

Bill 6  
Early Testimony



# WAIKĪKĪ IMPROVEMENT ASSOCIATION

**Testimony of Rick Egged  
President, Waikiki Improvement Association**

**Before the  
Honolulu City Council  
Wednesday, March 28, 2018  
In consideration, of**

## **Bill 6 (2018)**

Aloha Chair Martin and members of the Council,

My Name is Rick Egged, representing the Waikīkī Improvement Association (WIA). The WIA is a membership organization consisting of land owners, hotels, retailers and restaurants in Waikīkī, 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 support Bill 6 (2018), Relating to nuisances on public sidewalks. Bill 6 eliminates the sidewalk nuisance exceptions in Waikīkī effectively prohibiting what we are calling rolling kiosks.

Waikīkī provides roughly a little over 20% of all the taxes collected by the City and County of Honolulu. (Includes Waikīkī's share of property tax and TAT). Each year evaluations increase, over 30% in the last four years, providing the city with increasing contributions from our hotels and commercial properties.

The 12 to 15 mobile kiosks that are wheeled onto Waikīkī sidewalks each day to promote their merchandise and services are obstacles to the safe mobility and access of the almost 5 million visitors and residents that traverse these sidewalks each year. The mobile kiosks are stationed by the entrances to tax paying properties inhibiting access and visibility. These mobile kiosks are physical obstructions that annoy our visitors and actually impede pedestrian traffic. They cause a pedestrian inconvenience and compress the public on Waikīkī's crowded sidewalks. WIA believes Waikīkī's sidewalks are no place for these rolling billboards promoting their commercial products in the public right of way.

Thank you for the opportunity to testify.



Testimony of Maki Kuroda, President  
E Noa Corporation/Waikiki Trolley & E Noa Tours  
Thursday, March 22, 2018

**In Support of Bill 6 (2018)**  
**Relating to Public Nuisances**

Aloha and Good afternoon, Councilman Ozawa, chair of the Committee on Public Health, Safety and Economic Development and committee members. My name is Maki Kuroda, I'm the president of E Noa Corporation which owns and operates the Waikiki Trolley and E Noa Tours. I appreciate the opportunity to submit this testimony in strong support of Bill 6 (2018) which would prohibit "rolling kiosks" to promote their services and merchandise rent-free on public sidewalks. This bill helps to eliminate the sidewalk nuisance exceptions that have created physical obstructions and impede pedestrian traffic and public right of way on Waikiki sidewalks.

We believe that the passage of this proposed City & County of Honolulu ordinance will help to eliminate a loophole in the city law that has allowed Waikiki businesses to use wheeled kiosks to operate due to exceptions that elude the current regulations in place. The bill will amend the city's nuisance law to prevent commercial activities on Waikiki sidewalks prohibiting rolling kiosks on the Waikiki's sidewalks by removing the exceptions in public nuisance law 29-16.6 for the district. Waikiki businesses are paying premium rent to get- high volume pedestrian traffic, with these "rolling kiosks" drawing pedestrians away from their brick & mortar businesses and stores, with the current exceptions in the law creating an unfair two-tiered system

Under the current law the City can proceed with enforcement only if a kiosk does not have wheels and isn't mobile. We feel that the passage of Bill 6 would help to preserve access and mobility on Waikiki's crowded sidewalks and address many expressed concerns about unfair competition. This bill serves to resolve this long-standing issue which is a very unique problem for Waikiki, our state's major tourist destination and economic driver. The bill would tighten restrictions against this practice in the city's public nuisance ordinance.

We commend the committee and the Honolulu City Council for its concerted efforts to address this issue and find a prudent and practical solution. Mahalo for the opportunity for us to share our concerns and offer comments on Bill 6 which we strongly urge your consideration for its passage.

Respectfully,

*Maki Kuroda*

Maki Kuroda  
President

E Noa Corporation /Waikiki Trolley

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**From:** CLK Council Info  
**Sent:** Tuesday, March 27, 2018 9:34 AM  
**Subject:** Council/Public Hearing Speaker Registration/Testimony

## Speaker Registration/Testimony

Name John Gottlieb  
Phone 808-384-0210  
Email view1photo@gmail.com  
Meeting Date 03-28-2018  
Council/PH Committee Council  
Agenda Item Bill 6 - 'Mobile Kiosks'  
Your position on the matter Support  
Representing Self  
Organization  
Do you wish to speak at the hearing? Yes

