



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING AND HOUSING

Voting Members:

Kymberly Marcos Pine, Chair
Ikaika Anderson, Vice Chair
Brandon Elefante
Ann H. Kobayashi
Joey Manahan

AGENDA

REGULAR MEETING
COMMITTEE MEETING ROOM
THURSDAY, SEPTEMBER 28, 2017
9:00 A.M.

SPEAKER REGISTRATION

Persons wishing to testify are requested to register to speak 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 768-3815.

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 768-3815 or send an email to cnakazaki@honolulu.gov at least three working days prior to the meeting.

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.honolulucitycouncil.tv/>. 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 AUGUST 28, 2017 REGULAR MEETING AND
MINUTES OF AUGUST 31, 2017 SPECIAL MEETING

FOR ACTION

1. **RESOLUTION 17-248 – SMA FOR THE SUNSET BEACH ELEMENTARY SCHOOL PORTABLE BUILDINGS, ADMINISTRATION BUILDING AND IMPROVEMENTS (2017/SMA-23)**. Granting a Special Management Area (SMA) Use Permit for the relocation of two portable buildings and construction of the existing Administration Building and proposed improvements, including a new air conditioning system and fire alarm upgrades on land zoned AG-2 General Agricultural District, located at 59-360 Kamehameha Highway in Haleiwa, Oahu, identified as Tax Map Key 5-9-005:018. (APPLICANT: State Department of Education, Facilities Development Branch) (Transmitted by Communication D-643) (Current deadline for Council action: 11/5/17)

PROPOSED CD1 TO RESOLUTION 17-248 (Submitted by Councilmember Pine)
– The CD1 (OCS2017-0958/9/19/2017 10:47 AM) makes the following amendments:

- A. In the first WHEREAS clause, clarifies the description of the Project.
- B. Adds a new second WHEREAS clause, detailing Resolution 07-72, which granted an SMA Use Permit to the Applicant for the relocation of two portable buildings and the construction of a new administration building, both of which were completed in 2008; but the Applicant failed to obtain development permits for the aforementioned developments, and the SMA Use Permit issued under Resolution 07-72 was therefore rendered null and void pursuant to Condition C thereof in 2010.
- C. In the second to the last WHEREAS clause, adds reference to HRS Sections 205A-2 and 205A-26.
- D. In the last WHEREAS clause, adds September 6, 2017 as the date the Council received the DPP's findings and recommendations via Departmental Communication 643 (2017).

- E. In Condition A, clarifies that the Project involves the relocation of two portable buildings, construction of an administration building, and subsequent improvements to the administrative building, and references Exhibits A, B, C-1 through C-3, and D.
 - F. Attaches Exhibits A, B, C-1 through C-3, and D.
 - G. Consistent with the DPP's report, adds a new Condition B relating to work stoppage and immediate contact of SHPD if previously unidentified archaeological sites or remains are encountered. Re-alphabetizes subsequent conditions.
 - H. Makes miscellaneous technical and nonsubstantive amendments.
2. **BILL 74 (2015), CD1** – **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. (Bill 74, CD1 passed second reading and public hearing held 1/25/17) (Current deadline for Council action: 10/21/17)
- PROPOSED CD2 TO BILL 74 (2015), CD1** (Submitted by Councilmember Pine)
– The CD2 (OCS2017-0960/9/12/2017 9:58 AM) makes the following amendments:
- A. Amends Section 21-9.20-2(c), proposed new Sections 21-9.100-7(d) and 21-9.100-11, and proposed new Table 21-9.8 ("TOD Special District Project Classification") to require that projects proposing more than 10 residential dwelling or lodging units, or both, must obtain a special district permit.
 - B. In Section 21-9.100(b), revises the new language at the end of the subsection to include reference to unilateral agreements in effect, and to read as follows (revisions are underscored):

"If any regulation pertaining to a TOD special district conflicts with another special district regulation or unilateral agreement in effect, the regulation applicable to the other special district or unilateral agreement in effect will take precedence."
 - C. In Section 21-9.100(c), revises the definition of "TOD station area" to clarify that the station area consists of "that land within approximately one-half mile of the related transit station....." (Deletes reference to one-quarter mile, which could be misinterpreted.)

