



Kalaeloa Community Development District Rules

Proposed Amendments to
Hawai'i Administrative Rules, Title 15, Chapter 215

Revised Draft (Ramseyer Version)
July 8, 2024



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM

Amendment and Compilation of Chapter 15-215
Hawaii Administrative Rules

July 8, 2024

1. Chapter 15-215, Hawaii Administrative Rules, entitled "Kalaeloa Community Development District Rules", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND
TOURISM

SUBTITLE 4

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

CHAPTER 215

KALAELOA COMMUNITY DEVELOPMENT DISTRICT RULES

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Historical note: Chapter 15-215 is based upon chapter 15-200 [Eff 5/18/00, R 10/27/12].

SUBCHAPTER 1

PURPOSE AND PROCESS

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

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

(c) The figures, dated [~~September 2012,~~] July 2024, attached at the end of this chapter, are hereby incorporated by reference and made a part of this chapter. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-5, 206E-7, 206E-194) (Imp: HRS §§206E-5, 206E-7, 206E-194)

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

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

10/27/12; comp] (Auth: HRS §§206E-1, 206E-4, 206E-5, 206E-7, 206E-13, 206E-191, 206E-194) (Imp: HRS §§206E-1, 206E-4, 206E-5, 206E-7, 206E-13, 206E-191, 206E-194)

§15-215-3 Applicability. (a) This chapter, together with the KMP, shall govern all real property within the Kalaeloa CDD~~[-]~~, unless preempted by federal regulation.

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

(c) If any provision of the (1) city and county of Honolulu land use ordinance, (2) Ewa development plan (ordinance no. 97-49, as amended by ordinance ~~[no.]~~ nos. 00-16~~[+]~~ and 20-46), or (3) naval air station Barber's Point community redevelopment plan are inconsistent with these rules, then such provisions are hereby declared to be inapplicable to lots within the Kalaeloa CDD and these rules shall govern.

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

~~[(e) The Kalaeloa sustainability guidelines should be utilized to promote sustainability and energy efficiency.]~~ (e) If a property under federal ownership or lands under the authority of the Hawaiian Homes Commission Act, 1920, Act of July 9, 1921, ch. 42, 42 Stat. 108, and all other lands later designated as such by statute, converts to private ownership, then the requirements of the rules shall apply. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-1, 206E-4, 206E-5, 206E-7, 206E-13, 206E-191, 206E-194) (Imp: HRS §§206E-1, 206E-4, 206E-5, 206E-7, 206E-13, 206E-191, 206E-194)

§15-215-4 Minimum requirements. The provisions of the rules are minimum requirements for the protection and promotion of public health, safety, and

welfare. Satisfaction of the minimum requirements does not mean that a decision-maker cannot impose additional requirements where authorized and appropriate and does not guarantee compliance with other rules, ordinance, or laws imposed by other governmental entities. [Eff 10/27/12; comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-5 Rules of interpretation.

(a) Provisions of the rules are activated by "shall" when required; "should" when recommended; and "may" when optional.

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

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

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

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

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

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

(h) In their interpretation and application, the provisions of the rules are considered minimal in

nature. Whenever the provisions, standards, or requirements of the authority's rules of practice and procedure, chapter 219, and chapter 216 (Kalaeloa reserved housing rules), are [~~higher or~~] more restrictive, the [~~latter~~] more restrictive shall control.

(i) [~~Whenever the executive director determines that the meaning or applicability of any requirement of the rules is subject to interpretation generally, or as applied to a specific case, the executive director may issue an official interpretation.~~] In administering this chapter, the executive director, when deemed necessary by the executive director, may render written interpretations to clarify or elaborate upon the meaning of specific provisions of this chapter for intent, clarity and applicability to a particular situation.

- (1) A written interpretation shall be signed by the executive director and include the following:
 - (A) Identification of the section of this chapter in question;
 - (B) A statement of the problem;
 - (C) A statement of interpretation; and
 - (D) A statement of justification.
- (2) A written interpretation issued by the executive director shall be the basis for administering and enforcing the pertinent section of this chapter. All written interpretations rendered pursuant to this chapter shall be public record and effective on the date signed by the executive director.
- (3) The executive director may also [~~forward any~~] provide a preliminary interpretation of the meaning or applicability of any provision of the rules directly to the authority for [~~a~~] an authority determination at a public meeting[+].
- ~~(1) The issuance of an interpretation shall include findings stating the basis for the interpretation. The basis for an interpretation may include but is not limited to technological changes or new industry standards. The issuance of an~~

~~interpretation shall also include a finding documenting the consistency of the interpretation with the KMP;]~~

- ~~(2) All interpretations shall be:
 - ~~(A) Written and shall quote the provisions of the rules being interpreted, and the applicability in the particular or general circumstances that caused the need for interpretations, and the determination; and~~
 - ~~(B) Distributed to the authority, executive director, and HCDA staff;~~~~
- ~~(3) Any interpretation of the rules by the executive director may be appealed to the authority in compliance with section 15-215-86 (appeals); and~~
- ~~(4) Any provision of the rules that is determined by the executive director to need refinement or revision will be corrected by amending the rules as soon as is practical. Until an amendment can occur, the executive director will maintain a complete record of all interpretations to the rules, indexed by the number of the subchapter, section or subsection that is the subject of the interpretation.]~~

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

- (1) Where a transect zone boundary approximately follows a lot line, alley, or street line, the lot line, street, or alley centerline shall be construed as the transect zone boundary, as applicable;
- (2) If a transect zone boundary divides a lot and the boundary line location is not specified by distances printed on the regulating plan, the location of the boundary will be determined by using the scale appearing on the regulating plan; and
- (3) Where a public thoroughfare or alley is officially vacated or abandoned, the lot that was formerly in the street or alley will be included within the transect zone of

the adjoining lot on either side of the
vacated or abandoned thoroughfare or alley.
[Eff 10/27/12; am and comp]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp:
HRS §§206E-4, 206E-5, 206E-7)

§15-215-6 Compliance with other regulations.

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

- (1) Kalaeloa CDD rules. If a conflict occurs between requirements within the rules, the most restrictive shall apply;
- (2) KMP. The provisions of the rules, when in conflict with the KMP shall take precedence;
- (3) Master plan. If conflicts occur between the requirements of the rules and standards adopted as part of any master plan, the requirements of the rules shall apply;
- (4) Federal regulations. If a conflict occurs between these rules and federal regulations~~[7]~~ or nationally-recognized code, the federal regulations or code shall take precedence; and
- (5) Private agreements. If conflicts occur between the requirements of the rules and private agreements or restrictions, the rules shall apply and take precedence. The rules apply to all lots located within the Kalaeloa CDD regardless of whether ~~it~~ imposes the rule impose a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (e.g., conditions, covenants, and restrictions).

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

- (1) The authority's rules of practice and procedure; and
- (2) Chapter 216 (Kalaeloa reserved housing rules). [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4,

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

§15-215-7 Severability. [~~These rules shall be liberally construed to protect and promote the health, safety and general welfare within the Kalaeloa CDD. Should any provision of these rules be held to be unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions.~~] (a) If a court of competent jurisdiction finds any provision or provisions of this chapter to be invalid or ineffective in whole or in part, the effect of that decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of these rules shall continue to be separately and fully effective.

(b) If a court of competent jurisdiction finds the application of any provision or provisions of this chapter to any zoning lot, building or other structure, or tract of land to be invalid or ineffective in whole or in part, the effect of that decision shall be limited to the person, property, or situation immediately involved in the controversy, and the application of any such provision to other persons, property, or situations shall not be affected. [Eff 10/27/12; am and comp]
(Auth: HRS §206E-5) (Imp: HRS §206E-5)

§15-215-8 [~~Definition of terms.~~] Definitions.
This subchapter provides definitions for terms in these rules that are technical in nature or that otherwise [~~may~~] might not reflect a common usage of the term. If a term is not defined in this article, then the correct definition shall be determined in accordance with section 15-215-5 (rules of interpretation). The inclusion of specific examples in definitions does not imply, nor does it establish, the inherent right to implement those uses in any district where they are not listed in Figure 7 (land use),

dated July 2024, made a part of this chapter, and attached at the end of this chapter.

"Accessory building" means a building that is located on the same lot~~[7]~~ as, but physically separated from, the principal building and is subordinate in size to the principal building~~[7, which may include swimming pool house, recreational facilities, and gazebos7]~~.

"Accessory dwelling" means a self-contained residential unit located on the same lot as a front yard house, side yard house, or duplex-triplex-quadplex, which is either attached to the principal building or in a separate structure~~[7]~~.

"Accessory use" means a designation of land with approved uses that can legally operate on the lot, which may include both principal and accessory uses, providing that the accessory use is clearly incidental and subordinate to, and in support of, the principal use; as evidenced by the physical area occupied by each use, or by comparative intensity of practice.

"Administrative" is a use classification which primarily involves uses pertaining to the affairs of a business, profession, service, industry, government, or like activity, which may include ancillary services for office workers, such as a restaurant, coffee shop, or newspaper or candy stand~~[7]~~.

"Agriculture" means agricultural activities, including agronomy, aquaculture, biotechnical agriculture, forestry, honey production, and similar uses, but not including a grocery store or the retail or wholesale of products~~[7]~~.

~~["Airport" means an area where fixed-wing aircraft, helicopters, and similar craft can take off and land, equipped with hard surfaced landing strips, hangars, facilities for refueling and repair, a control tower, accommodations for cargo and passengers, terminals, charter services, hangars, heliports, and helipads7]~~

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

surface of asphalt and concrete. Grass block and grasscrete may be considered all-weather surfaces[+].

"Alley" means a narrow street or service lane located to the rear of lots providing access to service areas, parking, and accessory buildings and containing utility easements[+]. Alleys may also be defined as follows:

- (1) Alleys, as generally defined in the city and county of Honolulu Complete Streets Design Manual and as amended from time to time, connect streets and can provide access to the backs of buildings and garages. Some are service alleys for deliveries and refuse collection. Alleys often do not have sidewalks; and
- (2) Alleys are generally equivalent to:
 - (A) Minor streets, as defined in the City and County of Honolulu Subdivision Rules and Regulations, as amended from time to time; or
 - (B) Local streets, as defined in the federal functional roadway classification system, as amended from time to time.

"Alternative fuel station" is a use classification pertaining to the retail sale of non-petroleum based motor vehicle fuel source (including but not limited to, hydrogen, natural gas, and biofuel) to the public by direct delivery into the user's vehicle. This may include incidental motor vehicle services such as supply of lubricants, compressed air, or water and washing. Sale of food, beverages and related items is permitted in conjunction with this use.

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

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

"Attic" means a portion of a building wholly or partly in the roof, so designated, arranged or built to be used for business, storage, recreation or habitation. Attic areas with a head room of less than seven feet shall not be included as floor area[+].

"Authority" means the Hawaii community development authority as established by section 206E-3, HRS[+].

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

"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 pedestrian friendly, low-to-medium (thirty to thirty five mph) urban thoroughfare, generally shorter in length than boulevards, serving access to abutting land.]~~ a street of moderate to high vehicular capacity and low to moderate speed acting as a short distance connector between urban centers and boulevards. Avenues serve as primary pedestrian and bicycle routes and ~~[may]~~ typically serve local transit routes. Avenues ~~[usually]~~ may provide curbside parking[+]. Avenues may also be defined as follows:

- (1) Avenues, as generally defined in the city and county of Honolulu Complete Streets Design Manual and as amended from time to time, typically have two to four travel lanes. Avenues may have landscaped medians. Avenues should have bike lanes or protected bike lanes.
- (2) Avenues are generally equivalent to:
 - (A) Frontage streets, as defined in the city and county of Honolulu Subdivision Rules and Regulations, as amended from time to time; or
 - (B) Minor arterials and collectors, as defined in the federal functional roadway classification system, as amended from time to time.

"Aviation" is a use classification which primarily involves any area of land or water which is used or intended to be used, for the landing and take-off of aircraft, and any appurtenant areas which are used or intended to be used, for airport buildings or other airport-related facilities located thereon.

"Awning" means a canopy that is supported entirely from the exterior wall of a building[+].

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

"Bicycle lane" means a dedicated lane for cycling within a [~~moderate-speed~~] vehicular thoroughfare, demarcated by striping[+].

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

"Boulevard" means [~~a pedestrian friendly, [low-speed (thirty-five mph or less) divided thoroughfare designed to carry both through and local traffic, pedestrians and bicycles. Boulevards may be high ridership transit corridors. Curb parking may be allowed on boulevards;~~] a street designed for high vehicular capacity and moderate speed, traversing an urbanized area. Boulevards may also be defined as follows:

- (1) As defined in the city and county of Honolulu Complete Streets Design Manual and amended from time to time, boulevards generally have four or more travel lanes. Boulevards serve as primary transit routes and may be equipped with bus lanes. Boulevards should have bike lanes or protected bike lanes. Boulevards may have side access lanes that buffer sidewalks and buildings from through traffic. Boulevards with landscaped medians are also called parkways; and
- (2) Boulevards are generally equivalent to:
 - (A) Major streets, as defined in the city and county of Honolulu Subdivision Rules and Regulations and amended from

- time to time; or
- (B) Principal arterials as defined in the federal functional roadway classification system, as amended from time to time.

~~["Build to]~~ "Build-to line" means a location [from which] where the [principle] principal vertical plane of the [elevation] street-facing building facade must be erected, and is generally parallel to, the frontage line. The [build to] build-to line dimension is the distance from the lot line to the [build to] build-to line[?]. Build-to lines are measured from the property line or proposed right-of-way line at street frontages. Where a build-to line is specified as a single dimension, the building front may be placed within twelve-inches behind the build-to line. Where a build-to-line is specified as a range, the building facade may be located within that zone, subject to frontage occupancy requirements. The area between the property line and the build-to-line or zone is considered the required front yard.

"Building" means any [permanently anchored structure used or intended for supporting or sheltering any use or occupancy;] enclosed structure with a roof and walls.

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

"Building type" means a form-based classification that describes a particular type of building in terms of scale and design. See Figures BT.1 to [BT.9,] BT.10, dated [September 2012,] July 2024, made a part of this chapter, and attached at the end of this chapter[?].

"Campground" is a use classification which means the use of tents, travel trailers, recreational vehicles, mobile camping equipment, or cabins, for temporary recreational purposes, with limited permanent facilities.

"Civic" is a use classification which primarily involves uses that foster community interaction and citizen participation in civic activities such as: meeting halls or clubhouse, conference centers, cultural facilities, public or government facilities[?] including but not limited to police or fire stations, libraries, [religious facilities, and

~~theaters,]~~ and educational facilities. Ancillary commercial uses, such as eating and drinking establishments, and retail functions, are allowed to support the primary civic use.

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

"Complete street" means a street that adheres to the legal framework established by the provisions of Section 264-20.5, Hawaii Revised Statutes (Act 54 Session Laws of Hawaii 2009) and Ordinance 12-15, city and county of Honolulu, and the Honolulu Complete Streets Design Manual, as amended from time to time.

"Conference center" is a use classification for facilities primarily used or intended to be used to host conferences, exhibitions, large meetings, seminars [and] or training sessions[+], excluding facilities used primarily for private parties or social events with no training or educational purpose.

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

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

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

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

"Day-care center" is a use classification which primarily involves non-medical care for [~~fifteen~~] seven 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~~] senior day-care, or extended-day care facilities[+].

"Decision-maker" means the person or entity charged with reviewing a particular permit or development approvals[+].

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

"Developable area" means the area within the lot lines of a lot or series of lots, excluding setback areas[+].

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

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

- (1) Any permit application filed by any private person or entity seeking the authority's approval for a development; or
- (2) An improvement project on lands owned by the authority[+].

"Development" means [~~and includes any human-made change over, upon, under, or across improved or unimproved real property, performed on a lot greater than 40,000 square feet within the Kalaeloa CDD. Development shall not include a project consisting of a change in use or interior renovations only;~~] 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 permit" means and includes a permit approved and issued by the authority authorizing any development[+].

"Development project" means and includes construction and site improvements, including new floor area, that totals thirty-five thousand and one square feet or more.

"Disposition" means the placement of a building on its lot[~~+~~].

"Dog park" is a use classification for a park that is identified by signage as available for off-leash dog activity. The space may be enclosed by perimeter fencing, defined by park elements such as topography, landscaping or pathways or a combination of elements to separate the off-leash area from nearby roadways.

"Driveway" means a vehicular lane within a lot, often leading to [a ~~garage;~~] vehicular storage 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, toileting, bathing, and eating[~~+~~].

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

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

"Eating and drinking establishments" is a use classification for businesses, such as restaurants and bars, kiosks, and food trucks, that prepare and serve food and beverages, including alcoholic beverages, for on-premises and off-premises consumption;

"Electric vehicle charging station" means a parking space or area with Electric Vehicle Supply Equipment (EVSE) that supplies electric energy for the recharging of electric or plug-in hybrid vehicles.

"Eleemosynary organization" means a society, association, or corporation primarily engaged in religious, charitable, educational, scientific, literary, or other benevolent purposes, whose charter or other enabling act contains a provision that, in the event of dissolution, [~~the land~~] any assets owned

by such society, association, or corporation shall be distributed to another society, association, or corporation engaged in religious, charitable, educational, scientific, literary, or other benevolent purposes[+]_.

"Elevation" means an exterior wall of a building [~~not along a frontage line;~~].

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

"Exceptional tree" means a tree that by reason of age, rarity, location, size, aesthetic quality, endemic status or historical and cultural significance is designated by the county arborist committee as worthy of preservation, pursuant to the city and county of Honolulu exceptional tree ordinance. See the revised ordinances of Honolulu, chapter [~~41,~~ article 13] 40, article 8 - protective regulations for exceptional trees [~~including the register of exceptional trees;~~].

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

"Facade" means the exterior wall of a building that is set along a frontage line[+]_.

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

"Floor area" means the sum of the gross horizontal areas of all floors of a building[~~7~~] or buildings on the same lot, 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.~~] buildings.

- (1) Floor area shall include the area of [~~roofed porches or lanai having more than one wall and of accessory structures on the same lot.~~]:

- (A) Roofed structures;

- (B) Canopies or trellises that are less than fifty per cent open to sky or closeable;
 - (C) Accessory structures on the same lot;
 - (D) Above-grade parking structures and covered loading driveway areas;
 - (E) Mechanical and machine rooms; and
 - (F) Enclosed stairwells and roof area over elevator shafts;
- (2) The floor 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;
- (3) [~~Stairwells, elevator shafts, parking facilities and loading spaces, including their driveways, shall be excluded;~~] Floor area shall exclude:
- (A) Exterior stairwells open on at least two sides with only handrailing or fall protection;
 - (B) Elevator shafts;
 - (C) Basements and below-ground structures;
 - (D) Vertical screening for rooftop machinery equipment;
 - (E) Covered drop-offs located at or leading to the street curb;
 - (F) Areas under overhangs or awnings along street frontages; and
 - (G) Lanais less than twenty per cent of interior floor area;
- (4) Upon review and approval by the executive director, floor area may exclude robotic parking systems and associated machinery, and other high-efficiency parking systems.

"Floor area ratio" or "FAR" means the ratio of 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 lot by the lot area, and is expressed as a per cent or decimal.

"Freight or base yard" is a use classification for a lot primarily used or intended to be used for the distribution of goods, storage or maintenance of

equipment. Freight containers shall be stacked no more than four containers high[+].

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

"Frontage line" means a lot line bordering a public frontage[+].

"Frontage occupancy" means the minimum length of the principal frontage that must contain a building street front element. See Figures 5 (site development standards) and [~~Figure 1.8~~] 8 (building placement and encroachments), both dated [~~September 2012,~~] July 2024, made a part of this chapter, and attached at the end of this chapter[+].

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

"Furnishing area" means the transition between the pedestrian thoroughway 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~~] or bus shelters[+].

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

"Grade" means the slope of a road, street, or other public way specified in percentage terms[+].

"Green screen" is a landscaping device meant to conceal or buffer one use from another using living plant material. Green screens are usually deployed along the boundaries of parking garages and lots to conceal them from public view.

"Green infrastructure" means methods of stormwater management that allow stormwater to infiltrate, to be treated by vegetation or by soils, or to be stored for reuse. Green infrastructure includes, but is not limited to, pervious paving, bioretention basins, vegetated swales, and cisterns.

"Ground elevation" means the highest finished grade along the perimeter of the building[+].

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

"Hawaii revised statutes" or "HRS" means the Hawaii Revised Statutes[+].

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

"Height" means the vertical dimension of a building, interior space or other structure measured from the base at finish grade to the top or highest point[+].

"Historically or culturally significant site[s]" means any ~~lot~~ property (site, location, facility, building, structure, setting, or object) that is:

- (1) Listed or eligible to be listed on the Hawaii or national register of historic places [~~pursuant to HRS; or~~];

- (2) ~~[Designated in the KMP as being significant]~~
Evaluated to possess historic significance based on its importance in the history or prehistory, architecture, archaeology, culture, or development of [the] Kalaeloa [CDD], or possesses a tangible, historic or cultural linkage between Kalaeloa of the past and of the present; and
- (3) A building, structure, object, district, area, or site, including heiau and underwater site which meets the definition of a historic property in section 6E-2, HRS, as it may be amended from time to time.

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

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

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

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

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

- (1) Construction and site improvements, including new floor area, that total thirty-five thousand square feet or less;
- (2) Exterior alterations, excluding ordinary repairs and maintenance covered by a rules

- clearance or renovation permit; or
(3) Demolition of an existing structure.

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

"Interior balcony" means a balcony that does not project from the face of the building on which it is located.

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

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

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

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

"Lanai" means an accessory area to a dwelling or lodging unit, with one or more sides permanently open to the exterior except for a railing or parapet not exceeding four feet in height~~[, with such open side or sides constituting at least twenty five per cent of the perimeter thereof. Lanais are]~~. A lanai is accessible solely from the dwelling or lodging unit to which it is appurtenant [and may either be recessed elements with a roof continuous with the building roof, or they may be protruding elements added on to the face of a building;]. As provided in the definition of "floor area" in section 15-215-8 above,

lanais less than twenty per cent of interior floor area are excluded from floor area calculations.

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

"Land use ordinance" or "LUO" means the land use ordinance adopted by Ordinance No. ~~[86-96]~~ 99-12 of the city and county of Honolulu~~[+]~~, also referred to as Chapter 21 of the revised ordinances of Honolulu, as it may be amended from time to time.

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

"Large lot" means a lot or collection of contiguous lots equal to or greater than 140,000 square feet~~[+]~~.

"Large utility installation" means the building plant, works, utility line, tower, transmitter, relay, receiver, pedestal or other equipment used to make or deliver a utility product, commodity or service, including renewable energy generation systems.

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

"Light industrial" is a use classification which involves repair and manufacturing, predominantly from previously prepared materials, of finished products or parts, including but not limited to processing, fabrication, assembly, treatment, [and] packaging of such products, warehousing, and [incidental] storage and distribution of such products or parts, but excluding basic industrial processing as classified under heavy industrial. Typical uses include but are not limited to distribution, packaging, warehousing, food processing, apparel and furniture manufacturing, machine shops, and motor vehicle repair and servicing~~[+]~~.

~~["Limousine or taxi facility" is a use classification that primarily consists of facilities used or intended to be used for dispatching limousines~~

~~or taxi cabs and where vehicles are kept while not in use.]~~

"Live-work" is a use classification for a mixed-use unit which is occupied or intended to be occupied by a business operator who lives in the same structure that contains the commercial activity or industry[+], including but not limited to retail sales.

"Local street" means a street which provides access to abutting properties and typically serves local traffic only. Local streets are generally equivalent to minor streets, as defined in the city and county of Honolulu subdivision rules and regulations, as amended from time to time. Local streets can also be known as sub-collectors or access streets, as defined in the city and county of Honolulu Subdivision Standards, as amended from time to time.

"Lodging" is a use classification for a structure or structures in which people are temporarily housed; which [~~typically include~~] includes but is not limited to hotel, motel, [~~and~~] or bed and breakfast facilities[+].

