



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3077

## COMMITTEE ON ZONING AND PLANNING

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### Voting Members:

Ikaika Anderson, Chair  
Trevor Ozawa, Vice Chair  
Carol Fukunaga  
Ann H. Kobayashi  
Joey Manahan

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## MINUTES

REGULAR MEETING  
THURSDAY, MARCH 3, 2016

COUNCIL COMMITTEE MEETING ROOM  
2<sup>ND</sup> FLOOR, HONOLULU HALE  
HONOLULU, HAWAII 96813

*Note: A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.*

### CALL TO ORDER

The regular meeting of the Committee on Zoning and Planning was called to order by Committee Chair Ikaika Anderson at 9:10 a.m. Voting Members Fukunaga, Kobayashi, Manahan and Ozawa were present at the meeting. Nonvoting members, Councilmembers Elefante and Menor, also attended the meeting.

### STAFF PRESENT

Gail Myers, Senior Aide to Committee Chair Anderson  
Lori Hiraoka, Attorney, Office of Council Services  
Dean Minakami, Analyst, Office of Council Services  
Don Kitaoka, Deputy Corporation Counsel, Department of the Corporation Counsel,  
assigned to the Committee  
Gail Murayama, Council Committee Aide, Office of the City Clerk

### ORDER OF BUSINESS

#### APPROVAL OF MINUTES

The minutes of the Committee on Zoning and Planning meeting of February 11, 2016 were approved as circulated.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, ANDERSON – 4.  
NOES: None.  
EXCUSED: OZAWA – 1.

## INFORMATIONAL BRIEFING

### 1. BRIEFING BY THE DEPARTMENT OF PLANNING AND PERMITTING ON TRANSIT-ORIENTED DEVELOPMENT (TOD) INFRASTRUCTURE.

#### Administration/Others

Harrison Rue, TOD Administrator Department of Planning and Permitting  
Tim Houghton, Deputy Director, Department of Environmental Services  
(ENV)  
Mark Garrity, Deputy Director, Department of Transportation Services  
(DTS)  
Ernest Lau, Manager and Chief Engineer, Board of Water Supply (BWS)

There was no public testimony.

TOD Administrator Rue, ENV Deputy Director Houghton, DTS Deputy Director Garrity, and Chief Engineer Lau provided an overview of TOD infrastructure as detailed in Communications D-119 and D-120:

- The coordination of infrastructure projects is one of the primary roles of the Administration's TOD subcabinet.
- The Administration's analysis of the development potential within the City's TOD plan areas has determined that, in the easy-to-develop areas, there exists a potential for 55,000 new units.
- The Administration is focusing on certain catalytic projects to help determine what kinds of infrastructure improvements would be needed in TOD areas.
- Two of the most transformative area plans will be the Iwilei/Kapalama area plans.
- The Iwilei/Kapalama area was chosen for a proposed infrastructure master plan primary because it includes several large landowners who are most likely to be open to redevelopment.
- The infrastructure master plan looks at the five- to ten-year build out of the area in order to accommodate future sewer, water, street, storm drainage, electrical, park and school needs.

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- The City currently faces sewer capacity-related issues in several downtown areas.
- The City has previously focused on rehabilitating sewer lines to prevent spills in order to meet the Global Consent Decree (GCD); however, if the City has knowledge of future growth, GCD-related projects could be upsized to accommodate additional capacity.
- Timing of projects is critical to the ENV and requires the earliest possible knowledge of projects.
- The ENV is including all TOD plan visions into its flow models.
- The Water Master Plan is a comprehensive program that looks forward over the next 30 years and evaluates the entire water system, identifying necessary improvements and balancing the needs and costs.
- Although it is difficult to determine how TODs will impact water demands without actual detailed development proposals, the BWS looked at the proposed TOD zoning and evaluated estimated water demand.
- Actual water availability is confirmed at the building permit stage, and water system improvements are required on a case-by-case basis.
- The street environment around rail stations must be compatible and accessible for the people getting on and off rail.
- Complete Streets will play a major role in infrastructure improvements in TOD areas.
- Walk audits were conducted in rail station areas.
- Pedestrian safety and bicycle projects will be implemented in the near future.

