



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING, PLANNING AND HOUSING

Voting Members:

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

**AGENDA ITEM 8 –
BILL 66 (2019) has
been cancelled**

AGENDA

REGULAR MEETING
COMMITTEE MEETING ROOM
THURSDAY, FEBRUARY 6, 2020
9:00 A.M.

SPEAKER REGISTRATION

Persons wishing to testify are requested to register to speak by 9:00 a.m. as follows:

- On-Line at <http://www.honolulu.gov/ccl-testimony-form.html>;
- By faxing to 768-3827 your name, phone number and the agenda item;
- By filling out the registration form in person; or
- 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 ACTION

1. **RESOLUTION 19-304 – KAHALA-KULIOUOU ZONE CHANGE.** Rezoning land situated at 1057 Hao Street (at the end of upper Hao Street), Wailupe, Oahu, Hawaii from the R-7.5 Residential District to the P-2 General Preservation District, identified as Tax Map Key 3-6-024:001, which the City plans to add the land to the surrounding City-owned 85-acre Aina Haina Nature Preserve.

2. **RESOLUTION 20-1 – SMP FOR THE DEMOLITION AND RECONSTRUCTION OF NEW STRUCTURES AT SAINT RITA CATHOLIC CHURCH (2019/SMA-32).** Granting a Special Management Area Use Permit (SMP) for demolition of existing church facilities and for construction of a new church building, community meeting hall, and administrative office building on the western portion of a three-parcel site on land zoned R-5 Residential District located at 89-318 Farrington Highway, Nanakuli, Oahu; identified as Tax Map Keys 8-9-005: 001; 8-9-007: Portions 002 and 004. (Transmitted by Communication D-1) (Applicant: St. Rita Catholic Church) (Current deadline for Council action 3/3/20)

[PROPOSED CD1 TO RESOLUTION 20-1](#) (Submitted by Councilmember Menor)
– The CD1 (OCS2020/0043/1/13/2020 3:43 PM) makes the following amendments:

- A. In the first WHEREAS clause, clarifies that the new church facilities will be constructed on the western 37,876-square-foot portion of the Project site.
 - B. In the second WHEREAS clause, clarifies that the existing paved parking lot is located on the eastern 36,024-square-foot portion of the Project site.
 - C. Adds January 3, 2020 as the date the Council received the DPP's findings and recommendation by Departmental Communication 1 (2020).
 - D. Revises Condition D, relating to the protection of the Hawaiian hoary bat, to conform to the standard language for the condition.
 - E. Makes miscellaneous technical and nonsubstantive amendments.
3. **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) (Resolution re-referred back to Committee 1/27/20) (Current deadline for Council action 3/6/20)

CD1 TO RESOLUTION 19-136 (Approved by the Committee at its meeting on January 23, 2020) – 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).
- 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.

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- 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 Elefante) – The CD1 (OCS2020-0135/1/31/2020 9:46 AM) makes the following amendments:

- A. Conforms Condition 2 to the standard PRU language relating to general conformance with the Project's Five-Year Master Plan.
- B. 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).
- C. In Condition 4.c, provides for minimum yards (instead of a specific number of feet).
- D. In Condition 4.d, specifies that rooftop structures must conform to LUO Section 21-4.60(c).

- E. 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.
- F. 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.
- G. In Condition 6.d, clarifies that the revised parking plan must reflect the provision of 463 OCCC staff parking stalls, 90 OCCC visitor parking stalls, and seven loading stalls.
- H. 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.
- I. Conforms Conditions 7.a, 7.b, 7.c, and 7.d to the standard PRU language relating to transportation improvements and mitigative measures.
- J. In Condition 7.b, provides that:
 - 1. The area of influence covered in the updated Traffic Impact Analysis Report ("TIAR") must be developed in consultation with the State of Hawaii Department of Transportation ("HDOT") and the Department of Transportation Services ("DTS");
 - 2. The updated TIAR must incorporate any new publicly-available TIAR analysis prepared for surrounding facilities, including the Aloha Stadium and entertainment complex, and recommend traffic mitigation measures to address modified traffic patterns and increased congestion resulting from the Project;
 - 3. An updated TIAR must be submitted and approved prior to the issuance of demolition or building permits for major construction work; and
 - 4. A post TIAR will be required approximately six to nine months (instead of one year) after the issuance of a certificate of occupancy.

