

A BILL FOR AN ORDINANCE

TO ADOPT THE DEVELOPMENT PLAN FOR EAST HONOLULU OF THE CITY AND COUNTY OF HONOLULU.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose and Intent. This ordinance is intended to bring the development plan for East Honolulu into compliance with Section 6-909 of the Revised Charter of the City and County of Honolulu 1973, as amended, which sets forth the requirement that "Development plans shall consist of conceptual schemes for implementing and accomplishing the development objectives and policies of the general plan within the city. The development plans and maps (which shall not be detailed in the manner of zoning maps) shall describe the desired urban character and the significant natural, scenic and cultural resources for the several parts of the city to a degree which is sufficient to serve as a policy guide for more detailed zoning maps and regulations and public and private sector investment decisions."

This development plan ordinance adopts a revised development plan for East Honolulu that presents a vision for East Honolulu's future development consisting of policies, guidelines and conceptual schemes that will serve as a policy guide for more detailed zoning maps and regulations and for public and private sector investment decisions.

This ordinance is enacted pursuant to the powers vested in the City and County of Honolulu by Chapter 46, and Section 226-58, Hawaii Revised Statutes.

SECTION 2. Article 4 of Chapter 24, Revised Ordinances of Honolulu 1990, as amended ("East Honolulu"), is repealed.

SECTION 3. Chapter 24, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new Article 4 to read as follows:

"Article 4. East Honolulu

Sec. 24-4.1 Definitions.

Unless the context otherwise requires, the definitions contained in this section shall govern the construction of this article and the East Honolulu development plan.

"Charter" or "Revised Charter" means the Revised Charter of the City and County of Honolulu 1973, as amended.

"City" means the City and County of Honolulu.

"Council" means the city council of the City and County of Honolulu.

"County" means the City and County of Honolulu.

"Department" or "department of planning and permitting" means the department of planning and permitting of the City and County of Honolulu.

"Development" means any public improvement project, or any public or private project requiring a zoning map amendment.

"Development plan" and "Sustainable Communities Plan" means a plan document for a given geographic area which consists of conceptual schemes for implementing and accomplishing the development objectives and policies of the general plan for the several parts of the City and County of Honolulu.

"Director" means the director of the department of planning and permitting.

"Environmental assessment" and "EA" mean a written evaluation prepared in compliance with the environmental quality commission's procedural rules and regulations implementing HRS Chapter 343 to determine whether an action may have a significant environmental effect.

"Environmental impact statement" and "EIS" mean an informational document prepared in compliance with the environmental quality commission's procedural rules and regulations implementing HRS Chapter 343; and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic and social welfare of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects.

"Finding of no significant impact" and "FONSI" mean a determination based on an environmental assessment that the subject action will not have a significant effect and, therefore, will not require the preparation of an environmental impact statement.

"Functional plan" means the public facility and infrastructure plans prepared by public agencies to further implement the vision, policies, principles, and guidelines set forth in the East Honolulu development plan.

"General plan" means the general plan of the City and County of Honolulu as defined by Section 6-908 of the charter.

"Planning commission" means the planning commission of the City and County of Honolulu.

"Project master plan" means a conceptual plan that covers all phases of a development project. The project master plan shall be that portion of an EA or EIS which illustrates and describes how the project conforms to the vision for East Honolulu, and the relevant policies, principles, and guidelines for the site, the surrounding lands, and the region.

"Significant zone change" means a zone change which involves at least one of the following:

- (1) Any change in zoning of 25 or more acres of land to any zoning district or combination of zoning districts, excluding preservation or agricultural zoning districts;
- (2) Any change in zoning of more than ten acres to a residential or country zoning district;

(3) Any change in zoning of more than five acres to an apartment, resort, commercial, industrial or mixed use zoning district; or

(4) Any development which would have a major social, environmental, or policy impact, or major cumulative impacts due to a series of applications in the same area.

"Special area" means a designated area within the East Honolulu development plan area that requires more detailed planning efforts beyond what is contained in the East Honolulu development plan.

"Special area plan" means a plan for a special area.

