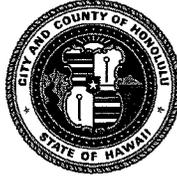


OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 * HONOLULU, HAWAII 96813
PHONE: (808) 768-4141 * FAX: (808) 768-4242 * INTERNET: www.honolulu.gov



KIRK CALDWELL
MAYOR

EMBER LEE SHINN
MANAGING DIRECTOR

GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

May 1, 2013

Ms. Bernice K. N. Mau
City Clerk
Office of the City Clerk
530 South King Street
Honolulu, Hawaii 96813

RECEIVED
CITY CLERK
& C OF HONOLULU
2013 MAY - 1 PM 1:21

Dear Ms. Mau:

SUBJECT: Approved Bills

The following bills are approved and returned herewith:

- | | |
|---------------------|---|
| Bill 75 (2012), CD2 | Relating to hotels. |
| Bill 76 (2012), CD1 | Rezoning land situated at Kapahulu, Honolulu, Oahu, Hawaii. |
| Bill 8, CD1 | Relating to public parks. |

Sincerely,

A handwritten signature in black ink, appearing to read "Kirk Caldwell", is written over a horizontal line.

Kirk Caldwell
Mayor



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO HOTELS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and intent. The purpose of this ordinance is to permit certain (limited service) hotels in the BMX-3 community business mixed used district. The Council finds that there is a growing demand for appropriately scaled, lower intensity hotel facilities which do not offer many of the same amenities (such as restaurants, retail establishments, or meeting spaces) as full service hotels. Such hotels are used primarily by cost-conscious business or leisure travelers.

SECTION 2. Section 21-2.40-1, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 21-2.40-1 Minor permits.

- (a) Specific Permits. The minor permit category consists of the following permits and approvals:
- (1) Zoning adjustment;
 - (2) Waiver;
 - (3) Existing use permit;
 - (4) Conditional use permit (minor); and
 - (5) Special district permit (minor).
- (b) Preapplication Procedures. Before submitting an application for a minor permit, except an existing use permit, for the following uses:
- (1) Transmitting antenna mounted on a building or rooftop in a country, residential, A-1, or AMX-1 district, or a freestanding antenna structure;
 - (2) Meeting facility;
 - (3) Day-care facility; [or]
 - (4) Schools: elementary, intermediate and high; or



A BILL FOR AN ORDINANCE

(5) Hotel with up to 180 dwelling and/or lodging units in the BMX-3 district:

the applicant shall first present the project to the neighborhood board of the district where the project will be located, or, if no such neighborhood board exists, an appropriate community association. The applicant shall provide written notice of such presentation to owners of all properties adjoining the proposed project. Provided, however, that the requirements of this subsection (b) shall be deemed satisfied if the applicant makes a written request to present the project to the neighborhood board or community association and:

- (A) The neighborhood board or community association fails to provide the applicant with an opportunity to present the project at a meeting held within 60 days of the date of the written request; or
- (B) The neighborhood board or community association provides the applicant with written notice that it has no objection to the project or that no presentation of the project is necessary.

(c) Application and Processing. An applicant seeking a minor permit shall submit the appropriate application to the director for processing. Once the director has accepted an application for a conditional use permit (minor) involving a meeting facility, day-care facility, [or] school (elementary, intermediate and high), or hotel with up to 180 dwelling and/or lodging units in the BMX-3 district, adjoining property owners and the appropriate neighborhood board or community association shall be notified of receipt of the application. Adjoining property owners shall be asked whether they wish to have a public hearing on the proposed project, and any potentially adverse external effects of the proposed project on the immediate neighborhood. If, in the judgment of the director, there is sufficient cause to hold a public hearing, the director shall hold a public hearing, which may be held within the area, no sooner than 45 days after acceptance of the completed application. Within 45 days of the director's acceptance of the completed application, the director shall either:

- (1) Approve the application as submitted;
- (2) Approve the application with modifications and/or conditions;
- (3) Deny the application and provide the applicant with a written explanation for the denial; or



A BILL FOR AN ORDINANCE

- (4) Extend the processing period to 90 days in order to conduct a public hearing for a conditional use permit (minor) involving a meeting facility, day-care facility [or], school (elementary, intermediate and high)[.], or hotel with up to 180 dwelling and/or lodging units in the BMX-3 district.

Provided, however, that if an applicant substantially amends an application after acceptance by the director, the director shall have up to 45 days from the date of such amendment to act on the application as provided in this section."

SECTION 3. Table 21-3, Revised Ordinances of Honolulu 1990, as amended, ("Master Use Table") is amended by amending the "Hotels" use entry in the "Dwellings and Lodgings" category to read as follows:

**"TABLE 21-3
MASTER USE TABLE**

In the event of any conflict between the text of this Chapter and the following table, the text of the Chapter shall control. The following table is not intended to cover the Waikiki Special District; please refer to Table 21-9.6(A).

