

RESOLUTION

AUTHORIZING EXEMPTIONS FROM REQUIREMENTS RELATING TO PLANNING, ZONING, CONSTRUCTION STANDARDS FOR SUBDIVISIONS, DEVELOPMENT AND IMPROVEMENT OF LAND, AND THE CONSTRUCTION OF UNITS THEREON FOR THE WAIAHOLE AGRICULTURAL PARK AND RESIDENTIAL SUBDIVISION PROJECT, WAIAHOLE, OAHU.

WHEREAS, the Hawaii Housing Authority (HHA) and Board of Land and Natural Resources propose to apply for exemptions pursuant to Sections 359G-4.1 and 359G-31, Hawaii Revised Statutes, to develop a comprehensive and coordinated plan for agricultural, water resources and limited residential development in Waiahole Valley, Oahu, with residential units to meet the affordable housing needs of its residents; and

WHEREAS, the Council of the City and County of Honolulu is empowered to approve exemptions from statutes, ordinances, Charter provisions, and rules relating to planning, zoning, construction standards for subdivisions, development and improvement of land and the construction of units thereon pursuant to Sections 359G-4.1 and 359G-31, Hawaii Revised Statutes; and

WHEREAS, the project objectives are consistent with the housing goals and objectives of the City; and

WHEREAS, the granting of certain exemptions is necessary for the timely and successful implementation of the project; and

WHEREAS, the HHA has found, and the Council concurs, that the proposed exemptions will not adversely affect the public health, safety or welfare; and

WHEREAS, the portion of the project that is to be an agricultural park is wholly situated within a state agricultural land use district; and

WHEREAS, the project does not contravene any safety standard or tariff of the Public Utilities Commission for public utilities; and

WHEREAS, the HHA and the Board of Land and Natural Resources have presented plans and specifications for the project to the City Council of the City and County of Honolulu; now, therefore,

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BE IT RESOLVED that the Council of the City and County of Honolulu authorize the following exemptions from requirements relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of units thereon for the Waiahole Valley Agricultural Park and Residential Subdivision project:

1. An exemption from the Koolaupoko Development Plan for the following land uses:

a. Agricultural district to Residential uses (40 acres); and

b. Preservation district to Agricultural uses (3.49 acres).

2. An exemption from Section 21-4.3 of the Comprehensive Zoning Code (CZC) relating to minimum lot area, lot width, yard spacing and maximum lot coverage regulations from an AG-1 Restricted Agricultural District.

Agricultural Areas: Minimum lot area of one acre.
Minimum Average lot width of not less than 60 feet for one-acre lots and 100 feet for lots larger than one acre.
Minimum front, side and rear yard setbacks of 10 feet.

Residential Areas: Minimum lot area of 7,500 square feet
Minimum lot width of 60 feet.
Minimum front yard of 10 feet.
Minimum side and rear yards of 6 feet
Minimum lot coverage of 50 percent of lot area.

Existing dwellings shall be exempt from the yard requirements above, provided that any subsequent modification to any dwelling does not increase the nonconformance.

a. An exemption is further authorized from Section 21-4.4 of the CZC relating to height, provided that the maximum height of buildings or structures shall be 25 feet above the high point of the buildable area boundary line. No provisions for additional setback are required.

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b. An exemption is further authorized from Section 21-4.2b(1) of the CZC relating to accessory uses and structures, specifically the number of dwellings on each lot. If more than one dwelling presently exists on an agricultural lot, all existing dwellings shall be permitted, including demolition and reconstruction of any dwelling. Only one dwelling shall be permitted on a residential lot.

3. Park Dedication: An exemption from Chapter 22, Article 7, ROH, relating to the dedication of parks and playgrounds for subdivisions.

4. Subdivision Standards: An exemption from the road design and construction standards of the Departments of Public Works and Transportation Services relating to roadway width, roadway improvements, drainage improvements and street lighting within the proposed development. All roads shall be owned and maintained by the State. An exemption is further authorized from Chapter 22, Article 5, ROH, relating to underground utilities to allow overhead utility lines.

5. Shoreline Management Area: An exemption from Ordinance No. 84-4 relating to Shoreline Management Areas and permits for subdivisions.

