

LATE TESTIMONY

Carole Hagihara

From: Friedel, John M. [jfriedel@honolulu.gov]
Sent: Friday, February 13, 2009 12:17 PM
To: EBMtestimony
Cc: Bannister, Robert H.; Chinn, Elizabeth C.; Peirson, James H.; Tanoue, David K.; Sumitomo, Robert M.; Hashimoto, Clarice; Saito, Trudi
Subject: HB1443 - Home Occupation (Late Testimony)
Attachments: hb1443-bbt.pdf

To Whom It May Concern:

I am the legislative liaison for the City & County of Honolulu, Department of Planning and Permitting (DPP). Attached is the DPP "late testimony" for the subject bill heard by the House Committee on EBM on Thursday, 02/12/09. We apologize for the late submission.

Should you have any questions, please call me at 768-8110.

Aloha
Mike Friedel

DEPARTMENT OF PLANNING AND PERMITTING
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DAVID K. TANOUE
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February 12, 2009

The Honorable Angus L.K. McKelvey, Chair
and Members of the Committee on Economic Revitalization,
Business & Military Affairs
State House of Representatives
State Capital
Honolulu, Hawaii 96813

Dear Chair McKelvey and Members:

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

The Department of Planning and Permitting (DPP) is very concerned about the provision in House Bill 1443 which would allow a homeowner to hire as many as three (3) 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, 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 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

The Honorable Angus L.K. McKelvey, Chair
and Members of the Committee on Economic Revitalization,
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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. And, unfortunately such violations are difficult to monitor or enforce.

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.

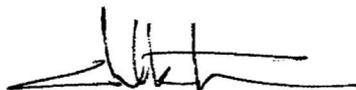
The bill indicates that the counties may "regulate" activities of owners of home occupations that are "disruptive" to the surrounding neighborhood. However, by overruling local zoning authority, and allowing without restriction up to three (3) non-household members to be employees of a home occupation, 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 1443, accordingly.

Thank you for the opportunity to comment.

Very truly yours,



David K. Tanoue, Acting Director
Department of Planning and Permitting

DKT: jmf
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