September 4, 2018

MEMORANDUM

TO: Kaiulani Sodaro, Chair and Members of the Planning Commission

FROM: Kathy K. Sokugawa, Acting Director Department of Planning and Permitting

SUBJECT: Proposed Amendment to Chapter 21, ROH 1990, as Amended (The Land Use Ordinance), Relating to Detached Dwellings

The Department of Planning and Permitting (DPP) is pleased to submit for your review and recommendation two bills, which would amend certain sections of the Land Use Ordinance (LUO) to regulate large detached dwellings. The first is a City Council-initiated bill transmitted to the DPP by Resolution No. 17-276, CD1 (attached to the staff report as Bill A). The second is an alternative version proposed by the DPP (attached to the staff report as Bill B). The DPP recommends approval of Bill B.

Bill A, associated with Resolution No. 17-276, CD1, proposes to:

- Require a Major Conditional Use Permit for large detached dwellings;
- Limit the density for one-family and two-family detached dwellings;
- Limit the number of wet bars within each dwelling;
- Increase the parking requirement for detached, duplex, and farm dwellings; and
- Add definitions for “Dwelling, Large Detached” and “Wet Bars.”

Bill B incorporates several elements of Bill A along with some recommendations put forward by the Large Detached Dwelling Task Force created by the City Council, under Ordinance 18-6. The Task Force was comprised of a broad range of stakeholders, including community members, public agencies, and professional organizations. Our recommendation is also based on numerous discussions with the
development community and members of the public. Finally, we analyzed permit data over the past decade to develop our recommendation.

The DPP supports the basic intent of Bill A, which is to better regulate the size of detached dwellings and preserve the character of our residential neighborhoods. In that regard, Bill B proposes to amend the LUO by incorporating the following additional standards for any residential development with a floor area ratio (FAR) between 0.6 and 0.7:

- Provide two additional parking spaces over the current LUO requirement; and
- Provide eight-foot side and rear yards, instead of five feet.

Bill B also incorporates a maximum FAR cap of 0.7 in Residential Districts. Additionally, Bill B proposes stricter maneuverability requirements for dwelling uses within all zoning districts. Where four or more parking spaces are required, the spaces must be arranged so that all vehicles can enter the street in a forward facing manner and no maneuvering into or from any street is necessary in order for a vehicle to leave a space. Finally, tandem parking will be limited to a maximum of two stacked parking spaces for required parking.

We believe these standards will force the development on residential sites to “fit” the site so that spill-over effects of large dwelling units are not felt so strongly within our neighborhoods. Enclosed you will find an analysis, the Council-initiated bill (Bill A), and the DPP bill (Bill B). We would be happy to answer any questions that you may have as part of your deliberations.

Attachments
LAND USE ORDINANCE AMENDMENT – A COUNCIL-INITIATED PROPOSAL
RELATING TO DETACHED DWELLINGS

RESOLUTION NO. 17-276, CD1
Staff Report
September 4, 2018

I. Introduction

Large residential dwelling units have become a flashpoint for Oahu, particularly in neighborhoods with modest, aging homes, where existing dwellings are being demolished and sometimes replaced with larger homes. Today’s residential development standards, which have been in place and are mainly unchanged since the late 1960s, were designed to maximize flexibility for property owners. We find now that additional development standards are necessary to preserve and protect the character and livability of our residential areas. Neighborhood opposition and concern can generally be categorized into two camps: 1) Physical impacts, sheer size of the structure, parking congestion, and elevating property values, 2) Illegal occupancies, short term rentals, group living, dormitory use, and additional dwellings.

Neighbors have raised concerns about dwellings with excessive bedrooms, bathrooms, wet bars, and laundry facilities. However, it is not necessarily the number and type of rooms and amenities that cause problems in a neighborhood. Rather, the large numbers of people that the dwelling can accommodate generates externalities – impacts to the surrounding neighborhood that are not common to most residential areas. For example, a dwelling that can accommodate many people will generally need more cars. Where there is insufficient on-site parking, competition for street parking will increase. Traffic congestion may also increase, which can cause public safety issues, especially when emergency services are needed.

