DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Repeal of Chapter 15-200 and Adoption of
Chapter 15-215
Hawaii Administrative Rules

September 11, 2012

SUMMARY

Chapter 200 of Title 15, Hawaii Administrative Rules, entitled "Rules for Health and Safety within the Kalaeloa Community Development District" is repealed.

HAWAII ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

SUBTITLE 15

BARBERS POINT NAVAL AIR STATION REDEVELOPMENT COMMISSION

CHAPTER 200

RULES FOR HEALTH AND SAFETY WITHIN THE KALAELOA COMMUNITY DEVELOPMENT DISTRICT

Repealed

§§15-200-1 to 15-200-7 Repealed. [OCT 27 2012]

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Repeal of Chapter 15-200 and Adoption of
Chapter 15-215
Hawaii Administrative Rules

September 11, 2012

SUMMARY

Chapter 215 of Title 15, Hawaii Administrative Rules, entitled "Kalaeloa Community Development District Rules" is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

SUBTITLE 4

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

CHAPTER 215

KALAELOA COMMUNITY DEVELOPMENT DISTRICT RULES

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SUBCHAPTER 1

PURPOSE AND PROCESS

§15-215-1 Title. (a) This chapter 215 of the Hawaii administrative rules shall be known, and may be cited as the Kalaeloa community development district ("CDD") rules.

(b) References to "rules" within this chapter are references to the Kalaeloa CDD rules unless indicated otherwise. References to other regulations or provisions relevant to the Hawaii community development authority ("HCDA"), where provided, are for the convenience of the reader. The lack of a cross-reference does not exempt a land, building, structure or use from other regulations.

(c) The figures, dated September 2012, attached at the end of this chapter, are hereby incorporated by reference and made a part of this chapter.

[Eff OCT 27 2012] (Auth: HRS §§206E-5, 206E-7) (Imp: HRS §§206E-5, 206E-7)

§15-215-2 Purpose. (a) The rules carry out, through complete, integrated, effective and concise land development regulations, the vision and concepts of the Kalaeloa master plan ("KMP") by classifying and regulating the types and intensities of development and land uses within the Kalaeloa CDD consistent with, and in furtherance of, the policies and objectives of the KMP and chapter 206E, Hawaii Revised Statutes ("HRS").

(b) The rules are adopted to protect and promote the public health, safety, and general welfare of the community and to protect and preserve places and areas of historical, cultural, architectural, or environmental importance and significance, as set forth in the KMP and chapter 206E, HRS.

[Eff OCT 27 2012] (Auth: HRS §§206E-1, 206E-4, 206E-5, 206E-7, 206E-13, 206E-33) (Imp: HRS §§206E-1, 206E-4, 206E-5, 206E-7, 206E-13, 206E-33)

§15-215-3 Applicability. (a) This chapter, together with the KMP shall govern all real property within the Kalaeloa CDD.

(b) No building permit shall be approved by the authority for any project within the Kalaeloa CDD unless the project conforms to the provisions of the KMP and this chapter.

(c) If any provision of the (1) city and county of Honolulu land use ordinance, (2) Ewa development plan (ordinance no. 97-49, as amended by ordinance no. 00-16), or (3) naval air station Barber's Point community redevelopment plan are inconsistent with these rules, then such provisions are hereby declared to be inapplicable to lots within the Kalaeloa CDD and these rules shall govern.

(d) Except as otherwise provided herein, all other rules, laws, and ordinances shall continue to remain applicable to the lots within the Kalaeloa CDD.

(e) The Kalaeloa sustainability guidelines should be utilized to promote sustainability and energy efficiency. [Eff OCT 27 2012] (Auth: HRS §§206E-1, 206E-4, 206E-5, 206E-7, 206E-13, 206E-33) (Imp: HRS §§206E-1, 206E-4, 206E-5, 206E-7, 206E-13, 206E-33)

§15-215-4 Minimum requirements. The provisions of the rules are minimum requirements for the protection and promotion of public health, safety, and welfare. Satisfaction of the minimum requirements does not mean that a decision-maker cannot impose additional requirements where authorized and appropriate and does not guarantee compliance with other rules, ordinance, or laws imposed by other governmental entities. [Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-5 Rules of interpretation.

(a) Provisions of the rules are activated by "shall"

when required; "should" when recommended; and "may" when optional.

(b) In addition to text-only contents of the rules, section 15-215-5 (rules of interpretation) shall also control related captions, titles, and figures.

(c) Terms not defined in section 15-215-8 (definition of terms) shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those found elsewhere within the authority's administrative rules, these rules shall take precedence.

(d) Where in conflict, numerical metrics shall take precedence over graphic metrics.

(e) Words used in the singular include the plural; words used in the plural include the singular.

(f) Words used in the present tense include the future tense; words used in the future tense include the present tense.

(g) Within the rules, sections are occasionally prefaced with "purpose" or "intent" statements. Each such statement is intended as an official statement of legislative finding or purpose. The "purpose" or "intent" statements are legislatively adopted, together with their accompanying rules text. They are intended as a guide to the administrator and shall be treated in the same manner as other aspects of legislative history. However, they are not binding standards.

(h) In their interpretation and application, the provisions of the rules are considered minimal in nature. Whenever the provisions, standards, or requirements of the authority's rules of practice and procedure and chapter 216 (Kalaeloa reserved housing rules), are higher or more restrictive, the latter shall control.

(i) Whenever the executive director determines that the meaning or applicability of any requirement of the rules is subject to interpretation generally, or as applied to a specific case, the executive director may issue an official interpretation. The executive director may also forward any interpretation

of the meaning or applicability of any provision of the rules directly to the authority for a determination at a public meeting:

(1) The issuance of an interpretation shall include findings stating the basis for the interpretation. The basis for an interpretation may include but is not limited to technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the KMP;

(2) All interpretations shall be:

(A) Written and shall quote the provisions of the rules being interpreted, and the applicability in the particular or general circumstances that caused the need for interpretations, and the determination; and

(B) Distributed to the authority, executive director, and HCDA staff;

(3) Any interpretation of the rules by the executive director may be appealed to the authority in compliance with section 15-215-86 (appeals); and

(4) Any provision of the rules that is determined by the executive director to need refinement or revision will be corrected by amending the rules as soon as is practical. Until an amendment can occur, the executive director will maintain a complete record of all interpretations to the rules, indexed by the number of the subchapter, section or subsection that is the subject of the interpretation.

(j) If there is uncertainty about the location of any transect zone boundary shown on the regulating plan, the location of the boundary shall be determined by the executive director as follows:

(1) Where a transect zone boundary approximately follows a lot line, alley, or street line, the lot line, street or alley centerline

shall be construed as the transect zone boundary, as applicable;

(2) If a transect zone boundary divides a lot and the boundary line location is not specified by distances printed on the regulating plan, the location of the boundary will be determined by using the scale appearing on the regulating plan; and

(3) Where a public thoroughfare or alley is officially vacated or abandoned, the lot that was formerly in the street or alley will be included within the transect zone of the adjoining lot on either side of the vacated or abandoned thoroughfare or alley.

[Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-6 Compliance with other regulations.

(a) Whenever conflicting requirements are discovered in the application of the rules, they shall be resolved as follows:

(1) Kalaeloa CDD rules. If a conflict occurs between requirements within the rules, the most restrictive shall apply;

(2) KMP. The provisions of the rules, when in conflict with the KMP shall take precedence;

(3) Master plan. If conflicts occur between the requirements of the rules and standards adopted as part of any master plan, the requirements of the rules shall apply;

(4) Federal regulations. If a conflict occurs between these rules and federal regulations, the federal regulations shall take precedence; and

(5) Private agreements. The rules apply to all lots located within the Kalaeloa CDD regardless of whether it imposes a greater or lesser restriction on the development or use of structures or land than a private

agreement or restriction (e.g., conditions, covenants and restrictions).

(b) The following provisions of subtitle 4, title 15, apply within the Kalaeloa CDD and may be referenced herein:

(1) The authority's rules of practice and procedure; and

(2) Chapter 216 (Kalaeloa reserved housing rules). [Eff OCT 2 7 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-7 Severability. These rules shall be liberally construed to protect and promote the health, safety and general welfare within the Kalaeloa CDD. Should any provision of these rules be held to be unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions. [Eff OCT 2 7 2012] (Auth: HRS §206E-5) (Imp: HRS §206E-5)

§15-215-8 Definition of terms. This subchapter provides definitions for terms in these rules that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this article, then the correct definition shall be determined in accordance with section 15-215-5 (rules of interpretation).

"Accessory building" means a building that is located on the same lot, but physically separated from the principal building and is subordinate in size to the principal building, which may include swimming pool house, recreational facilities, and gazebos;

"Accessory dwelling" means a self-contained residential unit located on the same lot as a front yard house, side yard house, or duplex-triplex-quadplex, which is either attached to the principal building or in a separate structure;

"Administrative" is a use classification which primarily involves uses pertaining to the affairs of a

business, profession, service, industry, government, or like activity, which may include ancillary services for office workers, such as a restaurant, coffee shop, or newspaper or candy stand;

"Agriculture" means agricultural activities, including agronomy, aquaculture, biotechnical agriculture, forestry, honey production, and similar uses, but not including a grocery store or the retail or wholesale of products;

"Airport" means an area where fixed-wing aircraft, helicopters, and similar craft can take off and land, equipped with hard-surfaced landing strips, hangars, facilities for refueling and repair, a control tower, accommodations for cargo and passengers, terminals, charter services, hangars, heliports, and helipads;

"All-weather surface" means a four-inch base course with a two-inch asphalted concrete surface or a four-inch reinforced concrete pavement or any other similar materials as determined to be acceptable by the authority. These materials should combine the load-bearing characteristics, durability and level surface of asphalt and concrete. Grass block and grasscrete may be considered all-weather surfaces;

"Alley" means a service lane located to the rear of lots providing access to service areas, parking, and accessory buildings and containing utility easements;

"Arena" is a use classification which primarily consists of a large-scale indoor or outdoor facility accommodating spectator-oriented sports, concerts, and other entertainment activities;

"Artisan or craft production" is a use classification which primarily involves the manufacturing and assembling of small products by hand, including but not limited to clothing, furniture, jewelry, pottery and other ceramics, small glass and metal art, taxidermists and craft products;

"Attic" means a portion of a building wholly or partly in the roof, so designated, arranged or built to be used for business, storage, recreation or

habitation. Attic areas with a head room of less than seven feet shall not be included as floor area;

"Authority" means the Hawaii community development authority as established by section 206E-3, HRS;

"Automobile rental or sales" is a use classification primarily engaged in the rental, leasing or sales of new and used automobiles, trucks, trailers, motorcycles, mopeds, and recreation vehicles and supplies, including storage of said vehicles;

"Avenue" means a pedestrian friendly, low-to-medium (thirty to thirty-five mph) urban thoroughfare, generally shorter in length than boulevards, serving access to abutting land. Avenues serve as primary pedestrian and bicycle routes and may serve local transit routes. Avenues usually provide curb parking;

"Awning" means a canopy that is supported entirely from the exterior wall of a building;

"Bed and breakfast" is a use classification in which overnight accommodations are provided to guests for monetary compensation, for periods of less than thirty consecutive days, in the same detached dwelling as that occupied by an owner, lessee, operator or proprietor of the detached dwelling;

"Bicycle lane" means a dedicated lane for cycling within a moderate-speed vehicular thoroughfare, demarcated by striping;

"Block" means the aggregate of lots, passageways, public spaces, and alleys bounded on all sides by thoroughfares;

"Boulevard" means a pedestrian friendly, low-speed (thirty-five mph or less) divided thoroughfare designed to carry both through and local traffic, pedestrians and bicycles. Boulevards may be high ridership transit corridors. Curb parking may be allowed on boulevards;

"Build to line" means a location from which the principle vertical plane of the elevation must be erected and is parallel to the frontage line. The build to line dimension is the distance from the lot line to the build to line;

"Building" means any permanently anchored structure used or intended for supporting or sheltering any use or occupancy;

"Building face" means the building elevation closest to and facing the abutting thoroughfare;

"Building type" means a form based classification that describes a particular type of building in terms of scale and design. See Figures BT.1 to BT.9, dated September 2012, made a part of this chapter, and attached at the end of this chapter;

"Civic" is a use classification which primarily involves uses that foster community interaction and citizen participation in civic activities such as: meeting halls or clubhouse, conference centers, cultural facilities, public or government facilities, libraries, religious facilities, and theaters;

"Commercial" means the term collectively defining workplace, office, and retail functions;

"Conference center" is a use classification for facilities primarily used or intended to be used to host conferences, exhibitions, large meetings, seminars and training sessions;

"Consulate" is a use classification for facilities primarily used or intended to be used by staff and consul, an official appointed by a foreign government representing the interests of citizens of the appointing country;

"Cultural facilities" is a use classification for establishments such as museums, art galleries, botanical and zoological gardens, and other facilities of a historic, an educational or cultural interest;

"Curb" means the edge of the vehicular pavement that may be raised or flush to a swale and is usually incorporated into the drainage system;

"Dance-nightclub" is a use classification pertaining establishments primarily engaged in the preparation and sale of alcoholic beverages for consumption on the premises in conjunction with a dance floor accompanied by prerecorded or live music;

"Day-care center" is a use classification which primarily involves non-medical care for fifteen or more children or adults in need of personal services,

supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four-hour basis. May include pre-schools, infant centers, and extended day-care facilities;

"Decision-maker" means the person or entity charged with reviewing a particular permit or development approvals;

"Detention center" is a use classification for a facility primarily used or intended to be used for pretrial detainees, persons arrested who cannot make bail, persons being held without bail until their trials, and felons and misdemeanants who have been sentenced to less than one year of incarceration or jail;

"Developable area" means the area within the lot lines of a lot or series of lots, excluding setback areas;

"Developer" means a private person or an entity who has legal rights to perform or cause to be performed any man-made change over, upon, under, or across improved or unimproved real property within the Kalaeloa CDD;

"Developer's proposal to develop lands under the authority's control" as used in section 206E-5.6, HRS, shall mean and include:

(1) Any permit application filed by any private person or entity seeking the authority's approval for a development; or

(2) An improvement project on lands owned by the authority;

"Development" means and includes any man-made change over, upon, under, or across improved or unimproved real property performed on a lot greater than 40,000 square feet within the Kalaeloa CDD. Development shall not include a project consisting of a change in use or interior renovations only;

"Development permit" means and includes a permit approved and issued by the authority authorizing any development;

"Disposition" means the placement of a building on its lot;

"Driveway" means a vehicular lane within a lot, often leading to a garage;

"Dwelling" means one or more rooms providing complete living facilities for one family, including kitchen facilities or equipment for cooking, and including a room or multiple rooms for living, sleeping, bathing, and eating;

"E-cycling" is a use classification for facilities primarily used or intended to be used for the dismantling, processing and reassembly of electronic materials into new products (such as computer parts); separate from recycling collection facilities. Stockpiling of chemical and hazardous materials exceeding reasonable dismantling and processing time shall not be allowed;

"Educational facilities" is a use classification which primarily involves public or private instruction or education, such as kindergarten; elementary, middle, or junior high school; high school; college; or universities;

"Eleemosynary organization" means a society, association, or corporation primarily engaged in religious, charitable, educational, scientific, literary, or other benevolent purposes, whose charter or other enabling act contains a provision that, in the event of dissolution, the land owned by such society, association, or corporation shall be distributed to another society, association, or corporation engaged in religious, charitable, educational, scientific, literary, or other benevolent purposes;

"Elevation" means an exterior wall of a building not along a frontage line;

"Encroachment" means any structural or architectural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the pedestrian zone, or above a height limit;

"Exceptional tree" means a tree that by reason of age, rarity, location, size, aesthetic quality, endemic status or historical and cultural significance is designated by the county arborist committee as

worthy of preservation, pursuant to the city and county of Honolulu exceptional tree ordinance. See the revised ordinances of Honolulu, chapter 41, article 13 - protective regulations for exceptional trees including the register of exceptional trees;

"Executive director" means the executive director of the Hawaii community development authority;

"Facade" means the exterior wall of a building that is set along a frontage line;

"Farmer's market" is a use classification for facilities primarily used or intended to be used for an occasional or recurring market held in an open area or in a structure where sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site;

"Floor area" means the sum of the gross horizontal areas of all floors of a building, including interior balconies and mezzanines, measured from the exterior face of exterior walls or from the centerline of a wall separating two structures. Floor area shall include the area of roofed porches or lanai having more than one wall and of accessory structures on the same lot. Stairwells, elevator shafts parking facilities and loading spaces, including their driveways, shall be excluded;

"Freight or base yard" is a use classification for a lot primarily used or intended to be used for the distribution of goods, storage or maintenance of equipment. Freight containers shall be stacked no more than four containers high;

"Frontage" means the area between a building elevation and the vehicular lanes, inclusive of its built and planted components. Frontage is divided into two components: private frontage and public frontage;

"Frontage line" means a lot line bordering a public frontage;

"Frontage occupancy" means the minimum length of the principal frontage that must contain a building street front element. See Figure 1.8 (building placement and encroachments), dated September 2012,

made a part of this chapter, and attached at the end of this chapter;

"Frontage type" means a form based classification that describes a particular type of building face in terms of scale and architectural features. Frontage types facilitate pedestrian access to the principal entrance of a building;

"Furnishing area" means the transition between the pedestrian throughway and the edge of the vehicular pavement. The furnishing area provides space for roadside appurtenances such as street trees, planting strips, street furniture, public art, sidewalk cafes, sign poles, signal and electrical cabinets, fire hydrants, bicycle racks and bus shelters;

"Gas station" is a use classification which primarily involves the retail sale of motor vehicle fuel and lubricants to the public by direct delivery into the user's vehicle and may include incidental motor vehicular services such as tire repair, battery charging, brake adjustment, motor tune-up and washing. Sale of food, beverages and related items is permitted in conjunction with a gas station;

"Grade" means the slope of a road, street, or other public way specified in percentage terms;

"Ground elevation" means the highest finished grade along the perimeter of the building;

"Group home" is a use classification which primarily involves the use of any single-family residence or dwelling unit for a group residence where residents pay a fee or other consideration to the group home operator in return for residential accommodations. A group home includes a boarding home, a rooming house, as well as a group residence for the elderly, or mentally or physically disabled or handicapped persons, or other persons in need of care and supervision;

"Hawaii revised statutes" or "HRS" means the Hawaii Revised Statutes;

"Heavy industrial" is a use classification for industrial plants primarily engaged in manufacturing, compounding, processing, assembling, packaging,

treatment, or fabrication of materials and products, primarily from extracted or raw or recycled materials. Uses in this classification generally are characterized by, among other things, truck traffic or outdoor storage of products, materials, equipment or fuel. Typical uses include battery manufacturing, welding, water softening plants, plating, ready-mix concrete plants, trucking terminals, and distribution facilities for commercial package services. Heavy industrial use in not permitted in the Kalaeloa CDD;

"Height" means the vertical dimension of a building, interior space or other structure measured from the base to the top or highest point;

"Historically or culturally significant sites" means any lot that is:

(1) Listed on the Hawaii or national register of historic places, pursuant to HRS; or

(2) Designated in the KMP as being significant in the history or prehistory, architecture, culture, or development of the Kalaeloa CDD or a tangible, historic or cultural linkage between Kalaeloa of the past and of the present;

"Home occupation" is a use classification which primarily involves work-related activities carried out in a dwelling unit for monetary gain by a resident. Home occupation is considered an accessory use in the resident's dwelling unit;

"Hospital" is a use classification which primarily consists of institutions providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices;

"Hotel" is a use classification for a building or group of buildings containing rooms connected together, constituting an independent living unit. A hotel generally includes a lobby, clerk's desk or counter with twenty-four-hour clerk service and facilities for registration and keeping of records relating to hotel guests;

"Improvement permit" means and includes a permit approved and issued by the executive director authorizing any improvement project;

"Improvement project" means and includes any man-made change over, upon, under, or across improved or unimproved real property performed on a lot of 40,000 square feet or less within the Kalaeloa CDD;

