
A BILL FOR AN ACT

RELATING TO NOISE CONTROL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that noise control is a
2 serious issue for residents and businesses that must coexist
3 closely in our State's urban areas. The United States
4 Environmental Protection Agency, which regulates certain noise
5 sources, has observed that millions of people nationwide are
6 negatively affected by noise and that studies show a direct link
7 between excessive noise and health issues such as stress-related
8 illnesses, high blood pressure, speech interference, hearing
9 loss, sleep disruption, and lost productivity. Fortunately,
10 quality of life can be enhanced through improved monitoring and
11 enforcement of applicable noise regulations.

12 An often overlooked source of noise pollution is lower
13 frequency sound commonly thought of as "bass" that can permeate
14 walls and windows and cause disruptive and harmful vibrations
15 even when not heard by the human ear. This lower frequency
16 sound is best detected by use of a dBC sound level measurement



1 system rather than a dBA system that understates the lower
2 frequencies.

3 The purpose of this Act is to enhance community noise
4 control as regulated by county liquor commissions in counties
5 with a large population by:

6 (1) Clarifying that it is a noise violation for an
7 establishment requiring a liquor license to exceed the
8 dBC sound level measurements addressed by this Act;

9 (2) Requiring the employment and enforcement of a dBC
10 sound level measurement system for investigating noise
11 levels from establishments requiring liquor licenses;
12 and

13 (3) Requiring the revocation, suspension, or denial of
14 application, renewal, or transfer of a liquor license,
15 or withholding of the issuance of the license, if the
16 applicant or licensee fails to take corrective action
17 to address noise complaints or violations for an
18 establishment for which a license has been issued or
19 is requested to be issued, renewed, or transferred.



1 SECTION 2. Chapter 281, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§281- Noise violations and enforcement in a county with
5 a population of seven hundred thousand or greater. (a) In a
6 county with a population of seven hundred thousand or greater,
7 the licensee of an establishment shall be in violation of this
8 section when the dBC sound level of the establishment is in
9 excess of the following levels:

10 (1) In zoning districts that include all areas equivalent
11 to lands zoned for:

12 (A) Residential, conservation, preservation, public
13 space, open space, or similar type the maximum
14 dBC sound level shall not exceed fifty-five from
15 7:00 a.m. to 10:00 p.m. and shall not exceed
16 forty-five from 10:00 p.m. to 7:00 a.m.;

17 (B) Multi-family dwellings, apartment, business,
18 commercial, hotel, resort, or similar type the
19 maximum dBC sound level shall not exceed sixty
20 from 7:00 a.m. to 10:00 p.m. and shall not exceed
21 fifty from 10:00 p.m. to 7:00 a.m.; or



1 (C) Agriculture, country, industrial, or similar type
2 the maximum dBC sound level shall not exceed
3 seventy at any time; and

4 (2) In any zoning district listed in paragraph (1), the
5 maximum dBC sound level shall not be louder than three
6 decibels above the ambient noise level for:

7 (A) Any two minute segment within a measurement taken
8 for a duration of at least ten minutes; or

9 (B) Any time segment, within a measurement taken for
10 more than ten minutes, that is at least twenty
11 per cent as long as the total duration of the
12 measurement.

13 (b) The county liquor commission shall enforce compliance
14 with the maximum sound levels established in this section and,
15 in doing so, shall employ a dBC sound level measurement system
16 for investigating noise levels.

17 (c) When measuring the dBC sound level of an
18 establishment, the measurement shall be taken within three
19 meters of the perimeter of the exterior of the establishment.
20 If the initial sound measurement taken in response to a
21 complaint does not establish a violation, upon the complainant's



1 request, an additional measurement shall be taken at the
2 complainant's site where the complainant alleges to have heard
3 noise levels that exceed the maximum dBC sound levels
4 established by this section.

5 (d) Notwithstanding any other provision to the contrary,
6 the county liquor commission shall revoke or suspend a license,
7 or deny the application, renewal, or transfer of a license, or
8 withhold the issuance of the license, if the licensee or
9 applicant, as applicable, fails to take corrective action
10 meeting the county liquor commission's approval to address:

11 (1) Complaints from the public;

12 (2) Reports from the county liquor commission's
13 investigators; or

14 (3) Adjudications of the county liquor commission or the
15 liquor control adjudication board,

16 that indicate that noise created by the establishment or patrons
17 departing from the establishment disturbs residents on the
18 street or of the neighborhood in which the establishment is
19 located, or that noise from the premises or adjacent related
20 outdoor areas such as parking lots or lanais exceeds standards



1 contained in state or county noise codes or intrudes into nearby
2 residential units.

3 (e) As used in this section:

4 "Ambient noise" means the totality of sounds in a given
5 place and time, independent of the sound contribution of any
6 specific source of sound being measured.

7 "County liquor commission" means a liquor commission in a
8 county with a population of seven hundred thousand or greater.

9 "dBC" shall have the same meaning as provided in section
10 342F-1."

11 SECTION 3. Section 281-17, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) The liquor commission, within its own county, shall
14 have the sole jurisdiction, power, authority, and discretion,
15 subject only to this chapter:

16 (1) To grant, refuse, suspend, and revoke any licenses for
17 the manufacture, importation, and sale of liquors;

18 (2) To take appropriate action against a person who,
19 directly or indirectly, manufactures, sells, or
20 purchases any liquor without being authorized pursuant
21 to this chapter; provided that in counties [~~which~~]



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1 that have established by charter a liquor control
2 adjudication board, the board shall have the
3 jurisdiction, power, authority, and discretion to hear
4 and determine administrative complaints of the
5 director regarding violations of the liquor laws of
6 the State or of the rules of the liquor commission,
7 and impose penalties for violations thereof as may be
8 provided by law;

9 (3) To control, supervise, and regulate the manufacture,
10 importation, and sale of liquors by investigation,
11 enforcement, and education; provided that any
12 educational program shall be limited to the commission
13 staff, commissioners, liquor control adjudication
14 board members, licensees and their employees and shall
15 be financed through the money collected from the
16 assessment of fines against licensees; provided that
17 fine moneys, not to exceed ten per cent a year of
18 fines accumulated, may be used to fund public liquor
19 related educational or enforcement programs;

20 (4) From time to time to make, amend, and repeal such
21 rules, not inconsistent with this chapter, as in the



1 judgment of the commission seem appropriate for
2 carrying out this chapter and for the efficient
3 administration thereof, and the proper conduct of the
4 business of all licensees, including every matter or
5 thing required to be done or [~~which~~] that may be done
6 with the approval or consent or by order or under the
7 direction or supervision of or as prescribed by the
8 commission; which rules, when adopted as provided in
9 chapter 91 shall have the force and effect of law;

- 10 (5) Subject to chapter 76, to appoint and remove an
11 administrator, who may also be appointed an
12 investigator and who shall be responsible for the
13 operations and activities of the staff. The
14 administrator may hire and remove hearing officers,
15 investigators, and clerical or other assistants as its
16 business may from time to time require, [~~to~~] prescribe
17 their duties, and fix their compensation; [~~to~~] and
18 engage the services of experts and persons engaged in
19 the practice of a profession, if deemed expedient.
20 Every investigator, within the scope of the



- 1 investigator's duties, shall have the powers of a
2 police officer;
- 3 (6) To limit the number of licenses of any class or kind
4 within the county, or the number of licenses of any
5 class or kind to do business in any given locality,
6 when in the judgment of the commission such
7 limitations are in the public interest;
- 8 (7) To prescribe the nature of the proof to be furnished,
9 the notices to be given, and the conditions to be met
10 or observed in case of the issuance of a duplicate
11 license in place of one alleged to have been lost or
12 destroyed, including a requirement of any indemnity
13 deemed appropriate to the case;
- 14 (8) To fix the hours between which licensed premises of
15 any class or classes may regularly be open for the
16 transaction of business, which shall be uniform
17 throughout the county as to each class respectively;
- 18 (9) To prescribe all forms to be used for the purposes of
19 this chapter not otherwise provided for in this
20 chapter, and the character and manner of keeping of



1 books, records, and accounts to be kept by licensees
2 in any matter pertaining to their business;

