



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, JULY 26, 2023
9:00 A.M.

PUBLIC PARTICIPATION AND TESTIMONY

Pursuant to Section 92-3.7, Hawai'i Revised Statutes, 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

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.

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. 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 **86209810554** and Passcode **619221**.
2. To testify by videoconference visit: <https://hnlidoc.ehawaii.gov/hnlidoc/testimony>. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to 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.

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://hnlidoc.ehawaii.gov/hnlidoc/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, email address and phone number, will be available to the public at <https://hnlidoc.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://hnlidoc.ehawaii.gov/hnlidoc/browse/agendas> by clicking on the appropriate Committee meeting.

If you need an auxiliary aid/service or other accommodation 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 as soon as possible or at least three (3) business days before the scheduled meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

FOR ACTION

1. **RESOLUTION 23-132 – EXTENDING DEADLINE TO OBTAIN A BUILDING PERMIT FOR THE PROJECT AT 120 KAIULANI AVENUE.** Amending Resolution 19-225, CD1 to extend the deadline to obtain a building permit for a Planned Development-Resort Project for the Princess Kaiulani Redevelopment of 4.153 acres with mixed use retail and resort at 120 Kaiulani Avenue, Waikiki. (Applicant Kyo-ya Kaiulani, LLC) (Transmitted by Communication D-377[23]) (Current Deadline for Council Action: 8/12/23)

PROPOSED CD1 TO RESOLUTION 23-132 (Submitted by Councilmember Say) – The CD1 (OCS2023-0648/7/18/2023 8:19 AM) makes the following amendments:

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

"AMENDING RESOLUTION 19-225, CD1, TO EXTEND THE DEADLINE TO OBTAIN A BUILDING PERMIT FOR A PLANNED DEVELOPMENT-RESORT PROJECT FOR THE REDEVELOPMENT OF 4.153 ACRES WITH MIXED-USE RESORT AND RETAIL USES IN WAIKIKI, O'AHU."
- B. In the second WHEREAS clause, adds that the Project's Major Special District Permit is DPP File No. 2019/SDD-20.
- C. In the fourth WHEREAS clause, provides that the Applicant's request for a six-year extension of the deadline to obtain a building permit for the Project is described in Departmental Communication 377 (2023).
- D. Adds new fifth, sixth, seventh, eighth, and ninth WHEREAS clauses to detail the reasons the Applicant has requested a six-year extension of the deadline.
- E. In the first BE IT FURTHER RESOLVED clause, requires the Applicant to submit reports to the Department of Planning and Permitting documenting the progress of the Project in complying with the conditions imposed by Resolution 19-225, CD1, and the Project's Major Special District Permit on a biennial (every two years) instead of biannual (twice a year) basis.
- F. Makes miscellaneous technical and nonsubstantive amendments.

2. **BILL 41 (2023) – RELATING TO WIND MACHINES.** Addressing wind machine setbacks. This amendment to the Land Use Ordinance is being severed from Bill 10 (2022), as amended, in order to consider it separately. (Bill passed First Reading on 7/12/23)
3. **BILL 23 (2023) – RELATING TO THE BUILDING CODE.** Amending the Building Code of the City and County of Honolulu to further address fences. (Bill passed Second Reading and Public Hearing held on 6/7/23)
4. **BILL 18 (2023) – RELATING TO SPECIAL ASSIGNMENT INSPECTIONS.** Addressing special assignment inspections. (Bill passed First Reading on 3/15/23; Committee Postponed action on 6/21/23)

PROPOSED CD1 TO BILL 18 (2023) (Submitted by Councilmember Say) – The CD1 (OCS2023-0673/7/20/2023 10:56 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 National Pollutant Discharge Elimination System Plans Examining Section, where applicable, and replacing "discretionary permits" with "discretionary approvals."
- C. Amends ROH 18-3.1(c)(5) by amending the requirement that the building permit application must not involve a single-family or two-family detached dwelling by providing that the building permit application must not involve the construction, renovation, or expansion of a single-family or two-family detached dwelling that exceeds a floor area ratio (FAR) of 0.60.
- D. Amends ROH § 18-3.1(c)(8) 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.
- E. Amends ROH § 18-3.1(c)(10) 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 after the building permit application has been accepted as complete by the building official, the special assignment inspection will expire.

