



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, JUNE 26, 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: **87382598906** and Passcode: **768861**.
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.

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.

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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.

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 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 24-142 – 59-4 HOLAWA PLACE – PŪPŪKEA-PAUMALŪ (2024/SMA-15)**. Granting a Special Management Area (“SMA”) Major Permit to Pema and Rosalynn Hegan Trust (“Applicant”) to allow the construction of a new single-family dwelling with an attached carport on approximately 5,419 square feet of land zoned R-5 Residential District, located at 59-4 Holawa Place in Paumalū, and identified as Tax Map Key 5-9-001: 089. (Applicant: Pema and Rosalynn Hegan Trust) (Transmitted by Communication D-355[24]) (Current Deadline for Council action: 7/15/24)

PROPOSED CD1 TO RESOLUTION 24-142 (Submitted by Councilmember Say) – The Proposed CD1 (OCS2024-0570/6/19/2024 12:49 PM) makes the following amendments:

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

"GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING WITH AN ATTACHED CARPORT AND LĀNAI IN PAUMALŪ, O’AHU."
- B. In the first WHEREAS clause, corrects the date on which the Department of Planning and Permitting ("DPP") accepted the application to February 14, 2024 (instead of 2023) and clarifies the description of the Project.
- C. In the third WHEREAS clause, corrects the date on which the DPP completed its report and transmitted its findings and recommendations to May 13, 2024 (instead of April).
- D. In Condition G, relating to archaeological, historic, and cultural resources that may be present on the Project site:
 1. Adds a new Condition G.2 to provide that if an archaeological inventory survey ("AIS") is required by SHPD, prior to the issuance of any construction permit or building permit for the Project, the Applicant is required to submit to the DPP a copy of an AIS with subsurface testing conducted by a SHPD-approved archaeologist that has been reviewed and approved by SHPD. The Applicant is also required to implement all mitigation protocols identified in the AIS that are approved or otherwise required by SHPD.

2. Adds a new Condition G.3 to provide that if required by SHPD upon review of the AIS, the Applicant, in consultation with SHPD, is required to prepare an archaeological monitoring plan ("AMP") that meets the standards of Chapter 13-279, Hawaii Administrative Rules. The AMP must include the onsite presence of a SHPD-approved archaeologist during excavation work to ensure that any discoveries of iwi kūpuna or other archaeological, historic, or cultural resources are appropriately handled. Renumbers subsequent subdivisions in Condition G.
3. Amends renumbered Condition G.4 to require the Applicant to consult with SHPD to implement all mitigation protocols approved or otherwise required by SHPD in its written determination and for all archaeological, historic, and cultural resources (including iwi kūpuna) discovered on the Project site. Prior to the commencement of ground-disturbing activity and Project construction, requires a coordination meeting to be conducted among the Project's archaeological consultants, the construction contractor, and applicable subcontractors to ensure that the construction contractor and applicable subcontractors have been informed of all mitigation protocols required by SHPD.

E. Makes miscellaneous technical and nonsubstantive amendments.

2. **RESOLUTION 24-152 – 68-223 CROZIER LOOP – WAIALUA (2024/SMA-10).** Granting a Special Management Area ("SMA") Major Permit to Tessa LC Pang ("Applicant") to allow the construction of a new single-family detached dwelling and an Accessory Dwelling Unit ("ADU") with an attached two-car garage, swimming pool, and spa on approximately 9,889 square feet shoreline lot of land zoned R-7.5 Residential District, located at 68-223 Crozier Loop in Waialua, and identified as Tax Map Key 6-8-005: 055 (formerly 032). (Applicant: Tessa LC Pang) (Transmitted by Communication D-375[24]) (Current Deadline for Council action: 7/27/24)

PROPOSED CD1 TO RESOLUTION 24-152 (Submitted by Councilmember Say) – The Proposed CD1 (OCS2024-0631/6/20/2024 9:41 AM) makes the following amendments:

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

"GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING AND AN ACCESSORY DWELLING UNIT WITH AN ATTACHED TWO-CAR GARAGE AND DRIVEWAY, SWIMMING POOL AND SPA, INDIVIDUAL WASTEWATER SYSTEM, AND IRRIGATION SYSTEM IN WAIALUA, O'AHU."

