

PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE KAKA‘AKO COMMUNITY DEVELOPMENT DISTRICT RULES

I. BACKGROUND

Title 15, Chapter 217, Hawaii Administrative Rules (“HAR”), Mauka Area Rules, regarding the mauka area of the Kaka‘ako Community Development District (“CDD”) took effect on September 14, 2011.¹

In 2016, the Hawaii Community Development Authority (“HCDA”) completed a Transit Oriented Development (“TOD”) Overlay Plan² which covered selected parcels in the mauka area of the Kaka‘ako CDD. The plan assessed the impacts of building height and density incentives for the provision of public benefits, parking policy changes, and other urban streetscape changes.

To implement these policies, HCDA staff and its consultant, Hi.Arch.Y LLC., conducted extensive outreach on proposed amendments to the Mauka Area Rules. Virtual community and stakeholder meetings were held between November 2021 and November 2022. Comments received through both the Kaka‘ako CDD TOD Overlay Plan Final Environmental Impact Statement and community outreach processes were incorporated into the proposed amendments. A presentation on the draft rules was last provided to the Board in September 2023.

II. DISCUSSION

The proposed amendments are generally designed to promote public benefits, enhance the urban realm, and streamline permit reviews. These amendments include:

- Incentive zoning
- Parking deregulation, including deleting minimum parking requirements
- Adjustments to land use
- Simplified permitting and other changes

A new Incentive Zones (Figure IZ.1) map and Incentive Table (Figure IZ.2) were created to portray where incentive zones are located and what incentives qualify for development (density) bonuses. For example, development bonuses are as high as 4.0 FAR for the inclusion of reserved housing and micro units. Development bonuses of 1.0 to 2.0 FAR are offered for the provision of urban agriculture/food production, emergency shelter space, public community gardens, public play courts and recreation space or equipment, and achieving LEED Platinum, among others.

The proposed rule amendments also introduce new permit types including zoning clearance, temporary use permit, and renovation permit. The threshold between an improvement permit and a development permit now depends on the size of the project floor area or scope, and not on the size of the lot. The new permits and the modifications

to existing permits will streamline redevelopment and facilitate investment in existing properties in Kaka‘ako Mauka.

Parking minimums are eliminated, to be in line with the City and County of Honolulu’s parking policies. Since FAR may be increased, based on incentive zoning and to encourage the promotion of sustainable alternative transportation, parking areas are now included in floor area calculations.

Finally, language is added to reflect Act 221 (2023), which requires consideration of climate change, sea level rise, and climate-resilient development in the design and siting of buildings.

The Administrative Draft rules were presented at the Small Business Regulatory Review Board (“SBRRB”) on October 19, 2023. The SBRRB members unanimously agreed to move the proposal on to the public hearing.

The revised Administrative Draft rules (dated December 2023) reflect feedback regarding consistency with HRS 206E, including provisions regarding the assignment of powers (HRS § 206E-4.1) and hearing requirements for proposals to develop lands under the authority’s control (HRS § 206E-5.6). These revisions include rule clarifications, updated definitions, permit simplification efforts, improved planning policies, and punctuation and spelling fixes. The attached Summary Matrix of Proposed Amendments to the Mauka Area Rules enumerates the revisions that have been made to the Title 15, Chapter 217, HAR Mauka Area Rules.

Citations: ¹ Hawaii Community Development Authority. (September 14, 2011). *Mauka Area Rules. Title 15, Subtitle 4, Chapter 217, Hawaii Administrative Rules.*
<https://dbedt.hawaii.gov/hcda/files/2012/11/Chapter-217-Mauka-Area-Rules-EFF-2011.11.11.pdf>

² Hawaii Community Development Authority. (March 18, 2016). *Kaka‘ako Community Development District TOD Overlay Plan. Final Draft.*
<https://dbedt.hawaii.gov/hcda/files/2016/05/Final-TOD-Overlay-Plan-Draft-31816.pdf>

Attachments:

1. Summary Matrix of Proposed Amendments to the Mauka Area Rules
2. Mauka Area Rules, Proposed Amendments – Revised Administrative Draft (Ramseyer Version), December 2023

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Reviewed By: Craig K. Nakamoto, Executive Director 

Summary Matrix of Proposed Amendments to the Kaka’ako Mauka Area Rules
 January 2024 Administrative Draft

| Proposed Change | Citation | Notes |
|--|----------------|--|
| Rule Clarifications | | |
| 1. Purpose and Applicability of Mauka Rules | § 15-217-2, -3 | Clarifies the purpose of the rules and adds provision that developments must have adequate infrastructure facilities prior to occupancy. |
| 2. Update definitions | § 15-217-8 | <ul style="list-style-type: none"> • Clarifies definitions of certain terms and removes obsolete language. • Adds new terms including alternative fuel station, development project, dwelling unit, incentive zoning, open space, public facilities, renovation permit and project, roof, rules clearance, temporary use and temporary use permit, and zoning clearance. |
| 3. Nonconformities | § 15-217-91 | Clarifies maintenance and repair of nonconforming structures and removes subsection on damage. |

| Proposed Change | Citation | Notes |
|---|--|---|
| Permit Simplification | | |
| 4. Clarification and consistency with Makai Area permits | § 15-217-76, -77, -78.1, -79.5, -80, -81, -82, -83 | <ul style="list-style-type: none"> • Adds zoning clearance to support liquor licenses (§ 15-217-76). • Adds temporary use permit to allow short-term uses (§ 15-217-77). • Revises rules clearance permit to include utility improvements for existing structures and allow exceptions for standalone interior electrical or plumbing work (§ 15-217-78.1). • Adds renovation permit to allow interior modifications, up to 25% more floor area, and minor exterior changes (§ 15-217-79.5). • Clarifies when development and improvement permits are not required with addition of exceptions category, adds a cultural consultant to composition of the design advisory board and adds climate adaptation as a required finding (§ 15-217-80). • Adds initiation and action subsections for conditional use permits (§ 15-217-81). • Removes the difference between a minor and major variance. Adds deprivation of reasonable use of property as a required finding of fact (§ 15-217-82). • Adds clarification of expiration and applicant responsibility to submit a reconciliation of master plan obligations for master plans (§ 15-217-83). |
| 5. Improved Permit Processes | § 15-217-86, -87 | <ul style="list-style-type: none"> • Creates a new table to depict automatic approval periods (§ 15-217-86). • Clarifies that a permit will not lapse if construction of approved work has commenced (§ 15-217-87). |
| 6. Minor changes | § 15-217-90 | Describes what actions would qualify as minor changes to approved permits and clarifies procedures. |

| Proposed Change | Citation | Notes |
|--|-------------------|--|
| 7. Updated application fee schedule | § 15-217-93 | Permit fees are updated to reflect current costs and staff level of effort. |
| Improved Planning | | |
| 8. Update definition of Floor Area | § 15-217-8 | Adjusts definition of floor area to include building overhangs, canopies with more than 50% coverage, and other clarifications. Parking and loading are now included as floor area. Open stairwells open on at least two sides and parking dedicated to electric vehicles and bike parking are excluded. |
| 9. Incentive zones and bonus floor area | § 15-217-28 | Adds incentive zones to encourage developers to offer public benefits in exchange for development bonuses (additional floor area). Figure IZ.2 Incentive Table provides amount of development bonus (FAR) for incentives such as reserved housing, green industry use, urban agriculture, public open space, educational facilities, etc. |
| 10. Consideration of complete streets | § 15-217-39(b)(2) | Adds flexibility for thoroughfare plan and standards to be consistent with C&C standards and Complete Streets Design Manual. |
| 11. Street Trees | § 15-217-39(e) | Clarifies that street trees should provide shade. Figure 1.7 Street Tree Plan and Figure 1.7B Street Tree Charts are revised to replace Loulu palms with medium canopy trees. Clarifies that street trees shall be appropriate to location, disease resistant, and appropriate to climate, and that the planting, removal and maintenance are subject to approval of the executive director and DPP and DPR. |
| 12. Building Form | §15-217-54 | <ul style="list-style-type: none"> Removes setback requirement described in former § 15-217-54(d). |

| Proposed Change | Citation | Notes |
|---|-------------|--|
| 13. Architectural Design | § 15-217-55 | <ul style="list-style-type: none"> • Allows walls and fences for public utilities to be up to eight feet high topped with security wire at ten feet high. • Removes requirement for a change in exterior material to be accompanied by a change in plane. • For signage, encourages the use of ‘Ōlelo Hawai‘i where possible. • Requires the highest visual light transmission level while complying with the State Energy Code or other government requirements, including solar heat gain coefficients. • Removes tower floor plate horizontal plan projection requirement as described in former § 15-217-55(l)(3)). |
| 14. Landscape and recreation space | § 15-217-56 | Requires front yards to have at least fifty percent of the surface area permeable and landscaping to promote traditional cultural and gathering practices where possible. |

| Proposed Change | Citation | Notes |
|--|-------------|---|
| 15. Parking and loading | § 15-217-63 | <ul style="list-style-type: none"> • Requires parking lots and structures fronting thoroughfares or civic spaces to have a liner building. • Encourages design of multi-level parking structures, to accommodate future conversion to inhabitable, non-parking uses. • Eliminates minimum parking requirements, to allow developers to right-size parking, lower construction costs, and support multimodal transportation options. Consistent with City and County of Honolulu Ordinance 20-41. • Eliminates compact parking spaces and requires parking spaces to be standard size. • Requires cost of developing, constructing and maintaining off-street parking stalls to be disclosed to buyers and renters. • Revises loading requirements and clarifies that there are no off-street loading requirements for central Kaka’ako to be consistent with no off-street parking in central Kaka’ako. • Requires on-site bicycle parking to meet C&C bicycle parking requirements. |
| Updated Figures | | |
| 16. Approval Requirements Matrix | 1.1 | Provides rule reference for each development approval and adds incentive zone, zoning clearance, temporary use permit, and renovation permit to the list. |
| 17. Regulating Plan | 1.2 | Updates neighborhood boundary map and shows open space and future rail station locations. |
| 18. Development Standards Summary | 1.3 | Reformatting for legibility. |
| 19. Thoroughfare Plan | 1.4 | Reformatting for legibility and adds future rail station locations. |

| Proposed Change | Citation | Notes |
|--------------------------------------|----------|--|
| 20. Parks and Open Space Plan | 1.5 | Adds newly proposed and developed open spaces within mauka area and adds future rail station locations. |
| 21. View Corridors | 1.6A | Reformatting for legibility, adds legend indicating view corridors and future rail station locations. |
| 22. View Preservation | 1.6B | Reformatting for legibility, adds future rail station locations. |
| 23. Street Tree Plan | 1.7 | Reformatting for legibility, replaces certain palms with canopy trees. |
| 24. Street Tree Charts | 1.7B | Reformatting for legibility. |
| 25. Maximum Height Plan | 1.8 | Reformatting for legibility, adds new open spaces and future rail station locations. Sheridan neighborhood zone height increases from 45 feet to 65 feet. One parcel in Central Kaka’ako adjacent to the Kapiolani neighborhood zone increases from 65 feet to 400 feet. |
| 26. Land Use | 1.9 | Reformatting for legibility. Revisions made to certain uses and whether they are permitted by right or requires a CUP in the neighborhood zones. |
| 27. Parking | 1.10 | Reformatting for legibility, adds future rail station locations. |
| 28. Civic Space | 1.11 | Reformatting for legibility. |
| 29. Pedestrian Zone Treatment | 1.14 | Clarifies pedestrian throughway area. |

| Proposed Change | Citation | Notes |
|---|------------------------------------|---|
| 30. Civic Center Zones (CC), Kapiolani Zone (KA), Thomas Square Zone (TS), Sheridan Zone (SH), Central Kaka'ako Zone (CK), Pauahi Zone (PA), Auahi Zone (AU) | NZ.1,-.2, -.3, -.4, -.5, -.6, -.7, | Reformatting for legibility. |
| 31. Tropical Urban Court | BT.11 | Added as new form. |
| 32. Pedestrian Zone Standards and Pedestrian Zone Furniture | PZ.1 and -.2 | Consolidates previous pedestrian zone figures for each neighborhood zone into one figure for standards and one figure for furniture for all neighborhood zones. |
| 33. Incentive Zones | IZ.1 | New map of incentive zones. |
| 34. Incentive Table | IZ.2 | New information on general requirements for development bonuses and provides table of incentives and corresponding development bonuses with description. |
| 35. Approved Public Facilities | IZ.3 | Table of public facilities and corresponding development bonuses with description. |



Kaka'ako Community Development District

Mauka Area Rules

Proposed Amendments to
Hawai'i Administrative Rules, Title 15, Chapter 217

Revised Administrative Draft (Ramseyer Version)
December 2023



**Hawaii Community
Development Authority**



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND
TOURISM

Amendments and Compilation of Chapter 15-217
Hawaii Administrative Rules

SUMMARY

1. §§15-217-1 to 15-217-3 are amended
2. §15-217-5 is amended
3. §15-217-8 is amended
2. §§15-217-21 to 15-217-27 are amended
3. §15-217-28 is added
4. §15-217-39 is amended
5. §§15-217-53 to 15-217-63 are amended
6. §§15-217-65 is amended
8. §15-217-76 is amended
9. §15-217-77 is added
10. §15-217-78.1 is renumbered and amended
11. §15-217-79.5 is added
12. §§15-217-80 to 15-217-82 are amended
13. §§15-217-84 to 15-217-88 are amended
14. §§15-217-90 to 15-217-91 are amended

15. §15-217-93 is amended
16. Chapter 217 is compiled

Amendment and Compilation of Chapter 15-217
Hawaii Administrative Rules

1. Chapter 15-217, Hawaii Administrative Rules,
entitled "Mauka Area Rules", is amended and compiled
to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

SUBTITLE 4

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

CHAPTER 217

KAKA'AKO COMMUNITY DEVELOPMENT DISTRICT

MAUKA AREA RULES

Subchapter 1 Purpose and Applicability

| | |
|-------------------------|-----------------------------------|
| §15-217-1 | Title |
| §15-217-2 | Purpose |
| §15-217-3 | Applicability |
| §15-217-4 | Minimum requirements |
| §15-217-5 | Rules of interpretation |
| §15-217-6 | Compliance with other regulations |
| §15-217-7 | Severability |
| §15-217-8 | Definition of terms |
| §§15-217-9 to 15-217-20 | (Reserved) |

Subchapter 2 Regulating Plan [~~and~~],
Neighborhood Zones, and Incentive
Zones

| | |
|------------------------|---|
| §15-217-21 | Purpose |
| §15-217-22 | Regulating plan |
| §15-217-23 | Neighborhood zones |
| §15-217-24 | Building types |
| §15-217-25 | Frontage types |
| §15-217-26 | Land uses |
| §15-217-27 | Parks and open space plan |
| <u>§15-217-28</u> | <u>Incentive zones</u> |
| §§15-217-28 | <u>§§15-217-29</u> to 15-217-37 (Reserved) |

Subchapter 3 Thoroughfare Plan and Standards

| | |
|--------------------------|---------------------------------|
| §15-217-38 | Purpose |
| §15-217-39 | Thoroughfare plan and standards |
| §§15-217-40 to 15-217-50 | (Reserved) |

Subchapter 4 Area-Wide Standards

| | |
|-------------------------------------|----------------------------------|
| §15-217-51 | Purpose |
| §15-217-52 | Applicability |
| §15-217-53 | Building placement |
| §15-217-54 | Building form |
| §15-217-55 | Architectural design |
| §15-217-56 | Landscape and recreation space |
| §15-217-57 | Adequate infrastructure |
| §15-217-58 | Large lots |
| §15-217-59 | Green building |
| §15-217-60 | Encroaching elements |
| §15-217-61 | Flood zone |
| §15-217-62 | Historical and cultural sites |
| §15-217-63 | Parking and loading |
| §15-217-64 | Conditional use of vacant land |
| §15-217-65 | Public facilities dedication fee |
| §§15-217-66 to 15-217-78 | (Reserved) |
| <u>§§15-217-68 to 15-217-75</u> | <u>(Reserved)</u> |

Subchapter 5 Procedures

| | |
|---------------------------|-------------------------------------|
| §15-217-79 | Rules clearance] |
| <u>§15-217-76</u> | <u>Zoning Clearance</u> |
| <u>§15-217-77</u> | <u>Temporary use permit</u> |
| <u>§15-217-78.1</u> | <u>Rules clearance</u> |
| <u>§15-217-79.5</u> | <u>Renovation Permit</u> |
| §15-217-80 | Improvement and development permits |
| §15-217-81 | Conditional use permit |
| §15-217-82 | Variances |
| §15-217-83 | Master plan |
| §15-217-84 | Floor area ratio transfer |
| §15-217-85 | Completeness review |
| §15-217-86 | Automatic approvals |
| §15-217-87 | Approval period |
| §15-217-88 | Appeals |
| §15-217-89 | Subsequent applications |
| §15-217-90 | Minor changes |
| §15-217-91 | Nonconformities |
| §15-217-92 | Violations and enforcement |
| §15-217-93 | Fee schedule |
| §§15-217-94 to 15-217-107 | (Reserved) |

Historical note: Chapter 15-217 is based upon chapter 15-22. [Eff 9/8/86, 1/28/88, 7/28/88, 12/10/88, 3/9/89, 7/8/89, 10/28/89, 1/29/90, 2/24/90, 7/26/90, 9/15/90, 10/3/94, 12/15/94, 8/14/95, 11/25/96, 1/25/97, 3/27/97, 6/13/97, 8/1/97, 9/19/97, 8/16/99, 1/13/00, 9/15/01, 6/13/05, R 11/11/11]

SUBCHAPTER 1

PURPOSE AND APPLICABILITY

§15-217-1 Title. (a) This chapter 217 of the Hawaii administrative rules shall be known, and may be cited, as the "Mauka Area Rules."

(b) References to "Rules" within this chapter are references to the Mauka Area Rules unless indicated otherwise. References to other regulations or provisions relevant to the Hawaii community development authority, 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 2011,~~] _____, attached at the end of this chapter and the mauka area plan, dated _____, are hereby incorporated by reference and made a part of this chapter.

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

§15-217-2 Purpose. (a) The mauka area plan establishes long-term land use policy, consistent with chapter 206E, HRS, that directs the implementation of smart growth principles within a portion of the Kakaako community development district. The mauka area plan also directs that implementation measures shall be calibrated according to the distinct characteristics of seven neighborhoods.

(b) The rules carry out, through complete, integrated, effective and concise land development regulations, the aforementioned mauka area plan directives by classifying and regulating the types and intensities of development and land uses within the mauka area consistent with, and in furtherance of, the policies and objectives of the mauka area plan and chapter 206E, HRS.

(c) 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 mauka area plan and chapter 206E, HRS. More specifically, the purposes of the rules are to ensure:

(1) For the community:

- (A) That neighborhoods and transit-oriented development is compact, pedestrian-oriented and mixed-use;
 - (B) That neighborhoods should be the preferred pattern of development;
 - (C) That ordinary activities of daily living occur within walking distance of most dwellings, allowing independence to those who do not drive;
 - (D) That interconnected networks of thoroughfares be designed to disperse traffic and reduce the length of automobile trips;
 - (E) That within neighborhoods, a range of housing types and price levels be provided to accommodate diverse ages, ~~and~~ incomes ~~and~~ abilities;
 - (F) That reserved housing should be distributed throughout the district to ~~match~~ promote job opportunities;
 - (G) That appropriate building densities and land uses be provided within walking distance of transit stops;
 - (H) That civic, institutional, and commercial activity should be embedded in neighborhoods, not isolated in remote single-use complexes;
 - (I) That schools be sized and located to enable children to safely walk or bicycle to them;
 - (J) That existing and future industrial uses shall be permitted and encouraged in appropriate locations within the district;
 - (K) That a range of open space including parks, squares, plazas and playgrounds be distributed within neighborhoods; ~~and~~
 - (L) That the region should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the use of automobiles;
 - (M) That development in Kakaako should consider the impacts of climate change and sea level rise and incorporate strategies for climate resiliency; and
 - (N) That meaningful and authentic connections are made to this place and culture in order to uniquely identify this community; and
- (2) For the neighborhood zones:
- (A) That communities should provide meaningful choices in living arrangements as manifested by distinct physical environments; and

- (B) That the neighborhood zone descriptions provided in section 15-217-23 (neighborhood zones) shall constitute the intent of these rules with regard to the general character of each of these environments within the mauka area; ~~and~~
 - (C) That neighborhoods are connected via a network of pedestrian, multi-modal, and cultural resources; and
- (3) For the block and the building:
- (A) That buildings and landscaping contribute to the physical definition of public walkways, sidewalks, and thoroughfares as civic places;
 - (B) That development ~~[respecting]~~ prioritizes the pedestrian and the spatial form of public areas;
 - (C) That the design of streets and buildings reinforce safe and accessible environments;
 - (D) That architecture and landscape design grow from local cultural knowledge, materials, climate, topography, history, and building practice;
 - (E) That buildings provide their inhabitants with a clear sense of geography and climate through passive design strategies and energy efficient methods;
 - (F) That civic buildings and public gathering places be provided ~~[as]~~ in locations that reinforce community identity and support self-government;
 - (G) That civic buildings be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city; and
 - (H) That the preservation and renewal of historic resources, places, and buildings be facilitated to affirm the continuity and evolution of society. [Eff]
 (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-1, 206E-4, 206E-5, 206E-7)

§15-217-3 Applicability. (a) This chapter, together with the mauka area plan, shall govern all real property located within the mauka area. In case of any discrepancy

between the provisions of this chapter and the mauka area plan, this chapter shall control.

(b) No building permit shall be approved by the Hawaii community development authority for any project within the mauka area unless the project conforms to the provisions of the mauka area plan and this chapter.

(c) No public improvement or project within the mauka area shall be initiated or adopted unless it conforms to and implements the mauka area plan and this chapter.

(d) Except as otherwise specifically provided, the provisions of this chapter shall supersede the provisions of the city and county of Honolulu's development plan (Ordinance No. 81-79, as amended by Ordinance No. 85-46 and Ordinance No. 04-14), the provisions of the Kakaako special design district ordinance, and the provisions of the land use ordinance as they all shall relate to properties within the mauka area. The foregoing ordinances are hereby declared to be inconsistent with this chapter, and shall therefore be inapplicable to developments within the mauka area unless otherwise specifically stated.

(e) Except as otherwise specifically stated in this chapter, all other rules, laws, and ordinances shall [~~continue to~~] remain applicable to the developments and properties within the mauka area.

(f) Developments shall not be approved unless adequate infrastructure facilities are or will be made available to service the proposed development prior to occupancy. The executive director may consult with applicable governmental agencies regarding the adequacy of infrastructure requirements. Any development approval may be conditioned with the requirement that the concerns and requirements of appropriate governmental agencies relative to the adequacy of infrastructure facilities for the proposed development are satisfied. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-4 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 _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-5 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 15-217-5 (rules of interpretation) shall also control related captions, titles, and figures.

(c) Terms not defined in section 15-217-8 (definitions of terms) shall be accorded their commonly accepted meanings. In the event of conflicts between these definitions and those found elsewhere within the Hawaii community development authority's administrative rules, these rules shall take precedence.

(d) The figures located herein are an integral part of the rules. However, Figures 1.11 to 1.16, dated [~~September 2011,~~] [REDACTED], made a part of this chapter, and attached at the end of this chapter, are illustrative guidelines.

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

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

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

(h) 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.

(i) In their interpretation and application, the provisions of the rules are considered minimal in nature. Whenever the provisions, standards, or requirements of HCDA's rules of practice and procedure and chapter 218 (reserved housing), Hawaii administrative rules, are higher or more restrictive, the latter shall control.

(j) 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 mauka area plan;
- (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 Hawaii community development authority staff;
- (3) Any interpretation of the rules by the executive director may be appealed to the authority in compliance with section 15-217-88 (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.

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

- (1) Where a zone boundary approximately follows a lot line, alley, or street line, the lot line, street or alley centerline shall be construed as the zone boundary, as applicable;
- (2) If a zone boundary divides a parcel 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 property that was formerly in the street or alley will be included within the zone of the adjoining property on either side of the vacated or abandoned

thoroughfare or alley. [Eff] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-6 Compliance with other regulations. (a) Whenever conflicting requirements are discovered in the application of the rules, they shall be resolved as follows:

- (1) Mauka area rules. If a conflict occurs between requirements within the rules, the most restrictive shall apply;
- (2) Mauka area plan. The provisions of the rules, when in conflict with the mauka area plan, 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 master plan shall apply; and
- (4) Private agreements. The rules apply to all real property located within the mauka area 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 (for example, conditions, covenants and restrictions).

(b) The following provisions of the subtitle [~~47~~] 219, title 15, apply within the mauka area and may be referenced herein:

- (1) HCDA's rules of practice and procedure; and
- (2) Chapter 218 (Kakaako reserved housing rules).
[Eff] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-7 Severability. These rules shall be liberally construed to protect and preserve the health, safety, and general welfare within the mauka area. Should any provision of the 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] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-8 Definition of terms. This section 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 section, then the executive director shall determine the correct definition through the interpretation provisions of section 15-217-5 (rules of interpretation).

"Accessory building" means a building that is located on the same property, 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 property 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[+]. See Figure BT.1 (front yard house), dated [REDACTED], made part of this chapter, and attached at the end of this chapter.

"Administrative" is a use classification for 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[+].

"Alcohol sales" is a use classification pertaining to the sale of alcoholic beverages, whether for on-site or off-site consumption[+].

"Allee" means an evenly spaced and aligned double row of trees usually planted along a thoroughfare[+].

"Alley" means a service lane located to the rear of lots providing access to service areas, parking, and outbuildings and containing utility easements[+].

"Alternative fuel station" is a use classification pertaining to the retail sale of non-petroleum based motor vehicle fuel source including hydrogen, natural gas, biofuel, electricity supplied to charge or power electric vehicles, and lubricants to the public by direct delivery into the user's vehicle. May include incidental motor vehicle services such as supply of compressed air or water, and washing. Sale of food, beverages and related items is permitted in conjunction with this use.

"Alternative parking access street" means a street from which parking, driveways, curb cuts and other vehicular intrusions into the pedestrian realm should be allowed only when access to a parking access street is not possible. See Figure 1.10 (parking), dated [September 2011, [REDACTED], made a part of this chapter, and attached at the end of this chapter[+].

"Architectural encroachment" means an architectural feature that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the

pedestrian zone, or above a height limit[+], or beyond build to line.

"Artisan or craft production" is a use classification for the manufacturing and assembling of small products primarily 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 established by section 206E-3, HRS[+].

"Automobile rentals 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[+].

"Automobile repair" is a use classification for the repair and maintenance services for motorcycles, passenger vehicles and trucks of all sizes. Typical repair and maintenance activities pertain to the tire, body, auto glass, radiator, transmission, motor tune-up, vehicle upholstery, and mufflers[+].

"Avenue" means a walkable, [~~low to medium (thirty to thirty-five mph)~~] urban arterial or collector 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[+].

"Block" means the aggregate of lots, passageways, public spaces, and alleys bounded on all sides by thoroughfares[+].

"Block face" means the aggregate of the building facades on all of the lots on any given block[+].

"Block size" means the size of a block as measured in linear feet around the edges of the block at the lot line[+].

"Boulevard" means a means a walkable[~~, low speed (thirty-five mph or less)~~] divided arterial 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 setback, parallel to the frontage line, which marks the location from which the [principle] principal vertical plane of the elevation must be erected. 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.10, dated [September 2011,] [REDACTED], made a part of this chapter, and attached at the end of this chapter[+].

"Building void" means the negative space that is created between the potential building envelope and the actual building, when upper floors of a building are set back from the maximum possible floor plate size to add depth and articulation. The building void is the difference between one hundred per cent and the floor plate ratio provided for each story as indicated on each of the building type pages. See Figure 1.12-C (illustrative building void and floor plate diagrams), dated [September 2011,] [REDACTED], made a part of this chapter, and attached at the end of this chapter[+].

"Civic" is a use classification which includes uses that foster community interaction and citizen participation in civic activities such as: meeting halls or clubhouse, conference centers, cultural facilities, public safety facilities, public or government facilities, libraries, religious facilities, and theaters[+].

"Civic building" means a building primarily used for civic or public uses[+].

"Civic space" means a form-based classification of outdoor areas dedicated for public use. See Figure 1.11 (civic space), dated [September 2011,] [REDACTED], made a part of this chapter, and attached at the end of this chapter[+].

"Commercial" means the term collectively defining workplace, office, and retail functions[+].

"Common open space" means a portion of the lot landscaped and utilized for passive or active recreation but excluding permanent buildings, off-street parking areas, drive aisles, above-ground utility cabinet, boxes or structures and required side and rear setback area[+].

"Conference center" is a use classification for facilities designed to host conferences, exhibitions, large meetings, seminars, and training sessions[+].

"Cultural facilities" is a use classification for establishments such as museums, art galleries, botanical and zoological gardens, and other facilities of an historic, an educational, or a 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 to 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 pertaining to 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[+].

"Day-care home" is a use classification pertaining to [~~single-family~~] residences that are occupied and used as such in addition to providing non-medical day-care on less than a twenty-four-hour basis to children or adults[+].

"Decision-maker" means [~~the person or entity charged with reviewing a particular~~] either authority or executive director review of a permit or development application[+].

"Developable area" means the area within the lot lines of a parcel or a series of parcels, 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 mauka area[+].

"Developer's proposal to develop lands under the authority's control" as used in section 206E-5.6, HRS, shall mean and include any permit application filed by any private person or entity seeking the authority's approval for (1) a development[+] project; 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 20,000 square feet within the mauka area. Development shall not include a project consisting of a change in use or interior renovations only~~] the construction of a new building or

other structure on a development lot, the relocation of an existing building on another development lot, or the use of a tract of land for a new use.

"Development project" means and includes construction and site improvements, including new floor area, that totals 20,001 square feet or more.

"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[+].

"Drive-through" means an establishment that permits customers to receive services, to obtain goods, or to be entertained while remaining in their motor vehicles[+].

"Driveway" means a vehicular lane within a lot, often leading to a garage[+], parking structure, car park, or loading area.

~~"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;]~~
is a use classification pertaining to buildings, residences, structures, or enclosed spaces that is used for or intended for human habitation, shelter, and living.

"Dwelling unit" means one or more rooms, providing living facilities for one household, including kitchen facilities or equipment for cooking, toilet facilities, and including a room or multiple rooms for living, sleeping, bathing, and eating.

"Educational facilities" is a use classification pertaining to instruction or education, such as kindergarten; elementary, middle, or junior high school; high school; college; universities; or vocational schools[+].

"Eleemosynary organization" means a society, association, or corporation 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[;].

"Elevator shaft" means the area of the roof over the elevator shaft, when used for floor area calculation purposes.

"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[+].

"Enfront" means to place an element along a frontage[+].

"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 Act 105, SLH 1975, and 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~~ any exterior wall, system of walls, or exterior glazing of a building that is ~~set~~ located along a frontage line[+].

"Facade string" means a row of facades along a street that are physically attached to each other[+].

"FEMA flood maps" means maps that set flood insurance rates, regulate floodplain development, and delineate "100-year" floodplain boundaries that are prepared under the Federal Emergency Management Agency ("FEMA") National Flood Insurance Program. FEMA flood maps contain flood zones that describe different levels of flood risk and elevation[+].

"Flat" means a dwelling that is confined to a single story[+].

"Floor area" means the sum of the gross horizontal areas of all floors of a building, including interior ~~[balconies and]~~ balconies, mezzanines, and storage areas[+], measured from the exterior face of exterior walls or from the centerline of a wall separating two structures.

- (1) Floor area shall include the area of roofed structures, building overhangs, canopies less than 50% open to sky, porches, ~~[or lanai]~~ lanais having more than ~~[one wall and of]~~ two walls, accessory structures on the same lot[+], above grade parking structures, covered loading driveway areas, mechanical and machine rooms, and elevator shafts. The area of roofed structures that are not enclosed by walls shall be measured from the exterior face of its supporting structure, columns, posts, or the determined useable area it covers.

- (2) [Stairwells, elevator shafts parking facilities and loading spaces, including their driveways.] Floor area shall exclude stairwells open on at least two sides with only handrailing or fall protection, basements and below ground structures, screening for rooftop machinery equipment, elevator housings on the rooftop, covered drop-offs located at or leading to the street curb, and lanais less than 15% of interior floor area;
- (3) Floor area shall exclude parking areas dedicated to electric vehicles and electric vehicle charging, long-term bike parking and storage that are located in structured parking garages, car sharing, and nonpetroleum based motor vehicles; and
- (4) Upon review and approval by the executive director, floor area may exclude robotic parking systems and its machinery, and other high efficiency parking systems.

"Floor area ratio" or "FAR" means the ratio of the total building floor area as expressed in square feet to the total land area as expressed in square feet. The FAR is determined by dividing the total floor area on a [development] lot by the lot area of that [development] lot[+]. FAR may be modified based on incentive zoning. See Figure IZ.1 (incentive zoning map), dated [redacted], made a part of this chapter, and attached at the end of this chapter.

"Floor area ratio transfer credit" means a unit of measurement integral to section 15-217-84 (floor area ratio transfer) and which is established on a one-to-one basis between sending site(s) and a receiving site[+].

"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 the public frontage. See Figure 1.14 (pedestrian zone treatment), dated [September 2011,] [redacted], made a part of this chapter, and attached at the end of this chapter[+].

"Frontage occupancy" means the minimum length of the principal frontage that must contain a building street front element. See Figure 1.13 (building placement and encroachments), dated [September 2011,] [redacted], 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. See Figures FT.1 to FT.12, dated [~~September 2011,~~]

~~_____~~, made a part of this chapter, and attached at the end of this chapter[+]_.

"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. See Figure 1.14-A (section view illustrative pedestrian zone treatment), dated [~~September 2011,~~]

~~_____~~, made a part of this chapter, and attached at the end of this chapter[+]_.

"Gas station" is a use classification pertaining to 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 assembly" is a use classification for the gathering of people for activities including a music festival, carnival, show, circus, dance, exhibition, lecture, concert, rally, party, celebration, or similar activity which is open to the public or to which members of the public are invited or admitted either for a charge or free of cost[+]_.

"Group home" is a use classification pertaining to 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[+]_.

"Guideline" means a development provision that is suggested to further the intent and the mauka area plan and rules, but that is not compulsory[+]_.

"Habitable space" means space in a structure for living, sleeping, eating or cooking. Bathrooms, closets,

halls, storage areas and utility spaces are not considered habitable spaces[+].

"Hawaii capital district" means a special district established by article 7 of the land use ordinance[+].

"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[+].

"Historical or culturally significant property" means any property that is:

- (1) Listed on the Hawaii or national register of historic places, pursuant to HRS; or
- (2) Designated in the mauka area plan as being significant in the history or prehistory, architecture, culture, or development of Kakaako or a tangible, historic or cultural linkage between Kakaako of the past and Kakaako of the present[+].

"Home occupation" is a use classification for 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 pertaining to 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[+].

"Hydraulic lifts" means a parking method wherein mechanized lifts are used to lift one car above the ground so that another car can park underneath. May include robotic parking[+].

"Improvement permit" means and includes a permit approved and issued by the executive director authorizing any improvement project[+].

"Improvement project" means and includes:

- (a) ~~[any man-made change over, upon, under, or across improved or unimproved real property that comprises]~~ Construction and site [improvements or

new] improvements, including new floor area, [of] that total 20,000 square feet or less [within the mauka area];

(b) Exterior alterations, excluding ordinary repairs and maintenance covered by a rules clearance or renovation permit; or

(c) Demolition of an existing structure.

"Incentive zoning" means allowing a developer to build a development, make improvements to real property, or make modifications to elements of a project that would not be permitted under existing zoning rules. In exchange, the developer provides community benefits that would not otherwise be required. Incentive zoning shall be only applied to identified areas. See Figure IZ.1 (incentive zoning map), dated [redacted], Figure IZ.2 (incentive table), dated [redacted], made a part of this chapter, and attached at the end of this chapter.

"Indoor recreation" is a use classification pertaining to 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[+].

"Kakaako community development district plan" means a collective term for the "Mauka Area Plan" and the "Makai Area Plan." Also, referred to as the "Kakaako Community Development Plan" or "Kakaako Plan"[+].

"Kakaako special design district ordinance" means Ordinance No. 80-58 of the city and county of Honolulu, as amended by Ordinance No. 81-8[+].

"Lanai" means an accessory area to a dwelling, 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. Lanai are accessible solely from the dwelling 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 parcel[+].

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

"Large lot" means a parcel or collection of parcels (developable area) equal to or greater than 140,000 square feet[+].

"Leadership in energy and environmental design" or "LEED" means a green building rating system developed by the U.S. Green Building Council that provides a suite of standards for the environmentally sustainable design, construction and operation of buildings and neighborhoods[+].

"Light industrial" is a use classification pertaining to 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 manufacturing, machine shops, and furniture manufacturing[+].

"Liner building" means a building which masks or conceals a parking lot or a parking structure from a frontage[+].

"Live-work" means a mixed-use unit consisting of an office, or retail uses along with residential use. The residential function may be anywhere in the unit and is intended to be occupied by a business operator who lives in the same structure that contains the retail activity[+].

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

"Lot" means a duly recorded parcel of land which can be used, developed or built upon as a unit[+].

"Lot line" means the boundary of a parcel of land, often expressed in metes and bounds[+].

"Lot width" means the length of the principal frontage line of a lot[+].