The Department of Planning and Permitting (DPP) reviewed the issue, evaluated local development trends over the last decade, researched other municipalities’ zoning codes, listened to testimony given during public meetings, and reviewed the architectural plans of large homes to identify patterns related to large dwelling units. The DPP also discussed the matter with the Large Detached Homes Task Force created by the City Council. In doing so, we have concluded that a select number of new regulations will help curb the physical impacts and illegal use of large dwellings, while allowing homeowners and builders to have considerable design options. Additionally, our proposals will not inhibit the ability of extended families or multigenerational households to live in the Residential Districts.
II. Legislative Background

On December 6, 2017, the City Council adopted Resolution No. 17-276, CD1 initiating amendments to Chapter 21, Revised Ordinances of Honolulu (ROH) relating to detached dwellings attached as Bill A. The stated purpose of the Resolution, as documented in the Zoning and Housing Committee Report CR-448, dated November 16, 2017, was to address the development of large detached dwellings, their impacts on the surrounding communities, and the problem of transient rentals in large residential structures.

Bill A associated with Resolution No. 17-276, CD1 would:

- Require a Major Conditional Use Permit for “large detached dwellings;”
- Limit the density for one-family and two-family detached dwellings;
- Limit the number of wet bars within each dwelling;
- Increase the parking requirement for detached, duplex, and farm dwellings; and
- Add definitions for “Dwelling, Large Detached” and “Wet Bars.”

On March 13, 2018, Ordinance 18-6 was signed into law to regulate large residential structures for an interim period. Ordinance 18-6 has temporarily halted the construction of “large detached dwellings” while the DPP researches the matter and recommends a permanent solution. Ordinance 18-6 specifies that a building permit may not be issued for a dwelling with a floor area ratio (FAR) greater than 0.7 unless certain development standards are met. Ordinance 18-6 will expire with the enactment of an ordinance explicitly repealing or superseding it, or two years after the effective date of Ordinance 18-6 (March 13, 2020).

Ordinance 18-6 also required the creation of a Task Force whose members would provide input and advice to the Planning Commission and the Department of Planning and Permitting (DPP) on long-term solutions to the problems associated with the regulation of large detached dwellings. The Task Force met three times since its formation in June 2018.

The original intent of Resolution 17-276, CD1 was, in part, to address the issue of transient rentals. However, the City Council’s deliberations revealed that there are likely to be more reasons why such dwellings are being built. In any event, the issue of short-term rentals in Residential Districts is being addressed separately. ¹

Another Land Use Ordinance (LUA) amendment that may protect the character of existing neighborhoods is one that incentivizes construction in Apartment, Apartment

¹ A draft bill in response to Council Resolutions 17-52, 17-134, 17-136 and 17-164 has been delivered to the Planning Commission for review. That draft bill will address the illegal use of all short-term rentals, whereas the draft bill attached to this report will address the size and design of large homes.
Mixed Use and Business Mixed Use Districts. Resolution 18-78, CD1, introduced on April 3, 2018, is intended to increase the supply of affordable, rental housing in districts that already accommodate a higher density. While more research is being conducted on Resolution 18-78, CD1, this combination of LUO amendments should help preserve the character of existing residents of neighborhoods by deflecting demand to apartment districts. There are two pending enforcement bills related to short-term rentals known as the “False Statements Bill” and the “Seller Disclosure Bill”. The False Statements Bill would clearly delineate that lying to city officials is misdemeanor with stipulated penalties. The Seller Disclosure Bill would require disclosure documents for residential sales transactions to include a DPP-signed form indicating whether short-term renting is allowed on the property.

III. Regulations

Existing Regulations: Currently, the LUO regulates the size of dwellings via lot coverage, yards (required open space between a structure and the property line), height, height setbacks, and parking. Today, dwellings within the Residential Districts must not:

- Exceed the maximum lot coverage of 50 percent;
- Encroach into the 10-foot front yard and 5-foot side and rear yards; or
- Exceed the 25-foot height limit (30 feet if the lot is sloping).

