

BILL064(23)

Testimony

MISC. COMM. 75

PLANNING AND THE ECONOMY (P&E)

PLANNING AND THE ECONOMY (P&E) Meeting

Meeting Date: Mar 7, 2024 @ 09:00 AM

Support: 5

Oppose: 6

I wish to comment: 4

Name: Patricia Noto	Email: mauinoto@hotmail.com	Zip: 96790
Representing: Self	Position: Oppose	Submitted: Feb 27, 2024 @ 02:47 PM
Testimony: As a property owner paying high taxes on said property. What is the purpose of this ordinance. It's not to help the already burdened economy. Property owners should receive help from our government not the other way around Help to make our economy stronger together		
Name: Victoria Johnson	Email: beachholdings2005@gmail.com	Zip: 96762
Representing: Self	Position: Oppose	Submitted: Feb 28, 2024 @ 09:02 AM
Name: Lisa Duet	Email: lisandnicole@icloud.com	Zip: 96754
Representing: Self	Position: Oppose	Submitted: Feb 28, 2024 @ 10:27 AM
Testimony: To those in support of this bill, I really don't think you understand how (yet again) this would affect livelihood of a large population across the state. 1. Revenue Loss - Vendors would lose a significant portion of their income stream. 2. Job Losses - Many jobs in cleaning, maintenance, and landscaping would disappear, potentially forcing workers to seek employment elsewhere. 3. Forced Relocation - Loss of jobs could result in some workers being forced to move off the island to find employment. 4. Decreased Demand - Fewer vacation rentals mean less need for services. 5. Local Economy - The local economy would suffer due to reduced spending. 6. Seasonal Work - Seasonal employment opportunities would decline. 7. Loss of Specialization - Specialized businesses catering to vacation rentals would struggle. 8. Investment Loss - Investments in equipment and supplies would be wasted.		
Name: skippy espinda	Email: kafakawa@google.com	Zip: 96707
Representing: Self	Position: I wish to comment	Submitted: Feb 28, 2024 @ 11:48 AM
Testimony: Not sure if this is the right bill. I wanted to comment that the penalties for misuse and violations under this regulations by the land owner be as high as confiscation of property through whatever judicial process necessary.		
Name: Jenny Pobst	Email: jennypobst@gmail.com	Zip: 96746
Representing: Self	Position: Oppose	Submitted: Feb 28, 2024 @ 12:14 PM
Testimony: Dear Committee, This bill would devastate our family and our community in so MANY ways. We are a middle class very hardworking family with 2		

young children. We have a window cleaning business and I do bookkeeping on the side as well as run our 2 vacation rentals. Our window business cleans a lot of vacation rental windows so that business would suffer as well. We currently employ 3 people and would most likely have to lay 2 off.

The decrease in income from our vacation rentals would force me to find another job to make ends meet, resulting in spending even fewer hours raising our children. I believe investing in time in raising our children (teaching good morals, instilling hard work ethic, helping them with school, be present parents) is the best thing we can do for our community. And getting to this point in my life to be able to be a present parent took a lot of hard work and effort on our parts.

Our vacation rental properties are the size for 1 or 2 people only. We would not be able to cover the mortgages on these properties and the other bills without charging a long term rental rate that would not be anywhere near affordable for that size of group. The only people I could see renting it long term are travelling nurses or people from the mainland that have online jobs and want to live in paradise as the rent would have to be well over \$3,000 - \$4,000 a month for a 350 sq/ft place and 600 sq/ft place. So, this would not help the housing situation for locals anyway.

Further, these vacation rentals are in Kapaa VDA zones and both condos are in buildings with less than 5% owner occupancy. Furthermore, they are next to actual hotels and very much in the mix of a tourist zone with 1,000s of tourists and with probably only a handful of long term residents. Given their locations, they are not in anyway bothering community residents. Rather, they are providing jobs to the residents in ways of property maintenance, increased foot traffic in shops and restaurants and such.

I grew up in a junky home and was an orphan by 17. Through my years of hard work and determination, I never needed to rely on the government. My husband and I are both UH graduates and have been working very hard for many decades to get to where we are now. Rents have always been high (relative to our seasons of life), but we have always found a way to make it work. We worked hard while getting our educations and then continued to work hard to build up our lives to where we are now.

I plead that this bill be dropped. It will be detrimental to our family, local families we employ, local family businesses and the local economy as a whole.

Best Regards,
Greg and Jenny Pobst

Name: Gregory Pobst	Email: gregoryapobst@gmail.com	Zip: 96746
Representing: Self	Position: Oppose	Submitted: Feb 28, 2024 @ 12:23 PM

Testimony:
Dear Committee,

This bill would devastate our family and our community in so MANY ways. We are a middle class very hardworking family with 2 young children. We are also General Resource Care Givers (aka Foster Parents). I have a window cleaning business and my wife does bookkeeping on the side as well as run our 2 vacation rentals. Our window business cleans a lot of vacation rental windows so that business would suffer as well. We currently employ 3 people and would most likely have to lay 2 off.

The decrease in income from our vacation rentals would force my wife and possibly me to find another job to make ends meet, resulting in spending even fewer hours raising our children. I believe investing in time in raising our children (teaching good morals, instilling hard work ethic, helping them with school, be present parents) is the best thing we can do for our community. And getting to this point in our lives to be able to be a present parent took a lot of hard work and effort on our parts. Our vacation rental properties are the size for 1 or 2 people only. We would not be able to cover the mortgages on these properties and the other bills without charging a long term rental rate that would not be anywhere near affordable for that size of group. The only people I could see renting it long term are travelling nurses or people from the mainland that have online jobs and want to live in paradise as the rent would have to be well over \$3,000 - \$4,000 a month for a 350 sq/ft place and 600 sq/ft place. So, this would not help the housing situation for locals anyway. Further, these vacation rentals are in Kapaa VDA zones and both condos are in buildings with less than 5% owner occupancy. Furthermore, they are next to actual hotels and very much in the mix of a tourist zone with 1,000s of tourists and with probably only a handful of long term residents. Given their locations, they are not in anyway bothering community residents. Rather, they are providing jobs to the residents in ways of property maintenance, increased foot traffic in shops and restaurants and such. My wife grew up in a junky home and was an orphan by 17. Through her years of hard work and determination, she never needed to rely on the government. My wife and I are both UH graduates and have been working very

hard for many decades to get to where we are now. Rents have always been high (relative to our seasons of life), but we have always found a way to make it work. We worked hard while getting our educations and then continued to work hard to build up our lives to where we are now. I plead that this bill be dropped. It will be determinantal to our family, local familys we employee, local family businesses and the local economy as a whole. Best Regards, Greg Pobst

Name: Raphael Tamari	Email: raphaeltamari@gmail.com	Zip: 96753
Representing: Self	Position: Oppose	Submitted: Feb 28, 2024 @ 01:29 PM

Testimony:
This proposed legislation to force transformation of short-term rentals (STRs) to long-term rentals is misguided, short-sighted, and will have unintended consequences that will harm Maui. STR provide a significant source of tax revenue to the County of Maui as well as the State of Hawai. This tax revenue should be used to help Lahaina residents with a long-term view in mind.

