

**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'aina  
Matt Weyer

**NOTICE OF CONTINUANCE OF MEETING**

ORIGINALLY CONVENED ON WEDNESDAY, APRIL 3, 2024 AT 9:00 A.M.

See attached agenda for original meeting

**TO BE CONTINUED TO:**

**DATE: THURSDAY, APRIL 4, 2024**  
**TIME: 2:00 P.M.**  
**PLACE: CITY COUNCIL CHAMBER**

The continuance of the meeting is necessary to conclude consideration of Agenda Item No. 7 – Bill 19 (2024), FD1, relating to housing; Item No. 8 – Bill 3 (2024), relating to incentives for the construction of affordable rental housing; Item No. 9 – Bill 57 (2023), relating to game rooms; and Item No. 10 – Bill 58 (2023), relating to authorized personnel.

Public testimony will only be allowed on Agenda Item No. 7 – Bill 19 (2024), FD1 and Item No. 8 – Bill 3 (2024). Public testimony has concluded, but action has not been taken on Agenda Item No. 9 – Bill 57 (2023) and Item No. 10 – Bill 58 (2023).

The Committee has concluded public testimony and action on the other item(s) described in the attached agenda. However, pursuant to Council Rule No. 18, which allows for reconsideration of a vote taken on any agenda item at the same meeting, the Committee may take such action if necessary.

This notice has been physically posted at the following location(s):

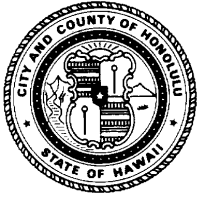
Office of the City Clerk

Meeting Site

This notice has also been electronically posted at <https://hnlldoc.ehawaii.gov/hnlldoc/browse/agendas>.

For more information relating to the continuance, you may call (808) 768-3816.

(This notice is not subject to the filing requirements of HRS Sec. 92-7.)



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**AGENDA**

REGULAR MEETING  
CITY COUNCIL CHAMBER  
WEDNESDAY, APRIL 3, 2024  
9:00 A.M.

Remote and in-person oral testimony will be permitted on all items on the agenda when each agenda item is taken up. 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: **85294845340** and Passcode: **480880**.
2. To testify by videoconference visit: <https://hnlidoc.ehawaii.gov/hnlidoc/testimony>. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to the meeting.

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.

Persons wishing to testify in-person in the Council Chamber are requested to register by 9:00 a.m. by filling out the registration form in person outside the Council Chamber. Persons who have not registered will be given an opportunity to speak following the oral testimonies of the registered speakers.

**Oral testimony will be allowed when each agenda item is taken up, in the following order:**

1. **Remote testimony;**
2. **In-person testimony in the Council Chamber.**

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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).

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.

The meeting will be viewable: (1) by internet live streaming through <https://www.honolulu.gov/citycouncil/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.honolulu.gov/citycouncil/meetings>. Copies of older meeting videos may be requested by calling the City Clerk's Office at (808) 768-5822, charges may apply.

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.

**FOR ACTION**

1. **RESOLUTION 24-23 – 128 NORTH NIMITZ HIGHWAY – CHINATOWN (2023/PDP-1)**. Approving a conceptual plan for an Interim Planned Development-Transit (IPD-T) Project for the Chinatown Hotel Development on 44,410 square feet of land zoned BMX-4 Central Business Mixed-Use District in the Downtown Neighborhood Transit Oriented Development (TOD) Plan Area, located at 128 North Nimitz Highway, and identified as Tax Map Key(s) 1-7-002: 013, 023, and 050. (Applicant: Ikenakea Hokele LLC) (Public hearing held on the Resolution and the proposed CD1 on 3/25/24) (Current Deadline for Council Action: 5/29/24)

CD1 TO RESOLUTION 24-23 (Approved by the Committee at its meeting on March 6, 2024) – The CD1 (OCS2024-0230/3/15/2024 2:47 PM) makes the following amendments:

- A. Amends the resolution title to read as follows:  
  
"APPROVING A CONCEPTUAL PLAN FOR AN INTERIM PLANNED DEVELOPMENT-TRANSIT PROJECT FOR THE CHINATOWN HOTEL DEVELOPMENT."
- B. In the second and third WHEREAS clauses, clarifies the description of the Project.
- C. Adds a new third WHEREAS clause to provide that the Applicant proposes to consolidate the three zoning lots identified above, and re-subdivide the consolidated zoning lot into two zoning lots – the Project site will encompass one re-subdivided zoning lot of approximately 25,826 square feet.
- D. Adds a new fourth WHEREAS clause to provide that as proposed, the Project involves the use of an automated stacked mechanical parking system for the vehicles parked on levels two and three of the parking podium.
- E. In the sixth, seventh, and eighth WHEREAS clauses, provides that the DPP completed its findings and recommendation for the Project on January 26, 2024, which was received by the City Council on January 30, 2024, as Departmental Communication 66 (2024).
- F. In Condition B, relating to the maximum floor area ratio ("FAR") of 6.82, adds that the maximum FAR in the BMX-4 District is an FAR of 4.0.

