

Re: 1/27/16 Joint cc/pc  
Study Session  
DSP update

**From:** John Thomas <johnthomas@cox.net>  
**Sent:** Monday, January 25, 2016 3:35 PM  
**To:** Ken Sadler; Sue Kempf; Anne Johnson; Roger McEriane; Susan McIntock Whitin; Bob Whalen; Steve Dicterow; Zur Schmiede, Rob; Toni Iseman; Kelly Boyd; Pietig, John CM; Hall, Ligia (Leah) CM; Johnson, Christa CM; Pfof, Greg CD; Larson, Ann CD; Jung, Wendy CD  
**Subject:** For Wednesday's Joint Meeting -- Nine Points about parking in the DSP area

Regarding the aspects of the Downtown Specific Plan to be discussed at Wednesday's Joint meeting...

1. **Let's make sure we don't shift the cost burden:** While the purpose of the review of the parking component of the Downtown Specific Plan is to provide an overview and recommendations on parking issues, the City and the consultants need to be careful that the result is not a shift in the burden of the cost from the downtown commercial property owners to the resident taxpayers of the City.
2. **Parking incentives for commercial buildings should be reduced, capped, or eliminated:** It is good to see that the consultants have addressed (page 22) the need to reconsider the policy of parking reductions as an incentive to encourage commercial building historic reuse, and that they recognize that (in their own words) "information gathered...does not support such large reductions."
  - a. The consultants recommend a reduction in the percentage of these incentives, but if we keep the incentive program, they should also be limited to some absolute maximum number of phantom parking spaces for a project such as the three in-lieu spaces or some other limit.
  - b. It makes no sense that one small building can have 50 or 100 spaces waived.
3. **The current incentives don't actually work as intended:** And perhaps the idea of offering parking incentives for historic commercial building reuse should be completely revisited, not just reduced.
  - a. Developing an effective incentive program is very tricky.
  - b. As is, the benefit of the program of offering parking incentives is not going to the party the City policy is intended to motivate.
  - c. What actually happens is that the economic benefit goes to the party selling the building to the new owner, because the policy acts to artificially inflate the value of the property for the seller.
  - d. Why do I say that? Because a developer looks at a potential project by estimating the value of what he plans to do, then subtracts the cost to do whatever he plans to do, and what's left is his profit plus what he can pay to purchase the project. If the City waives the cost of providing parking, the buyer's cost to complete comes down, and the seller can charge him more for the property.
  - e. This does not accomplish what the policy is intended to do, and this does not help motivate the developer to do what the policy is designed to encourage him to do, but it does leave the city with a parking deficiency.
4. **In-lieu fees should be increased to \$100,000 or more to reflect true costs, or the program should be eliminated:**
  - a. Providing facilities for parking in downtown is very expensive.
  - b. The consultants recommend that the in-lieu fee be increased from its current \$20,000 (page 13), but if we continue to offer an in-lieu fee, the fee should cover the full cost to acquire land and construct improvements.
  - c. It should be raised, but the range cited in the consultant's presentation is far below what the actual costs would be to acquire land and construct parking improvements in Laguna.

