MEETING OF THE PLANNING COMMISSION

MINUTES

Wednesday, March 16, 2016

The Planning Commission held a meeting on
Wednesday, March 16, 2016, at 1:38 p.m., at the Mission
Memorial Conference Room, Mission Memorial Building, 550
South King Street, Honolulu, Hawaii. Acting Chair Kaiulani
Sodaro presided.

11 COMMISSIONERS PRESENT: Kaiulani K. Sodaro
Steven S. C. Lim
Ken K. Hayashida
Wilfred A. Chang, Jr.
Theresa C. McMurdoo

16 COMMISSIONERS EXCUSED: Dean I. Hazama, Chair
Cord D. Anderson, Vice Chair
Daniel S. W. Young
Arthur B. Tolentino

20 COMMISSION STAFF: Gloria Takara,
Secretary-Hearings Reporter

22 DEPUTY CORPORATION COUNSEL: Jennifer D. Waihee-Polk

23 DPP REPRESENTATIVE: Elizabeth Krueger

PROCEEDINGS

ACTING CHAIR SODARO: I'd like to call to order the
meeting of the Planning Commission. Today is March 16th,
2016. Thank you. I'd like to open with the approval of
6 minutes for February 3rd, 2016. May I ask for a motion.

MCMURDO: So move.

LIM: Second.

ACTING CHAIR SODARO: Seconded. Any discussion?
(no response) Seeing none, motion to vote. All in favor to
11 approve motion?

ALL COMMISSIONERS: Aye.

[It was moved by McMurdoo and seconded by Lim that
the minutes of the February 3, 2016 meeting, as previously
circulated, be approved. Motion was unanimously carried,
5:0.]

ACTING CHAIR SODARO: Thank you. Next on the agenda
we have a public hearing post for a Request for Amendments
19 to Chapter 21, Revised Ordinances of Honolulu 1990, Relating
to Public Housing and Transit-Oriented Development Special
21 Districts. May I ask for a representative from the
22 Department. Thank you.

MS. KRUEGER: Good afternoon, Acting Chair and
24 members. My name is Elizabeth Krueger. I'm a staff planner
25 at the Department of Planning and Permitting. Today we have

1 before us is the City Council initiated proposed amendment
to the LUD, to the Land Use Ordinance. It is regarding
public housing projects in future transit areas.
4 Specifically, it is designed--Their proposal is to allow
5 public housing projects to qualify for the Interim Plan
6 Development Transit Permit; even if they're up to one mile
7 from future rail stations. They have defined the proposed
8 definition for public housing project, is a residential or
9 Mixed Use Development with a significant affordable housing
10 component undertaken by the Hawaii Public Housing Authority
11 or other State or City agency or their designated developer
12 pursuant to a partnership or Development Agreement.
13 In addition to allowing these public housing
14 developments farther from the station that any other use
15 would be allowed, the proposal is to eliminate the permit
16 fee for those types of developments.
17 The last thing is that they modified slightly the
18 permit application requirements to say that an applicant
19 should include the estimated number of proposed, public and
20 private dwellings or lodging units, and they observed
21 affordable restrictions.
22 The Department is not taking a strong position on
23 this. We don't oppose it. We don't anticipate that it
24 would be used very often, if at all, because there are
25 couple of other paths to approval for public housing

1 projects including waiver permits and 201H, Hawaii Revised
2 Statutes affordable housing projects.
3 So, while there are other options that potentially
4 provide a faster path to approval and potentially allow
5 greater flexibility, it is not---We don't think that it would
6 hurt to allow such uses up to a mile from the station,
7 although the Interim Planned Development Transit Permit is
8 designed to promote, you now, catalytic projects close to
9 station areas. We're not opposed to this.
10 ACTING CHAIR SODARO: Any questions of the staff
11 now?

MCMURDO: Can I ask later?

ACTING CHAIR SODARO: Yeah. We can ask later;

THANKS. If you can just stay for a moment. [referring to
15 Ms. Krueger] Like a motion to open public hearing.

MCMURDO: So move.

CHANG: Second.

ACTING CHAIR SODARO: Second.

[It was moved by McMurdoo and seconded by Chang
20 that the public hearing [testimony] portion of the March 16,
21 2016 Planning Commission be opened. Motion was unanimously
22 carried, 5:0.]

