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DEPARTMENT OF PLANNING AND PERMITTING
KA 'OIHANA HO'OLĀLĀ A ME NĀ PALAPALA 'AE
CITY AND COUNTY OF HONOLULU

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September 3, 2025

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawai'i 96813

Dear Chair Waters and Councilmembers:

SUBJECT: Receipt of Notice of Introduction of a Resolution for a Council Proposal to Amend the General Plan, the Development Plans, the Zoning Ordinances, or the Subdivision Ordinance
Request for Additional Accompanying Documentation Required for Processing the Land Use Ordinance (LUO) Amendment
Resolution No. 25-228, Relating to Conditional Use Permits (CUPs).

This is to confirm receipt of Resolution No. 25-228 (Resolution), entitled:

"Proposing an Amendment to Chapter 21, Revised Ordinances of Honolulu (ROH) 2021 (The LUO), relating to CUPs."

The Resolution (copy enclosed) was sent by the City Clerk and received by the Department of Planning and Permitting (DPP) on August 7, 2025. In accordance with ROH § 2-24.3 and 2-24.7, the DPP has begun reviewing the Council's proposed amendments to the LUO relating to CUPs.

The DPP recognizes that the expressed intent of the Resolution is to "ensure enhanced community engagement in decisions relating to the permitting of projects that are not typical in a particular zoning district." The Resolution also states that a CUP "generally allows for certain uses that are not typical in a particular Zoning District subject to certain development standards."

DEPT. COM. 686

This excerpt from the LUO Master Use Table shows uses that require a minor CUP in at least one zoning district under Ordinance 25-2. The uses that require neighborhood board presentations prior to application submittal are highlighted. (Note that major CUPs also require neighborhood board presentations but are not highlighted below).

KEY:
P = Permitted Use C = Major Conditional Use Cm = Minor Conditional Use PRU = Plan Review Use * = Use Standards Apply + = Special Use Permit[1],
Ac = Accessory Use subject to standards[2]
[1] For Land within the State Land Use Agricultural District, pursuant to HRS Chapter 205, a special use permit approved by the Planning Commission may be required
[2] If there is more than one symbol, all symbols apply.

Uses (Note: Certain uses are defined in Article 10)	Preservation, Agricultural, Country				Residential, Apartment					Apartment Mixed-Use, Resort				Business, Business Mixed-Use				Industrial, Industrial Commercial Mixed-Use			
	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	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3	IMX-1
Urban agriculture	--	--	--	--	--	--	--	--	--	Cm*	Cm*	Cm*	--	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*
Agricultural energy facility	--	Cm*	Cm*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Ac	Ac	--	--
Agricultural farmers market	--	Cm*	Cm*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Agritourism	--	Cm*	Cm*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Farm worker housing	--	Cm*	Cm*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Small Group Living – not State regulated			C*+	C*	C*	C*	C*	C*	C*	C*	C*	C*	--	--	--	C*	Cm*	--	--	--	--
Large Group Living	--	--	--	C*	C*	C*	C*	C*	C*	C*	C*	C*	--	--	--	C*	Cm*	--	--	--	--
Small Meeting facility	--	--	Cm* +	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	P*	P*	P*	--	--	Cm*
Broadcasting antenna	Cm*	Cm*	Cm*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C*	C*	C*	C*
Communication support	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P	P	P	P
Communication tower	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	Cm*
Dish antenna	--	Cm*	Cm*	--	--	--	--	--	--	--	--	--	P*	--	P*	P*	P*	P*	P*	P*	P*
School, PreK-12	--	--	C*+	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	--	P	P	P	P	--	--	--	--
Medium Utility	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	Cm*	P*
Child daycare	--	--	C*+	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	P*	P*	--	--	--	P*
Adult daycare	--	--	C*+	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	P*	P*	P*	P*	P*	--	--	--	P*
Timeshare	--	--	--	--	--	--	--	Cm*	--	--	--	--	P	--	--	--	--	--	--	--	--
Remote parking	--	--	--	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*

