

LIQUOR COMMISSION  
**CITY AND COUNTY OF HONOLULU**  
711 KAPIOLANI BOULEVARD, SUITE 600 • HONOLULU, HAWAII 96813-5249  
PHONE: (808) 768-7300 or (808) 768-7355 • FAX: (808) 768-7311  
E-mail address: liquor@honolulu.gov • INTERNET: www.honolulu.gov/liq

PETER B. CARLISLE  
MAYOR



March 19, 2012

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Representative Denny Coffman, Chair  
Representative Derek S. K. Kawakami, Vice Chair  
Committee on Energy & Environmental Protection

**Hearing:** Tuesday, March 20, 2012  
9:00 am; Room 325

**Position:** Support Proposed HD1 to SB 2630 Relating to Noise

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

Our initial testimony regarding SB 2630 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 proposed HD 1 to SB 2630 provides the requisite ranges, but we respectfully submit the following comments for the Committee's consideration:

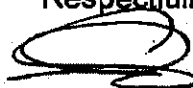
1. Because dBA sound level measurement has continued utility as a way to monitor and control noise created by liquor-licensed premises, we respectfully request that the proposed dBC measurement system be authorized ***in addition to*** - and not in replacement of - the existing dBA system.
2. While Honolulu 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 the proposed 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 the proposed HD1 would be used as an

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information-gathering program, but ***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.

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



**The House Committee on Energy & Environmental Protection**

**March 20, 2012; 9:00 a.m.**

**Conference Room 325**

**SB 2288, SD1, Proposed HD1  
Testimony in Opposition**

Chair Coffman, Vice Chair Kawakami and Members of the Committee, my name is Jon Wallenstrom and I am the President of Forest City Hawaii. Forest City Hawaii is principally engaged in the ownership, development, management and acquisition of commercial and residential real estate and land in Hawaii. It is currently involved in a partnership with the Hawaii Housing Finance and Development Corporation (HHFDC) to develop Kamakana Villages, a mixed-use community of 2,206 homes on the Big Island, of which more than 50% will be affordably priced. It recently completed construction of the largest utility-scale solar photovoltaic farm on Oahu to date. A sister company, Hawaii Military Communities, built and manages 6,500 Navy and Marine family homes across 36 neighborhoods on Oahu and Kauai. Parent company, Forest City Enterprises, is an \$11.5 billion NYSE-listed national real estate development company.

Forest City opposes the Proposed HD1 of SB 2288, SD 1. This measure seeks to limit the availability of Hawaii's renewable energy technologies income tax credit ("RETITC") to a subject property. Such a limitation would have a chilling effect on the growth of the solar industry which in 2010 contributed to 15% of statewide construction, creating employment opportunities for our *ohana* during a period of economic downturn. Implementation of renewable energy alternatives, such as harnessing solar power, has been in keeping with the HCEI initiative to ensure long term energy and economic independence, reducing our dependence on fossil fuels importation.

Within the commercial market, the Proposed HD1 of SB 2288, SD 1 would undermine utility scale projects that have already been in development for as long as five (5) years and rarely less than three (3) years and for which financing has been undertaken based upon previous tax guidelines. This measure is an abrupt change from existing Department of Taxation guidelines.

Thank you for the opportunity to testify on this measure.

**Written Testimony IN SUPPORT of SB 2630 HD 1, Relating to Noise**

**To:**

Rep. Coffman, Chair; Rep. Kawakami, Vice-Chair; and Members of the Committee on Energy and Environmental Protection

**From:**

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

**Hearing:**

Tuesday March 20, 2012, Conference Room 325, 9:00a

**Aloha Rep. Coffman, Rep. Kawakami, and Members of the Committee on Energy and Environmental Protection,**

My name is Steve Lohse. I am chair of the Chinatown Gateway Plaza Tenant Association (CGPTA), 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 SB 2630 HD 1, 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 health threat will only get 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 bar music that is so incredibly disturbing when it is too loud. **Please, SUPPORT SB 2630 HD 1.**

With aloha,  
Steve Lohse  
499-5406  
CGPTA

Testimony of  
Larry Hurst

Before the  
Committee on Energy and Environment Protection  
March 20, 2012

On  
SB 2630 Relating to Noise, Proposed HD1

Chair, Representative Denny Coffman  
Vice Chair, Representative Derek Kawakami

I support this Bill that would authorize liquor commissions, especially for Oahu, to further adopt Rules for controlling noise from bars, restaurants, and nightclubs.

Nighttime noise in Ala Moana's "red-light district" of the Keeaumoku and Sheridan Streets have given the cover for so much crime that the area was given Federal Weed and Seed designation. I have concern that in Kakaako there will be more noise and more crime as more bars and nightclubs masquerading as restaurants are permitted to operate without strong noise control.

During my over fourteen years as a Neighborhood Board member I have seen additional bars of certain kinds prohibited and mild but stronger restrictions made for noise, resulting in crime and disturbances staying at high levels, not rising but not decreasing.

Additional legislation from the State level as in SB 6230 is always needed to set standards for Counties.

Larry Hurst  
1122 Elm Street, #604  
Honolulu, HI 96814

