



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING AND PLANNING

Voting Members:

Ikaika Anderson, Chair
Trevor Ozawa, Vice Chair
Carol Fukunaga
Ann H. Kobayashi
Joey Manahan

MINUTES

REGULAR MEETING
THURSDAY, APRIL 28, 2016

COUNCIL COMMITTEE MEETING ROOM
2ND 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 9:20 a.m. Voting Members Fukunaga, Kobayashi, Manahan and Ozawa were present at the meeting. Nonvoting member, Council Chair Martin also attended the meeting.

STAFF PRESENT

Gail Myers, Senior Aide to Committee Chair Anderson
Lori Hiraoka, Attorney, Office of Council Services
Gavin Kennedy, 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 March 31, 2016 were approved as circulated.

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

FOR ACTION

1. RESOLUTION 16-74 – COMMITTEE REPORT 151

SMP FOR ST. AUGUSTINE BY-THE-SEA CHURCH TO CONSTRUCT A NEW ST. DAMIEN AND ST. MARIANNE COPE MUSEUM, DEMOLISH AND REPLACE THE EXISTING PARISH HALL, AND APPURTENANT SITE IMPROVEMENTS (2015/SMA-59). Granting a Special Management Area Use Permit (SMP) for the construction of a new St. Damien and St. Marianne Cope Museum; demolition and replacement of an existing parish hall with a new multi-site improvements for St. Augustine By-the-Sea Church, located at 130 Ohua Avenue, Honolulu, Oahu, identified as Tax Map Keys 2-6-26: 12 and 15. (Applicant: St. Augustine By-the-Sea Church) (Current deadline for Council action: 5/17/16)

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)
Scott Ezer, HHF Planners, Inc. (Agent)
Father Lane Akiona, Pastor, St. Augustine By-the-Sea Church

There was no public testimony.

Mr. Ezer and Father Akiona presented an overview of the St. Augustine By-the-Sea Church Master Plan ("Project") as detailed in Communication M-1290:

- The primary purpose of the Master Plan renovation is to share the history and tradition of Hawaii's two saints with residents and visitors.
- St. Augustine has been in Waikiki for 162 years and has become an integral part of the community.
- The Project, in its entirety, received previous SMP approval from the City Council in 2012 via Resolution 12-195. During the course of applying for building permit approval for the museum, the prior SMP lapsed.
- Although only the proposed museum falls within the special management area, the entire project is being reviewed under the SMP process.
- The proposed museum would be located to the west of the main church, fronting Kalakaua Avenue. The proposed floor area is approximately 6,000 square-feet.

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- Access to the property would primarily be through Ohua Avenue, and secondarily through Kealohilani Avenue.
- Parking would increase from 61 stalls to 113 stalls.

In response to Committee Chair Anderson's question regarding the museum's collection, Father Akiona stated that St. Augustine is currently in negotiation with the Sisters of St. Francis to display relics of Mother Marianne. Many of Father Damien's artifacts are already in hand.

Director Atta testified that the DPP is in full support of the Resolution. The Director noted, as previously stated by the Applicant's agent, that the SMP had previously been approved by the City Council.

Resolution 16-74 reported out for adoption.

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

Related communications:

D-173 Department of Planning and Permitting, transmitting Resolution 16-74.
M-1290 HHF Planners, Inc., PowerPoint presentation of the St. Augustine By-the-Sea Church Master Plan.

2. RESOLUTION 15-311 – COMMITTEE REPORT 149

LUO AMENDMENT RELATING TO WIND MACHINES. Amending the Land Use Ordinance permitting requirements for wind machines.

Administration/Others

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

Director Atta testified that the DPP takes a neutral position on the Resolution. The Director stated that the Department recognizes the desire for more public input, but noted that the change could hinder the development of more renewable energy.

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Council Chair Martin, the Resolution's sponsor, noted that the attached bill would require that certain wind machines procure a Conditional Use Permit (CUP)-Major instead of a CUP-Minor, a change that would only require an additional public hearing.

