

BILL010(22)
Testimony

MISC. COMM. 324

ZONING AND PLANNING

ZONING AND PLANNING Meeting

Meeting Date: Aug 25, 2022 @ 09:00 AM

Support: 51

Oppose: 9

I wish to comment: 35

Name: PAMELA ALMEIDA	Email: bsktlady97@yahoo.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Aug 21, 2022 @ 08:23 PM
Testimony: Recommend oppose all new wording in (a) through (c) because it allows an exemption from the zoning code for density, height and off street parking requirements which could be contrary to community plans, existing zoning, change the character of the neighborhood and disrupt community quality of life. We the people living in this community do not want these changes.		
Name: PAMELA ALMEIDA	Email: bsktlady97@yahoo.com	Zip: 96734
Representing: Self	Position: I wish to comment	Submitted: Aug 21, 2022 @ 08:24 PM
Testimony: Recommend keeping the existing wording in Article 5 Sec 21-5.720 to keep in mind that the true purpose of an accessory unit is to help alleviate the housing shortage. Recommend opposing the proposed definition of Accessory Residential Uses because it changes the intent and purpose of an accessory residential use from a way to increase the number of affordable rental units to Activities that provide services that indirectly support household living or group living uses. Accessory residential uses are operated by the owner or occupant of the principal residential use located on the same zoning lot.		
Name: PAMELA ALMEIDA	Email: bsktlady97@yahoo.com	Zip: 96734
Representing: Self	Position: I wish to comment	Submitted: Aug 21, 2022 @ 08:25 PM
Testimony: Recommend keeping existing LUO Home Occupation standards and definition in Sec. 21-5.350 shall be incidental and subordinate to the principal use of the site as a residence and shall not change the character or the external appearance of either the dwelling or the surrounding neighborhood. (b) Only household members shall be employed under the home occupation. The existing wording reflects the real purpose of a home is to house people and using a home as a business is secondary.		
Name: John Morgan	Email: johnmorgan@kualoa.com	Zip: 96744
Representing: Kualoa Ranch	Position: Oppose	Submitted: Aug 22, 2022 @ 02:12 PM
Name: Mitzie Higa	Email: mhiga@hsta.org	Zip: 96819
Representing: Hawaii State Teachers Association	Position: Support	Submitted: Aug 22, 2022 @ 03:28 PM
Name: Tessa Rothgeb	Email: tessatandal@me.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 22, 2022 @ 03:35 PM
Testimony: All properties within Ko'olina resort, need to be treated equally. It is unfair for properties within the same community to have different property rights.		
Name: Bruce Campbell	Email: bcampbelli@yahoo.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 22, 2022 @ 04:06 PM

<p>Testimony:</p> <p>The entire properties of the Fairways and Hillside communities should be included within the (bill 41) resort line. These communities are wholly within the resort, accessible only by resort owned and maintained roads, pay the same HOA and resort dues. It is unfair and discriminatory to divide communities within the resort and give them different property rights.</p>		
Name:	Email:	Zip:
Mathew Daniels	danielsmo34@yahoo.com	96707
Representing:	Position:	Submitted:
Self	Support	Aug 22, 2022 @ 05:13 PM
<p>Testimony:</p> <p>My community which resides under the same HOA some people have 30 a day rental requirement. While others under the same HOA have a 90 day rental requirement.</p>		
Name:	Email:	Zip:
Shanae Souza	shanae.souza@gmail.com	96707
Representing:	Position:	Submitted:
Self	Support	Aug 22, 2022 @ 05:17 PM
<p>Testimony:</p> <p>I support the amendment of the map to include all properties within Koolina resort. All Homeowners paying the same resort fees and belonging to the association should have the same rules applied.</p>		
Name:	Email:	Zip:
Elizabeth Daly	betsy_daly@yahoo.com	96707
Representing:	Position:	Submitted:
Self	Support	Aug 23, 2022 @ 05:36 AM
<p>Testimony:</p> <p>I strongly support Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which corrects the map so that all of the Ko'Olina properties in Fairways and Hillside are classified as legal TVU units. It is reasonable and fair that all properties located within each Ko 'Olina Resort community be classified with the same land use.</p> <p>Thank you,</p> <p>Elizabeth Daly</p>		
Name:	Email:	Zip:
Thomas Witten	twitten@pbrhawaii.com	96821
Representing:	Position:	Submitted:
Self	Oppose	Aug 23, 2022 @ 10:01 AM
Name:	Email:	Zip:
Elijah Rodrigues	1300800360@k12.hi.us	96814
Representing:	Position:	Submitted:
Self	Support	Aug 23, 2022 @ 10:49 AM
Name:	Email:	Zip:
Joiner Jimmy	2302000107@k12.hi.us	96822
Representing:	Position:	Submitted:
Self	Support	Aug 23, 2022 @ 11:18 AM
Name:	Email:	Zip:
Jay Joseph	1210801393@k12.hi.us	96814
Representing:	Position:	Submitted:
Self	Support	Aug 23, 2022 @ 11:39 AM
Name:	Email:	Zip:
Kevin Dieffenbach	kdmd3@msn.com	96707
Representing:	Position:	Submitted:

Self	I wish to comment	Aug 23, 2022 @ 12:19 PM
<p>Testimony:</p> <p>I strongly support Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which corrects the map so that all of the Ko'Olina properties in Fairways and Hillside are classified as legal TVU units. It is reasonable and fair that all properties located within each Ko 'Olina Resort community be classified with the same land use.</p> <p>Thank you</p>		
Name: Rouen Liu	Email: rouen.liu@hawaiianelectric.com	Zip: 96840
Representing: Hawaiian Electric	Position: I wish to comment	Submitted: Aug 23, 2022 @ 02:15 PM
Name: Stephanie Brooker	Email: stephmignon@gmail.com	Zip: 90293
Representing: Self	Position: Support	Submitted: Aug 23, 2022 @ 03:51 PM
<p>Testimony:</p> <p>Hi Councilmembers,</p> <p>Thank you so much Councilwoman Tupola for putting forth the new version of this map as it relates to the rights of Ko'olina homeowners and 30-day rentals. As you know, my husband and I have been very involved in attempting to correct the map related to TVUs. We are extremely happy to see this amendment and hope that all council members vote "yes" to include it. As stated previously, we specifically bought this property in Ko'olina to utilize the 30-day rental ability in what is known around the world as a resort zone. We think it's equitable to treat all Ko'Olina homeowners equally.</p> <p>Thanks,</p> <p>Stephanie Brooker</p>		
Name: Levi Brooker	Email: levibrooker@gmail.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 23, 2022 @ 04:17 PM
<p>Testimony:</p> <p>I strongly support Councilmember Andria Tupola's proposed amendment to Bill 10 (2022), CD1: CC-237[2022], which reinstates ALL properties in Ko Olina Fairways and Ko Olina Hillside Villas as legal TVU units. It is reasonable and fair that all properties located with Ko Olina Resort be treated the same.</p>		
Name: Ryan Schreiber	Email: ryan@schreiberpulpvirenti.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 23, 2022 @ 04:41 PM
<p>Testimony:</p> <p>I strongly support Councilmember Andria Tupola's proposed amendment to Bill 10 (2022), CD1: CC-237[2022], which reinstates ALL properties in Ko Olina Fairways and Ko Olina Hillside Villas as legal TVU units. The ordinance contains a map that arbitrarily and capriciously draws a line through the existing communities of Ko Olina Fairways and Ko Olina Hillside Villas. According to the map, properties located on the eastern side of this line would not be permitted to operate as TVUs; however, in Hillside Villas in particular, nearly all of the units on the western side of the line are farther from the hotel properties located at the resort in walking/driving miles than those on the eastern side, as Hillside Villas has only one passable means of ingress and egress either on foot, bicycle or motorized vehicle. The use of distances "as the crow flies" in the ordinance's map create a disparate impact in the law to the detriment of many units which are actually closer to the hotels by any measure of distance that any person would practically be required to traverse between Hillside Villas and the remainder of the resort. Furthermore, there is only one legal means of ingress and egress by car or other vehicle from the resort (via Alii'nui Drive to Farrington Highway), adding further proof that all units in all developments of Ko Olina are part of the resort.</p>		

Name: Cameron McNairy	Email: cameron@computer.org	Zip: 80528
Representing: Self	Position: Support	Submitted: Aug 23, 2022 @ 05:27 PM
<p>Testimony:</p> <p>To Whom It May Concern,</p> <p>I am writing in hopes that it may influence you to correct the egregious wrong that was arbitrarily foisted upon some residents of KoOlina Resort when Ordinance 41 was passed earlier this year. The final map approved indicates units officially recognized as within the KoOlina Resort and thus eligible for Transient Vacation Unit (TVU) designation and permitting . This map incorrectly and seemingly arbitrarily identified some homes as out of the KoOlina Resort boundaries and even split portions of developments with some units outside the KoOlina Resort designation and others outside the KoOlina Resort designation when all of the units are clearly and unambiguously within and a part of the KoOlina Resort.</p> <p>I understand that Ordinance 10 is being presented to correct this embarrassing error and correctly and officially recognize all units and development areas within KoOlina Resort , specifically all units and portions of Fairways at KoOlina Resort Hillside Villas at KoOlina Resort developments as within the KoOlina Resort and thus eligible for TVU designation and permitting.</p> <p>Please support actions to equally recognize the unique nature and intent of homes and developments within KoOlina Resort.</p> <p>Sincerely,</p> <p>Cameron McNairy</p>		
Name: Amy Goucher	Email: amy.c.goucher@outlook.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 23, 2022 @ 05:29 PM
<p>Testimony:</p> <p>I strongly support Councilmember Andria Tupola's proposed amendment to Bill 10 (2022), CD1: CC-237[2022], which reinstates ALL properties in Ko Olina Fairways and Ko Olina Hillside Villas as legal TVU units. It is reasonable and fair that all properties located with Ko Olina Resort be treated the same.</p>		
Name: Taylor Goucher	Email: tgoucher44@gmail.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 23, 2022 @ 05:33 PM
<p>Testimony:</p> <p>I strongly support Councilmember Andria Tupola's proposed amendment to Bill 10 (2022), CD1: CC-237[2022], which reinstates ALL properties in Ko Olina Fairways and Ko Olina Hillside Villas as legal TVU units. It is reasonable and fair that all properties located with Ko Olina Resort be treated the same.</p>		
Name: Jim Tree	Email: ssitree@aol.com	Zip: 96707
Representing: Self	Position: I wish to comment	Submitted: Aug 23, 2022 @ 06:31 PM
<p>Testimony:</p> <p>I am writing in support of councilmember Adnria Tupola's revised map in the Ko Olina Resort Community. This new map is the correct way to treat the Ko Olina area. This entire resort community consists of 640 acres with fencing and walls around the perimeter and a single entrance and exit. The entire Ko Olina Resort was built with infrastructure to accommodate the visitor population. Ko Olina is made up of a Resort District which includes the Beach Front properties of The Four Seasons built in 1993 as the Ihilani Hotel, The Marriott Beach Club built in 2003, Beach Villas opened in 2007, and Aulani opened in 2011. The Beach Club is at least partially on A-2 lots that are allowed short-term rentals on the LUO map. All of these beach front properties have had legal short-term rentals since they were opened. They will all be able to continue to have short-term rentals after the passage</p>		

of Bill 41.

In addition, to these beach front properties there are also 5 communities on A-1 lots that are built around the Ko Olina golf course and surrounding the Resort District. These five communities are all inside the Ko Olina gate, are referred to as Fairways built in 1995 with 280 2 and 3 bedroom units, Kai Lani which was built in 2003 and has 280 2 and 3 bedroom units, Coconut Plantation built in 2004 and has 270 2, 3, and 4 bedroom plantation style homes, Ko Olina Kai built in 2006 and has 264 2 and 3 bedroom residences, and Hillside built in 2006 with 174 2 and 3 bedroom units. Under Bill 41/Ordinance 22-7 all of the units in Ko Olina are allowed short-term rentals except for half of 2 communities on A-1 lots, Hillside and Fairways. Why half of these two communities were left off the map for approved TVUs is unknown. At the final hearing before Bill 41 passed third reading several Ko Olina residents had become aware of this discrepancy and testified asking for the map to be amended before passage of Bill 41. They felt this amendment was necessary to bring in the other half of Hillside and Fairways, to not cut a community down the middle, and for fundamental fairness. The council chair stated it was important to move forward with Bill 41, but the map could be corrected at a later day. Today is that day and I ask you to adopt Ms. Tupola's map to bring equity to the communities at Ko Olina.

Jim Tree

Name: Kathleen Harvey	Email: dandk1@msn.com	Zip: 96707
Representing: Self	Position: I wish to comment	Submitted: Aug 23, 2022 @ 07:00 PM

Testimony:

I strongly support Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which reinstates the Ko'Olina properties in Fairways and Hillside as legal TVU units. It is reasonable and fair that all properties located with Ko 'Olina Resort be treated the same."

Name: Tracy Tonaki	Email: ttonaki@drhorton.com	Zip: 96813
Representing: D.R. Horton	Position: Support	Submitted: Aug 23, 2022 @ 07:11 PM

Name: Ronald Weidenbach	Email: hawaiiifish@gmail.com	Zip: 96791
Representing: Hawaii Aquaculture and Aquaponics Association	Position: I wish to comment	Submitted: Aug 23, 2022 @ 07:40 PM

Name: Chris John	Email: chris_john26@msn.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 23, 2022 @ 09:30 PM

Testimony:

I strongly support Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which reinstates the Ko'Olina properties in Fairways and Hillside as legal TVU units. It is reasonable and fair that all properties located with Ko 'Olina Resort be treated the same.

Name: Frederick Mencher	Email: frederickmencher@gmail.com	Zip: 96817
Representing: East Oahu County Farm Bureau	Position: I wish to comment	Submitted: Aug 24, 2022 @ 12:13 AM

Name: James Stewart	Email: stewjl615@gmail.com	Zip: 96707
Representing: Self	Position: I wish to comment	Submitted: Aug 24, 2022 @ 05:56 AM

<p>Testimony:</p> <p>I strongly support Councilmember Andria Tupola's proposed amendment to Bill 10 (2022), CD1: CC-237[2022], which reinstates ALL properties in Ko Olina Fairways and Ko Olina Hillside Villas as legal TVU units. It is reasonable and fair that all properties located within the Ko Olina Resort be treated the same, and it is wrong to divide any community arbitrarily with new regulation.</p>		
Name:	Email:	Zip:
Bonnie Daniels	unkuskicpht@yahoo.com	96707
Representing:	Position:	Submitted:
Self	Support	Aug 24, 2022 @ 06:32 AM
<p>Testimony:</p> <p>"I strongly support Councilmember Andria Tupola's proposed amendment to Bill 10 (2022), CD1: CC-237[2022], which reinstates ALL properties in Ko Olina Fairways and Ko Olina Hillside Villas as legal TVU units. It is reasonable and fair that all properties located with Ko Olina Resort be treated the same."</p>		
Name:	Email:	Zip:
Dearonne Bethea	dearonnebethea@gmail.com	96707
Representing:	Position:	Submitted:
Self	I wish to comment	Aug 24, 2022 @ 06:54 AM
<p>Testimony:</p> <p>I strongly support Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which reinstates the Ko'Olina properties in Fairways and Hillside as legal TVU units. It is reasonable and fair that all properties located with Ko 'Olina Resort be treated the same. There is only one way into the resort and one way out. Both Hillside and Fairways are within our resort.</p>		
Name:	Email:	Zip:
Helen Hampton	2h4ohana@gmail.com	96707
Representing:	Position:	Submitted:
Self	Support	Aug 24, 2022 @ 07:03 AM
<p>Testimony:</p> <p>"I strongly support Representative Andrea Tupola's proposed amendment to Bill 10-CD2. Hillside and Fairways should be given the same rights and not be divided. There is no justifiable reason why the two neighborhoods should be split in half. It is reasonable and fair that all properties located with Ko 'Olina Resort be treated the same."</p>		
Name:	Email:	Zip:
Deon Johnson	deonterreljohnson@gmail.com	96707
Representing:	Position:	Submitted:
Self	I wish to comment	Aug 24, 2022 @ 07:30 AM
<p>Testimony:</p> <p>I don't believe it's fair to divide our communities, we all are apart of the same Ko Olina Resort.</p>		
Name:	Email:	Zip:
Brian Miyamoto	brian@hfbf.org	96759
Representing:	Position:	Submitted:
Hawaii Farm Bureau	I wish to comment	Aug 24, 2022 @ 07:52 AM
Name:	Email:	Zip:
Lori Stewart	lsstew54@gmail.com	96707
Representing:	Position:	Submitted:
Self	I wish to comment	Aug 24, 2022 @ 07:56 AM
<p>Testimony:</p> <p>I strongly support Council member Andria Tupola's proposed amendment to Bill 10 (2022), CD1: CC-237[2022], which reinstates ALL properties in Ko Olina Fairways and Ko Olina Hillside Villas as legal TVU units. It is reasonable and fair that all properties located within the Ko Olina Resort be treated the same, and it is wrong to divide any community arbitrarily with new regulation.</p>		
Name:	Email:	Zip:

Mike Pietsch	mike@tghawaii.com	96821
Representing: Self	Position: I wish to comment	Submitted: Aug 24, 2022 @ 08:14 AM
Name: Mitzie Higa	Email: mhiga@hsta.org	Zip: 96819
Representing: Hawaii State Teachers Association	Position: Support	Submitted: Aug 24, 2022 @ 08:43 AM
Name: Michael Watson	Email: michael.watson@dish.com	Zip: 80112
Representing: DISH Wireless	Position: I wish to comment	Submitted: Aug 24, 2022 @ 08:46 AM
Testimony: Written testimony submitted on behalf of DISH Wireless will be submitted by another DISH Wireless representative. I only wish to provide brief comments during the meeting.		
Name: Laverne Moore	Email: laverne.moorehi@gmail.com	Zip: 96825
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 08:47 AM
Name: Martha Moses	Email: 2650900763@k12.hi.us	Zip: 96814
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 08:57 AM
Name: Micah Munekata	Email: mmunekata@ulupono.com	Zip: 96813
Representing: Ulupono Initiative	Position: I wish to comment	Submitted: Aug 24, 2022 @ 09:03 AM
Name: Sunny Unga	Email: kahukucommunityassociation@gmail.com	Zip: 96731
Representing: Kahuku Community Association	Position: Oppose	Submitted: Aug 24, 2022 @ 09:14 AM
Name: Christopher Delaunay	Email: cdelaunay@prp-hawaii.com	Zip: 96813
Representing: Pacific Resource Partnership	Position: Support	Submitted: Aug 24, 2022 @ 09:20 AM
Name: Marcus Barnes	Email: marcuslaray@gmail.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 09:50 AM
Testimony: "I strongly support and stand behind Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which reinstates the Ko'Olina properties in Fairways and Hillside as legal TVU units. It's completely within reasons to do so for All of Ko Olina Properties as it also help pours more revenue into the resort communities. It's definitely fair that all properties located with Ko 'Olina Resort be treated the same.		
Name: Carol and Michael Christie	Email: christiem001@gmail.com	Zip: 96707

Representing: Self	Position: Oppose	Submitted: Aug 24, 2022 @ 10:24 AM
<p>Testimony:</p> <p>My husband and I have lived in the Fairways in KoOlina for 22 years. We own 2 units. One is on the "good" side (33D) and our 2nd condo which is our home is on the "bad" side 8C. I am a recently retired nurse and my husband retired from KoOlina marina as a boat captain , fisherman and boat repair business. We spent the first part of this year investing time, money and hard wrk getting our place ready to vacation rental. We were shutdown by the division of our condominium complex. The line that divided our property and preventing us from doing 30 day rental destroyed our retirement plan that we've planned for the last 27 years I have not been able to find anyone thus far who understands or believes this decision makes any sense. I would appreciate our mayor and councilmen to take a serious look at this decision that decided our complex in half.</p>		
Name: nani rose baker	Email: 1110901964@k12.hi.us	Zip: 96814
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 10:25 AM
<p>Testimony:</p> <p>TESTIMONY BEFORE THE HONOLULU CITY COUNCIL ZONING AND PLANNING COMMITTEE RE: BILL 10 (2022) CC-241 (2022) Proposed Amendments (2022) THURSDAY, AUGUST 25, 2022</p> <p>Chair Elefante, Vice ChairKai'aina, and Members of the Honolulu City Council Zoning and Planning Committee:</p> <p>I am nani rose baker american problems at McKinley High School and one of my class projects is to submit a testimony to the Honolulu City Council Zoning and Planning Committee in strong support for affordable teacher housing and the workforce</p> <p>A major problem in Hawaii is affordable housing mainly rental for teachers and the workforce. Many of our certified teachers had students move away from Hawaii because they could not afford the rent.in place of certified teachers,and shortage of substitutes, principal, vice principals, security guards, health aids, counselor, librarians, and whoever the sasa can find to watch the class. Many times, students are sent to the cafeteria, library, the gym or outdoors for their class in Hawaii.</p> <p>Bill 10 with it proposed amendments in needed to retain and attract certified teachers in hawaii for a better educational system.</p>		
Name: Willson Shi	Email: 1261700084@k12.hi.us	Zip: 96814
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 10:35 AM
Name: Andy Lieu	Email: 1310901093@k12.hi.us	Zip: 96814
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 10:37 AM
Name: Nicolas Apaka	Email: 1350701413@k12.hi.us	Zip: 96814
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 10:41 AM
Name: David Tanoue	Email: davidt@rmtowill.com	Zip: 96819
Representing: HASEKO (Ewa), Inc. and Hoakalei Resort	Position: Support	Submitted: Aug 24, 2022 @ 10:53 AM
Name: Cameron McNairy	Email: cameron@computer.org	Zip: 80528
Representing: Self	Position: I wish to comment	Submitted: Aug 24, 2022 @ 11:32 AM
<p>Testimony:</p> <p>To Whom It May Concern,</p>		

I previously submitted testimony and comment regarding Bill 10 based on the fact that it included text that clearly and officially identified the obvious fact all units and developments within Ko 'Olina Resort are indeed part of Ko 'Olina Resort. This includes the partially recognized units in the Fairways and Hillside Villas at Ko 'Olina Resort.