- KEY:** Ac = Special accessory use subject to standards in Article 5
 Cm = Conditional Use Permit-minor subject to standards in Article 5; no public hearing required (see Article 2 for exceptions)
 C = Conditional Use Permit-major subject to standards in Article 5; public hearing required
 P = Permitted use
 P/c = Permitted use subject to standards in Article 5
 PRU = Plan Review Use

ZONING DISTRICTS																					
USES (Note: Certain uses are defined in Article 10.)	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

DWELLINGS AND LODGINGS

Hotels														P			C Cm	P		Cm		Cm
--------	--	--	--	--	--	--	--	--	--	--	--	--	--	---	--	--	---------	---	--	----	--	----

SECTION 4. Section 21-5.360, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 21-5.360 Hotels.

- (a) Hotels shall be permitted in the I-2 intensive industrial district and IMX-1 industrial-commercial mixed use district provided:



A BILL FOR AN ORDINANCE

[(a)] (1) They are within one-half mile by the usual and customary route of vehicular travel from the principal entrance of an airport utilized by commercial airlines, having regularly scheduled flights. For Honolulu International Airport, the principal entrance shall be the intersection of Paiea Street and Nimitz Highway.

[(b)] (2) They have frontage on a major or secondary street or highway.

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[(d)] (4) The maximum floor area ratio shall be 2.0.

[(e)] (5) Parking requirements of at least one space per two lodging or dwelling units shall be provided.

[(f)] (6) Front yards shall have a minimum depth of 10 feet, and except for necessary driveways and walkways, shall be maintained in landscaping.

[(g)] (7) Signs shall conform to the sign requirements applicable within B-2 community business district regulations.

(b) Hotels shall be permitted in the BMX-3 community business mixed use district provided:

(1) They are located within the Primary Urban Center Development Plan, the Ewa Development Plan, or the Central Oahu Sustainable Communities Plan areas, as established by Chapter 24.

(2) Hotels with more than 180 dwelling and/or lodging units shall require a conditional use permit (major).

(3) When eating or drinking establishments, meeting facilities, retail establishments or other commercial establishments are on the same zoning lot, these uses shall be treated as separate permitted uses for purposes of this chapter.

(4) Multifamily dwellings and hotel use shall not be permitted on the same floor level.

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A BILL FOR AN ORDINANCE

SECTION 5. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material, or the underscoring.

SECTION 6. This ordinance shall take effect upon its approval.

INTRODUCED BY:

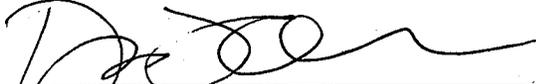
Ernest Martin (BR)

DATE OF INTRODUCTION:

November 29, 2012
Honolulu, Hawaii

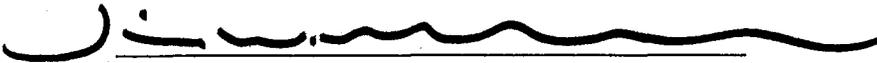
Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel

APPROVED this 19 day of April, 2013.



KIRK CALDWELL, Mayor
City and County of Honolulu



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO HOTELS.

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A BILL FOR AN ORDINANCE

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A BILL FOR AN ORDINANCE

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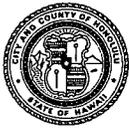
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ZONING DISTRICTS																					
USES (Note: Certain uses are defined in Article 10.)	P-2	AG-1	AG-2	County	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1
Hotels													P			C Cm	P		Cm		Cm

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A BILL FOR AN ORDINANCE

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A BILL FOR AN ORDINANCE

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SECTION 6. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Ernest Martin (BR)

DATE OF INTRODUCTION:

November 29, 2012
Honolulu, Hawaii

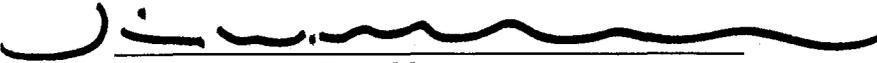
Councilmembers

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel

APPROVED this 19 day of April, 2013.



KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE

BILL 75 (2012), CD2

Introduced: 11/29/12 By: ERNEST MARTIN (BR)

Committee: ZONING AND PLANNING

Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO HOTELS.