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- D. In Section 21-9.100-4, adds a new subsection (i) to require that TOD regulations include provisions addressing the economic enhancement of the affected area, particularly with regard to providing diverse employment opportunities.
- E. In Section 21-9.100-6, adds a new subsection (h) to include as a TOD special district objective the positive contribution to the economic enhancement of the affected area, particularly with regard to providing diverse employment opportunities.
- F. Amends proposed new Section 21-9.100-8(a)(1)(D) to provide that projects seeking a bonus height of 20 feet or more require a PD-T permit.
- G. Amends proposed new Section 21-9.100-8(a)(1)(E)(iii) to add language clarifying that where the project proposes more than 10 residential dwelling or lodging units, or both, the affordable for-sale or rental units must be in addition to the requirements of the City's affordable housing ordinance.
- H. In Section 21-9.100-8(a)(1)(E), includes as a TOD special district development standard the positive contribution to the economic enhancement of the affected area, particularly with regard to providing diverse employment opportunities, including but not limited to whether the project is subject to a project labor agreement providing that the construction workforce employed on all phases of the project will be paid no less than the prevailing minimum wages established for public work projects pursuant to HRS Chapter 104.
- I. Amends proposed new Section 21-9.100-8(b)(1) to provide that all new development proposing more than 10 residential dwelling or lodging units, or both, must satisfy the requirements of the City's affordable housing ordinance.
- J. Amends proposed new Section 21-9.100-9 to add a new subsection (d), which provides that where a special district permit is sought to allow the development of more than 10 residential dwelling or lodging units, or both, the application must show how the requirements of the City's affordable housing ordinance will be satisfied. Re-alphabetizes the subsequent subsections.
- K. In re-alphabetized proposed new Section 21-9.100-9(e)(2), clarifies that where affordable housing is provided as a community benefit for a TOD special district permit, the affordable housing must be in addition to the requirements of the City's affordable housing ordinance.

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- L. Amends proposed new Section 21-9.100-10(c) to add a new subdivision (4), which provides that the requirements of the City's affordable housing ordinance must be satisfied, and clarifies that where affordable housing is provided as a community benefit for a TOD special district permit, the affordable housing must be in addition to the requirements of the City's affordable housing ordinance.
- M. Amends proposed new Section 21-9.100-10(d) by adding a new subdivision (11), which requires that if applicable, PD-T applications include a discussion of how the proposed project will satisfy the requirements of the City's affordable housing ordinance; and by adding a new subdivision (12), which requires that an PD-T application include a summary of any project labor agreement that will be entered into, and renumbers the subsequent subdivision. Renumbers the subsequent subdivision.
- N. Amends proposed new Section 21-9.100-10(f) to provide that if applicable, PD-T conceptual plans must show how the proposed project will satisfy the requirements of the City's affordable housing ordinance.
- O. Amends the caption of proposed new Figure 21-9.4 to add reference to the Apartment District, and to read as follows (revisions are underscored):

"YARDS AND MAXIMUM SETBACKS ON KEY STREETS, APARTMENT AND APARTMENT MIXED USE DISTRICTS"
- P. Amends proposed new Table 21-9.8 ("TOD Special District Project Classification") to clarify that projects seeking a maximum FAR of up to 3.5 are major; projects seeking a bonus height that is less than 20 feet are major; and all other projects seeking densities or heights beyond the base limits specified in Sections 21-9.100-8(a)(1)(A) and 21-9.100-8(a)(1)(D) are PD-T projects.
- Q. In SECTION 15 of the bill, provides that the ordinance takes effect on the effective date of Bill 58 (2017), either in its original or amended form.
- R. Makes miscellaneous technical and nonsubstantive amendments.

PROPOSED CD2 TO BILL 74 (2015), CD1 (Submitted by Councilmember Elefante) – The CD2 (OCS2017-0942/9/11/2017 3:30 PM) makes the following amendments:

- A. Amends Section 21-9.20-2(c), proposed new Sections 21-9.100-7(d) and 21-9.100-11, and proposed new Table 21-9.8 ("TOD Special District Project Classification") to require that projects proposing more than 10 residential dwelling or lodging units, or both, must obtain a special district permit.
- B. In Section 21-9.100(b), revises the new language at the end of the subsection to include reference to unilateral agreements in effect, and to read as follows (revisions are underscored):

