



HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

COMMITTEE ON ZONING

Voting Members:

Esther Kia'aina, Chair
Tyler Dos Santos-Tam, Vice Chair
Radiant Cordero
Val A. Okimoto
Matt Weyer

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
THURSDAY, APRIL 3, 2025
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.

As both English and Hawaiian are official languages of the State of Hawai'i, pursuant to Article XV, Section 4 of the Hawai'i State Constitution and Section 1-13 of the Hawai'i Revised Statutes, members of the public may testify in either language. For oral testimonies offered in 'Ōlelo Hawai'i, additional time as may be necessary will be allowed for the testifier to provide an English translation of their testimony.

Remote Testimony

1. For direct access to submit oral testimony call: +1-253-215-8782, enter ID: **88257434655** and Passcode **045549**.
2. To testify by videoconference visit: <https://hnldoc.ehawaii.gov/hnldoc/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.

Written testimony may be uploaded at <https://hnldoc.ehawaii.gov/hnldoc/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://hnldoc.ehawaii.gov>.

Committee on Zoning Agenda
Thursday, April 3, 2025

Should you have any questions, please call (808) 768-9230 or send an email to sherry.arca@honolulu.gov.

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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.

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 sherry.arca@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 EXTENSION OF TIME ONLY

1. **RESOLUTION 25-78 – KA'IWA RIDGE TRAIL – LANIKAI (2024/SMA-128).** Granting a Special Management Area Major Permit to the State of Hawai'i Department of Land and Natural Resources, Division of Forestry and Wildlife to allow for the construction of physical improvements to the Ka'iwa Ridge Trail, as well as, the implementation of a strategic management plan on approximately 4.6 acres of land covering portions of five lots zoned R-5 Residential District, R-10 Residential District, and P-1 Restricted Preservation District, located at Ka'elepulu Drive in Lanikai, and identified as Tax Map Keys 4-2-002: 016 (portion), 017, 048 (portion) and 4-3-007: 018 (portion), and 077 (portion). (Applicant: State of Hawai'i Department of Land and Natural Resources, Division of Forestry and Wildlife) (Transmitted by Communication D-155) (Current Deadline: 5/3/25)

Related communication:

M-187 PBR Hawaii & Associates, Inc., requesting 90-day extension of time.

FOR ACTION

2. **RESOLUTION 25-81 – REVISION TO THE PUBLIC INFRASTRUCTURE MAP (NORTH SHORE).** Adopting a revision to the Public Infrastructure Map for the North Shore Sustainable Communities Plan Area to add a symbol for a government building located at or around parcels Tax Map Key 5-9-011: 068, 069, and 070.

Related communication:

CC-65 City Clerk, notifying the Department of Planning and Permitting of the introduction of the Council proposal.

3. **RESOLUTION 25-82 – REVISION TO THE PUBLIC INFRASTRUCTURE MAP (KO'OLAU POKO).** Adopting a revision to the Public Infrastructure Map for the Ko'olau Poko Sustainable Communities Plan Area to add a symbol for a government building located at Tax Map Key 4-9-001: 017.

Related communication:

CC-66 City Clerk, notifying the Department of Planning and Permitting of the introduction of the Council proposal.

4. **RESOLUTION 25-88 – REVISION TO THE PUBLIC INFRASTRUCTURE MAP (CENTRAL O’AHU)**. Adopting a revision to the Public Infrastructure Map for the Central O’ahu Sustainable Communities Plan Area to add a symbol for a park located at Tax Map Key 9-4-002: 064.

Related communication:

CC-72 City Clerk, notifying the Department of Planning and Permitting of the introduction of the Council proposal.

5. **RESOLUTION 25-86 – CHARTER AMENDMENT PURSUANT TO THE MAYOR’S EXECUTIVE REORGANIZATION AUTHORITY**. Initiating amendments to the Revised Charter of the City and County of Honolulu 1973, (Amended 2017 Edition), as amended, pursuant to the Mayor’s executive reorganization authority, relating to the Office of Housing, Department of Community Services, Department of Planning and Permitting, Department of Land Management, and Department of Budget and Fiscal Services. (Transmitted by Communication MM-37) (Current Deadline: 5/12/25)

PROPOSED CD1 TO RESOLUTION 25-86 (Transmitted by MM-44 and proposed by Council Chair Waters) – The CD1 is the same as the CD1 that was attached to MM-44.

Related communication:

MM-44 Office of Housing, submitting proposed amendments to the Resolution.

6. **CC-90 (2025) – DRAFT COMMITTEE REPORT ON THE REVIEW AND EVALUATION OF O’AHU HISTORIC PRESERVATION COMMISSION PURSUANT TO CHAPTER 3, ARTICLE 15, REVISED ORDINANCES OF HONOLULU 2021.** The Committee will take action on a draft committee report making recommendations to the Council on whether the Ordinance establishing the O’ahu Historic Preservation Commission should be retained, amended, or repealed.

Related communication:

D-85 Report submitted by the O’ahu Historic Preservation Commission, pursuant to Chapter 3, Article 15, Revised Ordinances of Honolulu 2021.

