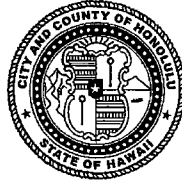


DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813  
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MUFI HANNEMANN  
MAYOR

DAVID K. TANOUÉ  
DIRECTOR  
ROBERT M. SUMITOMO  
DEPUTY DIRECTOR

February 23, 2010

The Honorable J. Kalani English, Chair  
and Members of the Committee on Transportation,  
International and Intergovernmental Affairs  
The Honorable Suzanne Chun Oakland, Chair  
and Members of the Committee on Human Services  
The Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chairs English, Oakland, and Members:

**Subject: Senate Bill No. 2287  
Relating to County Zoning for Group Living Facilities**

The Department of Planning and Permitting (DPP) supports the intent of Senate Bill No. 2287 to clarify that the counties may establish zoning requirements for group living facilities. However, we are concerned that the bill provides little in the way of additional zoning authority and presents problems in implementation.

Section 46-4(d), Hawaii Revised Statutes (HRS), precludes the county from prohibiting group living in facilities with eight or fewer residents, if these facilities are licensed by the State Department of Health and meet all applicable county requirements including building height, setback, maximum lot coverage, parking and floor area requirements. Thus, for zoning purposes, the City and County of Honolulu regulates the living arrangement in such facilities as a family of care recipients occupying a single-family dwelling, which has associated height, setback, parking, and maximum lot coverage requirements. Because no performance standards are established for single-family dwellings occupied by a traditional family (i.e., related by blood, marriage, or adoption) or for a family of five unrelated individuals, the DPP is concerned about establishing different standards to regulate a "family" in a group living facility established by Section 46-4(d), HRS, for noise, pollution emissions and time restrictions on commercial deliveries when such impacts are not regulated for other dwelling uses.

Thank you for the opportunity to testify.

Sincerely yours,

A handwritten signature in black ink, appearing to read "David K. Tanoue", is written over a horizontal line.

David K. Tanoue, Director  
Department of Planning and Permitting

DKT: jmf  
sb2287-ec.doc



Āina Haina Library  
5246 Kalanianaʻole Highway  
Honolulu, HI 96821

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February 23, 2010

To: The Committee on Transportation, International and Intergovernmental  
Affairs  
and  
The Committee on Human Services

Re: In Support of SB 2287 Relating to County Zoning for Group Living  
Facilities  
Hearing: February 23, 2010, 2:30 p.m., Room 016

The Board of Directors of the Āina Haina Community Association writes in support of SB 2287 Relating to County Zoning for Group Living Facilities. This measure would add traffic safety and congestion, elevated noise levels, and disruption of commercial deliveries upon the residents in the surrounding area as elements to be considered when counties license group living facilities.

An Adult Residential Care Home Type II was proposed in our community. The home is situated on a small, dead-end street. The neighbors were concerned about traffic safety, visitor and employee parking, and sufficient turn-around space for handi-vans and ambulances on their already crowded, small street.

Because of current policies, neighbors' concerns were dismissed by every governmental agency involved. The Department of Health's licensing involves just the interior of the house and the management of the ARCH. The city only looks at the building code.

The only solution given to neighbors was to call the police if someone parked illegally. Commercial activities should not be allowed to disrupt residential neighborhoods. Traffic congestion, noise, and traffic safety should be considerations in allowing group living facilities in residential neighborhoods. The current policies do not adequately protect the neighbors of group homes, especially those on small streets.

We urge the committee to pass the measure to preserve the character of residential neighborhoods.

**From:** Marlene Alvey [marlenealvey@yahoo.com]  
**Sent:** Monday, February 22, 2010 11:45 AM  
**To:** TIATestimony  
**Subject:** Testimony for TIA/HMS 2/23/2010 2:30 pm SB 2287

Conference room: 016  
Testifier position: Support  
Testified will be present: No  
Submitted by: Marlene K. Styan Alvey  
Organization: Individual  
Address: 2219 McKinley Street, Honolulu, Hawaii 96822  
Phone: 808-216-8381  
E-mail: [marlenealvey@yahoo.com](mailto:marlenealvey@yahoo.com)  
Submitted on: 2/22/2010

Comments:

Committee on Transportation, International and InterGovernment Affairs  
Senator J. Kalani English, Chair, Senator Mike Gabbard, Vice Chair  
Committee on Human Services  
Senator Suzanne Chun Oakland, Chair, Senator Les Ihara, Jr., Vice-Chair

Tuesday, Feb. 23, 2010, 2:30 p.m. Conf. Room 016, State Capitol

Re: SB 2287 Relating to County Zoning for Group Living Facilities

Dear Chairpersons and Committee Members:

I am writing in support of SB 2287. Over recent years there has been a proliferation of Adult Residential Care Homes ("ARCHs"). There are four ARCHs within approximately 150 feet of my home, with one ARCH in particular being only 8 to 10 feet away! This 8 to 10 feet narrow distance consists of Linochau Way. Linochau Way is a very narrow, public road with 2 way vehicle and pedestrian traffic!

