

MINUTES

PLANNING COMMITTEE

December 7, 2016

A meeting of the Planning Committee of the County of Kaua'i, State of Hawai'i, was called to order by Mason K. Chock, Chair, at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, December 7, 2016, at 12:05 p.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun
Honorable Ross Kagawa
Honorable Derek S.K. Kawakami
Honorable JoAnn A. Yukimura
Honorable Mason K. Chock
Honorable Arryl Kaneshiro, Ex-Officio Member
Honorable Mel Rapozo, Ex-Officio Member

Minutes of the October 12, 2016 Planning Committee Meeting.

Upon motion duly made by Councilmember Yukimura, seconded by Councilmember Brun, and unanimously carried, Minutes of the October 12, 2016 Planning Committee Meeting was approved.

Minutes of the October 26, 2016 Planning Committee Meeting.

Upon motion duly made by Councilmember Yukimura, seconded by Councilmember Brun, and unanimously carried, Minutes of the October 26, 2016 Planning Committee Meeting was approved.

The Committee proceeded on its agenda item as follows:

Bill No. 2634 A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, KAUA'I COUNTY CODE 1987, AS AMENDED, TO ALLOW MULTIPLE FAMILY DWELLING UNITS IN ALL RESIDENTIAL ZONING DISTRICTS (*Kaua'i County Council, Applicant*) **(This item was Deferred.)**

Councilmember Yukimura moved to approve Bill No. 2634, seconded by Councilmember Kagawa.

Committee Chair Chock: There is a motion to approve. I know at the last discussion, we were talking about potential amendments and I hope everyone received the document from Ka'āina regarding some of the questions that came out of the last discussion. Do we have any further questions? Also, do the new members need a short overview of it? Any questions for Ka'āina? If not, any further amendments?

Councilmember Yukimura: Chair, I want to first of all thank the Planning Department, specifically Ka'āina Hull, for the data that they researched and gathered about the number of lots that would qualify for forty (40) units or more. I did not really look at the E-mail that would be the number of lots that qualify for twelve (12) to forty (40), which would be the lots that would be affected by my potential amendment. I have decided not to propose any amendment, because number one, I do not think there are the votes and number two, I have concerns yet about how this...first of all, let me say that I have always supported the general concept of the Bill. I am just concerned about the unintended consequences where there are greater numbers of units possibly in neighborhoods that are R-4 or R-6. Because we do not have any evidence of what will happen, I think I will wait to see what will happen. If some problems arise, we will then move to try to address it. This does not limit the privilege of multi-family units to affordable housing, but can be used for any kind of residential unit, and some of them could be second homes, but we do not know. I will wait to see how it unfolds.

Committee Chair Chock: Okay. Thank you. If there are no questions, we are going to call for public testimony. Do we have anyone signed up? No. Does anyone want to testify on this item? No. Wow, we are moving fast through this. Final discussion before we take this vote? This will be a roll call vote. Councilmember Kawakami.

Councilmember Kawakami: Sorry, Chair, but we are voting to approve this measure today, but it still goes to the full Council?

Committee Chair Chock: Absolutely.

Councilmember Kawakami: Okay, so I understand the intent of the measure and if this were to fulfill that intent, it would be well-intended and it would be a great opportunity. With that being said, I do have some reservations, but at least it offers me an opportunity to sit down, meet with the introducer, and meet with the advocates. I will be voting to approve this today, but let it be noted that when it goes to the full Council and my hesitancy is not addressed, I will be intending to vote no. But for the time being and to move this forward, I will move it on to the full Council. Thank you, Chair.

Committee Chair Chock: Council Chair Rapozo.

Council Chair Rapozo: I have a suggestion. Because we have two (2) new members, it might be a good idea to have a deferral or an approval today, but maybe set it for the following meeting so that they will have some time to meet with the Planning Department. That is just a suggestion because this is a complex Bill. Chair, I would ask for the consideration for the two (2) new members to give them a little bit more time.

Committee Chair Chock: Absolutely. This is an important measure, one that can be significant. Depending on what your concerns are or your familiarity with it, I am happy to entertain that motion so that everyone can get up to speed on it.

Councilmember Kawakami: Sorry, Chair, and I will go either which way I feel comfortable being able to vote on it and getting the appropriate information that I need for the next Council Meeting, or we could defer. I just feel terribly bad because I do know that the introducer...it is not like this has not been on my radar, just my apologies for not having the questions to be addressed sooner. I do not want to be any hindrance as to any forward progress that has already been made. Either which way, I appreciate the notion to defer.

Committee Chair Chock: Thank you. Councilmember Brun.

Councilmember Brun: I would like to defer this Bill a little longer, until the next Council Meeting.

