

SUBCHAPTER 8

MASTER PLAN RULES

§15-22-200 Purpose and intent. (a) The provisions of this subchapter are designed to encourage investment in new development and commitment to master planning of large land holdings. Master plans are intended to encourage timely development, reduce the economic cost of development, allow for the orderly planning and implementation of public and private development projects, and provide a reasonable degree of certainty in the development approval process.

(b) A further purpose of this subchapter is to derive public benefits, such as affordable housing, relocation assistance, public parking, off-site infrastructure and other public facility improvements, which are generally provided by government and would not otherwise be required from private developers. Such public benefits may be negotiated by the authority in exchange for greater development flexibility for a specified period. Master plans may also stipulate when the public benefits are to be provided, thereby giving considerable certainty to the planning and development process.

(c) An approved master plan will provide assurances to landowners, developers and investors that projects proposed within a master planned area that are in accordance with the applicable mauka area rules in effect at the time the master plan is approved will not be restricted or prohibited at the permit stage by subsequent changes to those rules. The purpose of this subchapter is to provide landowners and developers assurances that once they have met or agreed to meet all of the terms and conditions of the master plan approval, their rights to development permit approval in accordance with the development rules in effect at the time of master plan approval shall be vested for a specified period.

(d) A further purpose of this subchapter is to allow greater flexibility in the development of lots within master planned areas than would otherwise be possible through the normal lot-by-lot development approach. Such flexibility is intended to encourage integrated developments and secure better overall planning for extensive land holdings, while recognizing that full development of the area over time would occur incrementally in accordance with the planned development and base zone development requirements in effect at the time of master plan approval. [Eff 9/8/86, comp

1/28/88, am and comp 2/24/90, am 12/15/94] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-7, 206E-33)

§15-22-201 Definitions. The following terms when used in this subchapter shall have the following respective meanings:

"Developer" means any person who has legal or equitable rights to develop any development lot encompassed by a master plan;

"Landowner" means a person who holds a fee simple interest in all development lots which have been master planned, including a successor or assignee in interest;

"Master plan" means a long-range development plan for an area within the mauka area which describes the overall character of development envisioned within said area and the manner in which development projects will be implemented; and

"Person" means an individual, group, partnership, firm, association, corporation, trust, governmental agency, government official, administrative body, or tribunal or any form of business or legal entity. [Eff 9/8/86, comp 1/28/88, am and comp 2/24/90, am 12/15/94] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-7, 206E-33)

§15-22-202 Authorization. Any provision of this chapter to the contrary notwithstanding, the authority may approve a master plan application submitted by any landowner in accordance with this subchapter, provided that the master plan shall include an area totaling no less than ten acres in size, excluding streets, provided that at least six acres shall be contiguous, and that there are adequate public benefits to be derived from implementing the master plan. The master plan may consist of both existing and future development and may encompass development lots in all land use zones. [Eff 9/8/86, comp 1/28/88, comp 2/24/90, am 12/15/94] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-7, 206E-33)

§15-22-203 Applicability. (a) Except as specifically provided in this section, all rules of this chapter applicable to development within the area encompassed by the master plan shall be those rules in effect at the time of master plan approval, notwithstanding any subsequent amendment of said rules. Such subsequent amendment shall be

void as applied to development of property within the master planned area to the extent that it changes any rule which the authority has agreed at the time of master plan approval to maintain in force for a specified period of time. A master plan approval, however, shall not absolve the landowner or developer from complying with rules of general applicability enacted subsequent to the date of the master plan approval if said rules clarify or provide specificity to the rules which the authority has agreed to maintain in force at the time of master plan approval, or relate to aspects of development not previously dealt with, and could have been lawfully applied to development within the master planned area at the time of master plan approval.

