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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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June 23, 2026

The Honorable Andria Tupola, Chair
and Members
Committee on Housing, Homelessness and Parks
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawai'i 96813

Dear Chair Tupola and Councilmembers:

SUBJECT: Bill 18 (2026) Proposed CD1, Relating to Affordable Rental Housing (Chapter 32 Amendments)

The Department of Planning and Permitting (DPP) supports efforts to increase the production of affordable rental housing and appreciates the continued work to improve Chapter 32. Because the bill modifies numerous interconnected development standards, including height, yards, building area, loading, fire protection, landscaping, lot size, and permitted zoning districts, it is important that these provisions function together as a coherent regulatory framework. Several provisions should be further refined to eliminate ambiguity and avoid unintended conflicts during permit review. We respectfully recommend the following amendments:

1. Fire Protection Systems

The Building Code already establishes comprehensive nationally recognized life-safety requirements. Chapter 32 should not create parallel technical construction standards that differ from the Building Code because conflicting standards create uncertainty, increase permitting complexity, and may inadvertantly reduce public safety. The International Building Code and Building Code Section 903 already adopt nationally recognized NFPA 13, 13R, and 13D standards that have been thoroughly vetted and tested.

The proposed ordinance instead misapplies provisions from multiple NFPA standards and other unknown sources into a new hybrid fire sprinkler system that has not been evaluated as an integrated life-safety system.

Among the concerns are:

- Fire pumps require emergency power and other life-safety features to remain operational during power outages. Without these protections, required booster pumps may not function if electrical service is interrupted during a fire emergency.
- The prescriptive method for fire sprinkler system requires a combined domestic water and fire sprinkler main. This combined system does not allow a fire sprinkler alarm system to be used because the fire alarm would activate during normal plumbing use. Previously constructed affordable housing buildings with the combined system do not have a properly functioning fire alarm system, important for life-safety
- Portions of the proposal rely on NFPA 13D provisions that are intended exclusively for one- and two-family dwellings and are not appropriate for larger multifamily residential buildings.

DPP recommends allowing the Building Code to govern fire protection requirements without creating conflicting ordinance provisions.

2. Expansion into Business Districts

The bill expands Chapter 32 eligibility into B-1 and B-2 Business Districts.

This substantially increases the number of eligible sites throughout O'ahu. If this expansion is adopted, DPP recommends requiring a minimum amount of commercial space consistent with the Land Use Ordinance's (LUO's) mixed-use requirements in order to preserve the intended commercial function of these districts. This preserves the intended mixed-use character of business districts while still allowing affordable housing.

3. Maximum Building Area

DPP is concerned that the proposed maximum building area standard creates an unintended gap in the development standards. As drafted, the Table 32-A eliminates the maximum building area "provided the required yards of the underlying zoning district still apply." However, the required yards of the underlying zoning district in the LUO can be 10 feet on lots where Chapter 32 allows five-foot yards. Table 32-A does not specify which standard applies for purposes of calculating building area. To clarify and eliminate ambiguity, DPP recommends one of the following approaches:

- Revert to the existing 80 percent maximum building area standard;
- Revise the table to simply state "None"; or
- Clarify the standard as follows: "None; provided that the required yards of the underlying zoning district are met. If the required yards of the underlying zoning district are not met, the maximum building area shall be 80 percent of the zoning lot.".

4. Building Height

DPP recommends modifying the maximum building height provisions to provide greater flexibility while respecting established Special District regulations. Specifically:

- Maximum height should be 75 feet or the underlying zoning height, whichever is greater; however,
- Within Special Districts, the maximum height should be 75 feet or the underlying district height, whichever is lower.

This maintains consistency with adopted Special District planning policies.

5. Height Setbacks

The bill allows greater building heights on larger building lots, and Chapter 32 does not have a building height setback development standard. While this may have been a supportable trade-off when building heights were capped at 60 feet, the new language creates significant opportunities for undesirable impacts. DPP recommends reinstating a height setback requirement of one foot horizontally for every 10 feet of additional height above 40 feet, but only for buildings exceeding 60 feet in height. This balances increased housing opportunities with neighborhood compatibility, light, air, and streetscape considerations.

