

**Bill 7 (2019), CD1**

**Early Testimony**



**Marshall W. Hung** - Former Developer for Honolulu  
215 N. King Street, Suite 1000, Honolulu, HI 96817  
W: 808.526.2027 ext. 6 F: 808.526.2066

Apr 30, 2019

To: Councilmember Kymberly Pine  
Zoning and Housing Committee  
Honolulu City Council

Re: Support for Bill 7 With Reservations.....May 2, 2019 Public Hearing

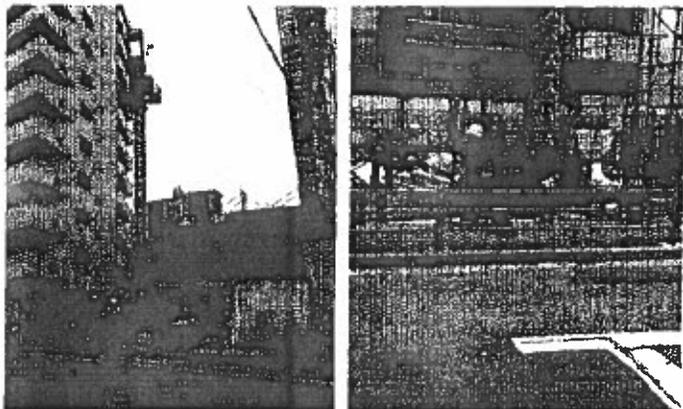
Dear Councilmember Pine,

It looks like our City Government will be able to put our Banks, Construction Companies and small landowners to work, to help save the downward projection into homeless values for our low wage earners in Honolulu.

I believe that Honolulu can build its way out of the social divide that is occurring between the rich and poor. But it will take a community effort to retain the "Aloha Spirit", which is defined by our low wage earners for all of us that live in Honolulu. These low cost apartment buildings are the show of "love" and "appreciation" for the low wage earners. A needed supply of housing that has been neglected for decades.

City Council needs to add a notification requirement for Bill 7 to every small land owner that owns a small parcel of land that fits the Bill 7 categories. DPP has already identified 6,175 apartment zoned parcels. This mailing could occur via the property tax billing or it could be contracted out to a mailing service.

Mel Kaneshige, Newton Chung and I have committed to help the Banks with their customer reach out programs. We have five years to see this type of small crane erection, as shown in these two photos of small building construction in Japan.



Thank you for your best efforts,

Marshall Hung, former real estate developer

Cc: Mel Kaneshige and Newton Chung

215 N. King Street, Suite 1000  
Honolulu, HI 96817 6710  
Tel: (808) 526-2027 ext 5  
Fax: (808) 526-2066  
Email: mhung@hawaii.rr.com



# Fax

<b>To:</b>	Councilmember Kymberly Pine	<b>From:</b>	Marshall Hung
<b>Fax:</b>	768-3826	<b>Pages:</b>	1
<b>Phone:</b>		<b>Date:</b>	April 30, 2019
<b>Re:</b>	Support for Bill 7 with Reservations... May 2, 2019 Public Hearing	<b>cc:</b>	

Urgent     For Review     Please Comment     Please Reply     Please Recycle

To: Councilmember Kymberly Pine  
Zoning and Housing Committee, Honolulu City Council

Here is my testimony for Bill 7 with reservations ... May 2, 2019 Public Hearing.

Thank you and feel free to contact me should you have any questions.

Marshall Hung



## DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813  
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

May 2, 2019

The Honorable Kymberly Marcos Pine  
Chair  
Committee on Zoning and Housing  
Honolulu City Council  
City and County of Honolulu  
Honolulu Hale  
530 South King Street  
Honolulu, HI 96813

Regarding: City and County of Honolulu, City Council Bill 7, CD1

Dear Chair Pine,

The Disability and Communication Access Board (DCAB) would like to thank you for the opportunity to provide testimony regarding Bill 7, CD1. The purpose of this testimony is to ensure that the proposed changes will not negatively impact opportunities for persons with disabilities.

Our review of Bill 7, CD1 Sec.-2.3 and Sec.-2.2 will allow an increase in building heights for some apartment, apartment mixed use and business mixed use zoned lots. Even though the current building code may not require elevators for these residential applications DCAB feels that the needs of people with disabilities should be considered as the number of people with disabilities will increase as the population ages. Many individuals will incur some type of permanent or temporary disability over their lifetime. While DCAB supports the intent to provide incentives to create more affordable housing, we would oppose a change to increase the height limit for multi-family housing developments without elevators. The development of low-rise multi-family housing without elevators will create more affordable housing options, however persons with mobility disabilities will not be able to access a majority of those units. In addition, individuals who become disabled even temporarily may not be able to access their unit. We would urge that elevators be included in these buildings to provide better access and safety for everyone and explore incentives to make it more feasible to provide elevators.

All multi-family housing projects are required to comply with applicable Fair Housing Act (FHA), Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973 requirements.

"Sec. -3.2(h) Accessibility. Design of building and facilities must comply with the federal Fair Housing Act, 42 U.S.C. 3601 et. seq. Elevators are not required unless mandated by Section 1007.2.1 of the building code." This section should also include reference to compliance with the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 where applicable. The sentence regarding elevator requirements should also include "where required by applicable federal accessibility laws."

The Honorable Kymberly Marcos Pine  
Chair  
Committee on Zoning and Housing  
Regarding: City and County of Honolulu, City Council Bill 7, CD1  
May 2, 2019  
Page 2

The Special Meeting Agenda May 2, 2019, 1:00 P.M. Item 1. E. "In Section -2.2, clarifies that affordable rental housing projects may be developed on real property owned by the State Department of Education for purposes of providing public school faculty housing." Projects on State land that are built for the State are covered by the §103-50, Hawaii Revised Statutes, required to be submitted to DCAB, and will be reviewed for compliance with applicable ADA and FHA requirements.

