

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

**MISC. COMM. 246**

PLANNING AND THE ECONOMY (P&E)

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

Meeting Date: May 25, 2023 @ 09:00 AM

Support: 3

Oppose: 2

I wish to comment: 3

Name: Jason Golden	Email: jason.golden@daydreamtechnologies.com	Zip: 96813
Representing: Day Dream Technologies Inc.	Position: Support	Submitted: May 16, 2023 @ 08:28 AM
<p>Testimony:</p> <p>I am an end-user founder based in Oahu with experience in healthcare information technology and small business development. In 2019 we arrived in Hawai'i to create a company that would leverage our technology experience to create a dynamic hospitality business model that provided personalized mobile services to local and visiting consumers.</p> <p>I am offering to provide background on our experience and challenges we faced navigating Bill 10 and solutions our company has designed to address many of the administrative challenges these amendments will create.</p> <p>Day Dream Technologies is a social impact company seeking to make advanced software, hardware, and best practice tech approachable for Small Businesses and the Communities they operate within. Providing automation, forecasting, and business intelligence that helps these populations create sustainable networks that thrive.</p> <p>We want to support our community's efforts to create a marketplace of trusted vendors and global accountability.</p>		
Name: janian thurman	Email: janianthurman@gmail.com	Zip: 96815
Representing: Self	Position: Oppose	Submitted: May 17, 2023 @ 12:16 PM
<p>Testimony:</p> <p>I respect that a raise is in order however a 64% raise is not necessary. You need to make it reasonable. The average raise in Hawaii is 4.2%, so make it 5%. I'd even take 10% since it's been so long, but 64% is laughable. The voters are watching.</p>		
Name: Tracy Tonaki	Email: ttonaki@drhorton.com	Zip: 96813
Representing: D.R. Horton	Position: I wish to comment	Submitted: May 22, 2023 @ 04:17 PM
Name: Kathleen Pahinui	Email: pahinuik001@hawaii.rr.com	Zip: 96791
Representing: Self	Position: Oppose	Submitted: May 23, 2023 @ 09:15 AM
<p>Testimony:</p> <p>Aloha Committee Chair Kia'aina and Committee Members -</p> <p>I oppose the commercial uses for Ag-2. They need to be handled separately under all uses for ag land instead of being lumped in with other zoning commercial uses. We need to take a long and holistic look at ag land uses vs these piecemeal permissions.</p> <p>With the proposed changes, who will enforce the rules? Who will enforce the 50-51% of keeping the land in some sort of ag? Who decides if the tours have an educational value? We currently have too many unpermitted uses of ag land and enforcement is slow or not happening.</p> <p>The proposed rules for agritourism leave room for abuse as I see it. And given the fact that some ag-2 land abuts existing housing, this sets up a negative dynamic of commercial uses negatively impacting residents. Also, off road vehicles are fine for actual farming use but using for off-roading or tours, these are not eco-friendly.</p> <p>What prevents someone from setting up a shack and renting kayaks on ag-2 saying they are promoting ocean education? How? Are these guided tours? Who is the expert? Someone off the plane from Kansas?</p> <p>I am pointing out issues we currently face and feel the proposed changes would exacerbate.</p> <p>I strongly urge the committee to hold off on the agritourism and other ag commercial uses not related to farming or livestock and</p>		

review them separately in a holistic approach. We say we value food security but what I see is ag land being allowed for all other uses but ag.

Mahalo for your time and consideration of my testimony.

Mlama ina,

Kathleen Pahinui  
Waialua Resident

Name: Stefanie Sakamoto	Email: ssakamoto@imanaka-asato.com	Zip: 96789
Representing: BIA	Position: Support	Submitted: May 24, 2023 @ 10:40 AM
Name: Joli Tokusato	Email: jtokusato@5.unitehere.org	Zip: 96826
Representing: UNITE HERE Local 5	Position: I wish to comment	Submitted: May 24, 2023 @ 04:09 PM
Name: Cal Chipchase	Email: cchipchase@cades.com	Zip: 96813
Representing: Self	Position: I wish to comment	Submitted: May 25, 2023 @ 08:11 AM
Name: Zhizi Xiong	Email: Alohdivinedesign@gmail.com	Zip: 96817-2707
Representing: CARE Community Advocy Research Education	Position: Support	Submitted: May 25, 2023 @ 08:35 AM
Testimony: CARES testifies in support.		



