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HONOLULU CITY COUNCIL

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October 14, 2024

TO: PEARLENE SOTELO, COMMITTEE CLERK
COMMITTEE ON PLANNING AND THE ECONOMY

FROM: COUNCILMEMBER MATT WEYER

SUBJECT: PROPOSED ADDITIONAL AMENDMENTS TO BILL 64 (2023), FD1 – MISCELLANEOUS USES

Attached for consideration by the Committee on Planning and the Economy are proposed additional amendments to Bill 64 (2023), FD1, relating to land use regulations.

These proposed additional amendments relate to miscellaneous uses, and are intended to supplement the amendments to a CD1 version of Bill 64 (2023) that was approved by the Committee on Zoning and Planning on September 26, 2024 (OCS2024-0907/10/8/2024 1:45 PM).

Mahalo for the consideration of these amendments.

Respectfully,

Matt Weyer
Councilmember, District 2
Honolulu City Council

COUNCIL COM. 259
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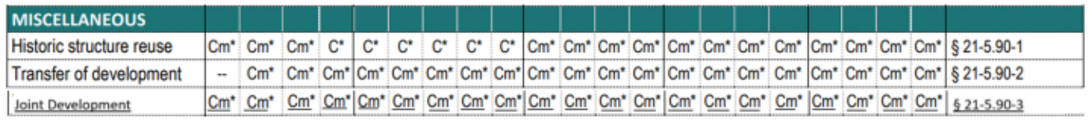
AMENDMENT FORM
Bill 64 (2023), FD1
Relating to Use Regulations
MISCELLANEOUS USES

TOTAL PAGES: 2

DATE: 10/14/24

COUNCILMEMBER: WEYER

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
1	Section 3	§ 21-5.40-4 (e) Farm worker housing – standards.	17	Amends the use standards relating to Farm Worker Housing	(2) The farm worker housing plans must be supported by agricultural plans. The amount of labor necessary to farm the land must justify the number of dwelling units proposed and the housing must be dedicated to farm worker housing for at least 50 years. (3) Farm worker housing may be composed of multiple detached dwelling units or attached dwelling units, or may consist of multi-unit dwellings; provided that no more than one employee and the employee's family live in each dwelling unit, or up to three unrelated employees may share one dwelling unit. Employees who live in farm worker housing must be agricultural workers.	Ensuring that the housing is dedicated to farm worker housing for at least 50 years, and clarifying that the employees who live there must be agricultural workers (and not just employees, generally).
2	Section 3	§ 21-5.50-3(b) (4) Employees	26	Amends the Home occupation standard relating to employees for home-based childcare	(B) For home-based childcare, in addition to one employee of the home occupation and one non-household member employee, if an emergency renders unavailable either the principal caregiver who is a household member or the non-household member employee, an additional employee may be on the property on a temporary basis ~~to~~ as a substitute ~~for the principal caregiver~~.	This amendment would allow for a non-household member to assist, regardless of whether there is an emergency. It also provides for a temporary employee in the case of an emergency.
3	Section 4	§ 21-10.1 Home Based Childcare	199	Amends the definition of Home-Based Childcare	***"Home-Based [~~Child-Care.~~] Childcare.*** A home occupation in which childcare services are provided [~~on a part-time basis~~] during any part of a 24-hour day to no more than six children at any given time who are not members of the household, and that is licensed by the State department of human services. One non-household member may provide childcare services to clients in the registered family care home on a permanent or temporary basis, and if either the resident caregiver or the non-household member becomes unavailable due to illness or emergency then an additional non-household member may provide childcare services to clients on a temporary basis. See also child daycare."	
4	Section 3	Table 21-5.1 Table of Permitted Uses; Public, Civic, and Institutional Uses Category	5	Amends the use table to add "Facility, ʻĀina Based Education" as an entry under the Education subcategory	**Education** Facility, ʻĀina Based Education: P* P* P* -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- -- § 21-5.60-3(c)	
5	Section 3	§ 21-5.60-3 Education.	37	Adds a use standard for "Facility, ʻĀina Based Education"	(c) *Facility, ʻĀina Based Education – standards.* (1) In the AG-1, AG-2, and P-2 zoning districts, ʻĀina-Based Education Facilities must be facilities dedicated to agriculture, conservation, or ʻāina-based education programs that are accessory and secondary to the principal agricultural use of the zoning lot.	
6	Section 71	Section 21-10.1 Definitions	218	Adds a definition for "Facility, ʻĀina Based Education"	"**Facility, ʻĀina Based Education.** A facility designed to support educational programs that are grounded in the cultural, environmental, and community values of ʻāina and is not operated primarily for financial gain."	

Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification
7	Section 3	Table 21-5.1 Table of Permitted Uses; Miscellaneous Category	10	Amends the use table to add "Joint Development" as a an entry under Miscellaneous Uses		Same uses as in Bill 10 (2022), as introduced.
8	Section 3	New Use Standard following § 21-5.90-2	86	Adds a use standard for "Joint Development"	**§ 21-5.90-3 Joint Development.** The development of 2 or more adjacent subdivision lots under a single, unified project concept. (a) Whenever 2 or more adjacent subdivision lots are developed jointly in accordance with the provisions of this section, they will be considered and treated as 1 zoning lot. (b) Owners must be applicants and execute the conditional use permit and joint development agreement. (c) When applying for a conditional use permit for joint development under this section, the applicants must submit to the Director an agreement which binds themselves and their successors in title or lease, individually and collectively, to maintain the pattern of joint development proposed in such a way that there will be conformity with applicable zoning regulations. The development standards listed in Section 21-2.90-2(C) may not be modified through a conditional use permit for joint development unless allowed through another discretionary approval. The right to enforce the agreement must also be granted to the City. The agreement is subject to the approval of the Corporation Counsel of the City. (d) If the Director finds that the proposed agreement assures future protection of the public interest and meets the requirements for issuance of a conditional use permit, the Director may issue the conditional use permit. Upon issuance of the permit, the agreement, which must be one of the conditions of the permit, must be filed as a covenant running with the land with the Bureau of Conveyances or the Registrar of the Land Court. Proof of such filing in the form of a copy of the covenant certified by the appropriate agency must be filed with the Director prior to the issuance of any building permit.	Same use standard as in Bill 10 (2022), as introduced.