3 (10) To investigate violations of this chapter, chapter
4 244D and, notwithstanding any law to the contrary,
5 violations of the applicable department of health's
6 allowable noise levels, through its investigators or
7 otherwise, to include covert operations, and to report
8 violations to the prosecuting officer for prosecution
9 and, where appropriate, the director of taxation to
10 hear and determine complaints against any licensee;
11 ~~[provided that a liquor commission in a county with a~~
12 ~~population of seven hundred thousand or greater may~~
13 ~~establish a pilot program that employs both a dBA and~~
14 ~~a dBC sound level measurement system for the purpose~~
15 ~~of community noise control; provided further that the~~
16 ~~dBC sound level measurements shall be in accordance~~
17 ~~with the following maximum permissible sound levels in~~
18 ~~dBC:~~

19 (A) ~~Zoning districts that include all areas~~
20 ~~equivalent to lands zoned residential,~~
21 ~~conservation, preservation, public space, open~~



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1 ~~space, or similar type shall have a maximum dBC~~
2 ~~sound level of fifty five from 7:00 a.m. to 10:00~~
3 ~~p.m. and a maximum dBC level of forty five from~~
4 ~~10:00 p.m. to 7:00 a.m.;~~

5 ~~(B) Zoning districts that include all areas~~
6 ~~equivalent to lands zoned for multi family~~
7 ~~dwelling, apartment, business, commercial,~~
8 ~~hotel, resort, or similar type shall have a~~
9 ~~maximum dBC sound level of sixty from 7:00 a.m.~~
10 ~~to 10:00 p.m. and a maximum dBC level of fifty~~
11 ~~from 10:00 p.m. to 7:00 a.m.; and~~

12 ~~(C) Zoning districts that include all areas~~
13 ~~equivalent to lands zoned in agriculture,~~
14 ~~country, industrial, or similar type shall have a~~
15 ~~maximum dBC sound level of seventy from 7:00 a.m.~~
16 ~~to 10:00 p.m. and a maximum dBC level of seventy~~
17 ~~from 10:00 p.m. to 7:00 a.m.;~~]

18 (11) To prescribe, by rule, the terms, conditions, and
19 circumstances under which persons or any class of
20 persons may be employed by holders of licenses;



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- 1 (12) To prescribe, by rule, the term of any license or
2 solicitor's and representative's permit authorized by
3 this chapter, the annual or prorated amount, the
4 manner of payment of fees for the licenses and
5 permits, and the amount of filing fees; ~~[and]~~
- 6 (13) To prescribe, by rule, the circumstances and penalty
7 for the unauthorized manufacturing or selling of any
8 liquor~~[-]~~; and
- 9 (14) For a liquor commission in a county of seven hundred
10 thousand or greater, to prescribe, by rule, the
11 circumstances and penalty for noise level violations
12 pursuant to section 281- ."

13 SECTION 4. Act 297, Session Laws of Hawaii 2012, is
14 amended by amending section 4 to read as follows:

15 "SECTION 4. This Act shall take effect upon its approval
16 ~~[and shall be repealed on May 5, 2017; provided that section~~
17 ~~281-17(a), Hawaii Revised Statutes, shall be reenacted in the~~
18 ~~form in which it read on the day before the effective date of~~
19 ~~this Act]."~~

20 SECTION 5. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



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1 SECTION 6. This Act shall take effect on July 1, 2015.

2

INTRODUCED BY:

Kal Rusk

Gov. Sam

Tom Ryan

JAN 22 2015



H.B. NO. 227

Report Title:

Noise; Measurement; Liquor License Requirements

Description:

Enhances community noise control as regulated by county liquor commissions in counties with a large population.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



**LIQUOR COMMISSION
CITY AND COUNTY OF HONOLULU**

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ASSISTANT ADMINISTRATOR

February 9, 2015

Representative Derek S.K. Kawakami, Chair
Representative Sam Satoru Kong, Vice Chair
Committee on Economic Development & Business

LATE

Hearing: Tuesday, February 10, 2015
9:00 a.m.; Room 312

Position: Support Intent but Oppose as Drafted HB 227, Relating to Noise Control

Dear Chair Kawakami, Vice Chair Kong, and Members:

The Liquor Commission, City and County of Honolulu (Commission), supports the intent of House Bill 227, Relating to Noise Control, but is opposed to the proposed measure as drafted.

The proposed measure would amend Chapter 281, Hawaii Revised Statutes (HRS), to add a new section to impose low frequency sound measurement level (dBC) compliance responsibility on large population counties (i.e., Honolulu County only), and amend Section 281-17, HRS, to mandate rulemaking to implement that compliance responsibility. While the Commission recognizes and supports the good intent of the proposed measure, we are opposed to the proposed measure as drafted due to technical aspects contained therein which may not be feasible in practice.

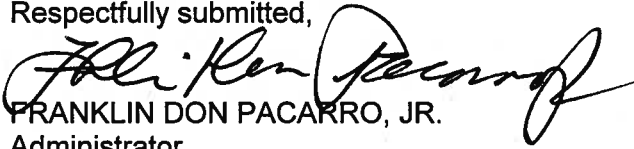
Between October 5, 2012, and December 8, 2012, Commission enforcement investigators took 22 sound level readings using both the dBA and dBC scales in the downtown/Chinatown area in the late evening hours. These readings were taken from elevated locations on the upper floors of the Chinatown Gateway Plaza building, approximately 200 feet away from a series of bars along South Hotel Street. In all but two (2) of the readings, the ambient noise exceeded the 50 dBA threshold (average being 59.4 dB) even without taking into consideration any differential from the target noise source. These sound levels, being ambient noise, reflect the noise normally heard and characteristic of this location and time. This field data suggests that the 50 dBA threshold for the downtown/Chinatown area is unrealistic. The ambient noise dBC readings were consistently about 8 to 10 dB above the dBA readings for the same location being measured, the average being 70.4 dB. This field data suggests that the 50 dB threshold for dBC noise is also unrealistic.

This anticipated problem with the proposed dBC levels will be exacerbated by the measurement distance proposed. If the sound readings are made a mere three (3) meters away from the target source, the readings would almost certainly be much higher than the average ambient noise of 59.4 dBA and 70.4 dBC, respectively. However, it is unknown whether the effect of the sound heard and felt at that close range equates to a disturbing quality if heard/felt 200+ feet away, because sound attenuation is non-linear and could be affected by factors in between the source and a person 200 or more feet away.

While the foregoing comments can be interpreted as a criticism of the proposed dBC levels and measurement distance, we respectfully suggest that the Commission – as a *liquor* regulatory agency – simply lacks the credentialed expertise in acoustic science to establish low frequency noise levels and limits that are reasonable, defensible, and supported by science. Accordingly, we make the same request made in 2009 and 2012 that your Committee obtain information from sources who have the technical expertise to evaluate the science behind the proposed measure before enactment. In this regard, we restate our desire for input from the State Department of Health, Indoor Health, Noise and Radiation office, regarding this longstanding issue regarding low frequency sound measurement.

Thank you for the opportunity to testify.

Respectfully submitted,



FRANKLIN DON PACARRO, JR.
Administrator

FDP:KMT:ACH



Monday, February 9, 2015

Hawaii State House of Representatives

Rep. Derek S.K. Kawakami, Chair
Rep. Sam Satoru Kong, Vice Chair
Via e-mail

TESTIMONY

Bill HB227

Measure Title: RELATING TO NOISE CONTROL.

Report Title: Noise; Measurement; Liquor License Requirements

Description: Enhances community noise control as regulated by county liquor commissions in counties with a large population.

I, Eric Schneider, and our company Events International Inc. strongly oppose HB227 for the following reasons:

1. It is unfair to hold establishment owners accountable for the actions of their patrons once they leave the business's premises.
2. This measure tips the balance of power in favor of possibly one disgruntled neighbor over the community at large. There should be other remedies for this type of dispute.
3. The noise level stated in the bill is too low and not measurably higher than ambient city noise. A bus or truck passing on the street registers higher than the levels stated in the bill.
4. The noise levels stated in the Bill have no scientific basis in that they are far below a level that would cause any physical or psychological harm.
5. Suspension of a license will in effect put a licensee out of business for what should be considered a minor infraction

Respectfully

A handwritten signature in blue ink, consisting of a stylized 'E' followed by a long horizontal line.

Eric Schneider
President, C.E.O.



COMMITTEE ON ECONOMIC DEVELOPMENT & BUSINESS

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Rep. Justin H. Woodson

Rep. Lauren Kealohilani Matsumoto

Rep. Gene Ward

2/7/15

Honorable Committee Chair Kawakami, Vice Chair Kong and Committee Members,

REGARDING : House Bill 227

Position : Strongly Oppose

Speaking for the members of the Hawaii Bar Owners Association we feel this is an unnecessary bill, an unfair bill and unfortunately an unenforceable bill.