Dwellings within the Residential Districts must provide:

- Two parking spaces per unit plus one per 1,000 square feet over 2,500 square feet of the dwelling unit’s floor area, must be provided on-site, and
- Height setbacks equal to one-foot for each two feet over for any portion of the structure exceeding 15 feet along the side and rear yards, and one-foot for each two feet over any portion of the structure exceeding 20 feet along the front yard.

Proposed Regulations: DPP’s recommendation, attached as Bill B, is to place a density cap, or a maximum FAR\(^2\), in the Residential Districts. This will directly tie the mass or volume of the building to its lot size. We recommend that at an FAR of 0.6, additional development standards will apply, and an FAR of 0.7 should be the overall cap. At 0.6 FAR, a landowner with a 5,000-square-foot lot could build a 3,000-square-foot home (not including the garage or carport), and a landowner with a 10,000-square-foot lot could build a 6,000-square-foot dwelling. At 0.7 FAR a landowner with a 5,000-square-foot lot could build a 3,500-square-foot home (not including the garage or carport) and a landowner with a 10,000-square-foot lot could build a 7,000-square-foot dwelling.

\(^2\) FAR means the ratio of floor area to total area of the zoning lot (i.e. FAR = floor area ÷ lot area).
Under this proposal, any landowner or developer who sought an FAR between 0.6 and 0.7 would have to:

- Provide two additional on-site parking spaces over the base LUO requirement; and
- Increase the side and rear yard setbacks to eight feet.

We are also proposing stricter parking space and maneuverability requirements for all properties in the Residential Districts.

We do not recommend adopting some of the other proposals related to large detached dwellings, including limits to the number of bedrooms, wet bars, and laundry rooms. Such regulations are difficult to enforce, easy to evade, and unnecessary given our research and the recommended new regulations.

From another perspective, the recent attention to large homes and the adoption of Ordinance 18-6, which instituted the “moratorium” on large dwellings, appear to have significantly reduced the number of building permit applications for large homes. As such, Ordinance 18-6, is an effective model for more permanent legislation. Our recommendation, which revises the standards in Ordinance 18-6 and is based on more extensive research, will be manageable and straightforward.

IV. Density and Dwelling Sizes

Data analysis and historical trends: Our data, collected primarily from building permits issued between 2007 and today, reveal certain patterns of development. For example, between 2007 and 2018, the median size for a dwelling across the island has remained steady at about 3,000 square feet. See Graph 1. During those years, the median home size was largest in 2008, at approximately 3,600 square feet. Graph 1 also shows the largest home constructed each year. While the data reveal that even the largest home sizes have not trended upward, the largest homes are “outliers” that skew the statistics and public perception. We have found that the majority of the dwellings with more than eight bedrooms are being built in Kalihi, Kaimuki, and Manoa on lots in the R-3.5 and R-5 Residential Districts.
Over the same period, out of approximately 2,000 new dwelling units constructed annually, an average of 34 dwelling units were at least twice the average home size (i.e., approximately 6,000 square feet). This number of large homes has remained relatively steady. However, since Ordinance 18-6 went into effect, the number of building permit applications for homes has dropped dramatically, from 59 in 2017 to 8 between January and June of 2018.\(^3\)

Graph 2 illustrates how the average FAR varies by lot size and zoning designation. Between 2007 and 2017, the median FAR on lots with 5,000 square feet was 0.4, where the median FAR on lots with 20,000 square feet was 0.2. The average FAR in the R-3.5 Residential District is approximately 0.6; approximately 0.4 in the R-7.5 District; and, approximately 0.3 in the R-10 District. While dwellings in the R-7.5, R-10, and R-20 Residential Districts tend to be larger, they also cover a smaller proportion of the lot, so the FAR tends to fall as the lot gets larger. Still, Graph 2 reveals that the largest home often exceeds an FAR of 1, meaning the floor area of the dwelling unit is equal to or greater than the lot area.

