



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

**COMMITTEE ON ZONING
AND HOUSING**

Voting Members:

Kymberly Marcos Pine, Chair
Ikaika Anderson, Vice-Chair
Brandon J.C. Elefante
Ann H. Kobayashi
Joey Manahan

MINUTES

REGULAR MEETING
THURSDAY, MAY 4, 2017

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 Housing was called to order by Committee Chair Kymberly Marcos Pine at 9:08 a.m. Voting Members Anderson, Elefante, Kobayashi and Manahan were present at the meeting.

STAFF PRESENT

Matt Caires, Chief of Staff to Committee Chair Pine
Lori Hiraoka, Attorney, Office of Council Services
Gavin Kennedy, Analyst, Office of Council Services
Don Kitaoka, Deputy, Department of the Corporation Counsel, assigned to the Committee
Laurie Tam, Council Committee Aide, Office of the City Clerk

ORDER OF BUSINESS

APPROVAL OF MINUTES

The minutes of the Committee on Zoning and Housing meeting held on April 6, 2017 were approved as circulated.

AYES: ELEFANTE, KOBAYASHI, MANAHAN, PINE – 4.
NOES: None.
EXCUSED: ANDERSON – 1.

FOR EXTENSION OF TIME

Committee Chair Pine announced that she would take up Items 1 to 3 together:

1. BILL 74 (2015), CD1 – COMMITTEE REPORT 187

LUO AMENDMENT RELATING TO THE TRANSIT-ORIENTED DEVELOPMENT SPECIAL DISTRICT. Establishing a special district with appropriate land use standards and guidelines for those areas around the Honolulu Rail Transit Project stations. (Current deadline for Council action: 5/11/17)

2. BILL 75 (2015), CD1 – COMMITTEE REPORT 188

LUO AMENDMENT RELATING TO MISCELLANEOUS LAND USE ORDINANCE AMENDMENTS. Clarifying development standards for structures with integrated commercial and dwelling uses; to revise development standards for height and street setbacks in the business, business mixed use, and industrial mixed use districts; and to establish appropriate standards for bicycle parking. (Current deadline for Council action: 5/11/17)

3. BILL 76 (2015), CD1 – COMMITTEE REPORT 189

WAIPAHU ZONE CHANGE (2014/GEN-5). Amending Zoning Map No. 8 (Waipahu), Ordinance 86-110, by rezoning land situated near the Farrington Highway and Mokuola Street intersection (Waipahu Transit Center rail station area) and Farrington Highway and Leoku Street intersection (West Loch rail station area in Waipahu, Oahu, Hawaii, from R-5 Residential, R-7.5 Residential, A-2 Medium-density Apartment, B-1 Neighborhood Business, B-2 Community Business, and I-2 Intensive Industrial Districts to the AMX-2 Medium-density Apartment Mixed Use, BMX-3 Community Business Mixed Use, IMS1 Industrial-Commercial Mixed Use, and P-2 General Preservation Districts. (Current deadline for Council action: 5/11/17)

Administration/Others

Kathy Sokugawa, Acting Director, Department of Planning and Permitting (DPP)

There was no public testimony.

Acting Director Sokugawa stated that the Department would appreciate the granting of extensions of time for the Bills.

Committee on Zoning and Housing Minutes
Thursday, May 4, 2017

Bill 74 (2015), CD1 granted a 120-day extension of time, subject to the receipt of a written request from the DPP.

AYES: ELEFANTE, MANAHAN, KOBAYASHI, PINE – 4.
NOES: None.
EXCUSED: ANDERSON – 1.

Bill 75 (2015), CD1 granted a 120-day extension of time, subject to the receipt of a written request from the DPP.

AYES: ELEFANTE, MANAHAN, KOBAYASHI, PINE – 4.
NOES: None.
EXCUSED: ANDERSON – 1.

Bill 76 (2015), CD1 granted a 120-day extension of time, subject to the receipt of a written request from the DPP.

AYES: ELEFANTE, MANAHAN, KOBAYASHI, PINE – 4.
NOES: None.
EXCUSED: ANDERSON – 1.

