MEETING OF THE PLANNING COMMISSION
CITY AND COUNTY OF HONOLULU

Minutes
Wednesday, August 30, 2017

The Planning Commission held a meeting on
Wednesday, August 30, 2017, at 1:30 p.m., at the Mission
Memorial Conference Room, Mission Memorial Building, 550
South King Street, Honolulu, Hawaii. Chair Hazama presided.

COMMISSIONERS PRESENT:  Dean I. Hazama, Chair
Cord D. Anderson
Ka'ilulani K. Sodaro
Steve S. C. Lim
Ken K. Hayashida
Gifford K. F. Chang

COMMISSIONERS EXCUSED:  Wilfred A. Chang, Jr.
[prior notice given]
Arthur B. Tolentino
[prior notice given]
Theresa C. McMurdie, Vice Chair
[prior notice given]

COMMISSION STAFF:  Gloria Takara,
Secretary-Hearings Reporter

DEPUTY CORPORATION COUNSEL:  Rozelle A. Agag
[Advisory to the Commission]

DPP REPRESENTATIVE:  Thomas Blair, Staff Planner,
Development Plans and Zone
Change Branch

PROCEEDINGS
Chairman:  Okay. Good afternoon everyone and
welcome to the meeting of the Honolulu Planning Commission.
August 30th, 2017. I call this meeting to order. [bangs
gavel] First order of business on our agenda, Urban
District zone change request, 2017/Z-3, Leo’Ole LLC.
Department.

Mr. Blair:  Good afternoon, Chair Hazama, members
of the Planning Commission. My name is Thomas Blair. I’m a
staff planner with the Department of Planning and
Permitting. The Department is currently processing this
zone change application from Leo’Ole LLC represented by
Aaron Jones. The rezoning is for approximately 8-acre
property in Waialua, at the end of Pa'ahîhi Street. It’s
currently zoned AG-1 Restricted Agricultural and its
intended zone change is for R-5 Residential District. The
primary purpose of the rezoning is to allow for the phased
construction of a residential neighborhood of up to maybe
approximately 25-30 units and a neighborhood park.
On June 16th, 2017, I performed a site visit to
just check out what’s out there. There’s currently
hydroponic or aquaponic operation, a plant nursery,
sawmill, storage of various items and vacant fields.
I have a map off to the north east is Weed Circle,
sits about half mile away from Weed Circle. Adjacent uses
includes residential areas of--There’s two subdivisions that
are nearby. They are Phase 1 and Phase II of Pa'ala'a Kai
subdivisions. Where Phase I of the Pa'ala'a Kai subdivision
ends, it just dead ends into the property. Additional uses
that are nearby include an AG-2 district along Kaukonahua
Road is the Mormon Church, just on the side that’s fronting
that street, otherwise is vacant. The agricultural uses
nearby are just vacant fields. AG-1 on the mauka side is
currently in production and there’s some ag production in
the country zone to the north.
On May 1st, 2017, the Department sent
notifications and copies of the application to City and
State agencies for review and comment. Those comments are
in your booklets. In addition, we received three comments
from community members in opposition and those are also
included.
On May 24th, 2016, the Applicant presented to the
North Shore Neighborhood Board, No. 27. He was able to
answer questions at that time, and his responses are also
included in his application. The neighborhood board took no
position on the project. Just a little bit of history. In
1981, the land was re-designated from the State Agricultural
District to the State Urban District and in 1993 a previous
owner also amended the North Shore Development Plan, which
1 historic preservation and other standard conditions.

If you have any questions of the Department of Planning and Permitting or the Applicant, he's here as well to answer questions. Thank you.

Chairman: Okay. Thank you. Any questions of the Department at this time? Commissioners. Okay. Is the Applicant or their representative here?

Mr. Jones: Good morning, Chair Hamas and Commissioners. I have actually another map that came out, just released recently in the City website. Could I pass it around for you guys to review. I'll probably talk about it in my statement here.

Chairman: Okay.