Name: Evan Oue	Email: eoue@imanaka-asato.com	Zip: 96813
Representing: NAIOP Hawaii Chapter	Position: Support	Submitted: Mar 6, 2024 @ 07:41 AM

Name: Tracy Tonaki	Email: ttonaki@drhorton.com	Zip: 96813
Representing: D.R. Horton Hawaii	Position: Support	Submitted: Mar 6, 2024 @ 08:04 AM

Name: Dean Uchida	Email: ssakamoto@imanaka-asato.com	Zip: 96789
Representing: BIA Hawaii	Position: Support	Submitted: Mar 6, 2024 @ 08:28 AM

Name: Ted Kefalas	Email: tkefalas@grassrootinstitute.org	Zip: 96813
Representing: Grassroot Institute of Hawaii	Position: I wish to comment	Submitted: Mar 6, 2024 @ 09:19 AM

Name: Eliza Talbot	Email: eliza8482@gmail.com	Zip: 96707
Representing: Chamber of Commerce Hawaii	Position: I wish to comment	Submitted: Mar 6, 2024 @ 11:24 AM

Name: Garret Matsunami	Email: lkodama@castlecooke.com	Zip: 96817
Representing: Castle & Cooke Homes Hawaii, Inc.	Position: Support	Submitted: Mar 6, 2024 @ 06:29 PM

Name: Racquel Achiu	Email: rhachiu@gmail.com	Zip: 96791
Representing: Self	Position: I wish to comment	Submitted: Mar 7, 2024 @ 05:58 AM

Testimony:
Aloha Racquel Achiu, North Shore. I respectfully ask that concerns with Amendments to Bill 64 FD-1. Page 3 Item No. 7 with regard to Multi Unit Dwelling standards be considered. If I am understanding this correctly, allowing multiple units on a residential lots opens a very scary door that impacts communities & I believe could eventually, ultimately impact AG properties. Additionally, with respect to the acreage standards, since the County doesn't recognize CPR parcels, I am concerned that this amendment seemingly allows for multiple dwellings based on the TOTAL ACREAGE of the lot vs the parcel (??). Allowing, multiple dwellings other than the allowable main dwelling & possible ADU, the allowance of additional dwellings on lots also

creates compliance and enforcement challenges that already exist. Further addt'l dwellings provide potential impacts, similar to subdivision projects, where the footprint of any community would be impacted by traffic, waste water systems, emergency services/plans, public utility, parking etc. Not to mention, the added, high potential of increased illegal rentals. It's already difficult to enforce compliance of dwellings, builds, use etc how would compliance of multiple units on one lot be enforced? Also, I realize the AG portion of Bill 64 will be addressed later, however, since it is listed on Page 3 Item No.8 I will briefly comment that the minimum 51% requirement is too little - the remaining 49% is A LOT of room for unknown, non compliant use of Ag Land. The issue and increased potential of SEVERE MIS-USE is a significant problem. MAHALO

Name: Angela Melody Young	Email: Alohadininedesign@gmail.com	Zip: 96817
Representing: CARES Community Advocacy Research Education Services	Position: Support	Submitted: Mar 7, 2024 @ 08:44 AM
Testimony: CARES testifies in strong support.		

I am concerned, as already voiced by many opposing, that this bill is unconstitutional and has the potential to result in substantial future legal action. The stated purpose of this is to allow the Counties to amortize or phase out nonconforming single-family transient vacation rental units in residential areas.

Section 46-4 of the Hawaii Revised Statutes Reflects the State's Statutory Codification of Property Rights Arising from the Hawaii and United States Constitutions.

As currently enacted, Section 46-4(a) of the Hawaii Revised Statutes ("HRS") protects the property rights of residential homeowners, which are vested in owners by both the Hawaii and United States Constitutions.

This proposal would grant the counties the power to phase out short-term rentals ("STRs") which carries the risk of a significant reduction in tax revenue for the state. Based on total estimated transient accommodation tax ("TAT") revenues, STRs generated \$132.6 million in TAT revenues excluding General Excise Tax revenues in 2018. It was also estimated that STRs would generate \$102.4 million in TAT revenues in 2023. Where's the replacement of these revenues going to come from?

Also, a bill can not just change the structure of what was set up long ago regarding rental laws and property rights, The county is NOT the appropriate rule and decision making of what has been a State issue - landlord - tenant laws.

Additionally, this measure could be challenged as impacting vested rights and taking principles. "Under the United States and Hawaii Constitutions, preexisting lawful uses of property are generally considered to be vested rights that zoning ordinances may not abrogate.

Finally, short-term rentals are not only for vacationers and are also needed by Hawai'i residents as a housing option.

These types of rentals are essential for various situations, including families temporarily displaced due to home damage; homeowners undergoing significant renovations; neighbor island residents seeking medical care on O'ahu; visiting family members; and travelling professionals such as healthcare, construction, and other workers engaged in projects across the islands, construction as well as project management.

Please consult with legal counsel about the matter of suddenly shifting enforcement to the counties. It is unconstitutional as already verified by several law firms submitting testimony.

Please do not move forward with this bill.



