

**From:** Steven Vettel <SVettel@fbm.com>  
**Sent:** Wednesday, July 29, 2020 12:02 PM  
**To:** Hong, Seung Yen (CPC) <seungyen.hong@sfgov.org>; MALAMUT, JOHN (CAT) <John.Malamut@sfcityatty.org>; Wietgreffe, Wade (CPC) <wade.wietgreffe@sfgov.org>; Poling, Jeanie (CPC) <jeanie.poling@sfgov.org>; Lutenski, Leigh (ECN) <leigh.lutenski@sfgov.org>; Nora Collins <nora\_collins@avalonbay.com>; Kearstin Dischinger <kdischinger@bridgehousing.com>; KAPLA, ROBB (CAT) <Robb.Kapla@sfcityatty.org>; Susan Yogi <SYogi@esassoc.com>; Exline, Susan (CPC) <susan.exline@sfgov.org>  
**Cc:** ECN, BalboaReservoirCompliance (ECN) <balboareservoircompliance.ecn@sfgov.org>  
**Subject:** RE: Board appeal hearing procedures - Balboa Reservoir

---

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

The SUD already limits the amount of retail to a cumulative total of 7,500 square feet; anything above that amount is already NP in the SUD.

---

**From:** Hong, Seung Yen (CPC) [mailto:seungyen.hong@sfgov.org]  
**Sent:** Wednesday, July 29, 2020 11:54 AM  
**To:** MALAMUT, JOHN (CAT); Wietgreffe, Wade (CPC); Poling, Jeanie (CPC); Lutenski, Leigh (ECN); Vettel, Steven (25) x4902; Nora Collins; Kearstin Dischinger; KAPLA, ROBB (CAT); Susan Yogi; Exline, Susan (CPC)  
**Cc:** ECN, BalboaReservoirCompliance (ECN)  
**Subject:** RE: Board appeal hearing procedures - Balboa Reservoir

Hi John,  
Thanks for clarifying it. We would need to further strategize our presentation content and sequencing.

It sounds like there have been more conversations about retail, but my understanding (and Planning's preference) was that we want to add a clause in the SUD to limit allowed amount of retail on the project site, not to make it NP. I don't think the DA has any provision regarding the amount of retail space; there are references in the MIP. We'll see where this discussion will go, but if we change it to NP, there will be trickling impacts to the DSG as the DSG has standards for groundfloor retail design, etc.

Seung-Yen

---

**From:** Malamut, John (CAT) <John.Malamut@sfcityatty.org>  
**Sent:** Wednesday, July 29, 2020 10:39 AM  
**To:** Wietgreffe, Wade (CPC) <wade.wietgreffe@sfgov.org>; Poling, Jeanie (CPC) <jeanie.poling@sfgov.org>; Hong, Seung Yen (CPC) <seungyen.hong@sfgov.org>; Lutenski, Leigh (ECN) <leigh.lutenski@sfgov.org>; Steven Vettel <SVettel@fbm.com>; Nora Collins <nora\_collins@avalonbay.com>; Kearstin Dischinger <kdischinger@bridgehousing.com>; KAPLA, ROBB (CAT) <Robb.Kapla@sfcityatty.org>; Susan Yogi <SYogi@esassoc.com>; Exline, Susan (CPC) <susan.exline@sfgov.org>  
**Cc:** ECN, BalboaReservoirCompliance (ECN) <balboareservoircompliance.ecn@sfgov.org>  
**Subject:** RE: Board appeal hearing procedures - Balboa Reservoir

It has just been clarified to me that at the BOS hearing on the CEQA appeal there technically will be no public comment on the SUD, General Plan, DA, or other approvals. I doubt that the President will shut people off from saying something in their 2 minutes. However, this fact may lead to a change in how DCP and Avalon present/testify during their 10 minutes. Also, there is some conversation about the B&F committee amending the DA ordinance today to eliminate the reference to 7,500 sf of retail as mentioned during the LUT committee hearing. If we will be amending the SUD already, is there an amendment needed to show that retail is NP? If so, the reason for this would be so that when the DA terminates, retail still would be NP because it is part of the zoning that will outlast the DA.