Committee Member Manahan encouraged the ENV to include the Kalihi Station in its initial infrastructure study. The Committee Member also requested an update on the lower Kalihi flood mitigation study.

Committee Member Fukunaga questioned how the BWS coordinates projects in areas under State or other jurisdiction; Chief Engineer Lau responded that the BWS works closely with the State and individual developers to coordinate needed improvements that are either paid for by the developer, by the City, or jointly.

Related communications:

- D-119 Department of Planning and Permitting, "Making TOD Happen."
- D-120 Department of Planning and Permitting, PowerPoint presentation on TOD Infrastructure.

FOR ACTION

2. RESOLUTION 16-2 – COMMITTEE REPORT 80

INFRASTRUCTURE PROJECTS IN TRANSIT-ORIENTED DEVELOPMENT ZONES. Urging the City Administration to give high priority to infrastructure projects in transit-oriented development zones.

Administration/Others

Harrison Rue, TOD Administrator, Department of Planning and Permitting (DPP)

Committee Member Manahan stated that the Resolution was introduced to ensure that infrastructure improvements receive high priority within TOD areas.

TOD Administrator Rue testified that the Department has no objections to the Resolution, and emphasized that infrastructure is already a high priority in TOD planned areas.

The following individuals provided comments:

1. Russell Honma
2. Willie Holly, Jr.

Committee Member Manahan agreed that the Resolution could be amended to include transmittal to State and Federal counterparts, as suggested by Mr. Honma.

Committee Chair Anderson recommended that Committee Member Manahan determine which parties to include on a floor draft to be submitted prior to the full Council meeting.

Resolution 16-2 reported out for adoption.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.  
NOES: None.

Related communication:

M-484 Gladys Marrone, Chief Executive Officer, Building Industry Association of Hawaii (comments)

Committee Chair Anderson took Items 3, 4, and 5 up together.

3. BILL 74 (2015)

LUO AMENDMENT RELATING TO THE TRANSIT-ORIENTED DEVELOPMENT SPECIAL DISTRICT. Establishing a special district with appropriate land use standards and guidelines for those areas around the Honolulu Rail Transit Project stations. (Current deadline for Council action: 5/16/16)

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 74 (2015) (Submitted by Councilmember Anderson) – The CD1 (OCS2016-0208/2/26/2016 12:44 PM) makes the following amendments:

- A. Corrects proposed new Figure 21-1 "Permit Application Processing Time" by showing that the Council has 60 days to review Plan Review Use proposals.
- B. Amends the proposed new language in subsection 21-9.20-2(c) to clarify that projects less than one acre in size or that meet the development standards found in Section 21-9.100-8 are Exempt Projects.
- C. Amends the definition of "Active ground floor activities" in subsection 21-9.100(c) to include "offices" and "financial institutions".
- D. Amends the definition of "TOD special district" in subsection 21-9.10(c) and adds a new Bill Section 11 that designates the TOD special district boundaries.
- E. Amends proposed new subsection 21-9.100-7(a) to specify that the corner lot requirements apply to key-street facing façades.

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- F. Amends proposed new subsection 21-9.100-8(a)(1)(A) to clarify that the maximum FAR shall be as prescribed by the underlying zoning district, unless modified through a special district permit or PD-T permit.
- G. Deletes proposed new sections 21-9.100-8(a)(3)(E)(iii) and 21-9.100-8(a)(6)(E).
- H. Amends proposed new Table 21-9.8 by correcting the reference to height and density limits for "Modifications to height and/or FAR", and specifying that a Major permit or PD-T permit is required for projects seeking densities or heights beyond base limits.
- I. Makes miscellaneous technical and nonsubstantive amendments.

