

File No. 230570

Committee Item No. 1

Board Item No. 1

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee  
Board of Supervisors Meeting

Date July 12, 2023 Date  
July 25, 2023

### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

### OTHER (Use back side if additional space is needed)

- PLN CEQA Determination 6/7/2023
- FYI Referral - 5/19/2023
- FYI CEQA Referral 5/19/2023
- Presidential Memo - Temporary Assignment - Engardio 7/10/2023
- \_\_\_\_\_
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- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Completed by: Brent Jalipa

Date July 6, 2023

Completed by: Brent Jalipa

Date July 13, 2023

1 [Public Works Code - Waiver of Annual Occupancy Assessment Fee - Seal Rock Inn]

2

3 **Ordinance waiving the public right-of-way occupancy assessment fee under Public**  
 4 **Works Code, Section 786.7, for a major encroachment permit associated with the Seal**  
 5 **Rock Inn at 545 Point Lobos Avenue; modifying a condition of Seal Rock Inn’s major**  
 6 **encroachment permit; and affirming the Planning Department’s determination under**  
 7 **the California Environmental Quality Act.**

8

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
 9 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
 10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
 11 **Board amendment additions** are in double-underlined Arial font.  
 12 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
 13 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
 14 subsections or parts of tables.

12

13 Be it ordained by the People of the City and County of San Francisco:

14

15 Section 1. Findings.

16

a) The Planning Department has determined that the actions contemplated in this  
 17 ordinance comply with the California Environmental Quality Act (California Public Resources  
 18 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
 19 Supervisors in File No. 230570 and is incorporated herein by reference. The Board affirms  
 20 this determination.

21

b) The Seal Rock Inn is located at 545 Point Lobos Avenue next to the quiet, scenic  
 22 surroundings of Sutro Heights Park. During the COVID-19 pandemic, the restaurant at the  
 23 Seal Rock Inn shut down due to a lack of patronage at the hotel, causing the neighborhood to  
 24 lose the restaurant’s welcoming, family-friendly environment, great food, and spectacular

25

///

1 views. The patio of this restaurant and planting on the opposite side of the hotel entrance are  
2 encroachments on the Point Lobos Avenue public right-of-way.

3 c) The Seal Rock Inn is critical to the economic vitality of the scenic Sutro Heights  
4 area, and without the restaurant the area is empty and desolate.

5 d) Re-opening the Seal Rock Inn restaurant is essential to revitalizing the area,  
6 bringing the Sutro Heights area back to life, and attracting new visitors to this destination near  
7 the Golden Gate National Recreation Area, the Cliff House, and Golden Gate Park.

8 e) In 1961, the Board of Supervisors adopted Resolution No. 631-61, which granted a  
9 major encroachment permit to the Seal Rock Inn (Public Works Permit 19MSE-00476) for use  
10 of the sidewalk area on Point Lobos Avenue. This Resolution is on file with the Clerk of the  
11 Board of Supervisors in File No. 759-60 and incorporated herein by reference. The permit  
12 covers what now is an enclosed dining area/terrace with a glass windbreak and other  
13 encroachments, including a retaining wall and landscaping.

14 f) Public Works Code Section 786.7 imposes an annual public right-of-way occupancy  
15 assessment fee on major encroachments based on the square footage of area occupied. The  
16 annual fee for the Seal Rock Inn major encroachment is approximately \$3,700.00.

17 g) On February 28, 2023, the Board of Supervisors adopted Resolution No. 089-23 to  
18 facilitate the revitalization of this valuable City destination by declaring its intent to waive the  
19 major encroachment annual occupancy assessment permit fee among other actions, so that  
20 the restaurant may open for business, unencumbered by payment of the annual fee. A copy  
21 of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 230174, and  
22 is incorporated herein by reference.

23  
24 Section 2. Waiver of Annual Public Right-of-Way Occupancy Assessment Fee and  
25 Modification of Encroachment Permit Condition for Seal Rock Inn.

