

Meeting of the Planning Commission
Minutes
January 16, 2008

The Planning Commission held a meeting on Wednesday, January 16, 2008, at 2:00 p.m. at the Mission Memorial Auditorium, City Hall Annex, 550 South King Street, Honolulu, Hawaii. Commissioner Karin Holma, Chair, presided.

PRESENT: Karin Holma, Chair
James Pacopac, Vice Chair
Beadie K. Dawson
Vicki Gaynor
Andrew M. Jamila, Jr.
Rodney Kim
Kerry Komatsubara

ABSENT: Richard Lim

COMMISSION STAFF: Patty Kalapa

CORPORATION COUNSEL: Winston Wong

DPP REPRESENTATIVES: Elizabeth Chinn, Branch Chief
Mike Friedel, Branch Chief
Raymond Young, Staff Planner

MINUTES: The minutes of November 28, 2007 were approved as circulated, on motion by Mr. Kim, seconded by Mr. Pacopac and carried unanimously.

UNFINISHED BUSINESS

TWO (2) BILLS TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO BED AND BREAKFAST HOMES
To remove the prohibition on new bed and breakfast homes and to establish a permitting process for the establishment of this use.

Public hearing notice was published in the Honolulu Star Bulletin on November 16, 2007. A public hearing was held on November 28, 2007, and the public hearing remains open. A public hearing notice was published in the Honolulu Star Bulletin on January 4, 2008.

Public testimony:

1. DALE EVANS, Waimanalo Beach Lots Association, testified in opposition to Bill 187. Mr. Evans made the following comments:
 - a. The situation is out of control and a real mess. Many of us are upset about the neighborhood impacts of the commercial activities.
 - b. Despite a two year effort by DPP to make the resolution workable, it is fundamentally flawed, poorly conceived, without clear procedures, lacking enforcement mechanisms, lacking means to maintain staff, highly vulnerable

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to legal challenges, and divisive to our communities.

- c. It's unfair. Why should a handful of people be allowed to do what the majority are prohibited from doing? Do not take an approve it now, fix it later approach to this proposed resolution. Please advise the Council that they need to do better at solving this problem.

QUESTIONS FROM THE COMMISSION

JAMILA: You mention the majority of the people versus a minority. Can you give me a percentage of the majority against it or for it?

EVANS: I'm sorry, Mr. Jamila, I don't recall using those words. Oh, why should a handful of people be allowed to do what the majority are prohibited from doing. If the resolution is enacted and people are allowed to once again obtain spot zoning for commercial bed and breakfast activities, those people will be the minority. Everybody else within a 500 foot radius of those are the majority of people in the neighborhood, and they would be prohibited from doing that activity once the one property has been given the approval.

2. ROB RETHERFORD, Kailua resident, testified in opposition to Bill 187. (written testimony attached).
3. LARRY BARTLEY, Save Oahu's Neighborhoods, testified in opposition to Bill 187. Mr. Bartley made the following comments:
 - a. First I want to address Mr. Jamila's question about the popularity or who is on what side of this. I've attended dozens of neighborhood board meetings in the past three years on this issue. The people who show up to support more touristification of our neighborhoods are those already in the money chain, no one else. All the residents, once they hear some of the facts, have overwhelmingly been against 187.
 - b. What matters are the words that will go into the Revised Ordinances of Honolulu forever. What matters is what future real estate attorneys, hotel chains, realtors, and package tour operators will do with the word "permitted."
 - c. Once B & B's are permitted, they'll satisfy the requirements for the permit, then change into vacation rentals with little or no supervision by DPP. The DPP can't enforce already against the only 70 legal B & B's on Oahu. Some of them openly flaunt the process.
 - d. Hotel chains have already expressed interest in entering into this business to augment their options.
 - e. The legacy of this Planning Commission can be to promote more tourism in Oahu's neighborhoods or to save Oahu's neighborhoods. Please vote no.
4. JAMES MARCUS, Waimanalo resident, testified in opposition to Bill 187. Mr. Marcus made the following comments:

- a. Do we already have a long term rental housing availability crisis? Do we already have an affordable home availability crisis? Will the proliferation not drive up prices even more?
 - b. Didn't the zoning committee, in 1989, find that there was potential for excessive concentration in neighborhoods changing the residential character and, therefore, recommend that no further license or CUP's be issued?
 - c. Five or more neighborhood boards all voted to stop this activity and enforce the current regulations. Must we invite businesses and tourism into every corner of our island? Do we value neighborhoods?
 - d. Will not passage of this zoning change really create the real estate investment opportunity of the century? We're going to have a run on the bank if they approve this without regulation. Isn't DPP already overwhelmed with regulation?
 - e. The suggestion that the neighbors may vote to block other neighbors, I think, is horrendous lack of aloha. It fosters opposition in neighborhoods instead of aloha.
5. DAVID BRAMLETT, North Shore resident, testified in opposition to both versions of Bill 187. Mr. Bramlett made the following comments:
- a. What we have in both versions is spot rezoning. It's taking residential areas and turning them into resorts with resort activities. It has a profound impact.
 - b. When you look at the rationale for this change, "product diversity in visitor accommodation," the tradeoff is clear. It's visitor accommodation at the expense of the residents who pay the expense.
 - c. It's okay to make money, but not at the expense of other people. The whole purpose of zoning is to allow like activities to be together.
 - d. Both proposals suggest that the conditions will be enforced. This presumption of enforcement is absolutely without merit. DPP is incapable of enforcing what we have.
 - e. Call for effective enforcement on the City Council and the Mayor. I think if you clear out the thousands of illegal B & B's, the citizenry will be encouraged to enforce the very regulations we live by.
6. SAM MARATEA, North Shore resident, testified in opposition to Bill 187. Mr. Maratea made the following comments:
- a. On one side, you have residents trying to preserve the quality of life. On the other side, you have residents and non-residents trying to profit monetarily by changing the law that was not followed to begin with.
 - b. If 187 becomes law, it will be rezoning of our residential areas. It will

also reward those who break the law. The obvious intent of the designation Residential zoning is to protect individual homeowners from the encroachment of non-residential usage.

- c. I've heard one City Council person make the statement that the people on the North Shore love short term rentals. If the same council person bothered to check, she would have found that the North Shore Neighborhood Board voted against expanding short term rentals in residential areas.
- d. When I bought my home, I searched only areas in residential zoning because I value the quality of life. Then 187 comes along and I'm faced with having short term rentals next door to me. I'll probably be forced to sell. I will have to disclose to the people that are looking to buy my house an adverse condition is that I have a legal short-term rental next door.

7. RACHEL WYENBERG supports Bill 187. Ms. Wyenberg made the following comments:

- a. I clean houses. Several of my jobs were vacation rentals until recently when many were shut down due to aggressive behaviors of people in Kailua and Lanikai.
- b. All of the places I worked for were run by very conscientious owners who lived on the premises or had caretakers living on the premises. They had very strict rules regarding who they rented to, noise levels, number of guests, number of cars, where the cars parked. Parties were not allowed. They cared about their neighbors.
- c. I believe there is a place for B & B's and less than 30 day rentals. Obviously, our economy does thrive on tourism. I feel the issue here should be regulation.

QUESTIONS FROM THE COMMISSION

DAWSON: You mentioned that all of the B & B owners that you know are conscientious and do a lot of things very correctly. Does this reflect some kind of survey and, if so, can you share the number of people that fall in this category?

WEYENBERG: No, it's just the people that I worked for personally and knew personally. I didn't do any surveys. I'm just going based on my experience and the people that I know.

- 8. RICHARD HAGSTROM, Kailua resident, testified in opposition to Bill 187. (written testimony attached)
- 9. GEORGE MARANTZ, Kahaluu resident, testified in opposition to Bill 187. Mr. Marantz made the following comments:
 - a. My family understood the zoning process before we bought. This bill undermines the zoning process.

- b. The operators in my own neighborhood have made it difficult for both the DPP and the police department to enforce. I've yet to find a real reason why many of them call themselves a B & B when there isn't even any breakfast.
 - c. The simple solution is that when areas are considered for development and new neighborhoods are created, maybe it's possible to offer vacation rentals as part of the overall plan. But to come back now after the fact and to go ahead and permit a few people to run a vacation type business, it's unfair.
 - d. If people are really concerned about tourism here, maybe they should host their families, friends and exchange students and host them for free and let them spend their money. We do.
10. MOLLIE FOTI, Kailua resident, testified in opposition to Bill 187. (written testimony attached)
11. KATHARINE ANDERSON, Kailua resident, testified in opposition to Bill 187. Ms. Anderson made the following comments:
- a. I am speaking to comments made by Mr. Thunder Mountain on Nov. 28. He depicted the character of his Waianae neighborhood saying neighbors treat the noise, not visitors. I wonder if that could be because Mr. Mountain still has a neighborhood composed primarily of neighbors.
 - b. On windward Oahu, it has already turned the corner from mom and pop businesses to big business.
 - c. Appreciate the unique culture that depicts your community and protect it as you would your own tutu for when a way of life is extinguished, a memory is all that is left.
12. MARCI PADDOCK, North Shore resident, testified in support of Bill 187. Ms. Paddock made the following comments:
- a. My next door neighbors are not vacation renters; they live there. They play on the roof until 2:00 in the morning and they have several teenagers who have all of their friends over. Not long ago, we had a gang fight in the street of over 50 people with baseball bats. I would rather have a vacation rental next door to me. My next door neighbor on the other side rents to college girls who scream at every cockroach and throw water balloons at each other until midnight.
 - b. We do have some vacation rentals in our neighborhood. The homes are clean, the tenants are quiet, they go as families down to the beach. They are wonderful to visit with and get to know, they come from all over the world, and I feel they are an asset to my neighborhood.
13. MARY KING testified in opposition to Bill 187. Ms. King made the following comments:
- a. My concern is our underlying zoning. We are extremely fortunate to have

single-family zoning in Hawaii. It has made stable neighborhoods, and I believe it should stay that way.

- b. If the pandora's box is opened up to any number of new B and B's, it will create a situation where the developer could come in and say, "This is no longer single-family zoning. You have eight rentals on a street of twelve houses." What are we going to do then?
- c. There's a huge demand from tourists on places to stay. We have a very attractive area in Lanikai, but I feel if this is opened up to any number, we will lose our single-family zoning and we will create a very bad atmosphere in our neighborhoods with one family against another.

14. MARISA NGUYEN testified for Dr. Freese who is in opposition to Bill 187. Ms. Nguyen made the following comments:

- a. I don't think B & B renters are real neighbors. You can't borrow a cup of sugar from them; you can't have them watch your kid while you go to the store.
- b. I don't want to have to explain to my future grandchildren, "I'm sorry that the neighborhood is ruined, but the Planning Commission just took the easy way out and bowed to people who wanted to pad their wallets." I hope you do what's right.

15. URSULA RETHERFORD, Kailua resident, testified in opposition to Bill 187. (written testimony attached)

16. WILLIAM TOWEY, Kailua resident, testified in opposition to Bill 187. Mr. Towey made the following comments:

- a. With all the years of reporting illegal B & B's, why are they so special that they receive an exemption to law enforcement. White collar crime pays, and it pays well.
- b. They can't regulate illegal operations now. What I am seeing is an attempt to change the law so that there is no crime.
- c. Aloha is very different with B & B's and vacation rentals. Aloha is growing in a very different direction. It's not the same as yesterday.
- d. Obviously, bed and breakfasts have divided and changed the community when they should have brought the community together.

17. SUZANNE GILBERT spoke in opposition to Bill 187. Ms. Gilbert made the following comments:

- a. If you think we have problems now, wait until this passes. It would be just horrible. You're going to have neighbors fighting. Who is going to get to have the coveted vacation rental? I think if you haven't lived next to one, you don't realize how really crude it is.

- b. This is big business. I have one girlfriend who has legal vacation rentals, and she now has twelve. I think you're going to ruin our neighborhoods, and we're not going to have any place to go. We all need a refuge.
 - c. I'm very nice to tourists, but I need a refuge where I can go and be quiet and not have people peering at me through the lattice just because I live here.
18. MIRIAM FUCHS, Kailua resident, testified in opposition to Bill 187. (written testimony attached) Ms. Fuchs made the following comments:
- a. I don't know that people with B & B's should be talking about the quality of a visitor experience. If they want to do something charitable, if they care about people in their neighborhood, they could work for cancer or work for the schools. Making a personal profit is not necessarily being benevolent.
 - b. There are many small business people in Kailua who are gradually being ousted. That's going to happen more and more.
 - c. A number of weeks ago, I received an e-mail from a member of the City Council. This was the person's main reason for changing the law: There are some laws that are bad laws because they were instituted for the wrong reasons, because they have outlived their usefulness, and because conditions that led to them no longer exist because ideas or philosophy has changed.
 - d. The law was not instituted for the wrong, but rather for the right reason. The law did not outlive its usefulness, it's just becoming bulkier to enforce. The conditions that led to them certainly do exist and have gotten far worse as we all know. The ideas or the philosophy behind them have not changed -- only the number of lawbreakers who are pressuring you and the City Council to make changes. People who are lawbreakers have no legal position from which to argue.
19. LISA MARTEN testified in opposition to Bill 187. Ms. Marten made the following comments:
- a. This particular law doesn't link to any of the long term master plans for Oahu. There are areas that have been designated as visitor designated areas.
 - b. If it is to help local residents, this law is not about that because if it were, it would have very definite requirements for owner occupancy. You would have definitions of that. A primary residence for tax purposes must be on site. This is not about local people; this is about big business.
 - c. This was proposed by a realtor despite the fact that all the neighborhoods and communities she supposedly represents voted against it. I hear there's a lot of political favor trading going on about this.
 - d. You folks are volunteers. Nobody elected you; you don't have to trade your

bill for somebody else's bill. You don't have to listen to a boss on this, so I hope that you won't be influenced by those things and will realize that this is really about big business.

QUESTIONS FROM THE COMMISSION

HOLMA: I think I speak for all the commissioners when I say we don't think this is "fluff."

MARTEN: I'm glad.

20. ALEX RESS testified in opposition to Bill 187. Mr. Ress made the following comments:
 - a. I live in Kailua, and our neighborhood board voted 17 or 18 to 1 to not allow B & B's. If you want to know what the people say in Kailua, it's a resounding no.
 - b. Roughly half of the beach access' have gates on them now. When I grew up, there were no gates. A few of the people arguing for 187 were at a meeting complaining about beach access being blocked. Why are they being blocked? It's the traffic.
21. BOB RESS, Kailua resident, testified in opposition to Bill 187. Mr. Ress made the following comment: I would ask each one of you if you would, in your own mind, ask yourselves, "Would I like a bed and breakfast next to my home?" I think a good rule to go by is the golden rule – do unto others as you would have them do unto you. If you would like a bed and breakfast next to your home, by all means pass this bill on. If you want to keep your resident residential, then I don't see it as a moral choice to pass something that you don't want next to your own home.
22. KATHY BRYANT, Chair of the Kailua Neighborhood Board, testified in opposition to Bill 187. Ms. Bryant made the following comments:
 - a. The board did take action on both 186 and 187. The Board opposes Bill 187. That vote was 17 or 18 to 1 as was mentioned.
 - b. While there are a lot of people in this room both in favor and opposed, one of the things the neighborhood board tries to do is really get a feel for what does the community want. Outside of those who would like to operate a B & B or vacation rental, the vast majority of the community does not want this.
 - c. With this particular issue, there are not other people in the community that think this is a good idea. When there's a financial interest as in this case, the only people in favor are those who stand to benefit.
 - d. In 2005 when this bill was initiated by the City Council, it was our City Council member, Barbara Marshall, who introduced this legislation. She did so because she was very frustrated that DPP would not enforce the law. The

original proposal moved the issue out of the Department of Planning and Permitting, taking it out of the land use and putting it into a separate department that regulates businesses.

- e. Since that time in 2005 when the issue went to DPP and it passed out of the Council, the concern was lack of enforcement. DPP has made changes to its enforcement protocol and they are doing a much better job of enforcement. We need to help DPP enforce the law.

QUESTIONS FROM THE COMMISSION

JAMILA: You took a vote and the unanimous vote was against the bed and breakfast. Just for clarification, what about the legal operators? Do you know the percent of the legal operators that are allowed to operate in Kailua? I know there are a number of legal operators, but then I found out there were a hundred times more illegal operators. The legal operators, did you take a vote to still allow them to operate?

BRYANT: The first time wasn't a unanimous vote; I believe there was one dissenting vote. The Board has always said those with a nonconforming use permit, we don't have any issue with that. They're following the rules that have been established by the City and County. Our vote was against 187 which would create a permitting structure for bed and breakfast going forward. We didn't take issue with the existing nonconforming use permits. You're correct; there are hundreds of times more illegal operators than nonconforming use permits.

JAMILA: Sometimes I'll be driving through Kailua and people have their signs out for bed and breakfast or "we have openings here." Did you notice if those are the legal ones or are they the ones that are "fly by night" and they're saying they have a room for rent.

BRYANT: I'm not sure on all of them, but my understanding is the ones that have signs are the nonconforming use permit applicants.

23. MICHAEL STROUP, Waimanalo resident, testified in opposition to Bill 187. Mr. Stroup made the following comments:

- a. I grew up in the 1940's and early 50's in Waikiki. At that time, Waikiki was mostly a residential neighborhood. That neighborhood is long dead; Waikiki is no longer a place where local people live. It's a place where they go to work. We don't want this to happen to any other neighborhood on the island.
- b. We have in place zoning laws designed to keep our neighborhoods just that – neighborhoods. While it's appropriate to review these laws, I don't believe that they need alteration at this time to allow more commercial activity in residential areas.
- c. There should be no commercial activity in residential zoning. It's the law; let's enforce it.

24. DAVID BETTENCOURT, Secretary for the Waimanalo Neighborhood Board, testified in opposition to Bill 187. Mr. Bettencourt made the following comments:

- a. I ran for the neighborhood board solely to put an end to bed and breakfast in the area I represent, the beach lots. It started with one or two, and now we're up to twenty five illegal ones.
 - b. One major problem with the bill is that it should automatically disqualify anybody that can be shown to have operated a bed and breakfast illegally prior to the adoption of any new rule. There's a definition in this State of organized crime. Anybody who has an occupation that is illegal and makes substantial income from it is guilty of being an organized criminal.
 - c. When one moved in behind me, they immediately started construction without a permit. They paid their workers in cash; they paid the maintenance people in cash. They started buying other houses because they had a lot of cash. We know that they don't pay their transient accommodation tax.
 - d. It is totally unenforceable to pass a bill that, in fact, has so many loopholes. The people in my neighborhood have driven up rental costs.
25. ED GREARY testified in opposition to Bill 187. Mr. Greary made the following comments:
- a. We had a record turnout of people voting at the neighborhood board. The person who was targeted by the promotion of this B & B legislation, she got the highest vote count of anybody running for the neighborhood boards on any neighborhood board throughout the island. Their slate was completely defeated.
 - b. This morning's paper had a story on the Maile Beach situation, quoting a person who had been concerned about it. Being on social security, she lost her rental because the landlord converted it to a vacation rental. She is now on the beach. There's no question that the situation does impact adversely on the residential rental market.

QUESTIONS FROM THE COMMISSION

HOLMA: The Maile example, how long ago was that?

GREARY: This morning's paper.

HOLMA: When was the lady ousted out of her home?

GREARY: I don't know that the article is that explicit, but it was fairly recently because she said she, herself, had been a critic of having the homeless at Maile Beach previously, prior to being on the beach herself.

JAMILA: Chair, I read that article. It was about nine months ago.

26. SHARON GEARY testified in opposition to Bill 187. (written testimony attached) Ms. Geary made the following comments:

- a. I heard a lot of people talking about demand, that we have tourists who want

to rent. It is still illegal. It changes the character of the neighborhood, the traffic, the noise, and the parking.

- b. As far as the lady who cleans houses, I'm willing to hire her. If that lady needs work, there are other people besides B & B's who need housecleaners.
 - c. These people are not a part of my community. They are not offering to walk my dog, I don't go pick up their mail, and they don't pick up my newspaper. They are not part of the neighborhood.
 - d. We do volunteer work. We maintain our beaches, our parks, our property and our neighborhoods. Do now allow these people to destroy our communities.
27. STANN REIZISS, Kailua resident, testified in opposition to Bill 187. (written testimony attached)
28. WILL PAGE testified for TONIE BILLIE in support of Bill 187. Mr. Page made the following comments:
- a. According to the Honolulu Advertiser and Star Bulletin, there are 9,000 tvu's and bbu units operating in the State of Hawaii with 2,000 of these units on the island of Oahu. There are a lot of neighbors who live within 500 feet of these units. It's estimated there are 50,000 neighbors who are immediately adjacent to a B & B or vacation rental. The question is where are they? Why are they here?
 - b. They are well accepted within many neighborhoods. With or without a license, if your neighbors complain, it will get shut down. Even the majority of neighborhood boards are not against B & B's or vacation rentals. Only six of the 32 neighborhood boards voted against them.
 - c. Isn't it time to allow local citizens to operate these legal businesses on Oahu? That is, to allow very reasonable licensing regulation of B & B's and vacation rentals.
29. LES ICZKOVITZ, attorney and Honolulu resident, testified in support of Bill 187. (written testimony attached)
30. ANNE TOWEY-JOYER, Kailua resident, testified in opposition to Bill 187. Ms. Towe-Joyer made the following comments:
- a. The illegal vacation rentals in B & B's affect us owners on so many different levels. For me, personally, it's the loss of privacy when my neighbor built another two-story unit overlooking my property. It must be very profitable for him because he built three additional units.
 - b. When I made a complaint to authorities, he verbally attacked me. I had to call the police. The illegal rentals are out of control. The greed is intoxicating. My property taxes have skyrocketed.

- c. *Illegal operations should be enforced from all different directions starting from the Building Department. We must take the profit out of the B & B's and vacation rentals. They have to be shut down.*
31. TOM WELCH, Makaha resident, testified in support of Bill 187. Mr. Welch made the following comments:
- a. *I own a store, and we have a tremendous loss of revenue because they have created problems in the neighborhoods with the B & B's.*
 - b. *The inspectors tell us that you can't have relatives other than your mom, your dad, your brothers or your sisters staying at your vacation homes. I've got beach houses that are long term rentals. It shouldn't be that strict if you can't even allow a nephew to come and stay with you.*
 - c. *I don't think there's an illegal B & B or an illegal vacation rental that wants to be illegal. I think every one of them wants the State of Hawaii to be able to give them guidelines or regulations to follow, and I think they all will.*

QUESTIONS FROM THE COMMISSION

HOLMA: Has the Waianae Neighborhood Board taken a position on this?

WELCH: The Waianae Neighborhood Board was influenced by the gentleman that spoke third today.

HOLMA: It's a simple question. Have they taken a position on this yes or no?

WELCH: Yes, they have.

HOLMA: And the position was?

WELCH: To follow the North Shore and the Kailua Board, and they did not even discuss it. I happened to be at that meeting. They were against it.

HOLMA: Which way did the North Shore Board go?

WELCH: *I can't tell you that.*

JAMILA: We have the chair of the Waianae Neighborhood Board in the back there.

HOLMA: What he just said, is that right?

UNKNOWN: The Waianae Neighborhood Board stood strong against resolution 187 and we were strong in not having any more vacation rentals in our neighborhood.

32. SAMUEL FULLMER testified in support of Bill 187. Mr. Fullmer made the following comments:
- a. *Studies show that transient vacation homes, cottages and condos outnumbered B & B's by a factor of 8 to 1.*

- b. This side keeps talking about padding our pockets. If anything, we are still scraping. I live with my sister and my four nieces. Just to cover mortgage payments monthly, the only way you can subsidize that income is from vacationers. We are trying to make ends meet. We're trying to go to school.
33. ANA MURRAY, Waimanalo resident, testified in support of Bill 187. (written testimony attached)
34. NORA MITCHELL, Makaha resident, testified in support of Bill 187. (written testimony attached)
35. KINI ZIEGNER, Waimanalo resident, testified in support of Bill 187. (written testimony attached)
36. EMILY MURPHY, Laie Point resident, testified in support of Bill 187. (written testimony attached)
37. JONATHON STRONG, Kahuku resident, testified in support of Bill 187. (written testimony attached)
38. ALAN WEHMER, Kaneohe resident, testified in support of Bill 187. (written testimony attached)
39. SUZANNE STRONG, Kahuku resident, testified in support of Bill 187. Ms. Strong made the following comment: What controls problems is not the presence of a person who may or may not have the ability to manage the property adequately, but instead occupancy limits, codes of conduct, a centralized contact number for complaints and zoning considerations.
40. NOREEN CONLIN, Makaha resident, testified in support of Bill 187. (written testimony attached).
41. KAREN MILLER, Waimanalo resident, testified in opposition to Bill 187. Ms. Miller made the following comments:
- a. In 1989 the Zoning Committee found in committee report number 702 that there "may be a potential for accepted concentration of bed and breakfast homes in certain neighborhoods changing their residential character." What has changed in almost 20 years? If anything, the threat is now worse. Clearly the DPP in 2007 still considers this as a viable threat. In Section 1, Paragraph two of Bill B, the DPP writes, "It is clear that the addition of bed and breakfast homes could affect neighborhoods significantly."
 - b. While the proposals address changes to land use policy, what about the compatibility with sustainable community plans? Many of these plans seek to protect the residential environment of neighborhoods. Shouldn't the City Council support the State in the push to diversify our economy? Changing any dwelling from Residential to Visitor takes one more potential dwelling away from a resident/employee who can support the diversified economy.

- c. There are certain parties that help escalate real estate prices by overpaying for homes in residential neighborhoods with the intention of using the mortgages for these homes for business use.
 - d. The hotels are working hard to find new ways of accommodating guests. Passage of 187 will only open the door a bit wider for them to set up shop in residential neighborhoods. We are a commercial destination. The hotel business here is very profitable, and they are looking for ways to expand. The hotel association's absence and silence on this matter at these meetings speaks volumes about this.
42. LUCINDA PYLES, member of the Waiālae Kahala Neighborhood Board, testified in opposition to Bill 187. Ms. Pyles made the following comments:
- a. I live next door to two of the only three legal vacation rentals in Kahala. I have not had neighbors for 20 years. Land is scarce in Hawaii, so it's hard to compare it to other mainland states. People talk about young people not being able to afford homes, but we are already seeing results of these illegal vacation rentals, and you have to step back and say, "Why is property so high?" Property gets high when demand is high and supply is low.
 - b. When you can make \$8,000 to \$30,000 a month, how can I or anybody compete in the buying market with somebody that can get that kind of return if all I want to do is live there?
 - c. My property taxes went up 50% last year and 26% two years ago. They've averaged a 35% increase in the last ten years. How long can you do that when people around me can convert these homes to this kind of income potential? No young people can afford to buy, not old people, no local resident can.
 - d. I do think that there are resort areas where it may be appropriate, but not in our communities.
43. DON MAXWELL, Waiānae resident, testified in support of Bill 187. (written testimony attached) Mr. Maxwell made the following comments:
- a. I don't think Bill 187 goes far enough and there are some excellent reasons why you should propose that condominium transit vacation units should be expanded.
 - b. Someone said there would be thousands and thousands of bed and breakfasts if you open up this process. Back in 1989 when it was opened up, less than 2,400 initially were issued. Of that number, less than 1,000 of those are still in operation today.
 - c. This is an island wide issue; it's not a Kailua issue. Some things that are true of Kailua are not necessarily good or bad or true about other areas.
 - d. Waimanalo has the largest population of homeless people living on that fifteen mile stretch on the Waimanalo coast, more than any other place in

the State. I fail to see how illegally well-regulated operated condominium vacation units are going to destroy the neighborhoods in Waianae.

