



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON ZONING, PLANNING AND HOUSING

Voting Members:

Ron Menor, Chair
Tommy Waters, Vice Chair
Brandon J.C. Elefante
Ann H. Kobayashi
Joey Manahan

AGENDA ADDENDUM

REGULAR MEETING
COMMITTEE MEETING ROOM
THURSDAY, FEBRUARY 27, 2020
9:00 A.M.

SPEAKER REGISTRATION

Persons wishing to testify are requested to register to speak by 10:00 a.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, will be available to the public on both the City Council's pilot website: www.honolulu.citycouncil.com as well as the City's legacy 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 least three working days prior to the meeting.

The meeting is viewable by: (1) internet live streaming through www.honolulu.citycouncil.com and 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.citycouncil.tv>. Copies of older meeting videos may be requested by calling the City Clerk's Office at 768-5822, charges may apply.

THIS ADDENDUM PROVIDES DESCRIPTIONS OF AMENDMENTS TO AGENDA ITEM NOS. 6, 7 AND 11.

6. **RESOLUTION 19-224 – IPD-T PROJECT IN THE ALA MOANA NEIGHBORHOOD (2019/SDD-27)**. Approving a conceptual plan for an Interim Planned Development-Transit (“IPD-T”) project – Keeaumoku Development Condominium and Commercial Project – in the Ala Moana neighborhood on land zoned BMX-3 Community Business Mixed-Use District, located at 805, 815, 819, 835, 903, 905, 915, and 919 Keeaumoku Street, and 1519 Liona Street; identified as Tax Map Keys 2-3-018: 052 through 060, 074, 075, and 077. (Applicant: Keeaumoku Development, LLC) (Committee postponed action 10/24/19) (Current deadline for Council action 5/6/20)

PROPOSED CD1 TO RESOLUTION 19-224 (Submitted by Councilmember Menor) – The CD1 (OCS2020-0264/2/26/2020 8:24 AM) makes the following amendments:

- A. In the second WHEREAS clause, clarifies the Project description to reflect that as proposed, the Project includes 836 market rate residential units, 128 affordable housing units, 88,000 square feet of ground floor commercial spaces, a 26,000 square-foot public park, a 1,500 square-foot community center, and other ground floor pedestrian and right-of-way improvements.
- B. In the fifth and last WHEREAS clauses, adds that the DPP's findings and recommendations on the Project, dated September 3, 2019, were received by the Council as Departmental Communication 632 (2019) on September 3, 2019.
- C. In Condition D, clarifies that the vehicle parking spaces are off-street parking spaces, and provides that the maximum number of vehicle off-street parking spaces is 1,571 (instead of 952).
- D. In Condition E, clarifies that the vehicle parking spaces are off-street parking spaces, and requires a minimum of 225 of the off-street parking spaces to be unbundled (instead of a requirement that all off-street parking spaces be unbundled).
- E. Revises Condition F to provide as follows.
 - 1. Applicant shall comply with the affordable housing requirements pursuant to Ordinance 18-10 ("AHR"), and the DPP's AHR rules

adopted thereunder, including the room factor calculation. For-sale AHR units must remain affordable for a minimum of 30 years.

2. AHR units must be evenly distributed throughout the Project, and must not be concentrated and located solely on the lowest residential floors;
3. If, after applying the room factor, additional AHR units are required to comply with the AHR, the additional required AHR units must not be created by dividing previously proposed AHR units into more dwelling units.; and
4. Applicant's compliance with the condition will be confirmed at the time the final affordable housing agreement is approved, which must be prior to the issuance of a certificate of occupancy ("CO") for the Project.

F. Revises Condition G.1 to provide as follows.

1. In addition to complying with the AHR of Ordinance 18-10 (as approved by the DPP), the Applicant shall provide as a community benefit at least an additional five percent of the total number of dwelling units in the Project (instead of an additional 49 dwelling units) as affordable to households earning 120 percent or below of the area median income ("AMI") for Honolulu, to remain affordable for a minimum of 30 years (the "affordable community benefit units" or "ACB units").
2. ACB units must be evenly distributed throughout the Project, and must not be concentrated and located solely on the lowest residential floors.
3. If the total number of residential dwelling units in the Project changes from 964, five percent of all dwelling units will be required as ACB units.
4. Application of the DPP's AHR rules, including the room factor calculation, is required.

