

MEETING OF THE PLANNING COMMISSION
MINUTES SUMMARY
Wednesday, April 28, 2021

[\(HYPERLINK TO WEBEX AUDIOVISUAL RECORDING OF MEETING\)](#)

The Planning Commission held a meeting on Wednesday, April 28, 2021, 1:30 p.m., remote and at Mission Memorial Auditorium, 550 South King Street, Honolulu, Hawaii. Chair Lee presided.

Pursuant to HRS 92-3.5 and Proclamations issued by Governor David Ige relating to the COVID-19 Pandemic, Commission members may be participating in the meeting by interactive technology from remote locations.

COMMISSIONERS PRESENT: Brian Lee, Vice Chair
Steve S. C. Lim [remote]
Ken K. Hayashida
Gifford K. F. Chang
Aki Marceau [remote; recused on LUO Wind
Machines and rejoined for the remainder items on
the agenda, prior notice given]
Ryan Kamo

COMMISSIONER EXCUSED: Arthur B. Tolentino [prior notice given]
8th and 9th seat vacant

DEPUTY CORPORATION COUNSEL: Duane W. H. Pang
(Advisory to the Commission)

COMMISSION STAFF: Gloria Takara
Secretary-Hearings Reporter

DIT STAFF: Gregory Cieless, WebEx Management

DPP REPRESENTATIVES: Katia Balassiano, Land Use Permits Division Chief
Zachary Stoddard, Staff Planner

[40:21]

I. CALL TO ORDER [bangs gavel]

[40:45]

II. ROLL CALL

[44:04]

III. APPROVAL OF MINUTES: The executive session minutes of the February 17, 2021 meeting and the regular minutes of the March 17, 2021 meeting, as previously circulated, to be approved by the Commission.

[44:33] Discussion [no response]

[44:41]

[It was moved by Chang and seconded by Hayashida that the executive session minutes of the February 17, 2021 meeting and the regular minutes of the March 17, 2021 meeting, as previously circulated, be approved by the Commission. Motion was carried, 5:0:1; Commissioner Marceau abstained.]

[45:13] Chair Lee recited Planning Commission rule, Section 2-14(a), General Proceedings; therefore Item No. 5 was taken out of order from the agenda.]

[45:46]

V. CONTINUED PUBLIC HEARING

A public hearing noticed for the following matter was published in the Honolulu Star-Advertiser on Friday, March 5, 2021. At the March 17, 2021 meeting, public testimony was taken and the public testimony portion of the meeting was closed. The Commission continued the meeting for 60 days and will take action on the agenda item.

A REQUEST FOR AMENDMENTS TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (The Land Use Ordinance), RELATING TO WIND MACHINES

The City Council initiated a proposal to amend the Land Use Ordinance (LUO), relating to wind machines that will require wind machines with a capacity of 100 kilowatts or more to be setback five-miles from all property lines.

Resolution No. 19-305, proposes an amendment to the LUO that will require wind machines with a capacity of 100 kilowatts or more to be setback five-miles from all property lines.

The Department of Planning and Permitting (DPP) proposes "Bill A" as an alternative to the amendment proposed by Resolution No. 19-305. Bill A's proposed amendment increases the current setback to a distance of 1,500 feet or a distance equal to no less than two feet for each foot of height, measured from the highest vertical extension of the system, whichever is greater, from all property lines. The DPP recommends approval of Bill A.

ADDITIONAL INFORMATION CIRCULATED TO THE PLANNING COMMISSION

Relating to Wind Turbines

[47:44] [At this time Commissioner Marceau recused on the LUO Wind Machines matter and rejoined at a later time for the remaining items on the agenda]

[48:02] [Colloquy between Counsel Pang and Chair Lee]

[48:11] Counsel Pang reminded the Planning Commissioners that they closed the public testimony portion of the public hearing and of DPP at the March 17, 2021 meeting; therefore, the Planning Commissioners can only ask questions.

[48:31] Questioning by the Planning Commissioners to DPP

[49:03] Katia Balassiano, DPP, Land Use Permits Division Chief

[1:18:58] Counsel Duane Pang interprets the Planning Commission rule, Section 2-25(a), failure to reach a recommendation

[1:18:59] Discussion

[1:20:48] Chair Lee announces if any of Planning Commissioners want to share their field visit experience [no response]

[1:20:49] Discussion

[1:23:30] Commissioner Lim comments to DPP: 1) Requested DPP to submit a revised Bill A to reflect new setback distance; and 2) explain why the DPP is not going to change the height limits for wind machines in Section 21-4.60(c)(7)

[1:20:49] Chair Lee asked Counsel Pang if the Planning Commission is able to ask DPP to submit a revised proposal for consideration

[1:24:37] Counsel Pang advised that DPP can submit an amended proposal as amended orally, and cautioned the Planning Commission about the 90-day timeline for decision making [Planning Commission received the DPP's Director' Report/Council's Proposal on February 17, 2021].