1 a) In recognition of the benefits to the community of the Seal Rock Inn’s publicly  
2 accessible patio and its landscaped area, the annual assessment fee set forth in Public Works  
3 Code Section 786.7 (estimated at approximately \$3,700 per year) is hereby waived to partially  
4 offset the costs of re-opening the restaurant and its publicly accessible patio. This waiver  
5 applies to any outstanding annual assessment fee and all future annual assessment fee  
6 payments under Public Works Code Section 786.7.

7 (b) In addition, the Board of Supervisors hereby modifies the major encroachment  
8 permit conditions to delete the condition requiring abatement of the commercial appearance of  
9 the encroachment. The Board of Supervisors finds that this condition no longer reflects  
10 current City policy regarding food service use encroachments on the public right-of-way.  
11

12 Section 3. Effective Date. This ordinance shall become effective 30 days after  
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
15 of Supervisors overrides the Mayor’s veto of the ordinance.  
16

17 APPROVED AS TO FORM:  
18 DAVID CHIU, City Attorney

19 By:  /s/ John D. Malamut  
20 JOHN D. MALAMUT  
21 Deputy City Attorney

22 n:\legana\as2023\2300255\01673061.docx  
23  
24  
25

## **LEGISLATIVE DIGEST**

[Public Works Code - Waiver of Annual Occupancy Assessment Fee - Seal Rock Inn]

**Ordinance waiving the public right-of-way occupancy assessment fee under Public Works Code, Section 786.7 for a major encroachment permit associated with the Seal Rock Inn at 545 Point Lobos Avenue; modifying a condition of Seal Rock Inn’s major encroachment permit; and affirming the Planning Department’s determination under the California Environmental Quality Act.**

### **Existing Law**

In 1961, the Board of Supervisors (the “Board”) adopted Resolution No. 631-61 that granted a major encroachment permit to the Seal Rock Inn at 545 Point Lobos Avenue to occupy portions of the sidewalk area. Subsequently, the Board adopted Public Works Code Section 786.7 that imposes an annual public right-of-way occupancy assessment fee on major encroachments based on the square footage of area occupied. The annual fee for the Seal Rock Inn major encroachment, which includes a restaurant patio and planting area, is approximately \$3,700.00. On February 28, 2023, the Board adopted Resolution No. 089-23 to facilitate the revitalization of this valuable City destination by declaring its intent to waive the major encroachment annual occupancy assessment permit fee, among other actions.

### **Amendments to Current Law**

The uncodified ordinance would waive all past and future annual occupancy assessment fees under Public Works Code Section 786.7 for the Seal Rock Inn major encroachment permit. The legislation also would modify a permit condition to remove a requirement that prohibits the commercial appearance of the encroachment.

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

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## MEMORANDUM

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Date: May 19, 2023  
To: Planning Department / Commission  
From: Brent Jalipa, Clerk of the Budget and Finance Committee  
Subject: Board of Supervisors Legislation Referral - File No. 230570  
Public Works Code - Waiver of Annual Occupancy Assessment Fee - Seal Rock Inn

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- California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)
- Ordinance / Resolution
- Ballot Measure
- Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.
- 6/7/2023 
- Amendment to the Planning Code, including the following Findings:  
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
- General Plan  Planning Code, Section 101.1  Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning  
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- General Plan Referral for Non-Planning Code Amendments  
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)  
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission
- Landmark (*Planning Code, Section 1004.3*)
- Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
- Mills Act Contract (*Government Code, Section 50280*)
- Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Brent Jalipa at [Brent.Jalipa@sfgov.org](mailto:Brent.Jalipa@sfgov.org).