QUESTIONS FROM THE COMMISSION

HOLMA: Are you aware of any neighborhood board that has voted in favor of 186 or 187?

MAXWELL: No, I'm not, but I would like to go a step further than that. The Waianae Neighborhood Board, I know some of the members were not opposed to condominiums and they didn't even know there were any in Waimanalo until Save our Neighborhood's representatives came over. We are not Kailua. The things they complain about in Kailua are not necessarily true in Waimanalo.

JAMILA: You've got to check your information for us. I'm a 4th generation resident of Waimanalo, and we don't have as much homeless as the leeward coast does.

MAXWELL: I live in Waianae. I said Waianae.

JAMILA: You said Waimanalo.

MAXWELL: No, I'm sorry. Waianae.

44. PATTY TERUYA, resident of the Waianae coast and Chair of the Waianae Coast Neighborhood Board, testified in opposition to Bill 187. Ms. Teruya made the following comments:
- a. In 2005 and 2006, the Waianae Neighborhood Board voted against Bill 187. We do not support any more vacation rentals.
 - b. We do support strong enforcement along the coast. It has gotten out of control in our residential areas in Makaha and along the Waianae Coast.
45. AMANDA SPOFFORD testified in support of Bill 187. (written testimony attached)
46. PAULA RESS testified in opposition to Bill 187. Ms. Ress made the following comments:
- a. No matter how thoughtful or how quiet or how much I might like the tourists that might be staying next door to my grandchildren, they are not the village that raises the child, they are not the community where I would find support.
 - b. There was the process in 1989 that was clear and considerate. The Mayor at one time said, "Let's keep our residential areas residential." We had the neighborhood board who heard a lot of testimony that made it clear that we don't want any proliferation of vacation rentals. We have rules banning businesses in our communities and our residential areas because of the parking, the use of the sewer, the noise, the water, the power and just too many people.
 - c. When the people who live next door change every five days, we don't know

who they are. Please help us keep our residential areas residential.

47. BRENT PURDUE, 20-year resident of Oahu, testified in favor of Bill 187. Mr. Purdue made the following comments:
- a. There's been a lot of judgment and categorizing of zoning and housing and people. We're all human beings, we're all tourists, and we're all going to leave at some point. Where we stay, that's what we have some choice about.
 - b. A lot of people against the B & B's seem to be coming from a place with a lot of fear. They're afraid of noise, parking and neighbors they don't know. They seem to want to control their environment. On the other hand, you have people that are basically libertarian. They are for freedom. The constitution of the United States is set up so that someone can own a piece of property and live on it how they want to, not to be dictated by other people in their neighborhood.
 - c. We are a democratic republic. There are certain laws in the constitution that protect minorities from being overridden by a majority no matter if there is a consensus in the majority or not. People have the right to own property and to use that property how they choose.

Written testimony received:

1. JULIA ANDERSON, 16-year-old student, submitted testimony in opposition to Bill 187. (testimony attached)
2. S. ANDERSON, Kailua resident, submitted testimony in opposition to Bill 187. (testimony attached)
3. W. P. BARNOWICH, Canadian resident, submitted testimony in support of Bill 187. (testimony attached)
4. DONALD BREMNER, Kailua resident, submitted testimony in opposition to Bill 187. (testimony attached)
5. DANIEL L. COLIN, Kailua resident, submitted testimony in opposition to Bill 187. (testimony attached)
6. SUSAN CUMMINGS, Kailua resident, submitted testimony in opposition to Bill 187. (testimony attached)
7. PETER AND ANN DRECHSLER, Haleiwa residents, submitted testimony in opposition to Bill 187. (testimony attached)
8. L. NEIL FRAZER, Kailua resident, submitted testimony in opposition to Bill 187. (testimony attached)
9. JENNIFER GONZALES, submitted testimony in support of Bill 187. (testimony attached)

10. LYNETTE KANINAU, Kailua resident, submitted testimony in support of Bill 187. (testimony attached)
11. D. PIILANI KAOPUIKI, President, the League of Women Voters of Honolulu, submitted testimony recommending amending Bill 187 to require B & B's to be locally owned and occupied. They are in support of Bill 186.
12. DOTTY KELLY, Hauula resident, submitted testimony in support of Bill 187. (testimony attached)
13. ROBERT M. KRANZKE, California resident, submitted testimony in support of Bill 187. (testimony attached)
14. ANGIE LARSON, Na Hale Ho'okipa O Hawaii Nei, submitted testimony in support of Bill 187. (testimony attached)
15. DEE DEE LETTS, Chair of the Koolauloa Neighborhood Board No. 28, submitted testimony in opposition to Bills 186 and 187. (testimony attached)
16. PAULINE MacNEIL, Kailua resident, submitted testimony in opposition to Bill 187. (testimony attached)
17. CREIGHTON U. MATTOON, President, Punaluu Community Association, submitted testimony in opposition to Bills 186 and 187. (testimony attached)
18. SHEILA MEYERS, Kailua resident, submitted testimony in support of Bill 187. (testimony attached)
19. VICTOR MEYERS, Kailua resident, submitted testimony in opposition to Bill 187. (testimony attached)
20. JOHN AND RITA NOLAN, Kailua residents, submitted testimony in opposition to Bill 187 and in support of bill 186. (testimony attached)
21. ELIZABETH O'MALLEY, Kailua resident, submitted testimony in support of Bill 187 and in opposition to Bill 186. (testimony attached)
22. PATTY O'MALLEY, Kailua resident, submitted testimony in support of Bill 187 and in opposition to Bill 186. (testimony attached)
23. GREG O'MALLEY, Kailua resident, submitted testimony in support of Bill 187 and in opposition to Bill 186. (testimony attached)
24. CHRIS ORME, Kailua resident, submitted testimony in opposition to Bill 187. (testimony attached)
25. MARIA PACHECO submitted testimony in support of Bill 187. (testimony attached)
26. COURTNEY PATUBO, California resident, submitted testimony in support of Bill 187. (testimony attached)

27. SARAH E. PERRY, Kaneohe resident, submitted testimony in support of Bill 187. (testimony attached)
28. CHARLES PRENTISS, Kailua resident, submitted testimony in opposition to Bills 186 and 187. (testimony attached)
29. SUSAN J. RAY, submitted testimony in support of Bill 187. (testimony attached)
30. SHAWN REED, Kailua resident, submitted testimony in support of Bill 187 and in opposition to Bill 186. (testimony attached)
31. ANGELA REED, Kailua resident, submitted testimony in support of Bill 187 and in opposition to Bill 186. (testimony attached)
32. TANIA RETHERFORD, California resident, submitted testimony in opposition to Bill 187. (testimony attached)
33. LAURA SEITZ, California resident, submitted testimony in support of Bill 187. (testimony attached)
34. FREDDA SHROUP submitted testimony in opposition to Bill 187. (testimony attached)
35. KAREN SIMMONS submitted testimony in opposition to Bill 187. (testimony attached)
36. STU SIMMONS submitted testimony in opposition to Bill 187. (testimony attached)
37. JOSEPH SONOGUINI, Kaneohe resident, submitted testimony in support of Bill 187. (testimony attached)
38. GREGG SWOISH, Kailua resident, submitted testimony in opposition to Bill 187. (testimony attached)
39. JOLENE TAM LEE, Waimanalo resident, submitted testimony in support of Bills 186 and 187. (testimony attached)
40. KATHRYN WHITMIRE, Kaneohe resident, submitted testimony in support of Bill 187. (testimony attached)
41. SHIRLEY AND RONALD WONG, Honolulu residents, submitted testimony in support of Bills 186 and 187. (testimony attached)
42. DARON YIM, Mililani resident, submitted testimony in support of Bills 186 and 187. (testimony attached)

TWO (2) BILLS TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990
(THE LAND USE ORDINANCE), RELATING TO THE REGULATION OF CERTAIN
VISITOR ACCOMMODATIONS

To regulate advertisements for transient vacation units which have Nonconforming Use
Certificates.

Public hearing notice was published in the Honolulu Star Bulletin on November 16, 2007. A public hearing was held on November 28, 2007, and the public hearing remains open. A public hearing notice was published in the Honolulu Star Bulletin on January 4, 2008.

Public testimony:

1. DAVID BETTENCOURT testified in opposition to Bill 186.
 - a. Bill 186 has a nice intent, but the fact that it requires notice to the person... A person that runs an illegal B & B or a B & B without putting this information on the internet is going to know that they're violating the law. If one ad appears on the internet, that's an automatic \$1,000 fine. There's no reason to restrict this to tvu's. This should apply to anybody that advertises any sort of a vacation rental.
 - b. You're talking about civil penalties, not criminal. You can put the burden upon the person being charged to defend themselves once you have evidence that something appears on the internet. The two people that run illegal B & B's behind me testified today. I have found their ads on foreign web sites. When I go to DPP, they say, "Oh, we don't have access to the internet." This is the kind of enforcement we have.
 - c. This should mean mandatory penalties at any time an ad appears that is for a non licensed unit; it should be a mandatory fine of \$1,000.
2. DAN CARPENTER, Kaneohe resident, testified in support of Bill 186. Mr. Carpenter made the following comments:
 - a. If I wanted to spite someone, it would cost them a lot of money. All I would have to do is stick an ad on the internet, and there wouldn't be anything to prevent me from doing it. It's not an effective way to regulate.
 - b. I haven't heard anybody say yet if someone is living in a house, whether they own or they pay rent, it doesn't matter whether they're there for a day, a month or a year, it's the behavior of the person there that counts.
3. JANET SCHEFFER testified in opposition to Bill 186 and in support of Bill 187. Ms. Scheffer made the following comment: It is highly dangerous and damaging. If you were to put a property's address on the website in an ad, first of all I can guarantee you the criminal element in our community will begin to use that. It's an extremely dangerous activity. It's like putting a giant red flag on top of someone's vacation home and saying, "Please come and rob me." It's a very well known fact that it's intermittently vacant.
4. KAREN MILLER, Waimanalo resident, testified in support of Bill 186. Ms. Miller stated that DPP needs whatever support they can get to help enforce our current regulations on tvu's.
5. GEORGE MARANTZ testified in opposition to Bill 186. Mr. Marantz made the following comments:

- a. The addresses to the bed and breakfast businesses are widely published right now, just the legitimate ones. I'm not sure why now all of a sudden they're so opposed to it. It's on the internet and in these books.
- b. I don't think it's whether or not you'd rather live next to a local resident who is having withdrawals from drugs or whether you're having a visitor from Oklahoma. I think, in this case, the person who is the drug addict causing all the problems is wrong and I think that the illegally operated vacation rental is wrong.

MOTION: It was moved to close the public hearings on Bills 186 and 187, on motion by Chair Holma, seconded by Mr. Pacopac and carried unanimously.

MOTION: It was moved to defer the decision making on Bills 186 and 187 to the January 30, 2008 Planning Commission Meeting, on motion by Chair Holma, seconded by Mr. Pacopac and carried unanimously.

ADJOURNMENT

The meeting was adjourned at 4:07 p.m.

Respectfully submitted,



Patty Kalapa
Secretary-Reporter

MESSAGE TO HONOLULU PLANNING COMMISSION (January 9, 2008):
Faxed to: 527-5743

Subject: Testimony for January 16 public hearing on proposed Bill 187 (B&Bs)

Dear Members of the Planning Commission,

Currently I am the second person scheduled to testify on Bill 187 on January 16.

I would like to replace my previously submitted testimony with the new testimony that follows as part of this fax.

Thank you for the opportunity to testify.

Robert Retherford
42. N. Kainalu Drive
Kailua



261-4537 (home)
944-7403 (work)
E-mail: robert.retherford@hawaiiantel.com

TESTIMONY ON BILL 187, PLANNING COMMISSION, JANUARY 16, 2008

Bob Retherford, 42 N. Kainalu Drive, Kailua. Last revised 9:00 p.m., January 9, 2008.

Good afternoon. My name is Bob Retherford. I am a long-term resident of Kailua.

Bill 187 proposes a minimum of 500 feet between any two B&Bs. Using this 500-foot rule, I have calculated how many B&Bs could fit on Oahu's land that is zoned for single-family homes.

The maximum possible density of B&Bs is attained if the B&Bs are arranged in a triangular grid pattern. A picture of the triangular grid pattern is shown on the back side of my written testimony. A B&B is located at each of the three corners of each triangle in the grid. Each B&B in the grid is 500 feet away from the six closest B&Bs.

Based on the triangular grid pattern, how many legal B&Bs could fit on land zoned for single-family homes on Oahu? The answer is that there could be as many as 4,310 legal B&Bs on Oahu. The calculation of this number is also described on the back side of my written testimony.

Under the current version of Bill 187, each of the potential 4,310 legal B&Bs could rent out three rooms, implying a total of 12,930 legal B&B rooms. Oahu currently has 26,261 hotel rooms. The additional B&B rooms would augment the number of hotel rooms on Oahu by 49%. We could have half again as many tourists as we do now, spread throughout our single-family residential neighborhoods.

If Bill 187 becomes law, there are some other implications as well. The first one is that the commercialization of our residential neighborhoods with as many as 4,310 B&B resorts would drive housing prices and long-term rental prices for local people even higher than they are now. But the rise in housing prices would occur in an uneven way. For example, suppose that you apply for and get a B&B license. The market value of your property will increase substantially, because you can now make a lot of money from it. But what if you are unlucky and your next-door neighbor gets a B&B license instead of you? The value of your property will be much less than the value of your neighbor's property, because you are no longer eligible to apply for a B&B license under the 500-foot rule. The value of your property might even decline because of the continual coming and going of strangers next door and the conversion of part of your neighbor's yard into a parking lot for tourist rental cars.

A second implication of Bill 187 is that our current method of assessing property values for property tax purposes would have to be changed substantially in order to be fair. If your neighbor gets a B&B license, your neighbor's property tax should go way up and your property tax should stay even or even go down some.

A third and related implication is that legal B&B's should be taxed as resort property.

A fourth implication is that Bill 187, if enacted, would be a nightmare for the City to administer and enforce. DPP would need to greatly expand its staff to handle the job. Past experience suggests that the City would not provide the needed expansion of staff.

A fifth implication is that there would be a further explosion of illegal transient vacation units, whose owners would not have to worry much about enforcement, because DPP would already have more than it can handle with B&Bs. Illegal TVUs would be pretty much off the hook.

I hope that you will recommend against this ill-considered special-interest bill which is not at all in the public interest. Thank you for this opportunity to testify.

For triangular grid pattern and details of calculations, see back of this page:

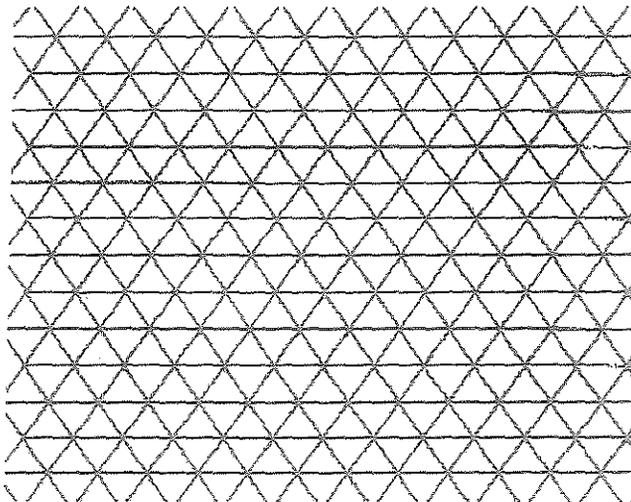
I assume that a typical house lot is 7500 square feet. House lots can have many different shapes. For purposes of this calculation, I assume that each lot has a circular shape, and that the 500-foot rule is from lot line to lot line, not from center of property to center of property. The radius of a 7500-square-foot circular house lot is 49 feet. That means that each triangle in the grid is 598 feet on a side instead of 500 feet on a side. The area of an equilateral triangle that is 598 feet on a side is 154,847 square feet.

In 1996, Oahu had 28,908 acres of land zoned for single-family residential homes. This figure excludes streets, parks, and other public lands. Between 1996 and 2006, Oahu's population increased by 6%. I assume that the land zoned for single-family residential homes also increased by 6%, from 28,908 acres to 30,642 acres. One acre equals 43,560 square feet.

The number of triangles that can be fitted into the 30,642 acres is
 $[(30,642)(43,560)]/154,847 = 8,620$ triangles.

One cannot multiply the 8,620 triangles by three to get the total number of B&Bs, because each B&B at a corner of an interior triangle appears not only in that triangle but also in five adjacent triangles (see the triangular grid pattern below). If one were to multiply by three, each B&B at the corner of a triangle would get counted six times. Instead, one has to weight each B&B at the corner of a triangle by one-sixth, which reduces the three B&Bs at the corners of a triangle to one-half of a B&B per triangle for purposes of this calculation. Thus, one multiplies the number of triangles by one-half instead of three. $(\text{Number of triangles})(\text{number of B\&Bs per triangle}) = (8,620)(0.5) = 4,310$ legal B&Bs in

Triangular grid pattern



A B&B is located at each of the three corners of each triangle within the grid. Each B&B is 500 feet from the six closest B&Bs.

neighborhoods zoned for single-family homes. At three rooms per B&B, this means 12,930 additional B&B rooms, which would augment the number of 26,261 hotel rooms on Oahu by 49 percent.

The maximum numbers of B&Bs and B&B rooms are actually somewhat higher than calculated above, because when streets, parks, and other public lands are inserted between residential properties, houses are further apart. For example, a house that was previously 490 feet from a B&B might now be 520 feet from a B&B because of an intervening street, so that now both houses can be B&Bs under the 500-foot rule. Also, a B&B situated along a boundary of a residential area is shared by fewer than six triangles, which means that B&Bs along a boundary can be weighted by more than one-sixth.

HAGSTROM

RICHARD E. HAGSTROM367 Lama Place
Kailua, HI 96734

Tel/Fax: (808)262-6828

E-mail: Rehagstrom@aol.com

Cell: (808)551-0770

FACSIMILE HEADER

Date: December 7, 2007

To: City and County of Honolulu Planning Commission

Fax: 527-6743

No. of pages (including this page): 2

IF YOU DO NOT RECEIVE ALL PAGES, PLEASE TELEPHONE OR TELEX

Subject: Opposition to Resolution 05-187

The following is my synopsis of the proposal made by DPP if this resolution is enacted into law: The B&B applicant shall first present it to the neighborhood board (NB) and provide written notice to adjoining owners. If the NB does not hold a meeting on the subject within 60 days of the request, or the NB tells the applicant it has no objection or no presentation is necessary, then the application is approved by the NB. Then either the DPP or applicant (unclear who at this time) is to send notices to owners within 300 feet asking if they wish to have a public hearing. Then the DPP has the option (not the requirement) to hold or not to hold a public hearing. If so, a public hearing will be held no sooner than 45 days and DPP shall either approve, deny or extend to 90 days and conduct a public hearing. If DPP elects to hold a public hearing, the applicant shall make a "good faith effort" to notify owners within 300 feet within 10 days of DPP's decision. If the owners do not receive the notice, it will not affect the validity of any permit issued.

The surrounding owners must respond in writing within 15 days of DPP's acceptance of the application (or 15 days before a public hearing), and their names may be made public. If at least 51% object, DPP must deny the application. No provision for ties.

Bed and Breakfast rules:

The owner may appoint a live-in manager as the full-time resident, therefore encouraging non-resident wealthy commercial investors.

Occupancy must be by a "family".

Accessory roomers shall not be permitted.

Maximum of 2 guest rooms shall be rented to no more than 4 guests.

The permits are transferable to subsequent owners.

Please ask Mr. Ing, again, how he is going to administer this new law and enforce the non-occupant illegal TVRs without an appropriation. Asking neighbors to submit a negative vote within 15 days is unreasonable. The requirement should be 51% approval and provide much more time for owners to respond. If this bill becomes law, I and everyone who wishes to increase their property values, by adding a transferable permit, will immediately submit an application, at which time the neighborhood boards and DPP will be deluged with work they cannot handle, especially within the time constraints imposed. My neighbors within 300 feet, with whom we socialize, will be forced to file objections to protect their own property values, and their names will be made known, creating animosity and ill feelings in a once laid back, family-oriented community. Those that receive the permits will be pitted against their neighbors, who feel they should have received one and who object to hotel-type operations.

The DPP cannot adequately enforce the present B&B and TVR rules. How can they possibly think they will be able to determine the resident is a full-time occupant (operator or proprietor) when it will require a visit to the property? Who are "accessory roomers"? How will they determine no more than 4 guests are staying in the 2 rooms? How can they verify the occupancy is by a "family"? How are they going to enforce the remaining illegal TVRs and B&Bs? It isn't clear if the existing TVRs need to apply. Resolution 05-187 will increase the number of vacation rentals and do nothing to reduce the illegal ones.

Please help us law-abiding citizens, and do not reward illegal businesses operating within single-family zoned communities.

R E Hyatt

January 16, 2008

To: The City Planning Commission

From: Mollie Foti, 1343 Mokulua Drive, Kailua, HI 96734

Re: Resolution 187—I am against it.

I have lived in Hawaii for 45 years and have owned my home in Lanikai for 40 of those years.

At the November 28th meeting of the Planning Commission a woman named Dorothy Sandvold testified as to the virtues of her Transient Vacation Rental Association. She said, and I quote, "Ours is a very well run industry". And that is the word she used: Industry. I feel that industries do not belong in residentially zoned neighborhoods.

The Transient Vacation Rental Industry is bent on expansion and it will have all the room it needs to grow—to double, triple, or quadruple in size if Resolution 187 becomes law. Our residential neighborhoods, particularly those near sandy beaches, will soon be engulfed by this new industry. They will no longer be residential. Is this fair? Is this right? Is this a good thing for the health of our communities and the residents who live in them? Is it even good for the Tourist Industry as a whole? I don't think so.

There are a number of inconsistencies in the bill that need to be addressed, such as how will all these new regulations be enforced when the current enforcers say that they can not do the job now? The theoretical reason for this bill is that the current regulations are unenforceable. How is this going to improve things? Equally important is the means to decide which of competing entities will be granted the coveted permission to run a legal B&B when 2, 3 or 4 property owners within 500 feet apply? In my block, within 500 feet of my house there is 1 legal B&B and 2 illegal TVUs. There are also several other absentee owners who might like to turn their investments into vacation rentals if it could be made legal. Who is to win?

Resolution 187 represents an illegal form of rezoning. It is spot zoning. In 1989, when Bed and Breakfast and Transient Vacation Rentals first became an issue, the City promised us that if we accepted a limited number of them, that would be the end of it. So what happened to that promise? Who can believe anything that the City says if it goes back on its word here? And, what are the legal ramifications?

It is flat out wrong to spot zone an industry into a residential area, and in the long run it is probably very bad for the health of the tourist industry overall. You, the Planning Commission, are charged with the responsibility of preserving and protecting our zoning laws. I hope you will see Resolution 187 for what it is: a backdoor run at resort zoning.



Retherford

CITY PLANNING COMMISSION
650 S. King Street, 8th Floor
Honolulu, HI 96813

RE: Continuation of Public Hearing on Resolution 05-187 - January 16th, 2008

Dear Members of the Planning Commission,

My name is Ursula Retherford. I have been a resident of Kailua for the past 36 years.

I would like to add a few points, to the testimony I submitted for the November 28th hearing.

I would like to re-emphasize the point that proposed Bill 187 is the antithesis of good planning. I have seldom seen a piece of legislation so poorly thought through, a bill that so violates our planning laws and zoning procedures. It is a bill that unfairly puts the demands of tourism and special interests ahead of the rights and needs of our local population. It is a bill that would create an administrative nightmare that the City will not be able to handle and which would leave our residential communities to deal with the negative impacts.

There are important questions which the Bill does not address.

The City by its own admission has not had the means to enforce the rules governing the B&Bs and Transient Vacation Rentals permitted in 1989, nor has it been able to shut down the more than one thousand illegal B&Bs and TVU's that have mushroomed in our residential neighborhoods since 1989. As an affected citizen and taxpayer, I would like to know how much more money, and how many more positions the City Council has budgeted for the regulation of not only the B&Bs considered under the proposed Bill, but also for the shutting down of the TVU's that are presently operating illegally. In the absence of such provisions in the budget, what prevents these illegal businesses from continuing to operate?

There are B&B's, as well as TVUs masquerading as B&Bs, operating right now within as little as 100 feet of each other in some of our residential neighborhoods. How will the City determine which one of these businesses it will grant legal status?

Are we taxpayers to foot the bill for the legal challenges and disputes that are bound to arise out of the competition for legal status between existing neighboring B&Bs?

The determination as of the location of the 500-foot line between B&Bs would in many cases require the services of a surveyor. Has the City budget provided for such costs, as well as for the costs of legal challenges that are sure to arise if a surveyor is not used?

Under the proposed Bill, a B&B would be permitted unless 51 percent of the neighbors within 300 feet object. How fair is it for neighbors living 300 feet away to decide that someone else should be forced to live next to a B&B? Should the person next door to the proposed B&B

not have a much greater voice?

While a residential property licensed to run for commercial profit gains in value, the property next door to it loses value. People, especially families with children, wanting to buy into a safe, quiet, residential neighborhood will shy away from buying next to a B&B. This decreases the marketability of properties next B&Bs. How does the City plan to compensate those owners, or is that a matter for the courts to decide?

These are but a few of the questions that I have. Rather than settling a problem presently faced by our residential communities, proposed Bill 187 would greatly compound it. It is a special interest bill that would hurt our housing needs, and would violate the rights of people who bought into residential, not commercial neighborhoods. And it would undermine our development plans and make a mockery of our zoning laws.

Bill 187 would truly validate the contention by the majority of our local people that our government cares more about tourism and special interests than it does about their needs.

Please recommend against it.

Thank you.


Ursula Retherford
42 N. Kainalu Drive
Kailua, HI 96734
tel. 261-4537

Kalapa, Patty J.

From: Miriam Fuchs [miriam@hawaii.edu]
Sent: Wednesday, November 28, 2007 11:13 AM
To: Kalapa, Patty J.
Subject: I OPPOSE B & Bs

Dear Planning Commissioners:

As a resident who lives in Kailua, here is my stand:

It is unethical for a government agency or council to confront blatant and consistent law-breaking by changing the law to accommodate such behavior. It is an admission of ineffective governing and administration. Accomodating lawbreakers is contrary to any form of action you would teach your children, and contrary to any form of logic that you expect young adults in Hawaii to be taught at our university.

Yours sincerely,
Dr. Miriam Fuchs
Professor of English
Vice-President, Center for Biographical Research University of Hawaii at Manoa

Home Address:
1302B Kamahale Street
Kailua, HI 96734

Not everyone deserves
a permit.

I want to open a bar -
may I have
a permit?
an all night cabaret license?

Let's enhance the visitor experience
Let's offer sex tours!
We should all wear
Native Hawaiian garb
We should offer free
food & drink to improve
the vacation experience.

respectfully submitted
Sharon Geary

Ignorance of the
law is no excuse.

you haven't saved up anything?

