



HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

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, OCTOBER 18, 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: **81418984667** and Passcode: **589717**.
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://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, e-mail 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 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 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.

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 EXTENSION OF TIME ONLY

1. **BILL 50 (2023), CD1 – RELATING TO THE TRANSIT-ORIENTED DEVELOPMENT SPECIAL DISTRICT.** Expanding the transit-oriented development ("TOD") special district to include one additional Honolulu Rail Transit Project station area and to incorporate land use standards and guidelines for that area based on the recommendations in the Halawa Area TOD Plan. (Bill passed Second Reading and Public Hearing held on 10/4/23) (Currently deadline for Council Action: 11/23/23) (60-day extension of the deadline for Council action pending a written request from the Department of Planning and Permitting.)

2. **BILL 51 (2023), CD1 – REZONE LAND SITUATED AT HALAWA, OAHU (2022/GEN-2).** To rezone land situated near the Kamehameha Highway and Salt Lake Boulevard intersection (Halawa/Aloha Stadium rail station area) in Halawa, Oahu from A-1 Low-density Apartment, A-2 Medium-density Apartment, B-1 Neighborhood Business, B-2 Community Business, F-1 Military and Federal Preservation, and R-5 Residential; to the A-1 Low-density Apartment, A-2 Medium-density Apartment, AMX-2 Medium-density Apartment Mixed-Use, AMX-3 High-density Apartment Mixed-Use, B-1 Neighborhood Business, B-2 Community Business, BMX-3 Community Business Mixed-Use, F-1 Military and Federal Preservation, and P-2 General Preservation. (Bill passed Second Reading and Public Hearing held on 10/4/23) (Current deadline for Council Action: 11/23/23) (60-day extension of the deadline for Council action pending a written request from the Department of Planning and Permitting.)

3. **BILL 52 (2023) – RELATING TO LARGE DWELLINGS.** Providing a more effective deterrent and hefty penalty to developers that violate the monster homes ordinance by supplying incorrect information on plans or convert rooms for multi-family uses during or post construction. (Transmitted by Communication D-631[23]; Bill passed First Reading on 9/6/23) (Current deadline for Council Action: 11/29/23) (60-day extension of the deadline for Council action pending a written request from the Department of Planning and Permitting.)

4. **BILL 53 (2023) – RELATING TO REGISTRATION REQUIREMENTS FOR BED AND BREAKFAST HOMES AND TRANSIENT VACATION UNITS.** Addressing standards and requirements for operating bed and breakfast homes and transient vacation units. (Transmitted by Communication D-632[23]; Bill passed First Reading on 9/6/23) (Current deadline for Council Action: 11/29/23) (60-day extension of the deadline for Council action pending a written request from the Department of Planning and Permitting.)

FOR ACTION

5. **RESOLUTION 23-206 – 10 KAMANI KAI PLACE – KAILUA (2023/SMA-35).** Granting a Special Management Area (“SMA”) Use Permit to Peter Vincent Architects, on behalf of Jennifer Rainin 2007 Trust (“Applicant”) to allow for the construction of a new single-family detached dwelling and accessory dwelling unit, and to include a new driveway, three car garage, swimming pool, and related site improvements on an approximately 38, 310 square-foot shoreline lot, located in the R-10 Residential District at 10 Kamani Kai Place in Kailua, and identified as Tax Map Key 4-3-015: 055. (Applicant: Peter Vincent Architects) (Transmitted by Communication D-624[23]) (Current Deadline for Council Action: 11/28/23)

PROPOSED CD1 TO RESOLUTION 23-206 (Submitted by Councilmember Say) – The Proposed CD1 (OCS2023-0929/10/11/2023 4:20 PM) makes the following amendments:

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

GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE NEW CONSTRUCTION OF A SINGLE-FAMILY DETACHED DWELLING AND ACCESSORY DWELLING UNIT, AND OTHER IMPROVEMENTS AT 10 KAMANI KAI PLACE, KAILUA, O’AHU.

