



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3077

## COMMITTEE ON ZONING AND PLANNING

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### Voting Members:

Brandon J.C Elefante, Chair  
Esther Kia'aina, Vice Chair  
Radiant Cordero  
Calvin K.Y. Say

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## AGENDA

SPECIAL MEETING  
CITY COUNCIL CHAMBER  
THURSDAY, JULY 14, 2022  
9:00 A.M.

### **PUBLIC PARTICIPATION AND TESTIMONY**

Pursuant to Act 220, Session Laws of Hawaii 2021, in order to allow public participation in a manner consistent with safe COVID-19 practices, this meeting will be conducted as a remote meeting by interactive conference technology, with the following procedures in effect for the meeting:

### **VIEWING THE MEETING**

The meeting will be viewable: (1) by internet live streaming through <https://www.honolulucitycouncil.org/meetings> or [olelo.org](https://www.olelo.org); (2) by televised live broadcast on 'Olelo 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.honolulucitycouncil.org/meetings>. Copies of older meeting videos may be requested by calling the City Clerk's Office at (808) 768-5822, charges may apply.

Some Councilmembers and presenters may be participating in the meeting by interactive conference technology from remote locations.

### **ORAL TESTIMONY**

Oral testimony will be permitted on all items on the agenda, subject to the following restrictions:

Each speaker may not have anyone else read their statement and is limited to a one-minute presentation.

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Remote Testimony

1. Persons may submit oral testimony remotely through the Zoom video conferencing platform. To participate, persons should visit <https://hnlidoc.ehawaii.gov/hnlidoc/testimony>. Videoconference access information will be provided upon submission of testimony/registration. Zoom testifiers are strongly encouraged to register at least 24 hours before the start of the meeting.
2. To submit oral testimony by phone only, please contact the Council Information Section at (808) 768-5822 to register and obtain telephone access information.

In-Person Testimony in the Council Chamber

Persons may also submit oral testimony in the Council Chamber.

Persons wishing to testify 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.

Members of the public entering the Council Chamber are requested to spread themselves out. If the Chamber becomes crowded, members of the public may be requested to wait outside the Chamber until called to testify.

**Oral testimony, both remote and in-person, will be allowed:**

1. For all agenda items, at the start of the agenda; and
2. For each agenda item, when the item is taken up.

**Persons may choose to present their testimony either at the start of the agenda or when the item or items is/are taken up, but not both. Registered testifiers wishing to testify when an item is taken up should state their preference when their names are called during the testimony period at the start of the agenda.**

**WRITTEN TESTIMONY**

Written testimony may be uploaded via the internet at <https://hnlidoc.ehawaii.gov/hnlidoc/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://hnlidoc.ehawaii.gov>.

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Should you have any questions, please call (808) 768-3801 or send an email to [guehara@honolulu.gov](mailto:guehara@honolulu.gov).

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**MATERIALS AVAILABLE FOR INSPECTION**

Meeting materials ("*board packet*" under HRS Section 92-7.5) are accessible at <https://hnldoc.ehawaii.gov/hnldoc/browse/agendas> by clicking on the appropriate Council meeting.

Accommodations are available upon request to persons with disabilities. Please call (808) 768-3801 or send an email to [guehara@honolulu.gov](mailto:guehara@honolulu.gov) at least three working days prior to the meeting.

**FOR ACTION**

1. **RESOLUTION 22-155 – APPOINTMENT OF MS. KAI NANI KRAUT.** Confirming the appointment of Ms. Kai Nani Kraut to serve on the Planning Commission of the City and County of Honolulu for a term to expire on June 30, 2023. (Transmitted by Communication [MM-103 \[2022\]](#); Public hearing held on 7/6/22)
2. **RESOLUTION 22-156 – APPOINTMENT OF MR. KANEKAWAIOLA LINDSEY.** Confirming the appointment of Mr. Kanekawaiola Lindsey to the Zoning Board of Appeals for a term to expire on June 30, 2023. (Transmitted by Communication [MM-104 \[2022\]](#); Public hearing held on 7/6/22)

**PROPOSED CD1 TO RESOLUTION 22-156** (Submitted by Councilmember Elefante) – The CD1 (OCS2022-0546/6/23/2022 7:59 AM) makes the following amendments:

- A. Amends the Second WHEREAS clause by quoting language from Charter Section 6-1516 regarding the duties of the Zoning Board of Appeals.
- B. Amends the Third WHEREAS clause by replacing the phrase "Mayor's letter" with "Mayor's Message 104 (2022)."
- C. Clarifies in the Fifth WHEREAS clause that Charter Section 13-103, which applies to the Zoning Board of Appeals, requires that appointees to City boards and commissions be registered voters of the City.
- D. Combines the Sixth and Seventh WHEREAS clause to comport with current drafting conventions for appointment Resolutions.
- E. Amends the BE IT RESOLVED clause by changing "reappointment" to "appointment."
- F. Makes miscellaneous technical and nonsubstantive amendments.

Related communication:

[MM-119 \(2022\)](#) Office of the Managing Director, submitting revised nomination form regarding Mr. Kanekawaiola Lindsey.

3. **RESOLUTION 22-62 – THE QUEEN’S MEDICAL CENTER (QMC) – HONOLULU (2021/PRU-4)**. Approving an application for a Plan Review Use (PRU) Permit to implement a 15-Year Master Plan (“Master Plan”) for the redevelopment of the QMC on 18.77 acres of land zoned A-2 Medium Density Apartment District and B-2 Community Business District, located at 1301 Punchbowl Street and identified as Tax Map Keys 2-1-018: 048, 2-1-035: 001, 003 through 010, and 2-1-037: 002. (Applicant: The Queen’s Health Systems) (Public hearing held on Resolution 22-62 and the proposed CD1 to Resolution 22-62 on 5/4/22) (Current deadline for Council Action: 11/5/22)

**CD1 TO RESOLUTION 22-62** (Approved by the Committee at its meeting on April 21, 2022) – The CD1 (OCS2022-0227/4/12/2022 9:23 AM) makes the following amendments:

- A. In the fourth WHEREAS clause, clarifies that the Council received the findings and recommendations of the DPP Director on March 10, 2022, as opposed to March 7, 2022.
- B. Renumbers Conditions A through Q as Conditions 1 through 17.
- C. In renumbered Condition 2:
  - 1. Adds “[e]xcept as required to comply with Condition 6” to the requirement that construction be in general conformance with the plans, since Condition 6 prohibits additional parking levels at the Miller Parking Structure; and
  - 2. Adds a reference to Land Use Ordinance Section 21-2.20(k)(2) to the second sentence.
- D. Specifies in renumbered Condition 3 that except as provided in the resolution, the PRU permit will supersede PRU Permit No. 2011/PRU-1, since Condition 10 continues Condition 5 of that resolution, as amended.
- E. Clarifies in renumbered Condition 9 that the Applicant shall obtain a Conditional Use Permit for joint development of the parcels comprising the main portion of the QMC Main Campus, which excludes the site of the Physician’s Office Building II (TMK 2-1-037:002) and the Miller Triangle (TMK 2-1-018:048).

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- F. Incorporates renumbered Conditions 5 (relating to a parking/assessment/management plan) and 7 (relating to an assessment and analysis in the traffic impact analysis report of the H-1 east on-ramp from Lusitana Street) into renumbered Conditions 11.C (relating to the traffic impact analysis report) and 11.D (relating to the traffic management plan) for clarity.
- G. Clarifies in renumbered Condition 15 that the Applicant must also protect the find if any previously unidentified archaeological sites or remains are encountered.
- H. Makes miscellaneous technical and nonsubstantive amendments.

[PROPOSED CD1 TO RESOLUTION 22-62](#) (Submitted by Councilmember Elefante) – The CD1 (OCS2022-0434/7/8/2022 12:50 PM) makes the following amendments:

- A. In the third WHEREAS clause, specifies the date of the Council's public hearing (May 4, 2022) at which it considered the PRU.
- B. In the fourth WHEREAS clause, clarifies that the Council received the findings and recommendations of the DPP Director on March 10, 2022, as opposed to March 7, 2022.
- C. Renumbers Conditions A through Q as Conditions 1 through 17.
- D. In renumbered Condition 2:
  - 1. Adds "[e]xcept as required to comply with Condition 6" to the requirement that construction be in general conformance with the plans, since Condition 6 prohibits additional parking levels at the Miller Parking Structure; and
  - 2. Adds a reference to Land Use Ordinance Section 21-2.20(k)(2) to the second sentence.
- E. Specifies in renumbered Condition 3 that except as provided in the resolution, the PRU permit will supersede PRU Permit No. 2011/PRU-1, since Condition 10 continues and modifies the Applicant's obligations under Condition 5 of that resolution.

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- F. Clarifies in renumbered Condition 9 that the Applicant shall obtain a Conditional Use Permit for joint development of the parcels comprising the main portion of the QMC Main Campus, which excludes the site of the Physician's Office Building II (TMK 2-1-037:002) and the Miller Triangle (TMK 2-1-018:048).
- G. Amends renumbered Condition 10 to require the Applicant to:
  - 1. No later than 30 days after the adoption of the resolution and in satisfaction of Resolution 99-22, CD1, FD1, Condition 6.b; as amended by Resolution 04-244, CD1, FD1, Condition 6; as further amended by Resolution 11-179, CD1, Condition 5, post an Irrevocable Standby Letter of Credit ("ISLC"), satisfactory in form and content to the Director of Budget and Fiscal Services and the Corporation Counsel, payable to the City in the amount of \$1,882,725.52. The funds will be used toward transportation improvements specified by the City within the immediate vicinity of the QMC Campus, but may not be used toward transportation improvements required under renumbered Condition 11 of the resolution. Subject to the City's approval, the Applicant may undertake the design and construction of such improvements, the cost of which will be credited to the Applicant from the ISCL funds; and
  - 2. Coordinate with the Department of Transportation Services ("DTS") to install a Rectangular Rapid Flashing Beacon at the midblock crosswalk on Punchbowl Street near the intersection with Miller Street. Costs incurred by the Applicant, subject to the DTS' approval, will be deducted from the ISLC balance.
- H. Adds a new Exhibit D that provides background information on renumbered Condition 10.
- I. Incorporates renumbered Conditions 5 (relating to a parking/assessment/management plan) and 7 (relating to an assessment and analysis in the traffic impact analysis report of the H-1 east on-ramp from Lusitana Street) into renumbered Conditions 11.C (relating to the traffic impact analysis report) and 11.D (relating to the traffic management plan) for clarity.
- J. Deletes renumbered Condition 11.C.iv, relating to the proposed H-1 East on-ramp from Lusitana Street.

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- K. Clarifies in renumbered Condition 15 that the Applicant must also protect the find if any previously unidentified archaeological sites or remains are encountered.
- L. Makes miscellaneous technical and nonsubstantive amendments.

Related communications:

[CC-144 \(2022\)](#) Disclosure of Interest Statement submitted by Councilmember Elefante.

[CC-213 \(2022\)](#) Disclosure of Interest Statement submitted by Councilmember Elefante.

[M-257 \(2022\)](#) R.M. Towill Corporation, submitting request to Modify Condition 10 and 11.c.iv. of Resolution No. 22-062 Approving an Application for a Plan Review Use (PRU) Permit for Queen's Medical Center (QMC) - Honolulu.

- 4. **[RESOLUTION 22-162](#) – 1 LUMAHAI STREET IN MAUNALUA, HAWAII KAI (2022/SMA-21).** Granting a Special Management Area ("SMA") Use Permit to allow for the development of a new single-family dwelling unit, demolition of existing foundation remnants, connecting to utility lines, and the construction of a new swimming pool, on an approximately 43,435-square-foot shoreline lot, located in the R-10 Residential District at 1 Lumahai Street in Maunaloa, Hawaii Kai, and identified as Tax Map Key 3-9-013: 030. (Applicant: Alexandra Stanyon and Scott Anderson) (Transmitted by Communication [D-458 \[2022\]](#)) (Current Council deadline: 8/21/22)

Related communication:

[M-276 \(2022\)](#) Submitted by Masa Fujioka & Associates, presentation on Resolution 22-162.

- 5. **[RESOLUTION 22-164](#) – EXTENSION OF TIME TO COMMENCE CONSTRUCTION FOR THE HALAWA VIEW APARTMENTS AFFORDABLE HOUSING PROJECT AT HALAWA.** Approving an extension of time to commence construction for the Halawa View Apartments Affordable Housing Project at Halawa, Oahu, Hawaii, Tax Map Key 9-9-003: 026, granted by Resolution No. 20-188, CD1. (Applicant: Halawa View Housing Partners LP) (Transmitted by Communication [D-516 \[2022\]](#))



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[PROPOSED CD1 TO RESOLUTION 22-164](#) (Submitted by Councilmember Elefante) – The CD1 (OCS2022-0584/7/8/2022 3:04 PM) makes the following amendments:

- A. Revises the resolution title to read as follows:  
  
"AMENDING RESOLUTION 20-188, CD1, TO EXTEND THE DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF THE HALAWA VIEW APARTMENTS AFFORDABLE HOUSING PROJECT AT HALAWA, OAHU, TAX MAP KEY 9-9-003:026."
- B. In the first WHEREAS clause, clarifies the description of the Project.
- C. Amends the second WHEREAS clause to provide that under Resolution 20-188, CD1, Project construction was required to commence within 24 months after the date of adoption of the resolution, resulting in a September 9, 2022 deadline.
- D. Amends the third WHEREAS clause to provide that the Applicant is requesting a 24-month extension of the September 9, 2022 deadline because while grading plans were approved by the DPP Director in early July 2022, the Applicant anticipates commencing grading work in early 2023, after issuance of a foundation and superstructure permit (expected to be issued by December 2022), to minimize the inconvenience to existing residents who must park their vehicles off-site during Project construction.
- E. Deletes the fourth WHEREAS clause.
- F. In the BE IT RESOLVED clause, provides that Resolution 20-188, CD1, is amended to extend the deadline to commence construction of the Project by 24 months, to September 9, 2024.
- G. In the BE IT FURTHER RESOLVED clause, provides that all other provisions of Resolution 20-188, CD1, are ratified and confirmed, and remain in full force and effect.
- H. Makes miscellaneous technical and nonsubstantive amendments.

Related communication:

[M-277 \(2022\)](#) Submitted by R.M. Towill Corporation, presentation on Resolution 22-164.

6. [\*\*BILL 43 \(2022\)\*\*](#) – **ADMINISTRATIVE ENFORCEMENT OF THE BUILDING, ELECTRICAL, PLUMBING, AND SIDEWALK CODES.** Relating to administrative enforcement of the building, electrical, plumbing, and sidewalk codes.

## FOR DISCUSSION

7. [\*\*BILL 10 \(2022\)\*\*](#) – **LUO AMENDMENT RELATING TO USE REGULATIONS.** Addressing the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 1990 (“Land Use Ordinance”). (Transmitted by Communication [D-74 \[2022\]](#); Bill passed First Reading on 2/23/22) (Current deadline for Council action: 10/29/22)

[\*\*PROPOSED CD1 TO BILL 10 \(2022\)\*\*](#) (Submitted by Councilmember Elefante) – The CD1 (OCS2022-0540/7/8/2022 11:49 AM) makes the following amendments:

### PART I. BRIEF SUMMARY BY SUBJECT MATTER

The **PROPOSED CD1** includes some of the amendments recommended by the DPP, including in written testimony dated January 14, 2022, submitted to the Planning Commission. Other amendments are proposed by the Zoning and Planning Committee Chair. An overview of the key amendments by subject matter follows.

1. **Agritourism.** Requires the dedication of 75 percent (instead of 50 percent) of the zoning lot to active agricultural use for as long as the agritourism use is in operation (instead of a minimum of 10 years), through an agricultural easement or similar legal encumbrance acceptable to the DPP Director. Deletes bus, jeep, or off-road vehicle tours using motorized vehicles as a permitted agritourism use. Limits weddings and similar accessory destination events to no more than one event (instead of two events) per week.
2. **Three-unit dwellings.** Deletes three-unit dwellings as a separate residential use. Multi-unit dwellings include buildings with three or more (instead of four or more) dwelling units.
3. **Multi-unit dwellings in the B-1 and B-2 Districts.** Permits multi-unit dwellings in the B-1 and B-2 Districts so long as certain minimum commercial area requirements are satisfied (minimum 10,000 sq. ft. of commercial space for zoning lots larger than 4 acres but smaller than 7 acres in size; minimum 40,000 sq. ft. of commercial space for zoning lots over 7 acres in size; zoning lots with a minimum non-residential FAR of 0.3); and requires the provision of certain pedestrian and bicycle access paths.

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4. Household and large group living. "Household" is defined as occupancy of a single dwelling unit by more than five (instead of six) unrelated natural persons. Large group living includes the occupancy of a dwelling unit by more than five (instead of six) unrelated residents. (The existing LUO defines the term "family" as no more than five unrelated persons.)
5. Uses in the agricultural zoning districts. In the AG-1 and AG-2 Districts, certain uses (meeting facilities, group living, child daycare, adult daycare, and K-12 schools) are permitted with a major conditional use permit, and require a minimum of 75 percent of the zoning lot area to be dedicated to active agricultural use for as long as the applicable use is in operation, through an agricultural easement or similar legal encumbrance acceptable to the DPP Director.
6. Hotels. Minor and major hotels are permitted in the I-2 District, subject to a minor conditional use permit, and in the IMX-1 District subject to a major conditional use permit. Minor and major hotels in the I-2 or IMX-1 Districts are only permitted within 1.2 miles (instead of one mile) of the Daniel K. Inouye International Airport principal entrance located at the intersection of Paiea Street and Nimitz Highway. In the definition of "hotel," deletes reference to a stay period of less than 30 days, and adds reference to a lobby, desk or counter with 24-hour clerk service, and facilities for registration and keeping of records relating to hotel guests.
7. New uses.
  - a. Adds a new nature-based recreation use, defined as a permanent facility for outdoor play or recreation, often containing recreational equipment and facilities intended to promote or enhance access to natural areas on land with preserved wildlife and natural features. Permitted in the P-2, AG-1, and AG-2 Districts with a major conditional use permit. Includes horseback riding stables or ranches, which has been deleted from the general outdoor recreation use. In the AG-1 and AG-2 Districts, a minimum of 75 percent of the zoning lot must be dedicated to agricultural or passive undeveloped recreational areas, through an agricultural easement or similar legal encumbrance acceptable to the DPP Director.
  - b. Adds a zoo use, defined as a facility usually with indoor and outdoor settings, where animals live in captivity and are put on display for the public to view. Permitted in the P-2 and AG-2 Districts with a major conditional use permit. Standards are the same as currently set forth in ROH Section 21-5.710.

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8. Utilities. Amends the definitions of small, medium, and large utilities, and includes certain types of non-generation energy installations for small and medium utilities. Deletes provisions relating to electromagnetic interference ("EMF"). Establishes staggered time periods for the dismantling of abandoned utilities (90 days for small utilities, 180 days for medium utilities, and one year for large utilities). Adds new emergency work provisions. Provides for separate standards for solar energy generation and wind energy generation. Retains the setback requirement for small and medium wind energy generation facilities of a minimum distance equal to the height of the facility. The setback requirement for large wind energy generation facilities is a minimum distance equal to the height of the facility, and a minimum of 1 mile (instead of 1.25 miles) from the property lines of any zoning lot located in the country, residential, apartment, apartment mixed use, and resort zoning districts.
9. Communications.
  - a. Permits dish antennas in the AG-1 and AG-2 Districts with a minor conditional use permit, and adds a standard that all dish antennas must be located or screened to minimize visual impacts.
  - b. Amends the "tower antenna" use to "communication tower" use and clarifies the definition. Deletes communication tower standards relating to setbacks, and discontinued use and removal if harmful to the public health. Amends communication tower standards relating to structural design, information required in a communication tower application, landscaping plans, and monotree installation design. Deletes standards relating to communication tower replacement, and instead provides that once an eligible facilities request for a communication tower is approved pursuant to federal law, no other land use permits are required. Adds a standard requiring a minor conditional use permit in the industrial zoning districts if the zoning lot for the communication tower is adjacent to any zoning lot in the residential, apartment, or apartment mixed use zoning districts.
  - c. Amends the "stealth antenna" use to "communication tower alternative support structure" use. Deletes communication tower alternative support structure standards relating to setback requirements, screening requirements, landscaping plans, and instead provides that communication tower alternative support structures must be concealed to minimize visual impacts using architecture, landscape, and site solutions. Deletes standards relating to communication tower alternative support structure

replacement, and instead provides that once an eligible facilities request for a communication tower is approved pursuant to federal law, no other land use permits are required.

10. Transfer of development. The agreement running with the land for all donor and receiving zoning lots must remain in effect for a minimum of 60 years (instead of 30 years). Clarifies that for the transfer of development (floor area only) from a donor zoning lot with a historic site to a receiving zoning lot, or for the transfer of development (floor area or number of dwelling units only) from a donor zoning lot within the special management area to a receiving zoning lot, all other requirements and standards applicable to the receiving zoning lot and its underlying zoning district remain in effect.

## PART II. DETAILED SUMMARY BY BILL SECTION

The **PROPOSED CD1** makes the following amendments, which are listed by bill SECTION:

- A. Combines SECTIONS 1 and 2 of the bill, which both relate to the purpose of the ordinance. Renumbers subsequent bill SECTIONS.
- B. In renumbered SECTION 3 of the bill, renumbers and reformats new LUO Article 5 to list each use type as a section (for example, Section 21-5.40 Agricultural uses); each use category as a separate section under that section (for example, Section 21-5.40-1 Crop production); and each use subcategory as a subsection under that section (for example, Section 21-5.40-1(a) Aquaculture).
  1. In Table 21-5.1 ("Table of Permitted Uses") amends the far right column, which lists the section number where use definitions and standards may be found, to correct citation references.
  2. Corrects citation references throughout LUO Article 5.
- C. In renumbered SECTION 3 of the bill:
  1. In Section 21-5.30 ("Use table"), amends Table 21-5.1 to:
    - a. Delete the EU (existing use only) symbol in the Table 21-5.1 legend.

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Residential use

- b. Delete the three-unit dwelling entry (three-unit dwellings no longer a separate residential use).
- c. Amend the small group living entry to C\* (instead of Eu\*) in the AG-1 and AG-2 Districts.
- d. Amend the large group living entry to C\* (instead of Eu\*) in the AG-1 and AG-2 Districts; C\* (instead of C) in the A-2, A-3, AMX-1, AMX-2, AMX-3, and BMX-3 Districts; and Cm\* (instead of Cm) in the BMX-4 District.
- e. Amend the accessory dwelling unit entry to delete P\* in the AG-1 and AG-2 Districts (accessory dwelling units no longer a permitted use in the agricultural zoning districts).

Public, civic, and institutional use

- f. Amend the small meeting facility entry to C\* (instead of Eu) in the AG-1, AG-2, and Country Districts.
- g. Amend the medium meeting facility entry to C\* (instead of Eu) in the AG-1, AG-2, and Country Districts.
- h. Amend the dish antenna entry to Cm\* in the AG-1 and AG-2 Districts; and P\* (instead of P) in the Resort, B-2, BMX-3, BMX-4, I-1, I-2, I-3, and IMX-1 Districts.
- i. Amend the tower antenna entry to use the term communication tower, and P\* (instead of C\*) in the I-1, I-2, and I-3 Districts.
- j. Amend the stealth antenna entry to use the term communication tower alternative support structure, and P\* (instead of P) in the A-2, A-3, AMX-1, AMX-2, AMX-3, Resort, B-1, B-2, BMX-3, and BMX-4 Districts.
- k. Amend the K-12 school entry to C\* in the AG-1 District; and C\* (instead of Cm\*) in the AG-2 District.
- l. Amend the cemetery entry to P\* (instead of P) in the P-2 and IMX-1 Districts.

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- m. Amend the medium utility entry to P\* (instead of Cm\*) in the I-1, I-2, and IMX-1 Districts.

Commercial use

- n. Amend the child daycare entry to C\* in the AG-1 District.
  - o. Amend the adult daycare entry to C\* in the AG-1 District; and C\* (instead of C) in the AG-2 District.
  - p. Amend the bed and breakfast home entry to reflect the current permitted uses as amended in Ordinance 22-7 (delete P\* in the AG-1, AG-2, Country, R-20, R-10, R-7.5, R-5, R-3.5, AMX-1, AMX-2, AMX-3, BMX-3, and BMX-4 Districts).
  - q. Amend the minor hotel entry to add Cm\* in the I-2 District; and C\* (instead of P\*) in the IMX-1 District.
  - r. Amend the major hotel entry to add Cm\* in the I-2 District; and C\* in the IMX-1 District.
  - s. Add a new nature-based recreation entry, with C\* in the P-2, AG-1, and AG-2 Districts.
  - t. Add a new zoo entry, with C\* in the P-2 and AG-2 Districts.
  - u. Amend the mobile commercial establishment entry to delete Cm\* in the Country District (mobile commercial establishments no longer permitted in the Country District), and add P\* in the Resort District.
- 2. Amends renumbered ROH Section 21-5.40-1(h) to provide that vertical farms are only permitted in areas with soils that are rated a poor quality D or worse (instead of C or worse).
  - 3. Amends renumbered ROH Section 21-5.40-4(b) (relating to agritourism) to:
    - a. Amend ROH Section 21-5.40-4(b)(2)(F) to require the dedication of 75 percent (instead of 50 percent) of the zoning lot to active agricultural use for as long as the agritourism use is in operation (instead of a minimum of 10 years), through an

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- agricultural easement or similar legal entitlement acceptable to the DPP Director.
- b. Delete ROH Section 21-5.40-4(b)(G), which allowed bus, jeep, or off-road vehicle tours using motorized vehicles as a permitted agritourism use (off-road vehicle tours no longer permitted as an agritourism use). Realphabetizes the subsequent paragraph.
  - c. Amend realphabetized ROH Section 21-5.40-4(b)(G) to limit weddings and similar accessory destination events to no more than one event (instead of two events) per week.
4. Amends renumbered ROH Section 21-5.40-4(e) (relating to farm dwellings) to:
- a. Require that crop production and livestock keeping must occupy a minimum of 75 percent (instead of 50 percent) of the zoning lot area, and that valid agricultural dedication status must be maintained as evidence of the agricultural activity; and
  - b. Provide that a farm dwelling is not permitted as an accessory use to boarding and care of horses and domestic animals.
5. Amends renumbered ROH Section 21-5.40-4(h) (relating to farmers market) to require a minimum of 75 percent (instead of 50 percent) of the zoning lot area to be dedicated to active agricultural use for as long as the farmers market is in operation, through an agricultural easement or similar legal entitlement acceptable to the DPP Director.
6. Deletes renumbered ROH Section 21-5.50-1(d) (relating to three-unit dwellings). Realphabetizes the subsequent subsection. Makes conforming amendments throughout the bill to delete references to three-unit dwellings.
7. Amends renumbered and realphabetized ROH Section 21-5.50-1(d) to permit multi-unit dwellings in the B-1 and B-2 Districts so long as certain minimum commercial area requirements are satisfied (minimum 10,000 sq. ft. of commercial space for zoning lots larger than 4 acres but smaller than 7 acres in size; minimum 40,000 sq. ft. of commercial space for zoning lots over 7 acres in size; zoning lots with a minimum nonresidential FAR of 0.3); provided that a



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pedestrian and bicycle access path a minimum of 8 feet in width is required from adjacent rights-of-way to both residential and nonresidential uses on the zoning lot.

8. Amends renumbered ROH Section 21-5.50-2 to provide that in the AG-1 and AG-2 Districts, small and large group living must be of an agricultural nature, and as a condition of approval, a minimum of 75 percent of the zoning lot area must be dedicated to active agricultural use for as long as the group living is in operation, through an agricultural easement or similar legal entitlement acceptable to the DPP Director.
9. Amends renumbered ROH Section 21-5.50-2(b) (relating to large group living) to include the occupancy of a dwelling unit by more than five (instead of six) unrelated residents.
10. Amends renumbered ROH Section 21-5.60-1(c) to provide that in the AG-1 and AG-2 Districts, small or medium meeting facilities may be permitted if as a condition of approval, a minimum of 75 percent of the zoning lot area must be dedicated to active agricultural use for as long as the meeting facility is in operation, through an agricultural easement or similar legal entitlement acceptable to the DPP Director.
11. Amends renumbered ROH Section 21-5.60-2 (relating to communication) to:
  - a. Add a standard that all dish antennas must be located or screened to minimize visual impacts, especially from public rights-of-way or public places.
  - b. Use the term "communication tower" (instead of tower antenna) and:
    - (i) Amend the definition to mean any structure constructed for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and associated facilities (also provides examples of structures that are considered to be communication towers).

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- (ii) Delete the standard that requires communication towers supported by guy wires to be set back from all property lines a minimum of 1 foot for every 1 foot of height.
- (iii) Amend the standard that requires communication towers to be designed to structurally accommodate the maximum number of additional users technically practicable by deleting specific capacity and location requirements, and requiring the use of the smallest, least visually intrusive components.
- (iv) Delete the standard for communication tower replacement, and provides that once an eligible facilities request for a communication tower is approved, as required by federal law, no other land use permits are required for the communication tower.
- (v) Delete the standard that requires the discontinued use and removal of a communications tower if it is determined that the tower is harmful to the health of the surrounding population.
- (vi) Amend the standard relating to communication tower applications to require evidence of a lack of space to locate the proposed antenna on existing communication towers that meet the setback requirements and are located within 0.5 miles of the proposed communications tower site.
- (vii) Amend the standard requiring a landscape plan to provide that in the industrial zoning districts, screening, such as solid walls, may be used instead of landscaping if the communication tower zoning lot is not adjacent to any zoning lot in the residential, apartment, or apartment mixed use zoning districts.
- (viii) Amend the monotree installation standard to require that they be designed to be similar to surrounding trees, including appropriate species and heights, to blend in with the surrounding environment. Requires communication towers in the residential zoning districts to use stealth design to minimize visual impacts.

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- (ix) In the industrial zoning districts, require a minor conditional use permit if the zoning lot for the communication tower is adjacent to any zoning lot in the residential, apartment, or apartment mixed use zoning districts.
  - c. Use the term "communication tower alternative support structure" (instead of stealth antenna) and:
    - (i) Delete standards relating to setback requirements, screening requirements, and landscaping plans. Instead provides that communication tower alternative support structures must be concealed to minimize visual impacts using architecture, landscape, and site solutions. When located on the roof of an existing structure, the communication tower alternative support structure must be set back or located to minimize visual impacts, especially from public rights-of-way and public places.
    - (ii) Delete the standard for communication tower alternative support structure replacement, and instead provides that once an eligible facilities request for a communication tower is approved, as required by federal law, no other land use permits are required for the communication tower alternative support structure.
- 12. Amends renumbered ROH Section 21-5.60-3(a) (relating to K-12 schools) to provide that in the AG-1 and AG-2 Districts, K-12 schools may be permitted if a minimum of 75 percent of the zoning lot area is dedicated to active agricultural use for as long as the K-12 school is in operation, through an agricultural easement or similar legal entitlement acceptable to the DPP Director.
- 13. Amends renumbered ROH Section 21-5.60-5(a) (relating to cemeteries) to require a minimum 50-foot landscaped buffer from the property lines of any adjoining zoning lot in the country, residential, apartment, or apartment mixed use zoning district.
- 14. Amends renumbered ROH Section 21-5.60-6 (relating to utilities) to:
  - a. Amend the definitions of small, medium, and large utilities.

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- (i) For small utilities, delete the maximum 20 kilowatt generation limit, and includes non-generation energy installations with minor impacts on adjacent land uses;
  - (ii) For medium utilities, delete energy generation of over 20 kilowatts, includes non-generation energy installations with potential impact on adjacent land uses, but does NOT include other facilities associated with the transmission of electricity across the utility grid; and
  - (iii) For large utilities, include energy generation over 5 megawatts, and wind energy generation facilities with a rated capacity of 100 kilowatts or more.
- b. Delete provisions relating to electromagnetic interference ("EMF"), including the authority of the DPP Director to require the operator of a small, medium, or large utility to mitigate EMF.
- c. For the abandonment of small, medium, and large utilities, add an exception for transfer of ownership or operation, and includes staggered time periods for dismantling abandoned utilities (previously dismantle period was 30 days for all utilities), and adds a good faith exception.
  - (i) For small utilities, dismantle period is 90 days;
  - (ii) For medium utilities, dismantle period is 180 days; and
  - (iii) For large utilities, dismantle period is one year.
- d. Provide that a utility may undertake emergency work on small utilities, and that emergency work on medium and large utilities does not require a minor conditional use permit.
- e. Clarify the types of "nongeneration energy installations" for small and medium utilities. Large utilities include only energy generation installations.

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- f. For small and medium utilities, include separate additional standards for solar energy generation and wind energy generation. For large utilities, solar energy generation is subject to the general standards, and wind energy generation is subject to additional standards.
  - g. Retain the setback requirement for small and medium wind energy generation facilities of a minimum distance equal to the height of the facility. The setback requirement for large wind energy generation facilities is a minimum distance equal to the height of the facility, and a minimum of 1 mile (instead of 1.25 miles) from the property lines of any zoning lot located in the country, residential, apartment, apartment mixed use, and resort zoning districts.
- 15. Amends renumbered ROH Section 21-5.70-1(a) (relating to child daycare) to provide that in the AG-1 and AG-2 Districts, child daycare may be permitted if a minimum of 75 percent of the zoning lot area is dedicated to active agricultural use for as long as the child daycare is in operation, through an agricultural easement or similar legal entitlement acceptable to the DPP Director.
- 16. Amends renumbered ROH Section 21-5.70-1(b) (relating to adult daycare) to:
  - a. Require that facilities able to accommodate more than 25 care recipients must provide an onsite pickup and drop-off area equivalent to four standard-sized parking spaces; and
  - b. Provide that in the AG-1 and AG-2 Districts, adult daycare may be permitted if a minimum of 75 percent of the zoning lot area is dedicated to active agricultural use for as long as the adult daycare is in operation, through an agricultural easement or similar legal entitlement acceptable to the DPP Director.
- 17. Amends renumbered ROH Section 21-5.70-3(a) to reflect the current language for bed and breakfast homes ("B&Bs") and transient vacation units ("TVUs"), as amended by Ordinance 22-7. Combines the B&B and TVU provisions, which are applicable to both B&Bs and TVUs (previously duplicate separate provisions). Adds a new Section 21-5.70-3(a)(4) to incorporate the previous footnote in the existing Table 21-3 ("Master Use Table") that applies to B&Bs and

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TVUs relating to instances where the applicable development plan or sustainable communities plan prohibits the establishment of new B&Bs or TVUs.

18. Amends renumbered ROH Section 21-5.70-3(b) (relating to hotels) to:
  - a. In the definition of hotel, delete reference to a stay period of less than 30 days, and add reference to a lobby, desk or counter with 24-hour clerk service, and facilities for registration and keeping of records relating to hotel guests; and
  - b. Provide that in the I-2 and IMX-1 Districts, minor and major hotels are only permitted within 1.2 miles (instead of one mile) of the Daniel K. Inouye International Airport principal entrance located at the intersection of Paiea Street and Nimitz Highway.
19. Amends renumbered ROH Section 21-5.70-9(a) (relating to general outdoor recreation) to delete horseback riding stables or ranches as a general outdoor recreation use (adds horseback riding stables or ranches to the new nature-based outdoor recreation use).
20. Adds a new ROH Section 21-5.70-9(c) to establish a nature-based recreation use, defined as a permanent facility for outdoor play or recreation, often containing recreational equipment and facilities intended to promote or enhance access to natural areas on land with preserved wildlife and natural features. Standards include:
  - a. In the AG-1 and AG-2 Districts, a minimum of 75 percent of the zoning lot must be dedicated to agricultural or passive undeveloped recreational areas, through an agricultural easement or similar legal entitlement acceptable to the DPP Director; and
  - b. Cabins are limited to one per acre, and must not have kitchens or wet bars.

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21. Adds a new ROH Section 21-5.70-9(d) to establish a zoo use, defined as a facility usually with indoor and outdoor settings, where animals live in captivity and are put on display for the public to view. Standards are the same as currently set forth in ROH Section 21-5.710.
22. Amends renumbered ROH Section 21-5.90-3 ("Transfer of development") to provide that:
  - a. For the transfer of development from donor zoning lots with a historic site to a receiving zoning lot, only floor area may be transferred, and all other requirements and standards applicable to the receiving zoning lot and its underlying zoning district remain in effect.
  - b. For the transfer of development from donor zoning lots within the special management area to a receiving zoning lot, only floor area or number of dwelling units may be transferred, and all other requirements and standards applicable to the receiving zoning lot and its underlying zoning district remain in effect.
  - c. The agreement running with the land for all donor and receiving zoning lots must remain in effect for a minimum of 60 years (instead of 30 years).
- D. In renumbered SECTION 12 of the bill, amends Table 21-3.2 ("Residential Districts Development Standards") to replace references to dwellings with single-unit, two-unit, and duplex-unit dwellings.
- E. In renumbered SECTION 24 of the bill, reflects the current language of ROH Section 21-4.110-1 ("Transient vacation units—Nonconforming use certificates"), as amended by Ordinance 22-7.
- F. In renumbered SECTION 25 of the bill, reflects the current language of ROH Section 21-4.110-2 ("Bed and breakfast homes—Nonconforming use certificates"), as amended by Ordinance 22-7.
- G. In renumbered SECTION 26 of the bill, amends Table 21-6.1 ("Minimum Off-Street Parking Ratios") to amend the commercial entry in the SPECIAL USES and CIRCUMSTANCES category to add nature-based recreation.

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- H. In renumbered SECTION 53 of the bill, sets forth the entire Section 21-9.80-4(d) (inadvertently truncated in the as-introduced bill) and makes conforming amendments.
- I. In renumbered SECTION 63 of the bill, amends the new definition of "household" to mean one or more natural persons, all related by blood, adoption, guardianship, marriage, or other duly authorized custodial relationship occupying a dwelling or lodging unit; or no more than five (instead of six) unrelated natural persons.
- J. Adds bill SECTIONS 65 through 77, to make conforming amendments throughout the ROH (other than in the LUO) to correct terminology that has been amended in LUO Article 5, and to correctly reference definition sections that have been moved from Section 21-10.1 to LUO Article 5. The affected ROH sections include:
  - 1. Bill SECTION 65 – ROH Section 8-7.1 ("Valuation—Considerations in fixing");
  - 2. Bill SECTION 66 – ROH Section 8-7.5 ("Certain property dedicated for residential use");
  - 3. Bill SECTION 67 – ROH Section 8-10.22 ("Exemption—Historic residential real property dedicated for preservation");
  - 4. Bill SECTION 68 – ROH Section 9-3.5 ("Food waste recycling");
  - 5. Bill SECTION 69 – ROH Section 10-1.7 ("Animals in public parks");
  - 6. Bill SECTION 70 – ROH Section 14-10.7 ("Waiver of wastewater system facility charges for accessory dwelling unit projects");
  - 7. Bill SECTION 71 – ROH Section 14-14.4 ("Permit fees");
  - 8. Bill SECTION 72 – ROH Section 15-29.1 ("Definitions");
  - 9. Bill SECTION 73 – ROH Section 16-15.1 ("Definitions");
  - 10. Bill SECTION 74 – ROH Section 22-7.5 ("Land area required for parks and playgrounds");
  - 11. Bill SECTION 75 – ROH Section 30-4.1 ("Definitions");



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- 12. Bill SECTION 76 – ROH Section 38-1.2 ("Definitions"); and
- 13. Bill SECTION 77 – ROH Section 38-1.3 ("Applicability");
- K. In SECTION 79 of the bill, provides that the ordinance takes effect upon its approval; provided that certain ROH sections that incorporate the provisions of Ordinance 22-7 (relating to transient accommodations) take effect on the same effective date as Ordinance 22-7; provided further that the amendments made to ROH Section 14-10.7 ("Waiver of wastewater system facility charges for accessory dwelling unit projects") do not affect the repeal date for that section under Ordinance 20-20.
- L. Makes miscellaneous technical and nonsubstantive amendments for purposes of Ramseyering, formatting, consistency, grammar, and style.

**INFORMATIONAL BRIEFING**

- 8. **UPDATE BY THE DEPARTMENT OF PLANNING AND PERMITTING REGARDING THE STATUS OF ALL PENDING LAND USE ORDINANCE AMENDMENTS, DEVELOPMENT PLANS AND SUSTAINABLE COMMUNITIES PLAN REVISION BILLS; AND ALL NEIGHBORHOOD TRANSIT-ORIENTED DEVELOPMENT PLANS AND REGULATIONS.**

BRANDON J.C. ELEFANTE, Chair  
Committee on Zoning and Planning