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December 10, 2025

VIA E-Mail, U.S. Mail, and Council File Management System
File Nos. 25-1198, 25-1198-S1

Marqueece Harris-Dawson, President
c/o Patrice Lattimore
City Clerk
City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012
<https://cityclerk.lacity.org/publiccomment/>

VIA E-Mail Only

Norali Martinez, City Planner
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Re: **Supplemental Comments on City Council Agenda Item No. 40: 1420**
Coil Avenue Freezer Expansion Project (CPC-2022-6859-GPA-HD-ZAD-
WDJ, ENV-2022-6860-ND)

Dear President Harris-Dawson, Councilmembers, Ms. Lattimore, and Ms. Martinez:

We write on behalf of Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") regarding the General Plan Amendment ("GP Amendment"), Height District Change, and Negative Declaration ("ND") for the 1420 Coil Avenue Freezer Expansion Project ("Project") proposed by Konoike Pacific California, Inc. ("Applicant") being considered by the City Council under Agenda Item No. 40 at its December 10, 2025 meeting.

CREED LA respectfully requests that the City Council continue this item until at least January 13, 2026, or refer this item back to the Planning and Land Use Management ("PLUM") Committee, due to the PLUM Committee's continuance of CREED LA's related appeal of the Project's land use entitlements to January 13, 2026. If the City Council acts today to approve the ND or other Project entitlements, it would result in premature adoption

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of the Project's NI) and premature approval of the GP Amendment before Project's underlying entitlements receive final approval. This would violate the California Environmental Quality Act ("CEQA"), the municipal code, and related land use laws.

On December 9, 2025, the PLUM Committee considered CREED LA's Appeal of the City Planning Commission's ("CPC") approval of the Project's Zoning Administrator Determination.¹ The PLUM Committee continued the Appeal hearing (Agenda Item No. 1) to January 13, 2026 due to noticing issues. At the same hearing, the PLUM Committee separately made a recommendation to the City Council to approve the ND, GP Amendment and Height District Change (Agenda Item No. 5).² The City Council is now scheduled to vote on these entitlements at today's hearing.

The City Council must postpone its consideration of the ND, GP Amendment and Height District change until CREED LA's Appeal is resolved.

CREED LA's Appeal of the Zoning Administrator and CPC approvals is a mandatory administrative appeal and prerequisite for administrative exhaustion by members of the public challenging the Project.³ Filing the Appeal stayed the CPC's approval of all appealed entitlements, including the ND. The Appeal must therefore be heard and decided by the City Council (via the PLUM Committee) before the Project receives final approval.⁴ The PLUM Committee continued the Appeal hearing to January 13, 2026. Thus, the Project would not receive final approval until that date at the earliest.

The City Council cannot vote to adopt the ND or approve the rest of the Project until the Appeal is resolved. To do so would violate CEQA's requirement that adoption of a CEQA document cannot occur before a project has been approved.⁵ CEQA mandates that agencies refrain from adopting

¹ Planning and Land Use Committee Agenda (Dec. 9, 2025), Agenda Item 1, p. 2.

² *Id.* at pp. 4-5.

³ *Tahoe Vista Concerned Citizens v. County of Placer* (2000) 81 Cal.App.4th 577, 590, 96 Cal.Rptr.2d 880 (*Tahoe Vista*); see *Sea & Sage Audubon Society, Inc. v. Planning Com.* (1983) 34 Cal.3d 412, 417-418, 194 Cal.Rptr. 357, 668 P.2d 664.

⁴ *Id.*

⁵ See, e.g., *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 963; *Coalition for an Equitable Westlake/Macarthur Park v. City of Los Angeles* (2020) 47 Cal.App.5th 368, 379; *Stockton Citizens for Sensible Planning v. City of Stockton*, 48 Cal. 4th 481, 489; *Coalition for Clean Air v. City of Visalia* (2012) 209 Cal.App.4th 408, 418-25.

a CEQA document prior to full consideration of all aspects of a project.⁶ If the Council adopts the ND before the Appeal of the Project's entitlements is resolved by the City Council, it would result in clear violation of CEQA, which "skirts the purpose of CEQA by segregating environmental review [] from the project approval."⁷ This is consistent with CEQA's requirement that "[t]he purpose of CEQA is to inform the public of plans, so that the public can help guide decision makers about environmental choices. It is not the purpose of CEQA to foment prophylactic litigation."⁸ Premature approval of the ND and other Project entitlements by the City Council before CREED LA's administrative appeal is resolved would violate these requirements and may invite further legal challenges.

Under Public Resources Code § 21151(c), if a local agency has an elected decision-making body, adoption of a negative declaration must be appealable to that body. Under CEQA Guidelines § 15185(a), an administrative appeal of a decision to approve a CEQA document must be handled in accordance with the agency's own rules and procedures.⁹ Here, the PLUM Committee failed to resolve CREED LA's appeal of the ND before recommending that the City adopt the ND. Because the City has scheduled the remaining entitlements to be considered by the PLUM Committee on January 13, 2026, the Project's other entitlements cannot be approved and the ND cannot be adopted at this time. Moreover, because the appeal concerns a CEQA determination, CREED LA should have been afforded a meaningful opportunity to comment on both the appeal and any final environmental determination. By separating the CEQA appeal from the final determination – effectively skipping the appeal resolution and rushing to a recommendation – the City deprived CREED LA of a clear process.

Since the Appeal has not been resolved, the City Council continue this hearing or refer this matter back to the PLUM Committee so that ND, GP Amendment, and Height District Change can be considered when the Appeal is resolved.

⁶ See, e.g., *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 963; *Coalition for an Equitable Westlake/Macarthur Park v. City of Los Angeles* (2020) 47 Cal.App.5th 368, 379; *Stockton Citizens for Sensible Planning v. City of Stockton*, 48 Cal. 4th 481, 489; *Coalition for Clean Air v. City of Visalia* (2012) 209 Cal.App.4th 408, 418-25.

⁷ *California Clean Energy Committee v. City of San Jose* (2013) 220 Cal.App.4th 1325, 1341.

⁸ *Endangered Habitats League, Inc. v. State Water Resources Control Bd.* (1997) 63 Cal.App.4th 227, 242.

⁹ See *Clews Land & Livestock v. City of San Diego* (2017) 19 Cal.App.5th 161, 187.
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In the event that the City Council decides to proceed with a vote today, CREED LA urges the City Council to deny this Project because it poses significant, unmitigated air quality, public health, and noise impacts and adoption of the ND would constitute an abuse of discretion under CEQA.

Sincerely,

/s/ Andrew Graf

Andrew J. Graf

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