



CITY COUNCIL

CITY AND COUNTY OF HONOLULU

HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING AND HOUSING

Voting Members:

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

AGENDA

REGULAR MEETING
COMMITTEE MEETING ROOM
THURSDAY, OCTOBER 26, 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.

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 768-3815 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 SEPTEMBER 28, 2017

FOR ACTION

1. [RESOLUTION 17-264](#) - **APPOINTMENT OF LANDON KANESHIRO**. Relating to the appointment of Landon Kaneshiro to the Zoning Board of Appeals, for a term expiring on June 30, 2022. (Public hearing held 10/11/17) (Transmitted by Communication [MM-144](#))
2. [RESOLUTION 17-273](#) – **SMP FOR CONSTRUCTION AT WAIANAE HIGH SCHOOL (2017/SMA-16)**. Granting a Special Management Area Use Permit (SMP) to allow construction of a new two-story workshop and classroom building and connection of Buildings SP (Seariders Productions) and T (Classroom Building) at Waianae High School on land zoned P-2 General Preservation District, located at 85-251 Farrington Highway, and identified as Tax Map Key 8-5-002: 018 and 8-5-015: 001. (Applicant: Department of Education) (Transmitted by Communication [D-686](#)) (Deadline for Council action: 11/28/17)

[PROPOSED CD1 TO RESOLUTION 17-273](#) (Submitted by Councilmember Pine)
-The proposed CD1 (OCS2017-1059/10/6/2017 2:30 PM) makes the following amendments:

- A. In the title and first WHEREAS clause, clarifies the description of the Project.
- B. In the third WHEREAS clause, adds reference to HRS Sections 205A-2 and 205A-26.
- C. In the last WHEREAS clause, adds September 29, 2017 as the date the Council received the DPP's findings and recommendations via Departmental communication 686 (2017).
- D. In the BE IT RESOLVED clause, deletes reference to a waiver.
- E. In Condition A, clarifies that the Project involves construction of a new classroom building, triangular open courtyard, and paved parking lot, and refers to Exhibits A, B, C, D, and E-1 through E-12.

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- F. Attaches Exhibits A, B, C, and D, and re-labels Exhibits A-1 through A-12 as E-1 through E-12.
 - G. Moves the requirement that the Applicant use the lowest wattage bulb as is reasonable and practicable in exterior light fixtures, from Condition B to Condition C.
 - H. Consistent with Resolution 17-118, which granted an SMA Use Permit to the same Applicant for improvements to the Waianae High School athletic field, adds a new Condition D requiring that all site work and construction activities be limited to daylight hours only. Re-alphabetizes the subsequent condition.
 - I. Makes miscellaneous technical and nonsubstantive amendments.
3. **[RESOLUTION 17-302](#) – HALE KEWALO AFFORDABLE RESIDENTIAL HOUSING PROJECT.** Amending Resolution 15-297, CD1, to extend the deadline for commencement of construction of the Hale Kewalo Affordable Residential Housing Project at Honolulu, Oahu, Hawaii, Tax Map Keys: (1) 2-3-007:026 and (1) 2-3-007:109.
4. **[RESOLUTION 17-258](#) – RELATING TO PARK DEDICATION.** Proposing an Amendment to Chapter 22, Revised Ordinances of Honolulu 1990 (The Subdivision Ordinance), relating to park dedication.

Related communications:

[CC-319](#) City Clerk, notifying the Department of Planning and Permitting of the introduction of the Council proposal.

[D-731](#) Department of Planning and Permitting confirming receipt of Notice of Introduction of the Council proposal and requesting of additional information.

5. [**BILL 53 \(2017\)**](#) – **RELATING TO NONCONFORMING STRUCTURES**. Amending certain provisions relating to nonconforming structures. (Bill 53 [2017] passed second reading and public hearing held 7/12/17)

[**PROPOSED CD1 TO BILL 53 \(2017\)**](#) (Submitted by Councilmember Anderson) – The proposed CD1 (OCS2017-0981/9/22/2017 10:58 AM) makes the following amendments proposed by the Department of Planning and Permitting in Departmental Communication 663 (2017):

- A. Provides that if a nonconforming structure is destroyed to an extent of more than 90 percent of its replacement cost, it must be reconstructed in conformity with the current Land Use Ordinance. (Existing law requires conformity if the nonconforming structure is destroyed to an extent of more than 50 percent of its replacement cost.) Further provides that reconstruction and restoration work must comply with the current building code and flood hazard regulations and begin within two years from the date of destruction.
- B. Allows nonconforming multifamily condominiums and cooperative housing projects to be fully reconstructed and restored to their former permitted conditions if destroyed by any means. Currently this only applies to accidental destruction.
- C. Makes miscellaneous technical and nonsubstantive amendments.

