



CITY COUNCIL

CITY AND COUNTY OF HONOLULU

HONOLULU, HAWAII 96813-3077

COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY

Voting Members:

Carol Fukunaga, Chair
Joey Manahan, Vice Chair
Brandon J.C. Elefante
Ann H. Kobayashi
Trevor Ozawa

AGENDA

SPECIAL MEETING
COMMITTEE MEETING ROOM
THURSDAY, APRIL 12, 2018
1:00 P.M.

SPEAKER REGISTRATION

Persons wishing to testify are requested to register by 1:00 p.m. as follows:

- a. On-Line at <http://www.honolulu.gov/ccl-testimony-form.html>;
- b. By faxing to 768-3827 your name, phone number and the agenda item;
- c. By filling out a registration form in person; or
- d. By calling 768-3801.

Persons who have not registered to testify will be given an opportunity to speak on an item following oral testimonies of the registered speakers.

Each speaker is limited to a **one-minute** presentation.

WRITTEN TESTIMONY

Written testimony may be faxed to 768-3827 or transmitted via the internet at <http://www.honolulu.gov/ccl-testimony-form.html> for distribution at the meeting.

If submitted, written testimonies, including the testifier's address, e-mail address and phone number, may be posted by the City Clerk and available to the public on the City's DocuShare Website.

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Accommodations are available upon request to persons with disabilities, please call 768-3801 or send an email to guehara@honolulu.gov at least three working days prior to the meeting.

The meeting is viewable by: (1) internet live streaming through http://olelo.granicus.com/MediaPlayer.php?publish_id=92; (2) televised live broadcast on Olelo TV Channel 54; or (3) after the meeting, viewable at <http://www.honolulu.gov/council/cclmeetings/ccl-archived-meetings-agendas.html>. Copies of older meeting videos may be requested by calling the City Clerk's Office at 768-5822, charges may apply.

FOR ACTION

1. **BILL 69 (2017), CD1, FD1 – RELATING TO FIRE SAFETY.** Requiring existing high-rise residential buildings to retrofit when necessary to comply with specified fire safety standards. (Bill passed second reading and public hearing on 1/31/18)

PROPOSED CD2 TO BILL 69 (2017), CD1, FD1 (Submitted by Councilmember Fukunaga) - The CD2 (OCS2018-0352/4/6/2018 2:47 PM) makes the following amendments:

- A. Amends the language in Section 2 of the Bill, regarding Section 20-1.1, ROH, as follows:

1. Adds a new paragraph (15) to read as follows:

"(15) Amending Section 13.3.2.26.2. Section 13.3.2.26.2 is amended to read:

13.3.2.26.2 Existing high-rise residential buildings not protected throughout by an automatic fire sprinkler system shall be subject to building fire and life safety evaluation code assessments, which consist of an assessment of building safety features and fire protection systems in accordance with this code and the building code on a form prescribed by the AHJ in accordance with Section 20- 4. A passing score on the evaluation provides a minimum level of fire and life safety to occupants and fire fighters that is approved by the AHJ. A building fire and life safety evaluation shall be conducted by a licensed design professional within three years from the effective date of this ordinance. Buildings shall comply by passing the building fire and life safety evaluation within six years from the effective date of this ordinance. The AHJ may grant an extension pursuant to Section 13.3.2.26.7 if automatic fire sprinkler systems are used to achieve compliance. All buildings must continue to maintain a passing status on their respective building fire and life safety evaluation code assessments. For the purposes of this section, "existing high-rise residential building" means the same as "existing highrise residential building" as defined in Section 20-5.1.

13.3.2.26.2.1 The association of apartment owners or duly appointed board of an existing high-rise residential building may appeal the final building fire and life safety evaluation score, and the resulting fire safety requirements for the building, as assessed by the licensed design professional or the determination of the AHJ, by filing a written request for an appeal to the director or head of the AHJ within 10 business days of the date of the completed building fire and life safety evaluation assessment or the AHJ's determination of the building's fire and life safety requirements, whichever is later. The request for an appeal shall include a statement of the basis for appeal, supporting documentation, if any, and the relief requested. The director or head of the AHJ shall render a decision on the appeal not later than 30 calendar days from the receipt of the appeal. The AHJ shall submit an annual report to the Council on the appeals filed for existing high-rise residential buildings and the disposition of the appeals.