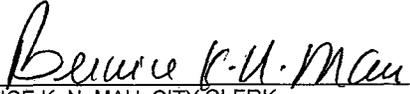
Links: [BILL 75 \(2012\)](#)
[BILL 75 \(2012\), CD1](#)
[BILL 74 \(2012\), CD2](#)
[CR-11 \(2013\)](#)
[CR-40 \(2013\)](#)
[CR-87 \(2013\)](#)

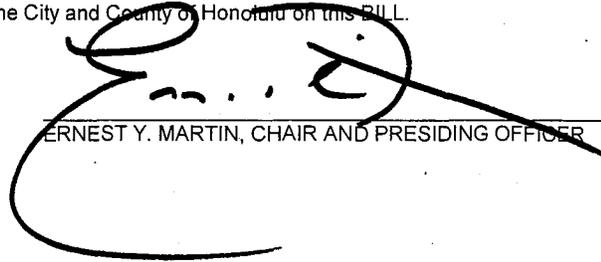
Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

COUNCIL	12/05/12	BILL PASSED FIRST READING AND, REFERRED TO COMMITTEE ON ZONING AND PLANNING.							
ANDERSON	Y	BERG	N	CHANG	Y	GARCIA	Y	FUKUNAGA	Y
HARIMOTO	Y	KOBAYASHI	Y	MANAHAN	Y	MARTIN	Y		
		NOTE: COUNCILMEMBERS MANAHAN, MENOR AND PINE TOOK OFFICE ON WEDNESDAY, JANUARY 2, 2013							
PUBLISH	01/19/13	PUBLIC HEARING NOTICE PUBLISHED IN HONOLULU STAR-ADVERTISER.							
ZONING AND PLANNING	01/24/13	CR-11(13) - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN <u>CD1</u> FORM AND SCHEDULING OF A PUBLIC HEARING.							
COUNCIL/PUBLIC HEARING	01/30/13	CR-11(13) ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND PLANNING.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y*	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y*	MARTIN	Y	MENOR	Y*	PINE	Y		
PUBLISH	02/06/13	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
ZONING AND PLANNING	02/14/13	CR-40(13) - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN <u>CD2</u> FORM.							
COUNCIL	02/20/13	CR-40(13) AND BILL 75 (2012), CD2 RECOMMITTED TO ZONING AND PLANNING.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y		
ZONING AND PLANNING	03/28/13	CR-87(13) - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN <u>CD2</u> FORM.							

COUNCIL	04/17/13	CR-87(13) ADOPTED AND BILL 75 (2012), CD2 PASSED THIRD READING AS AMENDED.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


BERNICE K. N. MAU, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

TO REZONE LAND SITUATED AT KAPAHULU, HONOLULU, OAHU, HAWAII

BE IT ORDAINED by the People of the City and County of Honolulu.

SECTION 1. Zoning Map No. 3 (Moiliili-Kaimuki), Ordinance 86-106, is hereby amended as follows: Land situated at Kapahulu, Honolulu, Oahu, Hawaii hereinafter described, is hereby rezoned from the R-3.5 Residential District to the B-1 Neighborhood Business District. The boundaries of said Districts shall be described as shown on the map attached hereto, marked "Exhibit A" and made a part hereof, and further identified as Tax Map Key 3-1-001:027 and 068.

SECTION 2. A Unilateral Agreement marked "Exhibit B" is by reference incorporated herein and made a part hereof.

DPP012Z-1.B__



A BILL FOR AN ORDINANCE

SECTION 3. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Ernie Martin (b/r)

DATE OF INTRODUCTION:

