

BILL050(24)
Testimony

MISC. COMM. 453

COUNCIL

COUNCIL Meeting

Meeting Date: Oct 9, 2024 @ 10:00 AM

Support: 4

Oppose: 5

I wish to comment: 1

Name: Trevor Abarzua	Email: tabarzua@waikikibid.org	Zip: 96815
Representing: Waikiki Business Improvement District	Position: I wish to comment	Submitted: Oct 7, 2024 @ 01:37 PM
Testimony: The Waikiki Business Improvement District would like to provide comments to Bill50. The WBID's Aloha Ambassadors provide clean & safe supplemental services to the Waikiki Special District. During the nights where street festivals and parades are in Waikiki, we see a massive increase in the amount of rubbish that needs to be serviced. We have to hire overtime workers to take care of the festival, which strains our budget without any other funding mechanism for the increase in traffic due to the festival. The abundance of street festivals and parades also cause some issues with traffic and logistics amongst the district, and our businesses that are along Kalakaua are affected by the road closures. We appreciate Bill50 addressing this by having language that allows the Waikiki Business Improvement District to receive a portion of the revenue from the street festivals and parades. I am happy to answer any questions and provide data that supports the increase in productivity due to these festivals and parades.		
Name: Richard Tanaka	Email: RET@tanakarestaurants.com	Zip: 96815
Representing: Tanaka Of Tokyo Restaurants Ltd	Position: Support	Submitted: Oct 7, 2024 @ 04:42 PM
Testimony: Dear City Council, I have two restaurants in Waikiki. When there is an event or sales drop between 43- 57%. This is maddening as our we pay over \$130,000 in rent for our two Waikiki restaurants. Other than legacy events, these "for profit" events hide under the guise of charity when we all know that the event sponsor reaps major profits. Traffic congestion makes it impossible for our staff to find parking and arrive on time for work unless they leave for work an hour or more than their usual time. This seems very unfair. In general, every restaurant operator who pays rent in Waikiki suffers from these events and lower sales equates to lower G.E. tax to the State. It seems to me the only real benefit is to the for profit organizers of these events. Please pass this bill and provide rent and tax paying businesses a much needed break. Sincerely, Rick Tanaka		

Name: Helene Shenkus	Email: s.shenkus@festivalcos.com	Zip: 96815
Representing: The Festival Companies- Royal Hawaiian Center	Position: Support	Submitted: Oct 7, 2024 @ 05:48 PM

Name: Sarah Worth	Email: SarahKWorth@yahoo.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: Oct 8, 2024 @ 09:15 AM

Testimony:

Aloha Honolulu City and County Councilmembers,

Although I am on the Waikīkī Neighborhood Board, my testimony to OPPOSE BILL 50 is as an individual.

Please do NOT pass Bill 50. The Waikīkī Neighborhood Board already declined supporting the bill's prior version because:

(1) Bill 50 does NOT decrease the number of road closures; and

(2) Bill 50 unfairly favors foreign and mainland corporations over our local companies.*

These issues have NOT been addressed in the current version of Bill 50. I am glad Chair Waters has finally started to address my concerns regarding the conflict of interest in Bill 50's award of profits collected, however, these other critical issues still remain.**

When you vote on October 9, 2024 on Bill 50, I humbly plead with you to stop the monopolization and monetization of our Waikīkī streets and instead, please protect our public safety and local economy.

Respectfully yours,
Sarah Kim Worth

*Please contact me to review documents evidencing the funneling of C&C entitled funds to mainland corporations.

**Please see testimony submitted to the September 24, 2024 C&C Transportation Committee [1 correction = Bill 50 donations earmarked for (1) Waikiki Business Special Improvement District Association & (2) Waikiki Beach Improvement Special District Association. Although created by Rick Egged of the Waikiki Improvement Association, he is no longer president of the former.

Name:	Email:	Zip:
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Gregory Misakian	greg.misakian@sbcglobal.net	96815
Representing: Self	Position: Oppose	Submitted: Oct 8, 2024 @ 09:29 AM
Name: Ross Isokane	Email: isokane@gmail.com	Zip: 96813
Representing: Self	Position: Oppose	Submitted: Oct 8, 2024 @ 11:28 AM

Testimony:

I oppose Bill 50 due to the proposed rules/requirements to be imposed on events *island-wide* (which will cause more harms to Downtown-Chinatown than any purported benefits).

HARMS OF THE PROPOSED RULES/REQUIREMENTS TO DOWNTOWN-CHINATOWN

I am a major supporter of community events in Downtown-Chinatown (which, I believe, provides an overwhelming net public benefit to our neighborhood's revitalization efforts).