4. BILL 75 (2015)

LUO AMENDMENT RELATING TO MISCELLANEOUS LAND USE ORDINANCE AMENDMENTS. Clarifying development standards for structures with integrated commercial and dwelling uses; to revise development standards for height and street setbacks in the business, business mixed use, and industrial mixed use districts; and to establish appropriate standards for bicycle parking. (Current deadline for Council action: 5/16/16)

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 75 (2015) (Submitted by Councilmember Anderson) – The CD1 (OCS2016-0105/2/2/2016 3:59 PM) makes the following amendments:

- A. Revises Figure 21-3.5, which depicts transitional heights in the business, BMX, IMX and all industrial districts, to add reference to the resort district, where applicable.
  - B. Adds new definitions of "long-term bicycle parking" and "short-term bicycle parking" to LUO Article 10.
  - C. Corrects drafting and format errors, and makes various technical amendments for purposes of grammar, clarity and style.
5. BILL 76 (2015) – WAIPAHU ZONE CHANGE (2014/GEN-5). Amending Zoning Map No. 8 (Waipahu), Ordinance 86-110, by rezoning land situated near the Farrington Highway and Mokuola Street intersection (Waipahu Transit Center rail station area) and Farrington Highway and Leoku Street intersection (West Loch

rail station area in Waipahu, Oahu, Hawaii, from R-5 Residential, R-7.5 Residential, A-2 Medium-density Apartment, B-1 Neighborhood Business, B-2 Community Business, and I-2 Intensive Industrial districts to the AMX-2 Medium-density apartment Mixed Use, BMX-3 Community Business Mixed Use, IMS1 Industrial-commercial Mixed Use, and P-2 General Preservation Districts. (Current deadline for Council action: 5/16/16)

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)  
Elizabeth Krueger, Acting Branch Chief, Land Use Approvals Branch, DPP  
Timothy Streitz, Planner, TOD Division, DPP

Mr. Streitz and Acting Branch Chief Krueger provided a brief summary of the bills:

- The proposed zone change includes 282 acres between the Waipahu Transit Center Station area and the West Loch Station area.
- The majority of the zone changes involve moving from single-use districts to mixed-use districts, which would allow for commercial or industrial uses in the ground floor and residential uses on higher floors.
- DPP is emphasizing greater detail to the street environment for certain key streets.
- Bonus heights would be allowed at the West Loch Station area. Although, the base height would remain as it currently stands, the TOD regulations would allow thirty extra feet of height and higher densities in exchange for community benefits.
- The TOD special district was uniquely designed to allow for several development standards to go directly to the building permit process.
- Heights beyond what is allowed by traditional zoning regulations would require a Special District Permit – Minor. Density bonuses up to a 3.5 floor area ratio (FAR) would also require a Special District Permit – Minor. Density bonuses from 3.5+ FAR to a maximum of 7.0 FAR would require a Planned Development – Transit Permit (PD-T).
- The island-wide land use changes include requirements for height setbacks in BMX and B2 zoning districts, requirements for bicycle parking requirements, and clarifications to regulations for mixed-use buildings.

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Discussion between Committee members and representatives of the DPP provided the following additional information:

- PD-T permits require approval by resolution.
- A bonus of 7.0 FAR would be allowed only for catalytic projects, such as large affordable housing projects, with street and open space improvements. The DPP does not anticipate that PD-Ts would be utilized often.
- The DPP has not considered a provision for community benefit funds at this time.
- The Department is amenable to retaining language allowing the City Council to establish TOD zones.
- Smaller projects may not come before the Council for approval; however, the DPP feels that providing for ministerial approvals would incentivize redevelopment in existing urban areas.
- Areas with large landowners may provide for cost sharing opportunities with the private sector.

The following individual testified:

Kiersten Faulkner, Executive Director, Historic Hawaii Foundation  
(comments) (M-485)

Committee Member Fukunaga noted that an instrument like the transfer of development rights could be utilized to help preserve historic properties in TOD zones.

Councilmember Elefante noted that the subject bills represent the first set of development regulations for TOD zones and urged the Committee to support the Bills.

