

From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 01, 2016 4:08 PM  
To: CPCtestimony  
Cc: clskwock@gmail.com  
Subject: Submitted testimony for HB2249 on Feb 3, 2016 14:05PM

**HB2249**

Submitted on: 2/1/2016

Testimony for CPC on Feb 3, 2016 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
CHU LAN SHUBERT-KWOCK	CHINATOWN BUSINESS & COMMUNITY ASSOCIATION	Support	No

Comments: We support a noise bill to allow the Honolulu Liquor Commission (HLC) to put conditions on licensees with repeated noise violations - such as two noise violations within two months or less. At this point there are no remedies to punish these repeated offenders who uses legal loopholes to postpone hearings and continue to violate. In some instances hearings are delayed for one year or more. We want this noise bill to either fine \$1,000 for first offense then \$2000 or up to the maximum limit of \$3000 then remove the music portion of the license. Also the HLC should not allow a music permit unless the establishments can sound proof their music or noise from disturbing the neighboring residents and businesses. At the yearly renewal time, the HLC should not renew a music license if there has been three or more noise violations within the year.

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TO: The Committee on Consumer Protection & Commerce  
FROM: The Chinatown Gateway Plaza Tenant Association (CGPTA),  
Chair, Steve Lohse, 808-499-5406, [CGP.Tenant.Association@gmail.com](mailto:CGP.Tenant.Association@gmail.com)  
DATE: Wednesday, February 03, 2016  
TIME: 2:05 P.M.  
PLACE: Conference Room 325, State Capitol, 415 South Beretania Street

Re: Strong Support for HB 2249, RELATING TO NOISE.

Aloha e Chair McKelvey, Vice Chair Woodson, and Members of the Committee on Consumer Protection & Commerce,

My name is Steve Lohse, I am Chair of the Chinatown Gateway Plaza Tenant Association (CGPTA), organized by residents in 2006 to keep ourselves informed and engaged in matters of interest to our resident community. Excessive late-night bar noise has long been a matter of serious concern to residents of our 27-story high rise at the intersection of Hotel Street and Nuuanu Avenue in Chinatown.

On behalf of CGP residents, thank you for this opportunity to submit testimony In Strong Support of HB 2249.

Excessive late-night bar noise is illegal. In fact, public disturbance is illegal for everybody, not just for liquor licensees. Excessive late-night bar noise is a legal boundary patrolled by professional Liquor Commission investigators with digital sound meters, and they are very good at locating and monitoring noise sources and establishing the fact of illegal noise levels.

The problem is that we lack effective legal consequences for persistent illegal noise. Lacking effective consequences, a few bars simply disregard the legal noise boundaries, unduly disturbing and alienating the resident community and causing Liquor Commission investigators to have to return over and over, year after year, to control the illegal noise.

Let us also dispel two myths about illegal late-night noise in Chinatown. FIRST, the problem is not Public Complaint, which is a legal right. The problem is illegally loud noise in the first place that causes Public Complaint. SECOND, keeping noise levels within legal boundaries does not affect bars' bottom lines in any way. The Honolulu Liquor Commission itself dispelled that myth under former Administrator Greg Nishioka.

PLEASE, give the Liquor Commission the effective legal tools it needs to control persistent illegal noise from its liquor licensees. PLEASE, pass NB 2249. Thank you!

Aloha no,  
Steve Lohse  
Chair, Chinatown Gateway Plaza Tenant Association (CGPTA)  
808-499-5406

From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 02, 2016 10:29 AM  
To: CPCtestimony  
Cc: ahirai@honolulu.gov  
Subject: Submitted testimony for HB2249 on Feb 3, 2016 14:05PM

**HB2249**

Submitted on: 2/2/2016

Testimony for CPC on Feb 3, 2016 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Franklin Don Pacarro, Jr.	CCHNL Liquor Commission	Comments Only	Yes

Comments: In written testimony.

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 01, 2016 3:49 PM  
To: CPCtestimony  
Cc: troy@realgastropub.com  
Subject: Submitted testimony for HB2249 on Feb 3, 2016 14:05PM

**HB2249**

Submitted on: 2/1/2016

Testimony for CPC on Feb 3, 2016 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Troy Terorotua	Beer Hi LLC	Oppose	No

Comments: I am submitting this testimony in opposition to HB 2249. In 2012 the DBC levels were lowered successfully, this new bill would have the DBC levels set so low that every small business would be in violation all the time and could be cited by the Liquor Commission after any complaint. This bill would add more pressure to small business owners in Oahu, trying to earn a honest living by opening commerce in Honolulu. Thank you for accepting this testimony in opposition. Mahalo, Troy Terorotua Owner, REAL a gastropub

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TESTIMONY IN  
OPPOSITION OF  
HB2249 RELATING TO NOISE

Submitted: February 1, 2016

Attention: Chairs of the Committee on Consumer Protection and Commerce:

I am writing in opposition of HB2249, a bill that unfairly singles out one industry, specifically the bar, entertainment and nightlife industry. The bill was originally introduced by Rep. Karl Rhoades on the behalf of a small contingent of Downtown-Chinatown residents who have had a long-standing feud with bars and clubs on and around Hotel Street.

