



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

AGENDA

REGULAR MEETING
CITY COUNCIL CHAMBER
THURSDAY, AUGUST 22, 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 **87837681519** and Passcode **824725**.
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.

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Written testimony may be uploaded at <https://hnlidoc.ehawaii.gov/hnlidoc/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://hnlidoc.ehawaii.gov>.

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

Meeting materials ("*board packet*" under HRS Section 92-7.5) are accessible at <https://hnlidoc.ehawaii.gov/hnlidoc/browse/agendas> by clicking on the appropriate Committee meeting.

If you need an auxiliary aid/service or other accommodation due to a disability or an interpreter for a language other than English, please call the Office of the City Clerk Information Section at (808) 768-5822 between 7:45 a.m. and 4:30 p.m. or send an email to pearlene.sotelo@honolulu.gov as soon as possible or at least three (3) business days before the scheduled meeting. Requests made as early as possible have a greater likelihood of being fulfilled.

FOR ACTION

1. **RESOLUTION 24-193 – APPOINTMENT OF EDMUND K.B. HYUN TO THE LIQUOR COMMISSION.** Confirming the appointment of Edmund K.B. Hyun to serve on the Liquor Commission of the City and County of Honolulu for a term to expire on December 31, 2025. (Transmitted by Communication MM-128; public hearing held 8/7/24)

2. **RESOLUTION 24-195 – APPOINTMENT OF KRISTINA BUSHNELL TO THE O’AHU HISTORIC PRESERVATION COMMISSION.** Confirming the appointment of Kristina Bushnell to serve on the O’ahu Historic Preservation Commission of the City and County of Honolulu for a term to expire on June 16, 2029. (Transmitted by Communication MM-130; public hearing held 8/7/24)

3. **RESOLUTION 24-151 – APPROVING AND AUTHORIZING THE CONVEYANCE OF THE FORMER KALAHEO ELEMENTARY SCHOOL PROPERTY TO THE STATE OF HAWAI’I, DEPARTMENT OF HAWAIIAN HOME LANDS.** Approving and authorizing the conveyance of the former Kalaheo Elementary School property in Kailua, O’ahu, to the State of Hawai’i, Department of Hawaiian Home Lands, in furtherance of the intent of the Hawaiian Homes Commission Act and to honor the legacy of Prince Jonah Kūhiō Kalaniana’ole, which includes his role in establishing Hawai’i’s counties, including the City and County of Honolulu. (The Committee amended the resolution to CD1 and postponed action 7/25/24)

CD1 TO RESOLUTION 24-151 (Approved by the Committee at its meeting on July 25, 2024) – The CD1 (OCS2024-0729/7/26/2024 2:52 PM) makes the following amendments:

- A. Amends the resolution title to read as follows:

"APPROVING AND AUTHORIZING THE CONVEYANCE OF THE FORMER KALAHEO ELEMENTARY SCHOOL PROPERTY IN KAILUA, O’AHU, TO THE STATE OF HAWAI’I DEPARTMENT OF HAWAIIAN HOME LANDS, IN FURTHERANCE OF THE INTENT OF THE HAWAIIAN HOMES COMMISSION ACT AND TO HONOR THE LEGACY OF PRINCE JONAH KŪHIŌ KALANIANA’OLE, WHICH INCLUDES HIS ROLE IN ESTABLISHING THE COUNTIES OF THE STATE OF HAWAI’I."

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- B. Amends the 13th WHEREAS clause to provide that the Hawaiian Homes Commission Act served as the legal basis for the establishment of the State of Hawai'i Department of Hawaiian Home Lands ("DHHL").
- C. Deletes the 15th and 16th WHEREAS clauses, relating to a previous land exchange between the City and the DHHL.
- D. Amends the 17th WHEREAS clause to clarify that the former Kalaheo Elementary School property (the "Kalaheo Site") is zoned R-7.5 Residential District and P-1 Restricted Preservation District, has an assessed value of \$10,455,000, and is depicted on the map attached to the resolution as Exhibit A (instead of Exhibits A-1 and A-2).
- E. Amends the 19th WHEREAS clause to delete the reference to Departmental Communication 231 (2015).
- F. Amends the 20th WHEREAS clause to provide that by Departmental Communication 557 (2024), the BFS Director has determined that the Kalaheo Site is surplus City real property, and, with the concurrence of the Department of the Corporation Counsel, has recommended the disposal of the Kalaheo Site pursuant to ROH § 37-1.2, subject to the City retaining its ownership of portions of the Kalaheo Site to be designated as roadways.
- G. Deletes the 21st (relating to surplus City real property under ROH § 37-1.2) and 22nd (relating to Council adoption of a resolution pursuant to ROH § 37-1.2(g)) WHEREAS clauses, as most of the contents were incorporated into the 20th WHEREAS clause.
- H. Adds a new 21st WHEREAS clause providing that the BFS Director has recommended that the fee simple interest in the Kalaheo Site, except for portions of the Kalaheo Site to be designated as roadways, be conveyed to the DHHL for purposes of providing native Hawaiians with homesteads.
- I. Deletes the 23rd (relating to a minimum negotiated sale price), 24th (relating to the difference between the Kalaheo property's assessed value and the minimum negotiated sale price), and 25th (relating to treating the sale of City real property for less than the fair market value as a gift of City real property) WHEREAS clauses.
- J. Adds a new 23rd WHEREAS clause to provide that the conveyance by the City to the DHHL of the Kalaheo Site, except for portions of the Kalaheo Site to be designated as roadways, will be considered a gift of City real property to the DHHL.