- B. Amends the third WHEREAS clause to specify that the DPP completed its report and transmitted its findings and recommendation of approval to the Council within 47 (as opposed to 45) calendar days after the close of the public hearing (the Applicant having agreed to an extension of the 45-day administrative deadline to process application).

C. In the BE IT RESOLVED clause:

1. In Condition A:
 - a. Adds the phrase "except as modified herein" to the beginning of the first sentence; and
 - b. Refers to Exhibits A through T, to reflect the updated plans submitted by the Applicant.
2. In Condition D, provides that the Applicant, in consultation with SHPD, shall implement an archaeological monitoring plan during ground-disturbing activity and Project construction to ensure that archaeological and cultural resources are identified and treated properly. Also clarifies that the archaeological monitoring plan must include the onsite presence of a licensed archaeologist during excavation work to ensure that iwi kupuna and other historic resources are appropriately handled.
3. In Condition E, adds that the Applicant must protect from further disturbance any previously unidentified archaeological sites or remains that are encountered.
4. In Condition F, clarifies that prior to the issuance of any building permit for the Project, the Applicant shall submit to the DPP for review and approval a revised landscape plan that shows the use of low-risk plants as designated on the Plant Pono website at <https://plantpono.org/pono-plants/>. Also clarifies that no high-risk plants as designated on the Plant Pono website at <https://plantpono.org/high-risk-plants/> may be planted on the Project site.
5. In Condition G:
 - a. In the first sentence, refers to the Hawaiian hoary bat, Hawaiian seabirds, and other endangered, protected, or threatened species that may frequent or traverse the vicinity of the Project site.
 - b. Separates Condition G.2 into three parts:
 - i. Condition G.2 prohibits artificial light from exterior light fixtures from directly illuminating or projecting across

property boundaries toward the shoreline and ocean waters, except as otherwise permitted by HRS § 205A-71(b);

- ii. New Condition G.3 requires exterior light fixtures to be fully shielded; and
- iii. New Condition G.4 requires exterior lighting to be turned off when human activity is not occurring in the illuminated area.

Renumbers subsequent requirements in Condition G.

- c. In renumbered Condition G.5, provides that all Project site work and construction activities are limited to daylight hours (from sunrise to sunset). (This is consistent with the DPP's report and replaces the existing language that nighttime work must be avoided during the seabird fledging season from September 15 through December 15.)
 - d. Adds a new Condition G.7 to provide that barbless fencing must be used for all fence construction to avoid the entanglement of Hawaiian hoary bats.
 - e. In renumbered Condition G.8, clarifies that a 300-foot buffer must be observed if a monk seal pup is present.
6. In Condition H, replaces the existing language with the following requirements relating to grading, excavation, and native and imported fill material:
- a. The Project must comply with the following requirements:
 - i. The single-family detached dwelling and accessory dwelling unit must be redesigned with perimeter wall/stem wall footings with wood floor frame structure (instead of slab on grade);
 - ii. Excavation is limited to the following:
 - aa. Excavation beneath the single-family detached dwelling perimeter walls will be approximately 7 feet above mean sea level ("MSL");

- bb. Excavation beneath the accessory dwelling unit perimeter walls will be approximately 8 feet 6 inches above MSL; and
 - cc. Excavation for the swimming pool; and
 - iii. The use of fill material is limited to what is needed to level the grade for slab-on-grade foundations for the garage, auto court/driveway, and area surrounding the swimming pool.
- b. Native fill material must be used prior to the importation of fill material. Cut soil material (excavated native material) is estimated to be approximately 770 cubic yards ("CY"). Required fill material is estimated to be approximately 810 CY. It is therefore estimated that approximately 40 CY of imported fill material will be needed for the Project. Prior to the importation of any fill material, the Applicant shall submit a materials analysis to the State Department of Land and Natural Resources, Division of Forestry and Wildlife ("DOFAW"), for review and approval. The materials analysis must show that:
 - i. All fill materials have similar characteristics and are of similar quality as the existing soil materials on the Project site, and will not adversely impact the SMA resources; and
 - ii. All fill materials are clean and do not contain invasive fungal pathogens, vertebrate and invertebrate pests, or invasive plant parts that may harm native species and ecosystems.
- c. Approximately one year after the issuance of a certificate of occupancy for the Project, the Applicant shall submit to DOFAW for review and approval a post-construction survey to detect whether the Project site contains any invasive species that have spread from the imported fill materials, and recommend mitigative measures to address any spread. The Applicant shall implement the recommendations of the post-construction survey approved by DOFAW.

