



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'aina
Matt Weyer

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
WEDNESDAY, JUNE 21, 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: **85471006953** and Passcode: **607591**
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://hnldoc.ehawaii.gov/hnldoc/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://hnldoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-3816 or send an email to 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://hnldoc.ehawaii.gov/hnldoc/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 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 olelo.org and (2) by televised live broadcast on 'Ōlelo TV Channel 54. 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 23-118 – 1001 KAIMOKU PLACE – WAI‘ALAE (2023/SMA-7).**
Granting a Special Management Area (“SMA”) Use Permit to David Kim (“Applicant”) to allow for the demolition of an existing single-family dwelling, the construction of a single-family dwelling that includes a new driveway, three car garage, swimming pool, on an approximately 27,546-square-foot shoreline lot, located in the R-7.5 Residential District at 1001 Kaimokou Place in Kai Nani Neighborhood of Wai‘alae, and identified as TMK 3-5-058: 011 (hereinafter referred to as the “Project”). (Applicant: David Kim) (Transmitted by Communication D-351[23]) (Current Deadline for Council Action: 7/29/23)

PROPOSED CD1 TO RESOLUTION 23-118 (Submitted by Councilmember Say) –
The Proposed CD1 (OCS2023-0553/6/14/2023 10:16 AM) makes the following amendments:

- A. Amends the resolution title to read as follows:

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO ALLOW
THE CONSTRUCTION OF A NEW SINGLE FAMILY DWELLING UNIT
AND OTHER IMPROVEMENTS AT TAX MAP KEY 3-5-058:011 IN
WAI‘ALAE, O‘AHU.

- B. In the second WHEREAS clause, corrects the date of the public hearing to April 28, 2023 (instead of May 20, 2022) and the public hearing attendees.
- C. In the third WHEREAS clause, corrects the reference to the Revised Ordinances of Honolulu 2021 ("ROH") (instead of ROH 1990) and 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"), which took effect on March 9, 2023, because Ordinance 23-4 applies only to permit applications submitted on or after the effective date of the ordinance.
- D. In the fourth WHEREAS clause, corrects the date that the City Council received the findings and recommendation of the Department of Planning and Permitting ("DPP") to May 30, 2023.
- E. In the BE IT RESOLVED clause:
 1. In Condition A, adds that any new application for an SMA Use Permit for the Project will be processed in accordance with the ordinance

and statute in effect at the time the new application is accepted by the DPP.

2. In Condition D, clarifies that the "stop work" requirement must be clearly stated on all Project construction permit and building permit plans (instead of "any earth-moving development permit plans and building plans").
3. In Condition C, clarifies that the archaeological monitoring requirement must be noted on the Construction permit plans and building plans (instead of "development" permit plans).
4. In Condition E, (1) revises list item 6 to add that a 300-foot buffer must be observed if a monk seal pup is present; otherwise a 150-foot buffer is sufficient, and (2) clarifies that the enumerated conditions relating to minimizing impacts to species that may traverse the vicinity of the Project site must be clearly stated under "Environmental Notes" on all Project construction permit and building permit plans (instead of "any development permit plans and building plans").
5. In Condition F, replaces all references to a "development permit" with references to a "construction permit or building permit."
6. In Condition G, conforms the language relating to compliance with City ordinances and other governmental requirements to the standard language included in SMA Use Permit resolutions.

F. Makes miscellaneous technical and nonsubstantive amendments.

2. **RESOLUTION 23-62 – 1538 KAPI‘OLANI TOWER PROJECT (2022/PDP-1).** Approving a conceptual plan for an Interim Planned Development-Transit (IPD-T) Permit to 1538 Kapi‘olani LLC (herein referred to as the “Applicant”) to redevelop 40,166 square feet of land with a mixed-use development project in the Ala Moana Neighborhood Transit Oriented Development (TOD) Plan Area on land zoned BMX-3 Community Business Mixed-Use District located at 1538 Kapi‘olani Boulevard, and identified as Tax Map Key(s) 2-3-021: 006 (herein referred to as the “Project”). (Applicant: JL Ala Moana LLC) (Transmitted by Communication D-260 [2023]) (Current Deadline for Council Action: 10/15/23)

3. **BILL 18 (2023) – RELATING TO SPECIAL ASSIGNMENT INSPECTIONS.**
Addressing special assignment inspections. (Bill passed First Reading on 3/15/23)

PROPOSED CD1 TO BILL 18 (2023) (Submitted by Councilmember Tupola) –
The CD1 (OCS2023-0354/5/16/2023 10:28 AM) makes the following amendments:

- A. Amends ROH § 18-3.1(c)(2) by adding a reference to obtaining required agency approvals (in addition to obtaining all applicable discretionary permits).
- B. Amends ROH § 18-3.1(c)(3) by adding that stormwater quality compliance includes approval by the building code NPDES Plans Examining Section, where applicable, and replacing "discretionary permits" with "discretionary approvals."
- C. Amends renumbered ROH § 18-3.1(c)(7) by replacing "drawings used" with "drawings submitted," adding that drawings must be "in addition to" drawings submitted with the building permit application, and adding that the applicant must ensure that all sets of drawings are issued for construction and stamped by a licensed professional, where required.
- D. Amends renumbered ROH § 18-3.1(c)(9) by deleting the provision that if a building permit is not issued within a 18-month period, the applicant may submit a new request for a special assignment inspection and replacing it with a provision that if a building permit is not issued within 365 days of the building permit application creation date, the special assignment inspection will expire.
- E. Amends renumbered ROH § 18-3.1(c)(10) by adding "or certificate of completion" after "certificate of occupancy."
- F. Adds at the end of ROH § 18-3.1(c) the following:

Failure of the owner or designated representative to obtain the building permit prior to completion of the project may result in fines of \$50 per day until the building permit is approved for issuance.
- G. Makes miscellaneous technical and nonsubstantive amendments.

4. **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; Committee amended to CD1 and postponed action 4/5/23)

CD1 TO BILL 6 (2023) (Approved by the Committee at its April 5, 2023 meeting)
– 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.

CALVIN K.Y. SAY, Chair
Committee on Zoning