Related communication:

[**D-663**](#) Department of Planning and Permitting, submitting proposed revision to Bill 53 (2017).

6. [**RESOLUTION 17-52**](#) – **LAND USE ORDINANCE AMENDMENT RELATING TO VACATION RENTALS**. Proposing an amendment to Chapter 21, Revised Ordinances of Honolulu 1990 (The Land Use Ordinance), relating to vacation rentals.

[**PROPOSED CD1 TO RESOLUTION 17-52**](#) (Submitted by Councilmember Menor) – The proposed CD1 (OCS2017-0545/5/18/2017 3:40 PM) makes the following amendments:

- A. In the attached proposed bill:
1. Amends SECTION 3 by adding a sentence at the end of the new paragraph to read as follows:

Due to the special competence of the department in investigating and remedying violations of this chapter, no action under this section may be brought until six months after the neighbor has filed a complaint with the department against the person alleged to be in violation of the provisions of this chapter pertaining to bed and breakfast homes and transient vacation units.

2. Amends SECTION 4 by amending the new section 21-4.110-4 to read as follows (new text in bold):

(a) It shall be unlawful for any person other than a hosting platform to commit any of the following acts with respect to a bed and breakfast home or transient vacation unit that **is not a permitted use under this chapter and** does not have a nonconforming use certificate under this chapter:

(1) Offer to rent a bed and breakfast home or transient vacation unit:

(2) Accept in exchange for rental of a bed and breakfast home or transient vacation unit any money or other thing of value including any rent, fees, commissions, revenue-sharing, rebates, refunds or other exchanges of value; or

(3) Advertise rental of a bed and breakfast home or transient vacation unit by any means including signs, print, or electronic media.

(b) It shall be unlawful for a hosting platform to commit any of the following acts with respect to a bed and breakfast home or transient vacation unit that **is not a permitted use under this chapter and** does not have a nonconforming use certificate under this chapter:

(1) Offer any goods or services, including without limitation cleaning, insurance, catering, hotel or restaurant bookings, or guide services; or

(2) Fail to file any report required by Section 21-4.110-3.

- B. Makes miscellaneous technical and nonsubstantive amendments.

Related communication:

[D-273](#) Department of Planning and Permitting, request for additional information.

7. **[RESOLUTION 17-163](#)** – **LAND USE ORDINANCE AMENDMENT RELATING TO CERTAIN VISITOR ACCOMMODATIONS.** Proposing an amendment to Chapter 21, Revised Ordinances of Honolulu 1990 (The Land Use Ordinance), relating to certain visitor accommodations.

Related communications:

[CC-222](#) City Clerk, notifying the Department of Planning and Permitting of the introduction of the Council proposal.

[D-565](#) Department of Planning and Permitting, confirming receipt of Notice of Introduction of the Council proposal and requesting for additional information.

8. **[RESOLUTION 17-164](#)** – **LAND USE ORDINANCE AMENDMENT RELATING TO CERTAIN VISITOR ACCOMMODATIONS.** Proposing an amendment to Chapter 21, Revised Ordinances of Honolulu 1990 (The Land Use Ordinance), relating to certain visitor accommodations.

Related communications:

[CC-222](#) City Clerk, notifying the Department of Planning and Permitting of the introduction of the Council proposal.

[D-565](#) Department of Planning and Permitting, confirming receipt of Notice of Introduction of the Council proposal and requesting for additional information.

Note: Communication should be [D-568](#)

9. **[RESOLUTION 17-301](#)** – **LAND USE ORDINANCE AMENDMENT RELATING TO SHORT-TERM RENTAL ACCOMMODATIONS.** Proposing an amendment to Chapter 21, Revised Ordinances of Honolulu 1990 (The Land Use Ordinance), as amended, relating to short-term rental accommodations.

Related communication:

[CC-338](#) City Clerk, notifying the Department of Planning and Permitting of the introduction of the Council proposal

10. **[RESOLUTION 17-303](#) – LAND USE ORDINANCE AMENDMENT RELATING TO PLANNED DEVELOPMENT-RESORT AND PLANNED DEVELOPMENT-APARTMENT PROJECTS.** Proposing an amendment to Chapter 21, Revised Ordinances of Honolulu 1990 (The Land Use Ordinance), relating to planned development-resort (PD-R) and planned development-apartment (PD-A) projects.

Related communication:

[CC-339](#) City Clerk, notifying the Department of Planning and Permitting of the introduction of the Council proposal.

INFORMATIONAL BRIEFING

11. **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