- d. The most relevant example is the site at 725 Laguna Canyon Road, where total costs to this point of acquisition, consultants, design, and construction of the improvements to this point total in the neighborhood of \$100,000 per space – five times the current in-lieu fee level.
  - e. Any in-lieu fee under \$100,000 per space would border on being a gift.
  - f. And, with the complexity and timing issues of actually assembling a site and constructing improvements, an in-lieu fee closer to \$150,000 per space is probably more realistic.
5. **The irony is – in recent years, few applicants have elected to pay in-lieu fees:** It's ironic that, even at the \$20,000 level, in recent years, very few in-lieu fees have been paid to the City in recent years. And that's because most applicants have been able to figure out other, less expensive ways to work around City parking requirements without having to actually provide a physical parking space.
- a. So, those other City policies that effectively reduce the supply of parking being provided need to be reviewed also.
6. **The downtown should have a Parking & Maintenance Assessment District:** The consultants' recommendation (page 22) of a Maintenance/Parking assessment district is an excellent and appropriate suggestion, and long past due.
7. **Where transit is looked at as a solution to downtown parking, be aware the solution has unintended consequences:** As a part of this review process, the City and the consultants need to be aware that transit based parking solutions can have unintended consequences, such as shifting the burden from the downtown to the neighborhoods.
- a. An example is the use of the trolleys from South Laguna. In many cases, people coming to Laguna will drive to South Laguna, and, rather than pay to park in designated lots, will park for free on the streets in the neighborhoods and ride the free trolley.
  - b. This not only results from time to time in Laguna residents further along the route being crowded out of full trolleys, but it aggravates parking issues for the residents in these neighborhoods.
8. **While “de-coupling” may sound like a tempting idea, how do you fix it if it doesn't work?** The concept described by the consultants as “de-coupling” – which strikes me as the anarchists' approach to land planning – the idea of relieving the City of the cost and responsibility of providing parking, adopting a policy of “no minimum parking requirements”, and letting parking “be driven by market demand,” may sound like a tempting social experiment, but my concern is that, if this experiment does not work out well, the result could be very difficult and expensive to remedy.
9. Note – as an aside: Just to understand the comparison of what parking in downtown would be like if, over the years, there had been no parking waivers, it would be great to know the number of spaces that would exist in the downtown specific plan area if all properties were parked to the “letter of the code” (1 per 250 sq. ft. and 1 per 100 sq. ft. for restaurants, bars, etc.). That is, over the years, how many spaces have been waived cumulatively?

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**From:** Joanne Sutch <jsutch2@cox.net>  
**Sent:** Wednesday, January 27, 2016 11:17 AM  
**To:** City Council  
**Cc:** Chel, Lisette CC; Jung, Wendy CD; Pietig, John CM  
**Subject:** Downtown plan parking comments and misc.

Honorable Mayor Dicterow and Council Members,

I understand that there is a Council meeting tonight concerning the downtown plan parking. With all of the construction going on nowadays (not unusual, by the way), I am hoping that our planners are getting to see firsthand the major artery tie-ups when any of our key streets are blocked off (3rd street now - PCH, Broadway). Also, it is critical that this is viewed during both commuter peak hours and end of day school traffic. In doing so, I would assume that emergency preparedness and evacuation would be a key element in our downtown plan (including parking). We have very few outlet options in the event of fire, flood, mudslide, etc. In an El Nino year, it is especially critical. We are putting emphasis on trees and shrubbery for fire safety. Evacuation should be just as critical a priority now. With any street blocked off, Forest Ave. becomes a major safety valve for traffic. Another thought (often brought up, but not honestly considered) would be to severely limit and/or have moratorium on major building and renovations during the summer time (particularly if it impacts PCH and/or the Canyon.

For this reason alone (although I also have some actual marketing and revenue issues as well, with closing Forest Ave. off as well), I would hope that option of closing off Forest Ave. would finally be dropped from the table and laid to rest. RIP.

10-year CalTrans planning for PCH and the Canyon should also be a major consideration as over 65% of Canyon traffic is neither from, nor with a destination to Laguna Beach (and I'm sure PCH is that much if not more). The building plans both inland and down South are major, and so far Caltrans is not expanding other major arteries (Marguerite Parkway, Crown Valley, etc.), nor are they enhancing the freeways. Instead, PCH and our #133 are being used (like the "sluicing of all of the inland water down to Aliso Creek) as a quick release and remedy for their problems and overflow, with Laguna bearing the brunt of traffic at "end of pipe" (including major accidents, more speeding, more red lights and stop signs being blasted through than ever in our history). What is this going to be like in 10 years? Perhaps Laguna should look at the option of taking over PCH and/or the Canyon maintenance and governing (just as Corona del Mar has done) in order to ensure safety and to maximise any plan that we do adopt.

Another thought (often brought up, but not honestly considered) would be to severely limit and/or have moratorium on major building and renos during the summer time (particularly if it impacts PCH and/or the Canyon. Only emergency repairs would be allowed. By the way, building (and expansion of bathroom and kitchens) is putting more of a strain on our sewer system and further adding to our drought than all of the watering and normal usage. Honestly, other cities are curtailing the buildouts during the drought (particularly if they stress the water systems and sewers). Should we not as well?