March 6, 2024

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

RE: **Bill 64 –LUO AMENDMENT RELATING TO USE REGULATIONS**
Hearing date – March 7, 2024 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 64 – 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:

1. Expand the definition of Permitted Home Occupations section on Page 24 to indicate: "Personal and professional services such as hairdressing, cosmetology, manicuring, professional consulting, and real estate brokerage services, insurance agency, engineering, architecture, law, marketing, public relations, photography, videography, and any other consulting related business."
2. Amend the home occupation standards for employees in section (b)(4) on Page 25 to read: "Employees: ~~Employees are limited to household members~~ Four employees of the home occupation may be on the property at any given time." NAIOP is supportive of this amendment as the work from home trend will continue and should be given more flexibility. Furthermore, this will support small businesses with a few employees that operate out of their home.
3. Additionally, we respectfully ask that an amendment be made to **Section 21-4.110(c)(3)(C) Nonconforming Uses**, which proposes to delete the exemption for nonconforming hotel use in the Diamond Head Special District. We request that the following language be re-inserted into the legislation, "and further provided that the 10 percent of the current replacement cost limitation does not apply to work involving that portion of a structure devoted to nonconforming hotel use in the Diamond Head special district." We believe the original intent of this provision was to prevent harmful uses. For example, if a non-conforming industrial property was in a residential zoned neighborhood. However, it is widely known that these hotels

exist in the Diamond Head Special District and in fact are enjoyed by people who reside in this community. This provision supports a need for high quality hotels and hotel rooms in Honolulu, and the removal of this provision discourages the renovation of our existing room product.

4. Additionally, we support the expansion of multi-family use in B-1/B-2 districts outside of the Primary Urban Core and Ewa Development Plan areas including the Central Oahu Sustainable Communities Plan.
5. Commercial uses will happen organically in response to demand. Therefore, minimum requirements for commercial or "non-res" uses via square footage or floor area ratio should be limited. Requiring ground floor commercial may not be suitable for all project types. For example, 1) Keola La'i retail below condos struggle because of location; and 2) Kapālama Kai (while covered by TOD) does not have plans for non-res use farther up the canal. Many affordable housing developers may have concerns with requiring mixed use in their projects and prefer to focus on delivering affordable housing as a core mission to not get distracted. Further, LIHTC funding limits affordable housing developers to only minimal, accessory commercial use. With mandatory commercial use they would have to bifurcate their funding, construction contract, etc. which gets very complicated and discourage them from developing more affordable housing in these areas.

Moreover, 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 64 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 64. 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. **Acquire and Obtain 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.

Finally, NAIOP Hawaii respectfully seeks a redline version and a comprehensive summary of Bill 64 to facilitate public review and understanding of the proposed amendments. Furnishing a succinct overview of the alterations to the Land Use Ordinance (LUO) will aid in clarifying the ongoing changes to the public.

Accordingly, NAIOP Hawaii recommends the aforementioned amendments for Bill 64. 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.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'Reyn Tanaka', with a stylized flourish at the end.

Reyn Tanaka, President
NAIOP Hawaii



March 6, 2024

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 64 (2023), FD1, Proposed CD1 Amendments – LUO Amendment Relating to Use Regulations**
Meeting: March 7, 2024 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 Hawaii, offering our **STRONG SUPPORT** and comments to Bill 64 (2023), FD1, Proposed Land Use Ordinance (LUO) Amendment relating specifically to residential use regulations at this time. We respectfully reserve the opportunity to provide comments on other use categories, such as miscellaneous uses, at an appropriate hearing in the near future.

D.R. Horton Hawaii is one of Hawaii's largest home builders and has been providing affordable and workforce housing for local families throughout Oahu for 50 years. We wholeheartedly believe in identifying and creating additional by right 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**. This innovative amendment would allow currently underutilized Floor Area Ratios (FAR) in B1/B2 zoning districts to be repurposed into housing.

Kindly allow me to offer two comments:

1. **Proposed addition of Central Oahu sustainable communities plan** – D.R. Horton Hawaii supports the additional housing opportunities that will be created by expanding the application area of Sec. 21-5.50-1(c) to include Central Oahu. We believe all development plan areas should be included to maximize the exploration of much needed housing opportunities.
2. **Keep minimum commercial requirements as low as possible** – D.R. Horton Hawaii understands you are seeking to find a balance between fulfilling the intent of B1/B2 zoning districts and creating new housing opportunities. We believe the heart of the discussion boils down to commercial absorption risk. Based on the case study data we have submitted with previous testimony of five mixed-use projects we have built over the last four years at Hoopili, here is what we have learned:

- Absorption of commercial square footage has consistently been challenging.
- Averages across 5 projects over the last four years (since 2020):
 - ✓ 17,420 sf = average commercial + live work commercial square footage built
 - ✓ 3,909 sf = average commercial + live work commercial square footage in use
 - ✓ 23% = average commercial absorption
 - ✓ 0.02 = average commercial Floor Area Ratio (FAR)
- Collectively across 5 projects, there is a total of 87,098 sf of built commercial space of which 67,554 sf remain empty.
- As a homebuilder, we continue to learn from our projects and the slow market acceptance of commercial space. While we hope for a high and quick absorption of any commercial space we build, the reality is that the commercial market is much more volatile than the housing market. It ebbs and flows in fits and starts, thus minimum requirements should accommodate commercial market fluctuations so that it does not preclude the timing and viability of housing opportunities.

For additional consideration in determining viable minimum commercial use requirements in Sec. 21-5.50-1(c), I have received permission from Mutual Housing Association of Hawaii (MHAH) to share this information. MHAH is an affordable rental housing developer who has built 120 units at Kulia at Ho'opili for families earning below 60% AMI (note that Kulia does not include any commercial square footage.) They have also developed and continue to operate four other affordable rental housing projects with a total of 863 units, three of them on Oahu. David Nakamura, Executive Director of MHAH, has extensive experience in developing, financing and fiscally maintaining these very challenging projects long term. David has shared that it is very difficult to underwrite any commercial space in his low-income rental projects due to restrictions in funding program rules (Low-income housing tax credit, etc.), the unpredictability of the commercial leasing market and the risk that it brings to his limited financing options. If there were a minimum commercial space requirement on B1/B2 zoning parcels, he would not consider B1/B2 parcels viable for low income rental housing development.

Based on what we have learned in the last 4 years, our recommendation would be keep the minimum commercial requirement as low as possible to accommodate market fluctuations while encouraging the highest opportunity for more housing. Let the market dictate commercial development, if the market is strong, developments can and will exceed minimums.

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.

Sincerely,



Tracy Tonaki
President
Hawaii Division



**HONOLULU CITY COUNCIL
COMMITTEE ON PLANNING & THE ECONOMY
COUNCIL CHAMBERS, 9:00 AM**

March 7, 2024

RE: BILL 64, FD 1, Proposed CD 1 - RELATING TO USE REGULATION

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 is in support of the intent of Bill 64, FD 1, CD 1, Relating to Use Regulation. BIA Hawaii supports the general intent of this bill to address the regulation of uses throughout Chapter 21, the Land Use Ordinance (LUO). This bill will bring clarity, consistency, and a much-needed refresh of the LUO.