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- K. In Condition 7.c, requires the CMP to be presented to the Aiea Neighborhood Board No. 20 as an informational item prior to the issuance of demolition or building permits for major construction work.
- L. In Condition 7.d:
 - 1. Provides that traffic demand management ("TDM") strategies may include carpooling and ride sharing programs, transit, bicycle, pedestrian incentives, extension of City bus service and additional bus stops, shuttle service, and other similar TDM measures;
 - 2. Requires submittal of a transportation improvement timeline or phasing plan that includes anticipated start dates to implement traffic mitigation measures to address new traffic patterns resulting from the Project; and
 - 3. Requires submittal of a post TMP 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. Adds a new Condition 10 to require the Applicant and the State of Hawaii Department of Public Safety to comply with the community partnering requirements for new prison facilities pursuant to HRS Section 353-16.37.
- O. Adds a new Condition 11 to require the Applicant and the State Department of Public Safety to submit to the DPP, the Aiea Neighborhood Board No. 20, and the councilmember of the district, an annual written status report documenting satisfaction of, or describing progress toward complying with each condition of approval for the PRU permit. The status report must be submitted by December 31 of each year until such time as the DPP has determined that all conditions of approval have been satisfied. Renumbers subsequent conditions.
- P. Makes miscellaneous technical and nonsubstantive amendments.

4. **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, and 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 5/6/20)

PROPOSED CD1 TO RESOLUTION 19-224 (Submitted by Councilmember Menor) – The CD1 (OCS2019-1130/10/21/2019 2:53 PM) makes the following amendments:

- A. In the second WHEREAS clause, clarifies the Project description to reflect that as proposed, the Project includes 836 market rate residential units, 128 affordable housing units, 88,000 square feet of ground floor commercial spaces, a 26,000 square-foot public park, a 1,500 square-foot community center, and other ground floor pedestrian and right-of-way improvements.
- B. In the fifth and last WHEREAS clauses, adds that the DPP's findings and recommendations on the Project, dated September 3, 2019, were received by the Council as Departmental Communication 632 (2019) on September 3, 2019.
- C. In Conditions D and E, clarifies that the vehicle parking spaces are off-street parking spaces.
- D. Revises Condition F to provide as follows.
1. Applicant shall comply with the affordable housing requirements pursuant to Ordinance 18-10, and the DPP's AHR rules adopted thereunder, including the room factor calculation. For-sale AHR units must remain affordable for a minimum of 30 years.
 2. AHR Units must be evenly distributed throughout the Project, and must not be concentrated and located solely on the lowest residential floors;
 3. If, after applying the room factor, additional AHR units are required to comply with the AHR, the additional required AHR units must not be created by dividing previously proposed AHR units into more dwelling units.; and

4. Applicant's compliance with this condition will be confirmed at the time the final affordable housing agreement is approved, which must be prior to the issuance of a certificate of occupancy ("CO") for the Project.
- E. Revises Condition G.1 to provide as follows.
1. In addition to complying with the AHR of Ordinance 18-10 (as approved by the DPP), the Applicant shall provide as a community benefit at least an additional 49 dwelling units affordable to households earning 120 percent or below of the area median income ("AMI") for Honolulu, to remain affordable for a minimum of 30 years (the "affordable community benefit units" or "ACB units");
 2. ACB units must be evenly distributed throughout the Project, and must not be concentrated and located solely on the lowest residential floors.
 3. If the total number of residential dwelling units in the Project changes from 964, five percent of all dwelling units will be required as ACB units.
 4. Application of the DPP's AHR rules, including the room factor calculation, is required.
 5. If, after applying the room factor, additional ACB units are required, the additional required ACB units must not be created by dividing previously proposed ACB units into more dwelling units.
 6. Applicant's compliance with this condition will be confirmed at the time the final affordable housing agreement is approved, which must be prior to the issuance of any CO for the Project.
- F. In Condition G.2, clarifies that the park must be public accessible at a minimum between the hours of 5:00 a.m. and 10:00 p.m. daily, and moves the provision requiring revised park plans to be submitted to the DPP to new Condition H.8.
- G. In Condition G.4, clarifies that car share spaces will not count towards the maximum off-street parking requirements specified in Condition D if they are available to the general public 24-hours per day.

