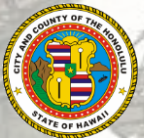


City and County of Honolulu
Department of
Planning and Permitting

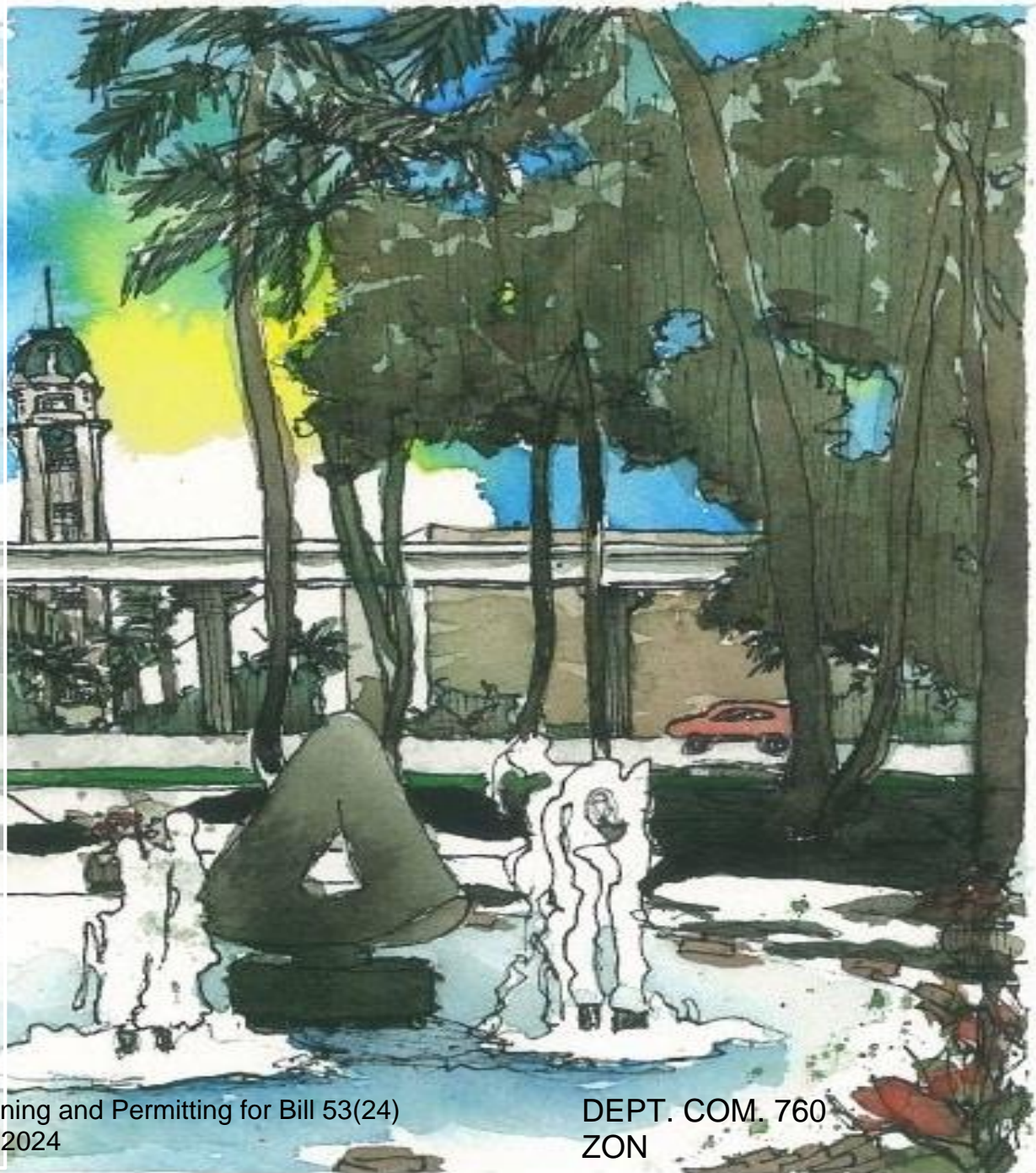
Bill 53 (2024) Relating to the Special Management Area (SMA)

Introduced by Zoning Committee
Chair Calvin Say on August 29, 2024
Presenter: Liz Krueger
October 23, 2024



Submitted by the Department of Planning and Permitting for Bill 53(24)
Committee on Zoning | October 23, 2024

DEPT. COM. 760
ZON



BILL 53 (2024) OVERVIEW

1. Amends definition of “development” for consistency with Hawaii Revised Statutes Chapter 205A, as amended by Act 229, Session Laws of Hawaii (SLH) 2023.
2. Delegates SMA Major Permits for one & two family dwellings to the Director of the Department of Planning and Permitting.