Mr. Jones: I only have five copies if you don't mind sharing.

Chairman: No problem.

Mr. Jones: And I have a copy here for the reporter. My name is Aaron Jones, and I'm the owner of the Leo'Ole LLC. Leo'Ole means considerate, and I was blessed with the land, and so I wanted to bless others with it and that's why I named it that way. Two things. I think we all agree that we're facing two major problems regarding new development on the North Shore. We all want to keep the country country, and we also want to provide affordable housing for low income families, our kapuna and our keiki.

---

1 1 We don't to create too much housing or set a precedence for changing ag land to residential land. However, if we don't provide—if we provide to little affordable housing, I'm afraid to say there are merely keeping the country for the wealthy. What we need is just the right amount of well-planned and vetted affordable housing for low and moderate income families.

This is needed to support an agricultural workforce and keep the country country. Without workforce housing ag business will suffer and ag lands may continue to be vacant and fallow. Now, this proposed project is relatively small in scale and certainly cannot be considered too much affordable housing. Also, the land is one of a kind and will benefit the community. Commissioners, thank you for reading through my 139 page application report. Throughout the Application aside the many ways as properties uniquely suited for affordable housing. If I may, some of the highlights of my proposal are, No. 1, the wastewater plant is designed to reduce, reuse, and recycle water on each lot. No. 2, it provides a much needed park for the neighborhood; No. 3, the traffic on Pa'ahili Street and Kaukonahua Road will continue to be at highway capacity. The manual level of service C average delays. No. 4, is a one of a kind property that will not set a precedence for the rezoning of agricultural lands to residential.

---

The proposed project follows the recommendations of the North Shore Regional Wastewater Alternatives Plan by the adoption of onsite individual wastewater systems. By being treated aerobically onsite wastewater will not be transported through networks of pipes andumps that could stand for miles and are prone to leaking and clogging. Also, the treated water will be reused and recycled to provide underground drip irrigation for plants and trees in order to reduce the water needs of the community.

This project will have a positive impact on the community, as it will provide a much needed neighborhood park. The proposed project is a continuation of the Pa'ala'a Kai subdivision as you see over there. Currently, there is no park in the Pa'ala'a Kai subdivision.

Also, this project will eliminate commercial farm vehicles, equipment and ag business customers from moving through the Pa'ala'kai neighborhood. Traffic increases will be minimal. With the traffic report in this report did not show is that traffic will increase in the neighborhood even if the project is not improved. As farm production has increased, a lot of farm trucks, tractors, equipment haulers, cars used by farmers and farm customers will increase. If the project is approved, then the current commercial traffic to the farm will go down as the residential traffic increases.
Residential zone land on the North Shore has
struck in the past 20 years. Mill town which was built on
91-acres of ag land is shrinking and almost gone. The
supply for affordable houses in the area is low. At today's
interest rates, affordable housing prices start at $354,200
for a family of two and rents for a two-bedroom house is
capped at $1,084.00 a month. This project will provide much
needed housing for low income families. Agribusiness is now
a growing industry in the North Shore. Small farms are
taking over where big companies left off. To keep the
country country, we have to develop supportive housing for
farmers, not the rich. Affordable housing is a huge need to
support entrepreneurs and employees of these new small farms.
Also, this project gives the opportunity to North Shore
residents who wish to leave their small studios and
one-bedroom apartments in Waialua and upgrade to something
bigger, perhaps more suited to their growing families. The
move of current North Shore residents from small apartments
will open up even lower cost housing.

As I walk the neighborhood and talk to families, I
found that there's an immediate need for affordable housing
in the neighborhood. Three families had over nine people
squished into small little homes. Many of my neighbors on
the threshold of homelessness. The hard question to answer
is how many more homes can we build without upsetting the
rule characteristic of the North Shore. In 2010, the North
Shore Sustainable Community Plan says that 1,504 housing
units are needed by the year 2015. But some say that is too
much. Right now, there's 103 seniors at the Waialua High
School. So, maybe we could say that 50 new homes a year
will be good or in other words, 900 homes by the year 2035
would be enough. In any case, we have a housing supply
shortage crisis that contributes to homelessness and
over-crowded homes. Study show that children suffer the
most when brought up in over-crowded homes.