I urge the passing of SB 2287. Thank you.

Marlene K. Styan Alvey  
2219 McKinley Street  
Honolulu, Hawaii 96822

**From:** James Saari & Mary Flynn [saarij001@hawaii.rr.com]  
**Sent:** Sunday, February 21, 2010 6:21 AM  
**To:** TIATestimony  
**Subject:** Testimony in Support of of SB 2287 RELATING TO COUNTY ZONING FOR GROUP LIVING FACILITIES.

DATE: Tuesday, February 23, 2010  
TIME: 2:30 PM

**RELATING TO COUNTY ZONING FOR GROUP LIVING FACILITIES.**

Requires counties to consider in zoning for group living facilities impacts of traffic safety and congestion, elevated noise levels, and disruption of commercial deliveries upon the residents in the surrounding area.

Dear Sens. Oakland and English and members of the COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND INTERGOVERNMENTAL AFFAIRS and COMMITTEE ON HUMAN SERVICES,

We wish to testify in support of SB 2287 RELATING TO COUNTY ZONING FOR GROUP LIVING FACILITIES.

We live on a quiet residential street at the top of Wilhelmina Rise which has become the site of a group living facility (ARCH) The houses in our neighborhood are single-family homes. Converting one of them (so far) to accommodate disabled unrelated clients necessitated construction inside and out which changed the character of the house and yard from a family home to an institution. In addition to visitors, this business facility requires hired attendants, service providers, supply trucks, ambulances, all of which have brought more traffic, parking problems, noise and unrelated people to our peaceful neighborhood. Property values are potentially depressed; anyone selling a home must disclose the presence of such a business operating in the neighborhood.

Two years ago, we testified before the Committee on Human Services and Housing opposed to the approval of any business in a residential community without the opportunity for citizen input. We were dismayed to find that ARCH facilities can presently be approved without any need for compliance with county zoning laws or public hearing. The only approval presently needed is from the Department of Health that addresses just the health and safety of patients. Any business, even one planned for handicapped persons, opened in a residential neighborhood should be required to consider the impact on that neighborhood.

Thank you  
Mary M. Flynn  
James T. Saari

4959-1 Maunalani Circle

**From:** ART COSTAS [artcostas@hawaii.rr.com]  
**Sent:** Friday, February 19, 2010 10:32 AM  
**To:** TIATestimony  
**Subject:** SB2287

Dear Sir, I support SB2287 to at least limit excessive traffic, noise, and hopefully clustering of ARCH facilities that arise in our neighborhoods. A for profit business inserted into a well established neighborhood clearly impacts the landscape. A ARCH with up to 5 patients requires 24/7 support which means shift changes, cars, refuse, etc. I recognize the need to care for our elderly but feel larger state controlled non profits are better equipped to effectively handle their needs.

Respectfully submitted by,

Arthur Costas

**From:** Jeri Broadfoot [jbfoot@lava.net]  
**Sent:** Thursday, February 18, 2010 7:06 AM  
**To:** TIATestimony  
**Subject:** Testimony

Relating to County Zoning for Group Living Facilities  
Tuesday  
February 23, 2010  
2:30PM

My testimony is in reference to the group living facility at or near **5045 Maunalani Circle on Maunalani Heights/Wilhelmina Rise.**

There has been a dramatic increase of delivery trucks, commercial vans and vehicles, and considerably more 911 calls to the fire department and IMS. Therefore, an increase in noise & conjection to this residential quiet neighborhood, situated at the very top, last street of this mountain.

Our **quaint neighborhood does not have the luxury of sidewalks**, however, we do have the quiet layed back charm of Hawaii streets in the good old days, way back in the 1930's when this area was developed. Residents and people from a far come up to this 'circle' to excercise, stroll with their children, push their strollers, walk their dogs. . Older residents enjoy walking around the 'circle' , even if only 1 lap around, with their canes, for excercise. Not having sidewalks **forces one to walk literally to the side of the road or at times in a portion of a lane of the road, as these streets are narrow.**

In addition to the narrowness and lack of sidewalks on this circle, there are **blind curves** that form this 'circle'. A vehicle could be coming around a curve and not see a person or people walking in the street. The **area of question is situated just up the street from the deadliest blind curve on this mountain.**

This increase in commercial vehicles and traffic from additional cars is posing road side danger to all that use this area. I understand that facilities like these are necessary, however, only in certain areas. If one would visit this area of question, Maunalani Circle, it would be obvious that these concerns are crucial.