With respect to our historically most popular and well-attended events (i.e., street festivals celebrating certain holidays, such as Saint Patrick's Day, Cinco de Mayo, Hallowbaloo, that have infused tens of thousands of people into our neighborhood), my understanding is Bill 50 will discourage these activities (and Downtown-Chinatown will forgo the positive impact of the economic activity these historical events have generated).

BENEFITS (OR LACK THEREOF) OF PROPOSED RULES/REQUIREMENTS FOR DOWNTOWN-CHINATOWN

I'm still unaware of what substantive problem the proposed island-wide rules/requirements are trying to solve for. For our historical events, I've noted no recent evidence of any of the following:

(1) Substantive, documented issues or excessively high violations/complaints.

(2) Overwhelming quantities of public testimony with complaints against community events in Downtown-Chinatown

I've analyzed the public statements by DTS Director Roger Morton and Council Member Dos Santos-Tam (at the recent 10/3/2024 Downtown-Chinatown Neighborhood Board meeting):

+ Director Morton indicated he supported Bill 50 as he thought it was best to implement more regulations for street usage (i.e., compared to what was historically put in place for events in Downtown-Chinatown in the past).

+ Council Member Dos Santos-Tam noted that he wants to strike a balance and stated it made sense to him to have some sort of structure (which he noted there may not be 100% agreement on) if the related rules are reasonable and cuts down the excesses.

But in my opinion, no one (to date) has really made a compelling case on why these proposed incremental rules/requirements will provide a net benefit to the public good (with a focus on Downtown-Chinatown especially if it results in discouraging our historically most popular events). The focus of the discussion has only been Waikiki (which

totally makes sense for their neighborhood), but has not focused on why the proposed island-wide changes are necessary.

CONCLUSION

In absence of evidence of a problem (with respect to Downtown-Chinatown), it feels like Bill 50's island-wide rules/requirements are *a solution in search of one* (which may actually create more harms than benefits for my neighborhood).

Name: Rick Egged	Email: rick@waikikiimprovement.com	Zip: 96815
Representing: Waikiki Improvement Association	Position: Support	Submitted: Oct 8, 2024 @ 01:57 PM
Name: Alison Tanaka	Email: AHT@tanakarestaurants.com	Zip: 96815
Representing: Tanaka of Tokyo	Position: Support	Submitted: Oct 8, 2024 @ 03:32 PM

Testimony:

Dear Chair, Vice Chair, and members of the committee,

My name is Alison Tanaka, I live in Honolulu and work in Waikiki, and I am testifying on behalf of Tanaka of Tokyo today in support of bill 50 to limit the number of street festivals and closures to 6 per year including legacy events. The excessive number of street festivals and closures present a major burden to local businesses, residents, and visitors alike. Waikiki, specifically Kalakaua, is a busy road that many residents and visitors rely on to get to work, to hotels, and to get to businesses. With the frequent closures, it has been a nightmare for our staff to get to and from work and presents a huge operational strain when our customers cannot get into Waikiki or find parking. These street closures occur on our primetime weekend days that restaurants rely on to make up for slower weekday sales. This has a very detrimental financial impact on our restaurants and many other businesses as well.

In addition to business impact, we also have a huge concern for the safety and wellbeing of our employees. During these street closures, they are unable to find parking and frequently need to walk back to their cars late at night, which is not safe. Our company pays for Ubers for them back to their vehicles, but during the street closures and subsequent traffic, it is impossible to get an Uber into Waikiki.

We are in support of cultural festivals and their vendors, however, there are other viable areas to hold these festivals that can actually benefit the neighborhood without the negative impact on the surrounding businesses, residents, and visitors. We feel it is in the best interest of the Waikiki community to limit the number of shutdowns to such a busy street.

Thank you for this opportunity to testify.

Alison "Bo" Tanaka

96815

Name:

Lee Stack

Email:

kdesigns808@gmail.com

Zip:

96837

Representing:

Self

Position:

Oppose

Submitted:

Oct 9, 2024 @ 01:07 AM

Testimony:

I am testifying as an individual on this Bill. I am a stakeholder in Chinatown who could potentially be impacted by this Bill if it serves as a precedent for street closure rules in other neighborhoods and also as it is written so broadly in certain instances that it sometimes mentions activities in general and not specifically in the Waikiki Special District. While the Bill has many laudable goals and attempts to address many issues, I oppose the current draft due to its scattered shotgun approach.

