



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING AND HOUSING

Voting Members:

Kymerly Marcos Pine, Chair
Trevor Ozawa, Vice Chair
Carol Fukunaga
Ann H. Kobayashi
Joey Manahan

AGENDA

REGULAR MEETING
COMMITTEE MEETING ROOM
THURSDAY, OCTOBER 18, 2018
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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MATERIALS AVAILABLE FOR INSPECTION

Meeting materials ("*board packet*" §92-7.5, HRS) are available for public inspection at the Council Information and Records Section's service window at Room 202 in Honolulu Hale (530 S. King St.).

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 20, 2018 REGULAR MEETING

FOR ACTION

1. **[CC-274 \(2018\)](#) - DRAFT COMMITTEE REPORT AND RECOMMENDATIONS ON THE REVIEW AND EVALUATION OF THE BUILDING BOARD OF APPEALS PURSUANT TO ORDINANCE 17-44.** The Committee will take action on a draft committee report making recommendations to the Council on whether ROH Section 16-1.1 establishing the Building Board of Appeals should be retained, amended, or repealed.

Related communications:

[MM-92](#) Report submitted by the Building Board of Appeals pursuant to Ordinance 17-44, attached as part of Mayor's Message 92 (2018).

[CC-269](#) Councilmember Pine, requesting information from the Building Board of Appeals.

[D-651](#) Building Board of Appeals, responding to Councilmember Pine's request for information.

2. **[RESOLUTION 18-206](#) - HALE MAKANA O MAILI AFFORDABLE HOUSING PROJECT.** Granting exemptions from certain requirements relating to the Hale Makana O Maili Affordable Housing Project, located at 87-154 Kakalena Street, Maili, Oahu, Hawaii, Tax Map Key 8-7-001: 016. (Applicant: Laulima Development, LLC) (Transmitted by Communication [D-614](#)) (Current deadline for Council action: 11/5/18)

[PROPOSED CD1 TO RESOLUTION 18-206](#) (Submitted by Councilmember Pine) – The CD1 (OCS2018-0938/10/1/2018 8:04 AM) makes the following amendments:

- A. Revises the title to use the term "authorizing" instead of "granting."
- B. In the first, second, and new third WHEREAS clauses, clarifies the description of the Project.
- C. In the fourth WHEREAS clause of the CD1, adds that the affordable rental apartment units will remain affordable for a minimum of 65 years.

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- D. Adds a new fifth WHEREAS clause to provide that the Project is eligible to receive consideration under the City's rules regulating implementation of HRS Section 201H-38.
- E. Adds that the Council received the Project's preliminary plans and outline specifications on September 21, 2018, by Departmental Communication 614 (2018).
- F. Clarifies that the Project meets the intent of HRS Chapter 201H, and the minimum requirements of health and safety.
- G. Reorganizes the exemptions granted under the resolution into the following categories:
- Application Fees and Infrastructure and/or Public Works Fees and Charges
 - Fire Department Plan Review Fees
 - Board of Water Supply Rules and Regulations
 - Park Dedication Ordinance Requirements
 - Land Use Ordinance
 - Street Improvement Requirements
- H. Clarifies the language for the exemptions and details the extent of the exemptions requested. Specifies when the deferred wastewater system facility charges and water system facility fees must be paid.
- I. Removes the BE IT FURTHER RESOLVED clause that lists conditions of approval recommended by the DPP, and incorporates the conditions into the appropriate sections of the Attachment 1 Development Agreement.
- J. Adds a BE IT FURTHER RESOLVED clause to provide that references to specific statutes, ordinances, or regulations include any respective successor statutes, ordinances or regulations.
- K. Adds a BE IT FURTHER RESOLVED clause to provide that the resolution supersedes Existing Use Permit No. 1999/EU-18 in its entirety.
- L. Revises the BE IT FURTHER RESOLVED clause that requires the Applicant to obtain a development permit for the Project within two years after adoption of the resolution, to instead provide that the resolution is null and void unless construction of the Project commences no later than 24 months after the effective date of the resolution.