- G. In Condition C, relating to maximum building height of 200 feet, adds that the maximum height in the BMX-4 District is 80 feet.
- H. In Condition D, provides that the Project may encroach up to 6 feet (instead of 5.083 feet) into the BMX-4 District height setback along Nimitz Highway.
- I. In Condition E, provides that the Project may provide three off-street loading spaces: one large loading space a minimum of 35 feet long by 12 feet wide with a 14-foot vertical clearance, and two small loading spaces a minimum of 19 feet long by 8.5 feet wide with a 10-foot vertical clearance (instead of two large loading spaces and two small loading spaces); provided that the Applicant shall regulate the hours of delivery to non-peak commuting traffic hours, particularly for larger vehicles using the large loading space in the porte cochere.
- J. In Condition F (relating to the Chinatown Special District Makai Precinct development standards).
  - 1. In Condition F.2 (relating to full encroachment into the height setback) adds that required height setback is one foot per one foot in height over 40 feet. References updated Project plans that are required in Condition H.7.
  - 2. In Condition F.3 (allowing the Project to use a decorative metal screen instead of planter boxes), adds that the decorative metal screen will be along the length of the facade on levels two and three of the parking podium fronting Nimitz Highway. Moves the requirement for updated Project plans to Condition H.6, and references Condition H.6.
  - 3. In Condition F.4, provides that only portions of the Project above 78 feet (instead of 80 feet) may encroach up to 6 feet (instead of 5.42 feet) into the 10-foot front yard along Nimitz Highway required under ROH § 21-9.60-11(c) (no encroachment into the 10-foot front yard along Nimitz Highway is allowed below 78 feet). References updated Project plans that are required in Conditions H.3 and H.7.
  - 4. Adds a new Condition F.5 to require the Project to comply with the signage standards and requirements for the Chinatown Special District. References a Project signage plan that is required in Condition K.

K. In Condition G (relating to community benefits).

1. In Condition G.1 (relating to a \$704,600 cash contribution to be used toward supporting Phase 2 of the Kekaulike Street Multimodal Improvement Project) clarifies that the Kekaulike Street Multimodal Improvement Project supports the City's planned pedestrian mall and Nimitz Highway crossing, or that the cash contribution may be used to fund other multimodal transportation improvements in the Hōlau (Chinatown) station area consistent with the Downtown Neighborhood TOD Plan.
2. In Condition G.2 (relating to the provision a minimum of 10 car-share parking spaces and vehicles on the Project site), references the updated Project plans required under Condition H.5, and that a Project signage plan is required under Condition K.
3. In Condition G.3 (relating to the provision of a bikeshare station accommodating at least 15 bicycles), references the updated Project plans required under Condition H.3.
4. In Condition G.4 (relating to the provision of five new bus stop seating units at TheBus Stop No. 997 on King Street, and other improvements to TheBus stops in the Chinatown area)
  - a. Clarifies that the DTS Director will determine and value the improvements; and
  - b. Specifies that the improvements must be implemented prior to the issuance of any certificate of occupancy ("CO") for the Project (instead of prior to the issuance of a building permit for the Project).
5. In Condition G.5 (relating to a cash contribution of \$2,809,400 to be deposited into the City's Affordable Housing Fund), revises the cash contribution amount to \$3,169,539 (instead of \$2,809,400). Also adds that the monies will be used for the purposes set forth in Charter Section 9-204.3 and ROH Chapter 6, Article 63.

(The calculation is based on the bonus height and density for the Project equating to an additional 42,104 square feet of floor area, which is equal to 80 additional hotel units. The 80 additional hotel

units is approximately 30 percent of the total 240 hotel units. The cost to develop the hotel tower is \$466 per square foot, multiplied by the additional 42,104 square feet of bonus floor area, equals a valuation of \$19,620,464. Thirty percent of the \$19,620,464 valuation equals \$5,886,139. \$5,886,139 minus the \$2,716,600 value of the other community benefits being provided equals \$3,169,539, which is the amount of the cash contribution to be deposited into the City's Affordable Housing Fund.)

