MEETING OF THE PLANNING COMMISSION
Minutes
Wednesday, September 30, 2015

The Planning Commission held a meeting on
Wednesday, September 30, 2015, at 1:30 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
Daniel S. M. Young
Arthur B. Tolentino
Steven S. C. Lim
Ken K. Hayashida
Wilfred A. Chang, Jr.
Theresa C. McMurdo

COMMISSIONERS EXCUSED:
Cord D. Anderson, Vice Chair
Kaululani K. Kodaro,

COMMISSION STAFF:
Gloria Takara,
Secretary-Hearings Reporter

DEPUTY CORPORATION COUNSEL:
Jennifer D. Waihee-Polk

DPP REPRESENTATIVES:
Elizabeth Krueger, Planner
Timothy Streits, Planner
Harrison Rue, TOD Administrator

PROCEDURES
Chair Hazama: Okay. Good afternoon. Thanks again
for your patience. I call this meeting to order,
[banging gavel], Wednesday, September 30th of the Planning
Commission. First item on our agenda is the approval of our
February 4th meeting minutes. Are there any changes or
comments regarding the minutes, Commissioners?
Member Tolentino: Move to approve.
Member Young: Second
Chair Hazama: Seeing none, move to approve. All
those in favor, say aye.
All Commissioners: Aye.
Chair Hazama: Any oppose? [no response] Any
have been adopted.

[It was moved by Tolentino and seconded by Young
that the minutes of the February 4, 2015 meeting, as
previously circulated, be approved. Motion was unanimously
carried, 7:0:0.]

Chair Hazama: Next on our agenda, public hearing,
request for amendment to Chapter 21, Revised Ordinance of
Honolulu 1990, LUO relating to the establishment of a
Transit-Oriented Development Special District and related
amendments. At this time, I’d like to call up DPP.

PUBLIC HEARINGS:
1) A REQUEST FOR AMENDMENTS TO CHAPTER 21,
REVISED ORDINANCES OF HONOLULU 1990 (THE LAND
USE ORDINANCE), RELATING TO THE ESTABLISHMENT OF A
TRANSIT-ORIENTED DEVELOPMENT SPECIAL DISTRICT AND RELATED
AMENDMENTS.

The Department of Planning and Permitting (DPP) is
proposing to amend the Land Use Ordinance (LUO) relating
to the Transit-Oriented Development (TOD) Special District.
The proposed LUO amendments are intended to establish a new
special district with appropriate land use standards and
guidelines for the areas around the future rail stations.

2) Request to Rezone Lands Situated at Waipahu,
Oahu, Hawaii

The DPP is proposing zone changes involving
multiple zoning districts (primarily mixed use) and height
limits around the future Waipahu Transit Center rail station
and West Loch rail station in Waipahu to facilitate
implementation of the Waipahu Neighborhood TOD Plan. The
proposed zone changes cover approximately 282 acres for both
station areas.

[Both Items No. 1 and 2 were considered
simultaneously]

Mr. Rue: Hi. Thank you, Chair. Harrison Rue for
25 Department of Planning and Permitting, TOD Division and

1 introducing Liz Krueger who's the lead author for the
subject matter. I just want to mention two or three quick
3 things before we start the hearing. As you are aware,
you've been looking at several of the TOD plans. You've
passed four of them onto Council. Thank you for that
detailed review, and everytime we've had those meetings,
you've always said, "when is the zoning coming up?" So,
we're glad to present it today. DPP has been working on the
9 plans for about nine years and the zoning and LUO amendments
10 for the last about two to three years. Everything that
11 we're presenting today in both the LUO district amendments
12 and the zoning amendments is based on those community plans
13 with extensive work with the community, and they've been
14 asking three or four key things. I'll let Liz, staff
15 planner detail that, but this is really based on the
16 community input we've heard as well as specifically the key
17 things that they want the plans to deliver and the LUO
18 district ordinance as well as the zoning is intended to
19 deliver on those. We're also suggesting, and we gave you
20 separate bills and separate actions. Our suggestion is that
21 they be forwarded--reviewed together here in this meeting
22 and then forwarded together with Council as a package so
23 they continue to get reviewed together because they're
24 pretty interrelated. Thank you so much.

Chair Hazama: Thank you. Any questions.

Ms. Krueger: Good afternoon, Chair Hazama and Commissioners. I'm Elizabeth Krueger, staff planner with
Department of Planning and Permitting. I'm delighted to be
here today to try to explain the LUO zoning amendments to
establish a new Transit-Oriented Development Special
District. I gave you all a handout today that'll help us
walk through what I'm trying to say, what I'm trying to
explain. Hopefully, that'll keep us on track, and I'm
really hoping for lots of good questions. So, as I'm going
along please note where you have additional questions.

So, as you know the proposed rail transit corridor
is the 20-mile alignment with 21 transit stations, 19 of
those stations are in the jurisdiction of the City and
County. Two of those station areas are in the jurisdiction
of the Hawaii Community Development Authority. Today, we
are showing you our proposal to establish the TOD Special
District that will surround two station areas.

That's the Waipahu Transit Center and the West Loch station
area. This Special District that we're proposing will be
a single Special District that will span the entire
alignment, and as we move forward we will be back to you to
add on station areas.

So, when all is said and done, we will have 19
station areas in the Special District. For the most part,
the development standards that we're proposing today will
apply across the alignment. In some cases, however, we may
have station area specific zoning development standards that
we will recommend at that time.

So, let's go with the basics. The purpose of the
proposed TOD regulations as I have on the hand-out is to
improve the mobility and support the use of multi-modal
transportation to create vibrant mixed use developments,
quality community gathering spaces, a rich mix of uses and a
variety of housing types. It's also to direct Oahu's future
population growth around the rail corridor and reduce
pressures to develop in rural agriculture and suburban
residential areas.

So, as Harrison mentioned today we have two agenda
items. The first is all Chapter 21, Land Use Ordinance
Regulations and then the other part will be the amendment of
the zoning maps. So, these two go hand-in-hand, and the
purpose that I mentioned here is achieved by both of these
working together. As Harrison also mentioned this is based
on a lot of community input throughout the development of
the TOD neighborhood, the neighborhood TOD plans.

So, what we're proposing is to use existing zoning
districts. We're not proposing a Waikiki-style precinct type
situation where you have a new zoning district all together.
The zoning districts that we currently use we are going to
use and continue to use in the TOD areas. However, we are
proposing that most of the areas within the TOD boundaries
be mixed use. This will allow for a broad mix of uses and
will allow residential uses in many of the existing areas
that are only business uses right now.

