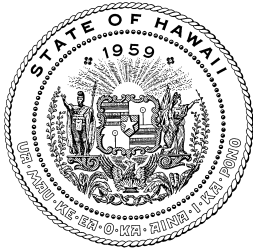


Small Business Regulatory Review Board Meeting

March 28, 2024

10:00 a.m.



SMALL BUSINESS REGULATORY REVIEW BOARD

Department of Business, Economic Development & Tourism (DBEDT)
No. 1 Capitol District Building, 250 S. Hotel Street, Fifth Floor, Honolulu, HI 96813
Mailing Address: P.O. Box 2359, Honolulu, HI 96804
Email: dbedt.sbrb.info@hawaii.gov
Website: sbrb.hawaii.gov

Tel: 808 798-0737

AMENDED AGENDA

Thursday, March 28, 2024 ★ 10:00 a.m.

**Leiopapa A Kamehameha Building – State Office Tower
235 S. Beretania Street, Conference Room 405
Honolulu, HI 96813**

As authorized under Act 220, Session Laws of Hawaii 2021, and Chapter 92-3.7 Hawaii Revised Statutes (HRS), the public can participate in the meeting either:

A. By attending the in-person meeting at:

**Leiopapa A Kamehameha Building – State Office Tower 235 S. Beretania Street,
Conference Room 405, Honolulu, HI 96813; or**

**B. Via Video-audio livestream or via Telephone - to join the Video-audio
livestream meeting, go to:**

<https://us06web.zoom.us/j/88945374966?pwd=cDhqWEEzZGZHYmJLM05tMHU5Mm5HQ09>

**C. To Join via Telephone: Dial 1-669-900-6833 with
Meeting ID 883 5814 0200 Passcode 066739**

When the Chairperson asks for public testimony during the meeting, you may indicate that you want to provide oral testimony by using the raise hand function or, if calling in by telephone, entering * and 9 on your phone keypad. When recognized by the Chairperson, you will be unmuted. If calling in by phone, you can unmute and mute yourself by pressing * and 6 on your keypad.

Members of the public may also submit written testimony via e-mail to:

DBEDT.sbrb.info@hawaii.gov or mailed to SBRRB, No. 1 Capitol District Building, 250 S. Hotel Street, Room 508, Honolulu, HI 96813, or P.O. Box 2359, Honolulu, HI 96804. The Board requests that written testimony be received by Wednesday, March 27, 2024 so it may be distributed to Board members prior to the meeting. Testimony received after that time will be distributed to the Board members at the meeting.

Copies of the Board Packet will be available on-line for review at: [Agendas & Minutes – Small Business Regulatory Review Board \(hawaii.gov\)](#). An electronic draft of the minutes for this meeting will also be made available at the same location when completed.

The Board may go into Executive Session under Section 92-5 (a)(4), HRS to Consult with the Board's Attorney on Questions and Issues Concerning the Board's Powers, Duties, Immunities, Privileges and Liabilities.

I. Call to Order

II. Approval of February 15, 2024 Meeting Minutes

Josh Green,
M.D.
Governor

Sylvia Luke
Lt. Governor

James Kunane
Tokioka
DBEDT Director

Dane K. Wicker
DBEDT Deputy
Director

Members

Mary Albitz
Chairperson
Maui

Robert Cundiff
Vice Chairperson
O'ahu

Jonathan Shick
2nd Vice
Chairperson
O'ahu

Dr. Nancy
Atmosfera-
Walch
O'ahu

William Lydgate
Kaua'i

James (Kimo)
Lee
Hawai'i

Garth Yamanaka
Hawai'i

Sanford Morioka
O'ahu

Tessa Gomes
O'ahu

Mark Ritchie for
Director, DBEDT
Voting Ex Officio

III. Old Business

A. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to Hawaii Administrative Rules (HAR) Title 15 Chapter 217, **Mauka Area Rules**, promulgated by Hawaii Community Development Authority / Department of Business, Economic Development and Tourism – *Discussion Leader – Robert Cundiff*

B. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 13 Chapter 74, **License and Permit Provisions for Fishing, Fish, and Fish Products**, promulgated by Department of Land and Natural Resources – *Discussion Leader – Jonathan Shick*

IV. Administrative Matters

A. Update on the Board’s Upcoming Advocacy Activities and Programs in accordance with the Board’s Powers under Section 201M-5, Hawaii Revised Statutes (HRS)

1. Update and Discussion on Becker Communications Inc., regarding the Board’s Small Business Outreach
2. Presentations to Industry Associations
3. Staff’s Small Business Outreach

V. Legislative Matters

A. Update, Discussion, and Action, if necessary, on the following legislative matters:

1. **Senate Resolution 56** – Requesting Businesses in Hawaii to Use Hawaiian Language and Requesting the Department of Education to Develop and Implement Programs to Teach Employees Hawaiian and Hire Permanent Hawaii Language Teachers
2. **House Bill 1956 Relating to Economic Development** – Establishes a business revitalization task force to identify methods to improve Hawaii’s general economic competitiveness and business climate, including by mitigating regulatory and tax burdens. Requires a report to the legislature
3. **House Bill 2354 Relating to the Small Business Regulatory Review Board** – Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to a request from small business owners
4. **Senate Bill 3043 Relating to the Small Business Regulatory Review Board** – Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to a request from small business owners
5. **Senate Bill 2974 Relating to Economic Development** – Establishes a Business Revitalization Task Force within the Department of Business, Economic Development, and Tourism to identify methods to improve Hawaii’s general economic competitiveness and business climate, including by mitigating regulatory and tax burdens; and require a report to the Legislature

VI. Next Meeting: Thursday, April 18, 2024 at 10:00 a.m., held via Zoom and at Leiopapa A Kamehameha Building – State Office Tower, Conference Room 405, Honolulu, HI 96813

VII. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, contact Jet’aime Ariola at 808 798-0737 and jetaime.k.ariola@hawaii.gov as soon as possible, preferably at least three (3) working days prior to the meeting. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

II. Approval of February 15, 2024 Meeting Minutes

Small Business Regulatory Review Board

MEETING MINUTES - DRAFT

February 15, 2024

ZOOM Meeting Recording

- I. **CALL TO ORDER:** Chair Albitz called the meeting to order at 10:01 a.m., with a quorum present.

MEMBERS PRESENT:

- Mary Albitz, Chair
- Robert Cundiff, Vice Chair
- Jonathan Shick, 2nd Vice Chair
- Dr. Nancy Atmospera-Walch
- Garth Yamanaka
- James (Kimo) Lee
- Tessa Gomes
- Mark Ritchie

ABSENT MEMBERS:

- William Lydgate
- Sanford Morioka

STAFF: DBEDT

Dori Palcovich
 Jet'aime Ariola

Office of the Attorney General

Alison Kato

II. **APPROVAL OF January 18, 2024 MINUTES**

Mr. Ritchie motioned to accept the January 18, 2024 meeting minutes, as amended. Vice Chair Cundiff seconded the motion and the Board members unanimously agreed.

III. **OLD BUSINESS**

- A. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 13 Chapter 60.11, Kipahulu Community-Based Subsistence Fishing Area, Maui, promulgated by Department of Land and Natural Resources (DLNR) -

Discussion leader and Second Vice Chair Shick noted that the proposed rules are after public hearing and that there was no negative feedback from the testifiers or stakeholders. Testifier, Mr. Ka'uiki Lind, indicated that he has gone through the process with DLNR and is eager for the Governor to approve adoption of the proposed new rules. He also indicated that he appreciated the great work that this Board does for the State of Hawaii.

Mr. Kealii Sagum, Legal Research Specialist, from DLNR's Division of Aquatic Resources stated that the public hearing went very smoothly. Thirty-one people attended the hearing,

and all were in support of the proposed new rule; an additional fifty-seven written testimonies were submitted with no comments for changes or recommendations. The Board of Land and Natural Resources unanimously approved to move the rules forward; the rules had not been modified since they first came to this Board prior to the public hearing.

Mr. Yamanaka stated that he is a big supporter of the community-based subsistence fishing areas and is in full support of these rules. He added that the term “community” includes small businesses and as a result, this Board should have a strong weight into what the community is seeking. This is because the community is best to manage these areas due to DLNR being unable to closely monitor fishing activity in such a large island as the Big Island.

Mr. Yamanaka made a motion to pass the rules onto the Governor for adoption. Second Vice Chair Shick seconded the motion, and the Board members unanimously agreed.

IV. ADMINISTRATIVE MATTERS

A. Update on the Board’s Upcoming Advocacy Activities and Programs in accordance with the Board’s Powers under Section 201M-5, Hawaii Revised Statutes (HRS)

1. Discussion and Action on the Board’s Draft 2024 Periodic Review; Evaluation Report

Second Vice Chair Shick motioned to approve the Board’s draft *2024 Periodic Review; Evaluation Report* to the State Legislature. Mr. Ritchie seconded the motion, and the Board members unanimously approved.

2. Update on Becker Communications, Inc., regarding the Board’s Small Business Outreach Purposes

At the Board’s next meeting on March 21st, Becker Communications will be taking pictures and videos of the members during the board meeting. Interviews will also be conducted with some of the members.

3. Discussion and Action on Delegation of Authority to this Board’s Chair to Make Decisions on Administrative Matters with Becker Communications based on Opinions Received Individually from this Board’s Members

Vice Chair Cundiff motioned to authorize Board Chair Mary Albitz to act on behalf of this Board on administrative matters for Becker Communications in conjunction with DBEDT administrative staff and ex officio voting board member, Mr. Mark Ritchie. Second Vice Chair Shick seconded the motion and the Board members unanimously agreed.

4. Presentations to Industry Associations

Vice Chair Cundiff noted that the Hawaii Chamber of Commerce is putting out a big push by creating legislation to support small businesses, such as through small business loans, which is presently getting a great deal of publicity. He suggested that

this Board become involved in such initiatives with the Chamber. As a member of the Chamber, Second Vice Chair Shick will attempt to find out more about the program. In addition, Vice Chair Cundiff explained that the Chamber should be contacted to help support the bills that this Board currently has going through this legislative session. Chair Albitz asked that DBEDT staff contact Alyssa Talbot from the Chamber of Commerce.

Ms. Gomes recently met with the City and County's Office of Economic Revitalization, which is launching a small business task force next week. Mr. Ritchie explained that the platform is made up of several business organizations including government agencies and non-profit organizations to input into an online system. It is expected to be user-friendly and is intended to help small businesses navigate through the system when looking for specific business assistance.

Second Vice Chair Shick added that House Bill 1654 HD2 Relating to Education is a bill that establishes a qualified internship grant program within the Department of Education to provide grants to businesses and organizations that employ qualified interns participating in work-based learning through a qualified program.

Chair Albitz noted that after last month's meeting, she participated in the Chamber of Commerce's "walk-around" at the State Capitol and an after-hours event. She Distributed her business cards to various legislators and made sure they were aware of and familiar with this Board and what its purview is. She added that the tone in the legislature appears to be super supportive of the Chamber's small business initiative.

Staff's Small Business Outreach

Ms. Ariola mentioned that Mr. Ritchie will be assisting with this Board's outreach by connecting with the Small Business Development Center, which is located on Oahu and on the Big Island.

V. LEGISLATIVE MATTERS

A. Discussion and/or Action on the following legislative matters:

1. House Bill 2354 Relating to the Small Business Regulatory Review Board – Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to a request from small business owners.

This measure is scheduled to be heard tomorrow, February 16th at 2:00 p.m., in the Judiciary & Hawaiian Affairs Community. Chair Albitz will be attending the meeting virtually.

2. Senate Bill 3043 Relating to the Small Business Regulatory Review Board – Clarifies that the Small Business Regulatory Review Board has the authority to

review legislation affecting small businesses in response to a request from small business owners.

This measure is moving along, and the next step is for the bill to be heard in the Senate Judiciary Committee, of which, a letter was sent to the Chair of the Committee to schedule a hearing.

3. Senate Bill 2984 Relating to Small Business – Establishes the Hawaii Capital Loan Revolving Fund to be used to make loans to businesses located in nationally-declared disaster areas relating to the 2023 Maui wildfires and to, in part, administer the Maui Business Bridge Grants Program. Declares that the general fund expenditure ceiling is exceeded; makes an appropriation.

Mr. Ritchie stated that several years ago, DBEDT offered a Capitol Loan Program, but the Legislature has since gutted part of the program, which was a funding mechanism that was a revolving loan fund. Thus, the program still exists but there is currently no funding available. Senate Bill 2984 re-creates the funding mechanism and provides verbiage to make loans to businesses located in nationally declared disaster areas relating to the 2023 Maui wildfires and to, in part, administer the Maui Business Bridge Grants Program.

The testimony that DBEDT drafted for this bill requests a loan officer position to handle the Program and that the bill's passage does not replace or adversely impact the priorities in the Executive Budget. It was indicated that today is the last day for scheduling, so if it is not scheduled by today, the bill is dead.

Some of the board members expressed concern with providing support for this bill due, in part, to the fact that there are so many bills like this one currently being heard in the legislature. Mr. Ritchie added that the Federal Small Business Administration has various programs like this one in the bill, and questioned how the Board would dove-tail with the other programs. Chair Albitz recommended that the Board skip supporting this bill for the time being, but if any of the members were interested in supporting the bill individually to please feel free to.

Ms. Gomes mentioned that she attended a meeting in Maui regarding the aftermath of the Maui fires and provided this Board's website and explained the Board's purview. Chair Albitz shared interest to attend future meetings in Maui regarding the rejuvenation of Maui.

4. GM 595 – Submitting for consideration and confirmation as the Director, Department of Business, Economic Development, and Tourism, Gubernatorial Nominee, James Kunane Tokioka, for a term to expire 12-31-2026.

No action is needed on this "information only" item.

5. House Bill 1956 Relating to Economic Development – Establishes a business revitalization task force to identify methods to improve Hawaii's general

economic competitiveness and business climate, including by mitigating regulatory and tax burdens; requires a report to the legislature.

The Legislature added that a member of this Board be included in the revitalization taskforce, that terminates in 2026; of which, the Chair of Board would appoint such a member. Ms. Gomes volunteered to be appointed to this taskforce.

Mr. Ritchie motioned for this Board to provide testimony in support of House Bill 1956. Mr. Yamanaka seconded the motion and the Board members unanimously agreed.

- VI. **NEXT MEETING** – Thursday, March 21, 2024 at 10:00 a.m., via Zoom and in conference room 405 at Leiopapa A Kamehameha Building – State Office Tower – 235 S. Beretania Street, Honolulu, HI 96813.
- VII. **ADJOURNMENT** – Second Vice Chair Shick motioned to adjourn the meeting and Mr. Ritchie seconded the motion; the meeting adjourned at 10:55 a.m.

DRAFT

III. Old Business

A. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 15 Chapter 217 Mauka Area rules, promulgated by DBEDT

SMALL BUSINESS STATEMENT
“AFTER” PUBLIC HEARING TO THE
SMALL BUSINESS REGULATORY REVIEW BOARD
(Hawaii Revised Statutes (HRS), §201M-3)

Department or Agency: Hawaii Community Development Authority

Administrative Rule Title and Chapter: Title 15, Chapter 217

Chapter Name: Kaka‘ako Mauka Area Rules

Contact Person/Title: Ryan Tam / HCDA Director of Planning and Development

Phone Number: 808-594-0338

E-mail Address: ryan.am.tam@hawaii.gov **Date:** 3/18/2024

A. To assist the SBRRB in complying with the meeting notice requirement in HRS §92-7, please attach a statement of the topic of the proposed rules or a general description of the subjects involved.

B. Are the draft rules available for viewing in person and on the Lieutenant Governor’s Website pursuant to HRS §92-7?

Yes **No**

(If “Yes,” please provide webpage address and when and where rules may be viewed in person. Please keep the proposed rules on this webpage until after the SBRRB meeting.)

I. Rule Description: **New** **Repeal** **Amendment** **Compilation**

II. Will the proposed rule(s) affect small business?

Yes **No** (If “No,” no need to submit this form.)

* “Affect small business” is defined as “any potential or actual requirement imposed upon a small business . . . that will cause a direct and significant economic burden upon a small business, or is directly related to the formation, operation, or expansion of a small business.” HRS §201M-1

* “Small business” is defined as a “for-profit corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legal entity that: (1) Is domiciled and authorized to do business in Hawaii; (2) Is independently owned and operated; and (3) Employs fewer than one hundred full-time or part-time employees in Hawaii.” HRS §201M-1

III. Is the proposed rule being adopted to implement a statute or ordinance that does not require the agency to interpret or describe the requirements of the statute or ordinance?

Yes **No**

(If “Yes” no need to submit this form. E.g., a federally-mandated regulation that does not afford the agency the discretion to consider less restrictive alternatives. HRS §201M-2(d))

IV. Is the proposed rule being adopted pursuant to emergency rulemaking? (HRS §201M-2(a))

Yes **No**

(If “Yes” no need to submit this form.)

V. Please explain how the agency involved small business in the development of the proposed rules.

Kaka'ako Improvement Association (representing businesses in Kaka'ako) and other stakeholders were consulted via working groups, online surveys, and other meetings from 2021 to 2023.

a. Were there any recommendations incorporated into the proposed rules? If yes, explain. If not, why not?

Recommendations for incentive zoning were incorporated into the rules, and business hotel uses continued to be prohibited as per request from Ala Moana-Kaka'ako neighborhood board.

VI. If the proposed rule(s) affect small business, and are not exempt as noted above, please provide the following information:

1. A description of how opinions or comments from affected small businesses were solicited.

Staff conducted virtual and in-person extensive outreach with the Kaka'ako community and other stakeholders, including Native Hawaiians. The University of Hawaii Community Design Center also conducted a "design tank" comprised of stakeholder representatives to review the incentive zoning.

2. A summary of the public's and small businesses' comments.

Two parties submitted written comments, including the Honolulu Authority for Rapid Transportation and a planning consulting firm. Comments included minor edits and larger policy changes.

3. A summary of the agency's response to those comments.

Many of the minor edits were incorporated, including including eliminating parking cost disclosures, but others, such as not utilizing the City's bicycle parking requirements, were not accepted.

4. The number of persons who:

(i) Attended the public hearing: 1 (+ others online)

(ii) Testified at the hearing: 1

(iii) Submitted written comments: 2

5. Was a request made at the hearing to change the proposed rule in a way that affected small business?

Yes **No**

(i) If "Yes," was the change adopted? **Yes** **No**

(ii) If No, please explain the reason the change was not adopted and the problems or negative result of the change.

Some of the requested changes went against community input; others required more extensive study.

Small Business Regulatory Review Board / DBEDT
Phone: (808) 586-2594 / Email: DBEDT.sbrrb.info@hawaii.gov

This statement may be found on the SBRRB Website at:
<http://dbedt.hawaii.gov/sbrrb-impact-statements- pre-and-post-public-hearing>

Small Business Regulatory Review Board

MEETING MINUTES

October 19, 2023

ZOOM RECORDING

- I. **CALL TO ORDER:** Chair Albitz called the meeting to order at 10:03 a.m., with a quorum present.

MEMBERS PRESENT:

- Mary Albitz, Chair
- Jonathan Shick, 2nd Vice Chair
- Dr. Nancy Atmospera-Walch
- James (Kimo) Lee
- Sanford Morioka
- Tessa Gomes
- Mark Ritchie

ABSENT MEMBERS:

- Robert Cundiff, Vice Chair
- Garth Yamanaka
- William Lydgate

STAFF: DBEDT

Dori Palcovich
Jet'aime Ariola

Office of the Attorney General

John Cole

II. **APPROVAL OF September 21, 2023 MINUTES**

Mr. Lee motioned to accept the September 21, 2023 meeting minutes, as presented. Second Vice Chair Shick seconded the motion and the Board members unanimously agreed.

III. **OLD BUSINESS**

- A. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 16 Chapter 39, Securities, promulgated by Department of Commerce and Consumer Affairs (DCCA)

Discussion Leader Ms. Gomes stated that the subject rules are post-public hearing and appear to have little impact on small businesses. Mr. Keola Fong, Securities Enforcement Attorney at DCCA explained that the amendments require an investment advisor representative who is registered in Hawaii to receive 12 credits of continuing education each year to maintain his/her registration. The changes will align Hawaii to be consistent with national requirements. In addition, non-substantive changes, such as formatting, are also being made to the rules.

At this Board's pre-public hearing meeting, thirteen other states had adopted these rule requirements; it is now up to sixteen with Hawaii being the seventeenth state to adopt these requirements.

October 19, 2023 Meeting Minutes

accredited within seven years. Existing preschools must start the accreditation process by July 1, 2029 and be accredited by July 1, 2034.

Second Vice Chair Shick motioned to move the proposed amendments to public hearing. Mr. Ritchie seconded the motion, and the Board members unanimously agreed.

B. Discussion and Action on Proposed Amendments to HAR Title 15 Chapter 217 Mauka Area Rules, promulgated by Department of Business, Economic Development and Tourism (DBEDT)

Mr. Craig Nakamoto, Executive Director, and Mr. Ryan Tam, Director of Planning at DBEDT's Hawaii Community Development Corporation (HCDA), discussed the updates and proposed amended rule changes to the Kakaako Mauka Area Rules; this includes HCDA's community development districts, the statewide districts and projects, and transit-oriented development infrastructure and other projects.

The Mauka rules amendment objectives, which have been worked on for the past several years, are intended to reflect the needs of the community, reduce government red tape, promote livable, walkable communities, incentivize zoning to promote the development of community benefits, and increase reserve housing.

The changes will also clarify various definitions, update floor area definitions to include overhangs, canopies with more than 50%, address conflicts between window transparency requirements and energy code, add strategies to activate building frontage walls, and allow for preservation of significant properties that are no longer present. While the main change is streamlining the permitting process, the second main change has to do with parking reform as 25% to 30% of the parking stalls in Kakaako are under-utilized.

Regarding Second Vice Chair Shick's inquiry into the imposition of fees, Mr. Tam responded that there is a \$50 increase in the base-line fee. In response to Chair Albitz's question, HCDA has not received any negative feedback at the public meetings from small businesses largely due to the extensive community outreach; this includes the neighborhood board meetings and the Kakaako Association meetings.

Overall, HCDA is expecting to achieve community benefits through the rule changes by allowing for larger projects in exchange for public benefit.

Second Vice Chair Shick motioned to move the proposed amendments to public hearing. Mr. Ritchie seconded the motion, and the Board members unanimously agreed.

V. ADMINISTRATIVE MATTERS

A. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, Hawaii Revised Statutes (HRS)

1. Discussion with Becker Communications' Representative about creating a YouTube Video for the Board's Outreach Purposes



Kaka'ako Community Development District

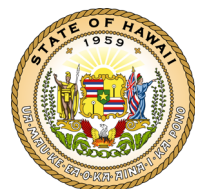
Mauka Area Rules

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

Final Draft (Ramseyer Version)
March 2024



**Hawaii Community
Development Authority**



Amendment and Compilation of Chapter 15-217
Hawaii Administrative Rules

February 7, 2024

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

"HAWAII ADMINISTRATIVE RULES

TITLE 15

DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT

SUBTITLE 4

HAWAII COMMUNITY DEVELOPMENT AUTHORITY

CHAPTER 217

KAKA'AKO COMMUNITY DEVELOPMENT DISTRICT

MAUKA AREA RULES

Subchapter 1 Purpose and Applicability

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

Subchapter 2 Regulating Plan, Neighborhood
Zones, and Incentive Zones

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

Subchapter 3 Thoroughfare Plan and Standards

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

Subchapter 4 Area-Wide Standards

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

Subchapter 5 Procedures

§15-217-76	Zoning clearance
§15-217-77	Temporary use permit
§15-217-78	Rules clearance
§15-217-79.5	Renovation permit
§15-217-80	Improvement and development permits
§15-217-81	Conditional use permit
§15-217-82	Variances
§15-217-83	Master plan
§15-217-84	Floor area ratio transfer
§15-217-85	Completeness review
§15-217-86	Automatic approvals
§15-217-87	Approval validity period
§15-217-88	Appeals
§15-217-89	Subsequent applications
§15-217-90	Minor changes
§15-217-91	Nonconformities
§15-217-92	Violations and enforcement
§15-217-93	Fee schedule
§15-217-94	Joint development of two or more adjacent zoning lots
§§15-217-95 to 15-217-107	(Reserved)

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

SUBCHAPTER 1

PURPOSE AND APPLICABILITY

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

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

(c) The figures, dated [~~September 2011,~~] January 2024, attached at the end of this chapter and the mauka area plan, dated November 11, 2011, are hereby incorporated by reference and made a part of this chapter. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-5, 206E-7) (Imp: HRS §§206E-5, 206E-7)

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

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

(c) The rules are adopted to protect and promote the public health, safety, and general welfare of the community and to protect and preserve places and areas of historical,

cultural, architectural, or environmental importance and significance, as set forth in the mauka area plan and chapter 206E, HRS. More specifically, the purposes of the rules are to ensure:

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

- (2) For the neighborhood zones:
- (A) That communities should provide meaningful choices in living arrangements as manifested by distinct physical environments; and
 - (B) That the neighborhood zone descriptions provided in section 15-217-23 (neighborhood zones) shall constitute the intent of these rules with regard to the general character of each of these environments within the mauka area; ~~and~~
 - (C) That neighborhoods are connected via a network of pedestrian, multi-modal, and cultural resources; and
- (3) For the block and the building:
- (A) That buildings and landscaping contribute to the physical definition of public walkways, sidewalks, and thoroughfares as civic places;
 - (B) That development ~~[respecting]~~ prioritizes the pedestrian and the spatial form of public areas;
 - (C) That the design of streets and buildings reinforce safe and accessible environments;
 - (D) That architecture and landscape design grow from local cultural knowledge, materials, climate, topography, history, and building practice;
 - (E) That the design and siting of buildings are done in consideration of climate change, sea level rise, and climate-resilient development;
 - ~~[(E)]~~ (F) That buildings provide their inhabitants with a clear sense of geography and enjoy the advantages of Kaka'ako's climate through passive design strategies and energy efficient methods;
 - ~~[(F)]~~ (G) That civic buildings and public gathering places be provided ~~as~~ in locations that reinforce community identity and support self-government;
 - ~~[(G)]~~ (H) That civic buildings be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city; and
 - ~~[(H)]~~ (I) That the preservation and renewal of historic resources, places, and buildings be

facilitated to affirm the continuity and evolution of society. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-1, 206E-4, 206E-5, 206E-7)

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

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

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

(d) Except as otherwise specifically provided, the provisions of this chapter shall supersede the provisions of the city and county of Honolulu's development plan (Ordinance No. 81-79, as amended by Ordinance No. 85-46 and Ordinance No. 04-14), the provisions of the [~~Kaka'ako~~] Kaka'ako special design district ordinance, and the provisions of the land use ordinance as they all shall relate to properties within the mauka area. The foregoing ordinances are hereby declared to be inconsistent with this chapter[~~7~~] and shall, therefore, be inapplicable to developments within the mauka area unless otherwise specifically stated.

(e) Except as otherwise specifically stated in this chapter, all other rules, laws, and ordinances shall [~~continue to~~] remain applicable to the developments and properties within the mauka area. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-4 Minimum requirements. The provisions of the rules are minimum requirements for the protection and promotion of public health, safety, and welfare.

Satisfaction of the minimum requirements does not mean that a decision-maker cannot impose additional requirements where authorized and appropriate and does not guarantee compliance with other rules, ordinances, or laws imposed by other governmental entities. [Eff 11/11/11] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-5 Rules of interpretation. (a) Provisions of the rules are activated by "shall" when required; "should" when recommended; and "may" when optional.

(b) In addition to text-only contents of the rules, section 15-217-5 (rules of interpretation) shall also control related captions, titles, and figures.

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

(d) The figures located herein are an integral part of the rules. However, Figures [~~1.11 to 1.16,~~] 1 to 15, dated ~~September 2011,~~ January 2024, made a part of this chapter, and attached at the end of this chapter, are illustrative guidelines.

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

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

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

(h) Within the rules, sections are occasionally prefaced with "purpose" or "intent" statements [~~. Each such statement is intended as an official statement of legislative finding or purpose. The "purpose" or "intent" statements are legislatively adopted, together with their accompanying rules text. They] 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.~~

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

Whenever the provisions, standards, or requirements of [~~HCDA's~~] the authority's rules of practice and procedure, chapter 219, and chapter 218 (reserved housing), Hawaii administrative rules, are higher or more restrictive, the latter shall control.

(j) [~~Whenever the executive director determines that the meaning or applicability of any requirement of the rules is subject to interpretation generally, or as applied to a specific case, the executive director may issue an official interpretation.~~] In administering this chapter, the executive director may, when deemed necessary, 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. 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 determination at a public meeting[+].

- (1) The issuance of an interpretation shall include findings stating the basis for the interpretation. The basis for an interpretation may include but is not limited to technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the mauka area plan;
- (2) All interpretations shall be:
 - (A) Written and shall quote the provisions of the rules being interpreted, and the applicability in the particular or general circumstances that caused the need for [~~interpretations,~~] interpretation, and the determination; and
 - (B) Distributed to the authority, executive director, and Hawaii community development authority staff;
- (3) Any interpretation of the rules by the executive director may be appealed to the authority in compliance with section 15-217-88 (appeals); and
- (4) Any provision of the rules that is determined by the executive director to need refinement or revision will be corrected by amending the rules as soon as is [~~practical.~~] practicable. Until an amendment can occur, the executive director will maintain a complete record of all interpretations

to the rules, indexed by the number of the subchapter, section or subsection that is the subject of the interpretation.

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

- (1) Where a zone boundary approximately follows a lot line, alley, or street line, the lot line, street or alley centerline shall be construed as the zone boundary, as applicable;
- (2) If a zone boundary divides a parcel and the boundary line location is not specified by distances printed on the regulating plan, the location of the boundary will be determined by using the scale appearing on the regulating plan; and
- (3) Where a public thoroughfare or alley is officially vacated or abandoned, the property that was formerly in the street or alley will be included within the zone of the adjoining property on either side of the vacated or abandoned thoroughfare or alley. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-6 Compliance with other regulations. (a)

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

- (1) Mauka area rules. If a conflict occurs between requirements within the rules, the most restrictive shall apply;
- (2) Mauka area plan. The provisions of the rules, when in conflict with the mauka area plan, shall take precedence;
- (3) Master plan. If conflicts occur between the requirements of the rules and standards adopted as part of any master plan, the requirements of the master plan shall apply; and
- (4) Private agreements. 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 real

property located within the mauka area regardless of whether ~~[it imposes]~~ the rules impose a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction (for example, conditions, covenants, and restrictions).

(b) The following provisions of the subtitle ~~[4,]~~ 219, title 15, apply within the mauka area and may be referenced herein:

- (1) ~~[HCDA's]~~ The authority's rules of practice and procedure; and
- (2) Chapter 218 (Kakaako reserved housing rules).
[Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-7 Severability. ~~[These rules shall be liberally construed to protect and preserve the health, safety, and general welfare within the mauka area. Should any provision of the rules be held to be unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions.]~~ (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 11/11/11] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

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

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

"Accessory dwelling" means a self-contained residential unit located on the same property as a front yard house, side yard house, or duplex-triplex-quadplex, which is either attached to the principal building or in a separate structure[~~7~~]. See Figure BT.1 (front yard house), dated January 2024, made part of this chapter, and attached at the end of this chapter.

"Adapted plants" mean plant species that have adjusted to the physical conditions such as soil, climate, and geology of a site, but were not formally part of the natural ecosystem.

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

"Alcohol sales" is a use classification pertaining to the sale of alcoholic beverages, whether for on-site or off-site consumption[~~7~~].

"Allee" means an evenly spaced and aligned double row of trees usually planted along a thoroughfare[~~7~~].

"Alley" means a service lane located to the rear of lots providing access to service areas, parking, and outbuildings and containing utility easements[~~7~~].

"Alternative fuel station" is a use classification pertaining to the retail sale of non-petroleum based motor vehicle fuel source (including 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.

"Alternative parking access street" means a street from which parking, driveways, curb cuts, and other vehicular intrusions into the pedestrian realm should be allowed only when access to a parking access street is not possible. See Figure ~~[1.10 (parking),]~~ 9 (off-street parking placement), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter~~[+]~~.

"Architectural encroachment" means an architectural feature that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the pedestrian zone, ~~[or]~~ above a height limit[+], or beyond build to line.

"Artisan or craft production" is a use classification for the manufacturing and assembling of small products primarily by hand, including but not limited to clothing, furniture, jewelry, pottery and other ceramics, small glass and metal art, ~~[taxidermists]~~ 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 established by section 206E-3, HRS~~[+]~~.

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

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

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

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

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

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

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

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

"Build to line" means a setback, parallel to the frontage line, which marks the location from which the [~~principle~~] principal vertical plane of the elevation must be erected. The build to line dimension is the distance from the lot line to the build to line[+].

"Building" means any permanently anchored structure used or intended for supporting or sheltering any use or occupancy[+].

"Building face" means the building elevation closest to and facing the abutting thoroughfare[+].

"Building type" means a [~~form-based~~] form-based classification that describes a particular type of building in terms of scale and design. See Figures BT.1 to [~~BT.10,~~] BT.11, dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter[+].

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

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

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

"Civic space" means a form-based classification of outdoor areas dedicated for public use. See Figure [~~1.11 (civic space),~~] 10 (park and civic space typologies), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter[+].

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

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

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

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

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

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

"Day-care center" is a use classification pertaining to non-medical care for fifteen or more children or adults in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four-hour basis. May include pre-schools, infant centers, and extended day-care facilities[+].

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

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

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

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

"Developer's proposal to develop lands under the authority's control" as used in section 206E-5.6, HRS, shall mean and include any permit application filed by any private person or entity seeking the authority's approval for (1) a development[+] project; or (2) an improvement project on lands owned by the authority[+].

"Development" means [~~and includes any man-made change over, upon, under, or across improved or unimproved real property performed on a lot greater than 20,000 square feet within the mauka area. Development shall not include a project consisting of a change in use or interior renovations only;~~] the construction of a new building or other structure on a development lot, the relocation of an existing building on another development lot, or the use of a tract of land for a new use.

"Development lot" means any lot or a combination of lots developed in accordance with the provisions of these rules.

"Development permit" means and includes a permit approved and issued by the authority authorizing any development[+] project.

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

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

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

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

"Dwelling" [~~means one or more rooms providing complete living facilities for one family, including kitchen facilities or equipment for cooking, and including a room or multiple rooms for living, sleeping, bathing, and eating;~~] is a use classification pertaining to buildings, residences,

structures, or enclosed spaces that are used for or intended for human habitation, shelter, and living.

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

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

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

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

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

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

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

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

"Exceptional tree" means a tree that by reason of age, rarity, location, size, aesthetic quality, endemic status, or historical and cultural significance is designated by the county arborist committee as worthy of preservation, pursuant to Act 105, SLH 1975, and the city and county of Honolulu exceptional tree ordinance. See the revised ordinances of Honolulu, chapter [~~41, article 13~~] 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~~ any exterior wall, system of walls, or exterior glazing of a building that is [set] located along a frontage line[+].

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

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

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

"Floor area" means the sum of the gross horizontal areas of all floors of a building[+] 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.

(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 its machinery, and other high efficiency parking systems.

"Floor area ratio" or "FAR" means the ratio of the total building floor area as expressed in square feet to the total land area as expressed in square feet. The FAR is determined by dividing the total floor area on a ~~[development]~~ lot by the lot area ~~[of that development lot;]~~. FAR may be modified based on incentive zoning. See Figure IZ.1 (incentive zoning map), dated January 2024, and Figure IZ.2 (incentive zoning table), dated January 2024, made a part of this chapter, and attached at the end of this chapter.

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

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

"Frontage line" means a lot line bordering the public frontage. See Figure ~~[1.14]~~ 13 (pedestrian zone treatment), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter~~[+]~~.

"Frontage occupancy" means the minimum length of the principal frontage that must contain a building street front element. See Figure ~~[1.13]~~ 12 (building placement and encroachments), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter~~[+]~~.

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

of a building. See Figures FT.1 to FT.12, dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter[+].

"Furnishing area" means the transition between the pedestrian throughway and the edge of the vehicular pavement. The furnishing area provides space for roadside appurtenances such as street trees, planting strips, street furniture, public art, sidewalk cafes, sign poles, signal and electrical cabinets, fire hydrants, bicycle racks, and bus shelters. See Figure [~~1.14-A (section view illustrative pedestrian)~~] 13 (pedestrian zone treatment), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter[+].

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

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

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

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

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

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

"Habitable space" means space in a structure for living, sleeping, eating, or cooking. Bathrooms, closets, halls, storage areas, and utility spaces are not considered habitable spaces[+].

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

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

"Heavy industrial" is a use classification for industrial plants primarily engaged in manufacturing, compounding, processing, assembling, packaging, treatment, or fabrication of materials and products, primarily from extracted or raw or recycled materials. Uses in this classification generally are characterized by, among other things, truck traffic or outdoor storage of products, materials, equipment, or fuel. Typical uses include battery manufacturing, welding, water softening plants, plating, ready-mix concrete plants, trucking terminals, and distribution facilities for commercial package services[+].

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

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

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

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

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

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

"Improvement project" means and includes:

- (a) ~~[any man-made change over, upon, under, or across improved or unimproved real property that comprises]~~ Construction and site [improvements or new] improvements, including new floor area, [of] that totals 20,000 square feet or less [within the mauka area];
- (b) Exterior alterations, excluding ordinary repairs and maintenance covered by a rules clearance or renovation permit; or
- (c) Demolition of an existing structure.

"Incentive zoning" means and includes development incentives, such as increased allowable floor area or building height, in exchange for the provision of community benefits consistent with Figure IZ.2 (incentive zoning table), dated January 2024, made a part of this chapter, and attached at the end of this chapter. Incentive zoning may only be applied within areas identified in Figure IZ.1 (incentive zones), dated January 2024, made a part of this chapter, and attached at the end of this chapter.

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

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

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

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

"Land use" means a designation of land with approved uses that can legally operate on the parcel[+].

"Land use ordinance" or "LUO" means the land use ordinance adopted by Ordinance No. [~~86-96~~] 99-12 of the city and county of Honolulu[+], as amended by the city and county of Honolulu from time to time.

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

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

"Light industrial" is a use classification pertaining to manufacturing, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products and incidental storage and distribution of such products or parts, but excluding basic industrial processing classified under the heavy industrial definition. Typical uses include apparel manufacturing, machine shops, and furniture manufacturing[+].

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

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

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

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

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

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

"Makai area" means that portion of the [~~Kakaako~~] Kaka'ako community development district, established by section 206E-32, HRS, excluding the mauka area which is

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

"Makai area plan" means the development plan for the makai area of the ~~[Kakaake]~~ Kaka'ako community development district adopted on September 29, 1998, as amended on November 27, 2002 ~~[and]~~; October 25, 2005[+] and January 8, 2024.

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

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

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

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

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

~~"Maximum floor plate ratio" means the proportion of each floor that can occupy the total buildable floor area;]~~

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

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

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

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

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

"Native plants" mean endemic or indigenous plant species as well as those brought to Hawai'i by polynesians before european contact.

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

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

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

"Nonconforming use" means an activity using land, buildings or structures for purposes which were legally established prior to the effective date of the adoption or amendment of this chapter~~[7]~~ but would not be permitted as a new use in any of the neighborhood zones established by this chapter~~[7]~~.

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

"Outdoor recreation" is a use classification for recreational facilities operated for monetary profit or on a nonprofit basis and which typically include swimming pools, wading pools, tennis courts, badminton courts, basketball courts, other hard surface play areas, baseball and soccer fields, play equipment areas, and clubhouses~~[7]~~.

"Park and recreation" means a land use classification under civic uses pertaining to parks and recreational facilities, including gymnasiums, playing fields, playgrounds, fountains, and swimming pools~~[7]~~.

"Parking access street" means a street from which access to parking, driveways, curb cuts, and other vehicular intrusions into the pedestrian realm should be located. See Figure ~~[1.10-B (parking placement diagram),]~~ 9 (off-street parking placement), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter~~[7]~~.

"Parking facility" is a use classification for off-street parking spaces for motor vehicles within or outside of a structure by either a private or public entity~~[7]~~.

"Parking structure" means a building containing one or more stories of parking above grade~~[7]~~.

"Parking zone" means the area within a block where parking is allowed. See Figure ~~[1.10-B (parking placement diagram),]~~ 9 (off-street parking placement), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter~~[7]~~.

"Passageway" means a pedestrian pathway, open or roofed, that serves as an extension of the sidewalk as it passes from the frontage line onto private property, often between or through buildings, to courtyards, parking areas, or civic spaces. Passageways shall be no less than fifteen feet wide. If passageways are covered, they require a floor

to ceiling height of at least two times their width, but no greater than three times their width[+].

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

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

"Pedestrian throughway" means the clear area for the pedestrian walkway area between the furnishing and private frontage areas. The throughway must provide a minimum horizontal and vertical clear zone area in compliance with [ADA] the Americans with Disabilities Act (ADA) requirements. No furnishings or obstructions are allowed. See Figure [~~1.14-A~~] 13 (pedestrian zone treatment), dated [~~September 2011,~~] January 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 [~~1.14-A~~] 13 (pedestrian zone treatment), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter[+].

"Pedestrian zone fixture" means street furniture, paving, and trees within the pedestrian zone, including street trees, planting strips, street lights, pedestrian lights, street furniture, public art, sign poles, fire hydrants, signal and electrical cabinets, bike racks, special pavement, and outdoor seating. See Figure [~~1.15~~] 14 (pedestrian zone fixtures), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter[+].

"Personal services" is a use classification pertaining to services for the enhancement of personal appearance, cleaning, alteration or reconditioning of garments and accessories, and similar [~~non-business related or nonprofessional~~] services. Typical uses include reducing salons, tanning salons, barber shops, tailors, shoe repair shops, self-service laundries, and dry cleaning shops, but exclude uses classified under the office and vocational school[+].

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

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

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

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

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

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

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

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

"Project" means an endeavor undertaken by a landowner or developer to develop or improve a lot or combination of lots[+] or buildings, or the renovation of a building or structure.

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

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

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

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

"Public frontage" means the area of the pedestrian thoroughway area that is [~~publically~~] publicly owned. The public frontage contributes to the character of the neighborhood, and includes the sidewalk, landscaping, and furnishings. See Figure [~~1.14~~] 13 (pedestrian zone treatment), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter[~~†~~].

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

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

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

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

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

"Recycling collection facility" means any indoor or outdoor space allocated to collecting and loading recyclable materials to be transported to a recycling center. May include bins, boxes, cans, kiosk type structures, and reverse vending machines[~~†~~].