"Makai area" means that portion of the Kakaako community development district, established by section 206E-32, HRS, excluding the mauka area which is bounded by King Street; Piikoi Street from its intersection with King Street to Ala Moana Boulevard; Ala Moana Boulevard, exclusive, from Piikoi Street to its intersection with Punchbowl Street; and Punchbowl Street to its intersection with King Street[+].

"Makai area plan" means the development plan for the makai area of the Kakaako community development district adopted on September 29, 1998, as amended on November 27, 2002 [~~and~~], October 25, 2005[+], and _____.

"Mauka area" means that portion of the Kakaako community development district, established by section 206E-32, HRS, which is bounded by King Street; Piikoi Street from its intersection with King Street to Ala Moana Boulevard;

Ala Moana Boulevard, exclusive, from Piikoi Street to its intersection with Punchbowl Street; and Punchbowl Street to its intersection with King Street[+].

"Mauka area plan" means the development plan for the mauka area of the Kakaako community development district originally adopted on February 16, 1982, as amended on January 10, 1983, May 18, 1984, September 6, 1984, April 26, 1985, August 17, 1985, July 15, 1988, June 28, 1989, January 18, 1990, July 16, 1990, September 5, 1997, August 3, 1999, June 1, 2005 and[+] November 11, 2011.

"Mauka-makai" means the general orientation of mountains (mauka) to the ocean (makai)[+].

"Mauka-makai axis" means the angle or orientation of the nearest of one of the following mauka-makai thoroughfares: Punchbowl, South, Cooke, Ward, or Piikoi. The mauka-makai axis is parallel to the nearest designated mauka-makai thoroughfare. In the case that the tower lies exactly in between two mauka-makai thoroughfares, the relevant mauka-makai axis shall be chosen by measuring from the closest point of that tower to each thoroughfare[+].

"Mauka-makai zone" means an area that is defined by planes extended from the edges of a tower along its mauka-makai axis (see Figure 1.6B (view preservation), dated ~~September 2011,~~ [REDACTED], made a part of this chapter, and attached at the end of this chapter)[+].

"Maximum floor plate ratio" means the proportion of each floor that can occupy the total buildable floor area[+].

"Media production" is a use classification pertaining to areas for motion pictures, television, video, sound, computer, and other communications media production. These facilities include the following types:

- (1) Back lots or outdoor facilities. Outdoor sets, back lots, and other outdoor facilities, including supporting indoor workshops and craft shops;
- (2) Indoor support facilities. Administrative and technical production support facilities, including administrative and production offices, post-production facilities (editing and sound recording studios, foley stages, etc.), optical and special effects units, film processing laboratories, etc.; and
- (3) Soundstages. May also include buildings providing space for the construction and use of indoor sets, including supporting workshops and craft shops[+].

"Medical or dental clinic" is a use classification pertaining to 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 a combination of more than one use within a development project or lot[+].

"Multi-family" is a use classification pertaining to a building or buildings containing more than one dwelling and which may have joint services or facilities[+].

"Net site area" means all developable land within a project site including thoroughfares but excluding land allocated as civic zones[+].

"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 mauka area 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 neighborhood zones established by this chapter[+].

"Open space" means space that is 100% open to the sky that is between or adjacent to a structure and located at-grade. The area must be publicly accessible and useable if provided on a podium, roof garden, or roof top recreation area.

"Outdoor recreation" is a use classification for recreational facilities operated for monetary profit or on a nonprofit basis and which typically include swimming pools, wading pools, tennis courts, badminton courts, basketball courts, other hard surface play areas, baseball and soccer fields, play equipment areas, and clubhouse[+].

"Park and recreation" means a land use classification under civic uses pertaining to parks and recreational facilities, including gymnasiums, playing fields, playgrounds, fountains, and swimming pools[+].

"Parking access street" means a street from which access to parking, driveways, curb cuts and other vehicular intrusions into the pedestrian realm should be located. See Figure 1.10-B (parking placement diagram), dated [September 2011,] [REDACTED], made a part of this chapter, and attached at the end of this chapter[+].

"Parking facility" is a use classification for off-street parking spaces for motor vehicles within or outside of a structure by either a private or public entity[+].

"Parking structure" means a building containing one or more stories of parking above grade[+].

"Parking zone" means the area within a block where parking is allowed. See Figure 1.10-B (parking placement diagram), dated [September 2011,] [REDACTED], made a part of this chapter, and attached at the end of this chapter[+].

"Passageway" means a pedestrian pathway, open or roofed, that serves as an extension of the sidewalk as it passes from the frontage line onto private property, often between or through buildings, to courtyards, parking areas or civic spaces. Passageways shall be no less than fifteen feet wide. If passageways are covered, they require a floor to ceiling height of at least two times their width, but no greater than three times their width[+].

"Passenger terminal" is a use classification pertaining to the provision of transportation of persons and goods. Typical uses include stations, depots, yards, dispatch centers or other facilities for bus services, train services or taxi services but exclude trucking terminals or moving and storage firms[+].

"Path" means a pedestrian way traversing a park, with landscape matching the contiguous open space[+].

"Pedestrian throughway" means the clear area for the pedestrian walkway area between the furnishing and private frontage areas. The throughway must provide a minimum horizontal and vertical clear zone area in compliance with ADA requirements. No furnishings or obstructions are allowed. See Figure 1.14-A (pedestrian zone treatment), dated [September 2011,] [REDACTED], 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 1.14-A (pedestrian zone treatment), dated [September 2011,] [REDACTED], made a part of this chapter, and attached at the end of this chapter[+].

"Pedestrian zone fixture" means street furniture, paving, and trees within the pedestrian zone, including street trees, planting strips, street lights, pedestrian lights, street furniture, public art, sign poles, fire hydrants, signal and electrical cabinets, bike racks, special pavement, and outdoor seating. See Figure 1.15 (pedestrian zone fixtures), dated [September 2011,] [REDACTED], made a part of this chapter, and attached at the end of this chapter[+].

"Personal services" is a use classification pertaining to services for the enhancement of personal appearance,

cleaning, alteration or reconditioning of garments and accessories, and similar non-business related or nonprofessional services. Typical uses include reducing salons, tanning salons, barber shops, tailors, shoe repair shops, self-service laundries, and dry cleaning shops, but exclude uses classified under the 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[+].

"Porte cochere" means a covered parking area and driveway[+].

"Principal building" means the largest 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[+].

"Printing and publishing" is a use classification pertaining to printing by computer, letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving, and electrotyping. This includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices[+].

"Private frontage" means the area of the pedestrian thoroughway area that is privately owned. The private frontage contributes to the character of the neighborhood, 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 develop or improve a lot or combination of lots[+], buildings, or renovation of a building or structure.

"Project site" means the gross land area of a lot or a combination of lots for a proposed project[+].

"Promenade street" means a type of thoroughfare that promotes pedestrian activity by providing amenities such as wide sidewalks, street trees, street furnishings and reduced curb cuts. Promenade streets provide pedestrian connections between public open spaces and destinations[+].

"Public building" is a use classification pertaining to buildings owned or developed by public entities or developed on state-owned lands[+].

"Public facilities" means land, land area, structures or portions of structures, infrastructure, and utilities dedicated to perpetual public use and are publicly accessible.

"Public frontage" means the area of the pedestrian thoroughway area that is [~~publically~~] publicly owned. The public frontage contributes to the character of the neighborhood, and includes the sidewalk, landscaping and furnishings. See Figure 1.14 (pedestrian zone treatment), dated [~~September 2011,~~] [REDACTED], made a part of this chapter, and attached at the end of this chapter[+].

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

"Public realm" means the area of the pedestrian zone that is not contained within private lot lines[+].

"Public utility project" means any project or activity of any county or state agency conducted to upgrade or construct utilities, including sanitary sewer, drain lines, water, gas, electrical, telephone, cable, pedestrian facilities, and roadway systems[+].

"Receiving site" means the parcel or combination of parcels where floor area ratio transfer credits can be used to add development rights that have been severed from a sending site[+].

"Recreation space" means an outdoors or indoors open space within a development that can be located at any level and is available for recreational use[+].

"Recycling collection facility" means any indoor or outdoor space allocated to collecting and loading 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 which depicts the neighborhood zones, areas subject to regulation by this chapter and other pertinent portions of the authority's administrative rules[+].

"Religious facility" is a use classification pertaining to places of worship, including any church, synagogue, temple, mosque, or other building or facility, primarily engaged in religious worship. The term "Religious Facility" does not include uses, such as schools, recreational facilities, day-care or child care facilities, kindergartens, dormitories, or other facilities, for

temporary or permanent residences, which are connected or related to the religious facility or the principal buildings on the site, or are located on the same site, even if the curriculum or services offered as part of such use includes religious services and/or training[+].

"Renovation permit" means and includes a permit approved and issued by the executive director authorizing any renovation project.

"Renovation project" means and includes:

- (1) Interior alterations and modifications of an existing structure that increases floor area, not to exceed twenty-five per cent of the building floor area as originally constructed, and where the total building floor area is less than twenty thousand square feet; and
- (2) Minor modifications to the exterior of the existing structure.

"Reserved housing" means housing as defined in chapter 218, title 15, Hawaii administrative rules[+].

"Residential" means premises available for human dwelling[+].

"Restaurant" is a use classification pertaining to of the sale of food and/or beverages in a ready-to-eat state for on-site or off-site consumption. Typically, there are tables, counters, benches, or other public seating facilities provided. Examples include a sit-down dining facility, fast-food restaurant (no drive-through), donut shop, pizza shop, cafe, bakery, cafeteria, coffee shop, lunchroom, delicatessen, and ice cream parlor. Includes micro-breweries as accessory to the restaurant[+].

"Retail sales" is a use classification pertaining to the sale of goods and merchandise[+].

"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[+].

"Roof" means a solid horizontal or angled man-made structure that provides covering and protection from natural elements, having less than 50% of the structure or protection open to the sky and natural elements.

"Rules clearance" means and includes a permit approved and issued by the executive director when the uses, structures, and activities:

- (1) Complies with setback requirements, height limits, and all other applicable standards and existing nonconformities; and

(2) Does not require the issuance of a renovation permit, improvement permit, or development permit.

"Secondary frontage" means on corner lots, the frontage that is not the principal frontage[+].

"Sending site" means the parcel or combination of parcels where floor area ratio transfer credits can be obtained in exchange for severing development rights[+].

"Service street" means a thoroughfare with two travel lanes and one parking-loading lane intended to provide vehicular access to lots. The pedestrian realm requires no front yard space and no trees[+].

"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, thereby resulting in reductions in the parking requirements[+].

"Short-term bicycle parking" means a place to secure bicycles for less than eight hours. Short-term bicycle parking can be provided through fixed bicycle racks[+] or corrals for parking and locking bicycles, or storage facilities[+] on the ground level near building entrances. Directional signage shall be provided for short-term bicycle parking not clearly visible from the sidewalk.

"Sidewalk" means the paved section of the pedestrian zone used or intended to be used exclusively for pedestrian activity[+].

"Single family" is a use classification pertaining to a single dwelling[+].

"Smart growth" means an urban planning theory that concentrates growth in the center of a city to avoid urban sprawl and advocates compact, transit-oriented, walkable, bicycle-friendly land use, including complete streets, and mixed-use development with a range of housing choices[+].

"Special flood hazard area" means a designation by the Federal Emergency Management Agency ("FEMA") that may include the V (velocity) zones and coastal A zones where building construction is forbidden, restricted, or contingent upon raising the building to the base flood elevation[+].

"Standard" means a development regulation that is required, rather than discretionary[+].

"Stepback" means a building setback of a specified distance that occurs at a prescribed number of stories above the ground[+].

"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 walkable, low speed (twenty-five miles per hour) thoroughfare primarily serving abutting property. A street is used to connect neighborhoods within the district. Streets emphasize curb parking[+].

"Street front element" means the portion of a building that primarily sits along a build to line and creates a street wall that frames the street[+].

"Street screen" means a freestanding wall built along the frontage line, or coplanar with the facade. It may mask a parking lot from the thoroughfare, provide privacy to a side yard, or strengthen the spatial definition of the public realm[+].

"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[+].

"Tandem parking" means two cars parked nose to end, one in front of the other[+].

"Temporary parking" means parking establish for a fixed period of time with the intent to discontinue such parking upon the expiration of such time. Temporary parking does not involve the construction or alteration ~~[an]~~ of any permanent structure[+].

"Temporary use" is a use classification approved by the executive director for a fixed period of not more than fourteen consecutive days within a ninety day period, and does not involve the construction or alteration of any permanent structures.

"Temporary use permit" means and includes a permit approved and issued by the executive director authorizing any temporary use and associated structures.

"Theater" is a use classification pertaining to performance theaters, movie theaters, and amphitheaters[+].

"Thoroughfare" means a way or passage 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 mauka area rules that shows planned changes to existing thoroughfares and the general location of planned new thoroughfares. See Figure 1.4 (thoroughfare plan), dated [~~September 2011,~~], made a part of this chapter, and attached at the end of this chapter[+].

"Transit-oriented development" means a mixed-use area intended to maximize access to public transport; often incorporating features to encourage transit ridership[+].

"Urbanism" means collective term for the condition of a compact, mixed-use settlement, including the physical form of its development and its environmental, functional, economic, and socio-cultural aspects[+].

"View corridor street" means a thoroughfare identified in the mauka area plan, where special design and development standards are required to protect views to the mountains and to the ocean. See Figure 1.6A (view corridors), dated [September 2011,] [REDACTED], made a part of this chapter, and attached at the end of this chapter[+].

"Vocational school" is a use classification pertaining to training in a skill or trade to be pursued as a career[+].

"Warehousing" is a use classification pertaining to 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[+].

"Workforce housing project" means new residential project as defined in chapter 218, title 15, Hawaii administrative rules[+].

"Zone" means the area or district of the mauka area through which these rules are organized; and

"Zoning Clearance" means and includes a permit approved and issued by the executive director authorizing that a proposed use is consistent with the established land use district.

"Zoning map" means the official map or maps that are part of the mauka area rules and delineate the boundaries of individual zones and districts (see regulating plan).

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

§§15-217-9 to 15-217-20 (Reserved) [+-]

SUBCHAPTER 2

REGULATING PLAN [~~AND~~], NEIGHBORHOOD ZONES, AND INCENTIVE ZONES

§15-217-21 Purpose. This subchapter establishes the neighborhood zones within the mauka area, adopts the regulating plan for the mauka area as its zoning map, adopts the parks and open space plan as an overlay to the regulating plan, [~~and~~] establishes standards applicable to neighborhood zones, and establishes incentive zones that may utilize modifications to the rules that would not be otherwise permitted. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-22 Regulating plan. The mauka area rules regulating plan (hereafter referred to as the "Regulating Plan"), included as Figure 1.2 (regulating plan), dated [~~September 2011,~~] _____, made a part of this chapter, and attached at the end of this chapter, identifies the neighborhood zones provided in section 15-217-23 (neighborhood zones). [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-23 Neighborhood zones. (a) The regulating plan is divided into neighborhood zones corresponding to the mauka area plan. These neighborhood zones and their corresponding development and use rules and guidelines are as follows:

- (1) Civic center zone (see Figure NZ.1 (civic center), dated [~~September 2011,~~] _____, made a part of this chapter, and attached at the end of this chapter). The civic center neighborhood zone is located adjacent to the Hawaii capital district. The civic center zone will be characterized by civic buildings in campus-like settings with reduced building heights to respect the scale of existing historic resources both within and adjacent to the zone. Significant landscaping features will be retained and enhanced through new plantings;
- (2) Kapiolani zone (see Figure NZ.2 (Kapiolani), dated [~~September 2011,~~] _____, made a part of this chapter, and attached at the end of this

chapter). The Kapiolani zone will be a central corridor providing for mixed-use buildings including ground floor commercial retail and services, and office and residential uses on upper floors;

- (3) Thomas square zone (see Figure NZ.3 (Thomas square), dated [~~September 2011,~~ _____, made a part of this chapter, and attached at the end of this chapter). The Thomas square zone will continue as a civic focal point for the mauka area through its civic buildings and uses facilitating educational, performance and entertainment endeavors. Buildings will be provide large setbacks and with complementary mature landscaping;
- (4) Sheridan zone (see Figure NZ.4 (Sheridan), dated [~~September 2011,~~ _____, made a part of this chapter, and attached at the end of this chapter). The Sheridan zone will consist predominately of a residential neighborhood with [~~markedly~~] lower scale buildings when compared to the remainder of the mauka area. However, commercial uses will continue along King, Pensacola, and Piikoi Streets; preferably within mixed-use building with upper floors of residential or office uses;
- (5) Central Kakaako zone (see Figure NZ.5 (central Kakaako), dated [~~September 2011,~~ _____, made a part of this chapter, and attached at the end of this chapter). The central Kakaako zone will support the continued operation of service businesses including those which are industrial such as repair shops and manufacturing or distribution, as well as residential mixed-use projects within its zone. Inadequate infrastructure will be repaired or upgraded to adequately support existing and planned development and uses;
- (6) Pauahi zone (see Figure NZ.6 (Pauahi), dated [~~September 2011,~~ _____, made a part of this chapter, and attached at the end of this chapter). The Pauahi zone will transition into a mixed-use urban village of significantly increased building heights and density. The Pauahi neighborhood will also continue to provide important link from the makai area of Kakaako's waterfront up toward mauka. Walkability will be improved through the insertion of new

thoroughfares or passageways; and

- (7) Auahi zone (see Figure NZ.7 (Auahi), dated [September 2011,] ██████████, made a part of this chapter, and attached at the end of this chapter). The Auahi zone will function as Kakaako's main retail, restaurant and entertainment area. Changes to existing building forms will better accommodate pedestrians by relegating vehicles to less prominent positions. Additionally, new thoroughfares or passageways will reduce block sizes and, consequently, further increase pedestrian orientation.

(b) Standards applicable to neighborhood zones. All development, use, and construction within the neighborhood zones shall conform to the standards set forth in Figure 1.3 (development standards summary), dated [September 2011,] ██████████, made a part of this chapter, and attached at the end of this chapter, and Figures NZ.1 to NZ.7, dated [September 2011,] ██████████, made a part of this chapter, and attached at the end of this chapter, which allocate building type, frontage type, building placement, building form, land use, allowed height, build to line, and parking access.

(c) Standards applicable to entire mauka area. The standards applicable to each neighborhood zone, building type or frontage type may be further modified by subchapter 4 (area wide standards). [Eff ██████████] (Auth: HRS §§206E-4, 206E-5, 206E-7, 206E-33) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-33)

§15-217-24 Building types. All buildings shall conform with the building standards set forth in Figures BT.1 to BT.10, dated [September 2011,] ██████████, made a part of this chapter, and attached at the end of this chapter, which specify lot and facade width, access, parking, open space, landscaping, frontage types, and building massing standards to each building type. [Eff ██████████] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-25 Frontage types. All buildings shall conform with the frontage standards set forth in Figures FT.1 to FT.12, dated [September 2011,] ██████████, made a part of this chapter, and attached at the end of this chapter, which specify dimension and element standards for each frontage

type. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-26 Land uses. (a) Buildings and lots in each neighborhood zone shall conform to the land uses specified in Figure 1.9 (land use), dated [~~September 2011,~~ _____], 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 1.9 (land use), dated [~~September 2011,~~ _____], made a part of this chapter, and attached at the end of this chapter.

(c) Where a single lot is proposed for development with two or more land uses listed in Figure 1.9 (land use), dated [~~September 2011,~~ _____], made a part of this chapter, and attached at the end of this chapter, the project shall be subject to the permit with the highest level of discretionary review. [Eff _____] (Auth: HRS §206E-7) (Imp: HRS §206E-7)

§15-217-27 Parks and open space plan. (a) The mauka area rules parks and open space plan (hereafter referred to as the "Parks and Open Space Plan"), modifies or maintains the underlying standards of any applicable neighborhood zone, building type, frontage type or land use, as provided for in this section.

(b) Each park and open space shall be designed as described in Figure 1.11 (civic space), dated [~~September 2011,~~ _____], made a part of this chapter, and attached at the end of this chapter.

(c) Any improvement project performed on any park or open space shall require the executive director's approval of a rules clearance pursuant to section [~~15-217-79~~] 15-217-78.1 (rules clearance), without public hearing, when in compliance with all standards of this chapter.

(d) Overlay provisions. The following standards apply to the parks and open space plan:

- (1) Neighborhood zone standards. Parks and open space areas are indicated on Figure 1.5 (parks and open space plan), dated [~~September 2011,~~ _____], made a part of this chapter, and attached at the end of this chapter. These areas shall be retained as open space or parks as indicated. Any building in these areas shall be located according to the building placement indicated on Figures NZ.1 to NZ.7, dated [~~September 2011,~~ _____]

consistent with Figure 1.11 (civic space), dated [September 2011], [redacted], made a part of this chapter, and attached at the end of this chapter, or prior to such redevelopment, any of those uses provided by section 15-217-27(d) (4) (A) (parks and open space plan); and

- (5) Subchapter 4 (area wide standards). All provisions of subchapter 4 shall apply to parks and open space on Figure 1.5 (parks and open space plan), dated [September 2011], [redacted], made a part of this chapter, and attached at the end of this chapter. [Eff [redacted]] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-28 Incentive zones. (a) The purpose of establishing incentive zones is to encourage the development of public benefits on project sites that may not have been otherwise required in exchange for approved development bonuses. These bonuses may take the form of modifications to building forms, increased floor area ratio, or other items approved by the decision-maker.

(b) Development bonuses may increase the maximum density FAR of each neighborhood zone, not to exceed a total FAR of 10.0, subject to compliance with section 15-217-57 Adequate infrastructure.

(c) Development bonuses may only be used on lots identified within the mauka area and indicated in Figure IZ.1 Incentive zoning map, dated [redacted], made part of this chapter, and attached at the end of this chapter.

(d) Only development bonuses identified in Figure IZ.2 Incentive table and Figure IZ.2.1 Approved Public Facilities, dated [redacted], made a part of this chapter, and attached at the end of this chapter may be applied to projects on lots identified in Figure IZ.1 Incentive zoning map, dated [redacted], made part of this chapter, and attached at the end of this chapter.

(e) The additional floor area generated by incentive zoning shall be exempt from public facilities dedication fees listed in section 15-217-65. In projects where building forms are modified from what would otherwise be allowed, the exempt floor area should be the difference in floor area between what is otherwise allowed minus the floor area generated by the incentive zoning. [Eff [redacted]]

(Auth: HRS §§206E-4, 206E-4.5, 206E-5, 206E-7, 206E-33)
(Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-33)

~~§§15-217-28~~ §§15-217-29 to 15-217-37 (Reserved).

SUBCHAPTER 3

THOROUGHFARE PLAN AND STANDARDS

§15-217-38 Purpose. (a) To translate the urban road classifications defined in the mauka area plan into standards for the pedestrian zone.

(b) To prioritize the pedestrian over vehicular transportation modes in thoroughfare planning and design, through the provision of ample sidewalk amenities and a hierarchy of sidewalk sizes.

(c) To provide standards for promenade streets and view corridors. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-39 Thoroughfare plan and standards. (a) The mauka area rules thoroughfare plan (hereafter referred to as the "Thoroughfare Plan"), shall consist of: Figure 1.4 (thoroughfare plan), dated [~~September 2011~~] _____, made a part of this chapter, and attached at the end of this chapter; Figures 1.7A and 1.7B (street tree plan and charts), dated [~~September 2011~~] _____, made a part of this chapter, and attached at the end of this chapter; Figure 1.14 (pedestrian zone treatment), dated [~~September 2011~~] _____, made a part of this chapter, and attached at the end of this chapter; Figure 1.15 (pedestrian zone fixtures), dated [~~September 2011~~] _____, made a part of this chapter, and attached at the end of this chapter; and Figures PZ.1 to PZ.7 (pedestrian zone treatment), dated [~~September 2011~~] _____, made a part of this chapter, and attached at the end of this chapter.

(b) Applicability:

(1) The standards provided in the thoroughfare plan shall be applicable to all existing and proposed thoroughfares within the mauka area plan, except for that portion of the right-of-way that falls within the curb to curb area. The authority will rely upon the mauka area plan to determine the curb to curb attributes of thoroughfares;

- (2) Design conflicts between vehicular and pedestrian movement in new thoroughfares shall be generally decided in favor of the pedestrian, unless there is overriding public interest which dictates that the conflict be resolved in favor of vehicular movement~~[7]~~. Flexibility in implementing the thoroughfare plan and standards may be provided to allow for consistency with the city and county of Honolulu's standards and Complete Streets Design Manual; and
 - (3) Developments and improvement projects shall be required to comply with the thoroughfare plan, if applicable to their frontage type. Development or improvement projects as well as additions to existing buildings shall be required to comply with the thoroughfare plan if the value of the changes or renovations to the property are greater than or equal to fifty per cent of the replacement value of the existing improvements.
- (c) General to all thoroughfares:
- (1) With the exception of service streets, alleys and streets with a right-of-way measuring forty feet or less, every thoroughfare shall have street trees planted along their length within the public frontage area. Service streets and alleys may include street trees, subject to the executive director's determination of size, location and species; and
 - (2) Requirements presented in the rules for promenade streets shall take precedence over other requirements presented for the thoroughfare type.
- (d) Pedestrian zone:
- (1) The pedestrian zone is distinguished and organized according to three functional categories: furnishing area, pedestrian throughway area, and private frontage area. Portions of this zone may be ~~[publically-owned]~~ publicly-owned or privately-owned. Pedestrian zone standards shall apply to all thoroughfares as shown in Figure 1.4 (thoroughfare plan), dated ~~[September 2011]~~ , made a part of this chapter, and attached at the end of this chapter, unless otherwise noted in the rules;
 - (2) Pedestrian zones in each neighborhood shall comply with the requirements set forth in Figures PZ.1 to PZ.7, dated ~~[September 2011]~~ , made a part of this chapter, and attached at the end of this chapter;

- (3) Special paving (differentiated by texture, color, patterned brick, or stone) may be used in the pedestrian zone, especially along promenade thoroughfares, but must be reviewed and approved by the executive director;
- (4) All thoroughfares except service streets and alleys should have pedestrian zone fixtures provided that they should be placed within the furnishing zone, as indicated in Figures 1.14 (pedestrian zone treatment) and 1.15 (pedestrian zone fixtures), dated [September 2011,] _____, made a part of this chapter, and attached at the end of this chapter;
- (5) Pedestrian zone fixtures shall be placed within the furnishing area as shown in Figures PZ.1 to PZ.2, dated [September 2011,] _____, made a part of this chapter, and attached at the end of this chapter;
- (6) All pedestrian zone fixtures shall be at least two feet from the curb edge; and
- (7) Waste receptacles should be located in close proximity to seating areas provided.
- (e) Street trees and landscaping:
 - (1) Street trees shall be planted in a [~~regularly-spaced~~] pattern [~~of a single species~~] which produces the maximum amount of shade while not impeding the visibility of pedestrians or vehicles. Street trees shall be native or adapted species appropriate to the location, disease resistant, appropriate to the climate, and with shade canopies of a height that at maturity, clears at least one story as per Figures 1.7A and 1.7B (street trees), dated [September 2011,] _____, made a part of this chapter, and attached at the end of this chapter. The planting, removal, and maintenance of street trees within the public right-of-way fronting any development lot shall be subject to the approval of the executive director in consultation with the department of planning and permitting and the department of parks and recreation, division of urban forestry, city and county of Honolulu;
 - (2) Where the terrace front frontage type is used, trees shall be included within the lot lines that are aligned with trees in the public [~~pedestrian zone~~] furnishing and encroachment zone to form a double row of [~~tress~~]trees (i.e., an allee pattern) along the sidewalk;

- (3) When the shopfront frontage type is used, street trees shall be maintained to avoid visually obscuring the shopfronts and their accompanying signage; and
- (4) Landscaping adjacent to sidewalks shall be free from spiky plants, rapidly growing vines, and other landscaping that may cause harm to pedestrians.
- (f) Street lighting:
 - (1) On promenade streets, a pedestrian tier lamp on the sidewalk side, such as the decorative street light fixture ensemble 'A' in Figure 1.15-B (pedestrian zone fixtures), dated [~~September 2011,~~] [REDACTED], made a part of this chapter, and attached at the end of this chapter, shall be used; provided, however, that the executive director may approve an alternative light fixture of similar height, design and lighting characteristics;
 - (2) On boulevards, avenues and streets, other than promenade streets, a light fixture such as the special design fixture ensemble 'B' in Figure 1.15-C (pedestrian zone fixtures), dated [~~September 2011,~~] [REDACTED], made a part of this chapter, and attached at the end of this chapter, shall be used; provided, however, that the executive director may approve an alternative light fixture of similar height, design and lighting characteristics; and
 - (3) Street lighting shall illuminate both the sidewalk and vehicular lanes, especially along promenade streets.
- (g) Planting strip:
 - (1) Planting strips may be accommodated within the furnishing zone, as indicated in Figures PZ.1 to PZ.7, dated [~~September 2011,~~] [REDACTED], made a part of this chapter, and attached at the end of this chapter;
 - (2) Planting strips may be designed to have a variety of materials such as cobbles, river pebbles, planting, permeable pavers, or compacted stonedust, for a permeable surface;
 - (3) Planting strips designed to incorporate bio-swales or water retention areas to mitigate stormwater runoff are encouraged;
 - (4) Planting strips may project beyond the curb edge to create breaks in the street parking. These projections are encouraged to be designed as a

- pattern along the entire street length; and
- (5) Vegetation within planting strips should be native, disease resistant, and appropriate to the climate[.] and location. Edible plants are encouraged.

(h) Promenade streets. In addition to the criteria relating to promenade streets presented in the rules, thoroughfares designated as promenade streets shall be constructed as indicated in Figures PZ.1 to PZ.7, dated [~~September 2011,~~] [REDACTED], made a part of this chapter, and attached at the end of this chapter. [Eff]
(Auth: HRS §§206E-4, 206E-5, 206E-7, 206E-33) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-33)

§§15-217-40 to 15-217-50 (Reserved).

SUBCHAPTER 4

AREA-WIDE STANDARDS

§15-217-51 Purpose. (a) This subchapter provides standards that:

- (1) Apply throughout the mauka area; and
- (2) Either supplement or modify other standards provided elsewhere in the rules.

(b) This subchapter concisely organizes standards by topic in order to ease the understanding and application of its provisions. [Eff] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-52 Applicability. This subchapter applies to all permit applications and use classifications, except where a section provides otherwise. [Eff]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-53 Building placement. (a) Facades shall be built parallel to a build to line with a minimum frontage occupancy as per table subsection (c) of Figure [1.13-C] NZ.1-NZ.7 (building placement [and encroachments]), dated

~~[September 2011,]~~ [REDACTED], made a part of this chapter, and attached at the end of this chapter.

(b) Wherever a build to line is ~~[equal to or]~~ greater than fifteen feet, a terrace front frontage type (see Figure FT.8 (terrace front), dated ~~[September 2011,]~~ [REDACTED], made a part of this chapter, and attached at the end of this chapter) shall be used.

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

§15-217-54 Building form. (a) The height of any building or structure or portion thereof shall be measured from ground elevation.

(b) Height limits for attics or raised basements, masts, belfries, clock towers, chimney flues, elevator bulkheads, church spires, cupolas, domes, ventilators, skylights, parapet walls, cornices, solar energy systems, railings, or necessary mechanical appurtenances on the roof level shall be limited to the height necessary for their proper functioning. The executive director shall make the final determination on the height necessary for their proper functioning. Attics shall not exceed fourteen feet in height.

(c) Where the floor plate ratio identified in Figures BT.1 to BT.10, dated ~~[September 2011,]~~ [REDACTED], made a part of this chapter, and attached at the end of this chapter, indicate a value of less than one hundred per cent, the remainder value of setback area is considered the building void (see Figure 1.12-C (illustrative building void and floor plate diagrams), dated ~~[September 2011,]~~ [REDACTED], made a part of this chapter, and attached at the end of this chapter). At least twenty-five per cent of the building void, in plan, shall be located along the facade and have a minimum depth of ten feet, as measured from the facade toward the rear lot line; provided, however, that this minimum depth from the facade shall be increased by three feet for every ten feet of building height.

~~[(d) Any part of a building which is taller than sixty-five feet and fronting a view corridor street (see Figure 1.6A (view corridors), dated September 2011, 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.]~~

~~[(e)]~~ (d) Except in the Sheridan neighborhood zone, all ground floors shall be at least twelve feet tall along all thoroughfares.

~~[(f)]~~ (e) All new principal buildings shall be designed with a street front element conforming to Figure 1.3-D (development standards summary - building form), dated ~~[September 2011,]~~ [redacted], made a part of this chapter, and attached at the end of this chapter. See Figure 1.12-A (illustrative building form diagram), dated ~~[September 2011,]~~ [redacted], made a part of this chapter, and attached at the end of this chapter, for an illustrative example of a street front element. [Eff]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-55 Architectural design. (a) Awnings, trellises and canopies:

- (1) The use of vinyl or plastic awnings, trellises and canopies is prohibited along promenade streets and view corridor streets;
 - (2) Awnings, trellises, and canopies shall comply with Figure 1.13 (building placement and encroachments), dated ~~[September 2011,]~~ [redacted], made a part of this chapter, and attached at the end of this chapter;
 - (3) Awnings, trellises, and canopies shall not obstruct views of pedestrian-oriented signage (e.g., blade sign) for shops and businesses; and
 - (4) The location of awnings on a facade shall be of a consistent height. Similarly, the location of awning on a facade shall generally align with those on adjacent buildings, to the extent practicable.
- (b) Balconies:
- (1) Balconies shall be accessible from inside the building;
 - (2) Balconies shall not be completely enclosed;
 - (3) Balconies shall comply with Figure 1.13 (building placement and encroachments), dated ~~[September 2011,]~~ [redacted], made a part of this chapter, and attached at the end of this chapter; and
 - (4) For floors one through five, balconies adjoining dwellings within multi-family buildings shall have a minimum depth of at least five feet.
- (c) Buildings with auto rental or sales uses:

- (1) Applicability. This subsection shall apply to all existing and new principal buildings used or intended to accommodate auto rental or sales and/or auto repair land use classifications;
 - (2) Showrooms shall be located at the frontage line and include a minimum fenestration value of seventy-five per cent at the first floor of the facade;
 - (3) Vehicle repairs shall occur within a separate building located behind the principal building or portion of a principal building located behind the showroom; provided, however, that vehicle repairs may be located within floor area at a frontage line abutting a primary parking street;
 - (4) Service bays shall not be visible from an abutting alternative parking access street or promenade street;
 - (5) Pedestrian pathways shall lead pedestrians from the public sidewalk and customer parking areas to the vehicle showroom and service areas;
 - (6) Service bays, vehicle displays or storage areas shall be screened from view from abutting thoroughfares through building placement, landscaping, fencing, and/or decorative walls; and
 - (7) Water efficient landscaping and low accent walls between two to three feet in height shall be installed along all outdoor displays and parking lot perimeters.
- (d) Storm water drainage. Rainwater shall be diverted away from sidewalks through downspouts visible on the rear building elevation, internal drain pipes, or through awnings or canopies.
- (e) Fences, walls, and hedges:
- (1) 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 four feet in any portion of a front yard or a side yard that faces a thoroughfare, except where the rear yard or side yard abuts a parking lot or industrial use, a maximum six-foot tall fence, hedge or wall is permitted;
 - (2) Retaining walls shall be constructed out of masonry or stone or another equally durable material;
 - (3) Fences shall be constructed out of ornamental iron, steel, wood pickets and/or a synthetic wood product (such as wood-filled Recycled plastic lumber) and may have stucco or masonry piers;

- (4) Chain link, barbed wire, vinyl, plastic or exposed cinder block walls are prohibited within front yards [~~abutting any boulevard, avenue, or promenade street~~]; and
- (5) 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;
- (6) Walls and fences for public utilities may be constructed up to eight feet in height and topped with security wire to a height of ten feet.

(f) 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;
- (4) Lighting that is visible from adjacent properties or thoroughfares shall be indirect or incorporate full shield cut-offs;
- (5) Incandescent exterior lights and high-pressure sodium lights are prohibited; and
- (6) Architectural details may be accented through lighting.

~~[(g) Building facade and elevation materials. A change of exterior texture and material shall be accompanied by a change in plane. However, glazing and spandrel glass is exempt from this provision.]~~

~~[(h)]~~ (g) Roofs:

- (1) Roofs may be accessible and used as roof decks, gardens, balconies or terraces;
- (2) Roofs shall 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 in a roof top mechanical equipment enclosure so that it is not visible from a thoroughfare, historic or public buildings.

~~[(i)]~~ (h) Service functions:

- (1) Utilities, service elements, recycling and trash elements shall be located off alleys (where present), or in structured parking garages where they exist. Alternatively, they may be located at least ten feet behind the facade of a principal

building or 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 other than alleys shall be incorporated in the building structure in a manner accessible to the trash collection service provider, [~~but shall not be visually intrusive through:~~] and should use [~~of~~] the following strategies to avoid being visually intrusive:
 - (A) Burying or screening underground (utility wires, meters, transformers);
 - (B) Incorporation into the building or parking garage as a utility room (meters, transformers);
 - (C) Screening behind building (meters, terminal boxes); and
 - (D) Clustering on roof within a mechanical enclosure (HVAC); and
- (4) Recycling or trash enclosures shall be of a similar material and color with the principal building.

[~~(j)~~] (i) 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. Where possible, signage shall be in the two official languages of Hawai'i, 'Ōlelo Hawai'i and English.