(b) As part of a master plan approval, the authority may grant exceptions to the applicable rules set forth in subsection (a) above. Said exceptions shall be applicable to any development permit processed within the effective date of the master plan approval, and shall be limited to the following:

- (1) The floor area of land uses, including reserved housing units, required by the base zone or planned development provisions of this chapter may be transferred from one development lot to one or more development lots within the master planned area, provided that:
  - (A) The development lots are under the same ownership;
  - (B) The maximum floor area ratio (FAR) for any lot to which floor area has been transferred shall not be increased by more than twenty-five per cent of the FAR otherwise allowed for the size of the development lot;
  - (C) Development on any lot involved in the transfer shall not exceed its maximum allowable tower footprint and height;
  - (D) The FAR remaining on a development lot from which floor area has been transferred shall not be less than 1.5, unless the development lot is developed in conjunction with development on the lot to which the floor area has been transferred;
  - (E) Development on the development lot to which reserved housing units are transferred shall commence within two years after the development is completed on the development lot from which the reserved housing units were transferred, unless the first

development project on any of the development lots involved in the transfer contains fifty per cent of the reserved housing units required for development of all lots involved in the transfer, provided the allocation of unit types for the reserved housing units shall constitute a proportionate representation of all the nonreserved unit types to be provided with regard to factors of square footage and number of bedrooms;

- (F) The authority shall obtain written assurance from the landowner that the requirements of this section will be satisfied and such assurance shall be binding upon the landowner and the landowner's heirs or successors in interest and shall be filed as a covenant running with the land in the bureau of conveyances or in the office of the assistant registrar of the land court; and
- (G) Failure to satisfy the requirements of this subsection shall be cause for denial of any development permit for the lots involved in the transfer.

(c) In granting any of the exceptions provided in this section, the authority may impose standards and conditions in addition to or in place of the standards and conditions specified in this section as it finds are reasonable and necessary to carry out the purpose and requirements of this chapter and the mauka area plan. [Eff 9/8/86, comp 1/28/88, am and comp 2/24/90, am 12/15/94, am 11/25/96] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-7, 206E-33)

§15-22-204 Application requirements. (a) Any landowner may file an application for master plan approval with the authority.

(b) An application for master plan approval shall include sufficient information to clearly indicate the pattern and implications of development within the master planned area. The application shall include, but not be limited to, the following:

- (1) A plan drawn to scale showing:
  - (A) Boundaries of the master planned area with property lines, dimensions and area;
  - (B) Proposed locations and uses of all structures and open areas, the maximum density or intensity of uses, the bulk and height of all

- structures and their relationship to each other and to adjacent areas, the maximum gross floor areas of buildings by types of uses, the maximum ground coverage of all buildings, the maximum FAR by blocks; and the relationship of buildings to required yard and view corridor setbacks;
- (C) The proposed location and maximum number of residential units including reserved housing units;
  - (D) Traffic circulation, including existing roads proposed for closure and proposed changes to roadway alignments, if any;
  - (E) Pedestrian circulation system, at grade and grade separated, including proposed arcades, through-block arcades, and plazas, if any;
  - (F) The locations of proposed parking areas, with estimates of the number of parking spaces;
  - (G) The location and amount of land proposed to be dedicated for public facilities, or the arrangements for cash in lieu thereof;
  - (H) The location or type of land and facilities in private ownership which are proposed for quasi-public use; and
  - (I) The location and minimum amount of proposed open space and recreation areas.
- (2) A three-dimensional study model of the master plan to show how the area would look if it is fully redeveloped as proposed;
- (3) A report describing:
- (A) Master plan purpose, objectives, strategies, and major concepts;
  - (B) Conditions adjacent to master plan boundaries, including current and projected uses, facilities, structures, and other conditions pertinent to contextual site analysis or concept development;
  - (C) The uses proposed to be located within the master planned area by blocks, the maximum total floor area and ground coverage of proposed buildings, maximum building heights and density, and the maximum amount of reserved housing units proposed;
  - (D) The projected benefits, both public and private, to be derived from implementation of the master plan;

