

**BILL010(22)**  
**Testimony**

**MISC. COMM. 134**

PLANNING AND THE ECONOMY (P&E)

## **PLANNING AND THE ECONOMY (P&E) Meeting**

Meeting Date: Apr 6, 2023 @ 09:00 AM

Support: 5

Oppose: 8

I wish to comment: 12

Name: Hoku Lee	Email: Leewardsea@gmail.com	Zip: 96822
Representing: Self	Position: Oppose	Submitted: Mar 24, 2023 @ 09:23 PM
<p>Testimony:</p> <p>I'm opposed to Bill 10 for so many reasons, but mostly because this will cause financial hardships for many families. I think this is an assault on small, local farmers and the agriculture industry as a whole. Isn't it our goal in Hawaii to be more self sufficient? How can we do that by limiting bees (that we need for plant pollination) and requiring families to put 50% of their AG land into crop production w/o the state offering financial help to do so? Will that ultimately lead to families getting kicked off their properties and out of their homes that they lived in for many years? How will they afford these new regulations? Will this create more homelessness? There's so many horrible things about this bill. It's NOT for the benefit of the people. It seems like this could only be a good thing for big corporations and corrupt lawmakers. Say no to bill 10.</p>		
Name: Jessie Makainai	Email: mrs.makainai@gmail.com	Zip: 96744
Representing: Self	Position: Oppose	Submitted: Mar 26, 2023 @ 04:45 PM
<p>Testimony:</p> <p>As a generational descendant stemming from Waikne before the overthrow, and a current Kahaluu Resident raising the 7th traceable generation of my family's line, I vehemently oppose Bill 10. What is the council's suggestion to surrender the hens and livestock we already maintain for those of us that live on country and ag zoned lots? Shall we bring them to your office? Will you euthanize the animals who we raised from hatchlings alongside our own children? Perhaps our neighbors should bring their horses and their cows to the courtyard at Honolulu Hale, and you "clean handed" politicians can figure out what to do with them since you think you can dictate how generational country people live. Uncle Tommy, seriously? It's not enough already? Who is this bill benefitting financially? Or is your goal to starve those of us who know how to feed ourselves? What will be next? Will we no longer be allowed to Kanu maia or kalo? I hope you are not in alignment with this hewa legislation Councilman Weyer. Many of your constituents have reached out to me and are completely outraged. Do the right thing, vote NO to Bill 10, and go use your time more wisely to hold the military accountable for poisoning our water table.</p>		
Name: Avianna Salvio	Email: aviannasalvio@gmail.com	Zip: 96712
Representing: Self	Position: Oppose	Submitted: Mar 27, 2023 @ 07:40 PM
<p>Testimony:</p> <p>This bill is completely ridiculous! we live in country and Ag-land zoning for a reason! This is our livelihood, and you're just trying to take back our ina more and more! What do you expect us to do with our animals? Where else do we put them? We should at least have the right to keep our pets and animals on our properties especially in country zoning! Please do not pass this bill. This will destroy so many lives of family and friends, that we know! For once support the people and not just the visitors or newcomers that aren't used to our way of life!!! He mea hilahila kia and shame on all of you for even proposing this bill! We just want to live our life's like we have been for many years don't go destroying that just cuz you think it's convenient! We beg you with all our hearts SAY NO TO BILL 10! Mahalo</p>		
Name: Tonic Bille	Email: bbtvu2@aol.com	Zip: 96734
Representing: Self	Position: Oppose	Submitted: Mar 27, 2023 @ 09:23 PM
<p>Testimony:</p> <p>Bill 10 has short term rentals changed from 30 days to 90 days, a change that would wrongfully harm not only property owners and their management businesses, but also the traveling military and healthcare workers that rely on limited leases.  . Bill 10 limits the zoning districts for rental units, automatically making many of the preexisting units nonconforming.  On Oct 5, 2019 — Operators of "30-day" vacation rentals on Oahu will continue to do business under a settlement agreement approved by U.S. Judge Watson...Do not ignore the settlement!</p>		
Name: AUSTIN SALCEDO	Email: salcedoa001@hawaii.rr.com	Zip: 96792

Representing: Self	Position: Oppose	Submitted: Mar 28, 2023 @ 01:29 PM
Testimony: I protest and opposed this Bill 10 for Rights be given to Landowners of Rural Community area's and Self Sustainable way of living. All other related comments will be presented in person.		
Name: gina salcedo	Email: aginasalcedo@gmail.com	Zip: 96792
Representing: Self	Position: Oppose	Submitted: Mar 28, 2023 @ 01:38 PM
Testimony: I protest and opposed against Bill 10, for reasons. I'm a 1 acre property landowner in Rural Community area, and Its my Hawaiian Rights to be self-sustainable and to feed my family. For generations our "fruit of labor" raised on our lands that provided food for my ohana and ha'nai ohana.		
Name: Ann Bendon	Email: misskalea@hotmail.com	Zip: 96791
Representing: Self	Position: Oppose	Submitted: Mar 30, 2023 @ 02:16 PM
Testimony: I strongly oppose this bill as right now is not the time to completely overhaul an already complicated land use Ordinance. It would be one thing if this bill loosened zoning regulations, so that people are able to use their property as best seen fit but this bill goes out of its way to further restrict permitted uses that are of absolutely no detriment to the community as they exist. Particularly the amendments to AG land. We do not have a robust agricultural economy and further restricting uses on ag land will not magically make people start farming and solve that issue. Agriculture will only prosper if people are allowed to be entrepreneurial about it, activities like horsebackriding, ATV rides, bee keeping, distilleries, farm to table style eating venues, animal husbandry, 4H for children, farm education. There needs to be zoning that allows for these types of things that doesnt have the condition that 75% is ag (whatever that is intended to mean) in order to get a CUP major. These should be straight permitted uses w standard permitting requirements, not conditional use. You think the permit process is backlogged now? Imagine what will happen after u throw this wrench in the mix. Furthermore, I heard that country zoning under 3 acres wont be allowed a multitude of ag uses. If you want to treat those lots as if there were residential, then change the zoning to residential. You are raping people of their ability to prosper in this state by regulating on top of already strict regulations. Please, if you care about the people in this State, give them the avenues to succed.		
Name: Taylor Kaaumoana	Email: Kaaumoana@my.com	Zip: 96797
Representing: Self	Position: Oppose	Submitted: Apr 1, 2023 @ 11:30 PM
Testimony: I oppose this bill.		
Name: Kathleen M Pahinui	Email: pahinuik001@hawaii.rr.com	Zip: 96791
Representing: Self	Position: I wish to comment	Submitted: Apr 2, 2023 @ 04:54 PM
Name: Kekoa McClellan	Email: kekoamcclellan@gmail.com	Zip: 96792
Representing: American Hotel and Lodging Association and Hawaii Hotel Alliance	Position: I wish to comment	Submitted: Apr 5, 2023 @ 08:07 AM
Testimony: Mahalo for hearing this measure and consideration of our attached comments.		
Name: Joe Hagedorn	Email: joe.hagedorn@ainadesign.org	Zip: 96734

