



Alejandro Huerta <alejandro.huerta@lacity.org>

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## 2017.08.21 DCP to Caltrans

1 message

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**Alejandro Huerta** <alejandro.huerta@lacity.org>  
To: "Lin, Alan S@DOT" <alan.lin@dot.ca.gov>  
Cc: "Watson, DiAnna@DOT" <dianna.watson@dot.ca.gov>

Mon, Aug 21, 2017 at 12:35 PM

Dear Mr. Lin:

Please find attached a letter relative to the June 15, 2017 Caltrans comment letter for the Crossroads Hollywood Project Draft EIR. I also mailed a hard copy of the letter today.

Very truly yours,  
ALEJANDRO A. HUERTA  
**City of Los Angeles**  
**Planning Department**  
213 - 978 - 1454

On Thu, Jun 15, 2017 at 7:56 AM, Lin, Alan S@DOT <alan.lin@dot.ca.gov> wrote:

Hard copy to the Lead Agency.

Alan Lin, P.E.

Project Coordinator

State of California

Department of Transportation

District 7, Office of Transportation Planning

Mail Station 16

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August 21, 2017

DiAnna Watson  
Department of Transportation  
District 7 – Office of Transportation Planning  
100 S. Main Street, MS 16  
Los Angeles, CA 90012

Re: Crossroads Hollywood Project

Dear Ms. Watson:

The Department of City Planning received your June 15, 2017 comment letter on the Draft EIR for the Crossroads Hollywood Project (Project). To summarize, your letter asserts that the Project Traffic Study's CMP methodology to analyze freeway impacts is not adequate, and that the developer agreed to sign a Traffic Mitigation Agreement with Caltrans prior to release of the Final EIR. We wish to respond to your assertion about the methodology, correct the traffic counts cited in your letter, and to clarify the process for identifying mitigation measures.

Among your claims, you note that "CMP methodology is not adequate when analyzing freeway impacts." However, the Los Angeles County Congestion Management Program (CMP) is a State-mandated program that requires the lead agency to analyze project impacts on CMP monitoring locations. Caltrans has not adopted official guidelines, whereas the CMP has been adopted by both the County and the City of Los Angeles. Although Caltrans does not adhere to the CMP guidelines, the City included a freeway impact analysis prepared in accordance with the CMP administered by the Los Angeles County Metropolitan Transportation Authority (MTA) as mandated by the State.

You also note that consultation with Caltrans "is necessary for the Lead Agency and traffic consultant to determine significance criteria of the State facilities for all future projects." As stated in the Freeway Analysis Agreement MOU between Caltrans and the Los Angeles Department of Transportation (LADOT) executed in October 2013, the City requires project applicants to work with Caltrans and prepare a Freeway Impact Analysis, utilizing Caltrans' "Guide for the Preparation of Traffic Impact Studies" for land use proposals that meet any of the criteria stipulated in the agreement. The fundamental objective of this agreement was to establish criteria by which projects are excluded from requiring further analysis. Your statement about consultation is contrary to the express and implied intent of the agreement as entered into by Caltrans and the City in 2013. Furthermore, the methodologies and assumptions used to prepare the Project Traffic Study complied with the screening criteria included in the executed Freeway Analysis Agreement. The City's continued reliance on the Freeway Analysis Agreement is based upon verbal direction from Caltrans that the Agreement will remain in effect until such time as the City formally implements a Vehicles Miles Traveled (VMT) methodology. The Project Traffic Study included a screening analysis to determine if additional evaluation of freeway mainline and ramp segments

was necessary beyond the CMP requirements. The Project did exceed screening criteria and, therefore, further analyses of Caltrans facilities were conducted and the results of that analysis are included in the Project Traffic Study and in the Draft EIR (pages IV.L-116 through -124). Your letter, contrary to the express language in CEQA Guidelines Section 15204, does not identify with any particulars or specificity why the Draft EIR analysis would be insufficient, including providing any substantial evidence supporting the need for different analysis or conclusions.

