



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3077

## COMMITTEE ON ZONING AND PLANNING

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**Voting Members:**  
Ikaika Anderson, Chair  
Trevor Ozawa, Vice Chair  
Carol Fukunaga  
Ann H. Kobayashi  
Joey Manahan

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## MINUTES

REGULAR MEETING  
THURSDAY, AUGUST 20, 2015

COUNCIL COMMITTEE MEETING ROOM  
2<sup>ND</sup> FLOOR, HONOLULU HALE  
HONOLULU, HAWAII 96813

*Note: A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.*

### CALL TO ORDER

The regular meeting of the Committee on Zoning and Planning was called to order by Committee Chair Ikaika Anderson at 9:34 a.m. Voting Members Fukunaga, Kobayashi, Manahan and Ozawa were present at the meeting. Non-voting members, Council Chair Martin and Councilmember Menor also attended the meeting.

### STAFF PRESENT

Gail Myers, Senior Aide to Committee Chair Anderson  
Lori Hiraoka, Attorney, Office of Council Services  
Dean Minakami, Analyst, Office of Council Services  
Don Kitaoka, Deputy Corporation Counsel, Department of the Corporation Counsel,  
assigned to the Committee  
Gail Murayama, Council Committee Aide, Office of the City Clerk

### **ORDER OF BUSINESS**

#### APPROVAL OF MINUTES

The minutes of the Committee on Zoning and Planning meeting of July 23, 2015 were approved as circulated.

AYES: FUKUNAGA, KOBAYASHI, OZAWA, ANDERSON – 4.  
NOES: None.  
EXCUSED: MANAHAN – 1.

FOR ACTION

Without objections, Committee Chair Anderson deferred Agenda Item 1, Resolution 15-208 – Reappointment of Cord D. Anderson, to await the arrival of the appointee.

2. RESOLUTION 15-209 – COMMITTEE REPORT 339

APPOINTMENT AND REAPPOINTMENT OF LYLE M. ISHIDA TO THE ZONING BOARD OF APPEALS. Confirming the reappointment of Lyle M. Ishida to the Zoning Board of Appeals for a term expiring on June 30, 2020.

Administration/Others

Lyle M. Ishida, appointee

Mr. Ishida voiced his willingness to serve on the Zoning Board of Appeals for another five-year term.

In response to Committee Chair Anderson's inquiry, Mr. Ishida stated that the Zoning Board of Appeals is primarily tasked with reviewing the decisions of the Director of the Department of Planning and Permitting for any errors or inaccuracies. He noted that, absent any errors on the part of the Director, the Board cannot substitute its decisions for the Director's.

In response to Committee Member Ozawa's question regarding the Board's most controversial issue, Mr. Ishida stated that the Kyo-ya project was the most noteworthy issue. He noted that, in the case of Kyo-ya, the Board was limited to determining whether the Director's decision was based on any mistakes of fact and because no mistakes of fact were made, the Board upheld the Director's decision.

In response to Committee Member Ozawa's question regarding possible conflicts of interest, Mr. Ishida provided background on a claim of conflict in the Kyo-ya case, but noted that both the State Ethics Commission and the City Ethics Commission issued formal decisions that no conflict existed.

The following individual provided comments:

Arvid Youngquist

Committee Chair Anderson recommended that the Resolution be reported out for adoption.

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Committee Member Ozawa concurred with the Committee Chair's recommendation.

Resolution 15-209 reported out for adoption.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.  
NOES: None.

Related communication:

MM-104 Office of the Mayor, transmitting Resolution 15-209.

Noting the arrival of Mr. Anderson, Committee Chair Anderson returned to Item 1 on the agenda.

1. RESOLUTION 15-208 – COMMITTEE REPORT 338

REAPPOINTMENT OF CORD D. ANDERSON TO THE PLANNING COMMISSION. Confirming the reappointment of Cord D. Anderson to the Planning Commission for a term expiring on June 30, 2020.

