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HONOLULU CITY COUNCIL

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MEMORANDUM

DATE: October 17, 2024

TO: Pearlene Sotelo
Clerk, Committee on Planning and the Economy

FROM: Esther Kia'āina, Chair
Committee on Planning and the Economy

SUBJECT: Response to Council Communication 259 (2024) from Councilmember Matt Weyer, relating to Proposed Amendments to Miscellaneous Uses in Bill 64 (2023), FD1

Attached for consideration by the Committee on Planning and the Economy are my proposed recommendations regarding the amendments to Bill 64 (2023), FD1, relating to land use regulations, offered by Councilmember Matt Weyer in Council Communication 259 (2024).

Attachment:

Chair of the Committee on Planning and the Economy's Responses to Council Communication 259 (2024) from Councilmember Matt Weyer.

COUNCIL COM. 267
P&E

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	P&E Committee Chair's Recommendation
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~~ dwelling units must be dedicated to farm worker housing for ~~at least~~ a minimum period of 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~~ The employee who ~~live in~~ occupies a dwelling unit in farm worker housing must be an agricultural worker~~s~~.	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).	Accept as modified.
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.	Not accepted. Home-based childcare is a home occupation. The number of employees is not restricted, but the number of employees on the property at any given time is limited to one.
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.”		Not accepted. Home-based childcare is a home occupation. The number of employees is not restricted, but the number of employees on the property at any given time is limited to one.
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, ‘Āina Based Education” as an entry under the Education subcategory	**Education** Facility, ‘Āina Based Education | P* | P* | P* | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | -- | § 21-5.60-3(c)		No changes to the new ‘Āina Based Education Facility Use are recommended at this time. Plan to further discuss, consider, and revisit ‘Āina Based Education Facility Use at the P&E Committee meeting on November 21, 2024.

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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.		No changes to the new ʻĀina Based Education Facility Use are recommended at this time. Plan to further discuss, consider, and revisit ʻĀina Based Education Facility Use at the P&E Committee meeting on November 21, 2024.
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."		No changes to the new ʻĀina Based Education Facility Use are recommended at this time. Plan to further discuss, consider, and revisit ʻĀina Based Education Facility Use at the P&E Committee meeting on November 21, 2024.
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	**MISCELLANEOUS** Historic structure reuse: Cm* Cm* Cm* C* C* C* C* C* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* § 21-5.90-1 Transfer of development: -- Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* § 21-5.90-2 Joint Development: Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* Cm* § 21-5.90-3	Same uses as in Bill 10 (2022), as introduced.	No changes to Joint Development are recommended at this time. Plan to further discuss, consider, and revisit Joint Development at the P&E Committee meeting on November 21, 2024.
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.	No changes to Joint Development are recommended at this time. Plan to further discuss, consider, and revisit Joint Development at the P&E Committee meeting on November 21, 2024.