This remedy has arisen for multiple times over the same individual situation. There is a dispute between a bar and a condo that has continued since the inception of the prior version of the bill. There has been no resolution. The Liquor Commission finds the readings too variable and unenforceable as they cannot rule out other sources of noise. There is no expertise in this matter, no reliable equipment. You may as well have a Wizard determine the volume. Measuring from 3 meters away does not support the complaint of someone hundreds of feet away. Many are anonymous complaints that often can't be supported.

Any and all complaints are hailed against the bars. This is overkill a measure to kill a fly with a 10 ton boulder. This complaint from Hotel Street will be enforced throughout the island yet not the other islands. Does this island have the only bass decibel problem? Do the residents of the downtown government housing have too sensitive a notion of noise? Mixed use neighborhoods always seem like a good idea but seldom work out for the nightlife and nearby residents. Chinatown is the closest thing to a nightlife or entertainment district on Oahu but it is on wobbly legs due to this issue and ongoing neighborhood complaints. Yet without this industry the area would return to a quiet but dangerous drug dealing area. Mixed use, mixed results. Can we accept something in between?

The bill now purports to go beyond the decibel issue and brings in the sounds of the neighborhood that a business may or may not be responsible for creating. Bars don't put their customers in the street to make noise, the legislature has done that and could remedy that by putting customers inside after 9pm. Buses, cars, air conditioning, fans and blowers all contribute to the ongoing rumble and God forbid what it will be like when the rail arrives. This will be a moot and a mute point.

Bars and Nightclubs are viable honest businesses and deserve fair consideration not a threat of loss of license. Defer this bill or make it the law for the Hotel street bar and condo since nowhere else is there an ongoing problem.

Sincerely,

Bill Comerford
Spokesman
Hawaii Bar Owners Association

10 Marin Lane,

Honolulu Hawaii 968157

Phone: (808) 521-4712

Cell: (808) 223-3997

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 2:40 PM
To: edbtestimony
Cc: Stankfish808@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM

LATE

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Kevin Tit	No Suck Fest	Oppose	No

Comments: Live music in Chinatown has played a major part to the rock and roll music scene in Honolulu. It's provided a safe, fun and positive environment for a lot of people. Also, allowing people a means to find inspiration and channel their thought and feelings in productive fashion. Over the six years No Suck Fest has been active, we've had over ten bands from out of state visit Oahu and play at least one night in chinatown. I've personally witnessed many friendships, bands, artists and just creative minds in general come together and build something beautiful through their mutual love for live performances. I was born and raised in Honolulu, putting countless hours of time, hard work and money into supporting live music in chinatown because I whole heartedly believe that without it in the community, it would not thrive in the manner it does right now.

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Written Testimony in STRONG SUPPORT of HB227

To: The House Committee on Economic Development and Business
Tuesday, February 10, 2015, 9:00 am – Conference Room 312

LATE

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

Re: STRONG SUPPORT for HB227, Relating to Noise Control, to enhance community noise control as regulated by county liquor commissions in counties with a large population

Aloha e Chair Kawakami, Vice Chair Kong, and Members of EDB:

My name is Steve Lohse, I am chair of the Chinatown Gateway Plaza Tenant Association (CGPTA), and I am also an environmental scientist by trade. Please, support HB227 for the following reasons:

(1) Two Honolulu Liquor Commission (HLC) studies showed noise levels frequently above legal limits, even though noise levels below legal limits have NO negative impact on bar business. Under former Administrator Greg Nishioka, the HLC systematically gathered data on two aspects of late-night bar noise in Chinatown. One study found that late night noise levels were frequently higher than previously known from random samples, reaching levels of 90-100 decibels (dBA) in the streets outside licensed establishments. A second study in cooperation with Chinatown bars concluded that keeping late-night bar volume below legal limits had NO adverse impact on bar business. As a result of these two studies, the HLC now monitors its 24/7 Hotline and the Chinatown area much more closely than before.

(2) Excessive noise levels do NOT sustain a responsible economic model for Chinatown and are NOT appropriate in this small, densely-populated, historic area. The Chinatown area is home to an estimated 10,000 residents and is potentially a world-class destination for visitors seeking unique and authentic leisure travel experiences. Visitor surveys and public complaints indicate that excessive bar noise, especially loud low-frequency noise, does not attract desirable visitors and certainly alienates the host community. An unlivable late-night noise district with neither its host community nor up-scale visitors for customers is NOT a sustainable or responsible economic model for Chinatown! Please, give HLC investigators the right tools they need to control loud late-night bar noise.

(3) The dBC system is the RIGHT tool for measuring late-night bar noise. We measure sound by loudness (in decibels – dB) and by pitch or frequency (in Hertz – Hz). Healthy human ears hear sounds from very low frequency (20 Hz) to very high frequency (20,000 Hz). On an 88-key piano, the lowest A key (#1) is 27.5 Hz, the Middle C key (#40) is 261.6 Hz, the highest C key (#88) is 4186 Hz. The current dBA standard down-weights frequencies below ~500 Hz, approximately the C above Middle C key (#52), and so measures loudness inaccurately (i.e., too low) for 58% of the keys on a piano! By contrast, the dBC system measures loudness accurately for the full range of frequencies and so is clearly the RIGHT tool for monitoring and controlling loud, late-night bar noise, including low-frequency or bass noise.

Painfully loud noise, especially loud low-frequency noise, in densely-populated urban areas is bad for the economy, bad for the community, and easily controlled with the right sound-level measure. Please, support HB227 to make the dBC sound-level measure available to HLC investigators!

Aloha no, Steve Lohse

February 7, 2014

Dear Honorable State Legislators considering HB227,

HB227, a bill relating to noise control, corrects deficiencies in Hawaii's statutes that make current rules ineffective at controlling unwanted noise in our neighborhoods.

To be effective at controlling noise in the neighborhood, It is essential that sound levels be measured near the premises where the sound originates, instead of at the complainant's location. The current practice of measuring sound levels only at the complainant's location, far from the source premises, allows for a large number of sources to add to the background or ambient noise levels and masks the contribution of the individual source in question.

It is also essential to eliminate the existing exemptions from Maximum Allowable Noise Level standards based on ambient noise levels. Currently, to receive a citation, an establishment's noise has to exceed ambient sound levels by 3 deciBells. In a neighborhood with multiple noise sources, then, each establishment is permitted to add up to 3 dB of noise to the background ambient noise. This is a prescription for absurdly high noise levels, with no limit. Any establishment whose noise can be measured above the Maximum Allowable Limit needs to be required to lower their sound level, regardless of ambient noise levels, in order to control noise in the neighborhood.

Use of dBC sound measurements is a more appropriate method for assessing nuisance noise. dBA measurements were intended for use in curtailing occupational auditory nerve damage caused by noise in the workplace and are not designed for addressing nuisance noise.

Respectfully submitted as testimony in support of HB227.

Mark Luppino, M.D.
60 N. Beretania St, Apt 2909
Honolulu, Hawaii 96817

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 9:40 AM
To: edbtestimony
Cc: serenahashimoto@yahoo.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM



HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Serena Hashimoto	Individual	Oppose	No

Comments: Aloha, All of Honolulu benefits from the nightlife in Chinatown. Over an over again, we, the business owners and progressive residents of the area, are forced to demonstrate that we are overly compliant with all regulations. We all understand that there is a very small, anti-nightlife contingent who keeps this issue alive and is perpetually diverting our City resources to be utilized to drive down the quality of life in the area. It is time that the City stops indulging this very vocal, minority opinion and starts working to support businesses. None of the Chinatown businesses are doing anything wrong. We serve our patrons legally and work hard to keep the arts, including music, alive. We provide safe places for people to congregate and enjoy themselves. Our reward is perpetual harassment by City agencies that are having these issues forced over and over again by the squeaky wheel, composed of about five people and a list of names they have fabricated. As business owners we have been collegial and compliant. Yet we have lost the street closures for First Friday and Mardi Gras. This is despite no evidence that there was a substantial problem. I would suggest that we start treating Chinatown like other Cities treat their mixed use neighborhoods, which is to support business. This is how Cities revitalize themselves. Not by pulling us into ongoing opposition that is baseless. There is no noise problem in Chinatown. There is drug problems and homeless problems and lots of other issues that could be addressed. But there is not a noise problem. There are businesses creating atmospheres that provide a safe good time for their patrons. As a thank you, we are harassed because a handful of people have an anti-nightlife agenda. What is the benefit if we eliminate Chinatown as a nightlife destination—which, make no mistake, is their agenda? Nothing. People will be forced into Waikiki, which will make that location less safe and over crowded. We have created a safe, lawful, community that serves the City and, trust me, the vast majority of Chinatown residents such as myself, wish it to remain the same. What we would like to do is invest our energy on issues we all agree are problems, like homelessness and drug dealing. Let us flourish and we will, through our success, create a better neighborhood. Please, send a message that the era of indulging these baseless and insubstantial claims is over. When I live somewhere that I am unhappy with, I move. I don't demand that an entire business community changes. Their approach is arrogant and indifferent to the thousands upon thousands of people who enjoy our businesses. I trust that the representatives will do the right thing, the smart thing, and not impress further our businesses. Aloha Serena Hashimoto Owner, Downbeat Diner and Lounge Proof Public House

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convening of the public hearing.