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\(^3\) The data was gathered from Building Permits Applications for dwellings with more than eight bedrooms.
Graph 2: Single-Family Dwelling Floor Area Ratio (FAR) by Zoning District

Proposed Density Limits: Based on this data, the DPP recommends that additional development standards apply to zoning lots where the development exceeds an FAR of 0.6. An FAR of 0.6 should accommodate the great majority of all prospective home owners, including those who wish to live with extended families.

Some members of the Task Force advocated for a maximum FAR cap of 0.7, meaning that no building under any circumstance may exceed an FAR of 0.7. The DPP agrees that this will help contain the out-of-proportion massing of large homes while retaining a good deal of flexibility. The data show that the general trend is for median FAR to decrease as lot size increases. While FARs of 0.6 and 0.7 are larger than what many other municipalities allow, such FARs will still allow ohana dwellings to thrive and may lower the cost of housing.

FAR was chosen as the method to regulate large dwellings because it will be easier to enforce and more difficult to falsify on plans than bedrooms, wet bars, and laundry rooms. A single maximum FAR across all zoning districts, as opposed to district-specific FARs will be easy for property owners and developers to understand. Based on historic trends, we still expect most homes to be constructed well below the proposed maximum FAR.

This proposed density limit would apply to all permitted and conditional uses within the Residential Districts. This means that, for example, new day care and meeting facilities must also physically "fit" into the existing residential neighborhood, unless a Conditional Use Permit application provides compelling evidence to the contrary.

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4 This FAR would apply to the entire lot. It includes all dwellings and other habitable spaces on the lot.
V. Dwelling Design and Occupancy

We analyzed common elements of dwelling units that are not currently regulated under the LUO, including the number of bedrooms, wet bars, bathrooms, and laundry facilities in dwelling units with at least eight bedrooms between January 2017 to February 2018. This revealed that some recommendations from Resolution 17-276, CD1, and those discussed during the public hearings on the “moratorium” bill, will not necessarily limit or reduce the size of a dwelling unit. However, other recommendations, such as increasing the number of on-site parking stalls, will influence house size on sites with dwelling units between an FAR of 0.6 and 0.7.

**Bedrooms:** Regarding bedrooms, we find architectural plans very often show a low bedroom count, but label other areas as dens, libraries, sewing rooms, offices, or even walk-in closets. In reality, however, these areas might be used as bedrooms. Currently, the building code has basic safety requirements for bedrooms. Building inspectors will enforce these requirements when conducting an inspection if they find a room set up as a bedroom with inadequate egress. However, to avoid building code requirements (or new legislation for large homes), beds can be hidden during inspections or easily removed for follow-up inspections. After the inspector leaves, it is relatively easy for a homeowner to replace the furniture and continue using the space as a bedroom. This illustrates how difficult a maximum bedroom requirement is to enforce.

**Wet bars and laundry rooms:** Many in the community believe that wet bars and laundry rooms are a problem in large houses because they believe each wet bar will be converted into a full kitchen after the building permit is issued, thereby establishing additional dwelling units within the structure. Although we do not yet have significant evidence from post construction investigations, our data collected from building permit plans suggests that this is not a pervasive problem. Many of the homes we reviewed with at least eight bedrooms had more than one wet bar and/or laundry area, but the numbers were not particularly excessive; across the data set, the average number of wet bars and laundry areas was only 1.5. Most of the homes had only one wet bar and laundry area. Defining exactly what constitutes a wet bar and laundry area and determining the appropriate threshold for them has also proved problematic based on the wide range of features available to homeowners today. In essence, the work that would go into regulating wet bars and laundry rooms would be unlikely to result in smaller dwellings with fewer impacts on neighborhoods. Therefore, we have concluded that additional regulations are not needed.

**Bathrooms:** In contrast, the number of bathrooms in homes with at least eight bedrooms is regularly excessive. Between January 2017 and February 2018, large homes contained an average of nine bathrooms. A review of floor plans suggested that the bathrooms were intended to accommodate short-term rentals. However, the Department of Environmental Services is looking at ways to insure an accurate representation of various types of dwelling units in terms of sewer capacity.
requirements. We do not support duplicative requirements on plumbing. Therefore, we are not recommending a change to the LUO relating to bathrooms at this time.