May 22, 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: May 25, 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 previous comments and a third new comment.**

**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 as currently written.***

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.

**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.***

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.**

**Comment #3:**

**Sec. 21.7.40(d) Apartment and Apartment Mixed-use districts:** As it relates to Specific sign Standards, ***We strongly request to amend the sign standard language in Apartment mixed-use (AMX) districts only (no change to Apartment use districts).***

The current AMX sign standards do not adequately support the success of businesses within mixed residential/commercial AMX district developments. Amending AMX sign standards to align with BMX-3 sign standards would clarify and broaden sign requirements to match the proposed expanded uses within AMX districts being proposed in Table 21-5.1 and support the success of neighborhood commercial establishments.

A recent case study at an AMX-2 zoned existing mixed-use community called Kohina at Hoopili has identified several problems with the current restrictive signage standards:

- The intent of the current AMX sign standards is to regulate the typical community name and address signage (aka project sign) usually located at the main entry of the condominium community. It does not contemplate adequate sign standards for individual business signage located within a mixed-use community.
- We believe the intent may have been appropriate in past decades when minimal commercial uses were developed within AMX use districts. However, with Bill 10's proposed expanded uses within AMX districts, increased mixed-use development and the onset of future transit-oriented development, the current AMX sign standards are impractical and inadequate for a successful mixed-use community.
- Multiple commercial units and/or live-work units located within the mixed-use community and/or within multiple different buildings within the mixed-use community are all restricted to a collective single sign with a size limitation of 12sf. This is impossible to manage, let alone adequately design.

We propose the following two-fold amendment that 1.) separates Apartment district and Apartment mixed-use district sign standards and 2.) amends the Apartment mixed-use (AMX) district language to be consistent with the Business mixed-use 3 (BMX-3) district community business mixed-use sign standards for commercial businesses.

- 1.) "(d) Apartment ~~and apartment mixed-use~~ districts. In connection with any use permitted other than ~~[one-family and two-family]~~ single-unit, two-unit, or duplex-unit dwelling use, only one wall or marquee fascia identification or directory sign, not directly illuminated and not exceeding 12 square feet in area, [shall] will be permitted for each street front having a principal pedestrian or vehicular entrance to the building.

If all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line on their entry sides, one ground identification or directory sign, not directly illuminated and not exceeding 8 square feet in area, [shall] will also be permitted for each such entry side. The ground sign [shall] may not be located in any required yard. Instead of these signs, one garden sign may be permitted;"

- 2.) "(e) ~~Apartment and a~~ Apartment mixed-use districts. In connection with any use permitted other than ~~[one-family and two-family]~~ single-unit, two-unit, or duplex-unit dwelling use, only *two business signs, directly illuminated, of the following types: hanging marquee fascia, projecting, or wall signs and not exceeding 1.5 square feet for each lineal foot of building frontage, provided that no such sign area shall exceed 250 square feet in area nor shall the total sign area exceed 15 percent of the wall area on which it is displayed or attached, on the building frontages for each ground floor establishment* and one wall or marquee fascia identification or directory sign, not directly illuminated and not exceeding 12 square feet in area, [shall] will be permitted for each street front having a principal pedestrian or vehicular entrance to the building.

If all buildings on the street frontage of the zoning lot are set back a minimum of 50 feet from the property line on their entry sides, one ground identification or directory sign, not directly illuminated and not exceeding 8 square feet in area, [shall] will also be permitted for each such entry side. The ground sign [shall] may not be located in any required yard. Instead of these signs, one garden sign may be permitted;"

The Honorable Esther Kia'aina, Chair  
The Honorable Radiant Cordero, Vice Chair  
May 22, 2023  
Bill 10 (2022), Proposed CD2-EK2 - Page 4

Separating sign standards between Apartment districts and Apartment mixed-use districts will preserve the intent of minimizing the visual impact of signs within Apartment districts that do not allow for commercial uses. It will also contemporize sign standards within Apartment mixed-use districts to align with the expanded uses in Table 21-5.1 and encourage the success of small businesses and mixed-use development of communities within AMX districts.