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## MEMORANDUM

TO: Carla Short, Interim Director, Public Works

FROM: Brent Jalipa, Assistant Clerk, Budget and Finance Committee

DATE: May 19, 2023

SUBJECT: PROPOSED ORDINANCE INTRODUCED

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The Board of Supervisors' Budget and Finance Committee has received the following proposed Ordinance, introduced by Supervisor Connie Chan:

**File No. 230312**

**Ordinance waiving the public right-of-way occupancy assessment fee under Public Works Code, Section 786.7, for a major encroachment permit associated with the Seal Rock Inn at 545 Point Lobos Avenue; modifying a condition of Seal Rock Inn's major encroachment permit; and affirming the Planning Department's determination under the California Environmental Quality Act.**

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: David Steinberg, Public Works  
Ian Schneider, Public Works  
Lena Liu, Public Works

BOARD of SUPERVISORS



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## MEMORANDUM

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To: Planning Department / Commission  
From: Brent Jalipa, Clerk of the Budget and Finance Committee  
Subject: Board of Supervisors Legislation Referral - File No. 230570  
Public Works Code - Waiver of Annual Occupancy Assessment Fee - Seal Rock Inn

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- California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)
  - Ordinance / Resolution
  - Ballot Measure
  
- Amendment to the Planning Code, including the following Findings:  
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  - General Plan     Planning Code, Section 101.1     Planning Code, Section 302
  
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  - Landmark (*Planning Code, Section 1004.3*)
  - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
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  - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Brent Jalipa at [Brent.Jalipa@sfgov.org](mailto:Brent.Jalipa@sfgov.org).



President, District 3  
BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. 554-7450  
Fax No. 554-7454  
TDD/TTY No. 544-6546

**Aaron Peskin**

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**PRESIDENTIAL ACTION**

Date:

To: Angela Calvillo, Clerk of the Board of Supervisors

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Madam Clerk,

Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No.

(Primary Sponsor)

Title.

Transferring (Board Rule No 3.3)

File No.

(Primary Sponsor)

Title.

From:

Committee

To:

Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor:

Replacing Supervisor:

For:

Meeting

(Date)

(Committee)

Start Time:

End Time:

Temporary Assignment: Partial

Full Meeting

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Aaron Peskin, President  
Board of Supervisors

From: [Tom Kuhn](#)  
To: [Thomas Kuhn](#)  
Subject: PLEASE HELP SUPERVISOR CONNIE CHAN RE-OPEN THE SEAL ROCK INN RESTAURANT  
Date: Friday, July 7, 2023 1:53:32 PM

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



# Friends of Sutro Heights Park

Neighborhood Newsletter



After 46 Years the Seal Rock Inn Restaurant closed August 2020.

July 7, 2023

Supervisor Connie Chan needs your help next Wednesday July 12 at 10:15 in City Hall Room 250.

She is introducing legislation to permanently waive some permit and fee requirements to streamline the process towards opening a new restaurant.

With the closure of the GGNRA Visitor Center Café, Louis' restaurant, and the Cliff House, San Franciscans and visitors need a place to relax and refresh after hiking Lands End and visiting Sutro Heights Park. Our Tai Chi class would always go there after breakfast and we miss it a lot.

**If you cannot attend the meeting in person to comment, "Members of the public may also submit their comments by email to: [bos@sfgov.org](mailto:bos@sfgov.org); all comments received will be made a part of the official record."**

The meeting will be broadcast on <http://SFGOVTV.ORG> .

#### "Remote Access to Information and Participation

The Board of Supervisors ([www.sfbos.org](http://www.sfbos.org) and its committees convene hybrid meetings that allow in-person attendance, in-person public comment (prioritized before remote public comment), remote access (watch: [www.sfgovtv.org](http://www.sfgovtv.org)), and remote public comment via teleconference (<https://sfbos.org/remote-meeting-call>). Once again, **Members of the public may also submit their comments by email to: [bos@sfgov.org](mailto:bos@sfgov.org); all comments received will be made a part of the official record.**

#### PUBLIC COMMENT CALL-IN

**(415) 655-0001 / Meeting ID: 2660 358 4967 # #**

(Press \*3 to enter the speaker line)

You can find the agenda for the July 12<sup>th</sup> Budget and Finance Committee meeting [HERE](#).