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To: edbtestimony
Cc: btbam808@yahoo.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM



HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
adrian	Individual	Comments Only	No

Comments: Live music has always and ways will be a positive outlet for kids and adults alike. 100% positive. There are drug dealers, fights, prostitution, and gambling all over China town. There are homeless who can't afford a single shred of food all over China town. It's dirty and rat infested. But stopping live performances is a priority before helping our own? Auwe.

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kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 12:13 PM
To: edbtestimony
Cc: Rbidigare@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM



HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Bidigare	Individual	Comments Only	No

Comments: I, Robert Bidigare am against this bill as it places unprecedented control in the hands of individuals who do not appreciate and respect the value of music in an area that left alone breeds drug addicts and criminals. Live music in Chinatown bring a positive element to a location that is in desperate need of help.

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kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 1:16 PM
To: edbtestimony
Cc: joeygreen12@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM

LATE

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Joey Green	Individual	Oppose	No

Comments: This Bill would only make it harder for creative musicians, like myself, harder to find venues and clubs to perform gigs in. It will do nothing but hurt the music scene in Honolulu.

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kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 1:18 PM
To: edbtestimony
Cc: lowmanlane@gmail.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

LATE

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
lane	Individual	Oppose	No

Comments:

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kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 12:44 PM
To: edbtestimony
Cc: andrewlouisscott@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Andrew Scott	Individual	Oppose	No

Comments: Chinatown is one of the last bastions for arts and culture on oahu. I am opposed to any further noise control ordinances that would affect the businesses in the area.

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kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 2:16 PM
To: edbtestimony
Cc: kuuipob@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM

LATE

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
sandra bunnell	Individual	Oppose	No

Comments: Please do not pass this bill. Chinatown is not only home to Hawaii citizens but it is also home to arts and music as well. If anything target the homeless and dangerous drug dealers there instead! Thank you for not passing this bill!

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kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 2:31 PM
To: edbtestimony
Cc: maioseto@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
Mai Oseto	Individual	Oppose	No

Comments: I oppose HB227. We need live music in Chinatown!

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kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 8:57 PM
To: edbtestimony
Cc: cowsmilkisforcows@yahoo.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
nick alves	Individual	Oppose	No

Comments:

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kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 6:02 PM
To: edbtestimony
Cc: djdarinbass@yahoo.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

LATE

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
darin babb	Individual	Oppose	No

Comments:

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Sent: Monday, February 09, 2015 6:12 PM
To: edbtestimony
Cc: heyadele@gmail.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*



HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
adele balderston	Individual	Oppose	No

Comments:

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kong2 - Brenden

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Sent: Monday, February 09, 2015 2:16 PM
To: edbtestimony
Cc: kuuipob@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM



HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
sandra bunnell	Individual	Oppose	No

Comments: Please do not pass this bill. Chinatown is not only home to Hawaii citizens but it is also home to arts and music as well. If anything target the homeless and dangerous drug dealers there instead! Thank you for not passing this bill!

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kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 5:50 PM
To: edbtestimony
Cc: dailydoseofaloha@gmail.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

LATE

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
napua camarillo	Individual	Oppose	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 10:13 PM
To: edbtestimony
Cc: tadrewcook@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
Thomas Cook	Individual	Oppose	No

Comments: As a member of multiple bands and as a supporter and friend of Hawaii citizens who are also musicians and bar/club owners, I am voicing my objection towards HB227. The proposed legislation doesn't make sense and will completely destroy the performance of music on this island. Measurements taken by a colleague of mine were well beyond the proposed limit of 50 dB after 10PM for businesses. The level of a city bus driving by is over 80 dB, so will the state cite a noise violation to The Bus? A musician playing on an acoustic guitar and singing through a small public address system will easily go past 50 dB. It is also likely that simply a bustling crowd of patrons at any given bar or restaurant in Chinatown or Waikiki would easily break the law if this legislation is passed. You'll need to hire some extra law enforcement officers. Finally, the sponsors of this bill are the ones who represent the areas likely most affected with this bill. Chinatown was once a slummy place that no one wanted to walk through, and now it is bustling with life again. Waikiki...nothing needs to be said about Waikiki. This bill, if passed, would destroy the lives of working musicians in Honolulu, the unique and world-class bars, clubs, and restaurants, and turn Honolulu into a ghost town.

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Sent: Monday, February 09, 2015 6:04 PM
To: edbtestimony
Cc: robotsuper9@yahoo.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM



HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Cunningham	Individual	Oppose	No

Comments: Banning live music in Chinatown would essentially cut the artery that keeps the music scene alive. My main hobby is music, specifically playing/performing for others. The underground rock scene in Honolulu has been slowly dying for years, with Chinatown as one of the last zones on Oahu that readily accept it. Please keep the hearts of those who work so hard to create music beating loudly.

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kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 8:58 PM
To: edbtestimony
Cc: nick@downbeatdiner.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
nick danger	Individual	Oppose	No

Comments:

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kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 3:31 PM
To: edbtestimony
Cc: dtope85@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
Daniel	Individual	Comments Only	No

Comments: Passing this bill will hurt local music in Chinatown. Don't hurt local music and nightlife in the area.

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kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 8:54 PM
To: edbtestimony
Cc: donquejas9@gmail.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

LATE

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
noe guzman	Individual	Oppose	No

Comments:

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Aloha members of the Hawaii State Legislature,



I am writing to OPPOSE proposed measure HB227 “RELATING TO NOISE CONTROL.”

This proposed measure, which supposedly addresses statewide problems surrounding noise pollution and dangerous noise levels, is evidently discriminatory and harmful toward businesses in the Downtown Honolulu/Chinatown area, as made clear by the restriction to a county of 700,000+ persons.

Furthermore, this measure would be discriminatory, and inadvertently cause severe financial damage, to Honolulu’s musicians and oral performers, who otherwise have extremely limited options for performance spaces outside of venues in the Downtown/Chinatown areas. The State has provided few, if any, alternative venues for these artists, a particular shame in a state with such a deep and rich musical and performing heritage.

The public would also be at a loss to their entertainment and education should venues be limited to the decibel level restrictions proposed, which restricts audibility of sounds such as music and oral performance to extremely low levels inside of venues that provide for the enrichment of the broader Honolulu community, and its visitors.

Please join me in OPPOSING this measure, which would effectively end a rich and enduring legacy of music in Honolulu historic music and cultural hub in Chinatown.

