

SAN FRANCISCO PORT COMMISSION

Willie Adams, President
Kimberly Brandon, Vice President
Leslie Katz, Commissioner
Doreen Woo Ho, Commissioner

Elaine Forbes, Executive Director
Office: 415-274-0400

Amy Quesada, Commission Affairs Manager
Office: 415-274-0406

AGENDA
TUESDAY, JANUARY 9, 2018
2:00 P.M. CLOSED SESSION
3:15 P.M. OPEN SESSION

PORT COMMISSION HEARING ROOM, SECOND FLOOR
FERRY BUILDING, FRANCISCO, CA 94111

The Port Commission Agenda as well as Staff Reports/Explanatory Documents available to the public and provided to the Port Commission are posted on the Port's Website at www.sfport.com. The agenda packet is also available at the Pier 1 Reception Desk. If any materials related to an item on this agenda have been distributed to the Port Commission after distribution of the agenda packet, those materials are available for public inspection at the Port Commission Affairs Manager's Office located at Pier 1 during normal office hours.

1. CALL TO ORDER / ROLL CALL

2. APPROVAL OF MINUTES – November 14, 2017

3. PUBLIC COMMENT ON EXECUTIVE SESSION

4. EXECUTIVE SESSION

A. Vote on whether to hold a closed session and invoke the attorney-client privilege.

(1) CONFERENCE WITH LEGAL COUNSEL AND REAL PROPERTY NEGOTIATOR – This is specifically authorized under California Government Code Section 54956.8. *This session is closed to any non-City/Port representative: (Discussion Item)

a. Property: AB 8719, Lot 002, also known as Seawall Lot 337, AB 9900, Lot 62, also known as China Basin Park, and AB 9900, Lot 048 and AB 9900, Lot 048H, also known as Pier 48 (all bounded generally by China Basin, the San Francisco Bay, Mission Rock Street, and Third Street)
Person Negotiating: Port: Michael Martin, Deputy Director, Real Estate & Development

*Negotiating Parties: SWL 337 Associates, LLC: Jack Bair

Under Negotiations: ____ Price ____ Terms of Payment X Both
Pursuant to Resolution No. 10-32, the Port Commission awarded to the non-Port party an exclusive negotiation agreement with the Port for the lease and development of the property. In this executive session, the Port's negotiator seeks direction from the Port Commission on base rent structure, financing mechanisms and other factors affecting the form, manner and timing of payment of the consideration in negotiations with the non-Port party for the lease and development of the property. The executive session will enable the Port Commission to develop a negotiating strategy tailored to maximize the City's return based on these factors. In particular, the executive session discussions will enhance the capacity of the Port Commission during its public deliberations and actions to set the price and payment terms that are most likely to maximize the benefits to the Port, the City and the People of the State of California and more effectively negotiate with the non-Port party on price and payment terms.

5. RECONVENE IN OPEN SESSION

- A. Possible report on actions taken in closed session pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.
- B. Vote in open session on whether to disclose any or all executive session discussions pursuant to Government Code Section 54957.1 and San Francisco Administrative Code Section 67.12.

6. PLEDGE OF ALLEGIANCE

7. ANNOUNCEMENTS

- A. Announcement of Prohibition of Sound Producing Electronic Devices during the Meeting: Please be advised that the ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing of or use of a cell phone, pager, or other similar sound-producing electronic device.
- B. Announcement of Time Allotment for Public Comments: Please be advised that a member of the public has up to three minutes to make pertinent public comments on each agenda item unless the Port Commission adopts a shorter period on any item.

8. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

Public comment is permitted on any matter within Port jurisdiction and is not limited to agenda items. Public comment on non-agenda items may be raised during Public

Comment Period. A member of the public has up to three minutes to make pertinent public comments. Please fill out a speaker card and hand it to the Manager of Port Commission Affairs. If you have any question regarding the agenda, please contact the Manager of Port Commission Affairs at 415-274-0406. No Commission action can be taken on any matter raised during the public comment period for items not listed on the agenda other than to schedule the matter for a future agenda, refer the matter to staff for investigation or respond briefly to statements made or questions posed by members of the public. (Government Code Section 54954.2(a))

9. EXECUTIVE

- A. Executive Director's Report
 - Islais Creek Selection for the Resilient By Design Competition
 - Pier 70 Shipyard Update
 - Port's Response to the January 4, 2018 Berkeley Earthquake
 - 2017 MFAC Public Managerial Excellence Award to the Encampment Resolution Team - Tom Carter, Deputy Director of Port Maintenance, Scott Walton, Manager of Department of Homelessness and Supportive Housing, and Paul De Freitas, Project Manager of San Francisco Public Works
 - Special Port Commission - January 30, 2017 at Pier 1 Bayside Conference Room

- B. Port Commissioners' Report: Without discussion, at this time Commissioners may make announcements regarding various matters of interest to the Commissioner(s).

- C. Election of Port Commission Officers.

10. CONSENT

- A. Request approval of Memorandum of Understanding M-16334 with the San Francisco Public Utilities Commission (SFPUC) for use of a portion of Seawall Lot 345 (SWL-345) at 855 Terry A. Francois Boulevard to construct, operate, and maintain the Mariposa Dry-Weather Pump Station for a period of thirty (30) years for a lump sum rental of \$502,294 with two options for a total of up to sixty-six (66) years. (Resolution No. 18-01)

11. PLANNING & ENVIRONMENT

- A. Informational presentation regarding the Port's Proposed Federal and State Legislation Program.

12. FINANCE & ADMINISTRATION

- A. Informational presentation of the Port of San Francisco Employee Drone Policy relating to the Port's use of drones on Port property pursuant to the City and County of San Francisco Citywide Employee Drone Policy adopted by the City's Committee on Information Technology.

13. REAL ESTATE & DEVELOPMENT

- A. Informational presentation on the proposed transaction documents related to the Alcatraz Embarkation Site located at Piers 31-33 on The Embarcadero at Bay Street: (1) a General Agreement between the Port and the National Park Service (NPS) for a thirty (30) year term with two (2) ten (10) year options for use of the Site by successive ferry operators selected by NPS including: (2) a form lease with an initial ferry concessioner to be selected by NPS for site improvements and ferry services including from the Embarkation Site to Alcatraz Island for a term coterminous with the NPS ferry concession contract; and (3) a lease with the Golden Gate National Park Conservancy for site improvements and to operate visitor amenities including a visitor contact station and café for a thirty (30) year term with two (2) ten (10) year options.

14. NEW BUSINESS

15. ADJOURNMENT

In memory of and with boundless appreciation for the life and public service of The Honorable Edwin Mah Lee, 43rd Mayor of San Francisco, May 5, 1952 – December 12, 2017

**FORWARD CALENDAR
(TARGETED COMMISSION MEETING, SUBJECT TO CHANGE)**

JANUARY 30, 2018 SPECIAL PORT COMMISSION MEETING AT PIER 1

	FACILITY/POLICY	ITEM	TITLE
1	Pier 48 & Seawall Lot 337	Action	Approval of California Environmental Quality Act (CEQA) findings and transaction documents for the Mission Rock project at SWL 337 and Pier 48

