

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660
FAX: (650) 589-5062
dkey@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201
FAX: (916) 444-6209

KEVIN T. CARMICHAEL
CHRISTINA M. CARO
JAVIER J. CASTRO
THOMAS A. ENSLOW
KELILAH D. FEDERMAN
ANDREW J. GRAF
TANYA A. GULESSERIAN
KENDRA D. HARTMANN*
DARIEN K. KEY
RACHAEL E. KOSS
AIDAN P. MARSHALL
TARA C. MESSING

Of Counsel
MARC D. JOSEPH
DANIEL L. CARDOZO

*Not admitted in California.
Licensed in Colorado.

September 23, 2021

VIA EMAIL AND OVERNIGHT MAIL

Oliver Netburn, City Planner
Department of City Planning
City of Los Angeles
200 North Main Street, Room 763
Los Angeles CA 90012
Email: oliver.netburn@lacity.org

Re: Supplemental Comments on the Initial Study / Mitigated Negative Declaration for the Rendon Hotel Project ENV-2017- 4735-MND CPC-2017-4734-GPA-ZC-HD-CUB-CUX-ZV-ZAA-SPR

Dear Mr. Netburn:

We write on behalf of the **Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA")** to provide supplemental comments on the Initial Study and Mitigated Negative Declaration ("MND") prepared by the City of Los Angeles ("City") for the Rendon Hotel Project ENV-2017-4735-MND CPC-2017-4734-GPA-ZC-HD-CUB-CUX-ZV-ZAA-SPR ("Project"), The Rendon, LLC (the "Applicant") proposes a one-story addition to an existing three-story hotel and the construction, use, and maintenance of an attached 15-story hotel building with 103 guest rooms and approximately 15,907 square feet of commercial space comprised of an art gallery, café, restaurant, and bar uses.¹

We previously submitted written comments on the MND ("Comment Letter") on March 3, 2021.² Based upon our subsequent review of the MND and supporting documentation, we conclude that the MND also fails to comply with the

¹ MND p.8.

² See D. Key, Comments on the Initial Study / Mitigated Negative Declaration for the Rendon Hotel Project ENV-2017-4735-MND CPC-2017-4734-GPA-ZC-HD-CUB-CUX-ZV-ZAA-SPR (March 3, 2021), in City's files L5073-006acp

requirements of the California Environmental Quality Act³ (“CEQA”) by failing to accurately describe the Project’s parking requirements, and failing to accurately analyze and mitigate all required transportation issues.

As explained in these comments, there is a fair argument that the Project will result in potentially significant impacts relating to transportation that are not adequately mitigated by the proposed mitigation in the MND. The City may not approve the Project until it prepares an environmental impact report (“EIR”) that adequately analyzes the Project’s potentially significant direct, indirect, and cumulative impacts, and incorporates all feasible mitigation measures to avoid or minimize these impacts.

We prepared these comments with the assistance of civil and traffic engineer expert Dan Smith. Mr. Smith’s technical comments and curricula vitae are attached as **Attachment A**.⁴ The attached expert comments require separate responses under CEQA.⁵ We reserve the right to supplement these comments at later hearings and proceedings related to the Project.⁶

I. THE MND FAILS TO ACCURATELY DESCRIBE, ANALYZE, AND MITIGATE THE PROJECT’S TRANSPORTATION IMPACTS

A. The MND Fails to Provide a Consistent Description of the Project’s Parking Requirements

The MND contains an internally inconsistent description of the number of parking spaces that are required and would be implemented for the Project. This inconsistency renders the MND’s conclusions about the Project’s employee vehicle miles travelled (“VMT”) impacts unsupported, and deprives the MND from serving as a vehicle of intelligent public participation in the decision-making process, as required by CEQA.⁷

³ Pub. Resources Code, §§ 21000 et seq.; 14 Cal. Code Regs. §§ 15000 et seq. (“CEQA Guidelines”).

⁴ **Attachment A**: Letter from Dan Smith re *Comments on Rendon Hotel Project (Case Number: ENV-2017-4735-MND)* (September 23, 2021) (“Smith Comments”).

⁵ 14 CCR § 15088(a), (c).

⁶ Gov. Code § 65009(b); PRC § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal. App. 4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal. App. 4th 1109, 1121.

⁷ *County of Inyo v. County of Los Angeles* (1977) 71 Cal. App. 3d 185, 197.
L5073-006acp

The MND's Project Description states that, per the Los Angeles Municipal Code ("LAMC"), the Project is required to provide 56 parking spaces and provides a clear narrative description of the derivation of that number of spaces based on application of LAMC Section 12.21.A.4.⁸ It also notes that the 56 spaces would be provided off-site by private agreement.⁹ Further description of the derivation of the 56-parking space requirement is provided in Table 3.3.¹⁰

However, the Transportation Section of the MND states that LAMC would require the provision of **195 parking spaces** for the Project, without providing any explanation of how this substantially larger parking space total was derived.¹¹ The Appendix G-1 Transportation Study similarly indicates that the LAMC required parking total is 195 spaces, again without explaining how this total was derived.¹² A closer reading of LAMC Section 12.21.A.4.b demonstrates that the total parking spaces required for the Project would actually be 59 parking spaces minus 10% for a bicycle reduction, making the total required parking 53 spaces. The parking calculations in MND Table 3.3¹³ therefore also does not line up with the parking requirements under LAMC Section 12.21.A.4. As a result, the MND lacks adequate support for the applicable parking calculation conducted pursuant to LAMC Section 12.21.A.4.b, and provides no support whatsoever for Appendix G-1's reliance on a parking requirement of 195 spaces.

