
From: Barbara K [barbarak@hawaii.rr.com]
Sent: Monday, March 02, 2009 11:16 PM
To: HSGtestimony
Subject: Testimony in Opposition to HB1443HD1

To Chairs Ito and Cabanilla

From Barbara and Stan Krasniewski, Kailua Residents Opposition testimony to HB1443 HD1

Please do not pass HB1443 relating to Home Occupations. This bill would open the doors to all B&B and TVU owners to employ additional people to help with their businesses that have been operating in residential neighborhoods with adverse effects. It is not for the State to decide this issue which falls under the home rule of counties. This is an impossible task to put upon the Department of Planning and Permitting to decide which are "disruptive" to neighborhoods. Our communities are fractured by the countless illegal rentals. Neighborhoods can no longer house people looking for small rentals since they have been turned into tourist lodgings which bring excessive amounts compared with monthly rental income. These tourist lodgings hire "staff" to help with rental and cleaning and have been a burden to the residents of the affected communities. Please do not pass this bill which will make it far easier for these operations to continue. The DPP should concentrate on enforcement of the current legal accommodations and curtailing the illegal ones before other so called "home occupations" are allowed to begin operation. Allowing people who do not live in the residence to work there is not what makes good neighborhoods. There is a reason for residential zoning and it is not to provide a space for businesses. Say "NO" to HB1443HD1. Thank you.

Barbara and Stan Krasniewski

From: Keith [keithkraz@hawaii.rr.com]
Sent: Tuesday, March 03, 2009 9:50 AM
To: HSGtestimony
Subject: Testimony for HB1443,HD1

My name is Keith Krasniewski and I am a resident of Oahu. I would like to submit my testimony is strong opposition to HB1443, HD1. This bill is inconsistent with the zoning for residential neighborhoods which should never be turned into commercial areas. Also, the state must respect the home rule of the counties which are responsible for zoning. Thank you.

HB1143
Housing/Water, Land & Oceans
Netra Halperin

My name is Netra Halperin. Good morning Chairs Cabanilla and Ito and members of the committees

I strongly support HB1443

In this time of recession it is important to encourage as many revenue streams as possible. Also as a social worker I support giving Hawaii residents the opportunity to realize the American Dream of owning and operating their own business. This will give self determination and autonomy for many people. Instead of relying on an employer, their successes and failures are solely their own responsibility.

It is expensive to rent office space. In this time of high rents and increased environmental awareness, it makes sense to utilize the home that has already been purchased or rented instead of leaving it to sit empty all day while the occupant is taking up precious office space.

HB 1443 will especially help mothers with young keiki or elderly kapuna be able to take care of their ohana while bringing in income for their family.

This bill will help many types of home businesses, from lei makers and other cottage industries to accountants, naturopaths and e-bay sellers. Now, especially with the advent of the internet, many businesses can easily be operated unobtrusively at home. This diversifies our economy, a goal of many Hawaii policymakers. Remember, Microsoft was started in a garage.

While home business is generally seen as a zoning and hence a County issue, I feel that this is an extremely important issue at this time of recession and increasing unemployment, and the State should take the lead in allowing and encouraging entrepreneurship of our residents.

Mahalo for hearing my testimony.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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March 4, 2009

The Honorable Rida Cabanilla, Chair
and Members of the Committee on Housing

The Honorable Ken Ito, Chair
and Members of the Committee on Water,
Land & Ocean Resources
State House of Representatives
State Capital
Honolulu, Hawaii 96813

Dear Chairs Cabanilla, Ito and Members:

**Subject: House Bill 1443, HD1
Relating to Home Occupations**

The Department of Planning and Permitting (DPP) is very concerned about the provision in House Bill No. 1443, HD1, which would allow a homeowner to hire as many as two (2) employees for his home occupation.

Under the Land Use Ordinance (LUO) of the City and County of Honolulu, only the homeowner and other residents (family members) of the home may engage in a home occupation. If employees from outside the household are allowed, that could lead to the widespread commercialization of residential neighborhoods, and expose residents to significant impacts, including noise, loss of available on-street parking and traffic congestion. If large numbers of homeowners chose to employ the maximum number of employees, the cumulative impact on residential districts could be anything from the disruption of a tranquil, quiet neighborhood to the destruction of its "social fabric."

While we support home occupations as provided for in the LUO, we cannot support the mandate proposed in House Bill 1443 H.B. No. H-D.1, which is to allow outside employees. That provision is certain to encourage more business establishments to migrate from commercially zoned areas to relatively less expensive residential areas. The DPP can testify that the use of on-street parking by home

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occupation clients and, what heretofore have been unauthorized employees, as well as commercial vehicles has already created many problems in our residential neighborhoods. Traffic-related problems alone include the loss of available on-street parking, the obstruction of neighborhood driveways, narrowing of travel ways, loss of site distances, noise and the resultant loss of neighborhood character. The DPP has found that the use of on-street parking for home occupations, or noise associated with the early arrivals and/or late departures of home occupation employees, has been a source of community complaint in many neighborhoods. Unfortunately such violations are difficult for DPP to monitor and impossible to enforce, particularly limiting the number of courier visits and customers in a 24-hour period.

The bill clearly infringes on county zoning powers (home rule). There does not appear to be any overriding State policy at risk. If the State seeks to promote more start-up small businesses it should consider other alternatives that do not jeopardize the residential character of residential areas. The LUO home occupation provisions are longstanding, time-tested and were intended to allow limited accessory commercial uses in dwellings, which are incidental to the principal residential use, and are not incompatible with adjacent residential uses.

The bill indicates that the counties may "regulate" activities of owners of home occupations that are "disruptive" to the surrounding neighborhood. However, by overruling local zoning authority, and allowing without restriction up to two (2) non-household members to be employees of a home occupation, the proposal itself creates circumstances which, our long experience indicates, will be inherently disruptive to residential neighborhoods.

We agree that home occupations should be permitted and on Oahu they are, but they should not be allowed to exceed the scope of what is presently allowed by the LUO. Rather they should be limited to small-scale operations that employ only household members, and are truly accessory uses to the principal dwelling use.

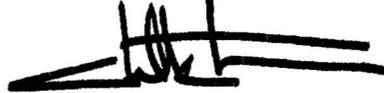
We urge you to amend House Bill No. 1443, HD1, accordingly.

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and Members of the Committee on Housing

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Thank you for the opportunity to comment.

Very truly yours,

A handwritten signature in black ink, appearing to read 'D. Tanoue', with a long horizontal line extending to the right.

David K. Tanoue, Director
Department of Planning and Permitting

DKT: jmf
hb1443hd1-bbt.doc