



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING AND PLANNING

Voting Members:

Trevor Ozawa, Chair
Ron Menor, Vice Chair
Carol Fukunaga
Ann H. Kobayashi
Joey Manahan

AGENDA

REGULAR MEETING
COMMITTEE MEETING ROOM
THURSDAY, AUGUST 25, 2016
9:00 AM

SPEAKER REGISTRATION

Persons wishing to testify are requested to register by 9:00 a.m. as follows:

- a. On-Line at <http://www.honolulu.gov/ccl-testimony-form.html>;
- b. By faxing to 768-3827 your name, phone number and the agenda item;
- c. By filling out the registration form in person; or
- d. By calling 768-3818.

Persons who have not registered to testify will be given an opportunity to speak on an item following oral testimonies of the registered speakers.

Each speaker limited to a **one-minute** presentation.

WRITTEN TESTIMONY

Written testimony may be faxed to 768-3827 or transmitted via the internet at <http://www.honolulu.gov/ccl-testimony-form.html> for distribution at the meeting.

If submitted, written testimonies, including the testifier's address, e-mail address and phone number, may be posted by the City Clerk and available to the public on the City's DocuShare Website.

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Accommodations are available upon request to persons with disabilities, please call 768-3818 or send an email to gmurayama@honolulu.gov at least three days prior to the meeting date.

The meeting is viewable by: (1) internet live streaming through http://olelo.granicus.com/MediaPlayer.php?publish_id=92; (2) televised live broadcast on Olelo TV Channel 54; or (3) after the meeting, viewable at <http://www.honolulu.gov/council/cclmeetings/ccl-archived-meetings-agendas.html>. Copies of older meeting videos may be requested by calling the City Clerk's Office at 768-5822, charges may apply.

FOR APPROVAL

MINUTES OF THE JUNE 16, 2016 REGULAR AND JULY 13, 2016 SPECIAL COMMITTEE ON ZONING AND PLANNING MEETINGS.

FOR ACTION

1. **RESOLUTION 16-203 – SMP FOR KALAHEO HIGH SCHOOL ATHLETIC FIELD AND COMPLEX RENOVATION AND EXPANSION (2016/SMA-34)**. Granting a Special Management Area Use Permit (SMP) for the grading, reconstruction, and expansion of the existing field, as well as construction of new bleachers, walkways, drainage improvements, and irrigation system, retaining walls, and other appurtenant site improvements on land in the R-7.5 Residential and P-1 Preservation Districts, located a 730 Iliaina Street, Kailua, Oahu, and identified as Tax Map Keys 4-4-34: 24 (por.) and 28. (Applicant: State Department of Education) (Transmitted by Communication [D-559](#)) (Current deadline for Council action: 10/7/16)

PROPOSED CD1 TO RESOLUTION 16-203 (Submitted by Councilmember Ozawa) – The CD1 (OCS2016-0811/8/17/2016 4:02 PM) makes the following amendments:

- A. Corrects the spelling of “ATHLETIC” and adds a period at the end of the resolution title.
- B. In the first WHEREAS clause, clarifies that the Project involves the Kalaheo High School athletic field.
- C. In the third and fourth WHEREAS clauses, respectively, lists August 5, 2016 as the date the DPP transmitted its report to the Council, and August 8, 2016 as the date the Council received DPP’s report.
- D. In the third WHEREAS clause, in addition to referencing the SMP review guidelines set forth in ROH Sections 25-3.1 and 25-3.2, adds reference to the SMP review guidelines set forth in HRS Sections 205A-2 and 205A-26.
- E. Clarifies and eliminates duplicative language in Condition C.
- F. Refers to a “building permit” instead of a “development permit” in Condition F.
- G. Makes miscellaneous technical and non-substantive amendments.

2. **RESOLUTION 16-208 – CLEANUP AND ENFORCEMENT OPERATIONS FOR THE SIDEWALKS AND OTHER PEDESTRIAN FACILITIES OF ALA MOANA BOULEVARD NEAR ITS INTERSECTION WITH ATKINSON DRIVE.** Urging the City and State administrations to find solutions to allow consistent cleanup and enforcement operations for the sidewalks and other pedestrian facilities of Ala Moana Boulevard near its intersection with Atkinson Drive.
3. **BILL 28 (2016) – PUBLIC HOUSING IN TRANSIT-ORIENTED DEVELOPMENT SPECIAL DISTRICTS.** Amending the provisions of the Land Use Ordinance (LUO) pertaining to transit-oriented development (TOD) Special Districts and Interim Planned Development-Transit (IPD-T) permits. (Bill 28 passed second reading and public hearing held 5/4/16; deferred in Committee 5/19/16)

PROPOSED CD1 TO BILL 28 (2016) (Submitted by Councilmember Fukunaga) – The CD1 (OCS2016-0820/8/18/2016 2:46 PM) makes the following amendments:

A. Amends Sec. 21-9.100-5(a)(5) to read as follows:

"(5) Upon the enactment of a TOD special district and its related development regulations, all zoning lots within that TOD special district shall no longer be eligible for this interim permit, but shall henceforth comply with all applicable TOD special district regulations and requirements enumerated by this chapter. All projects with a Council-approved Conceptual Plan will be grandfathered in under this Section including all phases of a multiphase project."

