses.

Restrict Square Footage

Another way to approach this issue is to restrict the maximum business square footage. Bristol, Rhode Island, bars formula businesses larger than 2,500 square feet from its downtown. Smaller formula businesses are allowed provided the town determines they will not detract from the district’s uniqueness or contribute to the “nationwide trend of standardized downtown offerings.” Port Townsend, Washington, restricts formula businesses to a single highway commercial zone and, within that zone, limits them to no more than 3,000 square feet.

In San Francisco, for example, when chain stores began to invade the Northbeach and Castro neighborhoods, the city implemented commercial size caps. These measures limit stores in the two neighborhoods to no more than 4,000 square feet. The size caps help to maintain smaller shops that serve the everyday needs of

residents and keep out chains like The Pottery Barn and Banana Republic, which require larger spaces to accommodate their standard store formats.

There are approximately 13 gallery and retail spaces that are over 2,500 square feet on Main Street. Calculations for the new tenant spaces within the Main Street Mall were not included in this calculation.