

BOARD of SUPERVISORS



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

MEMORANDUM

Date: September 27, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 240843 Substituted Version 2
Administrative Code - Entertainment Zones

- 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:
(*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 John Carroll at john.carroll@sfgov.org.

1 [Administrative Code - Entertainment Zones]

2

3 **Ordinance amending the Administrative Code to establish two Entertainment Zones:**
4 **the Mid-Market Entertainment Zone, on Market Street between 5th Street and 6th Street,**
5 **with eastern boundaries at Mason Street on the north side of Market Street and at 5th**
6 **Street on the south side of Market Street, and western boundaries at the intersection of**
7 **Golden Gate Avenue and Taylor Street on the north side of Market Street and at 6th**
8 **Street on the south side of Market Street; and the Arena Entertainment Zone, bounded**
9 **by Warriors Way on the north, Terry A. Francois Boulevard on the east, 16th Street on**
10 **the south, and 3rd Street on the west; and affirming the Planning Department’s**
11 **determination under the California Environmental Quality Act.**

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

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

18

19 Section 1. CEQA Findings.

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

25

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

3
4 **SEC. 94B.4. ENTERTAINMENT ZONE LOCATIONS.**

5 (a) The Board of Supervisors hereby establishes all of the Downtown Activation
6 Locations set forth in Administrative Code Section 94D.3, including all public streets, public
7 rights-of-ways, and sidewalks in front of storefronts abutting both sides of said locations, and
8 all establishments holding permits or licenses from ABC that are located on either side of said
9 locations, as Entertainment Zones under Sections 23039.5 and 25690 of the California
10 Business and Professions Code.

11 (b) Additional Entertainment Zones.

12 (1) Mid-Market Entertainment Zone.

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

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

23 (C) Notwithstanding subsection (c), if an Entertainment Zone Event within the
24 Mid-Market Entertainment Zone does not involve the closure of a public street, it need not receive a
25 permit for the use of a public street under Transportation Code Division I, Section 6.6 or 6.16 or

1 Transportation Code Division II, Section 206, or other applicable authority of the San Francisco
2 Municipal Transportation Agency (SFMTA).

3 **(2) Arena Entertainment Zone.**

4 (A) The area bounded by the southern side of Warriors Way on the north, the
5 western side of Terry A. Francois Boulevard on the east, the northern side of 16th Street on the south,
6 and the eastern side of 3rd Street on the west, including all sidewalks but excluding public streets and
7 other rights-of-way, is hereby designated as the Arena Entertainment Zone under Sections 23039.5 and
8 25690 of the California Business and Professions Code.

9 (B) The establishment of the Arena Entertainment Zone pursuant to this
10 subsection (b)(2) shall in no way affect the land use authorizations for or ownership or control of any
11 private property within the Arena Entertainment Zone.

12 (C) The Arena Entertainment Zone shall be subject to any controls imposed by
13 the Mission Bay South Redevelopment Plan.

14 (D) Notwithstanding subsection (c), if an Entertainment Zone Event within the
15 Arena Entertainment Zone does not involve the closure of a public street, it need not receive a permit
16 for the use of a public street under Transportation Code Division I, Section 6.6 or 6.16 or
17 Transportation Code Division II, Section 206, or other applicable authority of the SFMTA.

18 (c) Except as otherwise specified in this Section 94B.4, ~~A~~an Entertainment Zone Event must
19 receive a permit for the use of a public street under Transportation Code Division I, Section
20 6.6 or 6.16 or Transportation Code Division II, Section 206, or other applicable authority of the
21 San Francisco Municipal Transportation Agency (SFMTA).

22 (de) Outdoor consumption of alcoholic beverages is authorized within an Entertainment
23 Zone during any Entertainment Zone Event on any day of the year between the hours of noon
24 and 11:59 p.m., inclusive, subject to any additional limitations imposed by any ABC permit or
25 license and by the Management Plan, or if none, the Downtown Activation Permit, for the~~is~~

1 Entertainment Zone, including but not limited to more restrictive days and hours during which
2 outdoor consumption of alcoholic beverages is authorized.

3 (~~et~~) A Downtown Activation Permit is not required to hold an Entertainment Zone
4 Event.

5
6 Section 3. Effective Date. This ordinance shall become effective 30 days after
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
9 of Supervisors overrides the Mayor’s veto of the ordinance.

10
11 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
12 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
13 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
14 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
15 additions, and Board amendment deletions in accordance with the “Note” that appears under
16 the official title of the ordinance. For purposes of this ordinance, the font used for “Unchanged
17 Code text” (plain Arial font) includes amendments to Administrative Code Section 94B.4 made
18 in the ordinance in Board of Supervisors File No. 240804.

19
20 APPROVED AS TO FORM:
21 DAVID CHIU, City Attorney

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

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LEGISLATIVE DIGEST

(Substituted, 9/24/24)

[Administrative Code - Entertainment Zones]

Ordinance amending the Administrative Code to establish two Entertainment Zones: the Mid-Market Entertainment Zone, 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 the Arena Entertainment Zone, 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. Administrative Code Section 94B.3 creates the Front Street Entertainment Zone.

Pending legislation in Board File No. 240804 would amend the Administrative Code to add Chapter 94D, which would establish the Greater Downtown Community Benefit District Master Permitting for Entertainment Activation Program. Section 94D.3 would establish numerous Downtown Activation Locations, which could receive Downtown Activation Permits. Section 94D.2 would authorize the Department of Public Works to approve conditions regarding alcoholic beverages to be sold in any Entertainment Zone within a Downtown Activation Location.

The ordinance in Board File No. 240804 would also amend Administrative Code Section 94B.3 to authorize the Office of Economic and Workforce Development to consider whether a Downtown Activation Permit satisfies the requirements for an Entertainment Zone Management Plan. The ordinance in Board File No. 240804 would also designate the area within the existing Front Street Entertainment Zone as a Downtown Activation Location.

Amendments to Current Law

This ordinance assumes the approval of the ordinance in Board File No. 240804, and further amends Administrative Code Chapter 94B to establish two additional entertainment zones: (1) the Mid-Market Entertainment Zone, 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 (2) the Arena Entertainment Zone, 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.

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