THANK YOU !

Tom Kuhn  
Friends of Sutro Heights Park/  
Coalition to Save Ocean Beach  
546 48th Avenue  
San Francisco CA 94121

If you wish to be removed from this

[email list](#) Please let me know

**From:** [Berit Pedersen](#)  
**To:** [Board of Supervisors \(BOS\)](#)  
**Subject:** Seal Rock Inn Restaurant  
**Date:** Wednesday, July 12, 2023 9:37:00 AM

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

I've lived in the Outer Richmond for 25 years, 15 of this by Lands End. During this time, I have seen a notable increase in visitors to this area, and as tourists become more apprehensive about visiting downtown attractions, the Lands End area has become even more popular.

But there is no place for visitors to get anything to eat. They just see a bunch of closed restaurants.

It has been a challenging environment for San Francisco restaurants since COVID. Overall SF small businesses grapple with increased costs, unsafe streets and lack of customers (per the 2022 SF Small Businesses Survey on Economic Recovery). The area around Seal Rock is an exception though the last issue as there is a great customer base (locals and tourists) but no place to go.

One of the key opportunities identified in the 2022 small business study was to eliminate excessive fees and taxes. Please do the right thing and do what you can to help the Seal Rock Inn.

**From:** [carol Winetsky](#)  
**To:** [Board of Supervisors \(BOS\)](#)  
**Subject:** Revitalization of the Golden Gate View Area at Land"s End  
**Date:** Monday, July 10, 2023 9:23:44 PM

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To the Board of Supervisors,

My husband and I are long term San Francisco residents residing in the Outer Richmond.

Land's End was once an oasis where hikers and walkers could refresh themselves at an assortment of dining and eating establishments.

As of 2023 not one of those establishments remain.

My husband and I support Supervisor Connie Chan's legislation that would permanently waive some permit and fee requirements so that the world class view area can thrive again.

It's appalling that a world class city like San Francisco would fail to provide the support needed to revitalize such a spectacular spot.

Carol Winetsky

**From:** [Judith Schiller](#)  
**To:** [Board of Supervisors \(BOS\)](#)  
**Subject:** Ease permitting  
**Date:** Saturday, July 8, 2023 9:12:42 AM

---

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

I support Connie Chan's efforts to ease permitting for restaurants.

Judith Schiller PhD , LCSW  
Teletherapy and Telepsychoanalysis

(415) 298-0825 cell

**Confidentiality Notice:**

The information contained in this email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information, or Protected Health Information as such term is defined under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Any unauthorized review, use, disclosure, copying or distribution is prohibited and may be unlawful. If you believe you have received this email in error, please contact the sender by reply email and delete all copies of the original message, including attachments.

Note to Patients: There are inherent confidentiality risks in communicating by email. While safeguards are in place to ensure your privacy, you should not use email communication if you are concerned about any breaches of privacy that might inadvertently occur.

If you have received this e-mail in error, please contact me at (415)298-0825 or at [jdschil@gmail.com](mailto:jdschil@gmail.com).

## Introduction Form

*(by a Member of the Board of Supervisors or the Mayor)*

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)  
*(Routine, non-controversial and/or commendatory matters only)*
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor  inquires..."
- 5. City Attorney Request
- 6. Call File No.  from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission     Youth Commission     Ethics Commission  
 Planning Commission     Building Inspection Commission     Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes                       No

*(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)*

Sponsor(s):

Chan

Subject:

[Public Works Code - Waiver of Annual Occupancy Assessment Fee - Seal Rock Inn]

Long Title or text listed:

Ordinance waiving the public right-of-way occupancy assessment fee under Public Works Code to 786.7 for a major encroachment permit associated with the Seal Rock Inn at 545 Point Lobos Avenue; modifying a condition of Seal Rock Inn's major encroachment permit; and affirming the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor: 