Lastly, I agree that we cannot set a precedence
for changing ad lands to residential lands. However, this
property is one of a kind. It will not set a precedence for
changing ag lands to residential.

First of all, this property is not part of the
State Designated Important Agricultural Lands. I do have a
map here if you wanted to see that as well.

At one time Hawaii exported more food than it
consumed and agricultural was the main source of jobs in
Oahu. Now, we import most of our food and tourism is our
main source of jobs. To ensure our family food
sustainability, the State of Hawaii has designated certain
prime farm lands as important agricultural lands that cannot
be touched. I think we all agree that these important ag
lands must be preserved.

Secondly, inside the growth boundary, what you see
on your maps in front of you, the property is one of a few
lots with a high enough elevation to be outside the Special
Management Area and is also designated Urban by the State of
Hawaii.

Again, the property is outside the Special
Management Area, which means it is not in a coastal
protection zone. Flood zones and tsunami inundation zone,
which are sensitive to climate change. Our UN professors
predict that hurricanes and tropical storms will increase in
intensity and there will be a 3-6 foot sea level rise by the
end of the century. Others may consider sea level rise to
be only a probability. I believe the probability of seal
level rise alone is enough to adopt policy to structure
development outside the SMA. To protect residents from
coastal erosion, ocean storm surges, heavy rainfall that
may cause flooding along
streams and riverbanks.

Lastly, in 1981, as you heard before, the State
Land Use Commission reclassified this land as Urban for an
affordable Housing Development. In 1993, by unanimous vote
of City Council it was designated as residential in favor of
a 25 lot affordable housing subdivision. I cannot find any
other North Shore lands with both of these designations.
Since then 18.4 acres on the North Shore has been
reazoned from R-5 Residential to Agricultural and Mill town,
again 91 acres over 86 homes is continuing to shrink and
will be gone. There is much less residential use land now
on the North Shore than in 1993.

Please consider this zone change as a sustainable,
resilient, beneficial addition to the surrounding community.

Thank you. Do you have any questions for the Applicant?

Chairman: Okay. Commissioners, any questions of
Applicant at this time? [no response] Okay. Thank you.

Gloria, do we have anybody signed up?

Hearings Reporter: No.

Chairman: No. Okay. At this time, I’ll open it up
to anybody that wishes to testify before the Commission at
this time? [no response] Okay. Seeing none, can
we get a motion then to close public testimony portion of
this--

Member Hayashida: Motion to close public
testimony.

Chairman: So moved.

Member G.Chang: Second.

Chairman: Moved and seconded. Any objections?
public testimony portion has been closed. Commissioners,
any questions of any parties at this time?

Member Sodaro: The Department.
Chairman: Okay. Why don't we—to save time we can have the Applicant come up too, in case there's questions.

Okay. Proceed.

Member Sodaro: Thank you, staff. I had a question, Department of Parks and Rec asked in their response letter to have a park come online with the first residential building permit. Is that not incorporated?

Can you confirm if it is or isn't incorporated into the recommendations.

Mr. Blair: It's not included in our recommendations. It's going to be handled as part of the regular, either subdivision or CPR process. When he comes in for the building permit it will be triggered, and there will be a park dedication requirement that will be met by then.

Member Sodaro: What about the timing request from the Department of Parks and Rec? Or if the Applicant wants to walk us through the 10-year phasing. So, when are you intending to put the park in?

Mr. Jones: I wasn't intending to put it in at the time of the subdivision approval because certain drawings have to be made and approved for the size of the lots, the side of the streets, whether we need to put in different infrastructure for a drainage or for hydrants and what not.

So, it would be easier if we dedicated the park space at the approval of a subdivision that will include a survey of the property. But, however, if the Planning Commission sees that we need to put that as a part of this zone change agreement, then I'm open to making the park before any other construction starts.

