HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. 26-246

RESOLUTION

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

WHEREAS, the construction and conversion to illegal use of large dwelling units in residential zoning districts continue to be a major problem in the City and County of Honolulu ("City"); and

WHEREAS, community members have complained that such large dwelling units in their neighborhoods have adverse effects on neighborhood character, energy consumption, area infrastructure capacity, and on-street parking availability; and

WHEREAS, in cases reported by the community and the media, such dwelling units are suspected of being illegally converted into rental apartment buildings or transient vacation units through unauthorized alterations and partitions and the unapproved installations of kitchens, bathrooms, and wet bars; and

WHEREAS, Section 21-3.70-1(c)(3)(E), Revised Ordinances of Honolulu 2021 ("ROH"), prohibits the conversion or alteration of a wet bar, laundry room or bathroom unless the conversion or alteration is specifically allowed under a valid building permit; and

WHEREAS, ROH Section 21-3.70-1(c)(3)(H)(iii) provides that if the floor area ratio ("FAR") of a dwelling unit exceeds 0.6, then the Department of Planning and Permitting ("DPP") may issue a temporary certificate of occupancy ("TCO") that is effective for two years after issuance, during which time the DPP may, with reasonable notice to the holder of the building permit, conduct periodic inspections of the dwelling unit to confirm that it is in the same structure and form as when the TCO was issued; and

WHEREAS, in *Audit of the Permitting and Inspection of Large Detached Dwellings, Resolution 18-223, FD1* (Report No. 19-03), the City Auditor found that although the DPP is authorized to conduct inspections of dwelling units that have been issued a TCO, the DPP conducted very few follow-up inspections of such properties; and

WHEREAS, the City Council ("Council") believes that periodic inspections of dwelling units exceeding 0.6 FAR that have been issued TCOs are an essential means of identifying building owners who make unauthorized changes to their building's plan,

layout, or use and that the DPP should be required to conduct at least two periodic inspections of dwelling units exceeding 0.6 in FAR that have been issued a TCO; and

WHEREAS, Charter 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, the development plans, the zoning ordinances, 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 Charter Section 6-1513 and ROH Chapter 2, Article 24, Part A, 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; and

BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director'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 A 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's report and accompanying proposed ordinance are required to be submitted to the Planning Commission.

INTRODUCED BY:

DATE OF INTRODUCTION:

OCT 27 2026
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 LARGE DWELLING UNITS.

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

SECTION 1. The purpose of this ordinance is to amend provisions related to dwelling units with a floor area ratio exceeding 0.6.

SECTION 2. Section 21-3.70-1, Revised Ordinances of Honolulu 2021 ("Residential uses and development standards"), is amended by amending subsection (c) to read as follows:

"(c) *Additional development standards.*

(1) *Maximum height.* The maximum height of structures is determined by the building envelope created as the result of the intersection of two planes. The first plane is measured horizontally across the parcel at 25 feet above the high point of the buildable area boundary line. The second plane runs parallel to grade, as described in § 21-4.60(b), measured at a height of 30 feet. If the two planes do not intersect, then the building envelope is determined by the first plane (see Figure 21-3.10).

(2) *Height setbacks.*

(A) Any portion of a structure exceeding 15 feet must be set back from every side and rear buildable area boundary line 1 foot for each 2 feet of additional height over 15 feet (see Figure 21-3.10); and

(B) Any portion of a structure exceeding 20 feet must be set back from the front buildable area boundary line 1 foot for every 2 feet of additional height over 20 feet.

(3) Except for cluster housing and planned development housing developed pursuant to § 21-8.50, for zoning lots with dwelling units:

(A) The maximum density is a floor area ratio of 0.7.

(B) The number of wet bars in each dwelling unit may not exceed one.

(C) The number of laundry rooms in each dwelling unit may not exceed one.

(D) The number of bathrooms in each dwelling unit may not exceed the following:

Zoning lot size (square feet)	**Number of bathrooms per dwelling unit may not exceed:**	
	One dwelling unit on zoning lot	Two or more dwelling units on zoning lot
Up to 6,999	4	2
7,000 to 9,999	6	3
10,000 and up	8	4

If the dwelling unit is an accessory dwelling unit, this paragraph should not be construed to waive any requirement under § 21-5.50-3(a).

(E) The conversion or alteration of a wet bar, laundry room, or bathroom is prohibited unless the conversion or alteration is specifically allowed under a valid building permit.

(F) The conversion of a portion of a structure that is excluded from the calculation of floor area pursuant to § 21-10.1 to a portion of the structure that is included in the calculation of floor area is prohibited unless the conversion is allowed under a valid building permit and complies with the applicable standards of this subdivision.

(G) For dwelling units constructed pursuant to building permits applied for after May 1, 2019, the impervious surface area of a zoning lot may not exceed 75 percent of the total zoning lot area.

(H) If the floor area ratio exceeds 0.6, the following additional standards apply:

(i) Side and rear yards.

(aa) In the R-3.5 zoning district, side and rear yards must be at least 8 feet; and

(bb) In the R-5, R-7.5, R-10, and R-20 zoning districts, side and rear yards must be at least 11 feet.

(ii) Each unit in the dwelling must be owner-occupied, and the occupant shall deliver to the department evidence of a real property tax home exemption for the subject property prior to issuance of a temporary certificate of occupancy.

(iii) *Subsequent inspections.*

(aa) Upon the completion of construction and the determination by the department that the dwelling unit complies with all applicable codes and other laws, conforms to the plans and requirements of the applicable building permit, and is in a condition that is safe and suitable for occupancy, the department may issue a temporary certificate of occupancy that is effective for a period of two years after issuance;

(bb) During the two-year period that a temporary certificate of occupancy is in effect, the department [~~may,~~] must, with reasonable notice to the holder of the building permit, conduct at least two periodic inspections of the dwelling unit to confirm that it is in the same structural form as when the temporary certificate of occupancy was issued; and

(cc) At the end of the two-year period that a temporary certificate of occupancy is in effect, the department may, upon final inspection, issue a certificate of occupancy for the dwelling unit and close the building permit."

A BILL FOR AN ORDINANCE

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 material that has been bracketed and stricken, 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") Amendment; Planning Commission; Department of Planning and Permitting ("DPP"); Large Dwelling Units; Temporary Certification of Occupancy; Inspection

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