



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING AND PLANNING

Voting Members:

Trevor Ozawa, Chair
Ron Menor, Vice Chair
Carol Fukunaga
Ann H. Kobayashi
Joey Manahan

AGENDA

REGULAR MEETING
COMMITTEE MEETING ROOM
THURSDAY, OCTOBER 20, 2016
9:00 AM

SPEAKER REGISTRATION

Persons wishing to testify are requested to register 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 768-3818.

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 768-3818 or send an email to gmurayama@honolulu.gov at least three days prior to the meeting date.

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.honolulu.gov/council/cclmeetings/ccl-archived-meetings-agendas.html>. 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 THE SEPTEMBER 6, 2016 SPECIAL AND SEPTEMBER 22, 2016
REGULAR COMMITTEE ON ZONING AND PLANNING MEETINGS.

FOR ACTION

1. **RESOLUTION 16-265 – SMP FOR THE KIHAPAI PLACE APARTMENT PROJECT (2016/SMA-37)**. Granting a Special Management Area Use Permit (SMP) for the construction of a four-story, 42-unit apartment building, parking lot, and landscaping on a vacant 24,593-square-foot site in the A-2 Medium Density Apartment District, located in Kailua and identified by Tax Map Keys 4-3-58: 47, 48 and 65. (Applicant: Kihapai Hui LLC) (Transmitted by Communication D-661) (Current deadline for Council action: 11/27/16)

PROPOSED CD1 TO RESOLUTION 16-265 (Submitted by Councilmember Ozawa) – The CD1 (OCS2016-0997/10/13/2016 4:00 PM) makes the following amendments:

- A. In the fourth WHEREAS clause, lists September 28, 2016 as the date the Council received DPP's report.
- B. Adds a new Condition C containing standard language requiring work stoppage and immediate contact of SHPD if previously unidentified archaeological sites or remains are encountered. Re-alphabetizes subsequent conditions.
- C. In re-alphabetized Condition D, refers to infiltrative technology best management practices (BMPs), and adds standard language requiring that after implementation, Applicant shall submit photographs documenting the infiltrative technology BMPs and construction processes to the USFWS, with a copy to the DPP.
- D. In re-alphabetized Condition E, consistent with the USFWS recommendation, adds language that prohibits construction or potentially disruptive activities during the waterbird breeding season (from February through August), or in the vicinity of any identified nests of protected waterbirds, unless the Applicant first obtains an incidental take permit from the USFWS.

- E. Adds a new Condition F, consistent with the DPP Director's report, requiring the Applicant to leave a five-foot wide undisturbed strip of land along the mauka (west) boundary of the Project site, to function as a natural barrier to protect waterbirds from walking onto the site from the Kawainui Stream and Marsh. Re-alphabetizes subsequent conditions.
 - F. In re-alphabetized Condition J, adds standard language describing the process for extending the two year period in which the Applicant must obtain a building permit for the project if the requested extension exceeds one year from the initial deadline set by the City Council.
 - G. Makes miscellaneous technical and non-substantive amendments.
2. **RESOLUTION 16-242 – SMP FOR THE CONSTRUCTION OF THREE TWO-STORY, TWO-FAMILY DWELLING UNITS, LANDSCAPING, SWIMMING POOLS, A CONCRETE MASONRY UNIT WALL, AND GUEST PARKING AREAS WITHIN THE SMA, ALONG WITH MINOR STRUCTURES WITHIN THE 40-FOOT SHORELINE SETBACK AREA (2016/SMA-22).** Granting a Special Management Area Use Permit (SMP) for the construction of three two-story, two-family dwelling units, swimming pools, a rock or concrete masonry unit wall, and guest parking areas within the SMA, and minor structures (including open-work fences, a gate, and steps) within the 40-foot shoreline setback area in the R-7.5 Residential District, located at 4607 Kahala, Honolulu, Oahu, and identified as Tax Map Key 3-5-5: 16. (Applicant: 4607 Kahala LLC) (Transmitted by Communications D-610 and D-651) (Current deadline for Council action: 12/30/16)

PROPOSED CD1 TO RESOLUTION 16-242 (Submitted by Councilmember Ozawa) – The CD1 (OCS2016-1001/10/14/2016 2:44 PM) makes the following amendments:

- A. In the Resolution title, refers to a “rock or concrete masonry unit wall” to be consistent with the Project description.
- B. In the first WHEREAS clause, refers to a “rock or concrete masonry unit wall”, and adds a description of the minor structures within the shoreline setback area.
- C. Adds September 1, 2016 as the date the Council received the DPP’s findings and recommendations report.
- D. In Condition E, clarifies that “daytime” means during daylight hours.

- E. In Condition G, clarifies that all minor structures and landscaping must be contained within the lot of origin, and cannot extend seaward of the shoreline.
- F. In Condition H, consistent with the DPP's recommendation, adds a provision requiring that development permit applications, including but not limited to grading, grubbing and building permit applications, must detail the BMPs.
- G. Adds a Condition K providing that prior to the issuance of any development permit for the Project, including but not limited to grading, grubbing and building permits, the Applicant shall obtain from the DPP a minor shoreline structure permit, as required for the Project.
- H. Makes miscellaneous technical and non-substantive amendments.

3. **BILL 79 (2015) – LUO AMENDMENT RELATING TO THE LAND USE ORDINANCE.** Making miscellaneous amendments to the Land Use Ordinance. (Transmitted by Communications D-778/15) and D-437; Bill 79 passed first reading 12/9/15; deferred in Committee 2/11/16) (Current deadline for Council action: 2/9/17)

PROPOSED CD1 TO BILL 79 (2015) (Submitted by Councilmember Ozawa) – The CD1 (OCS2016-1003/10/14/2016 12:06 PM) makes the following amendments:

- A. Revises the proposed new language in Section 21-2.140-1(i)(1) to add a new subparagraph (D) to read as follows:
 - “(D) The ohana dwelling was legally established but is no longer allowed pursuant to Sections 21-8.20(c)(2) and (3).”
- B. Removes references to bicycle parking requirements in the amendments to ROH Section 21-5.390 regarding joint facility parking.
- C. Removes Table 21-9.6(C) (“Waikiki Special District Project Classification”) because no amendments were made to this table.
- D. Removes revisions to the definitions of “corporate retreat” and “family.”
- E. Corrects drafting and format errors, and makes various technical amendments for purposes of grammar, clarity and style.

Committee on Zoning and Planning Agenda
Thursday, October 20, 2016

INFORMATIONAL BRIEFING

4. **UPDATE BY THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND PERMITTING REGARDING THE STATUS OF ALL PENDING LAND USE ORDINANCE (LUO) AMENDMENTS AND DEVELOPMENT PLAN AND SUSTAINABLE COMMUNITIES PLAN REVISION BILLS.**

TREVOR OZAWA, Chair
Committee on Zoning and Planning