Representing: 'Āina Design Corp	Position: Support	Submitted: Apr 5, 2023 @ 08:31 AM
Name: Joli Tokusato	Email: jtokusato@5.unitehere.org	Zip: 96826
Representing: UNITE HERE Local 5	Position: I wish to comment	Submitted: Apr 5, 2023 @ 08:58 AM
Name: Tracy Tonaki	Email: ttonaki@drhorton.com	Zip: 96813
Representing: D.R. Horton	Position: I wish to comment	Submitted: Apr 5, 2023 @ 11:01 AM
Name: Rick Egged	Email: rick@waikikiimprovement.com	Zip: 96815
Representing: Waikiki Improvement Association	Position: I wish to comment	Submitted: Apr 5, 2023 @ 12:36 PM
Name: Tessa Gomes	Email: tessa@fredandkate.com	Zip: 96825
Representing: Oahu Wedding Association	Position: I wish to comment	Submitted: Apr 5, 2023 @ 01:17 PM
<p>Testimony:</p> <p>My name is Tessa Gomes, and I am the owner and principal wedding planner of Fred and Kate Events. As a small business owner raising my 'ohana here in Hawaii where I grew up, I know first hand the challenges that so many local families like mine are facing. Balancing the impact of commercial activities and the needs of our kama'aina communities to access the places that we were raised loving is a tough, but important task.</p> <p>When I am not running my company or managing my family's hectic schedule, I volunteer my time on the board of the O'ahu Wedding Association "OWA" and was recently asked by my colleagues to serve as OWA's Board President. At OWA, we represent more than 150 local businesses right here on O'ahu. Our members love what they do, and it is a lot more than weddings. At OWA, we get the joy of sharing in countless baby lu'au, helping thousands of families make and capture memories, and are present for life changing moments - from baby showers and weddings, to graduation parties and celebrations of life.</p> <p>First and foremost, we support the current version of Bill 10 CD2 and applaud your efforts to move this bill forward. We would also like to offer a few comments and proposed amendments for your consideration.</p> <p>Amicable Amendments Requested</p> <p>Respectfully, on behalf of OWA and our members, we would like to make a request for an amicable amendment to Bill 10 relating to the reference of "Weddings" on page 13 of Bill 10 CD2 [Section 21-5.40-4 (b)(6)] by Deleting the words "Weddings and similar" from this section:</p> <p>Current language:</p> <p>"Weddings and similar accessory destination events are subject to the following:"</p> <p>Proposed language:</p> <p>"Accessory and destination events are subject to the following:"</p> <p>Further, we respectfully request an amendment to Bill 10 by deleting ", such as weddings," from the definition section on Agritourism on page 187 of the CD2 [Section 7. Section 21-10.1]:</p> <p>Current Language:</p> <p>". Limited destination events, such as weddings, are included in this definition."</p> <p>Proposed language:</p> <p>". Limited destination events are included in this definition."</p>		

#### Rationale for Amendment

Removing references to weddings clarifies that the ordinance applies to all accessory and destination events without carving out a single kind of activity as 'good' or 'bad' and ensuring equity in enforcement across the board.

While to some, it might seem that this change is technical and non-substantive, for those of us who work in helping our clients make lifelong memories, this amendment is a shift in 'tone' around a local industry that we are very proud of.

Mahalo for your time,  
Tessa Takekawa Gomes

Name: Cal Chipchase	Email: cchipchase@cades.com	Zip: 96813
Representing: Self	Position: I wish to comment	Submitted: Apr 5, 2023 @ 03:10 PM
Name: Matt Caires	Email: mattc@jamescampbell.com	Zip: 96707
Representing: James Campbell Company LLC	Position: I wish to comment	Submitted: Apr 5, 2023 @ 03:24 PM
Name: David Tanoue	Email: davidt@rmtowill.com	Zip: 96819
Representing: HASEKO (Ewa), Inc. and Hoakalei Resort	Position: Support	Submitted: Apr 5, 2023 @ 04:16 PM
Name: David Tanoue	Email: davidt@rmtowill.com	Zip: 96819
Representing: Self	Position: Support	Submitted: Apr 5, 2023 @ 04:18 PM
Name: Denise Antolini	Email: antolinid@gmail.com	Zip: 96712
Representing: Self	Position: I wish to comment	Submitted: Apr 5, 2023 @ 05:47 PM

#### Testimony:

Dear Chair Kiaina and Members of the Planning & Economy Committee,

Regarding the Commercial Uses section of Bill 10 proposed amendments to the LUO, I write today only on the issue of Mobile Commercial Establishments (MCEs).

I strongly support the proposed amendments by Councilmember Matt Weyer in CC-098(23) - <https://hnlidoc.ehawaii.gov/hnlidoc/document-download?id=17035> - regarding:

§ 21-5.70-9(b) Commercial Uses Retail Mobile commercial establishment – standards, and

§ 21-10.1 Definitions "Mobile Commercial Establishment.

These amendments would strengthen protection of public health, safety, and environmental from the adverse impacts of MCEs, particularly food trucks, and ensure these commercial operations are truly "mobile" and "itinerant" rather than illegal structures that permanently create hulking, immobile, and messy tourist traps in unintended areas of our communities.

On the North Shore, food trucks cater primarily to tourists, creating a host of adverse impacts on neighborhoods, protected areas, and historic districts. Food trucks sometimes pop up overnight, in order to catch streams of tourists at popular beaches or surf contest crowds, creating parking, sanitation, litter, and enforcement issues.

Kamehameha Highway becomes congested instantly in new areas, creating even worse traffic issues along the North Shore.

Food trucks take business away from long-time brick and mortar establishments, and unfairly have reduced costs or operation due to the lack of regulation to date by the LUO.

Councilmember Weyers proposed amendments are sensible - and enforceable - measures to begin to control impacts from what are essentially unregulated restaurants, sometimes serving hundred of people a day, with related vehicular and pedestrian traffic, waste stream, and visual impacts.

Please see my prior testimony on this MCE issue (Apr. 21, 2022; Sept. 6, 2022; Sept. 26, 2022; March 2, 2023).

Mahalo for adopting Councilmember Weyers CC-098(23) amendments.

Denise Antolini  
Ppkea resident

Name: Larry McElheny	Email: lkmcelheny@gmail.com	Zip: 96712
Representing: Self	Position: Support	Submitted: Apr 5, 2023 @ 07:39 PM

Testimony:

Dear Chair Kiaina and Members of the Planning & Economy Committee,

Regarding the Commercial Uses section of Bill 10 proposed amendments to the LUO, I write today only on the issue of Mobile Commercial Establishments (MCEs).

I strongly support the proposed amendments by Councilmember Matt Weyer in CC-098(23) - <https://hnlidoc.ehawaii.gov/hnlidoc/document-download?id=17035> - regarding:

§ 21-5.70-9(b) Commercial Uses Retail Mobile commercial establishment – standards, and

§ 21-10.1 Definitions "Mobile Commercial Establishment.

These amendments would strengthen protection of public health, safety, and environmental from the adverse impacts of MCEs, particularly food trucks, and ensure these commercial operations are truly "mobile" and "itinerant" rather than illegal structures that permanently create hulking, immobile, and messy tourist traps in unintended areas of our communities.

On the North Shore, food trucks cater primarily to tourists, creating a host of adverse impacts on neighborhoods, protected areas, and historic districts. Food trucks sometimes pop up overnight, in order to catch streams of tourists at popular beaches or surf contest crowds, creating parking, sanitation, litter, and enforcement issues.

Kamehameha Highway becomes congested instantly in new areas, creating even worse traffic issues along the North Shore.

Food trucks take business away from long-time brick and mortar establishments, and unfairly have reduced costs or operation due to the lack of regulation to date by the LUO.

Councilmember Weyers proposed amendments are sensible - and enforceable - measures to begin to control impacts from what are essentially unregulated restaurants, sometimes serving hundred of people a day, with related vehicular and pedestrian traffic, waste stream, and visual impacts.