So, I think we should talk now about the specific
development standards and how they will work. Mainly the
development standards that we're proposing for the Special
District are related to building placement and the way the
building interacts with the public right-of-way, the
location of parking and loading and the way that the design
meets the needs of pedestrians, cyclists and users of public
transit. So, if you look at the image on the front page you
can see that building would meet the development standards
that we're proposing because we're proposing that the ground
floor have active uses that the ground floor level be
transparent for a majority of the building facades that the
buildings be placed close to the street and that the
building facades span a majority of the lot frontage, the
yards and setback improvements should be designed so that
there's an interaction between the sidewalk and the private
property. We are no longer requiring in this area that the
yards, the 5-foot required yard be landscaped. It can be
landscaped but we're also modifying that so that it can be a
seamless sidewalk area and that will facilitate outdoor
dining areas, benches, chairs, awnings and publicly
accessible places. We are requiring that building entrances
be oriented toward the street and that buildings be parallel
to the street, and we are recommending that landscaping be
closer to the curb rather than closer to the building.

So, then if you flip the page over, on the back we
have what an entire block could look like with several
zoning lots. In this image which is just an example. We
have three zoning lots, and they meet the development
standards because their pedestrian connections within and
between the lots, between each of the buildings, between the
buildings and the parking areas and between those areas and
the pedestrian plazas. The parking is setback 40-feet from
front property lines. So any street facing property line,
the parking will be required to be 40-feet setback. The
buildings are placed near corners and near the property line
and the facade span a majority of the lot frontage.

In addition to these things, outdoor dining is
allowed in required yards; parking requirements for
residential uses will be reduced and parking requirements
for commercial uses will be eliminated. That means that the
developer or the the landowner can determine the appropriate
level of parking for their use, not that we're saying you
can't do any parking. We are also not putting a cap on
parking which some cities have done. So, in other words we
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1. Let them determine based on their own studies and their parking management plans, how much parking they would actually require. In addition, bicycle parking will be required. So, that's a very, very quick review of the development standards that we're proposing. Some of these development standards will only be required on key streets. The key streets are designated in the exhibits that are in the Land Use Ordinance and those key streets are designated as such because they're vital for facilitating walkable vibrant economical active neighborhoods. So, we can get into which regulations apply where, but that's a broad view of it.

Now, for sites that comply with all of the development standards that I have just mentioned that are less then an acre in size, they can go directly to building permit. So, if a site comes in and they comply with everything that we have listed there, they go to building permit. If they're an acre of more in size, they're subject—when they do redevelopment or expansion of the development on their lot, they're subject to a minor Special District permit or a major Special District permit.

Similarly, if a lot comes in and says I cannot comply with the development standards that you are setting forth because either my topography doesn't work or I have existing development on the site that doesn't facilitate meeting all of these TOD standards, they can apply for a Special District permit where we will look at what ways they cannot comply and then we can help them. We can either say "okay, in what ways can we mitigate this situation?" And if it can be mitigated, we can improve that. So, for example, if a building cannot be located close to the property line because there is a change in grade that doesn't make it work, we can approve that through a Special District permit, and that gives us the opportunity to make sure that as much as possible that sight is meeting the objectives—the goals and objectives of the Special District.

Similarly, height and density bonuses are available through Special District permits. Tim will discuss the zoning maps after this. But the zoning maps, one of the new unique aspects that we're adding to the zoning maps in addition to the base height limit, we're adding a bonus height limit. That bonus height limit can be sought through a Special District permit. Similarly, density bonuses are available through a Special District permit. Anyone seeking a Special District permit to get height or density bonuses will need to provide community benefits, which we have defined in our draft regulations, but I will go ahead and give you the examples—give you the definition that we have. Community benefits will mitigate impacts of greater height or density or deviations from the special district development standards. Examples of community benefits include affordable housing, open space and parks, right-of-way improvements, financial contributions to existing community amenities or public uses and facilities that enhance the pedestrian experience and improve multi-modal transportation. So, anybody who is seeking a Special District permit from the Department will have to show how they're going to mitigate that additional height and density.

There are couple of levels of Special District permit. There is a minor, major and there's a planned development transit. The Planned Development-Transit is very similar to the interim planned development that we came through about two years ago, and it was approved by City Council and that is for a large catalytic redevelopment projects in which they can seek the highest height in density bonuses possible.

If developers are looking to see what types of community benefits they should provide on a certain site or within a certain neighborhood, the place they should go to identify those is the TOD Neighborhood Plans because the TOD Neighborhood Plans discuss what the community desires, what is best for that area based on all of their research.

In addition to Special District permits for height and density bonuses and deviations from the development standards, Special District permits are required for lots that are more than one acre in size. For anyone who's proposing residential uses in Industrial Mixed Use Districts and for major above grade infrastructure improvements. So, that's about all I'm going to say about Special District permits. Now, I'm going to start talking about nonconforming uses and structures.

We anticipate that with the adoption of the zoning maps—with the zoning map amendments as well as with the adoption of the TOD Special District regulations, it will actually eliminate far more nonconformities than we create. That said, we anticipate that we will create—[pause] Okay. Back to nonconformities. We anticipate that for the most part, several nonconformities that exist today will be eliminated. In other words they will comply with the development standards and the underlying zoning. However, for those nonconformities that are created, we are relaxing the nonconformity standards so that a greater—They will be able to improve their lot and their existing structures at a greater level. So, right now there's a 50%—right now, if you have a nonconforming structure you can improve that structure up to 50% of its replacement value. We're proposing 90% of the replacement value. For sites that become nonconforming with the adoption of the Special District.
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Similarly, with uses where we are relaxing—
2 Nonconforming uses we're relaxing that standard. The main
3 point where noncomformities will be created is in
4 nonconforming site development which happens when the
5 structures in uses comply with the underlying zoning but the
6 arrangement of the structures and the parking on the site do
7 not comply with the Special District standards. We are not
8 imposing any financial limit on the level of improvement
9 that one can do to those sites and also where someone really
10 cannot comply with the development standards because of
11 their existing noncomformities. There's a Special District
12 permit available to them. And, again, that is designed to
13 help people maintain their properties, improve their
14 properties, do the best they can with the properties, as
15 they exist and with their proposed new development, and that
16 will allow the department to work with the landowner and
17 developer to hopefully create the best possible development
18 on that site.
19 So, those are the main points that apply to the
20 Special District only. We have a couple of things that
21 we're also proposing that will apply island-wide. The first
22 of those is that we're proposing to replace the street
23 centerline height setback in the B-2, BMX-1 and TMX-1
24 districts with a height setback that is similar to the one
25 we currently use in Apartment and Apartment Mixed Use