6. Applicability of Reduced Development Standards

DPP strongly recommends limiting the applicability of the reduced development standards of Section 32-3.2(c)(1) through (7) by revising Section 32-3.2(c) to read: "The following standards apply to affordable rental housing projects with a building height of 60 feet or less and a maximum lot size of 20,000 square feet." This recommendation recognizes that the reduced standards were originally intended for relatively modest developments. Applying those same standards to significantly larger and taller buildings may compromise public safety by increasing travel distances,

reducing fire resistance, and creating more challenging emergency response conditions for occupants and first responders.

7. Off-Street Loading and Trash Collection

DPP recommends additional coordination with the Department of Transportation Services (DTS), the Traffic Review Branch (TRB), and the Department of Environmental Services (ENV) before modifying loading requirements.

Current practice has evolved, and in some instances ENV accepts public curb-side refuse collection rather than requiring private on-site collection. The proposed language does not adequately reflect these operational practices and may unnecessarily require loading areas that diminish usable site area and negatively impact urban design, particularly on smaller infill lots.

Until DPP is able to consult with the other agencies, DPP is considering language substantially as follows:

"When private trash collection is required, one loading area shall be provided and be of sufficient size to accommodate the proposed collection vehicle, including adequate vertical clearance and maneuvering area to and from the on-site refuse storage. When public curb-side refuse collection is approved by ENV, no loading area shall be required. Instead, one parking space shall be designated for short-term loading and unloading by residents and delivery vehicles, with appropriate signage."

This approach better reflects existing practice while improving site design.

8. Height in Special Districts

The proposed standard allowing building heights of 60 feet or the underlying zoning height, whichever is greater, should expressly provide that within Special Districts, the lower of the two heights governs.

9. Landscaping

DPP recommends clarifying Section 32-2 to specify that fencing is not required along a side yard that abuts a street on corner lots or lots fronting multiple streets.

10. Consistency with the Building Code

DPP recommends a comprehensive review of the proposed revisions to Section 32-3.2 to ensure consistency with the International Building Code.

Previous discussions contemplated eliminating Chapter 32's prescriptive building provisions and allowing the Building Code to govern. Additional review is warranted to ensure the current amendments do not create conflicts, inconsistencies, or unintended consequences.

Additional Comment Regarding Permit Processing

DPP also wishes to respond to testimony suggesting that if the Department cannot issue a building permit within a specified timeframe, permits or certificates of occupancy should be automatically issued.

This characterization oversimplifies the permitting process and does not reflect the shared responsibilities between applicants and the Department. While DPP is committed to continually improving review times, permit issuance depends not only on the Department's and other agencies' review, but also on the completeness of the application and the applicant's timely resolution of review comments.

Chapter 32 projects already receive priority processing within DPP. Upon initial submittal and each resubmittal, these applications are moved to the front of the review queue to expedite processing.

Moreover, DPP's experience demonstrates that applicant response times are a significant component of the overall permitting timeline. Of the fifteen Chapter 32 projects approved to date:

- The average project required seven review cycles, compared to the Department's typical average of three to five review cycles for permit applications.
- Projects spent an average of 36 days under DPP and other agency review, compared to 47 days with the applicant responding to review comments and revising plans, per review cycle.
- Accordingly, approximately 44% of the total review time was attributable to government review, while 56% occurred while the application was with the applicant.

These data demonstrate that overall project timelines are shared between the Department (as well as other agencies) and applicants. While DPP remains committed to reducing review times and continuously improving customer service, automatic permit or certificate of occupancy issuance based solely on elapsed time would not account for incomplete applications, unresolved code deficiencies, or necessary revisions, and

could undermine the Department's responsibility to ensure compliance with applicable building, zoning, fire, and public safety requirements.

Conclusion

DPP remains committed to supporting affordable housing while ensuring projects remain safe, functional, and compatible with surrounding communities. The Department respectfully requests that the Committee defer the bill to allow the recommended technical revisions and interdepartmental coordination, particularly regarding loading, fire protection, and development standards, or alternatively amend the bill consistent with the recommendations outlined above.

Thank you for the opportunity to provide testimony. Should you have any questions, please contact me at (808) 768-8000.

Very truly yours,

Dawn Takeuchi Apuna
Director

APPROVED:

Krishna F. Jayaram, Managing Director Designate
Office of the Managing Director