'24OCT17 PM 3:42 CITY CLERK

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

530 S. KING ST. STE. 202, HONOLULU, HI 96813

ESTHER KIA'ĀINA
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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 255 (2024) from Councilmember Andria Tupola, 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 Andria Tupola in Council Communication 255 (2024).

Attachment:

Chair of the Committee on Planning and the Economy's Responses to Council Communication 255 (2024) from Councilmember Andria Tupola.

COUNCIL COM. 268
P&E

AMENDMENT FORM
Bill 64 (2023), FD1
Relating to Use Regulations
MISCELLANEOUS USES

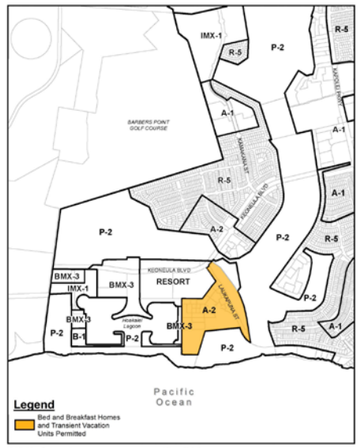
TOTAL PAGES: 5

DATE: 10/10/24

COUNCILMEMBER: Tupola

<table>
<tr><th>Item No.</th><th>Bill SECTION</th><th>ROH Section, Exhibit, or Figure, and Title</th><th>Page No.</th><th>Amendment Description</th><th>Amendment Text (in Ramseyer Format)</th><th>Comments or Clarification</th><th>P&E Committee Chair's Recommendation</th></tr>
<tr><td>1</td><td>SECTION 71</td><td>§ 21-10.1 Definitions</td><td>218</td><td>Add definition for Facility, ʻĀina Based Education</td><td>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.</td><td></td><td>No changes to 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.</td></tr>
<tr><td>2</td><td>SECTION 3</td><td>§ 21-5.60-3 Education</td><td>37</td><td>Add Facility, ʻĀina Based Education – Standards.</td><td>(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.</td><td></td><td>No changes to 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.</td></tr>
<tr><td>3</td><td>SECTION 3</td><td>Table 21-5.1
Table of Permitted Uses</td><td>5-6</td><td>Add Facility, ʻĀina Based Education as a Permitted Use in P-2, Ag-1, and Ag-2</td><td><table>
<tr><th>Education</th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th><th></th></tr>
<tr><td>Facility, ʻĀina Based Education</td><td>P*</td><td>P*</td><td>P*</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.60-3(c)</td></tr>
</table></td><td></td><td>No changes to new ʻĀina Based Education Facility Use are recommended at this time.
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Item No.	Bill SECTION	ROH Section, Exhibit, or Figure, and Title	Page No.	Amendment Description	Amendment Text (in Ramseyer Format)	Comments or Clarification	P&E Committee Chair's Recommendation
4	SECTION 3	§ 21-5.70-3(a) Bed and breakfast home; Transient vacation unit - standards	47-48	Allowing B&B and TVU adjacent to Hoakalei Resort	*(a) Bed and breakfast home; Transient vacation unit – standards.* (1) *Permitted districts.* Bed and breakfast homes and transient vacation units are permitted as described in paragraphs (A), ~~[and]~~ (B), and (C), and as depicted in the figures referred to in paragraph (D)~~[(C)]~~; provided that if there is any inconsistency between the descriptions in paragraphs (A), ~~[and]~~ (B), and (C), and the depiction in the figures referred to in paragraph (D)~~[(C)]~~, the figures referred to in paragraph (D) ~~[(C)]~~ will prevail. (A) Bed and breakfast homes and transient vacation units are permitted in the A-1 low-density apartment zoning district and the A-2 medium-density apartment zoning district; provided that: (i) They are within 3,500 feet of a resort zoning district of greater than 50 contiguous acres; and (ii) The resort district and the A-1 or A-2 district have been rezoned pursuant to the same zone change application as part of a master-planned resort community; (B) Bed and breakfast homes and transient vacation units are permitted in the apartment precinct of the Waikiki special district on the zoning lots identified as tax map keys (1) 2-6-025:005 and (1) 2-6-028:011; and (C) Bed and breakfast homes and transient vacation units are permitted in the A-2 medium-density apartment zoning district on the zoning lots currently identified as tax map keys (1) 9-1-170: 001 through 027 and (1) 9-1-134: 065, 068, and 069. (D) The areas in which bed and breakfast homes and transient vacation units are permitted as set forth in paragraphs (A), ~~[and]~~ (B), and (C) are depicted in the following figures: (i) The areas located within the apartment precinct of the Waikiki special district mauka of Kuhio Avenue, as designated in Figure 21-5.1; (ii) The areas located within the A-1 low-density apartment zoning district and the A-2 medium-density apartment zoning district situated in close proximity to the Ko Olina Resort, as designated in Figure 21-5.2; ~~[and]~~ (iii) The area located within the A-1 low-density apartment zoning district situated in close proximity to the Turtle Bay Resort, as designated in Figure 21-5.3; and (iv) The area located within the A-2 medium-density apartment zoning district located contiguous to the Hoakalei Resort and lagoon, as designated in Figure 21-5.4.		No changes to the bed and breakfast home and transient vacation unit standards are recommended at this time. Plan to further discuss, consider, and revisit B&Bs and TVUs at the P&E Committee meeting on November 21, 2024.

