

Article 9. Special District Regulations

Sections:

- (21-9.10 Flood hazard districts—Purpose. Repealed by Ord. 14-9.)**
- 21-9.10 Developments in Flood Hazard Areas.**
- (21-9.10-1 Authority. Repealed by Ord. 14-9.)**
- (21-9.10-2 Establishment of districts. Repealed by Ord. 14-9.)**
- (21-9.10-3 Warning and disclaimer of liability. Repealed by Ord. 14-9.)**
- (21-9.10-4 Development standards. Repealed by Ord. 14-9.)**
- (21-9.10-5 Floodway district. Repealed by Ord. 14-9.)**
- (21-9.10-6 Flood fringe district. Repealed by Ord. 14-9.)**
- (21-9.10-7 Coastal high hazard district. Repealed by Ord. 14-9.)**
- (21-9.10-8 General floodplain district. Repealed by Ord. 14-9.)**
- (21-9.10-9 Developments adjacent to drainage facility outside the flood hazard district. Repealed by Ord. 14-9.)**
- (21-9.10-10 Application procedures. Repealed by Ord. 14-9.)**
- (21-9.10-11 Flood hazard variance. Repealed by Ord. 14-9.)**
- (21-9.10-12 Nonconforming structures within the flood hazard districts. Repealed by Ord. 14-9.)**
- (21-9.10-13 Certification standards. Repealed by Ord. 14-9.)**
- (21-9.10-14 Other laws and regulations. Repealed by Ord. 14-9.)**

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(Sec. 21-9.10 Flood hazard districts—Purpose. Repealed by Ord. 14-9.)

Sec. 21-9.10 Developments in flood hazard areas.

- (a) All permit applications subject to this chapter shall, at the time of processing, be reviewed for compliance with the flood hazard areas ordinance. Whenever applicable, the flood hazard area requirements of a development project shall be determined prior to processing for other approvals mandated by other laws and regulations.
- (b) Dwellings in country, residential and agricultural districts, as well as detached dwellings and duplex units in apartment and apartment mixed use districts, may exceed the maximum height in the district by no more than five feet if required to have its lowest floor elevated to or above the base flood elevation, provided such additional height shall not be greater than 25 feet above the base flood elevation.
- (c) Notwithstanding any other provision to the contrary, no more than two dwelling units shall be permitted on a single zoning lot whose only buildable area is in the floodway. This provision, designed to reduce flood losses, shall take precedence over any less restrictive, conflicting laws, ordinances or regulations.

(Added by Ord. 14-9)

(Sec. 21-9.10-1 Authority. Repealed by Ord. 14-9.)

(Sec. 21-9.10-2 Establishment of districts. Repealed by Ord. 14-9.)

(Sec. 21-9.10-3 Warning and disclaimer of liability. Repealed by Ord. 14-9.)

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- (Sec. 21-9.10-6 **Flood fringe district. Repealed by Ord. 14-9.)**
- (Sec. 21-9.10-7 **Coastal high hazard district. Repealed by Ord. 14-9.)**
- (Sec. 21-9.10-8 **General floodplain district. Repealed by Ord. 14-9.)**
- (Sec. 21-9.10-9 **Developments adjacent to drainage facility outside the flood hazard district. Repealed by Ord. 14-9.)**
- (Sec. 21-9.10-10 **Application procedures. Repealed by Ord. 14-9.)**
- (Sec. 21-9.10-11 **Flood hazard variance. Repealed by Ord. 14-9.)**
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- (Sec. 21-9.10-13 **Certification standards. Repealed by Ord. 14-9.)**
- (Sec. 21-9.10-14 **Other laws and regulations. Repealed by Ord. 14-9.)**

Sec. 21-9.20 Special districts—Purpose.

The purpose of a special district is to provide a means by which certain areas in the community in need of restoration, preservation, redevelopment or rejuvenation may be designated as special districts to guide development to protect and/or enhance the physical and visual aspects of an area for the benefit of the community as a whole.

(Added by Ord. 99-12)

Sec. 21-9.20-1 Design controls.

- (a) To fulfill district design objectives, each special district may contain regulations which provide guidance for the design of new development and the renovation of existing development.
- (b) Regulations may supplement or modify underlying zoning district regulations. Sections 21-9.20-2 through 21-9.20-5 shall apply to all special districts.
- (c) The director may establish supplemental design guidelines for special districts to illustrate further the objectives and design controls of each special district.

(Added by Ord. 99-12)

Sec. 21-9.20-2 Major, minor, and exempt projects.

All development in any special district is classified into one of three categories: major, minor, or exempt. Major and minor projects must obtain a special district permit and must be processed under Sections 21-2.40-2 and 21-2.40-1, respectively. Tables 21-9.1 through 21-9.8 are to be used by the department as a guide to determine the category of a particular project within each special district.

- (a) Major Permits. These permits are intended for projects that may significantly change the intended character of the special district. All major permits, other than TOD special district permits, will be reviewed by the design advisory committee as specified in Section 21-2.40-2.
- (b) Minor Permits. Minor permits are intended for projects that will have limited impact and are considered minor in nature. The director shall have the right to review and modify such projects.
- (c) Exempt Projects. Exempt projects will have negligible or no impact and therefore do not require review. They include projects that require emergency repairs or interior work, and do not change the exterior appearance of a structure. Within a TOD special district, projects that are less than one acre in area or that do not require discretionary review because they meet the development standards in Section 21-9.100-8, are also exempt projects.

(Added by Ord. 99-12; Am. Ord. 17-54)

Sec. 21-9.20-3 Time limits.

The special district permit shall be null and void if the applicant fails to secure building permits within two years of the date of issuance of the permit. The applicant shall be notified in writing of the change in the time period. On show of cause, the applicant may request the director to extend the time limit.

(Added by Ord. 99-12)

Sec. 21-9.20-4 Utility lines.

Notwithstanding any ordinance or regulation to the contrary, utility companies shall place their utility lines underground within any special district. The director may grant an exemption to utility lines based on the applicant's satisfactory justification that no other alternative will better achieve the district's purpose and objectives.

(Added by Ord. 99-12)

Sec. 21-9.20-5 Design advisory committee.

- (a) The director shall appoint a design advisory committee which shall provide design input to the director on significant proposals in the special districts. The committee shall hear proposals for major special district permits and advise the director concerning the approval, denial or modification of these projects based on the purposes, objectives and design controls of the particular special district.
- (b) The committee shall consist of a minimum of seven members as follows:
 - (1) Two architects;
 - (2) Two landscape architects;
 - (3) Two urban planners;
 - (4) State historic preservation officer from the department of land and natural resources or designated representative.

(Added by Ord. 99-12)

Sec. 21-9.20-6 Conflicting regulations.

If any regulation pertaining to the special districts conflicts with any provision contained within Article 3, the more restrictive regulation takes precedence; provided, however, that this section does not apply to TOD development regulations enacted pursuant to Section 21-9.100 and its accompanying sections, which take precedence in the event of conflict with any underlying Article 3 provision or special district regulation.

(Added by Ord. 99-12; Am. Ord. 09-4, 17-54)

Sec. 21-9.30 Hawaii capital special district.

- (a) As the seat of state and county government, Honolulu enjoys the clustering of government facilities and buildings. Many of the buildings are listed on the state and national registers of historic places. Because of their close proximity, these facilities, and the areas adjacent to them, contribute significantly to the urban design of Honolulu.
- (b) The purpose of this section is to establish a special district to be called the "Hawaii capital special district" and to provide for its protection, preservation, enhancement and orderly development.
- (c) It is also the purpose of this section to emphasize that the Hawaii capital special district and its landmarks are sources of education, pleasure and intangible benefit for the people of the State of Hawaii and to foster civic pride in the beauty of the district and accomplishments of the past.

(Added by Ord. 99-12)

Sec. 21-9.30-1 Objectives.

The objectives of the Hawaii capital special district are:

- (a) To provide safeguards for the preservation and enhancement of buildings and landmarks within the Hawaii capital special district which represent or reflect elements of the state's civic, aesthetic, cultural, social, economic, political and architectural heritage, and encourage new development which is compatible with and complements those buildings and sites.
 - (b) To preserve and enhance the park-like setting of the Hawaii capital special district, including its view from the Punchbowl lookout.
- (Added by Ord. 99-12)

Sec. 21-9.30-2 District boundaries.

The Hawaii capital special district and its precinct boundaries are shown on Exhibit 21-9.1, set out at the end of this article. (Added by Ord. 99-12)

Sec. 21-9.30-3 Prominent views and historic places.

(a) The following streets and locations identify important pedestrian and vehicular corridors by which one experiences the Hawaii capital special district, as well as views of the mountains and the waterfront. The design of all proposed projects within the district shall be guided by the required yards as shown on Exhibit 21-9.2, set out at the end of this article.

- (1) Beretania Street between Alapai Street and Alakea Street.
- (2) The Hotel Street Mall between Alapai Street and Richards Street.
- (3) Hotel Street between Richards Street and Alakea Street.
- (4) King Street between South Street and Alakea Street.
- (5) Kapiolani Boulevard at the intersection of South Street and King Street.
- (6) Ala Moana Boulevard between Punchbowl Street and the district boundary.
- (7) Mililani Street and Mall between Halekauwila Street and King Street.
- (8) Punchbowl Street between Beretania Street and Ala Moana Boulevard.
- (9) South Street between King and Pohukaina Streets.
- (10) Richards Street between Halekauwila and Beretania Streets.
- (11) Alapai Street between King and Beretania Streets.
- (12) The fifth floor lanais of the State Capitol Building, emphasizing a mauka-makai orientation.

(b) The following is a listing of sites, structures and objects which are on the state and/or national registers of historic sites and, therefore, are worthy of preservation. They are identified by number on Exhibit 21-9.3, set out at the end of this article.

- (1) Kawaiahao Church and grounds.
- (2) Adobe School House.
- (3) Lunalilo Mausoleum.
- (4) Kekuanaoa Building.
- (5) Kapuaiwa Building.
- (6) Hale Auhau.
- (7) Kamehameha I Statue.
- (8) Aliiolani Hale.
- (9) U.S. Post Office.
- (10) Hawaiian Electric Building.
- (11) Honolulu Hale and grounds.
- (12) Mission Memorial Building Annex.
- (13) Honolulu Hale Annex (Mission Memorial Building and Auditorium).
- (14) Iolani Palace and grounds.
- (15) Iolani Barracks.
- (16) Royal Burial Ground and Fence.
- (17) Coronation Bandstand.
- (18) Captain Cook Memorial Tablet.
- (19) YWCA and grounds.
- (20) Banyan tree on the Iolani Palace grounds.

- (21) Old Archives Building (Attorney General's Building).
- (22) Hawaii State Library.
- (23) State Capitol and grounds.
- (24) Armed Services YMCA and grounds (No. 1 Capitol District).
- (25) St. Andrew's Cathedral, including St. Andrew's Close, Davies and Tenney Halls and Parke Memorial Chapel adjacent to the cathedral.
- (26) Washington Place and grounds.
- (27) Mission Houses.
- (28) Aloha Tower.
- (29) Royal Brewery.
- (30) Podmore Building.
- (31) Old Kakaako Fire Station.
- (c) Several other buildings contribute to the character of the district. In reviewing applications for modifications and/or removal of the following structures, efforts to retain them are to be encouraged.
 - (1) St. Andrew's Priory.
 - (2) St. Peter's Church.
 - (3) Aliiolani Hale Annex.
 - (4) Mabel Smythe Building.
 - (5) Harkness Nurses Home.
 - (6) Board of Water Supply Buildings.
 - (7) Arcade Building.
 - (8) 1919 Hawaiian Electric Company Building.
 (Added by Ord. 99-12)

Sec. 21-9.30-4 Design controls.

