MEETING OF THE PLANNING COMMISSION  
Minutes  
Wednesday, October 28, 2015  

The Planning Commission held a meeting on Wednesday, October 28, 2015, at 1:35 p.m. at the Mission Memorial Conference Room, Mission Memorial Building, 550 South King Street, Honolulu, Hawaii. Chair Dean Hazama presided.  

COMMISSIONERS PRESENT: Dean I. Hazama, Chair  
Kaululani K. Sodaro  
Arthur B. Tolentino  
Daniel S. M. Young  
Steven S. C. Lim  
Kem K. Hayashida  
Wilfred A. Chang  
Theresa C. McMurdo  

COMMISSIONER EXCUSED: Cord D. Anderson, Vice Chair  
(prior notice given)  

COMMISSION STAFF: Gloria Takara, Secretary-Hearings Reporter  

DEPUTY CORPORATION COUNSEL: Jennifer D. Waihee-Polk  

DPP REPRESENTATIVE: Malyinne Simeon, Staff Planner  

PUBLIC HEARING:  

A REQUEST FOR AMENDMENTS TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO MISCELLANEOUS "HOUSEKEEPING" MEASURES  

A draft bill to amend the Land Use Ordinance (LUD), relating to an assortment of miscellaneous "housekeeping" measures. These LUD amendments are initiated by the Department of Planning and Permitting.  

Ms. Simeon: Hi. Good afternoon, Chairman and members of the Planning Commission. My name is Malyinne Simeon, and I'm the staff planner at DPP. I'll be here to present the draft bill to amend the LUD relating to miscellaneous housekeeping measures. This LUD amendment is initiated by DPP and is recommended for approval. You can follow along the table or the bill as I go through each of the sections that's being amended. The first change was a request made by planning division and its update section 21-1.20. This is a general housekeeping change to reflect the current nomenclature for adopted plans that the LUD implements. So that's including the Neighborhood Plan, the Sustainable Communities Plan. The next two are strictly technical changes that address changes that were missed in previously approved amendments; skip to Section 21-2.40-1. This change in this section includes cross referencing existing requirements to make it more clear. It references the notices for public hearing. The section for specific circumstances for zoning adjustments. This section in the LUD, it applies to different circumstances. Like for example somebody has a carport garage, and it's nonconforming and they want to rebuild it, they would have to apply for zoning adjustments. So, for the changes that we made in this draft bill it's for non-conforming ohanas. It would allow people with non-conforming ohanas to rebuild or expand through a zoning adjustment. Current regulations, the applicant would have to meet the criteria in this section for either the two categories to rebuild or expand. There's been some problems that people next when they tried to expand. Like, for example, if somebody wants to expand their existing ohana, they'd have to meet the two criteria listed in this section. And, if they can't qualify for ZA, because they only meet only one of the two criteria, they wouldn't qualify for the ZA for the expansion. Sometimes they might feel forced to do rebuild instead of an expansion. And, if you do a rebuild, that's where you have to destroy more than 50% of the ohana dwelling to be able to rebuild it and sometimes in that case they'd have to rebuild it bigger. This amendment fixes that situation. Their criteria are
I made less restrictive, easier to understand. It's also
based on changes made in the Ordinance 615 and 1541. That's
where the size limitations were changed and the ohana are
no longer required to be attached to the principle dwelling
unit. The only way ohana can be non-conforming now is if
they're located in a non-ohana eligible area, not occupied
by family members, and it's in a lot that CPR'd. The other
change in this section--Actually there's no other changes in
this section. We made sure that they would still file for
restrictive convenience, that still stays the same. We kept
that in there.

The next session is 21-2.52. This amendment was
taken from Bill 22 which you supported and has passed first
reading. We just took the parts from Bill 22 relating to
the LDU. Some of the LDU changes that tries to resolve the
problem with unsuccessful servicing of notices of order.