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5	SECTION 3	§ 21-5.70-3(a) Bed and breakfast home; Transient vacation unit - standards	Add as page 52	Adding figure 21-5.4	<u>Bed and Breakfast Homes and Transient Vacation Units Permitted Areas Close Proximity to the Hoakalei lagoon</u>  (Added by Ord.) Figure 21-5.4 Bed and Breakfast Homes and Transient Vacation Units Permitted Areas Close Proximity to the Hoakalei Lagoon		No changes to the bed and breakfast home and transient vacation unit standards are recommended at this time. Plan to further discuss, consider, and revisit B&Bs and TVUs at the P&E Committee meeting on November 21, 2024.

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
6	SECTION 70	Section 21-10.1 Definitions	192	Amending Animal Raising, Outdoor and Animal Raising, Confined to Animal Raising, Major and Animal Raising, Minor	"~~***Animal Raising, Outdoor.***~~ ~~Raising, feeding, and keeping of livestock and poultry such as cattle, horses, goats, sheep, swine, turkeys, chickens, ducks, rabbits, and bees that are not raised as household pets or for purposes of personal use or companionship, primarily in unconfined outdoor areas where they are free to roam or graze. Animals may be kept indoors overnight. The term includes beekeeping as an agricultural activity. The term does not include feedlots (see confined animal raising) or animal shelters (see animal care). The term may include the boarding and care of livestock and poultry that are not raised as household pets or for purposes of personal use and companionship."~~ ***Animal Raising, Major.*** Agricultural establishments primarily engaged in commercial livestock keeping or feeding as a principal land use that, because of operational characteristics, may generate dust, odors, pollutants, or visual impacts that could adversely affect adjacent properties. These include piggeries, dairies, dairy and beef cattle feedlots, and chicken, turkey, and other poultry farms. The term includes feedlots, defined as any animal feeding operation that concentrates animals, feed, manure and urine, dead animals, and production operations on a small land area. In feedlots, feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland. The term does not include the boarding and care of household pets owned by other persons (see animal care) or animal shelters (see animal care)." "~~***Animal Raising, Confined.***~~ ~~Raising and feeding of livestock and poultry such as cattle, horses, goats, sheep, swine, turkeys, chickens, ducks, and rabbits that are not raised as household pets or for purposes of personal use and companionship, primarily in confined indoor or outdoor areas, such as pens, stalls, or cages. The term includes feedlots, defined as any animal feeding operation that congregates animals, feed, manure and urine, dead animals, and production operations on a small land area. In feedlots, feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland. The term does not include the boarding and care of household pets owned by other persons (see animal care) or animal shelters (see animal care)."~~ "***Animal Raising, Minor.*** Agricultural establishments primarily engaged in commercial livestock keeping or feeding as a principal land use that, because of operational characteristics, may generate dust, odors, pollutants, or visual impacts that are unlikely to adversely affect adjacent properties. Includes commercial small animal operations as a principal land use, such as rabbit farms, apiaries, aviaries, or raising and feeding of livestock and poultry such as cattle, horses, goats, sheep, swine, turkeys, chickens, ducks, and rabbits. ***Animal Raising.*** Agricultural establishments primarily engaged in commercial livestock and poultry keeping or feeding as a principal use. *(1) Minor:* Agricultural establishments that, because of operational characteristics, may generate dust, odors, pollutants, or visual impacts that are unlikely to adversely affect adjacent properties. ~~Includes~~ The term includes small commercial ~~small~~ animal operations ~~as a principal land use,~~ such as rabbit farms, apiaries, aviaries, or the raising and feeding of livestock and poultry such as cattle, horses, goats, sheep, swine, turkeys, chickens, ducks, bees, and rabbits. The term does not include feedlots (see major animal raising), the boarding and care of household pets owned by other persons (see animal care), or animal shelters (see animal care). *(2) Major:* Agricultural establishments that, because of operational characteristics, may generate dust, odors, pollutants, or visual impacts that could adversely affect adjacent properties. ~~These include~~ The term includes piggeries, dairies, dairy and beef cattle feedlots, and chicken, turkey, and other poultry farms. The term also includes feedlots, defined as any animal feeding operation that concentrates animals, feed, manure and urine, dead animals, and production operations on a small land area. In feedlots, feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures, fields, or on rangeland. The term does not include the boarding and care of household pets owned by other persons (see animal care) or animal shelters (see animal care).		