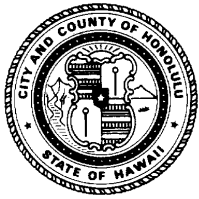


SUMMARY OF PROPOSED COMMITTEE DRAFT:

**RESOLUTION 24-148
PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF
HONOLULU 2021 (THE LAND USE ORDINANCE), RELATING TO THE
DEVELOPMENT STANDARDS FOR THE APARTMENT AND APARTMENT
MIXED-USE DISTRICTS.**

The PROPOSED CD1 makes the following amendments:

- A. Amends the 13th WHEREAS clause to clarify that, on January 3, 2025, Ordinance 25-2 was enacted, effective September 30, 2025 (Ordinance 25-2, among other things, amends the Land Use Ordinance to allow the construction of both an accessory dwelling unit and an 'ohana unit that are accessory to a one-family detached dwelling unit).
- B. Adds new 14th and 15th WHEREAS clauses that provide that:
 - 1. Senate Bill 3202, S.D. 2, H.D. 1, C.D. 1, was enacted as Act 39, Session Laws of Hawaii 2024 ("Act 39"), which took effect on May 28, 2024, and
 - 2. Act 39 includes a requirement that the City adopt or amend an ordinance that defines reasonable standards that would add development potential in the City's existing apartment districts or apartment mixed-use districts for 22,168 housing units.
- C. Amends the 19th WHEREAS clause to add that reevaluating the development standards of the City's apartment and apartment mixed-use districts would be a significant step forward in meeting the requirements of Act 39.
- D. In Exhibit A attached to the resolution, in SECTION 2 of the bill, fills in the blanks in Table 21-3.3 for the minimum lot area, the minimum lot width and depth, and the maximum density that are allowed in the apartment and apartment mixed-use districts.
- E. Makes miscellaneous technical and nonsubstantive amendments.



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. **24-148, CD1**

PROPOSED

RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 2021 (THE LAND USE ORDINANCE), RELATING TO THE DEVELOPMENT STANDARDS FOR THE APARTMENT AND APARTMENT MIXED-USE DISTRICTS.

WHEREAS, a lack of affordable housing has become one of the most significant and challenging social problems in the City and County of Honolulu ("City"); and

WHEREAS, the disruptive social and economic effects resulting from the lack of affordable housing are becoming more pronounced, including: an alarming increase in the City's homeless population; an increased strain on the resources of social service agencies, relief and support non-profit entities, and churches; and a growing population that struggles to cover basic, cost-of-living expenses; and

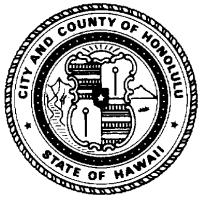
WHEREAS, according to the 2019 Hawai'i Housing Planning Study published by the Hawai'i Housing Finance and Development Corporation (the "2019 HHFDC Housing Planning Study"), O'ahu needs an additional 22,168 housing units over a five-year period to meet the projected demand for housing, with 12,046 (54 percent) of those units needed for low-income households earning 80 percent or less of the area median income, as determined by the U.S. Department of Housing and Urban Development; and

WHEREAS, in March of 2024, the City Council ("Council") considered Resolution 24-65, which contemplated the impacts of House Bill 1630, H.D. 1 and Senate Bill 3202, S.D. 2 (hereinafter together "the State bills"), both of which relate to "urban development"; and

WHEREAS, the intention of the State bills appears to be to create opportunities for the provision of additional residential housing on residentially zoned property by requiring the counties to allow, subject to certain exceptions, additional accessory dwelling units on residentially zoned properties and to allow further subdivision of such properties; and

WHEREAS, the State bills, although well-meaning, were met with stark community opposition, driven in part by concerns about the proliferation of undesirable "monster homes" in residential neighborhoods on O'ahu; and

WHEREAS, certain versions of the State bills would have allowed significantly more density in neighborhoods that have historically been reserved for single-family



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dwelling—a potentially catastrophic change that could reduce the availability of on-street parking; increase traffic congestion; and overburden public sewer, water, and other infrastructure—without allowing adequate time or means for the City to mitigate these impacts; and

WHEREAS, recognizing these community concerns, on March 25, 2024, the Council passed Resolution 24-65, CD1, which, among other things:

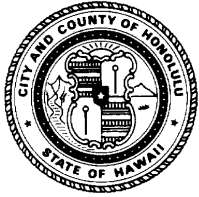
1. Expressed the Council's opposition to the enactment of the State bills, including, among other things, the substantial impact of the bills on the City's existing zoning districts and corresponding development standards for structures therein, and the character and nature of the neighborhoods and communities throughout the City; and
2. Acknowledged that the Council agrees with the purported intent of the State bills and that it supports some of the policy ideas considered in the State bills, as reflected in the policies recently adopted and actively being considered by the Council, while noting that these policies should be considered in accordance with the City's planning process, which provides City residents and businesses with ample opportunity for engagement and input; and

