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HISTORY & EXPLANATION OF ORD. 19-8 (“Bill 7”)

Item #7 of the Agenda of the Committee on Zoning

August 23, 2023





Submitted by the Department of Planning and Permitting

DEPT. COM. 606
ZON

Impetus

- Critical shortage of affordable housing
- 95% of low-rise apartment buildings were built 40+ years ago
- Redevelopment potential of 3,204 smaller lots (5,000 - 20,000 sq. ft.) zoned APT
- 14,000 to 21,000 additional units in the APT, AMX, and BMX districts if development standards were relaxed
- Could reduce construction costs by 25% by amending Building Code and LUO on smaller parcels

Legislative History

April 25, 2018: Approval of **Resos 18-77 & 18-78**

Feb. 20, 2019: **Planning Commission** Hearing & Approval

March 8, 2019: Passed **Council** First Reading.

Mar. - May 2019: **Committee** on Zoning and Housing.

May 8, 2019: Passed **Council** Third Reading.

May 21, 2019: Approved by **Mayor** as Ord. 19-8.

Objectives

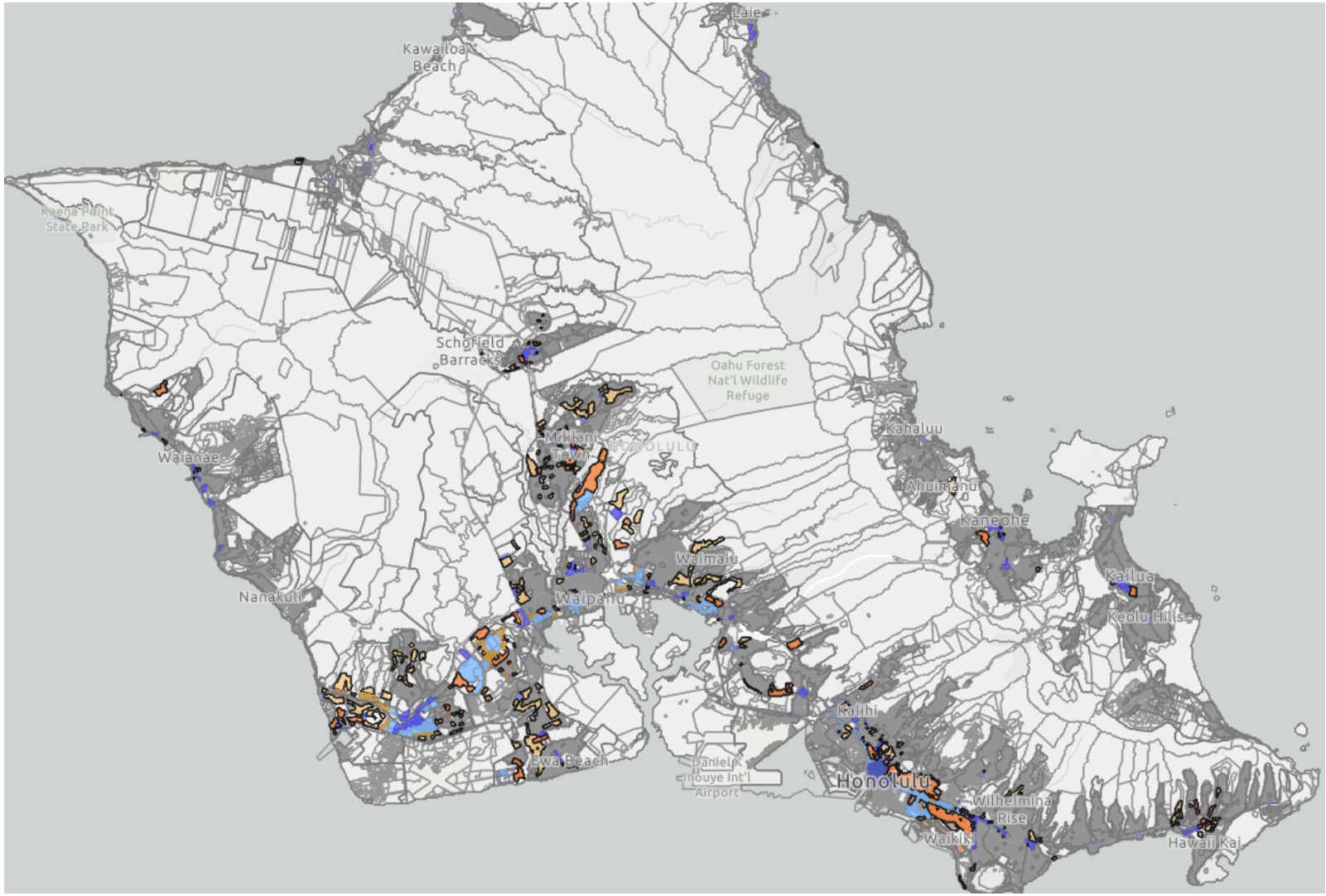
- Establish a **temporary** program
- To accelerate the construction of affordable **rental housing**
- In the **apartment** and **business mixed use** zoning districts
- By **relaxing** certain **zoning and building code** standards
- and **offering financial incentives**

