



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

**COMMITTEE ON PLANNING
AND THE ECONOMY**

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

THIS AGENDA SUPERSEDES THE AGENDA POSTED ON FEBRUARY 27, 2024

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
THURSDAY, MARCH 7, 2024
9:00 A.M.

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:

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.

Remote and in-person oral testimony will be permitted on all items on the agenda when each agenda item is taken up. 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: **85835576231** and Passcode: **319234**.
2. To testify by videoconference visit: <https://hnlldoc.ehawaii.gov/hnlldoc/testimony>. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to the meeting.

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Persons wishing to testify in-person in the Council Chamber 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 in the Council Chamber;**
- 2. Remote 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, e-mail address and phone number, will be available to the public at <https://hnldoc.ehawaii.gov>.

Should you have any questions, please call (808) 768-3825 or send an email to pearlene.sotelo@honolulu.gov.

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 pearlene.sotelo@honolulu.gov as soon as possible or at least three (3) business days before the scheduled meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

FOR ACTION

1. **BILL 64 (2023), FD1 – LUO AMENDMENT RELATING TO USE REGULATIONS.**
Addressing the regulation of uses throughout Chapter 21, Revised Ordinances of Honolulu 2021 ("Land Use Ordinance" or "LUO"). (Bill passed first reading 12/06/23) (The Committee amended to CD1 and postponed action on the Bill at its February 8, 2024 meeting.)

BILL 64 (2023), FD1, CD1 AMENDMENTS

"As it relates to item #1, 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 residential uses:

- Bill SECTION 3 – Table 21-5.1 (Use Table), residential uses listed on pages 4 to 5 in orange and yellow;
- Bill SECTION 3 – ROH Section 21-5.50 *et seq.* (pages 18 to 26), residential uses standards and requirements;
- Bill SECTION 64 – Table 21-9.6(A), (Waikīkī Special District Precinct Permitted Uses and Structures), residential uses listed on page 172;
- Bill SECTIONS 70, 71, and 72 (pages 181 to 216) – ROH Section 21-10.1, residential uses definitions; and
- Bill SECTIONS 4 through 69 (pages 78 to 180), and 73 through 93 (pages 216 to 249) – residential uses conforming amendments."

CD1 TO BILL 64 (2023), FD1 (Approved by the Committee at its meeting on February 8, 2024) – The CD1 (OCS2024-0163/2/20/2024 1:23 PM) makes the following amendments:

- A. In SECTION 3 of the bill, amends Table 21-5.1 as follows:
 1. Amends the multi-unit dwelling entry to remove the asterisk in zoning districts other than the B-1 and B-2 Zoning Districts (multi-unit dwelling standards only apply to the B-1 and B-2 Zoning Districts).
 2. Separates the small group living entry into two different entries:
 - a. Small group living – State regulated. Designates "C*+" in the AG-2 Zoning District. Designates "P*" in the 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, BMX-3 and BMX-4 Zoning Districts.

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- b. Small group living – not State regulated. Designates "C*+" in the AG-2 Zoning District. Designates "C*" in the 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, and BMX-3 Zoning Districts. Indicates "Cm*" in the BMX-4 Zoning District. References the standards in ROH § 21-5.50-2(b).
 3. Amends the large group living entry to delete the "C*+" in the AG-2 Zoning District (no longer permitted in the AG-2 Zoning District). Amends the reference to the standards in ROH § 21-5.50-2(c) (instead of ROH § 21-5.50-2(b)).
 4. In the home occupation entry, replaces "P*" with "P*+" in the AG-1 and AG-2 Zoning Districts (a special use permit approved by the Planning Commission may be required).
 5. In the ohana unit entry, replaces "P*" with "P*+" in the AG-1 and AG-2 Zoning Districts (a special use permit approved by the Planning Commission may be required).
 6. Amends the child daycare entry to replace "P" with "P*" in the Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Zoning Districts (standards apply).
 7. Amends the adult daycare entry to replace "Cm" with "Cm*" in the Country, R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, A-3, AMX-1, AMX-2, and AMX-3 Zoning Districts (standards apply). Also replace "P" with "P*" in the Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Zoning Districts (standards apply).
- B. In SECTION 3 of the bill:
1. For the ROH sections listed below, where the use is permitted in the AG-2 Zoning District and is subject to a minimum dedication for agricultural use, the 50 percent minimum dedication amount is replaced with 51 percent, to read as follows:

In the AG-2 Zoning District, a minimum of 51 percent of the zoning lot area suitable for crop production or livestock keeping must be dedicated to crop production or livestock keeping through an agricultural easement or similar legal encumbrance for so long as the [type of use] is in operation. The director may adopt rules pursuant to HRS Chapter 91 to determine the zoning lot area considered to be

suitable for crop production or livestock keeping.

§ 21-5.40-4(b)(5) relating to agritourism
§ 21-5.40-4(e)(1) relating to farm dwelling
§ 21-5.40-4(h)(3) relating to agricultural farmers market
§ 21-5.60-1(a)(1) relating to meeting facility (small, medium, or large)
§ 21-5.60-3(a)(5) relating to K-12 schools
§ 21-5.70-1(a)(3) relating to child daycare
§ 21-5.70-1(b)(2) relating to adult daycare

2. Amends ROH § 21-5.50-1(a), relating to duplex-unit standards, to reference Figure 21-10.3.
3. Amends ROH § 21-5.50-1(b), relating to two-unit standards, to:
 - a. Reference Figure 21-10.3; and
 - b. Provide that dwelling units may not be connected solely by a covered open area, exterior hallway, or breezeway.
4. Amends ROH § 21-5.50-1(c), relating to multi-unit dwellings, to:
 - a. In ROH § 21-5.50-1(c)(1)(A):
 - i. Delete the requirement that nonresidential uses and occupancies be located on a different floor as residential uses and occupancies; and
 - ii. Provide that a building must have at least one non-residential use (instead of requiring an FAR of 0.2 to be dedicated to nonresidential uses that are permitted in the underlying zoning district);
 - b. In ROH § 21-5.50-1(c)(1)(B)(i), for multi-unit dwellings located on zoning lots larger than 4 acres but smaller than 7 acres, leaves blank (to be determined) the square footage or FAR of nonresidential floor area required (instead of 10,000 square feet);
 - c. In ROH § 21-5.50-1(c)(1)(B)(ii), for multi-unit dwellings located on zoning lots larger than 7 acres, leaves blank (to be determined) the square footage or FAR of nonresidential floor area required (instead of 40,000 square feet);

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- d. In ROH § 21-5.50-1(c)(1)(B)(iii), amends the required FAR of nonresidential floor area required to an FAR of 0.3 (instead of an FAR of 0.2); and
 - e. Deletes the requirement for a pedestrian and bicycle access path from adjacent rights-of-way to both residential and nonresidential uses on the zoning lot.
- 5. Amends ROH § 21-5.50-2(a), relating to small group living standards, to specify that the standards apply to small group living that is State regulated.
- 6. Adds a new ROH § 21-5.50-2(b) to set forth the standard that applies to small group living that is not State regulated (the standard applies in the AG-2 Zoning District and requires that the small group living be of an agricultural nature and requires a minimum dedication for agricultural use). Renumbers ROH § 21-5.50-2(b) as ROH § 21-5.50-2(c).
- 7. Amends renumbered ROH § 21-5.50-2(c), relating to large group living standards, to:
 - a. Delete requirements relating to visual screening and buffering (set forth in ROH Chapter 21, Article 4) and cumulative impacts regarding traffic, parking, infrastructure, and community character (set forth in ROH Chapter 21, Article 2 for uses subject to conditional use permits); and
 - b. Allow for flexibility with regard to density, height, and off-street parking for special needs housing for the elderly (in the existing LUO).
- 8. Amends ROH § 21-5.50-3(a), relating to accessory dwelling unit standards, by:
 - a. Adding a new ROH § 21-5.50-3(a)(1)(ii) that provides that ADUs are not permitted on zoning lots that are landlocked (existing provision in the LUO); and
 - b. Requiring in ROH § 21-5.50-3(a)(2)(A)(i) that the covenant for an accessory dwelling unit state that, among other things, the accessory dwelling unit may only be used for long-term residential occupancy (as opposed to long-term rental) and

may not be used as a bed and breakfast home or transient vacation unit.