I learned that Representative Tupola's amendment (Bill 10- CD2 Amendment), that would correct the glaring and capricious error in Bill 41 that excluded some units of Hillside and Fairways developments from Ko 'Olina Resort umbrella has been removed from consideration of Bill 10.

I request that Representative Tupola's amendment (Bill 10- CD2 Amendment) as originally proposed, to include ALL of Fairways and Hillside properties as Resort zoned and legal STR properties, be resubmitted, considered and included in Bill 10, and passed by the Committee. It is reasonable and fair that properties located within Ko 'Olina Resort, including ALL of Fairways and Hillside be treated the same with equal property rights.

Sincerely,

Cameron McNairy

Name: Rod De la Rosa	Email: rod.delarosa1@t-mobile.com	Zip: 94549
Representing: T-Mobile	Position: Support	Submitted: Aug 24, 2022 @ 11:41 AM

Testimony:
In favor of language provided by T-Mobile.

Name: Lourdes Shiota-Uno	Email: shiota.uno106@gmail.com	Zip: 96707
Representing: Self	Position: I wish to comment	Submitted: Aug 24, 2022 @ 01:26 PM

Testimony:
As a homeowner of a Ko'Olina property I am writing to request that Representative Tupola's amendment (Bill 10- CD2 Amendment) as originally proposed, to include ALL of Fairways and Hillside properties as Resort zoned and legal STR properties, be resubmitted, considered and included in the Bill, and passed by the Committee. It is reasonable and fair that properties located within Ko 'Olina Resort, including ALL of Fairways and Hillside be treated the same with equal property rights. Thank you.

Name: EVOTIA LOLOTAI	Email: evotia.lolotai@gmail.com	Zip: 96731
Representing: Self	Position: Oppose	Submitted: Aug 24, 2022 @ 01:33 PM

Testimony:
I am in full support of the 1.25 mile setback in the original Bill 10 as recommended by DPP but oppose the 1 mile setback recommended in CD1.

Name: Kristen Vasquez	Email: sawonglaw@hawaii.rr.com	Zip: 96813
Representing: Ko Olina Community Association, Inc.	Position: I wish to comment	Submitted: Aug 24, 2022 @ 01:35 PM

Name: Terence Tang	Email: terence.tang@gmail.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 01:41 PM

Testimony:
I strongly support Councilmember Andria Tupola's proposed amendment to Bill 10 (2022), CD1: CC-237[2022], which reinstates

ALL properties in Ko Olina Fairways and Ko Olina Hillside Villas as legal TVU units. It is reasonable and fair that all properties located with Ko Olina Resort be treated the same.

Name: Nicole Galase	Email: nicole@hicattle.org	Zip: 96721
Representing: Hawaii Cattlemen's Council	Position: I wish to comment	Submitted: Aug 24, 2022 @ 01:52 PM

Name: Terence Tang	Email: terence.tang@gmail.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 01:53 PM

Testimony:
I strongly support Councilmember Andria Tupola's proposed amendment to Bill 10 (2022), CD1: CC-237[2022], which reinstates ALL properties in Ko Olina Fairways and Ko Olina Hillside Villas as legal TVU units. It is reasonable and fair that all properties located with Ko Olina Resort be treated the same.

Name: Makayla Rivera	Email: 1382200281@k12.hi.us	Zip: 96814
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 02:19 PM

Name: Shea Miyasato	Email: 1491000795@k12.hi.us	Zip: 96814
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 02:22 PM

Name: Berk Gursoy	Email: berk.gursoy@brookfieldrenewable.com	Zip: 90017
Representing: Brookfield Renewable	Position: Oppose	Submitted: Aug 24, 2022 @ 02:46 PM

Name: Corine Toth	Email: cto013@gmail.com	Zip: 96707
Representing: Self	Position: I wish to comment	Submitted: Aug 24, 2022 @ 02:54 PM

Testimony:
I strongly support Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which reinstates the Ko'Olina properties in Fairways and Hillside as legal STR units. It is reasonable and fair that all properties located with Ko 'Olina Resort be treated the same.

Name: Ana Tuiasosopo	Email: atuiasosopo@oe3.org	Zip: 96707
Representing: Hawaii Operating Engineers Local Union 3	Position: Support	Submitted: Aug 24, 2022 @ 03:24 PM

Name: Kenneth Athans	Email: sea2adm98@gmail.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 03:34 PM

Testimony:
I am a Koolina homeowner and strongly support Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which reinstates the Ko'Olina properties in Fairways and Hillside as legal TVU units. It is reasonable and fair that all properties located with Ko 'Olina Resort be treated the same.

Warmest Aloha,
Ken and Wendy Athans

Name: Ailie Souriolle	Email: ailiemartin@yahoo.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 03:36 PM

Testimony:
I strongly support Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which reinstates the Ko'Olina properties in Fairways and Hillside as legal TVU units. It is reasonable and fair that all properties located with Ko 'Olina Resort be treated the same.

Name: Christina Tang	Email: ctang@demandbase.com	Zip: 96707
Representing: Self	Position: I wish to comment	Submitted: Aug 24, 2022 @ 03:57 PM

Testimony:
I strongly support Council member Andria Tupola's proposed amendment to Bill 10 (2022), CD1: CC-237[2022], which reinstates ALL properties in Ko Olina Fairways and Ko Olina Hillside Villas as legal TVU units. It is reasonable and fair that all properties located with Ko Olina Resort be treated the same.

Christina Tang
Hillside Resident

Name: Benjamin Sadoski	Email: bsadoski@5.unitehere.org	Zip: 96818
Representing: UNITE HERE Local 5	Position: I wish to comment	Submitted: Aug 24, 2022 @ 04:32 PM

Name: Jacob Franco	Email: jac1snake@yahoo.com	Zip: 96731
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 05:32 PM

Name: Robert Shiota	Email: betx994@gmail.com	Zip: 96707
Representing: Self	Position: I wish to comment	Submitted: Aug 24, 2022 @ 05:44 PM

Testimony:
I strongly support Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which reinstates the Ko'Olina properties in Fairways and Hillside as legal STR units. It is reasonable and fair that all properties located with Ko 'Olina Resort be treated the same.

Name: Katherine Holmes	Email: katherine.p.holmes@gmail.com	Zip: 96707
Representing: Self	Position: I wish to comment	Submitted: Aug 24, 2022 @ 07:17 PM

Testimony:
I strongly support Councilmember Andria Tupola's proposed amendment to Bill 10 (2022), CD1: CC-237[2022], which reinstates ALL properties in Ko Olina Fairways and Ko Olina Hillside Villas as legal TVU units. It is reasonable and fair that all properties located with Ko Olina Resort be treated the same.

Name: Donna Wong	Email: htf3000@gmail.com	Zip: 96734
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Representing: Hawaii's Thousand Friends	Position: I wish to comment	Submitted: Aug 24, 2022 @ 07:17 PM
Name: Christina Tang	Email: christina@eventdetails.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 08:08 PM
Testimony: "I request that Representative Tupola's amendment (Bill 10- CD2 Amendment) as originally proposed, to include ALL of Fairways and Hillside properties as Resort zoned and legal STR properties, be resubmitted, considered and included in the Bill, and passed by the Committee. It is reasonable and fair that properties located within Ko 'Olina Resort, including ALL of Fairways and Hillside be treated the same with equal property rights."		
Name: Terence Tang	Email: terence.tang@gmail.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 08:09 PM
Testimony: "I request that Representative Tupola's amendment (Bill 10- CD2 Amendment) as originally proposed, to include ALL of Fairways and Hillside properties as Resort zoned and legal STR properties, be resubmitted, considered and included in the Bill, and passed by the Committee. It is reasonable and fair that properties located within Ko 'Olina Resort, including ALL of Fairways and Hillside be treated the same with equal property rights."		
Name: Renee Pandit	Email: reneepandit001@gmail.com	Zip: 96706
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 08:33 PM
Testimony: I request that Representative Tupola's amendment (Bill 10- CD2 Amendment) as originally proposed, to include ALL of Fairways and Hillside properties as Resort zoned and legal STR properties, be resubmitted, considered and included in the Bill, and passed by the Committee. It is reasonable and fair that properties located within Ko 'Olina Resort, including ALL of Fairways and Hillside be treated the same with equal property rights.		
CC-237< https://hnlidoc.ehawaii.gov/hnlidoc/document-download?id=14849 > (2022)< https://hnlidoc.ehawaii.gov/hnlidoc/document-download?id=14849 > Councilmember Tupola, submitting further proposed amendments to Bill 10 (2022), CD1.		
Name: Nishant Pandit	Email: nishant.s.pandit@gmail.com	Zip: 96706
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 08:37 PM
Testimony: I request that Representative Tupola's amendment (Bill 10- CD2 Amendment) as originally proposed, to include ALL of Fairways and Hillside properties as Resort zoned and legal STR properties, be resubmitted, considered and included in the Bill, and passed by the Committee. It is reasonable and fair that properties located within Ko 'Olina Resort, including ALL of Fairways and Hillside be treated the same with equal property rights.		
CC-237< https://hnlidoc.ehawaii.gov/hnlidoc/document-download?id=14849 > (2022)< https://hnlidoc.ehawaii.gov/hnlidoc/document-download?id=14849 > Councilmember Tupola, submitting further proposed amendments to Bill 10 (2022), CD1.		
Name: Kathleen Pahinui	Email: pahinuik001@hawaii.rr.com	Zip: 96791
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 08:46 PM
Name:	Email:	Zip:

Larry McElheny	lkmcelheny@gmail.com	96712
Representing: Self	Position: I wish to comment	Submitted: Aug 24, 2022 @ 08:56 PM
Name: Broderick Ward	Email: broderick.ward@gmail.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 09:50 PM
Testimony: I strongly support Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which reinstates the Ko'Olina properties in Hillside and Fairways as legal TVU units. It is reasonable and fair that all properties located within Ko 'Olina Resort be treated the same. We all equally pay HOA and should be treated fairly in this situation.		
Name: Larry Mays	Email: larrymays284@gmail.com	Zip: 96707
Representing: Self	Position: Oppose	Submitted: Aug 24, 2022 @ 10:01 PM
Testimony: I Larry Mays, Strongly support Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which reinstates the Ko'Olina properties in Fairways and Hillside as legal TVU units. It is reasonable and fair that all properties located with Ko 'Olina Resort be treated the same."		
Name: Julian Simmons	Email: jsimms0520@gmail.com	Zip: 96701
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 10:09 PM
Testimony: To whom this may concern, I strongly support Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which reinstates the Ko'Olina properties in Fairways and Hillside as legal TVU units. It is reasonable and fair that all properties located with Ko 'Olina Resort be treated the same.		
Name: Jesse Pittman	Email: misterpittman21@gmail.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 10:21 PM
Testimony: "I strongly support Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which reinstates the Ko'Olina properties in Fairways and Hillside as legal TVU units. It is reasonable and fair that all properties located with Ko 'Olina Resort be treated the same. As a homeowner of two years in the Ko'Olina Hillside Villas, I feel that this would bring our entire community together as a whole. It is my belief that everyone is divided, and our people are creating questionable relationships in terms of networking, in efforts to find that gray area which allows them to operate as TVU units just like everyone else. These are not allegations, this is open dialogue that happens amongst most owners that I know. As a veteran that suffers from anxiety due to combat, feeling mistreated doesn't help my situation, and I can speak for myself and many others. Not reinstating this law is considered mistreatment!!		
Name: Denise Antolini	Email: antolinid@gmail.com	Zip: 96712
Representing: Self	Position: Oppose	Submitted: Aug 24, 2022 @ 10:22 PM
Name: Ebrima Mbai	Email: ebrimambai@gmail.com	Zip: 96707
Representing:	Position:	Submitted:

Self	Support	Aug 24, 2022 @ 10:25 PM
<p>Testimony:</p> <p>I emphatically support Representative Tupola's proposed amendment to reinstate the Ko'Olina properties in Fairways and Hillside as legal TVU units. It is imperative that all properties in the resort are treated the same.</p>		
Name: Rhonda Edwards	Email: rhonda.t.edwards1@gmail.com	Zip: 96707
Representing: Self	Position: I wish to comment	Submitted: Aug 24, 2022 @ 10:27 PM
<p>Testimony:</p> <p>Members of the Board,</p> <p>Representative Andrea Tupola's proposed amendment to Bill 10-CD2 is strongly supported my family and I. To reinstates the Ko'Olina properties in Fairways and Hillside as legal TVU units is a blessing and not a curse. All properties located in Ko'Olin should be equal and. It divided. The locations of both Hillside and Fairways are located with in the resort areas and should be given the same treatments as the other properties. I hope that this request is heard and taken into account in the name of equality! Thank You</p>		
Name: RACQUEL ACHIU	Email: RHACHIU@GMAIL.COM	Zip: 96791
Representing: Self	Position: Support	Submitted: Aug 24, 2022 @ 11:36 PM
<p>Testimony:</p> <p>ALOHA! I am writing in support of BILL 10. However, as an active farmer/rancher i respectfully ask to please consider these points in potential amendments. With regard to Agritourism, 75% vs 50% dedication to active agricultural for the duration of operation, is reasonable and supports true to Agriculture. Also, ANY ACTIVITY NOT COMPLIANT to the actual form of active agriculture (crops, livestock, fisheries etc etc) should require a CUP MAJOR. For example, Weddings, ATV's, Trailer/Tiny Home Accommodations, Entertainment activities/facilities/structures etc etc (THESE ACTIVITIES SHOULD NOT EVEN BE A CONSIDERATION ON AG LAND) AG LANDS should be restricted for the sole purpose of AGRICULTURAL USE. We MUST KEEP AG LANDS as AG LANDS - we are losing vast amounts of AG LAND to development and illegal commercial use! We must be very careful to ensure the integrity of our ag lands and their intended use. The section of NEW USES, in my opinion, creates a very dangerous open window to allow mis use of lands. We must be very clear of what is permissible and what is not. Fines and penalties for non compliance MUST be enforced and pursued. The enforcement of action and fines would provide clarity to offenders as well as appropriate funds to support the enforcing agency with resources to continue to consistently protect our process, guidelines and integrity of lands and their appropriate use.</p>		
Name: Joshua Moore	Email: joshua.d.moore61@gmail.com	Zip: 96707
Representing: Self	Position: I wish to comment	Submitted: Aug 25, 2022 @ 05:38 AM
<p>Testimony:</p> <p>I strongly support Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which reinstates the Ko'Olina properties in the Fairways and Hillside as legal TVU units. It is fair and reasonable that all properties located within Ko 'Olina Resort be treated the same.</p>		
Name: Kim Allen	Email: kim.allen@wirelesspolicy.com	Zip: 98359
Representing: Wireless Policy Group, LLC on behalf of Verizon Wireless	Position: I wish to comment	Submitted: Aug 25, 2022 @ 06:40 AM
<p>Testimony:</p>		

Thank you for the opportunity to submit comment on behalf of Verizon Wireless regarding the proposed update to the wireless code. With ever increasing demand for more network capacity and new services, a current and workable code facilitates meeting that demand. Verizon supports and joins in the comments below submitted by Meridee Pabst on behalf of AT&T on July 13, 2022:

"On page 42, subsection (F)(iii), the only reason listed for an applicant to demonstrate that collocation on an existing tower is not feasible is if there is a "lack of space."

"There can be many reasons an existing tower is not feasible or unavailable, so AT&T suggests elaborating as follows: "or other evidence that collocation on such existing towers is technically infeasible (such as when precluded by zoning constraints, radio frequency interference, or structural limitations, or where an alternative location will not meet the service coverage objectives of the applicant) or that the applicant is unable to obtain agreement by the owner of such tower on reasonable terms."

These are reasons other jurisdictions typically find that collocation on another tower is not possible.

Another comment is that AT&T asks that Honolulu consider providing some additional guidance about what kinds of concealment are acceptable. One example is a newer technology, a wrap of reflective film that obscures an antenna because it is reflecting the appearance of the sky. AT&T has approved use of this method of concealment in other markets, and it may be a good solution in Hawaii. AT&T thinks a little more detail in the concealment language can help guide applicants and keep staff, the public, and service provisions on the same page as far as expectations."

Verizon looks forward to working with staff as the code moves forward to help clarify the language discussed above.

Thank you.

Kim Allen, on behalf of AT&T

Name: Sandie Wong	Email: sawonglaw@hawaii.rr.com	Zip: 96817
Representing: Ko olina community association	Position: I wish to comment	Submitted: Aug 25, 2022 @ 06:57 AM

Testimony:
I support council member tupola's amendment. I am in opposition to the 1 mile setback for wind machines. Mahalo

Name: Rebecca Dayhuff-Matsushima	Email: rebecca.matsushima@hawaiianelectric.com	Zip: 96840
Representing: Hawaiian Electric	Position: I wish to comment	Submitted: Aug 25, 2022 @ 07:10 AM

Testimony:
I am available to answer questions on Bill 10 on behalf of Hawaiian Electric.

Name: Matt Miura	Email: mmiura@synergy.cc	Zip: 96816
Representing: Synergy Advantage Engineers	Position: I wish to comment	Submitted: Aug 25, 2022 @ 07:56 AM

Testimony:
My name is Matt Miura, I am a licensed electrical engineer in the State of Hawaii, I have worked in wireless and telecommunications development in Hawaii for 30 years, and I wish to share my perspective as both a long-time local resident and as a professional in wireless and telecommunications development. The requirements in Bill 10 have a significant impact on the development of telecommunications facilities in the City and County of Honolulu.

In the past, the City has encouraged the development of wireless telecommunications infrastructure for the benefit of the residents and communities on Oahu to support education, social and community organization, and economic development. The previous rules recognized the significant benefits to the community from investment in telecommunications infrastructure, and have sought to strike a balance between federal, state, and local regulation and the encouragement of development.

The proposed bill doesn't fully take into account all of the federal oversight within the telecommunications industry, and I worry about the impacts of Bill 10 without further dialogue between stakeholders in my industry and the City Council. I encourage the members of the City Council to open a transparent dialogue with the industries affected by this bill for the benefit of all involved.

Name: Grant Nakaya	Email: gnakaya@synergy.cc	Zip: 96817
Representing: Synergy Advantage Engineers	Position: I wish to comment	Submitted: Aug 25, 2022 @ 08:38 AM

Testimony:

My name is Grant Nakaya, I am a Site Acquisition Specialist with Synergy Advantage Engineers in Hawaii specializing in Land Use and Zoning issues.

I am concerned about the specific impact of provisions within Bill 10 that would affect telecommunications development to the detriment of both the companies which provide wireless utilities in Hawaii, and the communities which they serve. Proposed provisions such as separately defining tower antennas and stealth antennas, and requiring that tower antennas must obtain a Major Conditional Use Permit, and requiring stealthing and very specific installation requirements for building mounted antennas would negatively affect the development of wireless sites on Oahu and negatively impact the communities which those sites serve.

These provisions would drastically increase the cost and time of development, which would hamper the ability of wireless service providers to adjust to population and wireless services demands as communities grow and change, and would ultimately negatively impact the services provided in areas where demand for wireless bandwidth outgrows what is available, slowing down data speeds, reducing the reliability of wireless services, and increasing the cost of wireless services.

I would like to encourage the City Council to open a dialogue with stakeholders in the telecommunications industry so that a balance can be reached between the need for local regulation, and the ability of wireless service providers to adapt to changes in the community in a timely and cost efficient manner.

Name: Nicholas Jakubowski	Email: Njake1390@gmail.com	Zip: 95076
Representing: Self	Position: Support	Submitted: Aug 25, 2022 @ 08:40 AM

Testimony:

My sister asked me to write a testimony. She said she supports koolina in 30-day rentals but that cutting a neighborhood down the middle makes no sense. Peace out and mahalo.

Name: Adam Carlson	Email: acandjc@twc.com	Zip: 96707
Representing: Self	Position: Support	Submitted: Aug 25, 2022 @ 08:53 AM

Testimony:

I'm in strong support of Representative Andrea Tupola's proposed amendment to Bill 10-CD2, which reinstates the KoOlina properties in Hillside and Fairways as legal TVU units. The current Bill splits these two neighborhoods. The amendment treats all units as equals. This is fair and reasonable and restores equality to all of KoOlina properties.

Name: Dawn Borjesson	Email: 2wordsllc@gmail.com	Zip: 96731
Representing: Self	Position: I wish to comment	Submitted: Aug 25, 2022 @ 08:54 AM

Testimony:

I'm supporting the admission of CM Tupola's amendment which includes incorporated into the Ko'olina resort property.