This becomes an issue when they are undelivered or
unclaimed. With this change, it would now allow them to
publish the NNO in the local paper. Bill 22 changes this
language in other chapters of ROH too, but we just made the
changes in this draft bill just for the LDU part.
The next session is a zoning precinct
23 classifications and agricultural uses and development
24 standards. The changes in these sections are technical
25 changes.

I can move on to the lots in two zoning districts.
The first part is a technical change because we failed to
identify height setback where other similar development
standards were listed.

The next part to this section is including the
formula to calculate building area. It's not currently on
there but we do that. It's a common practice when we have
these types of situations. We commonly do it with
calculating the FAR. The FAR calculation, that formula is
in the LDU. We just didn't include the formula for building
area, so that's why we're adding it now.

The next is Section 21-4.10. We removed the
reference to Section 21-8.30 because this section refers
specifically to farm dwellings. We just recently.
Section 21-4.110-1. This one is regarding TVUs,
and then the following section, Section 21-4.110-2 is B&B.
There's similar changes but we made a change in the TVU, or
at least the changes in the TVU--There's one extra change in
that, that we didn't do in the B&B. And I'll explain it
now. The first part refers to nonconforming use certificate
renewals for both TVUs and B&Bs. They would now be reverted
back to an annual cycle, renewal cycle. And then the other
changes if the applicant has good reason for missing their
renewal deadline, the Director can have some flexibility on
the due date, where there wasn't one before. If they have

1 good reason like health issues that kind of thing, they'd be
able to ask the Director if they can extend their date. So,
that's the change that was made in both the TVUs and B&Bs
section. The new thing for the TVU section is that we
address the blind spot in the Ordinance. Lawfully
established hotels and timeshares would normally be allowed
to change to a TVU. But in order for a TVU to operate in
specific residential or apartment zoned areas, they'd have
9 to have a nonconforming use certificate. But the NCU's was
supposed to be obtained by December 1988 or else it wouldn't
be considered a bonified nonconforming use. So, that kind
of leaves them in like this weird limbo area. This
amendment fixes that. It would allow them to do a one-time
application for NCU's and then they can renew after that.
The changes for Section 21-5.10A. First, I want
16 to point out I made a little typo when I was writing out
17 this draft. And, I didn't include the entire last sentence
18 of subsection (A). It's supposed to read, "a minimum of 50%'
19 of the floor area of the structure used for the display of
20 products for sale shall display--Now, instead of promotional
21 items, it's supposed to say, "only agricultural products
22 grown on the premises or the aforementioned products made
23 therefrom", and then continue on with the rest of the
24 sentence.
This amendment is meant to make the regulations in

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The next one is joint use of parking facilities.

This is done through a CUP, a Conditional Use Permit.

It's currently required for off-street parking, but since bicycle parking will be a requirement for new development within TOD, special districts, this change would allow six people to apply for a CUP for joint use of off-street parking to accommodate vehicles, bicycles and also loading stalls.

Section 21-5.700. Currently, the LUO allows when machines to exceed height limits—if its setback from all the property lines, one foot for each foot of height. If this was followed, rooftop mounted wind machines wouldn’t be permitted to be placed on a lot of rooftops in residential areas. The changes in this section would allow smaller wind machines to be placed on the rooftop as long as they follow the height setback for that zoning district or even if there’s a special district requirement. There’s also new language that’s added in this section to include an abandonment deadline. This is already included as a standard condition for the CUP, but we wanted to add it in the LUO. Non-utilized wind machines would now, wouldn’t become (inaudible) or ‘eye sore, so adding this amendment would make sure that they take it down. The section for specific districts assigns standards. In the resort district we changed the maximum area for business signs to 25-square feet. This is a reasonable change because uses permitted in the resort district are comparable to uses permitted in business districts. And in business districts we allow them to have business signs for 24-square feet. So, we thought it would be reasonable to change it for the resort districts too.