Administration/Others

Cord D. Anderson, appointee

RECESS / RECONVENE

Committee Chair Anderson announced that he had filed a Disclosure of Interest Statement (CC-265), noting that he and Mr. Anderson were related. The Committee Chair stated that, while he did not have a business relationship with Mr. Anderson, he would, in an abundance of caution, be recusing himself from any decision-making. The meeting was recessed at 9:48 a.m. and reconvened by Committee Vice Chair Ozawa at 9:49 a.m.

Mr. Anderson provided a brief summary of his first term on the Planning Commission. He noted that no conflicts of interest concerns were raised during his prior term.

In response to Committee Member Ozawa's inquiry, Mr. Anderson provided the Committee with his employment background.

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The following individual provided comments:

Arvid Youngquist

Committee Member Ozawa suggested that Mr. Anderson meet with individual councilmembers to discuss his background and experiences.

Resolution 15-208 reported out for adoption.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA – 4.  
NOES: None.  
EXCUSED: ANDERSON – 1.

Related communications:

CC-265 Councilmember Ikaika Anderson, submitting Disclosure of Interest Statement.  
MM-103 Office of the Mayor, transmitting Resolution 15-208.  
M-2756 Unite Here Local 5 Hawaii (comments)

RECESS / RECONVENE

At 9:59 a.m., Committee Vice Chair Ozawa called for a brief recess. Committee Chair Anderson reconvened the meeting at 10:00 a.m. and returned to the order of the agenda.

3. RESOLUTION 15-210 – COMMITTEE REPORT 340

APPOINTMENT OF THERESIA C. MCMURDO TO THE PLANNING COMMISSION. Confirming the appointment of Theresa C. McMurdo to the Planning Commission for a term expiring on June 30, 2020.

Administration/Others

Theresa C. McMurdo, appointee

Ms. McMurdo introduced herself to the Committee members:

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The following individuals provided comments and testified in support of the Resolution:

1. Maeda Timson
2. Keith Timson
3. Arvid Youngquist

Committee Chair Anderson recommended that the Resolution be reported out for adoption.

Committee Member Manahan concurred with the Committee Chair's recommendation and noted that he would be filing a Disclosure of Interest Statement for Resolution 15-210 (CC-286).

Resolution 15-210 reported out for adoption.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.  
NOES: None.

Related communications:

CC-286	Councilmember Joey Manahan, submitting Disclosure of Interest Statement. (Submitted after the meeting)
MM-102	Office of the Mayor, transmitting Resolution 15-210.
M-2757	D. Neil Bebb (support)
M-2758	Todd J. Bedford (support)
M-2759	Teresita Bernales (support)
M-2760	Jose Bustamante (support)
M-2761	Laurie Ann Chan (support)
M-2762	Robert M. Creps (support)
M-2763	Daniel Curran (support)
M-2764	Patrick Delaney (support)
M-2765	Henry Eng (support)
M-2766	Elden Esmeralda (support)
M-2767	Doug Ewalt (support)
M-2768	Liane Kim (support)
M-2769	Peter D. Kwan, Delta Construction Corporation (support)
M-2770	Maya Leland (support)
M-2771	Stephen MacMillan (support)
M-2772	Collin Miyamoto (support)
M-2773	Michael Okamoto (support)
M-2774	Ola (support)

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M-2775	Alan Ong (support)
M-2776	Georgette Stevens (support)
M-2777	Blair Suzuki (support)
M-2778	Lolita Takeda (support)
M-2779	Hana Trinidad (support)
M-2780	Tony Velasco (support)
M-2781	John Williamson (support)
M-2782	Brooke Wilson, The Pacific Resource Partnership (support)
M-2783	Paul Witte (support)
M-2784	Laurel Wong (support)

4. RESOLUTION 15-219 – COMMITTEE REPORT 341

PERMITTING REQUESTS FOR THE IMPROVEMENT OF STATE PUBLIC HOUSING. Urging the Department of Planning and Permitting to expedite all permitting requests for the improvement of State public housing and work with the State HPHA to ensure that unnecessary delays, if any, are minimized.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)

Director Atta testified in support of the Resolution and noted that the DPP has already met with the State to coordinate permitting requests.

