April 24 2015

TO: Gail Murayama
   Clerk, Committee on Zoning & Planning

FROM: Kymberly Marcos Pine  
   Councilmember

RE: PROPOSED AMENDMENTS TO THE UNILATERAL AGREEMENT, EXHIBIT B TO BILL 3 (2015), CD 1, HONOLULU REZONE HOOPILI

Pursuant to the memorandum from Committee on Zoning & Planning Committee Chair, Ikaika Anderson dated February 5, 2014 (Council Communication No. 22), the following are proposed amendments to the Unilateral Agreement (Exhibit B) to Bill 3 (2015), CD 1.

These amendments are being submitted with the understanding that minor clarifications or technical revisions may still be necessary.

Please number this memorandum as a Council Communication to be made a part of the public record.

Condition 2. Local Preference in Housing, has been added to the UA and all subsequent conditions have been renumbered.

2. Recognizing that traffic congestion and long commute times can be mitigated by marketing affordable units to current residents, persons currently employed and persons who have offers of employment in Leeward Oahu, the Declarant shall make efforts to market available housing units for purchase or rental to local residents live, work or have been hired to work in the preference area, applicants who demonstrate that they expect to live in the preference area because of a bona fide offer of employment, and applicant households with children attending the locality’s schools, such as Department of Education students.

Condition 9. Economic Development, has been added to the UA and all subsequent conditions have been renumbered.

9. Economic Development. To promote economic development and maintain a healthy economic base in Oahu’s ‘second city’, as well as encourage businesses to move to Leeward Oahu, the Declarant shall promote and support Leeward Oahu employment and Leeward Oahu business opportunities which in turn promote the City’s economic growth.
10. Compliance with Other Governmental Requirements. The Declarant acknowledges that approval of this zone change does not constitute compliance with other LUO or governmental agencies’ requirements. They are subject to separate review and approval. The Declarant shall be responsible for ensuring that the final plans for the proposed Ho’opili Project approved under this permit comply with all applicable LUO and other governmental agencies’ provisions and requirements.

11. 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 toward complying with each condition of approval for this zone change. This status report shall be submitted to the DPP by December 31st of each year until such time as the DPP has determined that all conditions of approval have been satisfied. Failure to do so may result in delays in processing of further permits.

12. Noncompliance or Failure to Fulfill Any Conditions. In the event of noncompliance or failure to fulfill any of the conditions set forth herein, the Director of the DPP shall inform the Council and may institute action to terminate or stop the Ho’opili Project until applicable conditions are met. Noncompliance also may be grounds for revocation of the permits issued under this zone change. 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.