ACTING CHAIR SODARO: Thank you. Do we have
24 any--Someone signed up? [referring to hearings reporter]

HEARINGS REPORTER: None.
1 would charge them the fee for that.
2 McMURDO: Only State?
3 MS. KRUEGER: Only State. So, this is explicitly
4 exempting public housing projects. So, if that portion—if
5 every other portion of this proposed bill was cut except for
6 that, then any public housing project within the IPD-T or
7 within the transit area could be processed without charging
8 that fee, according to this.
9 ACTING CHAIR SODARO: Can I ask a clarifying
10 question? So City sponsored is exempt because you would
11 waive it. But it's State initiated--
12 MS. KRUEGER: Yeah, a City agency. We don't
13 charge other City agencies for any land use permits.
14 McMURDO: I'm sorry. May I ask a follow-up
15 question?
16 ACTING CHAIR SODARO: Yes, please proceed.
17 McMURDO: The $10,000 fee, what is the rationale
18 for that?
19 MS. KRUEGER: The Interim Planned Development
20 Transit Permit was modeled after the Planned Development
21 Resort and Planned Development Apartment permits that are
22 available in Waikiki. And based on the amount of effort and
23 work that the Department does on those and the follow
24 through, they go all the way through to City Council
25 approval. That was the established fee for those and when

1 we created the IPD-T Permit we lumped them for purposes of
2 fees. We lumped them together with other planned development
3 permits.
4 McMURDO: Okay. And the rationale behind not
5 giving it to a State agency is?
6 MS. KRUEGER: A couple of years ago we came through
7 a fee bill, and it would've come through the Commission.
8 And at that time we--I think--I wasn't the point person on
9 that, but I believe that the underlying justification for
10 that was saying we do as much work for State projects as we
11 do for private projects. So, charging other City agencies
12 is in a way just moving money within the City. It's all
13 City money, but when we do work for the State, the State
14 should also pay like any other private agency would.
15 McMURDO: But that's not restricted to just
16 housing, right? That fee is in general?
17 MS. KRUEGER: Yeah. That's all--
18 McMURDO: So, we're not talking specifically
19 about public housing which might have a different view point
20 with regard to public housing?
21 MS. KRUEGER: That's right. I believe that's why
22 City Council, that this City Council-initiated bill
23 specifically said, "hey, let's make this easier by
24 eliminating the fee for these types of projects."
25 ACTING CHAIR SODARO: Additional questions,
1 definition. The Department has prepared a draft affordable
2 housing policy that I believe was transmitted to City
3 Council, but has not been passed, and it's only in draft
4 form. I believe that the numbers that they were throwing out
5 for--everybody needs to do it were between 20 or 30%. So,
6 significant--I would imagine would have to be greater than
7 30%, but again that's not clearly defined here.
8 McMURDO: Well, is it possible to ask the
9 Director to speak to his testimony or answer some questions?
10 ACTING CHAIR SODARO: We can. Just a clarifying
11 question to Counsel. Do I need to open up testimony, public
12 hearing or can staff bring him up as an expert to those
13 subject matter being posed?
14 [colloquy between Acting Chair and Counsel
15 Waihee-Poli]
16 If DFP would like to introduce the Director for
17 clarification, that would be welcomed. Thank you.
18 MR. GUANSAF: Good afternoon Chair, members of
19 the Committee. Thank you for having this proposal. We did
20 submit written testimony, and be happy to answer any
21 questions you have.
22 But before that just to give you a little bit
23 background on the housing authority. We are the only
24 statewide agency that caters to the poorest of the poorest.
25 The average income for our tenant are about $12,000, well