Written  
Testimony

Hello City Council Chairperson and Council Member. My name is John Gottlieb and I am here today to speak on my support for passing legislative Bill 6 relating to 'Mobile Kiosks'. Bill 6 is much needed now to get 'for profit' mobile kiosks off of our streets. These kiosks (1) are a safety hazard on public sidewalks, streets, and publically-designated rights-of-way; (2) are utilizing public space to operate relying on a loophole in the City Code that allows kiosks "with wheels" to operate on the sidewalks, HOWEVER, to my knowledge, this loophole only allows for non-profit enterprises to do this); (3) are significantly hurting the established businesses that they front. Take for example the businesses on Kalakaua Ave in Waikiki that pay tens of thousands of dollars (\$\$\$) per month to be located there, and then a tacky looking mobile kiosk plants itself out front and distracts the customers; and (4) are neither paying property taxes nor rent like the stores they front must do. Most importantly, these mobile kiosks and the aggressive/overbearing sales people profiting from their 'street hustling' activities, are annoying and an absolute eyesore to our visitor industry and community as a whole. Allow me to describe a personal observation here.... Several months ago I was explaining to my adult son ALL of the problems that are being created as a result of the massive proliferation of these mobile kiosks in Waikiki in recent years. He then shared an interesting story with me... he explained that when he was visiting Thailand several years ago, he would see numerous tour and activity vendors with their wares on the streets making it difficult to navigate without being

accosted by the aggressive sales people. Well, this resulted in him despising the typically pleasant experience of walking down city streets as a new visitor. Moreover, he then did not wish to purchase ANY tours and activities in those communities since the street hustling gave him such a negative feeling on a daily basis. Thus, this shows how mobile kiosks and aggressive sales people only alienate the visitor experience (for purposes of their own profits) and significantly hurt the visitor industry as a whole. This is a very serious matter in regards to keeping our visitor experience pleasant, encouraging enjoyment of the city streets and their surroundings (that we as a city have invested heavily in for decades in Waikiki), and to come back again in the future. All of this, of course, supports our important tourism related revenue source, or base, in our fine City & County... without the ongoing/sustained strength of the local tourism industry, we will all suffer, no question about it. Lastly, myself and others in our community are asking you as leaders to please forge ahead in a diligent manner and simply in this what is best and right for our community. Please do not let the naysayers to this important Bill (6) forward their arguments about constitutional rights and free speech. Regulations for public safety, good ethics for the ENTIRE business community (not just the questionable mobile kiosk salespeople who operate on public sidewalks free of charge) need to be considered here. Legitimate business owners such as myself and so many others in our community also have constitutional rights including the concept of receiving public safety on the streets. Other cities in the U.S. have implemented successful regulations to thwart or combat this unethical activity (of placing mobile kiosks on public sidewalks). Hopefully, we in Honolulu can do the same! Thank you for your time!

Sincerely,

John Gottlieb

President, Tours 4 Less

159 Kaiulani Ave., 107, Honolulu (Waikiki), HI 96815

Testimony  
Attachment

Accept Terms  
and Agreement

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**TESTIMONY OF TINA YAMAKI  
PRESIDENT  
RETAIL MERCHANTS OF HAWAII  
March 28, 2018**

**Re: BILL 6 (2018) RELATING TO PUBLIC NUISANCES**

Good morning Chair Martin and members of the Honolulu City Council. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii (RMH) is a statewide not-for-profit trade organization is committed to support the retail industry and business in general in Hawaii. The retail industry is one of the largest employers in the state, employing 25% of the labor force.

The Retail Merchants of Hawaii **STRONGLY SUPPORTS** Bill 6 (2018). Tourism remains a vital part of the economic engine for not only the City and County of Honolulu, but the businesses and residents as well. Many of our family, friends and neighbors rely in some way on the visitor industry.

We are seeing more and more "kiosks" popping up in front of businesses on the sidewalks of Waikiki. It is our understanding that these kiosks do not pay rent that the brick and mortar businesses must pay and yet the Kiosks are allowed to peddle their wears including but not limited to discounted tours and activities on the public sidewalks of Waikiki. Often times those in the Kiosks call out to the visitors to attract them to their kiosk, and pass out brochures that are often disregarded on the sidewalk in front of our retail stores.

Some people save up all of their lives to visit Hawaii. When they finally do arrive, we do not believe the image of people in kiosks hawking their wears in Waikiki is image that we would like showcased as paradise. Waikiki should remain a pristine destination where visitors and kama'aina alike are able to walk down the uncluttered sidewalks of Waikiki. We need to ensure that visitors want to continue to come to Hawaii and this measure helps to close a loop hole.

Again mahalo for this opportunity to testify.