Accept with modifications. See definitions below original proposal. Major animal raising will replace confined animal raising. Accept with modifications. See definitions below original proposal. Minor animal raising will replace outdoor animal raising.

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<tr><td>7</td><td>SECTION 3</td><td>Table 21-5.1
Table of Permitted Uses
Agricultural uses</td><td>3</td><td>Amending Animal raising, outdoor to animal raising, Major and adds it as a permitted use for AG-1 and AG-2.

Amending Animal Raising, confined to animal raising, minor and adds it as a permitted use for P-2, AG-1, AG-2, and Country.</td><td>
<table>
<tr><td>Animal raising, ~~outdoor~~ Major</td><td>--</td><td>P*</td><td>P*</td><td>~~--~~</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.40-2(a)</td></tr>
<tr><td>Animal Raising, ~~confined~~ Minor</td><td>~~--~~ P</td><td>P</td><td>P</td><td>~~--~~ P</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.40-2(a)</td></tr>
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<tr><td>Animal raising</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>[~~Animal raising, outdoor~~] Minor</td><td>P</td><td>P</td><td>P</td><td>P</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td></td></tr>
<tr><td>[~~Animal raising, confined~~] Major</td><td>--</td><td>P*</td><td>P*</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.40-2(a)</td></tr>
</table>
</td><td></td><td>Accept as modified below the original proposal.
Minor animal raising will replace outdoor animal raising.
Major animal raising will replace confined animal raising.</td></tr>
<tr><td></td><td>SECTION 3</td><td>§ 21-5.40-2(a)
Agricultural uses
Livestock and poultry keeping
Confined animal raising standards</td><td>11</td><td>Amend confined animal raising standards.</td><td>(a) Animal raising, [~~confined~~] major – standards. Feedlots, poultry, or swine enclosures must be set back a minimum of 300 feet from the property line of any adjoining property within the residential, apartment, or apartment mixed-use zoning districts.</td><td></td><td>Amend the confined animal raising standards to conform to major animal raising replacing confined animal raising.</td></tr>
<tr><td>8</td><td>SECTION 3</td><td>§ 21-5.70-7
Personal service.</td><td>71</td><td>Amending standards for “Animal care, minor and major”.</td><td>(b) Animal care, minor and major – standards.
(1) In the agricultural and country districts, all structures and facilities associated with keeping animals overnight must be set back a minimum of 100 feet from any adjoining zoning lot. Dust, odors, pollutants, must not be detectable from abutting properties, or public areas such as streets and sidewalks.
~~(2) Animal shelters and areas must contain the kept animal securely and keep other animals from entering the enclosure.~~
~~(3) The use of metal barrels, cars, refrigerators, and similar confinements as shelter structures for animals is prohibited.~~
~~(4)~~ (2) In the apartment mixed-use, business, business mixed-use, and IMX-1 zoning districts, Associated odors must not be detectable from common areas within a building, abutting properties, or public areas such as public streets and sidewalks. Major animal care must be soundproofed and air-conditioned.
~~(5)~~ (3) Except for occasional and infrequent incidents, animal noises must not be detectable from common areas within a building, abutting properties, or public areas such as streets and sidewalks. All animals kept overnight must be located in a fully-enclosed, noise-attenuated structure.
~~(6) For minor animal care, outdoor animal care areas are limited to supervised play areas and runs.~~
~~(7) In the business, business mixed-use, and IMX-1 zoning districts, major animal care must be soundproofed and air-conditioned.~~</td><td></td><td>Not accepted.
Animal care is a commercial principal use and is not consistent with the purpose and intent of the AG-1, AG-2, and Country zoning districts.</td></tr>
</table>

