

Communication from Public

Name: Chris Parker

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Comments for Public Posting: Applicant's response 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) which was submitted by Adams Broadwell Joseph & Cardozo letter dated October 9, 2025

Date: December 2025

To: Norali Martinez
200 N. Spring Street, Room 721
Los Angeles, CA 90012

From: Christ Kirikian
Partner | Director of Air Quality & Acoustics

Subject: 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 October 9, 2025

Adams Broadwell Joseph & Cardozo submitted an Appeal Letter to the City of Los Angeles on October 9, 2025 regarding the above-stated project. This memo provides responses to those comments. The information in this memo clarifies and adds to the prior responses to comments but does not change the overall analysis or conclusions. The comments do not require any changes to the Initial Study/Negative Declaration (IS/ND) and an Environmental Impact Report (EIR) is not required.

Response to Comment #1

No further response is needed to this introductory comment.

Responses to Comment #2

The comment summarizes the decisions being appealed. No further response is necessary.

Response to Comment #3

The comment summarizes the standing to appeal and statement of interest. No further response is necessary.

Response to Comment #4

No further response is needed to the introductory comment for the justification to appeal.

Response to Comment #5

The letter asserts that construction of the Project would increase cumulative cancer risk by 2.27 in one million, compounding an existing background cancer risk of 664 per million, and that this change is “significant.” That claim is incorrect for the following reasons:

- Applicable standard under South Coast Air Quality Management District (SCAQMD): SCAQMD's adopted threshold for toxic-air contaminant (TAC) impacts under CEQA is a maximum incremental cancer risk of 10 in one million for the project increment.
- Project's modeled increase is well below that threshold: The 2.27 per million figure is far below the 10 per million benchmark; by itself, it does not constitute a significant health risk under CEQA standards.
- Background risk does not eliminate the need for incremental threshold analysis: While the study area (per regional modeling) may have elevated background air-toxic risk, CEQA requires assessing whether a project's incremental emissions create a "cumulatively considerable" contribution. In this case, the increment (2.27/1,000,000) is negligible compared to both the background level and the adopted significance threshold, and it does not push total exposure into a high-risk category that would violate SCAQMD's standard.

Because the project's incremental cancer risk remains far below the adopted SCAQMD threshold, and because CEQA's test is whether the project causes a meaningful additional burden, not simply the regional baseline risk but the assertion that construction would create a "significant, unmitigated health risk" is unsupported. The ND's conclusion that air-toxic impacts would be less than significant remains valid.

Response to Comment #6

The assertion that the ND "excluded" major operational emission sources is factually incorrect. Each of the sources identified by the commenter letter including transport refrigeration units (TRUs), cargo-handling equipment, and the fire pump was evaluated through the supplemental air quality analysis completed after the initial comment period. That additional modeling quantified emissions from all three categories using conservative assumptions that intentionally overstate potential use.

The results showed that, even after adding these sources, total project emissions remained well below all SCAQMD regional and localized significance thresholds. Because these thresholds were not triggered, CEQA does not require preparation of a Health Risk Assessment, and the ND's conclusion that operational emissions would be less than significant remains fully supported.

The statement that the City "relied on regulatory measures that do not eliminate emissions" misrepresents CEQA's standard. CEQA does not require emissions to be eliminated; it requires determining whether emissions exceed established significance thresholds. In this case, even with conservative modeling and the inclusion of all sources identified by the opponent, the project falls far below those thresholds.

Finally, while the surrounding community does experience elevated regional pollution levels, CEQA requires evaluation of whether this specific project adds a cumulatively considerable amount of emissions. The supplemental modeling shows that the project's operational increment is small, does not exceed any adopted threshold, and therefore does not constitute a significant or unmitigated health risk.

Response to Comment #7

The claim that the comments constitute “substantial evidence” of a fair argument for significant impacts misstates both CEQA law and the contents of the record.

The assertions in the comment letter rely on worst-case assumptions and speculative conclusions that do not account for the full scope of analysis provided in the ND and supplemental studies. Specifically, the comments fail to acknowledge that all major emission sources including TRUs, cargo-handling equipment, and the fire pump were modeled using conservative inputs, and the results clearly demonstrate that emissions remain below all SCAQMD thresholds for both criteria pollutants and localized DPM. These thresholds are designed to reflect levels of potential health significance.

CEQA requires substantial evidence, not speculative or selective analysis. The City’s decision is grounded in comprehensive modeling, conservative assumptions, and adopted regulatory thresholds all of which support a finding of no significant air quality or health impacts. Therefore, the comments do not rise to the level of substantial evidence that would trigger the need for an EIR, and the City’s approval of the Project under the ND remains legally and technically sound.

Response to Comment #8

The assertion regarding the noise baseline and modeling are both technically flawed and insufficient to undermine the ND’s conclusions.

