

# 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  
Alan Kekoa Texeira  
Joey Manahan

## AGENDA

REGULAR MEETING  
CITY COUNCIL CHAMBER  
THURSDAY, NOVEMBER 19, 2020  
9:00 A.M.

### PUBLIC PARTICIPATION AND TESTIMONY

Pursuant to the Fourteenth Proclamation issued by Governor David Ige on October 13, 2020, relating to the COVID-19 pandemic, in order to allow public participation in a manner consistent with social distancing practices the following procedures are in effect for the meeting:

### VIEWING THE MEETING AND RESTRICTIONS ON ENTRY

Members of the public will not be allowed into the meeting room, but may view the meeting on a live broadcast. The meeting will be viewable: (1) by internet live streaming through [www.honolulucitycouncil.com](http://www.honolulucitycouncil.com) and <http://olelo.granicus.com/MediaPlayer.php?publishid=92>; and (2) by televised live broadcast on Olelo TV Channel 54.

After the meeting, the meeting will be viewable on demand 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.

Some Councilmembers and presenters may be participating in the meeting by interactive conference technology from remote locations.

### ORAL TESTIMONY

Oral testimony will be permitted on all items on the agenda, subject to the following restrictions:

1. Persons may submit oral testimony remotely through the Webex internet platform. To participate, persons should visit [www.webex.com](http://www.webex.com), click "Join," enter meeting number **1466001592**, and complete the registration process. Registrants will receive an email that contains links and information on joining the meeting by either phone or video conference. Webex testifiers are strongly encouraged to register at least 24 hours before the start of the meeting.

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2. Remote testimony will be taken at the start of the agenda and then closed.
3. Each speaker is limited to a **one-minute** presentation on all items.

**WRITTEN TESTIMONY**

Written testimony may be faxed to 768-3826 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, email address and phone number, will be available to the public on both the City's Council's pilot website: [www.honolulucitycouncil.com](http://www.honolulucitycouncil.com) as well as the City's legacy DocuShare Website. Written testimony will not be accepted in person at the meeting.

Should you have any questions, please call 768-3825 or send an email to [potto1@honolulu.gov](mailto:potto1@honolulu.gov).

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**MATERIALS AVAILABLE FOR INSPECTION**

Meeting materials ("*board packet*" under HRS Section 92-7.5) are accessible at [www.honolulucitycouncil.com](http://www.honolulucitycouncil.com) by clicking on the link for each item on the online agenda for the meeting.

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.



**FOR EXTENSION OF TIME ONLY**

1. **RESOLUTION 20-308 – SMP FOR 47-409 KAMEHAMEHA HIGHWAY, KAHALUU (2020/SMA-27).** Granting a Special Management Area Use Permit to allow the development of a new single-story, single-family dwelling unit at 47-409 Kamehameha Highway, Kahaluu, located in the R-5 Residential District; identified as Tax Map Key 4-7-009: 011. (Applicant: Takami Holdings Corporation) (Transmitted by Communication D-741 [2020]) (Current deadline for Council action: 1/9/21)

**FOR ACTION**

2. **RESOLUTION 20-290 – SMP FOR PAR HAWAII REFINING LLC (2020/SMA-24).** Granting a Special Management Area Use Permit to construct two above-ground fuel storage tanks and associated improvements at the existing Par Hawaii Refining, LLC, Sand Island Bulk Fuel Storage Terminal, on approximately 3.9 acres of land zoned I-3 Waterfront Industrial District, located at 2 Sand Island Access Road; identified as Tax Map Key 1-2-025: 019. (Applicant: Par Hawaii Refining, LLC) (Transmitted by Communication D-701 [2020]) (Current deadline for Council action: 12/26/20)

PROPOSED CD1 TO RESOLUTION 20-290 (Submitted by Councilmember Menor) – The CD1 (OCS2020-1169/11/12/2020 12:24 PM) makes the following amendments:

- A. Amends the Resolution title to read:

"RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT FOR THE CONSTRUCTION OF TWO ABOVE-GROUND FUEL STORAGE TANKS AND ASSOCIATED IMPROVEMENTS AT THE EXISTING PAR HAWAII REFINING LLC SAND ISLAND BULK FUEL STORAGE TERMINAL."