[~~(k)~~] (j) Windows:

- (1) Highly-reflective, and mirrored [~~, and opaque window~~] glazing are prohibited;
- (2) Window glazing shall be transparent with clear or limited UV tint so as to provide views out of and into the building. 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[~~+~~]. The executive director may provide flexibility to the strict compliance with these visual light transmission level requirements if conflicts exist with other government requirements, such as the State Energy Code;

- (3) For floors one through ten, all principal windows in a residential building [~~windows~~] shall be operable;
- (4) Vinyl window frames are prohibited, except for Figures BT.1 to BT.3, dated [~~September 2011,~~] [REDACTED], made a part of this chapter, and attached at the end of this chapter;
- (5) Pop-in muntins are prohibited below the third floor; and
- (6) Window grilles are prohibited except at window openings to podium parking or on building elevations facing alleys or service streets.

~~[(1)]~~ (k) View preservation:

- (1) Mauka and makai views to the mountains and the waterfront shall be preserved through orientation of towers with the long side of the tower parallel to the mauka-makai axis (see definitions section and Figure 1.6B (view preservation), dated [~~September 2011,~~] [REDACTED], made a part of this chapter, and attached at the end of this chapter);
- (2) The orientation of the tower may deviate from its designated mauka-makai axis by a maximum of twenty degrees. The authority may consider, pursuant to section 15-217-82 of this rule, a deviation of the tower orientation of more than twenty degrees from the designated mauka-makai axis provided that the applicant demonstrates to the satisfaction of the authority that based on building massing, tower floor plate size, tower configuration, tower orientation, energy efficiencies, and other pertinent factors that the proposed tower orientation will not have a greater impact on mauka-makai view than would result from a twenty degree mauka-makai orientation;

~~[(3)] The tower floor plate shall not exceed a horizontal plan projection dimension of one hundred and fifty feet on one direction and a maximum length of two hundred and ten feet between two farthest points of the tower floor plate. The plan projection dimension measured perpendicular to the horizontal projection may exceed one hundred and fifty feet provided that the maximum dimension between two farthest points on the tower foot print do not exceed two hundred and ten feet in length;~~

- ~~[(4)]~~ (3) To the extent practicable, [A] a proposed tower shall be located a minimum of three hundred

feet from an existing tower, when any portion of the proposed tower falls within the existing tower's mauka-makai zone (see definitions section and Figure 1.6B (view preservation), dated ~~September 2011,~~ [REDACTED], made a part of this chapter, and attached at the end of this chapter);

~~[(5)]~~ (4) No tower shall be less than eighty feet from another tower; and

~~[(6)]~~ (5) The areas of buildings above seventy-five feet on view corridor streets shall be setback by fifty feet behind the lot line.

~~[(m)]~~ (1) Storefronts and windows for retail:

(1) Applicability. This subsection applies to existing or newly proposed principal buildings used or intended to accommodate the retail land use classification;

(2) Stores that occupy greater than sixty feet of frontage shall incorporate multiple entrances along the street;

(3) Street front elements shall have a depth of ~~[forty to eighty]~~ at least twenty feet of usable commercial or active public use space ~~[with potential for dividing walls at least every thirty feet];~~

(4) At least seventy per cent of a retail thoroughfare front element shall be transparent glazing, with at least seventy per cent of the glazing to allow views into the store rather than being shallow window box displays;

(5) No more than thirty per cent of the window area at facades may be obstructed by signage or interior displays;

(6) All principal entrances shall be located along the thoroughfare or a thoroughfare-facing courtyard, rather than from a parking area, alley, or another point within the interior of a block;

(7) Display windows shall be used on the ground floor and on upper floors of retail space; and

(8) Buildings facades and side elevations shall accommodate signage for ground floor retail tenants. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-56 Landscape and recreation space. (a) All yards shall be landscaped with native or adapted plant

species and/or hardscaped [~~with permeable material.~~]. No front yard shall have less than fifty per cent of the surface area permeable.

(b) Historic landscapes and exceptional trees as designated by the city and county of Honolulu shall be protected and preserved. In the case where historic landscapes and exceptional trees conflict with prescribed standards in the rules, the historic landscape or exceptional tree takes precedence.

(c) Landscaping shall have an automatic irrigation system with a rain or moisture sensor.

(d) Residential projects requiring a development permit shall provide fifty-five square feet of recreation space per dwelling unit. The required on-site recreation space, if [~~provided outdoors,~~] it meets the definition of open space, may be used to satisfy a portion of the open space requirement.

(e) Landscaping should promote traditional cultural and gathering practices wherever possible. [Eff]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-57 Adequate infrastructure. (a) This section intends to limit development within portions of the mauka area with known infrastructure deficiencies until such time as the availability of infrastructure is sufficient to accommodate the maximum level of development provided for by the mauka area rules.

(b) This section shall be applicable to the central Kakaako neighborhood zone only.

(c) A maximum FAR of 1.5 shall apply until the executive director determines the infrastructure within the central Kakaako neighborhood zone has been sufficiently upgraded pursuant to an improvement district or other public facilities project. After sufficient infrastructure improvements are made, the FAR shall be increased to [~~3.5,~~] the maximum allowable, consistent with the mauka area rules.

(d) Where the executive director finds that the public infrastructure is adequate to support a project within the central Kakaako neighborhood zone or where a project would construct improvements to said infrastructure sufficient to accommodate the subject project and future developments, the executive director may elect to waive the FAR limitations of this section. [Eff] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-58 Large lots. (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. Each building within a large lot project shall comply with the applicable requirements in the development standards by zone and all other relevant standards in the rules. The following standards shall apply to large lot projects (i.e., larger than 140,000 square feet).

(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~~] publicly-accessible;
- (5) Architectural encroachments into passageways are allowed two feet from the building face, subject to Figure 1.13-C (encroachments), dated [~~September 2011~~] , made a part of this chapter, and attached at the end of this chapter;
- (6) Each new block shall have an alley for service and parking access; and
- (7) 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 zone;
- (2) New buildings shall have their [~~principle~~] principal 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 that occupy a large lot 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 parcels 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 parcels to ensure access by vehicles and access to light and air of the other parcels. An alternative proposal may be considered as long as it meets the intent of providing light, room, and air to neighboring parcels. [Eff _____]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-59 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 mauka area.

(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, except that Figures BT.1 to [BT.4,] BT.2, dated [~~September 2011~~, _____], made a part of this chapter, and attached at the end of this chapter, are not required to follow this standard.

- (c) Green building standards:
 - (1) A project shall qualify for the applicable base LEED rating system 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 applicant based on the construction type, size, and use of the proposed project;
 - (3) The project shall document the achievement of at least one LEED point in either sustainable sites,

stormwater design, quantity control; or stormwater design, quality control;

- (4) The project shall document the achievement of at least one LEED point in either sustainable sites, heat island effect, non-roof, or roof;
- (5) The project must document the achievement of at least one point in water efficiency, (WE) credit I: water efficient landscaping;
- (6) The applicant shall submit documentation and sustainability calculations showing that the proposed development meets the applicable base LEED rating system at the appropriate certification level. Based on these materials, the authority shall determine compliance with this section in conjunction with the accompanying development approval;
- (7) If the U.S. Green Building Council changes the LEED rating system, the executive director shall identify the new points and rating systems that are relevant to this section; and
- (8) Applicant may use a green building evaluation system, other than the LEED rating system, as appropriate and as approved by the executive director. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7, 206E-33) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-33)

§15-217-60 Encroaching elements. Architectural features may encroach beyond a required build to line, as designated in Figure 1.13-C (encroachments), dated [September 2011, _____], made a part of this chapter, and attached at the end of this chapter. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-61 Flood zone. (a) Purpose. These standards provide building and urban design strategies that supplement the regulations presented in [~~article 9 of~~] the city and county of Honolulu flood hazard areas land use ordinance (chapter 21A, revised ordinances of Honolulu), which do and shall apply in the mauka area. These standards help assure that flood measures implemented are seamless with existing fabric in terms of scale, frontage, and fenestration. The

standards help ensure that measures implemented do not impede pedestrian access from abutting thoroughfares.

(b) Applicability. The following standards apply to all new buildings within an identified Honolulu or FEMA flood zone that are required by code to have raised ground floors.

- (1) Design and location standards for ADA compliant wheelchair access ramps within flood zones:
 - (A) A wheelchair ramp may only occupy up to fifteen per cent of building face;
 - (B) Wheelchair ramps and ramp handrails on all ramps greater than twenty feet in length must be placed behind street walls or landscaping features such as hedges;
 - (C) Except for those used for residential purposes, all buildings occupying less than one hundred twenty feet of frontage, shall use internal wheelchair ramps (see Figure 1.16-A (flood zone design, internal wheelchair ramp), dated [~~September 2011,~~] _____, made a part of this chapter, and attached at the end of this chapter);
 - (D) Except for those used for residential purposes, all buildings occupying more than or equal to one hundred twenty feet of frontage may use external wheelchair ramps (see Figures 1.16-B and 1.16-C (flood zone design), dated [~~September 2011,~~] _____, made a part of this chapter, and attached at the end of this chapter); and
 - (E) For all buildings, except for those used for residential use, no wheelchair ramps are allowed in the public right-of-way or front setback, except in the following circumstances:
 - (i) When the ramp fronts the side of a building near a corner;
 - (ii) When the ramp is shielded from the thoroughfare or covered under an element such as an arcade (see Figure 1.16-D, dated [~~September 2011,~~] _____, made a part of this chapter, and attached at the end of this chapter); or
 - (iii) If the length of the ramp within the public right-of-way or front setback is less than or equal to twenty-five per cent of the width of the sidewalk.

In this case, handrails are not permitted in the public right-of-way or front setback; and

- (F) For residential buildings, wheelchair ramps may not be located in the public right-of-way or in the front setback; and
- (2) Other design standards for flood zones:
 - (A) Measures undertaken to avoid floods shall not result in large gaps along the building ~~[face.]~~ frontage. At least seventy-five per cent of a building's frontage shall be activated with shop front windows, seating areas, steps, landscaping, or street furniture; and
 - (B) There shall be breaks in any flood control intervention such as raised sidewalks every thirty feet, stairways, entrances, gardens, ~~and~~ planting features[-], and other elements approved by the executive director. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-62 Historical and cultural sites. (a)

Purpose. The purpose of this section is to preserve, protect, reconstruct, rehabilitate and restore properties in the mauka area that are determined to be historic and culturally significant, whether physical remains of the property are present or not.

(b) Applicability. This section applies to all historical or culturally significant properties.

(c) Preservation and consultation. Properties situated in the mauka area that are deemed to be historically or culturally significant shall be preserved, protected, reconstructed, rehabilitated and restored by the landowners in accordance with the implementing regulations of section 106 of the National Historic Preservation Act, as applicable, and chapter 6E, HRS:

- (1) Developers of new projects or projects with significant alterations on historic or culturally significant properties shall consult with the department of land and natural resources, state historic preservation division ("SHPD"), ~~[department of land and natural resources]~~ to allow an opportunity for review of the effect of the proposed project on any historic properties or burial sites, pursuant to section 6E-43, HRS;
- (2) A written letter of concurrence from SHPD or

adequate documentation that the applicant has complied with the requirements of chapter 6E-10, HRS, shall be included with the permit application to the authority; and

- (3) All SHPD requirements shall be completed by the developer prior to submittal of a permit application to the authority~~[7]~~ unless otherwise permitted by SHPD and approved by the executive director.

(d) Uses classifications. A property designated historic or culturally significant may be put to any use permitted in the neighborhood zone in which the property is situated, subject to the requirements of this section.

[Eff _____] (Auth: HRS §§206E-7, 206E-33) (Imp: HRS §§206E-7, 206E-33)

§15-217-63 Parking and loading. (a) Applicability. This section applies to all new principal buildings in the mauka area or additions to buildings on properties that exceed twenty-five per cent of the existing floor area on said property.

- (b) Access:
 - (1) Parking shall be accessed from an alley;
 - (2) When there is no alley present, parking shall be accessed from a parking access street as indicated in Figure ~~[1.10]~~ 1.10-B (parking placement diagram), dated ~~[September 2011]~~ _____, made a part of this chapter, and attached at the end of this chapter;
 - (3) When access from a parking access street is not possible, parking shall be accessed from an alternative parking access street as indicated in Figure ~~[1.10]~~ 1.10-B (parking placement diagram), dated ~~[September 2011]~~ _____, made a part of this chapter, and attached at the end of this chapter;
 - (4) When access from an alternative parking access street is not possible, an alternative parking plan may be submitted; and
 - (5) Driveway access for parking shall be a minimum of fifty-five feet from an intersection measured from the right-of-way.
- (c) Curb cuts:
 - (1) The number of curb cuts shall be minimized, especially along alternative parking access streets, to the maximum practicable extent. Shared alleys, access drives and parking

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:
- (1) Parking shall be a minimum of forty feet behind any lot line, unless indicated otherwise in Figure 1.10 (parking), dated [~~September 2011,~~], made a part of this chapter, and attached at the end of this chapter;
 - (2) Parking lots and structures shall not front a civic space[+] or thoroughfare without a liner building, active retail or commercial uses;
 - (3) To the maximum extent possible, above-ground multi-level parking structures shall be designed with flat floors and systems that can accommodate future conversion to inhabitable, non-parking uses; and
 - [~~(3)~~] (4) Parking is prohibited within any building front setback or front yard, except in the CK neighborhood zone.
- (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;] <u>not required;</u> |

| | |
|---|---|
| Multi-family dwelling greater than six hundred square feet: | [1.25 per unit;] <u>not required;</u> |
| Group homes, care, convalescent and nursing home: | [0.9] <u>2 plus 1 per [four] one hundred patient beds, dwelling units, or lodging units[;], and 50% of spaces shall be ADA compliant;</u> |
| Commercial, clinics, administrative and all other uses: | [One per four hundred fifty square feet of floor area;] <u>not required;</u> |
| 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;] <u>not required;</u> |
| Group assembly: | [0.9 per three hundred square feet of assembly area or 0.9 per ten fixed seats, whichever is greater;] <u>not required;</u> |
| Religious facilities and theaters: | [0.9 per every five fixed seats or fifty square feet of general assembly area, whichever is greater;] <u>not required;</u> |
| Day-care facilities: | [0.9 per ten enrolled capacity;] <u>not required;</u> |
| 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;] <u>not required;</u> |

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;~~] not required;

Industrial, media production, printing and publishing and warehousing: [~~one per nine hundred square feet of floor area;~~] not required;

- (2) There shall be no off-street parking requirement for the central Kakaako neighborhood zone;
- (3) When there is uncertainty as to requirements for a proposed use, the executive director will review the proposed use and determine its equivalent and applicable off-street parking requirements;
- (4) When computation of required parking spaces results in a fractional number, the number of spaces required shall be rounded to the nearest whole number;
- ~~[(5) 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;]~~
- ~~[(6)]~~ (5) [~~At least fifty per cent of required~~] All parking spaces shall be standard sized parking spaces; and
- [7] (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) Because of the mixed-use nature of the mauka area 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 mauka area. 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 1.10-A (parking), dated ~~[September 2011,]~~ [REDACTED], 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 the mauka area, or outside the boundary by covenant, lease, license or other arrangement to the satisfaction of the executive director.

(g) On street. Marked on-street parking shall not count towards required parking ~~[when the on-street parking is adjacent to the parcel or within two hundred feet of the parcel]~~.

(h) Aisle and space dimensions:

- (1) All parking spaces shall be standard size. 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]~~ (2) 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)-]~~ (1) Tandem parking, robotic parking systems, and hydraulic lifts are permitted in any [attended] parking facility;

~~[-(3)-]~~ (2) Storage is permitted above all parking spaces

constructed in parking garages or in parking structures;

~~[(4) Robotic parking is permitted;]~~

~~[(5)]~~ (3) Any mechanical equipment for providing parking shall be visually screened from view at abutting thoroughfares by architectural or landscape treatments;

~~[(6)]~~ (4) High albedo concrete shall be used instead of asphalt in surface parking lots; and

~~[(7)]~~ (5) All sources of illumination shall be shielded to prevent any direct reflection toward adjacent premises.

(j) Landscaping for surface lots:

(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]~~ preferred.

(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) Costs. The total costs of developing, constructing, and maintaining an off-street parking stall shall be disclosed to any buyer or renter of a residential or commercial unit at the time of sale or signing of a rental agreement.

~~[(1)]~~ (m) Loading:

(1) The following loading space requirements shall apply:

Loading Space Requirements

| Uses | Loading Requirements | Floor Area (in square feet[+] or number of units) |
|--|-----------------------------|--|
| Goods and services and industrial: | one | [25,000] <u>5,000</u> - 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 |
| Civil support, educational, and civic: | 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 |
| Multiple-family dwellings: | One | [20,000 - 150,000] <u>First 100 units</u> |
| | [two] <u>one</u> | [150,001 - 300,000] <u>Each additional 250 units</u> |
| | [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) Access to a loading space shall not be from a promenade street;
- (4) 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;
- (5) 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;

- (6) Each loading space shall be unobstructed and shall be arranged so that any vehicle may be moved without moving the other;
- (7) 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;
- (8) All loading spaces and maneuvering areas shall be paved with an all-weather surface;
- (9) Where loading areas are illuminated, all sources of illumination shall be shielded to prevent any direct reflection toward adjacent premises;
- (10) 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;
- (11) Each required loading space shall be identified as such and shall be reserved for loading purposes;
- (12) No loading space shall occupy required off-street parking spaces or restrict access; and
- (13) 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.
- (14) There shall be no off-street loading requirements for the central Kakaako neighborhood zone.

~~[(m)]~~ (n) Bicycle parking:

- (1) Both short-term bicycle parking and long-term bicycle parking shall be provided;
- (2) Bicycle parking shall be provided within four hundred feet of the principal entrance of the building;
- (3) Instructional signs 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 2011, made a part of this chapter, and attached at the end of this chapter, are exempt from bicycle parking requirements.]~~ On-site bicycle storage shall meet the bicycle parking requirements of the city and county of Honolulu land use ordinance. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-64 Conditional use of vacant land. (a) The executive director may issue a conditional use of vacant land permit, provided that the following standards are met:

- (1) The proposed use is permitted within the applicable zone except:
 - (A) Open or uncovered parking at grade may be permitted in all zones, whether paved or unpaved; and
 - (B) Construction sites, special trade construction, and non-extensive yard uses may be permitted in all zones where a six-foot screening wall, hedge, or fence is erected along all street rights of way;
- (2) The maximum duration of the use is for a two-year period, provided that the executive director may issue extensions of up to two additional years if the development status of the area has not changed appreciably since the use was initially permitted;
- (3) The floor area ratio of any proposed temporary structure shall not exceed 0.5 and the project shall conform to the built form and landscaping standards of the rules; and
- (4) The proposed use shall in no way prevent or delay the future development or improvements to the property.

(b) In addition to these standards, the executive director may include additional requirements in the permit to ensure that the conditional use does not adversely affect adjacent property and the appearance of the mauka area.

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

§15-217-65 Public facilities dedication fee.

(a) Applicability. This section shall apply to any new development or improvement project, or existing development or improvement project within the mauka area that increases the existing floor area by more than twenty-five per cent as compared to the floor area existing on February 27, 1982 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, workforce housing projects, floor area related to reserved housing, additional floor area gained through incentive zoning, single-family dwellings and duplex units, or new buildings or structures with a floor area of less than 200 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 15-217-65(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 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 applicant 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-16, HRS.
- (f) Valuation methodology. Valuation of land when 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 15-217-85 (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 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 15-217-85 (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 _____] (Auth: HRS §§206E-7, 206E-12) (Imp: HRS §§206E-7, 206E-12)

§§15-217-66 to [~~15-217-78~~] 15-217-75 (Reserved).

SUBCHAPTER 5

PROCEDURES

§15-217-76 Zoning clearance. (a) Applicability. Any uses and activities identified may be issued a zoning clearance when they are in compliance with the applicable standards of subchapter 2 (regulating plan and neighborhood zones), including 15-217-23 and -26, and, where applicable, those relating to section 15-217-91 (nonconformities);

(b) Initiation. A developer may apply for a zoning clearance by filing an application with the executive director.

(c) Action. In accordance with Figure 1.1 (approval requirements matrix), dated [REDACTED], made a part of this chapter, and attached at the end of this chapter, the executive director may approve all zoning clearance applications consistent with this section after receipt of a complete application and payment of the requisite fee.

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

§15-217-77 Temporary use permit. (a) Applicability. Structures, such as tents and booths, may be permitted by the executive director for periods not exceeding fourteen days within a ninety-day period, provided that for good reasons, the executive director may grant extensions.

(b) Initiation. An applicant may apply for an temporary use permit by filing an application with the executive director.

(c) Action. In accordance with Figure 1.1 (approval requirements matrix), dated September 2022, made a part of this chapter, and attached at the end of this chapter, the executive director shall approve all temporary use permit applications consistent with this section after receipt of a complete application and payment of the requisite fee. In approving a temporary use permit, the executive director may impose reasonable standards, conditions, or requirements as a condition to the approval. [Eff [REDACTED]] (Auth: HRS

~~§15-217-79~~ **§15-217-78.1 Rules clearance.**

(a) Applicability. Any uses, structures, and activities identified by section ~~[15-217-79(b)]~~ 15-217-78.1(b) below ~~[on a lot size of 20,000 square feet or less]~~ shall be issued a rules clearance when they are in compliance with the setback requirements, height limits, and all other applicable standards of subchapter 2 (regulating plan and neighborhood zones), subchapter 3 (thoroughfare plan and standards), subchapter 4 (area-wide standards) and, where applicable, those relating to section 15-217-91 (nonconformities) ~~[+]~~, shall require a rules clearance permit.

(b) Qualifying land uses, structures and activities. The following are eligible for issuance of a rules clearance when in compliance with section ~~[15-217-79(a)]~~ 15-217-78.1(a) above:

- (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 15-217-55(e) (architectural design);
- (3) ~~[Changes in use;]~~ Interior alterations or change in use that do not increase the gross floor area 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 subchapter 4 (area-wide standards), dated [~~September 2011,~~ _____], made a part of this chapter, and attached at the end of this chapter, 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 pursuant to Figure 1.11 (civic space), dated [~~September 2011,~~ _____], made a part of this chapter, and attached at the end of this chapter;
- (8) Private utility improvements or repairs for existing structures; and
- ~~[(8)]~~ (9) Any public utility project.

(c) Action. In accordance with Figure 1.1 (approval requirements matrix), dated [~~September 2011,~~ _____], made a part of this chapter, and attached at the end of this chapter, the executive director shall approve all rules clearance[-] permit applications consistent with this section after receipt of a complete application and payment of the requisite fee.

(d) Exceptions. Building permits can be approved without an associated rules clearance permit in the following cases:

- (1) Standalone interior electrical or plumbing work that would otherwise comply with section 15-217-78.1(a); and
- (2) Changes in use that are still permitted under section 15-217-26. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-79.5 Renovation permit. (a) Applicability. Any renovation project for an existing building, including uses, structures, and activities identified by section 15-217-79.5(b) that are in compliance with the setback

requirements, height limits, and all other applicable standards and, where applicable, those relating to section 15-217-93 (nonconformities), shall require a renovation permit.

(b) Qualifying land uses, structures, and activities. The following are eligible for issuance of a renovation permit when in compliance with section 15-217-79.5(a):

(1) Interior alterations, improvements, and modifications of an existing structure that increases floor area, not to exceed twenty-five per cent of the building floor area as originally constructed, and where the total building floor area is less than twenty thousand square feet; and

(2) Minor modifications to the exterior of the existing structure.

(c) Exceptions. Renovation permits are not required if:

(1) Approved as a rules clearance under section 15-217-78.1, an improvement or development permit under section 15-217-80, a temporary use permit under section 15-23-77, a conditional use of vacant land permit under section 15-217-64, or a conditional use permit under section 15-217-81; or

(2) Waived as a minor change in accordance with section 15-217-90.

(d) Initiation. A developer may apply for a renovation permit by filing an application with the executive director.

(e) Action. In accordance with Figure 1.1 (approval requirements matrix), dated _____, made a part of this chapter, and attached at the end of this chapter, the executive director shall approve all renovation permit applications consistent with this section after receipt of a complete application and payment of the requisite fee. [Eff] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-80 Improvement and development permits. (a) Applicability. All new improvement projects and [developments] development projects shall require a permit [unless waived in accordance with section 15-217-90 (minor changes) or eligible for a rules clearance under section 15-217-79].

(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 2011,~~ _____], made a part of this chapter, and attached at the end of this chapter:

- (1) Improvement permits shall apply to improvement projects as defined in section 15-217-8 and are subject to executive director review and action~~[-]~~, except for developer proposals to develop lands under the authority's control; and
- (2) Development permits shall apply to ~~[developments]~~ development projects as defined in section 15-217-8, and are subject to authority review and action.

(d) Exceptions. Improvement and development permits are not required when:

- (1) Approved as a rules clearance under section 15-217-78.1, a renovation permit under section 15-217-79.5, a temporary use permit under section 15-217-77, a conditional use of vacant land permit under section 15-217-64, or a conditional use permit under section 15-217-81; or
- (2) Waived as a minor change in accordance with section 15-217-90.

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

- (1) Mauka area plan consistency. That the proposal complies with and advances the goals, policies and objectives of the mauka area plan;
- (2) Mauka area rules consistency. That the proposal will protect, preserve, or enhance desirable neighborhood characteristics through compliance with the standards and guidelines of the mauka area 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; and[-]
- (4) Climate Adaptation. The proposal has considered climate change, sea level rise, and climate-resilient development in the design and siting of buildings.

~~[-(e)]~~ (f) Conditions. In approving an improvement or development permit, the decision-maker may impose any reasonable conditions to ensure that the approval complies with the findings required above. Any conditions attached

to an improvement or development permit issued by the executive director or authority, as the case may be, under any previously enacted zoning regulations, subdivision, or other administrative rules shall continue to apply to the proposed use and shall be enforceable as provided in section 15-217-92 (violations and enforcement). Such conditions may be waived if an improvement or development permit application is approved by the decision-maker which originally imposed such condition(s) and where the applicant agrees to waive and abandon all rights secured under the regulations formerly in effect.

~~[(f)]~~ (g) Design advisory board ("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 under section 15-217-80(g) 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 HCDA's director of planning and development or his/her designee, one member of the authority, one cultural consultant with specialized expertise in native Hawaiian cultural, and one or more technical consultants (e.g., architect, landscape architect, engineer) chosen by the executive director. The native Hawaiian cultural consultant must be validated or be recommended by a native Hawaiian serving organization;
- (2) Fee. The applicant 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 applicant on their fees and work scope; provided, however, that the executive director may accept or reject the applicant'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 15-217-80(g), to the authority.

~~[(g)]~~ (h) Authority referral. The executive director may refer an improvement permit application to the authority for review and action. Where a DAB has been or will be convened, the DAB shall review the application and provide its non-binding recommendations to the authority.

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

§15-217-81 Conditional use permit. (a) Purpose. This section provides for certain uses that, because of unique characteristics or potential impacts on adjacent land uses, may be authorized only under appropriate standards and factors set forth in the rules. No inherent right exists to receive a conditional use permit. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is unique. Every conditional use permit application or amendment shall at a minimum be required to comply with every requirement contained in each subchapter of the 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. All uses identified by "CU" in Figure 1.9 (land use), dated [~~September 2011,~~ _____], made a part of this chapter, and attached at the end of this chapter, shall require conditional use permit approval.

(c) Decision-maker. Conditional use permits shall be subject to the authority review and action pursuant to Figure 1.1 (approval requirements matrix), dated [~~September 2011,~~ _____], 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 mauka area plan;
- (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 materially injurious to persons, property, or improvements in the vicinity and Zone in which the property is located.

(e) Conditions. In approving any conditional use permit, the authority may impose such reasonable standards,

conditions, or requirements, in addition to or that supersede any standard specified in the rules, as it may deem necessary to protect the public welfare and in order to ensure the approval will comply with the findings of section 15-217-81(d) (conditional use permit). 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;
- (14) Provision of sustainable features, solar or other renewable energy source, rain water capture, storage and treatment or other sustainability requirement in section 15-217-59 (green building); or
- (15) Require that a performance guarantee - acceptable in form, content, and amount to the authority be posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified.

(f) Initiation. A developer may apply for a conditional use permit by filing an application with the executive director.

(g) Action. In accordance with Figure 1.1 (approval requirements matrix), dated _____, made a part of this chapter, and attached at the end of this chapter, the executive director shall approve all conditional permit applications consistent with this section after receipt of a complete application and payment of the requisite fee.

[Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7)

(Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-82 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 section 15-217-82(f) (variances).

(c) Types. [~~There shall be two types of variances — minor and major. Each type shall be subject to the decision-maker review and action of Figure 1.1 (approval requirements matrix), dated [September 2011,] [REDACTED], made a part of this chapter, and attached at the end of this chapter:~~

- ~~(1) Minor variances shall apply to projects on parcels 20,000 square feet or less and are subject to executive director review and action; and~~
- ~~(2) Major variances shall apply to projects on parcels over 20,000 square feet and are subject to authority review and action.]~~

Variances are subject to authority review and action.

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

- (1) Deprivation of the reasonable use of the property. The applicant would be deprived of the reasonable use of land or building in complying strictly with the standards of the rules. Reasonable use is not highest and best use;
- (2) 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)]~~ (3) 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)]~~ (4) 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)~~] (5) Neighborhood character. That the variance, if granted, will not alter the existing or planned character of the neighborhood or neighborhood zone 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)~~] (6) 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 section 15-217-82(d) above, a community identity finding shall also be required 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 1.9 (land use), dated [~~September 2011,~~] [REDACTED], made a part of this chapter, and attached at the end of this chapter. The community identity finding establishes 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.

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

- (1) Change of zone;
 - (2) Deletion of any thoroughfare identified in the thoroughfare plan;
 - (3) Figure 1.5 (parks and open space plan), dated [~~September 2011,~~] [REDACTED], made a part of this chapter, and attached at the end of this chapter;
 - (4) Figure 1.6 (view corridors), dated [~~September 2011,~~] [REDACTED], made a part of this chapter, and attached at the end of this chapter, and associated setback requirements;
 - (5) Land use classifications as allocated to neighborhood zones - Figure 1.9 (land use), dated [~~September 2011,~~] [REDACTED], made a part of this chapter, and attached at the end of this chapter;
 - (6) Any buildings types and frontages types not allocated to neighborhood zones; and
 - (7) Any maximum floor area ratio standard.
- (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 applicant 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) Other information as may be required by the decision-maker. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-83 Master plan. (a) Purpose. The provisions of this section **are** intended to provide for a flexible approach to development, encourage investment in new development and commitment to the master 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 five acres are eligible to apply for a master plan permit.

(c) Contents. A master plan permit may authorize only the following:

- (1) A development approval period up to ten years;
- (2) The provision of reserved housing outside of the mauka area; and
- (3) Public facilities, beyond that required by the mauka area plan or the mauka area rules, including, but not limited to, parks and open space, public infrastructure, and public art.

(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 mauka area plan and mauka area rules; and
- (2) That the master plan will either enhance or provide necessary public facilities, as provided for in section 15-217-83(f) (master plan).

(e) 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 approval timeframe;
- (3) Proposed number, location, type and size of reserved housing;
- (4) Proposed public facility improvements; and
- (5) Such other information as may be required by the executive director or authority.

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

(g) Time extension. The authority may authorize a master plan approval time extension for up to a five-year time period. A maximum of two time extensions may be authorized.

(h) Expiration. At least 120 days prior to the expiration of a master plan permit, the applicant shall submit a reconciliation of all master plan obligations to the executive director. The authority may approve a closing development agreement that survives the expiration of the master plan until any remaining unsatisfied obligations are completed. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-7, 206E-33)

§15-217-84 Floor area ratio transfer. (a) Purpose. The purpose of this section is to offer a discretionary review process for the transfer of floor area within the mauka area from a sending site to a receiving site. More specifically, the purposes are to encourage the transfer of floor area to properties with lot dimensions that allow for additional floor while complying with the building envelope requirements set forth in Figures BT.1 to BT.10, dated ~~September 2011,~~ _____, made a part of this chapter, and attached at the end of this chapter, and building height requirements set forth in Figures NZ.1 to NZ.7, dated ~~September 2011,~~ _____, made a part of this chapter, and attached at the end of this chapter.

(b) Generally. The proposed creation and redemption of floor area ratio transfers will take place solely on a voluntary basis between consenting parties. Landowners are not required to create or convey floor area ratio transfers. However, floor area ratio transfers must be created, conveyed, or redeemed in accordance with this section to be recognized by the authority.

(c) Land not eligible. Floor area ratio transfers shall not involve an existing public park or open space.

(d) Mandatory conjoined application. All requests to create, convey and redeem floor area ratio transfer credits shall be accompanied by and occur in conjunction with the following:

(1) A project agreement including any accompanying permit approval request including, but not limited to, an improvement permit, a development permit, conditional use permit, variance, and master plan permit; and

(2) A proposal to create, convey and redeem floor area ratio transfer credits shall be accompanied on forms promulgated by the executive director, and which contains the following information:

(A) Particular to sending site(s):

- (i) A cover letter identifying the landowner's name, mailing address, and contact information and briefly explaining what the landowner seeks to accomplish;
- (ii) A certificate of title demonstrating ownership of the proposed sending site(s) and receiving site;
- (iii) A draft covenant that provides the protections and restrictions on the proposed property consistent with section 15-217-84 (h);
- (iv) A baseline documentation report that establishes the current condition of the proposed sending site(s) and which contains, at a minimum: (1) general location map; (2) a legal description and sketch of parcel boundaries; and (3) documentation (such as maps, written summaries, and photographs) of existing conditions that relate to the proposed easement restrictions as well as the proposed rights to be retained by the landowner; and
- (v) An affidavit, signed by the landowner and preparer of the submittal, attesting to the accuracy of the information contained in the baseline documentation report; and

(B) Particular to a receiving site. Plans, diagrams and supporting text which clearly identifies and illustrates the location and

extent of proposed floor area transfer credit.

(e) Decision-maker. The authority shall review and act upon all applications for floor area ratio transfers to create, convey and redeem floor area ratio transfer credits after receiving a recommendation from the executive director.

(f) Findings. The authority must make the following findings of fact in order to approve an application to create, convey and redeem floor area ratio transfer credits:

- (1) That the receiving site allows for additional floor area while complying with the building envelope requirements set forth in Figures BT.1 to BT.10, dated [~~September 2011,~~] [REDACTED], made a part of this chapter, and attached at the end of this chapter, and building height requirements set forth in Figures NZ.1 to NZ.7, dated [~~September 2011,~~] [REDACTED], made a part of this chapter, and attached at the end of this chapter; and
- (2) That the creation, conveyance and redemption of floor area ratio transfer credits, as proposed or as modified by the authority, enables the subject lots to fulfill the development objectives of the mauka area plan and mauka area rules.

(g) Limitations. The creation, conveyance and redemption of floor area ratio transfer credits shall be limited by the following parameters:

- (1) Floor area ratio transfer credits shall not be created or redeemed in conjunction with a variance approval to exceed any maximum building height, building footprint or reduce any setback related to Figure 1.6 (view corridors), dated [~~September 2011,~~] [REDACTED], made a part of this chapter, and attached at the end of this chapter;
- (2) No more than fifty per cent of the mauka area plan and mauka area rules maximum permitted floor area ratio shall be transferred from any sending site; provided, however, that contiguous lots may transfer one hundred per cent of the maximum permitted floor area ratio; and
- (3) Floor area ratio transfer credits shall be created and redeemed concurrently. No floor area ratio transfer credit may be reserved for future conveyance to a sending site.

(h) Covenant running with the land required. In order to establish floor area ratio transfer credits, the sending site landowner must record a covenant running with the land

over the sending site(s) consistent with this section. The covenant must meet the following criteria:

- (1) The covenant shall run with the land on the sending site(s);
- (2) The covenant shall restrict the floor area ratio of the sending site(s) to the ratio established by the transfer; and
- (3) The covenant shall name the authority as an intended beneficiary with the right to enforce such covenant.

(i) Record keeping. The executive director will maintain a register of all floor area ratio transfer credits both created and redeemed pursuant to this section. On an annual basis, the executive director will update this register to reflect all known transfers and redemptions of floor area ratio transfer credits. [Eff]

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

§15-217-85 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 applications for permits provided for in the rules.

(c) Application materials. No application may be deemed complete unless all of the information required by forms published by the HCDA 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 15-217-88 (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 applicant 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 working days of receipt of the permit application. 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 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 applicant contests the executive director's determination of an incomplete application, the applicant may appeal the executive director's determination to the authority pursuant to section 15-217-88, (appeals). If the authority does not render a decision on the appeal within thirty 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 an applicant 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. However, automatic approvals do not apply if an applicant submits an

application for an incorrect permit type. 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 working day, in which event the period runs until the next working day.