In planning for downtown parking, I also have done my own little surveys. Much of what we call "beach traffic" in both North and South Laguna (and often in between) is actually construction worker vehicles. Not only do we have to accommodate the major equipment and contractors trucks, but also all of the workers. They are each driving their individual trucks which get parked all along PCH, Cliff and residential streets. At one time, we thought about housing the vehicles somewhere and somehow bussing them to the major sites, but workmen's comp and insurance risks no longer even permit this option. Therefore, we just have to accommodate each vehicle. I would ask that a study be done of how many of our major parking vehicles are construction-related. Given the amount of construction being allowed (in what once was called a 100% built out community), this needs to be factored in as well. They are here during peak shopping and beach hours, and are certainly not going to be able to be in a parking structure out in the Canyon (or even in town). I agree with Billy Fried that I'm not happy with the limited options that we are being given by yet another consulting company, but I believe that his permitting idea will never work for the above mentioned reason. All of the construction vehicles will be exceptions and our actual shoppers will be the ones punished.

One final thought in revenues and planning for downtown. I worked for major entertainment industries and studied revenues and visitors for 10 years. Depending on the economy, visitors will vary greatly, and spending per cap will fluctuate (as will where the money is spent). However, if there is overcrowding and too many lines, not only will customer satisfaction plummet, but so will sales. People will buy less, and often not return.

As always, thank you for your stewardship and for taking the time out of your busy schedules to listen to yet another opinion. I so appreciate it.

Respectfully,

Joanne Sutch



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January 25, 2016

City of Laguna Beach  
505 Forest Ave.  
Laguna Beach, CA 92651

Dear City Council Members and Planning Commissioners,

After reviewing the materials and recommendations by MIG Inc. for the upcoming City Council and Planning Commission Joint Study Session on January 27, 2016, the Laguna Beach Chamber of Commerce would like to express support for several of the parking recommendations and to provide our vision for keeping Laguna Beach businesses competitive in rapidly changing economic times.

The parking code for Laguna Beach was created in the 1950's based on assumptions that no longer apply today. It encompasses an astounding 62 different uses with separate parking requirements. The parking code was based on a vehicle-centric suburban model that assumes (1) people will park multiple times for multiple destinations and (2) the existence of large swaths of land on which each private commercial development can create parking. Neither assumption makes sense for Laguna Beach now and for the future.

The first assumption does not recognize that our town is highly walkable both in the Downtown and throughout the Commercial/Tourist Corridor of Coast Highway. Our Downtown and Commercial/Tourist Corridor districts are mixed use in nature, made up of restaurants, retail stores, galleries and grocery stores within walking distance of one another. In practice, people tend to park in one space and visit multiple businesses on foot in any given trip. Our current parking code essentially requires a maximum number of parking spaces for each business because it assumes that people will re-park their cars for each business visited. The result is that the "minimum" parking standard is far in excess of actual demand for parking. Though it may not feel as if we have excess parking for our commercial needs, addressing all-day parking at meters by beachgoers would free up on-street parking for customers of local businesses.

The second assumption, which requires each new development or change-of-use applicant to provide on-site parking, has de-incentivized development and promotes an inefficient use of valuable coastal land. The topography of Laguna Beach and the small size of commercial parcels render it often impossible for private developments to build on-site parking. Even in the rare case where a commercial parcel has enough land area to provide parking, is a small parking lot serving only one property the best use of valuable coastal land? The on-site parking requirement can be partially offset through the purchase of three in-lieu parking certificates by Downtown businesses only, while the rest of the disadvantaged Commercial/Tourist Corridor

cannot. Off-site parking can also be provided only 600 feet away. Much of the excess parking has been leased to existing businesses so new or change-of-use projects that cannot provide parking are often dead on arrival.

With a parking code rooted in the past, we strongly believe a re-evaluation is needed to prepare Laguna Beach for rapidly changing consumer demand and trends in transportation. A paradigm shift is occurring in consumer demand. As described in the Chamber's Consumer Spending Trends report (Attachment A), consumers today (1) spend more on dining out than groceries (2) want "experiences" like restaurants and travel rather than shopping and (3) do most of their shopping online. The resultant effect, already being felt in Laguna Beach in the latter half of 2015, is a greater demand for dining establishments and a lower demand for retail stores. Our neighboring cities like Costa Mesa, Huntington Beach and Anaheim have satisfied these trends with vibrant mixed-use projects like the OC Mix, Pacific City and Anaheim Packing District. The parking code in Laguna Beach stifles the ability of our merchants to meet the new reality of consumer demand in the same manner.