B. Amends the first paragraph of Sec. 21-9.100-5(b)(1)(D) to read as follows:

"(D) An appropriate mix of housing and unit types, including a range of affordable and market rate housing, particularly affordable or rental housing, or both[;], or public housing projects; with qualifying affordable housing being located on the project site or within one-half mile of an identified H RTP transit station, or within one mile of an identified H RTP transit station for public housing projects, subject to the requirements set forth below. For purposes of this section, "affordable housing" shall mean housing that is affordable to households with incomes not exceeding 120 percent of the annual median income for Oahu. Off-site affordable housing is only allowed subject to the following requirements:..."

C. Amends Sec. 219.100-5(b)(2) to read as follows:

"(2) Unless specified in Section 21-9.100-5, IPD-T projects shall be generally consistent with:

(A) The approved neighborhood TOD plan for the affected area; or

(B) If the neighborhood TOD plan has not yet been approved, the draft neighborhood TOD plan. As used in this section, "draft neighborhood TOD plan" means the most current version of the plan then under consideration by the department or the council, commencing with the first public review draft released by the director to the community for review and comment."

D. Amends Sec. 21-9.100-5(c)(1) to read as follows:

"(1) Permitted uses and structures may be any of those uses permitted in the BMX-4 central business mixed use district; except that hotels [shall] are not [be] permitted on any zoning lot in an [apartment, apartment mixed use,] industrial, or industrial-commercial mixed use district, unless it is otherwise in compliance with the standards enumerated by Section 21-5.360(b) (provided that this subdivision does not preclude hotels in the 1-2 intensive industrial district and the IMX-1 industrial-commercial mixed use district from qualifying as a conditional use under Section 21-5.30(a)); and"

E. Amends Sec. 21-9.100-5(d) to read as follows:

"(d) Site Development and Design Standards. The standards set forth by this subsection are general requirements for IPD-T projects. When, in the paragraphs below, the standards are stated to be subject to modification or reduction, such modification or reduction shall be for the purpose of accomplishing a project design consistent with the goals and objectives of Section 21-9.100-4 and this subsection. Also, pursuant to Section 219.100-5(b), the modification or reduction in the following standards shall be commensurate with the contributions provided in the project plan, and the project shall be generally consistent with the draft or approved neighborhood TOD plan for the area[.], unless otherwise specified below."

F. Amends Sec. 21-9.100-5(d)(1)(A) to read as follows:

"(A) The maximum floor area ratio (FAR) may be up to twice that allowed by the underlying zoning district or 7.5, whichever is lower; provided that where a draft or approved neighborhood TOD plan identifies greater density for the site, a project on that site shall be consistent with the specified density contained in the plan and may be considered for that density; or where the maximum FAR under the draft or approved neighborhood TOD plan is equal to or less than that allowed by the underlying zoning district, the maximum FAR may be up to twice that allowed by the underlying zoning district or 7.5, whichever is lower; and"

G. Amends Sec. 21-9.100-5(d)(2) to read as follows:

"(2) Height

[(A) For project sites where there is no draft neighborhood TOD plan, the maximum building height may be up to twice that allowed by the underlying zoning district, or 450 feet, whichever is lower; and

(B) Where there is a draft or approved neighborhood TOD plan, the maximum height shall not exceed the maximum height specified in the plan, provided that where existing height limits exceed those in the plans, the existing height limit shall prevail.]

The maximum building height may be up to twice that allowed by the underlying zoning district, or 450 feet, whichever is lower: unless the maximum height specified in the draft or approved neighborhood TOD plan is higher in which case the maximum height in the TOD plan shall prevail."

H. Amends Sec. 21-9.100-5(d)(4) to read as follows:

"(4) Yards [shall] must be as specified by the approved conceptual project plan, provided that building placement will not cause adverse noise, [sunlight blockage,] privacy and/or wind affects to adjacent uses, and street character will not be adversely affected."