In (b)(1), we added hanging signs to be allowed on building facing. Hanging signs are already allowed in other business districts and adding hanging signs in (b)(1) would also be appropriate. The other changes to this section is we removed the provision that’s been kind of difficult to administer; remove the regulations that limits the total sign area to 15% of the wall, if it is displayed. This has been difficult to administer because each establishment applies for sign permits separately. They don’t come to apply for their buildings all together, so it would be hard for us to calculate this 15%. So, that’s why we’re removing it. The other change is removing the provision that counted ground signs is one of two permissible business signs for reach ground floor establishments. For properties that have a lot of, or a large number of ground establishments, they would have to count at least 50% of their signs towards identification sign or directory sign. So, that would be one of the two signs they’re allowed. This amendment would allow them to have two signs and still have the directory sign or identification sign.

Section 21-8.20(c). This is a housekeeping change. It reflects the changes made in HRS.

Table 21-9.6(c) and Section 21-9.80-3. Both of these are changes in the section and the table. They’re technical changes.

General requirement and design control for Sections 21-9.80-4(c) and (d) are technical changes. One of them references auto service stations and that’s removed because it’s not a permitted use in the Waikiki Special District. Any mention of it is removed from that section.

Section 21-9.100-5(d). We overlooked building area in Ordinance 14-10 relating to the IPD-T projects. In this amendment, building areas is a standard that may be modified for IPD-T projects.

And then the last change is to Section 21-10.1. We made changes to the definition of corporate retreats, families and TVUs. The changes to corporate retreats and TVUs was based on recommendations from Corp Counsel and the change to the term of family is because we wanted to stay consistent with the terms in HRS 46-4. That concludes my presentation.

Chair Hazama: Okay. Thank you. Commissioners, any questions for the Department at this time? [no response]

Okay. Thank you.

Ms. Simeon: Okay. Thanks.

Chair Hazama: Okay. At this time we’ll open it up for public testimony. We have Andrea Anixt.

Ms. Anixt: I just wanted to address the language in the first page, Section 21-1.20(c).

Chair Hazama: Okay.

Ms Anixt: Department of Planning and Permitting proposed this, and I would like to say that instead of the City’s General Plan, that this is called the Oahu General Plan, and also perhaps put in language stating that, where it says down here, in No. 2, that’s conserving the City’s natural, historic and scenic resources and encouraging design which enhances the physical form of the City, that it is also included also including that same standard apply to country, to rural designated areas and country scenic physical form. I guess, you could call it, design which enhances the rural district physical form, and some wording like that. I’m not sure exactly how the wording will affect—So, it’s just not City, because we feel—I feel the 21 City is all they’re really addressing in this change. Also, 22 the Sustainable Communities Plan, I did have a question for the Board, if that’s possible. These are the original 24 Sustainable Communities Plans, like Koolau Loa Sustainable Communities Plan is still under revision, has been so since
1 year 2005, something like that. And, so it is not exactly
2 an adopted neighborhood plan. So, what wording would be
3 better in there, maybe it was adopted at one time in 1999 or
4 2000. It's still in limbo at this point. My question is
5 basically this ones that adopted neighborhood plan, does
6 that mean you want it from 2000, the original?
7 Chair Hazama: Whatever plan is on record at this
8 time.
9 Ms. Aniti: So, anyway, the changing somehow if
10 something already in City (inaudible). I was (inaudible)
11 the other day, when the federal highway person have finally
12 come around the island. You noticed that we don't have two
13 lanes. We keep going from Kam Highway between Kahanu and
14 Haliwa. We had a 24-hour, 7-day a week closure of one lane
15 for four months going on. And there's plenty of places of
16 where the road is compromised severely. And, so I thought,
17 "well, these people are obviously sitting in offices
18 somewhere else in town and don't even recognize what's going
19 on in the country." And, so we had five closures at the
20 Waikane Bridge in one week in September. The road was
21 completely closed because the bridge been flooded and up to
22 people's windows on their cars, and it was reported on
23 television that we had four closures in a year, five in one
24 week. So, somehow things getting, you know, aren't getting
25 communicated back and forth as to what's kind of going on