7. In Condition K, conforms the language relating to compliance with the LUO and other governmental requirements to the standard language included in SMA Major Permit resolutions.
 - D. In the Exhibits attached to the resolution:
 1. Adds a new Exhibit F and realphabetizes subsequent exhibits;
 2. Replaces realphabetized Exhibit G (formerly Exhibit F) with a new Exhibit G;
 3. Replaces realphabetized Exhibit R (formerly Exhibit Q) with a new Exhibit R; and
 4. Adds a new Exhibit S and realphabetizes the subsequent exhibit.
 - E. Makes miscellaneous technical and nonsubstantive amendments.
6. **RESOLUTION 23-238 – 2805 MONSARRAT AVENUE – WAIKĪKĪ (2023/SMA-37)**. Granting a Special Management Area (“SMA”) Use Permit to the City and County of Honolulu, Department of Enterprise Services to allow for phased improvements at the Waikīkī Shell, including the replacement of a sign structure, replacement of an existing open air food concession, modification of the orchestra pit area and pool area, expansion of fixed seating, replacement of existing seating and sound bunker, and installation of new sound baffles and pedestrian covering on an approximately six acre lot, located in the P-2 General Preservation District at 2805 Monsarrat Avenue in Waikīkī, and identified as Tax Map Keys 3-1-043: 001 and 018. (Applicant: CCH, Department of Enterprise Services) (Transmitted by Communication D-687[23]) (Current Deadline for Council Action: 11/24/23)

PROPOSED CD1 TO RESOLUTION 23-238 (Submitted by Councilmember Say) – The Proposed CD1 (OCS2023-0937/10/12/2023 9:53 AM) makes the following amendments:

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

"GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR PHASED IMPROVEMENTS TO THE TOM MOFFATT WAIKĪKĪ SHELL IN WAIKĪKĪ, O'AHU."

- B. In the first WHEREAS clause, clarifies the description of the Project.
- C. Adds a new second WHEREAS clause to provide that the Project site is designated as the area encompassing the Tom Moffatt Waikīkī Shell as depicted in Exhibit A.
- D. Combines the fourth and fifth WHEREAS clauses to clarify that on September 20, 2023, within 60 calendar days after the close of the public hearing (the Applicant having agreed to a 15-day extension of the 45-day administrative deadline to process the application), the DPP, having duly considered all evidence and the SMA objectives, policies, and guidelines as established in ROH §§ 25-3.1 and 25-3.2 and HRS §§ 205A-2 and 205A-26, completed its report and transmitted its findings and recommendation of approval to the Council.
- E. In Condition B, clarifies that the "stop work" requirement for archaeological finds must be clearly stated on all Project construction permit and building permit plans (deletes reference to "under Environmental Notes").
- F. Replaces Condition C with a new Condition C, which provides that in order to minimize impacts to the coastal ecosystems:
 - 1. Any modifications to the landscaping within the Project site must use native plant species appropriate for the area (i.e., climate conditions are suitable for the plants to thrive, or the plants have historically occurred in the area).
 - a. The Applicant shall consult with the Plant Pono website to determine the potential invasiveness of plants proposed for use within the Project site; the use of low-risk plants as designated on the Plant Pono website at <https://plantpono.org/pono-plants/> is acceptable, but the use of high-risk plants as designated on the Plant Pono website at <https://plantpono.org/high-risk-plants/> is unacceptable; and
 - b. No planting of any high-risk invasive species identified on the Oahu Invasive Species Committee website at <https://www.oahuisc.org/target-pests/> is allowed on the Project site.
 - 2. The Applicant shall minimize movement of plant or soil material on the Project site. To minimize the risk of spreading invasive species, all construction equipment, materials, and personnel should be

cleaned of excess soil and debris prior to entering and leaving a worksite.