"Indoor recreation" is a use classification which primarily involves participant sports conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, pool halls, indoor ice or roller skating rinks, indoor racquetball courts, indoor batting cages, and health or fitness clubs;

"Kalaeloa community development district" or "Kalaeloa CDD" means the community development district established by section 206E-193, HRS;

"Kalaeloa master plan" or "KMP" means the long-range plan for the Kalaeloa CDD approved by the Governor on August 23, 2006;

"Kalaeloa sustainability guidelines" or "KSG" means the development provisions established to promote an environmentally sensitive and energy efficiency district. Provisions in the KSG are recommended, but not compulsory;

"Kennel and veterinary care" is a use classification for services, including office and indoor medical treatment facilities, for the routine examination, medical or surgical treatment and care of domestic household pets generally with overnight boarding facilities for pets in care. Includes kenneling of animals, allowing for the grooming, keeping, boarding or maintaining of four or more dogs (four months of age or older), or four dogs or cats for sale in pet shops, or patients in animal hospitals;

"Lanai" means an accessory area to a dwelling or lodging unit, with one or more sides permanently open to the exterior except for a railing or parapet not exceeding four feet in height, with such open side or sides constituting at least twenty-five per cent of the perimeter thereof. Lanais are accessible solely from the dwelling or lodging unit to which it is

appurtenant and may either be recessed elements with a roof continuous with the building roof, or they may be protruding elements added on to the face of a building;

"Land use" means a designation of land with approved uses that can legally operate on the lot;

"Land use ordinance" or "LUO" means the land use ordinance adopted by Ordinance No. 86-96 of the city and county of Honolulu;

"Landscaping" means site areas containing plants and vegetative growth (such as trees, shrubs, groundcover, and similar) along with non-plant decorative elements (such as stone, pavers, water features, ornate tiles, art, and similar);

"Large lot" means a lot or collection of contiguous lots equal to or greater than 140,000 square feet;

"Leadership in energy and environmental design" or "LEED" means is an ecology-oriented building certification program that concentrates its efforts on improving performance across five key areas of environmental and human health: energy efficiency, indoor environmental quality, materials selection, sustainable site development, and water savings;

"Light industrial" is a use classification which involves repair and manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products and incidental storage and distribution of such products or parts, but excluding basic industrial processing classified under the heavy industrial. Typical uses include apparel and furniture manufacturing, machine shops, and motor vehicle repair and servicing;

"Limousine or taxi facility" is a use classification that primarily consists of facilities used or intended to be used for dispatching limousines or taxi cabs and where vehicles are kept while not in use;

"Live-work" is a use classification for a mixed-use unit which is occupied or intended to be occupied

by a business operator who lives in the same structure that contains the commercial activity or industry;

"Lodging" is a use classification for a structure or structures in which people are temporarily housed; which typically include hotel, motel, and bed and breakfast facilities;

"Long-term bicycle parking" means a place to secure bicycles for eight to twenty-four consecutive hours. Long-term bicycle parking can be provided through bicycle lockers, bicycle racks in enclosed areas, or space within a building;

"Lot" means a parcel of land, duly recorded at the state of Hawaii bureau of conveyances, which can be used, developed or built upon;

"Lot line" means the boundary of a lot of land, often expressed in metes and bounds;

"Lot width" means the length of the principal frontage line of a lot;

"Medical or dental clinic" is a use classification which primarily consists of a facility that contains one or more physicians or dentists, their assistants, and a laboratory or an apothecary limited to the sale of pharmaceutical and medical supplies. Shall not include inpatient care or major surgery;

"Mixed-use" means the combination of more than one use within a development project or lot;

"Mobile home park" is a use classification which primarily consists of a lot or lots upon which multiple mobile home structures, or dwelling units manufactured in a factory and designed to be transported to a site and semi-permanently attached, are situated and is in the nature of a residential community;

"Motel" is a use classification which provides lodging for motorists in rooms usually having direct access to an open parking area;

"Multi-family" is a use classification which primarily consists of a building or buildings containing more than one dwelling and which may have joint services or facilities;

"New building" means and includes the construction of a building including structural supports, walls and a roof;

"Nonconforming structure" means a building or structure that was lawfully erected prior to the effective date of the adoption or amendment of this chapter but no longer complies with all the regulations applicable to the Kalaeloa CDD as a result of adoption or amendment of this chapter or government action associated with eminent domain;

"Nonconforming use" means an activity using land, buildings or structures for purposes which were legally established prior to the effective date of the adoption or amendment of this chapter, but would not be permitted as a new use in any of the transects established by this chapter;

"Office" is a use classification which is primarily engaged in the production of intellectual property;

"Open space" means a portion of a lot, exclusive of required yards, setback areas, or parking areas which is:

(1) Open and unobstructed overhead; and

(2) Is used or intended to be used for outdoor recreation;

"Outdoor recreation" is a use classification which primarily consists of out-of-doors recreational facilities which typically include swimming pools, wading pools, tennis courts, badminton courts, basketball courts, baseball and soccer fields, play areas, and clubhouse;

"Outdoor storage" is a use classification which primarily consists of a facility which is not enclosed for the storage of goods, materials and motor vehicles, but does not include repair, demolition or salvage operations;

"Park and recreation" is a use classification which primarily consists of parks and recreational facilities, including gymnasiums, playing fields, playgrounds, fountains, and swimming pools;

"Parking structure" means a building containing one or more stories of parking above or below grade;

"Passageway" means a pedestrian connector, open or roofed, that passes between buildings to provide shortcuts through long blocks and connect rear parking areas to frontages;

"Pedestrian" means a person or persons who travel by foot;

"Pedestrian throughway" means the clear area for the pedestrian walkway area between the furnishing and private frontage areas. See Figure 1.11 (pedestrian zone treatment), dated September 2012, made a part of this chapter, and attached at the end of this chapter;

"Pedestrian zone" means the zone between the building face and the curb. The elements of a pedestrian zone are: the private frontage area, the pedestrian throughway area, and the furnishing area. See Figure 1.11 (pedestrian zone treatment), dated September 2012, made a part of this chapter, and attached at the end of this chapter;

"Personal service" is a use classification which primarily consists of services for the enhancement of personal appearance, cleaning, alteration or reconditioning of garments and accessories. Typical uses include hair salons, tanning salons, barber shops, tailors, shoe repair shops, self-service laundries, and dry cleaning shops, but exclude uses classified under office and vocational school;

"Plane break" means a horizontal or vertical recess or projection of a dimension specified by these rules particular to building elevations, including facades;

"Planting strip" means a planted and landscaped area accommodated within the furnishing area, intended to provide a buffer between pedestrians and vehicles;

"Principal building" means the main building on a lot, usually located toward the frontage;

"Principal entrance" means the main point of access for pedestrians into a building;

"Principal frontage" means the frontage designated to bear the address and principal entrance to the building, and the measure of minimum lot width as determined by the lot owner;

"Private frontage" means the area of the pedestrian throughway area that is privately owned. The private frontage contributes to the character of the transect, and includes the front of building, landscaping, and often a segment of the sidewalk;

"Project" means an endeavor undertaken by a landowner or developer to build upon a lot or combination of lots;

"Project site" means the gross land area of a lot or a combination of lots for a proposed project;

"Public art" means works of art in any media that has been displayed in the physical public domain and accessible to all;

"Public building" is a use classification which primarily consists of buildings owned or developed by public entities or developed on government-owned lands;

"Public frontage" means the area between the curb of the vehicular lanes and the frontage line;

"Public project" means any project or activity of any county or agency of the state conducted to fulfill a governmental function for public benefit and in accordance with public policy;

"Raceway track" is a use classification which primarily consists of a facility used or intended to be used for the racing of automobiles, motorcycles, or bicycles;

"Recreation space" means that portion of a lot, exclusive of required yards, setback areas, or parking areas which is:

(1) Used or intended to be used for the exclusive use of the residents, employees or visitors of the project;
(2) Either outdoor or indoor within the lot; and
(3) Located at any elevation;

"Recycling collection facility" is a use classification for a space primarily used or intended to be used to collect and load recyclable materials to be transported to a recycling center. May include bins, boxes, cans, kiosk type structures, and reverse vending machines;

"Regulating plan" means a zoning map or set of maps that shows the transect zones, civic zones, special districts, and special requirements, if any, of areas subject to regulation;

"Research and development" is a use classification for a facility primarily used or intended to be used for scientific research, testing and analysis;

"Reserved housing" means housing as defined in chapter 216, title 15, Hawaii administrative rules;

"Residential" is a use classification for premises available for human dwelling;

"Residential floor area" means the gross total residential floor area including the dwelling unit(s) and limited common areas such as lobby, hallways, storage, covered recreation area, and similar areas set aside for the residents;

"Restaurant and bars" is a use classification which primarily involves the sale of food or beverages in a ready-to-eat state for on-site or off-site consumption. Typically includes tables, counters, benches, or other seating facilities. Examples include a sit-down dining facility, fast-food restaurant (no drive-through), cafe, bakery, cafeteria, coffee shop, lunchroom, delicatessen, and ice cream parlor. Includes microbreweries as an accessory to the restaurant;

"Retail sales" is a use classification which primarily involves the sale of goods and services, including but not limited to groceries, apparel, merchandise, drug and pharmaceuticals, hardware, and appliances;

"Right-of-way" means the area of a thoroughfare between private lot lines;

"Robotic parking" means a mechanized parking system which stores and retrieves vehicles in a compact storage facility;

"Secondary frontage" means on corner lots, the frontage that is not the principal frontage;

"Self-storage facility" is a use classification for a place or building, or portion thereof, that is divided into individual spaces and that is used or is

intended as individual storage units that is rented, leased, or owned;

"Setback" means the dimension between the building elevation and the lot line that must remain clear of any buildings or other structures with the exception of authorized encroachments;

"Shared parking" means a system in which the parking requirements for two or more uses are shared amongst each other;

"Sharrow" means arrow type markings painted on the street to identify the permitted use of the road by both bicyclists and automobiles;

"Short-term bicycle parking" means a place to secure bicycles for less than eight consecutive hours. Short-term bicycle parking can be provided through bicycle racks, and storage facilities;

"Sidewalk" means the paved section of the public frontage dedicated exclusively to pedestrian activity;

"Single family" is a use classification pertaining to a single dwelling;

"Solar farm" is a use classification which primarily consists of clusters of solar powered devices, either photovoltaic ("PV") or turbine systems. A solar farm should be large enough to generate at least one megawatt of electricity;

"Standard" means a regulation that is required, rather than discretionary;

"Storefront" means street-facing ground-floor businesses or services that are publicly-accessible and have display windows facing the street;

"Story" means a level within a building that can be used for living, work, storage, or recreation, excluding an attic or raised basement;

"Street" means a pedestrian-friendly, low speed (twenty-five miles per hour) thoroughfare primarily serving abutting lots. A street is used to connect neighborhoods within the district. Streets emphasize curb parking;

"Street furniture" means equipment installed within the pedestrian zone, including but not limited

to: benches, waste receptacles, and newspaper dispensers;

"Structure" means anything constructed or erected with a fixed location on the ground, including buildings, walls, swimming pools, and signs;

"Swale" means a low or slightly depressed natural area for drainage;

"Theater" is a use classification which primarily consists of performance theaters, movie theaters, and amphitheaters;

"Thoroughfare" means a way or passageway used by vehicular, bicycle and pedestrian traffic. Thoroughfares consist of vehicular lanes and the pedestrian zone and provide access to lots and open spaces;

"Thoroughfare plan" means a component of the Kalaeloa CDD rules that shows planned changes to existing thoroughfares and the general location of planned new thoroughfares. See Figure 1.4 (thoroughfare plan), dated September 2012, made a part of this chapter, and attached at the end of this chapter;

"Transect zone" means a distinct environment within the Kalaeloa CDD. The Kalaeloa CDD has six transect zones that reflect the physical form and character of an area, according to the density and intensity of its land use and urbanism;

"View corridor" means a section of street that is designated to protect views. See Figure 1.12 (view corridors), dated September 2012, made a part of this chapter, and attached at the end of this chapter;

"Vocational school" is a use classification which primarily involves training in a skill or trade to be pursued as a career;

"Warehousing" is a use classification which primarily involves the wholesaling, storage, moving or bulk distribution of goods other than live animals. Typical uses include wholesale distributors, storage warehouses, and moving and storage firms;

"Wind farm" is a use classification which primarily consists of clusters of wind powered

devices. A wind farm should be large enough to generate at least one megawatt of electricity; and

"Zoning map" means the official map or maps that are part of the Kalaeloa CDD rules and delineate the boundaries of individual transect zones and district. See Figure 1.2 (regulating plan), dated September 2012, made a part of this chapter, and attached at the end of this chapter. [Eff OCT 27 2012] (Auth: HRS §§206E-2, 206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-2, 206E-4, 206E-5, 206E-7)

§§15-215-9 to 15-215-20 (Reserved).

SUBCHAPTER 2

REGULATING PLAN, TRANSECT ZONES AND THOROUGHFARE PLAN

§15-215-21 Purpose. This subchapter establishes the transect zones and thoroughfare plan within the Kalaeloa CDD, adopts the regulating plan for the Kalaeloa CDD as its zoning map and establishes standards applicable to the transect zones. [Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-22 Regulating plan. The Kalaeloa CDD regulating plan (hereafter referred to as the "regulating plan"), included as Figure 1.2 (regulating plan), dated September 2012, made a part of this chapter, and attached at the end of this chapter, identifies the transect zones provided in section 15-215-23 (transect zones). [Eff OCT 27 2012] (Auth: HRS §206E-7) (Imp: HRS §206E-7)

§15-215-23 Transect zones. (a) All lots within the Kalaeloa CDD are organized by transect zones as

shown in Figure 1.2 (regulating plan), dated September 2012, made a part of this chapter, and attached at the end of this chapter.

(b) Transect zones and their corresponding development use and rules are as follows:

(1) T1 natural. The T1 natural zone shall consist primarily of lots along the ocean. The T1 Natural zone is comprised of natural landscapes, including beaches and vegetation with limited agricultural use;

(2) T2 rural/open space. The T2 rural/open space zone shall consist primarily of open space, parks and limited agricultural use. Cultural, archaeological and environmental uses and sites shall also be located within the T2 rural/open space zone;

(3) T3 general urban. The T3 general urban zone is characterized by mixed use projects, with a commercial emphasis. Streets with curbs, sidewalks and landscaping shall define medium-sized, pedestrian-friendly blocks;

(4) T4 urban center. The T4 urban center zone is characterized with a mix of retail, office, residential, and civic buildings. Civic spaces include urban parks, plazas, and squares. Pedestrian-friendly streets shall be tree-lined with sidewalks and buildings set close to the sidewalks;

(5) T5 urban center high intensity. The T5 urban center high intensity is characterized by lots with the highest allowable density and height; and

(6) SD special district.

(A) All lots located within the Kalaeloa CDD special district are designated due to their function as an aviation, navigation or military installation or ownership by the Federal government as of the effective date of these rules. All lots located within the special district shall be governed by the

applicable Federal Aviation Administration standards; and

(B) The Kalaeloa CDD special district shall include the following:

(i) The Kalaeloa airport. The Kalaeloa airport and navigation area is owned and administered by the state of Hawaii department of transportation; and

(ii) Military facilities. Military installations such as the Hawaii national guard and United States Coast Guard.

(c) Standards applicable to transect zones. All development, use, and construction within the transect zones shall conform to the standards set forth in Figure 1.3 (development standards summary), dated September 2012, made a part of this chapter, and attached at the end of this chapter, which allocate building type, frontage type, allowed height, maximum density, and build to line. [Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-24 Thoroughfare plan. (a) All thoroughfares shall conform to the thoroughfare standards set forth in Figure 1.4 (thoroughfare plan), dated September 2012, made a part of this chapter, and attached at the end of this chapter, and Figures 1.4A and 1.4B (thoroughfare sections), dated September 2012, made a part of this chapter, and attached at the end of this chapter.

(b) Thoroughfare plan standards:

(1) Thoroughfares shall have street trees planted along their lengths within the public frontage area as provided in Figure 1.5, (street tree chart), dated September 2012, made a part of this chapter, and attached at the end of this chapter; and

(2) Design conflicts between vehicular and pedestrian movement for new thoroughfares in the T3 general urban, T4 urban center and T5 urban center high intensity zones, shall generally be decided in favor of the pedestrian, unless there is overriding public interest which dictates that the conflict be resolved in favor of vehicular movement. [Eff OCT 27 2012] (Auth: HRS §§206E-5, 206E-7) (Imp: HRS §§206E-5, 206E-7)

§§15-215-25 to 15-215-36 (Reserved).

SUBCHAPTER 3

GENERAL DEVELOPMENT STANDARDS

§15-215-37 Purpose. This subchapter establishes the standards relating to the use, development or improvement of any lot within the Kalaeloa CDD. [Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-5, 206E-7)

§15-215-38 Building type. All buildings shall conform to the building standards set forth in Figures BT.1 through BT.9, dated September 2012, made a part of this chapter, and attached at the end of this chapter, which specify lot width, pedestrian access, parking, open space, frontage types and building massing for each building type. [Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-39 Frontage type. All buildings shall conform to the frontage standards set forth in Figure 1.6 (frontage type), dated September 2012, made a part

of this chapter, and attached at the end of this chapter, which specify element standards for each frontage type. [Eff OCT 2 7 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-40 Land use. (a) All lots shall conform to the land uses specified in Figure 1.7 (land use summary), dated September 2012, made a part of this chapter, and attached at the end of this chapter.

(b) Any one or more allowed land uses may be established on any lot, subject to Figure 1.7, (land use summary), dated September 2012, made a part of this chapter, and attached at the end of this chapter.

(c) Where a project on a single lot proposes two or more land uses, the project shall be subject to all applicable permits and approvals. [Eff OCT 2 7 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-41 Building placement. (a) Facades shall be built parallel to the build to line with a minimum frontage occupancy as provided in Figure 1.8 (building placement and encroachments), dated September 2012, made a part of this chapter, and attached at the end of this chapter.

(b) For frontage occupancy calculations, single buildings that form a courtyard of fifteen feet in width or less by recessing a portion of the building from the build to line, shall be measured as the full width of the building parallel to the build to line. [Eff OCT 2 7 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-42 Building form. (a) The height of any building or structure or portion thereof shall be measured from ground elevation.

(b) Attics or raised basements, masts, belfries, clock towers, chimney flues, elevator bulkheads,

church spires, cupolas, domes, ventilators, skylights, parapet walls, cornices, solar energy systems, or necessary mechanical appurtenances on the roof level shall be limited to the height necessary for their proper functioning, as determined by the executive director in his sole discretion; provided, however, that notwithstanding the executive director's determination, attics shall not exceed fourteen feet in height.

(c) Any part of a building which is taller than sixty-five feet and along a view corridor street, see Figure 1.12 (view corridors), dated September 2012, made a part of this chapter, and attached at the end of this chapter, shall be setback from the lot line abutting the view corridor by fifty feet.

(d) All principal buildings shall be constructed with building elements conforming to Figure 1.3 (development standards summary, building form), dated September 2012, made a part of this chapter, and attached at the end of this chapter.

[Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-43 Architectural standards.

(a) Balconies, galleries, and arcades shall be made of concrete, painted wood or metal.

(b) For building facades and elevations in the T3 general urban, T4 urban center and T5 urban center high intensity transect zones, a change of exterior texture and material should be accompanied by a change in plane; provided, however, glazing and spandrel glass is exempt from this provision.

(c) Fences, walls, and hedges may be constructed or installed to a height of six feet in any side yard or rear yard and to a height of three feet in any portion of a front yard or a side yard that faces a thoroughfare:

(1) Fences in front yards or side yards facing a thoroughfare shall be painted or constructed

out of a decorative material compatible with the materials of the principal building; and

(2) Retaining walls shall be constructed out of masonry or stone or another equally durable material.

(d) Lighting:

(1) Entrances, arcades and passageways shall be illuminated;

(2) Courtyards, passageways, roof gardens, corner plazas, and other landscaped areas shall provide pedestrian-scaled, tamper-proof lights;

(3) Lighting sources shall be constructed or installed so that light is aimed downwards and does not spill over to abutting properties; and

(4) Architectural details may be accented through lighting.

