NEIL ABERCROMBIE
GOVERNOR

RECEIVED
CITY CLERK
C OF HONOLULU
2012 JAN -9 AM 10: 17

GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T. BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:
HWY-DS 2.0504

JAN 05 2012

RECEIVED
2012 JAN -6 P 1: 09
CITY COUNCIL
HONOLULU, HAWAII

The Honorable Ikaika Anderson
Councilman
Honolulu City Council
Zoning and Planning Committee Chair
Honolulu Hale
530 South King Street, Room 202
Honolulu,Hawaii 96813

Dear Councilman Anderson:

Subject: Special Management Area Use Permit Nos. 2011/SMA-38 and 39
Farrington Highway, Replacement of Makaha Bridges Nos. 3 and Nos. 3A
Federal Aid Project No. BR-093-1(20)

The Department of Transportation (DOT) requests that the attached October 10, 2011 Committee on Zoning & Planning meeting minutes be corrected by changing "without" to "with" in the second line of the third paragraph on page 12. Submitting the engineering drawings without the riprap design would have been contrary to our best engineering judgment and was not consistent with our understanding of what we committed to do as a follow up to the Zoning and Planning Committee meeting.

The reason this important feature was not removed is because of the following:

1. The removal of the riprap protection would be contrary to sound engineering judgment given the history of erosion along the channel slope of the Makaha Stream. Accordingly, the DOT would not knowingly furnish for review any plans that would not address such requirements to maintain public health and safety.
2. The removal of the riprap would be contrary to DOT's design guidelines for bridge and embankment protection. The purpose of the design guidelines is to ensure sufficient protection against flood damage and erosion with the objective of maintaining the health and safety of the public.

   The design manuals utilized for this project included the DOT's Design Criteria for Highway Drainage, dated October 1, 2010, and FHWA Hydraulic Engineering Circular No. 11, Design of Riprap Revetment, dated March 1989. According to Circular No. 11:

- "Four methods of protecting a highway embankment from stream erosion are available to the highway engineer. These are:
  - Relocating the highway away from the stream.
  - Moving the stream away from the highway (channel change).
  - Changing the direction of the current with training works.
  - Protecting the embankment from erosion."

Of the methods available, "Protecting the embankment from erosion" was selected as the most feasible and viable means of protecting Makaha Bridge No. 3. Relocating the highway, moving the stream, or changing the direction of the current at the Makaha Bridge No. 3, were not considered feasible nor prudent methods of controlling erosion.

With regard to the selection of riprap to protect the embankment from erosion, Circular No. 11, adds that, "Rock riprap is the most widely used and most desirable type of revetment in the United States. It is compatible with most environmental settings."

The DOT appreciates the opportunity to provide clarification. Should you have any questions, please contact our Project Manager, Mr. Henry Kennedy at 692-7550, Technical Design Services Office, Design Branch, Highways Division or by email at henry.kennedy@hawaii.gov.

Very truly yours,

GLENN M. OKIMOTO, Ph.D.
Director of Transportation

Attachment

c: Federal Highways Administration (Mr. Domingo Galicinao), RM Towill Corp (Brian Takeda)

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING AND PLANNING

Voting Members:
Ikaika Anderson, Chair
Romy M. Cachola, Vice Chair
Tulsi Gabbard
Breene Harimoto
Ann H. Kobayashi

MINUTES

REGULAR MEETING
MONDAY, OCTOBER 10, 2011

COUNCIL COMMITTEE MEETING ROOM
2ND FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

CALL TO ORDER

The regular meeting of the Committee on Zoning and Planning was called to order by Committee Chair Ikaika Anderson at 9:21 a.m. Voting Members Cachola, Gabbard, Harimoto, and Kobayashi were present at the meeting. Nonvoting Member Council Chair Martin and nonvoting members Berg and Chang also attended the meeting.