- (a) Landscaping.
 - (1) Open space and yard requirements for each precinct shown on Exhibits 21-9.1 and 21-9.2, respectively, set out at the end of this article, shall be landscaped in accordance with landscape guidelines and regulations contained in this subsection. If no yard or open space requirement is shown, underlying zoning district regulations shall prevail.
 - (2) All required yards shall be landscaped and maintained with a minimum of 75 percent of the area devoted exclusively to plant material rooted directly in the ground or permanently fixed plant containers.
 - (3) Vertical form trees shall be planted and maintained along the front yard perimeter of parking structures to reduce the visual impact of blank walls and parked vehicles. A tree shall be planted for every 20 feet of linear building length. Acceptable tree species include coconut palms, paperbark and eucalyptus. If there is sufficient space, canopy form trees may be substituted. Alternatively, planter boxes with vines may be provided on the facades of every parking level.
 - (4) Rooftop parking and mechanical equipment shall be substantially screened and/or painted to soften their appearance from the Capitol building and the Punchbowl lookouts.
 - (5) All required trees shall be provided in conformance with subdivision (8), and shall be a minimum two-inch caliper, except palms which shall have a minimum trunk height of 15 feet. All tree planting shall be in conformance with the requirements and standards shown on Exhibit 21-9.4, except that alternative species, especially native Hawaiian or species long present and common to the Hawaiian Islands, including flowering varieties, shall be encouraged and may be substituted in all instances upon approval by the director. Other exceptions to accommodate special conditions may be approved by the director.
 - (6) Landscaping for the Iolani Palace grounds shall be in conformance with the master plan as approved by the department, the National Council on Historic Preservation and the state department of land and natural resources.
 - (7) Landscaping for the Queen's Medical Center shall include retention of its existing large front lawn along Punchbowl Street, except for the Queen Emma Tower expansion and the HML parking garage authorized by Resolution 04-224, CD1, FD1; necessary driveways providing vehicular access through the campus; and pedestrian accessways. Main entrances that exit to ground level shall include a view of landscaping, including trees wherever possible.
 - (8) Street trees shall be provided along major streets as delineated below, and shown on Exhibit 21-9.4.
 - (A) Beretania Street, except fronting the State Capitol.
 - (i) Species: Monkeypod (*Samanea saman*).
 - (ii) Maximum spacing: 60 feet on center.

- (iii) Location: Within the required front yard.
 - (B) King Street, except fronting the Iolani Palace grounds and Aliiolani Hale.
 - (i) Species: Rainbow Shower (*Cassia hybrida*) or Monkeypod (*Samanea saman*).
 - (ii) Maximum spacing: 50 feet on center.
 - (iii) Location: First five feet of required front yard.
 - (C) Richards Street, except fronting Iolani Palace grounds.
 - (i) Species: Royal Poinciana (*Delonix regia*).
 - (ii) Maximum spacing: 60 feet on center.
 - (iii) Location: First five feet of required front yard.
 - (D) Punchbowl Street.
 - (i) Species: Monkeypod (*Samanea saman*).
 - (ii) Maximum spacing: 60 feet on center.
 - (iii) Location: Within the required front yard.
 - (E) Alapai Street.
 - (i) Species: Monkeypod (*Samanea saman*).
 - (ii) Maximum spacing: 60 feet on center.
 - (iii) Location: Within the required front yard.
 - (F) Ala Moana/Nimitz Highway.
 - (i) Species: Coconut Palm (*Cocos nucifera*).
 - (ii) Maximum spacing: Three palm trees shall be provided per 50 feet of street frontage.
 - (iii) Location: First five feet of required front yard.
 - (G) South Street.
 - (i) Species: Autograph (*Clusea rosea*).
 - (ii) Maximum spacing: 40 feet on center.
 - (iii) Location: Within the required front yard.
 - (H) Alakea Street and Queen Emma Street.
 - (i) Species: False Olive.
 - (ii) Maximum spacing: 20 feet on center.
 - (iii) Location: Within the sidewalk area.
 - (I) Vineyard Boulevard.
 - (i) Species: Monkeypod (*Samanea saman*).
 - (ii) Maximum spacing: 60 feet on center.
 - (iii) Location: Within the required front yard.
- (9) For all other streets, except those along the State Capitol and Iolani Palace grounds, street trees shall be provided at a minimum two-inch caliper. Species and spacing shall be chosen from an approved tree list on file with the department and the department of parks and recreation.
- (10) If location of street trees in the sidewalk area is infeasible, the tree(s) shall be located in the required front yard.
- (11) In the event there are no feasible locations for street trees, substitute landscaping may be permitted upon approval by the director.
- (12) Credit shall be given, at a ratio of one to one, for existing trees that are to be preserved.
- (13) Any tree six inches or greater in trunk diameter shall not be removed or destroyed except as follows:
- (A) The tree is not visible from any street, park or other public viewing area.
 - (B) Appropriate development of the site cannot be achieved without removal of the tree.
 - (C) The tree is a hazard to the public safety or welfare.
 - (D) The tree is dead, diseased or otherwise irretrievably damaged.
 - (E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.
- (14) Any tree removed which is visible from any street, park or other public viewing area shall be replaced by an approved tree of a minimum two-inch caliper or by alternative approved landscaping material, unless the replacement results in overcrowded vegetation.
- (15) Where possible, trees proposed for removal shall be relocated to another area of the project site.

(b) Design Guidelines for the Historic Precinct.

The following design guidelines shall be used in the design and review of new construction and renovation in the historic precinct. They are intended to promote the concept of "contextualism," wherein new developments are sensitive to the existing historic and other significant structures.

- (1) Roof Treatment. Roof treatment should reflect existing roofscape by using combinations of overhanging eaves and pitches greater than 1:3. Roofing materials should be green or reddish earth-toned tile or gray slate roofing surfaces, or roofing surfaces which closely resemble existing tile or slate roof in color, texture and appearance.
 - (2) Architectural Style. Architectural elements to be encouraged are the open design of arcades, porches, entryways, internal pedestrian spaces and courtyards. New developments should be influenced by the following architectural styles: modified Mediterranean, Spanish mission, Victorian, U.S. Greek revival, Italianate revival, and French second empire.
 - (3) Facade. Facade elements common to the precinct include recessed window openings and strong horizontal lines expressed by combinations of fenestrations, openings, wall edges and decorations. New development should incorporate and employ these elements to visually relate new buildings to adjacent facades of established historic value. Typical is the use of projections, columns, balconies and recessed openings.
 - (4) Color and Surface.
 - (A) Colors and surfaces in the precinct are characterized by being absorptive rather than reflective. The use of shiny metal or reflective surfaces, including paints and smooth or plastic-like surfaces should be avoided. Colors and surfaces which predominate include warm white walls, earth tones, natural colors of stone, coral and cast concrete. Concrete, stone, terra cotta, plaster and wood should be principal finish materials.
 - (B) If the use of metal surfaces is required, they should be used with black or dark earth-toned matte finishes. Copper and brass may be acceptable metal surfaces. Glass surfaces, where used, should be recessed and clear, or of light earth-toned tints.
 - (5) Texture. Characteristic textures include those of stucco, tile, concrete, cut coral, cut stone, cast iron, grass and foliage. Development should employ surface qualities which are sympathetic to historic and original uses of material.
 - (6) Details.
 - (A) Details are of prime interest and importance at the pedestrian scale and constitute an important design element. The use of terra cotta, plaster work, ironwork, ornament painting and sculptural elements is highly encouraged.
 - (B) Respect for historic design including detailing should be maintained on elements such as pavers, curbs, signs, planters, benches, trash cans, fountains, lighting, bus shelters and flag and utility poles.
 - (7) Entry Treatment. Characteristic of places within the precinct is the treatment of building entry which provides comfortable transitions from outside to inside. These elements include arcades and porches recessed or projecting from the building mass.
 - (8) Orientation. In order to protect mauka views within the precinct, new development should be oriented on a mauka-makai axis.
 - (9) Signs. Signs shall not be directly illuminated, have moving parts, luminous paints or reflective materials. Any illumination should be from a detached source shielded from direct view. No box fluorescent signs shall be allowed.
 - (10) Landscape Treatment.
 - (A) Large open spaces, lawns and canopy-type shade trees, fountains and sculptures shall be compatible with the grounds of Iolani Palace and the Capitol building.
 - (B) In small open areas, combinations of ground covers, shrub masses, flowering trees and palms may be used either to introduce rich foliage patterns, for screening purposes, or to provide contrast to large, open lawn areas.
 - (C) Small-scale landscape features such as courtyards, resting places, entrances and intimate gardens are encouraged and should be compatible with, and secondary to, the larger park-like landscape.
- (c) Design Guidelines for Other Precincts.
- (1) Open Space. All parcels shall comply with the minimum open space expressed as a percentage of lot area designated on Exhibit 21-9.1, set out at the end of this article.
 - (2) Visual Impacts. All major development, especially on those parcels and building facades visible and adjacent to the historic precinct, shall be reviewed to ensure that new structures do not visually intrude into the historic precinct. Articulated building walls are encouraged. The use of recessed windows, lanais, projecting eyebrows, offsets in the wall planes and exterior colors may be used to achieve this articulation.
- (d) Height Regulations.
- (1) Heights for all precincts are identified on Exhibit 21-9.1, set out at the end of this article.
 - (2) The director may exempt the following architectural features from the height regulations of the Hawaii capital special district, provided they are erected only to such height as is necessary to accomplish the purpose for which they serve, but in no case exceeding 12 feet above the maximum height limit. These building elements may

be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Hawaii capital special district.
(A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.

(B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.

(C) Decorative or recreational features, including rooftop gardens, planter boxes, flagpoles, parapet walls or ornamental cornices.

(3) Except for flagpoles and smokestacks, all items listed in Section 21-4.60(c) shall also be exempt from the height provisions of this section.

(Added by Ord. 99-12; Am. Ord. 07-8)

Sec. 21-9.30-5 Project classification.

Refer to Table 21-9.1 to determine whether specific projects will be classified as major, minor, or exempt. (Added by Ord. 99-12; Am. Ord. 03-37)

Table 21-9.1

Hawaii Capital Special District
Project Classification

Activity/Use
Required Permit
Special Conditions

Signs

E

Directly illuminated signs prohibited in historic precinct

Tree removal over six inches in diameter

m

Detached dwellings and duplex units and accessory structures

E

Grading and stockpiling

E

Major modification, alteration, addition or repair to historic structures

M

This also includes structures listed in Section 21-9.30-3(c)

Major exterior repair, alteration or addition to nonhistoric structures

m

Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure

m/E

Minor in historic precinct only

Exterior repainting that significantly alters the character or appearance of the structure

m/E

Minor in historic precinct only

Interior repairs, alterations and renovations to all structures
E

Demolition of historic structures
M
This also includes structures listed in Section 21-9.30-3(c)

Demolition of nonhistoric structures
E

Fences and walls
E

Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way
m

Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks
m

Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work
E

New buildings not covered above
M/m
Minor for accessory structures

*Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend—Project classification:

M = Major

m = Minor

E = Exempt

(Added by Ord. 99-12)

Sec. 21-9.40 Diamond Head special district.

(a) Diamond Head is a volcanic crater that has been declared a state and national monument. Its natural appearance and prominent public views have special values of local, state, national and international significance and are in danger of being lost or seriously diminished through changes in land use and accompanying land development.

(b) In accordance with these findings and established public policies, it is necessary to preserve and protect the views of the Diamond Head monument.

(Added by Ord. 99-12)

Sec. 21-9.40-1 Objectives.

The objectives of the Diamond Head special district are:

(a) To preserve existing prominent public views and the natural appearance of Diamond Head by modifying construction projects that would diminish these resources.

(b) To preserve and enhance the park-like character of the immediate slopes of the Diamond Head monument, which includes Kapiolani Park.

(Added by Ord. 99-12)

Sec. 21-9.40-2 District boundaries.

The Diamond Head special district boundaries are designated on Exhibit 21-9.5, set out at the end of this article.