I. Amends Sec. 21-9.100-5(d)(7)(C) to read as follows:

"(C) Vehicular access [shall] must be provided from an existing access or driveway, or from a secondary street wherever possible and placed in the location least likely to impede pedestrian circulation; and"

- J. Amends Sec. 21-9.100-5(h)(1) to read as follows:
- "(1) Requested project boundaries and requested flexibility with respect to development standards and use regulations are consistent with the objectives of TOD and the provisions enumerated in Sec. 21-9.100-4 and Sec. 21-9.100-5 while in effect; and"
- K. Amends Sec. 21-9.100-5(i)(1) to read as follows:
- "(1) A council resolution of approval for a conceptual plan for an IPD-T project shall establish a deadline within which the building permit for the project shall be obtained. For multiphase projects, deadlines [shall] must be established for obtaining building permits for each phase of the project. The resolution shall provide that the failure to obtain any building permit within the prescribed period shall render null and void the council's approval of the conceptual plan and all approvals issued thereunder; provided that in multiphase projects, any prior phase that has complied with the deadline applicable to that phase shall not be affected. The reordering of phases is permitted with the Director's approval as long as the overall completion deadline for multiphase projects has not passed. A revocation of a building permit pursuant to Section 18-5.4 after the deadline shall be deemed a failure to comply with the deadline."
- L. Makes miscellaneous technical and non-substantive amendments.
4. **BILL 44 (2016) – FLOOD HAZARD AREAS.** Amending the Flood Hazard Area Ordinance, Chapter 21A, Revised Ordinances of Honolulu 1990, to adopt language and construction standards required by the Federal Emergency Management Agency, establish fees for the processing and administering of Flood Hazard Area related permits, and for housekeeping purposes. (Transmitted by Communication [D-428](#); Bill 44 passed first reading 7/6/16)
- PROPOSED CD1 TO BILL 44 (2016)** (Submitted by Councilmember Ozawa) – The CD1 (OCS2016-0824/8/18/2016 2:56 PM) corrects drafting errors and makes other technical and non-substantive amendments.
5. **RESOLUTION 16-159 – TRANSIT-ORIENTED DEVELOPMENT WAYFINDING MASTER PLAN FUNDS.** Authorizing the Director of the Department of Planning and Permitting or the Director's designee to apply for, and accept and expend, Federal Highway Administration funds authorized by Title 23 Code of Federal Regulations Part 652 and other federal statutes administered by the Federal Highway Administration for a transit-oriented development wayfinding master plan. (Transmitted by Communication [D-404](#))

6. **BILL 45 (2016) – AMENDING THE OAHU WATER MANAGEMENT PLAN.** Amending a portion of the Oahu Water Management Plan (OWMP) by adopting the North Shore Watershed Management Plan. (Transmitted by Communication [D-495](#); Bill 45 passed first reading 8/3/16)
7. **BILL 8 (2015) – COMMERCIAL ACTIVITIES AT PUBLIC PARKS.** Addressing commercial activities at certain City beach parks. (Bill 8 passed second reading and public hearing held 6/3/15; deferred in Committee 11/19/15)

PROPOSED CD1 TO BILL 8 (2015) (Submitted by Councilmember Anderson) – The CD1 (OCS2016-0733/7/21/2016 12:43 PM) makes the following amendments:

- A. Further amends ROH Section 10-1.1 by:
 1. Amending the definition of "commercial activity" to specify that the use of premises and facilities at Waimanalo Bay Beach Park and Waimanalo Beach Park for youth sports for students ages pre-school through high school and educational events, for students ages pre-school through high school, conducted or offered by educational institutions recognized by the State of Hawaii Department of Education, will not be considered "commercial activities;"
 2. Amending the definition of "recreational stops" to include guided tours as an activity in the use of city beach parks by commercial tour companies; and
 3. Adding a definition of "director" to mean the Director of the Department of Parks and Recreation, or the Director's designated representative.
- B. Further amends ROH Section 10-1.2 by:
 1. Deleting the amendment in subsection (h) regarding the prohibition of commercial activities, including recreational stops by commercial tour companies, at Waimanalo Bay Beach Park, Waimanalo Beach Park, Kaiona Beach Park, Kaupo Beach Park, and Makapuu Beach Park and inserting, instead, a provision that provides for the prohibition of recreational stops by commercial tour companies at:
 - a. Waimanalo Beach Park, Kaiona Beach Park, Kaupo Beach Park, Makapuu Beach Park, and Bellows Field Beach Park at any time; and