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

"Lot" means a parcel of land, legally established and duly recorded at the state of Hawaii bureau of conveyances, which can be used, developed or built upon[+].

"Lot line" means the boundary of a lot of land, often expressed in metes and bounds[+] or otherwise legally established.

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

"Low impact development" means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

"Main street" means a type of avenue that promotes pedestrian activity by providing amenities

such as wide sidewalks, street trees, street furnishings, and reduced curb cuts. Main streets may serve as pedestrian promenade connections between public open spaces and destinations. Main streets may also be defined as follows:

- (1) Main streets, as generally defined in the city and county of Honolulu Complete Streets Design Manual and amended from time to time, are a subset of Avenues, with the special distinction in that they represent a commercial section of a town center. Main streets have improved designs for people on foot and including bike lanes are a high priority; or
- (2) Main streets are generally equivalent to:
 - (A) Frontage streets, as defined in the city and county of Honolulu Subdivision Rules and Regulations and amended from time to time; or
 - (B) Minor arterials and collectors, as defined in the federal functional roadway classification system, as it may be amended from time to time.

"Manufactured homes" is a use classification which primarily consists of a lot or lots upon which moveable single-family dwelling units manufactured in a factory and designed to be transported to a site, including mobile homes, are semi-permanently situated.

"Media production" is a use classification pertaining to areas for motion pictures, television, video, sound, computer, internet, games, 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) Studios. May also include buildings

providing space for the construction and use of indoor sets, including supporting workshops and craft shops.

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

"Mixed-use" means the combination of more than one use within a development project or lot[+].

"Mobility hub" means a facility that integrates multiple transportation services and amenities in a central location within a community. Mobility hubs, for example, might include loading areas for public transit and shared-ride services along with parking for car-sharing services, bicycles, and other micro-mobility services. Mobility hubs can also include amenities such as restrooms, electric vehicle charging, convenience retail, day-care services, or parcel pick-up lockers.

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

"Miyawaki method" is an afforestation method developed by Akira Miyawaki that aims to create urban forests by utilizing native species to restore indigenous ecosystems.

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

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

"New building" means and includes the construction of a building including structural supports, walls and a roof[+].

"Nightclub" is a use classification for 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.

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

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

"Office" is a use classification which is primarily engaged in the production of intellectual property[+].

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

- (1) [~~Open and unobstructed overhead;~~] Generally open to the sky or shaded by canopy trees, except that up to twenty-five per cent of the area may be covered by trellises that are at least fifty per cent open;
- (2) Is used or intended to be used for outdoor recreation;
- (3) Between or adjacent to a structure; or
- (4) Located at-grade or on a useable podium, roof garden, or roof top recreation area;

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

"Outdoor commercial recreation" is a use classification for outdoor recreational, entertainment, or athletic venues that operate on a paid entry basis and a controlled perimeter, such as theme parks, water parks, sports arenas, or entertainment centers. Ancillary commercial uses, such as eating and drinking establishments, and retail

functions, are allowed to support the primary outdoor commercial use.

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

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

"Parks and outdoor recreation" is a civic use classification which primarily consists of outdoor recreational facilities, including but not limited to, open fields, fitness stations, sport courts and athletic fields, trails and tracks, playgrounds, off-leash dog areas, skateparks, fountains, splash pads or pools. Allowed uses may also include partially or fully-enclosed buildings or structures that support the primary use such as gymnasiums, museums, clubhouses, sculptures, picnic shelters, bathrooms and changing facilities, or maintenance facilities.

"District parking facility" is a use classification for off-street parking spaces for motor vehicles located at-grade or within a parking structure for shared public or private use.

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

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

"Pedestrian" means a person or persons who travel by foot; ~~[+]~~.

"Pedestrian throughway" means the clear area for the pedestrian walkway area between the furnishing and private frontage areas. See Figure ~~[1.11]~~ 10 (pedestrian zone treatment), dated ~~[September 2012,]~~ July 2024, made a part of this chapter, and attached at the end of this chapter~~[+]~~.

"Pedestrian zone" means the zone between the building face and the curb. The elements of a pedestrian zone are: the private frontage area, the

pedestrian throughway area, and the furnishing area. See Figure ~~[1.11]~~ 10 (pedestrian zone treatment), dated ~~[September 2012,]~~ July 2024, made a part of this chapter, and attached at the end of this chapter[+].

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

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

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

"Principal building" means the main building on a lot, usually located toward the frontage[+].

"Principal entrance" means the main point of access for pedestrians into a building[+].

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

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

"Project" means an endeavor undertaken by a landowner or developer to ~~[build upon]~~ make improvements on a lot or combination of lots[+].

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

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

"Public building" is a use classification which ~~[primarily]~~ consists of buildings owned or developed

by public entities [~~or developed~~] on government-owned lands[~~+~~] for public use.

"Public frontage" means the area between the curb of the vehicular lanes and the frontage line[~~+~~].

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

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

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

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

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

"Regulating plan" means a [~~zoning~~] map [~~or set of maps~~] that shows the transect zones, [~~civic zones,~~] special districts, and special requirements, [~~if any,~~] such as overlay zones, of areas subject to regulation[~~+~~].

"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 that 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 or training.

"Renewable energy farm" is a use classification which primarily consists of clusters of photovoltaic ("PV") solar, wind, or other devices that generate electricity from natural resources.

"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 by not more than twenty-five per cent of the building floor area as originally constructed, but not to exceed thirty-five thousand square feet; and
- (2) Minor modifications to the exterior of the existing structure.

"Research and development" is a use classification for a facility primarily used or intended to be used for scientific or technological research, development, testing, and analysis[;], such as bio-technology and engineering.

"Reserved housing" means housing as defined in chapter 216, title 15, Hawaii administrative rules[+].

"Residential" is a use classification for premises available for human dwelling[+].

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

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

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

"Right-of-way" means the area of a thoroughfare between private lot lines[+].

"Robotic parking" means a mechanized parking system which stores and retrieves vehicles in a compact storage facility[+].

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

"Self-storage facility" is a use classification for a place or building, or portion thereof, that is divided into individual spaces and that is used or is intended for use as individual storage units that [~~is~~] are rented, leased, or owned[+].

"Setback" means the dimension between the [~~side or rear~~] building elevation and the [~~side or rear~~] lot line that must remain clear of any buildings or other structures with the exception of authorized encroachments[+].

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

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

"Solar Heat Gain Coefficient (SHGC)" is the fraction of solar radiation that passes through a glass surface and is released as heat inside a room.

"Short-term bicycle parking" means a place to secure bicycles for less than eight consecutive hours. Short-term bicycle parking can be provided through fixed bicycle racks[~~, and~~] 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 public frontage dedicated exclusively to pedestrian activity;

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

"Site" means the place or places where the permanent or temporary works are to be carried out.

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

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

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

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

"Street" means a pedestrian-friendly[, ~~low speed (twenty-five miles per hour)~~] thoroughfare primarily serving abutting lots. A street is used to connect neighborhoods within the district. [~~Streets emphasize curb parking;~~] Streets may also be defined as follows:

- (1) As generally defined in the city and county of Honolulu Complete Streets Design Manual and amended from time to time, streets are local and suitable for all urbanized transect zones and all frontages and uses. Streets generally have two travel lanes. They may have raised curbs, sidewalks or other separated ways for people on foot, and landscaping. The character may vary in response to the commercial or residential uses lining the street. Streets should serve the needs of people on bicycles and people on foot;
- (2) Streets can serve as a bicycle boulevard, where the bicycle travel is given priority over cars. A street can also be a shared street (also called a woonerf) where people on foot are given priority and all users share the travel way which may be constructed at one grade without raised curbs. Both of these street types can be implemented through the installation of various traffic calming measures; and
- (3) Streets are generally equivalent to:
 - (A) Secondary streets, as defined in the city and county of Honolulu subdivision rules and regulations, as amended from time to time; or

(B) Collectors, as defined in the federal functional roadway classification system, as amended from time to time.

"Street furniture" means equipment installed within the pedestrian zone, including but not limited to [+] transit stop shelters, benches, waste receptacles, [~~and~~] or newspaper dispensers[+].

"Structure" means anything constructed or erected with a fixed location on the ground, including buildings, walls, swimming pools, [~~and~~] or signs[+].

"Sustainability and agriculture" is a use classification that primarily consists of facilities that use, develop, or protect natural resources at a rate that avoids depletion and maintains ecological balance, including but not limited to solar and wind farms, recycling facilities, agronomy, aquaculture, forestry, hydroponic farms or nature preserves.

"Swale" means a low or slightly depressed natural area for drainage[+], which is typically in a linear configuration.

"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 with temporary structures.

"Theater" is a use classification which primarily consists of performance theaters, movie theaters, [~~and~~] or amphitheaters[+].

"Thoroughfare" means a street, way or passageway used by vehicular, bicycle, and pedestrian traffic. Thoroughfares are distinct from alleys and may consist of vehicular lanes and the pedestrian zone and provide access to lots and open spaces[+], and are not limited to the thoroughfares identified in the Thoroughfare Plan.

"Thoroughfare plan" means a component of the Kalaeloa master plan and CDD rules, as may be amended from time to time, that shows planned changes to existing thoroughfares and the general location of planned new thoroughfares. See Figure [1.4] 3 (thoroughfare plan), dated [~~September 2012,~~]

July 2024, made a part of this chapter, and attached at the end of this chapter;].

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

"Visual light transmission (VLT)" is the percentage of visible light that passes through glass.

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

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

"Warehousing" is a use classification which primarily involves the wholesaling, storage, moving or bulk distribution of goods other than live animals. Typical uses include wholesale distributors, storage warehouses, outdoor storage, self-storage facilities and moving [~~and~~] or storage firms[+].

~~["Wind farm" is a use classification which primarily consists of clusters of wind powered devices. A wind farm should be large enough to generate at least one megawatt of electricity; and]~~

"Zoning map" means the official map or maps that are part of the Kalaeloa CDD rules and delineate the boundaries of individual transect zones and district. See Figure [~~1.2~~] 2 (regulating plan), dated [~~September 2012,~~] July 2024, made a part of this chapter, and attached at the end of this chapter. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-2, 206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-2, 206E-4, 206E-5, 206E-7)

§§15-215-9 to 15-215-20 (Reserved).

SUBCHAPTER 2

REGULATING PLAN, TRANSECT ZONES AND THOROUGHFARE PLAN

§15-215-21 Purpose. This subchapter establishes the transect zones and thoroughfare plan within the Kalaeloa CDD, adopts the regulating plan for the Kalaeloa CDD as its zoning map and establishes standards applicable to the transect zones. [Eff 10/27/12; comp] (Auth: HRS §§206E-4, 206E-5, 206E-7, 206E-194) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-194)

§15-215-22 Regulating plan. The Kalaeloa CDD regulating plan (hereafter referred to as the "regulating plan"), included as Figure [~~1.2~~] 2 (regulating plan), dated [~~September 2012,~~] July 2024, made a part of this chapter, and attached at the end of this chapter, identifies the transect zones provided in section 15-215-23 (transect zones). [Eff 10/27/12; am and comp] (Auth: HRS §206E-7, 206E-194) (Imp: HRS §206E-7, 206E-194)

§15-215-23 Transect zones. (a) All lots within the Kalaeloa CDD are organized by transect zones as shown in Figure [~~1.2~~] 2 (regulating plan), dated [~~September 2012,~~] July 2024, made a part of this chapter, and attached at the end of this chapter. Generally, the transect paradigm defines a spectrum of the built environment from the most natural unblemished landscape, designated as T1, to the densest urban downtown, designated as T6. The Kalaeloa CDD regulates development intensity between the rural zone, T2, and the urban center zone, T5.

(b) [~~Transect~~] The Kalaeloa CDD transect zones and their corresponding development use and rules are as follows:

- [~~(1)~~] ~~T1 natural.~~ The ~~T1 natural zone shall~~ consist primarily of lots along the ocean. The ~~T1 Natural zone is comprised of natural landscapes, including beaches and vegetation with limited agricultural use;~~
- [~~(2)~~] (1) ~~T2 [rural/open space.]~~ rural. The T2 [~~rural/open space~~] rural zone shall consist primarily of open space, parks and limited renewable energy and agricultural use. Cultural~~[~~] and archaeological [~~and environmental~~] uses and sites shall also be located within the T2 [~~rural/open space~~] rural zone~~[~~]. Limited camping facilities with less than 30 campsites or cabins may be appropriately located within the T2 rural zone, with an approved conditional use permit. Civic uses such as museums, libraries, fire stations and aquatic centers may also be located in the T2 rural zone;
- [~~(3)~~] ~~T3 general urban.]~~ (2) T3 mixed-use. The T3 [~~general urban~~] mixed-use zone is characterized by [~~mixed use projects,~~] mixed-use developments with a commercial emphasis. Development in this zone may include small lot single-family residential development (attached or detached), duplexes, townhomes, and small apartment buildings, but may also include small live-work spaces, home offices or workspaces, and hotels. Limited amounts of local-serving retail, medical clinics and small office buildings are also suitable in the T3 zone. Larger lots could contain commercial and light industrial uses with less adverse air, noise, or visual impacts that may be compatible with a mixed-use environment. Streets with curbs, sidewalks and landscaping shall define medium-sized, pedestrian-friendly blocks;
- [~~(4)~~] (3) T4 general urban [~~center.~~]. The T4 general urban [~~center~~] zone is characterized with a mix of retail, office, residential, light industrial, and civic buildings. Civic spaces include urban parks, plazas, and squares. Pedestrian-friendly streets

shall be tree-lined with sidewalks and buildings set close to the sidewalks;

~~[(5)]~~ (4) T5 urban center ~~[high intensity.]~~. The T5 urban center ~~[high intensity]~~ is characterized by ~~[lots with the highest allowable density and height,]~~ a diverse mix of uses at higher intensities than T4 general urban zones. Buildings are set close to sidewalks to activate the pedestrian realm and sidewalks are wider to accommodate outdoor dining and public street furniture; and

~~[(6)]~~ SD special district.

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

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

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

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

(c) Standards applicable to transect zones. All development, use, and construction within the transect zones shall conform to the standards set forth in ~~[Figure 1.3 (development standards summary),]~~ subchapters 3 and 4, including associated figures, dated ~~[September 2012,]~~ July 2024, made a part of this chapter, and attached at the end of this chapter, which ~~[allocate]~~ incorporate requirements for building type, frontage type, allowed height, maximum density, and [build to] build-to line. [Eff 10/27/12; am and

comp] (Auth: HRS §§206E-4, 206E-5, 206E-7, 206E-194) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-194)

§15-215-24.5 Special districts. (a) Due to their function as an aviation, navigation or military installation, ownership or control by the federal government or the department of Hawaiian home lands, lots designated as within a special district are exempt from the development standards referenced in section 15-215-23(c);

(b) The Kalaeloa CDD special [~~district~~] districts shall include the following:

- (1) SD-1 Kalaeloa airport. The Kalaeloa airport (John Rodgers Field) and the navigation area is owned and administered by the state of Hawaii department of transportation;
- (2) SD-2 Military. Military installations such as the Hawaii national guard and United States Coast Guard comprise the SD-2 zone; and
- (3) SD-3 Department of Hawaiian home lands. Lands comprising the SD-3 zone are governed by the Hawaiian Homes Commission Act of 1920; and

(c) If the federal government, department of transportation, or department of Hawaiian home lands ceases to own the land, the special district status will no longer apply. The authority may determine the applicable transect zone regulations.

[Eff] (Auth: HRS §§206E-4, 206E-5, 206E-7, 206E-194) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-194)

§15-215-25 Overlay zones. (a) Properties within overlay zones are subject to the underlying transect zone regulations, plus additional urban design requirements;

(b) Overlay zones are not distinct special districts as described in section 15-215-24.5; and

(c) Overlay zones within the Kalaeloa CDD shall include the following:

- (1) Saratoga main street frontage overlay zone.

Buildings shall be designed to ensure appropriate, pedestrian-scaled, lively streetscape.

- (2) Ewa Plain battlefield overlay zone.
Proposed developments shall be compatible with the protection and interpretation of the historical landscape of the Ewa Plain Battlefield. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7, 206E-194) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-194)

~~§15-215-24~~ **§15-215-26 Thoroughfare plan.** (a)

All thoroughfares shall conform to the thoroughfare standards set forth in this section and in Figure [1.4] 3 (thoroughfare plan), dated [September 2012,] July 2024, made a part of this chapter, and attached at the end of this chapter~~[, and Figures 1.4A and 1.4B (thoroughfare sections), dated September 2012, made a part of this chapter, and attached at the end of this chapter.]~~.

(b) Thoroughfare plan standards:

- (1) Thoroughfares shall [have street trees planted along their lengths within the public frontage area as provided in Figure [1.5,] 6 (street [tree chart],) trees], dated [September 2012,] July 2024, made a part of this chapter, and attached at the end of this chapter; and
- (2) Design conflicts between vehicular and pedestrian movement for new thoroughfares in the ~~[T3 general urban,]~~ T3, T4 [urban center] and T5 [urban center high intensity] zones, shall generally be decided in favor of the pedestrian, unless there is overriding public interest which dictates that the conflict be resolved in favor of vehicular movement~~[.];~~ and

(c) Thoroughfares that are to be dedicated to the city and county of Honolulu shall be designed to the appropriate city and county of Honolulu standards, such as the complete streets design manual and

subdivision street standards, as it may be amended from time to time.

- (d) Street trees and landscaping:
- (1) Street trees shall be planted in a pattern that 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 Figure 6 (street trees), dated July 2024, made a part of this chapter, and attached at the end of this chapter[†]
- (2) Street trees, including those planted on private property, shall be reviewed and approved by the city and county of Honolulu department of planning and permitting, urban design branch;
- (3) The planting, removal, and maintenance of street trees within the front yard setback area of any development lot or nonconforming property shall be subject to the approval of the executive director. Any street tree six inches or greater in trunk diameter shall not be removed except under the following conditions:
 - (A) There are no alternatives to removal, to achieve appropriate development on the site;
 - (B) The tree is a hazard to public safety or welfare;
 - (C) The tree is dead, diseased, or otherwise irretrievably damaged; or
 - (D) The applicant can demonstrate that the tree is unnecessary due to overcrowding of vegetation.

Where possible, street trees proposed for removal shall be relocated to another area of the project site. No person shall injure or destroy any tree in any manner or by any means. Property owners shall be responsible for ensuring that all street trees within the front yard setback area are properly maintained and do not cause any hazard to

public safety or welfare. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-5, 206E-7, 206E-194) (Imp: HRS §§206E-5, 206E-7, 206E-194)

[~~§§15-215-25~~] §§15-215-27 to 15-215-36
(Reserved).

SUBCHAPTER 3

GENERAL DEVELOPMENT STANDARDS

§15-215-37 Purpose. This subchapter establishes the standards relating to the use, development or improvement of any lot within the Kalaeloa CDD~~[-]~~, except those located within a special district. [Eff 10/27/12; comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-5, 206E-7)

§15-215-38 Building type. All buildings shall conform to the building standards set forth in Figures BT.1 through ~~[BT.9,]~~ BT.10, dated ~~[September 2012,]~~ July 2024, made a part of this chapter, and attached at the end of this chapter, which specify lot width, pedestrian access, parking, open space, frontage types and building massing for each building type. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-39 Frontage type. All buildings along major boulevards, avenues, or streets identified in Figure 3 (thoroughfare pan), dated July 2024, made a part of this chapter and attached at the end of this

chapter, shall conform to the frontage standards set forth in [~~Figure 1.6 (frontage type), dated September 2012,~~] Figures FT.1 to FT.8, dated July 2024, 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 10/27/12; am and comp _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-40 Land use. (a) All lots shall conform to the land uses specified in Figure [~~1.7~~] 7 (land [~~use summary~~], use), dated [~~September 2012,~~] July 2024, made a part of this chapter, and attached at the end of this chapter.

(b) Any one or more allowed land uses may be established on any lot, subject to Figure [~~1.7,~~] 7 (land [~~use summary~~], use), dated [~~September 2012,~~] July 2024, made a part of this chapter, and attached at the end of this chapter.

(c) Where a project on a single lot proposes two or more land uses, the project shall be subject to all applicable permits and approvals. [Eff 10/27/12; am and comp _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-41 Building placement. (a) Facades shall be built either parallel up to the [~~build to~~] specified build-to line or within the built-to zone, with a minimum frontage occupancy as provided in Figure [~~1.8~~] 8 (building placement and encroachments), as applicable, dated [~~September 2012,~~] July 2024, made a part of this chapter, and attached at the end of this chapter.

(b) For frontage occupancy calculations, single buildings that form a courtyard of fifteen feet in width or less by recessing a portion of the building from the [~~build to~~] build-to line, shall be measured as the full width of the building parallel to the [~~build to~~] build-to line. [Eff 10/27/12; am and comp _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-42 Building form. (a) The height of any building or structure or portion thereof shall be measured from [~~ground elevation.~~] finish grade to the top of the roof.

(b) [~~Attics~~] 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, as determined by the executive director in his sole discretion; provided, however, that notwithstanding the executive director's determination, attics] functioning. Attics shall not exceed fourteen feet in height.

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

(d) All principal buildings shall be constructed with building elements conforming to [~~Figure 1.3 (development standards summary),~~] Figure 4 (building development standards) and Figure 5 (site development standards), both dated [September 2012,] July 2024, made a part of this chapter, and attached at the end of this chapter. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-43 Architectural standards.

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

(b) For building facades and elevations in the [~~T3 general urban,~~] T3 mixed-use, T4 [~~urban center~~] general urban, and T5 urban center [~~high intensity~~] transect zones, a change of exterior texture and

material should be accompanied by a change in plane; provided, however, glazing and spandrel glass is exempt from this provision.

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

(1) Height shall be as follows:

(A) Within front and side yards facing a main street or street: four feet.

(B) Within side and rear yards that are not facing a street: six feet;

(C) Within a required yard, walls and fences for public utilities may be constructed up to eight feet in height, and may be topped with security wire to a total height of ten feet.

(D) Within required yards, fences located on land dedicated for agricultural use may be up to ten feet in height.

(E) Outside of required yards: ten feet, except where taller fences or walls are needed to meet the venue requirements of a specific sport;

(2) Fence materials shall be as follows:

(A) Fences [~~in~~] within front yards or side yards facing a [~~thoroughfare~~] street shall be painted or constructed out of a decorative material compatible with the materials of the principal building; and

(B) Chain link or barbed wire fences and exposed cinder block walls are prohibited within front yards abutting any boulevard, avenue, or main street;

(3) Retaining walls shall be constructed out of masonry or stone or another equally durable material; and

(d) Lighting:

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

(2) Courtyards, passageways, roof gardens, corner plazas, and other landscaped areas

shall provide pedestrian-scaled, tamper-proof lights;

- (3) [~~Lighting~~] Exterior lighting sources shall be constructed or installed so that [~~light~~] the bulb is fully contained within the lighting fixture, and that light is aimed downwards and does not spill over to abutting properties; [and]
- (4) Exterior lighting that is visible from adjacent properties or thoroughfares shall be indirect or incorporate full shield cut-offs; and
- (5) Architectural details may be accented through lighting.

(e) Roofs:

- (1) Roofs may be accessible and may be used as roof decks, gardens, balconies or terraces;
- (2) Roofs shall either be finished with light colors for reflectivity or incorporate landscaping; and
- (3) Rooftop mechanical equipment shall be clustered away from the edge of the building and either painted to match the roof top or located behind a parapet wall or enclosed in a roof top mechanical equipment enclosure so that it is not visible from a thoroughfare, historic or public buildings.