6. In Condition G.6 (relating to the public pedestrian connection from Maunakea Street to North King Street that operates as a dining alley and ("Dining Alley")).
  - a. Requires the Applicant to execute and record with the State Bureau of Conveyances, or the Office of the Assistant Registrar of the State Land Court, or both, as appropriate, easements on, over, and across, in favor of the City, for public right-of-way access along the public pedestrian connection from Mauna Kea Street to North King Street that operates as a dining alley, which must remain accessible to the public on an ongoing and uninterrupted basis in perpetuity, and require the owner of the access route to maintain the access route on an ongoing basis. The Applicant shall submit a copy of the recorded easement or similar instrument to the DPP Director.
  - b. Requires the Applicant to provide evidence that a 30-year ground lease has been obtained for the construction, operation, maintenance, and management of the Dining Alley, and references the Dining Alley plan required under Condition H.9.
- L. In Condition H (relating to updated Project plans and documents required with the submission of the Project's Major Special District Permit).
  1. In Condition H.1, clarifies that the ground floor design should minimize conflicts between pedestrians and vehicles, particularly with regard to pedestrian traffic traveling to the Project site along Gravier Lane and from the north along Nimitz Highway, through the use of wayfinding signage, marked pedestrian paths, lighting, vehicle warning systems, or safety infrastructure.

2. In Condition H.2, requires the number and location of the 16 short-term and 25 long-term bicycle parking spaces. Requires all short-term bicycle parking spaces to be located on the ground floor in visible and easily identifiable areas near building entrances. Also requires specification of bicycle rack types for the short-term and long-term bicycle parking spaces, and the location of wayfinding signage for the short-term bicycle parking spaces.
3. In Condition H.3, requires the new location of the bikeshare station after it is relocated to so that it no longer encroaches into the required 10-foot front yard along Nimitz Highway.
4. Deletes Condition H.4, which required the Applicant to obtain tentative approval from the State of Hawai'i Department of Transportation Services ("HDOT") regarding access points, porte cochere operations, mechanical parking operations, and loading and maneuvering that may affect Nimitz Highway. Instead, Condition J.4 requires the Applicant to submit to the DPP, prior to the issuance of a building permit for the Project, a copy of the Project's right-of-way map for Nimitz Highway approved by HDOT, together with an update to the initial traffic impact analysis report ("TIAR") to reflect data for Nimitz Highway as approved by HDOT. Renumbers subsequent conditions in Condition H.
5. In renumbered Condition H.4, requires loading vehicle turning templates and design details for the ground floor loading areas (two small loading spaces on the northwest end of the Project site within the loading bay along Gravier Lane, and one large loading space located in the porte cochere), which must be designed with adequate safety measures to avoid conflicts between pedestrians and bicycles through the use of wayfinding signage, marked pedestrian paths, lighting, vehicle warning systems, or safety infrastructure.
6. In renumbered Condition H.5, requires the number and location of the 10 car-share parking spaces and vehicles.
7. Adds a new Condition H.6 to require that a decorative architectural element be reflected in the final design of the screening of the parking podium (floors two and three of the hotel tower).



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8. Adds a new Condition H.7 to require an accurate depiction of the Chinatown Special District height setback encroachments along the property line fronting Nimitz Highway.
  9. Adds a new Condition H.8 to require updated plans to show how the Wind Study (dated April 29, 2022) recommendations will be implemented on the level three recreational deck, level four sky terrace, and the hotel rooftop recreational deck.
  10. Adds a new Condition H.9 to require plans for the Dining Alley showing design details and building materials, colors, textures, and signage.
- M. In Condition I (relating to archaeological or cultural resources):
1. In Condition I.1, provides that the archaeological inventory survey ("AIS") must include a trenching plan for subsurface testing;
  2. In Condition I.3, clarifies that the Applicant to implement all mitigative actions and protocols identified in the AIS that are approved or otherwise required by the State Historic Preservation Division ("SHPD"); and
  3. Adds a new Condition I.4 to require, prior to the commencement of ground-disturbing activity and Project construction, a coordination meeting among the licensed archaeologist, construction contractor, and applicable subcontractors. Renumbers the subsequent condition in Condition I.
- N. In Condition J (relating to transportation).
1. In Condition J.1, provides that the timeline must be in a format acceptable to the DPP, and that the initial traffic impact analysis report was dated March 2023.
  2. In Condition J.2, clarifies the items that must be included in the construction management plan.
  3. In Condition J.3, clarifies the items that must be included in the traffic management plan.