7. **RESOLUTION 25-93 – EXTENDING DEADLINE TO OBTAIN DEVELOPMENT PERMIT FOR A PROJECT AT 4439 KĀHALA AVENUE.** Amending Resolution 22-61, CD1, to extend the deadline to obtain a development permit for a project on approximately 35,428 square feet of land zoned R-7.5 Residential, located at 4439 Kāhala Avenue in Kāhala, and identified as Tax Map Key 3-5-003: 007. (Applicant: ALJ Kahala, LLC) (Transmitted by Communication D-221)

PROPOSED CD1 TO RESOLUTION 25-93 (Submitted by Councilmember Kia’āina)
– The CD1 (OCS2025-0260/3/27/2025 1:51 PM) makes the following amendments:

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

"AMENDING RESOLUTION 22-61, CD1, AS AMENDED BY MINOR MODIFICATION 2024/MOD-50, TO EXTEND THE DEADLINE TO OBTAIN A DEVELOPMENT PERMIT FOR A SINGLE-FAMILY DWELLING, DETACHED GARAGE, GYM, SWIMMING POOL, AND OTHER IMPROVEMENTS IN KĀHALA, O’AHU."

- B. Amends the fifth WHEREAS clause, to refer to Ordinances 23-3 and 23-4 (instead of Ordinances 23-3 and 23-5).

- C. Replaces the seventh WHEREAS clause, relating to the DPP's approval of a Minor Modification of the Project, with a new WHEREAS clause to read as follows:

WHEREAS, on October 29, 2024, the DPP Director approved Minor Modification 2024/MOD-50, which amended the Project and certain conditions of approval as set forth in Resolution 22-61, CD1, to:

1. Account for plan revisions to remove one single-family dwelling; changing the orientation of the detached garage; and adding a recreation room (gym), package delivery kiosk, covered meditation pavilion, and in-ground swimming pool with expansive deck and lanai;
 2. Address the 2023 regulatory changes under Ordinances 23-3 and 23-4 by moving the dwelling farther mauka to 81 feet (instead of 61 feet) from the certified shoreline, and including resiliency and adaptation elements into the Project design (elevating the building pad by an additional 1.5 feet above existing grade, and installing deep foundation elements to support the makai portion of the residence); and
 3. Retain the conditions in Resolution 22-61, which remained in full force and effect, and impose additional conditions of approval relating to landowner acknowledgements of coastal hazards and minimizing the spread of invasive pathogens, pests, or plants.
- D. Amends the eighth WHEREAS clause to add that on March 28, 2024, the State Historic Preservation Division ("SHPD") accepted an Archaeological Assessment for the Project site, which was based on a previously prepared Archaeological Inventory Survey; upon review of the Archaeological Assessment, SHPD issued a letter requiring that the Applicant prepare and submit to SHPD an Archaeological Monitoring Plan ("AMP"); on January 16, 2025, the Applicant submitted the AMP to SHPD, and SHPD concurrence of the AMP is currently pending.

- E. Adds a new 10th WHEREAS clause to provide that the DPP's report indicates a two-year extension of the deadline to obtain a development permit for the Project is reasonable due to the change in ownership of the Project site and resulting Project revisions to address the needs of the current owner, Project revisions to increase the resiliency of the dwelling to coastal hazards, and archaeological requirements to prepare an AMP; the DPP's report also indicates that the Applicant has demonstrated progress in moving forward with the Project, and has informed the DPP of changes in the status of the Project.
 - F. Amends the BE IT RESOLVED clause to provide that Resolution 22-61, CD1, as amended by Minor Modification 2024/MOD-50, is further amended to extend the deadline to obtain a development permit for the Project from May 3, 2025 to May 3, 2027.
 - G. Amends the first BE IT FURTHER RESOLVED clause to provide that all other provisions of Resolution 22-61, CD1, as modified by Minor Modification 2024/MOD-50, are ratified and confirmed, and remain in full force and effect.
 - H. Makes miscellaneous technical and nonsubstantive amendments.
8. **RESOLUTION 25-80 – 275 KA'ELEPULU DRIVE – LANIKAI (2024/SMA-117).**
Granting an after-the-fact Special Management Area Major Permit to Kimberly M. and Timothy D. Smythe to allow for the construction (retention) of a new two-story, single-family detached dwelling with an attached garage, pool and pool house on approximately 39,857 square feet of land zoned R-10 Residential District, located at 275 Ka'elepulu Drive in Lanikai, and identified as Tax Map Key 4-3-007: 077. (Applicants: Kimberly M. and Timothy D. Smythe) (Transmitted by Communication D-166) (Current Deadline: 5/6/25)

PROPOSED CD1 TO RESOLUTION 25-80 (Submitted by Councilmember Kia'āina)
– The CD1 (OCS2025-0268/3/28/2025 7:34 AM) makes the following amendments:

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

"GRANTING AN AFTER-THE-FACT SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE RETENTION OF A PREVIOUSLY CONSTRUCTED NEW SINGLE-UNIT DWELLING WITH AN ATTACHED GARAGE, POOL, POOL CABANA, POND, DRIVEWAY, AND OTHER IMPROVEMENTS IN LANIKAI, O'AHU."
- B. Amends the first WHEREAS clause to clarify the description of the Project.
- C. Amends the second WHEREAS clause to delete reference to public testimony offered at the public hearing.
- D. Adds a new Condition D.2 to add a standard condition that artificial light from exterior light fixtures on the Project site is prohibited if the light directly illuminates, or is directed across property boundaries toward the shoreline and ocean waters, except as may otherwise be permitted pursuant to HRS § 205A-71(b).
- E. Amends Condition F to add that prior to the issuance of a building permit for the Project, the Applicant is required to pay to the City the full amount of all accrued and outstanding civil fines to date relating to the Project.
- F. Adds a BE IT FURTHER RESOLVED clause to provide that no action may be prosecuted or maintained against the City, its officials, or its employees, on account of the actions taken by them in reviewing or approving the SMA Major Permit.
- G. Makes miscellaneous technical and nonsubstantive amendments.

