

**PLANNING DEPARTMENT  
CITY AND COUNTY OF  
SAN FRANCISCO**

**Notice of Hearing on Application  
For Zoning Variance**

**CITY HALL - Room 408  
1 Dr. Carlton B. Goodlett Place**

**Wednesday, February 25, 2015**

**Session Begins at 9:30 A.M.**

**Public Hearing**

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**Scott F. Sanchez, Zoning Administrator**  
Eva Atijera-Taylor, Recording Secretary

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Notice is hereby given to the general public and to owners of the subject property and other property within 300 feet that an application for variance under the Planning Code as described below has been filed with the Zoning Administrator.

Any remaining questions concerning this application review process may be answered by the Planning Information Center at (415) 558-6377.

**Variance Calendars** and **Audio Recording of the Hearing** are available on the Internet at <http://www.sfplanning.org>

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## **Accessible Meeting Information**

Hearings are held in **Room 408 at City Hall, 1 Dr. Carlton B. Goodlett Place in San Francisco**. City Hall is open to the public Monday through Friday from 8:00 a.m. to 8:00 p.m. and is accessible to persons using wheelchairs and other assistive mobility devices. Ramps are available at the Grove, Van Ness and McAllister entrances. A wheelchair lift is available at the Polk Street entrance.

Transit: The nearest accessible BART station is Civic Center. Accessible MUNI Metro lines are the F, J, K, L, M, N, T (exit at Civic Center or Van Ness stations). MUNI bus routes also serving the area are the 5, 6, 9, 19, 21, 47, 49, 71, and 71L. For more information regarding MUNI accessible services, call (415) 701-4485 or call 311.

Parking: Accessible parking is available at the Civic Center Underground Parking Garage (McAllister and Polk), and at the Performing Arts Parking Garage (Grove and Franklin). Accessible curbside parking spaces are located all around City Hall.

Disability Accommodations: To request assistive listening devices, sign language interpreters, readers, large print agendas or other accommodations, please contact the ADA Coordinator at (415) 575-9157, or [planningnews@sfgov.org](mailto:planningnews@sfgov.org) at least 48 hours in advance of the hearing.

**Language Assistance:** To request an interpreter for a specific case during the hearing, please contact the Language Access Liaison at (415) 575-9157, or [planningnews@sfgov.org](mailto:planningnews@sfgov.org) at least 48 hours in advance of the hearing.

### **SPANISH:**

Si desea asistir a la audiencia, y quisiera obtener información en Español o solicitar un aparato para asistencia auditiva, llame al 415-575-9157. Por favor llame por lo menos 48 horas de anticipación a la audiencia.

### **CHINESE:**

歷史保護委員會議程。聽證會上如需要語言協助或要求輔助設備，請致電415-558-6309。請在聽證會舉行之前的至少48個小時提出要求。

### **TAGALOG:**

Para sa tulong sa lengguwahe o para humiling ng Pantulong na Kagamitan para sa Pagdinig (headset), mangyari lamang na tumawag sa 415-575-9157. Mangyaring tumawag nang maaga (kung maaari ay 48 oras) bago sa araw ng Pagdinig.

### **RUSSIAN:**

За помощью переводчика или за вспомогательным слуховым устройством на время слушаний обращайтесь по номеру 415-575-9157. Запросы должны делаться минимум за 48 часов до начала слушания.

**Cell Phone and/or Sound-Producing Electronic Devices Usage at Hearings**

Effective January 21, 2001, the Board of Supervisors amended the Sunshine Ordinance by adding the following provision: 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 devices.

**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.

Members of the public are not required to provide personal identifying information when they communicate with the Commission or the Department. All written or oral communications, including submitted personal contact information, may be made available to the public for inspection and copying upon request and may appear on the Department's website or in other public documents.

For more information on your rights under the Sunshine ordinance (Chapter 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, contact The Administrator by mail at 1 Dr. Carlton B. Goodlett Place, Room 244, by phone at (415) 554-7724, by fax at (415) 554-7854 or by E-mail at [sotf@sfgov.org](mailto:sotf@sfgov.org).

