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### News / In Depth

4 a.m. Bar/Alcohol Serving Bill -- With LB Included As A Result Of Action By Mayor Garcia -- Nears Final Votes Backed By LB Downtown Interests And LB Chamber; L.A. Councilman Koretz Holds News Conf. With Multiple Groups In Opposition; LB Councilmembers (Except Price) Hide; Ass'yman O'Donnell Opposes; State Sen. Lara (Ins. Comm'r Candidate) Is Among Bill's Co-Authors

(Aug. 13, 2018, 8:55 a.m.) -- On August 16, a Sacramento bill that could let City Councils in nine CA cities decide to let their bars to remain open until 4 a.m. -- with Long Beach included as a result of actions without public discussion or policy-setting Council approval by Mayor Robert Garcia -- could be sent to the Assembly floor where it would be one vote from passage (with only Senate concurrence needed for amendments since that body approved the measure in late May.)

The May 2018 state Senate vote was 27-9-3, with state Senator Ricardo Lara (D, LB-Huntington Park), a named co-author of the measure, voting "yes" while state Senator Janet Nguyen (R, SE LB-west OC) voted "no." SB 905 has now reached the Assembly Appropriations Committee. a *de facto* gatekeeper which has held it (among other bills) in "suspense" based on its potential state budget impacts but effectively enabling party leaders to stop any bill for any reason. Assembly Speaker Anthony Rendon (D, Lakewood/Paramount) could stop the bill in its tracks, has instead let it advance to near final passage.

[SB 905](#) by state Senator Scott Wiener (D, SF) is supported by a lengthy list (below) of "hospitality" and restaurant/bar interests statewide. Its local supporters of include the Downtown LB Alliance and LB Area Chamber of Commerce. Last year, Sen. Wiener authored a bill that would have enabled 4 a.m bar closings statewide...and the measure failed. He then reworked the bill into SB 905, which he says is designed to end CA's "one-size-fits-all" state standard of 2 a.m. and enable "local choice."

On August 6, Los Angeles City Councilman Paul Koretz held an L.A. City Hall news conference flanked by representatives of multiple groups opposing the bill. To view the event (which his office streamed on *Facebook*), click the links below.

<https://www.facebook.com/PaulKoretz5/videos/2121036624890084/?t=0>

<https://www.facebook.com/PaulKoretz5/videos/2121054871554926/?t=0>

L.A. Councilman Koretz has stated: "While we want our local businesses to thrive, no good can come from serving alcohol until 4 a.m. If this passes we can expect more DUIs, more drunk driving injuries and more alcohol related deaths." In response to the argument that SB 905 simply allows "local choice," Councilman Koretz said: "No district is an island and it is outrageous to call this a local discretion bill when its impacts will spill over into adjacent jurisdictions that will be stuck with the very expensive public safety bill - the cost of life and death."

Alcohol Justice (a non-profit industry watchdog group) is among the bill's consistent opponents and is organizing opposition to the bill at <https://alcoholjustice.org/STOP-4AM>

To LBREPORT.com's knowledge, only Long Beach Councilwoman Suzie Price (who chairs the Council's Public Safety Committee), has publicly opposed SB 905. On May 31, 2018 and again in her June 8, 2018 newsletter, Price (whose district includes Belmont Shore's bar-heavy 2nd St.) explained her position: "I oppose allowing expanded hours of alcohol sales in Long Beach. Providing more time and access to alcohol presents increased concerns and opportunities for impaired driving, and creates an increased likelihood that people leaving bars are on the road in the early morning hours the same time as commuters beginning their day. I have seen the terrible and tragic affects of too many DUI cases, and would be very concerned with the potential dangers to our many Long Beach communities."

The LB City Council's (Mayor-chosen) "State Legislation Committee, chaired by Councilman Al Austin, never agendized SB 905 for discussion or recommendations to the full Council. Councilman Austin's wife is District Director in the L.A. office of Assemblyman Jones-Sawyer, who's an Assembly co-author of SB 905.

[Councilman Austin faces term-limits in 2020 unless LB voters approve a Term Limits Charter Amendment that Mayor Garcia advanced and the Council voted 9-0 to put on the November ballot.] In 2017 he formed a political committee and has raised sums to possibly pursue the 33rd district state Senate seat currently occupied by state Senator Ricardo Lara. Lara is term limited in 2020 and now running for state Insurance Commissioner.]