9. **RESOLUTION 25-68 – 59-205 KE NUI ROAD – PŪPŪKEA-PAUMALŪ (2024/SMA-108)**. Granting a Special Management Area Major Permit to Donna and Jude Baker to allow for the construction of two new single-family detached dwellings with an individual wastewater system and perimeter fencing on approximately 31,385 square feet of land zoned R-5 Residential District, located at 59-205 Ke Nui Road in Pūpūkea-Paumalū, and identified as Tax Map Key 5-9-002: 059. (Applicants: Donna and Jude Baker) (Transmitted by Communication D-128) (Current Deadline: 4/25/25)

PROPOSED CD1 TO RESOLUTION 25-68 (Submitted by Councilmember Kia‘āina)
– The CD1 (OCS2025-0232/3/20/2025 3:59 PM) makes the following amendments:

- A. Amends the resolution title to read as follows:
- "GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE CONSTRUCTION OF A NEW SINGLE-UNIT DWELLING, AFTER-THE-FACT POSTING OF AN EXISTING MOBILE SINGLE-UNIT DWELLING, INSTALLATION OF AN INDIVIDUAL WASTEWATER SYSTEM, AND CONSTRUCTION OF PERIMETER FENCING AND GATES IN PŪPŪKEA-PAUMALŪ, O‘AHU."
- B. Amends the first WHEREAS clause to clarify the description of the Project.
- C. Amends the second WHEREAS clause to delete reference to the type of public testimony offered at the public hearing.
- D. Amends the third WHEREAS clause to provide that on February 19, 2025, within 75 calendar days after the close of the public hearing (the Applicant having agreed to an extension of the 45-calendar-day administrative deadline to process the application), the DPP completed its report and transmitted its findings and recommendation of approval to the Council.
- E. In Condition A, provides that except as modified in the resolution, including but not limited to under Condition B, development must be in general conformity with the Project as described in the DPP's findings and recommendation, and as depicted in the Exhibits attached to the resolution.

- F. In Condition B, relating to Project redesign requirements to address potential adverse impacts related to coastal hazards, reformats the condition and:
 - 1. In Condition B.1, requires the relocation of all Project structures to be relocated mauka of the 3.2-foot sea level rise coastal erosion area (instead of the 3.2-foot sea level rise exposure area coastal erosion area).
 - 2. Moves former Condition G to Condition B.3, which requires the use of pervious surface materials for the Project's driveway, parking areas, and areas under the elevated structures.
 - 3. Adds a new Condition B.4 to require the Applicant, at the Applicant's expense, to remove any portion of the existing concrete rubble masonry wall located on the west side of the property that eventually falls makai of the regulatory shoreline and within the State Land Use Conservation District
- G. Separates the landowner acknowledgement of potential adverse impacts related to coastal hazards formerly in Condition B to a new Condition C, and conforms new Condition C to the standard provisions acknowledging that:
 - 1. Tax Map Key 5-9-002:059 is susceptible to coastal hazards, which may result in harm to or loss of life and property; and
 - 2. Portions of Tax Map Key 5-9-002:059 is projected to be impacted by 3.2 feet of sea level rise by the year 2100, and a portion of the new makai dwelling is located within the 3.2-foot sea level rise exposure area ("SLR-XA"). The landowner agrees to assume all risk and liability for any harm to or loss of life and property due to development within the SLR-XA, and to accept all responsibility for the cost and physical removal of materials and structures lost or damaged as a result of coastal hazards, including the cleanup and restoration of the Project site.
- H. In re-lettered Condition H, relating to archaeological, historic, and cultural resources, combines Conditions H.1 and H.2, relating to submitting to the DPP a copy of the written determination from the State Historic Preservation Division ("SHPD"), and requiring the Applicant to implement all mitigative actions and protocols required or recommended by the SHPD in its written determination. Renumbers the subsequent condition in Condition H.

- I. In re-lettered Condition J, relating to minimizing the spread of invasive pathogens, pests, or plants, clarifies in Condition J.1 that no importation of soil or structural fill material is currently proposed.
 - J. Adds a BE IT FURTHER RESOLVED clause to provide that no action may be prosecuted or maintained against the City, its officials, or its employees, on account of the actions taken by them in reviewing or approving the SMA Major Permit.
 - K. Amends re-lettered Condition L (relating to other government approvals) to add that prior to the issuance of a building permit for the Project, the Applicant is required to pay to the City the full amount of all accrued and outstanding civil fines to date, relating to the mobile wooden single-unit dwelling.
 - L. Makes miscellaneous technical and nonsubstantive amendments.
10. **RESOLUTION 25-95 – 12 KAILUA ROAD – KAILUA (2024/SMA-131)**. Granting a Special Management Area Major Permit to Highmark Capital LLC to allow the construction of a new two-story single-family dwelling, garage, swimming pool, pool lounge, pool cabana, pool equipment pad, concrete masonry unit walls, and rolling gate on an approximately 26,085-square-foot shoreline lot in the R-10 Residential District, located at 12 Kailua Road, and identified as Tax Map Key 4-3-012: 001. (Applicant: Highmark Capital LLC) (Transmitted by Communication D-225) (Current Deadline: 5/20/25)