Name: Jodi Carlson	Email: acandjc1964@gmail.com	Zip: 96707
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Representing: Self	Position: Support	Submitted: Aug 25, 2022 @ 08:54 AM
Testimony: I'm in strong support of Representative Andrea Tupola's proposed ammendment to Bill 10-CD2, which reinstates the KoOlina properties in Hillside and Fairways as legal TVU units. The current Bill splits these two neighborhoods. The ammendment treats all units as equals. This is fair and reasonable and restores equality to all of KoOlina properties.		

August 22, 2022

To: Honolulu City & County Council Chairman Tommy Waters

From: John Morgan, President, Kualoa Ranch, Inc.

Re: Testimony in Opposition to Bill 10

Aloha Council Chair Waters and Committee members,

I submit this testimony on behalf of Kualoa Ranch in opposition to Bill 10 relating to changes in the Land Use Ordinance (LUO). Our opposition is to portions of the bill specifically relating to accessory uses on Agriculture zoned land.

In particular, we strongly oppose the proposal to eliminate/prohibit the use of motorized vehicles as permitted accessory ag uses in agrotourism and the limitation of weddings and similar accessory destination events to no more than one event per week.

We are also concerned about the language in the bill that relates to building size "...limited to 10,000 square feet...for the zoning lot." It is unclear whether this is per building, or an aggregate amount per lot.

We oppose the changes on two grounds.

- 1) There is already an effective permitting process established in the current LUO that requires the applicant to demonstrate the merits of any proposed uses, including those mentioned above. If an applicant cannot demonstrate the merits, including a lack of negative effects on the public, the department has the ability to deny the application.
- 2) These are "one size fits all" rule changes that are unnecessary and completely ignore scale, geography and particular circumstance of a land owner/applicant.

Kualoa Ranch is unique and has evolved as a leader in agriculture development and environmental stewardship, because of our symbiotic relationship with agrotourism. Our economic stability relies on our ability to transport our guests via motorized vehicles to experience the property and learn about our agricultural and stewardship activities.

Similarly, we host weddings and other events in natural garden like settings surrounded by active agricultural land. We host these events in places that have little or no adverse public impact due to the size of the ranch and the remote locations of the events.

Our goal is to be agriculturally productive, preserve over 3,850 acres in three contiguous, undeveloped ahupua'a and provide continuing benefits to our community. These proposed changes would damage our ability to be sustainable, while providing zero benefit to the public.

Mahalo



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

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Executive Director

TESTIMONY BEFORE THE HONOLULU CITY COUNCIL COMMITTEE ON ZONING AND PLANNING

RE: BILL 10 (2022) CC-241 (2022) Proposed Amendments (2022)

THURSDAY, AUGUST 25, 2022

OSA TUI, JR., PRESIDENT
HAWAII STATE TEACHERS ASSOCIATION

Chair Elefante, Vice Chair Kia'āina, and Members of the Honolulu City Council
Committee on Zoning and Planning:

The Hawaii State Teachers Association supports the Proposed Amendments (2022) as found in CC-241 (2022) submitted by Chair Tommy Waters for CD1, Bill 10 (2022).

Hawai'i continues to suffer from a severe shortage of licensed teachers. Financial incentives and affordable options for teacher housing can be an important strategy for the recruitment and retention of teachers, particularly given that teachers' salaries in Hawai'i continue to trail the nation when adjusted for our high cost of living in Hawai'i. Housing is a big portion of each teacher's paycheck.

If we concentrate on retaining our teachers, the Hawai'i Department of Education wouldn't have to focus so much on the recruitment of teachers. To recruit and retain effective educators, policymakers must find ways to lessen the financial burden of being a public school teacher and reduce the anxiety when trying to find stable housing. The local percentage of renters who face cost burdens – financial handicaps incurred by people spending over 30 percent of their income on housing – is roughly 57 percent, according to the National Low Income Housing Coalition. **Many of those cash-strapped renters are our state educators, who are chronically underpaid.** To make ends meet, many teachers are forced to pick up second and third jobs, live in cramped studio apartments, and cut back on necessities like medical and dental care. Thus they cannot devote their full attention to their students and the preparation of lessons and grading that they usually complete after school once their students have left for the day. Instead, they are rushing off to their second or even third jobs when they would much rather concentrate on their teaching duties and their students. Hawaii's keiki are the ones who benefit most when their teachers have more stability with their financial and housing situations.

The HSTA asks your committee to **support** these proposed amendments on this bill that would help with providing affordable teacher housing.

August 22, 2022

Council Chair Tommy Waters and Zoning and Planning Committee Chair Brandon Elefante
City and County of Honolulu Council

Subject: Bill 10 (2022), Relating to Use Regulations – Article 5

Aloha Council Chair Waters and Committee Chair Elefante and Council Members,

As a professional community planner, land use planner and landscape architect practicing in Hawaii for over 40 years, I know how important the Land Use Ordinance (LUO) is in regulating land use on Oahu. Although I recognize the need to overhaul and update our land use regulations to make them relevant to today's community needs, I am honestly shocked by the piecemeal approach the City's Department of Planning and Permitting (DPP) has taken. From what I have been able to determine, there has been a lack of community engagement with land owners that will be impacted by these proposed modifications. And, to just be proposing amendments to just one of 11 articles of ROH Chapter 21 (Land Use Ordinance) in this effort does not provide anyone with a total overview of what the intended update of the LUO will ultimately involve.

As proposed, the amendments to Article 5 include some content taken from Article 3 and 10 but those articles have not yet been updated and provided for public review and comment. That is my frustration to this entire process; how do we address an update to one section of a very complex land use regulation system without knowing what the entire amended LUO addresses. I recognize DPP's limitations as they have stated them, but I do not feel that is an excuse to take this piecemeal approach. If a comprehensive overhaul of the LUO is to be done, it should be done to address the entire ROH Chapter 21. How can the City Council be expected to review and adopt modifications to just Article 5 without knowledge and consideration of the entire overhaul of the LUO?

However, under the City Council's current efforts to review and modify Bill 10 (2022) CD 1, my comments are provided for your consideration in an effort to improve the LUO. Although I will highlight a few general areas of concern, I will focus my comments on one specific aspect of the LUO that has not been addressed in the proposed update of Article 5; Kuleana Lands and Non-conforming Agricultural Lots.

Kuleana Lands and Non-conforming Agricultural Lots

As an owner of a small kuleana lot (approximately 6,500 sq. ft.) with agricultural zoning, I consulted with DPP in 2020 to determine that, although considered non-conforming in lot size, an accessory farm dwelling is allowed if it complies with underlying agricultural zoning development standards specifically defined in Article 3 (Table 21-3.1). Based on that consultation and confirmation from DPP that the LUO does not address Kuleana Lands, I recommend that a section be added to Article 5 to address the unique

considerations for Kuleana Lands established during the Great Mahele (1848-1850). The four key considerations that should be addressed include:

1. **Acknowledgement of Kuleana Lands established during the Great Mahele.**
The LUO should acknowledge this form of land ownership and historic land use that is unique in Hawaii. In addition, existing non-conforming lots, even if not established under the Great Mahele, should also be explicitly acknowledged and addressed in the updated LUO so that small landowners know what the limitations are related to the use of their lands.
2. **Consistency with State Law.** HRS Chapter 205-4.5 addresses permissible uses within the agricultural district. Under subsection (b), it provides for exceptions not expressly permitted in subsection (a). The specific exceptions are “uses permitted as provided in Section 205-6 (*Special Permits*) and 205-8 (*Non-conforming use*), and construction of single-family dwellings on lots existing before June 4, 1976. (emphasis added). For Kuleana lands, many of which are non-conforming in size to City and County zoning standards for Ag-1 (min. 5 acres) and Ag-2 (min. 2 acres), single-family dwellings should remain as a permitted use for Kuleana Lands established under Great Mahele.
3. **Reasonable Development Standards.** With many of the Kuleana lots being even below the State minimum agricultural lot size of 1 acre, reasonable development standards should be provided in Article 5 so that Kuleana Land owners understand the limitations being imposed on the utilization of their lands. The current applicable development standard are specified in Table 21-3.1 of Article 3. For lots over 2 acres, these standards are reasonable. However, for Kuleana lots (many less than 1 acre), some reasonable standards for the use of the lands should be modified in accordance with lot size. I will gladly offer my expertise and assistance in drafting reasonable development standards that maintain Kuleana Land rights and do not overly restrict the use of existing non-conforming Kuleana parcels of record. As noted below, the percentage of ag. use and related ag. dedication for real property tax purposes is unrealistic.
4. **Existing Single Family Dwellings on Ag. Land.** Considering there are likely numerous existing single family dwellings (including previously defined farm dwellings) have been permitted on ag. lots before the LUO and subsequently under the current LUO, including non-conforming lots, a grandfather clause should be included so that families living on their Kuleana Lands do not become “illegal” by adoption of Article 5 as drafted.

As an example of unintended impacts to small land owners, during the recent effort by DPP to designate Important Agricultural Lands (IAL), approximately 800 parcels were identified to be classified IAL. Of those parcels, almost 400 of them were existing non-conforming lots of less than the City's minimum 2 acres (most were likely Kuleana Lands). Once many of those land owners

were made aware of the City's IAL proposal and potential limitations on the use of their lands, including the proposed accessory farm dwelling standards, the Land Use Commission would not approve the petition and sent the proposal back to DPP for modifications to address the lack of community engagement and the need to clarify the State IAL law. There were numerous testifiers living on their ag. lots on the leeward coast that could technically become "illegal" farm dwellings under this legislation. With such a shortage of housing, we should not be considering legislation that could further exasperate our community's housing shortage.

Additional Comments/ Concerns Related to Agricultural Land Use

Without being exhaustive in my comments on other aspects of Bill 10(2022) CD 1, I am aware of other agricultural land owner concerns including:

- **Agritourism-** Proposed standards that would severely impact existing successful agritourism businesses. The agritourism businesses currently operating under DPP's existing permit system should be consulted so that their operations will not be impacted.
- **Assumes All Ag. Zoned Land is Suitable for Agriculture-** The underlying assumption being made by DPP is that if lands are zoned for agriculture, they are all suitable for agriculture. That assumption is far from reality! Of the approximately 128,000 acres of ag. land on Oahu, about 10% of it was designated as IAL voluntarily by land owners to ensure they got to designate which of their lands would be designated IAL and, in some cases, to take advantage of the financial incentives the State was offering. Subsequently, DPP undertook their IAL study and concluded that another 45,000 acres (utilizing only 2 of the 8 criteria for IAL established by the State) should be designated IAL. Thus, in total, only about 45% of the ag. zoned lands were considered to be of a quality to be designated IAL; even when using the much lower number of IAL criteria to determine candidate quality ag. lands under the IAL law. That leaves about 70,000 acres of ag. lands (approximately 55%) that may not be suitable for intensive ag. use. The LUO needs to recognize this reality under these land use regulations.
- **Required Ag. Use for Various Uses, Including Accessory Farm Dwellings.** A 50% requirement for ag. use for conforming lots with quality soils and adequate ag. water is probably reasonable. But if the land is not suitable for an economic ag. use or may not have access to ag. water sources, how does that impact the ability of the land owner to live on his land? The proposed CD 1 revision to 75% is definitely unrealistic and would have significant unintended consequences on land owners, especially Kuleana Land owners.
- **Ag. Dedication for Real Property Tax-** The proposed provisions to have the land owner using his land for ag. uses be required to seek a formal ag. dedication to confirm the amount of land being utilized adds another burden being imposed

on the landowner/ farmer. This would likely add a significant administrative burden to the City's tax department to inspect and verify ag. dedication compliance that the proposed LUO amendments are requiring. Has the real property tax department been consulted on this requirement?

- **Leasing or Licensing Land to Farmers-** This common practice of larger land owners to be able to lease or license their ag. land (typically at below market rates) to farmers to put the land to productive use should be encouraged (not prohibited as an ag. use). This practice allowed statewide, is probably the foundation of where and how small farmers currently operate with a chance of economic success. From my observations, diversified crop farming is a very challenging business. Without access to below market rate quality lands with access to ag. water (compared to financing/ purchasing fee simple land), these existing agribusiness enterprises would likely be eliminated. We should be finding ways to encourage commercial farming, including family subsistence farming...not putting unreasonable standards and limitations on them.
- **Crop Theft-** Crop theft has been in the news regularly recently. Most farmers would prefer to be live on their lands to help provide 24/7 security. The State has enacted laws that allow accessory ag. structures to be constructed without permits...in support of agricultural use. Similarly, the City should find ways to streamline the process to obtain accessory farm dwelling permits.
- **"Gentleman Farmers"** – DPP has expressed their desire to eliminate/ regulate ag. land owners from living on their lands...with large estates. But the current LUO regulations have already limited that potential abuse by imposing the development standard of only 5,000 sq. feet of the lot area can be utilized for the farm dwelling and associated improvements. In many cases, I have seen examples on the neighbor islands where these "gentleman farmers" are the land owners that are making their quality lands and ag. water available to qualified farmers at below market rates.

Thank you for considering my testimony and I would welcome the opportunity to help improve the LUO in a more comprehensive effort to address the entirety of the proposed update to the LUO, especially related to protecting the legacy of our unique Kuleana Lands.

Mahalo,

Thomas S. Witten, FASLA

Mobile: (808) 284-8401

Email: twitten@pbrhawaii.com

Mailing: 2277 Halakau Street

Honolulu, HI 96821

TESTIMONY BEFORE THE HONOLULU CITY COUNCIL ZONING AND PLANNING COMMITTEE

RE: BILL 10 (2022) CC-241 (2022) Proposed Amendments (2022)

THURSDAY, AUGUST 25, 2022

Chair Elefante, Vice Chair Kai'aina, and Members of the Honolulu City Council Zoning and Planning Committee:

I am, , studying Economics at McKinley High School and one of my class project is to submit a testimony to the Honolulu City Council Zoning and Planning Committee in strong support for affordable teacher housing

TESTIMONY BEFORE THE HONOLULU CITY COUNCIL ZONING AND PLANNING COMMITTEE

RE: BILL 10 (2022) CC-241 (2022) Proposed Amendments (2022)

THURSDAY, AUGUST 25, 2022

Chair Elefante, Vice Chair Kai'aina, and Members of the Honolulu City Council Zoning and Planning Committee:

I am Jimmy Joiner, studying Economics at McKinley High School and one of my class projects is to submit a testimony to the Honolulu City Council Zoning and Planning Committee in strong support for affordable teacher housing .

Hawaii has a large teacher shortage because the cost of living in Hawaii is very high, especially for housing. Teachers coming from out of state have difficulty paying our high housing rental. They are coerced to hold two or three jobs in order to live and teach in Hawaii. Teachers are important because they help educate and prepare us to become responsible young adults.

My teachers support me by helping me learn and making me laugh and making my day a bit better with their good mood. Just being there for us and knowing that they are there for any student who is feeling bad gives them a safe place to stay and chill and be comfortable when our home is having drama. I just want to thank them because they are doing their best and I wish them a good day.

Please help the students in Honolulu by passing these proposed amendments on his bill that would assist with providing affordable teacher housing and keeping our certified teachers in our classrooms.

TESTIMONY BEFORE THE HONOLULU CITY COUNCIL ZONING AND PLANNING
COMMITTEE

RE: BILL 10 (2022) CC-241 (2022) Proposed Amendments (2022)

THURSDAY, AUGUST 25, 2022

Chair Elefante, Vice Chair Kai'aina, and Members of the Honolulu City Council Zoning
and Planning Committee:

I am Jay Joseph, studying Economics at McKinley High School and one of my class projects is to submit a testimony to the Honolulu City Council Zoning and Planning Committee in strong support for affordable teacher housing. Hawaii has a large teacher shortage because the cost of living in Hawaii is very high, especially for housing. Teachers coming from out of state have difficulty with paying our high housing rent. Along with our local teachers, they are forced to hold two and three jobs in order to live and teach in Hawaii. Teachers are important because they help educate and prepare us to become responsible young adults.

My teachers support me by passing the class and not cheating and getting into no trouble and being funny.

Please help the students in Honolulu by passing these proposed amendments on this bill that would assist with providing affordable teacher housing and keeping our certified teachers in our classrooms.



**Hawaiian
Electric**

TESTIMONY BEFORE THE COMMITTEE ON ZONING AND PLANNING

Bill 10, Proposed CD1, RELATING TO USE REGULATIONS

Thursday, August 25, 2022
9:00 am
City Council Chamber

Rouen Liu
Permit Engineer
Hawaiian Electric

Chair Elefante, Vice Chair Kia'aina, and Members of the Committee,

My name is Rouen Liu and I am submitting testimony on behalf of Hawaiian Electric **with comments**, on the proposed CD1 to Bill 10 proposing changes to Article 5 of the Land Use Ordinance.

Hawaiian Electric worked with the Department of Planning and Permitting and other stakeholders on a revised version of Bill 10. Those changes, previously approved by the Planning Commission on January 18, 2022, are reflected in the Proposed CD1 to Bill 10 except for the following language differences of which we offer comment:

- Page 48 of 239 Section 21-5.60-6 (a) (1) **"like 46 kilovolt or lower voltage electrical substations, vaults, distribution equipment, and accessory telecommunications antennas to support these installations..."** was deleted from the language approved by the Planning Commission on January 18, 2022. Hawaiian Electric strongly prefers the language be included to describe non-generation energy installations. Hawaiian Electric believes that it must be clear that 46 kilovolt or lower voltage electrical substations, vaults, distribution equipment, and accessory telecommunication antennas to support these installations are classified as Small Utility infrastructure.

Additionally, it is important that any changes to the setback requirements in Section 21-5.60-6 are directed at new wind generation facilities and do not implicate existing facilities during the term of their contracts with Hawaiian Electric, including any renewal term, or upon repair of an existing facility.

We sincerely appreciate the efforts of the Committee on Zoning and Planning, the Department of Planning and Permitting, the Planning Commission, and the City Council in getting the bill to this point.

Thank you for the opportunity to testify.



August 23, 2022

The Honorable Brandon Elefante, Chair
The Honorable Esther Kia'aina, Vice Chair
Members of the Committee on Zoning and Planning
City Council, City and County of Honolulu
Honolulu, Hawaii 96813-3077

RE: **Bill 10 (2022), CD1 – LUO Amendment Relating to Use Regulations**
Meeting: August 25, 2022, 9:00am

Aloha Chair Elefante and Members of the Committee on Zoning and Planning,

Mahalo for the opportunity to submit testimony on behalf of D.R. Horton, offering comments to Bill 10 (2022), CD1 LUO Amendment relating to use regulations. At this time, D.R. Horton offers its **STRONG SUPPORT**. We are one of Hawaii's largest home builders and have been providing affordable housing and workforce housing for Hawaii's families throughout Oahu for 49 years.

D.R. Horton commends the Department of Planning and Permitting's (DPP) thoughtful approach to appropriately contemporizing the Land Use Ordinance's (LUO) structure, format and land use regulations for applicability to the built environment of today and more importantly, in the future. It is a refreshing proposal that was long overdue. The current LUO has served the community well for the past handful of decades. Unfortunately, time, evolving social behaviors and new urban planning approaches have outpaced the well-intentioned regulations of the past, yielding a document that is simply antiquated. Under the leadership and guidance of Katia Balassiano and Alex Beatty of the DPP Zoning Review & Planning Branch, Bill 10 (2022) CD1 is very well written, logically organized with innovative regulations that we strongly believe will benefit many facets of the built environment, especially much needed housing.

There are two sections that we feel will greatly benefit and accelerate the production of affordable and workforce housing:

- **Sec. 21-5.30 Use table and Table 21-5.1 Table of Permitted Uses.**
The expansion of permitted uses within AMX zoning districts are forward thinking, providing opportunities for additional and appropriate types of commercial uses needed within neighborhoods of today and the future. The expansion of B1 and B2 zoning districts to include multi-unit dwellings is an extremely innovative approach that will create opportunities to repurpose historically underutilized commercial floor area ratios for much needed housing.

Oahu • Maui • Hawaii Island • Kauai

130 Merchant Street, Suite 112 • Honolulu, Hawaii 96813 • 808.521.5661

www.drhorton.com/hawaii

- **Sec. 21-5.50-1(e)(2)(B) Multi-unit dwelling. Standards.**

The proposed multi-unit dwelling Standards are very practical and reasonable in supporting the expansion of residential uses within B1 and B2 zoning districts. This tiered approach, relative to zoning lot acreage, appropriately right-sizes commercial requirements based on historical market data. Additionally, this tiered approach allows regulatory flexibility that accommodates historical commercial demand and most importantly, provides more much needed housing opportunities within our built environment.

D.R. Horton strongly supports Bill 10 (2020) CD1. It is time to adopt an LUO applicable the needs of our community today and in the future. Mahalo for your time and consideration. It is very much appreciated. Should you have any questions, please do not hesitate to contact me at #(808)782-4109 or ttonaki@drhorton.com.