Committee Member Kobayashi supported the suggestions made by the testifier and questioned whether historic sites are identified in TOD zones. Acting Branch Chief Krueger stated that protections in existing law would apply to historic properties in TOD zones.

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Director Atta noted that, although transfer of development rights for historic properties currently exists, it has been rarely utilized. TOD redevelopment may make such transfers more attractive.

Committee Chair Anderson recommended that action on all bills be deferred for further review.

Action on Bill 74 (2015) deferred.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.  
NOES: None.

Action on Bill 75 (2015) deferred.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.  
NOES: None.

Action on Bill 76 (2015) deferred.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.  
NOES: None.

Related communications:

D-706/15 Planning Commission, transmitting the report of the Director of the Department of Planning and Permitting (DPP)  
M-484 Gladys Marrone, Chief Executive Officer, Building Industry Association of Hawaii (comments on Bill 74)  
M-485 Kiersten Faulkner, Executive Director, Historic Hawaii Foundation (comments)

6. BILL 3 (2016)

BUILDING CODE. Amending Chapter 16 (“Building Code”) of the Revised Ordinances of Honolulu 1990, with respect to construction barriers.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)  
Timothy Hiu, Building Safety Chief, DPP

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Director Atta testified that the Department did not have any objections to the Bill but noted that providing viewing panel may add to the cost of development.

The following individuals testified:

1. Shannon Alivado, General Contractors Association of Hawaii (oppose) (M-489)
2. Tyler Dos Santos-Tam, Hawaii Construction Alliance (support) (M-487)

In response to Committee Member Ozawa's questions regarding the ability of inspectors to gain access to construction sites, Director Atta stated that the DPP has not had any problems gaining access. Building Safety Chief Hiu concurred with the Director.

Committee Chair Anderson recommended that action on Bill 3 be deferred to allow the Bill's opponents to further review the Bill and propose acceptable amendments.

Action on Bill 3 (2016) deferred.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.  
NOES: None.

Related communications:

M-486	Alan Shintani, Inc. (oppose)
M-487	Tyler Dos Santos-Tam, Hawaii Construction Alliance (support)
M-488	George Ehara, Swinerton Builders (oppose)
M-489	General Contractors Association of Hawaii (oppose)
M-490	Richard A. Heltzel, Healy Tibbitts Builders, Inc. (oppose)
M-491	King & Neel, Inc. (oppose)
M-492	James, N. Kurita, LYZ, Inc. (oppose)
M-493	Jay T. Manzano, Unlimited Construction Services, Inc. (oppose)
M-494	Rodney H. Nohara, Jayar Construction, Inc. (oppose)
M-495	The Pacific Resource Partnership (support)
M-496	Gerard Sakamoto, S & M Sakamoto, Inc. (oppose)
M-497	Paul Silen, Hawaiian Dredging Construction Company, Inc. (oppose)
M-498	TOMCO, Corp. (oppose)

7. BILL 6 (2016) – COMMITTEE REPORT 78

NONCONFORMING USE CERTIFICATES (NUC). Providing one-time relief to those owners of bed and breakfast homes and transient vacation units who lost their NUCs after September 30, 2014, solely for failing to apply for renewal through the newly automated system.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)  
Wallace Carvalho, Program Administrator, Customer Services Office, DPP

There was no public testimony.

Program Administrator Carvalho requested that the Bill be amended to allow the Department to levy a \$1000 processing fee in addition to the renewal fee.

In response to Committee Chair Anderson's question regarding the number of NUCs that have expired since September 30, 2014, Director Atta stated that only a handful of certificates should be affected.

Committee Chair Anderson recommended that the Bill be amended to include the DPP's request.

Committee Member Ozawa concurred with the Committee Chair's recommendation.

In response to Committee Member Kobayashi's question regarding the issuance of additional NUCs, Director Atta stated that, currently, no new NUCs are being issued.

Bill 6 (2016) amended to CD1 and reported out for passage on third reading.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.  
NOES: None.