Sincerely  
Larry McElheny

Name: KATHLEEN PAHINUI	Email: pahinuik001@hawaii.rr.com	Zip: 96791
Representing: Self	Position: I wish to comment	Submitted: Apr 5, 2023 @ 08:13 PM

Testimony:

Aloha Committee Chair Kiaina and Committee Members -

I strongly support the proposed amendments by Councilmember Matt Weyer in CC-098(23) - <https://hnlidoc.ehawaii.gov/hnlidoc/document-download?id=17035> - regarding:  
Commercial Uses Retail Mobile commercial establishments.

These amendments would strengthen protection of public health, safety, and environmental from the adverse impacts of MCEs, particularly food trucks, and ensure these commercial operations are truly "mobile" and "itinerant" rather than illegal structures that permanently create immobile and messy tourist traps in areas of our communities never meant for commercial activity.

On the North Shore, food trucks cater primarily to tourists, creating negative impacts on neighborhoods. Food trucks pop up overnight to catch streams of tourists at popular beaches or surf contest crowds, creating parking, sanitation, litter, and enforcement issues.

Kamehameha Highway becomes congested instantly in new areas, creating even worse traffic issues along the North Shore.

Food trucks take business away from long-time brick and mortar establishments, and unfairly have reduced costs of operation due to the lack of regulation and enforcement of the LUO.

Councilmember Weyers proposed amendments are sensible - and enforceable - measures to begin to control impacts from what are essentially unregulated restaurants, sometimes serving hundred of people a day, with related vehicular and pedestrian traffic, waste stream, and visual impacts.

Mahalo for adopting Councilmember Weyers CC-098(23) amendments.

Kathleen Pahinui  
Waialua resident

Name: Evan Oue	Email: eoue@imanaka-asato.com	Zip: 96813
Representing: NAIOP Hawaii	Position: I wish to comment	Submitted: Apr 5, 2023 @ 09:58 PM
Name: Robert Gratz	Email: vvgnj@icloud.com	Zip: 96734
Representing: Self	Position: Support	Submitted: Apr 5, 2023 @ 11:15 PM

Testimony:

In recognition of the State's declaration of a Climate Emergency, SCR44 (2021), and mobilization to restore a safe climate.

To promote land uses which are consistent with this resolution AND actively mitigate cause(s) of climate change:

Formal additions &/or changes to Table 21-5.1 Table of Permitted Uses, which :

Allow greater acceptance of land uses which decrease the state of Hawaii's contributions to climate change.

Such permitted uses must be able on request to document how and to what extent their operation meets this annual requirement. This can be done with a certified supporting comprehensive energy budget and/or the demonstration of a CO2 equivalent net emissions reduction.

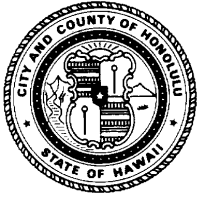
Such a use can be included in any permit application and will be considered as an argument in favor of the acceptance of that application.

These inclusions in permitted land use regulations are to be re-evaluated every five years based on the metrics of global climate change.

Name:	Email:	Zip:
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Max Towey	hawaiianmeli@gmail.com	96734
Representing: Hawaii Beekeepers Association	Position: I wish to comment	Submitted: Apr 6, 2023 @ 06:53 AM



# 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

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**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.

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. 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](mailto:irene.limos@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 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](mailto: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.

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.

Committee on Planning and the Economy Agenda  
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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



## Re: Written testimony for Planning and The Economy Meeting (April 6, 2023)

Agenda Item: BILL010(22) RELATING TO USE REGULATIONS

Position: Support

Testimony: By 'Āina Design Corp. A 501(c) non-profit organization

Email: [admin@ainadesign.org](mailto:admin@ainadesign.org)

Address: 1105 Uluopihi Lp. Kailua, HI 96734

### Testimony:

We support efforts by all contributing Honolulu City and County and State agencies and departments to modernize our Land Use Planning Documents according to current approved ordinance “with respect to THE naming of uses and cross-references”. We are particularly supportive of Table 21.5.1 revisions which introduce standards in table column reference. We introduce through this written testimony an additional (proposed) reference meant to leverage access to future data sources (e.g. endpoint link to metadata). This additional Table 21.5.1 reference is to introduce Best Management Practices (BMP’s) to the Land Use Ordinance master Table (See Exhibit A) in order to convey practical and up to date operational guidance for activities that relate to current and future sustainability planning goals that align with Hawaii Revised Statutes Chapter 226. Moreover, active monitoring of best practices and reporting of data by responsible agencies will allow timely dissemination of land use reference updates. Future planning solutions may require tailored regional or even neighborhood approaches that can be better coordinated through BMP reference.

### Additional (Proposed) Section Amendments

§ 21-5.40-3 Agricultural support.

Definition: Provide support facilities that mitigate dependencies of external resources and imports and increase supply chain risks.

(g) Fertilizer, Biomass Heat Conversions - standards, BMP

Specifications: Production facilities such as closed-loop biochar systems must meet appropriate ASTM and/or ISO standards designed as a modular system based on capacity for intended purpose meant to minimize need for imported resources that expose supply chain vulnerabilities.

§ 21-5.60-3 Education

Definition: Community Centers for Participatory Learning by way of qualified organizations and groups.

§ 21-5.60-3(a) Education

School, K-12 - standards, BMP

§ 21-5.60-3(c) Education

University, college - standards, BMP

Background

Our investigations of land use policy methods reveals potential to vet long term strategies that address a broader context of sustainability and climate. We are particularly interested in working closely with our State Planning Departments on issues and topics related to improving digital infrastructure and reporting methods. We look forward to cooperative work opportunities based on this testimony.

# **EXHIBIT A**



Typical BMP (url endpoint development) : <https://mokunet.io/bmp/use?classification=agriculture>


Best Management Practice (BMP) content is defined as functional instruction, implementaton frameworks, and operations-based research from Land Grant Institutions and qualified community based learning projects that convey valuable and time sensitive information towards land use activities within a specified zone and corresponding project related data.

Sec. 21-5.30

Use table.

Add "BMP" to list

Table 21-5.1  
Table of Permitted Uses

	Preservation, Agricultural, Country				Residential, Apartment				Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial Industrial Commercial Mixed Use				<div> Definitions/ Standards/ BMP <del>Definition and Standards</del></div>		
	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3		IMX-1	
	P = Permitted Use   C = Major Conditional Use   Cm = Minor Conditional Use   PRU = Plan Review Use   * = Use Standards Apply																						
AGRICULTURAL USES																							
Crop Production																							
Aquaculture	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40-1(a)	
Composting																							
Minor	P*	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	-	-	Sec. 21-5.40-1(b)	
Major	C*	C*	C*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	-	-	Sec. 21-5.40-1(b)	
Community garden	P*	P*	P*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	-	-	-	Cm*	Sec. 21-5.40-1(c)	
Crop raising	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40-1(d)	
Forestry	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40-1(e)	
Plant nursery	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	Sec. 21-5.40-1(f)	
Urban agriculture	-	-	-	-	-	-	-	-	-	Cm*	Cm*	Cm*	-	Cm*	Cm*	Cm*	Cm*	-	-	-	Cm*	Sec. 21-5.40-1(g)	
Vertical farm	-	P*	P*	P*	-	-	-	-	-	-	-	-	-	P	P	-	-	P	P	-	P	Sec. 21-5.40-1(h)	
Livestock Keeping																							
Animal raising	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40-2(a)	
Animal raising, confined	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40-2(b)	
Agricultural Support																							
Agricultural equipment Service	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	Sec. 21-5.40-3(a)	
Collection and storage																							
Minor	-	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	Sec. 21-5.40-3(b)	
Major	-	C*	C*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C*	P	-	-	Sec. 21-5.40-3(b)	
Feed store	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	Sec. 21-5.40-3(c)	
Livestock veterinary service	-	P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Sec. 21-5.40-3(d)	
Processing																							
Minor	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	-	P*	Sec. 21-5.40-3(e)	
Major	-	C*	C*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	-	-	Sec. 21-5.40-3(e)	
Sawmill	-	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	Sec. 21-5.40-3(f)	