***Attention:*** *Individuals and entities that influence or attempt to influence local legislative or administrative action may be required by the San Francisco Lobbyist Ordinance [SF Administration Code 16.520 - 16.534] to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite #220, San Francisco, CA 94102, telephone (415) 554-9510, fax (415) 703-0121 and web site <http://www.ci.sf.ca.us/ethics/>.*

**ZONING ADMINISTRATOR  
NOTICE OF HEARING ON  
APPLICATION FOR ZONING VARIANCE**

Notice is hereby given to the general public and to owners of the subject property and other property within 300 feet that an application for variance under the Planning Code as described below has been filed with the Zoning Administrator and will be considered at a PUBLIC HEARING to be held on the date, time, and place listed on the first page of this Calendar:

**A. CONSENT CALENDAR**

All items listed hereunder constitute a Consent Calendar and are considered to be routine by the Zoning Administrator. There will be no separate discussion of these items unless a member of the public so requests, in which case the matter shall be removed from the Consent Calendar and considered as a separate item at this time or at a future hearing.

**(ALEXANDRA KIRBY)**

1. **2014.1460V:** **1808 VALLEJO STREET**, Lot 011 in Assessor's Block 0553 in a RH-2 (Residential- House, Two Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to construct a one-story horizontal addition beneath an existing extension at the rear of the four-story, 6-unit building. A new deck approximately 2 feet above grade is proposed adjacent to the horizontal addition. The proposed first-story addition would not expand the existing footprint of the subject building and would measure 7 feet 6 inches deep by 11 feet 6 inches wide and 13 feet in height.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of approximately 54 feet. The existing building is noncomplying in that it extends approximately 25 feet into the required rear yard. The proposed addition would encroach 7 feet 6 inches into the required rear yard within the existing footprint of the building; therefore, the project requires a variance from the rear yard requirement of the Planning Code.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.1460V.pdf>.

**B. REGULAR CALENDAR**

2. **2014-001610: 4 JAKEY COURT, Lot 105 in Assessor's Block 4711 in a RH-2 Zoning District and a 160-D Height and Bulk District.** (BRITTANY BENDIX)  
VAR

**FRONT SETBACK AND REAR YARD VARIANCE SOUGHT:** The proposal is to 1) construct a two-story horizontal addition at the front of the dwelling, above the front entry, and 2) construct a ground floor single-story addition and a 3rd story balcony adjacent to the rear bay at the rear of the dwelling.

PER SECTION 132 OF THE PLANNING CODE the subject property must provide a front setback of 12 feet 2.5 inches. The existing building has a front setback of 6 feet and is considered a legal non-complying structure. The proposed front addition will extend 4 feet 6 inches beyond the required front setback, but maintain the existing 6 foot front setback. Because the addition occurs within the required front setback area it is an intensification of the non-complying structure and requires a variance.

PER SECTION 134 OF THE PLANNING CODE the subject property must provide a rear yard of 21 feet 5 inches. The existing building currently provides a rear yard of 23 feet. The proposed rear balcony will extend up to 4 feet into the required rear yard. Therefore, the rear balcony requires a variance. The rear addition is a permitted obstruction that will project approximately 3 feet into the required rear yard, but does not require a rear yard variance.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014-001610VAR.pdf>.

3. **2014.1334V 735 TAYLOR STREET, Lot 003 in Assessor's Block 0028 in a C-2 (Community Business) Zoning District and a 40-X Height and Bulk District.** (CARLY GROB)

**EXPOSURE AND USABLE OPEN SPACE VARIANCES SOUGHT:** The project proposes the addition of 2 dwelling units and 5 group housing rooms within the building envelope of an existing 62 bedroom residential hotel

SECTION 135, USABLE OPEN SPACE: 4 of the 7 proposed units do not have access to private or common open space; therefore, a variance is required.

SECTION 140, EXPOSURE: The proposed units do not face open areas that meet the minimum exposure threshold of 25 feet in width; therefore, a variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.1334V.pdf>.

(CARLY GROB)

4. **2014-000990: 48 GOLD STREET**, Lot 014 in Assessor's Block 0175 in a C-2 (Community Business) Zoning District and a 65-A Height and Bulk District.  
**VAR**

**REAR YARD AND EXPOSURE**

The project is to construct a two-story vertical addition to add one dwelling unit above an existing two-story historic office building.