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- b. Waimanalo Bay Beach Park from 6:30 p.m. on Fridays through 6:30 a.m. on Mondays and on all state and federal holidays; and
 2. Deleting the prohibition of commercial activities, including recreational stops by tour companies, at City-owned or operated beach rights-of-way and easements from Makapuu Point to and including Waimanalo Bay Beach Park and inserting, instead, a provision that provides for the prohibition of recreational stops by commercial tour companies at City-owned or operated beach rights-of-way and easements from Makapuu Point to and including Waimanalo Bay Beach Park, including the Waimanalo Bay Beach Park access gate on Aloiloi Street.
- C. Amends ROH Section 10-1.3(a)(11) to prohibit the issuance of permits for recreational stops by commercial tour companies at:
 1. Waimanalo Beach Park, Kaiona Beach Park, Kaupo Beach Park, Makapuu Beach Park, and Bellows Field Beach Park; and
 2. Waimanalo Bay Beach Park between 6:30 p.m. on Fridays through 6:30 a.m. on Mondays, and on all state and federal holidays, and provide that no more than permits per may be issued for recreational stops by commercial tour companies at Waimanalo Bay Beach Park, and that such permits may only be issued to commercial tour companies for stops by tour vans or vehicles that seat no more than 15 passengers.
- D. Clarifies, in ROH Section 10-1.3(b), that the director shall promulgate rules and regulations to recommend to the council fee schedules based upon the cost of administration for commercial activities.
- E. Amends ROH Section 10-1.6(d)(2), to provide that violations of Sections 10-1.2(h) and (i) will result in fines of not less \$25.00, but not more than \$500.00.
- F. Deletes Section 4 of the bill, which would have amended R014 Section 10-3.2(c), and renumbers the remaining sections of the bill.

- G. Adds an uncodified SECTION 6, which provides that within 90 days after the effective date of the ordinance, the DPR Director shall prepare and submit to the Council a draft bill that would amend ROH Chapter 10, Article 2, to propose a fee schedule, based on administrative costs, for permits issued to commercial tour companies for recreational stops at Waimanalo Bay Beach Park. Subsequent SECTIONS of the bill are renumbered.
 - H. Clarifies, in SECTION 8 of the bill that any permits issued prior to the effective date of this ordinance allowing recreational stops by commercial tour companies to take place at a park affected by this ordinance would continue to be valid until the permit expires.
 - I. Makes miscellaneous technical and non-substantive amendments.
8. **RESOLUTION 16-172 – IPD-T FOR THE MANAOLANA PLACE HOTEL AND RESIDENTIAL CONDOMINIUM DEVELOPMENT PROJECT.** Approving a conceptual plan for an interim planned development-transit (IPD-T) project for the development of the Manaolana Place hotel and residential condominium development project. (Applicant: Manaolana Partners, LLC) (Transmitted by Communication [D-477](#)) (Current deadline for Council action: 12/3/16)

PROPOSED CD1 TO RESOLUTION 16-172 (Submitted by Councilmember Ozawa) – The CD1 (OCS2016-0812/8/18/2016 4:26 PM) makes the following amendments:

- A. Splits the first WHEREAS clause into two separate clauses.
- B. In the second and fifth WHEREAS clauses, consistently refers to Exhibits A-2 through A-4, B-1 through B-16, C-1 through C-10, and D-1 through D-11.
- C. In the fourth and fifth WHEREAS clauses, refers to Departmental Communication 477 (2016).
- D. Adds July 6, 2016, as the date the Council received the DPP's report of findings and recommendations.
- E. In Condition B, adds that the Applicant shall modify the Project plans to reflect a maximum height of 400 feet.

- F. In Condition J.7, requires that the sidewalk and pedestrian circulation plan include proposals to remove utility poles within the pedestrian path along Kona Street, preferably relocate the utilities underground, and comply with Americans with Disabilities Act guidelines. Also requires that the Applicant prioritize pedestrian mobility at the rear of the Project site, and work with the developers of the Kapiolani Residences, which is under construction 225 feet ewa of the Project site, to at a minimum create a continuous sidewalk between those two sites.
- G. Corrects a duplicate reference to Condition J, and re-alphabetizes subsequent conditions.
- H. In Condition R, in addition to building permits, lists yards, setbacks, street façades, building placement, building orientation and entrances, building transparency, and pedestrian walkways as governmental agency requirements that are subject to separate review and approval.
- I. In Conditions R, S, and T, makes revisions to conform to the standard language and format in previous Council resolutions adopting conceptual plans, and with the governing ordinance.
- J. In the BE IT FURTHER RESOLVED clause, revises the Council's findings to reflect the development standards flexibility requested by the Applicant, and adds finding D.
- K. In Condition S, decreases the period in which a building permit must be obtained, from five to two years after the effective date of the resolution.
- L. Makes miscellaneous technical and non-substantive amendments.

INFORMATIONAL BRIEFING

- 9. **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.**

TREVOR OZAWA, Chair
Committee on Zoning and Planning