Jeri Broadfoot  
4909 Maunalani Circle  
Hon., HI 96816  
[jbfoot@lava.net](mailto:jbfoot@lava.net)

**From:** Linda LeGrande [mohalaway@hawaii.rr.com]  
**Sent:** Thursday, February 18, 2010 6:23 AM  
**To:** TIATestimony  
**Subject:** testimony for SB2287 on 2/23/2010, 2:30 pm

Committee on Transportation, International and InterGovernment Affairs ~  
Senator J. Kalani English, Chair, Senator Mike Gabbard Vice Chair  
Committee on Human Services ~  
Senator Suzanne Chun Oakland, Chair, Senator Les Ihara, Jr. Vice Chair  
Tuesday, February 23, 2010, 2:30pm, Conference Room 016, State Capitol

**RE: SB 2287 Relating to County Zoning for Group Living Facilities.**

Dear Chairpersons and Committee Members,

**I am writing testimony today in favor of SB 2287.** In recent years there has been a proliferation of Adult Residential Care Homes (ARCHs) in Manoa Valley. While not necessarily a bad thing, these homes, in concentration, contribute adverse consequences to our neighborhoods.

In Manoa valley, we have witnessed the increased negative impacts of these facilities when these businesses are built adjacent to one another. On Kamehameha Avenue and McKinley Streets, there are three ARCHs contiguous with one another. This equates to more staff workers, more visitors, more negative parking issues, more handivans, more ambulances, more medical waste, more impact on the sewer systems in these older neighborhoods, etc. etc. On Beckwith and Mohala Way there is a facility that was built with 5 patient rooms, and is now being expanded with 8 additional rooms. Again, it is only a matter of time before the increased burden of volume from this facility on the neighborhood will surely be felt. With the unimaginable profits in this business (\$7,000-\$8,000 per patient per room) we can only expect the builders of these ARCHs to continue to add more rooms and more facilities for their patients. My concern is where and when will it stop. Yes, they provide a good and worthy service for our elderly, but I really question that if the profits were not so great, would these people provide these services? So the continuum goes on ... more profits, more building, more impact to the neighborhoods.

In the City's haste to provide regulations for necessary housing of the elderly, safeguards for the residents have been overlooked. There should be a balance for the residents of neighborhoods because we **ALREADY** share space with so many other institutions, facilities and housing arrangements that impact us, i.e. churches, half way houses, group homes. A former City planner told me that distance requirements between ARCHs were considered at an early hearing (2004 ? thereabouts), but never implemented. **ZONING STANDARDS FOR GROUP LIVING FACILITIES** is about common sense and fairness to the other dwellers of residential neighborhoods.

County zoning requirements must take all these impacts into account. We favor proper and

appropriate regulation of the negative impacts of these facilities. I urge you to please pass SB 2287 to give the counties the power to monitor group living facilities in residential neighborhoods.

I thank you for the opportunity to submit testimony.

Linda LeGrande  
2243 Mohala Way  
Honolulu, HI 96822



**From:** Women's Natural Health [endofem@hawaiiantel.net]  
**Sent:** Wednesday, February 17, 2010 3:45 PM  
**To:** TIA Testimony  
**Subject:** Testimony for SB2287 on 2/23/2010 at 2:30PM

Testimony for TIA/HMS SB2287, 2/23/2010, 2:30PM

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Thalya De Mott  
Organization: Individual  
Address: 350 Ward Ave #106, Honolulu HI 96814  
Phone: 808-988-1611  
E-mail: [alohatownie@yahoo.com](mailto:alohatownie@yahoo.com)  
Submitted on: 2/17/2010

Attention:

To the Committee on Transportation,  
International and InterGovernment Affairs Senator J. Kalani English, Chair  
Senator Mike Gabbard Vice Chair, Committee on Human Services  
Senator Suzanne Chun Oakland, Chair, Senator Les Ihara, Jr. Vice Chair

Hearing: Tuesday, February 23, 2010, 2:30pm, Conference Room 016, State Capitol

RE: SB 2287 Relating to County Zoning for Group Living Facilities.

Dear Chairpersons and Committee Members,

My testimony today is in favor of SB 2287.

Adult Residential Care Homes (ARCH) are commercial facilities, with all the activity that this brings. Deliveries of supplies by trucks, parking congestion from arrivals of visitors and employees, and commercial volumes of waste disposal are all inappropriate to be conducted in close proximity to neighborhoods of single-family homes.