To address it point by point:

1. This Bill was crafted to address the impacts of street activities in the Waikiki Special District. Yet it mentions general street rules and activities in various sections of the draft.
2. It defines public purpose which is redundant because public purpose is already defined in street usage rules generally (wherein rules specific to Waikiki are given as a subsection). Waikiki does not need its own definition of public purpose defined differently from how it is defined in the Administrative Rules, Chapter 23, Department of Transportation Services, Rules and Regulations Relating to Parades...etc. [2016] Multiple definitions create confusion. The current definition that the Director shall determine that the event has a public purpose if "the private benefit is incidental to the public purpose" is adequate in my opinion.
3. Beer Gardens are included in the rules even though it has been clear for decades that the Waikiki district does not have street events with alcohol. This has been enforced verbally by DTS for many many years as when I asked the head of the street permit division years ago "If I were in Waikiki and I wanted to do a street festival with alcohol..." and he cut me off and said "I tell you no". This policy has been set by DTS discriminately - allowing events in Chinatown to proceed to the Honolulu Liquor Commission for permits while those elsewhere do not get past DTS. People are now saying "Waikiki promoters have never wanted to have events with alcohol" (and I guess this Bill is a way to regulate it if they do). But the Street Usage Director at DTS did not say to me "you would be the first person to ever ask that question", he told me "I tell you no". For years and years, Chinatown has been the only district where DTS has allowed festivals with alcohol to be served and consumed on the street. The chances of NO ONE outside of Chinatown requesting alcohol sales and consumption on their DTS festival permit (in a county of over a million people, 36 neighborhoods, 315,000 households and

over 500,000 businesses) except for 4 or 5 promoters/businesspeople in Chinatown are equivalent to the probability of a UFO landing in my backyard.

4. Chinatown never had a choice - while people lamented the exacerbated impacts of alcohol festivals in the Chinatown District and suffered for years, applicants there were allowed to have alcohol and in other districts not allowed. The risks and liability of alcohol events which people in Waikiki told me were "too great" were decided by others to be okay for the stakeholders in Chinatown. The Honolulu Liquor Commission never received permit applications for other areas outside of Chinatown because they were stopped verbally at DTS and a permits which could include a liquor license were never issued. People in the Chinatown area have been targeted, vilified, discredited and hounded if they spoke out about impacts, or happened to attempt to hold an event on the streets where certain non-profits and businesses held sway. The fact that private businesses were allowed to take out permits for these events meant a whole trove of unaccountable cash (hundreds of thousands of dollars) have been available to lobby, to fund undisclosed partners who can (and did) support the events as independent voices without disclosing their financial stake. Money could be used for salaries, etc. The abandonment of the old rule that a non-profit had to be a 501(c)3 organization whose mission encompassed a "public purpose" has created more and more profit-driven events in Waikiki and in Chinatown - but Chinatown's have been exacerbated by the alcohol factor.

5. Back to the definition of beer gardens - if it is going to be left in, it needs to be clarified further. In Chinatown, one of the promoters created a beer garden out of the whole perimeter of his event (4-5 streets) and then attempted to police those boundaries thereby creating public access issues. In Waikiki I was told years ago that alcohol is only served on private property. The Joint Fact Finding Committee recommendations issued in 2014 for Chinatown specify beer gardens and "not in the public right of way" - which also points to beer gardens on private property. This seems ideal. The risk is mostly assumed by the private owner, the area is relatively contained, and it does not overly impact one or two property owners who might end up fronting the "beer garden area" of a public street.

6. The stipulation that any net profit generated by street activities shall be certified by a public accountant and be contributed to one or two organizations should be removed from the draft. Firstly, it is common knowledge that promoters can pad their expenses with salaries, raises, etc. so that there is very little profit if any left over from an event. Secondly, there are several organizations in Waikiki who are also worthy of charitable support - one example is the Waikiki Community Center. That is a good facility with educational goals which clearly serves residents in the area (who are also impacted by events). Extra income should not be necessary to defray costs of cleaning up after events because the DTS permit holder is responsible for the clean up of all rubbish during and after their event. If they fail to do so adequately, DTS could always decline to permit their activity again. The burden, in short, should lie with the permit holder and not generate extra work for others.

7. Because of the impacts, street festivities and events (excepting freedom of expression events) should be rare, they should celebrate an important cultural event, they should not be staged for the private gain of a few select businesses or organizations who tout public benefits (because with that comes gatekeeping, control over access, exclusion, intimidation,

increased frequency and other issues).

8. There also needs to be something inserted into the draft about public feedback for these festivities - especially any with alcohol. Hearings? A hotline? It would be helpful to have some avenue for the impacted public to weigh in on the record.

Mahalo.

Name: Mark Tarone	Email: mark@rootsmusichawaii.com	Zip: 96817
Representing: Hawaii Halloween LLC	Position: Oppose	Submitted: Oct 9, 2024 @ 09:20 AM

Testimony of Helene "Sam" Shenkus
VP, Director of Marketing Royal Hawaiian Center
Before the Honolulu City Council
Wednesday, October 9, 2024
in consideration, of
Bill 50 2024 Waikiki Street Closures

Aloha Chair Waters and Members of the Council:

My name is Helene "Sam" Shenkus, representing the Royal Hawaiian Center (RHC). The RHC is the premier shopping, dining, entertainment and cultural destination in Waikiki, spanning three blocks of Kalakaua Avenue since our opening in 1980.

