

Evaluation of Appeal Comments  
Appeal to City Council of the Planning Commission’s February 6, 2025, approval of the  
880 Doolittle Drive Industrial Project (PLN22-0039)

Comment Location	Comment Topic	Response
<b>Letter 1: Advocates for the Environment Appeal Justification Letter, February 14, 2025</b>		
Page 2, fourth paragraph	The commenter asserts that Final EIR Mitigation Measure GHG-1 is “unenforceable, and improperly deferred” because it does not precisely define what would constitute a circumstance where natural gas would be allowable as a critical component to an industrial or manufacturing process.	Mitigation Measure GHG-1 prohibits natural gas use for appliances but allows its use when required as a critical component for an industrial or manufacturing process. Although the City would use its discretion in determining what would qualify for such use, a decision would be based on facts and evidence, and this does not render the measure unenforceable or improperly deferred. In addition, as discussed in the Final EIR in Section 3, <i>Comments and Responses</i> , <b>Response 4.6</b> , the measure would potentially only reduce rather than eliminate natural gas use, and the impact would remain significant and unavoidable.
Page 2, fifth paragraph	The commenter suggests that the EIR should have proposed mitigation measures to be applied to the maximum-feasible extent in order to justify the conclusion that the Project's greenhouse gas (GHG) emissions impact would be unavoidable due to lack of feasibility of mitigation.	This comment is addressed in the <b>responses to Letter 4</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR.

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Page 3, first two paragraphs	The commenter claims that the EIR did not provide substantial evidence to support the conclusion that the project's GHG impact would be significant and unavoidable and suggests additional mitigation measures.	This comment is addressed in <b>responses 4.7 through 4.9</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR.
Page 3, third and fourth paragraphs	The commenter asserts that CEQA requires the project to include fair-share mitigation for significant cumulative impacts and that the amount of GHG emissions that comprises the project's fair share is unclear.	This comment is addressed in <b>responses 4.10 and 4.11</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR.
Page 3, fourth paragraph, and page 4, first and second paragraphs	The commenter suggests that the project's GHG impact could be further mitigated by additional measures that reduce overall GHG emissions.	This comment is addressed in the responses to Letter 4, particularly in <b>responses 4.4 through 4.6</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR.
Page 4, last paragraph, and Page 5, first through fourth paragraphs	The commenter states an opinion that the City could prohibit natural gas infrastructure in the project as a mitigation measure.	This comment is addressed in <b>responses 4.5 and 4.6</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR.
Page 5, fifth and sixth paragraphs	The commenter suggests that the project's GHG impact could be further mitigated by additional measures that reduce overall GHG emissions.	This comment is addressed in the responses to Letter 4, particularly in <b>responses 4.4 through 4.6</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR.

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Page 5, last paragraph, and page 6, first and second paragraphs	The commenter suggests that mitigation measures to reduce operational GHG emissions are feasible and should be applied to the project.	This comment is addressed in <b>Response 4.12</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR.
Page 6, third paragraph	The commenter suggests that the City could require the purchase offsets to reduce the project's GHG emissions.	This comment is addressed in <b>Response 4.13</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR. The commenter does not provide analysis or information not provided in their comment letter on the Draft EIR for this topic as responded to in the Final EIR.
<b>Letter 2: Jeremy Herwitt, Mitchell M. Tsai Law Firm Appeal Justification Letter, February 20, 2025</b> <ul style="list-style-type: none"> <li><i>Comments specifically pertinent to the analysis and conclusions of the Final EIR begin on Page 11 of the appellant's February 6, 2025 letter to the Planning Commission, which is an attachment to their February 20, 2025 Appeal Justification Letter</i></li> <li><i>Comments in the second attachment to the appellant's February 20, 2025 Appeal Justification Letter are not responded to here as they date from 2021, before publication of the Final EIR</i></li> </ul>		
Page 1, third paragraph, and page 2, first and second paragraphs	The commenter provide the project description that appears in the Notice of Availability prepared for the Draft EIR.	This comment is addressed in <b>Response 6.1</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR. The commenter does not provide analysis or information not provided in their comment letter on the Draft EIR for this topic as responded to in the Final EIR.

