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January 27, 2026

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

Chair Bob Blumenfield
Planning and Land Use Management Committee
c/o Patrice Lattimore, City Clerk
City of Los Angeles
200 North Spring Street
Los Angeles, CA 90012
clerk.plumcommittee@lacity.org

VIA E-Mail Only

Norali Martinez, City Planner
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Re: **Comments on PLUM Committee Agenda Item No. 8: 1420 Coil Avenue**
Freezer Expansion Project (Council File Nos. 25-1198, 25-1198-S1,
CPC-2022-6859-GPA-HD-ZAD-WDI, ENV-2022-6860-ND)

Dear Chair Blumenfield, Honorable Councilmembers, Ms. Lattimore, and Ms. Martinez:

We write on behalf of **Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA")** regarding CREED LA's appeal City Planning Commission's ("CPC") adoption of the Negative Declaration ("ND") and approval of the Zoning Administrator Determination ("ZAD") for the 1420 Coil Avenue Freezer Expansion Project ("Project") (collectively, "Appeal"). The Appeal is being considered by the Planning and Land Use Management Committee ("PLUM Committee") under Agenda Item No. 8 at its January 27, 2026 meeting.

CREED LA respectfully requests that that the PLUM Committee uphold the Appeal, rescind the Project's prior approvals, and remand the Project to staff to prepare a legally compliant environmental impact report ("EIR") for the Project.

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The City failed to proceed in the manner required by law both in its consideration of the Project and in adjudicating CREED LA's administrative appeal.

First, as explained in the Appeal, the City violated the California Environmental Quality Act ("CEQA") and the Los Angeles Municipal Code ("LAMC") by failing to prepare an environmental impact report ("EIR") for the Project. CREED LA's Appeal presents substantial evidence supporting a fair argument that the Project has significant, unmitigated air quality, noise, and public health impacts which require the City to prepare an EIR. The CPC approved the Project without complying with CEQA. The Appeal seeks reversal of the CPC's actions and preparation of an EIR.

Second, the PLUM Committee and City Council violated CEQA and the LAMC and by prematurely adopting the ND and approving the Project's General Plan Amendment ("GPA") and a Height District Change ("HDC") and issuing a CEQA Notice of Determination ("NOD"), before CREED LA's Appeal was resolved.

This is the third hearing on CREED LA's Appeal. The Appeal was originally scheduled for hearing on December 9, 2026, but was continued to January 13, 2026 and again to January 27, 2026, without a decision by the PLUM Committee. Despite the continuances, on December 9, 2025, the PLUM Committee prematurely moved forward with its approval recommendation to the City Council on the Project's GPA, HDC, and ND. On December 10, 2025, the City Council prematurely voted to approve the GPA and HDC, and to adopt the ND, even though CREED LA's Appeal of the ND and related entitlements was still pending. The City then issued a premature NOD on December 11, 2025.¹

The law is well settled that filing an administrative appeal stays project approvals until the appeal is resolved,² and that a CEQA document and notice of determination adopted before a project receives final approval is void as a matter of law.³ The City's adoption of the ND, approval of the GPA and HDC, and filing a

¹ See <https://files.ceqanet.lci.ca.gov/316002-2/attachment/yPfqTt7nd0LmDpvDcZnoO29H4iw9tcO0YT9w93OvuWpynTmXvfyKq4cB2mZCY4hzPKUUtO8xJhM0Ne2e0>.

² LAMC Chapter 1A § 13A.2.8.C.1; *Center for Biological Diversity v. County of San Benito* (2024) 104 Cal.App.5th 22, 38-39.

³ *Id.*; *Coalition for Clean Air v. City of Visalia* (2012) 209 Cal.App.4th 408, 418-25 (NOE posted prior to final project approval is invalid, and must be set aside); *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 962; *El Dorado Union High Sch. Dist. v. City of Placerville* (1983) 144 Cal.App.3d 123, 130 (limitations period ran from date of second notice of determination). See also, *Sierra Club v. City of Orange* (2008) 163 Cal. App. 4th 523, 532 (plaintiff "had a right to rely on th[e] second Notice of Determination."); *Chamberlin v. Palo Alto* (1986) 186 Cal.App.3d 181, 187;

CEQA NOD were therefore premature and void as a matter of law because CREED LA's Appeal has not yet been decided.