V. Karen Holma, Chair
Planning Commission

HEARING SCHEDULED ON 1/16/08
AT 1:30 P.M. RE: 7155

Please Reject 05-187 Please Support 05-186

When one's home is infested with termites, you don't cure the problem by piling on more wood!

Vacation rentals in any form are commercial activities and do not belong in our residential neighborhoods.

Since 1989 we have been more than willing to tolerate those that are currently properly permitted, and eagerly anticipate the relief as they diminish in number via the non-renewal attrition plan agreed upon during the 1989 uprising.

This process was well thought out, and nobly conceived; and EXCEPT FOR THE GROWING NUMBER OF ILLEGAL RENTALS, and pathetic enforcement on behalf of the DPP, has been working as anticipated.

It has been the lack of adequate and enthusiastic enforcement of our present laws by the DPP, which specifically prohibit the unpermitted renting of accommodations to visitors, that is destroying the residential quality of life for island residents.

- Illegal rental units in our residential neighborhoods have artificially inflated real estate values and therefore property taxes.
- Illegal rental units have dried up the availability of affordable housing accommodations for island residents, causing outrageous commute times, and even extensive homelessness.
- Illegal rental units have attracted criminals to our residential neighborhoods who prey upon naive tourist renters.
- Illegal rental units have created unstable neighborhoods with constantly changing vacation rental occupants.
- Illegal rental units have put extra strain on our infrastructure. Our roads, our police, emergency responders, fire department, our sewer system, our residential neighborhood parks and beaches.
- Illegal rental units cause traffic and noise in residential neighborhood during inappropriate hours with no regard for the sanctity of the permanent residents.
- Illegal rental units punish the honest citizens that have been paying the biennial NCU permit fees (\$400), have been filing the biennial occupancy reports necessary for renewal, and have diligently been paying their taxes.
- Those operating illegally have not paid the required permitting fees, have not filed the occupancy reports, and have been reaping the handsome monetary rewards and literally raping the system.
- Legalizing additional residential neighborhood vacation rentals would in effect reward their illegal behavior, and punish those honest operators who have suffered the unfair competition, and expenses over the past 18 years.

PLEASE: *REJECT* Resolution 05-187 Urge the enthusiastic enforcement of the vacation rental laws presently in place, and *SUPPORT* Resolution 05-186.

Thank you for taking the time to consider my testimony,

Stann W Reiziss PhD

Leslie K. Iezkovitz
2154 Booth Road
Honolulu, Hawaii 96813

To: Planning Commission
Fax: 527-6743
Re: Resolution 187 ORAL TESTIMONY to be given January 16

I have been a licensed attorney and entrepreneur living mostly in Hawaii since 1979. I founded/co-founded three computer companies in the 80's and 90's. From 1996 to 2002, my base of operations was Dallas, Texas, supporting a computer software company that I had co-founded in Hawaii in 1993. I do not own and have never owned a bed and breakfast in Hawaii and I have no direct personal interest in this issue. I do not represent anybody who has a direct interest in this issue. I have taken the time to submit and provide this testimony because I strongly believe that legalizing and regulating bed and breakfasts and vacation rentals is important for Kailua's financial health and well-being.

I made no less than 20 trips to Hawaii during 1996 to 2002 to support a computer training company that I co-owned. During these trips to Hawaii, I stayed in no less than 20 different bed and breakfasts, all of which were in Kailua or Lanikai. At each bed and breakfast location that I stayed in, with one exception, the owner of the property lived on the property that I was staying at. Some rentals were standalone cottages while others were in standalone parts of the same house the owner lived in.

ALL of these B&B's shared these same features:

Owners that cared about their property, as shown by their maintenance of the buildings and landscape.

Owners that provided parking on their property for their B&B guests -- thereby making sure that parking did not become a problem for their neighbors.

Owners that provided written or oral rules of acceptable behavior -- chief among them being the need to not be a noisy or disruptive influence in the house or the neighborhood.

Owners did not provide breakfast to their guests -- my joke is that B&B's provide beds and bathrooms -- for breakfast you are mostly on your own, which is good for Kailua's restaurants and grocery stores.

I am strongly in favor of allowing bed and breakfasts and vacation rentals to legally operate in Kailua and elsewhere in Hawaii. My personal experience is that they provide a unique, comfortable, desirable alternative to cold, impersonal, expensive hotels in Waikiki. Visitors to Hawaii come from a wide spectrum of countries and wide range of income levels. Many visitors prefer to meet local residents and get at least a brief introduction to the local culture which is not easily possible when staying in hotels. It is often the Aloha spirit shown by the hosts at these bed and breakfasts that prompts return

ICZKOVITZ TESTIMONY - PAGE 2

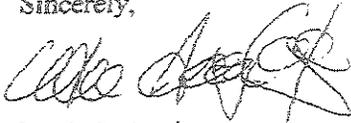
visits to the islands. The retail shops in Kailua are booming, and the real estate market in Kailua has been explosive in the last eight years, most of which can be attributed directly to tourists staying at bed and breakfasts and vacation rentals on the Windward side of Oahu. Many of us remember the 80's when Buzz's was the only good restaurant in Kailua that was able to stay in business. If you outlaw these tourist rentals, it will only be a matter of time before numerous retail vacancies in Kailua become a reality.

I believe that owners of real property should be able to do whatever they want on their property as long as they do not negatively impact their neighbors. I support regulation of this industry that requires the property owners to provide on-site parking for guests and to report and pay the transient accommodation tax. The property owners should be required to provide and enforce rules that prevent their short-term tenants from being too noisy or disruptive to neighbors. There should be a procedure that neighbors who are disrupted by vacation rental tenants, can use to complain and have actual problems solved expeditiously.

I have traveled to over 20 countries in Europe and Asia. When I travel, I make a lot of effort to learn and adjust to the local culture. My experience with people who stay in bed and breakfasts and vacation rentals confirm that they act in the same way. Tourists are here to relax, enjoy the beauty and culture of Hawaii, and spend their money in ways that make them feel good. They are not here to throw large, noisy parties - who would they invite anyway? My experience is that Hawaii residents who are couples or families in a dysfunctional relationship that yell at each other on a regular basis are far more disruptive to their neighbors than visiting tourists who reside for a short time in a bed and breakfast. Tell a tourist that they are being too loud, and 100% of them will lower their volume. Try to tell your neighbor to close their windows because they yell too loud, and you can usually predict a bad reaction.

The bed and breakfast / vacation rental industry in Kailua is a vital alternative to those visitors who prefer this type of experience and it should be legalized and regulated, rather than prohibited.

Sincerely,



Leslie Iczkowitz

Murray

Ana M. Murray
41-037B Hihimanu Street
Waimanalo, HI 96813

January 9, 2008

Chair, Barbara Marshall
Vice Chair, Todd Apo
Romy Cachola
Donovan Dela Cruz
Charles Djou
Nestor Garcia
Ann Kobayashi
Gary Okino
Rod Tam
Sent Via Fax: 527-6743

Resolution 187 ORAL TESTIMONY to be given January 16

Aloha City Council Members:

There is a segment of the tourism market that wants a different experience from the resort and cruise experience. This market segment particular benefits small businesses in a community in addition to obviously benefiting the small business owner of a neighborhood vacation rental and bed and breakfast. We believe there is both a way to provide what this segment of the tourism market wants AND maintain the quality of life in our neighborhoods. Vacation rentals and neighborhoods are not mutually exclusive. With proper licensing, regulation and adaptation of best practices we can do both.

A hui hou,


Ana Murray

January 14, 2008

Karin Holma, Chair, Planning Commission
and Planning Commission Members

Fax 527-6743

Testimony for the Wednesday, January 16, 2008 1:30 PM Meeting
continued from November 28, 2007 Hearing

I am in favor of Resolution 187 which would expand the number of Bed & Breakfasts allowed on Oahu. Unfortunately this resolution does not go far enough in that it does not allow for expansion in the number of Condominium Transient Vacation Units.

Condominiums, because of their unique features, are self-policing and self-regulating and this makes them very easy to handle from a Dept. Of Planning and Permitting standpoint. Specifically some of the more important features of Condominiums are-----

24/7 on-site management and security,
Secured off-street parking,
Established House Rules with enforcement procedures, and
Oversight management by a Board of Directors and a professional management company.

Condominiums have their own set of rules enforced by a system of citations and fines. The condo VRs provide excellent and much needed accommodations for our visitors, and they regulate themselves. What could be better for the visitor industry or easier for the Department of Planning and Permitting?

I believe that the positives of condo vacation rentals have been overlooked, and I urge you to add Condominium Vacation Rentals to this resolution.

Nora Mitchell
Waianae

Kini Ziegner
41-037B Hihimanu Street
Waimanalo, HI 96813

January 10, 2008

Chair, Barbara Marshall
Vice Chair, Todd Apo
Romy Cachola
Donovan Dela Cruz
Charles Djou
Nestor Garcia
Ann Kobayashi
Gary Okino
Rod Tam
Sent Via Fax: 527-6743

Resolution 187 ORAL TESTIMONY to be given January 16

Aloha City Council Members:

In addition to what the previous speaker said it may be fair to suspend enforcement temporarily because the city is opening the process to license TVUs that up until now were prohibited from getting a license or permit. For 15 years the city turned a blind eye to these operations and tacitly approved them. The city, frankly must bear at least some of the blame for the situation we are in. It seems fair to suspend enforcement while things are worked out.

Aloha,



Kini Ziegner

murphy

Oral Testimony I would Like to share on 01/16/2008 Vacation Homes Rentals B&B..

01/10/2008

Aloha from The North Shore,

I originally sent a similar faxed oral testimony but due to the timing that my husband was coming home on R&R from Iraq that exact day and all that goes into that, I was unable to attend the last Meeting on 28th of NOV 2007, I hope that will not alter your feelings towards my sincerity and depth of concern.

My name is Emily Murphy and I support 187. I come before you today with only one voice that echoes the many voices of not only my personal family and friends but of neighbors and community neighbors, not that I am there spokes person just that I am not the only one with these sentiments. I hope that these measures are passed so that I can have the same opportunity given to others in the past own and operate a valid vacation rental being a bed and breakfast or otherwise. These laws will help all people in the business of selling goods and services. I know I do not need to lecture you on how important tourism is to Hawaii and all of our lively hood, so I wont, I will just say that but creating a system that has checks and balances is beneficial to all.

This is America all rights are equal to its citizens, just because a home owner bought there home 15 years ago, and we bought ours three doesn't give them a higher right to privacy and privilege, that system is what we escaped from, and history shows the spirit wants to be free, so that , He who works for it, gets it. These islands are beautiful and unique and deserve special consideration when changing any Laws that effect its people and its lands, so I am hopeful that with that special consideration that my voice is included in that special consideration.

The cost of living here is so much and continues to rise, tax's, food, and transportation. Why not create an environment that is monitored & taxed & benefits everyone. I personal know multiple families who lives and livelihood would change if they could not have vacationers patrons', house cleaners massage therapist home owners business owners, many more. I am not some off island rich person who wants to monopolize Hawaii neighborhoods for my benefit I am a member of a community who wants to be part of a system that is inviting to vacationers and inviting & peaceful to long time members of my community, my children are being raised in this community, we want to share our Ohana, that's a reason why people come here isn't it, our beautiful views and even better people is what makes it so wonderful to live and visit here.

Please Pass 187 so as to give us the same opportunities as given to others in years gone past, whether or not you think vacation rentals are right or wrong that's not the question, the question is do I have the same rights as those with current permits, to do with my personal home, as they have done. I was Nine years old and unaware of my needing a permit back in the late eighties, when permits were given.

If we work together we can solve the problems & complaints against vacation homes such as parking and noise and big parties. Solutions to these problems are currently being implemented in other states such as having stipulations in contracts on noise levels and parties, eviction being the consequence of breaking any of the contractual obligations by the vacationers, and enough parking for each unit, allowing home owners to be part of the process of deciding how to protect everyone, we as

homeowners want protection just as much as the next guy. If we have strong contracts it protects everyone, a win-win situation. I can tell you from personal experience that some of my nosiest neighbors are not vacationers, we all have to be tolerant to some extent, its about co-operation, and meeting in the middle. We might live on an Island but we are not islands unto our selves....

I support 187 that will allow me to follow and discuses guidelines that protect me and my neighborhood and all the people of Hawaii. I know that this is a difficult situation for everyone on both sides. But let me tell you if we cant subsidize our income with vacationers we will not be able to afford to live where we live, we aren't getting rich we are getting by. I hope that while you are processing all of this information that my words make sense and move you to pass these new measures.

Thank You so much for all of your time and consideration I am grateful for the beautiful place I live, I plan on being here forever and my family who cant be here thanks you. I pray that all laws work to the benefit of every citizen, young and old, rich, and poor, past present and future..... Mahalo

Sincerely Emily Murphy (Lale Point Resident)



Resolution 1871 Oral Testimony.

I AM FOR 1871.
including B+B, cottages, condos and STRs

The benefits can NOT be disputed:
• additional taxes
• tourism contribution to the economy
• jobs and income for local families
- etc

The problems of noise and parking are minor
and are ~~the~~ resolvable.

Giving permits to B+B, cottages, condos
and STRs would create accountability,
accountability will result in greater responsible

To summarize I am FOR 1871 and want to
include all rentals - B+B's, cottages, condos
and STRs.

~~the~~ I am a member of House of Hospitality of HI.

We look forward to working with you

Thank you,

TEQUILA STRONG
Kathryn, HI

Testimony of Alan R. Wehmer

**City and County of Honolulu Council
Planning Commission**

**Hearing on Resolution 05-187
Permitting Bed & Breakfast Homes**

January 16, 2008

Members of the Commission, I am here today to SUPPORT Resolution 05-187 which would establish a permitting system for Bed and Breakfast homes. My name is Alan Wehmer and I live in Kaneohe.

When I was planning to move to Hawaii seven years ago, I stayed in vacation rentals here. My wife and I wanted to be in a quiet neighborhood and we liked the experience of the vacation rentals where we stayed. We never saw anything about the vacation rentals or bed and breakfast houses that changed the character of the neighborhood or the quality of life in any way.

We still feel that way now that we live here. In fact most short-term rental properties are better maintained than the long-term rentals we have seen on Oahu.

There has been a concern expressed about too many vehicles coming into neighborhoods because of short-term rentals. However, the fact is that visitors almost always have fewer cars than those who live in long-term rentals.

Today, the City and County of Honolulu has an opportunity to license and regulate the short-term vacation rentals to make sure they can co-exist successfully with their neighbors.

To be fair, owners of these properties should be allowed to come forward and express their views without being subject to harassment under the current laws. I believe there should be a moratorium on enforcement until this resolution is passed and a new permitting system put in place.

I have read that there are about 40,000 short-term rentals in operation now, mostly without permits. This is an important part of the hospitality industry and should be recognized by the county.

I urge you to support Resolution 05-187 with revisions to include other types of short-term rentals in addition to bed and breakfasts.

Thank you.

Alan Wehmer
46-192 Lilipuna Road
Kaneohe, HI. 96744
808-778-5630
Wehms2@aol.com

To: Chair Karin Holma and members of the Planning Commission
Fax 527-6743
Re: Resolution 05-186, Resolution 05-187, CD 1

I support NUCs for all less than 30-day rentals, Condo Rentals, B & Bs, and TVUs including Vacation Homes and Cottages. I also support closure of any rental owner that does not respect their neighbors.

Growing up, we all learned that it's against the law to rob a bank or jaywalk.

When we bought our condos, how would we know that rentals under 30 days were illegal?

Even today people are investing in Hawaii real estate – thinking that they can off-set their dream investment with a vacation rental. I have recently met several new owners that are totally unaware there is an issue at all.

I believe it is the responsibility of Real Estate Agents, Escrow Officers and elected Officials to add an Escrow addendum to protect new investors. We all already know about asbestos and lead-based paint....

We are in this mess because we did the right thing – we went and got Tax Licenses to start our business... just like our Rental Agents and Escrow Officers told us to.

We are good citizens – and many of us invested our life savings in our rentals. Could someone please explain how we were to know about the 1989 ruling ...And what do we do now to save ourselves from financial disaster.?

Please issue permits for all condos, vacation rentals and B&B's who are already in business and paying appropriate taxes.

Please issue a moratorium until this issues is resolved.

Mahalo & Aloha,
Noreen Conlin
Makaha

1-1-08
Maxwell

Aloha,

The following article was taken from the Maui News, 12/30/07. Since the issue of Transient Vacation Units are very much in the news on Oahu this is very relevant data.

There is a need for Transient Vacation Units, and like every other major destination in the world, we need to make it work. Surely we can find a way in Hawaii to permit and regulate these businesses, and collect the tourist dollars and tax revenue.

Hau'oli Makahiki Hou! And.....Go Warriors!!!

Don Maxwell

cc: Karin Holma, Chair Planning Commission
Fax: 527-6743

THE MAUI NEWS Dec 30, 2007

2008 economy looks to be flat Hawaii's main industry looks as if it will grow very little in 2008 due to an uncertain economy on the Mainland, particularly the West Coast, the source of the most visitors to the islands. In its last quarterly Hawaii Economic Outlook in 2007, Pacific Business News talked to economists and business leaders, coming to the conclusion that 2008 is being greeted by caution, uncertainty and unease. Visitor arrivals are expected to be up about 1 percent to 7.5 million individuals, contributing to the \$12 billion industry that employees 100,000 people directly. Everyone is qualifying that expected visitor increase, saying it could come in lower than the final count for 2007. Personal income is expected to climb 1.9 percent and jobs 1.4 percent. One factor in the softening tourist market that will have direct impact on Maui is Norwegian Cruise Lines' plan to take its Pride of Hawaii out of the islands. That will reduce NCL's passenger count from about 400,000 to 270,000. It should also ease the strain on Kahului Harbor's pier space. Through February, scheduled airline seats to Kahului are expected to hit just a half-million for a 2.1 percent drop. The number of seats out of the U.S. east is expected to fall 22.7 percent, and from international origins the numbers are expected to be down 25.4 percent. The biggest drop is expected to be in large-group bookings, not a big part of Maui's visitor industry, although PBN says "even reliably popular destinations like Maui are feeling a cold breeze."

Part of the chilling may be due to the county going after unpermitted transient vacation rentals. Travel stories in the national press have reported the vacation rental crackdown, urging travelers to be cautious about booking and that the crackdown indicates "Maui doesn't want you." Hopefully, the county will reconsider this ill-timed maneuver and concentrate on coming up with a workable law that protects neighborhoods but doesn't wipe out TVRs as a vital part of our economy. As always, the island's main economic engine is vulnerable to economic breakdowns elsewhere. The difference this time is the cause. Instead of some one-time event discouraging travel, 2008 could produce a slow shrinkage in discretionary spending. Hawaii and Maui have gone through these cycles before. As usual, though, Maui will weather the storm.

My name is Amanda Spofford and I strongly support Vacation Rentals.

I have worked for a vacation rental company for over 3 years as a booking agent and a guest contact.

One of my primary responsibilities is to ensure that tenants are familiar with the property rules.

Our company handles this three ways.

First, we make sure that a home is only rented to a reasonable number of people. We have occupancy limits with penalties for failure to comply.

Second, I personally interview prospective tenants. I inform them that they must follow our code of conduct or there will be penalties. I tell them that they should not rent the home if they expect to be loud or want to have more people than the home can accommodate.

Finally, when there is a problem, which is rare given our screening process, I work with a manager to get guests to stop any disruptive behavior promptly.

Our policy is to avoid problems by being proactive in the rental process. We just do not rent to tenants who are unwilling comply with our policies.

My personal experience is that, if you are responsible in whom you rent to, targeting families as your market, and if you are upfront with prospective tenants – a vacation rental can be rented in a manner that causes no inconvenience and is respectful of neighbors.

Thank you for your time.

Amanda Spofford

January 14, 2008

Dear Planning Commissioners:

I am a 16 year old high school student. I live on the windward side of Oahu but go to school near Waikiki (Iolani School). My Dad, our carpool and I have to leave to school at just a little after six in the morning to beat the traffic. It is not easy to get up so early every morning after long days of school, sports and homework. I know families from Kailua who have moved to Honolulu just to be closer to the school, so they don't have to make the drive early in the morning, and get home so late. But my family and I want to continue to live where there are not hotels and the tourist trade atmosphere of Honolulu. If the resolution bill 187 that would allow hotel industries to establish in our home towns passes, I am afraid that we won't have a place free from the tourist trade atmosphere to come home to anymore. There are already so many kayaks, snorkel gear and umbrellas being rented to tourists that the beach near our home sometimes looks like Waikiki Beach or Haunama Bay. Please don't make that any worse by making it legal to operate hotels in our neighborhood. Please act responsibly for the future of families and give us a break from being over-run by visitors: It's better to have neighbors, otherwise it's no longer a neighborhood.

Sincerely

Julia Anderson
1320 Aalapapa Drive
Kailua, HI 96734

January 15, 2008

Dear Planning Commissioners:

I oppose bill 187. There are evidently ambitious individuals focusing on exploiting communities for personal gain. Please, do not allow the greedy few, those in favor of legalizing B&Bs in neighborhoods, to destroy the quality of life for those enjoying actually living in their homes.

Sincerely

S. Anderson
1320 Aalapapa Drive
Kailua, HI 96734

November 18, 2007

Chair Planning Commission Karin Holma
All Members of the Planning Commission

FAX #: 808-527-6743

RE: Resolutions 05-186 and 05-187 CD 1

I SUPPORT PERMITS FOR VACATION RENTALS OF LESS THAN 30 DAYS FOR ALL CONDOS, B&BS, COTTAGES, AND TVUs.

We are frequent visitors to Oahu. If Vacation Rentals of less than 30 days are no longer permitted, I will spend my vacation and my money elsewhere. (MEXICO).

I WILL NOT STAY IN WAIKIKI OR A RESORT AREA.

Sincerely,

W. P. (Bill) DAROWICK
216 DEER RUN CROSS S.E.
CALGARY, AB, CANADA

Keep It Kailua!

348 Dune Circle, Kailua, Hawaii 96734

Preserving Kailua's Character

DEPT OF PLANNING
AND PERMITTING
COUNTY OF HONOLULU

JAN -9 AM:35

RECEIVED

Ms. Karin Holma, Esq., Chair
Planning Commission
City & County of Honolulu
Honolulu, Hawaii

January 9, 2008

Re: DPP 187 Proposal to Legalize B & Bs

Dear Chair and Members of the Planning Commission:

Hopefully you have already noticed the basic inconsistency of DPP's 187 proposal and have realized how it undercuts their recommendation to legalize B & Bs. Since this inconsistency raises serious doubt about the propriety of their, and the Council's, 187 action, we hasten to underscore it.

In Section I of the DPP's 187 proposal, they unequivocally state that, "It is clear that the addition of bed and breakfast homes could affect neighborhoods significantly." They then proceed to theorize that "safeguards" will protect neighborhoods from the significant impacts of B & Bs.

The nagging question is why are planners and Council members, duty-bound to protect neighborhoods under policies of the General Plan and Development Plans, proposing to insert land uses that recipient neighborhoods need protection from?

Neighborhoods would be better protected by keeping these uses out of residential zones, as they are today.

Also, practical experience belies the DPP's theory that the proposed "safeguards" can be effectively enforced. Many of these "safeguards" are the same as are presently imposed on B & Bs with non-conforming use certificates, i.e., no more than 2 rooms, 4 guests, off-street parking etc. These "safeguards" are violated routinely now and the DPP is unable to secure adherence. The 187 proposals greatly expand the need for such enforcement action and if DPP cannot guarantee adherence to the "safeguards" now, they will not be able to handle the greater demand under 187? Neighborhoods, victimized by the naïve good intentions used to "shoehorn" B & Bs into residential areas, will be saddled with all the significant impacts of B & Bs foreseen by DPP. But then it will be too late to undo the damage to the community.

From a practical "good planning" standpoint, i.e., anticipation and avoidance of adverse impacts, it would serve public interests better if you would disapprove all versions of 187.

Sincerely,



Donald A. Bremner

Spokesperson and Professional Planner

Daniel L. and Carolyn K. Colin
117 Kailuana Place
Kailua, Hawaii 96734-1669

January 16, 2008

Re: Bill 05-187

City Council
City and County of Honolulu
City Hall Annex
550 South King Street
Honolulu, Hawaii 96813

Gentlemen:

I am sorry I am unable to appear in person to give testimony today pertaining to Bill 05-187 concerning modifying the current law concerning Bed and Breakfast operations and Transient Vacation Rentals.

I strongly oppose the provisions of Bill 05-187 and request that it not go forward. The majority of Honolulu residents who reside in residential areas do not want their neighborhoods changed by vacationers staying in residential homes. While most of the permanent residents may not sign-wave and march on City Hall you should be aware that this "silent majority" of your constituents are counting on you, our elected officials, to protect our rights in this case.

Thank you for receiving my concerns in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Colin", written over a horizontal line.

Daniel L. Colin
(808) 262-9678

January 3, 2008

RECEIVED

'08 JAN -4 A11 :48

Mrs. Karin Holma, Chairman
Honolulu City and County Department of Planning and Permitting
Planning Commission
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Dear Mrs. Holma:

I am known to the illegal vacation rental owners because I am the only one who has ever sued her neighbor because of her illegal bed- and-breakfast. When I was leaving the November hearing, one of the owners of one of these businesses turned around and yelled at me and a friend who had testified, "they are just jealous, yeah, they are just jealous of all the MONEY we are making". And that tells the whole story and why I call this sad episode in the history of Hawaii, lawless Hawaii and the cesspool of greed.

What follows is my account of being a victim of this illegal business for three and a half years. No one should ever have to endure what I have for someone else's profit.

I will begin by quoting Judge Sabrina McKenna who was the presiding judge in my lawsuit against my neighbor that ended August 21, 2006. She said "if the Court finds that there's credible evidenced of a future violation (of bed-and-breakfast activity) the Court may very well just order Ms. Roth to sell her home. The Court may appoint a commissioner to sell it".

The Judge also said, "The law is the law. It does affect the quality, the quality of life not just of her immediate neighbor, but everyone in the area, the laws exist for a reason and it is not up to people to choose which ones they want to follow and not follow. I'm going to make it absolutely clear that the court is ordering that any and all bed-and-breakfast activity stop. That the illegal bed-and-breakfast community needs to understand is that it's not fair for certain people to change the character of a community for their own personal profit. It's not fair to neighbors to have to put up with this increased traffic and noise and people coming to your front door asking, 'is this my bed and breakfast'? This is supposed to be a residential community and the fact that certain people choose to violate the law doesn't make it right."

The home I own is on the front half of an HPR lot. The owner of the back portion, Marlene Lynn Roth, started operating an illegal bed and breakfast in April of 2003, along with having long-term tenants, both in violation of our HPR by-laws as well as the laws of the City and County of Honolulu.

First, Ms. Roth lied in court to obtain a three-year restraining order against me so she could run her business unimpeded. She had already renovated her garage for a bed-and-breakfast unit. When she had a full house where her boyfriend also lived, her parents visiting for six months each year, three long-term renters, two people in each of the three bed-and-breakfast units, a total of 13 people were living in what was built as a three-bedroom house with a two-car carport. No customers (I refuse to call them "guests") were allowed to park on the property (so the DPP inspectors couldn't identify them) and that put at least five vehicles out on the street.

Even Judge McKenna had a hard time figuring out where she put all these people who

walked or drove the entire length of our driveway past my property to go in and out of Ms. Roth's. I lost any semblance of privacy, safety and security. Added to that was she had taken down and destroyed our gate at the street to accommodate her customers.