Royal Hawaiian Center (RHC) strongly supports creating a second category for street festivals and limiting their number to three. Since we are located on Kalakaua Avenue, the monthly street festivals have created major business interference for our resident employees and customers, as well as visitors stuck in gridlock between Noon to Midnight. The May 11 Le'ahi Festival, sponsored by Da Ultimate Grindz, created havoc for our restaurant customers that had made Mother's Day dinner reservations at our restaurants. Mother's Day weekend is one of largest single restaurant sales volume weekends of the year and the total closure of Kalakaua Avenue created traffic congestion and hundreds of late or cancelled dinners. Imagine all the dinner cancellations that occurred throughout Waikiki on that Saturday night and why was a street festival allowed on such an important business weekend?

Closing Kalakaua reduces the number of customers for our merchants, which reduces their business revenues and eventually adds to their cost of doing business in Waikiki. Since Oahu's tourism industry is still recovering from the impacts of Covid and challenging global currency valuations, every customer is critical. We validate an average of 17,000 resident parking tickets per month, and when their commute into and out of Waikiki is so frustrating, it is a totally avoidable business disruption.

Mahalo for this opportunity to testify.

TESTIMONY OPPOSING BILL 50

From: Gregory Misakian

For: Honolulu City Council, City and County of Honolulu

**REGULAR MEETING
CITY COUNCIL CHAMBER
WEDNESDAY, OCTOBER 9, 2024
10:00 A.M.**

Aloha Chair Waters and Members of the Council,

My name is Gregory Misakian, and I am submitting testimony as an individual in opposition to Bill 50.

I currently serve on the Waikiki Neighborhood Board, where the discussion regarding street festivals and parades on Kalakaua Ave. has come up a number of times. Public testimony presented to the Waikiki Neighborhood Board was varied, with some members of the public favoring more street festivals and some less. I also chaired a Permitted Interaction Group (PIG) regarding this issue and spent time discussing it with stakeholders, and by surveying residents and businesses along Kalakaua Ave. The survey results of the PIG also determined that the residents and business owners had varied views, which appeared to be almost evenly split.

While the public and businesses should be who the City Council is listening to, it has come to my attention, via a recent Waikiki Neighborhood Board meeting on August 13, 2024, that the person who initiated Bill 50 is Mr. Rick Egged, who is the President of the Waikiki Improvement Association (WIA), a 501(c)(4) non-profit organization. Mr. Egged is also the Executive Director of Aloha Festivals, and he has a vested interest in the parades and festivals that his organizations are involved with or sponsor.

Looking at Bill 50 I see numerous concerns, including section (d) (1) (B) (ii), which states that a yet to be established percentage of festival net profits would go to the Waikiki Business Improvement District (WBID), a 501(c)(3) non-profit organization, and the Waikiki Beach Special Improvement District Association (WBSIDA), also a 501(c)(3) non-profit organization. Please note that Council Chair Waters serves on the Board of the WBID and Mr. Rick Egged serves as President of the WBSIDA.

When you better understand the intent and scope of the bill and know the back story, as I and others do, it should become clear that there is an apparent conflict of interest.

At the August 13, 2024 Waikiki Neighborhood Board meeting, Mr. Egged was on the agenda and was speaking regarding Aloha Festivals, legacy events, and Bill 50.

The discussion starts at timestamp 2:01:25.

At timestamp 2:02:14, Mr. Egged made his first mention of Bill 50.

At timestamp 2:02:40, Mr. Egged stated, regarding Bill 50, “WIA has requested this bill, actually, and so um, we’ve had this, this ... not all the things in the bill are what we requested, some of them were added by Chair Waters.”

At timestamp starting at 2:17:30, a discussion with Mr. Egged revealed that Mr. Egged was not a registered lobbyist for Bill 50, which I confirmed. My comments and questions, and Mr. Egged’s responses, are summarized further below.

At timestamp 2:18:30 I asked Mr. Egged about his registration as a lobbyist for an unrelated issue.

At time stamp 2:19:10 Mr. Egged responded, “The registration was done, because the way the law is written, if you even talk about doing legislation you have to register, so even though we didn’t propose anything specifically at that time.” “We will register for Bill 50.”

At timestamp 2:19:28 my response back to Mr. Egged was, “OK, so, even though you’ve already pushed Bill 50, you’re not registered for Bill 50 at this time?” Mr. Egged responded; “I thought I was already registered in 24, but if not, you’re correct.”