WHEREAS, the Council believes that, while there may be a need for increased density to address the City's existing housing crisis, increasing density in residential districts must be considered carefully to ensure the higher density is consistent with the O'ahu General Plan and the City's Development Plans and Sustainable Communities Plans (collectively, the "City plans"); and

WHEREAS, the City plans, which incorporate extensive input from affected communities as well as from federal, State, and local officials, further indicate the need for reasonable and sustainable growth; and

WHEREAS, for example, in Section IV, Objective A of the O'ahu General Plan, Policy 12 indicates that the City will seek to "[p]romote higher-density, mixed-use development *where appropriate* . . . to increase the supply of affordable and market housing in convenient proximity to jobs, schools, shops, and public transit" (emphasis added); and

WHEREAS, consistent with this objective, the City's Land Use Ordinance ("LUO") presently allows the construction of a one-family detached dwelling unit in



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addition to an accessory dwelling unit or an 'ohana unit (for a total of two dwelling units on one lot), two-family detached dwellings (for a total of two dwelling units on one lot), or many dwelling units dependent on the size of the lot, in the City's residential zoning districts; and

WHEREAS, Ordinance 25-2, enacted on January 3, 2025, and which takes effect on September 30, 2025, amends the LUO to allow even higher density in those districts by allowing the construction of both an accessory dwelling unit and an 'ohana unit that are accessory to a one-family detached dwelling unit (for a total of three dwelling units on a single lot); and

WHEREAS, Senate Bill 3202, S.D. 2, H.D. 1, C.D. 1, was enacted as Act 39, Session Laws of Hawaii 2024 ("Act 39"), which took effect on May 28, 2024; and

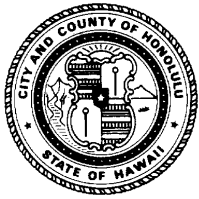
WHEREAS, Act 39 includes a requirement that the City adopt or amend an ordinance that defines reasonable standards that would add development potential in the City's existing apartment districts or apartment mixed-use districts for 22,168 housing units (which is the City's projected five-year demand for housing units for ownership or rental from 2020 through 2025, as stated in the 2019 HHFDC Housing Planning Study); and

WHEREAS, the apartment zoning districts of the City allow for a range of living environments, primarily in the form of multi-family dwellings such as common wall housing, walkup apartments, and high-rise apartments; and

WHEREAS, the City's apartment mixed-use zoning districts allow, in addition to multi-family dwellings, some commercial uses that support the service needs of the neighborhood, lessen automobile dependency, create more diverse neighborhoods, and optimize the use of land and urban services and facilities; and

WHEREAS, the development standards for the City's apartment and apartment mixed-use zoning districts are contained in Table 21-3.3 of the LUO, Chapter 21, Revised Ordinances of Honolulu 2021 ("ROH"); and

WHEREAS, the Council finds that, by reevaluating the development standards of the City's apartment and apartment mixed-use zoning districts, thousands of affordable and market rate housing units could be built, which would be a significant step forward in addressing the City's housing crisis and in meeting the requirements of Act 39; and



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WHEREAS, the Council further finds that these units would be built in districts that, through extensive community planning and engagement, have been deemed appropriate for the construction of additional housing, as set forth in the City plans—unlike the mandates imposed by the State bills, which are contrary to the objectives of the City plans to direct growth to preserve and protect residential districts from higher-density development; and

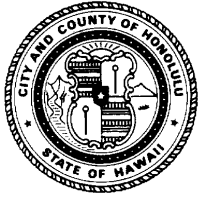
WHEREAS, Section 6-1513, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, the term "zoning ordinances," as used in Charter Section 6-1513, includes both amendments to the LUO and to ordinances designating particular parcels of property in terms of the LUO; and

WHEREAS, ROH Chapter 2, Article 24, Part A, establishes procedures and deadlines for the processing of Council proposals to revise or amend the general plan, a development plan, a zoning ordinance, and the subdivision ordinance, and clarifies the responsibility of the Director of Planning and Permitting to assist the Council in adequately preparing its proposals for processing; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting and the Planning Commission are directed, pursuant to Section 6-1513, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended, and Chapter 2, Article 24, Part A, Revised Ordinances of Honolulu 2021 ("ROH"), to process the proposed amendment to ROH Chapter 21 (the "Land Use Ordinance"), attached hereto as Exhibit A, in the same manner as if the proposal had been proposed by the Director of Planning and Permitting; and

BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director of Planning and Permitting's report and the proposed Land Use Ordinance amendment to the Planning Commission; and



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BE IT FINALLY RESOLVED that, pursuant to ROH Chapter 2, Article 24, Part A, the City Clerk shall transmit copies of this resolution and the exhibit attached hereto to the Director of Planning and Permitting and the Planning Commission of the City and County of Honolulu, and shall advise them in writing of the date by which the Director of Planning and Permitting's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

Esther Kia'āina

Tyler Dos Santos-Tam

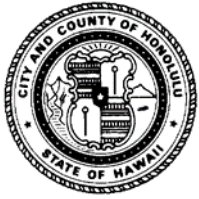
DATE OF INTRODUCTION:

May 24, 2024

Honolulu, Hawai'i

Councilmembers

EXHIBIT A



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

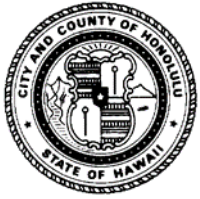
RELATING TO DEVELOPMENT STANDARDS IN THE APARTMENT AND APARTMENT MIXED-USE DISTRICTS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to amend the development standards for the apartment and apartment mixed-use districts.