"Regulating plan" means a zoning map which depicts the neighborhood zones, areas subject to regulation by this chapter and other pertinent portions of the authority's administrative rules[~~†~~].

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

care facilities, kindergartens, dormitories, or other facilities~~[7]~~ for temporary or permanent residences~~[7, which]~~ 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 ~~[and/or]~~ or training~~[7]~~.

"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, and where the total building floor area is less than twenty thousand square feet; and
- (2) Minor modifications to the exterior of the existing structure.

"Reserved housing" means housing as defined in chapter 218, title 15, Hawaii administrative rules~~[7]~~.

"Residential" means premises available for human dwelling~~[7]~~.

"Restaurant" is a use classification pertaining to ~~[of]~~ the sale of food ~~[and/or]~~ or beverages in a ready-to-eat state for on-site or off-site consumption. Typically, there are tables, counters, benches, or other public seating facilities provided. Examples include a sit-down dining facility, fast-food restaurant (no drive-through), donut shop, pizza shop, cafe, bakery, cafeteria, coffee shop, lunchroom, delicatessen, and ice cream parlor. Includes micro-breweries as accessory to the restaurant~~[7]~~.

"Retail sales" is a use classification pertaining to the sale of goods and merchandise~~[7]~~.

"Right-of-way" means the area of a thoroughfare between private lot lines~~[7]~~.

"Robotic parking" means a mechanized parking system which stores and retrieves vehicles in a compact storage facility~~[7]~~.

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

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

- (1) Comply with setback requirements, height limits, and all other applicable standards and existing nonconformities; and
- (2) Does not require the issuance of a renovation permit, improvement permit, or development permit.

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

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

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

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

"Shared parking" means a system in which the parking requirements for two or more uses are shared amongst each other, thereby resulting in reductions in the parking requirements[+].

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

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

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

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

"Special flood hazard area" means a designation by the Federal Emergency Management Agency ("FEMA") that may include the V (velocity) zones and coastal A zones where

building construction is forbidden, restricted, or contingent upon raising the building to the base flood elevation[+].

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

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

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

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

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

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

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

"Swale" means a low or slightly depressed natural area for drainage[+].

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

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

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

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

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

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

"Thoroughfare plan" means a component of the mauka area rules that shows planned changes to existing thoroughfares and the general location of planned new thoroughfares. See Figure [1.4] 3 (thoroughfare plan), dated [~~September 2011,~~ January 2024, made a part of this chapter, and attached at the end of this chapter[+].

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

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

"View corridor street" means a thoroughfare identified in the mauka area plan, where special design and development standards are required to protect views to the mountains and to the ocean. See Figure [1.6A] 5 (view corridors), dated [~~September 2011,~~ January 2024, made a part of this chapter, and attached at the end of this chapter[+].

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

"Warehousing" is a use classification pertaining to the wholesaling, storage, moving or bulk distribution of goods other than live animals. Typical uses include wholesale distributors, storage warehouses, and moving and storage firms[+].

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

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

"Zoning clearance" means and includes a permit approved and issued by the executive director authorizing that a proposed use is consistent with the established land use within the neighborhood zones.

"Zoning map" means the official map or maps that are part of the mauka area rules and delineate the boundaries of individual zones and districts (see regulating plan). [Eff 11/11/11; am and comp] (Auth: HRS §§206E-2,

206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-2, 206E-4, 206E-5, 206E-7)

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

SUBCHAPTER 2

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

§15-217-21 Purpose. This subchapter establishes the neighborhood zones within the mauka area, adopts the regulating plan for the mauka area as its zoning map, adopts the parks and open space plan as an overlay to the regulating plan, [~~and~~] establishes standards applicable to neighborhood zones[-], and establishes incentive zones that may utilize modifications to the rules that would not be otherwise permitted. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-22 Regulating plan. The mauka area rules regulating plan (hereafter referred to as the "Regulating Plan"), included as Figure [~~1-2~~] 2 (regulating plan), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter, identifies the neighborhood zones provided in section 15-217-23 (neighborhood zones). [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-23 Neighborhood zones. (a) The regulating plan is divided into neighborhood zones corresponding to the mauka area plan. These neighborhood zones and their

corresponding development and use rules and guidelines are as follows:

- (1) Civic center zone (see Figure NZ.1 (civic center), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter). The civic center neighborhood zone is located adjacent to the Hawaii capital district. The civic center zone will be characterized by civic buildings in campus-like settings with reduced building heights to respect the scale of existing historic resources both within and adjacent to the zone. Significant landscaping features will be retained and enhanced through new plantings;
- (2) Kapiolani zone (see Figure NZ.2 (Kapiolani), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter). The Kapiolani zone will be a central corridor providing for mixed-use buildings including ground floor commercial retail and services, and office and residential uses on upper floors;
- (3) Thomas square zone (see Figure NZ.3 (Thomas square), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter). The Thomas square zone will continue as a civic focal point for the mauka area through its civic buildings and uses facilitating educational, performance, and entertainment endeavors. Buildings will [~~be~~] provide large setbacks and [~~with~~] include complementary mature landscaping;
- (4) Sheridan zone (see Figure NZ.4 (Sheridan), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter). The Sheridan zone will consist predominately of a residential neighborhood with [~~markedly~~] lower scale buildings when compared to the remainder of the mauka area. However, commercial uses will continue along King, Pensacola, and Piikoi Streets; preferably within mixed-use buildings with upper floors of residential or office uses;
- (5) Central [~~Kakaako~~] Kaka'ako zone (see Figure NZ.5 (central [~~Kakaako~~], Kaka'ako), dated [~~September~~

~~2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter). The central [~~Kakaako~~] Kaka'ako zone will support the continued operation of service businesses, including those which are industrial such as repair shops and manufacturing or distribution, as well as residential mixed-use projects within its zone. Inadequate infrastructure will be repaired or upgraded to adequately support existing and planned development and uses;

- (6) Pauahi zone (see Figure NZ.6 (Pauahi), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter). The Pauahi zone will transition into a mixed-use urban village of significantly increased building heights and density. The Pauahi neighborhood will also continue to provide an important link from the makai area of [~~Kakaako's~~] Kaka'ako's waterfront up toward mauka. Walkability will be improved through the insertion of new thoroughfares or passageways; and
- (7) Auahi zone (see Figure NZ.7 (Auahi), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter). The Auahi zone will function as [~~Kakaako's~~] Kaka'ako's main retail, restaurant and entertainment area. Changes to existing building forms will better accommodate pedestrians by relegating vehicles to less prominent positions. Additionally, new thoroughfares or passageways will reduce block sizes and, consequently, further increase pedestrian orientation.

(b) Standards applicable to neighborhood zones. All development, use, and construction within the neighborhood zones shall conform to the standards set forth in [~~Figure 1.3 (development standards summary), dated September 2011, made a part of this chapter, and attached at the end of this chapter, and~~] Figures NZ.1 to NZ.7, dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter, which allocate building type, frontage type, building placement, building form, land use, allowed height, build to line, and parking access.

(c) Standards applicable to entire mauka area. The standards applicable to each neighborhood zone, building type or frontage type may be further modified by subchapter

4 (area wide standards). [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7, 206E-33) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-33)

§15-217-24 Building types. All buildings shall conform with the building standards set forth in Figures BT.1 to [~~BT.10,~~] BT.11, dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter, which specify lot and facade width, access, parking, open space, landscaping, frontage types, and building massing standards to each building type. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-25 Frontage types. All buildings shall conform with the frontage standards set forth in Figures FT.1 to FT.12, dated [~~September 2011,~~] January 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 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-26 Land uses. (a) Buildings and lots in each neighborhood zone shall conform to the land uses specified in Figure [~~1.9~~] 8 (land use), dated [~~September 2011,~~] January 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 [~~1.9~~] 8 (land use), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter.

(c) Where a single lot is proposed for development with two or more land uses listed in Figure [~~1.9~~] 8 (land use), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter, the project shall be subject to the permit with the highest level of discretionary review. [Eff 11/11/11; am and

comp
7)

] (Auth: HRS §206E-7) (Imp: HRS §206E-

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

(b) Each park and open space shall be designed as described in Figure [~~1.11 (civic space),~~] 10 (park and civic space typologies), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter.

(c) Any improvement project performed on any park or open space [~~shall require the executive director's approval of a rules clearance]~~ may be processed pursuant to section [15-217-79] 15-217-78 (rules clearance), [without public hearing, except on lands controlled by the authority, when in compliance with all standards of this chapter.

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

- (1) Neighborhood zone standards. Parks and open space areas are indicated on Figure [~~1.5] 4 (parks and open space plan)~~, dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter. These areas shall be retained as open space or parks as indicated. Any building in these areas shall be located according to the building placement indicated on Figures NZ.1 to NZ.7, dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter;
- (2) Building type standards. A lot or portion of a lot designated as parks and open space on the parks and open space plan shall only accommodate civic, institutional, or community-related buildings that are subordinate to and serve the open space or parks areas only[+] while articulating diversity, difference, social cohesion, participation, and representation in the neighborhood where they are placed;

- (3) Frontage type standards. A lot or portion of a lot designated as parks and open space on the parks and open space plan is not required to include any of the permitted frontage types indicated in the rules~~[7]~~; however, these areas may include any of the permitted frontage types on buildings that are subordinate to and serve the open space or parks areas;
- (4) Land use:
- (A) Permissible land uses within a lot or portion of a lot designated as parks and open space on the parks and open space plan shall be limited to the following classifications:
- (i) Assembly;
 - (ii) Cultural facilities;
 - (iii) Park and recreation;
 - (iv) Government facilities;
 - (v) Educational facilities;
 - (vi) Outdoor recreation;
 - (vii) Indoor recreation;
 - (viii) Theater; ~~[and]~~
 - (ix) Urban garden and food production; and
- (B) Permissible land uses within a lot or portion of a lot designated as parks and open space on Figure ~~[1.5]~~ 4 (parks and open space plan), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter, shall be limited to the following classifications:
- (i) Continuance of a legal conforming land use, if present at the time of the rules effective date;
 - (ii) Any land use classification provided for the applicable neighborhood zone; or
 - (iii) When acquired by the authority and redeveloped into a civic space consistent with Figure ~~[1.11 (civic space)]~~ 10 (park and civic space typologies), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter, or prior to such redevelopment, any of those uses

provided by section 15-217-27(d) (4) (A)
(parks and open space plan); and

- (5) Subchapter 4 (area wide standards). All provisions of subchapter 4 shall apply to parks and open space on Figure ~~[1-5]~~ 4 (parks and open space plan), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

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

(b) Development bonuses may increase the maximum floor area ratio permitted in each neighborhood zone, not to exceed a total floor area ratio of 10.0, subject to compliance with section 15-217-57 (adequate infrastructure).

(c) Development bonuses may only be used on lots identified within the mauka area and indicated in Figure IZ.1 (Incentive zoning map), dated January 2024, made part of this chapter, and attached at the end of this chapter.

(d) Only development bonuses identified in Figure IZ.2 (Incentive zoning table) and Figure IZ.3 (Approved public facilities list), dated January 2024, made a part of this chapter, and attached at the end of this chapter may be applied to projects on lots identified in Figure IZ.1 (Incentive zoning map), dated January 2024, made part of this chapter, and attached at the end of this chapter.

(e) The additional floor area generated by incentive zoning shall be exempt from public facilities dedication fees listed in section 15-217-65. In projects where building forms are modified from what would otherwise be allowed, the exempt floor area should be the difference in floor area between what is otherwise allowed minus the floor area generated by the incentive zoning. [Eff] (Auth: HRS §§206E-4, 206E-4.5, 206E-5, 206E-7, 206E-33) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-33)

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

SUBCHAPTER 3

THOROUGHFARE PLAN AND STANDARDS

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

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

(c) To provide standards for promenade streets and view corridors. [Eff 11/11/11] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-39 Thoroughfare plan and standards. (a) The mauka area rules thoroughfare plan (hereafter referred to as the "Thoroughfare Plan"), shall consist of: Figure ~~[1.4]~~ 3 (thoroughfare plan), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter; ~~[Figures 1.7A and 1.7B (street tree plan and charts),]~~ Figure 6 (street trees), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter; Figure ~~[1.14]~~ 13 (pedestrian zone treatment), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter; and Figure [1.15] 14 (pedestrian zone fixtures), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter~~;~~ ~~and Figures PZ.1 to PZ.7 (pedestrian zone treatment), dated September 2011, made a part of this chapter, and attached at the end of this chapter.]~~.

(b) Applicability:

- (1) The standards provided in the thoroughfare plan shall be applicable to all existing and proposed thoroughfares within the mauka area plan, except for that portion of the right-of-way that falls

within the [~~curb to curb~~] curb-to-curb area. The authority will rely upon the mauka area plan to determine the [~~curb to curb~~] curb-to-curb attributes of thoroughfares;

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

- January 2024, made a part of this chapter, and attached at the end of this chapter, unless otherwise noted in the rules;
- (2) Pedestrian zones in each neighborhood shall comply with the requirements set forth in Figures [~~PZ.1 to PZ.7, dated September 2011,~~] 13 (pedestrian zone treatment) and 14 (pedestrian zone fixtures), dated January 2024, made a part of this chapter, and attached at the end of this chapter;
 - (3) Special paving (differentiated by texture, color, patterned brick, or stone) may be used in the pedestrian zone, especially along promenade thoroughfares, but must be reviewed and approved by the executive director;
 - (4) All thoroughfares except service streets and alleys should have pedestrian zone fixtures, provided that they should be placed within the furnishing zone, as indicated in Figures [1.14] 13 (pedestrian zone treatment) and [1.15] 14 (pedestrian zone fixtures), dated [September 2011,] January 2024, made a part of this chapter, and attached at the end of this chapter;
 - (5) Pedestrian zone fixtures shall be placed within the furnishing area as shown in [~~Figures PZ.1 to PZ.2, dated September 2011,~~] Figure 13, dated January 2024, made a part of this chapter, and attached at the end of this chapter;
 - (6) All pedestrian zone fixtures shall be at least two feet from the curb edge; and
 - (7) Waste receptacles should be located in close proximity to seating areas provided.
- (e) Street trees and landscaping:
- (1) Street trees shall be planted in a [~~regularly-spaced~~] pattern [~~of a single species~~] 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 [Figures 1.7A and 1.7B] Figure 6 (street trees), dated [September 2011,] January 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 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 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, 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 trees within the front yard setback area are properly maintained and do not cause any hazard to public safety or welfare.

~~[-(2)-]~~ (4) Where the terrace front frontage type is used, trees shall be included within the lot lines that are aligned with trees in the public [pedestrian] furnishing and encroachment zone to form a double row of [trees] trees (i.e., an allee pattern) along the sidewalk;

~~[-(3)-]~~ (5) When the shopfront frontage type is used, street trees shall be maintained to avoid visually obscuring the shopfronts and their accompanying signage; and

~~[-(4)-]~~ (6) Landscaping adjacent to sidewalks shall be free from spiky plants, rapidly growing vines, and other landscaping that [may] might cause harm to pedestrians.

(f) Street lighting:

(1) On promenade streets, ~~[a pedestrian tier lamp on the sidewalk side, ensemble 'A' in Figure 1.15-B (pedestrian zone fixtures), dated September 2011,]~~

sidewalks shall be illuminated with pedestrian-scale lighting, such as the decorative street light fixture shown in Figure 14 (pedestrian zone fixtures), dated January 2024, made a part of this chapter, and attached at the end of this chapter~~[shall be used]~~; provided, however, that the executive director may approve an alternative light fixture of similar height, design and lighting characteristics;

- (2) On boulevards, avenues and streets, other than promenade streets, ~~[a light fixture such as the special design fixture ensemble 'B' in Figure 1.15-C (pedestrian zone fixtures), dated September 2011,]~~ decorative light fixtures such as those shown in Figure 14 (pedestrian zone fixtures), dated January 2024, made a part of this chapter, and attached at the end of this chapter, shall be used; provided, however, that the executive director may approve an alternative light fixture of similar height, design and lighting characteristics; and
- (3) Street lighting shall illuminate both the sidewalk and vehicular lanes, especially along promenade streets.
- (g) Planting strip:
 - (1) Planting strips may be accommodated within the furnishing zone, as indicated in ~~[Figures PZ.1 to PZ.7, dated September 2011,]~~ Figure 13 (pedestrian zone treatment), dated January 2024, made a part of this chapter, and attached at the end of this chapter;
 - (2) Planting strips may be designed to have a variety of materials such as cobbles, river pebbles, planting, permeable pavers, or compacted stonedust, for a permeable surface;
 - (3) Planting strips designed to incorporate bio-swales or water retention areas to mitigate stormwater runoff are encouraged;
 - (4) Planting strips may project beyond the curb edge to create breaks in the street parking. These projections are encouraged to be designed as a pattern along the entire street length; and

(5) Vegetation within planting strips should be native, disease resistant, and appropriate to the climate~~[-]~~ and location. Edible plants are encouraged.

(h) Promenade streets. In addition to the criteria relating to promenade streets presented in the rules, thoroughfares designated as promenade streets shall be constructed as indicated in [~~Figures PZ.1 to PZ.7, dated September 2011,~~] Figure 13, dated January 2024, made a part of this chapter, and attached at the end of this chapter. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7, 206E-33) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-33)

§§15-217-40 to 15-217-50 (Reserved).

SUBCHAPTER 4

AREA-WIDE STANDARDS

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

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

(b) This subchapter concisely organizes standards by topic in order to ease the understanding and application of its provisions. [Eff 11/11/11] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-52 Applicability. This subchapter applies to all permit applications and use classifications, except where a section provides otherwise. [Eff 11/11/11] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-53 Building placement. (a) Facades shall be built parallel to a build to line with a minimum frontage occupancy as per ~~[Figure 1.13-C]~~ table subsection (c) of Figures NZ.1 to NZ.7 (building placement ~~[and encroachments]~~), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter.

(b) Wherever a build to line is ~~[equal to or]~~ greater than fifteen feet, a terrace front frontage type (see Figure FT.8 (terrace front), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter) shall be used.

(c) For frontage occupancy calculations, single buildings that form a courtyard of fifteen feet in width or less by recessing a portion of the building from the build to line shall be measured as the full width of the building parallel to the build to line. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-54 Building form. (a) The height of any building or structure or portion thereof shall be measured from ground elevation~~[-]~~ to the top of the roof.

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

~~[(c) Where the floor plate ratio identified in Figures BT.1 to BT.10, dated September 2011, made a part of this chapter, and attached at the end of this chapter, indicate a value of less than one hundred per cent, the remainder value of setback area is considered the building void (see Figure 1.12-C (illustrative building void and floor plate diagrams), dated September 2011, made a part of this chapter, and attached at the end of this chapter). At least twenty-five per cent of the building void shall be located along the facade and have a minimum depth of ten feet, as~~

~~measured from the facade toward the rear lot line; provided, however, that this minimum depth from the facade shall be increased by three feet for every ten feet of building height.~~

~~(d)]~~ (c) Any part of a building which is taller than sixty-five feet and fronting a view corridor street (see Figure [1.6A] 5 (view corridors), dated [September 2011,] January 2024, made a part of this chapter, and attached at the end of this chapter) shall be set back from the lot line abutting the view corridor by fifty feet.

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

~~(f)]~~ (e) All new principal buildings shall be designed with a street front element conforming to [Figure 1.3-D (development standards summary - building form), dated September 2011,] the frontage type set forth in Figures NZ.1 to NZ.7, dated January 2024, made a part of this chapter, and attached at the end of this chapter. See Figure [1.12-A] 11 (illustrative building form diagram), dated [September 2011,] January 2024, made a part of this chapter, and attached at the end of this chapter, for an illustrative example of a street front element. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

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

- (1) The use of vinyl or plastic awnings, trellises and canopies is prohibited along promenade streets and view corridor streets;
- (2) Awnings, trellises, and canopies shall comply with Figure [1.13] 12 (building placement and encroachments), dated [September 2011,] January 2024, made a part of this chapter, and attached at the end of this chapter;
- (3) Awnings, trellises, and canopies shall not obstruct views of pedestrian-oriented signage (e.g., blade sign) for shops and businesses; and
- (4) The location of awnings on a facade shall be of a consistent height. Similarly, the location of awnings on a facade shall generally align with those on adjacent buildings, to the extent

practicable.

- (b) Balconies:
 - (1) Balconies shall be accessible from inside the building;
 - (2) Balconies shall not be completely enclosed;
 - (3) Balconies shall comply with Figure [~~1.13~~] 12 (building placement and encroachments), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter; and
 - (4) For floors one through five, balconies adjoining dwellings within multi-family buildings shall have a minimum depth of at least five feet.
- (c) Buildings with auto rental or sales uses:
 - (1) Applicability. This subsection shall apply to all existing and new principal buildings used or intended to accommodate auto rental or sales [~~and/or~~] or auto repair land use classifications;
 - (2) Showrooms shall be located at the frontage line and include a minimum fenestration value of seventy-five per cent at the first floor of the facade;
 - (3) Vehicle repairs shall occur within a separate building located behind the principal building or portion of a principal building located behind the showroom; provided, however, that vehicle repairs may be located within floor area at a frontage line abutting a primary parking street;
 - (4) Service bays shall not be visible from an abutting alternative parking access street or promenade street;
 - (5) Pedestrian pathways shall lead pedestrians from the public sidewalk and customer parking areas to the vehicle showroom and service areas;
 - (6) Service bays, vehicle displays, or storage areas shall be screened from view from abutting thoroughfares through building placement, landscaping, fencing, [~~and/or~~] or decorative walls; and
 - (7) Water efficient landscaping and low accent walls between two to three feet in height shall be installed along all outdoor displays and parking lot perimeters.
- (d) Storm water drainage. Rainwater shall be diverted away from sidewalks through downspouts visible on the rear

building elevation, internal drain pipes, or through awnings or canopies.

(e) Fences, walls, and hedges:

- (1) Fences, walls, and hedges may be constructed or installed to a height of six feet in any side yard or rear yard and to a height of four feet in any portion of a front yard or a side yard that faces a thoroughfare, except where the rear yard or side yard abuts a parking lot or industrial use[~~r~~]; a maximum six-foot tall fence, hedge or wall is permitted;
- (2) Retaining walls shall be constructed out of masonry or stone or another equally durable material;
- (3) Fences shall be constructed out of ornamental iron, steel, wood pickets, ~~[and/or]~~ or a synthetic wood product (such as wood-filled ~~[Recycled]~~ recycled plastic lumber) and may have stucco or masonry piers;
- (4) Chain link, barbed wire, vinyl, plastic, or exposed cinder block walls are prohibited within front yards ~~[abutting any boulevard, avenue, or promenade street; and]~~ ;
- (5) Fences in front yards or side yards facing a thoroughfare shall be painted or constructed out of a decorative material compatible with the materials of the principal building~~[r]~~ ; and
- (6) Walls and fences for public utilities may be constructed up to eight feet in height and topped with security wire to a height of ten feet.

(f) Lighting:

- (1) Entrances, arcades, and passageways shall be illuminated;
- (2) Courtyards, passageways, roof gardens, corner plazas, and other landscaped areas shall provide pedestrian-scaled, tamper-proof lights;
- (3) Lighting sources shall be constructed or installed so that light is aimed downwards and does not spill over to abutting properties;
- (4) Lighting that is visible from adjacent properties or thoroughfares shall be indirect or incorporate full shield cut-offs;
- (5) Incandescent exterior lights and high-pressure sodium lights are prohibited; and

(6) Architectural details may be accented through lighting.

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

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

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

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

- (1) Utilities, service elements, recycling and trash elements shall be located off alleys (where present), or in structured parking garages where they exist. Alternatively, they may be located at least ten feet behind the facade of a principal building or screened from view from a thoroughfare other than an alley or service street, with a hedge, landscaping, low wall, or fence;
- (2) Prohibited materials for constructing recycling or trash enclosures include: chain link, fencing with slats, mesh screen, cinderblocks, or unpainted wood;
- (3) Utilities and service elements that are visible from thoroughfares other than alleys shall be incorporated in the building structure in a manner accessible to the trash collection service provider~~[, but shall not be visually intrusive through]~~ and should use ~~[of]~~ the following strategies~~[+]~~ to avoid being visually intrusive:
 - (A) Burying underground or screening (utility wires, meters, and transformers);
 - (B) Incorporation into the building or parking garage as a utility room (meters~~[r]~~ and transformers);
 - (C) Screening behind building (meters~~[r]~~ and terminal boxes); and

- (D) Clustering on roof within a mechanical enclosure [~~(HVAC)~~], such as a heating, ventilation and air-conditioning system, and
- (4) Recycling or trash enclosures shall be of a similar material and color with the principal building.

~~[(j)]~~ (i) Signage. (a) ~~[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.]~~ 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.

(b) Where possible, exterior signage should be in the two official languages of Hawai'i, 'Ōlelo Hawai'i, and English.

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

- (1) Highly-reflective~~[,]~~ and mirrored~~[, and opaque window]~~ glazing are prohibited;
- (2) Window glazing shall be transparent with clear or limited UV tint, ~~[so as]~~ to provide views out of and into the building. ~~[Visible light transmission level of windows on the ground floor shall be seventy per cent or greater and on all other floors the visible light transmission level shall be fifty per cent or greater;]~~

- (A) Windows shall have the highest reasonably possible visual light transmission level, while still complying with the state energy code or other government requirements, including those for solar heat gain coefficients; and
- (B) 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.

- (3) For floors one through ten, all principal windows in a residential building [~~windows~~] shall be operable;
 - (4) Vinyl window frames are prohibited, except for Figures BT.1 to BT.3, dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter;
 - (5) Pop-in muntins are prohibited below the third floor; and
 - (6) Window grilles are prohibited except at window openings to podium parking or on building elevations facing alleys[~~-~~] or service streets.
- [~~(1)~~] (k) View preservation:
- (1) Mauka and makai views to the mountains and the waterfront shall be preserved through orientation of towers with the long side of the tower parallel to the mauka-makai axis (see [~~definitions~~] definition in section [and Figure 1.6B (view preservation), dated September 2011, made a part of this chapter, and attached at the end of this chapter);] 15-217-8);
 - (2) The orientation of the tower may deviate from its designated mauka-makai axis by a maximum of twenty degrees. The authority may consider, pursuant to section 15-217-82 of [~~this rule,~~] these rules, a deviation of the tower orientation of more than twenty degrees from the designated mauka-makai axis, provided that the applicant demonstrates to the satisfaction of the authority that, based on building massing, tower floor plate size, tower configuration, tower orientation, energy efficiencies, and other pertinent factors, that the proposed tower orientation will not have a greater impact on mauka-makai view than would result from a twenty degree mauka-makai orientation;
 - (3) [~~The tower floor plate shall not exceed a horizontal plan projection dimension of one hundred and fifty feet on one direction and a maximum length of two hundred and ten feet between two farthest points of the tower floor plate. The plan projection dimension measured perpendicular to the horizontal projection may exceed one hundred and fifty feet] provided that the] The maximum dimension between the two farthest points~~

on ~~[the]~~ a tower ~~[foot print de]~~ floor plate shall not exceed two hundred and ten feet in length; and

~~[-(4)]~~ A proposed tower shall be located a minimum of three hundred feet from an existing tower, when any portion of the proposed tower falls within the existing tower's mauka makai zone (see definitions section and Figure 1.6B (view preservation), dated September 2011, made a part of this chapter, and attached at the end of this chapter);

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

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

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

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

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

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

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

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

~~-(6)]~~ (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;

~~[-(7)]~~ (6) Display windows shall be used on the ground floor and on upper floors of retail space; and

~~[-(8)] Buildings]~~ (7) Building facades and side elevations shall accommodate signage for ground floor retail tenants.

(m) Frontage along elevated rail transit guideway.
Proposed development along the planned rail transit guideway

should be coordinated with the Honolulu authority for rapid transportation and the city and county of Honolulu department of transportation services, as appropriate, to address potential issues that might affect the design and operation of the fixed guideway system. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-56 Landscape and recreation space. (a) All yards shall be landscaped with native or adapted plant species [~~and/or~~] or hardscaped with permeable material[-], except that front yards should be at least fifty per cent landscaped.

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

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

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

(e) Landscaping should promote traditional cultural and gathering practices wherever possible. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

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

(b) This section shall be applicable to the central [~~Kaka'ako~~] Kaka'ako neighborhood zone only.

(c) A maximum [~~FAR~~] floor area ratio of [~~1.5~~] 3.5, including off-street parking, shall apply until the

executive director determines the infrastructure within the central [~~Kakaako~~] Kaka'ako neighborhood zone has been sufficiently upgraded, pursuant to an improvement district or other public facilities project. After sufficient infrastructure improvements are made, the [~~FAR~~] floor area ratio shall be increased to [~~3.57~~] the maximum allowable, consistent with the mauka area rules.

(d) Where the executive director finds that the public infrastructure is adequate to support a project within the central [~~Kakaako~~] Kaka'ako neighborhood zone, or where a project would construct improvements to said infrastructure sufficient to accommodate the subject project and future developments, the [~~executive director~~] authority may elect to waive the [~~FAR~~] floor area ratio limitations of this section. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-58 Large lots. (a) Purpose. This section establishes the standards for developing large lots, dividing them into smaller pedestrian-oriented blocks, and achieving an interconnected block network with walkable block lengths. The standards for large lot projects ensure that these projects promote walkability, pedestrian-orientation, and sustainability of urban and built form. Buildings should include massing and articulation that [~~reflects~~] reflect a human scale, rather than large, monolithic, and repetitive building fabric.

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

- (c) Thoroughfare network:
- (1) Large lots shall be divided to create pedestrian-oriented blocks;
 - (2) New thoroughfares shall connect with existing thoroughfares;
 - (3) New passageways that are introduced shall be a minimum of fifteen feet wide between building elevations;

- (4) New passageways that are introduced shall be un-gated and shall be [~~publically-accessible,~~] publicly-accessible;
- (5) Architectural encroachments into passageways are allowed two feet from the building face, subject to Figure [~~1.13-C (encroachments), (building placement and encroachments) dated [September 2011,~~] 12 (building placement and encroachments), dated January 2024, made a part of this chapter, and attached at the end of this chapter;
- (6) Each new block shall have an alley for service and parking access; and
- (7) Cul-de-sacs and dead-end streets are not permitted, unless they allow for future connections.
- (d) New buildings:
 - (1) New buildings are permitted as indicated by the building types allocated to each zone;
 - (2) New buildings shall have their [~~principle]~~ principal entrance off of a new or existing thoroughfare or passageway;
 - (3) New buildings with civic or institutional uses shall be located in central locations, and be recognizable and accessible to the public;
 - (4) Buildings that occupy a large lot shall incorporate mid-block pedestrian passageways and courtyards at least every three hundred feet. Where passageways are utilized, they shall connect through the block, across existing alleys if necessary, to other passageways, or to mid-block crossings[~~7~~] or other thoroughfares for greater street grid connectivity;
 - (5) When a building includes a courtyard, the courtyard shall have a minimum dimension of forty feet deep and thirty-five feet wide along the street side;
 - (6) The required mid-block pedestrian passageway or courtyard shall not abut an alley; and
 - (7) For large lots that abut other parcels not subject to a permit application, an alley of at least twenty-six feet in width must be provided at the edge of the lot that is adjacent to the other parcels, to ensure access by vehicles and access to light and air of the other parcels. An alternative proposal may be considered, as long as

it meets the intent of providing light, room, and air to neighboring parcels. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-59 Green building. (a) Purpose. This section provides standards intended to result in a responsible development pattern that conserves natural resources and provides a healthy environment for inhabitants of the mauka area.

(b) Applicability. This section applies to all new buildings and additions and renovations of existing buildings that increase the existing floor area by twenty-five per cent or more, except that Figures BT.1 to [~~BT.4~~] BT.2, dated [~~September 2017~~] January 2024, made a part of this chapter, and attached at the end of this chapter, are not required to follow this standard.

(c) Green building standards:

- (1) A project shall qualify for the applicable base LEED rating system at the appropriate certification level (e.g., new construction projects shall qualify for LEED for new construction);
- (2) The applicable base rating system shall be chosen by the applicant based on the construction type, size, and use of the proposed project;
- (3) The project shall document the achievement of at least one LEED point in either sustainable sites~~[7]~~; stormwater design, quantity control; or stormwater design, quality control;
- (4) The project shall document the achievement of at least one LEED point in either sustainable sites, heat island effect, non-roof, or roof;
- (5) The project must document the achievement of at least one point in water efficiency~~[7]~~ (WE) credit I: water efficient landscaping;
- (6) The applicant shall submit documentation and sustainability calculations showing that the proposed development meets the applicable base LEED rating system at the appropriate certification level. Based on these materials, the [~~authority~~] executive director shall determine

compliance with this section [~~in conjunction with the accompanying development approval~~];

- (7) If the U.S. Green Building Council changes the LEED rating system, the executive director shall identify the new points and rating systems that are relevant to this section; and
- (8) Applicant may use a green building evaluation system, other than the LEED rating system, as appropriate and as approved by the executive director. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7, 206E-33) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-33)

§15-217-60 Encroaching elements. Architectural features may encroach beyond a required build to line, as designated in Figure [~~1.13-C (encroachments)~~] 12 (building placement and encroachments), dated [~~September 2011~~] January 2024, made a part of this chapter, and attached at the end of this chapter. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-61 Flood zone. (a) Purpose. These standards provide building and urban design strategies that supplement the regulations presented in [~~article 9 of~~] the city and county of Honolulu flood hazard areas land use ordinance (chapter 21A, revised ordinances of Honolulu), which do and shall apply in the mauka area. These standards help assure that flood measures implemented are seamless with existing fabric in terms of scale, frontage, and fenestration. The standards help ensure that measures implemented do not impede pedestrian access from abutting thoroughfares.

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

- (1) Design and location standards for ADA compliant wheelchair access ramps within flood zones:
 - (A) A wheelchair ramp may only occupy up to fifteen per cent of building face;

- (B) Wheelchair ramps and ramp handrails on all ramps greater than twenty feet in length must be placed behind street walls or landscaping features such as hedges;
- (C) Except for those used for residential purposes, all buildings occupying less than one hundred twenty feet of frontage~~[7]~~ shall use internal wheelchair ramps (see Figure ~~[1.16-A (flood zone design),~~ 15-A (illustrative internal wheelchair ramp), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter);
- (D) Except for those used for residential purposes, all buildings occupying more than or equal to one hundred twenty feet of frontage may use external wheelchair ramps (see Figures ~~[1.16-B and 1.16-C (flood zone design),~~ 15-B and 15-C, dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter); and
- (E) For all buildings, except for those used for residential use, no wheelchair ramps are allowed in the public right-of-way or front setback, except in the following circumstances:
 - (i) When the ramp fronts the side of a building near a corner;
 - (ii) When the ramp is shielded from the thoroughfare or covered under an element such as an arcade (see Figure ~~[1.16-D,~~ 15-D, dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter); or
 - (iii) If the length of the ramp within the public right-of-way or front setback is less than or equal to twenty-five per cent of the width of the sidewalk. In this case, handrails are not permitted in the public right-of-way or front setback; and

- (F) For residential buildings, wheelchair ramps may not be located in the public right-of-way or in the front setback; and
- (2) Other design standards for flood zones:
 - (A) Measures undertaken to avoid floods shall not result in large blank walls along the building ~~[face.]~~ frontage. At least seventy-five per cent of a building's frontage shall be activated with shop front windows, seating areas, steps, landscaping, or street furniture; and
 - (B) There shall be breaks every thirty feet in the massing of any flood control intervention, such as ~~[raised sidewalks every thirty feet]~~ stairways, entrances, gardens, ~~[and] or planting features[-], or other elements.~~ [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

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

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

(b) Applicability. This section applies to all historical or culturally significant properties. The term "historic or culturally significant property" means any building, structure, object, district, area, or site, including heiau and underwater site, that is:

- (1) Listed on the Hawaii or national register of historic places;
- (2) Designated by the state historic preservation division or in the mauka area plan as being: significant in the history or prehistory, architecture, culture, or development of Kaka'ako; a tangible, historic or cultural linkage between Kaka'ako of the past and Kaka'ako of the present; and capable of adaptive reuse; or
- (3) Over fifty years old, as defined in chapter 6E, HRS.

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

(1) Developers of new projects or projects with significant alterations on historic or culturally significant properties shall consult with the department of land and natural resources, state historic preservation division ("SHPD"), [~~department of land and natural resources~~] to allow an opportunity for review of the effect of the proposed project on any historic properties or burial sites, pursuant to section [~~6E-43,~~] 6E-42, HRS; and

(2) A written letter of concurrence from SHPD or adequate documentation that the applicant has complied with the requirements of chapter 6E-10, HRS, shall be included with the permit application to the authority[~~;~~ and].

~~[(3) All SHPD requirements shall be completed by the developer prior to submittal of a permit application to the authority.]~~

(d) Uses classifications. A property designated historic or culturally significant may be put to any use permitted in the neighborhood zone in which the property is situated, subject to the requirements of this section. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-7, 206E-33) (Imp: HRS §§206E-7, 206E-33)

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

(b) Access:

(1) Parking shall be accessed from an alley;

(2) When there is no alley present, parking shall be accessed from a parking access street as indicated in Figure [~~1.10 (parking),~~] 9 (off-street parking placement), dated [~~September 2011,~~] January 2024,

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

- (3) When access from a parking access street is not possible, parking shall be accessed from an alternative parking access street as indicated in Figure ~~[1.10 (parking),]~~ 9 (off-street parking placement), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter;
 - (4) When access from an alternative parking access street is not possible, an alternative parking plan may be submitted; and
 - (5) Driveway access for parking shall be a minimum of fifty-five feet from an intersection measured from the right-of-way.
- (c) Curb cuts:
- (1) The number of curb cuts shall be minimized, especially along alternative parking access streets, to the maximum practicable extent. Shared alleys, access drives, and parking arrangements are encouraged to reduce the need for new curb cuts;
 - (2) Maximum width of new curb cuts shall be twenty-five feet for a two-way driveway and twelve feet for a one-way driveway, except that driveways for front yard houses and all other detached dwellings shall be no more than ten feet in width; and
 - (3) ~~[Curb]~~ To the extent practicable, curb cuts shall be set back a minimum of twenty-two feet from adjacent properties. Lots with less than one hundred linear feet of frontage are exempt from this provision.
- (d) Placement:
- (1) Parking shall be a minimum of forty feet behind any lot line, unless indicated otherwise in Figure ~~[1.10 (parking),]~~ 9 (off-street parking placement), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter;
 - (2) Parking lots and structures shall not front a civic space~~[+]~~ or thoroughfare without a liner building or active retail or commercial uses;
 - (3) To the extent possible, above-ground multi-level parking structures shall be designed with flat

floors and systems that can accommodate future conversion to inhabitable, non-parking uses; and

~~[(3)]~~ (4) Parking is prohibited within any building front setback or front yard, except in the ~~[CK]~~ central Kaka'ako neighborhood zone.

(e) Quantity:

(1) Required number of off-street parking spaces, for only the specified uses, is ~~[as follows:]~~ in the table below:

~~[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 facilities:	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, media production, printing and publishing and warehousing:	one per nine hundred square feet of floor area;]

Off-Street Parking Requirements (2/1/24)

<u>Uses</u>	<u>Requirements</u>
<u>Detached dwellings, live-work, and duplexes</u>	<u>Two per unit plus one per one thousand square feet of floor area over 2,500 square feet</u>
<u>Group homes and care, convalescent, and nursing homes</u>	<u>Two plus one per one hundred patient beds, dwelling units, or lodging units, and 50% of spaces shall be compliant with ADA requirements</u>

- ~~[-(2) There shall be no off-street parking requirement for the central Kakaako neighborhood zone;~~
- ~~-(3)]~~ (2) When there is uncertainty as to requirements for a proposed use, the executive director will review the proposed use and determine its equivalent and applicable off-street parking requirements;
- ~~[-(4)]~~ (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;
- ~~[-(5) Every twenty-four inches of pew or bench area provided in a religious facility or other place of assembly shall be counted as seats for the purpose of determining requirement for off-street parking;~~
- ~~-(6) At least fifty per cent of required]~~ (4) All parking spaces shall be standard sized parking spaces; and
- ~~[-7]~~ (5) 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]~~ based upon the parking requirements for the use that creates a larger parking demand.

(f) Shared parking[+].

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

~~[-(2)]~~ Required parking may be adjusted downward, without the need for a variance, according to the shared parking factor of Figure 1.10-A (parking), dated September 2011, made a part of this chapter, and attached at the end of this chapter; and

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

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

~~[-(h)]~~ (g) Aisle and space dimensions:

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

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

~~-(3)]~~ (2) Ingress and egress aisles shall be provided to a thoroughfare and between parking bays.

Minimum aisle widths for parking bays shall be:

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

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

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

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

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

(F) Parking at 90 degrees: 22 feet;

Notwithstanding the foregoing, for a parking angle of ninety degrees, the minimum aisle width may be reduced by one foot for every six inches of

additional parking space width above the minimum width, to a minimum aisle width of nineteen feet.

~~[(i)]~~ (h) Design:

~~[(1)]~~ ~~Tandem parking and hydraulic lifts are permitted in parking facilities used for residential purposes, when both spaces are utilized by a single dwelling;~~

~~[(2)]~~ (1) Tandem parking, robotic parking systems, and hydraulic lifts are permitted in any [attended] parking facility;

~~[(3)]~~ ~~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 albedo [concrete] 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, shall be used [instead of asphalt] in surface parking lots; and

~~[(7)]~~ (4) All sources of illumination shall be shielded to prevent any direct reflection toward adjacent premises.

~~[(j)]~~ (i) Landscaping for surface lots:

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

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

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

~~[(k)]~~ (j) 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.

