



# 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

SPECIAL MEETING  
CITY COUNCIL CHAMBER  
TUESDAY, NOVEMBER 28, 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: **85829251415** and Passcode: **548460**.
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](mailto:kiana.pascual@honolulu.gov).

\* \* \* \* \*

### **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](mailto: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 ACTION**

1. **BILL 36 (2023) – RELATING TO BUILDING PERMITS.** Disallowing building permit applications from applicants who have been convicted of a criminal offense involving the acceptance of a bribe or who caused an employee of the Department of Planning and Permitting to be convicted of the same; and remove the affidavit requirement of stating no outstanding fines or liens for building permit applications. (Transmitted by Communication D-357[23]) (Bill passed First Reading on 6/7/23)

PROPOSED CD1 TO BILL 36 (2023) (Submitted by Councilmember Say) – The Proposed CD1 (OCS2023-1017/11/17/2023 4:21 PM) makes the following amendments:

- A. In SECTION 1 of the bill, in light of the deletion of proposed new ROH § 18-4.1(b) (below), clarifies that the purpose of the bill is only to remove the requirement that a building permit application contain a written and signed attestation from the owner stating that the owner has no outstanding fines payable to, or liens in favor of, the City and County of Honolulu.
- B. In SECTION 2 of the bill, deletes proposed new ROH § 18-4.1(b).
- C. Deletes SECTION 3 of the bill, and renumbers subsequent SECTIONS of the bill accordingly.
- D. Makes miscellaneous technical and nonsubstantive amendments.

2. **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: 1/22/24)

PROPOSED CD2 TO BILL 50 (2023), CD1 (Submitted by Councilmember Say) – The Proposed CD2 (OCS2023-1019/11/8/2023 3:17 PM) makes the following amendments:

- A. In SECTION 3 of the bill, amends ROH § 21-9.100-8(a)(1)(D), relating to maximum height, to clarify that the maximum height with PD-T approval is up to the parenthetical height identified as the bonus height limit on the zoning map (instead of more than 120 feet over the base height limit; or more than three times the base height limit, whichever is less).
- B. In SECTION 4 of the bill, Table 21-9.8 ("TOD Special District Project Classification"):
1. Amends the "Activity/Use" in line item 1 to read as follows:  
  
"Major modification, major additions, or new construction on sites 1 acre or more in size"
  2. Amends the "Activity/Use" in line item 4 to delete reference to "alteration, repair," since these activities are already covered under line item 5.
  3. Deletes the "Special Conditions" in line item 8 because it is duplicative of a notation at the end of the table providing that "if a PD-T or other major special district permit is otherwise required, a separate minor special district permit is not required."
- C. Makes miscellaneous technical and nonsubstantive amendments.

Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

PROPOSED CD2 TO BILL 50 (2023), CD1 (Submitted by Councilmember Cordero)  
– The Proposed CD2 (OCS2023-1047/11/21/2023 10:06 AM) makes the following amendments:

- A. In SECTION 2 of the bill, amends ROH § 21-9.100-2(a) to add a new subdivision (6) providing that the neighborhood TOD plan must address the preservation and protection of Native Hawaiian cultural and historic resources, including cultural, historic, and pre-contact sites and monuments. Renumbers subsequent subdivisions.
- B. In SECTION 3 of the bill, amends ROH § 21-9.100-8(a)(1)(D), relating to maximum height, to clarify that the maximum height with PD-T approval is up to the parenthetical height identified as the bonus height limit on the zoning map (instead of more than 120 feet over the base height limit; or more than three times the base height limit, whichever is less).
- C. In SECTION 4 of the bill, Table 21-9.8 ("TOD Special District Project Classification"):
  - 1. Amends the "Activity/Use" in line item 1 to read as follows:

"Major modification, major additions, or new construction on sites 1 acre or more in size"
  - 2. Amends the "Activity/Use" in line item 4 to delete reference to "alteration, repair," since these activities are already covered under line item 5.
  - 3. Deletes the "Special Conditions" in line item 8 because it is duplicative of a notation at the end of the table providing that "if a PD-T or other major special district permit is otherwise required, a separate minor special district permit is not required."
- D. Makes miscellaneous technical and nonsubstantive amendments.

Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

3. **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: 1/22/24)

PROPOSED CD2 TO BILL 51 (2023), CD1 (Submitted by Councilmember Say) – The Proposed CD2 (OCS2023-1018/11/9/2023 8:04 AM) makes the following amendments:

- A. Replaces the attached Exhibit A map with a new Exhibit A map, which reflects a zone change along the northeastern portion of Halawa Stream, from the R-5 Residential District to the P-2 General Preservation District (instead of to the BMX-3 Community Business Mixed-Use District) to preserve Halawa Stream as a green corridor, as recommended in the Halawa Area Transit-Oriented Development Plan and which adds a new note stating: "Where Halawa Stream is not defined by a parcel, the P-2 District along that portion shall be interpreted to extend 50 feet from each side of the channel centerline."
- B. Makes miscellaneous technical and nonsubstantive amendments.

Related Communication:

D-753[23] Department of Planning and Permitting, Proposed Revision to Bill 51 (2023), CD1.

4. **RESOLUTION 23-272 – EXTENDING DEADLINE TO OBTAIN A BUILDING PERMIT FOR THE PROJECT AT 1500 KAPIOLANI BOULEVARD.** Amending Resolution 17-221, CD1, and Resolution 20-170, CD1, to extend the deadline to obtain a building permit for an interim Planned Development-Transit (IPD-T) project at 1500 Kapiolani Boulevard. (Applicant: Mana'olana Partners 1500, LLC) (Transmitted by Communication D-765[23])

PROPOSED CD1 TO RESOLUTION 23-272 (Submitted by Councilmember Say) – The Proposed CD1 (OCS2023-1063/11/22/2023 1:37 PM) makes the following amendments:

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

"AMENDING RESOLUTION 17-221, CD1, AS AMENDED BY RESOLUTION 20-170, CD1, TO FURTHER EXTEND THE DEADLINE TO OBTAIN A BUILDING PERMIT FOR AN INTERIM PLANNED DEVELOPMENT-TRANSIT PROJECT LOCATED AT 1500 KAPI'OLANI BOULEVARD."

- B. In the first WHEREAS clause, clarifies the description of the Project.
- C. In the second WHEREAS clause, adds that the Project's Special District Major Permit file is File No. 2017/SDP-24.
- D. Adds a new seventh WHEREAS clause to detail the reasons the Applicant has requested a further three-year extension of the deadline.
- E. Amends the last WHEREAS clause to provide that the Council desires to approve a 95-day extension of time, with the expectation that within that extended 95-day period, the Applicant will submit to the DPP for review and recommendation, a proposal for Project modifications, together with a further request for an extension of time to implement the proposal, all of which must be approved by the Council.
- F. In the BE IT RESOLVED clause, provides that Resolution 17-221, CD1, as amended by Resolution 20-170, CD1, is further amended to extend the deadline to obtain a building permit for the Project by 95 days (instead of three years), to March 30, 2024 (instead of December 16, 2026, although a three-year extension would have resulted in a new deadline of December 26, 2026); provided that prior to March 30, 2024, with ample time to be processed by the DPP, considered by the Zoning Committee at its meeting on March 6, 2024, and adopted by the Council at its meeting on

Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

March 27, 2024, the Applicant shall submit to the DPP for its review, recommendation, and preparation of a draft resolution, a Project modification proposal that is of benefit to the community, together with a request for a further extension of the deadline to obtain a building permit for the Project to implement the proposal.

G. Makes miscellaneous technical and nonsubstantive amendments.

5. **RESOLUTION 23-244 – PRU PERMIT FOR THE UPDATE TO THE UNIVERSITY OF HAWAI'I 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. (Applicant: University of Hawai'i) (Public hearing held on the Resolution and the proposed CD1 on 11/1/23) (Current deadline for Council action: 1/31/24)

CD1 TO RESOLUTION 23-244 (Approved by the Committee at its meeting on October 18, 2023) – The 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 HAWAI'I 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.



Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

- 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.

Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

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.

Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

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.