December 7, 2012
Honolulu, Hawaii

Councilmembers

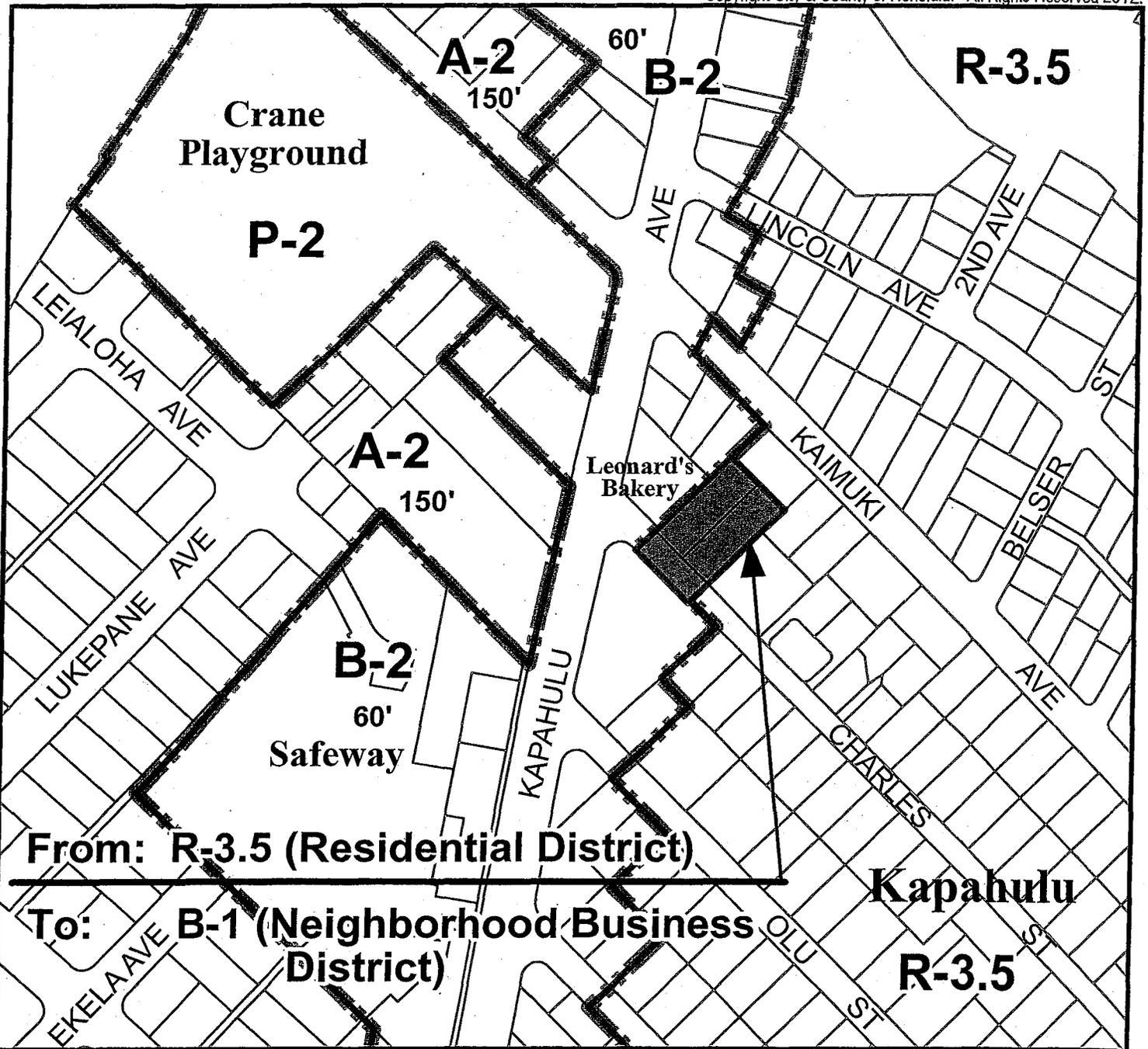
APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this 19 day of April, 2013

~~PETER B. CARLISLE~~ Mayor
City and County of Honolulu

KIRK CALDWELL, Mayor



From: R-3.5 (Residential District)

To: B-1 (Neighborhood Business District)

Kapahulu

R-3.5

PORTION OF
ZONING MAP No. 3
 (MOILIILI - KAIMUKI)

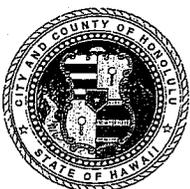
Land situated on Charles Street East of Kapahulu Avenue and adjacent to Leonard's Bakery



0 100 200



Scale in Feet



APPLICANT: KEE THELMA, INC.
TAX MAP KEY(S): 3-1-01: 27 & 68 and a Portion of Charles Street
FOLDER NO. : 2012/Z-1
LAND AREA: 17,906 S.F. (Approx.)
PREPARED BY: DEPARTMENT OF PLANNING & PERMITTING
 CITY AND COUNTY OF HONOLULU
PUBLIC HEARING: PLANNING COMMISSION CITY COUNCIL

ORD. NO.

NOV 14 2012

FEB 20 2013 2012/Z-1

EFF. DATE:

EXHIBIT A

THE ORIGINAL OF THE DOCUMENT
RECORDED AS FOLLOWS:
STATE OF HAWAII

BUREAU OF CONVEYANCES

DATE__ Doc A-48470809

DOCUM. April 9, 2013 3:29 PM

LAND COURT

REGULAR SYSTEM

AFTER RECORDATION, RETURN BY MAIL () PICKUP () TO:

Kee-Thelma, Inc.
1533 Palolo Avenue
Honolulu, HI 96816

Total Pages: 8.

TITLE OF DOCUMENT: Unilateral Agreement and Declaration for
Conditional Zoning

PARTY(IES) TO DOCUMENT:

Kee-Thelma, Inc.
1533 Palolo Avenue
Honolulu, HI 96816

TAX MAP KEY NO. (1) 3-1-001: 027 and 068

UNILATERAL AGREEMENT AND
DECLARATION FOR CONDITIONAL ZONING

THIS INDENTURE (hereinafter referred to as this "Unilateral Agreement" or this "Declaration"), made this 9th day of April, 2013, by Kee-Thelma, Inc., a Hawaii corporation, whose address is 1533 Palolo Avenue, Honolulu, HI., 96816 (hereinafter referred to as the "Declarant"),

UA Bill 76 Draft v7.