SECTION 2. Table 21-3.3, Revised Ordinances of Honolulu 2021, is amended to read as follows:

Table 21-3.3							
Apartment and Apartment Mixed-Use Districts Development Standards							
Development Standard		District					
		A-1	A-2	A-3	AMX-1	AMX-2	AMX-3
Minimum lot area (square feet) ¹		[7,500] 5,000	[10,000] 5,000	[15,000] none	[7,500 ²] 5,000	[10,000 ²] 5,000	[15,000 ²] none
Minimum lot width and depth (feet) ¹		[70] 45	[70] 50	[70] 50	[70] 45	[70] 50	[70] 50
Yards (feet):	Front	10	10	10	10	10	10
	Side and rear ^{[3]2}	5 ^[4-13] or 10	5 ^[4-13] or 10	5 ^[4-13] or 10	5 ^[4-13] or 10	5 ^[4-13] or 10	5 ^[4-13] or 10
Maximum commercial use density (FAR)		n/a			0.3 see § 21-3.90-1(c)	0.4 see § 21-3.90-1(c)	0.6 see § 21-3.90-1(c)
Maximum building area		Lot area (sq. ft.)			Requirement		
		Less than 7,500			60% of zoning lot		
		[7,500—20,000] 7,500-20,000			50% of zoning lot		
		Over 20,000			40% of zoning lot		
Maximum height (feet) ^{[5]4}		30	per zoning map		30	per zoning map	
Height setbacks		none	per § 21-3.80-1(c)		none	per § 21-3.90-1(c)	
[Maximum density (FAR) for A-1 and AMX-1 districts based on zoning lot size]		[Lot area (sq. ft.)]		[FAR calculation]			
		[Less than 10,000]		[FAR = (.00003 x lot area) + 0.3]			
		[10,000—40,000]		[FAR = (.00001 x lot area) + 0.5]			
		[Over 40,000]		[FAR = 0.9]			



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CITY AND COUNTY OF HONOLULU

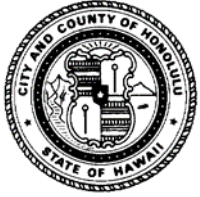
ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

Table 21-3.3						
Apartment and Apartment Mixed-Use Districts Development Standards						
Development Standard	District					
	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3
[Maximum density (FAR) for A-2 and AMX-2 districts based on zoning lot size]	[Lot area (sq. ft.)]		[FAR calculation]			
	[Less than 10,000]		[FAR = (.00009 x lot area) + 0.4]			
	[10,000 — 40,000]		[FAR = (.00002 x lot area) + 1.1]			
	[Over 40,000]		[FAR = 1.9]			
[Maximum density (FAR) for A-3 and AMX-3 districts based on zoning lot size]	[Lot area (sq. ft.)]		[FAR calculation]			
	[Less than 10,000]		[FAR = (.00014 x lot area) + 0.6]			
	[10,000 — 20,000]		[FAR = (.00004 x lot area) + 1.6]			
	[20,000 — 40,000]		[FAR = (.00002 x lot area) + 2.0]			
	[Over 40,000]		[FAR = 2.8]			
Maximum density (FAR)	<u>2.0</u>	<u>3.0</u>	<u>4.0</u>	<u>2.0</u>	<u>3.0</u>	<u>4.0</u>
¹ There ~~shall be~~ <u>is</u> no minimum lot area, width, or depth for off-site parking facilities. ~~² There shall be no minimum lot area for off-site parking facilities.~~ ~~³ Five feet for detached dwellings and duplexes and 10 feet for other uses.~~ ~~⁴ For duplex lots, 5 feet for any portion of any structure not located on the common property line; the required side yard is zero feet for that portion of the lot containing the common wall.~~ ~~⁵ Heights for detached dwellings and duplexes shall~~ <u>must</u> comply with residential height and height setback requirements. n/a = Not applicable						

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the bracketed and stricken material, or the underscoring.



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

RICK BLANGIARDI, Mayor
City and County of Honolulu

Report Title:

Zoning; Land Use Ordinance ("LUO"); Development Standards; Apartment District; Apartment Mixed-Use District; Act 39, Session Laws of Hawaii 2024; Ordinance 25-2; Urban Development; Housing Demand; Planning Commission; Department of Planning and Permitting ("DPP")

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.