[1:25:37] Chair Lee called for a recess and reconvened at 1:31:43

[1:31:45] Counsel Pang advised that the Planning Commission has until May 18, 2021 for decision making [90 days from receipt of Director's Report [Council's proposal], February 17, 2021], and that the Planning Commission could get additional data from DPP based on their internal information.

[1:33:41]

[It was moved by Hayashida and seconded by Chang that the decision making to a request for amendments to Chapter 21, Revised Ordinances of Honolulu 1990 (The Land use Ordinance), relating to wind machines be continued to Wednesday, May 12, 2021, to get data findings from the Department of Planning and Permitting (DPP). Motion was carried, 5:0:1; Commissioner Marceau recused.] [Note: Comments by the Planning Commissioners of DPP to include in the data findings: 1) The definition of the impact of having all property residential lines and suggestions as to some reasonable limit of property line definition; 2) answer as to whether

or not Section 21-4.60(c)(7) needs to be amended regarding heights which contains the specific ratio 1:1 wind machines height limit; 3) a revised Proposed Bill A; and 4) would it be practicable to have future onshore wind machines]

[1:34:50] Discussion [no response]

[1:36:26] Chair Lee calls for a roll call vote

[1:36:48] Chair Lee calls for the vote

[1:37:13]

IV. PUBLIC HEARING

Public hearing notice published in the Honolulu Star-Advertiser on April 16, 2021. The Commission will take action on each agenda item after public hearing is closed.

The Commission will consider the April 14, 2021 report and recommendation from the Director of the Department of Planning and Permitting (DPP) on the City Council initiated proposal to amend the Land Use Ordinance (LUO), relating to Nonconforming Uses.

The City Council initiated the following proposal to amend the LUO relating to Nonconforming Uses:

A REQUEST FOR AMENDMENTS TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU (ROH) 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO NONCONFORMING USES

Resolution No. 20-56, FD1, Relating to Nonconforming Uses: Amends LUO Section 21-4.110(c), Nonconforming Uses, to allow ordinary repairs on the nonconforming use portion of a structure to exceed 10 percent of the current replacement cost when the work is required to comply with City, State, or Federal mandates, or when the work involves that portion of a structure devoted to nonconforming hotel use.

DPP does not support the proposed amendment to the LUO and recommends that the Council vote to defer Resolution No. 20-56, FD1.

[1:39:02] [Commissioner Marceau rejoined the meeting]

[1:40:36] Public Testimony

- 1) Katia Balassiano, DPP, Land Use Permits Division Chief
- 2) Zachary Stoddard, DPP, Staff Planner

[1:57:46] Questioning by Planning Commissioners to DPP

[2:27:21] Chair Lee calls for a roll call

[2:27:53] Public Testimony (cont'd)

- 1) Ian MacNaughton

[2:32:07] Questioning by Planning Commissioners to Mr. MacNaughton

[2:35:43]

[It was moved by Chang and seconded by Kamo that the public testimony portion of the public hearing be closed. Motion was unanimously carried, 6:0.]

[2:36:45] [Commissioner Hayashida disclosed that he will abstain from voting]

[2:36:58]

[It was moved by Aki that the City Council's proposal, Resolution 20-56, FD1, relating to Nonconforming Uses be deferred. No one seconded, therefore, motion not carried.]

[2:37:26] Chair Lee states about the Planning Commission rule, Section 2-25 (a) and (b), failure to reach a recommendation

[2:38:04]

[It was moved by Lim and seconded by Kamo that Resolution 20-56, FD1, be approved as proposed in the Council-initiated Bill, and that 1) a modification to Section 21-4.110(c)(3)(C), page 2 of the Bill; and 2) add at the very end of the sentence to include "in the Diamond Head Special District". Motion not carried, 4:0:2; Commissioner Hayashida abstained and Commissioner Marceau dissented.] [Note: Counsel Pang advised that the matter automatically goes on to the next scheduled meeting to be re-voted on, pursuant to Planning Commission rule, Section 2-25(a)(b) failure to reach a recommendation.]

[2:41:00] Commissioner Marceau comments/clarification

[2:42:00] Chair Lee calls for a recess and reconvenes at 2:46:30

[2:46:31] Questioning by Commissioner Marceau and response by DPP

[2:47:49] Chair Lee clarifies Commissioner Lim's motion

[2:49:45] Chair Lee calls for a roll call vote to adjourn the April 28, 2021 Planning Commission meeting.

There being no further business before the Planning Commission, the meeting was adjourned by Chair Lee at approximately 3:42 p.m.

I certify that the foregoing is a true and correct summary of the proceedings, prepared to the best of my ability, of the meeting held on Wednesday, April 28, 2021.

Gloria Takara
Secretary-Hearings Reporter
Planning Commission

Adopted on May 12, 2021