



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

Item No. 6 - Resolution 24-255 on page 10 has been cancelled.

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
WEDNESDAY, OCTOBER 23, 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 straming 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 **84287901615** and Passcode **671051**.
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, October 23, 2024

Written testimony may be uploaded at <https://hnlldoc.ehawaii.gov/hnlldoc/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, email address, and phone number, will be available to the public at <https://hnlldoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-83816 or send an email to kiana.pascual@honolulu.gov.

Meeting materials are accessible at <https://hnlldoc.ehawaii.gov/hnlldoc/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. **[RESOLUTION 24-237](#) – APPOINTMENT OF CHRISTINA OHIRA TO THE ZONING BOARD OF APPEALS.** Confirming the appointment of Christina Ohira to serve on the Zoning Board of Appeals of the City and County of Honolulu for a term to expire on June 30, 2027. (Transmitted by Communication [MM-169\[24\]](#)) (Public Hearing held on 10/9/24)

2. **[RESOLUTION 24-236](#) – EXTENDING DEADLINE TO OBTAIN SUBDIVISION APPROVAL FOR NANAIKEOLA SELF-HELP HOUSING PROJECT.** Amending Resolution 22-260, CD1, to extend the deadline to obtain subdivision approval for the Nanaikeola Self-Help Housing Project, located at the mauka end of Nanaikeola Street in Wai'anae, and identified as Tax Map Key 8-7-008: 076. (Applicant: Self-Help Housing Corporation of Hawai'i) (Transmitted by Communication [D-673\[24\]](#))

[PROPOSED CD1 TO RESOLUTION 24-236](#) (Submitted by Councilmember Say) – The CD1 (OCS2024-0923/10/16/2024 7:53 AM) makes the following amendments:

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

"AMENDING RESOLUTION 22-260, CD1, TO EXTEND THE DEADLINE TO OBTAIN SUBDIVISION APPROVAL FOR THE NANAIKEOLA SELF-HELP HOUSING PROJECT IN WAI'ANAE, O'AHU."

- B. Adds a second WHEREAS clause to provide for the affordability and affordability period for the Project's affordable one-family detached dwellings.

- C. Adds a fifth WHEREAS clause to provide that the Applicant has faced delays in obtaining approval of the Project's preliminary subdivision map due to challenges in transferring (from the Applicant to the City) title to an abandoned bridge, required for ingress to and egress from the Project site, and transferring (from the State of Hawai'i Department of Land and Natural Resources ("DLNR") to the City) title to the Crown Lualualei road remnant, which will be used as the outside loop of the Project's road network.

- D. Adds a sixth WHEREAS clause to provide that the Applicant will make improvements to the abandoned bridge and the Crown Lualualei road remnant, then dedicate the improved bridge and roadway to the City.
 - E. Adds a seventh WHEREAS clause to provide that as a nonprofit organization, the Applicant is not able to secure the necessary bonds to securitize the construction of the subdivision, and must obtain final subdivision approval after all infrastructure is installed and all systems (such as water, electrical, and street lighting) are approved, resulting in further delays in obtaining subdivision approval.
 - F. In the eighth WHEREAS clause, relating to the Applicant's progress in developing the Project:
 - 1. Adds a new subdivision 1, to provide that in January 2022, the Project's Environmental Assessment, which was required to obtain a grant from the U.S. Department of Housing and Urban Development ("HUD"), was submitted to the Department of Community Services.
 - 2. Adds a new subdivision 4 to provide that on February 15, 2024, the Applicant executed and delivered a quitclaim deed transferring title of the abandoned bridge to the City.
 - 3. Adds a new subdivision 5 to provide that Resolution 24-238, relating to approving and authorizing the acceptance of the conveyance from the DLNR to the City of the Crown Lualualei road remnant by quitclaim deed, is concurrently being considered by the Council.
 - G. Makes miscellaneous technical and nonsubstantive amendments.
3. **RESOLUTION 24-238 – APPROVING AND AUTHORIZING CONVEYANCE OF A 30-FOOT WIDE LOT COMPRISING OF A PORTION OF GOVERNMENT (CROWN) LANDS IN LUALUALEI, WAI‘ANAE.** Approving and authorizing acceptance of conveyance of a 30-foot wide lot comprising of a portion of Government (Crown) Lands in Lualualei, Wai‘anae (the “Roadway Lot”) by quitclaim deed from the State of Hawai‘i, Department of Land and Natural Resources. (Transmitted by Communication [D-677\[24\]](#))