Sincerely,



Tracy Tonaki
City Manager



August 23, 2022

Councilmember Brandon J.C. Elefante, Chair
Councilmember Esther Kia'aina, Vice Chair
Committee on Zoning and Planning
Honolulu City Council
Honolulu, Hawai'i 96813-3077

Dear Chair Elefante, Vice Chair Kia'aina, and Members of the Committee,

The Hawaii Aquaculture and Aquaponics Association (HAAA), a Statewide industry association, appreciates the efforts by the Department of Planning and Permitting to update Honolulu's Land Use Ordinance. However, we respectfully submit comments and concerns regarding the aquaculture and aquaponics-related provisions of Bill 10 (2022) and the proposed CD1 as follows:

Section 21-540(a)(1)(A): The proposed definition of aquaculture includes cultivating and raising aquatic plants, including wetland taro, and animals in controlled natural or artificial bodies of water but omits mention of aquaponics or aquaponic produce. There are an increasing number of commercial aquaponic farms currently operating on O'ahu and aquaponics should be included in the definition of aquaculture, as it is in State statute, and/or in the definition of crop raising.

Section 21-540(a)(4)(A): The proposed definition of crop raising includes cultivating crops with hydroponics, but does not mention aquaponics. There are an increasing number of commercial aquaponic farms currently operating on O'ahu, as noted above, and aquaponics should be included in the definition of crop raising and/or in the definition of aquaculture, as it is in State statute.

Section 21-540 (d)(1)(A): An "agricultural-energy facility" is defined as "an accessory facility that generates, stores, or distributes renewable energy fuels from products of crop production or livestock keeping." Solar facilities are specifically excluded, seemingly blocking aquaculture and aquaponics farms from taking advantage of the sustainable and Globally increasing technology of agrivoltaics which can co-exist with and be complimentary to aquaculture tank production of fish and shellfish and to aquaponic produce production, while providing renewable power to farm operations, off grid farm sites, and potentially to the community, while also providing cooling shade as an offset to global warming and reducing evaporative water loss and conserving island water resources. Farms should be encouraged to install alternative energy sources such as solar and small wind, and these sources should be specifically permitted in the definition of "agricultural-energy facility."

Section 21-540(d)(6)(B)(iii): "No electricity, sewer, water, or other utility services are allowed in

conjunction with a farm stand.” These services are essential to provide proper sanitation, refrigeration, and hand-washing facilities to satisfy Federal food safety requirements of FDA and USDA. A farm stand that does not have these utilities may not qualify for food safety certification.

In addition to our comments above, the HAAA also strongly supports the carefully considered testimony of the East O’ahu County Farm Bureau regarding the impacts if Bill 10 on the larger Oahu agriculture industry. If the City and County of Honolulu is serious about supporting increased local food production in our County, then we respectfully request your consideration of these combined concerns.

Thank you for the opportunity to testify on this important matter.

Sincerely,

Ronald P. Weidenbach
HAAA President



EAST OAHU COUNTY FARM BUREAU
910 CALIFORNIA AVE., WAHIAWA, HI 96786

August 22, 2022

Councilmember Brandon J.C. Elefante, Chair
Councilmember Esther Kia'aina, Vice Chair
Committee on Zoning and Planning
Honolulu City Council
Honolulu, Hawai'i 96813-3077

Dear Chair Elefante, Vice Chair Kia'aina, and Members of the Committee,

The East O'ahu County Farm Bureau, which represents approximately 420 farmers and supporters of agriculture from Waimanalo to Kahuku, appreciates the efforts by the Department of Planning and Permitting to update Honolulu's Land Use Ordinance. We respectfully submit our comments and concerns regarding the agriculture-related provisions of Bill 10 and the proposed CD1 as follows:

Section 21-5.40(a): The proposed definitions of crop production includes hydroponics under "crop raising" in Sec. 21-5.40(a)(4)(A), but does not mention aquaponics. There are several aquaponic farms currently operating on O'ahu, so aquaponics should be included in the definition of crop production. Aquaponics is defined as an accessory use to aquaculture in Hawai'i State statute, so for consistency it should be included in the definition of aquaculture: Sec. 21-5.40(a)(1)(A).

Section 21-5.40(a)(7)(A): The proposed definition of urban agriculture as "cultivating, maintaining, and harvesting crops, often using intensive agriculture and large-scale farm equipment, primarily for profit, by an organization or business" does not clearly distinguish between urban agriculture and many other forms of agriculture. A better definition might be "cultivating, maintaining, and harvesting agricultural and/or aquacultural crops on a site zoned for urban or industrial use, often conducted in an enclosed building or facility." Item (iii) under this section states that "Building area for structures such as tool sheds, planting preparation houses, and restrooms must not exceed 15% of lot area." It is not clear whether growing facilities count as "structures" under this provision. Much urban agriculture is likely to be conducted indoors, in which case the growing facility may reasonably occupy most or all of the site.

Section 21-5.40(c)(1)(B)(ii): "Building area of all agricultural support facilities must not exceed 25% of lot area." It is not clear why this restriction should apply in I-1, I-2, and IMX-1 zones where agricultural equipment service is permitted. Also, such a restriction may conflict with State law, which exempts certain structures on agricultural lots larger than two acres from building permit requirements.

Sections 21-5.40 (c)(2)(B)(i) and (ii), and (c)(5)(B)(i) and (ii): Standards for "collection and storage" and "processing." Again, some of these standards may conflict with State law where the facilities are on agricultural lots larger than two acres.

Section 21-5.40 (d)(1)(A): An “agricultural-energy facility” is defined as “an accessory facility that generates, stores, or distributes renewable energy fuels from products of crop production or livestock keeping.” Solar facilities are specifically excluded, presumably to prevent utility-scale solar facilities from taking land out of agricultural production. However, this provision could also prevent farms from installing small-scale alternative energy facilities to reduce electricity costs or to provide electricity at off-grid sites. Farms should be encouraged to install alternative energy sources such as wind and solar for exclusively on-farm use, and these sources should be specifically permitted in the definition of “agricultural-energy facility.”

Section 21-5.40(d)(2)(B): Standard (i), which requires that “at least 75% of the activity on the zoning lot must be crop production or livestock keeping” appears to conflict with standard (vi), which requires “dedication of 50% or more of the project site to active agricultural use.” Similarly, standard (iii), which prohibits “construction of permanent nonagricultural structures” conflicts with standards (iv) and (v), which set conditions for “structures primarily dedicated to agritourism” and “buildings and structures associated with agritourism that are not required as part of the crop production or livestock keeping.”

Before committing these standards to law (including the proposed CD1 version’s prohibition on motorized transport), businesses such as Kualoa Ranch and Kahuku Farms should be consulted regarding impacts on their existing operations.

Please also see our comments below regarding Bill 10's and the proposed CD1 version’s various requirements for 50% or 75% dedication of a site to active agricultural use.

Section 21-5.40(d)(5)(B)(vi): “Leasing land, managing labor, or **managing a business** is not considered performance of an agricultural activity.” A farm is a business, so managing a farm (as long as the farm is on the same site as the dwelling) is certainly performance of an agricultural activity.

Section 21-5.40(d)(6)(B)(iii): “No electricity, sewer, water, or other utility services are allowed in conjunction with a farm stand.” These services are essential to provide proper sanitation, refrigeration, and hand-washing facilities to satisfy Federal food safety requirements. A farm stand that does not have these utilities may not qualify for food safety certification.

Section 21-5.40(d)(8)(B)(iv): “All walls [of a farmer’s market] must be at least 50% open.” Does this requirement really mean that each of the four walls must be 50% open, or does it just mean that 50% of the total wall area of the market must be open?

CD1 items:

Prohibits bus, jeep, or off-road vehicle tours as a permitted agritourism use. As above, this restriction may impact some existing operations.

Permits certain uses (meeting facilities, group living, child daycare, adult daycare, and K-12 schools in the AG-1 and AG-2 districts. We feel that these facilities are not appropriate uses on agricultural lands, as they would require that some (up to 25%, according to the CD1 proposal) of the land be taken out of production for purposes unrelated to agriculture. In addition, agricultural practice may involve noise, dust, spraying of pesticides, and operation of heavy equipment – activities that may inconvenience or even endanger children or adults

meeting, living, or trying to learn on the site.

General comment: In several sections, Bill 10 would require the dedication of at least 50% of a farm parcel to active agricultural use. The proposed CD1 would increase this requirement to at least 75%. We support the intent of these provisions to maintain agricultural production, but we must also mention some concerns:

-These provisions would still allow a significant proportion of a farm lot to be taken out of production. This is acceptable if the land is taken for purposes that support the overall farm operation, but the proposed CD1 would also allow unrelated facilities like schools, daycare, and meeting facilities.

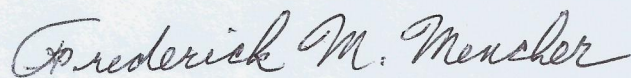
- Many agricultural lots include sections of land that are unsuitable for agriculture because of steep or rocky terrain, or that contain wetlands, streams, or other features that cannot be cultivated. How are these areas accounted for in the 50% or 75% requirement?

- Many items of testimony on Bill 10 have come from owners of small agricultural plots who are concerned that the land will be taken away from them if they become too old or otherwise unable to farm, or if some parts of their sites are not suitable for farming. The basic problem is that so much of O'ahu's agricultural land has been subdivided into small plots that are more suited as residential sites than as farms. Bill 10 does not include a "grandfather provision" to clarify what happens if a small parcel is still zoned for agriculture, but cannot be farmed by its current owner.

- Finally, we note that dedication of 50% or 75% of a parcel to agriculture by submitting a form to DPP is not the same thing as actually farming 50% or 75% of the parcel. Does DPP have the necessary personnel, funding, and agricultural expertise to determine whether or not farms are actually meeting this requirement?

Thank you for the opportunity to testify on this important matter.

Sincerely,

A handwritten signature in cursive script that reads "Frederick M. Mencher".

Frederick M. Mencher
for Grant Hamachi, President
East O'ahu County Farm Bureau



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

August 25, 2022

HEARING BEFORE THE
COMMITTEE ON ZONING AND PLANNING

TESTIMONY ON BILL 10 (2022)
LUO AMENDMENT RELATING TO USE REGULATIONS

City Council Chamber
9:00 AM

Aloha Chair Elefante, Vice Chair Kia'aina, and Members of the Committee,

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized in 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau appreciates the efforts by the Department of Planning and Permitting to update Honolulu's Land Use Ordinance. We respectfully submit our comments and concerns regarding the agriculture-related provisions of Bill 10 and the proposed CD1 as follows:

Section 21-540(a)(4)(A): The proposed definition of crop raising includes cultivating crops with hydroponics, but does not mention aquaponics. There are several aquaponic farms currently operating on O'ahu, and aquaponics should be included in the definition of crop raising.

Section 21-540(a)(7)(A): The proposed definition of urban agriculture as "cultivating, maintaining, and harvesting crops, often using intensive agriculture and large-scale farm equipment, primarily for profit, by an organization or business" does not clearly distinguish between urban agriculture and many other forms of agriculture. A better definition might be "cultivating, maintaining, and harvesting agricultural and/or aquacultural crops on a site zoned for urban or industrial use, often conducted in an enclosed building or facility." Item (iii) under this section states that "Building area for structures such as tool sheds, planting preparation houses, and restrooms must not exceed 15% of lot area." It is not clear whether growing facilities count as "structures" under this provision. Much urban agriculture is likely to be conducted indoors, in which case the growing facility may reasonably occupy most or all of the site. Section 21 540(c)(1)(B)(ii): "Building area of all agricultural support facilities must not exceed 25% of lot area." It is not clear why this restriction should apply in I-1, I-2, and IMX-1 zones where agricultural equipment service is permitted. Also, such a restriction may conflict with State law, which exempts certain structures on agricultural lots larger than two acres from building permit requirements.

Sections 21-540 (c)(2)(B)(i) and (ii), and (c)(5)(B)(i) and (ii): Standards for “collection and storage” and “processing.” Again, some of these standards may conflict with State law where the facilities are on agricultural lots larger than two acres.

Section 21-540 (d)(1)(A): An “agricultural-energy facility” is defined as “an accessory facility that generates, stores, or distributes renewable energy fuels from products of crop production or livestock keeping.” Solar facilities are specifically excluded, presumably to prevent utility-scale solar facilities from taking land out of agricultural production. However, this provision could also prevent farms from installing small-scale alternative energy facilities to reduce electricity costs or to provide electricity at off-grid sites. Farms should be encouraged to install alternative energy sources such as wind and solar for exclusively on-farm use, and these sources should be specifically permitted in the definition of “agricultural-energy facility.”

Section 21-540(d)(2)(B): Standard (i), which requires that “at least 75% of the activity on the zoning lot must be crop production or livestock keeping” appears to conflict with standard (vi), which requires “dedication of 50% or more of the project site to active agricultural use.” Similarly, standard (iii), which prohibits “construction of permanent nonagricultural structures” conflicts with standards (iv) and (v), which set conditions for “structures primarily dedicated to agritourism” and “buildings and structures associated with agritourism that are not required as part of the crop production or livestock keeping.”

Before committing these standards to law (including the proposed CD1 version’s prohibition on motorized transport), businesses such as Kualoa Ranch and Kahuku Farms should be consulted regarding impacts on their existing operations.

Please also see our comments below regarding Bill 10’s and the proposed CD1 version’s various requirements for 50% or 75% dedication of a site to active agricultural use.

Section 21-540(d)(5)(B)(vi): “Leasing land, managing labor, or **managing a business** is not considered performance of an agricultural activity.” A farm is a business, so managing a farm (as long as the farm is on the same site as the dwelling) is certainly performance of an agricultural activity.

Section 21-540(d)(6)(B)(iii): “No electricity, sewer, water, or other utility services are allowed in conjunction with a farm stand.” These services are essential to provide proper sanitation, refrigeration, and hand-washing facilities to satisfy Federal food safety requirements. A farm stand that does not have these utilities may not qualify for food safety certification.

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Permits certain uses (meeting facilities, group living, child daycare, adult daycare, and K-12 schools in the AG-1 and AG-2 districts. We feel that these facilities are not appropriate uses on agricultural lands, as they would require that some (up to 25%, according to the CD1 proposal) of the land be taken out of production for purposes unrelated to agriculture. In addition, an agricultural practice may involve noise, dust, spraying of pesticides, and operation of heavy equipment – activities that may inconvenience or even endanger children or adults meeting, living, or trying to learn on the site.

General comment: In several sections, Bill 10 would require the dedication of at least 50% of a farm parcel to active agricultural use. The proposed CD1 would increase this requirement to at least 75%. We support the intent of these provisions to maintain agricultural production, but we must also mention some concerns:

- These provisions would still allow a significant proportion of a farm lot to be taken out of production. This is acceptable if the land is taken for purposes that support the overall farm operation, but the proposed CD1 would also allow unrelated facilities like schools, daycare, and meeting facilities.

- Many agricultural lots include sections of land that are unsuitable for agriculture because of steep or rocky terrain, or that contain wetlands, streams, or other features that cannot be cultivated. How are these areas accounted for in the 50% or 75% requirement?

- Many items of testimony on Bill 10 have come from owners of small agricultural plots who are concerned that the land will be taken away from them if they become too old or otherwise unable to farm, or if some parts of their sites are not suitable for farming. The basic problem is that so much of O'ahu's agricultural land has been subdivided into small plots that are more suited as residential sites than as farms. Bill 10 does not include a "grandfather provision" to clarify what happens if a small parcel is still zoned for agriculture but cannot be farmed by its current owner.

- Finally, we note that dedication of 50% or 75% of a parcel to agriculture by submitting a form to DPP is not the same thing as actually farming 50% or 75% of the parcel. Does DPP have the necessary personnel, funding, and agricultural expertise to determine whether or not farms are actually meeting this requirement?

Thank you for the opportunity to testify on this important matter.



8/8/2022

Office of the City Clerk
Attention: Information Section
530 South King Street, Room 100
Honolulu, HI 96813

RE: CD1 to Bill 10 (2022)

Dear City Council Members,

Thank you for the opportunity to submit a testimony on behalf of Ka'ala Ranch LLC.
I appreciate the committee's ongoing effort in updating the Land Use Ordinance under Bill 10.

I am extremely concerned that Sec. 21-5.40-3 2G under FARM DWELLING will significantly limit the leasing of agricultural lands which limits the growth of our agricultural economy and the opportunities for current and future farmers.

Sec. 21-5.40-3 2e G under FARM DWELLING limits the landowner by eliminating standard agricultural practices and activities. This section of the LUO restricts the growth of agriculture.

This section reads:

Farm Dwelling -(G) Leasing land, managing labor, or managing a business is not considered an agricultural activity.

To encourage agriculture, we must encourage the leasing of land, managing labor, or managing an agricultural business. All these items are considered an agricultural activity and must be encouraged to grow our agricultural economy.

Here is why:

1. Limiting the leasing of land will limit the supply of land to farmers. Less supply will increase the pricing of the land and have a significant impact on current and future farmers. With limited fee simple agricultural land on Oahu farmers cannot afford to purchase land at \$45k+ an acre. These farmers can afford agricultural leases priced at \$100 per acre per month. The leasing option of agricultural land needs to be encouraged because it helps create a sustainable economic model for the farmer. Leasing of agricultural land is a major component of the agricultural industry and

supports agriculture and supports farmers across the United States. It is a common agricultural practice.

2. Managing Labor is a major component of farming and agriculture. Limiting the management function limits the opportunity for a farmer to expand their operation beyond their own personal labor. This minimizes the upward mobility of the farmers' operations. We need more farming so we cannot limit the functions of agriculture. We need to say that management of farm labor is an agricultural function. We need to recognize and support that management of labor is a requirement to achieve a vibrant agricultural economy. Managing farm labor is a common agricultural practice.
3. Managing a business is a major component of agriculture and creating a vibrant agricultural economy. How can we limit the management function of the agricultural business? Management of an agricultural business is a requirement for the growth and expansion of agricultural activities.

In summary, we need to expand our approach and encourage all forms of agriculture and different agricultural uses on the land regardless of whether a farm dwelling exists. We must recognize that restricting agricultural activities will restrict our ability to grow our agricultural economy.

Please consider my suggestion of deleting section 21-5.40-3 2e G under FARM DWELLING—Mahalo for the opportunity to submit this testimony.

Sincerely,

Michael B. Pietsch
Ka'ala Ranch Owner
P.O. Box 2196
Honolulu, Hawaii 96805



1200 Ala Kapuna Street ♦ Honolulu, Hawaii 96819
Tel: (808) 833-2711 ♦ Fax: (808) 839-7106 ♦ Web: www.hsta.org

Osa Tui, Jr.
President

Logan Okita.
Vice President

Lisa Morrison
Secretary-Treasurer

Ann Mahi
Executive Director

TESTIMONY BEFORE THE HONOLULU CITY COUNCIL COMMITTEE ON ZONING AND PLANNING

RE: BILL 10 (2022) CC-241 (2022) Proposed Amendments (2022)

THURSDAY, AUGUST 25, 2022

MITZIE HIGA, GOVERNMENT RELATIONS SPECIALIST
HAWAII STATE TEACHERS ASSOCIATION

Chair Elefante, Vice Chair Kia'aina, and Members of the Honolulu City Council
Committee on Zoning and Planning:

The Hawaii State Teachers Association supports the Proposed Amendments (2022) as found in CC-241 (2022) submitted by Chair Tommy Waters for CD1, Bill 10 (2022).

Hawai'i continues to suffer from a severe shortage of licensed teachers. Financial incentives and affordable options for teacher housing can be an important strategy for the recruitment and retention of teachers, particularly given that teachers' salaries in Hawai'i continue to trail the nation when adjusted for our high cost of living in Hawai'i. Housing is a big portion of each teacher's paycheck.

If we concentrate on retaining our teachers, the Hawai'i Department of Education wouldn't have to focus so much on the recruitment of teachers. To recruit and retain effective educators, policymakers must find ways to lessen the financial burden of being a public school teacher and reduce the anxiety when trying to find stable housing. The local percentage of renters who face cost burdens – financial handicaps incurred by people spending over 30 percent of their income on housing – is roughly 57 percent, according to the National Low Income Housing Coalition. **Many of those cash-strapped renters are our state educators, who are chronically underpaid.** To make ends meet, many teachers are forced to pick up second and third jobs, live in cramped studio apartments, and cut back on necessities like medical and dental care. Thus they cannot devote their full attention to their students and the preparation of lessons and grading that they usually complete after school once their students have left for the day. Instead, they are rushing off to their second or even third jobs when they would much rather concentrate on their teaching duties and their students. Hawaii's keiki are the ones who benefit most when their teachers have more stability with their financial and housing situations.

The HSTA asks your committee to **support** these proposed amendments on this bill that would help with providing affordable teacher housing.

TESTIMONY BEFORE THE HONOLULU CITY COUNCIL ZONING AND PLANNING COMMITTEE

RE: BILL 10 (2022) CC-241 (2022) Proposed Amendments (2022)

THURSDAY, AUGUST 25, 2022

Chair Elefante, Vice Chair Kai'aina, and Members of the Honolulu City Council Zoning and Planning Committee:

As a teacher in the Hawaii Department of Education for 52 years, Charter Member and Teacher Leader in the Hawaii State Teachers Association and former Planning Commissioner in the 90's, I strongly support the Proposed Amendments (2022) submitted by Councilman Tommy Waters.

I admired Tom Gill in his vision of planning, whereby he believed that we plan not for 5 years, or 10 years, but plan for 30 years from today.

It is time that the Honolulu City Council Zoning and Planning Committee take positive actions in planning for the future. Honolulu today will not afford educators and our workforce affordable housing in the years to come, if drastic actions is not taken now. Hawaii will continue to suffer severe teacher shortage and deprive our future citizens, an equitable education.