As I had been recently widowed and alone for the first time in my life, I sought the advice of a detective agency on how I could protect myself from future accusations. I was told to put a security camera on my house and tape all activity in the driveway 24 hours a day, take daily notes of what I saw and photograph all rental cars that came and went. I followed this advice that gave me the necessary evidence for the lawsuit that cost me well over \$50,000. It also protected me from false accusations when Ms. Roth called the police innumerable times trying to have me arrested for violating the TRO. Unfortunately, she did succeed in September 2005, when she had a long-term tenant accuse me of trying to hit her with my car. Several months later and \$2,000 in attorney's fees the case was dismissed.

I took hundreds of photographs of rental cars when they arrived, called in the license plate numbers to the Department of Planning and Permitting Violations Department but rarely were they able to talk to anyone who would admit they were staying at Ms. Roth's and paying her money. They play what I call the rat-and-mongoose game. The inspectors are at their desks in the morning when the bed-and-breakfast customers are up and leaving for the day. They return late afternoon when the inspectors have gone home for the day. The other part of this game is when a violation is called in to the DPP the inspector must make an appointment to inspect the property, all customers leave, the inspector comes, sees no violation and closes the file, the customers return and it starts all over. These policies make it impossible for the DPP to close down these illegal businesses and costs the city and county thousands of dollars. There is a desperate need for change.

At one time I filed an affidavit covering several days where Ms. Roth was in violation and went to testify at a hearing of the Corporation Council. All Ms. Roth had to do was answer "no" to the question asking if she had received any money from these people during that time period. That ended the hearing and her \$22,000 fine was reduced to \$2,000.

It was revealed at the trial that Ms. Roth had not paid any taxes since 2001, although she had collected taxes from her customers. Also that she had taken out an \$850,000 mortgage based on her income from her rentals. Now she is suing her mortgage company.

Ms. Roth filed an appeal of the lawsuit and also asked for a stay of the appeal so she could have long-term renters because she can't pay her \$6,500 monthly mortgage payments. That was denied in April 2007, and two weeks later a tenant moved in and is still there. There is accumulating evidence that she is once again taking in vacation renters. My piece of paradise has become a living nightmare that seems will never end.

Last year I looked into the 15 legal bed-and-breakfast businesses in Lanikai. I found only three were operating under the terms of their permits. Others had expanded to several units, added a cottage or were absentee owners renting the whole house. There is a great need for periodic inspections of all vacation rentals.

A note of interest is that, according to the insurance industry, homeowner's liability policies do not cover short-term rental properties.

The vacation rental business is bolstered by the building industry where contractors build "rec." rooms and after the final inspection turn them into vacation rentals with mini or full kitchens. They are adding multiple homes on properties where only one had existed. The

unscrupulous real estate agents who encourage prospective owners to turn part of the home into a vacation rental so they can pay their mortgage and the innumerable travel agencies taking the reservations for these illegal businesses. And what about the tax department who issues licenses so these illegal businesses can collect taxes?

Many people who are victims of the owners of these illegal vacation rentals are afraid to file a complaint. They know people who have complained who have been victimized by having their tires slashed, property damaged, constantly harassed, and those sighted for frivolous violations to take the DPP inspectors away from their illegal activities and costing them thousands of dollars to correct.

For additional information, I am enclosing:

1. The information from my lawsuit on August 21, 2006 in the Circuit Court of No. 04-1-0836 Susan Cummings vs. Marlene Roth.
2. The sign I've had on my house since 2005. A hopeful deterrent that didn't work because the customers were made to believe it wasn't true and I was "crazy" -- see letters below.
3. Statement by Detective John McCarthy of Kailua. He should be asked to testify as to the truth of the police problems due to vacation rentals.
4. A reservation booked through the agent sending Ms. Roth the most customers. She would not admit this in court. This information and the following shows that payment by the customers to the owner must be in travelers checks or cash. This is so there is no paper trail or documentation of any payment.
5. This e-mail is from the only customer (I refuse to call them "guests") out of hundreds at Ms. Roth who saw a wrong and wanted to do something about it. Mary J. Danca writes clearly about the lies and deceit that support these illegal businesses. Also, her reservation confirmation from Ann Carlin of All Island's Bed- and-Breakfast and Marlene Roth's welcoming letter.
6. An e-mail from a bed and breakfast organization that clearly shows how it distorted the truth to discredit a law abiding citizen and supports a member's illegal business for her personal profit.
7. Another e-mail from the bed and breakfast association.

I hope the information I have sent will help in making your decisions on SB186 and 187. I have no other motive than to see that justice is finally served.

Sincerely,



Susan Cummings

137 Kaiolena Drive
Kailua, Hawaii 96723
262-2238

2.

INFORMATION FROM THE COURT HEARING OF:

The Circuit Court of the First Circuit State of Hawaii
Honorable Sabrina S. McKenna, Judge Presiding
Twenty Second Division
Monday, August 21, 2006
CC. No. 04-1-0836

Susan Cummings vs. Mariene Roth

The Judge said, "The law is the law. It does affect the quality, the quality of life not just of her immediate neighbor, but everyone in the area, the laws exist for a reason and it is not up to people to choose which ones they want to follow and not to follow. I'm going to make it absolutely clear that the court is ordering that any and all bed-and-breakfast activity stop."

The Judge also said, "What the illegal bed-and-breakfast community needs to understand is that it's not fair for certain people to change the character of a community for their own personal profit. It's not fair to the neighbors to have to put up with this increased traffic and noise and people coming to your front door asking, 'is this my bed and breakfast'? This is supposed to be a residential community and the fact that certain people choose to violate the law doesn't make it right."

2.

Sign at 139 KAIOLENA DR. LEWIS

137A KAIOLENA DRIVE - SOUTH

137B KAIOLENA DRIVE - SOUTH



NOTICE



137A KAIOLENA DRIVE - SOUTH
137B KAIOLENA DRIVE - SOUTH

NO VACATION RENTALS ALLOWED

NO BUSINESSES ALLOWED

CITY OF HONOLULU
DEPARTMENT OF PLANNING AND PERMITTING
FOR MORE INFORMATION CALL: 527-5516

NO ROOM RENTALS ALLOWED

NO DRIVEWAY PARKING ALLOWED

HONOLULU POLICE DEPARTMENT
FOR MORE INFORMATION CALL: 522-3136

NO OTHER SIGNAGE PERMITTED WITHOUT A PERMIT

>KAILUA, Hawaii -- A rash of burglaries have hit Kailua vacation
>rentals, many of which are operating illegally KITV 4 News
>reported.
>
>Police believe many beach visitors are provided a false sense of
>security while settling into a vacation rental.
>
>"They're perfect for the criminal," said Honolulu Police Department
>Detective John McCarthy "They're here on vacation; they let their
>guard down. They have valuables. What more can a crook ask for?"
>
>In the past two months, McCarthy said 14 rentals have been
>burglarized.
>
>"Primarily along the beach stretch Lanikai out to the Mokapu area,
>suspects are entering the homes through unlocked doors (and) taking
>whatever is available," McCarthy said.
>
>Wallets, digital cameras and backpacks have all been stolen from the
>homes.
>
>Police told KITV 4 News that the robber or robbers are familiar with
>the area and might be entering the homes from the beach side.
>
>Police say vacation rentals, especially those without a resident on
>the property, are prime targets.
>
>"Homeowners, the people that are renting this stuff out, should make
>sure that it's safe, especially if they are renting it to people who
>are from out of town," McCarthy said. "It leaves a bad taste in
>their mouths, and the victims have expressed that to us."
>
>The break-ins have happened during the daytime and at night.
>
>Police encourage anyone to report suspicious activity.
>
>Copyright 2006 by TheHawaiiChannel.com All rights reserved. This
>material may not be published, broadcast, rewritten or
>redistributed.

>
>
>
>
>
>
>

H.

From: "Ronald Luxon" <kayluxon@Hawaii.rr.com>
Subject: Fw: b&b pictures (susie, pls delete orel's name)
Date: February 3, 2006 4:52:45 PM HST
To: <aloha.susan@verizon.net>
8 Attachments, 725 KB

----- Original Message -----

From: Orel Protopapasou
To: Ronald Luxon
Sent: Friday, February 03, 2006 9:29 AM
Subject: Fw: b&b pictures

Dear Kay,

I was wrong about the agency. It was this company, all-islands.com, that booked the property. Affordable B&B booked all my other lodgings, which were legitimate. Please let Susie know that before she accuses Affordable. After I booked the room at Lanikai, I got the address from the owner, by mail. I threw all the papers out, though, not needing them anymore. This is all I have left, but the pictures clearly identify the property. I can confirm that the address I was given was the one on the mailbox. I did not know it was Susie's. I was told not to talk to her, that she was crazy, and if I did talk to her she would call the police.

I'm not sure All-islands knows about the controversy. Susie should tell them.
Nuria and I never did get to the North Shore. We swam at Lanikai in the morning and then drove straight to the Polynesian Center. She didn't want to leave it, so we spent the rest of the day & evening there. In any case, waves on the North were not as high that day as what we'd seen in Makalo.
We enjoyed meeting Ronald, seeing your home, and spending the day with you. I will forward the pictures of you eating those carrot dimsum when my husband has time to show me how. I'm technologically challenged and Nuria is very busy with school right now.
We are having an unnaturally warm winter, pleasant but creepy. I take long walks on our windswept beach, dreaming of Hawaii.

Best to Ronald and Lily.
Cheers, Orel

----- Original Message -----

From: inquiries@all-islands.com
To: orel@optonline.net
Sent: Monday, November 28, 2005 3:03 PM
Subject: b&b pictures

ALL ISLANDS.COM
Budget Guest Accommodations

Tel: 1-808-253-0908
Fax: 1-808-253-2342
E-Mail: 1-808-542-0344

Date: February 3, 2006 4:35:15 PM HST
To: <aloha.susan@verizon.net>
Subject: FYI

ALL-ISLANDS.COM
Private Guest Accommodations

Fax: 1-808-263-0308
Phone: 1-808-263-2342
Toll Free: 1-800-542-0344

Aloha xxxxxxxxx.

Nice chatting with you on the phone. As promised, attached are the pictures of the property that we talked about. This unit, the Siesta Suite, has a private entrance, private bath, one queen bed, a kitchenette with a starter breakfast provided, and rents for \$125.00 a night (for one bed).

(We ask that if you respond to our email, please DO NOT hit the "REPLY" button as that will send back all of the pictures that we sent to you, and that would be a waste of paper for us. But do let us know that you received the pictures and if you like them).

If you would like for us to continue to hold this property for you, we are required by the hostess to take a 20% deposit by credit card. We need complete credit card information, including the name on the card, the number of the card, and the expiration date of the card. You can provide us with this information by email, fax, or just give us a call on our toll-free number (1-800-542-0344) and ask for Ann.

We will get a rental car for you on each of the islands you will be visiting. We also need your complete air arrival and departure information (date, time, flight carrier and numbers), especially the time you will be departing Oahu to go back home.

Thank you for using our services. Hope to hear from you soon!

Mehala & Aloha.

Ann Carlin

From: "SonHawaii" <sonhawaii@hawaii.rr.com>
Date: January 27, 2006 7:26:17 PM HST
To: "Cummings - Susan" <res1nid6@verizon.net>
Subject: Fw: a two car garage???!!!!

Susie,

Now that you know, here is the email I rec'd from Ms. Danca.

Larry

----- Original Message ----- From: "Mary J. Danca"
<EMJADE@opendoor.com>
To: <sonhawaii@hawaii.rr.com>
Cc: <info@honoluluudpp.org>; <inquiries@all-islands.com>
Sent: Friday, January 13, 2006 7:08 AM
Subject: a two car garage???!!!!

Hi there,

I guess I am one of those mainlanders who got caught in the scam that Hawaii tourism is experiencing. I went through an online site (my mistake) to find a place for 3 nights in Oahu before we went for a week on Hawaii at a Timeshare. The photos that were sent looked pretty good, the location, lovely..one of the pictures even showed the beach...we assumed that it was closer because it was put right after the other photos. When we got there, the room looked somewhat like the photos but we were less than impressed. What looked like sky light in the room were fluorescent lights. The windows that looked almost eye level were actually close to the ceiling. We realized a bit later that we were in a converted two car garage!!! I now lived in a converted two car garage....I was young and poor and it was a decent shelter for a young single starting out in the world...NOT for a vacation in Hawaii. When we arrived we were warned that the neighbors were not pleased that this was a B&B and that the neighbor was trying to close her down. Parking was on the street and we were told that by law you couldn't have cars parked there. Some houses had been robbed recently so it is best to not say you are staying at a B&B but to

say you are staying with friends....not at \$125.00 a night I'm not with friends!!!! Also we were told to not give information to anyone if asked..especially if it was an official. (We should have known right from the start that we were in a 'not legally recognized' B&B.

Breakfast at this "Bed and Breakfast" consisted of some nice fruit, coffee and milk andis da...packaged bear claws in the refrigerator!! This is the kind of thing..the whole experience I mean....that gives online sites, B&B's in Hawaii and the Island itself a bad reputation. There ought to be some distinction between renting a room (or garage) in a private home and "Bed and Breakfast".

In Italy..you can stay at an 'agri-tourism' place and know that you are staying in a small room that was once used for the farmers who worked the land. I guess what I am saying is...be honest with what you are renting. This was not a cheap place and I know I could have stayed at a fine hotel for the same price. I thought the experience of a B & B on the beach would be nicer than a high rise in Waikiki. I am beginning to wonder. I do not know if there is a Hawaii tourism office where I could write and complain or what else to do. I found your site and thought I would vent some here. I hope you do not mind, I am sure there is much more I could say but since this letter has been sitting on my desktop for a month I thought I would just send it off.

Thanks,

Mary J. Dance

CLIENT'S COPY

Kailua, Hawaii
ALL-ISLANDS.COM
Private Guest Accommodations

Fax: 1-808-263-0308
Phone: 1-808-263-2342
Toll-Free: 1-800-542-0344

Sep 16, 2005

Michael Golden & Mary Dance
1523 Woodland Drive
Ashland, OR 97520

RESERVATION CONFIRMATION: We charged Michael E. Golden's Credit Card with a 20% deposit of \$75.00 for lodging plus \$3.12 tax, and a 3% fee of \$2.34. **TOTAL CHARGED: \$80.46.**

DATE: Arriving 12/14/05 and leaving 12/17/05.
HOST: Marlene Roth, 137 Kaiolena Drive, Kailua, HI 96734.
Phone: 808-261-6480. Web Address: None, pictures sent via email. RATE: \$125.00 per night for 3 nights in the SIESTA SUITE/PRIVATE ENTRANCE/PRIVATE BATH/QUEEN BED/KITCHENETTE/STARTER BREAKFAST PROVIDED/APPROXIMATELY 300 FEET TO BEACH. LODGING totals: \$375.00 LESS deposit of \$75.00. Balance due host: \$300.00 PLUS a 4.166% General Excise Tax and a 7.25% Transient Accommodation Tax. Out-Cleaning fee due: \$0.00. **BALANCE DUE HOST UPON ARRIVAL:** \$334.25 to be paid in cash or traveler's checks only.

The host should be sending you a welcoming letter with a map, or directions to their property, and you should advise them of your arrival time.

AUTOMOBILE RESERVATIONS: None.

INTERISLAND AIR COUPONS: None.

It is our policy to refund deposits, less a \$25.00 service fee, if we receive notification of cancellation two weeks prior to scheduled arrival time.

Thank you for using our services.

Mahalo and Aloha,


Ann Carlin

CLIENT'S COPY

LANIKAI LA CASA

Marlene Roth

137 Kaiolena Drive

Kailua, Hawaii 96734

Phone: 808-261-6480

Fax: 808-261-6480

E-mail: PurdyKailua@AOL.com

September 21, 2005

Aloha, Michael Golden and Mary Danca:

Welcome to the beautiful island of Oahu. I look forward to your stay from December 14, 2005 to December 17, 2005.

La Casa is located on the Windward side of the island in a section of Kailua called Lanikai. Just 100 yards away is Lanikai Beach. It is one of the finest beaches in the nation.

The Siesta Suite is located on the ground floor. It has a private entrance that opens to a lovely courtyard. Inside the suite are a bathroom, tea kitchen, ceiling fan, air conditioner, queen bed and television. A continental breakfast is included the first morning only. There is no smoking in the suite. The courtyard is the designated area.

I am an artist and have lived in Hawaii for 23 years. I assisted with the design and construction of La Casa. It took eight years to complete. I work out of my home and will be available to help you with any information you may need. Please inform me of your arrival time so I can be home to greet you. Check in is at 2:00 pm and check out at 11:00 am. If I can be of further assistance please let me know.

Mahaio,

Marlene Roth

Important Note: There are two houses on the property. Mine is the second house and is located in the back. The front house does not belong to me. It is very important not to disturb the woman who lives there. Parking is available. When you pull into the driveway pull your car all the way until the driveway ends. You will know the driveway has ended when your car is on top of large coral rocks. On the left you will see a sidewalk that enters into a courtyard and my house. Please E-mail me at the above address to let me know you received this letter and of your arrival time. If you get lost please call.

6.

----- Original Message -----

From: BBTVU2@aol.com

To: BBTVU2@aol.com

Sent: Wednesday, June 15, 2005 11:34 PM

Subject: Help is needed for a vacation rental owner

Aloha All,

Mariene Roth is one of the hardest hit Vacation Rental owners. Her neighbor is suing her and the litigation has been ongoing for over one year. The Judge has admitted on several occasions that this lawsuit doesn't belong in court but now has decided to take the case to trial in October 2005 due to pressure from the attorney representing her neighbor.

Her neighbor has even reported her to the Department of Health Noise and Radiation Branch because she did not like Mariene running her vacuum cleaner. Mariene had to get a Noise Permit to vacuum her home. The Department of Health said they had never had a complaint like this before and Mariene is the only one on the Island who has to have a permit to run her vacuum cleaner.

Mariene needs an attorney with more experience than the one she currently has. If there is an attorney among us or if any of you know an attorney that can help...please let us know.

The neighbor is at it again and is trying to get a court order to go inside Mariene's house to inspect and photograph it. Mariene has to go to court to try to stop this from happening on June 30, 2005.

Mariene is fighting this alone and is in great financial trouble because of repeated legal costs. She could lose her very beautiful home and business.

This could happen to any one of us. We must help Mariene Roth now. A victory for Mariene is a victory for each and every one of us. A defeat for Mariene is also a defeat for each of us...and could be devastating to our cause and set precedence for the next neighbor suing one of us.

If you are able to help Mariene, please send a donation to

Mariene Roth
P.O. Box 371
Kailua, Hawaii 96734

Write "donation" on the note lines of your check. Any amount will help.

Mariene is also a very talented artist. Donations of \$100 or more will receive a box of beautiful note cards to show her gratitude.

Thank you for your support.

Tonic Bille

A'ohē hana nui'ke alu 'ia
No task is too big when shared by all

August 19, 2005

Ms. Tonic Bille, President
Bed and Breakfast Association
156C N. Kalaheo Avenue
Kailua, Hawaii 96734

Dear Ms. Bille:

I am writing this letter to you in response to the e-mail you sent to your membership on June 15, 2005 regarding the perceived injustices toward Mariene Roth by her neighbor.

I am that neighbor and I wish to correct statements in that letter and request that you send a copy of this letter to your membership.

I will begin by saying I am one of the hardest hit victims of an illegal vacation rental since April 2003. Mariene Roth's bed and breakfast business is a violation of our Horizontal Property Regime Declaration and By-Laws that has governed our joint property since 1986. These documents clearly state we cannot use our property to rent rooms or use our property for any business. Her vacation rental business is also a violation of the City and County of Honolulu Planning and Permitting Department for which she has received violation notices in the past twenty-eight months for conducting a vacation rental business on her property. This violation continues to date.

Our shared driveway that is a "common element" begins at the street and goes past the entire length of my property to give Mariene access to her portion of the property. Every single person and vehicle going in and out has passed by my home for the past twenty-eight months.

When Mariene Roth began renovating her two-car garage for a rental unit in January 2003, she moved the MOTOR for her vacuum cleaning system outside at our property line fifteen feet from my house. This is an extremely loud motor that can be heard a block away. She received a violation notice from the Department of Health and eventually corrected the violation by insulating the motor.

Mariene Roth has received several notices of violation from the City and County Planning and Permitting Department and the Kailua Post Office for using my address for all her personal mail as well as her illegal business at her home. Many times her customers have come to my front door with reservations from her agents any time of the day or night looking for Mariene and her vacation rental. The insistence of Mariene to use my address instead of the one given to her when her property was purchased not only causes constant mail delivery mixups but has delivery and service people coming to my house as well intentionally causing unnecessary inconvenience. This violation continues to date.

There is a web ~~site~~^{site} on the internet that advertises Mariene's vacation rental as having three suites. For legal vacation rentals, there are stipulations that you can have no more than two bed and breakfast rooms, does not permit guests and roomers (more than thirty days) at the same time and must have on-site parking. Mariene is in violation of all three. At any given time, there can be up to six vehicles from her property parked on the street where

parking is very limited.

If Mariene wasn't violating our property agreement and the laws of the City and County of Honolulu, you can be assured there would not be a lawsuit pending against her. The request of the inspection of her property by my attorney is rightfully done in litigation of this nature and was agreed to by her attorney in a court proceeding May 16, 2005. This was not a request by me personally as you so stated in your letter to your membership.

I hope this clears up several matters addressed in your letter. In the future you should thoroughly investigate both sides of the controversy before publicly stating erroneous assumptions.

If you or anyone receiving this letter have any questions, please contact my attorney John R. Remis, Jr., 547 Halekauwila St., Suite 118, Honolulu, HI 96813 or telephone: 524-4343.

Sincerely,



(Mrs. Roy) Susan Cummings

cc: Larry Bartley, Pres., Save Oahu's Neighborhoods
Don Bremner, Pres., Keep It Kailua
Kathy Hunter-Bryant, Pres., Kailua Neighborhood Board
LeRoy Jenkins, Pres., Lanikai Association
Barbara Marshall, Councilmember
Rich Pinto, Pres., Kailua Chamber of Commerce
John R. Remis, Attorney
Tommy Water, State Representative

Enclosures

7

----- Original Message -----

From: BBTVU2@aol.com

To: BBTVU2@aol.com

Sent: Tuesday, June 21, 2005 12:23 AM

Subject: Please be willing to participate in a study !

Aloha All,

We are working with Ken Stokes on a very important report we need to use to the Vacation Rental Industry's benefit and he asked for a list of owners or members that might be willing to be interviewed and participate in the study. I am asking for names of people who would work with Ken (without putting names in the report if that is what you want) so that I can start getting him names for research contacts.

Ken Stokes has done an excellent study on Kauai and we need to have the same study done on Oahu. The sooner we participate the sooner we will have results.

Our good friend John Knox will assist Ken Stokes. Last year you had an excerpts from the John Knox 146 page survey in the folder from the June 16th meeting.

A couple of our steering committee members paid \$10,000 for the study and we will all benefit from their generosity.

Please, go to www.kauaiian.net

and read the impressive research result. We now can get the same survey done for Oahu. Maui will be next.

Please, email your names and phone numbers to BBTVU2@aol.com, if you would like to take part in this very important next step in our fight for getting legalized. Ken Stokes will contact you by email and sometimes call you.

Mahaio,

Tonic.

262-8286

A'ohē hana nui'ke alu 'ia
No task is too big when shared by all

Creech Slevy

Tuesday, January 8, 2008

Planning Commission
650 S. King St, 7th Floor
Honolulu, HI 96813
FAX: (527-6743)

Testimony on 186/187

1. B&B's & TVR's should not be allowed in residential neighborhoods.
2. Insure that the enforcement division does not require neighboring property owners to supply the burden of proof (i.e. photos, etc) for illegal operations, i.e. too many rented rooms. Additionally, you should insure that the Honolulu Police Dept. will be able to control/stop loud and obnoxious gatherings.
3. The 300 foot neighbor notification zone does not really apply to certain areas such as Pupukea bluff front where more than 50% of the neighbors live 400 feet below lots located above. Noise generated by rentals above does not impact the lots below. Therefore notification for application of B&B's and TVR's should be required to be sent to more than 50% of the owners living on the same land elevation.
4. Fines against property owners of illegal rentals are too small, when rental fees for these illegal rentals are advertised for \$5,000 to \$10,000 a night on the internet.

5. By limiting the number of B&B's and TVR's to 500 feet from each other, you are destroying the property value of adjacent dwellings.
6. Adjacent properties now would live next to a B&B or TVR which may not be a great selling feature. Additionally, it would not allow adjacent properties from seeking a B&B or TVR license if a perspective buyer wanted one.
7. Put TVR's in resort areas. Keep these businesses from destroying the peace and character of our neighborhoods.
8. Put vacation rentals in the proper property tax classification of "hotel/resort". "Resort/hotel", in residential zones - is in clear contradiction of the council plan.
9. The 500 foot rule is essentially granting selective zoning on a first come basis. I believe this could be challenged as discriminatory. The enrichment of the few at the expense of the many.

Peter & Ann Drechsler
59-322 Alapio Road
Haleiwa Town, HI 96712-9605
Email: kaneboy@hawaii.rr.com



112 Haaoka Drive
Kailua, HI 96734
December 3, 2007

City and County of Honolulu
Planning Commission
Fax: 527-6743

Dear Commissioner:

I am opposed to all versions of Bill 187, as it constitutes a de facto re-zoning, and will result in a transfer of property values from residents to BB/TVU operators. They get the money—we get the traffic and noise.

Sincerely,



L. Neil Frazer

From: jkg44@hotmail.com
Sent: Thu 1/10/08 3:26 PM
To: (Unknown)

From: JENNIF431@aol.com
Date: Thu, 10 Jan 2008 19:48:28 -0500
Subject: Fwd: FW: Resolution 187 Written Testimony January 16th
To: jkg44@hotmail.com

*****Start the year off right. Easy ways to stay in shape.
<http://body.aol.com/fitness/winter-exercise?NCID=aolcmp00300000002489>

--Forwarded Message Attachment--

From: jkg44@hotmail.com
To: jennif431@aol.com
Subject: FW: Resolution 187 Written Testimony January 16th
Date: Thu, 10 Jan 2008 14:32:07 -1000

From: JENNIF431@aol.com
Date: Thu, 10 Jan 2008 19:21:14 -0500
Subject: Resolution 187 Written Testimony January 16th
To: jkg44@hotmail.com

Resolution 187 written testimony only for January 16th. I am writing to voice my experiences with absentee landlord long term rentals versus short term vacation rental. Short Term Rentals that are properly handled and managed by responsible owners or appointed managers that are available to handle any kind of problem with notification within a short period of time. I have had the good fortune to purchase two properties have put me next door to long term rentals. First the rents are such that the most of these places have to have many people living there usually all of these people have cars and have to park on the street. My first

<http://bv141w.bay141.mail.live.com/mail/PrintShell.aspx?type=message&cpids=33b81580...> 1/10/2008

experience was worse than just on street parking two of the young men renting one of four of the rentals in one house were selling drugs, beat a female roommate, pull a gun on someone that came to ask about an ad that had been run looking for a roommate. All of this was witnessed by my one young son because his bedroom window was next to all the so called action. I heard people in the middle of the night knocking on their to buy drugs. One afternoon I caught one of them relieving himself in front of my wall. I had to actually contact the property manager that was handling the property. Action was only taken by owner when they stopped paying rent. I have since moved from that property and live next to a long term rental that has had four different renters in the past yrs and at one time the property owner did live on the property and would not allow anyone to park in her driveway so all cars were on the street. She is now living in San Francisco and has no one handling the property and at one time there were six cars that were owned by the renters on the street. I recently talked to a absentee landlord that rents to a religious group that does nothing to keep up the property her thinking is they pay their rent. Long term landlords do not have to keep up properties they get their rent.