STAFF PRESENT

Gail Myers, Senior Advisor to Committee Chair Anderson
Doug Chun, Analyst, Office of Council Services
Andrew K. Sekine, Analyst, Office of Council Services
Stan Kuniyuki, Attorney, Office of Council Services
Don Kitaoka, Deputy, Department of the Corporation Counsel, assigned to the Committee
Cynthia Nakazaki, Council Committee Aide, Office of the City Clerk

ORDER OF BUSINESS

FOR ACTION

1. RESOLUTION 11-281 – COMMITTEE REPORT 323

APPOINTMENT OF DANIEL S. M. YOUNG TO THE PLANNING COMMISSION.

Administration/Others

David Tanoue, Director, Department of Planning and Permitting (DPP)

There was no public testimony.

Director Tanoue spoke in support of Mr. Young and thanked him for his continued public service and willingness to participate on the Planning Commission.

Resolution 11-281 reported out for adoption.

AYES: CACHOLA, GABBARD, HARIMOTO, KOBAYASHI, ANDERSON – 5.
NOES: None.
EXCUSED: None.

Related communication:

MM-137 From Mayor Peter B. Carlisle, requesting Council confirmation of Daniel S. M. Young to serve on the Planning Commission for a term to expire on June 30, 2016.

Committee Chair Anderson announced that he would take up Items 2 and 3 together.

2. BILL 52 (2011)

WAIKIKI SPECIAL DISTRICT. Amending Chapter 21, Revised Ordinances of Honolulu 1990, as amended (The Land Use Ordinance), relating to the Waikiki Special District. (Current deadline for Council action: 03/22/12.)

The following amendment was circulated at the meeting:

PROPOSED CD1 TO BILL 52 (2011) – The CD1 (OCS/100611/03:121 CT) makes the following amendments:

1. At the request of the Department of Planning and Permitting (DPP) in Department Communication 671 (2011):

   a. Replace the proposed amendment to LUO Section 21-9.80-4(a)(5)(A) allowing decorative railings to define the perimeter of the outdoor dining area with a provision that a decorative railing may be permitted in lieu of a planter or hedge subject to the approval of the director.

   b. Amend the proposed amendment to LUO Section 21-9.8-4(a)(5)(D) to provide that no more than 50 percent, rather than 40 percent, of the front yard of a permitted eating establishment may be used as an accessory outdoor dining area, subject to an acceptable design and

that the percentage of outdoor dining area may be adjusted by the director as allowed by LUO Section 21-9.80-4(a)(5)(I).

c. Provide that in the Resort Mixed Use Precinct, for each square foot of open space devoted to pedestrian use and landscape area at ground level provided, exclusive of required yards, five, rather than one, feet of floor area may be added.

d. Amend the proposed amendment to Table 21-9.6(B) by amending Footnote 2 to provide that in the Apartment Precinct, required yards on lots that are less than 10,000 square feet in area may be adjusted as follows: the minimum side and rear yard for buildings that are lower than 40 feet in height is 5 feet, plus a transitional height setback of 1 foot for every four feet for building height above 20 feet.

2. Makes miscellaneous technical and nonsubstantive amendments.

3. BILL 53 (2011)

WAIKIKI ZONE CHANGE. Rezoning land situated at Waikiki, Oahu, Hawaii (amending portions of Zoning Map No. 3 (Moiliili – Kaimuki), Ordinance No. 86-106, as amended) relating to the Waikiki Special District. (Current deadline for Council action: 03/22/12.)

The following amendment was circulated at the meeting:

PROPOSED CD1 TO BILL 53 (2011) – The CD1 (OCS/100611/02:22/HM) makes the following amendments:

A. At the request of the Department of Planning and Permitting (DPP) in Department Communication 671 (2011), replaces Exhibit A with a new map, designated Exhibit A-1, to correct a mapping error.

B. Amends the effective date section of the bill to provide that the bill shall take effect upon the last to occur of its approval or the enactment of its companion measure, Bill 52 (2011), which amends the Waikiki Special District provisions of the Land Use Ordinance.

