

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.gov/dpp • CITY WEB SITE: www.honolulu.gov

KIRK CALDWELL
MAYOR



KATHY K. SOKUGAWA
ACTING DIRECTOR

TIMOTHY F. T. HIU
DEPUTY DIRECTOR

2017/SUP-2(JL)

November 9, 2017

Mr. Daniel E. Orodener
Executive Officer
State Land Use Commission
P. O. Box 2359
Honolulu, Hawaii 96804-2359

Dear Mr. Orodener:

**SUBJECT: Special Use Permit Application No. 2017/SUP-2
Honouliuli Wastewater Treatment Plant Expansion
For Secondary Treatment and Support Facilities**

We are transmitting for your records the Planning Commission's Agenda and Minutes for the September 27, 2017 hearing that was approved on November 8, 2017, in regards to the subject Special Use Permit Application for the Honouliuli Wastewater Treatment Plant Secondary Treatment and Support Facilities.

Should you or your staff have any questions, please contact Jeffrey Lee of our staff, at 768-8202.

Very truly yours,


Kathy K. Sokugawa
Acting Director

KKS:jl

Enclosure

CITY AND COUNTY OF HONOLULU
PLANNING COMMISSION

Meeting of the Planning Commission

DATE: Wednesday, September 27, 2017
TIME: 1:30 p.m.
PLACE: Mission Memorial Conference Room, Mission Memorial Building,
550 South King Street, Honolulu, Hawaii

AGENDA

APPROVAL OF MINUTES: The minutes of the August 16, 2017 and September 13, 2017 meetings, as previously circulated, to be approved by the Commission.

PUBLIC HEARING

Public hearing notice published in the Honolulu Star-Advertiser on September 15, 2017.

KO'OLAU POKO - ZONE CHANGE REQUEST—2017/Z-4 (MW)
KAHIAUAKAMALANA

Applicant: Oswald K. Stender
Landowners: Co-Owners: Oswald K. Stender, Kuulai B. Stender, Lei-Ann M. S. Durant, and Ronald M. Durant
Location: 1064 and 1066 Maunawili Road, Maunawili, Oahu
Tax Map Key: 4-2-007: 002
Existing Use: Two single-family residences, plus streamside open space
Existing Zoning: AG-2 General Agricultural District and R-7.5 Residential District
Land Area Being Rezoned: Approximately 4.024 acres (Applicant – 4.005 acres; Additional – 0.019 acres)
Request: The Applicant, Oswald K. Stender, proposes to change the zoning of approximately 4.005 acres from the AG-2 General Agricultural District and the R-7.5 Residential District to the Country District. Currently, there are two existing single-family dwelling units on the property.

ADJOURNMENT

NOTE: If you require special assistance, auxiliary aid and/or service to participate in this event (i.e., sign language interpreter, interpreter for language other than English, or wheelchair accessibility), please call 768-8000, or email your request to info@honoluluodpp.org at least three business days prior to the event.

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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]

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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

P R O C E E D I N G S

1
2
3 Chairman: Okay. Good afternoon, Commissioners
4 and audience. At this time I call the meeting of the
5 Honolulu Planning Commission, September 27, 2017 to order.
6 [bangs gavel] First item of business on our agenda is the
7 approval of our minutes for our August 16th and September
8 13th minutes.

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

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

20 Mr. Watkins: Chair Hazama and members of the
21 Planning Commission. I am Mike Watkins of the Department of
22 Planning and Permitting. The Applicant Oswald K. Stender is
23 seeking country zoning for his 4-acre property within the
24 Maunawili residential community. The lot is currently zoned
25 AG-2 except for two tiny areas of R-7.5 zoning. Under AG-2,

1 he is only allowed the two homes he has now but country
2 zoning would let him add two more homes for the next
3 generation of his family and that might also let him build
4 an accessory dwelling unit or two if he is able to meet all
5 of the statutory requirements. Our Department also proposes
6 that a tiny portion of adjacent house lot just to the south
7 of Mr. Stender's property be changed from Ag-2 to R-7.5 just
8 as a housekeeping measure. What we proposed is to rezone
9 about 816 square feet of land on the neighbor side of the
10 property line from AG-2 to R-7.5 to match how the rest of
11 that lot is zoned. This small sliver of land is a tiny
12 triangular area that is adjacent to the two small areas of
13 R-7.5 zone on Mr. Stender's property.

14 All three of these tiny slivers became remnants of
15 spot zoning when the property line changed here.
16 Mr. Stender's 4-acre property is in AG-2 zoned parcel along
17 the Maunawili community's eastern edge. This edge is fairly
18 leveled and most house lots just extend back from the road
19 to the point where the land drops down to the low line
20 Mauniwili stream area.