~~[(m)]~~ (k) 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 – 10,000
	two	10,001 – 20,000
	three	20,001 – 40,000
	four	40,001 – 60,000
	one	Each additional 50,000 over 60,000
Civil support, educational, and civic:	one	5,000 – 10,000
	two	10,001 – 50,000
	three	50,001 – 100,000
	one	Each additional 100,000 over 100,000
Office:	one	20,000 – 50,000
	two	50,001 – 100,000
	one	Each additional 100,000 over 100,000
Multiple-family dwellings:	one	20,000 – 150,000
	two	150,001 – 300,000]
	one	Each additional 200,000 over 300,000]

Off-Street Loading Requirements (2/1/24)

<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>5,000 - 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>Civil support, educational, and civic:</u>	<u>5,000 - 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:</u>	<u>First 100 units</u>	<u>one</u>
	<u>Each additional 250 units</u>	<u>one</u>

- (2) Loading space requirements shall be provided within a building, lot, or alley. Loading spaces are prohibited in thoroughfares;
- (3) Access to a loading space shall not be from a promenade street;
- (4) When only one loading space is required and total floor area is less than 5,000 square feet, the minimum horizontal dimensions of the space shall be 19 x 8-1/2 feet, and the space shall have a vertical clearance of at least ten feet;

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

- (2) Bicycle parking shall be provided within four hundred feet walking distance of the principal entrance of the building;
- (3) Instructional signs shall be used to explain how to use the bicycle parking device and directional signage shall be installed when bicycle parking locations are not readily visible from entrances; and
- (4) ~~[For use classifications not specifically mentioned, requirements will be determined by the executive director based on the most similar use listed, except that Figures BT.1 to BT.3, dated September 2011, made a part of this chapter, and attached at the end of this chapter, are exempt from bicycle parking requirements.]~~ On-site bicycle storage shall meet the bicycle parking requirements of the city and county of Honolulu land use ordinance. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

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

- (1) The proposed use is permitted within the applicable zone except:
 - (A) Open or uncovered parking at grade may be permitted in all zones, whether paved or unpaved; and
 - (B) Construction sites, special trade construction, and non-extensive yard uses may be permitted in all zones where a six-foot screening wall, hedge, or fence is erected along all street rights-of-way;
- (2) The maximum duration of the use is for a two-year period, provided that the executive director may issue extensions of up to two additional years if the development status of the area has not changed appreciably since the use was initially permitted;
- (3) The floor area ratio of any proposed temporary structure shall not exceed 0.5, and the project shall conform to the built form and landscaping standards of the rules; and

(4) The proposed use shall in no way prevent or delay the future development or improvements to the property.

(b) In addition to these standards, the executive director may include additional requirements in the permit to ensure that the conditional use does not adversely affect adjacent property and the appearance of the mauka area. [Eff 11/11/11] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-65 Public facilities dedication of land or fee. (a) Applicability. This section shall apply to any new development or improvement project, or existing development or improvement project, within the mauka area that increases the existing floor area by more than twenty-five per cent as compared to the floor area existing on ~~[February 27, 1982,~~ _____, or at the time the development permit or improvement permit was issued, excluding proposed demolitions, whichever is less; provided, however, that this section shall not apply to any development or improvement project undertaken by an eleemosynary organization, development or improvement project for public uses, public project, workforce housing projects, floor area related to reserved housing, additional floor area gained through incentive zoning, single-family dwellings and duplex units, or new buildings or structures with a floor area of less than ~~[200]~~ 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 authority.

(c) In-lieu fee payments. As an alternative to a dedication of land, 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 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 applicant with a financial guaranty bond from a surety company authorized to do business in Hawaii, an acceptable construction set-aside letter, or other acceptable means prior to the issuance of the initial building permit; and
 - (2) Payment of fees shall be made to the authority for deposit in the authority's revolving fund established under section 206E-16, HRS.

(f) Valuation methodology. Valuation of land when 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 15-217-85 (completeness review) ~~[]~~; or as agreed to by the developer and the executive director, if an improvement permit; or by the developer and authority, if a development permit ~~[]~~ 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 by the authority in the case of development permits ~~[]~~ or improvement permits on authority owned land, and the third appointed by the first two appraisers.

(A) 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~~ might be, may deny the developer's request to pay a monetary fee in lieu of dedicating land ~~[]~~;

(B) ~~[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~~[]~~;

(C) The appraisers shall determine the fair market value of the land as though vacant and unimproved on the date the developer's application for an improvement permit or development permit is deemed complete pursuant to section 15-217-85 (completeness review) ~~[]~~;

(D) 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~~[]~~; and

(E) 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 11/11/11; am and comp] (Auth: HRS §§206E-7, 206E-12) (Imp: HRS §§206E-7, 206E-12)

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

SUBCHAPTER 5

PROCEDURES

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

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

(c) Action. In accordance with Figure 1 (approval requirements matrix), dated January 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)

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

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

(c) Action. In accordance with Figure 1 (approval requirements matrix), dated January 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)

§15-217-78 Rules clearance. (a) Applicability. Any uses, structures, and activities identified by section 15-217-78(b) below may be issued a rules clearance when they are in compliance with the setback requirements, height limits, and all other applicable standards of subchapter 2 (regulating plan and neighborhood zones), subchapter 3 (thoroughfare plan and standards), subchapter 4 (area-wide standards) and, where applicable, those relating to section 15-217-91 (nonconformities).

(b) Qualifying land uses, structures and activities. The following are eligible for issuance of a rules clearance when in compliance with section 15-217-78(a) above:

- (1) Decks, paths, and driveways. Decks, platforms, on-site paths, and driveways that are not required to have a building permit or grading permit;
- (2) Fences and walls in compliance with height and location requirements in section 15-217-55(e) (architectural design);
- (3) Interior alterations or changes in use that do not increase the gross floor area of the structure;
- (4) Repairs and maintenance:
 - (A) Single-family dwellings. Ordinary nonstructural repairs to, and maintenance of, single-family dwellings; or
 - (B) Multi-family residential and non-residential structures. Ordinary non-structural repairs to, and maintenance of, multi-family residential and non-residential structures, if:
 - (i) The work does not change the approved land use of the site or structure, or add to, enlarge, or expand the land use or structure; and
 - (ii) Any exterior repairs employing the same materials and design as the original construction;

- (5) Small, portable residential accessory structures. A single portable structure of one hundred twenty square feet or less per lot or unit, including pre-manufactured storage sheds and other small structures that are exempt from having to obtain a building permit from the city and county of Honolulu and in compliance with the applicable building code. Additional structures may be approved in compliance with subchapter 4 (area-wide standards), dated January 2024, made a part of this chapter, and attached at the end of this chapter, where allowed by the applicable zone;
- (6) Spas, hot tubs, and fish ponds. Portable spas, hot tubs, and constructed fish ponds, and similar equipment and structures that do not exceed one hundred twenty square feet in total area including related equipment, contain more than 2,000 gallons of water, or exceed two feet in depth;
- (7) Open space and parks. Any improvement project over, upon, under, or across any open space or park pursuant to Figure 10 (park and civic space typologies), dated January 2024, made a part of this chapter, and attached at the end of this chapter;
- (8) Private utility improvements or repairs for existing structures; and
- (9) Any public utility project.

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

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

- (1) Standalone interior electrical or plumbing work that would otherwise comply with section 15-217-78(a); and
- (2) Changes in use that are still permitted under section 15-217-26. [Eff _____] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

~~§15-217-79 Rules clearance.~~ (a) ~~Applicability.~~ Any uses, structures, and activities identified by section 15-217-79(b) below on a lot size of 20,000 square feet or less shall be issued a rules clearance when they are in compliance with the setback requirements, height limits, and all other applicable standards of subchapter 2 (regulating plan and neighborhood zones), subchapter 3 (thoroughfare plan and standards), subchapter 4 (area-wide standards) and, where applicable, those relating to section 15-217-91 (nonconformities); (b) ~~Qualifying land uses, structures and activities.~~ The following are eligible for issuance of a rules clearance when in compliance with section 15-217-79(a) above:

- ~~(1) Decks, paths and driveways. Decks, platforms, on-site paths, and driveways that are not required to have a building permit or grading permit;~~
- ~~(2) Fences and walls in compliance with height and location requirements in section 15-217-55(e) (architectural design);~~
- ~~(3) Changes in use;~~
- ~~(4) Repairs and maintenance:
 - ~~(A) Single-family dwellings. Ordinary nonstructural repairs to, and maintenance of, single-family dwellings; or~~
 - ~~(B) Multi-family residential and non-residential structures. Ordinary non-structural repairs to, and maintenance of multi-family residential and non-residential structures, if:
 - ~~(i) The work does not change the approved land use of the site or structure, or add to, enlarge or expand the land use and/or structure; and~~
 - ~~(ii) Any exterior repairs employing the same materials and design as the original construction;~~~~~~
- ~~(5) Small, portable residential accessory structures. A single portable structure of one hundred twenty square feet or less per lot or unit, including pre-manufactured storage sheds and other small structures that are exempt from having to obtain a building permit from the city and county of Honolulu and in compliance with the applicable building code. Additional structures may be~~

~~approved in compliance with subchapter 4 (area-wide standards), dated September 2011, made a part of this chapter, and attached at the end of this chapter, where allowed by the applicable zone;~~

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

~~(7) Open space and parks. Any improvement project ever, upon, under or across any open space or park pursuant to Figure 1.11 (civic space), dated September 2011, made a part of this chapter, and attached at the end of this chapter; and~~

~~(8) Any public utility project.~~

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

[Eff 11/11/11; R] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-79.5 Renovation permit. (a) Applicability. Any renovation project for an existing building, including uses, structures, and activities identified by section 15-217-79.5(b) that comply with the setback requirements, height limits, and all other applicable standards and, where applicable, those relating to section 15-217-93 (nonconformities), shall require a renovation permit.

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

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

(c) 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 matrix), dated January 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]

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

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

(c) Types. There shall be two types of ~~[permits—]~~ permits: improvement and development. Each type shall be subject to the decision-maker review and action pursuant to Figure ~~[1.1]~~ 1 (approval requirements matrix), dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter:

(1) Improvement permits shall apply to improvement projects, as defined in section 15-217-8, and are subject to executive director review and action~~[+]~~. Improvement permits on lands owned by the authority are subject to authority review and action; and

(2) Development permits shall apply to ~~[developments]~~ development projects, as defined in section 15-217-8, and are subject to authority review and action.

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

(1) Mauka area plan consistency. That the proposal complies with and advances the goals, policies, and objectives of the mauka area plan;

- (2) Mauka area rules consistency. That the proposal will protect, preserve, or enhance desirable neighborhood characteristics through compliance with the standards and guidelines of the mauka area rules; ~~and~~
- (3) Compatibility. That the proposal will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area~~[-]~~; and
- (4) Climate adaptation. The proposal has considered climate change, sea level rise, and climate-resilient development in the design and siting of buildings.

(e) Conditions. In approving an improvement or development permit, the decision-maker may impose any reasonable conditions to ensure that the approval complies with the findings required above. Any conditions attached to an improvement or development permit issued by the executive director or authority, as the case ~~may~~ might be, under any previously enacted zoning regulations, subdivision, or other administrative rules shall continue to apply to the proposed use and shall be enforceable as provided in section 15-217-92 (violations and enforcement). Such conditions may be waived if an improvement or development permit application is approved by the decision-maker which originally imposed such condition(s) and where the applicant agrees to waive and abandon all rights secured under the regulations formerly in effect.

(f) Design advisory board ("DAB"). The executive director may convene a DAB prior to acting on an improvement permit application. Where an application has been referred to the authority for review and action under section 15-217-80(g), or when reviewing a development permit application, the authority may convene a DAB whether or not the executive director has done so previously:

- (1) Composition. The DAB shall be comprised of the following members:
 - (A) ~~[HCDA's]~~ The authority's director of planning and development or ~~[his/her]~~ the director's designee~~[-]~~;
 - (B) ~~[one]~~ One member of the authority~~[-]~~;
 - (C) ~~[and one]~~ One or more technical consultants (e.g., architect, landscape architect,

engineer) chosen by the executive director;
and

(D) One cultural consultant with specialized expertise in native Hawaiian cultural issues. The native Hawaiian cultural consultant must be validated or be recommended by a native Hawaiian serving organization;

(2) Fee. The applicant shall compensate the authority for all costs relating to the participation of technical consultants in the DAB. Prior to retaining technical consultants, the executive director shall consult with the applicant on their fees and work scope; provided, however, that the executive director may exercise sole discretion to accept or reject the applicant's recommendations [and/or] or comments [on] regarding the technical consultant to be retained [~~at the executive director's sole discretion~~]; and

(3) Purpose. The DAB shall provide only non-binding recommendations to the executive director or, in the case of referral under section 15-217-80 (g), to the authority.

(g) Authority referral. The executive director may refer an improvement permit application to the authority for review and action. Where a DAB has been or will be convened, the DAB shall review the application and provide its non-binding recommendations to the authority. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-81 Conditional use permit. (a) Purpose. This section provides for certain uses that, because of unique characteristics or potential impacts on adjacent land uses, may be authorized only under appropriate standards and factors set forth in the rules. No inherent right exists to receive a conditional use permit. Such authorization must be approved under a specific set of circumstances and conditions. Each application and situation is considered unique. Every conditional use permit application or amendment shall at a minimum be required to comply with every requirement contained in each subchapter of the rules. Mere compliance with the generally applicable requirements,

however, ~~may~~ might not be sufficient, and additional measures and conditions ~~may~~ might be necessary to mitigate the impact of the proposed development.

(b) Applicability. All uses ~~[identified by "CU" a symbol for]~~ designated as conditional use in Figure [1.9] 8 (land use), dated ~~[September 2011,]~~ January 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 shall be subject to the authority review and action pursuant to Figure ~~[1.1]~~ 1 (approval requirements matrix), dated ~~[September 2011,]~~ January 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 mauka area plan;
- (3) The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future uses in the vicinity;
- (4) The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints; and
- (5) Granting the permit would not be detrimental to the public health, safety, or welfare, or materially injurious to persons, property, or improvements in the vicinity and ~~[zone]~~ zone in which the property is located.

(e) Conditions. In approving any conditional use permit, the authority may impose such reasonable standards, conditions, or requirements, in addition to or that supersede any standard specified in the rules, as it may deem necessary to protect the public welfare and ~~[in order]~~ to ensure the approval will comply with the findings of section 15-217-81(d) (conditional use permit). Such additional standards, conditions, or requirements may include, but need not be limited to:

- (1) Financing and availability of adequate public facilities or services;
- (2) Dedication of land;
- (3) Reservation of land;
- (4) Payment of exactions;

- (5) Impact fees;
- (6) Creation of special assessment districts;
- (7) Creation of restrictive covenants or easements;
- (8) Special setbacks;
- (9) Yard requirements;
- (10) Increased screening or landscaping requirements;
- (11) Area requirements;
- (12) Development phasing;
- (13) Standards pertaining to traffic, circulation, noise, lighting, hours of operation, protection of environmentally sensitive areas, and similar characteristics;
- (14) Provision of sustainable features, solar or other renewable energy source, rain water capture, storage and treatment or other sustainability requirement in section 15-217-59 (green building); or
- (15) Require that a performance guarantee [-] that is acceptable in form, content, and amount to the authority, be posted by the applicant to ensure continued compliance with all conditions and requirements as may be specified.

(f) Initiation. A developer may apply for a conditional use permit by filing an application with the executive director and payment of the requisite fee. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-82 Variances. (a) Purpose. This section is intended to provide a mechanism for relief from the strict application of the rules where the strict application will deprive the property owner of privileges enjoyed by similar properties because of the subject property's unique and special conditions. Economic or financial hardship alone is not sufficient justification for granting a variance.

(b) Applicability. All requirements of the rules are mandatory unless approval of variance is obtained, except as limited by section 15-217-82(f) (variances).

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

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

Variances are subject to authority review and action, 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 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) Neighborhood character. That the variance, if granted, will not alter the existing or planned character of the neighborhood or neighborhood zone in which the lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare; and
- ~~[(+5)]~~ (6) No adverse impact. The variance would result in development that is not detrimental to or that would adversely impact adjacent properties.

(e) Variances for buildings for civic uses. In addition to the findings required by section 15-217-82(d)

above, a community identity finding shall also be required to grant approval for a variance involving a new building or substantial modification to an existing building providing for a civic land use classification of Figure [~~1.9~~] 8 (land use), dated [~~September 2011,~~] January 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.

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

- (1) Change of zone;
- (2) Deletion of any thoroughfare identified in the thoroughfare plan;
- (3) Figure [~~1.5~~] 4 (parks and open space plan), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter;
- (4) Figure [~~1.6~~] 5 (view corridors), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter, and associated setback requirements;
- (5) Land use classifications as allocated to neighborhood zones - Figure [~~1.9~~] 8 (land use), dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter;
- (6) Any [~~buildings~~] building types and [~~frontages~~] frontage types not allocated to neighborhood zones; and
- (7) Any maximum floor area ratio standard.

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

- (1) A statement of the standard or standards that are the subject of the proposed variance;
- (2) A textual description of [~~the manner in which~~] how the applicant proposes to deviate from such evaluation standard or standards;
- (3) Plans drawn to scale, showing the nature, location, dimensions, and elevation of the structure, area, or part thereof that is the

subject of the proposed variance; including the development project's relationship to the surrounding context;

- (4) A justification for the proposed variance, in light of the requirements set forth above; and
- (5) Other information as may be required by the decision-maker. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-83 Master plan. (a) Purpose. The provisions of this section [~~is~~] are intended to provide [~~for~~] a flexible approach to development, encourage investment in new development, and commitment to the master planning of large land holdings. A further purpose of this section is to derive public benefits, such as reserved housing, public parking, off-site infrastructure, and other public facilities from master plan developers, in exchange for greater development flexibility for a specified period.

(b) Applicability. Developers of project sites [~~over~~] exceeding five acres are eligible to apply for a master plan permit.

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

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

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

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

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

- (1) Plans and supporting information sufficient to clearly indicate the pattern and implications of development within the master plan area;
- (2) Proposed development approval timeframe;
- (3) Proposed number, location, type, and size of reserved housing;
- (4) Proposed public facility improvements; and
- (5) Such other information as may be required by the executive director or authority.

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

(g) Time extension. The authority may authorize a master plan approval time extension for up to a five-year time period. A maximum of two time extensions may be authorized~~[-]~~, for a total maximum duration of twenty years.

(h) Expiration. At least 120 days prior to the expiration of a master plan permit, the applicant shall submit a reconciliation of all master plan obligations to the executive director. The authority may approve a closing agreement that survives the expiration of the master plan, until any remaining unsatisfied obligations are completed.

[Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-7, 206E-33)

§15-217-84 Floor area ratio transfer. (a) Purpose. The purpose of this section is to offer a discretionary review process for the transfer of floor area within the mauka area from a sending site to a receiving site. More specifically, the purposes are to encourage the transfer of floor area to properties with lot dimensions that allow for additional floor while complying with the building envelope requirements set forth in Figures BT.1 to ~~[BT.10,]~~ BT.11, dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter, and building height requirements set forth in Figures NZ.1 to NZ.7, dated ~~[September 2011,]~~ January 2024, made a part of this chapter, and attached at the end of this chapter.

(b) Generally. The proposed creation and redemption of floor area ratio transfers will take place solely on a

voluntary basis between consenting parties. Landowners are not required to create or convey floor area ratio transfers. However, floor area ratio transfers must be created, conveyed, or redeemed in accordance with this section to be recognized by the authority.

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

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

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

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

(A) Particular to sending site(s):

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

as the proposed rights to be retained by the landowner; and

- (v) An affidavit, signed by the landowner and preparer of the submittal, attesting to the accuracy of the information contained in the baseline documentation report; and

- (B) Particular to a receiving site. Plans, diagrams and supporting text [~~which~~] that clearly [~~identifies and illustrates~~] identify and illustrate the location and extent of proposed floor area transfer credit.

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

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

- (1) That the receiving site allows for additional floor area while complying with the building envelope requirements set forth in Figures BT.1 to [~~BT.10,~~] BT.11, dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter, and building height requirements set forth in Figures NZ.1 to NZ.7, dated [~~September 2011,~~] January 2024, made a part of this chapter, and attached at the end of this chapter; and
- (2) That the creation, conveyance, and redemption of floor area ratio transfer credits, as proposed or as modified by the authority, enables the subject lots to fulfill the development objectives of the mauka area plan and mauka area rules.

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

- (1) Floor area ratio transfer credits shall not be created or redeemed in conjunction with a variance approval to exceed any maximum building height, building footprint, or reduce any setback related to Figure [~~1.6~~] 5 (view corridors), dated [~~September 2011,~~] January 2024, made a part of

this chapter, and attached at the end of this chapter;

- (2) No more than fifty per cent of the mauka area plan and mauka area rules maximum permitted floor area ratio shall be transferred from any sending site; provided, however, that contiguous lots may transfer one hundred per cent of the maximum permitted floor area ratio; and
- (3) Floor area ratio transfer credits shall be created and redeemed concurrently. No floor area ratio transfer credit may be reserved for future conveyance to a sending site.
- (4) Floor area credits obtained through incentive zoning may not be transferred off-site.

(h) ~~Covenant running with the land required. [In order to]~~ To establish floor area ratio transfer credits, the sending site landowner must record a covenant running with the land over the sending site(s) consistent with this section. The covenant must meet the following criteria:

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

(i) Record keeping. The executive director will maintain a register of all floor area ratio transfer credits, both created and redeemed, pursuant to this section. On an annual basis, the executive director will update this register to reflect all known transfers and redemptions of floor area ratio transfer credits. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-85 Completeness review. (a) Purpose. The purpose of the completeness review is to determine whether all required information is provided in a permit application. A completeness review shall not constitute a

decision as to whether or not an application complies with the provisions of the rules.

(b) Applicability. This section applies to all applications for permits provided for in the rules.

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

(d) Jurisdiction. All applications shall be reviewed by the executive director for completeness. At the time of proposed filing and fee payment, the executive director may reject any application that omits information required by forms published by the [HCDA-] authority. Once accepted for filing, the executive director's final determination on completeness of an application is appealable to the authority pursuant to section 15-217-88 (appeals).

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

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

(g) Completeness review process:

- (1) The executive director shall provide a written determination on the completeness review within forty-five working days of receipt of the permit application. If a permit is deemed complete, the executive director shall issue a certificate of completeness. If the application is determined not to be complete, the executive director's determination shall specify those parts of the application that are incomplete and shall indicate [~~the manner in which~~] 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 deeming the application complete, and until such time that the executive director receives all such comments, the forty-five day period shall be tolled;

- (3) Upon receipt of any application that has been resubmitted, a new forty-five day period shall begin, during which period the executive director shall determine the completeness of the application;
- (4) If the applicant contests the executive director's determination of an incomplete application, the applicant may appeal the executive director's determination to the authority pursuant to section 15-217-88, (appeals). If the authority does not render a decision on the appeal within thirty working days after submittal of the requisite appeal form and filing fee, the application with the submitted materials shall be deemed complete for the purposes of this section; and
- (5) Nothing in this section precludes an applicant and the executive director from mutually agreeing to an extension of any time limit provided by this section.

(h) Time limits. A certificate of completeness is deemed issued if the executive director fails to act within the time period required for completeness review. However, automatic approvals do not apply if an applicant submits an application for an incorrect permit type. In computing time periods of this section, the day upon which the application was submitted is not to be included. Further, the last day is to be included unless it is not a working day, in which event the period runs until the next working day.

(i) Information requests. After the executive director issues a certificate of completeness or deemed as complete per section 15-217-85(c) (completeness review), the executive director or authority may, in the course of processing the application, request the applicant to clarify, amplify, correct, or otherwise supplement the information required for the application, if such would be required by the decision-maker to render a final determination on the merits. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

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

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

Automatic Approvals Duration (1/2/24)

<u>Rule</u>	<u>Permit</u>	<u>Duration</u>
<u>§15-217-64</u>	<u>Conditional use of vacant land</u>	<u>90 calendar days</u>
<u>§15-217-76</u>	<u>Zoning clearance</u>	<u>60 calendar days</u>
<u>§15-217-77</u>	<u>Temporary use permit</u>	<u>60 calendar days</u>
<u>§15-217-78</u>	<u>Rules clearance</u>	<u>60 calendar days</u>
<u>§15-217-79.5</u>	<u>Renovation permit</u>	<u>90 calendar days</u>
<u>§15-217-80</u>	<u>Improvement permit</u>	<u>120 calendar days</u>
<u>§15-217-80</u>	<u>Development permit</u>	<u>180 calendar days</u>
<u>§15-217-81</u>	<u>Conditional use permit</u>	<u>180 calendar days</u>
<u>§15-217-82</u>	<u>Variance</u>	<u>180 calendar days</u>
<u>§15-217-83</u>	<u>Master Plan permit</u>	<u>200 calendar days</u>

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

~~[(b)]~~ (c) Whenever a proposed project requires more than one permit, the longest review period of section ~~[15-22-86]~~ 15-217-86(a) shall apply for determining the deemed approved date. If one approval is required before proceeding with another approval, then the review periods will be added to one another. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

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

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

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

(d) Prior to expiration ~~[and upon submittal of a written request and payment of the applicable filing fee, an],~~ a written request to extend an improvement or development permit may be submitted with the applicable filing fee indicated in section 15-217-93. An improvement permit may be extended by the executive director for a period of up to one year. The executive director may issue up to two extensions~~[-]~~ for improvement permits. Development permits, or improvement permits for projects on lands owned by the authority may be extended by the authority for a period of up to one year. The authority may issue up to two extensions for development permits~~[-]~~ or improvement permits for projects on lands owned by the authority.

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

(f) A permit will not lapse if construction or installation of approved work has commenced. If construction has not commenced within the approval validity period (including extensions), a new permit will be required. [Eff 11/11/11; am and comp]
(Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-88 Appeals. (a) Decisions of the executive director rendered in the administration of the rules are appealable, as provided herein, to the authority (see Figure [1.1] 1 (approval requirements matrix), dated [~~September 2011,~~] January 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 [~~HCDAs~~] the authority's rules of practice and procedure, chapter 219 Hawaii [~~administrative rules.~~] Administrative Rules. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-89 Subsequent applications. If [~~an~~] a temporary use permit, renovation permit, improvement permit, development permit, conditional use of vacant land permit, conditional use permit, variance, or master plan permit is denied, a new application proposing substantially the same development for the same property shall not be filed within six months after the final decision. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-90 Minor changes. (a) After final approval of a [~~rules clearance, 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) Materially increase the number of dwelling units, floor area, height, or any additional land-use disturbance;
- (2) Introduce different land uses;
- (3) Request larger land area;
- (4) Request greater variance;
- (5) Allow any diminution in buffer or transition areas, reduction in landscaping, reduction of required yards, or any change in the design characteristics or materials used in construction of the structures; or
- (6) Reduce or eliminate conditions attached to the subject development approval.

(d) 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 mauka area plan.

(f) The authority or executive director, as applicable, may attach additional conditions or require

compliance with any other provisions of this chapter or the mauka area plan.

~~[(b)]~~ (g) Any other change requests which do not qualify under section ~~[15-22-92(a)]~~ 15-217-90(a) (minor changes) shall require the filing of a new application to be processed in accordance with this subchapter. 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 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7) (Imp: HRS §§206E-4, 206E-5, 206E-7)

§15-217-91 Nonconformities. (a) Applicability. This section applies to nonconformities, including their continuation, enlargement, or expansion. There are two categories of ~~[nonconformities]~~ nonconformities: uses~~[7]~~ and structures.

(b) Continuation. A nonconformity that was lawfully operated, established, or commenced in accordance with the provisions of all authority statutes or regulations in effect at that time may continue subject to this section.

(c) Violation of rules. The violation of this section shall immediately disallow a nonconformity.

(d) Nonconforming uses:

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

(2) Changes of use:

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

- (B) A nonconforming use may only be expanded under the provisions of section 15-217-91(f) (nonconformities); and
 - (C) If a nonconforming use is abandoned for twelve consecutive months, any future use of such premises shall be in conformity with the provisions of the rules. Abandonment of a nonconforming use shall terminate the right to continue the nonconformity.
- (e) Nonconforming structures:
- (1) Continuance of nonconforming structures. Subject to the provisions of section 15-217-91(b), any nonconforming structure may be occupied, operated, and maintained in a state of good repair[~~+~~]. 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 permitted uses are operated may be enlarged or extended if the enlargement or extension can be made in compliance with all regulations established in subchapter 2 (regulating plan and neighborhood zones), subchapter 3 (thoroughfare plan and standards), and subchapter 4 (area wide standards); and
 - (3) Enlargement, nonconforming use. A nonconforming structure in which only nonconforming uses are operated may be enlarged or extended if:
 - (A) The enlargement or extension can be made in compliance with all provisions of subchapter 2 (regulating plan and neighborhood zones), subchapter 3 (thoroughfare plan and standards), and subchapter 4 (area wide standards); and
 - (B) The requirements of section 15-217-91(f) (nonconformities) are met;
 - (4) Enlargement, limited up to twenty-five per cent of the floor area. A nonconforming structure may be altered or enlarged without compliance with all provisions of subchapter 2 (regulating plan and neighborhood zones), subchapter 3 (thoroughfare plan and standards), and subchapter 4 (area wide standards) [~~+~~]; provided that:

- (A) The floor area of the proposed construction does not exceed twenty-five per cent of the floor area of the structure as it legally existed on ~~[February 27, 1982,~~ _____, excluding proposed demolitions;
 - (B) The proposed construction does not encroach into a frontage area;
 - (C) The proposed construction does not ~~[exceed forty-five feet in height,]~~ increase the nonconformity of the structure;
 - (D) The proposed construction does not affect neighboring properties;
 - (E) The parking requirements of this chapter are satisfied for the area proposed to be constructed; and
 - (F) The area created by the proposed construction is a permitted use;
- (5) Damage to structures. The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure is damaged in any manner and from any cause whatsoever, and the cost of repairing such damage exceeds fifty per cent of the replacement cost of such structure on the date of such damage.
- (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.
 - (B) The executive director shall require the submission of sufficient evidence to verify the cost of repairing such structure, with the final determination of replacement cost made by the executive director~~[-]; and~~ [A nonconforming single-family dwelling unit that is destroyed or damaged more than fifty per cent of the replacement cost may be rebuilt, provided that a development permit is issued within one year of the date of such damage or destruction. The executive director shall require the submission of sufficient evidence to verify the date of damage or destruction; and]
- (6) Exception for repairs pursuant to public order. Nothing in this subsection shall be deemed to

prevent the strengthening or restoration to a safe condition of a building or structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders it to restoration to a safe condition~~[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 ~~[February 27, 1982]~~ _____, unless a conditional use permit has been granted as set forth in section 15-217-81 (conditional use permit); and
 - (2) Evaluation criteria. In addition to the criteria required to be met for a ~~[section]~~ conditional use permit under subsection 15-217-81(d) ~~[(conditional use permit)]~~, the following criteria shall apply to the issuance of a conditional use permit for the expansion of a nonconforming use or structure:
 - (A) The termination of such nonconformity will result in unnecessary hardship;
 - (B) The expansion of the nonconformity will not be contrary to the public interest;
 - (C) The expansion of the nonconformity will not substantially or permanently injure the appropriate use of adjacent conforming property;
 - (D) The use is consistent with the spirit and purpose of these regulations and the mauka area plan goals, objectives, and policies;
 - (E) The plight of the applicant, for which the expansion of the nonconformity is sought, is due to unique circumstances existing on the property and within the surrounding area;
 - (F) The expansion of the nonconformity will not substantially weaken the general purposes of this section, or the regulations established in this section, for the applicable neighborhood zone;

- (G) The expansion of the nonconformity will not adversely affect the public health, safety, and welfare; and
- (H) Nonconforming parking and loading may be continued, subject to the following provisions:
 - (1) If there is a change in use [~~which~~] that has a greater parking or loading requirement than the former use, additional parking and loading shall be required and shall not be less than the difference between the requirements for the former use and the proposed use; and
 - (2) Off-street parking and loading requirements of this section shall be satisfied for additional floor area constructed. [Eff 11/11/11; am and comp] (Auth: HRS §§206E-4, 206E-5, 206E-7, 206E-33) (Imp: HRS §§206E-4, 206E-5, 206E-7, 206E-33)

§15-217-92 Violations and enforcement. All provisions relating to violations of these rules and enforcement of said violations are provided in [~~HCDAs~~] the authority's rules of practice and procedure. [Eff 11/11/11] (Auth: HRS §§206E-4, 206E-22) (Imp: HRS §206E-22)

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

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

Permit Fee Schedule (1/15/23)

<u>Rule</u>	<u>Permit</u>	<u>Fee Amount</u>
<u>§15-217-64</u>	<u>Conditional use of vacant land</u>	<u>\$50</u>
<u>§15-217-76</u>	<u>Zoning clearance</u>	<u>\$50</u>
<u>§15-217-77</u>	<u>Temporary use permit</u>	<u>\$50</u>
<u>§15-217-78.1</u>	<u>Rules clearance</u>	<u>\$50</u>
<u>§15-217-79.5</u>	<u>Renovation permit</u>	<u>\$50</u>
<u>§15-217-80</u>	<u>Improvement permit</u>	<u>Project size up to 1,000 square feet (sf): \$50</u>
		<u>Project size of 1,001 sf to 10,000 sf: \$100</u>
		<u>Project size of 10,001 sf to 20,000 sf: \$500</u>
<u>§15-217-80</u>	<u>Development permit</u>	<u>\$6,400 plus the cost of public hearing</u>
<u>§15-217-81</u>	<u>Conditional use permit</u>	<u>\$500 plus the cost of public hearing</u>
<u>§15-217-82</u>	<u>Variance</u>	<u>\$500 plus the cost of public hearing</u>
<u>§15-217-83</u>	<u>Master Plan permit</u>	<u>\$10,000 plus the cost of public hearing</u>
<u>§15-217-87(d)</u>	<u>Extension of improvement or development permit</u>	<u>\$25 per one-year extension</u>

[Eff 11/11/11; am and comp] (Auth: HRS §§ 206E-4, 206E-5) (Imp: HRS §§206E-4, 206E-5)

§15-217-94 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 makai area 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)

[~~§§15-217-94~~] §§15-217-95 to 15-217-107 (Reserved)."

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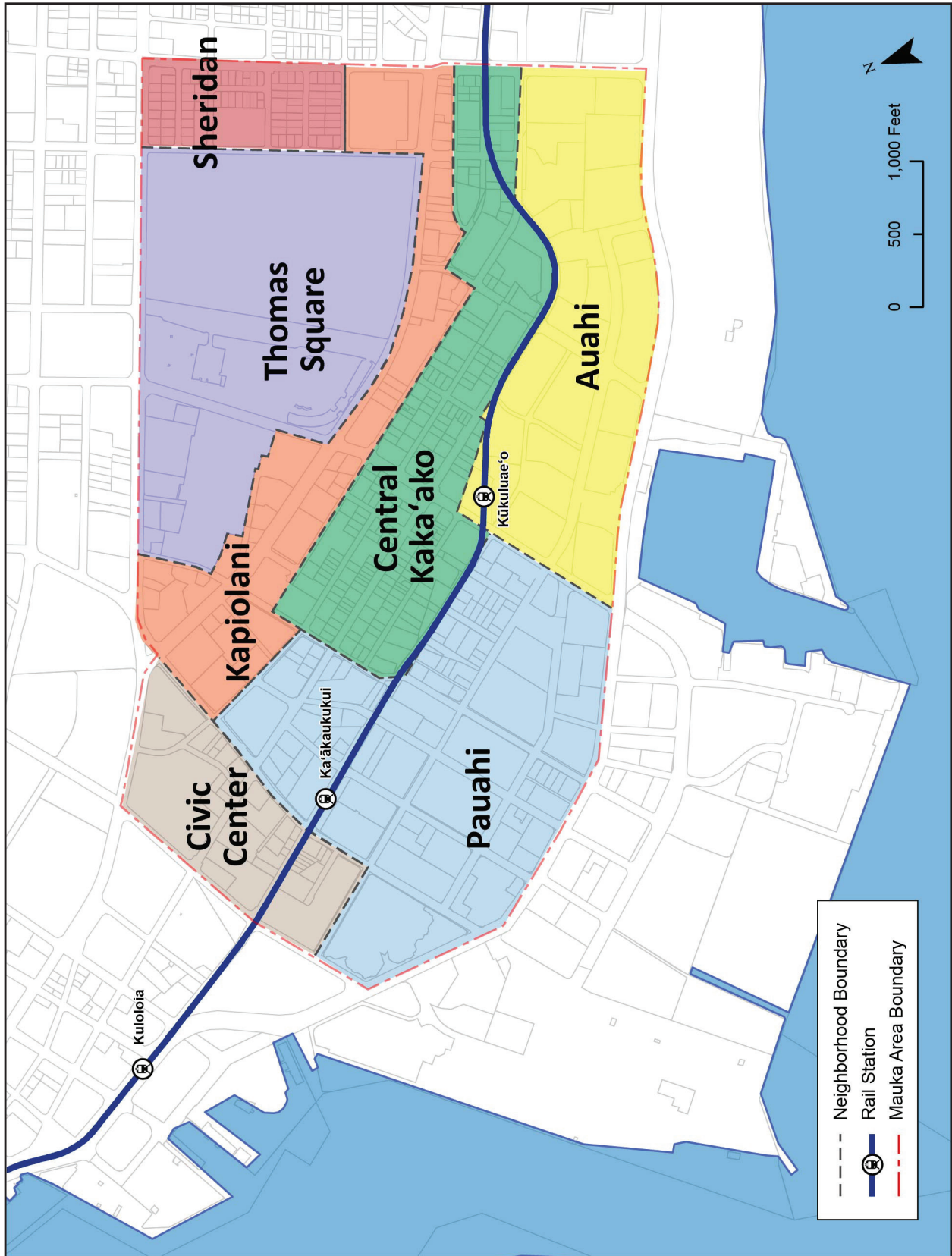
FIGURE 1: APPROVAL REQUIREMENTS MATRIX

Rule	Development Approvals	Decision - Maker	
		Executive Director	Authority
§15-217-28	Incentive Zones	Recommends Action	Decision
§15-217-64	Conditional Use of Vacant Land	Decision	Considers Appeal
§15-217-76	Zoning clearance	Decision	Considers Appeal
§15-217-77	Temporary use permit	Decision	Considers Appeal
§15-217-78.1	Rules clearance	Decision	Considers Appeal
§15-217-79.5	Renovation permit	Decision	Considers Appeal
§15-217-80	Improvement Permit	Decision*	Considers Appeal
§15-217-80	Development Permit	Recommends Action	Decision
§15-217-81	Conditional Use Permit	Recommends Action	Decision
§15-217-82	Variance	Recommends Action	Decision
§15-217-83	Master Plan	Recommends Action	Decision
§15-217-84	Floor Area Ratio Transfer	Recommends Action	Decision