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1 Districts. The second thing we're proposing island-wide is
2 bicycle parking requirements for all new floor area in the
3 Apartment and Apartment Mixed Use Business and Business
4 Mixed Use Districts. That concludes my presentation, and
5 I'm happy to answer any questions you may have.
6 Chair Hazama: Commissioners, any questions at
7 this time? [no response] Okay. Thank you.
8 Member McMurdo: With regards to Servco's letter
9 here, so they become nonconforming?
10 Ms. Krueger: Their site development would be
11 nonconforming because their use is permitted, their
12 structures all comply with the underlying development
13 standards, but they don't have their buildings right at the
14 property line and that type of thing. There are couple of
15 things in that situation. For one, because they're
16 existing, until they would start to propose something new,
17 everything is fine. It doesn't affect anybody until they're
18 proposing something new. If they were proposing something
19 new, they're nonconforming for the site development, and
20 that means they have no financial restrictions on improving
21 any of the buildings that they have right now. If they were
22 to propose an addition, and the addition was as much as
23 possible, meeting the development standards, that would be
24 totally fine. In all likelihood, they'd go, "oh, they're
25 over an acre", so they might require a Special District

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1 permit for that purpose anyway, if they were to expand. But
2 also if they needed to, say, do an addition that was at the
3 back of a lot and was not in any way meeting the goals and
4 objectives of the Special District, they can justify their
5 proposal through a Special District permit, and we would
6 look at that and say, "and, how are you proposing to
7 mitigate this?"
8 So, I think, primarily in that situation we'd look
9 to make sure that whatever was being proposed would not
10 hinder the use of the site by pedestrians and would not
11 increase the likelihood that the site would be, say,
12 unfriendly to the multi-modal users in the neighborhood.
13 But, yes, we have built in several ways to help existing
14 sites be able to maintain and improve their lot.
15 Chair Hazama: Thank you. Any other questions?
17 Mr. Streitz: Good afternoon, Chair Hazama and
18 Commission members. My name is Tim Streitz, and I'm with
19 the Department of Planning and Permitting, and I'm going to
20 talk to you about the item relating to the first set of zone
21 changes related to Transit-Oriented Development.
22 So, this is for approximately 282 acres around the Waipahu
23 Transit Center and West Loch stations, and if you look right
24 behind you, they're illustrated on each map on the
25 presentation boards. This is City initiated to facilitate

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1 the implementation of the Waipahu Neighborhood TOD Plan.
2 This was adopted by Council on April 2014. The Planning
3 Commission held a hearing on that plan back in December
4 of 2012. And, as you may recall, the plan calls for
5 maintaining local character, enhancing the green network,
6 creating a safe pedestrian environment, providing mixed
7 income housing, an inter-modal transportation that work and
8 creating a mixed use village-like setting in the core areas.
9 So, in general under the zone change properties currently in
10 the Apartment District would become Apartment Mixed Use
11 District which allows some neighborhood oriented-commercial
12 uses. Those districts that are in business would become
13 business mixed use which allows residential uses and in some
14 cases industrial districts would become Industrial
15 Commercial Mixed Use Districts.
16 So, I want to take a quick minute to explain how
17 these maps work, and walk through a little bit here. This
18 map here which is not some abstract art peace is actually
19 based first on the Waipahu Neighborhood TOD plan
20 recommendations and then also further refinement with some
21 ground truthing, site visits and looking into the properties
22 in a little more detail. So, you can see here that there's
23 a couple items. The top one is what it currently is, the
24 current zoning district and the bottom here is what we're
25 proposing here along with an associated height limit. So,
1 Stream. These were designated key open spaces in the neighborhood plan. So, this gives a little bit of a preservation measure to ensure those can occur in the future. And, then over on the other side here on the West Loch station area. This is the new part that you heard Liz talk about with the bonus height. So, we have the base height over here, for example, 60 feet and then next to it 80 feet). So, that extra 30 feet is the bonus that developers could get if they meet the certain criteria and add those benefits to the community. They can get that, and will be handled through the Land Use Ordinance, Special District there. So, we're seeing, allowing these mixed uses in close proximity will encourage more walking and active areas in the neighborhoods which really make sense when you have a lot more people coming and going from the transit station that runs right through the middle there.

Let me actually point out one more thing before I move on. The entire zone change area coincides with the Special District—Well, is part of the Special District. There's one section here that is the Special District but not undergoing a zone change. This is again one of those areas where we went out and looked in the community. This is very industrial, and we thought with such low industrial rates and industrial getting pushed further and further out into the community,

1 a good two-way dialogue with the property owners from the beginning. We also invited them at that time to community meeting in November 2014 to discuss the draft proposal. So, essentially these same maps which had a few minor tweaks after that, public draft review. And most of the feedback we got from them was just inquiries about the implications. No one asked to be removed. We did get some people that asked to be included and that's where some of those modifications of the map came in.

We also received a few agency comments. And, as you noticed throughout the report, they were addressed in there, and the Waipahu Neighborhood Board didn't take a position on this. But in our review we did find that this proposal was consistent with the current Land Use Policies including the General Plan, Central Oahu Sustainable Communities Plan. And, of course, the Waipahu Neighborhood TOD Plan and other community plans that occurred in that area over the ensuing decades. And also it meets the intent of the Land Use Ordinance. This area is also within the community growth boundary. So, based on this foregoing, the Director of the DPP is recommending approval of the proposed zone change involving multiple zoning districts and height limits as shown behind you on the maps and described in the report.

So, in closing I just want to thank you for your
Chair Hazama: Okay. Thank you. Commissioners, any questions at this time? [no response] Okay. Thank you. Tim. Okay. Is anyone still interested in speaking, we have 6 sign-up sheets you can sign-up for. But at this time unless there’s any objections, I will open this up for public testimony. First speaker is Benjamin Torigoe. Okay. Before we start, since the Department presented both issues on the agenda at the same time, you are free to testify on either the DUU change or the zone change.

Mr. Torigoe: Thank you. My name is Benjamin T. Torigoe, AIA. I have been an architect and a planner consultant for 42 years. I have been a licensed registered architect for 35 of that 42 years. And 14 years of all that has been with the previous predecessor to DPP, which is DLU, as their senior architect planner. And, one of the first things I want to say, and I take my hat off to Director George Atta is that he did not go to Waikiki Special Design District scheme. That being involved with that Special District has been nothing but a sore place, I think. Not only when I was working at the City, but also afterwards when I was working as an architect planner and a consultant. It’s like who came up with this crazy thing? So, I have to take my hat off to Director Atta, that they didn’t go that way. And, I support the effort of DPP on the TOD amendments. I support their efforts and the rezoning efforts on both the Waipahu Transit Center and the West Loch Center; however, I do have one comment and that is if anything thought me during the 14 years when I was working with DLU and the City is do not go with small plans, and this one does. It’s not a criticism of Mr. Atta and his Department, but just for example on the West Loch, there’s a whole mess of A-2 and A-2 down here next to Waipahu Intermediate School and above there. They should grab that as part of the Special District. Why do I say that? I have a unit in Century Center at the corner of Kalakaua and Kapilani. I’m going to tell you, the City had a chance at that time to make a Special District of the convention center, and they didn’t. It wasn’t the effort of the City administration at that time, it was the effort of the City Council not to get through to a Special District.