ACT 229, SLH 2023

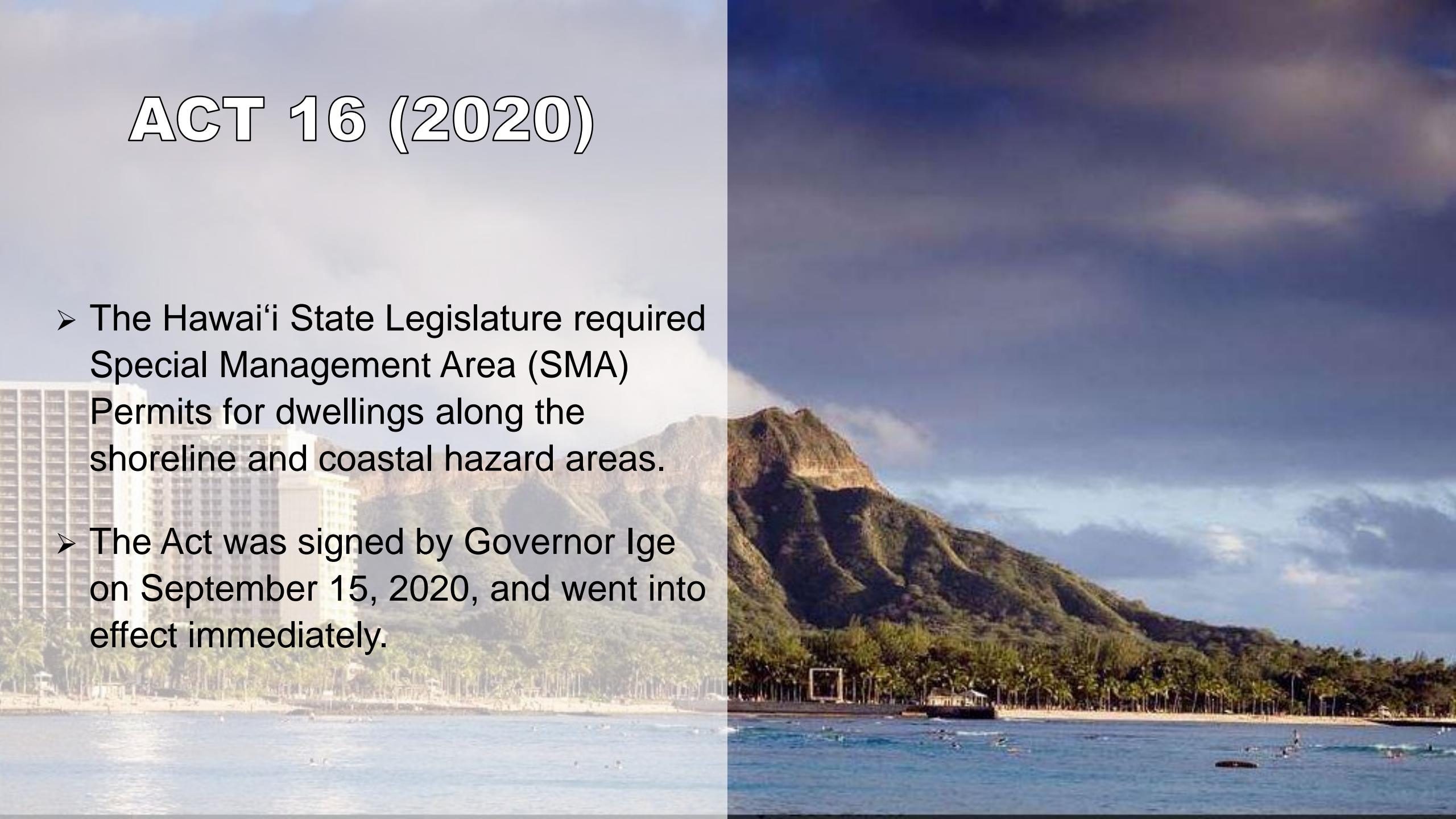
- The Legislature added activities that are NOT considered development:

- (Q) Installation, maintenance, repair, and replacement of public pedestrian and bicycle facilities, including sidewalks, paths, bikeways, crosswalks, stairs, ramps, traffic control barriers, signs, signals, and associated improvements;
- (R) Trash removal or invasive vegetation removal or control, including incidental ground disturbance, excluding the use of herbicides;
- (S) Installation of fencing, including associated improvements and incidental structures, for invasive species control or preservation of native habitats on conservation land;
- (T) Installation, maintenance, repair, and replacement of lighting, fixtures, and equipment to establish compliance with current standards at existing public facilities;
- (U) Installation, maintenance, repair, and replacement of security measures, including fencing, to existing public facilities; and
- (V) Hawaiian traditional and customary practices, including work conducted by traditional means near, in, or related to loko i'a, traditional Hawaiian fishponds;



ACT 16 (2020)

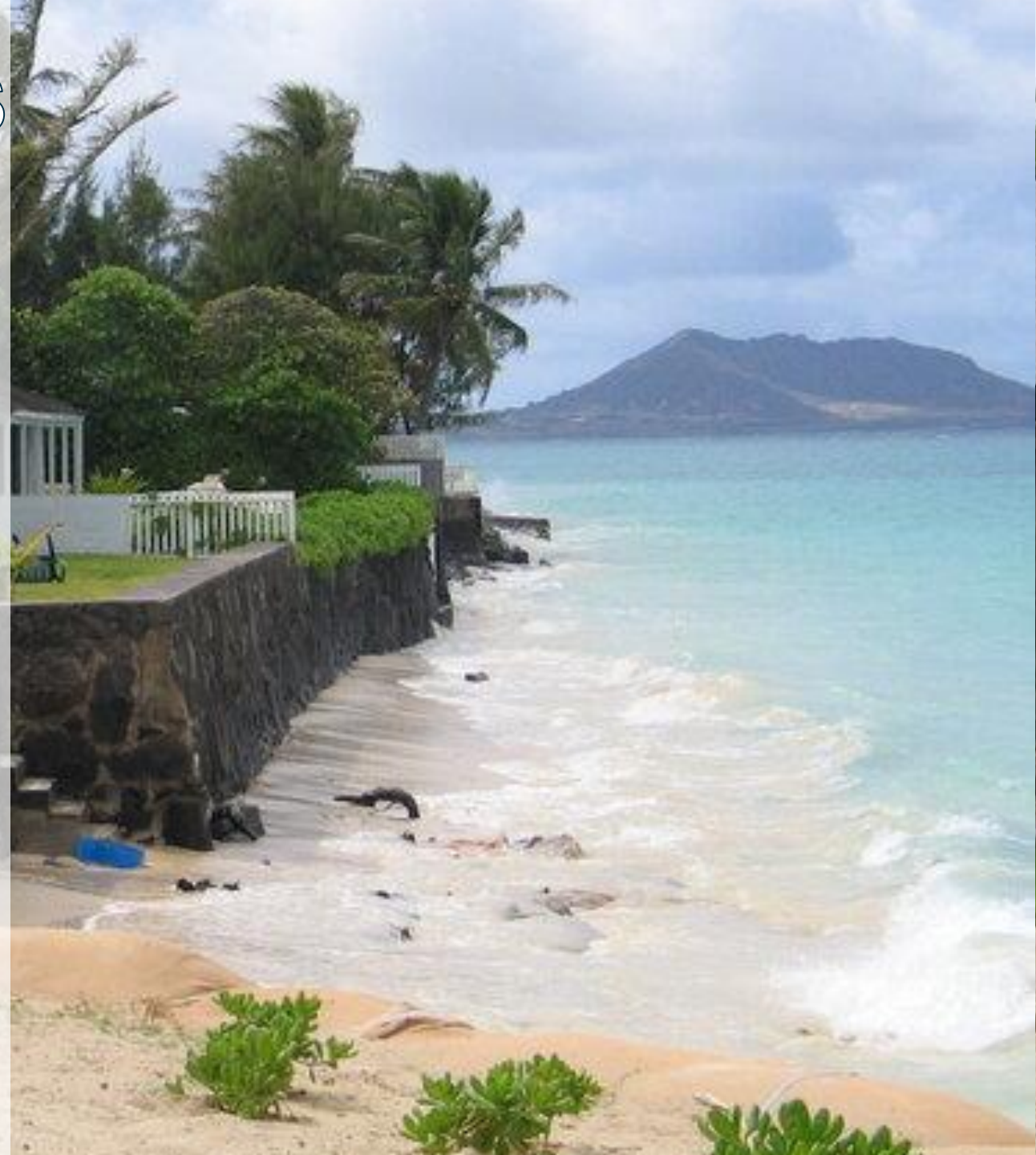
- The Hawai'i State Legislature required Special Management Area (SMA) Permits for dwellings along the shoreline and coastal hazard areas.
- The Act was signed by Governor Ige on September 15, 2020, and went into effect immediately.