EXHIBIT B

(D-220)

WITNESSETH:

WHEREAS, the Declarant is the owner in fee simple of those certain parcels of land situated in Kapahulu, Honolulu, Oahu, Hawaii, consisting of approximately 14,235 square feet, described as Tax Map Key Nos. 3-1-001:027 and 068, and more particularly described in Exhibit A attached hereto and made a part hereof (the "Land"), and desires to make the Land subject to this Unilateral Agreement; and

WHEREAS, the Declarant plans to develop an office and/or retail facility on the Land (the "Project"); and

WHEREAS, the City Council (the "Council") of the City and County of Honolulu (the "City"), pursuant to the provisions of the Land Use Ordinance ("LUO"), Revised Ordinances of Honolulu 1990 ("ROH") Section 21-2.80, as amended, relating to conditional zoning, is considering a change in zoning under the LUO of the Land from the R-3.5 Residential District to the B-1 Neighborhood Business District (the "zone change"); and

WHEREAS, a public hearing regarding the change in zoning, Bill 76 (2012), was held by the Council on February 20, 2013, and

WHEREAS, the Council recommended by its Zoning Committee Report No. 88 that the said zone change be approved, subject to the following conditions contained in this Declaration to be made pursuant to the provisions of ROH Section 21-2.80, as amended, relating to conditional zoning, and to become effective on the effective date of the zoning ordinance approving the change of zoning (the "Rezoning Ordinance");

NOW THEREFORE, the Declarant hereby covenants and declares as follows:

1. Transportation. The Declarant shall carry out the following requirements related to traffic and transportation improvements for the Project:
 - a. The Declarant shall submit a Construction Management Plan (CMP) to the Department of Planning and Permitting (DPP) for review and approval as required prior to the issuance of demolition and/or building permits for the redevelopment of the Land. The CMP shall identify the type and frequency and routes of heavy trucks and construction related vehicles. Every effort shall be made to minimize impacts from these vehicles and related construction activities. The CMP shall include

provisions to limit vehicular activity to periods outside the peak periods of traffic, utilize alternative routes for heavy trucks, utilize staging locations for construction workers and vehicles, and other mitigation measures related to traffic. The Declarant shall document the condition of roadways prior to the commencement of construction activities and provide remedial measures, as necessary, such as road restriping, resurfacing, and/or reconstruction if the condition of the roadways has deteriorated as a result of the construction activities.

- b. The Declarant shall submit a new Traffic Impact Analysis Report (TIAR) to the DPP for review and approval if the Project is not issued a Certificate of Occupancy within five years of the effective date of the Rezoning Ordinance; or if the site is used for a business other than office or retail, such as a fast food restaurant, which has the potential to generate a significant amount of traffic that would adversely affect area streets.
 - c. The Declarant shall consult with the DPP and the Department of Transportation Services (DTS) prior to building permit approval for the redevelopment of the Land and shall fund, construct, or cause to be constructed all necessary road widening and street improvements along the Project's frontage of Charles Street as required by DPP and DTS. Roadway improvements to the frontage of the Project shall be completed prior to the issuance of the Certificate of Occupancy for any development fronting Charles Street.
2. Relocating Solid Waste Enclosures. The Declarant shall locate outdoor solid waste enclosures away from abutting residential dwellings and Charles Street to minimize potential noise and odor impacts to adjacent residents and passersby in the Charles Street right-of-way unless the solid waste enclosure is completely enclosed.
 3. Off-Street Parking and Uses. Uses on the Land shall be limited to those which have the same or lower off-street parking standards applicable to office use.
 4. Drive-Through Facilities. Drive-through facilities shall be prohibited on the Land.

5. Annual Reports. On an annual basis, the Declarant shall submit a written status report to the DPP documenting its satisfaction and/or describing its progress towards complying with each condition of approval for this zone change. The status report shall be submitted to the DPP by December 31 of each year until such time the DPP has determined that all conditions of approval have been satisfied. Failure to do so may result in delays in processing further permits.

6. Compliance with Other Governmental Requirements. The Declarant acknowledges that approval of the zone change does not constitute compliance with other LUO or other governmental requirements. They are subject to separate review and approval. The Declarant shall be responsible for ensuring that the final plans for the Project comply with all applicable LUO and other governmental provisions and requirements.

7. Noncompliance or Failure to Fulfill Any Conditions. In the event of noncompliance with any of the conditions set forth herein, the Director of Planning and Permitting shall inform the Council and may seek civil enforcement or take appropriate action to terminate or stop the Project until applicable conditions are met, including but not limited to revoking any permits issued under this zoning and withholding issuance of other permits related to the Project. Noncompliance also may be grounds for the enactment of ordinances making further zone changes, including revocation of the underlying zoning, upon initiation by the proper parties in accordance with the Revised City Charter.