Council Chair Martin thanked the Department for being proactive in dealing expediting the HPHA permits.

The Council Chair requested that the DPP alert the Council if any problems with HPHA permits arise so that councilmembers can assist in expediting the process.

Committee Member Fukunaga noted that HPHA projects within transit-oriented development areas are of particular interest to the Council.

The following individuals testified:

1. Barbra Armentrout (support)
2. Reverend Bob Nakata, FACE (comments)

Council Chair Martin stated that the City should be doing everything possible to help the State with affordable housing.

Resolution 15-219 reported out for adoption.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.  
NOES: None.

5. RESOLUTION 15-230 – COMMITTEE REPORT 342

UNCODIFIED ORDINANCE RELATING TO THE RENEWAL OF CERTAIN NONCONFORMING USE CERTIFICATES FOR BED AND BREAKFAST HOMES. Providing one-time relief to those owners of bed and breakfast homes who lost their nonconforming use certificates after September 30, 2012, solely for failing to apply for renewal.

Administration/Others

Arthur Challacombe, Deputy, Director, Department of Planning and Permitting (DPP)

There was no public testimony.

Deputy Director Challacombe testified in support of the Resolution.

Council Chair Martin stated that the loss of the certificates can be attributed to innocent mistakes by previously compliant individuals and requested that the DPP expedite the renewals.

Resolution 15-230 reported out for adoption.

AYES: FUKUNAGA, MANAHAN, OZAWA, ANDERSON – 4.  
NOES: None.  
EXCUSED: KOBAYASHI – 1.

Committee Chair Anderson took Items 6 and 7 – Bill 57 (2015) and Bill 58 (2015) – up together.

6. BILL 57 (2015) – COMMITTEE REPORT 336

WAIKIKI ZONE CHANGE (2015/Z-2). Rezoning land situated in the Waikiki Special District from the Apartment Precinct to the Apartment Mixed Use Subprecinct. TMK: 2-6-024: 001-004, 011, 012, 014, 016, 017, 019, 020-022, and 024. (Applicants: Various landowners, DPP) (Current deadline for Council action: 10/19/15)

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The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 57 (2015) (Submitted by Councilmember Anderson) –  
The CD1 (OCS2015-0719/7/28/2015 2:17 PM) makes the following amendments:

A. Revises the description of the rezone to read as follows:

Land situated in the Waikiki Special District, hereinafter described, is hereby rezoned from the Apartment Precinct to the Apartment Mixed Use Subprecinct, and from the Public Precinct to the Apartment Mixed Use Subprecinct.

B. Makes miscellaneous technical and non-substantive amendments.

7. BILL 58 (2015) – COMMITTEE REPORT 337

LUO AMENDMENT RELATING TO THE WAIKIKI SPECIAL DISTRICT.  
Amending the Waikiki Special District zoning map to conform with a rezoning to Zoning Map No. 3 (Moiliili-Kaimuki, Ordinance 86-106). (Current deadline for Council action: 10/19/15)

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 58 (2015) (Submitted by Councilmember Anderson) –  
The CD1 (OCS2015-0720/7/28/2015 4:33 PM) makes the following amendments:

A. References Bill 57 (2015) as the relevant rezone ordinance.

B. Attaches the map as "Attachment 1," since it was not included in the body of the Bill.

C. Provides that the ordinance takes effect upon the latter of: (1) its approval, or (2) the effective date of Bill 57 (2015) in a form it is enacted.