(f) Service functions (T3 [~~general urban,~~] mixed-use, T4 general urban [center], and T5 urban center [~~high-intensity~~] transect zones):

- (1) Utilities, service elements, recycling and trash elements shall be located off alleys (if applicable), or in structured parking garages where they exist. Alternatively, they may be located at least ten feet behind the facade of a principal building and screened from view from a thoroughfare other than an alley or service street, with a hedge, landscaping, low wall, or fence;
- (2) Prohibited materials for constructing recycling or trash enclosures include: chain link, fencing with slats or mesh screen, cinderblocks, or unpainted wood;
- (3) Utilities and service elements that are visible from thoroughfares other than alleys

shall not be visually intrusive and shall be incorporated in the building structure through use of the following strategies:

- (A) Burying ~~[the]~~ underground or screening utilities and service elements [underground,], as feasible;
- (B) Constructing a utility room to enclose the utilities and service elements;
- (C) Screening the utilities and service elements behind the building; or
- (D) Clustering the utilities and service elements on the roof within a mechanical equipment enclosure; and

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

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

- (1) Except as otherwise provided, signs shall conform to the current "B-2 Community Business District" sign regulations of the city and county of Honolulu land use ordinance, as it may be amended from time to time. The city and county of Honolulu shall be responsible for processing of sign permits, enforcement of the land use ordinance provisions, and administering appeals and variances relating to signs.
- (2) Where possible, exterior signage should be in the two official languages of Hawai'i, 'Ōlelo Hawai'i, and English.

(h) Windows:

- (1) Highly-reflective and mirrored ~~[glass materials]~~ glazing are prohibited; ~~[and]~~
- (2) ~~[Visible light transmission level of windows on the ground floor shall be seventy per cent or greater and on all other floors the visible light transmission level shall be fifty per cent or greater.]~~ Windows shall have the highest reasonably possible visible light transmission level, while still complying with the state energy code or

- other government requirements, including those for solar heat gain coefficients; and
- (3) Applicants shall submit, for the executive director's review and acceptance, all window specifications for buildings that propose reducing the window visual light transmission level below seventy per cent at ground level and fifty per cent for all other floors.
- (i) Storefronts and windows for retail:
- (1) Applicability. This subsection applies to existing or newly proposed principal buildings used or intended to accommodate the commercial or retail uses along major boulevards, avenues, or streets in the T3, T4, and T5 transect zones, and within the Saratoga main street frontage overlay zone;
- (2) Street front elements shall have active commercial, retail, or usable public use space;
- (4) At least sixty per cent of a retail thoroughfare front element shall be transparent glazing, to allow views into the store;
- (5) 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;
- (6) Display windows shall be used on the ground floor and on upper floors of retail space; and
- (7) Building facades and side elevations shall accommodate signage for ground floor retail tenants.
- (j) Hawaiian Sense of Place. The architectural design of new development in the Kalaeloa CDD shall contribute to the district as a Wahi Ho'okela, Center for Excellence, by promoting and fostering a Hawaiian sense of place.
- (1) Physical manifestations of the Hawaiian sense of place may include, but are not limited to, traditional Hawaiian motifs, local building materials, and native landscaping.

(2) Applications for improvement and development permits shall include the following materials:

- (A) A written narrative explaining how the proposed design exhibits a Hawaiian sense of place; and
- (B) Illustrative diagrams that describe the physical features, elements, and characteristics the proposed development will employ to exhibit a Hawaiian sense of place. [Eff 10/27/12; am and comp]
(Auth: HRS §§206E-4, 206E-5, 206E-7)
(Imp: HRS §§206E-4, 206E-5, 206E-7)

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

- (1) All required yards shall be landscaped~~[+]~~, including trees where there is adequate space. Native or adapted plant species are preferred;
- ~~[-(2) New plantings shall be selected from the preferred plant species list provided in Figure 1.10 (preferred plant species), dated September 2012, made a part of this chapter, and attached at the end of this chapter;].~~
- ~~-(3)]~~ (2) Exceptional trees that are designated by the city and county of Honolulu shall be protected and preserved in place. In the case where exceptional trees conflict with prescribed standards in the rules, the exceptional tree takes precedence or shall be relocated to another area of the project site; ~~[and~~
- ~~-(4)]~~ (3) Landscaping shall have an automatic irrigation system with a rain or moisture sensor that eliminates water waste~~[-]~~ in the T3 mixed-use, T4 general urban, and T5 urban center zones;

- (4) Landscaping shall incorporate low impact development elements to the extent practicable, including but not limited to, permeable pavement, rain gardens, or other green infrastructure; and
- (5) Landscaping shall incorporate the Miyawaki method where possible. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-45 Recreation space. (a) [~~Lots within all transect zones~~] New residential development shall provide [the following recreation space:

- (1) ~~Twenty-five square feet per each 1,000 square feet of industrial use;~~
- (2) ~~Thirty-seven and a half square feet per each 1,000 square feet of commercial, office, and goods and services use; and~~
- (3) ~~Fifty-five]~~ fifty-five square feet of recreation space per dwelling unit.

(b) If the on-site recreation space is provided outdoors, it may also be used [~~to satisfy a portion of]~~ toward the open space requirements as set forth in section 15-215-46 (open space). [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

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

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

(c) For any project in the Kalaeloa CDD, [~~a minimum of twenty per cent of each lot shall be provided as open space. One third of this requirement shall be satisfied at grade, with the remaining two-thirds at any elevation;~~] open space shall be provided according to the building type requirements

in Figures BT.1 to BT.10, dated July 2024, made a part of this chapter, and attached at the end of this chapter.

(d) Up to seventy-five per cent of the land area occupied by stormwater management facilities, including retention and detention ponds and other bioretention devices, may be count towards open space requirements if designed to support passive recreational uses. Such a stormwater management facility shall:

- (1) Incorporate pedestrian elements such as walking paths, benches, and landscaping;
- (2) Be designed with gentle side slopes with not less than a 3:1 ratio of horizontal to vertical distance;
- (3) Customarily provide access to its recreational amenities; and
- (4) Be subject to a maintenance agreement approved by the executive director. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-47 Parking and loading.

(a) Applicability. This section applies to all new buildings and additions and renovations of existing buildings that increase the existing floor area by twenty-five per cent or more~~[.]~~ and where parking is provided. There are no minimum parking space requirements in the Kalaeloa CDD.

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

(c) Curb cuts for T3 ~~[general urban zone]~~ mixed-use, T4 general urban ~~[center zone]~~, and T5 urban center ~~[high intensity zone]~~ zones shall be as follows:

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

- (2) Maximum width of new curb cuts shall be twenty-five feet for a two-way driveway and twelve feet for a one-way driveway, except that driveways for front yard houses and all other detached dwellings shall be no more than ten feet in width; and
- (3) Curb cuts shall be setback a minimum of twenty-two feet from adjacent properties. Lots with less than one hundred linear feet of frontage are exempt from this provision.
- (d) Placement. Parking location shall conform with standards set forth in Figure [~~1.9 (parking),~~ 9 (parking placement)], dated [~~September 2012,~~ July 2024], made a part of this chapter, and attached at the end of this chapter.
- ~~[(e) Quantity:~~
 - ~~(1) Required number of off-street parking spaces is as follows:~~

~~Off-Street Parking~~

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

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

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

- ~~(2) When there is uncertainty as to requirements for a proposed use, the executive director will review the proposed use and determine its applicable off-street parking requirements;~~
- ~~(3) When computation of required parking spaces results in a fractional number, the number of spaces required shall be rounded to the nearest whole number;~~
- ~~(4) Every twenty-four inches of pew or bench area provided in a religious facility or other place of assembly shall be counted as seats for the purpose of determining requirement for off-street parking;~~
- ~~(5) At least fifty per cent of required parking spaces shall be standard sized parking spaces; and~~
- ~~(6) When a building includes uses incidental or accessory to a principal use, the executive director shall determine the total number of required spaces on the basis of the parking requirements for the use that creates a larger parking demand.~~
- ~~(f) Shared parking:~~
 - ~~(1) Due to the mixed-use nature of the Kalaeloa CDD and the differing peaks associated with different uses, the same parking facility may be utilized by a variety of users throughout the day. This can reduce the total number of parking spaces needed to serve the peak parking demand of the Kalaeloa CDD. The executive director may authorize shared parking based upon a finding that adequate parking or loading spaces will be provided;~~
 - ~~(2) Required parking may be adjusted downward, without the need for a variance, according to the shared parking factor of Figure 1.9 (parking), dated September 2012, made a part of this chapter, and attached at the end of~~

~~this chapter; and~~

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

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

~~(h) Aisle]~~ (e) Where parking is provided, the following aisle and space dimensions[+] shall apply:

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

~~[(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:]~~ (f) Where parking is provided, the following design guidelines shall apply:

~~[-(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)]~~ ~~Storage is permitted above all parking spaces constructed in parking garages or in parking structures;~~
- ~~(4)~~ ~~Robotic parking is permitted;~~
- ~~(5)]~~ (2) Any mechanical equipment for providing parking shall be visually screened from view at abutting thoroughfares by architectural or landscape treatments;
- ~~[(6)]~~ (3) ~~[High]~~ Strategies to minimize heat island effects shall be considered when designing surface parking lots, such as the use of large tree canopies or high albedo [concrete shall be used instead of asphalt in surface parking lots; and] materials with an initial solar reflectance value of at least 0.30, as determined in accordance with American Society for Testing and Materials (ASTM) standards E1918 or C1549; and
- ~~[(7)]~~ (4) All sources of illumination shall be shielded or incorporate full cut off fixtures to prevent any direct reflection toward adjacent premises.
- ~~[(j)]~~ (g) Landscaping for surface lots located at grade:
 - (1) Parking lot landscape requirements ~~[are]~~ include one canopy shade tree, of at least a six-inch caliper, per [twenty spaces with a minimum of one landscaped island for every ten spaces;] twelve spaces, unless obstructed by photovoltaic canopies;
 - (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) Required landscaped islands shall be at least the same size as the typical parking spaces provided;
 - (4) Landscaping and trees must be provided with a permanent irrigation system.

~~[(3)]~~ (5) Permeable surfaces for parking and maneuvering areas are permitted.

~~[(k)]~~ (h) 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)]~~ (i) Loading:

(1) The ~~[following]~~ loading space requirements in the table below shall apply:

~~[Loading Space Requirements~~

Uses	Loading Requirements	Floor Area (in square feet)
Goods and services and industrial:	one	[2,000] 0 - 10,000
	two	10,001 - 20,000
	three	20,001 - 40,000
	four	40,001 - 60,000
	one	Each additional 50,000 over 60,000
Civic, civic support and educational[,]:	one	[5,000] 0 - 10,000
	two	10,001 - 50,000
	three	50,001 - 100,000
	one	Each additional 100,000 over 100,000
Office:	one	20,000 - 50,000
	two	50,001 - 100,000
	one	Each additional 100,000 over 100,000
Multi-family dwellings and lodging:	one	20,000 - 150,000
	two	150,001 - 300,000
	one	Each additional 200,000 over 300,000]

Off-Street Loading Requirements (7/05/24)

<u>Use or Use Category</u>	<u>Floor Area (in square feet or number of units)</u>	<u>Loading Space Requirements</u>
<u>Goods and services and industrial:</u>	<u>0 - 10,000</u>	<u>one</u>
	<u>10,001 - 20,000</u>	<u>two</u>
	<u>20,001 - 40,000</u>	<u>three</u>
	<u>40,001 - 60,000</u>	<u>four</u>
	<u>Each additional 50,000 over 60,000</u>	<u>one</u>
<u>Civic, civil support, and educational:</u>	<u>0 - 10,000</u>	<u>one</u>
	<u>10,001 - 50,000</u>	<u>two</u>
	<u>50,001 - 100,000</u>	<u>three</u>
	<u>Each additional 100,000 over 100,000</u>	<u>one</u>
<u>Office:</u>	<u>20,000 - 50,000</u>	<u>one</u>
	<u>50,001 - 100,000</u>	<u>two</u>
	<u>Each additional 100,000 over 100,000</u>	<u>one</u>
<u>Multiple-family dwellings and lodging:</u>	<u>20,000 - 150,000</u>	<u>one</u>
	<u>150,001 - 300,000</u>	<u>two</u>
	<u>Each additional 200,000 over 300,000</u>	<u>one</u>

- (2) Loading space requirements shall be provided within a building, lot, or alley. Loading spaces are prohibited in thoroughfares;
- (3) When only one loading space is required and total floor area is less than 5,000 square feet, the minimum horizontal dimensions of the space shall be 19 x 8-1/2 feet, and the space shall have a vertical clearance of at least ten feet;

- (4) When more than one loading space is required, the minimum horizontal dimensions of at least half of the required spaces shall be 12 x 35 feet and have a vertical clearance of at least fourteen feet. The balance of the required spaces shall have horizontal dimensions of at least 19 x 8-1/2 feet and vertical clearance of at least ten feet;
- (5) Each loading space shall be unobstructed and shall be arranged so that any vehicle may be moved without moving the other;
- (6) Adequate maneuvering areas and access to a street shall be provided and shall have a vertical clearance not less than the applicable height for the loading space;
- (7) All loading spaces and maneuvering areas shall be paved with an all-weather surface;
- (8) Where loading areas are illuminated, all sources of illumination shall be shielded to prevent any direct reflection toward adjacent premises;
- (9) Loading spaces for three or more vehicles shall be arranged so that no maneuvering to enter or leave a loading space shall be on any public street, alley or walkway;
- (10) Each required loading space shall be identified as such and shall be reserved for loading purposes;
- (11) No loading space shall occupy required off-street parking spaces or restrict access; and
- (12) An adjustment of up to fifty per cent of the required number of loading spaces may be allowed when such spaces are assigned to serve two or more uses of a single project jointly, provided that:
 - (A) Each use has access to the loading zone without crossing any street or public sidewalk; and
 - (B) The amount of loading spaces which may be credited against the requirements for the use or uses involved shall not exceed the number of spaces reasonably

expected to be available during
differing periods of peak demand.

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

- (1) Both short-term bicycle parking and long-term bicycle parking shall be provided by the developer;
- (2) Bicycle parking shall be provided within four hundred feet walking distance of the principal entrance of the building;
- (3) Instructional signs, if applicable, shall be used to explain how to use the bicycle parking device and directional signage shall be installed when bicycle parking locations are not readily visible from entrances; and
- (4) ~~[For use classifications not specifically mentioned, requirements will be determined by the executive director based on the most similar use listed, except that Figures BT.1 to BT.3, dated September 2012, made a part of this chapter, and attached at the end of this chapter, are exempt from bicycle parking requirements.]~~ On-site bicycle storage shall meet the bicycle parking requirements of the city and county of Honolulu land use ordinance. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

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

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

- (c) Green building standards[+
~~(1) A project shall qualify for the applicable base LEED rating system in effect at the date of application, at the appropriate~~

~~certification level (e.g., new construction projects shall qualify for LEED for new construction);]~~

- (1) A project shall utilize a green building rating or certification system to assess, document, and qualify design performance in at least the base level in areas such as:
 - (A) Stormwater control;
 - (B) Water efficiency;
 - (C) Energy efficiency;
 - (D) Indoor environment;
 - (E) Site design and community integration;
 - (F) Materials;
 - (G) Project management;
 - (H) Life cycle assessment; and
- (2) The applicable base rating system shall be chosen or established by the developer based on the construction type, size, and use of the proposed project ~~[; and]~~.
- [(3) The project shall document ~~[the achievement of at least one LEED point or other comparable measure in an alternative rating system at the appropriate certification level for]~~ achievements in at least the following [credit categories:] areas (or equivalent):
 - ~~(A) [At least one LEED point in either sustainable site: stormwater design quantity control or stormwater design quality control;]~~ Stormwater control;
 - ~~(B) [At least one LEED point in either sustainable sites: heat island effect non-roof or heat island effect roof; and]~~ Heat island effects; and
 - ~~(C) [At least one point in water efficiency, water efficient landscaping.]~~ Water efficiency.

(d) Documentation. The developer shall submit documentation and sustainability calculations showing that the proposed project meets the applicable green building rating system at the appropriate certification level. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-49 Saratoga main street frontage zone development standards. (a) Active commercial design. Along Saratoga Avenue between Boxer road and Enterprise street, new commercial and retail buildings and spaces shall be designed to activate the ground-floor urban public realm, subject to the following:

- (1) Street frontage elements shall have active commercial, retail, or usable public amenities;
- (2) Commercial or retail uses shall have a minimum floor-to-floor height of 14 feet along the ground-floor frontage;
- (3) Commercial or retail uses shall have minimum of one pedestrian entrance along the street frontage accessible from a public sidewalk during normal business hours;
- (4) At least sixty per cent of a commercial, retail, or civic use front element façade along the ground-floor frontage shall consist of transparent glazing to allow views, as consistent with section 15-215-43(i) (4).

(b) Pedestrian-oriented design:

- (1) No more than twenty feet or forty per cent of a building's façade, whichever is less, may be continuous blank or featureless linear street-level frontage;
- (2) New development shall incorporate the following design elements into the street-facing façades at the ground-floor level:
 - (A) Articulated façades at the ground-floor street frontage, which may include but do not necessarily require, such measures as indentation in plane, change of materials in a complementary manner, sensitive composition and juxtaposition of openings and solid wall and/or building frame and projecting elements such as awnings and marquees to provide shade and shelter; and
 - (B) Exterior lighting which provides for a secure nighttime pedestrian environment

by reinforcing entrances, public sidewalks, and open areas with a safe level of illumination which avoids off-site glare;

- (3) New development shall incorporate pedestrian-oriented design elements such as street furniture or other seating surfaces and design amenities scaled to the pedestrian such as awnings, drinking fountains, paseos, arcades, colonnades, plazas, non-commercial community bulletin boards, public or private art and alternative paving treatments in areas of pedestrian access.
- (4) When provided, storefront security grates or grilles shall be located inside exterior windows, shall be retractable into pockets or overhead cylinders, and shall be completely concealed when retracted.
- (5) Residential uses at the ground-floor street frontage shall incorporate planted areas, porches, front stairs and/or other elements that contribute to a pedestrian environment.
- (6) Street-facing building walls shall exhibit architectural relief and detail and be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
- (7) Fences shall be constructed out of ornamental iron, steel, wood pickets, or a synthetic wood product (such as wood-filled recycled plastic lumber) and may have stucco or masonry piers. Chain link, barbed wire, vinyl, plastic, or exposed cinder block walls are prohibited within front yards.

(c) Build-to line. Along the Saratoga main street frontage overlay zone, buildings shall be constructed in accordance with the building placement standards in Figure 5 (site development standards), dated July 2024, made a part of this chapter, and attached at the end of this chapter, except to avoid adverse impacts to exceptional trees, existing prominent landscapes, or historic resources.

- (1) Entry courtyards, plazas, small parks, entries, outdoor eating and display areas, or other uncovered areas designed and accessible for public use may be located between the build-to line and the building, provided that the buildings are built to the edge of the courtyard, plaza, small park, or dining area. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-50 Ewa Plain Battlefield overlay zone development standards. (a) Proposed undertakings within the Ewa Plain Battlefield overlay zone shall adhere to the following requirements:

- (1) Project development and design shall follow the Secretary of the Interior's Standards for the Treatment of Historic Properties in accordance with 36 CFR Part 68.
- (2) Project development and design shall comply with the terms of any applicable historic covenants attached to the property.
- (b) Review and approval procedures:
 - (1) Project reviews shall be initiated through the authority's permit application processes;
 - (2) All applications shall include the supporting documentation in accordance with state HRS chapter 6E and federal regulations, as applicable;
 - (3) As applicable under HRS sections 6E-8, 6E-10 and 6E-42, the process will follow the prescribed steps and timelines;
 - (5) The authority will enforce any applicable protective covenants, and may incorporate applicable provisions into permit conditions.

~~§§15-215-49~~ §§15-215-51 to 15-215-60
(Reserved).

SUBCHAPTER 4

DISTRICT-WIDE STANDARDS

§15-215-61 Purpose. This subchapter provides standards that apply throughout the Kalaeloa CDD, except within special districts, and ~~[supplement]~~ supplements other standards provided elsewhere in the rules. [Eff 10/27/12; comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

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

(b) Applicability. The following standards shall apply to projects on large lots~~[-]~~ in the T3 mixed-use, T4 general urban, and T5 urban center zones, except for the following uses:

- (1) large utility facilities or renewable energy farms;
 - (2) commercial outdoor recreation;
 - (3) or any other single development of an entire large parcel that could not safely or appropriately allow pedestrian thoroughfares throughout. No exemption shall apply for residential projects.
- (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) Each new block shall have an alley for service and parking access; [and]
 - (6) Cul-de-sacs and dead-end streets are not permitted unless they allow for future connections[-]; and
 - (7) Where provided, parking access and design shall be provided as per section 15-215-47 (parking and loading); however, land uses listed in section 12-215-62(b), above, are not required to locate parking in the third layer as shown in Figure 9 (parking placement), dated July 2024, made a part of this chapter, and attached at the end of this chapter. All other requirements of section 15-215-47 (parking and loading) shall remain in full effect.
- (d) New buildings:
 - (1) New buildings are permitted as indicated by the building types allocated to each transect[+] except as listed in section 12-215-62(b), above;
 - (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 shall incorporate mid-block pedestrian passageways and courtyards at least every three hundred feet. Where passageways are utilized, they shall connect through the block, across existing alleys if necessary, to other passageways, to mid-block crossings, or thoroughfares for greater street grid connectivity;

- (5) When a building includes a courtyard, the courtyard shall have a minimum dimension of forty feet deep and thirty-five feet wide along the street side;
- (6) The required mid-block pedestrian passageway or courtyard shall not abut an alley; and
- (7) For large lots that abut other lots not subject to a permit application, an alley of at least twenty-six feet in width must be provided at the edge of the lot that is adjacent to the other lots to ensure access by vehicles and access to light and air of the other lots. An alternative proposal for this requirement may be considered as long as it meets the intent of providing light, room, and air to neighboring lots.
- (e) Utilities. On-site distribution utilities shall be buried underground, to the maximum extent practicable.
- (f) Large utility installations:
 - (1) Arrays of renewable energy generating units are permitted in all transect zones and special districts within the Kalaeloa CDD;
 - (2) Where arrays of renewable energy generating units are located in T4 general urban and T5 urban center zones, they must be sited so as not to be visible from the primary thoroughfare. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-63 Historical and cultural sites.

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

(b) [~~Prior to the submittal of any permit application to the authority, a developer shall obtain~~

a] In accordance with sections 6E-8, 6E-10, and 6E-42, HRS, as amended from time to time, developers of new projects or projects proposing alterations to historic or culturally significant sites shall consult with the department of land and natural resources, state historic preservation division ("SHPD"), to allow an opportunity for review of the effect of the proposed project on any historic properties or burial sites.

(c) A written letter of concurrence from SHPD or adequate documentation which confirms that the developer has complied with [all] applicable SHPD review requirements[. A copy of such letter], such as section 6E-10, HRS, shall be included with [the] permit [application.] applications to the authority, as appropriate.

(d) Pursuant to the implementing regulations of section 13-284-3, HAR, and section 106 of the National Historic Preservation Act, as applicable, the applicant shall submit, to the executive director for review, documentation of the following historic preservation review steps:

- (1) Historic site identification and inventory;
- (2) Evaluation of significance;
- (3) Effects determination;
- (4) Mitigation commitments;
- (5) Detailed mitigation plan; and
- (6) Verification of completion of detailed mitigation plan.

(e) In accordance with section 13-284-3, HAR, if the SHPD fails to send written comments within the set time, or by a mutually agreed upon date, then the SHPD is presumed to concur with the agency's submittal.

(f) The historic preservation review process ends when:

- (1) The authority and SHPD agree that adequate procedures have been taken to determine if historic properties are likely to be present in the project area, and no historic properties are found to be present or historic properties are considered unlikely to be present;
- (2) The authority and SHPD agree that the project shall have "no historic properties affected"; or
- (3) The authority and SHPD agrees to a detailed

mitigation plan to handle an effect to significant historic properties that are present, and this plan is verified by the authority or SHPD to have been successfully executed.

(g) All historic or culturally significant properties shall be properly maintained and kept in good repair.

(1) Protective measures for historic resources shall be provided during grounds maintenance activities, i.e., vegetative and debris removal; and

(2) Protective measures for historic resources shall be provided during construction activities.

(h) Project development and design shall comply with the terms of the applicable historic covenants attached to the property. [Eff 10/27/12; am and comp _____] (Auth: HRS §§206E-7, 206E-194) (Imp: HRS §§206E-7, 206E-194)

§15-215-64 [Dedication of public facilities]
Public facilities dedication of land or fee.