As this issue was never brought back properly to the Waikiki Neighborhood Board by Council Chair Waters or the City Council, and Bill 50 has materialized in a very concerning way, I am asking that Bill 50 not be approved. I am also requesting an investigation into how this bill was introduced, as it appears that Mr. Egged was required to register as a lobbyist first.

I remind the City Council that there should always be a fair process, with the public’s best interest coming first.

Yesterday (10/7/24) I received a very odd email from Mr. Egged, informing me that he was now registered as a lobbyist for Bill 50 (as of 8/14/24), and requesting I correct my testimony (which was previously submitted for the City Council Transportation Committee Meeting on 9/24/24). He also copied the Waikiki Neighborhood Board Chair, Robert Finley. As I serve on the Waikiki Neighborhood Board, I did not appreciate this email or the implication that I needed to correct

my testimony, which was and is 100% accurate, and resubmitted without changes, except adding this paragraph and the following paragraphs.

I am not the only one who has raised concerns regarding Mr. Egged and his lobbying efforts. Civil Beat also raised this concern in a story published on June 19, 2017 titled, "What Honolulu Lobbyists Don't Tell You."

(Excerpt from the Civil Beat story published on 6/19/17)

Rick Egged, who lobbies for the Waikiki Improvement Association, said the need to get the form notarized is why he forgot to submit his this year. The report languished on his desk for six months until Civil Beat called to ask why he didn't file a report. Within hours, Egged submitted the form.

Additionally, I have raised valid and substantiated Sunshine Law concerns regarding the way Mr. Egged is on agenda for Waikiki Neighborhood Board meetings. The Office of Information Practices (OIP) has provided an informal written opinion and the Neighborhood Commission Office (NCO) has also acknowledged my concerns and the OIP opinion to be valid. Yet, as I write this and will be attending the Waikiki Neighborhood Board meeting this evening (on 10/8/24), I still see a concern with the way Mr. Egged is on the agenda, as it is vague and doesn't allow the public (or the Board) to know what will be presented, in addition to there being no presentation materials submitted on the shared Google drive.

I respectfully ask that you vote no on Bill 50, for the clear and concerning reasons I bring to your attention.

Mahalo,

Gregory Misakian



WAIKĪKĪ IMPROVEMENT ASSOCIATION

Testimony of Rick Egged
President, Waikiki Improvement Association
Before the
Honolulu City Council
Wednesday, October 9, 2024
In consideration, of

Bill 50 (2024) Waikīkī Street Closures

Aloha Chair Waters and Members of the Council:

My Name is Rick Egged, representing the Waikīkī Improvement Association (WIA). The WIA is a membership organization consisting of major stakeholders in Waikīkī including, landowners, hotels, retailers and restaurants, the businesses that serve them and those interested in the future of this important part of our community and economy.

The Waikīkī Improvement Association (WIA) strongly supports Bill 50 (2024) creating a second category for street festivals and limiting their number. Street festivals create a much higher level of disruption than parades or sporting events. A street festival typically closes Kalākaua Avenue from 2PM to 12 midnight. Waikīkī traffic slows to a crawl as there are limited access points. Residents returning home or going to dinner or events get stuck in traffic and grow increasingly frustrated. Hotel guests coming to Waikīkī from the airport or a day exploring O‘ahu can’t make it to their rooms. Those attempting to get to the airport must leave hours early or struggle in traffic to make their flights.

Closing Kalākaua should only be allowed for major events having a positive impact on the community. I believe that is the intent of the law. Unfortunately, it hasn’t worked out that way. In 2023 there were 15 street festivals. Already in 2024 there have been 10 street festivals applications. This bill will help bring this unsustainable situation under control.

Thank you for the opportunity to testify.



Chinatown Arts District **MUSIC & ARTS FESTIVAL** Honolulu, HI

Hawaii Halloween LLC
1159 Nu'uanu Avenue
Honolulu, HI 96817
Mark Tarone, Partner
mark@rootsmusichawaii.com
(808) 271-9140

October 9, 2024

City and County of Honolulu
530 South King Street, Suite # 100
Honolulu, Hawai'i 96813
(808) 768-5822

Re: Written Testimony Opposing Bill 50 (2024)

My name is Mark Tarone. ***I am a Chinatown business owner and have been producing major street festivals in Chinatown for 17 years. I strongly oppose Honolulu City Council Bill 50 (2024) (hereinafter, "Bill 50").*** I urge Honolulu City Councilmembers to not pass Bill 50 in its current form.

If the Honolulu City Council passes Bill 50 in its current form, all future street festivals on O'ahu at which alcohol is served would be required to restrict sales and consumption of alcohol to a "Liquor Controlled Area" (hereinafter, "Beer Garden").