[PROPOSED CD1 TO RESOLUTION 24-238](#) (Submitted by Councilmember Say) –
The CD1 (OCS2024-0922/10/15/2024 1:59 PM) makes the following amendments:

A. Amends the resolution title to read as follows:

"APPROVING AND AUTHORIZING ACCEPTANCE BY THE CITY OF THE CONVEYANCE OF A 30-FOOT WIDE LOT COMPRISING A PORTION OF GOVERNMENT (CROWN) LANDS IN LUALUALEI, WAI'ANAE BY QUITCLAIM DEED FROM THE STATE OF HAWAI'I DEPARTMENT OF LAND AND NATURAL RESOURCES."

B. In the second WHEREAS clause, clarifies that the Project consists of 89 subdivided zoning lots with an affordable dwelling unit developed on each of 87 zoning lots (two zoning lots to be used as stormwater infiltration basins); and that the Developer will provide technical assistance to very low-income and low-income households to build their own homes under the team self-help housing method.

C. Adds a new fourth WHEREAS clause to provide that ownership of the Roadway Lot has been in dispute, with the State of Hawai'i Department of Land and Natural Resources ("DLNR") taking the position that the Roadway Lot is a county road, as defined in § 264-1, Hawaii Revised Statutes ("HRS"), and that the City accepted ownership and jurisdiction of the road pursuant to Act 288 (Session Laws of Hawaii 1993) and adoption of Resolution 93-287, CD1, FD1; and the City taking the position that roads appearing on a map that have not been built or improved are not "roads" and were not covered by the various State laws addressing this matter.

D. Amends the last WHEREAS clause to clarify that the DLM Director, with the concurrence of the Corporation Counsel, recommends that the Council approve and authorize the City's acceptance and assumption of ownership and title to the Roadway Lot by way of a quitclaim deed from the DNLR.

E. Amends the BE IT RESOLVED clause to clarify that the Council approves of the City's acceptance of a quitclaim deed for the Roadway Lot from the State of Hawai'i Department of Land and Natural Resources, attached to the resolution as Exhibit C and incorporated by reference therein.

- F. Amends the first BE IT FURTHER RESOLVED clause to provide that the Mayor or the Mayor's designee is authorized to execute the quitclaim deed and other necessary documents to effectuate the conveyance of the Roadway Lot from the State of Hawai'i Department of Land and Natural Resources to the City.
 - G. Amends the second BE IT FURTHER RESOLVED clause to clarify that upon full execution (instead of receipt) of the quitclaim deed, the City Administration is required to promptly record the City's ownership of the Roadway lot with the State of Hawai'i Bureau of Conveyances.
 - H. Amends the BE IT FINALLY RESOLVED clause to provide that copies of the resolution be transmitted to the Chairperson of the Board of Land and Natural Resources (instead of the Director of the Department of Land and Natural Resources).
 - I. Attaches as Exhibit C the quitclaim deed for the Roadway Lot, which was approved as to form by the State Attorney General.
 - J. Makes miscellaneous technical and nonsubstantive amendments.
4. **RESOLUTION 24-250 – 4929 KALANIANA‘OLE HIGHWAY – WAI‘ALAE (2024/SMA-67)**. Granting a Special Management Area (“SMA”) Major Permit to 2HNL, LLC (“Applicant”) to allow for the construction of a new single-family detached dwelling with an attached garage and swimming pool on approximately 25,216 square feet of land zone R-7.5 Residential District, located at 4929 Kalaniana‘ole Highway in Wai‘alae, and identified as Tax Map Key 3-5-022: 015. (Applicant: 2HNL, LLC) (Transmitted by Communication [D-709\[24\]](#)) (Current Deadline for Council Action: 11/30/24)
- PROPOSED CD1 TO RESOLUTION 24-250** (Submitted by Councilmember Say) – The CD1 (OCS2024-0906/10/15/2024 9:56 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 WITH AN ATTACHED GARAGE AND OTHER IMPROVEMENTS IN WAI‘ALAE, O‘AHU."