GOAL: Produce at least **500 new** affordable renting housing units per year.

Housing Affordability Requirement

A minimum of **80% of the units** must be rented to those earning **100% of AMI** or less for a **minimum of 15 years**.

Eligible Areas

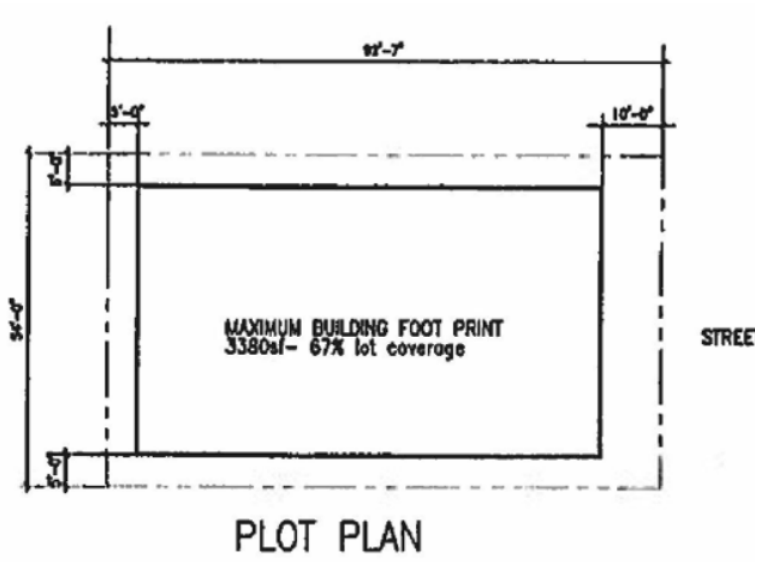


Development Standards

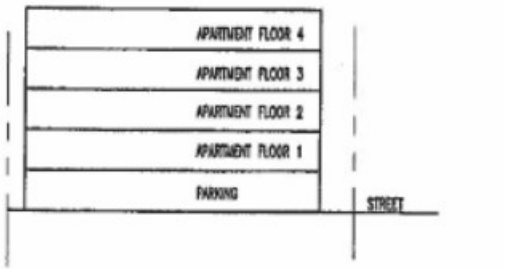
Max lot area	20,000 square feet
Min front yard	10 feet, or min front yard required by zoning, whichever is less.
Min side and rear yards	5 feet, or the minimum side and rear yards required zoning, whichever is less.
Max building area	80% of the zoning lot
Max building height	60 feet
Max density	4.0 FAR
Height setbacks	None
Off-street parking	None
Bicycle parking	None
Off-street loading	None, provided that loading and garbage storage be accommodated on site.
Yard encroachments	Parking (including bicycle) is allowed in the side and rear yards. One loading space may encroach a maximum of 5 feet. Required fire exit stairwells and fire corridors may encroach into the front yard by a maximum of 5 feet.