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- H. In Condition G.5, adds that the Applicant is required to provide a flat surface, approximately 550 square feet (50 feet by 11 feet) in an area that receives at least four hours of sunlight per day to accommodate a photovoltaic panel.
- I. In Condition G.6, clarifies and moves the provision requiring right-of-way improvement plans to be submitted to the DPP to new Condition H.7.
- J. In Condition G.10, clarifies that the 1,500-square-foot community center will be located on the upper floors of the parking structure fronting the park and Keeaumoku Street.
- K. In Condition H.2, clarifies that the updated plans showing parking structure design and layout must demonstrate compliance with all setbacks, height setbacks, and transitional height setbacks required in Condition C, and with the maximum number of off-street parking established in realphabetized Condition D.
- L. In Condition H.4, provides that the updated plans must show details of the type, location, and rack types for the 141 short-term and 490 long-term bicycle parking spaces. All short-term spaces must be located on the ground floor near entrances to the buildings or gathering areas such as the park. Seven long-term spaces provided for commercial uses must be located on the ground floor within the parking deck. Remaining long-term spaces may be located throughout the parking structure, must be located near the elevators or, if on the second floor, near the ramp. Moves and clarifies the bicycle sharing station provisions to new Condition H.5, and renumbers subsequent subdivisions in Condition I.
- M. In Condition H.6, clarifies that the updated floor plans must show the location and unit type mix for AHR units and CB units in compliance with Condition F and realphabetized Condition G.1.
- N. Adds a new Condition H.9, to require updated plans that show the details of materials, finish, and color used for sidewalks within the Project site.
- O. Adds a new Condition H.10 to require updated plans that show details regarding the number and location of the car share spaces required under Condition G.4.
- P. Adds a new Condition H.11 to require a bicycle and pedestrian circulation plan required under realphabetized Condition L.3.

- Q. Adds a new Condition I to require the Applicant to obtain a building permit for the AHR units and ACB units prior to the issuance of a CO for the Project's market rate units. Realphabetizes subsequent conditions accordingly.
 - R. In realphabetized Condition L.3, adds that the traffic demand management ("TDM") strategies must include incentives offering resident and employees free or reduced fare transit passes.
 - S. In realphabetized Condition L.4, separates the requirements for the updated traffic impact report ("TIR") requirements into subparagraphs a, b, c, and d, and adds a new subparagraph e to address porte cochere design.
 - T. In realphabetized Condition L.5, provides that upon execution of the affordable housing agreement (the "Agreement"), the Applicant is required to record the Agreement with the Bureau of Conveyances of the State of Hawaii or the Office of the Assistant Registrar of the Land Court of the State of Hawaii, or both, as appropriate.
 - U. Revises realphabetized Condition P to conform to the standard provisions used in IPD-T resolutions relating to extensions of the deadline to obtain a building permit for the Project.
 - V. Revises realphabetized Condition Q to conform to the standard provisions used in IPD-T resolutions relating to Project conformity with the conceptual plans approved in the Resolution.
 - W. In the BE IT FURTHER RESOLVED clause, revises Council findings B and C to clarify that the Project's requested flexibility with respect to development standards relate to density (floor area), building height limits, lot coverage, and street centerline height setbacks.
 - X. Makes miscellaneous technical and nonsubstantive amendments.
5. **RESOLUTION 20-21 – SMP FOR IMPROVEMENTS AT ALA MOANA PARK AND MAGIC ISLAND.** Granting a Special Management Area (SMA) Use Permit for improvements at the Ala Moana Regional Park and Magic Island, as described in the final Environmental Impact Statement, accepted on August 12, 2019, on land in the P-2 General Preservation District, located at 1141, 1201, 1365, 1401, and 1605 Ala Moana Boulevard; identified as Tax Map Keys 2-3-037: 001, 022, 023, and 025. (Transmitted by Communication D-33) (Current deadline for Council action 3/21/20)