The following individuals testified:

1. Elizabeth Rago, Mothers Against Industrial Turbines in Kahuku (support) (M-1316)
2. Scot Bradshaw (oppose) (M-1295)
3. Kent Fonoimoana, Kahuku Community Association (support) (M-1302)
4. Keoki Wallace (oppose, comments) (M-1320)
5. Carl Hubbell (support)
6. KC Connors (support)

Committee Chair Anderson and Director Atta discussed the procedure required to process a Council-initiated LUO amendment.

Council Chair Martin requested that the Committee move the Resolution forward.

Resolution 15-311 reported out for adoption.

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

Related communications:

CC-314 (2015)	City Clerk, notifying DPP of the introduction of the Council proposal.
D-789 (2015)	Department of Planning and Permitting, confirming receipt of Resolution 15-311.
M-1291	Jesse Ryan Kawela Allen (support)
M-1292	Wendy Anae (oppose)
M-1293	Andrea Anixt (support)
M-1294	Eric Beaver, Hawaii Reserves, Inc. (support)
M-1295	Scott Bradshaw (oppose)
M-1296	Simplicio Caban (oppose)
M-1297	Marilyn Cole (support)
M-1298	Jennifer Cring (support)
M-1299	Michael Cutbirth, Na Pua Makani Power Partners (oppose)
M-1300	Constance Dela Cruz (oppose)
M-1301	Dr. Kioni Dudley, Friends of Makakilo (support)

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M-1302	Kent Fonoimoana, Kahuku Community Association (support)
M-1303	Josiah Hubbell, Sr. (support)
M-1304	Choon James (support)
M-1305	Tevita O. Kaili (support)
M-1306	Joseph Kalili (oppose)
M-1307	Dudley K Kekaula (support)
M-1308	Rachel Kekaula (support)
M-1309	Denice Kuehu (support)
M-1310	Roberts Leinau (support)
M-1311	Jess Kaala Lundgren (support)
M-1312	Ralph K. Makaiau, Jr. (support)
M-1313	Junior Primacio (oppose)
M-1314	Margaret Primacio (support)
M-1315	Bill Quinlan (support)
M-1316	Elizabeth J. Rago (support)
M-1317	Benjamin D. Shafer (support)
M-1318	Bob Ueda (oppose)
M-1319	Dino Vendiola (oppose)
M-1320	Keoki Wallace, It's More Than Just Numbers (comments)
M-1321	Joe Wilson (support)

3. RESOLUTION 16-85 – COMMITTEE REPORT 152

REVISION TO THE PIM FOR THE EWA DEVELOPMENT PLAN AREA. Adopting a revision to the Public Infrastructure Map for the Ewa Development Plan Area, Kapolei, Oahu, Hawaii to add a Corporation Yard (CY) symbol for the Leeward Refuse Collection Baseyard project.

Administration/Others

Timothy Houghton, Deputy Director, Department of Environmental Services

There was no public testimony.

Deputy Director Houghton testified that the PIM revision would allow the ENV to proceed with construction of a new refuse collection baseyard for the Leeward area. The Deputy Director stated that the prospective property is owned by the City and County of Honolulu and is adjacent to the City's H-Power facility. He further noted that the current Pearl City facility is shared with the Department of Facility Maintenance and no longer has enough space available to house the collection yard.

In response to Committee Chair Anderson's question regarding the size of the new baseyard, Deputy Director Houghton stated that the proposed site is approximately one acre.

Resolution 16-85 reported out for adoption.

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

Related communications:

D-210 Department of Planning and Permitting, transmitting Resolution 16-85 and DPP's Report and Recommendation.
D-273 Department of Planning and Permitting, submitting late agency comment letter for Public Infrastructure Map Revision.

4. BILL 27 (2016) – COMMITTEE REPORT 146

INCENTIVES FOR ACCESSORY DWELLING UNITS PRODUCTION.
Temporarily exempting accessory dwelling units, as defined in Section 21-10.1, from certain fees and permanently exempting accessory dwelling units from the requirement to provide or dedicate land for park and playground purposes.

The following amendment was circulated at the meeting:

PROPOSED CD1 TO BILL 27 (2016) (Submitted by Council Chair Martin) – The CD1 (OCS2016-0380/4/12/2016 10:53 AM) makes the following amendments:

- A. Adds a new Section 5 that establishes a new section in Chapter 18, Article 5, to read as follows, and renumbers subsequent Sections:

Sec. 18-5. Permit for accessory dwelling unit.