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- K. Amends the 24th WHEREAS clause to provide that the portions of the Kalaheo Site that are being conveyed will be conveyed (instead of sold) in an "as-is," "where-is" condition.
- L. Deletes the penultimate and final WHEREAS clauses, which related to Drainage Easements A, E, F, and V that are in favor of the City for storm drain purposes and the cancellation of those Drainage Easements upon the sale of the Kalaheo property.
- M. Amends the BE IT RESOLVED clause to provide that the Council approves and authorizes the conveyance of the former Kalaheo Elementary School property in Kailua, O'ahu, identified as Tax Map Key 4-4-033:018, and depicted on the map attached to the resolution as Exhibit A and incorporated by reference therein, except for portions of the property to be designated as roadways, over which the City will retain its ownership (the "Property"), to the State of Hawai'i Department of Hawaiian Home Lands to provide native Hawaiians with homesteads, thereby furthering the intent of the Hawaiian Homes Commission Act ("Act") and the City's commitment to advancing the Act; providing housing for the City's residents and addressing the City's affordable housing crisis; and honoring the legacy of Prince Jonah Kūhiō Kalaniana'ole, without whom the City may not have achieved its independence and right to self-governance.
- N. Deletes the 1st (relating to the negotiated sale of the former Kalaheo Elementary School property for the sum of \$495,323) and 2nd (relating to deeming the difference between the fair market value of the former Kalaheo Elementary School property and the sale price of the property to be a gift from the City to the State of Hawai'i) BE IT FURTHER RESOLVED clauses.
- O. Adds a new 1st BE IT FURTHER RESOLVED clause to provide that the conveyance of the Property by the City to the State of Hawai'i Department of Hawaiian Home Lands is considered a gift of City real property that serves a public purpose by putting the currently vacant Property to productive use; demonstrating the City's commitment to furthering the intent of the Act to provide homesteads to native Hawaiians, including the over 11,000 applicants for residential homestead leases on O'ahu; providing housing for the City's residents while addressing the City's affordable housing crisis; and reducing the City's liability and maintenance costs for the Property.

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- P. Combines the 2nd and 3rd BE IT FURTHER RESOLVED clauses to provide that the BFS Director or the Director's designee is authorized to execute (instead of sign) the deed and other documents necessary or incident to the conveyance of the Property as authorized and described in the resolution, and to agree to reasonable terms and conditions to effectuate the conveyance thereof; deletes reference to the cancellation of easements.
- Q. Deletes the 5th BE IT FURTHER RESOLVED clause, which related to the Council's approval of the cancellation of Drainage Easements A, E, F, and V.
- R. Amends the 4th BE IT FURTHER RESOLVED clause (formerly the 6th BE IT FURTHER RESOLVED clause) to clarify that the conveyance of the Property must be in accordance with all applicable laws, rules, and regulations (instead of laws and City policies).
- S. Amends the BE IT FINALLY RESOLVED clause to provide that a copy of the resolution be transmitted to the Chair of the State of Hawai'i Hawaiian Homes Commission (instead of the Chair of the State of Hawai'i Department of Hawaiian Home Lands).
- T. Replaces the exhibits attached to the resolution (Exhibits A-1 and A-2) with a new Exhibit A.
- U. Makes miscellaneous technical and nonsubstantive amendments.

PROPOSED CD1 TO RESOLUTION 24-151 (Submitted by Councilmember Kia'āina) – The CD1 (OCS2024-0776/8/15/2024 3:12 PM) makes the following amendments:

- A. Amends the resolution title to read as follows:

"APPROVING AND AUTHORIZING THE CONVEYANCE OF THE FORMER KALAHEO ELEMENTARY SCHOOL PROPERTY IN KAILUA, O'AHU, TO THE STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS, IN FURTHERANCE OF THE INTENT OF THE HAWAIIAN HOMES COMMISSION ACT AND TO HONOR THE LEGACY OF PRINCE JONAH KŪHIŌ KALANIANA'OLE, WHICH INCLUDES HIS ROLE IN ESTABLISHING THE COUNTIES OF THE STATE OF HAWAI'I."
- B. Amends the 13th WHEREAS clause to provide that the Hawaiian Homes Commission Act served as the legal basis for the establishment of the State of Hawai'i Department of Hawaiian Home Lands ("DHHL").

