



# 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

**Item No. 2 – Resolution 24-120 on page 3 has been cancelled**

## AGENDA

REGULAR MEETING  
CITY COUNCIL CHAMBER  
THURSDAY, MAY 2, 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 **88265611388** and Passcode **437628**.
2. To testify by videoconference visit: <https://hnlidoc.ehawaii.gov/hnlidoc/testimony>. Videoconference access information will be provided upon registration. Testifiers are encouraged to register/submit testimony at least 24 hours prior to the meeting.

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](mailto: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](mailto: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. **RESOLUTION 24-119 – REPROGRAMMING OF AMERICAN RESCUE PLAN ACT FUNDS FOR HAZARD PAY.** Relating to the reprogramming of American Rescue Plan Act of 2021 (Pub. L. 117-2), State and Local Fiscal Recovery Funds Program monies in support of hazard pay. (Transmitted by Communication MM-75)

**Item No. 2 has been cancelled.**

2. **RESOLUTION 24-120 – REPROGRAMMING OF AMERICAN RESCUE PLAN ACT FUNDS FOR RENTAL AND UTILITY RELIEF PROGRAM.** Relating to the reprogramming of American Rescue Plan Act of 2021 (Pub. L. 117-2), State and Local Fiscal Recovery Funds Program monies to support the Rental and Utility Relief Program. (Transmitted by Communication MM-75)

3. **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 the bill to CD1 and postponed action 4/4/24)

### **BILL 64 (2023), FD1, CD1 AMENDMENTS**

"As it relates to item #3, 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 public, civic, and institutional uses:

- Bill SECTION 3 – Table 21-5.1 (Use Table), public, civic, and institutional uses listed on pages 5 to 6 in blue;
- Bill SECTION 3 – ROH Section 21-5.60 *et seq.* (pages 29 to 39), public, civic, and institutional uses standards and requirements;
- Bill SECTION 64 - Table 21-9.6(A), (Waikīkī Special District Precinct Permitted Uses and Structures), public, civic, and institutional uses listed on page 177;
- Bill SECTIONS 70, 71, and 72 (pages 185 to 223) – ROH Section 21-10.1, public, civic, and institutional uses definitions; and
- Bill SECTIONS 4 through 69 (pages 81 to 185), and 73 through 93 (pages 223 to 256) – public, civic, and institutional uses conforming amendments."

CD1 TO BILL 64 (2023), FD1 (Approved by the Committee at its meeting on April 4, 2024) – The CD1 (OCS2024-0364/4/10/2024 4:27 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.
  - 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. Amends the accessory dwelling unit entry to replace "P\*" with "Ac\*" in the Country, R-20, R-10, R-7.5, R-5, and R-3.5 Zoning Districts.
5. Amends the home occupation entry to replace "P\*" with "Ac\*+" in the AG-1 and AG-2 Zoning Districts (accessory use, a special use permit approved by the Planning Commission may be required), and replaces "P\*" with "Ac\*" 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, Resort, B-1, B-2, BMX-3, and BMX-4 Zoning Districts (accessory use).

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6. Amends the ohana unit entry to replace "P\*" with "Ac\*+" in the AG-1 and AG-2 Zoning Districts (accessory use, a special use permit approved by the Planning Commission may be required), and replaces "P\*" with "Ac\*" in the Country, R-20, R-10, R-7.5, R-5, and R-3.5 Zoning Districts (accessory use).
7. Amends the rooming entry to replace "P\*" with "Ac\*" 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, Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Zoning Districts (accessory use).
8. 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).
9. 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).
10. Amends the major animal care entry to add "P\*" in the B-1, B-2, BMX-3, BMX-4, I-1, and IMX-1 Zoning Districts, and replace "P" with "P\*" in the I-2 Zoning District.

