

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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February 18, 2022

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Waters and Councilmembers:

SUBJECT: Testimony in Support of Bill 10 (2022) Relating to Use Regulations

The Department of Planning and Permitting appreciates the introduction of Bill 10 (2022) relating to use-related amendments to Revised Ordinances of Honolulu Chapter 21, otherwise known as the Land Use Ordinance (LUO).

The purpose of the draft Bill is to update the use definitions, permissions, and standards in the LUO (the City's zoning code) to better implement the policies of the City expressed in the Oahu General Plan, the various Development Plans and Sustainable Communities Plans, and other adopted plans of the City. This Bill represents Phase II of the LUO Update, which aims to update the entire LUO in five phases.

This Bill repeals and replaces several key regulatory components of the LUO. More details are captured in the Staff Report, but the primary changes are summarized as follows:

Protects Agricultural Lands while Expanding Opportunities for Farmers

The preservation of existing agricultural lands is important in order to reduce the island's dependence on imports and contribute to a more sustainable economy. As such, additional standards are imposed on non-agricultural uses located on agricultural zoned lands. Looking ahead to new technologies and industry practices, the revisions anticipate some agricultural activities in urban settings.

- More explicit standards for farm dwellings intended to prevent “gentlemen farms;”
- More opportunities for farm worker housing;
- New requirements for meeting facilities and group living facilities on lands zoned for Agriculture;
- New opportunities for vertical and urban farms; and
- New standards/permitting for agritourism.

Expands Housing and Job Opportunities

The expansion of housing opportunities is needed to meet the growing demand for housing on the island. In addition, ensuring more people can work near where they live and drive less is a focus of changes to home occupations, employment uses in the Apartment Mixed Use Districts, and allowing neighborhood grocery stores and parks by right. Finally, promoting food access and entrepreneurship drove the new standards for food trucks and other mobile commercial establishments.

- Allows housing in Business-1 and Business-2 districts, with standards;
- Allows three-unit dwellings in Apartment, Apartment Mixed Use (AMX), and Resort zones;
- Expands uses permitted in AMX zones;
- Allows neighborhood grocery stores in residential areas; and
- New standards for food trucks.

Improves Regulation of Utilities

The changes to utility uses anticipate the growth of renewable energy on the island. They also ensure conformity with State and Federal standards, as well as ensuring public input on the largest facilities.

- Anticipates the growth of the 5G cellular network with requirements to better conceal antennas;
- Requires a larger buffer between wind machines and Country, Residential, Apartment, AMX, and Resort properties;
- New Utility categories:
 - Small - permitted by right, includes some solar,
 - Medium - permitted with a Conditional Use Permit (CUP) (minor), includes the remaining solar and non-generating facilities, and
 - Large - permitted with a CUP (major), includes the largest generating facilities and wind machines.

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Facilitates Transfer of Development Rights (TDR)

The transfer of development rights process has been simplified for historic structures. It has also been expanded to incentivize the protection of the Special Management Area (SMA) and in anticipation of continued sea level rise (SLR).

- Simplifies TDR for historic structure preservation.
- Allows the transfer of development rights from SMA lands along the coast to areas that are:
 - Not located within the SMA;
 - Not located within the P-2 General Preservation District;
 - Not expected to be impacted by 3.2 feet of SLR by the year 2100; and
 - Not in a Special Flood Hazard Area'

Should you have any questions, please contact me at (808) 768-8000.

Very truly yours,



Dean Uchida
Director

APPROVED:



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