- B. Amends the first WHEREAS clause to clarify that the Project includes the construction of a new driveway and the installation of a new individual wastewater system and irrigation system.
- C. Amends the second WHEREAS clause to note that written testimony in opposition to the Project and written comments were submitted.
- D. In the BE IT RESOLVED clause:
 - 1. Amends Condition B.1.b to clarify that the 3.2-foot sea level rise exposure area is depicted as the blue shaded area in Exhibit J.
 - 2. In Condition G, relating to archaeological, historic, and cultural resources that may be present at the Project site:
 - a. Clarifies in Condition G.1. that prior to the issuance of any construction permit or building permit for the Project (instead of prior to the start of Project construction), the Applicant is required to submit to the DPP a copy of the written determination from the State Historic Preservation Division ("SHPD") stating that the SHPD has completed its review of the impact of the Project on historic properties pursuant to HRS § 6E-42.
 - b. Adds a new Condition G.2 to provide that prior to the issuance of any construction permit or building permit for the Project, the Applicant is required to submit to the DPP a copy of an archaeological inventory survey ("AIS") with subsurface testing conducted by a SHPD-approved archaeologist that has been reviewed and approved by SHPD (SHPD is requiring an AIS). The Applicant is also required to implement all mitigation protocols identified in the AIS that are approved or otherwise required by SHPD.
 - c. Adds a new Condition G.3 to provide that if required by the SHPD upon review of the AIS, the Applicant, in consultation

with the SHPD, is required to prepare an archaeological monitoring plan ("AMP") that meets the standards of Chapter 13-279, Hawaii Administrative Rules. The AMP must include the onsite presence of a SHPD-approved archaeologist during excavation work to ensure that any discoveries of iwi kupuna or other historic resources are appropriately handled. Renumbers subsequent subdivisions in Condition G.

- d. Amends renumbered Condition G.4 to require the Applicant to consult with SHPD to implement all mitigation protocols approved or otherwise required by SHPD in its written determination and for all historic and cultural resources (including iwi kūpuna) discovered on the Project site. Prior to the commencement of ground-disturbing activity and Project construction, requires a coordination meeting to be conducted among the Project's archaeological consultants, the construction contractor, and applicable subcontractors to ensure that the construction contractor and applicable subcontractors have been informed of all mitigation protocols required by SHPD.
3. In Condition I, relating to the importation of structural fill material:
 - a. Amends the caption to read "Fill material importation and invasive species prevention."
 - b. Amends Condition I.1 to provide that the Applicant proposes to import 125 cubic yards of structural fill material, but no importation of soil material.
 - c. Clarifies in Condition I.4 that all Project construction equipment, materials, and personnel must be cleaned of excess soil and debris prior to entering and leaving a Project worksite using the current recommendations from the O'ahu Invasive Species Committee ("OISC").
 - d. Clarifies in Condition I.5 that prior to the commencement of any ground-disturbing or construction activities, and upon arrival of any new workers to the Project site, a copy of the most recently updated OISC invasive species decontamination protocols must be distributed to all workers who will be present on the Project site, or the protocols must

be posted at the Project site, or both. Requires that all onsite Project workers review the species photos and all inspection and cleaning protocols prior to commencing any ground-disturbing or construction activities.

- e. Clarifies in Condition I.6 that if invasive species on the OISC target list are encountered during ground-disturbing or construction activities, the Applicant is required to contact the OISC immediately.
4. In Condition J, relating to permits:
- a. Deletes former Condition J.1, which required the Project's building permit application to be accepted by the DPP as complete for processing no later than June 20, 2024, in order to rely on the 40-foot shoreline setback specified in ROH Chapter 26 (as it reads prior to July 1, 2024). (If the Project is relocated outside of the 3.2-foot SLR-XA erosion line, the Project will be beyond the new erosion-rate based shoreline setback required under ROH Chapter 26 effective July 1, 2024).
 - b. Changes the reference to "development permit" to "construction permit or building permit."
5. In Condition K, relating to compliance with other City ordinances and other governmental requirements:
- a. 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; and
 - b. Adds that the Project's building permit application must address the Project's parking layout and comply with ROH § 21-6.50(b)(3), which requires all parking spaces to be arranged so that motor vehicles may be moved without first moving another motor vehicle.
- E. Makes miscellaneous technical and nonsubstantive amendments.