PROPOSED CD1 TO RESOLUTION 25-95 (Submitted by Councilmember Kia'āina)
– The CD1 (OCS2025-0255/3/28/2025 9:09 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 A DETACHED GARAGE, POOL, POOL LOUNGE, POOL CABANA, CONCRETE MASONRY UNIT WALLS, AND ROLLING GATE IN KAILUA, O'AHU."
- B. Amends the first WHEREAS clause to clarify the description of the Project.

- C. Amends the second WHEREAS clause to remove the reference to public testimony.
- D. In Condition B, relating to archaeological, historic, and cultural resources that may be present on the Project site:
 - 1. Replaces Condition B.1 with a new condition that requires the Applicant to submit to the DPP a copy of the Project's archaeological inventory survey ("AIS") dated February 21, 2025, which was submitted to the State Historic Preservation Division ("SHPD"), and a copy of the SHPD letter accepting the AIS.
 - 2. Replaces Condition B.2 with a new condition that requires the Applicant to consult with SHPD and prepare an archaeological monitoring plan ("AMP") that meets the standards of Hawaii Administrative Rules Chapter 13-279, and to implement the AMP, including all mitigative protocols. Also provides that the AMP must include the onsite presence of a SHPD-approved archaeologist during excavation work. (The SHPD required an AMP in its AIS acceptance letter.)
- E. Adds a new Condition I (due to a typographical error, there was no Condition I) to set forth standard conditions relating to minimizing the spread of invasive pathogens, pests, or plants that may harm native species and ecosystems on the Project site. (These invasive species conditions were recommended by the DPP in its report.)
- F. Adds a new BE IT FURTHER RESOLVED clause to provide that no action may be prosecuted or maintained against the City, its officials, or its employees, on account of the actions taken by them in reviewing or approving this SMA Major Permit.
- G. Makes miscellaneous technical and nonsubstantive amendments.

11. **RESOLUTION 25-24 – 55-337 KAMEHAMEHA HIGHWAY – LĀ‘IE (2024/SMA-81).**
Granting a Special Management Area Use Permit to Western Community Crossroads, LC to allow for the demolition of three existing single-family dwellings, and the construction of two new single-family dwellings with attached two-car garages, on an approximately 26,462 square foot shoreline lot in the R-5 Residential District, located at 55-337 Kamehameha Highway, and identified as Tax Map Key 5-5-002: 032. (Applicant: Western Community Crossroads, LC) (Transmitted by Communication D-3) (Current Deadline: 6/2/25)

PROPOSED CD1 TO RESOLUTION 25-24 (Submitted by Councilmember Kia‘āina)
– The CD1 (OCS2025-0097/2/5/2025 1:56 PM) makes the following amendments:

- A. Amends the resolution title to read as follows:
- "GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE CONSTRUCTION OF TWO NEW SINGLE-UNIT DWELLINGS WITH ATTACHED GARAGES IN LĀ‘IE, O‘AHU."
- B. Amends the first WHEREAS clause to clarify the description of the Project.
- C. Amends the second WHEREAS clause to delete reference to the nature of the public testimony at the public hearing.
- D. Amends the third WHEREAS clause to provide that on December 24, 2024 (instead of December 23, 2024), within 109 calendar days (instead of 120 working days) after the close of the public hearing (the Applicant having agreed to an extension of the 45-calendar-day administrative deadline to process the application), the DPP completed its report and transmitted its findings and recommendation of approval to the Council.
- E. Amends the fourth WHEREAS clause by changing the reference to Departmental Communication 1 (2025) to Departmental Communication 3 (2025).

- F. In Condition A, relating to Project redesign requirements, reformats the condition and:
 - 1. In Condition A.1, requires the relocation of all Project structures, including the two proposed single-unit dwellings, as follows:
 - a. If the Project's building permit is issued by June 30, 2025, all structures must be relocated entirely mauka of the 3.2-foot sea level rise ("SLR") coastal erosion line as mapped on the Hawai'i SLR Viewer (see Exhibit H); or
 - b. Notwithstanding whether the Project's building permit is issued by June 30, 2025, or after July 1, 2025, all structures must be relocated mauka of the 130-foot shoreline setback required under ROH Chapter 26 effective as of July 1, 2024, or mauka of the shoreline setback area based on an alternative annual coastal erosion rate for the Project site (instead of an annual coastal erosion rate of 1.1 feet) approved by the DPP Director pursuant to the City's Rules Relating to Shoreline Setbacks and the Special Management Area.
 - 2. In Condition A.2, requires that all Project structures that comply with Condition A.1, but are located within the 3.2-foot sea level rise exposure area ("SLR-XA") as mapped on the Hawai'i SLR Viewer incorporate a foundation or other adaptation or design measures, and the plans must be stamped by a civil engineer licensed by the State of Hawai'i.
- G. Adds a new Condition B to require that the Project Plans, including the attached Exhibits and the calculations required by the Land Use Ordinance ("LUO") be updated to remove 5,712 square feet of the Project zoning lot that has been lost to erosion since 1933 and is now within the State Land Use Conservation District, as shown on the Certified Shoreline Survey dated September 13, 2024. Re-letters subsequent conditions.
- H. In re-lettered Condition C, clarifies that except as modified in the resolution, including but not limited to under Conditions A, B, and F.1, development must be in general conformity with the Project as described in the DPP's findings and recommendation, and as depicted in the Exhibits attached to the resolution.