At this point, LB area Assemblyman Patrick O'Donnell (D, LB) hasn't had an opportunity yet to vote SB 905. He recently wrote an op-ed (that he gave to *Gazettes.com* [visible at this link](#) stating that he opposes SB 905. "City officials should reconsider their support of this effort and the State Assembly should stop it," he wrote...but fogged a key fact, writing that Long Beach was included in SB 905 "at the request of local officials" when Sen. Wiener indicated in a November 2017 press release that Mayor Garcia told him that LB favors inclusion in his bill (along with the cities of San Francisco, Oakland, Sacramento, West Hollywood, Los Angeles [with Palm Springs added in May and Coacella and Cathedral City added in August.] .

In the November 2017 release, Mayor Garcia stated: "This bill clearly would not work citywide for us, it does give the city and local law enforcement the flexibility to allow special events in the Downtown Entertainment District. This option has been supported by the Downtown Long Beach Business Alliance, which manages our business improvement district."

**Statewide listed supporters include: [via State Senate Committee on Governmental Organization March 2018 legislative analysis/most complete supporter list]:**

213 Hospitality  
California Hotel & Lodging Association  
California Music & Culture Association  
California Restaurant Association  
California Small Business Association  
California Teamsters Public Affairs Council  
California Travel Association  
Central City Association  
City of Oakland  
City of West Hollywood  
Darrell Steinberg, Mayor of Sacramento  
Greater Los Angeles Hospitality Association  
Hotel Council of San Francisco  
Long Beach Area Chamber of Commerce  
Los Angeles Area Chamber of Commerce

Lyft  
Mark E. Farrell, Mayor of San Francisco  
Robert Garcia, Mayor of Long Beach  
San Francisco Bar Owner Alliance  
San Francisco Chamber of Commerce  
San Francisco Travel Association  
San Francisco Taxi Workers Alliance  
State Coalition of Probation Organization  
UBER  
UNITE HERE, AFL-CIO  
Valley Industry and Commerce Association  
West Hollywood Chamber of Commerce

**Listed opponents include (Assembly Governmental Organizational Committee legislative analysis list/June 2018):**

Alameda County Board of Supervisors  
Alcohol & Drug Abuse Prevention Team San Ramon Valley  
Alcohol Justice  
Asian American Drug Abuse Program  
Barbary Coast Neighborhood Association  
California Alcohol Policy Alliance  
California Council on Alcohol Problems  
California Youth Council  
Californians for Drug Free Youth  
Center for Human Development  
Center for Open Recovery  
Cesar E. Chavez Commemorative Committee of the San Fernando Valley  
Coalition to Prevent Alcohol Related Harms LA Metro  
Coastal Communities Drug-Free Coalition  
Council on Alcoholism and Drug Abuse  
County Behavioral Health Directors Association  
Day One  
Fetal Alcohol Spectrum Disorders Network of Southern California  
Friday Night Live Program  
Health Officers Association of California  
Institute for Public Strategies  
Los Angeles Drug & Alcohol Policy Alliance  
Los Angeles Police Protective League  
Lutheran Office of Public Policy - California  
Mission Neighborhood Centers, Inc.  
Mothers Against Drunk Driving  
Mountain Communities Coalition Against Substance Abuse  
Mountain Communities Family Resource Center  
National Asian Pacific American Families Against Substance Abuse, Inc.  
National Coalition Against Prescription Drug Abuse  
National Council on Alcoholism and Drug Dependence - Orange County  
Pacoima Urban Village  
Project Safer  
Pueblo Y Salud, Inc.  
San Diegans for Safe Communities  
San Marcos Prevention Coalition  
Sonoma County Board of Supervisors  
South Orange County Coalition  
Sun Street Centers

Tarzana Treatment Centers  
Teen Esteem  
The Wall-Las Memorias Project  
Wellness & Prevention Center  
West County Alcohol Marijuana & Prescription Drug Coalition  
West Hollywood Project  
Westside Impact Project  
Youth Leadership Institute

**Arguments in support and opposition (Assembly Local Gov't Committee legislative analysis text):**

**In support.** San Francisco Mayor Mark Farrell writes, “SB 905 provides local communities with the opportunity to determine for themselves when, how and if they would like to extend hours of service. This bill in no way circumvents a full public approvals process for such determination. Should this legislation become law, San Francisco would need to begin an exhaustive process to collect input from bar owners, public safety officials, neighborhood leaders, and many others who might be interested in whether or not the City should offer extended service hours permits, including instituting a review by local enforcement for every permit the City would potentially issue. An extension of beverage service hours provides local economies with the opportunity to expand tourism offerings, increase tax revenue, and foster an active, vibrant nightlife.