D. Makes miscellaneous technical and non-substantive amendments.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)  
James Peirson, Chief Planner, Land Use Permits Division, DPP  
Christine Ruotola, Group 70 International, Inc. (Agent)  
Justin Alexander, landowner

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Ms. Ruotola and Mr. Alexander provided a brief overview of the planned zone change:

- No development is currently being proposed. The zone change would not change any development standards but would allow some commercial uses not currently allowed on the lower floors of the street front parcels.
- The Applicant submitted a zone change application for eight parcels fronting Kuhio Avenue. The DPP is proposing to add an additional six parcels to make the entire street frontage consistent.
- The area Neighborhood Board is in support of the zone change.
- Two apartment complexes were not included in the original application; however, the two parcels are included in the DPP's request.
- One of the purposes of the rezoning is to encourage commercial activities that would help curtail illicit activities in the area.

Director Atta testified in support of the proposed zone change application. The Director noted that the DPP-added parcels are meant to create consistency of zoning to the two blocks. He further noted that, because heights and densities would remain the same, impacts should be minimal.

The following individuals testified:

1. Flora Lu Chang (support)
2. Rick Egged, Waikiki Improvement Association (comments)
3. Barbra Armentrout (oppose public park zone change, comments on Bill 58)
4. Daisy Murai (comments on Bill 58) (M-2786)

In response to Committee Member Ozawa's question regarding the Waikiki Special District map, representatives of the DPP and Mr. Egged noted that maps attached to bills are specific to the particular bill.

Committee Chair Anderson recommended that Bill 57 be amended to the posted CD1 and reported out for second reading and public hearing.

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Bill 57 (2015) amended to CD1 (OCS2015-0719/7/28/2015 2:17 PM) and reported out for passage on second reading and scheduling of a public hearing.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.  
NOES: None.

Committee Chair Anderson recommended that Bill 58 be amended to the posted CD1 and reported out for second reading and public hearing.

Committee Member Ozawa emphasized, for the benefit of the public, that the mini parks would remain in park use.

Bill 58 (2015) amended to CD1 (OCS2015-0720/7/28/2015 4:33 PM) and reported out for passage on second reading and scheduling of a public hearing.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.  
NOES: None.

Related communications:

D-540 Planning Commission, transmitting Department of Planning and Permitting report and draft bill.  
M-2785 Rita Wong (support)  
M-2786 Daisy Murai (comments, Bill 58 [2015])

8. BILL 20 (2015) – COMMITTEE REPORT 335

LUO AMENDMENT RELATING TO ACCESSORY DWELLING UNITS. Amending the Land Use Ordinance (LUO) to establish accessory dwelling units as a permitted use in all residential zoning districts, to encourage and accommodate the construction of accessory dwelling units, increase the number of affordable rental units and alleviate the housing shortage in the City, and to establish land use standards for those accessory dwelling units. (Current deadline for Council action: 10/1/15)

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The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 20 (2015) (Submitted by Councilmember Anderson) –  
The CD1 (OCS2015-0784/8/14/2015 1:19 PM) makes the following amendments:

- A. In Section 21-2.140-1(o), corrects the reference to the section establishing maximum floor area from Section 21-8.20B(c)(2) to Section 21-5. (c)(1), and adds Section 21-5. (c)(4) as the section establishing off-street parking requirements.
- B. Adds the "Country" zoning district to the areas where accessory dwelling units (ADUs) are allowed in Table 21-3 (Master Use Table) and Section 21-5. (c), and includes the Country district in Section 21-2-.140-1 (conversion of legally established accessory structures).
- C. Adds the word "conditions" to the end of the sentence in Section 21-5. (c).
- D. In Section 21-5. (c)(2), adds a new paragraph (C) that prohibits construction of accessory dwelling units on lots that are landlocked.
- E. In Section 21-5. (c)(5), clarifies that some properties may require recordation of covenants with both the Bureau of Conveyances and Land Court.
- F. In Section 21-5. (c)(5)(B), deletes the phrase "The accessory dwelling unit or" at the beginning of the paragraph, and clarifies that the owner(s), or persons related by blood, marriage or adoption to the owner(s), or authorized representative(s) must occupy the primary residential unit or the accessory dwelling unit so long as the other unit is being rented or otherwise occupied.
- G. Redesignates Section 21-5. (c)(5)(C) as paragraph (E), and moves the latter part of the sentence to paragraph (F).
- H. Redesignates Section 21-5. (c)(5)(D) as paragraph (C), increases the minimum rental or occupation period from three months to six months and moves the latter part of the sentence to paragraph (F).