- F. Amends ROH § 18-3.1(c)(11) by adding "or certificate of completion" after "certificate of occupancy."
- G. Adds a new ROH § 18-3.1(c)(1) to read: "Prior to the provision of electrical service by a public utility, a city electrical inspector must approve "the electrical service equipment and the installation of the electrical system, and a building permit must be issued for the project."
- H. 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.
- I. Makes miscellaneous technical and nonsubstantive amendments.

PROPOSED CD1 TO BILL 18 (2023) (Submitted by Councilmember Tupola) – The CD1 (OCS2023-0668/7/19/2023 1:02 PM) 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 ROH § 18-3.1(c)(5) by amending the requirement that the building permit application must not involve a single-family or two-family detached dwelling by providing that the building permit application must not involve a single-family or two-family detached dwelling that exceeds a floor area ratio of 0.6.
- D. Amends ROH § 18-3.1(c)(8) 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.

- E. Amends ROH § 18-3.1(c)(10) 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 18 months after the building permit application creation date, the special assignment inspection will expire.
 - F. Amends ROH § 18-3.1(c)(11) by adding "or certificate of completion" after "certificate of occupancy."
 - G. Adds at the end of ROH § 18-3.1(c) the following:

"Failure of the owner or the owner's designated representative to obtain the building permit prior to completion of the project may result in fines of up to \$50 per day until the building permit is approved for issuance."
 - H. Makes miscellaneous technical and nonsubstantive amendments.
5. **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 postponed action 6/21/23)
- 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.

PROPOSED CD1 TO BILL 6 (2023) (Submitted by Councilmember Kia‘āina) – The CD1 (OCS2023-0623/7/5/2023 3:30 PM) makes the following amendments:

- A. Deletes SECTION 3 of the bill and renumbers SECTIONS 4 and 5 as SECTIONS 3 and 4.
 - B. Amends SECTION 2 of the bill, which amends ROH § 18-5.1(a), by:
 - 1. Incorporating language relating to the rulemaking authority of the DPP as part of ROH § 18-5.1(a), rather than in an uncodified SECTION (formerly SECTION 3); and
 - 2. Removing the authority of the building official to cause applications, plans, specifications, computations, and other data filed by an applicant for a permit to be reviewed by a professional authorized to self-certify that the plans, specifications, computations, and other data are correct, accurate, and in compliance with all applicable laws.
 - C. In renumbered SECTION 4 of the bill, provides that the amendments made to ROH § 18-5.1(a) in SECTION 2 of the bill will be repealed four years after the bill's effective date.
 - D. Makes miscellaneous technical and nonsubstantive amendments.
6. **RESOLUTION 23-140 – 1508 MOKULUA DRIVE – LANIKAI (2023/SMA-12).** Granting a Special Management Area (“SMA”) Use Permit to Concept 2 Completion (“Applicant”) to allow the Repair and an addition to an existing single-family detached dwelling, and related site improvements, on a shoreline lot located of approximately 27,000 square foot (0.62 acres) of land zoned R-10 Residential District and P-1 Preservation Districts, at 1508 Mokulua Drive in Lanikai and identified as TMK 4-3-003: 074 (hereinafter referred to as the “Project”). (Applicant: Concept 2 Completion) (Transmitted by Communication D-414[23]) (Current Deadline for Council Action: 8/19/23)