First, the ND established a CEQA-compliant baseline using short-term ambient noise levels, a methodology widely accepted in environmental review and consistent with City practice. To further validate the findings, the City conducted 24-hour weekend monitoring at residential receptors along Drumm Avenue, which confirmed that there is no material difference between weekday and weekend ambient noise levels.

Second, the claim that construction noise would reach 82 dBA is based on simplified, conservative assumptions that ignore key modeling factors. The SoundPLAN model included 3D topographic data, source-receptor distances, and shielding from barriers and structures. In contrast, the commenters analysis fails to reflect these site-specific features and ignores enforceable Environmental Protection Measures (EPMs), such as noise shielding, staging practices, and mufflers which further reduce impacts.

Operational noise was similarly modeled using SoundPLAN, which incorporated manufacturer sound power levels, receptor distances, and site-specific data. Noise levels from dock activity and truck movement were explicitly modeled and determined to remain below the CEQA threshold of a 5 dBA increase above ambient at all sensitive receptors.

Therefore, the ND appropriately concludes that both construction and operational noise impacts are less than significant, and no substantial evidence has been provided to the contrary.

Response to Comment #9

The comments do not provide substantial evidence of a significant impact under CEQA. The commenters' conclusions are based on assumptions that omit critical, site-specific factors, such as existing noise barriers, construction staging, topography, and elevation differences all of which were incorporated into the SoundPLAN 3D modeling. The comment also disregards the suite of enforceable EPMs adopted as part of the project, which further reduce potential noise levels.

The commenters' use of a simplified calculation to assert exceedances lacks the analytical rigor required under CEQA, and fails to address the City's full body of evidence, including additional weekend noise monitoring that confirmed the validity of the ND's baseline and impact findings. CEQA does not require unanimity among experts; rather, it requires substantial evidence. Selective analysis based on incomplete or incorrect assumptions does not meet that threshold.

The ND's conclusion that noise impacts are less than significant is based on detailed modeling, conservative assumptions, and adopted thresholds, all of which satisfy CEQA's evidentiary standards. Therefore, the City had no legal or technical obligation to prepare an EIR on this basis.

Response to Comment #10

The claim that the City Planning Commission (CPC) violated CEQA or abused its discretion is unfounded. The CPC's adoption of the ND is supported by a robust administrative record, which includes project-specific technical studies, supplemental analyses, and enforceable EPMs. These collectively demonstrate that all potential environmental impacts, including air quality, noise, and public health risks, would be less than significant.

The assertion that the City failed to revise the ND or address comments is also incorrect. The Response to Comments (RTC) dated June 23, 2025 addresses every substantive issue raised by CREED LA, with detailed explanations and supporting data. This includes modeling refinements, additional weekend noise monitoring, and supplemental emissions analyses for sources such as transport refrigeration units, cargo equipment, and the fire pump—all of which confirmed the original conclusions of the ND.

CEQA does not mandate preparation of an EIR in the presence of speculative or selectively framed expert disagreement. The "fair argument" standard requires substantial evidence of a significant impact, which is absent here. The CPC properly relied on the evidence before it and adopted findings consistent with both CEQA and the City's General Plan policies. Therefore, its decision to adopt the ND and approve the Project was both lawful and justified.

Response to Comment #11

This comment concludes the letter, reiterates the criticism of the IS/ND contained in the previous comments. Refer to Response to Comment Nos. 1 through 10. No additional response is necessary. The IS/ND appropriately analyzed air quality and noise impacts and demonstrated that the Project would not result in significant impacts.

ADAMS BROADWELL JOSEPH & CARDOZO

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October 9, 2025

VIA Online Submission

City Council
City of Los Angeles
Online Portal: <https://planning.lacity.gov/oas>

VIA Email and U.S. Mail

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Re: **Appeal of City Planning Commission Decisions for KPAC Coil
Avenue Freezer Expansion Project (CPC-2022-6859-GPA-HD-ZAD-
WDI, ENV-2022-6860-ND)**

Dear City Council and Ms. Martinez:

We write on behalf of the Coalition for Responsible Equitable Economic Development Los Angeles ("CREED LA") to appeal the entitlements and environmental approvals set forth in the September 25, 2025 Letter of Determination ("LOD") for the KPAC Coil Avenue Freezer Expansion Project (CPC-2022-6859-GPA-HD-ZAD-WDI, ENV-2022-6860-ND) ("Project") proposed by Konoike Pacific California Inc. ("Applicant").¹

The City Planning Commission ("CPC") abused its discretion and failed to proceed in the manner required by law in approving the Project's entitlements and adopting a Negative Declaration ("ND") which failed to disclose or mitigate the Project's potentially significant environmental and public health impacts, as

¹ **Exhibit A**, Los Angeles City Planning Commission, Letter of Determination re: 1420, 1500 North Coil Avenue; 1532, 1540, 1542 North Alameda Street (Sept. 24, 2025).

required by the California Environmental Quality Act (“CEQA”).² CREED LA respectfully requests that the City Council uphold this appeal, vacate the CPC’s findings, recommendations, adoptions, and approvals with respect to the Project, and remand this matter to City staff with direction to prepare an environmental impact report (“EIR”) that fully discloses, analyzes, and mitigates the Project’s significant environmental impacts in compliance with CEQA.