Definitions/  
Standards/  
BMP  
~~Definition and  
Standards~~



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL **10 (2022), CD1**

## A BILL FOR AN ORDINANCE

### Sec. 21-5.30 Use table.

Table 21-5.1  
Table of Permitted Uses

	Preservation, Agricultural, Country				Residential, Apartment					Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial Industrial Commercial Mixed Use				Definitions/ Standards/ BMP Definition and Standards
	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1	
	P = Permitted Use   C = Major Conditional Use   Cm = Minor Conditional Use   PRU = Plan Review Use   * = Use Standards Apply																					
AGRICULTURAL USES																						
Crop Production																						
Aquaculture	P	P	P	P	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	Sec. 21-5.40-1(a)
Composting																						
Minor	P*	P*	P*	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P*	–	–	Sec. 21-5.40-1(b)
Major	C*	C*	C*	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P*	–	–	Sec. 21-5.40-1(b)
Community garden	P*	P*	P*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	–	–	–	Cm*	Sec. 21-5.40-1(c)
Crop raising	P	P	P	P	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	Sec. 21-5.40-1(d)
Forestry	P	P	P	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	Sec. 21-5.40-1(e)
Plant nursery	–	P	P	P	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	–	P	Sec. 21-5.40-1(f)
Urban agriculture	–	–	–	–	–	–	–	–	–	Cm*	Cm*	Cm*	–	Cm*	Cm*	Cm*	Cm*	–	–	–	Cm*	Sec. 21-5.40-1(g)
Vertical farm	–	P*	P*	P*	–	–	–	–	–	–	–	–	–	P	P	–	–	P	P	–	P	Sec. 21-5.40-1(h)
Livestock Keeping																						
Animal raising	P	P	P	P	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	Sec. 21-5.40-2(a)
Animal raising, confined	–	P*	P*	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	Sec. 21-5.40-2(b)
Agricultural Support																						
Agricultural equipment																						
Service	–	P*	P*	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	–	P	Sec. 21-5.40-3(a)
Collection and storage																						
Minor	–	P	P	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	–	–	Sec. 21-5.40-3(b)
Major	–	C*	C*	–	–	–	–	–	–	–	–	–	–	–	–	–	–	C*	P	–	–	Sec. 21-5.40-3(b)
Feed store	–	P*	P*	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	–	–	Sec. 21-5.40-3(c)
Livestock veterinary service	–	P	P	P	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	Sec. 21-5.40-3(d)
Processing																						
Minor	–	P*	P*	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P*	P*	–	P*	Sec. 21-5.40-3(e)
Major	–	C*	C*	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P*	–	–	Sec. 21-5.40-3(e)
Sawmill	–	P*	P*	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	–	–	Sec. 21-5.40-3(f)
Fertilizer, Biomass Heat Conversion	P*	P*																P*	P*			Sec. 21-5.40-3(g)



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL **10 (2022), CD1**

## A BILL FOR AN ORDINANCE

	Preservation, Agricultural, Country				Residential, Apartment					Apartment Mixed Use, Resort				Business, Business Mixed Use				Industrial Commercial Mixed Use				Definitions/ Standards/ BMP Definition and Standards
	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1	
	P = Permitted Use   C = Major Conditional Use   Cm = Minor Conditional Use   PRU = Plan Review Use   * = Use Standards Apply																					
Meeting facility																						
Small	–	C*	C*	C*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P	P	P	P	P	P*	P*	–	P	Sec. 21-5.60-1(c)
Medium	–	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	Cm	Cm	Cm	Cm	Cm	Cm*	Cm*	–	Cm	Sec. 21-5.60-1(c)
Large	–	–	–	–	–	–	–	–	–	–	–	–	C	C	C	C	C	–	–	–	C	Sec. 21-5.60-1(c)
Communication																						
Dish antenna	–	Cm*	Cm*	–	–	–	–	–	–	–	–	–	P*	–	P*	P*	P*	P*	P*	P*	P*	Sec. 21-5.60-2(a)
Communication tower	Cm*	Cm*	Cm*	Cm*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	P*	P*	P*	C*	Sec. 21-5.60-2(b)
Alternative communication support structure	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	Sec. 21-5.60-2(c)
Accessory communication structure	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 21-5.60-2(d)
Education (Additional Definition)																						
School, K-12	–	C*	C*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	–	P	P	P	P	–	–	–	–	Sec. 21-5.60-3(a)
School, vocational																						
Minor	–	–	–	–	–	–	–	–	–	P*	P*	P*	–	P	P	P	P	P	P	–	P	Sec. 21-5.60-3(b)
Major	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P	P	–	P	Sec. 21-5.60-3(b)
University, college	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	Sec. 21-5.60-3(c)
Government																						
Consulate	–	–	–	–	P*	P*	P	P	P	P	P	P	P	P	P	P	P	–	–	–	–	Sec. 21-5.60-4(a)
Prison	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	PRU	Sec. 21-5.60-4(b)
Public facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 21-5.60-4(c)
Parks and Open Space																						
Cemetery	P*	–	Cm*	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	–	P*	Sec. 21-5.60-5(a)
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	–	–	–	P	Sec. 21-5.60-5(b)
Utility																						
Small	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	Sec. 21-5.60-6(a)
Medium	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	Cm*	P*	Sec. 21-5.60-6(b)
Large	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*	Sec. 21-5.60-6(c)
COMMERCIAL USES																						
Day Care																						
Child daycare	–	C*	C*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P	P	P	P	P	P	P	–	P	Sec. 21-5.70-1(a)
Adult daycare	–	C*	C*	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	Cm	P	P	P	P	P	P	P	–	P	Sec. 21-5.70-1(b)



*Eric W. Gill, Financial Secretary-Treasurer*

*Gemma G. Weinstein, President*

*Cade Watanabe, Senior Vice-President*

April 3, 2023

Committee on Planning and the Economy  
Honolulu City Council  
Esther Kia'āina, Chair  
Radiant Cordero, Vice Chair

### **Testimony with comments on Bill 10 (2022) CD2 and the proposed amendment per CC-97**

Chair Kia'āina, Vice Chair Cordero and Members of the Committee:

UNITE HERE Local 5 represents hotel, health care and food service workers across the state. We would like to comment on Bill 10 (2022) CD2 and the amendment being proposed in CC-97.

We were previously encouraged that the CD2 version would have required all hotel developments to get Conditional Use Permits ("CUPs"), and we are now disappointed that the proposed amendment would remove that requirement for hotels in BMX-4 and Resort districts. We encourage the committee to go forward, not backward, from the CD2 version of the bill in this regard.

