MEETING OF THE PLANNING COMMISSION

Minutes

Wednesday, November 8, 2017

The Planning Commission held a meeting on
November 8, 2017, at 1:30 p.m., at the Mission Memorial
Conference Room, Mission Memorial Building, 550 South King
Street, Honolulu, Hawaii. Acting Chair Steven S. C. Lim
presided.

COMMISSIONERS PRESENT: Steven S. C. Lim, Acting Chair
Cord D. Anderson
Ka‘īulani K. Sodaro
Ken K. Hayashida
Gifford K. F. Chang

COMMISSIONERS EXCUSED: Theresia C. McMurdy, Vice Chair
Arthur B. Tolentino
Wilfred A. Chang, Jr.
(Vacant - 9th Commissioner)

COMMISSION STAFF: Gloria Takara, Secretary-
Hearings Reporter

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

DDP REPRESENTATIVE: Katia Balassiano, Division
Chief, Land Use Permits
Division

PROCEEDINGS

Counsel Agag: Just before we start, I just want to
make a note that Vice Chair McMurdy had appointed Mr. Lim to
be the presiding for temp. I just want to make sure there’s
no objections?

Member Sodaro: None.

Member Hayashida: No.

Member G. Chang: None.

Member Anderson: None.

Counsel Agag: Okay. Thank you. You can go ahead
and proceed.

Acting Chair Lim: Okay. Thank you. Open the
public hearing on a Request for Amendments to Chapter 21,
Revised Ordinances of Honolulu 1990, the Land Use Ordinance,
Relating to Planned Development Projects in Transit-Oriented
Development Areas. Council has initiated a proposal to amend
the Land Use Ordinance relating to Planned Development
Projects in Transit-Oriented Development Areas. Do we have
a member of the Department.

Ms. Balassiano: Hello, good afternoon, greeting
members of the Planning Commission. My name is Katia
Balassiano. I’m with the Land Use Permits Division of the
Department of Planning and Permitting. My division has been
processing this proposed amendment to the Land Use

Ordinance, and I believe that you folks received our report
on this subject. Resolution 16-308, CD1, revises the interim
planned development permit procedures. I believe
that the intention is for earlier council input into these
permits and greater availability of the permit applications.
There are two primary components to this proposal. One,
involves putting the applications that we receive online
onto our website so that people have access to them and then
the second component requires that the applicants present
their proposal to the council before the application is
formally submitted and within the same month that it is
presented to the neighborhood board.

Again, I think the Department of Planning and
Permitting understands the intention behind these changes,
and yet does not believe that these changes are necessary.
And, so we would recommend that this resolution not be
adopted.

The first point in regards to having the DPP put
the applications online, we already do that. Okay. So, we
don’t feel a need for that to be called out in the Land Use
Ordinance. We already put all applications that go to
the council. Once they’re accepted, once they’re complete we
put them onto our website. So, we’re basically doing that
and the public has access to all of the materials that we
do. The second piece has to do with the applicant
1 presenting to the council before the application is formerly
2 submitted. And, again, we don’t think that’s a great idea.
3 We understand that the point of the interim planned
4 development transit permit was try to catalyze development,
5 simplify the permitting process and try to, you know, have
6 reduced costs for the development community. And we’re
7 concerned that this complicates the permitting a little, and
8 will probably increase the costs to the developer. Besides
9 having to attend another meeting, the chances that they’re
10 going to have their application while not yet submitted,
11 they’re going to have it nearly done at the time they’re
12 presenting so that they have all that information available.
13 And, I think that will put greater cost on the developers at
14 that particular point, early, early point in time.
15 We think that the current procedure where the
16 developer, the applicant needs to present before the
17 neighborhood board is sufficient. Not only do they only
18 present before the neighborhood board, but they’re also
19 required to notify adjacent property owners. So, we think
20 that’s probably sufficient for them to get some early input
21 before they finalize their application. We haven’t been
22 receiving any complaints about the current procedures from
23 anyone, from the public, from the development community.
24 The other item that we’re a little concerned about
25 is if the applicant presents to the counsel before DPP has

