



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 25, 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 and Elefante were present at the meeting. Voting Members Kobayashi and Manahan were excused from the meeting. Nonvoting Member, Councilmember Fukunaga, also attended the meeting.

STAFF PRESENT

Chelsea Kewley, Legislative Aide 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 April 13, 2017 Special and May 4, 2017 Regular meetings of the Committee on Zoning and Housing were approved as circulated.

AYES: ANDERSON, ELEFANTE, PINE – 3.
NOES: None.
EXCUSED: KOBAYASHI, MANAHAN – 2.

FOR ACTION

1. RESOLUTION 17-118 – COMMITTEE REPORT 233

SMA USE PERMIT AND ZONING WAIVER FOR WAIANAE HIGH SCHOOL ATHLETIC FIELD IMPROVEMENTS (2017/SMA-3 and 2017/W-7). Granting a Special Management Area Use Permit and Zoning Waiver for the Waianae High School Athletic Field Improvements located at 85-251 Farrington Highway, and identified as Tax Map Key 8-5-002:018. (Applicant: Department of Education – Facilities Development Branch) (Current deadline for Council action: 6/20/17)

The following amendment was posted on the agenda:

PROPOSED CD1 TO RESOLUTION 17-118 (Submitted by Councilmember Pine) – The CD1 (OCS2017-0533/5/16/2017 12:26 PM) makes the following amendments:

- A. In the resolution title and text, removes reference to a zoning waiver.
- B. In the first WHEREAS clause, clarifies the description of the Project.
- C. In the third WHEREAS clause, adds reference to Hawaii Revised Statutes (HRS) Sections 205A-2 and 205A-26
- D. In the last WHEREAS clause, adds April 21, 2017 as the date the Council received the DPP's findings and recommendations via Departmental Communication 281 (2017).
- E. In Condition A, clarifies that the Project involves improvements to the Waianae High School athletic field, and references Exhibits A, B, C, D, and E-1 through E-9.
- F. Relabels Exhibits A-1 through A-9 as E-1 through E-9.
- G. In Condition C, consistent with the United States Fish and Wildlife Service (USFWS) recommendation, requires that the Applicant use the lowest wattage bulb as is reasonable and practicable in exterior light fixtures.
- H. Revises Condition F, to conform to the standard language for this type of condition.
- I. Makes miscellaneous technical and nonsubstantive amendments.

Committee on Zoning and Housing Minutes
Thursday, May 25, 2017

Administration/Others

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

Warren Nakamura, WTN Architecture, Inc. (Agent)

Robert Purdie, Project Coordinator, Department of Education

Gerald Park, Planner

Mr. Nakamura provided an overview of the Waianae High School Athletic Field Improvement Project, as detailed in Communication D-281 and M-2856. He highlighted the following items:

- A Special Management Area Use Permit is required because the Project is located within the shoreline area and would cost more than \$500,000.
- The Project involves replacing the existing five-tier wooden bleachers on the visitors' side of the field with elevated aluminum bleachers; replacing and relocating two concrete light poles with two steel light poles; and constructing a paved walkway from the bleachers to the concession stand and performance stage.

Acting Director Sokugawa stated that the DPP stands by its report in support of the project.

The following individual testified:

James K. Manaku, Sr. (support)

Committee Chair Pine recommended amending and reporting the Resolution out for Council action.

Resolution 17-118 amended to CD1 (OCS2017-0533/5/16/2017 12:26 PM) and reported out for adoption.

AYES: ANDERSON, ELEFANTE, PINE – 3.

NOES: None.

EXCUSED: KOBAYASHI, MANAHAN – 2.

2. BILL 47 (2016) – COMMITTEE REPORT 231

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)
Don Kitaoka, Deputy, Department of the Corporation Counsel (COR)

There was no public testimony.

Responding to Committee Member Anderson’s inquiries, Acting Director Sokugawa and Deputy Corporation Counsel Kitaoka provided the following:

- The DPP has concerns with the proposed amendment because it would involve the Department’s investigation of complaints between property owners relating to vegetation encroaching into another person’s property, and the DPP does not get involved in civil matters.
- With regard to complaints of rodents, the DPP could coordinate its enforcement process with the State Department of Health which would require an Administration policy change as opposed to amending the Revised Ordinances of Honolulu (ROH).
- The COR has no objections to the Bill in its original form.