(e) Roofs:

(1) Roofs may be accessible and may be used as roof decks, gardens, balconies or terraces;

(2) Roofs shall either be finished with light colors for reflectivity or incorporate landscaping; and

(3) Roof top mechanical equipment shall be clustered away from the edge of the building and either painted to match the roof top or located behind a parapet wall or enclosed in a roof top mechanical equipment enclosure so that it is not visible from a thoroughfare, historic or public buildings.

(f) Service functions (T3 general urban, T4 urban center and T5 urban center high intensity transect zones):

(1) Utilities, service elements, recycling and trash elements shall be located off alleys (if applicable), or in structured parking garages where they exist. Alternatively, they may be located at least ten feet behind the facade of a principal building and screened from view from a thoroughfare other

than an alley or service street, with a hedge, landscaping, low wall, or fence;

(2) Prohibited materials for constructing recycling or trash enclosures include: chain link, fencing with slats mesh screen, cinderblocks, or unpainted wood;

(3) Utilities and service elements that are visible from thoroughfares shall not be visually intrusive and shall be incorporated in the building structure through use of the following strategies:

(A) Burying the utilities and service elements underground;

(B) Constructing a utility room to enclose the utilities and service elements;

(C) Screening the utilities and service elements behind the building; or

(D) Clustering the utilities and service elements on the roof within a mechanical enclosure; and

(4) Recycling or trash enclosures shall be of a similar material and color with the principal building.

(g) Signage. All signs shall be in compliance with the applicable rules and regulations administered by the city and county of Honolulu, as provided for in the city and county of Honolulu's land use ordinance, as it may be amended from time to time.

(h) Windows:

(1) Highly-reflective and mirrored glass materials are prohibited; and

(2) Visible light transmission level of windows on the ground floor shall be seventy per cent or greater and on all other floors the visible light transmission level shall be fifty per cent or greater.

[Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-44 Landscape. The standards for landscaping for zones T2 rural/open space zone, T3 general urban zone, T4 urban center zone, and T5 urban center high intensity zone shall be as follows:

(1) All required yards shall be landscaped;

(2) New plantings shall be selected from the preferred plant species list provided in Figure 1.10 (preferred plant species), dated September 2012, made a part of this chapter, and attached at the end of this chapter;

(3) Exceptional trees that are designated by the city and county of Honolulu shall be protected and preserved in place. In the case where exceptional trees conflict with prescribed standards in the rules, the exceptional tree takes precedence or shall be relocated to another area of the project site; and

(4) Landscaping shall have an automatic irrigation system with a rain or moisture sensor, or with a system that eliminates water waste. [Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-45 Recreation space. (a) Lots within all transect zones shall provide the following recreation space:

(1) Twenty-five square feet per each 1,000 square feet of industrial use;

(2) Thirty-seven and a half square feet per each 1,000 square feet of commercial, office, and goods and services use; and

(3) Fifty-five square feet of recreation space per dwelling unit.

(b) If the on-site recreation space is provided outdoors, it may be used to satisfy a portion of the open space requirements as set forth in section 15-215-46 (open space). [Eff OCT 27 2012] (Auth:

HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-46 Open space. (a) Open space shall not to be used for driveways, loading purposes, storage, or for the parking of vehicles.

(b) Berms, landforms, or underground structures covered with landscaping, including artificial turf, or used for permitted agricultural uses, may be used to satisfy any open space requirements.

(c) For any project in the Kalaeloa CDD, a minimum of twenty per cent of each lot shall be provided as open space. One third of this requirement shall be satisfied at grade, with the remaining two-thirds at any elevation. [Eff OCT 2 7 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-47 Parking and loading.

(a) Applicability. This section applies to all new buildings and additions and renovations of existing buildings that increase the existing floor area by twenty-five per cent or more.

(b) Access. Driveway access for parking shall be a minimum of fifty-five feet measured from the edge of the right-of-way.

(c) Curb cuts for T3 general urban zone, T4 urban center zone and T5 urban center high intensity zone shall be as follows:

(1) The number of curb cuts shall be minimized along boulevards and avenues, to the maximum practicable extent. Shared alleys, access drives and arrangements are encouraged to reduce the need for new curb cuts;

(2) Maximum width of new curb cuts shall be twenty-five feet for a two-way driveway and twelve feet for a one-way driveway, except that driveways for front yard houses and all other detached dwellings shall be no more than ten feet in width; and

(3) Curb cuts shall be setback a minimum of twenty-two feet from adjacent properties. Lots with less than one hundred linear feet of frontage are exempt from this provision.

(d) Placement. Parking location shall conform with standards set forth in Figure 1.9 (parking), dated September 2012, made a part of this chapter, and attached at the end of this chapter.

(e) Quantity:

(1) Required number of off-street parking spaces is as follows:

Off-Street Parking

Uses	Requirements
Detached dwellings, live-work, and duplexes:	two per unit plus one per one thousand square feet of floor area over 2,500 square feet;
Multi-family dwelling six hundred square feet or less:	0.9 per unit;
Multi-family dwelling greater than six hundred square feet:	1.25 per unit;
Group homes, care, convalescent and nursing home:	0.9 per four patient beds, dwelling units, or lodging units;
Commercial, clinics, administrative and all other uses:	one per four hundred fifty square feet of floor area;

Restaurants and bars, and dance-nightclubs:	0.9 per three hundred square feet of eating or drinking area, plus 0.9 per twenty-five square feet of dance floor area, plus one per four hundred fifty square feet of kitchen or accessory area;
Group assembly:	0.9 per three hundred square feet of assembly area or 0.9 per ten fixed seats, whichever is greater;
Religious facilities and theaters:	0.9 per every five fixed seats or fifty square feet of general assembly area, whichever is greater;
Day-care center:	0.9 per ten enrolled capacity;
Educational facilities that are at the elementary and intermediate level:	0.9 for each twenty students of design capacity, plus one per four hundred fifty square feet of office floor area;
Educational facilities that are at the high school level, language, vocational, business, technical, trade, college, or universities:	0.9 for each ten students of design capacity, plus one per four hundred fifty square feet of office floor area;

Industrial:	one per nine hundred square feet of floor area; and

(2) When there is uncertainty as to requirements for a proposed use, the executive director will review the proposed use and determine its applicable off-street parking requirements;

(3) When computation of required parking spaces results in a fractional number, the number of spaces required shall be rounded to the nearest whole number;

(4) Every twenty-four inches of pew or bench area provided in a religious facility or other place of assembly shall be counted as seats for the purpose of determining requirement for off-street parking;

(5) At least fifty per cent of required parking spaces shall be standard sized parking spaces; and

(6) When a building includes uses incidental or accessory to a principal use, the executive director shall determine the total number of required spaces on the basis of the parking requirements for the use that creates a larger parking demand.

(f) Shared parking:

(1) Due to the mixed-use nature of the Kalaeloa CDD and the differing peaks associated with different uses, the same parking facility may be utilized by a variety of users throughout the day. This can reduce the total number of parking spaces needed to serve the peak parking demand of the Kalaeloa CDD. The executive director may authorize shared parking based upon a finding that adequate parking or loading spaces will be provided;

(2) Required parking may be adjusted downward, without the need for a variance, according to the shared parking factor of Figure 1.9 (parking), dated September 2012, made a part of this chapter, and attached at the end of this chapter; and

(3) Parking required by the rules for an individual project shall be located within 1,200 feet of the project site, within or outside the Kalaeloa CDD by covenant, lease, license or other arrangement to the satisfaction of the executive director.

(g) On street. Marked on-street parking shall count towards required parking when the on-street parking is adjacent to the lot or within two hundred feet of the lot.

(h) Aisle and space dimensions:

(1) Each standard parking space shall be no less than 8.5 feet wide and eighteen feet long;

(2) Each compact parking space shall be no less than 7.5 feet wide and sixteen feet long and shall be marked as a compact space; and

(3) Ingress and egress aisles shall be provided to a thoroughfare and between parking bays. Minimum aisle widths for parking bays shall be:

(A) Parking at 0 - 44 degrees: 12 feet;

(B) Parking at 45 - 59 degrees: 13.5 feet;

(C) Parking at 60 - 69 degrees: 18.5 feet;

(D) Parking at 70 - 79 degrees: 19.5 feet;

(E) Parking at 80 - 89 degrees: 21 feet; and

(F) Parking at 90 degrees: 22 feet.

Notwithstanding the foregoing, for a parking angle of ninety degrees, the minimum aisle width may be reduced by one foot for every six inches of additional parking space width above the minimum width, to a minimum aisle width of nineteen feet.

(i) Design:

(1) Tandem parking and hydraulic lifts are permitted in parking facilities used for

residential purposes, when both spaces are utilized by a single dwelling;

(2) Tandem parking and hydraulic lifts are permitted in any attended parking facility;

(3) Storage is permitted above all parking spaces constructed in parking garages or in parking structures;

(4) Robotic parking is permitted;

(5) Any mechanical equipment for providing parking shall be visually screened from view at abutting thoroughfares by architectural or landscape treatments;

(6) High albedo concrete shall be used instead of asphalt in surface parking lots; and

(7) All sources of illumination shall be shielded to prevent any direct reflection toward adjacent premises.

(j) Landscaping for surface lots located at grade:

(1) Parking lot landscape requirements are one tree per twenty spaces with a minimum of one landscaped island for every ten spaces;

(2) Every other row of parking shall include a landscaped median for the entire length of a bay. The entire length shall be planted with large shade trees at least every forty-five feet. Where a tree planting island occurs the entire length of a bay, there shall be a minimum of one planting island every fifteen spaces and a minimum of one large shade tree every fifteen spaces in a tree planting island; and

(3) Permeable surfaces for parking and maneuvering areas are permitted.

(k) Structures. Priority placement near entries, doors, elevators, or stairs within parking structures shall be given to parking for bicycles, car-shares, and plug-in electric vehicles.

(l) Loading:

(1) The following loading space requirements shall apply:

Loading Space Requirements

Uses	Loading Requirements	Floor Area (in square feet)
Goods and services and industrial:	one	2,000 - 10,000
	two	10,001 - 20,000
	three	20,001 - 40,000
	four	40,001 - 60,000
	one	Each additional 50,000 over 60,000
Civic, civic support and educational,:	one	5,000 - 10,000
	two	10,001 - 50,000
	three	50,001 - 100,000
	one	Each additional 100,000 over 100,000
Office:	one	20,000 - 50,000
	two	50,001 - 100,000
	one	Each additional 100,000 over 100,000
Multi-family dwellings and lodging:	one	20,000 - 150,000
	two	150,001 - 300,000
	one	Each additional 200,000 over 300,000

(2) Loading space requirements shall be provided within a building, lot, or alley. Loading spaces are prohibited in thoroughfares;

(3) When only one loading space is required and total floor area is less than 5,000 square feet, the minimum horizontal dimensions of the space shall be 19 x 8-1/2 feet, and the

space shall have a vertical clearance of at least ten feet;

(4) When more than one loading space is required, the minimum horizontal dimensions of at least half of the required spaces shall be 12 x 35 feet and have a vertical clearance of at least fourteen feet. The balance of the required spaces shall have horizontal dimensions of at least 19 x 8-1/2 feet and vertical clearance of at least ten feet;

(5) Each loading space shall be unobstructed and shall be arranged so that any vehicle may be moved without moving the other;

(6) Adequate maneuvering areas and access to a street shall be provided and shall have a vertical clearance not less than the applicable height for the loading space;

(7) All loading spaces and maneuvering areas shall be paved with an all-weather surface;

(8) Where loading areas are illuminated, all sources of illumination shall be shielded to prevent any direct reflection toward adjacent premises;

(9) Loading spaces for three or more vehicles shall be arranged so that no maneuvering to enter or leave a loading space shall be on any public street, alley or walkway;

(10) Each required loading space shall be identified as such and shall be reserved for loading purposes;

(11) No loading space shall occupy required off-street parking spaces or restrict access; and

(12) An adjustment of up to fifty per cent of the required number of loading spaces may be allowed when such spaces are assigned to serve two or more uses of a single project jointly, provided that:

(A) Each use has access to the loading zone without crossing any street or public sidewalk; and

(B) The amount of loading spaces which may be credited against the requirements for the use or uses involved shall not exceed the number of spaces reasonably expected to be available during differing periods of peak demand.

(m) Bicycle parking:

(1) Both short-term bicycle parking and long-term bicycle parking shall be provided by the developer;

(2) Bicycle parking shall be provided within four hundred feet of the principal entrance of the building;

(3) Instructional signs, if applicable, shall be used to explain how to use the bicycle parking device and directional signage shall be installed when bicycle parking locations are not readily visible from entrances; and

(4) For use classifications not specifically mentioned, requirements will be determined by the executive director based on the most similar use listed, except that Figures BT.1 to BT.3, dated September 2012, made a part of this chapter, and attached at the end of this chapter, are exempt from bicycle parking requirements. [Eff OCT 2 7 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-48 Green building. (a) Purpose. This section provides standards intended to result in a responsible development pattern that conserves natural resources and provides a healthy environment for inhabitants of the Kalaeloa CDD.

(b) Applicability. This section applies to all new buildings and additions and renovations of existing buildings that increase the existing floor area by twenty-five per cent or more.

(c) Green building standards:

(1) A project shall qualify for the applicable base LEED rating system in effect at the

date of application, at the appropriate certification level (e.g., new construction projects shall qualify for LEED for new construction);

(2) The applicable base rating system shall be chosen by the developer based on the construction type, size, and use of the proposed project; and

(3) The project shall document the achievement of at least one LEED point or other comparable measure in an alternative rating system at the appropriate certification level for the following credit categories:

(A) At least one LEED point in either sustainable site: stormwater design - quantity control or stormwater design - quality control;

(B) At least one LEED point in either sustainable sites: heat island effect - non-roof or heat island effect - roof; and

(C) At least one point in water efficiency, water efficient landscaping.

(d) Documentation. The developer shall submit documentation and sustainability calculations showing that the proposed project meets the applicable green building rating system at the appropriate certification level. [Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7, 206E-33) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-33)

§§15-215-49 to 15-215-60 (Reserved).

SUBCHAPTER 4

DISTRICT-WIDE STANDARDS

§15-215-61 Purpose. This subchapter provides standards that apply throughout the Kalaeloa CDD and

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supplement other standards provided elsewhere in the rules. [Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-62 Large lot development. (a) Purpose. This section establishes the standards for developing large lots, dividing them into smaller pedestrian-oriented blocks, and achieving an interconnected block network with walkable block lengths. The standards for large lot projects ensure that these projects promote walkability, pedestrian-orientation, and sustainability of urban and built form. Buildings should include massing and articulation that reflects a human scale, rather than large, monolithic, and repetitive building fabric.

(b) Applicability. The following standards shall apply to projects on large lots.

(c) Thoroughfare network:

(1) Large lots shall be divided to create pedestrian-oriented blocks;

(2) New thoroughfares shall connect with existing thoroughfares;

(3) New passageways that are introduced shall be a minimum of fifteen feet wide between building elevations;

(4) New passageways that are introduced shall be un-gated and shall be publically-accessible;

(5) Each new block shall have an alley for service and parking access; and

(6) Cul-de-sacs and dead-end streets are not permitted, unless they allow for future connections.

(d) New buildings:

(1) New buildings are permitted as indicated by the building types allocated to each transect;

(2) New buildings shall have their principle entrance off of a new or existing thoroughfare or passageway;

(3) New buildings with civic or institutional uses shall be located in central locations,

and be recognizable and accessible to the public;

(4) Buildings shall incorporate mid-block pedestrian passageways and courtyards at least every three hundred feet. Where passageways are utilized, they shall connect through the block, across existing alleys if necessary, to other passageways, to mid-block crossings, or thoroughfares for greater street grid connectivity;

(5) When a building includes a courtyard, the courtyard shall have a minimum dimension of forty feet deep and thirty-five feet wide along the street side;

(6) The required mid-block pedestrian passageway or courtyard shall not abut an alley; and

(7) For large lots that abut other lots not subject to a permit application, an alley of at least twenty-six feet in width must be provided at the edge of the lot that is adjacent to the other lots to ensure access by vehicles and access to light and air of the other lots. An alternative proposal may be considered as long as it meets the intent of providing light, room, and air to neighboring lots. [Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-63 Historical and cultural sites.

(a) Lots located in the Kalaeloa CDD that are determined to be historically and culturally significant shall be preserved, protected, reconstructed, rehabilitated and restored by the landowners consistent with the implementing regulations of section 106 of the National Historic Preservation Act, as amended, and chapter 6E, HRS.

(b) Prior to the submittal of any permit application to the authority, a developer shall obtain a letter from SHPD which confirms that the developer has complied with all SHPD requirements. A copy of

such letter shall be included with the permit application. [Eff OCT 27 2012] (Auth: HRS §§206E-7, 206E-33) (Imp: HRS §§206E-7, 206E-33)

§15-215-64 Dedication of public facilities.

(a) Applicability. This section shall apply to any new development or improvement project, master plan, or existing development or improvement project within the Kalaeloa CDD that increases the existing floor area by more than twenty-five per cent as compared to the floor area existing on OCT 27 2012 or at the time the development permit or improvement permit was issued, excluding proposed demolitions, whichever is less; provided, however, that this section shall not apply to any development or improvement project undertaken by an eleemosynary organization, development or improvement project for public uses, public project, floor area related to reserved housing, or new buildings or structures with a floor area of less than two hundred square feet.

(b) Dedication requirement. As a condition precedent to the issuance of an improvement permit or development permit, the developer shall dedicate land for public facilities. The dedication of land for public facilities shall be subject to the maximum ceiling in land or money in lieu thereof calculated in accordance with the formula designated in subsections (d) to (f) herein.

(c) In-lieu fee payments. As an alternative to the land dedication requirement of section 15-215-64(b), an in-lieu fee payment may be authorized as follows:

(1) For improvement permit applications, the executive director may authorize a developer to pay an in-lieu fee equal to the value of land which would otherwise have had to be dedicated, or combine the payment of fee with land to be dedicated. The total value of such combination shall be not less than the value of land which would otherwise have had to be dedicated; and

(2) For development permit applications, the authority may authorize a developer to pay a fee equal to the value of land which would otherwise have had to be dedicated, or combine the payment of fee with land to be dedicated. The total value of such combination shall be not less than the value of land which would otherwise have had to be dedicated.

(d) Minimum dedication requirements. Land dedication requirements are:

(1) Three per cent of the total commercial or industrial floor area;

(2) Four per cent of the total residential floor area exclusive of floor area devoted to reserved housing units and their associated common areas in proportion with the floor area of other uses; and

(3) If the area of land approved for dedication is less than the land area required under subsection (d)(1) and (2) above, the developer shall be required to pay a fee equal to the fair market value of the land area which is the difference between the land area dedicated and the land area required under subsection (d)(1) and (2) above.

(e) Payment timing and use of funds:

(1) Authorized in-lieu fees shall be payable prior to the issuance of the initial certificate of occupancy and secured by the developer with a financial guaranty bond from a surety company authorized to do business in Hawaii, an acceptable construction set-aside letter, or other acceptable means prior to the issuance of the initial building permit; and

(2) Payment of fees shall be made to the authority for deposit in the authority's revolving fund established under section 206E-195, HRS.