The City wishes to clarify an incorrect statement in your letter that states that the Project will result in “1,283/3879 AM/PM peak hour trips” and that “there are 145 related projects in the project vicinity. Therefore, cumulative impacts on the mainline would occur.” As disclosed in the Traffic Study, the Project would result in a net increase of 1,283 trips in the p.m. peak hour, not the a.m. peak hour, and 879 trips in the a.m. peak hour, not 3879. Second, your statement that the Project would have cumulative impacts is unsupported by any evidence or other technical analysis. To date, Caltrans has not identified or adopted specific criteria by which to measure the significance of impacts to freeway mainline segments. Nevertheless, further analyses of Caltrans facilities were conducted using the 2002 *Guide for the Preparation of Traffic Impact Studies* (2002 Guide). The Traffic Study concluded that the Project would contribute to the total projected growth on freeway mainline segments until 2035. Therefore, the Draft EIR conservatively stated that a significant cumulative impact would occur on Caltrans facilities.

Since the preparation of the Project Traffic Study, dated June 2016, the 2002 Guide was superseded by the more recent Caltrans’ “Local Development – Intergovernmental Review Program Interim Guide” (LD-IGR), dated November 2016. The LD-IGR implements recent legislation and planning guidance related to State climate change goals and sustainable land use and transportation practices, including AB 32, SB 375, SB 226, SB 743, the Smart Mobility Framework, Complete Streets Implementation Action Plan, the California Transportation Plan 2014, and Caltrans’ adoption of the Strategic Management Plan 2015-2020 (SMP). The LD-IGR directs lead agencies to consider “multi-modal solutions from existing regional transportation plans, regional plans, transit plans, bicycle plans, and pedestrian plans.” Moreover, it calls for lead agencies to implement the goals of the SMP, and states that the SMP is *not intended to be used or interpreted* “as specific thresholds in the review of individual development projects.” The SMP identifies specific targets and objectives related to the LD-IGR, including, but not limited to: doubling of walking and transit; tripling of bicycle trips as percentage of overall trips; reducing per capita vehicle miles traveled (VMT); and reducing peak period travel times and delay for all modes through intelligent transportation systems, operational strategies, demand management, and land use/transportation integration. As stated in the Draft EIR on page IV.L-62, the Project is consistent with the SMP because it reduces per capita VMT by approximately 45 percent compared to a comparable mixed-use project in the Hollywood Community Plan Area.

Finally, with respect to the Traffic Mitigation Agreement (TMA) being entered into before the Final EIR, the City has not been provided substantial evidence to support that this TMA is a legally defensible mitigation measure. It is improper under CEQA to defer mitigation to after the Draft EIR. Any mitigation measure warranted by the Project needs to be included in Draft EIR and supported with substantial evidence. If Caltrans would like the City to consider including the TMA as a mitigation measure in the EIR to be adopted and enforced on the project, Caltrans would need to share the methodology it used to identify the need for the mitigation measure, the threshold it relied on in identifying the impacts for which is requiring the TMA, the basis for finding that it is reasonably foreseeable the mitigation measure will reduce the identified significant impacts and provide substantial evidence to support all of the above. The City reserves its discretion as the lead agency to select the appropriate thresholds of significance and methodologies for the preparation of its EIRs.

As a general matter, for a mitigation fee to be considered mitigation for cumulative impacts, the fee would need to be legally enforceable and part of an adopted fee scheme that ensures funds will be available to pay for the facilities necessary to mitigate the impacts. We are not aware that Caltrans has prepared the necessary fee study or adopted a fee program to make fees under a TMA legally enforceable. Absent evidence the TMA is part of a reasonable and legally enforceable plan for mitigation of the impacts, the City would not include the TMA in the EIR or condition the TMA on the project. See *Tracy First v. City of Tracy* (2010) 177 Cal.App.4th 912, 938-39. Finally, the City is not prepared to condition a project on the collection of voluntary fees to be paid to another agency, including Caltrans, as this may expose the City's project approval to legal vulnerability, including under the takings clause.

The City recommends that Caltrans consider a Freeway System Nexus Study that identifies an improvement plan for the freeway system, establishes the nexus between new development and regional traffic impacts, identifies specific physical improvements, and establishes a fee program with a legal mechanism allowing for the exaction of mitigation fees. Such a program would be highly advantageous to the region as it could provide another significant funding source for transportation improvements to the State Highway System.

Please keep the City of Los Angeles informed on your efforts to undertake such a study so that it may be reflected in future MOUs between Caltrans and LADOT.

Sincerely,



Luciralia Ibarra  
Senior City Planner  
Major Projects  
Department of City Planning