CD1 to Bill 6 (2016) (Submitted by Councilmember Anderson) – The CD1 (OCS2016-0240/3/7/2016 11:31 AM) makes the following amendments:

- A. Provides that the renewal applicant shall pay a processing fee of \$1,000 in addition to the required renewal fee.
- B. Makes various technical and non-substantive amendments.

8. RESOLUTION 16-54

LUO AMENDMENT RELATING TO JOINT DEVELOPMENT. Amending the Land Use Ordinance by amending certain provisions relating to the joint development of two or more subdivision lots.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)

There was no public testimony.

Committee Member Ozawa stated that the Resolution was introduced to allow owners of adjacent lots to apply for a conditional use permit that allows joint development of lots. The Committee Member noted that, currently, it is difficult for landowners to work together to use properties in a more efficient manner.

Director Atta expressed concerns that the Bill, as currently drafted, does not restrict developments to adjacent lots, nor to a set number of landowners. He noted that such developments would create multiple problems for the Department.

Committee Chair Anderson noted that the Revised Ordinances allows the DPP thirty days after notification to review a Council proposal to the Land Use Ordinance. The Committee Chair questioned whether the Department has had sufficient time to review the proposal; Director Atta requested that the allotted time be granted to allow the DPP to consult with the Department of the Corporation Counsel.

Committee Member Ozawa voiced his willingness to work with the DPP to come up with a workable solution. He noted that many small landowners would like to work together to create better developments.

Committee Chair Anderson recommended that action on Resolution 16-54 be deferred until the next Committee meeting.

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Committee Member Manahan concurred with the Committee Chair's recommendation.

Action on Resolution 16-54 deferred.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.  
NOES: None.

Related communication:

CC-34 City Clerk, notifying DPP of the introduction of the Council proposal.

9. BILL 11 (2016) – COMMITTEE REPORT 79

ESTABLISHING AN INTERIM DEVELOPMENT CONTROL (IDC) AREA FOR AIEA, RED HILL, MOANALUA, AND SALT LAKE. Providing the City Administration and the City Council sufficient time to fully explore and evaluate comprehensive transportation improvements that will address traffic congestion by establishing an Aiea-Red Hill-Moanalua-Salt Lake IDC Area.

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 11 (2016) (Submitted by Councilmember Fukunaga) – The CD1 (OCS2016-0173/2/24/2016 12:48 PM) makes the following amendments:

- A. Amends the boundary of the Aiea-Red Hill-Moanalua-Salt Lake Interim Development Control Area as set forth on Exhibit A.
- B. Makes miscellaneous technical and nonsubstantive amendments.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)

Committee Member Fukunaga stated that the Bill was introduced to give the Department of Transportation Services and the State Department of Transportation an interim period to study ways to address traffic in the Moanalua to Aiea corridor.

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Committee Member Manahan noted that the impact of traffic congestion reaches outward to the Mapunapuna, airport and Kalihi areas. He stated that the Bill would allow transportation agencies to coordinate solutions.

The following individuals testified:

1. Elizabeth Meissel (support)
2. Mary Jean Castillo (support) (M-500)
3. Tyler Dos Santos-Tam (oppose)
4. Lori Lum, Douglas Emmett (comments, request deferral) (M-501)
5. Brooke Wilson, The Pacific Resource Partnership (oppose) (M-514)
6. Willie Holly, Jr. (comments)

Committee Chair Anderson noted that the roadways being highlighted in the Bill are regional arterial roadways that accommodate traffic from all parts of the island, not just in the proposed IDC area. Director Atta concurred that the majority of area traffic congestion comes from outside of the area, not localized development. He further noted that the roadways in question are outside of the City's jurisdiction.

In response to Committee Chair Anderson's question regarding the legality of the proposed IDC, Director Atta stated that the Department has some concerns although it has not yet conferred with legal counsel.

In response to Committee Member Manahan's question regarding localized solutions such as stop signs and signalization at a particular development, Director Atta stated that staff has not determined that such measures would help localized traffic.