(Added by Ord. 99-12)

Sec. 21-9.40-3 Prominent public vantage points.

The prominent public vantage points from which significant public views of Diamond Head exist are the following:

(a) Public Streets.

(1) Ala Wai Boulevard from McCully Street to Kapahulu Avenue.

(2) Paki Avenue from Kapahulu Avenue to Diamond Head Road.

(3) Diamond Head Road.

(4) Date Street from the Manoa-Palolo Drainage Canal to Kapahulu Avenue.

(5) Campbell Avenue from Kapahulu Avenue to Monsarrat Avenue.

(6) Kalakaua Avenue from Kapahulu Avenue to Coconut Avenue.

(7) Kapahulu Avenue in the vicinity of the intersection of Date Street and Campbell Avenue.

(8) Monsarrat Avenue.

(9) 12th Avenue from Maunaloa Avenue to Alohea Avenue.

(10) 18th Avenue from Kilauea Avenue to Diamond Head Road.

(11) Kilauea Avenue from Elepaio Street to 12th Avenue.

(b) Public Viewing Sites.

(1) Ala Moana Beach, including Magic Island.

(2) The beaches extending from the Ala Wai Yacht Harbor to Sans Souci Beach.

(3) Kapiolani Park.

(4) Honolulu Zoo.

(5) Ala Wai Golf Course.

(6) Ala Wai Park.

(7) Kapaolono Field.

(8) Fort Ruger Park (Kahala Triangle Park).

(9) Ala Wai Elementary School.

(10) Jefferson Elementary School.

(11) Waikiki Elementary School.

(12) Kilauea Playground.

(13) Kaimuki Intermediate School.

(14) H-1 Freeway near the Kapahulu Avenue overpass.

(15) Punchbowl lookouts.

(16) Puu Ualakaa State Park lookout.

(Added by Ord. 99-12)

Sec. 21-9.40-4 Design controls.

Implementation of the district objectives shall consist primarily of landscaping requirements, height limitations and architectural design review. Specific regulations are enumerated below.

(a) Landscaping.

(1) All required yards within the district shall be landscaped and maintained.

(2) On the ocean side of Diamond Head, including makai of Kalakaua Avenue, palm trees are appropriate since they convey the tropical characteristics of Hawaii, and provide vertical accents in counterpoint to the high crater behind them.

(3) Within the core area, along Diamond Head Road, Monsarrat Avenue and Kalakaua Avenue, all fences or walls exceeding 36 inches in height shall be set back a minimum of 18 inches along all street frontages and landscaped with vine, hedge or other approved planting on the street side(s).

(4) Street trees shall be provided at a minimum two-inch caliper. Species and spacing shall be chosen from an approved tree list on file with the department and the department of parks and recreation.

(5) If location of street trees in the sidewalk area is infeasible, the tree(s) shall be located in the required front yard.

(6) In the event there are no feasible locations for street trees, substitute landscaping may be permitted upon approval by the director.

(7) Credit shall be given, at a ratio of one to one, for existing trees that are to be preserved.

(8) Any tree six inches or greater in trunk diameter located within the core area identified on Exhibit 21-9.5, set out at the end of this article, shall not be removed or destroyed except as follows:

(A) The tree is not visible from any street, park or other public viewing area.

(B) Appropriate development of the site cannot be achieved without removal of the tree.

(C) The tree is a hazard to the public safety or welfare.

(D) The tree is dead, diseased or otherwise irretrievably damaged.

(E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.

(9) Any tree removed which is visible from any street, park or other public viewing area identified in Section 21-9.40-3(b) shall be replaced by an approved tree of a minimum two-inch caliper or by alternative- approved landscaping material, unless the replacement results in overcrowded vegetation.

(10) Where possible, trees proposed for removal shall be relocated to another area of the project site.

(11) Vertical form trees shall be planted and maintained along the front yard perimeter of parking structures to reduce the visual impact of blank walls and parked vehicles. A minimum two-inch caliper tree, or in the case of palm trees, a minimum trunk height of 15 feet, shall be planted for every 20 feet of linear building length.

Acceptable tree species include coconut palms, paperbark and eucalyptus. If there is sufficient space, canopy form trees may be substituted. Alternatively, planter boxes with vines may be provided on the facades of every parking level.

(b) Heights.

(1) Height precincts for the district are identified on Exhibit 21-9.5, set out at the end of this article.

(2) The director may grant exceptions to special district height limits, not to exceed the height regulations for the underlying zoning district, if the applicant can demonstrate the following:

(A) That the proposed construction would not substantially diminish any views from any of the prominent public vantage points described for the special district; or

(B) That the extra height is necessary to achieve some public objective of importance. Such demonstrations shall include:

(i) Information which provides a basis for the objective in terms of a public need or problem;

(ii) Other reasonable alternatives to achieve the objective; and

(iii) An appropriate analysis of the alternatives which indicates that the proposed construction is the most beneficial to the public's interest.

(3) The director may exempt the following architectural features from the height regulations of the special district, provided they are erected only to such height as is necessary to accomplish the purpose for which they serve, but in no case exceeding 12 feet above the maximum height limit. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Diamond Head special district.

(A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.

(B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.

(C) Decorative or recreational features, including rooftop gardens, planter boxes, flagpoles, parapet walls or ornamental cornices.

(4) Except for flagpoles and smokestacks, all items listed in Section 21-4.60(c) shall also be exempt from the height provisions of this section.

(c) Architectural Appearance and Character.

(1) The exterior facades of all structures and structural forms shall be designed to have architectural scale, exterior finish, material, colors, components and features that relate in a compatible manner to nearby existing structures, particularly small-scale development.

(2) Materials, finishes and colors, including roofs, shall be nonreflective and subdued in nature.

(Added by Ord. 99-12)

Sec. 21-9.40-5 One-family and two-family detached dwellings.

Duplexes and one-family and two-family detached dwellings shall be exempt from the requirements of the Diamond Head special district, except that those dwellings which are located within the “core area” identified on Exhibit 21-9.5, set out at the end of this article, shall comply with Sections 21-9.40-4(a) and (c).

(Added by Ord. 99-12)

Sec. 21-9.40-6 Project classification.

Refer to Table 21-9.2 to determine whether specific projects will be classified as major, minor, or exempt. (Added by Ord. 99-12)

Table 21-9.2

Diamond Head Special District
Project Classification

Activity/Use
Required Permit
Special Conditions

Signs

E

Tree removal over six inches in diameter

m/E

Minor only within “core” area

Detached dwellings and duplex units and accessory structures

E

Grading and stockpiling

E

Major exterior repair, alteration or addition to all structures

m

Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure

E

Exterior repainting that significantly alters the character or appearance of the structure

m/E

Minor only within “core” area and if visible from street or public vantage points

Interior repairs, alterations and renovations to all structures

E

Demolition of all structures

E

Fences and walls

E

Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way

E

Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks

m

Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work

E

New buildings not covered above

M/m

Major in “core” area only, except for accessory structures; minor outside “core” area and for accessory structures in “core” area

*Notes: “Infrastructure” includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend—Project classification:

M = Major

m = Minor

E = Exempt

(Added by Ord. 99-12)

Sec. 21-9.50 Punchbowl special district.

(a) The significance of the National Memorial Cemetery of the Pacific as a national monument and as one of Hawaii’s important landmarks has long been recognized. Over the years, however, land development and land use changes in the area have posed a serious threat to the views of its slopes and diminished the serenity of the natural appearance and sanctity of the national cemetery and its environs.

(b) The natural appearance of Punchbowl and the prominent public views of Punchbowl have special values of local, state, national and international significance and are in danger of being lost or further diminished through adjacent and surrounding land development. Therefore, it is necessary to preserve and protect the public views of Punchbowl, and the appearance of its slopes and surrounding areas.

(Added by Ord. 99-12)

Sec. 21-9.50-1 Objectives.

The specific objectives of the Punchbowl district are to:

- (a) Preserve and enhance Punchbowl's form and character as a significant landmark.
- (b) Preserve and enhance the park-like character of the immediate slopes of Punchbowl and its major streets.
- (c) Preserve and enhance significant public views to and from Punchbowl, especially those from the Punchbowl lookouts and long-range views of Punchbowl, by modifying construction projects that would diminish those views.
- (d) Provide landscaping and open space which will enhance views and the general character of the Punchbowl area.
- (e) Preserve, enhance and restore to the extent possible, the serene and scenic qualities within the national cemetery.

(Added by Ord. 99-12)

Sec. 21-9.50-2 Boundaries.

The Punchbowl special district boundaries are designated on Exhibit 21-9.6, set out at the end of this article.

(Added by Ord. 99-12)

Sec. 21-9.50-3 Prominent vistas and viewing areas.

Prominent vistas and viewing areas are identified on Exhibit 21-9.7, set out at the end of this article. (Added by Ord. 99-12)

Sec. 21-9.50-4 Design controls.

Implementation of the district objectives shall consist primarily of height and lot coverage limits, architectural design review and landscaping controls. Specific regulations are enumerated below.

(a) Height Regulations.

(1) The district's height limit precincts are delineated on Exhibit 21-9.6, set out at the end of this article.

(2) The maximum heights of structures at the required front yard shall not exceed 15 feet. An additional height setback equal to one foot for each two feet in height shall be provided to extend a maximum of 30 feet from the street property line, at which point the permitted maximum height shall prevail.

(3) The director may grant exceptions to zero height limits, not to exceed the height regulations for the underlying zoning district, if the applicant can demonstrate the following:

(A) That the proposed construction would not substantially diminish any views of Punchbowl from any of the prominent vistas and viewing areas identified on Exhibit 21-9.7, set out at the end of this article; or

(B) That the extra height is necessary to achieve some public objective of importance. Such demonstrations shall include:

(i) Information which provides a basis for the objective in terms of a public need or problem;

(ii) Other reasonable alternatives to achieve the objective; and

(iii) An appropriate analysis of the alternatives which indicate that the proposed construction is the most beneficial to the public's interest.

(4) The director may exempt the following architectural features from the height regulations of the special district, provided they are erected only to such height as is necessary to accomplish the purpose for which they serve, but in no case exceeding 12 feet above the maximum height limit. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Punchbowl special district.

(A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.

(B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.

(C) Decorative or recreational features, including rooftop gardens, planter boxes, flagpoles, parapet walls or ornamental cornices.

(5) Except for flagpoles and smokestacks, all items listed in Section 21-4.60(c) shall also be exempt from the height provisions of this subsection.

(b) Maximum Building Area. In addition to the requirements for maximum building area in underlying residential, apartment and apartment mixed use zoning districts, the percentage of maximum building area for zoning lots in business, business mixed use and industrial districts shall be 50 percent.

(c) Architectural Appearance and Character.

