



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, MAY 1, 2024
9:00 A.M.

Pursuant to Section 92-3.7, Hawai'i Revised Statutes, this meeting will be conducted as a remote meeting by interactive conference technology, with the following procedures in effect for the meeting:

The meeting will be viewable: (1) by internet live streaming through <https://www.honolulucitycouncil.org/meetings>; (2) by televised live broadcast on 'Ōlelo TV Channel 54; and (3) on the monitor situated outside the Council Chamber. Viewers who experience a loss of viewing signal should try switching to another viewing option.

After the meeting, the meeting will be viewable on demand at <https://www.honolulucitycouncil.org/meetings>. Copies of older meeting videos may be requested by calling the City Clerk's Office at (808) 768-5822, charges may apply.

Some Councilmembers and presenters may be participating in the meeting by interactive conference technology from remote locations.

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 **89705116174** and Passcode **408430**.
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.

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.

Committee on Zoning Agenda
Wednesday, May 1, 2024

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

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

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.

Meeting materials ("*board packet*" under HRS Section 92-7.5) are accessible at <https://hnlidoc.ehawaii.gov/hnlidoc/browse/agendas> by clicking on the appropriate Committee meeting.

If you need an auxiliary aid/service or other accommodation due to a disability or an interpreter for a language other than English, please call the Office of the City Clerk Information Section at (808) 768-5822 between 7:45 a.m. and 4:30 p.m. or send an email to kiana.pascual@honolulu.gov as soon as possible or at least three (3) business days before the scheduled meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

FOR ACTION

1. **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: 5/27/24)

PROPOSED CD1 TO BILL 52 (2023) (Submitted by Councilmember Say) – The Proposed CD1 (OCS2024-0375/4/17/2024 8:55 AM) makes the following amendments:

- A. In SECTION 1 of the bill:
 1. Refers to large detached dwellings (instead of monster homes);
 2. Provides that the penalty amounts imposed for Land Use Ordinance ("LUO") violations are up to a \$5,000 initial fine and up to \$5,000 per day for each day the violation persists;
 3. Clarifies that the DPP expends a considerable amount of time and incurs extensive costs to administratively enforce LUO violation provisions relating to large detached dwellings, including audit functions, revocation of building permits, and defending building permit revocations before the Building Board of Appeals; and
 4. Provides that increased penalties will apply to persons that construct or convert a structure in violation of the LUO development standards and requirements for large detached dwellings.
- B. Deletes SECTION 2 of the bill (which amended ROH § 21-3.70-1, relating to development standards in the residential zoning districts), and instead adds a new SECTION 2 of the bill that provides for an amendment to ROH § 21-2.150-2(e) by adding a new subdivision (4) to impose increased civil fines (\$25,000 initial fine and \$10,000 per day for each day the violation persists) for violations involving the construction or conversion of a structure in violation of ROH § 21-3.70-1(c)(3), relating to large detached dwellings. Renumbers the subsequent subdivision accordingly.
- C. Clarifies in SECTION 3 (Revisor's clause) that ordinance material to be repealed is bracketed and stricken.
- D. Makes miscellaneous technical and nonsubstantive amendments.

Related communication:

D-288 (2024) Department of Planning and Permitting, requesting a 120-day extension of time.

2. **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: 5/27/24)

PROPOSED CD1 TO BILL 53 (2023) (Submitted by Councilmember Say) – The Proposed CD1 (OCS2024-0421/4/25/2024 8:23 AM) makes the following amendments:

A. In SECTION 2 of the bill:

1. In ROH § 21-5.730(b)(1) (initial registration), deletes proposed amendments referring to an initial registration fee of \$1,000 and requiring submittal of supporting documents to the DPP upon request.
2. In ROH § 21-5.730(b)(1)(A) (initial registration), provides that in addition to a property title report, persons owning an interest in the B&B or TVU may be confirmed by submitting a copy of the real property tax records listed on the BFS property records search website, or a copy of a deed or conveyance document.
3. In ROH § 21-5.730(b)(1)(D) (initial registration), provides that the initial registration fee amount for a B&B or TVU is specified in § 6-41.1 (instead of deleting ROH § 21-5.730(b)(1)(D) in its entirety).
4. In ROH § 21-5.730(b)(1)(F) (initial registration), requires the submittal of a letter (dated no more than six months prior to the date of the registration application) from the applicable homeowners association or apartment owners association confirming that the bed and breakfast home or transient vacation unit is permitted.
5. In ROH § 21-5.730(b)(1)(G) (initial registration), deletes the language stating that a copy of a registration certificate does not have to be included in the copy of the informational binder that is submitted with the initial registration application.