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- C. Deletes the 15th and 16th WHEREAS clauses relating to a previous land exchange between the City and the DHHL.
- D. Amends the 17th WHEREAS clause to clarify that the former Kalaheo Elementary School property (the "Kalaheo Site") is zoned R-7.5 Residential District and P-1 Restricted Preservation District, has an assessed value of \$10,455,000, and is depicted on the map attached to the resolution as Exhibit A (instead of Exhibits A-1 and A-2).
- E. Amends the 19th WHEREAS clause to delete the reference to Departmental Communication 231 (2015).
- F. Amends the 20th WHEREAS clause to provide that by Departmental Communication 557 (2024), the BFS Director has determined that the Kalaheo Site is surplus City real property, and, with the concurrence of the Department of the Corporation Counsel, has recommended the disposal of the Kalaheo Site pursuant to ROH § 37-1.2, subject to the City retaining its ownership of portions of the Kalaheo Site to be designated as roadways.
- G. Deletes the 21st (relating to surplus City real property under ROH § 37-1.2) and 22nd (relating to Council adoption of a resolution pursuant to ROH § 37-1.2(g)) WHEREAS clauses, as most of the contents were incorporated into the 20th WHEREAS clause.
- H. Adds a new 21st WHEREAS clause providing that the BFS Director has recommended that the fee simple interest in the Kalaheo Site, except for portions of the Kalaheo Site to be designated as roadways, be conveyed to the DHHL for purposes of providing native Hawaiians with homesteads.
- I. Amends the 22nd WHEREAS clause to clarify that conveyance of the Kalaheo Site to the DHHL for the development of affordable single-family housing consistent with the character of the surrounding neighborhood serves a public purpose and is in the interest of the residents of the City.
- J. Deletes the 23rd (relating to a minimum negotiated sale price), 24th (relating to the difference between the Kalaheo property's assessed value and the minimum negotiated sale price), and 25th (relating to treating the sale of City real property for less than the fair market value as a gift of City real property) WHEREAS clauses.

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- K. Adds a new 23rd WHEREAS clause to provide that the conveyance by the City to the DHHL of the Kalaheo Site, except for portions of the Kalaheo Site to be designated as roadways, will be considered a gift of City real property to the DHHL.
- L. Amends the 24th WHEREAS clause to provide that the portions of the Kalaheo Site that are being conveyed will be conveyed (instead of sold) in an "as-is," "where-is" condition, and that the DHHL will need to conduct due diligence prior to the conveyance to determine the suitability of the Kalaheo Site for the proposed development, including preparation of a Preliminary Engineering Report detailing utility and infrastructure availability, topography, soils, physical constraints and access restrictions, and other pertinent information.
- M. Adds a new 25th WHEREAS clause to provide that the City will also need to conduct due diligence prior to the conveyance, including evaluation of the potential impacts of the proposed development to the surrounding neighborhood, such as impacts to traffic and infrastructure, as well as a survey of any existing soil-related damage to the homes abutting the Kalaheo Site.
- N. Deletes the penultimate and final WHEREAS clauses, which related to Drainage Easements A, E, F, and V that are in favor of the City for storm drain purposes and the cancellation of those Drainage Easements upon the sale of the Kalaheo property.
- O. Amends the BE IT RESOLVED clause to provide that the Council approves and authorizes the conveyance of the former Kalaheo Elementary School property in Kailua, O'ahu, identified as Tax Map Key 4-4-033:018, and depicted on the map attached to the resolution as Exhibit A and incorporated by reference therein, except for portions of the property to be designated as roadways, over which the City will retain its ownership (the "Property"), to the State of Hawai'i Department of Hawaiian Home Lands to provide native Hawaiians with homesteads, thereby furthering the intent of the Hawaiian Homes Commission Act ("Act") and the City's commitment to advancing the Act; providing housing for the City's residents and addressing the City's affordable housing crisis; and honoring the legacy of Prince Jonah Kūhiō Kalaniana'ole, without whom the City may not have achieved its independence and right to self-governance.