- (1) Articulated facades are encouraged to break up building mass. The use of recessed windows, lanais, projecting eyebrows, offsets in the wall planes and exterior colors may be used to achieve this articulation.
- (2) Materials, finishes and colors, including roofs, shall be nonreflective and subdued in appearance.
- (d) Required Yards.
 - (1) The minimum required front yard shall be as designated by the underlying zoning district, except that those streets identified as major streets on Exhibit 21-9.7, set out at the end of this article, shall have a minimum 20-foot front yard.
 - (e) Landscaping.
 - (1) All required yards shall be landscaped.
 - (2) Street trees shall be provided at a minimum two-inch caliper. Species and spacing shall be chosen from an approved tree list on file with the department and the department of parks and recreation.
 - (3) If location of street trees in the sidewalk area is infeasible, the tree(s) shall be located in the required front yard.
 - (4) In the event there are no feasible locations for street trees, substitute landscaping may be permitted upon approval by the director.
 - (5) Credit shall be given, at a ratio of one to one, for existing trees that are to be preserved.
 - (6) Flat rooftop areas visible from the Punchbowl lookout shall incorporate landscaping and/or architectural features, such as screening, to substantially offset any adverse visual impact on views from the lookout areas.
 - (7) All fences and walls exceeding 36 inches in height shall be set back a minimum of 18 inches along all streets identified as major streets on Exhibit 21-9.7, set out at the end of this article, and landscaped with vine or hedge planting or other approved vegetation on the street side. The setback and landscaping requirement may be waived by the director if the wall is moss rock or similar material.
 - (8) Any tree six inches or greater in trunk diameter, located within the “core area,” or along major streets, as identified on Exhibits 21-9.8 and 21-9.7, respectively, set out at the end of this article, shall not be removed or destroyed except as follows:
 - (A) The tree is not visible from any street, park or other public viewing area;
 - (B) Appropriate development of the site cannot be achieved without removal of the tree;
 - (C) The tree is a hazard to the public safety or welfare;
 - (D) The tree is dead, diseased or otherwise irretrievably damaged;
 - (E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.
 - (9) Any tree removed which is visible from any street, park or other public viewing area shall be replaced by an approved tree of a minimum two-inch caliper or by alternative-approved landscaping material, unless the replacement results in overcrowded vegetation.
 - (10) Where possible, trees proposed for removal shall be relocated to another area of the project site.
 - (11) Vertical form trees shall be planted and maintained along the front yard perimeter of parking structures to reduce the visual impact of blank walls and parked vehicles. A minimum two-inch caliper tree, or in the case of palm trees, a minimum trunk height of 15 feet shall be planted for every 20 feet of linear building length. Acceptable tree species include coconut palms, paperbark and eucalyptus. If there is sufficient space, canopy form trees may be substituted. Alternatively, planter boxes with vines may be provided on the facade of every parking level.

(Added by Ord. 99-12)

Sec. 21-9.50-5 One-family and two-family detached dwellings.

Duplexes and one-family and two-family detached dwellings shall be exempt from the requirements of the Punchbowl special district, except that those dwellings which are located in the “core area” identified on Exhibit 21-9.8, set out at the end of this article, shall comply with Section 21-9.50-4(c) and (e).

(Added by Ord. 99-12)

Sec. 21-9.50-6 Project classification.

Refer to Table 21-9.3 to determine whether specific projects will be classified as major, minor, or exempt. (Added by Ord. 99-12)

Table 21-9.3
Punchbowl Special District
Project Classification

Activity/Use
Required
Permit
Special Conditions

Signs
E

Tree removal over six inches in diameter
m/E
Minor in “core” area or along major streets

Detached dwellings and duplex units and accessory structures
E

Grading and stockpiling
m/E
Minor in “core” area if results in greater than 15-foot change in elevation

Major exterior repair, alteration or addition to all structures
m

Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure
E

Exterior repainting that significantly alters the character or appearance of the structure
m/E
Minor only within “core” area and if visible from viewing areas

Demolition of all structures
E

Interior repairs, alterations and renovations to all structures
E

Fences and walls
E

Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way
E

Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks
m

Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work
E

New buildings not covered above
M/m

Major in “core” area only, except for accessory structures; minor outside “core” area and for accessory structures in “core” area

*Notes: “Infrastructure” includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend—Project classification:

M = Major

m = Minor

E = Exempt

(Added by Ord. 99-12)

Sec. 21-9.60 Chinatown special district.

(a) Chinatown is the oldest section of downtown Honolulu. In addition to its historic role in the growth of the city, and its architectural significance as reflected in its placement on the National Register of Historic Places, it reflects a dynamic ethnic population and business community.

(b) However, like other central city areas, it has faced numerous physical, social and economic problems in the past, resulting in the deterioration of commercial and residential structures, a decline in business activity and an erosion in housing stock. While government programs, including urban renewal and tax incentives for renovation of older buildings, have been introduced to address these problems, there is a concern that architectural and historic elements of the district may still be lost. Further, Chinatown’s location adjacent to the central business district continues to produce pressures to redevelop the area to a higher density.

(c) Therefore, it is necessary to preserve the historic significance and architectural characteristics of Chinatown, and to ensure the compatibility of new development within this context. The perpetuation of architectural character dominant during the 1880s to the 1940s is particularly important.

(Added by Ord. 99-12)

Sec. 21-9.60-1 Overall objectives.

The overall objectives of the Chinatown district are as follows:

(a) Help promote the long-term economic viability of the Chinatown district as a unique community of retail, office and residential uses.

(b) Retain the low-rise urban form and character of the historic interior core of Chinatown while allowing for moderate redevelopment at the mauka and makai edges of the district.

(c) Retain and enhance pedestrian-oriented commercial uses and building design, particularly on the ground level.

(d) Preserve and restore, to the extent possible, buildings and sites of historic, cultural and/or architectural significance, and encourage new development which is compatible with and complements these buildings and sites, primarily through building materials and finishes, architectural detailing and provisions for pedestrian amenities, such as storefront windows and historic signage details.

(e) Improve traffic circulation with emphasis on pedestrian linkages within and connecting outside Chinatown.

- (f) Retain makai view corridors as a visual means of maintaining the historic link between Chinatown and the harbor.
- (g) Encourage a variety of signage and graphics that reflect and complement the district's ethnic vitality and diversity, and which are compatible with and complement buildings and sites within the district.
- (h) Encourage outdoor lighting for the purpose of contributing to a lively, friendly, and safe urban environment.
(Added by Ord. 99-12)

Sec. 21-9.60-2 District boundaries.

The Chinatown special district and its three precinct boundaries are designated on Exhibit 21-9.9, set out at the end of this article. (Added by Ord. 99-12)

Sec. 21-9.60-3 Prominent view corridors.

- (a) Maunakea Street and Nuuanu Avenue are makai view corridors, and provide a visual connection between Honolulu Harbor and the heart of Chinatown, reflecting the historic ties between the two areas.
- (b) In addition, the street level view along River Street, in an ewa direction, including Aala Park, is an important public viewing area.
(Added by Ord. 99-12)

Sec. 21-9.60-4 Historic and architecturally significant structures.

- (a) The Chinatown and Merchant Street historical districts, as included on the National Register of Historic Places, are identified on Exhibit 21-9.10, set out at the end of this article.
- (b) Structures within the Chinatown special district that are of historic and architectural significance are identified on Exhibit 21-9.10-A, set out at the end of this article.
(Added by Ord. 99-12)

Sec. 21-9.60-5 Design controls.

- (a) Implementation of the district objectives shall consist primarily of open space, landscaping and yard regulations, use regulations, architectural review and sign controls. Specific regulations are enumerated below.
- (b) Unless specified herein, all development shall comply with the underlying district permitted uses and development standards, including density.
(Added by Ord. 99-12)

Sec. 21-9.60-6 Mauka precinct objectives.

- (a) Provide multifamily dwellings for a range of household incomes, while supporting and contributing to Chinatown's retail-commercial function, particularly at street level.
- (b) Create a transition between the high-rise Kukui Urban Renewal district and the low-rise historic core of Chinatown.
- (c) Promote pedestrian movement and linkages within the district by providing pedestrian malls and adequate sidewalks.
- (d) Provide commercial, cultural, recreational and public facilities for residents by encouraging them on the ground floor street exposure of buildings.
(Added by Ord. 99-12)

Sec. 21-9.60-7 Mauka precinct development standards.

- (a) Maximum Heights.
 - (1) Within the mauka precincts, height limits are identified on Exhibit 21-9.9, set out at the end of this article.
 - (2) To minimize the visual intrusion of towers on Chinatown streetscapes, the following height setback shall apply to any portion of a building over 40 feet in height: Each foot of additional height shall be set back one foot from every front property line for the first 40 feet measured horizontally across the lot (refer to sketch on Exhibit 21-9.9, set out at the end of this article).
- (b) Open Space and Landscaping.
 - (1) Where there are low-level rooftops, roof gardens should be provided, particularly for residents. Otherwise, open space is encouraged in the form of landscaped interior courts.

(2) With the exception of Beretania and River Streets, street trees shall not be required. Any trees planted within a front yard or sidewalk area shall take into consideration the objectives of the district, including the provisions of sidewalk canopies, a strong continuous street frontage and traffic safety.

(3) Along Beretania and River Streets, street trees shall be provided at a minimum two-inch caliper. Species and spacing shall be chosen from an approved tree list on file with the department and the department of parks and recreation. If location of street trees in the sidewalk area is infeasible, the tree(s) may be located within the front yard, if present. In the event there are no feasible locations for street trees, the director may approve substitute landscaping or waive this requirement.

(A) Along Beretania Street, street trees shall strengthen the streetscape image of this major travel corridor, and help maintain a human-scaled orientation at the ground level.

(B) Along River Street, street trees shall help to emphasize this “edge” of Chinatown, and shall serve as a transition to Aala Park.

(4) The block bounded by Smith, Beretania, Pauahi and Maunakea Streets shall have an informal, landscaped character with large canopy form trees.

(c) Required Yards. There shall be a minimum front yard of 15 feet along Beretania Street. There shall be no required front yards along other streets.

(d) Permitted Uses.

(1) In addition to required entryways, ground level spaces should be for uses which contribute to a vital streetscape. Appropriate uses include retail-commercial and light manufacturing.

(2) Parking may be located on any level within a block’s interior.

(e) Design Guidelines.

(1) Except for those facades fronting Beretania Street, street facades shall meet the requirements of Section 21-9.60-12, street facade guidelines.

(2) Buildings above 40 feet shall avoid a long axis aligned in an e-wa-diamond head direction. Their design shall relate to the lower level street facades, including architectural scale, embellishments, color and detailing.

(Added by Ord. 99-12)

Sec. 21-9.60-8 Historic core precinct objectives.

Historic core precinct objectives are as follows:

(a) Encourage the retention and renovation of buildings of historic, architectural or cultural value.

(b) Ensure the design compatibility of new structures with historic structures through low building heights, continuous street frontages and characteristic street facade elements.

(c) Encourage the continuation and concentration of the long-established ethnic retail and light manufacturing activities by providing space for these uses particularly on the ground level.

(d) Encourage one- and two-family dwelling use to provide a variety of compatible uses which would contribute to the precinct’s social and economic vitality.

(Added by Ord. 99-12; Am. Ord. 04-30)

Sec. 21-9.60-9 Historic core precinct development standards.

(a) Maximum Heights.

Within the historic core precinct, new structures shall not exceed 40 feet.

(b) Open Space and Landscaping.

(1) Open space is encouraged in the form of small-scaled interior landscaped courtyards and interior pedestrian walkways.

(2) Street trees shall not be required. Any trees planted within a front yard or sidewalk area shall take into consideration the objectives of the precinct, especially the desire for continuous building frontages and sidewalk canopies, as well as traffic and pedestrian safety.

(3) Along Hotel Street, street trees may complement its strong retail character and public transit corridor function. They shall be a minimum of two-inch caliper. Species and spacing shall be chosen from an approved tree list on file with the department and the department of parks and recreation.

(c) Required Yards.

(1) There shall be no required yards.

(2) All buildings on the same block face shall form a continuous street facade, except for necessary driveways, pedestrian entryways and small open space pockets.

(d) Permitted Uses. Ground floor spaces should be used exclusively for retail commercial uses, or light food manufacturing of an ethnic nature such as noodle-making, compatible with the objectives for Chinatown.

Notwithstanding the underlying zoning, one- and two-family dwellings are permitted, if located above the ground floor.

(e) Parking Exemption. Dwelling units within the 40-foot height limit shall be exempt from off-street parking requirements.

(f) Design Guidelines. All street facades shall meet the requirements of Section 21-9.60-12, street facade guidelines.

(Added by Ord. 99-12; Am. Ord. 04-30)

Sec. 21-9.60-10 Makai precinct objectives.

Makai precinct objectives are as follows:

(a) Provide for expansion of housing and office development from the central business district, compatible with the overall revitalization of Chinatown, including an active retail-oriented ground level and distinctive facade treatments.

(b) Create a transition between the high-rise central business district and the historic core of Chinatown.