- (a) The building official shall within 30 days of the effective date of this ordinance, identify all areas of the city where there is sufficient infrastructure to allow accessory dwelling units and make the information available to the public. "Accessory dwelling unit" as used in this section means the same as defined in Section 21-10.1.
- (b) The building official shall notify an applicant in writing whether an application for a permit for construction of an accessory dwelling unit, or conversion of an existing structure to an accessory dwelling unit, is complete or incomplete within 30 days of its submission. If the

application is found to be incomplete, the written notice must state the corrective action necessary to complete the application. The permit application will be deemed accepted upon the building official finding that the application is complete, or if written notice to the applicant is not provided within 30 days of submission.

- (c) The building official shall have a maximum of 30 calendar days to review and approve or deny an accepted permit application for construction of an accessory dwelling unit, or conversion of an existing structure to an accessory dwelling unit. If the application is denied, the building official shall provide written notice of the reason for denial and provide the necessary corrective action. If the building official fails to act within 30 days, the permit will be deemed approved.
- (d) The applicant shall be responsible for ensuring that the plans for the project deemed approved comply with all applicable regulations, governmental provisions and requirements.
- (e) The building official may suspend or revoke a permit deemed approved for noncompliance as provided under Section 18-5.4(d)."

B. Makes miscellaneous technical and nonsubstantive amendments.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)
Arthur Challacombe, Deputy Director, DPP
Ken Schmidt, GIS Administrator, DPP

Council Chair Martin commended the DPP for introducing Bill 27 to help accelerate the building of accessory dwelling units (ADU). The Council Chair stated that the amendments proposed in the CD1 would set a time limit on the Department to approve ADU building permits.

Director Atta testified that the biggest complaint from residents trying to develop ADUs was related to the multiple fees attached to getting a new dwelling building permit approved. The Director testified that Bill 27 was introduced to address the problem and, hopefully, encourage more people to consider building ADUs.

Director Atta testified that the Department understood the intention of the proposed changes to speed up the permit review process but requested that a consolidated 60-day limit be imposed rather than two 30-day deadlines. The Director further

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noted that ADUs are allowed to go through a one-time review process which lessens the review time; however, the DPP has found that most applicants chose to opt out of one-time review to ensure that problems are not found during the construction phase.

Deputy Director Challacombe concurred that the DPP supports the intent of the CD1 changes. He noted that an expedited review process is available for the construction of any residential unit but that it is rarely used. The Deputy Director also noted that eliminating the pre-screening process would help speed up the review process.

Director Atta voiced a concern regarding the proposed amendment requiring the DPP to identify all areas where there is sufficient infrastructure to allow ADUs. He stated that such mapping would take more than the thirty days allowed in the proposed CD1.

GIS Administrator Schmidt testified that it would take approximately six months to identify and map all the areas where ADUs would be allowed.

Deputy Director Challacombe requested that the Department be allowed to work with the Council Chair to come up with wording that would be more appropriate to the ministerial building permit process.

In response to Committee Member Manahan's question regarding the use of converted shipping containers, Director Atta stated that, while shipping containers may be used as ADUs, they must meet all building codes and specifications.

In response to Committee Member Kobayashi's question regarding the average amount of fees that would be waived by Bill 27, Director Atta stated that the average amount would be approximately \$8,000 per unit.

The following individuals testified in support of the Bill:

1. Helen Lee-Clark
2. Rosalina Lee

Council Chair Martin requested that Bill 27 be amended to the proposed hand-carried CD1 and reported out of Committee. The Council Chair noted that the Bill would only be moving forward for second reading and that he and the DPP would have ample time to work on new language that would be amenable to both parties.