BE IT FURTHER RESOLVED that the requested exemptions are only authorized subject to the developer's compliance with the following conditions:

1. The proposed project shall be State-owned, operated and maintained.

2. The thirty-three (33) new residential lots shall be leased to low- or moderate-income families.

3. The lot area shall be:

a. AG-1 Restricted Agricultural District -- not less than 2 acres except existing residential tenancies within agricultural district shall be a minimum of one (1) acre.

b. R-4 Suburban Residential -- 7,500 square feet for a single family unit.

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4. Setback requirements for new structures shall comply with AG-1 Agricultural District requirements:

Front yard: not less than 25 feet.
Side/rear yards: not less than 15 feet.

5. Any additions, alterations or subsequent modifications of existing dwellings and structures shall conform to the setback and lot coverage requirements established for new construction:

Lot area - 7,500 square feet
Lot width - 65 feet (R-4)
Setbacks - Front - 10 feet
 Other - 5 feet
Lot Coverage - 50%

6. New buildings and structures shall comply with the height setback regulation of 15 feet in order to provide buffer, privacy, light, air and avoid potential adverse impacts on neighboring parcels.

7. HHA shall submit to the City a map indicating all existing dwellings and structures--clearly identified as to use--on each of the proposed lots in the subject subdivision for administration and enforcement purposes.

8. All lots shall be served by roadways with a minimum pavement width of 18 feet, and the pavement material shall be an all weather surface, i.e., asphaltic concrete or reinforced concrete.

9. The State of Hawaii shall be responsible for maintaining and operating the roadway and street lighting system.

10. The posted speed limit shall be 15 to 20 miles per hour.

11. All future developments and structures within the Shoreline Management Area shall be subject to the permit procedure under Ordinance No. 84-4.

12. A subdivision application and construction plans should be submitted and processed in accordance with the subdivision rules and regulations to insure that public welfare and safety are maintained.

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13. All new structures and improvements shall be in compliance with the flood hazard district provisions of Chapter 16, Article 7, and Chapter 21, Article 11, ROH, to insure and maintain the health, safety and welfare of the residents.

14. The water system shall be constructed and maintained by the State of Hawaii. The system shall have adequate flow and pressure to provide necessary fire protection.

15. The State shall comply with any requirement of the Department of the Army relating to permits for any fill below the high water mark of Waiahole, Waianu Streams or adjacent wetlands.

16. The State shall comply with the grading provisions of Chapter 23, Article 2, ROH.

BE IT FURTHER RESOLVED that the final plans and specifications for the project shall not substantially deviate from the plans and specifications submitted to the Council as altered by this resolution; and such plans and specifications, as so altered, shall constitute the zoning, building, construction and subdivision standards for the project; and

BE IT FURTHER RESOLVED that no action may be prosecuted or maintained against the City and County of Honolulu, its officials, or employees, on account of actions taken by them in reviewing or approving the plans and specifications; and

BE IT FURTHER RESOLVED that this Resolution and the authorization for exemptions contained herein shall cease to be in effect if satisfactory work progress, as provided in Section 18-5.4, ROH, has not been made within one year of the date of this Resolution's adoption; and

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BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the Clerk is hereby authorized to transmit copies of this Resolution to the Hawaii Housing Authority and the Board of Land and Natural Resources.

INTRODUCED BY:

Pat T. Mink

Councilmembers

DATE OF INTRODUCTION:

APR 30 1986

Honolulu, Hawaii

(OCS/042986/gw)

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CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

I hereby certify that the foregoing RESOLUTION was adopted by the COUNCIL OF THE CITY AND COUNTY OF HONOLULU on the date and by the vote indicated to the right.

ATTEST:


RAYMOND K. PUA
CITY CLERK


MARILYN BORNHORST
CHAIR AND PRESIDING OFFICER

Dated APR 30 1986

ADOPTED MEETING HELD			
APR 30 1986			
	AYE	NO	A/E
DOO	X		
FAWCETT	X		
WASE			E
KAHANU			E
KIM	X		
MINK	X		
MORGADO	X		
NARVAES	X		
BORNHORST	X		
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Reference:

Report No. CWR-21

Resolution

86-14