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	Preservation, Agricultural, Country				Residential, Apartment					Apartment Mixed-Use, Resort				Business, Business Mixed-Use				Industrial, Industrial Commercial Mixed-Use			
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Nature-based recreation	Cm* C*	--	Cm* C*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Biofuel processing facility	--	C*	C*	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Cm*	Cm*	--
Petrochemical plant	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C*	Cm*	--
General Marine Minor	C	--	--	--	--	--	--	--	--	--	--	--	Cm*	--	Cm*	Cm*	Cm*	--	P	P	P*
Multimodal facility	--	--	--	--	--	--	--	--	--	C*	C*	C*	C*	Cm*	Cm*	Cm*	Cm*	Cm*	--	--	Cm*
Salvage, scrap, or junk storage and processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	Cm*	Cm*	--
Waste disposal and processing	C*	--	C*+	--	--	--	--	--	--	--	--	--	--	--	--	--	--		Cm*	Cm*	--
Historic structure reuse	Cm*	Cm*	Cm*	C*	C*	C*	C*	C*	C*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*
Joint development	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*	Cm*

With this information established, and in advance of this proposal moving forward, the DPP has identified some questions that require clarity. Anything the Council could do to assist us in answering these questions would be greatly appreciated.

1. The Resolution applies to CUPs, but the wording of the draft bill would require **all** minor permits, including Zoning Adjustments, Waivers, and minor Special District Permits, to be presented to the neighborhood board prior to submitting the application to the DPP. Was this intentional? Does it exceed the stated purpose of the Resolution?

2. CUPs are required for a broad range of uses across all zoning districts, but they are also used for permits like joint development agreements and remote parking agreements. Is it the City Council's intent to include these types of permits, if they do not authorize a specific use?

In general, the DPP opposes the draft bill as written because it will expand the procedural complexity, and add time and costs to relatively minor projects. In 2024, DPP processed 28 minor CUPs. Eighteen of them were for joint developments. Eight were for telecommunications facilities. One was for off-site (remote) parking. The final minor CUP application was for a "farm to barn" agribusiness (agritourism) facility. That application was deemed incomplete and it has not been resubmitted. Given this, it is clear that minor CUPs for controversial projects are relatively rare. If the City Council could refine the types of uses that would be more likely to have an impact, or to be of interest to the community and the neighborhood boards, rather than proposing a blanket requirement, that would be more supportable.

The minor CUP processing timeline includes a 10-day period for the DPP to determine whether the permit is complete for processing, and then a 45-day permit processing timeline. The requirement to present to a neighborhood board prior to submitting the application could add 60 days to this processing timeline, which more than doubles the time an applicant would need to obtain the permit. Additional procedural requirements create unnecessary and unwarranted delays and costs for applicants with minor projects.

Finally, regarding the other types of minor permits, we report that in 2024, we processed 50 Waivers, 12 Zoning Adjustments, and 58 minor Special District Permits. Many of these were for public projects and telecommunications facilities (Waivers), carport rebuilds and accessory dwelling unit conversions (Zoning Adjustments), and façade improvements and tree removals (minor Special District Permits). These types of permits do not rise to the level of requiring neighborhood board input.

In addition to our concerns above, we would prefer it if the City Council waited to pass this Resolution while we complete a draft bill for the next phase of the LUO update, which involves revamping Article 2 by streamlining the number and types of permits and clarifying the permit processes to ensure predictability for applicants, for the public, and for decision makers.

Should you have any questions, please contact me at (808) 768-8000.

Very truly yours,

Dawn Takeuchi Apuna
Director

Enclosure

APPROVED:

Michael D. Formby, Managing Director
Office of the Managing Director

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. 25-228

RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 2021 (THE LAND USE ORDINANCE), RELATING TO CONDITIONAL USE PERMITS.

WHEREAS, a conditional use permit ("CUP") generally allows for certain uses that are not typical in a particular Zoning District subject to certain development standards; and

WHEREAS, Chapter 21, Table 21-3 ("Master Use Table"), Revised Ordinances of Honolulu ("ROH"), sets forth the uses in each Zoning District that require either a CUP-minor or a CUP-major, subject to certain development standards and conditions set forth in ROH Chapter 21, Article 5; and

WHEREAS, ROH Sections 21-2.90 through 21-2.90-2, set forth provisions relating to the purpose and intent of CUPs, the application requirements for CUPs, and the general requirements relating to the issuance of a CUP by the Director of Planning and Permitting; and

WHEREAS, ROH Sections 21-2.40-1 and 21-2.40-2 set forth the general provisions relating to preapplication procedures and application processing for CUP-minors and CUP-majors, respectively; and

WHEREAS, ROH Section 21-2.90(b) provides, in pertinent part, that the Director of Planning and Permitting is empowered to condition CUPs to ensure compatibility with adjacent uses and structures; and