13.3.2.26.2.2 Except as otherwise provided in this paragraph (15), existing high-rise residential buildings shall be protected throughout by an approved automatic fire sprinkler system in accordance with this chapter and the building code.

13.3.2.26.2.3 Notwithstanding any other provision of this paragraph (15), the association of apartment owners or duly appointed board of an existing high-rise residential building 10 floors or higher that is subject to a condominium property regime may opt out of the automatic fire sprinkler system requirement; provided that, a majority of unit owners opt out of the requirement within three years of the completion of the building fire and life safety evaluation at a regularly scheduled or special meeting of the owners, convened and noticed in accordance with the condominium's or association's by-laws; and provided further, that the building receives a passing score on the building fire and life safety evaluation through the implementation of alternative fire prevention and fire safety systems. An association of apartment owners or duly appointed board of a building that is opted out of the automatic fire sprinkler system requirement shall provide verifiable, public disclosure of its action to all current and future owners and residents. Verifiable public disclosure may include, but shall not be limited to, signs posted in the building's public

notification areas and real estate sales disclosures as may be required by Hawaii real estate industry practices.

13.3.2.26.2.4 Each building owner shall, within 180 days from the effective date of this ordinance, file a written statement of its intent to comply with this paragraph (15) with the AHJ for approval.

13.3.2.26.2.5 The AHJ shall review and respond to the written statement of the owner's intent to comply within 60 days of receipt of the statement of intent to comply.

13.3.2.26.2.6 Subject to the exceptions in the following section, the entire building shall be required to be protected by:

- (a) An approved automatic fire sprinkler system; or
- (b) Alternative fire prevention and fire safety systems as approved by the AHJ,

within 12 years of the effective date of this ordinance, except where an extension is approved by the AHJ as provided in Section 13.3.2.26.2.7.

13.3.2.26.2.7 Compliance with the automatic fire sprinkler system throughout the building or alternative fire prevention and fire safety systems provisions of Section 13.3.2.26.2.2 shall be achieved as follows: Common areas for buildings 20 floors and over shall be completed within eight years from the effective date of this ordinance, common areas for buildings 10 to 19 floors shall be completed within 10 years from the effective date of this ordinance, and all buildings, regardless of the number of floors, shall be completed within 12 years from the effective date of this ordinance. An extension to 15 years from the effective date of this ordinance may be approved by the AHJ; provided that, compliance using an automatic fire sprinkler system in the common areas related to building egress path has been achieved.

EXCEPTION: Existing high-rise residential buildings are exempted from the automatic fire sprinkler system requirements in Section 13.3.2.26.2.2 if all dwelling units have

exterior access and a continuous egress path to exit the building and have no full-length interior corridors.

EXCEPTION: Existing high-rise residential buildings less than 10 floors in height can receive a building fire and life safety evaluation passing status in lieu of the approved automatic sprinkler system requirements in Section 13.3.2.26.2.2.

EXCEPTION: Existing high-rise residential buildings may be protected throughout by an approved automatic fire sprinkler system per NFPA 13R when approved by the AHJ.

EXCEPTION: Private balconies that have at least one long side that is 50 percent open are not required to have automatic fire sprinkler protection.

EXCEPTION: Elevator hoistways and machine rooms are not required to have automatic fire sprinkler protection.

EXCEPTION: Class II wet standpipe systems may be removed when buildings are protected throughout by automatic fire sprinkler systems pursuant to Section 13.3.2.26.2.2.

EXCEPTION: Combined standpipe and automatic fire sprinkler systems using existing standpipes shall be permitted to utilize pump sizing for the fire sprinkler demand."