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- I. In Section 21-5. (c)(5), adds a new paragraph (D) to clarify that if the property owner(s), or persons who are related by blood, marriage or adoption to the property owner(s), or designated authorized representatives, occupy the ADU while the primary residential unit is rented, the primary residential unit can only be used for long-term rental or otherwise occupied for a minimum of six months, and explicitly cannot be used as a TVU.
- J. Adds the phrase "in accordance with the provisions of Chapter 21" at the end of the sentence in Section 21-5. (c)(E).
- K. Revises Section 21-5. (c)(5)(F) to read as follows:
  - (F) The deed restrictions lapse upon removal of the accessory dwelling unit, and all of the foregoing covenants are binding upon any and all successors and assigns of the owner or owners.
- L. Adds the word "rail" before "transit" in Table 21-6.1.
- M. Includes a revision to Section 21-8.20 to provide that ohana dwelling units may be attached to the first dwelling, or may be detached from the first dwelling and located on the same lot as the first dwelling.
- N. Uses the term "primary dwelling unit" consistently throughout the ordinance.
- O. Makes miscellaneous technical and non-substantive amendments.

The following amendment was circulated at the meeting:

PROPOSED CD1 TO BILL 20 (2015) (Submitted by Councilmember Menor) – The CD1 (OCS2015-0803/8/19/2015 2:51 PM) makes the following amendments:

- A. In Section 21-2.140-1(o), corrects the reference to the section establishing maximum floor area from Section 21-8.20B(c)(2) to Section 21-5.\_\_(c)(1), and adds Section 21-5.\_\_(c)(4) as the section establishing off-street parking requirements.
- B. Adds the word "conditions" to the end of the sentence in Section 21-5.\_\_(c).
- C. In Section 21-5.\_\_(c)(2), adds a new paragraph (C) that prohibits construction of accessory dwelling units on lots that are landlocked.

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- D. In Section 21-5.\_\_(c)(5), clarifies that some properties may require recordation of covenants with both the Bureau of Conveyances and Land Court.
- E. In Section 21-5.\_\_(c)(5)(B), deletes the phrase "The accessory dwelling unit or" at the beginning of the paragraph, and clarifies that the owner(s), or persons related by blood, marriage or adoption to the owner(s), or authorized representative(s) must occupy the primary residential unit or the accessory dwelling unit so long as the other unit is being rented or otherwise occupied.
- F. Redesignates Section 21-5.\_\_(c)(5)(C) as paragraph (E), and moves the latter part of the sentence to paragraph (F).
- G. Redesignates Section 21-5.\_\_(c)(5)(D) as paragraph (C), increases the minimum rental or occupation period from three months to six months, explicitly prohibits an ADU from being used as a B&B or TVU, and moves the latter part of the sentence to paragraph (F).
- H. In Section 21-5.\_\_(c)(5), adds a new paragraph (D) to clarify that if the property owner(s), or persons who are related by blood, marriage or adoption to the property owner(s), or designated authorized representatives, occupy the ADU while the primary residential unit is rented, the primary residential unit can only be used for long-term rental or otherwise occupied for a minimum of six months, and explicitly cannot be used as a B&B or TVU.
- I. Adds the phrase "In accordance with the provisions of Chapter 21" at the end of the sentence in Section 21-5.\_\_(c)(5)(E).
- J. Revises Section 21-5.\_\_(c)(5)(F) to read as follows:
  - (F) The deed restrictions lapse upon removal of the accessory dwelling unit, and all of the foregoing covenants are binding upon any and all heirs, successors and assigns of the owner or owners.
- K. Adds a new subdivision to Section 21-5.\_\_(c)(7), providing that all rentals of an accessory dwelling unit (or the primary dwelling unit if the owner(s) choose to rent the primary dwelling unit and occupy the accessory dwelling unit), must be evidenced by a written rental agreement for a lease period of at least six months; provided that after the initial lease period is concluded, the owner may allow the same tenant to continue renting the accessory dwelling unit on a consecutive month-to-month basis.