I. PROCEDURAL BACKGROUND

In 2022, the Applicant applied for a GPA, a HDC, a ZAD, and two Waivers of Dedication and Improvements ("WDI") to expand its existing cold storage facility. On August 14, 2025, the CPC held a public hearing, where it adopted the ND, approved and recommended that the Mayor and City Council adopt the GPA, approved and recommended that the City Council adopt the HDC, approved the ZDA, approved a WDI for Drumm Avenue, and denied a WDI for Coil Avenue.

A Letter of Determination ("LOD") was released on September 25, 2025, identifying an October 15, 2025 appeal deadline, 20 days after issuance of the LOD. According to the LOD, the GPA is not appealable and would proceed to the City Council for a final decision, the HDC is appealable by the Applicant only if disapproved in whole or in part by the CPC, and the CPC's decision on the remaining approvals are appealable to the City Council. The LOD also notes that an appeal of the CEQA clearance is only available if the determination of a non-elected decision making body is not further appealable and the decision is final.

CREED LA timely filed its Appeal of the ZAD approval and ND adoption to the City Council on October 10, 2025, 15 days after the City issued the LOD. The Appeal demonstrated that the CPC abused its discretion and failed to proceed in the manner required by law in approving the Project's entitlements and adopting a ND which failed to disclose or mitigate the Project's potentially significant environmental and public health impacts, as required by CEQA.

On December 9, 2025, the PLUM Committee agendaized two separate items with respect to the Project. The first addressed CREED LA's appeal of the ZDA and CEQA clearance, while the second addressed the GPA, HDC, and CEQA clearance. CREED LA's appeal was continued without discussion to the PLUM Committee's January 13, 2026 meeting. However, the PLUM Committee unanimously recommended that the City Council adopt the ND and approve the GPA and HDC over CREED LA's objections.

POET, LLC v. State Air Resources Bd. (2013) 218 Cal.App.4th 681, 731 ("For an environmental review document to serve CEQA's basic purpose of informing governmental decision makers about environmental issues, that document must be reviewed and considered by the same person or group of persons who make the decision to approve or disapprove the project at issue.")

On December 10, 2025, before the City Council considered the Project, CREED LA submitted a letter urging the Council to continue the item to January 13, 2026 or refer the item back to the PLUM Committee due to the pending Appeal. The City Council ignored CREED LA's comments and unanimously voted to approve the PLUM Committee's recommendations without holding a hearing. A CEQA NOD was filed on December 11, 2025. However, the Mayor did not approve of the Council's action until December 22, 2025.

On January 13, 2026, the PLUM Committee held a hearing on CREED LA's appeal. CREED LA informed the Committee that the City Council's prior adoption of the ND constituted a premature approval in violation of CEQA because lead agencies are prohibited from adopting a final CEQA document or issuing a NOD before the project receives its final approvals. By adopting the ND before resolving CREED LA's appeal, the City improperly segregated environmental review from project approval.⁴ In response, the PLUM Committee continued the hearing to its January 27, 2026 meeting without rescinding the City's prior approval actions.

II. THE CITY FAILED TO PROCEED IN THE MANNER REQUIRED BY LAW

Under Public Resources Code §21151(c), if a local agency has an elected decisionmaking body, adoption of a negative declaration must be appealable to that body. Where an agency allows administrative appeals upon the adequacy of an environmental document, the appeal must be handled according to the procedures of that agency.⁵ The decisionmaking body to which an appeal has been made must consider the ND and make findings under CEQA Guidelines §§ 15091 and 15093 if appropriate.⁶ Here, the City violated CEQA and Chapter 1A of the LAMC when the City Council adopted the ND and approve the GPA and HDC before hearing or rendering a decision on CREED LA's appeal.