BIA Hawaii specifically supports Section 21.5.50 1-(d) Multi-unit dwelling which provides for the following:

Defined: Three or more principal dwelling units in a single building. Includes one to two principal dwelling units in a building with a different non-residential permitted use.

Standards:

- **In the B-1 and B-2 zoning districts, multi-unit dwellings are permitted** if located above the first floor of a building occupied by a permitted principal non-residential use. A residential lobby of up to 1,500 square feet of floor area and other necessary points of ingress or egress may be located on the ground floor. All other residential uses must be located above the non-residential use.
- In the B-1 and B-2 zoning districts, multi-unit dwellings are permitted within neighborhood transit-oriented development plan areas; provided that the following requirements are satisfied:
 - For zoning lots larger than 4 acres, but smaller than 7 acres, a minimum of 10,000 square feet of nonresidential floor area must be developed on the lot;
 - For zoning lots larger than 7 acres, a minimum of 40,000 square feet of nonresidential floor area must be developed on the lot; or
 - For zoning lots with a minimum nonresidential floor area ratio of 0.3; provided that a pedestrian and bicycle access path a minimum of 8 feet in width must be provided from adjacent rights-of-way to both residential and nonresidential uses on the zoning lot.

CD 1 proposes Amends ROH § 21-5.50-1(c), relating to multi-unit dwellings, to:

- b. 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 3 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 non-residential 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);
- 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.

BIA Hawaii Position:

The significant change in the update of the LUO is to allow, by right, the development of multi-unit residential in the Commercial/Business zoned districts on Oahu. The standards imposed are intended to keep the existing B-1/B-2 Commercial/Business uses to continue and not be entirely displaced by the multi-family residential development on the property. BIA-Hawaii is in strong support of this change to the existing LUO. Adding more residential to areas with existing infrastructure also will reduce the need for regional infrastructure improvements. These new residences will create much needed mixed-use neighborhoods where residents are able to live-work-play in walking distance.

We suggest that the minimum square foot requirements for non-residential uses be revised and determined by a “market study” at the time the redevelopment is proposed. Our concern is based on the fact that in some communities, additional commercial/business square footage will not be absorbed in the market. In Colliers 2023 4th Quarter Report on the Office Market, they found the following:

“Oahu’s office market recorded a loss of more than 117,000 sq ft of occupancy in 2023, with vacancy rates reaching 13.45% by year-end 2023.”

We believe that the Council should recognize that every community is unique in the supply and demand for commercial/business- zoned property, and mandating the creation of more non-residential space will not automatically create more business. Supply and demand for commercial/business-zoned lands will change over time and as such, a more prudent approach would be to have a market study prior to approving the multi-family units to determine if there is sufficient demand to provide more non-residential spaces. As more residential units are constructed, the demand for more non-residential space will increase. In turn, as new projects are approved, more non-residential space would be required, based on new project market studies at the time.

The state of Hawaii is in a dire housing crisis. This bill provides the Council with a unique opportunity to create more housing without requiring huge investments in regional infrastructure improvements. 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 provide our comments on this matter.

March 7, 2024, 9 a.m.

Honolulu Hale

To: Honolulu City Council Committee on Planning and the Economy

Esther Kiaʻāina, Chair

Radiant Cordero, Vice-Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: Comments on Bill 64 (2023) — RELATING TO USE REGULATIONS

Aloha Chair Kiaʻāina, Vice-Chair Cordero and members of the Committee,

The Grassroot Institute of Hawaii would like to offer its comments on the portion of [Bill 64 \(2023\), FD1](#) that would amend the city's land-use regulations governing residential uses.

In general, the amendments proposed in this measure would make it easier to build homes and would promote walkable mixed-use buildings and neighborhoods. Many of them accord with the recommendations we made in our report, "How to facilitate more homebuilding in Hawaii."¹

We would like to comment on three groups of changes in Chair Kiaʻāina's proposed amendments: the standards for multifamily housing in B-1 and B-2 zones; the changes to permitted home occupations; and the parking minimums for food trucks.

>> Multifamily units in business zones

The current draft of Bill 64 would allow multi-unit dwellings to be built in B-1 and B-2 zones in the Primary Urban Center development plan and Ewa development plan areas. Currently, multi-unit dwellings are permitted in the BMX-3 and BMX-4 zones.

¹ Jonathan Helton, "[How to facilitate more homebuilding in Hawaii](#)," Grassroot Institute of Hawaii, December 2023.

One of Chair Kia‘āina’s proposed amendments would expand multi-unit dwellings in B-1 and B-2 zones to the Central Oahu sustainable communities plan — a welcome change that could promote mixed use in Wahiawa and Waipahu.²

The amendment would also allow certain multi-unit dwellings to proceed as long as they provide some commercial floor area. Setting the minimum floor-area ratio for non-residential use at either 0.2, 0.05 or 10,000 square feet, depending on the size of the lot — as the amendment does — would preserve the mixed-use nature of the building while allowing builders flexibility in allotting the floor area between commercial and residential uses.

>> Home occupations

In our housing report that we released in December, we recommended that lawmakers relax restrictions on home-based businesses because small-scale mom and pop entrepreneurs can boost a neighborhood's sense of community and place.

Chair Kia‘āina’s proposed amendment would take some steps to liberalize home occupations. It would allow one non-household employee to work at a home-based business at any time — although it is unclear whether household members could work at the home-based business at the same time as the non-household employee. Clarifying that the non-household employee could work on-site at the same time as any household members could prove helpful for small salon, consulting or other personal service settings.

Likewise, the amendment would retain existing language that allows a person to paint or repair up to five vehicles at their residence in a given year and would set standards for when non-household employees could help with a home-based childcare.

>> Food truck parking minimums

We are concerned about the proposed language relating to parking minimums for food trucks — or mobile commercial establishments, as the amendment calls them.

The new language would require that whenever three or more mobile commercial establishments are operating on one zoning lot, each would need to provide five off-street parking spaces. Currently, the code requires five parking spaces per mobile commercial establishment, so this new language is an improvement of sorts.

At the same time, this language brings up other questions, such as when this requirement is triggered. Would three food trucks operating on a vacant lot on a single weekend need to provide 15 spaces?

² See: “[Zoning. \(City and County of Honolulu\)](#),” Hawaii Statewide GIS Program, accessed Feb. 29, 2024; and “[Sustainable Communities Plan Areas](#),” Hawaii Statewide GIS Program, accessed Feb. 29, 2024.

We believe this amendment should receive more input from stakeholders, including business owners.