(c) Provide a visible connection between Nimitz Highway and the interior of Chinatown.

(d) Develop a continuous street landscaping theme along Nimitz Highway to emphasize its role as a major accessway into the central business district and Waikiki.

(Added by Ord. 99-12)

Sec. 21-9.60-11 Makai precinct development standards.

(a) Maximum Heights.

(1) Within the makai precinct, height limits are identified on Exhibit 21-9.9, set out at the end of this article.

(2) To minimize the visual intrusion of towers on Chinatown streetscapes, the following height setback shall apply to any portion of a building over 40 feet in height: Each foot of additional height shall be set back one foot from every front property line for the first 40 feet measured horizontally across the lot (refer to sketch on Exhibit 21-9.9, set out at the end of this article).

(b) Open Space and Landscaping.

(1) Where there are low-level rooftops, roof gardens should be provided. Otherwise, open space shall be provided in the form of landscaped front yards along Nimitz Highway. Landscaped interior courts are also encouraged.

(2) With the exception of Nimitz Highway, street trees shall not be required.

(3) Along Nimitz Highway, three coconut palm trees (*Cocos nucifera*) shall be provided for every 50 feet of street frontage. Palm trees with a minimum trunk height of 15 feet shall be clustered together rather than evenly spaced. In addition, all parking structures fronting Nimitz Highway shall have planter boxes along the length of the facade on all floors. Bougainvillea shall be planted and maintained in these planter boxes. The director may approve substitute plants due to physical constraints.

(c) Required Yards. There shall be a minimum front yard of 10 feet along Nimitz Highway. There shall be no required front yards along other streets.

(d) Permitted Uses.

(1) In addition to required entryways, ground level spaces should be for uses which contribute to a vital streetscape. Appropriate uses include retail shops, community centers and light manufacturing. Lower levels other than the ground level should be used for residential, office or other commercial uses.

(2) Parking may be located on any level within a block's interior and fronting Nimitz Highway.

(e) Design Guidelines.

(1) Except for those facades fronting Iwilei Road and Nimitz Highway, all facades shall meet the requirements of Section 21-9.60-12, street facade guidelines.

(2) Parking structures should have vehicular entrances and exits on Nimitz Highway, when practical.

(3) Buildings above 40 feet shall avoid a long axis aligned in an ewa-diamond head direction. Their design shall relate to the design of the lower level street facades, including architectural scale, embellishments, color and detailing.

(Added by Ord. 99-12)

Sec. 21-9.60-12 Street facade guidelines.

(a) Building Materials, Colors and Textures.

(1) Building finishes should be of materials such as wood, brick, stone, masonry and plaster. Brick and stone are particularly appropriate.

(2) Where existing buildings are to be rehabilitated, any underlying natural finishes should be retained. To expose brick facades, sand blasting and other cleaning methods that will damage the historic building materials should not be undertaken.

(3) The colors of natural materials should predominate. Accent colors may be used on trim and details around window and door openings.

(b) Architectural Design.

(1) Building facades or fenestration should be “contextual” to existing structures, and incorporate representative architectural features, such as arches, lintel columns, cornices and varied parapets. Uninterrupted blank walls shall be avoided.

(2) Storefronts shall be as open as possible to reveal merchandise within and create an inviting environment. Closed fronts shall use as much glass as possible. A typical storefront should have double doors centered between splayed display windows, or flat display windows and clerestory windows above.

(3) Above the ground floor, there shall be a regulated “rhythm” to the facades, particularly expressed through window treatments and other detailing.

(4) Facades oriented along streets should have canopies at approximately the first floor ceiling level, extending over the sidewalk to 30 inches from the street curb. Where necessary for public safety, lighting under canopies shall be provided.

(c) Streetscape. Street furnishings include planters, benches, street signs, lampposts, sidewalk paving and covered shelters. They shall be designed to complement the designs of older facades. Styles and detailing inappropriate to Chinatown’s period of significance, which is from the 1880s to the 1940s, shall not be permitted.

(d) Signs and Graphics.

(1) Lettering should be reminiscent of styles used from the turn of the century to the 1940s.

(2) Symbols, shapes and objects used as signs (such as barber poles) are encouraged.

(3) Use of calligraphy and/or Asian characters and symbols on signs and storefront decorations for ethnic-related functions is also encouraged.

(4) The following sign provisions shall apply to the Chinatown special district and shall supersede the specific district sign standards enumerated in Section 21-7.40:

(A) Not more than four business signs per ground floor establishment with building frontage may be permitted, provided that the maximum sign area for each ground floor establishment does not exceed two square feet for each lineal foot of building frontage of the establishment. Signs may be of the following types: hanging, marquee fascia, or wall signs. Ground floor establishments in multistory buildings also may use one projecting sign as one of the signs and as part of the total sign area permitted for each establishment, subject to the following additional limitations: (i) the sign shall be located on the second floor, above the establishment, and (ii) the sign shall not exceed 18 square feet in area. A projecting sign permitted under this paragraph shall not be deemed to be an off-premises sign under Section 21-7.30(b).

(B) One of the following signs per building frontage of the building may be erected:

(i) One wall sign for building identification purposes (not to exceed 24 square feet in area) or for directory purposes (not to exceed 12 square feet in area);

(ii) One ground sign, not to exceed 12 square feet in area, for building identification or directory purposes; or

(iii) One garden sign, not to exceed six square feet in area, for building identification or directory purposes.

The sign shall be counted as one of the signs permitted in paragraph (A) for each ground floor establishment, and the sign area shall count as part of the total sign area permitted for all ground floor establishments on the building side on which the sign is located; provided that this sentence shall not apply to building identification signs which are in existence on October 1, 1998 and which are certified by the state historic preservation officer as authentic to the period of the Chinatown special district. A wall sign shall not extend above the exterior wall of the building or exceed a height of 40 feet, whichever is the lower height. Ground signs shall be limited to a maximum height of 10 feet. Notwithstanding the foregoing, no ground or garden signs shall be permitted within the historic core precinct.

(C) For each second floor establishment with building frontage, one wall identification sign may be permitted. The maximum sign area for such an establishment shall be six square feet.

(D) Projecting signs shall not extend above the roof level or top of the parapet, whichever is higher; provided that on buildings with more than two stories, the projecting signs shall not extend above the second story.

(5) Direct and indirect illumination will be encouraged and allowed for all sign types, provided that (i) garden signs shall not be directly illuminated; (ii) for each ground floor establishment, not more than two permitted signs

shall be illuminated; and (iii) directly illuminated signs shall be neon or bulbs that are affixed to the exterior of signs, and shall be appropriate to the period and ambiance of Chinatown. Box fluorescents are prohibited.

(6) No sign shall extend over window openings and trims, or architectural features and embellishments (e.g., cornices, lintels, arches, rosettes, etc.).

(7) Exceptions to these sign requirements may be permitted by the director when it can be demonstrated that such exemptions are appropriate to the Chinatown special district.

(8) See Article 7, except Section 21-7.40, for additional sign requirements.

(e) Outdoor Lighting. Outdoor lighting that highlights and accents the building facade is encouraged. Light fixtures shall be shielded from street view and be integrated with the architectural design of the building. Lighting shall be subdued or shielded so as to prevent glare and light trespass onto surrounding properties and public rights-of-way.

(Added by Ord. 99-12)

Sec. 21-9.60-13 Project classification.

(a) Refer to Table 21-9.4 to determine whether specific projects will be classified as major, minor, or exempt.

(b) Projects involving the demolition of, or the major or minor exterior repair, alteration or addition to structures listed on Exhibit 21-9.10-A, set out at the end of this article, may be referred to the state historic preservation officer and other appropriate agencies for review.

(Added by Ord. 99-12)

Table 21-9.4
Chinatown Special District
Project Classification

Activity/Use
Required Permit

Special Conditions

Signs
E

Tree removal over six inches in diameter
E

Detached dwellings and duplex units and accessory structures
E

Grading and stockpiling
E

Major exterior repair, alteration or addition to all structures
M/m
Major for structures listed on Exhibit 21-9.10-A

Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure
m/E

Minor for structures listed on Exhibit 21-9.10-A

Exterior repainting that significantly alters the character or appearance of the structure

m/E

Minor if visible from street

Interior repairs, alterations and renovations to all structures

E

Demolition of structures

M/m/E

Major for structures listed on Exhibit 21-9.10-A. Exempt for accessory structures such as sheds

Fences and walls

E

Streetscape improvements, including street landscaping, street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way

m

Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks

m

Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work

E

New buildings not covered above

M/m

Minor for accessory structures

*Notes: "Infrastructure" includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend—Project classification:

M = Major

m = Minor

E = Exempt

(Added by Ord. 99-12)

Sec. 21-9.70 Thomas Square/Honolulu Academy of Arts special district.

(a) Thomas Square and the Honolulu Academy of Arts are designated for preservation on the state and National Register of Historic Places. Thomas Square is an urban park with a formal symmetrical design. It has historic significance as the site where the sovereignty of the Hawaiian kingdom was restored to King Kamehameha III by

Great Britain. It is a focal point for the Honolulu Academy of Arts, the Neal S. Blaisdell Center and Linekona School and has been increasingly used for recreation and special activities. The Academy of Arts has architectural significance as an example of nationally renowned architect Bertram Goodhue's work, and cultural significance as a major art gallery and museum.

(b) Without special controls, high-rise buildings in the immediate vicinity will have a negative impact on the serenity of these two landmarks. In view of this threat, and established public policies to protect important resources, it is necessary to preserve and protect Thomas Square and the Honolulu Academy of Arts.

(Added by Ord. 99-12)

Sec. 21-9.70-1 Objectives.

The objectives of the Thomas Square/Honolulu Academy of Arts special district are as follows:

(a) Preserve and enhance Thomas Square's formal park design by modifying construction projects which would diminish its serene and scenic quality.

(b) Protect the serene scenic quality of the interior courts of the Honolulu Academy of Arts by prohibiting the visual intrusion of neighboring high-rise buildings.

(c) Create a landscaping theme which takes into consideration the park qualities of Thomas Square and the Honolulu Academy of Arts, and the transition from these two low-rise sites to taller developments nearby and their location as a gateway to the Hawaii capital district.

(d) Notwithstanding the underlying zoning, the Honolulu Academy of Arts shall be treated as a principal permitted use within the Thomas Square/Honolulu Academy of Arts special district.

(Added by Ord. 99-12)

Sec. 21-9.70-2 District boundaries.

The boundaries of the district are shown on Exhibit 21-9.11, set out at the end of this article. (Added by Ord. 99-12)

Sec. 21-9.70-3 Significant public views.

The following are significant public views within the Thomas Square/Honolulu Academy of Arts special district.

(a) Views of Thomas Square from Ward Avenue, Victoria Street, Beretania Street, Hotel Street, Young Street, King Street, the Neal S. Blaisdell Center and the Honolulu Academy of Arts.

(b) Views of the Honolulu Academy of Arts and the Neal S. Blaisdell Center from Thomas Square.

(c) Views from the academy courtyards skywards.

(Added by Ord. 99-12)

Sec. 21-9.70-4 Design controls.

Implementation of the district objectives shall consist primarily of open space requirements, building height limitations, yard requirements, tree plantings along streets and sign controls. Specific regulations are enumerated below.

The district shall consist of four precincts as indicated on Exhibit 21-9.11, set out at the end of this article. Special restrictions for the precincts are as follows:

(a) Open Space. The percentage of open space shall be as required by the underlying zoning district, except for the following precincts:

(1) One hundred percent for precinct one, Thomas Square. The intent is to maintain the existing character and landscape elements in the square and to prohibit all permanent structures except for public rest rooms and the enhancement and function of the landscaped square as a passive park.

(2) Fifty percent for precinct two, Honolulu Academy of Arts. The intent is to maintain a maximum amount of open space along Beretania Street to complement and extend the landscaped qualities of Thomas Square.