Member Sodaro: Okay. Can the Department clarify with this zone change that a building permit for any type of structure could be filed if a subdivision or CPR is not filed?

Ms. Sokugawa: Good afternoon, Commissioners. Kathy Sokugawa, Acting Director. The park dedication will be either addressed as part of the subdivision if they know how many housing units, not necessarily lots, but housing units are going to be developed. So, if that's a known quantity at the time of subdivision they can assess it and it would probably be in their interest to do that so they don't get surprised in the future phase. But if it's not manageable at the time of subdivision, it will be addressed at the time of building permit when it's clear how many units. If he comes in his first phase for four units, it's up to him whether he wants to divulge at that point in time that he has an additional number of units, and he would like to pay for his park dedication in advance, if he will, and then he will be credited when his second phase comes in. Or he can take his chances and just fulfill the park dedication for the number of units at that point in time that he's asking for. It's really up to him, but at the end of the day it's up to him to know to anti-up, otherwise he won't get his building permits for the second phase. But again, we will not be able to administer park dedication with CPR. We don't have a trigger mechanism for CPR, so we're going to have to rely on the subdivision and building permit process.

Chairman: Unless you put it as a condition.

Ms. Sokugawa: On the CPR?

Chairman: No, not on the CPR.

Ms. Sokugawa: Again, but there's no trigger for us on the CPR other than the building permit.

Chairman: Right.

Ms. Sokugawa: So, no matter what, he needs a building permit for the houses. We can't get around that one, and so that's how we would count it.

Chairman: Okay.

Member Sodaro: But what if the building permits aren't filed in batch?

Ms. Sokugawa: And that's what he's kind of saying, do it in two phases.

Member Sodaro: I guess, part of what I'm struggling with in the application is really understanding how many units are contemplated especially since there are ADUs that are permitted. I'm not sure what the wastewater, the Department of Health guideline for putting an ADU on top of the 10,000 square foot minimum for the R5 lot that you're creating is. So, I don't know if we're dealing with 25 lots or 50 units at the end of the day, and we have no phasing for any of that. I'm just trying to kind of understand what we're being asked to approve outside of just a blanket R5 zone change.

Ms. Sokugawa: And, again, which is sometimes challenging is you're just approving the zoning, not the project. Under a State Special Use Permit you're approving the project. This is just zoning. To the extent that we try to divulge what the possibilities are, at the end of the day it's up to the landowner, developer to decide what the final number of units and how much they're willing to pay on the sewage treatment, on the driveway. If he wants an ADU, he needs to subdivide amount so there's only one per lot. You know, he could go cluster or PDH. I mean, there's a variety of options he has. Right now you're faced with just is this the right zoning for the property.

Chairman: Okay. Any other questions?

Member Sodaro: I had a question about the soil testing condition. Wouldn't it be informative to have those results to inform an R-5 use ahead? So, the way that the condition is written is that a test be done to identify any potential hazard, so it's evaluated. Is there--I mean, it
17