Committee on Zoning and Housing Minutes
Thursday, May 25, 2017

- The COR notes that a person has the legal right to cut a neighbor's trees or shrubbery encroaching into their yard up to the property line.
- The COR could look into other areas of the ROH that could abate the problem.

Committee Member Anderson asked for the Committee's support in moving the Bill forward in its original form. He added that he would work with the Administration on the issue that the proposed CD1 attempted to address.

Committee Chair Pine recommended moving the Bill forward in its original form.

Bill 47 (2016) reported out for passage on third reading.

AYES: ANDERSON, ELEFANTE, PINE – 3.

NOES: None.

EXCUSED: KOBAYASHI, MANAHAN – 2.

3. RESOLUTION 17-136 – COMMITTEE REPORT 234

USING CITY AFFORDABLE HOUSING FUND AND STATE RENTAL HOUSING REVOLVING FUND MONIES TO DEVELOP PROJECTS. Urging the City Administration to work with the State Administration and the Hawaii Housing Finance and Development Corporation to develop projects using City Affordable Housing Fund and State Rental Housing Revolving Fund monies.

The following amendment was posted on the agenda:

PROPOSED CD1 TO RESOLUTION 17-136 (Submitted by Councilmember Pine) – The CD1 (OCS2017-0544/5/18/2017 1:50 PM) makes the following amendments:

- A. In the fifth WHEREAS clause, replaces "fifty percent or less" with "less than 50 percent."
- B. In the ninth WHEREAS clause, clarifies that the 2016 Charter amendment approved by the electorate increases the maximum household income requirement from less than 50 percent of the median household income in the City, to 60 percent or less of the median household income in the City.
- C. In the thirteenth WHEREAS clause, specifies that the amount from the Affordable Housing Fund proposed to be appropriated by the Mayor is \$5,000,000.

Committee on Zoning and Housing Minutes
Thursday, May 25, 2017

- D. In the second to the last WHEREAS clause, adds that the HHFDC's award from the State Rental Housing Fund in calendar year 2016 went to four projects, resulting in 326 new affordable rental units, all of which were available for rent to households earning 60 percent or less of the area median income.
- E. In the BE IT RESOLVED clause, clarifies that any combined use of City Affordable Housing Fund and State Affordable Rental Fund monies must be used to benefit Oahu low- and moderate-income households.
- F. Makes miscellaneous technical and nonsubstantive amendments.

Administration/Others

Gary Nakata, Director, Department of Community Services (DCS)

Committee Chair Pine, the introducer, provided a brief overview of the Resolution and the posted CD1. She stated that she introduced the measure to establish a working partnership between the City and State Administrations and the Hawaii Housing Finance and Development Corporation to develop projects benefitting persons with low and moderate incomes.

Director Nakata stated that the DCS supports the intent of the Resolution.

In response to Committee Member Elefante's query, Director Nakata stated that he would look into whether monies from the City Affordable Housing Fund could be used to pay back any type of debt service.

The following individuals testified:

1. James K. Manaku, Sr. (comments)
2. Kevin Carney, Vice-President, EAH Housing (comments)
3. David Arakawa, Land Use Research Foundation (support)

Committee Member Elefante expressed his support for the Resolution.

Committee on Zoning and Housing Minutes
Thursday, May 25, 2017

Committee Chair Pine recommended amending and reporting the Resolution out for Council adoption.

Resolution 17-136 amended to CD1 (OCS2017-0544/5/18/2017 1:50 PM) and reported out for adoption.

AYES: ANDERSON, ELEFANTE, PINE – 3.
NOES: None.
EXCUSED: KOBAYASHI, MANAHAN – 2.

4. BILL 17 (2017)

BUILDING INSPECTIONS. Requiring the periodic inspection of the certain walls and appurtenances of certain buildings.

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 17 (2017) (Submitted by Councilmember Ozawa) – The CD1 (OCS2017-1546/5/17/2017 1:15 PM) makes the following amendments:

- A. Amends proposed new ROH Sec. 16-__2(c) by changing to 10 years, from five years, the length of the building re-inspection cycle.
- B. Amends proposed new ROH Sec. 16-__2(d) by changing to 10 years, from five years, the time period preceding the date of any required inspection for which an owner may apply for an inspection waiver due to exterior wall restoration.
- C. Amends proposed new ROH Sec.16-__3(a) by changing to 10 years, from five years, the preceding time period for which a retained professional must review reports, inspections, and evidence of repairs, including confirmation of any required remediation.
- D. Makes miscellaneous technical and nonsubstantive amendments.