- I. In re-lettered Condition D, relating to archaeological, historic, and cultural resources, adjusts the order of the conditions and:
 1. Adds a new Condition D.1 to provide that prior to commencing any ground disturbing or construction activity for the Project, the Applicant is required to submit to the DPP a copy of the written determination from the State Historic Preservation Division ("SHPD") pursuant to HRS § 6E-42. Renumbers subsequent conditions in Condition C.
 2. Amends renumbered Condition D.2 to clarify that prior to commencing any ground disturbing or construction activity for the Project, the Applicant is required to submit to the DPP a copy of an archaeological inventory survey ("AIS") that includes subsurface testing conducted by a qualified archaeologist, and has been reviewed and approved by SHPD.
 3. Adds a new Condition D.3 to provide that if required by SHPD upon review of the AIS, the Applicant, in consultation SHPD, is required to prepare an archaeological monitoring plan ("AMP") that meets the standards of Hawaii Administrative Rules Chapter 13-279, and to implement the AMP during ground-disturbing activity and Project construction.
 4. Adds a new Condition D.4 to require the Applicant to consult with SHPD to implement all mitigation protocols approved or otherwise required by SHPD, and under the AIS and any AMP 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 the Applicant to hold a coordination meeting 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 and under the AIS and any AMP. Renumbers the subsequent condition in Condition D.

- J. In re-lettered Condition F, relating to minimizing the spread of invasive pathogens, pests, or plants:
 - 1. Amends Condition F.1 to provide that as initially proposed, the Applicant estimated the importation of 56 cubic yards of structural fill material for the Project's slab-on-grade foundation and grass paver driveway. Requires the Applicant to minimize the importation of fill material to the extent possible by redesigning the Project's slab-on-grade foundation to a post and pier foundation or a micropile foundation.
 - 2. Conforms Conditions F.2, F.3, and F.4 to the standard provisions relating to minimizing the movement of plant or soil material on the Project site, decontamination protocols for the prevention of invasive species, and the procedures to follow if invasive species are discovered on the Project site.
- K. Conforms re-lettered Condition G to the standard provisions relating to a landowner acknowledgement that bed and breakfast homes and transient vacation units are not allowed on the Project site.
- L. Conforms re-lettered Condition I to the standard provisions relating to a landowner acknowledgement that no claim of hardship due to erosion, sea level rise, or any other coastal hazard may be asserted in order to obtain approval for a Shoreline Setback Variance for a new shoreline protection structure.
- M. Adds a new Condition J to provide for landowner acknowledgements that:
 - 1. The Project site is susceptible to coastal hazards that may result in harm or loss of life and property; and
 - 2. Portions of the Project site are projected to be impacted by 3.2 feet of sea level rise by the year 2100, and the landowner agrees to assume all risk and liability for any harm to or loss of life and property due to development within the sea level rise exposure area. The landowner also agrees to accept all responsibility for the cost and physical removal of materials and structure lost or damaged as a result of coastal hazards, including the cleanup and restoration of the Project site.

Re-letters subsequent conditions.

- N. In re-lettered Condition K, relating to permits, reformats the condition and adds a new Condition K.1 to provide that the Project's building permit application was accepted as complete on June 26, 2024, and the Applicant must obtain a building permit for the Project no later than June 30, 2025. If the Project's building permit is not obtained by June 30, 2025, the Project may not rely on the 40-foot shoreline setback that was in effect through June 30, 2024, and must instead comply with the shoreline setback required under ROH Chapter 26 effective as of July 1, 2024. Renumbers the subsequent condition in Condition K.
 - O. Adds a BE IT FURTHER RESOLVED clause to provide that no action may be prosecuted or maintained against the City, its officials, or its employees, on account of the actions taken by them in reviewing or approving the SMA Major Permit.
 - P. Amends the BE IT FINALLY RESOLVED clause to correct the Applicant's name and address to Steve Turley, Western Community Crossroads, LC, 55-337 Kamehameha Highway, Laie, Hawai'i 96762 (the resolution included an erroneous reference to the Applicant's name and address).
 - Q. Makes miscellaneous technical and nonsubstantive amendments.
12. **RESOLUTION 25-91 – THE HILTON HAWAIIAN VILLAGE MASTER PLAN (2024/SMA-104)**. Granting a Special Management Area Major Permit to HHV Beach Resort & Spa and Park Ala Moana LLC to allow for the construction of a new 36-story hotel tower with 515 hotel units and 6,051 square feet of retail space, on approximately 0.64 acres of land zoned Resort Mixed-Use Precinct, located at 1831, 1835, and 1841 Ala Moana Boulevards, and identified as Tax Map Keys 2-6-005: 001 (portion); 2-6-008: 001, 002, 003, 005, 007, 012, 019, 020, 021, 023, 024, 027, 031, 034, 037, 038, 039; 2-6-009: 001, 002, 003, 004, 005, 006, 007, 007, 009, 010, 011, 012, and 013. (Applicant: HHV Beach Resort & Spa and Park Ala Moana LLC) (Transmitted by Communication D-213) (Current Deadline: 5/18/25)