*Except on lands owned by the authority

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FIGURE 2: REGULATING PLAN



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FIGURE 3: THOROUGHFARE PLAN

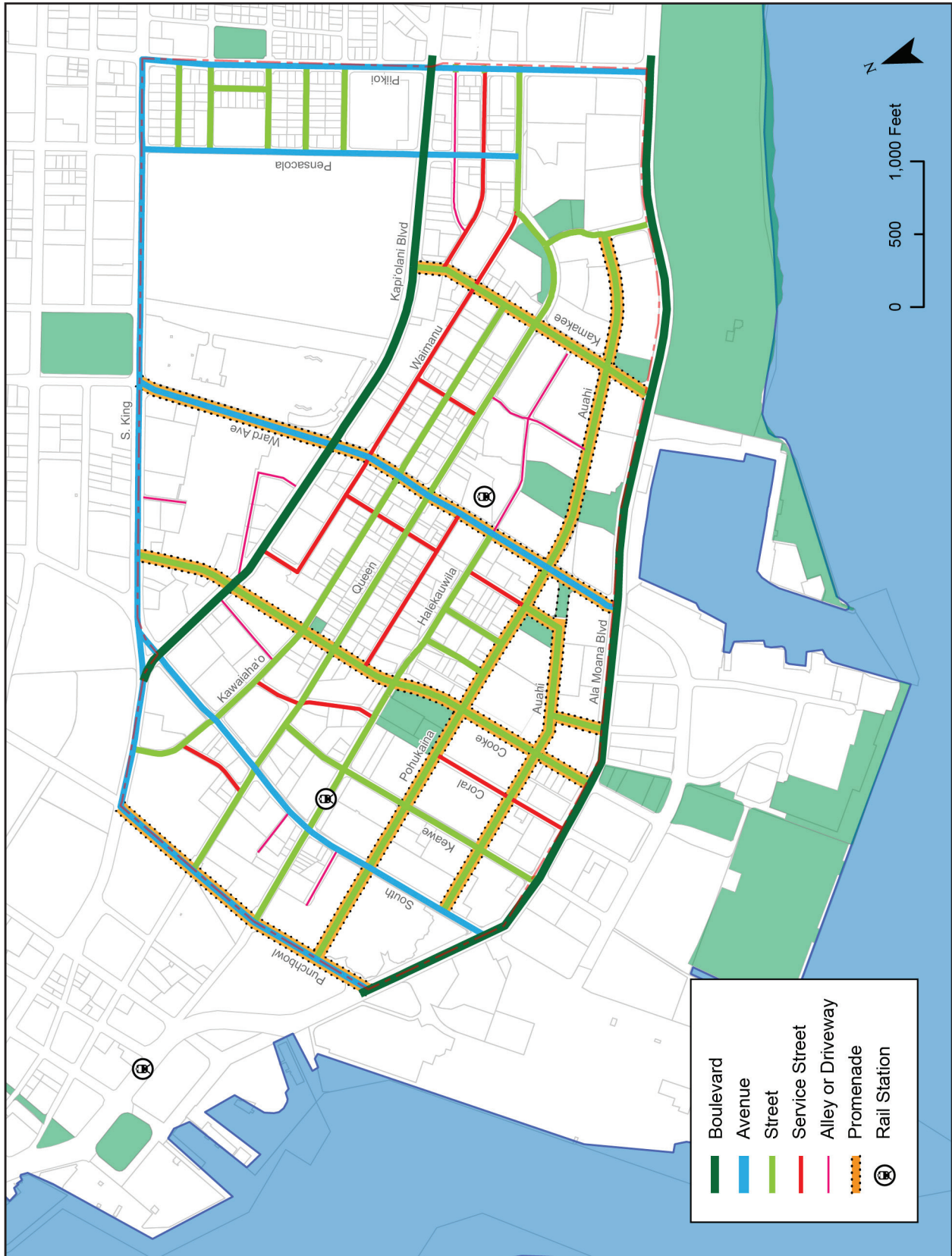


FIGURE 4: PARKS AND OPEN SPACE PLAN

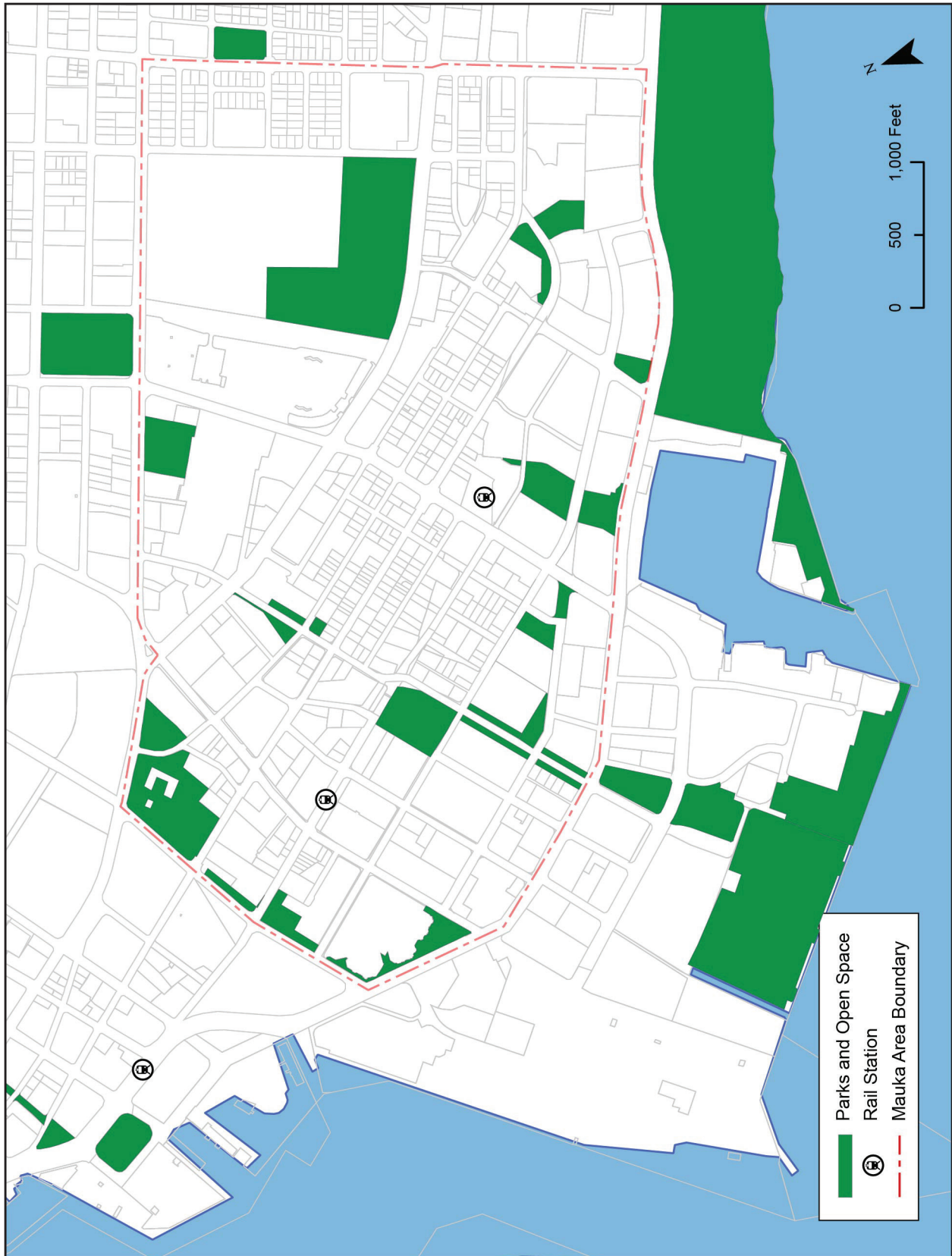


FIGURE 5: VIEW CORRIDORS

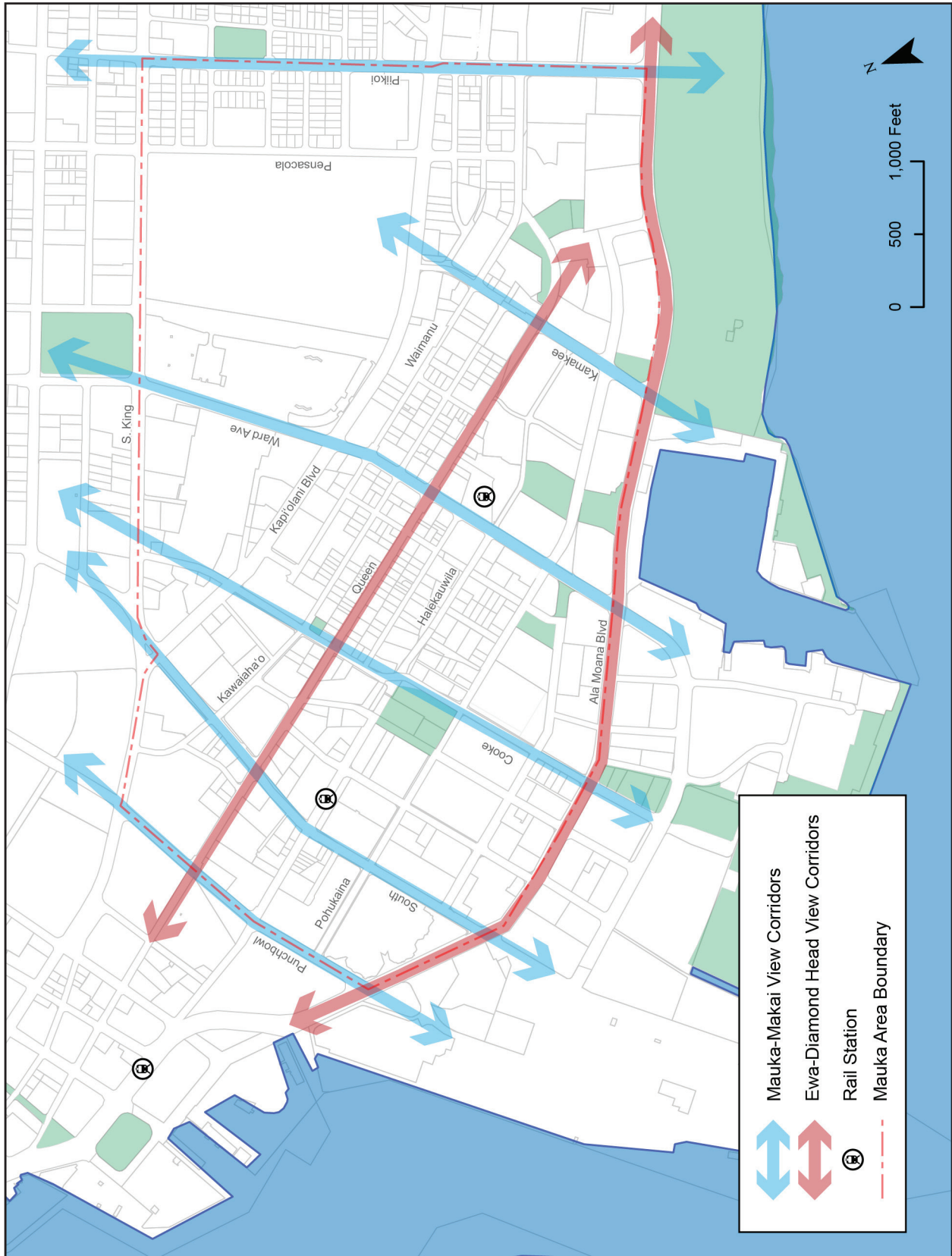


FIGURE 6: STREET TREES

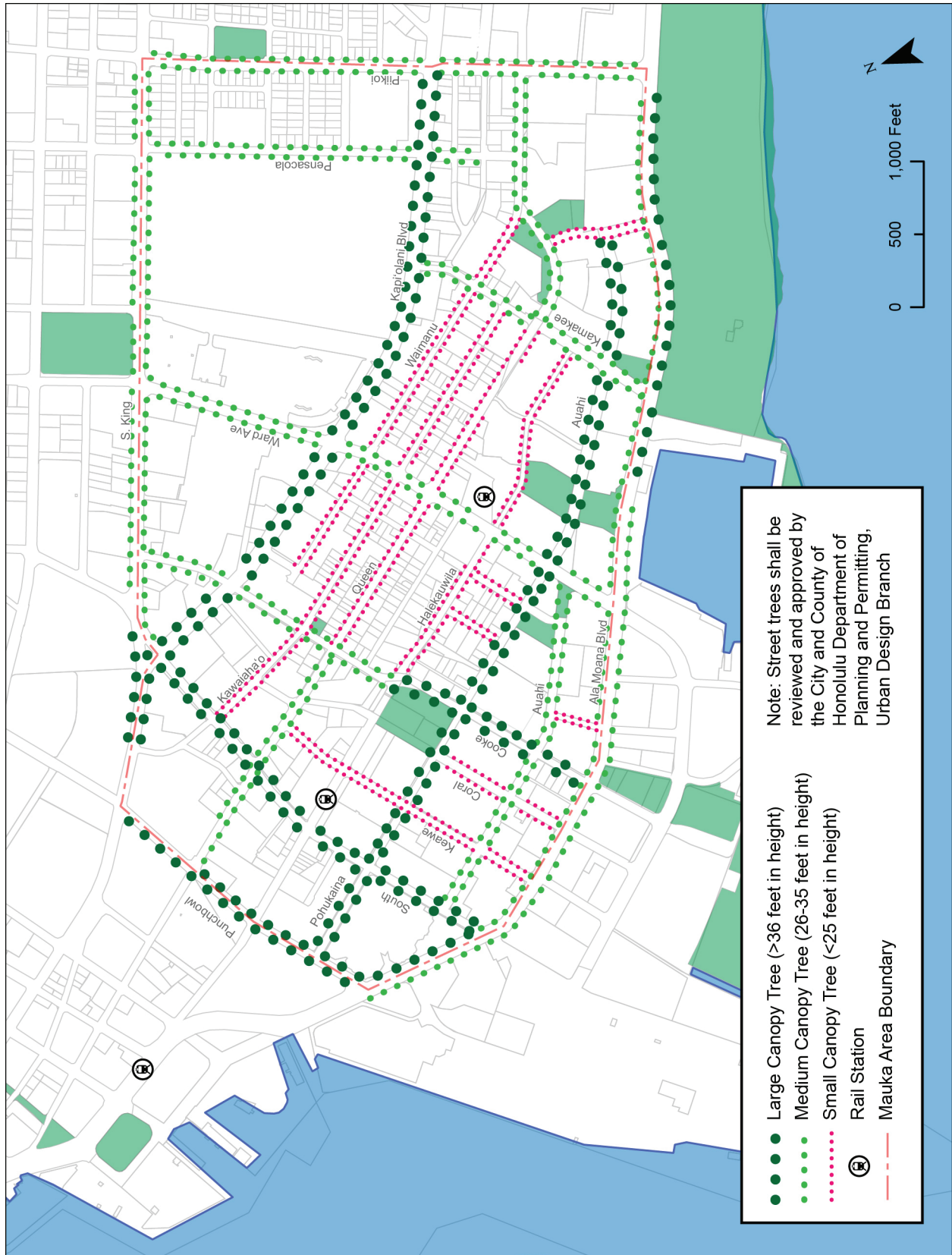


FIGURE 7: MAXIMUM HEIGHT PLAN

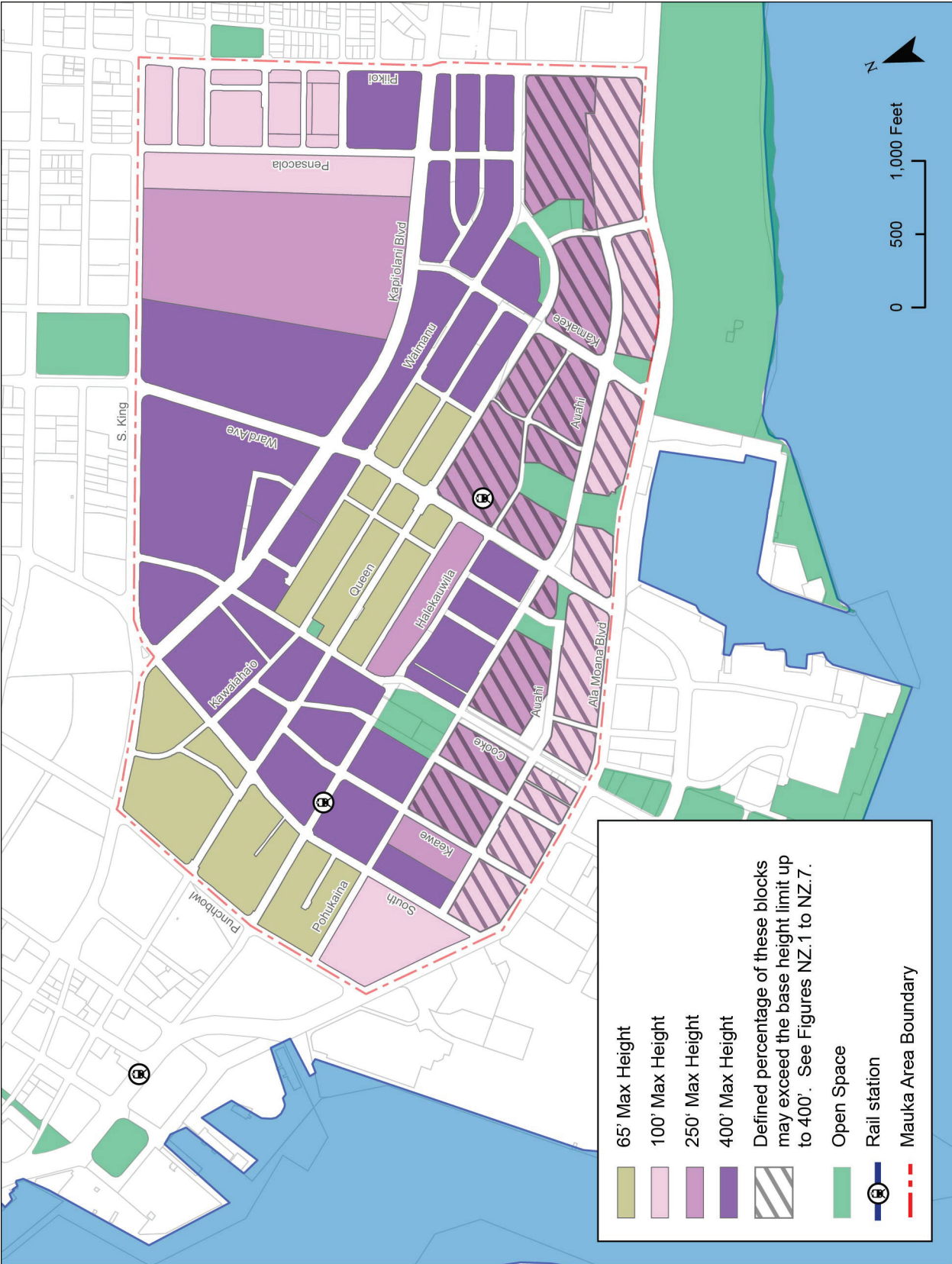


FIGURE 8: LAND USE

Group Home	-	●	●	●	●	●	●
Home Occupation	●	●	●	●	●	●	●
Single Family	-	-	-	●	-	-	-
Multi-Family	●	●	●	●	●	●	●
Second Unit	-	●	●	●	●	●	-
Administrative	●	●	●	●	●	●	●
Alcohol Sales	●	●	●	○	●	●	●
Artisan/Craft Production	●	●	●	●	●	●	●
Dance-Nightclub	○	●	●	-	●	●	●
Indoor Recreation	●	●	●	-	●	●	●
Live-Work	●	●	●	●	●	●	●
Outdoor Recreation	●	●	●	-	●	●	●
Personal Services	●	●	●	●	●	●	●
Pet Boarding and Veterinary Clinics	●	●	●	-	●	●	●
Recycling Collection Facility	●	●	●	●	●	●	●
Restaurants and Bars	●	●	●	○	●	●	●
Retail Sales	●	●	●	●	●	●	●
Group Assembly	●	●	●	●	●	●	●
Conference Center	●	○	●	-	-	●	●
Cultural Facilities	●	●	●	●	●	●	●
Park and Recreation	●	●	●	●	●	●	●
Public Building	●	●	●	-	●	●	●
Religious Facility	●	●	●	●	●	●	●
Theater	●	●	●	-	●	●	●

Alternative Fuel Station	-	○	○	○	○	-	-
Auto Sales/Rental*	-	●	-	-	●	●	○
Automobile Repair	-	○	-	-	●	●	-
Electric Vehicle Charging	●	●	●	●	●	●	●
Gas Station	-	○	-	-	○	-	-
Parking Facility	●	●	●	○	●	●	●
Consulates	●	●	●	-	●	●	●
Hospital	●	-	●	-	-	●	●
Medical and Dental Clinic	●	●	●	●	●	●	●
Day Care Center	●	●	●	●	●	●	●
Day Care Home	-	-	●	●	●	-	-
Educational Facilities	●	●	●	●	●	●	●
Vocational School	●	●	●	-	●	●	●
Laboratory Facility	●	●	●	-	●	●	●
Light Industrial	●	●	●	-	●	●	●
Media Production	●	●	●	-	●	●	●
Printing and Publishing	●	●	●	-	●	●	●
Warehousing	●	●	●	-	●	●	●

Legend

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

FIGURE 9: OFF-STREET PARKING PLACEMENT

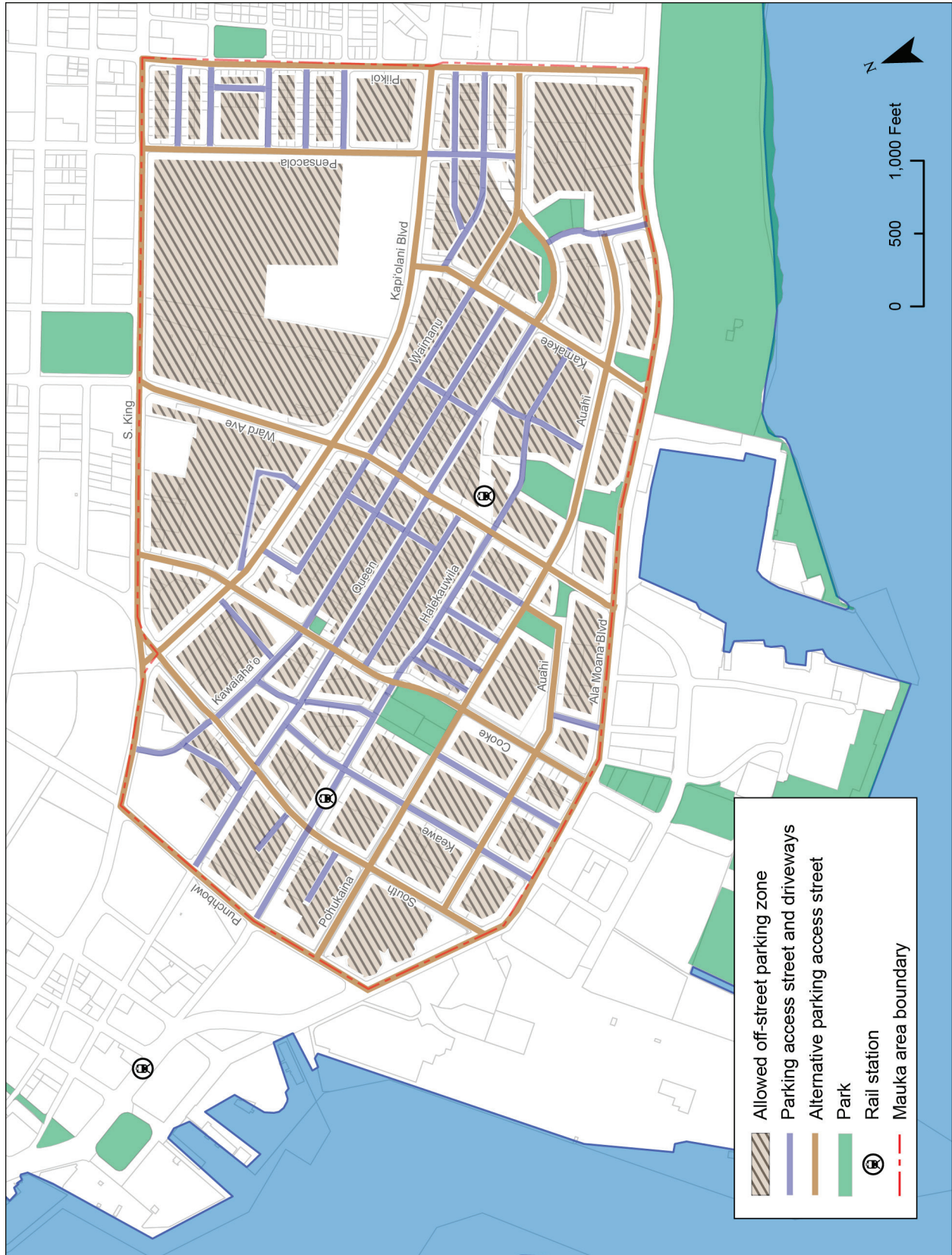

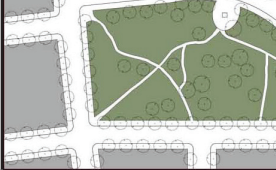
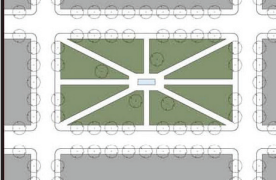
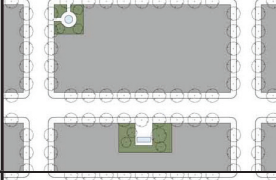
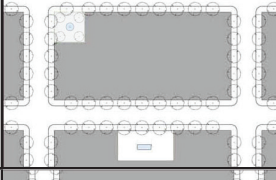
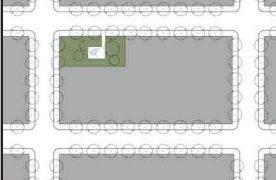
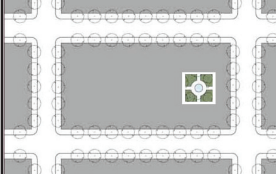


FIGURE 10: PARK AND CIVIC SPACE TYPOLOGIES

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

Note: Designs will be reviewed during the permit application process.

FIGURE 11: ILLUSTRATIVE BUILDING FORM

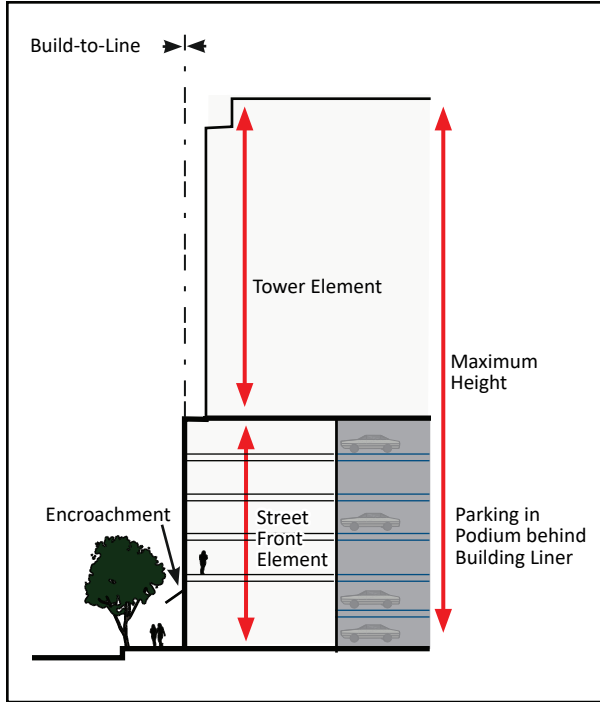


Figure 11-A: Illustrative Building Form Diagram (section view)

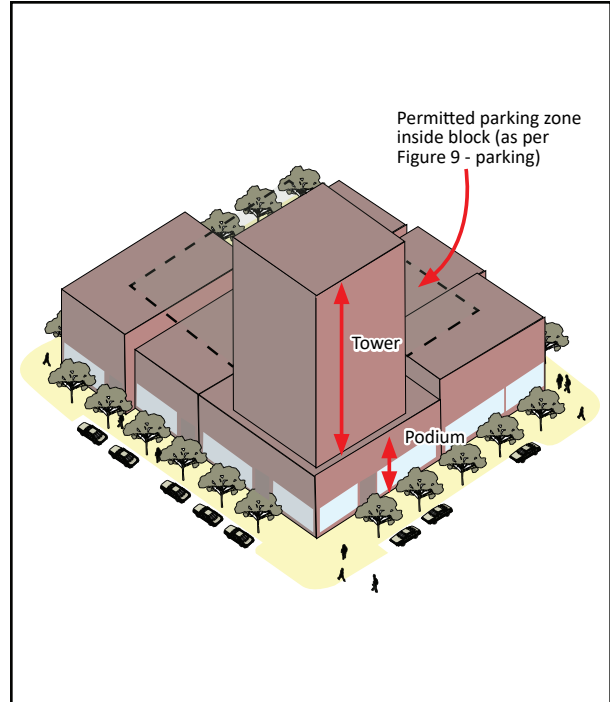


Figure 11-B: Illustrative Building Form Diagram (axonometric view)

FIGURE 12: BUILDING PLACEMENT AND ENCROACHMENTS

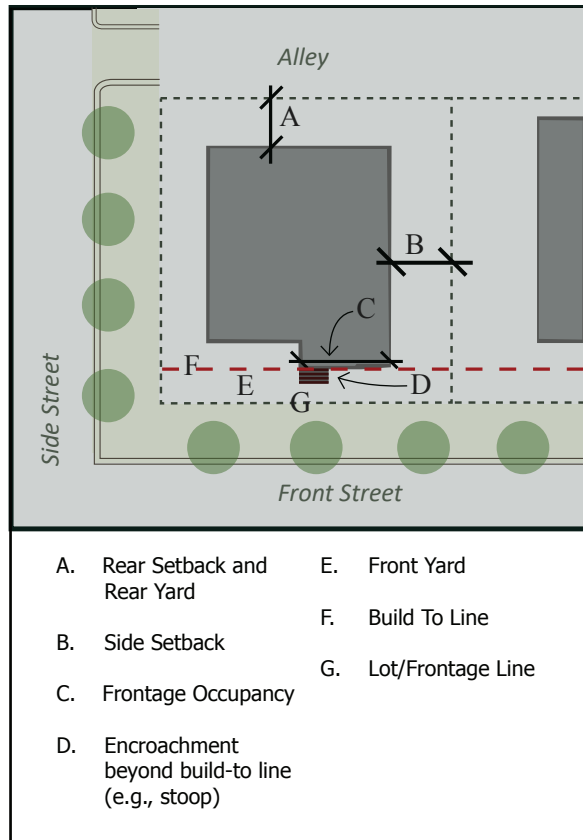


Figure 12-A: Illustrative Building Placement Diagram for Building Types: Front Yard House; Side Yard House; Duplex, Triplex, and Quadplex; Townhouse; and Flex/Loft

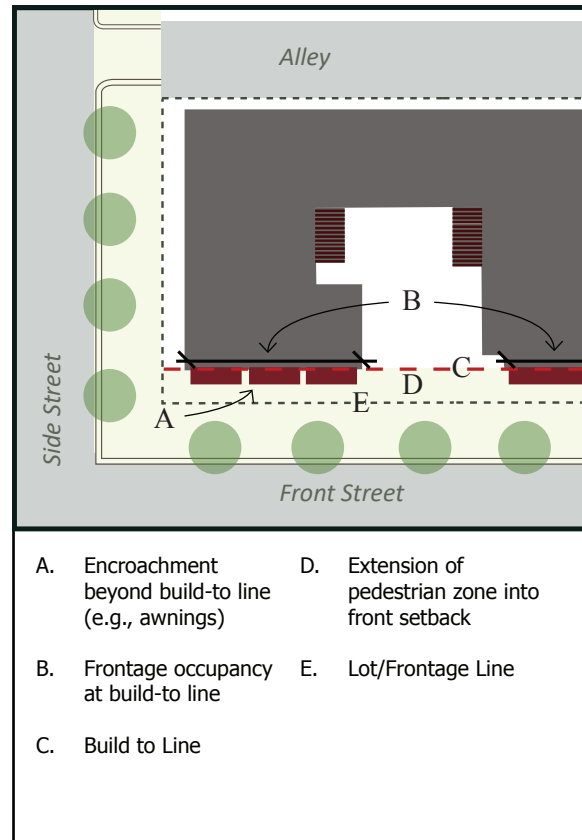


Figure 12-B: Illustrative Building Placement Diagram for Building Types: Courtyard; Urban Block; Lei Building; and Podium High Rise

Table 12-C: Encroachments

	Minimum Vertical Clearance	Maximum Horizontal Clearance
Front Encroachments		
Awnings	12'	No more than 10' or 66% of the distance from the building face to the curb, whichever is less.
Signage	12'	No more than 4' or 33% of the distance from the building face to the curb, whichever is less.
Gallery / Arcade / Chinatown Shopfront	16'	Within 2' of curb (must contain ground floor retail)
Bay Windows and Architectural Features	16'	8' from building face, but not to extend over the lot line.
Balconies / Porches	16'	8' from building face, but not to extend over the lot line.
Side and Rear Encroachments		
Balconies, Decks, and Architectural Features	12' (when above the ground floor)	10' from the lot line

FIGURE 13: PEDESTRIAN ZONE TREATMENT

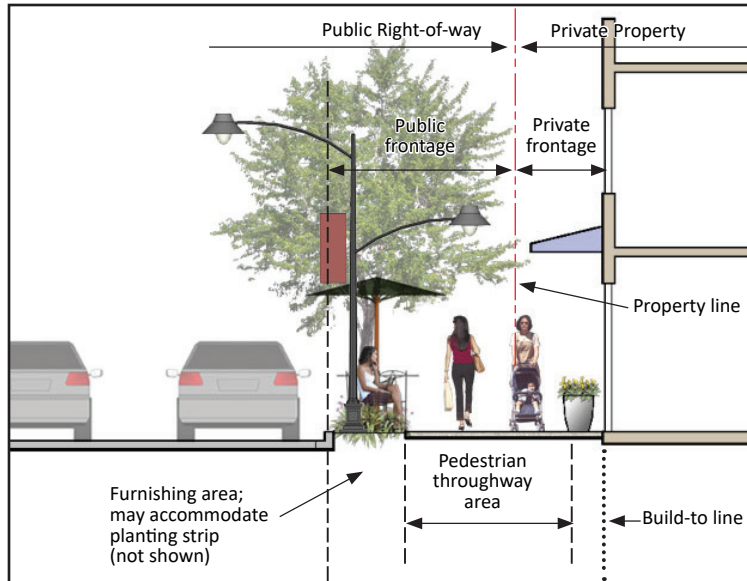


Figure 13-A: Illustrative pedestrian zone treatment - section view (typical condition, guideline only)

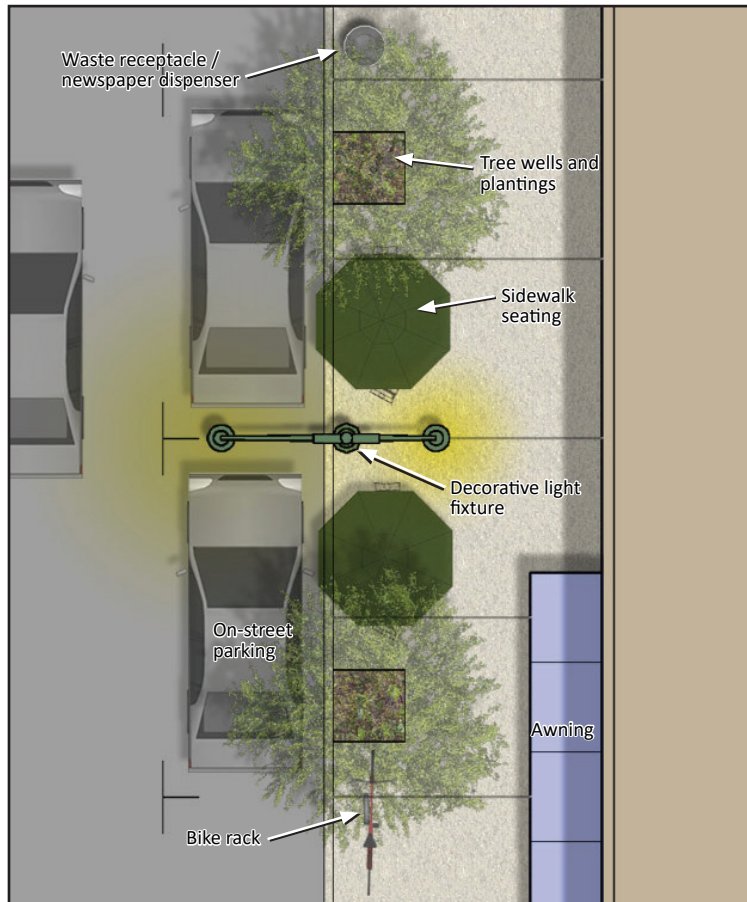


Figure 13-B: Illustrative pedestrian zone treatment - plan view (typical condition, guideline only)

Table 13-C: Pedestrian zone standards

Street type	Minimum width (in feet) within public right-of-way		
	Furnishing area	Pedestrian through-way area	Frontage area (private)
Service Street	n/a	6'	n/a
Street	5'	6'	2'
Avenue	5'	8'	2'
Boulevard	10'	8'	2'
Promenade*	5'	8'	2'

*Note: Frontage and furnishing standards not applicable between Queen and King St.

FIGURE 14: PEDESTRIAN ZONE FIXTURES

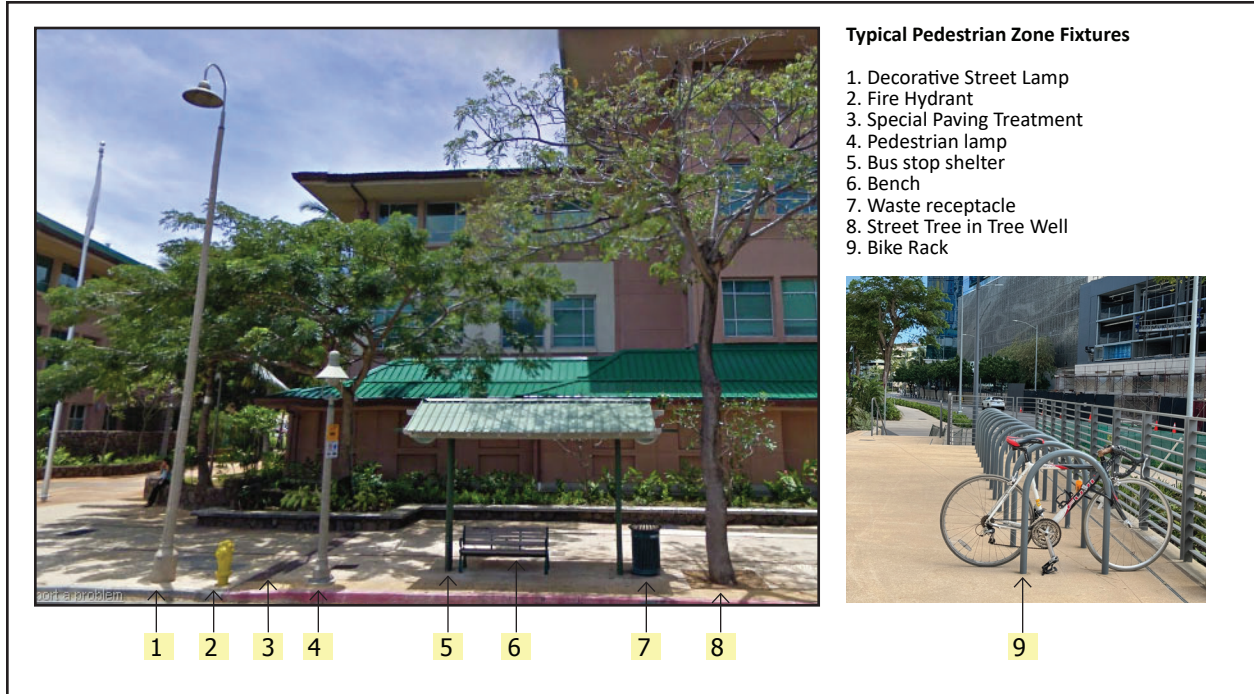


Figure 14-A: Typical Pedestrian Zone Fixtures

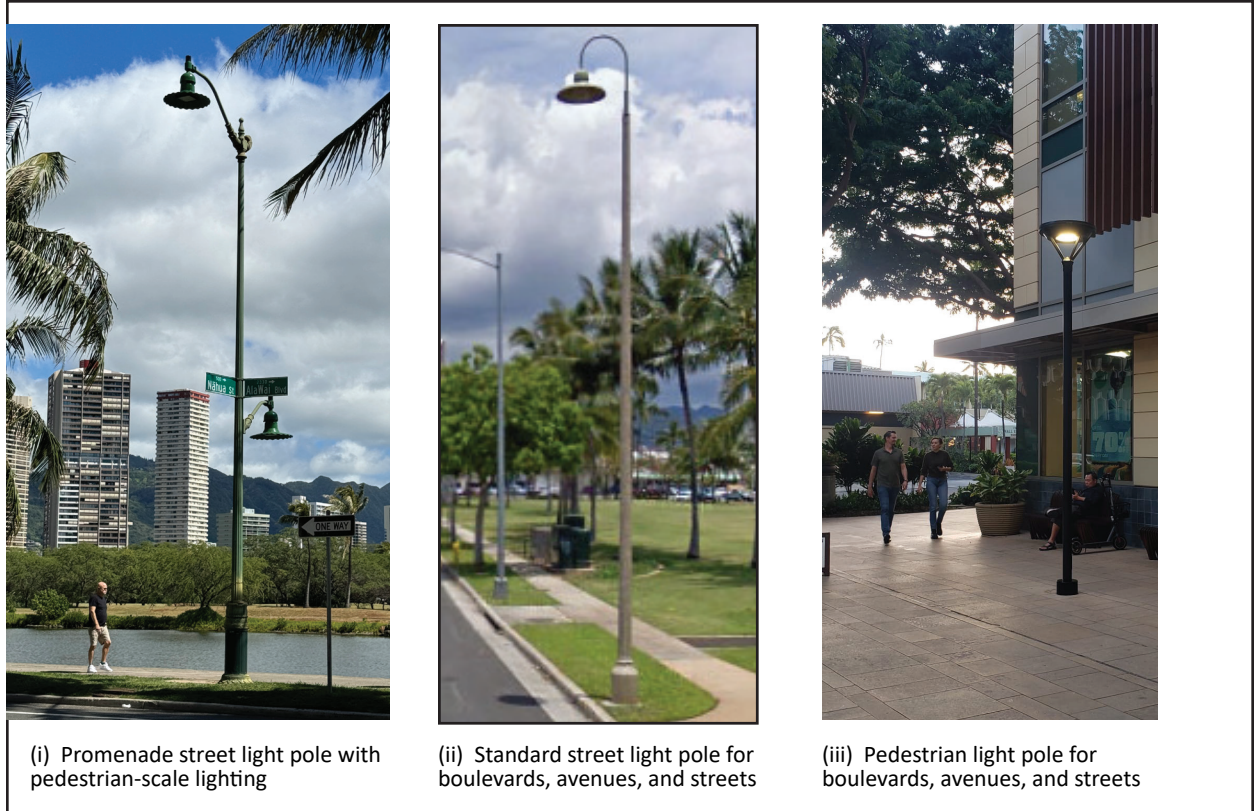


Figure 14-B: Illustrative Street Light Fixtures

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FIGURE 15: ILLUSTRATIVE FLOOD ZONE DESIGN STANDARDS

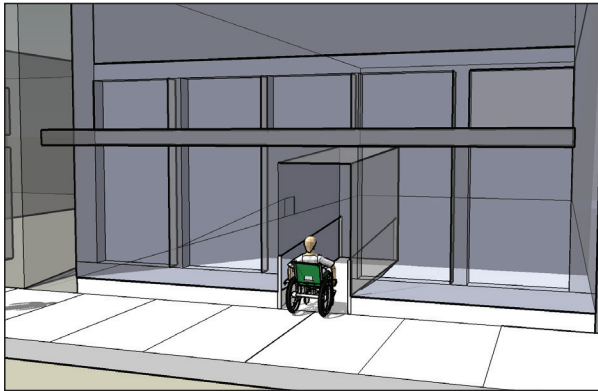
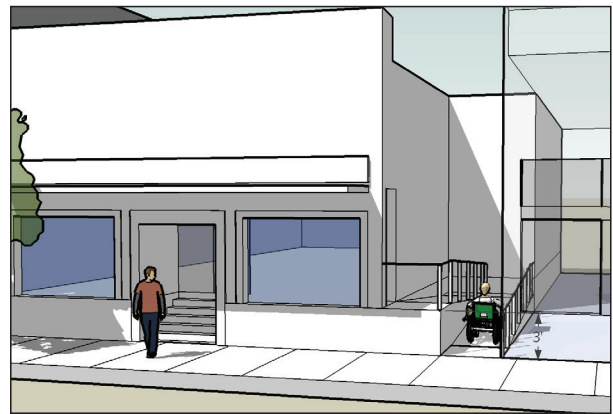
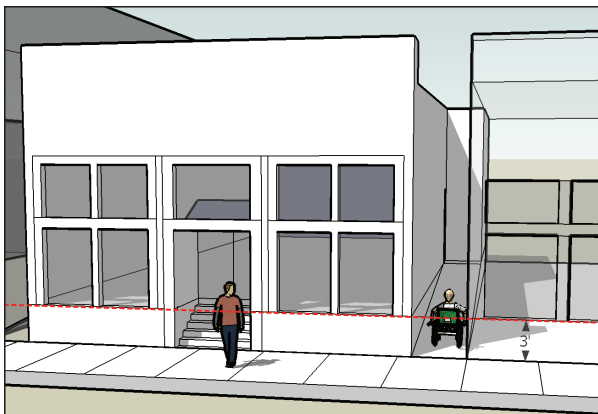
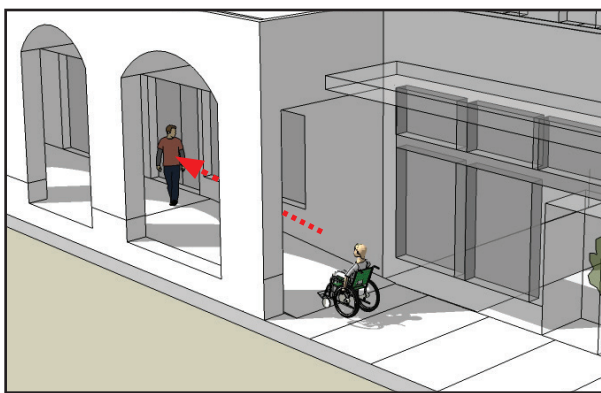


Figure 15-A: Illustrative internal wheelchair ramp

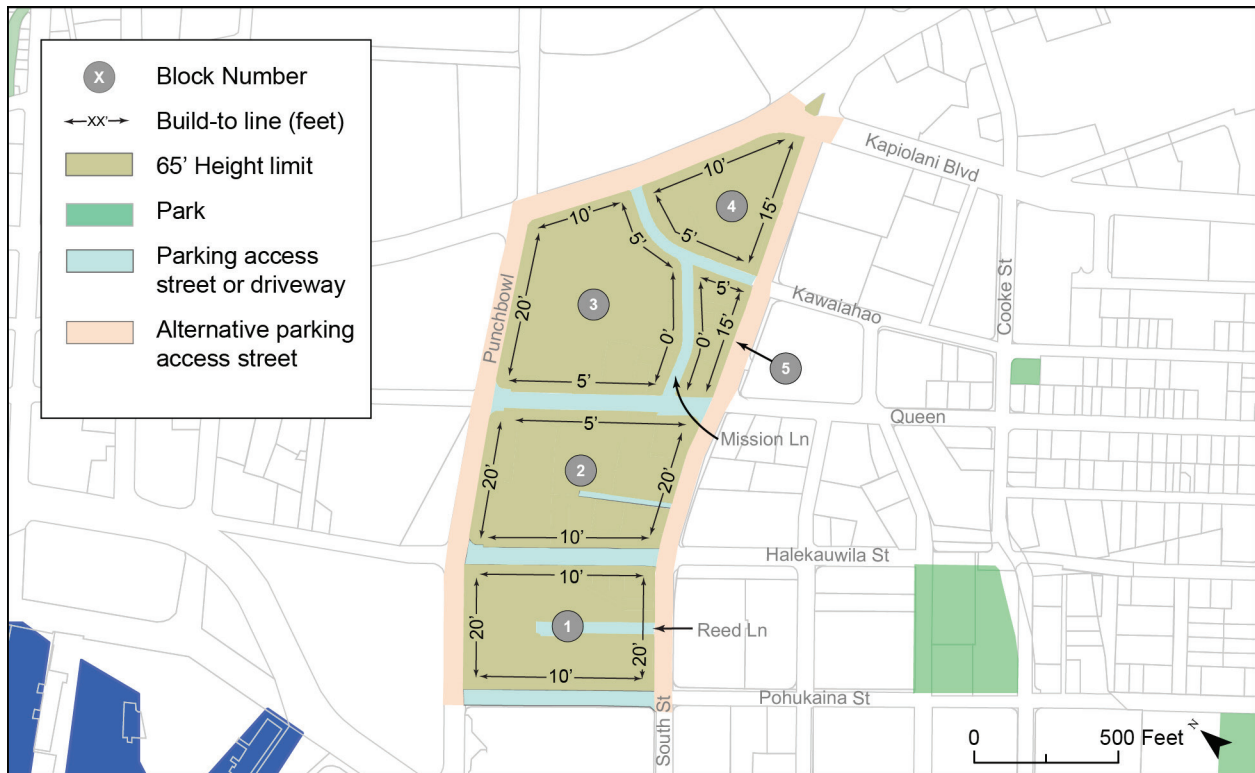


Figures 15-B (left) and 15-C (right): Illustrative external wheelchair ramps accessed directly from sidewalk on the side of the building to ensure easy access



Figures 15-D (left) and 15-E (right): Illustrative external wheelchair ramps accommodated under an arcade

FIGURE NZ.1 CIVIC CENTER NEIGHBORHOOD ZONE



Podium High Rise	●	-
Urban Block	●	65'
Lei Building	●	65'
Courtyard Building	●	65'
Duplex, Triplex, and Quadplex	-	-
Townhouse	-	-
Flex / Loft	●	45'
Industrial Barn	-	-
Side Yard House	-	-
Front Yard House	-	-
Tropical Urban Court	●	65'

Lanai and Front Yard	-
Stoop	●
Dooryard	●
Forecourt	●
Shopfront	●
Chinatown Shopfront	●
Raised Shopfront	●
Terrace	●
Raised Terrace	-
Gallery	●
Arcade	●
Kaka'ako Frontage	-

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

Maximum Height	65'
Street Front Element Height Range	30' min. 65' max.
Maximum Density (Floor Area Ratio)	5.5

Footnotes:

- Chinatown Shopfront frontage types are only allowed on the thoroughfares indicated in Figure FT.6.
- Gallery frontage type (Figure FT.10) and Arcade frontage type (Figure FT.11) are only permitted on King, Halekauwila, and Pohukaina streets, and shall contain retail use.
- A Terrace frontage type (Figure FT. 8) shall be required where build-to-lines are greater than 15 feet.