Related communication:

D-58 Department of Planning and Permitting, submitting Supplemental Transmittal for Departmental Communication D-33

6. **BILL 28 (2019), CD1 – AFFORDABLE HOUSING INCENTIVES.** Amending the affordable housing incentives enacted by Ordinance 18-1, as amended by Ordinance 19-8. (Bill passed Second Reading and Public Hearing held 11/6/19) (Committee postponed action 11/14/19)

PROPOSED CD2 TO BILL 28 (2019), CD1 (Submitted by Councilmember Kobayashi) – The CD2 (OCS2020-0134/1/31/2020 1:17 PM) makes the following amendments:

- A. Adds new SECTIONS 2, 4, and 6 to the bill that would add new sections to ROH Chapters 8 ("Real Property Tax"), 14 ("Public Works Infrastructure Requirements Including Fees and Services"), and 18 ("Fees and Permits for Building, Electrical, Plumbing and Sidewalk Codes"), respectively, to provide for a new process whereby the developer of an affordable housing project that seeks applicable exemptions or waivers of fees or charges is required to execute a development agreement recorded with the bureau of conveyances providing a description of the proposed project and the percentage of the project units to be sold to households earning 100 percent or less of the AMI. The new sections also require the developer, prior to being issued a certificate of occupancy for the project, to submit to the Department of Planning and Permitting a schedule of all housing units in the project indicating the actual sales price, buyer income group, and percentage of units sold to households earning 100 percent or less of the AMI. The new sections also provide for administrative enforcement provisions. Renumbers subsequent SECTIONS accordingly.
- B. Amends renumbered SECTIONS 3, 5, and 7, which relate to the provision of real property tax exemptions, waiver of wastewater system facility charges, and waiver of plan review and building permit fees, respectively, for qualifying affordable housing projects, to provide that such exemptions or waivers are applicable to the residential portion of the dwelling units that are sold to households earning 100 percent and below of the AMI in developments for which at least 75 percent of the total number of dwelling units in the development area sold to households earning 120 percent and below of the AMI.

- C. Amends renumbered SECTION 8 (Ramseyer clause) to reflect the amendments made by the CD2.
 - D. Amends renumbered SECTION 9 to provide that the ordinance takes effect upon its approval and will be repealed five years after its effective date.
 - E. Makes miscellaneous technical and nonsubstantive amendments.
7. **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 6/23/20)

PROPOSED CD1 TO BILL 63 (2019) (Submitted by Councilmember Menor) – The CD1 (OCS2020-0054/1/15/2020 3:10 PM) makes the following amendments:

- A. Makes miscellaneous technical and nonsubstantive amendments for purposes of formatting, clarity, grammar, and style.
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) (Committee postponed action 1/23/20)

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. **BILL 2 (2019), CD1 – 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 (TOD) within close proximity to future rail stations. (Bill passed Second Reading and Public Hearing held 11/6/19) (Bill re-referred back to Committee 11/26/19) (Current deadline for Council Action 4/3/20)
10. **BILL 58 (2019) – HALEIWA ZONE CHANGE (2019/Z-3).** Rezoning lands situated at 66-540D Kamehameha Highway, Haleiwa, Oahu from the R-5 Residential District to the B-1 Neighborhood Business District; identified as Tax Map Key 6-2-007: portion of 016. (Applicant: Haleiwa KEM 7309, LLC) (Transmitted by Communication D-729) (Bill passed First Reading 11/6/19) (Current deadline for Council action 5/26/20)

PROPOSED UNILATERAL AGREEMENT – The proposed Unilateral Agreement (draft dated 01/31/20) to be attached as “Exhibit B” to the Bill after execution and recordation.

INFORMATIONAL BRIEFING

11. **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