If they had one, we wouldn’t have the problems we’re having down there at all. So, I say, don’t go with your small plans, go with your big plans. Don’t be afraid, grab those units. Like for example, there’s an area up there that’s next to Waipahu Intermediate that the thing just putters out. Waipahu Intermediate, if you been involved with planning or even architecture, you would know 55 is a (inaudible) activity area, major one, kids walk on that.

Going from an A-2 to BMX-3 will allow that kind of clean up to occur and make the area nicer and better and safer. I would not walk down on that street, which is Pupuole Street place over to Pupuupuhi, not at night anyway, even during the day I would be looking over my shoulder. It’s not safe. This effort would allow that kind of things to happen, make a safer community. And, I can see what they’re doing on the plans. So, I say, please, if you’re going to do it, do it right and do it from the beginning. If anything it’s going to happen they’re scream to you why you grabbing so much. Better grab much more than too little and then later on say, “oh, you know what, we made a mistake and we gotta go back and expand it now.” It’s going to be way harder. So, with their efforts, I congratulate them and I support their efforts on both the amendments and the rezoning. But, I would like to see some of that on the rezoning, some of the brown areas on both that, the West Loch and the Waipahu station to be expanded. Don’t be afraid. You only one chance in doing it, so better be now then never or later when you’re trying to justify why you need to expand it. Thank you.

Chair Hazama: Thank you. Any questions?


Our next speaker is Ben Asato.

Mr. Asato: Hi. My name is Ben Asato, and I represent Waipahu Recycling. We’re located on 94-037 Waipahu Depot Road. Upon arriving at that site in 2007, we have 2008 been a big impact in the community as far as far recycling metals and HI-5 redemption. We’ve been improving at about a 11 million pounds per year; last year was about 6 million pounds of recyclable materials. My concern in the zone change is our improvements and upgrades to the property. Right now we have a permit to install a structure there to cover all of our materials, and what is our future? Will we be able to continue our business there and do improvements in the industrial-2 zoning, or I’m not sure on the improvements of what we can do being there. But it seems like we’ve been improving in recyclable materials about a 20 million pounds a year. We’re on the outskirts of the zoning. I don’t know if there’s any type of exemptions to our improvements there. Thank you.

Chair Hazama: Thank you. Any questions?

Member Tolentino: Is there somebody in the Department who would like to address his concerns?
1. Ms. Krueger: What the previous testifier is saying is that, going from an I-2 Intensive Industrial District into a BMX-3 Community Business Mixed Use District, he will become a nonconforming use. Depending on the type of recycling center he is right now, it may be a permitted use in the BMX-3 District. I can't be certain without checking the record for that site. But let's pretend for a second that he did become a nonconforming use. As a nonconforming use, currently you would be limited to a 10% valuation of improvements per annum and you would be limited to the location that you're operating on the site. You could not expand anywhere else into any other buildings on the site. What we're proposing is that they would be able to expand into other parts of the site, and we would raise the valuation for how much improvements they can do. Again, depending on the type of recycling use that he's doing, some of those, like the HI-5 centers are permitted in the BMX-3 District.


Mr. Peterson: Good afternoon. My name is Van Peterson. I'm a property manager with Servco Pacific Inc. Servco, we had submitted written testimony to the Planning Commission office, and I'm here to submit oral testimony.

Chair Hazama and Commission members, Servco Pacific Inc. owns a real property located at 94-729 Farrington Highway, which operates a sales, service parts facility known as Servco Toyota Waipahu. This Waipahu facility currently has over 160 employees. Servco made a substantial investment in 2005, 2007 that time frame to redevelop the entire 7-acre property with construction of the dealership. Servco designed the automotive facility with a Hawaiian sense of place, which fits very appropriately in the Waipahu community.

Servco has over the years provided written comments and has had numerous discussions with DPP regarding concerns on the Waipahu TOD plan. Servco continues to support the general concept and vision of the Waipahu TOD plan and recognizes that any change would not be immediate. This next steps are extremely critical as DPP moves forward with translating the TOD vision into actual rules and ordinances in order to implement the TOD plan, the Waipahu TOD Plan.

The following summarizes our current thoughts, Servco's current thoughts and concerns.

Zone change. For Servco, the change from zoning designation B-2, I-2 to BMX-3 is generally acceptable as it expands the existing permitted uses; however, under the new zoning, car washing mechanized. We have a mechanized car wash there is a permitted use with conditions. However, we use that car wash and it was part of the original redevelopment and is being used internally. It's not open for public use. Rather than a permitted use, therefore, we ask that such use be considered and characterized as an expressly allowed ancillary or accessory use to the main automotive business being conducted on the Servco property.

Proposed development standards. Servco notes that one of proposed development standards would establish limitations on parking areas with the 44-foot minimum setback with all street-facing property lines in order to encourage the construction of buildings close to the sidewalk. Servco, as most automotive dealerships has historically used its street frontage setback area to display automobiles. For an automotive business this open display area in the front is not a parking area, but rather the heart of the automotive retail business.

As a consequence, it is very important that Servco be allowed to continue using this street frontage setback for this purpose as it has done since 1954 on that site, when it first opened the dealership. If such a suggestion is not acceptable to DPP, then Servco's comments, which I will follow up below after this, relating to nonconformities take a heightened importance.

Nonconformities. Servco is pleased that DPP has made a considered effort to more broadly address nonconforming uses or structures in the rules, ordinances being developed under the Waipahu TOD.

In reviewing the proposed rules, ordinances and following up on our comments, that I provided previously, the proposed development standards, Servco understands that DPP contemplates addressing such concerns by classifying that Servco property as nonconforming site with development and has proposed specific rules to address repair modification and expansion issues for the same. It is Servco's understanding that this provision is being proposed to the specific rules, ordinances related to nonconformities in order to facilitate greater flexibility on a case-by-case basis. Flood. One major issue that faces the Waipahu Transit station area, which makes it very unique from all other rail stations is that a large part of the area around the station is located in the flood area with an ARF designation. Note, zone AR is comprised of areas with high flood hazard within a 100-year flood level.

While zone AFE, EAF, sorry, is designated floodway within zone AE. This flood issue makes any development or redevelopment in its area particularly challenging. Servco facade these challenges back when it redeveloped the 7-acre site, when it had to deal with the flooding issues and had...
1 to create a retention base on the property which comprises
2 about 1 acre of the 7 acre site. Because of this, it is
3 imperative that the rules, ordinances to implement the
4 Waipahu Neighborhood TOD contain provisions designed to
5 enhance flexibility in dealing with or mitigating the many
6 special or unique circumstances which will be or and can
7 arise in the contexts of future development.
8 Redevelopment expansion, rebuilding in the Waipahu
9 TOD which may, may not be in strict compliance with the
10 adopted TOD ordinances to this extent more flexible rules
11 ordinance can avoid the need for a landowner to request a
12 variance modification or waiver and that will be a better
13 situation for all.