Sincerely,
Travis Hancock

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 5:45 PM
To: edbtestimony
Cc: josh@downbeatdiner.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM



HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua Hancock	Downbeat Diner and Lounge	Oppose	No

Comments: Downbeat Diner and Lounge oppose this bill due to the discriminatory nature of the bill targeting small businesses that have music by implementing unreasonable decibel level requirements that exceed normal street noise levels. The bills language is flawed in the fact that ambient street noise exceeds 45DB at any given time of the evening. Also, Ambient street noise in the daytime exceeds 60db which is also above the noted allowable level.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 6:53 PM
To: edbtestimony
Cc: margoslice@hotmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM

LATE

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
margo hartford	Individual	Oppose	No

Comments: HB227 would be a great disservice to the island of Oahu. Chinatown has cleaned up considerably in the last 10 years. I believe this to be in thanks to the many businesses now in Chinatown. It provides a great and safe place for the residents and visitors to visit and be able to see a culturally diverse place with music, art, and foods. Imposing a noise violation that clearly is ridiculous when street ambient noise goes above 80 decibels. This would have a negative effect on businesses in the area, and take away from Hawaii's very diverse cultures in which we are so proud of. Less business in the area would directly impact the rejuvenation that has taken place over the years. Do not pass HB227

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Sent: Monday, February 09, 2015 8:25 PM
To: edbtestimony
Cc: adam.hatch@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM



HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Adam Hatch	Individual	Oppose	No

Comments: Honolulu continues to find noxious ways to destroy local business, and make it difficult and unappealing for anyone to try and better our community through commercial enterprise. Chinatown is trying to see a cultural revolution of sorts over the last 10+ years. What has historically been a zone for crime and dereliction, has seen an influx of new and promising establishments. If we as a city do not want to "roll up the streets" at 5pm when the downtown crowd goes home, we need to continue to support the bars and restaurants, including live music, that attracts the culture and people that make downtown and Chinatown thrive. It is far louder with buses going down Hotel Street everyday, than that coming from a venue with live music. I strongly oppose this measure as completely counter to the purpose of rebuilding and revitalizing areas like downtown and Chinatown.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 9:38 PM
To: edbtestimony
Cc: lungtoe@hotmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM



HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Jonathan Isabelo	Individual	Oppose	No

Comments: As a member of the arts and music community of Honolulu, I oppose this bill. Local music and arts contribute enormously to the culture of our city as well as boost our local economy by providing a large amount of viable work to the service/hospitality industry who in turn spend the money locally. Thank you for taking the time to read this. Aloha.

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LATE

Good morning, my name is Casey Ishitani. I am a disc jockey, a writer and a promoter.

I want to thank you for this opportunity to speak in opposition to this proposed bill, HB227.

HB227 is overwhelmingly unfair and harmful toward a local economy and identity. Unfair as it targets local business owners as artillery fire exercises are increasing at Army bases. Harmful as it harms those local businesses with citations for minor issue, thus threatening to create an economic vortex in an already increasingly expensive market – and just as each business has found its footing and has begun to showcase what the ethics of diligent island-bound sustainability can bring to fruition.

Over the years, the live, local music community has conceded ground over what it felt were fair terms, but the latest Bill being brought forth is simply going too far. To say that Chinatown, Honolulu has violated noise levels beyond that of, say, Waikiki or even Moiliili is simply untrue and the involvement of The Liquor Commission –whom originally made it necessary for a venue to have live music in order to serve alcohol – as an overseer on penalties and fines veers into blatant hypocrisy.

Chinatown, Honolulu has become a vibrant and safe alternative for those seeking a reprieve from the choked and fettered excesses of other locations. Each new business is locally owned and operated, each offers a distinct flavor of entertainment and foodstuff exclusive to Honolulu and each has made sure to respect what little residential outliers have sprung up around a burgeoning, multifaceted scene. Patrons can be sure to feel safer in the club than areas that would surely deserve better security – UH Campus comes to mind. Late night dining has answered the growing demand for accessible food options. Local cab companies are surely making a profit from pedestrians that need rides home. That has grown out of the live music scene that helped build the current Chinatown community. These venues were made possible, and *are* made possible, by a scene that profits off of the music HB 227 wishes to silence. If that facet were to be relinquished to a few steep citations over unwarranted complaints, the growing scene may plateau or even wane. Would the Legislature like to see such a growing capitalist generation leave Hawaii for a more desirable location?

The issue of noise in HB 227 is even unfair on a scientific level. The enforcement of decibel level notes that 45 db from 3 meters away from any establishment will result in a citation of noise violation while street traffic and pedestrian noise can reach 70 db at any random moment of the night. That the decibel level is not taken at the location of offense is ludicrous in its lack of impartiality. Confirmation that there are necessary noise-complaints aside, the enforcement procedure is simply not sound on an objective level, in spite of its numerical quota.

The harm that HB 227 will bring, if passed in 2015, is obvious in big picture of Honolulu's future economy, but it will really damage the cultural future of a scene of independent businesspeople who have worked too hard and conceded to every possible compromise in order to continue this growth. A younger, more-honorable series of

entrepreneurs has opened shop in Chinatown, Honolulu – and these include multiple live-music venues. To infringe or annex their ability to play the music that built a progressively profitable scene any further is to risk losing a community. It risks losing what may be the greatest collective of independent thinkers this island community has seen.

Thank you for you time.

kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 4:02 PM
To: edbtestimony
Cc: kayla.giovanna@yahoo.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

LATE

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Kayla G	Individual	Oppose	No

Comments:

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Sent: Monday, February 09, 2015 5:09 PM
To: edbtestimony
Cc: loveratselement@yahoo.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

LATE

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
chris laron	Individual	Oppose	No

Comments:

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kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 8:13 PM
To: edbtestimony
Cc: momironi.lee@gmail.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
momi lee	Individual	Oppose	No

Comments:

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kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 7:00 PM
To: edbtestimony
Cc: liknobdell@yahoo.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

LATE

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
nick lobdell	Individual	Oppose	No

Comments:

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Written Testimony in STRONG SUPPORT of HB227

To: The House Committee on Economic Development and Business
Tuesday, February 10, 2015, 9:00 am – Conference Room 312

LATE

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

Re: STRONG SUPPORT for HB227, Relating to Noise Control, to enhance community noise control as regulated by county liquor commissions in counties with a large population

Aloha e Chair Kawakami, Vice Chair Kong, and Members of EDB:

My name is Steve Lohse, I am chair of the Chinatown Gateway Plaza Tenant Association (CGPTA), and I am also an environmental scientist by trade. **Please, support HB227 for the following reasons:**

(1) Two Honolulu Liquor Commission (HLC) studies showed noise levels frequently above legal limits, even though noise levels below legal limits have NO negative impact on bar business. Under former Administrator Greg Nishioka, the HLC systematically gathered data on two aspects of late-night bar noise in Chinatown. One study found that late night noise levels were frequently higher than previously known from random samples, reaching levels of 90-100 decibels (dBA) in the streets outside licensed establishments. A second study in cooperation with Chinatown bars concluded that keeping late-night bar volume below legal limits had NO adverse impact on bar business. As a result of these two studies, the HLC now monitors its 24/7 Hotline and the Chinatown area much more closely than before.

(2) Excessive noise levels do NOT sustain a responsible economic model for Chinatown and are NOT appropriate in this small, densely-populated, historic area. The Chinatown area is home to an estimated 10,000 residents and is potentially a world-class destination for visitors seeking unique and authentic leisure travel experiences. Visitor surveys and public complaints indicate that excessive bar noise, especially loud low-frequency noise, does not attract desirable visitors and certainly alienates the host community. An unlivable late-night noise district with neither its host community nor up-scale visitors for customers is NOT a sustainable or responsible economic model for Chinatown! Please, give HLC investigators the right tools they need to control loud late-night bar noise.

(3) The dBC system is the RIGHT tool for measuring late-night bar noise. We measure sound by loudness (in decibels – dB) and by pitch or frequency (in Hertz – Hz). Healthy human ears hear sounds from very low frequency (20 Hz) to very high frequency (20,000 Hz). On an 88-key piano, the lowest A key (#1) is 27.5 Hz, the Middle C key (#40) is 261.6 Hz, the highest C key (#88) is 4186 Hz. The current dBA standard down-weights frequencies below ~500 Hz, approximately the C above Middle C key (#52), and so measures loudness inaccurately (i.e., too low) for 58% of the keys on a piano! By contrast, the dBC system measures loudness accurately for the full range of frequencies and so is clearly the RIGHT tool for monitoring and controlling loud, late-night bar noise, including low-frequency or bass noise.

Painfully loud noise, especially loud low-frequency noise, in densely-populated urban areas is bad for the economy, bad for the community, and easily controlled with the right sound-level measure. **Please, support HB227 to make the dBC sound-level measure available to HLC investigators!**

Aloha no, Steve Lohse

kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 4:58 PM
To: edbtestimony
Cc: jemancos@gmail.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
jasmine mancos	Individual	Oppose	No

Comments:

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To: edbtestimony
Cc: matthews.jennc@gmail.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
Jenn Matthews	Individual	Oppose	No

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Cc: valfornorn@gmail.com
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HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Doug McKenna	Individual	Oppose	No

Comments: Live music is a large percentage of revenue for Chinatown. It's what gives it extra flavor and draw. Taking that away is counter-productive. The cleaning- up of Chinatown would be pointless if there is nothing to do downtown at night....