"Unilateral agreement" means a conditional zoning agreement made pursuant to the city's Land Use Ordinance as part of the process of enactment of an ordinance for a zone change and that imposes conditions on a landowner's or developer's use of the property.

"Vision" means the future outlook for the East Honolulu region extending out to the year 2020 and beyond that entails creation of an urban growth boundary, an open space network for preserving natural features, scenery and shoreline areas for public use, protection of historic and community resources, and provision of adequate infrastructure and community facilities to meet East Honolulu's future needs.

Sec. 24-4.2 Applicability.

(a) The East Honolulu development plan area encompasses the entire area from the mountains to the southern shoreline of Oahu stretching from Makapuu Point on the eastern sector, along the ridgeline of Koolau Mountain Range in a westerly direction to the Ainakoa ridgeline and drainage channel on the western sector.

- (b) It is the intent of the East Honolulu development plan to provide a guide for orderly and coordinated public and private sector development in a manner that is consistent with applicable general plan provisions, recognizing this urban fringe area as one of the principal stable areas in the county for low-density residential development.
- (c) The provisions of this article and the East Honolulu development plan are not regulatory. Rather, they are established with the explicit intent of providing a coherent vision to guide all new public and private sector development within East Honolulu. This article shall guide any development for East Honolulu, public investment in infrastructure, zoning and other regulatory procedures, and the preparation of the City's annual capital improvement program budget.

Sec. 24-4.3 Adoption of the East Honolulu development plan.

- (a) This article is adopted pursuant to Revised Charter Section 6-909 and provides a self-contained development plan document for East Honolulu. Upon enactment of this article, all proposed developments will be evaluated against how well they fulfill the vision for East Honolulu enunciated in the East Honolulu development plan and how closely they meet the policies, principles, and guidelines selected to implement that vision.
- (b) The plan entitled "East Honolulu Sustainable Communities Plan," attached as an exhibit to this ordinance, has been prepared in accordance with the Charter-prescribed requirements for development plans and is to be accorded force and effect as such for all Charter- and ordinance-prescribed purposes, and is hereby adopted by reference and made part of this article.
- (c) Chapter 24, Article 1, entitled "Development Plan Common Provisions," in its entirety is no longer applicable to the East Honolulu development plan area. The East Honolulu development plan, as adopted by reference by this ordinance, supersedes any and all common provisions previously applicable to the East Honolulu area.

- (d) Ordinance No. 83-6, as amended, entitled, "Article 4, East Honolulu: Part I Development Plan Special Provisions for East Honolulu," and "Part II Development Plan Maps (Land Use and Public Facilities Maps) for East Honolulu," is hereby repealed in its entirety.

Sec. 24-4.4 Existing zoning and subdivision ordinances.

- (a) All existing subdivisions and zoning approved prior to the effective date of this ordinance for projects, including but not limited to those subject to unilateral agreements, shall continue to remain in effect following the effective date of this ordinance.
- (b) Subdivision and zoning ordinances applicable to the East Honolulu development plan area enacted prior to the effective date of this ordinance shall continue to regulate the use of land within demarcated zones of the East Honolulu development plan area until such time as the subdivision and zoning ordinances may be amended to be consistent with the revised East Honolulu development plan.
- (c) Notwithstanding adoption of the revised East Honolulu development plan, application for subdivision actions and land use permits accepted by the department for processing prior to the effective date of this ordinance shall continue to be subject only to applicable ordinances and rules and regulations in effect at the time the application is accepted for processing.

Sec. 24-4.5 Consistency.

- (a) The performance of prescribed powers, duties and functions by all city agencies shall conform to and implement the policies and provisions of this ordinance. Pursuant to Revised Charter Section 6-911.3, public improvement projects and subdivision and zoning ordinances shall be consistent with the East Honolulu development plan.
- (b) Any questions of interpretation regarding the consistency of a proposed development with the provisions of the East Honolulu development plan and the objectives and policies of the general plan shall ultimately be resolved by the council.

- (c) In determining whether a proposed development is consistent with the East Honolulu development plan, the responsible agency shall primarily take into consideration the extent to which the development is consistent with the vision, policies, principles, and guidelines set forth in the East Honolulu development plan.
- (d) Whenever there is a question regarding consistency between existing subdivision or zoning ordinances, including any unilateral agreements, and the East Honolulu development plan, the existing subdivision or zoning ordinances shall prevail until such time as they may be amended to be consistent with the East Honolulu development plan.

