

Bill 24 (2024) Testimony

MISC. COM. 446
P&E Special Meeting
9/23/24

Ka Hale Mo`i
Board of Directors
666-670 Prospect Street
Honolulu, Hawai`i 96813

September 19, 2024

Via Hand Delivery

Makiki/Lower Punchbowl/Tantalus
Neighborhood Board No. 10
Nathaniel Char, Chairperson
c/o Neighborhood Commission
625 Dillingham Boulevard, Suite 160
Honolulu, Hawai`i 96817

Dear Board members:

This letter is submitted on behalf of the Association of Apartment Owners of The Ka Hale Mo`i, through its undersigned Board of Directors, to formally voice strenuous opposition to the pending 1617 Alapai project, which is currently under review by the City & County of Honolulu, Department of Planning and Permitting (“DPP”), pursuant to Building Permit Application A2024-03-0331, involving TMK parcels 220004033 and 22004037 (“Project”); and to strongly urge the support of Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10, in this opposition.

Our opposition to the proposed project is based upon serious concerns raised by our owners, residents and surrounding neighbors, foremost amongst these:

- The project, because of Bill 7 relaxation of zoning and building code requirements, inclusive of the Punchbowl Special District design restrictions, will result in an unsustainable increase in density; overtax our existing/aging infrastructure; significantly impair traffic flow and safety; and allow for construction of a six-story building along the slope of Punchbowl at a height of more than two times the norm and at close proximity to existing structures.
- The project as submitted to DPP (and in apparent conflict with its conditional use permit), even as a Bill 7 project, will violate applicable code minimums, including those pertaining to public safety. As an example, the project does not, and cannot, provide minimum roadway and turnaround access for fire response.
- Review of this project by DPP does not provide any mechanism by which the interests of existing homeowners, residents and the community at large, are addressed in advance of

Makiki/Lower Punchbowl/Tantalus
Neighborhood Board No. 10
Nathaniel Char, Chairperson
September 19, 2024
Page 2

any permit approval. Nor is any other agency or department assigned this critical role. These interests cannot be overlooked.

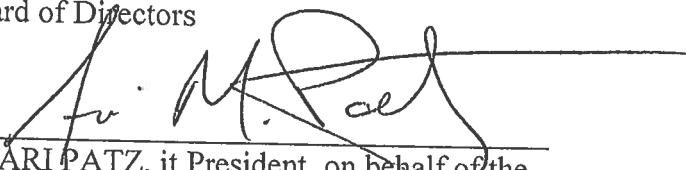
For these reasons, and others that have been amply expressed to you previously by individual homeowners and residents, this Board opposes the approval of the 1617 Alapai project as currently constituted, and in the absence of due process being afforded to interested parties. We urge the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10 to join us in this opposition.

Thank you for your consideration and for your service to our community.

Sincerely,

KA HALE MO'I
Board of Directors

By


ARI PATZ, it President, on behalf of the
Ka Hale Mo'i Board of Directors

**RESOLUTION IN OPPOSITION TO THE 1617 ALAPAI STREET PROJECT
(TMK PARCELS 2-2-004:037 & 2-2-004:033; DPP PERMIT APPLICATION #A2024-03-0331)
AND TO PROMOTE EFFECTIVE COMMUNITY INPUT ON AFFORDABLE RENTAL HOUSING PROJECTS**

1. **WHEREAS**, the above-named parcels were purchased on June 29, 2022 by Pivot Development LLC (controlled by Paul Lam) and Alapai Investment LLC (controlled by Eigo Evan Amakata), in 70% and 30% interests, respectively (collectively “Developer”);
2. **WHEREAS**, at the time of purchase there were two single-family structures situated on TMK parcel 2-2-004:033 (702 Prospect Street), consisting of 1,076 square feet and 288 square feet, respectively; and two single-family structures situated on TMK parcel 2-2-004:037 (1617 Alapa`i Street), consisting of 1,820 and 640 square feet, respectively; all four of which were, and continue to be, used as rental housing;
3. **WHEREAS**, on March 11, 2022, Developer’s architect, Brian K. Fujiwara (prior to closing of the purchase), submitted a sewer connection application, as to parcel 2-2-004:037, for the addition of 29 new sewer connections, in addition to 1 existing connection, based upon a proposed 30 (1-bedroom) unit, Ordinance 19-7 (Bill 7) rental housing project, which application appears to have resulted in a letter determining sufficient adequacy;
4. **WHEREAS**, on August 15, 2023, Developer submitted an application for a conditional use permit, minor (“CUP”), seeking approval for a joint development of TMK parcel 2-2-004:033 and TMK parcel 2-2-004:037, which are adjacent lots, to maximize affordable rental units under Ordinance 19-7 (Bill 7), and based upon a proposed 6-story, 53 (one bedroom) unit project with 8 open-air parking stalls (since reduced to 4);
5. **WHEREAS**, the City & County of Honolulu, Department of Planning & Permitting (“DPP”), Land Use Ordinance (86-96, and as amended), at Section 21-5.380, states that an applicant seeking to join adjacent lots as a single zoning lot for purposes of a joint development, must comply with development standards set forth in Section 21-2.90-2, which may not be modified;
6. **WHEREAS**, Section 21-2.90-1 mandates that an application for a CUP will not be accepted unless accompanied by a plan, drawn to scale, showing the actual dimensions and shape of the lot, the sizes and locations on the lot of existing and proposed structures, if any, and the existing and proposed uses of structures and open areas, which does not appear to have been done;
7. **WHEREAS**, Section 21-2.90-2 provides that the Director of DPP, where applicable, consider traffic flow and control; access to and circulation within the property; off-street parking and loading; sewerage; drainage and flooding; refuse and service areas; utilities; screening and