Development Standards

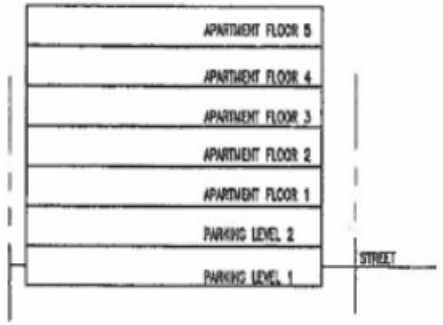
Figure 32-2.6
5,000 SQUARE FOOT LOT



PLOT PLAN



SECTION OF 45 FEET MAXIMUM HIGH BUILDING



SECTION OF 60 FEET MAXIMUM HIGH BUILDING

§ 32-2.9 Maximum size of units.

The maximum size of an affordable rental housing unit in an affordable rental housing project is as follows:

Number of Bedrooms and Bathrooms	Maximum Floor Area (square feet)
Number of Bedrooms and Bathrooms	Maximum Floor Area (square feet)
Studio with 1 bathroom	500
One bedroom with 1 bathroom	650
One bedroom with 1.5 bathrooms	700
One bedroom with 2 bathrooms	750
Two bedrooms with 1 bathroom	800
Two bedrooms with 1.5 bathrooms	900
Two bedrooms with 2 bathrooms	1,000
Three bedrooms with 1.5 bathrooms	1,100
Three bedrooms with 2 bathrooms	1,200
Three bedrooms with 2.5 bathrooms	1,250
Four bedrooms with 2 bathrooms	1,300
Four bedrooms with 2.5 bathrooms	1,350

Building Construction Standards

(c) Fire-resistance rated construction and requirements. The following requirements apply to affordable rental housing projects:

(1) Where an exterior wall is less than 10 feet from the property line, one-hour fire-rated exterior walls with no greater than 25 percent openings per wall surface; provided that windows in the openings may be unrated;

(2) One-hour fire-rated corridor walls for double loaded corridors and demising walls between units;

(3) Twenty-minute fire-rated entry doors to units with automatic closure mechanisms;

(4) Unrated interior walls within each unit;

(5) One-hour fire-rated floors and roof, or heavy timber floors and roof;

(6) Two-hour fire-rated walls between units and building stairs or passenger elevators;

(7) Two-hour fire-rated walls and 90-minute fire-rated door in the booster pump room described in subsection (d)(5); and

(8) All domestic water and fire sprinkler piping must be made of noncombustible material.

(d) Fire protection system. The installation of automatic sprinkler systems for protection against fire hazards must be designed and installed in compliance with section 903 of the building code; or, for residential occupancies of seven or fewer stories in buildings not exceeding 60 feet in height above grade, an automatic sprinkler system must be provided as follows:

(1) A common sprinkler/domestic main must be installed throughout the building;

(2) Vertical risers must be provided with a secured shutoff valve locked in the open position. All required outages must be provided with a fire watch;

(3) All sprinkler heads must be installed prior to the last plumbing fixture served within the unit. All sprinkler piping serving a sprinkler head must be kept to a minimum and no greater than 16 inches in length;

(4) The discharge density must be 0.05 gallons per minute per square-foot with a maximum of four sprinkler heads within each compartment;

(5) A booster pump must be provided to accommodate the domestic water and greatest hydraulic demanding sprinklers within a unit. The booster pump must provide a minimum of 40 pounds per square inch at the top of the riser;

(6) A manual wet stand pipe must be precharged from a domestic water supply tap. The stand pipe must be located in an exterior open stairwell with two-hour rated walls;

(7) For exterior walls that are between 5 and 10 feet from the property line with a wall opening greater than a 10 percent, there must be a sprinkler head at all wall openings to provide a water curtain when the sprinkler head is activated;

(8) For buildings over 40 feet in height with type VA construction, a National Fire Protection Association 13 sprinkler system is required; and

(e) Means of egress. Exterior corridors and balconies that are open with guards of a minimum one-hour fire-rated construction, or composed of other noncombustible fascia surfaces may be constructed up to 5 feet from the property line.