In addition, all future street festivals that are produced by an entity that is not a 401(c)(3) organization would be required to donate a percentage of profit to the Waikīkī Business Improvement District and Waikīkī Beach Special Improvement District Association.

I urge the Honolulu City Council to strike both of the above terms from Bill 50 or limit these requirements to events that take place in Waikīkī.

MY EXPERIENCE

I founded the Hallowbaloo Music & Arts Festival in Honolulu's Chinatown in 2008. I produced or co-produced the event in Chinatown in 2008, 2009, 2010, 2011, 2012 (tsunami evacuation at 8:05pm), 2013, 2014, 2015, 2016, 2017, 2018, 2019 and 2022. I also co-produced the Mardi Gras-Carnaval Festival in Honolulu's Chinatown in 2008 and produced or co-produced the event annually for over five years thereafter. Hallowbaloo 2022 drew over 10,000 people to Chinatown. Mardi Gras-Carnaval Festivals drew over 5,000 people to Chinatown annually.

I am writing on behalf of Hawaii Halloween LLC partnership which has produced every Hallowbaloo festival since 2016. The partnership consists of partners Michael Galmiche, Jonathan Mack and myself.

MAJOR ECONOMIC, COMMUNITY & CULTURAL BENEFITS

In 2022, Hallowbaloo injected approximately \$500,000 directly into the O'ahu economy. Over \$250,000 of this revenue went to Chinatown businesses and workers. In addition, Hallowbaloo contributed approximately \$7,000 to O'ahu non-profits: i) The Arts at Marks Garage and ii) Women Speaking Out. Hallowbaloo also employed over 20 O'ahu artists and showcased their talent and careers to thousands of people.

Each year that Hallowbaloo takes place, the festival delivers a major economic lift to Chinatown via: i) shining a spotlight on Chinatown in advance of the event through advertising and media coverage (e.g. Hawai'i News Now, Living808, Honolulu Magazine, etc.), ii) bringing people to Chinatown many of whom return after the festival and iv) filling the pockets of Chinatown businesses and workers (e.g. in 2022, longtime Chinatown club NextDoor had the highest grossing night in its history bringing major income to the owners, bartenders and other staff).

The community and individual health benefits of Hallowbaloo far exceed the economic benefits of the festival. Hallowbaloo connects thousands of people each year it is held and gives them a powerful sense of pride in their community and themselves.

Halloween has for decades been one of the most beloved and cherished holidays in Hawai'i. Hallowbaloo is arguably the most creative night of the year in Honolulu, giving thousands of residents an opportunity to express themselves and remind themselves that they are unique and wonderful. As shown in the photos below, Hallowbaloo gives residents a fun and safe environment to be their best selves, connect with historic Chinatown and be uplifted in the process.

Hallowbaloo 2022 Photo Album - Mike Vidales

<https://mikevidales.passgallery.com/-hallowbaloo2022/gallery>

Hallowbaloo 2022 Photo Album - Heidi Anderson

<https://photos.app.goo.gl/i9P2my9quaDGbi2p6>

Hallowbaloo 2022 - Costume Contest Winner

<https://photos.app.goo.gl/E4cLT95VqjjJ2MbX8>

Hallowbaloo 2022 Costume Contest Silver Medalist (from Hilo)

<https://photos.app.goo.gl/A45VbY5FQ8uzcTyC7>

Hallowbaloo 2022 Costume Contest Bronze Medalist

<https://photos.app.goo.gl/YQdehMoLQEy41BSA>

MAJOR ECONOMIC, COMMUNITY & CULTURAL NEEDS

Chinatown businesses are in dire need of promotion and income.

Chinatown has hosted almost no large-scale events in the past 16 months, dramatically reducing the attention received by the neighborhood and negatively impacting foot traffic, revenue for businesses and income for workers.

In addition, foot traffic and revenue has severely decreased in Chinatown due to there being fewer tourists on island, less spending by residents, approximately 50% fewer workers in Honolulu's downtown business district (traditionally, a key feeder market for Chinatown businesses) and additional post-COVID challenges.

Few things in our society are more important than community connection. Unfortunately, over and over, I hear O'ahu residents complain about a lack of outdoor events on O'ahu that inspire and uplift them. This is a major social and individual health problem on O'ahu.