3. For all Project phases, the importation of fill material onto the Project site is prohibited.

G. In Condition D:

1. In the first sentence, clarifies that to minimize impacts to the Hawaiian hoary bat, Hawaiian seabirds, and other endangered, protected, or threatened species that may frequent or traverse the vicinity of the Project site, the following requirements apply to Project improvements covered under the SMA Major Permit.
2. In Condition D.1 (relating to a maximum color temperature of 3,000 degrees kelvin for new and replacement outdoor light fixtures), provides an exception for stage production lights.
3. Separates Condition D.2 into two conditions by moving to a new Condition D.3 the requirement that exterior lighting not necessary for security purposes must be turned off when human activity is not occurring in the illuminated areas. Renumbers subsequent requirements in Condition D.
4. In renumbered Condition D.4 (relating to fully shielded exterior light fixtures), provides an exception for stage production lights.

H. Deletes Condition E, which would have required the Applicant to obtain a construction permit or building permit for the Project within two years after the approval date of the SMA Major Permit (this deadline is generally not included in an SMA Major Permit resolution when the Applicant is a government agency—in this case the Department of Design and Construction). Realphabetizes the subsequent condition.

I. In the BE IT FINALLY RESOLVED clause, adds Isaiah Sato of R.M. Towill Corporation as a recipient of a copy of the resolution.

J. Makes miscellaneous technical and nonsubstantive amendments.

7. **RESOLUTION 23-242 – 327 AND 331 PORTLOCK ROAD – MAUNALUA (2023/SMA-45)**. Granting a Special Management Area (“SMA”) Use Permit to Masato Matsuura to allow the demolition of an existing tennis court, development of a new two-story single-family detached dwelling, and modifications to an existing single-family dwelling on a joint-developed, shoreline lot located in the R-10 Residential District, located at 327 and 331 Portlock Road in Hawai‘i Kai, and identified as Tax Map Keys 3-9-003: 001 and 018. (Applicant: Masato Matsuura) (Transmitted by Communication D-691[23]) (Current Deadline for Council Action: 11/26/23)

PROPOSED CD1 TO RESOLUTION 23-242 (Submitted by Councilmember Say) – The Proposed CD1 (OCS2023-0907/10/12/2023 8:13 AM) makes the following amendments:

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

"GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY DETACHED DWELLING AND IMPROVEMENTS TO AN EXISTING SINGLE-FAMILY DETACHED DWELLING IN HAWAI‘I KAI, O‘AHU."

- B. In the BE IT RESOLVED clause:

1. Amends Condition E to prohibit the importation of fill material onto the Project site (instead of to require a materials analysis if the importation of soil material is necessary).
2. Amends the last sentence of Condition F to delete the reference to "Environmental Notes."
3. Amends the first sentence of Condition G to clarify that to minimize impacts to the Hawaiian hoary bat, Hawaiian seabirds, and other endangered, protected, or threatened species (instead of avian and marine fauna) that may frequent or traverse the vicinity of the Project site, the Applicant is responsible for meeting the enumerated requirements.

- C. Makes miscellaneous technical and non-substantive amendments.

8. **RESOLUTION 23-244 – PRU PERMIT FOR THE UPDATE TO THE UNIVERSITY OF HAWAII AT MĀNOA CAMPUS MASTER PLAN (2023/PRU-1)**. Approving an application for a Plan Review Use (“PRU”) Permit for the University of Hawai‘i at Mānoa (“UHM”) Campus Master Plan (“Master Plan”) to allow updates on approximately 307.67 acres of land zoned in the R-5 Residential, R-7.5 Residential, P-1 Restricted Preservation, and P-2 General Preservation Districts located at 2500 Campus Road within the Mānoa neighborhood of Honolulu, and identified as Tax Map Keys 2-8-007: 029; 2-8-015: 001; 2-8-016: 001; 2-8-023: 003, 009-019; 2-8-026: 014; 2-8-029: 001, 030-034; 2-9-002: 012; 2-9-004: 005, 007-010; 2-9-013: 054; 2-9-023: 001, 026; 2-9-026: 001, 037-038; 2-9-027: 054; and 3-3-056: 001. (Transmitted by Communication D-700[23]) (Applicant: University of Hawai‘i) (Current deadline for Council action: 12/2/23)