6. **RESOLUTION 23-252 – 46-40, 46-50. AND 46-70 KŌNANE PLACE – HE‘EIA (2023/SMA-54)**. Granting a Special Management Area (“SMA”) Use Permit to the Pu‘u Ali‘i Community Association (the “Applicant”) to allow for the implementation of slope stabilization project covering approximately 54,886 square feet of land zoned R-10 Residential District, located at 46-40, 46-50, and 46-70 Kōnane Place in He‘eia, and identified as Tax Map Keys 4-6-001: 002, 060, and 062. (Applicant: Pu‘u Ali‘i Community Association) (Transmitted by Communication D-713[23]) (Current Deadline for Council Action: 12/9/23)

PROPOSED CD1 TO RESOLUTION 23-252 (Submitted by Councilmember Say) – The Proposed CD1 (OCS2023-1062/11/22/2023 10:07 AM) makes the following amendments:

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

GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW THE IMPLEMENTATION OF A SLOPE STABILIZATION PROJECT AT 46-40, 46-50, AND 46-70 KŌNANE PLACE IN HE‘EIA, O‘AHU.

- B. In the first WHEREAS clause, clarifies the description of the project as a 54,886 square-foot slope stabilization project on 359,021 square feet of land. Also clarifies that the Project site is identified as portions of Tax Map Keys 4-6-001:002, 060, and 062.
- C. In the fourth WHEREAS clause, references Section 25-4.1, Revised Ordinances of Honolulu 2021 ("ROH") (instead of ROH Section 25-3.2).
- D. In the fifth WHEREAS clause, references Departmental Communication 713 (2023) (instead of Departmental Communication 714 (2023)).
- E. In the BE IT RESOLVED clause:
1. In Condition A, provides that except as required in Condition D.2, development must be in general conformity with the Project as described in the DPP's findings and recommendation, referenced above, and as depicted in Exhibits A through C, D-1 through D-12, and E through H, attached to the resolution and incorporated therein.

Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

2. In Condition B:
  - a. Adds that if previously unidentified archaeological sites or remains are encountered during construction, the Applicant is required to protect the find from further disturbance; and
  - b. Adds that the requirements must be clearly stated under "Environmental Notes" on all Project construction permit plans.
3. In Condition C:
  - a. In the first sentence, clarifies that to minimize impacts to the Hawaiian hoary bat, Hawaiian seabirds, and other endangered, protected, or threatened fauna that may frequent or traverse the vicinity of the Project site, the Applicant is responsible for the following requirements;
  - b. Moves Condition C.1 (relating to woody plants greater than 15 feet in height) to renumbered Condition C.6 (to be in close proximity to another provision relating to the Hawaiian hoary bat), and renumbers subsequent provisions; and
  - c. Separates renumbered Condition C.2 into Conditions C.2 (relating to the prohibition on exterior artificial light from directly illuminating the shoreline and ocean waters) and C.3 (relating to turning off exterior lighting when human activity is not occurring in the illuminated area).
4. Combines Conditions D and E to provide for landscaping requirements as follows:
  - a. All landscaping on the Project site must comply with the Pu'u Ali'i Master Landscape Plan approved in 1974 as a part of the Pu'u Ali'i condominium Planned Development-Housing development (see Ordinance 4421, Application File No. 73/PDH-4), as updated in 2020 and approved by the DPP, or any subsequent Pu'u Ali'i Master Landscape Plan approved by the DPP (the "Master Landscape Plan").
  - b. To the extent possible, at least 25 percent of all street trees planted along Lilipuna Road must be larger than 25 gallons;

Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

provided that such street trees are consistent with the Master Landscape Plan.

- c. Within 90 days after the Project landscaping is complete, the Applicant shall submit to the DPP an as-planted landscape plan for the Project site, with photos of the planted areas, showing compliance with the Master Landscape Plan. For the street trees along Lilipuna Road, the as-planted landscape plan must detail attempts to find street trees larger than 25 gallons, and must include a list of nurseries contacted and the availability of trees to comply with Condition D.2. This requirement must be clearly stated under "Environmental Notes" on all Project construction permit plans.
  - d. The Applicant shall maintain all approved landscaping in a healthy condition, and provide replacement landscaping or perform remedial slope stabilization, or both, as necessary, to ensure proper drainage and stability of the Project-related slopes.
5. In realphabetized Condition E, clarifies that any extension proposal will be deemed to be denied if the Council fails to take final action within the first to occur of: (1) sixty days after receipt of the DPP Director's report or (2) the Applicant's then-existing deadline for obtaining a construction permit.