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

(b) Dedication requirement. As a condition precedent to the issuance of an improvement permit or development permit, the developer shall agree to

dedicate land or a commensurate fee amount for public facilities. The dedication of land or fee 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. Future reductions in floor area for an approved project does not retroactively reduce the required dedication credits previously approved by the Board.

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

- (1) For improvement permit applications, the executive director or authority, as applicable, 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 to combine the payment of fee with land to be dedicated. The total value of such combination shall ~~be~~ not be less than the value of land which would otherwise have had to be dedicated.

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

- (1) Three per cent of the total commercial or industrial floor area;
- (2) Four per cent of the total residential floor area exclusive of floor area devoted to reserved housing units and their associated common areas in proportion with the floor area of other uses; and
- (3) If the area of land approved for dedication is less than the land area required under subsection (d)(1) and (2) above, the developer shall be required to pay a fee

equal to the fair market value of the land area which is the difference between the land area dedicated and the land area required under subsection (d) (1) and (2) above.

- (e) Payment timing and use of funds:
 - (1) Authorized in-lieu fees shall be payable prior to [~~the issuance of the initial certificate of occupancy~~] the authority sign-off on any building or grading permit and secured by the developer with a financial guaranty bond from a surety company authorized to do business in Hawaii, an acceptable construction set-aside letter, or other acceptable means prior to the issuance of the initial building permit; and
 - (2) Payment of fees shall be made to the authority for deposit in the authority's revolving fund established under section 206E-195, HRS.

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

- (1) Valuation shall be based upon the fair market value of the land as though vacant and unimproved on the date the developer's application for an improvement permit or development permit is deemed complete pursuant to section 15-215-83 (completeness review) [~~7~~]; or as agreed to by the developer and the executive director if an improvement permit, or the developer and authority if a development permit[~~7~~ and] or improvement permit on authority-owned land;
- (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[~~7~~] and improvement permits on authority-owned land,

- and the third shall be appointed by the first two appraisers.
- (3) 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.
 - (4) ~~[The two appraisers shall appoint a third appraiser, and in case of their failure to do so]~~ If the first two appointed appraisers fail to appoint a third appraiser 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.
 - (5) The appraisers shall determine the fair market value of the land as though vacant and unimproved on the date the developer's application for an improvement permit or development permit is deemed complete pursuant to section 15-215-83 (completeness review).
 - (6) 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.
 - (7) 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 10/27/12; am and comp _____] (Auth: HRS §§206E-7, 206E-12) (Imp: HRS §§206E-7, 206E-12)

§15-215-65 Joint zone development. Where a project [~~is proposed within~~] will include land that is located in more than one transect zone, the allocation of uses and FAR shall be in proportion to that which is permitted within each zone. The [~~location of those uses~~] FAR within the project need not comply with the zone boundaries. However, all other building form provisions such as height, parking location and building placement shall conform to their respective zone boundaries. [Eff 10/27/12; am and comp _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§§15-215-66 to [~~15-215-76~~] 15-215-73 (Reserved).

SUBCHAPTER 5

PROCEDURES

§15-215-74 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, transect zones and thoroughfare plan), including section 15-215-23, subchapter 3 (general development standards), including section 15-215-40, and, where applicable, those relating to section 15-215-89 (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 (approval requirements), dated July 2024, 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] (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)

§15-215-75 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 a temporary use permit by filing an application with the executive director.

(c) Action. In accordance with Figure 1 (approval requirements matrix), dated July 2024, 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 of approval. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

~~§15-215-77~~ **§15-215-76 Rules clearance.** (a) Applicability. Any uses, structures, and activities identified by section ~~[15-215-77(b)]~~ 15-215-76(b) below ~~[on a lot 40,000 square feet or less shall]~~ may be issued a rules clearance approval when they are in compliance with the setback requirements, height limits, and all other applicable standards of ~~[the Kalaeloa CDD rules.]~~ subchapter 2 (regulating plan, transect zones, and thoroughfare plan), subchapter 3 (general development standards), subchapter 4 (district-wide standards), and, where applicable, those relating to section 15-215-89 (nonconformities);

(b) Qualifying land uses, structures and activities. The following are eligible for issuance of a rules clearance~~[+]~~ when in compliance with section 15-215-76(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 15-215-43 (architectural standards);
- (3) Interior alterations. Interior alterations or changes in use that do not increase the gross floor area of the structure~~[, or change the permitted use of the structure];~~
- (4) Repairs and maintenance:
 - (A) Single-family dwellings. Ordinary nonstructural repairs to, and maintenance of, single-family dwellings; or
 - (B) Multi-family residential and non-residential structures. Ordinary non-structural repairs to, and maintenance

of multi-family residential and non-residential structures, if:

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

(ii) Any exterior repairs employing the same or similar materials and design as the original construction[+] and;

(C) Structures of all other uses, if:

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

(ii) Any exterior repairs employing the same or similar materials and design as the original construction.

- (5) Small, portable residential accessory structures. A single portable structure of one hundred twenty square feet or less per lot or unit, including pre-manufactured storage sheds and other small structures that are exempt from having to obtain a building permit from the city and county of Honolulu and in compliance with the applicable building code. Additional structures may be approved in compliance with section 15-215-43 (architectural standards), where allowed by the applicable zone;
- (6) Spas, hot tubs, and fish ponds. Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that do not exceed one hundred twenty square feet in total area including related equipment; contain more than [~~2,000~~] two-thousand gallons of water; or exceed two feet in depth;
- (7) Open space and parks. Any improvement project over, upon, under or across any public open space or park; [~~and~~]
- (8) [~~Any public project.~~] Private utility improvements or repairs for existing

- structures; and
- (9) Any public utility project.
 - (10) Minor site improvements, such as landscaping or reconfiguration of a parking lot.

(c) Action. In accordance with Figure ~~[1.1]~~ 1 (approval ~~[requirements matrix]~~, requirements), dated ~~[September 2012]~~, July 2024, made a part of this chapter, and attached at the end of this chapter, the executive director shall approve all rules clearance applications consistent with this section after receipt of a complete application and payment of the requisite fee.

(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 15-215-76(a); and
- (2) Changes in use that are still permitted under section 15-215-40 (land use). [Eff 10/27/12; ren 15-215-77 and am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-77.5 Renovation permit.

(a) Applicability. Any renovation project for an existing building, including uses, structures, and activities identified by section 15-215-77.5(b) that comply with the setback requirements, height limits, and all other applicable standards and, where applicable, those relating to section 15-215-89 (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 15-215-77.5(a):

- (1) Interior alterations, improvements, and modifications of an existing structure that increase floor area by not more than twenty-five per cent of the building floor area as originally constructed, but not to exceed thirty-five thousand square feet; and

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

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

(d) Action. In accordance with Figure 1 (approval requirements), dated July 2024, 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)

§15-215-78 Improvement and development permits.

(a) Applicability. All new improvement and development projects [~~and developments~~] shall require a permit.

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

(c) Types. There shall be two types of permits: improvement permits and development permits. Each type shall be subject to the decision-maker review and action pursuant to Figure [~~1.1~~] 1 (approval [~~requirements matrix~~],) requirements), dated [~~September 2012,~~] July 2024, made a part of this chapter, and attached at the end of this chapter[~~+~~].

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

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

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

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

- (1) KMP consistency. That the proposal complies with and advances the goals, policies and objectives of the KMP;
- (2) Kalaeloa CDD rules compliance. That the proposed project complies with the Kalaeloa CDD rules; ~~and~~
- (3) Compatibility. That the proposal ~~[will not have a substantial adverse effect on surrounding land uses and]~~ will be compatible with the existing and planned land use character of the surrounding area~~[-]~~;
- (4) Adverse effects. That the proposal will not have a substantial adverse effect on physical, biological, cultural, and historic resources;
- (5) Native Hawaiian rights or practices. That any impacts to traditional and customary Native Hawaiian rights or practices which are present in the project area have been identified, considered, and reasonably protected; and
- (6) Climate adaptation. The proposal has considered climate change, sea level rise, and climate-resilient development in the design and siting of buildings.

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

~~(g) DAB.~~] (f) Design advisory board. The executive director may convene a ~~[DAB]~~ design advisory

board prior to acting on an improvement or development permit application. Where an application has been referred to the authority for review and action under section 15-215-78(g), or when reviewing a development permit application, the authority may convene a [DAB] design advisory board whether or not the executive director has done so previously]:

- (1) Composition. The [DAB] design advisory board shall be comprised of the following members:
 - (A) [Kalaeloa CDD's] The authority's director of planning and development or designee[+];
 - (B) [one] One member of the authority[+];
 - (C) [and one] One or more technical consultants (e.g., architect, landscape architect, engineer[+], or cultural consultant with specialized expertise in native Hawaiian cultural issues) 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 [developer] applicant shall compensate the authority for all costs relating to the participation of technical consultants in the [DAB.] design advisory board. Prior to retaining technical consultants, the executive director shall consult with the [developer] applicant on their fees and work scope; provided, however, that the executive director may exercise sole discretion to accept or reject the [developer's] 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] design advisory board shall provide only non-binding recommendations to the executive [director or, in the case of referral under section 15-215-78 (improvement and development permits), to the authority.] director.

(g) Authority referral. The executive director may refer an improvement permit application to the

authority for review and action. Where a design advisory board has been or will be convened, the design advisory board shall review the application and provide its non-binding recommendations to the authority. [Eff 10/27/12; am and comp]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-79 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 considered unique. Every conditional use permit application or amendment shall, at a minimum, comply with every requirement contained in each subchapter of these rules. Mere compliance with the generally applicable requirements, however, ~~[may]~~ might not be sufficient, and additional measures and conditions ~~[may]~~ might be necessary to mitigate the impact of the proposed development.

(b) Applicability. ~~[Uses are as]~~ All uses designated as conditional use in Figure [1.7] 7 (land [use summary],) use), dated ~~[September 2012,]~~ July 2024, 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 are subject to authority review and action pursuant to Figure ~~[1.1] 1~~ 1 (approval ~~[requirements matrix],~~ requirements), dated ~~[September 2012,]~~ July 2024, made a part of this chapter, and attached at the end of this chapter.

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

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

- (2) The use will conform to the KMP;
- (3) The design, location, size and operating characteristics of the proposed use are compatible with the existing and future uses in the vicinity;
- (4) The site is physically suitable for the type, density and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and
- (5) Granting the permit would not be detrimental to the public health, safety, or welfare, or be materially injurious to persons, lots, or improvements in the vicinity and zone in which the lot is located.

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

- (1) Financing and availability of adequate public facilities or services;
- (2) Dedication of land;
- (3) Reservation of land;
- ~~[(4) Payment of exactions;~~
- ~~(5)]~~ (4) Impact fees;
- ~~[(6)]~~ (5) Creation of special assessment districts;
- ~~[(7)]~~ (6) Creation of restrictive covenants or easements;
- ~~[(8)]~~ (7) Special setbacks;
- ~~[(9)]~~ (8) Yard requirements;
- ~~[(10)]~~ (9) Increased screening or landscaping requirements;
- ~~[(11)]~~ (10) Area requirements;
- ~~[(12)]~~ (11) Development phasing;
- ~~[(13)]~~ (12) Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics; or
- ~~[(14)]~~ (13) Require that a performance guarantee - acceptable in form, content, and amount to

the authority be posted by the developer to ensure continued compliance with all conditions and requirements as may be specified.

(f) Initiation. A developer may apply for a conditional use permit by filing an application with the executive director and payment of the requisite fee. [Eff 10/27/12; am and comp]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

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

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

- (1) The proposed use is [~~a~~] permitted by right or by conditional use permit within the applicable transect zone [~~except:~~], with the following exceptions:
 - (A) Open or uncovered temporary parking at grade may be permitted in all transect zones; whether paved or unpaved; and
 - (B) Construction sites, special trade construction and storage yards may be permitted in all transect zones where a [~~six-foot~~] screening wall or fence is erected along all public rights-of-way. The screening wall or fence shall meet the requirements of section 15-215-43(c);
- (2) [~~The maximum duration of the use is for a two-year period and the executive director may issue one extension of up to two years if the use was initially allowed;~~] A conditional use of vacant land permit may be granted an effective period of up to two years. Upon written request, the executive director may authorize up to two extensions of two years each, for a total maximum duration of six years;
- (3) The density and height of any proposed temporary structure does not exceed the

maximum density and height for the applicable transect zone;

- (4) The project conforms to the setback and landscaping requirements of this chapter, except for project lots where a screening wall or fence not exceeding six feet in height is erected between the property line and the build-to-line along all public ~~[right-of-way;]~~ rights-of-way;
- (5) The project conforms to the architectural standards of this chapter; and
- (6) The proposed use in no way prevents or delays the future development of the lot.

(b) In addition to the design controls listed in this section, the executive director may impose additional conditions to ensure that the ~~[conditional]~~ temporary use does not adversely affect adjacent lots and the appearance of the Kalaeloa CDD. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

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

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

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

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

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

Variances are subject to authority review and action, in accordance with section 206E-4.1, HRS.

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

~~[(5)]~~ (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 this section, ~~[there must also be]~~ 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 7 (land use), dated July 2024, 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 ~~[in order to grant approval for a variance involving a new building or substantial modification to an existing building providing for a civic land use classification of Figure 1.7 (land use summary), dated September 2012, made a part of this chapter, and attached at the end of this chapter.]~~.

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

- (1) Change of transect zone; or
- (2) Deletion of any thoroughfare identified in the thoroughfare plan~~[+]~~ in the Kalaeloa master plan;
- ~~[-(3)]~~ Figure 1.12 (view corridors), dated September 2012, made a part of this chapter, and attached at the end of this chapter.]
- ~~-(4)]~~ (3) Land use classifications as allocated to transect zones in Figure 2 (regulating plan) and Figure 7 (land use), both dated July 2024, made a part of this chapter, and attached at the end of this chapter;
- (4) Any building types and frontage types not allocated to neighborhood zones; and
- (5) 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~~] how the [~~developer~~] 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 project's relationship to the surrounding context;
 - (4) A justification for the proposed variance in light of the requirements set forth above; and
 - (5) Any other information as may be required by the decision-maker.
- (h) Conditions of approval. In approving a variance, the decision-maker may impose any reasonable conditions to ensure that the project complies with the section 15-215-81(d) (findings). [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-82 Master plan. (a) Purpose. The provisions of this section are intended to encourage investment in new development and commitment to the comprehensive planning of large land holdings. A further purpose of this section is to derive public benefits, such as reserved housing, open space, public parking, mobility hubs, 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~~] exceeding twenty acres in T3 [~~general urban~~] mixed-use, T4 general urban [~~center~~], and T5 urban center [~~high intensity~~] zones are eligible to apply for a master plan permit.

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

- (1) Plans and supporting information sufficient to clearly indicate the pattern and implications of development within the

- master plan area;
- (2) Proposed development phasing and timeframe;
 - (3) Proposed number, location, type and size of reserved housing;
 - (4) Proposed public facility improvements;
 - (5) A thoroughfare plan that ensures adequate connectivity within the master plan area. The thoroughfare plan shall provide information on appropriate street types within the master plan area. Continuous street connections within the master plan area shall be provided at least every 1,200 feet; and
 - (6) Such other information as may be required by the executive director or authority.
- (d) Findings. The authority shall make the following findings of fact, ~~[in order]~~ to approve a master plan permit:
- (1) That the master plan implements and is consistent with the KMP and Kalaeloa CDD rules; and
 - (2) That the master plan will either enhance or provide required public facilities, as provided for in section 15-215-64 (dedication of public facilities).
- (e) Public facilities. All public facilities above those required by these rules and other administrative rules of the authority may be voluntarily offered by the master plan applicant.
- (f) Effective period and time extension:
- (1) A master plan may be granted an effective period of up to ten years; and
 - (2) The authority may authorize two ~~[time extension]~~ extensions, of five years each~~[-]~~, for a total maximum duration of twenty years.
- (f) 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 agreement that survives the expiration of the master plan, until any remaining unsatisfied obligations are completed. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-83 Completeness review. (a) Purpose.

The purpose of the completeness review is to determine whether or not all required information is provided in a permit application. A completeness review shall not constitute a decision as to whether an application complies with the provisions of the rules.

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

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

(d) Jurisdiction. All applications shall be reviewed by the executive director or designee 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~~] authority or required for proper assessment of the request as determined in the executive director's sole discretion. Once accepted for filing, the executive director's final determination on completeness of an application is appealable to the authority pursuant to section 15-215-86 (appeals).

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

(f) Multiple permit approvals. When a proposed project requires more than one permit approval, the [~~developer~~] 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 [~~business~~] working

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

- (2) If the application requires review by any other local, state, or federal agency or entity, the executive director may require the written comments from such agency or entity prior to deeming the application complete, and until such time that the executive director receives all such comments, the forty-five day period shall be tolled;
- (3) Upon receipt of any application that has been resubmitted, a new forty-five day period shall begin, during which period the executive director shall determine the completeness of the application;
- (4) If the 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 15-215-86, (appeals). If the authority does not render a decision on the appeal within [~~sixty~~] 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 a [~~developer~~] 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. Automatic approvals, however, 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 business day, in which event the period runs until the next business day that is not a State holiday.

(i) Information requests. After the executive director issues a certificate of completeness or deemed as complete per [this section,] section 15-215-83 (completeness review), the executive director or authority may, in the course of processing the application, request the developer to clarify, amplify, correct, or otherwise supplement the information required for the application, if such would be required by the decision-maker to render a final determination on the merits. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-84 Automatic approvals. (a) The following permits shall be deemed approved if a certificate of completeness has been issued, any applicable hearings have been held, and no decision ~~[is]~~ has been rendered within the ~~[following]~~ review periods~~[+]~~ in the table below:

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

Automatic Approvals Duration (7/05/24)

<u>Rule</u>	<u>Permit</u>	<u>Duration</u>
<u>§15-215-74</u>	<u>Zoning clearance</u>	<u>60 calendar days</u>
<u>§15-215-75</u>	<u>Temporary use permit</u>	<u>60 calendar days</u>
<u>§15-215-76</u>	<u>Rules clearance</u>	<u>60 calendar days</u>
<u>§15-215-77.5</u>	<u>Renovation permit</u>	<u>90 calendar days</u>
<u>§15-215-78</u>	<u>Improvement permit</u>	<u>120 calendar days</u>
<u>§15-215-78</u>	<u>Development permit</u>	<u>180 calendar days</u>
<u>§15-215-79</u>	<u>Conditional use permit</u>	<u>180 calendar days</u>
<u>§15-215-80</u>	<u>Conditional use of vacant land</u>	<u>90 calendar days</u>
<u>§15-215-81</u>	<u>Variance</u>	<u>180 calendar days</u>
<u>§15-215-82</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 15-215-83.

(c) Whenever a proposed project requires more than one permit, the longest review period of section 15-215-84(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 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-85 [Effective] Approval validity period.

(a) Rules clearance, renovation permits, temporary use permits, and zoning clearance approvals shall have an effective period of one year.

(b) Improvement permits, development permits, conditional use of vacant land, conditional use

permits and variance approvals shall have an effective period of two years, unless extended under these rules.

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

(d) ~~Prior to expiration [and upon submittal of a written request and payment of the applicable filing fee, the],~~ a written request to extend an improvement or development permit may be submitted with the applicable filing fee indicated in section 15-215-91. An improvement permit may be extended by the executive director for a period of up to one year. The executive director may authorize up to two [time] extensions [of one year each] for improvement permits. Development permits, or improvement permits for projects on lands owned by the authority, conditional use permits, and variance approvals may be extended by the authority for a period of up to one year. The authority may authorize two [time] extensions [of one year each] for development permits[-] or improvement permits for projects on lands owned by the authority, conditional use permits, and variance approvals.

(e) In computing the effective 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 (including extensions), a new permit will be required.

(g) Improvement permits, development permits, temporary use permits, conditional use permits and variance approvals shall be deemed to run with the land from the effective date of the permit through any change of ownership of the site, except in the case where a permit expires and becomes void. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-86 Appeals. (a) Decisions of the executive director rendered in the administration of the rules are appealable within thirty calendar days of the executive director's decision, as provided herein, to the authority~~[-]~~ (see Figure 1 (approval requirements), dated July 2024, 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]~~ the executive director's discretion.

(c) All appeals of a decision by the executive director shall be filed and processed in accordance with the authority's rules of practice and procedure~~[.]~~, chapter 219 Hawaii Administrative Rules. [Eff 10/27/12; comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-87 Subsequent applications. If an improvement permit, development permit, ~~[conditional] temporary use [of vacant land] permit, renovation 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 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-88 Minor changes. (a) After final approval of a ~~[rules clearance, improvement permit, development permit, conditional use of vacant land permit, conditional use permit, master plan permit or variance,]~~ permit, 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:] application, 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:

- (1) Administrative corrections to typographical errors, names, or mailing addresses; 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) [~~Increase~~] Materially increase the number of allowable dwelling units, [~~allowable~~] floor area, height, or any additional land-use disturbance;
- (2) Introduce different land uses;
- (3) Request larger land area;
- (4) Request any variance[~~+~~] or increase an approved variance;
- (5) Allow any diminution in buffer or transition areas, reduction in landscaping, reduction of required yards, or any significant 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) 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 Kalaeloa master 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 Kalaeloa master plan.

~~(b)~~ (g) Any other change requests which do not qualify under section 15-215-88 (minor changes) shall

require the filing of a new application of the original type of permit required, to be processed in accordance with this subchapter. Determination of whether proposed changes require the filing of a new application or qualify as a minor change is within the sole discretion of the executive director. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-89 Nonconformities. (a) Applicability.

This section applies to nonconformities, including their continuation, cessation, enlargement, or expansion. There are two categories of nonconformities: uses and structures.

(b) Continuation. A nonconformity that was lawfully operated, established, or commenced in accordance with the provisions of the applicable statutes or regulations in effect at the time that it was established, but which is no longer permitted or authorized under these rules, may continue subject to the provisions of this section.

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

(d) Nonconforming uses:

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

(2) Changes of nonconforming use:

(A) Any nonconforming use may be changed to a use conforming with the rules established for the transect zone in

which the nonconforming use is located; provided, however, that a nonconforming use so changed shall not in the future be changed back to [a] the original or another nonconforming use;

- (B) A nonconforming use may only be expanded under the provisions of section 15-215-89(f) (nonconformities); and
 - (C) If a nonconforming use is abandoned for twelve consecutive months, any future use of such premises shall be in conformity with the provisions of the rules. Abandonment of a nonconforming use shall terminate the right to continue the nonconformity
- (e) Nonconforming structures:
- (1) Continuance of nonconforming structures. Subject to the provisions of section 15-215-89(b) (nonconformities) any nonconforming structure may be occupied, operated, and maintained in a state of good repair[+]. Permitted maintenance on nonconforming structures includes work on exterior façades, roofs, railings, gutters, and other maintenance activities that do not increase any nonconformities;
 - (2) Enlargement, conforming use. A nonconforming structure in which only lawfully permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all regulations established in subchapter 2 (regulating plan, transect zones and thoroughfare plan), subchapter 3 (general development standards), and subchapter 4 (district wide standards);
 - (3) Enlargement, nonconforming use. A nonconforming structure in which only nonconforming uses are operated may be enlarged or extended if:
 - (A) The enlargement or extension can be made in compliance with all provisions of subchapter 2 (regulating plan, transect zones and thoroughfare plan),

- subchapter 3 (general development standards) and subchapter 4 (district wide standards); and
- (B) The requirements of section 15-215-89(f) (nonconformities) are met;
- (4) Enlargement, limited up to twenty-five per cent of the floor area. A nonconforming structure may be altered or enlarged without compliance with all provisions of subchapter 2 (regulating plan, transect zones and thoroughfare plan), subchapter 3 (general development standards) and subchapter 4 (district wide standards), provided that:
- (A) The floor area of the proposed construction does not exceed twenty-five per cent of the floor area of the structure as it legally existed on ~~[October 27, 2012,]~~ _____, excluding proposed demolitions;
- (B) The proposed construction does not encroach into a frontage area;
- (C) The proposed construction does not increase the nonconformity of the structure; and
- (D) The proposed construction does not adversely affect neighboring properties; and
- ~~[(D) The parking requirements of this chapter are satisfied for the area proposed to be constructed;]~~
- (E) The area created by the proposed construction is a permitted use;
- (5) Damage to structures. The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure is damaged in any manner and from any cause whatsoever, and the cost of repairing such damage exceeds fifty per cent of the replacement cost of such structure on the date of such damage.
- (A) 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~~[7]~~; and

(B) The executive director shall require the submission of sufficient evidence to verify the cost of repairing such structure and the final determination of replacement cost shall be made by the executive director.