9. Amends ROH § 21-5.50-3(c), relating to ohana unit standards, to add standards relating to size, residential districts in which ohana units are not permitted, and zoning lot limitations (these standards are being deleted from ROH § 21-8.20 and incorporated into ROH § 21-5.50-3(c), see summary paragraph E, below).
- C. In SECTION 6 of the bill, amends ROH § 21-2.90-2(e), relating to general requirements for conditional use permits, to reference special needs housing for the elderly (instead of large group living) for purposes of modifications of underlying zoning district standards.
- D. In SECTION 34 of the bill, amends ROH § 21-6.30(b), relating to the waiver of off-street parking requirements for accessory dwelling units, to add the Ewa Development Plan area (in addition to the Primary Urban Center Development Plan area) where off-street parking space requirements may be waived if the ADU is located within 800 feet of a City bus stop.
- E. In SECTION 42 of the bill, amends ROH § 21-8.20, relating to ohana dwelling standards, to delete ohana unit standards relating to size, residential districts in which ohana units are not permitted, and zoning lot limitations (these standards are being incorporated into ROH § 21-5.50-3(c), see summary paragraph B.9, above).
- F. In SECTION 64 of the bill, relating to Table 21-9.6(A) ("Waikiki Special District Precinct Permitted Uses and Structures"), amends Table 21-9.6(A) to:
 1. Separate the group living entry (under residential uses) to three different entries:
 - a. Small group living – State regulated. Designates "P*" in the Apartment and Resort Mixed-Use Precincts of the Waikiki Special District ("WSD");
 - b. Small group living – not State regulated. Designates "C*" in the Apartment and Resort Mixed-Use Precincts of the WSD; and
 - c. Large group living. Designates "C*" in the Apartment and Resort Mixed-Use Precincts of the WSD.

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2. Amend the daycare entry (under commercial uses) to two different entries:
 - a. Adult daycare. Designates "C*" in the Apartment Precinct and "P*" in the Resort Mixed-Use Precinct of the WSD; and
 - b. Child daycare. Designates "Cm*" in the Apartment Precinct and "P*" in the Resort Mixed-Use Precinct of the WSD.

G. In SECTION 70 of the bill:

1. Amends the definition of "accessory dwelling unit" to mean a dwelling unit, including separate kitchen, bedroom, and bathroom facilities, attached or detached from the principal dwelling unit on the zoning lot.
2. Amends the definition of "multi-unit dwelling" to clarify that:
 - a. A multi-unit dwelling has three or more dwelling units contained in a single building; and
 - b. Any nonresidential uses permitted in the underlying zoning district will be regulated as separate land uses.
3. Amends the definition of "duplex-unit dwelling" to reference Figure 21-10.3.
4. Adds a definition of "group living" as follows:

Residential occupancy that is not included in household living. Includes but is not limited to monasteries, convents, dormitories, and facilities such as adult residential care home, assisted living facility, special needs housing for the elderly, adult daycare center, developmental disabilities domiciliary home, special treatment facility, clean and sober home, hospice home, group home, recovery home, nursing home, rehabilitation facility, and sanitarium. These facilities may be licensed, certified, registered, or monitored by the State.
5. Amends the definition of "lodging unit" to clarify that a lodging unit is designed for transient occupancy, and is used for independent living quarters for one or more persons living as a single family.