Legend	
●	Permitted
●	Permitted with exceptions
-	Not Permitted

FIGURE NZ.2 KAPIOLANI NEIGHBORHOOD ZONE



Podium High Rise	●	400'
Urban Block	●	100'
Lei Building	●	100'
Courtyard Building	●	65'
Duplex, Triplex, and Quadplex	⦿	65'
Townhouse	⦿	65'
Flex / Loft	-	-
Industrial Barn	-	-
Side Yard House	-	-
Front Yard House	-	-
Tropical Urban Court	●	65'

Lanai and Front Yard	-
Stoop	●
Dooryard	●
Forecourt	●
Shopfront	●
Chinatown Shopfront	⦿
Raised Shopfront	⦿
Terrace	●
Raised Terrace	⦿
Gallery	⦿
Arcade	⦿
Kaka'ako Frontage	⦿

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

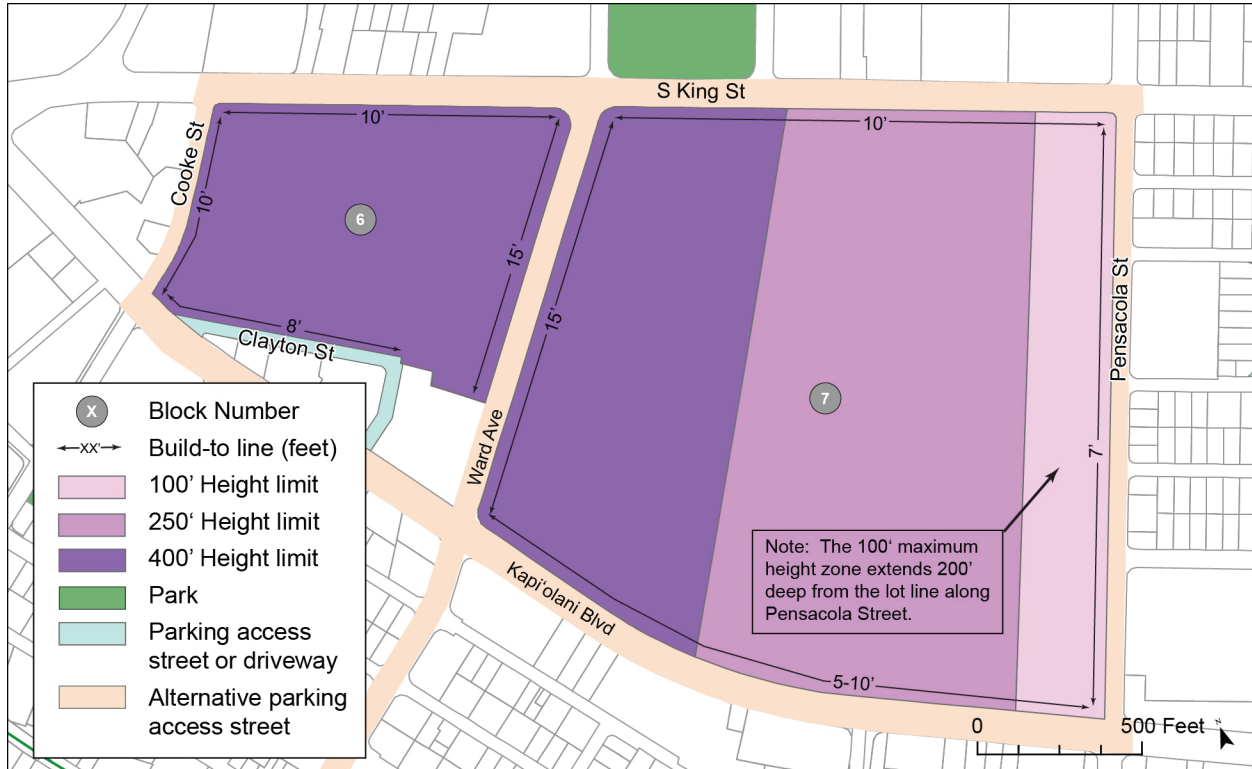
Maximum Height	400'
Street Front Element Height Range	30' min. 65' max.
Maximum Density (Floor Area Ratio)	5.5

Footnotes:

- Townhouse buildings (Figure BT.3) are only permitted on Block 22.
- Duplex, Triplex, and Quadplex buildings (Figure BT.4) are only permitted on Block 22.
- Raised frontages (Figures FT.7 and FT.9) are only allowed to accommodate necessary flood elevation or to address sea level rise and climate-resilient design.
- Chinatown Shopfront frontages are only allowed on thoroughfares listed in Figure FT.6.
- Gallery and Arcade frontages (Figure FT.10 and FT.11) are only permitted on Kapiolani Boulevard and shall contain retail uses.
- The Kaka'ako frontage (Figure FT. 12) is only permitted along Waimanu Street.
- Buildings over 100 feet are subject to Podium high-rise building standards (Figure BT.10).
- n/s = not specified

Legend	
●	Permitted
⦿	Permitted with exceptions
-	Not Permitted

FIGURE NZ.3 THOMAS SQUARE NEIGHBORHOOD ZONE



Podium High Rise	●	400'
Urban Block	●	100'
Lei Building	●	100'
Courtyard Building	●	65'
Duplex, Triplex, and Quadplex	●	65'
Townhouse	●	65'
Flex / Loft	-	-
Industrial Barn	-	-
Side Yard House	-	-
Front Yard House	-	-
Tropical Urban Court	●	65'

Lanai and Front Yard	-
Stoop	●
Dooryard	●
Forecourt	●
Shopfront	●
Chinatown Shopfront	⊙
Raised Shopfront	⊙
Terrace	●
Raised Terrace	⊙
Gallery	⊙
Arcade	⊙
Kaka'ako Frontage	-

Front Build-to line	5' to 15'
Frontage Occupancy at Build-to line	60% min.
Setback Side	0'
Setback Rear	0'

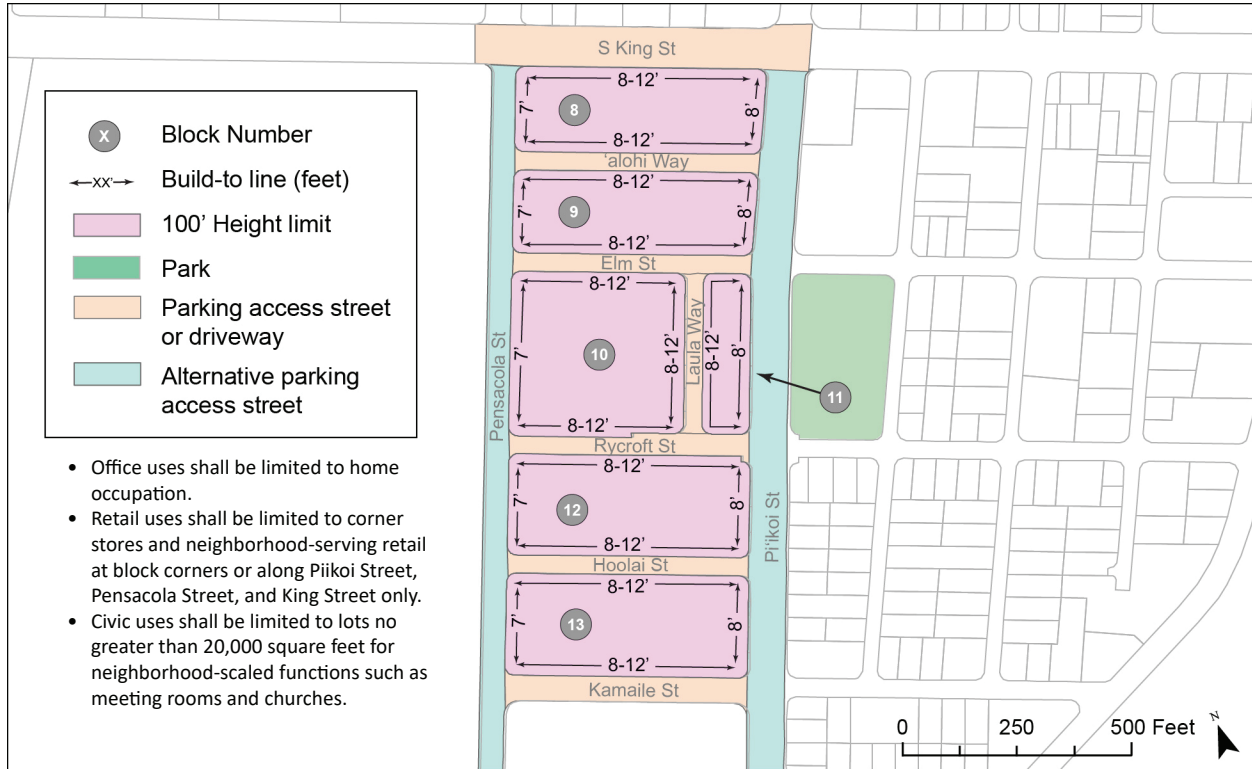
Maximum Height	400'
Street Front Element Height Range	30' min. 65' max.
Maximum Density (FAR)	5.5

Footnotes:

- Raised frontages (Figures FT.7 and FT.9) are only allowed to accommodate necessary flood elevation or to address sea level rise and climate-resilient design.
- Chinatown Shopfront frontage types are only allowed on the thoroughfares indicated in Figure FT.6.
- Gallery frontage types (Figure FT.10) and Arcade frontage types (Figure FT.11) are only permitted on Pensacola Street, King Street, Kapiolani Boulevard, and new streets, as appropriate, and shall contain retail uses.
- Buildings over 100 feet are subject to Podium high-rise building standards (Figure BT.10).

Legend	
●	Permitted
⊙	Permitted with exceptions
-	Not Permitted

FIGURE NZ.4 SHERIDAN NEIGHBORHOOD ZONE



- Office uses shall be limited to home occupation.
- Retail uses shall be limited to corner stores and neighborhood-serving retail at block corners or along Piikoi Street, Pensacola Street, and King Street only.
- Civic uses shall be limited to lots no greater than 20,000 square feet for neighborhood-scaled functions such as meeting rooms and churches.

Podium High Rise	-	-
Urban Block	●	100'
Lei Building	●	100'
Courtyard Building	●	65'
Duplex, Triplex, and Quadplex	●	65'
Townhouse	●	65'
Flex / Loft	●	65'
Industrial Barn	-	-
Side Yard House	●	35'
Front Yard House	●	35'
Tropical Urban Court	●	65'

Lanai and Front Yard	●
Stoop	●
Dooryard	●
Forecourt	●
Shopfront	●
Chinatown Shopfront	●
Raised Shopfront	●
Terrace	-
Raised Terrace	●
Gallery	●
Arcade	●
Kaka'ako Frontage	-

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

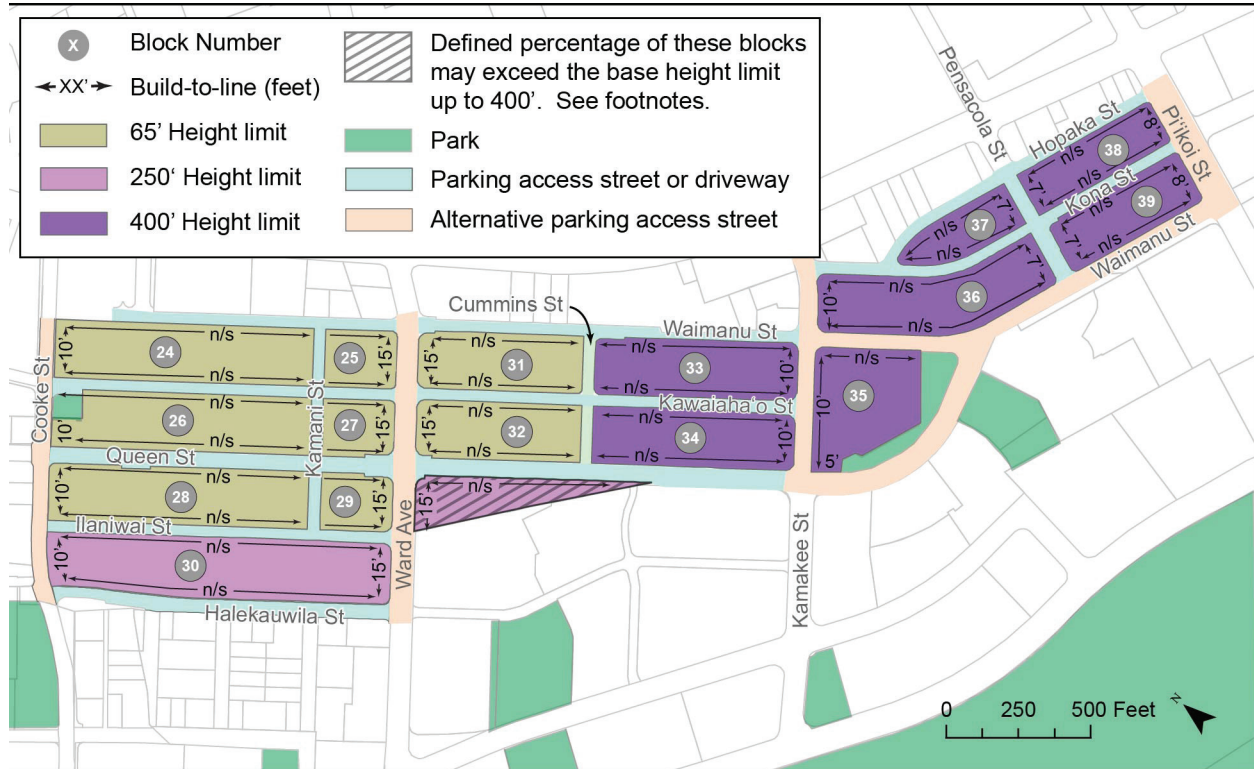
Maximum Height	100'
Street Front Element Height Range	15' min. 65' max.
Maximum Density (FAR)	5.5

Footnotes:

- The Urban Block and Lei building types (Figures BT.8 and BT.9) are only permitted on Blocks 12 and 13.
- Raised frontages (Figures FT.7 and FT.9) are only allowed to accommodate necessary flood elevation or to address sea level rise and climate-resilient design.
- Gallery frontage types (Figure FT.10) and Arcade frontage types (Figure FT.11) are only permitted on Pensacola Street and shall contain retail use.
- Chinatown Shopfronts are only allowed on the thoroughfares indicated in Figure FT.6.

Legend	
●	Permitted
●	Permitted with exceptions
-	Not Permitted

FIGURE NZ.5 CENTRAL KAKA’AKO NEIGHBORHOOD ZONE



Podium High Rise	●	400'
Urban Block	●	100'
Lei Building	●	100'
Courtyard Building	●	65'
Duplex, Triplex, and Quadplex	●	35'
Townhouse	●	65'
Flex / Loft	●	65'
Industrial Barn	●	35'
Side Yard House	-	-
Front Yard House	-	-
Tropical Urban Court	●	65'

Lanai and Front Yard	-
Stoop	●
Dooryard	●
Forecourt	●
Shopfront	●
Chinatown Shopfront	●
Raised Shopfront	●
Terrace	●
Raised Terrace	●
Gallery	-
Arcade	-
Kaka’ako Frontage	●

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

Maximum Height	400'
Street Front Element Height Range	20' min. 65' max.
Maximum Density (FAR)	3.5

Footnotes:

- Raised frontages (Figures FT.7 and FT.9) are only allowed to accommodate necessary flood elevation or to address sea level rise and climate-resilient design.
- Chinatown Shopfront frontage types are only allowed on the thoroughfares indicated in Figure FT.6.
- Civic uses shall be on lots no greater than 20,000 square feet and limited to neighborhood-scaled functions such as fire stations, meeting rooms, and churches.
- Buildings over 100-feet tall with podiums are subject to podium high-rise building standards (Figure BT.10).
- n/s = not specified

Legend	
●	Permitted
●	Permitted with exceptions
-	Not Permitted

FIGURE NZ.6 PAUHI NEIGHBORHOOD ZONE



Podium High Rise	●	400'
Urban Block	●	100'
Lei Building	●	100'
Courtyard Building	●	65'
Duplex, Triplex, and Quadplex	-	-
Townhouse	-	-
Flex / Loft	●	65'
Industrial Barn	●	35'
Side Yard House	-	-
Front Yard House	-	-
Tropical Urban Court	●	65'

Lanai and Front Yard	-
Stoop	●
Dooryard	●
Forecourt	●
Shopfront	●
Chinatown Shopfront	●
Raised Shopfront	●
Terrace	●
Raised Terrace	●
Gallery	●
Arcade	●
Kaka'ako Frontage	-

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

Maximum Height	400'
Street Front Element Height Range	40' min. 65' max.
Maximum Density (FAR)	5.5

Footnotes:

- The Industrial Barn building type (Figure BT.6) is permitted on Block 48 only.
- Raised frontages (Figures FT.7 and FT.9) are only allowed to accommodate necessary flood elevation or sea level rise and climate adaptation.
- Chinatown Shopfronts are allowed only on thoroughfares indicated in Figure FT.6.
- Gallery and Arcade frontages (Figures FT.10 and FT.11) shall only contain retail uses and are only permitted on Auahi, Pohukaina, Halekauwila, and Ala Moana Boulevard.
- Where build-to lines are greater than 15 feet, Terrace frontages shall be used.
- Maximum building heights are as shown in Figure NZ.6 and indicated below:
 - 15% of Blocks 53, 54, 55, 56, 57, 58, 59, 60, and 61 can go up to 400 feet.
- Buildings over 100-feet tall with podiums are subject to podium high-rise building standards (Figure BT.10).
- n/s = not specified

Legend	
●	Permitted
●	Permitted with exceptions
-	Not Permitted

FIGURE NZ.7 AUAHI NEIGHBORHOOD ZONE



Podium High Rise	●	400'
Urban Block	●	100'
Lei Building	●	100'
Courtyard Building	●	65'
Duplex, Triplex, and Quadplex	-	-
Townhouse	-	-
Flex / Loft	●	65'
Industrial Barn	●	35'
Side Yard House	-	-
Front Yard House	-	-
Tropical Urban Court	●	65'

Lanai and Front Yard	-
Stoop	●
Dooryard	●
Forecourt	●
Shopfront	●
Chinatown Shopfront	⦿
Raised Shopfront	⦿
Terrace	●
Raised Terrace	⦿
Gallery	⦿
Arcade	⦿
Kaka'ako Frontage	-

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

Maximum Height	400'
Street Front Element Height Range	40' min. 65' max.
Maximum Density (FAR)	5.5

Legend	
●	Permitted
⦿	Permitted with exceptions
-	Not Permitted

Footnotes:

- Raised frontages (Figures FT.7 and FT.9) are only allowed to accommodate necessary flood elevation or sea level rise and climate adaptation.
- Chinatown Shopfronts are only allowed on thoroughfares indicated in Figure FT.6.
- Gallery and Arcades are only permitted on Ala Moana Boulevard and Auahi Street and shall only contain retail use.
- Maximum building heights are as shown in Figure NZ.7 and indicated below:
 - 5% of Blocks 62, 63, 64, 65, 67, 69, and 71 can go up to 400 feet.
 - 10% of Blocks 66 and 68 can go up to 400 feet.
 - 15% of Block 70 can go up to 400 feet.
- All buildings over 100 feet shall be subject to the Podium High Rise building standards.

FIGURE BT.1 FRONT YARD HOUSE

A. Lot Width

1. Maximum of 65 feet.

B. Pedestrian Access

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

C. Parking Design and Location

1. Off-street parking shall be located within the allowed off-street parking zone as shown in Figure 9.
2. Garages may accommodate no more than two cars.
3. Parking access shall be as per section 15-217-63 (parking and loading).

D. Open Space

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

E. Landscape

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

F. Frontage

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

G. 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 750 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

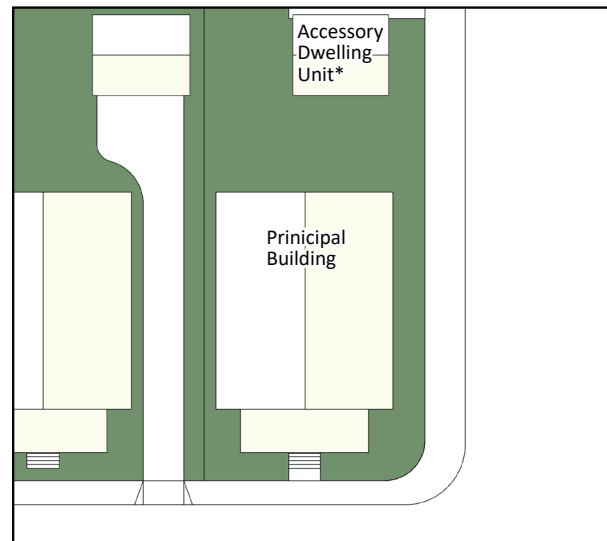


Figure BT.1-2 Front Yard House, illustrative plan view

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

FIGURE BT.2 SIDE YARD HOUSE

A. Lot Width

1. Maximum of 65 feet.

B. Pedestrian Access

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

C. Parking Design and Location

1. Off-street parking shall be located within the allowed off-street parking zone as shown in Figure 9.
2. Garages may accommodate no more than two cars.
3. Parking access shall be as per section 15-217-63 (parking and loading).
4. If driveway is along the side yard, the driveway should have a permeable surface, such as pavers.

D. Open Space

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

E. Landscape

1. One 25-gallon minimum tree shall be planted per 40 lineal feet of side yard lot line or fraction thereof.
2. Four 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. Building facades shall have a minimum fenestration of fifteen per cent in order to prevent blank walls facing the street.
2. Permissible frontage types are Stoop (Figure FT.2), and Dooryard (Figure FT.3).

G. 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.

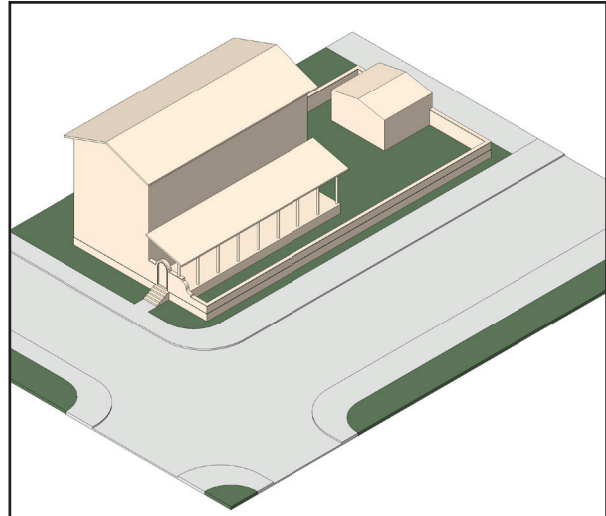


Figure BT.2-1 Side Yard House, illustrative axonometric view

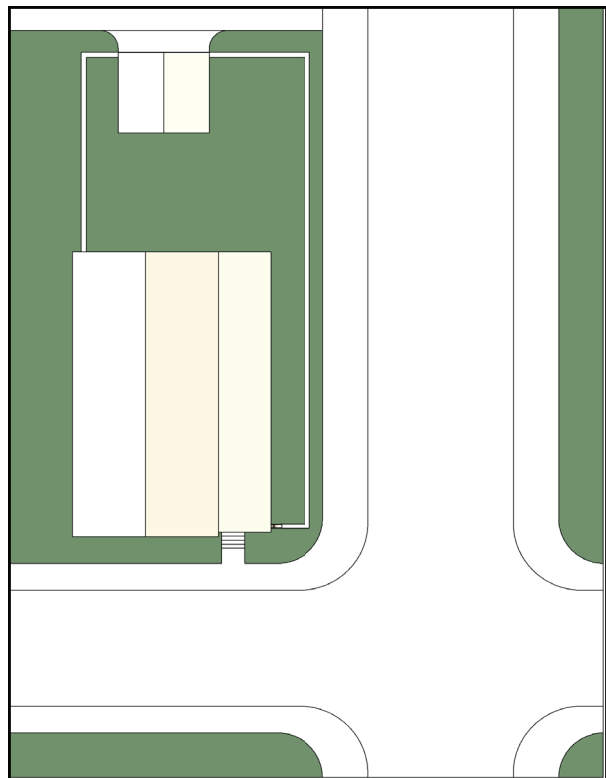


Figure BT.2-2 Side Yard House, illustrative plan view

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. The maximum number of attached townhouses per facade string in each neighborhood zone are indicated in Table BT.3-1.

B. Pedestrian Access

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

C. Parking Design and Location

1. Off-street parking shall be located within the allowed off-street parking zone as shown in Figure 9.
2. Garages shall accommodate no more than two cars, be integrated into the back of the townhouse, and have garage doors of only one car width.
3. Parking access shall be as per section 15-217-64.

D. Open Space

1. At least fifteen per cent of the lot area shall be provided as open space.
2. The open space shall be located at-grade at the rear or side of the building, on patios or decks, 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 Stoop (Figure FT.2), Dooryard (Figure FT. 3), and Terrace (Figure FT.8).

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.

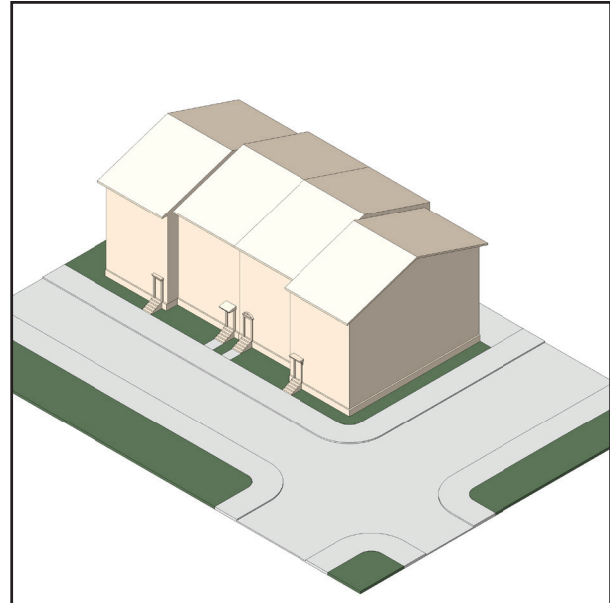


Figure BT.3-1 Townhouse, illustrative axonometric view

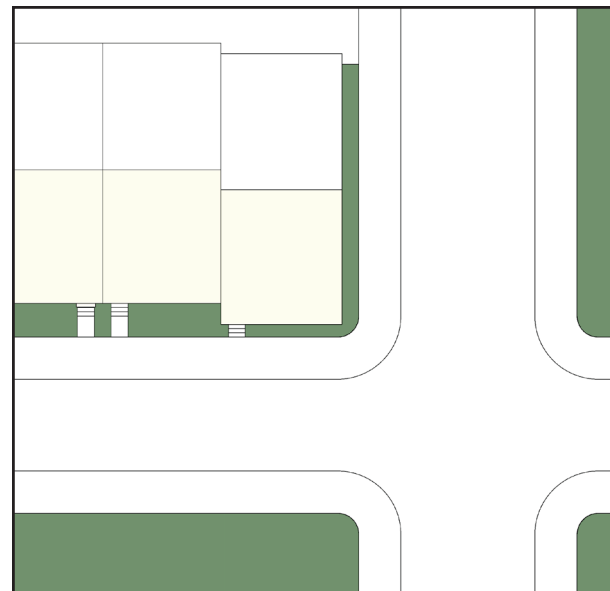


Figure BT.3-2 Townhouse, illustrative plan view

Table BT.3-1 Facade string requirements

Neighborhood Zone	Maximum number of attached townhouses per facade
Kapiolani	6
Thomas Square	10
Sheridan	6
Central Kaka'ako	10

FIGURE BT.4 DUPLEX, TRIPLEX, AND QUADPLEX

A. Lot Width

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

B. Pedestrian Access

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

C. Parking Design and Location

1. Off-street parking shall be located within the allowed off-street parking zone as shown in Figure 9.
2. Garages shall accommodate no more than two cars, be integrated into the back of the townhouse, and have garage doors of only one car width.
3. Parking access shall be as per section 15-217-64.

E. Open Space

1. Each ground floor unit shall have at least 150-square feet of private or semi-private yard space in the rear yard, side yard, or integrated into the building area through courtyards and gardens.
2. Units above the ground floor may have access to roof garden space for passive and active recreation, patios, decks, and courtyards.
3. Rear yards shall be no less than fifteen per cent of the area of each lot and of a square or rectangular geometry.

F. Landscape

1. When front yards have a 20-foot build-to line, a minimum of one 25-gallon canopy tree shall be planted per 40 lineal feet of frontage line or fraction thereof. Trees shall be a single species to match the species of street trees in the furnishing area.
2. Four 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.

G. Frontage

1. Permissible frontage types are: Lanai and Front Yard (Figure FT.1), Stoop (Figure FT.2), Dooryard (Figure FT.3), Forecourt (Figure FT.4), and Terrace (Figure FT.8).

H. 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.

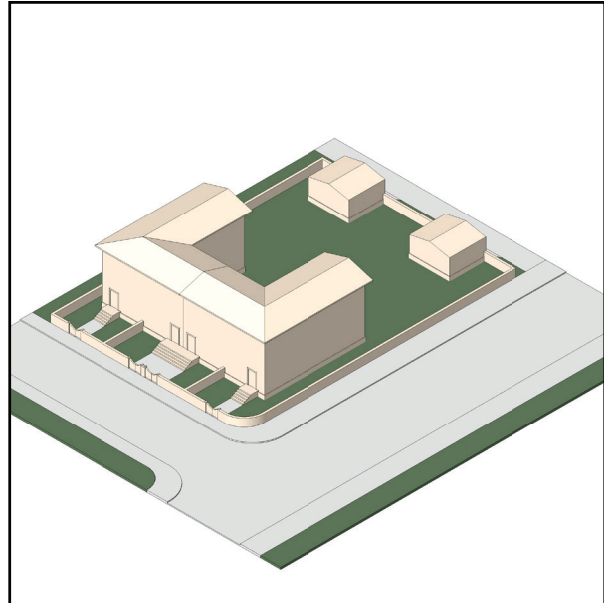


Figure BT.4-1 Duplex, Triplex, and Quadplex, illustrative axonometric view

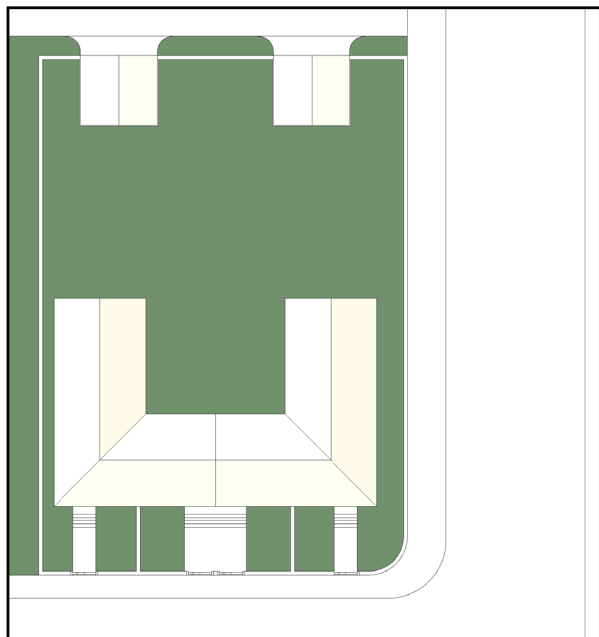


Figure BT.4-2 Duplex, Triplex, and Quadplex, illustrative plan view

FIGURE BT.5 FLEX-LOFT

A. Facade Width

1. Each flex-loft can be a maximum of 30-feet wide
2. The maximum number of attached flex-loft buildings per facade string in each neighborhood zone are shown in Table BT.5-1.

B. Pedestrian Access

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

C. Parking Design and Location

1. Off-street parking shall be located within the allowed off-street parking zone as shown in Figure 9.
2. Garages shall accommodate no more than two cars and have garage doors of only one car width.
3. Parking access shall be as per section 15-217-64.

E. Open Space

1. At least 15 per cent of the lot area shall be provided as open space.
2. Open space shall be located at-grade at the rear or side of the building, on patios or decks, or on a roof garden.
3. Open space area must be open to the sky.

F. Landscape

1. Landscape shall not obscure front yards on adjacent lots or the shopfront of the ground floor Industrial space.
2. Trees shall be planted at the rate of one 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: Stoop (Figure FT.2), Dooryard (Figure FT.3), Shopfront (Figure FT.5), Chinatown Shopfront (Figure FT.6), Raised Shopfront (Figure FT.7 as necessary for flood protection), Terrace (Figure FT.8), Gallery (Figure FT.10), Arcade (Figure FT.11), and Kaka'ako Frontage (Figure FT.12).

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.

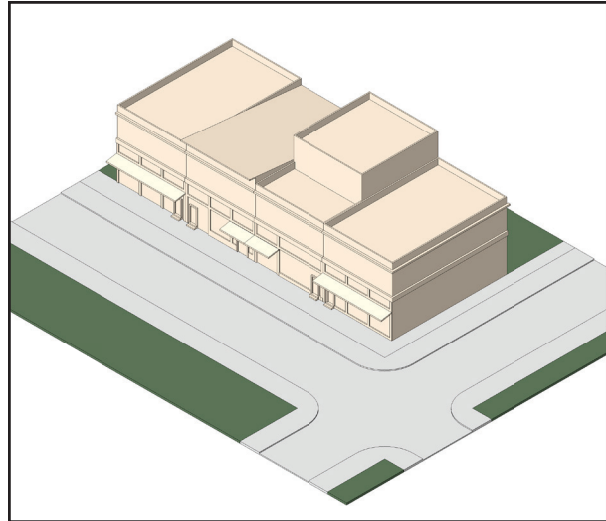


Figure BT.5-1 Flex-Loft, illustrative axonometric view

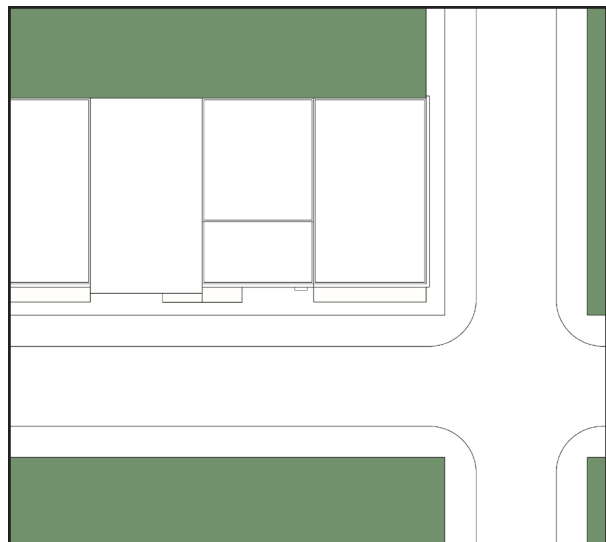


Figure BT.5-2 Flex-Loft, illustrative plan view

Table BT.5-1 Flex-Loft facade string requirements

Neighborhood Zone	Maximum number of attached flex-lofts per facade string
Civic Center	10
Sheridan	4
Central Kaka'ako	10
Pauahi	10
Auahi	10

FIGURE BT.6 INDUSTRIAL BARN

A. Facade Width

1. Maximum of 100 feet.

B. Pedestrian Access

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

C. Parking Design and Location

1. Off-street parking shall be located within the allowed off-street parking zone as shown in Figure 9.
2. Garages shall accommodate no more than two cars and have garage doors of only one car width.
3. Parking access shall be as per section 15-217-64.

E. Open Space

1. At least fifteen per cent of the lot area shall be provided as open space.
2. The open space shall be located at-grade at the rear or side of the building or on a roof garden.
3. The open space must be open to the sky.
4. Permeable-pavement parking areas can count towards the open space requirement for this building type.

F. Landscape

1. Landscape shall not obscure front yards on adjacent lots or the shopfront of the ground floor industrial space
2. When front yards have a 20-foot build-to line, then front yard trees shall be provided.
4. Trees shall be a single species to match the species of street trees in the furnishing area.
3. Trees shall be planted at the rate of one 25-gallon minimum size canopy per 25 lineal feet of front yard or fraction thereof.
5. At least one 25-gallon minimum size canopy tree shall be provided in the rear yard, if present, for shade and privacy (Central Kaka'ako zone is exempt).
6. 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. (Central Kaka'ako zone is exempt).
7. 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 (Central Kaka'ako zone is exempt).
8. On-site paving is limited to the driveway, turnaround, and backup area and any required parking spaces.

G. Frontage

1. Permissible frontage types are Forecourt (Figure FT.4), Shopfront (Figure FT.5), Chinatown Shopfront (Figure FT.6), Raised Shopfront (Figure FT.7 as necessary), Terrace (Figure FT.8), Gallery (Figure FT.10), Arcade (Figure FT.11), and Kaka'ako Frontage (Figure FT.12).