(3) Sixty percent for Neal S. Blaisdell Center within precinct three. The intent is to maintain a park-like setting for the structures of the center by maximizing landscaping on the site and extending the visual open space qualities of Thomas Square along Ward Avenue to and including Kapiolani Boulevard.

(b) Building Heights and Setbacks.

(1) Permitted maximum heights of buildings and structures, and height setbacks shall be as indicated in Exhibits 21-9.11 and 21-9.12, set out at the end of this article.

(2) The director may exempt the following architectural features from the height regulations, provided they are erected only to such height as is necessary to accomplish the purpose for which they serve, but in no case exceeding 12 feet above the maximum height limit. These building elements may be exempted only if the director

finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Thomas Square/Honolulu Academy of Arts special district.

(A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.

(B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.

(C) Decorative or recreational features, including rooftop gardens, planter boxes, flagpoles, parapet walls or ornamental cornices.

(3) Except for flagpoles and smokestacks, all items listed in Section 21-4.60(c) shall also be exempt from the height provisions of this subsection.

(c) Landscaping.

(1) All required yards shall be landscaped and maintained with a minimum of 75 percent of the area devoted exclusively to plant material rooted directly in the ground or permanently fixed plant containers.

(2) Street trees shall be provided in conformance with subdivision (4) of this subsection and shall be a minimum two-inch caliper, except palms which shall have a minimum trunk height of 15 feet. Exceptions to the provisions of this subsection to accommodate special conditions shall be reviewed and may be approved by the director.

(3) Vertical form trees shall be planted and maintained along the front yard perimeter of parking structures to reduce the visual impact of blank walls and parked vehicles. One tree shall be planted for every 20 feet of linear building length. Acceptable tree species include coconut palms, paperbark and eucalyptus. If there is sufficient space, canopy form trees may be substituted. Alternatively, planter boxes with vines may be provided on the facade of every parking level.

(4) The character and standards for major landscaping in the sidewalk area and required yards are delineated below. All tree planting shall be in conformance with the requirements and standards shown on Exhibit 21-9.4, set out at the end of this article, except that alternative species, especially native Hawaiian or species long present and common to the Hawaiian islands, including flowering varieties, shall be encouraged and may be substituted in all instances upon approval by the director.

(A) Thomas Square and the Honolulu Academy of Arts.

(i) Unless otherwise provided, all landscaping and tree planting located in, or adjacent to required yards shall be subject to review and approval.

(ii) All new landscaping and tree planting shall preserve, enhance and complement the existing trees and landscaping.

(B) Kinau Street and Victoria Street (from Kinau Street to H-1 Freeway).

(i) Character. Continuous planting of medium- sized canopy street trees between the sidewalk and buildings to provide a transition of scale to taller structures.

(ii) Street tree species: Alibangbang (*Bahina binata*).

(iii) Maximum spacing: 25 feet on center.

(iv) Location: In the sidewalk area.

(C) Beretania Street (except from Ward Avenue to Victoria Street).

(i) Character. A major approach street to the Hawaii capital district with a continuous canopy of large trees. Hedges, walls, fences and high plant material or shrubs near the sidewalk would not be appropriate.

(ii) Street tree species: Monkeypod (*Samanea saman*) or True Kou (*Cordia Subcordata*).

(iii) Maximum spacing: 60 feet on center.

(iv) Location: Within the required front yard.

(v) Other landscaping and landscape elements: Shall not exceed two feet in height within the first 10 feet of the front yard, including fences and walls.

(D) Hotel Street and Young Street.

(i) Character. A formal continuation of the entry walks focusing on the fountain and banyan trees of Thomas Square with preservation of views to and from Thomas Square.

(ii) Street tree species: Alibangbang (*Bahina binata*).

(iii) Maximum spacing: 25 feet on center.

(iv) Location: In the sidewalk area.

(E) South King Street (except from Ward Avenue to Victoria Street).

(i) Character. A major street of flowering trees. Other trees and landscaping should give evidence of variety to contrast and complement the continuity of the street trees.

(ii) Street tree species: Rainbow Shower (*Cassia hybrida*) or Monkeypod (*Samanea saman*).

(iii) Maximum spacing: 30 to 50 feet on center for Rainbow Shower and 50 feet on center for Monkeypod.

(iv) Location: First five feet of required front yard.

(F) Ward Avenue (from South King Street to H-1 Freeway except for the diamond head side at Thomas Square and the Honolulu Academy of Arts) and Victoria Street (from South King Street to Kinau Street except for the ewa side at Thomas Square and the Honolulu Academy of Arts).

(i) Character. Large canopy trees to complement the Honolulu Academy of Arts and Thomas Square and provide continuity of streetscape from Kapiolani Boulevard to the H-1 Freeway.

(ii) Street tree species: Royal Poinciana (*Delonix regia*): in combination with Monkeypod (*Samanea saman*) opposite Thomas Square only.

(iii) Maximum spacing: 60 feet on center.

(iv) Location: Within the first five feet of the front yard.

(v) Other landscaping and landscape elements: Fronting Thomas Square and the Honolulu Academy of Arts shall not exceed two feet in height within the first 10 feet of the front yard.

(G) Ward Avenue (from Kapiolani Boulevard to South King Street) and South King Street (makai side from Ward Avenue to Victoria Street).

(i) Character. Extension of the open “palm grove” at the Neal S. Blaisdell Center with interspersed lower canopy planting to vary scale and provide color along the street, and to provide continuity of streetscape from Kapiolani Boulevard to the H-1 Freeway.

(ii) Street tree species: Royal Poinciana (*Delonix regia*), and coconut palm (*Cocos nucifera*).

(iii) Quantity. Three palm trees and one Royal Poinciana tree shall be provided per 100 feet of street frontage.

(iv) Location: Palm trees within the front yard and informally grouped; Royal Poinciana trees within five feet of the front yard and interspersed with the palms. Royal Poinciana trees shall be used only on the ewa side of Ward Avenue and along the front of the Neal S. Blaisdell Center Exhibition Hall.

(v) Other landscaping and landscape elements: Shall not exceed two feet in height except at the last five feet of the front yard.

(H) Except as provided, all fences or walls exceeding 36 inches in height shall be set back a minimum of 18 inches along all street frontages and landscaped with vine, hedge or other approved planting on the street side(s).

(5) Any tree six inches or greater in trunk diameter shall not be removed or destroyed except as follows:

(A) The tree is not visible from any street, park or other public viewing area.

(B) Appropriate development of the site cannot be achieved without removal of the tree.

(C) The tree is a hazard to the public safety or welfare.

(D) The tree is dead, diseased or otherwise irretrievably damaged.

(E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.

(6) Any tree removed which is visible from any street, park or other public viewing area shall be replaced by an approved tree of minimum two-inch caliper or by alternative-approved landscaping material, unless the replacement results in overcrowded vegetation.

(7) Where possible, trees proposed for removal shall be relocated to another area of the project site.

(d) Signs. Signs which directly front Thomas Square and/or the Honolulu Academy of Arts shall not be directly illuminated, have moving parts, luminous paints or reflective materials. Any illumination shall be from a detached source shielded from direct view. Box fluorescent signs shall not be allowed.

(e) Exterior Lighting. Lighting fronting Thomas Square and/or the Honolulu Academy of Arts shall recognize the serene quality of these resources, and shall be subdued so as not to produce glare to surrounding property and public viewing areas. Fluorescent or high intensity lamps shall not be permitted.

(Added by Ord. 99-12)

Sec. 21-9.70-5 Project classification.

Refer to Table 21-9.5 to determine whether specific projects will be classified as major, minor, or exempt. (Added by Ord. 99-12)

Table 21-9.5

Thomas Square/Honolulu Academy of Arts Special District
Project Classification

Activity/Use

Required Permit

Special Conditions

Signs

E

Directly illuminated signs prohibited fronting Thomas Square

Tree removal over six inches in diameter

m/E

Minor in front yard and sidewalk area only

Detached dwellings and duplex units and accessory structures

E

Grading and stockpiling

E

Major exterior modification, alteration, repair or addition to Thomas Square or Honolulu Academy of Arts

M

Major exterior repair, alteration or addition to all structures except Thomas Square or Honolulu Academy of Arts

m

Minor exterior repair, alteration or addition to all structures, which does not adversely change the character or appearance of the structure

m/E

Minor only when involving Thomas Square or Honolulu Academy of Arts

Interior repairs, alterations and renovations to all structures

E

Demolition of historic structures

M

Demolition of nonhistoric structures

E

Fences and walls

E

Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way

m

Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks

m

Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work
E

New buildings not covered above
m

*Notes: “Infrastructure” includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend—Project classification:

M = Major

m = Minor

E = Exempt

(Added by Ord. 99-12)

Sec. 21-9.80 Waikiki special district—Findings.

- (a) To the world, Waikiki is a recognized symbol of Hawaii; and the allure of Waikiki continues, serving as the anchor for the state’s tourist industry. In addition to its function as a major world tourist destination, Waikiki serves as a vital employment center and as a home for thousands of full-time residents.
 - (b) The creation of the Waikiki special district was largely a response to the rapid development of the 1960s and 1970s, and the changes produced by that development. Now, Waikiki can be described as a mature resort plant and residential locale. Waikiki needs to maintain its place as one of the world’s premier resorts in an international market; yet, the sense of place that makes Waikiki unique needs to be retained and enhanced.
 - (c) Because of the city’s commitment to the economic, social and physical well-being of Waikiki, it is necessary to guide carefully Waikiki’s future and protect its unique Hawaiian identity.
- (Added by Ord. 99-12)

Sec. 21-9.80-1 Waikiki special district—Objectives.

The objectives of the Waikiki special district are to:

- (a) Promote a Hawaiian sense of place at every opportunity.
- (b) Guide development and redevelopment in Waikiki with due consideration to optimum community benefits. These shall include the preservation, restoration, maintenance, enhancement and creation of natural, recreational, educational, historic, cultural, community and scenic resources.
- (c) Support the retention of a residential sector in order to provide stability to the neighborhoods of Waikiki.
- (d) Provide for a variety of compatible land uses which promote the unique character of Waikiki, emphasizing mixed uses.
- (e) Support efficient use of multimodal transportation in Waikiki, reflecting the needs of Waikiki workers, businesses, residents, and tourists. Encourage the use of public transit rather than the private automobile, and assist in the efficient flow of traffic.
- (f) Provide for the ability to renovate and redevelop existing structures which otherwise might experience deterioration. Waikiki is a mature, concentrated urban area with a large number of nonconforming uses and structures. The zoning requirements of this special district should not, therefore, function as barriers to desirable restoration and redevelopment lest the physical decline of structures in Waikiki jeopardize the desire to have a healthy, vibrant, attractive and well-designed visitor destination.
- (g) Enable the city to address concerns that development maintain Waikiki’s capacity to support adequately, accommodate comfortably, and enhance the variety of worker, resident and visitor needs.

- (h) Provide opportunities for creative development capable of substantially contributing to rejuvenation and revitalization in the special district, and able to facilitate the desired character of Waikiki for areas susceptible to change.
- (i) Encourage architectural features in building design which complement Hawaii's tropical climate and ambience, while respecting Waikiki's urbanized setting. The provision of building elements such as open lobbies, lanais, and sunshade devices is encouraged.
- (j) Maintain, and improve where possible: mauka views from public viewing areas in Waikiki, especially from public streets; and a visual relationship with the ocean, as experienced from Kalakaua Avenue, Kalia Road and Ala Moana Boulevard. In addition, improve pedestrian access, both perpendicular and lateral, to the beach and the Ala Wai Canal.
- (k) Maintain a substantial view of Diamond Head from the Punchbowl lookouts by controlling building heights in Waikiki that would impinge on this view corridor.
- (l) Emphasize a pedestrian-orientation in Waikiki. Acknowledge, enhance and promote the pedestrian experience to benefit both commercial establishments and the community as a whole. Walkway systems shall be complemented by adjacent landscaping, open spaces, entryways, inviting uses at the ground level, street furniture, and human-scaled architectural details. Where appropriate, open spaces should be actively utilized to promote the pedestrian experience.
- (m) Provide people-oriented, interactive, landscaped open spaces to offset the high-density urban ambience. Open spaces are intended to serve a variety of objectives including visual relief, pedestrian orientation, social interaction, and fundamentally to promote a sense of "Hawaiianness" within the district. Open spaces, pedestrian pathways and other ground level features should be generously supplemented with landscaping and

water features to enhance their value, contribute to a lush, tropical setting and promote a Hawaiian sense of place.

