



## 'ĀINA HAINA COMMUNITY ASSOCIATION

c/o 'Āina Haina Library, 5246 Kalaniana'ole 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

July 23, 2015

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

From: Jeanne Y. Ohta, President

RE: Bill 20 (2015)

Position: OPPOSE

The Board of Directors of the 'Āina Haina Community Association write in opposition to Bill 20 which establishes that accessory dwelling units (ADU's) would be a permitted use in all residential zoning districts. Although the purpose is to encourage the creation of affordable rental units, we believe that this bill would not accomplish that, but will instead, potentially double the number of units in our community and over-burden the existing infrastructure, without guaranteeing that rents will be "affordable."

### **Eliminates all Single-Family Residential Zoning Districts**

This proposal is a substantial change to the Land Use Ordinance and creates a zoning change without identifying it as such. The proposal in essence makes all neighborhoods into multi-family residential zoning districts. Homeowners purchased property understanding that they would be moving into single-family residential lots. This immense change has been proposed without substantial research on how neighborhoods will be affected, how many units will be built and whether current infrastructure is able to accommodate additional dwellings.

Increased density leads to an increasingly crowded neighborhood. There will be less green open space, more cars parked on the streets (the proposal only requires one off-street space), more people, more traffic and more noise. All of these factors lead to a decrease in the quality of life.

According to a letter written by Director George Atta of the Department of Planning and Permitting (5/21/15) to Council Member Ozawa, "we do not have any projected population figures related directly to ADUs, or the ability to forecast how many ADUs are likely to be built." He further states that his department does not know how many residential lots in 'Āina Haina have achieved their maximum density, so the department does not know how many lots are eligible for ADU's. The foremost problem is that the City is unable to plan for the additional development; which makes this proposal irresponsible from a planning perspective.

### **East Honolulu Sustainable Communities Plan**

This proposal is contrary to the East Honolulu Sustainable Communities Plan (EHSCP) 2.2.6: "Zoning and other community guidelines will need to ensure that neighborhood character is not adversely altered by the incremental intensification of existing residential lots." Since the proposal does not place a limit to the number of units that will be built, this proposed change is more than incremental. It immediately allows for doubling the density.

Director Atta has stated that DPP considers the permitting process for ADU's to be ministerial. The Department will issue permits regardless of the number of units already in existence.

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### **Enforce Current Zoning Laws to Add Residential Units**

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. These illegal units are not limited to ocean front properties. They are in every corner of our neighborhood and are very easy to find on the internet. We wonder why they escape detection by the City.

There are also numerous illegal accessory dwelling units currently in our neighborhood, they 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 20. 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.

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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 nor has the Council made any proposal to demonstrate that the City will be able to enforce the new ADU rules.

### **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 (Sewers, Storm Drains, Roads, Parking, Schools)**

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 be made.

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?

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 along the entire length of Kalanianaʻole. A traffic impact assessment for all affected areas seems prudent prior to approving this measure.

The main problem with allowing new permits for ADU's is the total lack of enforcement of current regulations. We ask that more attention be placed on strengthening DPP's ability to enforce zoning codes. What is going to change in the way that rules are enforced? How do they plan on enforcing the requirement of an owner-occupant living on-site? That there will only be a single unit for rent? That the unit will not be rented to tourists? That a single on-site parking space is adequate?

Until the City is able to enforce current laws, we ask that you defer Bill 20.