- (E) The manner in which development under the master plan conforms to the mauka area plan and the purposes and standards of this chapter;
  - (F) The areas for which variances or amendments to the mauka area plan may be necessary;
  - (G) The manner in which the public facility dedication requirements of this chapter will be fulfilled during the effective period of the master plan approval;
  - (H) Any exception of the applicable rules of this chapter as provided under §15-22-203(b) of this subchapter that will remain applicable to developments during the effective period of the master plan approval;
  - (I) The public benefits to be provided by the landowner or developer in return for the vesting of development requirements for a specific period, and the terms for delivery of such public benefits;
  - (J) The manner in which the master plan will be implemented, including the responsibilities of the authority and the landowner, and the proposed phasing of development;
  - (K) Urban design guidelines or controls;
  - (L) Proposed instruments to ensure appropriate development character, quality, or usage. Such instruments may include restrictive covenants, lease conditions, or other devices; and
- (4) Any other information or commitments consistent with this chapter that the authority deems necessary to make a decision on the application.
- (c) The completed application shall be filed with the authority. [Eff 9/8/86, comp 1/28/88, am and comp 2/24/90, am 12/15/94, am 3/27/97] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-7, 206E-33)

§15-22-205 Determination by the authority. (a) In reaching its determination on an application for master plan approval, the authority shall consider the following:

- (1) The nature of the proposed master planned area and proposed developments therein in terms of size, use, density, general bulk and height of structures, setbacks, required open space and recreation areas, the location and amount of

- residential uses including reserved housing units, and on-site parking;
- (2) The relationship between structures and uses within structures, building orientation, deck level activities, and preservation of view corridors;
  - (3) Whether the pedestrian and vehicular circulation system is so designed as to provide an efficient, safe, and convenient transportation system;
  - (4) The appropriateness of the public benefits to be provided and the adequacy of provisions for the delivery of those public benefits;
  - (5) The appropriateness of any proposed exception to the applicable development rules which are needed to implement the master plan;
  - (6) The appropriateness for providing greater development flexibility for the purpose of attracting investment capital into the area and encouraging timely redevelopment and better overall planning for the area; and
  - (7) Any other matter which the authority deems appropriate.

(b) No master plan shall be approved unless the authority finds that the master plan is consistent with the provisions of the mauka area plan and this chapter in effect on the date of the master plan approval.

(c) The executive director is authorized to negotiate the terms and conditions of a master plan approval with any landowner, in accordance with this subchapter, provided that any master plan or modification or amendment thereto shall require approval by the authority.

(d) Prior to making a determination on a master plan, the authority shall hold a public hearing in accordance with chapter 91, HRS. After holding a public hearing, the authority shall approve the application in whole or in part, with or without conditions or modifications, or shall deny the application. Approval by the authority will result in the issuance of a master plan permit.

(e) A master plan approval shall be valid for no longer than fifteen years, provided that the authority may approve extensions after the initial approval if the master plan is being implemented to the satisfaction of the authority. In no event, however, shall the effective period of the master plan exceed fifteen years. Specific projects proposed under a master plan but which do not conform with the master plan permit shall be subject to review by public hearing. The authority may impose conditions and

requirements for all projects as it finds are reasonable and necessary to carry out the implementation of the master plan.

(f) The public facilities dedication requirements of this chapter applicable at the time of development permit approval may be satisfied, at the election of the authority, by either of the following methods:

- (1) Dedication of land areas anywhere within the master planned area, provided that the total value of said land areas is equal to the total value of the land otherwise required for dedication;
- (2) Payment of fees in lieu of dedicating land, the sum of which shall equal the fair market value of the land area otherwise required for dedication; or
- (3) A combination of the foregoing, the total value of which shall not be less than the value of land otherwise required for dedication.

The authority may require the developer or landowner to maintain the dedicated area until such time that notice is given by the authority to accept ownership and control of the area. The landowner or developer shall execute an agreement acceptable to the authority to cause the payment of fees or the dedication of land areas, or both, to the authority.