1 cont'd

I. DECISIONS BEING APPEALED

On September 25, 2025, the CPC issued a LOD affirming the following decisions were made at the August 14, 2025 meeting in conjunction with the Project:

1. **Found**, pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Negative Declaration, No. ENV-2022-6860-ND, and all comments received, there is no substantial evidence that the project will have a significant effect on the environment; **Found** the Negative Declaration reflects the independent judgment and analysis of the City; **Adopted** the Negative Declaration;
2. **Approved** and **recommended** that the Mayor and City Council **adopt** the attached resolution, pursuant to City Charter Section 555 and Section 11.5.6 of the LAMC, a General Plan Amendment to the Wilmington-Harbor City Community Plan to amend Footnote No. 10 of the Community Plan Map to allow a site specific 65-foot height limit, in lieu of the 45 feet otherwise allowed;
3. **Approved** and **recommended** that the City Council **adopt** the attached ordinance, pursuant to LAMC Section 12.32, for a Height District Change from Height District No. 1VL to 1L;
4. **Approved**, pursuant to LAMC Section 12.24 X.22, a Zoning Administrator Determination to allow Transitional Height of 65 feet within a distance of 100 to 199 feet from the R1 zone, in lieu of the Transitional Height of 61 feet otherwise allowed by LAMC 12.21.1.A.10;
5. **Approve**, pursuant to LAMC Section 12.37, a Waiver of Dedication and Improvements from a 10-foot dedication and some improvement requirements along Drumm Avenue;

2

² City of Los Angeles, Initial Study: KPAC Coil Avenue Freezer Expansion Project (Apr. 2025), available at <https://planning.lacity.gov/odocument/e1530a49-43ec-49de-9db4-95396a173b68/ENV-2022-6860.pdf>.

a personal interest in protecting the Project area from unnecessary, adverse environmental and public health impacts.

CREED LA has an interest in enforcing environmental laws that encourage sustainable development and ensure a safe working environment for its members. Environmentally detrimental projects can jeopardize future jobs by making it more difficult and more expensive for business and industry to expand in the region, and by making the area less desirable for new businesses and new residents. Continued environmental degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduce future employment opportunities.

3 cont'd

CREED LA supports the development of commercial and residential projects where properly analyzed and carefully planned to minimize impacts on public health, climate change, and the environment. These projects should avoid adverse impacts to air quality, public health, climate change, noise, and traffic, and must incorporate all feasible mitigation to ensure that any remaining adverse impacts are reduced to the maximum extent feasible. Only by maintaining the highest standards can commercial development truly be sustainable.

CREED LA participated in the Project's public comment and approval process, and this appeal is timely filed within 20 days of the mailing date of the LOD. CREED LA has standing to appeal the CPC's actions.

III. JUSTIFICATION/REASON FOR APPEAL

On June 12, 2025, CREED LA submitted comments, supported by expert technical reports, on the Draft ND during the extended public comment period.⁴ These comments, supported by expert technical reports, identified potentially significant impacts to air quality, noise, and public health from the Project's construction and operational phases that the ND failed to disclose or adequately mitigate.⁵

4

In response, the City's consultant prepared Responses to Comments ("RTCs"), which assert that the ND complies with CEQA and that no EIR is required, relying on revised technical reports that were not available during the public comment

⁴ **Exhibit B**, Letter to Norali Martinez City of Los Angeles from Andrew J. Graf, Adams Broadwell Joseph & Cardozo re: Comments on Negative Declaration for KPAC Coil Avenue Freezer Expansion Project (Case No. ENV-2022-6860-ND, SCH No. 2025041295) (June 12, 2025).

⁵ *Id.*, attach. A-B.

period.⁶ However, on August 4, 2025, CREED LA submitted comments to the CPC demonstrating that the City's RTCs failed to cure the documents fundamental analytical deficiencies.⁷ On August 11, 2025, CREED LA submitted supplemental comments to the CPC further expanding upon these concerns.⁸ These two comment letters and their accompanying expert reports are attached as exhibits, incorporated herein by reference, and form the basis for this appeal of the CPC's decisions on the Project.