**John D. Malamut**  
Deputy City Attorney  
Office of City Attorney Dennis Herrera  
(415) 554-4622 Direct  
[www.sfcityattorney.org](http://www.sfcityattorney.org)  
Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

---

**From:** Wietgreffe, Wade (CPC) <[wade.wietgreffe@sfgov.org](mailto:wade.wietgreffe@sfgov.org)>  
**Sent:** Wednesday, July 29, 2020 8:36 AM  
**To:** Poling, Jeanie (CPC) <[jeanie.poling@sfgov.org](mailto:jeanie.poling@sfgov.org)>; Hong, Seung Yen (CPC) <[seungyen.hong@sfgov.org](mailto:seungyen.hong@sfgov.org)>; Lutenski, Leigh (ECN) <[leigh.lutenski@sfgov.org](mailto:leigh.lutenski@sfgov.org)>; Steven Vettel <[SVettel@fbm.com](mailto:SVettel@fbm.com)>; Nora Collins <[nora\\_collins@avalonbay.com](mailto:nora_collins@avalonbay.com)>; Kearstin Dischinger <[kdischinger@bridgehousing.com](mailto:kdischinger@bridgehousing.com)>; Kapla, Robb (CAT) <[Robb.Kapla@sfcityatty.org](mailto:Robb.Kapla@sfcityatty.org)>; Malamut, John (CAT) <[John.Malamut@sfcityatty.org](mailto:John.Malamut@sfcityatty.org)>; Susan Yogi <[SYogi@esassoc.com](mailto:SYogi@esassoc.com)>; Exline, Susan (CPC) <[susan.exline@sfgov.org](mailto:susan.exline@sfgov.org)>  
**Cc:** ECN, BalboaReservoirCompliance (ECN) <[balboareservoircompliance.ecn@sfgov.org](mailto:balboareservoircompliance.ecn@sfgov.org)>  
**Subject:** Board appeal hearing procedures - Balboa Reservoir

Good morning,  
We should assume the following, unless Leigh tells us otherwise:

- Up to 10 minutes for appellant to describe grounds for their appeal
  - Up to 2 minutes per public commenter in support of the appeal
- Up to 10 minutes for the Planning Department to present its analysis for certifying the EIR
- Up to 10 minutes for real parties in interest to present their case for certification of the EIR
  - Up to 2 minutes per public commenter for support of the certification of the EIR
- Up to 3 minutes for appellant's rebuttal

None of the past hearings I checked match the circumstances of this project: EIR appeal followed by project approvals without an appeal of those approvals. The other projects either had CEQA and approval appeals together (3333 California), no approvals needed by the board (901 16th Street), the board acted as a different body for EIR appeal (Warriors), or approvals occurred at a different hearing (Central SoMa).

Take care,

**Wade Wietgreffe, AICP, Principal Planner**  
**Environmental Planning Division**  
San Francisco Planning Department  
1650 Mission Street, Suite 400 San Francisco, CA 94103  
Direct: 415.575.9050 | [www.sfplanning.org](http://www.sfplanning.org)  
[San Francisco Property Information Map](#)

The Planning Department is open for business during the Stay Safe at Home Order. Most of our staff are working from home and we're [available by e-mail](#). Our [Public Portal](#), where you can file new applications, and our [Property Information Map](#) are available 24/7. The Planning and Historic Preservation Commissions are convening remotely and [the public is encouraged to participate](#). The Board of Appeals, Board of Supervisors, and Planning Commission are [accepting appeals](#) via e-mail despite office closures. All of our in-person services at 1650 and 1660 Mission Street are suspended until further notice. [Click here for more information.](#)