Transportation is another area that is rapidly changing the need for parking everywhere. The rise of convenience services Uber and Lyft results in less demand for parking because customers are being dropped off and picked up rather than parking a vehicle. Our year-round trolley has also impacted the amount of parking needed. With many people parking their cars at the periphery of town and taking the trolley into Laguna Beach, fewer parking spaces per business are required. Though seemingly futuristic, the advent of driverless cars is rapidly upon us and will also result in less demand for parking. In the next five to ten years, driverless cars will drop their passengers at a destination and park themselves elsewhere – preferably even out of town. Auto manufacturing companies are investing in "people mobility" services like Lyft and Uber rather than manufacturing because driverless cars will result fewer people owning individual vehicles. Fewer vehicles on the road means fewer parking spaces required.

The Laguna Beach Chamber of Commerce asks the City Council and Planning Commissioners to rethink our current parking code not only in the Downtown but for the entire Commercial/Tourist Corridor to ensure Laguna Beach remains a vibrant destination and has the ability to meet tomorrow's challenges.

We are in agreement with many of the parking recommendations presented by MIG Inc. Specifically, our vision for Laguna's best economic future requires:

- 1) The City to play a role in creating parking because our small commercial parcels are simply unable to create additional parking for any change-of-use. Change-of-use is a serious economic reality given the declining fortune of retail and the rising fortune of food service. Much of Laguna Beach's commercial space is retail in nature – counter to the consumer demand paradigm shift.

The Chamber is in favor of district garages throughout the Commercial/Tourist Corridor and Downtown to reduce parking congestion while making the most efficient use of valuable coastal land.

- 2) The adoption of a blended commercial parking requirement of 1 parking space per 1,000 square feet of commercial space for the entire Commercial/Tourist Corridor and Downtown. A blended commercial rate provides the most flexibility for businesses to meet the consumer demand now and into the future. A parking demand study should be undertaken throughout the city to specify a single blended parking rate applicable to entire Commercial/Tourist Corridor.

- 3) The availability of unlimited in-lieu parking certificates throughout the Commercial/Tourist Corridor and Downtown. The fees collected for the in-lieu spaces should be used to build district garages in the district from where the fees are collected.
- 4) Parking limit of 3 hours rather than 2 hours. Two hour parking limits the ability of people to enjoy dining and shopping in the same trip.

By adopting these changes to the parking code, the Laguna Beach Chamber of Commerce is confident that Laguna Beach can create a vibrant commercial environment inviting to visitors and residents now and into the future.

Respectfully,



Laurence P. Nokes  
President  
Laguna Beach Chamber of Commerce

City Council:

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Councilmember Toni Iseman  
Councilmember Bob Whafen  
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Sue Kempf, Chair Pro Tem  
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Anne Johnson  
Susan McLintock Whitin

City Staff:

John Pietig, City Manager  
Christa Johnson, Asst. City Manager  
Greg Pfost, Director of Community Development  
Wendy Jung, Senior Planner

## Attachment A

### Retail Committee Report Consumer Spending Trends January, 2016

Pick up a copy of any local or national newspaper and you'll find articles written about rapidly changing consumer demand. Trends in consumer spending are upending the retail and restaurant sectors across the country. Consumers are changing how much they are spending, what they are spending on and how they are buying. The recession coupled with demographic changes have ushered in a new era in which consumers are shifting their recessionary surpluses to eating out and experiences rather than shopping.

These paradigmatic shifts in consumer behavior have some industries reeling and others rejoicing. Laguna Beach's commercial sector, like businesses countrywide, must rapidly adapt to these changes to survive.

#### Trend 1: Reduction in Retail Spending

Despite a summer filled with "[...] a lot of people riding the trolleys, using the parking meters and the parking lots and [...] a fair amount of people in town," retailers throughout the City have been reporting varying degrees of reduced sales says an August 9<sup>th</sup>, 2015 article in the Laguna Beach Independent [1]. The summer sales season of 2015 has been described by some retailers as the "worst summer ever" [1].

