

1 [Administrative Code - Fisherman's Wharf Entertainment Zone]

2

3 **Ordinance amending the Administrative Code to create the Fisherman's Wharf**

4 **Entertainment Zone, on Powell Street from The Embarcadero to Beach Street; The**

5 **Embarcadero from Powell to Taylor Streets; Taylor Street from The Embarcadero to**

6 **Jefferson Street; Jefferson Street from Taylor to Hyde Streets; Beach Street from Hyde**

7 **to Polk Streets; Polk Street from Beach to North Point Streets; North Point Street from**

8 **Polk to Larkin Streets; Larkin Street from North Point to Beach Streets; Beach Street**

9 **from Larkin to Powell Streets; and Al Scoma Way; and affirming the Planning**

10 **Department's determination under the California Environmental Quality Act.**

11 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.

12 **Additions to Codes** are in *single-underline italics Times New Roman font*.

13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.

14 **Board amendment additions** are in double-underlined Arial font.

15 **Board amendment deletions** are in ~~strikethrough Arial font~~.

16 **Asterisks (* * * *)** indicate the omission of unchanged Code

17 subsections or parts of tables.

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

19 Section 1. Environmental 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 Section 2. Chapter 94B of the Administrative Code is hereby amended by revising

26 Section 94B.4, to read as follows. Section 94B.2 is reprinted in part, for informational

1 purposes only.

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

3 * * * *

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

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

12 * * * *

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

14 * * * *

15 (134) *Fisherman's Wharf Entertainment Zone.*

16 (A) *All public streets, public rights-of-way, and sidewalks in the area bounded*
17 *by the eastern side of Powell Street from The Embarcadero to Beach Street, the northern side of The*
18 *Embarcadero from Powell to Taylor Streets, the western side of Taylor Street from The Embarcadero*
19 *to Jefferson Street, the northern side of Jefferson Street from Taylor to Hyde Streets, the northern side*
20 *of Beach Street from Hyde to Polk Street, the western side of Polk Street from Beach to North Point*
21 *Streets, the southern side of North Point Street from Polk to Larkin Streets, the eastern side of Larkin*
22 *Street from North Point to Beach Streets, and the southern side of Beach Street from Larkin to Powell*
23 *Streets; all public streets, public rights-of-way, and sidewalks on Al Scoma Way; and all premises*
24 *specified in Section 94B.2(c) that are adjacent thereto, are hereby designated as the Fisherman's*

1 Wharf Entertainment Zone under Sections 23039.5 and 25690 of the California Business and
2 Professions Code.

3 (B) The establishment of the Fisherman's Wharf Entertainment Zone pursuant to
4 this subsection (b)(13) shall in no way affect the land use authorizations for, or ownership or control
5 of, any private property within the Fisherman's Wharf Entertainment Zone.

6 (C) Joseph Conrad Square.

7 (i) Notwithstanding subsection (b)(13)(A), the Fisherman's Wharf
8 Entertainment Zone shall not include any portion of the park known as Joseph Conrad Square, located
9 at 601 Beach Street, between Beach Street, Columbus Avenue, and Leavenworth Street.

10 (ii) To the extent there is any inconsistency between the provisions of
11 this Chapter 94B and the provisions of the Park Code applicable to Joseph Conrad Square, the Park
12 Code shall control.

13 (iii) Any Management Plan for the Fisherman's Wharf Entertainment
14 Zone shall contain measures to address the impacts of entertainment zone events on Joseph Conrad
15 Square, including but not limited to alcohol consumption, sanitation, and security. Before adopting
16 such a Management Plan, the Office of Economic and Workforce Development (OEWD) shall obtain
17 approval from the Recreation and Park Department regarding the provisions of the Management Plan
18 that relate to impacts on Joseph Conrad Square.

19 (D) Areas Subject to Port Jurisdiction.

20 (i) The areas within the Fisherman's Wharf Entertainment Zone that are
21 subject to the jurisdiction of the Port of San Francisco ("Port") shall be subject to any controls
22 imposed by the Port. To the extent any inconsistency exists between controls imposed by the Port and
23 controls imposed by this Chapter 94B or the Management Plan issued pursuant to Section 94B.3, the
24 controls imposed by the Port shall take precedence.

25 (ii) Before adopting a Management Plan for the Fisherman's Wharf

1 Entertainment Zone, OEWD shall obtain approval from the Port regarding the provisions of the
2 Management Plan that relate to impacts on areas subject to Port jurisdiction.

3 (E) Notwithstanding subsection (c) of this Section 94B.4, if an Entertainment
4 Zone Event within the Fisherman's Wharf Entertainment Zone does not involve the closure of a public
5 street, it need not receive a permit for the use of a public street under Transportation Code Division I,
6 Section 6.6 or 6.16 or Transportation Code Division II, Section 206, or other applicable authority of
7 the SFMTA.

8

9 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
10 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
11 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
12 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
13 additions, and Board amendment deletions in accordance with the "Note" that appears under
14 the official title of the ordinance.

15

16 Section 4. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto 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

4897-3182-0674 v.1