(f) Fire escape stairs.

(1) All fire stair exits may be open; provided that the walls adjoining any unit are two-hour fire-rated walls.

(2) Except as provided in subdivision (3), at least one fire exit stairwell must be a minimum width of 36 inches, and if no elevator is provided, a second fire exit stairwell with a minimum width of 36 inches must be provided.

(3) Buildings with 35 or fewer units may have a single fire exit stairwell that is a minimum width of 48 inches and constructed of non-combustible material or heavy timber construction; provided that the total length of the building must not exceed 100 feet. The stairwell must exit to the ground floor.

(4) The fire chief may, at the fire chief's discretion, approve of alternative fire exits in lieu of a second fire exit stairwell, including a drop ladder system or a narrower second fire exit stairwell.

(g) Exterior glass. Exterior glass in an affordable rental housing project will be exempt from the requirements of Chapter 16B (the Building Energy Conservation Code).

(h) Accessibility. Design of building and facilities must comply with the federal Fair Housing Act, 42 USC §§ 3601 et seq. Elevators are not required unless mandated by Section 1007.2.1 of the building code, or required by applicable federal accessibility laws. Elevators may be provided in affordable rental housing projects, even though not required.

(i) Fire and smoke alarm systems. Smoke detectors with audio alarms that are electronically powered must be installed in all bedrooms. An alarm pull box that is electronically connected to set off an audio alarm must be installed on each floor.