4. In Condition J.4, requires the Applicant to submit a copy of the Project's right-of-way map for Nimitz Highway approved by the State of Hawaii Department of Transportation ("HDOT") showing access points, porte cochere operations, automated mechanical vehicle parking operations, and loading and maneuvering, with a corresponding update to the initial traffic impact analysis report to reflect data for Nimitz Highway as approved by HDOT. Requires the Applicant to implement recommendations of the updated and post TIARs.
- O. Adds a new Condition K to provide that prior to the issuance of a CO for the Project's hotel tower, the Applicant is required to submit to the DPP for review and approval a signage plan, including wayfinding signage located on the Project site and in the rights-of-way with directions to the future Hōlau (Chinatown) station, bus stops, taxi stands, car-share spaces, bicycle parking spaces, bikeshare station, regional attractions, public parks, onsite public gathering spaces, and significant cultural sites in the area.
- P. Conforms Condition M to the standard language for IPD-T resolutions relating to compliance with all applicable laws and regulations.
- Q. Conforms Condition N to the standard language for IPD-T resolutions relating to approval of the Project's conceptual plan not constituting compliance with other City ordinances or other governmental requirements.
- R. Conforms Condition O to the standard language for IPD-T resolutions relating to the deadline for the Applicant to obtain a building permit for the Project, and extensions of that deadline.
- S. Conforms Condition P to the standard language for IPD-T resolutions relating to conformance with the Project's conceptual plan, and provides an exception to comply with modifications set forth in the resolution, including in Condition H, which requires that the Project's application for a Major Special District Permit include certain updated plans and documents.
- T. Adds a new first BE IT FURTHER RESOLVED clause to provide findings of the Council regarding the Project's conceptual plan, as conditioned in the resolution, as follows:
  1. The Project concept, as a unified plan, is in the general interest of the public;

2. The requested Project boundaries and requested flexibility with respect to development standards relating to maximum building height, maximum density, height setbacks, and front yards are generally consistent with the objectives of transit-oriented development and the provisions enumerated in ROH §§ 21-9.100-8(a)(1)(E), 21-9.100-8(a)(1)(F), and 21-9.100-9(b);
3. The requested flexibility with respect to development standards relating to maximum building height, maximum density, height setbacks, and front yards are commensurate with the public amenities and community benefits proposed;
4. The Project's additional density and height will not be detrimental to the quality of the neighborhood character or urban design, and will not negatively impact any adopted public views; and
5. The public amenities and community benefits proposed will produce timely, demonstrable benefits to the community, support a neighborhood transportation network, and implement the vision established in ROH §§ 21-9.100-4 and 21-9.100-6.

U. Makes miscellaneous technical and nonsubstantive amendments.

2. **RESOLUTION 24-54 – 68-407 FARRINGTON HIGHWAY, MOKULĒ‘IA – KING FARM DEVELOPMENT (2023/SMA-36)**. Granting a Special Management Area (“SMA”) Major Permit to Mitch King (“Applicant”) to allow for the construction of a farm dwelling and agricultural structures (barn and greenhouses) as accessory to agricultural activity on approximately 365,904 square-foot shoreline lot zoned AG-2 General Agricultural District, located at 68-407 Farrington Highway in Mokulē‘ia, and identified as Tax Map Key 6-8-003: 047. (Applicant: Mitch King) (Transmitted by Communication D-112[24]) (Current Deadline for Council Action: 4/21/24)

PROPOSED CD1 TO RESOLUTION 24-54 (Submitted by Councilmember Say) –  
The Proposed CD1 (OCS2024-0272/3/28/2024 4:00 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 AN ACCESSORY FARM DWELLING AND AGRICULTURAL STRUCTURES IN MOKULĒ'IA, O'AHU.

B. In the first WHEREAS clause, clarifies the description of the Project to include the construction of greenhouses.

C. In the third WHEREAS clause, adds that the DPP completed its findings and recommendation within 226 calendar days after the close of the public hearing. Also adds a reference to ROH § 25-4.1, which sets forth permit review guidelines for SMA Major Permits.

D. In the BE IT RESOLVED clause:

1. In Condition A, clarifies that Exhibits A, B, C-1 through C-6, and D through M are incorporated into the resolution by reference.
2. In Condition B, clarifies that in order to reduce the impacts of coastal hazards on life and property, the farm dwelling must be constructed as depicted in Exhibits C1 through C5 on the area of the Project site that is outside of Flood Zone AE and within Flood Zone XS, as shown in Exhibits C-6 and D, and as depicted in the plans included in the Applicant's application for an SMA Major Permit that was accepted by the DPP on May 9, 2023.
3. In Condition H, adds 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 and that has been reviewed and approved by the State Historic Preservation Division ("SHPD"). The AIS must identify and document any archaeological, historic, and cultural resources on the Project site, assess their significance, and determine

the potential impacts of the Project on the historic 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 and cultural resources (including iwi) discovered on the Project site; or