FEBRUARY 13, 2018

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation on the Port's Rapid Structural Assessment Program and overview of load restricted facilities
2	Portwide	Informational	Presentation on the Port's Biennial Operating and Capital Budgets for Fiscal Years 2018-2019 and 2019-2020
3	Portwide	Informational	Presentation on the Port's Five Year Capital Improvement Program and Fiscal Year 2018-2019 Capital Budget
4	Portwide	Informational	Update on the Seawall Resiliency Project
5	Portwide	Informational	Periodic update by Civic Edge Consulting, LLC regarding benchmarks for the public relations, communications, media services, and related professional services for the Seawall Resiliency Project
6	Portwide	Informational	Presentation on the Port's General Obligation Bond Report seeking support for a Seawall Resiliency Bond Measure on the Local Ballot for November 2018
7	Portwide	Informational	Presentation on the Memorandum of Understanding with SFMTA for Parking, Traffic and Transit Regulation and Enforcement Services
8	Pier 70	Informational	Review of Forest City Pier 70, LLC's Phase 1 development of the 28-Acre Site at Pier 70
9	Pier 94	Action	Authorization to advertise for competitive bids for construction, Contract 2786 Pier 94 Backlands Improvement
10	Piers 31-33	Action	Approval on the proposed transaction documents related to the Alcatraz Embarkation Site located at Piers 31-33 on The Embarcadero at Bay Street: (1) a General Agreement between the Port and the National Park Service (NPS) for a thirty (30) year term with two (2) ten (10) year options for use of the Site by successive ferry operators selected by NPS including: (2) a form lease with an initial ferry concessioner to be selected by NPS for site improvements and ferry services including from

			the Embarkation Site to Alcatraz Island for a term coterminous with the ferry concession contract; and (2) a lease with the Golden Gate National Park Conservancy for site improvements and to operate visitor amenities including a visitor contact station and café for a thirty (30) year term with two (2) ten (10) year options
11	Pier 27	Action	Approval to issue rent credits to Metro Cruise for the construction of new U.S. Customs and Border Protection security apparatus at Pier 27 cruise terminal
12	Portwide	Action	Approval of the Port of San Francisco Drone Policy relating to the Port's use of drones on Port property pursuant to the City and County of San Francisco Citywide Employee Drone Policy adopted by the City's Committee on Information Technology

FEBRUARY 27, 2018 AT PIER 1

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Update on the San Francisco Sea Level Rise Action Plan and Port Sea Level Rise Projects
2	Portwide	Informational	Presentation on Advancement and Updates to the Port of San Francisco Strategic Plan, 2017-2022
3	Portwide	Informational	Presentation on Waterfront Plan Working Group recommendations regarding Port-wide Policy issues for Part 2 of the Waterfront Plan Update public process, and next steps for Part 3 of the Waterfront Plan Update public process
4	Portwide	Action	Approval of the Port's Biennial Operating and Capital Budgets for Fiscal Years 2018-19 and 2019-2020
5	Portwide	Action	Approval of the Port's Five Year Capital Improvement Program and Fiscal Year 2018-19 and 2019-20 Capital Budget
6	Pier 29	Action	Authorization to advertise for competitive bids for construction Contract No. 2797, Pier 29 Utility Upgrade & Beltline Building Sewer Re-routing to Street Project

MARCH 13, 2018 AT PIER 1

	FACILITY/POLICY	ITEM	TITLE
1	Piers 68 & 70	Action	Request authorization to issue a Request for Proposals for the Lease and Operation of the Shipyard located at Piers 68 & 70 and Seawall Lot 349 near 20 th Street and Illinois Street, including Dry Dock Eureka and Dry Dock #2 ("the Shipyard")

MARCH 27, 2018 AT PIER 1

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation on the Southern Waterfront Beautification Policy Fund Review

