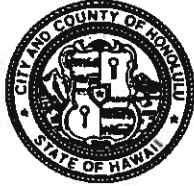


**LIQUOR COMMISSION
CITY AND COUNTY OF HONOLULU**

711 KAPIOLANI BOULEVARD, SUITE 600, HONOLULU, HAWAII 96813-5249
PHONE (808) 768-7300 or (808) 768-7333 • FAX (808) 768-7311
INTERNET ADDRESS: www.honolulu.gov/liq • E-MAIL: liquor@honolulu.gov

KIRK CALDWELL
MAYOR



January 29, 2019

The Honorable John M. Mizuno, Chair
The Honorable Bertrand Kobayashi, Vice Chair
and Members of the Committee on Health

The House of Representatives
State Capitol, Room 329
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee:

**SUBJECT: House Bill 160
Relating to Intoxicating Liquor**

The Liquor Commission, City and County of Honolulu, (Commission), appreciates the opportunity to submit testimony providing comments on the above-referenced measure. As a matter of principle, the Commission fully supports the intent of the proposed legislation to better clarify and enhance the laws to regulate noise violations from liquor licensed businesses. However, we have concerns in the way the proposed measure is crafted. We believe in its current form the law would be even more difficult to enforce.

Currently, noise meter readings obtained by Commission Investigators require a two minutes out of twenty minutes reading (10 percent) in order for a notice of violation to be issued. The proposed measure would effectively double the required percentage of time required for a violation to be issued.

With respect to the proposed legislation, meter readings shall be taken within three meters of the perimeter of the exterior of the establishment. This requirement would mean that the noise meter reading be taken in plain sight of the licensed premises. While seemingly ideal, this would allow the licensee to immediately turn down their noise source and basically engage Commission Investigators in a cat-and-mouse type of situation. In addition, if Commission Investigators are unable to obtain the violation within three meters of the licensed premises, taking it from a further distance would likely result in even lower meter readings as sound levels tend to dissipate with an increase in distance from the source.

JOSEPH V. O'DONNELL
CHAIRMAN

NARSI A. GANABAN
CO-VICE CHAIR

MALAMA MINN
CO-VICE CHAIR

DARREN Y. T. LEE
COMMISSIONER

DUANE R. MIYASHIRO
COMMISSIONER

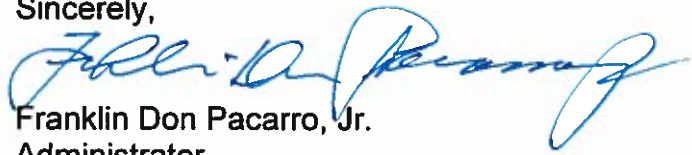
FRANKLIN DON PACARRO, JR.
ADMINISTRATOR

ANNA C. HIRAI
ASSISTANT ADMINISTRATOR

January 29, 2019
Page 2

The Commission would like to thank you for this opportunity to testify, and we look forward to working with the legislature in the future to further clarify any concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Franklin Don Pacarro, Jr.", written in a cursive style.

Franklin Don Pacarro, Jr.
Administrator

FDPjr:PHN:ACH



CGPTA
Chinatown Gateway Plaza Tenant Association
Since 2006

To: The House Committee on Health (HLT)
From: The Chinatown Gateway Plaza Tenant Association (CGPTA)
Date: Thursday, January 31, 2019
Time: 9:30 a.m.
Place: Conference Room 329, State Capitol, 415 South Beretania Street

Re: Strong Support for HB160, Relating to Noise Control.

