



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING AND PLANNING

Voting Members:

Brandon J.C Elefante, Chair
Esther Kia'aina, Vice Chair
Radiant Cordero
Calvin K.Y. Say

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
THURSDAY, MARCH 3, 2022
9:00 A.M.

PUBLIC PARTICIPATION AND TESTIMONY

Pursuant to Act 220, Session Laws of Hawaii 2021, and Governor David Ige's Emergency Proclamation Related to COVID-19 (Omicron Variant), issued on January 26, 2022, in order to allow public participation in a manner consistent with safe practices, this meeting will be conducted as a remote meeting by interactive conference technology, with the following procedures 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 <https://www.honolulucitycouncil.org/meetings> or olelo.org and (2) by televised live broadcast on 'Ōlelo TV Channel 54.

After the meeting, the meeting will be viewable on demand at <https://www.honolulucitycouncil.org/meetings>. Copies of older meeting videos may be requested by calling the City Clerk's Office at (808) 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 Zoom video conferencing platform. To participate, persons should visit www.zoom.us, click "Join," enter meeting ID **96343919147**, 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. Zoom testifiers are strongly encouraged to register at least 24 hours before the start of the meeting. Remote testimony will be taken at the start of the agenda and then closed.

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2. To audio conference on the day of the meeting, call **+1-253-215-8782**, enter ID **96343919147**, and Passcode **530685**.
3. Each speaker may not have anyone else read their statement and is limited to a one-minute presentation.

WRITTEN TESTIMONY

Written testimony may be faxed to (808) 768-3826, transmitted via the internet at <http://www.honolulu.gov/ccl-testimony-form.html>, or mailed to Office of the City Clerk, Attention: Information Section, 530 South King Street, Room 100, Honolulu, HI 96813. If submitted, written testimonies, including the testifier's address, email address, and phone number, will be available to the public at <https://hnlidoc.ehawaii.gov>. Written testimony will not be accepted in person at the meeting.

Should you have any questions, please call (808) 768-3801 or send an email to quehara@honolulu.gov.

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MATERIALS AVAILABLE FOR INSPECTION

Meeting materials ("*board packet*" under HRS Section 92-7.5) are accessible at <https://hnlidoc.ehawaii.gov/hnlidoc/browse/agendas> by clicking on the appropriate Committee meeting.

Accommodations are available upon request to persons with disabilities. Please call (808) 768-3801 or send an email to quehara@honolulu.gov at least three working days prior to the meeting.

FOR EXTENSION OF TIME ONLY

1. **[BILL 10 \(2022\)](#) – LUO AMENDMENT RELATING TO USE REGULATIONS.**
Addressing the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 1990 (“Land Use Ordinance”). (Transmitted by Communication [D-74 \[2022\]](#); Bill passed First Reading on 2/23/22) (Current deadline for Council action: 5/2/22)

Related communication:

[D-127 \(2022\)](#) Department of Planning and Permitting, requesting a 180-day extension of time.

FOR ACTION

2. **[RESOLUTION 22-7](#) – REAPPOINTMENT OF MR. FERNANDO J. FRONTERA.**
Confirming the reappointment of Mr. Fernando J. Frontera to serve on the Building Board of Appeals of the City and County of Honolulu for a term expiring on December 31, 2024. (Transmitted by Communication [MM-5 \[2022\]](#); Public hearing held on 1/26/22)

[PROPOSED CD1 TO RESOLUTION 22-7](#) (Submitted by Councilmember Elefante) – The CD1 (OCS2022-0042/1/20/2022 11:45 AM) makes the following amendments:

- A. Moves the fifth WHEREAS clause, regarding engineer and architect license qualifications for four members of the Building Board of Appeals, to be the third WHEREAS clause.
- B. Throughout the Resolution, updates the references to the ROH provision establishing the Building Board of Appeals, its membership, and duties (ROH Section 16-1.1(14)).
- C. In Item (1) of the second WHEREAS clause, clarifies that the Building Board of Appeals also hears and determines appeals of decisions regarding the administration of the Energy Code.
- D. In the renumbered fourth WHEREAS clause, adds a reference to Mayor's Message 5 (2022), dated January 10, 2022.

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- E. Adds the Director of Planning and Permitting as a recipient of a copy of the Resolution.
 - F. Makes miscellaneous technical and nonsubstantive amendments.
3. **RESOLUTION 21-279 – APPOINTMENT OF MR. SCOTT INATSUKA.** Confirming the appointment of Mr. Scott Inatsuka to serve on the Building Board of Appeals of the City and County of Honolulu for a term expiring on December 31, 2026. (Transmitted by Communication [MM-181 \[2021\]](#); Public hearing held on 1/26/22)
- PROPOSED CD1 TO RESOLUTION 21-279** (Submitted by Councilmember Elefante) – The CD1 (OCS2022-0064/1/25/2022 9:08 AM) makes the following amendments:
- A. Moves the fifth WHEREAS clause, regarding engineer and architect license qualifications for four members of the Building Board of Appeals, to be the third WHEREAS clause.
 - B. Throughout the Resolution, updates references to the ROH provision establishing the Building Board of Appeals, its membership, and duties (currently ROH Section 16-1.1(14)).
 - C. In Item (1) of the second WHEREAS clause, clarifies that the Building Board of Appeals also hears and determines appeals of decisions regarding the administration of the Energy Code.
 - D. In the renumbered fourth WHEREAS clause:
 - 1. Adds a reference to Mayor's Message 181 (2021), dated December 9, 2021; and
 - 2. Clarifies that the Mayor has appointed Mr. Scott Inatsuka to replace Mr. Randolph Tamayo, whose term expired on December 31, 2016, and who served as a holdover member until December 31, 2021.
 - E. Makes miscellaneous technical and nonsubstantive amendments.