SMA MAJOR PERMITS INCREASED 114%

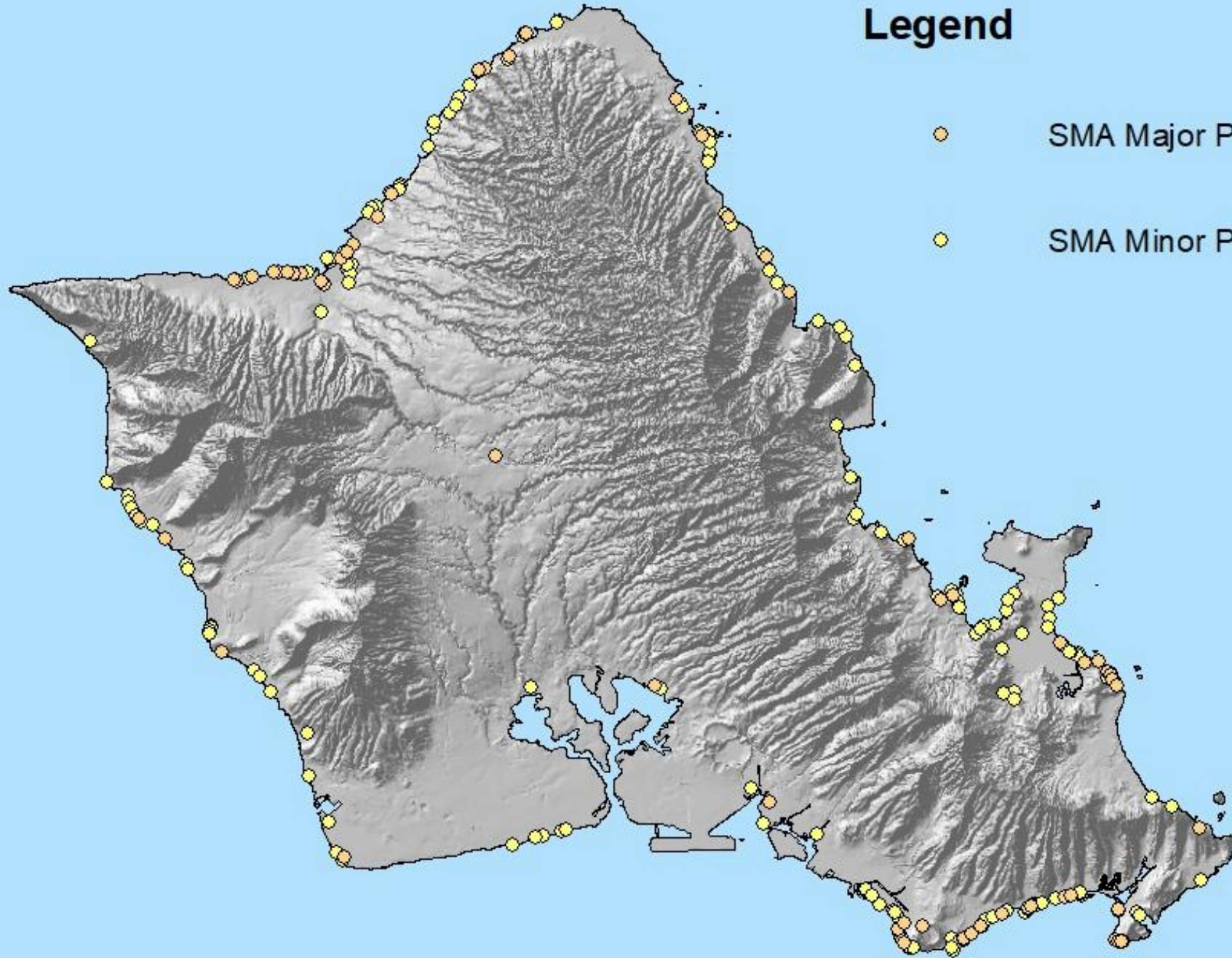
- From September 15, 2020 to present, the DPP and City Council have processed 76 SMA Major Permits.
- That's a 114% increase in SMA Major Permits compared to the same 50 month period before Act 16 (2020).

