MEETING OF THE PLANNING COMMISSION
CITY AND COUNTY OF HONOLULU

Minutes
Wednesday, September 27, 2017

The Planning Commission held a meeting on
Wednesday, September 27, 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
Arthur B. Tolentino
Steven S. C. Lim
Wilfred A. Chang, Jr.
Gifford K. F. Chang

COMMISSIONERS EXCUSED: Theresia C. McMurdo, Vice Chair
[prior notice given]
Ken K. Hayashida
[prior notice given]
Ka'iulani K. Sodaro
[prior notice given]
COMMISSION STAFF: Gloria Takara
Secretary-Hearings Reporter

DEPUTY CORPORATION COUNSEL: Rozelle A. Agag
(Advisory to the Commission)

DPP REPRESENTATIVE: Mike Watkins, Staff Planner,
Development Plans and Zone Change Branch
PROCEEDINGS

Chairman: Okay. Good afternoon, Commissioners and audience. At this time I call the meeting of the Honolulu Planning Commission, September 27, 2017 to order. [bangs gavel] First item of business on our agenda is the approval of our minutes for our August 16th and September 13th minutes.

Commissioners, we have received some changes to the draft. Are there any further corrections or comments? [no response] Okay. Seeing none, any objections to the adopting the minutes as amended? [no response] Seeing no objections, any abstentions? [no response] Seeing none, then the minutes for August 16th and September 13th have been adopted.

Moving on to our public hearing portion of the meeting. Koolaupoko zone change request 2017/Z-4, Kahiauakamalanai. At this time the Department can you come up.

Mr. Watkins: Chair Hazama and members of the Planning Commission. I am Mike Watkins of the Department of Planning and Permitting. The Applicant Oswald K. Stender is seeking country zoning for his 4-acre property within the Maunawili residential community. The lot is currently zoned AG-2 except for two tiny areas of R-7.5 zoning. Under AG-2,
he is only allowed the two homes he has now but country zoning would let him add two more homes for the next generation of his family and that might also let him build an accessory dwelling unit or two if he is able to meet all of the statutory requirements. Our Department also proposes that a tiny portion of adjacent house lot just to the south of Mr. Stender’s property be changed from Ag-2 to R-7.5 just as a housekeeping measure. What we proposed is to rezone about 816 square feet of land on the neighbor side of the property line from AG-2 to R-7.5 to match how the rest of that lot is zoned. This small sliver of land is a tiny triangular area that is adjacent to the two small areas of R-7.5 zone on Mr. Stender’s property.

All three of these tiny slivers became remnants of spot zoning when the property line changed here.

Mr. Stender’s 4-acre property is in AG-2 zoned parcel along the Maunawili community’s eastern edge. This edge is fairly leveled and most house lots just extend back from the road to the point where the land drops down to the low line Mauniwili stream area.

But Mr. Stender’s property and a few others—-but Mr. Stender's property and a few others extend all the way from the road down to the stream, a distance of about 800 feet in Mr. Stender's case.

We recommend that the project site be rezoned from
AG-2 and R-7.5 to the country district for three reasons.
First, the Koolau Poko Sustainable Communities Plan
identifies this eastern edge of the Maunawili community as a
transitional area between urban and open space uses.

Thus, country zoning is fully appropriate here not
only because country zoning is a transitional zoning but
also because some lots along this eastern edge are already
zoned country.

Second, the overall KPSCP vision is for every
community to see a few more homes to be built on large house
lots as the only way Koolaupoko should gain housing. And
this plan or this concept of gaining housing only be
expanding when an existing communities fits perfectly what
Mr. Stender plans.

And, third, the property is within the State Urban
District and is not proposed by the City as important
agricultural lands since it functions as part of Maunawili
developed area. And the State Urban District is all the way
back by where this stream used to run. But as the stream is
actually little bit further in now. No concerns whatsoever
over rezoning this property were expressed by any public
agency, community organization or other interested party.

The Kailua Neighborhood Board had no comments on this zone
change application either in writing or at any meeting of
the Board as a whole. Although I understand the Board's
planning committee did discuss it.

Also, no public agencies or members of the community opposed it. Thus, we recommend that this zone change be approved with one condition. We recommend imposing a unilateral agreement condition to protect the undeveloped lower two-thirds of Mr. Stender's property from development. And it doesn't show clearly on this map but the two homes are here and here and the undeveloped area is all this area here. The upper 1.3 acre portion fronting the street where the dwellings are located is virtually flat and at the street level as are these other homes along here.

But right behind this lower home there's a steep drop in terrain, as you can see from the Topa map in our report and below that is a fairly flat stream side open space area.

The Applicant states clearly that he has no intention of developing this lower 2.7 acre portion of his property. And the KPSCP also has policy statements calling in general for not only preserving open space but also for preventing development in areas susceptible to land size and similar hazards such as this stably sloping area.