~~[A nonconforming single-family dwelling unit that is destroyed or damaged more than fifty per cent of the replacement cost may be rebuilt, provided that a permit is issued within one year of the date of such damage or destruction. The executive director shall require the submission of sufficient evidence to verify the date of damage or destruction; and]~~

- (6) Exception for repairs pursuant to public order. Nothing in this subsection shall be ~~[deemed to prevent]~~ construed as preventing 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]~~ restored to a safe condition~~[7]~~; 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 ~~[October 27, 2012]~~ _____, unless a conditional use permit has been granted as set forth in section ~~[15-217-81]~~ 15-215-79 (conditional use permit); and
- (2) Evaluation criteria. In addition to the criteria required to be met for a

conditional use permit under
section 15-215-79 [~~conditional use permit~~], the following criteria shall apply to the issuance of a conditional use permit for the expansion of a nonconforming use or structure:

- (A) The termination of such nonconformity will result in unnecessary hardship[~~+~~] that is not solely economic or financial;
- (B) The expansion of the nonconformity will not be contrary to the public interest;
- (C) The expansion of the nonconformity will not substantially or permanently injure the appropriate use of adjacent conforming property;
- (D) The use is consistent with the spirit and purpose of these regulations and the KMP and goals, objectives, and policies;
- (E) The plight of the developer for which the expansion of the nonconformity is sought is due to unique circumstances existing on the property and within the surrounding area;
- (F) The expansion of the nonconformity will not substantially weaken the general purposes of this section or the regulations established in this section for the applicable transect zone;
- (G) The expansion of the nonconformity will not adversely affect the public health, safety[~~, and~~] or welfare; and
- (H) Nonconforming [~~parking and~~] loading may be continued, subject to the following provisions:
 - (i) If there is a change in use which has a greater [~~parking or~~] loading requirement than the former use, additional [~~parking and~~] loading shall be required and shall not be less than the difference between the requirements for the former use and the proposed use; and

- (ii) ~~[Off-street parking and loading]~~
Loading requirements of this section shall be satisfied for additional floor area constructed. [Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-215-90 Violations and enforcement. All provisions relating to violations of these rules and enforcement of said violations are provided in the ~~[Hawaii community development]~~ authority's rules of practice and procedures. [Eff 10/27/12; comp] (Auth: HRS §§206E-4, 206E-22) (Imp: HRS §206E-22)

§15-215-91 Fee schedule. The following fee schedule shall be applicable to all permits, ~~[rule clearance,]~~ rules clearances, variances, and public hearings.

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

Permit Fee Schedule (7/05/24)

<u>Rule</u>	<u>Permit</u>	<u>Fee Amount</u>
<u>§15-215-74</u>	<u>Zoning clearance</u>	<u>\$50</u>
<u>§15-215-75</u>	<u>Temporary use permit</u>	<u>\$50</u>
<u>§15-215-76</u>	<u>Rules clearance</u>	<u>\$50</u>
<u>§15-215-77.5</u>	<u>Renovation permit</u>	<u>\$50</u>
<u>§15-215-78</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 greater than 10,001 sf: \$500</u>
<u>§15-215-78</u>	<u>Development permit</u>	<u>\$6,400 plus the cost of public hearing</u>
<u>§15-215-79</u>	<u>Conditional use permit</u>	<u>\$500 plus the cost of public hearing</u>
<u>§15-215-80</u>	<u>Conditional use of vacant land</u>	<u>\$50</u>
<u>§15-215-81</u>	<u>Variance</u>	<u>\$500 plus the cost of public hearing</u>
<u>§15-215-82</u>	<u>Master Plan permit</u>	<u>\$10,000 plus the cost of public hearing</u>
<u>§15-215-85 (d)</u>	<u>Extension of improvement or development permit</u>	<u>\$25 per one-year extension</u>
<u>§15-215-88</u>	<u>Administrative Amendment</u>	<u>\$100</u>

Public hearing costs include, but are not limited to, court recorder fees and public notice publication fees (as per section 15-219-27 and section 15-219-28).
[Eff 10/27/12; am and comp] (Auth: HRS §§206E-4, 206E-22) (Imp: HRS §206E-22)

§15-215-92 Joint development of two or more adjacent zoning lots. (a) Whenever two or more lots are developed in accordance with the provisions of this section, they shall be considered and treated as one "development lot" for purposes of this chapter. The maximum building height and density shall be calculated on the basis of the combined land area of all lots being included in the "development lot."

(b) Owners, duly authorized agents of the owners, or duly authorized lessees, holding leases with a minimum of thirty years remaining in their terms, of adjacent lots, or lots directly facing each other but separated by a street, may undertake such a joint development, subject to review by the executive director.

(c) To undertake such a joint development, the landowners, duly authorized agents of the owners, or lessees shall submit an agreement for review by the executive director that binds themselves and their successors in title or lease, individually and collectively, to maintain the pattern of development proposed in such a way that there will be conformity with applicable zoning rules. The right to enforce the agreement shall also be granted to the authority or executive director, as the case may be.

(d) If it is found that the area involved is compact, regular, or logical, and that the proposed agreement assures future protection of the public interest and is consistent with the intent of the Kalaeloa master plan, the request may be approved. Upon approval, the agreement, which shall be part of the conditions of development, shall be filed as a covenant running with the land with the bureau of conveyances or the assistant registrar of the land court. [Eff] (Auth: HRS §§206E-4, 206E 5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E 7)

~~[[§15-215-92]~~ §§15-215-93 to 15-215-110
(Reserved)."

List of Figures

~~[September 2012]~~ (7/05/24)

General Figures:

[1.1]	<u>1</u>	Approval Requirements [Matrix]
[1.2]	<u>2</u>	Regulating Plan
[1.3]		Development Standards Summary
1.4]	<u>3</u>	Thoroughfare Plan
<u>4</u>		<u>Building Development Standards</u>
<u>5</u>		<u>Site Development Standards</u>
[1.5]	<u>6</u>	Street [Tree Chart] <u>Trees</u>
[1.6]		Frontage Types
1.7]	<u>7</u>	Land Use
[1.8]	<u>8</u>	Building Placement and [Encroachment] <u>Encroachments</u>
[1.9]	<u>9</u>	Parking <u>Placement</u>
[1.10]		Preferred Plant Species
1.11]	<u>10</u>	<u>Illustrative Pedestrian Zone Treatment</u>
[1.12]		View Corridors]
<u>11</u>		<u>Illustrative Pedestrian Zone Fixtures</u>

Building Type Figures:

BT.1	Front Yard House
BT.2	Side Yard House
BT.3	Townhouse
BT.4	[Duplex/Triplex/Quadplex] <u>Duplex, Triplex,</u> <u>and Quadplex</u>
BT.5	Flex - Loft
BT.6	Industrial <u>Barn</u>
BT.7	Courtyard
BT.8	Urban Block
BT.9	Lei Building
<u>BT.10</u>	<u>Tropical Urban Court</u>

Frontage Type Figures:

<u>FT.1</u>	<u>Lanai and Front Yard Frontage</u>
<u>FT.2</u>	<u>Stoop Frontage</u>
<u>FT.3</u>	<u>Dooryard Frontage</u>
<u>FT.4</u>	<u>Forecourt Frontage</u>
<u>FT.5</u>	<u>Shopfront Frontage</u>
<u>FT.6</u>	<u>Terrace Frontage</u>
<u>FT.7</u>	<u>Raised Terrace Frontage</u>
<u>FT.8</u>	<u>Gallery Frontage</u>

FIGURE 1: APPROVAL REQUIREMENTS MATRICES

Rule	Development Approvals	Decision Maker	
		Executive Director	Authority
§15-215-74	Zoning clearance	Decision	Considers Appeal
§15-215-75	Temporary use permit	Decision	Considers Appeal
§15-215-76	Rules clearance	Decision	Considers Appeal
§15-215-77.5	Renovation permit	Decision	Considers Appeal
§15-215-78	Improvement permit	Decision	Considers Appeal
	Improvement permit on lands owned by the Authority	Recommends Action	Decision
	Development permit	Recommends Action	Decision
§15-217-79	Conditional use permit	Recommends Action	Decision
§15-215-80	Conditional use of vacant land	Decision	Considers Appeal
§15-215-81	Variance	Recommends Action	Decision
§15-215-82	Master Plan	Recommends Action	Decision

July 2024

FIGURE 2: REGULATING PLAN

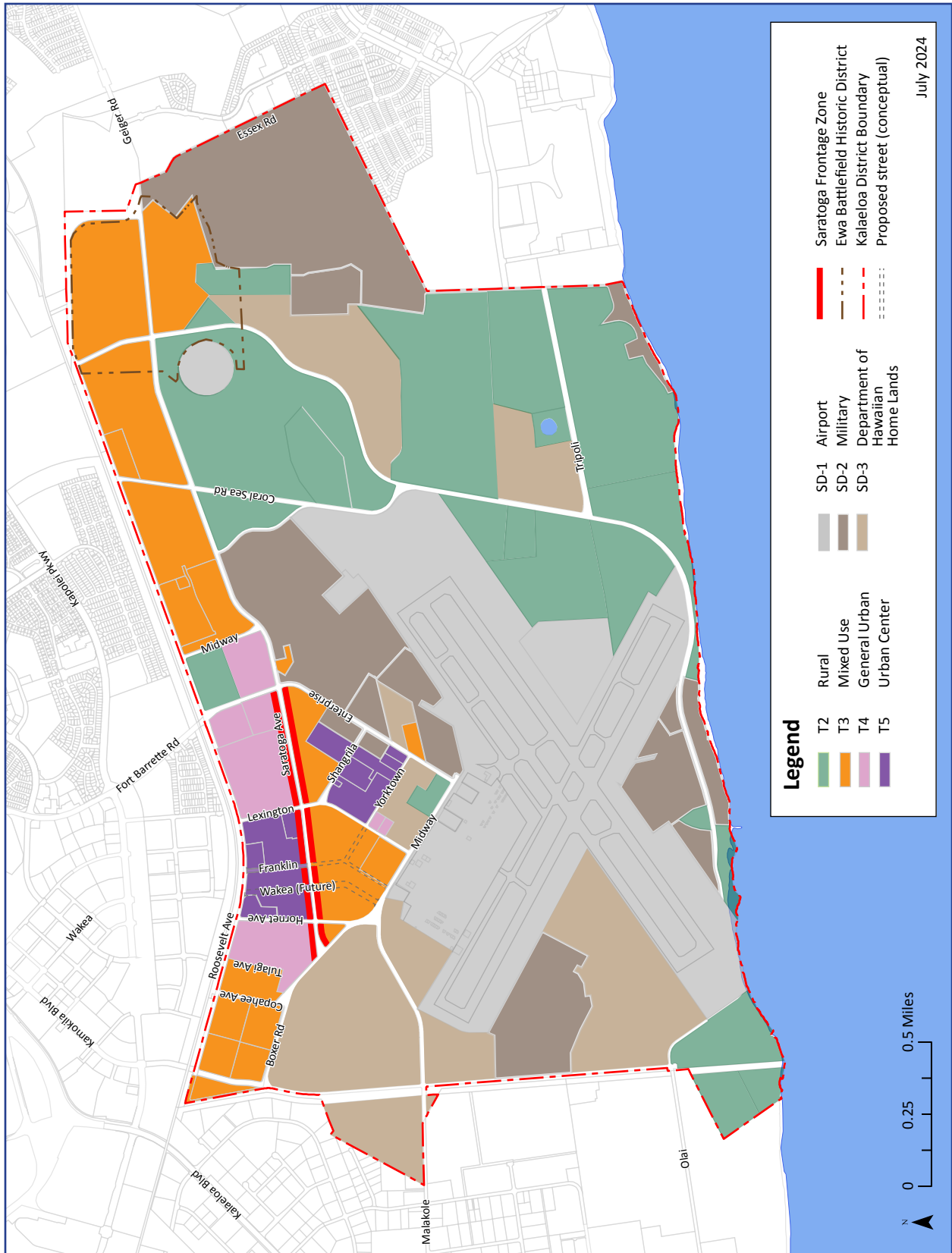


FIGURE 3: THOROUGHFARE PLAN

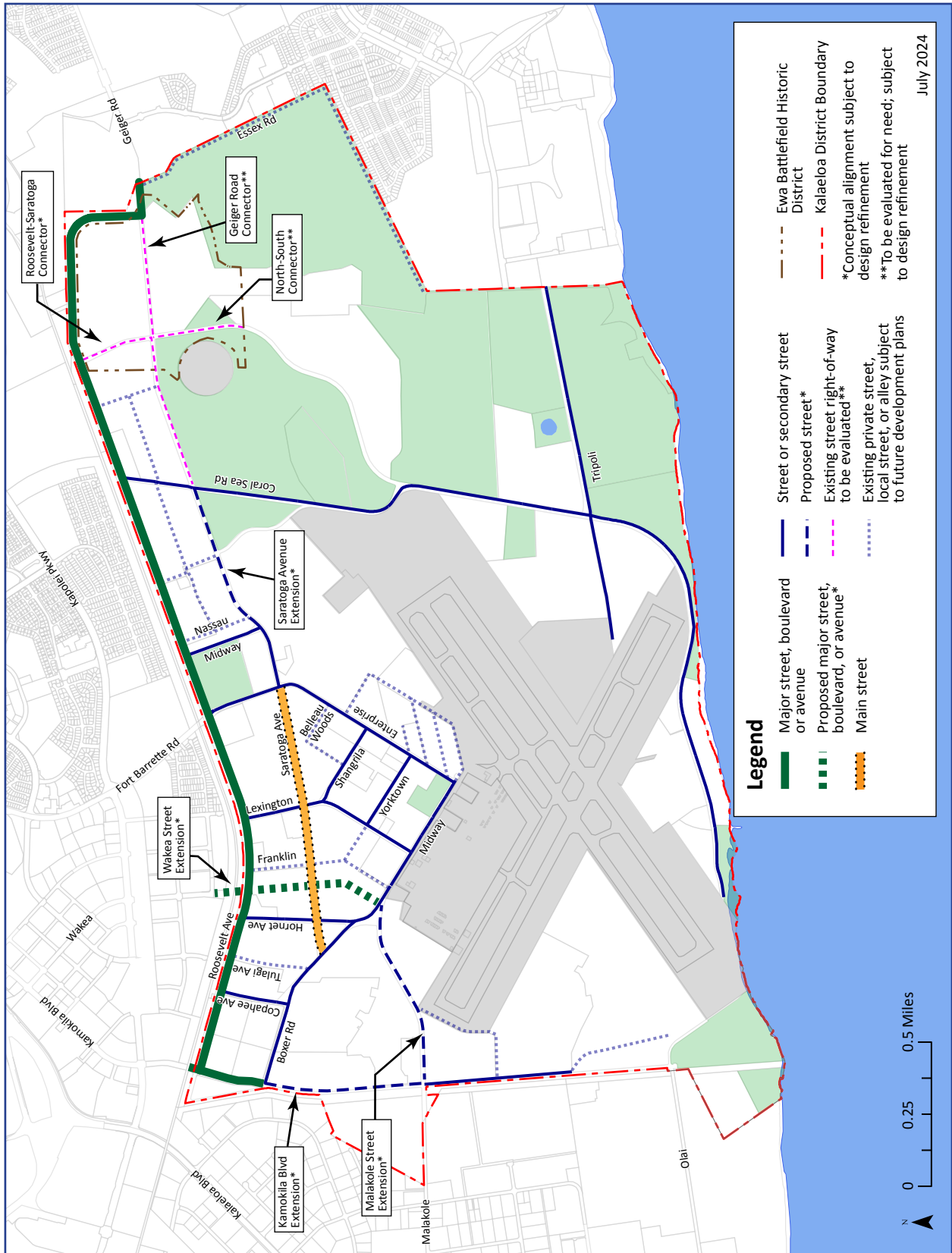


FIGURE 4: BUILDING DEVELOPMENT STANDARDS

	T2 Rural Zone	T3 Mixed-Use Zone	T4 General Urban Zone	T5 Urban Center Zone
Building Types (See Figures BT.1 - BT.10 for details on each type)				
Front yard house (BT.1)	-	●	-	-
Side yard house (BT.2)	-	●	-	-
Townhouse (BT.3)	-	●	●	●
Duplex, triplex, and quadplex (BT.4)	-	●	●	●
Flex-loft (BT.5)	-	●	●	●
Industrial barn (BT.6)	●	●	●	●
Courtyard (BT.7)	-	●	●	●
Urban block (BT.8)	●	●	●	●
Lei building (BT.9)	-	●	●	●
Tropical urban court (BT.10)	-	●	●	●
Frontage Types (See Figures FT.1 - FT.8 for details on each type)				
Lanai and front yard (FT.1)	●	●	-	-
Stoop (FT.2)	-	●	●	●
Dooryard (FT.3)	●	●	-	-
Forecourt (FT.4)	-	●	●	●
Shopfront (FT.5)	-	●	●	●
Terrace (FT.6)	-	●	●	●
Raised Terrace (FT.7)	-	●	●	●
Gallery (FT.8)	●	-	●	●
Maximum Building Height				
Primary building	28'	60'	75'	90'
Accessory building	14'	28'	28'	90'

Legend	
●	Permitted
-	Not permitted

FIGURE 5: SITE DEVELOPMENT STANDARDS

	T2 Rural Zone	T3 Mixed-Use Zone	T4 General Urban Zone	T5 Urban Center Zone
Floor Area Ratio (FAR)				
Maximum	0.35	1.25	2.5	3.5
Building placement (See Figure 1.8)				
Build-to line	N/S	10-15’*	5-10’	5-10’
Frontage occupancy at build-to line	N/S	50% minimum**	60% minimum	75% minimum
Side yard setback	N/S	5’	0’	0’
Rear yard setback	N/S	5’	0’	0’

*Build-to-line is 5-10' along Saratoga main street frontage overlay zone

**Minimum of 60% frontage occupancy within Saratoga main street frontage overlay zone

Legend	
N/S	Not specified
N/A	Not applicable; does not apply

FIGURE 6: STREET TREES

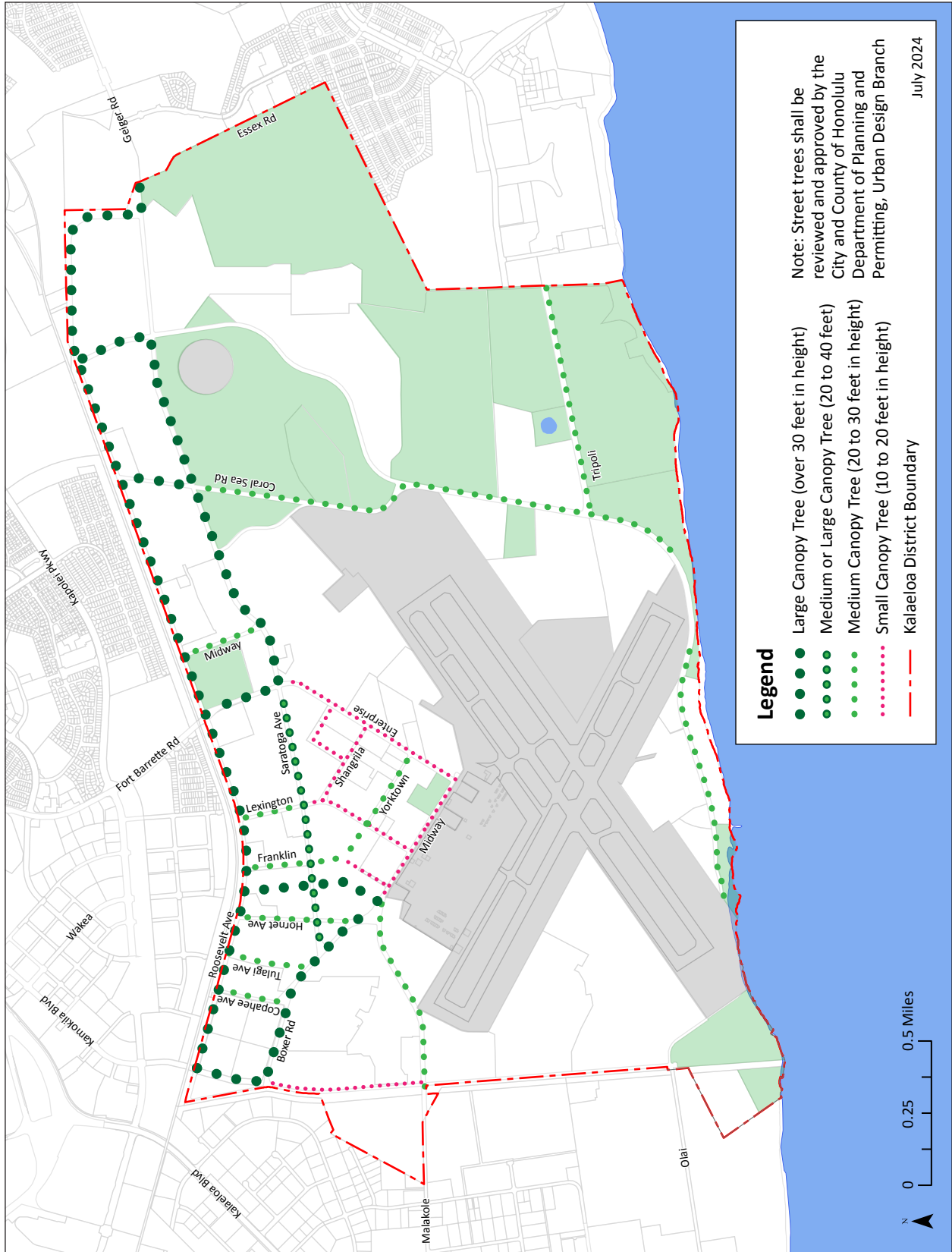


FIGURE 7: LAND USE

	T2 Rural	T3 Mixed Use	T4 General Urban	T5 Urban Center
A. Residential				
Single family	-	●	-	-
Multi-family	-	●	●	●
Manufactured homes	-	○	-	-
Group home	-	-	●	●
Home occupation	-	●	●	●
B. Lodging				
Hotel	-	●	●	●
Bed and breakfast	-	●	●	●
Campground	○	-	-	-
C. Commercial				
Administrative and office	-	●	●	●
Artisan and craft production	-	●	●	●
Automobile sales and rentals	-	○	○	○
Dance-nightclub	-	○	●	●
Indoor recreation	-	●	●	●
Kennel and veterinary care	-	●	●	●
Live-work	-	●	●	●
Medical and dental offices	-	●	●	●
Outdoor commercial recreation	●	●	○	-
Personal services	-	●	●	●
Eating and drinking establishments	-	●	●	●
Retail goods and services	-	●	●	●
D. Civic				
Conference center	○	●	●	●
Cultural facilities	●	●	●	●
Hospital	○	●	●	●
Parks and outdoor recreation	●	●	●	●
Public building	●	●	●	●
Religious facility	○	●	●	●
Theater	-	●	●	●
E. Educational				
Day care center	○	●	●	●
Educational facilities	○	●	●	●
F. Industrial				
Freight or base yard	-	●	-	-
Light industrial	○	●	●	●
Media production	○	●	○	○
Outdoor storage	-	●	○	○
Research and development	○	●	○	○
Self-storage facility	-	●	○	○
Warehousing	-	●	○	○
G. Transportation				
Alternative fuel station	-	●	●	●
Automobile repair	-	●	●	○
Aviation	○	○	○	○
District parking facility	○	●	●	●
Electric vehicle charging	●	●	●	●
Gas station	-	●	●	-
Mobility hub	●	●	●	●
H. Sustainability				
Agriculture	●	●	●	●
Farmers' market	●	●	●	●
Recycling collection facility	●	●	-	-
Renewable energy farm	●	●	●	●