"If any regulation pertaining to a TOD special district conflicts with another special district regulation or unilateral agreement in effect the regulation applicable to the other special district or unilateral agreement in effect will take precedence."
- C. In Section 21-9.100(c), revises the definition of "TOD station area" to clarify that the station area consists of "that land within approximately one-half mile of the related transit station....." (Deletes reference to one-quarter mile, which could be misinterpreted.)
- D. Amends proposed new Section 21-9.100-8(a)(1)(D) to provide that projects seeking a bonus height of 20 feet or more require a PD-T permit.
- E. Amends proposed new Section 21-9.100-8(a)(1)(E)(iii) to add language clarifying that where the project proposes more than 10 residential dwelling or lodging units, or both, the affordable for-sale or rental units must be in addition to the affordable housing requirements of the City's affordable housing ordinance.
- F. Amends proposed new Section 21-9.100-8(b)(1) to provide that all new development proposing more than 10 residential dwelling or lodging units, or both, must satisfy the requirements of the City's affordable housing ordinance.
- G. Amends proposed new Section 21-9.100-9 to add a new subsection (d), which provides that where a special district permit is sought to allow the development of more than 10 residential dwelling or lodging units, or both, the application must show how the requirements of the City's affordable housing ordinance will be satisfied. Re-alphabetizes the subsequent subsection.

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- H. In re-alphabetized proposed new Section 21-9.100-9(e)(2), clarifies that where affordable housing is provided as a community benefit for a TOD special district permit, the affordable housing must be in addition to the requirements of the City's affordable housing ordinance.
- I. Amends proposed new Section 21-9.100-10(c) to add a new subdivision (4), which provides that the requirements of the City's affordable housing ordinance must be satisfied, and clarifies that where affordable housing is provided as a community benefit for a TOD special district permit, the affordable housing must be in addition to the requirements of the City's affordable housing ordinance.
- J. Amends proposed new Section 21-9.100-10(d) by adding a new subdivision (11), which requires that if applicable, PD-T applications include a discussion of how the proposed project will satisfy the requirements of the City's affordable housing ordinance.
- K. Amends proposed new Section 21-9.100-10(f) to provide that if applicable, PD-T conceptual plans must show how the proposed project will satisfy the requirements of the City's affordable housing ordinance.
- L. Amends the caption of proposed new Figure 21-9.4 to add reference to the Apartment District, and to read as follows (revisions are underscored):

"YARDS AND MAXIMUM SETBACKS ON KEY STREETS, APARTMENT AND APARTMENT MIXED USE DISTRICTS"
- M. Amends proposed new Table 21-9.8 ("TOD Special District Project Classification") to clarify that projects seeking a maximum FAR of up to 3.5 are major; projects seeking a bonus height that is less than 20 feet are major; and all other projects seeking densities or heights beyond the base limits specified in Sections 21-9.100-8(a)(1)(A) and 21-9.100-8(a)(1)(D) are PD-T projects.
- N. In SECTION 15 of the bill, provides that the ordinance takes effect on the effective date of Bill 58 (2017), either in its original or amended form.
- O. Makes miscellaneous technical and nonsubstantive amendments.

Related communication:

[CC-316](#) From Councilmember Elefante, submitting proposed CD2 to Bill 74 (2015), CD1.

3. **BILL 75 (2015), CD1 – 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. (Bill 75, CD1 passed second reading and public hearing held 1/25/17) (Current deadline for Council action: 10/21/17)

4. **BILL 76 (2015), CD1 – 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, IMX-1 Industrial-Commercial Mixed Use, and P-2 General Preservation Districts. (Bill 76, CD1 passed second reading and public hearing held 1/25/17) (Current deadline for Council action: 10/21/17)

PROPOSED CD2 TO BILL 76, CD1 (Submitted by Councilmember Pine) – The CD1 (OCS2017-0976/9/19/2017 11:11 AM) makes the following amendments:

- A. In SECTION 3 of the bill, provides that the ordinance takes effect on the effective date of Bill 58 (2017) ("A Bill for an Ordinance Establishing an Affordable Housing Requirement"), either in its original or amended form.

- B. Makes miscellaneous technical and nonsubstantive amendments.

INFORMATIONAL BRIEFING

5. **UPDATE BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING REGARDING THE STATUS OF ALL PENDING LAND USE ORDINANCE (LUO) AMENDMENTS.**

KYMBERLY MARCOS PINE, Chair
Committee on Zoning and Housing