- M. In the fifth to the last BE IT FURTHER RESOLVED clause, adds that the final plans and specifications for the Project constitute the zoning, building, construction, and subdivision standards for the Project.
- N. In the second to the last BE IT FURTHER RESOLVED clause, deletes authorization for Applicant Laulima Development, LLC to execute the Development Agreement.
- O. Replaces the Attachment 1 Development Agreement with a revised Development Agreement that, among other things,
- Clarifies the definition of "project";
 - Adds a provision to specify that all affordable rental apartment units must remain affordable for not less than 65 years;
 - Adds the conditions of approval recommended by the DPP as obligations of the Developer in appropriate sections;
 - Removes provisions that prohibit City representatives and agents from interfering "with work in progress at the Project";
 - Details the purpose for the City's annual monitoring inspections of the Project after completion;
 - Removes the provision regarding the satisfactory form of report submitted to another entity (because all reports will be submitted to the City);
 - Removes provisions regarding an extension of the deadline to commence Project construction;
 - Adds the duty to "defend" in the indemnification provision;
 - Requires the Developer to commence efforts to cure any default within the required period;
 - Conforms the provision relating to construction of the Agreement to the standard provision used in development agreements;
 - Adds an Exhibit A legal description of the Project.
- P. Makes miscellaneous technical and nonsubstantive amendments to the resolution and the Development Agreement.
3. **RESOLUTION 18-210 - POKAI BAY SELF-HELP HOUSING AFFORDABLE HOUSING PROJECT.** Authorizing exemptions from certain requirements relating to the Pokai Bay Self-Help Housing Affordable Housing Project at Waianae, Oahu, Hawaii, Tax Map Keys 8-6-027: 001 through 004, 049 through 054, and 064 through 123. (Applicant: Self-Help Housing Corporation of Hawaii [SHHCH]) (Transmitted by Communication D-624) (Current deadline for Council action: 11/11/18)

PROPOSED CD1 TO RESOLUTION 18-210 (Submitted by Councilmember Pine)
– The CD1 (OCS2018-0975/10/12/2018 1:56 PM) makes the following amendments:

- A. In the first, second, and new third, fourth, and fifth WHEREAS clauses, clarifies the description of the Project.
- B. In the sixth WHEREAS clause of the CD1, adds reference to HRS Section 46-15.1.
- C. Adds that the Council received the Project's preliminary plans and outline specifications on September 27, 2018, by Departmental Communication 624 (2018).
- D. Adds a WHEREAS clause to provide that the Project is consistent with the housing and community development goals and objectives of the City.
- E. Adds a WHEREAS clause to provide that the granting of the exemptions is necessary for the timely and successful implementation of the Project.
- F. Clarifies the estimated amount of the exemptions being authorized.
- G. Adds a BE IT FURTHER RESOLVED clause to provide that references to specific statutes, ordinances, or regulations include any respective successor statutes, ordinances or regulations.
- H. Revises the BE IT FURTHER RESOLVED clause providing that the resolution is null and void if the Applicant fails to complete construction of the Project, to instead provide that the resolution is null and void unless construction of all Project dwellings for which construction has not yet begun as of the effective date of the resolution, commences no later than 12 months after the effective date of the resolution.
- I. In the fourth to the last BE IT FURTHER RESOLVED clause, adds that the final plans and specifications for the Project constitute the zoning, building, construction, and subdivision standards for the Project.
- J. In the second to the last BE IT FURTHER RESOLVED clause, deletes authorization for Applicant Self-Help Housing Corporation of Hawaii to execute the Development Agreement.
- K. Replaces the Attachment 1 Development Agreement with a revised Development Agreement that, among other things,

- Adds a definition of "area median income";
- Corrects the definition of "preliminary plans";
- Clarifies the definition of "project";
- Clarifies the definition of "project land";
- Provides more detail regarding Project requirements, including that all 70 affordable dwellings must remain affordable in perpetuity; the HHFDC and USDA Rural Development will monitor affordability requirements; and the Project involves a team self-help housing method;
- Provides that the Developer shall submit a final report to the City summarizing the work completed within 90 days after obtaining the last certificate of occupancy issued by the DPP for the Project;
- Revises the provision regarding the effectiveness of Resolution 18-210, CD1, to provide that the exemptions granted by the resolution are null and void unless construction of all Project dwellings for which construction has not yet begun as of the effective date of the resolution, commences no later than 12 months after the effective date of the resolution;
- Adds the duty to "defend" in the indemnification provision;
- Requires the Developer to commence efforts to cure any default within the required period;
- In the force majeure provision, when referencing an act or failure to act of a government entity, removes an exception for an act by the City.

