



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

AGENDA

REGULAR MEETING
COMMITTEE MEETING ROOM
THURSDAY, JANUARY 23, 2020
10:00 A.M.

RECESSED TO: Immediately following the Committee on Transportation

SPEAKER REGISTRATION

Persons wishing to testify are requested to register to speak by 10:00 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 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 at least three working days prior to the meeting.

The meeting is viewable by: (1) internet live streaming through www.honolulucitycouncil.com and 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 EXTENSION OF TIME ONLY

1. **RESOLUTION 19-224 – IPD-T PROJECT IN THE ALA MOANA NEIGHBORHOOD (2019/SDD-27)**. Approving a conceptual plan for an Interim Planned Development-Transit (IPD-T) project, Keeaumoku Development Condominium and Commercial Project, in the Ala Moana neighborhood on land zoned BMX-3 Community Business Mixed-Use District, located at 805, 815, 819, 835, 903, 905, 915, and 919 Keeaumoku Street, and 1519 Liona Street; identified as Tax Map Keys 2-3-018: 052 through 060, 074, 075, and 077. (Applicant: Keeaumoku Development, LLC) (Committee postponed action 10/24/19) (Current deadline for Council action 2/6/20)

Related communication:

M-835 (2019) R.M. Towill Corporation, requesting an additional 90-day extension of time.

2. **BILL 63 (2019) – LUO AMENDMENT RELATING TO CONDOMINIUM PROPERTY REGIMES**. Amending Chapter 21, Revised Ordinances of Honolulu 1990 (the Land Use Ordinance [LUO]) pertaining to Condominiums and Condominium Property Regimes (CPR). The amendments will reference the Hawaii Revised Statutes regulations relating to CPR more broadly, rather than identifying specific portions of the Code. (Transmitted by Communication D-785 [2019]) (Bill passed First Reading 12/4/19) (Current deadline for Council action 2/24/20)

3. **BILL 27 (2019) – KANEOHE ZONE CHANGE (2018/Z-4)**. Rezoning lands situated at the ends of Waiawi and Puohala Street, Kaneohe, Oahu, Hawaii from the P-2 General Preservation District to the R-7.5 Residential District; identified as Tax Map Key: 4-5-030: portion of 049. (Applicant: Horseshoe Land Company, LLC) (Bill passed Second Reading and Public Hearing held 12/4/19) (Current deadline for Council action 2/14/20)

Related communication:

M-836 (2019) R.M. Towill Corporation, requesting an additional 90-day extension of time.

FOR ACTION

4. **RESOLUTION 20-6 – KAPOLEI PARKWAY AFFORDABLE RENTAL PROJECT.** Approving and authorizing the Mayor or the Mayor’s designee to enter into a development agreement between the City and KG Kapolei Parkway, LLC, for the development of an affordable rental project at the Kapolei Parkway Lots 6 and 7, 91-0 Kapolei Parkway, Kapolei, Hawaii, on the corner of Kapolei Parkway and Kunehi Street and Kapolei Parkway and Wakea Street. (Transmitted by Communication D-16)

5. **RESOLUTION 19-332 – KOKUA SENIOR AFFORDABLE HOUSING PROJECT (2019/GEN-21).** Authorizing exemptions from certain requirements relating to the development of the Kokua Senior Affordable Housing Project at 1192 Alakea Street, pursuant to Chapter 201H-38, Hawaii Revised Statutes; and identified as Tax Map Key 2-1-010: 050. (Applicant: Alakea Parking Partners, LLC) (Transmitted by Communication D-812 [2019]) (Deadline for Council action 1/31/20)

PROPOSED CD1 TO RESOLUTION 19-332 (Submitted by Councilmember Menor) – The CD1 (OCS2020-0057/1/15/2020 2:30 PM) makes the following amendments:

- A. Renumbers the requested exemptions consecutively.

- B. In renumbered Exemption 8, provides that the Project's park dedication requirement totals approximately 25,740 square feet of park space.

- C. In renumbered Exemption 10, clarifies that the Project's residential tower will encroach 133 feet vertically and 56 feet horizontally into the Beretania Street height setback, and encroach 132 feet vertically and 49 feet horizontally into the Alakea St. height setback.