**Occupancy:** Similarly, we have heard recommendations to further limit occupancy in detached dwellings, i.e. to reduce the likelihood that large dwellings will be converted into multiple lodging or housekeeping units. However, this is complicated, particularly in Hawaii where housing types have traditionally supported extended, multi-generational households living together. Currently, the LUO recognizes a diversity of housing arrangements as a “family.” “Family” means one or more persons, all related by blood, marriage, or adoption, occupying a dwelling unit or lodging unit. There is no maximum family size when people are related to one another. Also, when such a family occupies a dwelling, they may also house up to three roomers within their homes. A family may also be defined as no more than five unrelated persons. In addition, eight or fewer persons who reside in an adult residential care home, a special treatment facility or other similar facility monitored and/or licensed by the State of Hawaii can occupy a single-family dwelling. These existing definitions remain reasonable and help meet the housing needs of our students, people who need to pool limited incomes for shelter, and people who need special care. These regulations are abused when homes are converted into illegal short-term rentals. The issue of occupancy will be better addressed through the Council Resolutions related to short-term rentals.

All of this evidence reveals that while large dwelling units have received a lot of attention recently, we have not seen a proliferation of them based on historic development patterns. It also suggests that an FAR of 0.6 is reasonable for additional standards and an FAR cap of 0.7 is appropriate, given the current median home sizes on zoning lots. The data also reveal that tracking the number of wet bars and laundry rooms will not necessarily be effective in limiting the adverse impacts of a home on its neighbors.

**VI. Residential Yards and Heights**

**Required Yards:** The purpose of required yards is to provide a minimum separation between structures for the purpose of light and air access. We find that the massing of a dwelling unit that exceeds an FAR of 0.6 tends to create a large two- or three-story structure that often spans much of the depth of the zoning lot and is often located at the minimum five-foot setback line. Additionally, roof overhangs and eaves are allowed to project 30 inches into the required yard within the Residential District. As a result, neighboring property owners are experiencing a substantial loss of light and air due to the increased “bulk” and length of the new, larger homes. Therefore, additional side and rear yards can help to minimize the physical impact on neighboring properties. We recommend eight-foot side and rear setbacks, which would create a distance of at least 13 feet (5+8) between a regular-sized dwelling on one lot and a large dwelling on the neighboring lot, or 16 feet (8+8) feet between two large structures. This will mitigate the impacts of larger structures on lots with an FAR between 0.6 and 0.7 by increasing the
amount of ambient light that surrounds dwellings on properties and the air that flows around them.

**Residential Heights:** While concerns regarding excessive building heights have been raised during discussions on large homes, property owners have not been exceeding permitted heights. However, large homes do have a mass and volume that can be mitigated with height setbacks, so as the height increases, the building is stepped back. Since height setbacks are measured from the buildable area boundary line (required yards), the increased yards will make the existing height setback standards more effective.

**VII. Parking Requirements**

One- and two-family detached dwellings require two parking spaces per unit plus one space for every 1,000 square feet over 2,500 square feet of the dwelling’s floor area (excluding the area dedicated to the carport and garage). Public testimony revealed frequent concerns about increased congestion and competition for on-street parking. Most of the sites that have generated complaints relating to large dwellings have either too little on-site parking, or the on-site parking is laid out in such a way that the vehicles must queue on the street to allow other vehicles to enter or exit the property. This inconvenience leads to the increased use of on-street parking, even though construction drawings show adequate on-site parking. While the Department of Transportation Services is experimenting with several ways to better manage on-street parking, revised LDU regulations could contribute to decreasing pressure for on-street parking.

**Vehicular Maneuverability:** Current regulations for parking areas with more than four parking spaces require that all maneuverability must occur on site so that the vehicles enter and exit the site in a forward-facing manner. Single- and two-family dwelling units are exempt from this requirement. Applying these standards to dwellings that require four or more parking spaces will both relieve traffic tension and force the landowner to incorporate an appropriate amount of space on the lot to accommodate the on-site movement of vehicles.