Legend	
●	Permitted by right
○	Requires conditional use permit
-	Not permitted

FIGURE 8: BUILDING PLACEMENT AND ENCROACHMENTS

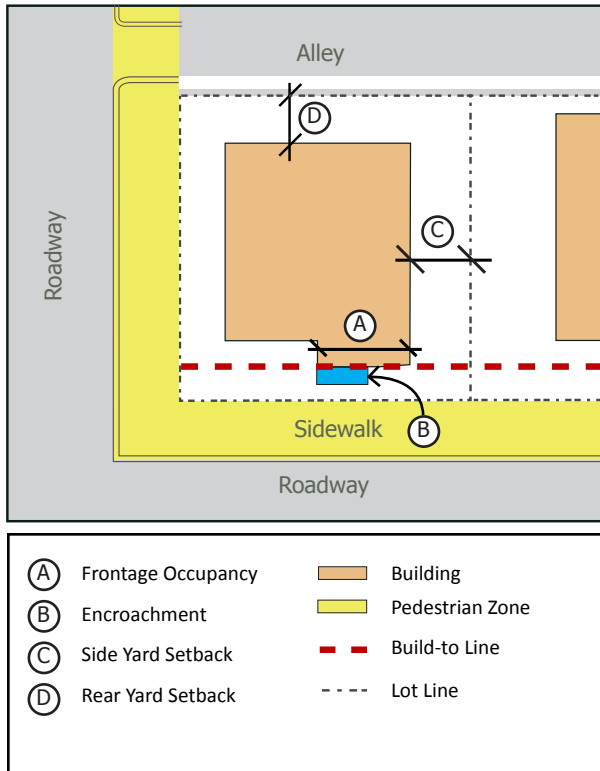


Figure 8-A: Illustrative building placement diagram for residential uses

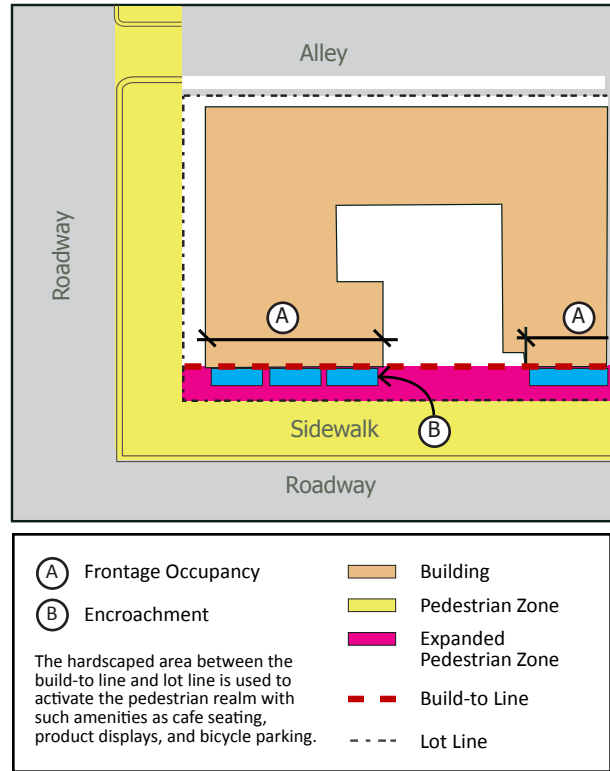
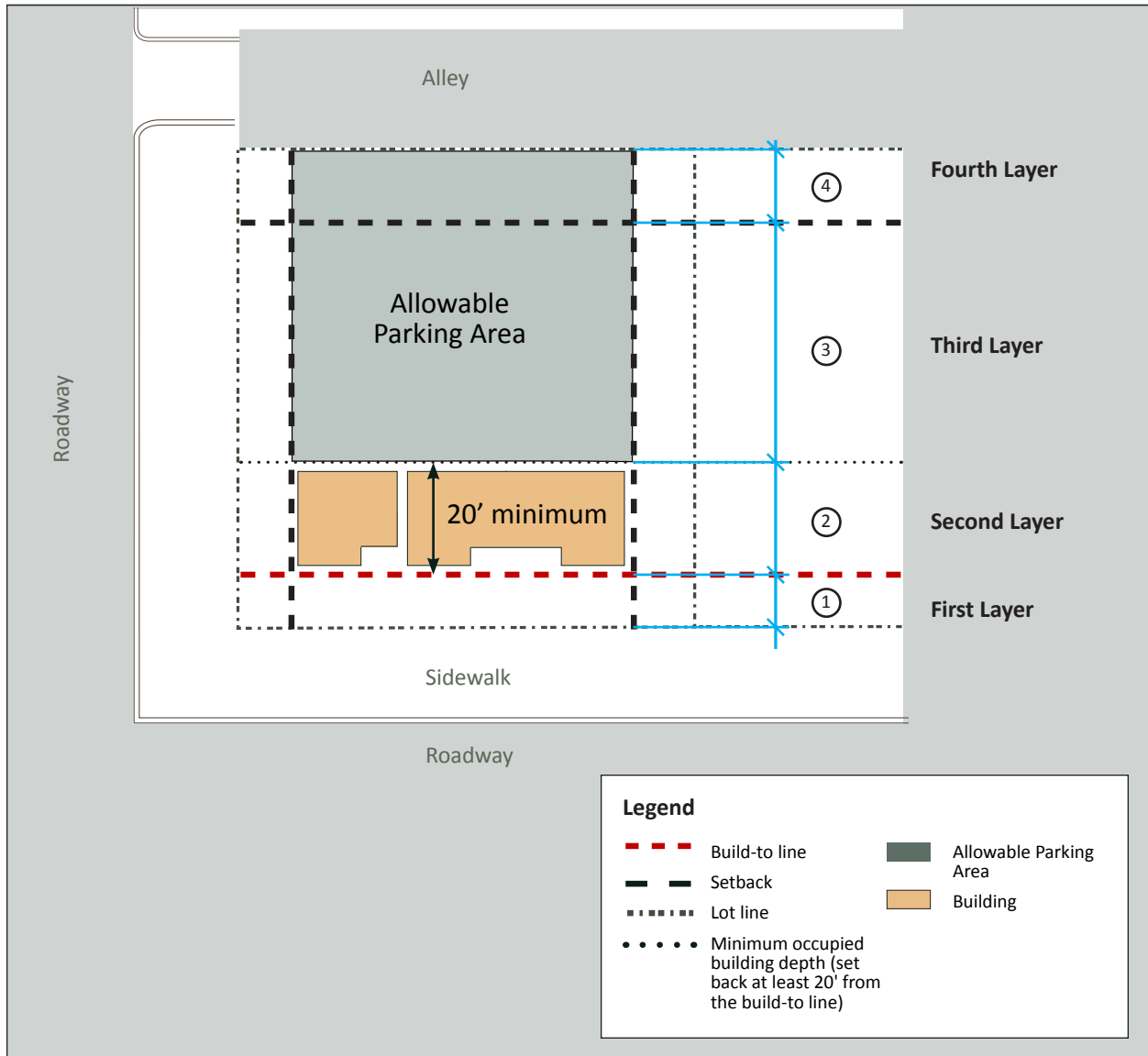


Figure 8-B: Illustrative building placement diagram for non-residential Uses

Table 8-C: Encroachments

	Minimum Vertical Clearance	Horizontal Distance Requirement
Build-to Line (Front) Encroachments		
Awnings	12'	No more than 10' or 66% of the distance from the building face to the curb, whichever is less.
Signage	8'	No more than 3' or 33% of the distance from the building face to the curb, whichever is less.
Gallery / Arcade	16'	No more than 2' from the face of the encroachment to the curb.
Balcony	8'	No less than 2' from the face of the encroachment to the lot line.
Residential Porch	8'	No less than 4' from the face of the encroachment to the lot line.
Bay Windows and Architectural Features	N/A	No less than 4' from the face of the encroachment to the lot line.
Side and Rear Encroachments		
Balconies, Porches, and Architectural Features	8' (when above the ground floor)	No less than 4' from the face of the encroachment to the lot line.

FIGURE 9: PARKING PLACEMENT



Layer Definitions

- ① **First Layer:** Area defined by the lot line, the build-to line, and the side yard setbacks
- ② **Second Layer:** Area defined by the build-to line, a parallel line set back at least 20' from the build-to line, and the side yard setbacks
- ③ **Third Layer:** Area defined by a line set back at least 20' from the build-to line, the side yard setbacks, and the rear yard setback
- ④ **Fourth Layer:** Area defined by the rear yard setback, the lot line, and the side yard setbacks

Parking Placement Standards

- 1. When (or where) parking is provided, parking in the T3, T4, and T5 transect zones shall be placed within the third or fourth layers, as shown in the diagram above.
- 2. Regardless of whether or not there is a building in the second layer, parking shall be placed in the third or fourth layers.
- 3. Trash containers shall be stored within the third or fourth layers.

FIGURE 10: ILLUSTRATIVE PEDESTRIAN ZONE TREATMENT

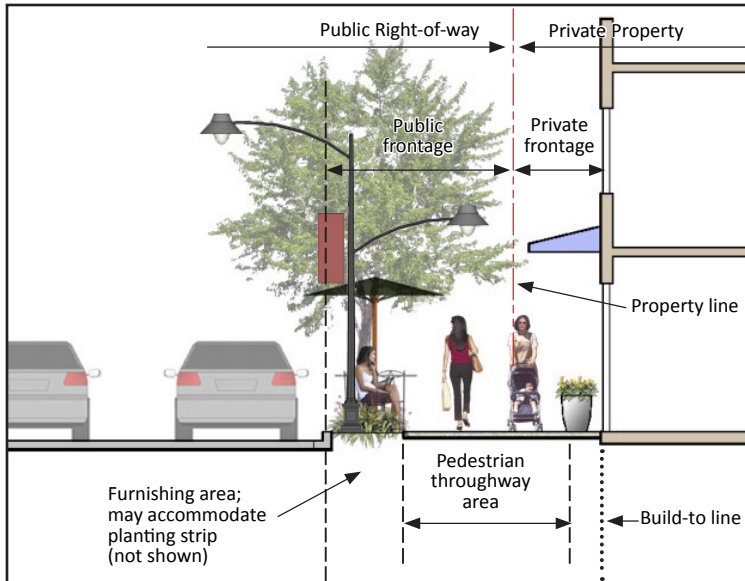


Figure 10-A: Illustrative pedestrian zone treatment - section view (typical condition, guideline only)

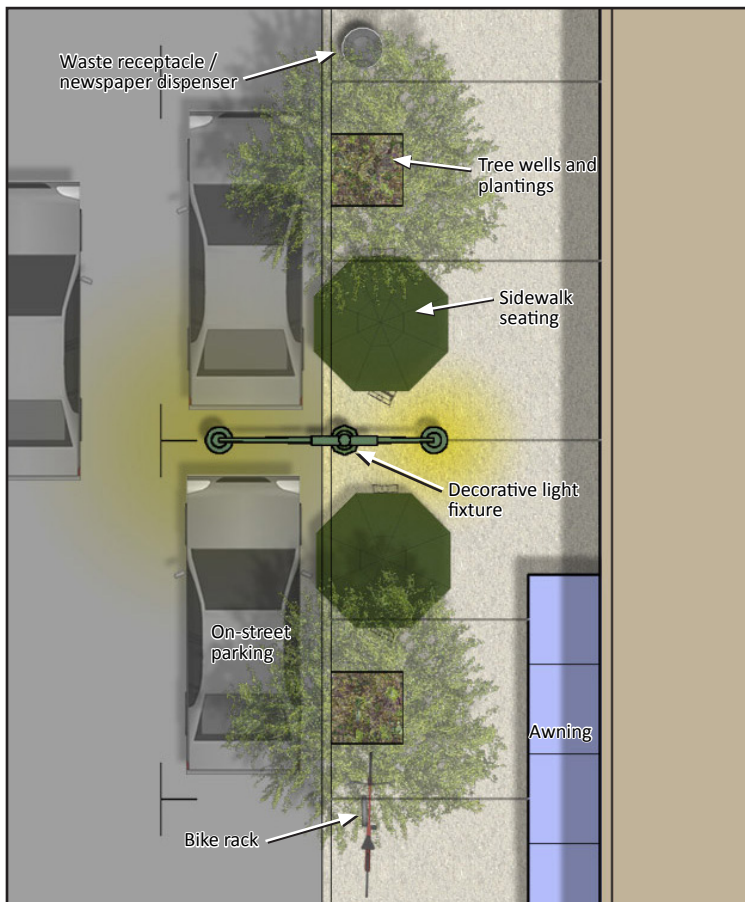


Figure 10-B: Illustrative pedestrian zone treatment - plan view (typical condition, guideline only)

FIGURE 11: ILLUSTRATIVE PEDESTRIAN ZONE FIXTURES

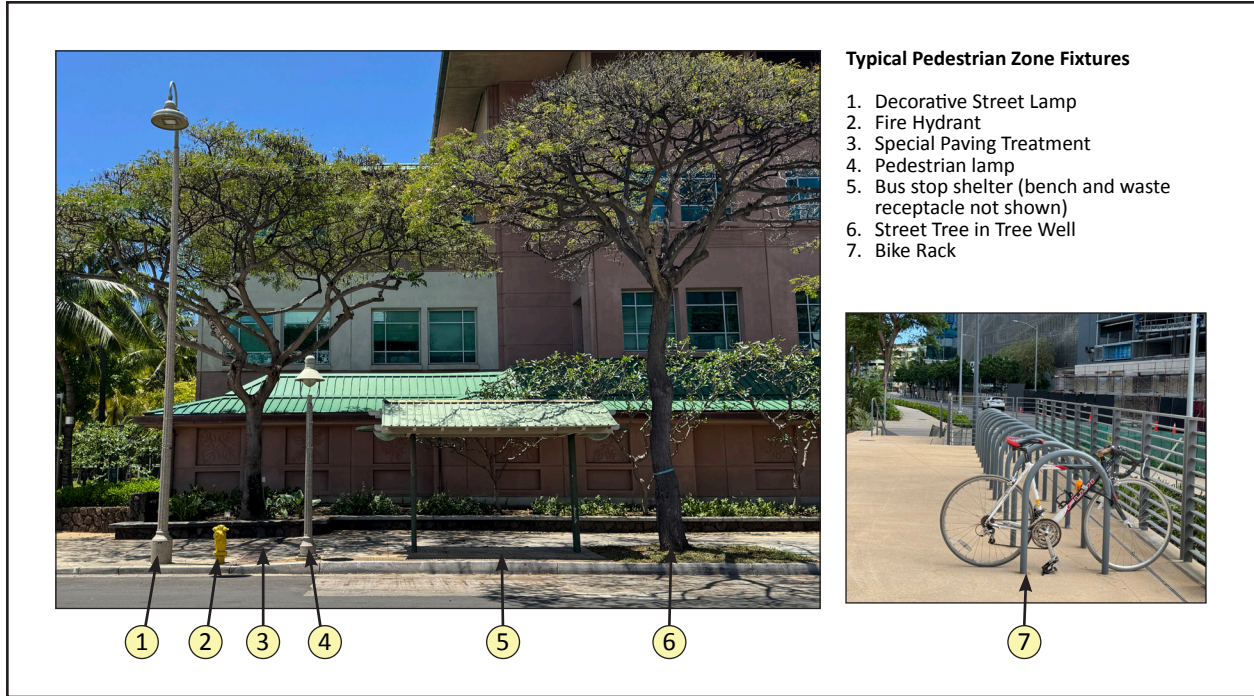


Figure 11-A: Illustrative Pedestrian Zone Fixtures



Figure 11-B: Illustrative Street Light Fixtures

FIGURE BT.1 FRONT YARD HOUSE

A. Pedestrian Access

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

B. Parking Design and Location

1. Where provided, parking shall be located in the third layer (See Figure 9).
2. Parking access shall be as per section 15-215-47 (parking and loading).

C. Open Space

1. At least twenty per cent of the lot area shall be provided as open space. At least one-third of this requirement shall be provided at-grade.

D. Frontage

1. Permissible frontage types are: Lanai and Front Yard (Figure FT.1), Stoop (Figure FT.2), and Dooryard (Figure FT.3).

E. Landscape

1. Along major streets, 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. Building Massing

1. Front facades shall have at least one encroaching element, such as porches or balconies, or plane break that cumulatively occupy at least ten per cent of the facade.
2. Principal buildings shall be one- or two-stories in height.
3. Accessory dwellings located above garages shall be limited to one story above the garage with a 12-foot maximum floor-to-floor height.
4. Accessory dwellings located at grade shall be limited to one story with 12-foot maximum floor-to-floor height.
5. Accessory dwellings shall have a maximum floor area of 800 square feet and shall not exceed fifty per cent of the principal building's floor area.



Figure BT.1-1 Front Yard House, illustrative axonometric view

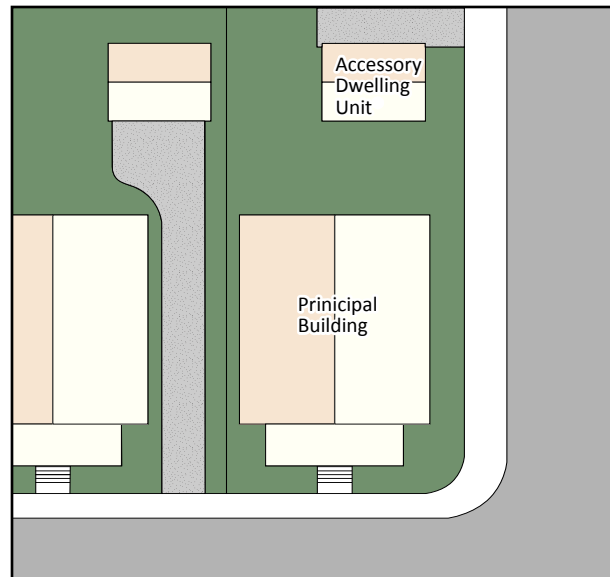


Figure BT.1-2 Front Yard House, illustrative plan view

FIGURE BT.2 SIDE YARD HOUSE

A. Pedestrian Access

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

B. Parking Design and Location

1. Where provided, parking shall be located in the third layer (See Figure 9).
2. Parking access shall be as per section 15-215-47 (parking and loading).
3. If driveway is along the side yard, the driveway should have a permeable surface, such as pavers.

C. Open Space

1. Open space shall be located along the side yard with an area of no less than twenty per cent of the lot.

D. Landscape

1. One 25-gallon minimum tree shall be planted per 40 lineal feet of side yard lot line or fraction thereof.
2. Four 5-gallon size shrubs, six 1-gallon size shrubs and turf, or acceptable native or dry climate ground cover is required for every required tree.

E. Frontage

1. Front facades shall have a minimum fenestration of fifteen per cent in order to prevent blank walls facing the street.
2. Permissible frontage types are Lanai and Front Yard (Figure FT.1), Stoop (Figure FT.2), and Dooryard (Figure FT.3).

F. Building Massing

1. Front facades shall have at least one encroaching element, such as porches or balconies, or plane break that cumulatively occupy at least five per cent of the facade.

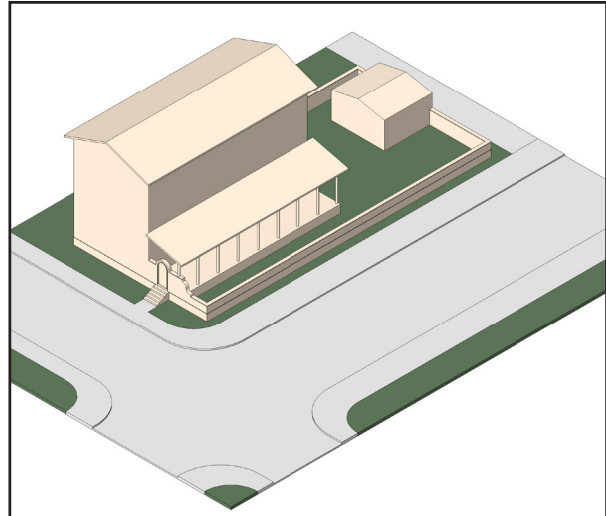


Figure BT.2-1 Side Yard House, illustrative axonometric view

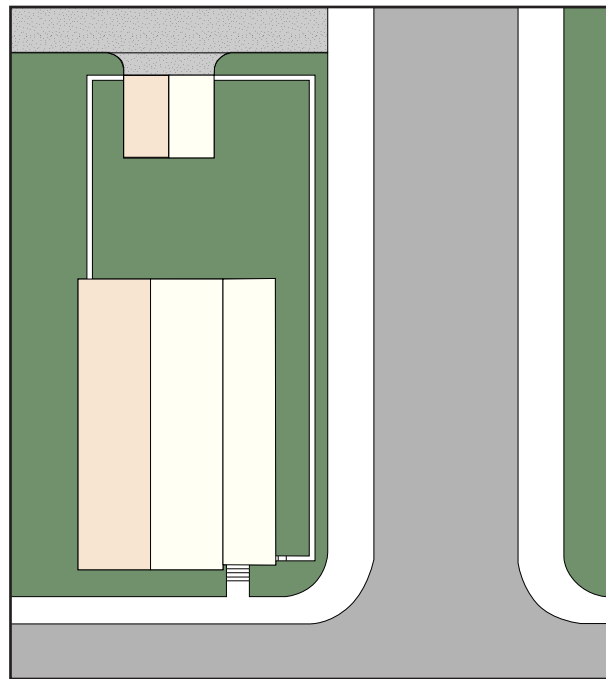


Figure BT.2-2 Side Yard House, illustrative plan view

FIGURE BT.3 TOWNHOUSE

A. Facade Width

1. Each townhouse may be a maximum of 26-feet wide, except that the facade of a townhouse on block corners may be up to 40-feet wide.
2. A maximum of ten attached townhouses per facade string is allowed.

B. Pedestrian Access

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

C. Parking Design and Location

1. Where provided, parking shall be located in the third layer (See Figure 9).
2. Parking access shall be as per section 15-215-47, parking and loading.

D. Open Space

1. At least twenty per cent of the lot area shall be provided as open space.
2. The open space may be located on patios or decks, or on a roof garden.
3. Private patios and balconies are allowed in any yard.

E. Landscape

1. Four 5-gallon size shrubs, six 1-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 Lanai and Front Yard (Figure FT.1), Stoop (Figure FT.2), and Terrace (Figure FT.6).

G. Building Massing

1. At least one encroaching element, such as a lanai or balcony, or a plane break, shall occupy at least fifteen per cent of the front facade.
2. In a three-story building, a two-story townhouse can be stacked over a separate ground floor dwelling.