Mahalo for the opportunity to submit my written testimony and please support the proposed amendments on this bill. Laverne Fernandes Moore, McKinley High School Teacher

TESTIMONY BEFORE THE HONOLULU CITY COUNCIL ZONING AND PLANNING
COMMITTEE

RE: BILL 10 (2022) CC-241 (2022) Proposed Amendments (2022)

THURSDAY, AUGUST 25, 2022

Chair Elefante, Vice Chair Kai'aina, and Members of the Honolulu City Council Zoning
and Planning Committee:

I am Martha Moses , studying US History at McKinley High School and one of my class
project is to submit a testimony to the Honolulu City Council Zoning and Planning
Committee in strong support for affordable teacher housing. Hawaii has the largest
teacher shortage.

In U.S History we learn of the big business forming corporations to make money without
providing affordable housing, salary, safe working conditions, medical benefits,
education for the children, and a safe environment to live in.

Honolulu does not provide safe and affordable housing for our teachers and Hawaii's
workforce.

Please pass this proposed amendment.



Email: communications@ulupono.com

HONOLULU CITY COUNCIL COMMITTEE ON ZONING AND PLANNING
Thursday, August 25, 2022 — 9:00 a.m.

Ulupono Initiative offers comments on Bill 10 (2022) Proposed CD1, Relating to Use Regulations.

Dear Chair Elefante and Members of the Committee:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve the quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food; renewable energy and clean transportation; and better management of freshwater and waste.

Ulupono offers comments on Bill 10 (2022) Proposed CD1, which proposes amendments to the regulation of uses throughout Chapter 21, Revised Ordinance of Honolulu 1990 ("Land Use Ordinance").

Based on our review of the proposed CD1, Ulupono appreciates the draft's inclusion of suggested changes proposed in previous testimony, specifically regarding utility (small, medium, and large) and land-use regulation updates. We believe the revisions made to (1) Disruptive Electromagnetic Interference, (2) Renewable Energy Facility Dismantling Day Count, and (3) Conditional Use Permits for Wind Facilities over 20 kW have addressed our previous concerns.

Energy

Ulupono is also generally supportive of the proposed wind facility setback requirements listed in the proposed CD1. Specifically, Ulupono supports a setback no greater than one mile for onshore wind developments. We believe anything greater than a one-mile setback will likely increase electricity costs for residents and hinder the state's progress towards achieving its renewable energy goals and, therefore, harmfully contribute to climate-related events. As onshore wind projects are a low-cost option to advance the state's clean energy goals, a setback greater than one mile will exacerbate the state's dependence on high-cost and polluting energy resources, such as fossil fuels, and contribute to the increased severity and frequency of storms, sea-level rise, eroding beaches, and more. Additionally, O'ahu will be forced to rely on other potentially controversial, higher-cost alternatives such as off-shore wind facilities and/or utility-scale solar facilities on O'ahu's most productive agricultural lands. Ulupono believes a setback up to one mile will also help to address community concerns (e.g., shadow flicker, noise pollution, blade throw, etc.) while preserving suitable areas for future wind development if needed.

Urban and Transportation

Ulupono also supports the Honolulu Department of Planning and Permitting's (DPP) proposed updates for urban development. These include allowing more diverse housing types, more diverse uses within Mixed-Use districts, allowing neighborhood groceries and parks, and the transfer of development rights

Investing in a Sustainable Hawai'i

policies. All of these updates help to encourage development in our urban core and support a successful multimodal transportation system.

Agriculture

UluPono has concerns around the agricultural land-use regulation updates and the potential operational impacts. Local farmers and ranchers work on tight margins. In fact, according to the USDA NASS 2017 Agricultural Census, nearly 60% of Hawai'i's 7,328 farms operate at a net loss. Any limits, restrictions, or changes to the way in which an agricultural operation currently does business can have lasting effects on the future of farming for O'ahu. Updated land-use regulations are critical to local producer success. Such use updates include but are not limited to: crop production, aquaculture, composting, urban agriculture, vertical farming, livestock keeping, animal raising, agricultural support, accessory agricultural uses, agritourism, farm dwellings, farm stands, and farm worker housing. With a super majority of all producers within the state being "small," there is great importance in developing policies and regulations that promote local production and address some of the industry's toughest problems. We appreciate the proposed CD1 as it looks to address the land use concerns around "gentleman farms." Agricultural land standards that promote production on ag zoned land will help to ensure a future for farming here on O'ahu.

Furthermore, it is important to consider the costs associated with farming here in Hawai'i. Diversifying revenues and increasing profitability for bona fide local producers drastically improves farming's economic viability in the state. If we are serious about agriculture and its role in diversifying our local economy, government must find a way to balance agricultural land use to allow for appropriate accountability without overly burdensome regulations. We believe the agricultural community, particularly the active producers across O'ahu, should be an active participant in the process of compiling new use standards and definitions. Unfortunately, this may not have been the case in this instance, and we hope any future details around land use and related definitions can be a more collaborative effort and capture broader input across key stakeholders in the local ag sector. We ask this committee to work closely with O'ahu producers to develop the specific use regulations within this measure to ensure that setbacks, limits, and percentages best reflect local agriculture's input and best interests.

UluPono welcomes the Administration's work to review the City and County of Honolulu's Land Use Ordinance and all use regulations attached to the ordinance. We recognize that land use definitions and regulations are critical factors to our island community's sustainable and resilient future. We appreciate your consideration of these comments and hope to contribute further to this important conversation.

Respectfully,

Micah Munekata
Director of Government Affairs

*Note: UluPono Initiative values this measure before the Council today and appreciates the opportunity to testify; however, we are unable to attend in person due to concerns around COVID-19. Thank you for your understanding.



Kahuku Community Association

Honolulu City Council
530 South King Street Room 202
Honolulu, HI 96813

August 24, 2022

RE: Bill 10 CD1 (2022)

Dear Chair Elefante, Vice Chair Kia'aina and Council Members,

Kahuku Community Association (KCA) respectfully asks the Council to listen to our community who speaks from firsthand experience and strongly requests that the Council establish a Setback of 1.25 Mile for Large Wind Energy Generation Facilities, delete language supporting a 1:1 setback ratio and add that wind energy generation facilities refers to individual wind machines or turbines.

Sec. 21-5.60-6 pertaining to the setback requirement for large wind energy generation facilities: “Large wind energy generation facilities must be set back from all property lines at ~~a minimum distance equal to the height of the facility, measured from the highest vertical extension of the facility,~~ and a minimum of ± 1.25 mile from the property lines of any zoning lot located in the country, residential, apartment, apartment mixed use, and resort zoning districts. Height includes the height of the tower or its vertical support structure and the farthest vertical extension of the tower. Wind energy generation facilities refers to individual wind machines or turbines.”

KCA also requests the council to clarify medium and large wind energy generation. Specifically, clarifying that medium wind machines are up to 99 Kilowatts.

Sec. 21-5.60-6(b)(2)(C)(i) A wind energy generation facility is considered a medium utility if it is located within the agricultural, country, industrial, or industrial mixed use zoning districts, and has a rated capacity of up to 99 ~~[100]~~ kilowatts.

Sec. 21-5.60-6 defining large utility infrastructure: “Includes energy generation facilities, supporting storage, and any generation capacity over 5 megawatts, ~~and except~~ utility scale wind energy generation facilities with a rated capacity of 100 kilowatts or more per wind machine.”



Kahuku Community Association

Kahuku as a community surrounded by 20 industrial wind turbines experiences the cumulative impacts of these turbines daily. We want to stress how severely inadequate a 1:1 setback is and continue to request support for a 1.25 mile setback for large wind machines. We ask the council to also consider supporting a setback of 1.25 mile for medium scale wind utility projects and place the burden of proof on the developers to request for a variance for lesser setback as deemed necessary.

KCA understands the need for clean energy as our communities are experiencing the devastating effects of extreme weather events from climate change. However, we must also strike a balance and put in place regulations to ensure that renewable energy projects do not come at the cost of the health, safety and quality of life of host communities and its residents. As currently being experienced by residents of the Kahuku community, when industrial wind projects are poorly sited in close proximity to schools and residential communities, the impacts of these industrial wind turbines to host communities can be devastating. Blade throw, tower collapse, fire from mechanical failures, shadow flicker, both inaudible and audible noise have negatively impacted individuals and families who live near turbines world wide.

Placing an adequate setback is the only proven safety measure to protect and prevent host communities from the negative impacts of industrial scale wind turbines.

The Land Use Ordinance is in place to promote and protect public health, safety and welfare of the people whom these projects will directly affect. The threat posed to those living and schooling in close proximity to industrial wind turbines are clearly evident to our Kahuku residents. We respectfully ask the Council to listen to our community who speaks from firsthand experience and to prevent any other community from bearing the burdens and impacts of industrial wind from any future wind projects. Mahalo!

Respectfully,

Sunny Unga (e-sign)

Kahuku Community Association
Sunny Unga - President
Oriana McCallum - Vice President
Valeriano Garrido - Secretary
Laura Pickard- Treasurer
Melissa Ka'onohi-Camit - Director
Atalina Pasi - Director

Testimony of
Pacific Resource Partnership

City Council
City & County of Honolulu
Committee On Zoning And Planning
Councilmember Brandon J.C Elefante, Chair
Esther Kia'āina, Vice Chair

Bill 10—LUO Amendment Relating to Use Regulations
Thursday, August 25, 2022

Aloha Chair Elefante, Vice Chair Kia'āina, and Members of the Committee:

Pacific Resource Partnership (PRP) writes in **strong support** of Bill 10 (2022) CD1 amendments provided in Council Communication 241.

Amendments in Council Communication 241 allow developers to build multi-unit dwellings in areas where they typically would not be allowed to build under the current Bill 10 and LUO. In return for these benefits, developers must ensure that the contractors they hire register and certify with the Department of Planning and Permitting that they: 1) will provide specific benefits and training opportunities to their workers; and 2) do not have a history of unlawful business practices.

These amendments address housing and labor issues that Oahu faces by encouraging the construction of more housing units to meet Oahu's housing needs, ensuring workers are treated fairly and are paid proper wages with benefits to help them survive Hawaii's high cost of living, creating new jobs and a long-term career path for Oahu's residents, deterring unscrupulous contractors from getting into Oahu's market, and ensuring that reputable contractors are getting the work from this benefit.

Given the above, we respectfully request your favorable decision on this measure.

Thank you for this opportunity to submit written testimony.



TESTIMONY BEFORE THE HONOLULU CITY COUNCIL ZONING AND PLANNING
COMMITTEE

RE: BILL 10 (2022) CC-241 (2022) Proposed Amendments (2022)

THURSDAY, AUGUST 25, 2022

Chair Elefante, Vice Chair Kai'aina, and Members of the Honolulu City Council Zoning and Planning Committee:

I am Willson Shi, studying American Problems at McKinley High School and one of my class projects is to submit a testimony to the Honolulu City Council Zoning and Planning Committee in strong support for affordable teacher housing and the workforce.

A major problem in Hawaii is affordable housing, mainly rental housing for teachers and the workforce. Many of our certified teachers and students have moved away from Hawaii because they could not afford the rent. In place of certified teachers, and shortage of substitutes, principals, vice principals, security guards, health aides, counselors, librarians, and whoever the sasa can find to watch the class. Many times, the students are sent to the cafeteria, library, the gym or outdoors for their classes in Hawaii.

Bill 10 with its proposed amendments is needed to retain and attract certified teachers in Hawaii for a better educational system.

TESTIMONY BEFORE THE HONOLULU CITY COUNCIL ZONING AND PLANNING
COMMITTEE

RE: BILL 10 (2022) CC-241 (2022) Proposed Amendments (2022)

THURSDAY, AUGUST 25, 2022

Chair Elefante, Vice Chair Kai'aina, and Members of the Honolulu City Council Zoning and Planning Committee:

I am Andy Lieu studying American Problem Economics at McKinley High School and one of my class project is to submit a testimony to the Honolulu City Council Zoning and Planning Committee in strong support for affordable teacher housing and the workforce

A major problem in hawaii is affordable housing, mainly rental housing for teachers and the workforce. Many of our certified teachers and students have moved away from hawaii because they could not afford the rent. In place of certified teachers and shortage of substitutes, principals, vice principals, security guard, health aids, counselor, librarians, and whoever the sasa can find to watch the class. Many time, student are sent to the cafeteria, library, the gym or outdoor for their classes in hawaii

Bill 10 with it's proposed amendments is needed to retain and attract certified teachers in hawaii for a better educational system

TESTIMONY BEFORE THE HONOLULU CITY COUNCIL ZONING AND PLANNING
COMMITTEE

RE: BILL 10 (2022) CC-241 (2022) proposed Amendments (2022)

THURSDAY, AUGUST 25, 2022

Chair elefante, vice chair kia'aina, and members of the honolulu city council zoning
And planning committee:

I am Nicolas Apaka, an American problematic at McKinley High School and one of my class
projects is to submit a testimony to the Honolulu City Council Zoning and Planning
Committee in strong support for affordable teacher housing and the workforce.

A major problem in Hawaii is affordable housing. Mainly rental housing for teachers and
the workforce. Many of our certified teachers and students have moved away from
hawaii because they could not afford the rent in place of certified teachers and
shortages of substitutes principles vice principals security guard health aides counselors
librarians the gym or outdoors for their classes in hawaii.

Bill 10 with its proposed Amendments is needed to retain and attract certified teachers
in hawaii for a better educational system.

2024 North King Street
Suite 200
Honolulu, Hawaii 96819-3494
Telephone 808 842 1133
Fax 808 842 1937
eMail rmtowill@rmtowill.com



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August 24, 2022

The Honorable Brandon Elefante, Chair
and Members of the Committee on Zoning and Planning
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813-3065

Dear Chair Elefante and Members of the Committee on Zoning and Planning:

**Testimony in Support of Bill 10 (2022)
LUO Amendments Relating to Use Regulations**

I am David Tanoue, Vice President of the R.M. Towill Corporation, and I am providing testimony on behalf of HASEKO (Ewa), Inc. and Hoakalei Corporation (collectively, “Haseko”). Haseko is the owner and developer of the Hoakalei Resort, which includes the Hoakalei Lagoon and the mixed-use zoned lands surrounding the Lagoon.

Haseko **supports** Bill 10 (2022) and appreciates the City’s efforts to modernize and streamline the Land Use Ordinance; however, Haseko is proposing four (4) narrowly tailored changes that are necessary for the continued development of the Hoakalei Resort and which would better accomplish the City’s goal, as set out in the Ewa Development Plan, to create an Ewa regional mixed-use waterfront recreational destination at Hoakalei.

Consistent with the Ewa Development Plan, in 2016 the City Council approved the current mixed-use zoning at the Hoakalei Lagoon. See Exhibit A. As part of that approval, the City Council directed Haseko to work collaboratively with the Department of Planning and Permitting to prepare the 2018 Hoakalei Urban Design Plan (“2018 UDP”). The Hoakalei Lagoon is a man-made inland water body mostly in the preservation zone that is surrounded by a diverse mix of resort, commercial and residential zoning specifically intended to create a regional mixed-use destination.

Working closely with the City, Haseko and DPP came to a consensus that the project’s waterfront and water-related recreational components would be planned and designed to fit within the LUO’s “outdoor recreational facilities” and/or “marina accessories” categories that require minor conditional use permits. That consensus was incorporated into the 2018 UDP and DPP has since approved five conditional use permits for the Lagoon’s first waterfront recreational components.

Bill 10, however, proposes to eliminate the LUO’s “outdoor recreational facilities” and “marina accessories” categories. Fortunately, in its place Bill 10 creates two new categories, “marine minor” and “general outdoor recreation”, that will serve much the same role. Unfortunately, as currently drafted Bill 10 does have inconsistencies that, if applied to Hoakalei’s existing mixed-use zoning, could unintentionally limit the project, and prevent it from becoming the mixed-use destination that the City Council originally envisioned. Therefore, we are proposing four (4) minor edits to Bill 10 that would resolve these inconsistencies and make the new “marine minor” and “general outdoor recreation” categories more useful in practice. See Exhibit B.

The Honorable Brandon Elefante, Chair
and Members of the Committee on Zoning and Planning
August 24, 2022
Page 2

Proposed Change # 1: Change Table 21-5.1, Table of Permitted Uses, to permit “general outdoor recreation” uses in the BMX-3 zone with a major conditional use permit. Since general outdoor recreation is a permitted use with a major conditional use permit in the other business and business mixed use zones, it seems more consistent to also make general outdoor recreation uses permissible in BMX-3 with a major CUP.

Proposed Change # 2: Change Table 21-5.1, Table of Permitted Uses, to also allow “marine minor” uses in the P-2 and B-1 zoning districts with only a minor conditional use permit. We propose allowing “marine minor” uses in P-2 with only a minor conditional use permit because “marine minor” uses are by definition low impact *minor* uses, and the other zones permitting “marine minor” uses require only a minor CUP. We also propose allowing “marine minor” uses in B-1 because a portion of the Hoakalei lagoon is in B-1 and “marine minor” uses are permitted in the other business and business mixed-use zones.

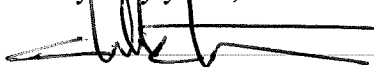
Proposed Change # 3: Change the definition of “marine minor” at Section 21-5.80-2(a)(1)(A) so that it consistently states that “marine minor” uses support “other water-related activities” at or adjacent to lagoons and other inland waters. This would clarify that the water-related activities expected at Hoakalei’s unique inland Lagoon are clearly permissible as marine minor uses.

Proposed Change # 4: Revise the use standards for “marine minor” at Section 21-5.80-2(a)(2)(A)(ii)-(iii) to delete the words “State land use” but retaining “preservation district”. This is a mistake since there is no State preservation district, and the City has no land use authority over the State conservation district.

These proposed changes are necessary and narrowly tailored to facilitate the continued master-planned development of the Hoakalei Resort area and implement the Ewa Development Plan’s vision for a regional mixed-use waterfront destination focused on the Hoakalei Lagoon.

Thank you for providing me with the opportunity to provide comments and proposed revisions to Bill 10.

Very truly yours,



David K. Tanoue
Vice President

Enclosures:

Exhibit A – Zoning Map of Hoakalei Lagoon and Surrounding Areas

Exhibit B -- Proposed Revisions to Bill 10

cc: Haseko (Ewa), Inc.
Hoakalei Corporation

EXHIBIT A

Parcel and Zoning Information



8/3/2022, 2:57:28 PM

- Zoning
- B-1
 - A-2
 - F-1
 - BMX-3
 - IMX-1
 - P-2
 - RESORT
 - R-5

1:9,028

0 0.05 0.1 0.2 mi
0 0.1 0.2 0.4 km
Esri, HERE, Garmin, Intermap, NGA, USGS

City & County

EXHIBIT B



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **10 (2022), CD1**

A BILL FOR AN ORDINANCE

	Preservation, Agricultural, Country				Residential, Apartment				Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial Mixed Use				Definition and Standards	
	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3		IMX-1
	P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use PRU = Plan Review Use * = Use Standards Apply																					
Eating and Drinking																						
General eating and drinking	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	P	P	P	P	Sec. 21-5.70-2(a)
Bar, nightclub																						
Minor	--	--	--	--	--	--	--	--	--	--	--	--	P	--	P*	P*	P*	P*	P	--	P*	Sec. 21-5.70-2(b)
Major	--	--	--	--	--	--	--	--	--	--	--	--	P	--	P*	--	P*	--	--	--	P*	Sec. 21-5.70-2(b)
Lodging																						
Bed and breakfast home	--	--	--	--	--	--	P*	P*	--	--	--	--	P*	--	--	--	--	--	--	--	--	Sec. 21-5.70-3(a)
Hotel																						
Minor	--	--	--	--	--	--	--	--	--	--	--	--	P			Cm*	P	--	Cm*	--	C*	Sec. 21-5.70-3(b)
Major	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	C*	P	--	Cm*	--	C*	Sec. 21-5.70-3(b)
Timeshare	--	--	--	--	--	--	--	P*	--	--	--	--	P	--	--	--	--	--	--	--	--	Sec. 21-5.70-3(c)
Transient vacation unit	--	--	--	--	--	--	P*	P*	--	--	--	--	P*	--	--	--	--	--	--	--	--	Sec. 21-5.70-3(a)
Medical																						
General medical services	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	--	--	--	P*	Sec. 21-5.70-4(a)
Hospital	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	Sec. 21-5.70-4(b)
Medical laboratory	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	P	Sec. 21-5.70-4(c)
Office																						
General office	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	P	P	--	P	Sec. 21-5.70-5(a)
Parking																						
Remote parking	--	--	--	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Sec. 21-5.70-6(a)
Commercial parking	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	P	P	--	P	Sec. 21-5.70-6(b)
Personal Services																						
General personal services	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	--	--	--	P*	Sec. 21-5.70-7(a)
Animal care																						
Minor	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P*	P*	P*	P*	P*	P	--	P*	Sec. 21-5.70-7(b)
Major	--	--	P*	P*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	Sec. 21-5.70-7(b)
Wedding services	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	P	--	--	--	P	Sec. 21-5.70-7(c)
Recreation, Indoor																						
General indoor recreation	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	Sec. 21-5.70-8(a)
Theater	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	P	Sec. 21-5.70-8(b)
Recreation, Outdoor																						
General outdoor recreation	--	--	--	--	--	--	--	--	--	--	--	--	C*	C*	C*	C*	C*	C*	C*	--	Cm*	Sec. 21-5.70-9(a)

Since general outdoor recreation is a permitted use with a major CUP in the other business and business mixed use zones, it seems more consistent to also make general outdoor recreation uses permissible in BMX-3 with a major CUP.