Sec. 24-4.6 Implementation.

Implementation of this article relating to the East Honolulu development plan will be accomplished by the following:

- (a) Guiding development in special areas of critical concern, such as Kaiwi Shoreline through the formulation of a special area plan;
- (b) Guiding public investment in infrastructure which supports the vision of the East Honolulu development plan;
- (c) Promoting the policies and guidelines contained in the East Honolulu development plan as the basis of assuring consistency of developments and other improvement projects with the East Honolulu development plan;
- (d) Incorporating the East Honolulu development plan priorities in preparation of the city's annual capital improvement program and budget;
- (e) Evaluating progress in achieving the vision of the East Honolulu development plan periodically and presenting the results of the evaluation in the biennial report which is required by Revised Charter Section 6-910.4; and

(f) Reviewing the vision of the East Honolulu development plan every five years and revising, as necessary, on the basis of that review, the policies, guidelines, and capital improvement program investments therein.

Sec. 24-4.7 Zoning change applications.

(a) All zone change applications relating to land in the East Honolulu development plan area will be reviewed by the department for consistency with the general plan, the East Honolulu development plan, and any applicable special area plan.

(1) The director will recommend either approval, approval with changes, or denial. The director's written review of the application shall become part of the zone change report which will be sent to the planning commission and the city council.

(2) A project master plan shall be a part of an EA or EIS for any project involving 25 acres or more of land. The director shall review the project master plan for its consistency with the East Honolulu development plan.

(3) Any development or phase of a development already covered by a project master plan which has been fully reviewed under the provisions of this article shall not require a new project master plan, provided the director determines that the proposed zone change is generally consistent with the existing project master plan for the affected area.

(4) If a final EIS has already been accepted for a development, including one accepted prior to the effective date of this ordinance, then a subsequent project master plan shall not be required for the development.

(b) For projects which involve a significant zone change, an environmental assessment shall be submitted to the department of planning and permitting prior to an application for a zone change being accepted. Any development or phase of a development which has already

been assessed under the National Environmental Policy Act, HRS Chapter 343, ROH Chapter 25 or the provisions of this article, and for which a FONSI has been filed or a required EIS has been accepted, shall not be subject to further EA or EIS requirements under this chapter.

- (c) The environmental assessment will be reviewed by the department. Based on review of the environmental assessment, the director will determine whether an environmental impact statement will be required or whether a FONSI should be issued.
- (d) If an environmental impact statement is required, the environmental impact statement shall be accepted by the director before a zone change application may be initiated.
- (e) Zone changes shall be processed in accordance with this section, Section 5.4 of the East Honolulu development plan, and Chapter 21.

Sec. 24-4.8 Review of development and other applications.

The review of applications for zone changes and other development approvals will be guided by the vision of the East Honolulu development plan. Decisions on all proposed developments shall be based on the extent to which the project enabled by the development approval supports the policies, principles, and guidelines of the East Honolulu development plan.

The director may review other applications for improvements to land to help the responsible agency determine whether a proposed improvement supports the policies, principles, and guidelines of the East Honolulu development plan.

Sec. 24-4.9 Annual capital improvement program review.

Annually, the director shall work jointly with the chief budget officer and the applicable city agencies to review all projects in the city's capital improvement program and budget for compliance and consistency with the general plan, the East Honolulu development plan and other development plans, any applicable special area plans, and appropriate functional plans. The director will prepare a written report of findings to be included in the budget submittal to the council.

Sec. 24-4.10 Public infrastructure maps.

The city council shall adopt a public infrastructure map for the East Honolulu development plan area. The public infrastructure maps shall not be deemed part of this development plan, shall be adopted by resolution, and shall be revised by resolution in accordance with the procedures set forth in subsection (a).

The public infrastructure maps shall show general locations of major proposed municipal facilities to be funded in the capital improvement budget and certain public utility facilities in the categories listed in subsection (b) below. For budgeting purposes, the funding of capital improvement projects shall not be approved by the council without the projects appearing on the public infrastructure map.