C. Makes miscellaneous technical and nonsubstantive amendments.

Administration/Others

David Tanoue, Director, Department of Planning and Permitting (DPP)
Robert Bannister, Division Chief, Land Use Permitting Division (DPP)
John Whalen, PlanPacific, Inc. (Agent)
Rick Egged, President, Waikiki Improvement Association (WIA) (Applicant)

Mr. Whalen explained that the major objectives of the Bill are to create a single resort, mixed-use precinct and to provide relief to small properties in apartment and resort zoned areas. He noted that due to testimony presented on the Bills, the WIA proposed the following amendments, as detailed in Communication M-1756:

1) Revising the proposed expansion for the Apartment Mixed Use (AMX) Subprecinct.
2) Omitting the proposal of allowing adjustment of building height based on a view-plane analysis.
3) Correcting typographical errors.

Mr. Egged stated that the WIA strongly supports the residential and apartment component in Waikiki and that the WIA worked closely with the residents in developing the Bill.

Director Tanoue reported that the DPP is supportive of the WIA's proposals.

Director Tanoue provided a summary of the DPP's proposals which also addressed decorative railings as an option to landscaping or planter boxes to define outdoor dining areas. The Director stated that the DPP is not opposed to Committee Member Cachola's suggestion of applicants notifying the Neighborhood Board of intentions for decorative railings prior to the Director's approval.

The following individuals testified on the Bills 52 (2011) and 53 (2011):

1. Rick Egged, Waikiki Improvement Association (support) (M-1755 & M-1756)
2. Steven Baldridge (support) (Bill 52 (2011))
3. Eric Masutomi, Outrigger Enterprises Group (support) (M-1757)
4. Spencer Leineweber, FAIA, AIA Honolulu (support with reservations Bill 52 (2011)) (M-1759)
5. Benjamin Woo (support Bill 52 (2011)) (M-1795)
6. Brett Hill (support Bill 52 (2011))
7. Jerry Gibson, Hilton Hawaiian Village (support)
8. Robert Finley, Waikiki Neighborhood Board (support) (D-684)
9. Patrick Seguirant (support Bill 52 (2011)) (M-1837)

10. Scott Wilson, AIA, AIA Honolulu Chapter (oppose)
11. Keith Kurahashi, Kusao & Kurahashi (support)
12. Kika Bukoski, Hawaii Building and Construction Trades Council (support)
13. Michelle Matson, Waikiki Area Residents Association (oppose) (M-1758)

Lengthy discussion ensued regarding: 1) building height limits, 2) viewing planes for building height, and 3) reconstructing a non-conforming use hotel within a Planned Development-Apartment (PD-A) site.

Committee Member Cachola requested that Mr. Seguirant submit to the Committee the names of all the hotels that are non-conforming under the proposed PD-A map. (Refer to Communication M-1837)

Committee Chair Anderson recommended deferring action on Bills 52 and 53 to the next Committee on Zoning and Planning meeting in order to take into consideration the viewpoints of the applicants and testifiers.

Committee Members supported Committee Chair Anderson's recommendation of deferral.

Action on Bill 52 (2011) deferred.

AYES: CACHOLA, GABBARD, KOBAYASHI, ANDERSON – 4.
NOES: None.
EXCUSED: HARIMOTO -1.

Action on Bill 53 (2011) deferred.

AYES: CACHOLA, GABBARD, KOBAYASHI, ANDERSON – 4.
NOES: None.
EXCUSED: HARIMOTO -1.

Related communications:

CC-249 Councilmember Anderson's letter to the Department of Planning and Permitting regarding Bills 52 (2011) and 53 (2011).
M-1755 Rick Egged, President, Waikiki Improvement Association, proposing amendments to Bills 52 (2011) and 53 (2011).
M-1756 Rick Egged, President, Waikiki Improvement Association, revising letter (M-1755) proposing amendments to Bills 52 (2011) and 53 (2011).
M-1757 Eric Masutomi, Outrigger Enterprises Group (support)

M-1758	Michelle Matson, Waikiki Area Residents Association (comments)
M-1759	Spencer Leineweber, President, AIA Honolulu (support pending amendments to Bill 52 (2011))
M-1795	Benjamin Woo, submitting building diagrams (support)
M-1837	Patrick Seguirant, Architect, providing response to Committee Member Cachola's request.