5. If, after applying the room factor, additional ACB units are required, the additional required ACB units must not be created by dividing previously proposed ACB units into more dwelling units.
 6. Applicant's compliance with this condition will be confirmed at the time the final affordable housing agreement is approved, which must be prior to the issuance of any CO for the Project.
 7. Requires the Applicant to use good faith efforts to sell the ACB units. If the Applicant is not able to sell all ACB units to buyers of qualified households within a reasonable marketing period, the Applicant may request that the DPP Director approve a reduction of the 30-year affordability period for the remaining ACB units, and any such reduction approved by the DPP Director will be considered a minor modification allowed under the resolution.
- G. In Condition G.2, clarifies that at a minimum, the park provided as a community benefit must be publicly accessible during similar hours as City parks maintained by the Department of Parks and Recreation, and moves the provision requiring revised park plans to be submitted to the DPP to new Condition H.8.
- H. In Condition G.3, requires a public outdoor dining area of at least 3,000 square feet (instead of 5,000 square feet), and provides that the sitting walls, benches, and chairs (instead of tables and chairs) in the outdoor dining areas must be available for use by the general public.
- I. In Condition G.4, clarifies that car share spaces will not count towards the maximum off-street parking requirements specified in Condition D if they are available to the general public 24-hours per day.
- J. In Condition G.5, requires the Applicant to fund, construct, and provide space for (but not maintain) the bicycle sharing station and all bicycles.
- K. In Condition G.6, clarifies and moves the provision requiring right-of-way improvement plans to be submitted to the DPP to new Condition H.7.
- L. In Condition G.9, provides that traffic demand management measures to encourage use of alternative transportation modes include free, reduced fare, or reimbursement for transit passes for some (instead of all) Project employees and residents until December 31, 2016.

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- M. In Condition G.10, clarifies that the 1,500-square-foot community center will be located in the commercial portion of the Project.
- N. In Condition H.2, clarifies that the updated plans showing parking structure design and layout must demonstrate compliance with all setbacks, height setbacks, and transitional height setbacks required in Condition C, and with the maximum number of off-street parking established in realphabetized Condition D.
- O. In Condition H.4, provides that the updated plans must show details of the type, location, and rack types for the 141 short-term and 490 long-term bicycle parking spaces. All short-term spaces must be located on the ground floor near entrances to the buildings or gathering areas such as the park. Seven long-term spaces provided for commercial uses must be located on the ground floor within the parking deck. Remaining long-term spaces may be located throughout the parking structure, must be located near the elevators or, if on the second floor, near the ramp. The bicycle rack system that is initially installed must satisfy 50 percent of the required bicycle parking spaces. A bicycle rack system to satisfy the remaining required bicycle parking spaces must be installed within six months after the receipt of the last certificate of occupancy for the Project. Moves and clarifies the bicycle sharing station provisions to new Condition H.5, and renumbers subsequent subdivisions in Condition I.
- P. In Condition H.6, clarifies that the updated floor plans must show the location and unit type mix for AHR units and ACB units in compliance with Condition F and realphabetized Condition G.1.
- Q. Adds a new Condition H.9, to require updated plans that show the details of materials, finish, and color used for sidewalks within the Project site.
- R. Adds a new Condition H.10 to require updated plans that show details regarding the number and location of the car share spaces required under Condition G.4.
- S. Adds a new Condition H.11 to require a bicycle and pedestrian circulation plan required under realphabetized Condition L.3.

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- T. Adds a new Condition I to require the Applicant to obtain a building permit for the AHR units and ACB units prior to the issuance of a CO for the Project's market rate units. Realphabetizes subsequent conditions accordingly.
- U. In realphabetized Condition L.3, removes the requirement that traffic demand management ("TDM") strategies include a substantial reduction in the number of off-street parking spaces, and adds that TDM strategies must include incentives offering some (instead of all) Project employees and residents free, reduced fare, or reimbursement for transit passes until December 31, 2026.
- V. In realphabetized Condition L.4, separates the requirements for the updated traffic impact report ("TIR") requirements into subparagraphs a, b, c, and d, and adds a new subparagraph e to address porte cochere design.
- W. In realphabetized Condition L.5, provides that upon execution of the affordable housing agreement (the "Agreement"), the Applicant is required to record the Agreement with the Bureau of Conveyances of the State of Hawaii or the Office of the Assistant Registrar of the Land Court of the State of Hawaii, or both, as appropriate.
- X. In realphabetized Condition P, requires the Applicant to obtain a building permit for the Project within five (instead of two) years after a major special district permit is issued for the Project, and conforms to the standard provisions used in IPD-T resolutions relating to extensions of the deadline to obtain a building permit for the Project.
- Y. Revises realphabetized Condition Q to conform to the standard provisions used in IPD-T resolutions relating to Project conformity with the conceptual plans approved in the resolution.
- Z. In the BE IT FURTHER RESOLVED clause, revises Council findings B and C to clarify that the Project's requested flexibility with respect to development standards relate to density (floor area), building height limits, lot coverage, and street centerline height setbacks.
- AA. Makes miscellaneous technical and nonsubstantive amendments.

7. **BILL 28 (2019), CD1 – AFFORDABLE HOUSING INCENTIVES.** Amending the affordable housing incentives enacted by Ordinance 18-1, as amended by Ordinance 19-8. (Bill passed Second Reading and Public Hearing held 11/6/19; Committee postponed action 2/6/20)

PROPOSED CD2 TO BILL 28 (2019), CD1 (Submitted by Councilmember Kobayashi) – The CD2 (OCS2020-0259/2/25/2020 11:28 AM) makes the following amendments:

- A. Deletes SECTION 2 of the Bill, which would have provided a real property tax exemption for any incremental increase in the valuation of the real property primarily attributable to qualifying construction work where at least 75 percent of the total number of dwelling units in the development are sold to households earning 120 percent and below of the AMI.
- B. Adds new SECTIONS 2 and 4 to the Bill, which would add new sections to ROH Chapters 14 ("Public Works Infrastructure Requirements Including Fees and Services") and 18 ("Fees and Permits for Building, Electrical, Plumbing and Sidewalk Codes"), respectively, to provide for a new process whereby the developer of an affordable housing project that seeks applicable exemptions or waivers of fees or charges is required to execute a development agreement recorded with the bureau of conveyances providing a description of the proposed project and the percentage of the project units to be sold to households earning 100 percent or less of the AMI. The new sections also require the developer, prior to being issued a certificate of occupancy for the project, to submit to the Department of Planning and Permitting a schedule of all housing units in the project indicating the actual sales price, buyer income group, and percentage of units sold to households earning 100 percent or less of the AMI. The new sections also provide for administrative enforcement provisions. Renumbers subsequent SECTIONS accordingly.
- C. Amends renumbered SECTIONS 3 and 5, which relate to the waiver of wastewater system facility charges, and waiver of plan review and building permit fees, respectively, for qualifying affordable housing projects, to provide that such exemptions or waivers are applicable to the residential portion of the dwelling units that are sold to households earning 100 percent and below of the AMI in developments for which at least 75 percent of the total number of dwelling units in the development area sold to households earning 120 percent and below of the AMI.

- D. Amends renumbered SECTION 6 (Ramseyer clause) to reflect the amendments made by the CD2.
- E. Amends renumbered SECTION 7 to provide that the ordinance takes effect upon its approval and will be repealed one year after its effective date.
- F. Makes miscellaneous technical and nonsubstantive amendments.

11. **BILL 25 (2019), CD1 – RELATING TO ADOPTION OF THE STATE ENERGY CONSERVATION CODE.** Regulating the design and construction of residential and commercial buildings for the effective use of energy through the adoption of the State Energy Conservation Code (2017), subject to the local amendments herein. (Bill passed Second Reading and Public Hearing held 9/4/19; Committee postponed action 1/23/20)

PROPOSED CD2 TO BILL 25 (2019), CD1 (Submitted by Councilmember Elefante) – The CD2 (OCS2020-0257/2/24/2020 4:14 PM) makes the following amendments to SECTION 3 of the Bill:

- A. Amends item (12) to amend Subsection C402.2.3 ("Thermal resistance of above-grade walls") to include reference to mass walls. In condition 1 of the exception, deletes references to overhangs with a projection factor equal to or greater than 0.3.
- B. Adds a new item (13) to amend Table C402.4 ("Building Envelope Fenestration Maximum U-Factor and SHGC Requirements") by amending Exception b to provide an exception for jalousie windows. Renumbers subsequent items.
- C. Adds a new item (15) to amend Subsection C402.4.5 ("Area-Weighted SHGC") to provide that for commercial buildings, an area-weighted average of fenestration products will be permitted to satisfy solar heat gain coefficient ("SHGC") requirements. Also adds an exception for jalousie windows. Renumbers subsequent items.
- D. Adds a new item (18) to amend Subsection C406.1 ("Requirements") to require buildings to comply with at least one of the requirements set forth in that subsection. Renumbers subsequent items.

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- E. Amends renumbered item (20) relating to electric vehicles to add Subsection C406.8, Subsection C406.8.1, Table C406.8.1, Subsection C406.8.2, and Table C406.8.2. The new provisions:
1. Require that all newly-created parking stalls for newly-constructed residential multi-unit and commercial buildings comply with one of the electric vehicle readiness compliance pathways specified in Subsection C406.8.1 ("Baseline percentage electric vehicle readiness compliance path") or Subsection C406.8.2 ("Points-based electric vehicle readiness compliance path");
 2. Delete the "AC Level 1" row in Table C406.8.1 ("Charge Methods Electrical Rating") and amend the "AC Level 2" row; and
 3. Add Table C406.8.2 ("Electric Vehicle Readiness Points-Based Compliance Values").
- F. Amends renumbered item (24) by amending Subsection C503.3.1 to add a fifth type of energy efficiency material that may be installed if uninsulated roof sheathing is exposed during alteration: roof coating with a minimum initial reflectance of 0.85 and a minimum aged reflectance of 0.75.
- G. Amends renumbered item (27) to revise Subsection R401.2.1 ("Tropical zone") to delete condition 13 relating to jalousie window requirements.
- H. Amends renumbered item (28) to revise Table R402.1.2 ("Insulation and Fenestration Requirements by Component") to:
1. Under "Climate Zone 1 – Mass Wall R-Value," lists 3/4 or NR;
 2. Amends footnote j relating to mass wall R-values; and
 3. Adds a new footnote k to exempt jalousie windows from SHGC requirements.
- I. Amends renumbered item (29) to revise Table R402.2.1 ("Window SHGC Requirements"), to add an exception for jalousie windows.
- J. Adds a new item (30) to amend Subsection R402.2.5 ("Mass walls"), to revise the requirements and exceptions. Renumbers subsequent items.

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- K. Amends renumbered item (31) to revise Subsection R402.3.2 ("Glazed fenestration SHGC") to add an exception for jalousie windows.
- L. Adds a new item (32) to add Subsection R402.4.1.3 ("Sampling") to regulate air infiltration/duct testing for production home buildings. Renumbers subsequent items.
- M. Amends renumbered item (33) to revise Subsection R403.5.5 ("Solar water heating") to require that new single-family dwellings include a solar water heater system that meets the standards established by HRS Section 269-44, unless a variance is approved pursuant to HRS Section 196-6.5.
- N. Amends renumbered item (34) to revise Subsection R403.6.2 ("Ceiling fans – Mandatory") to require whole house mechanical ventilation systems to comply with efficacy requirements of Table R403.6.1. Provides an exception for production home building.
- O. Amends renumbered item (35) to add a new Subsection R404.2 ("Solar conduit and electrical panel readiness") to set forth solar conduit and electrical panel readiness requirements.
- P. Amends renumbered item (36) to add a new Subsection R404.3 relating to electric vehicle readiness, to require that in addition to what is required by the Electrical Code, if a building permit application involves the installation of an electrical panel and parking area for a detached dwelling or duplex, a dedicated receptacle for an electric vehicle must be provided with a minimum AC Level 2 charge.
- Q. Adds a new item (38) to revise Table R407.1 ("Points Option") to add provisions relating to mass walls. Renumbers subsequent items.
- R. Adds a severability clause as uncodified SECTION 4 of the Bill.
- S. Adds an uncodified SECTION 5 of the Bill to direct the Revisor of Ordinances to replace the phrase, "the effective date of this ordinance" with the actual month, day, and year on which the ordinance takes effect. Renumbers the subsequent bill SECTION.

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- T. Makes miscellaneous technical and nonsubstantive amendments.

RON MENOR, Chair
Committee on Zoning, Planning and
Housing