PROPOSED CD1 TO RESOLUTION 23-244 (Submitted by Councilmember Say) – The Proposed CD1 (OCS2023-0938/10/12/2023 3:18 PM) makes the following amendments:

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

"APPROVING AN APPLICATION FOR A PLAN REVIEW USE PERMIT FOR THE UNIVERSITY OF HAWAII AT MĀNOA CAMPUS TEN-YEAR MASTER PLAN."

- B. In the first WHEREAS clause, clarifies that on March 16, 2023, the Department of Planning and Permitting ("DPP") accepted an application (DPP File No. 2023/PRU-1) from the University of Hawai‘i (the "Applicant") for a Plan Review Use ("PRU") Permit to allow for the implementation of the 2019 Ten-Year Long Range Development Plan ("2019 Master Plan") for the University of Hawai‘i at Mānoa ("UH Mānoa") campus.
- C. Adds a new second WHEREAS clause to provide that, if approved, the PRU Permit and the 2019 Master Plan will supersede PRU No. 2009/PRU-3, approved by the Council on March 17, 2010, by Resolution 09-341, CD1, FD1; as modified by PRU No. 2021/PRU-1, approved by the Council on August 11, 2021, by Resolution 21-127, CD1.
- D. Adds a new fourth WHEREAS clause to describe the four zones established in the 2019 Master Plan.
- E. Adds a new fifth WHEREAS clause to provide that the 2019 Master Plan envisions the construction of new facilities and the replacement or expansion of existing facilities in Zone 1, while new work in Zones 2, 3, and

4 will be limited to infrastructure improvements, the installation of photovoltaic panels, and nonsubstantive improvements to existing facilities.

- F. Adds a new sixth WHEREAS clause to provide that, as proposed, the development standards relating to maximum height, maximum density, maximum building area, height setbacks, and yards for each of the four zones are summarized on page 8 of the DPP's findings and recommendation.
- G. In Condition B, provides that except as modified in the resolution, development of the UH Mānoa campus must be in general conformance with the 2019 Master Plan attached [to the resolution] as Appendix A; as depicted in Exhibits A, B, C-1 through C-7, D, and E attached to the resolution; the plans on file with the DPP; and as described in the DPP Director's findings and recommendation, all of which are incorporated by reference. The DPP Director may approve minor or nonsubstantive deviations in accordance with Land Use Ordinance ("LUO") § 21-2.20(k). Major modifications, as determined by the DPP Director, will require a new PRU Permit application and PRU Permit approval.
- H. In Condition C, relating to amendments to the 2019 Master Plan:
 - 1. In Condition C.1, clarifies that the required yard is 15 feet for new development on campus land adjacent to non-campus land developed with residential uses; and 10 feet for new development on campus land adjacent to public rights-of-way or adjacent to non-campus land developed with uses other than residential uses.
 - 2. Moves Condition C.2 to a new Condition G (see below) because that condition does not involve an amendment to the 2019 Master Plan. Renumbers the subsequent condition in Condition C.
 - 3. In renumbered Condition C.2, clarifies that in Zone 1, for new development on campus land adjacent to non-campus land developed with residential uses, the height setback must comply with LUO § 21-3.110-1(c)(4) (relating to transitional height setbacks); and for new development on campus land adjacent to public rights-of-way or adjacent to non-campus land developed with uses other than residential uses, the height setback must comply with LUO § 21-3.110-1(c)(3).
- I. In Condition F, clarifies that prior to the issuance of any building permit for new structures on the UH Mānoa campus, the Applicant shall submit to the

DPP for review and approval a final landscape plan that identifies landscape elements such as major open spaces, exceptional trees, and pedestrian malls and paths.