SECTION 134 requires that the minimum rear yard depth for C districts is 25% of the lot depth, and in no case less than 15 feet. The proposed addition would be built to the rear yard line; therefore, a variance is required.

SECTION 140 requires that each dwelling unit face onto a Code-complying rear yard, street at least 20' in width or other feature meeting the minimum requirements of the Planning Code. The subject unit does not include a Code-complying rear yard and Gold Street is less than 20' in width; therefore, a variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014-000990VAR.pdf>.

(CHRISTOPHER TOWNES)

5. **2014.0705V: 1051 MISSISSIPPI STREET**, Lot 163 in Assessor's Block 4224 in a UMU (Urban Mixed Use) Zoning District and a 40-X Height and Bulk District.

**REAR YARD, OPEN SPACE AND EXPOSURE VARIANCES**

**SOUGHT:** The proposal converts an existing 1,270 sf ground floor commercial tenant space into a residential dwelling unit.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 25% of the lot depth (or 25 feet). The existing building encroaches 20 feet into the required rear yard; therefore, a variance is required.

PER SECTION 135 OF THE PLANNING CODE, the proposed dwelling unit is required to provide 80 sf of usable open space. The proposal would not provide any usable open space for the proposed dwelling unit; therefore, a variance is required.

PER SECTION 140 OF THE PLANNING CODE, the proposed dwelling unit is required to provide dwelling unit exposure that meets minimum dimensional requirements (i.e. a Code-compliant rear yard). The

proposal would not provide Code-compliant exposure; therefore, a variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.0705V.pdf>.

6. **2013.1887V:** **170 BOCANA STREET**, Lot 019 in Assessor's Block 5620 in a RH-1 (Residential-House, One Family) Zoning District and a 40-X Height and Bulk District. **(ERICA JACKSON)**

**REAR YARD, MASS REDUCTION AND PARKING VARIANCES**

**SOUGHT:** The proposal is to convert storage space to usable floor area on the ground floor, to convert attic space to usable floor area by increasing the building height by approximately 6 feet on the third floor, and to construct a horizontal rear addition on the third floor above the existing two-story portion. The proposal adds approximately 1,080 square feet of usable floor area to the existing approximately 1,480 square foot single-family residence.

PER SECTION 242(e)(2) OF THE PLANNING CODE the subject property is required to maintain a rear yard of 35 percent of lot depth, which is 19'-3". The existing rear yard is 12'-6" to the existing two-story rear addition. The proposed rear addition would extend into the rear yard to the same depth as the existing two-story rear addition. The proposed rear addition would be constructed within the required rear yard; therefore, a variance is required.

PER SECTION 242(e)(3) OF THE PLANNING CODE the building is required to include a 'mass reduction' of 650 square feet. The proposed project would not comply with the mass reduction requirement; therefore, a variance is required.

PER SECTION 242(e)(4) OF THE PLANNING CODE the addition of more than 400 square feet of usable floor area for alterations within the RH-1 Zoning District that results in an usable floor area above 2,250 square feet requires three off street parking spaces. The new usable floor area would be approximately 2,560 square feet. The proposed project provides two off-street parking spaces, one of which is independently accessible; therefore, a variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2013.1887V.pdf>.

(ERICA JACKSON)

7. **2014-001485: 220 GATES STREET**, Lot 003 in Assessor's Block 5661 in a RH-1 (Residential-House, One Family) Zoning District and a 40-X Height and Bulk District.

**MASS REDUCTION VARIANCE SOUGHT:** The proposal is to convert storage space to usable floor area on the ground floor, construct a single story addition with a roof deck at the rear of the existing structure, and add nook to the existing kitchen. The proposal adds approximately 210 square feet of usable floor area to the existing approximately 2,018 square foot single-family residence.

PER SECTION 242(e)(3) OF THE PLANNING CODE the building is required to include a mass reduction of 650 square feet. The existing building provides a mass reduction of 532 square feet. The proposed project would provide a mass reduction of 21 square feet; therefore, the project requires a variance from the mass reduction requirements of the Planning Code.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014-001485VAR.pdf>.

