



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3077

## COMMITTEE ON ZONING

### Voting Members:

Calvin K.Y. Say, Chair  
Tyler Dos Santos-Tam, Vice-Chair  
Radiant Cordero  
Esther Kia'āina  
Matt Weyer

## AGENDA

REGULAR MEETING  
CITY COUNCIL CHAMBER  
WEDNESDAY, APRIL 5, 2023  
9:00 A.M.

### ORAL TESTIMONY

Oral testimony will be permitted on all items on the agenda, subject to the following restrictions. Each speaker may not have anyone else read their statement and is limited to a one-minute presentation.

#### Remote Testimony

1. For direct access to submit oral testimony call: +1-253-215-8782, enter ID: **83279849463** and Passcode: **952734**.
2. To testify by videoconference visit: <https://hnlldoc.ehawaii.gov/hnlldoc/testimony>. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to the meeting.

Although remote oral testimony is being permitted, this is a regular meeting and not a remote meeting by interactive conference technology under HRS Section 92-3.7. Therefore, the meeting will continue notwithstanding loss of audiovisual communication with remote testifiers or loss of the public broadcast of the meeting.

#### In-Person Testimony in the Council Chamber

Persons wishing to testify are requested to register by 9:00 a.m. by filling out the registration form in person outside the Council Chamber. Persons who have not registered will be given an opportunity to speak following the oral testimonies of the registered speakers.

**Remote and in-person oral testimony will be allowed when each agenda item is taken up, in the following order:**

1. **Remote testimony;**
2. **In-person testimony in the Council Chamber.**

### **WRITTEN TESTIMONY**

Written testimony may be uploaded at <https://hnlldoc.ehawaii.gov/hnlldoc/testimony>, 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, e-mail address, and phone number, will be available to the public at <https://hnlldoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-3816 or send an email to [kiana.pascual@honolulu.gov](mailto:kiana.pascual@honolulu.gov)

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### **MATERIALS AVAILABLE FOR INSPECTION**

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

If you need auxiliary aid/service or other accomodation due to a disability or an interpreter for a language other than English, please call the Office of the City Clerk Information Section at (808) 768-5822 between 7:45 a.m. and 4:30 p.m. or send an email to [kiana.pascual@honolulu.gov](mailto:kiana.pascual@honolulu.gov) at least three (3) business days before the scheduled meeting. It may not be possible to fulfill requests received after this date.

### **VIEWING THE MEETING**

The meeting will be viewable: (1) by internet live streaming through <https://www.honolulucitycouncil.org/meetings>; (2) by televised live broadcast on 'Ōlelo TV Channel 54; and (3) on the monitor situated outside the Council Chamber. Viewers who experience a loss of viewing signal should try switching to another viewing option.

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.

## FOR ACTION

1. **RESOLUTION 23-35 – 91-005 KAOMI LOOP – HONOULIULI (2022/SMA-90).**  
Granting a Special Management Area (“SMA”) Use Permit to allow construction of a sand shed, retaining wall, septic tank with leach fields, and waterline and fire hydrant improvements at 91-055 Kaomi Loop. (Applicant: Hawaiian Cement Corporation) (Transmitted by Communication D-142 [2023]) (Current Deadline for Council Action: 5/2/23)

PROPOSED CD1 TO RESOLUTION 23-35 (Submitted by Councilmember Say) –  
The CD1 (OCS2023-0284/3/30/2023 11:27 AM) makes the following amendments:

- A. Amends the resolution title to remove the Special Management Area abbreviation and address and add the Tax Map Key number and location of the property.
- B. In the first WHEREAS clause, adds the size of the property (approximately 7.65 acres).
- C. In the second WHEREAS clause, adds that no testimony from the public was offered at the public hearing.
- D. In the third WHEREAS clause, clarifies that the references to ROH §§ 25-3.1 and 25-3.2 are referring to the versions of those sections as they read prior to the enactment of Ordinance 23-4 ("Relating to the Special Management Area"), because Ordinance 23-4, effective on March 9, 2023, applies only to permit applications submitted on or after the effective date of the ordinance.
- E. In the BE IT RESOLVED clause, amends the conditions in letter D as follows:
  1. Adds a new list item 3 stating that exterior lighting must be turned off when human activity is not occurring in the illuminated area. Renumbers the list items that follow accordingly.
  2. Amends renumbered list item 4 to state that site work and construction activities are limited to daylight hours at all times, instead of only during seabird fledging season.