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- P. Deletes the 1st (relating to the negotiated sale of the former Kalaheo Elementary School property for the sum of \$495,323) and 2nd (relating to deeming the difference between the fair market value of the former Kalaheo Elementary School property and the sale price of the property to be a gift from the City to the State of Hawai'i) BE IT FURTHER RESOLVED clauses.
- Q. Adds a new 1st BE IT FURTHER RESOLVED clause to provide that the conveyance of the Property by the City to the State of Hawai'i Department of Hawaiian Home Lands is considered a gift of City real property that serves a public purpose by putting the currently vacant Property to productive use; demonstrating the City's commitment to furthering the intent of the Act to provide homesteads to native Hawaiians, including the over 11,000 applicants for residential homestead leases on O'ahu; providing housing for the City's residents while addressing the City's affordable housing crisis; and reducing the City's liability and maintenance costs for the Property.
- R. Combines the 2nd and 3rd BE IT FURTHER RESOLVED clauses to provide that the BFS Director or the Director's designee is authorized to execute (instead of sign) the deed and other documents necessary or incident to the conveyance of the Property as authorized and described in the resolution, and to agree to reasonable terms and conditions to effectuate the conveyance thereof; deletes reference to the cancellation of easements.
- S. Deletes the 5th BE IT FURTHER RESOLVED clause, which related to the Council's approval of the cancellation of Drainage Easements A, E, F, and V.
- T. Amends the 4th BE IT FURTHER RESOLVED clause (formerly the 6th BE IT FURTHER RESOLVED clause) to clarify that the conveyance of the Property must be in accordance with all applicable laws, rules, and regulations (instead of laws and City policies).
- U. Amends the BE IT FINALLY RESOLVED clause to provide that a copy of the resolution be transmitted to the Chair of the State of Hawai'i Hawaiian Homes Commission (instead of the Chair of the State of Hawai'i Department of Hawaiian Home Lands).
- V. Replaces the exhibits attached to the resolution (Exhibits A-1 and A-2) with a new Exhibit A.
- W. Makes miscellaneous technical and nonsubstantive amendments.

BILL 64 (2023), FD1 AMENDMENTS

"As it relates to item # 4 below, the Chair of the Committee will be prioritizing discussion and amendments by land use type and accordingly will consider amendments to the following sections and provisions relating to the following Agricultural Use Subcategories: Crop Production, Livestock Keeping, and Agricultural Support.

- Bill SECTION 3 – Table 21-5.1 (Use Table), Agricultural Uses listed on pages 3 to 4 in green;
- Bill SECTION 3 – ROH Section 21-5.40 *et seq.* (pages 11 to 13), Agricultural Use standards and requirements relating to the Crop Production, Livestock Keeping, and Agricultural Support Use Subcategories;
- Bill SECTIONS 70, 71, and 72 (pages 191 to 230) – ROH Section 21-10.1, Agricultural Use definitions; and
- Bill SECTIONS 4 through 69 (pages 87 to 191), and 73 through 93 (pages 230 to 263) – Agricultural Use conforming amendments.

4. **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 6/27/24)

CD1 TO BILL 64 (2023), FD1 (Approved by the Committee at its meeting on June 27, 2024) – The CD1 (OCS2024-0694/7/16/2024 1:47 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).
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 small meeting facility entry to replace "Cm*" with "P*" in the Resort, B-1, B-2, BMX-3, BMX-4 Zoning Districts, and add "P*" in the I-1 Zoning District.
9. Amends the medium meeting facility entry to add "C*" in the I-1 Zoning District.

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10. Adds a new community-based recreation center entry with "Cm*" in the P-2 Zoning District; "Cm" in the Country Zoning District, "P*" in the R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, and A-3 Zoning Districts; and "P" in the AMX-1, AMX-2, AMX-3, Resort, B-1, B-2, BMX-3, and BMX-4 Zoning Districts. References the standards in ROH § 21-5.60-1(b).
11. Adds a new broadcasting antenna entry, with "Cm*" in the P-2, AG-1, and AG-2 Zoning Districts; and "C*" in the I-1, I-2, I-3, and IMX-1 Zoning Districts. References the standards in ROH § 21-5.60-2(e).
12. Amends the alternative communication support structure entry to refer to the use as "communication support structure (delete "alternative").
13. Amends the communication tower entry to replace "C*" with "Cm*" in the R-20, R-10, R-7.5, A-1, A-2, A-3, AMX-1, AMX-2, AMX-3, Resort, B-1, B-2, BMX-3, BMX-4, and IMX-1 Zoning Districts.
14. Amends the K-12 school entry to rename "K-12 school" as "PreK-12 school".
15. Amends the minor vocational school entry to add "P*" in the AG-1 and AG-2 Zoning Districts.
16. Amends the major vocational school entry to add "P*" in the AG-1 and AG-2 Zoning Districts. Also adds a reference to the standards in ROH § 21-5.60-3(b).
17. Amends the university and college entry to delete the reference to the standards in ROH § 21-5.60-3(c).
18. Amends the prison entry to delete the reference to the standards in ROH § 21-5.60-4(b).
19. Amends the cemetery entry to replace "PRU+" with "PRU*+" in the AG-2 Zoning District. Deletes "P*" in the IMX-1 Zoning District (cemeteries no longer permitted in the IMX-1 Zoning District).
20. Amends the park entry to replace "P" with "P*" in the P-2, AG-1, AG-2, Country, R-20, R-10, R-7.5, R-5, R-3.5, A-1, A-2, A-3, AMX-1, AMX-2, AMX-3, B-1, B-2, BMX-3, BMX-4, and IMX-1 Zoning Districts. Adds a reference to the standards in ROH § 21-5.60-5(b).