(f) Valuation methodology. Valuation of land when authorized in-lieu fees are to be paid shall be determined as follows:

(1) Valuation shall be based upon the fair market value of the land as though vacant and unimproved on the date the developer's application for an improvement permit or development permit is deemed complete pursuant to section 15-215-83 (completeness review), as agreed to by the developer and the executive director if an improvement permit, or the developer and authority if a development permit; and

(2) In the event that a fair market value cannot be agreed on, the fair market value of the land as though vacant and unimproved shall be fixed and established by majority vote of three real estate appraisers whose decision shall be final, conclusive, and binding; one shall be appointed by the developer, one appointed by the executive director in the case of improvement permits or the authority in the case of development permits, and the third shall be appointed by the first two appraisers. In the event a party shall fail to appoint an appraiser within ten days following the appointment of the first appraiser, the party who appointed the first appraiser may apply to the person sitting as the administrative judge of the circuit court of the first circuit of Hawaii, if any, or if none, to any judge in service of said court, for the appointment of the second appraiser; provided, however, that if the developer is the party who has failed to appoint an appraiser within ten days following the executive director's or authority's appointment of the first appraiser, the executive director or authority, as the case may be, may deny the developer's request to pay a monetary fee in lieu of dedicating land. The two appraisers

shall appoint a third appraiser, and in case of their failure to do so within ten days after appointment of the second appraiser, either party may apply to the person sitting as the administrative judge of the circuit court of the first circuit of Hawaii, if any, or if none, to any judge in service of said court, for the appointment of the third appraiser. The appraisers shall determine the fair market value of the land as though vacant and unimproved on the date the developer's application for an improvement permit or development permit is deemed complete pursuant to section 15-215-83 (completeness review). All appraisers shall have had a minimum of five years of training and experience in real estate appraisal work in the state of Hawaii. The appraisers shall be governed in their determination by the provisions of chapter 658A, HRS. The fees and costs of each appraiser and all other appraisal costs shall, with exception of each party's attorneys' fees and costs and witnesses' fees, shall be borne equally by both parties.

(g) Dedication instrument. For land dedication pursuant to this section, the developer shall record the necessary conveyance instrument, free and clear of all encumbrances, in the bureau of conveyances, state of Hawaii, and shall file copies of the recorded conveyance instrument with the authority. The authority may require the developer to maintain the dedicated area until such time that notice is given by the authority to accept ownership and control of the area.

(h) Relationship to existing or future improvement districts. Nothing contained in this section shall preclude the creation of any improvement district for public facilities, or the imposition of assessments against properties specially benefited within the district. [Eff OCT 27 2012 (Auth: HRS §§206E-7, 206E-12) (Imp: HRS §§206E-7, 206E-12)

§15-215-65 Joint zone development. Where a project is proposed within more than one transect zone, the allocation of uses shall be in proportion to that which is permitted within each zone. The location of those uses within the project need not comply with the zone boundaries. [Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§§15-215-66 to 15-215-76 (Reserved).

SUBCHAPTER 5

PROCEDURES

§15-215-77 Rules clearance. (a) Applicability. Any uses, structures, and activities identified by section 15-215-77(b) below on a lot 40,000 square feet or less shall be issued a rules clearance approval when they are in compliance with the setback requirements, height limits, and all other applicable standards of the Kalaeloa CDD rules.

(b) Qualifying land uses, structures and activities. The following are eligible for issuance of a rules clearance:

(1) Decks, paths and driveways. Decks, platforms, on-site paths, and driveways that are not required to have a building permit or grading permit;

(2) Fences and walls in compliance with height and location requirements in section 15-215-43 (architectural standards);

(3) Interior alterations. Interior alterations that do not increase the gross floor area of the structure, or change the permitted use of the structure;

(4) Repairs and maintenance:

(A) Single-family dwellings. Ordinary nonstructural repairs to, and

maintenance of, single-family dwellings; or

(B) Multi-family residential and non-residential structures. Ordinary non-structural repairs to, and maintenance of multi-family residential and non-residential structures, if:

(i) The work does not change the approved land use of the site or structure, or add to, enlarge or expand the land use and/or structure; and

(ii) Any exterior repairs employing the same materials and design as the original construction;

(5) Small, portable residential accessory structures. A single portable structure of one hundred twenty square feet or less per lot or unit, including pre-manufactured storage sheds and other small structures that are exempt from having to obtain a building permit from the city and county of Honolulu and in compliance with the applicable building code. Additional structures may be approved in compliance with section 15-215-43 (architectural standards), where allowed by the applicable zone;

(6) Spas, hot tubs, and fish ponds. Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that do not exceed one hundred twenty square feet in total area including related equipment; contain more than 2,000 gallons of water; or exceed two feet in depth;

(7) Open space and parks. Any improvement project over, upon, under or across any open space or park; and

(8) Any public project.

(c) Action. In accordance with Figure 1.1 (approval requirements matrix), dated September 2012, made a part of this chapter, and attached at the end

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of this chapter, the executive director shall approve all rules clearance applications consistent with this section after receipt of a complete application and payment of the requisite fee. [Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-78 Improvement and development permits. (a) Applicability. All new improvement projects and developments shall require a permit.

(b) Initiation. A developer may apply for an improvement permit or development permit by filing an application with the executive director.

(c) Types. There shall be two types of permits: improvement and development. Each type shall be subject to the decision-maker review and action pursuant to Figure 1.1 (approval requirements matrix), dated September 2012, made a part of this chapter, and attached at the end of this chapter:

(1) Improvement permits shall apply to improvement projects and are subject to executive director review and action; and

(2) Development permits shall apply to developments and are subject to authority review and action.

(d) Authority referral. The executive director may refer an improvement permit application to the authority for review and action. Where a design advisory board ("DAB") has been or will be convened, the DAB shall review the application and provide its non-binding recommendations to the authority.

(e) Required findings. Approval of an improvement or development permit shall require all the following findings of fact:

(1) KMP consistency. That the proposal complies with and advances the goals, policies and objectives of the KMP;

(2) Kalaeloa CDD rules compliance. That the proposed project complies with the Kalaeloa CDD rules; and

(3) Compatibility. That the proposal will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area.

(f) Conditions. In approving an improvement or development permit, the decision-maker may impose any reasonable conditions to ensure that the project complies with the findings required above. Any conditions attached to an improvement or development permit issued under any previously enacted zoning regulations, subdivision, or other administrative rules shall continue to apply and shall be enforceable as provided in section 15-215-90 (violations and enforcement). Such conditions may be waived by the decision-maker which originally imposed such condition(s) and where the developer agrees to waive and abandon all rights secured under the regulations formerly in effect.

(g) DAB. The executive director may convene a DAB prior to acting on an improvement permit application. Where an application has been referred to the authority for review and action or when reviewing a development permit application, the authority may convene a DAB whether or not the executive director has done so previously:

(1) Composition. The DAB shall be comprised of the Kalaeloa CDD's director of planning and development or designee, one member of the authority, and one or more technical consultants (e.g., architect, landscape architect, engineer) chosen by the executive director;

(2) Fee. The developer shall compensate the authority for all costs relating to the participation of technical consultants in the DAB. Prior to retaining technical consultants, the executive director shall consult with the developer on their fees and work scope; provided, however, that the executive director may accept or reject the developer's recommendations and/or comments

on the technical consultant to be retained at the executive director's sole discretion; and

(3) Purpose. The DAB shall provide only non-binding recommendations to the executive director or, in the case of referral under section 15-215-78 (improvement and development permits), to the authority.

[Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-79 Conditional use permit. (a) No inherent right exists to receive a conditional use permit. Every conditional use permit application or amendment shall, at a minimum, comply with every requirement contained in these rules. Mere compliance with the generally applicable requirements however may not be sufficient, and additional measures and conditions may be necessary to mitigate the impact of the proposed development.

(b) Applicability. Uses are as designated in Figure 1.7 (land use summary), dated September 2012, made a part of this chapter, and attached at the end of this chapter.

(c) Decision-maker. Conditional use permits are subject to authority review and action pursuant to Figure 1.1 (approval requirements matrix), dated September 2012, made a part of this chapter, and attached at the end of this chapter.

(d) Findings. Approval of a conditional use permit shall require all the following findings of fact:

(1) The use is allowed within the applicable zone and complies with all other applicable provisions of the rules;

(2) The use will conform to the KMP;

(3) The design, location, size and operating characteristics of the proposed use are compatible with the existing and future uses in the vicinity;

(4) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and

(5) Granting the permit would not be detrimental to the public health, safety, or welfare, or be materially injurious to persons, lots, or improvements in the vicinity and zone in which the lot is located.

(e) Conditions. In approving any conditional use permit, the authority may impose such reasonable standards, conditions, or requirements, as it may deem necessary to protect the public welfare and in order to ensure the approval will comply with the findings of this section. Such additional standards, conditions or requirements may include, but need not be limited to:

(1) Financing and availability of adequate public facilities or services;

(2) Dedication of land;

(3) Reservation of land;

(4) Payment of exactions;

(5) Impact fees;

(6) Creation of special assessment districts;

(7) Creation of restrictive covenants or easements;

(8) Special setbacks;

(9) Yard requirements;

(10) Increased screening or landscaping requirements;

(11) Area requirements;

(12) Development phasing;

(13) Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics; or

(14) Require that a performance guarantee - acceptable in form, content, and amount to the authority be posted by the developer to ensure continued compliance with all conditions and requirements as may be

specified. [Eff OCT 2 7 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-80 Conditional use of vacant land.

(a) The executive director may issue a conditional use of vacant land permit, provided that the following requirements are met:

(1) The proposed use is a permitted within the applicable transect zone except:

(A) Open or uncovered temporary parking at grade may be permitted in all transect zones; whether paved or unpaved; and

(B) Construction sites, special trade construction and storage yards may be permitted in all transect zones where a six-foot screening wall or fence is erected along all public rights-of-way;

(2) The maximum duration of the use is for a two-year period and the executive director may issue one extension of up to two years if the use was initially allowed;

(3) The density and height of any proposed temporary structure does not exceed the maximum density and height for the applicable transect zone;

(4) The project conforms to the setback and landscaping requirements of this chapter, except for project lots where a screening wall or fence not exceeding six feet in height is erected along all public right-of-way;

(5) The project conforms to the architectural standards of this chapter; and

(6) The proposed use in no way prevents or delays the future development of the lot.

(b) In addition to the design controls listed in this section, the executive director may impose additional conditions to ensure that the conditional use does not adversely affect adjacent lots and the appearance of the Kalaeloa CDD. [Eff OCT 2 7 2012]

(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-81 Variances. (a) Purpose. This section is intended to provide a mechanism for relief from the strict application of the rules where the strict application will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions. Economic or financial hardship alone is not sufficient justification for granting a variance.

(b) Applicability. All requirements of the rules are mandatory unless approval of variance is obtained, except as limited by this section.

(c) Types. There shall be two types of variances - minor and major. Each type shall be subject to the decision-maker review and action pursuant to Figure 1.1 (approval requirements matrix), dated September 2012, made a part of this chapter, and attached at the end of this chapter:

(1) Minor variances shall apply to projects on lots 40,000 square feet or less and are subject to executive director review and action; and

(2) Major variances shall apply to projects on lots over 40,000 square feet and are subject to authority review and action.

(d) Findings. Approval of a variance shall require all the following findings of fact:

(1) Uniqueness. That there are unique physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular lot; and that, as a result of such unique physical conditions, practical difficulties or unusual hardship arise in complying strictly with the standards of the rules;

(2) Self-created hardship. That the practical difficulties or unusual hardship claimed as

the basis for a variance has not been created by the owner or by a predecessor in title;

(3) Minimal deviation. That the variance, if granted, is the minimum deviation necessary to afford relief; and to this end, the decision-maker may permit a lesser variance than that applied for;

(4) Character of the transect. That the variance, if granted, will not alter the existing or planned character of the transect in which the lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare; and

(5) No adverse impact. The variance would result in development that is not detrimental to or that would adversely impact adjacent properties.

(e) Variances for buildings for civic uses. In addition to the findings required by this section, there must also be a finding that the building and use provides a public service dedicated to arts, culture, education, recreation, government, transit or public parking and is uniquely designed to feature as a prominent, architecturally significant contribution to the built environment such that deviation from the provisions of the rules is warranted in order to grant approval for a variance involving a new building or substantial modification to an existing building providing for a civic land use classification of Figure 1.7 (land use summary), dated September 2012, made a part of this chapter, and attached at the end of this chapter.

(f) Limitations. The following shall not be eligible for variance approval:

(1) Change of transect zone;

(2) Deletion of any thoroughfare identified in the thoroughfare plan; or

(3) Figure 1.12 (view corridors), dated September 2012, made a part of this chapter, and attached at the end of this chapter.

(g) Submittal requirements. Each variance application shall include, at a minimum, the following:

(1) A statement of the standard or standards that are the subject of the proposed variance;

(2) A textual description of the manner in which the developer proposes to deviate from such evaluation standard or standards;

(3) Plans drawn to scale, showing the nature, location, dimensions, and elevation of the structure, area or part thereof that is the subject of the proposed variance; including the development projects relationship to the surrounding context;

(4) A justification for the proposed variance in light of the requirements set forth above; and

(5) Any other information as may be required by the decision-maker.

(h) Conditions of approval. In approving a variance, the decision-maker may impose any reasonable conditions to ensure that the project complies with the section 15-215-81(d) (findings).

[Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-82 Master plan. (a) Purpose. The provisions of this section are intended to encourage investment in new development and commitment to the comprehensive planning of large land holdings. A further purpose of this section is to derive public benefits, such as reserved housing, public parking, off-site infrastructure and other public facilities from master plan developers, in exchange for greater development flexibility for a specified period.

(b) Applicability. Developers of project sites over twenty acres in T3 general urban, T4 urban center

and T5 urban center high intensity are eligible to apply for a master plan permit.

(c) Submittal requirements. Each master plan permit application shall include, at a minimum, the following:

(1) Plans and supporting information sufficient to clearly indicate the pattern and implications of development within the master plan area;

(2) Proposed development phasing and timeframe;

(3) Proposed number, location, type and size of reserved housing;

(4) Proposed public facility improvements;

(5) A thoroughfare plan that ensures adequate connectivity within the master plan area. The thoroughfare plan shall provide information on appropriate street types within the master plan area. Continuous street connections within the master plan area shall be provided at least every 1,200 feet; and

(6) Such other information as may be required by the executive director or authority.

(d) Findings. The authority shall make the following findings of fact in order to approve a master plan permit:

(1) That the master plan implements and is consistent with the KMP and Kalaeloa CDD rules; and

(2) That the master plan will either enhance or provide required public facilities, as provided for in section 15-215-64 (dedication of public facilities).

(e) Public facilities. All public facilities above those required by these rules and other administrative rules of the authority may be voluntarily offered by the master plan applicant.

(f) Effective period and time extension:

(1) A master plan may be granted an effective period of up to ten years; and

(2) The authority may authorize two time extension of five years each.

[Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-83 Completeness review. (a) Purpose. The purpose of the completeness review is to determine whether all required information is provided in a permit application. A completeness review shall not constitute a decision as to whether an application complies with the provisions of the rules.

(b) Applicability. This section applies to all permit applications provided for in these rules.

(c) Application materials. No application may be deemed complete unless all of the information required by forms published by the authority is included and all filing fees have been paid. The executive director shall ensure that application materials are made available in hardcopy format at the HCDA office and electronically via the internet.

(d) Jurisdiction. All applications shall be reviewed by the executive director for completeness. At the time of proposed filing and fee payment, the executive director may reject any application that omits information required by forms published by the HCDA. Once accepted for filing, the executive director's final determination on completeness of an application is appealable to the authority pursuant to section 15-215-86 (appeals).

(e) Commencement of time limit for application decision. Whenever the rules establish a time period for processing an application, such time period does not commence until the executive director has issued a certificate of completeness.

(f) Multiple permit approvals. When a proposed project requires more than one permit approval, the developer shall apply for all such permit approvals concurrently.

(g) Completeness review process:

(1) The executive director shall provide a written determination on the completeness review within forty-five business days of

receipt of the permit application, excluding all State holidays. If a permit is deemed complete, the executive director shall issue a certificate of completeness. If the application is determined not to be complete, the executive director's determination shall specify those parts of the application that are incomplete and shall indicate the manner in which they can be made complete, including a list and thorough description of the specific information needed to complete the application;

(2) If the application requires review by any other local, state, or federal agency or entity, the executive director may require the written comments from such agency or entity prior to deeming the application complete and until such time that the executive director receives all such comments, the forty-five day period shall be tolled;

(3) Upon receipt of any application that has been resubmitted, a new forty-five day period shall begin, during which period the executive director shall determine the completeness of the application;

(4) If the authority does not render a decision on the appeal within sixty working days after submittal of the requisite appeal form and filing fee, the application with the submitted materials shall be deemed complete for the purposes of this section; and

(5) Nothing in this section precludes a developer and the executive director from mutually agreeing to an extension of any time limit provided by this section.

(h) Time limits. A certificate of completeness is deemed issued if the executive director fails to act within the time period required for completeness review. In computing time periods of this section,

the day upon which the application was submitted is not to be included. Further, the last day is to be included unless it is not a business day, in which event the period runs until the next business day which is not a State holiday.

(i) Information requests. After the executive director issues a certificate of completeness or per this section, the executive director or authority may, in the course of processing the application, request the developer to clarify, amplify, correct, or otherwise supplement the information required for the application, if such would be required by the decision-maker to render a final determination on the merits. [Eff OCT 2 7 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-84 Automatic approvals. The following permits shall be deemed approved if a certificate of completeness has been issued and no decision is rendered within the following review periods:

(1) Rules clearance and conditional use of vacant land (sixty calendar days);
(2) Improvement Permit (ninety calendar days);
(3) Development permit (one hundred twenty calendar days);
(4) Conditional use permit (one hundred twenty calendar days);
(5) Variance (one hundred sixty calendar days); and
(6) Master plan (two hundred calendar days).

[Eff OCT 2 7 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-85 Effective period. (a) Rules clearance approvals shall have an effective period of one year.

(b) Improvement permits, development permits, conditional use of vacant land, conditional use permits and variance approvals shall have an effective

period of two years, unless extended under these rules.

(c) Master plan permits shall have an effective period of ten years, unless extended pursuant to section 15-215-82 (master plan).

(d) Prior to expiration and upon submittal of a written request and payment of the applicable filing fee, the executive director may authorize two time extensions of one year each for improvement permits. The authority may authorize two time extensions of one year each for development permits.

(e) In computing the effective period, the day upon which the approval was granted is not to be included. [Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-86 Appeals. (a) Decisions of the executive director rendered in the administration of the rules are appealable within thirty calendar days of the executive director's decision, as provided herein, to the authority.

(b) An appeal of an executive director decision shall be sustained by the authority only if it finds:

(1) The executive director's decision was based on an erroneous finding of material fact; or

(2) The executive director acted in an arbitrary or capricious manner or had manifestly abused his or her discretion.

(c) All appeals of a decision by the executive director shall be filed and processed in accordance with the authority's rules of practice and procedure. [Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7)(Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-87 Subsequent applications. If an improvement permit, development permit, conditional use of vacant land permit, conditional use permit, variance, or master plan permit is denied, a new application proposing substantially the same development for the same property shall not be filed

within six months after the final decision.
[Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-88 Minor changes. (a) After final approval of a rules clearance, improvement permit, development permit, conditional use of vacant land permit, conditional use permit, master plan permit or variance, the executive director may allow minor amendments to the application without submittal of a new or amended application when the requested amendment(s) does not:

(1) Increase the number of allowable dwelling units, allowable floor area, height, or any additional land-use disturbance;
(2) Introduce different land uses;
(3) Request larger land area;
(4) Request any variance;
(5) Allow any diminution in buffer or transition areas, reduction in landscaping, reduction of required yards, or any change in the design characteristics or materials used in construction of the structures; or
(6) Reduce or eliminate conditions attached to the subject development approval.

(b) Any other change requests which do not qualify under section 15-215-88 (minor changes) shall require the filing of a new application to be processed in accordance with this subchapter.
[Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-89 Nonconformities. (a) Applicability. This section applies to nonconformities, including their continuation, enlargement, or expansion. There are two categories of nonconformities: uses and structures.

(b) Continuation. A nonconformity that was lawfully operated, established, or commenced in accordance with the provisions of the applicable

statutes or regulations in effect at the time that it was established, but which is no longer permitted or authorized under these rules, may continue subject to the provisions of this section.

(c) Violation of rules. The failure to comply with the requirements of this section shall immediately disallow a nonconformity.