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Page 2, third through sixth paragraphs	The commenter states they represent union carpenters in the project area who may be affected by the environmental impacts of the project. The commenter asserts the right to supplement their comment letter in the future, such as prior to and during hearings on the project. The commenter also indicates they incorporate by reference all comments related to the project or its CEQA review.	This comment is addressed in <b>Response 6.2</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR. The commenter does not provide analysis or information not provided in their comment letter on the Draft EIR for this topic as responded to in the Final EIR.
Page 3, third through fifth paragraphs, and page 4, except last paragraph	The commenter suggests that the City require that the construction workforce consist of local hires. The comment suggests that a local-workforce requirement would reduce environmental impacts, including the GHG emissions of the project.	This comment is addressed in <b>Response 6.4</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR. The commenter does not provide analysis or information not provided in their comment letter on the Draft EIR for this topic as responded to in the Final EIR.
Page 4, last paragraph, through first two paragraphs on page 5	The commenter suggests that the City require that the project workforce consist of local hires in order to reduce the transportation impacts of the project.	This comment is addressed in <b>Response 5.32</b> and <b>Response 6.5</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR. The commenter does not provide analysis or information not provided in their comment letter on the Draft EIR for this topic as responded to in the Final EIR.
Page 5, last paragraph	The commenter suggests that the City should utilize local workforce policies and requirements to mitigate GHG impacts, improve air quality, and reduce transportation impacts.	This comment is addressed in <b>Response 6.4, Response 6.5, and Response 6.7</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR. The commenter does not provide analysis or information not provided in their comment letter on the Draft EIR for this topic as responded to in the Final EIR.

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Page 6 through page 8, second paragraph	The commenter provides an overview of CEQA regulations and cites various case law which have set precedent on how some aspects of CEQA are interpreted. The commenter explains purposes of an EIR, when a lead agency should prepare an EIR, how significant impacts are defined, and requirements for conducting studies to support an EIR. The commenter provides a summary or overview of their understanding of how impact significance determinations in an EIR must be supported by substantial evidence.	This comment is addressed in <b>Response 6.8</b> and <b>Response 6.9</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR. The commenter does not provide analysis or information not provided in their comment letter on the Draft EIR for this topic as responded to in the Final EIR.
Page 8, third paragraph through page 9, first paragraph	The commenter suggests that the Final EIR did not adequately address their comments on the Draft EIR pertaining to mitigating the significant and unavoidable GHG impacts of the project. The commenter reiterates their opinion that there is feasible mitigation to reduce the GHG emissions of the project, such as purchasing carbon credits.	This comment is addressed in <b>Response 4.2</b> through <b>Response 4.9</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR. This comment is also addressed in <b>Response 6.17</b> , <b>Response 6.19</b> , and <b>Response 6.23</b> , in Section 3, <i>Comments and Responses</i> , of the Final EIR. The commenter does not provide analysis or information not provided in their comment letter on the Draft EIR for this topic as responded to in the Final EIR.

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Page 9, second paragraph	The commenter asserts that the Final EIR insufficiently concludes that the energy impacts of the project would be less than significant solely because of compliance with regulatory requirements pertaining to energy. The commenter suggests that a project-specific energy analysis is required for CEQA compliance.	This comment is addressed in <b>Response 6.10</b> , in Section 3, <i>Comments and Responses</i> , of the Final EIR. Response 6.10 does provide a project-specific analysis of energy impacts in that it explains the energy efficiencies that project must achieve to be consistent with regulatory requirements. The commenter does not provide new or additional information on why compliance with regulatory requirements is insufficient for impact analysis. Therefore, the commenter does not provide analysis or information not provided in their comment letter on the Draft EIR for this topic as responded to in the Final EIR.
Page 9, third paragraph	The commenter suggests that Mitigation Measure BIO-1 in the Draft EIR is insufficient to reduce significant impacts to raptors because it does not cover the potential nesting season of raptor species.	This comment is addressed in <b>Response 6.24</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR. The commenter does not provide analysis or information not provided in their comment letter on the Draft EIR for this topic as responded to in the Final EIR.
Page 10, first paragraph	The commenter asserts that the Draft EIR must evaluate groundborne vibration levels at 15 feet <i>or greater</i> from the project site to determine if Mitigation Measure NOI-2 would be sufficient to reduce impacts.	This comment is addressed in <b>Response 6.25</b> in Section 3, <i>Comments and Responses</i> , of the Final EIR. The commenter does not provide analysis or information not provided in their comment letter on the Draft EIR for this topic as responded to in the Final EIR.
Exhibit A (all pages after page 10)	The commenter provides their original letter on the Draft EIR.	The commenter's original letter is addressed in the Final EIR.