FOR ACTION

4. RESOLUTION 17-103 – COMMITTEE REPORT 194

APPOINTMENT OF GLADYS A. QUINTO MARRONE TO THE ZONING BOARD OF APPEALS. Confirming the appointment of Gladys A. Quinto Marrone to the Zoning Board of Appeals for a term expiring on June 30, 2021.

Administration/Others

Gladys A. Quinto Marrone, nominee

There was no public testimony.

Ms. Marrone expressed her willingness and desire to serve as a member of the Zoning Board of Appeals and asked for the Council's favorable consideration of her appointment.

Committee on Zoning and Housing Minutes
Thursday, May 4, 2017

Resolution 17-103 reported out for adoption.

AYES: ANDERSON, KOBAYASHI, MANAHAN, PINE – 4.
NOES: None.
EXCUSED: ELEFANTE – 1.

Related communications:

MM-45 Mayor Kirk Caldwell, transmitting draft resolution.
M-2497 Craig Washofsky, Group Vice President, Servco Home and Appliance Distribution (support)
M-2498 Hawaii Building Industry Association of Hawaii (support)
M-2499 Dean Uchida, Senior Project Manager, SSFM International (support)
M-2500 Stacy Ellamar, Government Relations, Pacific Resource Partnership (support)

5. RESOLUTION 17-127 – COMMITTEE REPORT 196

ACCEPTANCE OF GIFT FROM THE NATIONAL GOVERNORS ASSOCIATION - Accepting a gift to the City and County of Honolulu valued at \$1,731.00 from the National Governors Association (NGA) for travel expenses for one employee of the City and County of Honolulu to participate in NGA's Hawaii Site Visit to Houston: Understanding Homeless Services Coordination from May 15 through May 18, 2017 in Houston, Texas.

Administration/Others

Marc Alexander, Executive Director, Mayor's Office of Housing

There was no public testimony.

Executive Director Alexander asked for the Council's support of the Resolution.

Resolution 17-127 reported out for adoption.

AYES: ELEFANTE, KOBAYASHI, MANAHAN, PINE – 4.
NOES: None.
EXCUSED: ANDERSON – 1.

Related communication:

MM-52 Mayor Kirk Caldwell, transmitting draft resolution.

6. BILL 47 (2016)

HOUSING CODE. Amending the Housing Code, ROH Chapter 27, to add housing projects developed in other zoning districts pursuant to exemptions authorized by state law to the conditions of “public nuisance.”

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 47 (2016) (Submitted by Councilmember Anderson) – The CD1 (OCS2017-0432/4/24/2017 3:58 PM) makes the following amendments:

- A. Amends the definition of “Public nuisance” by amending the fourth condition to include cultivated or uncultivated trees or vegetation that overgrow, overhang, or undergrow a property line and thereby encroach onto, over, or under another person’s property.
- B. Makes miscellaneous technical and nonsubstantive amendments.

Administration/Others

Kathy Sokugawa, Acting Director, Department of Planning and Permitting (DPP)

There was no public testimony.

Acting Director Sokugawa stated that the DPP has no objections to the Bill, but has concerns with the proposed CD1 that includes a major substantive change that would involve the DPP’s investigation of complaints between property owners. She noted that she would work with the introducer of the Bill.

Committee Chair Pine stated that she is aware of the concerns regarding the proposed CD1 and recommended deferring the Bill.

Action on Bill 47 (2016) deferred.

AYES: ELEFANTE, KOBAYASHI, MANAHAN, PINE – 4.
NOES: None.
EXCUSED: ANDERSON – 1.

7. BILL 67 (2016) – COMMITTEE REPORT 190

BICYCLE FACILITIES. Amending Chapter 16, Revised Ordinances of Honolulu 1990 ("Building Code") to require certain amenities to be provided in certain buildings to accommodate persons commuting by means other than by motor vehicle, including bicyclists, and by providing incentives for providing these amenities.