2. Renumbers all subsequent paragraphs thereafter accordingly.
- B. Adds a new article to Chapter 20, Revised Ordinances of Honolulu 1990 ("Fire Code of the City and County of Honolulu"), entitled, "Article __: Fire and Life Safety Evaluation of Existing High-Rise Residential Buildings." The new article provides the following:
1. Definitions for the terms "building code," "building fire and life safety evaluation code assessment," "building fire and life safety evaluation form," and "existing high-rise residential building."
 2. Requires that the building fire and life safety evaluation code assessment of existing high-rise residential buildings shall be conducted by a licensed design professional on a building fire and life safety evaluation form that is prescribed by the AHJ.

3. Requires the AHJ to make the building fire and life safety evaluation form readily available to the public through all reasonable means, including by providing copies through the United States Postal Service or by making electronic copies available for downloading from the AHJ's website.
 - C. Adds a new Section 4 to the Bill that attaches the building fire and life safety evaluation form, marked Exhibit A, and makes it a part of the ordinance by reference.
 - D. Makes miscellaneous technical and nonsubstantive amendments.
3. **BILL 107 (2017) – RELATING TO FIRE SAFETY.** Providing for various means, methodologies, and standards to promote improvements to fire safety in existing high-rise residential buildings through the amendment of the Fire Code of the City and County of Honolulu, and provides for various incentives and cost mitigation measures to help building and unit owners mitigate the costs associated with implementing fire safety improvements. (Bill passed first reading on 12/6/17; EMLA deferred action on 1/23/18)

PROPOSED CD1 TO BILL 107 (2017) (Submitted by Councilmember Fukunaga) – The CD1 (OCS2018-0015/1/17/2018 11:41 AM) makes the following amendments:

- A. Deletes the amendments made to Revised Ordinances of Honolulu 1990 (“ROW) Chapter 20, Article 2 in Sections 2 through 6 of the Bill and instead amends, in new Section 2, Section 20-1.1 ROH, as follows:
 1. Adds a new paragraph (15) to read as follows:

“(15) Amending Section 13.3.2.26.2. Section 13.3.2.26.2 is amended to read:

“13.3.2.26.2 Existing high-rise residential buildings not protected throughout by an automatic fire sprinkler system shall be subject to building fire and life safety evaluation code assessments, which consist of an assessment of building safety features and fire protection systems in accordance with this code and the building code. A passing score on the evaluation provides a minimum level of fire and life safety to occupants and fire fighters that is approved by the AHJ. A building fire and life safety evaluation shall be conducted by a

licensed design professional within three years from the effective date of this ordinance. Buildings shall comply by passing the building fire and life safety evaluation within six years from the effective date of this ordinance. The AHJ may grant an extension pursuant to Section 13.3.2.26.7 if automatic fire sprinkler systems are required to achieve compliance. All buildings must continue to maintain a passing status on their respective building fire and life safety evaluations.

13.3.2.26.2.1 An existing high-rise residential building may appeal the final building fire and life safety evaluation score, and the resulting fire safety requirements for the building, as assessed by the licensed design professional or the determination of the AHJ, by filing a written request for an appeal to the director or head of the AHJ within 10 business days of the date of the completed building fire and life safety evaluation assessment or the AHJ's determination of the building's fire and life safety requirements, whichever is later. The request for an appeal shall include a clear statement of the basis for appeal, supporting documentation, if any, and the relief requested. The director or head of the AHJ shall render a decision on the appeal not later than 30 calendar days from the receipt of the appeal. The AHJ shall submit as part of its annual report the appeals filed by existing high-rise residential buildings and the disposition of the appeals. The AHJ may prescribe, as needed, additional appeal procedures, requirements, and forms, not inconsistent with this section.

13.3.2.26.2.2 Existing high-rise residential buildings shall be protected throughout by an approved automatic fire sprinkler system or alternative fire prevention and fire safety systems in accordance with this Chapter and the building code.

13.3.2.26.2.3 An existing high-rise residential building may opt-out of the automatic fire sprinkler system requirement; provided that, a majority of the unit owners affirmatively vote to opt-out of the requirement within three years of the completion of the building fire and life safety evaluation at a regularly scheduled or special meeting of the owners, convened and noticed in accordance with the condominium's or association's by-laws; and provided further, the building receives a passing score on the building fire and life safety evaluation through the

implementation of alternative fire prevention and fire safety systems. A building that opts-out of the automatic fire sprinkler system requirement shall provide verifiable, public disclosure of its action to all current and future owners. Verifiable public disclosure may include, but shall not be limited to, signs posted in the building's public notification areas, real estate sales disclosures as required by Hawaii law, and declarations recorded with the bureau of conveyances.

13.3.2.26.2.4 Each building owner shall, within 180 days from the effective date of this ordinance, file a written statement of its intent to comply with this regulation with the AHJ for approval.

13.3.2.26.2.5 The AHJ shall review and respond to the written statement of its intent to comply within 60 days of receipt of the intent to comply.

13.3.2.26.2.6 The entire building shall be required to be protected by an approved automatic fire sprinkler system or alternative fire prevention and fire safety systems as approved by the AI-IJ within 12 years of the effective date of this ordinance, except where an extension is approved by the AHJ as provided in Section 13.3.2.26.2.7.

13.3.2.26.2.7 Compliance with the automatic fire sprinkler system or alternative fire prevention and fire safety systems provisions of Section 13.3.2.26.2.2 shall be achieved as follows: Common areas for buildings 20 floors and over shall be completed within eight years from the effective date of this ordinance, common areas for buildings 10 to 19 floors shall be completed within 10 years from the effective date of this ordinance, and all buildings, regardless of the number of floors, shall be completed within 12 years from the effective date of this ordinance. An extension to 15 years from the effective date of this ordinance may be approved by the AHJ, provided that compliance using an automatic fire sprinkler system has been achieved for common areas.

EXCEPTION: Existing high-rise residential buildings are exempted from the automatic fire sprinkler system requirements in Section 13.3.2.26.2.2 if all dwelling units have

exterior access and a continuous egress path to exit the building and have no full-length interior corridors.

EXCEPTION: Existing high-rise residential buildings can receive a building fire and life safety evaluation passing status in lieu of the approved automatic sprinkler system requirements through the implementation of a combination of alternative fire prevention and fire safety systems as provided in Section 13.3.2.26.2.2, as approved by the AHJ.

EXCEPTION: Existing high-rise residential buildings may be protected throughout by an approved automatic fire sprinkler system per NFPA 13R when approved by the AHJ.

EXCEPTION: Private balconies that have at least one long side that is 50 percent open are not required to have automatic fire sprinkler protection.

EXCEPTION: Elevator hoistways and machine rooms are not required to have automatic fire sprinkler protection.

EXCEPTION: Class II wet standpipe systems may be removed when buildings are protected throughout by automatic fire sprinkler systems pursuant to Section 13.3.2.26.2.

EXCEPTION: Combined standpipe and automatic fire sprinkler systems using existing standpipes shall be permitted to utilize pump sizing for the fire sprinkler demand.

2. Renumbers all subsequent paragraphs thereafter accordingly.
- B. Deletes existing Section 3 of the Bill and replaces it with a new Section 3, as follows:

SECTION 3. The Revised Ordinances of Honolulu 1990 is amended to provide incentives and cost mitigation measures, as set forth in this Part and as may be further promulgated by the AHJ, to assist owners of highrise residential buildings and owner-occupants of highrise residential units to address the costs that may be associated with the installation of automatic fire sprinkler systems or alternative fire prevention and fire safety improvements. Such incentives and cost mitigation measures may include, but shall not be limited to, loans and grants, the waiver of applicable fees,

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real property tax credits, the issuance of bonds, and the extension of applicable compliance periods.

- C. Deletes existing Sections 4 to 6 of the Bill and renumbers remaining sections of the Bill accordingly.
- D. Makes miscellaneous technical and nonsubstantive amendments.

CAROL FUKUNAGA, Chair
Committee on Public Works,
Infrastructure and Sustainability