7. **RESOLUTION 23-160 – HALE MŌ'ILI'ILI AFFORDABLE RENTAL 201H PROJECT FOR NATIVE HAWAIIANS (2023/GEN-2)**. Authorizing, pursuant to HRS Section 201H-38, exemptions from certain City application fees, infrastructure, or public works fees and charges, and development standards for the development of the Hale Mō'ii'ili affordable rental project for Native Hawaiians, on approximately 1.89 acres of land zoned P-2 General Preservation District located at 820 Isenberg Street and Identified as Tax Map Keys 2-7-008: 018 and 020 (the "Project"). (Applicant: Department of Hawaiian Homelands) (Transmitted by Communication D-473 [2023]) (Current Deadline for Council Actions: 8/11/23)

PROPOSED CD1 TO RESOLUTION 23-160 (Submitted by Councilmember Say) – The Proposed CD1 (OCS2023-0655/7/19/2023 2:29 PM) makes the following amendments:

- A. Amends the resolution title to read as follows:
- "AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE HALE MŌ'ILI'ILI AFFORDABLE RENTAL PROJECT FOR NATIVE HAWAIIANS IN MŌ'ILI'ILI, O'AHU."
- B. In the first WHEREAS clause, references Exhibits A, B, and C-1 through C-17, which are attached to the resolution.
- C. Adds a new second WHEREAS clause to provide that the legal basis of the Department of Hawaiian Home Lands ("DHHL"), an agency of the State of Hawai'i, is the Hawaiian Homes Commission Act of 1920, as amended (the "Act"), which was enacted by the United States Congress to protect and improve the lives of native Hawaiians, and which created the Hawaiian Homes Commission to administer certain public lands as homesteads (now the responsibility of the DHHL).
- D. Adds a new third WHEREAS clause to provide that under the Act, the DHHL is not subject to compliance with the Land Use Ordinance, Chapter 21, Revised Ordinances of Honolulu 2021 ("ROH"), or the City's Subdivision Ordinance, ROH Chapter 22, and the rules and regulations thereunder.
- E. In the fourth and fifth WHEREAS clauses, clarifies the description of the Project.
- F. Adds a sixth WHEREAS clause to provide that all affordable dwelling units will remain affordable for a minimum period of 75 years.

- G. In the ninth WHEREAS clause, provides that the Project's preliminary plans and specifications (dated June 3, 2022), were submitted to the Council by the DPP on July 6, 2023, by Departmental Communication 499 (2023).
- H. In the BE IT RESOLVED clause:
1. Separates Exemption 5 into two separate exemptions (5 and 6) as follows:
 - a. In Exemption 5, provides for an exemption from the payment of wastewater system facility charges attributed to 250 affordable units rented to households earning 80 percent or below of the AMI, estimated at \$1,157,800;
 - b. In Exemption 6, provides for a deferral until the issuance of a certificate of occupancy for the Project of payment of wastewater system facility charges attributed to 28 affordable units rented to households earning more than 80 percent of the AMI, estimated at \$129,674.
 4. Deletes former Exemptions 6 and 7, relating to an exemption from the payment of wastewater sewer installation charges (estimated at \$19,785.36), and an exemption from the payment of wastewater sewer service fees (estimated at \$25,000), respectively. The Department of Environmental Services ("ENV") has confirmed that the fees are necessary to provide sewer services (the former is a development cost to install the pipes to connect to the main sewer line, and the latter is a recurring monthly service fee). Renumbers subsequent exemptions.
 5. In renumbered Exemption 8, clarifies that the deferrals from the payment of water system facility charges and installation of water services fees are until the installation of the water meter (instead of until the issuance of a certificate of occupancy for the Project). The actual fees to be deferred (instead of waived) will be determined by the Board of Water Supply during review of the Project's building permit application.
 6. Adds a new Exemption 9 to provide that with respect to land uses and development standards, the DHHL is not subject to compliance with the Land Use Ordinance or the Subdivision Ordinance (including park dedication requirements); therefore, no exemptions from the Land Use Ordinance or the Subdivision Ordinance are needed.