- D. In renumbered Exemption 11, clarifies that the Applicant proposes to provide a total of 49 off-street parking spaces (34 spaces for Project residents and 15 spaces reserved for use by Hawaiian Telcom), but the DPP may approve fewer resident parking spaces if necessary to comply with Condition B, which requires the Applicant to provide an onsite pickup and drop-off area.

- E. In Condition B, clarifies that the two onsite parking spaces designated as a pickup and drop-off area must be located on the street level within the parking structure.

Committee on Zoning, Planning and Housing Agenda
Thursday, January 23, 2020

- F. Adds a Condition E.4, which requires the Applicant to submit to the DPP plans showing the Project's vehicular entry gate recessed into the driveway to avoid queuing of vehicles onto the street (as recommended in the DPP's report).
- G. Conforms Condition F to standard language for traffic-related plan documents.
- H. In Condition H, provides that for tenants who own a vehicle but do not have an assigned parking space, if the Project's parking management plan does not identify specific offsite parking options other than on-street parking, the Applicant is required to record in the State of Hawaii Bureau of Conveyances, or the Office of the Assistant Registrar of the Land Court of the State of Hawaii, or both, as appropriate, a restrictive covenant restricting occupancy of any rental unit that has not been assigned an onsite parking space to persons who do not own or lease a car, truck, van, motorcycle, or other similar type of personal vehicle, and requiring all occupants of such a unit to certify in writing that they do not own or lease such a vehicle.
- I. In the fourth BE IT FURTHER RESOLVED clause, provides that the Project's preliminary plans and specifications approved under the Resolution may deviate to comply with Conditions B, C, and E.
- J. Divides the seventh BE IT FURTHER RESOLVED clause into two separate clauses:
 - 1. The first clause authorizes the DPP Director to execute a development agreement for the Project pursuant to terms, conditions, and provisions approved as to form and legality by the Corporation Counsel as necessary, advisable, or desirable for the purpose of carrying out the Resolution; and
 - 2. The second clause authorizes the DPP Director to execute any incidental or incidental or related documents.
- K. Makes miscellaneous technical and nonsubstantive amendments.

Related communication:

D-20 Department of Planning and Permitting, submitting Supplemental Preliminary Plans and Project Specifications for Departmental Communication D-812 (2019)

6. **RESOLUTION 19-161 – SMP FOR THE DEVELOPMENT OF EIGHT DWELLING UNITS AT 85-029 LUALUALEI HOMESTEAD ROAD-WAIANAE (2019/SMA-9).** Granting a Special Management Area Use Permit (SMP) to allow the development of eight dwelling units at 85-029 Lualualei Homestead Road, Waianae to be constructed with in the R-5 Residential District and outside of the VE Flood Zone; identified as Tax Map Key 8-6-015: 053. (Applicant: CJ Group, LLC) (Committee postponed action 11/14/19) (Current deadline for Council action 4/7/20)

PROPOSED CD1 TO RESOLUTION 19-161 (Submitted by Councilmember Menor) – The CD1 (OCS2019-0761/9/18/2019 8:37 AM) makes the following amendments:

- A. Revises the Resolution title to reference Waianae.
- B. Divides the first WHEREAS clause into three separate WHEREAS clauses and clarifies the difference between the Applicant's proposed development and the DPP's recommended development, the latter of which is defined as the "Project" to be approved under the resolution.
- C. Adds July 12, 2019 as the date the Council received the DPP's findings and recommendation report by Departmental Communication 465 (2019), which was within 30 working days after the close of the public hearing.
- D. In Condition A, clarifies that the Project, as approved, is restricted to a maximum of eight dwelling units, and no dwelling units may be constructed within the VE Flood Zone.
- E. In Condition B, adds a condition that requires construction of the dwelling units to be in conformity with the Project as recommended by the DPP in its findings and recommendation, and as depicted in Exhibits A, B, C-1 through C-6, D, and E. Attaches the Exhibits (taken from the DPP report) to the resolution.
- F. In Condition D, requires the Applicant, prior to the issuance of any development permit for the Project, to submit a landscape plan showing landscaping of the undeveloped portion of the Project site located within the VE Flood Zone.
- G. Makes miscellaneous technical and nonsubstantive amendments.