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4. **RESOLUTION 22-12** – **APPOINTMENT OF MR. ADITYA SITUMEANG.** Confirming the appointment of Mr. Aditya Situmeang to serve on the Building Board of Appeals of the City and County of Honolulu for a term to expire on December 31, 2024. (Transmitted by Communication MM-8 [2022]; Public hearing held on 2/23/22)

PROPOSED CD1 TO RESOLUTION 22-12 (Submitted by Councilmember Elefante) – The CD1 (OCS2022-0125/2/17/2022 4:32 PM) makes the following amendments:

- A. Throughout the Resolution, updates the references to the ROH provision establishing the Building Board of Appeals, its membership, and duties (currently ROH Section 16-1.1 (14)).
 - B. In Item (1) of the second WHEREAS clause, clarifies that the Building Board of Appeals also hears and determines appeals of decisions regarding the administration of the Energy Code.
 - C. Moves the fifth WHEREAS clause, regarding requiring one member of the Building Board of Appeals to be "qualified by experience and training to pass upon matters pertaining to plumbing work," to be the third WHEREAS clause.
 - D. In the renumbered fourth WHEREAS clause, adds a reference to Mayor's Message 8 (2022), dated January 10, 2022.
 - E. Makes miscellaneous technical and nonsubstantive amendments.
5. **CC-54 (2022)** – **DRAFT COMMITTEE REPORT ON THE REVIEW AND EVALUATION OF ZONING BOARD OF APPEALS PURSUANT TO ORDINANCE 17-44.** The Committee will take action on a draft committee report making recommendations to the Council on whether the Charter provision establishing the Zoning Board of Appeals should be retained, amended, or repealed.

Related communication:

D-80 (2022) Report submitted by the Zoning Board of Appeals pursuant to Ordinance 17-44.

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6. **RESOLUTION 22-36 – PREVENT THE DESTRUCTION OF HISTORIC SITES AND RESOURCES.** Requesting the Department of Planning and Permitting and the Hawaii State Historic Preservation Division to coordinate their historic site review and notification procedures to prevent the destruction of historic sites and resources.
7. **BILL 2 (2022), CD1 – SHORT-TERM RENTALS.** Requiring an owner of residential real property to disclose to a potential buyer, prior to the sale of the property, certain information relating to the property's eligibility for use as a short-term rental. (Bill passed Second Reading and Public hearing held on 2/23/22)
8. **BILL 8 (2022) – ADMINISTRATIVE ENFORCEMENT OF CERTAIN CODES.** Addressing the administrative enforcement of certain codes in the Revised Ordinances of Honolulu 1990. (Bill passed First Reading on 1/26/22; Committee postponed action on 2/10/22)

PROPOSED CD1 TO BILL 8 (2022) (Submitted by Councilmember Elefante) – The CD1 (OCS2022-0117/2/17/2022 8:18 AM) makes the following amendments:

- A. In SECTION 2 and generally in accordance with Departmental Communication 107 (2022) submitted by the Department of Planning and Permitting ("DPP"), replaces the amendments to ROH Section 18-7.4 with an amendment to ROH Section 18-4.1 that would (in new subsection (I)):
 1. Require that all building permit applications under ROH Chapter 18 contain a duly notarized signed affidavit from the applicant stating the applicant has no outstanding fines, liens, or obligations owed to the City;
 2. Prohibit the Department of Planning and Permitting from accepting or processing a building permit application unless the applicant has no outstanding fines, liens, or obligations owed to the City, unless the application is to correct a violation on the property; and
 3. Authorize the Department of Planning and Permitting to cancel a building permit application if outstanding fines, liens, or obligations arise while the permit is being processed.
- B. In SECTION 4, specifies that the measure, upon its approval, applies to all building permit applications submitted pursuant to ROH Chapter 18 after the effective date of the measure.
- C. Makes miscellaneous technical and nonsubstantive amendments.

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9. **RESOLUTION 22-1** – **AIRPORT AREA NEIGHBORHOOD TOD PLAN.**
Approving the Airport Area Neighborhood Transit-Oriented Development (TOD) Plan.

CD1 TO RESOLUTION 22-1 (Approved by the Committee at its February 10, 2022 meeting) – The CD1 (OCS2022-0122/2/16/2022 10:28 AM) makes the following amendments:

A. In the text of the Resolution:

1. In the BE IT RESOLVED clause of the Resolution, amends the date of the Airport Area Neighborhood TOD Plan to February 2022 (instead of November 2021); and
2. Makes miscellaneous technical and nonsubstantive amendments.

B. In the Exhibit A plan:

1. Makes the amendments detailed in CC-33 (2022). Also makes an additional amendment to proposed new Figure 6-4 to reference "FAA Glideslope Height Limits" (instead of "FAA Guidescope Height Limits"); and
2. Makes miscellaneous technical and nonsubstantive amendments.

Related communications:

CC-58 (2022) Councilmember Elefante, submitting proposed additional amendments to Resolution 22-1.

D-132 (2022) Department of Planning and Permitting, transmitting proposed amendments to Resolution 22-1.

INFORMATIONAL BRIEFING

10. **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; AND ALL NEIGHBORHOOD TRANSIT-ORIENTED DEVELOPMENT PLANS AND REGULATIONS.**

BRANDON J.C. ELEFANTE, Chair
Committee on Zoning and Planning