- B. Adds a second WHEREAS clause to clarify the description of the Project.
- C. In the last WHEREAS clause, adds October 27, 2020 as the date the Council received the DPP's findings and recommendation by Departmental Communication 272 (2020).
- D. Divides Condition C.1 into two separate conditions, and rennumbers Condition C.2 to C.3.



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- E. Adds a standard condition that requires the Applicant to obtain a development permit for the Project within two years after approval of the SMA Use Permit.
- F. Makes miscellaneous technical and nonsubstantive amendments.

3. **RESOLUTION 20-302 – HALEWILIKO HIGHLANDS ELDERLY, AFFORDABLE HOUSING 201H PROJECT (2020/GEN-6).** Authorizing exemptions from certain requirements relating to the Halewiliko Highlands Elderly, Affordable Housing Project on about 150,144 square feet of I-2 Intensive Industrial District-zone land located at 99-385 Pohai Place, Aiea, former site of Aiea Sugar Mill; identified as Tax Map Key 9-9-078: 006. (Applicant: EAH Inc. dba EAH Housing) (Transmitted by Communications D-738 [2020], D-738A [2020], D-738B [2020], D-738C [2020], Addendum 1, Addendum 2, Addendum 3, Addendum 4) (Current deadline for Council action: 12/24/20)

PROPOSED CD1 TO RESOLUTION 20-302 (Submitted by Councilmember Menor) – The CD1 (OCS2020-1185/11/13/2020 3:26 PM) makes the following amendments:

- A. Revises the resolution title to read as follows:  
  
"AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE HALEWILIKO HIGHLANDS ELDERLY AFFORDABLE RENTAL HOUSING PROJECT AT AIEA, OAHU, HAWAII, TAX MAP KEY 9-9-078:006."
- B. In the first, second, and third WHEREAS clauses, clarifies the Project description.
- C. In the sixth WHEREAS clause, provides that the Project's preliminary plans and specifications were prepared by PBR Hawaii and Associates, Inc., and submitted to the Council by the DPP on November 9, 2020 (instead of November 2, 2020) by D-738 (2020).
- D. In the BE IT RESOLVED clause:
  - 1. Numbers exemptions (instead of alphabetizing) to conform to standard formatting of exemptions in 201H resolutions.
  - 2. In Exemption 1, clarifies that the exemption from payment of wastewater system facility charges is for charges attributed to the Project's affordable rental units.



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3. Separates Exemption 5 into two separate exemptions:
  - a. Exemption 5 provides an exemption from payment of plan review fees, estimated at \$25,000; and
  - b. Exemption 6 provides an exemption from payment of building permit fees, estimated at \$192,830.

Renumbers subsequent exemptions.

4. In renumbered Exemption 8, deletes reference to the A-1 Low Density Apartment District.
5. Deletes former Exemptions H and I, and replaces them with new Exemptions 9 and 10:
  - a. Exemption 9 provides an exemption from transitional height setbacks, to allow the Project to encroach five feet into the height setback on the northwest side yard; and
  - b. Exemption 10 provides an exemption for yards, to allow the Project to encroach five feet into the front, side, and rear yards.
6. Adds a new Exemption 12 to provide an exemption relating to screening and landscaping in the I-2 District, to allow the Project to provide a heavily landscaped buffer area for boundaries adjacent residential-zoned parcels (instead of a six-foot high solid wall with a five-foot wide landscaping strip along the outside of the solid wall). Renumbers the subsequent exemption.

E. In the first BE IT FURTHER RESOLVED clause:

1. Conforms Condition C to the standard language used in 201H resolutions for requiring an applicant to submit a parking management plan to the DPP for review and approval
2. In Condition D, separates the timeline or phasing plan requirement to Condition D.1, and refers to a transportation evaluation summary ("TES") instead of a traffic impact analysis report ("TIAR"). Renumbers subsequent subdivisions.