NOW, THEREFORE, the Declarant hereby makes the following additional Declarations:

As used herein, references to a specific City department or agency shall be deemed to include a reference to any successor department or agency.

That the conditions imposed herein are reasonably conceived to fulfill public service demands created by the requested change in zoning and are rationally related to the objective of preserving the public health, safety and general welfare and the further implementation of the General Plan of the City and County of Honolulu.

That the development of the Land shall conform to the aforesaid conditions with the understanding that, at the request

of the Declarant and upon the satisfaction of the conditions set forth in this Unilateral Agreement, the Department of Planning and Permitting may fully or partially release, as applicable, any of the foregoing conditions that have been fulfilled.

That if there are any conflicts between this Unilateral Agreement and any previous unilateral agreement(s) applicable to the Land, the terms and conditions of this Unilateral Agreement shall apply.

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that the conditions imposed in this Declaration shall run with the Land and shall bind and constitute notice to all the parties hereto and subsequent lessees, grantees, assignees, mortgagees, lienors, successors, and any other persons who have or claim to have an interest in the Land, and the City and County of Honolulu shall have the right to enforce this Declaration by rezoning, appropriate action at law or suit in equity against all such persons, provided that the Declarant or its successors and assigns may file a petition with the Department of Planning and Permitting for amendment or removal of any conditions or termination of this Declaration, such petition to be processed in the same manner as petitions for zone changes.

IN WITNESS WHEREOF, the parties hereto have executed this Unilateral Agreement and Declaration for Conditional Zoning on the day and year first above written.

DECLARANT:

KEE-THELMA, Inc.
a Hawaii corporation

By *Dale E. Zane*
Its *Vice President*
Dale E. Zane

By _____
Its _____

STATE OF HAWAII

)

) SS.

CITY AND COUNTY OF HONOLULU

)

On 4-9-2013, before me appeared Dale E. Zane, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed this 8-page **Unilateral Agreement and Declaration for Conditional Zoning** dated April 9, 2013, as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Print Name: Camille D. Adams

Notary Public, State of Hawaii

First Judicial Circuit

My commission expires: APR - 9 2014

LS

EXHIBIT "A"

FIRST: ALL of that certain parcel of land situated at Kapahulu, Honolulu, City and County of Honolulu, State of Hawaii, designated as LOT A, being a portion of R.P. 2576, L.C. Aw. 5873 to Kahanaumaiki, being also all of Lot 26 and a portion of Lot 5 of Block "I" of the Kapahulu Tract" File Plan 55, and more particularly bounded and described as per survey of Robert S. Torigoe, Registered Professional Surveyor, dated September 10, 1963, to-wit:

Beginning at a pipe at the South corner of this parcel of land, being also the West corner of Lot B and on the Northeast side of Charles Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKIKI" being 93.30 feet North and 5386.80 feet East, thence running by azimuths measured clockwise from True South:

1. 134° 40' 50.69 feet along the Northeast side of Charles Street to a "→" on rock wall;
2. 223° 30' 100.18 feet along the Northeast side of Charles Street, along Lot 25 Block "I" of "Kapahulu Tract" to a nail in rock;
3. 224° 00' 40.00 feet along Lot 4, Block "I" of "Kapahulu Tract" to a "+" on rock wall;
4. 313° 45' 50.32 feet along the remainder of Lot 5 of Block "I" of "Kapahulu Tract" to a pipe;
5. 43° 30' 140.99 feet along Lot B to the point of beginning and containing an area of 7,117 square feet.

SECOND: All of that certain parcel of land situated at Kapahulu, Honolulu, City and County of Honolulu, State of Hawaii, designated as LOT B, being a portion of R.P. 2576, L.C. Aw. 5873 to Kahanaumaiki, being also all of Lot 27 and a portion of Lot 6 of Block "I" of the "Kapahulu Tract" File Plan 55, and more particularly bounded and described as per survey of Robert S. Torigoe, Registered Professional Surveyor, dated September 10, 1963, to-wit:

Beginning at a pipe at the West corner of this parcel of land, being also the South corner of Lot A and on the Northeast side of Charles Street, the coordinates of said point of beginning referred to Government Survey Triangulation Station "WAIKIKI" being 93.30 feet North and 5386.80 feet East, thence running by azimuths measured clockwise from True South:

1. 223° 30' 140.99 feet along Lot A to a pipe;
2. 313° 45' 50.02 feet along the remainder of Lot 6, Block "I" of the "Kapahulu Tract" to a "+" on wall;

3. 43° 14'

141.80 feet along Lots 7 and 28, Block "I" of the "Kapahulu Tract" to a pipe;

4. 134° 40'

50.68 feet along the Northeast side of Charles Street to the point of beginning and containing an area of 7,118 square feet.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE

BILL 76 (2012), CD1

Introduced: 12/07/12 By: ERNEST MARTIN (BR)

Committee: ZONING AND PLANNING

Title: A BILL FOR AN ORDINANCE TO REZONE LAND SITUATED AT KAPAHULU, HONOLULU, OAHU, HAWAII.