(d) Nonconforming uses:

(1) Continuance of nonconforming uses. The lawful use of any structure existing as of the effective date of the rules may be continued, although such use does not conform to the provisions of the rules. Such use may be extended throughout the structure, provided that no structural alterations or additions to the structure occur, except those made in conformance with the rules. A conforming structure in which a nonconforming use is operated shall not be enlarged or extended except as may be required by the rules; and

(2) Changes of nonconforming use:

(A) Any nonconforming use may be changed to a use conforming with the rules established for the transect zone in which the nonconforming use is located; provided, however, that a nonconforming use so changed shall not in the future be changed back to a nonconforming use;

(B) A nonconforming use may only be expanded under the provisions of section 15-215-89(f) (nonconformities); and

(C) If a nonconforming use is abandoned for twelve consecutive months, any future use of such premises shall be in conformity with the provisions of the rules. Abandonment of a nonconforming use shall terminate the right to continue the nonconformity.

(e) Nonconforming structures:

(1) Continuance of nonconforming structures. Subject to the provisions of section 15-215-89(b) (nonconformities) any nonconforming structure may be occupied, operated, and maintained in a state of good repair;

(2) Enlargement, conforming use. A nonconforming structure in which only permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all regulations established in subchapter 2 (regulating plan, transect zones and thoroughfare plan), subchapter 3 (general development standards) and subchapter 4 (district wide standards);

(3) Enlargement, nonconforming use. A nonconforming structure in which only nonconforming uses are operated may be enlarged or extended if:

(A) The enlargement or extension can be made in compliance with all provisions of subchapter 2 (regulating plan, transect zones and thoroughfare plan), subchapter 3 (general development standards) and subchapter 4 (district wide standards); and

(B) The requirements of section 15-215-89(f)(nonconformities) are met;

(4) Enlargement, limited up to twenty-five per cent of the floor area. A nonconforming structure may be altered or enlarged without compliance with all provisions of subchapter 2 (regulating plan, transect zones and thoroughfare plan), subchapter 3 (general development standards) and subchapter 4 (district wide standards), provided that:

(A) The floor area of the proposed construction does not exceed twenty-five per cent of the floor area of the structure as it legally existed on

OCT 2 7 2012, excluding proposed demolitions;

(B) The proposed construction does not encroach into a frontage area;

(C) The proposed construction does not affect neighboring properties;

(D) The parking requirements of this chapter are satisfied for the area proposed to be constructed; and

(E) The area created by the proposed construction is a permitted use;

(5) Damage to structures. The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure is damaged in any manner and from any cause whatsoever, and the cost of repairing such damage exceeds fifty per cent of the replacement cost of such structure on the date of such damage. In determining the replacement cost of any nonconforming structure, the cost of land or any factors other than the nonconforming structure itself shall not be included. The executive director shall require the submission of sufficient evidence to verify the cost of repairing such structure and the final determination of replacement cost shall be made by the executive director. A nonconforming single-family dwelling unit that is destroyed or damaged more than fifty per cent of the replacement cost may be rebuilt, provided that a permit is issued within one year of the date of such damage or destruction. The executive director shall require the submission of sufficient evidence to verify the date of damage or destruction; and

(6) Exception for repairs pursuant to public order. Nothing in this subsection shall be deemed to prevent the strengthening or restoration to a safe condition of a

building or structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this subsection prohibiting the repair or restoration of partially damaged or destroyed buildings or structures.

(f) Expansion of nonconformities:

(1) Applicability. No nonconforming use or structure shall expand more than twenty-five per cent of the floor area of the structure, exclusive of any proposed demolition, as it legally existed on OCT 2 7 2012 unless a conditional use permit has been granted as set forth in section 15-217-81 (conditional use permit); and

(2) Evaluation criteria. In addition to the criteria required to be met for a section 15-215-79 (conditional use permit), the following criteria shall apply to the issuance of a conditional use permit for the expansion of a nonconforming use or structure:

(A) The termination of such nonconformity will result in unnecessary hardship;

(B) The expansion of the nonconformity will not be contrary to the public interest;

(C) The expansion of the nonconformity will not substantially or permanently injure the appropriate use of adjacent conforming property;

(D) The use is consistent with the spirit and purpose of these regulations and the KMP and goals, objectives, and policies;

(E) The plight of the developer for which the expansion of the nonconformity is sought is due to unique circumstances

existing on the property and within the surrounding area;

(F) The expansion of the nonconformity will not substantially weaken the general purposes of this section or the regulations established in this section for the applicable transect zone;

(G) The expansion of the nonconformity will not adversely affect the public health, safety, and welfare; and

(H) Nonconforming parking and loading may be continued, subject to the following provisions:

(i) If there is a change in use which has a greater parking or loading requirement than the former use, additional parking and loading shall be required and shall not be less than the difference between the requirements for the former use and the proposed use; and

(ii) Off-street parking and loading requirements of this section shall be satisfied for additional floor area constructed.

[Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-90 Violations and enforcement. All provisions relating to violations of these rules and enforcement of said violations are provided in the Hawaii community development authority's rules of practice and procedures. [Eff OCT 27 2012] (Auth: HRS §§206E-4, 206E-22) (Imp: HRS §206E-22)

§15-215-91 Fee schedule. The following fee schedule shall be applicable to all permits, rule clearance, and public hearings.

Rule Clearance	$20.00
Improvement Permit	Cost: Project Size: $20 up to 1,000 s.f. $100 1,001-10,000 s.f. $500 10,001-30,000 s.f. $1,000 > 30,000 s.f.
Development Permit	$6,400 plus the cost of public hearing
Master Plan Permit	$10,000 plus the cost of public hearing
Variance	$500 plus the cost of public hearing

[Eff OCT 2 7 2012] (Auth: HRS §§206E-4, 206E-22) (Imp: HRS §206E-22)

§§15-215-92 to 15-215-110 (Reserved).

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM

Repeal of chapter 15-200 and adoption of chapter 15-215, Hawaii Administrative Rules, on the Summary Page dated September 11, 2012, were adopted on September 11, 2012, following public hearings held on May 18, 2011, August 16, 2012, and September 11, 2012, after public hearing notices were given in the Honolulu Star Advertiser, Hawaii Tribune-Herald, The Maui News, West Hawaii Today, and The Garden Island, on April 16, 2011 and July 16, 2012.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

ANTHONY J. H. CHING
Executive Director
Hawaii Community Development Authority

for Mary Alice Evans

RICHARD C. LIM
Director
Department of Business, Economic Development, and Tourism

APPROVED AS TO FORM:

Deputy Attorney General

'12 OCT 17 A11:34
LIEUTENANT GOVERNOR'S OFFICE

NEIL ABERCROMBIE
Governor
State of Hawaii

Date: 10-16-12

Filed

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FIGURE 1.1 APPROVAL REQUIREMENTS MATRIX

Development Approvals	Decision - Maker	
	Executive Director	Authority
Rules Clearance	D	A
Improvement Permit	D	A
Development Permit	R	D
Conditional Use Permit	R	D
Conditional Use of Vacant Land	D	A
Master Plan	R	D
Minor Variance	D	A
Major Variance	R	D

R = Provides Recommendation to Authority

D = Renders Decision on Development Approval Application

A = Considers Appeal of Director Decision

FIGURE 1.2 REGULATING PLAN

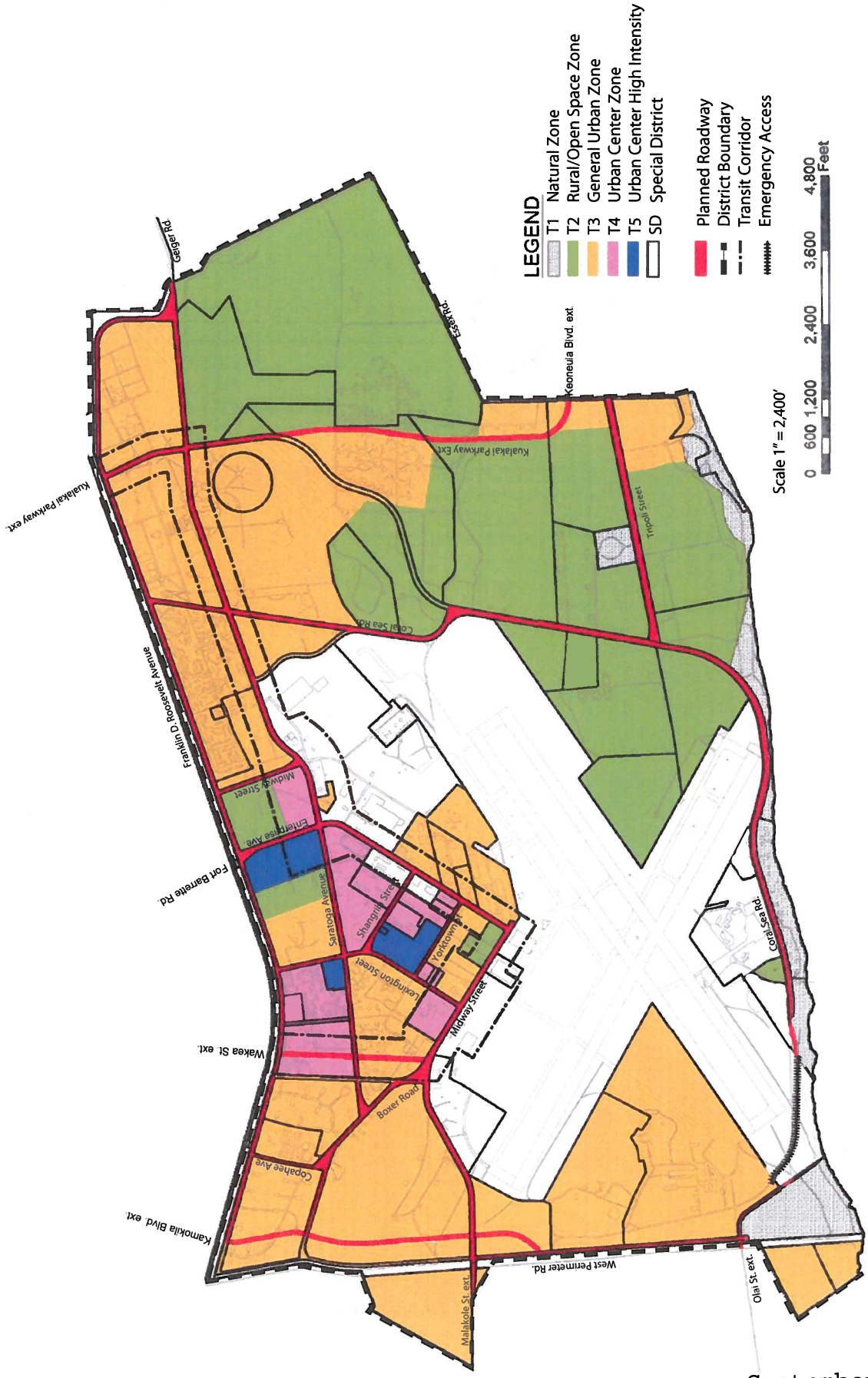

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FIGURE 1.3 DEVELOPMENT STANDARDS SUMMARY

	T 1 Natural	T 2 Rural/ Open Space	T 3 General Urban	T 4 Urban Center	T 5 UC -High Intensity	SD Special District
A. BUILDING TYPES	*See Figure BT.1-BT.9 for details on each type*					
Front Yard House	■	■	■	■	X	X
Side Yard House	X	■	■	■	X	X
Townhouse	X	X	■	■	■	X
Duplex, Triplex, Quadplex	X	X	■	■	■	X
Flex-loft	X	X	■	■	■	X
Industrial	X	■	■	■	■	■
Courtyard	X	X	■	■	■	X
Urban Block	X	X	■	■	■	■
Lei Building	X	X	■	■	■	■
B. FRONTAGE TYPES	*See Figure 1.6 for details on each type*					
Common Yard	■	■	■	X	X	X
Porch & Fence	■	■	■	X	X	X
Terrace or Lightwell	X	X	■	■	X	X
Forecourt	X	X	■	■	■	■
Stoop	X	X	■	■	■	■
Shopfront	X	X	■	■	■	■
Gallery	X	X	■	■	■	■
Arcade	X	X	X	■	■	■
C. BUILDING PLACEMENT	*See Figure 1.8*					
Frontage Occupancy at Build to Line	N/S	N/S	50% min	60% min	75% min	N/S
Setback:						
Front Yard	N/A	5'-15'	5'-15'	5'-15'	5'-15'	5'-15'
Side Yard	0'	0'	0'	0'	0'	0'
Rear Yard	0'	0'	0'	0'	0'	0'
D. BUILDING FORM						
Maximum Height	14'	28'	60'	75'	90'	120'
Maximum Height - Accessory Building	N/S	14'	28'	28'	N/S	N/S
Maximum Density:						
Residential/Lodging	N/S	N/S	10 units /ac min. 20 units/ac max.	20 units /ac min. 40 units/ac max.	40 units /ac min. 60 units/ac max.	N/S
Commercial/Retail	250 s.f per acre	500 s.f per acre	10,000 s.f/ac min. 20,000 s.f /ac max.	20,000 s.f/ac min. 40,000 s.f./ac max.	40,000 s.f/ac min. 60,000 s.f./ac max.	N/S
Industrial/Transportation	250 s.f per acre	500 s.f per acre	20,000 s.f per acre	10,000 s.f per acre	5,000 s.f per acre	N/S
Civic/Education	250 s.f per acre	1000 s.f per acre	20,000 s.f per acre	10,000 s.f per acre	5,000 s.f per acre	N/S
Sustainability	N/S	1000 s.f per acre	20,000 s.f per acre	10,000 s.f per acre	5,000 s.f per acre	N/S

■ Permitted X Not Permitted N/S Not Specified

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FIGURE 1.4 THOROUGHFARE PLAN

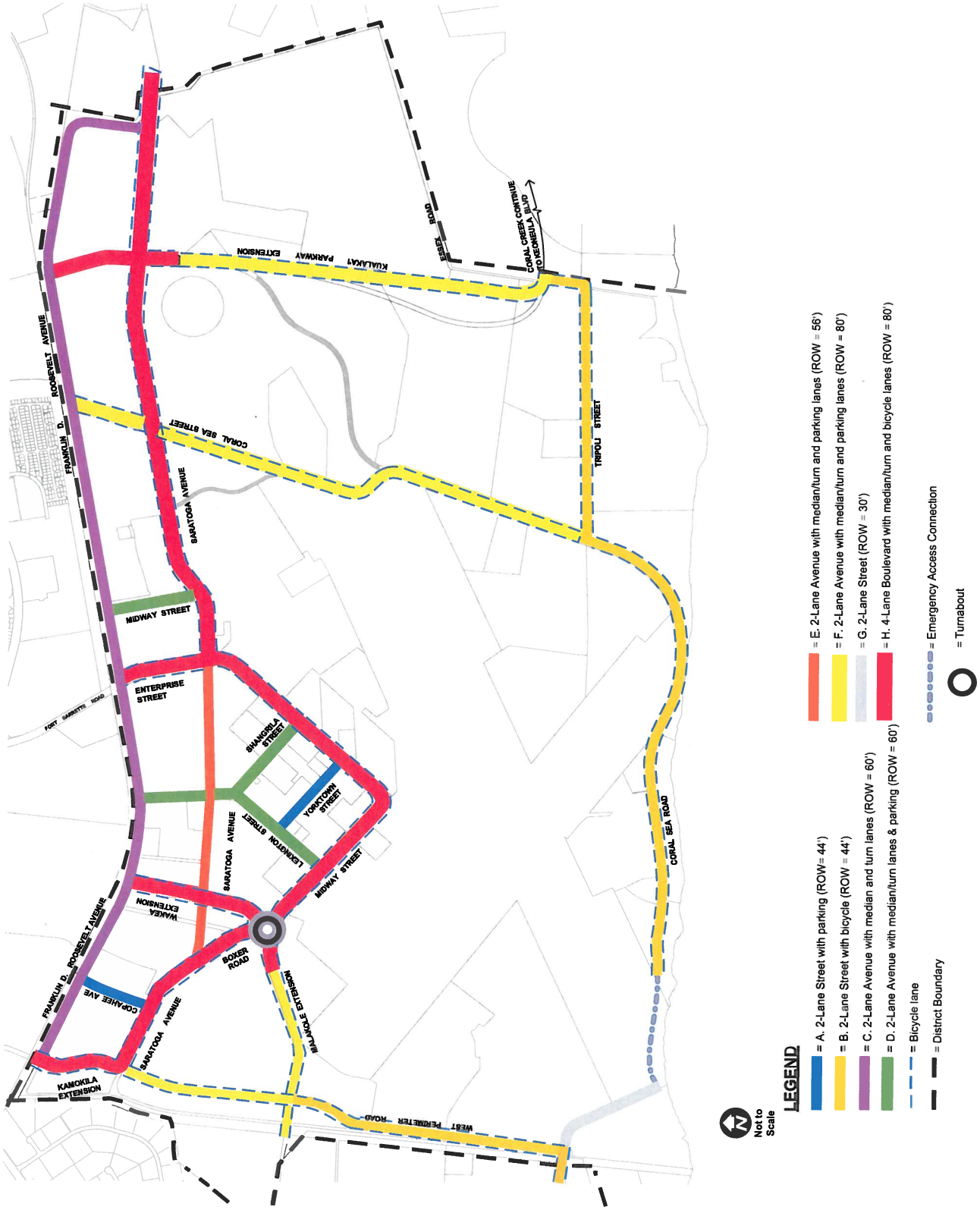

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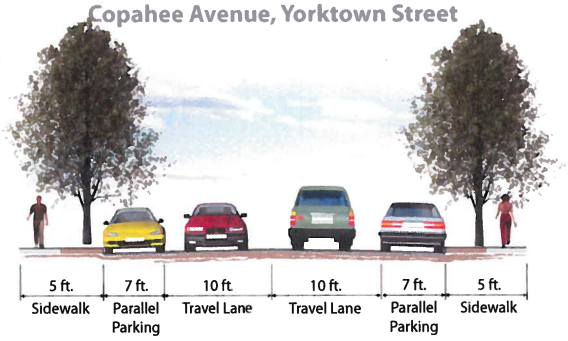
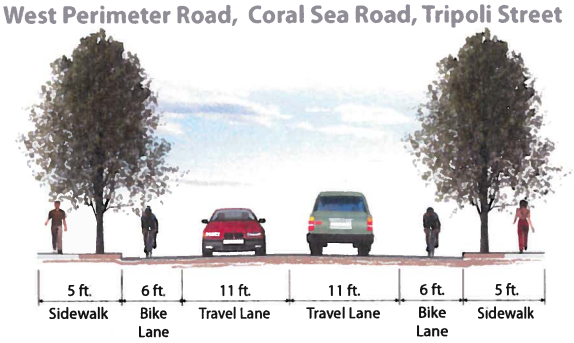
FIGURE 1.4A THOROUGHFARE SECTIONS

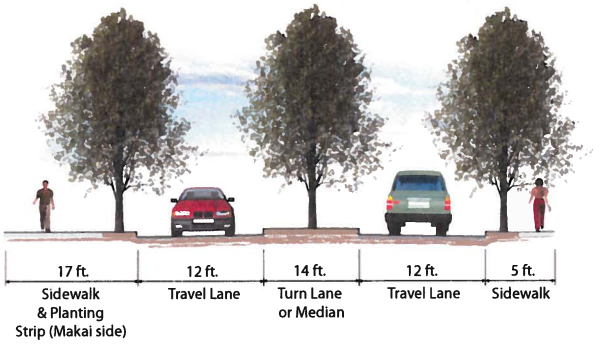
A. 2-Lane Street and Parking Lanes (ROW = 44')
Copahee Avenue, Yorktown Street



B. 2-Lane Street and Bicycle Lanes (ROW = 44')
West Perimeter Road, Coral Sea Road, Tripoli Street



C. 2-Lane Avenue with Median/Turn Lane (ROW = 60')
Franklin D. Roosevelt Avenue



D. 2-Lane Boulevard with Median/Turn Lane and Parking Lanes (ROW = 60')
Lexington Street, Shangrila Street, Midway Street