So, based on policy also keeping this lower area in open space is called for by the plan. This completes my presentation but feel free to ask questions, and the Applicant is here too if he wishes to testify and answer any
Chairman: Okay. Thank you. Commissioners, any questions of the Department at this time? [no response]

Okay. Seeing none, thank you. Applicant, do you want to say anything, comments?

Mr. Stenders: I think the staff report is fairly accurate, complete and has all the information which is correct and accurate, and I have no problems with it. All I want to do is built a house for my two grandsons. So, most I enjoy--We have enjoyed that property the way it is. There's a lot of open space, and our kids our grandchildren enjoy it. And the neighbors play in that neighborhood. When we built--If I can show you on the map. The main house is here and another house is here, and my intention is to add the two houses for my grandsons over here. So, all of this area will continue to be in open space. So, I have no problem in dedicating it for open space. We enjoy it that way. It preserves the views of Maunawili and Olomana and the valley. So, I'd like to leave it that way. So, other than that, I'd be happy to answer any questions that you might have.

Chairman: Any questions, Commissioners? What about the ADU units? Are you--It says you're planning to build two of them. Are you committed to building the--

Mr. Stenders: Yes. When I did the report and
submitted the application the whole idea of the ADU thing
came up, which was an opportunity, so I put it in there, but
after talking DPP folks, I would have to subdivide the
property and I don't want to do that. So, I go back to my
original intension to build two houses for my two grandsons
and that's all what I wanted to do. And, it will be up on
the corner so it will not disturb the open space of the
property, which we enjoy. I mean, I grew up in Haula. We
had a 3-acre farm, basically, and I think it's too bad the
children don't have access to a lot of open space, climbing
trees and playing in the stream, and all that sort of thing.
We have friends and their children enjoy doing that kind of
thing, and I want to keep that property. I'm ready for that
reason.

Chairman: Okay. Thank you. Questions,
Commissioners at this time? [no response] No. Okay.
Anyone wishing to testify before the Commission on this?
Okay. Seeing none, can I get a motion to then
close public testimony.

Member Tolentino: So moved.

Member W. Chang: Second.

Chairman: Moved and seconded.

response] Okay. Seeing none, public testimony portion has
been closed.
Commissioners, do you have any questions at this time or of the Department, anybody? Department. Not that it's really important or not, but you mentioned that at the time the original boundary line for the property changed, that's how we got into this R-7.5 problem--

Mr. Watkins: Uh-hmm.

Chairman: I mean, so what happened?

Mr. Watkins: It was a minor change to the property line. It zigzagged all over the place originally, and it was strained out basically, just to be a straight line.

Chairman: So, I guess, my only concern is the person who lives in that--There's a person that's occupying the lot, right?

Mr. Watkins: The lot, it's a condominium with two homes on it.

Chairman: Okay. But the portion of that slice is now AG-2?

Mr. Watkins: Yes. Tiny triangular piece and on the aerial photo maps, it looks like the vegetation falls on the old property line, but that's like mutual agreement between--

Chairman: I have no problem doing the change, but is that going to impact the current property owner in any way by doing this zone change? Because it is something they
slipped up and they didn't catch. Because it must show on
the maps, right? It has to show on the property map that
this small piece of his lot is AG-2. We go ahead and
convert it. I don't have a problem with that, to be
consistent, but I just want to make sure that's not going to
impact the current owner adversity.

Mr. Watkins: We did notify them in writing and
gave them an opportunity to comment. And, Mr. Stender
checked with them also to see if they had any concerns. We
heard nothing back.

Mr. Takahashi: With regard to negative impacts, in
our initial assessment we did not see any potential negative
impact to the abutting property owner.

Chairman: So, it's not going to affect their
conveyances or anything like that?

Mr. Takahashi: No. It's still within--Technically
their property is split zone now. So, what it does is that
it corrects this little sliver of split zoning that exists
in their lots. If anything, it make it more conforming.

Chairman: Okay.

Member Lim: Just for technical purposes, when you
do these public notices, and you're going to rezone another
lot in addition to the target lot, you should put the TMK
number for that lot also.

Mr. Takahashi: Thank you.
Chairman: Okay. So, I'm assuming that it's not going to affect his property taxes either.

Mr. Watkins: It's less than 5% of the lot.

Chairman: So, it will not affect their--

Mr. Watkins: Hopefully not.

Member Lim: Technically downzoning the property, so I don't think it will negatively impact this (inaudible). It might possibly impact his taxes.

Chairman: That's right because you're downzoning it.

Mr. Watkins: On Mr. Stender's property.

Chairman: No, no--

Mr. Takahashi: The remnants is actually being upzoned from AG-2 to R7.5. But normally real property when they do the assessment, they base it upon the overall square footage of the lot and based upon on the highest and best use. I'm not aware of real property separating out 800 square feet and assessing a small less amount for unimproved residential. Because they charge not by the current zoning. They charge based upon the use. That's how the property assess the taxes.