(g) The authority may at any time, or shall upon petition by the landowner, interpret or clarify the terms and conditions of a master plan approval. [Eff 9/8/86, comp 1/28/88, am and comp 2/24/90, am 12/15/94] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-7, 206E-33)

§15-22-206 Review, termination and amendment.

(a) The authority may at any time conduct a review of compliance with the terms and conditions of a master plan approval, provided that such a review shall be required upon petition by the landowner for an extension of the effective period of the master plan approval.

(b) If, as a result of a review, the executive director finds and determines that the terms or conditions of approval have not or are not being met, the executive director shall, within ten days of this finding, notify the landowner in writing, setting forth the specific default and the evidence supporting the finding and determination, and provide the landowner a reasonable time period within which to correct the default.



(c) If the landowner fails to cure the default within the time period given, the authority may terminate or modify the approval, or disapprove the extension request, as the case may be, provided that the executive director has first given the landowner the opportunity to rebut the finding and determination, or to consent to amend the approval to cure the default. Failure to cure the default within the time period given shall be cause for denial of any planned development permit within the master planned area.

(d) A master plan, once approved, may be amended or terminated, in whole or in part, by mutual consent of the authority and landowner, or their successors in interest, provided that if the authority determines that a proposed amendment would substantially alter the terms and conditions of the approved master plan, a public hearing on the amendment shall be held prior to the authority's approval of the proposed amendment. [Eff 9/8/86, comp 1/28/88, comp 2/24/90] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-7, 206E-33)

§15-22-207 to §15-22-219 (Reserved)

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SUBCHAPTER 9

RULES REVIEW AND AMENDMENT

§15-22-220 Rules review and amendment. The mauka area rules may be reviewed and amended in accordance with the authority's rules of practice and procedure. [Eff 9/8/86, comp 1/28/88, am and comp 2/24/90] (Auth: HRS §206E-5) (Imp: HRS §206E-5)

Historical note: §15-22-220 is based substantially upon §15-17-190. [Eff 2/27/82; R 9/8/86]