- (n) Support a complementary relationship between Waikiki and the convention center.

(Added by Ord. 99-12)

Sec. 21-9.80-2 District boundaries and land use control system.

- (a) The district is identified on Exhibit 21-9.13.

- (b) Within the district there are four types of zoning precincts and one type of zoning subprecinct, the boundaries of which are indicated on Exhibit 21-9.13, set out at the end of this article.

(Added by Ord. 99-12)

Sec. 21-9.80-3 Prominent view corridors and historic properties.

- (a) The following streets and locations identify significant public views of Waikiki landmarks, the ocean, and the mountains from public vantage points:

- (1) Intermittent ocean views from Kalia Road across Fort DeRussy Park and from the Ala Wai Bridge on Ala Moana Boulevard;
- (2) Continuous ocean views along Kalakaua Avenue, from Kuhio Beach to Kapahulu Avenue;
- (3) Ocean views from Ala Wai Yacht Harbor;
- (4) Ocean views from Kuhio Beach Park;
- (5) Views of Ala Wai Yacht Harbor from Ala Moana Park (Magic Island Park);
- (6) Mauka views from the portions of the following streets mauka of Kuhio Avenue:
 - (A) Nohonani Street;
 - (B) Nahua Street;
 - (C) Kanekapolei Street;
 - (D) Kaiolu Street;
 - (E) Lewers Street;
 - (F) Walina Street; and
 - (G) Seaside Avenue;
 and

- (7) View of Diamond Head from Ala Wai Boulevard between McCully Street and Kapahulu Avenue.

- (b) Development should preserve, maintain and enhance these views whenever possible. Additional yard area and spacing between buildings may be required by the director, in connection with the issuance of special district permits, and the council or the director, in connection with planned development-resort and planned development-apartment approvals pursuant to Section 21-2.110-2, to protect these significant views.
- (c) Development should preserve, maintain and enhance historic properties whenever possible. Special district permit applications involving buildings over 50 years old shall be submitted to the state department of land and natural resources for review and comments.

(Added by Ord. 99-12; Am. Ord. 17-40)

Sec. 21-9.80-4 General requirements and design controls.

The design of buildings and structures in the Waikiki special district should always reflect a Hawaiian sense of place, as outlined in the design controls of this section. These design controls shall be supplemented by a design guidebook prepared and made available to the public by the director. The design guidebook shall be used as a principal tool by the director to express those various planning and architectural design elements which demonstrate consistency with the intent, objectives, guidelines, and standards of the Waikiki special district. The director shall submit the design guidebook and any revisions thereof to the council for review and comment prior to making the guidebook and any revisions available to the public. The following requirements shall be applied in all precincts within the district. Where the following requirements are silent, the applicable provisions of this chapter shall apply.

- (a) Uses and Structures Allowed in Required Yards and Setbacks. The provisions of Section 21-4.30 shall apply except as provided by this subsection. No business activity of any kind, including advertising, promotion, solicitation, merchandising or distribution of commercial handbills, or structures or any other use or activity,

except as provided by this subsection, shall be located or carried out within any required yard, street or building setback area, except those areas occupied by enclosed nonconforming buildings. The following may be allowed in required yards and setbacks, and when used as provided by this subsection shall not be considered to change a yard's status as open space:

- (1) Newspaper sales and distribution.
- (2) Garden signs.
- (3) Porte cocheres no less than five feet back from the property line or road widening setback.
- (4) Roof eaves, awnings (including retractable awnings) and other sunshade devices not more than 42 inches vertically or horizontally beyond the building face, except as otherwise provided by this subsection. On buildings over 60 feet in height, roof eaves may extend more than 42 inches into a required yard, street setback or height setback area if the resulting roof form is integral to a cohesive, coherent design character for the structure. In no case, however, shall such extension exceed one-half the width of the required yard or height setback.
- (5) Outdoor dining areas accessory to permitted eating establishments in required front yards, subject to the following:
 - (A) A planter or hedge of not more than 30 inches in height may be provided to define the perimeter of the outdoor dining area. A decorative railing may be permitted in lieu of a planter or hedge subject to the approval of the director.
 - (B) An outdoor dining area shall be no less than five feet from any property line.
 - (C) Outdoor dining facilities shall be limited to portable chairs, tables, serving devices and umbrellas. When umbrellas are used, they shall not be counted against open space calculations.
 - (D) Up to 100 percent of the front yard may be used as an accessory outdoor dining area, subject to an acceptable design. The remainder of the front yard shall be landscaped except for necessary access drives and walkways, and where lei stands are used as permitted under subdivision (6).
 - (E) Retractable awnings directly associated with an outdoor dining area may extend from the building face into the front yard.
 - (F) Sidewalk improvements such as, but not limited to, street trees, paving and landscaping, may be required.
 - (G) Outdoor dining areas shall not be used after 11 p.m. and before 7 a.m.
 - (H) No dancing, entertainment, or live or recorded music shall be permitted in outdoor dining areas, provided that strolling musicians using nonamplified acoustic stringed instruments or traditional Hawaiian wind instruments shall be permitted to perform no later than 10 p.m. when the dining areas are in use.
 - (I) The requirements under paragraphs (A) through (F) may be modified, subject to a major or minor special district permit, as required by Table 21-9.6(C), to a reasonable extent as may be necessary and appropriate to adequately accommodate outdoor dining areas associated with structures that are nonconforming due to required yards, landscaping and/or open spaces.
- (6) Lei making and selling in required front yards on zoning lots where retail establishments are a permitted principal use, provided the following standards are met:
 - (A) The activity shall be no less than five feet from any property line.
 - (B) No more than 10 percent of the front yard may be used for lei stands. The remainder of the front yard shall be landscaped except for necessary access drives or walkways, and where outdoor dining is used as permitted under subdivision (5).
 - (C) Signs. Refer to Article 7 for permitted signs.
 - (D) The operator of a lei stand shall provide for the concealed disposal of trash associated with the use.
- (7) Vending carts in required front yards on zoning lots where retail establishments are a permitted principal use, provided the following standards are met:
 - (A) The front yard shall conform to the applicable front yard standard set forth in Table 21-9.6(B).
 - (B) Only food, nonalcoholic drinks and fresh cut or picked flowers may be sold. Food consistent with a Hawaiian sense of place shall be encouraged.
 - (C) The cart shall be no less than five feet from any property line.

- (D) One cart per front yard per zoning lot or one cart per front yard per 100 feet of lot frontage shall be permitted, whichever is greater. When computation of the total number of permitted carts results in a fractional number with a major fraction (i.e., 0.5 or greater), the number of carts permitted shall be the next highest whole number.
- (E) Permitted signs shall be in accordance with Article 7.
- (F) The cart operator shall provide for the concealed disposal of trash associated with the use.
- (8) Walls and fences for dwelling uses, other than nonconforming hotels and/or transient vacation units, in the apartment precinct, up to a maximum height of six feet, provided the wall or fence shall be set back not less than 24 inches from the front property line and shall be acceptably screened with planting material from the street side. The wall or fence shall consist of an open material, preferably wrought iron or lattice work, but not chain link. Solid walls are discouraged, but may be permitted when constructed of an acceptable material, such as wood, moss rock or stucco-finished masonry, set back at least five feet from the front property line and acceptably screened with planting material from the street side.
- (9) Interactive informational displays, provided the following standards are met:
 - (A) Only one interactive informational display per common entryway to a project site shall be permitted, which shall not encroach into or otherwise obstruct any public sidewalk or pedestrian easement. For purposes of this subdivision, a “common entryway” shall mean an opening providing public pedestrian access to two or more business establishments from any public sidewalk, pedestrian easement, or right-of-way.
 - (B) The interactive informational display shall consist of a freestanding structure, not exceeding 48 inches in height.
 - (C) The display area shall not exceed 8 square feet, and shall be essentially horizontal in its orientation so as not to be functionally viewable from adjoining streets or sidewalks.
 - (D) No signs regulated under Article 7 of this chapter shall be attached to the interactive informational display structure, nor shall there be any speaker boxes, public address systems, or other devices for reproducing or amplifying voices or sound attached to or associated with the structure.
- (b) Curb Cuts. Curb cuts for driveway openings and sight distances at all intersections shall comply with the design standards of the department of transportation services unless modified by the city council. The number of curb cuts should be kept to a minimum in order to enhance pedestrian movement along sidewalks.
- (c) Design Guidelines.
 - (1) General Guidelines. All structures, open spaces, landscape elements and other improvements within the district must conform to the guidelines specified on the urban design controls marked Exhibit 21-9.15, set out at the end of this article, the design standards contained in this section and other design guidelines promulgated by the director to further define and implement these standards.
 - (2) Yards. Yard requirements will be as enumerated under development standards for the appropriate zoning precinct under Table 21-9.6(B).
 - (3) Car Rental Establishments. Car rental establishments must comply with the following requirements:
 - (A) A minimum side and rear yard of five feet will be required with a solid fence or wall at least six feet in height on the property line with the required yard substantially landscaped with planting and maintained.
 - (B) The car rental establishment must be illuminated so that no unshielded, unreflected, or undiffused light source is visible from any public area or private property immediately adjacent to the establishment.
 - (C) All areas not landscaped must be provided with an all-weather surface.
 - (D) No water produced by activities on the zoning lot will be permitted to fall upon or drain across public streets or sidewalks.
 - (4) Utility Installations. Except for antennas, utility installations must be designed and installed in an aesthetic manner so as to hide or screen wires and equipment completely from view, including views from above; provided that any antenna located at a height of 40 feet or less from existing grade should take full advantage of stealth technologies in order to be adequately screened from view at ground level without adversely affecting operational capabilities.