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6. Amends the definition of "rooming" to clarify that rooming provides accessory overnight living accommodations to persons other than transient occupants, and does not include bed and breakfast homes (references bed and breakfast home).
 7. Amends, rather than deletes, the definition of "special needs housing for the elderly" to clarify that the term is a type of group living that meets certain listed criteria and is eligible for the modification of certain development standards pursuant to ROH § 21-2.90-2(e).
 8. Adds a new Figure 21-10.3 after the definitions of "duplex-unit dwelling," "single-unit dwelling," and "two-unit dwelling."
- H. In SECTION 71 of the bill:
1. Adds a definition of "large group living" as follows:

Type of group living that may be licensed, certified, registered, or monitored by the State, where a dwelling unit is occupied by nine or more residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.
 2. Adds a definition of "small group living – State regulated" as follows:

Type of group living that is licensed, certified, registered, or monitored by the State, where a dwelling unit is occupied by up to eight residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.
 3. Adds a definition of "small group living – not State regulated" as follows:

Type of group living that is not licensed, certified, registered, or monitored by the State, where a dwelling unit is occupied by up to eight residents who do not meet the definition of a family. Resident managers or supervisors and their families are not included in the resident count.
 4. Amends the definition of "single-unit dwelling" to reference Figure 21-10.3.

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5. Amends the definition of "two-unit dwelling" to reference Figure 21-10.3.
6. Adds a new Figure 21-10.3, which depicts dwelling types, including single-unit dwelling, two-unit dwelling, and duplex-unit dwelling.
- I. In SECTION 72 of the bill, removes the deletion of the definition of "special needs housing for the elderly," which is being retained and amended (see summary paragraph E.7).
- J. Makes miscellaneous technical and nonsubstantive amendments for purposes of formatting, grammar, consistency, and clarity.

Related communications:

- CC-32 Councilmember Kia'āina, submitting Instructions for Amendments to Bill 64 (2023), FD1 for the March 7, 2024, P&E Committee Meeting (Residential Uses)
- CC-34 Councilmember Kia'āina, submitting Proposed Amendments to Residential Uses in Bill 64 (2023), FD1 for the March 7, 2024 P&E Meeting
- CC-35 Councilmember Kia'āina, submitting Updated Proposed Amendments to Residential Uses in Bill 64 (2023), FD1, for the P&E Committee Meeting on March 7, 2024, to Supersede CC-34 (2024)
- D-583(22) Department of Planning and Permitting, submitting Departmental Response to Councilmember Questions Bill 10, CD1 (2022) Relating to Use Regulations in the B-1 and B-2 Business Districts Chapter 21, Revised Ordinances of Honolulu Land Use Ordinance (LUO)

INFORMATIONAL BRIEFINGS

2. **UPDATES BY THE DEPARTMENT ON PLANNING AND PERMITTING ON THE CITY AUDITOR'S REPORT, FOLLOW-UP ON RECOMMENDATIONS FROM REPORT NO. 20-01, AUDIT OF THE DEPARTMENT OF PLANNING AND PERMITTING'S PROCESSES FOR REVIEWING BUILDING PERMIT APPLICATIONS, RESOLUTION 18-284, CD1, FD1 AND ON RELATED EFFORTS TO ADDRESS BUILDING PERMIT BACKLOG.**

Related communication:

CC-27 Office of the City Auditor, submitting audit report, Follow-up on Recommendations from Report No. 20-1, Audit of the Department of Planning and Permitting's Processes for Reviewing Building Permit Applications, Resolution 18-284, CD1, FD1.

3. **UPDATE BY THE DEPARTMENT OF PLANNING AND PERMITTING ON DEVELOPMENT AND SUSTAINABLE COMMUNITIES PLAN SCHEDULE AND TRANSIT-ORIENTED DEVELOPMENT PLANS AND ZONING STATUS.**

EXECUTIVE SESSION

If the need arises with respect to any item on this agenda, then pursuant to Hawai'i Revised Statutes Sections 92-4 and 92-5(a)(4), the Committee may consult in a closed meeting with its attorneys in executive session on questions and issues pertaining to claims and other matters on the Council's powers, duties, privileges, immunities and/or liabilities relating to that item.

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