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HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
Jason Miller	Individual	Oppose	No

Comments: I wish to let you know that I oppose HB227. This is damaging to the arts and entertainment community. My children play in a rock band i would like to see that they have places to perform as they get old enough to play at live music venues. Be reasonable. This bill appears to be far from it. I would be happy to speak to you further. thank you.

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To: edbtestimony
Cc: gg.mo1056@gmail.com
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HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Glenn Molina	Individual	Oppose	No

Comments: As a musician and former resident of Hawaii, the passage of this bill undermines the creation of an arts and music scene in Chinatown. For years, Hawaii has wanted to build a sustainable creative industry through DBEDT, the MELE program, HARA, and other organizations. The bill will hurt the accomplishments that these organizations have, for so long, worked toward. It's because of measures like this that San Francisco, my current place of residence, has had its music and arts scene suffer. Don't let it happen to our local talent in Hawaii.

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To: edbtestimony
Cc: EdwardNguyen23@gmail.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

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HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Nguyen	Individual	Oppose	Yes

Comments:

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Committee on Economic Development & Business

Rep. Clift Tsuji, Chair

Rep. Gene Ward, Vice Chair

Tuesday, February 10, 2015

9:00 a.m.

Room 312

LATE

Opposition to HB 227 – Relating to Noise Control

Good morning Rep. Tsuji, Rep. Ward, and members of the Committee,

My name is Summer Nomura. I am a student at Hawai'i Pacific University, a U.S. Army veteran, and a musician. While my credentials may not seem impressive in regards to this hearing surrounding noise control, I believe my experience as a CAOHC (Council for Accreditation in Occupational Hearing Conservation) certified laboratory technician at the US Army Medical Research Laboratory in Fort Rucker, Alabama, as well as my patronage to local, small businesses which thrive on live music here in Honolulu, grant me some say on the matter.

I have read the proposed bill. At face-value, it seems like a harmless, preventative measure against noise pollution and nuisance. To the average person, the decibel level limits thrown about the bill seem acceptable. To the average person, the bill, which allegedly would affect only a county with a population of seven hundred thousand or greater, seems almost impertinent on a personal level. To anyone who has any knowledge on the subject however, the bill is clearly targeted at the source of "loud" noise in Honolulu – Chinatown. Specifically, live music at local establishments in Chinatown.

Honolulu County (i.e. the island of O'ahu) has a population of close to one million. So yes, all of Honolulu County would be affected by this bill. The Chinatown district has a population of only about fifty-five thousand. If this is a petty argument blown out of proportion by disgruntled business owners or residents in a small district, why are they asking the whole county to get involved? I have lived in Aiea and in Makiki (both within the county of Honolulu), and have never experienced unwanted, outside noise levels. Even on the busiest (and consequently, the noisiest) nights for Downtown Honolulu (e.g. First Fridays) all was quiet in my Kinau Street apartment.

Now, let's address the dB levels proposed in the bill. First of all, using dBC as the standard for measurement, rather than the usual dBA is a sneaky attempt to further obscure this technical bill for the average citizen. It is not by any means, justified by the short paragraph on page one alluding to the "overlooked" damage of low frequency sound. Only a small percentage of the population is actually affected by such low frequencies. This is because the human ear naturally

blocks out noises that are outside of a standard frequency range. We will for now, ignore the persuasive fear tactic used in the first sentences of the proposed bill, which refers to the effects of noise *in general* and not specifically to low frequency noise. I am not suggesting that those who can actually hear lower frequencies and are annoyed by them should not be taken into consideration. But I would also point out that studies have shown that out of frustration, such individuals often mistake certain sources (e.g. live music venues) as the causes of their discomfort, when infrastructures within their own residences (e.g. plumbing, electronics) are the actual causes.

Secondly, if we insist on using dBCs, we ought to consider how other cities model their laws including dBC levels. HB227 forbids levels above fifty dBC from 10 p.m. to 7 a.m. for businesses. There is no proposed flexibility for those businesses that rely on live music performances, and that could therefore potentially exceed this set limit. Both California and New York have set their standard for the same time period at 55 dBC. For live music venues, extensions of 8 and 6, respectively, are also provided. This sets the limit for these cities at 61 – 63 dBCs – more than 10 dBCs above the proposed levels of HB227. It is interesting that Hawai'i's economy relies so heavily on tourism, yet the government now proposes a bill that would be detrimental to the nightlife of our state. Check any website geared towards attracting tourists; nightlife is a huge component. If we insist that HB227 is necessary, I implore the committee to take a closer look at the details, and to reconsider the numbers before indiscreetly signing off on the bill as it is proposed.

Finally, allow me to shed some personal insight as a musician onto this testimony. Who really suffers from the passing of this bill? It is the small businesses of Chinatown, which feature live music. It is the very businesses who rebuilt Chinatown as a desirable place to spend evenings (and money). The constant drug deals, the plethora of homeless, and the unsanitary conditions kept me out of Chinatown before the rise of such establishments. What is the motivation for these businesses to remain in operation, if on top of all the other bureaucracy they must already endure, they must also withstand harassment surrounding unreasonable noise requirements? What happens when, exhausted and fed up, these businesses close their doors forever, and move on to other, more judicious locations out-of-state? Local musicians lose their performance venues.

This might not seem like such a big deal, but please understand that it is. Activities such as music, keep youngsters off the streets. I have several friends and acquaintances who are recovering abusers of alcohol or drugs. Music is their salvation. Garage bands are healing to a certain extent, but live gigs are the culmination of their hard work and their victory over their demons. Take away that end-goal, and you are basically condemning them to return to their previous, wasted lives. Kids in high school, and even those younger, are forming bands today with the hopes of being able to play with their favorite local bands tomorrow in the very establishments HB227 threatens to extinguish. If there is no tangible goal for these youths, they may very well abandon music and turn to less than healthy activities. Those who do pursue

music will be forced to leave the island if they want to ever have a chance to break into the industry.

Members of the Committee, please reflect on the issues I have presented in this testimony. Because this is not a matter for an entire county, because the bill as proposed contains unreasonable dBC level limits, and because the bill will hurt local, small business, and subsequently Hawai'i's musicians and youth, I strongly oppose HB227. I thank you for your consideration.

Respectfully,

Summer Nomura

kong2 - Brenden

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 10:13 PM
To: edbtestimony
Cc: orozco.aya@gmail.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

LATE

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Aya Orozco	Individual	Oppose	No

Comments:

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To: edbtestimony
Cc: maioseto@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM

LATE

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Mai Oseto	Individual	Oppose	No

Comments: I oppose HB227. We need live music in Chinatown!

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To: edbtestimony
Cc: patrickishihara808@gmail.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

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HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
patrick oshihara	Individual	Oppose	No

Comments:

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Cc: wpitts@hawaii.edu
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
Winnifred Pitts	Individual	Oppose	No

Comments: I am in opposition of HB227. I have lived and worked in the Chinatown area for years and know it for the vibrant arts and historical district that it is. During times when many considered Chinatown to be too dangerous or unsightly, artists and musicians brought a positive element, and genuine care for the community and its members. Many of the venues that feature live music depend the ability to keep Honolulu on the map as an innovative city with a fresh edge, in order to survive and pay the bills. To punish the very people who have worked so hard to make Chinatown what it is now, would not only be a travesty, but would also make it an overall less appealing, and less involved community, hurting everyone in the end. Art and music are the driving forces that bind everyone in Chinatown, business owners, patrons, theatergoers, musicians, and local families, all of whom benefit from having the positive influence of artists and musicians, who are so dedicated to the wellbeing of the community. Hear this plea from the people of Chinatown; business owners, patrons, artists and other contributors, and do not enact this socially debilitating act. Mahalo Winnifred Pitts

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To: edbtestimony
Cc: rachelschack@yahoo.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

LATE

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel	Individual	Oppose	No

Comments:

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kong2 - Brenden

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To: edbtestimony
Cc: andrearodriguez808.ar@gmail.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
andrea rodriguez	Individual	Oppose	No

Comments:

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To: edbtestimony
Cc: wingicecream@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM

LATE

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Miller Royer	Individual	Oppose	No

Comments: This bill is detrimental to local chinatown businesses.

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Cc: wingicecream@gmail.com
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HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Miller Royer	Wing Enterprises Inc.	Oppose	No

Comments: As a local business owner in chinatown, I feel that this bill will negatively affect businesses and community arts, music and cultural events.

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HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Marc Rubenstein	Individual	Oppose	No

Comments: Live music in Chinatown is why people are rejuvenating the neighborhood.