(i) Information requests. After the executive director issues a certificate of completeness or deemed as complete per section 15-217-85(c) (completeness review), the executive director or authority may, in the course of processing the application, request the applicant 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 _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-86 Automatic approvals. (a) The following permits shall be deemed approved and require no public hearing if a certificate of completeness has been issued, any applicable hearings have been held, and no decision is rendered within the [~~following~~] review periods[+] in the table below:

- ~~(1) Rules clearance (sixty calendar days);~~
- ~~(2) Improvement Permit (ninety calendar days);~~
- ~~(3) Development permit (one hundred eighty calendar days);~~
- ~~(4) Conditional use of vacant land permit (ninety calendar days);~~
- ~~(5) Conditional use permit (one hundred eighty calendar days);~~
- ~~(6) Variance (one hundred eighty calendar days); and~~
- ~~(7) Master plan (two hundred calendar days).]~~

Automatic Approvals Duration

| <u>Rule</u> | <u>Permit</u> | <u>Duration</u> |
|---------------------|---------------------------------------|--------------------------|
| <u>§15-217-64</u> | <u>Conditional use of vacant land</u> | <u>90 calendar days</u> |
| <u>§15-217-76</u> | <u>Zoning clearance</u> | <u>60 calendar days</u> |
| <u>§15-217-77</u> | <u>Temporary use permit</u> | <u>60 calendar days</u> |
| <u>§15-217-78.1</u> | <u>Rules clearance</u> | <u>60 calendar days</u> |
| <u>§15-217-79.5</u> | <u>Renovation permit</u> | <u>90 calendar days</u> |
| <u>§15-217-80</u> | <u>Improvement permit</u> | <u>120 calendar days</u> |
| <u>§15-217-80</u> | <u>Development permit</u> | <u>180 calendar days</u> |
| <u>§15-217-81</u> | <u>Conditional use permit</u> | <u>180 calendar days</u> |
| <u>§15-217-82</u> | <u>Variance</u> | <u>180 calendar days</u> |
| <u>§15-217-83</u> | <u>Master Plan permit</u> | <u>200 calendar days</u> |

(b) The review period shall commence upon issuance of a certificate of completeness, as pursuant to section 15-217-85.

~~[(b)]~~ (c) Whenever a proposed project requires more than one permit, the longest review period of section [15-22-86] 15-217-86(a) shall apply for determining the deemed approved date. If one approval is required before proceeding with another approval, then the review periods will be added to one another. [Eff] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-87 Approval validity period. (a) Rules clearance, renovation permits, and zoning clearance approvals shall have an effective approval period of one year.

(b) Improvement permits, development permits, [conditional use of vacant land,] conditional use permits, and variance approvals shall have an effective approval period of two years, unless extended under these rules.

(c) Master plan permits shall have an effective approval of ten years, unless extended pursuant to section 15-217-83(g).

(d) Prior to expiration and upon submittal of a written request and payment of the applicable filing fee, an improvement permit may be extended by the executive director for a period of up to one year. The executive director may issue up to two extensions. Development permits may be extended by the authority for a period of up to one year. The authority may issue up to two extensions for development permits.

(e) In computing the approval period, the day upon which the approval was granted is not to be included. Further, the last day is to be included unless it is not a working day, in which event the period runs until the next working day.

(f) A permit will not lapse if construction or installation of approved work has commenced. If construction has not commenced within the approval validity period, a new permit will be required. [Eff _____]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-88 Appeals. (a) Decisions of the executive director rendered in the administration of the rules are appealable, as provided herein, to the authority (see Figure 1.1 (approval requirements matrix), dated ~~September 2011,~~ _____, made a part of this chapter, and attached at the end of this chapter).

(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 HCDA's rules of practice and procedure, Hawaii administrative rules. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-89 Subsequent applications. If ~~an~~ a temporary use permit, renovation permit, 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]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-90 Minor changes. (a) After final approval of a rules clearance, temporary use permit, renovation permit, 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~~] in order to address administrative corrections or minor adjustments or refinements to the approved project design.

(b) Examples of allowable minor changes include, but are not limited to, the following:

- (1) Administrative corrections such as the correction of typographical errors, name or mailing address changes; and
- (2) Minor adjustments or refinements to project architectural design features such as façade treatments, type or location of landscaping, and size or location of interior rooms.

(c) In order to qualify as a minor change, the requested amendment(s) may not:

- (1) Materially increase the number of dwelling units, floor area, height, or any additional land-use disturbance;
- (2) Introduce different land uses;
- (3) Request larger land area;
- (4) Request greater 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.

(d) Minor changes to development permits shall require a new public hearing if the amendment concerns a new issue that would have itself required a public hearing prior to issuance of the original permit.

(e) For minor changes to improvement and development permits, the applicant must also submit documentation as to

how the amendment would still advance the purposes of redevelopment and be consistent with the intent of this chapter and the makai area plan.

(f) The authority or executive director, as applicable, may attach additional conditions or require compliance with any other provisions of this chapter or the makai area plan.

~~[(b)]~~ (g) Any other change requests which do not qualify under section ~~[15-22-92(a)]~~ 15-217-90(a) (minor changes) shall require the filing of a new application to be processed in accordance with this subchapter.

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

(Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-91 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 all authority statutes or regulations in effect at that time may continue subject to this section.

(c) Violation of rules. The violation 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 use:

(A) Any nonconforming use may be changed to a use conforming with the rules established for the neighborhood 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 15-217-91(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 15-217-91(b), any nonconforming structure may be occupied, operated, and maintained in a state of good repair[+]. This may include the maintenance and repair of the exterior façade, roof, railings, and gutters of the nonconforming structures, as long as no nonconformities may be increased;
 - (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 and neighborhood zones), subchapter 3 (thoroughfare plan and standards) and subchapter 4 (area wide standards); and
 - (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 and neighborhood zones), subchapter 3 (thoroughfare plan and standards) and subchapter 4 (area wide standards); and
 - (B) The requirements of section 15-217-91(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 and neighborhood zones), subchapter 3 (thoroughfare plan and standards) and subchapter 4 (area 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 February 27, 1982, excluding proposed demolitions;
 - (B) The proposed construction does not encroach into a frontage area;

- (C) The proposed construction does not [~~exceed forty-five feet in height~~] increase the nonconformity of the structure;
- (D) The proposed construction does not affect neighboring properties;
- (E) The parking requirements of this chapter are satisfied for the area proposed to be constructed; and
- (F) 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, with the final determination of replacement cost 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 development 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)-]~~ (5) 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 February 27, 1982 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 15-217-81(d) (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 mauka area plan goals, objectives, and policies;
- (E) The plight of the applicant 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 neighborhood 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:
 - (1) 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
 - (2) Off-street parking and loading requirements of this section shall be satisfied for additional floor area

constructed. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7, 206E-33) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-33)

§15-217-92 Violations and enforcement. All provisions relating to violations of these rules and enforcement of said violations are provided in HCDA's rules of practice and procedure. [Eff _____] (Auth: HRS §§206E-4, 206E-22) (Imp: HRS §206E-22)

§15-217-93 Fee schedule. The following fee schedule shall be applicable to all permits, rule clearance, and public hearings.

| | |
|---|---|
| [Rule Clearance | \$20.00 |
| Conditional Use of Vacant Land | \$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] |

Permit Fee Schedule

| <u>Rule</u> | <u>Permit</u> | <u>Fee Amount</u> |
|---------------------|---------------------------------------|--|
| <u>§15-217-64</u> | <u>Conditional use of vacant land</u> | <u>\$50</u> |
| <u>§15-217-76</u> | <u>Zoning clearance</u> | <u>\$50</u> |
| <u>§15-217-77</u> | <u>Temporary use permit</u> | <u>\$50</u> |
| <u>§15-217-78.1</u> | <u>Rules clearance</u> | <u>\$50</u> |
| <u>§15-217-79.5</u> | <u>Renovation permit</u> | <u>\$50</u> |
| <u>§15-217-80</u> | <u>Improvement permit</u> | <u>Project size up to 1,000 square feet (sf): \$50</u> |
| | | <u>Project size of 1,001 sf to 10,000 sf: \$100</u> |
| | | <u>Project size of 10,001 sf to 20,000 sf: \$500</u> |
| <u>§15-217-80</u> | <u>Development permit</u> | <u>\$6,400 plus the cost of public hearing</u> |
| <u>§15-217-81</u> | <u>Conditional use permit</u> | <u>\$500 plus the cost of public hearing</u> |
| <u>§15-217-82</u> | <u>Variance</u> | <u>\$500 plus the cost of public hearing</u> |
| <u>§15-217-83</u> | <u>Master Plan permit</u> | <u>\$10,000 plus the cost of public hearing</u> |
| <u>§15-23-14.1</u> | <u>Variance</u> | <u>\$500 plus the cost of public hearing</u> |

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

§§15-217-94 to 15-217-107 (Reserved)."

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DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Amendments to and compilation of chapter 15-217, Hawaii Administrative Rules, on the Summary Page dated [REDACTED], were adopted on [REDACTED], following public hearings held on [REDACTED], and [REDACTED], 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 [REDACTED].

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

CHASON ISHII
Chairperson
Hawaii Community Development
Authority

JAMES TOKIOKA
Director
Department of Business,
Economic Development, and
Tourism

APPROVED AS TO FORM:

Deputy Attorney General

JOSH GREEN, M.D.
Governor
State of Hawaii

Date:

Filed

FIGURE 1.1 APPROVAL REQUIREMENTS MATRIX

| Rule | Development Approvals | Decision - Maker | |
|--------------|--------------------------------|--------------------|------------------|
| | | Executive Director | Authority |
| §15-217-28 | Incentive Zone | Recommends Action | Decision |
| §15-217-64 | Conditional Use of Vacant Land | Decision | Considers Appeal |
| §15-217-76 | Zoning clearance | Decision | Considers Appeal |
| §15-217-77 | Temporary use permit | Decision | Considers Appeal |
| §15-217-78.1 | Rules clearance | Decision | Considers Appeal |
| §15-217-79.5 | Renovation permit | Decision | Considers Appeal |
| §15-217-80 | Improvement Permit | Decision* | Considers Appeal |
| §15-217-80 | Development Permit | Recommends Action | Decision |
| §15-217-81 | Conditional Use Permit | Recommends Action | Decision |
| §15-217-83 | Master Plan | Recommends Action | Decision |
| §15-217-84 | Floor Area Ratio Transfer | Recommends Action | Decision |

*Except on lands owned by the authority

December 2023

FIGURE 1.2 REGULATING PLAN

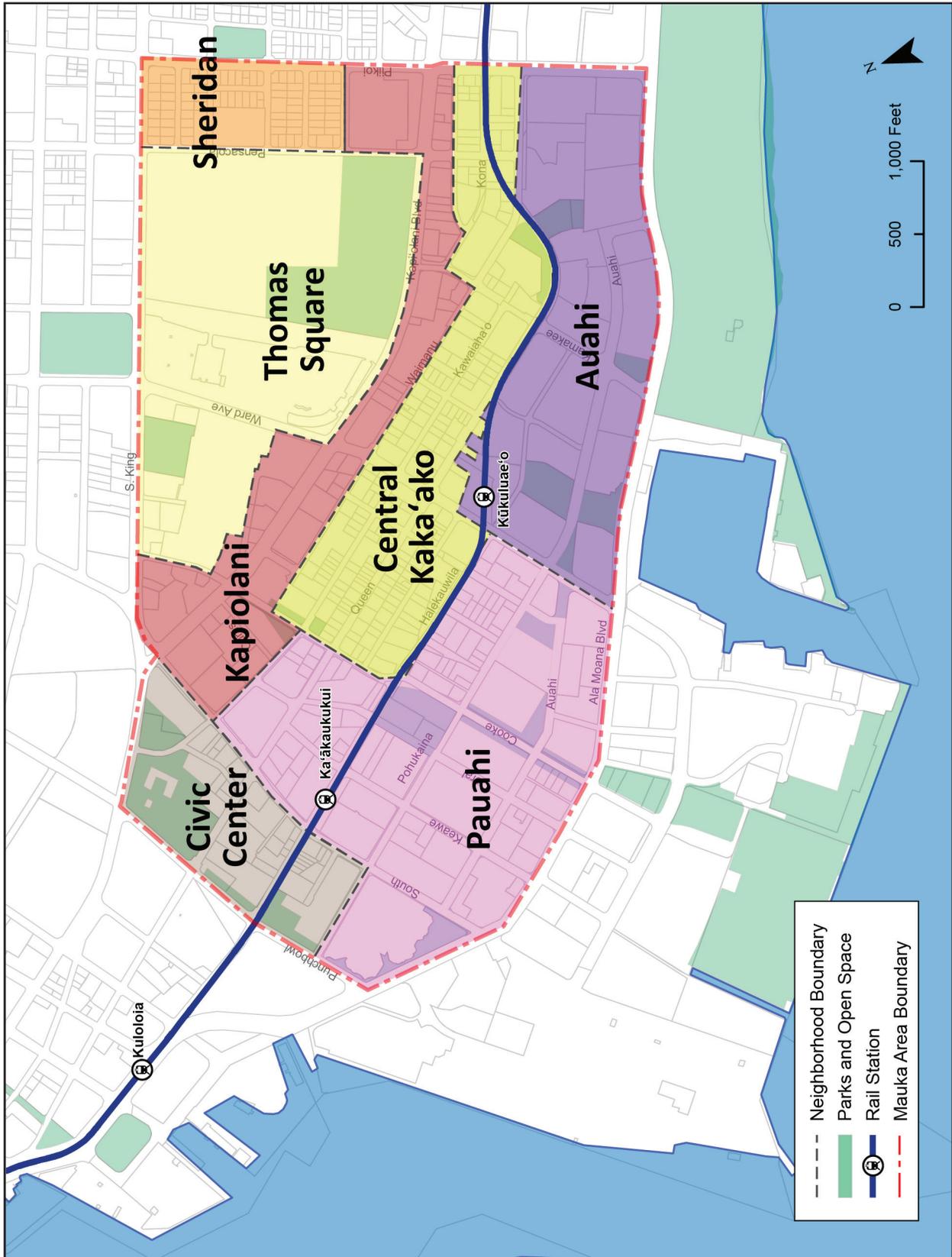


FIGURE 1.3 DEVELOPMENT STANDARDS SUMMARY

| | Civic Center | Kapiolani | Thomas Square | Sheridan | Central Kakaako | Pauahi | Auahi |
|---|--------------|-----------|---------------|----------|-----------------|--------|--------|
| A. Building Types | | | | | | | |
| Podium High-Rise | ● | ● | ● | - | ● | ● | ● |
| Urban Block | ● | ● | ● | ● | ● | ● | ● |
| Lei Building | ● | ● | ● | ● | ● | ● | ● |
| Courtyard | ● | ● | ● | ● | ● | ● | ● |
| Duplex / Triplex / Quadplex | - | ● | ● | ● | ● | - | - |
| Townhouse | - | ● | ● | ● | ● | - | - |
| Flex/ Loft | ● | - | - | ● | ● | ● | ● |
| Industrial Barn | - | - | - | - | ● | ● | ● |
| Side Yard House | - | - | - | ● | - | - | - |
| Front Yard House | - | - | - | ● | - | - | - |
| Tropical Urban Court | ● | ● | ● | ● | ● | ● | ● |
| B. Frontage Types | | | | | | | |
| Lanai and Front Yard | - | - | - | ● | - | - | - |
| Stoop | ● | ● | ● | ● | ● | ● | ● |
| Dooryard | ● | ● | ● | ● | ● | ● | ● |
| Forecourt | ● | ● | ● | ● | ● | ● | ● |
| Shopfront | ● | ● | ● | ● | ● | ● | ● |
| Chinatown Shopfront | ● | ● | ● | ● | ● | ● | ● |
| Raised Shopfront | - | ● | ● | ● | ● | ● | ● |
| Raised Terrace Front | - | ● | ● | ● | ● | ● | ● |
| Terrace Front | ● | ● | ● | - | ● | ● | ● |
| Gallery and Arcade | ● | ● | ● | ● | - | ● | ● |
| Kakaako Frontage | - | ● | - | - | ✓ | - | - |
| C. Building Placement | | | | | | | |
| Front Build-to-line | 0'-20' | ns-15' | 7'-15' | 7'-12' | ns-15' | ns-40' | ns-15' |
| Minimum Frontage occupancy at build-to-line | 60% | 75% | 60% | 50% | 75% | 60% | 75% |
| Setback side | 0' | 0' | 0' | 3' | 0' | 0' | 0' |
| Setback rear | 0' | 0' | 0' | 3' | 0' | 0' | 0' |
| D. Building Form | | | | | | | |
| Maximum Height | 65' | 400' | 400' | 65' | 400' | 400' | 400' |
| Street Front Element Height | 30-65' | 30-65' | 30-65' | 15-65' | 20-65' | 40-65' | 40-65' |
| Maximum Density (FAR) | 5.5 | 5.5 | 5.5 | 2 | 1.5-3.5* | 5.5 | 5.5 |

| Legend | |
|--------|--|
| ● | Permitted |
| ● | Permitted with exception (see NZ.1-NZ.7) |
| ns | Not specified |
| - | Not permitted |
| * | See §15-217-57 (Adequate Infrastructure) |

FIGURE 1.4 THOROUGHFARE PLAN

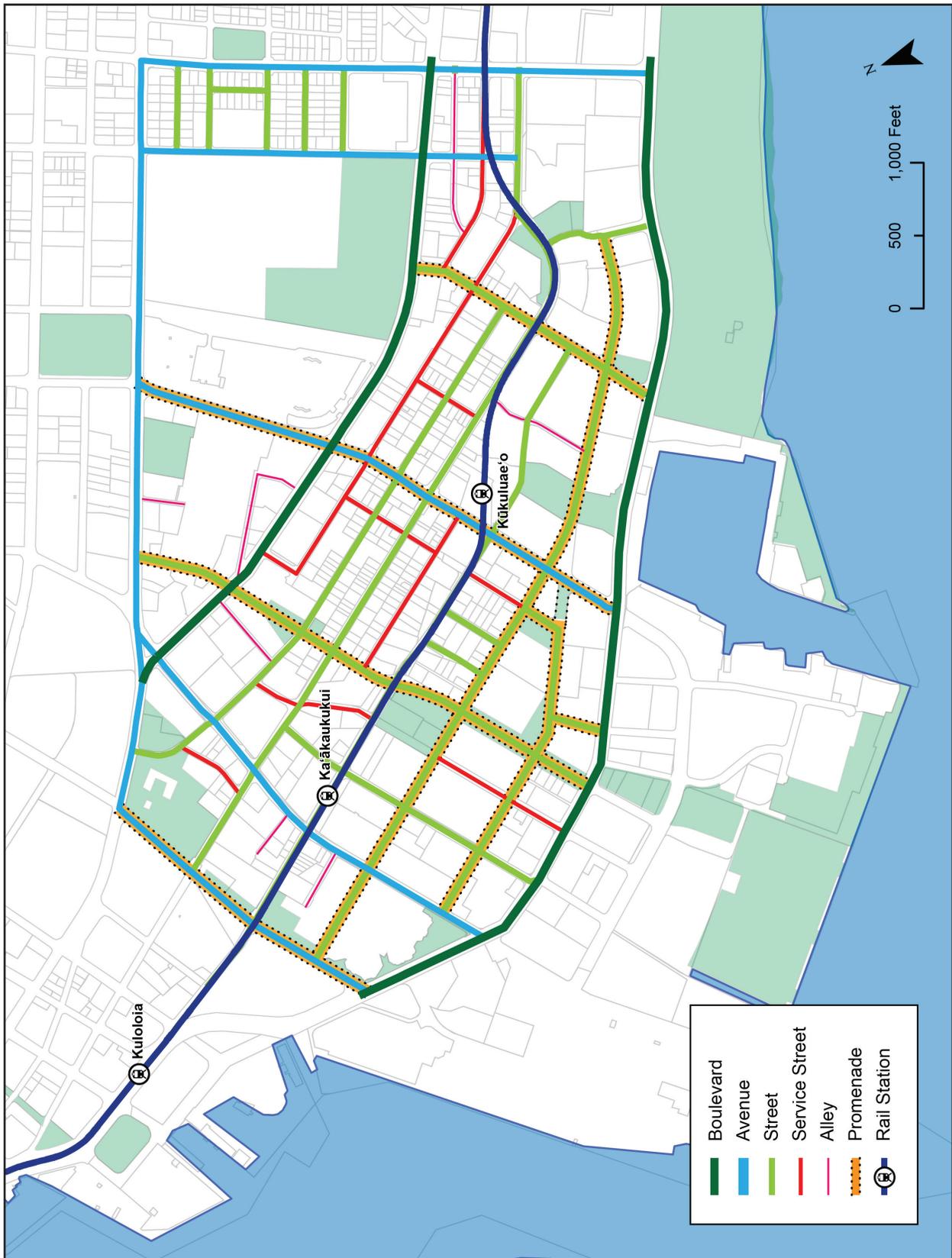


FIGURE 1.5 PARKS AND OPEN SPACE PLAN

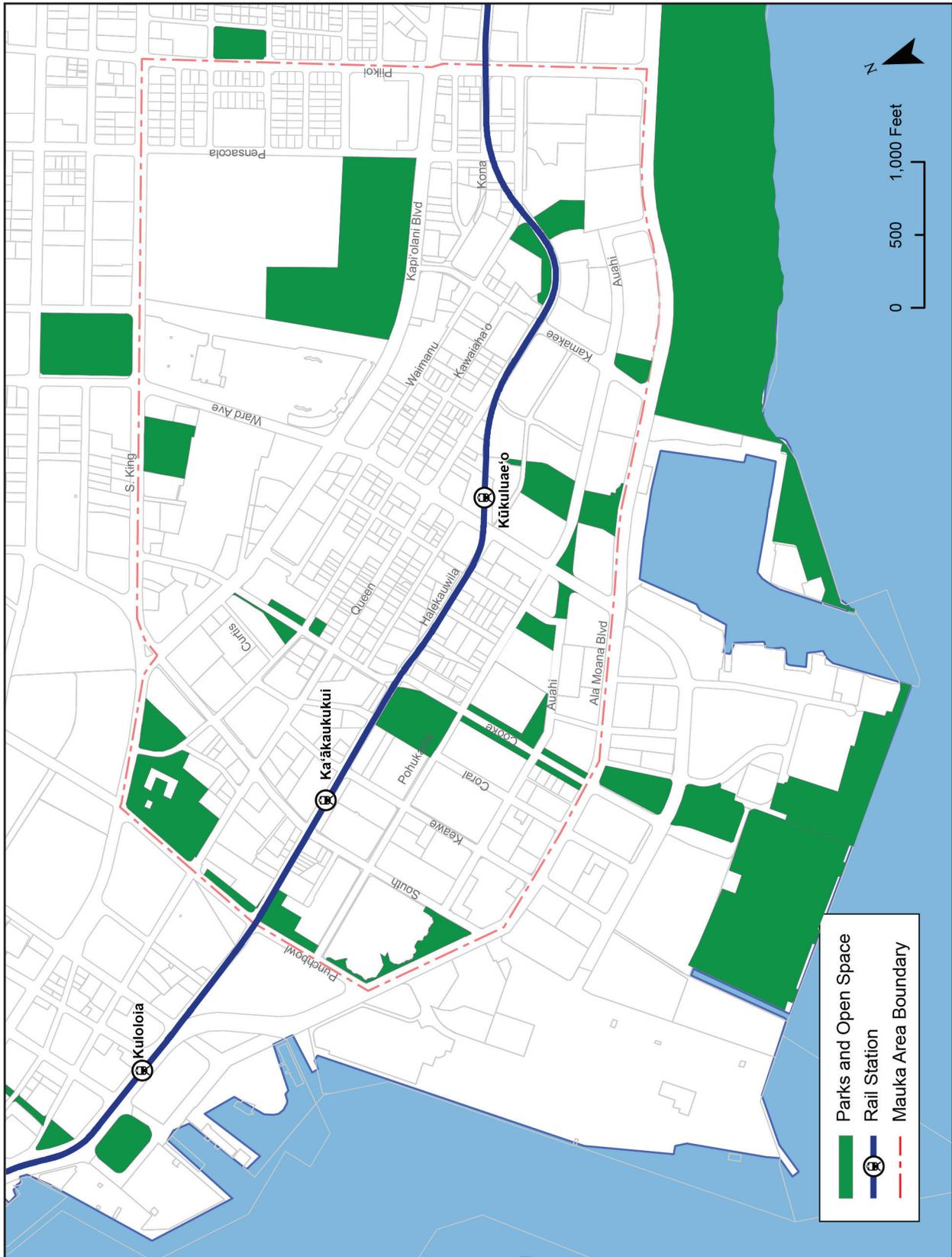


FIGURE 1.6A VIEW CORRIDORS

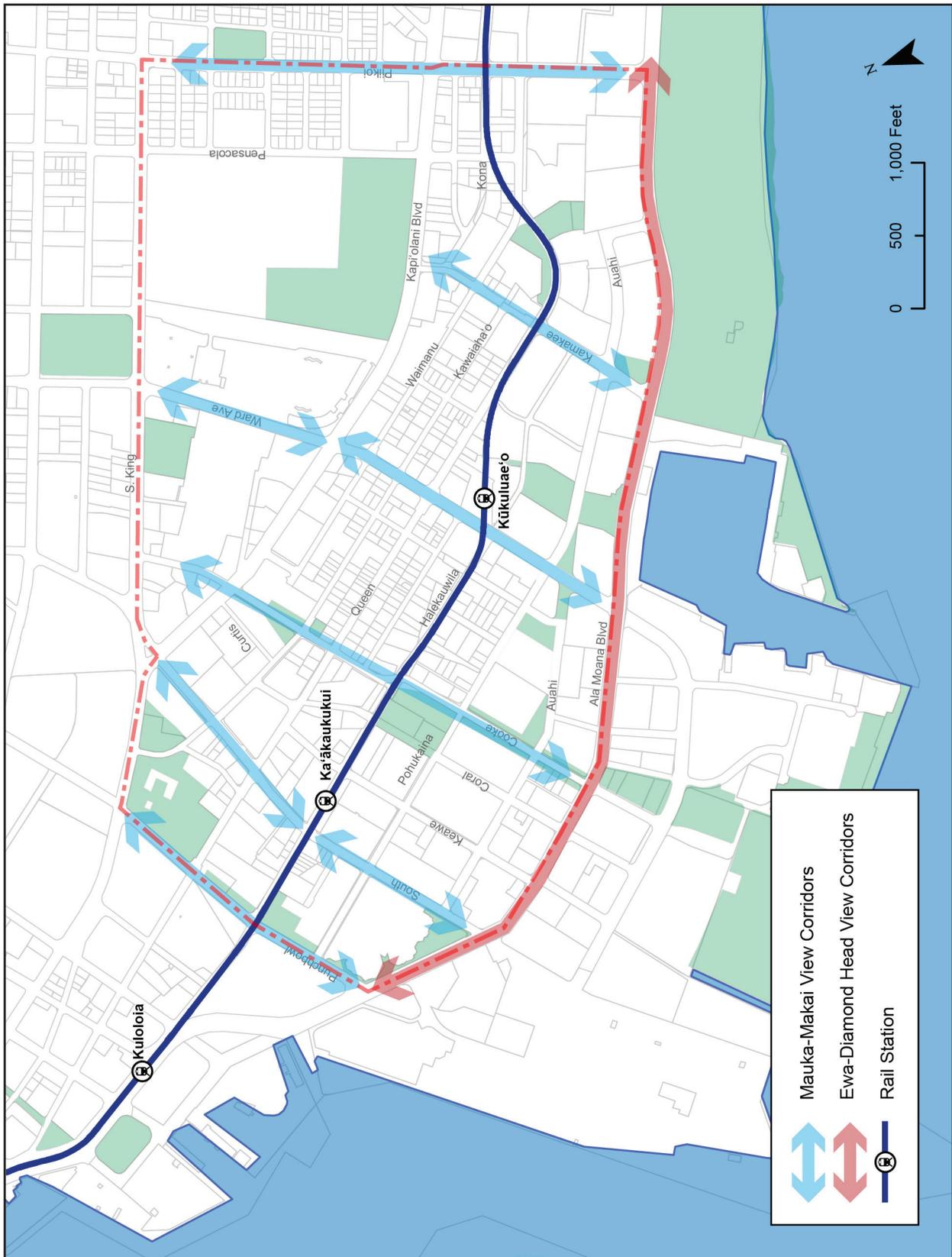


FIGURE 1.6B VIEW PRESERVATION

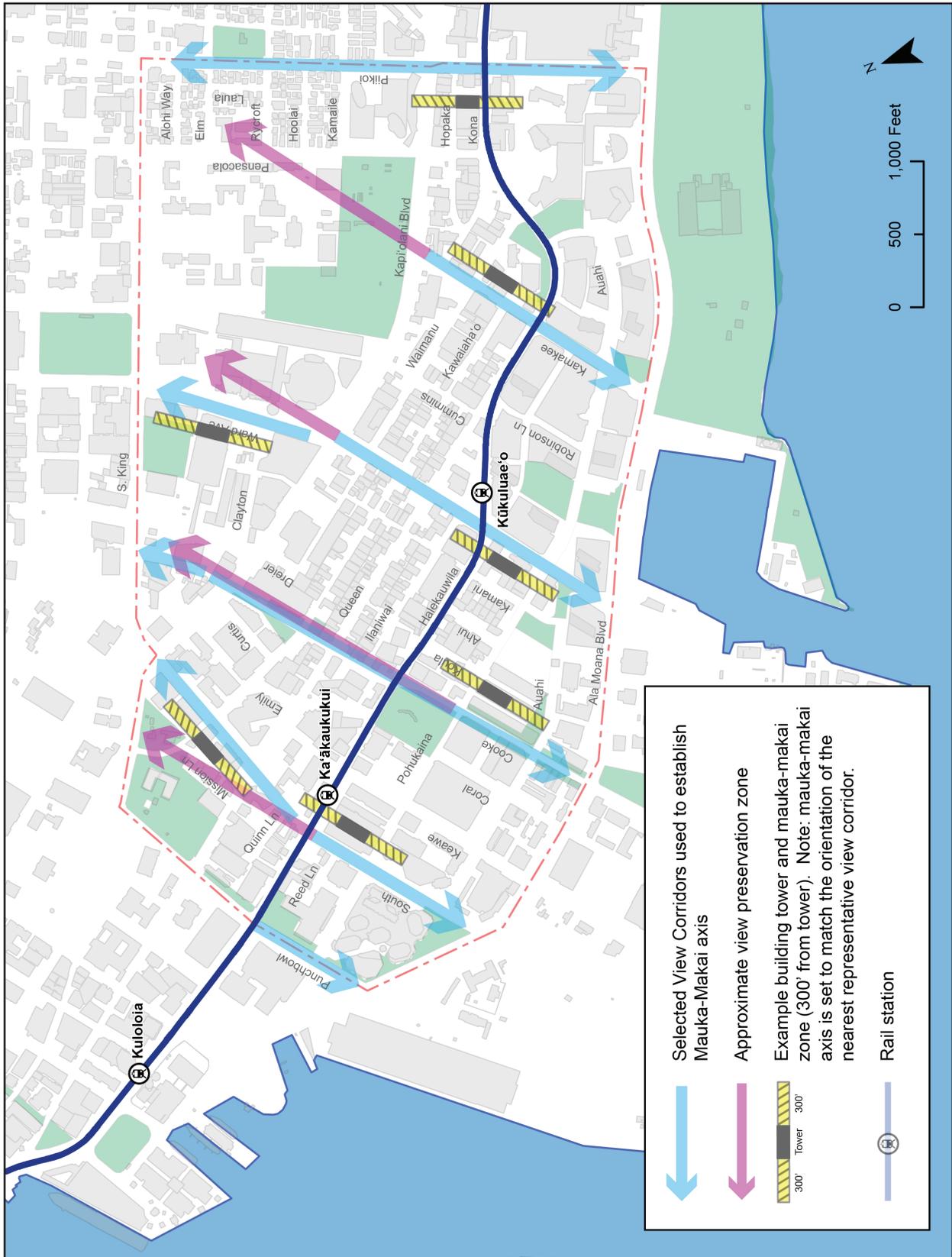


FIGURE 1.7 STREET TREE PLAN

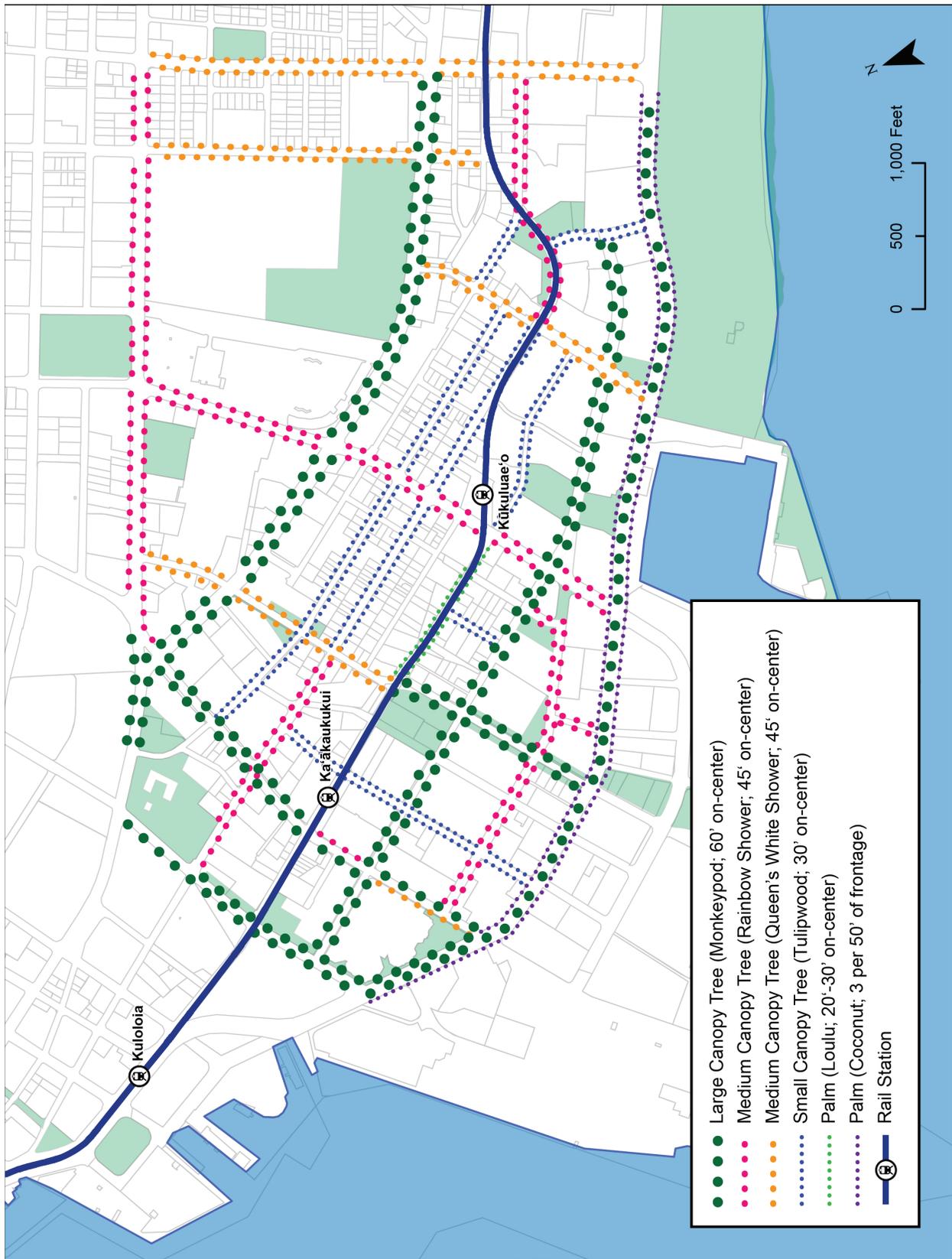


FIGURE 1.7B STREET TREE CHARTS

| Street | Type | Common Name | Scientific Name | Spacing | Tree Well* | Planting Strip * |
|--|------|----------------------|-------------------------|-----------------------|------------|------------------|
| Mauka-Makai | | | | | | |
| Punchbowl Street | AV | Monkey Pod | Samanea saman | 60' | 10' x 10' | 10' |
| South Street | AV | Queen's White Shower | Cassia x nealiae | 45' | 5' x 5' | 5' |
| Keawe Street | ST | Tulipwood | Harpulia pendula | 30' | 4' x 6' | 4' |
| Cooke Street | ST | Queen's White Shower | Cassia x nealiae | 45' | 5' x 5' | 5' |
| Ahui Street | ST | Tulipwood | Harpulia pendula | 30' | 4' x 6' | 4' |
| Ward Avenue | AV | Rainbow Shower | Cassia x nealiae | 45' | 5' x 5' | 5' |
| Kamakee Street | ST | Queen's White Shower | Cassia x nealiae | 45' | 5' x 5' | 5' |
| Queen Street Extension | ST | Tulipwood | Harpulia pendula | 30' | 4' x 6' | 4' |
| Pensacola | AV | Queen's White Shower | Cassia x nealiae | 45' | 5' x 5' | 5' |
| Piikoi | AV | Queen's White Shower | Cassia x nealiae | 45' | 5' x 5' | 5' |
| Ewa-Diamond Head | | | | | | |
| King Street | AV | Rainbow Shower | Cassia x nealiae | 45' | 5' x 5' | 5' |
| Kapiolani Boulevard | BV | Monkey Pod | Samanea saman | 60' | 10' x 10' | 10' |
| Waimanu Street (Kamakee to Queen) | ST | Tulipwood | Harpulia pendula | 30' | 4' x 6' | 4' |
| Waimanu Street (Queen to Piikoi) | ST | Rainbow Shower | Cassia x nealiae | 45' | 5' x 5' | 5' |
| Kawaiahao Street | ST | Tulipwood | Harpulia pendula | 30' | 4' x 6' | 4' |
| Queen Street (Punchbowl to Cooke) | ST | Rainbow Shower | Cassia x nealiae | 45' | 5' x 5' | 5' |
| Queen Street (Cooke to Kamakee) | ST | Tulipwood | Harpulia pendula | 30' | 4' x 6' | 4' |
| Queen Street (Kamakee to Waimanu) | ST | Rainbow Shower | Cassia x nealiae | 45' | 5' x 5' | 5' |
| Halekauwila Street (Punchbowl to South) | ST | Monkey Pod | Samanea saman | 60' | 10' x 10' | 10' |
| Halekauwila Street (South to Ward) | ST | Tulipwood | Harpulia pendula | 30' | 4' x 6' | 4' |
| Pohukaina Street | ST | Rainbow Shower | Cassia x nealiae | 45' | 5' x 5' | 5' |
| Auahi Street (South to Ahui) | ST | Loulu Palm | Pritchardia schattaurei | 20-30' | 4' x 6' | 4' |
| Auahi Street (Ward to Queen Street Ext.) | ST | Rainbow Shower | Cassia x nealiae | 45' | 5' x 5' | 5' |
| Ala Moana Boulevard (Median) | AV | Monkey Pod | Samanea saman | 60' | N/A | 10' |
| Ala Moana Boulevard (Pedestrian Zone) | AV | Coconut Palm | Cocos nucifera | 3 per 50' of frontage | N/A | 10' |

