

A BILL FOR AN ORDINANCE

TO ADOPT THE REVISED 'EWA DEVELOPMENT PLAN FOR THE CITY AND COUNTY OF HONOLULU.

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

SECTION 1. Purpose. The purpose of this ordinance is to repeal the existing Development Plan (DP) for 'Ewa, Article 3, Chapter 24, Revised Ordinances of Honolulu 1990, and to adopt a new Article 3 incorporating the revised 'Ewa Development Plan.

This development plan ordinance adopts a revised development plan for 'Ewa that presents a vision for 'Ewa'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 Hawai'i Revised Statutes.

SECTION 2. Article 3 of Chapter 24, Revised Ordinances of Honolulu 1990, as amended ("Ewa"), is repealed.

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

**"Article 3. 'Ewa**

**Sec. 24-3.1 Definitions.**

Unless the context otherwise requires, the definitions contained in this section shall govern the construction of this article.

"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.

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



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"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" or "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" or "EA" means a written evaluation prepared in compliance with the environmental council's procedural rules and regulations implementing Hawai'i Revised Statutes Chapter 343 to determine whether an action may have a significant environmental effect.

"Environmental impact statement" or "EIS" means an informational document prepared in compliance with the environmental council's procedural rules and regulations implementing Hawai'i Revised Statutes 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.

"Ewa Development Plan" means the Ewa Development Plan attached hereto as Exhibit A and made a part hereof.

"Finding of no significant impact" or "FONSI" means 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, and guidelines set forth in the Ewa Development Plan.



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"General plan" means the general plan of the City and County of Honolulu as defined by Section 6-1508 of the Charter.

"Hawai'i Revised Statutes" or "HRS" means Hawai'i Revised Statutes, as amended.

"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 also describes how the project conforms to the vision for 'Ewa, and the relevant policies and guidelines for the site, the surrounding lands, and the region.

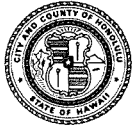
"Revised Ordinances of Honolulu" or "ROH" means Revised Ordinances of Honolulu 1990, as amended.

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

- (1) Changes 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 10 acres to a residential or country zoning district;
- (3) Any change in zoning of more than 5 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 'Ewa Development Plan area that requires more detailed planning efforts beyond what is contained in the 'Ewa Development Plan.

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



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"Unilateral agreement" means a conditional zoning agreement made pursuant to ROH Section 21-2.80 or any predecessor provision that imposes conditions on a landowner or developer's use of the property at the time of the enactment of an ordinance for a zoning change.

"Vision" means the future outlook for the 'Ewa region extending out to the year 2035 and beyond that entails creation of a community growth boundary and an open space network, development of the secondary urban center with its core at Kapolei, building of master planned communities with pedestrian and transit orientation, protection of historic, community and natural resources, and provision of adequate infrastructure and community facilities to meet 'Ewa's existing and future needs.

### **Sec. 24-3.2 Applicability and intent.**

- (a) The 'Ewa Development Plan area encompasses the coral plain which stretches from the northeastern end of Kunia Road down to Waipahū and Pearl Harbor, and around the southwestern corner of O'ahu along the shoreline up to Nānākuli where the coral plain meets the moderately steep slopes of the southerly end of the Wai'anae Mountain range, which form 'Ewa's mauka sector.
- (b) It is the intent of the 'Ewa 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, including the designation of 'Ewa as the secondary urban center for O'ahu and the 'Ewa urban fringe areas as one of the principal areas for residential development.
- (c) The provisions of this article and the 'Ewa 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 'Ewa. This article shall guide development for 'Ewa, public investment in infrastructure, zoning and other regulatory procedures, and the preparation of the City's annual capital improvement program budget.

### **Sec. 24-3.3 Adoption of the 'Ewa Development Plan.**

- (a) This article is adopted pursuant to the Revised Charter Section 6-1509 and provides a self-contained development plan document for 'Ewa. Upon enactment of this article, all proposed developments will be evaluated against how well they fulfill the vision for 'Ewa enunciated in the 'Ewa Development Plan



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and how closely they meet the policies and guidelines selected to implement that vision.

- (b) The plan entitled, "‘Ewa Development Plan," attached as Exhibit A, is hereby adopted by reference and made a part of Chapter 24, Article 3, ROH.
- (c) Chapter 24, Article 1, entitled "Development Plan Common Provisions," in its entirety is no longer applicable to the ‘Ewa Development Plan area. This article and the ‘Ewa Development Plan, as adopted by reference by this ordinance, supersedes any and all common provisions previously applicable to the ‘Ewa Development Plan area.