There is, however, a larger issue - the bill would not automatically require hotel developments to be subject to the discretion of City Council. Some projects already are subject to Council discretion based on other permitting needs – for instance, those seeking PD-T or IPD-T permits. We are not proposing adding steps to the entitlement process in such cases. However, **we feel strongly that Council should have discretion over all hotel (and timeshare) developments.**

Council discretion would give the public, through our elected representatives, control over the future of this island. It would provide a meaningful channel for residents to weigh in on hotel proposals in a forum that provides some accountability.

### **Why are CUP Major and Minor permits insufficient?**

Currently, it is possible for a minor hotel project to be approved without any public hearings or public notification (beyond nearby landowners and neighborhood board members).

LUO Section 21-2.40-1 for minor permits requires a developer to give notice about its project to a neighborhood board; the neighborhood board can decide whether to have the developer give a presentation at a meeting. The neighborhood board does not have to vote on the proposal, and even if they did, the vote would be advisory only.

After that, the application goes to DPP. For Minor CUPs, the DPP director has a choice of whether to hold a public meeting or not. For Major CUPs, the public meeting cannot be waived. Either way, however, there is no requirement for developers or DPP to respond to any comments or questions they receive during that meeting.

The CUP process for hotels, which could result in as few as zero public meetings for Minor CUPs and as few as one meeting for Major CUPs, is not sufficient to protect the public interest.

### **This is about our future; a future which is growing more uncertain by the day.**

The public needs the ability to determine things like:

- what projects are right for our neighborhoods;
- how much lodging our island home can support (especially if the water supply is further threatened, and as we are increasingly unable to ignore the impacts of climate change);

- how many visitors our communities and our infrastructure can afford to welcome; and
- whether the developers who benefit from building hotels will be responsive to the community.

Ten years ago, a previous Council unfortunately/inadvisably/regrettably chose to enact Ordinance 13-10, opening up hotel development to a slew of new areas without giving Council discretion over projects unless they were seeking variances. We do not believe that streamlining the process to more quickly allow developers to cash out on Hawaii was then or is now worth the cost to the communities who will live here for decades to come.

Deregulation has been pursued in virtually every major industry, it's happening all across the world, and it has led to disastrous results for consumers, workers and communities. Now is the time not just to avoid deregulation, but to increase regulation. Today, the climate crisis is ten years further along, our water supply is threatened, biodiversity loss has advanced, the impacts of the trend of increasing visitor arrivals are being felt... The development landscape has changed as well from 10 years ago, with the permitting of several hotels in BMX-3 districts, and as far as we know, no study of their cumulative impacts, or of the value to developers of only having to get approvals from DPP.

Let us not amplify or continue the mistakes of the past - we have to start dealing with the problems in front of us. We can't afford not to. When the people have real self-determination over their own communities, they can guide policy in sustainable ways. That is what we are asking for.

Thank you.



April 4, 2023

The Honorable Esther Kia'aina, Chair  
The Honorable Radiant Cordero, Vice Chair  
Members of the Committee on Planning and the Economy  
City and County of Honolulu  
Honolulu, Hawaii 96813-3077

RE: **Bill 10 (2022), Proposed CD2 – LUO Amendment Relating to Use Regulations**  
Meeting: April 6, 2023 9:00am

Aloha Chair Kia'aina and Members of the Committee on Planning and the Economy,

Mahalo for the opportunity to submit testimony on behalf of D.R. Horton, offering comments to Bill 10 (2022), Proposed CD2 Land Use Ordinance (LUO) Amendment relating to use regulations. D.R. Horton has provided previous testimony on Bill 10 offering our strong support. At this time, **we continue to offer our support with two comments.**

**Comment #1:**

**Sec. 21-5.50-1(c) Multi-unit dwelling – standards:** As this relates to B1/B2 zoning districts, ***We offer our strong support.***

D.R. Horton is one of Hawaii's largest home builders and has been providing affordable housing and workforce housing for Hawaii's families throughout Oahu for 50 years. We firmly believe in identifying and creating additional land use opportunities that would increase the production of much needed housing. We commend the City Council's and the Department of Planning and Permitting's (DPP) thoughtful approach to doing just that in Sec. 21-5.50-1(c) Multi-unit dwelling – Standards allowing multi-unit dwellings in B1/B2 zoning districts.

We strongly support this section as currently written.

**Comment #2:**

**Sec. 21-5.30 Use table - Miscellaneous Use Joint Development (Table 21-5.1 Table of Permitted Uses) and Sec. 21-5.90(b) in original Bill 10 submitted by DPP:** As this relates to "Miscellaneous Use" and applicable to commercial as well as residential development, ***We strongly request to reinsert back into Bill 10.***

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Sec. 21-5.90(b) Joint Development Agreement (JDA) is currently a part of the existing LUO and was included in the initial version of Bill 10 submitted to the City Council by DPP under this section as well as Sec. 21-5.30 Use Table – Miscellaneous Use Joint Development. A subsequent CD amendment deleted both sections.

Under the existing LUO, the Joint Development Agreement (JDA) is a very useful tool that allows the efficient development of a project, commercial and/or residential, over multiple parcels without having to apply for additional subdivision reconsolidation actions. “Joint development” is a process requiring a Conditional Use Permit (minor) that allows two or more adjacent subdivision lots to be developed as one zoning lot if the proposed development will result in a more efficient use of land and the Director of the Department of Planning and Permitting (“Director” and “DPP”) finds that the proposed joint development agreement assures future protection of the public interest.

Joint development facilitates development of lots under a single, unified project concept, which is particularly helpful and effective when the adjacent lots have or are contemplated to have different owners. Joint development provides greater flexibility in the design and layout of a development as placement of buildings, roads, and other features across multiple parcels can be coordinated. With efficient use of land and infrastructure, joint development can achieve economies of scale and can reduce some of the negative impacts of a development, such as traffic congestion and inefficient parking and building layouts.

As a general matter, developing adjacent lots as one zoning lot means that the shared boundary line(s) of the lots proposed for joint development can be ignored and development standards (e.g., minimum lot area, minimum lot width and depth, maximum building area, maximum density, setbacks, parking, loading) are applied to the lots as a single lot for zoning purposes only.

D.R. Horton has used the JDA on occasion to help facilitate efficiencies such as shared infrastructure, shared parking and reduced setbacks in between physically adjacent parcels. At Hoopili, the JDA was a useful tool that helped efficiently create our very popular Festival Street used for community events.

Additionally, and more importantly, the JDA is used by affordable rental housing developers such as Mutual Housing Association of Hawaii (MHAH), as a critical incremental financing mechanism that breaks down large projects into smaller, more manageable and fundable phases. Given the limitation on annual public funding resources, joint development allows affordable rental housing developers to seek/obtain funding and start construction on an initial phase while continuing to apply for funding of additional phases from future annual funding cycles.

**For these reasons, we strongly recommend reinserting Joint Development Use and Agreement back into Bill 10.** Mahalo for your time and consideration. It is very much appreciated. Should you have any questions, please do not hesitate to contact me at (808)782-4109 or [ttonaki@drhorton.com](mailto:ttonaki@drhorton.com).

Sincerely,



Tracy Tonaki  
President



# WAIKĪKĪ IMPROVEMENT ASSOCIATION

**Testimony of Rick Egged**  
**President, Waikiki Improvement Association**  
Before the  
**Honolulu City Council**  
**Planning and the Economy Committee**  
**Thursday, April 6, 2023**  
In consideration, of

## **Bill 10 (2022) CD2– LUO Amendment Relating to Regulations**

Aloha Chair Kia aina and Members of the Committee:

My Name is Rick Egged, representing the Waikīkī Improvement Association (WIA). The WIA is a membership organization consisting of major stakeholders in Waikīkī including, landowners, hotels, retailers and restaurants, the businesses that serve them and those interested in the future of this important part of our community and economy.