"Studies show that on average, people who have strong social connections are happier, healthier, and live longer than those who don't. In 2010, Dr. Holt-Lunstad and colleagues reviewed 148 studies examining the protective effect of being socially connected and found that social connection increases odds of survival by 50%. The advantages of social connection go beyond individual well-being to have a positive impact on society as a whole." - Harvard TH Chan School of Public Health, [From Loneliness to Social Connection: Lessons from research and a global pandemic](#)

MANDATORY BEER GARDENS KILL CHINATOWN STREET FESTIVALS

In 2023, the City Department of Transportation Services (hereinafter, "DTS") began implementing a policy requiring beer gardens at O'ahu street festivals. This policy has shuttered every major Chinatown street festival at which alcohol is served since DTS's implementation of the policy. Hallowbaloo 2023, St. Patrick's Day 2024 and Cinco de Mayo 2024 all did *not* take place because of this policy. The policy is expected to kill Hallowbaloo 2024 as well.

NO SUBSTANTIVE ISSUES WITH ALCOHOL, THE BEHAVIOR OF ATTENDEES OR CLEANUP

The Honolulu Liquor Commission (hereinafter, “LC”) has not raised concerns about liquor service or consumption at Hallowbaloo or other Chinatown street festivals. Further, Hallowbaloo and other Chinatown street festivals have a strong track record, over a more than 10 year period, of adhering to LC rules and regulations.

The Honolulu Police Department (hereinafter, “HPD”) has not raised concerns about the behavior of attendees or public safety. Further, the HPD Lieutenant who managed 28 HPD Special Duty officers at Hallowbaloo 2022, Captain High Shin Lin (formerly a Lieutenant), stated to me shortly after Hallowbaloo 2022 that the event had: i) a well-behaved audience with the event feeling safe, ii) no signs of underage drinking or overservice, iii) no incidents of violence or property damage. There were two arrests (far fewer than the # of arrests on a typical Halloween night in Waikīkī): i) a person was accused of non-violent harassment and ii) a male attendee pinched the backside of a male police officer.

In 2022, no concerns were raised by DTS or individuals regarding the cleanliness of Chinatown after Hallowbaloo.

BEER GARDENS ARE THE WRONG TOOL FOR ADDRESSING FREE ACCESS ISSUES RAISED BY DTS

DTS has the requisite authority and tools needed to ensure the public has free access to street festivals without mandating the implementation of beer gardens.

For example, DTS has the authority to require street festival producers to contract *and* pay for private security personnel and HPD Special Duty Officers prior to the street festival. In addition, DTS has the authority to shut down street festival operations at any time prior to and during a street festival.

If DTS were to: i) require street festival producers to contract *and* pay for private security personnel and HPD Special Duty Officers prior to the street festival, ii) warn producers that DTS will shut down street festival operations at any time prior to and during a street festival if the street festival fails to adhere to free public access requirements, and iii) shut down events if there are substantive violations of rules or conditions, there will be no free public access problems in the future. Either rules will be adhered to or events will be shut down.

If events are shut down, they will still be safe because the full private security and HPD Special Duty teams will patrol the event site for the entirety of the original event hours.

In 2023, the Hawaii Halloween LLC partnership offered to pay for private security and HPD Special Duty in advance *and* complete setup entrances and entrance staffing one-hour prior

the the start of the event so that DTS could inspect entrances and staff and shut down the event if the entrances and staff messaging did not comply with rules and conditions.

DTS Deputy Director Jon Nouchi rejected this proposal stating that “DTS did not want to shut down street festivals.”

Deputy Director Nouchi’s reason for rejecting the above approach no longer holds water.

DTS’ mandatory beer garden policy has shut down every major Chinatown street festival at which alcohol is served ever since DTS began implementing this policy.

If DTS implements the above private security and HPD Special Duty requirements and exercises its authority to shut down street festivals if their is substantive non-compliance with laws, rules, regulations and/or conditions, major street festivals will return to Chinatown and will operate in compliance with free public access and other requirements.

BEER GARDENS AT DENSELY-POPULATED STREET FESTIVALS PUT LIVES AT RISK

Hawaii Halloween LLC will never encircle Hallowbaloo attendees in a fence (i.e. beer garden) in Chinatown because doing so would place lives at risk.

Beer gardens implemented in the streets of Chinatown dramatically reduce the ability of attendees to safely exit an area at rapid speed. In addition, beer gardens at densely-populated street festivals make people feel unsafe and thereby, elevate the risk of panic.

Recent history has proven that panic-inducing incidents occur at events, and if people are unable to exit an area rapidly, a stampede occurs and people die.

Even worse, it is *impossible* to prevent panic-inducing events from occurring at Chinatown street festivals or a street festival anywhere on O’ahu.

If a mentally-ill lessee of office space in Chinatown wants to set up a sniper pit in a second floor window in Chinatown and open fire during a street festival, there is little that can be done to prevent such an incident from occurring and thereby, triggering a panic and rapid exodus. If such an incident occurs with beer gardens in place, people will be trampled and die. And the City will be liable for these deaths.