I feel everyone should be able to use their properties as they choose. We all are trying to survive here with the cost of living and taxes. Many have been caught in the crunch of employers filing Bankruptcy and have lost pensions as well as large amounts of income. Some have decided to have short term rental to replace lost income to make ends meet. These people are the responsible owners that take pride in Hawaii and feel that many people want a choice to stay in homes that are small and intimate and comfortable. People sometimes want to have a relaxing atmosphere that takes them away from all the other activities of a hotel stay. Some people do not feel safe in large hotels for various reasons. We need to be open to what brings the money from the tourist industry to our islands. All the new business need to have a chance others will want to do business here and these islands will only get better. Enough with people making major mistakes the loss of our UH coach the drama of the Super Ferry. Please have open minds to change. Most neighbors appreciate any neighbor that takes care of their property and does not let others property value drop. Jennifer Gonzales

Start the year off right. Easy ways to stay in shape.
[http://body.aoi.com/fitness/winter-exercise?](http://body.aoi.com/fitness/winter-exercise?NCID=aoicmp00300000002489)
NCID=aoicmp00300000002489

Put your friends on the big screen with Windows Vista® + Windows Live™.
Start now!

=

Windows Live Hotmail Print Message

Page 1 of 2

Windows Live™

FW: Resolution 187 Written Testimony January 16th

From: jkg44@hotmail.com
Sent: Thu 1/10/08 3:26 PM
To: (Unknown)

Lynette Kaninaka
1234 Wilkoni St
Kailua, HI 96734

Kaninaka

Regarding Resolutions 05-186 and 05-187, CD 1.

Supporting non-conforming use certificates for all less than 30-day rentals (B&BS, Cottages, Condos, and TVRs).

To: Chair Karin Holma and all members of the Planning Commission:

I am writing in support vacation rentals in Hawaii. This is not a topic unique to Hawaii, but is simply the new trend in travel. The internet made it possible for tourists to view quaint vacation rentals from their home, and choose the town setting of their choice for their vacation. There are vacation rentals throughout all 50 states, and throughout the world. Hotels are no longer desirable to many travelers, especially the younger generations. The demand is to stay in a comfortable quiet place, where visitors can make their own meals, and have a more private vacation.

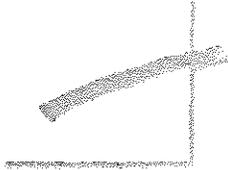
If we limit our tourism industry to only hotels in Waikiki, and on the outer islands, the tourism industry will most certainly start to decrease, and this trend will continue to deplete us of visitors the more and more that vacation rentals continue to become the preferred way to travel.

Many travel to "get away from it all", and we need to realize that Waikiki is not what people are in demand of. If we do not support what tourists want, we will start losing our industry to other travel destinations where a variety of lodging choices are available.

I oppose any short-term rental owner who does not respect their neighbors. Reasonable rules and Non-conforming use certificates would help curb complaints and help us coexist. If a rental owner does not comply, we should all agree the owner should not have a NUC. This is why permitting is so important.

Sincerely,

Lynette Kaninaka



THE LEAGUE
OF WOMEN VOTERS OF HONOLULU

January 9, 2008

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

08 JAN -9 P2:53

RECEIVED

Ms. Karin Holma, Chair
Planning Commission
Municipal Office Building
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Re: Proposals 05-187, 05-186

Dear Madame Chair and Members of the Planning Commission

The League of Women Voters of Honolulu submits the following comments on the proposals before you which have resulted from City Council Resolutions 05-187 and 05-186.

05-187 – Proposal to legalize Bed & Breakfast homes in residential areas.

As traditional proponents of comprehensive planning and the integrity of the General Plan of the City & County of Honolulu and its component Development Plans, we have serious misgivings about this proposal. In countermanding the long-standing prohibition of Bed & Breakfast uses in residential areas, the proposal immediately raises a “red flag” in its “Findings and Purpose” section which is difficult to reconcile with the ultimate goal of the proposal. We refer to the section 1 statement that, “It is clear that the addition of Bed and Breakfast homes could affect neighborhoods significantly...”

Why, in light of our General Plan and Development Plan policies and objectives (1) to preserve and enhance the character and environment of residential areas as desirable places to live and to limit secondary resort area development of West Beach, Kahuku, Makaha and Laie, are we proposing tourism sprawl in residential neighborhoods which will “affect them significantly?”

We believe that this proposal is therefore inconsistent with our official plans and consequently cannot be sanctioned. As you know, by statute, by City Charter and by ordinance (2), zoning changes can only be enacted when in conformance with our comprehensive plan (General Plan and component Development Plans). Consequently, as an agency responsible for overseeing our planning programs, we urge you to disapprove the 05-187 proposal.

-
- (1) General Plan, VII-Physical Development and Urban Design; Objective D; Objective E + Policy 5. II-Economic Activity; Objective B + Policy 6,7; Various Policies and Objectives protecting residential areas found in the 8 Development Plans, e.g. Policy 3.6.2, Koolaupoko Sustainable Communities Plan
 - (2) HRS,46-4, Hawaii's Planning & Zoning Enabling Statute; Section 6-1514, Honolulu City Charter; Various ordinances approving each of 8 Development Plans, 1999-2004; e.g. Ordinance 00-47, 1999, Koolaupoko Sustainable Communities Plan

The League of Women Voters of Honolulu supports B&B operations that are locally owned and occupied. The contributions that B&Bs give to a segment of the visitor population exemplifies the aloha spirit. Mini hotels cannot convey this essence as a locally owned and occupied B&Bs can. The aloha spirit rests with the people of Hawaii and visitors can experience this through personal interaction. We encourage the City Planning Commission to recommend amending 05-187 to require B&Bs to be locally owned and occupied.

05-186 – Proposal to post transient vacation rental permit numbers in advertising.

We favor this proposal as being consistent with our General Plan and Development Plans because it assists the enforcement of regulations to protect and preserve residential character. By itself however, it falls short of full protection since it does not cover bed and breakfast uses. When disconnected from 05-187, it would have to be amended to include bed and breakfast issues. The League of Women Voters of Honolulu recommends amending the proposal to include coverage of B&B uses.

Sincerely,



D. Piilani Kaopuiki
President

Kelly
Fall

I SUPPORT Resolution 187 WRITTEN TESTIMONY only for January 16th

I ask that you include all less then 30 day rentals in 187. Without including all types of less then 30 day rentals (TVUs), B&Bs, Private Homes, Condos and cottages, as was done in 1989, the job will only be partly accomplished. The TVUs are 8-1 and they are an important part of the mix.

I am 60 years old and have lived and worked in Hawaii for 16 years...at the University of Hawaii. I have been a school teacher in special education and also worked for the Center on Disability Studies at UH. I am now semi-retired and depend upon this income for my retirement.

I currently have two units in my home that I rent on a short-term basis. I started renting one unit in 2002 and then added the second rental in 2005. My property is on 2 acres in Hauula. All of my neighbors support my vacation rental business and even use them for their families when they come to visit. I also have hosted guests from all over the world...Brazil, Ireland, Germany, Canada, Australia. My rentals usually stay very busy.

I didn't know that this was illegal. I have a business license and pay my GE and TAT taxes quarterly. I would like to become a legal operation to help support myself and my community.

I support Resolution 187 because I believe all short-term rentals provide a unique community service by :

- * Improving property values...I have put thousands of dollars into my property to make it appealing to guests visiting Hawaii. My home was a real fixer upper!
- * Supporting the Aloha spirit of Hawaii by enabling families to come to the island because we are affordable (\$800 per week).
- * Providing accommodations for many locals returning for reunions, weddings, funerals or just to visit family /friends.

Kelly

* Providing an authentic Hawaiian Aloha experience in the countryside for guests who don't want to be in Waikiki.

* Providing the local economy with more money...we spend it locally in Hau'ula, Laie and Kahuku, Punalu'u, Halei'wa and our guests spend it in gift shops, restaurants, surfing, etc.

* Reducing crime...we have had no problems with theft in our neighborhood...we watch out for each other and want to provide a safe environment for our guests and neighbors.

Mahalo for giving me this opportunity to have a voice.

Dotty Kelly
Dotty Kelly
Hau'ula, Hawaii

To: Governor Lingle

RE: Resolutions 05- 186 and 05-187, CD 1

Chair Karin Holma and Members of the Planning Commission:

We support ALL Non-conforming use certificates for all less than 30-day rentals (B&BS, Cottages, Condos, and TVRs).

We are vacationers who frequently visit Oahu, preferring to stay in B&B's as opposed to the large hotels. We have concerns about the future of our visits to your beautiful island. It makes good business sense to allow your local residents to open up a room or cottage on their property to visitors, showing us the aloha spirit. We frequent your restaurants. We shop in your stores. We hope to continue to feel welcomed.

Respectfully,



ROBERT M. KRANZKE

311 4TH STREET #123

OAKLAND CA 94607

109-8-
A LARSON

January 10, 2008 Fax 527-6743

WRITTEN TESTIMONY ONLY

Dear Chair Karin Holma and Members of the Planning Commission:

RE: Resolution 187

We formed to support a certifying process and proper regulation of B&Bs & TVUs. We believe this is crucial to help maintain the integrity of our neighborhoods and the character of our small towns.

The vast majority of our members vote regularly, pay their TAT and GET obligations whether permitted or not. All support a reasonable certifying process and better regulations of B&BS & TVUs. Most of us live in Hawaii.

The total number of bed and breakfast and TVUs operating NOW according to the Hawaiian Tourism Authority is less than the number certified in 1989! TVUs or Transient Vacation Units are vacation homes, cottages, and condominiums renting for less than 30 days. This number includes both certified B & Bs and TVUs AND those asking for certification. The Department of Permit and Planning says they lose an average of 40 certified B & Bs and TVUs every two years. This disproves the theory there are thousands of us and it shows that including TVRs into Resolution 187 makes sense. Without including all types, as was done in 1989, the job will only be partly done.

As we move forward on a permitting or licensing process for B&Bs, vacation homes, cottages and condos we look forward to working with the city on regulating our cottage industry.

First, we propose to form our own set of rules developing basic operating principles which members in good standing adhere. We work to be self regulating, putting together a process to take care of complaints, resolve issues, and work with neighborhood boards and city government. As part of the process, members have to be in good standing with our organization, adhering to our code of conduct and ethics. We need memorandums of understand between the city and our organization to accomplish this. It cuts city regulatory costs and makes us accountable for our own members.

Second, many TVU owners make sure there is adequate parking on their property for guests. They even require guests to park on site. Many have rules prohibiting parties even though having a party is not an offense. Many require guests to sign rental contracts that evict or penalize guests for making excessive noise. Many emphasize the responsibilities guests have for choosing to vacation

in a residential neighborhood in those same contracts. Many have occupancy limits; there is certainly excessive wear and tear on the property if there are too many guests. Many ask guests to go inside and get out of the pool and spa at 9pm. I know one owner whose sprinklers automatically go on or whose garden lights go off to encourage his guests to go indoors. All of these things are being done with NO regulatory oversight. They certainly provide a basis for rule making as we move forward on the issues.

Angie Larson

Angie Larson

Coordinator

Na Hale Ho'okipa O Hawai'i Nei
(Homes of Hospitality of Hawaii)



KOOLAULOA NEIGHBORHOOD BOARD NO. 28

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 400 • HONOLULU, HAWAII, 96813
PHONE (808) 527-5749 • FAX (808) 527-5760 • INTERNET: <http://www.honolulu.gov>

January 11, 2008

TO: Karin Holma, Chair
and Members of the Planning Commission

FROM: Dee Dee Letts, Chair
Ko'olauloa Neighborhood Board No. 28

SUBJECT: Proposed Land Use Ordinance Amendments Relating to Transient
Vacation Units and Bed and Breakfast Homes

This testimony addresses the proposed amendments to the Land Use Ordinance pursuant to City Council Resolutions 05-186, CD1 and 05-187, CD1.

At its meeting on January 10, 2008 the Ko'olauloa Neighborhood Board No. 28 passed the following motion:

Because these bills would excuse owners of pre-existing illegal use, and because the notification process places the burden on the community while denying the rights of the immediate neighbors, and because the permitting of Broad and Breakfast and Transient Vacation Units would benefit visitors while diminishing the supply of rental units for residents, the Ko'olauloa Neighborhood Board opposes the passage of these bills and the amendments to the Land Use Ordinance.

Dee Dee Letts, Chair *DL*



TO: DEPARTMENT OF PLANNING AND PERMITTING
BY FAX TO: 527-6743
RE: OPPOSITION TO BILL 187

The problem here is not with a few homeowners who rent one or two rooms to visitors. The problem is with the growing number of them.

Increasing numbers of B&Bs have led to more neighbors being disturbed. Unable to clean up their act, B&B operators have now banded together and petitioned the city to change the law. However, there is no evidence to suggest that residents of Oahu want more B&Bs in their neighborhoods, or that they want existing B&B's legalized.

I suggest that Bill 187 will only make the existing situation worse for our neighborhoods, for the DPP and for City Council: (1) With more B&Bs operating, there will be more complaints to the DPP and more pressure on them to enforce a nearly unenforceable law. (2) Allowing high-impact business ventures in our neighborhoods violates the principles of residential zoning and is likely be challenged in the courts, which will cost the City time and money. (3) The bill is unlikely to prevent proliferation of more illegal B&Bs. (4) The bill does not relieve residents from the burden of enforcement. Our neighborhoods will pay the costs while B&B operators collect the revenues.

My suggestion to Commissioners is that you carefully consider the social and legal consequences of this bill, and reject it.

To those who feel that this will hurt B&B operators, I ask you to look at the people holding yellow signs at the hearing on this issue. The law has stopped few if any of them from operating a B&B. Many B&B operators have been in business for years with the silent consent of their neighbors because they have been discreet and considerate. They will continue to operate without the passage of Bill 187 because they walk quietly in our neighborhoods.

The Council cannot get rid of B&Bs, but it can limit their growth and the negative impact of that growth on our communities. I ask the Planning Commission to take a leadership role and recommend against Bill 187.

Pauline Mac Neil
112 Hookea Drive
Kailua, HI 96734

January 11, 2008

PUNALU'U COMMUNITY ASSOCIATION
P.O. Box 392
Hau'ula, HI 96717

January 10, 2008

TO: Planning Commission
Department of Planning and Permitting

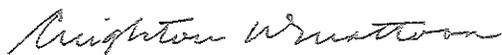
FROM: Creighton U. Mattoon, President
Punalu'u Community Association

SUBJECT: Testimony on Proposed Amendments to the LUO,
Resolutions 05-186, CD1 (TVU) and 05-187, CD1(B&B)

After reviewing the Resolutions and Proposed Amendments to the Land Use Ordinance regarding Transient Vacation Unit and Bed and Breakfast uses the following observations and opinions are offered.

- Violators (those without permits since 1986) should be shut down and fined. Will they be excused for not paying back taxes?
- Owners proposing a B&B or TVU must apply for a new permit.
- Rules governing B&B and TVU must protect the public, not the law violators. No permits should be issued where adjacent neighbors object, even if a majority of others 300 to 500 feet away approve.
- Rental residential units are in short supply and should be made available to residents, not visitors.
- The Ko'olauloa Sustainable Communities Plan should not consider B&B and TVU for the above reasons.
- The proliferation of B&B and TVU for visitors while residents face a rental shortage is unacceptable and only exacerbates the homeless situation in our communities.

At a meeting of the Punalu'u Community Association a motion was passed by unanimous vote to oppose the Resolutions and Proposed Amendments to the Land Use Ordinance relating to Bed & Breakfast and Transient Vacation Units..



Creighton U. Mattoon, President

Meyers

January 7, 2008

Dear Chair Karin Holma & Members of the Planning Commission,

Re: Resolution 187 Written / Oral Testimony - January 16th, 2008

I am in favor of Resolution 187, and I support all less than 30 day vacation rentals that are courteous of their neighbors, screen their guests carefully, & pay their taxes.

I have been visiting Kailua for many, many years to visit family. We have typically rented a Vacation Rental Home when we come which has allowed us to bring our children and family with us. We love Hawaii and staying in Waikiki is not an option for our family.

When my brother who lived in Kailua passed away from Leukemia a few years back, renting a TVU was the only way that we were able to comfortably bring our 85 year old parents here for his last days. It meant a lot to be able to have them here when we laid Scott to rest at in the memorial gardens.

I now own a home in Kailua, and I have many stories of families that have been able to visit their families here, or just being able to experience the true Aloha spirit of Hawaii.

I had no idea how much controversy there was over vacation rentals when I bought my home. At this point, I would certainly lose my home through foreclosure if I wasn't able to generate enough income to offset the mortgage payment at this time, especially with the current declining real estate market conditions. I know many other families would be in the same situation of not being able to sell their homes without a devastating loss at this time. That would not be good for anyone. The property values would decline further, upkeep of the properties would diminish the appearance of our neighborhoods, foreclosure rates would increase, community economics would suffer & the many, many, folks whose livelihoods from services they provide, would experience a decline in their income, and create greater hardships for them as well.

I feel there needs to be a compromise on all sides.

Neighbors DESERVE to know that sharing Hawaii & their neighborhood with visiting families (as it is done throughout the world & increasingly so) will not intrude on their peace & quiet or unduly interfere with their daily lives.

I feel Homeowners, like myself, DESERVE an opportunity to obtain a permit to offer our homes on a short term basis to visitors to Hawaii and to be held to strict, reasonable, regulations.

I feel the Government & those who live in Hawaii DESERVE to benefit from the significant GE & TAT taxes we generate & pay.

I really feel there has got to be a way.

Sheila Meyers
60 Pilipu Place
Kailua, Hawaii
(808) 664-7543

No to B&B's Part 2

Question: Do B&B's belong in residential communities?

B&B supporters, legal and illegal, argue that they provide an opportunity for visitors to enjoy the ambiance of rural Hawaii.

But the ambiance of a residential community belongs to the neighbors, not to the B&B operator. And it is not a commodity to be sold to those who would gladly pay to experience it.

It belongs to the residents, who pay property taxes, who pay to maintain their homes and yards and gardens at their own expense.

Yet a B&B trades on, and profits handsomely from, selling that ambiance while its neighbors, who provide it, are left to endure whatever ill effects the tourist trade brings.

Do the neighbors have recourse?

Not if the City Council has its way. They require only that a majority of concerned neighbors go to the trouble of circulating and signing a petition to deny a B&B applicant's request.

What the Council should do is require B&B applicants to solicit the written approval of ALL their neighbors within, say, the Council's designated 500-yard radius to support their application for a use permit?

Could neighbors ever prevent an applicant from getting a use permit for a B&B under the Council's bill?

Not likely.

But these questions beg the real question: Should B&B's be allowed in residential communities at all?

The answer is a resounding NO!

Victor Meyers
Kaifua resident

No on B&B's

Good laws deserve to stand.

Users will snort coke and smoke ice no matter what the law says. But just because the War on Drugs can never be won is no reason to legalize drugs.

Likewise, some folks have chosen to defy the city's sensible ban on short-term vacation rentals in residential areas by turning their homes into mini-hotels. But just because they have done so is no reason to make them legal.

Enforcing the ban is not easy for established places that have repeat clients, but Internet stings are a quick, cheap and easy way to stop the proliferation of the newer ones. Those that live by the Internet can die by the Internet.

If you think enforcing the ban on illegal B&B's is tough, think how hard it will be to enforce a cockamamie scheme to keep from having "too many" of them. Open the floodgate of legitimacy and watch The Law of Unintended Consequences turn Kailua into Waikiki East.

The issue is greed, the lure of "free" money, money you can get without work or risk, the tourist dollar paying the household bills. Please do not succumb to the blandishments of the yea-sayers. The tourist dollar is not Almighty.

Victor Meyers
Kailua

Nolan

January 16, 2008

Dear Honorable Mayor Hannemann, Director Coelho &
Director Eng;

Please Reject Bill 05-187.

Please Pass Bill 05-186 including the same requirements for
all legal B&B's.

We have had illegal vacation rentals and B&B's in our
neighborhood for some time and from a traffic standpoint
alone it is a nightmare.

Please keep our neighborhood a residential community, as it
was originally zoned.

Sincerely Yours,

John & Rita Nolan
120 Kailuana Loop
Kailua, HI 96734



Elizabeth O'Malley
Kailua, Hawaii

January 10, 2008

Planning Commission
City and County of Honolulu
Fax number 527-6743

Subject: Resolution 186 and 187 written testimony for January 16, 2008

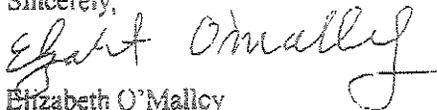
Dear Planning Commission Members,

I oppose City and County Resolution 186 requiring vacation rentals and B&Bs to post their property address on advertising. Posting addresses will be a safety risk and will bring additional traffic into neighborhoods. The City already has the addresses for rentals with a non-conforming use certificate. There is no need to post them on advertising.

I support City and County Resolution 187 establishing a permitting process for new B&Bs. B&Bs and vacation rentals benefit local communities all around the world.

Thank you for considering resolutions 186 and 187.

Sincerely,


Elizabeth O'Malley

O'Malley

Patty O'Malley
Kailua, Hawai'i

January 10, 2008

Planning Commission
City and County of Honolulu
Fax number 527-6743

Subject: Resolution 186 and 187 written testimony for January 16, 2008

Dear Planning Commission Members,

I oppose City and County Resolution 186 requiring vacation rentals and B&Bs to post their property address on advertising. The City has all the property addresses for rentals with a non-conforming use certificates. Requiring property addresses to be posted will be a safety risk to the guests visiting, the properties, and the neighborhoods.

I support City and County Resolution 187 establishing a permitting process for new B&Bs. I am a local resident that has used B&Bs and vacation rentals numerous times for friends and family visiting Hawai'i. My friends and family would not visit O'ahu if their only option was to stay in Waikiki. B&Bs and vacation rentals are indispensable to local communities.

Thank you for your time in considering these resolutions.

Sincerely,



Patty O'Malley

575- -
O'Malley

Greg O'Malley
Kailua, Hawaii

January 10, 2008

Planning Commission
City and County of Honolulu
Fax number 527-6743

Subject: Resolution 186 and 187 written testimony for January 16, 2008

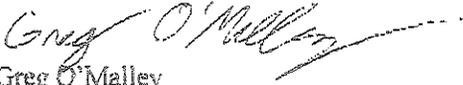
Dear Planning Commission Members,

I oppose City and County Resolution 186 requiring vacation rentals and B&Bs to post their property address on advertising. Posting addresses on advertising is unnecessary as the City already has the addresses of properties with a non-conforming use certificate. The safety risk to both the properties and the guests (both local and mainland) visiting is unreasonable.

I support City and County Resolution 187 allowing for a permitting process for new B&Bs. I think B&Bs and vacation rentals are assets to local communities and help support the economies of areas outside of Waikiki.

Thank you for considering these resolutions.

Sincerely,


Greg O'Malley

Dear Planning Commissioners,

I rent a cottage in Lanikai, Kailua for \$1300 per month. My landlords could receive that much or more income per week if they were to rent to vacationers. If the bill legalizing hotel activities in my neighborhood passes, I could conceivably be out of a home. I was raised in this community and my family has left so I won't be moving in with them. The affordable apartments in the center of Kailua are being converted. Living out of a van isn't such an attractive option for a variety of reasons including that my trade requires I have a secure space for storing tools. Please, share the details of your plan for easing the transition to homelessness for the many that will receive notice to vacate their long-term rental dwellings if this bill is passed.

Sincerely,

Chris Orme 
1320A Aalapapa Dr.
Kailua, HI 96734

January 15, 2008

January 14, 2008

Subject: Resolution 187 ORAL TESTIMONY to be given January 16

Sent via facsimile: 808.527.6743

Dear Chair Karin Holma and Member of the Planning Commission:

Thank you for the opportunity to speak on this important matter. I support Resolution 187, but ask that you consider adding condos to the bill.

I am an owner and serve as the Resident Manager for 168 units at Kuilima Estates East at Turtle Bay. Through my daily experience, I can tell you that having vacation rentals and long-term tenants living together can and does work. As the DPP can attest, we have very few problems. With on-site management and security, we have been able to mitigate issues that may exist with other types of rentals.

Like all of Hawaii, the North Shore needs tourism to support its' economy. With only one hotel, condo complexes are needed to house our visitors.

There are already some existing non-conforming certificates allowing for legal vacation rentals that have been issued in the past for both the east and west side of Kuilima Estates. There is a need for more.

Please consider adding condos to the current Resolution.

Thank you for your time.



Maria Pacheco

January 9, 2008

To: Chair Karin Holma & Members
Honolulu City & County Planning Commission
Honolulu Hale
Honolulu, HI 96813

RE: Resolutions 05- 186 and 05-187, CD 1

Chair Karin Holma and Members of the Planning Commission:

We support ALL Non-conforming use certificates for all less than 30-day rentals (B&BS, Cottages, Condos, and TVRs).

We are vacationers who frequently visit Oahu, preferring to stay in B&B's as opposed to the large hotels. We have concerns about the future of our visits to your beautiful island. It makes good business sense to allow your local residents to open up a room or cottage on their property to visitors, showing us the aloha spirit. We frequent your restaurants. We shop in your stores. We hope to continue to feel welcomed.

Respectfully,

Courtney L. Patubao
Courtney Patubao
311 4th St #123
Oakland CA 94607

January 9, 2008

Chair Karin Holma & Members
Honolulu City & County Planning Commission
Honolulu Hale
Honolulu, HI 96813

RE: Resolutions 05- 186 and 05-187, CD 1

Chair Karin Holma and Members of the Planning Commission:

I support Non-conforming use certificates for all less than 30-day rentals (B&Bs, Cottages, Condos, and TVRs).

The issue to enforce should be allowing rentals that respect the neighbors and are not disruptive to the neighborhood. B&Bs and Vacation Rentals are the alternative to hotels in Waikiki. Think of how Hawaii would benefit from income generated from this, opening up the enforcement of laws that are presently unenforceable.

When a family opens its home to visitors, often they are doing so to meet a financial need. The high costs of real estate make it nearly impossible for families to afford a house without renting some portion of it out. Added to that are property taxes and maintenance costs.

Respectfully,

Sarah Elizabeth Perry
Apuakea Pl.
Kaneohe, HI 96744

TESTIMONY**Planning Commission, City and County of Honolulu****January 16, 2008****Bills 5-186, and 5-187****Charles A. Prentiss, Ph.D, retired****(Former Executive Secretary, Honolulu Planning Commission)**

This is testimony in opposition to the above bills. Today you will hear extensive testimony as to why both TVU's and Bed & Breakfasts are not appropriate for residential areas. I have heard most arguments against them, and believe they are all valid.

My testimony is not on the substance of the matter, however, but on procedure, which in this case, is important to your decision. The bills before you are a result of the City Council sending two resolutions to the DPP that required a response. The matters were not initiated by either the DPP or the Mayor as is the usual case for most matters that come before you.