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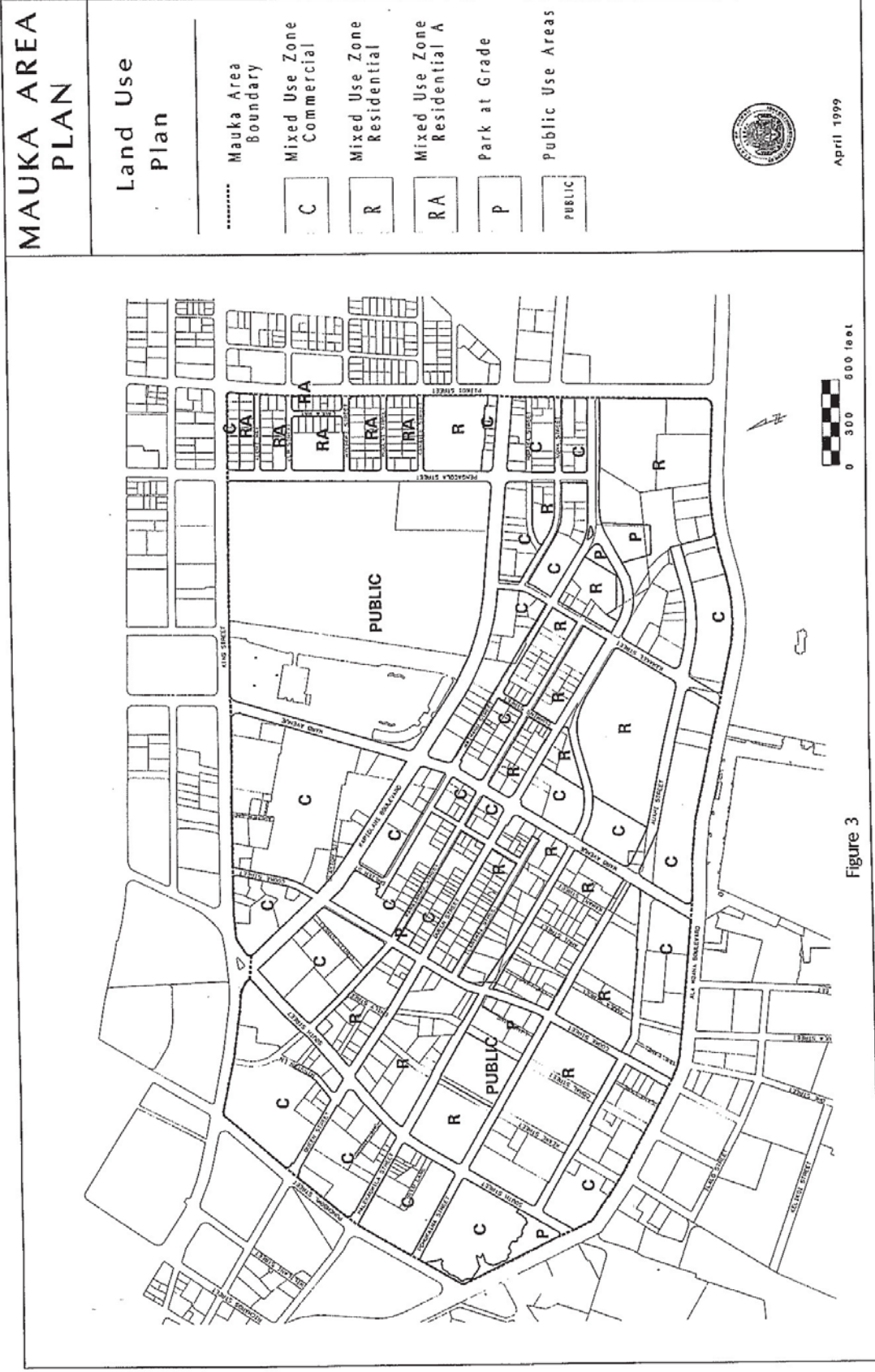
SUBCHAPTER 10

§15-22-221 to §15-22-280 Repealed. [R 2/24/90]