Furthermore, the zoning code currently allows tandem parking for single- and two-family dwelling units but does not specify a limit to the number of vehicles that may be “stacked.” As a result, some homes have tandem spaces stacked five vehicles deep. We recommend tightening this regulation by specifying that residential tandem parking is limited to two stacked vehicles for any required parking spaces. This will help limit the traffic impacts of large residential dwelling units.

**Number of Parking Spaces:** Two additional on-site parking spaces over the base LDU requirement should be required for dwellings between FARs of 0.6 and 0.7. For example, a 3,000-square-foot dwelling below an FAR of 0.6 would require three parking spaces. If a 3,000 square-foot dwelling exceeds an FAR of 0.6 up to 0.7, it would be required to provide five on-site parking spaces. See Table 1 for an example.
Table 1: Parking

<table>
<thead>
<tr>
<th>Dwelling Size</th>
<th>Required Parking (FAR Below 0.6)</th>
<th>Required Parking (FAR between 0.6 and 0.7)</th>
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<td>2</td>
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<tr>
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<td>6</td>
</tr>
<tr>
<td>4,500</td>
<td>4</td>
<td>6</td>
</tr>
</tbody>
</table>

Note: When computation of the total required parking spaces for a zoning lot results in a fractional number with a major fraction (i.e., 0.5 or greater), the number of spaces required shall be the next highest whole number.

These additional requirements, along with the aforementioned maneuverability standards would ensure that the size of the zoning lot is sufficient to accommodate the level of development proposed. A few of the Task Force members advocated for an even greater amount of on-site parking. However, the combination of the 0.7 FAR cap, the quantity of parking stalls, required maneuverability, and height setbacks will help dictate the maximum size of a house. The more parking, the smaller the house.

VIII. Discretionary Permitting

The DPP recommends against requiring a Conditional Use Permit (CUP) for large detached dwellings. CUPs are designed and required for potentially incompatible uses in a zoning district. For example, schools and meeting facilities have a legitimate reason to be located in residential areas but may have impacts that are similar to commercial uses, with large gatherings, noise, and traffic generation. The minor CUP is designed to allow the DPP to evaluate the use and impose conditions to mitigate the impacts of the long term use of the site.

Uses requiring CUPs are approved with conditions only when they satisfy certain criteria intended to make them more compatible with the existing neighborhood. Specifically, the DPP must find that the proposed use will not alter the character of the surrounding area. In the case at hand, whether the dwelling structure is large or small, the permitted residential use is the same. A small house is not fundamentally different from a large house in terms of the characteristics of the use evaluated under a CUP, like hours of operation, commercial activities occurring on the site, and number of large gatherings per year. Furthermore, CUPs allow the DPP to modify certain zoning standards where appropriate. Consequently, in many cases a landowner can request greater flexibility with a CUP.

Criteria for approving a CUP for a large house would end up looking very similar to the development standards the DPP is proposing, which can be administered through ministerial, rather than discretionary permits. This is preferable for speed, clarity, cost, and efficiency. Additionally, the DPP’s proposal avoids additional barriers to the
development of housing, pitting neighbor against neighbor, and elevating the cost of housing.

IX. Definitions

New definitions of large detached dwellings and wet bars to the LUO. A large detached dwelling is not being added as its own use within LUO. Instead, the development standards for detached dwellings are being expanded. Additionally, the DPP's recommended bill adequately explains when a dwelling would need to comply with additional development standards. Our analysis of the data revealed that the number of wet bars has not been excessive to the point that defining and limiting them would be an effective deterrent to the development of large dwellings. As the DPP does not propose a limit on wet bars, it is not necessary to add a definition of wet bars.

X. Comparisons with Other Jurisdictions

Other communities have also struggled with new homes that are significantly larger than, or are out of character with, those of their neighbors. The majority of the cities we reviewed made simple adjustments to their zoning regulations, such as adding lot coverage and density maximums, increasing setbacks, or limiting impervious surface coverage.