A. Chapter 1A Governs the Appeal Procedures

The City's New Zoning Code (Chapter 1A of the LAMC), adopted in October 2024, became operative on January 27, 2025. Most of Chapter 1A applies exclusively to projects on lots with new zoning designations; lots still under the Original Zoning Code (Chapter 1) remain governed by those existing standards.⁷ However, Article 13 (Administration) is a universal exception. It applies to all land

⁴ See *POET*, 218 Cal.App.4th at 731.

⁵ CEQA Guidelines § 15185(a).

⁶ CEQA Guidelines § 15185(b).

⁷ Chapter 1A § 1.4.2.A.2.

use and development citywide, regardless of which chapter governs the underlying zoning.⁸ This includes any applications to amend the Zoning Map or text for either Chapter 1 or Chapter 1A.⁹

While projects with complete applications and paid fees submitted before January 27, 2025 are generally exempt from Article 13,¹⁰ any appeal filed after that date must follow the new appellate procedures.¹¹ Because the right to appeal is procedural rather than vested, the timing of the appeal (not the project application) determines that Article 13 applies. Here, CREED LA's Appeal was filed after Chapter 1A's operative date. Therefore, the appellate procedures in Article 13 apply.

B. The Appeal Stayed the Project's Entitlements Until the City Council Reached a Final Decision on the Appeal

Under Section 13A.2.10, the CPC assumes initial decisionmaking authority for projects requiring multiple approvals that would otherwise be split between different authorities (such as a Zoning Administrator).¹² When an application includes a legislative approval, Section 13B.1.4 dictates the procedures for the entire application.¹³

In this case, the Project involves a ZAD (typically handled by the Zoning Administrator) alongside a GPA and HDC, which are under the CPC's jurisdiction. Because the GPA and ZDC are legislative actions, the unified appeal procedures in Section 13B.1.4 apply, and the City Council serves as the final appellate body.

While Section 13B.1.4.G.1.a directs Zoning Change appeals to the procedures in Section 13A.2.8 (Appeals), Section 13B.1.4.G.3.a limits that standing to applicants when the CPC recommends disapproval. However, these restrictions do not extend to the multiple approval process.¹⁴ Under Section 13B.2.1.G.3, the right to appeal a ZAD is broader, granting standing to both the applicant and aggrieved party. Consequently, because an aggrieved party holds standing to appeal a ZAD decision, CREED LA's appeal of both the ZAD and ND is permissible.

⁸ Chapter 1A § 1.4.2.A.3.

⁹ Chapter 1A § 13A.2.1.A.1-2.

¹⁰ Chapter 1A § 13A.2.1.A.3.

¹¹ Chapter 1A § 13A.2.1.A.3.

¹² Chapter 1A § 13A.2.10.C.2.a.

¹³ Chapter 1A § 13A.2.10.C.2.b.ii (emphasis added).

¹⁴ Chapter 1A § 13A.2.10.E.

Section 13A.2.8 mandates that a timely appeal stays the processing of the application and entitlement until a final decision is rendered.¹⁵ CREED LA appeal timely filed an appeal on October 10, 2025, 15 days after the LOD was issued, triggering an immediate stay on the GPA and HDC.

Despite the mandatory stay, the City Council prematurely adopted the ND and approved the entitlements before hearing the pending appeal. Courts have held that a timely appeal prevents a decision from becoming final until the appellate process concludes.¹⁶ By evading this required review, the City issued these entitlements in direct violation of Article 13's procedures. Consequently, both the GPA and HDC are void.¹⁷ The City Council's failure to follow the law renders the approvals procedurally defective.¹⁸

III. THE CITY FAILED TO CONSIDER THE APPEAL BEFORE ADOPTING THE ND AND APPROVING THE GPA AND HDC

Public Resources Code § 21091 mandates that the lead agency consider the negative declaration together with the comments that were received. A timely appeal challenging the ND constitutes "comments" that must be considered. By adopting the ND and approving the GPA and HDC before hearing the appeal, the City Council failed to comply with this mandatory requirement.