6. In ROH § 21-5.730(b)(1)(H) (initial registration), clarifies that an attestation by the owner or operator of a B&B or TVU (rather than "evidence") is required to be submitted.
7. In ROH § 21-5.730(b)(2) (registration renewal), deletes proposed amendments referring to an registration renewal fee of \$500 and requiring submittal of supporting documents to the DPP upon request.
8. In ROH § 21-5.730(b)(2)(A) (registration renewal), provides that evidence of a real property tax home exemption for a B&B need only be submitted if requested by the DPP Director.
9. In ROH § 21-5.730(b)(2)(B) (registration renewal), provides that in addition to a tax clearance certificate issued by the BFS, the assessment of real property taxes at rates required by ROH § 8-7.1 may be verified by submitting a copy of the real property tax records listed on the BFS property records search website. Also provides that additional documents may be required upon the request of the DPP Director.
10. In ROH § 21-5.730(b)(2)(C) (registration renewal), provides that:
 - a. In addition to a tax clearance certificate issued by DoTAX, the payment of State GET and TAT may be verified by submitting a copy of the State GET and TAT records listed on the State DoTAX tax online website;
 - b. In addition to a tax clearance certificate issued by the BFS, the payment of Oahu TAT may be verified by submitting a copy of the Oahu TAT payment records listed on the BFS payment portal; and
 - c. Additional documents may be required upon the request of the DPP Director.
11. Deletes ROH § 21-5.730(b)(2)(D) (registration renewal), relating to the requirement that an updated title report be submitted to the DPP Director if there has been any change in ownership of the subject property. Relphabetizes subsequent paragraphs accordingly.

12. In realphabetized ROH § 21-5.730(b)(2)(D) (registration renewal), provides that the registration renewal fee amount for a B&B or TVU is specified in § 6-41.1.
13. In realphabetized ROH § 21-5.730(b)(2)(E) (registration renewal), provides that evidence of insurance coverage for the B&B or TVU need only be submitted if requested by the DPP Director.
14. In realphabetized ROH § 21-5.730(b)(2)(F) (registration renewal), provides that a letter (dated no more than six months prior to the date of the registration renewal application) from the applicable homeowners association or apartment owners association confirming that the B&B or TVU is permitted need only be submitted if requested by the DPP Director.
15. Deletes former proposed ROH § 21-5.730(b)(2)(E), which would have required that the information and documentation required for the initial registration application must be available upon request of the DPP.
16. In ROH § 21-5.730(b)(3)(A) (restrictions and standards), clarifies that carbon monoxide detectors are only required if there are any appliances in the B&B or TVU that are powered by gasoline, natural gas, oil, kerosene, propane, charcoal, or wood.
17. In ROH § 21-5.730(b)(3)(D) (relating to required insurance coverage), clarifies that with respect to homeowner's insurance with \$1,000,000 in business liability coverage, additional homeowner's insurance umbrella coverage to meet the \$1,000,000 in homeowner's insurance business liability coverage is also acceptable.
18. In ROH § 21-5.730(b)(3)(F)(ii)(bb) (restrictions and standards), relating to the contents of the informational binder, provides that for B&Bs or TVUs located in a multi-family dwelling, if no parking space is provided, a statement to that effect may be provided instead of the required parking plan.
19. Deletes ROH § 21-5.730(b)(3)(F)(vi) (restrictions and standards), which required a copy of the certificate of insurance for the B&B or TVU to be included in the informational binder. Renumbers subsequent subparagraphs accordingly.

20. Adds a new ROH § 21-5.730(b)(8) to provide that any change in ownership of the subject property or any change in the operator of the B&B or TVU will require a new registration of the B&B or TVU.
- B. Adds a new SECTION 3 of the bill that amends ROH § 6-41.1 (relating to the LUO fee schedule) to also set forth in item 29 in subsection (a) the initial and renewal registration fees for a B&B or TVU.
- C. Makes miscellaneous technical and nonsubstantive amendments.

