

BOARD of SUPERVISORS



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# MEMORANDUM

TO: Katy Tang, Director  
Small Business Commission, City Hall, Room 448

FROM: John Carroll, Assistant Clerk, Land Use and Transportation Committee

DATE: September 12, 2024

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committ3ee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 240843**

**Ordinance amending the Administrative Code to establish four Entertainment Zones: 1) on Maiden Lane between Kearny Street and Grant Avenue; 2) on Mark Lane and on Harlan Place between Grant Avenue and Mark Lane; 3) on Market Street between 5th Street and 6th Street, with eastern boundaries at Mason Street on the north side of Market Street and at 5th Street on the south side of Market Street, and western boundaries at the intersection of Golden Gate Avenue and Taylor Street on the north side of Market Street and at 6th Street on the south side of Market Street; and 4) the area bounded by Warriors Way on the north, Terry A. Francois Boulevard on the east, 16th Street on the south, and 3rd Street on the west; and affirming the Planning Department's determination under the California Environmental Quality Act.**

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c:  
Office of Chair Melgar  
Kerry Birnbach, Senior Policy Analyst/Commission Secretary

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RESPONSE FROM SMALL BUSINESS COMMISSION - Date: \_\_\_\_\_

\_\_\_\_\_ No Comment  
\_\_\_\_\_ Recommendation Attached

\_\_\_\_\_  
Chairperson, Small Business Commission

1 [Administrative Code - Entertainment Zones]

2

3 **Ordinance amending the Administrative Code to establish four Entertainment Zones: 1)**  
 4 **on Maiden Lane between Kearny Street and Grant Avenue; 2) on Mark Lane and on**  
 5 **Harlan Place between Grant Avenue and Mark Lane; 3) on Market Street between 5th**  
 6 **Street and 6th Street, with eastern boundaries at Mason Street on the north side of**  
 7 **Market Street and at 5th Street on the south side of Market Street, and western**  
 8 **boundaries at the intersection of Golden Gate Avenue and Taylor Street on the north**  
 9 **side of Market Street and at 6th Street on the south side of Market Street; and 4) the**  
 10 **area bounded by Warriors Way on the north, Terry A. Francois Boulevard on the east,**  
 11 **16th Street on the south, and 3rd Street on the west; and affirming the Planning**  
 12 **Department's determination under the California Environmental Quality Act.**

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

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

21 Section 1. CEQA Findings.

22 The Planning Department has determined that the actions contemplated in this  
 23 ordinance comply with the California Environmental Quality Act (California Public Resources  
 24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
 25 Supervisors in File No. \_\_\_\_ and is incorporated herein by reference. The Board affirms this  
 determination.

1 Section 2. Chapter 94B of the Administrative Code is hereby amended by revising  
2 Sections 94B.2 and 94B.4, to read as follows:

3 **SEC. 94B.2. ENTERTAINMENT ZONE CONTROLS.**

4 (a) All commercial entities and organizations sponsoring or selling alcoholic beverages  
5 at an Entertainment Zone Event shall comply with all applicable state and local laws and  
6 regulations, including but not limited to the following:

- 7 (1) All applicable ABC license and permitting requirements;
- 8 (2) Sections 23357, 23358, and 23396 of the California Business and  
9 Professions Code, as may be amended from time to time;
- 10 (3) All other laws governing the sale and consumption of alcoholic beverages  
11 and any and all permits and licenses issued pursuant thereto;
- 12 (4) Transportation Code, Division I, Article 6;
- 13 (5) Transportation Code, Division II, Article 200, Sections 205 and 206; and
- 14 (6) Any applicable Management Plan issued by the Office of Economic and

15 Workforce Development under this Chapter 94B.

16 (b) Open alcoholic beverages may be consumed on any public street, avenue,  
17 sidewalk, stairway, alley, or thoroughfare within an Entertainment Zone during an  
18 Entertainment Zone Event, as set forth in Police Code Section 21, subject to any other  
19 restrictions imposed by state or local law.