(a) Procedure.

- (1) The department of planning and permitting shall consult with other governmental and community organizations on amendments to the public infrastructure maps.
- (2) Amendments to the public infrastructure map shall be by council resolution. The council shall consider the public infrastructure map in review of the city's annual budget. Public infrastructure map symbols may be administratively deleted by the department of planning and permitting once the improvement or land acquisition is completed. The council shall be informed of the administrative deletion of any public infrastructure map symbol.
- (3) The council resolution amending the map shall include, but not be limited to:
 - (A) The general location of the proposed public infrastructure; and
 - (B) A description of the project as well as the project's size and function.

- (4) Revisions of the public infrastructure maps shall be made only for those public infrastructure items listed in subsection (b) and defined in subsection (c) that are consistent with the general plan, the development plans, any applicable special area plans, and the appropriate functional plans.

(b) Types of Public Infrastructure.

The following types of public improvement projects shall be shown on the public infrastructure maps:

- (1) Corporation yard;
- (2) Desalination plant;
- (3) Drainage way (open channel);
- (4) Energy generation facility;
- (5) Fire station;
- (6) Government building;
- (7) Golf course (public and private);
- (8) Electrical transmission line and substation;
- (9) Park;
- (10) Police station;
- (11) Parking facility;
- (12) Water reservoir;
- (13) Sewage treatment plant;
- (14) Solid waste facility;
- (15) Transit corridor; and
- (16) Arterial roadway.

The alignment of linear facilities, and the location of project boundaries, shall be considered approximate and conceptual.

(c) Applicability criteria.

"Public infrastructure" means any public improvement project funded by the city for land acquisition or construction and certain public utility facilities as listed in subsection (b) and which meets any of the following criteria:

- (1) Establishes a new facility;
- (2) Changes the function of an existing facility;
- (3) Involves modification (replacement or renovation) of existing facilities which would permit significant new development or redevelopment; or
- (4) Costs over \$3,000,000.00 for capital improvements.

An amendment to the public infrastructure map shall not be required if the project:

- (1) Does not impact the surrounding land uses;
- (2) Does not affect the natural environment of the area; or
- (3) Does not change the approved use of an existing park facility such as play courts, play equipment, restrooms, swimming pools, gymnasiums, and recreation buildings.

Any questions of interpretation shall be resolved by the city council.

Sec. 24-4.11 Five year review.

- (a) The department shall conduct a comprehensive review of the East Honolulu development plan, every five years subsequent to the effective date of this ordinance and shall report its findings and recommended revisions to the city council.

- (b) The East Honolulu development plan will be evaluated to assess the appropriateness of the plan's regional vision, policies, design principles and guidelines, and implementing actions, as well as its consistency with the general plan.
- (c) Nothing in this section shall be construed as prohibiting the processing of a revision to the East Honolulu development plan in accordance with the Charter.

Sec. 24-4.12 Biennial report.

In addition to meeting the requirements of Revised Charter Section 6-910.4, the department of planning and permitting's biennial report shall also address the county's achievements and progress in fulfilling the vision of the East Honolulu development plan.

Sec. 24-4.13 Authority.

Nothing in this article shall be construed as an abridgement or delegation of the responsibility of the director, or of the inherent legislative power of the city council, to review or revise the East Honolulu development plan pursuant to the Charter and the above procedures.

Sec. 24-4.14 Severability.

If any provision of this article or the application thereof to any person or property or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

Sec. 24-4.15 Conflicting provisions.

Any provision contained in this article shall, with respect to the East Honolulu development plan area, prevail should there be any conflict with the common provisions or any other provisions under Chapter 24."

ORDINANCE 99-19

BILL 75 (1998), CD2

SECTION 4. Effective Date of the East Honolulu Development Plan. The City Clerk is hereby directed to date the East Honolulu development plan with the effective date of this ordinance.

SECTION 5. This ordinance shall take effect 60 days after its approval.

INTRODUCED BY:

Mufi Hannemann (BR)

DATE OF INTRODUCTION:

August 28, 1998

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this 28th day of May, 1999.

JEREMY HARRIS, Mayor
City and County of Honolulu