Neither the DPP nor the Mayor has said that they support legalizing B&Bs. In fact the Deputy Director of the DPP has said at meetings in Kailua, and in the newspaper that "Both resolutions came from the City Council on a unanimous vote...For the department, we look at that as a clear intent of what the council wants to see move forward, so we're working within that frame work. So we maintained the council's intent of opening up the bed and breakfast in certain situations but we folded it into our current system." Please note that this is NOT a statement of support for the bills.

In addition, Mayor Hannemann was quoted in the Honolulu Advertiser as saying that the City administration's position is that they are increasing enforcement of the current LUO regulations on tourist rentals.

There have been no indications that the City administration supports these bills, but procedure required them to respond to the City Council. This provides you with a clear opportunity to advise the City Council that we should preserve the residential character of the areas where local folks live, and I urge you to do so.

ORAL TESTIMONY FOR 1/16/08

REGARDING RESOLUTIONS 05-186 AND 05-187, CD 1-SUPPORTING NON-CONFORMING USE
CERTIFICATES FOR ALLESS THAN 30 DAY RENTALS (B & B'S, COTTAGES, CONDOS AND TVR'S)

To: Chair Karin Hoima and all members of the Planning Committee:

In 1989, not even Bill Gates predicted how PC's and the internet would impact the world-offering people a way to mass comparison shop-and getting what they want.

The NET changed the way people shop, earn degrees, and plan trips.

This is how the world now travels. Quaint, quiet rentals are in demand and what tourists want, or there would not be so many rentals.

I grew up in Kailua, and don't like the growth either, but the beauty of Kailua Beach is no longer secret. People will come -TVR's or not.

As small businesses-TVR's are the best defense we have, at keeping hotels out! Small business wants to keep the feel of Kailua. National chains like Pier 1, & Jamba Juice, don't share that desire.

Perhaps big chains won't support TVR's, but prefer backing big developers like the proposed cabins on Sandy Beach. Hawaii Kai is not fixated on closing TVR's, they are worried about what could happen without them.

The few mismanaged rentals gave a bad name for the many well managed ones. We are not asking to let badly run rentals continue, but for rules and regulations so that all TVRS will need to respect neighbors or shut down.

Compromise is the best solution. With rules like providing off street parking for all guests, and contacts reachable by phone 24/7 is what's needed.

TVR's have a vested interest in keeping Kailua quaint, but what's lurking behind them-- to fill tourist needs----does not!

Mahalo for your time in this matter,



Susan J. Ray



Reed

Shawn Reed
Kailua, Hawaii

January 10, 2008

Planning Commission
City and County of Honolulu
Fax number 527-6743

Subject: Resolution 186 and 187 written testimony for January 16, 2008

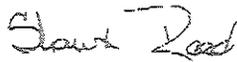
Dear Planning Commission Members,

I oppose City and County Resolution 186 requiring vacation rentals and B&Bs to post their property address on advertising. Posting certificate numbers should be more than sufficient. The City has all the property addresses for rentals with a non-conforming use certificate to rent on a short-term basis. Requiring property addresses to be posted will be a safety risk to both the properties and the guests (both local and mainland) visiting.

I support City and County Resolution 187 allowing for a permitting process for new B&Bs. B&Bs and vacation rentals are assets to local communities and a way for residents to share their homes with local and mainland visitors. Property owners should also be allowed to rent the property that they work hard to afford and maintain.

Thank you for considering these resolutions.

Sincerely,


Shawn Reed

Angela Reed
Kailua, Hawaii

January 10, 2008

Planning Commission
City and County of Honolulu
Fax number 527-6743

Subject: Resolution 186 and 187 written testimony for January 16, 2008

Dear Planning Commission Members,

I oppose City and County Resolution 186 requiring vacation rentals and B&Bs to post their property address on advertising. Posting certificate numbers should be more than sufficient. The City has all the property addresses for rentals with a non-conforming use certificate to rent on a short-term basis. Requiring property addresses to be posted will be a safety risk to both the properties and the guests (both local and mainland) visiting.

I support City and County Resolution 187 allowing for a permitting process for new B&Bs. B&Bs and vacation rentals are assets to local communities and a way for residents to share their homes with local and mainland visitors. Property owners should also be allowed to rent the property that they work hard to afford and maintain.

Thank you for considering resolutions 186 and 187.

Sincerely,


Angela Reed

Retherford

January 8, 2008

Dear Members of the Planning Commission

Subject: Resolution 5-187- Bed and Breakfast Issue

Lack of job opportunities and lack of affordable housing have caused me to join the exodus of young people leaving Hawaii for the mainland without hope of ever returning - unless I want to live with my parents.

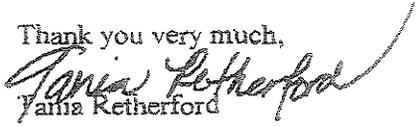
I grew up in Kailua where I knew all my neighbors. And my neighbors cared about me - they cared to the point that they would report to my parents if they saw me sneak out at times I was not supposed to. I made me mad then but as I look back now I consider myself so lucky to have been able to grow up in a caring community. Now vacation rentals and bed and breakfast are peppering many of our Kailua neighborhoods. I see strangers trooping down my street - strangers who would not care if a teenager they do not know sneaked out at night.

Together with a sense of security and community feeling, the incursion of B&Bs and vacation rentals into our residential neighborhood is also taking away affordable living space for people like me. This resort-type use of residential housing may enrich some while causing much harm to the glue that holds a community together.

We young people are supposed to be the future, but the shortsighted policies of our government rob us of a future in the place where we were born and grew up in.

Please recommend against Resolution 5-187. Help preserve the integrity of our residential neighborhoods so that other children may grow up with the same sense of security and caring neighbors as I did.

Thank you very much,


Yama Retherford

610 Webster Street #7

San Francisco, CA 94117

tel. 503 740 7284

PS: I have been visiting my parents over Christmas but have to return to the0 San Francisco on January 14th, therefore I am not able to attend your hearing of January 16th.

January 9, 2008

To: Governor Lingle

RE: Resolutions 05- 186 and 05-187, CD 1

Chair Karin Holma and Members of the Planning Commission:

I support ALL Non-conforming use certificates for all less than 30-day rentals (B&BS, Cottages, Condos, and TVRs).

I have concerns about the future of our visits to your beautiful Island.

I frequently visit Oahu, preferring to stay in quiet B&B's instead of Waikiki hotels. It makes good business sense to allow your local residents to open up a portion of their home to visitors, showing us aloha and a slice of Hawaii that we might not see in Waikiki. I eat in local restaurants and I shop in your stores. It would be a shame to make your biggest industry, your visitors, feel unwelcome in your neighborhoods.

Respectfully,



LAURA GEITZ
1236 Castillo St.
Santa Barbara CA 93101
805.452.2760

City and County of Honolulu Planning Commission
7th floor, 650 South King Street
Honolulu, HI. 96813

Testimony regarding Bill 05-187, relating to Bed and Breakfast Homes and the Regulation of
Certain Visitor Accommodations

I oppose 05-187, proposing the allowing of permitting of Bed and Breakfasts. In the first place, I oppose the creation of additional Bed and Breakfasts, particularly because the regulation of those which exist already is not working. The entire vacation rental situation is seriously out of control, and introducing new ones without eliminating those which are illegal, will only exacerbate the problem.

I cannot understand why the City is proposing to subvert its own zoning laws by spot-zoning allowed businesses in residential neighborhoods. The residents DO NOT desire this, and the City is *proposing* the violation of its own laws.

I have stayed in, and enjoyed, Bed and Breakfasts in other countries, such as Ireland, New Zealand, Italy and Canada. There is a huge difference in the way these are operated, compared to what happens here. They are carefully regulated, regularly inspected, and are listed for availability at the local tourist offices in each community. The houses *must* comply with stated particulars which help to lessen the impact on neighbors, and add to the pleasant experience of the visitors. Honolulu is proposing allowing the use, without first funding and implementing a system for making certain that the use does not destroy the neighborhood. In addition, our houses here are very open, usually not air-conditioned, and much activity takes place out of doors on very small properties. The result is that the neighbors participate, willy-nilly, in the noise and activities of the Bed and Breakfast home. Visitors are usually asked to smoke outside, so the next door neighbor receives the benefit of the smoke in *his* home.

Given the amount of illegal use of property for this purpose at this time, I do not believe that legalizing some will eliminate illegals. I believe that greater proliferation will add to greater confusion, and more difficulty in control by the DPP.

Assuming that a version of this bill passes, it **MUST** be incumbent on DPP to contact and obtain approval from the immediate neighbors of a proposed B & B, not leaving this to chance, in case a next-door neighbor might be away and miss the communication or the date required for response. Given the proposed 500-ft rule, I can visualize a scenario where I would approve a proposed B & B which was 2 houses away from us, in hopes that I would then be free of the one currently operating illegally next door, which is destroying our quality of life. This bill will only increase acrimony between neighbors.

This bill is fraught with problems. At the very least, a different tax structure should be imposed on properties with permitted B & B's, in accordance with their hotel-type use. The argument that certain home businesses are allowed in residential areas is not valid, because those businesses are not allowed to meet with clients on their property, nor are they allowed to have workers come to the property - in other words, there are stipulations which reduce the impact on the neighborhood, which would not apply in the case of B & B's. I understand that people operating B&B's and vacation rentals do not want to advertise their addresses on the internet or ads, because this will pinpoint the location for criminals and thieves. This is an absurd complaint, both because I believe that thieves already are well informed of which properties are housing tourists, and because they are acknowledging that the presence of B&B's encourage criminal behavior, which is clearly undesirable. Why does the City want to put them into our neighborhood??

Thank you for your consideration. Please do not spot-zone - there is a reason for residential zoning, and we want to keep our neighborhoods neighborhoods! Please do everything you can to enforce appropriate residential use.



Testimony against 05-187

It is the City Planning Commission's responsibility to uphold Oahu's General and regional plans and therefore I asked the commission to reject all versions of 05-187 because it clearly is in conflict with our General and Regional Plans for the following reasons:

- 1) B&B's are a lodging business and as businesses they impact the residential character of a neighborhood. The Plans clearly state the integrity, character and environment of our residential areas and the quality of life within them, will be protected and preserved.
- 2) B&B's market and promote residential neighborhoods and communities as tourist destinations, but our residential zoned neighborhoods are not visitor designated areas and should not be promoted to the world as such. The General Plan specifically states to only permit the development of secondary resort areas in West Beach, Kahuku*, Makaha, and Laie.

Unless the City is planning on changing every one of Oahu's residential neighborhoods into visitor designated areas/resorts than you can not permit tourist accommodations in these areas.

There is no doubt that B&B's and vacation rentals are a viable and desirable industry. Therefore, alternate areas for these businesses must be reviewed. These businesses belong in resort areas (Ko'Olina, Turtle Bay, Waikiki) or business/retail areas of communities that they would like to reside – not in residential neighborhoods.

By approving 05-187, you will in essence be endangering residential neighborhoods and communities on Oahu by turning them into a de-facto resort area. Please vote against 05-187.

Aloha,
Karen Simmons

SIMMONS

From: Stu Simmons [mailto:stu_simmons@hotmail.com]
Sent: Thursday, January 03, 2008 9:53 PM
To: info@honoluluudpp.org
Subject: FW: DPP version of resolution 05-186

Dear Chair Karin Holma & Members of the Planning Commission;

At the recent Planning Commission public hearing regarding the Department of Planning and Permitting version of resolution 05-186, numerous businesses owners of vacation rentals and B&B's claimed they supported the intent of resolution 05-186, but were opposed to supplying their address in any advertisements on the internet. These business owners claimed that it was uncommon for properties located in residential zoned neighborhoods to list their address and it would subject their properties to risks.

The vacation rentals and B&B's owners premise is incorrect. In fact, it is "very" common for residential properties to list their addresses on the internet. Thousands of Oahu residential property addresses are listed on the internet every day by numerous Real Estate firms. Three of largest firms listed below have been listing residential property addresses for years with few negative consequences.

Coldwell Banker Pacific Properties, Ltd.: www.cbPacific.com
<<http://www.cbPacific.com/>>

Prudential Locations LLC: www.PrudentialLocations.com
<<http://www.prudentiallocations.com/>>

RE/MAX Honolulu: www.remax.com <<http://www.remax.com/>>

Possibly, the true reason the businesses owners of vacation rentals and B&B's do not want to list their address on the internet is they do not want the Department of Planning and Permitting to know the address of their illegal rental.

Thank you for your efforts regarding this issue.

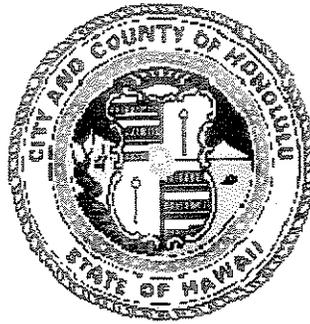
Sincerely

Stu Simmons

RECEIVED

08 JAN -7 P4:03

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU



**Resolution 05-187 is NOT
the only option for allowing
additional B&B's on Oahu!**

12/31/07

**Submitted as Testimony regarding Resolution 05-187
By Stuart Simmons
(808) 368-7586**

Problem: There is significant resident opposition to allowing additional B&B lodging in Oahu's in single-family residential zoned neighborhoods!

In the most recent survey of resident sentiments on tourism in Hawai'i conducted by the Hawai'i Tourist Authority, **76% of Oahu's residents stated B&B's should only be allowed where they are welcomed.** This figure increased a noteworthy 6% from the previous year. In contrast, the same surveys found **only 46% of the residents believe B&B's are a necessary part of Hawai'i's visitor industry** (see appendix for survey report).

There are many justifications why a noteworthy number of residents oppose B&B lodging located in single-family residential zoned neighborhoods. The following issues are typically cited:

- **B&B businesses lower the resell values of neighboring residential properties.**
According to residential property appraisal reference books; Residential homes that are too close to a non-residential property may be viewed as less desirable by a buyer, and reflected as such in any appraisal reports and purchase offers.
- **B&B businesses replace much needed long-term rentals for roomers in many of Oahu's residential communities.**
- **B&B businesses alter the character of a neighborhood by replacing local families in residential homes with lodging businesses and their cliental.**
- **B&B businesses inhibit neighborhood-watch programs by increasing transients into low traffic neighborhoods.**
- **B&B businesses have an unfair economic advantage over residential users in purchasing residential properties.**
- **B&B businesses cause nuisance problems.**
- **Locating B&B's in single-family residential zoned neighborhoods is spot zoning and blurs zoning area separations between resort, commercial and residential neighborhoods**
- **Some TVU's businesses (vacation rentals) will claim they are B&B businesses by placing a manager on-site, but will violate the ordinance by vacating the property or allowing additional guests. Enforcement of the ordinance will be placed upon the neighbors and will be difficult for the DPP to prosecute.**

Allowing additional B&B lodging in single-family residential neighborhoods as proposed in Resolution 05-187 will not resolve the above stated issues.

Solution: *Allow B&B's in mixed-use and retail zoned districts only!*

Resolution 05-187 (both City and Council versions) only proposes B&B visitor accommodation businesses to be located in single-family residential neighborhoods. A fair compromise could be achieved by only allowing these lodging businesses in Mix-Use zoned neighborhoods that bordered retail districts.

Numerous other pro-tourism municipalities around the world including **Pismo Beach, Berkley and Carmel by the Sea** have successfully implemented zoning regulations that prohibit additional B&B's and TVU's in single-family residential zoned neighborhoods, but allows such visitor accommodations in their mixed-use and retail zoned districts.

This solution successfully resolves the majority of issues proposed by both opponents and proponents of B&B lodging.

The following issues often cited by proponents of B&B would be resolved.

- **Proponents of B&B businesses often cite the need of these businesses in residential communities in order to support the communities' retail and service businesses. Locating the visitor accommodation businesses in the retail district will increase the exposure of retail businesses by increasing their proximity.**
- **Proponents of B&B businesses have also cited the need of visitor accommodations in residential communities in order to provide a place for visiting family and friends. Locating the B&B's in the mix-use and retail districts will accomplish this objective.**
- **Proponents of B&B businesses claim there is growing visitor market that desires to experience small-town communities. Again, locating B&B's in mixed-use and retail districts will accomplish this objective.**
- **Proponents of B&B businesses claim they want to be law abiding citizens. Allowing additional B&B's in only mix-use and retail zoned districts and prohibiting additional B&B's in single-family residential zoned areas will not reward the residential property owners who have been intentionally violating the law.**

Summary: Reject Resolution 05-187 as written! Propose only allowing B&B's in Mix-Use and Retail zoned districts.

As written, both version of Resolution 05-187 heavily favors the B&B businesses and fails to protect the residential character of our single-family residential zoned neighborhoods and surrounding community.

- Resolution 05-187 claims B&B's will only be allowed where neighbors support them, but this is a misleading notion. According to the proposed resolution, in order for a B&B permit to be automatically denied, at least 51% of the neighbors within 300 feet (in most cases, this will involve 30-50 neighboring properties) would need to file an objection within two weeks of being notified. In other words, if someone does not file a formal objection, they are considered to be in support of the B&B. But historically, 50% of Oahu's residents do not vote in elections! It's very likely a significant number of neighbors will not file an objection because just like elections, they don't have the time, are away, or hear about it after the fact. This measure clearly puts the burden on the neighbors to rally their fellow neighbors. If B&B's are to be allowed in a residential neighborhood, it seems logical that the B&B should be required to demonstrate they are supported by their neighbors by requesting "they" gather formal letters of support. In addition, the B&B should have "unanimous" support from all of their adjoining neighbors since they will be experiencing the greatest impact from the business. The propose resolution does not address this issue in any way.
- Resolution 05-187 does not allow neighbors to automatically deny a B&B permit during the renewal process. It appears that once a B&B business is granted a permit, they will be able to renew indefinitely regardless how current and "new" neighbors may feel about the business being in their neighborhood.
- Resolution 05-187 does not address the accumulative impact of B&B's on Oahu residential communities. If there are a significant number of these lodging businesses in a particular area, it will compromise the residential character of the entire community.
- Resolution 05-187 does not take in consideration the existence of "illegal" B&B's and vacation rentals and their accumulative impact. By most estimates, it's believed that there are least three to five thousand illegal visitor accommodation businesses on Oahu. Many of the businesses will not be permitted by Resolution 05-187, but are most likely going to continue to operate regardless of the proposed improvements in enforcement. The number of illegal accommodation businesses may even increase in quantity because the issuing

of new permits may fuel their belief that they too will ultimately be rewarded permits.

- The City's version of Resolution 05-187 proposes the B&B's be separated by only 500 feet from each other. In most cases, this would only separate a B&B's every 5-7 houses on a linear line. Other businesses land-uses that have been allowed in residential zoned neighborhoods, such as nursing-care homes, are typically separated by 1000 feet. This distance would be more consistent with the current zoning codes and would be more effective in limiting the number of these businesses in a community. The separation also does not include permitted TVU's (vacation rentals). Since B&B's and vacation rentals are similar visitor lodging businesses, the separation ordinance should not vary between these businesses.
- Resolution 05-187 is not in conformance with City and County of Honolulu's comprehensive plan (General Plan and Development Plans). By statute, by City Charter, by ordinance, zoning in our state must always be in conformance with our comprehensive plan (General Plan and Development Plans). These plans tell us that the integrity, character and environment of our residential areas and the quality of life within them, will be protected and preserved.
- Resolution 05-187 is in conflict with City and County of Honolulu O'ahu Tourism Strategic Plan 2006-2015. The City and County of Honolulu created plan specifically states "The spread of B&B's and Individual Vacation Unit (IVU) rentals in non-visitor designated communities, such as the North Shore and Kailua, are changing the nature of these communities leading to resident dissatisfaction". The plan goes on to recommend the City and County enforce current regulations, and as necessary, advocate for additional regulations, related to Bed and Breakfasts and Individual Vacation Unit Rentals to ensure that communities remain great places to live. Major Action Steps included (1.) Encourage enforcement of regulations regarding visitor accommodations operating without a permit within residential communities. (2.) Requiring licensed operators to indicate their certificate number on any advertising. The plan does not recommend increasing visitor accommodation businesses in single-family residential zoned neighborhoods.

In conclusion, both versions of resolution 05-187 fall short and will only compound the problems residents are already facing with the proliferation of illegal B&B's and TVU's.

November 30, 2006

**2006 SURVEY OF RESIDENT SENTIMENTS
ON TOURISM IN HAWAII**

Analysis and Report

November 2006

Prepared by:

Market Trends Pacific Inc. (Data collection and processing)
John M. Knox & Associates Inc. (Survey design and analysis)

Prepared for:

The Hawai'i Tourism Authority

3. RELATIONSHIP WITH OTHER KEY TOURISM ATTITUDES

Exhibit 6.6: Attitudes Toward Transient Vacation Units by Other Key Attitudes (Q5a – 5b, by Q3d, 3e)

	Attitude toward: "No more hotels!"		Attitude toward: "Need more tourism jobs on this island!"	
	Agree	Disagree	Agree	Disagree
% Agree that: "B&Bs are necessary part of visitor industry"	48%	59%	59%	41%
% Agree that: "Vacation rentals are necessary part of industry"	52%	62%	62%	46%
% Agree that: "B&Bs should be strictly controlled / limited"	81%	72%	78%	77%
% Agree that: "Vacation rentals should be strictly controlled"	82%	74%	79%	79%
(Weighted Statewide Base:)	(1,050)	(505)	(807)	(711)

(Analysis uses 2006 data.)

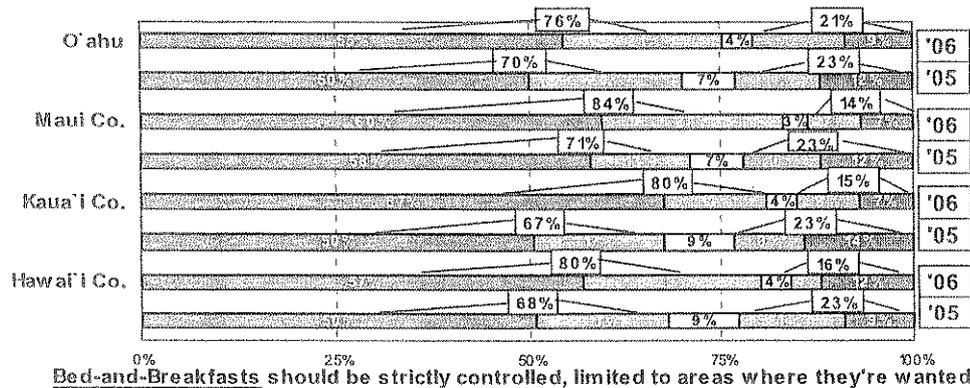
- We were curious whether attitudes toward transient vacation units were strongly linked with some other basic attitudinal items, and so we ran some special cross-tabulations.
- The results are in the direction that might be expected – people against more hotels or tourism jobs are less convinced that transient vacation units are necessary and even more determined to control them.
- However, the differences are quite small and mostly within the probable range of sampling error.* Being "pro-tourism growth" or "anti-tourism growth" is only very slightly related to opinions about B&Bs and vacation rentals.
- This is a replication of an analysis we did in 2005, which produced almost exactly the same conclusions.

* Strictly speaking, it is impossible to calculate statistically significant differences between non-geographical groups for data that have been weighted on the basis of geography. However, if the bases were not weighted, most of these differences would be either not significant or just marginally significant.

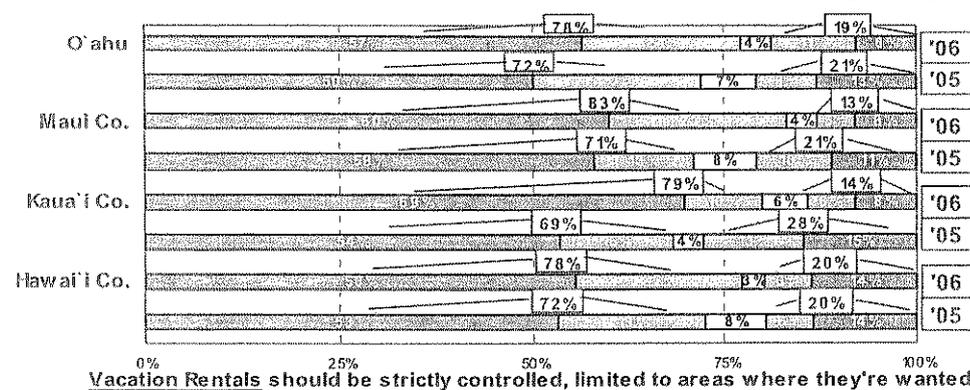
2. NEED TO CONTROL / LIMIT B&B'S AND VACATION RENTALS

Exhibit 6.5: Agree or disagree: "___ should be strictly controlled and limited to areas where nearby residents agree to allow them." (Q5c – 5d)

Strongly Agree Somewhat Agree DK/Ref. Somewhat Disagree Strongly Disagree



Strongly Agree Somewhat Agree DK/Ref. Somewhat Disagree Strongly Disagree



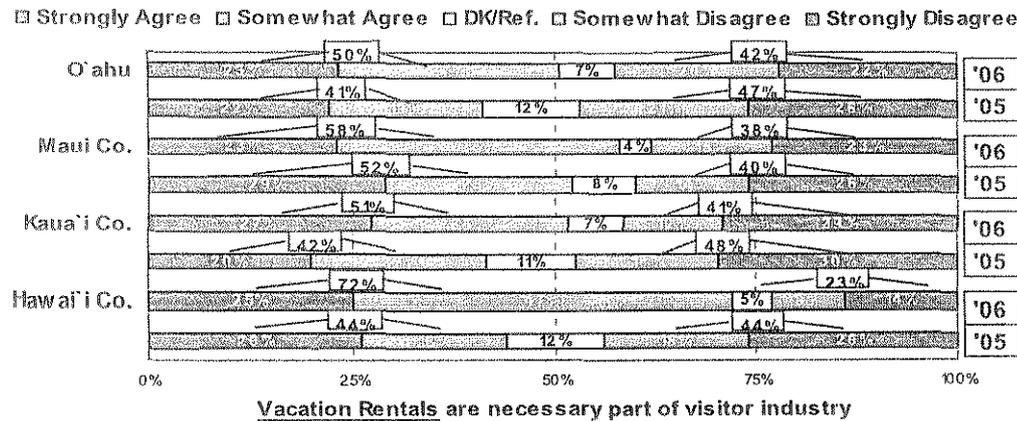
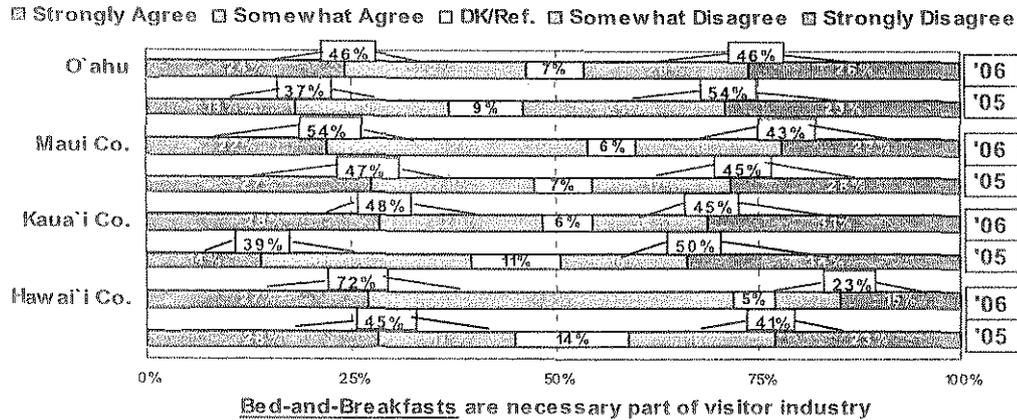
2006 N's = O'ahu (405); Maui County (591); Kaua'i County (200); Hawai'i County (413)
 2005 N's = O'ahu (404); Maui County (396); Kaua'i County (200); Hawai'i County (362)

- Opinions were far more clear-cut on this issue – from 76% to 83% in all counties agreed on the need for controls and limiting transient vacation units to areas where they're welcomed by residents. And just as there was a small increase in all counties saying TVUs are "necessary" (previous page), so was there an increase from 2005 to 2006 in the percentages saying they must be strictly controlled.
- Furthermore, in both years those who agreed were inclined to agree "strongly" – indicating that opinions are more firmly fixed about this than about the "necessity" of transient vacation units.
- There were no meaningful statewide differences in these results by demographics or visitor industry job affiliation.