Overall, though, the Grassroot Institute believes many of the changes in Bill 64 would make Honolulu a better place to live and do business; however, while this is a good bill on its face, we do ask that the council consider delaying the vote until a redline version can be distributed to the public to increase transparency.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii



March 6, 2024

**Honorable Chair Esther Kiaaina
Vice Chair Radiant Cordero
Planning and Economy Committee**

**City & County of Honolulu
530 South King Street
Honolulu, HI 96813**

RE: Testimony with Comments regarding bill 64 (2023) relating to Use regulations

Aloha Chair Kiaaina, Vice Chair Cordero and Committee Members,

The Chamber of Commerce of Hawaii ("The Chamber") would like to provide comments regarding Bill 64 (2023), which will amend the City's land use regulations. The overall affordable housing crisis faced by our entire state is contributing to a severe workforce shortage that significantly impacts our local business community. For these reasons, we support the intent of the bill to adopt land use policies that expand the allowable areas where housing can be developed. We offer comments, however, to promote the interests of Oahu's business community.

The Chamber of Commerce Hawaii, NAIOP Hawaii Chapter and a Coalition* of businesses, developers and associations based on Oahu, recently submitted a letter to the Planning and Economy Committee regarding Bill 64. In an effort to better understand the impacts of the proposed bill, the Coalition created a working group to discuss the amendments. In the letter, the Coalition presented the following concerns for consideration.

- 1. There are several iterations of the bill, and it is lengthy but currently, no redline version exists to clearly demonstrate proposed changes to the LUO. Consequently, it is difficult to assess how the proposed changes will impact the community.**

We acknowledge and appreciate the Council's efforts to provide lists of proposed changes, establish a dedicated webpage and provide multiple public hearings for this bill. However, the current changes to the LUO may negatively affect key industries and small businesses such as agriculture, agritourism, wedding and event businesses, restaurants and retail, residential communities, affordable housing, resort properties and more. In short, everyone is impacted by this bill, however, many are unaware or do not understand the impending changes.

Many versions of the bill were introduced throughout the past two years rendering it difficult to track the evolution and amendments over time. Much of the public testimony cites confusion and unintended consequences if passed. Attorneys and industry professionals who are monitoring Bill 64 advise that it is exceedingly difficult to track and comprehend.

In order to fully understand the long-term impacts of this bill, we respectfully ask that the Department of Planning and Permitting (DPP) provide a redline version that compares the amendments to the current ordinance. This will ensure the public can meaningfully participate in the process and understand the full implications of the measure, if passed.

2. It is difficult to predict the overall economic impact and effect on real property tax values without fully understanding the proposed changes to the LUO.

If enacted into law, Bill 64's changes to the current LUO will certainly impact the community at large and business operations throughout the County, however, it is difficult to anticipate without the redline comparison and a coinciding comprehensive economic impact study. The most immediate economic impact will likely be felt by small and medium size businesses, which often serve important roles in our local economy by promoting cultural values and food sustainability. These include visitor education experiences, family-owned farms, livestock operations, boutique hotels, event planning companies, and beekeepers.

Additionally, changes in permissible land use designations will certainly impact real property tax values. This may have a significant impact on rate payers and simultaneously affect the City's revenue collections. A comprehensive economic analysis of the proposed changes would be extremely beneficial to avoid unintended negative consequences.

One consideration could be to bring in a third-party consultant to provide objective support throughout the process and consider economic, environmental, and social impacts. For example, [Maui County is currently working to update its zoning code](#) which was adopted in 1960, with the help of an outside consultant. Maui's updates have a six-year timeline and involve robust public engagement using a variety of tools to engage and garner input and review from the public, development community and other interested parties. The consultants develop public outreach strategies and supply comprehensive updates and amendments that include relevant statutes for comparison.

It is worth noting, the [Oahu General Plan](#) ("Plan"), adopted by the City Council and the Mayor in 2021 as Resolution 21-23 CD2, lays out several objectives such as a "Balanced Economy", which commits the City to policies that "encourage the viability of businesses and industries", "support entrepreneurship and innovation", "foster a healthy business climate by streamlining regulatory processes to be transparent, predictable and



efficient”, and “encourage economic models that reflect traditional cultural values and improve economic resilience”. Many of the proposed LUO amendments in Bill 64 could inadvertently jeopardize businesses the County pledged to protect and promote in its General Plan.

3. The County may consider utilizing the support of qualified consultants and experts to support the process and ensure community input and understanding. This is a customary practice that provides local government with an objective, experienced team of professionals.

Consultants can provide additional community outreach and in-person and virtual town halls, throughout the relevant region, to provide background information and the reasoning behind the proposed amendments. They can also develop a user-friendly website and concise collateral that effectively describes the impacted zoning areas (i.e. agriculture, commercial, residential, etc.), provides a timeline of bill changes and explains the intent, process, and impact of proposed amendments. This would greatly increase the general public’s understanding of the bill and enhance the credibility of the process.

Finally, DPP’s leadership is rightfully focused on addressing internal challenges and is undergoing a very public transition, internally, which affects the department’s ability to effectively advise the Council on this bill and impacts the credibility of the department. It is reasonable to consider recruiting an unbiased, experienced third party to support the City through this process.

We appreciate the diligence and careful attention that the Council dedicated to updating the City and County of Honolulu’s Land Use Ordinance (LUO). Mahalo especially to Chair of the Planning and Economy Committee, Councilmember Kiaaina and her team, for their work to simplify the process by segmenting hearings according to land use.

We sincerely appreciate the Council’s thoughtful and incremental approach to amending Bill 64. The Coalition is wary, however, that without the redline comparison and full economic analysis of the proposed changes there may be unintended consequences for our local economy and the community.

Perhaps segmenting the omnibus bill into smaller pieces, focused on targeted industries and subject matter, could simplify the process. Alternatively, we hope the council will be willing to work with the Coalition and community stakeholders to enact amendments to the ordinance through subsequent legislation if additional refinement is needed.

Hawaii is still reeling from the economic crisis imposed by the pandemic and recent wildfires in Maui are impacting our entire state. We urge the City Council of the City and County of Honolulu and DPP to be particularly sensitive to community concerns during this critical time.



Thank you again for the opportunity to provide comments.

The Chamber is the largest business organization in Hawaii, representing over 2,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the “Voice of Business” in Hawaii, the organization works on behalf of members and the entire business community to improve the state’s economic climate and to foster positive action on issues of common concern.