Director Atta emphasized that moratoriums are generally used to allow time for a solution to a problem to be implemented. The Director questioned whether the proposed moratorium would solve traffic congestion problems in the area.

Committee Chair Anderson voiced his concern that the IDC might be viewed as a vehicle to prevent one particular development.

In response to Committee Member Ozawa's question regarding a prior IDC, Director Atta stated that, although the issue of legality was present, the IDC was not challenged at the time.

Committee Member Fukunaga acknowledged that legal questions do exist and expressed her willingness to work with the Department and staff to find an acceptable solution.

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Committee Member Manahan acknowledged that the Bill is a work in progress. The Committee Member requested that the Bill be amended to include Kalihi Street. Council staff opined that the bill cannot be amended to include any area not included by the current bill's title or purpose.

Councilmember Menor voiced his concern with the legality of the Bill, as currently drafted.

Committee Member Ozawa voiced his support for the area councilmembers.

Committee Chair Anderson voiced his concern that the Bill appears to be aimed at one particular development, and that, as such, the Bill is not be legal. He also noted that, because most of the traffic congestion in the area is caused by vehicles coming from, and going to, other parts of the island, it is unclear how the IDC would address the congestion.

The Committee Chair stated that he would be willing to move the measure out of Committee for second reading and public hearing, but would, henceforth, place the Bill on the Committee's agenda for discussion only.

Bill 11 (2016) reported out for passage on second reading and scheduling of a public hearing.

AYES: FUKUNAGA, KOBAYASHI, MANAHAN, OZAWA, ANDERSON – 5.  
NOES: None.

Related communications:

M-499	Jocelyn Banas (support)
M-500	Mary Jean Castillo (support)
M-501	Kevin Crummy and Michel Aronson, Douglas Emmett (comments)
M-502	Tyler Dos Santos-Tam, Hawaii Construction Alliance (oppose)
M-503	Hawaii Regional Council of Carpenters (oppose)
M-504	Representative Linda Ichiyama (support)
M-505	Jerald James (comments)
M-506	Scott James (support)
M-507	Wendy James (support)
M-508	Representative Aaron Ling Johanson (support)
M-509	Senator Donna Mercado Kim (support)
M-510	Fred Kubota (support)
M-511	Carol Kunishima (support)
M-512	Elizabeth R. Meissels (oppose)

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M-513 Rodney S. Moriyama (support)  
M-514 The Pacific Resource Partnership (oppose)  
M-515 Linda Tanaka (support)  
M-516 Geraldine Wade (support)

INFORMATIONAL BRIEFING

Committee Chair Anderson took the discussion items up together

10. UPDATE BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING ON THE STATUS OF BUILDING PERMIT PROCESSING.
11. UPDATE BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING REGARDING THE STATUS OF ALL PENDING LAND USE ORDINANCE (LUO) AMENDMENTS AND DEVELOPMENT PLAN AND SUSTAINABLE COMMUNITIES PLAN REVISION BILLS.

Administration/Others

George Atta, Director, Department of Planning and Permitting (DPP)

Director Atta reported that the Department has fully instituted one-time review for certain projects which should facilitate the permitting process.

The Director provided the Committee with the Department's Updated Schedule and Statuses of LUO Amendments. The Director noted a slight delay to the Central Oahu, East Honolulu and Koolauoko plans.

The following individual provided comments on the permitting process:

Roy Skaggs

The Committee Chair stated that the Committee will continue to place updates on the permitting process on the Committee's agenda.

Related communication:

D-121 Department of Planning and Permitting, transmitting DEVELOPMENT PLAN UPDATED SCHEDULE and STATUS OF LUO AMENDMENTS SENT TO DPP VIA CITY COUNCIL RESOLUTIONS.

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ADJOURNMENT

There being no further business, the meeting was adjourned at 1:15 p.m.

Respectfully submitted,



GLENN I. TAKAHASHI  
City Clerk

gym

DATE APPROVED

March 31, 2016