FOR ACTION AND EXTENSION OF TIME

Committee Chair Anderson announced that he would take up Items 4 and 5 together.

4. RESOLUTION 11-277 – COMMITTEE REPORT 321

SMP FOR HILTON HAWAIIAN VILLAGE (2011/SMA-34). Granting a Special Management Area Use Permit for the Hilton Hawaiian Village Master Plan Improvements. (Deadline for Council action: 12/03/11.)

5. RESOLUTION 11-278 – COMMITTEE REPORT 322

PD-R FOR HILTON HAWAIIAN VILLAGE RESORT COMPLEX (2011/SSD-53). Granting a Planned Development-Resort (PD-R) Permit for the redevelopment of the Hilton Hawaiian Village (HHV) Resort Complex, including the construction of two new timeshare towers in Waikiki, Oahu. (Deadline for Council action: 12/03/11.)

Administration/Others

David Tanoue, Director, Department of Planning and Permitting (DPP)
Robert Bannister, Division Chief, Land Use Permitting Division (DPP)
Jeffery Overton, Principal Planner, Group 70 International, Inc. (Agent)
Norman Hong, Principal Architect, Group 70 International, Inc. (Agent)
Jerry Gibson, Area Vice President, Hilton Hawaiian Village (Applicant)

At this juncture, Committee Chair Anderson appointed Committee Chair Martin a temporary voting member to meet quorum.

Mr. Gibson and Mr. Hong highlighted the main features of the 2010 Master Plan in their powerpoint presentation, as detailed in Communication M-1760. Mr. Hong reported that the proposed project meets all the requirements of the Special Management Area (SMA), and the design standards for the Planned Development-Resort (PD-R) and Waikiki Special District (WSD).

Mr. Gibson further explained that the Hilton leases a parcel of land under the Hilton's Diamond Head Tower from the Mun family. The Hilton is negotiating an extension of the lease which is set to expire at the end of 2012. He addressed issues raised by the Mun family which included the Hilton acquiring a remnant parcel of land from the City, access to the Mun's property and notification of public hearings.

Director Tanoue reported that the DPP recommended approval of the SMA permit with conditions, as detailed in Communication D-667. He noted that a condition was also included to improve pedestrian and public access to the beach along Paoa Place. The DPP also recommended approval of the PD-R with conditions, as detailed in Communication D-668, that included a number of conditions relating to mitigating traffic impacts.

In response to Councilmember Chang, Director Tanoue explained that the Hilton is purchasing the remnant parcel of land, located on the corner of Kalia Road and Paoa Place, to meet setback requirements for the proposed towers. The DPP recommended that Paoa Place be included with the purchase of the remnant parcel.

The following individuals testified on the Resolutions 11-277 and 11-278:

1. Robert Finley, Waikiki Neighborhood Board (support) (D-684)
2. Gino Gabrio, Attorney representing Mun Hilton, LLC (oppose) (M-1788)
3. Mike Hawes, Hawaii Carpenters Union (support) (M-1776)
4. Lehua Castro, Hilton Hawaiian Village (support) (M-1763)
5. Kalani Souza, Hilton Grand Vacations Club (support) (M-1767)
6. Roger Wall, Food Pantry Ltd. (support)
7. Bob Hampton, Waikiki Beach Activities (support) (M-1772)
8. Rick Egged, Waikiki Improvement Association (support) (M-1769)
9. C. Mike Kido, The Pacific Resource Partnership (support) (M-1768)
10. Michael Tam, Martin & MacArthur (support)
11. Daniel Dinell, American Resort Development Association, Hawaii Chapter (support) (M-1778)
12. Ann Bouslog, Mikiko Corporation (support) (M-1785)
13. Tina Yamaki, Hawaii Lodging and Tourism Association (support) (M-1789)
14. Errol K. Kane 2 (support) (M-1792)
15. Arnold Wong, Ironworkers Stabilization Fund (support Bill 52 (2011))
16. Kim Duffett (support) (M-1793)
17. Jeff Apaka (support Bill 53 (2011)) (M-1766)
18. Claire Butler, Hilton Hawaiian Village (support) (M-1771)
19. Leo Hart, Hilton Hawaiian Village (support) (M-1786)
20. Miles Mun (comments)