F. Makes miscellaneous technical and nonsubstantive amendments.

PROPOSED CD1 TO RESOLUTION 23-252 (Submitted by Councilmember Kia'āina)  
– The Proposed CD1 (OCS2023-1048/11/20/2023 10:14 AM) makes the following amendments:

A. Amends the resolution title to read as follows:

GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW THE IMPLEMENTATION OF A SLOPE STABILIZATION PROJECT AT 46-40, 46-50, AND 46-70 KŌNANE PLACE IN HE'EIA, O'AHU.

B. In the first WHEREAS clause, clarifies the description of the project as a 54,886 square-foot slope stabilization project on 359,021 square feet of land.

Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

- C. In the fourth WHEREAS clause, references Section 25-4.1, Revised Ordinances of Honolulu 2021 ("ROH") (instead of ROH Section 25-3.2).
- D. In the fifth WHEREAS clause, references Departmental Communication 713 (2023) (instead of Departmental Communication 714 (2023)).
- E. In the BE IT RESOLVED clause:
  - 1. Clarifies in the first sentence of Condition A that except as conditioned in Condition D.1, development must be in general conformity with the Project as described in the DPP's findings and recommendation, referenced above, and as depicted in Exhibits A through C, D-1 through D-12, and E through H, attached to the resolution and incorporated therein.
  - 2. Combines Conditions D (now Condition D.2) and E (now Condition D.3) into one condition under the heading "Landscaping," and rennumbers remaining conditions accordingly.
  - 3. Adds a new Condition D.1 to provide that, to the extent possible, at least 25 percent of all street trees planted along Lilipuna Road must be larger than 25 gallons; provided that such street trees are consistent with the Pu'u Ali'i Master Landscape Plan approved by the DPP in 2020, or any subsequent Pu'u Ali'i Master Landscape Plan approved by the DPP.
  - 4. In renumbered Condition D.2:
    - a. Clarifies that the Applicant shall provide an as-planted landscape plan of the Project area, with photos of the planted areas, within 90 days after landscape planting is complete; and
    - b. Provides that for the street trees along Lilipuna road, the as-planted landscape plan must detail attempts to find street trees larger than 25 gallons, and must include a list of nurseries contacted and the availability of trees to comply with Condition D.1.
  - 5. Clarifies in Condition D.3, that the Applicant shall maintain all approved landscaping in a healthy condition. Also clarifies that the

Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

Applicant shall provide replacement landscaping or perform remedial slope stabilization, or both, as necessary to ensure adequate drainage and stability.

F. Makes miscellaneous technical and nonsubstantive amendments.

7. **RESOLUTION 23-264 – 67-429A WAIALUA BEACH ROAD – WAIALUA (2023/SMA-43)**. Granting a Special Management Area (“SMA”) Use Permit to Alex and Marilyn Roitman (the “Applicant”) to allow for the construction of a new single-family dwelling unit and other improvements, on approximately 10,001-square-foot of land zoned R-5 Residential District, located at 67-429A Waialua Beach Road, and identified as Tax Map Key: 6-7-013: 005. (Applicant: Alex and Marilyn Roitman) (Transmitted by Communication D-754[23]) (Current Deadline for Council Action: 12/22/23)

PROPOSED CD1 TO RESOLUTION 23-264 (Submitted by Councilmember Say) – The Proposed CD1 (OCS2023-1057/11/21/2023 3:44 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 CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING UNIT AND OTHER IMPROVEMENTS AT 67-429A WAIALUA BEACH ROAD IN WAIALUA, O’AHU.

B. In the first WHEREAS clause, clarifies that the Project site consists of a 10,001 square-foot zoning lot that has been subjected to a condominium property regime, zoned R-5 Residential District, located at 67-429A Waialua Beach Road, and identified as a portion of Tax Map Key 6-7-013:005.

C. In the BE IT RESOLVED clause:

1. In Condition A, deletes the sentence providing that any new application for an SMA Use Permit for the Project will be processed in accordance with the ordinance in effect at the time the new application is accepted by the DPP (because the Project's SMA Major Permit application was accepted as complete by the DPP after the March 9, 2023, effective date of Ordinance 23-4).



Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

2. In Condition B, provides that prior to the issuance of any construction permits or building permits for the Project, the Applicant shall submit to the DPP:
  - a. A copy of an archaeological inventory survey ("AIS") with subsurface testing conducted by a qualified archaeologist that has been reviewed and approved by the State Historic Preservation Division ("SHPD"). The AIS must identify and document any archaeological historic properties and cultural resources on the Project site, assess their significance, and determine potential impacts of the Project on the historic properties and cultural resources. The Applicant shall implement the mitigation protocols identified in the AIS that are approved or otherwise required by SHPD for all historic properties and cultural resources (including iwi) discovered on the Project site, and all mitigation protocols must be clearly stated under "Environmental Notes" on all Project construction permit plans and building permit plans; or
  - b. A written determination from SHPD stating that an AIS is not required for the Project.
3. In Condition D:
  - a. In the first sentence, clarifies that to minimize impacts to the Hawaiian hoary bat, Hawaiian seabirds, and other endangered, threatened, or protected fauna that may frequent or traverse the vicinity of the Project site, the Applicant is responsible for the following requirements;
  - b. Separates Condition D.2 into Conditions D.2 (relating to the prohibition on exterior artificial light from directly illuminating the shoreline and ocean waters) and D.3 (relating to turning off exterior lighting when human activity is not occurring in the illuminated area);
  - c. Adds that woody plants greater than 15 feet in height may not be disturbed, removed, or trimmed during the Hawaiian hoary bat birthing and pup rearing season (June 1 through September 15); and

Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

- d. Adds that barbless fencing must be used for all fence construction to avoid the entanglement of Hawaiian hoary bats.
  - 4. In Condition F, clarifies that prior to the issuance of a building permit for the Project, the Applicant shall submit to the DPP for review and approval a landscape plan that shows the use of a combination of canopy-form trees and hedging to screen the property from view from Waialua Beach Road. Also provides that the planting of native plant species are preferred, and 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.3, clarifies that any extension proposal will be deemed to be denied if the Council fails to take final action within the first to occur of: (1) sixty days after receipt of the DPP Director's report or (2) the Applicant's then-existing deadline for obtaining a construction permit or building permit.
  - D. In the Exhibits attached to the resolution, replaces Exhibits C-1 through C-11 with new Exhibits C-1 through C-11 (new Exhibits are substantially the same as those attached to the original resolution, but are formatted to enhance readability).
  - E. Makes miscellaneous technical and nonsubstantive amendments.
8. **RESOLUTION 23-273 – 5225 KALANIANA'OLE HIGHWAY – WAILUPE (2023/SMA-56)**. Granting a Special Management Area ("SMA") Use Permit to Joseph and Cecilia Fatt (the "Applicant") to allow for the addition of a new three-car garage and storage, porch, wheelchair ramp, fence, and a concrete driveway and walkway to an existing detached single-family dwelling on approximately 13,359 square feet of land zoned R-10 Residential District, located at 5225 Kalaniana'ole Highway, in Wailupe, East Honolulu, and identified as Tax Map Key 3-6-002: 039. (Applicant: Joseph and Cecilia Fatt) (Transmitted by Communication D-772[23]) (Current Deadline for Council Action: 1/2/24)

Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

PROPOSED CD1 TO RESOLUTION 23-273 (Submitted by Councilmember Say) –  
The Proposed CD1 (OCS2023-1053/11/20/2023 4:21 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 CONSTRUCTION OF ADDITIONS AND  
IMPROVEMENTS TO AN EXISTING SINGLE-FAMILY DETACHED  
DWELLING IN WAILUPE, O'AHU.

B. In the first WHEREAS clause, clarifies the description of the Project.

C. In the third WHEREAS clause, clarifies that the DPP transmitted its findings and recommendation of approval to the City Council within 48 (instead of 45) calendar days from the public hearing, and references § 25-4.1, Revised Ordinances of Honolulu 2021 ("ROH") (instead of ROH § 25-3.2).