DATE TO BE DETERMINED

	FACILITY/POLICY	ITEM	TITLE
1	Portwide	Informational	Presentation regarding the Policy for the Extension of Long Term Leases
2	Seawall Lot 301	Informational	Presentation regarding the Amendment to Lease No. L-13550 between the Port and Boudin Properties, Inc. for premises located at Seawall Lot 301
3	Piers 80-96	Informational	Presentation on the implementation of the Piers 80-96 Maritime Eco-Industrial Center Strategy
4	Portwide	Informational	Annual Update by the Mayor's Office of Housing and Community Development
5	Portwide	Informational	Presentation from the San Francisco Municipal Transportation Agency regarding transportation issues on the waterfront and Embarcadero
6	South Beach Harbor	Informational	Presentation of Financial and Operational Performance of South Beach Harbor
7	Portwide	Informational	Update on the City's Resiliency Plan
8	Pier 29 Annex	Informational	Presentation regarding a Request for Proposals for a retail space located at Pier 29 Annex (Beltline Building) on the Embarcadero
9	Ferry Terminal	Informational	Progress Report on the Downtown San Francisco Ferry Terminal Expansion Project
10	Pier 22½	Informational	Periodic update on the Fireboat Station 35 Expansion at Pier 22½
11	Pier 43½	Informational	Presentation regarding the proposed term sheet with Golden Gate Scenic Steamship Corporation, located at Piers 43½ in Fisherman's Wharf
12	Seawall Lot 322-1 @ Broadway & Front Streets	Informational	Presentation regarding a proposed Option Agreement and attached Form of Ground Lease with 88 Broadway Family LP for SWL 322-1 ("Site") located at Broadway and Front Streets with a lease term of 57 years with one 18-year extension option to develop and operate affordable housing on the Site
13	Seawall Lot 322-1 @ Broadway & Front Streets	Informational	Presentation regarding a proposed Memorandum of Understanding between the Port and the San Francisco Mayor's Office of Housing and Community Development regarding payment of fair market value and ongoing coordination and cooperation relating to the ground lease of Seawall Lot 322-1 located at Broadway and Front Streets ("Site") for the development and operation of affordable housing at the Site by 88

			Broadway Family LP
14	Portwide	Action	Approval of the Port's General Obligation Bond Report seeking support for a Seawall Resiliency Bond Measure on the Local Ballot for November 2018
15	Crane Cove Park	Action	Authorization to award Construction Contract No. 2781R, Crane Cove Park Construction Package 2, Park Improvements
16	Seawall Lot 322-1 @ Broadway & Front Streets	Action	Approval of an Option Agreement and attached Form of Ground Lease with 88 Broadway Family LP, a California limited partnership, for SWL 322-1 (the "Site"), an approximately 0.86-acre of land improved with paving for temporary surface parking operations, with a term of 57 to 75 years in connection to the proposed development of affordable housing on the Site located at Broadway and Front Streets
17	Seawall Lot 322-1 @ Broadway & Front Streets	Action	Approval of a Memorandum of Understanding between the Port and the San Francisco Mayor's Office of Housing and Community Development regarding payment of fair market value and ongoing coordination and cooperation relating to the lease of Seawall Lot 322-1 (the "Site") for the development of affordable housing; the Site is located at Broadway and Front Streets

JANUARY / FEBRUARY 2018
CALENDAR OF UPCOMING PORT MEETINGS – OPEN TO THE PUBLIC

DATE	TIME	GROUP	LOCATION
JAN. 9	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room at the Ferry Building
JAN. 30 SPECIAL	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Bayside Conference Room at Pier 1
FEB. 13	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Port Commission Hearing Room at the Ferry Building
FEB. 27	2:00 PM Closed Session 3:15 PM Open Session	Port Commission	Bayside Conference Room at Pier 1

NOTES:

The San Francisco Port Commission meets regularly on the second and fourth Tuesday of the month at 3:15 p.m., unless otherwise noticed. The Commission Agenda and staff reports are posted on the Port's Website @ www.sfport.com. Contact Amy Quesada at 415-274-0406 or amy.quesada@sfport.com

Full Commission meetings are replayed on San Francisco cable via SFGovTV2 and streamed on the Internet. Broadband service is recommended for access. The Port Commission is generally broadcast on SFGovTV2, cable channel 78 on the 2nd & 4th Thursday of the month at 9 p.m. SFGovTV archives include a recording of each meeting, an agenda with links to the specific portion of the meeting, a file containing all closed captions for the deaf from the meeting and an MP3 recording of the meeting. The Port Commission meetings can be viewed online at http://sanfrancisco.granicus.com/ViewPublisher.php?view_id=92

The Fisherman's Wharf Waterfront Advisory Group (FWWAG) meets regularly on a bi-monthly basis, on the third Tuesday of the month. The regular meeting time and place is 9:00 a.m. at Scoma's Restaurant, Pier 47 at Fisherman's Wharf. Contact Rip Malloy @ 415-274-0267 or rip.malloy@sfport.com