1 have that.
2
3 LIM: Yeah, we got that.
4
5 let others ask questions while you read it, Commissioner.
6
7 McMURDO: Thank you.
8
9 ACTING CHAIR SODARO: Staff, is this the testimony
10 you're referencing to?
11 MS. KRUEGER: Yes.
12
13 ACTING CHAIR SODARO: Okay. Thank you. So, while
14 that's being read--thank you. Are there are other questions
15 by other Commissioners?
16 HAYASHIDA: It says define housing project in a
17 significant affordable housing component. How do they
18 define significant?
19 MS. KRUEGER: The definition for significant, I
20 don't believe it's defined. In 2018 projects, there are
21 parameters for that. For 2018 projects, the project must
22 have at least 50 dwelling units or at least half of all
23 units must be designated as affordable based on target
24 income groups.
25 So, that is one way that we thought perhaps
26 somebody would want to use the Interim Planned Development
27 Transit Permit if they couldn't reach the 50% or the 50
28 dwelling units. But we don't have it, an operational

1 below the 30% PMI. We have identified a total of 10
2 projects along the TOD line. Those projects will yield us
3 approximately 10,000 units. We have (inadmissible) three,
4 (inadmissible) Phase 2, Mayor Wright Housing with (inadmissible),
5 as well as the School Street. Some of those are a little
6 bit outside the half mile radius. By sets (inadmissible)
7 require to serve the poorest of the poor and to operate how
8 to break even. So, we (inadmissible) incentives for making any
9 profits.
10 All of our components; (inadmissible) development
11 would start by federal properties. We're 76% federally
12 funded agency, but 80% properties are federal properties.
13 (Inadmissible) consider State, they are federal in nature. So,
14 start with those because it's a subcity area. It's
15 attractive to the developers. To put it into perspective
16 Mayor Wright Housing, as an example, the requirement is one,
17 replacing all public housing units, one-for-one, so the 364
18 units will be replaced and be for public housing, 30% PMI or
19 less. In addition to that, you will be in an affordable
20 components, 30 to 60 and 60 to 100 and possibly market to
21 make the finest. So, it's significant and the question we
22 use significant is as meaning affordable housing possible
23 without having to get out. So usually the problem hasn't
24 happened. We only do (inadmissible) market extra finance
25 works. In case of Mayor Wright, as an example, at least 50%
1 will be affordable and very, very affordable.
2 In that aspect--The School Street that's where my
3 office are will be demolished and will be 15 units in there.
4 In there at least 80% will be affordable housing units
5 probably catering to the public and things to that nature.
6 The 201H as the young lady has indicated it does
7 help, but sometimes it doesn't depend on the kind of
8 private public partnership that you may do. But the reason
9 we supported this is that it just shows that this team is
10 working with us with the State (inaudible), we specifically
11 feel (inaudible) almost the one that you had mentioned is
12 all here in Honolulu.
13 So, it does look--and we're very grateful for
14 that. We do have a great relationship with DPP. They have
15 been extremely helpful in trying to help us anytime that
16 there's any (inaudible) to allow a grievance to be able to
17 expedite the process.
18 And the way we deal with any dollar that we save,
19 it just goes back to the project. It is lucky that we
20 (inaudible). So, it's just a quick summary of HPPA. If you
21 have any questions, I'd be happy to answer.
22 **ACTING CHAIR SODARO**: Thank you. Just for record,
23 your full name, please.
24 **MR. GUANSAFI**: I'm sorry. It's Nakim Guansafi.
25 I'm the executive director for Public Housing Authority.

1 So, a waiver would work well for a project that
2 encroaches a little bit here and there. It might not work
3 well for changing, you know, uses or having large scaling
4 encroachments.
5 And then going back to the question about
6 significant. One thing that I thought of while we were
7 discussing this is when another public agency comes to us
8 with an application, and they say, "this is our job; this is
9 the scope of the project," we rarely say, "oh, are you
10 sure?" So, if another agency comes to us saying this is a
11 significant amount of affordable housing, and it is our job
12 to create affordable housing, we would usually accept that
13 as their explanation. So, we wouldn't be put necessarily
14 into a position of trying to determine whether it was
15 significant enough because it's another public agency. If it
16 were a private developer coming in and telling us something
17 was significant, we might question their definition of
18 significance because they're not performing their duty in
19 the public service necessarily.
20 **MCURDO**: Thank you.
21 **ACTING CHAIR SODARO**: Additional questions?
22 **MEMBER HAYASHIDA**: So, do we need to define it or you
23 don't feel it's necessarily to define it?
24 **MS. KRUSCHER**: Within the scope of it being the