Since the economic downturn of 2008, "[t]raffic to U.S. retailers was hurt during the financial crisis and recession, when job losses soared and shoppers kept a tight grip on their dollars. But nearly five years into the recovery, it appears many of those shoppers may never be coming back" [4].

With 95% of the visitors to Laguna Beach not staying overnight, the overwhelming majority of our tourists are from nearby. Their demographics indicate they are younger and less wealthy than overnight visitors and residents of Laguna Beach [7]. They are middle class Americans for whom the recovery has been uneven [12]. Retail stores in Laguna Beach have felt the pinch of middle class consumers spending reductions with stores saying "[m]ore day-trippers spending less cash is one reason [and even] seasonal sun-worshippers are holding tight" [1].

The important 2015 Christmas shopping season saw a disappointing decrease in revenue with "Entrepreneurs [saying] they saw fewer shoppers strolling city streets in December compared to previous years, a sign Laguna may not be immune from a retail trend sweeping the nation" [13]. Even the crown jewel of Laguna's downtown, Forest Avenue, "... [pedestrian traffic] is not what it used to be" [13].

#### Trend 2: Increased Demand for Eating Out

One of the most significant factors in reduced retail demand is the spending preferences of the outsized Millennial generation. According to Bloomberg.com, Millennials are now favoring restaurant experiences over other expenditures including staples like groceries with spending on dining exceeding grocery sales for the first time in history [2]. The New York Times, in an article detailing the countrywide retail slump, says that the Millennials are at the forefront of this trend preferring experiences, like dining, instead of retail spending:

"Data released by the Commerce Department shows that American consumers are putting what little extra money they do have to spend each month into eating out [...]. Spending at restaurants and bars has jumped more than 9 percent this year through July compared with the same period last year ..." [3].

#### Trend 3: Online Shopping

In addition to the shift in consumer's preference for eating out rather than shopping in stores, the explosion of online shopping has made it much harder for stores to attract consumers. According to the Bloomberg



Intelligence 2015 Outlook for the Retail Industry “[t]he rise in e-commerce will result in smaller stores and more store closings” [9].

During the 2014 holiday shopping season, shoppers did more online shopping than ever before. According to the National Retail Federation, sales during the Thanksgiving weekend were down 11% with 6 million fewer people visiting stores while CyberMonday sales were up almost 9% [10, paragraph 2]. Entrepreneur reported that a double digit ecommerce growth with a staggering 50% reduction in foot traffic to brick-and-mortar stores [11, para 4,5].

Amazon, the online juggernaut, experienced a record-breaking holiday [2015] season, shipping 200 million more items through its Prime subscription service, which offers free shipping and other benefits [14] while sales at physical stores fell 6.7% and traffic declined 10.4% compared to a year earlier [15].

According to the National Retail Federation more people are shopping online now than going to brick and mortar stores [16] indicating an inflection point that is not likely to reverse.

In January of this year, both Macy’s and Wal-Mart have announced the closure of brick-and-mortar stores specifically due to consumers increasingly favoring “clicks over bricks” when it comes to shopping [18, 19]. The Macy’s in Irvine Spectrum is slated to close.

“The closures underscore the turmoil faced by brick-and-mortar retail across a variety of fronts. Web merchants are gobbling up a growing share of shopping dollars, their vast online catalogs rendering Wal-Mart’s sprawling superstores increasingly less relevant. And consumers are spending less on traditional retail items like apparel” [19].

While Laguna Beach retail stores could increase their online presence to circumvent the reduced level of foot traffic, they will rethink their decision to pay top-dollar rent in Laguna Beach as they achieve more online success.

#### Trend 4: Experience is Everything

Analysts say a wider shift is afoot in the mind of the American consumer, spurred by the popularity of a growing body of scientific studies that appear to show that experiences, not objects, bring the most happiness. The Internet is bursting with the “Buy Experiences, Not Things” type of stories that could give retailing executives nightmares” [3].

Millennials would rather spend their hard-won cash on out-of-town vacations and meals with friends – doing things rather than buying things [3, para 1, 6]. That Laguna Beach experienced fairly steady hotel occupancy despite decreases in retail sales [1, para 12] demonstrates that we are not immune to this new reality.