1 I have to drive over it everyday, and when the wastewater branch comes to bump out the lines because they're clogged,
2 they come on my property with permission and they take the big suction trips and they pull out all of the sludge. So,
3 I wish I could, but right now DMV says there are no connections, and I suspect because it's an engineering problem. That's my only suspicion.
4 Member Sodaro: Thank you.
5 Chairman: So, can you describe your IMS system?
6 Mr. Jones: Yes. If you were to treat it on site, robotically, meaning that if--not just you put it in a tank and then you slowly drain the fill. You treat the bacteria and the waste in there with microbes. It breaks down, because you're adding oxygen to the wastewater, it turns into grey water, which then can be irrigated underground for your landscaped plants. And that should not be a clogging issue, because as you treat the water with microbes, it comes out clear. Now, this system has already been used by the Department of ENV and there's a sample system for the Pomo Pure or it was once called the enviro-cycle system. And there's many other systems that's coming out. And, I don't want to commit to one system because the technology keeps getting better and better. Where the water is coming out is clear and the microbes level is less than the streams surrounding the area. So, if there were a spill coming out from the irrigation, say because of heavy rains and then your drain field is now saturated with rain water, then that would be the same bacteria level as say streams around the surrounding area. So, it would be a choice idea for the North Shore and hopefully more North Shore houses will convert to this system. Because I think most of them are on cesspool. Does that answer your question, Chair?
8 Chairman: Yes. I guess, each individual homeowner would have their own system?
10 Mr. Jones: They would be responsible for their own 11 system and that system can only carry enough capacity for 12 five bedrooms. Meaning that it will further limit the 13 development potential as property because again as 14 Commissioner Sodaro said, 10,000 square foot lot is a minimum 15 lot size for wastewater system and 5-bedrooms per system.
16 Chairman: Okay. Thank you. Department, I need to clarify something, I guess, in regards to what you had 17 just said regarding the conversion of this particular lot 18 out of the State Agricultural boundary in regards to the 20 affordable housing. I guess, condition, if you would. 21 The initial condition to transfer the land you said was 50% 22 affordable on the original--
23 Mr. Jones: Yes.
24 Mr. Blair: Yes, that's correct. I think it's in 25 the application itself, Exhibit 23. The Decision and Order
1 is on 13. It says, the petitioner shall offer for sale or
2 corporate with either or both the Hawaii Housing Authority
3 or the City and County of Honolulu to offer for sale on a
4 preferential basis, 50% of the residences to be developed
5 within the subject property to the residents of the State of
6 Hawaii, shall have low or moderate income determined by the
7 Hawaii Housing Authority or the City and County of Honolulu.
8 Chairman: So, why is the Department requiring
9 30%?
10 Mr. Blair: Just in the event that condition was
11 ever changed. If it ever went back to the State Land Use
12 Commission. We're not saying it should be less. We're
13 ensuring that at minimum 30% is affordable.
14 Chairman: Confusing. Okay. So, let me ask
15 Applicant. The condition, I guess when they transferred
16 this out-of-state AG boundary was 50%; that's the current
17 per on the record as of right now. Are you willing to meet
18 that requirement or can you meet that requirement?
19 Mr. Jones: At the current interest rates today,
20 it's something that, I think we could do. If the interest
21 rates go sky high, as you know affordable housing gets
22 cheaper and cheaper. So, all of the numbers would have to
23 be in line at the time. Right now I have to abide by that.
24 It's a State docket, but in the case that I couldn't do my
25 affordable housing project because of financial problems,

1 then maybe I could go and petition the Land Use Commission
2 to get that changed. So, it's nice to have that available
3 to do that. And as you know I'm building the roads and all
4 the infrastructure. None is coming from the State. So,
5 that will also be factored into my cost to get this done.
6 Chairman: Okay.
7 Mr. Takahashi: Maybe I could help clarify. My
8 name is Eugene Takahashi. I'm the acting Planning Division
9 chief for the Department of Planning and Permitting. The
10 practice by the State Land Use Commission imposing a 50%
11 affordable housing requirement at the time in the 90s, early
12 90s is not unusual. We have multiple projects that have that
13 requirement. The requirement normally begins at the 80%
14 level and below in some situation as high as the 180%.
15 So, typically the bottom 30% which is 10% to the
16 80% or less, and 20% to the 120% or less. It is more less
17 consistent or identical to the county requirements. Yes, the
18 Applicant would still need to comply with the 50% affordable
19 housing requirement as imposed by the State Land Use
20 Commission. With regards to the county's recommendation,
21 the Department's recommendation, a 30% is to be consistent
22 with the current City policy of putting forth a
23 recommendation of 30%. So, again, it is not in addition to
24 a 50% and a 30%. He will be fulfilling the State
25 requirement. When he fulfills the State requirement, he