The bill that originally passed, did so without fair awareness or participation of the very industry the bill was targeting. Rather than addressing issues of noise on a large-scale level, including trash pick-up, buses and emergency vehicles, or noise emanating from retail spaces, the bill:

- Targeted only the nightlife industry;
- Was not based on thorough research of sound in general, throughout the county;
- Set sub-standard sound levels;
- Did not specify standard procedures for when and how to measure levels to be taken;
- Required the liquor commission dramatically change its primary duties from tracking liquor violations to not monitoring sound.

The Downtown-Chinatown business owners are very aware of existing sound ordinance. They are interested in being a good neighbor. They know their livelihood depends on it. They are responsive to complaints, have taken preventative measures to managing sound after 10:00 p.m., they conduct their own sound level measurements, and have modified when and how their entertainment is organized.

Collectively, just in Downtown-Chinatown alone, we employ scores of people, support hundreds of vendors and suppliers, pay our insurance, benefits, rent, and taxes and we actively help keep the area clean and safe. In other words, we are a legitimate, contributing segment of this state's economy. There is no valid reason to target this industry or this group of small businesses.

Should a thorough study, based on valid research show that indeed, for all of Honolulu, excessive noise levels are an issue, after attempts to remediate have failed, and a bill is introduced, that would cover all industries, not a single industry. And if that bill should be introduced, it should factor each different community. Do the standards that might apply to a strictly residential area such as Manoa, Makiki or Kapolei apply to a busy, urban, mixed-use areas such as Keamouku, Ward, Kakaako, Waikiki, Ala Moana and Downtown-Chinatown? Probably not.

As you deliberate the merit of HB2249, I ask that you hear the voices and reason of those most affected by this bill and put this flawed bill to rest.

My thanks to you for your public service and for your careful consideration.

Miki Lee

Downtown-Chinatown resident for nearly ten years

Operation Manager, Bar 35

From: mailinglist@capitol.hawaii.gov  
Sent: Saturday, January 30, 2016 11:15 AM  
To: CPCtestimony  
Cc: lynnehi@aol.com  
Subject: Submitted testimony for HB2249 on Feb 3, 2016 14:05PM

Follow Up Flag: Follow up  
Flag Status: Flagged

**HB2249**

Submitted on: 1/30/2016

Testimony for CPC on Feb 3, 2016 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
lynne matusow	Individual	Support	No

Comments: Please accept this as testimony in strong support for HB2249. Those of us in the Downtown/Chinatown community, as well as other areas on Oahu, have long suffered from loud noise from liquor establishments. Some correct their ways, others don't care and blatantly flout the law. This measure will improve the health of those residing by these establishments, as they will be able to get a good night's sleep, not being awakened by the violators. Please pass this measure out. lynne matusow 60 n. beretania, #1804 honolulu, hi 96817 808 531-4260

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From: mailinglist@capitol.hawaii.gov  
Sent: Monday, February 01, 2016 5:06 PM  
To: CPCtestimony  
Cc: mz9995@hotmail.com  
Subject: Submitted testimony for HB2249 on Feb 3, 2016 14:05PM

**HB2249**

Submitted on: 2/1/2016

Testimony for CPC on Feb 3, 2016 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Zehner	Individual	Oppose	Yes

Comments: I live in Kakaako/Ala Moana where there are lots of bars, restaurants, and clubs. The only noise complaints I'm aware of are caused by patrons being forced outside by the smoking ban in bars. In other words please consider replacing the language in this bill with language for the removal of bars and nightclubs from the HRS- 328J smoking ban. Mahalo for your time.

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 02, 2016 11:59 AM  
To: CPCtestimony  
Cc: Kevin.shado@gmail.com  
Subject: Submitted testimony for HB2249 on Feb 3, 2016 14:05PM

**HB2249**

Submitted on: 2/2/2016

Testimony for CPC on Feb 3, 2016 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin McDonald	Individual	Oppose	No

Comments: I strongly oppose this bill! It is impossible to comply with, frivolous, and gives too much power to an already out of control agency! Please do not allow it to pass! Mahalo, Kevin.

