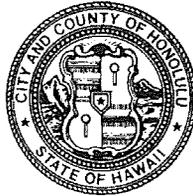


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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DEPUTY DIRECTOR

August 10, 2012

The Honorable Ernest Y. Martin, Chair
and Councilmembers
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

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Dear Chair Martin and Councilmembers:

Subject: Request for Additional Accompanying Documentation Required for
Processing the Land Use Ordinance Amendment of Resolution No. 12-178,
Relating to Signs

As required by Ordinance No. 08-8, we are submitting our comments as to submission requirements.

The proposed bill (Resolution No. 12-178, copy enclosed) would amend the Land Use Ordinance (LUO) to establish special sign regulations for private elementary, intermediate high schools, and colleges and universities (other than business colleges). These special sign regulations include additional signage for special event displays.

Ordinance No. 08-8, Section 2-24.3, specifies that, "prior to adoption of the resolution," the Director must assist the Council by:

- Advising the Council of any documentation "needed to satisfy the director's usual requirements" for processing the amendments within thirty (30) days of receiving the City Clerk's notice of introduction of the resolution;
- Providing maps, documents, and information in the possession of the Department within thirty (30) days of receiving a written request from any Councilmember; and
- Advising the Council of the sufficiency of any documentation prepared to accompany the proposal within thirty (30) days of submission of the documentation to the Director.

The Department of Planning and Permitting (DPP) typically prepares a report and recommendation for LUO amendments which follows a standard format. Supporting documentation for the LUO amendment should provide the DPP with information adequate to complete its report, and should address the following with regard to the specific proposal:

- **Problem Statement:** The Resolution correctly indicates that public schools (i.e., those administered by the State of Hawaii, Department of Education) are allowed additional special event displays pursuant to a long-standing “blanket” waiver granted under the authority of LUO Section 21-2.130(a)(1). And, that private schools and universities have many of the same special events as public schools; including community meetings, reunions, and sporting events. However, the Resolution inaccurately states that private schools and universities cannot display additional special event signage available only to public schools. It is accurate to state that private schools do not enjoy the same access to waivers as public schools, and that the general sign regulations impose limitations on special event displays that are more restrictive than those available to public schools under the waiver. However, private schools and universities already enjoy regulatory access to similar discretionary approvals which allow them to achieve similar flexibility with respect to signage in general, and special event displays in particular.

The Council should amend its resolution to accurately state the nature of the problem and its conclusions.

- **Background:** Normally, when the DPP initiates an LUO amendment, facts supporting existing problems and/or issues that support its Resolution. For instance, how many private schools are requesting this kind of amendment? Are there any community organizations supporting the proposal? Has the Outdoor Circle been contacted concerning the proposed amendment to the LUO sign regulations, and does it support the amendment?

The DPP will usually attempt to identify any impacts related to an LUO amendment it initiates. Therefore, the Council should attempt to identify the number of private schools and universities which will be able to increase their special event signage, by right, pursuant to the proposed LUO amendment, and the affected neighborhoods. Please note that the DPP does not have an existing land use data base and cannot provide this information from its own resources.

- **Alternatives:** When the DPP initiates an LUO amendment, its report and recommendation will normally include a discussion of alternatives considered and its reasons for rejecting those alternatives.

Universities are allowed in all zoning districts pursuant to an approved Plan Review Use (PRU) Permit, which is granted by the Council via Resolution. Pursuant to LUO Section 21-2.120-2(d), the sign requirements for the campus are to be established as part of the PRU. Further, pursuant to its subsection (e), the university may apply to the DPP for a minor amendment to the approved PRU in order to modify its sign plan to address temporary event signs in a manner similar to that available to public schools via the waiver.

Private schools are permitted in AG-2 General Agricultural, Country, Residential, Apartment, and Apartment Mixed Use Districts with an approved Conditional Use Permit, Minor (CUP, Minor). Pursuant to LUO Section 21-2.90-2(c), the Director of the DPP may grant a CUP, Minor by modifying the application of the sign regulations. Therefore, a school may request temporary event signage similar to that available to public schools via the waiver as part of its CUP [or Existing Use (EU) Permit] application. For existing schools which already have an approved CUP or EU Permit, a Minor Modification application can be submitted to the DPP to request modifications to its signage.

Private schools are permitted uses in Business and Business Mixed Use Districts, where they enjoy up to a maximum of 250 square feet of business sign area, which may include advertising on-site events, e.g., a bulletin board sign. [See LUO subsections 21-7.40(f), (g), and (h).]

The Council Resolution should, therefore, include a discussion of these existing alternatives, and provide its reasons why these are considered insufficient to satisfy the same purpose and intent as the proposed LUO amendment.

If you have any questions, please call me at 768-8000.

Very truly yours,



David K. Tanoue, Director
Department of Planning and Permitting

DKT:nw

APPROVED:



Douglas S. Chin
Managing Director