SMA Permits Processed over a 50 month period	
Pre Act 16 7/2016 – 8/2020	35
Post Act 16 9/2020 – 10/2024	75
% Change	+114%



Legend

- SMA Major Permit
- SMA Minor Permit



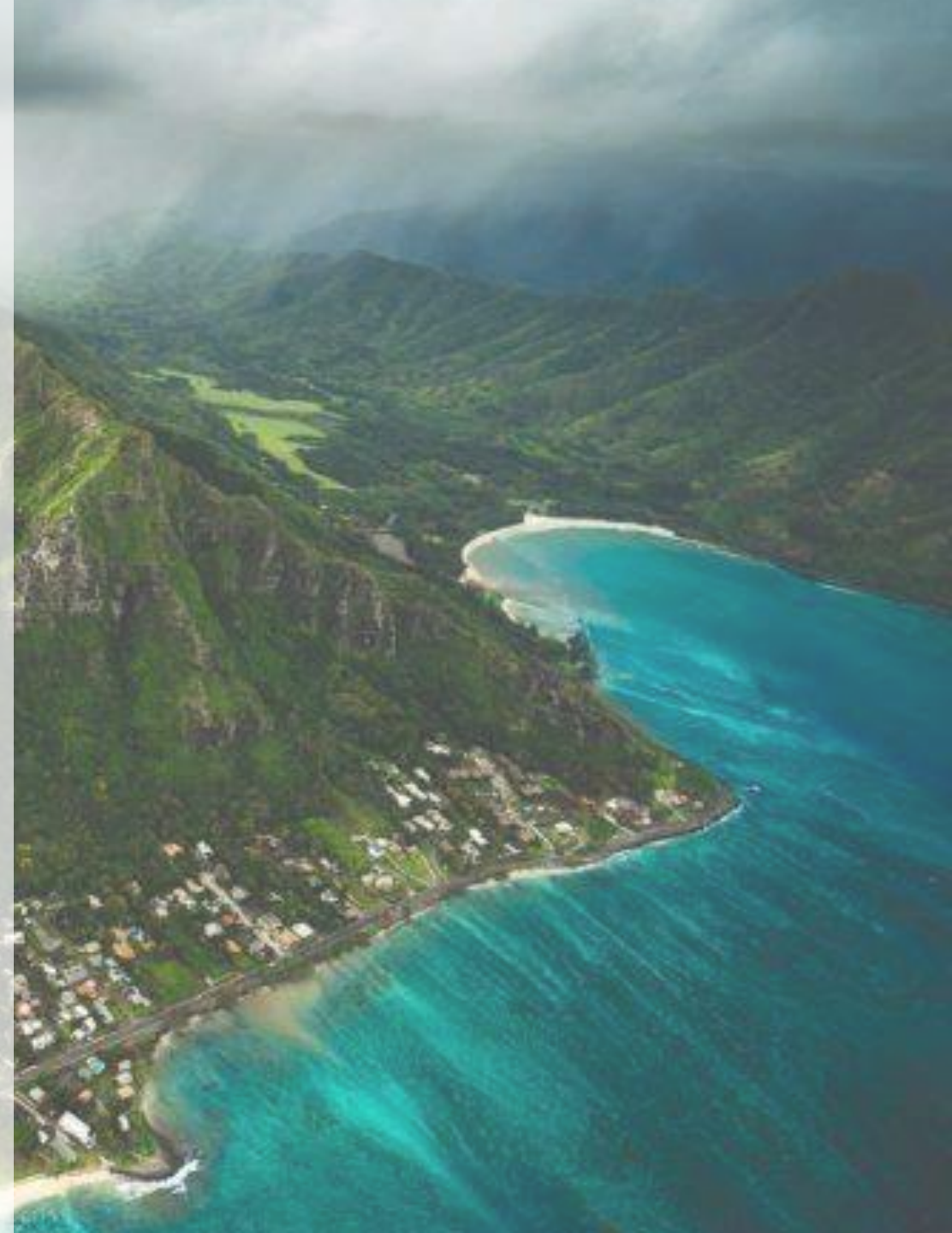
BILL 53 WILL SAVE TIME & EXPENSE

- Applicants for 1 & 2 family dwellings will face a shorter and less expensive process;
- The process will still ensure full environmental review of the goals, objectives and policies of HRS Chapter 205A and ROH Chapter 25; and
- This will also help conserve the City's limited resources both within the DPP and City Council by focusing the City Council's time on more intensive projects.