- B. Amends the first WHEREAS clause to clarify the description of the Project.
- C. Amends Condition D.2. to add that the landowner further acknowledges that a portion of Tax Map Key 3-5-022:015 (the Project site) is projected to be impacted by 3.2 feet of sea level rise by the year 2100, and that a portion of both the proposed dwelling and swimming pool are located within the 3.2-foot sea level rise exposure area ("SLR-XA"), and to add that the landowner agrees to assume all risk and liability for any harm to or loss of life and property due to development on a shoreline zoning lot and within the SLR-XA.
- D. Amends Condition G as follows:
 - 1. Deletes the requirement that the Applicant prepare an archaeological inventory survey ("AIS") in paragraph 1, and adds a new paragraph 2 that states, "Based on continuing discussion with SHPD, 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 shall 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 AIS must identify and document any archaeological, historic, and cultural resources on the Project site, assess their significance, and determine potential impacts of the Project on the archaeological, historic, and cultural resources." Renumbers subsequent paragraphs.
 - 2. In renumbered paragraph 3, adds that prior to the commencement of ground-disturbing activity and Project construction, a coordination meeting must be conducted among the Project's archaeological consultants, the construction contractor, and the applicable subcontractors to ensure that the construction contractor and the applicable subcontractors have been informed of all mitigation protocols required by SHPD.
- E. In Condition H, replaces paragraphs 7 and 8 (relating to limitations on tree trimming and ground disturbance during the white tern and wedge-tailed shearwater breeding seasons when nests or eggs are present) with a new paragraph 7 that states, "All Project-related activities must comply with all protocols and best practices recommended or required by the United States Fish and Wildlife Services and the State Department of Land and Natural

Resources Division of Forestry and Wildlife that relate to the protection of Hawaiian seabirds, including but not limited to the wedge-tailed shearwater and white tern. These protocols and best practices may include engaging a qualified biologist to conduct preconstruction nesting surveys during Hawaiian seabird breeding and nesting periods and postponing construction in response to the nesting survey findings." Renumbers the subsequent paragraph.

- F. In Condition J (newly entitled "Permits"), designates the existing language as Condition J.2 and adds a new Condition J.1 to add that the Project's building permit application was accepted as complete on June 4, 2024, and the Applicant must obtain a building permit for the Project no later than June 30, 2025 to rely on the 40-foot shoreline setback that was in effect through June 30, 2024. If the Project's building permit is not obtained by June 30, 2025, the Project must instead comply with the 60-foot shoreline setback required under ROH Chapter 26 effective as of July 1, 2024.
 - G. In Condition K, adds that "The Project's building permit application must address the lodging unit (located across from the breezeway, private garden, and ground level and second floor lānais) that is not permitted in the R-7.5 Residential Zoning District."
 - H. Makes miscellaneous technical and nonsubstantive amendments.
5. **RESOLUTION 24-251 – 84-931 FARRINGTON HIGHWAY – MĀKAHA (2024/SMA-70)**. Granting a Special Management Area ("SMA") Major Permit to Yang Gao and Zhenghong Hu ("Applicants") to allow for the construction of a new two-family detached dwelling with an attached garage consisting of a primary dwelling and an ADU on approximately 12,356 square feet of land zoned R-10 Residential District, located at 84-931 Farrington Highway in Mākaha, and identified as Tax Map Key 8-4-004: 021. (Applicants: Yang Gao and Zhenghong Hu) (Transmitted by Communication [D-710\[24\]](#)) (Current Deadline for Council Action: 11/30/24)