1 **ACTING CHAIR SODARO**: Thank you, Director.
2 **MR. GUANSAFI**: Thank you.
3 **ACTING CHAIR SODARO**: Any clarifying questions
4 from members?
5 **MCURDO**: Just so that we understand why you would
6 chose this permit over the other options you have, could you
7 just explain that?
8 **MR. GUANSAFI**: Thank you. 201H sometimes does
9 not give us the flexibility. It does hinder sometimes the
10 process. Certain developers that you like to team up with;
11 once we bring it up to the next line-up. They also bring
12 (inaudible) requirements. We have not just for the
13 (inaudible) today, and we have about $200 million for work
14 construction.
15 **MCURDO**: And the zoning waiver?
16 **MR. GUANSAFI**: Currently, there is no waivers
17 for us.
18 **MS. KRUSCHER**: I can clarify a little bit about the
19 zoning waiver as well as the former question. A zoning
20 waiver generally it has a more narrow focus. So, it
21 is--They're encroaching into the required yard this much or
22 they're exceeding the height limit by this much. So, for
23 example, a police station qualifies for a waiver because
24 they need to exceed the height limit for their specific
25 equipment that is their job, you know, by definition.

1 definition being limited to a project undertaken by the
2 Hawaii Public Housing Authority or other State or City
3 agency, I would say we don't need to define it.
4 If that definition were broadened to also include
5 non-profits and other groups of developers, then I would say
6 we would want to very clearly define that. But we felt that
7 within that limited definition that those agencies are
8 mandated to be providing that type of housing. That said,
9 we wouldn't be opposed if somebody wanted to go in and
10 clearly more define that. I don't think--
11 **ACTING CHAIR SODARO**: Additional questions? [no
12 response] I have a few. Thanks for explaining it all.
13 This is kind of confusing. So, the Interim IDP is put in
14 place until we get through all the other TOD Special
15 District--
16 **MS. KRUSCHER**: That's right.
17 **ACTING CHAIR SODARO**: ...individual permit, Land
18 Use Ordinance; okay. So, if you could correct or confirm my
19 understanding when the ultimate TOD overlay bill is
20 presented, the interim is supposed to sunset?
21 **MS. KRUSCHER**: Yes.
22 **ACTING CHAIR SODARO**: Right; supersedes it. So,
23 does this amendment just transfer, does it all roll in to
24 that next action? Because this was created as a means,
25 right, to give area landowners and the market comfort in the
1 TOD overlay coming. So, could you explain the relationship
2 of where we are in IPD and now this amends it, just for the
3 record. Thank you.
4
5 MS. KRUGER: Sure. The IPD-T was designed to
6 sunset as the Special District is established. And the
7 Special District is being established handful of stations at
8 a time. So, right now, the West Loch and Waipahu transit
9 areas are before City Council. The day they adopt those, the
10 day those become law, the zoning lots within those two
11 transit areas will no longer qualify for an Interim Planned
12 Development Transit Permit. At that time they will qualify
13 for a Planned Development Transit Permit, which is a very
14 similar permit, although it's not identical. It's not
15 identical in HART because the TOD special district
16 established a whole set of development standards and while a
17 lot of the flexibility is still there, it's just slightly
18 different.
19
20 These proposals specific to public housing are not
21 in the Planned Development Transit or draft materials that
22 are before City Council right now. They could be because
23 they're not adopted. They could--You know, City Council
24 could say we want to take this language and also apply it
25 there, but at this time it's not.
26
27 ACTING CHAIR SODARO: All right. So, when this
28 enacts it shapes the Special Districts but not the ones that
29
30 1 may have passed in that window of time that it occurs? And,
31 then there will be some follow-up process to insert similar
32 language, I would assume, somebody would insert it into
33 anything that passes ahead if they don't amend it mid-stream
34 now?
35
36 MS. KRUGER: That's right.
37
38 ACTING CHAIR SODARO: Okay.
39
40 MS. KRUGER: So, if City Council were to adopt,
41 say let's next Monday adopt those two station areas, we
42 wouldn't have an exemption for public housing projects in
43 Waipahu and West Loch. If they modify the language before