L. Makes miscellaneous technical and nonsubstantive amendments to the resolution and the Development Agreement

4. **RESOLUTION 18-212 – UNPERMITTED STRUCTURES AT 2930 DATE STREET.** Urging the Director of Planning and Permitting to serve an order to demolish the unpermitted structures at 2930 Date Street.
5. **BILL 45 (2018), CD1 – RELATING TO THE HALEIWA SPECIAL DISTRICT.** Amending certain provisions to ensure the Haleiwa Special District regulations continue to fulfill their purpose of guiding development and protecting and enhancing the physical and visual aspects of the District. (Bill 45, CD1 passed second reading and public hearing held 9/12/18)

PROPOSED CD2 TO BILL 45 (2018), CD1 (Submitted by Councilmember Pine) – The CD1 (OCS2018-0973/10/12/2018 4:05 PM) makes the following amendments:

A. In Section 21-9.90-1, references plantation color schemes.

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- B. Adds a new Section 21-9.90-4(e)(6), which requires commerce and business uses other than mobile commercial establishments (which are subject to the off-street parking requirements in new Section 21-9.90-4(j)(3)) to provide one off-street parking space per 100 square feet of floor area.
- C. Revises Section 21-9.90-4(f)(7) to describe the traditional plantation color palette, and require the DPP director and the design advisory committee to establish a color palette that reflects a traditional plantation style.
- D. Adds a new Section 21-9.90-4(f)(10) to require that historically significant buildings and structures identified in Exhibit 21-9.17 maintain their existing architectural form, scale, integrity, and character. Renumbers subsequent subdivisions.
- E. In renumbered Section 21-9.90-4(f)(11), removes the requirement that exceptions from architectural appearance and character requirements be presented to the applicable neighborhood board.
- F. Revises Section 21-9.90-4(j) to reference and define "mobile commercial establishments" instead of "mobile food establishments."
- G. Moves the special district permit requirement in Section 21-9.90-4(j)(3) to renumbered subdivision (7). Renumbers subsequent subdivisions accordingly.
- H. Revises renumbered Section 21-9.90-4(j)(5) to delete reference to Chapter 41, Article 14 ("Vehicular Advertising").
- I. Adds a new Section 21-9.90-4(j)(6) to provide that a mobile commercial establishment must operate on areas where an all-weather surface is provided, outside of the yard areas. Renumbers subsequent subdivisions accordingly.
- J. Revises renumbered Section 21-9.90-4(j)(7) to: (1) provide that special district permits for mobile commercial establishment lots are nontransferable, (2) provide that permanent restroom facilities with wastewater systems are preferred over portable restroom facilities, (3) remove the requirement for a landscaping plan, (4) add a requirement for a pedestrian circulation plan, (4) restrict operating hours to between 8:00 a.m. and 10:00 p.m., and (6) require a parking management plan if three or more mobile commercial establishments operate on one zoning lot.

- K. Moves the mobile commercial establishment lot yard requirements in former Section 21-9.90-4(j)(9), and the mobile commercial establishment restroom facility requirements in former 21-9.90-4(j)(10), to renumbered Section 21-9.90-4(j)(6) and (7), respectively.
 - L. Revises renumbered Section 21-9.90-4(j)(9) to provide that mobile commercial establishment lots are permitted only on zoning lots along Kamehameha Highway between Weed Junction and Paalaa Road, and between Achiu Lane and Amara Road; provided that no mobile commercial establishment lot may be located within 1,500 feet of another mobile commercial establishment lot.
 - M. In Section 21-9.90-5 relating to exemptions for detached dwellings and duplex units constructed prior to the effective date of the ordinance, provides that these detached dwellings and duplex units must also comply with subsection (f)(1) relating to general architectural appearance and character, and subsection (f)(7) relating to colors. Detached dwellings and duplex units constructed after the effective date of the ordinance will fall under the category "New buildings not covered above" in Table 21-9.7.
 - N. Adds a new SECTION 10 of the bill to amend Zoning Map No. 17 (Mokuleia-Waiialua-Haleiwa), and Zoning Map No. 18 (Kawailoa-Waialea), to reflect the revised boundaries of the Haleiwa Special District. Renumbers subsequent bill SECTIONS.
 - O. Makes miscellaneous technical and nonsubstantive amendments.
6. [**BILL 64 \(2018\)**](#) – **RELATING TO BUILDING PERMITS**. Allowing for an expedited process for building permits for one- and two-family dwellings. (Bill passed first reading 8/15/18; postponed in Committee on 8/30/18)

FOR DISCUSSION

7. [**RESOLUTION 18-208, FD1**](#) – Establishing a Permitted Interaction Group of Councilmembers to investigate delays in the permitting process.

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INFORMATIONAL BRIEFING

8. **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