**RESOLUTION IN OPPOSITION TO THE 1617 ALAPAI STREET PROJECT
(TMK PARCELS 2-2-004:037 & 2-2-004:033; DPP PERMIT APPLICATION #A2024-03-0331)
AND TO PROMOTE EFFECTIVE COMMUNITY INPUT ON AFFORDABLE RENTAL HOUSING PROJECTS**

1. **WHEREAS**, the above-named parcels were purchased on June 29, 2022 by Pivot Development LLC (controlled by Paul Lam) and Alapai Investment LLC (controlled by Eigo Evan Amakata), in 70% and 30% interests, respectively (collectively "Developer");
2. **WHEREAS**, at the time of purchase there were two single-family structures situated on TMK parcel 2-2-004:033 (702 Prospect Street), consisting of 1,076 square feet and 288 square feet, respectively; and two single-family structures situated on TMK parcel 2-2-004:037 (1617 Alapai Street), consisting of 1,820 and 640 square feet, respectively; all four of which were, and continue to be, used as rental housing;
3. **WHEREAS**, on March 11, 2022, Developer's architect, Brian K. Fujiwara (prior to closing of the purchase), submitted a sewer connection application, as to parcel 2-2-004:037, for the addition of 29 new sewer connections, in addition to 1 existing connection, based upon a proposed 30 (1-bedroom) unit, Ordinance 19-7 (Bill 7) rental housing project, which application appears to have resulted in a letter determining sufficient adequacy;
4. **WHEREAS**, on August 15, 2023, Developer submitted an application for a conditional use permit, minor ("CUP"), seeking approval for a joint development of TMK parcel 2-2-004:033 and TMK parcel 2-2-004:037, which are adjacent lots, to maximize affordable rental units under Ordinance 19-7 (Bill 7), and based upon a proposed 6-story, 53 (one bedroom) unit project with 8 open-air parking stalls (since reduced to 4);
5. **WHEREAS**, the City & County of Honolulu, Department of Planning & Permitting ("DPP"), Land Use Ordinance (86-96, and as amended), at Section 21-5.380, states that an applicant seeking to join adjacent lots as a single zoning lot for purposes of a joint development, must comply with development standards set forth in Section 21-2.90-2, which may not be modified;
6. **WHEREAS**, Section 21-2.90-1 mandates that an application for a CUP will not be accepted unless accompanied by a plan, drawn to scale, showing the actual dimensions and shape of the lot, the sizes and locations on the lot of existing and proposed structures, if any, and the existing and proposed uses of structures and open areas, which does not appear to have been done;
7. **WHEREAS**, Section 21-2.90-2 provides that the Director of DPP, where applicable, consider traffic flow and control; access to and circulation within the property; off-street parking and loading; sewerage; drainage and flooding; refuse and service areas; utilities; screening and

buffering; signs; setbacks; yards and other open spaces; lot dimensions; height, bulk and location of structures; location of all proposed uses; hours and manner of operation; and noise, lights, dust, odor and fumes;