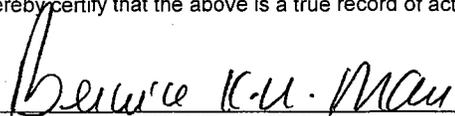
Links: [BILL 76 \(2012\)](#)
[BILL 76 \(2012\), CD1](#)
[CR-41 \(2013\)](#)
[CR-88 \(2013\)](#)

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

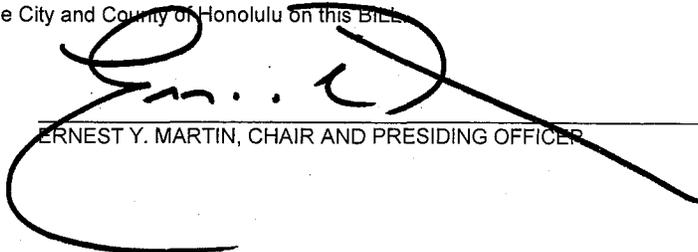
NOTE: COUNCILMEMBERS MANAHAN, MENOR AND PINE TOOK OFFICE ON WEDNESDAY, JANUARY 2, 2013

COUNCIL	01/30/13	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING AND PLANNING.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y		
PUBLISH	02/09/13	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
ZONING AND PLANNING	02/14/13	CR-41(13) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN <u>CD1</u> FORM AND SCHEDULING OF A PUBLIC HEARING.							
COUNCIL/PUBLIC HEARING	02/20/13	CR-41(13) ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND PLANNING.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y		
PUBLISH	02/25/13	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
ZONING AND PLANNING	03/28/13	CR-88(13) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.							
COUNCIL	04/17/13	CR-88(13) ADOPTED AND BILL 76 (2012), CD1 PASSED THIRD READING.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this Bill.



 BERNICE K. N. MAU, CITY CLERK



 ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO PUBLIC PARKS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address activities at city parks.

SECTION 2. Section 10-1.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by adding a new definition of "traverse" to read as follows:

"Traverse" means to travel continuously in a direction across or through."

SECTION 3. Section 10-1.2 Revised Ordinances of Honolulu 1990 ("Park rules and regulations") is amended by amending subsection (a) to read as follows:

"(a) Within the limits of any public park, it is unlawful for any person to:

- (1) Willfully or intentionally destroy, damage or injure any property;
- (2) Climb onto any tree, except those designated for climbing, or to climb onto any wall, fence, shelter, building, statue, monument or other structure, excluding play apparatus;
- (3) Swim, bathe, wade in or pollute the water of any ornamental pool or fountain;
- (4) Kindle, build, maintain or use any fire, other than in a grill or brazier;
- (5) Annoy, molest, kill, wound, chase, shoot or throw missiles at any animal or bird;
- (6) Distribute, post or place any commercial handbill or circular, notice or other advertising device or matter, except as permitted by the terms of any agreement relating to the use of park property;
- (7) Use any surfboard or devices or materials with jagged or rough ends and edges, which are dangerous to surfers, swimmers or bathers;
- (8) Construct or fabricate surfboards;



A BILL FOR AN ORDINANCE

- (9) Permit any animal to enter and remain within the confines of any public park area except as otherwise provided in this article;
- (10) Feed any animal or bird when signs are posted prohibiting such feeding;
- (11) Wash, polish or repair cars or other vehicles;
- (12) Enter or remain in any public park during the night hours that the park is closed, provided that signs are posted indicating the hours that the park is closed[;], except that a person may traverse a public beach park using the most direct route during park closure hours for the purpose of reaching the shoreline;
- (13) Camp at any park not designated as a campground;
- (14) Fail to comply with any sign or notice posted by the City and County of Honolulu;
- (15) Utilize, place, occupy, leave, or in any other manner situate a shopping cart."

SECTION 4. Section 10-1.7 Revised Ordinances of Honolulu 1990 ("Animals in public parks") is amended by amending subsection (c) to read as follows:

"(c) The director shall adopt rules pursuant to HRS Chapter 91 to hold persons bringing permitted animals into public parks responsible for the sanitary use of the park, the protection of shrubbery, trees, turf and other property, and the safety, health and welfare of all park users. The rules shall address the specific responsibilities associated with bringing a type of animal into a public park.

