

[Administrative Code - Valencia Street, Pier 39, Folsom Street, and Ellis Street Entertainment Zones and Yerba Buena Lane Downtown Activation Location]

**Ordinance amending the Administrative Code to create the Valencia Street Entertainment Zone, on Valencia Street between 16th Street and 21st Street; the Pier 39 Entertainment Zone, on and around Pier 39, including the northern waterfront of The Embarcadero, between The Embarcadero on the south, Kearny Street on the east, Powell Street on the west, and the San Francisco shoreline on the north; the Folsom Street Entertainment Zone, on Folsom Street between 7th Street and 8th Street, Hallam Street between Folsom Street and Brush Place, and Langton Street between Folsom Street and Decker Alley; the Ellis Street Entertainment Zone, on Ellis Street between Stockton Street and Powell Street; and the Yerba Buena Lane Downtown Activation Location, on Yerba Buena Lane between Market Street and Mission Street, and on the northern side of Mission Street only, excluding the public street portion of Mission Street, between Yerba Buena Lane and 3rd Street, including Jessie Square; and affirming the Planning Department's determination under the California Environmental Quality Act.**

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

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

Section 1. Environmental Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources

Code Sections 21000 *et seq.*). Said determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The Board affirms this determination.

## Section 2. Port of San Francisco Actions

Port of San Francisco staff intends request that the Port Commission support the formation of the Pier 39 Entertainment Zone and adopt rules and regulations for said Entertainment Zone.

Section 3. Chapters 94B and 94D of the Administrative Code are hereby amended by revising Sections 94B.4 and 94D.3, to read as follows:

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

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

#### **(b) Additional Entertainment Zones.**

\* \* \* \*

#### **(6) Valencia Street Entertainment Zone.**

(A) All public streets, public rights-of-way, and sidewalks in front of storefronts abutting both sides of Valencia Street, between 16th Street and 21st Street, and all premises specified in Section 94B.2(c) that are adjacent thereto, are hereby designated as the Valencia Street Entertainment Zone under Sections 23039.5 and 25690 of the California Business and Professions Code.

1                   (B) Notwithstanding subsection (c), if an Entertainment Zone Event within the  
2 Valencia Street Entertainment Zone does not involve the closure of a public street, it need not receive a  
3 permit for the use of a public street under Transportation Code Division I, Section 6.6 or 6.16 or  
4 Transportation Code Division II, Section 206, or other applicable authority of the SFMTA.

5                   **(7) Pier 39 Entertainment Zone.**

6                   (A) The area on and around Pier 39, including the northern waterfront of The  
7 Embarcadero, between the Embarcadero on the south, Kearny Street on the east, Powell Street on the  
8 west, and the San Francisco shoreline on the north, including all sidewalks and public rights-of-way  
9 but excluding public streets, and all premises specified in Section 94B.2(c) that are adjacent thereto,  
10 are hereby designated as the Pier 39 Entertainment Zone under Sections 23039.5 and 25690 of the  
11 California Business and Professions Code.

12                   (B) The establishment of the Pier 39 Entertainment Zone pursuant to this  
13 subsection (b)(7) shall in no way affect the land use authorizations for or ownership or control of any  
14 private property within the Pier 39 Entertainment Zone.

15                   (C) The Pier 39 Entertainment Zone shall be subject to any controls imposed by  
16 the Port of San Francisco. To the extent any inconsistency exists between controls imposed by the Port  
17 of San Francisco and controls imposed by this Chapter 94B or the Management Plan issued pursuant  
18 to Section 94B.3, the controls imposed by the Port of San Francisco shall take precedence.

19                   (D) An Entertainment Zone Event within the Pier 39 Entertainment Zone shall  
20 not involve the closure of a public street, and therefore notwithstanding subsection (c), it need not  
21 receive a permit for the use of a public street under Transportation Code Division I, Section 6.6 or 6.16  
22 or Transportation Code Division II, Section 206, or other applicable authority of the SFMTA.

23                   **(8) Folsom Street Entertainment Zone.**

24                   (A) All public streets, public rights-of-way, and sidewalks in front of storefronts  
25 abutting both sides of Folsom Street, between 7th Street and 8th Street, both sides of Hallam Street,

1 between Folsom Street and Brush Place, and both sides of Langton Street, between Folsom Street and  
2 Decker Alley, and all premises specified in Section 94B.2(c) that are adjacent thereto, are hereby  
3 designated as the Folsom Street Entertainment Zone under Sections 23039.5 and 25690 of the  
4 California Business and Professions Code.

5 (B) Notwithstanding subsection (c), if an Entertainment Zone Event within the  
6 Folsom Street Entertainment Zone does not involve the closure of a public street, it need not receive a  
7 permit for the use of a public street under Transportation Code Division I, Section 6.6 or 6.16 or  
8 Transportation Code Division II, Section 206, or other applicable authority of the SFMTA.

9 **(9) Ellis Street Entertainment Zone.**

10 All public streets, public rights-of-way, and sidewalks in front of storefronts abutting  
11 both sides of Ellis Street, between Stockton Street and Powell Street, and all premises specified in  
12 Section 94B.2(c) that are adjacent thereto, are hereby designated as the Ellis Street Entertainment  
13 Zone under Sections 23039.5 and 25690 of the California Business and Professions Code.

14 (c) Except as otherwise specified in this Section 94B.4, an Entertainment Zone Event  
15 must receive a permit for the use of a public street under Transportation Code Division I,  
16 Section 6.6 or 6.16 or Transportation Code Division II, Section 206, or other applicable  
17 authority of the SFMTA.

18 (d) Outdoor consumption of alcoholic beverages is authorized within an Entertainment  
19 Zone during any Entertainment Zone Event on any day of the year between the hours of noon  
20 and 11:59 p.m., inclusive, subject to any additional limitations imposed by any ABC permit or  
21 license and by the Management Plan, or if none, the Downtown Activation Permit, for the  
22 Entertainment Zone, including but not limited to more restrictive days and hours during which  
23 outdoor consumption of alcoholic beverages is authorized.

24 (e) A Downtown Activation Permit is not required to hold an Entertainment Zone Event.  
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1     **SEC. 94D.3. ELIGIBLE ACTIVATION LOCATIONS.**

2             Downtown Activation Locations are limited to the following:

3             \*    \*    \*    \*

4                     (k) “Second Street” located on Second Street between Market Street and  
5     Howard Street.

6                     (l) “Yerba Buena Lane” located on Yerba Buena Lane, between Market Street and  
7     Mission Street, and on the northern side of Mission Street only, excluding the public street portion of  
8     Mission Street, between Yerba Buena Lane and 3rd Street, and extending to and including Jessie  
9     Square.

11            Section 4. Effective Date. This ordinance shall become effective 30 days after  
12     enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
13     ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
14     of Supervisors overrides the Mayor’s veto of the ordinance.

16            Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
17     intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
18     numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
19     Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

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1 additions, and Board amendment deletions in accordance with the “Note” that appears under  
2 the official title of the ordinance.

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4 APPROVED AS TO FORM:  
5 DAVID CHIU, City Attorney

6 By: /s/ Victoria Wong  
7 VICTORIA WONG  
8 Deputy City Attorney

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