8. **WHEREAS**, the factors enumerated in Section 21-2.90-2 militate strongly against approval of Developer's proposed project where the project is sought to be constructed along a short dead-end street (Alapa`i) which already services a 2-building condominium project and a separate apartment building; there is no available on-street parking to accommodate occupants of 53 new units; there is no public transportation available along this street or its cross streets (Prospect and I`olani); the placement of a six-story structure on its planned footprint with limited setbacks will unreasonably compromise safe distances of fire separation between surrounding structures, the addition of 53 units will greatly increase density along this short access road and unduly stress its already overburdened infrastructure;
9. **WHEREAS**, Section 21-2.90-2 also should consider the increase in traffic flow through the 5-way intersection at the base of Alapa`i and Prospect will further bottleneck the area during morning and evening travel;
10. **WHEREAS**, the construction of this building along the core of the Punchbowl (Pūowaina) Special District will irretrievably undermine the historic and cultural protections intended for Pūowaina, for reasons long-recognized and well-articulated in both the Land Use Ordinance and Special District Design Guidelines for Punchbowl;
11. **WHEREAS**, the Land Use Ordinance allows for review and comment by the Neighborhood Board in which the CUP is sought, but no notice of the proposed CUP was given to Neighborhood Board #10 and no opportunity to comment was provided to neighboring residents;
12. **WHEREAS**, the Neighborhood Board in which a CUP is sought, and which will clearly impact neighboring residents should be given notice of a pending CUP application, to then allow neighboring residents the opportunity to voice legitimate concerns and to otherwise comment, prior to approval of any CUP;
13. **WHEREAS**, the CUP application was approved by DPP, on October 23, 2023, without comment from any third party and without any evidence that the factors referenced in Section 21-2.90-2 were actually investigated, much less considered;
14. **WHEREAS**, the process by which the CUP was reviewed and approved appears to have been perfunctory, without substance and in contravention of Section 21-2.90-1 and Section 21-2.90-2;

15. **WHEREAS**, on March 8, 2024, Developer submitted a Building Permit Application to DPP (#A2024-03-0331) for the construction of a 6-story, 53 (one bedroom) unit rental housing project (Bill 7), otherwise identified as the 1617 Alapai project, which is currently under review by DPP;
16. **WHEREAS**, numerous neighboring residents to the proposed project have voiced legitimate concerns regarding the sustainability, viability, safety and desirability of the proposed 1617 Alapai project, which concerns have remained unaddressed and unanswered;
17. **WHEREAS**, plans submitted by the Developer to DPP, are inaccurate with respect to the placement of Alapa`i Street in relation to applicable setbacks/easements and the building's footprint, and given existing/recorded encroachments from Developer's property into Alapa`i Street and at other property boundaries;
18. **WHEREAS**, the proposed project, as designed, violates provisions of Honolulu's Fire Code and the National Fire Protection Action ("NFPA"), as adopted, with respect to accessibility and turn-around radius for fire equipment and personnel; as well as egress of occupants from the building; thereby creating life safety issues for fire personnel, building occupants and all neighboring projects, which would be situated in extremely close proximity to this building;
19. **WHEREAS**, since submitting Application #A2024-03-0331, Developer has never submitted a sewer capacity analysis application, based upon a 53 unit project, as noted in DPP's review notes;
20. **WHEREAS**, the proposed 53-unit construction will require a City sewer hook-up variance to increase the number of approved connections to 53, placing an extreme burden on the area's aging and overly burdened sewer system capacity;
21. **WHEREAS**, there are no crosswalks or sidewalks in the area (contrary to Developer's plans showing a sidewalk); no workplaces or stores; Alapa`i Street is a narrow dead-end residential street whose only access is from a very busy 5-way intersection which includes Prospect & I`olani Streets; Alapa`i Street is limited to 7 parking spaces on one side and there is no capacity to expand to accommodate what could be 100 new vehicles; and there is no nearby access to public transportation; and
22. **WHEREAS**, Alapa`i Street is the sole ingress and egress for approximately 130 vehicles using 4 driveways and serving three existing buildings; and the driveway access for now proposed 4 outdoor parking stalls of 1617 Alapai Street is perilously close to the Prospect/Alapa`i Street intersection, which already presents as a dangerous 5-way, unorthodox intersection;
23. **WHEREAS**, while the passage of City ordinances allowing for the relaxation of building code and other regulations in the construction of affordable rental housing are designed to

streamline the permitting and approval of such projects, they were never intended, and may not, operate to suspend, obviate, ignore, or otherwise quash the rights of citizens to preserve interests personal to them and to the community at large;