44 they pass that, it's in there. If they don't but they want
45 us to as we come through with the next round, which is Pearl
46 City, we can amend it at that point.
47
48 We anticipate, I would say, at least probably six
49 rounds as we move forward because the 19 station areas
50 lumped together. It's possible that we would come in to say
51 maybe do Kalili and Downtown Special District all at the
52 same time, that's possible. But it's very likely we'll be in
53 here several times. So, at any point during that as we move
54 along, the language could be amended to deal with this type
55 of thing.
56
57 ACTING CHAIR SODARO: Okay. So, it's in the IP
58 today. What puts it in that special districts, the public
59 process that you're going through now or Department
60
61 1 insertion then that goes out for public review?
62 2 MS. KRUGER: Can you clarify when you say "it's"--
63 3 ACTING CHAIR SODARO: So, the interim language is
64 4 across all special districts, all 19 TOD stations?
65 5 MS. KRUGER: That's correct.
66 6 ACTING CHAIR SODARO: But you're going through
67 7 unique community process and outreach and engagement which
68 8 is the new onsets that you speak to. While each one is not
69 9 the same because we hear the community command and they're
70 10 tweaking high setbacks, stuff like, you know, historical
71 11 architecture and all kinds of stuff, right. So, how does
72 12 this get inserted or does it formally or informally into
73 13 those individual other TOD plans?
74
75 MS. KRUGER: The TOD Special District will be one
76 special district. So, rather than having, say the Waipahu
77 TOD Special District and the Kalili TOD Special District,
78 it's all the TOD Special District. So, it's all in the same
79 portion of Article 9. The Interim Planned Development
80 Transit information is in Article 9.100-5, I believe, and
81 that section stands apart. It's ahead of all the other.
82 The TOD Special District language has a whole group of
83 development standards and at the very end it has a series of
84 exhibits. Those exhibits are the maps that show the
85 boundaries of the special district. So, before those maps,
86 there's a Planned Development Transit section. If this
87 1 language gets transferred into that Planned Development
88 Transit section of the code, then that language applies to
89 each of those mapped areas. So, as each map gets adopted,
90 the IPD sunsets in each of those areas. So, again, it's the
91 map--Even though the maps have distinct boundaries they will
92 be all in the same special district. Does that answer your
93 question?
94
95 ACTING CHAIR SODARO: Yeah. I'm just trying to
96 clarify if this exemption, how the exemption is getting into
97 that master special district TOD ordinance.
98
99 MS. KRUGER: It would have to be either added by
100 City Council now or the Department would have to insert it
101 in one of these follow-up station areas, which is likely
102 Pearl City because that's next.
103
104 ACTING CHAIR SODARO: Okay. So the matter for us
105 is just for the districts that aren't approved and leaving a
106 window of time for those to apply--
107
108 MS. KRUGER: Currently, all of them; currently
109 all would qualify for the Interim Planned Development.
110
111 ACTING CHAIR SODARO: Okay. And, then so within
112 the TOD ordinance that radius that was established carried
113 with it differences of parking requirement height, density
114 and other things. Does this transfer that to the confines
115 of a project which applies for this permit?
116
117 MS. KRUGER: Do you mean once a project gets this
1 permit, what happens in the future?
2 ACTING CHAIR SODARO: No. By using this permit
3 route, since it's part of the TOD temporary or the TOD, the
4 ordinance that allows for the variance to the existing LUD,
5 as it relates in many areas, if they're using a permit
6 that's referencing that ordinance, since this is out of the
7 radius that it currently governs, do those transfer over?
8 So, it sets minimum for the parcel and some other things,
9 but does that carry with it the difference in parking in
10 height and density and everything else?
11 MS. KRU[classified]
12 applicant has applied, and we go through the process and we
13 transmit to City Council with the report and recommendation,
14 City Council approves a project with conditions and then a
15 Special District permit is issued with conditions. That
16 permit and that resolution govern that site, you know,