(ESMERALDA JARDINES)

8. **2014.1185V: 328 HARRIET STREET**, Lot 169 in Assessor's Block 3779 in a RED-MX ([Zoning Description]) Zoning District and a 45-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal includes the replacement of a single-level raised deck and stairway serving as the main entrance to the building. The proposal also includes an 11'-8" firewall along the north side property line.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 20 feet. The subject property currently provides a rear yard of 14'-5 1/2" between the two existing buildings on the lot. The existing deck and stairway are located within this area. The proposal would replace this deck and stairway with a new raised deck and stairway with a smaller footprint and new firewall; therefore, a rear yard variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.1185V.pdf>.



(NICHOLAS PERRY)

9. 2014.0903V: **166-168 SPROULE LANE**, Lot 161 in Assessor's Block 0222 in a RM-3 (Residential- Mixed, Medium Density) Zoning District and a 65-A Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to construct a three-story over garage structure with two dwelling units on a vacant corner lot.

SECTION 134 OF THE PLANNING CODE requires a minimum rear yard depth of 15' measured from the rear property line. The proposed structure extends to the rear property line and provides no required rear yard.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.0903V.pdf>.

(RICHARD SUCRE)

10. 2014.1329V: **918 MINNESOTA STREET**, Lot 004 in Assessor's Block 4106 in the Dogpatch Landmark District, a RH-3 (Residential- House, Three Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal includes construction of a one-story rear vertical addition and a roof deck on top of an existing one-story horizontal addition. The footprint of the existing project will remain the same.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 38 feet 9 inches, as based upon the average of the two adjacent properties. Currently, the existing building is located within a portion of the required rear yard. The proposal would construct a new vertical addition and roof deck within the required rear yard; therefore, a rear yard variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.1329V.pdf>.

(SHARON YOUNG)

11. 2013.0708V: **2835 - 2839 BRODERICK STREET**, Lot 004 in Assessor's Block 0947 in a RH-2 (Residential- House, Two Family) Zoning District and a 40-X Height and Bulk District.

**REAR YARD VARIANCE SOUGHT:** The proposal is to remove the existing rear stairs and to replace them with new rear stairs with decks (approximately 20 feet wide by 7 feet deep) on the 2nd and 3rd floors of the three-story, three-family dwelling. The proposed rear decks and stairs (inclusive of stair landings) will abut the north property line and will be set back approximately 6 feet 3 inches from the south property line.

PER SECTION 134 OF THE PLANNING CODE, the subject property is required to maintain a rear yard of 20 feet. The new rear decks and stairs would be located entirely within the required rear yard. The new rear decks would extend to within approximately 13 feet of the rear property line and the new rear stairs would extend to within 6 feet of the rear property line.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2013.0708V.pdf>.

(TINA CHANG)

12. **2014.0864V:** **701 TARAVAL STREET**, Lot 001 in Assessor's Block 2408 in a NC-2 (Neighborhood Commercial, Small Scale) Zoning District and a 40-X Height and Bulk District.

**STREET FRONTAGE VARIANCE SOUGHT:** The proposal includes the demolition of an existing one-story commercial building and construction of a four-story building which includes three residential units and one ground floor commercial unit.

PER SECTION 145.1 OF THE PLANNING CODE the property is required to provide an active use within the first 25 feet of building depth from any facade facing a street at least 30 feet in width. The proposal includes three parking spaces, considered an inactive use, located within 25 feet from a facade facing 17th Avenue; therefore, a variance is required.

**ARCHITECTURAL PLANS:** The site plan and elevations of the proposed project are available on the Planning Department's website at: <http://sf-planning.org/ftp/files/notice/2014.0864V.pdf>.

**C. PUBLIC COMMENT:**

At this time, members of the public may address the Zoning Administrator on items of interest to the public that are within the subject matter jurisdiction of the Zoning Administrator except agenda items. With respect to agenda items, your opportunity to address the Zoning Administrator will be afforded when the item is reached in the meeting. Each member of the public may address the Zoning Administrator for up to three minutes.

The Zoning Administrator will not take action on any item not appearing on the posted agenda, including those items raised at public comment. In response to public comment, the Zoning Administrator may:

- (1) respond to statements made or questions posed by members of the public; or
- (2) request staff to report back on a matter at a subsequent meeting; or
- (3) direct staff to place the item on a future agenda. (Government Code Section 54954.2(a))

## ADJOURNMENT

### Hearing Procedures

The **Zoning Administrator** typically holds Variance Hearings on the **4<sup>th</sup> Wednesday of each month at 9:30 a.m.**, at the **San Francisco City Hall, Room 408**. City Hall is located at One Dr. Carlton B. Goodlett Place, San Francisco, CA 94102. Hearings are open to the public.