24. **WHEREAS**, the passage of City ordinances allowing for the relaxation of building code and other regulations does not and cannot mean that a developer may “build as a matter of right”, in disregard to the interests of neighboring residents and the community;
25. **WHEREAS**, the passage of City ordinances allowing for the relaxation of building code and other regulations does not, and cannot mean that DPP will give presumptive approval to a project, simply because it has been submitted as an affordable rental housing project;
26. **WHEREAS**, independent of the foregoing, the 1617 Alapai project is contrary to the public’s interest in developing affordable housing projects responsibly, as set forth below, taking into account the needs of those seeking affordable housing, sustainability, and community interests;
27. **WHEREAS**, the proposed project does not provide requisite (ADA) accommodations for an “access path” of ingress and egress between a dedicated stall and the building at a reduced grade; does not provide adequate fire safety features; and does not provide sufficient natural light or ventilation for occupants (due to reduced horizontal setbacks);
28. **WHEREAS**, Governor Josh Green has issued a Proclamation Relating to Housing (07-17-23); Proclamation Relating to Affordable Housing (09-15-23); Second Proclamation Relating to Affordable Housing (10-24-23); Third Proclamation Relating to Affordable Housing (12-22-23); Fourth Proclamation Relating to Affordable Housing (01-18-24); Fifth Proclamation Relating to Affordable Housing (04-20-24); Sixth Proclamation Relating to Affordable Housing (04-19-24); Seventh Proclamation Relating to Affordable Housing (06-18-24); and Eight Proclamation Relating to Affordable Housing (08-15-24); each of which recognizes the desire to speed up (not bypass) permitting processes; and to promote the development of affordable housing while maintaining health and safety; best practices; cultural concerns and other community interests.
29. **WHEREAS**, the Honolulu City Council adopted Ordinance 19-8 (Bill 7) on May 19, 2019, for affordable rental housing, codified as Chapter 32, ROH, and extended by Ordinance 23-12 (Bill 8), which calls for the relaxation of certain zoning and building code standards, and offers certain financial incentives to owners/developers;
30. **WHEREAS**, the site of the Proposed Project, is situated within the Punchbowl Special District (Pūowaina), specially created and maintained, since 1990, in recognition of Pūowaina’s deeply rooted historic and cultural significance, and which is subject to Special District Design Guidelines to protect and enhance core areas around Punchbowl; and

31. **WHEREAS**, the City and County's zoning code and the Land Use Ordinance, include in their objectives: Preserving and enhancing Punchbowl's form and character as a significant landmark; preserving and enhancing the park-like character of the immediate slopes of Punchbowl and its major streets; preserving and enhancing significant public views to and from Punchbowl by modifying construction projects that would diminish those views; and providing landscaping and open space which will enhance views and the general character of the Punchbowl area; and
32. **WHEREAS**, the Honolulu City Council, by recent resolution (24-65), has recognized the import of balancing "the desire of existing residents to maintain the quiet enjoyment of their residential neighborhoods and of homeowners to protect the significant investment in their homes" while promoting the development of affordable housing; to consider the negative effects projects have on the "character of neighborhoods and on the availability of on-street parking, and their heavy impact on public sewer, water, and other infrastructure"; and to give "ample opportunity for community engagement and input";
33. **WHEREAS**, the Honolulu City Council, by recent resolution (24-65), and in the context of "monster homes" (fractional in scale to a 53-unit apartment building), has recognized that State and City regulatory changes which allow for increased density in residential neighborhoods, without ensuring consistency with existing/underlying Plans (inclusive of special districts), evade or reverse such long-established Plans; and
34. **WHEREAS**, similar to the foregoing, affordable rental housing projects which allow for relaxed/modified zoning and building code requirements, including greater density, smaller setbacks, higher structures, modification in quality of construction materials, design application and life safety features; without ensuring consistency to the purpose and intent of previously adopted codes and standards (still applicable to non-affordable housing construction), effectively evades and reverses these long-standing codes and standards; now, therefore,
35. **BE IT RESOLVED** that the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10 recognizes the concerns as raised by neighboring homeowners and residents regarding the 1617 Alapai Project, to be valid and unresolved; and
36. **BE IT FURTHER RESOLVED** that the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10, recognizes the absence of any existing mechanism through which homeowners, residents and the general public are given fair opportunity to address the impact of relaxed regulation for any proposed affordable housing project upon them and to otherwise seek preservation of interests personal to them and to their community; such that the City Council should establish such a mechanism; and