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 67 (2016) (Submitted by Councilmember Fukunaga) – The CD1 (OCS2017-0366/4/7/2017 9:32 AM) makes the following amendments:

1. Deletes the definition of "Bicycle coordinator."
2. Amends the definitions of "Office building" and "Shower facility", respectively, as follows: 1) "Office building" now includes a building or a development of buildings; and 2) "Shower facility" now means a facility with shower compartments and lockers.
3. Section 16-___.3(b)(1) is amended to: 1) change the requirement for shower heads to a requirement for "shower compartments and lockers" and decrease the minimum number of shower compartments and lockers from four to two per shower facility; 2) require two additional shower compartments and lockers in each shower facility for each additional 30,000 square feet of floor area of office space greater than 40,000 square feet, rather than one additional showerhead for each additional 10,000 square feet of floor area of office space greater than 40,000 square feet; and 3) provides that the maximum number of shower compartments and lockers (rather than shower heads) required per shower facility is 10. Deletes the sentence stating that the showerheads may be provided in separate shower facilities in the office building as being inconsistent with the preceding language in the section.
4. Deletes Section 16-___.3(b)(3), which would have established the shower compartments and lockers minimum time availability requirement.
5. Deletes Section 16-___.3(c), which would have required the bicycle coordinator to establish guidelines.
6. Deletes Section 16-___.4, which addressed building permits, plans and specifications, and certificates of occupancy.

Committee on Zoning and Housing Minutes
Thursday, May 4, 2017

7. Deletes the new section added to Chapter 8, Article 10, which would have established a real property tax exemption for the portion of the property used for shower facilities and accordingly deletes reference to "incentives" from the bill's purpose clause.
8. Deletes the Ramseyer instruction language.
9. Makes conforming amendments regarding numbering.
10. Makes miscellaneous technical and nonsubstantive amendments.

Administration/Others

Tim Hiu, Deputy Director, Department of Planning and Permitting (DPP)

There was no public testimony.

Deputy Director Hiu testified that the DPP supports the Bill and has no objections to the proposed CD1.

Bill 67 (2016) amended to CD1 (OCS2017-0366/4/7/2017 9:32 AM) and reported out for passage on third reading.

AYES: ANDERSON, KOBAYASHI, MANAHAN, PINE – 4.

NOES: None.

EXCUSED: ELEFANTE – 1.

Related communication:

M-2501 Jodi Malinoski, Sierra Club of Hawaii, Oahu Group (support)

8. RESOLUTION 17-113 – COMMITTEE REPORT 195

VISITABILITY STANDARDS IN THE CITY'S BUILDING CODE. Urging the City Administration to incorporate visitability standards in the City's Building Code for new residential construction.

The following amendment was posted on the agenda:

PROPOSED CD1 TO RESOLUTION 17-113 (Submitted by Councilmember Elefante) -
The CD1 (OCS2017-0441/4/25/2017 2:24 PM) makes the following amendments:

- A. Revises the title and the BE IT RESOLVED clause to request that the Administration evaluate the incorporation of visitability standards for new residential construction in the City's Building Code.
- B. Adds a WHEREAS clause defining the term "visitability."
- C. Correctly enumerates the six visitability standards set forth in the University of Hawaii Center on Disability Studies 2016 analysis.
- D. In the fourth to the last WHEREAS clause, clarifies that the six visitability standards are increasingly being promoted by national building and construction organizations.
- E. In the last WHEREAS clause, clarifies that the inclusion in the City's Building Code of visitability standards for new residential construction would greatly increase the quality of life for persons with mobility limitations by equipping homes with features that enhance accessibility, thereby allowing them to perform daily activities with a measure of ease and independence.
- F. In the BE IT FURTHER RESOLVED clause, revises the time period that the DPP is requested to submit its report to the Council from 60 days to 120 days.
- G. Makes miscellaneous technical and nonsubstantive amendments.

Administration/Others

Tim Hiu, Deputy Director, Department of Planning and Permitting (DPP)

The following individuals testified:

- 1. George Massengale, Hawaii Habitat for Humanity (support) (M-2503)
- 2. Patricia Morrissey, PhD, Director, Center on Disability Studies, College of Education University of Hawaii, Manoa (support) (M-2504)

Committee on Zoning and Housing Minutes
Thursday, May 4, 2017

Committee Member Elefante provided a brief overview of the Resolution and the proposed CD1, stating that the measure would increase the standard of living for people with mobility limitations.

Deputy Director Hiu testified that the DPP supports the Resolution and the proposed CD1. He noted that a majority of the proposed standards are currently in the Building Code.

Committee Member Elefante stated that he would be filing a Disclosure of Interest Statement (Communication CC-162).