The above reflects DCAB's advice and recommendations for the City and County of Honolulu's Bill 7, CD1.

Should you have any further questions, please feel free to contact Duane Buote, Facility Access Coordinator at (808) 586-8121.

Sincerely,



FRANCINE WAI  
Executive Director

April 30, 2019

Via email to [info@honoluluodpp.org](mailto:info@honoluluodpp.org)

Councilmember Kymberly Marcos Pine  
Chair, Zoning and Housing Committee  
City Council  
City and County of Honolulu  
530 South King Street  
Honolulu, HI 96813

Re: Bill 7 (2019), CD2 Proposed - Relating to Affordable Rental Housing

Chair Pine and Members of the Zoning and Housing Committee,

My name is Mel Kaneshige and I am submitting testimony generally in favor of the proposed Bill 7 (2019), CD2 with the following requested amendments:

1. Clarify Exception for CPR in Permitted Mixed Use Projects.
  - a. Mixed use projects are not permitted except where the underlying zoning permits mixed use (e.g., AMX and BMX districts).
  - b. In those permitted mixed use zoning districts, CPRs are permitted to separate the ownership of the commercial use from the affordable rental housing residential use.
  - c. In that instance, the commercial use is one CPR unit and the affordable rental housing portion of the project is another CPR unit.
  - d. The current language in Sec. \_\_\_ -1.3(b) "Prohibitions" is unclear and we propose that it read as follows:

"A property on which an affordable rental housing project is situated may be submitted to a condominium property regime pursuant to HRS Chapter 514B or any successor statute if it contains a ground floor commercial use that is permitted by the underlying zoning; provided that the only condominium units that are created are one for the ground floor commercial portion of the project and one for the affordable rental housing portion of the project. The one condominium unit for the affordable rental housing portion of the project shall not be further divided into additional condominium units."

2. Correct Drafting Error in Section \_\_\_ -1.4 re Recordation of Declaration of Restrictive Covenants.
  - a. The description of the changes made by CD2 stated in the Agenda makes it clear that the declaration of restrictive covenants need not be recorded in the State Bureau of Conveyances or the State Land Court. See, paragraph B.1(c) on page 2 which states "(deletes the requirement that the declaration of restrictive

covenants be recorded with the State Bureau of Conveyances or the State Land Court)." See also, paragraph B.4(a) on page 3 which states "Deleting the requirement that the declaration of restrictive covenants be recorded with the State Bureau of Conveyances or the State Land Court."

- b. Sec. \_\_-1.4 "Recordation of declaration of restrictive covenants" on page 5, on the other hand, requires the declaration to be recorded and is clearly a drafting error and should be deleted.
  - c. Similarly, Sec. 8-10.X(g) on page 23 should be amended to delete the requirement of recordation. - "that has been recorded with the registrar of the bureau of conveyances or the assistant registrar of the land court, or both, as appropriate."
  - d. Similarly, Sec. 8-10.Y(f) on page 27 should be amended to delete the word "recorded" since the declaration of restrictive covenants for an affordable rental housing project need not be recorded.
3. Affordable Rental Housing on State DOE Land Should not be Limited to Teachers.
- a. Section \_\_-2.2 "Permitted uses" on page 7 should be amended to permit affordable rental housing to be built on real property owned by the state department of education and rented to eligible tenants earning 100% AMI or less. The renters should not be limited to "public school faculty."
  - b. The state DOE owns property that can be used for affordable rental housing. The dire need for affordable rentals is not limited to public school teachers. It goes way beyond that so why limit the eligible renters to teachers? If this currently unused land can be used to help alleviate the chronic shortage of rental housing as well as the need for affordable teacher housing, then why not allow it to be used?
  - c. Allowing a greater rental pool will make it easier for the DOE to find developers willing to build affordable rentals on DOE lands. Developers want to have as large a pool of renters as possible to be sure that the units are occupied, and rents are being paid.
  - d. Allowing a greater rental pool will also permit private financing to be used by developers that the DOE can contract with to build affordable rental buildings since private financing will need to have as broad a rental pool to draw from to be sure that the buildings are fully occupied with a steady rental stream.
4. Front, Side and Rear Yard Setbacks.
- a. Section \_\_-2.3 Development Standards on page 8 sets out the Minimum Front, Side and Rear Yard Setbacks generally at 10 feet for Front Yard and 5 feet for Side and Rear Yards.

Councilmember Kymberly Marcos Pine

April 30, 2019

Page 3

- b. Affordable rental housing is to be permitted in A-1, A-2, A-3, BMX-3 and BMX-4 zoning districts as well as land owned by the State DOE under Section \_\_-2.2 Permitted uses on page 7 of the Bill.
- c. In some of those underlying districts, the minimum front, side and rear yard setbacks are *less* than those called for in the Bill. To remedy this, we propose adding language to the Development Standards saying "unless the minimum yard is less in the underlying zoning district" to be sure that this Bill is not making the minimum yard requirement more onerous. As an example, the minimum front yard in a BMX-4 district is 5 feet (v. 10 feet in the Bill) and the side and rear yard setbacks are -0- (v. 5 feet in the Bill).

Thank you for this opportunity to testify. I am happy to answer any questions.

A handwritten signature in black ink, appearing to read 'Mel Kaneshige', written in a cursive style.

Mel Kaneshige