1 the opportunity to review the application, we’re not going
2 to be available to the council to provide technical support
3 or analysis. Usually the application goes through us. We
4 submit a report to the council, and then can be available to
5 the council to answer questions and provide, you know, some
6 technical guidance. But if the application is not
7 submitted, we won’t have access to it, and yet there will be
8 a discussion of the components of the application with
9 council. And we’re concerned that some of the questions
10 raised or instructions given could be interrupted a certain
11 way by the applicant and then when the application is
12 formerly submitted to us and the technical review takes
13 place, the applicant may be torn between what they thought
14 they heard or the guidance that they thought was provided
15 and then the actual application requirements, the
16 requirements of the permit.
17 So, we appreciate the desire for transparency and
18 early input, but our concern that this might confuse the
19 applicant, the public and basically think that our current
20 procedures are probably sufficient in terms of getting some
21 earlier input through the neighborhood board and then
22 formerly submitting the application to the Planning
23 Department. We have a public hearing, we send out notices.
24 So there is a time when people can learn more about what’s
25 being proposed and provide comments.
Member Sodaro: So, that would take us to when the
director issues the public hearing, the application is
available so that people can process and read it before the
hearing.

Ms. Balassiano: That's correct.

Member Sodaro: Okay.

Ms. Balassiano: Yes. After the ten days that's
8 when the application is put online and it's within 60 days
9 that the hearing takes place.

Member Sodaro: Okay.

Member G. Chang: So, why do you think that the
council is asking for this?

Ms. Balassiano: We're not entirely certain.

Member G. Chang: Okay. Just curious.

Ms. Balassiano: We did discuss this with them and,16
you know, as you said, the council members attend
17 neighborhood board meetings or their staff do. So, even at
18 that point in time, they do receive information about this.
19 We also understand that the applicants are going to the
20 individual council members and presenting the projects to
21 them.

So, I think it was—These projects—The
23 opportunity for the permit application was introduced. We
24 received no applications and then all of sudden we received
25 two, three. So, it became a matter of great interest and

urgency, and I think the council, as they always want to
keep apprised of what's happening. To date, we received four
3 applications. We also, per ordinance, keep them apprised of
4 when these applications come in.

Member Sodaro: May I ask another question, Chair?

So, the "I" which stands for interim and when we initially
7 embarked on the IPO process to begin with. As the TOD Plans
8 are making their way, in theory, there shouldn't be any more
9 of these temporary permits, right, because we're making our
10 way through—

Ms. Balassiano: It's a combination of things.

11 One, is the Plan, the individual station Plans, and then the
12 second part of it is the changes to the Land Use Ordinance,
13 the creation of the Special District. So, just recently the
15 council approved Bills 74 and 76, which created the TOD
16 Special District and changed the zoning maps for Waipahu and
17 West Lock. The packages we presented to them and as you
18 folks had approved, had finally gone before council.
19 However, their implementation is delayed until Bills 58 and
20 59, the housing policy and the affordable housing incentives
21 are passed. So, we have the—

Member Sodaro: Okay, we're half way there.

Ms. Balassiano: We're half there.

Member Sodaro: But in theory—

Ms. Balassiano: And, yes, interim should go

away--

Member Sodaro: It should go away since we're
3 modifying something that we're trying to chase because we're
4 on this chicken-egg about even creating the interim permit
5 process to begin with.

Ms. Balassiano: That's right. So, when the
7 interim permit goes away, the Planned Development takes
8 over. So, once the housing policy is adopted that is what
9 will happen for Waipahu and West Lock where the Plans and
10 the zoning maps have been adopted and the TOD district
11 created. So, we are finally moving in a very positive
12 direction. And, yes, ultimately this interim permit should
13 go away.

Member Sodaro: Okay. Thank you.