PROPOSED CD1 TO RESOLUTION 25-91 (Submitted by Councilmember Kia'āina)
– The CD1 (OCS2025-0262/3/28/2025 8:01 AM) makes the following amendments:

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

"GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR IMPROVEMENTS TO THE HILTON HAWAIIAN VILLAGE PLANNED DEVELOPMENT-RESORT MASTER PLAN AREA, INCLUDING THE CONSTRUCTION OF A NEW HOTEL TOWER, IN WAIKĪKĪ, O'AHU."

- B. Amends the first WHEREAS clause to clarify the description of the Project.

- C. Combines the second and third WHEREAS clauses and clarifies that on March 14, 2025, within 52 calendar days after the close of the public hearing (the Applicant agreed to an extension of the 45-calendar-day administrative deadline to process the application), the DPP completed its report and transmitted its findings and recommendation of approval to the Council.

- D. Adds a new Condition B.2, to include a landowner acknowledgement relating to coastal hazards to read as follows:

"The landowner hereby acknowledges (and any successor owner or interested party is hereby notified) that portions of Tax Map Keys 2-6-005: 001 (portion); 2-6-008:001, 002, 003, 005, 007, 012, 019, 020, 021, 023, 024, 027, 031, 034, 037, 038, 039; 2-6-009:001, 002, 003, 004, 005, 006, 007, 009, 010, 011, 012, and 013 are projected to be impacted by 3.2 feet of sea level rise by the year 2100. The landowner agrees to assume all risk and liability for any harm to or loss of life and property due to development within the 3.2-foot sea level rise exposure area. The landowner further agrees to accept all responsibility for the cost and physical removal of materials and structures lost or damaged as a result of coastal hazards, including the cleanup and restoration of the Project site."

- E. In Condition E, relating to archaeological, historic, and cultural resources:

1. Adds a new Condition E.1 to require the Applicant to submit to the DPP a copy of the 2024 archaeological inventory survey ("AIS") that was accepted and reviewed by the State Historic Preservation Division ("SHPD"). Renumbers subsequent conditions in Condition E.

2. In renumbered Condition E.2, requires the Applicant to prepare an archaeological monitoring plan ("AMP") in consultation with SHPD, requires the onsite presence of a SHPD-approved archaeologist during excavation work, and requires the Applicant to implement the AMP during ground-disturbing activity and Project construction.
 3. In renumbered Condition E.3, requires the Applicant to prepare the burial treatment plan ("BTP") in consultation with the Oahu Island Burial Council ("OIBC") and SHPD; and requires the Applicant to implement the BTP if any iwi kūpuna are discovered on the Project site.
 4. Adds a new Condition E.4 to require the Applicant to consult with the OIBC and SHPD regarding mitigation protocols, and to implement all mitigation protocols approved by or otherwise required by the OIBC or SHPD. Also requires that a coordination meeting be held 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 required mitigation protocols. Renumbers the subsequent condition in Condition E.
- F. In Condition F, relating to minimizing impacts to endangered, threatened, or protected avian, marine, and terrestrial fauna:
1. Moves Condition F.7 (relating to the use of native plant species for new landscaping), and Condition F.8 (relating to preventing the spread of the coconut rhinoceros beetle) to Conditions G.1 and G.2, respectively. Renumbers subsequent conditions in Condition F.
 2. In renumbered Condition F.8, clarifies the requirement for a survey to be conducted prior to trimming, cutting, or removing any trees on the Project site, to determine whether any Manu-o-Kū (white tern) nesting areas, eggs, or chicks are present. If any nesting areas, eggs, or chicks are discovered, the Applicant is required to contact the State Department of Land and Natural Resources Division of Wildlife, and the tree may not be trimmed, cut, or removed until the chicks have fully fledged.

3. In renumbered Condition F.9, clarifies the requirement that during Project construction, if nests, eggs, or broods are discovered, or if a downed seabird is discovered, the Applicant is required to contact the U.S. Department of Fish and Wildlife Service, and all work must cease within a minimum radius of 100 feet of the nesting area (if a nesting area with eggs is discovered a minimum of 60 days, and if a nesting area with chicks is discovered a minimum of 30 days or until the chicks have fully fledged).
 4. In renumbered Condition F.10, clarifies that prior to any Project ground-disturbing or construction activity, the Applicant is required to provide seabird fallout information to all Project contractors, subcontractors, and other personnel.
- G. In Condition G, relating to minimizing the spread of invasive pathogens, pests, or plants:
1. Moves former Condition F.7 (relating to the use of native plant species for new landscaping), and former Condition F.8 (relating to preventing the spread of the coconut rhinoceros beetle) to Conditions G.1 and G.2, respectively. Renumbers subsequent conditions in Condition G.
 2. In renumbered Condition G.3, provides that no importation of soil or structural fill material is currently proposed.
- H. Adds a new standard Condition H to require the Applicant to obtain a construction permit or building permit for the Project within 36 months after the effective date of the SMA Major Permit, with the possibility of extensions if the Applicant demonstrates good cause.
- I. Adds a BE IT FURTHER RESOLVED clause to provide that no action may be prosecuted or maintained against the City, its officials, or its employees, on account of the actions taken by them in reviewing or approving the SMA Major Permit.
- J. Makes miscellaneous technical and nonsubstantive amendments.