- J. Adds a new Condition G to provide that prior to the issuance of any building permit for a new structure in Zone 1 that exceeds 120 feet in height, the Applicant shall submit to the DPP for its review and approval a view study that demonstrates reasonable protection of important views identified in the Primary Urban Center Development Plan, and incorporates design features intended to mitigate objectionable visual impacts of the new structure, such as:
1. Articulated building facades (including awnings), horizontal elements (such as cornices), and articulations to break up the vertical plane surfaces and massing; and
 2. A combination of green roofs, rooftop landscaping, rooftop photovoltaic panels, open rooftop structures (such as pergolas), and hip-form roofs.

Realphabetizes subsequent conditions.

- K. In realphabetized Condition H, relating to traffic conditions:
1. In realphabetized Condition H.1, provides that the timeline must be in a format acceptable to the DPP, and that the initial traffic impact report ("TIR") was dated June 2020, as updated in August 2022.
 2. In realphabetized Condition H.2, clarifies the items that must be included in the construction management plan.
 3. Adds a new Condition H.3 to enumerate the items that must be included in the traffic management plan.
 4. Adds a new Condition H.4 to require an update to (if needed) or validation of the initial TIR dated June 2020, as updated in August 2022 (prepared by Wilson Okamoto Corporation), using data collected at key intersections during the 2023 school year to verify the 2019 baseline counts used in the previous TIRs. Requires the Applicant to implement recommendations of the most recently updated TIR, in coordination with the DPP.

- L. Deletes former Condition H (because it is duplicative of a provision in new Condition H.4).
 - M. Adds a new Condition K to require the Applicant to consult with the State Historic Preservation Division prior to the renovation or alteration of any historic properties located on the UH Mānoa campus. Realphabetizes subsequent conditions.
 - N. In realphabetized Condition M, conforms the language relating to compliance with the LUO and other governmental requirements to the standard language included in PRU Permit resolutions.
 - O. In realphabetized Condition N, clarifies that as may be required by the DPP Director for the review of construction permits or building permits for structures on the UH Mānoa campus, the Applicant shall submit reports updating the Applicant's status in complying with applicable conditions.
 - P. Makes miscellaneous technical and nonsubstantive amendments.
9. **RESOLUTION 23-253 – EXTENDING DEADLINE TO OBTAIN DEVELOPMENT PERMITS FOR THE PROJECT AT 59-706, 59-712, AND 59-720 KAMEHAMEHA HIGHWAY.** Approving a two-year extension to obtain Development Permits for a Special Management Area (“SMA”) Use Permit for the Pūpūkea Rural Community Commercial Center on land zoned B-1 Neighborhood Business District, located at 59-706, 59-712, and 59-720 Kamehameha Highway, approved by Resolution No. 18-245, CD1, FD1. (Applicant: Hanapohaku, LLC) (Transmitted by Communication D-715[23])
10. **BILL 6 (2023), CD1 – 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. (Bill passed Second Reading and Public Hearing held on 8/9/23)

PROPOSED CD2 TO BILL 6 (2023), CD1 (Submitted by Councilmember Say) – The Proposed CD2 (OCS2023-0931/10/12/2023 9:34 AM) makes the following amendments:

A. In SECTION 2 of the bill, subsection (a), relating to definitions:

1. Amends the definition of "eligible project" to mean a project that only:
 - a. Involves the development of an affordable rental housing project pursuant to ROH Chapter 32;
 - b. Consists of commercial building tenant improvements, defined as any interior renovation, alteration, or modification of an existing building used for commercial purposes by a tenant or lessee that does not change the functional use of the building from the use indicated or shown on the original building permit. The following types of commercial building tenant improvements are not eligible for the self-certification program:
 - (i) All exterior improvements to a commercial building, including but not limited to any modification or alteration to exterior walls that would change the number, size, or location of existing doorways or window penetrations;
 - (ii) Any work that would conflict or be inconsistent with the previous building permit plans and approvals;
 - (iii) Any work that requires approval by the building board of appeals to deviate from a relevant code; or
 - (iv) Any work that involves alternate methods, including the use of structures or components that require materials and methods approval, such as prefabricated buildings; or
 - c. Involves a residential project located on lands managed by or under the jurisdiction of, or both, the State Department of Hawaiian Home Lands.