4 cont'd

Specifically, CREED LA's air quality and public health expert, James J. Clark, Ph.D., demonstrated that construction of the proposed Project would increase the cumulative cancer risk for nearby residential receptors by an additional 2.27 in 1 million, further exacerbating existing health risks and resulting in a significant health risk that the ND failed to disclose or mitigate. South Coast Air Quality Management District data shows that the proposed Project is located in an area that already experiences an air toxic cancer risk of 664 in one million, a level 98% higher than the average for all other zip codes in the South Coast Air Basin. Notably, over 66% of that risk is attributable to diesel particulate matter ("DPM"), the same pollutant emitted from construction equipment and heavy-duty trucks associated with the Project. Dr. Clark explained that, in this context, the additional cancer risks cannot be dismissed as less than significant because the Project's emissions increase community exposure levels, causing a statistically meaningful increase in harm in a community already overburdened by exposure to toxic emissions.

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Dr. Clark also demonstrated that the ND underestimated operational emissions because it excluded key emissions sources, including transportation refrigeration units, cargo handling equipment, and fire pumps. The ND conclusion that operational emissions would be less than significant was therefore unsupported, and the City's RTCs, which did not quantify these emissions, were similarly unsubstantiated. In approving the Project, the City also improperly relied

6

⁶ **Exhibit C**, Letter to Norali Martinez, City of Los Angeles from Christian Kirkian, Meridian Consultants re: Response to Comments on the Negative Declaration (ND) for KPAC Coil Avenue Freezer Expansion Project (Case No. ENV-2022-6860-ND, SCH No. 2025041295) from Adams Broadwell Joseph & Cardozo letter dated June 12, 2025 (June 23, 2025).

⁷ **Exhibit D**, Letter to Monique Lawshe, City of Los Angeles from Andrew J. Graf, Adams Broadwell Joseph & Cardozo re: City Planning Commission 8/14/25 Hearing for 1420 Coil Avenue Freezer Expansion Project (CPC-2022-6859-GPA-HD-ZAD-WDI, ENV-2022-6860-ND) (Aug. 4, 2025).

⁸ **Exhibit E**, Letter to Monique Lawshe, City of Los Angeles from Andrew J. Graf, Adams Broadwell Joseph & Cardozo re: ITEM 6: CREED LA Supplemental Comments on 1420 Coil Avenue Freezer Expansion Project (CPC-2022-6859-GPA-HD-ZAD-WDI, ENV-2022-6860-ND) (Aug. 11, 2025).

on regulatory measures that do not eliminate emissions or associated health risks. The Project's operational emissions sources will therefore pose significant, unmitigated health risks, particularly to the surrounding communities which are overburdened by severe air pollution.

6 cont'd

Dr. Clark's comments provided the City with substantial evidence supporting a fair argument that the Project may have significant, unmitigated air quality and public health risks which were not disclosed or mitigated in the ND, and which the CPC did not address before approving the Project.

7

In addition, CREED LA's noise expert, Ani Toncheva, demonstrated that the ND's baseline analysis was fundamentally flawed because the noise measurements were unsupported, inconsistent with industry standards and regulatory guidance, and failed to capture the full extent of construction-related noise. Even with these errors, Ms. Toncheva's site-specific noise analysis demonstrated that construction of the proposed Project would generate noise levels up to 82 dBA at the nearest residence. This would exceed the ambient noise level by 11 dBA in violation of the noise levels established by the LAMC, and surpass the 80 dBA absolute threshold relied upon by the ND, resulting in significant noise impacts which the ND failed to disclose or mitigate. Finally, Ms. Toncheva demonstrates that the City lacks substantial evidence to conclude that operational noise impacts would be less than significant because the City failed to provide the underlying modeling necessary to independently evaluate the ND's claim.

8

Ms. Toncheva's comments provided the City with substantial evidence supporting a fair argument that the Project may have significant, unmitigated noise impacts which were not disclosed or mitigated in the ND, and which the CPC did not address before approving the Project.

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Considering these flaws, the CPC's adoption of the ND violated CEQA and was an abuse of discretion. The record contains substantial evidence from qualified experts supporting a fair argument that the Project may result in significant, unmitigated environmental impacts. The record also demonstrates that the CPC abused its discretion in approving the Project, as it lacked substantial evidence to support the required land use findings in light of the Project's significant and unmitigated public health and environmental impacts. The LOD does not contain any new supporting evidence or analysis addressing CREED LA's comments, nor has the City revised the Project or the ND to resolve these flaws. Thus, the findings

10

in the LOD is not supported by substantial evidence, and the CPC's decisions must be vacated.

10 cont'd

IV. REQUEST TO UPHOLD APPEAL, VACATE APPROVALS, AND PREPARE AN EIR

CREED LA urges the City Council to uphold this appeal, vacate the CPC's approvals, and remand this matter to City staff with directions to prepare an EIR that fully discloses, analyzes, and mitigates all the Project's environmental impacts in compliance with CEQA.

11

Thank you for your consideration of this appeal.

Sincerely,



Andrew J. Graf

Attachments
AJG:acp