OCS2022-0540/7/8/2022 11:49 AM

7



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **10 (2022), CD1**

A BILL FOR AN ORDINANCE

	Preservation, Agricultural, Country				Residential, Apartment				Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial Mixed Use				Definition and Standards	
	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3		IMX-1
	P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use PRU = Plan Review Use * = Use Standards Apply																					
Golf course	PRU	-	-	-	-	-	-	-	-	-	-	-	PRU	-	-	-	-	-	-	-	-	Sec. 21-5.70-9(b)
Nature-based recreation		C*	C*																			Sec. 21-5.70-9(c)
Zoo	C*		C*																			Sec. 21-5.70-9(d)
Retail																						
General retail																						
Small	-	-	-	-	C*	C*	C*	C*	C*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P*	Sec. 21-5.70-10(a)
Medium	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P	P	-	P*	Sec. 21-5.70-10(a)
Large	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	P	P	-	P*	Sec. 21-5.70-10(a)
Alternative financial services	-	-	-	-	-	-	-	-	-	-	-	-	-	Cm	Cm	Cm	Cm	-	-	-	Cm	Sec. 21-5.70-10(b)
Mobile commercial establishment	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 21-5.70-10(c)
Vehicle-Related																						
Car wash	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	-	P*	Sec. 21-5.70-11(a)
Vehicle fueling station	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P	P	P	P	P	-	P	Sec. 21-5.70-11(b)
Vehicle repair																						
Service	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	P	P	P	P*	Sec. 21-5.70-11(c)
Light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P	P	-	Sec. 21-5.70-11(c)
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	Sec. 21-5.70-11(c)
Vehicle sales and rental																						
Light	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P	P	-	P*	Sec. 21-5.70-11(d)
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	Sec. 21-5.70-11(d)
Accessory Commercial																						
Caretaker unit	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	P	P	Sec. 21-5.70-12(a)
Drive-thru	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 21-5.70-12(b)
Retail	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	Sec. 21-5.70-12(c)
Vacation cabin	C*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.70-12(d)
INDUSTRIAL USES																						
Manufacturing and Processing																						
General manufacturing and processing																						
Light	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	P*	P	P	P	P	Sec. 21-5.80-1(a)
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P	P	-	Sec. 21-5.80-1(a)
Biofuel processing facility	C*	C*	C*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Cm*	Cm*	-	Sec. 21-5.80-1(n)



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **10 (2022), CD1**

A BILL FOR AN ORDINANCE

	Preservation, Agricultural, Country				Residential, Apartment				Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial Mixed Use				Definition and Standards	
	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3		IMX-1
	P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use PRU = Plan Review Use * = Use Standards Apply																					
Brewery, distillery, winery																						
Minor	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	Sec. 21-5.80-1(c)	
Major	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	Sec. 21-5.80-1(c)
Explosive or toxic chemical manufacturing, storage, and distribution	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C*	--	--	Sec. 21-5.80-1(d)
Food manufacturing and processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	P	P	Sec. 21-5.80-1(e)
Linen suppliers	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	Sec. 21-5.80-1(f)
Petrochemical plant	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C*	Cm*	--	Sec. 21-5.80-1(g)
Production studio	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	P	--	P	Sec. 21-5.80-1(h)
Publishing facility	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	P	P	P	--	P	Sec. 21-5.80-1(i)
Marine																						
General marine		<div>Cm*</div>													<div>Cm*</div>							
Minor	C	--	--	--	--	--	--	--	--	--	--	--	Cm*	--	Cm*	Cm*	Cm*	--	P	P	P*	Sec. 21-5.80-2(a)
Major	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	Sec. 21-5.80-2(a)
Port	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	Sec. 21-5.80-2(b)
Repair																						
General repair	--	--	--	--	--	--	--	--	--	P*	P*	P*	--	P	P	P	P	P	P	P	P	Sec. 21-5.80-3(a)
Heavy repair	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P	P	--	Sec. 21-5.80-3(b)
Research and Development																						
General research and development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	P	Sec. 21-5.80-4(a)
Resource Extraction																						
General resource extraction	--	C*	C*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	Sec. 21-5.80-5(a)
Storage and Warehousing																						
General storage, warehousing, and distribution	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	Sec. 21-5.80-6(a)
Self-storage	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	P	P	--	P	Sec. 21-5.80-6(b)
Storage yard	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P*	P*	P*	--	Sec. 21-5.80-6(c)
Transportation																						
Airport	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	Sec. 21-5.80-7(a)

Since the land uses in the "marine minor" category are fairly low impact minor uses, and the other zones permitting marine minor uses require only a minor CUP, it seems inconsistent to require a major CUP in P-2. Marine minor uses should also be permitted in B-1 since a portion of the Hoakalei lagoon is in B-1 and marine minor uses are permitted in the other business and business mixed use zones.

OCS2022-0540/7/8/2022 11:49 AM



A BILL FOR AN ORDINANCE

- (1) Defined: Activities and structures used to support recreational marine or other water-related activities, commercial boating, or the storage and transfer of marine or other water-related goods and services.

- (A) Minor: Land uses on harbor fast lands, lagoons, or other inland waters that support recreational marine activities. Includes but is not limited to piers or boathouses, storage and minor repair of boats, clubhouses, sale of boating supplies and fuels, ice and cold storage facilities, hoists, launching ramps, and wash racks.

- (B) Major: Land uses on harbor fast lands that support commercial marine activities. Includes but is not limited to construction, vocational training, equipment sales, and repair.

These proposed changes are intended to make it clear that the mix of water related activities expected at Hoakalei's unique inland lagoon are clearly permissible as marine minor uses.

- (2) Standards:

- (A) Minor:

- (i) Launching ramps, boat repair facilities, establishments for the sale of boating supplies and fuel, clubhouses and drydock facilities, or other areas for storage of boats on land must be set back from any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning districts by:

(aa) 300 feet if open between the hours of 10:00 p.m. and 6:00 a.m.; or

(bb) 150 feet if not open between the hours of 10:00 p.m. and 6:00 a.m., or if the activity or facility is screened by a solid wall at minimum of 6 feet in height.

- a. A master planned community with an inland waterway designated as within the ~~State land use~~ preservation district is not subject to the additional setback requirements; provided that the master planned community was created pursuant to the same zone change application as part of a single rezoning action.

- b. Where a general marine use occurs adjacent to an inland waterway designated as within the ~~State land use~~

Since there is no "State land use preservation district", the reference is incorrect.



**BEFORE THE ZONING and PLANNING COMMITTEE FOR THE
CITY AND COUNTY OF HONOLULU**

**Testimony to Bill 10 (2022), proposed CD1
August 25, 2022**

Aloha Chair Elefante, Vice Chair Kia`aina, and Members of the Committee:

I am submitting this testimony on behalf of Ko Olina Community Association, Inc. (“KOCA”). KOCA is the community association for the Ko Olina Resort (“Ko Olina”). Ko Olina is a master-planned community built on approximately 642 acres on the leeward coast of O`ahu. Ko Olina includes six planned communities that include single family homes, townhouses, and condominium villas. It is also home to three existing hotels and vacation-club resorts. In total KOCA has 2,010 members.

Ko Olina is a major employer for leeward O`ahu. At full-build-out, Ko Olina will provide approximately 31,000 direct jobs to Honolulu. This number is increased to 43,000 jobs when you include indirect jobs.

Ko Olina is a major contributor to the City’s and State’s tax revenues. The annual tax impact of Ko Olina to the City is estimated to be more than \$123 million, and approximately \$144 million for the State. This results in a cumulative economic impact of \$267 million.

Ko Olina supports the amendments to Bill 10 proposed by Councilmember Tupola proposed on August 2, 2022 which amends Figure 21-5.2. to reflect changes to the A-1 (Low Density Apartment) and A-2 (Medium Density Apartment) Districts in the Ko Olina area where short-term rentals are permitted. This amendment is necessary to ensure that all communities at Ko Olina are within the resort zone.

Ko Olina has major concerns about the proposed draft’s change of the setback requirement for large wind energy generation facilities to a minimum distance equal to the height of the facility, and a minimum of 1 mile, instead of 1.25 miles or 5 miles which were proposed in the past. Ko Olina is in strong opposition to the CD1’s new proposal because it does not take into consideration instances where proposed wind machines are sited on mountain ranges. A setback of 1 mile from any property line may be appropriate for flat terrain but is not appropriate for areas that rise in elevation.

Residents and visitors are attracted to Ko Olina for its beautiful views and resort atmosphere. Recently, a 46.8 Megawatt wind project was being proposed to be sited above Kahe Valley on the southwestern end of the Wai`anae mountain range. As planned, this project would

have been within the proposed setback of 1 mile from Ko Olina's property line because the proposed setback does not take into consideration rises in elevation. If this project, or a similar one, were to proceed it would cause significant economic damage to Ko Olina, the City and the State. The wind machines would present a notable-visual blight that would destroy the pristine beauty of the area and generate noise pollution that would not only impact the experiences of visitors and residents but more importantly, local businesses and the livelihood of over 10,000 employees at the resort. Attached to this testimony, is a photo by the proposed developer of the 46.8 MW wind project which depicts how the wind project would affect Ko Olina's view.

The construction of wind machines (overhead transmission lines and switching stations would also be included with the construction of the wind machines) will undeniably alter the natural beauty and serenity of the area and impact the experiences of those who choose to live, work and visit.

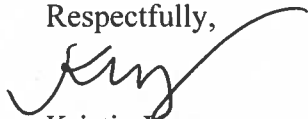
We are also concerned about detrimental health risks associated with wind machines. These may include, but are not limited to, exposure to infrasound, pulsating sounds and shadow flicker. Noise pollution associated with mechanical noise created by the friction between two components of the machinery and vibrations induced by the rotary components, the turbines' generators, fans and hydraulic systems, and the aerodynamical noise that comes from the motion of the air around the blade, would be extreme. Having wind farms generating noise pollution 24/7 could cause both physiological and psychological problems for area residents and visitors.

Lastly, for too many years the leeward communities of O'ahu have been heavily burdened with the county's less desirable projects; projects no other communities want, but overwhelmingly benefit from. In addition, the environmental and cultural interests of the area, including preservation of the land and culture of Native Hawaiians, the largest majority of whom reside on the leeward coast, must be considered.

We understand the State's policy to promote the use of renewable resources, however, this policy must be balanced with the preservation of our lands and culture, and the economic impacts to Ko Olina and neighboring communities. We request that the Committee reject the proposed 1 mile setback for all property lines and consider a setback figure closer to the 5-mile mark proposed in Bill 30 (2021). The proposed 1 mile setback seems to be arbitrary; the Committee should require further studies be conducted, especially when wind machines are being proposed to be sited on mountain ranges above communities and resorts. Alternatively, we would request that Bill 10 (2022) be amended to provide an alternative restriction to address situations when wind machines are being proposed for mountain ranges above communities and resorts.

Thank you for the opportunity to submit testimony.

Respectfully,



Kristin Vasquez

Assistant General Manager, Ko Olina Community Association, Inc.



Eurus Energy - 2018



City and County of Honolulu
Committee on Zoning and Planning

Bill 10

Thursday, August 25, 2022

City and County of Honolulu Council Members,

The Hawai'i Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

The Hawai'i Cattlemen's Council **offers comments on Bill 10** to address the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 1990 ("Land Use Ordinance"). We appreciate the addition of definitions for Livestock Veterinary Services and Processing. The new category for Accessory Agriculture use is helpful to acknowledge that some lands support livestock keeping indirectly.

We are concerned with the vast changes proposed for agritourism and ask that you work with those who are currently successfully utilizing agritourism to supplement agricultural income while exposing visitors to the importance of agriculture in Hawai'i. The changes outlined in this bill are quite specific and may have unintended negative consequences on those currently running legitimate agritourism operations that benefit agriculture's outreach to the general public. Regarding agricultural housing, we ask that you recognize that housing on ag property is key to attracting and retaining quality, long-term workers.

Updating Land Use Ordinance is necessary to keep up with evolving practices and needs of the users. We appreciate the opportunity to testify on this critical matter for our industry.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



TESTIMONY BEFORE THE HONOLULU CITY COUNCIL ZONING AND PLANNING COMMITTEE

RE: BILL 10 (2022) CC-241 (2022) Proposed Amendments (2022)

THURSDAY, AUGUST 25, 2022

Chair Elefante, Vice Chair Kai'aina, and Members of the Honolulu City Council Zoning and Planning Committee:

I am, Makayla Kaleo o Kalani Rivera, studying US History at McKinley High School and one of my class project is to submit a testimony to the Honolulu City Council Zoning and Planning Committee in strong support for affordable teacher housing

Honolulu does not have affordable housing for our teachers and students which causes for teachers to leave Hawaii and students move away from Honolulu. Classrooms are staffed with substitutes, vice-principals, principals, office workers, custodians, security guards who ever the school can get to work. Many times, classes are sent to the gym, cafeteria, library or outdoors due to a lack of certified teachers, and substitutes.

Like we learn of the super-rich industrialists and financiers like Andrew Carnegie, J.P. Morgan, and John D. Rockefeller, who were called robber barons by the workers they manipulated, and the voters who watched them bribe public officials, we see a repeat of history happening here in Honolulu by wealthy developers and investors.

Bill 10 with its proposed amendments is needed to develop affordable rental housing for certified teachers and Hawaii's workforce. This will provide quality education for our students and make a living in Hawaii affordable housing.

Please vote yes on this bill.

TESTIMONY BEFORE THE HONOLULU CITY COUNCIL ZONING AND PLANNING
COMMITTEE

RE: BILL 10 (2022) CC-241 (2022) Proposed Amendments (2022)

THURSDAY, AUGUST 25, 2022

Chair Elefante, Vice Chair Kai'aina, and Members of the Honolulu City Council Zoning and Planning Committee:

I am, Shea Miyasato, studying US History at McKinley High School and one of my class projects is to submit a testimony to the Honolulu City Council Zoning and Planning Committee in strong support for affordable teacher housing.

Honolulu does not have affordable housing for our teachers and students which causes our teachers to leave Hawaii and students to move away from Honolulu. Classrooms are staffed with substitutes, vice-principals, principals, office workers, custodians, security guards who ever the school can get to work. Many times, classes are sent to the gym, cafeteria, library or outdoors due to a lack of certified teachers, and substitutes.

Like we learn of the super-rich industrialists and financiers like Andrew Carnegie, J.P. Morgan, and John D. Rockefeller, who were called robber barons by the workers they manipulated, and the voters who watched them bribe public officials, we see a repeat of History happening here in Honolulu by wealthy developers and investors.

Bill 10 with its proposed amendments is needed to develop affordable rental housing for certified teachers and Hawaii's workforce. This will provide a quality education for our students and make living in Hawaii affordable.

Brookfield Renewable U.S.

Honolulu City Council Committee on Zoning and Planning

Bill 10, CD1 (2022) – LUO Amendment Relating to Use Regulations

WRITTEN TESTIMONY

Hearing, August 25, 2022, 9:00 A.M.

[<https://hnlidoc.ehawaii.gov/hnlidoc/testimony>]

Kahuku Wind Power, LLC ("Kahuku Wind")¹

Dear Chair Elefante and Members of the Committee:

Kahuku Wind respectfully submits its testimony **opposing all sections of Bill 10, CD1 (the "Bill") that propose to increase the setback requirements for wind machines and related equipment and wiring to 1 mile** (the "Proposed Setback Requirements").

We ask that the Proposed Setback Requirements be removed from the Bill, as was recommended by the City and County of Honolulu Planning Commission ("Planning Commission") at its meeting on January 18, 2022, by unanimous vote. We offer the following comments.

Kahuku Wind operates a 30-megawatt renewable energy wind project in Kahuku, Oahu, Hawaii (the "Project"). The Project was constructed in 2011 and has been providing Oahu with crucial clean, renewable energy for the past ten years. The Project can generate enough energy to power 7,700 homes and prevent 39,000 metric tons of carbon dioxide emissions annually, and it contributes critically towards the State's mandate of achieving a 100% Renewable Portfolio Standard ("RPS") and carbon neutrality by 2045. Hawaiian Electric Company, Inc. noted in its current Power Supply Improvement Plan that the RPS mandate will likely not be met only through solar, and that additional renewable resources including onshore wind will be necessary.

- As noted above, on January 18, 2022, after public hearings on November 24, 2021 and January 18, 2022, the Planning Commission voted unanimously to recommend approval of the City and County of Honolulu Department of Planning and Permitting's ("DPP") proposed amendments to the Land Use Ordinance ("LUO") with four recommendations, including the deletion of the 1.25-mile

¹ Kahuku Wind Power, LLC is a subsidiary of Brookfield Renewable U.S.

minimum setback for large wind energy generation facilities and recommended retention of the 1:1 setback language of the current LUO.

- Last year, the Planning Commission considered three separate but similar bills, Bills 28, 29, and 30 (collectively, the “Setback Bills”), proposing to increase setback requirements for wind machines. After considering numerous testimonies by stakeholders, the Planning Commission transmitted the Setback Bills without recommendation to the City Council. Attempting to include this amendment regarding wind machines in this larger package of current proposed LUO revisions is an attempt to circumvent the clear desire by the Planning Commission to not recommend this amendment.
- The City and County of Honolulu and all other counties in the State have already determined that a setback of one foot for each foot of height is sufficient and is consistent with many other city and county jurisdictions across the United States. These existing setbacks along with a multitude of other regulations at local, state and federal levels mandate the responsible development of renewable facilities and have allowed for Kahuku Wind and other projects to contribute to Hawaii’s renewable energy goals while ensuring the safety and wellbeing of local residents, neighbors and other stakeholders. There is no reasonable scientific evidence to support the passage of the Proposed Setback Requirements in Bill 10. Any justification for an increased setback must be supported by science and data and should not be arbitrary.
- The Proposed Setback Requirements are contrary to the State’s and Honolulu County’s policy prioritizing the development of renewable energy projects. The State passed Act 97 in 2015 to achieve a 100% renewable portfolio standard by 2045. Wind energy provides a critical energy source to replace fossil fuels and decarbonize the state.
- The Honolulu City Council passed Bill 20-47 in 2020, which amended Chapter 2 of the Revised Ordinances of Honolulu relating to climate change, sustainability and resiliency. Specifically, this bill established climate action policies for the city to transition to 100% renewable energy, consistent with state law, and promote the resiliency of Oahu’s communities. Increasing setbacks for wind machines will reduce the viability of wind projects as a valuable resource to achieve 100% renewable energy, and to create a sustainable, resilient grid for the residents of Honolulu. The recent challenges faced by renewable energy solar developers have delayed the delivery of several renewable energy projects. These challenges include supply chain issues affecting solar panels, microchips, and increased transportation costs. With the imminent closure of the coal plant which supplies approximately 20% of the electricity to Oahu’s households and businesses, there is an increased need for generation resources recognized by the State of Hawaii

Public Utilities Commission to avoid an energy shortfall and a potentially unstable grid. Oahu and the state needs as much renewable energy as it can create on the grid to reliably rid the island of fossil fuel. The Proposed Setback Requirements in the Bill will hinder the development of renewable energy.

In summary, based on the reasons outlined above, **we respectfully ask that the Committee on Zoning and Planning amend the Bill by removing from Sec. 21-5.60-6(c)(2)(B)(v) the following language that increases the setback for wind facilities: “and a minimum of 1 mile from the property lines of any zoning lot located in the country, residential, apartment, apartment mixed use, and resort zoning districts”.**

Thank you for the opportunity to testify.



OPERATING ENGINEERS LOCAL UNION No. 3

2181 LAUWILIWILI STREET, KAPOLEI, HI 96707 • (808) 845-7871 • FAX (808) 682-0906

Jurisdiction: Northern California, Northern Nevada, Utah, Hawaii, and the Mid-Pacific Islands

August 22, 2022

Honorable, Brandon Elefante, Committee on Zoning and Planning, Chair
Honorable, Esther Kia'aina, Committee on Zoning and Planning, Vice Chair
Honorable Members of the Committee on Zoning and Planning

RE: BILL 10 (2022) Proposed CD1 – LUO AMENDMENT RELATING TO USE REGULATIONS. Addressing the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 1990 ("Land Use Ordinance").

Chair Brandon Elefante,

My name is Ana Tuiasosopo. I am the District Representative and Trustee for Operating Engineers Local 3. We are the largest construction union in the United States. I and the members of Operating Engineers Local 3 based in Hawaii **STRONGLY SUPPORT** Bill 10 (2022) Proposed CD1- LUO AMENDMENT RELATING TO USE REGULATIONS with amendments from CC-241 (2022) which adds special regulations for multi-unit dwellings.

Section 21-7.50 deals with special regulations for certain uses and sets the special standards for Honolulu's Land Use Ordinances. The standards listed in CC-241 (2022) are key to ensuring that developers benefitting from special LUO polices the allow them to build in specific business, industrial, and residential districts where they normally do not build, will hire contractors that pay wages with benefits that allow them to afford Hawaii's high cost of living.

