



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

Item No. 4 – Resolution 25-158 on page 6 has been cancelled.

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
THURSDAY, MAY 29, 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: **88413314181** and Passcode **635771**.
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>.

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

Meeting materials are accessible at <https://hnlldoc.ehawaii.gov/hnlldoc/browse/agendas> by clicking on the appropriate Committee meeting.

The meeting will be viewable: (1) by internet live streaming through <https://www.honolulu.citycouncil.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.honolulu.citycouncil.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 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 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 ACTION

1. **RESOLUTION 25-103 – APPOINTMENT OF JOHN UNO TO SERVE ON THE BUILDING BOARD OF APPEALS.** Confirming the appointment of John Uno to serve on the Building Board of Appeals of the City and County of Honolulu for a term to expire on December 31, 2029. (Transmitted by Communication MM-51; Public hearing held 4/16/25)

PROPOSED CD1 TO RESOLUTION 25-103 (Submitted by Councilmember Kia'āina)
– The CD1 (OCS2025-0308/4/21/2025 9:15 AM) makes the following amendments:

- A. Throughout the resolution, updates the reference to the ROH provision establishing the Building Board of Appeals, its membership, and duties (currently ROH Section 16-1.1(18)).
- B. In the first WHEREAS clause, updates the reference to the general ordinances of the City and County of Honolulu to "Revised Ordinances of Honolulu 2021."
- C. In Item (1) of the second WHEREAS clause, clarifies that the Building Board of Appeals also hears and determines appeals of decisions regarding the administration of the Energy Code.
- D. In the third WHEREAS clause, adds a reference to Mayor's Message 51 (2025), dated March 25, 2025.
- E. In the sixth WHEREAS clause, changes the reference to "Section 13-103(a)" to "Section 13-103.1(a)."
- F. Adds the Director of Planning and Permitting as a recipient of a copy of the resolution.
- G. Makes miscellaneous technical and nonsubstantive amendments.

2. **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. (Committee postponed action on 4/3/25)

PROPOSED CD1 TO RESOLUTION 25-88 (Submitted by Councilmember Weyer) – The CD1 (OCS2025-0419/5/20/2025 3:54 PM) makes the following amendments:

- A. Amends the third WHEREAS clause to remove the reference to the address 94-1091 Kapehu Street, Waipahu, and to state instead that the location of the proposed project is in the vicinity of the Royal Kunia neighborhood.
- B. Amends the BE IT FURTHER RESOLVED clause to remove the reference to the address 94-1091 Kapehu Street, Waipahu, and replace the address with a reference to the vicinity of the Royal Kunia neighborhood.
- C. Makes miscellaneous technical and nonsubstantive amendments.

Related communications:

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

D-372 Department of Planning and Permitting, Report and Recommendations

3. **RESOLUTION 25-152 – 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 government building symbol for the Wahiawā Civic Center located at Tax Map Keys 7-4-006: 012, 7-4-004: 071, 7-4-004: 001. (Transmitted by Communication D-364)

PROPOSED CD1 TO RESOLUTION 25-152 (Submitted by Councilmember Kia'āina)
– The CD1 (OCS2025-0450/5/23/2025 10:21 AM) makes the following amendments:

- A. Amends the third WHEREAS clause to provide that the Department of Customer Services ("CSD") has requested a revision to the Public Infrastructure Map ("PIM") for the Central O'ahu Sustainable Communities Plan ("SCP") area to add a government building symbol for the construction of improvements to the ground floor office space in a building within the Wahiawā Civic Center complex, which is currently being constructed by the State of Hawai'i ("State"), and will serve as a consolidated and centralized facility housing State, City and County of Honolulu ("City"), and Judiciary Branch services.
- B. Amends the fourth WHEREAS clause to provide that the State is developing the Wahiawā Civic Center on three parcels of State-owned land, identified as Tax Map Keys 7-4-006:012, 7-4-004:071, and the City will be leasing and constructing improvements to 4,340 square feet of ground floor office space in one of the buildings within the Wahiawā Civic Center complex, located at 910 California Avenue in Wahiawā, and identified as Tax Map Key 7-4-006:012 (the "Project").
- C. Amends the fifth WHEREAS clause to provide that the CSD plans to relocate the City's Wahiawā Driver Licensing and Satellite City Hall offices from their current location at the Wahiawā Police Station at 330 North Cane Street, to the new leased office space in the Wahiawā Civic Center, to centralize its offices, improve efficiency in operations, and provide enhanced public services.
- D. Amends the sixth WHEREAS clause to provide that the proposed Project is consistent with the O'ahu General Plan, Central O'ahu SCP, and applicable functional plans by consolidating government offices and promoting the effectiveness and responsiveness of the CSD to better serve the public in Central O'ahu.
- E. Adds a new seventh WHEREAS clause to provide that the Council finds that the proposed Project will provide a public benefit, and that the addition of a government building symbol on the PIM for the Central O'ahu SCP area is warranted and appropriate.

- F. Amends the BE IT FINALLY RESOLVED clause to add Andrew T. Kawano, Director of Budget and Fiscal Services, as a recipient of a copy of the resolution.
- G. Makes miscellaneous technical and nonsubstantive amendments.

Related communication:

D-392 Department of Planning and Permitting

This item has been cancelled.

- 4. **RESOLUTION 25-158 – 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 government building symbol for the Waialua Community Center Project located in the vicinity of Kamehameha Highway in North Shore. (Transmitted by Communication D-373)

PROPOSED CD1 TO RESOLUTION 25-158 (Submitted by Councilmember Kia'āina)
– The CD1 (OCS2025-0451/5/23/2025 11:00 AM) makes the following amendments:

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

"ADOPTING A REVISION TO THE PUBLIC INFRASTRUCTURE MAP FOR THE NORTH SHORE SUSTAINABLE COMMUNITIES PLAN AREA."
- B. Amends the fourth WHEREAS clause to provide that the site for the proposed Waialua Community Center is in the vicinity of Kamehameha Highway in Hale'iwa, North Shore, O'ahu.
- C. Amends the sixth WHEREAS clause to provide that the plans for the proposed Waialua Community Center are consistent with the O'ahu General Plan, the North Shore SCP, and applicable functional plans by serving as a community gathering place that supports and encourages a cohesive North Shore neighborhood.
- D. Adds a new seventh WHEREAS clause to provide that the Council finds that the proposed Project will provide a public benefit and that the addition of a government building symbol on the PIM for the Central O'ahu SCP area is warranted and appropriate.
- E. Makes miscellaneous technical and nonsubstantive amendments.

5. **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) (Current Deadline: 7/24/25) (Committee postponed action on 4/3/25)

PROPOSED CD1 TO RESOLUTION 25-68 (Submitted by Councilmember Kia'āina)
– The CD1 (OCS2025-0448/5/23/2025 8:55 AM) 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 2.0 feet of sea level rise (by the year 2075) coastal erosion line (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.

Re-letters subsequent conditions as appropriate.

- H. In 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 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. Amends the BE IT FINALLY RESOLVED clause by replacing Mark Howland of WHALE Environmental Services, Inc., with Jim Hayes of Planning Solutions, Inc. as a recipient of a copy of the resolution.
 - K. Makes miscellaneous technical and nonsubstantive amendments.
6. **RESOLUTION 25-120 – 111 KAILUANA LOOP – KAILUA (2024/SMA-137).**
Granting a Special Management Area Major Permit to Beachside LLC to alter an existing single-family dwelling, including the addition of a new attached garage, gate, and shade structure, replacement of a driveway, and relocation of an existing swimming pool on an approximately 31,228-square-foot shoreline lot in the R-10 Residential District, located at 111 Kailuana Loop, and identified as Tax Map Key 4-3-083: 008. (Applicant: Beachside LLC) (Transmitted by Communication D-292) (Current Deadline: 6/20/25)
- PROPOSED CD1 TO RESOLUTION 25-120** (Submitted by Councilmember Kia'āina)
– The CD1 (OCS2025-0449/5/23/2025 9:44 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 ALTERATIONS AND ADDITIONS TO AN EXISTING SINGLE-UNIT DWELLING, INCLUDING A NEW ATTACHED GARAGE, FRONT GATE, AND SHADE STRUCTURE; REPLACEMENT OF AN EXISTING DRIVEWAY; RELOCATION OF AN EXISTING SWIMMING POOL; DECOMMISSION OF AN EXISTING SAND VOLLEYBALL COURT; AND LANDSCAPING IMPROVEMENTS IN KAILUA, O'AHU."