17 forever regardless of the underlying Special District.
18 So, if something qualifies as an Interim Planned Development
19 Transit Permit and then later they change their mind and in
20 the mind the special district come through, they can at that
21 time apply for a Planned Development Transit Permit. But if
22 they have an approval under an interim that approval just
23 keeps-
24 ACTING CHAIR SODARO: Correct. I understand that.
25 There's different requirements for projects. It's all about
26 creating density around station. So, what I'm asking is,
27 does that transfer to the project that's a mile away? It
28 sounds like it would or no? That's the clarity that I'm
29 seeking. It sounds like it would because this permit is
30 tied to define ordinance that includes and embodies TOD
31 principles of which modify all those other-
32 MS. KRU[classified]
33 to continue to be available for projects up to a mile away-
34 ACTING CHAIR SODARO: No, no, perhaps Director did
35 you want offer insight?
36 MR. GWANS[CLASSIFIED]: It will; would apply within half a
37 mile up to a mile.
38 ACTING CHAIR SODARO: Yeah. That's my
39 understanding because it's using a permit that references a
40 different ordinance for development standards. Does that
41 make sense?
42 MS. KRU[classified]
43 ACTING CHAIR SODARO: Okay. So, like the one
44 bedroom doesn't need parking?
45 MS. KRU[classified]
46 ACTING CHAIR SODARO: That's right.
47 [M[CLASSIFIED]
48 ACTING CHAIR SODARO: Okay; correct. That's my
49 point. So, while that is defined currently to the half
50 mile, if there's a project outside it doesn't reference the
51 LUD of its neighbors, it's referencing the TOD Ordinance
52 Development Standard?
53 M[CLASSIFIED]
54 MR. GWANS[CLASSIFIED]: We identified seven right now.
55 McMURDO: The seven that's in here?
56 MR. GWANS[CLASSIFIED]: Yes. That's excluding 70 within
57 the next five years with HPRA. We do have other parcels of
58 land of properties within the one mile that we have
59 forecasted.
60 ACTING CHAIR SODARO: And maybe just my
61 recollection, Commissioner, is when the radius was
62 established, there was discussion and request by Director's
63 department to extend to public housing which was outside of
64 the half mile, but that also brought everything else with
65 it. Just for background.
66 Okay. Thank you, Director. Any other additional
67 questions for Elizabeth? [no response] Seeing none, thank
68 you both.
69 MR. GWANS[CLASSIFIED]: Thank you.
70 ACTING CHAIR SODARO: Commissioners, could I ask
71 for a motion?
enter into executive session. May I ask--So, we were in
2 discussion. Were there any other discussion matters before
3 the Chair poses a question? [no response]
4 ACTING CHAIR SODARO: Thank you. Theresia, I'd
5 like to ask--Thank you for the disclosure; it's noted. Do
6 you believe that you can proceed objectively with the matter
7 on the agenda?
8 McMorro: Yes.
9 ACTING CHAIR SODARO: Okay; thank you.
10 Commissioners, may I ask for a motion on the Request for
11 Amendments to Chapter 21, Revised Ordinances of Honolulu
12 1990, Relating to Public Housing and Transit Oriented
13 Development Special Districts. Motion, please.
14 LIM: I move to approve the request for amendments
15 to Chapter 21, Revised Ordinances of Honolulu 1990, the Land
16 Use Ordinance, relating to public housing in Transit
17 Oriented Development Special Districts.
18 Chang: Second.
19 ACTING CHAIR SODARO: Second. Thank you, member
20 Chang. Open discussion. Just for comment. I guess, we hope
21 this helps expedite the supply of affordable housing in our
22 county. Thank you. I'd like to ask for a vote. All in
23 favor of the motion as stated.
24 ALL COMMISSIONERS: Aye.

[It was moved by Lim and seconded by Chang that
2 the Request for Amendments to Chapter 21, Revised Ordinances
3 of Honolulu 1990 (The Land Use Ordinance), Relating to
4 Public Housing in Transit-Oriented Development Special
5 Districts be approved. Motion was unanimously carried.
6 5:0.]
7 ACTING CHAIR SODARO: May I ask for a motion to
8 close our meeting today, please.
9 LIM: So move.
10 Chang: Second.
11 [It was moved by Lim and seconded by Chang that
12 the March 16, 2016 Planning Commission meeting be closed.
13 Motion was unanimously carried, 5:0.]
14 ACTING CHAIR SODARO: Meeting closed. Thank you.
15 [The meeting was adjourned at approximately 2:28
16 p.m.]
17 --000--

Submitted by:

Gloria C. Takara
Secretary-Hearings Reporter

Approved on May 11, 2016