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- L. Adds a new subsection (h) to Section 21-5.\_\_, providing that if an ADU is advertised as a B&B or TVU, the existence of such advertisement is prima facie evidence that the ADU owner authorized the advertisement, and that a B&B or TVU is being operated at the advertised location.
- M. Adds the word "rail" before "transit" in Table 21-6.1.
- N. Uses the term "primary dwelling unit" consistently throughout the ordinance.
- O. Makes miscellaneous technical and non-substantive amendments.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)  
James Peirson, Chief Planner, Land Use Permits Division, DPP  
Don Kitaoka, Deputy Corporation Counsel, Department of the Corporation  
Counsel

Councilmember Menor summarized the changes included in his hand-carried proposed CD1.

Director Atta testified that the Department has reviewed all of the changes being proposed by the Committee Chair and Councilmember Menor and stands in support of the Bill with additional changes.

The Committee Chair, the DPP representatives and Deputy Corporation Counsel Kitaoka discussed whether the addition of country zoning to the Bill would necessitate a change to the Bill's purpose or whether the original purpose would encompass residential uses in country zones.

In response to Councilmember Menor's question regarding the DPP's preference between three- or six-month lease periods, Director Atta stated that there is no advantage to one or the other as long as a signed lease agreement is present.

In response to Committee Member Ozawa's question regarding a requirement to file the lease with the Bureau of Conveyances, Director Atta stated that that such a requirement would make the rental process too difficult and cumbersome.

In response to Committee Member Fukunaga's inquiry regarding a requirement that a copy of the lease agreement be filed with the DPP, Deputy Director Challacombe stated that legal lessors of accessory dwelling units (ADUs) should not have a problem with providing a copy of the lease to the DPP.

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In response to Committee Member Manahan's inquiry regarding the number of current illegal transient vacation rental complaints, Deputy Director Challacombe stated that the Department regularly receives numerous complaints and would provide the numbers to the Committee Member.

In response to Committee Member Ozawa's question regarding when the Department of Corporation Counsel (COR) becomes involved, Deputy Director Challacombe noted that the COR becomes actively involved whenever there is a non-responsive property owner.

The following individuals testified:

1. Reverend Bob Nakata, FACE (support) (M-2798)
2. Jenny Lee, Hawaii Appleseed Center for Law and Economic Justice (support) (M-2791)
3. Joli Tokusato, Unite Here Local 5 (support with reservations) (M-2801)
4. Kali Watson, Sovereign Councils of the Hawaiian Homelands Assembly (support) (M-2802)
5. Tom Dinell (support) (M-2787)
6. Victor Geminiani (support) (M-2788)
7. Paul Spriggs (comments)
8. Mila Balcobos (oppose)
9. Renee Ing (comments)
10. Don Crescimanno, Home Plus (comments)
11. Stuart Simmons (comments)

In response to Committee Member Ozawa's question regarding the possibility of allowing larger ADUs on properties with large primary residences, Committee Chair Anderson noted that his discussions with the DPP indicated that the fundamental reason for keeping ADUs small is to keep rental prices low. Committee Member Ozawa argued that, because of unique demographics, "affordable" in one community may be different than "affordable" in another area.

Director Atta testified that the size of permitted ADUs was extensively discussed by the Department. He noted that studies have proven that smaller units are rented at lower prices even in wealthier neighborhoods.

Mr. Peirson noted that a zoning adjustment is available for anyone who wishes to retain already-built units as ADUs even if they do not meet the Bill's specifications.

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In response to Committee Member Kobayashi's question regarding the provision of a one-stop center for those applying for applications, Deputy Director Challacombe stated that the DPP is already working on pre-check forms, brochures, and other means to give property owners all of the information necessary.