A few members of the Task Force advocated for new requirements pertaining to impervious surfaces. Based on the City's interest in containing storm water on site, this idea warrants consideration. Unfortunately, the City's experience with the new storm water regulations (adopted in August 2017) is still quite limited, so the necessary data regarding how best to capture storm water via limiting impervious surfaces is not yet available. Additionally, any new regulations pertaining to impervious surfaces may require more extended permit reviews and create a very large number of nonconformities. Since building permits are not required for concrete patios at grade, there is no readily available data about impervious surfaces on residential lots. The scale or percentage of lots that would become nonconforming with new limits to impervious surfaces would be very difficult to determine. This would also make enforcing such a regulation challenging when renovations are being proposed.

Some communities incorporated a design review into the permitting process to handle large dwellings. However, those communities were significantly smaller than Honolulu or had a large, dedicated staff committed to facilitating one-on-one communications with architects and designers. Very few municipalities limited the number of bedrooms or bathrooms allowed within a dwelling. The municipalities that chose to regulate floor area generally have an FAR limit of 0.5 or lower. For example, Portland, Oregon has a 0.5 FAR. In Los Angeles, California, parcels with a lot area of 7,500 square feet and under are restricted to an FAR of 0.45. In general, we found the municipalities that limited density used an FAR that ranged between 0.4 and 0.6.
XI. Summary of Recommendations

The potential adverse impacts that large dwellings have on the surrounding community can be addressed with a few additional standards relating to FAR, required yards, and parking. The DPP believes that the revisions described below and in the attached draft bill will accomplish the intent of Resolution 17-276, CD1. The DPP’s proposed Bill B recommends that any application for a detached dwelling that exceeds the 0.6 FAR would be required to:

- Provide two additional parking spaces over the current LUO requirement; and
- Provide eight-foot side and rear yards, instead of five feet.

All development of single-family and two-family dwellings, including any approved ohana and accessory dwelling units on residential zoning lots would be limited to a maximum cap of 0.7 FAR. The proposed requirements for vehicular maneuverability and tandem parking spaces would also apply to all dwelling uses. These standards can be reviewed during the building permit process, so no lengthy discretionary permit will delay the development of new housing. Finally, there will be no new administrative burden to the applicant because the necessary information (floor area, yard dimensions, and parking) are already required on building permit applications.

Additional research is needed to better address the limitation of impervious surfaces on a lot and the issue of occupancy violations. The DPP is not opposed to discussing a limitation on impervious surfaces. However, the DPP would like to allow more time to research the effects of the new storm water standards on lots before proposing a limitation on impervious surfaces. Issues relating to occupancy violations require more research. However, the DPP believes that proposed legislation related to short-term rentals will provide a valuable step towards a solution.

XII. Conclusion

An objective of the Oahu General Plan is to provide decent housing for all the people of Oahu at prices they can afford. Policies under this objective, dictate that controls should provide decent homes at the least possible cost, streamline approval and permit procedures for housing, and encourage innovative residential development which will result in the more efficient use of streets and utilities.

For these reasons, the DPP concurs with the intent of Bill A to amend the LUO to better regulate the size of detached dwellings within the Residential Districts. However, the DPP is not recommending approval of the proposed Bill A as initiated by the City Council via Resolution No. 17-276 CD1. Instead, we recommend adoption of the proposed alternative Bill B, which sets an FAR threshold within the Residential Districts, triggers more rigorous development standards for any development that exceeds the
FAR limit, and tightens parking requirements. These standards will be imposed via the existing ministerial plan review process, which will better meet the objectives of the General Plan. Bill B will set an absolute cap of 0.7 FAR and will require that detached dwellings between 0.6 and 0.7 FAR have sufficient on-site parking and vehicle maneuverability, to limit their adverse impacts on traffic and on-street parking. The proposed increase in yard setbacks will help reduce the effect of large dwellings on adjacent properties. The alternative bill, coupled with the short-term rental legislation that the DPP sent to the Planning Commission, will help mitigate the illegal use of residential dwellings and preserve the character of the surrounding communities.