1 other parts of the island.
2 On this agribusiness activities as noted in, I
3 guess here it says merchandise should be featuring--this is
4 on page 17, Section 21-5.10A, agribusiness activities, how
5 non-food items may be sold, provided these are constructed
6 primarily from those agricultural products grown or produced
7 on the site. And this is happening like (inaudible) beach
8 up through Waimea. Lots of little stands selling
9 anything--Basically baskets flown in from China or whatever.
10 Not anything to do with the agricultural (inaudible), and
11 them (inaudible) food stand or whatever, but it's getting
12 pretty (inaudible). There's a lot of them, and they're not
13 following this, definitely. Any questions?
14 Chair Hazama: Thank you. Any questions,
15 Commissioners? [no response] Thank you very much. Is
16 there anyone else wishing to testify today on this matter
17 before the Commission? [no response] Okay. Seeing no
18 other people, can I have a motion to close public testimony?
19 Member Tolentino: Motion to close the public
20 testimony.
21 Member Young: Second.
22 Chair Hazama: It's been moved and seconded. Any
24 Okay. Commissioners, public hearing part is closed. Any
25 questions?

1 Member Sodaro: Okay. Thanks. I had a
2 question--So, back to page 17, testifier had spoken--I know
3 in the past--So, the activities kind of describe. This is
4 to what has come before us kind of referred to just like
5 forum stands, right? Does this have or does it include--I
6 know you used the word "non-motorized" but there a lot of
7 stationary food trucks without engines in them. Is this
8 also to address some of the food truck activity that's on K6
9 land in the rural areas or is this purely help, you know,
10 the previous complaints so people coming forward that they
11 weren't able to put up farm stands for inconsistency issues.
12 Ms. Simeon: No. I think that's different. I
13 don't think we're trying to address the food truck issue if
14 we're adding non-motorized. Those are for systems like for
15 Dole Plantation, they have the train. So, that's the
16 motorized. So, if they want something else that's
17 non-motorized they can do it that way, ziplines that kind of
18 thing.
19 Member Sodaro: Okay. You had mentioned a wording
20 modification, did you need us to change the language that we
21 have, the way that you stated it in this section?
22 Ms. Simeon: Yeah. That was a typo on my part.
23 I put the wrong information.
24 Member Sodaro: Okay. So we just need to capture,
25 the reflection--
2. Member Sodaro: Okay.
3. Ms. Simeon: And that’s the part that gets removed
4. from this section anyway, I think.
5. Member Sodaro: Oh, okay. So it’s an edit; okay,
6. I got it.
7. Ms. Simeon: It’s was just an edit—
8. Member Sodaro: So no modification?
10. Member Sodaro: Okay. And then to page 20, your
11. presentation about the wind turban.
13. Member Sodaro: So, you said the current process
14. is a CUP. So, for homeowner, they would need to apply for
15. CUP to put a wind turban on their homes?
16. Ms. Simeon: The machines—
17. Member Sodaro: You’d mentioned in your
18. presentation that it requires a CUP. I know we’ve seen like
19. in industrial areas people are putting up more—I guess
20. understood that—I just also wanted clarification if a
21. homeowner needed to file a CUP to put a wind turban up or
22. not?
23. Ms. Simeon: I’m not sure. I’m not sure. Can I
24. ask Jamie—
25. Member Sodaro: Sure, sure.

1. Mr. Peirson: Jamie Peirson, Department of
2. Planning and Permitting. A wind machine in residential
3. district requires a Conditional Use Permit.
4. Member Sodaro: Okay.
5. Mr. Peirson: Depending on the kilowatts, you may
6. or may not need one, (inaudible) districts, but in
7. residential you’ll always need the CUP.
8. Member Sodaro: Okay.
9. Mr. Peirson: The problem we were facing was the
10. preferred wind machine in residential districts was this
11. vertical axis machine. They tend to be fairly small. They
12. call them small wind. But because of the height setback
13. requirement, they want a (inaudible) variance as well as a
14. Conditional Use Permit because the (inaudible) on the most
15. residential lots, they couldn’t get the best height on the
16. peak of the roof and so we just wanted a different standard
17. for the smaller (inaudible).
18. Member Sodaro: So, they should remove the
19. variance and just keep it straight to CUP?
20. Mr. Peirson: They could just—Yeah. The CUP is an
21. adequate review of the proposal—
22. Member Sodaro: To do it—
23. Mr. Peirson: It was kind of ashamed they had to go
24. through variance at the same time.
25. Member Sodaro: Okay. Thank you for that. I have