In response to Committee Chair Anderson's question regarding whether the addition of enforcement provisions would go outside of the scope of the purpose of the Bill, Director Atta stated that there might be some questions with regard to the addition of enforcement provisions. He noted that such provisions could be addressed separately.

Councilmember Menor noted that, with a potential 20,000 parcels eligible for ADUs, Bill 20 could make significant inroads in addressing the need for affordable rentals on Oahu.

Committee Member Anderson recommended that the Bill be amended to the posted CD1 with additional recommended changes proposed by Councilmember Menor and reported out for passage on third reading.

Committee Member Ozawa concurred with the Committee Chair's recommendation.

Councilmember Menor thanked the Committee and the Administration for moving the Bill forward.

Bill 20 (2015) amended to CD1 and reported out for passage on third reading.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.  
NOES: None.

CD1 to Bill 20 (2015) (Submitted by Councilmember Anderson) – The CD1 (OCS2015-0816/8/25/2015 9:40 AM) makes the following amendments:

- A. In Section 21-2.140-1(o), corrects the reference to the section establishing maximum floor area from Section 21-8.20B(c)(2) to Section 21-5.\_\_(c)(1), and adds Section 21-5.\_\_(c)(4) as the section establishing off-street parking requirements.

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- B. Adds the "Country" zoning district to the areas where accessory dwelling units (ADUs) are allowed in Table 21-3 (Master Use Table) and Section 21-5.\_\_(c), and includes the Country district in Section 21-2-.140-1 (conversion of legally established accessory structures).
- C. Adds the word "conditions" to the end of the second line of Section 21-5.\_\_(c).
- D. In Section 21-5.\_\_(c)(2), adds a new paragraph (C) that prohibits construction of accessory dwelling units on lots that are landlocked.
- E. In Section 21-5.\_\_(c)(5), clarifies that some properties may require recordation of covenants with both the Bureau of Conveyances and Land Court.
- F. In Section 21-5.\_\_(c)(5)(B), deletes the phrase "The accessory dwelling unit or" at the beginning of the paragraph, and clarifies that the owner(s), or persons related by blood, marriage or adoption to the owner(s), or authorized representative(s) must occupy the primary residential unit or the accessory dwelling unit so long as the other unit is being rented or otherwise occupied.
- G. Redesignates Section 21-5.\_\_(c)(5)(C) as paragraph (E), and moves the latter part of the sentence to paragraph (F).
- H. Redesignates Section 21-5.\_\_(c)(5)(D) as paragraph (C), increases the minimum rental or occupation period from three months to six months, explicitly prohibits an ADU from being used as a B&B or TVU, and moves the latter part of the sentence to paragraph (F).
- I. In Section 21-5.\_\_(c)(5), adds a new paragraph (D) to clarify that if the property owner(s), or persons who are related by blood, marriage or adoption to the property owner(s), or designated authorized representatives, occupy the ADU while the primary residential unit is rented, the primary residential unit can only be used for long-term rental or otherwise occupied for a minimum of six months, and explicitly cannot be used as a B&B or TVU.
- J. Adds the phrase "in accordance with the provisions of Chapter 21" at the end of the sentence in Section 21-5.\_\_(c)(5)(E).

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- K. Revises Section 21-5.\_\_(c)(5)(F) to read as follows:  
  
The deed restrictions lapse upon removal of the accessory dwelling unit, and all of the foregoing covenants are binding upon any and all heirs, successors and assigns of the owner or owners.
- L. Adds a new subdivision (7) to Section 21-5.\_\_(c), providing that all rentals of an accessory dwelling unit (or the primary dwelling unit if the owner(s) choose to rent the primary dwelling unit and occupy the accessory dwelling unit), must be evidenced by a written rental agreement for a lease period of at least six months; provided that after the initial lease period is concluded, the owner may allow the same tenant to continue renting the accessory dwelling unit on a consecutive month-to-month basis.
- M. Adds a new subsection (h) to Section 21-5.\_\_, providing that if an ADU is advertised as a B&B or TVU, the existence of such advertisement is prima facie evidence that the ADU owner authorized the advertisement, and that a B&B or TVU is being operated at the advertised location.
- N. Adds the word "rail" before "transit" in Table 21-6.1.
- O. Includes a revision to Section 21-8.20 to provide that ohana dwelling units may be attached to the first dwelling, or may be detached from the first dwelling and located on the same lot as the first dwelling.
- P. Uses the term "primary dwelling unit" consistently throughout the ordinance.
- Q. Makes miscellaneous technical and non-substantive amendments.