21. Duane Fisher, Attorney, Hilton Hawaiian Village (support)
22. Linda Gee (comments)
23. Kika Bukoski, Hawaii Building and Construction Trades Council (support)

Director Tanoue reported that the DPP submitted recommended amendments which are necessary revisions to Resolution 11-278, as detailed in Communication D-683. The title and purpose was changed to clarify that the Resolution is approving a conceptual plan for the project.

Committee Member Cachola disclosed that he has relatives working for the Hilton Hawaiian Village. (Communication CC-256)

A lengthy discussion ensued regarding the Hilton's purchase of the remnant property and Paoa Place, and the Mun's family access to their property

RECESS/RECONVENE

The Committee Chair called for a recess at 12:31 p.m. to accommodate a scheduled Real Property Tax Advisory Commission meeting and reconvened the meeting at 2:15 p.m.

Committee Chair Anderson appointed Councilmember Stanley Chang as a temporary voting member.

Committee Chair Anderson recommended deferring action on Resolutions 11-277 and 11-278 to allow the parties involved an opportunity to reach a compromise.

Action on Resolution 11-277 deferred.

AYES: CACHOLA, GABBARD, KOBAYASHI, ANDERSON – 4.
NOES: None.
EXCUSED: HARIMOTO -1.

The Chair further recommended granting a 120-day extension of time for Resolution 11-277 subject to receipt of a written request from the Applicant (refer to Communication M-1829.)

AYES: CACHOLA, GABBARD, KOBAYASHI, ANDERSON – 4.
NOES: None.
EXCUSED: HARIMOTO -1.

Action on Resolution 11-278 deferred.

AYES: CACHOLA, GABBARD, KOBAYASHI, ANDERSON – 4.
NOES: None.
EXCUSED: HARIMOTO -1.

The Chair further recommended granting a 120-day extension of time for Resolution 11-278 subject to receipt of a written request from the Applicant (refer to Communication M-1830.)

AYES: CACHOLA, GABBARD, KOBAYASHI, ANDERSON – 4.
NOES: None.
EXCUSED: HARIMOTO -1.

Related communications:

CC-256	Committee Member Cachola, Disclosure of Interest Statement.
D-667	Department of Planning and Permitting, submitting draft Resolution 11-277
D-668	Department of Planning and Permitting, transmitting draft Resolution 11-278.
D-683	Department of Planning and Permitting, recommending proposed amendments to Resolution 11-278.
D-684	Robert J. Finley, Chair, Waikiki Neighborhood Board No. 9 (support Resolution 11-278)
M-1760	Jeffrey H. Overton, Chief Environmental Planner, Group 70 International, Inc. (Agent), submitting PowerPoint presentation titled "Hilton Hawaiian Village Master Plan".
M-1761	Louis Erteschik, Vice Chair, Waikiki Neighborhood Board (support)
M-1762	Carole Kai-Onouye, President, Carole Kai Charities, Inc./Great Aloha Run (support)
M-1763	Lehua Castro, Administrative Assistant, Hilton Hawaiian Village (support)
M-1764	Jerry Westenhaver, General Manager, Hyatt Regency Waikiki Beach Resort and Spa (comments)
M-1765	Howard C. Nusbaum, President and CEO, American Resort Development Association (support)
M-1766	Jeff Apaka (support)
M-1767	Kalani Souza, Director of Sales (Domestic), Hilton Grand Vacations Club (support)
M-1768	C. Mike Kido, External Affairs, The Pacific Resource Partnership (support)