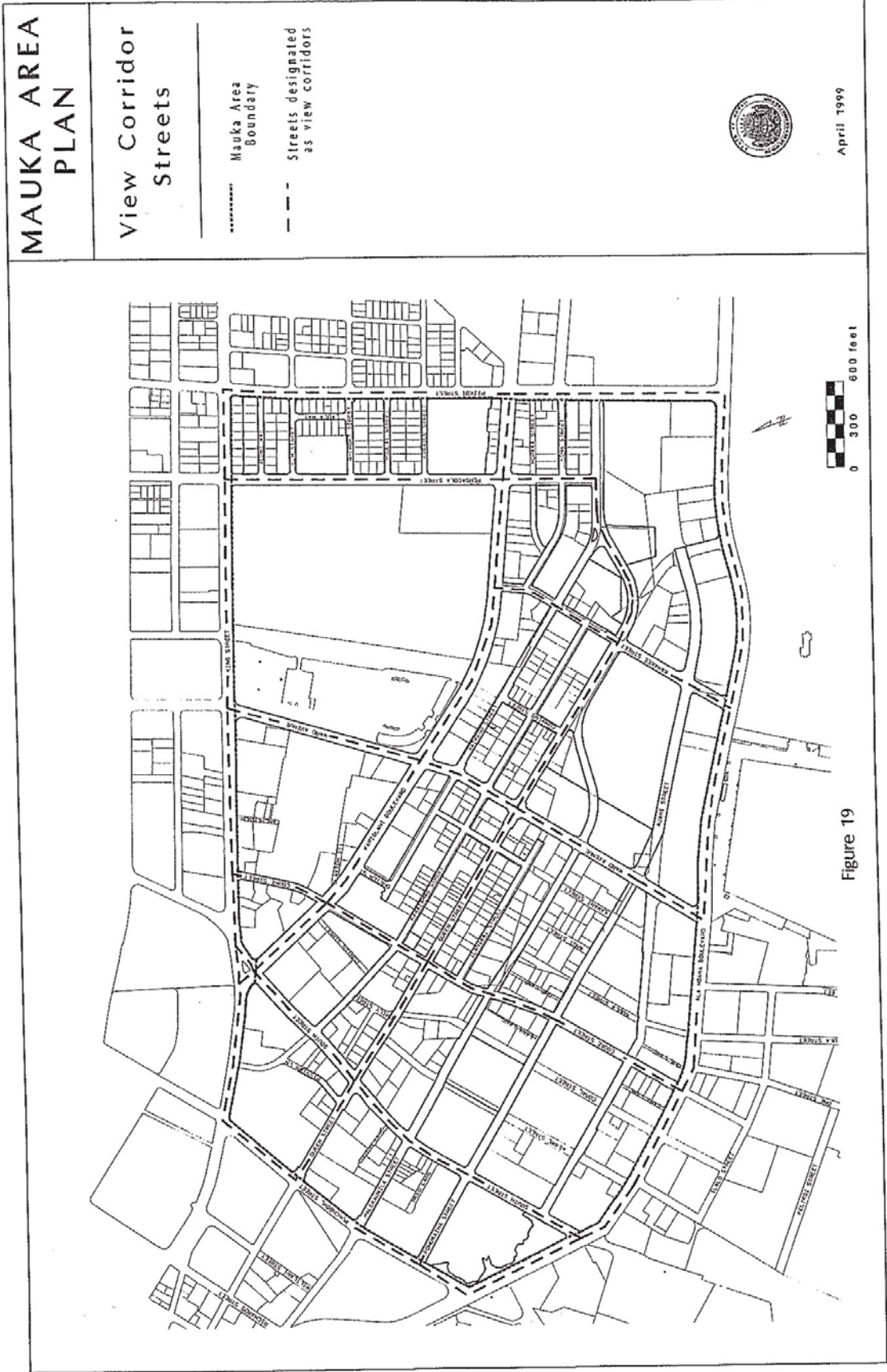
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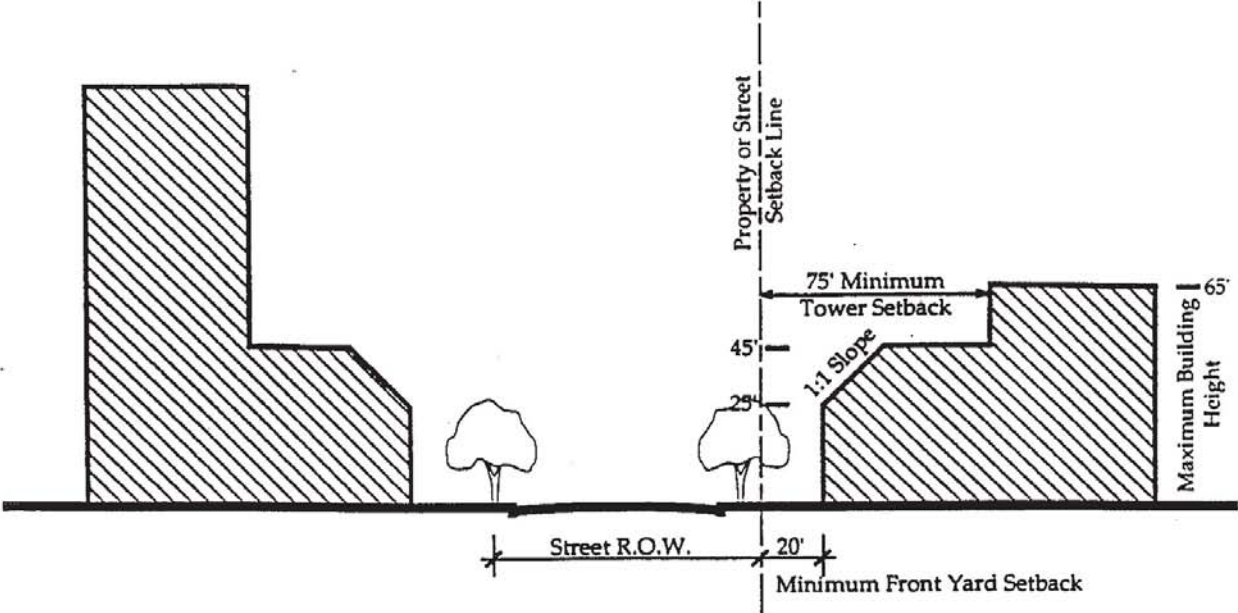