[PROPOSED CD1 TO RESOLUTION 24-251](#) (Submitted by Councilmember Say) –
The CD1 (OCS2024-0905/10/15/2024 12:50 PM) makes the following amendments:

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

"GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW THE CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING WITH AN ACCESSORY DWELLING UNIT AND OTHER IMPROVEMENTS IN MĀKAHA, O'AHU."
- B. Amends the first WHEREAS clause to clarify the description of the Project.
- C. Amends the second WHEREAS clause to clarify that one member of the public testified with comments at the DPP's public hearing.
- D. Adds a new Condition B that states, "To minimize the potential for adverse impacts related to coastal recreational opportunities for the public, the Applicant shall design and install the driveway gate in a manner that does not impede public access to any legally permitted public parking in the public right-of-way along Farrington Highway." Re-letters subsequent conditions.
- E. In re-lettered Condition C, relocates paragraph 1 to re-lettered Condition L and clarifies that the Applicant shall use pervious materials for the new driveway; either pave the side yards with a pervious material or limit the width of the concrete pavement within the side yard to 30 inches or less; and submit a revised site plan to the DPP for its approval prior to the issuance of any building permit for the project.
- F. In re-lettered Condition D, deletes Condition D.2 (repeating the language in re-lettered Condition C, relating to paving the side yards with a pervious material or limiting their width).
- G. In re-lettered Condition F.2, adds that the landowner acknowledges that Tax Map Key 8-4-004:021 (the Project site) is a shoreline zoning lot and may be adversely impacted by coastal hazards and a portion of the proposed dwelling is located within the 3.2-foot sea level rise exposure area ("SLR-XA"). Also adds that the landowner agrees to assume all risk and liability for any harm to or loss of life and property due to development on a shoreline zoning lot (in addition to development within the SLR-XA).

- H. Amends re-lettered Condition I as follows:
 - 1. Replaces paragraph 1 (relating to submitting an archaeological monitoring plan) with a statement that prior to the issuance of any construction permit or building permit for the Project, the Applicant shall submit to the DPP a copy of the written determination from the State Historic Preservation Division ("SHPD") stating that it has completed its review and determined whether any mitigative protocols are required.
 - 2. Adds a new paragraph 2 stating that the Applicant shall consult with SHPD to implement all mitigation protocols, and prior to the commencement of ground-disturbing activity and Project construction, a coordination meeting must be conducted among the Project's archaeological consultants, the construction contractor, and the applicable subcontractors to ensure that the construction contractor and the applicable subcontractors have been informed of all mitigation protocols required by SHPD. Renumbers the subsequent paragraph.
- I. In re-lettered Condition L, adds a new paragraph 1 (formerly Condition B.1) and clarifies that the Applicant shall submit a copy of the recorded joint development agreement or documentation of the lot consolidation to the DPP's Land Use Approval Branch.
- J. In Exhibits A and B attached to the resolution, clarifies the titles of the exhibits for the "Hu Single-Family Dwelling with ADU."
- K. Makes miscellaneous technical and nonsubstantive amendments.

Item No. 6 has been cancelled.