- b. A written determination from SHPD stating that an AIS is not required for the Project.
  - 4. In Condition I, replaces all references to a "development" permit with references to a "construction permit or building permit."
  - 5. In Condition J, adds "compliance with the State Department of Health design standards and regulations for the Project's onsite individual wastewater treatment system" to the non-exclusive list of government requirements that are subject to review and approval separate from the SMA Major Permit.
  - E. In the exhibits attached to the resolution, replaces project depiction Exhibits C-1 through C-6 with new Exhibits C-1 through C-5 (formerly Exhibits D-1 through D-5), adds a new Exhibit C-6 depicting parcel flood zone information, and realphabetizes the remaining exhibits.
  - F. Makes miscellaneous technical and nonsubstantive amendments.
3. **RESOLUTION 24-57 – 68-1031 FARRINGTON HIGHWAY, MOKULĒ‘IA – KEALIA FARMS DEVELOPMENT (2023/SMA-60)**. Granting a Special Management Area (“SMA”) Major Permit to Carl and Suzanne DeForest, Safe Investment Properties, and SSQ Inc. (“Applicant”) to allow for agricultural operations development with agricultural structures and two accessory farm dwellings on approximately 13-acre shoreline lot zoned AG-2 General Agricultural District, located at 68-1031 Farrington Highway in Mokulē‘ia, and identified as Tax Map Key 6-8-002: 010. (Applicant: Carl and Suzanne DeForest, Safe Investment Properties, and SSQ Inc.) (Transmitted by Communication D-118[24]) (Current Deadline for Council Action: 4/27/24)

PROPOSED CD1 TO RESOLUTION 24-57 (Submitted by Councilmember Say) –  
The Proposed CD1 (OCS2024-0204/3/28/2024 3:45 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 ESTABLISHMENT OF AGRICULTURAL OPERATIONS AND THE CONSTRUCTION OF ACCESSORY FARM DWELLINGS AND AGRICULTURAL STRUCTURES IN MOKULĒ'IA, O'AHU."
- B. Amends the first WHEREAS clause to clarify that the SMA Major Permit would allow for the construction of two (instead of three) new farm dwellings that are accessory to agricultural operations and two new agricultural structures, and the conversion of an existing farm dwelling to an agricultural structure on an approximately 569,764 square-foot shoreline lot that has been submitted to a condominium property regime ("CPR") to create four CPR units.
- C. Adds new second, third, fourth, fifth, and sixth WHEREAS clauses to describe the types of development proposed for each of the four CPR units, and clarify that only CPR Units 1, 2, and 3 are included for purposes of the SMA Major Permit (new construction is not currently proposed for CPR Unit 4).
- D. Amends the now-seventh WHEREAS clause to specify that one member of the public also attended the public hearing on November 29, 2023, and no oral or written testimony was provided.
- E. Amends the now-eighth WHEREAS clause to specify that the DPP transmitted its findings and recommendation of approval of the SMA Major Permit application on February 23, 2024, within 86 calendar days after the close of the public hearing on the SMA Major Permit application (the Applicants having agreed to an extension of the 45-calendar-day transmission deadline).
- F. Deletes Condition A, which would have required the accessory farm dwellings to be relocated outside of the 3.2-foot sea level rise exposure area ("SLR-XA"). Relalphabetizes subsequent conditions.

- G. In realphabetized Condition D:
    - 1. Designates as Condition D.1 the acknowledgement that TMK 6-8-002:010 is susceptible to coastal hazards, which may result in harm to or loss of life and property; and
    - 2. Adds a new Condition D.2 to provide for an acknowledgement that the makai portions and western edge of Tax Map Key 6-8-002:010 are projected to be impacted by 3.2 feet of sea level rise by the year 2100, and that portions of the proposed accessory farm dwellings are located within the 3.2-foot SLR-XA. Also provides that the landowners assume all risk and liability for any harm to or loss of life and property due to development within the SLR-XA.
  - H. In realphabetized Condition I, relating to compliance with other City ordinances and other governmental approvals, adds that the Project must additionally comply with the State Department of Health design standards and regulations for the Project's onsite individual wastewater treatment system.
  - I. Makes miscellaneous technical and nonsubstantive amendments.
4. **RESOLUTION 24-58 – 126 SOUTH KALĀHEO AVENUE – KAILUA (2023/SMA-99)**. Granting a Special Management Area (“SMA”) Major Permit to Ohana Makai, LLC (“Applicant”) to allow for the construction of two new single-family detached dwellings, two accessory pavilions, a detached garage with motor court, and a swimming pool on approximately 37,180 square-foot shoreline lot zoned R-10 Residential District, located at 126 South Kalāheo Avenue in Kailua, and identified as Tax Map Key 4-3-012: 030. (Applicant: Ohana Makai, LLC) (Transmitted by Communication D-126[24]) (Current Deadline for Council Action: 4/29/24)