Related communication:

D-287 (2024) Department of Planning and Permitting, requesting a 120-day extension of time.

3. **BILL 6 (2024) – RELATING TO PERMITS.** Improving public notification regarding the authorization, or lack thereof, for work performed on a property in the City and County of Honolulu and amending provisions related to the administration and enforcement of certain codes in the Revised Ordinances of Honolulu 2021. (Bill passed First Reading on 2/28/24)
4. **BILL 10 (2024) – RELATING TO BUILDING PERMITS.** Removing the affidavit requirement of stating no outstanding fines or liens for building permit applications, and requiring an additional plan review fee when resubmitting applications that fail to include necessary information required for review and approval not previously provided as part of a complete application submission. (Transmitted by Communication D-115[24]; Bill passed First Reading on 2/28/24)

PROPOSED CD1 TO BILL 10 (2024) (Submitted by Councilmember Tupola) – The Proposed CD1 (OCS2024-0213/3/6/2024 2:12 PM) makes the following amendments:

- A. Amends SECTION 1 of the bill (the purpose clause) to remove references to provisions that are being removed from the substantive sections of the Bill (see B. below).
- B. Amends SECTION 3 of the bill, which amends ROH Section 18-6.1 ("Plan review fees") to delete proposed new subsection (c), which would have authorized DPP to impose an additional fee when DPP requires building permit applicants to file supplemental information or make corrections or

clarifications to their applications, and redesignates the following subsection (d) as subsection (c) accordingly.

C. Makes miscellaneous technical and non-substantive amendments.

5. **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 postconstruction 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 preconstruction 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 4 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.

PROPOSED CD1 TO BILL 3 (2024) (Submitted by Councilmember Say) – The Proposed CD1 (OCS2024-0425/4/25/2024 2:57 PM) makes the following amendments:

- A. In ROH § 32-4.1, deletes the proposed rulemaking provisions.
- B. Deletes ROH § 32-4.2(b) (relating to pre-construction grants and post-construction grants).
- C. Adds a new ROH § 32-4.2(b), relating to source of funds:
 - 1. Moves the \$10,000,000 aggregate limit provision in former proposed new ROH § 32-4.2(c) to new ROH § 32-4.2(b)(1); and
 - 2. Adds a new ROH § 32-4.2(b)(2) to provide that the maximum amount of funds available per fiscal year is limited to the amount appropriated for post-construction grants in each fiscal year's executive operating budget and program. Realphabetizes subsequent subsections accordingly.
- D. Deletes all pre-construction grant provisions in former proposed new ROH § 32-4.2(d).
- E. In realphabetized ROH § 32-4.2(c), deletes all post-construction grant requirements, and sets forth new post-construction grant requirements, including:
 - 1. Requiring that affordable rental housing units be at least 300 square feet in size to be eligible for the grant, and specifying the grant amounts available at each area median income ("AMI") level:
 - a. \$12,000 (instead of \$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
 - b. \$18,000 (instead of \$15,000) per affordable rental housing unit rented to households earning 60 percent or below of the AMI.
 - 2. 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.
3. 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.
 4. Providing that for all projects eligible for the grant, the DPP Director is required to transmit to the BFS Director certain specified information.
 5. 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.
- F. 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 post-construction grant applications received in each prior fiscal year and for all fiscal years to date;
 2. The number of post-construction 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 post-construction grant;
 4. The cumulative post-construction grant amount awarded for all fiscal years to date;
 5. Specified information for each affordable rental housing project that received a post-construction grant award that was subject to forfeiture; and
 6. The cumulative post-construction grant amount forfeited for all fiscal years to date and the cumulative interest paid on the forfeited amount for all fiscal years to date.
- G. In ROH § 32-4.4, deletes all proposed penalty provisions and adds new penalty provisions providing that if the DPP Director determines that:

1. The project fails to satisfy any of the requirements of ROH Chapter 32; or
2. 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.

H. In SECTION 3 of the bill:

1. Pursuant to the Revisor of Ordinances' 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; and
2. Pursuant to the Revisor of Ordinances' authority under SECTION 2 of Ordinance 23-7, directs the Revisor to update the Reporting Requirements Table to include the amendments to the reporting requirements enacted by SECTION 2 of this ordinance.

