



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING AND HOUSING

Voting Members:

Kymberly Marcos Pine, Chair
Carol Fukunaga, Vice Chair
Ikaika Anderson
Michael Formby
Ron Menor
Heidi Tsuneyoshi

AGENDA

SPECIAL MEETING
COMMITTEE MEETING ROOM
THURSDAY, MAY 2, 2019
1:00 P.M.

SPEAKER REGISTRATION

Persons wishing to testify are requested to register to speak 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 the registration form in person; or
- d. By calling 768-3825.

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 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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MATERIALS AVAILABLE FOR INSPECTION

Meeting materials ("*board packet*" §92-7.5, HRS) are available for public inspection at the Council Information and Records Section's service window at Room 202 in Honolulu Hale (530 S. King St.).

Accommodations are available upon request to persons with disabilities, please call 768-3825 or send an email to potto1@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.honolulucitycouncil.tv/>. 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 7 (2019), CD1 – RELATING TO AFFORDABLE RENTAL HOUSING.**
Creating a temporary program to accelerate the construction of affordable rental housing on apartment and business mixed use-zoned properties by relaxing zoning and building code standards, and offering financial incentives. (Committee postponed action on Bill 4/25/19)

PROPOSED CD2 TO BILL 7 (2019), CD1 (Submitted by Councilmember Pine) –
The CD2 (OCS2019-0429/4/26/2019 3:30 PM) makes the following amendments:

- A. In SECTION 1 of the bill ("Purpose, findings, and intent") amends the last paragraph to provide that high density development on small parcels of land is often not feasible, even in transit oriented-development special districts, due to the small size of the parcel.
- B. In Section __-1.1 ("Definitions"):
 1. Revises the definition of “affordable rental housing project” by:
 - (a) Providing that at least 80 percent of the total units are rented to households earning 100 percent and below of the AMI (deletes the requirement that the rent amount be at prices affordable to such households. Makes a conforming amendment to the definition of “affordable rental housing unit”;
 - (b) Adds a new criterion (3) providing that all leases for dwelling units must allow the lessee to terminate the lease early if the lessee or any member of the lessee's family residing with the lessee is rendered unable to access the unit by reason of an accident or medical condition. Renumbers subsequent criteria accordingly;
 - (c) Revises criterion (5) to require the fee owners of the land on which an affordable rental housing project is situated to execute a declaration of restrictive covenants (deletes the requirement that the declaration of restrictive covenants be recorded with the State Bureau of Conveyances or the State Land Court);
 2. Clarifies the definition of “bathroom”;

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3. Adds definitions of "bed and breakfast home" and "transient vacation unit;"
 4. Revises the definition of "declaration of restrictive covenants" by:
 - (a) Deleting the requirement that the declaration of restrictive covenants be recorded with the State Bureau of Conveyances or the State Land Court;
 - (b) Revising criterion (3) to provide that excluding the ground floor if commercial use is otherwise permitted by the underlying zoning, mixed use projects are prohibited;
 - (c) Revising criterion (4) to provide that excluding any portion of the property designated for commercial use, the land or any portion thereof must not be segregated into separate residential "units" under a condominium property regime.
- C. In Section __-1.3, revises the section header to "Prohibitions," and adds
1. Subsection (a) to provide that excluding the ground floor if commercial use is otherwise permitted by the underlying zoning, mixed use projects are prohibited;
 2. Subsection (b) to provide that excluding any portion of the property designated for commercial use, the land or any portion thereof must not be segregated into separate residential "units" under a condominium property regime; and
 3. Subsection (c) to prohibit the use of a unit in an affordable rental housing project as a bed and breakfast home or transient vacation unit.
- D. In Section __-1.6, amends the penalty provision to provide that in addition to the civil fines specified in Section 21-2.150-2(b)(1)(C) and 21-2.150-2(b)(1)(D), a violator shall pay an amount equal to the value of all incentives received (real property tax exemptions, waiver of wastewater system facility charges, waiver of plan review and building permit fees, and waiver of park dedication fees), together with a penalty in the form of interest at 10 percent per annum from the dates that the respective payments would have been due, but for the receipt of the exemption or waiver.

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- E. In Section __-2.2, clarifies that affordable rental housing projects may be developed on real property owned by the State Department of Education for purposes of providing public school faculty housing.
- F. In Section __-2.3, provides that no off-street loading spaces are required (instead of a minimum of one space); provided that loading and garbage storage must be accommodated onsite.
- G. In Section __-3.2(f)(2), provides that buildings with more than 35 units must have at least one fire exit stairwell a minimum of 36 inches wide, and if no elevator is provided, a second fire exit stairwell a minimum of 36 inches (instead of 30 inches) wide must be provided.
- H. In Section __-3.2(f)(3), provides that buildings with 35 or fewer units (removes reference to less than three stories in height) may have one fire exit stairwell that is a minimum width of 48 inches (instead of 36 inches), must be constructed of non-combustible material or heavy timber construction, and must exit to the ground floor (deletes the exit to the rooftop and railed rooftop requirement).
- I. In Section __-3.2(h), clarifies that elevators may be provided in affordable rental housing projects, even though not required.
- J. In Section __-3.2(i), removes the requirement for a smoke detector in all kitchens.
- K. In SECTIONS 3 (waiver of wastewater system facility charges), 4 (waiver of plan review and building permit fees, 5 (waiver of park dedication requirements), and 7 (real property tax holiday during construction and marketing phase) of the bill, deletes requirements that the rent amount must be at prices affordable to households earning 100 percent and below of the AMI.
- L. In SECTION 6 (real property tax exemption) of the bill, deletes requirements that the rent amount must be at prices affordable to households earning 80 percent and below of the AMI.

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- M. In SECTION 9 of the bill, which instructs the Revisor of Ordinances as to replacing chapter and section numbers that are temporarily designated with letters, adds reference to Section 8-10.X, as designated in SECTION 6.
- N. Makes miscellaneous technical and nonsubstantive amendments.

KYMBERLY MARCOS PINE, Chair
Committee on Zoning and Housing