At the hearing, the **Project Sponsor** (Variance Applicant) will be given 5 minutes to present their case, including relevant testimony and evidence. The hearing room is equipped with a projector that can display photographs, architectural plans or other drawings and images. **Members of the public** will be given 3 minutes each to speak on the item. If a member of the public speaks against an item, the Project Sponsor will be given a 3 minute **rebuttal**.

Persons attending a hearing may comment on any scheduled item. When speaking, please note that a **timer** is displayed for each speaker and indicates how much time remains. Speakers will hear a loud sound indicating that the speaker's opportunity to address the Zoning Administrator has ended.

Please note that some items may appear on the **Consent Calendar**. These items are considered routine and may be granted by the Zoning Administrator. There is no separate discussion of consent items unless the Zoning Administrator, member of the public or staff so requests, in which event the matter is removed from the Consent Calendar and will be moved to the Regular Calendar in the Agenda.

In addition, the Zoning Administrator may consider a request for **continuance** to a later date. He may choose to continue the item to the date proposed, to continue the item to another date, or to hear the item on this calendar.

After all of the testimonies are submitted, the Zoning Administrator will consider the evidence, deliberate, and either make a decision, take the matter under advisement, or continue the matter in order for additional information to be presented.

Each hearing ends with **general public comment**, at which time members of the public may address the Zoning Administrator for up to 3 minutes on items of interest to the public that are within the subject matter jurisdiction of the Zoning Administrator, except agenda items. With respect to Agenda items, your opportunity to address the Zoning Administrator will be afforded when the item is reached during the meeting.

All Agenda of Variance Hearings and its Audio Recording (from June 2010 to present) are available on our website for access.

### Sound-Producing Devices Prohibited

The ringing of and use of mobile phones and other sound-producing electronic devices are prohibited at this meeting. Please be advised that the Zoning Administrator may order the removal of any person(s) responsible for the ringing or use of a mobile phone, pager, or other similar sound-producing electronic devices (*67A.1 Sunshine Ordinance: Prohibiting the use of cell phones, pagers and similar sound-producing electronic devices at and during public meetings*).

**Decision Letter and Appeal Process**

No decision is final until a **Variance Decision Letter** is issued. Due to current backlogs, decision letters may take **up to 2 months** to complete from the date of the hearing. The Zoning Administrator's action to grant or deny a variance application may be appealed to the Board of Appeals within **10 days** of the date of the Decision Letter. For more information on how to file an appeal, please contact the **Board of Appeals** in person at 1650 Mission Street, Suite 304, call **(415) 575-6880**, or visit the [San Francisco Board of Appeals](#) website.

**Protest of Fee or Exaction**

You may protest any fee or exaction subject to Government Code Section 66000 imposed as a condition of approval in accordance with Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

The Zoning Administrator's approval or conditional approval of the development subject to the challenged fee or exaction as expressed in its Motion, Resolution, or Discretionary Review Action or the Zoning Administrator's Variance Decision Letter will serve as Notice that the 90-day protest period under Government Code Section 66020 has begun.

**Challenges**

Pursuant to Government Code Section 65009, if you challenge, in court, (1) the adoption or amendment of a general plan, (2) the adoption or amendment of a zoning ordinance, (3) the adoption or amendment of any regulation attached to a specific plan, (4) the adoption, amendment or modification of a development agreement, or (5) the approval of a variance, conditional-use authorization, or any permit, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator or Planning Commission, at, or prior to, the public hearing.

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

If the Zoning Administrator's or Commission's action on a project constitutes the Approval Action for that project (as defined in S.F. Administrative Code Chapter 31, as amended, Board of Supervisors Ordinance Number 161-13), then the CEQA determination 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. This appeal is separate from and in addition to an appeal of an action on a project. Typically, an appeal must be filed within 30 calendar days of the Approval Action for a project that has received an exemption or negative declaration pursuant to CEQA. 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://www.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.