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Bill 27 amended to CD1 (OCS2016-0380/4/12/2016 10:53 AM) 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-184 Department of Planning and Permitting, transmitting draft bill and Director's Report.
M-1322 Jeff Gilbreath, Hawaiian Community Assets (support)
M-1323 Gladys Marrone, Building Industry Association-Hawaii (support)
M-1324 Representative Cynthia Thielen (support)
M-1325 Greg Thielen (support)
M-1326 Kali Watson, Sovereign Councils of the Hawaiian Homelands Assembly (support)

5. BILL 28 (2016) – COMMITTEE REPORT 147

PUBLIC HOUSING IN TRANSIT-ORIENTED DEVELOPMENT SPECIAL DISTRICTS. Amending the provisions of the Land Use Ordinance (LUO) pertaining to transit-oriented development (TOD) Special Districts and Interim Planned Development-Transit (IPD-T) permits.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)
Harrison Rue, TOD Administrator, DPP
Elizabeth Krueger, Planner, Land Use Permits Division, DPP

Committee Member Fukunaga stated that the Bill would allow greater partnership with the State to maximize public housing in areas around TOD zones.

Committee Member Manahan voiced his support for the Bill and informed the Committee that he has been actively meeting with the Hawaii Public Housing Authority on possible partnerships.

Director Atta testified in support of the intent of the Bill but noted that the one-mile radius proposed in the Bill would be outside of the TOD zone maps. He noted that IPD-T permits essentially allows negotiated development bonuses based upon what is currently allowed and what would be allowed by TOD zoning. Because the

underlying zoning of areas outside of TOD zones would not be changed, the DPP is uncertain about how bonuses would be negotiated.

The Director further noted that public housing outside of TOD zones are allowed to use the 201H process to receive all of the development bonuses allowed by TOD zoning.

Committee Member Fukunaga stated that the goal of the Bill is to help develop more vibrant, community-friendly public housing by allowing public housing agencies to utilize TOD tools.

TOD Administrator Rue emphasized that areas within TOD Plans have gone through two to three years of extensive community input resulting in a community vision that has been made a part of the Plan. TOD Administrator Rue voiced some concern that there is no community vision regarding additional density or height for areas outside of TOD zones.

Ms. Krueger stated that IPD-T permits for areas outside of a TOD Plan could potentially allow for double the height and double the density. She noted, however, that not all zoning districts would qualify.

The following individual provided comments:

James Manaku, Sr.

Committee Member Fukunaga stated that she and Committee Member Manahan would continue to work with the DPP to fine-tune the Bill and requested that the Bill be moved forward for second reading.

Bill 28 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-190 Planning Commission, transmitting draft bill and DPP's Report and Recommendation.
M-1327 Hakim Ouansafi, Hawaii Public Housing Authority (support)
M-1328 John Bond, Do Rail Right (comments)

6. RESOLUTION 16-32 – COMMITTEE REPORT 150

KALIHI NEIGHBORHOOD TRANSIT-ORIENTED DEVELOPMENT PLAN.
Approving the Kalihi Neighborhood TOD Plan (November 2014).

The following amendment was posted on the agenda:

PROPOSED CD1 TO RESOLUTION 16-32 (Submitted by Councilmember Anderson) – The CD1 (OCS2016-0151/2/12/2016 2:43 PM) makes grammatical, clarifying, and other miscellaneous technical and nonsubstantive amendments to Exhibit A, the Kalihi Neighborhood TOD Plan.

Administration/Others

Harrison Rue, TOD Administrator, Department of Planning and Permitting (DPP)

There was no public testimony.

TOD Administrator Rue testified that the DPP has been working with Committee Member Manahan regarding provisions in the Plan and is agreeable to the amendments proposed in the posted CD1. He requested that the Resolution be moved forward.

Committee Member Manahan thanked the DPP for working with him and agreed that the TOD Plan should be moved forward at this time.

Committee Chair Anderson recommended that Resolution 16-32 be amended to the posted CD1, and, along with the original Resolution, be reported out for public hearing, and thereafter be referred back to Committee.

Resolution 16-32 and the amended proposed Resolution 16-32, CD1 (OCS2016-0151/2/12/2016 2:43 PM) reported out for scheduling of a public hearing.

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

Related communications:

D-92 (2015) Planning Commission, transmitting Resolution 16-32.
M-1329 John Bond, Do Rail Right (comments)

7. RESOLUTION 15-252 – COMMITTEE REPORT 148

DOWNTOWN NEIGHBORHOOD TRANSIT-ORIENTED DEVELOPMENT PLAN. Approving the Downtown Neighborhood TOD Plan (July 2015).