Chairman: Not by the zone?

Mr. Takahashi: No. That's why a lot of times there's a lot of confusion with the public. They think that the assessment that they receive notification is the current
zoning. We say, "no, that is not the current zoning. That
is for real property purposes only and for tax purposes
only."

Chairman: Okay.

Mr. Stenders [from the audience]: All I want to
say when I investigated this issue, and I checked with the
Department and went back to try and see what happened.
Either they changed the color of the map and then put the
boundary line in or the map was colored and they rechanged
the boundary. So, that's the piece that we're downzoning
which is on my property. It's zoned R-7 and so it seems
with the mistake, someone colored it or they changed the
boundary. So, what we're trying to do this here is downzone
it to country rather than leaving it the way it is, which is
R-7. Make sense to leave it there.

Member Tolentino: I see the property, and I see
the lot. It looks like it gets really close to structure
but something own the 7.5? Gets right next to the dwelling
that's on the adjacent property. What if he decides to
fence the property or build a wall? I'm just using that as
an example.

Mr. Takahashi: This portion here yellow is
actually this person's property.

Member Tolentino: But you're zoning his property
now.
Mr. Takahashi: It's the remnant pieces.

Member Tolentino: Of his property?

Mr. Takahashi: Right; correct. So, any building
permits will be issued on each individual property. So, we
would not be issuing a permit for Mr. Sender on the
neighbor's property even the zoning right now crosses over.
So, again, permits are issued on the individual properties
in which they are applying for. So, you wouldn't be
applying for a permit for your neighbors property. So, with
regard to building a wall, a fence, if the neighbor chooses
to file for a permit they could do that, but it's highly
unlikely that they would do something like that.

So, the end result of this which you'll have is if
this zoning request is approved, is you'll have a very clean
and well defined country zone lot here, and you will have a
very consistent zoning here. It wouldn't have a little
remnant piece of Ag-2.

So, you will see these occasionally in rezoning
request is when we notice that there is a slight
discrepancy. What we try to do is clean up these little
remnants and discrepancy, so we did not create
non-conforming zoning lots. Because under AG-2, the minimum
lot size is 2 acres.

Member Tolentino: I see. Thank you.

Mr. Takahashi: Okay.
Chairman: Okay. Any other questions? [no response]

Member Lim: One last point is, I support Mr. Stender's application. It's a good project. I wish you well. Mines is an overall comment on the adjacent property. I've always have said to you guys previously that anytime the City rezones somebody's property, I think they should get the fee owner's authorization to do that. Don't believe that you need the fee owner's authorization to do big changes, like General Plan or Sustainable Community Plan changes, but when you do a specific rezoning for one property, even though to just correct the small slivers of zoning, you should get the property owner that's affected and have them fill out one of your fee owner authorization. That would solve the problem whether it affects it negativity or not.

Mr. Watksin: And let me state also that the Unilateral Agreement would not cover the neighbor's property, just for Mr. Stender's property. He is the Applicant.

Chairman: Okay. In your report, though, if this goes forward you mentioned the ADU units. Since the Applicant has indicated that's no longer his intension, you may consider revising the report before it moves forward since that's no longer a consideration apparently.
Mr. Takahashi: Duly noted. The Department can make it clear when it goes to Council as part of testimony, our understanding with regard to the Applicant's revised proposal. At the time the application was submitted and processed, the ADU was part of the proposal and that's what was reflected.

Chairman: Yes, understand. So, we'll put it--may be can put it on the record too as we pass it forward just for clarification purposes. Okay. Do we have a motion then?

Member Lim: Yes. I move to approve the request of the Applicant, Oswald K. Stender to change the zoning of approximately 4.005 acres from the AG-2 General Agricultural District in the R-7.5 Residential District to the Country District subject to the conditions of approval as recommended by the Department.

Chairman: So moved. Do we have a second.

Member Anderson: Second.

Chairman: Moved and seconded. So, I'll just ask that if we can add the clarification that the additional dwelling units referenced in the report are no longer under consideration by the Applicant.

Member Anderson: So moved.

Chairman: Okay. Any further discussion? [no response] Commissioners, on the motion and a second. [no
response] Okay. Seeing none, all those in favor, say aye.

    All Commissioners: Aye.


Thank you.

Okay. Commissioners, we have no further business on our agenda today. Can I get a motion to adjourn.

    Member G. Chang: Motion to adjourn.

    Member Tolentino: Second.

    Chairman: Moved and seconded. Any objections? [no response] Any abstentions? [no response] Okay. Thank you very much. This meeting is adjourned. [bangs gavel.] [meeting adjourned at approximately 2:05 p.m.]

I certify that the foregoing is a true and correct transcription of the proceedings, prepared to the best of ability, of the meeting held on Wednesday, September 27, 2017.

[Signature]

Gloria Takara
Secretary-Hearings Reporter

Adopted on November 8, 2017