1 will be actually fulfilling the County requirement. But in
2 addition to that, he has to do a little more to fulfill the
3 State requirement, which is usually above the 120% income
4 bracket. So, those income brackets will be determined by
5 the State as to what the level is.
6 Chairman: Okay. But I'm just telling you it's
7 confusing--
8 Mr. Takahashi: It is confusing and initially
9 people asked, "why don't you just don't impose the County
10 requirement if they have to do it anyway."
11 It's just that again, as we have stated earlier is that if
12 the State Land Use Commission says you don't need to have
13 this or rescind or amend the Decision and Order, we still
14 have our requirement, which is part of our standard
15 practice. So, we just want to be consistent respect to what
16 we incorporate as a recommendation for all zone changes for
17 County, as a County requirement.
18 Chairman: I think may be we can verbally or
19 clarify that may be in the recommendation because it is
20 confusing.
21 Member Sodaro: Question, Chair.
22 Chair Hazama: Yes, go ahead.
23 Member Sodaro: Could it be clarified to say
24 whichever is higher because otherwise it serves as a
25 petition ground to lower to 30%. If that's what acceptable

1 by the County.
2 Chair Hazama: Or we could say that the current
3 State condition holds unless it's remedied in which case the
4 30% would kick in. I understand what the Department is
5 saying, the LUC is not going to set an affordable percentage
6 other than transferring it out of State ag boundary kind of
7 thing, which they did a long time ago. If the LUC rescinds
8 their Order, say Applicant petitions LUC, they rescind the
9 Order, they might not set a percentage in which case the 30%
10 they're saying would kick in because it's in this Order, I
11 guess, or this recommendation. That's my interpretation. I
12 mean, I don't know.
13 Mr. Takahashi: Yes.
14 Chairman: It's still confusing, though.
15 Mr. Takahashi: It is. And the concern I have on
16 behalf of the Department, is with regard to the consistency
17 of the City respect to imposing affordable housing
18 requirement, in respect to why one project we impose a 30%
19 and another one is 50% or different percentage. And what it
20 is, is that we want to be more consistent with respect to
21 practices what we do on behalf of the City and County of
22 Honolulu.
23 Chair Hazama: If the Applicant could not meet
24 that 50%, his only option would be to petition Land Use
25 Commission to rescind that.

Leo'ole, 2017t-3
1 Mr. Takahashi: Correct.
2 Chair Hazama: Otherwise--
3 Mr. Takahashi: There is a possibility with the
4 Applicant could be in compliance with the County
5 requirements, he could be fulfilling the 30%.
6 Chair Hazama: He not going to meet the State--
7 Mr. Takahashi: He might not meet the State
8 requirements of the other income levels, that is a
9 possibility. So, we have had situations in which affordable
10 housing providers have been in compliance with the County
11 requirements, but they couldn't comply with the State
12 requirements.
13 Chair Hazama: In that case, who has enforcement?
14 Who is responsible for enforcing it? Let's say the LUC is
15 not petitioned and the Applicant still has the State
16 requirement to meet, right? The State doesn't issue the
17 building permits. The State doesn't issue the subdivision
18 permits. Who has enforcement jurisdiction over that?
19 Mr. Takahashi: Unfortunately, it is the City and
20 County.
21 Chair Hazama: So, you would enforce the State's
22 requirement?
23 Mr. Takahashi: The Do. As much as we ask the
24 State Land Use Commission to enforce and monitor compliance
25 with the conditions, ultimately the State have and they may
26 defer to the Counties to enforce their conditions.
27 Chair Hazama: So, you guys will do that?
28 Mr. Takahashi: Unfortunately, yes.
29 Chairman: Okay. Any other questions,
30 Commissioners? [no response] It mentions in your report
31 regarding traffic, because I know traffic is kind of an
32 issue out there, touchy subject, it will not significantly
33 alter the LOS, but it doesn't state what the current LOS is.
34 Does anybody know what the current LOS is?
35 Mr. Jones: It's "C" in the report, Exhibit 24, it
36 says LOS "C".
37 Chairman: Okay.
38 Mr. Jones: Which is average delays, I think is
39 10-25 cars per hour. In the conclusion on the traffic
40 report, LOS "C" is 15-25 vehicles per second or average
41 delays.
42 Chairman: Okay. But there is no requirement for
43 any TIAR or--
44 Mr. Blair: Traffic division--No comments were made
45 at this scale of the project require any conditions for a
46 TIAR; no.
47 Chairman: How many units?
48 Mr. Blair: 25-30 or something, maximum
49 Chairman: No TMP or nothing like that. huh?
50 Traffic Management Plan--