The California Travel Association states, "SB 905 is a well-balanced solution that provides cities the ability to participate in a pilot program that will give them control over night-life, while helping to grow the travel and tourism industry. Currently California destination cities are at a disadvantage when competing with cities both nationally and internationally for tourists, conventions, and conferences. California must compete with Chicago, Washington D.C., New York City, Las Vegas, Atlanta, Miami Beach, and New Orleans, all of whom have late-night service hours beyond 2 a.m. This bill will align California with at least 15 other states where local jurisdictions have the authority to decide alcoholic beverage service hours. This bill provides an optional tool for local control over nightlife that will increase tax revenue and tourism as well as revitalize business districts."

The California Music & Culture Association argues that, “the current California one-size-fits-all model for late night closing times does not take into account diverse communities and varying needs. Our local communities should be allowed to develop transparent local plans that bring the public, local government and transportation all to the table. SB 905 is a well-balanced solution that provides local control over night-life while helping to grow our travel and tourism industry.” The Valley Industry and Commerce Association states, “cities rely on a vibrant nightlife to attract visitors and investment. Creating a pathway to extend hours will benefit the community as a whole by creating jobs, increasing tax revenue, and promoting nightlife within specific communities. Other cities around the U.S. have successful, later opening hours. It is appropriate and beneficial for certain localities within California to extend their nightlife hours.”

UNITE-HERE, AFL-CIO and the California Teamsters Public Affairs Council note that, “Social and nightlife venues are an economic driver in communities throughout California, and the state's food service and entertainment industries generate billions of dollars in consumer spending and employs well over a million people. We believe that extending sale hours with appropriate safeguards is a matter of good public policy.”

**In opposition.** Opponents outline numerous health and safety concerns and state SB 905 will lead to quality of life deterioration, drinkers driving from areas where bars close earlier to bars with later last calls, late night drinkers sharing the road with early morning commuters, and increased alcohol-related harm, including DUI accidents and fatalities. They further note the lack of resources and enforcement capacity to deal effectively with the extra service hours and mitigate the additional harms of late night drinking. Law enforcement is already over extended trying to cover existing closing times. Extending the hours to 4:00 a.m. creates the opportunity for customers to become more intoxicated and more fatigued.

Public transportation options are already limited at 2:00 a.m. and will be even more at 4:00 a.m. Furthermore, it will have regional consequences, especially for municipalities within driving distance of cities who adopt a later closing time forcing neighboring cities to absorb increased financial and societal burden related to DUI. Alcohol Justices states, this bill "will not only strip away standard uniform protections of a normal 2 a.m. closing time, but it will do so as an ill-conceived, dangerous, seven-city five year experiment. This so-called "pilot" will turn most of California's population into unwitting lab animals. While the seven experimental cities include 17% of California's population, the "splash zone" of drinkers in the metropolitan districts in and around those potential-late night party zones includes a whopping 76% of the state's population."

Several of the groups and organizations in opposition also cite that, "In 2010 the U.S. Community Prevention Services Task Force conducted a review of available studies and recommended against extending hours of alcohol sales/service. The Task Force repeated peer-reviewed evidence showing that increasing hours of sale by two or more hours found increases in vehicle crash injuries, emergency room admissions, and alcohol-related assault and injury."

The Sonoma County Board of Supervisors states, "In Sonoma County, approximately 41 percent of people arrested for driving under the influence reported having their last drink at a bar or restaurant. In addition, approximately 60 percent were arrested between the hours of 1:00 p.m. and 2:00 a.m. Limiting the hours of sales is an evidence-based strategy shown to reduce excessive alcohol use. This limitation helps communities create social and physical environments that maintain quality of life by discouraging excessive alcohol consumption, including reducing alcohol-related fatalities, costs, and other harms."

Opponents also note that SB 905 lacks any evidence to support the bill author's claim that extending hours of sale would not increase alcohol-related harm. Forty years of peer-reviewed, public health research finds that two or more hours of increased alcohol sales will produce increases in alcohol consumption and related problems including violence, emergency room admissions, injuries, alcohol-impaired driving, and motor vehicle crashes.

The Barbary Coast Neighborhood Association, based in San Francisco writes, "This bill will simply extend the noise and negative impacts on surrounding residents for two more hours. There are a number of areas throughout the state where entertainment activities are adjacent to residential neighborhoods. Our organization represents a neighborhood directly affected by the traffic, noise and unruly behavior caused by nightlife on the Broadway corridor. We experience a great deal of noise generated by loud intoxicated crowds, car horns, and music from open club doors. On many nights, patrons of Broadway businesses have spilled into surrounding residential areas with behavior that makes some residents apprehensive and uncomfortable. Two more hours of alcohol sales will not lessen those impacts. The argument that extending hours of operation to 4:00 AM will somehow reduce the negative impacts on cities and neighborhoods is simply unfounded. It merely extends the time for disruptive behavior."