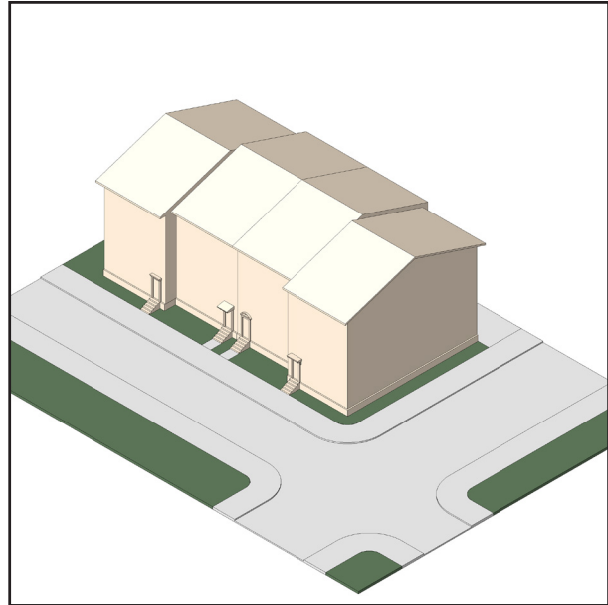


Figure BT.3-1 Townhouse, illustrative axonometric view

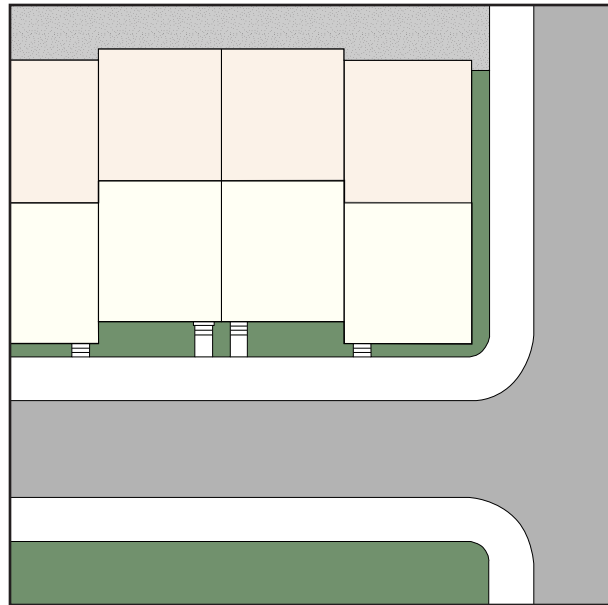


Figure BT.3-2 Townhouse, illustrative plan view

FIGURE BT.4 DUPLEX, TRIPLEX, AND QUADPLEX

A. Pedestrian Access

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

B. Parking Design and Location

1. Where provided, parking shall be located in the third layer (See Figure 9).
2. Parking access shall be as per section 15-215-47 (parking and loading).

C. Open Space

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

D. Landscape

1. Trees should match the species of street trees in the furnishing area.
2. Four 5-gallon size shrubs, six 1-gallon size shrubs and turf, or acceptable native or dry climate ground cover is required for every required tree.

E. Frontage

1. Permissible frontage types are: Lanai and Front Yard (Figure FT.1), Stoop (Figure FT.2), Forecourt (Figure FT.4), and Terrace (Figure FT.6).

F. Building Massing

1. A minimum of fifteen per cent of the front facade shall be occupied by at least one encroaching element, such as a lanai or balcony, or a plane break.

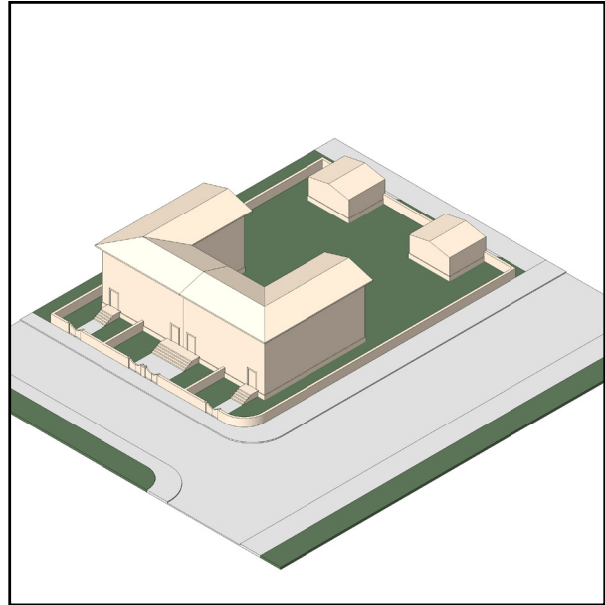


Figure BT.4-1 Duplex, Triplex, and Quadplex, illustrative axonometric view

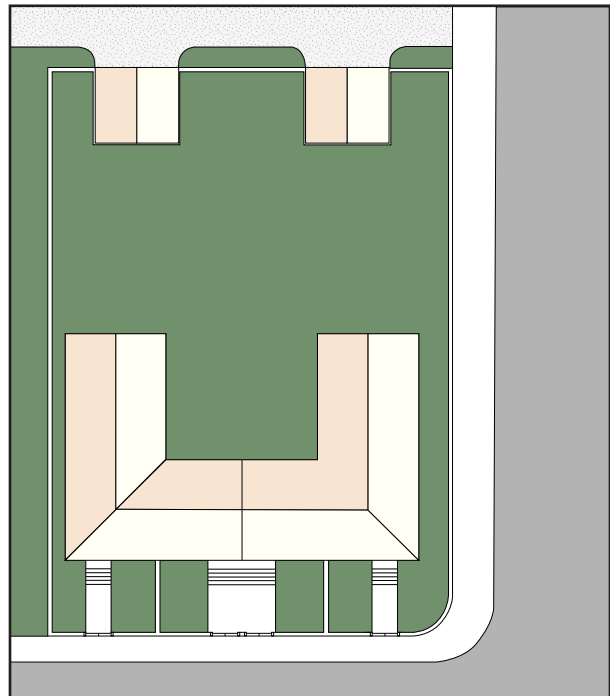


Figure BT.4-2 Duplex, Triplex, and Quadplex, illustrative plan view

FIGURE BT.5 FLEX-LOFT

A. Facade Width

1. Each flex-loft can be a maximum of 30-feet wide
2. A maximum of ten attached flex-loft buildings per facade string is allowed.

B. Pedestrian Access

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

C. Parking Design and Location

1. Where provided, parking shall be located in the third layer (See Figure 9).
2. Parking access shall be as per section 15-215-47 (parking and loading).

E. Open Space

1. At least twenty per cent of the lot area shall be provided as open space. One-third of this requirement shall be provided at-grade.

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 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 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 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 5-gallon size shrubs, ten 1-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 (Figure FT.1), Stoop (Figure FT.2), Forecourt (Figure FT.4), Shopfront (Figure FT.5), Terrace (Figure FT.6), Raised Terrace (Figure FT.7), and Gallery (Figure FT.8)

H. Building Massing

1. Facades shall have at least one encroaching element, such as a lanai or balcony, or plane break occupying at least fifteen per cent of the facade.
2. Building elevations abutting side yards shall provide at least one horizontal plane break of at least three feet, and one vertical break of at least two feet.

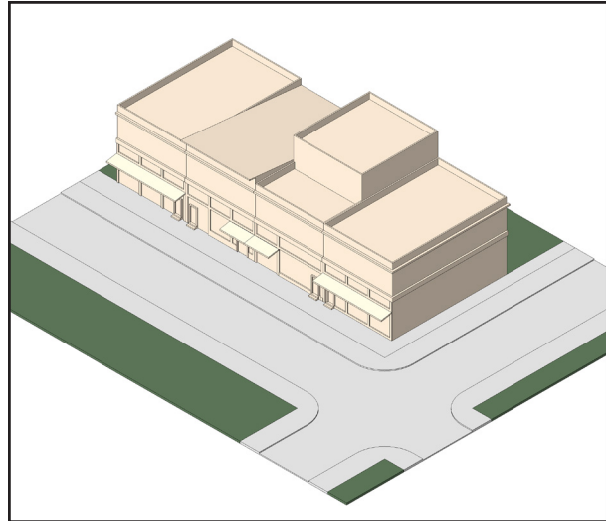


Figure BT.5-1 Flex-Loft, illustrative axonometric view

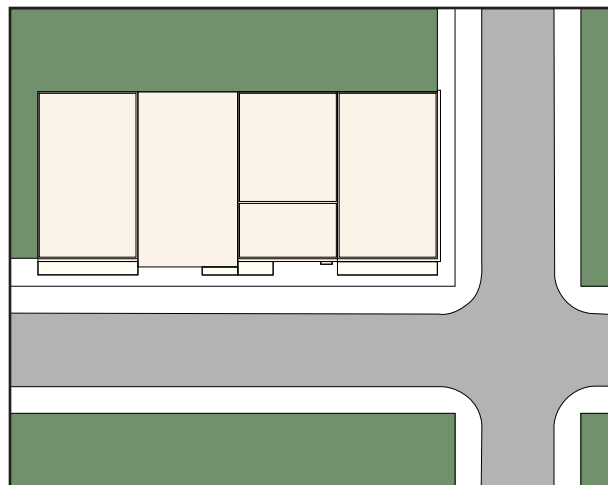


Figure BT.5-2 Flex-Loft, illustrative plan view

FIGURE BT.6 INDUSTRIAL BARN

A. Pedestrian Access

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

B. Parking Design and Location

1. Where provided, parking shall be located in the third layer (See Figure 9).
2. Parking access shall be as per section 15-215-47 (parking and loading).

C. Open Space

1. For lots between 10,000 and 20,000 square feet, the minimum open space is proportional to the lot size and provided in Table BT.6-1.
2. For lots greater than 20,000 square feet, at least twenty per cent of the lot area shall be provided as open space. One-third of this requirement shall be provided at-grade.
3. Permeable-pavement parking areas can count towards the open space requirement for this building type.

D. Landscape

1. Landscape shall not obscure front yards on adjacent lots or the shopfront of the ground floor industrial space
2. Trees shall be a single species to match the species of street trees in the furnishing area.
3. At least one 25-gallon minimum size canopy tree shall be provided in the rear yard, if present, for shade and privacy.
4. Side yard trees shall be placed a rate of one 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.
5. Six 5-gallon size shrubs, ten 1-gallon size shrubs and turf, or acceptable native or dry climate ground cover is required for every required tree.
6. On-site paving is limited to the driveway, turnaround, and backup area and any required parking spaces.

E. Frontage

1. Permissible frontage types are Lanai and Frontyard (Figure FT.1), Stoop (Figure FT.2), Dooryard (Figure FT.3), Shopfront (Figure FT.5), Terrace (Figure FT.6), Raised Terrace (Figure FT.7), and Gallery (Figure FT.8).

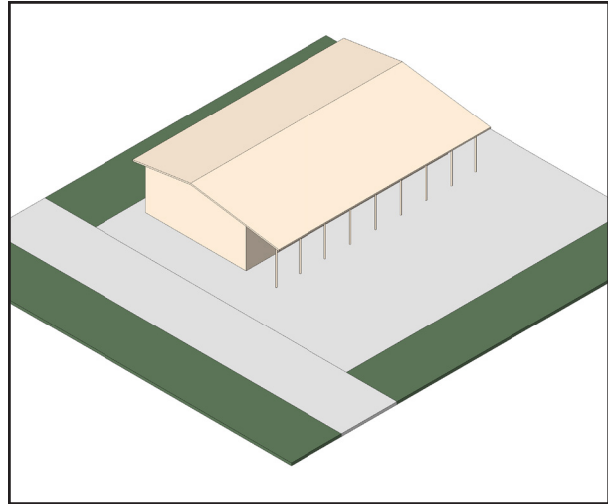


Figure BT.6-1 Industrial Barn, illustrative axonometric view

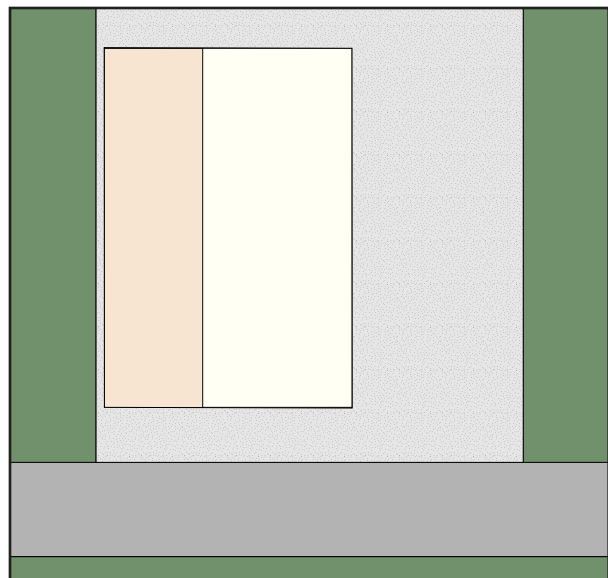


Figure BT.6-2 Industrial Barn, illustrative plan view

Table BT.6-1 Minimum Open Space

Lot Area (square feet)	Minimum Open Space (percent of lot area)
15,001 to 20,000	10%
10,001 to 15,000	5%
less than 10,000	0%

FIGURE BT.7 COURTYARD

A. Pedestrian Access

1. Ground floor courtyard(s) shall be accessible from the street through the frontage line and through an open or covered passageway.
2. Raised courtyards shall be accessed through a lobby, accessed directly from the principal frontage.
3. The principal entrance to each ground floor unit at the principal frontage shall be directly from the frontage line, or from a courtyard.
4. Access to units above raised courtyards shall be through a lobby with direct access to each courtyard. Upper floor exterior corridors should be less than 25-feet in length. Longer corridors should be enclosed.
5. 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 9).
2. Parking access shall be as per section 15-215-47 (parking and loading).
3. If accommodated in an above-ground garage, parking shall be concealed from view at the public frontage through a liner of habitable space.

C. Open Space

1. At least twenty per cent of the lot area shall be provided as open space in the form of one or more courtyards open to the sky.

D. Landscape

1. Trees shall be a single species to match the species of street trees in the furnishing area.
2. Side yard trees shall be placed at a rate of one 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.
3. One field stock specimen tree is required per courtyard, and maybe in containers above garage if required.
4. Six 5-gallon size shrubs, ten 1-gallon size herbaceous perennials/shrubs and turf or acceptable native or adapted ground cover is required for every required tree.

E. Frontage

1. Permissible frontage types are Lanai and Frontyard (Figure FT.1), Stoop (Figure FT.2), Shopfront (Figure FT.5), Terrace (Figure FT.6), and Gallery (Figure FT.8).

F. Building Massing

1. Front facades shall have at least one encroaching element, such as porches or balconies, or plane break that cumulatively occupy at least ten per cent of the facade.

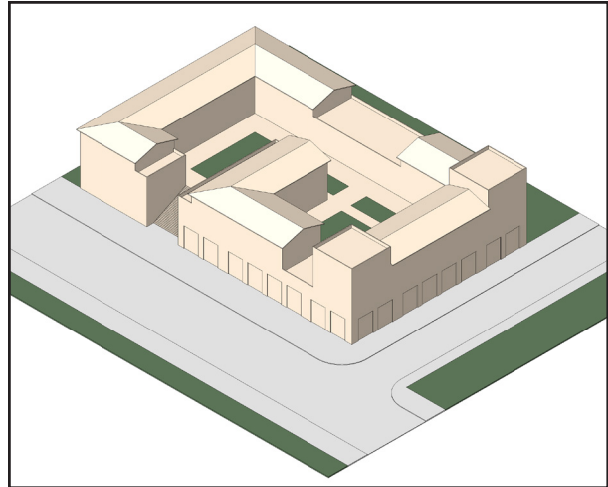


Figure BT.7-1 Courtyard, illustrative axonometric view

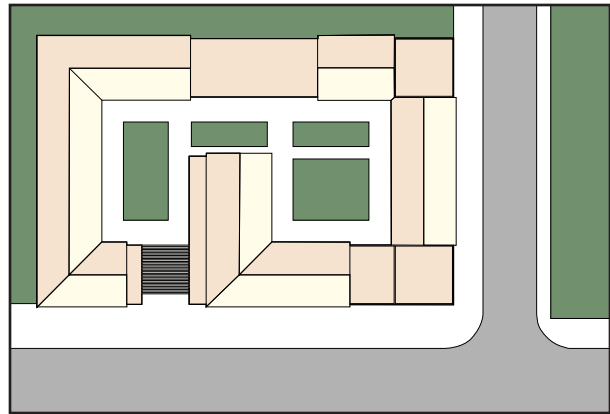


Figure BT.7-2 Courtyard, illustrative plan view

FIGURE BT.8 URBAN BLOCK

A. Pedestrian Access

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

B. Parking Design and Location

1. Where provided, parking shall be located in the third layer (See Figure 9).
2. Parking access shall be as per section 15-215-47 (parking and loading).
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; service streets and alleys excluded.
4. Above-ground garages above 21 feet in height 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.

C. Open Space

1. At least twenty per cent of the lot area shall be provided as open space and shall be open to the sky. One-third of this requirement shall be provided at-grade.

D. Landscape

1. 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 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 5-gallon size shrubs, ten 1-gallon size shrubs and turf or acceptable native or dry climate ground cover is required for every required tree.

E. Frontage

1. Permissible frontage types are Lanai and Frontyard (Figure FT.1), Stoop (Figure FT.2), Dooryard (Figure FT.3), Shopfront (Figure FT.5), Terrace (Figure FT.6), and Gallery (Figure FT.8).

F. Building Massing

1. Front facades shall have at least one encroaching element, such as porches or balconies, or plane break that cumulatively occupy at least ten per cent of the facade.

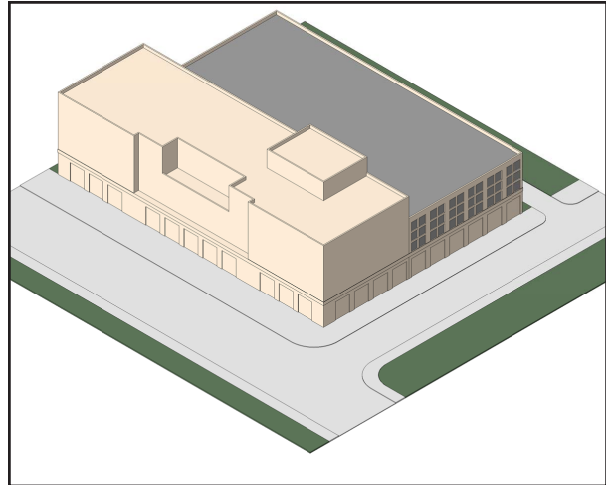


Figure BT.8-1 Urban Block, illustrative axonometric view

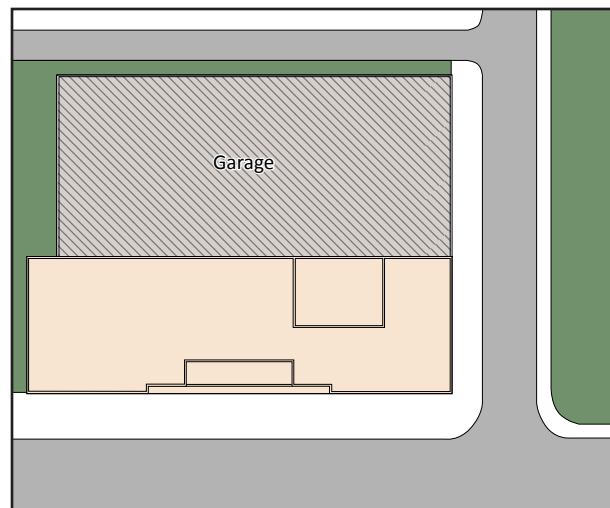


Figure BT.8-2 Urban Block, illustrative plan view

FIGURE BT.9 LEI BUILDING

A. Pedestrian Access

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

B. Parking Design and Location

1. Where provided, parking shall be located in the third layer (See Figure 9).
2. Parking access shall be as per section 15-215-47 (parking and loading).
3. If accommodated in an above-ground garage, parking shall be concealed from view at the public frontage through a liner of habitable space on 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.

C. Open Space

1. At least twenty per cent of the lot area shall be provided as open space and shall be open to the sky. One-third of this requirement shall be provided at-grade.
2. Each open space shall have a minimum dimension of thirty feet on any one side.
3. Projections into the open space are permitted on all sides of the space, provided that the thirty-foot minimum dimension is maintained.

D. Landscape

1. 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 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 5-gallon size shrubs, ten 1-gallon size shrubs and turf or acceptable native or dry climate ground cover is required for every required tree.

E. Frontage

1. Permissible frontage types are Lanai and Frontyard (Figure FT.1), Stoop (Figure FT.2), Shopfront (Figure FT.5), Terrace (Figure FT.6), Raised Terrace (Figure FT.7), and Gallery (Figure FT.8).

F. Building Massing

1. Front facades shall have at least one encroaching element, such as porches or balconies, or plane break that cumulatively occupy at least ten per cent of the facade.

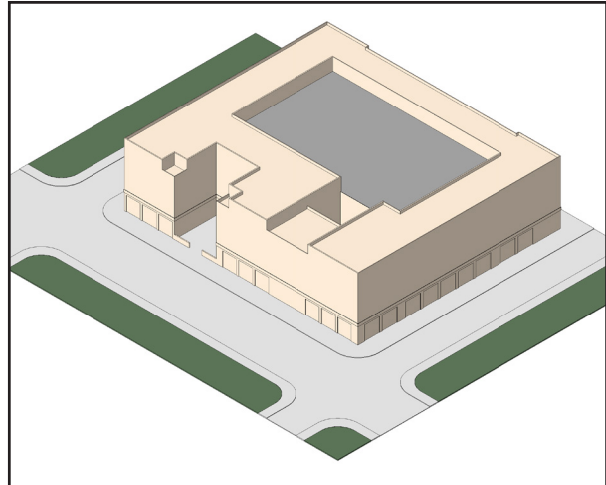


Figure BT.9-1 Lei Building, illustrative axonometric view

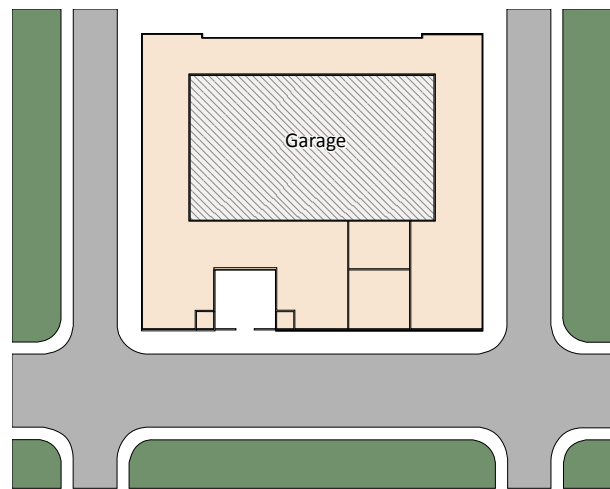


Figure BT.9-2 Lei Building, illustrative plan view

FIGURE BT.10 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 9).
2. Parking access shall be as per section 15-215-47 (parking and loading).

C. Open Space

1. At least twenty per cent 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 thirty feet on any one side.
3. Projections into the open space are permitted on all sides of the space, provided that the thirty-foot minimum dimension is maintained.

D. Frontage

1. Permissible frontage types are: Lanai and Front Yard (Figure FT. 1), Stoop (Figure FT.2), Dooryard (Figure FT.3), Shopfront (Figure FT.5), Terrace (Figure FT.6), Raised Terrace (Figure FT.7), and Gallery (Figure FT.8).

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 ten per cent of the facade.



Figure BT.10-1 Tropical Urban Court, illustrative axonometric view

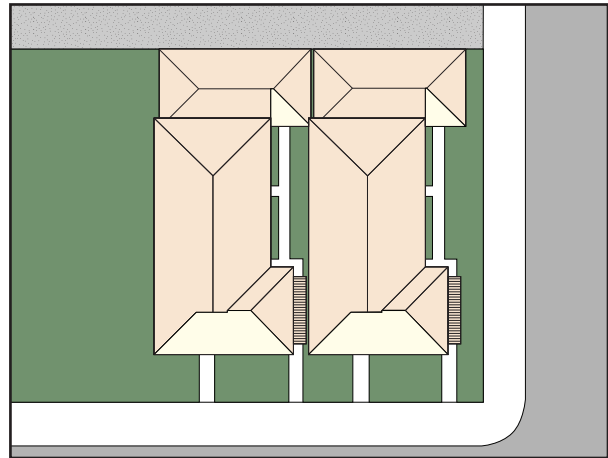


Figure BT.10-2 Tropical Urban Court, illustrative plan view

FIGURE FT.1 LANAI AND FRONT YARD FRONTAGE

A. Lanai Dimensions

1. Depth shall be a minimum of six feet as measured from the front facade facing the street.
2. Width shall be a minimum of ten feet.
3. Height shall be a minimum of ten feet and a maximum eave height of fourteen 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 feet.