1. what is not. So there is no ambiguity.
2. Member Sodaro: I mean this is protracted—this is
3. a longstanding clarification that needed to come forward.
4. So, thank you. No further questions.
5. Chair Hazama: Okay. Commissioners, any further
6. questions? [no response] I have couple. On page 2,
7. regarding the figure 21-2.1. For requirements for the
8. community presentation before the neighborhood board, a CUP
9. major would trigger that requirement, certain specific CUP
10. minors would as well—
11. Ms. Simeon: The public—
12. Chair Hazama: Yes. But presently, and I didn’t
13. know this, but when an approved permit gets transferred, I
14. believe the Department gets notified, but currently there is
15. no requirement in the LUU for the Department to notify
16. anybody else.
17. Ms. Simeon: Oh, are you talking about major
18. permits?
19. Chair Hazama: No. When a permit—When a CUP can
20. get transferred, they can get transferred. So, one
21. applicant applies for it, goes to the process gets approved,
22. and then subsequently transfers that permit to another
23. entity. I believe the Department will be notified that
24. permit gets transferred but there’s no requirement to notify
25. anyone else.
1 Ms. Simeon: If they're in the conditions, I believe there's language in there that says that we would have to let the new owners know or give them a copy of the Findings of Fact, Decision and Order. As long as they give us notice we would then let the new owners know.

Chair Hazama: Correct. That's to ensure they're in compliance with the approved permit.

Ms. Simeon: Right.

Chair Hazama: But there's no requirement to notify the public.

Ms. Simeon: Oh, the public.

Chair Hazama: Yeah.

Ms. Simeon: No. There isn't.

Chair Hazama: So, it's kind of like a loop hole then. I guess it would be good for the Department since they get notification. So maybe you just send a notice out to the perspective neighborhood board and let them take it from there.

Ms. Simeon: Okay.

Chair Hazama: And the reason I ask is in theory the applicant can be McDonald's, right. They apply to build a McDonald's in a neighborhood, and then they transfer that permit to a Wendy's or something. It would be good for the neighborhood to know; just to be notified that the permit has been transferred to another entity.

1 recently we had the Special District before Planning Commission, and what we are essentially doing is replacing the interim plan development for the adopted special districts, just have a plan development. It's essentially exactly the same permit, it just drops the interim. But the interim process will no longer be available. The Department came to the Commission and the Council over a year ago to adopt the interim permit as a way to get catalytic projects going in TOD areas. The idea is once the special districts are adopted, we had the special district itself to control. So it's just a permit kind of development option.

Chair Hazama: Okay. Thank you. Any other questions?

Member Sodaro: You know, maybe it's--whatever action the Board does make, but I think it's interesting--I'm trying to think too, I thought it was the Oahu General Plan, but I recognize that maybe the title of the plan changed, but whatever it is, it should reflect what's in the enacting legislation in defining it. Because I know there was a process that changed when it went from the development area, development plans to Sustainable Communities Plan. So, I know the consistency is important, but I remember there was a process that happened when the area plans became known as Sustainable Communities Plan. So, you know we can't do that research before us in the moment.

Ms. Simeon: Okay.

Chair Hazama: On page 19, under Section 21-5-380. This change then only applies to setbacks regarding joint properties or two different zoning. Sorry, what section was that?

Chair Hazama: 21-5-380, the Joint--The only change that they're specifying applies to setbacks.

Ms. Simeon: We're adding--The changes in the 4.50 9 height setbacks, so that's the new thing that we added, height setback.

