



## Senator Scott Wiener, 11<sup>th</sup> Senate District

### Senate Bill 905 – Let Our Communities Adjust Late-night (LOCAL)

#### SUMMARY

SB 905 would allow – but not require – six qualified local governments to permit bars and nightclubs (but not liquor stores) to serve alcohol past 2am and up to 4am. The six cities are Sacramento, Oakland, San Francisco, Los Angeles, West Hollywood, and Long Beach. No city would be required to allow alcohol service past 2 am. Rather, the bill allows these six 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. SB 905 is a pilot program that includes a two year delayed implementation and a five year sunset. At the end of the sunset, the six participating cities will submit reports to the Legislature on regional impact of additional serving hours.

#### 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 2am and 6am.

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 hours of 2am 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. Six California cities; Sacramento, San Francisco, Oakland, West Hollywood, Los Angeles, and Long Beach, have been identified as qualifying cities that want to apply for this pilot program. If one of these six local governing bodies decides to begin the process of allowing on-sale licensees to extend their hours to a specified time between 2am and 4am, 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**

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- 213 Hospitality
- California Hotel & Lodging Association
- California Music and Culture Association
- California Restaurant Association
- California Small Business Association
- California Teamsters Public Affairs Council
- California Travel Association
- Central City Association of Los Angeles
- Downtown Long Beach Alliance
- Greater Los Angeles Hospitality Association
- Long Beach Area Chamber of Commerce
- Long Beach Mayor Robert Garcia
- Los Angeles Area Chamber of Commerce
- Lyft
- Oakland Mayor Libby Schaaf
- Orange County Register
- Sacramento Mayor Darrell Steinberg
- San Francisco Bar Owner Alliance
- San Francisco Chamber of Commerce
- San Francisco Hotel Council
- San Francisco Mayor Mark Farrell
- San Francisco Taxi Workers Alliance
- San Francisco Travel
- State Coalition of Probation Organizations
- Uber
- UNITE-HERE
- Valley Industry & Commerce Association
- West Hollywood Chamber of Commerce
- West Hollywood Mayor John Heilman

### **FOR MORE INFORMATION**

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