13. **RESOLUTION 25-92 – PD-R FOR THE REDEVELOPMENT OF HILTON HAWAIIAN VILLAGE (2024/PDP-2)**. Approving a conceptual plan for a Planned Development-Resort to redevelop the Hilton Hawaiian Village Resort complex on approximately 0.64 acres of land zones Resort Mixed-Use Precinct, located at 1831, 1835, and 1841 Ala Moana Boulevard in Waikīkī, and identified as Tax Map Keys 2-6-005: 001 (portion); 2-6-008: 001, 002, 003, 005, 007, 012, 019, 020, 021, 023, 024, 027, 031, 034, 037, 038, 039; 2-6-009: 001, 002, 003, 004, 005, 006, 007, 009, 010, 011, 012, and 013. (Applicant: HHV Beach Resort & Spa and Park Ala Moana LLC) (Transmitted by Communication D-214) (Current Deadline: 5/18/25)

PROPOSED CD1 TO RESOLUTION 25-92 (Submitted by Councilmember Kia'āina)
– The CD1 (OCS2025-0270/3/28/2025 2:32 PM) makes the following amendments:

- A. Amends the resolution title to read as follows:
- "APPROVING A CONCEPTUAL PLAN FOR A PLANNED DEVELOPMENT-RESORT PROJECT TO MODIFY THE BOUNDARIES OF THE HILTON HAWAIIAN VILLAGE MASTER PLAN AREA, AND ALLOW FOR CERTAIN IMPROVEMENTS, INCLUDING THE CONSTRUCTION OF A NEW HOTEL TOWER, IN WAIKĪKĪ, O'AHU."
- B. Amends the first WHEREAS clause to clarify the description of the Project.
- C. Amends the second WHEREAS clause to delete reference to written testimony submitted for the public hearing.
- D. Combines the third and fourth WHEREAS clauses to provide that on March 14, 2025, within 148 calendar days after the acceptance of the HHV's PD-R application by the DPP (the Applicant agreed to an extension of the 80-calendar-day administrative deadline to process the application), the DPP completed its report and transmitted its findings and recommendation of approval to the Council.
- E. In the BE IT RESOLVED clause, lists the conditions as capital alphabetical letters (A, B, C, etc.) instead of numerically (1, 2, 3, etc.) and modifies the formatting accordingly.

F. In Condition A, clarifies that:

1. Except as modified in the resolution, Project construction must be in general conformance with the Project's PD-R conceptual plan as depicted in the attached Exhibits A through W, the HHV Master Plan on file with the DPP, and as described in the DPP Director's findings and recommendation; and
2. When processing the Project's Major Special District ("SD") Permit application, the DPP Director may approve minor or nonsubstantive deviations from the approved conceptual plan, but major modifications to the conceptual plan will require a new PD-R application and approval of a new PD-R conceptual plan.

G. In Condition B, clarifies that the maximum density for the HHV Master Plan area is a floor area ratio of 4.0 (which equals 4,430,548 square feet).

H. In Condition D, relating to additional public benefits to be provided:

1. Amends Condition D.1 to add that additional or expanded shelter for bus patrons on Kālia Road must be coordinated with the DTS.
2. Amends Condition D.2 to provide that the Applicant shall consider promoting a total of 16 public festivals each year, with at least one public festival required per month on a reoccurring day.
3. Adds a new Condition D.10 to provide the Applicant shall be responsible for removing litter, cleaning, and maintaining any existing or future bus stops (shelter, benches, floor area, etc.) fronting the Project site at no cost to the City.
4. Amends Condition D.11 to separate the condition into three paragraphs.
5. Amends Condition D.12.b to provide that a mature shade tree must be planted at or near the bus shelter at the Grand Islander, if space permits.

6. Adds a new Condition D.13 to provide that public benefits required under Condition D that are located outside of the HHV property are subject to the approval and acceptance by the respective government agencies responsible for the areas. If any approval or acceptance required in paragraph (a) is not forthcoming, in lieu of constructing the applicable improvement, the Applicant is required to make a monetary payment to the City based on the estimated value of the improvement.
- I. In Condition F, relating to requirements for the Project's Major Special District Permit application:
 1. Combines the first and last sentences to provide that within 10 calendar days after Council approval of the conceptual plan for this PD-R permit (or for an extended period of time as may be approved by the DPP Director), the Applicant is required to submit to the DPP for its review and approval an application for a Major SD Permit for the Project, including detailed Project plans and drawings.
 2. In Condition F.1, relating the Project's updated site plans:
 - a. Amends Condition F.1.b to clarify that the current landscaping proposed between the sidewalk and the porte cochere must be relocated to along Ala Moana Blvd. to serve as a buffer between pedestrians and vehicles.
 - b. Amends Condition F.1.c to clarify that a gently meandering pedestrian pathway along Ala Moana Blvd. must be provided, similar to the pedestrian pathway fronting Fort DeRussy Park.
 - c. Amends Condition F.1.d to clarify that the new proposed curb cut to exit the porte cochere onto Ala Moana Boulevard must be eliminated (due to conflicts between exiting vehicles, pedestrians, and other vehicles).
 - d. Amends Condition F.1.e to clarify that locations for short-term and long-term bicycle parking spaces must be shown, and additional bicycle parking spaces may be required if recommended as a Traffic Demand Management ("TDM") strategy in the Project's updated Traffic Management Plan ("TMP").