In closing, Servco supports the efforts of DPP and
14 continues to do that to start implementation of the Waipahu
15 Neighborhood TOD as a light rail system. It is a reality in
16 Waipahu or becomes a reality. And for this process to be
17 successful, it must continue to support the current and
18 future businesses, and people who live and work in the area
19 of Waipahu. Thank you.

Chair Hazama: Thank you. Commissioners, any
20 questions? [no response] Thank you very much. That's all
21 of the registered speakers. Okay. Those are all the speakers
22 that I have signed up. Anyone else wishing to testify at
23 this time? [no response] No one? anyone else wishing to

1 think there's a (inaudible) of 25% replacement. Some of
2 this might need more so if you could think about that
3 building code flexibility (inaudible).
4 The other question I had was related to the vast
5 statement about the flood area of EAS. Once you redevelop in
6 that area, will it be a requirement that they comply with
7 all the other FEMA requirements and whatever elevation for
8 structures and all that other things that come under
9 (inaudible).

Ms. Krueger: Yes. The existing flood requirements
10 in the LUD apply today and will remain unchanged in terms of
11 how they apply. So, the bottom line is the adoption of the
12 Special District doesn't change the flood requirements.

Dep. Dir. Challacombe: Good afternoon, Art
13 Challacombe, Deputy Director, Department of Planning and
14 Permitting. And, as Ms. Krueger has pointed out, zoning
15 whether we have existing zoning or proposed zoning and the
16 TOD zoning that we hope will be approved. The FEMA flood
17 regulations remain the same. We're under the auspices of
18 the federal government, under the FEMA regulations and the
19 existing structures, proposed structures will have to be
20 evaluated based on the flood ordinance that FEMA approved
21 very recently.

So, in terms of TOD--TOD will not affect the flood
22 regulations. In terms of building code, we have adopted at

1 the City and County the 2006 existing building code as
2 opposed to the regular IBC or International Building Code
3 for new construction. What the existing building code does
4 is allow for construction and renovation of older structures
5 to essentially if the old portions of the structures that
6 are not being touched and do not contain any structural
7 issues, they can remain. And, so the renovation and the
8 review through the building code will only apply to the new
9 portion of the construction. Say, for example, interior
10 tenant renovations. So, again, there is flexibility with
11 old structures. And, it's not only within TOD, but again
12 island-wide that the existing building code exists. And, i
13 I'd be happy to answer any other questions.

Chair Hazama: Okay. Thank you.

Any other questions?

Member Hayashida: I still see lot of comments for
16 DOE, is that something that's going to be worked on over the
17 next six months to a year?

Dep. Dir. Challacombe: Pardon, say that--

Member Hayashida: DOE, about their schools having
20 capacity for their schools. Is it something going to be
22 resolved later?

Mr. Streitz: Sure. We do plan working with them
24 and had continuously worked with them over the process all
25 our TOD planning. They do have the impact fee established
1 to help them deal with capacity issues, and schools are
2 allowed on any of these districts we're proposing here
3 except, I think, the IMX-1. This is no different than other
4 areas outside the TOD that are undergoing development that
5 they need to coordinate with those developers and the City.
6 If anything, this is heightened awareness over here, so make
7 it easier to work with them.
8 Member McMurdo: I have a question. With regard to
9 the community benefits that you take, would schools,
10 providing schools be part of those, considered a community
11 benefit?
12 Ms. Krueger: That would definitely be a very
13 interesting proposed community benefit. We have specifically
14 stated that contributions or improvements to existing public
15 uses are a community benefit. We consider public schools to
16 be a public use. So that is a possibility. As far as
17 community benefit go, it certainly is something that the
18 entirety of the application would be reviewed to determine
19 the level and extent of the bonuses they seek and how
20 that balances out with the community benefits provision.
21 But the short answer is, yes, that could be a community
22 benefit.
23 Member McMurdo: Whether it's a public or a private
24 school?
25 Ms. Krueger: If it was a private school, that
26
27 1 have some concerns that we would look at that as a community
28 benefit.
29 Member McMurdo: If you look at it from the
30 standpoint of people wanting to put their children in a
31 private school and driving into town, for example, or
32 wanting to drive, so they can drop their kids. If you had a
33 private school closer by, that would alleviate some of the
34 traffic that you're trying to-
35 Dep. Dir. Challacombe: It would be worth
36 considering, but again we would have to evaluate that on a
37 case-by-case basis.
38 Member Lim: Discussion of the benefits
39 (inaudible) that's if you want a height or density variance?
40 Ms. Krueger: Yes. If you're seeking a Special
41 District permit or a Planned Development Transit permit to
42 justify height and density bonuses or potentially for
43 deviations from the development standards that are specific
44 to TOD; yes, that's when community benefit provisions become
45 applicable. And, we were hoping that a lot of places even if
46 they comply with all the development standards and can go
47 straight to building permit will contribute to the community
48 as much as possible anyway. But, yes--
49 Member Lim: But they don't have to?
50 Mr. Krueger: Not necessarily.
51 Member Lim: My question is we usually see
52
53 1 would interesting. I think it would definitely have to be
54 looked at on a case-by-case basis. If the private school
55 had a field that they opened up for the community and if it
56 was acting as a community facility that really enhance the
57 neighborhood, that's certainly something we would look at.
58 Member McMurdo: For example, child-care, that's
59 immediate use as well, right, bringing in more people living
60 in the area. You have a private child-care facility, I
61 think that's community benefit.
62 Ms. Krueger: That's definitely an interesting
63 idea. I think generally when we look at community benefits,
64 we're looking at more the interaction of the community at
65 large in terms of the street level, the outdoor improvements
66 or the--
67 Member McMurdo: Freebies--
68 Ms. Krueger: The ways the community would
69 traverse the neighborhood. Not as much the addition of uses
70 like a day-care center, but that's certainly an interesting
71 thing to contemplate.
72 Dep. Dir. Challacombe: If I could just add, 73 something similar to the Crock Center definitely--
74 Member McMurdo: Non-profit--
75 Dep. Dir. Challacombe: ...non-profit would be a
76 community benefit. Now, if we're talking about Punahou or
77 Iolani Schools, which is expensive and exclusive, I would
78
79 1 rezonings come through, and there's always questions about
80 there's some public infrastructure deficiencies. You have
81 to prepare the next road. You have to contribute to
82 affordable housing and parks. So your rezoning will have to
83 be large areas, for West Loch station, the Waipahu Transit
84 Center station, some of them being upzoned, I guess you
85 would call them significantly so, but getting this without
86 any of standard development agreement, the conditions that
87 you guys enter into with the standard rezonings, right?
88 Ms. Krueger: That's true. The upgrade to any
89 infrastructure that would be required for any development,
90 say if there isn't zero capacity and they're required to
91 increase the zero capacity of if they're proposing a new
92 curb cut and therefore frontage improvements are required.
93 All of that would be required even if they were going
94 straight to building permit as it would be today.
95 You're right that there may not be a Unilateral
96 Agreement, the way it would be a lot for zone changes.
97 The trade-off here is the new TOD development standards
98 apply which are designed to help make that street frontage
99 better. Out here in Waipahu and West Loch there are not too
100 many areas that are getting large increases in development
101 potential. So, for example, most of Waipahu right now is B-2
102 with a 60-foot height limit, and it's going to be a BMX-3
103 with a 60-foot height limit.
104
105 PC Sept 30, 2015 mtg Pages 33 to 36
So, the density and the height for most of that central part remain unchanged.