3. **RESOLUTION 24-166 – WAI KAHE RESIDENCES AFFORDABLE RENTAL HOUSING 201H PROJECT (2024/GEN-4)**. 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 Wai Kahe Residences Affordable Rental Housing Project on approximately 37,000 square feet of land zoned AMX-2 Medium-Density Apartment Mixed-Use District, located at 94-069 Waipahu Street in Waipahu, and identified as Tax Map Key 9-4-047: 025. (Applicant: Michaels Development) (Transmitted by Communication D-448[24]) (Current Deadline: 8/2/24)

PROPOSED CD1 TO RESOLUTION 24-166 (Submitted by Councilmember Say) – The Proposed CD1 (OCS2024-0636/6/20/2024 2:38 PM) makes the following amendments:

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

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

- B. In the second WHEREAS clause, clarifies that the project for which 201H exemptions were authorized under Resolution 23-281, CD1 (the "2023 project"), preceded the Project that is the subject of Resolution 24-166, CD1.
- C. In the third WHEREAS clause, adds that the affordability period for the 2023 Project's 195 affordable rental units was a minimum of 65 years.
- D. In the fourth WHEREAS clause, clarifies that due to changes in the availability of Project funding, the Applicant is proposing significant revisions to the 2023 project, which are considered to be major modifications that require Council approval pursuant to Condition A of Resolution 23-281, CD1, and as a result Resolution 24-166, CD1, if adopted, will supersede Resolution 23-281, CD1, in its entirety.
- E. In the 10th WHEREAS clause, provides that the Project's preliminary plans and specifications were submitted by the DPP to the Council on June 18, 2024 (instead of June 13, 2024) by Departmental Communication 448-B (2024).
- F. In Exemption 3, relating to grading and grubbing permit fees, amends the reference to ROH § 18A-2.4 (instead of ROH § 18-2.4A).

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- G. In Exemption 11, relating to the Board of Water Supply Rules and Regulations, adds that the deferral of the payment of water system facility and installation of water service fees is until the installation of the water meter, and is contingent on satisfying all Board of Water Supply requirements.
- H. In Exemption 14, relating to lot coverage, clarifies that the maximum building area is 80 percent of the zoning lot, or approximately 29,600 square feet (instead of 40 percent of the zoning lot, or approximately 14,800 square feet).
- I. In Exemption 18.a, relating to the Waipahu TOD Special District street façade and building placement, clarifies that the Project may encroach 14 feet into the 50-foot setback above 60 feet along the south and east property lines, and 18 feet into the 50-foot setback above 60 feet along the west property line.
- J. In Exemption 20, relating to park dedication requirements, adds that the one manager's dwelling unit is only exempt from City park dedication requirements if federal or State of Hawaii funding for the project prohibits the use or sale of the manager's dwelling unit as a revenue-generating or profit-generating dwelling unit for the required affordability period, including any extensions thereof.
- K. In the first BE IT FURTHER RESOLVED clause, lists the conditions of approval alphabetically (instead of numerically).
- L. In Condition A, relating to development in general conformance with the approved Project, deletes the lead-in phrase "Except as modified herein," because there are no modifications to the approved Project.
- M. Redesignates Condition B.3.d (relating to coordination with DTS regarding bus stop improvements fronting the Project site) as Condition B.4.
- N. In the last BE IT FURTHER RESOLVED clause, clarifies that Resolution 24-166, CD1, supersedes Resolution 23-281, CD1, in its entirety.
- O. Makes miscellaneous technical and nonsubstantive amendments.

4. **BILL 3 (2024), CD1 – RELATING TO INCENTIVES FOR THE CONSTRUCTION OF AFFORDABLE RENTAL HOUSING.** Addressing affordable rental housing in the City and County of Honolulu. (Bill passed Second Reading and Public Hearing held on 5/15/24; Action on Bill postponed in Committee on 5/22/24)

PROPOSED CD2 TO BILL 3 (2024), CD1 (Submitted by Councilmember Say) – The Proposed CD2 (OCS2024-0613/6/13/2024 1:37 PM) makes the following amendments:

- A. Adds a new ROH § 32-4.2(b)(3) to provide that no more than 5 percent of the moneys designated for post-construction grants in any fiscal year may be used for administrative expenses.
- B. In ROH § 32-4.2(c)(1), provides for post-construction grant amounts as follows:
 - 1. For affordable rental housing units that are less than 300 square feet in size, the owner is eligible to receive \$15 per square foot of dwelling unit floor area (which is the same as currently provided in ROH § 32-4.2(b) for units rented to households earning 60 percent or below of the AMI); and
 - 2. For affordable rental housing units that are 300 square feet or more in size, the owner is eligible to receive \$12,000 per affordable rental housing unit.
- C. Makes miscellaneous technical and nonsubstantive amendments.