7. Deletes former Exemptions 10 and 11, relating to an exemption from the payment of State general excise taxes (estimated at \$5,600,000), and an exemption from the payment of Disability Communications Access Board ("DCAB") review fees (estimated at \$25,000). Any waiver of GET and DCAB fees are within the purview of the State.
- I. In the first BE IT FURTHER RESOLVED clause:
 1. In Condition B (relating to traffic conditions):
 - a. In Condition B.1, moves the timing of the submittal of the Construction Management Plan ("CMP") and Traffic Management Plan ("TMP") to Condition B.2 (the CMP must be submitted and approved prior to the issuance of demolition and building permits for major Project construction work) and Condition B.3 (the TMP must be submitted and approved prior to the issuance of a temporary certificate of occupancy ("CO") for the Project).
 - b. In Condition B.2, clarifies the information that must be included in the CMP.
 - c. In Condition B.3, clarifies the information that must be included in the TMP, and requires a post TMP approximately one year after the issuance of a CO for the Project to validate the relative effectiveness of the various traffic demand management ("TDM") strategies identified in the initial TMP.
 - d. In Condition B.4, requires that the Applicant submit an update to the initial Traffic Analysis Report ("TAR") dated October 2022, requires the Applicant to implement the recommendations of the updated and post TARs in coordination with the DPP, and moves the bicycle requirements to Condition C.
 - e. Adds a new Condition C to provide that prior to the issuance of a building permit for the Project, the Applicant is required to submit to the DPP for review and approval revised site plans showing the location of short-term and long-term bicycle parking in safe and convenient locations on the Project site. Requires additional bicycle racks to be installed if the DPP Director determines there is a latent demand and the existing number of racks is inadequate.

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- f. Adds a new Condition D to add standard City vehicular access point and driveway requirements (recommended by the DPP but inadvertently omitted from the resolution).
 - g. Adds a new Condition E to provide that prior to the issuance of any building permit for the Project, the Applicant shall execute a 201H Agreement with the DPP Director that includes terms, conditions, and provisions to facilitate the efficient development and monitoring of the Project, and to ensure the Project's compliance with the requirements of HRS Chapter 201H and the resolution.
- J. In the second BE IT FURTHER RESOLVED clause:
 - 1. Adds that references to the DHHL include any successor agency.
 - 2. Specifies that references to specific statutes, ordinances, rules, or regulations include respective successor statutes, ordinances, rules, or regulations.
- K. Adds a fourth BE IT FURTHER RESOLVED clause to provide that the resolution is null and void unless construction of the Project commences no later than 60 months after the adoption of the resolution.
- L. In the seventh (formerly sixth) BE IT FURTHER RESOLVED clause, changes the reference from Condition C to Condition E.
- M. Makes miscellaneous technical and nonsubstantive amendments.

Related communication:

<u>D-499[23]A</u> ;	Department of Planning and Permitting, submitting
<u>D-499[23]B</u> ;	Supplemental Plans and Specifications for Departmental
<u>D-499[23]C</u> ;	Communication D-473(23), Hale Mō'ili'ili Affordable Rental
<u>D-499[23]D</u>	Project for Native Hawaiians.

8. **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]; Public hearing held on the Resolution and proposed CD1 on 7/12/23) (Current Deadline for Council Action: 10/15/23)

CD1 TO RESOLUTION 23-62 (Approved by the Committee at its June 21, 2023 meeting) – The CD1 (OCS2023-0588/6/16/2023 4:14 PM) makes the following amendments:

- A. Amends the resolution title to read as follows:
- "APPROVING A CONCEPTUAL PLAN FOR AN INTERIM PLANNED DEVELOPMENT-TRANSIT PROJECT FOR THE 1538 KAPI‘OLANI TOWER MIXED-USE DEVELOPMENT."
- B. In the second and third WHEREAS clauses, clarifies the description of the Project.
- C. Adds a new third WHEREAS clause to provide details on the Project's proposed 101 affordable rental units that are being provided at two offsite locations.
- D. In the fifth, sixth, and seventh WHEREAS clauses, provides that the DPP completed its findings and recommendation for the Project on April 12, 2023, which was received by the Council on April 18, 2023, as Departmental Communication 260 (2023).
- E. Deletes Condition D, which would have NOT allowed the parking podium to encroach into the 20-foot above the ground floor height setback along Kapi‘olani Boulevard, and would have required the Applicant to submit to the DPP updated plans showing that the parking podium complies with the height setback along Kapi‘olani Boulevard. Realphabetizes subsequent conditions.
- F. In realphabetized Condition D, clarifies that the residential tower or parking podium may encroach into the BMX-3 District height setback requirements as specified in Condition D.