2. Amends the definition of "owner or tenant" to read as follows:

Owner and Tenant (if not the same). The persons having control over the real property that is the subject of a building permit application and having responsibility for the work identified in the building permit application and accompanying plans.
 3. Amends the definition of "relevant code" to add a reference to the Building Energy Conservation Code (ROH Chapter 16B), and delete the reference to the Sidewalk Code (ROH Chapter 14, Article 3).
- B. In SECTION 2 of the bill, subsection (b), relating to the self-certification program:
1. Adds a new subdivision (6) to require the self-certified professional to be insured with professional liability insurance, issued by an insurer authorized to insure such risks in the State, with minimum policy limits (per claim and in the aggregate for all claims made during the policy period) in the amounts specified by rule adopted by the Building Official; and
 2. Adds a new subdivision (7) to require the self-certified professional to attend a training class provided by the Department of Planning and Permitting, and to receive a certificate of completion upon demonstrating substantial comprehension of the materials covered in the training class.
- C. In SECTION 2 of the bill, subsection (d), relating to owners or tenants, references "owner and tenant (if not the same)" (instead of "owner or tenant").
- D. In SECTION 2 of the bill, subsection (e), relating to the authority of the Building Official:
1. Adds the heading "*Building Official*;"
 2. In subdivision (6), references the Department of Planning and Permitting Site Development Division (instead of the DPP Civil Engineering Branch), and adds a reference to the Honolulu Fire Department; and

3. In subdivision (8) clarifies that the Building Official may revoke (instead of rescind) any building permit issued under the self-certification program if warranted for health and safety reasons.
- E. In SECTION 2 of the bill, subsection (f), adds the heading "*Inspections*."
- F. Makes miscellaneous technical and nonsubstantive amendments.

PROPOSED CD2 TO BILL 6 (2023), CD1 (Submitted by Councilmember Tupola) – The Proposed CD2 (OCS2023-0750/8/16/2023 12:51 PM) makes the following amendments:

- A. In SECTION 2 of the bill:
 1. Amends the definition of "Eligible Project" in subsection (a) to mean a project that:
 - a. Only involves the new construction or renovation of a building that is developed for residential purposes under ROH Chapter 32; or
 - b. Only involves tenant improvements for commercial projects which are any interior renovations, alterations, or modifications of an existing commercial property that does not change the functional use of the structure from what it was originally permitted for. Any modification or alteration to the exterior walls to change the number, size, or location of exit doorways or window penetrations, or any work that would change the zoning approvals for the structure are not "eligible projects" as defined herein.
 2. Amends the definition of "Relevant Code" to include references to the Energy Code (ROH Chapter 16B) and Flood Compliance (ROH Chapter 21A).
 3. Amends subsection (b) by:
 - a. Adding a new subdivision (6) that provides that the personal verification submitted by the self-certified professional to the DPP must state that the self-certified professional is insured with professional liability insurance, issued by an insurer authorized to insure such risks in the State, with policy limits

of not less than \$500,000 per claim and \$1,000,000 in the aggregate for all claims made during the policy period; and

- b. Adding a new subdivision (7) that provides that the personal verification submitted by the self-certified professional to the DPP must state that the self-certified professional has completed a written examination administered by the department and obtained a score to demonstrate sufficient knowledge of the relevant code(s) or obtained a certification or continuing education credits prescribed by the department, or both.
- 4. Amends subsection (d) by changing all references to "owner or tenant" to "owner or tenant, or both."
 - 5. Amends subsection (e) by:
 - a. Amending subdivision (6) by changing the reference to the Department of Planning and Permitting's Civil Engineering Branch to the Department of Planning and Permitting's Site Development Division, and adds the Honolulu Fire Department as one of the agencies self-certified professionals are authorized to route their plans to for pre-approval; and
 - b. Clarifying in subdivision (8) that the building official may revoke (rather than rescind) any building permit issued under the self-certification program if warranted for health and safety reasons.