BV Boulevard AV Avenue ST Street

FIGURE 1.8 MAXIMUM HEIGHT PLAN

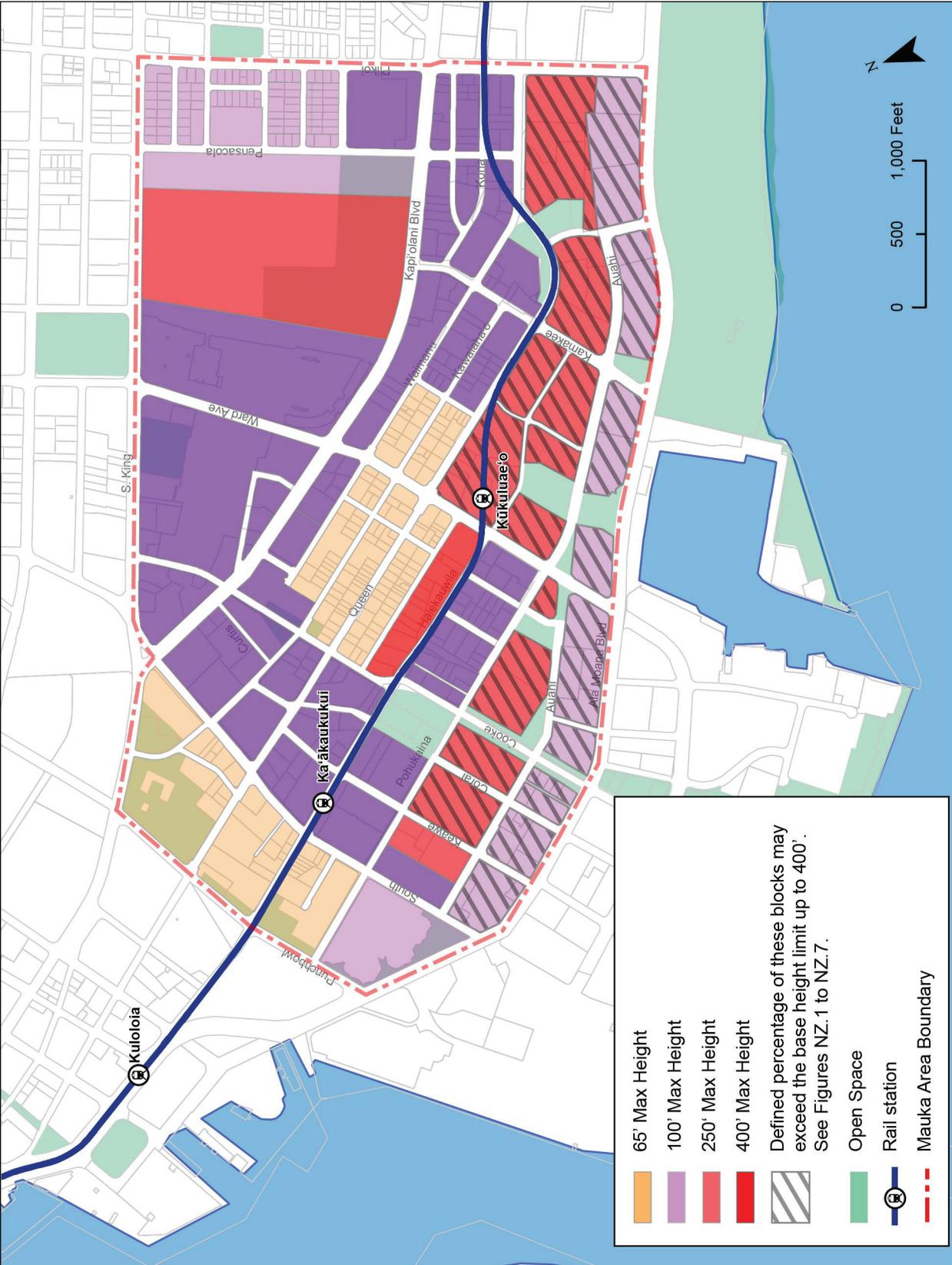


FIGURE 1.9 LAND USE

| | Civic Center | Kapiolani | Thomas Square | Sheridan | Central Kaka'ako | Pauahi | Auahi |
|-------------------------------|--------------|-----------|---------------|----------|------------------|--------|-------|
| A. Residential | | | | | | | |
| Single Family | - | - | ● | - | - | - | - |
| Multi-Family | ● | ● | ● | ● | ● | ● | ● |
| Second Unit | - | ● | ● | ● | ● | ● | - |
| Group Home | - | ● | ● | ● | ● | ● | ● |
| Home Occupation | ● | ● | ● | ● | ● | ● | ● |
| B. Administrative | | | | | | | |
| Administrative | ● | ● | ● | ● | ● | ● | ● |
| C. Goods and Services | | | | | | | |
| Alcohol Sales | ● | ● | ○ | ● | ● | ● | ● |
| Artisan/Craft Production | ● | ● | ● | ● | ● | ● | ● |
| Dance-Nightclub | ○ | ● | - | ● | ● | ● | ● |
| Indoor Recreation | ● | ● | - | ● | ● | ● | ● |
| Live-Work | ● | ● | ● | ● | ● | ● | ● |
| Outdoor Recreation | ● | ● | - | ● | ● | ● | ● |
| Personal Services | ● | ● | ● | ● | ● | ● | ● |
| Recycling Collection Facility | ● | ● | ● | ● | ● | ● | ● |
| Restaurants and Bars | ● | ● | ○ | ● | ● | ● | ● |
| Retail Sales | ● | ● | ● | ● | ● | ● | ● |
| D. Civic | | | | | | | |
| Group Assembly | ● | ● | ● | ● | ● | ● | ● |
| Conference Center | ● | ● | - | ○ | - | ● | ● |
| Cultural Facilities | ● | ● | ● | ● | ● | ● | ● |
| Park and Recreation | ● | ● | - | - | ● | ● | ● |
| Public Building | ● | ● | - | ● | ● | ● | ● |
| Religious Facility | ● | ● | ● | ● | ● | ● | ● |
| Theater | ● | ● | - | ● | ● | ● | ● |

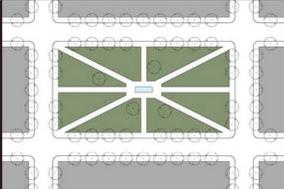
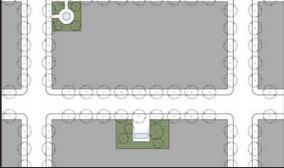
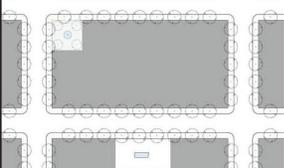
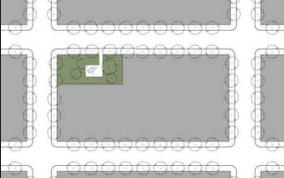
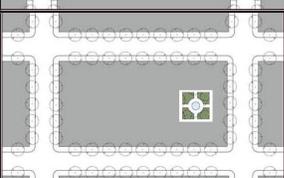
| | Civic Center | Kapiolani | Thomas Square | Sheridan | Central Kaka'ako | Pauahi | Auahi |
|---------------------------|--------------|-----------|---------------|----------|------------------|--------|-------|
| E. Automotive | | | | | | | |
| Automobile Repair | - | - | - | ○ | ● | ● | - |
| Gas Station | - | ○ | - | ○ | ● | ○ | ○ |
| Auto/Rental Sales* | - | - | - | ● | ● | ● | ○ |
| Parking Facility | ● | ● | ○ | ● | ● | ● | ● |
| F. Civil Support | | | | | | | |
| Consulates | ● | ● | ● | ● | ● | ● | ● |
| Hospital | ● | ● | - | ● | - | ● | ● |
| Medical and Dental Clinic | ● | ● | ● | ● | ● | ● | ● |
| G. Educational | | | | | | | |
| Day Care Center | ● | ● | ● | ● | ● | ● | ● |
| Day Care Home | - | ● | ● | - | ● | - | - |
| Educational Facilities | ● | ● | ● | ● | ● | ● | ● |
| Vocational School | ● | ● | - | ● | ● | ● | ● |
| H. Industrial | | | | | | | |
| Laboratory Facility | ● | ● | - | ● | ● | ● | ● |
| Light Industrial | ● | ● | - | ● | ● | ● | ● |
| Media Production | ● | ● | - | ● | ● | ● | ● |
| Printing and Publishing | ● | ● | - | ● | ● | ● | ● |
| Warehousing | ● | ● | - | ● | ● | ● | ● |

| Legend | |
|--------|--|
| ● | Permitted by right |
| ○ | Requires conditional use permit |
| - | Not permitted |
| * | Automobile repair use in conjunction with an automobile dealership is considered an allowable secondary use. |

FIGURE 1.10 PARKING



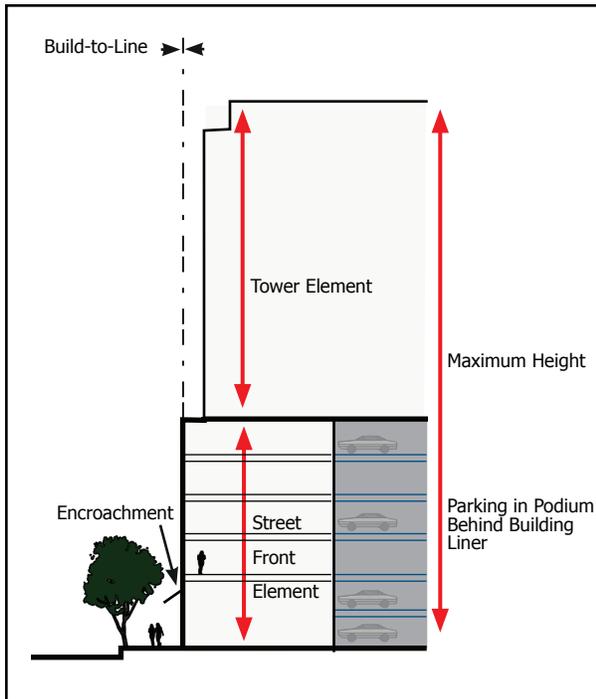
FIGURE 1.11 CIVIC SPACE

| Type | Description | Illustrative Diagram | Civic Center | Kapiolani | Thomas Square | Sheridan | Central | Pauahi | Auahi |
|--------------------|--|--|--------------|-----------|---------------|----------|---------|--------|-------|
| Park | A passive recreational area with a natural landscape character. A park may be independent of surrounding building frontages. The landscape shall consist of paths, water bodies, open areas defined by informal tree and palm massing and open shelters all naturalistically disposed. Parks may be linear, connecting various blocks of the acres and there is no maximum size. Example: Kakaako Waterfront Park and Kolowalu Park. |  | - | - | ● | - | - | ● | ● |
| Green | An open space available for passive recreation. A green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed with minimal hardscape. The minimum size of a Green is ¼ acre and the maximum is 5 acres. Example: Makai Gateway Park. |  | - | - | ● | - | - | ● | ● |
| Square | An open space available for passive recreation and civic purposes. A square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed with hardscape elements. Squares shall be located at the intersection of important thoroughfares. The minimum size of a Square is 1/4 acres and the maximum is 2 acres. Example: Sir Admiral Thomas Square. |  | ● | - | ● | - | ● | ● | ● |
| Pocket Park | A park for passive recreational use and informal gathering or relaxation with minimal hardscape. Pocket parks will be interspersed within each neighborhood with exception to the Thomas Square neighborhood. The maximum size of a Pocket Park is ¼ acre. Example: the park at the corner of Cooke and Kawaiahao Streets. |  | ● | ● | - | ● | ● | ● | ● |
| Plaza | An open space available to civic purposes and commercial activities. A plaza shall be spatially defined by building frontages. Its landscape shall consist primarily of hardscape and pavement and strategically placed trees and/or palms. Plazas shall be located at the intersection of prominent streets. The maximum size of a Plaza is 1/4 acre. Example: Tamarind Park at the corner of Bishop and South King Streets. |  | ● | ● | ● | ● | ● | ● | ● |
| Playground | An open space designed and equipped for the recreation of children and families. A playground shall be fenced and may include an open shelter. Playgrounds shall be interspersed within residential areas and may be placed within a block. Playgrounds may be included within Parks and Greens. There shall be no minimum or maximum size. Example: Mother Waldron Neighborhood Park and Sheridan Community Park. |  | ● | ● | ● | ● | ● | ● | ● |
| Courtyard | An open space internal to the block and available for passive recreation for the adjacent land uses. A courtyard is spatially defined by building frontage on all sides. Landscaping shall primarily consist of pavement, trees and palms are optional. Size as per Building Type standards. Examples: Various Chinatown courtyards and Kawaiahao Plaza (567 South King Street). |  | ● | ● | ● | ● | ● | ● | ● |

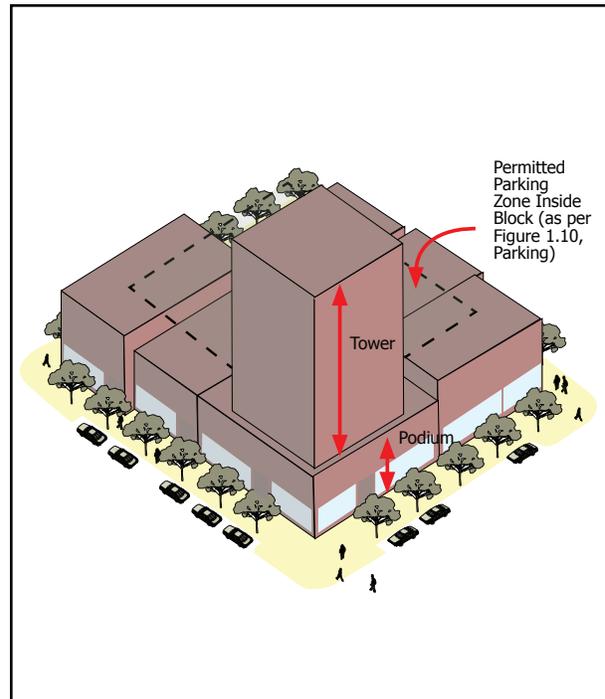
| Legend | |
|--------|---------------|
| ● | Permitted |
| - | Not Permitted |

FIGURE 1.12 BUILDING FORM

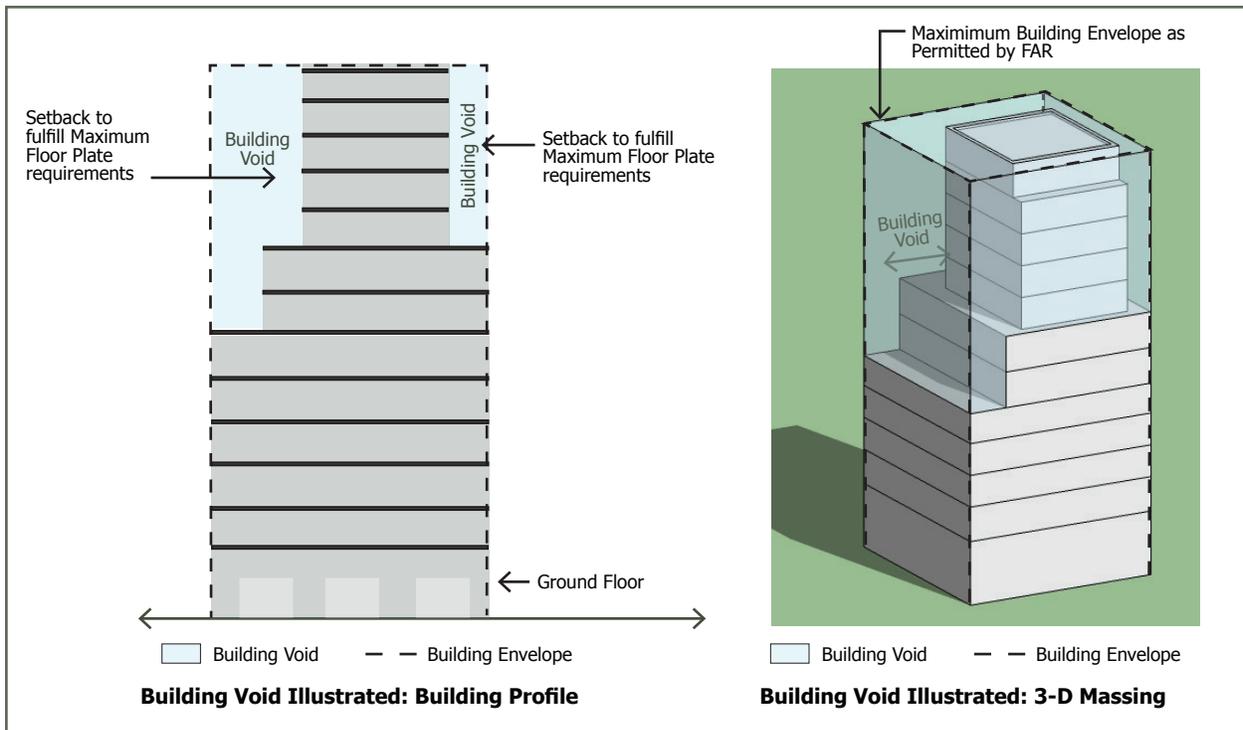
1.12-A Illustrative Building Form Diagram



1.12-B Illustrative Building Form Diagram

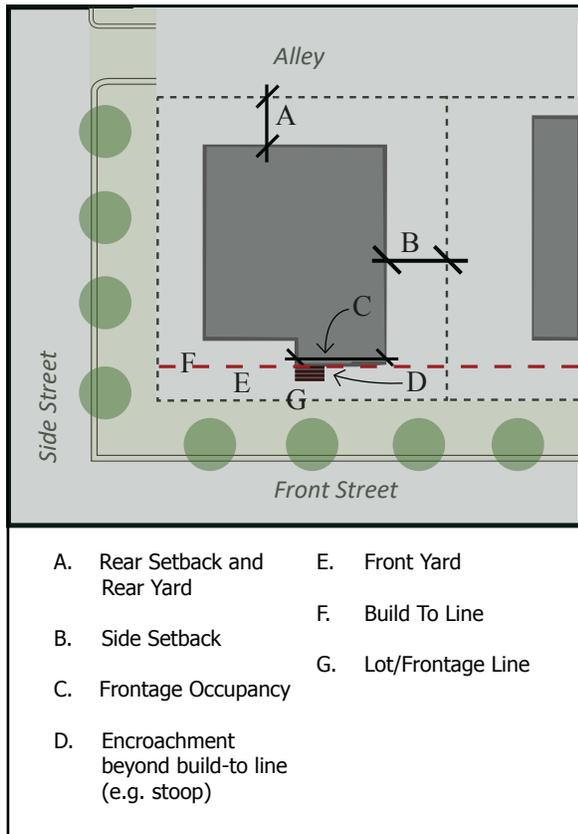


1.12-C Illustrative Building Void and Floor Plate Diagrams

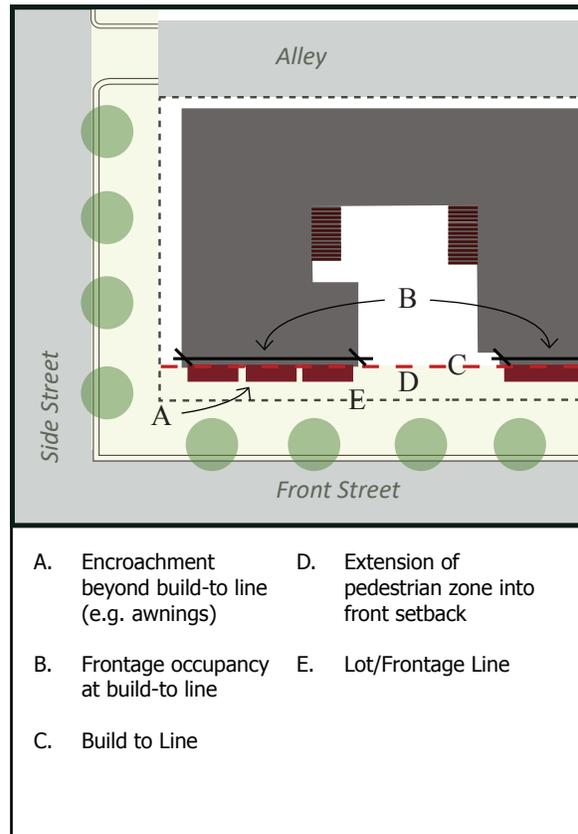


See Section 15-217-8, Definitions, for detailed definitions.

FIGURE 1.13 BUILDING PLACEMENT AND ENCROACHMENTS



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



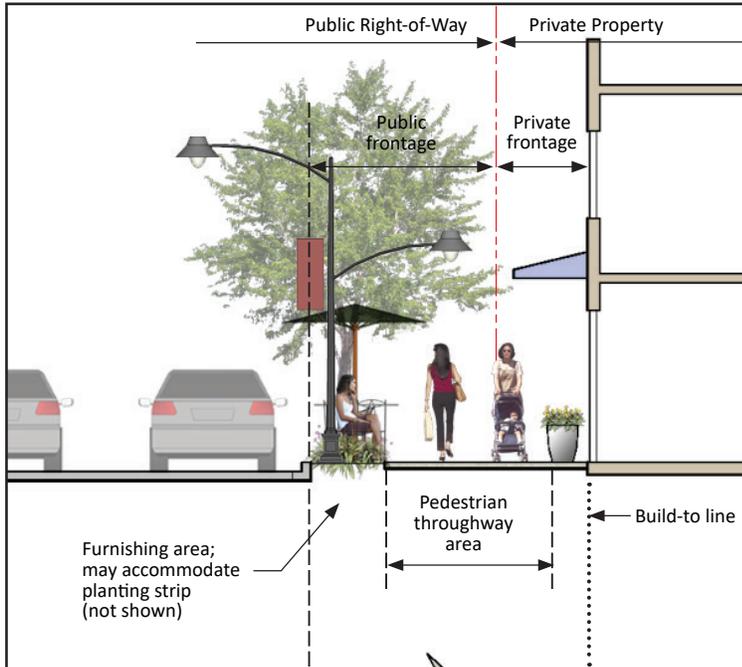
1.13-B Illustrative Building Placement Diagram for Building Types: Courtyard; Urban Block; Lei Building; and Podium High Rise.

1.13-C Encroachments

| | Minimum Vertical Clearance | Maximum Horizontal Clearance |
|--|-----------------------------------|--|
| Front Encroachments | | |
| 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 / Chinatown 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 | | |
| Balconies, Decks, and Architectural Features | 12' (when above the ground floor) | 10' from the lot line |

FIGURE 1.14 PEDESTRIAN ZONE TREATMENT

1.14-A Section View, Illustrative Pedestrian Zone Treatment: Typical Condition, Guideline Only



1.14-B Plan View, Illustrative Pedestrian Zone Treatment

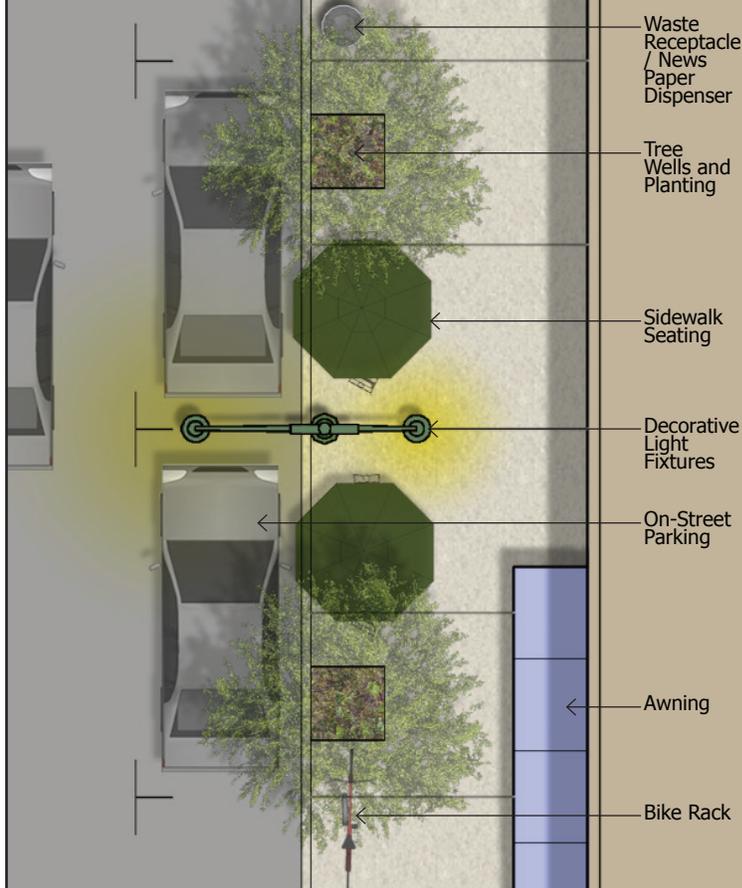
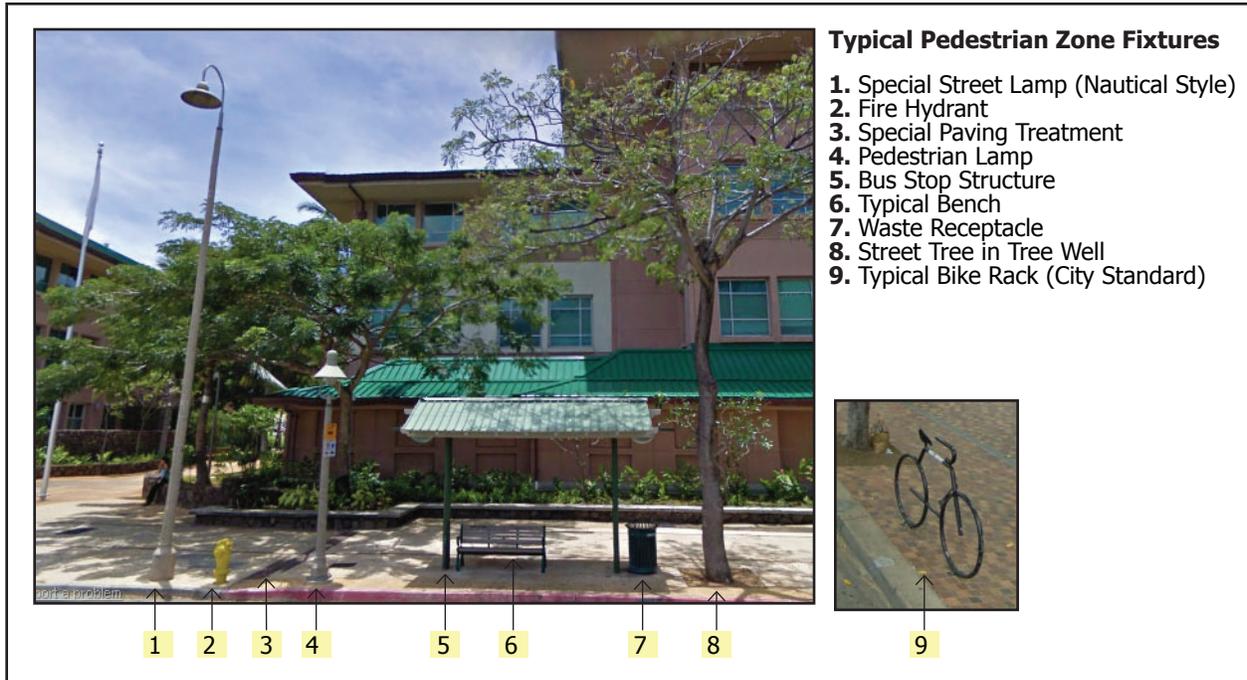


FIGURE 1.15 PEDESTRIAN ZONE FIXTURES



1.15-A Typical Pedestrian Zone Fixtures

1.15-B Lighting Fixtures for Promenade Streets



1.15-C Lighting Fixtures for all Other Streets



FIGURE 1.16 FLOOD ZONE DESIGN

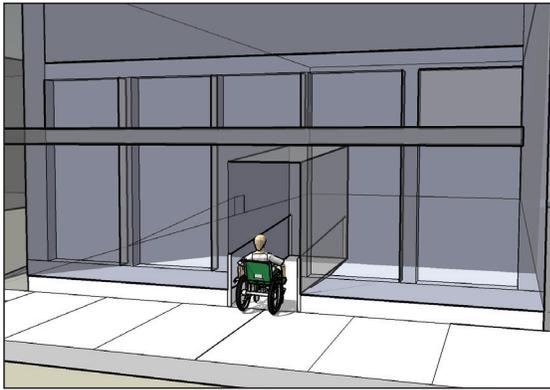
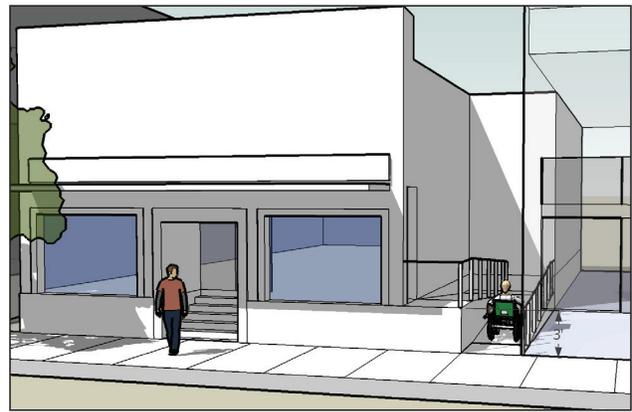
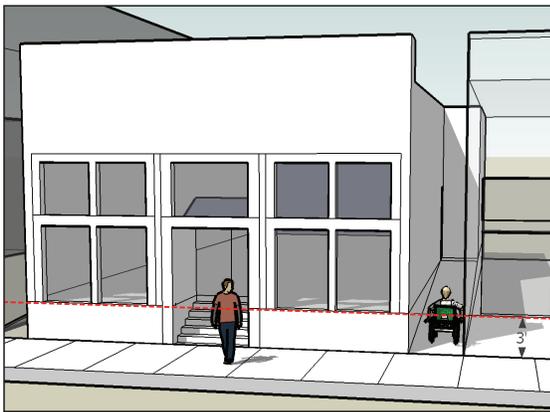
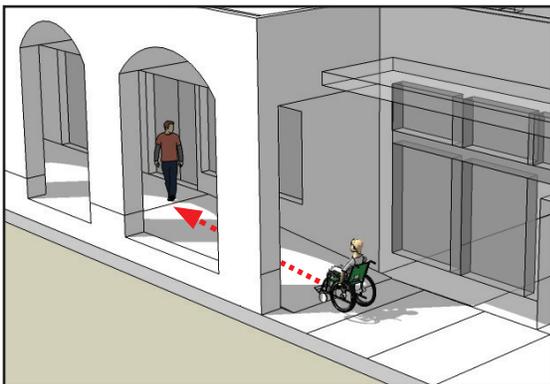


Figure 1.16-A Internal Wheelchair Ramp (illustrative image)

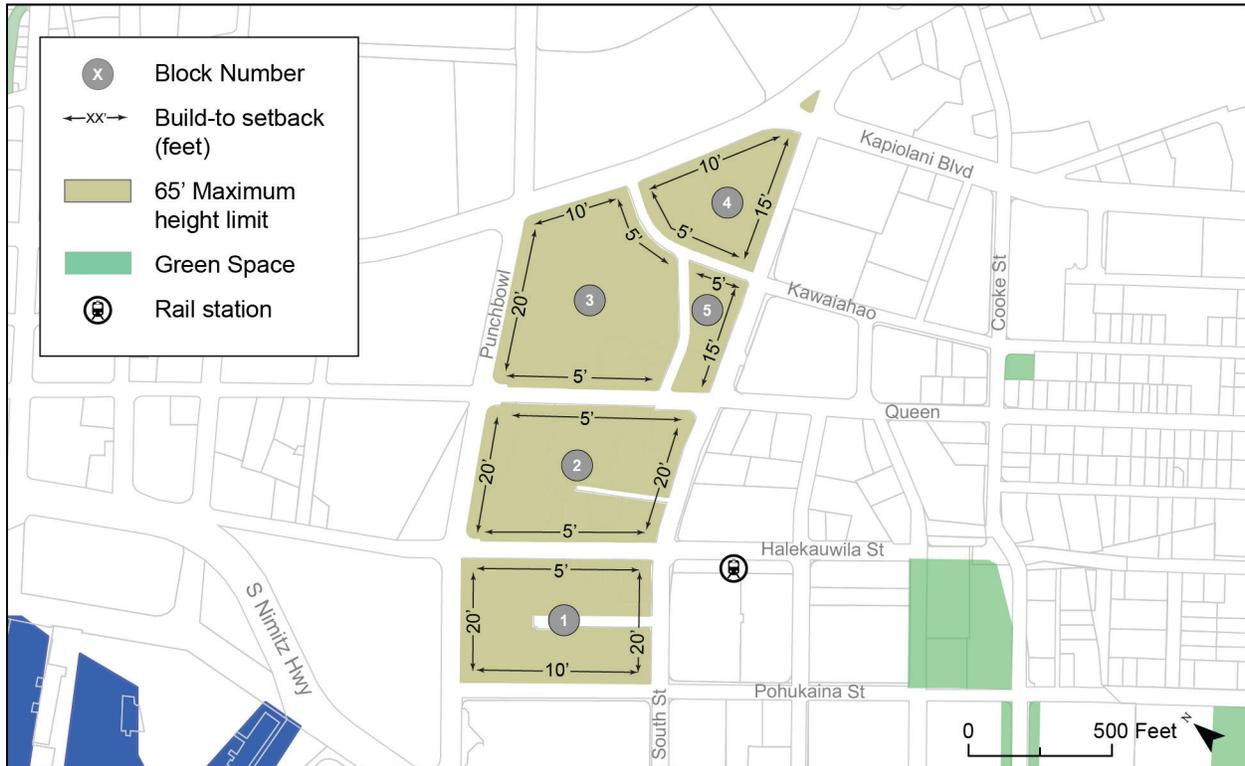


Figures 1.16-B and 1.16-C External wheelchair ramps accessed directly from sidewalk to ensure easy access. Ramps are located on the side of building (illustrative images).



Figures 1.16-D and 1.16-E External wheelchair ramps accommodated under an arcade (illustrative images).

FIGURE NZ.1 CIVIC CENTER ZONE (CC)



| A. Building Types - Max Height | |
|--------------------------------|-----|
| Podium High Rise | - |
| Urban Block | 65' |
| Lei Building | 65' |
| Courtyard Building | 55' |
| Duplex / Triplex / Quadplex | - |
| Townhouse | - |
| Flex / Loft | 45' |
| Industrial Barn | - |
| Side Yard House | - |
| Front Yard House | - |

| B. Frontage Types | |
|----------------------|----|
| Lanai and Front Yard | - |
| Stoop | ✓ |
| Dooryard | ✓ |
| Forecourt | ✓ |
| Shopfront | ✓ |
| Chinatown Shopfront | ✓* |
| Raised Shopfront | ✓ |
| Raised Terrace Front | ✓ |
| Terrace Front | - |
| Gallery and Arcade | ✓* |
| Kaka'ako Frontage | - |

| C. Building Placement | |
|-------------------------------------|-----------|
| Front Build-to line | 0' to 20' |
| Frontage Occupancy at Build-to line | 50% min. |
| Setback Side | 0' |
| Setback Rear | 0' |

| D. Building Form | |
|-----------------------------------|------------|
| Maximum Height | 65' |
| Street Front Element Height Range | 30' to 65' |
| Maximum Density (FAR) | 3.5 |

Footnotes:

- Chinatown Shopfronts are allowed only on the thoroughfares indicated in Figure FT.6.
- Gallery and Arcades are permitted on King Street, Halekauwila Street, and Pohukaina Street.
- Gallery and Arcades frontage types shall contain retail use.
- A Terrace Front frontage type shall be required where build to lines are greater than 15 feet.

| Legend | |
|--------|---------------------------|
| ✓ | Permitted |
| ✓* | Permitted with exceptions |
| - | Not Permitted |

FIGURE NZ.2 KAPIOLANI ZONE (KA)



| A. Building Types - Max Height | |
|--------------------------------|------|
| Podium High Rise | 400' |
| Urban Block | 100' |
| Lei Building | 100' |
| Courtyard Building | 55' |
| Duplex / Triplex / Quadplex | 45' |
| Townhouse | 45' |
| Flex / Loft | - |
| Industrial Barn | - |
| Side Yard House | - |
| Front Yard House | - |

| B. Frontage Types | |
|----------------------|----|
| Lanai and Front Yard | - |
| Stoop | ✓ |
| Dooryard | ✓ |
| Forecourt | ✓ |
| Shopfront | ✓ |
| Chinatown Shopfront | ✓* |
| Raised Shopfront | ✓* |
| Raised Terrace Front | ✓* |
| Terrace Front | ✓ |
| Gallery and Arcade | ✓* |
| Kaka'ako Frontage | ✓* |

| C. Building Placement | |
|-------------------------------------|------------|
| Front Build-to line | n/s to 15' |
| Frontage Occupancy at Build-to line | 75% min. |
| Setback Side | 0' |
| Setback Rear | 0' |

| D. Building Form | |
|-----------------------------------|------------|
| Maximum Height | 400' |
| Street Front Element Height Range | 30' to 65' |
| Maximum Density (FAR) | 3.5 |

Footnotes:

- The Duplex/Triplex/Quadplex building type is permitted on Block 22 only.
- The Townhouse building type is permitted on Block 22 only.
- Raised Frontages are only allowed in Flood Zones to accommodate necessary flood elevation and shall not be used in other locations.
- Chinatown Shopfronts are allowed only on the thoroughfares indicated in Figure FT.6.
- Gallery and Arcades are permitted on Kapiolani Boulevard only.
- Gallery and Arcades shall contain retail use.
- The Kakaako Frontage is permitted along Waimanu Street only.
- All buildings over 100 feet shall be subject to the Podum High Rise building standards.