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Cc: skinhead808@outlook.com
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HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
raul sanchez	Individual	Oppose	No

Comments: Part of the Chinatown/Downtown community has, for many years, been live music. To hinder the noise levels at music venues would be detrimental to the growing community just as its reestablishing itself. The nightlife is part of the draw of Chinatown/Downtown and many depend on it for their livelihoods. Perhaps those few that find the "bass" too much to deal with should relocate. If you look for cracks in Chinatown/Downtown you will indeed find them.

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Cc: skeesmith@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM

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HB227

Submitted on: 2/10/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Erin Smith	Individual	Oppose	No

Comments: Aloha, My family and I often enjoy the concerts, both in venues and on the street, in Chinatown. This bill allows for the venues we enjoy to be penalized for noise levels that are below normal speaking tones and street noise, let alone the noise of live music. Honestly, the bill seems ill-informed, impractical and is a blatant detraction from an art scene that works hard to provide for the community. I hope to see it fall to the wayside, so we can continue to enjoy music. Thank you! Erin Smith

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Cc: brittswish20@aol.com
Subject: *Submitted testimony for HB227 on Feb 10, 2015 09:00AM*

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
brittany swisher	Individual	Oppose	No

Comments:

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9 February 2015

Aloha,

I am submitting testimony in opposition of the proposed changes of HB 227, specifically Section 2, 2C Page 4-5 of HB227

(c.) When measuring the dEC sound level of an 18 establishment, the measurement shall be taken within three 19 meters of the perimeter of the exterior of the establishment. 20 If the initial sound measurement taken in response to a 21 complaint does not establish a violation, upon the complainant’s HB ~ EMS 2014—3995—2 4Page 5 H .B. [N0. z2_7 1 request, an additional measurement shall be taken at the 2 complainant’s site where the complainant alleges to have heard 3 noise levels that exceed the maximum dBC sound levels 4 established by this section.

I don’t think it’s fair to businesses that are in mixed-use zoning areas that the measurement of decibels is taken from three meters of their establishment. I think it pertinent enough that the measurements are taken from the complaint site which allows for regulation of noise levels. I urge lawmakers to change this language so that businesses are not punished for POSSIBLE noise violation, but ACTUAL noise violation. Measuring decibels from the perimeter of the establishment does nothing but allow bullying of local businesses. Distances should be reconsidered when measuring decibel levels in mixed-use zoning areas to be considerate of both businesses and residents.

Mahalo for your consideration of this testimony,

Michelle Takiguchi
- Concerned Citizen

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 09, 2015 5:01 PM
To: edbtestimony
Cc: maniakurbaniak@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM

HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
Emily Urbaniak	Individual	Oppose	No

Comments: Local and live music has been an integral part of business and Chinatown culture in downtown Honolulu for a very long time. Enforcing noise restrictions will hurt many businesses that rely on live music and the culture surrounding it. Bringing people into Chinatown is crucial for its growth and restricting something that brings a lot of new faces and tourists downtown, would be extremely detrimental in the long run.

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HB227

Submitted on: 2/9/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
aj white	Individual	Oppose	No

Comments:

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To: edbtestimony
Cc: dwilkie@hawaii.edu
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM
Attachments: David-Wilkie-HB227-testimony.txt

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HB227

Submitted on: 2/10/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
David Wilkie	Individual	Oppose	No

Comments:

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To: edbtestimony
Cc: heek@hawaii.edu
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM



HB227

Submitted on: 2/10/2015
Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Kamalei Hee	Individual	Oppose	No

Comments: Hawaii has an extremely rich musical culture, that I am privileged enough to have been raised in (in some shape or form) and extremely passionate about, my entire life. Now, imagine having that culture through which you learned such values as respect, hard work, loyalty, confidence, leadership, and humility suddenly ripped away, in order to appease a group of outsiders who ignorantly see your community as nothing more than loud and laughable (I would say, akin to how missionaries must have viewed Native Hawaiians). This scenario is what the threat caused by the passing of this bill represents to me; thus, I am testifying in opposition to HB 227. I have been told by multiple artists that I am one of the busiest supporters of live/local music, as I make it a goal to attend local events and support Hawaii’s musicians, as often as possible (in between being a full-time college student and a youth sports coach). It has become second nature for me to travel in to Chinatown on a twice-weekly basis, in order to catch a live music show or First Friday art showcase—any and all of which would not be possible, without the dedicated and perseverant venue owners who have helped revamp the character and community of Hawaii’s art scene, as well as Chinatown itself. Live music venues in Hawaii are starting to become few and far between, much less venues who cater towards multiple musical tastes, on a regular basis. Downbeat Diner & Lounge is one such place, and co-owner Joshua Hancock is one of the hardest-working people I know. He recently conducted a decibel test outside his establishment, and found that ambient street noise (i.e. TheBus) registered at well over 80 decibels (not to mention that human conversation registers somewhere near 60). When compared to these test results, the idea of proposing a violation if a venue exceeds 45 decibels becomes ridiculous—although I can see excess noise being a concern for neighbors, the vast majority of these venues that host live music events are on Hotel Street, at least two city blocks away from residential areas, most of whom reside in high-rises. Ultimately, I believe that the conditions set by HB 227 are too preposterous, and do not take into account the actual location of the accused venues, as they have become staples of the Chinatown art district, who help keep history alive on a daily basis.

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To: edbtestimony
Cc: stcomalley@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM



HB227

Submitted on: 2/10/2015
Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Sean O'Malley	Individual	Oppose	No

Comments: It is clear from the unrealistic decibel levels set in the draft measure that there was no actual research done, and the bill should be given no more time in consideration than its authors committed in preparation. Here's a reality check: I am sitting in a completely closed office, with no sources of noise at all. The dBc level is currently 48. When I walk outside the front door of my building (in a mixed use area of Aiea at 11 am) the dBc level is 68! The limits written into the draft are unrealistic, foolish, and clearly have been set to harass businesses which provide any setting for people to gather. Areas of mixed use (such as Chinatown) are just that: areas of mixed use. It will not be as silent in a downtown condo as it will be in a Haleiwa residence. If a bill needs to be drafted, it needs to be realistic. The limits need to reflect reality. It should also be established that a single complainant is insufficient for police action (to avoid individual harassment of a business). Finally, it makes no sense whatsoever to do the measurements outside the business. If there is a noise complaint, the decibel reading should be taken at the complainant's residence. And yes, if it's 70 dB in someone's apartment then you've got a reason to complain! Thanks for your time. Please reject this draft bill in its present form. Sean O'Malley

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kong3

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To: edbtestimony
Cc: philip.potter2@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM



HB227

Submitted on: 2/10/2015
Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Phil Potter	Individual	Oppose	No

Comments: Live music is a key part of building a Chinatown that is safe, accessible, and vibrant. The area has come a long way since the drugs and violence of the 1990's. Please do not let a vocal minority derail the progress we've made. On behalf of the large community who enjoys Chinatown as it is, I strongly oppose this measure.

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To: edbtestimony
Cc: fred@ejlounge.com
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HB227

Submitted on: 2/10/2015
Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
Fred Remington	Individual	Oppose	No

Comments: This is a ridiculous bill. The city buses operate at a higher decibel then what you are expecting business to adhere to.

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Cc: clskwock@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM



HB227

Submitted on: 2/10/2015
Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
CHU LAN SHUBERT-KWOCK	Individual	Support	No

Comments: Honolulu Liquor Commission needs this HB227 to better enforce such pervasive noise plaguing our Chinatown community day in and out. Please pass this important Bill227 for the sake of our community.

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Cc: ovolution@gmail.com
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HB227

Submitted on: 2/10/2015
Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312



Submitted By	Organization	Testifier Position	Present at Hearing
Oliver Vetter	Individual	Oppose	No

Comments: Live music and the venues that support the live music in chinatown has given this area life and an economy and a hugely important part of the music scene in Honolulu and Hawai'i as a whole. This bill is a move to gentrify and destroy the businesses that have made chinatown unique and safe.

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L A T E

kong3

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Cc: judejoveofficial@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM

HB227

Submitted on: 2/10/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Thaddeus J. Guzik	Individual	Oppose	No

Comments: If noise was such an issue we would be shutting down Waikiki as well. I've stayed in rooms in various hotels and have been awake during ridiculous hours to know that the same goes in both general areas. I feel the only reason this isn't happening there is because this island survives off tourism. Many events that go on in Chinatown bring down acts sometimes from around the world, with people, who can, follow which leads to additional tourism. To also mention, this acts lead in various growths to many of Hawaii's artistic culture and talent. With this, many venues may have to close and may never get the business it deserves. If there should be anything done in Chinatown, it should be the government and organizations renovating this building and fixing the infrastructures to allow the good cultures to thrive. Imagine buildings that can dampen the amount of sound resonating from their sound systems. Fixing the place up may even help to clean these streets of the homeless, the drug dealers/users, and thieves. Live music of any sort attract great people and culture; just because nobody has put their foot down to make it a better place doesn't mean you should take away the one thing that makes it great.