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

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§ 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), adds the Central Oahu Sustainable Communities Plan area (in addition to the Primary Urban Center Development Plan and Ewa Development Plan areas) as the areas where multi-unit dwellings are permitted in the B-1 and B-2 Zoning Districts.
  - 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 dedicated to nonresidential uses that are permitted in the underlying zoning district).
  - c. In ROH § 21-5.50-1(c)(1)(B):
    - i. Adds a new subparagraph (i) to provide that 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 (renumbers subsequent subparagraphs);

- ii. Amends renumbered subparagraph (ii) to provide that for multi-unit dwellings located on zoning lots larger than 3 acres but smaller than 7 acres, a minimum of 10,000 square feet or a floor area ratio of 0.05, whichever is greater, of nonresidential floor area must be developed on the lot;
  - iii. Amends renumbered subparagraph (iii) to provide that for multi-unit dwellings located on zoning lots larger than 7 acres, a minimum of 40,000 square feet or a floor area ratio of 0.05, whichever is higher, of nonresidential floor area must be developed on the lot;
  - iv. Deletes former subparagraph (iii), which required the zoning lot to have a minimum nonresidential floor area ratio of 0.2; and
  - v. 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.
- d. Adds a new ROH § 21-5.50-1(c)(1)(C) to provide that nonresidential uses must be fully enclosed within a building and do not include areas used for parking.
- 5. Amends ROH § 21-5.50-2(a), relating to small group living standards:
  - a. Specifies that the standards apply to small group living that is State regulated; and
  - b. Adds a new subdivision (3) to provide that if a zoning lot is developed with a principal dwelling unit and an accessory dwelling unit or an ohana unit, and each of the dwelling units is being used as a small group living that is State regulated, if the aggregate number of residents in both dwelling units exceeds eight, the group living will be considered a large group living.

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6. Adds a new ROH § 21-5.50-2(b) to set forth the standards that apply to small group living that is not State regulated:
  - a. Designates as subdivision (1) the standard in the AG-2 Zoning District that requires small group living to be of an agricultural nature and requires a minimum dedication for agricultural use.
  - b. Adds a new subdivision (2) to provide that within the country, residential, and A-1 zoning districts, except for multifamily dwellings located in the A-1 zoning district that provide housing for students or staff of an educational institution with a total enrollment of 10,000 or more students and are within a one-half-mile radius of the educational institution, unless directly related to public health and safety, small group living that is not State regulated may not be located within 1,000 feet of the next closest group living.
  - c. Adds a new subdivision (3) to provide that if a zoning lot is developed with a principal dwelling unit and an accessory dwelling unit or an ohana unit, and each of the dwelling units is being used as a small group living that is State regulated, if the aggregate number of residents in both dwelling units exceeds eight, the group living will be considered a large group living.
  - d. Realphabetizes ROH § 21-5.50-2(b) as ROH § 21-5.50-2(c).
7. Amends realphabetized 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);
  - b. Allow for flexibility with regard to density, height, and off-street parking for special needs housing for the elderly (in the existing LUO); and



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- c. Provide that within the country, residential, and A-1 zoning districts, except for multifamily dwellings located in the A-1 zoning district that provide housing for students or staff of an educational institution with a total enrollment of 10,000 or more students and are within a one-half-mile radius of the educational institution, unless directly related to public health and safety, large group living may not be located within 1,000 feet of the next closest group living.
8. Amends ROH § 21-5.50-3(a), relating to accessory dwelling unit standards, to:
- a. Add a new ROH § 21-5.50-3(a)(1)(A)(ii) that provides that ADUs are not permitted on zoning lots that are landlocked (existing provision in the LUO);
  - b. Amend ROH § 21-5.50-3(a)(1)(B)(ii) to provide that the maximum size of an ADU is 1,000 (instead of 800) square feet for zoning lots of 5,000 square feet or more in area;
  - c. Clarify in ROH § 21-5.50-3(a)(1)(D) that an ADU may be created by building a new structure or converting a legally established structure that is attached to, such as a two-unit dwelling, or detached from, the principal dwelling unit but located on the same zoning lot;
  - d. Clarify in ROH § 21-5.50-3(a)(1)(E) that only one ADU is permitted on a zoning lot; provided that an ohana unit that is otherwise permitted on a zoning lot is not considered to be an accessory dwelling unit for purposes of limiting the number of ADUs to one per zoning lot.
  - e. Add a new ROH § 21-5.50-3(a)(1)(F) to reference the parking requirements for an accessory dwelling unit in § 21-6.30(b);
  - f. Add a new ROH § 21-5.50-3(a)(1)(G) to provide that ADUs are only permitted where there is sufficient infrastructure, including but not limited to wastewater treatment and disposal and water supply infrastructure, as well as adequate roadways and first-responder resources to accommodate the ADU.