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21. Adds a new "Accessory Public, Civic, and Institutional" subcategory. Moves the accessory communication structure entry to the new "Accessory Public, Civic, and Institutional" subcategory, and amends the entry to rename "accessory communication structure" as "accessory receive only antenna." Adds "Ac*" to all Zoning Districts and references the standards in ROH § 21-5.60-2(d).
22. 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).
23. 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).
24. 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
- § 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

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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.
- 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.

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- 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
 - 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.

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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. Amends ROH § 21-5.60-1(a), relating to small, medium, or large meeting facility standards, to:
- a. Delete the requirement for meeting facility management plans.
 - b. Clarify that ingress and egress must be provided with access to a street or right-of-way of a minimum width and sufficient street frontage as determined by the appropriate government agencies.
 - c. Add that kitchens are allowed as accessory to the meeting facility, but may not be used to support onsite or offsite commercial activities.
 - d. Add that in the AG-2 Zoning District, the maximum capacity for a meeting facility is 500 individuals.
 - e. Provide that noise and odor restrictions apply in the Country Zoning District (in addition to the residential and apartment Zoning Districts).

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- f. Add standards for meeting facilities located in the I-1 Zoning District, including
 - i. A 1,000-foot spacing requirement between meeting facilities;
 - ii. Requiring the recordation of a declaration with the State Bureau of Conveyances or State Land Court (or both as appropriate);
 - iii. Prohibiting accessory uses unless otherwise permitted as an accessory use (or except for accessory uses to a religious facility); and
 - iv. Requiring a parking and landscaping plan.
 - g. Delete outdoor lighting and all-weather surface parking provisions (covered in LUO Articles 4 and 6, respectively).
12. Adds a new ROH § 21-5.60-1(b), to add community-based recreation center standards to provide that:
- a. In the P-2 Zoning District, a community-based recreation center is only permitted if it is being used to satisfy park dedication requirements, or is a part of a master planned community; and
 - b. In the residential and apartment Zoning Districts, if a community-based recreation center is not being used to satisfy park dedication requirements, or is not part of a master planned community, a minor conditional use permit is required.
13. Amends ROH § 21-5.60-2(b), relating to communication tower standards, to:
- a. Provide that in the industrial Zoning Districts, the communication tower must be set back a minimum of 100 feet from the property line of any adjoining zoning lot in the residential, apartment or apartment mixed-use Zoning Districts (instead of requiring a CUP-minor in those circumstances); and

- b. Add that communication towers that qualify as eligible facility requests under 47 U.S.C. § 1455(a) and 47 C.F.R § 1.6100, do not require any additional land use permits or approvals under the LUO; provided that the communication tower complies with all conditions of the initial land use permit or approval.
14. Amends ROH § 21-5.60-2(c), relating to alternative communication support structure standards, to:
- a. Refer to the use as "communication support structure" (delete reference to "alternative").
 - b. Provide that at-grade equipment must be screened by a solid wall or fence, or by a landscape hedge of sufficient height and width to screen the equipment (instead of requiring a 10-foot wide buffer).
 - c. Clarify that antennas must be concealed within the communication support structure or designed to minimize visual impacts through architecture, landscaping, or other site solutions. Provide that antennas are not considered to be concealed or designed to minimize visual impacts if the antenna extends above the top of the communication support structure or above the top of screening walls or features. Provide examples of design features that accomplish acceptable antenna concealment.
 - d. Provide that the DPP Director may allow for flexibility from the strict application of the concealment and integration requirements if it would result in the antenna not being able to provide the service it was designed to provide in the desired coverage area; provided that the DPP Director must first determine that there are no feasible alternatives to minimize the antenna's visual impacts, including possible relocation of the antenna.
 - e. Delete the requirement that the communication support structure comply with applicable State and city laws (not necessary as compliance is already required).