Mr. Rue: Thank you. Commissioner Lim, I want to respond to -- I think you hit upon one of the key elements of this proposed rezoning. It's intended to incentivize. It's rare for the City actually adopt all the new zoning in one place rather than look at each individual parcel together. But, we're trying to incentivize development in the area, make it easier for people to get their proposal through without having to rezone every building without giving away the store. So, as Ms. Krueger mentioned, the intent is that the height and densities generally, roughly, the same as is the big new changes is that its changed to mixed use which allows you to build new housing above it; allows more flexibility and then for the additional density that's where we're asking for the community benefits. And, we're working on formulas that we expect to have ready by around the time this is adopted at Council. So, they'll be kind of mathematical formula; for this you get this as an option. Those formulas will still allow an interesting idea.

Ms. McMurdor like the idea of doing a school or something like that.

Member McMurdor: So, the formulas don't have to be attached to this ordinance, you do this later?

Ms. Krueger: If formulas do get developed, it will come through as one of our later--

Member McMurdor: Like an administrative--

Ms. Krueger: No, no, it would come through you.

It would have to be an amendment to Chapter 21. So, you'll be seeing us several times as we add on station areas. Because we have 17 more to go. So, as we come through with those, we certainly will be refining the development standards that we're proposing today and adding any standards that we find to be required.

Member Lim: Can we assume that the City is going to have a concurrent capital improvements program going along with this transit development? Because I can see people coming up with their various buildings under the new TOD zoning and the City is way behind on water, sewer, those types of things.

Mr. Rue: Yes. We're working on packages. Again, there's not enough money in every year's budget to do everything that's needed, so we have a real access program. The water and sewer folks are looking at key areas that need to be improved. We also have engaged a financial consultant, and we're looking at some district financing in particular areas. The first one is actually going to be in the Iwilei to Kapalama area, where there's a lot of interest and major landowners, and so we're looking at potential district financing there. So, there's a range of things that come marching along in parallel. The reasoning is the first one in front of you.

Member Lim: Do you have a community facility district that will be-

Mr. Rue: That's one of the things we're looking at. We're looking at two to three different kinds of district financing potential. CFD is one. TIF is another.

Member McMurdor: Could you explain just generally what the CFD entails?

Mr. Rue: Sure. Community Facility District allows the-- it's often with generally voluntary and you draw a boundary around certain lands, and more often larger landowners, you know, that agree to an assessment, that assessment is paid in, and it's not based on increment value, like tax, it's a set fee, and you usually bound around the income strength from that set fee, and you get money that you can spend now on improvements.

Member Lim: So, the cost of the old sewer, water gets sped out among all the property owners in that particular district?

Mr. Rue: Yes. And, we're going in with an assumption there's some kind of as split defined between regular City investments and some money from landowners as well.

Chair Hazama: Okay. Any other questions?

Member McMurdor: I have one more question. In terms of time frame. So if this bill passes, whenever-- Is that this year, next year, what's the time frame?

Mr. Streitz: Yes. I can answer that. Either way, however, you recommend it, and once you forward your recommendations to the Council, they have 30 days then to schedule the reading, from the date that the clerk receives it and then that goes through three readings, including one of those being a public hearing, and in between those readings they also have committee meetings to further refine and as things come up. So, at the earliest, I guess, you're looking about three or four months.

Member McMurdor: So, hypothetically if the Bill passes this year, next year a developer can come to you and ask for a bonus height and will present you with community benefits. Since you don't have the formulas yet, or will you have the formulas by that time?

Mr. Rue: That is much like the way the current interim plan, which you guys passed through about a year ago. We basically set that up to be negotiated flexibly.
1 community benefits formula, it would be negotiated. What I predict will happen is this will pass at whatever time it passes, will have the draft formulas. We will use those as a basis for negotiation.

Ms. Krueger: The way we have it set up right now is complete. The idea of having formulas is a concept. This is complete right now. It’s set up so that either a minor Special District permit, a major Special District permit or a Planned Development Transit permit is required depending on the level of bonus that is being requested. We have a section in here that talks about what projects must demonstrate in order to get those bonuses as well as conclusions that we as the department need to make. We need to be able to affirmatively conclude four things, and I can read them if you’d like or I can tell you where they are. In order to approve that type of bonus. So, this operates—We currently use Special District permits as discretionary permits and they’re discretionary because we take a look at what they’re proposing and how much of a deviation are they requesting, how much of a height bonus, how much additional density are they requesting. And, when we look at that and say, well, what are they’re proposing to do for the community to mitigate the impact? so, that’s one of those 24 keys. There’s an idea that there’s an impact to the community that we mitigated, and they do that through

1 community benefits.

Another way to look at it is when the City comes through and does the zone change without a Unilateral Agreement, people are getting value that could be considered free, but we’re not going through this to give a bonus to just landowners. We’re going through this to make the communities better. So, therefore, where a landowner receives a bonus, it then becomes imperative that the whole community benefit. So that’s why we’re calling it community benefits because that is how we’ll use the Special District to make sure—The Special District permit to make sure that those bonuses become a really good thing for the neighborhood.

Member Hayashida: So, we have R5, R7.5 properties, and we’re zoning them to BMX, how does that affect their property tax rates?

Mr. Streitz: Okay. First of all, I just want to point out that a lot of those residential like the R7.5 are actually being used for business. So, I’m not exactly sure if they’re being assessed for business at the commercial rate I’m assuming they are, but I do want to call up the representative from BFS here, and they can explain it in a little more detail about the property tax implementations.

[unknown male in audience. I was asked to listen]

Mr. Streitz: Okay. Sorry. Well, I can--

1 zoning they're in charge of the zoning on the property, 2 essentially the infrastructure to the buildings are 3 administered by the City and County. Again, building code 4 is the building code. Now, in terms of zoning, I guess, 5 with the one issue that has come up is the reflectivity of 6 the windows, and we are coordinating with HCDA on that front 7 to make sure—Because essentially these windows do meet 8 building code requirements and energy code requirements, and 9 it's a very, I guess, delicate balance to make sure that you 10 have safety, safe windows that are energy efficient and not too reflective. So, it’s definitely a balancing act, again, 12 there's the cost factor obviously. You can custom make a 13 window to do everything, but then that's prohibitively 14 expensive. So, to ask a manufacturer to come up with those 15 types of window, treatments on a volume basis to bring the 16 cost down, again, there’s a balancing act there. I don’t 17 know, Dean, did that answer your question?