The Waikīkī Improvement Association (WIA) offers the following comments:

In the SECTION 21-9.80-4 SUBSECTION (D), (3) (A) (ii) the change in language from “public” uses to “publicly accessible uses that support culture and the arts” makes the use too narrow and leaves out other uses such as educational, historical and religious.

We also have concerns regarding the deletions of “Schools Language “ and “Financial Institutions” from Table 21-9.6(A) (Page 177 and 178) without their addition to any of the more general category definitions. I recognize that “banks” are covered under the definition of “Retail” but am uncertain about other financial institutions such as currency exchange or investment services. Please bring them back as permitted uses.

Thank you for the opportunity to testify.



April 6, 2023

**Calvert G. Chipchase**  
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Honolulu, Hawai'i 96813-4212  
Direct Line: (808) 521-9220  
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Councilmember Esther Kia`aina, Chair  
Councilmember Radiant Cordero, Vice Chair  
Planning and the Economy Committee, Honolulu City Council

Re: Comments on Proposed CD2 to Bill 10 (2022), CD1, Relating to Use  
Regulations (Commercial Uses)

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Aloha Chair Kia`aina, Vice Chair Cordero, and members of the Planning and the  
Economy Committee,

Thank you for considering comments on Bill 10. I appreciate the work that the  
Councilmembers have put into soliciting community feedback regarding the proposed  
amendments to the Honolulu Land Use Ordinance (LUO) and incorporating that  
feedback into Bill 10. I offer the following comments on the Proposed CD2 for your  
consideration.

1. Proposed ROH Section 21-5.70-3(b) – Hotel Standards

I strongly support Chair Kia`aina's amendments to the Use Table to allow  
major and minor hotels as permitted uses in the Resort and BMX-4 Districts. These  
amendments align with purpose, intent, and existing uses of such districts.

However, Bill 10 would prohibit weddings, conventions, and special events as  
an accessory use to minor hotels. Such specific uses would only be permitted if allowed  
as a principal use in the underlying zoning district.

These events are incidental and customarily found in connection with minor  
hotel uses. Many boutique hotels in Honolulu that that would be classified as "minor  
hotels" have tailored their offerings to specifically cater to weddings and smaller  
special events. The event simply fits the venue.

These events constitute a core revenue source for hotels considered minor  
under Bill 10, and the new limitations would impede the ability of these hotels to  
continue that line of business. In addition, smaller venues at minor hotels are more  
often utilized by local clientele.

Minor hotels serve as ideal venues for appropriately sized special events, and  
I am not aware of any systemic problems warranting these new restrictions.

April 6, 2023

Page 2

Therefore, I respectfully suggest that the prohibition on weddings, conventions, and special events as accessory uses to minor hotels be deleted.

2. Proposed ROH Section 21-10.1 – Hotel Definition

Bill 10 classifies hotels exceeding 180 guest rooms or 2,000 square feet of floor area devoted to meeting facilities as “major hotels”. The distinction between major and minor hotels should be based on the intensity of the hotel’s use, and the intensity of use is most easily measured by the hotel’s unit count. We therefore recommend deleting the thresholds relating to the total floor area of meeting facilities from the definition of “hotel”.

3. Proposed ROH Section 21-5.30 – General Eating and Drinking Uses

As the City moves toward more contained neighborhoods and away from the heavy reliance on individual vehicles, it is important to promote complementary uses within walking distance in neighborhoods. When subject to reasonable development standards, eating and drinking establishments promote the livability of residential areas. Therefore, General Eating and Drinking should be a permitted use within the residential and apartment districts.

Please let me know if you would like to discuss any of my comments or proposed revisions further. Thank you again for your time.

Very truly yours,



Calvert G. Chipchase

for

CADES SCHUTTE

A Limited Liability Law Partnership

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Company LLC*

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April 5, 2023

The Honorable Esther Kia'aina  
Chair, Committee on Planning & the Economy  
Honolulu City Council  
530 S. King Street, Room 202  
Honolulu, Hawaii 96813

Dear Councilmember Kia'aina and Councilmembers:

**Testimony on Proposed Amendments to Industrial & Commercial Uses in Bill 10 (2022) in Bill 10 (2022) CD2 (OCS2023-0233/3/16/2023 1:33 PM) ("Bill 10 CD2")**

The James Campbell Corporation, an affiliate of the James Campbell Company LLC ("JCC") appreciates the opportunity to submit comments to the proposed revisions to the City & County of Honolulu ("City") Land Use Ordinance ("LUO") proposed in Bill 10 CD2 and Council Communication 97. Specifically, JCC's comments address the following Proposed Amendments:

- **Section 3 of Bill 10 CD2**, which amends the Table of Permitted Uses to allow certain industrial uses in business and business mixed use zoned lots, and
- **Council Communication 97, Page 3, Item No. 2**, which proposes to amend the Use Regulations in Bill 10 CD2 Section 3 for certain industrial uses in business and business mixed use zoning lots, by increasing the allowable floor area ratio for industrial uses in business and business mixed use lots by 400% from a maximum floor area ratio of 2,000 square feet per lot to 10,000 square feet per lot.

While we support efforts to provide flexibility in zoning districts, including many of the other proposed amendments in Council Communication 97, the aforementioned Proposed Amendments conflict with long-term regional planning efforts and will have unforeseen consequences for residential and commercial communities throughout O'ahu.

The proposed Amendments would expand industrial uses (general manufacturing and processing), which are currently only permitted in I-1, I-2, I-3, and IMX-1 industrial zoned lots, to neighborhood and community business (B-1, B-2) and business mixed use (BMX-3, BMX-4) zoned lots. Permitting more intense industrial uses in neighborhood business, community business and business mixed-use (which allows residential) zoned areas would negate planning efforts to strategically site industrial uses away from residential communities, which typically use neighborhood and community commercial zoned areas as "buffers" from more intense land uses. Furthermore, increasing the proposed permitted industrial floor area from 2,000 to 10,000 square feet per business-zoning lot, could transform many of our neighborhood and community business and residential centers into large industrial building areas with the related heavy truck traffic that often accompanies manufacturing and processing facilities.

For example, 10,000 square foot general manufacturing and processing facilities located adjacent to residential areas in B-1 or B-2 zoned areas, or even within BMX-3 zoned residential areas, could have profound effects on residential and smaller scale commercial quality of life and reliance on past public and private investment decisions made based on land use factors. Actual uses within, and traffic coming to and from, facilities of this size will be difficult to regulate, creating enforcement challenges for DPP and HPD. This assumes uses within large buildings will even be regulated at all outside of building permitting triggers. We believe allowing facilities of this size under a broad use allowance such as general manufacturing and processing could dramatically impact town center and adjacent communities in every community on Oʻahu. To further these points, we encourage an analysis of the proximity of B-1, B-2 and BMX-3 zoned areas to residential and small scale commercial uses while contemplating that most of Oʻahu's industrial building inventory is composed of buildings less than 10,000 square feet in size. There is historically low availability of those types of buildings in industrial areas throughout the island and it is not unrealistic to assume that allowing buildings of this size in commercial districts will create shadow industrial districts in commercial and residential areas not planned for these types of uses.