- f. Add that communication support structures that qualify as eligible facility requests under 47 U.S.C. § 1455(a) and 47 C.F.R § 1.6100, do not require any additional land use permits or approvals under the LUO; provided that the communication tower complies with all conditions of the initial land use permit or approval.
 - g. In the I-1, I-2, and I-3 Zoning Districts, add an exception to the antenna concealment and integration requirements unless the communication support structure is located within 100 feet of the property line of any adjoining zoning lot in the residential, apartment, or apartment mixed-use Zoning Districts.
15. Amends ROH § 21-5.60-2(d), relating to accessory communication structure standards, to rename "accessory communication structure" as "accessory receive only antenna."
16. Adds a new ROH § 21-5.60-2(e) to add broadcasting antenna standards as follows:
- a. Freestanding broadcasting antennas must be set back from all property lines a minimum of 1 foot for every 5 feet of height;
 - b. Broadcasting antennas supported by guy wires must be set back from all property lines a minimum of 1 foot for every 1 foot of height;
 - c. AM antennas must be set back a minimum of 500 feet from the property line of any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use Zoning Districts;
 - d. FM and TV antennas must be set back a minimum of 2,500 feet from the property line of any adjoining zoning lot in the country, residential, apartment, or apartment mixed-use Zoning Districts;
 - e. TV broadcasting antennas and broadcasting antennas other than for TV are required to have certain structural capabilities (subject to certain circumstances under which the requirements may be reduced);

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- f. Once a site for a broadcasting antenna is approved, additional antennas and accessory uses proposed within the approved envelope (within a specified height and distance) will be processed without requiring modification to the initial land use permit or approval, unless the broadcasting antenna site is within a special district;
 - g. Broadcasting antennas and associated facilities must be enclosed by fencing a minimum of 6 feet in height; and
 - h. A landscape plan is required for all broadcasting antenna installation requests.
17. Amends ROH § 21-5.60-3(a), relating to K-12 school standards, to rename "K-12 school" as "PreK-12 school," and delete the minimum zoning lot size of 20,000 square feet. Renumbers subsequent subdivisions.
18. Amends ROH § 21-5.60-3(b), relating to vocational school standards, to provide that in the AG-1 and AG-2 Zoning Districts, minor and major vocation schools must involve agricultural education programs conducted on a farming operation that is accessory and secondary to the principal agricultural use of the zoning lot as described in HRS § 205-4.5 (19).
19. Deletes ROH § 21-5.60-3(c), relating to university and college standards (will be subject to Plan Review Use conditions).
20. Deletes ROH § 21-5.60-4(b), relating to prison standards (will be subject to Plan Review Use conditions).
21. Amends ROH § 21-5.60-5(a), relating to cemetery standards, to provide that in the P-2 Zoning District, the following development standard flexibility may be permitted pursuant to the Plan Review Use process:
- a. An increase of up to 25 feet above the maximum height limit;
 - b. An increase in the maximum density; and
 - c. An increase in the maximum building area.

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22. Adds a new ROH § 21-5.60-5(b), relating to park standards, to require that parks with playgrounds, sport courts, or sport fields must be set back from all property lines a minimum of 20 feet.
23. Amends ROH § 21-5.60-6(a)(3)(D), relating to small wind energy generation facilities, to clarify that height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower.
24. Amends ROH § 21-5.60-6(b)(3)(E), relating to medium wind energy generation facilities, to clarify that height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower.
25. Amends ROH § 21-5.60-6(c)(2), relating to large wind energy generation facilities, to:
 - a. Amend paragraph (E) to provide that large wind energy generation facilities must be set back:
 - i. From all property lines a minimum distance equal to the height of the facility; and
 - ii. From the property lines of any zoning lot located in the country, residential, apartment, apartment mixed-use, or resort Zoning Districts a minimum distance of 10 times the height of the facility or 1.25 miles, whichever is greater.

Also clarifies that height is measured from the farthest vertical extension of the tower, which includes the height of the tower or its vertical support structure and the farthest vertical extension of the blade tip from the tower.

- b. Add a new paragraph (F) to provide that with regard to occupied buildings in proximity to the facility that exist on the submission date of the facility's CUP application:
 - i. No portion of a large wind energy facility may cause more than 10 hours per year or 10 minutes per day of shadow flicker on existing occupied buildings; and

- ii. During normal operation, facility noise levels may not exceed 10 dBA above ambient sound levels at existing occupied buildings.

Also requires an applicant to submit to the DPP site-specific data using software models to demonstrate conformity with shadow flicker and noise restrictions.

- c. Add a new paragraph (G) to provide that for existing large wind energy generation facilities with approved land use permits, the repair, maintenance, or component replacement of the facility during the term of the facility's current power purchase agreement may involve an increase in the height of the facility:

- i. By up to 7 percent of the original height of the facility;
or

- ii. Up to a maximum height of 575 feet;

whichever is the lesser facility height; provided that the facility operates under and within the scope of its approved land use permits. Carves out an exception so that any such height increase will not be deemed to increase the facility's setback nonconformity.