B. Makes miscellaneous technical and nonsubstantive amendments.

PROPOSED CD2 TO BILL 6 (2023), CD1 (Submitted by Councilmember Kia'aina) – The Proposed CD2 (OCS2023-0761/8/16/2023 2:55 PM) makes the following amendments:

A. In SECTION 2 of the bill:

- 1. Amends the definition of "Eligible Project" in subsection (a) to mean:
 - a. A project that only involves tenant improvements for commercial projects which are any interior renovations, alterations, or modifications of an existing commercial property that do not change the functional use of the structure

from what it was originally permitted for. Any modification or alteration to the exterior walls to change the number, size, or location of exit doorways or window penetrations, or any work that would change the zoning approvals for the structure are not "eligible projects" as defined herein; or

- b. A residential project located on lands managed by the State Department of Hawaiian Home Lands.
- 2. Amends the definition of "Relevant Code" to include references to the Energy Code (ROH Chapter 16B) and Flood Compliance (ROH Chapter 21A).
- 3. Amends subsection (b) by:
 - a. Adding a new subdivision (6) that provides that the personal verification submitted by the self-certified professional to the DPP must state that the self-certified professional is insured with professional liability insurance, issued by an insurer authorized to insure such risks in the State, with policy limits of not less than \$500,000 per claim and \$1,000,000 in the aggregate for all claims made during the policy period; and
 - b. Adding a new subdivision (7) that provides that the personal verification submitted by the self-certified professional to the DPP must state that the self-certified professional has completed a written examination administered by the department and obtained a score to demonstrate sufficient knowledge of the relevant code(s) and/or obtained a certification or continuing education credits prescribed by the department.
- 4. Amends subsection (d) by changing all references to "owner or tenant" to "owner or tenant, or both."
- 5. Amends subsection (e) by:
 - a. Amending subdivision (6) by changing the reference to the Department of Planning and Permitting's Civil Engineering Branch to the Department of Planning and Permitting's Site Development Division, and adds the Honolulu Fire Department as one of the agencies self-certified professionals are authorized to route their plans to for pre-approval; and

- b. Clarifying in subdivision (8) that the building official may revoke (rather than rescind) any building permit issued under the self-certification program if warranted for health and safety reasons.
- B. Makes miscellaneous technical and nonsubstantive amendments.

FOR DISCUSSION

- 11. **BILL 54 (2023) – RELATING TO THE ADAPTIVE REUSE OF COMMERCIAL BUILDINGS.** Temporarily allowing modifications to the Housing Code, ROH §16A-4.4, relating to the provision of light and ventilation for multi-family dwellings, to address the City's housing crisis by facilitating the adaptive reuse of commercial buildings for residential use as multi-family dwellings. (Bill passed First Reading on 10/4/23)

PROPOSED CD1 TO BILL 54 (2023) (Submitted by Councilmember Say) – The Proposed CD2 (OCS2023-0932/10/12/2023 10:22 AM) makes the following amendments:

- A. In SECTION 2 of the bill:
 - 1. Amends subsection (a) by adding a definition of "borrowed light" to read as follows:

"Borrowed Light. Natural light borrowed from an adjacent habitable room; provided that the unobstructed opening to the adjoining rooms must not be less than one-tenth of the floor area of the interior room, or 25 square feet, whichever is greater."
 - 2. Amends subsection (b)(1)(A) to provide that bedrooms may be provided with borrowed light (instead of indirect light) or artificial light so long as all other habitable rooms in the dwelling unit or congregate residence are provided with natural light.
 - 3. Amends subsection (c)(3) to provide that the DPP Director has 60 days (instead of 90 days) after the acceptance of the application and conceptual plan for the proposed project to transmit to the Council the Director's findings, recommendation, and a draft resolution.

- B. 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 92-5(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