FIGURE NZ.3 THOMAS SQUARE ZONE (TS)



| A. Building Types - Max Height | |
|--------------------------------|------|
| Podium High Rise | 400' |
| Urban Block | 100' |
| Lei Building | 100' |
| Courtyard Building | 55' |
| Duplex / Triplex / Quadplex | 45' |
| Townhouse | 45' |
| Flex / Loft | - |
| Industrial Barn | - |
| Side Yard House | - |
| Front Yard House | - |

| B. Frontage Types | |
|----------------------|----|
| Lanai and Front Yard | - |
| Stoop | ✓ |
| Dooryard | ✓ |
| Forecourt | ✓ |
| Shopfront | ✓ |
| Chinatown Shopfront | ✓* |
| Raised Shopfront | ✓* |
| Raised Terrace Front | ✓* |
| Terrace Front | ✓ |
| Gallery and Arcade | ✓* |
| Kaka'ako Frontage | - |

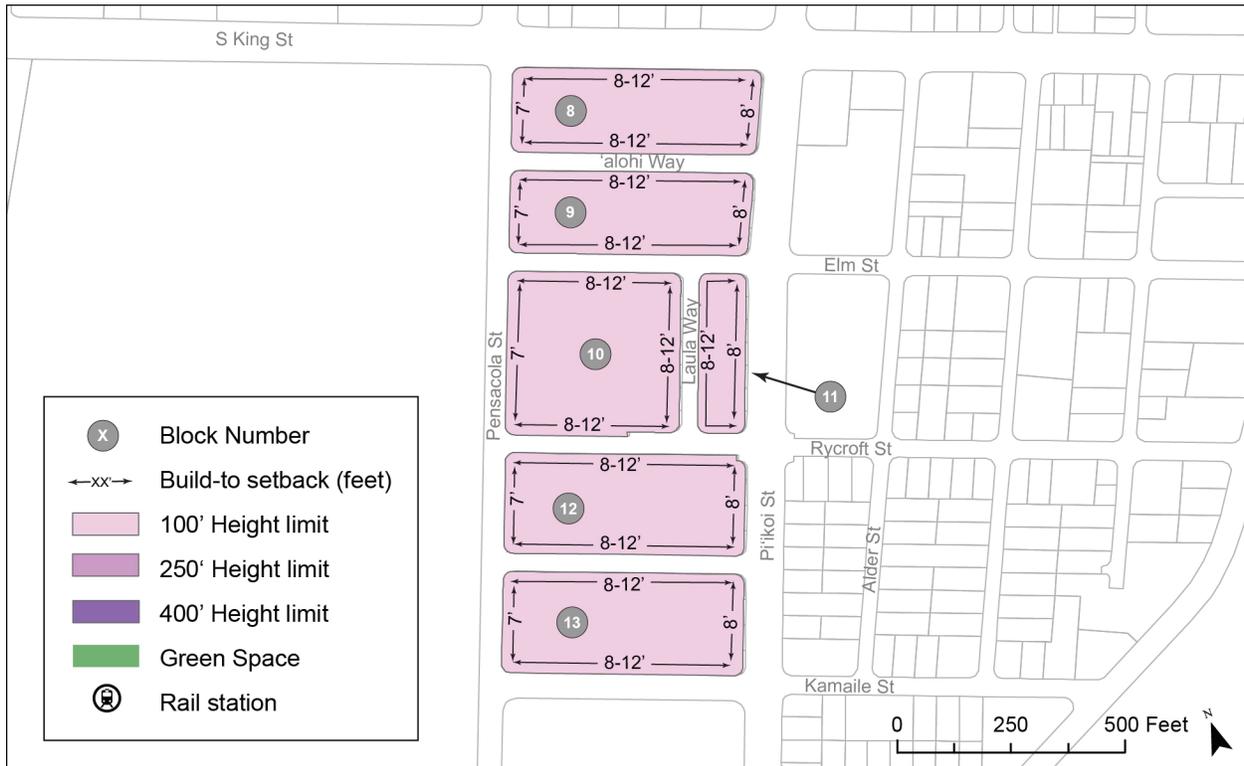
| C. Building Placement | |
|-------------------------------------|-----------|
| Front Build-to line | 7' to 15' |
| Frontage Occupancy at Build-to line | 60% min. |
| Setback Side | 0' |
| Setback Rear | 0' |

| D. Building Form | |
|-----------------------------------|------------|
| Maximum Height | 400' |
| Street Front Element Height Range | 30' to 65' |
| Maximum Density (FAR) | 3.5 |

Footnotes:

- Raised Frontages are only allowed in Flood Zones to accommodate necessary flood elevation and shall not be used in other locations.
- Chinatown Shopfronts are allowed only on the thoroughfares indicated in Figure FT.6.
- Gallery and Arcades are permitted on Pensacola Street, Kapiolani Boulevard, King Street and new streets, as appropriate, only.
- Gallery and Arcades shall contain retail use.
- All buildings over 100 feet shall be subject to the Podium High Rise building standards.

FIGURE NZ.4 SHERIDAN ZONE (SH)



| A. Building Types - Max Height | |
|--------------------------------|-----|
| Podium High Rise | - |
| Urban Block | 65' |
| Lei Building | 65' |
| Courtyard Building | 45' |
| Duplex / Triplex / Quadplex | 35' |
| Townhouse | 35' |
| Flex / Loft | 35' |
| Industrial Barn | - |
| Side Yard House | 45' |
| Front Yard House | 35' |

| B. Frontage Types | |
|----------------------|----|
| Lanai and Front Yard | ✓ |
| Stoop | ✓ |
| Dooryard | ✓ |
| Forecourt | ✓ |
| Shopfront | ✓ |
| Chinatown Shopfront | ✓* |
| Raised Shopfront | ✓* |
| Raised Terrace Front | ✓* |
| Terrace Front | ✓ |
| Gallery and Arcade | ✓* |
| Kaka'ako Frontage | - |

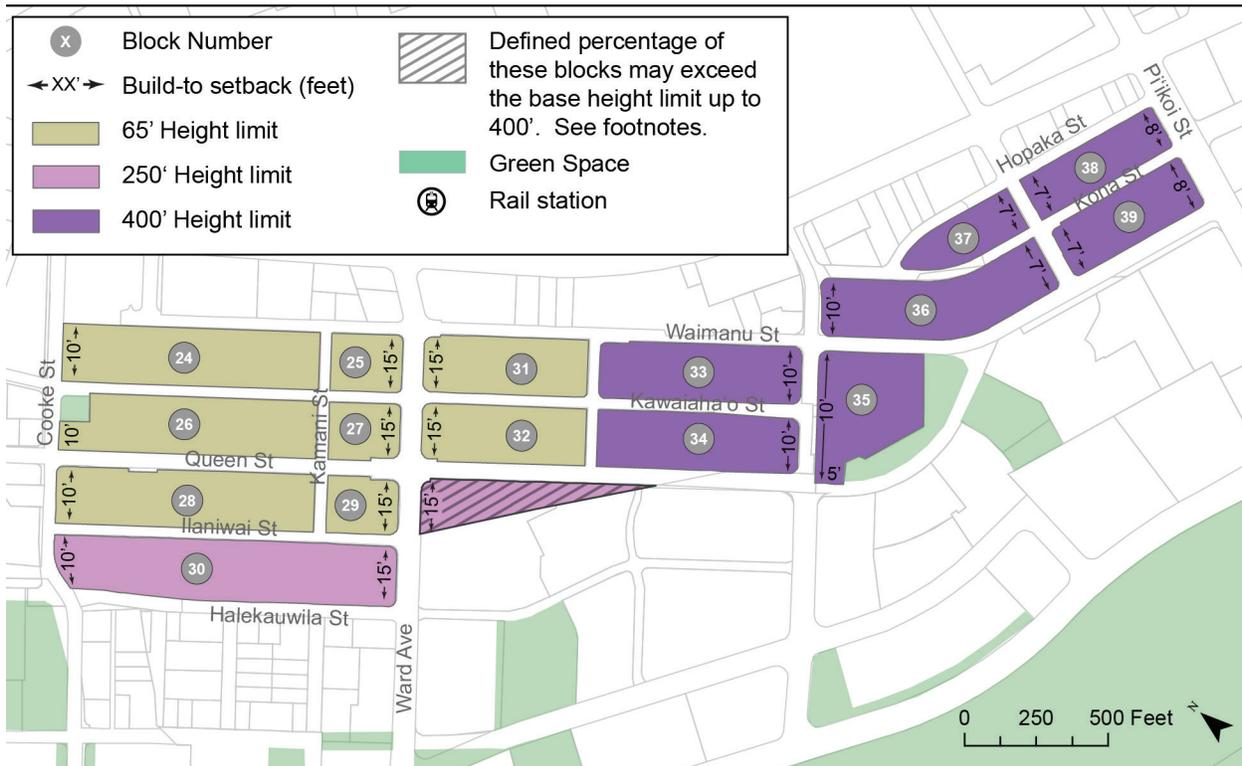
| C. Building Placement | |
|-------------------------------------|-----------|
| Front Build-to line | 7' to 12' |
| Frontage Occupancy at Build-to line | 50% min. |
| Setback Side | 3' |
| Setback Rear | 3' |

| D. Building Form | |
|-----------------------------------|------------|
| Maximum Height | 65' |
| Street Front Element Height Range | 15' to 65' |
| Maximum Density (FAR) | 2.0 |

Footnotes:

- The Urban Block and Lei building types are permitted on Blocks 12 and 13 only.
- Raised Frontages are only allowed in Flood Zones to accommodate necessary flood elevation and shall not be used in other locations.
- Gallery and Arcades are only permitted on Pensacola Street.
- Gallery and Arcades shall contain retail use.
- Chinatown Shopfronts are only allowed on the thoroughfares indicated in Figure FT.6.
- Office uses shall be limited to home occupations.
- Retail uses shall be limited to corner stores and neighborhood-serving retail, which must be at block corners or along Piikoi Street, Pensacola Street, and King Street only.
- Civic uses shall be limited to neighborhood-scaled functions such as fire stations, meeting rooms, and churches.
- Civic uses shall be on lots no greater than 20,000 square feet.

FIGURE NZ.5 CENTRAL KAKA'AKO ZONE (CK)



| A. Building Types - Max Height | |
|--------------------------------|------|
| Podium High Rise | 400' |
| Urban Block | 100' |
| Lei Building | 100' |
| Courtyard Building | 55' |
| Duplex / Triplex / Quadplex | 35' |
| Townhouse | 35' |
| Flex / Loft | 45' |
| Industrial Barn | 35' |
| Side Yard House | - |
| Front Yard House | - |

| B. Frontage Types | |
|----------------------|----|
| Lanai and Front Yard | - |
| Stoop | ✓ |
| Dooryard | ✓ |
| Forecourt | ✓ |
| Shopfront | ✓ |
| Chinatown Shopfront | ✓* |
| Raised Shopfront | ✓* |
| Raised Terrace Front | ✓* |
| Terrace Front | ✓ |
| Gallery and Arcade | - |
| Kaka'ako Frontage | ✓ |

| C. Building Placement | |
|-------------------------------------|------------|
| Front Build-to line | n/s to 15' |
| Frontage Occupancy at Build-to line | 75% min. |
| Setback Side | 0' |
| Setback Rear | 0' |

| D. Building Form | |
|-----------------------------------|------------|
| Maximum Height | 400' |
| Street Front Element Height Range | 20' to 65' |
| Maximum Density (FAR) | 3.5 |

Footnotes:

- Raised Frontages are only allowed in Flood Zones to accommodate necessary flood elevation and shall not be used in other locations.
- Chinatown Shopfronts are only allowed on the thoroughfares indicated in Figure FT.6.
- Civic uses shall be limited to neighborhood-scaled functions such as fire stations, meeting rooms, and churches.
- Civic uses shall be on lots no greater than 20,000 square feet.
- All buildings over 100 feet shall be subject to the Podium High Rise building standards.

FIGURE NZ.6 PAUHI ZONE (PA)



| A. Building Types - Max Height | |
|--------------------------------|------|
| Podium High Rise | 400' |
| Urban Block | 100' |
| Lei Building | 100' |
| Courtyard Building | 65' |
| Duplex / Triplex / Quadplex | - |
| Townhouse | - |
| Flex / Loft | 45' |
| Industrial Barn | 30' |
| Side Yard House | - |
| Front Yard House | - |

| B. Frontage Types | |
|----------------------|----|
| Lanai and Front Yard | - |
| Stoop | ✓ |
| Dooryard | ✓ |
| Forecourt | ✓ |
| Shopfront | ✓ |
| Chinatown Shopfront | ✓* |
| Raised Shopfront | ✓* |
| Raised Terrace Front | ✓* |
| Terrace Front | ✓ |
| Gallery and Arcade | ✓* |
| Kaka'ako Frontage | - |

| C. Building Placement | |
|-------------------------------------|------------|
| Front Build-to line | n/s to 40' |
| Frontage Occupancy at Build-to line | 60% min. |
| Setback Side | 0' |
| Setback Rear | 0' |

| D. Building Form | |
|-----------------------------------|------------|
| Maximum Height | 400' |
| Street Front Element Height Range | 40' to 65' |
| Maximum Density (FAR) | 3.5 |

Footnotes:

- The Industrial Barn building type is permitted on Block 48 only.
- Raised Frontages are only allowed in Flood Zones to accommodate necessary flood elevation and shall not be used in other locations.
- Chinatown Shopfronts are allowed only on the thoroughfares indicated in Figure FT.6.
- Gallery and Arcades are permitted on Ala Moana Boulevard, Auahi Street, Pohukaina Street, and Halekauwila Street only.
- Gallery and Arcades shall contain retail use only.
- Where build to lines are greater than 15 feet, a Terrace Front shall be used.
- Maximum height is as indicated and shown in Figure NZ.6-1 with the following allowances:
 - ◊ 15% of Blocks 53, 54, 44, 57, 58, 59, 60 and 61 can go up to 400 feet.
 - ◊ 20% of Block 56 can go up to 400 feet. The white dotted lines delineate Block 56 boundary.
 - ◊ These percentages for maximum height allowances are in addition to the existing buildings at the time of the adoption of the Mauka Area Rules.
- All buildings over 100 feet shall be subject to the Podum High Rise building standards.

FIGURE NZ.7 AUAHI ZONE (AU)



| A. Building Types - Max Height | |
|--------------------------------|------|
| Podium High Rise | 400' |
| Urban Block | 100' |
| Lei Building | 100' |
| Courtyard Building | 65' |
| Duplex / Triplex / Quadplex | - |
| Townhouse | - |
| Flex / Loft | 45' |
| Industrial Barn | 35' |
| Side Yard House | - |
| Front Yard House | - |

| B. Frontage Types | |
|----------------------|----|
| Lanai and Front Yard | - |
| Stoop | ✓ |
| Dooryard | ✓ |
| Forecourt | ✓ |
| Shopfront | ✓ |
| Chinatown Shopfront | ✓* |
| Raised Shopfront | ✓* |
| Raised Terrace Front | ✓* |
| Terrace Front | ✓ |
| Gallery and Arcade | ✓* |
| Kaka'ako Frontage | - |

| C. Building Placement | |
|-------------------------------------|------------|
| Front Build-to line | n/s to 15' |
| Frontage Occupancy at Build-to line | 75% min. |
| Setback Side | 0' |
| Setback Rear | 0' |

| D. Building Form | |
|-----------------------------------|------------|
| Maximum Height | 400' |
| Street Front Element Height Range | 40' to 65' |
| Maximum Density (FAR) | 3.5 |

Footnotes:

- Raised Frontages are only allowed in Flood Zones to accommodate necessary flood elevation and shall not be used in other locations.
- Chinatown Shopfronts are allowed only on the thoroughfares indicated in Figure FT.6.
- Gallery and Arcades are permitted on Ala Moana Boulevard and Auaahi Street only.
- Gallery and Arcades shall contain retail use only.
- Maximum height is as indicated and shown in Figure NZ.7-1 with the following allowances:
 - ◊ 5% of Block 62 can go up to 400 feet.
 - ◊ 5% of Block 63 can go up to 400 feet.
 - ◊ 10% of Block 64 can go up to 400 feet.
 - ◊ 15% of Block 65 can go up to 400 feet.
 - ◊ These percentages for maximum height allowances are in addition to the existing buildings at the time of the adoption of the Mauka Area Rules.
- All buildings over 100 feet shall be subject to the Podium High Rise building standards.

| Legend | |
|--------|---------------------------|
| ✓ | Permitted |
| ✓* | Permitted with exceptions |
| - | Not Permitted |

FIGURE BT.1 FRONT YARD HOUSE

A. Lot Width

1. Maximum of 65 feet.

B. 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.

C. Parking Design and Location

1. Parking shall be located in the Allowed Parking Zone (Figure 1.10-B).
2. Garages may accommodate no more than two (2) cars.
3. Parking access shall be as per Section 15-217-63, Parking and Loading.

D. Open Space

1. Open Space shall be located behind the principal building with an area no less than 15% of the lot. Open space shall maintain a minimum 20 foot dimension on anyone side.
2. Open space shall be located at grade at the rear or side of the lot, on patios or decks, a roof garden and/or balconies.

E. Landscape

1. Where front yards have a 20 foot build to line, one 25-gallon minimum size canopy tree shall be planted per 40 lineal feet of frontage line or fraction thereof.
2. Trees shall be a single species to match the species of street trees in the furnishing zone.
3. Four five-gallon shrubs, six one-gallon shrubs and turf or acceptable native or dry climate ground cover is required for every required tree.

F. Frontage

1. Permissible Frontage Types are: Lanai and Front Yard, Stoop and Dooryard.

G. Building Massing for Principal Building

1. Principal buildings shall be composed of one and/or two stories.
2. Allowable floor plate sizes for the principal building are shown in Table BT.1-1.

H. Building Massing for Accessory Dwelling

1. Accessory dwellings located above garages shall be limited to one story above the garage with a 12' maximum floor to floor height.
2. Accessory dwellings located at grade shall be limited to one story with 12' maximum. floor to floor height.
3. Accessory dwellings shall have a maximum floor area of 750 square feet.
4. Accessory dwellings shall not exceed 50% of the principal building's floor area.
5. Allowable floor plate sizes for the accessory building are shown in Table BT.1-2.

* Note: Accessory dwelling units are only permitted in Thomas Square, Sheridan, and Central Kaka'ako Zones.



Figure BT.1-1 Axonometric View, Front Yard House (Illustrative)

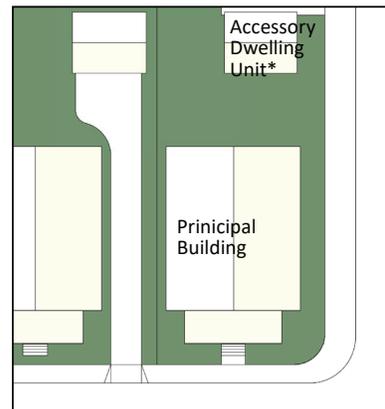


Figure BT.1-2 Plan View, Front Yard House (Illustrative)

Table BT.1-1 Allowable Floor Plate Size, Front Yard House - Principal Building

| Building Height (No. of Floors) | Allowed Floor Plate Size (% Ratio) | |
|---------------------------------|------------------------------------|-----------|
| | 1st Floor | 2nd Floor |
| 1 | 100% | - |
| 2 | 100% | 100% |

Table BT.1-2 Allowable Floor Plate Size, Front Yard House - Accessory Dwelling Unit

| Building Height (No. of Floors) | Allowed Floor Plate Size (% Ratio) | |
|---------------------------------|------------------------------------|--------------------------|
| | 1st Floor | 2nd Floor (above Garage) |
| 1 | 100% | - |
| 2 | 100% | 100% |

FIGURE BT.2 SIDE YARD HOUSE

A. Lot Width

1. Maximum of 65 feet.

B. Pedestrian Access

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

C. Parking Design and Location

1. Parking shall be located in the Allowed Parking Zone (Figure 1.10-B).
2. Garages may accommodate no more than two (2) cars.
3. Parking access shall be as per Section 15-217-63, Parking and Loading.
4. If driveway is along the side yard, the driveway should have a permeable surface, such as pavers.

D. Open Space

1. Open space shall be located along the side yard with an area of no less than 15% of the lot. The open space shall maintain a minimum 20 foot dimension and be enclosed by a wall or hedge of no more than three feet in height.

E. Landscape

1. One 25-gallon minimum tree shall be planted per 40 lineal feet of side yard lot line or fraction thereof.
2. Four five-gallon size shrubs, six one-gallon size shrubs and turf or acceptable native or dry climate ground cover is required for every required tree.

F. Frontage

1. Building facades shall have a minimum fenestration of 15% in order to prevent blank walls facing the street.

G. Building Massing

1. Allowable maximum floor plate sizes are shown in Table BT.2-1.

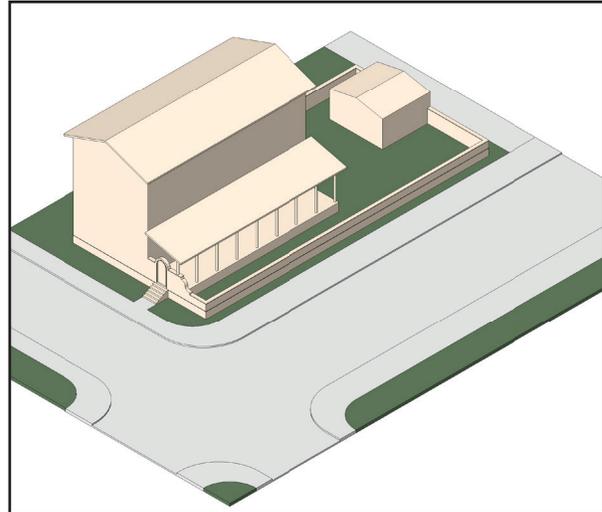


Figure BT.2-1 Axonometric View, Side Yard House (Illustrative)

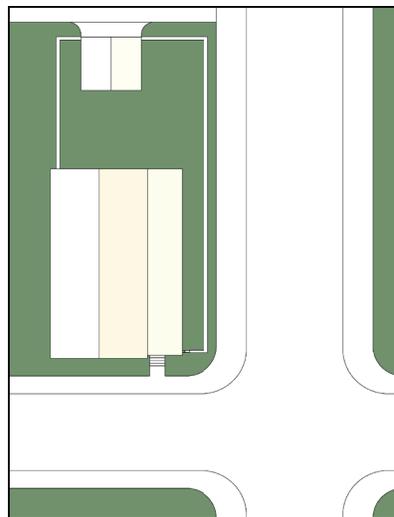


Figure BT.2-2 Plan View, Side Yard House (Illustrative)

Table BT.2-1 Allowable Floor Plate Size, Side Yard House

| Building Height (No. of Floors) | Allowed Floor Plate Size (% Ratio) | | |
|---------------------------------|------------------------------------|-----------|-----------|
| | 1st Floor | 2nd Floor | 3rd Floor |
| 1 | 100% | - | |
| 2 | 100% | 100% | |
| 3 | 100% | 100% | 100% |

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 6 townhouses per string, except for the Thomas Square and Central Kakaako Zones which allow up to 10 attached Townhouses per string (each a "Facade String.")

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 Allowed Parking Zone (Figure 1.10-B).
2. Garages shall accommodate no more than two (2) cars, be integrated into the back of the Townhouse, and have garage doors of only one (1) car width.
3. Parking access shall be as per 15-217-64.

D. Open Space

1. At least 15% of the Lot area shall be provided as Open Space.
2. The Open Space shall be located at-grade at the rear or side of the building, on patios or decks, and/or on a roof garden.
3. Private patios and balconies are allowed in any yard.

E. Landscape

1. Four (4), five-gallon size shrubs, six (6) one-gallon size shrubs and turf or acceptable native or dry climate ground cover is required for every required tree.

F. Frontage

1. Permissible Frontage Types are: Dooryard, Stoop, and Terrace Front.

G. Building Massing

1. In a 3-Story building, a 2-Story Townhouse can be stacked over a separate ground floor dwelling.
2. Allowable floor plate sizes are shown in Table BT.3-1.

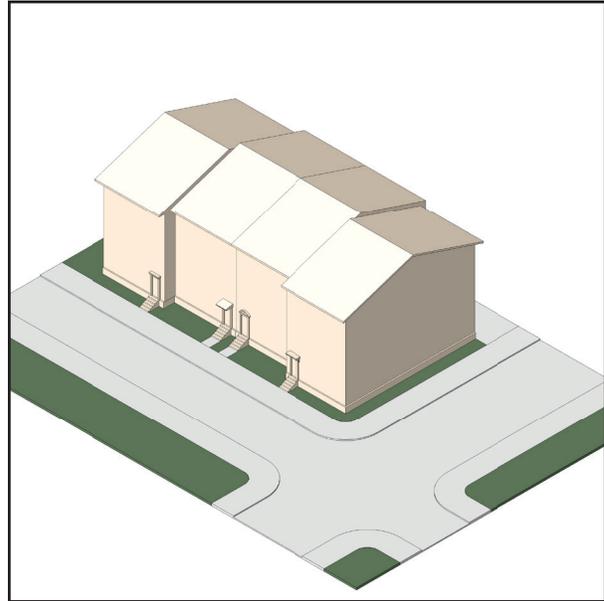


Figure BT.3-1 Axonometric View, Townhouse (Illustrative)

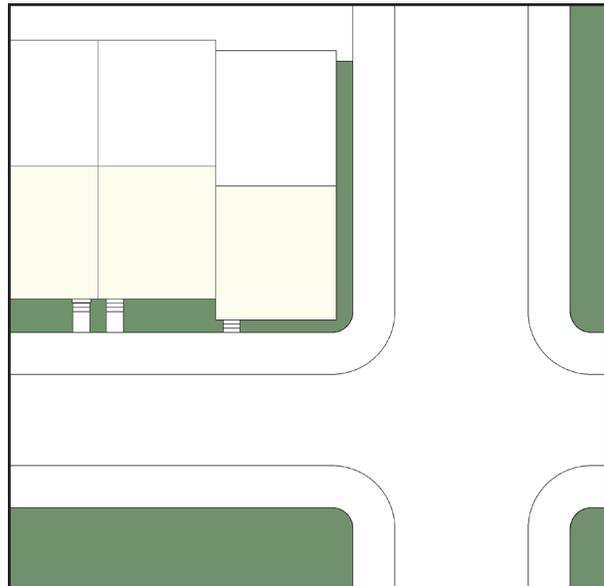


Figure BT.3-2 Plan View, Townhouse (Illustrative)

Table BT.3-1 Allowable Floor Plate Size, Townhouse

| Building Height (No. of Floors) | Allowed Floor Plate Size (% Ratio) | | |
|---------------------------------|------------------------------------|-----------|-----------|
| | 1st Floor | 2nd Floor | 3rd Floor |
| 1 | 100% | - | |
| 2 | 100% | 100% | |
| 3 | 100% | 100% | 85% |

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 entrance shall be directly accessible from the street, through the Frontage Line.

C. Parking Design and Location

1. Parking shall be located in the Allowed Parking Zone (Figure 1.10-B).
2. Garages shall accommodate no more than two (2) cars, be integrated into the back of the Townhouse, and have garage doors of only one (1) car width.
3. Parking access shall be as per 15-217-64.

E. Open Space

1. Each ground floor unit shall have at least 150 SF 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.
3. Rear yards shall be no less than 15% of the area of each Lot and of a square or rectangular geometry.

F. Landscape

1. When front yards have a 20' Build to Line, a minimum of one (1) 25-gallon canopy tree shall be planted per 40 lineal feet of Frontage Line or fraction thereof. Trees shall be a single species to match the species of street trees in the Furnishing Area.
2. Four (4), five-gallon size shrubs, six (6) one-gallon size shrubs and turf or acceptable native or dry climate ground cover is required for every required tree.

G. Frontage

1. Permissible Frontage Types are: Lanai and Front Yard, Dooryard, Stoop, Forecourt, and Terrace Front.

H. Building Massing

1. Front Facades shall have at least one Encroaching Element, such as a Lanai or balcony, or Plane Break occupying at least 15% of the Facade.
2. Allowable floor plate sizes are shown in Table BT.4-1.

Table BT.4-1 Allowable Floor Plate Size, Duplex, Triplex, Quadplex

| Building Height (No. of Floors) | Allowed Floor Plate Size (% Ratio) | | | |
|---------------------------------|------------------------------------|-----------|-----------|-----------|
| | 1st Floor | 2nd Floor | 3rd Floor | 4th Floor |
| 1 | 100% | - | - | - |
| 2 | 100% | 100% | - | - |
| 3 | 100% | 100% | 85% | - |
| 4 | 100% | 100% | 80% | 75% |

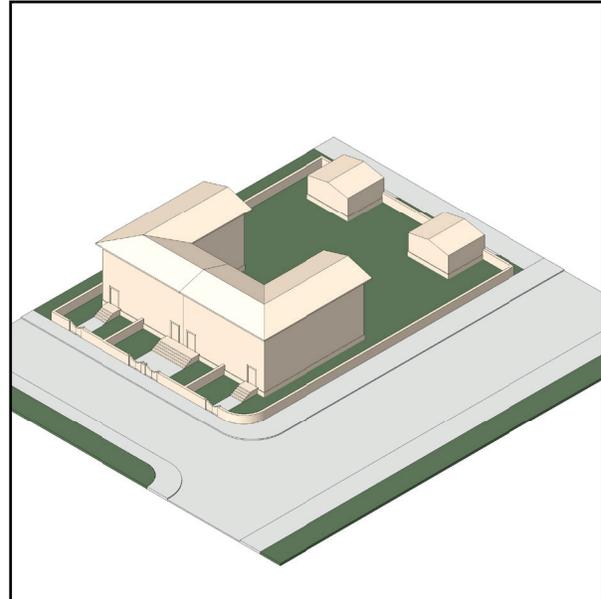


Figure BT.4-1 Axonometric View, Duplex, Triplex, Quadplex (Illustrative)

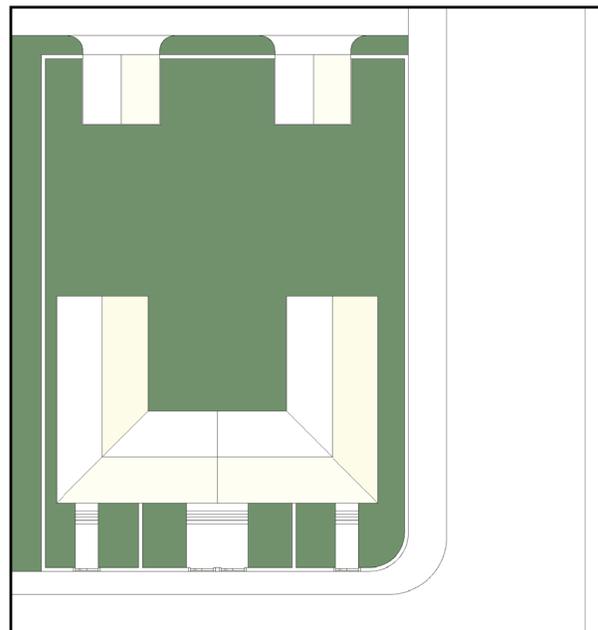


Figure BT.4-2 Plan View, Duplex, Triplex, Quadplex (Illustrative)

FIGURE BT.5 FLEX-LOFT

A. Facade Width

1. Maximum of 30' for each Flex-Loft.
2. The maximum number of attached Flex-Loft buildings is: 10 for Civic Center Zone, four (4) for Sheridan Zone, 10 for Central Kakaako Zone, 10 for Pauahi Zone, and 10 for Auahi Zone.

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 Allowed Parking Zone (Figure 1.10-B).
2. Garages shall accommodate no more than two (2) cars and have garage doors of only one (1) car width.
3. Parking access shall be as per 15-217-64.

E. Open Space

1. At least 15% of the Lot area shall be provided as Open Space.
2. The Open Space shall be located at-grade at the rear or side of the building, on patios or decks, and/or on a roof garden.
3. The Open Space area must be open to the sky.

F. Landscape

1. Landscape shall not obscure front yards on adjacent lots or the shopfront of the ground floor Industrial space.
2. Trees shall be planted at the rate of one (1) 36-inch box tree per 25 lineal feet of front yard or fraction thereof.
3. Trees shall be a single species to match the species of street trees in the Furnishing Area.
4. At least one (1) 25-gallon minimum size canopy tree shall be provided in the rear yard for shade and privacy.
5. Side Yards trees shall be placed a rate of one (1) 25-gallon minimum size tree per 30 lineal feet or fraction thereof to protect the privacy of neighbors. These trees can be placed in groups in order to achieve a particular design.
6. Six (6), five-gallon size shrubs, 10 one-gallon size shrubs and turf or acceptable native or dry climate ground cover is required for every required tree.

G. Frontage

1. Permissible Frontage Types are: Shopfront, Chinatown Shopfront, Raised Shopfront (when necessary for flood protection), Gallery/Arcade, Dooryard, Stoop, Kakaako Frontage, and Terrace Front.

F. Building Massing

1. Facades shall have at least one (1) Encroaching Element, such as a Lanai or balcony, or Plane Break occupying at least 15% of the Facade.
2. Building elevations abutting Side Yards shall provide at least one (1) horizontal Plane Break of at least three (3) feet, and one (1) vertical break of at least two (2) feet.
3. Allowable floor plate sizes are shown in Table BT.5-1.



Figure BT.5-1 Axonometric View, Flex-Loft (Illustrative)

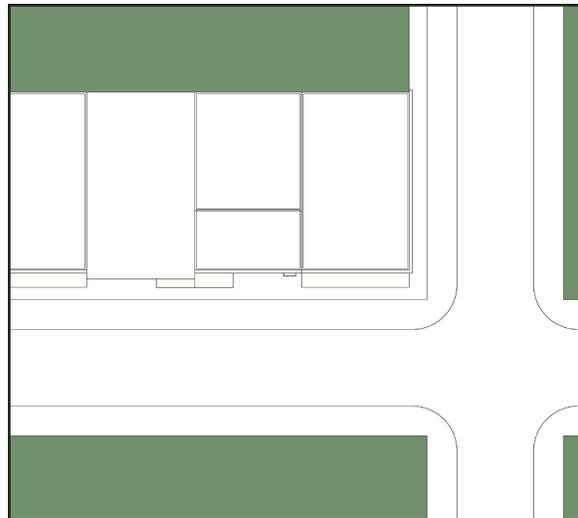


Figure BT.5-2 Plan View, Flex-Loft (Illustrative)

Table BT.5-1 Allowable Floor Plate Size, Flex-Loft

| Building Height (No. of Floors) | Allowed Floor Plate Size (% Ratio) | | | |
|---------------------------------|------------------------------------|-----------|-----------|-----------|
| | 1st Floor | 2nd Floor | 3rd Floor | 4th Floor |
| 1 | 100% | - | - | - |
| 2 | 100% | 100% | - | - |
| 3 | 100% | 100% | 85% | - |
| 4 | 100% | 100% | 85% | 85% |

FIGURE BT.6 INDUSTRIAL BARN

A. Facade 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 Allowed Parking Zone (Figure 1.10-B).
2. Garages shall accommodate no more than two (2) cars and have garage doors of only one (1) car width.
3. Parking access shall be as per 15-217-64.

E. Open Space

1. At least 15% of the Lot area shall be provided as Open Space.
2. The Open Space shall be located at-grade at the rear or side of the building and/or on a roof garden.
3. The Open Space must be open to the sky.
4. Permeably-paved parking areas can count towards the Open Space requirement for this Building Type.

F. Landscape

1. Landscape shall not obscure front yards on adjacent lots or the shopfront of the ground floor industrial space
2. When front yards have a 20' Build to Line, then front yard trees shall be provided.
4. Trees shall be a single species to match the species of street trees in the Furnishing Area.
3. Trees shall be planted at the rate of one (1) 25-gallon minimum size canopy 25 lineal feet of front yard or fraction thereof.
5. At least one (1) 25-gallon minimum size canopy tree shall be provided in the rear yard if present, for shade and privacy. (Central Kakaako Zone, exempt).
6. Side yard trees shall be placed a rate of one (1) 25-gallon minimum size tree per 30 lineal feet to protect the privacy of neighbors. These trees can be placed in groups in order to achieve a particular design. (Central Kakaako Zone, exempt).
7. Six (6), five-gallon size shrubs, ten (10) one-gallon size shrubs and turf, or acceptable native or dry climate ground cover is required for every required tree. (Central Kakaako Zone, exempt).
8. On-site paving is limited to the driveway, turnaround/backup area and any required parking spaces.

