

LIQUOR COMMISSION
CITY AND COUNTY OF HONOLULU
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PETER B. CARLISLE
MAYOR



March 28, 2012

Representative Robert N. Herkes, Chair
Representative Ryan I. Yamane, Vice Chair
Committee on Consumer Protection & Commerce

Hearing: Thursday, March 29, 2012
2:35 pm; Room 325

Position: Support SB 2630 HD1 Relating to Noise

The Liquor Commission, City and County of Honolulu ("Commission"), **supports SB 2630 HD1**, and provides comments.

Our initial testimony regarding SB 2630 to the Committee on Public Safety, Government Operations & Military Affairs stated the Commission's willingness and ability to enforce noise violations for *established* dBC sound level ranges for each of the three classes of zoning districts. The SB 2630 HD1 provides the requisite ranges, but we respectfully submit the following comments for this Committee's consideration:

1. Because dBA sound level measurement has continued utility as a way to monitor and control noise created by liquor-licensed premises, we respectfully request that the proposed dBC measurement system be authorized ***in addition to*** - and not in replacement of - the existing dBA system.
2. While Honolulu County has the most liquor-licensed premises providing live and recorded music entertainment, our understanding is that the liquor control departments of the ***other three counties also experience disturbances and noise complaints*** attributed to the low frequency noise measured by the dBC scale. Should this bill be moved out of committee, we respectfully request that input be obtained from the other three counties to determine if any would wish to participate in the "pilot program" contemplated by SB 2630 HD1.
3. There is no doubt that there will be a detrimental economic impact from dBC-based compliance to liquor-licensed premises who have not previously been subjected to this type of regulation. Accordingly, we wish to clarify that the "pilot program" contemplated by this bill would be used as an information-

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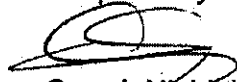
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ASST. ADMINISTRATOR

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gathering program, ***without an enforcement component***, until such time as appropriate rulemaking could be conducted by the Commission. As the regulation of dBC-measured noise is less established than the dBA measurement contained in the Department of Health's community noise rules, the initial non-enforcement use of the "pilot program" would be prudent and reasonable, and result in better Commission noise rules in the future. This understanding is particularly important in the event the dBC ranges set forth in this bill prove to be too low.

We respectfully request your favorable consideration of the above comments, and we thank you for the opportunity to testify on this matter.

Respectfully submitted,



Greg I. Nishioka, Administrator

GIN:ACH

Testimony IN SUPPORT of SB2630 HD1 - 3.29.2012

CGPTA [cgp.tenant.association@gmail.com]

Sent: Wednesday, March 28, 2012 9:08 AM

To: CPCtestimony

Cc: Rep. Karl Rhoads; Sen. Carol Fukunaga; Rep. Tom Brower; Greg Nishioka [gnishioka@honolulu.gov]; CGP.Tenant.Association@gmail.com

**Written Testimony IN SUPPORT of SB2630 HD1, Relating to Noise
Chinatown Gateway Plaza Tenant Association**

To:

Rep. Herkes, Chair; Rep. Yamane, Vice Chair; and Members of the COMMITTEE ON CONSUMER PROTECTION & COMMERCE

From:

The Chinatown Gateway Plaza Tenant Association (CGPTA), Steve Lohse, Chair, 808-499-5406, CGP.Tenant.Association@gmail.com

Hearing:

Thursday March 29, 2012, Conference Room 325, 2:35p

Aloha Rep. Herkes, Rep. Yamane, and Members of the COMMITTEE ON CONSUMER PROTECTION & COMMERCE,

My name is Steve Lohse. I am chair of the Tenant Association of Chinatown Gateway Plaza, a 27-story, 200-unit high-rise immediately adjacent to the Chinatown Art District. I am also an environmental scientist by trade. Thank you for this opportunity to submit written testimony IN SUPPORT of SB2630 HD1, Relating to Noise.

Adult humans hear sound in the range of 20 Hz to 16,000 Hz (cycles per second), infants in the range of 20 Hz to 20,000 Hz. However, the current dBA weighting system filters low-frequency sound below about 500 Hz. The dBA system is appropriate for lower volumes of street noise, construction, manufacturing, or agricultural activity. Because it filters low-frequency bass, ***dBA weighting is NOT appropriate for loud music!***

In comparison, the dBC weighting system measures the full range of sound frequencies that humans hear, 20 Hz to 20,000 Hz. Because it filters nothing out, ***dBC weighting is most appropriate for loud music***, especially for the high-tech, loud low-frequency sound systems that we see in bars today.

Loud late-night music poses serious health threats from stress and loss of sleep in our working-family neighborhoods like Chinatown. This disturbing health threat is getting worse as high-density, mixed-use neighborhoods increase throughout Hawaii. ***Please, give our Liquor Commissions the appropriate tool for measuring true sound levels of late-night urban noise***, especially low-frequency music that is so incredibly disturbing at high volumes. ***Please, PASS SB2630 HD1.***

With aloha,
Steve Lohse
499-5406
CGPTA