- 26. 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.
- 27. Amends ROH § 21-5.70-8(c), relating to nature-based recreation standards, to provide that for horseback riding tours, all buildings housing horses and all corrals in which horses are kept or assembled must be set back a minimum of 100 feet from the property line of any adjoining zoning lot located in the country, residential, apartment, or apartment mixed-use Zoning Districts.

28. 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.
- 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 10 of the bill, amends ROH § 21-2.130(a)(1), relating to the waiver of zoning requirements, to make conforming amendments to clarify that communication towers and communication support structures (instead of communication facilities) are eligible for zoning waivers.
- G. 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.
- H. In SECTION 25 of the bill, amends ROH § 21-4.60 (Heights) to make conforming amendments to reference communication towers and communication support structures (instead of antennas associated with utility installations), and accessory receive only antennas (instead of receive only antennas).

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- I. 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.
- J. 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;
 - 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).

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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.
- K. 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).
- L. In SECTION 43 of the bill, repeals ROH § 21-8.20-1, relating to procedures for approval of ohana dwellings.
- M. 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");

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- 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.
 3. Under public, civic, and institutional uses, add a new communication tower entry, and designate "Cm" in the Apartment Precinct, Resort Mixed-Use Precinct, and Public Precinct of the WSD.
 4. Under public, civic, and institutional uses, add a new dish antenna entry, and designate "Cm" in the Apartment Precinct, Resort Mixed-Use Precinct, and Public Precinct of the WSD.
- N. 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. Renames "accessory communication structure" as "accessory receive only antenna," and amends the definition to mean an antenna that is not regulated by the Federal Communications Commission, is used primarily to receive radio frequency or microwave transmissions, and is accessory to a principal use. Includes satellite dishes up to 1 meter in size, amateur (ham) radio antennas, and television antennas attached to single-unit, two-unit, and duplex-unit dwellings. Does not include broadcasting antennas, telecommunication facilities such as communication towers and communication support structures, or dish antennas larger than 1 meter in diameter.

3. Adds a definition of "broadcasting antenna" to mean antennas, towers, and other accessory facilities for radio frequency transmissions of AM and FM radio and television broadcasting, which may be received by anyone with a radio or television. Broadcasting antennas are regulated by the Federal Communications Commission, and do not include broadcasting studios and stations, and telecommunication facilities.
4. Amends the definition of "cemetery" to add examples of permitted accessory uses to the cemetery principal use, including crematory operations, cemetery real estate operations, mortuary services, floral and monument sales, and single-unit dwellings to be occupied by cemetery caretakers.
5. Amends the definition of "consulate" to clarify that consulates are eligible for zoning waivers that apply to public facilities.
6. Amends the definition of "child daycare" to add a cross reference to public facility.
7. 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.
8. 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.
9. Amends the definition of "duplex-unit dwelling" to reference Figure 21-10.3.

10. 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.
11. 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.
12. Amends the definition of "meeting facility" to clarify that meeting facilities may be accessory to a principal use unless expressly prohibited. Also adds examples of meeting facilities, including private clubs, union halls, community centers, religious facilities such as churches, temples, and synagogues, and student centers. Cross references public facility.
13. 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.
14. Amends the definition of "public facility" to add further examples of public facilities, including public (federal, state, or city) libraries, satellite city halls, post offices, schools, parks, zoos, golf courses, and meeting facilities such as the Hawaii Convention Center, the Neal S. Blaisdell Center, and the Waikiki Shell (in addition to public administrative offices and transportation stops). Also clarifies uses that are not public facilities, including private K-12 and vocational schools, private golf courses, parks, or community recreation centers.
15. Amends the definition of "general outdoor recreation" to clarify that horseback riding tours are not general outdoor recreation. Cross references animal raising.

16. 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).
 17. 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).
 18. Amends the definition of "transient occupant" to reference transient vacation unit, bed and breakfast home, rooming, and hotel.
 19. Adds a new Figure 21-10.3 after the definitions of "duplex-unit dwelling," "single-unit dwelling," and "two-unit dwelling."
- O. In SECTION 71 of the bill:
1. Amends the definition of "alternative communication support structure" to delete reference to "alternative" (refers to the use as "communication support structure.") Amends the definition to mean a structure designed for a separate use or purpose that also supports or conceals a telecommunications facility. Equipment may be mounted on and integrated with a roof or facade, light pole, bell tower, clock tower, campanile, steeple, light structure other than a street light pole or traffic signal pole, or similar structure.
 2. Moves the definition of "communication tower" from SECTION 70 to SECTION 71, and amends the definition to mean a freestanding structure that supports a telecommunications facility. Clarifies that communication tower includes monopoles, monopalms, monopines, lattice towers, and similar structures, but does not include broadcasting antennas or structures that support or conceal an antenna.
 3. Adds a definition of "community-based recreation center" to mean a community-based recreation center, which may be membership based, that includes outdoor and indoor recreation, including swimming pools, locker rooms, sports courts, gymnasiums, meeting rooms, offices, and supporting facilities. Cross references park, general outdoor recreation, nature-based recreation, personal services, public facility.