Related communications:

M-2787	Tom Dinell (support)
M-2788	Victor Geminiani (support)
M-2789	Jeff Gilbreath, Hawaiian Community Assets (support)
M-2790	Catherine Graham, FACE (support)
M-2791	Hawaii Appleseed Center for Law & Economic Justice (support)
M-2792	Matt Hom (support)
M-2793	David Jessup (support)
M-2794	Questor Lau, OURchitecture (support)
M-2795	Pauline MacNeil (comments)
M-2796	Gladys Marrone, Building Industry Association-Hawaii (support)
M-2797	Skye Moore, Project DATE (support)

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- M-2798 Reverend Bob Nakata, FACE (support)
- M-2799 Partners in Care (support)
- M-2800 Gavin Thornton (support)
- M-2801 Unite Here Local 5 (support with reservations)
- M-2802 Kali Watson, Sovereign Councils of the Hawaiian Homelands Assembly (support)

Committee Chair Anderson took Items 9 and 10 – Resolution 15-231 and the discussion on reflective glass – up together.

9. RESOLUTION 15-231

HAWAII COMMUNITY DEVELOPMENT AUTHORITY GLASS RULE. Urging the Hawaii Community Development Authority to uphold the Glass Rule with regard to the Symphony Honolulu Project.

10. ISSUES RELATING TO REFLECTIVE GLASS

- A. Information on the Kakaako Community Development District Mauka Area Rules, “The Glass Rule,” and the status of how the Kakaako Development District Mauka Area Rules apply to the Symphony Building being developed by Oliver-McMillan.
- B. Discussion on the City’s permitting process, requirements for glass, and building standards as it applies to reflectivity, and what is provided by ROH.
- C. Discussion on the industry standard and issues with reflective glass and its effects on the health, safety, and welfare of neighboring residents and drivers in the City and County of Honolulu.

Prior to the start of deliberation, Committee Member Ozawa requested that he be given more time to review and work on the issue prior to the involvement of the Committee.

The following individual provided comments:

Barbra Armentrout

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Action on Resolution 15-231 deferred.

AYES: FUKUNAGA, KOBAYASHI, OZAWA, ANDERSON – 4.

NOES: None.

EXCUSED: MANAHAN – 1.

Related communications:

M-2803 Doris Byun (oppose)

M-2804 Kyle Shelly (comments)

INFORMATIONAL BRIEFING

11. UPDATE BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING REGARDING THE STATUS OF ALL PENDING LAND USE ORDINANCE (LUO) AMENDMENTS AND DEVELOPMENT PLAN AND SUSTAINABLE COMMUNITIES PLAN REVISION BILLS.

Administration/Others

George Atta, Director, Department of Planning and Permitting

There was no public testimony.

Director Atta provided the Committee with the Department's update. He noted that the only major change involved the delay of the review of the Oahu General Plan.

In response to Committee Chair Anderson's question regarding the Koolaupoko Plan, Director Atta stated that the Koolaupoko timeline was inadvertently omitted from the update and that the Department would provide the information directly to the Committee Chair's office.

Related communication:

D-612 Department of Planning and Permitting, transmitting DEVELOPMENT PLAN UPDATED SCHEDULE and STATUS OF LUO AMENDMENTS SENT TO DPP VIA CITY COUNCIL RESOLUTIONS.

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ADJOURNMENT

There being no further business, the meeting was adjourned at 12:31 p.m.

Respectfully submitted,

  
GLEN TAKAHASHI  
City Clerk

gym

DATE APPROVED

September 17, 20±5