“Experience is everything right now,” notes D. John Miller, founder and CEO of San Jose, California-based DJM Capital Partners. “Heightened attempts at customer engagement remain top of mind for retailers as well as developers” [8]. Brick and mortar stores must find a way to become an experience in order to attract customers.

#### Trend 5: Rise of Mixed Use Spaces

To meet the challenge of experience seeking customers with a greater interest in eating out and a preference for shopping online, stores must find a way to lure and keep customers in store longer. “More retailers are recognizing that a way to a shopper’s heart is through his/her stomach. Some examples: Macy’s Herald Square flagship in New York City is expanding its food and beverage offerings, from a full-service Italian restaurant Stella 34 Trattoria to several Starbucks, notes Liebmann. Meanwhile, Urban Outfitters has added restaurants to its Manhattan and Brooklyn stores, and Uniqlo has added a Starbucks to its Fifth Avenue

Flagship” [5].

“There’s no doubt when there’s a store with a restaurant, there’s a 25 to 35 percent increase in sales,” said Rob Goldberg, Tommy Bahama vice-president of marketing. The first Tommy Bahama in Naples, Fla., also offered a full-service restaurant 20 years ago, Goldberg said. With the velocity e-commerce is generating, retailers are “scrambling” to get consumers away from their computers and into stores, he said [1].

Mixed use spaces like OC Mix in Costa Mesa, Union Market in Tustin and the Packing District in Anaheim “create a unique shopping environment for customers who are looking for distinctive products, foods and services” [8, paragraph 21]. They have been successful in mixing experience, dining and shopping and consequently have figured out how to navigate the shift in consumer demand.

“Food is the new fashion,” says the development company responsible for Pacific City in Huntington Beach, a new 200,000 square foot modern lifestyle center. Hospitality consultant Jeffrey McNeal said savvy developers know that next-generation shoppers, especially Millennials, are looking for buzzworthy experiences when it comes to shopping. With consumers able to buy everything online – from shoes to bed sheets to home computers and mobile devices – McNeal said Pacific City is smart to use restaurants as anchor tenants. “Restaurants will continue to be a social experience that can’t be replaced by the Internet,” he said [17].

The combination of reduced consumer spending in general along with a reallocation of surplus funds to dining experiences and the explosion of online shopping especially at large retailers, Laguna Beach will likely experience increased shuttered retail businesses. What can the retailers themselves and the City through its municipal code do to fight the national retail trend?

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Some thoughts on parking  
Roger McErlane  
January 22, 2016

As population in Irvine and South County continues to increase, which it will, the parking demand in the Laguna DSP area will continue to increase. The only feasible solution is to park the excess demand outside of DSP.

Summer and winter seasons present two separate problems with DSP parking. Summer demand is a problem. Winter demand is not a problem. These two separate demands should not be combined and averaged out when establishing parking demand in the DSP.

The parking demand in the summer is caused by the beach, art festivals and Pageant of the Masters. We need to find a way to siphon off this specific parking demand before the cars get into town. Use Act V or other locations for remote parking and trolley the patrons in to town. Any Long term parking in town should be discouraged. Remote parking should be price attractively, to encourage use.

The total public and private parking that is available in DSP is 3988 not 2332 (which is the total of on street and public lots).

Public parking lots = 1690

On street parking in DSP = 642 (NIC canyon pkg. 184)

Private parking lots = 1656 (This is customer parking however a significant percentage of this is marketed by the land owner to the public as all day parking). For example Between Chase Bank (10) Wells Fargo (73) Laguna Drug (45) and B of A (26) you have 153 spaces of which I would say that about 1/2 to 2/3 is marketed as long term public parking during the summer. This parking is smack dab in the middle of the DSP and should be available for 2hr or 3hr parking, not all day parking.

Building a parking lot or several parking lots within the DSP area to serve long term parking does not make sense in terms of best use of land or traffic congestion. Building a parking lot or a series of parking lots further out the canyon to intercept cars for long term parking, will reduce the traffic congestion as well as free up existing parking stalls in town.

You have as much parking on site in private lots as you have in public parking lots. I think all parking, public and private (3988) needs to be part of the parking management equation.