Chair Hazama: Yeah. I just wanted to make sure--

Dep. Dir. Challacombe: Oh, Director is coming up.

Director Atta: George Atta, Director of Planning 21 and Permitting. As far as coordination, since this past 22 year, I've been added to the HCDA Board. So I'm very much 23 involved in the discussions at the Board, although I'm a 24 ex-officiate, non-voting member, I'm engaged with them. So 25 as far as any coordination from a policy standpoint we will
I have input there. Also, I’ve had private conversations with Anthony Ching before he went on medical leave and subsequently, and we’re in—And they’ve assured me that they’re trying to align their policies even at the administrative level with the City policy both on the affordable housing and other issues. So, I think we won’t be too far out of line, and as you point out besides the building permit, the City owns the streets and the sewers, and so all the coordination on infrastructure, it has to be coordinated. So we will be coordinating, and we have a good working relationship with HCDA.

Chair Hazama: Thank you. Can you explain, I guess, how you came up with the 1 acre, less than 1 acre building permit, greater than 1 acre, STP?

Ms. Krueger: Yes. We determined that about the size of an acre would be the point when you would have multiple buildings on a lot, when you would have a—if you were to redevelop that lot, it would be a major redevelopment, and that would be the point at which general development standards would be difficult to implement because they couldn’t quite be specific enough to deal with how the interior of the lot would work together with the exterior of the lot. So, we thought that originally was the point that a Special District permit should be required so we could just take a look and say, “hey, is this working well.” And

Then also that the 1 acre is the size for the planned development transit permit, and that was later decided.

Chair Hazama: Okay. I think, and in echoing the other Commissioner regarding the DOE’s questions, what they’re saying is—especially in the Waipahu area where their schools are already saturated. So, you’re starting to build in an already school districts that are already at capacity and we’re starting to, I guess, by these TOD and LDO changes trying to encourage building smaller projects instead of larger ones. I think what they’re saying is, yeah, we can get the impact fees from them, but that doesn’t necessarily solve our problems in getting, I guess, more children into these district schools where they don’t just have any more room. So, I guess—

Mr. Rue: We have been meeting with DOE for the last couple years or longer on these issues. Part of it is not really the City should change and not encourage more people to move in the TOD areas. That’s a given. But we suggested to DOE that they do need to take a look and think about readjusting their formulas in some way. Because the formula for the last few decades has been—we build big subdivisions and we get land or fees and we build new schools in those areas. Now, that we’re starting to think about shifting and moving people and families in the urban areas, whether it’s Waipahu or

1 Kaka’ako or Kalili where we’ve got existing schools, these may need a different kind of formula. And, I think DOE is starting to think about that, but like our community benefits, these things take time to work out.

So, the other option in urban areas, the land is the big limitation. And, so we do know that they’re starting to explore what other people have thought about in other cities is actually putting a school on the first couple floors of an urban building or tower. You know that’s the kind of community benefits that would make sense and make use of the parks and things like that. So, it’s a little bit of a shift and if that goes to a more fee-based thing rather than a land-based system, I think that’s the direction to go.

Chair Hazama: Instead of a UA they’ll be involved in the STP process, basically.

Member Lim: The question right now, how does DOE get the collected City impact fees?

Mr. Rue: With building permit, at building permit level.

Member Lim: And, the City will collect it for them?

Chair Hazama: No, cannot.

Dep. Dir. Challacombe: No. Unlike the Ewa Impact fees where we do collect for the City and the Department of Transportation. With the impact fees for the schools, we essentially have the—we don’t issue the building permit until the Department of Education has signed off on that, on the building permit to move forward. So, we just basically hold the building permit until that requirement is met.

Ms. Krueger: When I spoke with one of the 7 representatives of DOE what she told me, and they were concerned about had something to do with the fact that when an application is coming through for a zone change that’s likely to have a unilateral agreement, they get an early look at it. So, if part of their concern is that they won’t get an early look if zoning is already in place. One of the things that the Department can make part of our regular practice is making sure to route any Special District permits for the TOD area to DOE for their information and comment if they’d like. That’s not usually something—for most everyday discretionary permits. I don’t think DOE is involved when we do larger scale things that we certainly route to them, so we can make that a standard practice.

One of the goals, I think, you have with the TOD zoning was to, I guess, eliminate as much vehicle traffic as possible. However, in regards to your vehicle parking standards, you’re leaving that up to the developer or the applicant to determine how many stalls they need. So, if I was an applicant and I want my business to thrive and say,
"I'm going to be successful." Obviously, I'm going to put more parking stalls in. Needs more vehicle, right? Seems kind of contradictory to me as far as how that works.

Ms. Krueger: Generally speaking when we have development coming through that's in existing neighborhoods and particularly old neighborhoods, people are struggling to get enough parking for the types of uses they want. So, we end up with buildings with nonconforming parking and then there's always a struggle to maintain that parking and to meet all of the building codes and other codes required.

So, what the elimination of the parking requirement for commercial uses will do, is allow people to be more creative where they have a deficit of parking right now.

You're right, if somebody wanted to put in a major amount of parking, we have not put caps on like some City's have.

However, we have attempted to mitigate that by not allowing parking within that first 40 feet of the street, of the front property line, and any structured parking. If somebody were to come in with just a plain parking structure, the ground floor would have to be in active use in that first 40 feet.

Chair Hazama: So, does the Department maintain discretion regarding number of parking stalls and applicant could--say, in other words, he asks for 50, the Department is saying, well, maybe let's give you 40 or something--

Ms. Krueger: If a Special District permit were required, we could comment on that. Whether we could deny a permit because we thought they were providing access parking is a question that would have to be taken on a case-by-case basis.

Mr. Rue: If I could add a couple of things. We looked at every possible combination of no parking requirements, having a maximum cap like you suggested and other different formulas, and we kind of chose a middle of the road approach, eliminating the requirement for commercial and retail parking and cutting the residential in about half. Part of that is in talking with the developers here who wanted some of the options. If you're building mostly studios and one-bedrooms, you really have lower need for parking. We also talked to several of the retailers, one well known local convenience retailer has land near all the transit stations, and they're thinking most of our customers are going to start walking and biking in, can we kind of convert some of our existing parking to bike parking and things like that. We also talked with major large store food retailer here who is targeting mainland cities and looking at the very small no parking, walk-up type convenience stores that they find near transit stations, and thinking we want to think about building those mini food markets here. These are all local guys. And, so the market is shifting a little bit, and it's thinking about who is going to be there. You already looked at ABC stores in Walkiki. They don't provide parking. You know where you do have a lot of people, there's business going on without that individual parking. So, we really want the market to think about what's needed.

Chair Hazama: Okay. In regards to the, I guess the question regarding the areas that were excluded, I guess from the zoning. It could be included. Because, I guess the concept you guys are using if it's existing zoning now, it's not going to really necessarily have to change anyway, right? You have stuff there now, we're not really making any major changes to what's there now. So, why couldn't you include the, I guess IMX or some other areas under the Special District?

