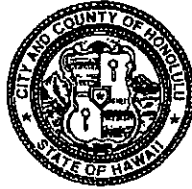


LIQUOR COMMISSION
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PETER B. CARLISLE
MAYOR



February 4, 2011

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Representative Angus L.K. McKelvey, Chair
Representative Isaac W. Choy, Vice Chair
Committee on Economic Revitalization & Business

Hearing: Monday, February 7, 2011
9:30 am, Room 312

Position: Comments on HB 647 Relating to Intoxicating Liquor

The City and County of Honolulu Liquor Commission submits the following **comments** on HB 647:

1. Number of Class 11 Cabaret Licenses Impacted by This Bill.

Of the 30 Cabaret licenses currently issued in the City and County of Honolulu, 17 licenses (approximately 57% of the 30) are within the area bounded by Kalakaua Avenue, Kuhio Avenue, Kapahulu Avenue, and McCully Street ("Waikiki Zone"). Of these 17 Cabaret licenses, six (6) (approximately 35% of the 17) will be ineligible for renewal of their liquor licenses as Cabarets, even though these licensees have been in existence since 1995, 2001, 2004, 2006, 2007, and 2008. The 2006 licenses were effected within one month of each other.

2. Other Liquor Licenses with 4:00 am Liquor Sale/Service End Times.

By rule, Cabaret licensees are permitted to sell or serve liquor from 10:00 am to 4:00 am the following day. Class 12 Hotel licensees are also permitted to sell or serve liquor until 4:00 am, but are permitted to begin sales and service at 6:00 am. Of the 34 Hotel licenses currently issued in the City and County of Honolulu, 26 (approximately 76% of the 34) are within the Waikiki Zone.

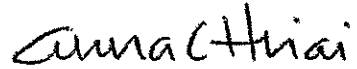
Committee on Tourism
Committee on Economic Revitalization & Business
Hearing: Monday, February 7, 2011
9:30 am; Room 312

3. Noise Complaints about Hotel Licensees.

Of the 26 Hotel licensees within the Waikiki Zone, we have received and investigated repeated noise complaints concerning six (6) Hotel licensees. Hotel licensees would not be impacted by the provisions of HB 647.

Thank you for the opportunity to comment on this measure.

Respectfully submitted,



Anna C. Hirai, Acting Administrator
Liquor Commission

From: mailinglist@capitol.hawaii.gov [mailto:mailinglist@capitol.hawaii.gov]
Sent: Thursday, February 03, 2011 3:14 AM
To: TOUtestimony
Cc: jadamesq@aol.com
Subject: Testimony for HB647 on 2/7/2011 9:30:00 AM

Testimony for TOU/ERB 2/7/2011 9:30:00 AM HB647

Conference room: 312
Testifier position: support
Testifier will be present: Yes
Submitted by: Jo-Ann M. Adams, Esq.
Organization: Individual
Address: 411 Hobron Ln #801 Honolulu, HI 96815
Phone: 808-528-2100
E-mail: jadamesq@aol.com
Submitted on: 2/3/2011

Comments:

A disproportionate amount of noise and altercations come from 4 AM Bars in Waikiki, particularly the bars which are located close to each other.

Apparently patrons gather around the bars at the 4 AM closing and start agitating each other.

As a member of the Waikiki Neighborhood Board, I am all too familiar with complaints about the bars located at or near the Waikiki Trade Center.

I like the approach of not allowing them too close together since proximity does appear to be a factor. However, I would like to see the 100 foot limit raised to 500 feet. 500 feet would basically assure that there would be no more than 1 per city block. I think the bill should also be amended to explicitly state that no bar will be grandfathered in, i.e., once their current license expires, they cannot renew as a 4AM bar if they are w/in the specified number of feet.

From: Dave Moskowitz
Sent: Sunday, February 06, 2011 3:33 PM
To: TOUtestimony

Aloha, Chair Brower and Tourism Committee Members.

I am here today to speak in FAVOR of House Bill 647.

I am a resident of Waikiki and have resided in Waikiki for over 12 years. For some years now, I have been a proponent and outspoken advocate for the many residents who live and work in Waikiki.

This Bill is a reasonable solution to the problem we confront on a daily basis. Anyone who lives within the area near bars will most likely share my feelings: the bars are NOISY, encourage drug dealing and prostitution, and people are assaulted both inside and outside the bars by other customers and by the employees of bars themselves. These cases are well documented and there are legal cases in the court now that are addressing these problems. The crowds that assemble outside the bars, in particular, create most of the noise and public safety problems. We frequently hear noise from fights and then, from ambulance sirens and police cars responding to these emergency calls.

The problems created by the crowds and proximity of these bars to each other and our apartment buildings keeps us Waikiki residents up at night. We are also afraid of that area and avoid going out at night for a walk or to eat out late because of the notorious problems and denizens that these clubs attract.

One of the main reasons is the centralized nature of the proximity of 4 am licensees to each other, as is the case with clubs now open at Waikiki Trade Center on Kuhio Avenue at Seaside. [There were some good attempts at resolving some of the problems of these two bars and the reality of them sharing entrances some 10 feet apart. They worked to some degree; however, for the most part, the fights continue at the same rate, as the promoters of these clubs who are on the streets at night tell me.]

It appears that property owners who have large commercial spaces they need leased show little concern for the welfare of the community's surrounding this area. Of course, these bar owners have invested lots of capital in these operations and no one wants to harm them unnecessarily. *This bill will not affect them now* provided it gives them guidelines for the future of licensing of any 4 am clubs to the city and county of Honolulu.

This bill would at least space out these establishments and give some breathing room to their customers. In some cities like Nashville, bars are allowed one per block. Nightclubs and restaurants are not included. Please start some path to normalcy for us Waikiki residents and support the passage of this Bill.