M-1769	Rick Egged, President, Waikiki Improvement Association (support)
M-1770	Lori Ann C. Lum (support)
M-1771	Claire Butler, Director of Housekeeping Services, Hilton Hawaiian Village (support)
M-1772	Robert Hampton, President, Waikiki Beach Activities (support)
M-1773	Earl Pamai Tenn (support)
M-1774	Michael Tan, Chief Executive Officer, Martin & MacArthur (support)
M-1775	Carol Pregill, President, Retail Merchants of Hawaii (support)
M-1776	Michael Hawes, Field Representative, Hawaii Carpenters Union (support)
M-1777	Andres "Andy" Mukk (support)
M-1778	Daniel Dinell, Chair, American Resort Development Association – Hawaii (support)
M-1779	Jim Tollefson, President and CEO, The Chamber of Commerce of Hawaii (support)
M-1780	Bernard & Helen Hurtig, Owners, Bernard Hurtig Jewelry (support)
M-1781	Noeleen Calderia (support)
M-1782	Hawaii Building and Construction Trades Council, AFL-CIO (support)
M-1783	Mike McCartney, President and CEO, Hawaii Tourism Authority (support)
M-1784	Sherman Wong, Chairman of the Legislative Committee, The General Contractors Association of Hawaii (support)
M-1785	Ann M. Bouslog, President, Mikiko Corporation (comments)
M-1786	M. Leo Hart, Director of Sales, Hilton Hawaiian Village Beach Resort & Spa in Waikiki (support)
M-1787	W. Michael Lee, Interim Executive Director, Waikiki Community Center (comments)
M-1788	Gino L. Gabrio, Cades Schutte (comments)
M-1789	Tina Yamaki, Executive Director, The Hawaii Lodging & Tourism Association (support)
M-1790	Everett Milstead (support)
M-1791	Ryan Bletz (support)
M-1792	Errol K. Kane 2, President, Hawaii Hot Spot Tours, L.L.C. (support)
M-1793	Kim Duffett, Sculptor (support)
M-1794	Melvin Y. Kaneshige, Executive Vice President, Real Estate & Development, Outrigger Enterprises Group (support)
M-1829	Jeffrey H. Overton, Chief Environmental Planner, Group 70 International, Inc., requesting 120-day extension of time for Resolution 11-277.

M-1830 Jeffrey H. Overton, Chief Environmental Planner, Group 70 International, Inc., requesting 120-day extension of time for Resolution 11-278.

M-1838 Lavonne West (oppose)

6. RESOLUTION 11-282 – COMMITTEE REPORT 324

SMPs FOR CONSTRUCTION OF NEW BRIDGES AT MAKAHA BEACH (2011/SMA-38 and 39). Granting Special Management Area Use Permits (SMPs) for construction of new bridges over Makaha and West Makaha Streams at Makaha Beach, Oahu. (Deadline for Council action: 12/03/11.)

Administration/Others

David Tanoue, Director, Department of Planning and Permitting (DPP)
Jiro Sumada, Deputy Director, DPP
Brian Takeda, Planning Project Coordinator, R.M. Towill Corporation (Agent)
Mike Okamoto, Project Civil Engineering, R.M. Towill Corporation (Agent)
Henry Kennedy, Project Manager, State Department of Transportation, Highways Division (Applicant)

Mr. Takeda provided an overview of the project, as detailed in Communication M-1976.

In response to Committee Member Kobayashi, Mr. Okamoto noted that the new bridges will pass the flow of water under the highway and reduce some of the flooding in the area. The design complies with all federal and state standards.