Such an incident occurred at an event in Las Vegas in the recent past. People have access to guns in Hawai’i just like they do in Las Vegas, and Hawai’i has mentally-ill residents and visitors just like Las Vegas. No one can say that such an incident will never occur in Hawai’i.

Further, recent history proves that other panic-inducing incidents happen at large events, often resulting in catastrophic consequences if a crowd is not able to exit an area rapidly.

One-hundred fifty-nine people died at a Halloween event in South Korea on October 29, 2022 when panic was triggered, and people at a densely-populated event were crushed. On November 5, 2021, ten people aged 9 to 27 were killed at a concert in Houston, TX when panic was triggered, and people at a densely-populated event were crushed.

What could trigger a panic at an O'ahu street festival?

Start by placing a large number of people in a pen, one in which everyone knows there is limited egress. Such conditions make people feel unsafe and prone to panic. Once such a condition exists, panic is likely to be triggered if gunshots are fired regardless of whether someone is shot, a food truck catches fire or food truck propane tank explodes, an altercation occurs, a civil-defense alarm sounds or other, startling incident occurs.

Regarding potential altercations, in 2011, a Hawaii gang decided to go to a Tarrus Riley concert at Aloha Tower Marketplace with the intent of starting a brawl. There's virtually nothing anyone could do to prevent this from happening. The troublemakers were not given too many drinks nor incited onsite. They attended the event with the intent of starting a fight regardless of how many police or security personnel were onsite. Such altercations are virtually impossible to prevent and have triggered panic at events in the past.

The following photo was taken at the busiest intersection of a past Hallowbaloo festival during the event's peak hour (between approximately 9pm-10pm).



Enclosing this audience in a fence would make people feel unsafe and uneasy making them susceptible to panic, and would dramatically reduce the ability of people to exit the area rapidly. Placing a fence around this audience would be unsafe and put the lives of attendees at risk.

BEER GARDENS REDUCE PUBLIC ACCESS TO STREET FESTIVALS

Beer gardens at events the size of Hallowbaloo and St. Patrick's Day in Chinatown need to be large in size to accommodate the large number of people who attend such events.

Many people who typically attend such events will not be allowed to enter beer gardens. These people will not have access to large areas of street festivals and public streets.

People without a valid, photo ID will not be allowed into beer gardens regardless of age.

In addition, most street festivals will not allow people who are under 21 years of age to enter beer gardens. In such instances, families will not be allowed to enter beer gardens with their children.

A large number of families with children attend Hallowbaloo prior to 8pm. Excluding these people from large areas of Hallowbaloo would be problematic for the festival - decreasing attendance and revenue and negatively impacting the overall experience of festivalgoers.

THE WAIKĪKĪ 'FESTIVAL TAX' IMPOSED BY BILL 50 IS UNFAIR & UNREASONABLE

Street festival producers take on major financial risk (Hallowbaloo 2022 cost approximately \$250,000 to produce) and commit massive amounts of time to create and host street festivals in neighborhoods. A major motivating factor for these entities and individuals is the desire to bring benefits to the neighborhood. Chinatown street festival producers recognize the great economic, community and cultural needs of the neighborhood.

Forcing these producers to take money out of the pockets of Chinatown non-profits, businesses and workers and pay it to the Waikīkī Business Improvement District and Waikīkī Beach Special Improvement District Association discourages these producers from continuing to create and host street festivals.

Further, Chinatown events place no financial or other burdens on Waikīkī. In fact, Hallowbaloo already brings benefits to Waikīkī as many people visit O'ahu for Hallowbaloo and stay at Waikīkī hotels, providing revenue to Waikīkī businesses, tax revenue to Waikīkī business associations and employment to Waikīkī workers.

Forcing Chinatown street festivals to pay a percentage of net profit to Waikīkī is unfair and unreasonable.

IN ITS CURRENT FORM, BILL 50 DELIVERS A MAJOR BLOW TO CHINATOWN AND OTHER O'AHU BUSINESSES, SUBSTANTIALLY DECREASES COMMUNITY CONNECTION, NEGATIVELY IMPACTS INDIVIDUAL HEALTH AND MANDATES POLICIES THAT PLACE LIVES AT RISK

As detailed above, the negative impacts of Bill 50 in its current form are severe. Moreover, by leveraging its current authority and implementing tools within its discretion, DTS can accomplish its goal of ensuring free access to street festivals without inducing any of the negative impacts of the current bill.

For these reasons, I urge the City Council to: i) strike the language from Bill 50 that mandates beer gardens and the payment of net profits to Waikīkī, or ii) amend the language of Bill 50 so that these conditions apply to only street festivals that take place in Waikīkī.

Mahalo for this opportunity to testify and for your attention and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Tarone".

-Mark Tarone