Chair Hazama: Correct; that's the only thing that's being changed there?

Ms. Simeon: Uh-hmm.

Chair Hazama: Okay. And, the final one is page 42, Section 21-9.100-5. And, I know this came before us, but I just want to double check. The IPD sunsets, when the TOD Development Plan gets approved, correct? There is a sunset clause in the IPD?

Ms. Simeon: I'm not sure. Can I ask Jamie or Art for that.

Chair Hazama: Sure. Specifically in the bill there's a sunset.

Mr. Peirson: Yes. In the IPD language, it specifies that upon adoption of the Special District for an area--The permit is no longer available. But if you recall 1 but, you know, I don't know if that's just the title page, and I understand the consistency. But, I think in enacting legislation it does define it and that consistency should be just sought, if it is the City.

Ms. Simeon: Okay.

Member Sodaro: I thought it was Oahu General Plan.

Ms. Simeon: No. I can go ahead and check also.

Member Sodaro: Okay. Thanks. Thank you, Chair.

Chair Hazama: Okay. But as far as the intent of the Department is, when you mean the City, you mean the whole island, correct?

Ms. Simeon: Right. The entire the island. The change to that is we just wanted to stay consistent with what its called.

Chair Hazama: Okay. Commissioners, do you have a motion?

Member Sodaro: Motion to approve as presented by the Department, Chair. You want me to re-read it?

Chair Hazama: Yeah.

Member Sodaro: Okay. Motion for the body, to approve the requested amendments to Chapter 21, Revised Ordinances of Honolulu 1990, Land Use Ordinance relating to Miscellaneous Housekeeping Measures.

Member Tolentino: Second.
1 seconded. We're in discussion. We need to include the 2 changes to that section. I guess, typo-
3 Member Sodaro: Oh, yeah, I think Malynne 4 clarified that the typo is being corrected through the 5 deletion. Is that correct?
6 Ms. Simeon: Not technically--
7 Chair Hazama: Oh, just a typo in here?
8 Ms. Simeon: Yeah, it's a typo in here.
9 Member Sodaro: Okay. Thank you.
10 Ms. Simeon: And, it's being deleted anyway.
11 Member Sodaro: Right.
12 Chair Hazama: Any other discussion? Since we're 13 addressing that particular section if we can include an 14 amendment, a recommendation that when the CUP, approved CUPs 15 get transferred that notification get sent out to the 16 perspective boards.
17 Member Lim: How does happen? How does the CUP 18 gets transferred? Is it (inaudible) the land.
19 Chair Hazama: Yeah. Apparently, the permits are 20 allowed to be transferred between different entities.
21 Member Lim: (inaudible) transfer documents--
22 Chair Hazama: It has to be filed with the 23 Department when the transfer happens.
24 Ms. Simeon: They send us a letter notifying us of 25 the change in ownership.

1 Member Lim: Just the change in ownership, right?
2 Member McMurdo: There's no change in use, right?
3 So, would it matter if there's a change in ownership if the 4 use is the same?
5 Chair Hazama: It's not necessarily, I guess, for 6 them to go through the process again. It's just a courtesy.
7 Because the original applicant appeared before the 8 community. They transfer it. So now it's a new applicant.
9 There's nothing to compel the new applicant to appear before 10 the community again.
11 Member Young: So, just for the record?
12 Chair Hazama: So, just for the record. It's kind 13 of like a courtesy notification that this particular permit 14 has been transferred to this entity.
15 Member McMurdo: So, is this a separate motion, 16 correct?
17 Chair Hazama: So, it's just a recommendation.
18 Member Sodaro: But not a formal amendment to the 19 motion?
20 Chair Hazama: No.
21 Member Sodaro: Okay.
22 Member Lim: Jamie, can you explain how that 23 happens.
24 Mr. Peirson: Okay. You closed the hearings, so I 25 didn't want to just interject myself. So, the Commission