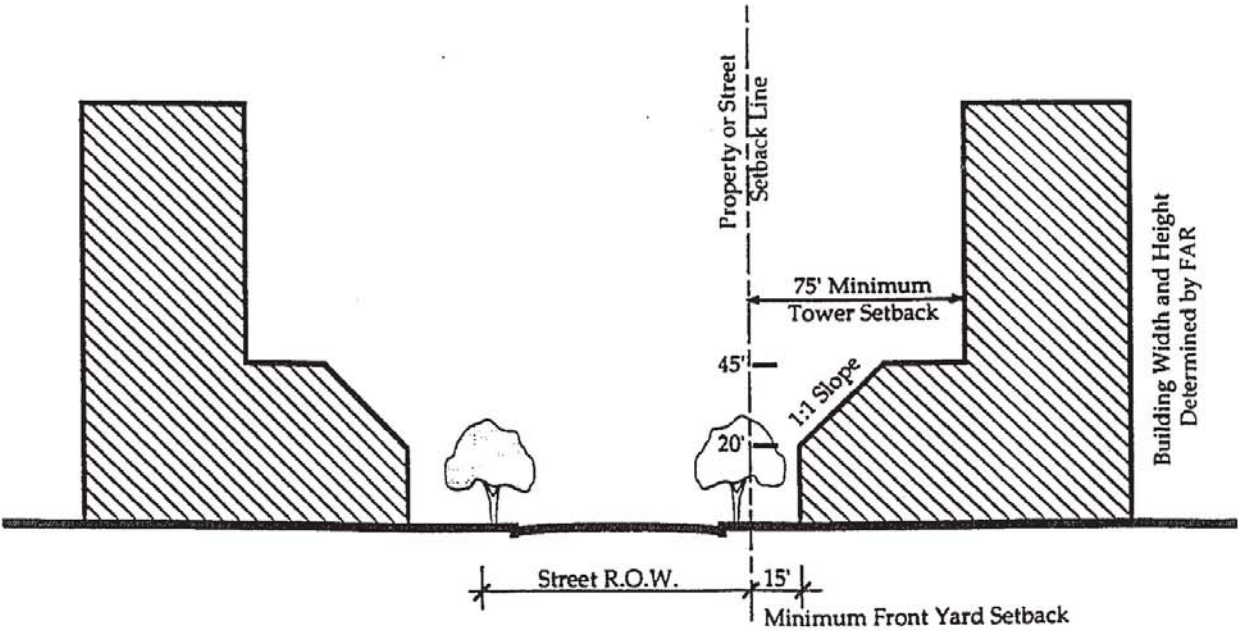


# View Corridor Setbacks

Hawaii Community Development Authority  
June, 1994



View Corridor Setback for Developments along Punchbowl, King, or South Streets within the Area Bounded by Punchbowl, King, South and Pohukaina Streets



View Corridor Setback for Developments along the Designated View Corridor Streets in All Other Areas of the Kakaako District