D. ATTITUDES TOWARD TRANSIENT VACATION UNITS

1. PERCEIVED NECESSITY OF B&B'S AND VACATION RENTALS

Exhibit 6.4: Agree or disagree: "___ are a necessary part of Hawai'i's visitor industry, despite any problems they may cause for neighbors." (Q5a – 5b)



2006 N's = O'ahu (405); Maui County (591); Kaua'i County (200); Hawai'i County (413)
 2005 N's = O'ahu (404); Maui County (396); Kaua'i County (200); Hawai'i County (362)

- Because control of transient vacation units (TVUs) is a county issue, we show results by county, for the two years the questions were asked.
- In both years, attitudes about the "necessity" of B&Bs and vacation rentals have been split, though with just a very little bit more support for vacation rentals than for B&Bs in most counties.
- The 2006 survey generally showed higher percentages than a year ago agreeing that both types of TVUs are "necessary." Most increases were modest, except for the very large gain on the Big Island – all in the "somewhat" rather than the "strongly" agree category. This made Big Island residents by far the strongest believers in the necessity of TVUs as of 2006.
- In both years, substantial portions of both those agreeing and disagreeing said they just "somewhat" agreed or disagreed, suggesting that opinions may be flexible or nuanced.
- Hawaiian and Japanese respondents were a little more likely than others to disagree that either type of unit is "necessary" for the visitor industry. Tourism work affiliation

January 9, 2008

Chair Karin Holma & Members
Honolulu City & County Planning Commission
Honolulu Hale
Honolulu, HI 96813

RE: Resolutions 05- 186 and 05-187, CD 1

Chair Karin Holma and Members of the Planning Commission:

I support Non-conforming use certificates for all less than 30-day rentals (B&BS, Cottages, Condos, and TVRs).

The issue to enforce should be allowing rentals that respect the neighbors and are not disruptive to the neighborhood. B&Bs and Vacation Rentals are the alternative to hotels in Waikiki, our state benefitting from income generated from this. It also opens up the enforcement of laws that are presently unenforceable.

Though I have trouble with this and many other elements in the resolution I look forward to working with the City to resolve these issues.

Let's show our number one industry, our tourists, what Aloha is all about.

Mahalo from a concerned Hawaii resident,

Joseph Songuini
45-643 Apuakea Pl.
Kaneohe HI 96744
808 457-6606

Swoish

The Planning Commission
650 S. King Street, 7th Flr, Honolulu, HI 96813
FAX 527-6743

To whom it may concern;

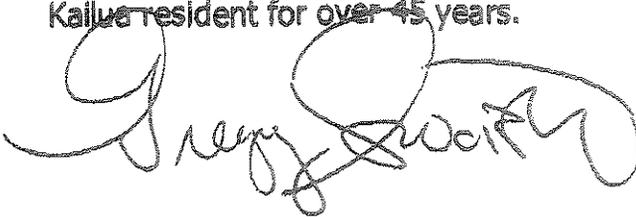
Regarding Bill 187 and the proposal to legalize B&Bs and Vacation Rentals in our residential neighborhoods, I must express once again my complete opposition to this bill. It is amazing that the loud voice of the minority of people who want this bill is able to out way the majority of home owners and families who have spoken very clearly that they do not want this commercialization next door. These proponents of hotels in our neighborhoods are very driven and speak loudly because they have a monetary incentive and in some cases it is the primary reason for the purchase of that property that they are operating the vacation rental on.

The "demand" that they say the tourist has for this type of hotel accommodations should not over shadow the needs of the community and the responsibility of our elected officials to their constituents.

An issue such as this bill 187 should be put to the voters and not left to a small group of elected officials who have proven that they do not have our community and the families that live here, best interests at heart.

Please kill this bill 187 and put this issue on the ballot where it can be finished once and for all.

Gregg Swoish
Kailua resident for over 45 years.



Tam Lee
Regarding Resolutions 05-186 and 05-187, CD 1,
Supporting non-conforming use certificates for all less than 30-day rentals (B&BS, Cottages, Condos,
and TVRs).

To: Chair Karin Holma and all members of the Planning Commission.

Jolene Tam Lee
P.O. Box 193
Waipahoehoe, HI 96795

I frequently have family members and friends who come to visit me, and being able to have them stay nearby has been a wonderful resource for local people. I am writing in support permitting vacation rentals in Hawaii (resolutions 186 and 187)

Before, when my family visited (my home cannot accommodate many house guests) they were only able to stay in Waikiki, and the commute, sometimes being several times per day became such a chore, with the traffic, expensive parking, and many hours of vacation time being wasted.

I enjoy having my family be able to stay nearby so we can spend as much time as possible with our loved ones. Vacation rentals have been a very positive thing for many families with children living on the mainland. It helps the local business district as well. Please let vacation rentals continue to be an option for our town and it's residents. We enjoy the opportunities that these vital businesses bring to our community and it's members. I do feel that permitting the vacation rentals is important, so that they are well managed, and there is accountability.

Mahalo,

Jolene Tam Lee

**Testimony of Kathryn J. Whitmire
(Written Testimony Only)**

**City and County of Honolulu Council
Planning Commission**

**Hearing on Resolution 05-187
Permitting Bed & Breakfast Homes**

January 16, 2008

Members of the Commission, I welcome the opportunity to add my testimony in SUPPORT of Resolution 05-187 which would establish a permitting system for Bed and Breakfast homes. My name is Kathryn Whitmire and I live in Kaneohe.

Before moving to Hawaii, my husband and I had the delightful experience of vacationing here in vacation homes and condos.

After moving here in 2001, I was surprised to learn that most of the vacation rentals here do not have permits because no permits have been issued for almost 20 years.

Since vacation rentals (vacation rental houses, cottages, B&B's, and vacation condos) are an important part of the tourist industry here and are now available to tourists traveling to most any part of the world, it only makes sense for the City and County of Honolulu to recognize their existence and issue appropriate permits.

I have heard some people object to transient vacation rentals because they believe the vacationers will create excessive noise or will park too many vehicles in residential neighborhoods. A permitting system should provide for necessary regulation of noise and parking so that these problems can be controlled.

I have talked with many owners and managers of vacation rentals and B&B's and find that they want to maintain the unique character of the neighborhoods in which they are located and certainly do not want to host tenants who will disturb the neighbors.

Because of the importance of the tourist industry to Oahu, I believe that Resolution 05-187 should be amended to include vacation rental houses, condos and cottages as well as bed and breakfasts.

The existing ordinances prohibiting all vacation rentals of less than 30 days (except for the few that have held licenses for over 20 years) has become completely unworkable since it excludes most rentals in operation today. There should be a moratorium on enforcement of those rules until the new permitting system is in place. This is the only fair way for all parties concerned to be able to participate in the legislative process.

I urge you to support Resolution 05-187 with revisions to address the above points.

If I can provide any assistance or further information on this issue, please call me at 226-9612 or 293-1111 or email me at Kathyjwhit@aol.com. Thank you.



Kathryn Whitmire
46-192 Lilipuna Road
Kaneohe, HI. 96744

Wong

Shirley & Ronald Wong
3021 Kame
Honolulu, HI 96822

**Regarding Resolutions 05-186 and 05-187, CD 1,
Supporting non-conforming use certificates for all less than 30-day rentals (B&BS,
Cottages, Condos, and TVRs).**

To: Chair Karin Holma and all members of the Planning Commission.

I am writing in support vacation rentals in Hawaii. Vacation rentals in the smaller towns and cities of Hawaii are vital for the small businesses. Many towns have seen job growth, and this has opened up opportunities for residents to work closer to their homes. This helps with traffic congestion by keeping some closer to home for work, and helps with the larger traffic jams of everyone needing to get into Honolulu each day for work.

Many small businesses rely on vacation rentals to bring them business. This is true of grocery stores, gift shops, clothing stores, and restaurants. By continuing to outlaw legal vacation rental options, we are shooting our economy in the foot, state wide. Hawaii would benefit from the extra tax dollars that are brought into economy because of these rentals. Many small businesses in towns such as Waiānae, Kapahulu, Kaimuki, Kohala, Kailua, Wailuku, Hawi, Waimea, Waimanalo, Makaha, Punalu'u and others, will loose most of their small business that cater to the new wave of visitors, and many will be forced into bankruptcy.

The state needs to realize that vacation rentals are in demand, and desire for staying at hotels and resorts are not desired or affordable to many travelers. We need to stay ahead of the curve, and offer our tourists what they want and need, or our economy will truly take a beating.

Sincerely,

Shirley Wong

yim

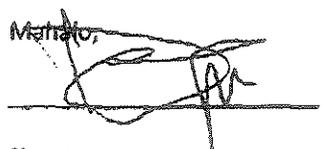
Regarding Resolutions 05-186 and 05-187, CD 1,
Supporting non-conforming use certificates for all less than 30-day rentals (B&BS,
Cottages, Condos, and TVRs).

To: Chair Karin Holma and all members of the Planning Commission.

I frequently have family members and friends who come to visit me, and being able to have them stay nearby has been a wonderful resource for local people. I am writing in support permitting vacation rentals in Hawaii (resolutions 186 and 187)

Before, when my family visited (my home cannot accommodate many house guests) they were only able to stay in Walkiki, and the commute, sometimes being several times per day became such a chore, with the traffic, expensive parking, and many hours of vacation time being wasted.

I enjoy having my family be able to stay nearby so we can spend as much time as possible with our loved ones. Vacation rentals have been a very positive thing for many families with children living on the mainland. It helps the local business district as well. Please let vacation rentals continue to be an option for our town and it's residents. We enjoy the opportunities that these vital businesses bring to our community and it's members. I do feel that permitting the vacation rentals is important, so that they are well managed, and there is accountability.

Mahalo,


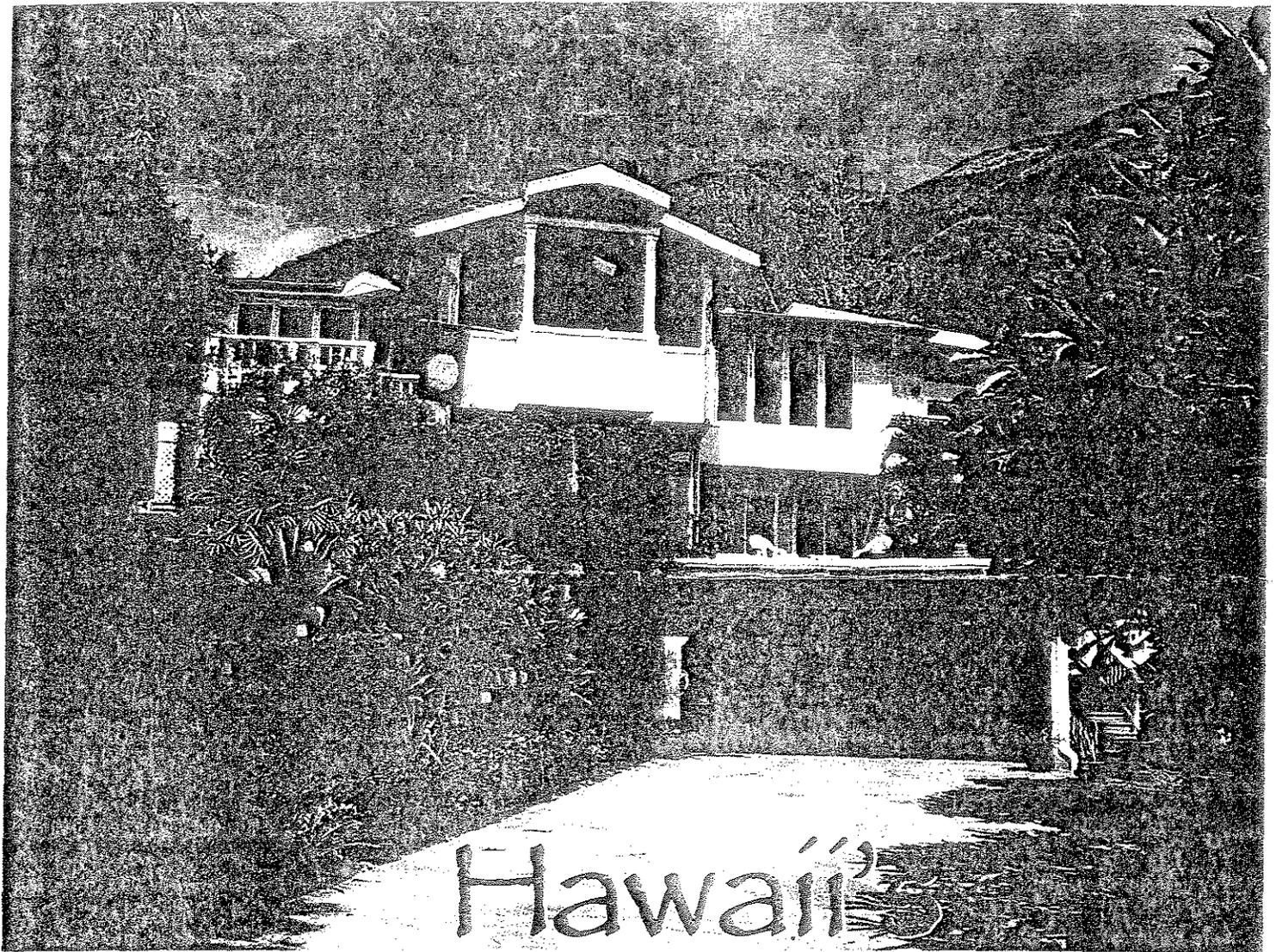
Signature

Daron Yim

Print Name

94-342 Hokualea St, #101
Mililani, HI 96789

Address



Hidden Hideaway B&B

Kailua, Hawaii

by Sarah Stiles

A visit to Hawaii's Hidden Hideaway Bed and Breakfast is like a stay in paradise...in paradise. For travelers tired of the crowded resort areas, Hawaii's Hidden Hideaway offers the stay they are looking for in a tropical paradise setting. For the past seven years, innkeeper Janice Nielsen has made her B&B just as beautiful and relaxing as its island surroundings, with each private unit overlooking lush greenery or the ocean, a variety of sleeping arrangements and fantastic one-of-a-kind hospitality that one rarely finds in this day and age.

Located on the eastern shore of the island of Oahu, the home was originally built in 1947 and has been expanded and modernized over the decades. The Hidden Hideaway is on a quiet street just a short walk from the world famous Lanikai and Kailua beaches. From the private lanai, guests can watch

the sun rising over the turquoise ocean, which makes the sky a rainbow of red, orange, blue and purple. Those who prefer strolls on the beach at night can watch the moon rise directly in front of the inn during much of the year.

Each of the three private guest units—two deluxe studios and a suite—comes with a kitchenette, a private bathroom, cable TV/DVD/CD, alarm clock radio, ceiling fan, hair dryer, telephone, ironing board, iron and much more. Guests also have access to laundry facilities and free off street parking. For beachgoers, Janice provides beach chairs, mats, towels and an outdoor shower to rinse off on their return.

Colorful blooms and lush tropical plants flank the staircases leading to the units. The Peacock Suite has a queen-sized canopy bed, adorned with a colorful bedspread. There

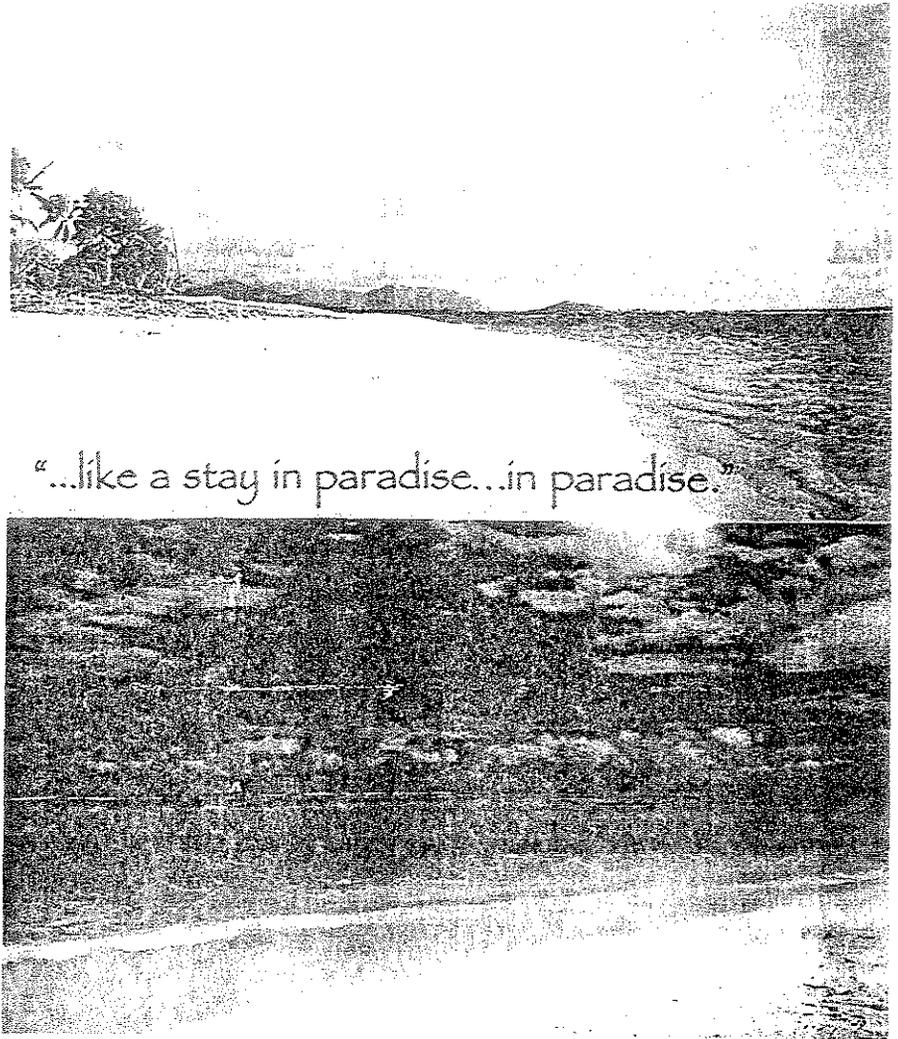
is a sitting room with a love seat that can unfold into a sleep sofa and a private dining area. Guests can soak in the private spa tub and simultaneously take in the beautiful ocean view. The kitchenette comes stocked with a refrigerator, microwave, coffeemaker, coffee grinder, toaster, blender, hot plate and dishes—perfect for a long stay at the inn.

Each of the deluxe studios has a private entrance with French doors that open to the rooms' private decks. The Bamboo Garden deluxe studio is a corner unit and comes with a queen-sized brass bed. The Sunrise deluxe studio offers a king-sized bed, or twin beds can be arranged by request. The rooms also have a dining area of a table and chairs by a window; from here, guests can view the beautiful tropical gardens surrounding the inn. The rooms are all light and airy, with a variety of oriental art. A world map hangs in each room, and guests are encouraged to place a pin on their home location. Each map is filled with pins from around the world.

For guests requiring additional space, the three rooms can be made adjoining by rearranging the furniture and opening the doors between the units. A family or group could then have a three-bedroom, three-bathroom accommodation, perfect for a wedding party, family or other large get together.

Janice said that since many of her guests fly in from all over the world and arrive at various times, she makes it easy for them to eat breakfast at their convenience. The kitchenettes in the rooms are stocked with juices, cereals, pastries, yogurt, fresh fruit, coffee, tea and many surprises. The table and chairs, the private deck or the comfortable bed offer wonderful places to enjoy the morning meal.

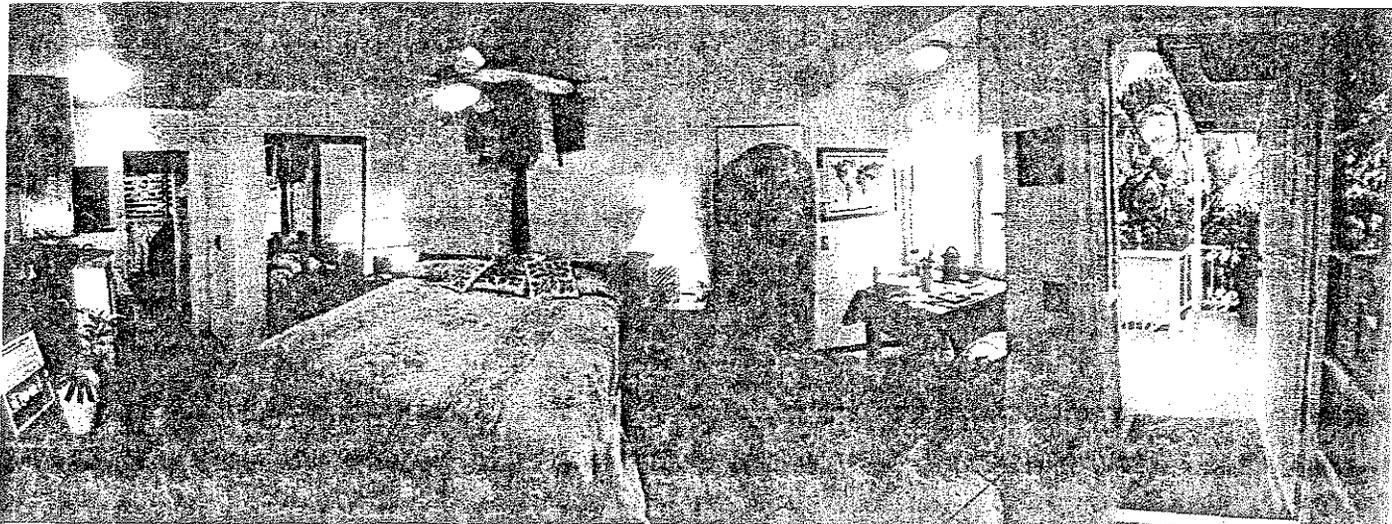
Janice's dream was fulfilled when she opened this B&B. She strives to bring joy and comfort to those who visit paradise, and guests are sure to become instant friends with this kind and cheerful woman who is filled with the Aloha spirit.



"...like a stay in paradise...in paradise."

She has proven that she rightly deserves to be named *Arrington's 2005 Book of Lists* winner for "Most Romantic Hideaway"—one time she even planned and executed a wedding on three hours' notice. For romantic couples celebrating special occasions, Hawaii's Hidden Hideaway is a place they must seek out. ■

Hawaii's Hidden Hideaway
(877) 443-3299 or (808) 262-6560
www.ahawaiiibnb.com



Please don't let what
happened in Key West, Florida,
happen to all of Oahu. *

NOTE "NO" to 187.

See pages ② and ⑨
of attached articles
Zoning News from APA
and AP story on Key West



Short-Term Vacation Rentals: Residential or Commercial Use?

By Nate Hutchinson



Michael Davidson

What happens when people live and vacation in the same town, where vacation homes and permanent homes are often side by side? A survey of almost 40 tourist-oriented communities was taken for this issue of Zoning News.

Americans love to vacation as much as they love their vacation destinations, and demographers have noticed. New migration patterns into some of the fastest growing communities in the country—resort towns—suggest that many people are relocating to the places that were once just summer or weekend getaways. According to Peter Wolf, author of *Hot Towns*, "A new species of American is on the move: not, as in the past, the needy, but the comfortable, well-educated, and well-trained; not the job seekers and risk takers, but those with leisure, choices, and the wherewithal to seek out the best." By Wolf's estimates, this migration includes anywhere from 700,000 to 1.6 million people per year. The strong 1990s economy brought a wave of second-home purchases as investments and family retreats. Resort areas—coastal, mountain, and lakeside—have what these trendsetters want: natural beauty, fresh air, and recreation. Communities with such amenities are prime candidates for conflicts in land-use planning.

What happens when people live and vacation in the same town, where vacation homes and permanent homes are often side by side? Regulations that govern short-term rentals in residential districts are getting more attention as planners and residents notice that these vacation homes can have a much greater impact on the community than those that house year-round residents. Angry neighbors say short-term rentals look like single-family homes but function more like commercial uses. The crux of the matter for planners is finding a balance between the interests of year-round, seasonal, and vacationing people while considering the effects on property rights, economic vitality, and the sanctity of residential neighborhoods.

The dynamics vary from one town to the next, but the issue seems to grow more contentious as more vacationers and year-round residents live next to one another. A survey of almost 40 tourist-oriented communities was taken for this issue of *Zoning News* in order to shed light on this increasingly vexing land-use phenomenon.

Relevance and Research Background

In 2001, APA's Planning Advisory Service recorded an increase in the number of inquiries about planning for and regulating short-term rental properties in residential areas—particularly single-family districts. The survey revealed that a significant percentage experienced an increase in conflicts between these and adjacent land uses. While some have recently drafted ordinances to address the short-term rental problem, others are still in the process of doing so or have expressed the need for change, and because resort communities have different attitudes toward tourism, each approaches the issue in a different way.

Impacts

The impact of a short-term vacationer compared with year-round residents can be significant. Seasonal populations live and work in the community, and thus become somewhat integrated. Naturally, they increase demands on infrastructure and services. Impacts associated with short-term vacationers, however, are more nuisance related, often generating noise and light pollution. Generally, the shorter the stay, the less inclined one might be to respect neighbor diplomacy. Late-night music and merrymaking, floodlights, garbage taken out to the street on off days, dogs at large, illegal parking, and negligent property maintenance are

garden-variety complaints often cited by annoyed neighbors. Neighbors, planners, and property owners point to the correlation between such problems and length of stay for the rental property. In other words: the shorter the stay, the higher the impact. The stereotypical "weekend warrior"—trying to pack the most fun into the least amount of time—will invariably generate more trips to the store or beach, keep later hours, and create a greater disruption with light and noise. Still, for some communities, the concern is not so much the negative impacts as the lack of community involvement typical of transients.

