



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3077

## COMMITTEE ON ZONING, PLANNING AND HOUSING

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### Voting Members:

Ron Menor, Chair  
Tommy Waters, Vice Chair  
Brandon J.C. Elefante  
Ann H. Kobayashi  
Joey Manahan

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## AGENDA

REGULAR MEETING  
CITY COUNCIL CHAMBER  
THURSDAY, SEPTEMBER 26, 2019  
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 768-3825.

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 will be 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, will be available to the public on the City Council's pilot website: [www.honolulucitycouncil.com](http://www.honolulucitycouncil.com) as well as the City's legacy 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 768-3825 or send an email to [potto1@honolulu.gov](mailto:potto1@honolulu.gov) at least three working days prior to the meeting.

The meeting is viewable by: (1) internet live streaming through [www.honolulucitycouncil.com](http://www.honolulucitycouncil.com) and [http://olelo.granicus.com/MediaPlayer.php?publish\\_id=92](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 ACTION**

1. **RESOLUTION 19-200 – APPOINTMENT OF EILEEN AKI MARCEAU.** Confirming the appointment of Eileen Aki Marceau to serve on the Planning Commission for a term to expire on June 30, 2021. (Public hearing held 9/4/19) (Transmitted by Communication MM-94 [2019])
2. **RESOLUTION 19-201 – APPOINTMENT OF BRIAN LEE.** Confirming the appointment of Brian Lee to serve on the Planning Commission for a term to expire on June 30, 2024. (Public hearing held 9/4/19) (Transmitted by Communication MM-95 [2019])
3. **RESOLUTION 19-202 – REAPPOINTMENT OF KEN K. HAYASHIDA.** Confirming the reappointment of Ken K. Hayashida to serve on the Planning Commission for a second term to expire on June 30, 2024. (Public hearing held 9/4/19) (Transmitted by Communication MM-96 [2019])
4. **RESOLUTION 19-136 – PRU PERMIT FOR RELOCATION OF OCCC (2019/PRU-2).** Approving an application for a Plan Review Use (PRU) permit for the relocation of Oahu Community Correctional Center (OCCC) to Halawa and terminating the PRU permit in Kalihi. (Applicant: State of Hawaii, Department of Accounting and General Services & Department of Land and Natural Resources; Agent: PBR Hawaii & Associates, Inc.) (Current deadline for Council action 11/27/19) (Transmitted by Communication D-345 [2019])

PROPOSED CD1 TO RESOLUTION 19-136 (Submitted by Councilmember Menor) – The CD1 (OCS2019-0997/9/17/2019 2:54 PM) makes the following amendments:

- A. Revises the Resolution title and the first, second, and third WHEREAS clauses to clarify the description of the Project.
- B. In the last WHEREAS clause, specifies that the Council received the findings and recommendation of the DPP Director by Departmental Communication 345 on May 31, 2019.
- C. Conforms Condition 2 to the standard PRU language relating to general conformance with the Project's Five-Year Master Plan.
- D. In Conditions 4.a and 4.b, provides for a maximum (instead of “may not exceed”) building area for the Project site, and Project density, respectively.

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- E. In Condition 4.c, provides for minimum yards (instead of a specific number of feet).
- F. In Condition 4.d, provides for maximum (instead of “may not exceed”) Project height. Also specifies that rooftop structures must conform to LUO Section 21-4.60(c).
- G. In Condition 6, specifies that the Applicant shall provide to the DPP the items enumerated in that condition prior to the issuance of a building permit for any major structure.
- H. In Condition 6.b, specifies that major views and viewsheds include, but are not limited to views of mountain preservation areas such as the Koolau and Waianae mountain ranges and their foothills, and the Aliamanu, Punchbowl, and Diamond Head volcanic craters.
- I. In Condition 6.d, clarifies that the revised parking plan must reflect the provision of 463 staff parking stalls, 90 visitor parking stalls, and seven loading stalls.
- J. In Condition 7, specifies that the Applicant shall provide to the Traffic Review Branch of the DPP the items enumerated in that condition prior to the issuance of any development permit for structures approved under the PRU permit.
- K. Conforms Conditions 7.a, 7.b, 7.c, and 7.d to the standard PRU language relating to transportation improvements and mitigative measures. Specifies that a post TIAR will be required approximately six to nine months (instead of one year) after the issuance of a certificate of occupancy. Specifies that a post TMP will be required approximately one year after the issuance of a certificate of occupancy.
- L. Conforms Condition 8 to the standard PRU language relating to the discovery of previously unidentified archaeological sites or remains.
- M. Makes miscellaneous technical and nonsubstantive amendments.

5. **RESOLUTION 19-194 – DEVELOPMENT OF A SENIOR AFFORDABLE RENTAL PROJECT.** Approving and authorizing the Mayor or the Mayor's designee to enter into a development agreement between the City and County of Honolulu and EAH, Inc., for the development of a senior affordable rental project at the former Aiea Sugar Mill site located at 99-385 Pohai Place, Aiea, Oahu, Hawaii, and identified as Tax Map Key (1) 9-9-078:006. (Transmitted by Communication D-582 [2019])

PROPOSED CD1 TO RESOLUTION 19-194 (Submitted by Councilmember Menor) – The CD1 (OCS2019-0996/9/18/2019 4:28 PM) makes the following amendments:

- A. Revises the Resolution title and first WHEREAS clause, to clarify the description of the Request for Proposals and the Development Agreement.
- B. In the fifth WHEREAS clause, adds reference to Departmental Communication 571 (2019).
- C. In the sixth WHEREAS clause, adds that the Lease provides for a net fixed rent of \$1.00 per year.
- D. Combines the seventh and eighth WHEREAS clauses, and clarifies the proposal submitted by developer EAH, Inc.
- E. Deletes the last WHEREAS clause, and add a WHEREAS clause to provide that the Development Agreement is attached to the resolution as Attachment 1, and the form of Lease is attached to the Development Agreement as Exhibit C.
- F. Adds a last WHEREAS clause to provide that the final version of the Lease will be submitted by the City Administration to the Council for its approval via a separate resolution.
- G. In paragraph 2.a of the BE IT RESOLVED CLAUSE, adds that the Mayor or the Mayor's designee is authorized to execute the Development Agreement, with any amendments recommended by the Corporation Counsel as necessary or desirable.
- H. In the BE IT FINALLY RESOLVED clause, adds the Mayor as a recipient of a copy of the adopted resolution.
- I. Makes miscellaneous technical and nonsubstantive amendments.

**THE PROPOSED CD1** also makes the following amendments to the Development Agreement attached to the Resolution as Attachment 1:

- J. In Section 2.2.3, provides that the Project units will be rented to qualified tenants earning 60 percent or below (instead of 100 percent or below) of the area median income for Honolulu.
  - K. In Section 9.2.1.7(a) and (b), adds the Contractor (in addition to the City, the Developer, and all subcontractors) as insureds under the Builders Risk Insurance and Boiler and Machinery Insurance policies, respectively.
  - L. In Section 9.2.3.2, clarifies that insurance policies must identify the City as an additional insured using ISO additional insured endorsement form CG 20 10 (or equivalent), and as appropriate CG 20 37 (or equivalent), and under the commercial umbrella.
  - M. Makes miscellaneous technical and nonsubstantive amendments for purposes of grammar, consistency, style, and clarity, including the addition of Oxford commas where appropriate. All of the foregoing amendments to the Development Agreement are noted in Ramseyer format and highlighted in yellow.
6. **BILL 2 (2019) – LUO AMENDMENT RELATING TO IPD-T PERMITS.** Amending Chapter 21, Revised Ordinances of Honolulu 1990, as amended (the Land Use Ordinance [LUO]) relating to Interim Planned Development-Transit (IPD-T) Permits for future Transit-Oriented Development within close proximity to future rail stations. (Bill passed First Reading 1/30/19) (Current deadline for Council action 12/4/19)

**PROPOSED CD1 TO BILL 2 (2019)** (Submitted by Councilmember Menor) – The CD1 (OCS2019-0998/9/19/2019 2:15 PM) makes the following amendments:

- A. Amends proposed Section 21-9.100-5(a) to provide that “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. Council committee drafts of a plan are deemed under consideration by the Council after they have been placed on a full Council agenda for public hearing or adoption. Council floor drafts of a plan are deemed under consideration by the Council after the Council has amended the plan to the floor draft version.

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- B. Revises proposed Sections 21-9.100-5(b)(1) and 21-9.100-5(c)(2) (renumbered as (c)(3)) to clarify that the applicable draft TOD plan is the plan at the time the application for the principal project is submitted to the department and accepted as complete.
- C. Deletes Section 21-9.100-5(b)(1) except for the last sentence which becomes Section 21-9.100-5(c)(1) relating to review criteria.
- D. Adds a new Section 21-9.100-5(c)(2) to reference the standards set forth in Section 21-9.100-8(a)(1)(E) and Section 21-9.100-9(b), and the conclusions set forth in Section 21-9.100-8(a)(1)(F). Renumbers the subsequent subdivision accordingly.
- E. In proposed new Section 21-9.100-5(d)(2), corrects the reference from Table 21-3.4 to Table 21-3.
- F. Amends proposed new Section 21-9.100-5(f) relating to affordable housing requirements to provide that all projects proposing 10 or more for-sale dwelling units must satisfy the requirements of the City's affordable housing ordinance, Ordinance 18-10.
- G. Amends proposed new Section 21-9.100-5(g) relating to community benefits to provide that where community benefits are proposed to justify height and density bonuses, or to mitigate project impacts resulting from modification of TOD special district development standards, the proposed community benefits must satisfy the standards set forth in Section 21-9.100-9(e).
- H. Amends redesignated Section 21-9.100-5(m) to provide that if the Council approves the conceptual plan for an IPD-T project, the applicant shall address the conditions of approval in the resolution adopted by the Council, and modify the project and related plans accordingly, and further provide that the applicant shall thereafter submit the revised plans to the Department of Planning and Permitting so the project's application may continue to be processed by the Director as provided under Section 21-2.110-2.
- I. Renumbers incorrectly numbered SECTION 4 of the Bill to SECTION 3. Renumbers the subsequent bill section accordingly.
- J. Makes miscellaneous technical and nonsubstantive amendments.

7. **BILL 28 (2019) – AFFORDABLE HOUSING INCENTIVES.** Amending the affordable housing incentives enacted by Ordinance 18-1, as amended by Ordinance 19-8. (Bill passed First Reading 6/5/19)

**INFORMATIONAL BRIEFING**

8. **UPDATE BY THE ACTING DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING REGARDING THE STATUS OF ALL PENDING LAND USE ORDINANCE AMENDMENTS, DEVELOPMENT PLANS AND SUSTAINABLE COMMUNITIES PLAN REVISION BILLS.**

RON MENOR, Chair  
Committee on Zoning, Planning  
and Housing