20 (c) All open alcoholic beverages consumed during an Entertainment Zone Event shall  
21 be purchased only from a premises located within the Entertainment Zone that is authorized  
22 under California Business and Professions Code Section 23357, 23358, or 23396, as may be  
23 amended from time to time, to permit consumers to leave the premises with open containers  
24 of alcoholic beverages for consumption off the premises, or an organization that is authorized  
25 by an ABC special event permit or license to make such sales within the Entertainment Zone.

1            (d) An Entertainment Zone Event may take place on any day of the year between the hours of  
2 noon and 11:59 p.m., inclusive, except as otherwise specified in this Chapter 94B, and subject to any  
3 additional limitations imposed by any ABC permit or license and by the Management Plan for the  
4 Entertainment Zone.

5            **SEC. 94B.4. ~~FRONT STREET~~ ENTERTAINMENT ZONE LOCATIONS.**

6            (a) **Front Street Entertainment Zone.**

7            (1) All public streets, sidewalks, and public rights-of-way on Front Street  
8 between California Street and Sacramento Street, and all premises specified in Section 94B.2(c)  
9 that are adjacent thereto, are hereby designated as the Front Street Entertainment Zone under  
10 Sections 23039.5 and 25690 of the California Business and Professions Code.

11            ~~(b)~~ (2) An Entertainment Zone Event within the Front Street Entertainment Zone  
12 must receive a permit for the use of a public street under Transportation Code Division I,  
13 Section 6.6 or 6.16, or Transportation Code Division II, Section 206.

14            ~~(c) Outdoor consumption of alcoholic beverages within this Entertainment Zone is authorized~~  
15 ~~during any Entertainment Zone Event on any day of the year between the hours of noon and 11:59pm,~~  
16 ~~inclusive, subject to any additional limitations imposed by any ABC permit or license and by the~~  
17 ~~Management Plan for this Entertainment Zone.~~

18            (b) **Maiden Lane Entertainment Zone.**

19            (1) All public streets, sidewalks, and public rights-of-way on Maiden Lane between  
20 Kearny Street and Grant Avenue, and all premises specified in Section 94B.2(c) that are adjacent  
21 thereto, are hereby designated as the Maiden Lane Entertainment Zone under Sections 23039.5 and  
22 25690 of the California Business and Professions Code.

23            (2) An Entertainment Zone Event within the Maiden Lane Entertainment Zone must  
24 receive a permit for the use of a public street under Transportation Code Division I, Section 6.6 or  
25 6.16, or Transportation Code Division II, Section 206, or hold all permits and authorizations required

1 by Board of Supervisors Resolution No. 80-05, contained in Board File No. 041759, or any successor  
2 legislation.

3 **(c) Mark Lane and Harlan Place Entertainment Zone.**

4 (1) All public streets, sidewalks, and public rights-of-way on Mark Lane and on Harlan  
5 Place between Grant Avenue and Mark Lane, and all premises specified in Section 94B.2(c) that are  
6 adjacent thereto, are hereby designated as the Mark Lane and Harlan Place Entertainment Zone under  
7 Sections 23039.5 and 25690 of the California Business and Professions Code.

8 (2) An Entertainment Zone Event within the Mark Lane and Harlan Place  
9 Entertainment Zone must receive a permit for the use of a public street under Transportation Code  
10 Division I, Section 6.6 or 6.16, or Transportation Code Division II, Section 206.

11 **(d) Mid-Market Entertainment Zone.**

12 (1) All sidewalks on Market Street between 5th Street and 6th Street, with eastern  
13 boundaries at Mason Street on the north side of Market Street and at 5th Street on the south side of  
14 Market Street, and western boundaries at the intersection of Golden Gate Avenue and Taylor Street on  
15 the north side of Market Street and at 6th Street on the south side of Market Street, and all premises  
16 specified in Section 94B.2(c) that are adjacent thereto, are hereby designated as the Mid-Market  
17 Entertainment Zone under Sections 23039.5 and 25690 of the California Business and Professions  
18 Code.