Chamber of Commerce HAWAII

The Voice of Business

*Coalition Members:

Christine Camp
President and CEO
Avalon Group

Mufi Hanneman
President and CEO
Hawaii Lodging and Tourism Association

Jason Higa
CEO
FCH Enterprises (Zippy's Restaurants)

Adrian Hong
President
Island Plastic Bags, Inc.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

Victor Lim
Legislative Lead
Hawaii Restaurant Association

Sherry Menor-McNamara
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Monty Pereira
General Manager and Sales and Marketing Director
Watanabe Floral

Kiran Polk
Executive Director
Kapolei Chamber of Commerce

Quentin Machida
President and CEO
Gentry Homes, Ltd.

Reyn Tanaka
President
National Association of Industrial and Office Properties (NAIOP)

Tina Yamaki
President



Chamber *of* Commerce HAWAII
The Voice of Business

Retail Merchants of Hawaii

Julie Yunker

Director of Sustainability, Government and Community Relations

Hawaii Gas

Lauren Zirbel

President and Executive Director

Hawaii Food Industry Association (HFIA)



Testimony by Garret Matsunami
Executive Vice President & Chief Operations Officer, Castle & Cooke Homes Hawai'i, Inc.
March 7, 2024

Honolulu City Council Committee on Planning & the Economy
Regarding:
BILL 64 (2023) FD1, CD1
ADDRESSING THE REGULATION OF USES THROUGHOUT CHAPTER 21,
REVISED ORDINANCES OF HONOLULU 2021 ("LAND USE ORDINANCE" OR "LUO")

SUPPORT WITH AMENDMENTS

Chair Esther Kia'āina, Vice Chair Radiant Cordero, and Members of the Committee on Planning and the Economy,

Thank you for the opportunity to submit testimony in support of Bill 64 (2023), FD1, CD1 with amendments relating to residential uses. I'd like to express our appreciation for the tremendous work that has gone into this important update and modernization of the Land Use Ordinance (LUO) and the proposed amendments by the Department of Planning and Permitting and the City Councilmembers.

The LUO directs the planning, design, and decision making for the communities that we build. Proposed amendments such as permitting multi-unit dwellings in the B-1 and B-2 zoning districts is the kind of forward thinking that is needed to produce more housing for our local families. We fully support Chair Kia'āina's amendment in CC-35, in which permitting multi-unit dwellings in the B-1 and B-2 zoning districts extends beyond the Primary Urban Center development plan and Ewa development plan areas to include the Central Oahu Sustainable Communities Plan area, where urban fringe growth for much needed homes are planned in communities such as Koa Ridge and Waiawa.

Attached for the consideration by the Committee of Planning and the Economy are proposed amendments to Residential Uses in Bill 64 (2023), FD1, CD1, relating to residential use regulations.

Mahalo for your consideration of my testimony. Should you have any questions, please feel free to contact me:

Garret Matsunami
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BILL 64 (2023), FD 1, CD 1
Relating to Use Regulations
RESIDENTIAL USES

Castle & Cooke Homes Hawaii, Inc. - Proposed Amendments to Bill 64 (2023) FD1, CD 1

3/5/2024

Item No.	Bill Section	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (In Ramseyer Format)	Comments or Clarification
1	SECTION 3	Table 21-5.1, Table of Permitted Uses, Standards column	4	Amend Table of Permitted Uses, Standards column	Table 21-5.1, Table of Permitted Uses: Column for Standards Title - Standards*	<ul style="list-style-type: none"> Propose adding an asterisk at end of "Standards" title in the Standard column to reference that a standard is applicable.
2	SECTION 3	Table 21-5.1, Table of Permitted Uses, Home occupation	5	Amend Home occupation entry.	<div style="border: 1px solid black; padding: 5px;"> Home occupation -- [P*+] [P*+] [P*] [P*] [P*] [P*] [P*] [P*] [P*] [P*] [P*] [P*] [-] [-] [P*] [P*] -- -- -- -- §21-5.50-3(b) </div>	<ul style="list-style-type: none"> Designate the home occupation use as an accessory use. Support including home occupation as an accessory use in B-1 and B-2 zoning districts.
3	SECTION 3	§ 21-5.50-1(c), Household living, Multi-unit dwelling - standards	19	Amend multi-unit dwelling standards.	<p>(c) Multi-unit dwelling – standards.</p> <p>(1) In the B-1 and B-2 zoning districts, multi-unit dwellings are permitted within the Primary Urban Center development plan [and], Ewa development plan, <u>and Central Oahu sustainable communities plan</u> areas; provided that the following requirements are satisfied:</p> <p>(A) All residential uses and occupancies must be located on consecutive floors that are located above all non-residential uses and occupancies in the multi-family dwelling. A residential lobby of up to 1,500 square feet of floor area and other necessary points of ingress or egress may be located on the ground floor. A building must have at least one nonresidential use; or</p> <p>(B) The multi-unit dwelling satisfies the following requirements:</p> <p style="padding-left: 20px;"><u>(i) For multi-unit dwellings located on zoning lots of 3 acres or less, a minimum nonresidential floor area ratio of 0.2 must be developed on the lot;</u></p> <p style="padding-left: 20px;">((ii))<u>(iii)</u> For multi-unit dwellings located on zoning lots larger than [4] <u>3 acres</u>, but smaller than 7 acres, a minimum of <u>10,000</u> square feet or a floor area ratio of <u>0.05, whichever is higher</u>, of nonresidential floor area must be developed on the lot; <u>or</u></p> <p style="padding-left: 20px;">((iii))<u>(iii)</u> For multi-unit dwellings located on zoning lots larger than 7 acres, a minimum of <u>40,000</u> square feet or a floor area ratio of <u>0.05, whichever is higher</u>, of nonresidential floor area must be developed on the lot[-or]</p> <p style="padding-left: 20px;">[(iii)] The zoning lot has a minimum nonresidential floor area ratio of [0.3.] 0.2.</p> <p><u>(C) For purposes of this [subdivision] standard, nonresidential uses must be fully enclosed within a building and does not include areas used for parking.</u></p>	<ul style="list-style-type: none"> Support the addition of the Central Oahu Sustainable Communities Plan area as it is designated for urban fringe growth and where communities such as Koa Ridge and Waiawa are planned. Support the added minimum requirements for non-residential residential floor area. Support new item "C" and propose deleting the term "subdivision" and replacing it with "standard".