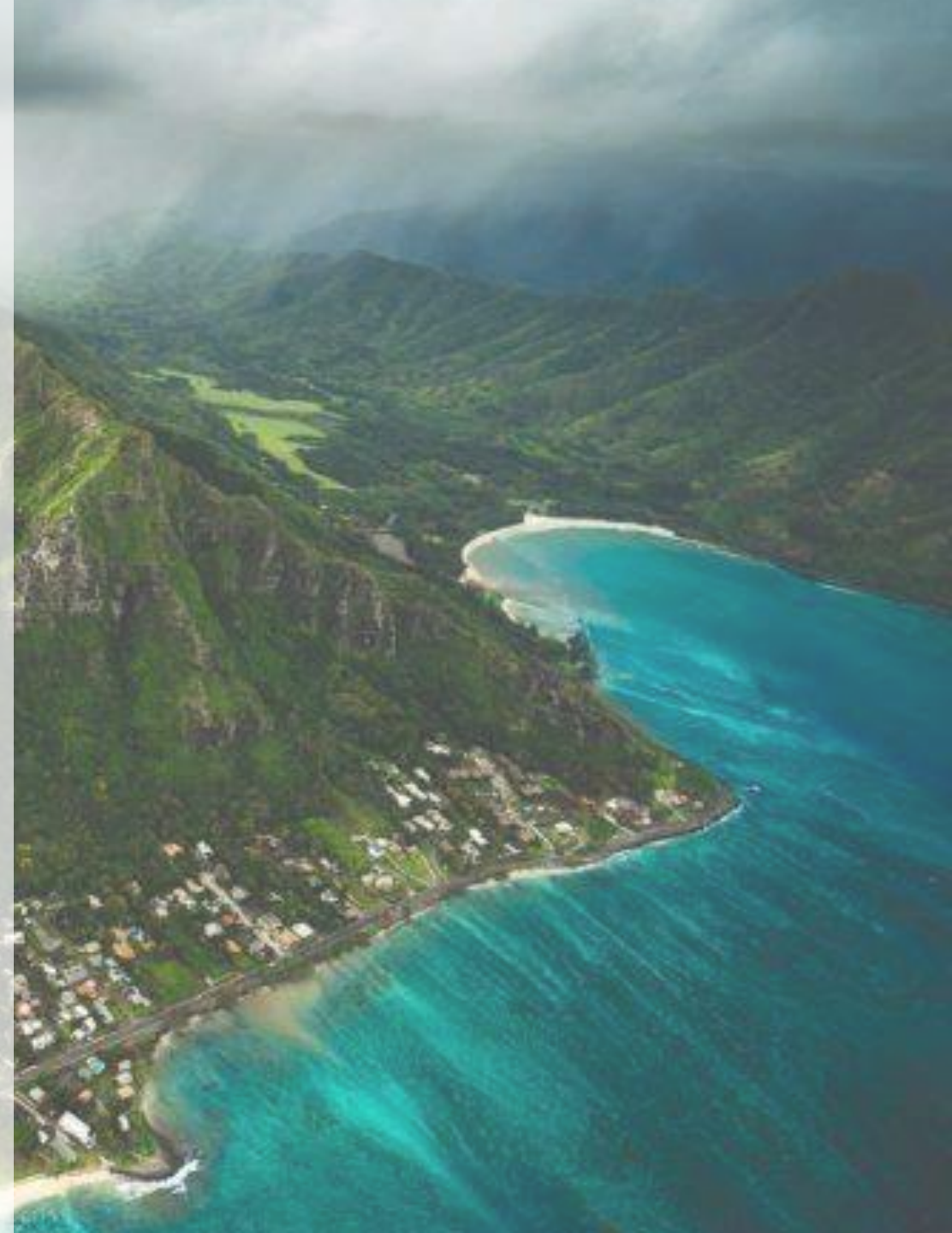
COUNCIL ACTION STILL REQUIRED

- Within the SMA, “Development” with a valuation over \$500,000 requires an SMA Major Permit.
- The City Council will continue to act on all SMA Major permits except for lots with only two dwelling units.
- This includes public, multi-family, commercial, industrial, and infrastructure projects.
- The City Council review and approval process for the types of development projects listed on the following slide will not change if Bill 53 (2024) passes.



EXAMPLES OF RECENT COUNCIL-APPROVED SMA MAJOR PERMITS

- Kailua Beach Park
- Waimanalo Beach Park
- Lāʻiēloa Stream Bridge
- Kawailoa Transfer Station
- Pearlridge Bus Transit Center
- Pearl Haven Pavilion
- Kaʻōhao Elementary School
- Makanale Development with 3 dwelling units
- Kahala Beach Villas
- Waiʻanae High School
- Sea Life Park
- Waikiki Aquarium
- Waikiki Shell
- Konane Slope Stabilization Project



PUBLIC PARTICIPATION OPPORTUNITIES WILL CONTINUE

- If Bill 53 (2024) passes, the community will have several opportunities to review SMA Major Permits for one- and two-family dwellings.
- The project must be presented to the neighborhood board or community association before applying.