G. Frontage

1. Permissible Frontage Types are: Shopfront, Chinatown Shopfront, Raised Shopfront (as necessary for flood protection), Forecourt, Gallery/ Arcade, Kakaako Frontage, and Terrace Front.

F. Building Massing

1. Allowable floor plate sizes are shown in Table BT.6-1.

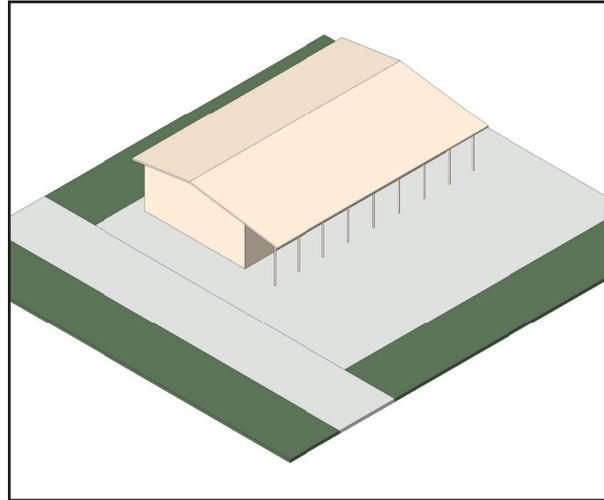


Figure BT.6-1 Axonometric View, Industrial Barn (Illustrative)

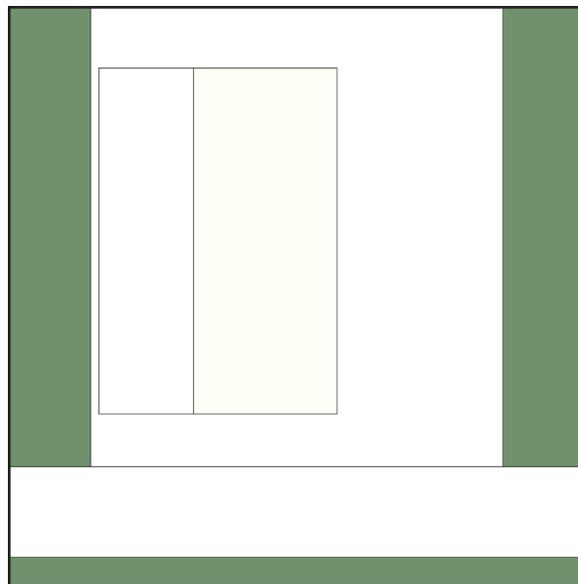


Figure BT.6-2 Plan View, Industrial Barn (Illustrative)

Table BT.6-1 Allowable Floor Plate Size, Industrial Barn

| Building Height (No. of Floors) | Allowed Floor Plate Size (% Ratio) | |
|------------------------------------|---------------------------------------|-----------|
| | 1st Floor | 2nd Floor |
| 1 | 100% | - |
| 2 | 100% | 100% |

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, to a Passageway open to the sky or covered.
2. Raised courtyards shall be accessed through a lobby, accessed directly from the Principle Frontage.
3. The Principle Entrance to each ground floor unit at the Principle Frontage shall be directly from the Frontage Line, or from a courtyard.
4. Access to units above ground floor courtyards shall be through open or roofed stairs. To the extent that units above the ground floor are accessed by stairs, such stairs shall not serve more than three (3) units.
5. 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' in length. Longer corridors shall be enclosed.
6. 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 Allowed Parking Zone (Figure 1.10-B) at grade or up to two-stories (20') above grade.
2. Parking access shall be as per 15-217-64.
3. If accommodated in an above-ground garage, parking shall be concealed from view at the Public Frontage through a liner of Habitable Space.

E. Open Space

1. At least 15% of the Lot area shall be provided as Open Space in the form of one (1) or more courtyards open to the sky.
2. The courtyard(s) may be located at-grade or on a podium, or combination thereof.
3. The minimum courtyard dimension shall be 30 feet on any one side, not counting any porch space or other Encroachment or projection provided within the courtyard.
4. Projections and Encroachments into the Open Space are permitted on all sides, provided that the minimum 30 foot dimension is maintained.

F. Landscape

1. When there is a 20' Build to Line, one (1) 25-gallon minimum size canopy tree shall be planted per 25 lineal feet of Frontage Line or fraction thereof.
2. Trees shall be a single species to match the species of street trees in the Furnishing Area.
3. Side yard trees shall be placed at a rate of one (1) 25-gallon minimum size canopy tree per 30 lineal feet or fraction thereof. Side yard trees can be placed in groups in order to achieve a particular design.
4. One field stock specimen tree is required per courtyard, and maybe in containers above garage if required.
4. Six (6), five-gallon size shrubs, 10 one-gallon size herbaceous perennials/shrubs and turf or acceptable native or adapted ground cover is required for every required tree.

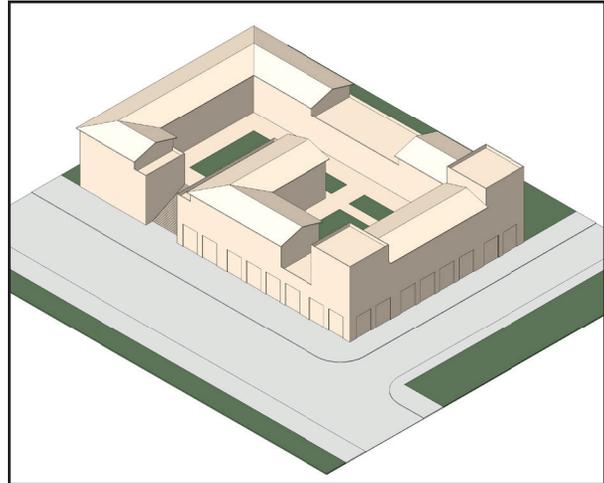


Figure BT.7-1 Axonometric View, Courtyard (Illustrative)

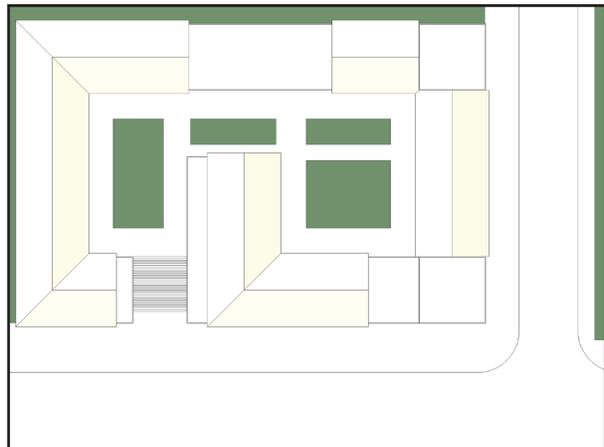


Figure BT.7-2 Plan View, Courtyard (Illustrative)

G. Frontage

1. Permissible Frontage Types are: Forecourt, Gallery/Arcade, Shopfront, Chinatown Shopfront, Raised Shopfront (as necessary for flood protection), Stoop, Dooryard, Kakaako Frontage, and Terrace Front.

H. Building Massing

1. Allowable floor plate sizes are shown in Table BT.7-1.

Table BT.5-1 Allowable Floor Plate Size, Flex-Loft

| Building Height (No. of Floors) | Allowed Floor Plate Size (% Ratio) | | | | |
|---------------------------------|------------------------------------|-----------|-----------|-----------|-----------|
| | 1st Floor | 2nd Floor | 3rd Floor | 4th Floor | 5th Floor |
| 1 | 100% | - | - | - | - |
| 2 | 100% | 100% | - | - | - |
| 3 | 100% | 100% | 65% | - | - |
| 4 | 100% | 100% | 55% | 55% | - |
| 5 | 100% | 100% | 55% | 55% | 40% |

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. On Promenade Streets, the Principle Entrance to each ground floor space shall be directly from the street and occur a maximum interval of 60 feet. On all other thoroughfares, access to ground floor podium spaces may occur at this interval or may be through the street level lobby provided.
4. 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 Allowed Parking Zone (Figure 1.10-B) for the first 21 feet of height.
2. Parking access shall be as per 15-217-64.
3. If accommodated in an above-ground garage, parking shall be concealed from view at the Public Frontage through a liner of Habitable Space for at least the first 21 feet of building height.
4. Above-ground garages above 21 feet shall be screened from view at the Public Frontage by landscaping, green screens, or cladding, or concealed from view through a liner of Habitable Space.

E. Open Space

1. At least 15% of the Lot area shall be provided as Open Space and shall be open to the sky.
2. The Open Space may be located at-grade, on a podium, roof garden, or combination thereof.
3. Each Open Space shall have a minimum dimensions of 40 feet on any one side.
4. Projections into the Open Space are permitted on all sides of the space, provided that the 40 foot minimum dimension is maintained.

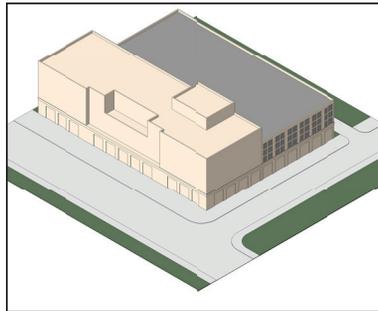


Figure BT.8-1 Axonometric View, Urban Block (Illustrative)

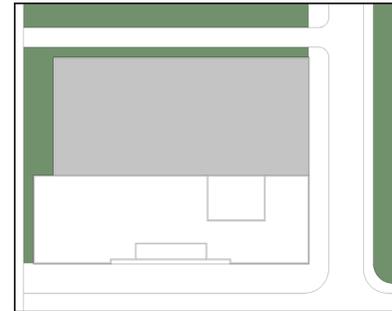


Figure BT.8-2 Plan View, Urban Block (Illustrative)

Table BT.8-1 Allowable Floor Plate Size, Urban Block

| Building Height (No. of Floors) | Allowed Floor Plate Size (% Ratio) | | | | | |
|---------------------------------|------------------------------------|-----------|-----------|-----------|------------|-----------------|
| | Floors 1-3 | 4th Floor | 5th Floor | 6th Floor | Floors 7-8 | Floor 9 & Above |
| 1-3 | 100% | - | - | - | - | - |
| 4-5 | 100% | 100% | 75% | - | - | - |
| 6 | 100% | 100% | 65%* | | - | - |
| 7 | 100% | 100% | 60%* | | | - |
| 8 | 100% | 100% | 58%* | | | - |
| 9+ | 100% | 100% | 53%* | | | |

*Average maximum floor plate ratio for 5th floor and above

F. Landscape

1. When front yards have a 20' Build to Line, a minimum of one (1) field stock canopy tree shall be planted per 40 lineal feet of Frontage Line or fraction thereof. front yard trees shall be a single species to match the species of street trees in the Furnishing Area.
2. When side yards are present, one (1) 25-gallon minimum size canopy tree shall be planted per 30 lineal feet to protect privacy of neighbors. The trees can be placed in groups in order to achieve a particular design.
3. Six (6), five-gallon size shrubs, 10 one-gallon size shrubs and turf or acceptable native or dry climate ground cover is required for every required tree.

G. Frontage

1. Permissible Frontage Types are: Forecourt, Gallery/Arcade, Shopfront, Chinatown Shopfront, Raised Shopfront as necessary for flood protection, Stoop, Dooryard, and Terrace Front.

H. Building Massing

1. Front Facades shall have at least one (1) Encroaching Element, such as porches or balconies, or Plane Break that cumulatively occupy at least 10% of the Facade.
2. Allowable floor plate sizes are shown in Table BT.8-1.

FIGURE BT.9 LEI BUILDING

A. Lot Width

1. Maximum of 300 feet.

B. Pedestrian Access

1. Entrances to upper floors shall be accessed through an interior lobby, accessed directly from the street.
2. On Promenade Streets, the entrance to each ground floor space shall be directly from the street and occur a maximum interval of 60 feet. On all other streets, access to ground floor podium spaces may occur at this interval or may be through the street level lobby provided.
3. Circulation to all spaces above the ground level shall be through an interior corridor or lobby. Corridors may be on the building exterior in the back of the building only, if there is at least 15 feet of separation between the garage and habitable building.
4. 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 Allowed Parking Zone (Figure 1.10-B) for the first 21 feet of height.
2. Parking access shall be as per 15-217-64.
3. If accommodated in an above-ground garage, parking shall be concealed from view at the Public Frontage through a liner of Habitable Space, for at least three sides of the building. Where exosed to the street, above-ground garages shall be screened from view at the Public Frontage by landscaping, green screens, or cladding.

D. Open Space

1. At least 15% of the Lot area shall be provided as Open Space and shall be open to the sky.
2. The Open Space may be located at-grade, on a podium, roof garden, or combination thereof.
3. Each Open Space shall have a minimum dimension of 30 feet on any one side.
4. Projections into the Open Space are permitted on all sides of the space, provided that the 30 foot minimum dimension is maintained.

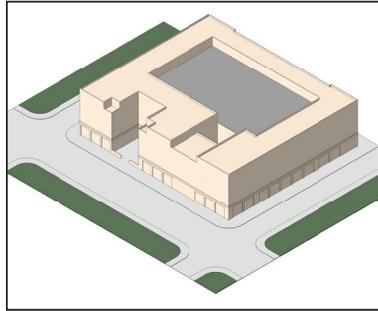


Figure BT.9-1 Axonometric View, Lei Building (Illustrative)

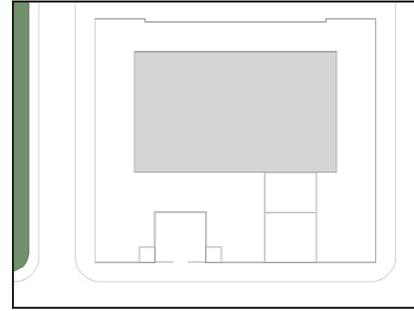


Figure BT.9-2 Plan View, Lei Building (Illustrative)

Table BT.9-1 Allowable Floor Plate Size, Lei Building

| Building Height (No. of Floors) | Allowed Floor Plate Size (% Ratio) | | | | | |
|---------------------------------|------------------------------------|-----------|-----------|-----------|------------|-----------------|
| | Floors 1-3 | 4th Floor | 5th Floor | 6th Floor | Floors 7-8 | Floor 9 & Above |
| 1-3 | 100% | - | - | - | - | - |
| 4-5 | 100% | 100% | 75% | - | - | - |
| 6 | 100% | 100% | 65%* | | - | - |
| 7 | 100% | 100% | 60%* | | - | - |
| 8 | 100% | 100% | 58%* | | - | - |
| 9+ | 100% | 100% | 53%* | | | |

*Average maximum floor plate ratio for 5th floor and above

E. Landscape

1. When front yards have a 20' Build to Line, a minimum of one (1) field stock canopy tree shall be planted per 40 lineal feet of Frontage Line or fraction thereof. Front yard trees shall be a single species to match the species of street trees in the Furnishing Zone.
2. When side yards are present, one (1) 25-gallon minimum size canopy tree per 30 lineal feet to protect privacy of neighbors. The trees can be placed in groups in order to achieve a particular design.
3. Six (6), five-gallon size shrubs, 10 one-gallon size shrubs and turf or acceptable native or dry climate ground cover is required for every required tree.

F. Frontage

1. Permissible Frontage Types are: Forecourt, Gallery/Arcade, Shopfront, Chinatown Shopfront, Raised Shopfront as necessary for flood protection, Stoop, Dooryard by exception, and Terrace Front.

G. Building Massing

1. Front Facades shall have at least one (1) Encroaching Element, such as porches or balconies, or Plane Break that cumulatively occupy at least 10% of the Facade.
2. Allowable floor plate sizes are shown in Table BT.9-1.

FIGURE BT.10 PODIUM HIGH-RISE

All buildings over 100 feet shall be subject to Podium High Rise Building Standards.

A. Lot Width

1. Maximum of 300 feet.

B. Pedestrian Access

1. Entrances to upper floors shall be accessed through an interior lobby, accessed directly from the street.
2. On Promenade Streets, the entrance to each ground floor space shall be directly from the street and occur a maximum interval of 60 feet. On all other streets, access to ground floor podium spaces may occur at this interval or may be through the street level lobby provided.
3. Circulation to all spaces above the ground level shall be through an interior corridor or lobby.
4. 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 Allowed Parking Zone (Figure 1.10-B) for the first 21 feet of height.
2. Parking access shall be as per 15-217-64.
3. If accommodated in an above-ground garage, parking shall be concealed from view at the Public Frontage through a liner of Habitable Space, for at least three sides of the building. Where exposed to the street, above-ground garages shall be screened from view at the Public Frontage by landscaping, green screens, or cladding.

D. Open Space

1. At least 15% of the Lot area shall be provided as Open Space and shall be open to the sky.
2. The Open Space may be located at-grade, on a podium, roof garden, or combination thereof.
3. Each Open Space shall have a minimum dimension of 40 feet on any one side.
4. Projections into the Open Space are permitted on all sides of the space, provided that the 40 foot minimum dimension is maintained.

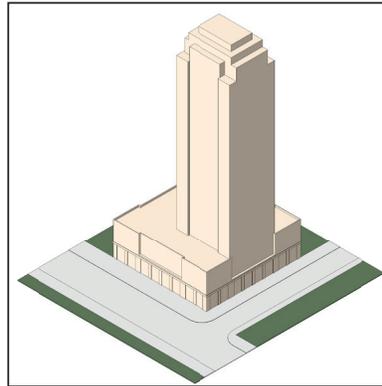


Figure BT.10-1 Axonometric View, Podium High Rise (Illustrative)

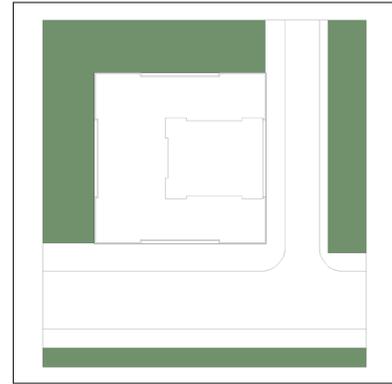


Figure BT.9-2 Plan View, Podium High Rise (Illustrative)

Table BT.10-1: Tower Floor Plate Size. Podium High Rise

| Actual Development Lot Size | Allowable Tower Floor Plate |
|-----------------------------------|---------------------------------|
| < 40,000 sq. ft. | 8,000 sq. ft. |
| 40,000 sq. ft. - 80,000 sq. ft. | 8,000 sq. ft. - 10,000 sq. ft. |
| 80,000 sq. ft. - 120,000 sq. ft. | 10,000 sq. ft. - 12,000 sq. ft. |
| 120,000 sq. ft. - 160,000 sq. ft. | 12,000 sq. ft. - 16,000 sq. ft. |
| > 160,000 sq. ft. | 16,000 sq. ft. |

E. Landscape

1. When front yards have a 20' Build to Line, a minimum of one (1) field stock canopy tree shall be planted per 40 lineal feet of Frontage Line or fraction thereof. Front yard trees shall be a single species to match the species of street trees in the Furnishing Zone.
2. When side yards are present, one (1) 25-gallon minimum size canopy tree shall be planted per 30 lineal feet to protect privacy of neighbors. The trees can be placed in groups in order to achieve a particular design.
3. Six, five-gallon size shrubs, ten one-gallon size shrubs and turf or acceptable native or dry climate ground cover is required for every required tree.

F. Frontage

1. Permissible Frontage Types are: Forecourt, Gallery/Arcade, Shopfront, Chinatown Shopfront, Raised Shopfront as necessary for flood protection, Stoop, Dooryard by exception, and Terrace Front.

G. Building Massing

1. See Section §15-217-55(I), View Preservation, for important standards regarding view preservation and tower placement.
2. At least 65% of one edge of the tower must be flush with a facade of the building / street front element, except in the following cases:
 - (A) Where the tower is directly adjacent to two View Corridor Streets; and/or
 - (B) Where conformance with View Preservation Standards (15-217-55 (I)) make this rule impossible to achieve.
3. Allowable floor plate sizes are shown in Table BT.10-1.

FIGURE BT.11 TROPICAL URBAN COURT

A. Pedestrian Access

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

B. Parking Design and Location

1. Where provided, parking shall be located in the third layer (See Figure 1.9).
2. Parking access shall be as per Section 15-217-64, Parking and Loading.

C. 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.

D. Frontage

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

E. 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. Allowable floor plate sizes are shown in Table BT.11-1.



Figure BT.11-1 Axonometric View, Tropical Urban Court (Illustrative)

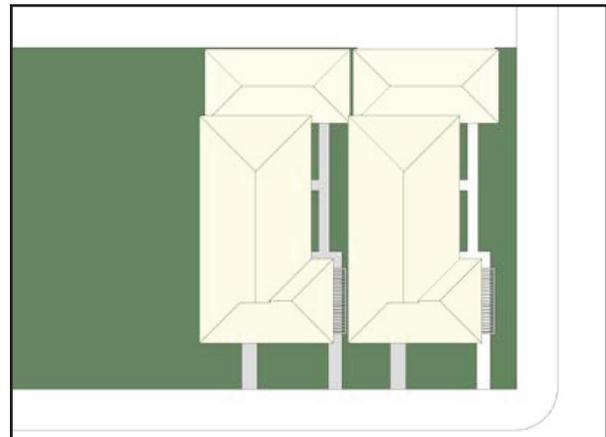


Figure BT.11-2 Plan View, Tropical Urban Court (Illustrative)

Table BT.11-1 Allowable Floor Plate Size, Tropical Urban Court

| No. of Stories | Allowed Floor Plate Size (% Ratio) | |
|----------------|------------------------------------|-----------|
| | 1st Story | 2nd Story |
| 1 | 100% | - |
| 2 | 100% | 100% |

FIGURE FT.1 LANAI AND YARD FRONTAGE

A. Lanai Dimensions

1. Depth shall be a minimum of six (6) feet as measured from the Facade.
2. Width shall be a minimum of 10 feet.
3. Height shall be a minimum of 10 feet and a maximum eave height of 14 feet from the Lanai floor to the ceiling of the overhang.
4. The finished floor of the Lanai may be at-grade or raised a maximum of three (3) feet.

B. Frontage Elements

1. Fences or walls defining and/or retaining the front yard shall not exceed three (3) feet in height from the adjacent sidewalk.

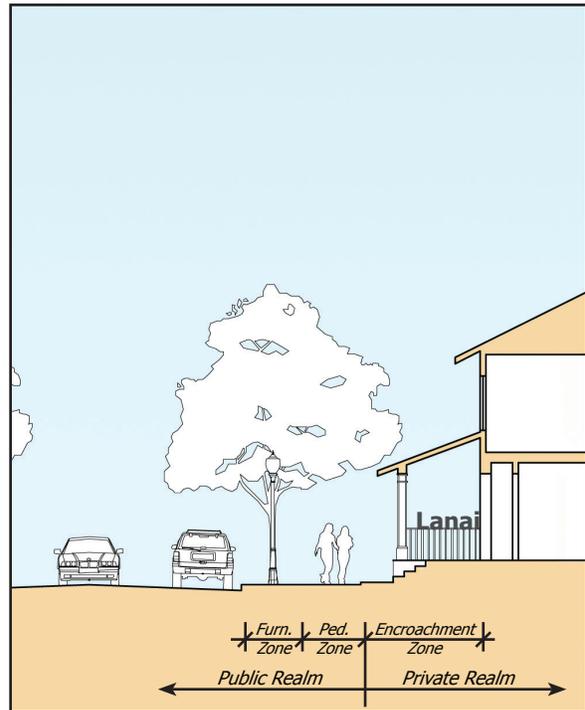


Figure FT.1-1 Cross Section, Lanai and Yard Frontage (Illustrative)

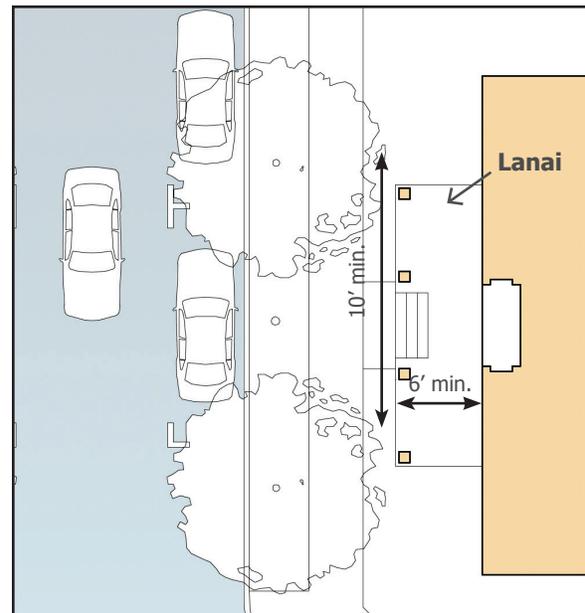


Figure FT.1-2 Plan View, Lanai and Yard Frontage (Illustrative)

FIGURE FT.2 STOOP FRONTAGE

A. Stoop Dimensions

1. Depth shall be a minimum of four (4) feet as measured from the Facade.
2. Width shall be a minimum of four (4) feet.
3. The finished floor of the Stoop may be at-grade or raised a maximum of three (3) feet.

B. Frontage Elements

1. Fences or walls defining the Stoop or front setback shall not exceed three (3) feet from the highest adjacent finished grade.

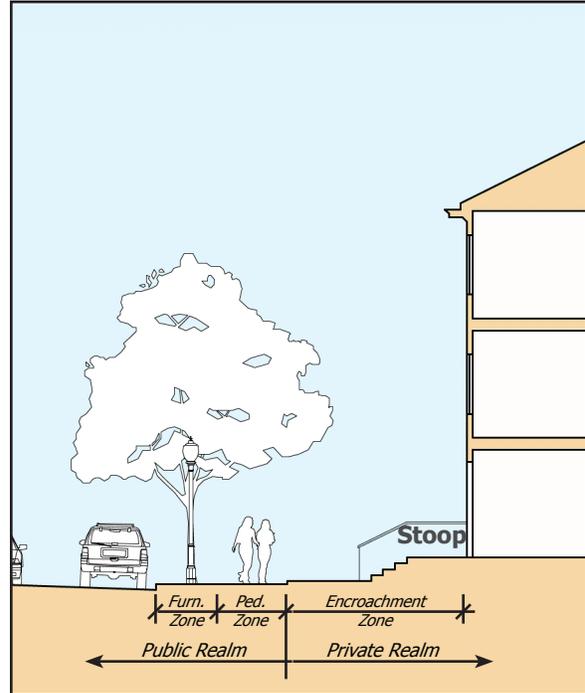


Figure FT.2-1 Cross Section, Stoop Frontage (Illustrative)

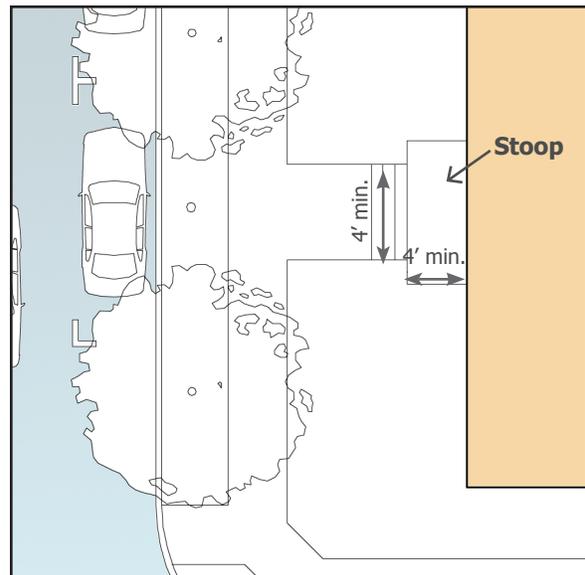


Figure FT.2-2 Plan View, Stoop Frontage (Illustrative)

FIGURE FT.3 DOORYARD FRONTAGE

A. Dooryard Dimensions

1. Shall be determined by the setback requirements for each zone.

B. Frontage Elements

1. Fences or walls defining and/or retaining the Front Yard shall not exceed three (3) feet in height from the adjacent sidewalk.

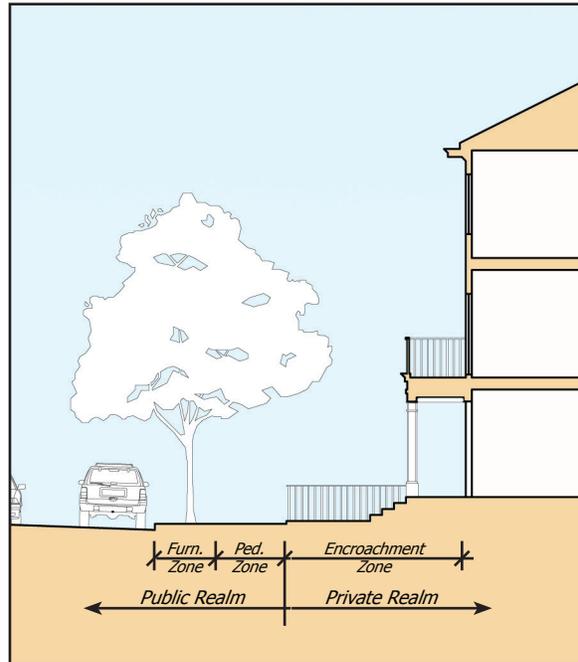


Figure FT.3-1 Cross Section, Dooryard Frontage (Illustrative)

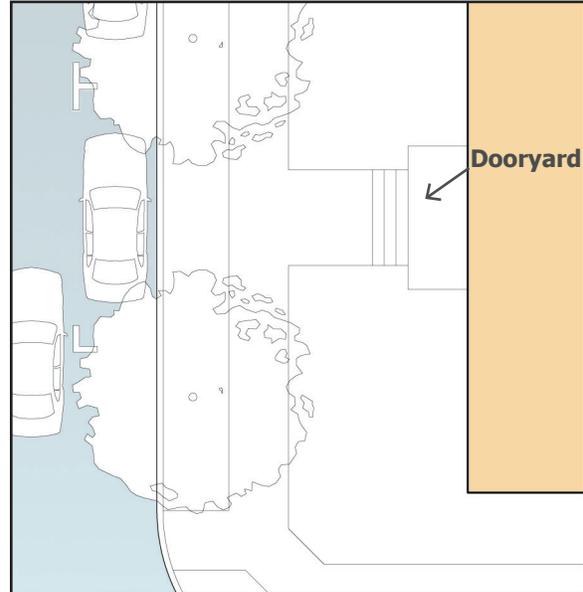


Figure FT.1-2 Plan View, Dooryard Frontage (Illustrative)

FIGURE FT.4 FORECOURT FRONTAGE

A. Forecourt Dimensions

1. Depth shall be between 10 and 40 feet as measured from the Facade.
2. Width shall be between 20 to 40 feet.
3. The finished floor of the Forecourt may be raised up to three (3) feet from the sidewalk with a retaining wall at the Frontage Line.

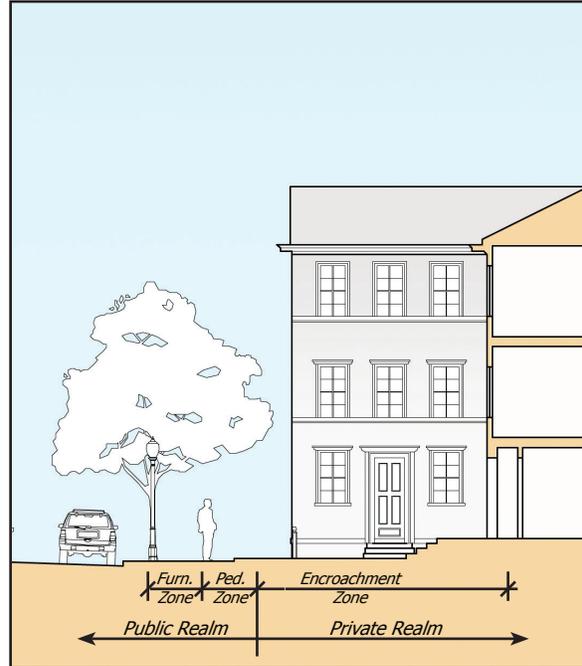


Figure FT.4-1 Cross Section, Forecourt Frontage (Illustrative)

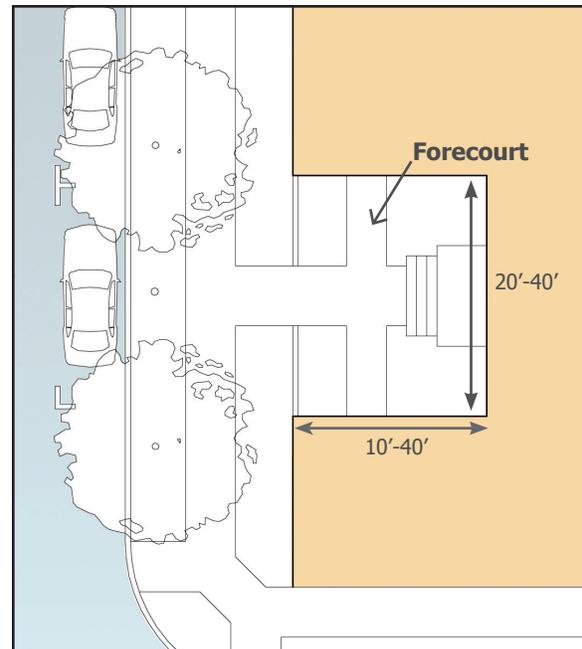


Figure FT.4-2 Plan View, Forecourt Frontage (Illustrative)

FIGURE FT.5 SHOPFRONT FRONTAGE

A. Shopfront Dimensions

1. Height shall be between 12 to 25 feet, as measured from the adjacent sidewalk to the ceiling of the ground floor.
2. Fenestration shall be a minimum of 65% of the Facade's first floor wall area.
3. Shopfronts may be recessed from the Frontage Line up to eight (8) feet.

B. Frontage Elements

1. At the Facade, awnings shall only cover windows and doors.
2. The Pedestrian Zone shall be paved from building face to curb.

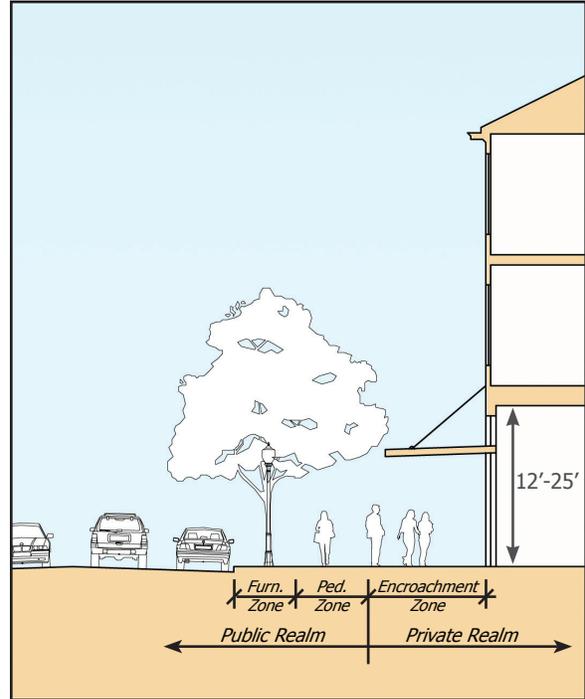


Figure FT.5-1 Cross Section, Shopfront Frontage (Illustrative)

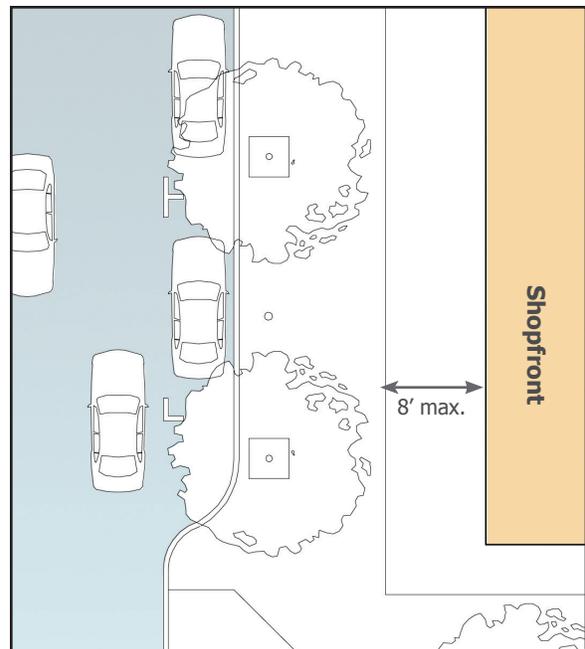


Figure FT.5-2 Plan View, Shopfront Frontage (Illustrative)

FIGURE FT.6 CHINATOWN SHOPFRONT FRONTAGE

A. Chinatown Shopfront Location

The Chinatown Shopfront is permissible along the following thoroughfares:

- | | |
|----------------|---------------|
| 1. Ahui | 11. Kawaiahao |
| 2. Chapin | 12. Keawe |
| 3. Commins | 13. Koula |
| 4. Coral | 14. Lana |
| 5. Curtis | 15. Pensacola |
| 6. Emily | 16. Piikoi |
| 7. Halekauwila | 17. Pohukaina |
| 8. Hoolai | 18. Queen |
| 9. Illaniwai | 19. Waimanu |
| 10. Kamani | |

B. Chinatown Shopfront Dimensions

1. Height shall be between 12 to 25 feet, as measured from the adjacent sidewalk to the ceiling of the ground floor.
2. Fenestration shall be a minimum of 65% of the Facade's first floor wall area.