IV. THE NOD WAS PREMATURE AND VOID AS A MATTER OF LAW

Even assuming the City Council followed the proper procedures (which it did not), the City's NOD filing on December 11, 2025 was procedurally defective as it preceded the final project approvals. Under Section 13A.2.5.E, the finality of project approval depends upon the nature of the action.¹⁹ For actions appealable to the City Council, the decision becomes final only after the Council renders its appellate judgment.²⁰ The five-day jurisdiction window under Section 245 does not apply here.²¹ Per Section 252 of the City Charter, legislative decisions (like the GPA and HDC) only become effective upon Mayoral approval or a veto or override.

In this instance, the City filed the NOD on December 11, 2025, prior to the GPA and HDC receiving Mayoral approval on December 22, 2025. Because the

¹⁵ Chapter 1A § 13A.2.8.C.1. (emphasis added).

¹⁶ *Center for Biological Diversity v. County of San Benito* (2024) 104 Cal.App.5th 22, 38-39.

¹⁷ Chapter 1A § 13A.2.9.A.

¹⁸ Pub. Res. Code § 21168.5.

¹⁹ Chapter 1A § 13B.11.1.D.4.

²⁰ Chapter 1A § 13A.2.5.E.2.

²¹ City Charter § 245(d)(8).

legislative action was not yet final and the City Council had not yet resolved the pending appeal, the NOD was filed prematurely.

V. SUBSTANTIAL EVIDENCE SUPPORTS A FAIR ARGUMENT OF POTENTIALLY SIGNIFICANT AIR QUALITY, PUBLIC HEALTH, AND NOISE IMPACTS

CREED LA reviewed the Applicant's supplemental response to the Appeal.²² None of the responses resolve any of the issues raised in the Appeal. The responses merely restate prior legal and factual errors from the City's original analysis and fail to correct the factual and legal deficiencies CREED LA identified. The Applicant continues to ignore substantial expert evidence supporting a fair argument of significant air quality, public health and noise impacts by incorrectly asserting that CREED LA's evidence is insubstantial or that the "disagreement" between CREED LA's expert and City staff weighs in favor of the City.

Contrary to their assertions, the fact that the City's expert disagrees with Appellants' experts about methodology is irrelevant because the City must treat the effect as significant when presented with conflicting evidence.²³ Moreover, CREED LA's experts provide substantial evidence in the form of expert opinion supported by facts that health risk and noise impacts exceed relevant thresholds. Under CEQA's fair argument standard, a negative declaration is improper, and an EIR must be prepared, "whenever substantial evidence supports a fair argument that a proposed project 'may have a significant effect on the environment.'"²⁴ These facts demonstrate that an EIR is required.

VI. CONCLUSION

The City failed to proceed in the manner required by law by adopting the ND and approving the GPA and HDC before hearing CREED LA's appeal even though the entitlements were stayed. In addition, CREED LA's appeal demonstrates that the Project has significant, unmitigated air quality, public health, and noise

²² Memorandum to Norali Martinez, City of Los Angeles from Christian Kirkian, Meridian Consultants re: Additional Information Related to Appeal of City Planning Commission Decisions for KPAC Coil Avenue Freezer Expansion Project (CPC-2022-6859-GPA-HD-ZAD-WDI, ENV-2022-6860-ND), Adams Broadwell Joseph & Cardozo letter dated December 9, 2025 (Jan. 2026).

²³ *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 934-935, 938 ("opposing views are substantial evidence going the other way, which is insufficient to refute the claim of a fair argument.").

²⁴ Pub. Res. Code § 21151; CEQA Guidelines § 15064(f); *Citizens for Responsible Equitable Env't'l Dev. v. City of Chula Vista* (2011) 197 Cal.App.4th 327, 330-31; *Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319.

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impacts. The Applicant and City's appeal responses improperly ignore expert evidence supporting a fair argument that the Project may have a potentially significant environmental impact.

For these reasons, the PLUM Committee should uphold the appeal, rescind the prior Project approvals and NOD, and require the City to comply with CEQA by preparing an EIR.

Sincerely,



Andrew J. Graf

AJG:acp