This inconsistency is critical since it directly influences whether the significant employee-based VMT impact disclosed in the MND Transportation section is accurate, or will be mitigated by compliance with TDM reduced parking strategies, as asserted in the MND.¹⁴

The MND's inconsistent description of parking requirements prevents the public from evaluating the accuracy of the MND's employee VMT calculations, as discussed further below, and prevents the MND from serving as a vehicle of intelligent public participation in the decision-making process, as required by CEQA. Appendix G-1's reliance on a higher parking requirement has the effect of

⁸ MND, p. 38; See also Smith comment letter, pp. 1-2.

⁹ *Id.*

¹⁰ MND, p. 42; Smith comment letter, pp. 1-2.

¹¹ MND, p. 177.

¹² MND, p. 176; MND Appendix G, pp. 76.

¹³ MND, p. 42.

¹⁴ Smith comment letter, pp. 1-2; MND, pp. 172, 177.

minimizing the Project's impacts by not accurately describing the Project's transportation-related features.¹⁵

B. There is Substantial Evidence Supporting a Fair Argument the Project May Result in Significant, Unmitigated Transportation Impacts

CEQA requires that any assumptions used to estimate VMT and adjustments to model outputs be explained in the MND.¹⁶ The MND's reliance on 195 required parking spots as an input for their VMT calculation is unsupported and inconsistent with other sections of the MND, which state that only 56 spots are required.¹⁷ As a result, it is unclear the MND's employee VMT calculations may be inaccurate

The MND's Transportation section states that the Los Angeles Department of Transportation ("LADOT") Vehicle Miles Traveled ("VMT") Calculator estimates that the Project would generate a Project work VMT per employee of 9.2 miles.¹⁸ This is considerably above the applicable significance threshold for the Central APC Area of 7.6 miles per employee, and any level above 7.6 would be considered a significant impact according to Mr. Smith.¹⁹

The City tries to address this via Mitigation Measure MM-TR-2's reduction of on-site parking from based on the elimination of 195 spaces described in Appendix G-1. This reduction of parking spaces would result in the LADOT VMT Calculator predicting that the VMT per Employee would drop to 7.4 miles and would push the VMT under the significance threshold of 7.6 miles.²⁰ However, based on the parking requirements discussed in the MND's Project Description section, this calculation assumes too much of a reduction because the MND elsewhere states that only 56 spaces are required pursuant to the LAMC, not 195 as the City's VMT analysis claims.²¹ Assuming the MND accurately relies on LAMC Section 12.21.A.4 to calculate the Project's parking requirements, the VMT calculations in Appendix G-1 (and MM TR-2) incorrectly rely on a reduction in parking spaces that is four

¹⁵ *County of Inyo*, 71 Cal.App.3d at 197; *San Joaquin Raptor Rescue Ctr. v. County of Merced* (2007) 149 CA4th, 645, 655.

¹⁶ CEQA Guidelines, § 15064.3, subd. (b)(4).

¹⁷ *County of Inyo*, 71 Cal.App.3d at 197; *San Joaquin Raptor Rescue Ctr.*, 149 CA4th. at 655.

¹⁸ MND, pp. 177-179; Smith comment letter, p. 2.

¹⁹ *Id.*

²⁰ *Id.*

²¹ See MND pp. 38 vs. 77.

times greater than actually required.. The City has yet to effectively account for the discrepancy in the amount of claimed parking spot reductions in their analysis as is required under CEQA.²²

This erroneous analysis led to the MND presuming, pursuant to CEQA Guidelines section 15064.3(b)(1), that a reduction in the Project's VMT from parking reductions can be presumed to create a less than significant transportation impact. A VMT analysis relying on the correct amount of parking spots, 56, may not result in a VMT reduction and thus may actually indicate a significant, unmitigated transportation impact.²³ There is substantial evidence to support a fair argument that the City's reliance on 195 parking spots incorrectly suggested a VMT reduction would occur. The City must properly analyze the VMT impact by performing the same analysis using the 56 parking spots required under LAMC Section 12.21.A.4 (or 53 spots, if calculated with the Section's enumerated reduction for bicycle parking).

Moreover, the fact that the parking would be located off-site, would increase the VMT by valet maneuvers and/or searching the neighborhood for available on or off-street spaces by employees and would thus offset the normally generalized benefits of limited parking. It is also reasonably foreseeable that, to the extent that parking shortage encourages alternate modes of transportation, a share of these alternate mode trips may be served by TNCs (also known as ridesharing trips by companies like Uber and Lyft) that generate more VMT than ordinary drive-and-park trips because of the TNC vehicle's need to make an extra trip to make a pickup or circulate for the next trip after a drop-off. The City has yet to effectively account for the impact of TNC trips.²⁴

II. CONCLUSION

There is substantial evidence supporting a fair argument that the Project may result in potentially significant adverse impacts that were not identified in the MND, and thus have not been adequately analyzed or mitigated. We urge the City to fulfill its responsibilities under CEQA by withdrawing the MND and preparing a legally adequate EIR to address the potentially significant impacts described in this comment letter and the attached letter from Mr. Smith. This is the only way the

²² CEQA Guidelines, § 15064.3, subd. (b)(4).

²³ CEQA Guidelines, § 15064.3, subd. (b)(1).

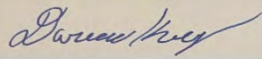
²⁴ Smith comment letter, p. 2.

September 23, 2021
Page 6

City and the public will be able to ensure that the Project's significant environmental impacts are mitigated to less than significant levels.

Thank you for your attention to these comments.

Sincerely,

A rectangular box containing a handwritten signature in cursive script, which appears to read "Darien Key".

Darien Key

DKK:acp

Attachment

L5073-006acp