1 understands, other then very specific LUO permits such as 2 off-site parking or joint use of parking, where a change in 3 owner could actually fundamentally change the circumstance 4 of the permit. LUO permits go with the land and not with 5 the applicant. If a certain property was reviewed and 6 approved for a meeting facility, for instance, it's not 7 based on who the owner was, it's based on the 8 characteristics of the site and the project, and that 9 doesn't change with the owner. Some people would like to 10 see that different. We've had group living facilities with 11 certain operators, and communities don't like. But we have 12 to ignore that when we process a land use permit. So, I 13 actually have little bit of concern about an obligation 14 where we had to notify a public--the agency such as a 15 neighborhood board about a change in owner. We ask as a 16 condition of approval--It's a standard condition of approval 17 for CUPs that they notify us of a change in owners, just so 18 that we know to contact, and to make sure that new owners 19 are aware of the fact that they have a land use permit that 20 affects the property.
21 I don't have a problem with courtesy letting you 22 folks know. But to say as a matter of a law we're required 23 to let neighborhood boards know about that kind of thing, 24 troubles me a little as a logistical matter, but also where 25 that would lead. I'm not sure if it's a legal matter whether
1 the neighborhood board know that there's a change in owner, 2 that nexus doesn't exist any longer.

Member Lim: (inaudible) do you make
4 representations to the neighborhood board, to the approving 5 agencies about what you're going to do and your commitments 6 to the project. I don't see why there would be a problem.
7 to--I'm not saying you guys do it, I'm saying the
8 applicant notify—
9 Mr. Peirson: And, I can see your point, and I
10 know that happens sometimes. I'm just--I don't sit on
11 neighborhood boards, and I don't have those kinds of
12 conversations in my role as the land use regulator. But the
13 product of a permit, which is what I do, I have to be very
14 sensitive to what nexus and proportionality of the
15 conditions. Although I understand why neighborhood board
16 would like to know if there's a new owner, because I read
17 your guys minutes. I know what those conservations you have
18 with applicants are. Doesn't necessarily mean that a new
19 applicant has a direct nexus in letting that board know that
20 they hold the permit now as opposed to the agent or
21 representative who first talked to the board. I understand
22 why the board would want to maintain who the contact person
23 is, but for the purposes of the permit, I'm not sure nexus
24 is there. And that really is substantive change to process
25 if we're going to require that.

Member Lim: Substantive change--
2 Mr. Peirson: If we're going to change the law to
3 require that--
4 Member Lim: I'm not saying change the law, I'm
5 just saying put it in your conditions of approval that you
6 attach to the permits.
7 Mr. Peirson: I'm trying to be polite and say I
8 won't do that unless I'm compelled by law.
9 Chair Hazama: So basically as a courtesy thing,
10 and I think to make it happen then we have to recommend
11 addition, change to the LUD at this time. And it's just
12 during this area in housekeeping we're trying to clean up
13 stuff anyway. I don't see the harm in doing that. But I do
14 agree that the first applicant has made representations to
15 the community, maybe not clear in the record or on the
16 record, and now a new applicant is going to come on board,
17 he may not, he or she may not know of those representations.
18 It's just courtesy thing.
19 Mr. Peirson: And, I've seen those happen. I mean,
20 I literally know about that kind. In fact, it's very common
21 with the antenna guys. They come to a board and they make
22 certain representations on the type of facility they're
23 going to build, and what it involves and that's a very
24 volatile industry. These things change hands all the time.
25 We had some guys who came in the 90s, and it may be the 3rd