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,

A handwritten signature in black ink, appearing to be 'Tracy'.

Tracy Tonaki  
President  
Hawaii Division





**HONOLULU CITY COUNCIL  
COMMITTEE ON PLANNING & THE ECONOMY  
Honolulu Hale  
9:00 AM**

**MAY 25, 2023**

RE: Bill 10 - Relating to Use Regulations (LUO Amendments)

Chair Kiaaina, Vice Chair Cordero, and members of the Council:

My name is Max Lindsey, Government Relations Committee Chair of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii. Our members build the communities we all call home.

**BIA Hawaii offers the following comments in support of provisions of Bill 10, Relating to Use Regulations.**

**Sec. 21-5.50-1(c) Multi-unit dwelling – standards: B1/B2 zoning districts.**

We are in strong support of creating these additional land use opportunities. Allowing for multi-unit dwellings in B1/B2 zoning districts would allow for the building of much-needed housing for our residents.

**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 concur with the comments submitted by DR Horton, and strongly request to reinsert this provision back into Bill 10.

We hope that the Honolulu City Council continues to work on Bill 10, as the use regulation amendments could go a long way towards helping build housing in our community. The state of Hawaii is in a dire housing crisis. As the Council is aware, the cost of housing in Hawaii is extremely high, with Oahu's median price of homes being currently over \$1 million. Approximately 153,967 U.S. households are priced out of buying a home for every \$1000 increase in price, according to the National Association of Home Builders (NAHB). We are in support of legislation that would allow for the building of much-needed housing at every price point in Hawaii.

Thank you for the opportunity to testify.



*Cade Watanabe, Financial Secretary-Treasurer*

*Gemma G. Weinstein, President*

*Eric W. Gill, Senior Vice-President*

May 24, 2023

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

**Comments on Bill 10 (2022) proposed CD2 and the amendments proposed via CC-146**

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 amendments being proposed in CC-146.

We are supportive of the thoughtful consideration given to hotel development within BMX-3 districts in CC-146. Eliminating the distinction between major and minor hotels will help ensure that there is a public input process with the DPP on hotel developments. We would still want Council to have discretion over hotel developments, but we recognize that the other amendments proposed in CC-146 would steer the more significant projects in that direction in BMX-3 zones.

It is unclear whether developers in TOD districts could seek higher FAR through IPD-T and PD-T permits, but if so, they would need Council approval and would need to provide significant community benefits, and this provides some measure of meaningful control for communities.

Other proposed changes in CC-146 to requirements in BMX-3 districts will help protect Oahu's limited resources and communities by better controlling hotel size and scale. The proposed amendments would also positively impact the proliferation and/or usage of condotels, which we feel can otherwise be problematic for communities, visitors, and unit owners.

We are also supportive of the proposed amendments in the CD2 version of Bill 10 that limit hotels from being in I-2 zones and which map which IMX-1 areas can have hotels.

While there is further discussion to be had - particularly around Resort and BMX-4 areas - and more to be done, we are encouraged. As we have stated in previous testimony, 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.

Thank you for your consideration.

May 25, 2023

**Calvert G. Chipchase**  
1000 Bishop Street, Suite 1200  
Honolulu, Hawai'i 96813-4212  
Direct Line: (808) 521-9220  
Direct Fax: (808) 540-5021  
Email: cchipchase@ca-des.com

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 taking the time to consider community feedback on the proposed  
amendments to the Honolulu Land Use Ordinance (LUO) and for incorporating that  
feedback into Bill 10. I am writing to express my support for Chair Kia`aina's  
proposed amendments, relating to Hotels, contained in Council Communication 146  
(2023). The amendments align with existing Hotel uses within our community, and  
I recommend that they be incorporated into Bill 10.

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

Very truly yours,



Calvert G. Chipchase  
for  
CADES SCHUTTE  
A Limited Liability Law Partnership