### **Sec. 24-3.4 Existing zoning and subdivision ordinances, approvals, and applications.**

- (a) All existing subdivisions and zoning approved prior to the effective date of this ordinance shall continue to remain in effect following the enactment of this ordinance.
- (b) Subdivision and zoning ordinances applicable to the ‘Ewa 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 ‘Ewa Development Plan area until such time as the subdivision and zoning ordinances may be amended to be consistent with the ‘Ewa Development Plan.
- (c) Notwithstanding adoption of the ‘Ewa Development Plan, applications 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. 24-3.5 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 article and the ‘Ewa Development Plan. Pursuant to Revised Charter Section 6-1511.3, public improvement projects and subdivision and zoning ordinances shall be consistent with the ‘Ewa Development Plan, as adopted.



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- (b) Any questions of interpretation regarding the consistency of a proposed development with the provisions of the 'Ewa 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 'Ewa Development Plan, the responsible agency shall primarily take into consideration the extent to which the development is consistent with the vision, policies, and guidelines set forth in the 'Ewa Development Plan.
- (d) Whenever there is a question regarding consistency between existing subdivision or zoning ordinances, including any unilateral agreements, and the 'Ewa Development Plan, the existing subdivision or zoning ordinances shall prevail until such time as they may be amended to be consistent with the 'Ewa Development Plan.

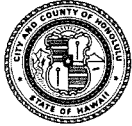
### **Sec. 24-3.6 Review of development and other applications.**

The review of applications for zone changes and other development approvals will be guided by the vision of the 'Ewa 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 and guidelines of the 'Ewa 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 and guidelines of the 'Ewa Development Plan.

### **Sec. 24-3.7 Zone change applications.**

- (a) All zone change applications relating to land in the 'Ewa Development Plan area will be reviewed by the department for consistency with the general plan, the 'Ewa 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.



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- (2) A project master plan shall be 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 'Ewa Development Plan.
  - (3) Any development or phase of 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) Projects which involve a significant zone change shall be required to submit an environmental assessment 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 (NEPA), HRS Chapter 343 (Hawai'i Environmental Policy Act, HEPA), 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 unless otherwise required by NEPA or HEPA.
  - (c) The EA shall be reviewed by the department. Based on review of the EA, the director will determine whether an EIS will be required or whether a FONSI should be issued.
  - (d) If an EIS is required, the EIS must be accepted by the director before a zone change application shall be initiated.
  - (e) Zone changes shall be processed in accordance with this section, Section 5.4 of the 'Ewa Development Plan, and ROH Chapter 21.



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**Sec. 24-3.8 Annual capital improvement program review.**

Annually, the director shall work jointly with the director of the department of budget and fiscal services and the city agencies to review all projects in the city's capital improvement program and budget for compliance and consistency with the general plan, the 'Ewa Development Plan and other development plans, any applicable special area plan provisions, and the appropriate functional plans. The director of planning and permitting will prepare a written report of findings to be submitted to the council in accordance with Revised Charter Section 6-1503.

**Sec. 24-3.9 Five-year review.**

- (a) The department of planning and permitting shall conduct a comprehensive review of the 'Ewa Development Plan, adopted by reference in Section 24-3.3(b), every five years subsequent to the plan's adoption and shall report its findings and recommended revisions to the council.
- (b) The 'Ewa Development Plan will be evaluated to assess the appropriateness of the plan's regional vision, policies, 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 'Ewa Development Plan in the event either the biennial report of the director of the department of planning and permitting or council recommends consideration of such a revision, pursuant to the Revised Charter of the City and County of Honolulu.

**Sec. 24-3.10 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 'Ewa Development Plan pursuant to the city charter and the above procedures.

**Sec. 24-3.11 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.





**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL 65 (2012)

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**Sec. 24-3.12 Conflicting provisions.**

Any provision contained in this article shall prevail should there be any conflict with any other provisions under Chapter 24.”

SECTION 4. Insertion of Effective Date. The City Clerk is hereby directed to date the 'Ewa Development Plan with the effective date of this ordinance.



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SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

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DATE OF INTRODUCTION:

**SEP 17 2012**

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Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
PETER B. CARLISLE, Mayor  
City and County of Honolulu