Mr. Rue: We made a choice going in because the real need to make sure that there's change and different character and more walkability and more people living as close to the stations as possible; quarter to half mile at the beginning to build ridership and change the character. If we made something like a mile-wide, you know, way more than it is, you maybe see the initial investments would be all over the place, and you wouldn't really see, we wouldn't get the private sector adding in all the walkability improvements and the nice seating areas near the transit station. So, the goal is to focus the incentives. People could still apply for a building permit to build an apartment over the other line, but there's not as many incentives. We're not providing the zoning. So, for the first five, ten years incentive eyes near the stations, and we're already thinking, you know, after ten years or so, you're going to exceed the district expand as it builds.

Mr. Streeitz: And, also that is not to preclude anyone that might come in that's outside the district and make their case about a great Transit-Oriented Development that would be make sense then to include in. This isn't just a one and done type of thing. We'll be frequently coming before you as the other plans become adopted, and we might also propose modifications to the maps like this that we've already come before on.

Mr. Rue: Chair, if I could add one more thing. On purpose, we're really trying to focus on preservation of industrial ends because there's such a need and such scarcity that we're very delicate about where to change I-2 to IMX. And, you can see it's only half of it, half closest to the station. In some areas you'll see when like Makiki comes in, you know, or Kalahi places like that, we're trying to preserve industrial, too.

Chair Hazama: The last thing I have is--Regarding Article 3 and 5, I don't disagree with any of it as far as...
1 that goes, however, I do have a problem in applying those
2 changes to areas outside the TOD at this particular agenda
3 item, only addresses TOD areas. So, I believe that if we do
4 it this way, we deprive the public that are outside TOD
5 areas, weighed in on the changes to this article. Because I
6 believe you're requesting for these changes to apply to all
7 areas of the island. I'm not disagreeing with the changes,
8 but I'm saying that I think that the way we're processing
9 these changes is not correct way because I think the public
10 that is outside the TOD areas have the right to comment on
11 these changes. Obviously, they're not going to come here
12 today because these changes only apply to TOD.
13
14 Mr. Streit: Just a quick note on that. We did
15 inform all the neighborhood boards that there were proposed
16 changes outside the TOD area and have been making that
17 announcement in our public awareness.
18
19 Chair Hazama: Yeah. But, I think because the way
20 the items are agendaed with us and the title of the changes,
21 I think I would like to see that. And, if you want to piggy
22 back or follow on the LDO amendment outside this one, that's
23 fine and have it go up all one time. But, I think if we do
24 it this way, currently right now we run the risk of possibly
25 not meeting certain qualification once the public
26 (inaudible) as far as these changes.
27
28 Mr. Krueger: Do you think it would be, I mean
29 1 certainly we'll be willing to broaden the definition or
30 broaden the description of the proposals if you think that
31 would be sufficient?
32
33 Chair Hazama: I think what we should do is
34 basically revise Article 3 and 5 revisions to state that it
35 only applies to the TODs and then if you want follow--if the
36 Department wants to then submit on change to apply on
37 to non-TOD areas, all areas outside the TOD that can follow
38 this. I don't know if there's any harm to the Department
39 for doing that.
40
41 Deputy Atta: So, I think waiting for a TOD
42 amendment would slow the process down too much, but if you
43 want--I don't know if we can amend the sections or redraft
44 it so that it applies only to TOD sections.
45
46 Mr. Rue: We think it would be best, that can be
47 done by Council in a CD-1.
48
49 Deputy Atta: But, I guess, Planning Commission is
50 making a recommendation.
51
52 Mr. Rue: They can make recommendations to Council.
53
54 Deputy Atta: Yeah.
55
56 Chair Hazama: Okay. And, that's fine for us. We
57 just to put it on the record to recommend--somehow
58 segregate--
59
60 Deputy Atta: I understand your concern about it.
61 So, if there's any issues or questions, then I can see a
62 CD-1 or FD-1 at Council that could address that question.
63
64 Chair Hazama: Okay. Any other questions? [no
65 response] Okay. Thank you very much. Can we have a
66 motion?
67
68 Member Tolentino: I'll make the motion to move.
69
70 Okay. The motion is to approve both requests. The first
71 request is for amendments to Chapter 21, Revised Ordinance
72 of the Honolulu 1990, Land Use Ordinance relating to the
73 establishment of the Transit-Oriented Development Special
74 District and related amendments; and No. 2 included the
75 proposed zone changes involving multiple zone districts
76 primarily mixed use and height limits around the future
77 Waipahu Transit Center rail station and West Loch rail
78 station Waipahu to facilitate implementation of the Waipahu
79 TOD Plan involving 282 acres.
80
81 Member Anderson: Second.
82
83 Chair Hazama: Okay. Can I make an amendment to
84 the request for the amendments to Chapter 21 in regards to
85 Articles 3 and 5 recommending that the City Council take
86 action to, I guess, delineate that the changes apply or do a
87 CD-1 basically to have the changes apply to LDO and then
88 delineate out for the zone changes that apply to non-TOD
89 areas. You have that stuff? In other words, they'll do a
90 CD-1 to basically say that Articles 3 and 5 apply to the TOD
91 and the CD-1 will basically state that there is Articles 3
92 and 5 that apply to non-TOD areas.
93
94 Member Tolentino: Second.
95
96 Chair Hazama: You cannot second; somebody got to
97 second. [referring to Member Tolentino]
98
99 Member Chang: Second.
100
101 Chair Hazama: Okay. Motion as amended. Are
102 there any discussion? [no response] No discussion. All
103 those in favor, say aye.
104
105 All Commissioners: Aye.
106
107 Chair Hazama: Any oppose? [no response] Any
109
110 [It was moved by Tolentino and seconded by
111 Anderson that Agenda Items No. 1 and 2 be approved; Chair
112 Hazama also recommended an amendment to the proposal related
113 to Chapter 21, Articles 3 and 5. Therefore, the Planning
114 Commission recommended to the City Council that DPP's
115 proposed amendments to the Revised Ordinances of Honolulu
116 Chapter 21 be amended so that the proposed standards in
117 Articles 3 and 5 apply only to zoning lots within the future
118 TOD Special District, and the applicable island-wide
119 standards receive a separate public hearing. Motion was
120 unanimously carried, 7:0.]
Member Tolentino: So move.
Member Chang: Second.
Chair Hazama: Any objections? [no response]
Okay. Meeting adjourned. [bangs gavel]
[It was moved by Tolentino and seconded by Chang
that the September 30, 2015 meeting be adjourned. Motion
was unanimously carried, 7:0.]
[THe meeting was adjourned at approximately at
2:45 p.m.]
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Submitted by:

Gloria C. Takara
Secretary-Hearings Reporter

Approved on February 3, 2016