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

25 We recommend that the project site be rezoned from

1 AG-2 and R-7.5 to the country district for three reasons.

2 First, the Koolau Poko Sustainable Communities Plan
3 identifies this eastern edge of the Maunawili community as a
4 transitional area between urban and open space uses.

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

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

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

23 The Kailua Neighborhood Board had no comments on this zone
24 change application either in writing or at any meeting of
25 the Board as a whole. Although I understand the Board's

1 planning committee did discuss it.

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

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

16 The Applicant states clearly that he has no
17 intension of developing this lower 2.7 acre portion of his
18 property. And the KPSCP also has policy statements calling
19 in general for not only preserving open space but also for
20 preventing development in areas suceptable to land size and
21 similar hazards such as this stably slopping area.

22 So, based on policy also keeping this lower area
23 in open space is called for by the plan. This completes my
24 presentation but feel free to ask questions, and the
25 Applicant is here too if he wishes to testify and answer any

1 questions you may have.

2 Chairman: Okay. Thank you. Commissioners, any
3 questions of the Department at this time? [no response]
4 Okay. Seeing none, thank you. Applicant, do you want to
5 say anything, comments?

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

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

25 Mr. Stenders: Yes. When I did the report and

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

15 Chairman: Okay. Thank you. Questions,
16 Commissioners at this time? [no response] No. Okay.
17 Anyone wishing to testify before the Commission on this?

18 Okay. Seeing none, can I get a motion to then
19 close public testimony.

20 Member Tolentino: So moved.

21 Member W. Chang: Second.

22 Chairman: Moved and seconded.

23 Any objections? [no response] Any abstentions? [no
24 response] Okay. Seeing none, public testimony portion has
25 been closed.

1 Commissioners, do you have any questions at this
2 time or of the Department, anybody? Department. Not that
3 it's really important or not, but you mentioned that at the
4 time the original boundary line for the property changed,
5 that's how we got into this R-7.5 problem--

6 Mr. Watkins: Uh-hmm.

7 Chairman: I mean, so what happened?

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

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

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

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

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

23 Chairman: I have no problem doing the change, but
24 is that going to impact the current property owner in any
25 way by doing this zone change? Because it is something they

1 slipped up and they didn't catch. Because it must show on
2 the maps, right? It has to show on the property map that
3 this small piece of his lot is AG-2. We go ahead and
4 convert it. I don't have a problem with that, to be
5 consistent, but I just want to make sure that's not going to
6 impact the current owner adversely.

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

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

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

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

20 Chairman: Okay.

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

25 Mr. Takahashi: Thank you.

1 Chairman: Okay. So, I'm assuming that it's not
2 going to affect his property taxes either.

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

4 Chairman: So, it will not affect their--

5 Mr. Watkins: Hopefully not.

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

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

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

12 Chairman: No, no--

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

22 Chairman: Not by the zone?

23 Mr. Takahashi: No. That's why a lot of times
24 there's a lot of confusion with the public. They think that
25 the assessment that they receive notification is the current

1 zoning. We say, "no, that is not the current zoning. That
2 is for real property purposes only and for tax purposes
3 only."

4 Chairman: Okay.

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

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

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

24 Member Tolentino: But you're zoning his property
25 now.

1 Mr. Takahashi: It's the remnant pieces.

2 Member Tolentino: Of his property?

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

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

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

24 Member Tolentino: I see. Thank you.

25 Mr. Takahashi: Okay.

1 Chairman: Okay. Any other questions? [no
2 response]

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

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

21 Chairman: Okay. In your report, though, if this
22 goes forward you mentioned the ADU units. Since the
23 Applicant has indicated that's no longer his intension, you
24 may consider revising the report before it moves forward
25 since that's no longer a consideration apparently.

1 Mr. Takahashi: Duly noted. The Department can
2 make it clear when it goes to Council as part of testimony,
3 our understanding with regard to the Applicant's revised
4 proposal. At the time the application was submitted and
5 processed, the ADU was part of the proposal and that's what
6 was reflected.

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

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

17 Chairman: So moved. Do we have a second.

18 Member Anderson: Second.

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

23 Member Anderson: So moved.

24 Chairman: Okay. Any further discussion? [no
25 response] Commissioners, on the motion and a second. [no

1 response] Okay. Seeing none, all those in favor, say aye.

2 All Commissioners: Aye.

3 Chairman: Any opposed? [no response] Any
4 abstentions? [no response] Okay. The motion has passed.
5 Thank you.

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

8 Member G. Chang: Motion to adjourn.

9 Member Tolentino: Second.

10 Chairman: Moved and seconded. Any objections?
11 [no response] Any abstentions? [no response] Okay. Thank
12 you very much. This meeting is adjourned. [bangs gavel.

13 [meeting adjourned at approximately 2:05 p.m.]

14

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

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Gloria Takara

24

Secretary-Hearings Reporter

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Adopted on November 8, 2017