1 Mr. Blair: Construction management plan; yes,
2 which would traffic during construction.
3 Chairman: No. I mean, TMP, Traffic Management
4 Plan.
5 Mr. Blair: No.
6 Chairman: Okay. Are you going to do one or
7 Applicant has problem doing one? May be not a TIAR but a
8 Traffic Management Plan in regards to the full built-out
9 development?
10 Mr. Jones: During the subdivision, would I be
11 required to do that? I don't have a plan right now.
12 Construction will be slow. I'm considering building three
13 houses a year, and so I don't foresee any large increase
14 in--
15 Chairman: Well, this would be at full build-out.
16 Mr. Jones: Oh--
17 Chairman: So, at full build-out the Traffic
18 Management Plan would address potential traffic impacts at
19 completion. The number of units. It's unusual we don't see
20 one. We typically we don't see TIARs unless the project is
21 pretty large, I understand that, but normally I've seen
22 where they pass the TMPs.
23 Mr. Sokugawa: Yes. TMPs normally--My assessment
24 is that it's not necessarily used for residential because
25 it's traffic management plan, so how would you manage the
26 traffic coming in and out of houses. So, if it was a
27 hospital, a commercial shopping center, you can do certain
28 things about timing. But houses, it's really hard to
29 control the traffic behaviors of individual household, so it
30 makes a little awkward. I'm not sure what you were looking
31 for. But certainly as previously referenced, the
32 expectations about traffic demand will be discussed as part
33 of the subdivision process if they come in for subdivision.
34 If they don't come in for subdivision and it's a CPR
35 process, that's a little bit more problematic because we're
36 only going to look at it as one lot and depending on
37 actually how many units he builds over time, it may be
38 problematic but then we may negotiate something at the time
39 of building permit.
40 Chairman: Okay. Because this is kind of unique in
41 a sense that it's so phased--
42 Mr. Sokugawa: Right.
43 Chairman: But at the same time, there's a
44 cumulative effect, eventually at some point in the project,
45 there would be some kind of an effect.
46 Mr. Sokugawa: Yes. And as Thomas said, the
47 agencies were asked for comment, and we got what we got.
48 Chairman: Okay. Any other questions,
49 Commissioners of Applicant?
50 Member Hayashida: Just one fast question. So,
1 when the Applicant goes for a building permit what does the 2 permit reviewer look at as far as ensuring that the 50% 3 state of affordable units get imposed? 4 5 Mr. Takahashi: Well, with respect to at the time 6 of the--The standard practice of the Department is to --I’m 7 sorry, the City is to have an executed affordable housing 8 agreement prior to the approval of the first residential 9 building permit. That way we have a commitment as to what 10 they’re going to be providing. They’ll identify which 11 units will be providing as well as the timetable. Typically 12 with these agreements there is also a delivery schedule in 13 there. What we look for is we look for compliance in which 14 the affordable units are more less delivered in conjunction 15 with the market units. So, all of the affordable units will 16 be delivered or provided prior to the completion of the 17 project. 18 19 Typically, we’d like to have the entire obligation 20 address probably for larger projects definitely at about 75% 21 build-out or close to that. Because if they change their 22 mind, the last increment, we still got the affordable that 23 were promised. We don’t want to be where they’re going to 24 load it up at the very end, and they’re going to say, “oh, I 25 ran out of money or I’m going to stop building", and we 26 don’t get the affordable. So, that agreement will reflect 27 with respect to the number of units that is required to 28 fulfill the various affordable housing requirements as set 29 forth. Except they have to provide the--the 30 units will be 31 identified if they--Oh, not that many, sorry, but, you know, 32 five you’ll be identified in there, 10 it’ll be identified 33 in there. So, we’ll make sure that number equates to the 34 percentage requirement as set forth and the UA, and the 35 Decision and Order. 36 37 Member Hayashida: No. I was just wondering because 38 like you said the reference is in the recommendation but it 39 never references the 50% in the recommendation. I just 40 making sure that doesn’t get lost in the documentation. 41 42 Chairman: Right. So, as of this time 50% will be 43 affordable based on the State’s criteria for-- 44 Mr. Takahashi: Correct. That’s overriding; 45 correct. 46 47 Chairman: The other 50% are going to be what--Do 48 you have a price range or because I read the application and 49 it kind of changes because it goes from Workforce Housing 50 and then goes back to affordable. I’m just trying to 51 understand. 52 53 Mr. Jones: There’s a designation for Workforce 54 Housing as a kind of a higher standard then affordable. I 55 just use that because no matter what those other houses 56 could be used as Workforce, but I’m not putting any price 57 holds on the other. Say if I did 30, other 35 properties.
1 Commission to render that before the project is allowed to proceed.