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3. Moves former Condition E.1 (relating to a post traffic management plan) to Condition D.3.
4. Moves former Condition E.2 (relating to a revised TIAR) to Condition D.4. Realphabetizes subsequent conditions.
- F. In the fourth BE IT FURTHER RESOLVED clause, provides that the final plans and specifications for the Project constitute the zoning, building, and construction standards for the Project and are approved if those plans and specifications do not substantially deviate from the preliminary plans and specifications submitted to the Council, except to comply with Condition D.5.
- G. Makes miscellaneous technical and nonsubstantive amendments for purposes of formatting, grammar, clarity, and style.
4. **RESOLUTION 20-293 – LUO AMENDMENT RELATING TO FARM VILLAGE COMMUNITIES.** Proposing an amendment to Chapter 21, Revised Ordinances of Honolulu 1990 (the Land Use Ordinance), relating to the creation of farm village communities consisting of small and inexpensive farm dwellings inhabited by families engaged in and receiving income from agricultural activities conducted on agriculturally-zoned land.
5. **RESOLUTION 20-178 – AMENDING DPP RULES FOR PROJECTS DEVELOPED UNDER SECTION 201H-38.** Requesting the Director of Planning and Permitting to amend the Department of Planning and Permitting (DPP) rules relating to projects developed under Section 201H-38 of the Hawaii Revised Statutes, which would amend Rule Section 20-25-9 to add certain notification requirements upon DPP's acceptance of a completed application for a 201H project.

PROPOSED CD1 TO RESOLUTION 20-178 (Submitted by Councilmember Pine)  
– The CD1 (OCS2020-1153/11/12/2020 11:48 AM) makes the following amendments:

- A. Revises new ROH Section 20-25-9.b to:
  1. Require the Applicant to present the proposed project to the area neighborhood board or an appropriate community association prior to submitting a 201H application to the DPP.



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2. Require the Applicant to send informational notices to all property owners within 400 feet (instead of 300 feet) of a proposed 201H project site, within five (instead of 10) working days after the DPP's acceptance of a completed 201H application.
3. Delete provisions that would have allowed for notices to be sent to the homeowners board or association of a condominium property regime, or a cooperative housing corporation, in lieu of to individual owners.

B. Makes miscellaneous technical and nonsubstantive amendments.

6. **BILL 2 (2020), CD1, FD1 – LUO AMENDMENT RELATING TO OFF-STREET PARKING AND LOADING.** To comprehensively update the off-street parking and loading requirements in Chapter 21 of the Revised Ordinances of Honolulu 1990 (the Land Use Ordinance). (Bill passed Second Reading and public hearing held on 11/10/20; Current deadline for Council action: 12/31/20)

Related communication:

D-727 (2020) Department of Planning and Permitting, submitting proposed revisions to Bill 2 (2020), CD1, relating to off-street parking and loading.

7. **BILL 57 (2020), CD1 – LUO AMENDMENT RELATING TO DETACHED DWELLINGS.** Amending Chapter 21, Revised Ordinances of Honolulu 1990, as Amended (the Land Use Ordinance) relating to detached dwellings to further address the regulations on large residential structures in residential districts. (Bill passed Second Reading and public hearing held on 11/5/20)

PROPOSED CD2 TO BILL 57 (2020), CD1 (Submitted by Councilmember Kobayashi) – The CD2 (OCS2020-1167/11/12/2020 11:43 AM) makes the following amendments:

- A. In ROH Section 21-3.70-1(c)(3)(D), which limits the number of bathrooms in each dwelling unit to seven, adds that if the dwelling unit is an accessory dwelling unit, the paragraph should not be construed to waive any requirement under ROH Section 21-5.720.
- B. Makes miscellaneous technical and nonsubstantive amendments.