WHEREAS, ROH Section 21-2.40-2(b)(2) generally provides that before an a CUP-major application is submitted, the respective applicant shall first present the proposed project to the neighborhood board of the district where the proposed project will be located or, if no neighborhood board exists, an appropriate community association; provided that this requirement is deemed satisfied if the applicant makes a written request to present to the proposed project to the neighborhood board or community association and:

1. The neighborhood board or community association fails to provide the applicant with an opportunity to present the proposed project at a meeting held within 60 days after the date of the written request; or

RESOLUTION

2. The neighborhood board or community association provides the applicant with written notice that it has no objection to the proposed project or that no presentation of the project is necessary; and

WHEREAS, pursuant to ROH Section 21-2.40-1(b), the above-mentioned neighborhood board or community association presentation requirement applies only to CUP-minor applications for proposed projects involving the following uses:

1. Transmitting antennas mounted on a building or rooftop in a country, residential, A-1, or AMX-1 district, or a freestanding antenna structure;

2. Meeting facilities;

3. Day-care facilities;

4. Schools: elementary, intermediate, and high (in certain Zoning Districts); or

5. Hotels with up to 180 dwelling or lodging units, or both, in the BMX-3 Zoning District; and

WHEREAS, the Council believes, however, that all CUP-minor applications should be subject to the above-mentioned neighborhood board or community association presentation requirement to ensure enhanced community engagement in decisions relating to the permitting of proposed projects that involve uses that are not typical in a particular Zoning District; 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

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. 25-228

RESOLUTION

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:

DATE OF INTRODUCTION:

AUG 6 2025

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 CONDITIONAL USE PERMITS.

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 provisions related to the processing of conditional use permits.

SECTION 2. Section 21-2.40-1, Revised Ordinances of Honolulu 2021 ("Minor permits"), is amended by amending subsections (b) and (c) to read as follows:

"(b) *Preapplication procedures.*

(1) Before submitting an application for [a]:

(A) A conditional use permit (minor); or

(B) Any other minor permit, except an existing use permit, for the following uses:

[~~(1)~~] (i) Transmitting antenna mounted on a building or rooftop in a country, residential, A-1, or AMX-1 district, or a freestanding antenna structure;

[~~(2)~~] (ii) Meeting facility;

[~~(3)~~] (iii) Day-care facility;

[~~(4)~~] (iv) Schools: elementary, intermediate, and high; or

[~~(5)~~] (v) Hotel with up to 180 dwelling or lodging units, or both, in the BMX-3 district;

the applicant shall first present the project to the neighborhood board of the district where the project will be located or, if no neighborhood board exists, an appropriate community association. The applicant shall provide written notice of the presentation to owners of all properties adjoining the proposed project.

(2) The requirements of [~~this subsection shall~~] subdivision (1) will be deemed satisfied if the applicant makes a written request to present the project to the neighborhood board or community association and:

(A) The neighborhood board or community association fails to provide the applicant with an opportunity to present the project at a meeting held within 60 days after the date of the written request; or

(B) The neighborhood board or community association provides the applicant with written notice that it has no objection to the project or that no presentation of the project is necessary.

(c) *Application and processing.* An applicant seeking a minor permit shall submit the appropriate application to the director for processing. Once the director has accepted an application for a conditional use permit (minor) [~~involving a meeting facility, day-care facility, school (elementary, intermediate, and high), or hotel with up to 180 dwelling or lodging units, or both, in the BMX-3 district~~], the director shall notify adjoining property owners and the appropriate neighborhood board or community association of receipt of the application. The director shall ask adjoining property owners whether they wish to have a public hearing on the proposed project, and whether they have any concerns about potentially adverse external effects of the proposed project on the immediate neighborhood. If, in the judgment of the director, there is sufficient cause to hold a public hearing, the director shall hold a public hearing, which may be held within the area, no earlier than 45 days after acceptance of the completed application; and the application will thereafter be subject to § 21-2.40-2(c)(2), (3), (4), and (6), and subsection (d). If the director determines that a public hearing is not necessary, within 45 days after the director's acceptance of the completed application, the director shall either:

(1) Approve the application as submitted;

(2) Approve the application with modifications or conditions, or both; or

(3) Deny the application and provide the applicant with a written explanation for the denial;

provided that if an applicant substantially amends an application after its acceptance by the director, the director will have up to 45 days after the date of such amendment to act on the application as provided in this section."

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.

A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

_____

_____

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_____

_____

_____

_____

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"); Conditional Use Permits; Neighborhood Board Presentation; Community Engagement; 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.