Member Sodaro: So that means going back to the LUC with a petition for clarification on the affordable housing.

Mr. Takahashi: I don't know if they have to formerly do a petition. Again, I'm not too sure.

Member Sodaro: Yes. I don't know because I thought this was a fee for sale, fee simple project, but we're entertaining a rental project discussion. So, I'm just confused.

Mr. Takahashi: The Department will ask for a clarification from the Land Use Commission before the project will be allowed to proceed.

Chairman: Okay. Any other questions?

Commissioners, at this time, Department or Applicant?

Member G. Chang: I have a question?

Chairman: Yes.

Member G. Chang: Leo'Ole is that just you Mr. Jones or you have other partners involved?

Mr. Jones: I am the only member.

Member G. Chang: Only member; thank you.


---

1 Department and Applicant.

Okay. Commissioners, any further discussion? [no response] Do we have a motion?

Member Hayashida: Motion to accept the Urban District zone change request 2017/2-3, Leo'Ole LLC.

Member G. Chang: Second.

Chairman: What's the motion?

Member Hayashida: To approve--

Chairman: The Department's recommendation? In regards to the Department's recommendation.

Member Hayashida: Yes. In regards to the Department's recommendation.

Chairman: Okay. Moved and seconded.

Commissioners, we are now in discussion. Any discussion, Commissioners, at this time? [no response] No further discussion? [no response] Okay. All those in favor of the motion, say aye.

Member Hayashida: Aye.

Member G. Chang: Aye.

Member S. Lim: Aye.

Member Anderson: Aye.

Chairman: Any opposed?

Member Sodaro: Opposed.

Chairman: One opposed. Five ayes and one nay, so the motion carries. So then the motion is approved.

---

1 Okay. Commissioners, any announcements at this time? [no response] Okay. Seeing none, do we have any motion to adjourn?

Chairman: Do you have an announcement?

Member Hayashida: I'll make a motion to adjourn.

Chairman: Wishing you all the best.

Member Sodaro: [from the audience]: THE HCPO, they're still open and still available time to register as a Planning Commissioner to HCPO conference next month. Somebody asked about parking validation. It's going to be $5 a day.

Chairman: Oh, $5 a day as an attendee of the conference?

Member Sokugawa: Correct.

Chairman: Oh, okay. Okay. Any Commissioners that are interested in attending the HCPO, please the Department or Gloria know, and they can register you. So, any other announcements? [no response] Okay. Seeing none, do we have a motion to adjourn.

Member Sodaro: Motion to adjourn.

Member G. Chang: Second.

Chairman: Moved and seconded. Any objections?

[no response] Any abstentions? [no response] Okay. This meeting is adjourned. Thank you very much. [bangs gavel]

[meeting adjourned at approximately 2:15 p.m.]