



Item # 6
Bill 21 (2015)
ĀINA HAINA COMMUNITY ASSOCIATION
c/o Āina Haina Library, 5246 Kalanianaʻole Highway, Honolulu, HI 96821
ainahainaassoc@gmail.com; www.ainahaina.org

Jeanne Ohta, President • Anson Rego, Vice-President • Art Mori, Treasurer • Kathy Takemoto,
Secretary • Directors At Large: Wayson Chow, Devon James, Melia Lane-Kanahele

April 30, 2015

To: Councilmember Ikaika Anderson, Chair
Councilmember Trevor Ozawa and
Members of the Committee on Zoning and Planning

From: Jeanne Y. Ohta, President

RE: Bill 21 (2015)

Position: OPPOSE

The Board of Directors of the Āina Haina Community Association write in opposition to Bill 21 and the proposed changes to “ohana dwellings” in the Land Use Ordinance to “accessory dwelling units.” Although the purpose is to encourage the creation of affordable housing we believe that this bill would not accomplish that, but will instead, potentially double the number of units, and over-burden the current infrastructure in our community, without guaranteeing that rents will be “affordable.”

Enforce Current Zoning Laws

If the city administration is concerned with the number of residential units available for residents, we suggest that the city be more pro-active in bringing illegal transient vacation units back into residential use and yes, there are such units in our community. They are not limited to ocean front properties. Before changing the Land Use Ordinance, the city must show that it can enforce our current laws.

There are numerous illegal accessory dwelling units currently in our neighborhood, and the Department of Planning and Permitting has not been able to enforce current zoning laws. These units are lucrative to the owners because they do not need to reside in the home and they do not need to pay city or state taxes. Many properties have more than one illegal unit. There is no incentive for them to bring those units into compliance under Bill 21. The existence of these units means that the city’s estimate of potential new units is over-stated. The city has no idea how many illegal rental units already exist.

Because of the current inability to enforce zoning laws, we believe Transient Vacation Units will masquerade as Accessory Dwelling Units and the City Council has made no proposal to prevent short-term vacation rentals.

Increases the Cost of Homes

Allowing Accessory Dwelling Units will also increase the cost of homes in Honolulu. Homeowners will be forced to purchase homes and become landlords in order to pay for their homes. Increasingly the city is allowing our neighborhoods to become commercialized. We believe that people purchased their homes to live in single-family residential communities, not to live in commercial zones.

Inadequate Infrastructure

We are told by a resident that in an inquiry about an ohana unit several years ago, she was told that such a unit would not be approved because of inadequate sewer capacity. Residents have experienced problems with raw sewage pouring into their yards during storms. Until these problems are addressed and current infrastructure improved, changes to the Land Use Ordinance with the potential to double the units in our community should not

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be made. With the focus now on building additional units will the city now say that we have no sewer capacity issues?

Although the language of the bill asserts that: "It is intended that accessory dwelling units shall only be allowed in areas where wastewater, water supply, and transportation facilities are adequate to support the additional dwelling units" AHCA believes that "adequate" is not clearly defined and will result in units being allowed where there is inadequate infrastructure. We also note that capacity for local schools is not mentioned in this measure. We understand that 'Āina Haina Elementary School is currently at capacity. Has the Council considered what this change will do to enrollment in our schools?

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We are also told by the Department of Transportation that there are no plans to increase the capacity of Kalanianaʻole Highway, the additional units proposed by this bill will increase traffic drastically. A traffic impact assessment for all affected areas seems prudent prior to approving this measure.

We are not confident that DPP will be able to enforce zoning codes and regulations on the new ADU's. What is going to change in the way they enforce the rules? How do they plan on enforcing the requirement of an owner-occupant? That there will only be a single unit for rent? That the unit will not be rented to tourists?

As there are numerous foreseen and unforeseen problems with this bill we ask that you **do not** pass Bill 21.