5. **RESOLUTION 24-71 – 47-083 KAMEHAMEHA HIGHWAY – KAHALU’U (2023/SMA-91)**. Granting a Special Management Area (“SMA”) Major Permit to Dream Hone Trust, LLC (“Applicant”) to allow for the construction of a new single-family dwelling with a garage and swimming pool on an approximately 26,109 square-foot shoreline lot zoned R-10 Residential District, located at 47-083 Kamehameha Highway in Kahalu’u, and identified as Tax Map Key 4-7-019: 082. (Applicant: Dream Hone Trust, LLC) (Transmitted by Communication D-192[24]) (Current Deadline for Council Action: 5/14/24)
  
6. **RESOLUTION 24-80 – EXTENDING DEADLINE TO OBTAIN A BUILDING PERMIT FOR THE PROJECT AT 1500 KAPIOLANI BOULEVARD**. 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 (“IPD-T”) project at 1500 Kapiolani Boulevard. (Applicant: Mana’olana Partners 1500, LLC) (Transmitted by Communication D-211[24])
  
7. **BILL 19 (2024), FD1 – RELATING TO HOUSING**. Addressing housing in the city, including establishing a resident preference in the city’s housing programs. (Bill passed First Reading on 3/25/24)
  
8. **BILL 3 (2024) – RELATING TO INCENTIVES FOR THE CONSTRUCTION OF AFFORDABLE RENTAL HOUSING**. Addressing affordable rental housing in the City and County of Honolulu. (Bill passed First Reading on 1/24/24)

PROPOSED CD1 TO BILL 3 (2024) (Submitted by Councilmember Dos Santos-Tam) – The Proposed CD1 (OCS2024-0205/2/29/2024 8:45 AM) makes the following amendments:

- A. Separates ROH § 32-4.1 into subsections (a) and (b), and in subsection (b) provides that the BFS Director and the DPP Director may adopt rules for the implementation, administration, and enforcement of the article, including procedural provisions to ensure grant eligibility, qualification, compliance with all requirements of the article, and the collection of any forfeiture of grant moneys awarded.



- B. Moves the \$10,000,000 aggregate limit provision in former ROH § 32-4.2(f) to new ROH § 32-4.2(b). Realphabetizes subsequent subsections.
- C. In realphabetized ROH § 32-4.2(c), deletes all pre-construction grant requirements and adds new pre-construction grant requirements, including:
  - 1. Providing that an owner of an affordable rental housing project who has been awarded a pre-construction grant is not eligible for a post-construction grant pursuant to subsection (d);
  - 2. Specifying the grant amounts available at each AMI level (\$25,000 per affordable rental housing unit rented to households earning more than 60 percent of the AMI, but less than or equal to 100 percent of the AMI, and \$35,000 per affordable rental housing unit rented to households earning 60 percent or below of the AMI) and providing that these amounts are doubled if State matching funds are available;
  - 3. Providing that grant funds may only be used for purposes of paying prevailing wages to every laborer and mechanic performing work on the job site for the construction of the affordable rental housing project, in compliance with HRS Chapter 104;
  - 4. Providing that to apply for a pre-construction grant, the owner must submit a grant application to the DPP no earlier than the date of issuance of a building permit, special assignment inspection approval, or professional self-certification approval for the affordable rental housing project, and no later than 12 months after the issuance of a building permit, special assignment inspection, or professional self-certification. Also lists the minimum information that must be included in the grant application;
  - 5. Providing that upon receiving the grant application, the DPP is required to certify project eligibility for the grant, review and process the grant application, and calculate the grant amount the project is eligible for;
  - 6. Providing that all grant awards are subject to the execution of a written grant agreement between the city and the owner of an eligible affordable rental housing project; also lists the minimum types of provisions and requirements that must be included in the grant agreement;

7. Providing that upon the execution of the grant agreement, the DPP Director is required to transmit to the BFS Director certain specified information; and
  8. Requiring the BFS Director to pay or cause to be paid the grant amount to the owner no later than 30 days after receipt of the information from the DPP Director.
- D. In ROH § 32-4.2(d), deletes all post-construction grant requirements, and sets forth new post-construction grant requirements, including:
1. Providing that an owner of an affordable rental housing project applying for a post-construction grant must not have been awarded a pre-construction grant pursuant to subsection (c);
  2. Specifying the grant amounts available at each AMI level (\$9,000 per affordable rental housing unit rented to households earning more than 60 percent of the AMI, but less than or equal to 100 percent of the AMI, and \$15,000 per affordable rental housing unit rented to households earning 60 percent or below of the AMI) and providing that these amounts are doubled if State matching funds are available;
  3. Providing that to apply for a post-construction grant, no earlier than the date of issuance of a certificate of occupancy for the affordable rental housing project and no later than 12 months after the issuance of a certificate of occupancy, the owner must submit to the DPP a grant application. Also lists the minimum information that must be included in the grant application;
  4. Providing that upon receipt of the grant application, the DPP is required to certify project eligibility for the grant, review and process the grant application, and calculate the grant amount the project is eligible for;
  5. Providing that for all projects eligible for the grant, the DPP Director is required to transmit to the BFS Director certain specified information; and