D. In the BE IT RESOLVED clause:

1. In Condition D:

- a. Adds a new Condition D.3 to require that exterior lighting that is not necessary for security purposes must be turned off when human activity is not occurring in the illuminated area, and rennumbers subsequent enumerated items in Condition D;
- b. In renumbered Condition D.4, requires that exterior light fixtures on the Project site (instead of the zoning lot) must be fully shielded using full cutoff fixtures; and
- c. In the last sentence, clarifies that the requirements enumerated in Condition D must be clearly stated under "Environmental Notes" on all Project construction permit plans and building permit plans.

2. In Condition E.3.b, clarifies that any extension request will be deemed to be denied if the Council fails to take final action within the first to occur of: (i) sixty days after receipt of the DPP Director's report or (ii) the Applicant's then-existing deadline to obtain a construction permit or building permit (instead of a development permit).

E. Makes miscellaneous technical and nonsubstantive amendments.

9. **RESOLUTION 23-281 – WAIPAHU STREET AFFORDABLE RENTAL 201H PROJECT – WAIPAHU (2023/GEN-6)**. 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 Waipahu Street Affordable Rental Housing Development Project on approximately 37,000 square feet of land zoned AMX-2 Medium-Density Apartment Mixed Use District and the Waipahu Transit-Oriented Development Special District located at 94-069 Waipahu Street and identified as Tax Map Key 9-4-047: 025. (Applicant: Michaels Development) (Transmitted by Communication D-782[23]) (Current Deadline: 12/23/23)

PROPOSED CD1 TO RESOLUTION 23-281 (Submitted by Councilmember Say) – The Proposed CD1 (OCS2023-1054/11/22/2023 8:08 AM) makes the following amendments:

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

"AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE WAIPAHU STREET AFFORDABLE RENTAL HOUSING PROJECT IN WAIPAHU, O'AHU."

- B. In the second WHEREAS clause, clarifies that the Project involves a 15-story tower (12-story residential tower above a three-story parking podium) consisting of 195 affordable rental dwelling units and one manager's unit, 179 vehicle parking spaces, 118 long-term and short-term bicycle parking spaces, storage rooms, and a mailroom, barbecue pavilion, community garden, fitness loop, dog park, laundry room, multipurpose room, activity room, and fitness center.
- C. In the third WHEREAS clause, clarifies that the 195 affordable dwelling units will be rented to households earning 80 percent or below of the AMI as follows: 15 units will be rented to households earning 30 percent or below of the AMI, 160 units will be rented to households earning 31 percent up to 60 percent of the AMI, and 20 units will be rented to households earning 61 percent up to 80 percent of the AMI.

Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

- D. In the fifth WHEREAS clause, provides that under the City's rules implementing HRS § 201H-38, at least 20 percent (instead of 50 percent) of a project's total units must be available to households earning 80 percent or below of the AMI, and at least 31 percent of the project's total units must be available to households earning between 81 percent and 120 percent of the AMI, or lower AMI.
- E. In Exemption 3, relating grading and grubbing permit fees, corrects the reference to ROH § 18A-2.4 (instead of ROH § 18-2.4A).
- F. In Exemption 4, relating to special assignment inspection fees, adds reference to ROH § 18-3.1 (in addition to Table 18-A).
- G. In Exemption 5, relating to stormwater quality review and erosion control and sediment plan review fees, corrects the reference to ROH § 18A-1.6(d) (instead of ROH § 14-13.6(d)).
- H. In Exemption 7, relating to wastewater system facility charges:
  - 1. Adds reference to ROH § 43-10.2 (in addition to ROH §§ 43-10.1 and 43-10.3); and
  - 2. Provides for an exemption from the payment of wastewater system facility charges attributed to 195 affordable units rented to households earning 80 percent and below of the AMI, estimated at \$903,084 (instead of all 196 dwelling units, estimated at \$907,715).
- I. Adds a new Exemption 8 to provide for a deferral from ROH §§ 43-10.1, 43-10.2 and 43-10.3, to allow the deferral until the issuance of a certificate of occupancy for the Project of the payment of wastewater system facility charges attributed to one manager's unit, estimated at \$4,631.
- J. Deletes former Exemption 8, relating to an exemption from the payment of wastewater sewer service fees (estimated at \$25,000). This is a recurring monthly service fee that is necessary to provide sewer services.
- K. In Exemption 9, relating to storm drain connection fees, corrects reference to ROH § 43-11.12(f) (instead of ROH § 14-12.12).
- L. In Exemption 11, relating to the Board of Water Supply ("BWS") Rules and Regulations, adds a proviso that the deferral of the payment of water system

Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

facility and installation of water service fees is contingent on satisfying all BWS requirements.

