



April 18, 2013

Senator Roderick D. Wright
Chairman
Senate Committee on Governmental Organization
1020 N Street, Rm. 584
Sacramento, CA 95814

Fax (916) 445-5258

RE: OPPOSE: SB 635 (Leno) Alcoholic beverages: hours of sale
Additional comments on amended version April 17, 2013

Dear Chairman Wright:

Alcohol Justice (formerly Marin Institute) is an alcohol industry watchdog that has been a leading alcohol research and advocacy institution for more than 25 years.

We continue to be deeply concerned about the policy implications and public health and safety costs to the state, county and local governments associated with extending hours of alcohol sales from 2 AM to 4 AM.

Frankly, the amended version is worse for the public of California than the original proposed bill.

1) The findings have no basis in fact, they are just statements of policy to promote late night alcohol service. For example, the finding in Sec. 1(c) states:

It is the policy of the state that modified closing times can improve the quality of life in local jurisdictions by mitigating public safety and nuisance issues associated with the uniform 2 a.m. closing hour.

Extending bar hours to 4 a.m. **does not improve the quality of life overall.** It encourages drinking, especially binge drinking, that would normally be cut off at 2 a.m. to continue and escalate to 4 a.m. It extends the public safety and nuisance of bars letting out at 2 a.m. for another two hours. It costs all taxpayers more, as our heavily subsidized public mass transportation system in urban areas may have to extend night owl service at high cost. It costs taxpayers more in police, sheriff, emergency transport, trauma center costs, and California Highway Patrol costs.

It will cause early morning commuter backup for the inevitable 4:30 to 5:30 a.m. drunk driving collisions from the bar crawlers who have to leave the entertainment districts and go back to their county of origin. While California policy makers promote dense housing near transportation hubs, now is not the time to dabble with noisy late night entertainment districts in those same areas. Study after study has shown violence and drunk driving and the cost of responding to these problems increase and take place later when alcohol service hours are extended.

The findings fail to mention any public health or safety concerns in extending alcohol service hours, except to proclaim without evidence that any 2 a.m. problems will be cured by 4 a.m. service.

24 Belvedere Street, San Rafael, California 94901-4817 * t 415-456-5692 * f 415-456-0491

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2) The amended bill requires a “local plan” or plans for an “additional hours service area” (amended Section 3, BPC Section 25634(a). The areas will be referred to as “late night entertainment districts,” and they will promote restaurants with minimal food service and noisy youth-oriented bars in targeted urban areas.

If cities or counties want to promote late night activities they could do it now, without extending alcohol service. But these ABC licensed establishments want sell alcohol for two more hours to young drinkers, often binge drinking, who will be egged on to drink even more. We find the following problems with specific sections of this local plan process:

- The local plan will show “that the public convenience and necessity will be served by the additional hours” for all future 4 a.m. applicants (Sec 25634(a)(1)(A). This will remove the PCN discussion of any individual license applicant. This amendment is worse than the original, because the currently weak provisions of the PCN for individual license application process will be pre-empted by the “local plan.”
- The local plan requirement must show supposed “benefits” for the area (Sec 25634(a)(1)(B)). It does not require documentation of the costs or harms, nor does it require specific mitigation for harm.
- It also does not include citywide or countywide taxpayer impacts (i.e. city, county or regional public health and safety costs) nor does it require input from outside the additional hours service area.
- The local plan only requires an undefined “assessment” by local law enforcement and a completely undefined “public safety plan” (Sec 25634(a)(1)(D)).
- Equally ill defined is the requirement that “transportation services are readily accessible” (Sec 25634(a)(1)(E)). This could be as weak as saying that taxis are available, or more taxi medallions will be added, or bike lanes are open, and BART starts running at 4 a.m. in San Francisco, although BART doesn’t get to the downtown areas until 5 a.m.

The local plan for the “additional hours service area” is a rubber stamp plan for late night licenses so poorly defined that it could include one bar on a back road, or the entire City of Los Angeles.

3) The rest of the amended bill puts all power for getting a 4 a.m. license in the hands of applicants and the chronically, critically, mortally understaffed ABC. Any legislator who has worked his or her way up the city council or supervisor ranks knows that local residents are informed late (if at all) of ABC license applications, and conditions are rarely, randomly and secretly assigned to licenses. License applicants almost always succeed over any protests by residents, and ABC rarely takes the community side. SB 635 assures 4 a.m service licenses.

We have said before that SB 635 will promote an arms race of restaurants and bars to get late night licenses. The amendments will make it more like a walk to the candy store for any hungry applicant who works City Hall to be gerrymandered into an entertainment district.

Sincerely,

Bruce Lee Livingston

Bruce Lee Livingston, Executive Director, CEO

cc: Members Senate Committee on Governmental Organization and Senator Leno (author)

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