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1. In Condition D.2, provides that the parking podium may encroach 13 feet (instead of 3 feet) into the Makaloa Street height setback.
 2. In Condition D.4, provides that the parking podium may encroach 13 feet (instead of 3 feet) into the height setback along the western property line.
 3. Adds a new Condition D.5 to provide that the parking podium may encroach 3 feet into the 20-foot above the ground floor height setback along Kapi'olani Boulevard.
- G. Adds a new Condition E to provide that the Project may encroach 10 feet into the BMX-3 District eastern and western side yard requirements (the Project does not provide any side yards). Realphabetizes subsequent conditions.
- H. In realphabetized Condition G:
1. In relaphabetized Condition G.1, clarifies the Project's affordable rental housing requirements under ROH Chapter 29 and as a community benefit to offset the Project's height and density bonuses. Clarifies that an affordable housing agreement must be executed and recorded with the State Bureau of Conveyances or the Land Court of the State of Hawaii, or both, as appropriate.
 2. In realphabetized Condition G.3, clarifies that a car-share plan is required under Condition H.7, and a signage plan is required under Condition L.
- I. In realphabetized Condition H:
1. Deletes realphabetized Condition H.1, which would have required that the updated parking podium design and layout comply with the 20-foot height setback requirement along Kapi'olani Boulevard and accommodate a maximum 414 off-street vehicle parking spaces. Renumbers subsequent provisions in Condition H.
 2. In realphabetized and renumbered Condition H.1, requires details showing the number and location of the 38 short-term and 224 long-term bicycle parking spaces and bikeshare stations. Requires all short-term bicycle parking spaces to be located on the ground floor in visible and easily identifiable areas near building entrances. Also requires specification of bicycle rack types for the short-term and long-term bicycle parking spaces, and the location of wayfinding signage for the short-term bicycle parking spaces.

3. In realphabetized and renumbered Condition H.2, clarifies that the updated floor plans must include preliminary dwelling unit calculations pursuant to the DPP's Affordable Housing Rules, indicating how the number and type of affordable rental units provided pursuant to ROH Chapter 29 and as a community benefit pursuant to Condition G.1 were calculated to comply with the room factor and unit mix requirements.
 4. Adds a new Condition H.4 to require updated Project plans that accurately show height setback encroachments along the eastern and western property lines.
 5. Adds a new Condition H.5 to require details showing how the porte cochere parking spaces will be used and how traffic control through the porte cochere will be managed.
 6. Adds a new Condition H.6 to require details showing the relocation of the planter boxes within the 22-foot wide pedestrian walkway along Kapi'olani Boulevard so they do not interfere with usable space, and indicating how the pedestrian walkway space will be activated.
 7. Adds a new Condition H.7 to require details showing the number and location of the 10 car-share parking spaces and vehicles.
- J. In realphabetized Condition I, requires that the Applicant commit in writing to implement all mitigation measures and protocols for archaeological historic properties and cultural resources recommended in the Archaeological Inventory Survey ("AIS"), including but not limited to the discovery of iwi on the Project site. Alternatively, the Applicant may submit to the DPP a copy of a letter from the State Historic Preservation Division ("SHPD") indicating that an AIS is not required.
- K. In realphabetized Condition J, clarifies that the update to the Project's preliminary wind study, dated July 25, 2022, must include a wind tunnel test to quantify the wind conditions and evaluate the effectiveness of any wind mitigation strategies for public areas identified in the preliminary wind study, including the Project's amenity and recreation decks. Requires the Applicant to implement the recommendations of the updated wind study.