Administration/Others

Harrison Rue, TOD Administrator, Department of Planning and Permitting (DPP)

Renee Espiau, Planner, TOD Division, DPP

There was no public testimony.

Committee Member Fukunaga stated that the proposed amendments to the TOD Plan outlined in Communication CC-50 is a compilation of recommendations from area legislators that primarily focuses on the preservation of historic assets and increased public benefits.

Ms. Espiau presented a brief overview of the Downtown Neighborhood TOD Plan:

- The Downtown Neighborhood TOD Plan (“Plan”) emphasizes mixed-use areas that include more housing in the immediate downtown area.
- The Plan also looks at improving the waterfront and the Nimitz Highway corridor.
- A wide range of housing choices, as well as increased green spaces, is envisioned for the Downtown Plan.
- The Plan tries to create better bicycle movement and facilities.
- The Downtown Station has few developable parcels but could look at several parcels for additional housing opportunities.
- The Chinatown Station, like the Downtown Station, is almost completely built-out, and the Plan would respect the historical nature of the district.
- The Iwilei Station, with its connection to the Kalihi Neighborhood TOD Plan is the most catalytic and would require the most wide-range planning and provide the most development opportunities.

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In response to Committee Member Manahan's question regarding auto-centric activities, such as gas stations, within TOD zones, TOD Administrator Rue stated that, in general, TOD plans discourage gas stations along the street frontage, but recognize that existing uses would be allowed to remain.

Committee Member Fukunaga stated that the Downtown Plan is still a work in progress but is getting closer to a vision that everyone would be able to support.

TOD Administrator Rue requested changes to the amendments proposed by Committee Member Fukunaga regarding the timeline for construction and the addition of a listing of historic sites. Committee Member Fukunaga stated that she would continue to work with the Department to draft agreeable language.

Committee Chair Anderson recommended that the Committee include the amendments proposed in Communication CC-50 for now and allow the Committee Member the time to work with the DPP on new language. The Committee Chair recommended that Resolution 15-252 be amended to a CD1 incorporating the changes proposed in Communication CC-50, and along with the original Resolution, be reported out for public hearing.

Committee Member Ozawa encouraged the DPP to work closely with all area councilmembers regarding potential developments in TOD areas.

Resolution 15-252 and the amended proposed Resolution 15-252, CD1 reported out for scheduling of a public hearing.

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

Related communications:

CC-50	Councilmember Carol Fukunaga, submitting proposed amendments to the Downtown Neighborhood TOD Plan.
D-593 (2015)	Planning Commission, transmitting Resolution 16-252.
D-292	Department of Planning and Permitting, submitting comments on proposed amendments to the Downtown Neighborhood TOD Plan.
M-1330	Kiersten Faulkner, Historic Hawaii Foundation (comments)
M-1132	John Bond, Do Rail Right (comments)

INFORMATIONAL BRIEFING

Committee Chair Anderson took Agenda Items 8 and 9 up together.

8. UPDATE BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING ON THE STATUS OF BUILDING PERMIT PROCESSING.
9. 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 (DPP)
Arthur Challacombe, Deputy Director, DPP
Wallace Carvalho, Program Administrator, Customer Services Office, DPP

There was no public testimony.

Director Atta testified that the Department had no new initiatives to report on permit processing.

DPP representatives provided the following permit processing statistics:

- The DPP has 67 accessory dwelling unit applications pending in the Department and 15 applications that have been approved or are ready to be issued.
- There has been two cancellations and numerous potential applicants awaiting the approval of Bill 27.
- To date, the Department has received 424 pre-check applications.
- The Department has hired additional permit clerks and residential plan reviewers.
- Currently, residential permits are issued in approximately 20 days.

The Director provided the Committee with the Department's Updated Schedule and Statues of LUO Amendments.

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Related communications:

- D-292 Department of Planning and Permitting, transmitting
DEVELOPMENT PLAN UPDATED SCHEDULE and STATUS OF
LUO AMENDMENTS SENT TO DPP VIA CITY COUNCIL
RESOLUTIONS.
- M-1331 Roy Skaggs (coments)

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:28 a.m.

Respectfully submitted,


GLEN I. TAKAHASHI
City Clerk

gym

DATE APPROVED

May 19, 2016