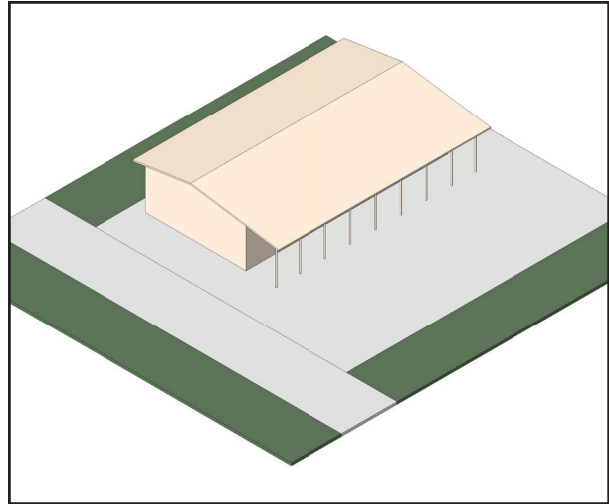


Figure BT.6-1 Industrial Barn, illustrative axonometric view

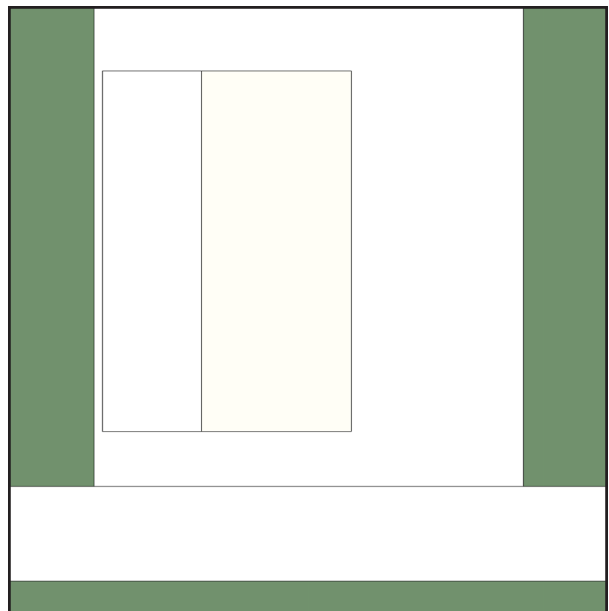


Figure BT.6-2 Industrial Barn, illustrative plan view

FIGURE BT.7 COURTYARD

A. Lot Width

1. Maximum of 300 feet.

B. Pedestrian Access

1. Ground floor courtyard(s) shall be accessible from the street, through the frontage line, to a passageway open to the sky or covered.
2. Raised courtyards shall be accessed through a lobby, accessed directly from the 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 ground floor courtyards shall be through open or roofed stairs. To the extent that units above the ground floor are accessed by stairs, such stairs shall not serve more than three units.
5. Access to units above raised courtyards shall be through a lobby with direct access to each courtyard. Upper floor exterior corridors are limited to 25-foot in length. Longer corridors shall be enclosed.
6. All retail spaces should be accessed from a ground floor, single-tenant entry along a street, courtyard, or passageway.

C. Parking Design and Location

1. Off-street parking shall be located within the allowed off-street parking zone as shown in Figure 9 (off-street parking placement) either at grade or up to two-stories (20-feet) above grade.
2. Parking access shall be as per section 15-217-64.
3. If accommodated in an above-ground garage, parking shall be concealed from view at the public frontage through a liner of habitable space.

E. Open Space

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

F. Landscape

1. When there is a 20-foot build-to line, one 25-gallon minimum size canopy tree shall be planted per 25 lineal feet of frontage line or fraction thereof.
2. Trees shall be a single species to match the species of street trees in the furnishing area.
3. Side yard trees shall be placed at a rate of one 25-gallon minimum size canopy tree per 30 lineal feet or fraction thereof. Side yard trees can be placed in groups in order to achieve a particular design.
4. One field stock specimen tree is required per courtyard, and maybe in containers above garage if required.

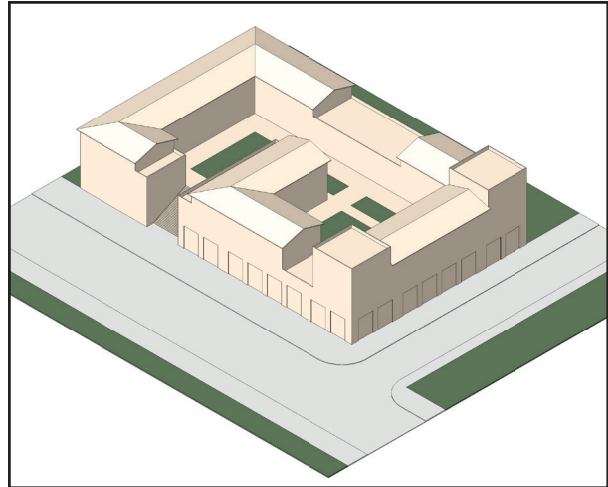


Figure BT.7-1 Courtyard, illustrative axonometric view

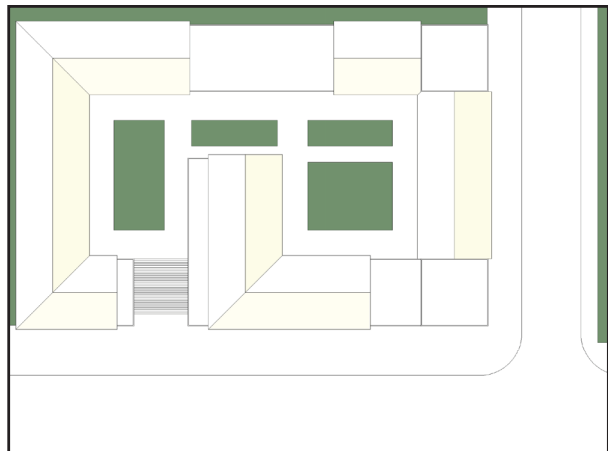


Figure BT.7-2 Courtyard, illustrative plan view

5. 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.

G. Frontage

1. Permissible frontage types are Stoop (Figure FT.2), Dooryard (Figure FT.3), Forecourt (Figure FT.4), Shopfront (Figure FT.5), Chinatown Shopfront (Figure FT.6), Raised Shopfront (Figure FT.7 as necessary), Terrace (Figure FT.8), Gallery (Figure FT.10), Arcade (Figure FT.11), and Kaka'ako Frontage (Figure FT.12).

H. 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 URBAN BLOCK

A. Lot Width

1. Maximum of 300 feet.

B. Pedestrian Access

1. Entrances to upper floors shall be accessed through an interior lobby, which is accessed directly from the street.
2. On promenade streets, the principal entrance to each ground floor space shall be directly from the street and occur a maximum interval of 60-feet. On all other thoroughfares, access to ground floor podium spaces may occur at this interval or may be through the street level lobby provided.
4. All retail spaces should be accessed from a ground floor, single-tenant entry along a street, courtyard, or Passageway.

C. Parking Design and Location

1. Off-street parking shall be located in the allowed off-street parking zone (Figure 9) for the first 21 feet of height.
2. Parking access shall be as per section 15-217-64.
3. If accommodated in an above-ground garage, parking shall be concealed from view at the public frontage through a liner of habitable space for at least the first 21 feet of building height.
4. Above-ground garages above 21 feet shall be screened from view at the public frontage by landscaping, green screens, or cladding, or concealed from view through a liner of habitable space.

E. Open Space

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

F. Landscape

1. When front yards have a 20-foot build-to line, a minimum of one field stock canopy tree shall be planted per 40 lineal feet of frontage line or fraction thereof. front yard trees shall be a single species to match the species of street trees in the furnishing area.
2. When side yards are present, one 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.

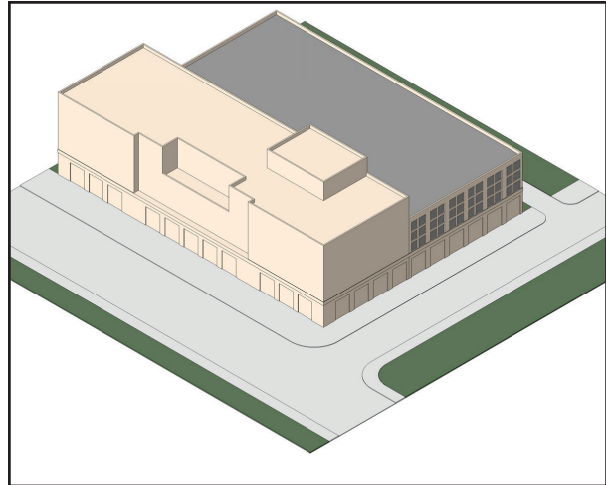


Figure BT.8-1 Urban Block, illustrative axonometric view

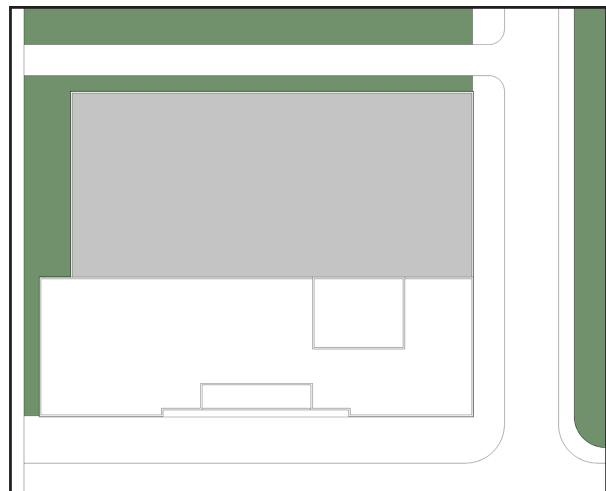


Figure BT.8-2 Urban Block, illustrative plan view

G. Frontage

1. Permissible frontage types are Stoop (Figure FT.2), Dooryard (Figure FT.3), Forecourt (Figure FT.4), Shopfront (Figure FT.5), Chinatown Shopfront (Figure FT.6), Raised Shopfront (Figure FT.7 as necessary), Terrace (Figure FT.8), Gallery (Figure FT.10), and Arcade (Figure FT.11).

H. 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 LEI BUILDING

A. Lot Width

1. Maximum of 300 feet.

B. Pedestrian Access

1. Entrances to upper floors shall be accessed through an interior lobby, accessed directly from the street.
2. On promenade streets, the entrance to each ground floor space shall be directly from the street and occur at a maximum interval of 60-feet. On all other streets, access to ground floor podium spaces may occur at this interval or may be through the street level lobby provided.
3. Circulation to all spaces above the ground level shall be through an interior corridor or lobby. Corridors may be on the building exterior in the back of the building only, if there is at least 15-feet of separation between the garage and habitable building.
4. All retail spaces should be accessed from a ground floor, single-tenant entry along a street, courtyard, or Passageway.

C. Parking Design and Location

1. Off-street parking shall be located in the allowed off-street parking zone (Figure 9) for the first 21 feet of height.
2. Parking access shall be as per section 15-217-64.
3. If accommodated in an above-ground garage, parking shall be concealed from view at the public frontage through a liner of habitable space, for at least three sides of the building. Where exposed to the street, above-ground garages shall be screened from view at the public frontage by landscaping, green screens, or cladding.

D. Open Space

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

E. Landscape

1. When front yards have a 20-foot build-to line, a minimum of one field stock canopy tree shall be planted per 40 lineal feet of frontage line or fraction thereof. Front yard trees shall be a single species to match the species of street trees in the furnishing zone.
2. When side yards are present, one 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.

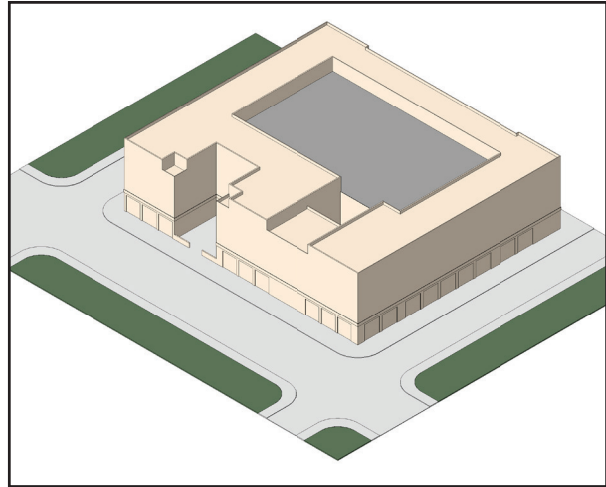


Figure BT.9-1 Lei Building, illustrative axonometric view

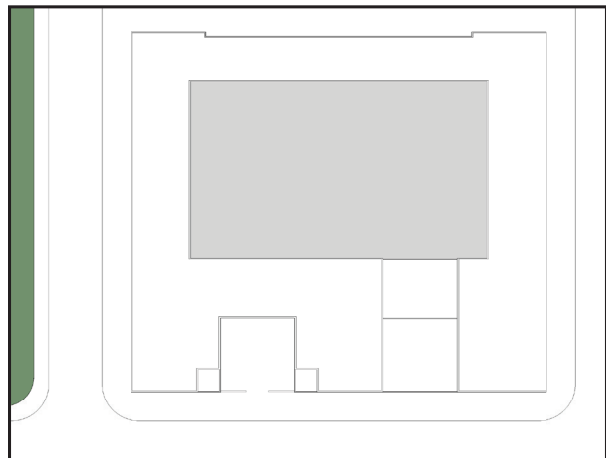


Figure BT.9-2 Lei Building, illustrative plan view

F. Frontage

1. Permissible frontage types are Stoop (Figure FT.2), Dooryard (Figure FT.3), Forecourt (Figure FT.4), Shopfront (Figure FT.5), Chinatown Shopfront (Figure FT.6), Raised Shopfront (Figure FT.7 as necessary), Terrace (Figure FT.8), Gallery (Figure FT.10), and Arcade (Figure FT.11).

G. 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.10 PODIUM HIGH-RISE

A. Lot Width

1. Maximum of 300 feet.

B. Pedestrian Access

1. Entrances to upper floors shall be accessed through an interior lobby, accessed directly from the street.
2. On Promenade streets, the entrance to each ground floor space shall be directly from the street and occur a maximum interval of 60 feet. On all other streets, access to ground floor podium spaces may occur at this interval or may be through the street level lobby provided.
3. Circulation to all spaces above the ground level shall be through an interior corridor or lobby.
4. All retail spaces should be accessed from a ground floor, single-tenant entry along a street, courtyard, or Passageway.

C. Parking Design and Location

1. Off-street parking shall be located in the allowed off-street parking zone (Figure 9) for the first 21 feet of height.
2. Parking lots and structures shall not front a civic space, or thoroughfare without a liner building or active retail or commercial uses as per section 15-217-63.
3. Parking access shall be as per section 15-217-64.

D. Open Space

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

E. Landscape

1. When front yards have a 20-foot build-to line, a minimum of one field stock canopy tree shall be planted per 40 lineal feet of frontage line or fraction thereof. Front yard trees shall be a single species to match the species of street trees in the furnishing zone.
2. When side yards are present, one 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.

F. Frontage

1. Permissible Frontage Types are: Stoop (Figure FT.2), Dooryard (Figure FT.3 by exception), Forecourt (Figure FT.4), Shopfront (Figure FT.5), Chinatown Shopfront (Figure FT.6), Raised Shopfront (Figure FT.7 as necessary for flood protection), Terrace (Figure FT.8), Gallery (Figure FT.10), and Arcade (Figure FT.11).

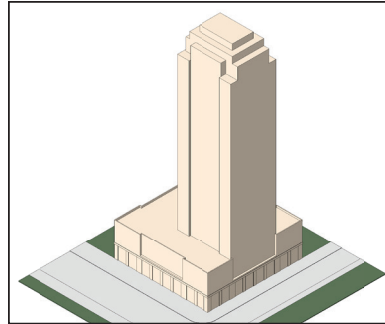


Figure BT.10-1 Podium High-Rise, illustrative axonometric view

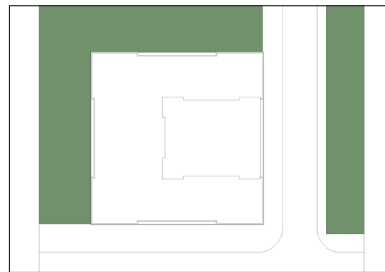


Figure BT.10-2 Podium High-Rise, illustrative plan view

Table BT.10-1: Podium High-Rise tower floor plate

Development lot size (square feet)	Allowable tower floor plate size (square feet)
less than 40,000	8,000
40,000 to 80,000	8,000 to 10,000
80,000 to 120,000	10,000 to 12,000
120,000 to 160,000	12,000 to 16,000
more than 160,000	16,000

G. Building Massing

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

FIGURE BT.11 TROPICAL URBAN COURT

A. Pedestrian Access

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

B. Parking Design and Location

1. Where provided, off-street parking shall be located in the allowed off-street parking zone (Figure 9).
2. Parking access shall be as per section 15-217-64 (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 30-foot minimum dimension is maintained.

D. Frontage

1. Permissible frontage types are: Lanai and Front Yard (Figure FT. 1), Stoop (Figure FT.2), Terrace, Dooryard (Figure FT.3), Shopfront (Figure FT.5), Gallery (Figure FT.9), and Arcade (Figure FT.10).

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.11-1 Tropical Urban Court, illustrative axonometric view

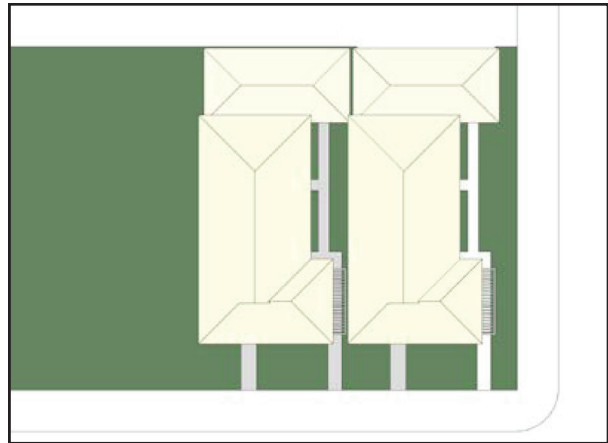


Figure BT.11-2 Tropical Urban Court, illustrative plan view

FIGURE FT.1 LANAI AND FRONT YARD FRONTAGE

A. Lanai Dimensions

1. Depth shall be a minimum of six feet as measured from the facade.
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 three feet in height from the adjacent sidewalk.

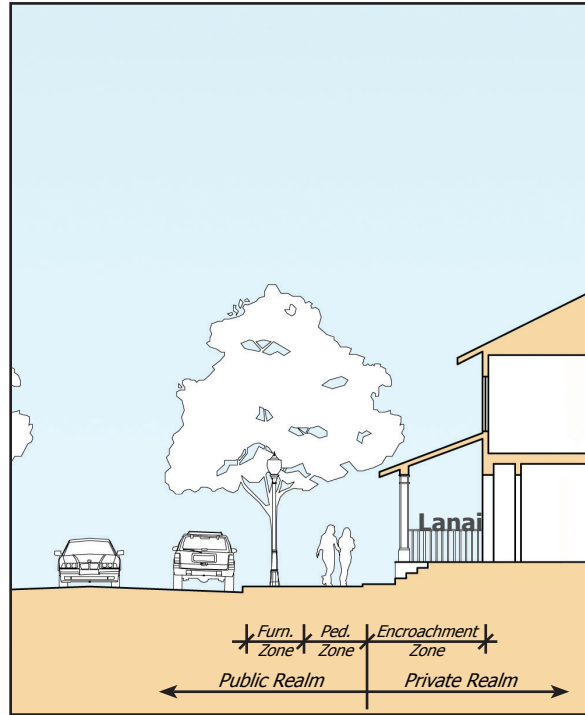


Figure FT.1-1 Cross Section, Lanai and Yard Frontage (Illustrative)

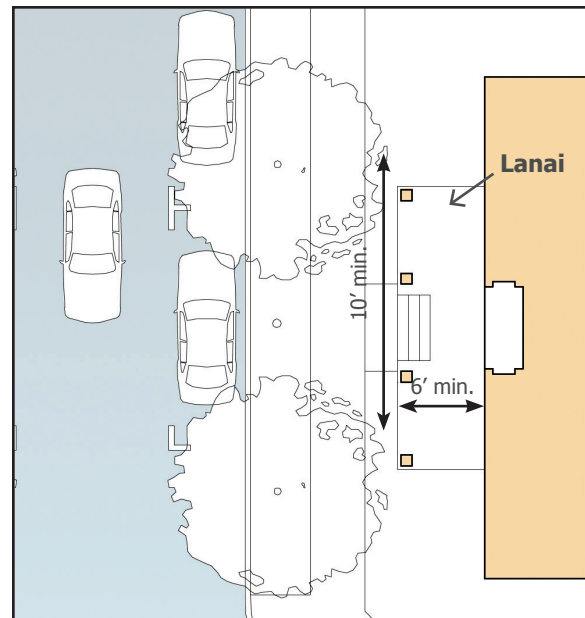


Figure FT.1-2 Plan View, Lanai and Yard Frontage (Illustrative)

FIGURE FT.2 STOOP FRONTAGE

A. Stoop Dimensions

1. Depth shall be a minimum of four feet as measured from the Facade.
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 three feet from the highest adjacent finished grade.

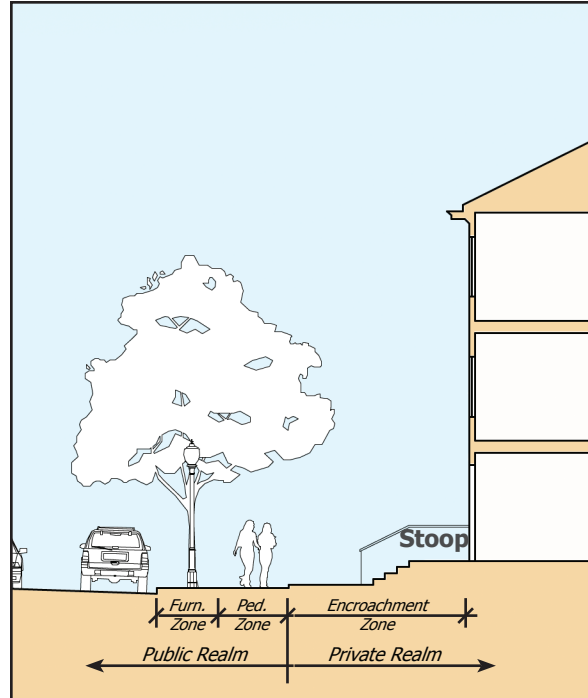


Figure FT.2-1 Cross Section, Stoop Frontage (Illustrative)

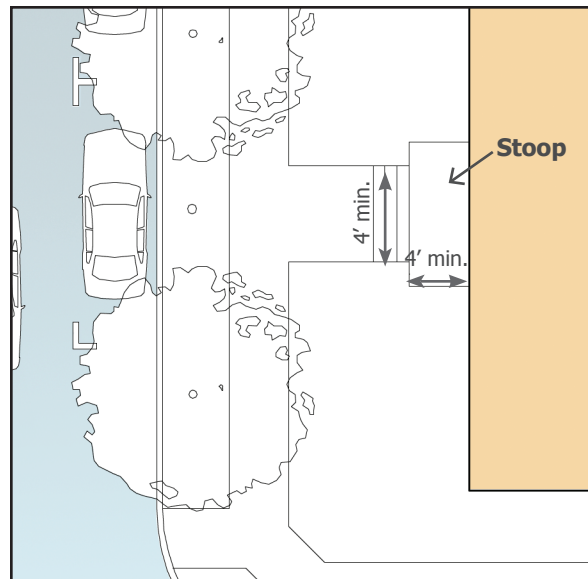


Figure FT.2-2 Plan View, Stoop Frontage (Illustrative)

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 three feet in height from the adjacent sidewalk.

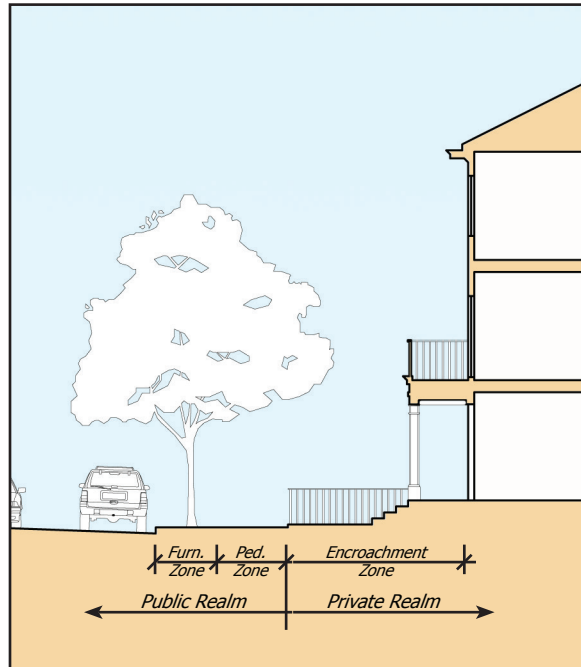


Figure FT.3-1 Cross Section, Dooryard Frontage (Illustrative)

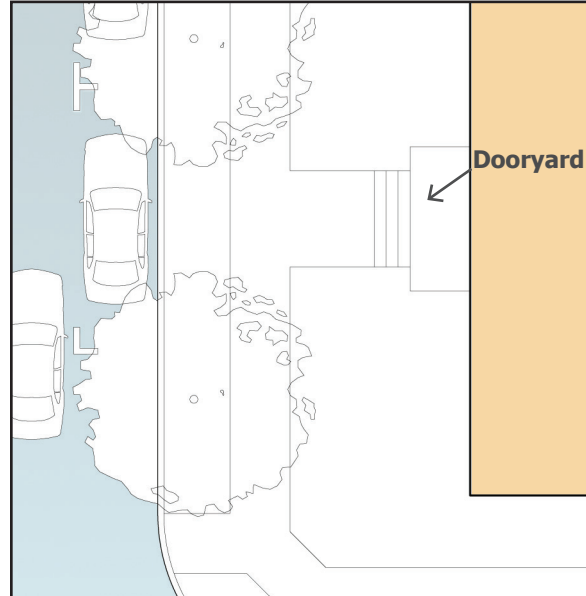


Figure FT.3-2 Plan View, Dooryard Frontage (Illustrative)

FIGURE FT.4 FORECOURT FRONTAGE

A. Forecourt Dimensions

1. Depth shall be between ten and forty feet as measured from the facade.
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.

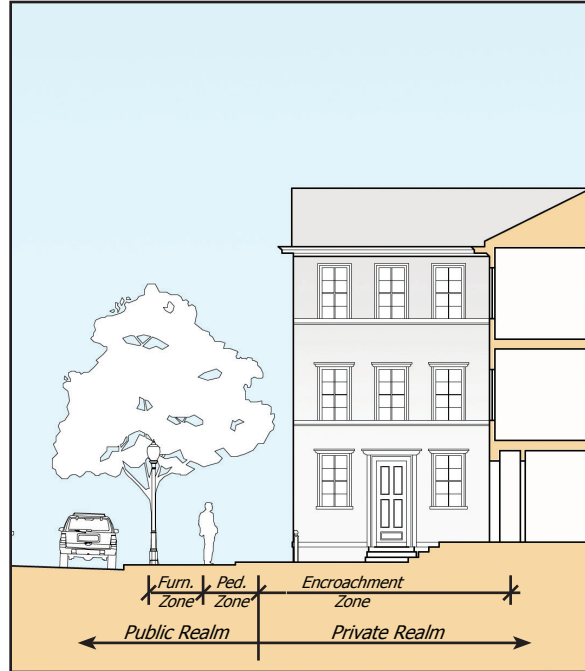


Figure FT.4-1 Cross Section, Forecourt Frontage (Illustrative)

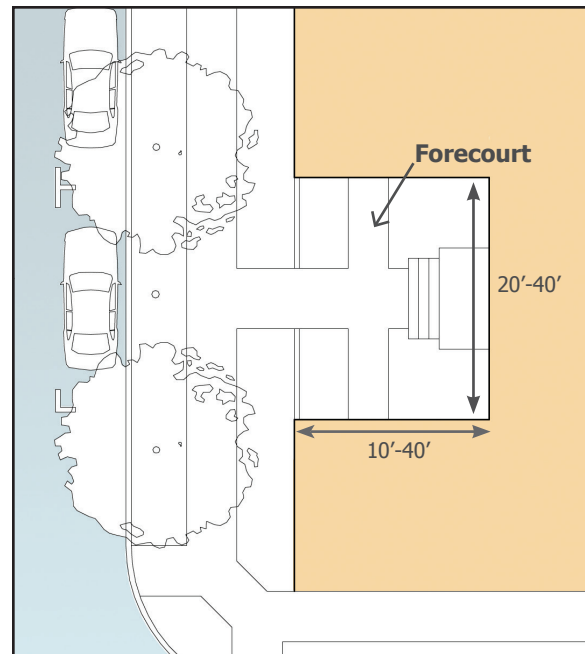


Figure FT.4-2 Plan View, Forecourt Frontage (Illustrative)

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.

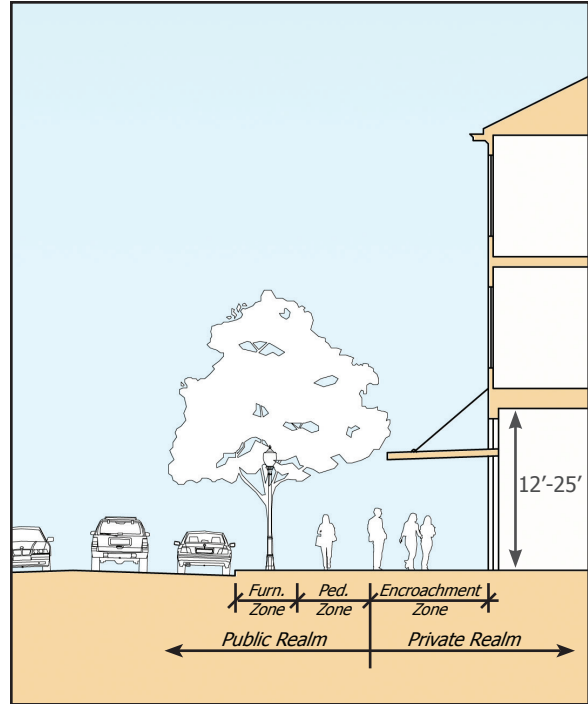


Figure FT.5-1 Cross Section, Shopfront Frontage (Illustrative)

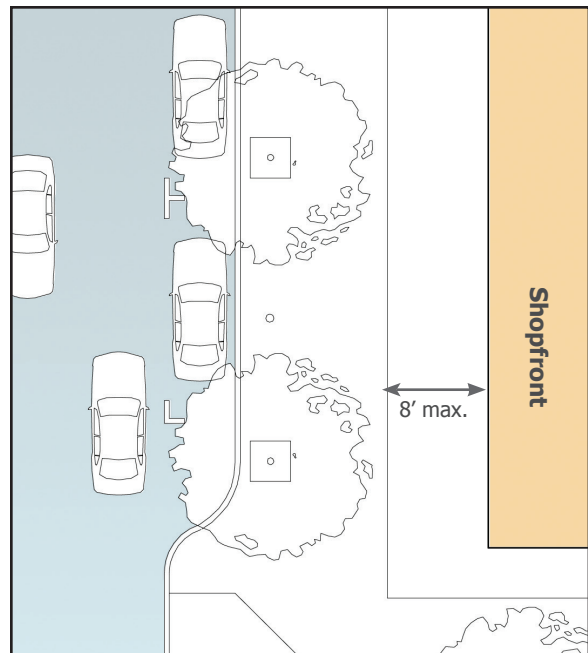


Figure FT.5-2 Plan View, Shopfront Frontage (Illustrative)

FIGURE FT.6 CHINATOWN SHOPFRONT FRONTAGE

A. Chinatown Shopfront Location

The Chinatown Shopfront is permissible along the following thoroughfares:

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

B. Chinatown Shopfront Dimensions

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

C. Frontage Elements

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

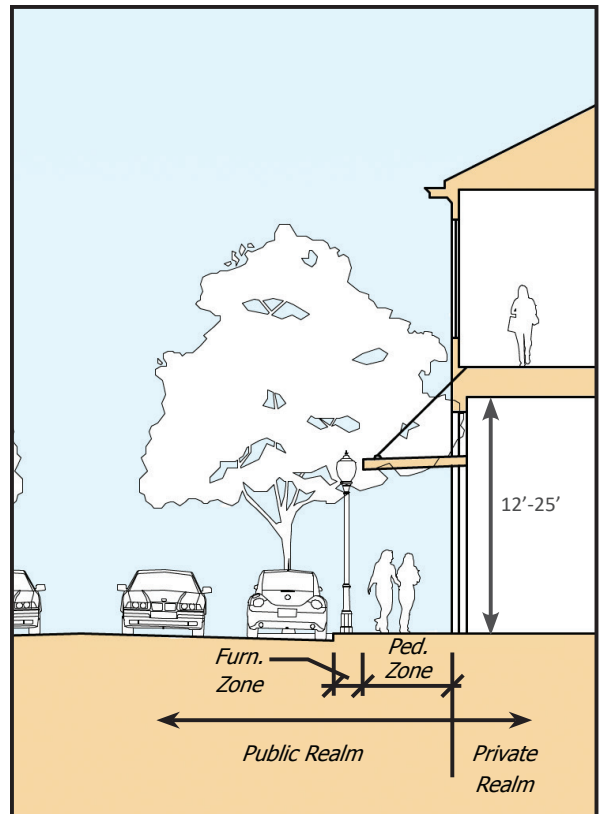


Figure FT.6-1 Cross Section, Chinatown Shopfront Frontage (Illustrative)

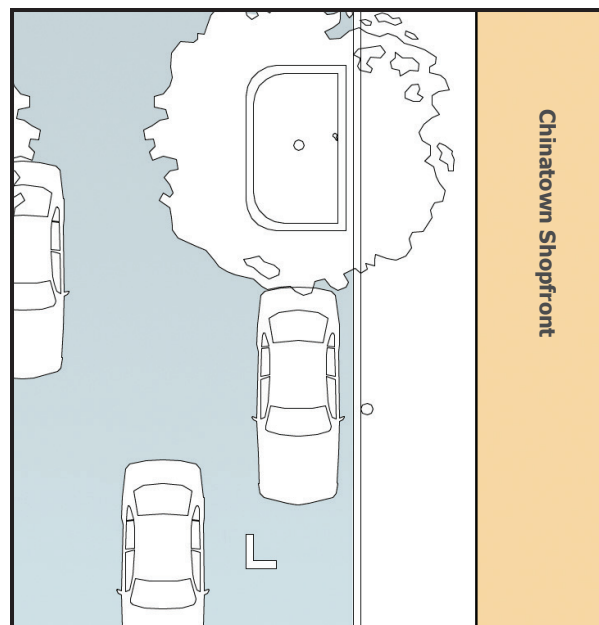


Figure FT.6-2 Plan View, Chinatown Shopfront Frontage (Illustrative)

January 2024

FIGURE FT.7 RAISED SHOPFRONT FRONTAGE

The Raised Shopfront Frontage is only allowed to accommodate necessary flood elevation or to address sea level rise and climate-resilient design.

A. Raised Shopfront Dimensions

1. Height shall be between 12 to 25 feet, as measured from the adjacent sidewalk to the ceiling of the ground floor.
2. Fenestration shall be a minimum of 65 per cent of the facade's first floor wall area.
3. Shopfronts may be recessed from the frontage line up to ten feet.

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. When the raised shopfront frontage is used along Ala Moana Boulevard, a double row of medium canopy trees or a single row of large canopy trees shall be planted as a part of the new development.
3. Awnings may be applied as per encroachment requirements.

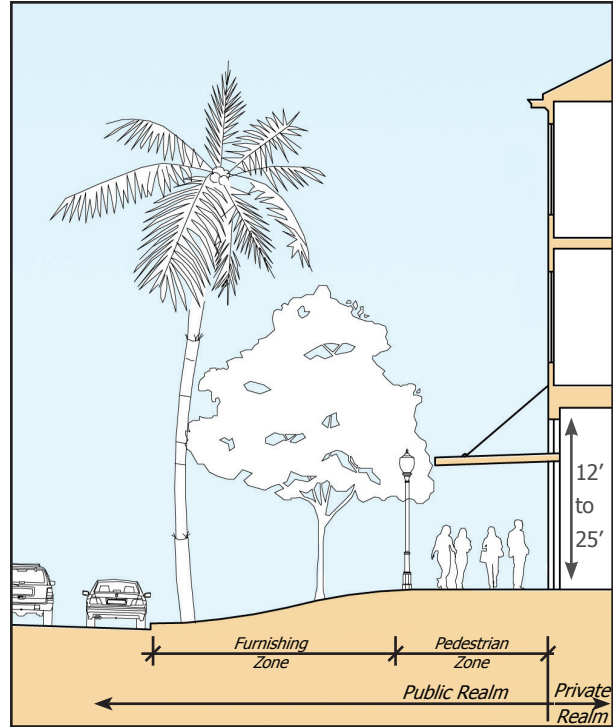


Figure FT.7-1 Cross Section, Raised Shopfront Frontage (Illustrative)

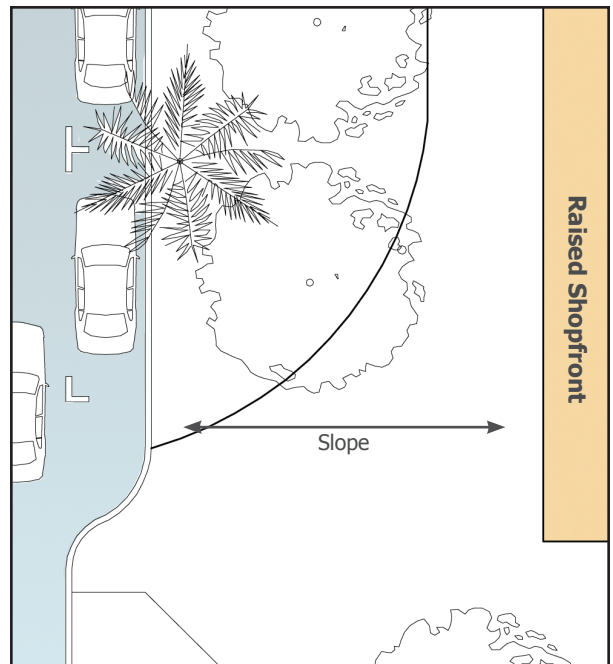


Figure FT.5-2 Plan View, Raised Shopfront Frontage (Illustrative)

January 2024

FIGURE FT.8 TERRACE FRONTAGE

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

A. Terrace Frontage Dimensions

1. Determined by the setback requirements of each zone.

B. Frontage Elements

1. A minimum of one 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. When the terrace frontage is used along Ala Moana Boulevard, a double row of medium canopy trees shall be planted as a part of the new development.
3. Lawns and landscaping shall be permitted within setback.
4. Ground may be paved to match the public sidewalk or special, decorative pavement can be used to delineate the terraced space.

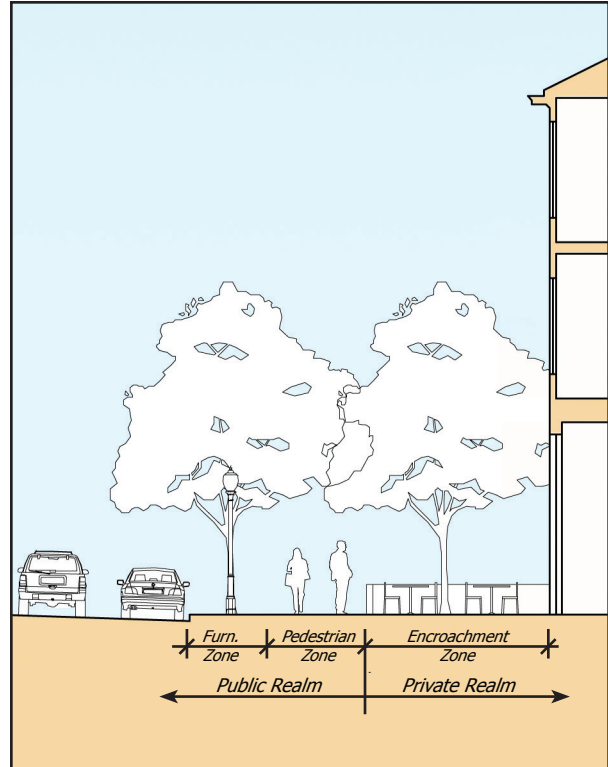


Figure FT.8-1 Cross Section, Terrace Frontage (Illustrative)

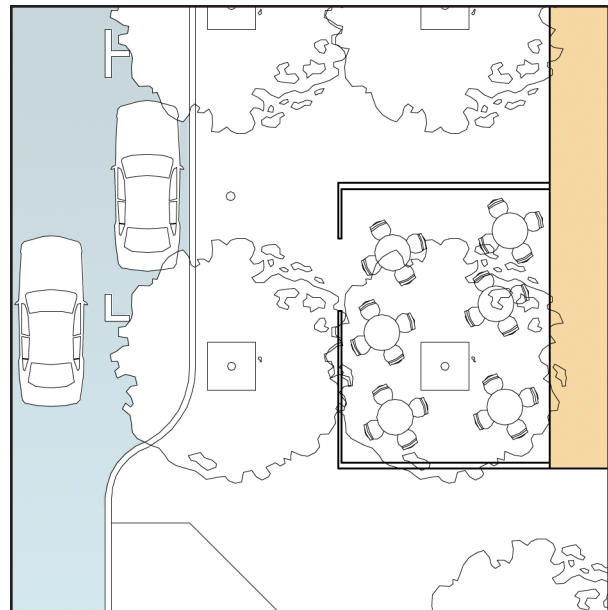


Figure FT.8-2 Plan View, Terrace Frontage (Illustrative)

FIGURE FT.9 RAISED TERRACE FRONTAGE

The Raised Terrace Frontage is only allowed to accommodate necessary flood elevation or to address sea level rise and climate-resilient design.

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.

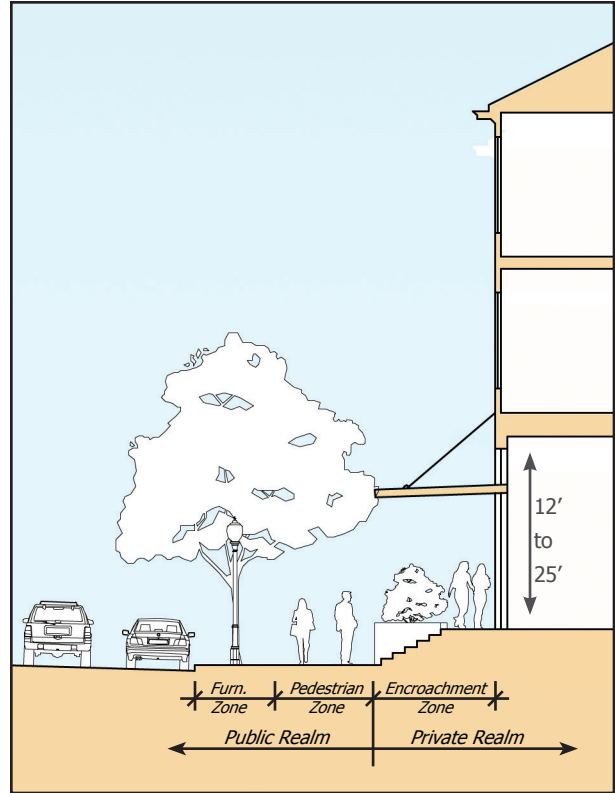


Figure FT.9-1 Cross Section, Raised Terrace Frontage (Illustrative)

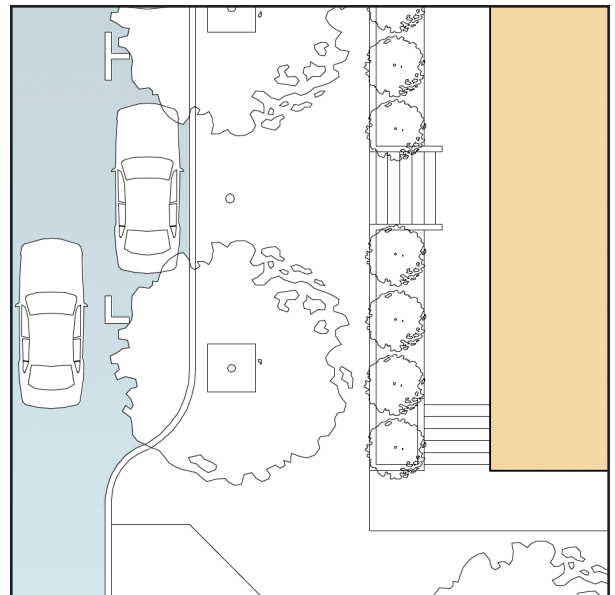


Figure FT.9-2 Plan View, Raised Terrace Frontage (Illustrative)

FIGURE FT.10 GALLERY FRONTAGE

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

A. Gallery Dimensions

1. Height and proportion shall correspond to the first floor of the facade.
2. The minimum width and height dimension is 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).