TABLE 32-A

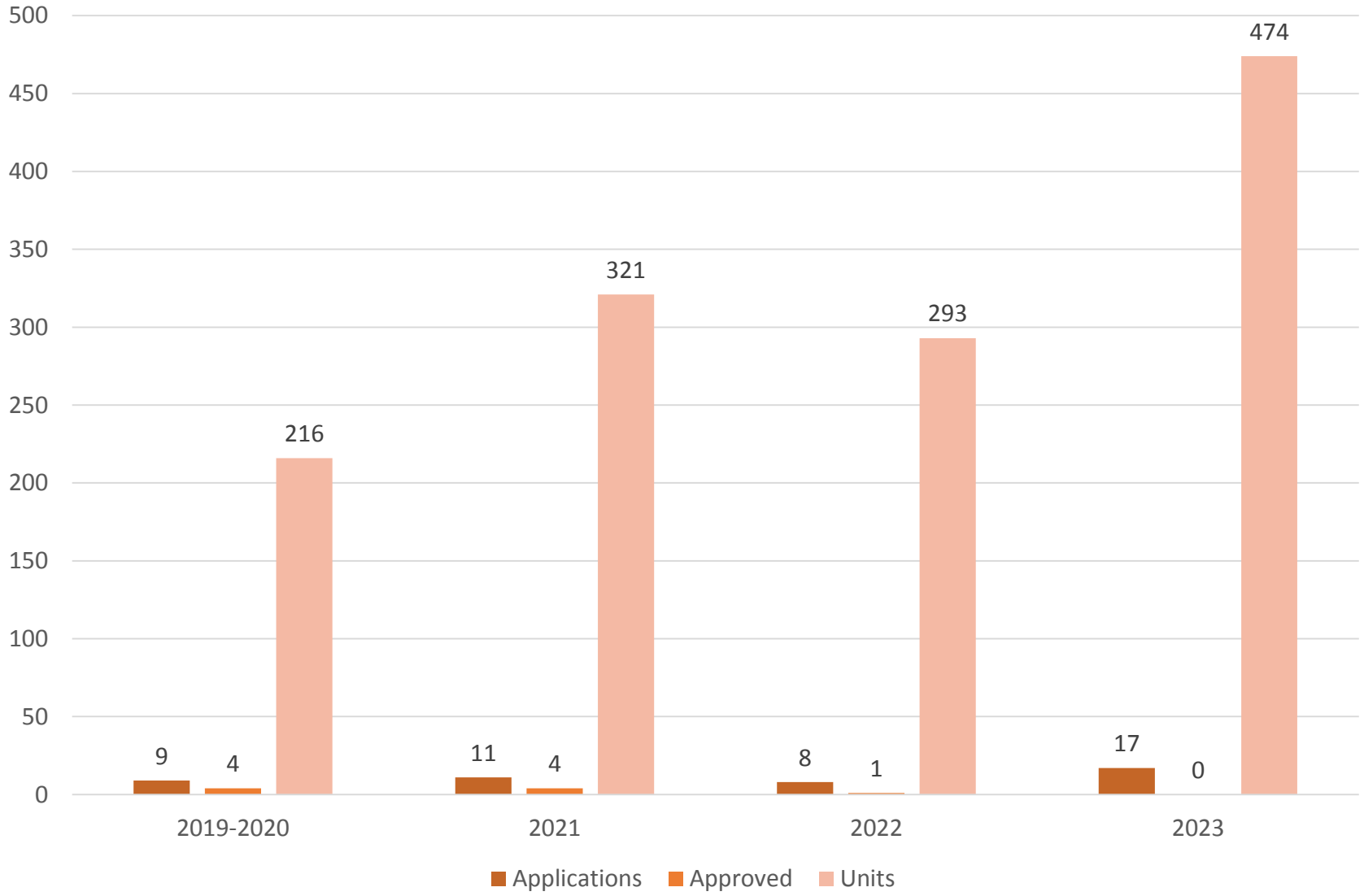
TYPE OF CONSTRUCTION	ALLOWABLE HEIGHT AND BUILDING AREAS FOR MID-RISE MULTI-FAMILY RESIDENTIAL BUILDINGS. Height Limitations shown as stories and feet above grade plane. Area limitations as determined by the definition of Area, building, per story				
	IB	IIA	IIIA	HT	VA
	MAXIMUM HEIGHT (feet)				
	60	60	60	60	50
Height/Area	Maximum Height (stories) and Maximum Area (sq. ft.)				
H	7	7	7	7	5
A	80% of land area	80% of land area	80% of land area	80% of land area	80% of land area

Financial Incentive$

- Waiver of Building Permit and Plan Review fees
- Waiver of Water Systems Facilities Charge and New Meter Cost
- Waiver of Wastewater System Facility Charges, Waiver of Water Systems Facilities Charge, and New Meter Cost
- Waiver of Park Dedication requirements
- Real Property Tax Exemption (10 years)
- Property Tax Freeze during construction
- Cash Grants of up to $10 million ($9,000 - $15,000 per dwelling unit)

Current Stats

Applications	45
Approved	9 (229 units)
Pending	36
Potential # of AH units	1324
Potential # of units	1335



LUO Review Challenges

1. Not meeting landscaping requirements due to unnecessary walkways in the side/rear setbacks.
2. Encroachments into the setbacks that would be allowed for non-Bill 7 projects, e.g., 30” x 30” eaves, window a/c units.
3. Not accounting for road widening and/or corner rounding and showing LUO setbacks within.
4. In flood zones, either needing to redesign to elevate or provide flood proofing. Missing flood certificates.
5. Misunderstanding that while loading “stall” not required, project needs an on-site loading “area”.
6. Design professional must research the project site thoroughly.