The regulations will also ensure that contractors hired to do these projects will need to document and certify employee health and welfare coverage plans, participation in a state-approved apprenticeship program, retirement savings, and shall not have a history of illegal, fraudulent, willful or grossly negligent business practices. All things that contractors should already be doing. Unfortunately, year after year and especially during the pandemic, we have seen contractors that have violated their duty and obligations to provide health care, proper training, a living wage, overtime pay, vacation, retirement benefits, and sick leave, to their employees. We need to find and hold bad contractors accountable for their actions.

We humbly ask that you support these amendments to ensure that employees are protected and reap the benefits afforded to them under the law.

Sincerely,


Ana Tuiasosopo
Hawaii District Representative, Trustee
Hawaii Operating Engineers Local 3



Eric W. Gill, Financial Secretary-Treasurer

Gemma G. Weinstein, President

Godfrey Maeshiro, Senior Vice President

August 24, 2022

Committee on Zoning & Planning
Honolulu City Council
Brandon Elefante, Chair
Esther Kia'āina, Vice Chair

Testimony with comments on Bill 10 (2022) regarding the Land Use Ordinance

Chair Elefante, Vice Chair Kia'āina and Members of the Committee:

UNITE HERE Local 5 represents hotel, health care and food service workers across the state. We are concerned that some of the changes proposed in Bill 10 are not in the public's best interest; particularly changes regarding areas where hotel development would be allowed, and the process by which hotel developments are approved.

1. We are opposed to allowing hotels in B-1 and B-2 zoned areas.
2. Proposed hotel developments in the IMX-1 and I-2 areas near the Honolulu International Airport should be subject to the approval of City Council.
3. We feel that hotels in BMX-3 areas should be subject to the approval of City Council regardless of room count. In the nine years since Council passed Ordinance 13-10 allowing hotels in BMX-3 areas, two have been built (the Residence Inn Kapolei and the Embassy Suites Kapolei) and others have been contemplated in places such as the UH West Oahu area and Puck's Alley.

There is real potential that Oahu may face a shortage of fresh water in the future. Additionally, residents' sentiments about the benefits vs. drawbacks of the hotel industry need to be addressed. Hotels, even those under 180 rooms, potentially have many other impacts on communities – on traffic volume, character of a community, parking availability, etc.

We feel the appropriate way to address all of these concerns would be to ensure that members of the public can weigh in meaningfully on each new proposed hotel development. While hearings before the Department of Planning and Permitting are helpful, we strongly feel that in order to have meaningful input, residents' concerns should be put before Council and that Council should have the right - for each potential hotel - to approve, disapprove, or approve with conditions accordingly.

Thank you.

Aloha

I support BILL 10(22) which 1.25 mile setback for the large wind turbines that we have today and those to come. I am part for the Kahuku community that has already wind turbines in our own back yard. That have plague the community in different forms or another such as noise(whooshing from the blades of the turbine and also the electrical humming from the motor of the turbine)and also then shadow flicker produce when sunlight hits the turbine producing its shadow over the community. The house I live in with my family we are affected by all of those things and its not fun living these problems that could've been fixed if they built it farther back so that any of those affects won't be a problem for the community. I am for going GREEN energy but without sacrificing communitie's well being to achieve that goal.

Thank you

Jacob F.



Hawaii's Thousand Friends

335 Hahani Street #342132 * Kailua, HI 96734 * Phone/Fax (808) 262-0682 E-Mail: htf3000@gmail.com

August 25, 2022

Committee on Zoning and Planning

Brandon J. C. Elefante, Chair

Esther Kia`aina, Vice Chair

Radiant Cordero

Calvin. K.Y. Say

Bill 10 CD1 Relating to Use Regulations

Hawaii's Thousand Friends (HTF), a statewide non-profit dedicated to ensuring that appropriate land and water planning and management decisions are made to protect the environment, human health and cultural and natural resources, has the following comments on the proposed Bill 10 CD1.

We quote the purpose and intent of the LUO because all residents have a stake in how Oahu's land use planning system works - how easy or difficult is it to understand, how and if each component is enforceable and enforced and how all components work together to create a better, safer and healthier quality of life.

Sec. 21-1.20 Purpose and intent.

The purpose of the LUO is to regulate land use in a manner that will encourage orderly development in accordance with adopted land use policies, including the city's general plan, and development and sustainable communities plans, and as many be appropriate adopt neighborhood plans and to promote and protect the public health, safety and welfare by, more particularly:

1. Minimizing adverse effects resulting from the inappropriate location use or design of sites and structures
2. Conserving the city's natural historic and scenic resources and encouraging design that enhances the physical form of the city; and
3. Assisting the public in identifying and understanding regulations affecting the development and use of land. (Sec. 21-1.20)

HTF supports the changes to the following sections relating to agriculture:

- Sec. 21-5.40(b)(2)(F) require the *dedication of 75 percent of a zoning lot to active agricultural use for as long as the agritourism use is in operation*
- Sec. 21-5.40-4(b)(G) deleting off-road vehicle tours as an agritourism use

- Sec. 21-5.40.4(b)(G) *limit weddings and similar accessory destination events to no more than one event per week*
- Sec.21-5.40-4 (e) *require that crop production and livestock keeping must occupy a minimum of 75 percent of the zoning lot and that a valid agricultural status must be obtained as evidence of the agricultural activity.*
- Sec. 21-5.40-4(h) *require a minimum of 75 percent of a zoning lot be dedicated to active agricultural use as long as the farmers market is in operation...*
 - These changes recognize that it is a slippery slope until the more profitable agritourism and non-agricultural events overtake as the primary use of agricultural land.
 - These changes recognize agriculture as a top priority as identified in the State Constitution.

State Constitution: *The State shall conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency and assure the availability of agriculturally suitable lands.* (Article XI, Section 3)

HTF opposes Sec.21-5.50-1 (d), which permits *multi-unit dwellings* B-1 zoning and B-2 and for the following reasons:

- Permitting housing in B-1 and B-2, which is zoned for commercial and business activities is de facto rezoning without public input and discussion of impacts to adjacent residential neighbors such as increased noise, increased height intrusion into view planes, increased traffic and congestion.
- There is no affordable housing requirement so units could become high priced condos adjacent to average residential housing further driving up housing costs.
- Housing could soon replace businesses as the main purpose of B-1 and B-2 zoning district instead of the intended purpose of businesses that serve the local community.
- B-1 and B-2 zoned lots can be developed to 40 feet. In many cases B-1 and B-2 properties are adjacent to residential zoning lots with a height limit of 25 feet. If permitted, 40 foot buildings will loom over residential lots obliterating and dominating the view plane, cutting off trade winds, eliminating sunlight, casting shadows on solar roof panels and eliminating privacy in adjacent residential homes and yards.
- HTF proposes the following amendment to Section 21-5.50-1(d): *The height of properties zoned B-1 and B-2 and adjacent to residentially zoned properties shall not be greater than 25 feet high.*
 - Sec. 21-3.110 Business districts—Purpose and intent. (Existing wording)
 - (a) The purpose of the business districts is to set aside areas for commercial and business activities to meet and support the economic growth of the city. These districts help to ensure a favorable business climate and support the economic and social well being of city residents.

(b) The intent of the B-1 neighborhood business district is to provide relatively small areas, which serve the daily retail and other business needs of the surrounding population. It is intended that this district be generally applied to areas within or adjacent to urban residential areas, along local and collector streets, but not along major travel routes or on a large-scale basis

(c) The intent of the B-2 community business district is to provide areas for community-wide business establishments, serving several neighborhoods and offering a wider range of uses than is permitted in the B-1 district. The intent is to apply this district to areas conveniently accessible by vehicular and pedestrian modes and served by adequate public facilities.

HTF supports the definition of “Household” in Section 26 *one or more natural persons, all related by blood, adoption, guardianship, marriage, or other duly authorized custodial relationship occupying a dwelling or lodging unit; or no more than five (instead of six) unrelated natural persons.*

- The definition is easy to understand and continues the current limit of no more than five unrelated persons.
- The definition helps ensure that homes are not illegally used as transient vacation rentals.
- Limiting the number of unrelated persons in a single dwelling unit makes it easier to calculate the capacity of sewers, roads, impacts on parking etc.

Sec. 21-5.50-2 Group living

(a) Group living, small is defined as *Group living of up to eight residents, not including resident managers or supervisors or their families, in a dwelling unit.*

(b) Group living; large is defined as *Group living of nine or more residents, not including resident managers or supervisors or their families, or occupancy of a dwelling unit by more than five unrelated residents.*

- This section is contrary to the new definition of Household, which are *no more than five (instead of six) unrelated natural persons.*
- If up to 8 or 9 residents plus managers, supervisors or families are allowed in a dwelling unit can an unlimited number of people live in a dwelling unit?
- Is there a limit on the number of residents, managers, supervisors or families that can occupy a large group living facility?
- If there is an unlimited number of persons allowed in a large group living facility how is the adequacy of sewer capacity, roads, or impacts on parking and existing neighbors etc. determined?

Sec. 21-5.50-2 (a) Group living, small permits *small and large group living* that is of an *agricultural nature.*

- How is a group living facility defined to meet the requirement that they are of an *agricultural nature?*

Sec. 21-5.60-2 Communications

(a) Dish Antenna

- Is DISH Network included in the definition of *dish antenna*?

(2) Standards

- Since communication towers require only one land use permit each applicant should be required to present their proposal before the appropriate neighborhood board or require a C conditional use major for antennas adjacent to residential zoning.
- It is imperative that residents who will be directly impacted by an antenna of any type understand what is being proposed, ask questions about impacts to birds, the view plane, understand how many users may be placed on each antenna, and potential impacts from new technology.

Other communication concerns:

- Since antennas once approved will not need any further land use permits will they be periodically examined for structural stability, rusting etc.?
- Each approved antenna applicant should be required to have a bond so when an antenna must be removed due to outdated technology, condition etc. there is funding to remove it.

**Kathleen M. Pahinui
67-237 Kauai St
Waialua, HI 96791**

August 24, 2022

Committee Chair Brandon Elefante
Honolulu Hale
530 S. King St
Honolulu, HI 96813

Re: Support and Comment on Bill 10 Land Use Ordinance

Aloha Committee Chair Elefante and Committee Members:

I am writing in support of Bill 10 relating to the Land Use Ordinance with the following comments / requests for amendments:

- Agritourism. Requires the dedication of 75 percent (instead of 50 percent) of the zoning lot to active agricultural use for as long as the agritourism use is in operation (instead of a minimum of 10 years), through an agricultural easement or similar legal encumbrance acceptable to the DPP Director. Deletes bus, jeep, or off-road vehicle tours using motorized vehicles as a permitted agritourism use.

COMMENT: overall support but would include ATVs. Agritourism should have a strong nexus to the ag being done on the property and any agritourism activity must require a CUP major.

Anyone buying ag land should have a well-thought out business plan and know how they will make money and what their expenses will be. Saying you cannot make it without agritourism uses says that the owner never really intended the land for ag and they see it as a way to make money off of tourism. This does not support the need for food security on our island. The more ag land turned over to non-ag uses, the more in danger we are of not feeding ourselves – actually we are already there.

Please support ag land for ag only and support food security.

- Limits weddings and similar accessory destination events to no more than one event (instead of two events) per week.

COMMENT: do not support weddings on ag land.

- Three-unit dwellings. Deletes three-unit dwellings as a separate residential use. Multi-unit dwellings include buildings with three or more (instead of four or more) dwelling units.

COMMENT: Support

- Uses in the agricultural zoning districts. In the AG-1 and AG-2 Districts, certain uses (meeting facilities, group living, child daycare, adult daycare, and K-12 schools) are permitted with a major conditional use permit, and require a minimum of 75 percent of the zoning lot area to be dedicated to active agricultural use for as long as the applicable use is in operation, through an agricultural easement or similar legal encumbrance acceptable to the DPP Director.

COMMENT: Oppose. Ag land should be kept for ag uses.

New uses.

- Adds a new nature-based recreation use, defined as a permanent facility for outdoor play or recreation, often containing recreational equipment and facilities intended to promote or enhance access to natural areas on land with preserved wildlife and natural features. Permitted in the P-2, AG-1, and AG-2 Districts with a major conditional use permit. Includes horseback riding stables or ranches, which has been deleted from the general outdoor recreation use. In the AG-1 and AG-2 Districts, a minimum of 75 percent of the zoning lot must be dedicated to agricultural or passive undeveloped recreational areas, through an agricultural easement or similar legal encumbrance acceptable to the DPP Director.

COMMENT: very concerned that this change will open the door to misuse of ag land. There is currently a business with a similar model as described above on ag land and there is no ag. There are ATVs, karaoke nights, weddings, and other events that are not allowed along with horses and stables. Concerned about opening a loophole that will be exploited by those not interested in ag use. Who will enforce the 75% requirement to ensure there is no exploitation?

Not opposed to horses and stables on ag land but location is important. Current horses and stables are in an area surrounded by homes. The smells and dust are impacting the neighbors.

Other comments

- B-1 and B-2 Districts.

COMMENT: please leave the current definitions of B1 and B2 as is. Do not revise.

- Mobile Food Units.

COMMENT: Please do not allow food trucks in any zoning except Resort, BMX, IMX or AMX.

Mahalo for taking up this difficult but very important Bill.

Mālama ‘āina,

Kathleen M. Pahinui

Aloha Council Members

Due in part to the unsettled situation at DPP—whereby enforcement of our land use laws, including the LUO, is spotty at best, I have concerns about tampering with the LUO at this point in time..

The LUO should be as simple, clear and unambiguous as possible—so as to make it easily enforceable. Generally speaking, I am opposed to changes to the LUO that do just the opposite.

One such proposed change involves mobile commercial establishments —AKA food trucks.

Food trucks: 1. Attract tourists 2. Encourage illegal signage 3. Generate litter 4. Cause parking problems 5. Present sanitation issues.

These are a few of the issues that must be addressed when considering allowing food trucks. If they are to be allowed under the LUO, strict and readily enforceable rules must first be in place.

A blanket allowance for food trucks in B1 zoning is being considered. This makes absolutely no sense. While food trucks (properly regulated) may be desirable in some B1 neighborhoods, there are regions / sustainable communities plan areas where that is not the case.

Food trucks and the excessive numbers of tourists they attract would create conflicts with the sustainable communities plans that are seeking to retain the rural character of a given region.

Mahalo,
Larry McElheny
(808) 237-9354

Denise Antolini
59-463 Alapi‘o Road
Hale‘iwa, Hawai‘i 96712

August 24, 2022

Chair Brandon Elefante
Members, Zoning and Planning Committee
Honolulu City Council

Re: Bill 10 – LUO AMENDMENT RELATING TO USE REGULATIONS.

Agenda, Thursday, August 25, 2022 9:00 A.M.

Aloha Chair Elefante and Members of the Committee,

I support the changes in CD1 that removed **Mobile Commercial Establishments (MCE)** in Country and Agricultural Zones, and add it to Resort.

- u. Amend the mobile commercial establishment entry to delete Cm* in the Country District (mobile commercial establishments no longer permitted in the Country District), and add P* in the Resort District.

However, no change was made to the B-1 Zoning MCE permitting. **I am still strongly opposed to across-the-board permitting of MCE in B-1 zoning.** The Standards proposed in Sec. 21-5.70-10(c) are wholly inadequate for a rural community like the North Shore. (Indeed those standards exempt Hale‘iwa MCEs, allowing them to be governed by a special ordinance, indicating that regional differentiation is allowed in the LUO).

I request that the Council utilize the same **regional differentiation** approach for MCEs as used in the LUO for Minor Hotels in BMX-3 – the LUO Master Table for Minor Hotels in BMX-3 is blank and the Standards specify that Minor Hotels are allowed in some regions of O‘ahu and not others.

(2) Standards:

(A) Minor:

- (i) In the BMX-3 zoning district, minor hotels are only permitted within the Primary Urban Center Development Plan, Ewa Development Plan, or Central Oahu Sustainable Communities Plan areas, as established by Chapter 24.

Therefore, for the reasons stated in my prior (April 2022) testimony, attached, I respectfully request that the B-1 Zoning for MCE use be left blank, and language added to Sec. 21-5.70-10(c) Standards stating

“In the B-1 zoning district, MCEs are only permitted within the Primary Urban Center Development Plan, Ewa Development Plan, or Central Oahu Sustainable Communities Plan Areas.”

In other words, this amendment would mean that MCEs should not be allowed in B-1 zoning under the North Shore Sustainable Communities Plan (NSSCP) for the reasons describe in my April 2022 testimony, attached hereto.

This is particularly true where the NSSCP has been undergoing community review since 2021 and a final revision is expected in 2023. The LUO should not pre-empt this important NSSCP community land use planning process.

One final note, in the MCE Standards, Sec. 21-5.70-10(c), not the following issues that need to be resolved:

- (1) Definitions – the term “**itinerant**” is used but not defined. Please DEFINE “itinerant” in terms of the periodic mobility required for these trucks. For exmple, “moved off site daily.” This lack of definition has been a huge problem because, in Hale‘iwa, Sharks Cove, and Kahuku, these trucks are not truly itinerant, but stationary for weeks on end or longer. The City does not have a way to enforce the mobility of MCEs without a specific standard. Leaving this vague creates more enforcement problems for DPP and the community.
- (2)(C) **portable sign** – please indicate where this portable sign may be placed – recently a food truck at Sharks Cove (illegally) placed the portable sign across the Highway along Pūpūkea Beach Park. If the Standards do not specify that the signs need to be **within a specific number of feet of the MCE**, for example, within 3-5 feet of the MCE, then the vendors will put them anywhere, particularly along high traffic areas, and claim the Standards allow it.
- (2)(D) pedestrian and vehicle plan – please require that the plan include **nearby streets** and not just the site itself – the impact of pedestrians (crossing streets and highways – see testimony below) and vehicles of MCEs is significant on the neighborhood and needs to be addressed in the Standards.
- (2)(D)(cc) – hours – the hours of operation from **6 am to 10 pm** are too long if residences are nearby (as they are at Sharks Cove). Please restrict operation to **8 am to 9 pm** if the property is bordered by residential areas.
- (2)(D)(dd) – this language is amazingly loose – “when required” – what does that mean? – **restrooms** (port a potties at least) should be **required** along with **hand-washing stations**. It is unsanitary for patrons, employees, and nearby residences to have MCEs without toilet facilities. Indeed, before portable toilets were required at the Sharks Cove site, patrons were using nearby residents’ yards as outdoor toilets, creating medieval conditions.

A final note about the **Hale‘iwa Food Truck** ordinance. Please take a drive through Hale‘iwa and ask yourself if the food truck proliferation allowed by the poorly written ordinance preserves the special character and history of the town. In my view, it is shameful for the City to require strict design standards for the brick and mortar businesses in Hale‘iwa Special District, Sec. 21-9.90-1, and at the same time allow the crass, disney-land, cheap eats atmosphere that comes from the rampant food trucks, signage, flags, parking chaos, and lack of sanitation that has crept into every nook and cranny in Hale‘iwa. Auwe!

Mahalo,

* * * April 2022 Z&P testimony * * *

Currently, the LUO does not regulate MCE, such as Food Trucks. As a result, these types of itinerant (but often actually very stationary) businesses are currently “out of control” in areas of the North Shore. They have become **tourist traps**, created a range of environmental, health, safety, visual blight, and traffic problems, and need to be regulated.



(Food Trucks at B-1 Zoned “Sharks Cove Parcels”
with reduced footprint, restricted operations, and modified screening
only after community litigation and 2020 settlement agreement, provisions of which continue to
not be complied with by the developer or properly enforced by the City)

Therefore, I applaud the Department of Planning and Permitting (DPP) for proposing to regulate MCE/Food Trucks.

However, DPP’s proposal to permit MCE/Food Trucks in **Country and B-1 Zoning** are contrary to the intention behind both of these zoning designation and should be **rejected**. Oddly, DPP does not propose MCE/Food Trucks in **Resort** zoning, where it should be **allowed**.

MCE/Food Trucks have different customer bases in the different districts of O‘ahu. Perhaps in the urban core, and in industrial and apartment areas, MCE/Food Trucks cater to local residents and workers.

However, **on the North Shore**, MCE/Food Trucks cater **probably 90% to tourists**. As such, they should be regulated as **tourism destinations**, which are **incompatible with Country and B-1 Zoning**.