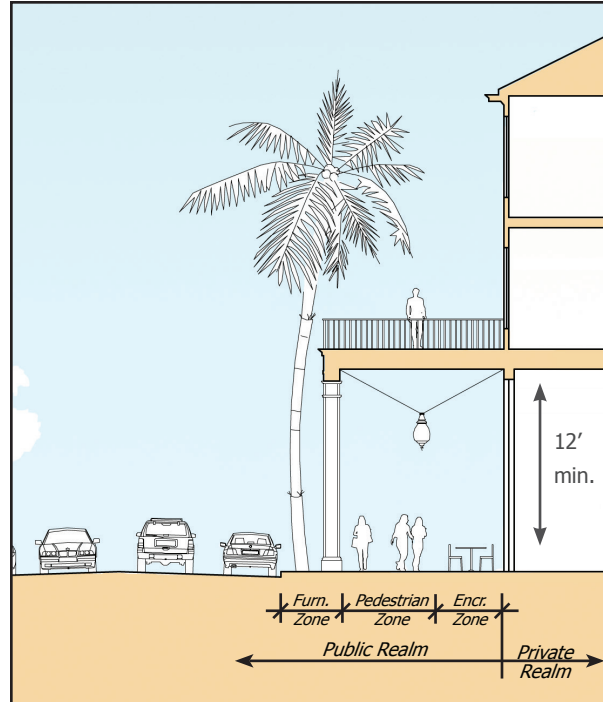


Figure FT.10-1 Cross Section, Gallery Frontage (Illustrative)

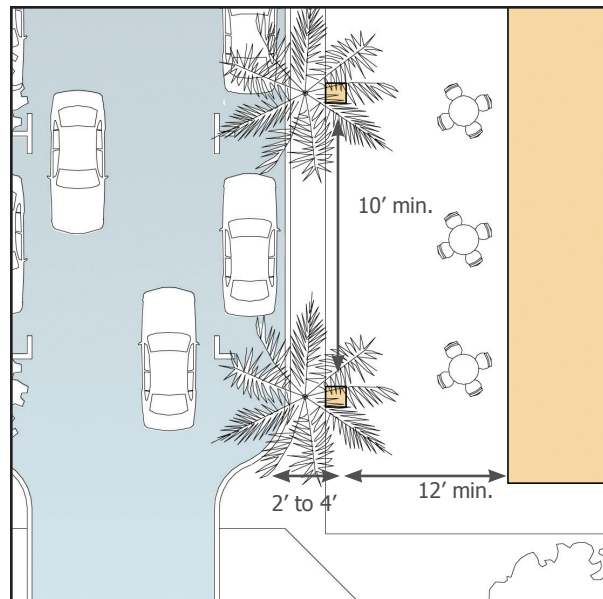


Figure FT.10-2 Plan View, Gallery Frontage (Illustrative)

FIGURE FT.11 ARCADE FRONTAGE

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

A. Arcade Dimensions

1. Height and proportion shall correspond to the ground floor of the facade.
2. The minimum width and height dimension is 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 openings for the arcade along the right-of-way.
5. Along front facades within the arcade, 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 arcade (except at curb extensions for intersections).

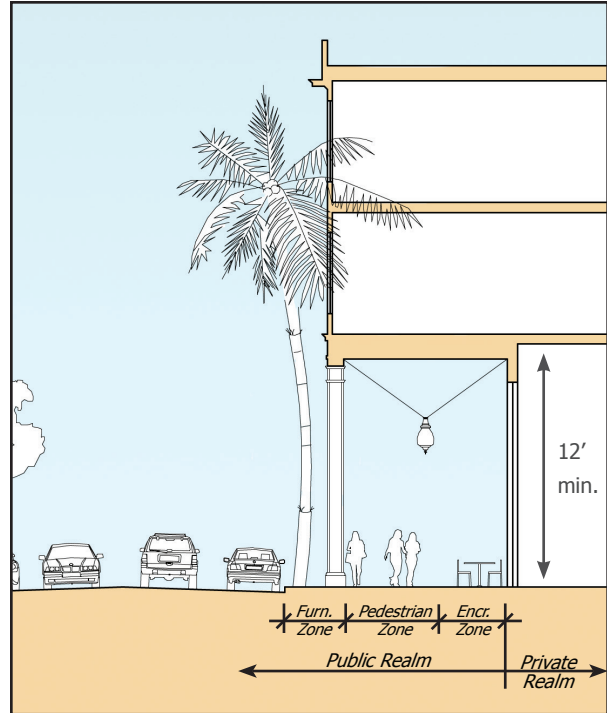


Figure FT.11-1 Cross Section, Arcade Frontage (Illustrative)

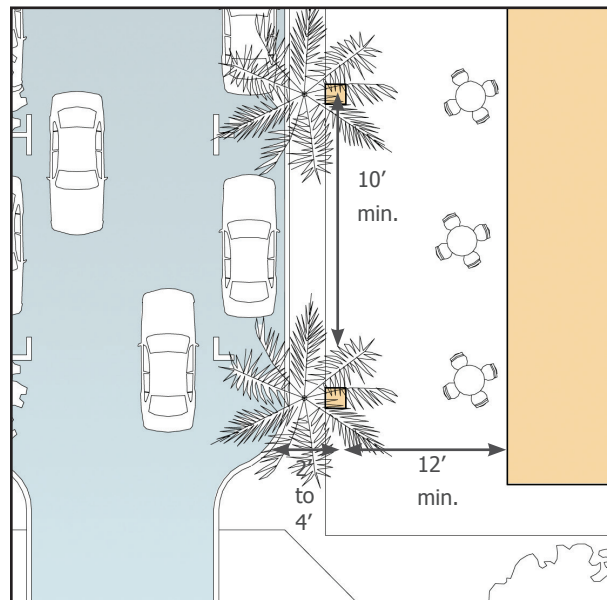


Figure FT.11-2 Ground Floor Plan View, Arcade Frontage - Roof not shown (Illustrative)

FIGURE FT.12 KAKA'AKO FRONTAGE

A. Frontage Elements

1. Where possible, the area between the building and the street shall be paved with gravel or other pervious materials.
2. Landscaping should be incorporated along the building edge, in planters, or at grade and can take an informal pattern and placement.
3. Parking is permitted in front of the building for this frontage type.

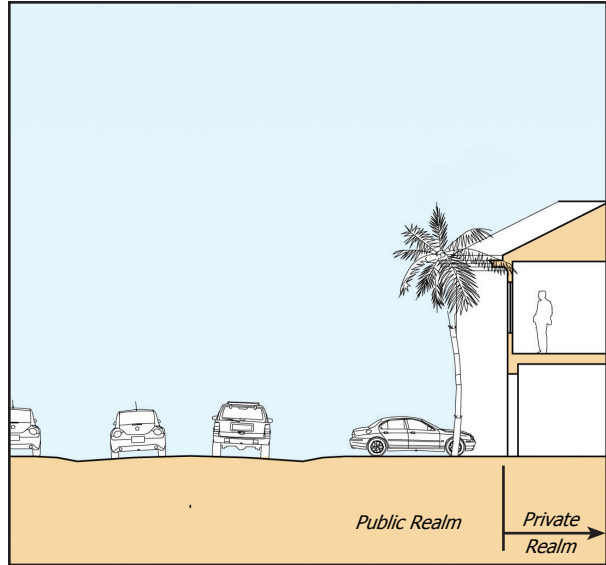


Figure FT.12-1 Cross Section, Kaka'ako Frontage (Illustrative)

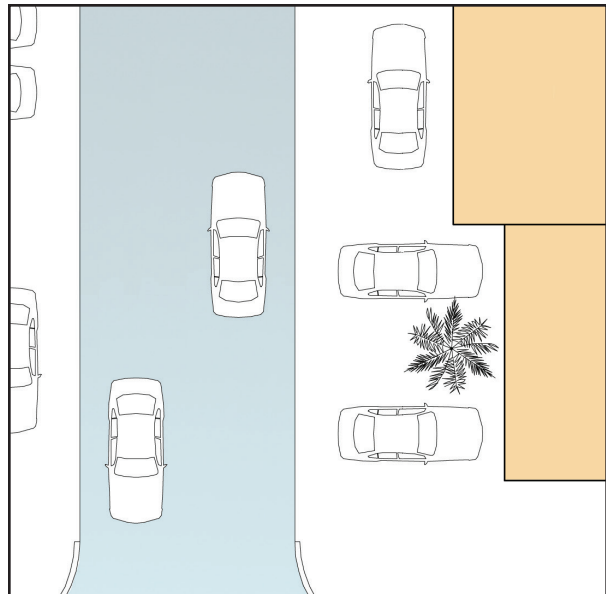


Figure FT.12-2 Plan View, Kaka'ako Frontage (Illustrative)

FIGURE IZ.1 INCENTIVE ZONES

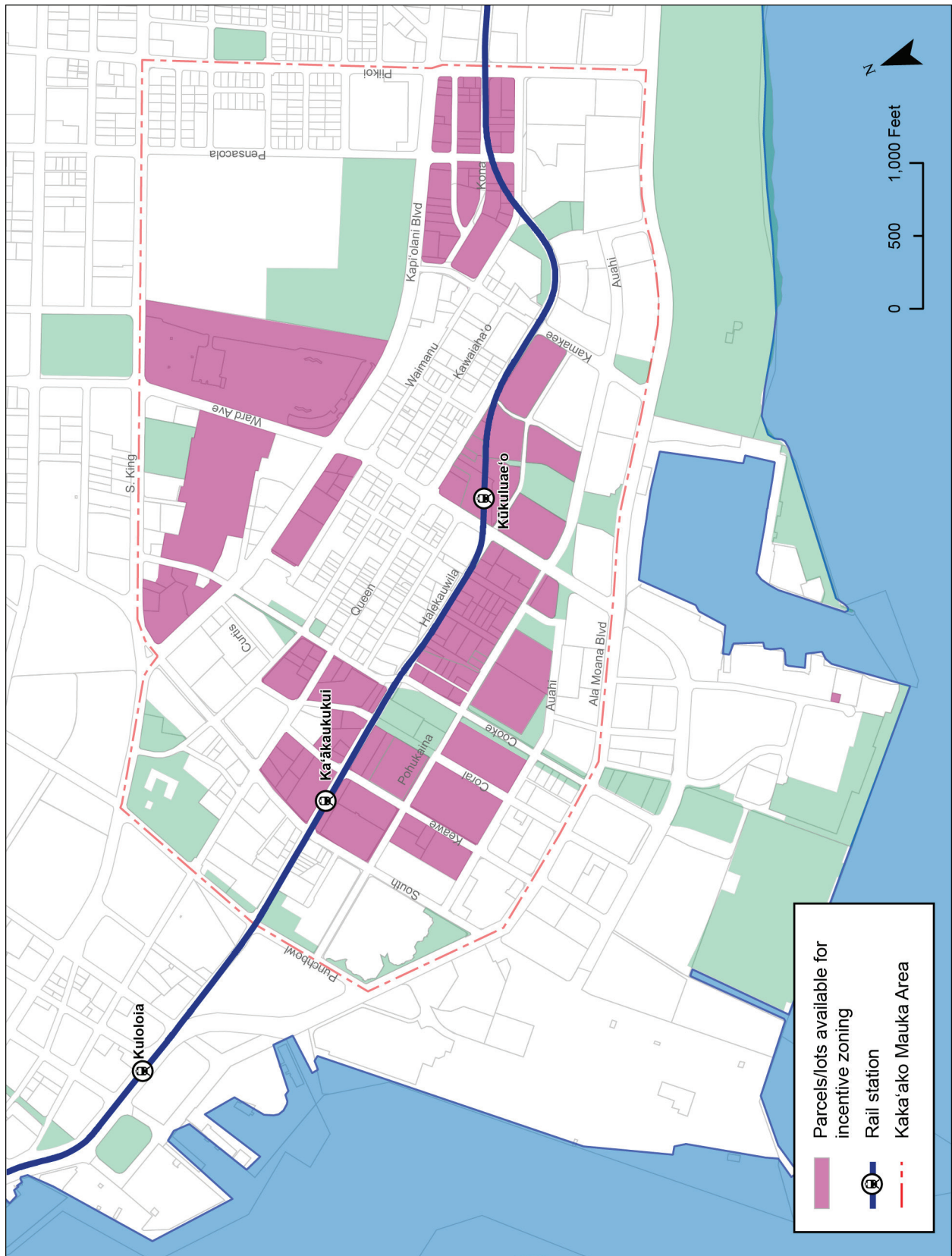


FIGURE IZ.2 INCENTIVE ZONING TABLE

General Requirements for all Development Bonuses:

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

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

FIGURE IZ.2 INCENTIVE ZONING TABLE (CONT'D)

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

FIGURE IZ.2 INCENTIVE ZONING TABLE (CONT'D)

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

FIGURE IZ.2 INCENTIVE ZONING TABLE (CONT'D)

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

FIGURE IZ.3 APPROVED PUBLIC FACILITIES LIST

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

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

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

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 15-217, 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

III. Old Business

B. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 13 Chapter 74, License and Permit Provisions for Fishing, Fish, and Fish Products, promulgated by DLNR

**SMALL BUSINESS STATEMENT
“AFTER” PUBLIC HEARING TO THE
SMALL BUSINESS REGULATORY REVIEW BOARD**

(Hawaii Revised Statutes (HRS), §201M-3)

Department or Agency: _____

Administrative Rule Title and Chapter: _____

Chapter Name: _____

Contact Person/Title: _____

Phone Number: _____

E-mail Address: _____ **Date:** _____

A. To assist the SBRRB in complying with the meeting notice requirement in HRS §92-7, please attach a statement of the topic of the proposed rules or a general description of the subjects involved.

B. Are the draft rules available for viewing in person and on the Lieutenant Governor’s Website pursuant to HRS §92-7?

Yes **No**

(If “Yes,” please provide webpage address and when and where rules may be viewed in person. Please keep the proposed rules on this webpage until after the SBRRB meeting.)

I. Rule Description: **New** **Repeal** **Amendment** **Compilation**

II. Will the proposed rule(s) affect small business?

Yes **No** (If “No,” no need to submit this form.)

* “Affect small business” is defined as “any potential or actual requirement imposed upon a small business . . . that will cause a direct and significant economic burden upon a small business, or is directly related to the formation, operation, or expansion of a small business.” HRS §201M-1

* “Small business” is defined as a “for-profit corporation, limited liability company, partnership, limited partnership, sole proprietorship, or other legal entity that: (1) Is domiciled and authorized to do business in Hawaii; (2) Is independently owned and operated; and (3) Employs fewer than one hundred full-time or part-time employees in Hawaii.” HRS §201M-1

III. Is the proposed rule being adopted to implement a statute or ordinance that does not require the agency to interpret or describe the requirements of the statute or ordinance?

Yes **No**

(If “Yes” no need to submit this form. E.g., a federally-mandated regulation that does not afford the agency the discretion to consider less restrictive alternatives. HRS §201M-2(d))

IV. Is the proposed rule being adopted pursuant to emergency rulemaking? (HRS §201M-2(a))

Yes **No**

(If “Yes” no need to submit this form.)

* * *

V. Please explain how the agency involved small business in the development of the proposed rules.

- a. **Were there any recommendations incorporated into the proposed rules? If yes, explain. If not, why not?**

VI. If the proposed rule(s) affect small business, and are not exempt as noted above, please provide the following information:

1. A description of how opinions or comments from affected small businesses were solicited.

2. A summary of the public's and small businesses' comments.

3. A summary of the agency's response to those comments.

4. The number of persons who:
 - (i) Attended the public hearing:
 - (ii) Testified at the hearing:
 - (iii) Submitted written comments:

5. Was a request made at the hearing to change the proposed rule in a way that affected small business?
 Yes **No**
 - (i) If "Yes," was the change adopted? **Yes** **No**
 - (ii) If No, please explain the reason the change was not adopted and the problems or negative result of the change.

Small Business Regulatory Review Board / DBEDT
Phone: (808) 586-2594 / Email: DBEDT.sbrrb.info@hawaii.gov
This statement may be found on the SBRRB Website at:

<http://dbedt.hawaii.gov/sbrrb-impact-statements- pre-and-post-public-hearing>

Small Business Regulatory Review Board

MEETING MINUTES

June 15, 2023

I. **CALL TO ORDER:** Chair Cundiff called the meeting to order at 10:01 a.m., with a quorum present.

MEMBERS PRESENT:

- Robert Cundiff, Chair
- Mary Albitz, Vice Chair
- James (Kimo) Lee
- Sanford Morioka
- Tessa Gomes
- Taryn Rodighiero
- Mark Ritchie

ABSENT MEMBERS:

- Jonathan Shick, 2nd Vice Chair
- Dr. Nancy Atmospera-Walsh
- Garth Yamanaka
- William Lydgate

STAFF: DBEDT

Dori Palcovich
Jet'aime Ariola

Office of the Attorney General

Alison Kato

II. **APPROVAL OF MAY 30, 2023 MINUTES**

Mr. Morioka motioned to accept the May 30, 2023 meeting minutes, as presented. Ms. Rodighiero seconded the motion, Vice Chair Albitz abstained, and the remaining Board members agreed.

III. **OLD BUSINESS**

A. Discussion and Action on the Small Business Statement After Public Hearing and Proposed Amendments to HAR Title 16 Chapter 115 Professional Engineers Architects Surveyors and Landscape Architect, promulgated by Department of Commerce and Consumer Affairs (DCCA)

Discussion leader Ms. Gomes reached out to the DCCA representatives who indicated that the changes should not negatively impact small businesses. Ms. Lee Ann Teshima, Executive Officer at DCCA's Professional and Vocational Licensing Division explained that the public hearing was held and no testimony was received either in writing or verbally.

Ms. Teshima explained that one of the changes allows for digital signatures for state architects. This is expected to help streamline the permitting process with the city and county which has already adopted accepting the digital signatures. Chair Cundiff noted that the proposed rules are straight-forward and that DCCA addressed the issues with the affected small business very well.

Mr. Lee motioned to move the proposed rules to the Governor for adoption. Mr. Morioka seconded the motion, and the Board members unanimously agreed.

IV. NEW BUSINESS

A. Discussion and Action on the Proposed Amendments to HAR Title 13 Chapter 74 License and Permit Provisions and Fees for Fishing, Fish, and Fish Products, promulgated by Department of Land and Natural Resources (DLNR)

Discussion leader Ms. Albitz stated that the main purpose of the rule proposal is to create new commercial dealer license fees and to add and update other annual fee requirements. Mr. David Sakoda, Fisheries Program Manager at DLNR's Division of Aquatic Resources (DAR), explained that the rule proposal will update a number of different licenses - the commercial dealer license, commercial dealer vessel license, and the non-resident recreational fishing license. Other license fees, which haven't been updated since the late 1990's, are also being increased with this rule proposal.

The non-residential fishing license is mandated by statute. For these licenses, the statute requires: \$20 for a one-day fishing license; \$40 for a seven-day fishing license; and \$70 for an annual non-resident fishing license. DAR is projecting approximately 50 licenses which mostly make up the one-day or seven-day licenses amounting to a rough estimate of \$1,000,000 annually.

For the vessel license, it is optional. Commercial fishers are required to have their individual commercial fishing license if they are fishing; however, the commercial fishers requested from DAR that only one license for the vessel be allowed to cover every fisher on the vessel, which DLNR concurred. The purpose of this change will allow commercial fishers to have only one license (commercial dealer vessel license) on them rather than two. The nonresident recreational marine fishing license will implement the statute, which does not require the agency to interpret the requirements of the statute.

DAR sent letters and held scoping with key stakeholders regarding the various proposed licenses. In regard to incremental fee increase changes, Vice Chair Albitz recommended that DAR review the fees every five years due to all the data required to be reviewed; this was highly received and welcomed by Mr. Sakoda.

For the nonresidential fishing licenses, one of the concerns from charter fishing boat operators was that they did not want to turn away potential clients the morning of the charter if they did not have their license. As such, DAR wanted to make available purchasing tickets for the charter boats online with a mobile phone and have it displayed right on the phone. DAR is in the process of developing this system which will be user-friendly and mobile; it is expected to be running by the end of 2023 or early 2024.

Chair Cundiff recognized and appreciated that DAR sent letters to the stakeholders prior to coming to this Board and before going out to public hearing.

Vice Chair Albitz motioned to move the proposed rules to public hearing. Mr. Ritchie seconded the motion, and the Board members unanimously agreed.

Amendment and Compilation of Chapter 13-74
Hawaii Administrative Rules

January 12, 2024

1. Chapter 13-74, Hawaii Administrative Rules, entitled "License and Permit Provisions and Fees for Fishing, Fish, and Fish Products", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4 FISHERIES

PART IV FISHERIES RESOURCE MANAGEMENT

CHAPTER 74

LICENSE AND PERMIT PROVISIONS AND FEES
FOR FISHING, FISH, AND FISH PRODUCTS

Subchapter 1 General Provisions

§13-74-1 Definitions
§13-74-2 General license and permit conditions
§13-74-3 Suspension, revocation, and non-issuance
of licenses and permits, generally
§13-74-4 Penalties, generally
§13-74-4.5 Asset forfeiture
§§13-74-5 to 13-74-9 (Reserved)

Subchapter 2 Recreational Fishing

§13-74-10 Freshwater game fishing license

§13-74-11 Nonresident recreational marine fishing
license

§§13-74-12 to 13-74-19 (Reserved)

Subchapter 3 Commercial Fishing

§13-74-20 Commercial marine license

§13-74-21 Repealed

§13-74-22 Bait license

§13-74-23 Commercial marine vessel license

§§13-74-24 to 13-74-39 (Reserved)

Subchapter 4 Other Licenses and Permits

§13-74-40 Mullet pond operator and closed season
sales license

§13-74-41 Kona crab and lobster closed season
sales license

§13-74-42 Special marine animal or product
possession and sale license

§13-74-43 Aquaculture license

§13-74-44 License to sell reared species

§13-74-45 Commercial marine dealer license

§13-74-46 Commercial marine dealer report

SUBCHAPTER 1

GENERAL PROVISIONS

§13-74-1 Definitions. As used in this chapter,
unless otherwise provided:

"Aquatic life" means any type of species of
mammal, fish, amphibian, reptile, mollusk, crustacean,
arthropod, invertebrate, coral, or other animal that
inhabits the freshwater or marine environment and
includes any part, product, egg, or offspring thereof;
or freshwater or marine plants, including seeds,
roots, products, and other parts thereof.

"Baitfish" means any of the species listed in section 13-74-22.

"Baitfishing report" means a monthly report that is furnished to the department with respect to any baitfish taken.

~~["Board" means the board of land and natural resources.]~~

"Bottomfish fishing activity" means those fishing activities associated with the taking of bottomfish while on a vessel.

"Catch report" means a monthly report that every commercial marine licensee shall furnish to the department with respect to the marine life taken.

"Commercial marine dealer" means any person who sells or exchanges, or who is an agent in the transfer of marine life obtained directly from a commercial marine licensee, or any commercial marine licensee who sells or exchanges marine life at retail.

"Commercial marine license" means [a] any license issued to take marine life within or outside the State for commercial purpose.

"Commercial marine licensee" means a person who has been issued a commercial marine license pursuant to section 189-2, HRS.

"Commercial marine vessel license" means a license issued to an individual for a specific vessel that allows all crew on board the vessel to take marine life within or outside the State for commercial purpose without requiring each crew member to possess an individual commercial marine license.

"Commercial purpose" means the taking of marine life for profit or gain or as a means of livelihood where the marine life is taken in or outside of the State, or where the marine life is sold, offered for sale, landed, or transported for sale anywhere in the State.

"Department" means the department of land and natural resources.

"Fishing", "fishing activities", or "to fish" means catching, taking, or harvesting, or attempting to catch, take, or harvest, aquatic life. The use of a pole, line, hook, net, trap, spear, or other gear

~~[which]~~ that is designed to catch, take, or harvest aquatic life, by any person who is in the water, or in a vessel on the water, or on or about the shore where aquatic life can be caught, taken, or harvested, ~~[shall be]~~ is deemed to be fishing.

"Freshwater game fishes" means those introduced freshwater fishes as listed in section 13-99-2.

"Freshwater game fishing license" means a license issued to take freshwater game fishes.

"License period" means the period of time during which the license is or was valid.

"Licensee" means any person who has been issued a license pursuant to this chapter.

"Main Hawaiian islands" means those islands, reefs, and shoals, as well as their respective appurtenant reefs and territorial waters of the Hawaiian Islands chain beginning and including the island of Ni`ihau to and including the island of Hawai`i.

"Marine life" means any type or species of saltwater fish, shellfish, mollusks, crustaceans, coral, or other marine animals, including any part, product, egg, or offspring thereof; or seaweeds or other marine plants, including any part, product, seed, or root thereof.

"Nonresident" means any individual who is not a resident of the State of Hawai`i.

~~["Northwestern Hawaiian Islands" means those islands, reefs, and shoals, as well as their respective appurtenant reefs and territorial waters of the Hawaiian Islands chain beginning and including Nihoa island to and including Kure island.]~~

"Permittee" means any person who has been issued a permit pursuant to this chapter.

"Person" means an individual, partnership, firm, company, corporation, association, or other entity.

"Qualified aquaculturist" means a person, or association of persons, actively engaged in aquaculture farming, aquacultural produce processing, or aquacultural product development activities.

"Resident" means an individual that has established the individual's primary residence and

worked in the State continuously for a period of twelve months or longer immediately prior to applying for[7] or obtaining a license or permit, or has filed or paid the individual's State income taxes for the previous tax period[-], or has established domicile in the State. Domicile may be established by providing documentation including a valid Hawai'i driver's license or identification card, a valid school identification card, or any other official document issued to the individual within the previous thirty days from a government agency, financial institution, insurance company, or utility company.

"Trip" means any bout of fishing activity occurring in state marine waters in the course of a one way or round trip, and generally includes when a vessel has left port or shore until it puts into port or goes ashore, even if not to the point of origin. [Eff 8/12/93; am 10/18/10; comp 8/27/21; am and comp] (Auth: HRS §§187A-5, 188-44, 188-45, 188-50, 188-53, 188-57, 189-2, 189-6) (Imp: HRS §§187A-5, 188-44, 188-45, 188-50, 188-53, 188-57, 189-2, 189-6)

§13-74-2 General license and permit conditions.

Except as otherwise provided:

- (1) All licenses and permits issued pursuant to this chapter are non-refundable and non-transferable and [~~shall be~~] are valid for not longer than one year from the date of issuance. A duplicate license or permit may be issued upon affidavit that the original has been lost or destroyed, and upon payment of a duplicate license fee; provided that the duplicate license or permit shall expire on the same date as when the original license or permit would have expired;
- (2) A licensee or permittee shall show the license or permit and confirming identification upon the demand of any officer authorized to enforce the fishing

laws of the State. No person shall refuse any such officer the examination of the license or permit and confirming identification, or inspection of any bag or container of any kind that could reasonably be used to carry any aquatic life or any vehicle or conveyance used to transport any aquatic life if such officer [has probable cause, as provided by law, to believe that such bag, container, vehicle, or conveyance contains evidence of a violation of the fishing laws of the State.] reasonably believes that the person is, or recently has been, engaged in fishing activities.

Failure or refusal to show the license or permit and confirming identification or examination and search of any bag, container, vehicle, or conveyance [~~shall be~~] is prima facie evidence of a violation of this chapter and sufficient cause for the immediate revocation of the license or permit by the [board,] department;

- (3) No licensee or permittee shall allow any other person to carry, display, or use the license or permit, except if the license or permit is issued [~~to~~] for a vessel;
- (4) The department or its agents may issue licenses and permits as authorized by law, and with such conditions necessary to manage, protect, and conserve aquatic life;
- (5) Should a monthly report be required by any license or permit, such report shall be rendered to the department as a true and correct statement of such information the department may require, on or before the tenth day of the following month in which the aquatic resources were taken or purchased, except for the Kona crab and lobster closed season sales license issued pursuant to section 13-74-41 whose report shall be rendered five days after the end of each of the closed season months on forms

either furnished by, or approved by the department;

- (6) Should a trip report be required as a condition of any license or permit, the report shall be timely submitted to the department as a true and correct statement of such information the department may require, on or before the fifth day following the last day of each trip in which aquatic life was landed. A trip report includes such information but is not limited to: start and end dates of the trip, locations fished, hours spent fishing at each location; numbers, kinds and weights of aquatic life caught, released, or lost to predators; and
- (7) Any information submitted to the department as required under this section or chapters 187A, 188, and 189, HRS, [~~shall be~~] is confidential and shall not be disclosed, except when required under court order or by the state attorney general's office subpoena, or with the prior written consent of the person submitting the information, or under cooperative agreements with United States government agencies for the exchange and use of the information specifically to manage aquatic resources. The department may establish procedures to preserve the confidentiality of submitted information, except that the department may release or make public information in the aggregate or summary form that does not directly or indirectly disclose the identity of any person who submits information. [Eff 8/12/93; am 1/15/99; am 10/18/10; comp 8/27/21; am and comp]
(Auth: HRS §§187A-5, 187A-5.5, 188-44, 188-45, 188-50, 188-53, 188-57, 189-2, 189-3, 189-3.5, 189-6, 189-10) (Imp: HRS §§187A-2, 187A-5, 187A-12.4, 187A-15, 188-44, 188-45, 188-50, 188-53, 188-57, 189-2, 189-3, 189-

3.5, 189-6, 189-10)

§13-74-3 Suspension, revocation, and non-issuance of licenses and permits, generally. Except as may be otherwise provided, the [~~board~~] department may:

- (1) Suspend any and all licenses and permits issued pursuant to this chapter when such action is necessary for the protection and conservation of the aquatic life;
- (2) Revoke any license or permit issued pursuant to this chapter for any infraction of the terms and conditions of the license or permit and any person whose license or permit was revoked shall not be eligible to be issued another license or permit until the expiration of one year from the date of revocation, unless another time period is specified;
- (3) In any proceeding for the revocation of [~~a commercial marine~~] any license or permit issued pursuant to [~~section 13-74-20,~~] this chapter, the licensee or permittee shall be given notice and opportunity for hearing in conformity with chapter 91, HRS. Upon revoking the license[~~]~~ or permit, the [~~board~~] department may specify a period of time during which the [~~commercial~~] licensee or permittee shall not be eligible to be issued another license; provided that the period shall not exceed one year from the date of revocation; and
- (4) Refuse to issue any license or permit to a person who is not legally admitted to the United States, who does not provide proper identification, who has unresolved violations of any license or permit issued pursuant to this chapter, or for other just cause. Should the department refuse to issue any license or permit, the department shall give the person notice and an opportunity

for hearing in accordance with chapter 91, HRS. [Eff 8/12/93; am 1/15/99; comp 8/27/21; am and comp] (Auth: HRS §§187A-5, 188-44, 188-45, 188-50, 188-53, 189-2, 189-5, 189-6) (Imp: HRS §§187A-5, 188-44, 188-45, 188-50, 188-53, 189-2, 189-3, 189-5, 189-6)

§13-74-4 Penalties, generally. (a) [A] Unless otherwise provided, any person violating any provision of this chapter, or the terms and conditions of any license or permit issued [as provided by] pursuant to this chapter, [shall be punished as provided by law.] is subject to:

- (1) Administrative penalties as provided by section 187A-12.5, HRS;
- (2) Criminal penalties as provided by sections 187A-13, 188-70, and 189-4, HRS; and
- (3) Any other penalty as provided by law.

(b) Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of the State. [Eff 8/12/93; am 1/15/99; comp 8/27/21; am and comp] (Auth: HRS §§187A-5, 188-44, 188-45, 188-50, 188-53, 188-57, 189-2, 189-6) (Imp: HRS §§187A-5, 187A-12.5, 187A-13, 188-45, 188-50, 188-53, 189-2, 189-6)

§13-74-4.5 Asset forfeiture. Any equipment, article, instrument, aircraft, vehicle, vessel, business record, or natural resource used or taken in violation of this chapter or any of the terms and conditions of any license or permit issued pursuant to this chapter may be seized and subject to forfeiture as provided by section 199-7 and chapter 712A, HRS. [Eff and comp] (Auth: HRS §§187A-5, 187A-12.5, 188-44, 188-45, 188-50, 188-53, 188-57,

SUBCHAPTER 2

RECREATIONAL FISHING

§13-74-10 Freshwater game fishing license. (a)

No person [~~, except children below nine years of age,~~] shall fish, take, or catch any introduced [~~fresh-water~~] freshwater game fish without first obtaining a freshwater game fishing license, provided that children [~~exempt by this section~~] under nine years of age may fish without a license [~~only~~] when accompanied by a licensed adult.

(b) [~~Licenses~~] Freshwater game fishing licenses shall require the person's name, address, domicile, or residence, length of residence in the State, age, race, height, weight, and color of hair and eyes.

(c) The fee for the freshwater game fishing license [~~shall be:~~] is:

- (1) Minors [~~between nine and~~] under fifteen years of age, \$3;
- (2) Residents [~~over~~] fifteen [~~and under~~] years of age, up to, but not including, sixty-five years of age, \$5;
- (3) Persons sixty-five years of age and older, free;
- (4) Persons not qualifying under paragraph (1), (2), or (3) but over fifteen years of age, \$25, except that:
 - (A) Members of the armed forces of the United States on active duty in the State whether qualifying as a resident or not, and their [~~spouse~~] spouses and children fifteen years of age and over, \$5;
 - (B) [~~7-Day~~] Seven-day tourist license which is valid for only seven days from the date of issue, \$10; and

- (C) Tourist license which is valid for only thirty days from the date of issue, \$20; and
- (5) Duplicate license, \$1. [Eff 8/12/93; am 1/15/99; am and comp 8/27/21; am and comp] (Auth: HRS §§187A-5, 188-50) (Imp: HRS §§187A-5, 188-50)

§13-74-11 Nonresident recreational marine fishing license.

(a) It is unlawful for any nonresident of the State who has attained the age of fifteen, except members of the armed forces of the United States on active duty in the State and their spouses and minor children, to fish for, take, or catch any marine life for noncommercial or recreational purposes without first obtaining a nonresident recreational marine fishing license.

(b) Licenses shall require the person's name, address, date of birth, height, weight, color of hair and eyes, and such other information as the department may require.

(c) The fee for the nonresident recreational marine fishing license is:

- (1) For a one-day fishing license, \$20;
(2) For a seven-day fishing license, \$40; and
(3) For an annual fishing license, \$70.

(d) Any person violating this section is subject to administrative penalties as provided by section 187A-12.5, HRS. [Eff and comp] (Auth: HRS §188-72) (Imp: HRS §§187A-12.5, 188-72)

SUBCHAPTER 3

COMMERCIAL FISHING

§13-74-20 Commercial marine license. (a) No person shall take marine life for commercial purposes

whether the marine life is caught or taken within or outside of the State, without first obtaining a commercial marine license~~[-]~~; provided that a valid commercial marine vessel license issued pursuant to section 13-74-23 shall satisfy the commercial marine license requirement for all persons taking marine life for commercial purposes aboard a validly-licensed vessel.

~~(b)~~ ~~[Additionally, any]~~ Any person providing [vessel] charter services in the State for the taking of marine life in or outside of the State shall obtain a commercial marine license[-]; provided that a valid commercial marine vessel license issued pursuant to section 13-74-23 shall satisfy the commercial marine license requirement for all persons providing charter services for the taking of marine life aboard a validly-licensed vessel.

~~[(b)]~~ ~~(c)~~ ~~[Licenses to persons with proof of identity to engage in the activities described in subsection (a)]~~ Commercial marine licenses shall require the person's name, address, age, place of birth, [length of residence in the State,] residency, height, weight, color of hair and eyes, citizenship, and such other information as the department may require. The department may require an applicant for a commercial marine license to show proof of identity prior to issuance or renewal of a license.

~~[(e)]~~ ~~(d)~~ The fee for the issuance or renewal of a commercial marine license [shall be:] is:

- (1) \$100 for residents; and
- (2) \$250 for all other persons.

The fee for a duplicate license ~~[shall be]~~ is \$10.

~~[(d)]~~ ~~(e)~~ No person may:

- (1) Renew a commercial marine license more than two months prior to its expiration date; or
- (2) Be issued more than one commercial marine license at any one time~~[-]~~; provided that a person may hold a commercial marine license simultaneously with commercial marine vessel licenses or other licenses issued pursuant to this chapter.

~~[(e)]~~ ~~(f)~~ ~~[The department may require persons-~~

~~issued the commercial marine license to]~~ Commercial marine licensees shall submit reports of their fishing activity. Such reports shall be submitted to the department monthly~~[+]~~ pursuant to section 13-74-2(5); provided that persons taking bottomfish as defined in chapter 13-94, in the main Hawaiian islands, shall, in addition to their monthly report for species other than bottomfish, submit trip reports of their bottomfish fishing activity ~~[if requested.]~~ pursuant to section 13-74-2(6). ~~[The monthly]~~ Monthly and trip reports ~~[shall be]~~ are subject to section 13-74-2, and sections 189-3 and 189-3.5, HRS, and as may be otherwise provided by law. [Eff 8/12/93; am 1/15/99; am 10/18/10; am 1/7/18; am and comp 8/27/21; am and comp] (Auth: HRS §§189-2, 189-3, 189-3.5) (Imp: HRS §§189-2, 189-3, 189-3.5)

~~**[§13-74-21 Northwestern Hawaiian Islands fishing permit.**~~ (a) ~~The department may issue permits to commercial marine licensees who own or operate a vessel deemed capable by the department for effectively taking marine life within the Northwestern Hawaiian Islands, to fish for such marine life, or utilize methods or appliances which may be regulated or prohibited elsewhere within the State. The department may limit the number of permits issued to take marine life in any particular area and such limitation shall be on the basis of the order of application for permits.~~

~~(b) A separate permit shall be required for each fishing vessel or independent fishing operation, regardless of whether several vessels or operations are owned or conducted by the same person, and shall be carried aboard each vessel or otherwise be readily available for inspection at all times.~~

~~(c) The fee for the Northwestern Hawaiian Islands fishing permit shall be \$50 and the duplicate license fee shall be \$10.]~~ [Eff 8/12/93; am 1/15/99; am and comp 8/27/21; R] (Auth: HRS §188-37) (Imp: HRS §188-37)

Historical note: §13-74-21 is based substantially upon chapter 13-46. [Eff 5/28/81; am 1/25/82; R 8/12/93]

§13-74-22 Bait license. (a) The department may issue to commercial marine licensees a license to take the following baitfishes for which an open season is declared:

- (1) 'Iao (*Atherinomorus insularum*);
- (2) Marquesan sardine (*Sardinella marquensis*);
- (3) Nehu (*Encrasicholina purpurea*);
- (4) Piha (*Spratelloides delicatulus*);
- (5) "Tabai" (*Mollienesia* spp.);
- (6) Threadfin shad (*Dorosoma petenense*); and
- (7) Gold-spot herring (*Herklotsichthys quadrimaculatus*).

(b) Licenses for taking baitfishes other than nehu shall be issued for fishing operations where the fish caught are landed in the State, and where no baitfish caught are sold or transferred except for bait purposes.

(c) Licenses for taking nehu shall be issued only to persons employed on live-bait tuna boats, and only if their principal means of livelihood is derived from tuna fishing and the sale of tuna, where the fish caught are landed in the State, and the nehu is not sold to others.

(d) A separate license [~~shall be~~] is required for each fishing vessel or independent fishing operation, regardless of whether several vessels or operations are owned or conducted by the same person, and shall be carried aboard each vessel or otherwise be readily available for inspection at all times.

(e) The fee for the bait license [~~shall be \$50~~] is \$100, and the duplicate license fee [~~shall be~~] is \$10.

(f) Each person issued a bait license shall, in addition to monthly catch reports pursuant to section 13-74-20, submit baitfishing reports to the department. The baitfishing reports shall be

submitted monthly in a form and manner provided by the department. The catch reports and baitfishing reports are subject to section 13-74-2; sections 189-3 and 189-3.5, HRS; and as may be otherwise provided by rule or law. [Eff 8/12/93; am 1/15/99; am and comp 8/27/21; am and comp] (Auth: HRS §§187A-5, 188-45) (Imp: §§187A-5, 188-45)

Historical note: §13-74-22 is based substantially upon chapter 13-72. [Eff 5/26/81; am 1/25/82; R 8/12/93]

13-74-23 Commercial marine vessel license. (a)

The department shall, upon receipt of a valid application and appropriate fee payment, issue a commercial marine vessel license to any qualified individual.

(b) A qualified individual is anyone who:

(1) Possesses a valid commercial marine license;

(2) Is at least eighteen years old;

(3) Provides proof of identify; and

(4) Does not have any unmet child support obligations pursuant to section 189-2, HRS.

(c) Any qualified individual applying for a commercial marine vessel license shall file an application on an approved application form that is available from the department. The application shall be completed in its entirety. Failure to provide a completed application or providing false or misleading information on the application may result in delay or denial of the application.

(d) A commercial marine vessel license is valid from the date of issuance and shall expire on the expiration date of the licensee's commercial marine license. A commercial marine vessel license is valid only for a specific vessel and is nontransferable. A qualified individual may obtain and possess more than one commercial marine vessel license at a time.

(e) The fee for the issuance or renewal of a commercial marine vessel license is:

(1) \$100 for any vessel less than twenty-two

- feet in length that is not used for longline fishing;
- (2) \$200 for any vessel twenty-two feet in length or greater that is not used for longline fishing; and
 - (3) \$1,500 for any vessel used for longline fishing, as defined in section 189-2.5, HRS.

The fee for a duplicate license is \$10.