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8. **BILL 58 (2020) – CONSUMER CLEAN ENERGY PROJECTS.** To develop expedited permitting procedures for consumer clean energy projects in order to support rapid consumer adoption of clean energy solutions while continuing to protect the health and safety of Honolulu’s residents. (Bill passed Second Reading and public hearing held on 11/5/20)

PROPOSED CD1 TO BILL 58 (2020) (Submitted by Councilmember Menor) – The CD1 (OCS2020-1180/11/13/2020 12:34 PM) makes the following amendments:

- A. Amends proposed new ROH Section 18-5.\_\_(a)(1) relating solar photovoltaic systems:
1. In paragraph (C), clarifies that the system is certified by UL or another nationally recognized testing laboratory, or is comprised of certified components, and is installed according to manufacturer specifications.
  2. Add a new paragraph (E) to include a battery system with less than 50 gallons of electrolyte capacity, or 1,000 lbs. for lithium-ion and lithium metal polymer; and
  3. Add a new paragraph (F) to include a system that is independent of required emergency and standby power systems required by the code.
- B. Amends proposed new ROH Section 18-5.\_\_(a)(2)(A) to provide that the solar thermal or solar electric hot water heater has a water tank capacity of 120 (instead of 130) gallons or less for a single tank system, or 240 gallons or less for a double tank system.
- C. Amends proposed new ROH Section 18-5.\_\_(a)(3)(A) relating to electric vehicle charging stations, to include a station that is an AC Level 1 (120 volt) or AC Level 2 (240 volt) device, or a DC fast-charging industry standard (including CHAdeMO, SAE Combine Charging System).
- D. Amends proposed new ROH Section 18-5.\_\_(b)(1):
1. To provide that clean energy project permit applications will be approved or denied within 14 (instead of seven) calendar days after submission of a complete application; provided that approval or denial of permit applications will be made within seven calendar days after submittal of required corrections.



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2. To add a new paragraph (A) enumerating certain exceptions to the maximum time limits to approve or deny a permit application. Realphabetizes subsequent paragraphs.
  3. In realphabetized paragraph (B), provides that in addition to aerial or satellite photographs, longitude and latitude coordinates must be provided.
  4. In realphabetized paragraph (C), requires floor plans and elevations for plan review (previously not required), which must show the working clearances required by the electrical code and the utility provider. Also requires that elevations show the required mounting heights of the equipment and the maximum overall height of the installation as required under Chapter 21 and Chapter 21A.
  5. In realphabetized paragraph (D), deletes the alternative to industry-accepted standardized load calculations.
  6. In realphabetized paragraph (E), provides that required plans must comply with ROH Section 18-4.3.
  7. In realphabetized paragraph (F), enumerates requirements for clean energy projects that include multiple meters grouped in one readily accessible central location (instead of clean energy projects that include a master meter bank).
  8. Adds a new paragraph (G) to provide that a clean energy project permit application does not require submission of an approved materials and methods exemption; provided that a manufacturer specification sheet, installation and operations manual, and UL or other national testing laboratory certification may be required for new equipment not previously reviewed.
- D. Amends proposed new ROH Section 18-5.\_\_(b)(2):
1. To provide that an inspection date for clean energy project inspection requests will be confirmed within two working days (instead of seven calendar days) after receipt of the request. Applicants may submit inspection requests through electronic mail or a public online process. Inspection requests must be made by a duly licensed electrician or duly licensed plumber, as applicable, attesting by affidavit to performing or directly supervising the work in compliance with this code and state laws.



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2. Deletes all paragraphs in the subdivision.
- E. Adds a new ROH Section 18-5.\_\_(b)(3) to require the building official to close an issued permit within seven days after the scheduled final inspection of the project if no code deficiencies or violations are discovered.
- F. Amends proposed new ROH Section 18-5.\_\_(c) to provide that if the building official fails to meet any of the maximum time limits to approve or deny a permit application, the permit application will be deemed approved if certain enumerated notice, declaration, and affidavit requirements are satisfied.
- G. Amends proposed new ROH Section 18-5.\_\_(e) to provide that if the notice, declaration, and affidavit requirements are satisfied, the building official shall close the permit application, and the validity of the permit will be in accordance with ROH Section 18-5.3.
- H. Makes miscellaneous conforming, technical, and nonsubstantive amendments.