- L. In realphabetized Condition K:
 - 1. In realphabetized Condition K.1, provides that the timeline must be in a format acceptable to the DPP, and that the initial traffic impact analysis report was dated October 2022.
 - 2. In realphabetized Condition K.2, clarifies the items that must be included in the construction management plan.
 - 3. In realphabetized Condition K.3, clarifies the items that must be included in the traffic management plan.
 - 4. In realphabetized Condition K.4, provides that the initial traffic impact analysis report ("TIAR") was prepared by Wilson Okamoto Corporation. Requires the Applicant to implement recommendations of the updated (or initial and separate supplemental) and post TIARs.
- M. Adds a new Condition L to provide that prior to the issuance of a certificate of occupancy ("CO") for the Project's commercial tenants, the Applicant is required to submit to the DPP for review and approval a signage plan, including wayfinding signage located on the Project site and in the rights-of-way with directions to the future Kālia Rail Station, bus stops, taxi stands, car-share areas, bikeshare facilities, regional attractions, public parks, onsite public gathering places, and significant cultural resources in the vicinity of the Project site.
- N. Adds a new Condition M to provide that development of 765 Amana Street and 1564 Kalākaua Avenue (the "Affordable Rental sites") must comply with all applicable LUO standards and requirements. If an Affordable Rental site is being developed pursuant to ROH Chapter 32 ("Affordable Rental Housing"), development of that site must comply with the standards and requirements of ROH Chapter 32.
- O. Adds a new Condition N to provide that prior to the issuance of any building permits for the Project, the Applicant is required to make a cash contribution to the City in the amount of \$160,000, to be used toward constructing future bicycle lanes and pedestrian walkways in the vicinity of the Project site or the Affordable Rental sites, or toward complete streets improvements to the Ala Moana Neighborhood TOD Plan area, or any combination thereof. Realphabetizes subsequent conditions.
- P. Conforms realphabetized Condition Q to the standard language for IPD-T resolutions relating to the deadline for the Applicant to obtain a building permit for the Project, and extensions of that deadline.

- Q. Conforms realphabetized Condition R to the standard language for IPD-T resolutions relating to conformance with the Project's conceptual plan, and provides an exception to comply with Condition H, which requires that the Project's application for a Major Special District Permit include certain updated plans and documents.
- R. Adds a new first BE IT FURTHER RESOLVED clause to provide findings of the Council regarding the Project's conceptual plan, as conditioned in the resolution, as follows:
1. The Project concept, as a unified plan, is in the general interest of the public;
 2. The requested Project boundaries and requested flexibility with respect to development standards relating to maximum building height, maximum density, height setbacks, and side yards are generally consistent with the objectives of transit-oriented development and the provisions enumerated in ROH §§ 21-9.100-8(a)(1)(E), 21-9.100-8(a)(1)(F), and 21-9.100-9(b);
 3. The requested flexibility with respect to development standards relating to maximum building height, maximum density, height setbacks, and side yards are commensurate with the public amenities and community benefits proposed;
 4. The Project's additional density and height will not be detrimental to the quality of the neighborhood character or urban design, and will not negatively impact any adopted public views; and
 5. The public amenities and community benefits proposed will produce timely, demonstrable benefits to the community, support a neighborhood transportation network, and implement the vision established in ROH §§ 21-9.100-4 and 21-9.100-6.
- S. Makes miscellaneous technical and nonsubstantive amendments.

EXECUTIVE SESSION

If the need arises with respect to any item on this agenda, then pursuant to Hawai'i Revised Statutes Sections 92-4 and 82-5(a)(4), the Committee may consult in a closed meeting with its attorneys in executive session on questions and issues pertaining to the Council's powers, duties, privileges, immunities and/or liabilities relating to that item.

CALVIN K.Y. SAY, Chair
Committee on Zoning