- g. Require 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:
  - a. In subdivision (1):
    - i. Add that the construction or conversion of an ohana unit must meet all development standards and requirements in the underlying zoning district for the principal dwelling unit and the ohana unit;
    - ii. Clarify that an ohana unit may be created by building a new structure or converting a legally established structure that is attached to, such as a two-unit dwelling, or detached from, the principal dwelling unit but located on the same zoning lot; and
    - iii. Add that an ohana unit may be permitted as accessory to a principal dwelling unit on a zoning lot that already includes one accessory dwelling unit; provided that all development standards and requirements in the underlying zoning district for the principal dwelling unit, the accessory dwelling unit, and the ohana unit are satisfied.
  - b. In subdivision (3), relating to ohana unit covenants, provide that at a minimum, the covenant must state that the deed restrictions lapse upon removal of the ohana unit and the covenants are binding upon all heirs, successors, and assigns of the owners (in addition to a prohibition on submitting the zoning lot to a condominium property regime).
  - c. Add a new subdivision (4) to provide for zoning lot limitations (this standard is being deleted from ROH § 21-8.20 and incorporated into ROH § 21-5.50-3(c), see summary paragraph I, below). The zoning lot limitations do not include the prohibition of ohana units on nonconforming zoning lots.

- d. Add a new subdivision (5) to provide that ohana units are only permitted where there is sufficient infrastructure, including but not limited to wastewater treatment and disposal and water supply infrastructure, as well as adequate roadways and first-responder resources to accommodate the ohana unit (this standard is being deleted from ROH § 21-8.20 and incorporated into ROH § 21-5.50-3(c), see summary paragraph I, below).
  - e. Add a new subdivision (6) to reference the parking requirements for an ohana unit in ROH § 21-6.30(m).
10. Amends ROH § 21-5.50-3(b), relating to home occupation standards, to:
- a. In ROH § 21-5.50-3(b)(1)(A), delete the second sentence, which required the home occupation use to be one that is traditionally and customarily conducted as an accessory use to residential living.
  - b. In ROH § 21-5.50-3(b)(1)(B), provide that the home occupation use may not significantly change the exterior appearance of the dwelling unit, zoning lot, or the surrounding neighborhood.
  - c. Add a new ROH § 21-5.50-3(b)(1)(D) to require that the indoor storage of materials or supplies not exceed 250 cubic feet or 20 percent of the total floor area of the dwelling unit, whichever is greater. Realphabetizes subsequent paragraphs.
  - d. Add a new ROH § 21-5.50-3(b)(1)(G) to provide that in the B-1 and B-2 zoning districts, a home occupation use is permitted in a dwelling unit within a multi-unit dwelling.
  - e. Replace former ROH § 21-5.50-3(b)(2), which provided examples of permitted home occupations, with a new ROH § 21-5.50-3(b)(2) that provides for limitations on certain home occupations:

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- i. Commercial beekeeping may be a home occupation if specifically permitted as a principle use in the underlying zoning district, subject to the standards for home occupations; and
  - ii. Items sold on the property are limited to items produced by the home occupation.
- f. In ROH § 21-5.50-3(b)(3)(A), provide that the prohibition on vehicle repair and painting does not include the repair or painting of up to five vehicles owned by a household member.
- g. In ROH § 21-5.50-3(b)(3)(C), provide that the prohibition on commercial weddings includes a prohibition on wedding ceremonies and receptions.
- h. In ROH § 21-5.50-3(b)(3)(D), provide that the prohibition on storage yards and base yards includes a prohibition on stockpiling.
- i. Delete ROH § 21-5.50-3(b)(3)(E), which prohibited mail and package handling and delivery businesses. Realphabetizes subsequent paragraphs.
- j. Add a new ROH § 21-5.50-3(b)(3)(G) to prohibit metal fabricating and cutting using welding or cutting torches, or other uses that involve the excessive or continuous use of loud tools.
- k. Add a new ROH § 21-5.50-3(b)(3)(H) to prohibit commercial events that involve the renting, for compensation, of any portion of the zoning lot for use by guests or invitees.
- l. Add a new ROH § 21-5.50-3(b)(3)(I) to prohibit animal care, treatment, boarding, or veterinary services, except for the occasional boarding and the occasional grooming of animals, so long as it involves no more than three animals that are not household pets on the property at any given time.