Resolution 17-113, amended to CD1 (OCS2017-0441/4/25/2017 2:24 PM) and reported out for adoption.

AYES: ANDERSON, ELEFANTE, KOBAYASHI, MANAHAN, PINE – 5.
NOES: None.

Related communications:

M-2502 Taylor Cockerham, AIA Architect, Hawaii Visitability Coalition (support)
M-2505 Louis Erteschik, Hawaii Disability Rights Center (support)
M-2506 Hawaii State Council on Developmental Disabilities (support)
M-2507 Martin Hodapp (support)
M-2508 Chris Cholas (support)

9. BILL 47 (2017) - COMMITTEE REPORT 193

ACCESSORY DWELLING UNITS (ADU) PRODUCTION. Extending the repeal date of Section 2, Section 3, and Section 5 of Ordinance 16-19, relating to incentives for accessory dwelling units production.

Administration/others

Kathy Sokugawa, Acting Director, Department of Planning and Permitting (DPP)

The following individual testified:

George Massengale, Hawaii Habitat for Humanity (support) (M-2509)

Committee Member Anderson, the introducer, stated that the Bill would extend the deadline for incentives for those applying for ADU construction by two years. He noted that some property owners had to delay construction of their ADU while waiting for the necessary City infrastructure upgrades to be completed.

Acting Director Sokugawa testified that the DPP supports the measure.

Bill 47 (2017) reported out for passage on second reading and scheduling of a public hearing.

AYES: ANDERSON, ELEFANTE, KOBAYASHI, MANAHAN, PINE – 5.
NOES: None.

10. BILL 14 (2017) – COMMITTEE REPORT 191

TRANSIT-ORIENTED DEVELOPMENT (TOD). Amending the provisions of the Land Use Ordinance (LUO) to include the preservation of healthcare service as a priority in neighborhood TOD plans.

Administration/Others

Kathy Sokugawa, Acting Director, Department of Planning and Permitting
(DPP)

The following individuals testified:

1. Dr. Stacie Sueda, DDS (support) (M-2510)
2. Lina Vilorio (support)
3. Dr. Curt Shimizu (support)

Committee Member Kobayashi, the introducer, provided a brief overview of the Bill.

Acting Director Sokugawa stated that the DPP supports the Bill.

Committee Member Manahan expressed his support for the measure. He stated that he would be filing a Disclosure of Interest Statement (Communication CC-161).

Bill 14 (2017) reported out for passage on third reading.

AYES: ANDERSON, ELEFANTE, KOBAYASHI, MANAHAN, PINE – 5.
NOES: None.

Related communication:

M-2511 Dean Sueda, DDS (support)

11. BILL 15 (2017) – COMMITTEE REPORT 192

LAND USE ORDINANCE AMENDMENT RELATING TO INTERIM PLANNED DEVELOPMENT (IPD-T) PERMITS FOR TRANSIT-ORIENTED DEVELOPMENT (TOD). Amending the provisions of the Land Use Ordinance pertaining to the IPD-T Permit in the future TOD Special District areas and clarifying the standards for community benefits. (Current deadline for Council action 8/29/17)

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 15 (2017) (Submitted by Councilmember Elefante) – The CD1 (OCS2017-0220/3/3/2017 10:22 AM) makes the following amendments:

- A. For newly labeled subsection 21-9.100-5(c) ("Review Criteria"), revises paragraph (1)(D) to clarify that only affordable housing provided in excess of the base affordable housing requirement established by subsection (f) is considered a community benefit supporting flexibility and increase development potential.
- B. Clarifies amendment to newly labeled subsection 21-9.100-5(d) by stating: "Permitted uses and structures in the BMX-4 central business mixed use district will be as specified in Table 21-3.4"
- C. Adds a new subsection 21-9.100-5(f) to establish an affordable housing requirement, summarized as follows:

All projects proposing more than 10 residential dwelling or lodging units, or both, must provide affordable housing units in an amount equal to at least 30 percent of the total residential units in the project. "Affordable housing" means housing that is affordable to households with incomes not exceeding 120 percent of the area median income for Honolulu. Of the total number of affordable housing units, no less than two-thirds must be affordable to households with incomes not exceeding 100 percent of the area median income, and no less than one-third must be affordable to households with incomes not exceeding 80 percent of the area median income.