Director Tanoue reported that the DPP recommended approval of the SMP with standard conditions relating to historic structures and permitting. The DPP reviewed the SMP application as it impacts the Shoreline Management Area's ocean access and resources. The engineering and design of the project is not included in the review of the SMP. Concerned residents about the design of the streambed and how it would impact their property were referred to the engineers of the project.

In response to Committee Chair Anderson's inquiry about flooding issues with the project, Director Tanoue noted that the project was not intended to solve the flooding issue but to alleviate it and not increase it.

The following individuals testified on Resolution 11-282:

1. Keith Kohl (oppose) (M-1753)
2. Juliana Kohl, P.E. (oppose)

A lengthy discussion ensued regarding the engineering and design of the project, widening and protection of the streambed, proposed riprap, erosion and flooding issues.

In response to Committee Chair Anderson, Mr. Kennedy and Mr. Okamoto stated that the riprap is required to conform to Federal Highway Administration (FHWA) guidelines to protect the bridge, slopes, and stream channel geometry.

Committee Chair Anderson requested that the applicant resubmit a letter and plans to the FHWA without the riprap to deem if it a necessary component for the bridge replacement. He further requested that copies of the transmittal with its attachments and the response from the FHWA be forwarded to the Committee.

Committee Chair Anderson recommended deferring action on the Resolution until the response from the FHWA is received for the Committee's review.

Action on Resolution 11-282 deferred.

AYES: CACHOLA, GABBARD, KOBAYASHI, ANDERSON – 4.
NOES: None.
EXCUSED: HARIMOTO – 1.

The Chair further recommended granting a 120-day extension of time for Resolution 11-282 subject to receipt of a written request from the Applicant (refer to Communication M-1831.)

AYES: CACHOLA, GABBARD, KOBAYASHI, ANDERSON – 4.
NOES: None.
EXCUSED: HARIMOTO

Related communications:

D-670	Department of Planning and Permitting, transmitting draft Resolution 11-282.
M-1753	Keith Kohl (oppose/comments)
M-1796	Brian Takeda, Planning Project Coordinator, R.M. Towill Corporation (Agent), submitting information on the project.

M-1797 Keith Kohl, submitting map, photograph and diagrams.
M-1831 Brian Takeda, Planning Project Coordinator, R.M. Towill Corporation, (Agent), requesting 120-day extension of time.

FOR ACTION

7. RESOLUTION 11-54

TEMPORARY SHELTERS. Proposing an amendment to Chapter 21, Revised Ordinances of Honolulu 1990 (The Land Use Ordinance), as amended, to permit certain types of temporary shelters to be placed on zoning lots.

The following amendment was posted on the agenda:

PROPOSED CD1 TO RESOLUTION 11-54 – The CD1 (OCS/061711/01:58/HM) includes the following revisions:

A. Includes all of the amendments made by the prior proposed CD1 (OCS/042011/08:48/CT) approved by the Zoning Committee at its meeting on May 3, 2011, as follows:

1. Provides that temporary shelters shall be allowed in agricultural districts only,

2. Provides that a temporary shelter shall be exempted from public sewer connection requirements set forth in ROH Section 14-16,

3. Provides that a temporary shelter shall be exempted from any provision in ROH Chapter 19 (""Plumbing Code") requiring plumbing facilities to be located underground, and

4. Adds "including bathroom and kitchen facilities" to the definition of "temporary shelter."

B. Amends LUO development standards to provide that in the agricultural districts, a maximum building area of 30 percent of the zoning lot is permitted for temporary shelters.

C. Provides that after a temporary shelter is removed at the end of the 5-year period, it shall not be replaced.

D. Requires that prior to occupancy of a temporary shelter, the owner of the lot shall present the project to the appropriate neighborhood board.

The following amendment was circulated at the meeting:

PROPOSED CD1 TO RESOLUTION 11-54 - The CD1 (OCS/100611/09:14/CT) makes the following amendments:

A. Amends the resolution by:

1. Replacing references to homelessness with references to affordable housing.

2. Specifying that the proposed LUO amendment would apply to agricultural zoning lots.

3. Adding new WHEREAS paragraph stating that it is the Council's intent to limit temporary shelters and other nonagricultural structures to cover no more than ten percent of any agricultural zoning lot.