BILL 64 (2023), FD 1, CD 1
Relating to Use Regulations
RESIDENTIAL USES

Castle & Cooke Homes Hawaii, Inc. - Proposed Amendments to Bill 64 (2023) FD1, CD 1

3/5/2024

Item No.	Bill Section	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (In Ramseyer Format)	Comments or Clarification
4	SECTION 3	§21-5.50-3(b), Residential uses, Accessory residential, Home occupation - standards	23	Amend home occupation standards	<p>b) Home occupation – standards.</p> <p>(1) General.</p> <p>(A) The home occupation must be clearly incidental and subordinate to the use of the dwelling unit and zoning lot for residential living. [The home occupation use must also be one that is traditionally and customarily conducted as an accessory use to residential living.]</p> <p>(B) The home occupation use may not significantly change the exterior appearance of the dwelling unit [or], zoning lot[-], or the surrounding neighborhood. Onsite signage or advertisements for the home occupation is prohibited.</p> <p>(C) The outdoor storage of materials or supplies is prohibited.</p> <p>(D) The indoor storage of materials or supplies must not exceed 250 cubic feet or 20 percent of the total floor area of the dwelling unit, whichever is greater.</p> <p>[(D)](E) Noises and obnoxious odors associated with the home occupation must not be detectable from abutting streets or sidewalks. The director may order the mitigation of noise and odor impacts, or the cessation of a home occupation if noise and odor impacts are not able to adequately mitigated.</p> <p>[(E)](F) The home occupation use may not create unreasonable risks of harm to persons or property or cause significant adverse impacts to local traffic or parking.</p> <p>(G) In the B-1 and B-2 zoning districts, a home occupation is permitted in a dwelling unit within a multi-unit dwelling.</p> <p>(2) <u>Limitations on</u> [Permitted] home occupations: [Permitted activities include, but are not limited to:]</p> <p>(A) [Group instruction;] <u>If specifically permitted as a principle use in the underlying zoning district, commercial beekeeping may be a home occupation, subject to the standards of this subsection.</u></p> <p>(B) [Sale of items] <u>Items sold on the property are limited to items produced by the [household members;]</u> home occupation;</p> <p>[(C) Grooming and the occasional boarding of animals; provided that no more than three animals that are not household pets are permitted on the property at any given time;</p> <p>[(D) Home-based childcare;</p> <p>[(E) Home offices; or</p> <p>[(F) Personal and professional services such as hairdressing, cosmetology, manicuring, professional consulting, and real estate brokerage services.]</p> <p>(3) Prohibited home occupations: Activities that are prohibited as a home occupation use include but are not limited to:</p> <p>(A) [Commercial vehicle] <u>Vehicle repair and painting[;] that does not include the repair or painting of up to five vehicles owned by a household member.</u></p> <p>[(B) Uses and activities that are only permitted in the industrial zoning districts;</p> <p>[(C)](B) <u>Commercial weddings[;], including wedding ceremonies and receptions;</u></p> <p>[(D)](C) <u>Storage yards [and], base yards[;], and stockpiling;</u></p> <p>[(E) Mail and package handling and delivery businesses;]</p> <p>[(F)](D) <u>Sale of guns and ammunition; [and]</u></p> <p>[(G)](E) <u>Use of dwellings or zoning lots as a headquarters for the assembly of employees for instructions or other purposes, or to be dispatched for work to other locations[-];</u></p> <p>(F) Metal fabricating and cutting using welding or cutting torches, or other uses that involve the excessive or continuous use of loud tools; and</p> <p>(G) Commercial events that involve the renting, for compensation, of any portion of the zoning lot for use by guests or invitees.</p> <p>(H) Animal care, treatment, boarding, or veterinary services. The occasional boarding and the occasional grooming of animals is permitted, so long as it involves no more than three animals that are not household pets on the property at any given time.</p> <p>(4) Employees: [Employees are limited to household members.]</p> <p>(A) One employee of the home occupation may be on the property at any given time.</p> <p>(B) For home-based childcare, in addition to one employee of the home occupation, if an emergency renders unavailable the principal caregiver who is a household member, an additional employee may be on the property on a temporary basis to substitute for the principal caregiver.</p> <p>(5) Parking.</p> <p>[(A) Home occupations that involve client visits must provide one off-street parking space for every five clients that may be on the property at any given time, in addition to the parking required for the dwelling use. This requirement will be calculated as requiring on-off street parking for the first five clients and one additional off-street parking for every fractional increment up to five thereafter.</p>	<ul style="list-style-type: none">● Support (1) General amendments.● Provide clarification as to the change from "Permitted" to "Limitations on" home occupation. The proposed amendment has two (2) limitations and by definition any income producing activity occurring within a dwelling unit, accessory structure to a dwelling or on a zoning lot used principally for residential purpose is permitted.● The proposed "commercial beekeeping" use is not an appropriate home occupation.● Prohibited home occupation - Propose the deletion of "B) Uses and activities that are only permitted in the industrial zoning district". Home occupation is not a permitted use in any of the industrial zoning districts. The "use and activities that are only permitted in the industrial zoning districts" is already prohibited. If deletion occurs, renumbering of the subsequent items is needed. <ul style="list-style-type: none">● Support the revisions to (4) Employees.● Support the revisions to move (5) parking requirements for home occupation to § 21-6.30(d) and adding reference in this section.

BILL 64 (2023), FD 1, CD 1
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Castle & Cooke Homes Hawaii, Inc. - Proposed Amendments to Bill 64 (2023) FD1, CD 1