- 6. **RESOLUTION 24-255 – 41-741 KALANIANA'OLE – WAIMĀNALO (2024-SMA/72)**. Granting a Special Management Area ("SMA") Major Permit to the City, Department of Design and Construction ("Applicant") to allow for the construction of phased improvements, including the replacement of the two comfort stations, a former pavilion, and restoration of the crafts building, on approximately 29.56 acres of land zoned P-2 General Preservation District, located at 41-741 Kalaniana'ole Highway, and identified as Tax Map Keys 4-1-003: 016, 019, 020, and 040. (Applicant: City, Department of Design and Construction) (Transmitted by Communication [D-735\[24\]](#)) (Current Deadline for Council Action: 12/13/24)

[PROPOSED CD1 TO RESOLUTION 24-255](#) (Submitted by Councilmember Say) –
The CD1 (OCS2024-0935/10/17/2024 2:41 PM) 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 IMPROVEMENTS FOR THE WAIMĀNALO BEACH PARK IN WAIMĀNALO, O'AHU."
- B. Amends the first WHEREAS clause to clarify the description of the Project and the agent.
- C. In Condition C:
 - 1. Adds a condition that the landowner acknowledges that the Project site is a shoreline lot that may be adversely impacted by coastal hazards, and the landowner agrees to assume all risk and liability for any harm to or loss of life and property due to development on a shoreline zoning lot and to accept all responsibility for the cost and physical removal of materials and structures lost or damaged as a result of coastal hazards; and
 - 2. Relocates to a new Condition D the acknowledgement that, in choosing to undertake development, the landowner acknowledges that no claim of hardship may be asserted in order to obtain approval for a shoreline setback variance for a shoreline protection structure.
- D. Adds a new Condition E to add various conditions for landscaping to preserve underlying beach sands and coastal dunes by ensuring that all landscaped areas, landscaping, and irrigation will be contained and maintained within the property boundaries of the shoreline lot of origin. Re-letters subsequent conditions.
- E. Amends re-lettered Condition F.2 to add that, prior to the commencement of ground-disturbing activity and Project construction, a coordination meeting must be conducted among the Project's archaeological consultants, the construction contractor, and the applicable subcontractors to ensure that the construction contractor and the applicable subcontractors have been informed of all mitigation protocols required by SHPD.

- F. Amends re-lettered Condition H to clarify that no importation of fill material is proposed for the Project.
 - G. Makes miscellaneous technical and nonsubstantive amendments.
7. **BILL 58 (2024) – RELATING TO THE BUILDING CODE.** Amending the Building Code of the City and County of Honolulu. (Transmitted by Communication [D-717\[24\]](#)) (Bill passed First Reading on 10/9/24)
- PROPOSED CD1 TO BILL 58 (2024)** (Submitted by Councilmember Say) – The CD1 (OCS2024-0919/10/16/2024 1:11 PM) makes the following amendments:
- A. In SECTION 2 of the bill, sets out City Building Code Amendment (2) in its entirety, deletes Section 104.4.8 Other Codes, renumbers the balance of the sections in Section 101.4, and clarifies the amendatory language.
 - B. In SECTION 29 of the bill, sets out City Building Code Amendment (82) in its entirety.
 - C. In SECTION 30 of the bill, sets out City Building Code Amendment (85) in its entirety.
 - D. Deletes SECTION 58 of the bill because the existing language of ROH Section 16-14.5 comports with the language change proposed by SECTION 58. Renumbers subsequent sections of the bill.
 - E. Throughout the bill, makes miscellaneous technical and nonsubstantive amendments, including clarifying the amendatory language and comports the bill with recommended drafting format.

Related communication:

[D-746 \(2024\)](#) Department of Planning and Permitting, Bill 58 (2024), 2018 Building Code Housekeeping Measure.

8. **BILL 53 (2024)** – RELATING TO THE SPECIAL MANAGEMENT AREA. Amending Chapter 25, Revised Ordinances of Honolulu 2021, relating to the special management area, including by incorporating amendments made by Act 229 to HRS Chapter 205A, the State Coastal Zone Management law. (Bill Passed First Reading on 9/4/24; Action on Bill postponed in Committee on 9/25/24)

PROPOSED CD1 TO BILL 53 (2024) (Submitted by Councilmember Say) – The CD1 (OCS2024-0876/9/24/2024 12:24 PM) makes the following amendments:

- A. In SECTION 4 of the bill:
1. Amends ROH § 25-5.3(c) to resolve an internal inconsistency between it and subsection (a) regarding the DPP director's authority to allow special management area major permits to be processed concurrently with the preparation of the applicable environmental disclosure document.
 2. Amends ROH § 25-5.3(i) to reformat the subsection into subdivisions and to clarify that subdivision (1) is applicable only when a special management area major permit is required for the development; and
 3. Amends realphabetized ROH § 25-5.3(j) to provide that the Council is the approving authority for any development that is not subject to the DPP's approving authority pursuant to ROH § 25-5.3(i).
- B. Makes miscellaneous technical and nonsubstantive amendments.

FOR DISCUSSION

9. **BILL 31 (2024), CD1** – RELATING TO PRE-CONSTRUCTION FINANCING FOR AFFORDABLE RENTAL HOUSING. Addressing affordable rental housing in the City and County of Honolulu. (Bill Passed Second Reading and Public Hearing held on 7/10/24)

[PROPOSED CD2 TO BILL 31 \(2024\), CD1](#) (Submitted by Councilmember Weyer) –
The CD2 (OCS2024-0702/7/17/2024 9:59 AM) makes the following amendments:

- A. In SECTION 2 of the bill:
 - 1. Replaces all references to a new Article 5, Chapter 32, Revised Ordinances of Honolulu 2021 ("ROH"), with references to an unnumbered article in ROH Chapter 32 to be appropriately designated by the Revisor of Ordinances.
 - 2. In ROH Section 32-___.2(c)(2), changes the pre-construction subsidy amount as follows:
 - a. For each affordable rental housing unit that is less than 250 square feet (instead of 300 square feet) in size within an affordable housing project, the owner is eligible to receive \$83 (instead of \$35) per square foot of dwelling unit floor area; and
 - b. For each affordable rental housing unit that is 250 square feet (instead of 300 square feet) or more in size within an affordable housing project, the owner is eligible to receive \$25,000 per affordable rental housing unit.
- B. Makes miscellaneous technical and nonsubstantive amendments.

[PROPOSED CD2 TO BILL 31 \(2024\), CD1](#) (Submitted by Councilmember Weyer) –
The Proposed CD2 (OCS2024-0812/9/6/2024 11:05 AM) makes the following amendments:

- A. In ROH § 32-5.2(c)(2)(A), amends the provision that for affordable rental housing units that are less than 300 square feet in size, the owner is eligible to receive \$83.33 per square foot of dwelling unit floor area in pre-construction subsidies.
- B. Makes miscellaneous technical and nonsubstantive amendments.

[PROPOSED CD2 TO BILL 31 \(2024\), CD1](#) (Submitted by Councilmember Say) – The Proposed CD2 (OCS2024-0921/10/16/2024 3:52 PM) makes the following amendments:

- A. In SECTION 2 of the bill, amends ROH § 32-5.2(c)(2)(A) to increase the pre-construction subsidy amount an owner is eligible to receive for each affordable rental housing unit that is less than 300 square feet in size, to \$83 (instead of \$35) per square foot of dwelling unit floor area.

- B. Adds a new SECTION 3 of the bill to:
 - 1. Amend § 32-4.2(b)(1) to provide that the aggregate of post-construction grant payments made under Article 4 and pre-construction subsidies made under Article 5 may not exceed \$10,000,000 in general funds; provided that there is no limit on payments made under this article from funds outside of the general fund.

 - 2. Amend § 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 pursuant to Article 4 and pre-construction subsidies pursuant to Article 5 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 this purpose may be used for post-construction grants.

 - 3. Add a new § 32-4.2(c)(1) to provide that an owner of an affordable rental housing project who has been awarded a pre-construction subsidy is not eligible for a post-construction grant. Renumbers subsequent subdivisions.

Renumbers subsequent bill SECTIONS.

- C. Makes miscellaneous technical and nonsubstantive amendments.

Committee on Zoning Agenda
Wednesday, October 23, 2024

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