4. Making appropriate changes to various WHEREAS paragraphs of the Resolution.

B. Amends the bill (Exhibit A) attached to the resolution by:

1. Amending Section 2 to provide that temporary shelter use shall be permitted in the agricultural zoning districts, rather than all zoning districts except the AG-1 Restricted Agricultural zoning district.

2. Deleting the requirement that the temporary shelter shall be removed from the zoning lot upon the termination of the five-year period.

3. Adding a requirement that a temporary shelter shall only be permitted on a zoning lot with a minimum size of five acres.

4. Adding a requirement that the maximum building area permitted for temporary shelter use shall be 10 percent of the zoning lot.

5. Adding a requirement for a neighborhood board presentation prior to temporary shelter occupancy.

6. Adding a requirement for DPP Director approval prior to temporary shelter occupancy.

7. Adding an exemption from public sewer connection requirements.

8. Adding an exemption from plumbing fixture undergrounding requirements.

9. Amending the definition of "temporary shelter" to provide that such units include bathroom and kitchen facilities.

Administration/Others

David Tanoue, Director, Department of Planning and Permitting (DPP)

Committee Chair Anderson called upon Councilmember Berg to explain the proposed CD1.

Councilmember Berg requested deferring action on the Resolution because he would be proposing further amendments.

Director Tanoue stated that the DPP supports the request for deferral due to issues of residential use on agriculture lands and the exemption of underground sewer hookup.

The following individuals testified on Resolution 11-54:

1. Shannon Wood, Windward Ahupuaa Alliance (oppose)
2. John Rodgers (support)
3. Cynthia K. L. Rezentez (comments)
4. Keith Kohl (support)

Committee Chair Anderson recommended deferring action on the Resolution.

Councilmember Chang spoke in support of the recommendation to defer stating that agricultural land should remain in agriculture and not be used for housing purposes.

Councilmember Berg stated that currently the law allows that ten percent of agricultural land can be used for nonagricultural production. The proposal would mandate that those living on the land be employed by the farmer and therefore be helping the agricultural industry.

Action on Resolution 11-54 deferred.

AYES: CACHOLA, GABBARD, KOBAYASHI, ANDERSON – 4.
NOES: None.
EXCUSED: HARIMOTO -1.

Related communications:

CC-258	Councilmember Tom Berg, submitting information.
M-1798	Will Page (support)
M-1799	Clifford Migita, President, Waimanalo Agricultural Association (oppose)
M-1800	Annette Lee, Ace Farm (oppose)
M-1801	Alan Nemiroff, AIA, Design Development Partnership, LLC (support)
M-1802	Frank DeGiacomo (support)
M-1803	Grant Hamachi, President, Oahu Farm Bureau (oppose)
M-1804	Russell S. Kokubun, Chairperson, Board of Agriculture, Department of Agriculture (comments)
M-1805	John Rogers, Affordable Portable Housing, submitting cost evaluation breakdown (support)

INFORMATIONAL BRIEFING

4. UPDATE BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING REGARDING THE STATUS OF ALL PENDING LAND USE ORDINANCE (LUO) AMENDMENTS.

Administration/Others

David Tanoue, Director, Department of Planning and Permitting (DPP)

There was no public testimony.

Director Tanoue provided an update on the status of the pending LUO proposal, as detailed in his report identified as Communication D-685. He noted that Resolution 09-093 should be forwarded to the Planning Commission soon.

Related communication:

D-685 Department of Planning and Permitting, transmitting "*Status of LUO Amendments Sent to DPP via City Council Resolutions*" report.

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:34 p.m.

Respectfully submitted,

Bernice K.N. Mau

BERNICE K.N. MAU
City Clerk

cn

DATE APPROVED

November 17, 2011