I. In SECTION 4 of the bill, provides that the penalty provisions set forth in ROH § 32-4.4 will remain in effect for as long as any affordable rental house project is subject to the requirements of ROH Chapter 32 as it read on the day prior to the date on which ROH Chapter 32 is repealed.

J. Makes miscellaneous technical and nonsubstantive amendments.

6. **RESOLUTION 24-95 – 1318 MOKULUA DRIVE – LANIKAI (2023/SMA-105).** Granting a Special Management Area (“SMA”) Major Permit to Luamoku Group, LLC (“Applicant”) to allow for the construction of a new single-family, detached dwelling with an attached garage and a swimming pool on approximately 17,171 square feet of land zoned R-10 Residential District, located at 1318 Mokulua Drive in Kailua, and identified as Tax Map Key 4-3-004: 076. (Applicant: Luamoku Group, LLC) (Transmitted by Communication D-247[24]) (Current Deadline for Council action: 6/8/24)

7. **RESOLUTION 24-110 – 44-421 KĀNE‘OHE BAY DRIVE – KĀNE‘OHE (2023/SMA-117).** Granting a Special Management Area (“SMA”) Major Permit to Jennifer Carver-McLennan and John McLennan (“Applicants”) to allow for the construction of a new single-family detached dwelling with an accessory dwelling unit and swimming pool, and the conversion of an existing carport into a garage on approximately 19,845 square feet of land zoned R-10 Residential District, located at 44-421 Kāne‘ohe Bay Drive in Kāne‘ohe, and identified as Tax Map Key 4-4-006: 018. (Applicants: Jennifer Carver-McLennan and John McLennan) (Transmitted by Communication D-260[24]) (Current Deadline for Council action: 6/11/24)

PROPOSED CD1 TO RESOLUTION 24-110 (Submitted by Councilmember Say) – The Proposed CD1 (OCS2024-0415/4/25/2024 12:34 PM) makes the following amendments:

- A. In the first WHEREAS clause, clarifies the description of the Project.
- B. In the second WHEREAS clause, clarifies that one individual testified in opposition to (instead of with concerns on) the Project at the public hearing.
- C. In the BE IT RESOLVED clause:
 1. In Condition C, relating to the landowner's acknowledgement that no claim of hardship may be asserted to obtain approval for a Shoreline Setback Variance for a new shoreline protection structure, clarifies that the landowner acknowledges and any successor owner or interested party is notified of that condition.
 2. In Condition D, adds that the landowner's acknowledgement of the property's susceptibility to coastal hazards must be clearly stated on all Project construction permit plans, in addition to on the building permit plans.

3. In Condition F, relating to archaeological, historic, and cultural resources that may be present on the Project site:
 - a. Adds that prior to the issuance of any construction permits or building permits for the Project, the Applicants are required to submit to the Department of Planning and Permitting a copy of a written determination from the State Historic Preservation Division ("SHPD") stating that SHPD has completed its review of the impact of the Project on historic properties pursuant to HRS § 6E-42, and has determined whether any mitigative actions and protocols are required.
 - b. Clarifies that the requirements enumerated in Condition F, including any mitigative actions and protocols required by SHPD, must be stated under Environmental Notes on all Project construction permit plans and building permit plans.
 4. In Condition H, relating to the importation of fill material:
 - a. Adds that the Applicants propose to import landscaping loam (a combination of sand, silt, and clay) to fill the areas surrounding the foundation footings; and
 - b. Deletes the phrase "If the importation of soil material is necessary" (because the Applicants propose to import landscaping loam).
 5. In Condition I, clarifies that the Applicants shall obtain a construction permit or building permit for the Project within 36 months (instead of three years) and replaces references to a development permit with references to a construction permit or building permit.
- D. Makes miscellaneous technical and nonsubstantive amendments.

8. **RESOLUTION 24-96 – LAND USE ORDINANCE AMENDMENT RELATING TO SCREENING OR BUFFERING REQUIREMENTS.** Proposing an amendment to Chapter 21, Revised Ordinances of Honolulu 2021 (The Land Use Ordinance), relating to screening or buffering requirements.

Related communication:

CC-101 (2024) City Clerk, notifying the Department of Planning and Permitting of the introduction of the Resolution.

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