PROPOSED CD1 TO BILL 58 (2020) (Submitted by Councilmember Elefante) – The CD1 (OCS2020-1168/11/12/2020 4:27 PM) makes the following amendments:

- A. Amends proposed new ROH Section 18-5.\_\_(a)(1), relating solar photovoltaic systems, to:
  1. Add a new paragraph (E) to include a battery system with less than 50 gallons of electrolyte capacity, or 1,000 lbs. for lithium-ion and lithium metal polymer; and
  2. Add a new paragraph (F) to include a system that is independent of required emergency and standby power systems required by the code.
- B. Amends proposed new ROH Section 18-5.\_\_(a)(3)(A), relating to electric vehicle charging stations, to include a station that is an AC Level 1 (120 volt) or AC Level 2 (240 volt) device, or a DC fast-charging industry standard (including CHAdeMO, SAE Combine Charging System).



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C. Amends proposed new ROH Section 18-5.\_\_(b)(1):

1. To provide that clean energy project permit applications will be approved or denied within 14 (instead of seven) calendar days after submission of a complete application; provided that approval or denial of permit applications will be made within seven calendar days after submittal of required corrections.
2. To add a new paragraph (A) enumerating certain exceptions to the maximum time limits to approve or deny a permit application. Realphabetizes subsequent paragraphs.
3. In realphabetized paragraph (B), provides that in addition to aerial or satellite photographs, longitude and latitude coordinates must be provided.
4. In realphabetized paragraph (C), requires floor plans and elevations for plan review (previously not required), which must show the working clearances required by the electrical code and the utility provider. Also requires that elevations show the required mounting heights of the equipment and the maximum overall height of the installation as required under Chapter 21 and Chapter 21A.
5. In realphabetized paragraph (D), deletes the alternative to industry-accepted standardized load calculations.
6. In realphabetized paragraph (E), provides that required plans must comply with ROH Section 18-4.3.
7. In realphabetized paragraph (F), enumerates requirements for clean energy projects that include multiple meters grouped in one readily accessible central location (instead of clean energy projects that include a master meter bank).

D. Amends proposed new ROH Section 18-5.\_\_(b)(2):

1. To provide that an inspection date for clean energy project inspection requests will be confirmed within two working days (instead of seven calendar days) after receipt of the request. Also provides that the inspection date will be scheduled for a time after the two working day period.



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2. In paragraph (B), enumerates certain actions the building official may consider to expedite the inspection process.
  - E. Amends proposed new ROH Section 18-5.\_\_(c) to provide that if the building official fails to meet any of the maximum time limits to approve or deny a permit application, the permit application will be deemed approved if certain enumerated notice, declaration, and affidavit requirements are satisfied.
  - F. Amends proposed new ROH Section 18-5.\_\_(e) to provide that if the notice, declaration, and affidavit requirements are satisfied, the building official shall close the permit application, and the validity of the permit will be in accordance with ROH Section 18-5.3.
  - G. Makes miscellaneous conforming, 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) relating to Interim Planned Development-Transit Permits for future Transit-Oriented Development within close proximity to future rail stations. (Bill passed Second Reading and public hearing held on 11/6/19; Committee postponed action on 10/22/20) (Current deadline for Council Action: 3/29/21)

PROPOSED CD2 TO BILL 2 (2019), CD1 (Submitted by Councilmember Waters)  
– The CD2 (OCS2020-1140/11/12/2020 10:34 PM) makes the following amendments:

- A. Amends proposed new ROH Section 21-9.100-5(g) relating to community benefits to provide that for projects that include a hotel or condo-hotel component, the community benefits proposed in the IPD-T project application must include one or both of the following:
  1. Affordable housing provided in addition to any affordable housing requirements applicable to the project under Chapter 38 (establishes minimum requirements for the affordable housing offered as community benefits); or
  2. City multimodal transportation system improvements (defined as improvements associated with the Honolulu rail transit system, City bus transit system, or City special transit services).



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B. Amends redesignated ROH Section 21-9.100-5(h) relating to application requirements to require dollar amount estimates of:

1. The value of requested height bonuses;
2. The value of requested density bonuses; and
3. The cost to the developer for each category of proposed community benefits;

accompanied by an explanation of how the values and costs were calculated.