- m. Amend subdivision (4), relating to employees, to:
    - i. Add a new paragraph (A) to permit one employee of the home occupation to be on the property at any given time; and
    - ii. Add a new paragraph (B) to provide that 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.
  - n. Replace former ROH § 21-5.50-3(b)(5), which provided for parking requirements for home occupations, and instead reference the parking adjustments and exemptions for home occupations in ROH § 21-6.30(d) (these parking requirements are being deleted from ROH § 21-5.50-3(b)(5) and modified and incorporated into ROH § 21-6.30(d), see summary paragraph E.2, below).
11. Adds a new ROH § 21-5.70-7(b)(7), relating to minor and major animal care standards, to provide that in the business, business mixed-use, and IMX-1 zoning districts, major animal care must be soundproofed and air-conditioned.
12. Amends ROH § 21-5.70-9(b), relating to mobile commercial establishment standards, to:
- a. In ROH § 21-5.70-9(b)(3), provide an exception to the allowance of one portable sign within 5 feet of a mobile commercial establishment if weather conditions render it unsafe; and
  - b. In ROH § 21-5.70-9(b)(4)(A), move the parking requirements to ROH § 21-6.30(m), and references that section (these parking requirements are being deleted from ROH § 21-5.70-9(b)(4)(A) and incorporated into ROH § 21-6.30(m), see summary paragraph E.4, below). Retains the requirement for a parking management plan.

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- 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 7 of the bill, repeals ROH § 21-2.110-3, relating to the designation of ohana-eligible areas (the previous SECTION 7 of the bill amended the references in ROH § 21-2.110).
- E. In SECTION 8 of the bill, adds a new ROH § 21-2.110-3 (instead of a new ROH § 21-2.110-4), relating to special use permits.
- F. In SECTION 11 of the bill, deletes ROH § 21-2.140-1(h)(1)(A), relating to nonconforming status if an ohana dwelling is no longer in an ohana-eligible area (provisions relating to ohana-eligible areas under ROH § 21-2.110-3 and ROH § 21-8.20-1 are being deleted). Realphabetizes subsequent paragraphs.
- G. In SECTION 33 of the bill, amends Table 21-6.1 (Minimum Off-street Parking Ratios) to amend the accessory residential entry under the Residential and Lodging use category, to delete references to home-based childcare and confined animal raising, and add a reference to home occupation.
- H. In SECTION 34 of the bill, amends ROH § 21-6.30, relating to adjustments and exceptions to parking requirements, to:
  - 1. Amend 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; provided that this waiver does not apply if an off-street parking waiver has already been applied to an ohana unit located on the same zoning lot.
  - 2. Amend ROH § 21-6.30(d), relating to home occupations, to:
    - a. For home occupations that involve client visits, require one off-street parking space for every four (instead of five) clients that may be on the property at any given time, and specify how the parking requirement is calculated;