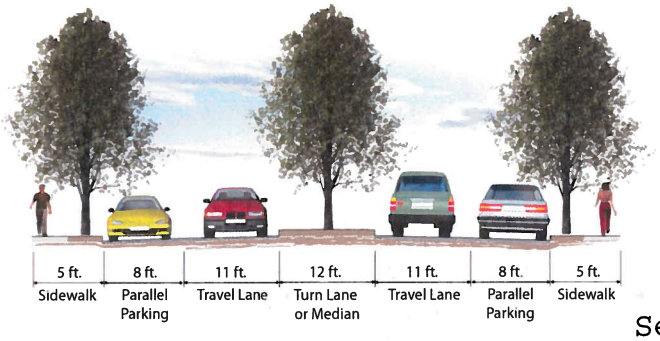


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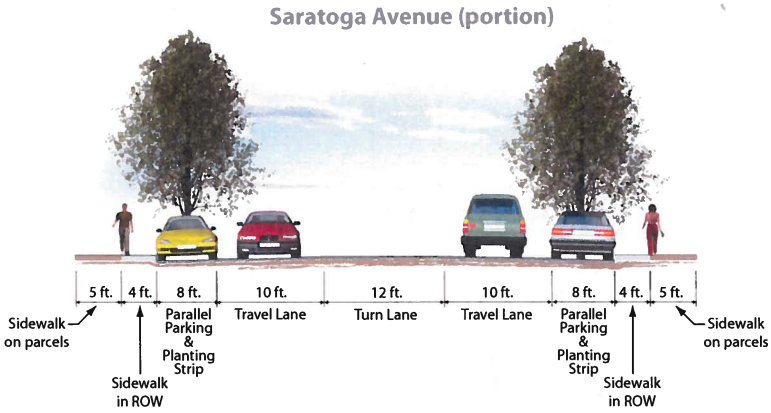
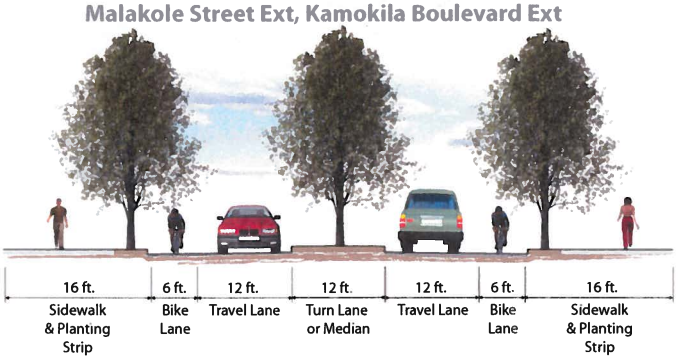
FIGURE 1.4B THOROUGHFARE SECTIONS

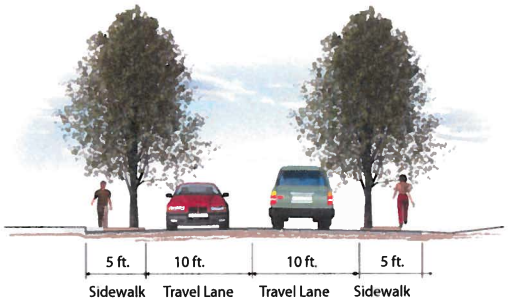
E. 2-Lane Avenue with Median/Turn Lane and Parking Lanes
(ROW = 56', Street width = 66')
Saratoga Avenue (portion)



F. 2-Lane Avenue with Median/Turn Lane and Bicycle Lanes
Kualakai Parkway (ROW = 80')
Coral Sea Road (ROW = 60' with 6 foot sidewalk),
Malakole Street Ext, Kamokila Boulevard Ext



G. 2-Lane Street (ROW = 30')



H. 4-Lane Boulevard with Median/Turn Lane and Bicycle Lanes (ROW = 80')
Kamokila Boulevard (por), Wakea Ext, Kualakai Parkway (por), Enterprise Avenue, Saratoga Avenue
Boxer Road, Malakole Boulevard (por), Midway Street (E-W)

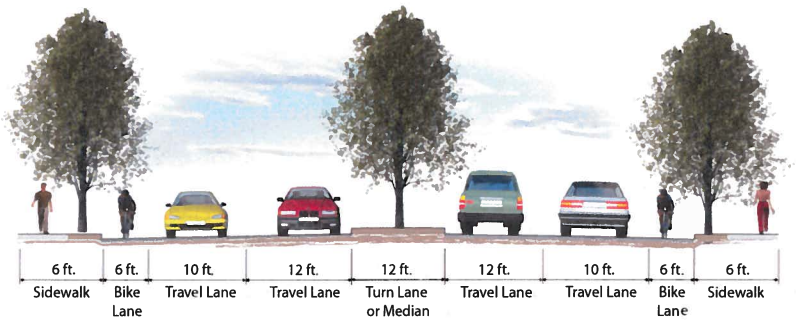


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FIGURE 1.5 STREET TREE CHART

Thoroughfare:	Roadway Type	Tree	Spacing
Saratoga Avenue	Boulevard	Monkey Pod *(Samanea saman)*	60 ft on center/ 10 ft planting strip
Wakea Extension	Boulevard	Monkey Pod *(Samanea saman)*	60 ft on center/ 10 ft planting strip
Franklin D. Roosevelt Avenue	Avenue	Rainbow Shower *(Cassia x nealiae)* and Silver Trumpet *(Tabebuia aurea)*	45 ft on center/ 5 ft planting strip
Midway Street	Boulevard	Rainbow Shower *(Cassia x nealiae)* and Silver Trumpet *(Tabebuia aurea)*	45 ft on center/ 5 ft planting strip
Malakole Extension	Avenue	Rainbow Shower *(Cassia x nealiae)* and Silver Trumpet *(Tabebuia aurea)*	45 ft on center/ 5 ft planting strip
Enterprise Avenue	Boulevard	Coconut *(Cocos nucifera)* and Loulu Palm *(Pritchardia schattaurei)*	3 per 50 ft of frontage/ 5 ft planting strip
Lexington Street	Avenue	Coconut *(Cocos nucifera)* and Loulu Palm *(Pritchardia schattaurei)*	3 per 50 ft of frontage/ 5 ft planting strip
Kualakai Parkway Ext	Avenue	Coconut *(Cocos nucifera)* and Loulu Palm *(Pritchardia schattaurei)*	3 per 50 ft of frontage/ 5 ft planting strip
Kamokila Boulevard Ext	Boulevard	Coconut *(Cocos nucifera)* and Loulu Palm *(Pritchardia schattaurei)*	3 per 50 ft of frontage/ 5 ft planting strip

Notes:

- Projects within the Kalaeloa CDD should utilize existing street trees where possible.
- Trees listed on the Preferred Plant Species (Figure 1.10) shall be used for all other streets not specified in Figure 1.5.
- Existing trees that are unique to the Kalaeloa CDD are encouraged to be incorporated into the landscape plan.

FIGURE 1.6 FRONTAGE TYPES

a. **Common Yard:** A planted frontage where the facade is set back substantially from the frontage line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep setback provides a buffer from the higher speed thoroughfares.

b. **Porch & Fence:** A planted frontage where the facade is set back from the frontage line with an attached porch that is permitted to encroach. A fence at the frontage line maintains street spatial definition. Porches shall be no less than 8 feet deep.

c. **Terrace or Lightwell:** A frontage where the facade is set back from the frontage line by an elevated terrace or a sunken light well. This frontage type buffers residential use from urban sidewalks and removes the private yard from public encroachment. Terraces are suitable for conversion to outdoor cafes.

d. **Forecourt:** A frontage where a portion of the facade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.

e. **Stoop:** A frontage where the facade is aligned close to the frontage line with the first story elevated from the sidewalk to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground floor residential use.

f. **Shopfront:** A frontage where the facade is aligned close to the frontage line with the building entrance at sidewalk grade. This frontage is conventional for retail use. It has a substantial glazing on the sidewalk level.

g. **Gallery:** A frontage where the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than 10 ft. wide and should overlap the sidewalk to within 2 feet of the curb.

h. **Arcade:** A colonnade supporting habitable space that overlaps the sidewalk, while the arcade at sidewalk level remains at or behind the frontage line. This type is conventional for retail use. The arcade shall be no less than 12 feet wide and should overlap the sidewalk to within 2 feet of the curb.

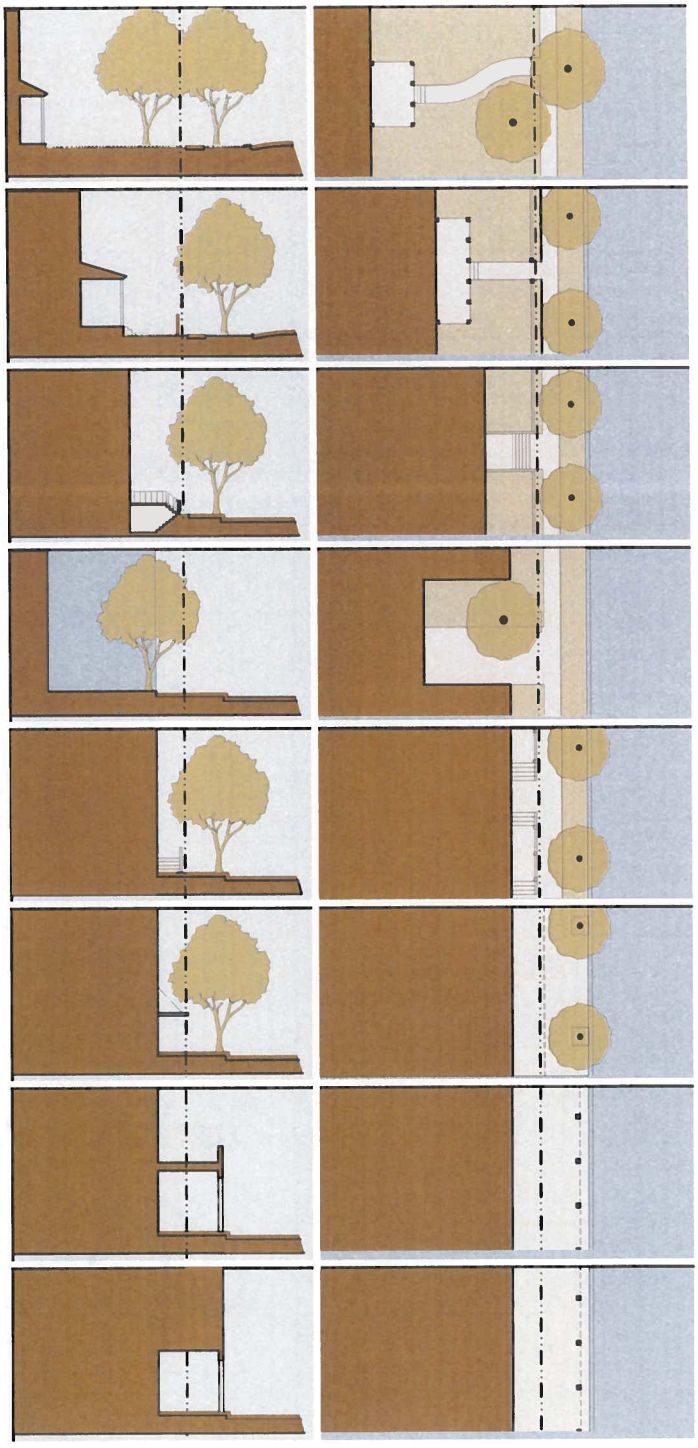


FIGURE 1.7 LAND USE

		T 1 Natural	T 2 Rural/ Open Space	T 3 General Urban	T 4 Urban Center	T 5 UC -High Intensity	SD Special District
A.	Residential						
	Single Family	-	-	P	P	-	-
	Multi-family	-	-	P	P	P	-
	Mobile Home Park	-	-	CU	CU	-	-
	Group Home	-	-	P	P	P	-
	Home Occupation	-	-	P	P	P	-
B.	Lodging						
	Hotel or Motel	-	-	P	P	P	-
	Bed and Breakfast	-	-	P	P	P	-
C.	Office						
	Administrative	-	-	P	P	P	CU
D.	Goods and Services						
	Artisan or Craft Production	-	-	P	P	P	-
	Automobile Rental or Sales	-	-	CU	-	-	-
	Dance-Night Club	-	-	P	P	P	-
	Gas Station	-	-	P	-	-	-
	Indoor Recreation	-	-	P	P	P	-
	Kennel and Veterinary Care	-	-	P	P	P	-
	Live-Work	-	-	P	P	P	-
	Outdoor Recreation (on lots < .25 acres)	-	CU	P	P	-	P
	Outdoor Recreation (on lots > .25 acres)	-	CU	CU	-	-	P
	Personal Service	-	-	P	P	P	P
	Restaurant and Bars	-	-	P	P	P	P
	Retail Sales	-	-	P	P	P	P
E.	Civic						
	Arenas and Sports Facilities	-	CU	P	CU	-	-
	Conference Centers	CU	P	P	P	P	P
	Cultural Facilities	CU	P	P	P	P	P
	Detention Facility	-	-	CU	-	-	CU
	Park and Recreation	P	P	P	P	-	P
	Public Building	CU	P	P	P	P	P
	Raceway Track	-	-	CU	-	-	-
	Religious Facility	-	CU	P	P	CU	P
	Theater	-	-	P	P	P	P
F.	Civic Support						
	Consulates	-	CU	P	P	P	P
	Hospital	-	CU	P	P	P	P
	Medical and Dental Clinic	-	-	P	P	P	P
G.	Educational						
	Day Care Center	-	-	P	P	P	-
	Educational Facilities	-	-	P	P	P	P
	Vocational School	-	-	P	P	P	P
H.	Industrial						
	E-cycling	-	-	P	CU	-	P
	Freight or Base Yards	-	-	P	-	-	P
	Laundry	-	-	P	P	-	-
	Light Industrial	-	P	P	P	P	P
	Outdoor Storage	-	-	CU	CU	-	P
	Research and Development	-	CU	P	P	P	P
	Self-storage Facility	-	-	P	CU	-	-
	Warehousing	-	-	P	P	-	P
I.	Transportation						
	Airport and Aircraft Transportation	-	-	CU	-	-	P
	Limousine and Taxi Facility	-	-	CU	-	-	-
J.	Sustainability						
	Agriculture	CU	P	CU	-	-	CU
	Farmer's Market	CU	P	P	P	P	-
	Recycling Collection Facility	-	P	P	-	-	CU
	Solar Farm	-	P	CU	-	-	CU
	Wind Farm	-	CU	-	-	-	CU

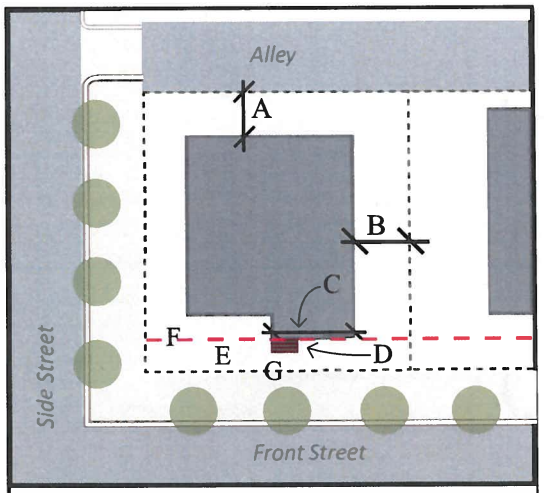
(-) = Not Permitted

(P) = Permitted By Right

(CU) = Requires Conditional Use Permit

FIGURE 1.8 BUILDING PLACEMENT AND ENCROACHMENT

1.8-A Illustrative Building Placement Diagram for Building Types: Front Yard House; Side Yard House; Duplex, Triplex, Quadplex, Townhouse, and Flex/Loft.



A: Rear setback and rear yard

B: Side setback

C: Frontage occupancy

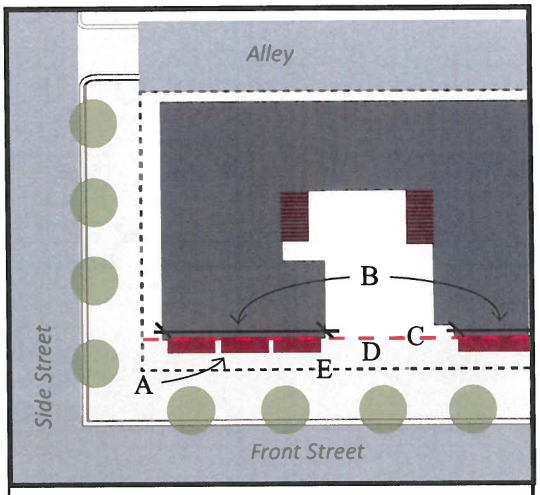
D: Encroachment beyond build to line (e.g. Stoop)

E: Front yard

F: Build to line

G: Lot/frontage line

1.8-B Illustrative Building Placement Diagram for Building Types: Courtyard; Urban Block; and Lei Building.



A: Encroachment beyond build to line (e.g. Awnings)

B: Frontage occupancy at build to line

C: Build to line

D: Extension of pedestrian zone into front setback

E: Lot/frontage line

1.8-C Encroachments

FRONT ENCROACHMENTS	MIN VERTICAL CLEAR	MAX HORIZONTAL CLEAR
Awnings	16'	No more than 10' or 66 % of the distance from the building face to the curb, whichever is less.
Signage	12'	No more than 4' or 33 % of the distance from the building face to the curb, whichever is less.
Gallery / Arcade / Shopfront	16'	Within 2' of curb (must contain ground floor retail).
Bay Windows and Architectural Features	21'	8' from building face, but not to extend over the lot line.
Balconies / Porches	21'	8' from building face, but not to extend over the lot line.
SIDE AND REAR ENCROACHMENTS	**MIN VERTICAL CLEAR**	**MAX HORIZONTAL CLEAR**
Balconies, Decks, and Architectural Features	12' (When above Ground Floor)	10' from lot line

FIGURE 1.9 PARKING

1.9-A Shared Parking Ratio Chart

Building Function		Building Function
Residential		Residential
Office		Office
Retail		Retail

	Residential	Office	Retail
Residential	1	.72	.72
Office	.83	1	.83
Retail	.83	.83	1

Multiply the sum of the required parking spaces for each use, by the multiplier in the table (left) to get the new required parking amount.

1.9-B Parking Placement Diagram for T-3 General Urban, T4 Urban Cener and T5 Urban Center High Intensity

PARKING PROVISIONS

1. Parking spaces shall be provided within the 3rd layer as shown in the diagram.
2. Trash containers shall be stored within the 3rd layer.