3. Removes the last list item stating that barbless fencing must be used for all fence construction because barbed fencing is already prohibited by the building code (see ROH § 16-1.1(33)).
  - F. Makes miscellaneous technical and nonsubstantive amendments.
2. **BILL 56 (2022), CD1 – RELATING TO PERMITS REQUIRED.** Addressing exemptions from the requirement to obtain a building permit. (Bill passed Second Reading and Public Hearing held on 3/15/23)
- PROPOSED CD2 TO BILL 56 (2022), CD1 (Submitted by Councilmember Weyer)  
– The CD2 (OCS2022-0256/3/28/2023 11:17 AM) makes the following amendments:
- A. Amends ROH § 18-3.1(b)(10) by increasing the valuation threshold to \$10,000, instead of \$7,500, providing that work involving structural alterations is not exempt, and clarifying that the valuation threshold applies to both repairs and the replacement of component parts.
  - B. Amends ROH § 18-3.1(b)(11) by providing that work involving structural alterations is not exempt.
  - C. Makes miscellaneous technical and nonsubstantive amendments.
- PROPOSED CD2 TO BILL 56 (2022), CD1 (Submitted by Councilmember Tupola)  
– The CD2 (OCS2022-0262/3/28/2023 2:54 PM) makes the following amendments:
- A. Amends ROH § 18-3.1(b)(6) by reinstating the reference to planter boxes and providing that the exemption applies to retaining walls, fences, and planter boxes not more than six feet in height, provided that they are not located on a street corner or in a flood zone.
  - B. Amends ROH § 18-3.1(b)(10) to exempt repairs and labor for the replacement of component parts of existing work with like-for-like materials for the purpose of maintenance, and that in the aggregate does not exceed \$10,000 in valuation in any 12-month period and do not involve any electrical, plumbing, or mechanical installations.

- C. Amends ROH § 18-3.1(b)(11) by deleting the existing ROH language and adding an exemption for interior remodeling that does not affect building square footage or the number of bedrooms or bathrooms, including, but not limited to, painting, installation of floor covering, cabinet and countertop work, and replacement of existing fixtures, including windows, doors, and appliances.
- D. Amends ROH § 18-3.1(b)(18)(I) by deleting the language stating that the exemption for electrical work applies to like-for-like replacement of component parts and materials for the purpose of maintenance.
- E. Adds proposed new ROH § 18-3.1(b)(18)(J) stating that the exemption for electrical work applies to work exempted under § 18-3.1(b)(11).
- F. Adds proposed new ROH § 18-3.1(b)(28) to read as follows:
  - (28) The following residential energy replacement or installation work:
    - (A) Replacement or installation work for residential energy efficiency purposes, performed by a licensed electrical contractor, valued at \$10,000 or less per device, where the device installed is UL listed;
    - (B) Replacement or installation work for residential energy generation purposes, performed by a licensed electrical contractor, valued at \$25,000 or less per system, where the devices installed are UL listed; and
    - (C) Replacement or installation work for residential energy storage purposes, performed by a licensed electrical contractor, valued at \$25,000 or less per system, where the devices installed are UL listed.
- G. Makes miscellaneous technical and nonsubstantive amendments.

3. **BILL 6 (2023) – RELATING TO PROFESSIONAL SELF-CERTIFICATION.** Helping alleviate the backlog of building permit applications and reviews by giving the building official the authority to allow other outside means of building permit application review for compliance with pertinent codes. (Transmitted by Communication D-105 [2023]) (Bill passed First Reading 2/22/23)

PROPOSED CD1 TO BILL 6 (2023) (Submitted by Councilmember Say) – The CD1 (OCS2023-0211/3/17/2023 11:31 AM) makes the following amendments:

- A. Amends SECTION 3 to provide for the rulemaking authority of the DPP to be codified in the Revised Ordinances of Honolulu as Section 18-2.\_\_\_\_, rather than in an uncoded provision.
  - B. Reorders the content of SECTION 2 and SECTION 3 to reflect the order of the ROH sections amended thereby.
  - C. In SECTION 5 of the bill, adds that the ROH amendments made in renumbered SECTION 3 of the bill (the self-certification provisions) will be repealed seven years after the bill takes effect as an ordinance.
  - D. Makes miscellaneous technical and nonsubstantive amendments.
4. **BILL 8 (2023) – RELATING TO AFFORDABLE HOUSING.** Promoting the development of affordable housing in the City and County of Honolulu. This ordinance does so by delaying the automatic repeal of Ordinance 19-8 (formerly Bill 7(2019), CD2, FD1) and the date by which the Director of Planning and Permitting is directed to provide a report to the City Council with recommendations on whether the program established by Ordinance 19-8 should be repealed, modified, or extended. The new chapter (“Affordable Rental Housing”) enacted by Ordinance 19-8, SECTION 2, has been codified as Chapter 32, Revised Ordinances of Honolulu 2021 and was scheduled to “sunset” on May 19, 2023. (Bill passed First Reading 3/15/23)

5. **BILL 21 (2023) – RELATING TO THE HOUSING CODE.** Amending the Housing Code to align the building requirements of the City and County of Honolulu with the IBC in specific areas, including requirements relating to the provision of light and ventilation. (Bill passed First Reading 3/15/23)

PROPOSED CD1 TO BILL 21 (2023) (Submitted by Councilmember Say) – The CD1 (OCS2023-0289/3/30/2023 1:32 PM) makes the following amendments:

- A. In SECTION 2 of the bill, amends ROH § 16A-4.4 by deleting subsections (a) through (d) and adding new subsections (a) and (b) to read as follows:
  - (a) Every space intended for human occupancy must comply with the natural light or artificial lighting standards and requirements of § 16-1.1.
  - (b) Buildings must be provided with natural ventilation or mechanical ventilation in accordance with the standards and requirements of § 16-1.1.
- B. Corrects the numbering of bill SECTIONS 4 and 5 to bill SECTIONS 3 and 4, respectively.
- C. In renumbered SECTION 3 of the bill (instructions to the Revisor of Ordinances), adds language that ordinance material to be repealed is bracketed and stricken.
- D. Makes miscellaneous technical and nonsubstantive amendments.

PROPOSED CD1 TO BILL 21 (2023) (Submitted by Councilmember Say) – The CD1 (OCS2023-0298/3/30/2023 4:06 PM) makes the following amendments:

- A. In SECTION 2 of the bill, amends ROH § 16A-4.4 by deleting proposed subsection (e) and adding a new subsection (e) to read as follows:
  - (e) *Applicability.* This section does not apply to multistory units, as that term is defined in the building code, that are not permitted to comply with the International Residential Code pursuant to § 16-1.1(2). For those multistory units that may not comply with the International Residential Code:

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- (1) Every space intended for human habitation must comply with the natural light or artificial lighting standards and requirements of the building code; and
    - (2) Buildings must be provided with natural ventilation or mechanical ventilation in accordance with the standards and requirements of the building code.
  - B. Corrects the numbering of bill SECTIONS 4 and 5 to bill SECTIONS 3 and 4, respectively.
  - C. In renumbered SECTION 4 of the bill (effective date), adds that:
    1. This ordinance does not affect any building permits that had been issued prior to the effective date of this ordinance; and
    2. All building permit applications received prior to the effective date of this ordinance and deemed complete for processing by the Department of Planning and Permitting must be processed in accordance with Section 16A-4.4, Revised Ordinances of Honolulu 2021, as it read prior to the effective date of this ordinance.
  - D. Makes miscellaneous technical and nonsubstantive amendments.
6. **CC-93 (2023) – DRAFT COMMITTEE REPORT ON THE REVIEW AND EVALUATION OF THE BUILDING BOARD OF APPEALS PURSUANT TO ORDINANCE 17-44, CODIFIED AS CHAPTER 3, ARTICLE 15, REVISED ORDINANCES OF HONOLULU 2021, AS AMENDED.** The Committee will take action on a draft committee report making recommendations to the Council on whether the ordinances establishing the Building Board of Appeals should be retained, amended, or repealed.

Related communication:

D-72 (2023) Report submitted by Building Board of Appeals pursuant to Ordinance 17-44, codified as Chapter 3, Article 15, Revised Ordinances of Honolulu 2021, as amended.



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**INFORMATIONAL BRIEFING**

7. **UPDATE BY THE DEPARTMENT OF PLANNING AND PERMITTING REGARDING THE STATUS OF ALL PENDING LAND USE ORDINANCE AMENDMENTS.**

CALVIN K.Y. SAY, Chair  
Committee on Zoning