- M. In Exemption 12, relating to maximum building height, adds that rooftop structures must conform to ROH § 21-4.60(c).
- N. In Exemption 13, relating to density, clarifies that the maximum floor area ratio ("FAR") is 5.5 (instead of an FAR of 1.84).
- O. In Exemption 14, relating to lot coverage, clarifies that the maximum building area is 80 percent of the zoning lot (instead of 40 percent of the zoning lot).
- P. In Exemption 15, relating to required yards, clarifies that a five-foot front yard is allowed (instead of a 10-foot front yard).
- Q. In Exemption 17, relating to off-street loading dimensions, clarifies that the large loading space may be 30 feet long by 12 feet wide, with a 12.5-foot vertical clearance (instead of 35 feet long by 12 feet wide, with a 14-foot vertical clearance).
- R. For Exemptions 18 through renumbered 24, adds the header "Waipahu Transit-Oriented Development Special District."
- S. Adds a new Exemption 19, relating to building orientation, to allow the short side of the Project's tower to be parallel to Waipahu Street (instead of the long side of the Project's tower to be parallel to Waipahu Street). Renumbers subsequent exemptions.
- T. In renumbered Exemption 20, relating to building transparency, clarifies that a minimum of 40 percent of the ground floor façade facing Waipahu Street must have openings (instead of 60 percent of the ground floor façade facing Waipahu Street must have openings).
- U. In renumbered Exemption 21, relating to vehicle parking, clarifies that the parking structure entrance may be located eight feet from the front property line (instead of 40 feet from the front property line).
- V. In renumbered Exemption 22, relating to loading spaces, clarifies that loading spaces may be located at the front of the Project site near to the parking structure entrance on Waipahu Street (instead of near to the side or rear of the Project site).

Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

- W. In renumbered Exemption 25, relating to park dedication requirements, provides for an exemption from park dedication requirements attributed to 195 affordable dwelling units rented to households earning 80 percent or below of the AMI, totaling 21,450 square feet of park space, or payment of an equivalent in-lieu fee, estimated at \$2,828,182.50 (instead of an exemption from park dedication requirements for 11,768 square feet of park space, or payment of an equivalent in-lieu fee estimated at \$1,553,984, which represents the remaining park dedication requirements after dedication of 9,664 square feet of onsite recreational space). Park dedication requirements attributed to one manager's unit, totaling 110 square feet of park space, or payment of an equivalent in-lieu fee estimated at \$14,503.50, may be satisfied by dedicating onsite recreational space that meets City park standards, or by payment of the equivalent in-lieu fee.
- X. In Condition B, clarifies that the initial traffic impact analysis ("TIA") was prepared by WSP USA, Inc.
- Y. In Condition B.2.b, adds that the construction management plan ("CMP") must include other traffic mitigation measures to address potential impacts on the surrounding neighborhood during Project construction.
- Z. In Condition B.3.b, adds that the traffic demand management plan ("TMP") must include the determination of effective sidewalk widths, taking into account City Complete Streets initiatives.
- AA. In Condition B.4, requires the submission of a solid waste management plan and a loading area plan (in addition to a maneuverability study) demonstrating that loading activity and trash pickup will not occur on Waipahu Street, and will not interfere with or disrupt the flow of traffic on Waipahu Street.
- BB. In Condition C, relating to the submission of an updated traffic impact analysis ("TIA"), adds that if the updated TIA is inconclusive, a second updated TIA may be required one year after the date of the updated TIA, as the DPP Director determines is necessary.
- CC. In the BE IT FINALLY RESOLVED clause, corrects the R.M. Towill Corporation address to 2024 (instead of 2021) North King Street, Honolulu, Hawai'i 96819.
- DD. Makes miscellaneous technical and nonsubstantive amendments.

Committee on Zoning Special Meeting Agenda  
Tuesday, November 28, 2023

**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