I believe there's a loophole in the law which allows these commercial businesses to operate in residential areas which are not zoned for business, and without adequate space between the ARCH facilities and single family homes.

I'd like to present an example of inappropriate location as applies to zoning law: If a group of dentists were to set up a busy practice in a residential neighborhood and were treating patients all day long from a home converted to dental offices, this would likely be considered a violation of residential zoning law. Businesses should not be operating in neighborhoods which are zoned exclusively for residential use.

If a lot is not zoned for commercial use, it should not be re-zoned without community hearings, and when zoning variances are granted without full community awareness and participation, the result is badly-planned communities and plummeting private property values.

The ARCH facilities do serve a valuable purpose to care for our elderly residents; however, proper regulations should be thoughtfully considered and enacted. I suggest the drafting of regulations which limit the number of conjoined home lots which can be converted to ARCH use, the number of these facilities allowable per square mile of residentially-zoned area, the provision of adequate parking and ingress/egress from the facility for the maximum anticipated vehicular use, the maximum number of residents and employees per (conjoined) facility, and a minimum setback distance from surrounding

residences which is considerably greater than currently allowable distances between buildings on adjoining residential lots.

Please pass SB 2287 to help in the process to preserve our neighborhoods by not allowing commercial activities to operate through loopholes in the law.

Mahalo,  
Thalya De Mott  
350 Ward Ave #106  
Honolulu HI 96814

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 17, 2010 12:13 PM  
**To:** TIATestimony  
**Cc:** drjlam@aol.com  
**Subject:** Testimony for SB2287 on 2/23/2010 2:30:00 PM

Testimony for TIA/HMS 2/23/2010 2:30:00 PM SB2287

Conference room: 016  
Testifier position: support  
Testifier will be present: No  
Submitted by: Jeremy Lam, M.D.  
Organization: Individual  
Address: 2230 Kamehameha Avenue Honolulu, HI  
Phone: 808-944-1844  
E-mail: [drjlam@aol.com](mailto:drjlam@aol.com)  
Submitted on: 2/17/2010

Comments:

Committee on Transportation, International and InterGovernment Affairs Senator J. Kalani English, Chair, Senator Mike Gabbard Vice Chair Committee on Human Services Senator Suzanne Chun Oakland, Chair, Senator Les Ihara, Jr. Vice Chair Tuesday, February 23, 2010, 2:30pm, Conference Room 016, State Capitol

RE: SB 2287 Relating to County Zoning for Group Living Facilities.

Dear Chairpersons and Committee Members,

I am writing testimony today in favor of SB 2287. Over recent years there has been a proliferation of Adult Residential Care Homes in Manoa Valley. We have held numerous community meetings on my lanai with residents, City Council representatives and legislative representatives, over the adverse consequences of these facilities on our Manoa neighborhood.

We have witnessed first hand how the untoward impacts of these facilities can be compounded and increased when these lucrative businesses are built adjacent to one another. On Kamehameha Avenue and McKinley Streets, there are three ARCHs contiguous with one another. Although the homes are legally supposed to be independent, having them one next to another makes profits soar with economies of scale. Food and supply drop offs, handi-van stops, utilizing existing staff back and forth among the homes, efficiency of construction, electrical planning and sewerage planning, visits by therapists, all make it ideal for the owners of these ARCHs.

An unmonitored problem is that of medical waste and whether it is properly disposed of, using sharps containers and picked up by proper trained personnel. Parking is always a problem not just from the employees that fill their 8 hour shifts, but the family visitors, cooks, transportation cars, handivans, maintenance workers, landscape caretakers, etc. Spotlights shine 24 hours a day and 7 days a week, which bothers nearby residents. Intermittent 24-hour-a-day noise cause problems which are difficult to be measured by noise meters. Traffic flow patterns on substandard streets obstruct resident garages. We have photographs of medical waste and dirty diapers blowing up into neighbor properties.

In the City's haste to provide regulations for necessary housing of the elderly, safeguards for the adjacent residents were never addressed in these laws. The has to be a balance. I

was told distance requirements between ARCHs was considered but never fully implemented. This requirement is not about discrimination as ARCH owners state. It is about common sense and fairness to the residential neighborhoods.

The residents of Loulu Street in Manoa have been dealing with horrendous events from a group home run by Habilitat for many years. Many of our legislators have been involved in searching for solutions to problems there.

County zoning requirements must take all these impacts into account. We favor proper and appropriate regulation of the negative impacts of these facilities. I urge you to please pass SB 2287 to give the counties the power to monitor group living facilities in residential neighborhoods.

Jeremy Lam, M.D.  
2230 Kamehameha Avenue  
Honolulu, HI 96822