C. Makes miscellaneous technical and nonsubstantive amendments.

10. **BILL 79 (2020) – KO’OLAU LOA SUSTAINABLE COMMUNITIES PLAN.** Repealing the existing Sustainable Communities Plan for Koolau Loa, Article 7, Chapter 24, Revised Ordinances of Honolulu 1990, and adopting a new Article 7 incorporating the revised Koolau Loa Sustainable Communities Plan. (Bill passed First Reading 10/7/20)

Related communications:

CC-310 Councilmember Tsuneyoshi, submitting proposed amendments to the Ko’olau Loa Sustainable Communities Plan, attached as Exhibit A to Bill 79 (2020)

CC-330 Councilmember Tsuneyoshi, submitting proposed amendments to the Ko’olau Loa Sustainable Communities Plan, attached as Exhibit A to Bill 79 (2020)

11. **BILL 64 (2020), CD1 – EWA DEVELOPMENT PLAN (2013).** Amending portions of the existing Development Plan for Ewa, Article 3, Chapter 24, Appendix 24-3, Revised Ordinances of Honolulu 1990, as described in Exhibit A, to create greater consistency with the development guidelines for the East Kapolei Neighborhood Transit-Oriented Development Plan and to more accurately reflect current conditions. The amendment is consistent with the objectives and policies of the General Plan (1992, amended in 2002). (Bill passed Second Reading and public hearing held on 11/5/20)



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12. **RESOLUTION 20-224 – HALAWA AREA TOD PLAN.** Approving the Halawa Area Transit-Oriented Development (TOD) Plan. (Public hearing held on the Resolution and proposed CD1 on November 5, 2020)

CD1 to Resolution 20-224 (Approved by the Committee at its October 29, 2020 meeting) – The CD1 (OCS2020-1120/11/4/2020 2:42 PM) makes the following amendments:

A. Makes the following amendments to the text of the resolution:

1. In the resolution title, references the "Halawa Area Neighborhood TOD Plan (instead of the "Halawa Area TOD Plan").
2. In the fourth WHEREAS clause, states that the neighborhood TOD plan prepared for the Halawa area is referred to as the "Halawa Area TOD Plan."
3. Throughout the resolution text, references "TOD special districts" (instead of "TOD zones").
4. In the BE IT RESOLVED clause, revises the date of the Halawa Area TOD Plan attached as Exhibit A to October 2020 (instead of July 2017).
5. Deletes the last BE IT FURTHER RESOLVED clause, relating to DPP submission of TOD development regulations to the Planning Commission within 120 days after the adoption of the resolution.

B. Makes the amendments to the Exhibit A plan detailed in CC-300 (2020) and CC-301 (2020).

13. **RESOLUTION 20-222 – EAST KAPOLEI NEIGHBORHOOD TOD PLAN.** Approving the East Kapolei Neighborhood Transit-Oriented Development (TOD) Plan. (Public hearing held on the Resolution and proposed CD1 on November 5, 2020)

CD1 to Resolution 20-222 (Approved by the Committee at its October 29, 2020 meeting ) – The CD1 (OCS2020-1119/11/4/2020 3:09 PM) makes the following amendments:

A. Makes the following amendments to the resolution:

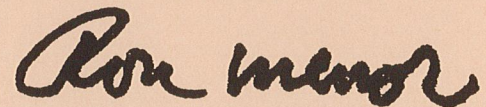


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1. Throughout the resolution text, references "TOD special districts" (instead of "TOD zones."
  2. In the BE IT RESOLVED clause, revises the date of the East Kapolei Neighborhood TOD Plan attached as Exhibit A to October 2020 (instead of July 2020).
  3. Deletes the last BE IT FURTHER RESOLVED clause, relating to DPP submission of TOD development regulations to the Planning Commission within 120 days after the adoption of the resolution.
- B. Makes the amendments to the Exhibit A plan detailed in CC-299 (2020).

INFORMATIONAL BRIEFING

14. 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