- B. Amends the first WHEREAS clause to clarify the description of the Project.
 - C. Amends Condition D.1, relating to the importation of fill material, by clarifying that if there is not enough excavated soil to use as fill material, the Applicant may need to import a minimal amount of top soil for landscaping purposes. No importation of structural fill material is proposed.
 - D. Amends Condition E.2, relating to landowner acknowledgements recognizing the potential for adverse impacts due to coastal hazards, to clarify that the Project zoning lot is a shoreline lot, a portion of which is projected to be impacted by 3.2 feet of sea level rise by the year 2100, and may be adversely impacted by coastal hazards.
 - E. Makes miscellaneous technical and nonsubstantive amendments.
7. **RESOLUTION 25-144 – 55-133 KAMEHAMEHA HIGHWAY – LĀ'IE (2025/SMA-2).**
Granting a Special Management Area Major Permit to 55-133 LLC to allow the construction of a new two-story single-family dwelling and swimming pool, on an approximately 77,198-square-foot shoreline lot in the R-5 Residential District, located at 55-133 Kamehameha Highway, and identified as Tax Map Key 5-5-001: 014. (Applicant: 55-133 LLC) (Transmitted by Communication D-344) (Current Deadline: 7/8/25)
- PROPOSED CD1 TO RESOLUTION 25-144** (Submitted by Councilmember Kia'āina)
– The CD1 (OCS2025-0422/5/23/2025 9:16 AM) makes the following amendments:
- A. Amends the resolution title to read as follows:

"GRANTING A SPECIAL MANAGEMENT AREA MAJOR PERMIT TO ALLOW FOR THE DEMOLITION OF AN EXISTING SINGLE-UNIT DWELLING, AND THE CONSTRUCTION OF A NEW SINGLE-UNIT DWELLING WITH AN ATTACHED GARAGE AND SWIMMING POOL IN LĀ'IE, O'AHU."
 - B. Amends the first WHEREAS to clarify the description of the Project.
 - C. Amends the second WHEREAS clause by removing the reference to written public testimony received at the DPP's public hearing on March 14, 2025.

- D. Amends the third WHEREAS clause to specify that the Department of Planning and Permitting completed its report and transmitted its findings and recommendation of approval to the City Council within 53 (rather than 50) days after the close of the public hearing (the Applicant having agreed to an extension of the 45-calendar-day administrative deadline).
- E. Clarifies in Condition B.1, relating to minimizing impacts to archaeological, historic, and cultural resources, that the Project's Archaeological Inventory Survey includes Phases 1 and 2.
- F. Clarifies in Condition I.2, relating to the deadline to obtain a construction permit or building permit for the Project, that the Council may approve the proposed extension recommended by the DPP Director, approve the extension for a shorter or longer period, or deny the proposed extension, by adoption of a committee report or resolution.
- G. Makes miscellaneous technical and nonsubstantive amendments.

Related communication:

M-288 Presentation submitted by Whale Environmental Services LLC for Resolution 25-144.

- 8. **BILL 33 (2025) – RELATING TO ADMINISTRATIVE ENFORCEMENT (COUNCIL’S VERSION)**. Amending the administrative enforcement provisions for violation of the standards and requirements of the Land Use Ordinance. (Transmitted by Communication D-228; Bill passed first reading on 4/16/25)

PROPOSED CD1 TO BILL 33 (2025) (Submitted by Council Chair Waters) – The CD1 (OCS2025-0424/5/22/2025 1:57 PM) makes the following amendments:

- A. In SECTION 2 of the bill, amends ROH § 21-2.150-2 as follows:
 - 1. Amends subsection (a) to clarify that the DPP director may issue a notice of violation or notice of order to any person violating ROH Chapter 21, the rules adopted by the director, or (instead of "and") the conditions of any permits or approvals granted under ROH Chapter 21.

2. Amends subsection (b) to add that:
 - i. If the director issues one enforcement notice to more than one person responsible for a violation, each person identified in the enforcement notice is responsible for complying with the requirements of the enforcement notice, and will be jointly and severally liable for any fines imposed in a notice of order.
 - ii. If the director issues separate enforcement notices to more than one person responsible for a violation, each person receiving an enforcement notice is responsible for complying with the requirements of the enforcement notice, and will be independently liable for the full extent of any fines imposed in a notice of order.
3. Amends subsection (c)(2) by:
 - i. Clarifying that the director may serve an enforcement notice by leaving a copy of the enforcement notice with a person of suitable age and discretion at the violator's place of residence, or place of business; and
 - ii. Moving to subdivision (2) the language from subdivision (4) providing that service by physical posting of a copy of the enforcement notice is effective as to all persons named in the enforcement notice upon posting.
4. Amends subsection (c)(3) to add that service by publication is effective as to all persons named in the enforcement notice upon completion of the last required publication.
5. Deletes subsection (d)(8), which would have required that a statement of the penalties to be imposed if the violation is not corrected by a specified date be included in the notice of violation. Renumbers the subsequent subdivision.

6. Amends subsection (e) as follows:
 - i. Adds a new subdivision (2)(C) to provide that the notice of order may require a person to appear before the department at a specified date and time to present evidence as to why the person should not be required to correct a violation or pay a fine specified in the notice of order. Re-letters subsequent paragraphs.
 - ii. Includes subdivision (4), which was enacted by Ordinance 24-13 in June of 2024.
7. Amends subsection (f) to provide that an appeal to the Zoning Board of Appeals will not stay any provision of the notice of order, except for the deadline to pay any fines imposed by the notice of order.
8. Amends subsection (g) to clarify that after the opportunity to appeal a notice of order has expired or been exhausted, if the director institutes a civil action to enforce the requirement to pay a civil fine imposed by a notice of order, the director need only show that the notice of violation and the notice of order were served, that a civil fine was imposed, the total amount of the civil fine imposed, and that the fine imposed has not been paid.
- B. Adds new SECTIONS 3, 4 and 5 to the bill which make conforming amendments to ROH §§ 21-2A.40, 32-1.6, and 34.4, respectively due to the amendments made in SECTION 2 of the bill to ROH § 21-2.150-2(e)(2). Renumbers subsequent SECTIONS of the bill accordingly.
- C. Makes miscellaneous technical and nonsubstantive amendments.

FOR DISCUSSION ONLY

9. **BILL 37 (2025) – AMENDING THE STATE LAND USE DISTRICT BOUNDARY MAP (HALE‘IWA QUADRANGLE).** Amending portions (7.292 Acres) of the State Land Use District Boundary Map (Hale‘iwa Quadrangle) from the Agricultural District to the Urban District for certain lands situated in the Hale‘iwa Special District, Hale‘iwa, O‘ahu, Hawaii. (Transmitted by Communication D-242; Bill passed first reading on 4/16/25)

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EXECUTIVE SESSION

If the need arises with respect to any item on this agenda, then pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4), the Committee may consult in a closed meeting with its attorneys in executive session on questions and issues pertaining to the Council's powers, duties, privileges, immunities and/or liabilities relating to that item.

ESTHER KIA'ĀINA, Chair
Committee on Zoning