B. Frontage Elements

1. Fences or walls defining or retaining the front yard shall not exceed four feet in height from the adjacent sidewalk.

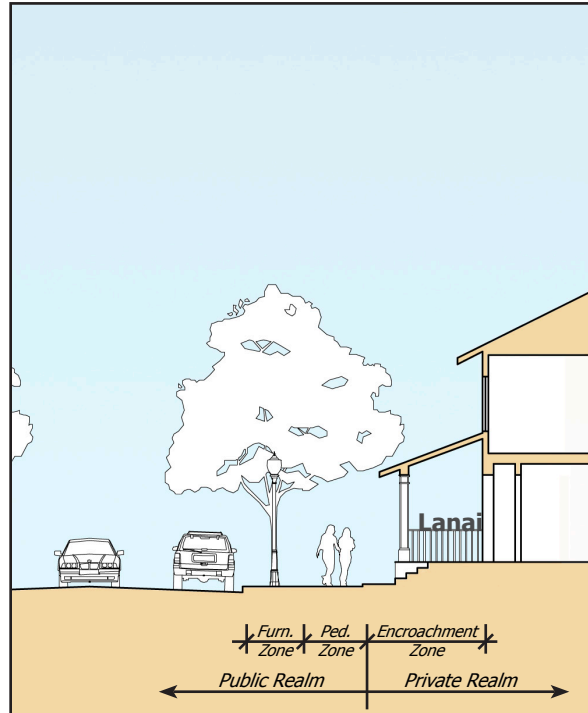


Figure FT.1-1 Cross Section, Lanai and Yard Frontage (Illustrative)

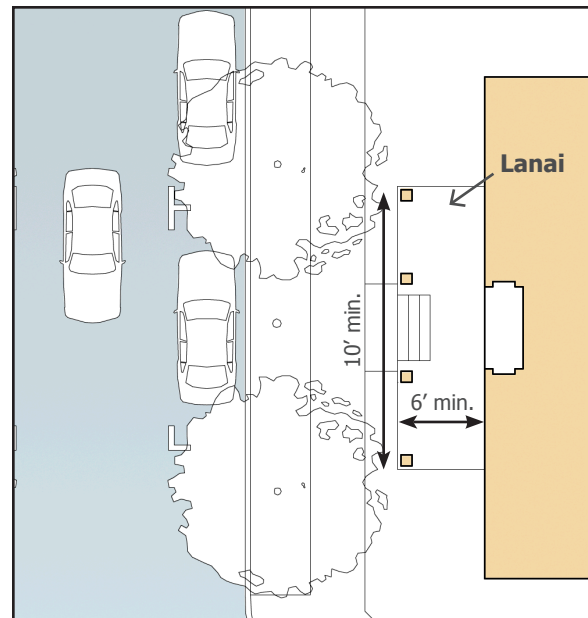


Figure FT.1-2 Plan View, Lanai and Yard Frontage (Illustrative)

FIGURE FT.2 STOOP FRONTAGE

A. Stoop Dimensions

1. Depth shall be a minimum of four feet as measured from the front facade facing the street.
2. Width shall be a minimum of four feet.
3. The finished floor of the stoop may be at-grade or raised a maximum of three feet.

B. Frontage Elements

1. Fences or walls defining the stoop or front setback shall not exceed four feet from the highest adjacent finished grade.

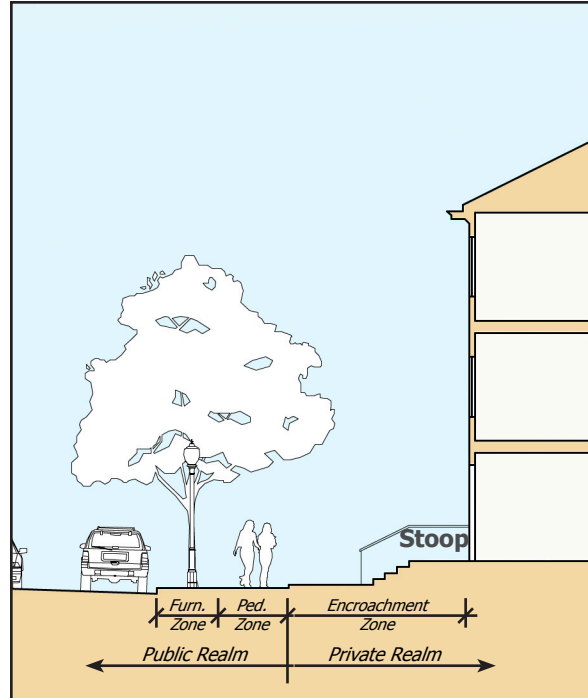


Figure FT.2-1 Cross Section, Stoop Frontage (Illustrative)

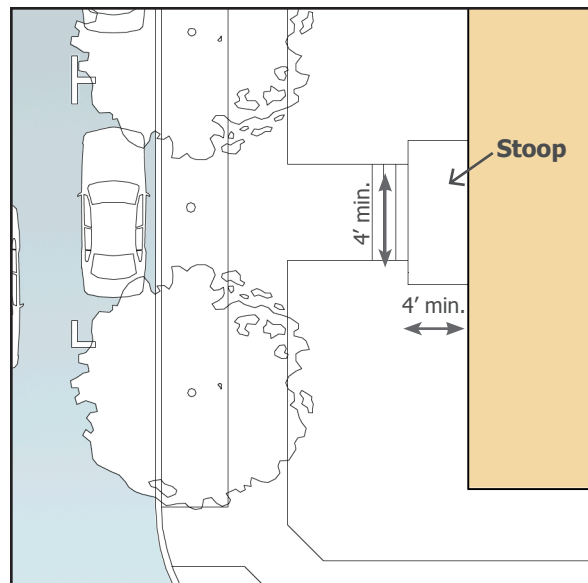


Figure FT.2-2 Plan View, Stoop Frontage (Illustrative)

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 or retaining the front yard shall not exceed four feet in height from the adjacent sidewalk.

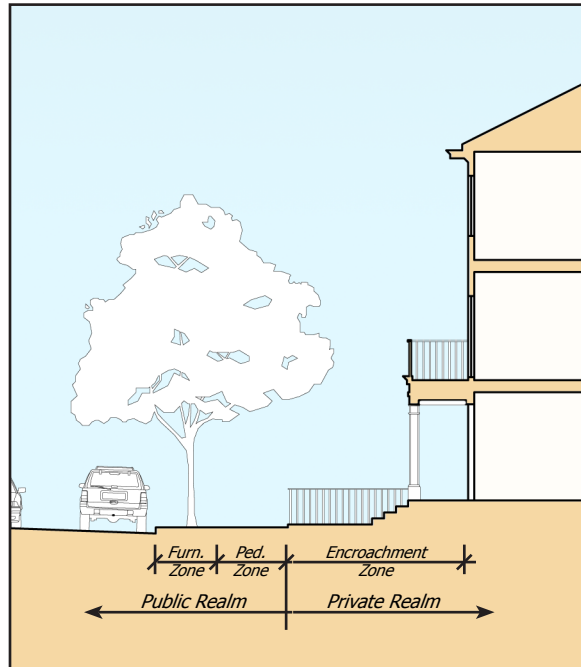


Figure FT.3-1 Cross Section, Dooryard Frontage (Illustrative)

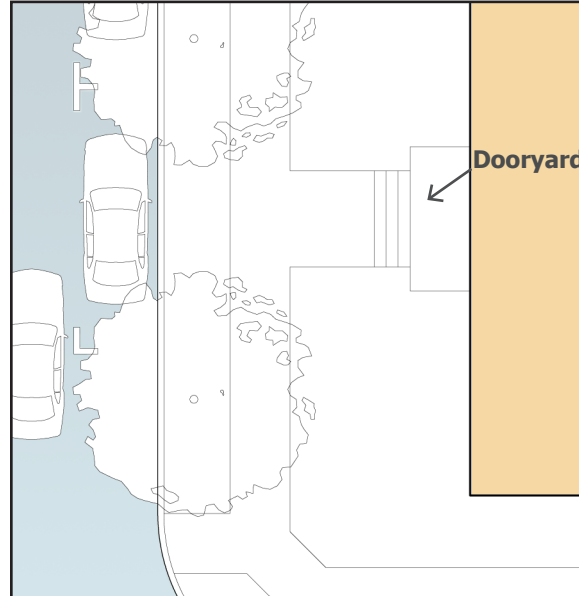


Figure FT.3-2 Plan View, Dooryard Frontage (Illustrative)

FIGURE FT.4 FORECOURT FRONTAGE

A. Forecourt Dimensions

1. Depth shall be between ten and forty feet as measured from the front facade facing the street.
2. Width shall be between twenty to forty feet.
3. The finished floor of the forecourt may be raised up to three feet from the sidewalk with a retaining wall at the frontage line.

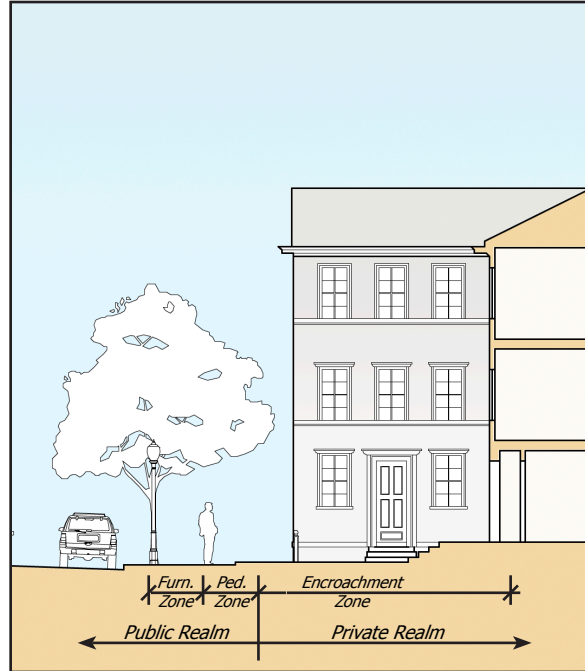


Figure FT.4-1 Cross Section, Forecourt Frontage (Illustrative)

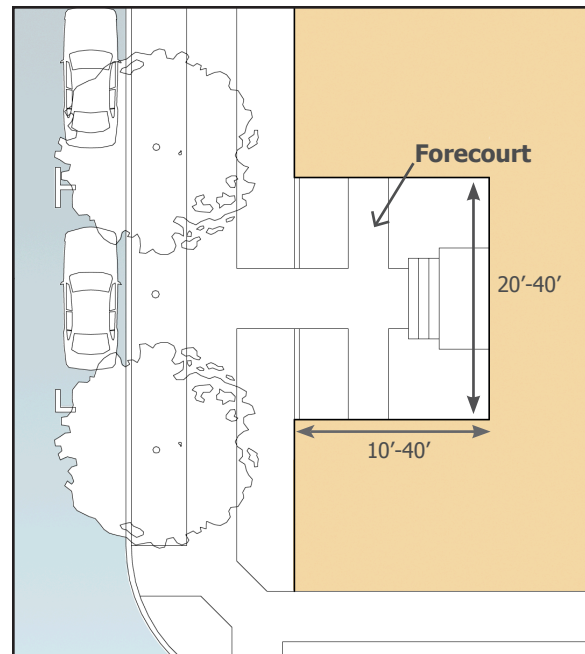


Figure FT.4-2 Plan View, Forecourt Frontage (Illustrative)

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 per cent of the facade's first floor wall area.
3. Shopfronts may be recessed from the frontage line up to eight feet.

B. Frontage Elements

1. At the facade, awnings shall cover only windows and doors.
2. The pedestrian zone shall be paved from building face to curb.

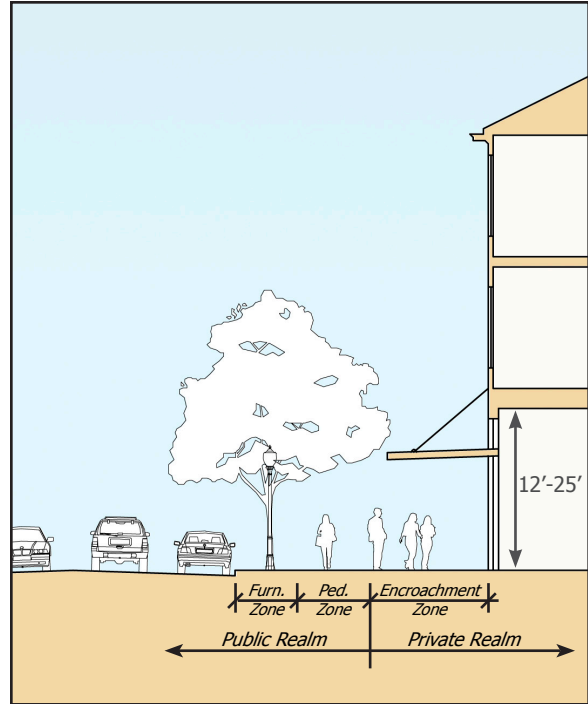


Figure FT.5-1 Cross Section, Shopfront Frontage (Illustrative)

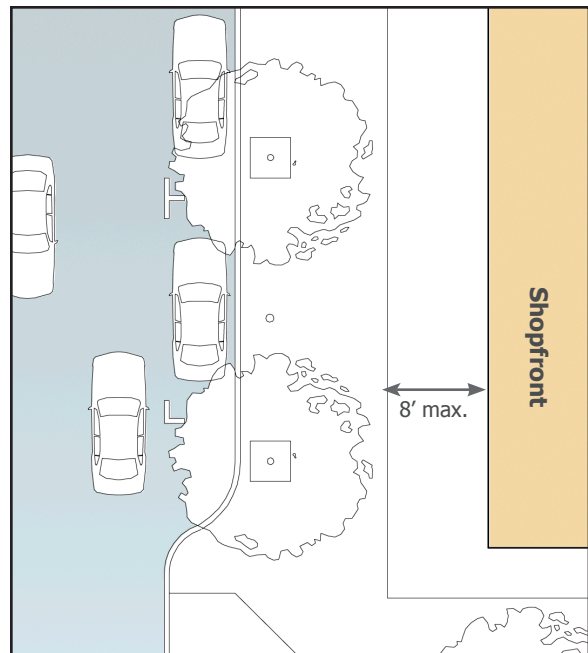


Figure FT.5-2 Plan View, Shopfront Frontage (Illustrative)

FIGURE FT.6 TERRACE FRONTAGE

Where front build-to lines are greater than 15 feet, the terrace frontage type should be used.

A. Terrace Frontage Dimensions

1. Determined by the setback requirements of each zone.

B. Frontage Elements

1. A minimum of one approved 25-gallon minimum container size, two-inch 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.
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.

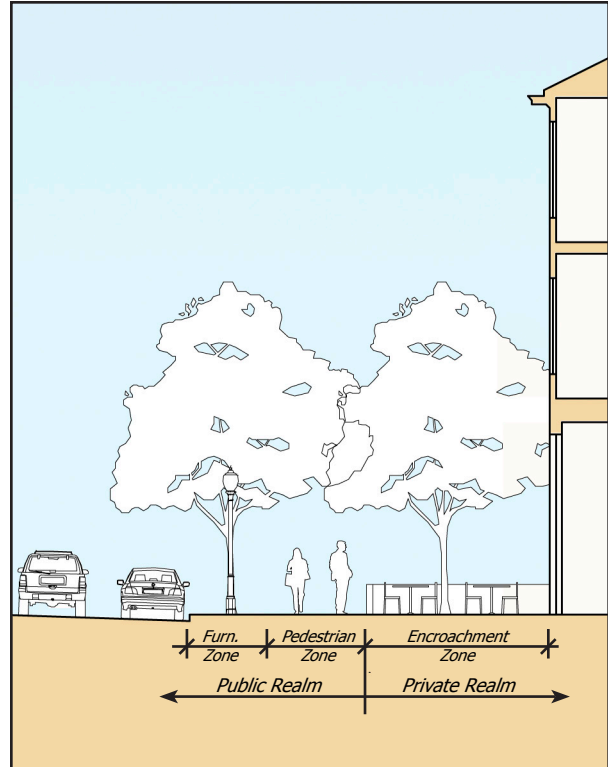


Figure FT.6-1 Cross Section, Terrace Frontage (Illustrative)

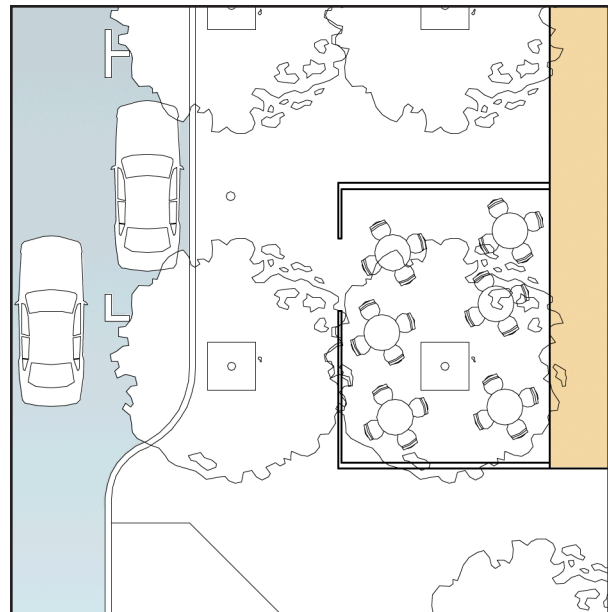


Figure FT.6-2 Plan View, Terrace Frontage (Illustrative)

FIGURE FT.7 RAISED TERRACE FRONTAGE

The raised terrace frontage is allowed to address sea level rise and climate-resilient design or accommodate necessary flood elevation.

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 per cent 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.

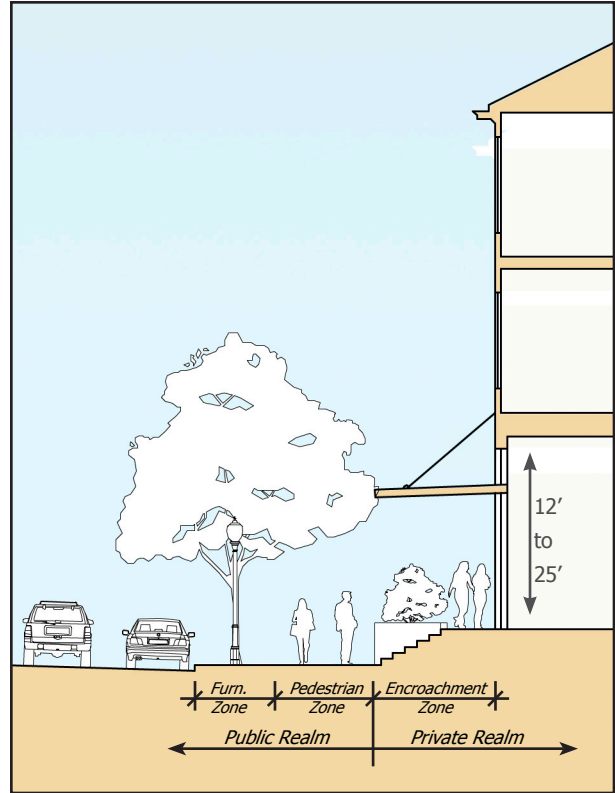


Figure FT.7-1 Cross Section, Raised Terrace Frontage (Illustrative)

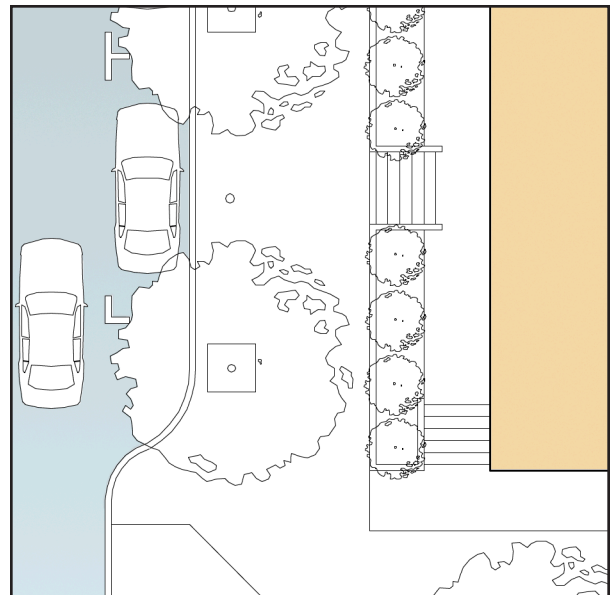


Figure FT.7-2 Plan View, Raised Terrace Frontage (Illustrative)

FIGURE FT.8 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 twelve feet.
3. Any soffits, columns, or arches should be consistent with the architecture detailing of the building.
4. Along the principal frontage, there shall be a minimum of ten feet between gallery openings along the right-of-way.
5. Along front facades within the gallery, windows and doors of shopfronts shall be at least ten feet tall and together shall comprise 65 per cent of the ground floor wall area facing the street.
6. A setback between two and four feet shall be provided between the curb and face of the gallery (except at curb extensions for intersections).

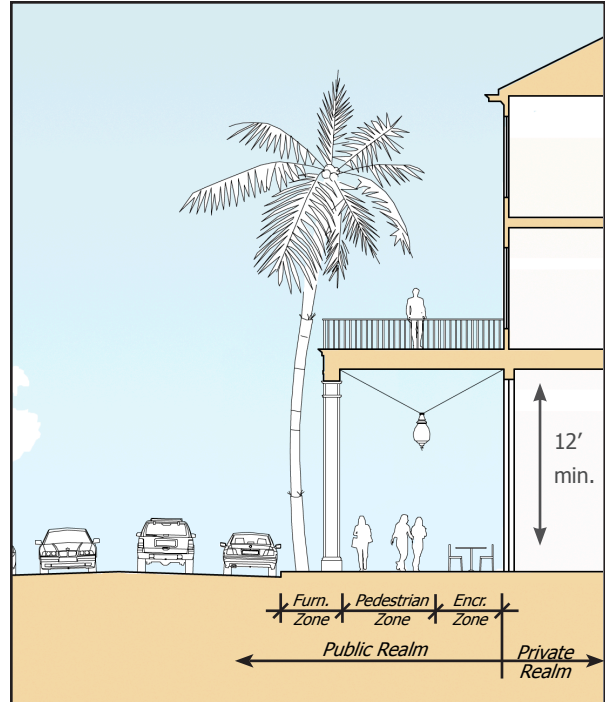


Figure FT.8-1 Cross Section, Gallery Frontage (Illustrative)

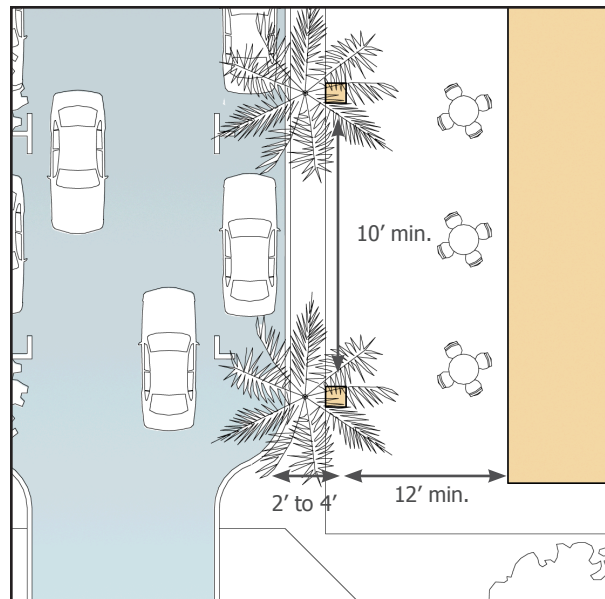


Figure FT.8-2 Plan View, Gallery Frontage (Illustrative)

2. Material, except source notes and other notes, to be repealed is bracketed and stricken. New material is underscored.

3. Additions to update source notes and other notes to reflect these amendments and compilation are not underscored.

4. These amendments to and compilation of chapter 15-215, Hawaii Administrative Rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ and filed with the Office of the Lieutenant Governor.

CRAIG K. NAKAMOTO
Executive Director,
Hawai'i Community Development
Authority

APPROVED AS TO FORM:

Deputy Attorney General