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Cc: rogbong@gmail.com
Subject: Submitted testimony for HB227 on Feb 10, 2015 09:00AM

HB227

Submitted on: 2/10/2015

Testimony for EDB on Feb 10, 2015 09:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Roger Bong	Aloha Got Soul LLC	Oppose	No

Comments: I am a music journalist for the Midweek Metro weekly newspaper and owner of the Hawaiian music record label, Aloha Got Soul. My comments on this bill are as follows: City buses are loud as hell. So are cars on the freeway. I can't stand them. The waves in the ocean, wind gusting through the trees, vivid conversations with your friends at an outdoor restaurant or a lively backyard kanikapila jam session (when are they ever not lively?). Now, these things I like. All of the above are part of daily life in Honolulu. Lucky for us, we get to enjoy the latter every single day. The other stuff we just have to put up with because, well, that's the way we've built this town. What do these all have in common? All would be in violation of HB227, a bill "relating to noise control" that was recently introduced to the state's House Of Representatives. I'm not kidding, either. The bill states that "the maximum dBC sound level (for businesses) shall not exceed 60 dBC from 7am to 10pm, and shall not exceed 50 dBC from 10pm to 7am." Any business that violates this would have their liquor license revoked, suspended, or denied. In other words, they'd probably have to go out of business. Per HB227, noise level measurements "shall be taken within three meters of the perimeter of the exterior of the establishment." Three meters—that's less than ten feet! It's easy to see why this is absurd: the noise from a city bus measured from the sidewalk can average between 75 to 95 dBA. Josh Hancock, owner of restaurant/bar/live music venue Downbeat Diner & Lounge has documented several measurements he's taken of average, ambient street noise levels in Chinatown that are in violation of proposed bill HB227. (Note: generally speaking, the "dBA" decibel level scale relates to frequencies our ears hear, whereas the "dBC" scale correlates with lower and higher-end frequencies that we feel. In almost all situations, dBC measurements are higher than dBA's for the same source.) Honolulu's freeways make noise levels of at least 70 dBA. Hell, my wireless bluetooth speaker I use poolside or at Ala Moana Beach Park can pump music out at 85 decibels. A document published by the US Army in Hawaii in 2004 (www.garrison.hawaii.army.mil) gives us examples of what 65 dBA (roughly 70 dBC) sounds like: "Typical daytime busy downtown background conditions. Tree branches rustling in strong wind; Beach, light wind and surf." As of this writing, music venues like Downbeat Diner & Lounge, The Manifest, Fresh Cafe, eleven44, and Proof Public House are in jeopardy. You should be concerned because these venues do more than give artists a place to perform live. They provide a platform to inject Honolulu's arts and music scene with the innovation and experimentation it needs that make this town a city.

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John Hart, Chair and Professor of Communication, Hawaii Pacific University

Testimony Against HB 227

February 10, 2015

LATE

Introduction

Invited to testify regarding noise levels for the permits for the Diamond Head Crater Festival

Performed doctoral research on noise pollution while earning my PhD at the University of Kansas

Stand opposed to HB 227

1. Bad science

A. Switch to dBC measurements bad

1. dBA standard better at measuring potential damage to human ear.

The Bacou-DallozHearing Safety Group noted (http://www.howardleight.com/images/pdf/0000/0260/Sound_Source_4_AC_WeightedMeasure.pdf):

The C-weighting scale was originally designed to be the best predictor of the ear's sensitivity to tones at high noise levels. Why, then, are noise measurements for hearing conservation almost always measured in dBA? Because the ear's loudness sensitivity for tones is not the same as the ears' damage risk for noise. Even though the low frequencies and high frequencies are perceived as being equally loud at high sound levels, much of the low frequency noise is actually being filtered out by the ear, making it less likely to cause damage. The A-weighting scale in a sound level meter replicates this filtering process of the human ear.

So the bill's assertion the bass frequencies are harmful and that the dBC scale is the best scale to use for public health and safety is flawed. How bad is the variation between the scales?

NoiseMeters Inc website <https://www.noisemeters.com/help/faq/frequency-weighting.asp>:

It is extremely important that sound level measurements are made using the correct frequency weighting - usually A-weighting. For example, measuring a tonal noise of around 31 Hz could result in a 40 dB error if using C-weighting instead of A-weighting.

2. dBA standard used by OSHA, Army, National Institute for Occupational Safety and Health.

B. No evidence of health or safety concerns at distance of residential units to businesses. Too far away. Aesthetic issue only.

C. Ambient noise levels render impacts moot (traffic, rail etc. 80dBA):

https://www.osha.gov/dts/osta/otm/new_noise/images/fig3.gif

2. Bad public policy

A. No scientific evidence for the dBC Levels in the bill: Why 50/55?

B. The Army Center for Health Promotion and Preventive Medicine (CHPPM) in Hawaii uses significantly higher level (90dBC):

(<http://www.garrison.hawaii.army.mil/sbcteis/feis/Appendices/Appendix%20H1.pdf>)

C. Federal standards significantly higher than 70dBA

(<https://www.osha.gov/dts/osta/otm/noise/standards.html>)

1. OSHA (90dBA for 8 hours, 100 dBA for 2 hours)

2. The American Conference of Governmental Industrial Hygienists (ACGIH) (80 dBA for 24 hours, limit of 140dBC)

3. The National Institute for Occupational Safety and Health (NIOSH) (85 dBA for 8 hours).

3. Bad economics

A. Chinatown History of urban blight

B. Recent economic upturn built on a base of music club, First Fridays and Holiday block parties.

C. HB227 would eliminate these enterprises and re-ghettoize the neighborhood.

Solution: Reject HB227, amend Chapter 281 to reflect realistic noise standards (such as 90-100 dBA) and recognize that occasional noise is a small price to pay for a safer, more prosperous neighborhood.

LATE

Aloha,

All of Honolulu benefits from the nightlife in Chinatown. Over and over again, we, the business owners and progressive residents of the area, are forced to demonstrate that we are overly compliant with all regulations. We all understand that there is a very small, anti-nightlife contingent who keeps this issue alive and is perpetually diverting our City resources to be utilized to drive down the quality of life in the area. It is time that the City stops indulging this very vocal, minority opinion and starts working to support businesses. None of the Chinatown businesses are doing anything wrong. We serve our patrons legally and work hard to keep the arts, including music, alive. We provide safe places for people to congregate and enjoy themselves. Our reward is perpetual harassment by City agencies that are having these issues forced over and over again by the squeaky wheel, composed of about five people and a list of names they have fabricated.

As business owners we have been collegial and compliant. Yet we have lost the street closures for First Friday and Mardi Gras. This is despite no evidence that there was a substantial problem. I would suggest that we start treating Chinatown like other Cities treat their mixed use neighborhoods, which is to support business. This is how Cities revitalize themselves. Not by pulling us into ongoing opposition that is baseless.

There is no noise problem in Chinatown. There are drug problems and homeless problems and lots of other issues that could be addressed. But there is not a noise problem. There are businesses creating atmospheres that provide a safe good time for their patrons. As a thank you, we are harassed because a handful of people have an anti-nightlife agenda.

What is the benefit if we eliminate Chinatown as a nightlife destination—which, make no mistake, is their agenda? Nothing. People will be forced into Waikiki, which will make that location less safe and over crowded. We have created a safe, lawful, community that serves the City and, trust me, the vast majority of Chinatown residents such as myself, wish it to remain the same.

What we would like to do is invest our energy on issues we all agree are problems, like homelessness and drug dealing. Let us flourish and we will, through our success, create a better neighborhood. Please, send a message that the era of indulging these baseless and insubstantial claims is over. When I live somewhere that I am unhappy with, I move. I don't demand that an entire business community changes. Their approach is arrogant and indifferent to the thousands upon thousands of people who enjoy our businesses.

I trust that the representatives will do the right thing, the smart thing, and not impede further our businesses.

Aloha
Serena Hashimoto
Owner, Downbeat Diner and Lounge

LATE

Proof Public House