C. Frontage Elements

1. At the Facade, awnings shall only cover windows and doors.
2. Where provided, light fixtures may extend through the awning.
3. Where provided, signs that hang under the shed roof or awning shall be illuminated.
4. The Pedestrian Zone shall be paved from building face to curb.

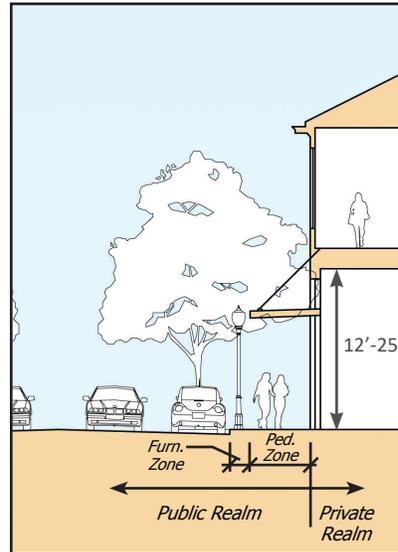


Figure FT.6-1 Cross Section, Chinatown Shopfront Frontage (Illustrative)

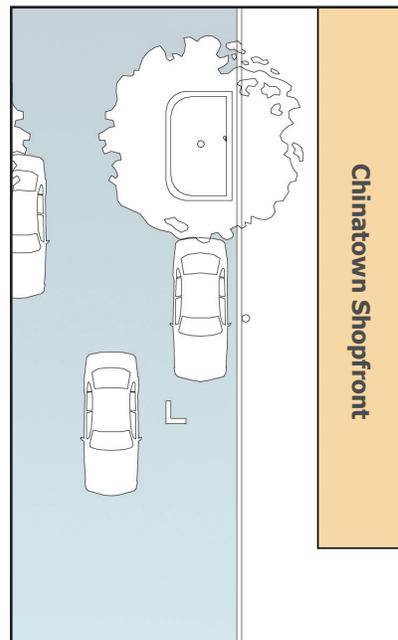


Figure FT.6-2 Plan View, Chinatown Shopfront Frontage (Illustrative)

FIGURE FT.7 RAISED SHOPFRONT FRONTAGE

The Raised Shopfront Frontage type shall be used in established floodplain areas only.

A. Raised Shopfront Dimensions

1. Height shall be between 12 to 25 feet, as measured from the adjacent sidewalk to the ceiling of the ground floor.
2. Fenestration shall be a minimum of 65% of the Facade's first floor wall area.
3. Shopfronts may be recessed from the Frontage Line up to 10 feet.

B. Frontage Elements

1. A minimum of one (1) approved 25 gallon minimum container size, 2" caliper minimum tree shall be planted within the setback for every 30 feet of Frontage Line or fraction thereof.
2. Trees shall match the species of Street Trees on the Public Frontage, except that along Ala Moana Boulevard, when the Raised Shopfront Frontage is used, a row of Rainbow Shower Trees shall be planted as a part of the new development. The trees shall create a double row at 45' On Center Spacing with the required Coconut Palms that are planted in the right of way.
3. Awnings may be applied as per Encroachment requirements.

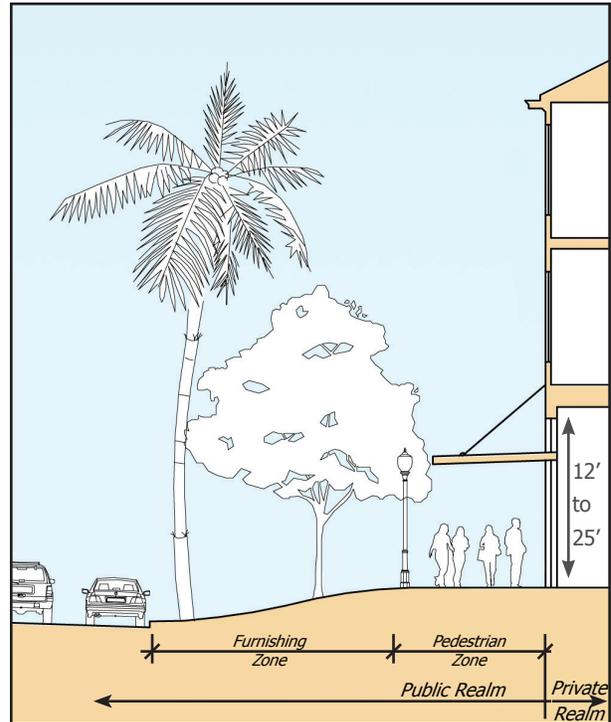


Figure FT.7-1 Cross Section, Raised Shopfront Frontage (Illustrative)

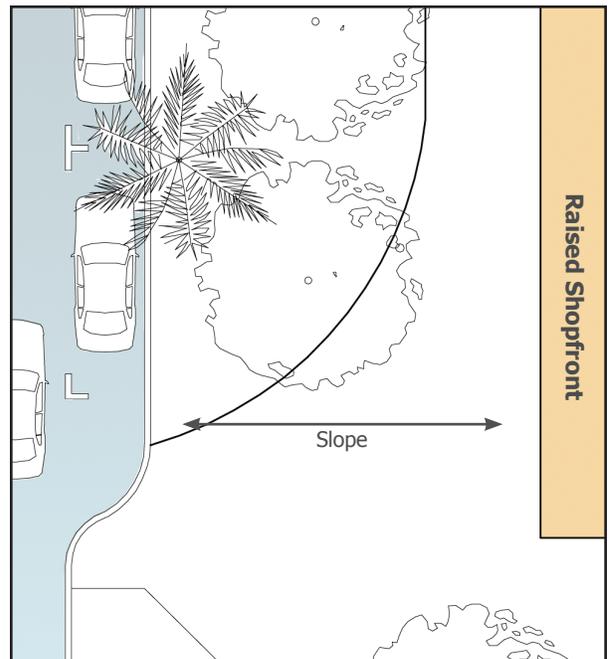


Figure FT.5-2 Plan View, Raised Shopfront Frontage (Illustrative)

FIGURE FT.8 TERRACE FRONTAGE

Where front Build to Lines are greater than 15 feet, the Terrace Frontage type shall be used.

A. Terrace Frontage Dimensions

1. Determined by the setback requirements of each zone.

B. Frontage Elements

1. A minimum of one (1) approved 25 gallon minimum container size, 2" caliper minimum tree shall be planted within the setback for every 30 feet of Frontage Line or fraction thereof
2. Trees shall match the species of Street Trees on the Public Frontage, except that along Ala Moana Boulevard, when the Raised Shopfront Frontage is used, a row of Rainbow Shower Trees shall be planted as a part of the new development. The trees shall create a double row at 45' On Center Spacing with the required Coconut Palms that are planted in the right of way.
3. Lawns and landscaping shall be permitted within setback.
4. Ground may be paved to match the public sidewalk or special, decorative pavement can be used to delineate the terraced space.

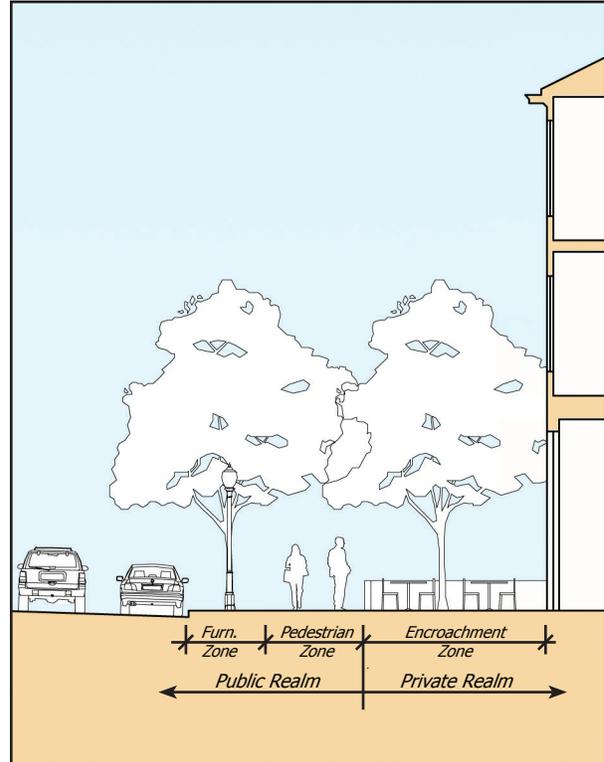


Figure FT.8-1 Cross Section, Terrace Frontage (Illustrative)

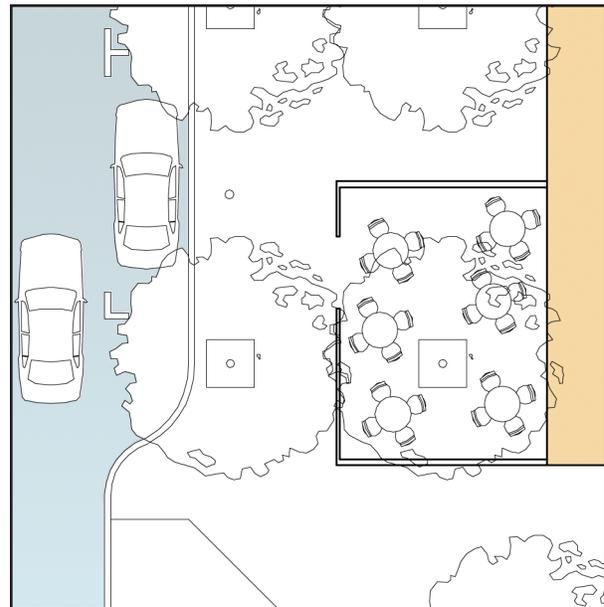


Figure FT.8-2 Plan View, Terrace Frontage (Illustrative)

FIGURE FT.9 RAISED TERRACE FRONTAGE

The Raised Terrace Frontage type shall be used in established floodplain areas only.

A. Raised Terrace Dimensions

1. Height shall be between 12 to 25 feet, as measured from the adjacent sidewalk to the ceiling of the ground floor.
2. Fenestration shall be a minimum of 65% of the Facade's first floor wall area.
3. Shopfronts may be recessed from the Frontage Line up to 10 feet.

B. Frontage Elements

1. Awnings may be applied as per Encroachment requirements.

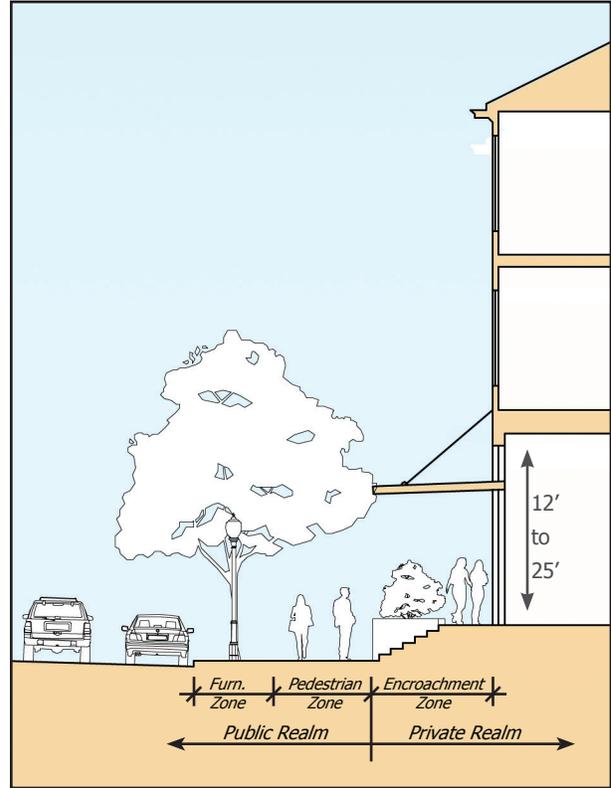


Figure FT.9-1 Cross Section, Raised Terrace Frontage (Illustrative)

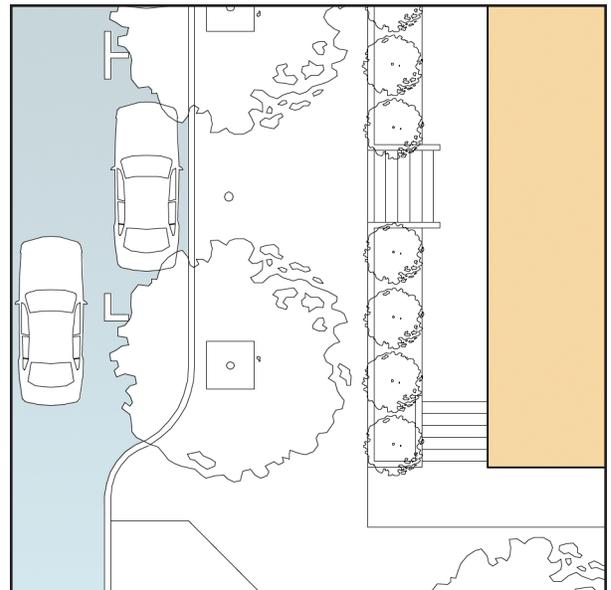


Figure FT.9-2 Plan View, Raised Terrace Frontage (Illustrative)

FIGURE FT.10 GALLERY FRONTAGE

The Gallery type shall be used in conjunction with ground floor Retail use only.

A. Gallery Dimensions

1. Height and proportion shall correspond to the first floor of the Facade.
2. The minimum width and height dimension is 12 feet.
3. Soffits, columns/arches should be consistent with the architecture detailing of the building.
3. Along the Principal Frontage, there shall be a minimum of 10 feet between Gallery openings along the Right of Way.
4. Along Front Facades within the Gallery, windows and doors of Shopfronts shall be at least 10 feet tall and together shall comprise 65% of the ground floor wall area facing the street.
4. A setback between two (2) and four (4) feet shall be provided between the curb and face of the Gallery (except at curb extensions for intersection).

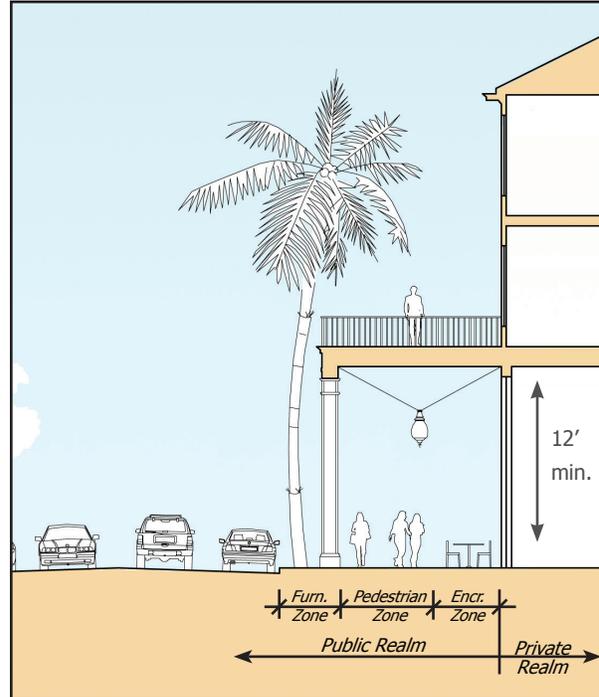


Figure FT.10-1 Cross Section, Gallery Frontage (Illustrative)

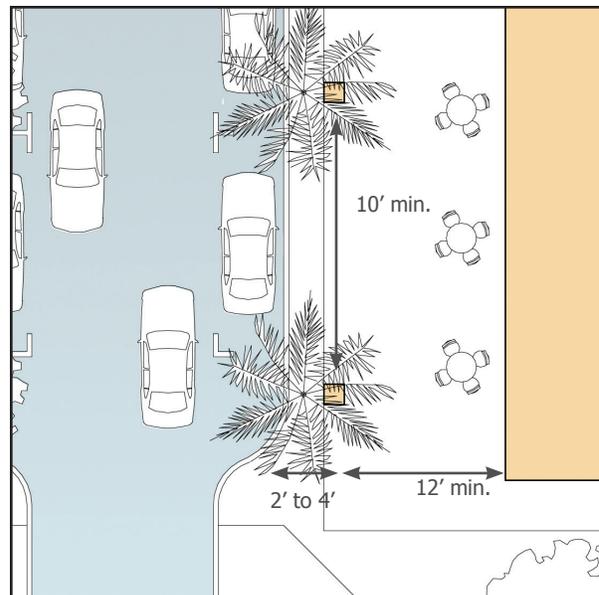


Figure FT.10-2 Plan View, Gallery Frontage (Illustrative)

FIGURE FT.11 ARCADE FRONTAGE

The Arcade type shall be used in conjunction with ground floor Retail use only.

A. Arcade Dimensions

1. Height and proportion shall correspond to the ground floor of the Facade.
2. The minimum width and height dimension is 12 feet.
3. Soffits, columns/arches should be consistent with the architecture detailing of the building.
3. Along the Principal Frontage, there shall be a minimum of 10 feet between openings for the Arcade along the Right of Way.
4. Along Front Facades within the Arcade, windows and doors of Shopfronts shall be at least 10 feet tall and together shall comprise 65% of the ground floor wall area facing the street.
4. A setback between two (2) and four (4) feet shall be provided between the curb and face of Arcade (except at curb extensions for intersections).

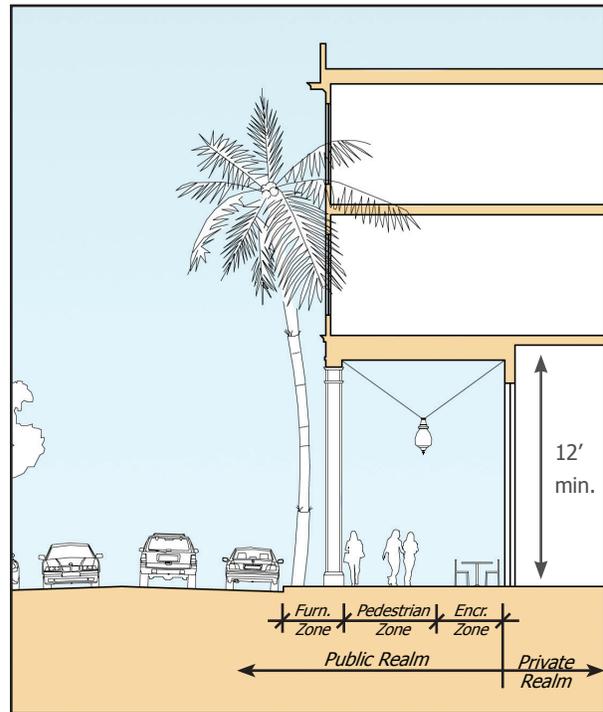


Figure FT.11-1 Cross Section, Arcade Frontage (Illustrative)

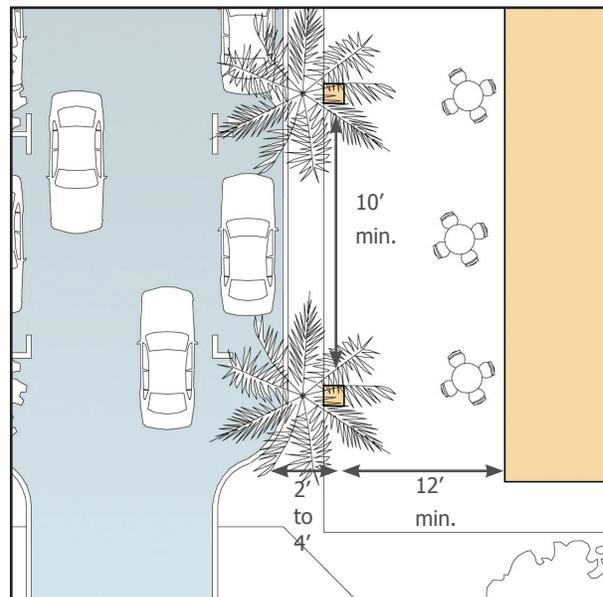


Figure FT.11-2 Ground Floor Plan View, Arcade Frontage - Roof not shown (Illustrative)

FIGURE FT.12 KAKA'AKO FRONTAGE

A. Frontage Elements

1. Sidewalks are not required but property owners are not restricted from including them.
2. Where possible, the area between the building and the street shall be paved with gravel or other pervious materials.
3. Landscaping should be incorporated along the building edge, in planters, or at grade and can take an informal pattern and placement.
3. Parking is permitted in front of the building for this Frontage Type.

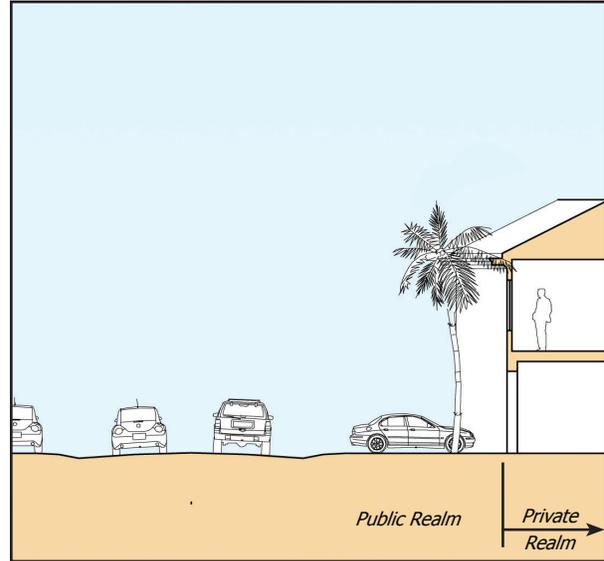


Figure FT.12-1 Cross Section, Kaka'ako Frontage (Illustrative)

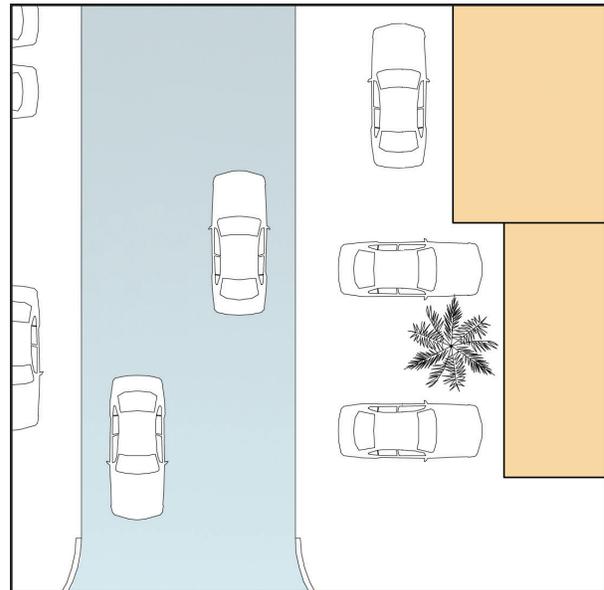


Figure FT.12-2 Plan View, Kaka'ako Frontage (Illustrative)

FIGURE PZ.1 PEDESTRIAN ZONE STANDARDS

| Street Type | Minimum Width (in feet) | | |
|--------------------|-------------------------|------------|------------|
| | Frontage | Throughway | Furnishing |
| Service Street | n/a | 6' | n/a |
| Street | 2' | 6' | 5' |
| Avenue | 2' | 8' | 5' |
| Boulevard | 2' | 8' | 10' |
| Promenade Overlay* | 2' | 8' | 5' |

*Note: Within the Promenade Overlay, frontage and furnishing standards are not applicable between Queen and King

FIGURE PZ.2 PEDESTRIAN ZONE STANDARDS

| | Service Street | Street | Avenue | Sheridan District | | Boulevard | Promenade Overlay |
|--------------------------------|----------------|--------|--------|-------------------|--------|-----------|-------------------|
| | | | | Street | Avenue | | |
| Street Trees | - | x | x | x | x | x | x |
| Planting Strips | - | x | x | x | x | x | x |
| Street Lights | - | x | x | x | x | x | x |
| Pedestrian Lights | - | x | x | - | x | x | x |
| Street Furniture | - | x | x | x | x | x | x |
| Public Art | - | x | x | - | - | x | x |
| Sign Poles | - | x | x | x | x | x | x |
| Fire Hydrants | - | x | x | x | x | x | x |
| Signal and Electrical Cabinets | - | x | x | x | x | x | x |
| Bike Racks | - | x | x | - | - | x | x |
| Special Pavement | - | x | x | x | x | x | x |
| Outdoor Seating | - | x | x | - | - | x | x |

FIGURE IZ.2 INCENTIVE TABLE

General Requirements for all Development Bonuses:

1. All public facilities, or open space incentives shall be perpetually dedicated to public access and defined use for the life of the development, or until redevelopment of the land or project.
2. Dedication of the public facility, or open space must be registered with the Land Court.
3. All development incentives shall be maintained in good repair and use for the life of the development, or until redevelopment of the land or project.
4. If the development, building management, property management, or landowner fails to keep the incentive in good repair and use the project may face violations and penalties pursuant to §206E-22, HRS.
5. The executive director may have final decision on granting approval of a development incentive.
6. The executive director may approve modifications to the development bonuses for projects unable to fulfill the minimum requirements of the incentives.
7. A single project or parcel may accumulate multiple development bonuses. If in the process of achieving a certain incentive, a project satisfies the requirements for multiple development bonuses, that project may accumulate and utilize all of the development bonuses it satisfies the requirements for, not to exceed the maximum approved FAR.

| Code | Incentive | Development Bonus | Description |
|------------------|----------------------|--|---|
| Live-Work | | | |
| LW1 | 35% Reserved Housing | 3.00 FAR | Provide at least 35% of the total number of the residential units in the Project as reserved housing units to gain an additional development bonus. The additional Reserved Housing units, above minimum requirements, must be built within the Kakaako Community Development District. |
| LW2 | 40% Reserved Housing | 3.50 FAR | Provide at least 40% of the total number of the residential units in the Project as reserved housing units to gain an additional development bonus. The additional Reserved Housing units, above minimum requirements, must be built within the Kakaako Community Development District. |
| LW3 | 45% Reserved Housing | 4.00 FAR | Provide at least 45% of the total number of the residential units in the Project as reserved housing units to gain an additional development bonus. The additional Reserved Housing units, above minimum requirements, must be built within the Kakaako Community Development District. |
| LW4 | 45% Micro Units | 4.00 FAR | Provide at least 45% of the total number of the residential units on a lot no greater than 20,000 square feet as micro units to gain an additional development bonus. Micro units to be no less than 300 square feet and no greater than 500 square feet in interior space and must provide facilities as defined as a dwelling unit. |
| LW5 | Light Industrial Use | Floor Area Exemption + 0.3 FAR or 10 foot podium height increase | Maintain the floor area of an existing light industrial use space, on-site, to gain an additional 10ft in Podium Height or an additional development bonus. The existing light industrial floor area, on site, will be exempt from new development floor area calculations. All area dedicated under this use must remain for the life of the development, or until a new development permit is issued. |

FIGURE IZ.2 INCENTIVE TABLE (CONT'D)

| Code | Incentive | Development Bonus | Description |
|------------------------------|---|--|--|
| Live-Work (cont'd) | | | |
| LW6 | Green Industry Use | Floor Area Exemption + 0.5 FAR or 10 FT podium HT increase | Develop a new light industrial use space for the manufacture, production, or development of products, goods, or services that is focused on improving the natural environment, reducing carbon emissions, or cleaning or remediating environmental hazards to gain an additional 10ft in Podium Height or an additional development bonus. The floor area on-site, dedicated to this use, will be exempt from new development floor area calculations. All area dedicated under this use must remain for the life of the development, or until a new development permit is issued. |
| LW7 | Urban Agriculture / Food Production & Cultivation | Floor Area Exemption + 2.00 FAR | Dedicate land area or floor area for the growing, production, or cultivation of food, 90% of which should be sold on site, at a farmer's market or produce market in the district or consumed within the district for a development bonus. All dedicated land area or floor area will be exempt from new development floor area calculations. All area dedicated under this use must remain for the life of the development, or until a new development permit is issued. |
| Public Amenity (Play) | | | |
| PA 1 | Public Art | 0.25 FAR | Provide a privately funded, publicly accessible, art installation, gallery space, vertical exterior building facade space of not less than 20 ft x 100 ft to gain an additional development bonus. Art installation to be equivalent to 1% of the Project's construction costs not less than \$10,000 in value. Gallery space and exterior building facade space must be permanently dedicated to the purpose of displaying art installations. Exterior building facade space must not be used for commercial or advertising purposes. Art to be designed, built, and installed by a "Hawaii Artist", as defined by the Hawaii State Foundation on Culture and the Arts. |
| PA 2 | Public Facility | See Fig. IZ.2.1 | Construct and dedicate a public facility from the HCDA's approved list of public facilities within the Project site to gain an additional development bonus. (Please see Figure IZ.2.1 for list of approved public facilities) |
| PA 3 | Public Open Space | 0.50 FAR | Dedicate at least 50% of the required open space area, on-site, to public use, or improve, or add public amenities to an existing public open space to gain a development bonus. The dedicated area is required to be perpetually publicly accessible and usable. Improvement to an existing public open space, or additional public amenities shall equal to the not less than 50% of the appraised land value for the required open space. Type of public space and location within neighborhood zones, shall comply with Figure 1.11 Civic Plan. |

FIGURE IZ.2 INCENTIVE TABLE (CONT'D)

| Code | Incentive | Development Bonus | Description |
|----------------------------------|-----------------------------|-------------------|--|
| Environmental Improvement | | | |
| ENV 1.1 | LEED/WELL Silver | 0.50 FAR | Achieve a LEED/WELL Silver Certification to gain an additional development bonus. |
| ENV 1.2 | LEED/WELL Gold | 0.75 FAR | Achieve a LEED/WELL Gold Certification to gain an additional development bonus. |
| ENV 1.3 | LEED/WELL Platinum | 1.00 FAR | Achieve a LEED/WELL Platinum Certification to gain an additional development bonus. |
| ENV 2 | Shelter Hardening | 2.00 FAR | Provide a hardened shelter, on-site, per Enhanced Hurricane Protection Area (EHPA) standards set by the State of Hawaii Structural Guidelines for Hurricane Evacuation Shelters, to gain an additional development bonus. The shelter shall provide at least 30 SF of space per household in the project and/or 10 SF per occupant of commercial space in the project. Provide at least 100 SF for 10% of total households in the project for disability access. Dedicated hardened shelter space can have dual use but must be solely used as a shelter during major storm or natural disaster events. An emergency operational plan for the shelter shall be approved by the Hawaii Emergency Management Agency (HI-EMA), and in place, prior to approval of the project's Temporary Certificate of Occupancy (TCO). |
| ENV 3 | Rainwater Management | 0.50 FAR | Provide additional, on-site, rainwater retention to gain an additional development bonus. The system must capture, store, and reuse at least an additional 1.5 inches of rainwater beyond what is required under the City and County of Honolulu's Rules on Water Quality. |
| ENV 4 | Renewable Energy | 0.50 FAR | Provide, on-site, renewable power generation or solar water heating system to gain an additional development bonus. The system must provide at least 20% of the projected energy usage for the project, or 100% of the Project's hot water capacity. |
| ENV 5 | Emergency Power | 2.00 FAR | Provide, on-site, emergency power storage or generation for a multi-family residential project, food storage or food warehousing, emergency services, or other uses deemed essential for the response to natural disasters. The power storage or generation capacity must be at least fourteen (14) days to mitigate pressure on municipal infrastructure or aid in the response to natural disasters. |

FIGURE IZ.2 INCENTIVE TABLE (CONT'D)

| Code | Incentive | Development Bonus | Description |
|-------------------|-----------------------------|--|--|
| Urban Form | | | |
| UF 1 | Public Parking— | 0.5 FAR or 10 FT podium HT increase | Provide at least 50 publicly accessible parking stalls on a lot 20,000 SF or less, or at least 100 publicly accessible parking stalls on a lot 20,001 SF or greater to gain an additional 10ft Podium Height or a development bonus. |
| UF 2 | Pedestrian Cover | 0.5 FAR or 10 FT podium HT increase | Provide at least 90% of ground level building frontage with a pedestrian canopy or awning to gain an additional 10 ft Podium Height or an additional development bonus. Must be a minimum of 6 ft in horizontal depth from exterior face of the building facade. Shall be compliant with §15-217-39. Shall be located along public walkways, sidewalks, and right-of-ways. Exempt from floor area calculations. |
| UF 3 | Robotic Parking | 0.5 FAR or 10 FT podium HT increase | Dedicate at least 50% of all project off-street parking floor area for robotic automated parking to minimize the lot area dedicated to parking structures to gain an additional 10 feet in podium height or an additional development bonus. |
| UF 4 | Cultural Restoration | Floor area exemption + 0.50 FAR | Restore, reestablish, or rehabilitate a cultural resource [example; waterway, food production/cultivation area, native planting area to be used for cultural practices and medicine] that perpetuates traditional cultural practices on, through, below, or above the proposed development site. The resource shall be accessible to the public to conduct traditional cultural practices and shall be validated by a Hawaiian serving organization. A stewardship plan shall be established for the resource. All dedicated land area or floor area for this use will be exempt from new development floor area calculations. All area dedicated under this use must remain for the life of the development, or until a new development permit is issued. |

FIGURE IZ.3 APPROVED PUBLIC FACILITIES

| Code | Incentive | Development Bonus | Description |
|--------|--------------------------------|-------------------|---|
| PA 2.1 | Public Community Garden | 1.00 FAR | Provide at least 10,000 SF of publicly dedicated space for the establishment and use of a publicly accessible community garden. Provide infrastructure and facilities for irrigation and waste disposal. The garden space shall be designed to mitigate any water or soil run-off into municipal drainage systems. Operation and access to the garden should meet all City & County of Honolulu Community Recreation Garden Program standards. The garden may be located on parking structure roofs, podiums, or building roofs as long as perpetual public access is granted to the space. The developer/landowner may establish a garden board to oversee operations of the garden. |
| PA 2.2 | Public Dog Park | 0.50 FAR | Provide at least 8,000 SF of publicly dedicated space for the establishment and use of a publicly accessible off-leash dog park. The park dimension should be a minimum of 40 feet in width. Provide fencing, infrastructure, and facilities for water fountain, dog water fountain, and waste disposal. Must comply with all City & County of Honolulu Department of Parks & Recreation rules and ordinances for off-leash parks. May be located on parking structures, podiums, or roofs as long as perpetual public access is granted to the space. |
| PA 2.3 | Public Pavilion | 0.50 FAR | Design and construct a publicly dedicated and accessible pavilion to be used as a venue for entertainment, cultural events, community activities and functions, or educational functions. The structure shall be meet all applicable health and life safety requirements. It shall be at last 2,000 SF in size surrounded by a landscaped lawn or seating area. The structure may be open on all sides but shall protect the users of the pavilion from all natural elements. Electrical power and lighting shall be provided. |
| PA 2.4 | Public Play Courts | 1.00 FAR | Provide at least one (1) regulation sized pickle ball, tennis, basketball, or other approved hard courts. An additional 1.0 FAR bonus shall be provided with everyone (1) additional play court provided, with a maximum of 4.0 FAR total. Provide all associated regulation specified equipment including nets, backboards, and striping. All courts should meet the appropriate requirement by the associated regulating sport bodies. Including size, court finishing, and levelness. Courts should be publicly accessible and perpetually publicly dedicated to the use of the courts. |
| PA 2.5 | Educational Facilities | 0.25 FAR | Establish an educational facility that provides education and resources for schooling, tutoring, training, and/or mentoring of children from pre-kindergarten to high school. Area for this dedicated use to be determined by the services provided. |

FIGURE IZ.3 APPROVED PUBLIC FACILITIES (CONT'D)

| Code | Incentive | Development Bonus | Description |
|---------|-------------------------------------|--|--|
| PA 2.6 | Keiki / Kupuna Care Facility | 0.25 FAR | Establish a facility for the education, enrichment, and care of children and elderly. The facility is not intended to be a nursing, care home, or acute care facility. Area for this dedicated use to be determined by the services provided. |
| PA 2.7 | Farmer's Market | 1.00 FAR | Provide at least 50,000 SF of useable area to establish a commercial space for the operation of a weekly Farmer's Market. The use of the space is intended for the sale of locally grown, produced, and manufactured agricultural products sold directly to consumers. The space dedicate to this use, may be utilized for other uses when the Farmer's Market is not in operation. |
| PA 2.8 | Public Recreation Equipment & Space | 1.00 FAR | Provide at least 2,000 SF of publicly dedicated space for the establishment and use of a publicly accessible recreation area with the following recreational equipment or surfacing; kids play equipment, exercise equipment, skateboard ramp or obstacles, kids bike track, adolescent BMX track, or other equipment approved by the executive director. The project lot size shall be 20,000 SF or greater. All duty of care must be given to public safety. |
| PA 2.9 | Hālau | 1.50 FAR | Provide at least a 3,000 SF of publicly dedicated space for the establishment and use of a publicly accessible Hālau for the dedicated purpose of perpetuating Native Hawaiian arts, music, performance, cultural practices, and gatherings. Establish a stewardship plan to maintain and broker access for community groups, organizations, schools, and other community organizations. The space shall not be used for commercial purposes. |
| PA 2.10 | Community / Nonprofit Storefront | 0.50 FAR + additional 0.10 FAR for every additional 500 SF, up to a total maximum 1.00 FAR | Provide at least 1,500 SF of ground floor commercial floor area with a storefront facing a public thoroughfare or right-of-way dedicated for use by nonprofit organizations, legal aid, and other community-based development organizations. The space is not intended for political or religious organizations. |