Mahalo's
Dave Moskowitz, Waikiki

From: Ann Robinson [mailto:hestiaq@aol.com]
Sent: Wednesday, February 02, 2011 9:48 PM
To: TOUtestimony
Subject: Bill HB647 - Ann Robinson testimony

I, Ann Robinson, of 1777 Ala Moana Blvd., Honolulu Hawaii, have been an apartment owner at the Ilikai Hotel for 13 years, and strongly favor Bill HB647. I am submitting the following testimony for consideration on Monday, 2-7-11 at 9:30, in House Conference room 312, of the Hawaii State Capitol.

In support of Representative Tom Brower's bill, which proposes much needed balance between round the clock drinking establishments, and neighbors, which include: Ilikai and Discovery Bay apartment building residents, Ala Wai Small Boat Harbor residents, Ilikai and Edition hotel guests (who arrive to Waikiki sleep deprived and exhausted, and write horrible internet reviews about noise), employers, employees, and customers of business's that operate in the vicinity of Hobron Lane and Ala Moana Blvd., who need the right to "peace and quiet enjoyment" to maintain basic needs for sleep and relaxation.

Even though HB647 targets Class 11 Cabaret establishments, I feel compelled to comment on Class 12 hotel establishments, like the Ilikai and Edition hotels, with both indoor and outdoor bars, and drinking establishments which share a common bond, most are not in compliance with decible levels, and in constant violatation as mandated by Hawaii State, Liquor Commission Rules.

The Ilikai hotel, built in 1964, is home to many long time residents and hotel patrons who want to be on "the quiet end" of Waikiki Beach. The Ilikai main tower is sandwiched between Hilton Hawaiian Village, and Edition Hotel, who cater to and depend on tourist dollars, generated from food, drink and lodging.

In 2005, Hilton Hawaiian Village opened a roof top Hula show, which destroyed "peace and quiet enjoyment" for a large number of Ilikai (lagoon side owners), who complained bitterly to the Liquor Commission. The Liquor Commission issued a bunch of violations and fines, which Hilton gladly paid, and keeps on paying, as they continue to generate profits from the Hula show. Because many Ilikai owners could not get relief from stress created by Hula show decible violations, which led to a deep seated, bitter, persistent, unexplainable hatred for the Hilton, owners felt forced to move out, and rent their apartments, or sell at well below market value.

In 2006, E-realty bought the delapidated Ilikai Yacht Harbor tower, in November of 2009, construction began to complete a contract with Marriott/Schrager, who agreed to reposition, design and manage a new line of botique hotels called, "Edition." Ian Schrager, NYC designer of Studio 54 fame, is famous for creating rowdy bars. In anticipation of Schrager creating another Studio 54, eighteen Ilikai owners met with Edition General Manager, Michael Rock, who stated, "we will be good neighbors ... we want to be good neighbors."

In October, 2010, Waikiki Edition opened their doors, turned on outdoor speakers, and played wierd techno music, that sounded like a giant heart beating, accompanied by three or four word sentences that repeated over and over, day and night. Emails were sent to Michael Rock describing how the music sounded from across the courtyard. Owners were not looking for complete silence,

and the progress we achieved with Edition was remarkable. I believe that patience and tolerance up to a certain point is required, and do not believe in "undue strictness." However, no one should be allowed to intrude on another's rights to quiet enjoyment, and limit full participation in peaceful activities like sitting outside on the lanai, or leaving the lanai doors open for fresh air.

During November and early December, 2010, Edition played with the volume on their outdoor speakers and many Ilikai residents living on the harbor side simply closed their lanai doors, and left them closed. On December 27, 2010, Edition hotel held a pool party, and hired a Rapper, named DJ ESkae, who set-up a concert size sound system, and incited 400 bikini clad young people to dance, hoot, holler, and drink alcohol. As a result, complaints from Ilikai owners, Discovery Bay owners, and Edition hotel guests were called into the Liquor Commission, the Honolulu Police department, Edition hotel Security staff, and Representative Tom Brower's office.

Because of an Edition pool party video posted on You Tube, DJ Eskae/Edition ad's posted on the internet, and pictures taken, four investigator's and the Liquor Commission chief felt compelled to visit the Edition to investigate. Noise violations, and violations for dance floor/per person/per 100 sq. ft., were discovered, but since Edition immediately toned it down, in anticipation of their New Years Eve party. Because it was New Years Eve, when violations were found, leniency was granted by the Liquor Commission for lower deck pool activities, including serving alcohol after time limits were set, and noise violations occurred.

Since then I have been in almost constant communication with the Liquor Commission, and provided video and pictures for a fashion show held on, On Jan 22, 2010. I emailed pictures and video to our assigned Liquor Commission investigator. The contents of video reflected more noise violations, and rowdy people hooting, and hollering, but nothing was done. Apparently, the Liquor Commission is saving everything and compiling into one big file.

It's unfortunate that during the past fifteen years, Waikiki Beach has steadily transformed from a fun, peace filled community of Aloha; to a community filled with fear, loud, trashy bars, hookers trolling the streets, scary looking homeless people, and crime. Centuries of snowbirds who normally winter on Waikiki Beach, are actively seeking out other destinations because of over priced, dirty hotels, traffic congestion, and noise. Most hotels on the beach are for sale, or were sold, and are converting to Hotel/Condo ownership. With this transformation comes more residential living, with individuals who have deeper needs for safety, peace and quiet.

Keep up the good work Representative Brower, Waikiki Beach needs direction and guidance, wisdom and strong leaders who are willing to take a stand, and implement enforceable policy's and procedures that will protect the people, environment, and beauty that is sadly washing away.

Yours in faith and gratitude,

Ann Robinson