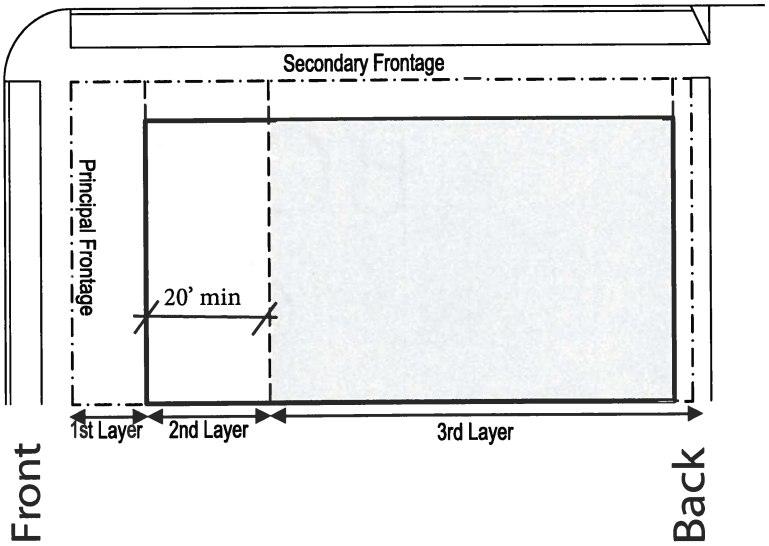


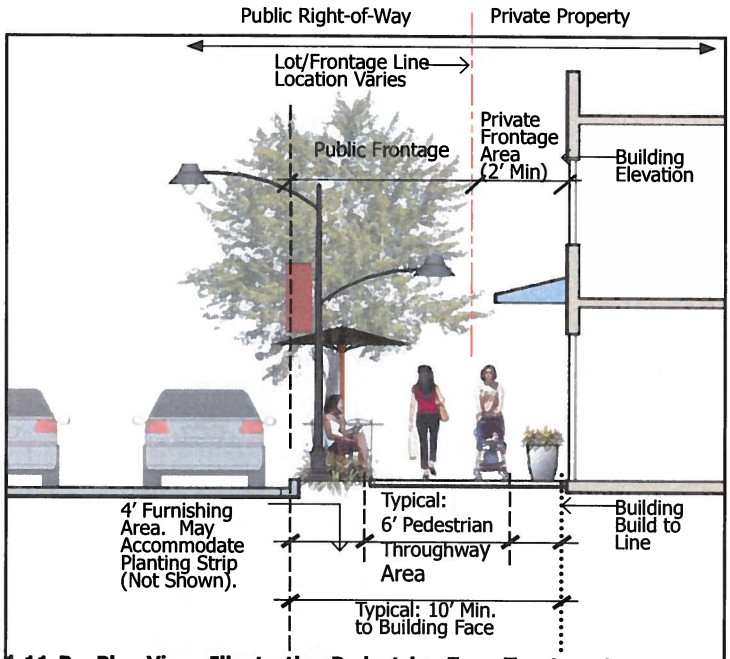
FIGURE 1.10 PREFERRED PLANT SPECIES

Type	Location	Species
Large trees	Parks and open spaces	Benjamin Banyan *Ficus benjamina* Monkeypod Tree *Samanea saman* Gold Tree *Tabebuia donnell-smithii*
Small and medium trees	Interior roads and streets; as highlight species within all parks and open spaces.	Autograph Tree *Clusia rosea* Beach Heliotrope *Tournefortia argentea* Buttonwood *Conocarpus erectus* Hala *Pandanus tectorius* Kamani *Calophyllum inophyllum* Kolomona *Senna surattensis* Kou Haole Tree *Cordia sebestena* Kou Tree *Cordia subcordata* Milo *Thespesia populnea* Naio *Myoporum sandwicense* Plumeria *Plumeria spp* Rainbow Shower Tree *Cassia fistula x javanic* Royal Poinciana *Delonix regia* Silver Trumpet Tree *Tabebuia argentea* 'Ulu *Artocarpus altilis (Parkinson) Fosberg*
Palms	As a highlight species at intersections, small open spaces, and building entries; as a highlight species within all parks an open spaces.	Blue Latan Palm *Latania loddigesii* Cabbage Palm *Sabal palmetto* Chinese Fan Palm *Livistona chinensis* Coconut Palm *Cocos nucifera* Date Palm *Phoenix dactylifera* Loulu Palm *Pitchardia spp.* Triangle Palm *Neodypsis decaryi*
Shrubs and groundcovers	Along roadways, median, intersections, and entry drives.	'A'ali'i *Dodonaea viscose* 'Akia *Wikstroemia uva-ursi* Hau *Hibiscus tiliaceus* Akoko *Chamaesyce skottsbergii* Ewa hina hina *Achyranthes splendens* Hinahina *Heliotropum anomalum* 'Ilima *Sida fallax* Maiapilo *Capparis sandwichiana* Naupaka *Scaevola sericea* Pohinahina *Vitex rotundifolia*

December 2008
Photo credit: Forest and Kim Starr.

FIGURE 1.11 PEDESTRIAN ZONE TREATMENT

1.11-A Section View, Illustrative Pedestrian Zone Treatment for T3 General Urban, T4 Urban Center and T5 Urban Center High Intensity: Typical Condition, Guideline Only



1.11-B Plan View, Illustrative Pedestrian Zone Treatment

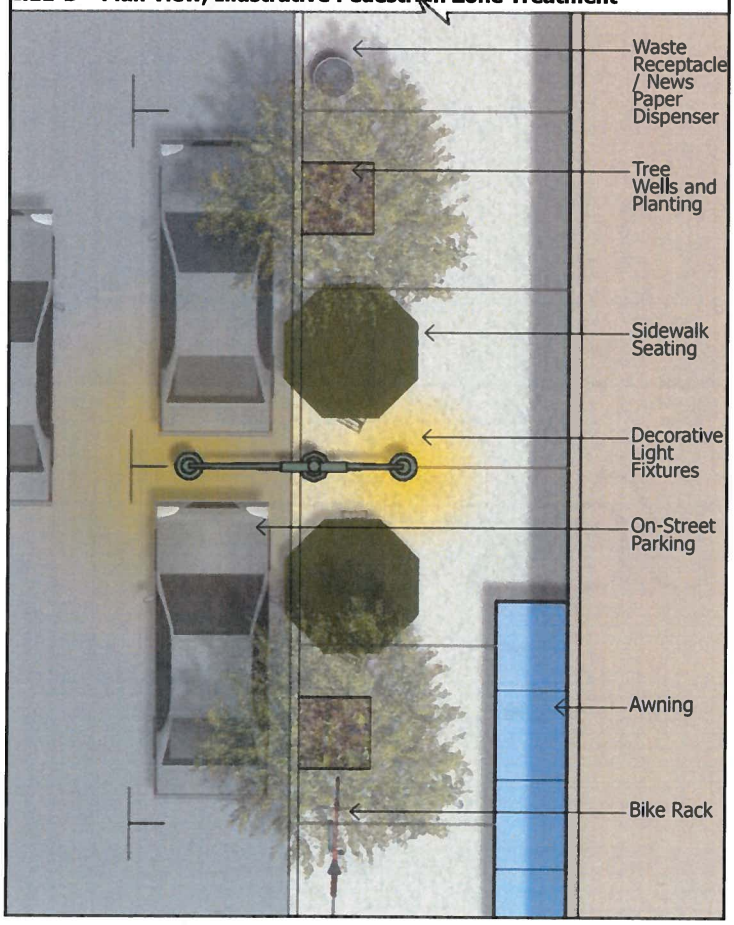


FIGURE 1.12 VIEW CORRIDORS

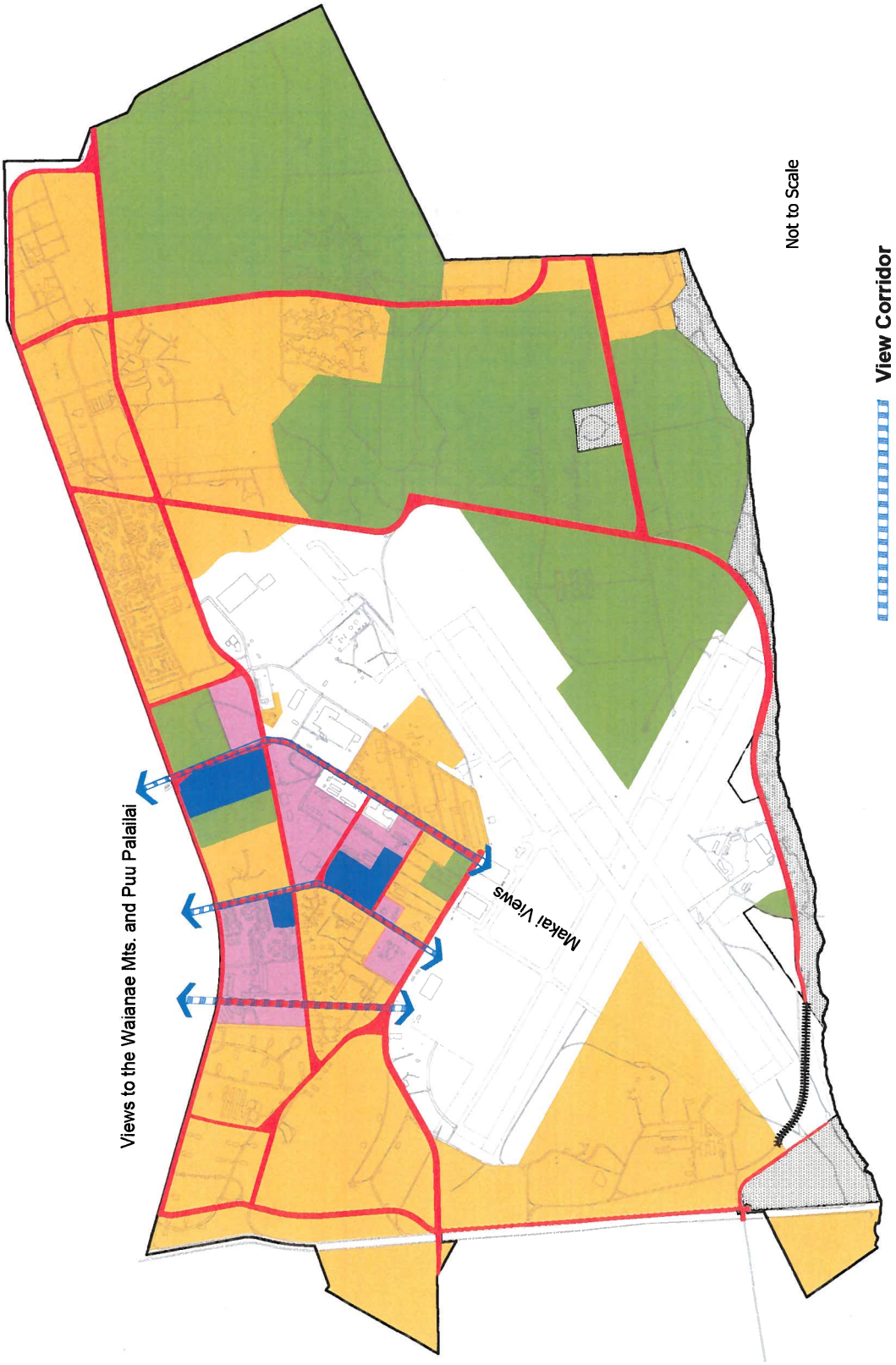


FIGURE BT.1

FRONT YARD HOUSE

A. Pedestrian Access

1. The principal entrance to the principal building shall be directly from the street, through the front yard.
2. The principal entrance to the accessory dwelling shall be accessible directly from a frontage line, through the side yard setback of the principal building or from an alley.

B. Parking Design and Location

1. Parking shall be located in the third layer (See Figure 1.9-B).
2. Parking access shall be as per Section 15-215-47, Parking and Loading.

C. Open Space

1. Open space shall maintain a minimum 20 foot dimension on any one side.
2. At least 20% of the lot area shall be provided as open space. One third of this requirement shall be provided at grade.

D. Frontage

1. Permissible frontage types are: Common Yard, Porch and Fence, and Stoop.

E. Building Massing for Principal Building

1. Principal buildings shall be composed of one and/or two stories.
2. Maximum floor plate ratios for the principal building shall be as follows:

Table BT.1-1

Stories	Ratio of Each Story Allowed	
	1st Story	2nd Story
1 Story	100%	-
2 Story	100%	100%

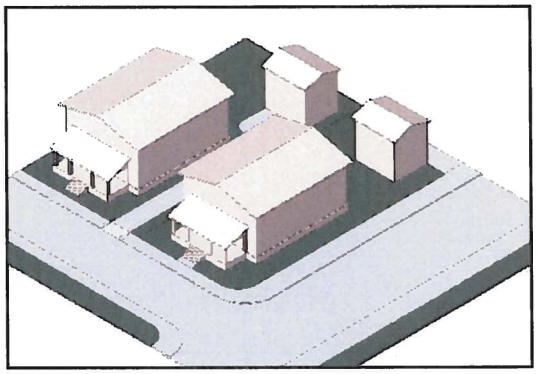
F. Building Massing for Accessory Dwelling

1. Accessory dwellings located above garages shall be limited to one story above the garage with a 12 foot maximum floor to floor height.
2. Accessory dwellings located at grade shall be limited to one story with a 12 foot maximum floor to floor height.
3. Accessory dwellings shall not exceed 50% of the principal building's floor area.
4. Maximum floor plate ratios are as follows:

Table BT.1-2

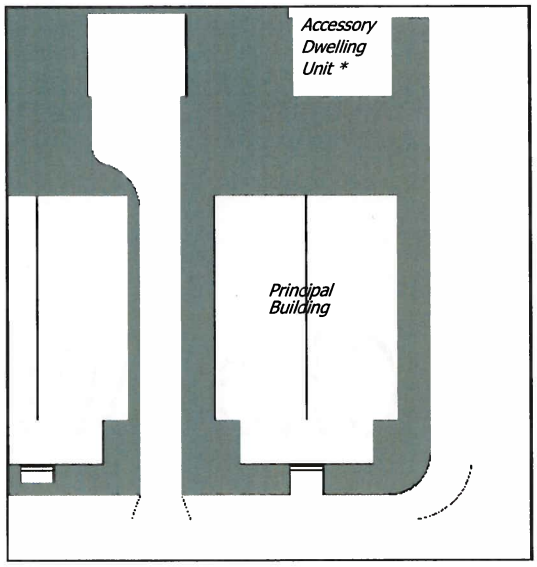
Stories	Ratio of Each Story Allowed
	1st Story
1 Story	100%
2 Story (above garage)	100%

AXONOMETRIC VIEW



For Illustrative Purposes Only

PLAN VIEW



For Illustrative Purposes Only

FIGURE BT.2

SIDE YARD HOUSE

A. Pedestrian Access

1. The entrance shall be directly from the street, through the side yard, along the elevation facing the side lot line.

B. Parking Design and Location

1. Parking shall be located in the third layer (See Figure 1.9-B).
2. Parking access shall be as per Section 15-215-47, Parking and Loading.
3. If driveway is along the side yard, the driveway should have a permeable surface such as pavers.

C. Open Space

1. Open space shall be located along the side yard with an area of no less than 20% of the lot. The open space shall maintain a minimum 20 foot dimension.

D. Frontage

1. Building facades shall have a minimum fenestration of 15% in order to prevent blank walls facing the street.
2. Permissible frontage types are: Common Yard, Porch and Fence and Stoop.

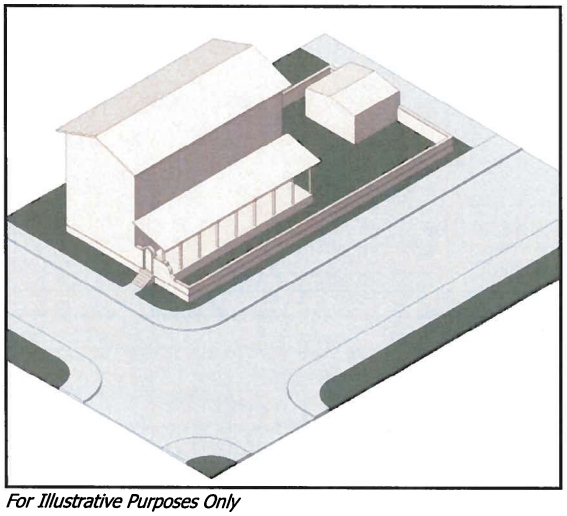
E. Building Massing

1. Maximum floor plate ratios shall be as follows:

Table BT.2-1

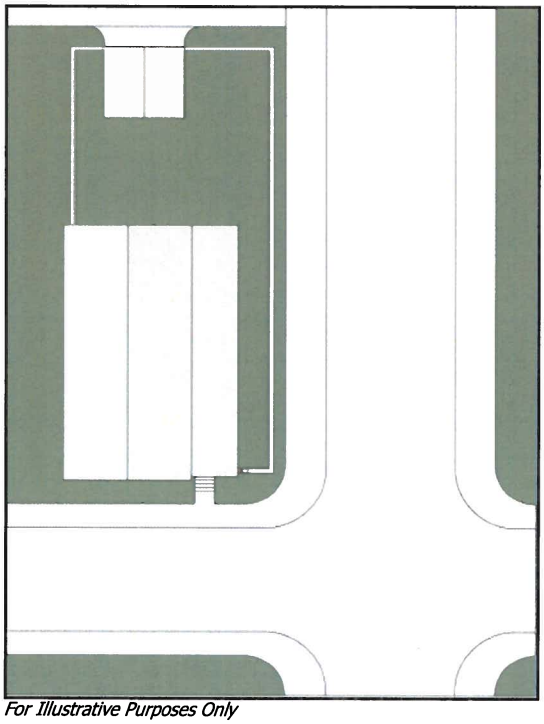
Stories	Ratio of Each Story Allowed		
	1st Story	2nd Story	3rd Story
1 Story	100%	-	
2 Story	100%	100%	
3 Story	100%	100%	100%

Axonometric View



For Illustrative Purposes Only

Plan View



For Illustrative Purposes Only

FIGURE BT.3

TOWNHOUSE

A. Facade Width

1. Maximum of 26 feet for each townhouse, except that the facade of a townhouse on block corners may be up to 40 feet.
2. The maximum number of attached townhouses allowed is ten townhouses per string.

B. Pedestrian Access

1. The principal entrance shall be directly accessible from the street through the frontage line.

C. Parking Design and Location

1. Parking shall be located in the third layer (See Figure 1.9-B).
2. Garages shall be integrated into the back of the townhouse.
3. Parking shall be as per Section 15-215-47, Parking and Loading.

D. Open Space

1. At least 20% of the lot area shall be provided as open space. One third of this requirement shall be provided at grade.
2. The open space may be located on patios, decks, and/ or on a roof garden.
3. Private patios and balconies are allowed in any yard.

E. Frontage

1. Permissible frontage types are: Porch and Fence, Terrace or Lightwell, and Stoop.

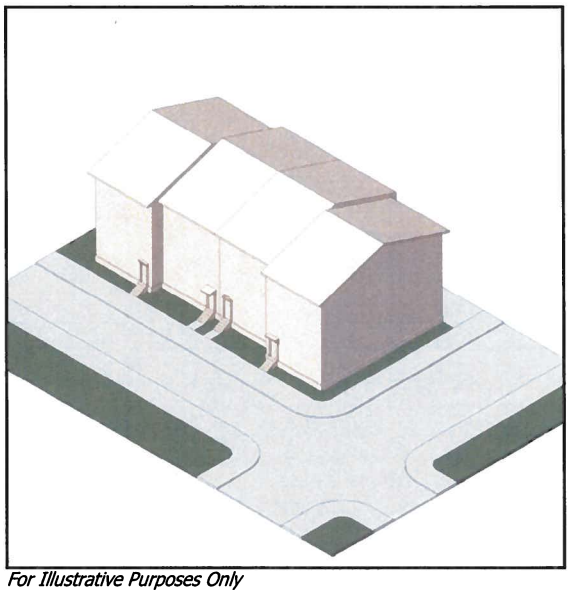
F. Building Massing

1. In a three-story building, a two-story townhouse can be stacked over a separate ground floor dwelling.
2. Maximum floor plate ratios shall be as follows:

Table BT.3-1

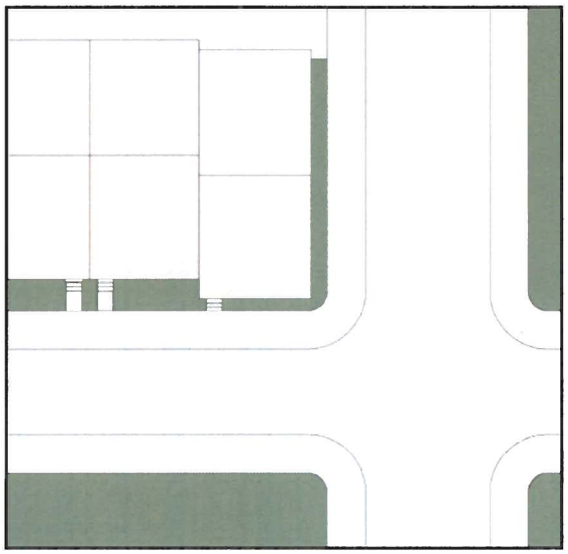
Stories	Ratio of Each Story Allowed		
	1st Story	2nd Story	3rd Story
1 Story	100%	-	-
2 Story	100%	100%	-
3 Story	100%	100%	85%

Axonometric View



For Illustrative Purposes Only

Plan View



For Illustrative Purposes Only

FIGURE BT.4

DUPLEX, TRIPLEX, QUADPLEX

A. Lot Width

1. Maximum of 65 feet for a duplex.
2. Maximum of 100 feet for a triplex or quadplex.

B. Pedestrian Access

1. The principal entrance shall be directly accessible from the street through the frontage line.

C. Parking Design and Location

1. Parking shall be located in the third layer (See Figure 1.9-B).
2. Parking access shall be as per Section 15-215-47, Parking and Loading.