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- b. For home occupations that involve employees, require one off-street parking space for the one onsite employee that may be on the property at any given time;
  - c. Provide that multi-unit dwelling residents may fulfill their parking requirement using guest parking if allowed by the rules and regulations for the multi-unit dwelling; and
  - d. Provide that commercial vehicles associated with the home occupation (other than the occasional, infrequent, and momentary parking of a vehicle for pickups and deliveries as a service to the home occupation) may not be parked on the street.
- 3. Amend ROH § 21-6.30(h)(4), relating to car sharing, to refer to a car-sharing organization, as that term is defined in HRS § 251-1 (instead referring to a provider of car share services).
- 4. Add a new ROH § 21-6.30(l), relating to mobile commercial establishments, to provide that when three or more mobile commercial establishments operate on one zoning lot, a minimum of five parking spaces per mobile commercial establishment is required.
- 5. Add a new ROH § 21-6.30(m) to provide that:
  - a. For ohana units, the off-street parking space requirements are the same as required for the primary dwelling unit, which are in addition to the required off-street parking for the primary dwelling unit; and
  - b. For ohana units that are 1,000 square feet or less in size and are located on zoning lots within the Primary Urban Center development plan area or the Ewa development plan area, the off-street parking space requirement is waived if the zoning lot developed with an ohana unit is located within 800 feet of a city bus stop; provided that this waiver does not apply if an off-street parking waiver has already been applied to an accessory dwelling unit located on the same zoning lot.

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- I. In SECTION 42 of the bill, repeals ROH § 21-8.20, relating to ohana dwelling standards. Certain standards relating to zoning lot limitations and infrastructure requirements are being incorporated into ROH § 21-5.50-3(c) (see summary paragraph B.9, above).
- J. In SECTION 43 of the bill, repeals ROH § 21-8.20-1, relating to procedures for approval of ohana dwellings.
- K. 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.
  - 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.
- L. 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 "dwelling unit" to provide that two or more structures that are essentially separate except for an unenclosed or token connection, such as a covered walkway or trellis, do not constitute a single dwelling unit.
3. 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.
4. Amends the definition of "duplex-unit dwelling" to reference Figure 21-10.3.
5. 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, 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.
6. 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.
7. Amends the definition of "ohana unit" to provide that an ohana unit is an accessory attached or detached dwelling unit on a zoning lot that includes a principal dwelling unit, for persons who are related by blood, adoption, guardianship, marriage, or other duly-authorized custodial relationship to the family residing in the principal dwelling unit located on the same zoning lot.
8. 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).

9. 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).
10. Amends the definition of "transient occupant" to reference transient vacation unit, bed and breakfast home, rooming, and hotel.
11. Adds a new Figure 21-10.3 after the definitions of "duplex-unit dwelling," "single-unit dwelling," and "two-unit dwelling."

M. 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.
5. Amends the definition of "two-unit dwelling" to reference Figure 21-10.3.

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6. Adds a new Figure 21-10.3, which depicts dwelling types, including single-unit dwelling, two-unit dwelling, and duplex-unit dwelling.
- N. In SECTION 72 of the bill:
1. Removes the deletion of the definition of "special needs housing for the elderly," which is being retained and amended (see summary paragraph H.8, above).
  2. Deletes the definition of "car sharing."
- O. Makes miscellaneous technical and nonsubstantive amendments for purposes of formatting, grammar, consistency, and clarity.

Related communications:

- CC-95 Councilmember Kia'āina, submitting Instructions for Amendments to Bill 64 (2023), FD1 for the May 2, 2024, P&E Committee Meeting (Public, Civic, and Institutional Uses)
- CC-97 Councilmember Kia'āina, submitting Proposed Amendments to Public, Civic, and Institutional Uses in Bill 64 (2023), FD1 for the May 2, 2024, P&E Meeting
- CC-102 Councilmember Tupola, submitting Proposed Amendments to Public, Civic, and Institutional Uses in Bill 64 (2023), FD1 for the May 2, 2024, P&E Meeting
- CC-114 Councilmember Kia'āina, submitting Updated Proposed Amendments to Public, Civic, and Institutional Uses in Bill 64 (2023), FD1, for the P&E Committee Meeting on May 2, 2024, to Supersede CC-97 (2024)
- CC-119 Councilmember Kia'āina, Response to CC-102 (proposed by Councilmember Tupola) Re Public, Civic, and Institutional Uses in Bill 64 (2023), FD1

## **INFORMATIONAL BRIEFING**

4. **UPDATE BY THE DEPARTMENT OF PLANNING AND PERMITTING ON ITS BUILDING PERMIT PROCESS BACKLOG.**

## **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