Aloha e Chair Mizuno, Vice Chair Kobayashi, and Members of the Committee on Health:

My name is Steve Lohse, I'm an environmental scientist and chair of the Chinatown Gateway Plaza Tenant Association (CGPTA). Chinatown Gateway Plaza (CGP) is a 27-story, 200-unit resident tower built in 1990 at Nuuana and Hotel in Chinatown. CGP residents organized the CGPTA in 2006 to represent our resident voice in matters of concern to our Chinatown community. On behalf of the CGPTA, thank you for this opportunity to submit testimony in **Strong Support of HB160** for the following reasons:

(1) Air pollution includes three sources – dissolved gases, particulate matter, and compression waves that we experience as sound. Humans hear sounds from a low frequency of ~20 Hz to a high frequency of ~20,000 Hz (Hertz or cycles/second = pitch; wave amplitude = volume). Excessive loud or high-decibel volume levels are air pollution by definition and by law because they endanger wellbeing, health, safety, and the right to comfortable enjoyment of life and property.

(2) The Honolulu Liquor Commission (HLC) uses the A-weight (dBA) standard for measuring decibel levels, but dBA filters out low frequencies below 500 Hz, or *C above middle C* on a piano! In fact, urban soundscapes include the full frequency range, and loud low frequencies especially endanger health and safety. In contrast, the C-weight (dBC) standard accurately measures decibel levels across the full range of low-to-high frequencies. dBC is the right standard for measuring Hawaii's urban noise levels!

(3) It makes no sense that Transit Oriented Development (TOD) and Smart Growth promote high-density development with inadequate provisions to control the increasing noise levels that accompany these higher urban densities. Please, do not allow urban Hawaii to become unlivable for residents and visitors, especially at night, due to a simple failure to address increasing urban noise!

Please pass HB160. *With a sense of urgent need* for effective stewardship on behalf of our livable communities, we trust in your leadership to move Hawaii toward responsible urban noise standards with appropriate measurement. Thank you.

Aloha no,
Steve Lohse, CGPTA Chair, CGP.Tenant.Association@gmail.com
The Chinatown Gateway Plaza Tenant Association (CGPTA)

HB-160

Submitted on: 1/29/2019 11:15:13 AM

Testimony for HLT on 1/31/2019 9:30:00 AM

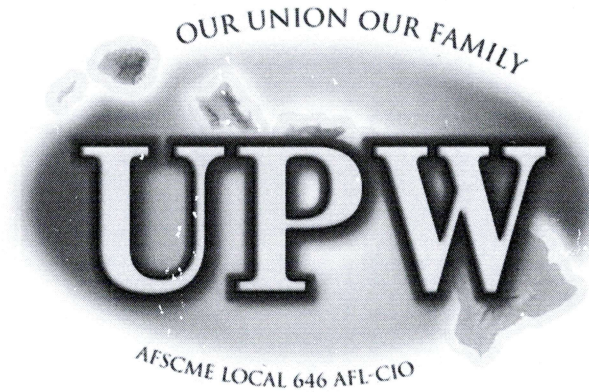
Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments:

I live in Downtown Honolulu. I, and thousands of other denizens of the area, are bombarded by noise from liquor establishments, be it music, rowdy patrons, etc. The current laws are not sufficient to enable us to get a decent night's sleep. This bill will be another tool for law enforcement to use so we can have needed peace and quiet, especially at night. Please pass this bill.

Lynne Matusow

LATE TESTIMONY



LATE TESTIMONY

LATE

THE HAWAII STATE HOUSE OF REPRESENTATIVES

The Thirtieth Legislature
Regular Session of 2019

Committee on Health

Representative John Mizuno, Chair
Representative Bertrand Kobayashi, Vice Chair

Date of Hearing: January 31, 2019
Time of Hearing: 9:30 a.m.
Place of Hearing: Conference Room 329
State Capitol

TESTIMONY ON HOUSE BIL 160 Relating to Noise Control

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua and I am the State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive bargaining representative for approximately 14,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and four counties. The UPW also represents about 1,500 members in the private sector.

The UPW does not support HB160; if it is applied broadly to control noise in the community, it could negatively affect the UPW refuse operations on Oahu. Refuse pickup teams leave their base yards at 6:00 a.m. in the morning and travel to various routes. The heavy vehicles emit loud sounds at times during operations. We therefore request clarification on the application of the bill in the Liquor Commission enforcing the amended noise control law.

Thank you or the opportunity to submit this testimony.