



Senator Scott Wiener, 11th Senate District

Senate Bill 384 – Let Our Communities Adjust Late-night (LOCAL)

SUMMARY

SB 384 would allow – but not require – local governments to allow bars and nightclubs (but not liquor stores) to serve alcohol past 2 am and up to 4 am. No city would be required to allow alcohol service past 2 am. Rather, the bill allows cities to opt in: pure local control. This optional tool for local control over nightlife will increase tax revenue and tourism as well as revitalize business districts.

BACKGROUND/EXISTING LAW

The ABC Act states that it is a misdemeanor to sell, give, or deliver to any person any alcoholic beverage between the hours of 2 a.m. and 6 a.m.

American cities with late-night service hours include Chicago, Washington D.C., New York City, Buffalo, Las Vegas, Louisville, Atlanta, Miami Beach, New Orleans, and Albany. International cities with late night service hours include Barcelona, Tokyo, Berlin, Rio de Janeiro, and Sydney.

PROBLEM

Social and nightlife venues are an economic driver in many communities, and the State's food service and entertainment industries generate billions of dollars in consumer spending and employ well over a million Californians. Currently our California destination cities are at a disadvantage when competing with cities both nationally and internationally for tourists, conventions, and conferences.

In addition, the current uniform closing hour of 2 a.m. creates stress on public services, transportation, and local law enforcement when patrons are simultaneously pushed out onto the street at that hour.

SOLUTION

This bill would align California with at least 15 other states where local jurisdictions have the authority to decide alcoholic beverage service hours. If a local governing body decides to begin the process of allowing on-sale licensees to extend their hours to a specified time between 2 a.m. and 4 a.m., they must first develop and approve a local plan showing that public necessity and convenience will be served. The local plan must include identification of the area that is eligible for extended hours as well as a law enforcement assessment regarding the potential impact on public safety. In addition, the local plan must exhibit resident and business support, as well as the availability of readily-accessible transportation services. Once the local plan has been approved by the local governing body, ABC may investigate if local residents' would experience unreasonable interference with the quiet enjoyment of their property.

In order to apply for an extended hours license, an applicant must submit the specified fees in addition to notifying law enforcement agencies, residents within 500 feet of the premises, and other interested parties within 30 days of filing the application. If there are interested parties who object to the application for extended hours, protests may be filed within 30 days of the notice of the application (ABC can extend 20 days). Any person that files a verified protest in a timely fashion that has been accepted by ABC may request a hearing on the issues raised. Protests made by a public agency or public official cannot be rejected unless there is notice in writing of ABC's determination. Provisions within this bill allow for conditional extended service hours licenses, including hours only on holidays or specific days of the week. This bill would not permit extended hours at liquor stores.

SUPPORT

- California Restaurant Association
- California Travel Association
- California Hotel and Lodging Association
- California Music and Culture Association
- Los Angeles Chamber of Commerce
- Central City Association of Los Angeles
- Anaheim Chamber of Commerce
- West Hollywood Chamber of Commerce
- San Francisco Chamber of Commerce
- LAX Coastal Chamber of Commerce
- City of Oakland
- San Francisco Mayor Ed Lee
- Lyft
- UBER Technologies, Inc.
- UNITE-HERE, AFL-CIO
- California Teamsters Public Affairs Council
- Hotel Council SF
- San Francisco Travel
- San Francisco Taxi Workers Alliance
- Elizabeth Peterson Group, Inc.
- San Francisco Bar Owners Alliance

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STATUS

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- Passed out of Senate Appropriations: 5-2

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