The Maritime Commerce Advisory Committee (MCAC) meets every other month, on the third Thursday of the month, from 11:30 a.m. to 1:00 p.m. @ Pier 1. Contact Michael Nerney @ 415-274-0416 or michael.nerney@sfport.com

The Mission Bay Citizens Advisory Committee meets on the second Thursday of the month at 5:00 p.m. in the Creek Room at Mission Creek Senior Building located at 225 Berry Street in San Francisco (along the Promenade just beyond the library.) Contact Hilde Myall @ 415-749-2468 or hilde.myall@sfgov.org. For matters related to the proposed Golden State Warriors Event Center, the main contact is Adam Van de Water at MOED Adam.VandeWater@sfgov.org

The Northeast Waterfront Advisory Group (NEWAG) meets regularly on a bi-monthly basis on the first Wednesday of the month from 5:00 p.m. to 7:00 p.m. in the Bayside Conference Room @ Pier 1. Contact Diane Oshima @ 415-274-0545 or diane.oshima@sfport.com

The Central Waterfront Advisory Group (CWAG) meets monthly on an as-needed basis, generally on the third Wednesday of the month from 5 to 7 p.m. in the Bayside Conference Room at Pier 1. Contact Mark Paez @ 415-705-8674 or mark.paez@sfport.com

The Southern Waterfront Advisory Committee (SWAC) meets at the last Wednesday of the month as needed from 6:00 to 8:00 p.m. Location to be determined. Contact David Beaupre @ 415-274-0539 or david.beaupre@sfport.com

The Waterfront Design Advisory Committee (WDAC) meets, as needed, jointly with the Design Review Board of the Bay Conservation and Development Commission on the first Monday of the month at BCDC, 50 California Street, Rm. 2600, at 6:30 p.m. The Committee meets as needed on the fourth Monday of the month at 6:30 p.m. in the Bayside Conf. Rm. @ Pier 1. Contact Dan Hodapp @ 415-274-0625 or dan.hodapp@sfport.com

ACCESSIBLE MEETING INFORMATION POLICY

FERRY BUILDING:

The Port Commission Hearing Room is located on the second floor of the Ferry Building. The main public entrance is from the west (Embarcadero) side and is served by a bank of elevators adjacent to the historic staircase. Accessible public restrooms are on the first floor at the northeast end of the building as well as on the second floor across the lobby from the Port Commission Hearing Room. The main path of travel to the Port Commission Hearing Room is equipped with remote infrared signage (Talking Signs). The Port Commission Hearing Room is wheelchair accessible. Accessible seating for persons with disabilities (including those using wheelchairs) is available. The closest accessible BART and MUNI Metro station is Embarcadero located at Market & Spear Streets. Accessible MUNI lines serving the Ferry Building area are the F-Line, 9, 31, 32 and 71. For more information about MUNI accessible services, call (415) 923-6142. The nearest accessible parking is provided in the following off-street pay lots: 3 spaces in the surface lot on the west side of the Embarcadero at Washington Street.

Hourly and valet parking is available in the Pier 3 lot. This lot is accessed through the Pier 3 bulkhead building entrance on the east side of the Embarcadero. This lot is located on the pier deck; adjacent to the ferry boat Santa Rosa. Additional covered accessible off-street pay parking is available in the Golden Gateway Garage, which is bounded by Washington, Clay, Drumm and Battery Streets. Entrance is on Clay St. between Battery and Front Streets. There is no high-top van parking. Metered street parking is available on the Embarcadero, Washington, Folsom & Drumm Streets.

In order to assist the City's efforts to accommodate persons with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that other attendees may be sensitive to various chemical based products. Please help the City to accommodate these individuals.

Accessible Meeting Information:

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Disability Accommodations:

To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please contact Wendy Proctor, Port's ADA Coordinator at (415) 274-0592 or via email at wendy.proctor@sfport.com or Amy Quesada, Port Commission Affairs Manager, at (415) 274-0405 or via email at amy.quesada@sfport.com at least 72 hours in advance of the hearing. The Port's TTY number is (415) 274-0587.