6. Requiring that the BFS Director pay the grant amount to the owner no later than 30 days after receipt of the information from the DPP Director.
- E. In ROH § 32-4.3, deletes all reporting items required in the annual report from the DPP Director and the BFS Director to the Council, and requires a report every three years by September 30 of each third year, commencing on the effective date of the ordinance. Adds new reporting items as follows:
1. The number of grant applications received in each prior fiscal year and for all fiscal years to date;
  2. The number of grants awarded in each prior fiscal year and for all fiscal years to date;
  3. Specified information for each affordable rental housing project that received a grant;
  4. The cumulative grant amount awarded for all fiscal years to date;
  5. Specified information for each affordable rental housing project that received a grant award that was subject to forfeiture; and
  6. The cumulative grant amount forfeited for all fiscal years to date and the cumulative interest paid on the forfeited amount for all fiscal years to date.
- F. In ROH § 32-4.4, deletes all penalty provisions and adds new penalty provisions:
1. Providing that if the DPP Director determines that:
    - a. The project fails to satisfy any of the requirements of ROH Chapter 32; or
    - b. The use of the affordable rental housing project is abandoned;then the owner of the affordable housing project will be subject to the administrative enforcement provisions in ROH § 21-2.150-2; provided that in addition to the civil fines specified in ROH §§ 21-2.150-2(e)(2)(C) and 21-2.150-2(e)(2)(D), and the penalty amounts specified in ROH § 32-1.6(a), the owner will be subject to a

penalty equal to the total grant amount the owner received from the City, together with a penalty in the form of interest at 10 percent per annum, from the date the grant award moneys were paid to the owner, and any grant amounts not yet paid will be forfeited; and

2. Providing that if the DPP Director determines at any time that the owner breached of any of the terms of the grant agreement, including but not limited to that the grant moneys received were used or expended for improper purposes, the owner will be subject to a penalty equal to the total grant amount the owner received from the City, together with a penalty in the form of interest at 10 percent per annum, from the date the grant award moneys were paid to the owner, and any grant amounts not yet paid will be forfeited.

G. In SECTION 3 of the bill, pursuant to the Revisor of Ordinance's authority under ROH § 1-16.3(b)(1), directs the Revisor to replace the phrase "effective date of this ordinance" or similar phrase used in the codified language of this ordinance with the actual date on which the ordinance takes effect.

H. Makes miscellaneous technical and nonsubstantive amendments.

9. **BILL 57 (2023) – RELATING TO GAME ROOMS.** Addressing game rooms throughout the City and County of Honolulu. (Bill passed First Reading on 10/4/23)

PROPOSED CD1 TO BILL 57 (2023) (Submitted by Councilmember Okimoto) – The Proposed CD1 (OCS2023-0918/10/12/2023 11:53 AM) makes the following amendments:

A. In SECTION 6 of the bill:

1. Adds the definition of "Action" and defines it as having the same meaning as stated in Section 521-8, Hawaii Revised Statutes ("HRS");
2. Adds the definition of "Landlord" and defines it as having the same meaning as stated in HRS Section 521-8; and
3. Adds subsection (c) under § 41-\_\_\_.3 ("Abatement") to specify that the new ROH article to be enacted by SECTION 6 of the ordinance ("Gambling-Related Public Nuisances") shall not apply to landlords

who have filed a summary proceeding for possession of the dwelling unit or building, or any other proper proceeding, action, or suit for possession pursuant to HRS Sections 521-68 through 521-74 against the person or persons operating a game room on their property prior to the commencement of any actions taken under either subsection (a) or (b) above.

B. Makes miscellaneous technical and non-substantive amendments.

10. **BILL 58 (2023) – RELATING TO AUTHORIZED PERSONNEL.** Permitting authorized personnel to enforce certain provisions of the Revised Ordinances of Honolulu 2021. (Bill passed First Reading on 10/4/23)

PROPOSED CD1 TO BILL 58 (2023) (Submitted by Councilmember Tupola) – The Proposed CD1 (OCS2023-1025/11/9/2023 1:17 PM) makes the following amendments:

- A. In SECTION 2 of the bill, amends the definition of "Authorized Personnel" in the proposed ROH § 16-\_\_\_.1 to specify that the type of officer described is a "police" officer.
- B. In SECTION 3 of the bill, amends ROH § 16-10.2(a) as follows:
1. Specifies that the type of person described is a "responsible" person.
  2. Removes the term "or authorized personnel."
  3. Adds the following sentence: "The authorized personnel may provide evidence to the building official to issue the notice of violation."
- C. In SECTION 4 of the bill, amends ROH § 16-10.3 as follows:
1. Amends subsection (a) to specify that the type of person described is a "responsible" person.
  2. Amends subsection (b) to replace the term "violators" with "responsible person."