- e. Adds a new Condition F.1.f to require detailed calculations for the averaging of yard setbacks.
 - f. Adds a new Condition F.1.g to require the use of pavement textures for a consistent connection between the Project's new tower and Kalia Gardens.
 - g. Adds a new Condition F.1.h to require the use of building color and building materials that are consistent with the Waikiki Special District design standards and guidelines.
3. In Condition F.2, relating to the Project's updated landscape plans:
- a. Amends Condition F.2.a to clarify that the relocated landscape strip is located along Ala Moana Blvd.
 - b. Amends Condition F.2.b to clarify that the additional shade trees throughout the sidewalk area are located along Ala Moana Blvd.
 - c. Amends Condition F.2.c to clarify that the additional trees, seating areas, or features are additional public benefits required under Condition D.
4. In Condition F.3, relating to the Project's updated elevation drawings:
- a. Amends Condition F.3.a to clarify that the expanded application of the Ahupua'a metaphor throughout the Project site is required.
 - b. Amends Condition F.3.c to clarify that the expanded use of a green landscaped wall on the mauka façade to the full width of the wall is required.
 - c. Amends Condition F.3.d to clarify that additional articulation and architectural features across the podium blank mauka wall and the hotel tower roof is required.
5. Adds a new Condition F.4 to require an exterior lighting plan for the Project.

- J. Replaces Condition 7, relating to transportation and traffic conditions that must be coordinated with the State of Hawai'i Department of Transportation ("HDOT"), with a new Condition G to provide that:
 - 1. In Condition G.1, require an update to the Project's initial Traffic Impact Analysis Report ("TIAR") dated December 2022, to address inconsistencies relating to trip distribution assumptions, vehicles exiting the HHV property onto Ala Moana Blvd. that impact the Kalia Road intersection, and the porte cochere exit driveway.
 - 2. In Condition G.2, requires that the updated TIAR also include revised trip generation assumptions to reflect the anticipated use of the porte cochere as the primary guest access; a description of all existing and proposed uses of the service road; a safety impact assessment; specific recommendations to address the safety of pedestrians and bicyclists; and significant potential conflict points among vehicles, pedestrians, and bicyclists.
 - 3. In Condition G.3, provides that no additional stormwater runoff is permitted to Ala Moana Boulevard, and measures must be implemented to show compliance with this requirement.
 - 4. In Condition G.4, requires the Applicant to verify with the HDOT's Highways Division that all Project driveways meet current standards for the type and volume of anticipated traffic.
 - 5. In Condition G.5, requires that the TIAR study area include intersections along State highways in the vicinity of the Project site where a change in peak hour traffic volume due to development of the Project is greater than three percent.
- K. Replaces Condition 8, relating to transportation and traffic conditions that must be coordinated with the DPP Traffic Review Branch, with a new Condition H to require:
 - 1. An overall timeline or phasing plan of the anticipated dates to obtain major building permits for demolition and construction work.
 - 2. Standard conditions relating to a Construction Management Plan ("CMP").

3. Standard conditions relating to a TMP that includes TDM strategies.
 4. Updates to the Project's initial TIAR to include the HDOT requirements in Condition G, an analysis of the intersection of Rainbow Drive and Kalia Road (if there is an increase in use of Rainbow Drive), and a discussion of the proposed valet operations.
 5. Plans that show the Applicant's implementation of all recommendations in the Project's initial TIAR and any additional recommendations in the Project's updated TIAR, as well as all recommendations in the Project's TMP, including all recommended TDM strategies, together with the TDM strategies required as a public benefit under Condition D.11.
- L. Adds a new Condition I to provide that approximately one year after the issuance of a certificate of occupancy for the Project, the Applicant is required to submit to the DPP for review and approval a post TMP and post TIAR.
- M. Moves former Condition 10, relating the deadline to obtain a building permit for the Project, to Condition J, and amends the deadline to 36 months (instead of five years) after the effective date of the resolution. Re-letters former Condition 9 as Condition K.
- N. In the BE IT FURTHER RESOLVED clause, relating Council findings regarding the Project's conceptual plan:
1. Amends Finding 3 to provide that the requested design flexibility relating to density (floor area) (deletes reference to height, precinct transitional height setbacks, yards, open space, and landscaping) is commensurate with the public benefits and amenities proposed, and the additional public benefits and amenities required as conditions of approval.
 2. Adds a new Finding 4 to provide that the public benefits and amenities proposed and as required under this resolution will produce timely, demonstrable benefits to the community, and the stability, function, and overall ambiance and appearance of Waikīkī. Renumbers the subsequent finding.

3. Amends Finding 5 to provide that the Primary Urban Center Development Plan established by ROH Chapter 24, Article 2, does not establish visitor unit limits for Waikīkī.
- O. Makes miscellaneous technical and nonsubstantive amendments.

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.

ESTHER KIA'ĀINA, Chair
Committee on Zoning