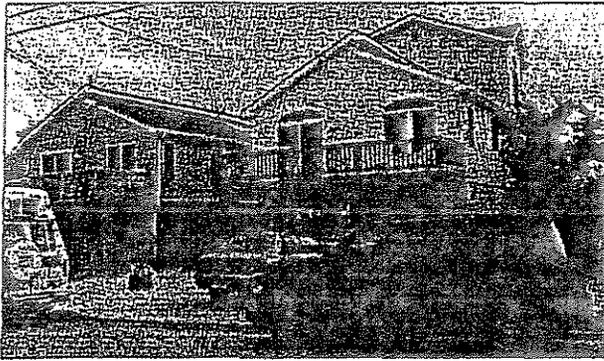
Affordable Housing

A more insidious problem with short-term rentals is their impact on housing costs. When property owners decide to increase their "rent stream" with short-term rental agreements rather than renting by the season or year, they essentially "squeeze" the

Politics

Planners admit to a dilemma: Many property owners rely on the rent streams and spending dollars generated by vacationers, but locals want to preserve their neighborhood's residential character. Furthermore, business owners would prefer to see an expansion of the local vacation lodging market. When property owners are unwilling to forfeit certain rights, leaving them at odds with neighbors who want the relative quietude expected in a single-family neighborhood, what should be done?

Indeed, people "vote with their feet" when choosing vacation destinations or a permanent home, so politicians try to appease the greatest number of constituents. Invariably, residents will threaten to abandon a once-beloved community or resort locale if renting a house on the beach or settling into a neighborhood means an endless stream of nuisances from disruptive vacationers.



(Above, left) Short-term rentals in Ship Bottom, New Jersey. Paved yards and excessive numbers of vehicles at short-term rental houses are a common complaint of neighbors. Believe it or not, these are the fronts of the houses. (Above, right) Most short-term renters are unaware of garbage collection schedules. (Left) Boat and recreation vehicle parking is an unpleasant sight for neighbors in this Monroe County, Florida, neighborhood.

supply of housing, pushing up the demand and, subsequently, the cost. Ty Simrosky, planning director for Key West, Florida, says, "It's another means of financing the acquisition of local housing by non-local people and it fuels speculation in a rising housing market." Simrosky explains that by allowing short-term rentals, investors can cover the carrying costs of a house for a year or two while the property appreciates in value and then sell it for a healthy profit. Simrosky also says that while long-term homebuyers are strongly opposed to short-term rentals in a prospective neighborhood, investment buyers are less inclined to care if a neighboring property is a short-term rental. This can create a snowball effect that eventually replaces year-round neighborhood residents with vacationers.

Communities most affected by a housing shortage are those with businesses that rely on lower-paying service and tourism jobs. High housing costs have pushed many workers out of the community, even beyond commuting distance. Simrosky also speculates that there are workers being bused in from the Florida mainland to sleep in bunk-house conditions just to work for three- or four-day periods in Key West.

Residents of Monroe County, Florida, put the issue on a ballot, narrowly deciding—51 to 49 percent—against allowing short-term rentals in improved subdivisions (single-family districts). Subdivisions retained the right to vote on the issue separately.

Health, Safety, and General Welfare

Historically, property owners in resort communities could rent a home, regardless of the duration of the stay, by claiming that the house was not used "primarily for commercial purposes." What this really meant was that the structure could not be used for such purposes for more than 50 percent of the year. However, planners claim that approach is difficult to monitor and easy to abuse. Most feel zoning codes and a licensing system offer a better solution despite the time and expense required for administering and enforcing new regulations.

Most of the surveyed communities deal with short-term rentals through the zoning code. Imperial Beach, California, justifies its interim short-term rental ordinance with a purpose and intent that states "there is a current and immediate threat to the public health, safety, or welfare of its citizens by owners or their agents renting or selling units for periods of thirty

Community	Regulate Short-term Rentals	Specific Ordinance Provisions ¹	Form Used	Permitted		License Required	Year Adopted	Legal Challenges
				Number of Consecutive Days ²	Number of Times Per Year			
Aspen, CO	No							
Beane, NC	No	No						
Burlington, VT	No							
Cape Cod, MA	No							
Carmel-by-the-Sea, CA	Yes	Yes	Transient Commercial Use	30	Prohibited		1975	
Cocoa Beach, FL	Yes	Yes	Transient Lodging	30	Yes		2001	
Colchester, VT	No							
Engle County, CO	Yes				per PUD			
Imperial Beach, CA	Yes	Yes	Short-term Rental	30	Prohibited			
Islamorada, FL	Yes	Yes	Vacation Rental	28				
Key West, FL	Yes	Yes	Transient Lodging	30				
Kiawah Island, SC	Drafting		Short-term Rental					
Haggitt Valley, NC	No							
Manchester, VT	No							
Marathon, FL	Yes	Yes	Transient Rental			Yes		
Malibu Beach, CA	Yes	No	Resort Dwelling			Yes		
Mendocino County, CA	Yes	No	Transient Habitation	36		Yes	1987	
Monroe County, FL	Yes	Yes		30	Yes	Yes		Yes/Uphold
Mentality, CA	Yes	No	Short-term Residential Rental	30	Prohibited			
Muskogee, MI	No							
Myrtle Beach, SC	Yes	Yes	Transient Commercial	30				
Nantucket, MA	No							
Ocean City, NJ	No							
Pasco County, FL	Yes	Yes	Short-term Rental					
Saco, ME	Yes	Yes	Transient Rental					
San Juan County, NM	Yes	Yes	Transient Rental					
Sanibel, FL	Yes	Yes	Resort Rental	30	Yes	Yes	2001	
Santa Cruz, CA	No/Transit Occupancy Tax		Short-term Rental				1984	
Saugeruck, MI	No							
South Haven, MI	Yes	Yes	Short-term Dwelling Unit					
Stowe, VT	No							
Sturgeon Bay, WI	No/Transit Occupancy Tax							
Sullivan's Island, SC	Yes	Yes	Vacation Rental	28	Yes	Yes		
Telluride, CO	Yes	Yes	Short-term Rental					
Traverse City, MI	Yes	Yes	Transient Rental					
Vail, CO	No							
Yachats, OR	Yes	Yes	Transient Rental	30		Yes		

This matrix is not exhaustive. Every reasonable attempt was made to achieve accuracy and thoroughness, but variations in ordinance language, format, and local practice made a "complete" matrix impossible. Thus, it is meant only as a quick reference guide for readers of this article. The short-term rental survey evolved as it was being conducted, so not all questions were asked uniformly or of every survey participant.

1. This indicates any section of the code that is dedicated to short-term rentals, such as interim ordinances or amendments.
2. Language varies from code to code in terms of how they specify a time period. Where a month or four weeks was used as the length of the term, 30 days is the default response.
3. Community preferred not be mentioned by name.
4. Decision made by subdivision bylaws.
5. STRs not permitted by right in any of the zones.
6. In most restrictive districts, they are permitted to rent three times or fewer per year for a total of 30 days or less.

* Screen by Marya Klevans research by Steve Brundson

consecutive calendar days or less . . . and that such rentals in the residential zones of the city . . . may create adverse impacts."

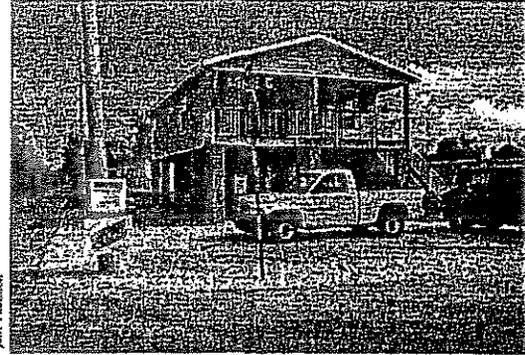
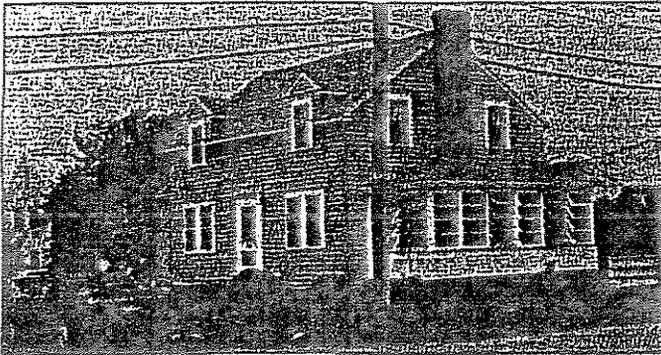
Commonly cited reasons for drafting an ordinance or provision for short-term rentals include protecting residential character, maintaining housing affordability, managing infrastructure and service requirements, and complying with hurricane evacuation capacity. Zoning ordinances, business permits, and transient occupancy taxes are ways of managing this quasi-commercial use.

Definitions are often at the root of governing short-term rentals. Unfortunately, many zoning codes have a discrepancy between defined terms and the provisions that use them. Terms are sometimes defined at the beginning of the ordinance but then never used in the provisions. Conversely, provisions may contain undefined terms, rendering the code too ambiguous. For example, some towns prohibit "transient rentals" in certain districts without

about what actually is a short-term rental. Length of stay (where not determined by a definition of transient) is an important factor in defining short-term rentals.

There is a wide range of occupancy tenure in a short-term rental ordinance. Communities specify the maximum length of stay in days, weeks, or months. Some simply distinguish the use by type of occupant, usually transient or tourist, in which case the terms should be clarified in the definitions section.

Measures of occupants' permanency can include everything from specifying the length of stay to whether the residence is the legal address of its occupants. At this fundamental level, communities can best begin to guide local land-use practices. Here, parameters are set largely according to the nature of a community's tourist population, the importance of tourism on the local economy, and community goals.



(Above, left) Short-term rental property prominently displayed on a corner lot in Lewes, Delaware. The impact: Vehicles of vacationers spilling over from the driveway onto the street. The problem: This type of impact occurring for weeks or months on end. (Above, right) Apparently, more pavement, less yard means more parking and less yard maintenance for this short-term rental property in Monroe County, Florida. (Right) Driveway signs for a Kiawah Island, South Carolina, short-term rental welcome the next round of families sharing a house.



defining the term "transient." Distinctions can be easily made between the various types of lodging and rental property, and only those uses that are specifically listed as permitted or conditional should locate to designated districts. However, where single-family residences are a permitted use, and the length of tenure is unspecified, nothing in the ordinance can stop property owners from renting the house on a short-term basis.

Definitive Criteria

For communities grappling with such disputes, clear definitions are essential. Other terms for short-term rentals include transient commercial use, vacation rental home, vacation property, transient lodging, resort dwelling, and resort housing. Because transient also is used in the definition of other terms, it too should be defined in context to alleviate confusion and ambiguity. These terms are defined using various criteria, such as structure type, length of stay, measures of occupants' permanency, number of occupants, and the type of occupants (family members or unrelated people).

The type of structure (single or multifamily) often is not specified in the ordinance, allowing room for interpretation

Regulating the number of occupants also can mitigate the impacts of rental properties. Some communities specify total number of occupants by persons per bedroom, family members, or non-related persons, not withstanding local fire codes. Islamorada, Florida, limits occupancy to two people per bedroom plus two additional persons. Other communities simply limit occupancy to a single family, as defined in their ordinance (see "Definitions and Distinctions" for examples and commentary on relevant terms).

Defining family also can complicate the matter. Restricting the use of single-family homes to families can be a difficult way to regulate short-term rentals, mainly because the term family is open to a wide range of literal and legal interpretations. Even so, "traditional" families are not devoid of impact risks, including noisy infants or rowdy teenagers. The ever-changing family paradigm does not make it the best measure by which to regulate short-term rentals.

Once Defined, Where Are Short-term Rentals Allowed?

Tolerance levels about the impacts of short-term rentals will vary among communities. Communities with an intense interest in



DEFINITIONS AND DISTINCTIONS

■ **BED AND BREAKFAST**

Commentary: Bed and breakfasts are similar in appearance and location to many short-term rentals in residential areas. However, the primary distinction is the mitigating presence of the owner/operator.

Definitions: Generally small, owner-operated businesses providing the primary financial support of the owner. Usually the owner lives on premises. The building's primary usage is for business. Inns advertise, appropriate taxes, and post signs. Breakfast is the only meal served and only to overnight guests. The inn may host events such as weddings, small business meetings, etc. Room numbers range from four to 20 with a small, but increasing number up to 30. Reservations may be made directly with the property. (*Professional Association of Innkeepers International*)

Bed and breakfast means the use of an owner-occupied or manager-occupied residential structure providing no more than four rooms for temporary lodging for transient guests on a paying basis. A "Bed and Breakfast Inn" may include meal service for guests. (*Blue Springs, Mo.*)

■ **BOARDING HOUSE**

Commentary: A boarding/rooming/lodging house differs from the short-term rental house because it has multiple rooms or units for rent and occupants share common kitchen or dining facilities. Occupants of a boarding house also tend to be less transient (the definition of which depends on community standards).

Definitions: A single-family dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests. (*Champaign, Ill., which uses the term "boarding/rooming house"*)

An establishment with lodging for five or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu. (*Venice, Fla.*)

■ **FAMILY**

Commentary: Restricting the use of single-family homes to families can be a problematic way to regulate short-term rentals; mainly because the term family is open to a wide range of literal and legal interpretations. Even so, a "traditional" family is not without impacts, such as vocal infants or rowdy teenag-

ers. The definition of family or single-family house is not the most widely used or recommended tool for short-term rental regulation.

Definitions: One or more persons occupying a single dwelling unit, as a single housekeeping unit, provided that unless all members are related by blood, marriage, or adoption, no such family shall contain over six persons, including any roomers, boarders and/or domestic servants. A home for independent living with support personnel that provides room and board, personal care and habilitation services in a family environment as a single-housekeeping unit for not more than six resident elderly or disabled persons (mentally and/or physically impaired) with at least one, but not more than two resident staff persons shall be considered a family. (*Tulsa, Okla.*)

One or more persons, related by blood, marriage, or adoption, occupying a living unit as an individual housekeeping organization. A family may include two, but not more than two, persons not related by blood, marriage, or adoption. (*Iowa City, Iowa*)

One or two persons or parents, with their direct lineal descendants and adopted or legally cared for children (and including the domestic employees thereof) together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of four or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code. (*St. Paul, Minn.*)

Two or more persons related to each other by blood, marriage, or legal adoption living together as a single housekeeping unit; or a group of not more than three persons who need not be related by blood, marriage, or legal adoption, living together as a single housekeeping unit and occupying a single dwelling unit. (*Lake County, Ill.*)

One or more persons occupying a premise[s] and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house, or hotel as herein defined. (*Scottsdale, Ariz.*)

■ **GUEST HOUSE OR GUEST COTTAGE**

Commentary: Guest cottages can present a loophole for short-term rentals in single-family residential districts unless certain specifications are made—namely that usage is only allowed for non-paying guests.

Definition: Guest house (accessory dwelling unit) means a detached or attached accessory structure secondary to the principal single-family residential unit designed and most commonly used for irregular residential occupancy by family members, guests, and persons providing health care or property maintenance for the owner. (*San Juan County, Wash.*)

■ **HOTEL OR MOTEL**

Commentary: Hotels/Motels typically have separate entrances and an on-site management office.

Definitions: A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house as herein defined. (*Boone County, Mo.*)

A building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door. (*Cecil County, Md.*)

■ **TRANSIENT**

Commentary: "Transient" can be used to describe a person or a land use. Ambiguous or subjective words—"short," "long," "seasonal," "temporary"—should be either avoided altogether or clarified with precise units of time—number of hours, days, weeks, or months. When a community defines a transient as a person living in a dwelling unit for "a short time only," the term "short" could be interpreted in a variety of ways. To alleviate further confusion, the nature of a person's stay may be clarified, as is done in the definition below from Sturgeon Bay, Wisconsin.

Definitions: A person who travels from place to place away from his or her permanent address for vacation, pleasure, recreation, culture, or business. (*Sturgeon Bay, Wis.*)

Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a visitor accommodation facility shall be deemed to be a transient until the period of 30 days has expired unless there is an agreement, in writing, between the operator and the occupant providing for a longer period of occupancy. (*Monterey, Calif.*)

promoting tourism may be more permissive, allowing them in restricted districts, while others will diligently protect residential districts. In the most restrictive communities, short-term rentals may be prohibited outright in residential districts. Monroe County, Florida, prohibits them unless a majority of homeowners vote them into a subdivision. Communities may permit short-term rentals as a conditional use or allow them only when rented fewer than four times each year.

Conditional Uses and Licensing

Whether short-term rentals are allowed by right or as a conditional use, additional requirements to benefit both the occupants and neighbors are recommended. For example, operating a short-term rental may require physical inspection to determine the safety of the structure from hazards such as fire and over occupancy. Other requirements might include posting a "notice to occupant" reminding visitors of mandatory evacuation in case of a hurricane (in prone areas) or a "code of conduct" for the neighborhood, which might list regulations for occupancy, parking, boat dockage, fines, or helpful information such as garbage and recycling pick-up. Both should be printed in a large font and prominently displayed.

Regulating by Ratio

Mendocino County, California, settled on an acceptable ratio of short-term rental properties to year-round residents: Locals deemed 13 year-round resident houses to one short-term rental house tolerable. The community requires operating permits for short-term rental properties. An additional vacation rental permit is issued for every 13 new residential units. The number of permits is finite but siting is still flexible. To maintain an orderly and fair distribution of permits, the county does not allow them to be sold or transferred. The county considers short-term rentals a commercial use, allowing additional short-term rentals as part of a 50/50 mix of commercial and long-term residential dwelling units in mixed-use districts.

Legal Challenges

Legal challenges will invariably arise in neighborhoods where homeowners enjoying the comforts of a quiet back yard are suddenly interrupted by noise or light from an adjacent short-term rental property. Places with restrictions on short-term rentals such as Key West and Imperial Beach have faced legal challenges, which may include vesting, consistency with the comprehensive plan, definition of family, and allowable time for amortization. However, anecdotal evidence suggests that the longer an ordinance has been in place, the more accepted it is. Most of the planners interviewed for this article were confident in the defensibility of their short-term rental ordinances.

Mitigation and Amortization

Some of the mitigation tools used to offset the impacts of short-term rentals include having a 24-hour contact person or management service, vehicle registration, and short-term rental medallions—a sign or badge on the front of the home identifying the residence as a vacation property, the name of the management company, and a contact person. The use of medallions is widely criticized because critics say they invite thieves and vandals. Such mitigation measures are typically paid for and provided by the property owner as a condition of receiving an operating permit. Other measures, such as increasing code enforcement staff—as is done in Key West—or bolstering visitor awareness through signage to politely inform them of the neighborhood's quiet residential character may be paid for with tax revenue generated from short-term rental properties.

To avoid a takings challenge, communities that have recently enacted more restrictive codes also have included an amortization schedule that phases out short-term rental properties. Islamorada allows two years for amortization and Imperial Beach is proposing five-year amortization. Sullivan's Island, South Carolina, requires proof of use as a short-term rental during the previous 12-month period to reduce the number of rental properties. Those that lapse are not eligible for future licensing.

Enforcement

Detection of problem rentals can occur either from complaining neighbors or a dedicated municipal enforcement staff. Penalty fines range from \$100 a day in Saco, Maine, to \$500 for each day of violation in Kiawah Island, South Carolina. Other penalties include denied permit renewals, permit revocation, or misdemeanor citations. Fines are a comparatively small expense for property owners whose short-term rentals generate healthy returns, so some owners virtually ignore the restrictions, says Monroe County planner Marlene Conway. Saco requires property owners to renew permits annually. A history of complaints is kept on file and those with more than two recorded complaints will not be issued a permit for the coming year.

Administering a short-term rental ordinance burdens both the budget and staff. Issuing permits and code enforcement takes time and money. Permit or licensing fees and taxes on short-term lodging can offset these expenses. Fees vary from a fixed amount to a sliding scale based on the percent of income generated per calendar year—both of which usually amount to \$100 to \$200. In states that grant local governments the authority to tax this type of land use, the taxes for the lodging fee can range from four percent on the low end to seven percent in Deschutes County, Oregon. Santa Cruz, California, taxes 10 percent.

Conclusion

Technology, telecommuting, and lifestyle priorities will continue to fuel the infiltration of newcomers into resort communities with long-established residents. For these and other reasons, the populations of traditional get-away destinations will surge and change, bringing with them increased pressure to adapt to new people and new land-use challenges. Deciding whether short-term rentals are commercial or residential land uses is an important first step in addressing the issue. Perhaps the zoning code is the best defense in preserving the tranquility that made such places attractive in the first place.

Selected ordinances from the short-term rentals survey are available to *Zoning News* subscribers. Please contact Michael Davidson, Co-editor, *Zoning News*, American Planning Association, 122 South Michigan Avenue, Suite 1600, Chicago, IL 60603, or e-mail m davidson@planning.org.

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Keys at a Crossroads: Locals vs. Rich



Long welcoming to wayfarers of all income levels, the Keys are becoming a playground for the rich.

By Adrian Sainz, AP



The sights and sounds at Schooner Wharf drip with Key West attitude: Sunburned tourists lounge near a marina, savoring drinks alongside locals wearing tank tops and sandals. A singer warbles, "I'd rather be here, drinking a beer, than freezing my a-- off up north."

Different sounds emerge from behind the bar known as "The last little piece of Old Key West"—the sound of bulldozers working on a 32-unit luxury gated community. Pre-construction prices for spacious three-bedroom suites start at \$1.87 million.

The Harbor House development will attract an upscale clientele seeking an island lifestyle. But its exclusivity clearly upsets some people here. Just read the writing scrawled on a retaining wall: "Stop the Madness." "Money Talks." "Eat the Rich."

The Florida Keys are at a crossroads, beset by shortages of high-paying jobs and affordable housing, rising property taxes and insurance, and environmental concerns. Yet the move to "upscale" the Keys is gaining steam, a sign of growth that's commonly experienced by tourism-dependent communities. Such growth is leaving many Keys residents feeling priced out or ignored.

"It seems like it's paradise, but at the same time it's an economic hardship for the residents," said U.S. Rep. Ileana Ros-Lehtinen, R-Miami, who represents Monroe County. "That leads to this kind of twisted, complex relationship, sort of a marriage in therapy ... The Keys community and the tourists are always in couples therapy."

Stretching south and west from Florida's peninsula, the island chain is about 125 miles long from Key Largo to Key West, connected to the mainland by the Overseas Highway (U.S. 1). Tourism is the economic engine, generating \$1.7 billion in total sales in 2006. Visitors enjoy the warm waters surrounding the islands, which house rich fisheries and the only living barrier coral reef in the continental U.S.

Dotted with trailer parks, hotels, campgrounds, marinas, retail shops and homes, the Keys attracted 2.25 million overnight visitors in 2006, according to the Monroe County Tourism Development Council. Day visitors, including Key West cruise ship passengers, add significantly to that total.

The Keys has a reputation for its tropical, laissez-faire lifestyle, where it once was possible for almost anyone—retirees and fishermen, hippies and lost souls—to move here with a little money, in search of paradise.

"This place will always be a mecca for the square pegs," said Michael McCloud, the sunglasses-wearing bar singer at Schooner Wharf.

The Keys' population and popularity increased over the years, leading to more structures getting built on limited island land.

"Geography is the biggest imperative in understanding who and what we are," said developer Pritam Singh,



responsible for Key West projects such as Truman Annex.

When eight hurricanes struck Florida in 2004 and 2005, Keys visitors were asked to evacuate seven times, resulting in lost profits for hoteliers, charter fishermen and dive operators. Hurricane Wilma flooded homes and streets, but business owners questioned whether evacuations were necessary for weaker storms such as Tropical Storm Ernesto in 2006.

The active seasons led to higher hurricane insurance rates throughout Florida, where the bloated real estate market catapulted home prices. Skyrocketing property taxes and higher costs of gas, food and rent has made life harder for those with low- and mid-incomes—teachers, police, firefighters, restaurant and hotel employees, and other workers that any community requires.

The median sales price of a single-family home was \$700,000 in 2006, Monroe County statistics show. That's nearly three times the \$248,300 median price of an existing home in Florida in 2006, the Florida Association of Realtors reported.

"There is not enough industry here, not enough opportunity for well-paying jobs, relative to what it costs to live here," said Bob Kelly, who has managed a shoe store, an art gallery and a rental property here.

These factors are likely reasons for a drop in population in the Keys, down 6 percent from 79,589 in 2000 to 74,737 in 2006, according to the U.S. Census. During that period, Florida's population grew 13 percent.

Patti Julien works at a clinic in Marathon, about halfway down the Keys. She and dozens of others board buses at a Wal-Mart parking lot in Florida City, the final stop on the mainland, then endure a two-hour bus ride each way because they can't afford living in the Keys.

Julien gets to the Wal-Mart about midnight, taking the day's last bus from her home south of Miami. She then waits five hours because there's no early bus to Florida City, and she's scared she'll miss her ride.

"I'd move to the Keys but I'd be paying \$2,000 a month down there for a comparable duplex," said Julien, 59.

Monroe County leads Florida in average annual salary for teachers with a bachelor's degree at \$47,687, but retention is a problem, with the district replacing about 100 teachers out of 600 every year, said schools superintendent Randy Acevedo. Some don't leave, but they might take second jobs.

"I can go out to dinner with the family and the waiter or waitress might be a teacher," Acevedo said.

Efforts to improve the quality of life here include plans to add affordable housing in Key West, Marathon and other cities. Marathon Mayor Chris Bull is joining forces with Ros-Lehtinen to secure funds for improving water quality. Storm runoff, untreated sewage and pollution threaten the economically vital reef system.

In 2000, Congress authorized \$100 million in water quality improvements. An Oct. 1 letter to President Bush signed by six Florida members of Congress requests \$29 million of that in the 2009 budget.

"We're definitely in a critical stage of Keys development," Bull said.

A theory called the Tourism Area Life Cycle describes the stages of growth in areas like Key West as exploration, involvement, development, consolidation and stagnation, according to scholar Richard Butler. After stagnation, communities can decline or rejuvenate.

The Keys seem headed toward consolidation, where expensive hotels and vacation rentals replace older motels, where a Starbucks could replace a mom-and-pop coffee shop—generating ill feelings in the process. In a 2004 survey, 73 percent of Key West respondents said development was a threat to the city's character and culture.

Locals "get the feel that you are losing control of your community. Locals begin to feel ineffective," Butler said.

Bob Bernreuter closed The Deli, a favorite for 56 years, after losing business because of the hurricanes and competition from other restaurants. Bernreuter estimated there are more than 400 restaurants in Key West—a lot for a population of about 25,000.

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Bernreuter said he did not want to raise prices and alienate regulars who enjoyed affordable breakfasts and fresh seafood, and no one in his family was going to take over.

"You don't have as many families coming down here anymore who would have met the price structure for the restaurant," he said.

Developers like Singh are leading the upscaling of the Keys. One project is Parrot Key, a 74-unit resort offering multiple bedroom units, with amenities such as kitchens, flat screen TVs and iPod docking stations, for \$400 to \$500 a night. The location is where a Hampton Inn once stood, with simpler rooms at one-fifth the price.

Singh said it's critical for Key West to replace older properties. Fancier vacation rentals keep tourism competitive and profitable, he said.

Harbor House developer KeysCaribbean Resorts said the Key West-style architecture of its homes and rentals would preserve the area's quaintness. A previous design drew neighbors' ire, and the developers changed it. "There was some pretty ramshackle buildings on that ground," said KeysCaribbean Chief Executive Craig Hunt. "It will look way better than it was."

Sitting in a restaurant near Schooner Wharf and Harbor House, longtime Key Wester John Mertz laments the current trends.

Expensive vacation rentals price out tightfisted travelers, such as families, he said, while out-of-towners buy pricey second homes. Locals lose waterfront access because the best properties end up in developers' hands.

"When I first moved here it was very egalitarian," Mertz said. "Now there's more of a class distinction—the obscenely rich and their servants. It can become a horrible thing, sort of like a monopolistic Disney World controlled by just a few that don't really live here."