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					(B) Residents of multi-unit dwellings may fulfill their parking requirement using guest parking if allowed by the rules and regulation for the multi-unit dwelling. (C) Commercial vehicles associated with the home occupation (other than occasional, infrequent, and momentary parking of a vehicle for pickups and deliveries as a service to the home occupation) must not park on the street and may not be stored on the property unless the commercial vehicles are parked within a garage or carport or similar area fully screened from the street and neighboring properties.] <u>See § 21-6.30(d) for adjustments and exemptions to parking requirements for home occupation.</u>	
5	SECTION 3	§ 21-5.70-9(b) Commercial uses Retail Mobile commercial establishment - standards	65	Amend mobile commercial establishment standards.	(b) Mobile commercial establishment – standards. (1) Mobile commercial establishments must operate on all-weather surfaces, unless otherwise specified in this chapter. (2) Mobile commercial establishments must operate outside of any required yards. (3) One portable sign per mobile commercial establishment is allowed during hours of operation. The sign must be located within 5 feet of the mobile commercial establishment. (4) When three or more mobile commercial establishments operate on one zoning lot: (A) A parking management plan is required. [A minimum of five parking spaces per mobile commercial establishment is required.] <u>See § 21-6.30(m) for adjustments and exemptions to parking requirements for mobile commercial establishments.</u> (B) A pedestrian and vehicle circulation plan is required. (C) Hours of operation are limited to between 6:00 a.m. and 10:00 p.m. (D) If seating areas are provided for patrons of the mobile commercial establishments, restrooms or portable restrooms accessible to patrons must be present on the zoning lot and adequately screened from public view. (5) If a mobile commercial establishment is located less than 75 feet from any adjoining zoning lot: (A) In the country, apartment, or apartment mixed-use zoning district, hours of operation are limited to between 6:00 a.m. and 10:00 p.m. (B) In the residential zoning district, hours of operation are limited to between 8:00 a.m. and 9:00 p.m. (6) In the Haleiwa special district, the mobile commercial establishment requirements in § 21-9.90-4(j) supersede the standards listed in this subsection.	● For item (b)(4)(A), please confirm the reference (§ 21-6.30(m)) as to the parking requirements for mobile commercial establishments.
6	SECTION 34	§ 21-6.30 Adjustment and exceptions to parking requirements	131	Amend Adjustment and exceptions to parking requirements.	§ 21-6.30 Adjustments and exceptions to parking requirements. (a) Change of use. If there is a change in use, the number of off-street parking spaces set forth in Table 21-6.1 for the new use is required, except as provided under § 21-4.110(e), relating to nonconforming parking and loading. (b) For accessory dwelling units, one off-street parking space must be provided in addition to the required off-street parking for the primary dwelling unit, except for accessory dwelling units located within one-half mile of a rail transit station. For accessory dwelling units located on zoning lots within the Primary Urban Center development plan, [area or the] Ewa development plan, <u>and Central Oahu Sustainability communities plan areas</u> , the off-street parking space requirement is waived if the accessory dwelling unit is located within 800 feet of a city bus stop. (c) For bed and breakfast homes in areas where parking is required for the dwelling, one off-street parking space for each guest bedroom is required in addition to the required off-street parking for the dwelling. (d) Home occupations. (1) Home occupations that [depend on] <u>involve</u> client visits[, including but not limited to group instruction;] <u>or onsite employees</u> must provide one off-street parking space [per] <u>for every five clients</u> [on the premises] and employees that may be on the property at any [one] <u>given</u> time [- This parking requirement is] , in addition to [- and the client parking space must not obstruct, the] parking spaces required [or provided] for the dwelling use. [Residents of multi-unit dwellings may fulfill this requirement by the use of guest parking with the approval of the building owner, building management, or condominium association.] [(2) On-street parking of commercial vehicles associated with a home occupation is prohibited; provided that the occasional, infrequent, and momentary parking of a vehicle for pickups or deliveries to service the home occupation is allowed.] This requirement will be calculated as requiring <u>one</u> off-street parking for the first five clients and employees and one additional off-street parking for every fractional increment up to five thereafter. (2) <u>Residents of multi-unit dwellings may fulfill their parking requirement using guest parking if allowed by the rules and regulations for the multi-unit dwelling.</u> (3) <u>Commercial vehicles associated with the home occupation (other than occasional, infrequent, and momentary parking of a vehicle for pickups and deliveries as a service to the home occupation) must not park on the street, unless in designated loading or commercial parking areas.</u>	● For accessory dwelling units, propose including the Central Oahu Sustainability Communities Plan area as it is designated for urban fringe growth and where communities such as Mililani, Koa Ridge and Waiawa can provide accessory dwelling units and aid in addressing Oahu's housing shortage. ● Housekeeping - Typo in Home Occupation parking calculation, should indicate "one off-street parking", not "on off-street parking". ● Propose adding an exception to (d)(3) as to commercial vehicles associated with home occupation having the ability to parking in designated loading or commercial parking areas.

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Castle & Cooke Homes Hawaii, Inc. - Proposed Amendments to Bill 64 (2023) FD1, CD 1

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Item No.	Bill Section	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (In Ramseyer Format)	Comments or Clarification
7	SECTION 34	§ 21-6.30(j) to (l) Adjustment and exceptions to parking requirements.	134	Amend Adjustment and exceptions to parking requirements.	<p>§ 21-6.30(j) to (l) Adjustments and exceptions to parking requirements.</p> <p>(j) The following sections may have additional requirements or opportunities not set forth in this article:</p> <p>(1) Section 21-2.140-1(a), relating to conditions that allow for carports and garages to encroach into front and side yards;</p> <p>(2) Section 21-2.140-1(h), relating to issues that may affect the required number of parking spaces when changing uses within a previously developed lot or parcel;</p> <p>(3) Section 21-2.140-1(o), relating to situations in which converted accessory structures may be exempted from off-street parking requirements; and</p> <p>(4) Section 21-5.50-3(e)<u>b</u> relating to home occupations.</p> <p>(k) Excluding zoning lots in the preservation, agricultural, country, and residential zoning districts, off-street parking spaces will not be required for additional floor area up to 15,000 square feet per zoning lot; provided that application of this subsection may only be used once on the same zoning lot."</p> <p><u>(l) For mobile commercial establishments, when three or more mobile commercial establishments operate on one zoning lot, a minimum of five parking spaces per mobile commercial establishment is required, except at temporary or special events utilizing mobile commercial establishments.</u></p>	<ul style="list-style-type: none">Housekeeping - correction to reference for Home Occupation parking standards. On page 25, the reference to (c) is for "Ohana unit - standards" and (b) is "Home occupation - standards".Propose adding an exception for use of mobile commercial establishments at temporary or special events and related parking requirements for additional parking spaces.
8	SECTION 70	§ 21-10.1, Definitions	NA	Amend existing definition of transient occupant	<p>Transient Occupant. Any person who rents a lodging or dwelling unit, or portion thereof, for less than 90 consecutive days, and whose permanent address for legal purposes is not the lodging or dwelling unit being rented. <u>See also transient vacation unit, bed and breakfast home, rooming, and hotel.</u></p>	<ul style="list-style-type: none">Provide claification that the definition of "Transient Occupant" is added to Section 70. Currently, the definition for "Transient Vacation Unit" is included within the current LUO showing added definitions for "Transient accommodation" and "Transient occupant". However, this is not indicated in the amended definition for "Transient Vacation Unit", as indicated in Section 70, page 200.
9	SECTION 71	§ 21-10.1, Definitions	206	Replace Figure 21-10.3 with updated Figure 21-10.3	Replace Figure 21-10.3, which depicts different dwelling types, with updated Figure 21-10.3	<ul style="list-style-type: none">Provide the updated Figure 21-10.3 for review.