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 02, 2016 1:26 PM  
To: CPCtestimony  
Cc: fred@ejlounge.com  
Subject: Submitted testimony for HB2249 on Feb 3, 2016 14:05PM

**HB2249**

Submitted on: 2/2/2016

Testimony for CPC on Feb 3, 2016 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Fred Remington	Individual	Oppose	No

Comments: Oppose this bill. Even the city buses that run through Chinatown would be over the decibel limits.

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, February 02, 2016 3:43 PM  
To: CPCtestimony  
Cc: denver@ejlounge.com  
Subject: Submitted testimony for HB2249 on Feb 3, 2016 14:05PM



**HB2249**

Submitted on: 2/2/2016

Testimony for CPC on Feb 3, 2016 14:05PM in Conference Room 325

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Denver Dicken	Individual	Oppose	No

Comments: I oppose the unreasonable bill HB2249 regarding noise related issues. If we look carefully at this it will be seen that Rep. Rhoads is catering to a few of his special friends that think the world revolves around them only. The noise laws already in place are artificially low putting most places in almost constant violation. We should not allow those with complaints against everything to keep pushing their agenda on the majority of society. The whimsical wants of the few should not outweigh the needs of the general populace. The complaining residents need to realize that they live in downtown, a commercial district. Country living is best for noise free lifestyle. Thank you for your time, for hearing my voice, and for shooting down this unnecessary and politically biased measure that serves only the friends of Mr. Rhoads

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COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Rep. Angus L.K. McKelvey, Chair  
Rep. Justin H. Woodson, Vice Chair

NOTICE OF HEARING

DATE: Wednesday, February 03, 2016  
TIME: 2:05 P.M.  
PLACE: Conference Room 325  
State Capitol  
415 South Beretania Street

LATE

LATE

Testimony in opposition to HB2249

On behalf of the Hawaii Bar Owners Association we write to you to state our strong opposition to this bill. This bill would endanger the viability of every liquor license on the island of Oahu. It threatens Waikiki, Restaurant Row and even operations in mall locations. As they are above the current ridiculously low decibel level limits created in 2012.

That bill created a level of 60 decibels before 10pm and 50 decibels after 10pm.in mixed use districts. This was proposed as trial legislation to see if it was enforceable or manageable by the Honolulu Liquor Commission. I would suggest it is not and has not been because all normal operations cannot comply with those levels.

I raise the question are you all aware what a decibel level of 50 DBC might be? Conversations are normally at a level of 60-70 decibels. All the smokers forced outside are above the level. The Capitol Building with its water feature is forever in violation and this hearing at very reasonable level of conversation would be in violation.

An equivalent comparison would be to have our highways at 55mph and allow everyone to operate at a normal highway speed of 55mph. But then lower the legal speed to 35mph and while all traffic would then continue at 55mph it would allow government to then selectively enforce the limit rather than widely enforce the limit.

Should we be writing bills annually to enforce island wide when the problem stems from one ongoing feud in Chinatown? Historically a feud going on for more than 10 years mostly between residents of the subsidized public housing at the Chinatown Gateway Plaza and the bars on Hotel St. What started the feud was the Bar Next Door and 39 Hotel Street but though those bars are gone the feud continues against all noise and any hint of it. They seek a level of silence that does not exist in a city atmosphere.

The 2012 noise violation levels were lowered to an unattainable level. All businesses and streets are above 60 decibels nearly all the time with vehicles, building air conditioning and venting, people on the street etc. all contributing to that level.

All the bars have taken measures and actions to limit their noise to very reasonable levels but the complaints want utter silence. We ask have the complainants taken any action to make themselves noise proof because all the bars have taken actions and yet they still complain. The complainants make their complaints anonymously to the commission and do not seek reasonable discussion of solutions.

The penalties sought here are draconian and mandate those measures where the liquor commission already has those powers to suspend or revoke licenses from problem bars. We do not need further legislation.

The bill seeks to close active businesses that bring more positives than negatives to the community. Lets not endanger businesses and jobs by unreasonable legislation. It is unfair to pass a law to for the County to solve a very local and specific issue. Do not threaten our tourism industry to solve a feud.

We ask that you defer this bill.

Thank you for your consideration in this all important issue.

Sincerely,

Bill Comerford  
Chairman and Spokesman  
Hawaii Bar Owners Association  
10 Marin Lane  
Honolulu, HI 96817  
521-4712 office  
223-3997 cell