As the master developer of Oʻahu's second city, JCC continues its long-standing commitment to the development of Kapolei and West Oʻahu. These efforts began in the 1950s with the initial development of a regional master plan, which was refined through the decades with the support and guidance of the City Council and community and resulted in the groundbreaking for Kapolei's urban core in 1990. JCC's regional planning continues today with our support of multifamily, mixed-use, commercial, agricultural, and industrial projects. Specific to this testimony, we own both commercial and industrial zoned properties, but believe maintaining clear distinction between these zoning designations is critical for sound land use planning and regulation.

For these reasons, JCC respectfully requests that the Proposed Amendments be deferred as the Committee on Planning & the Economy continues its review of Bill 10. In any case, we request that the proposed permitted industrial floor area from 2,000 to 10,000 square feet per business-zoning lot not be allowed.

Thank you very much for your consideration and for the opportunity to provide comments to Bill 10 CD2. If you have any questions, please contact me at (808) 674-3272 or [mattc@jamescampbell.com](mailto:mattc@jamescampbell.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Caires", with a stylized flourish at the end.

Matt Caires  
Manager, Development

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Honolulu, Hawaii 96819-3494  
Telephone 808 842 1133  
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April 5, 2023

The Honorable Esther Kia'aina, Chair  
and Members of the Committee on Planning and the Economy  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813-3065

Dear Chair Kia'aina and Members of the Committee on Planning and the Economy:

**Bill 10 (2022) – LUO Amendments Relating to Use Regulations**

I am David Tanoue, Vice President of R.M. Towill Corporation, and I am providing testimony on behalf of HASEKO (Ewa), Inc. and Hoakalei Corporation (collectively referred to herein as "Haseko"). Haseko is the owner and developer of the Hoakalei Resort in Ewa, which includes the Hoakalei Lagoon and the surrounding master planned resort and mixed-use community. The Hoakalei Resort is currently under construction to become a top tier resort destination for the Ewa region as envisioned in the Ewa Development Plan for a regional mixed-use waterfront destination.

Bill 10 (2022) CD2 amends ROH Sec 21-5.70-3(c) (which currently limits its application to the Ko Olina Resort area only) and expands the Land Use Ordinance application to include other resort areas like Waikiki and Turtle Bay. Consistent with the intent of the CD2 version expanding the application to other resort zoned areas, Haseko respectfully requests that Bill 10 (2022) CD2 be further amended to also include the A-2 medium density zoned lands in the Hoakalei Resort area. Amending would be minimal as suggested below:

- (1) The areas located within the Apartment Precinct of the Waikiki Special District mauka of Kuhio Avenue, as designated in Figure 21-5.1;
- (2) The areas located within the A-1 low density apartment zoning district and the A-2 medium-density apartment zoning district situated in close proximity to the Ko Olina Resort, as designated in Figure 21-5.6; **and**
- (3) The areas located within the A-1 low-density apartment zoning district situated in close proximity to the Turtle Bay Resort, as designated in Figure 21-5.7; **and**
- (4) **The areas located within the A-2 medium density apartment zoning district situated in close proximity to the Hoakalei Resort, as designated in Figure 21-5.8.**

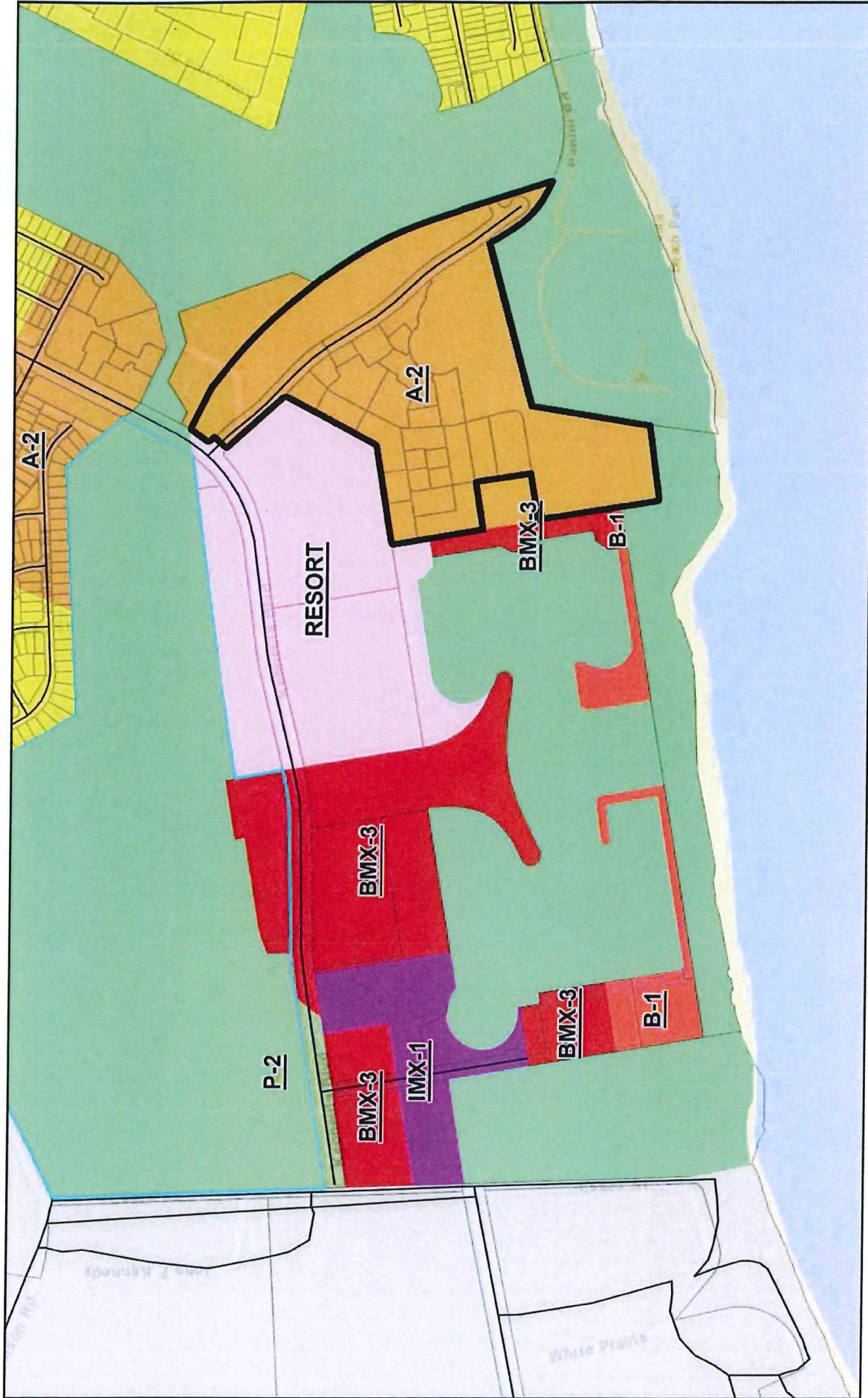
In addition to the text modifications noted above, a new map Exhibit 21-5.8 will need to be created showing the applicable A-2 zoning district at the Hoakalei Resort. Similar testimony was previously submitted in support of Bill 54 (2022).

Thank you for providing me with the opportunity to provide comments and proposed revisions to Bill 10.

Very truly yours,

David Tanoue  
Vice President





10/6/2022, 9:29:49 AM

- Parcel Info (TMK) Zoning
- Street Centerlines
- A-2 Area Adjacent to Resort District for Consideration under 2022 Bill 10
- P-2
- BMX-3
- F-1
- A-2
- B-1
- IMX-1
- RESORT

NOTE: For discussion and illustration purposes only.