1 or 4th company that now holds these things, and they have no
2 connection whatsoever. We even had the problem. You have
3 so many agents that have gone through these things. The
4 current holder doesn't know what permit they have or what
5 their obligations would be. And, we're dealing that too.
6 I mean, I understand, I do understand it. What concerns me
7 is requiring as a condition--requiring is a matter
8 (inaudible) approval about a change in owner over a permit,
9 when the permit goes with the land and not the applicant.
10 That's my concern.
11 Chair Hazama: Okay.
12 Member Sodaro: Well, since we're in discussion
13 for proposed amendment to the motion that I made, I just--it
14 may be just unfortunate the representations made at a
15 neighborhood board meeting are not the same type of
16 representations that are made under jurisdictions of other
17 boards and commissions. So, while it's an unfortunate
18 potential outcome of representations that people are making,
19 at least in my opinion, someone is going to make a motion,
20 please do, but the representations at neighborhood board
21 meetings don't carry the enforcement, a regulatory weight
22 that discussions that other agencies and their representing
23 boards and commissions are empowered to. Thank you. Is
24 there a motion to amend?
25 Member Lim: I don't think so. You're saying--

Member Sodaro: Okay. I'm just asking, I have a
2 motion on the floor--
3 Member Lim: You're making like a friendly
4 suggestion and Jamie is basically saying we're not going to
5 do it. So, it's up to you whether you want to put that into
6 an amendment or not. Maybe if it's not that important then
7 we should pass this one up.
8 Chair Hazama: I think this would be the only time
9 we would have a crack at it, pretty much. I don't think
10 anybody will open up this LUD and make a specific change as
11 to--I would make the, I guess, friendly amendment to include
12 this recommendation.
13 Member Sodaro: Okay. As the recommending motion,
14 I don't accept it to the motion. I would ask that we vote
15 on the motion on the table and then someone else can put
16 forward a motion with that recommendation.
17 Member McMurdo: I think it should be separate.
18 Member Lim: It's going to be in the actual
19 ordinance, and so have to figure out where you
20 (inaudible)--maybe work on it (inaudible).
21 Chair Hazama: Okay.
22 Member Sodaro: Okay. So, the motion is as
23 presented.
24 Chair Hazama: Okay. Moved and seconded. Any
25 further discussion? [no response] Okay. Seeing none, all
1. those in favor of the motion on the floor, say 'aye'.
2. All Commissioners: Aye.
4. [It was moved by Sodaro and seconded by Tolentino]
5. that a Request for Amendments to Chapter 21, Revised Ordinances of Honolulu 1990 (The Land Use Ordinance), Relating to Miscellaneous "Housekeeping" Measures be approved. Motion was unanimously carried, 8:0:1.
6. Chair Hazama: Okay. So, the motion on the floor carries. Thank you.
7. Mr. Peirson: Good luck with your elections.
8. Ms. Anixt: Can I say something. I'm on the Board of Director's for the Kaawa Beach Owners Road Association.
9. We have private roads in Kaawa that are not under City and County and when the property is sold, the escrow company is supposed to notify the new owner of any kind of conditions like that. So, we have problems trying to follow-up with escrow companies that haven't done that, but I think your point--I don't know if it should go to the neighborhood board, but it should go to somebody to make sure that the new owner knows these kind of things.
10. OTHER BUSINESS:
11. Election of Chair and Vice-Chair for the period of July 1, 2015 to June 30, 2016.

Chair Hazama: Okay. Thank you. Board members the only thing on under businesses, election of Chair and Vice Chair. Can we have a motion--We'll do Chair first. Vice Chair not here. Any nominations for Chair? Any volunteers?
Member Hayashida: Motion to nominate Dean Hazama as board Chair.
Chair Hazama: Any other nominations?
Member Tolentino: Move to close the nomination.
Chair Hazama: Moved and closed. Any objections?
[no response] Any abstenions? [no response] Well, thank you very much. I know Kaululani did it for two years, so I go to do it for 2 years. Okay. So, nomination for Vice Chair. Any nominations for Vice Chair?
[It was moved by Hayashida and seconded by Tolentino that Dean I. Hazama be elected as Chair for the Planning Commission for the period of July 1, 2015 to June 30, 2016. Motion was unanimously carried, 8:0:1]
Member Lim: Nominate Cord as Vice Chair.
Member Tolentino: So, I'll second that.
Chair Hazama: All right. Any objections?
Member Tolentino: Congratulations.
Chair Hazama: Moved and seconded.
[It was moved by Lim and seconded by Tolentino]