Committee Chair Chock: Okay. Councilmember Yukimura.

Councilmember Yukimura: If we are looking at a deferral in committee to the first meeting in January, then I will ask for the additional information from the Planning Department.

Committee Chair Chock: Would you like to state the question now?

Councilmember Yukimura: How many lots would be eligible for twelve (12) and more units? That is what my amendment was aimed at.

Committee Chair Chock: Okay. Any other discussion before we have the potential deferral? Okay, so there is the request from our new members to defer this item and I would like to entertain that. Can we get a motion to defer? What is the date on that? January 4th, okay. Councilmember Kaneshiro.

Councilmember Kaneshiro: I am no longer on the Committee, but I introduced the Bill. It is hard for the new members to pick up and try to just vote on something, so I just wanted to give a brief overview of what it was doing and what we are trying to do. I think we all know that we are in a housing crisis. Currently right now without the Bill, you are not allowed to build attached dwellings in R-1 to R-6; not allowed at all, unless your property was recorded prior to 1980. R-1 to R-6, the more less-intensive zoning, you cannot build multi-family dwellings. R-10 to R-20, it is permitted outright right now. So if you have R-10 to R-20, you can do it. All this Bill does is relax the restrictions and say, "Hey, let us give these people in the R-6 to R-1, the ability to choose whether they want to build," and it does not increase density. The density stays the same. Whatever density they have is how many units they can build, but this just gives them the option to say, "Do I want to build two (2) single-family houses or do I want to build one (1) multi-family house?" There are cost savings doing multi-family. You are building one (1) roof and you can bring the utilities to one (1) area. Also, your property footprint might get a little smaller because you are able to consolidate to an area. That is all it does. It just gives them the option to say, "Do I want to do two (2) single-family houses or do I want to do a multi-family house?" It does not increase any density. If they can build ten (10) units, then their decision is, "Do I want to build ten (10) single-family units or do I want to build some units together?" That is all it did.

Committee Chair Chock: Councilmember Kagawa.

Councilmember Kagawa: For a real-life example, Councilmember Kaneshiro, it is like the one in Puhi where there are duplexes. That would not be allowed in the other R's, but it was allowed because it was R-20 or whatever?

Councilmember Kaneshiro: I have to double-check with the Planning Department, but you are talking about D.R. Horton?

Councilmember Kagawa: No, in Puhi.

Councilmember Kaneshiro: Yes, I think Puhi was R-10 or R-20, Halelani Village.

Councilmember Kagawa: Yes, the duplexes.

Councilmember Kaneshiro: Correct. They had a higher, more-intensive density and they were able to do multi-family. If you have a lower density, you cannot. It basically just gives the homeowner an option.

Committee Chair Chock: I will just add to paint the bigger picture in what the discussion has been. It really has been focused on character and form, so where is it appropriate for us to look at that kind of construction, now that we might be bringing it together? Some of the amendments and questions are around how many can we expect in certain areas? How would that impact a neighborhood, for instance? With that being said, I am ready to vote on it. Councilmember Yukimura.

Councilmember Yukimura: The concern was where you have larger lots, so you might be allowed twenty (20), twenty-five (25), thirty (30), or forty (40) units on that lot, and in a neighborhood that is R-6 or R-4, you would have a large multi-family unit building. So the impact, it is not on density. You are still going to have the same number of units, but you will have potential form and character impacts and that is what we are trying to weigh in terms of how it will affect neighborhoods and people's understanding of the character of the neighborhood.

Committee Chair Chock: Again, I am open to deferring this item to the January 4, 2017 Committee Meeting if that pleases the body.

Councilmember Kawakami: Just so it is open and transparent, one of the concerns I have is how is it going to affect property tax values. We have seen time and time again people getting taxed out of being able to live in certain areas due to somebody being able to afford. For me, like I said, I am not here to hinder the process. I have no problem. If you folks want to defer so that we can have an extra week or two (2) then that is fine. If you folks are ready to vote, the majority is ready to vote, I am a big fan of the democratic process and I will use those two (2) weeks as it moves to the full Council to get the information that I need to vote yay or nay come Council day.

Committee Chair Chock: Thank you. My interest would be to get all the work done here in the Committee, prior to moving to the full Council. So I would like to entertain that deferral, if I can, please.

Councilmember Kagawa moved to defer Bill No. 2634, seconded by Councilmember Brun, and unanimously carried.

Committee Chair Chock: The motion is passed. That concludes the business of the Planning Committee. The Planning Committee is now adjourned.

There being no further business, the meeting was adjourned at 12:18 p.m.

Respectfully submitted,



Codie K. Yamauchi
Council Services Assistant I

APPROVED at the Committee Meeting held on January 4, 2017:



MASON K. CHOCK, PL Committee