37. **BE IT FURTHER RESOLVED** that the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10 opposes the approval of the 1617 Alapai project (Application #A2024-03-0331), given the valid and unresolved concerns raised by neighboring homeowners and residents;
38. **BE IT FURTHER RESOLVED** that the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10, recognizes that, upon dissolution of the Governor’s Build Beyond Barriers Work Group, first established by Emergency Proclamation on September 15, 2023, there is little to no governmental input or oversight of affordable rental housing projects, tasked with considering and assessing the adverse impacts of such projects upon homeowners, residents and the general public, such that the State and/or City Council should appoint specific agency oversight, such as BLNR, for this purpose; and
39. **BE IT FURTHER RESOLVED** that copies of this Resolution be transmitted to the Governor of the State of Hawaii, Mayor and Managing Director of the City and County of Honolulu, Director of the Department of Planning and Permitting, each member of the Honolulu City Council, the State Representatives for House Districts 26 and 27, State Senator for Senate District 11, and to Neighborhood Boards No. 9, 11, 12 & 13 (Waikiki, Ala Moana/Kakaako, Nuuanu/Punchbowl, and Downtown Chinatown, respectively).

ADOPTED by the Makiki/Lower Punchbowl/Tantalus Neighborhood Board No. 10 on Thursday, September 19, 2024 by a Vote of (11) in favor, (0) opposed and (1) abstention.

(Chair Signature) 
Nathaniel Char

Agenda Item: BILL024(24)
Meeting Date and Time: Sep 23, 2024 @ 06:00 PM
Committee(s): PLANNING AND THE ECONOMY (P&E)
Your Position on the Matter: Oppose
Representing: Self

While much of the PUC has desirable goals like community-driven, responsible, sustainable development using best building practices that take into account health and well-being of established neighborhoods; protections of special districts and their cultural and environmental significance; and admirable motivations like provisions for low income households; and consideration of Kapuna, and ADA needs, there is no language in this plan that explicitly protects these goals. In fact, some of the language is contrary to ensuring these all of these goals come to fruition.

In the section entitled *The Affordability Gap (Page 160 Oct. 23 Plan)*, the plan provides a caveat that dismisses the important guidance built into the plan like Special District LUOs, Plan Goals, Big Ideas, and the plan's own Guiding Principles. While this section addresses a critically important problem, it states that affordable housing often requires subsidies, incentives, and *other public sector strategies* to be achieved in a high-priced housing market. Therefore "Policies in the PUC DP place special focus on achieving affordable housing production building upon current strategies employed at the city, other public sector, and private/public partnership level.

The current strategies employed at the city and private/public partnership level are unclear. Is this PUC referring to the strategies that by law are incorporated in the DPPs LUO that include important permitting restrictions to enforce responsible development like: fire safety codes, setback restrictions, adequate ventilation and lighting, and ADA compliance, and that recognize Special District LUOs?

Or, is the PUC referring to today's reality driven by Bill 7's relaxed zoning and building code requirements that gives developers carte blanche to do whatever they want – with no guardrails – and what appears to be a perfunctory rubber stamping of plans that show no regard community input, and the safety and well-being of current and future residents (who will move into these sub-par developments)?

The 1617 Alapa`i project, a 53-unit (350 sq. feet, one-bedroom units), 6-story apartment building with just 4 parking stalls and reduced setbacks being permitted for development in the core of the Punchbowl Special District is a prime example of such projects.

The 1617 project, because of Bill 7 relaxation of zoning and building code requirements, inclusive of the Punchbowl Special District design restrictions, will result in an unsustainable increase in density; overtax our existing/aging infrastructure; significantly impair traffic flow and safety; and allow for construction of a 6-story building along the slope of Punchbowl at a height of more than 2 times the norm and at close proximity to existing structures.

The project as submitted to DPP (and in apparent conflict with its conditional use permit), even as a Bill 7 project, will violate applicable code minimums, including those pertaining to public safety. As an example, the project does not, and cannot, provide minimum roadway and turnaround access for fire response.

Review of this project by DPP does not provide any mechanism by which the interests of existing homeowners, residents and the community at large, are addressed in advance of any permit approval. Nor is any other agency or department assigned this critical role. These interests cannot be overlooked.

The language of this PUC must be modified to ensure the protection of all residents, current and future, and ensure responsible and sustainable development using best practices, as suggested in the PUCs guidelines. Recommendations include:

- A. Expand policy SLR-2.1 that vets proposed solutions for *higher impact* areas with the community, to include the same community inclusion in *all* development as is our statutory right and expressed in several places in the PUC as being an important filter for planning;
- B. Include language that ensures more robust DPP oversight and prevents reckless development like we are witnessing first-hand with 1617 Alapa'i project;
- C. State "All existing subdivisions and zoning properly approved prior to the effective date..." so that challenges to existing approvals (such as the 1627 Alapa'i project's CUP) can be vetted and resolved.

Thank you for your consideration,

Respectfully,



Anne Marie Smoke
Condominium Owner and Punchbowl Special District Resident