The units must remain affordable for at least 30 years and must be provided on-site or within the applicable TOD plan area. Cash contributions in-lieu of

constructing affordable housing units ("in-lieu fees") are not allowed. Affordable units must be delivered prior to the issuance of the certificate of occupancy for the project. The director may adopt rules pursuant to HRS Chapter 91 for the implementation, administration, and enforcement the affordable housing requirement.

- D. Amends the new "Community Benefits" section [newly labeled as 21-9.100-5(g)] by revising subdivision (1) as follows:
 - 1. Provides that where affordable housing is provided as a community benefit to achieve height or density bonuses, the affordable housing units must be in excess of the minimum 30 percent requirement pursuant to subsection (f), and are subject to the affordability, location, and delivery requirements set forth in subsection (f).
 - 2. Deletes paragraphs (A), (B), (C), (D), (E), and (F).
- E. Adds a new subdivision (3) in newly renumbered subsection 21-9.100-5(k) ("Guidelines for Review and Approval of the Conceptual Plan for a Project") to read as follows: "The public amenities proposed will produce timely, demonstrable benefits to the community, support transit ridership, and implement the vision established in Sec. 21-9.100-4 and this section while in effect."
- F. Relabels subsections and subdivisions to accommodate amended text.
- G. Makes changes to conform to current drafting conventions.
- H. Makes miscellaneous technical and nonsubstantive amendments.

Administration/Others

Harrison Rue, Transit Oriented Development Administrator, Department of Planning and Permitting (DPP)
Elizabeth Krueger, Branch Chief, Zoning Regulations and Permits Branch, DPP

The following individuals testified:

- 1. George Massengale, Hawaii Habitat for Humanity (M-2514) (oppose affordability requirement)
- 2. Zhe Fang, Hawaii City Plaza (M-2516) (comments)

Committee on Zoning and Housing Minutes
Thursday, May 4, 2017

3. Deja Ostrowski, Office of Hawaiian Affairs (comments)

Mr. Rue and Ms. Kruger provided a summary of DPP's proposed amendments to the LUO included in Bill 15, as detailed in Communication D-70. Ms. Kruger noted that the Bill was drafted based on the discussion on Bill 74 (2015), CD1, Bill 75 (2015), CD1 and Bill 76 (2015), CD1 held at the Special Committee on Zoning and Planning meeting in November 2016.

Committee Member Elefante reviewed the proposed CD1 and noted that he is considering further amendments to the Bill including items related to rental units.

Discussion included questions, comments and concerns relating to the IPD-T permit for the Hawaii City Plaza Project.

Committee Chair Pine recommended moving the Bill forward for additional public testimony.

Bill 15 (2017) amended to CD1 (OCS2017-0220/3/3/2017 10:22 AM) and reported out for passage on second reading and scheduling of a public hearing.

AYES: ANDERSON, ELEFANTE, KOBAYASHI, MANAHAN, PINE – 5.
NOES: None.

Related communications:

D-70	Planning Commission, transmitting draft bill.
M-2512	Jacob Campbell (support)
M-2513	Akiemi Glenn (support)
M-2515	Hawaii Appleseed Center for Law and Economic Justice (comments)
M-2517	Catherine Graham, The Housing Now Coalition (oppose)
M-2518	Anna Harmon (support)
M-2519	Kaka'ako United (support)
M-2520	Annie Koh (support)
M-2521	Manuel Lares (support)
M-2522	Kamana'opono Crabbe, Ph.D, Office of Hawaiian Affairs (comments)
M-2523	Catherine Ritti (support)

INFORMATIONAL BRIEFING

12. UPDATE BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING REGARDING THE STATUS OF ALL PENDING LAND USE ORDINANCE (LUO) AMENDMENTS.

Administration/Others

Kathy Sokugawa, Acting Director, Department of Planning and Permitting

There was no public testimony.

Acting Director Sokugawa provided the Committee with the Department's update, as detailed in Communication D-324.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:25 a.m.

Respectfully submitted,

GLEN I. TAKAHASHI
City Clerk

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DATE APPROVED

May 25, 2017