The following amendment was circulated at the meeting:

PROPOSED CD1 TO BILL 17 (2017) (Submitted by Councilmember Ozawa) – The CD1 (OCS2017-0578/5/23/2017 4:30 PM) makes the following amendments:

- A. Amends proposed new ROH Sec. 16-__2(c) by changing to 10 years, from five years, the length of the building re-inspection cycle.

Committee on Zoning and Housing Minutes
Thursday, May 25, 2017

- B. Amends proposed new ROH Sec. 16-__2(d) by changing to 10 years, from five years, the time period preceding the date of any required inspection for which an owner may apply for an inspection waiver due to exterior wall restoration.
- C. Amends proposed new ROH Sec. 16-__3(a) by changing to 10 years, from five years, the preceding time period for which a retained professional must review reports, inspections, and evidence of repairs, including confirmation of any required remediation.
- D. Deletes proposed new ROH Sec. 16-__4(b)(9) and renumbers subsequent subdivisions.
- E. Amends proposed new ROH Sec. 16-__5(b) to provide that after an unsafe condition has been corrected, the professional must re-inspect the building and file with the building official a certification that the unsafe condition has been corrected, or a notice of deficient corrective action.
- F. Adds a new ROH Sec. 16-__5(c) to provide that if the building does not receive a timely safety certification, or receives a notice of deficiency, the owner of the building will be subject to the violation and penalty provisions in Article 10 of the Building Code.
- G. Amends proposed new ROH Sec. 16-__6(a) to provide that after the conditions that are designated "safe with a repair and maintenance program" have been corrected, the professional must re-inspect the building and file with the building official either a certification that the condition requiring a repair and maintenance program has been corrected, or a notice of deficient corrective action.
- H. Adds a new ROH Sec. 16-__6(b) to provide that if the building official does not receive a timely safety certification, or receives a notice of deficiency, the owner of the building will be subject to the violation and penalty provisions in Article 10 of the Building Code.
- I. Makes miscellaneous technical and nonsubstantive amendments.

Administration/others

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

Committee on Zoning and Housing Minutes
Thursday, May 25, 2017

Committee Chair Pine provided an overview of the proposed amendments on the handcarried CD1.

Acting Director Sokugawa testified that the private sector is already enforcing safe building issues and would not require government intervention. She stated that if the Council desires to pursue the measure, the DPP requests that certain technical issues be addressed in the Bill.

The following individuals testified:

1. Leimomi Khan (oppose) (M-2862)
2. Jane Sugimura, Hawaii Council of Association of Apartment Owners (support intent) (M-2869)
3. Kevin Carney, Vice-President, EAH Housing (comments)

Councilmember Fukunaga commented on the following:

- The public did not have a chance to see the proposed handcarried CD1.
- The Bill appears to be in response to an incident occurring at a public commercial facility.
- Condominium buildings should be excluded from the Bill because State law requires a reserve fund for repairs and maintenance of condominiums.
- Recommend the introducer work with stakeholders on further amendments to clarify whom the Bill would affect.

Committee Chair Pine recommended deferring action on the Bill, noting the concerns raised and to allow further work on the Bill.

Action on Bill 17 (2017) deferred.

AYES: ANDERSON, ELEFANTE, PINE – 3.
NOES: None.
EXCUSED: KOBAYASHI, MANAHAN – 2.

Related communications:

M-2857 Edmay Apana (oppose)
M-2858 Wendy Arbeit (oppose)
M-2859 Fred Chan, Association of Apartment Owners Moana Pacific (oppose)

Committee on Zoning and Housing Minutes
Thursday, May 25, 2017

M-2860	Galen Fox (oppose)
M-2861	Walter K. Horikoshi (oppose)
M-2863	Mark Luppino (oppose)
M-2864	Clara K. Morikawa (oppose)
M-2865	Lynne Matusow (oppose)
M-2866	Sharon Y. Moriwaki (oppose)
M-2867	Benton Kealii Pang, Ph.D. (oppose)
M-2868	James Simmons, President, Honolulu Tower Association of Apartment Owners (oppose)

5. BILL 47 (2017) - COMMITTEE REPORT 232

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)

There was no public testimony.

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 commended the Administration for their work on the ADU permitting process.

Acting Director Sokugawa testified that the DPP supports the measure and noted that to date the DPP has issued 200 permits for ADUs. She added that the extension gives homeowners additional time to understand the permitting process and to obtain financing for their ADU.