7. **BILL 25 (2019), CD1 – RELATING TO ADOPTION OF THE STATE ENERGY CONSERVATION CODE.** Regulating the design and construction of residential and commercial buildings for the effective use of energy through the adoption of the State Energy Conservation Code (2017), subject to the local amendments herein. (Bill passed Second Reading and Public Hearing held 9/4/19)
8. **BILL 66 (2019) – RELATING TO BUILDING PERMITS.** Addressing building permit fees, the processing of building permit applications, the issuance of building permits, and the monitoring, inspection, and enforcement of work on projects for which a building permit is required or issued. (Bill passed First Reading 12/4/19)

PROPOSED CD1 TO BILL 66 (2019) (Submitted by Councilmember Fukunaga) – The CD1 (OCS2020-0020/1/14/2020 9:58 AM) makes the following amendments:

A Adds a new SECTION 4 of the Bill to:

1. Require (rather than allow) the building official to issue a notice to revoke a building permit if the building or work authorized by a permit is not commenced within 180 days from the permit issuance date, or if the building or work authorized by a permit is suspended or abandoned for a period of 120 days after the work has commenced; and
2. Require (rather than allow), the building official to issue a notice to revoke a building permit if all foundation and structural work for the building or structure is not completed within two years after the permit issuance date, or if all work is not completed within three years after the permit issuance date.

Renumbers subsequent bill SECTIONS.

B. Adds a new SECTION 6 of the Bill to delete the provision allowing the building official to extend the 365-day plan review expiration period.

C. Adds a new SECTION 7 of the Bill to:

1. Provide that civil fines for violations of the building, electrical, plumbing, or sidewalk codes will accrue from the date of the notice of violation; and
2. Prohibit the DPP from reducing any fine imposed for violations of the building, electrical, plumbing, or sidewalk codes.

- D. Adds a new SECTION 8 of the Bill to require that the plan review revision fee be tripled if the revisions result from failure to follow submitted and approved plans. Renumbers subsequent bill SECTIONS.
 - E. Makes miscellaneous technical and nonsubstantive amendments.
9. **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 and Department of Land and Natural Resources) (Committee postponed action 9/26/19) (Current deadline for Council action 3/6/20)

PROPOSED CD1 TO RESOLUTION 19-136 (Submitted by Councilmember Menor) – The CD1 (OCS2019-1026/9/25/2019 3:56 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. Revises Condition 3 to provide that the PRU permit authorized under the Resolution will supersede the prior PRU permit issued in 1998 with respect to the OCCC main Kalihi facility located on TMK 1-2-013:002 only, and the 1998 PRU permit will continue in full force and effect with respect to the Laumaka Work Furlough Center located on TMK 1-2-026:032 (instead of the PRU permit authorized under the Resolution superseding the 1998 PRU permit in its entirety).
- E. 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.
- F. In Condition 4.c, provides for minimum yards (instead of a specific number of feet).

Committee on Zoning, Planning and Housing Agenda
Thursday, January 23, 2020

- G. 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).
- H. 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.
- I. 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.
- J. 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.
- K. 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.
- L. 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.
- M. Conforms Condition 8 to the standard PRU language relating to the discovery of previously unidentified archaeological sites or remains.
- N. Makes miscellaneous technical and nonsubstantive amendments.

PROPOSED CD1 TO RESOLUTION 19-136 (Submitted by Councilmember Fukunaga) –The CD1 (OCS2020-0073/1/17/2020 11:41 AM) makes the following amendments:

- A. Revises the Resolution title and the first, second, and third WHEREAS clauses to clarify the description of the Project.