- The DPP will send out notices of the public hearing and application to the Star Advertiser, public entities, the neighborhood board & neighbors within 300 feet of the project.
- The DPP will hold a public hearing on the project.



MOST OF THE RESIDENTIAL CONDITIONS ARE STANDARDIZED

- Landowner acknowledgements
- Landscaping, irrigation & lighting
- Cultural & historic review and HRS Chapter 6E compliance will continue to be enforced and the State Historic Preservation Division's input will continue to be incorporated.



CONDITIONS FOR RESILIENCY

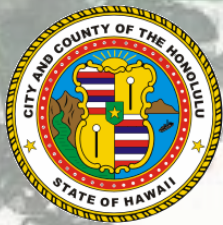
Design changes to increase resiliency in the face of coastal hazards may be required, like:

- Relocation outside of the sea level rise exposure area or flood hazard area
- Adaptive foundation design & use of pervious pavement for driveways and lanais
- Minimizing fill materials



A watercolor illustration of a park scene. In the background, a long, low building with a central tower and dome is visible. The foreground features a large, active fountain with water spraying upwards. Several people are depicted: a person on a bicycle, a person on a motorcycle, and a person walking. The scene is framed by tall palm trees and lush greenery. The sky is painted with soft, blended colors of blue, green, and yellow. The overall style is artistic and painterly.

Mahalo!



*Original art by Janet Meinke-Lau