Bill 47 (2017) reported out for passage on third reading.

AYES: ANDERSON, ELEFANTE, PINE – 3.

NOES: None.

EXCUSED: KOBAYASHI, MANAHAN – 2.

FOR DISCUSSION

Committee Chair Pine announced that she would take up Items 6 through 8 together:

6. BILL 74 (2015), CD1

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: 9/8/17)

7. BILL 75 (2015), CD1

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: 9/8/17)

8. BILL 76 (2015), CD1

WAIPAHAU 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, IMX-1 Industrial-Commercial Mixed Use, and P-2 General Preservation Districts. (Current deadline for Council action: 9/8/17)

Administration/Others

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

Harrison Rue, Program Administrator, Transit Oriented Development (TOD) Division, DPP

Elizabeth Krueger, Land Use Approval Branch, DPP

Katia Balassiano, Chief Planner, Land Use Permits Division, DPP

Tim Streitz, Planner, TOD Division, DPP

Committee on Zoning and Housing Minutes
Thursday, May 25, 2017

Ms. Krueger provided a brief overview of Bill 74 (2015), CD1 and Bill 75 (2015), CD1 stating the following:

- Bill 74 (2015), CD1 establishes a special district with appropriate land use standards and guidelines for those areas around the Honolulu Rail Transit Project stations. The Bill's objectives are to:
 - ◆ Establish the TOD special district in Waipahu and West Loch.
 - ◆ Maintain the character of Waipahu as a former sugar plantation town.
 - ◆ Allow landowners in the TOD area to redevelop their site to encourage the use of rapid transit, buses, bicycling, walking, and ground floor activities, while allowing for certain nonconforming standards created by their development.
- Bill 75 (2015), CD1 includes provisions in TOD plan areas to revise development standards for height and street setbacks in the business, business mixed use, and industrial mixed use districts. These include providing active and transparent ground floors, placing buildings close to the street, orientating buildings and entrances toward the street, reducing vehicular parking, and increasing bicycle storage and parking.

Committee Member Elefante provided a brief explanation of his proposed CD2 to Bill 74 (2015), CD1. He stated that the CD2 includes new amendments specifically related to establishing a base affordable housing requirement in TOD special districts, as detailed in Communication CC-98.

Mr. Streitz provided a brief overview of Bill 76 (2015), CD1, stating the following:

- The Bill rezones land in Waipahu near the Waipahu Transit Center rail station area and West Loch rail station area, in response to the Waipahu TOD Plan.
- Mixed use districts that would allow commercial and residential uses to be on the same property is recommended to enliven the town centers around planned future rail stations.

Committee on Zoning and Housing Minutes
Thursday, May 25, 2017

Discussion between Councilmembers and the DPP representatives provided the following information:

- Bill 74 (2015), CD1 which is specifically for the Waipahu Neighborhood TOD Plan creates the ground work for future TOD special districts.
- Bill 74 (2015), CD1, Bill 75 (2015), CD1 and Bill 76 (2015), CD1 were transmitted prior to the work and new information in the City's Affordable Housing Strategy Report.
- The maximum height limit for the West Loch transit station area is 90 feet which is the result of community feedback.
- IMX-1 zoning is a combination of Commercial and Industrial zoning that would allow light manufacturing retail, office space, a medical clinic, personal services and up to 10 residential units.
- The Waipahu community has a long tradition of planning for their community that started in the 1980s and it was made clear that the plantation character be preserved and that the sugar mill smoke stack would be retained.

The following individuals testified:

1. Jolie Tokusato, UNITE HERE! Local 5 (support Bill 74 [2015], CD1 and proposed CD2)
2. Hakim Ouansafi, Hawaii Public Housing Authority (comments on Bill 74 [2015], CD1 and proposed CD2) (M-2871)
3. James K. Manaku, Sr. (comments)
4. David Arakawa, Land Use Research Foundation (support intent of Bill 74 [2015], CD1, Bill 75 [2015], CD1 and Bill 76 [2015], CD1)
5. David Cassiday (comments)

Related communications:

- M-2870 Benjamin Sadoski, UNITE HERE! Local 5 Hawaii (comments on Bill 74 [2015], CD1)
- M-2872 John Bond (comments on Bill 75 [2015], CD1)

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-385.

ADJOURNMENT

There being no further business, the meeting was adjourned at 11:20 a.m.

Respectfully submitted,



GLEN I. TAKAHASHI
City Clerk

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DATE APPROVED

June 29, 2017