(00159596)



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April 5, 2023

The Honorable Esther Kia'aina, Chair  
and Members of the Committee on Planning and the Economy  
Honolulu City Council  
530 South King Street, Room 202  
Honolulu, Hawaii 96813-3065

Dear Chair Kia'aina and Members of the Committee on Planning and the Economy:

**Bill 10 (2022), CD2 – LUO Amendments Relating to Use Regulations**

I am David Tanoue, Vice President of R.M. Towill Corporation, and testifying in my **personal capacity** as a land use attorney, planning consultant and former Director of the Department of Planning and Permitting regarding two (2) specific changes to Bill 10 (2022), which occurred with the CD1 version and continues with CD2, that will have a significant impact on numerous existing and future projects.

First, Bill 10 CD1 removed Joint Development from the Table of Permitted Uses in the current Land Use Ordinance (Table 21-3). The original version of the proposed Land Use Ordinance (LUO) update approved by the Planning Commission retained Joint Development as a cost-effective tool for the efficient development of projects that span multiple lots as evidenced by this use being allowed in **every** zoning district. Joint Development predates the LUO and has been in use for decades. Removal of joint development at this point will have an impact on many future projects, both large and small, and will place existing projects in a non-conforming status limiting the ability of the owner to upgrade and renovate an aging project. Council Communication 249 (CC-249 (2022)) removed Joint Development from the new Table 21-5.1 Use Table Miscellaneous category along with the removal of Joint Development from Section 21-5.90, and I kindly ask that the ability to jointly develop multiple parcels be restored in Bill 10.

Second, Council Communication 311 (CC-311 (2022)) on page 1 in the Commercial Uses section (p 43 overall) amended Table 21-5.1 by eliminating hotel use as a "matter of right" in the Resort and BMX-4 zoning districts and now requires a new Conditional Use Permit. These changes will add a new discretionary layer to hotels in zoning districts that are specifically meant for hotel uses, strategically placed on the island for such use, and which have been established principal permitted uses for decades. A new hotel in Waikiki would typically require a Planned Development Resort permit, a Waikiki Special District permit, and now a new Conditional Use Permit. With the current version of Bill 10, another discretionary permit will be added to hotel development and redevelopment increasing the unpredictable nature for the project along with increased costs and time.

Thank you for providing me with the opportunity to provide comments and proposed revisions to Bill 10 (2022) CD2.

Very truly yours,

David Tanoue  
Vice President



April 5, 2023

Councilmember Esther Kia'aina, Chair  
Councilmember Radiant Cordero, Vice Chair  
Committee on Planning and the Economy

RE: **Bill 10 –LUO AMENDMENT RELATING TO USE REGULATIONS**  
**Hearing date – April 6, 2023 at 9:00 A.M.**

Aloha Chair Kia'aina, Vice Chair Cordero and Members of the Committee,

Thank you for allowing NAIOP Hawaii to submit testimony in **SUPPORT WITH COMMENTS ON BILL 10 – LUO AMENDMENT RELATING TO USE REGULATIONS**. NAIOP Hawaii is the Hawaii chapter of the nation's leading organization for office, industrial, retail, residential and mixed-use real estate. NAIOP Hawaii has over 200 members in the State including local developers, owners, investors, asset managers, lenders and other professionals.

NAIOP Hawaii supports this measure with the following comments:

**We strongly urge the reinsertion of Section 21-5.30 Use table- Miscellaneous Use Joint Development and Section 21-5.90(b) as proposed in the original Bill 10 submitted by the Department of Planning and Permitting (DPP).**

Currently, Section 21-5.90(b) pertaining to Joint Development Agreement (JDA) is a part of the existing Luo and included in the initial draft of Bill 10. This section was subsequently deleted in a subsequent CD. In turn, NAIOP Hawaii is greatly concerned that the current language of the bill would eliminate the utilization for JDAs which are vital to the development process.

Primarily, JDAs are a useful tool that enables efficient development of a project that includes various land uses across multiple parcels. The JDA essentially ties together two adjacent and separate legal lots in order for it to be treated as one zoning lot. In turn, JDAs facilitate the development of lots under a single cohesive project concept and allow for greater coordination in design leading to more efficient land use.

Specifically, JDAs provided substantial benefits including the following:



1. **Phased Development:** Allows the developer to phase large projects into manageable increments, especially for projects developed under the Condominium Property Regime.
2. **Land Takedown and Financing:** Allows the developer to take down land and finance in manageable increments to lower risk and promote improved cashflow. This is particularly important for affordable rental housing developers who are able to utilize the limited annual public funding to begin construction while applying for future funding. In sum, JDAs allow for projects to begin production without the need to finance an entire project prior to construction.
3. **Shared Facilities:** Allows for the sharing of parking and utilities without the need to create complex easements over both parcels.
4. **Elimination of Setback Requirements at Shared Boundaries:** Land Use Ordinance requirements for setbacks, wall heights, landscape, etc. at the common boundaries within a joint developed parcel are not applicable since it is considered one zoning lot.
5. **Flexibility with Subdivision Requirements:** Irregular lot lines and land locked parcels are not allowed by the Subdivision Rules and Regulations. If done concurrently, the JDA can allow these subdivisions to be granted approval if the joint developed parcel is compliant with the Rules and Regulations.

In summary, a joint development provides greater flexibility in the design and layout of the development as the placement of buildings, roads, and other features across multiple parcels of land can be coordinated. With this efficient use of land and infrastructure, joint development has the potential to increase overall housing inventory.

In the absence of joint development, the only option to develop a project that integrates two or more adjacent lots would be to consolidate and subdivide such parcels. Consolidation and subdivision are lengthy processes which entail the redrawing, resubmission and approval of subdivision maps for each respective phase. In turn, this would create an additional burden and work for the City and homebuilders.

Accordingly, NAIOP Hawaii strongly recommends reinserting JDAs back into Bill 10. NAIOP Hawaii respectfully offers these comments and looks forward to working with the council and all stakeholders on this measure. Thank you for the opportunity to testify.

Councilmember Esther Kia'aina, Chair  
Councilmember Radiant Cordero, Vice Chair  
Committee on Planning and the Economy  
April 5, 2023

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read "Camp", with a stylized flourish at the end.

Jennifer Camp, President  
NAIOP Hawaii

# **Hawaii Beekeepers Association**

## **April 5, 2023**

Aloha Council members,

The Hawaii Beekeepers Association has reviewed the language for the Land Use Ordinance suggested in Bill 10.

Beekeeping is considered minor livestock production under HRS §21-10.1. Animal Nuisances are confronted in Article 2, under HRS §12-2.4 honeybees are exempted because they are considered livestock but, only in AG-1, AG-2, and Country. Honeybees are permitted under any zone as long as the beekeeper follows the special requirements listed in HRS §12-2.5.

The Hawaii Beekeepers Association supports robust and well-regulated local agriculture. After much discussion, the HBA finds this draft Land Use Ordinance, apparently copied from a mainland beekeeping organization to regulate local beekeeping, has no merit, since it resolves no issues and would criminalize commercial beekeepers, part-time beekeepers and even some hobbyist beekeepers. The present statutes in the Revised Statutes of Honolulu are perfect just as they are. If there are problems with honeybees and beekeepers, our government simply can enforce the rules we already have.

If you have any questions please reach out!

Vice President Max Towey in Kailua 808-255-3730 &  
Steven Lee Montgomery, PhD, President, in Waipahu 808-342-6244.