3. Amends subsection (c) to add the language "designated by the building official," and to specify that the type of person described is a "responsible" person.
- D. In SECTION 5 of the bill, amends ROH § 16-10.4 as follows:
1. Removes the term "or authorized personnel" and specifies that the type of person described is a "responsible" person.
  2. Amends subsection (a)(1) to remove the term "or authorized personnel."
  3. Amends subsection (a)(2) to remove the term "or authorized personnel's."
  4. Amends subsection (b) to specify that the type of person described is a "responsible" person and remove the term "or authorized personnel."
  5. Amends subsection (c) to remove the term "or authorized personnel."
  6. Amends subsection (d) to replace the term "corporation counsel" with "building official," to remove the language "at the request of the building official or authorized personnel" and to remove the term "or authorized personnel."
  7. Amends subsection (e) to remove the term "or authorized personnel."
- E. In SECTION 7 of the bill, amends ROH § 16A-10.1(b) and (c) to remove the term "or authorized personnel" and specify that the type of person described is a "responsible" person.
- F. In SECTION 8 of the bill, amends ROH § 16A-10.5 as follows:
1. Amends subsection (a) to:
    - (a) Specify that the type of person described is a "responsible" person.
    - (b) Remove the term "or authorized personnel."

- (c) Add the following sentence: "The authorized personnel may provide evidence to the building official to issue the notice of violation."
  - 2. Amends subsection (b)(1) to specify that the type of person described is a "responsible" person.
  - 3. Amends subsection (b)(2) to replace the term "violators" with "responsible person."
  - 4. Amends subsection (b)(3) to add the language "designated by the building official," to replace the term "violation" with "responsible person" and to specify that the type of person described is a "responsible" person
  - 5. Amends subsection (b)(4) to replace the term "violators" with "a person responsible for the violation" and "responsible person," respectively.
  - 6. Amends subsection (b)(5) to replace the term "violation" with "responsible person."
  - 7. Amends subsection (c) to remove the term "or authorized personnel," specify that the type of person described is a "responsible" person, and to remove the term "or authorized personnel's."
  - 8. Amends subsection (d)(1) to replace the term "corporation counsel" with "building official," and to remove the following language: "at the request of the building official" and "or authorized personnel."
  - 9. Amends subsection (d)(2) to replace the term "corporation counsel" with "building official" and to remove the term "or authorized personnel."
- G. Removes SECTION 9 of the bill and renumbers subsequent sections accordingly.
  - H. In renumbered SECTION 10 of the bill, amends the definition of "Authorized Personnel" in ROH § 18-2.1 to specify that the type of officer described is a "police" officer.
  - I. In renumbered SECTION 11 of the bill, amends ROH § 18-7.2(a) as follows:

1. Specifies that the type of person described is a "responsible" person.
  2. Removes the term "or authorized personnel."
  3. Adds the following sentence: "The authorized personnel may provide evidence to the building official to issue the notice of violation."
- J. In renumbered SECTION 12 of the bill, amends ROH § 18-7.3 as follows:
1. Amends subsection (a) to specify that the type of person described is a "responsible" person.
  2. Amends subsection (b)(1) to replace the term "violators" with "responsible person."
  3. Amends subsection (b)(2) to add the language "designated by the building official," replace the term "violation" with "responsible person," and to specify that the type of person described is a "responsible" person.
  4. Amends subsection (c)(1) to replace the term "violators" with "the person responsible for the violation," and "responsible person," respectively.
  5. Amends subsection (c)(2) to replace the term "violation" with "responsible person."
- K. In renumbered SECTION 13 of the bill, amends ROH § 18-7.4 as follows:
1. Removes the term "or authorized personnel" and specifies that the type of person described is a "responsible" person.
  2. Amends subsection (a)(2) to remove the term "or authorized personnel's."
  3. Amends subsection (b) to specify that the type of person described is a "responsible" person and to delete the term "or authorized personnel."
  4. Amends subsection (c) to remove the term "or authorized personnel."



5. Amends subsection (d) to replace the term "corporation counsel" with "building official," to remove the language "at the request of the building official or authorized personnel" and to remove the term "or authorized personnel."
  6. Amends subsection (e) to specify that the type of person described is a "responsible" person and to delete the term "or authorized personnel."
- L. In renumbered SECTION 14 of the bill, changes the reference to SECTION 14 to 13.
- M. 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