Acting Chair Lim: Any further questions from the
16 Commission? [no response]

Member Sodaro: No. Thank you.

Acting Chair Lim: Okay. Thank you very much. Do
19 we have anybody signed up to testify from the public? [no
20 response] Anybody from the council that wants to come and
21 say something? [no response] Okay. I entertain a motion to
22 close public hearing.

Member Sodaro: So moved.

Member G. Chang: Second.

Acting Chair Lim: Thank you. Public hearing is
1 closed. Do we have a motion on this request?

Member Sodaro: Yes, Chair. I'd like to introduce
3 the motion. I'm comfortable based on staff's discussion and
4 summary of Director's report to introduce the motion to not
5 recommend a request for amendments to Chapter 21, Revised
6 Ordinances of Honolulu 1990, relating to PDRs in TOD areas.
7
Acting Chair Lim: Any second?
8
Member Hayashida: Second.
9
Acting Chair Lim: Okay. So, moved and seconded
10 to not recommend the—

Member Sodaro: Council's--It's not to recommend,
12 correct?

Ms. B: Yes.

Member Sodaro: Is that right? It's not recommend,
15 not against. I think we were corrected once when we used
16 that word.

Member Anderson: I had it written down as approve
18 Department's recommendation against revising LUCO, Which is
19 the same thing you're saying.

Member Sodaro: Okay. I remember there's a way when
21 we go against.

Acting Chair Lim: I think I rather stick with the
23 not recommend because that's our power to act on this.
24 Okay. So, it's moved and seconded to not recommend the
25 council's proposed request for amendments to Chapter 21,
Revised Ordinances of Honolulu 1990, the Land Use Ordinance, relating to Planned Development Projects in Transit-Oriented Development Areas. All in favor?

All Commissioners: Aye.

Acting Chair Lim: Okay. All opposed? [no response]

Seeing none. The motion passes, 5:0.

Moving on to the remaining portion of the agenda.

Thank you very much.

Approval of minutes. The minutes of August 30, 2017 and September 27, 2017, meetings have been circulated.

Any comments to those minutes?

Member Hayashida: The September 27th meeting, page 15, line 18. I wasn’t at the meeting, so I can’t be the seconder of the motion. So, if you can correct that. I don’t know who was the seconder. That’s all I had comment on.

Acting Chair Lim: That was probably me, Gloria.

So, you can put my name there. Okay. Any other comments?

Member Sodaro: I had a similar comment for the August 30th—Oh, go ahead.

Member Anderson: Sorry, real quick. Chair you were the one who made the motion, so the second--

Acting Chair Lim: Oh, I was the one who made the motion. Okay.

Member Anderson: So, the second was either myself or Gifford. Put my name down, Gloria. It was me.

Member Sodaro: Thank you, Chair. Gloria, for the August 30th minutes, page 34, we’re short an aye of the attendees of Commissioners. Thank you. No others. Thank you, Chair.

Acting Chair Lim: Okay. Motion to approve the minutes as amended today.

Member Hayashida: Motion to approve.

Member Anderson: Second.

Acting Chair Lim: All in favor.

All Commissioners: Aye.

Acting Chair Lim: The minutes for August 30th, 2017 and September 27, 2017 has been approved as amended.

Thank you very much.

Last item on the agenda is Election of Chair and, if necessary, a Vice Chair, for the period December 1, 2017 to June 30, 2018 to coincide with the end of the fiscal year per the Planning Commission’s rules. We really didn’t know that this was going to be on the agenda, but my suggestion would be that we, can we table this for one more meeting? Do we have enough time to get more members on?

Member Hayashida: I thought we had to, right?

Member Sodaro: Oh, next year’s, next meeting.

Member Hayashida: Yes. I think we have to. We’re required to by—
I certify that the foregoing is a true and correct transcription of the proceedings, prepared to the best of my ability, of the meeting held on Wednesday, November 8, 2017.

Gloria Takara
Secretary-Hearings Reporter

Adopted on December 6, 2017