D. Open Space

1. Each ground floor unit shall have at least 150 square feet of private or semi-private yard space in the rear yard, side yard, or integrated into the building area through courtyards and gardens.
2. Units above the ground floor may have access to roof garden space for passive and active recreation, patios, decks, and courtyards.

E. Frontage

1. Permissible frontage types are: Porch and Fence, Terrace or Lightwell, Forecourt and Stoop.

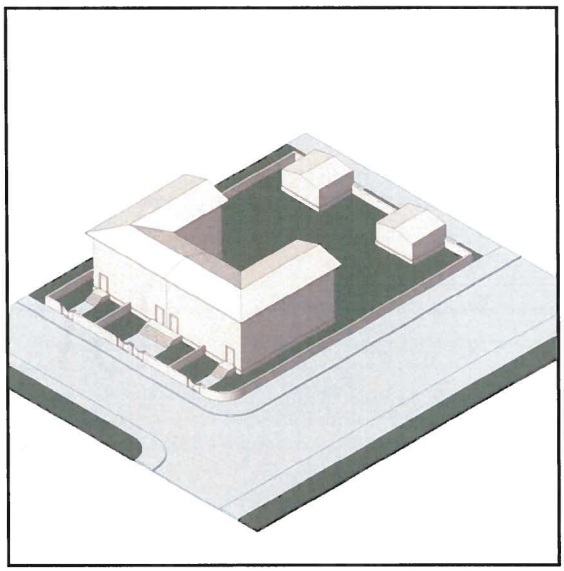
F. Building Massing

1. Front facades shall have at least one encroaching element, such as a lanai or balcony, or a plane break occupying at least 15% of the facade.
2. Maximum Floor Plate Ratios shall be as follows:

Table BT.4-1

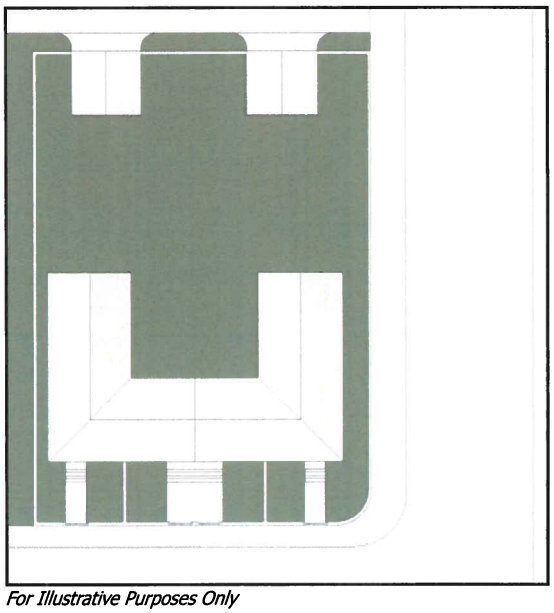
Stories	Ratio of Each Story Allowed			
	1st Story	2nd Story	3rd Story	4th Story
1 Story	100%	-	-	-
2 Story	100%	100%	-	-
3 Story	100%	100%	85%	-
4 Story	100%	100%	80%	75%

Axonometric View



For Illustrative Purposes Only

Plan View



For Illustrative Purposes Only

FIGURE BT.5

FLEX - LOFT

A. Facade Width

1. Maximum of 30 feet for each flex-loft.
2. The maximum number of attached flex-loft units is ten.

B. Pedestrian Access

1. The entrance shall be accessible directly from the street through the frontage line.

C. Parking Design and Location

1. Parking shall be located in the third layer (See Figure 1.9-B).
2. Parking access shall be as per Section 15-215-47, Parking and Loading.

D. Open Space

1. At least 20% of the lot area shall be provided as open space. One third of this requirement shall be provided at grade.
2. The open space area must be open to the sky.

E. Frontage

1. Permissible frontage types are: Porch and Fence, Terrace or Lightwell, Stoop, Shopfront, Gallery and Arcade.

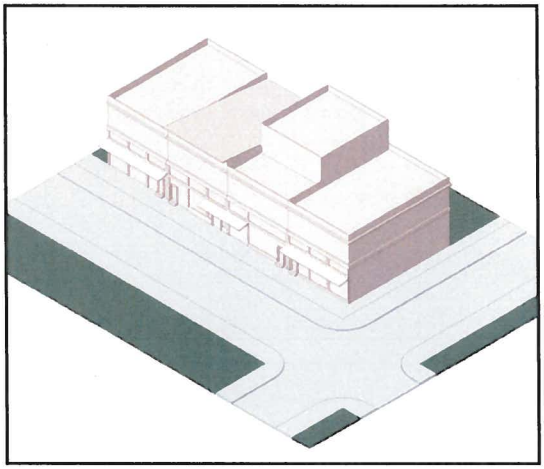
F. Building Massing

1. Facades shall have at least one encroaching element, such as a lanai, balcony, or plane break occupying at least 15% of the facade.
2. Building elevations abutting side yards shall provide at least one horizontal plane break of at least three feet, and one vertical break of at least two feet.
3. Maximum floor plate ratios shall be as follows:

Table BT.5-1

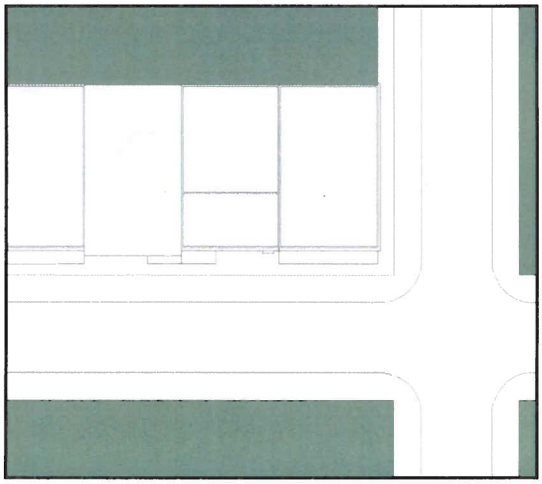
Stories	Ratio of Each Story Allowed			
	1st Story	2nd Story	3rd Story	4th Story
1 Story	100%	-	-	-
2 Story	100%	100%	-	-
3 Story	100%	100%	85%	-
4 Story	100%	100%	85%	85%

Axonometric View



For Illustrative Purposes Only

Plan View



For Illustrative Purposes Only

FIGURE BT.6

INDUSTRIAL

A. Lot Width

1. Maximum of 100 feet.

B. Pedestrian Access

1. The entrance shall be accessible from the street through the frontage line.

C. Parking Design and Location

1. Parking shall be located in the third layer (See Figure 1.9-B).
2. Parking access shall be as per Section 15-215-47, Parking and Loading.

D. Open Space

1. At least 20% of the lot area shall be provided as open space. One third of this requirement shall be provided at grade.
2. For lots between 10,000 and 20,000 square feet, the minimum open space is proportional to the lot size and provided in the following table:

Lot Area (square feet)	Minimum Open Space (percent of lot area)
15,001-20,000	10
10,001-15,000	5
< 10,000	0

3. The open space must be open to the sky.
4. Permeably-paved parking areas can count towards the open space requirement.

E. Frontage

1. Permissible frontage types are: Porch and Fence, Terrace or Lightwell, Stoop, Shopfront, Gallery and Arcade.

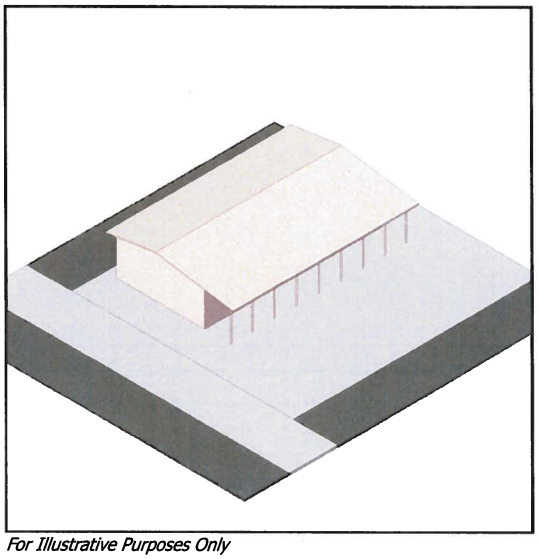
F. Building Massing

1. Maximum Floor Plate Ratios shall be as follows:

Table BT.6-1

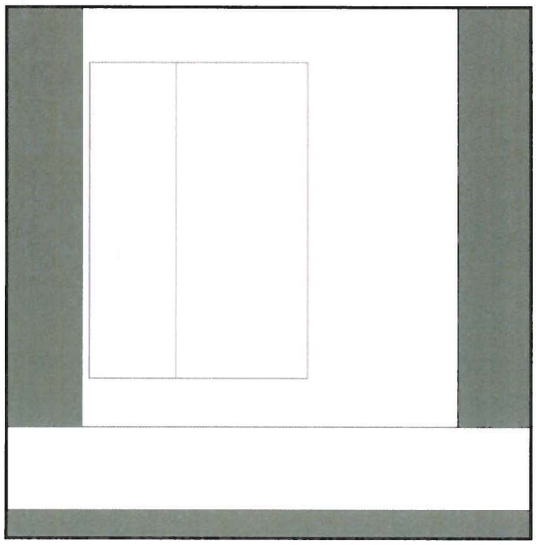
Stories	Ratio of Each Story Allowed	
	1st Story	2nd Story
1 Story	100%	-
2 Story	100%	100%

AXONOMETRIC VIEW



For Illustrative Purposes Only

PLAN VIEW



For Illustrative Purposes Only

FIGURE BT.7

COURTYARD

A. Lot Width

1. Maximum of 300 feet.

B. Pedestrian Access

1. Ground floor courtyard(s) shall be accessible from the street through the frontage line and through an open or covered passageway.
2. Raised courtyards shall be accessed through a lobby, accessed directly from the principal frontage.
3. The principal entrance to each ground floor unit shall be directly from the frontage line or from a courtyard.
4. Access to units above raised courtyards shall be through a lobby with direct access to each courtyard. Upper floor exterior corridors are limited to 25 feet in length. Longer corridors shall be enclosed.
5. All retail spaces should be accessed from the ground floor, single-tenant entry along a street, courtyard, or passageway.

C. Parking Design and Location

1. Parking shall be located in the third layer (See Figure 1.9-B).
2. Parking access shall be as per Section 15-215-47, Parking and Loading.
3. For above-ground garage, parking shall be concealed from view at the street frontage through a liner of habitable space; service streets and alleys excluded.

D. Open Space

1. At least 20% of the lot area shall be provided as open space in the form of one or more courtyards open to the sky.
2. The minimum courtyard dimension shall be 30 feet on anyone side, not counting any porch, encroachment or projection provided within the courtyard.
3. Projections and encroachments into the open space are permitted on all sides, provided that the minimum 30 foot dimension is maintained.

E. Frontage

1. Permissible frontage types are: Porch and Fence, Terrace or Lightwell, Stoop, Shopfront, Gallery and Arcade.

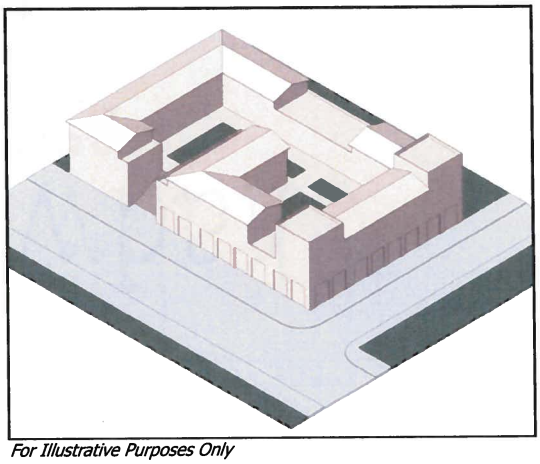
F. Building Massing

1. Maximum Floor Plate Ratios shall be as follows:

Table BT.7-1

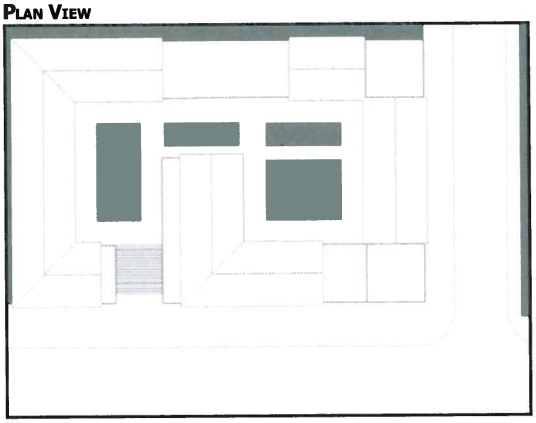
Stories	Ratio of Each Story Allowed				
	1st Story	2nd Story	3rd Story	4th Story	5th Story
2 Stories	100%	100%	-	-	
3 Stories	100%	100%	65%	-	
4 Stories	100%	100%	55%	55%	
5 Stories	100%	100%	55%	55%	40%

Axonometric View



For Illustrative Purposes Only

Plan View



For Illustrative Purposes Only

FIGURE BT.8

URBAN BLOCK

A. Lot Width

1. Maximum of 300 feet.

B. Pedestrian Access

1. Entrances to upper floors shall be accessed through an interior lobby, which is accessed directly from the street.
2. All retail spaces should be accessed from a ground floor, single-tenant entry along a street, courtyard or passageway.

C. Parking Design and Location

1. Parking shall be located in the third layer (See Figure 1.9-B).
2. Parking access shall be as per Section 15-215-47, Parking and Loading.
3. For above-ground parking garages, parking shall be concealed from view at the street frontage through a liner of habitable space for the first two stories of building height; service streets and alleys excluded.
4. Above-ground garages above two stories shall be screened from view at the street frontage by landscaping, green screens, cladding, or a liner of habitable space; service streets and alleys excluded.

D. Open Space

1. At least 20% of the lot area shall be provided as open space. One third of this requirement shall be provided at grade.
2. Open space shall have a minimum dimension of 40 feet on any one side.
3. Encroachments into the open space are permitted on all sides of the space, provided that the 40 foot minimum dimension is maintained.

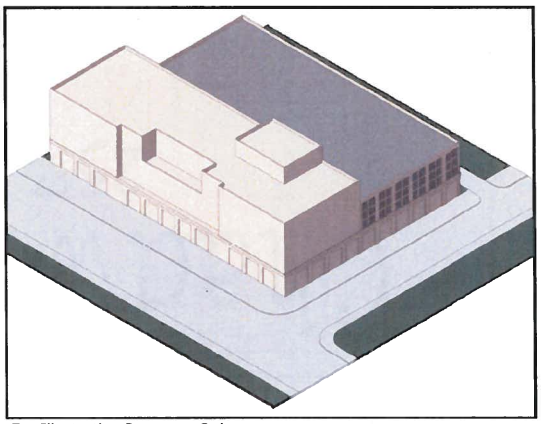
E. Frontage

1. Permissible frontage types are: Porch and Fence, Terrace or Lightwell, Stoop, Shopfront, Gallery and Arcade.

F. Building Massing

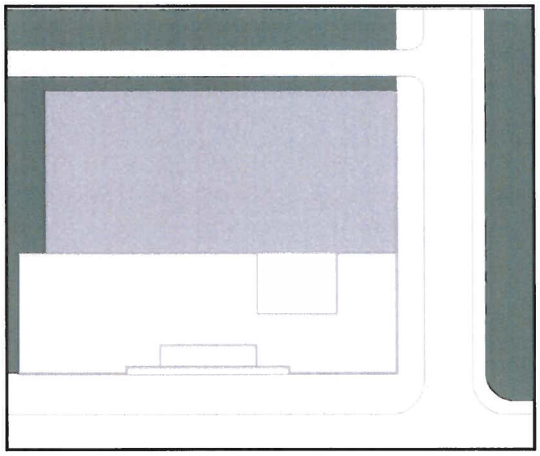
1. Facades shall have at least one encroaching element (such as porches or balconies) or a plane break that occupy at least 10% of the facade.

Axonometric View



For Illustrative Purposes Only

Plan View



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2. Maximum Floor Plate Ratios shall be as follows:

Table BT.8-1

Stories	Ratio of Each Story Allowed (if applicable)					
	2nd + 3rd	4th Story	5th Story	6th Story	7-8 Stories	9+ Stories
2-3	100%	-	-	-	-	-
4-5	100%	100%	75%	-	-	-
6	100%	100%	Max Ratio for 5th story and above shall average 65%		-	-
7	100%	100%	Max Ratio for 5th story and above shall average 60%			-
8	100%	100%	Max Ratio for 5th story and above shall average 58%			-
9 +	100%	100%	Max Ratio for 5th story and above shall average 53%			

FIGURE BT.9

LEI BUILDING

A. Lot Width

1. Maximum of 300 feet.

B. Pedestrian Access

1. Circulation to all upper floors shall be through an interior corridor or lobby.
2. All retail spaces should be accessed from a ground floor, single-tenant entry along a street, courtyard, or passageway.

C. Parking Design and Location

1. Parking shall be located in the third layer (See Figure 1.9-B).
2. Parking access shall be as per Section 15-215-47, Parking and Loading.
3. For above-ground garages, parking shall be concealed from view at street frontages through a liner of habitable space on at least three sides of the building; service streets and alleys excluded. Where exposed to the street, above-ground garages shall be screened from view at the street frontage by landscaping, green screens, or cladding; service streets and alleys excluded.

D. Open Space

1. At least 20% of the lot area shall be provided as open space. One third of this requirement shall be provided at grade.
2. Open space shall have a minimum dimension of 30 feet on any one side.
3. Projections into the open space are permitted on all sides of the space, provided that the 30 foot minimum dimension is maintained.

E. Frontage

1. Permissible frontage types are: Porch and Fence, Terrace or Lightwell, Stoop, Shopfront, Gallery and Arcade.

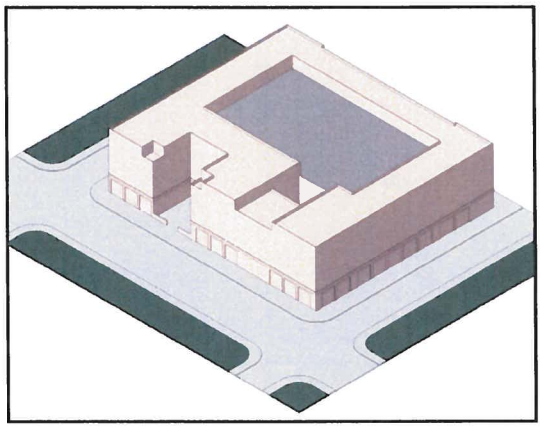
F. Building Massing

1. Front facades shall have at least one encroaching element, such as porches, balconies, or a plane break that cumulatively occupy at least 10% of the facade.
2. Maximum floor plate ratios shall be as follows:

Table BT.9-1

Stories	Ratio of Each Story Allowed (if applicable)					
	2nd + 3rd	4th Story	5th Story	6th Story	7-8 Stories	9+ Stories
2-3	100%	-	-	-	-	-
4-5	100%	100%	75%	-	-	-
6	100%	100%	Max Ratio for 5th story and above shall average 65%		-	-
7	100%	100%	Max Ratio for 5th story and above shall average 60%			-
8	100%	100%	Max Ratio for 5th story and above shall average 58%			-
9 +	100%	100%	Max Ratio for 5th story and above shall average 53%			

Axonometric View



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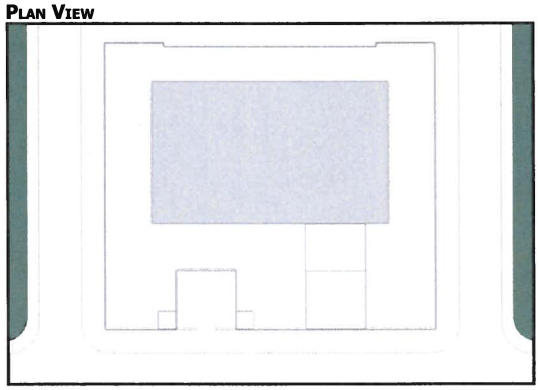
Plan View



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