Committee on Zoning, Planning and Housing Agenda
Thursday, January 23, 2020

- 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. In Condition 2:
 - 1. Conforms to the standard PRU language relating to general conformance with the Project's Five-Year Master Plan;
 - 2. Provides that the following Project modifications will be considered major modifications that require a new PRU permit.
 - a. Any plans to accommodate more than the maximum number of detainees identified in the final environmental impact statement for the Project;
 - b. Any plans to accommodate types of detainees not specified in the Project's Master Plan and related documents identified above, including but not limited to the incarceration of high-level security detainees or detainees currently incarcerated at mainland or neighbor island facilities; and
 - c. Any plans to relocate the Laumaka Work Furlough Center in Kalihi to the Project site, or to accommodate any Laumaka Work Furlough Center operations at the Project.
- D. Revises Condition 3 to provide that the PRU permit authorized under the resolution will supersede the prior PRU permit issued in 1998 with respect to the OCCC main Kalihi facility located on TMK 1-2-013:002 only, and the 1998 PRU permit will continue in full force and effect with respect to the Laumaka Work Furlough Center located on TMK 1-2-026:032 (instead of the PRU permit authorized under the resolution superseding the 1998 PRU permit in its entirety).
- E. 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.
- F. In Condition 4.c, provides for minimum yards (instead of a specific number of feet).

Committee on Zoning, Planning and Housing Agenda
Thursday, January 23, 2020

- G. 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).
- H. 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.
- I. In Condition 6.d, clarifies that all 553 Project parking stalls must be dedicated to OCCC staff and visitors only (no parking stalls may be used by staff or visitors of the Halawa Correctional Facility).
- J. Adds a new Condition 6.e to require the Applicant to provide detailed site and floor plans for the Project.
- K. 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.
- L. 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.
- M. 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.
- N. In Condition 7.b, requires an updated TIAR, which must:
 - 1. Specifically address traffic impacts of the Project on Halawa Valley Road, Iwaiwa Street, Ulune Extension, and Kahuapaani Street, and include any proposed traffic mitigation measures; and
 - 2. Reflect revised traffic patterns and account for increased traffic congestion due to development of the new Aloha Stadium and entertainment complex, and include any proposed traffic mitigation measures to address the modified traffic patterns and increased congestion.

Committee on Zoning, Planning and Housing Agenda
Thursday, January 23, 2020

- O. In Condition 7.c, requires the Applicant to consult with community members, and make every effort to minimize impacts from construction vehicles and related construction activities.
- P. In Condition 7.d, requires that the TMP include:
 - 1. Plans to extend the City's bus route and add a bus stop near the Project site pursuant to a memorandum of understanding between the Applicant and the City;
 - 2. Plans for a shuttle service located near the entrance to Halawa valley to provide transportation for staff and visitors of the OCCC and the Halawa Correctional Facility; and
 - 3. A transportation improvement timeline or phasing plan that must include anticipated start dates to implement traffic mitigation improvements to address new traffic patterns and increased traffic congestion due to development of the new Aloha Stadium and entertainment complex.
- Q. 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 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.
- R. Conforms Condition 8 to the standard PRU language relating to the discovery of previously unidentified archaeological sites or remains.
- S. Adds a new Condition 10 to require the Applicant and the State Department of Public Safety to establish a community advisory board to provide a forum for community input regarding OCCC operations and its impact on the surrounding neighborhood. The Board must meet at least once every other month. Board membership shall include State and City elected officials of the district, representatives of the Aiea Neighborhood Board No. 20 and the Aiea Community Association, business representatives from the Halawa industrial area, and representatives from relevant State agencies. Within 120 days after adoption of the resolution, the community advisory board shall make recommendations for State and City actions to address adverse impacts of the Project, and work with State and City elected officials and appropriate State and City agencies on implementation actions.

- T. Adds a new Condition 11 to require restricted OCCC visitation hours on days when large events (such as sporting and concert events) are being held at the new Aloha Stadium and entertainment complex.
- U. Adds a new Condition 12 to encourage the Applicant and the State of Hawaii Department of Public Safety to evaluate the feasibility of establishing a courtroom within OCCC to conduct pretrial hearings for OCCC detainees. Renumbers subsequent conditions.
- V. In renumbered Condition 14, clarifies that in the event of noncompliance with the conditions set forth in the resolution, the DPP Director may direct the Applicant to cease development and construction activities until applicable conditions are satisfied.
- W. Makes miscellaneous technical and nonsubstantive amendments.

INFORMATIONAL BRIEFING

- 10. **UPDATE BY 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