- (1) Rules for persons bringing leashed dogs into designated parks or park areas shall include:
 - (A) Requiring the person having custody and control of the dog to restrain the dog at all times on a leash, cord, chain or other similar means of physical restraint of not more than eight feet in length;
 - (B) Requiring all dogs in the park or park areas designated for leashed dogs to display a valid license tag attached to the dog's collar;



A BILL FOR AN ORDINANCE

- (C) Requiring the person having custody and control of the dog to be eighteen years of age or older; [and]
 - (D) Requiring the person having custody and control of the dog to carry equipment for the removal and disposal of dog feces and to clean up and dispose of feces left by the dog[.]; and
 - (E) Allowing, notwithstanding Section 10-1.2(a)(9), persons otherwise in compliance with this article and having custody and control of a dog otherwise in compliance with this subdivision to traverse a public beach park using the most direct route for the purpose of reaching the shoreline during either hours when the park is open or hours when it is closed.
- (2) Rules for persons bringing dogs off-leash into designated off-leash parks shall include:
- (A) Requiring the person having custody and control of the dog to maintain voice control over the dog at all times;
 - (B) Prohibiting female dogs in estrus from entering the off-leash park;
 - (C) Requiring all dogs to display a valid license tag attached to the dog's collar;
 - (D) Notifying any person entering an off-leash park that the person enters and remains in the park at his or her own risk and the city is not liable for any injury or harm to any person or dog incurred or caused by any other person or dog entering or remaining in the off-leash park;
 - (E) Requiring the person having custody and control of the dog to be eighteen years of age or older; and
 - (F) Requiring the person having custody and control of the dog to carry equipment for the removal and disposal of dog feces and to clean up and dispose of feces left by the dog."

SECTION 5. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling or printing this ordinance for inclusion in the



A BILL FOR AN ORDINANCE

Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.

SECTION 6. The Council is aware that at the time this bill is considered for final approval by the Council, there may be other bills that were given final approval by the Council but not enacted as an ordinance that amend the same provisions of the Revised Ordinances of Honolulu that this bill amends. If this bill is enacted as an ordinance, the Revisor of Ordinances shall give maximum effect to all amendments to the revised ordinances made in this bill and made in any other bill situated as described above. The absence in this bill of amendments made in those other bills shall not be construed as a repeal of the amendments made in those other bills.



A BILL FOR AN ORDINANCE

SECTION 7. This ordinance shall take effect upon approval.

INTRODUCED BY:

Ikaika Anderson

DATE OF INTRODUCTION:

February 14, 2013
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

[Signature]
Deputy Corporation Counsel

APPROVED this 1st day of May, 2013.

[Signature]
KIRK CALDWELL, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE

BILL 8 (2013), CD1

Introduced: 02/14/13 By: IKAIKA ANDERSON

Committee: PARKS

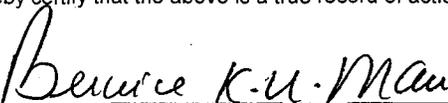
Title: A BILL FOR AN ORDINANCE RELATING TO PUBLIC PARKS.

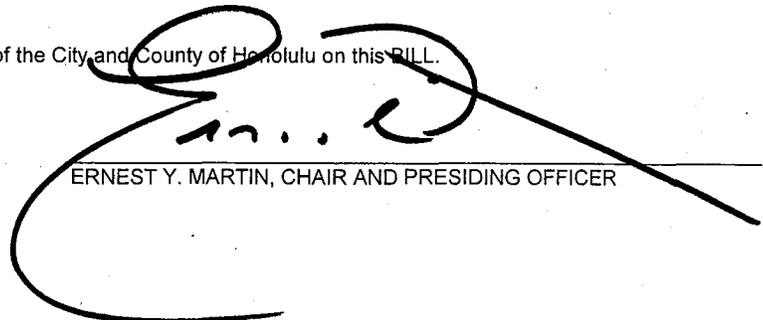
Links: [BILL 8 \(2013\)](#)
[BILL 8 \(2013\), CD1](#)
[CR-50](#)
[CR-74](#)

Voting Legend: Y= Aye, Y* = Aye w/Reservations, N = No, A = Absent, ABN = Abstain

COUNCIL	02/20/13	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PARKS.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y		
PARKS	02/26/13	CR-50 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AS AMENDED IN <u>CD1</u> FORM AND SCHEDULING OF A PUBLIC HEARING.							
PUBLISH	03/09/13	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
COUNCIL/PUBLIC HEARING	03/20/13	CR-50 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON PARKS.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y	PINE	Y		
PUBLISH	03/25/13	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.							
PARKS	03/25/13	CR-74 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.							
COUNCIL	04/17/13	CR-74 ADOPTED AND BILL 8 (2013), CD1 PASSED THIRD READING.							
ANDERSON	Y	CHANG	Y	FUKUNAGA	Y	HARIMOTO	Y	KOBAYASHI	Y
MANAHAN	Y	MARTIN	Y	MENOR	Y*	PINE	Y*		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


BERNICE K. N. MAU, CITY CLERK


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER