



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON PLANNING AND THE ECONOMY

Voting Members:

Esther Kia'aina, Chair
Radiant Cordero, Vice-Chair
Val A. Okimoto
Calvin K.Y. Say
Matt Weyer

THIS AGENDA SUPERSEDES THE AGENDA POSTED ON MARCH 24, 2023

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
THURSDAY, APRIL 6, 2023
9:00 A.M.

PUBLIC PARTICIPATION AND TESTIMONY

Pursuant to Section 92-3.7, Hawai'i Revised Statutes, 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> (2) by televised live broadcast on 'Ōlelo 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.

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

Remote Testimony

1. For direct access to submit oral testimony call: +1-253-215-8782, enter ID: **87520826144** and Passcode: **757816**
2. To testify by videoconference visit: <https://hnlidoc.ehawaii.gov/hnlidoc/testimony>. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to the meeting.

In-Person 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.

Oral testimony will be allowed when each agenda item is taken up in the following order:

- 1. In-person testimony in the Council Chamber;**
- 2. Remote testimony.**

WRITTEN TESTIMONY

Written testimony may be uploaded at <https://hnldoc.ehawaii.gov/hnldoc/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, email address and phone number, will be available to the public at <https://hnldoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-3119 or send an email to irene.limos@honolulu.gov.

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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 Committee meeting.

If you need an auxiliary aid/service or other accommodation due to a disability or an interpreter for a language other than English, please call the Office of the City Clerk Information Section at (808) 768-5822 between 7:45 a.m. and 4:30 p.m. or send an email to irene.limos@honolulu.gov at least three (3) business days before the scheduled meeting. It may not be possible to fulfill requests received after this date.

BILL 10 AMENDMENTS

"As it relates to item #1 below, the Chair of the Committee will be prioritizing discussion and amendments by land use type and accordingly will consider amendments to the following sections and provisions relating to commercial uses:

- Bill SECTION 3 – Table 21-5.1 (Use Table), commercial uses listed on pages 6 to 8;
- Bill SECTION 3 – ROH Section 21-5.70 *et seq.* (pages 35 to 74), commercial uses standards and requirements;
- Bill SECTION 64 – Table 21-9.6(A), (Waikiki Special District Precinct Permitted Uses and Structures), commercial uses listed on pages 177 to 178;
- Bill SECTIONS 70, 71, and 72 (pages 185 to 217) — ROH Section 21-10.1, commercial uses definitions; and
- Bill SECTIONS 4 through 69 (pages 86 to 184), and 73 through 93 (pages 217 to 249) — commercial uses conforming amendments."

FOR ACTION

1. **BILL 10 (2022), CD1 – LUO AMENDMENT RELATING TO USE REGULATIONS.**
Addressing the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 1990 ("Land Use Ordinance" or "LUO"). (Bill passed Second Reading and Public hearing held on 9/7/22; Committee amended to CD2 and postponed action on 3/2/23) (Current deadline for Council action: 5/27/23)

CD2 TO BILL 10 (2022), CD1 (Approved by the Committee on Planning and the Economy on March 2, 2023) – The CD2 (OCS2023-0233/3/16/2023 1:33 PM) makes the following amendments (highlighted yellow language in the summary reflects changes that were made at the March 2, 2023 meeting):

- A. Moves all definitions in SECTION 3 of the bill (LUO Article 5) to SECTIONS 70 and 71 of the bill (ROH § 21-10.1).
 1. Deletes ROH § 21-5.20 (g), which provides that the definitions set forth in the article apply throughout the chapter.

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2. Reformats and rennumbers LUO Article 5 accordingly, and conforms section text to reference use standards. For purposes of this summary, references to section numbers in Article 5 are references to the renumbered section numbers as they appear in the CD2 version of the bill.
 3. Makes conforming amendments to Table 21-5.1 (Use Table) to reference the correct ROH Section for standards applicable to specific land uses.
 4. Makes conforming amendments throughout the bill to reference the definitions in ROH § 21-10.1, and to reference the correct Article 5 section numbers.
- B. In SECTION 3 of the bill, amends Table 21-5.1 as follows:
1. In the table legend:
 - a. Adds a "+" symbol and footnote 1 to denote that a special use permit approved by the Planning Commission is required prior to seeking permits or approvals from the director or the City Council.
 - b. Adds an "Ac" symbol to denote an accessory use subject to standards.
 - c. Adds a footnote 2 to indicate that if there is more than one symbol, all symbols apply.
 2. Deletes the minor composing and major composing entries.
 3. Deletes the community garden entry.
 4. In the feed store entry, replaces "P*" with "P*+" in the AG-1 and AG-2 Districts.
 5. In the livestock veterinary service entry, replaces "P" with "P+" in the AG-1 and AG-2 Districts.

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6. In the agricultural energy facility entry, replaces "P*" with "P*+" in the AG-1 and AG-2 Districts.
7. In the agritourism entry, replaces "C*" with "C*+" in the AG-1 and AG-2 Districts.
8. In the small group living entry, deletes "C*" in the AG-1 District, and replaces "C*" with "C*+" in the AG-2 District.
9. In the large group living entry, deletes "C*" in the AG-1 District, and replaces "C*" with "C*+" in the AG-2 District.
10. Deletes the family child care home entry.
11. Deletes the poultry raising entry.
12. Deletes the teacher and workforce housing entry.
13. Deletes the community recreation center entry.
14. Deletes the convention center, concert, or sporting venue entry.
15. In the small meeting facility entry, deletes "C*" in the AG-1 District; replaces "C*" with "Cm*+" in the AG-2 District; deletes "P*" in the I-1 and I-2 Districts; replaces "C*" with "Cm*" in the Country District; and replaces "P" with "Cm*" in the Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Districts.
16. In the medium meeting facility entry, deletes "C*" in the AG-1 District; replaces "C*" with "Cm*+" in the AG-2 District; deletes "Cm*" in the I-1 and I-2 Districts; and replaces "Cm" with "C*" in the Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Districts.
17. In the large meeting facility entry, replaces "C" with "PRU" in the Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Districts.
18. In the K-12 school entry, deletes "C*" in the AG-1 District, and replaces "C*" with "C*+" in the AG-2 District.

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19. In the university, college entry, replaces "PRU" with "PRU+" in the AG-1 and AG-2 Districts.
20. In the prison entry, replaces "PRU" with "PRU+" in the AG-1 and AG-2 Districts.
21. In the public facility entry, replaces "P" with "P+" in the AG-1 and AG-2 Districts.
22. In the cemetery entry, replaces "Cm*" with "PRU+" in the AG-2 District.
23. In the child daycare entry, deletes "C*" in the AG-1 District; replaces "C*" with "C*+" in the AG-2 District; and deletes "P" in the I-1 and I-2 Districts.
24. In the adult daycare entry, deletes "C*" in the AG-1 District; replaces "C*" with "C*+" in the AG-2 District; and deletes "P" in the I-1 and I-2 Districts.
25. In the minor bar, nightclub entry, replaces "P*" with "P" in the B-2, BMX-3, BMX-4, I-1 and IMX-1 Districts (there are no standards for minor bar and nightclub).
26. In the major bar, nightclub entry, replaces "P*" with "P" in the B-2, BMX-4, and IMX-1 Districts (there are no standards for major bar and nightclub).
27. In the minor hotel entry, replaces "P" with "Cm*" in the Resort and BMX-3 Districts; replaces "C*" with "Cm*" in the IMX-1 District; and deletes "Cm*" in the I-2 District.
28. In the major hotel entry, replaces "P" with "C*" in the Resort and BMX-3 Districts, and deletes "Cm*" in the I-2 District.
29. In the hospital entry, replaces "PRU" with "PRU+" in the AG-1 and AG-2 Districts.

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30. In the major animal care entry, replaces "P*" with "P*+" in the AG-2 District.
31. Deletes the wedding services entry.
32. In the general outdoor recreation entry, adds "C*" in the BMX-3 District.
33. Deletes the nature-based recreation entry.
34. In the zoo entry, replaces "C*" with "PRU" in the P-2 District, and replaces "C*" with "PRU+" in the AG-2 District.
35. In the small general retail entry, deletes "C*" in the residential and apartment zoning districts, and deletes "P" in the industrial zoning districts.
36. In the medium general retail entry, deletes "P" in the I-1 and I-2 Districts.
37. In the large general retail entry, deletes "P" in the I-1 and I-2 Districts.
38. Deletes the alternative financial entry.
39. Deletes the service vehicle repair entry, light vehicle repair entry, and heavy vehicle repair entry.
40. In the light vehicle sales and rental entry, replaces the "P*" with a "P" in the B-2, BMX-3, BMX-4, and IMX-1 Districts (there are no standards for light vehicle sales and rental).
41. Deletes the caretaker unit entry.
42. Deletes the accessory retail entry.
43. In the general repair entry, replaces "P*" with "P" in the AMX-1, AMX-2, and AMX-3 Districts (there are no standards for general repair).

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44. Adds a new vehicle service entry, with "P*" in the B-1, B-2, BMX-3, BMX-4, I-1, I-2, I-3, and IMX-1 Districts.
45. In the waste disposal and processing entry, replace "C*" with "C*+" in the AG-2 District.
46. In the heliport entry, replaces "P" with "P*" in the I-2 District.
47. In the multimodal facility entry, amends the standards reference to § 21-5.80-6(d) (instead of Sec. 21-5.80-6(c)).
48. In the helistop entry:
 - a. Replaces "C*" with "Ac*+, C" in the AG-1 and AG-2 Districts.
 - b. Replaces "C*" with "Ac*, C" in the Resort, B-2, BMX-3, BMX-4, I-1, and IMX-1 Districts.
 - c. Replaces "P*" with "Ac*" in the I-2 and I-3 Districts.

C. In SECTION 3 of the bill:

1. Amends ROH § 21-5.10 (relating to purpose and intent) to clarify that Article 5 identifies permissible land uses and the conditions in which they may be conducted, and imposes development standards and use restrictions to mitigate and prevent disruptive community impacts.
2. Amends ROH § 21-5.20(c)(3) (relating to a land use that is not permitted in Table 21-5.1) to require a special use permit approved by the director (instead of a minor conditional use permit).
3. Amends ROH § 21-5.20(d) (relating to specific development standards) to clarify that uses subject to use-specific development standards must comply with the general development standards of the underlying zoning district and the use specific standards in Article 5. If there is a conflict between the underlying zoning district standards and the Article 5 standards, the more stringent requirements will apply.

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4. Deletes ROH § 21-5.40-1(a) (relating to composting).
5. Deletes ROH § 21-5.40-1(b) (relating to community garden). Realphabetizes subsequent subsections accordingly.
6. Amends realphabetized ROH § 21-5.40-1(a) (relating to urban agriculture) to address specific use impacts (hours of operation, onsite sales, prohibiting livestock and insects, signs, off-street parking, pedestrian walkways, and electricity requirements).
7. Amends realphabetized ROH § 21-5.40-1(b) (relating to vertical farm) to clarify that in the agricultural zoning districts, vertical farms are only permitted on lands with soils that are rated poor (D or worse).
8. Amends ROH § 21-5.40-4(a) (relating to agricultural-energy facility) to provide that a minimum of 90 percent of (instead of the primary) activity on the zoning lot must be crop production or livestock keeping (required by HRS Chapter 205).
9. Amends ROH § 21-5.40(b) (relating to agritourism) by:
 - a. Amending ROH § 21-5.40-4(b)(1) to provide that at least 51 percent (instead of 50 percent) of the activity on the zoning lot must be crop production or livestock keeping (required by HRS Chapter 205).
 - b. Combining and amending ROH § 21-5.40-4(b)(2) and (3) to provide that activities and improvements on the property may not diminish the long-term agricultural potential of the land, and improvements on the land used for agritourism must be capable of removal without unreasonable cost or effort. Renumbers subsequent subdivisions accordingly.

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- c. Amending renumbered ROH § 21-5.40-4(b)(5) to require a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping.
 - d. Amending ROH § 21-5.40-4(b)(6) (relating to agritourism weddings) to delete paragraphs (B), (C), and (D), relating to limits on the number of events per week, attendance limits per event, and parking requirements.
 - e. Adds a new ROH § 21-5.40-4(b)(7) to include bus, jeep, or off-road vehicle tours as an agritourism use, with standards that include an agricultural educational purpose, and prohibiting the tours from interfering with surrounding farm operations.
- 10. Amends ROH § 21-5.40-4(c)(2) (relating to beekeeping) to limit a beehive to 7 cubic feet in volume.
- 11. Amends § 21-5.40-4(d)(1) to provide that for biofuel processing facilities located in the agricultural or preservation zoning districts, the dominant feed stock must be grown onsite, with the exception of feedstocks sourced from waste or invasive species (instead of requiring that all energy feedstocks be grown onsite).
- 12. Amends ROH § 21-5.40-4(e)(1) (relating to farm dwellings) by:
 - a. Amending ROH § 21-5.40-4(e)(1) to require a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping; and
 - b. Deleting standards in ROH § 21-5.40-4(e)(6) and (7) (which prohibited farm dwellings as accessory to certain uses).

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13. Amends ROH § 21-5.40-4(f) (relating to farm stand) by:
 - a. Deleting ROH § 21-5.40-4(f)(3) (which required farm stands to be located on private property); and
 - b. Adding standards to address safety issues (minimum 5-foot setback, parking, and vehicular access).
14. Amends ROH § 21-5.40-4(h) (relating to agricultural farmers market) by:
 - a. Deleting ROH §§ 21-5.40-4(h)(1), (2), (3), and (4) (structures for agricultural products, finished foods, and non-food items); and renumbering subsequent subdivisions accordingly; and
 - b. Amending renumbered ROH § 21-5.40-4(h)(3) to require a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping.
15. Amends ROH § 21-5.50-1(a) (relating to duplex-unit dwelling) to delete the provision stating that a duplex-unit dwelling does not require a demising wall.
16. Amends ROH § 21-5.50-1(c) (relating to multi-unit dwellings) by:
 - a. Permitting multi-unit dwellings in the B-1 and B-2 Districts within the Primary Urban Center Development Plan and Ewa Development Plan areas only (instead of above the ground floor island-wide, and as stand-alone structures in the neighborhood TOD plan areas); provided certain requirements are satisfied;

- b. Providing that all residential uses and occupancies must be located on consecutive floors located above all non-residential uses (instead of above the ground floor), prohibit non-residential uses and residential uses from being located on the same floor, and require 20 percent of the floor area in the multi-unit dwelling (FAR of 0.2) to be dedicated to nonresidential uses that are permitted in the underlying zoning district; and
 - c. Amending one of the requirements for stand-alone multi-unit dwellings in the B-1 and B-2 Districts to provide that the zoning lot must have a minimum nonresidential floor area ratio of 0.2 (instead of 0.3).
- 17. Amends ROH § 21-5.50-2(a)(2) (relating to small group living) to require that in the AG-2 District (no longer permitted in the AG-1 District), a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping.
- 18. Amends ROH § 21.5.50-2(b) (relating to large group living) by:
 - a. Deleting ROH §§ 21-5.50-2(b)(1), (2), and (3) (relating to State licensing, required distance between large group living facilities, and special needs housing for the elderly); and renumbering subsequent subdivisions accordingly;
 - b. Amending renumbered ROH § 21-5.50-2(b)(1) to require that in the AG-2 District (no longer permitted in the AG-1 District), a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping; and

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- c. Adding new standards relating to access roads, minimum parking requirements, visual screening and buffering, cumulative adverse impacts, and compliance with the federal Fair Housing Act and similar laws.
- 19. Amends ROH § 21-5.50-3(a) (relating to accessory dwelling unit) by:
 - a. Deleting ROH § 21-5.50-3(a)(2) (ADU advertisements); and renumbering subsequent subdivisions accordingly; and
 - b. Amending renumbered ROH § 21-5.50-3(a)(2) to delete paragraphs (A) and (B) (written confirmation of adequate infrastructure and after-the-fact building permits for ADUs constructed without a building permit prior to September 14, 2015); and realphabetizing subsequent paragraphs accordingly.
- 20. Deletes ROH § 21-5.50-3(b) (relating to family child care home). Realphabetizes subsequent subsections accordingly.
- 21. Amends realphabetized ROH § 21-5.50-3(b) (relating to home occupation) by:
 - a. Amending ROH § 21-5.50-3(b)(1) to provide that the home occupation must be clearly incidental and subordinate to use of the dwelling unit and zoning lot for residential living, the exterior of the dwelling or zoning lot must not be significantly changed, the home occupation must not cause noise and obnoxious odors that may be detected from abutting streets and sidewalks, and the home occupation must not cause adverse impacts;
 - b. Amending ROH § 21-5.50-3(b)(2) to add home-based childcare, home offices, and personal and professional services as permitted home occupations; and clarifying that for the grooming and occasional boarding of animals, no more than three animals that are not household pets are permitted on the property at any given time;

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- c. Amending ROH § 21-5.50-3(b)(3) to delete the prohibition on providing care, treatment, or boarding of animals as a home occupation; and
 - d. Amending ROH § 21-5.50-3(b)(5) to clarify that the parking requirement of one off-street parking space for every five clients on the property at any given time is calculated as requiring one off-street parking for the first five clients and one additional off-street parking for every fractional increment up to five thereafter; and provide that if residents of multi-unit dwellings fulfill their parking requirements using guest parking, it must be allowed by the multi-unit dwelling's rules and regulations.
- 22. Deletes former ROH § 21-5.50-3(e) (relating to poultry raising).
- 23. Deletes former ROH § 21-5.50-3(g) (relating to teacher and workforce housing).
- 24. Deletes ROH § 21-5.60-1(a) (relating to community recreation center).
- 25. Deletes ROH § 5.60-1(b) (relating to convention center, concert, or sporting venue). Realphabetizes subsequent subsections accordingly.
- 26. Amends realphabetized ROH § 21-5.60-1(a) (relating to meeting facilities) by:
 - a. Amending ROH § 21-5.60-1(a)(1) to require that in the AG-2 District (no longer permitted in the AG-1 District), a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping; and

- b. Replacing all other standards with new standards that apply to small, medium, and large meeting facilities (event management plan, noise and odor, emergency vehicle ingress and egress, outdoor lighting, and parking surfaces).
- 27. Amends ROH § 21-5.60-2(b) (relating to communication tower) to be consistent with the federal Telecommunications Act of 1996 (setbacks, fencing enclosures, monotree design in the residential zoning district, and a minor CUP requirement in the industrial zoning districts if adjacent to any zoning lot in the residential, apartment, or apartment mixed use zoning districts).
- 28. Delete ROH § 21-5.60-2(c)(4) (relating to alternative communication support structure federal eligible facilities requests).
- 29. Amends ROH § 21-5.60-3(a)(5) (relating to K-12 schools) to require that in the AG-2 District (no longer permitted in the AG-1 District), a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping.
- 30. Amends ROH § 21-5.60-5(a) (relating to cemetery) to provide that:
 - a. In the AG-2 District (instead of all zoning districts where cemeteries are permitted), burials are prohibited within 50 feet from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed use zoning districts (instead of 50 feet from all cemetery boundaries); and
 - b. In the AG-2 District (instead of all zoning districts where cemeteries are permitted), a minimum 50-foot landscaped buffer is required from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed use zoning districts.

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31. Amends ROH § 21-5.60-6(a)(3) (relating to small utility) to provide that a wind energy generation facility is considered a small utility if it is located within the agricultural, residential, apartment, apartment mixed use, business, business mixed use, resort, or preservation zoning districts and has a rated capacity of no more than 15 kilowatts.
32. Amends ROH § 21-5.60-6(b)(3) (relating to medium utility) to provide that a wind energy generation facility is considered a medium utility if it is located within the agricultural, country, industrial, or industrial mixed use zoning districts, and has a rated capacity of no more than 99 kilowatts (instead of up to 100 kilowatts).
33. Amends ROH § 21-5.60-6(c)(2)(E) (relating to large wind energy generation) to provide that:
 - a. Large wind energy generation facilities must be set back from all property lines a minimum distance equal to the height of the facility; and a minimum distance of 1.25 miles (instead of 1 mile) from the property lines of any zoning lot located in the country, residential, apartment, apartment mixed use, or resort zoning districts; and
 - b. The setback requirements only apply to new large wind energy generation facilities, and do not apply to the repair, maintenance, or component replacement of any existing facility covered by a power purchase contract with an electric public utility during the term of the contract (and any renewal or extension thereof).
34. Amends ROH § 21-5.70-1(a)(3) (relating to child daycare) to require that in the AG-2 District (no longer permitted in the AG-1 District) a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping.

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35. Amends ROH § 21-5.70-1(b) (relating to adult daycare) to require that in the AG-2 District (no longer permitted in the AG-1 District) a minimum of 50 percent of the zoning lot area suitable for crop production or livestock keeping (instead of 50 percent of the total zoning lot area) be dedicated to crop production or livestock keeping; and provide that the DPP Director may adopt rules to determine the zoning lot area considered to be suitable for crop production or livestock keeping.
36. Amends ROH § 21-5.70-2(b) (relating to bar, nightclub), to delete provisions that required a setback of a minimum of 300 feet from any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning district, and add provisions allowing the DPP Director to require the mitigation of impacts from noise, odor, or glare.
37. Amends ROH § 21-5.70-3(a)(2)(C)(i) (relating to bed and breakfast home and transient vacation unit) to clarify that carbon monoxide detectors are required if the room being used for transient occupant sleeping accommodations and the connected hallway are served by natural gas, propane, or other combustible gas.
38. Amends ROH § 21-5.70-3(b)(1) (relating to minor hotels) by:
 - a. Adding Figures 21-5.4, 21-5.4(1) through 21-5.4(9), and 21-5.5 to designate the areas in the BMX-3 and IMX-1 Districts where minor hotels are permitted; and
 - b. Adding new standards (24-hour front desk and housekeeping services, prohibiting facilities for conventions or special events, and guest rooms must be available for transient accommodations for a minimum of 275 days per year).
39. Amends ROH § 21-5.70-3(b)(2) (relating to major hotels) by:
 - a. Adding Figures 21-5.4, 21-5.4(1) through 21-5.4(9), and 21-5.5 to designate the areas in the BMX-3 and IMX-1 Districts where major hotels are permitted; and

- b. Adding new standards (lobby, 24-hour front desk, housekeeping services, and valet and valet services; guest rooms must be available for transient accommodations for a minimum of 275 days per year; and the architectural style, landscaping, and site design must reflect a Hawaii sense of place or be consistent with the character of the surrounding community).
- 40. Amends ROH § 21-5.70-3(c) (relating to timeshares) to add Figure 21-5.6 to designate the areas located within the A-1 and A-2 Districts in close proximity to the Ko Olina Resort where timeshares are permitted, and Figure 21-5.7 to designate the area located within the A-1 District in close proximity to the Turtle Bay Resort where timeshares are permitted.
- 41. Amends ROH § 21-5.70-6(a) (relating to remote parking) to add standards (marked parking spaces and an all-weather surface, the DPP Director's approval of a site plan for facilities that serve five or more vehicles, and the DPP Director's approval of a spill management plan for facilities that serve 20 or more vehicles and facilities used to accommodate vehicles that transport hazardous waste).
- 42. Amends ROH § 21-5.70-6(b) (relating to commercial parking) to delete setback requirements, and add standards (marked parking spaces and an all-weather surface, and the DPP Director's approval of a site plan and spill management plan).
- 43. Amends ROH § 21-5.70-7(b) (relating to minor and major animal care) to replace standards with standards that address the number of animals that may be cared for, ensure that animals are provided a safe environment, and address noise and odors.
- 44. Deletes ROH § 21-5.70-7 (c) (relating to wedding services).
- 45. Deletes ROH § 21-5.70-8(a) (relating to general outdoor recreation). Requirements and conditions will be based on the scope and impacts of specific general outdoor recreation uses via a CUP. Realphabetizes subsequent subsections accordingly.

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46. Deletes former ROH § 21-5.70-8(c) (relating to nature-based recreation). Realphabetizes the subsequent subsection accordingly.
47. Amends realphabetized ROH § 21-5.70-8(b) (relating to zoo) to delete the zoo standards and instead require a PRU.
48. Amends ROH § 21-5.70-9(a)(1) (relating to small general retail) to delete standards for small general retail in the residential, apartment, and industrial zoning districts (no longer permitted in those zoning districts).
49. Deletes ROH § 21-5.70-9(b) (relating to alternative financial services). Realphabetizes the subsequent subsection accordingly.
50. Deletes ROH § 21-5.70-10(b) (relating to vehicle fueling station).
51. Deletes former ROH § 21-5.70-10(c) (relating to vehicle repair). Vehicle repair will fall within the heavy repair use in the industrial uses category, and a new vehicle service use will be added to the industrial use category.
52. Deletes ROH § 21-5.70-11(a) (relating to caretaker unit). Realphabetizes the subsequent subsection accordingly.
53. Deletes former ROH § 21-5.70-11(c) (relating to accessory retail).
54. Amends ROH § 21-5.80-2(a)(1) (relating to minor general marine) by:
 - a. Referring to the preservation zoning district (instead of the State land use preservation district, as there is no State land use preservation classification); and
 - b. Deleting the standard requiring small engine and minor boat repair to be within a fully enclosed, noise-attenuated structure.
55. Deletes ROH § 21-5.80-3(a) (relating to general repair standards). General repair uses have minimal impacts. Realphabetizes the subsequent subsection accordingly.

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56. Adds a new ROH § 21-5.80-3(b) (relating to vehicle service) to provide that all activities conducted within 300 feet from the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed use zoning district are limited to the hours between 6:00 a.m. to 10:00 p.m.
57. Amends ROH § 21-5.80-5(a) (relating to self-storage) by:
 - a. Amending ROH § 21-5.80-5(a)(1) to provide that no individual self-storage area may exceed 6,000 (instead of 3,600) cubic feet in volume;
 - b. Amending ROH § 21-5.80-5(a)(3) to provide that storage spaces may not be used for activities other than the storage of personal property; and
 - c. Deleting ROH § 21-5.80-5(a)(4), relating to underground storage.
58. Adds a new ROH § 21-5.80-6(c) to add heliport standards to limit the number of operations, time of operations, and size of the rotorcraft using the heliport facilities (with exceptions for emergency medical operations and search and rescue operations). Realphabetizes the subsequent subsection.
59. Amends ROH § 21-5.80-8(a), relating to helistop standards, to limit the number of operations, time of operations, and size of the rotorcraft using the helistop facilities (with exceptions for emergency medical operations and search and rescue operations).
60. Amends ROH § 21-5.90-2 (relating to transfer of development) to delete all provisions relating to the transfer of development (floor area or number of dwellings) from a donor zoning lot located within the special management area to a qualified receiving zoning lot. Retains all provisions relating to the transfer of development (floor area) from a donor zoning lot with a historic site, building, or structure to a qualified receiving zoning lot.

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- D. In SECTION 4 of the bill, amends ROH § 21-2.40-1(b)(5) to delete an erroneous reference to minor hotels in the B-1 or B-2 Districts (under Table 21-5.1, minor hotels are not permitted in the B-1 and B-2 Districts).
- E. Adds additional conforming amendments to various ROH §§ throughout the bill to conform with new terms being added, deleted, and amended, and renumbers SECTIONS of the bill accordingly.
- F. Adds a new SECTION 7 of the bill to amend ROH § 21-2.110 ("Exceptions") to reference new ROH § 21-2.110-4 (relating to special use permits) as an exception to the major or minor permit process.
- G. Adds a new SECTION 8 of the bill to add a new ROH § 21-2.110-4 to set forth procedures for the DPP Director to process a special use permit, and guidelines for the DPP Director's approval and issuance of a special use permit. Renumbers subsequent bill SECTIONS accordingly.
- H. In renumbered SECTION 25 of the bill, makes amendments to conform to the amendments made by Ordinance 22-28 (relating to height limits for rooftop structures).
- I. In renumbered SECTION 64 of the bill, corrects an error in the home occupation entry in Table 21-9.6(A) ("Waikiki Special District Precinct Permitted Uses and Structures") by replacing "Ac" with "P*" (instead of "P") in the apartment and resort mixed use precincts.
- J. In renumbered SECTION 70 of the bill:
 - 1. Amends the definition of "agricultural processing" (formerly minor agricultural products processing) to provide that in the agricultural zoning districts, minor agricultural processing includes the processing of crops to produce malt beverages, distilled spirits, or wines.
 - 2. Deletes the definition of "composting, minor and major."
 - 3. Amends the definition of "crop raising" (formerly crop production) to include cultivating crops with hydroponics and aquaponics.

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4. Amends the definition of "daycare, adult" to mean the use of a building or property other than a dwelling unit or medical facility to provide supervision and care to adults who need supervision or assisted living services. The term does not include overnight stays and 24-hour care.
5. Amends the definition of "daycare, child" to mean the use of a building or property other than a dwelling unit, public school, or medical facility to provide supervision and care for seven or more individuals under 18 years of age. Refers to home-based childcare (instead of family child care home).
6. Amends the definition of "duplex-unit dwelling" to clarify the definition.
7. Amends the definition of "dwelling unit" to clarify the definition.
8. Amends the definition of "dwelling, multi-unit" to clarify the definition.
9. Deletes the new definition of "family child care home," and retains and amends the existing definition of "home-based childcare" as a home occupation (instead of the definition proposed in the bill).
10. Amends the definition of "farm dwelling" to mean a dwelling unit that is accessory to a principal agricultural use on the same zoning lot other than open space, forestry, or the boarding and care of animals.
11. Amends the definition of "group living, large" to refer the occupancy of a dwelling unit by to nine or more residents who do not meet the definition of "family."
12. Amends the definition of "group living, small" to refer to the occupancy of a dwelling unit by six to eight residents who do not meet the definition of "family."
13. Amends the definition of "helistop" to delete the last sentence, which reads "The term includes but is not limited to the commercial use of a drone."

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14. Retains and amends the existing definition of "home occupation" (instead of the definition proposed in the bill).
15. Amends the definition of "hotel" to mean a building containing guest rooms that are offered and used for the provision of overnight accommodations to transient guests. The term does not include dwelling units or activities that are prohibited in the zoning district. A minor hotel contains less than 180 guest rooms or less than 2,000 square feet of floor area dedicated to meeting facilities, and a major hotel contains 180 or more guest rooms or 2,000 square feet or more of floor area dedicated to meeting facilities.
16. Amends the definition of "household," to revert back to the term "family."
17. Amends the definition of "meeting facility" to mean a principal use involving periodic gatherings or assemblies of individuals on private property for a common purpose not accessory to a permitted principal use. Provides that the DPP Director may liberally construe accessory uses outside of the agricultural zoning districts. Clarifies the capacity requirements for small, medium, or large meeting facilities.
18. Amends the definition of "recreation, general outdoor" to mean facilities for outdoor recreation or entertainment and related activities. Adds examples of activities that the term includes, and activities that the term does not include.
19. Amends the definition of "repair, general" to mean the repair of household appliances, upholstery, repair of non-motorized bicycles, shoe and garment repair, clock repair, repair and production of prosthetic devices, and general fix-it repair that does not require the use of tools or equipment that generate significant noise.

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20. Amends the definition of "repair, heavy" to mean the repair of industrial machinery, heavy equipment, engines and motors, vehicle repair exceeding activities permitted under the vehicle service use, blacksmithing, furniture repair and other repair activities not permitted under general repair and requiring an industrial wastewater discharge permit.
21. Amends the definition of "timeshare" to mean the use or occupancy of a timeshare unit, as defined in HRS § 514E-1, or any successor statute.

K. In renumbered SECTION 71 of the bill:

1. Moves the definition of "accessory" to renumbered SECTION 70 of the bill.
2. Amends the definition of "agricultural farmers market" to clarify that the term means an outdoor market for the sale of agricultural products grown on Oahu and value-added products that were produced using agricultural products grown on Oahu by the producers of the agricultural products. The term does not include outdoor markets and similar uses conducted outside of the agricultural zoning districts.
3. Deletes the definition of "alternative financial service."
4. Amends the definition of "animal care" to mean providing medical care, grooming, training, or boarding services to household pets as a principal use. Distinguishes between minor versus major animal care by whether overnight boarding is provided.
5. Amends the definition of "bar, nightclub" to distinguish between minor versus major bar or nightclub by the type of liquor license held by the establishment (regular or cabaret liquor license).

6. Amends the definition of "brewery, distillery, winery" to provide that:
 - a. Minor is the production of a maximum of 10,000 (instead of 5,000) barrels per year; and major is the production of more than 10,000 (instead of 5,000) barrels per year; and
 - b. The term does not include facilities that fall within the agricultural processing use or establishments that fall within the bar, nightclub use.
 - c. Provides that the onsite or off-site consumption of malt beverages, distilled spirits, or wine is determined by the type of liquor license obtained from the Honolulu Liquor Commission.
 - d. For minor brewery, distillery, winery, provides that the term includes guided tours and free tastings of malt beverages, distilled spirits, or wine produced onsite.
7. Deletes the definition of "community garden."
8. Deletes the definition of "caretaker unit."
9. Moves the definition of "communication tower" to renumbered SECTION 70 of the bill.
10. Amends the definition of "dwelling, single-unit" to mean a detached building containing one dwelling unit that is used exclusively by one family for non-transient residential living and permissible accessory uses.
11. Amends the definition of "dwelling, two-unit" to add that use of a two-unit dwelling is the occupancy of each dwelling unit in the two-unit dwelling by one family for non-transient, residential purposes and permissible accessory uses.
12. Amends the definition of "eating and drinking, general" to mean the sale of food and nonalcoholic beverages for consumption as a principal use.

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13. Amends the definition of "farm worker housing" to mean dwelling units that are accessory to an active principal agricultural use other than open space, forestry, or the boarding and care of animals, and used exclusively to house employees of agricultural operations and their family members.
14. Amends the definition of "livestock veterinary service" to mean providing veterinary services to livestock and domesticated animals.
15. Deletes the definition of "nature-based recreation."
16. Amends the definition of "parking, remote" to mean the use of a zoning lot to provide parking for vehicles to support a principal use occurring on a different zoning lot.
17. Deletes the definition of "poultry-raising."
18. Deletes the definition of "retail, accessory."
19. Deletes the definition of "teacher and workforce housing."
20. Amends the definition of "urban agriculture" to mean crop raising and related agricultural activities conducted as a principal or predominant land use outside of the agricultural and country zoning districts. The term includes vertical farming operations located outside of the agricultural district.
21. Deletes the definition of "vehicle repair" (service, light, and heavy).
22. Adds a new definition of "vehicle service" to mean the routine service and maintenance of vehicles limited to the replacement of fluids and minor parts such as brakes, tires, windows, filters, mirrors, and accessories. The term does not include body and fender repair, painting, repair or replacement of powertrain components other than tires, or other significant work.
23. Deletes the definition of "wedding services."

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24. Amends the definition of "zoo" to clarify that the term does not include government facilities, uses involving the display of live animals for sale or adoption, or displays that are accessory to principal commercial or hotel use.
- L. In renumbered SECTION 72 of the bill, removes the deletion of the definition of "receive-only antennas" (the definition of "receive-only antennas" is amended in SECTION 70 of the bill).
- M. Makes miscellaneous technical and nonsubstantive amendments, which include, but are not limited to, updating the provisions of the bill to reflect ROH 2021 as opposed to ROH 1990.

Related communications:

- CC-75 Councilmember Kia'āina, Instructions for Amendments to Commercial Uses in Bill 10 (2022), CD1.
- CC-86 Councilmember Weyer, Submitting Proposed Amendments to Bill 10 (2022), CD1 – Commercial Uses.
- CC-87 Council Chair Waters, Submitting Proposed Amendments to Bill 10 (2022), CD1 – Commercial Uses.
- CC-95 Councilmember Kia'āina, Responses to CC-86 (proposed by Councilmember Weyer) and CC-87 (proposed by Council Chair Waters) Re Commercial Uses in Bill 10 (2022), CD1.
- CC-97 Councilmember Kia'āina, Updated Proposed Amendments to Industrial & Commercial Uses in Bill 10 (2022), CD1, to Supersede CC-88 (2023).

INFORMATIONAL BRIEFING

2. **UPDATE FROM THE DEPARTMENT OF PLANNING AND PERMITTING ON BUILDING PERMIT PROCESS BACKLOG.**
3. **UPDATE FROM THE DEPARTMENT OF PLANNING AND PERMITTING ON DEVELOPMENT AND SUSTAINABLE COMMUNITIES PLAN SCHEDULE AND TRANSIT-ORIENTED DEVELOPMENT PLANS AND ZONING STATUS.**
4. **UPDATE ON THE ALLOCATION AND USE OF AMERICAN RESCUE PLAN ACT FISCAL RECOVERY FUNDS, INCLUDING PROJECTS IDENTIFIED AS “NOT VIABLE” IN MAYOR’S MESSAGE 59 (2023).**

ESTHER KIA‘ĀINA, Chair
Committee on Planning and the Economy