4. Amends the definition of "dish antenna" to mean a receiver or transmitter of radio frequency or microwave transmissions consisting of a reflector-shaped satellite dish that is larger than 1 meter in diameter. Clarifies that dish antenna does not include antennas integrated with telecommunication facilities. Cross references accessory receive only antenna.
5. 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.
6. 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.
7. 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.
8. Amends the definition of "nature-based recreation" to add that horse stables and community recreation centers are not nature-based recreation. Cross references animal raising.

9. Amends the definition of "park" to mean an area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, sport courts and fields, and botanical gardens. A park may include small office spaces for managers or groundskeepers, storage structures, and barbeque pavilions. A park does not include swimming pools and gymnasiums. A park may include both passive and active recreation, and projects that promote and enhance ecosystem benefits, keep wildlife on land with preserved natural features, as well as picnic grounds, beaches, beach access, greenways, and areas for hiking, fishing, hunting, and other scenic interests. Clarifies that park does not include public parks or community recreation centers. Cross references nature-based recreation, general outdoor recreation, and meeting facility.
10. Amends the definition of "prison" to cross reference public facility.
11. Renames "K-12 school" as "PreK-12 school," and amends the definition to mean a facility educating students enrolled in pre-kindergarten through 12th grade, operated by a private institution or entity that provides educational programs using a curriculum analogous to the Hawaii public school curriculum for the same grade level, and when applicable, in compliance with the Hawaii State compulsory attendance laws. Clarifies that PreK-12 school does not include public schools or post-secondary schools. Cross references child daycare and home-based childcare.
12. Amends the definition of "single-unit dwelling" to reference Figure 21-10.3.
13. Adds a definition of "telecommunications facility" to mean facilities integrated with communication towers or communication support structures that are regulated by the Federal Communications Commission, and may include transmitting panel antennas, GPS antennas, accessory satellite dish antennas, remote radio units, power cables, and similar equipment. Clarifies that telecommunications facility includes accessory structures that may be located elsewhere on the zoning lot, including equipment cabinets, emergency generators, and fencing.
14. Amends the definition of "two-unit dwelling" to reference Figure 21-10.3.

15. Amends the definition of "vocational school" to add a list of facilities that are not vocational schools, including vocational training on harbor fast lands that support commercial marine activities, sports classes, tutoring, martial arts studios, dance studios, gymnastic studios, or institutions of higher education that award associates, bachelors, masters, or doctorate degrees. Also adds definitions of minor versus major vocational school as follows:

Minor: Facilities that do not include the operation of industrial equipment such as floor-mounted woodworking or machine shop equipment.

Major: Facilities that include the operation of industrial equipment such as floor-mounted woodworking or machine shop equipment.

16. Amends the definition of "university, college" to clarify that universities and colleges are for post-secondary education, and to cross reference public facility, vocational school, and PreK-12 school.
17. Adds a new Figure 21-10.3, which depicts dwelling types, including single-unit dwelling, two-unit dwelling, and duplex-unit dwelling.

P. 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."

Q. In SECTION 94 of the bill, relating to direction to the Revisor of Ordinances, adds that in SECTION 3 of the ordinance, pursuant to the Revisor's authority under ROH Section 1-16.3(b)(1), the Revisor shall replace the phrase "effective date of this ordinance" or similar phrase used in the codified language of the ordinance with the actual date on which the ordinance takes effect.

R. Makes miscellaneous technical and nonsubstantive amendments for purposes of formatting, grammar, consistency, and clarity.

Committee on Planning and the Economy Agenda
Thursday, August 22, 2024

Related communications:

- CC-209 Councilmember Kia'āina, submitting Instructions for Amendments to Bill 64 (2023), FD1 for the Planning and the Economy meeting on August 22, 2024 (Agricultural Uses Part 1)
- CC-214 Councilmember Weyer, submitting Proposed Amendments to Bill 64 (2023), FD1 for the August 22, 2024, P&E Committee meeting (Agricultural Use Part 1)
- CC-215 Councilmember Tupola, submitting Proposed Amendments to Bill 64 (2023), FD1 to supersede Council Communication 212
- CC-217 Councilmember Kia'āina, submitting Proposed Amendments to the Agricultural Uses in Bill 64 (2023), FD1, for the Committee on Planning and the Economy Meeting on August 22, 2024

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