(f) If a commercial marine vessel license is issued for a longline vessel, the commercial marine vessel licensee shall file an annual report with the department that contains the following information about all crew members who worked aboard the longline vessel during the license period:

- (1) Identity;
- (2) Nationality;
- (3) Arrival date in Hawai'i
- (4) Departure date; and
- (5) Any other information the department may require.

The longline annual report shall be submitted to the department within thirty days of the end of the license period.

(g) If a commercial marine vessel license is issued for a vessel providing charter services for the taking of marine life, the license shall satisfy the commercial marine license requirement for all crew members. The commercial marine vessel license does not exempt charter fishing vessel passengers or customers from the requirement to have a nonresident recreational marine fishing license or any other license required by law. For purposes of this section, a "passenger" is any individual on board a vessel who is not a member of the vessel's crew.

(h) If a vessel for which a commercial marine vessel license is obtained is lost, destroyed, stolen, sold, transferred, or otherwise no longer in the possession or control of the licensee, the licensee shall immediately notify the department, and the license shall be terminated.

(i) The commercial marine vessel license shall be kept aboard the vessel at all times while

participating in commercial fishing activities and shall be made available for inspection upon demand.

(j) Persons issued a commercial marine vessel license shall submit reports of the vessel's fishing activity. Such reports shall be submitted to the department monthly pursuant to section 13-74-2(5); provided that persons taking bottomfish, as defined in chapter 13-94, in the main Hawaiian islands shall, in addition to their monthly reports for species other than bottomfish, submit trip reports of their bottomfishing activity pursuant to section 13-74-2(6). Monthly and trip reports are subject to section 13-74-2; sections 189-3 and 189-3.5, HRS; and as may be otherwise provided by law. [Eff and comp] (Auth: HRS §§189-2, 189-3, 189-3.5) (Imp: HRS §§189-2, 189-3, 189-)3.5

SUBCHAPTER 4

OTHER LICENSES AND PERMITS

§13-74-40 Mullet pond operator and closed season sales license. (a) The department may issue to any owner or operator of a fish pond a license to lawfully catch young mullet, known as pua, during the closed season, for the purpose of stocking the owner's or operator's pond, and provided that any owner or operator of a fish pond and any dealer may lawfully sell such pond raised mullet during the closed season with such a license granting this privilege.

(b) A separate license [~~shall be~~] is required for each fish pond or market operation, regardless of whether several fish pond or market operations from which the mullet are sold are owned or operated by the same person, and shall be readily available for inspection at all times.

(c) The fee for the mullet pond operator and closed season sales license [~~shall be \$50~~] is \$100, and the duplicate license fee [~~shall be~~] is \$10. [Eff

8/12/93; am 1/15/99; am and comp 8/27/21; am and comp
] (Auth: HRS §188-44) (Imp: HRS
§188-44)

§13-74-41 Kona crab and lobster closed season sales license. (a) The department may issue a license to a commercial marine dealer, or any restaurant, to sell or serve during the closed season, Kona crabs or lobsters lawfully caught during the open season.

(b) Each licensee shall submit a report to the department within five days after the end of each of the closed season months. The report shall list the amount of remaining Kona crab and lobster in the licensee's inventory as of the end of the month.

(c) The fee for the Kona crab and lobster closed season sales license [~~shall be \$50~~] is \$100, and the duplicate license fee [~~shall be~~] is \$10. [Eff 8/12/93; am 1/15/99; am and comp 8/27/21; am and comp

] (Auth: HRS §188-57) (Imp: HRS
§188-57)

§13-74-42 Special marine animal or product possession and sale license. (a) The department may issue a license to an importer, wholesaler, retailer, or restaurant to possess, sell, or offer for sale, any fish, shellfish, crustacean, or other marine animal, or any product made from such marine animals taken outside of the waters of the State, when such taking, possession, or sale of the same species is restricted if taken within the waters of the State.

(b) Licenses shall require the business' name, address, telephone number, name of applicant, and any other information the department may require.

(c) Each licensee shall furnish to the department monthly reports that include the following information:

(1) If the licensee is an importer:

(A) Species imported, source, quantity, and arrival date; and

- (B) Name and address of buyers, species sold, quantity, and date of such sale;
- (2) If the licensee is a wholesaler:
 - (A) Source, quantity, and date purchased; and
 - (B) Name and address of buyers, species sold, quantity, and date of such sale;
- (3) If the licensee is a retailer or restaurant:
 - (A) Source and date of purchase; and
 - (B) Species and quantity sold[-]; and
- (4) [~~And any~~] Any other such information the department may require.
- (d) The fee for the special marine animal or product possession and sale license [~~shall be \$50~~] is \$100, and the duplicate license fee [~~shall be~~] is \$10. [Eff 8/12/93; am 1/15/99; am and comp 8/27/21; am and comp] (Auth: HRS §189-6)
(Imp: HRS §189-6)

Historical note: §13-74-42 is based substantially upon chapter 13-71. [Eff 5/26/81; R 8/12/93]

§13-74-43 Aquaculture license. (a) After review of a written application, the department may issue to any qualified aquaculturist[-] a license to fish for, rear, possess, or sell any [~~regulated~~] aquatic life[-] whose fishing, possession, or sale is prohibited by closed season, minimum size, or bag limit; provided that the qualified aquaculturist rears or reared the [~~regulated~~] aquatic life in an aquaculture facility for commercial purpose. To qualify for a license a qualified [~~aquaculturists~~] aquaculturist must satisfy the department that the qualified aquaculturist is able to maintain aquatic life or live rock alive and in good health in an aquaculture facility at all times in accordance with industry-wide standards.

(b) The licensee shall make and issue a receipt whenever a transaction concerning regulated aquatic life occurs. The receipt shall be a written record of the transaction and shall include:

- (1) The transaction date;
- (2) The name and address of the licensee, the name of the person issuing the receipt, and the name and address of the person to whom the receipt is issued, except that the name and address of the person to whom the receipt is issued are not required if the transaction is with a person who will not resell the regulated aquatic life;
- (3) The name, weight, number or other appropriate measure of quantity, and value of all regulated aquatic life involved in the transaction; and
- (4) Any other information the department may require.

(c) The licensee shall keep all receipts on file and be able to present such receipts for inspection upon demand of any officer authorized to enforce the laws of the State. The receipts shall be kept for not less than twenty-four months after the transaction date or until the regulated aquatic life is no longer in the licensee's possession, whichever is longer. The department may approve the use of documents other than the receipts as written records of the transaction.

(d) The licensee shall submit to the department a summary report on or before July 31st of each year, covering the previous twelve-month period between July 1st to June 30th. The report shall provide an accounting of the regulated aquatic life received, bought, sold, transferred, or exchanged. The accounting shall include the items involved in a transaction, the sum of the weight, number or other appropriate unit of quantity, and value, along with any other information the department may require.

(e) Licensees that rear live rocks shall only use rocks for producing live rocks obtained from legal sources such as quarries or dredging operations [~~and may not fish for~~]. Harvesting, collecting, or otherwise obtaining live rocks from the wild[-] is strictly prohibited.

(f) Unless authorized in writing by the department, licensees shall not:

- (1) Release cultured aquatic life or live rock into state waters;
- (2) Fish for, in state waters, any regulated aquatic life or live rock;
- (3) Fish in areas where fishing is restricted by law; or
- (4) Use gear that the department has declared illegal except for small meshed nets, provided the net is not a small meshed thrownet.

(g) The department may restrict or prohibit the rearing of any aquatic life as authorized by this section, such as those species whose entry into or possession in the State is restricted or prohibited pursuant to the rules of the department of agriculture, those species that the state or federal governments may list as threatened or endangered, or any aquatic life the department may determine to be unsuitable for commercial rearing in the State or otherwise potentially detrimental to living aquatic resources in the State.

- (h) The department may require licensees:
 - (1) Who fish in the wild for regulated aquatic life to report such catches and to include in the report the species, numbers, size, fishing location, amount of fishing effort, and any other information for the purpose of ~~[this]~~ the license. The regulated aquatic life taken from the wild may only be used for stocking into the aquaculture facility as juveniles or used as adults to provide broodstock material. The licensee may not sell or offer for sale any regulated aquatic life taken from the wild that is less than the minimum size as specified by law;
 - (2) To obtain a Conservation District Use Permit pursuant to chapter 13-53, Hawaii Administrative Rules ~~[(HAR)]~~, and a Right of Entry Permit pursuant to chapter 171, HRS, in addition to any other requirement of law; ~~[and]~~
 - (3) To provide a list of names of ~~[commercial]~~

~~marine dealers]~~ any person that will buy or obtain any regulated aquatic life that ~~[were]~~ was reared in the licensee's aquaculture facility. Any changes to the list shall be in writing~~[-]~~; and

(4) To submit additional monthly reports, trip reports, or other reports as required by the department.

(i) ~~[Each aquaculture facility shall have a separate license,]~~ A separate license shall be obtained for each aquaculture facility that rears, possesses, or sells regulated aquatic life, even if one person owns or operates several aquaculture facilities. A copy of the license shall be available for inspection upon the demand of any officer authorized to enforce the laws of the State, including whenever the regulated aquatic life are fished for, delivered, transported, or sold. The license shall be kept at the facility for immediate inspection.

(j) For purposes of this section:

"Aquaculture facility" means any farm, ranch, hatchery, pond, workplace, or place of business that is designed or intended for the rearing, breeding, or culturing of aquatic life or live rock in a controlled or managed salt, brackish, or freshwater environment.

"Regulated aquatic life" means any aquatic life or live rock whose fishing for, possession, or sale is ~~[regulated during]~~ prohibited by a closed season, ~~[or when regulated by a]~~ minimum size, or bag limit as specified in subtitle 5 ~~[or]~~ of title 12, HRS, or administrative rules.

(k) The license fee ~~[shall be \$50.]~~ is \$100, and the duplicate license fee is \$10. [Eff 8/8/96; comp 8/27/21; am and comp] (Auth: HRS §§187A-3.5, 187A-5, 188-44, 188-68) (Imp: HRS §§187A-3.5, 187A-5, 188-44, 188- 68)

§13-74-44 License to sell reared species. (a)

The department may issue to any person a license to possess, sell, or offer for sale ~~[regulated]~~ any

aquatic life~~[7]~~ whose possession or sale is prohibited by a closed season, minimum size, or bag limit; provided that ~~[a qualified aquaculturist has reared]~~ the ~~[regulated]~~ aquatic life was reared in a licensed aquaculture facility.

(b) The licensee shall keep a receipt issued by the licensed aquaculture facility when receiving or buying the regulated aquatic life.

(c) The licensee shall issue a receipt to the person to whom the regulated aquatic life is sold or transferred. The receipt shall be a written record of the transaction and shall include:

- (1) The transaction date;
- (2) The names and addresses of the licensee, the person issuing the receipt, and the person to whom the receipt is issued, except that the name and address of the person to whom the receipt is issued are not required if the transaction is with a person that will not resell the regulated aquatic life;
- (3) The name, weight, number or other appropriate measure of quantity, and value of all regulated aquatic life involved in the transaction; and
- (4) Any other information the department may require.

(d) The licensee shall keep on file and be able to present for inspection upon demand of any officer authorized to enforce the laws of the State, a copy of all receipts for not less than twenty-four months after the transaction date or until the regulated aquatic life is no longer in the licensee's possession, whichever is longer. The department may approve the use of documents other than the receipts as written records of the transaction.

(e) ~~[Each market outlet that sells or offers for sale the regulated aquatic life shall have a separate license,]~~ A separate license shall be obtained for each market outlet that sells or offers for sale the regulated aquatic life, even if the same person owns or operates several outlets. The license shall be kept at the market outlet for immediate inspection upon

demand of any officer authorized to enforce the laws of the State.

(f) The department may require submittal of monthly reports, pursuant to the purposes of this section.

(g) For the purposes of this section:

"Licensed aquaculture facility" means any aquaculture facility licensed pursuant to section 13-74-43.

"Regulated aquatic life" means any aquatic life or live rock whose fishing for, possession, or sale is ~~[regulated during]~~ prohibited by a closed season, ~~[or when regulated by a]~~ minimum size, or bag limit as specified in subtitle 5 of title 12 or administrative rules.

(h) The fee for the license ~~[shall be waived with the]~~ \$200. The license is valid for not longer than two years ~~[from the date of issuance.],~~ and the duplicate license fee is \$10. [Eff 8/8/96; am 5/22/00; comp 8/27/21; am and comp] (Auth: HRS §§187A-3.5, 187A-5) (Imp: HRS §§187A- 3.5, 187A-5)

§13-74-45 Commercial marine dealer license. (a)

No person shall sell, offer for sale, exchange, or act as an agent in the sale, exchange, or transfer of marine life obtained directly from a commercial marine licensee, unless the person possesses a valid commercial marine dealer license; provided that a commercial marine licensee who sells or exchanges self-caught marine life at retail and complies with the reporting requirements of section 13-74-2 shall not be required to hold a commercial marine dealer license.

(b) A commercial marine dealer licensee shall not sell or offer for sale, purchase or attempt to purchase, exchange, or act as an agent in the sale, exchange, or transfer of any marine life taken within the jurisdiction of the State for commercial purpose that is obtained from any person who does not have a valid commercial marine license, commercial marine

dealer license, or other license or permit authorizing such sale, purchase, exchange, or transfer for commercial purpose.

(c) Each market outlet where marine life that is obtained directly from a commercial marine licensee is sold for commercial purposes shall have a separate commercial marine dealer license, even if one person owns or operates several market outlets. A copy of the license shall be kept at the market outlet and shall be made available for immediate inspection upon the demand of any officer or agent authorized to enforce the laws of the State.

(d) The fee for a commercial marine dealer license is \$100 and the duplicate license fee is \$10.

(e) Every holder of a commercial marine dealer license shall comply with the reporting requirements of section 13-74-46.

(f) For purposes of this section, "market outlet" means a location where marine life is sold or offered for sale. A market outlet can be a physical location such as a retail market or restaurant or an online location such as a website specifically designed to facilitate the sale of marine life. [Eff and comp] (Auth: HRS §189-10) (Imp: HRS §189-10)

§13-74-46 Commercial marine dealer report. (a) Every commercial marine dealer shall submit to the department a report of all marine life obtained, purchased, transferred, exchanged, or sold during a weekly reporting period, which begin on Sundays and end on the following Saturdays. A report shall be submitted to the department by the Tuesday following the end of each weekly reporting period. Reports shall contain the following information:

- (1) The name, address, and telephone number of the commercial marine dealer;
- (2) The time period for which the report is being submitted;
- (3) The species, numbers, weights, and values of

each of the varieties of marine life landed in the State that the dealer obtained, purchased, transferred, exchanged, or sold during the reporting period;

- (4) The name and current license number of the commercial marine licensee from whom the marine life was obtained or purchased; and
- (5) Other information as required on forms provided by, or as directed in writing by, the department.

(b) Reports shall be submitted to the department weekly." [Eff 1/7/18; comp 8/27/21; comp
] (Auth: HRS §189-10) (Imp: HRS
§189-10)

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 13-74, 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 Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on January 12, 2024, and filed with the Office of the Lieutenant Governor.

DAWN N.S. CHANG
Chairperson
Board of Land and Natural
Resources

APPROVED AS TO FORM:

MELISSA D. GOLDMAN
Deputy Attorney General

IV. Administrative Matters

A. Update on the Board's Upcoming Advocacy Activities and Programs in accordance with the Board's Powers under Section 201M-5, Hawaii Revised Statutes (HRS)

1. Update and Discussion on Becker Communications Inc., regarding the Board's Small Business Outreach – *No Attachment*
2. Presentations to Industry Associations – *No Attachment*
3. Staff's Small Business Outreach – *No Attachment*

V. Legislative Matters

A. Discussion and/or Action on the following legislative matters:

1. **Senate Resolution 5** – Requesting Businesses in Hawaii to Use Hawaiian Language and Requesting the Department of Education to Develop and Implement Programs to Teach Employees Hawaiian and Hire Permanent Hawaii Language Teachers
2. **House Bill 1956 Relating to Economic Development** – Establishes a business revitalization task force to identify methods to improve Hawaii's general economic competitiveness and business climate, including by mitigating regulatory and tax burdens. Requires a report to the legislature
3. **House Bill 2354 Relating to the Small Business Regulatory Review Board** – Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to a request from small business owners
4. **Senate Bill 3043 Relating to the Small Business Regulatory Review Board** – Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to a request from small business owners
5. **Senate 2974 Bill Relating to Economic Development** – Establishes a Business Revitalization Task Force within the Department of Business, Economic Development, and Tourism to identify methods to improve Hawaii's general economic competitiveness and business climate, including by mitigating regulatory and tax burdens; and require a report to the legislature

SR56



Measure Title: REQUESTING BUSINESSES IN HAWAII TO USE HAWAIIAN LANGUAGE AND REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND IMPLEMENT EDUCATION PROGRAMS TO TEACH EMPLOYEES HAWAIIAN AND HIRE PERMANENT HAWAII LANGUAGE TEACHERS.

Report Title: Hawaiian Language; Education; Businesses; Mandate

Description:

Companion: [SCR68](#)

Package: None

Current Referral:

Introducer(s): SHIMABUKURO, Fevella, Gabbard, San Buenaventura

<u>Sort by Date</u>	Status Text
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3/8/2024	S	Offered.
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S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

SR56

SENATE RESOLUTION

REQUESTING BUSINESSES IN HAWAII TO USE HAWAIIAN LANGUAGE AND
REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AND
IMPLEMENT EDUCATION PROGRAMS TO TEACH EMPLOYEES HAWAIIAN
AND HIRE PERMANENT HAWAII LANGUAGE TEACHERS.

1 WHEREAS, the Hawaiian language, also known as ‘Ōlelo
2 Hawai‘i, holds cultural significance and is an integral part of
3 the rich heritage of the State of Hawaii; and

4
5 WHEREAS, promoting and preserving the Hawaiian language
6 contributes to the preservation of the unique cultural identity
7 of Hawaii; and

8
9 WHEREAS, recognizing the importance of fostering an
10 inclusive environment that embraces the cultural diversity of
11 Hawaii is essential for the well-being of the community; and

12
13 WHEREAS, encouraging the use of Hawaiian language in
14 businesses is a positive step toward cultural enrichment and
15 linguistic diversity; and

16
17 WHEREAS, creating opportunities for the permanent hiring of
18 Hawaiian language teachers supports language education in
19 initiatives and ensures the continuity of language learning
20 programs; now, therefore,

21
22 BE IT RESOLVED by the Senate of the Thirty-second
23 Legislature of the State of Hawaii, Regular Session of 2024,
24 that all businesses operating in the State are requested to
25 incorporate the use of Hawaiian language in their daily
26 operations, including but not limited to signage, communication
27 materials, and customer interactions; and

28
29 BE IT FURTHER RESOLVED that the Department of Education is
30 requested to allocate resources to establish a permanent
31 position for a Hawaiian language teacher who is available to
32 businesses in the State to ensure that employees have access to
33 language learning opportunities; and



S.R. NO. 56

1 BE IT FURTHER RESOLVED that the State Department of
2 Education, in collaboration with cultural organizations and
3 language experts, is requested to develop and implement
4 education programs to support businesses in using Hawaiian
5 language, including language training for employees; and
6

7 BE IT FURTHER RESOLVED that certified copies of this
8 Resolution be transmitted to the Governor, Superintendent of
9 Education, Chairperson of the Board of Education and Director of
10 Labor and Industrial Relations.
11
12
13

OFFERED BY: _____

A handwritten signature in black ink, consisting of a large, stylized 'R' shape, positioned above a horizontal line that serves as a signature line.

HB1956 HD1



Measure Title: RELATING TO ECONOMIC DEVELOPMENT.

Report Title: Task Force; Business Revitalization

Description: Establishes a business revitalization task force to identify methods to improve Hawai'i's general economic competitiveness and business climate, including by mitigating regulatory and tax burdens. Requires a report to the legislature. Effective 7/1/3000. (HD1)



Companion:

Package: None

Current Referral: EET, WAM

Introducer(s): HOLT, GARRETT, LAMOSAO, MARTEN, MATAYOSHI, MIYAKE, MORIKAWA, NISHIMOTO, ONISHI, QUINLAN, SAYAMA, TAKENOUCI, TARNAS, TODD

<u>Sort by Date</u>	Status	Text
3/12/2024	S	The committee on EET deferred the measure.
3/8/2024	S	The committee(s) on EET has scheduled a public hearing on 03-12-24 1:00PM; Conference Room 229 & Videoconference.
3/7/2024	S	Referred to EET, WAM.
3/1/2024	S	Passed First Reading.
3/1/2024	S	Received from House (Hse. Com. No. 30).
2/29/2024	H	Passed Third Reading with none voting aye with reservations; Representative(s) Kapela, Perruso voting no (2) and Representative(s) Cochran, Holt excused (2). Transmitted to Senate.
2/29/2024	H	Reported from FIN (Stand. Com. Rep. No. 690-24), recommending passage on Third Reading.
2/22/2024	H	The committee on FIN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 14 Ayes: Representative(s) Yamashita, Kitagawa, Aiu, Chun, Garrett, Kahaloa, Kila, Kobayashi, Lamosao, Morikawa, Poepoe, Takenouchi, Alcos, Ward; Ayes with reservations: none; Noes: none; and 2 Excused: Representative(s) Cochran, Nishimoto.
2/20/2024	H	Bill scheduled to be heard by FIN on Thursday, 02-22-24 10:00AM in House conference room 308 VIA VIDEOCONFERENCE.

2/13/2024	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with none voting aye with reservations; Representative(s) Kapela, Perruso voting no (2) and Representative(s) Kila, Takayama excused (2).	 
2/13/2024	H	Reported from ECD (Stand. Com. Rep. No. 292-24) as amended in HD 1, recommending passage on Second Reading and referral to FIN.	
2/7/2024	H	The committee on ECD recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Holt, Lamosao, Hussey-Burdick, Kong, Nakamura, Quinlan, Pierick; Ayes with reservations: none; Noes: none; and 1 Excused: Representative(s) La Chica.	
2/2/2024	H	Bill scheduled to be heard by ECD on Wednesday, 02-07-24 10:30AM in House conference room 423 VIA VIDEOCONFERENCE.	
1/24/2024	H	Referred to ECD, FIN, referral sheet 1	
1/22/2024	H	Introduced and Pass First Reading.	
1/19/2024	H	Pending introduction.	

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

Some of the above items require Adobe Acrobat Reader. Please visit [Adobe's download page](#) for detailed instructions.

HB1956 HD1

A BILL FOR AN ACT

RELATING TO ECONOMIC DEVELOPMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that while new business
2 formations have grown by thirty-seven per cent in Hawaii since
3 the beginning of 2020, this rate is well below the national
4 average and among the bottom ten nationally. In the latest
5 comprehensive entrepreneurial study from the Kauffman
6 Foundation, the early survival rate for startups in Hawaii is
7 the lowest in the country. Self-employment in Hawaii has
8 consistently been lower than in the United States as a whole,
9 and in 2020, Hawaii ranked fortieth for the percentage of self-
10 employed.

11 The legislature further finds that tax rates are a factor
12 in business investment decisions and often affect the movement
13 of individuals. Recent reports show both companies and
14 individuals are more likely to move to a location with lower
15 taxes. Hawaii currently ranks the sixth highest for state and
16 local taxes per capita and was ranked forty-second for business
17 climate by the Tax Foundation.



1 The purpose of this Act is to establish a task force to
2 identify methods to improve Hawaii's general economic
3 competitiveness and business climate, including by mitigating
4 regulatory and tax burdens.

5 SECTION 2. (a) There is established a business
6 revitalization task force within the department of business,
7 economic development, and tourism for administrative purposes.

8 (b) The task force shall consist of the following members:

- 9 (1) The director of business, economic development, and
10 tourism or the director's designee, who shall serve as
11 chair of the task force;
- 12 (2) The director of commerce and consumer affairs or the
13 director's designee;
- 14 (3) The director of taxation or the director's designee;
- 15 (4) The director of labor and industrial relations or the
16 director's designee;
- 17 (5) A member of the small business regulatory review
18 board, to be appointed by the chair of the board;
- 19 (6) The dean of the university of Hawaii at Manoa Shidler
20 college of business or the dean's designee; and



1 (7) The director of each county agency with jurisdiction
2 over economic development or each respective
3 director's designee.

4 (c) The chair of the house of representatives standing
5 committee with primary jurisdiction over economic development
6 and the chair of the senate standing committee with primary
7 jurisdiction over economic development shall each invite the
8 following persons to join the task force:

9 (1) One representative of the construction industry;

10 (2) One representative of the agriculture industry;

11 (3) One representative of the visitor industry;

12 (4) One representative of the food industry;

13 (5) One representative of the retail industry;

14 (6) One representative of the high technology industry;

15 and

16 (7) One representative of the regional and ethnic chambers
17 of commerce.

18 (d) The task force shall:

19 (1) Identify methods to improve Hawaii's general economic
20 competitiveness and business climate, including by
21 mitigating regulatory and tax burdens; and



1 (2) Develop and recommend legislation to increase Hawaii's
2 general economic competitiveness.

3 (e) The task force shall meet no less than quarterly.

4 (f) The task force shall submit a report of its findings
5 and recommendations, including any proposed legislation, to the
6 legislature no later than forty days prior to the convening of
7 the regular session of 2026.

8 (g) The task force shall be dissolved on June 30, 2026.

9 SECTION 3. This Act shall take effect on July 1, 3000.



Report Title:

Task Force; Business Revitalization

Description:

Establishes a business revitalization task force to identify methods to improve Hawaii's general economic competitiveness and business climate, including by mitigating regulatory and tax burdens. Requires a report to the legislature. Effective 7/1/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



HB1956 HD1



Measure Title: RELATING TO ECONOMIC DEVELOPMENT.

Report Title: Task Force; Business Revitalization

Description: Establishes a business revitalization task force to identify methods to improve Hawai'i's general economic competitiveness and business climate, including by mitigating regulatory and tax burdens. Requires a report to the legislature. Effective 7/1/3000. (HD1)



Companion:

Package: None

Current Referral: EET, WAM

Introducer(s): HOLT, GARRETT, LAMOSAO, MARTEN, MATAYOSHI, MIYAKE, MORIKAWA, NISHIMOTO, ONISHI, QUINLAN, SAYAMA, TAKENOUCI, TARNAS, TODD

<u>Sort by Date</u>	Status	Text
3/12/2024	S	The committee on EET deferred the measure.
3/8/2024	S	The committee(s) on EET has scheduled a public hearing on 03-12-24 1:00PM; Conference Room 229 & Videoconference.
3/7/2024	S	Referred to EET, WAM.
3/1/2024	S	Passed First Reading.
3/1/2024	S	Received from House (Hse. Com. No. 30).
2/29/2024	H	Passed Third Reading with none voting aye with reservations; Representative(s) Kapela, Perruso voting no (2) and Representative(s) Cochran, Holt excused (2). Transmitted to Senate.
2/29/2024	H	Reported from FIN (Stand. Com. Rep. No. 690-24), recommending passage on Third Reading.
2/22/2024	H	The committee on FIN recommend that the measure be PASSED, UNAMENDED. The votes were as follows: 14 Ayes: Representative(s) Yamashita, Kitagawa, Aiu, Chun, Garrett, Kahaloa, Kila, Kobayashi, Lamosao, Morikawa, Poepoe, Takenouchi, Alcos, Ward; Ayes with reservations: none; Noes: none; and 2 Excused: Representative(s) Cochran, Nishimoto.
2/20/2024	H	Bill scheduled to be heard by FIN on Thursday, 02-22-24 10:00AM in House conference room 308 VIA VIDEOCONFERENCE.

2/13/2024	H	Passed Second Reading as amended in HD 1 and referred to the committee(s) on FIN with none voting aye with reservations; Representative(s) Kapela, Perruso voting no (2) and Representative(s) Kila, Takayama excused (2).	 
2/13/2024	H	Reported from ECD (Stand. Com. Rep. No. 292-24) as amended in HD 1, recommending passage on Second Reading and referral to FIN.	
2/7/2024	H	The committee on ECD recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Holt, Lamosao, Hussey-Burdick, Kong, Nakamura, Quinlan, Pierick; Ayes with reservations: none; Noes: none; and 1 Excused: Representative(s) La Chica.	
2/2/2024	H	Bill scheduled to be heard by ECD on Wednesday, 02-07-24 10:30AM in House conference room 423 VIA VIDEOCONFERENCE.	
1/24/2024	H	Referred to ECD, FIN, referral sheet 1	
1/22/2024	H	Introduced and Pass First Reading.	
1/19/2024	H	Pending introduction.	

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

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HB1956 HD1

A BILL FOR AN ACT

RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 201M-5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There shall be established within the department of
4 business, economic development, and tourism, for administrative
5 purposes, a small business regulatory review board to review any
6 proposed new or amended rule. If the board determines that a
7 proposed rule will not have a significant economic impact on a
8 substantial number of small businesses, the board shall submit a
9 statement to that effect to the agency that sets forth the
10 reason for the board's decision. If the board determines that
11 the proposed rule will have a significant economic impact on a
12 substantial number of small businesses, the board may submit to
13 the agency suggested changes in the proposed rule to minimize
14 the economic impact of the proposed rule, or may recommend the
15 withdrawal of the proposed rule. The board may also consider
16 any request from small business owners for review of any rule
17 proposed, amended, or adopted by a state agency or for review of
18 any legislation affecting small businesses, and to make

H.B. NO. 2354

1 recommendations to the agency or the legislature regarding the
2 need for a rule change or legislation. For requests regarding
3 county rules, the board may make recommendations to the county
4 council or the mayor for appropriate action."

5 SECTION 2. Section 201M-5, Hawaii Revised Statutes, is
6 amended by amending subsection (f) to read as follows:

7 "(f) The Board shall submit an annual report to the
8 legislature twenty days prior to each regular session detailing
9 any requests from small business owners for review of any rule
10 proposed, amended, or adopted by a state agency or for review of
11 any legislation affecting small businesses, and any
12 recommendations made by the board to an agency or the
13 legislature regarding the need for a rule change or legislation.
14 The report shall also contain a summary of the comments made by
15 the board to agencies regarding its review of proposed new or
16 amended rules."

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

19

20

INTRODUCED BY: 

21

BY REQUEST
JAN 22 2024

H.B. NO. 2354

Report Title:

Small Business Regulatory Review Board; Legislation; Small Business

Description:

Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to a request from small business owners.

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H.B. No. 2354

JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO THE SMALL
BUSINESS REGULATORY REVIEW BOARD.

PURPOSE: To clarify that, in addition to considering any request from small business owners for review of any rule, proposed, amended, or adopted by a state agency, the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to requests from small business owners.

MEANS: Amend section 201M-5(a) and (f), Hawaii Revised Statutes.

JUSTIFICATION: Because the statute appears vague regarding the Small Business Regulatory Review Board's purview to comment on proposed legislation in response to requests from small business owners, this bill will conform the wording of the statute to its intent.

Impact on the public: Ensures the stability of the Small Business Regulatory Review Board by clarifying its authority regarding legislation under the Small Business Regulatory Flexibility Act.

Impact on the department and other agencies: Minimal.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: BED-142.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.

SB3043 SD1



Measure Title: RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD.

Report Title: Small Business Regulatory Review Board; Legislation; Small Business

Description: Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to a request from small business owners. (SD1)

Companion: [HB2354](#)

Package: Governor

Current Referral: EET, JDC

Introducer(s): KOUCHI (Introduced by request of another party)

Sort by Date Status Text

2/27/2024	S	The committee on JDC deferred the measure.
2/20/2024	S	The committee(s) on JDC will hold a public decision making on 02-27-24 10:00AM; Conference Room 016 & Videoconference.
2/13/2024	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to JDC.
2/13/2024	S	Reported from EET (Stand. Com. Rep. No. 2286) with recommendation of passage on Second Reading, as amended (SD 1) and referral to JDC.
2/8/2024	S	The committee(s) on EET recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in EET were as follows: 5 Aye(s): Senator(s) DeCoite, Wakai, Fukunaga, Kim, Fevella; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.
2/2/2024	S	The committee(s) on EET has scheduled a public hearing on 02-08-24 1:01PM; Conference Room 229 & Videoconference.
1/26/2024	S	Referred to EET, JDC.
1/24/2024	S	Passed First Reading.
1/24/2024	S	Introduced.

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

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JAN 24 2024

A BILL FOR AN ACT

RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 201M-5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) There shall be established within the department of
4 business, economic development, and tourism, for administrative
5 purposes, a small business regulatory review board to review any
6 proposed new or amended rule. If the board determines that a
7 proposed rule will not have a significant economic impact on a
8 substantial number of small businesses, the board shall submit a
9 statement to that effect to the agency that sets forth the
10 reason for the board's decision. If the board determines that
11 the proposed rule will have a significant economic impact on a
12 substantial number of small businesses, the board may submit to
13 the agency suggested changes in the proposed rule to minimize
14 the economic impact of the proposed rule, or may recommend the
15 withdrawal of the proposed rule. The board may also consider
16 any request from small business owners for review of any rule
17 proposed, amended, or adopted by a state agency or for review of
18 any legislation affecting small businesses, and to make

S.B. NO. 3043

1 recommendations to the agency or the legislature regarding the
2 need for a rule change or legislation. For requests regarding
3 county rules, the board may make recommendations to the county
4 council or the mayor for appropriate action."

5 SECTION 2. Section 201M-5, Hawaii Revised Statutes, is
6 amended by amending subsection (f) to read as follows:

7 "(f) The Board shall submit an annual report to the
8 legislature twenty days prior to each regular session detailing
9 any requests from small business owners for review of any rule
10 proposed, amended, or adopted by a state agency or for review of
11 any legislation affecting small businesses, and any
12 recommendations made by the board to an agency or the
13 legislature regarding the need for a rule change or legislation.
14 The report shall also contain a summary of the comments made by
15 the board to agencies regarding its review of proposed new or
16 amended rules."

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

19

20

INTRODUCED BY: 

21

BY REQUEST

S.B. NO. 3043

Report Title:

Small Business Regulatory Review Board; Legislation; Small Business

Description:

Clarifies that the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to a request from small business owners.

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JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO THE SMALL
BUSINESS REGULATORY REVIEW BOARD.

PURPOSE: To clarify that, in addition to considering any request from small business owners for review of any rule, proposed, amended, or adopted by a state agency, the Small Business Regulatory Review Board has the authority to review legislation affecting small businesses in response to requests from small business owners.

MEANS: Amend section 201M-5(a) and (f), Hawaii Revised Statutes.

JUSTIFICATION: Because the statute appears vague regarding the Small Business Regulatory Review Board's purview to comment on proposed legislation in response to requests from small business owners, this bill will conform the wording of the statute to its intent.

Impact on the public: Ensures the stability of the Small Business Regulatory Review Board by clarifying its authority regarding legislation under the Small Business Regulatory Flexibility Act.

Impact on the department and other agencies: Minimal.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: BED-142.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.

SB2974 SD2 HD1



Measure Title: RELATING TO ECONOMIC DEVELOPMENT.

Report Title: DBEDT; Task Force; Business Revitalization; Report to Legislature

Description: Establishes a Business Revitalization Task Force within the Department of Business, Economic Development, and Tourism to identify methods to improve Hawai'i's general economic competitiveness and business climate, including the mitigation of regulatory and tax burdens. Requires a report to the Legislature. Effective 7/1/3000. (HD1)

Companion:



Package: None

Current Referral: ECD, FIN

Introducer(s): DECOITE, CHANG, FEVELLA, HASHIMOTO, KIDANI, MCKELVEY, Inouye, Moriwaki, Wakai

Sort by Date Status Text

3/22/2024	H	Reported from ECD (Stand. Com. Rep. No. 1288-24) as amended in HD 1, recommending passage on Second Reading and referral to FIN.
3/19/2024	H	The committee on ECD recommend that the measure be PASSED, WITH AMENDMENTS. The votes were as follows: 7 Ayes: Representative(s) Holt, Lamosao, La Chica, Nakamura, Quinlan, Pierick; Ayes with reservations: Representative(s) Hussey-Burdick; Noes: none; and 1 Excused: Representative(s) Kong.
3/14/2024	H	Bill scheduled to be heard by ECD on Tuesday, 03-19-24 10:00AM in House conference room 423 VIA VIDEOCONFERENCE.
3/7/2024	H	Referred to ECD, FIN, referral sheet 16
3/7/2024	H	Pass First Reading
3/5/2024	H	Received from Senate (Sen. Com. No. 233) in amended form (SD 2).
3/5/2024	S	Report adopted; Passed Third Reading, as amended (SD 2). Ayes, 25; Aye(s) with reservations: none . Noes, 0 (none). Excused, 0 (none). Transmitted to House.
3/1/2024	S	48 Hrs. Notice 03-05-24.
3/1/2024	S	Reported from WAM (Stand. Com. Rep. No. 2912) with recommendation of passage on Third Reading, as amended (SD 2).

2/28/2024	S	The committee(s) on WAM recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in WAM were as follows: 12 Aye(s): Senator(s) Dela Cruz, Moriwaki, Aquino, DeCoite, Hashimoto, Inouye, Kanuha, Kidani, Kim Lee, Wakai, Fevella; Aye(s) with reservations: none ; 0 No(es): none; and 1 Excused: Senator(s) Shimabukuro.	 
2/23/2024	S	The committee(s) on WAM will hold a public decision making on 02-28-24 10:01AM; Conference Room 211 & Videoconference.	
2/16/2024	S	Report adopted; Passed Second Reading, as amended (SD 1) and referred to WAM.	
2/16/2024	S	Reported from EET (Stand. Com. Rep. No. 2522) with recommendation of passage on Second Reading, as amended (SD 1) and referral to WAM.	
2/13/2024	S	The committee(s) on EET recommend(s) that the measure be PASSED, WITH AMENDMENTS. The votes in EET were as follows: 5 Aye(s): Senator(s) DeCoite, Wakai, Fukunaga, Kim, Fevella; Aye(s) with reservations: none ; 0 No(es): none; and 0 Excused: none.	
2/9/2024	S	The committee(s) on EET has scheduled a public hearing on 02-13-24 1:20PM; Conference Room 229 & Videoconference.	
1/26/2024	S	Referred to EET, WAM.	
1/24/2024	S	Passed First Reading.	
1/24/2024	S	Introduced.	

S = Senate | **H** = House | **D** = Data Systems | **\$** = Appropriation measure | **ConAm** = Constitutional Amendment

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SB2974 SD2 HD1

A BILL FOR AN ACT

RELATING TO ECONOMIC DEVELOPMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that while new business
2 formations have grown by thirty-seven per cent in Hawaii since
3 the beginning of 2020, this rate is well below the national
4 average and among the bottom ten nationally. In the latest
5 comprehensive entrepreneurial study from the Kauffman
6 Foundation, the early survival rate for startups in Hawaii is
7 the lowest in the country. Self-employment in Hawaii has
8 consistently been lower than in the United States as a whole,
9 and in 2020, Hawaii ranked fortieth for the percentage of
10 self-employed individuals.

11 The legislature further finds that tax rates are a factor
12 in business investment decisions and often affect the movement
13 of individuals. Recent reports show both companies and
14 individuals are more likely to move to a location with lower
15 taxes. Hawaii currently ranks the sixth highest for state and
16 local taxes per capita and was ranked forty-second for business
17 climate by the Tax Foundation.



1 The purpose of this Act is to establish a task force to
2 identify methods to improve Hawaii's general economic
3 competitiveness and business climate, including the mitigation
4 of regulatory and tax burdens.

5 SECTION 2. (a) There is established a business
6 revitalization task force within the department of business,
7 economic development, and tourism for administrative purposes.

8 (b) The task force shall consist of the following members:

- 9 (1) The director of business, economic development, and
10 tourism or the director's designee;
- 11 (2) The director of commerce and consumer affairs or the
12 director's designee;
- 13 (3) The director of taxation or the director's designee;
- 14 (4) The director of labor and industrial relations or the
15 director's designee;
- 16 (5) A member of the small business regulatory review
17 board, to be appointed by the chair of the board;
- 18 (6) The dean of the university of Hawaii at Manoa Shidler
19 college of business or the dean's designee; and



1 (7) The director of each county agency with jurisdiction
2 over economic development or each respective
3 director's designee.

4 (c) The chair of the house of representatives standing
5 committee with primary jurisdiction over economic development
6 and the chair of the senate standing committee with primary
7 jurisdiction over economic development shall each invite the
8 following persons to join the task force:

9 (1) One representative of the construction industry;

10 (2) One representative of the agriculture industry;

11 (3) One representative of the visitor industry;

12 (4) One representative of the food industry;

13 (5) One representative of the retail industry;

14 (6) One representative of the high technology industry;

15 and

16 (7) One representative of the regional and ethnic chambers
17 of commerce.

18 (d) The task force shall select a chairperson from among
19 the members listed in subsection (b) and a vice chairperson from
20 among any of its members.



1 (e) Local business community members of the task force
2 shall serve without compensation but shall be reimbursed for
3 expenses, including travel expenses, necessary for the
4 performance of their duties.

5 (f) The task force shall meet as necessary but no less
6 than quarterly. The task force may conduct its meetings by
7 teleconference or other similar means.

8 (g) The task force shall:

9 (1) Identify methods to improve Hawaii's general economic
10 competitiveness and business climate, including the
11 mitigation of regulatory and tax burdens;

12 (2) Develop and recommend legislation to increase Hawaii's
13 general economic competitiveness; and

14 (3) Develop recommendations for improving governmental
15 operations and reducing costs.

16 (h) Staff to assist the task force in performing its
17 duties shall be assigned by the department of business, economic
18 development, and tourism or the president of the senate, speaker
19 of the house of representatives, and governor.

20 (i) In performing its duties as required by subsection
21 (g), the task force shall consider reports issued by the



1 auditor; state ethics commission; department of business,
2 economic development, and tourism; and university of Hawaii
3 economic research organization and any other relevant reports.

4 (j) The task force shall submit a report of its findings
5 and recommendations, including any proposed legislation, to the
6 legislature no later than twenty days prior to the convening of
7 the regular session of 2026; provided that the task force may
8 submit all or parts of its recommendations to the legislature
9 prior to the submission of its report.

10 (k) The task force shall be dissolved on June 30, 2026.

11 SECTION 3. This Act shall take effect on July 1, 3000.



Report Title:

DBEDT; Task Force; Business Revitalization; Report to
Legislature

Description:

Establishes a Business Revitalization Task Force within the Department of Business, Economic Development, and Tourism to identify methods to improve Hawaii's general economic competitiveness and business climate, including the mitigation of regulatory and tax burdens. Requires a report to the Legislature. Effective 7/1/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