Language Assistance

311 Free language assistance / 免費語言協助

/ Ayuda gratuita con el idioma / Бесплатная помощь переводчиков / Trợ giúp Thông dịch Miễn phí / Assistance linguistique gratuite / 無料の言語支援 / 무료 언어 지원 / ကာ " ဝ " နာ " ဗ " ' န / Librang tulong para sa wikang Tagalog

To request an interpreter for a specific item during the hearing, please contact Port's Language Access Liaison, Matthias Giezendanner at (415) 274-0471 or email him at matthias.giezendanner@sfport.com at least 48 hours in advance of the hearing.

SPANISH:

Agenda para la Comisión de Planificación. Si desea asistir a la audiencia, y quisiera obtener información en Español o solicitar un aparato para asistencia auditiva, llame Matthias Giezendanner al 415-274-0471. Por favor llame por lo menos 48 horas de anticipación a la audiencia.

CHINESE:

規劃委員會議程。聽證會上如需要語言協助或要求輔助設備，請致電Matthias Giezendanner 415-274-0471。

請在聽證會舉行之前的至少48個小時提出要求。

TAGALOG:

Adyenda ng Komisyon ng Pagpapalano. Para sa tulong sa lengguwahe o para humiling ng Pantulong na Kagamitan para sa Pagdinig (headset), mangyari lamang na tumawag kay Matthias Giezendanner sa 415-274-0471. Mangyaring tumawag nang maaga (kung maaari ay 48 oras) bago sa araw ng Pagdinig.

RUSSIAN:

П о в е с т к а дня Комиссии по планированию. За помощью переводчика или за вспомогательным слуховым устройством на время слушаний обращайтесь по номеру Matthias Giezendanner 415-274-0471. Запросы должны делаться минимум за 48 часов до начала слушания.

NOTICES**Know Your Rights Under the Sunshine Ordinance:**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For more information on your rights under the Sunshine Ordinance (Sections 67.1 et seq. of the San Francisco Administrative Code) or to report a violation of the ordinance, contact the Sunshine Ordinance Task Force, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco CA 94102-4689; by phone at (415) 554-7724; by fax at (415) 554-7854 or by email at soft@sfgov.org. Citizens can obtain a free copy of the Sunshine Ordinance by printing Sections 67.1 et seq. of the San Francisco Administrative Code on the Internet, at <http://www.sfgov.org/sunshine>.

Prohibition of Ringing of Sound Producing Devices:

The ringing of and use of cell phones, pagers, and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic device.

Lobbyist Registration and Reporting Requirements:

Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance (SF Campaign & Government Conduct Code Sections §2.100 – 2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the San Francisco Ethics Commission at 30 Van Ness, Suite 3900, San Francisco, CA 94102, phone (415) 581-2300 or fax (415) 581-2317; web site: www.sfgov.org/ethics.

CEQA Appeal Rights under Chapter 31 of the San Francisco Administrative Code:

If the Commission approves an action identified by an exemption or negative declaration as the Approval Action (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA decision prepared in support of that Approval Action is thereafter subject to appeal within the time frame specified in S.F. Administrative Code Section 31.16. Typically, an appeal must be filed within 30 calendar days of the Approval Action. For information on filing an appeal under Chapter 31, contact the Clerk of the Board of Supervisors at City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA 94102, or call (415) 554-5184. If the Department's Environmental Review Officer has deemed a project to be exempt from further environmental review, an exemption determination has been prepared and can be obtained on-line at <http://sf-planning.org/index.aspx?page=3447>. Under CEQA, in a later court challenge, a litigant may be limited to raising only those issues previously raised at a hearing on the project or in written correspondence delivered to the Board of Supervisors, Planning Commission, Planning Department or other City board, commission or department at, or prior to, such hearing, or as part of the appeal hearing process on the CEQA decision.