

LIQUOR COMMISSION
CITY AND COUNTY OF HONOLULU

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LATE

KIRK CALDWELL
MAYOR



February 3, 2020

The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair
and Members of the Committee on Judiciary
State Senate
State Capitol, Room 016
415 South Beretania Street
Honolulu, Hawaii 96813

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ASSISTANT ADMINISTRATOR

Dear Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

SUBJECT: Senate Bill No. 2241
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 legislation that enables our licensees to successfully operate their businesses but also gives reasonable oversight to regulators in addressing the dynamic nature of the liquor industry. This oversight necessarily includes the impact to members of the public who must co-exist with our licensees as they conduct their business operations.

Senate Bill 2241 proposes amendments to two sections of Chapter 281, Hawaii Revised Statutes, to impose restrictions on Class 10 Special licenses that are situated in outdoor premises, with detailed boundary size, boundary height, and boundary material for "beer gardens" where alcohol sales and consumption can take place. As these requirements will be statutory in nature, they could not be changed or waived in any degree, regardless of who the applicant is, the individual circumstances or mitigating factors involved, or the type of event contemplated. As such, the Commission believes the proposed measure may be both overly broad and too restrictive, with the unintended consequence of prohibiting Class 10 Special license status for all outdoor events, rather than leaving reasonable discretion with the Commission to personalize the restrictions or conditions of the Class 10 Special license to the applicant or the type of event involved.

Thank you for the opportunity to provide comments on Senate Bill 2241.

Sincerely,

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

Franklin Don Pacarro, Jr.
Administrator

FDPjr:ACH

SB-2241

Submitted on: 2/3/2020 3:42:24 AM

Testimony for JDC on 2/4/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Azuma Chrupalyk	Individual	Support	No

Comments:

MCCORRISTON MILLER MUKAI MACKINNON LLP

A T T O R N E Y S A T L A W

February 3, 2020

Senator Karl Rhoads
Senator Jarrett Keohokalole
SENATE COMMITTEE ON JUDICIARY
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Re: SB 2241, Relating to Intoxicating Liquor
Hearing Date: February 4, 2020

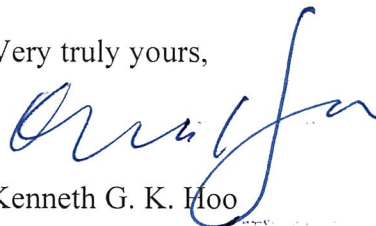
Dear Chair Rhoads, Vice Chair Keohokalole and Committee Members:

The undersigned respectfully submits the following written testimony in opposition of SB 2241, Relating to Intoxicating Liquor.

This letter is in opposition to S. B. No 2241 which would require outdoor special licenses only if the liquor shall be sold and consumed within a beer garden. I am a practicing attorney in the liquor industry. This bill is overly broad and would unreasonably restrict applicants, including non-profit and charitable entities, from obtaining licenses which help fund their activities. The definition of a beer garden is not clear and could be interpreted too restrictively thus preventing applicants from obtaining special licenses which would otherwise be exercised without being a nuisance to the community.

Based on the above, we respectfully oppose SB 2241. Thank you for your consideration of the foregoing.

Very truly yours,



Kenneth G. K. Hoo



CGPTA
Chinatown Gateway Plaza Tenant Association
Since 2006

To: Committee on Judiciary (JDC)
From: Chinatown Gateway Plaza Tenant Association (CGPTA)
Date: Tuesday, February 4, 2020, 10:01 a.m.
Place: Conference Room 016, State Capitol, 415 South Beretania Street

LATE

Re: Support for SB2241, Relating to Intoxicating Liquor, with amendments.

Aloha e Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee on JDC,

My name is Steve Lohse, I'm a resident of Chinatown Gateway Plaza (CGP), a 200-unit, city-owned, affordable housing project in Chinatown and a constituent of Sen. Rhoads. I'm also a cofounder of the CGP Tenant Association (CGPTA), organized by CGP residents 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 written testimony in **Support of SB2241** with amendments.

Chinatown Gateway Plaza is located on Hotel between Nuuanu and Bethel, the densely-populated ground zero for large, loud, liquor-fueled street parties in Chinatown. No doubt, you are also aware of the rise in street crime in Chinatown. The CGPTA suggests that the first action we need to take to address the grime and crime and homelessness in Chinatown is to STOP pumping the area up on too large, too loud, too drunk street parties!

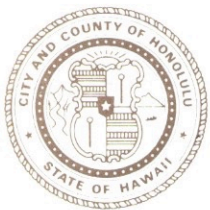
What things that matter are improved by pumping them up on too much liquor? Our bodies? Our families? Our neighborhoods? Our public health and safety? Our visitor economy? Our National Register Historic District?

First, please help turn back the tide of street liquor washing over Chinatown, not merely during fund raisers, but during ALL street liquor events.

Second, please also ramp up enforcement of currently unenforced HRS §281-78 to prohibit any liquor consumption on any public highway and any public sidewalk except in licensed "beer garden" areas.

Please pass SB2241 with amendments and *with enforcement* to prevent liquor-fueled neighborhood unlivability and to help us clean up Chinatown. Thank you!

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



LATE

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
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TESTIMONY OF COUNCILMEMBER CAROL FUKUNAGA
BEFORE SENATE JUDICIARY COMMITTEE
Tuesday, February 4, 2020 • Conference Room 016

SENATE BILL 2241, RELATING TO INTOXICATING LIQUOR

Requires that a class 10 special license be issued for the sale and consumption of liquor in an outdoor premise only within a beer garden. Defines beer garden.

Thank you for the opportunity to provide written testimony in strong support of *SB 2241, Relating to Intoxicating Liquor*, to address community disruption and noise issues associated with the sale and consumption of alcohol in outdoor settings.

As noted in the Findings and Purpose section of *SB 2241*, the increase in the number of street festivals and outdoor entertainment/performance events in mixed residential-business communities, requires closer scrutiny and regulation:

The legislature finds that a number of outdoor festivals, parades, and races take place on the streets of neighborhoods each year. These require certain streets to be closed to traffic using permits granted by the department of transportation. In some cases, event organizers are granted special permits by the counties' liquor commissions allowing them to serve alcohol. There is a range of sentiment coming from residents, property owners, business owners, and others regarding the possible impact of the sale of alcohol at some events on crowd behavior, noise, and other types of nuisance.

The purpose of this Act is to clarify the setting in which outdoor alcohol special licenses may be issued.

Between 2013-2014, state and county legislators representing the Downtown/Chinatown communities pursued a facilitated mediation process to identify the best means of balancing commercial/residential conflicts arising from street festivals and outdoor performance events within urban neighborhoods.

The approach of utilizing 'beer garden' requirements was one of two solutions that appeared to resolve most differences, and I note that commercial enterprises like Murphy's Bar and Grill have adopted the 'beer garden' model for its annual community fundraisers and popular St. Patrick's Day celebrations.

Between 2015-present, business and residential conflicts, often involving noise level/community disruption complaints with street festivals and performance events, have not been resolved at the county level. As such, I support clarification of statewide regulatory controls on outdoor liquor licenses to provide guidance on a comprehensive basis, as proposed in *SB 2241, Relating to Intoxicating Liquor*.