This table provides a comparison of what is proposed by DPP and how DPP’s proposal should be **amended** by this Committee:

Table 21-5.1	Preservation, Agricultural, Country				Residential, Apartment				Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial, Industrial Commercial, Mixed Use				Definition/Standards	
Table of Allowed Uses	P-2	AG-1	AG-2	Country	R-20 R-10	R-7.5 R-5 R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1	Sec.21 - 5.70(j) (3)
MCE DPP Proposed	-	-	-	C m*	-	-	-	-	-	P *	P *	P *	-	P *	P *	P *	P *	P *	P *	P *	P *	
MCE - Amended	-	-	-	€ m*	-	-	-	-	-	P *	P *	P *	P *	P *	P *	P *	P *	P *	P *	P *	P *	
My position:	Delete: Food trucks/MCE <i>should not</i> be allowed in Country Zoning								Add: Food trucks/MCE <i>should</i> be allowed in Resort Zoning				Delete: Food trucks/MCE <i>should not</i> be allowed in B-1 Zoning									

DPP’s proposed amendments for MCE/Food Trucks are contrary to the **intent of the LOU**:

ROH Sec. 21-1.20 Purpose and intent. (a) The purpose of the LUO is to regulate land use in a manner that will encourage orderly development in accordance with adopted land use policies, including the city's general plan, and development and sustainable communities plans, and, as may be appropriate, adopted neighborhood plans, and to promote and protect the public health, safety and welfare by, more particularly: (1) Minimizing adverse effects resulting from the inappropriate location, use or design of sites and structures; (2) Conserving the city’s natural, historic and scenic resources and encouraging design that enhances the physical

form of the city; and (3) Assisting the public in identifying and understanding regulations affecting the development and use of land. (b) It is the intention of the council that the provisions of the LUO provide reasonable development and design standards for the location, height, bulk and size of structures, yard areas, off-street parking facilities, and open spaces, and the use of structures and land for agriculture, industry, business, residences or other purposes. (Emphasis added.)

The 2010 NSSCP, developed after years of community input under DPP’s guidance, states that “Retention of **rural character** was the *single most important issue* for the North Shore community.” (Technical Report, p. 5.) (emphasis added). MCE/Food Trucks are **incompatible** with the **rural character** of the North Shore as prioritized in the NSSCP.

To underscore this incompatibility, please note that the B-1 Zoned “Sharks Cove Parcels” in fact have a *unique land use designation* under the NSSCP – a “Rural Community Commercial Center” – defined as “a small cluster of commercial and service businesses local on major thoroughfares that provide a range of goods and services that meet the needs of the surrounding residential communities.” (NSSCP, § 3.6.3) (emphasis added.)

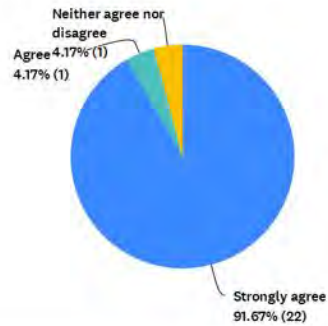
The NSSCP Technical Report explained *why* the designation *for this specific site* was so restrictive: “This is in response to the proposed Pūpūkea Village development (proposed shopping center across from Sharks Cove), which faced community opposition due to the incompatible nature and character of the proposed project, potential traffic and infrastructure-related impacts, and nearshore impacts to the Pūpūkea Marine Life Conservation District. Proposed revisions are intended to clarify the intent of the Rural Community Commercial Center designation, *and ensure that future proposals are limited in size and scope and are designed more for area residents than visitors.*” (§ 4.3.9.) (emphasis added).

The Food Trucks on this parcel do not serve the needs of the surrounding community. This conclusion is based on a survey conducted of residents/members of the Sunset Beach Community Association in July 2021, which shows overwhelming concerns about the Food Trucks on these parcels, including that they *primarily serve tourists, lead to increased tourism and overcrowding, encourage pedestrians to riskily cross the highway, lead to excessive traffic and congestion, and should be removed from the current and future development on this site.*

SBCA Survey re Sharks Cove Development

Q12 Do you agree or disagree that food trucks on the site (currently and future) primarily serve customers who are tourists?

Answered: 24 Skipped: 0

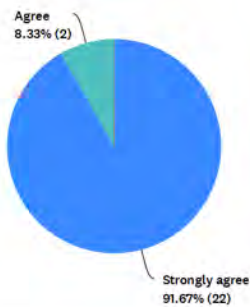


ANSWER CHOICES	RESPONSES
Strongly agree	91.67% 22
Agree	4.17% 1
Neither agree nor disagree	4.17% 1
Disagree	0.00% 0
Strongly disagree	0.00% 0
TOTAL	24

SBCA Survey re Sharks Cove Development

Q13 Do you agree or disagree that food trucks on the site lead to increased tourism and overcrowding at Pupukea Beach Park and Sharks Cove?

Answered: 24 Skipped: 0

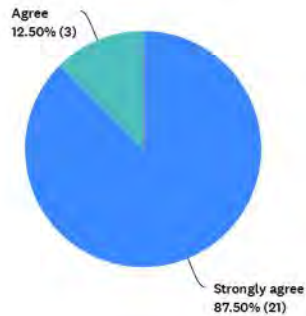


ANSWER CHOICES	RESPONSES
Strongly agree	91.67% 22
Agree	8.33% 2
Neither agree nor disagree	0.00% 0
Disagree	0.00% 0
Strongly disagree	0.00% 0
TOTAL	24

SBCA Survey re Sharks Cove Development

Q14 Do you agree or disagree that food trucks and other retail (such as snorkel and surf rentals/tours) offered on the site encourage people to cross Kamehameha Highway in front of the development in an unsafe manner?

Answered: 24 Skipped: 0

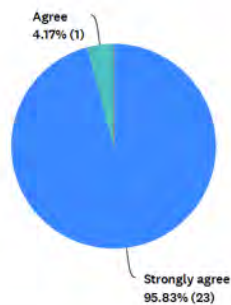


ANSWER CHOICES	RESPONSES	
Strongly agree	87.50%	21
Agree	12.50%	3
Neither agree nor disagree	0.00%	0
Disagree	0.00%	0
Strongly disagree	0.00%	0
TOTAL		24

SBCA Survey re Sharks Cove Development

Q15 Do you agree or disagree that food trucks and other retail (such as snorkel, surf rentals, tours) lead to excessive traffic and congestion in this area?

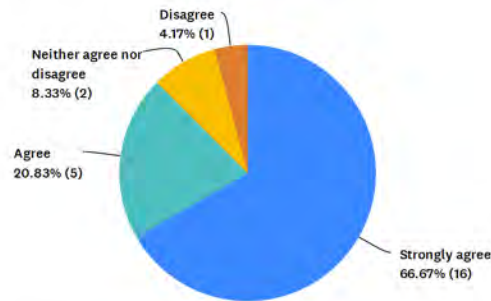
Answered: 24 Skipped: 0



ANSWER CHOICES	RESPONSES	
Strongly agree	95.83%	23
Agree	4.17%	1
Neither agree nor disagree	0.00%	0
Disagree	0.00%	0
Strongly disagree	0.00%	0
TOTAL		24

Q17 Do you agree or disagree that the food trucks should be removed from the current and future development this site?

Answered: 24 Skipped: 0



ANSWER CHOICES	RESPONSES
Strongly agree	66.67% 16
Agree	20.83% 5
Neither agree nor disagree	8.33% 2
Disagree	4.17% 1
Strongly disagree	0.00% 0
TOTAL	24

Thus, allowing MCE/Food Trucks on **B-1** zoned parcels, as the NSSCP specifically indicates for the RCCC on the Sharks Cove Parcels, is incompatible with the very nature of the community-based designation and **should not be allowed under the LUO**.

The same concerns about incompatibility with *B-1* apply to DPP's proposal to allow MCE/Food Trucks in *Country* Zoning.

Country Zoning

Sec. 21-3.60 Country district—Purpose and intent. (a) The purpose of the country district is to recognize and provide for areas with limited potential for agricultural activities but for which the open space or rural quality of agricultural lands is desired. The district is intended to provide for some agricultural uses, low density residential development and some supporting services and uses. (b) It is the intent that basic public services and facilities be available to support the district but that the full range of urban services at urban standards need not be provided.

Typically, the country district would be applied to areas outside the primary and secondary urban centers, which are identified by city-adopted land use policies. . . (Emphasis added.)

None of these values embedded in Country zoning are enhanced by MCE/Food Trucks. To the contrary, **MCE/Food Trucks promote tourism, congestion, and urbanization that are directly contrary to the intent and letter of Country zoning**.



Similarly, these same concerns apply to the proposed allowances in B-1 Zoning. **The Sharks Cove Parcels “regulatory disaster” illustrates that MCE/Food Trucks are not compatible with B-1.**

B-1 Zoning

Sec. 21-3.110 Business districts—Purpose and intent. . . .

(b) The intent of the B-1 neighborhood business district is to provide relatively small areas which serve the daily retail and other business needs of the surrounding population. (Emphasis added.)

As indicated above, MCE/Food Trucks **on the North Shore** do not serve the daily retail and business needs of the surrounding population.

Where do MCE/Food Trucks belong? In **Resort Zoning**, where the tourists are allowed, concentrated, and will utilize such food options in an area with adequate infrastructure.

Resort

Sec. 21-3.100 Resort district—Purpose and intent. The purpose of the resort district is to provide areas for visitor-oriented destination centers. Primary uses are lodging units and hotels and multifamily dwellings. Retail and business uses that service visitors are also permitted. This district is intended primarily to serve the visitor population, and should promote a Hawaiian sense of place. (Emphasis added.)

In addition to the analysis above, I have attached my comments directly to DPP's 2018 staff justification for regulation of MCE/Food Trucks. I welcome further opportunities to address these matters if you have any questions.

Thank you for considering my testimony to **eliminate MCE/Food Trucks in Country and B-1 Zoning and to allow them in Resort zoning.**

Sincerely,



Denise Antolini

Attachment

[Denise Antolini comments on DPP report in underline/italics (4.19.22)]

**DPP-INITIATED LUO AMENDMENT
RELATING TO MOBILE COMMERCIAL ESTABLISHMENTS**

Staff Report

January 29, 2018

The Department of Planning and Permitting (DPP) recommends an amendment to the Revised Ordinances of Honolulu, Chapter 21 Land Use Ordinance (LUO), that defines mobile commercial establishments as a use permitted in certain zoning districts and specifies development standards to help regulate that use. The attached draft bill is intended to serve as companion legislation to Council Resolution No. 17-79, adopted on June 7, 2017. Resolution No. 17-79 initiated an amendment to the LUO relating to the Haleiwa Special District. Among other changes to the Special District, the Resolution contains a new definition and development standards associated with mobile food establishments in Haleiwa. The staff report associated with Resolution No. 17-79, recommends a broader definition that captures all goods and services sold from vehicles, not just food. Additionally, rather than regulate these establishments only in Haleiwa, we recommend regulating them island-wide. [Regulation across the island is a good idea; however, MCEs attract different customers in different areas of the island, and therefore the permission of such uses should recognize that in some areas, like the North Shore, MCEs cater primarily to tourists and be regulated as tourism enterprises.] This staff report and draft bill implements the recommendations the DPP proposed in response to Resolution No. 17-79.

I. Background

Prior to September 2, 2017, the State's Department of Health (DOH) took the lead on broadly regulating food trucks. Their focus is now more narrow such that food trucks are regulated solely from a food safety perspective (see the Hawaii Administrative Rules, Title 11, Department of Health, Chapter 50, Food Safety Code). There are other entities that regulate how, where, and when mobile vendors may operate. The Department of Transportation Services regulates mobile food units on City roadways. Food trucks associated with the People's Open Markets are regulated by the Department of Parks and Recreation. Other entities, such as the State's Department of Agriculture, manage the permitting associated with other farmers markets where food and other goods are sold by mobile vendors. The LUO, which regulates primarily how private property may be used, does not currently have a definition that adequately captures the activities of mobile commercial establishments. [This is correct – and this is an admission that DPP has allowed food trucks in Special Management Areas, specifically the “Sharks Cove Parcels,” without any legal authority.]

Mobile vending is increasingly recognized as an economic development tool. Food trucks and similar mobile commercial establishments provide opportunities for entrepreneurs and small businesses. They can add vibrancy to streetscapes and sites. [This “vibrancy” is a sweeping generalization and reflects an urban bias; such “vibrancy” is not suitable for Country or B-1 Zoning.] Food trucks can expand access to food in areas underserved by traditional restaurants. [Expansion of food services is not necessarily desirable – please see the North Shore Chamber of Commerce article in the North Shore News, April 6, 2022, explaining how Food Trucks hurt brick and mortar restaurants and businesses. And, in the Sharks Cove area, for decades prior to the arrival of food trucks, the neighborhood and tourists were well served by the Foodland store and deli counter, so comparing options to only “traditional restaurants” is misleading.] However, neighborhoods can be negatively impacted by the proliferation of mobile vendors. [Agree 100%] Impacts include visual clutter from excessive signs, trash, competition (fair or not) to “brick and mortar” businesses, increased traffic, increased competition for parking, noise, air pollution, and the lack of restrooms. [Agree 100% - these problems have all arisen as significant community concerns on the Sharks Cove parcels, which at one point had 11 food trucks and now has 5 food trucks, restricted in number only due to community litigation] Land use regulations can help ensure that a balance is achieved between businesses and their potential adverse impacts. [Agree 100%]

II. Analysis

A. Mobile Commercial Establishments on the Neighboring Islands: Every county has different regulations. The county-specific standards are summarized below.

- (a) County of Hawaii: The Hawaii County zoning code does not require that mobile vendors have vehicle documents (for example, registration and proof of safety check). Food trucks are allowed to operate in commercial

zones and in other districts with plan approval. Hawaii County food truck regulations are in the process of being updated.

- (b) County of Maui: The Maui County zoning code requires that food trucks have the necessary vehicle documents. Plan review is required when the food truck operates in the Special Management Area. Parking requirements depend on the number of employees plus three parking spaces for patrons. Establishments which operate from shipping containers or immobile vehicles are treated like other brick and mortar establishments, and must comply with the same parking requirements as those uses.
- (c) County of Kauai: The County of Kauai requires vehicle documentation, and food trucks are required to move daily. Food trucks are permitted to operate in the commercial zoning district with the consent of the landowner. As with Maui County, the required parking depends on whether the food truck is mobile or immobile.

B. Food trucks in Other Jurisdictions: The regulations of several other jurisdictions were reviewed. The regulations vary widely. In general, the regulations that other municipalities have implemented are primarily for the safety of consumers and pedestrians. Below are key points that represent the broad scheme of the regulations reviewed.

Mobile food vendor application: In many municipalities, a peddlers' license or certificate of use must be obtained prior to operation.

Location: Areas of operation differ; however, there is a consensus that food trucks should not operate within public rights-of-ways.

Buffer zones: Buffer zones or setbacks, where no food trucks may locate, are used regularly. Food trucks are generally required to be set back from all property lines approximately 20 to 50 feet, depending on the existence of screening or buffering from adjacent uses.

Definition of vending area: Many municipalities define the area or zoning district where food trucks are allowed to operate.

Signage: Many municipalities limit the amount of signage allowed.

C. Discussion: Without comprehensive regulations, mobile commercial establishments have "popped up" in different zoning districts around the island. [Agree 100%] The DPP has previously depended heavily upon the DOH to regulate the activities of food trucks. [This does not make sense – as stated above, DOH does not regulate the land use or zoning aspects of MCE so this was a mistaken reliance, without legal foundation, by DPP] The attached bill

recommends legislation that is intended to mitigate the adverse impacts of food trucks island-wide. [Mitigation is indeed needed, however, DPP's proposal does the opposite – it opens the floodgates for MCE/food trucks]

The draft bill introduces a definition that recognizes vehicles may offer goods and services beyond prepared food. It adds “mobile commercial establishment” to LUO Table 21-3 Master Use Table, as well as the Special District project classification tables. We are proposing that mobile commercial establishments be permitted in apartment mixed use, business, and industrial zoning districts. [Note that “Country” is not included here as a permitted area but for some reason is added later by DPP] When located in a Special District, the establishments will require a Minor Special District permit and must conform with the standards of the Special District. Otherwise, mobile commercial establishments will be subject to underlying zoning standards, that include yard (setbacks), landscaping, parking, etc.

The bill recognizes that the impact of a single mobile commercial establishment is different from when a group of such establishments gather on a single lot. A tiered regulatory approach is recommended that includes more stringent standards for when three or more mobile commercial establishments are located on one zoning lot. [Agree 100% - the cluster of food trucks on the Sharks Cove parcel has created a huge tourist attraction, with all the problems noted above. However, the line should be drawn at ONE, not three, with spacing such as 100 yards apart.]

The draft regulations require that regardless of their number, mobile commercial establishments shall be located on all-weather surfaces, i.e., paved surfaces. The use of dirt lots for vending has proven to be problematic. Vehicles on such lots (the food trucks themselves and their customers in vehicles) track dirt onto roadways, which eventually ends up in the ocean as a form of road runoff, violating water quality rules. By specifying the need for all-weather surfaces, roadways should be kept free of debris and the amount of sediment in our oceans will be reduced. [Of equal concern, MCE/Food Trucks generate non-point source pollution from the food debris, cleaning operations, and spills – this causes pollution of the soil and underground area, which can cause stream and ocean pollution. This “seepage” has been documented for the Sharks Cove Parcels, where a study conducted for the EIS indicated significant addition of nitrogen and phosphorous from on-site activities.]

Based on court action, zoning cannot regulate signs on vehicles. [This appears to be an overly narrow interpretation of the law – please provide the legal analysis.] However, the use of banners and other “temporary” signs that are placed along the right-of-way should be regulated because they are distractions to drivers and contribute to visual clutter. [Agree 100%- but also because they detract from the character and integrity of certain kinds of zoning, such as Country and B-1.] The

draft bill proposes that a single portable sign may be used per mobile commercial establishment.

[photo inserted by Denise Antolini – showing food truck signage at Sharks Cove Parcels]



The draft bill also addresses traffic impacts. Traffic congestion is not just a concern on the surrounding roads, but also on the particular lots where mobile commercial establishments operate. [Agree 100% - this is a major problem in Haleiwa and Sharks Cove.] While the new parking requirements (five spaces per vehicle) may serve to limit the number of mobile commercial establishments on a given lot, it will better ensure that vehicles have the necessary room to maneuver safely based on standard parking stall dimensions. Therefore, lots with more than three mobile commercial establishments will be required to submit parking management plans. Such plans will be reviewed by the DPP and should help to reduce adverse impacts on adjacent streets. ["Should" does not mean "Will." The provision of parking does not address the issue of traffic flow to/from the MCE area; at Sharks Cove, the traffic congestion has increased substantially as tourists look for, turn into, hesitate, drive out of, and park kapakahi in the area of the food trucks.]

[photo inserted by Denise Antolini – showing example of tourist parking, illegally, at Sharks Cove Parcels]



Other jurisdictions, such as Miami-Dade County or City of Portland, Maine, have determined that three or more mobile commercial establishments created enough neighborhood repercussions to be noteworthy. Staff field surveys around the island concur with this finding. *[Please provide me with copies of those staff surveys.]*

As with any other outdoor uses, noise can impact not just the adjacent properties but those located further away. Noise can be generated by the vehicles, cooking devices, generators, people, and amplified music, among other things. *[Agree 100% - these nuisance issues have been a significant problem at the Sharks Cove Parcels.]* The same can be said for light pollution. Bright lights from unshielded light fixtures can spill over on to adjacent properties. *[Agree 100% - these nuisance issues have been a significant problem at the Sharks Cove Parcels.]* Including mobile commercial establishments as a use in the LUO means that they would be subject to the same general standards contained in Article 4, which address noise and outdoor lighting. To further reduce adverse impacts, lots with more than three mobile commercial establishments will be required to operate between the hours of 8:00 a.m. and 10:00 p.m., daily when adjoining ~~country~~, residential, and apartment districts. *[Country should not be included as a permitted area.]*

As already stipulated by the underlying zoning districts, screening is important to help soften hardscapes and to encourage pedestrian movement. *[Screening needs to be very specifically defined; this has been a huge problem on the Sharks Cove Parcels where, despite specific provisions of the settlement*

agreement that require visual screening, the developer continues to provide inadequate screening, and DPP has not enforced the agreement despite community complaints.] The draft bill proposes that screening should not be limited to parking and trash areas, but should include restrooms areas when provided. *[Will DPP require that MCE/Food Trucks provide bathrooms? Hand-wash stations? If there is no sanitation, patrons will utilize the bushes (which was happening at the Sharks Cove Parcels for many months until the community complained and port-a-potties were provided), neighbors' yards (which also happened), or nearby businesses (read the North Shore Chamber of Commerce article about over-use of the visitor center bathrooms).]*

Excluded from mobile commercial establishment regulations are those events which are already overseen by other regulatory entities. This includes farmers' markets, fun fairs, etc. The vendors at these events are unrefuted mobile establishments as they leave the site once the event is over. *[This distinction points out that IMMOBILE MCE are in fact not MCE – yet there appears to be nothing in DPP's proposed amendments that requires true MOBILITY! Food trucks often remain in place in Haleiwa and at Sharks Cove for months on end, or for years, essentially become stationary business that compete directly with brick and mortar even if they are forced to move occasionally.]* Parking and traffic concerns are already addressed at such events along with waste management and operating times.

III. Recommendation

The DPP concurs with the general intent of the Council-initiated Resolution 17-79, i.e., to amend the LUO to better regulate food trucks or, as we suggest, mobile commercial establishments. However, rather than regulate them only in Haleiwa, we recommend that they be regulated island-wide. Attached is a draft bill that introduces a new definition, includes the new use in the Master Use Table and Special District project classification tables, and specifies new parking and development standards that address hours of operation, seating, signage, parking management, and screening of restrooms. We believe these amendments will help curtail the adverse impacts of mobile commercial establishments, create a predictable regulatory regime for food truck owners and the community-at-large, and not stifle innovation and entrepreneurship. *[For the reasons stated above, DPP may have had good intentions but has created a new "free for all" for MCE/Food Trucks in areas such as Country and B-1 where they should not be allowed.]*

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