19 (2) An Entertainment Zone Event within the Mid-Market Entertainment Zone must  
20 receive a permit for the temporary occupancy of a public sidewalk from the Department of Public  
21 Works.

22 **(e) Arena Entertainment Zone.**

23 (1) The area bounded by the southern side of Warriors Way on the north, the western  
24 side of Terry A. Francois Boulevard on the east, the northern side of 16th Street on the south, and the  
25 eastern side of 3rd Street on the west, including all sidewalks but excluding public streets and other

1 rights-of-way, is hereby designated as the Arena Entertainment Zone under Sections 23039.5 and  
2 25690 of the California Business and Professions Code.

3 (2) The establishment of the Arena Entertainment Zone pursuant to this subsection (e)  
4 shall in no way affect the land use authorizations for or ownership of any private property within the  
5 Arena Entertainment Zone.

6 (3) The Arena Entertainment Zone shall be subject to any controls imposed by the  
7 Mission Bay South Redevelopment Plan.

8  
9 Section 3. Effective Date. This ordinance shall become effective 30 days after  
10 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
11 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
12 of Supervisors overrides the Mayor’s veto of the ordinance.

13  
14 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
15 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
16 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
17 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
18 additions, and Board amendment deletions in accordance with the “Note” that appears under  
19 the official title of the ordinance.

20  
21 APPROVED AS TO FORM:  
22 DAVID CHIU, City Attorney

23 By: /s/ Victoria Wong  
24 VICTORIA WONG  
25 Deputy City Attorney

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## LEGISLATIVE DIGEST

[Administrative Code - Entertainment Zones]

**Ordinance amending the Administrative Code to establish four Entertainment Zones: 1) on Maiden Lane between Kearny Street and Grant Avenue; 2) on Mark Lane and on Harlan Place between Grant Avenue and Mark Lane; 3) on Market Street between 5th Street and 6th Street, with eastern boundaries at Mason Street on the north side of Market Street and at 5th Street on the south side of Market Street, and western boundaries at the intersection of Golden Gate Avenue and Taylor Street on the north side of Market Street and at 6th Street on the south side of Market Street; and 4) the area bounded by Warriors Way on the north, Terry A. Francois Boulevard on the east, 16th Street on the south, and 3rd Street on the west; and affirming the Planning Department's determination under the California Environmental Quality Act.**

### Existing Law

Pursuant to state law, Administrative Code Chapter 94B authorizes the creation of entertainment zones, within which the outdoor consumption of alcoholic beverages is permitted on public streets, sidewalks and public rights-of-way adjacent to and during special events licensed by the California Department of Alcoholic Beverage Control. Chapter 94B also establishes an entertainment zone on Front Street between California Street and Sacramento Street.

### Amendments to Current Law

This ordinance would amend Chapter 94B to establish four additional entertainment zones: (1) on Maiden Lane between Kearny Street and Grant Avenue, including public streets, sidewalks and public rights-of-way; (2) on Mark Lane and on Harlan Place between Grant Avenue and Mark Lane, including public streets, sidewalks and public rights-of-way; (3) on Market Street between 5th Street and 6th Street, with eastern boundaries at Mason Street on the north side of Market Street and 5th Street on the south side of Market Street, and western boundaries at the intersection of Golden Gate Avenue and Taylor Street on the north side of Market Street and at 6th Street on the south side of Market Street, including sidewalks, but not public streets or other rights-of-way; and (4) the area bounded by the southern side of Warriors Way on the north, the western side of Terry A. Francois Boulevard on the east, the northern side of 16th Street on the south, and the eastern side of 3rd Street on the west, including sidewalks, but not public streets or other rights-of-way.