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Table of Permitted Uses
Agricultural uses</td><td>7</td><td>Animal Care Minor – change to P* for AG-1, AG-2, and Country.

Animal Care Major – change to P* for AG-1 and Ag-2.</td><td>
<table>
<tr><td>Animal care</td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>Minor</td><td>--</td><td>[--]
P*</td><td>[--]
P*</td><td>[--]
P*</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>--</td><td>P*</td><td>§ 21-5.70-7(b)</td></tr>
<tr><td>Major</td><td>--</td><td>[--]
P*</td><td>~~[P*+]~~
P*</td><td>P*</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>P*</td><td>--</td><td>P*</td><td>§ 21-5.70-7(b)</td></tr>
</table>
</td><td></td><td>Not accepted.
Animal care is a commercial principal use and is not consistent with the purpose and intent of the AG-1, AG-2, and Country zoning districts.</td></tr>
<tr><td></td><td>SECTION 3</td><td>§ 21-5.40-4(b)(5)
Agricultural uses
Accessory agricultural
Agritourism minor and major – standards.</td><td>15-16</td><td>Remove limit on total floor area sq. footage</td><td>(5) Accessory destination events, including weddings, are subject to the following:
(A) Events must take place at a designated event space; and
(B) Predominantly open-air physical improvements associated with destination events, such as a roofed pavilion, are allowed; provided that <u>they are accessory to agriculture and do not interfere with farm/ranch operations.</u> ~~the total floor area must not exceed 1,000 square feet.~~</td><td></td><td>Not accepted.
Retain maximum floor area of 1,000 square feet for predominantly open-air physical improvements.</td></tr>
<tr><td></td><td>SECTION 3</td><td>Table 21-5.1
Table of Permitted Uses
Agricultural uses</td><td>8</td><td>Change Nature-based recreation to a conditional use permit minor for P-2, AG-2, and Country</td><td>
<table>
<tr><td>Nature-based recreation</td><td>~~[C*]~~
Cm</td><td>--</td><td>~~[C*]~~
Cm</td><td>~~[--]~~
<u>Cm</u></td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>--</td><td>§ 21-5.70-8(c)</td></tr>
</table>
</td><td></td><td>Not accepted.
The purpose of the country district is to recognize and provide for areas with limited potential for agricultural activities, but for that the open space or rural quality of agricultural lands is desired. The district is intended to provide for some agricultural uses, low density residential development, and some supporting services and uses.</td></tr>
</table>