5. **BILL 31 (2024) – RELATING TO PRE-CONSTRUCTION FINANCING FOR AFFORDABLE RENTAL HOUSING.** Addressing affordable rental housing in the City and County of Honolulu. (Bill passed First Reading on 5/15/24; Action on Bill postponed in Committee on 5/22/24)

PROPOSED CD1 TO BILL 31 (2024) (Submitted by Councilmember Kia‘āina) – The Proposed CD1 (OCS2024-0526/5/16/2024 1:13 PM) makes the following amendments:

- A. Amends proposed ROH § 32-5.2(b), relating to the source of funds of the pre-construction financing, in SECTION 2 of the bill by:

1. Removing the provision that payments will be disbursed from the affordable housing fund;
 2. Providing that the aggregate of pre-construction financing payments under proposed ROH § 32-5.2 and the post-construction grant payments made under ROH § 32-4.2 may not exceed \$10,000,000 in general funds (provided that there is no limit on pre-construction payments that may be made from funds outside of the general fund);
 3. Providing that the maximum amount of funds available per fiscal year is limited to the amount appropriated for pre-construction financing in each fiscal year's executive operating budget and program (rather than the executive capital budget and program); and
 4. Removing the limitation that pre-construction financing moneys may only be used in accordance with Charter § 9-204.3 (which relates to the affordable housing fund).
- B. Makes miscellaneous technical and nonsubstantive amendments, including amendments for purposes of clarification.

PROPOSED CD1 TO BILL 31 (2024) (Submitted by Councilmember Say) – The Proposed CD1 (OCS2024-0612/6/13/2024 1:34 PM) makes the following amendments:

- A. Throughout the text of the bill, replaces "pre-construction financing" with "pre-construction subsidy" to clarify that the funding is not a loan.
- B. In ROH § 32-5.2(b), relating to source of funds:
 1. Adds a new subdivision (1), stating that the source of funding for preconstruction subsidies is the General Fund (instead of the Affordable Housing Fund), and the maximum \$10,000,000 aggregate in General Fund monies is for post-construction grants and pre-construction subsidies;
 2. In renumbered subdivision (2), provides that the maximum amount of funds available per fiscal year is limited to the amount appropriated for post-construction grants and pre-construction subsidies in each fiscal year's executive operating budget and program; provided that in any given fiscal year, no more than 50 percent of the moneys

appropriated for that purpose may be used for pre-construction subsidies;

3. Removes the previous subdivision (2) providing that pre-construction financing moneys may only be used in accordance with Charter § 9-204.3 to provide affordable rental housing for persons earning 60 percent or less of the average median household income in the city; and
 4. Adds a new subdivision (3) to provide that no more than five percent of the moneys designated for pre-construction subsidies in any fiscal year may be used for administrative expenses.
- C. In ROH § 32-5.2(c)(2): 1. Adds a new provision that for affordable rental housing units that are less than 300 square feet in size, the owner is eligible to receive \$35 per square foot of dwelling unit floor area in pre-construction subsidies; and 2. Modifies the provision that for affordable rental housing units that are 300 square feet or more in size, the owner is eligible to receive \$25,000 per affordable rental housing unit in pre-construction subsidies.
- D. Makes miscellaneous technical and nonsubstantive amendments.

FOR DISCUSSION

6. **RESOLUTION 24-148 – LAND USE ORDINANCE AMENDMENT RELATING TO DEVELOPMENT STANDARDS FOR THE APARTMENT AND APARTMENT MIXED-USE DISTRICTS.** Proposing an amendment to Chapter 21, Revised Ordinances of Honolulu 2021 (the Land Use Ordinance), relating to the development standards for the apartment and apartment mixed-use districts.

Related communication:

CC-168 (2024) City Clerk, notifying the Department of Planning and Permitting of the introduction of the Resolution.

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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