Code Review Challenges

- Fire protection system non-compliance
  - Insufficient/improper sprinkler coverage shown
  - When choosing Bill 7 descriptive method for design, the design will deviate from Bill 7 requirements.
  - When not choosing Bill 7 method, incorrect sprinkler code NFPA 13D for single family homes is used for the design.
- Plumbing/mechanical non-compliance
  - Missing or misplaced water supply valves for units
  - Suds drainage design issues: lower floors possibly getting suds discharge into their units from upper floors.
  - Bathroom exhaust too close to windows or doors.

- Common Electrical code comments:
  - Incorrect electrical load calculations (violation of Article 220).
  - Insufficient number and/or improper placement of receptacle outlets (violation of section 210.52).
  - Incorrect design for elevator system (violation of Article 620).
  - Incorrect design for renewable energy.

Common Review Challenges

- Lack of general coordination and completeness of designs
- Insufficient or missing information which prevents verification of code compliance
- Information between disciplines conflict, such as different unit layouts, different locations of utility service, or different equipment

1	2	3	4
#	Project Name	Application Number	DPP/ Applicant
1	JC Building Group	A2019-10-0829	Issued
2	311 Puuhue Pl.	A2019-10-1481	Issued
3	PenseMetro	A2020-02-0439	Issued
4	Lau Residence	A2020-04-0226	Applicant
5	Leung Residence	A2020-05-0631	DPP
6	Cool Metro	A2020-06-0980	Issued
7	Wailepo Hale	A2020-07-1587	Applicant
8	Liholiho Apts	A2020-10-0283	Applicant
9	1234 Matlock	A2020-11-0902	Applicant
10	724 Ekela Ave	A2021-01-0067	Applicant
11	Olive Avenue	A2021-01-0938	Issued
12	Casey Enterprises LLC	A2021-07-0613	Applicant
13	The Nook	A2021-08-1085	Applicant
14	HNL Apts. LLC	A2021-08-1299	Issued
15	Thurston Residence	A2021-08-1465	Issued
16	Golden Realty	A2021-10-0454	Applicant
17	The Place on Young	A2021-11-0190	Issued
18	2620 Nakookoo St.	A2021-11-0369	Applicant
19	Hale Wai Wai	A2021-11-0957	Appro...
20	Makaleka Apartments	A2021-12-0604	Applicant
21	Hau'oli Apts.	A2022-01-0039	Applicant
22	330 Kuulei LLC	A2022-01-0064	Applicant
23	Vision Apartments	A2022-04-0729	Applicant
24	1525 Piikoi St.	A2022-05-1212	Applicant
25	1427 Ernest St.	A2022-05-1606	Issued
26	1568 Pensacola St.	A2022-09-1596	Applicant
27	2123 Citron St.	A2022-11-0830	Applicant
28	1226 Kinau, LLC	A2022-11-1082	Applicant
29	1060 Bishop St.	A2022-11-1572	Applicant
30	3XT Project One LLC	A2022-11-1722	Applicant
31	Keeaumoku 23	A2023-01-0097	Applicant
32	Ming Long LLC	A2023-01-0880	Applicant
33	McCully Vista	A2023-01-1230	Applicant
34	2720 Nakookoo St.	A2023-03-0130	Applicant
35	RV Tom Bldg.	A2023-03-0470	Applicant
36	719 Makaleka Ave.	A2023-03-0727	Applicant
37	Pono Tower	A2023-04-0024	DPP
38	750 McCully ST	A2023-06-0130	Applicant
39	Pohaku Hale	A2023-06-0706	DPP
40	Varsity Development	A2023-06-0721	Applicant
41	Kihapai Hale	A2023-06-0917	Applicant
42	902 University Dev.	A2023-07-1593	Applicant
43	1139 Papaku Dev.	A2023-08-0350	DPP
44	Lei Building	A2022-04-1454	Applicant
45	Lauiki Apts	A2023-05-0995	DPP
46			
47			

Mahalo.