- (5) **Building Materials.** Selection and use of building materials should contribute to a Hawaiian sense of place through the use of subdued and natural materials, such as plaster finishes, textured concrete, stone, wood and limited use of color-coated metal. Freestanding walls and fences should be composed of moss rock, stucco-finished masonry or architectural concrete whenever possible. Colors and finishes should be characterized as being absorptive rather than reflective. The use of shiny metal or reflective surfaces, including paints and smooth or plastic-like surfaces should be avoided.
- (6) **Building Scale, Features and Articulation.** Project designs should provide a human scale at ground level. Buildings composed of stepped forms are preferred. Articulated facades are encouraged to break up building bulk. Use of the following building features is encouraged: sunshades; canopies; eaves; lanais; hip-form roofs for low-rise, freestanding buildings; recessed windows; projecting eyebrows; and architectural elements that promote a Hawaiian sense of place.
- (7) **Exterior Building Colors.** Project colors should contribute to a tropical resort destination. They should complement or blend with surrounding colors, rather than call attention to the structure. Principal colors, particularly for high-rise towers, should be of neutral tones with more vibrant colors relegated to accent work. Highly reflective colors are not permitted.
- (8) **Ground Level Features.**
 - (A) Within a development, attention should be given to pedestrian-oriented ground level features. A close indoor-outdoor relationship should be promoted. Design priority should include the visual links through a development connecting the sidewalk and other public areas with on-site open spaces, mountains and the ocean.
 - (B) Building facades at the ground level along open spaces and major streets (including Kalakaua Avenue, Kuhio Avenue, Kapahulu Avenue, Ala Wai Boulevard and Ala Moana Boulevard) must be devoted to open lobbies, arcade entrances, and display windows, and to outdoor dining where it is permitted.
 - (C) Where commercial uses are located at ground level, other than as required by paragraph (B), at least one-half of the total length of the building facade along streets must be devoted to open lobbies, arcade entrances, display windows and outdoor dining where permitted.
 - (D) The street facades of ground level hotel lobbies should include wide, open entryways. Ventilation in these lobbies should primarily depend on natural air circulation.
 - (E) Where buildings are situated between a street and the shoreline or between a street and open spaces, ground level lobbies, arcades and pedestrian ways should be provided to create visual links between the street and the shoreline or open space.
 - (F) Where blank walls must front a street or open space, they must be screened with heavy landscaping or appropriately articulated exterior surfaces.
 - (G) Ground level parking facilities should not be located along any street, park, beachfront, public sidewalk or pedestrian way. Where the site plan precludes any other location, the garage may front these areas provided landscaping is provided for screening. Principal landscaping must include trees, and secondary landscape elements may include tall hedges and earth berms.
 - (H) For purposes of the Waikiki special district, an "open lobby" means a ground-floor lobby that is not enclosed along the entire length of at least two of its sides or 50 percent of its perimeter, whichever is greater, and that provides adequate breezeways and views to interior or prominent open spaces, intersecting streets, gateways or significant pedestrian ways.
- (9) **Outdoor Lighting.** Outdoor lighting must be subdued or shielded so as to prevent glare and light spillage onto surrounding properties and public rights-of-way. Outdoor lighting cannot be used to attract attention to structures, uses, or activities; provided, however, that indirect illumination that is integrated with the architectural design of a building may be allowed when it is utilized to highlight and accentuate exterior building facades, and architectural or ground level features. Rotating, revolving, moving, flashing and flickering lights cannot be visible to the public, except lighting installed by a public agency for traffic safety purposes or temporary lighting related to holiday displays.
- (d) **Planned Development-Resort (PD-R) and Planned Development-Apartment (PD-A) Projects.** The purpose of the PD-R and PD-A options is to provide opportunities for creative redevelopment not possible under a strict adherence to the development standards of the special district. Flexibility may be provided for project density,

height, precinct transitional height setbacks, yards, open space and landscaping when timely, demonstrable contributions benefiting the community and the stability, function, and overall ambiance and appearance of Waikiki are produced.

Reflective of the significance of the flexibility represented by this option, it is appropriate to approve projects conceptually by legislative review and approval prior to more detailed review and approval by the department.

PD-R and PD-A projects will be subject to the following:

(1) PD-R and PD-A Applicability.

- (A) PD-R projects are only permitted in the resort mixed use precinct, and PD-A projects are only permitted in the apartment precinct.
- (B) The minimum project size is one acre. Multiple lots may be part of a single PD-R or PD-A project if the owners, lessees, developers or other designated representatives, including but not limited to a board or association of homeowners, condominium owners, timeshare owners, or cooperative housing owners, in lieu of individual owners, consent. Lots may be added to or removed from existing PD-R or PD-A projects upon the application of the owners, lessees, developers or other designated representatives of the lots to be added or removed with the written consent of the original applicant for the existing PD-R or PD-A project, or its successor. Applications for the addition or removal of lots shall be processed in accordance with other applicable regulations contained in this Chapter. Lots to be removed shall be able to comply on their own with applicable zoning regulations as a separate project. Multiple lots in a single project must be contiguous, provided that lots that are not contiguous may be part of a single project if all of the following conditions are met:
 - (i) The lots are not contiguous solely because they are separated by a street or right-of-way that is not a major street as shown on Exhibit 21-9.15; and
 - (ii) Each noncontiguous portion of the project, whether comprised of a single lot or multiple contiguous lots, must have a minimum area of 20,000 square feet, but subject to the minimum overall project size of one acre.

When a project consists of noncontiguous lots as provided above, bridges or other design features connecting the separated lots are strongly encouraged, to unify the project site. Multiple lots that are part of an approved single PD-R or PD-A project will be considered and treated as one zoning lot for purposes of the project, provided that no conditional use permit-minor for a joint development will be required therefor.

- (2) PD-R and PD-A Use Regulations. Permitted uses and structures will be as enumerated for the underlying precinct in Table 21-9.6(A).
- (3) PD-R and PD-A Site Development and Design Standards. The standards set forth by this subdivision are general requirements for PD-R and PD-A projects. When, in the paragraphs below, the standards are stated to be subject to modification or reduction, the modification or reduction must be for the purpose of accomplishing a project design consistent with the goals and objectives of the Waikiki special district and this subsection.
 - (A) In PD-R projects, the maximum project floor area cannot exceed an FAR of 4.0, except:
 - (i) If the existing FAR is greater than 3.33, then an increase in maximum density by up to 20 percent may be allowed, up to but not exceeding a maximum FAR of 5.0; or
 - (ii) If the existing FAR is greater than 5.0, then the existing FAR may be the maximum density. In computing project floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Floor area devoted to acceptable public uses within the project, such as a museum or performance area (e.g., stage or rehearsal area), may be exempt from floor area calculations.

The foregoing maximum densities may be reduced.
 - (B) In PD-A projects, the maximum project floor area cannot exceed an FAR of 3.0, except:
 - (i) If the existing FAR is greater than 3.0, then an increase in maximum density by up to 20 percent may be allowed, up to but not exceeding a maximum FAR of 4.0; or
 - (ii) If the existing FAR is greater than 4.0, then the existing FAR may be the maximum density. In computing project floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Floor area devoted to acceptable public

uses within the project, such as a museum or performance area (e.g., stage or rehearsal area), may be exempt from floor area calculations.
The foregoing maximum densities may be reduced.

- (C) The maximum building height is 350 feet, but this standard may be reduced.
 - (D) The precinct transitional height setbacks will be as set forth in Table 21-9.6(B), but these standards may be modified.
 - (E) The minimum for yards is 15 feet, but this standard may be modified.
 - (F) The minimum open space is at least 50 percent of the zoning lot area, but this standard may be modified when beneficial public open spaces and related amenities are provided.
 - (G) The landscaping requirements will be as set forth in subsection (f), but these standards may be modified.
 - (H) Except as otherwise provided in this subdivision, all development and design standards applicable to the precinct in which the project is located will apply.
- (4) Approval of PD-R or PD-A Projects.
- (A) Application Requirements. An application for approval of a PD-R or PD-A project must contain:
 - (i) A project name;
 - (ii) A location map showing the project in relation to the surrounding area;
 - (iii) A site plan showing the locations of buildings and other major structures, proposed open space and landscaping system, and other major activities. The site plan must also note property lines, the shoreline, shoreline setback lines, beach access and other public and private access, when applicable;
 - (iv) A narrative description of the overall development and design concept; the general mix of uses; the basic form and number of structures; the estimated number of proposed hotel and other dwelling or lodging units; general building height and density; how the project achieves and positively contributes to a Hawaiian sense of place; proposed public amenities, development of open space and landscaping; how the project achieves a pedestrian orientation; and potential impacts on, but not necessarily limited to, traffic circulation, parking and loading, security, sewers, potable water, and public utilities;
 - (v) An open space plan and integrated pedestrian circulation system;
 - (vi) A narrative explanation of the project's architectural design relating the various design elements to a Hawaiian sense of place and the requirements of the Waikiki special district; and
 - (vii) A parking and loading management plan.
 - (B) Procedures. Applications for approval of PD-R or PD-A projects will be processed in accordance with Section 21-2.110-2.
 - (C) No project will be eligible for PD-R or PD-A status unless the council has first approved a conceptual plan for the project.
 - (D) Guidelines for Review and Approval of the Conceptual Plan for a Project. Prior to its approval of a conceptual plan for a PD-R or PD-A project, the council shall find that the project concept, as a unified plan, is in the general interest of the public, and that:
 - (i) Requested project boundaries and design flexibility with respect to standards relating to density (floor area), height, precinct transitional height setbacks, yards, open space and landscaping are consistent with the Waikiki special district objectives and the provisions of this subsection;
 - (ii) Requested flexibility with respect to standards relating to density (floor area), height, precinct transitional height setbacks, yards, open space, and landscaping is commensurate with the public amenities proposed; and
 - (iii) When applicable, there is no conflict with any visitor unit limits for Waikiki as set forth under Chapter 24.
 - (E) Deadline for Obtaining Building Permit for Project.
 - (i) A council resolution of approval for a conceptual plan for a PD-R or PD-A project must establish a deadline within which the building permit for the project must be obtained. For multiphase projects, deadlines must be established for obtaining building permits for each phase of the project. The resolution must provide that the failure to obtain any building permit within the prescribed period will render null and void the council's approval of the conceptual plan and all approvals issued thereunder; provided that in multiphase projects, any prior phase that has complied with the deadline applicable to that phase will not be affected. A revocation

of a building permit pursuant to Section 18-5.4 after the deadline will be deemed a failure to comply with the deadline.

- (ii) The resolution must further provide that a deadline may be extended as follows: The director may extend the deadline if the applicant demonstrates good cause, but the deadline cannot be extended beyond one year from the initial deadline without the approval of the council, which may grant or deny the approval in its complete discretion. If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension, which report must include the director's findings and recommendations thereon and a proposed resolution approving the extension. The council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by resolution. If the council fails to take final action on the proposed extension within the first to occur of:
 - (aa) 60 days after the receipt of the director's report; or
 - (bb) the applicant's then-existing deadline for obtaining a building permit, the extension will be deemed denied. The director shall notify the council in writing of any extensions granted by the director that do not require council approval.
- (F) Approval by Director. Upon council approval of the conceptual plan for the PD-R or PD-A project, the application for the project, as approved in concept by the council, will continue to be processed by the director as provided under Section 21-2.110-2. Additional documentation may be required by the director as necessary. The following criteria will be used by the director to review applications:
 - (i) The project must conform to the approved conceptual plan and any conditions established by the council in its resolution of approval;
 - (ii) The project also must implement the objectives, guidelines, and standards of the Waikiki special district and this subsection;
 - (iii) The project must exhibit a Hawaiian sense of place. The document "Restoring Hawaiianness to Waikiki" (July 1994) and the supplemental design guidebook to be prepared by the director should be consulted by applicants as a guide for the types of features that may fulfill this requirement;
 - (iv) The project must demonstrate a high level of compliance with the design guidelines of this special district and this subsection;
 - (v) The project must contribute significantly to the overall desired urban design of Waikiki;
 - (vi) The project must reflect appropriate "contextual architecture";
 - (vii) The project must demonstrate a pedestrian system, open spaces, and landscaping and water features (such as water gardens and ponds) that must be integrated and prominently conspicuous throughout the project site at ground level;
 - (viii) The open space plan must provide useable open spaces, green spaces, water features, public places, and other related amenities that reflect a strong appreciation for the tropical environmental setting reflective of Hawaii;
 - (ix) The system of proposed pedestrian elements must contribute to a strong pedestrian orientation that must be integrated into the overall design of the project, and must enhance the pedestrian experience between the project and surrounding Waikiki areas; and
 - (x) The parking management plan must minimize impacts upon public streets where possible, must enhance local traffic circulation patterns, and must make appropriate accommodations for all anticipated parking and loading demands. The approved parking management plan will constitute the off-street parking and loading requirements for the project.
- (e) Nonconformity. The provisions of Section 21-4.110, et seq., shall apply, except as provided in this subsection.
 - (1) A nonconforming use and/or structure may be replaced by a new structure with up to the maximum permitted floor area of the precinct for similar uses or existing floor area, whichever is greater, provided all other special district standards are met. To achieve this, the following special district standards may be modified, subject to a major special district permit approval:
 - (A) Open Space. Minimum required open space may be adjusted, as follows:
 - (i) For each square foot of public open space provided on the lot, the open space may be reduced by one square foot. If provided, front yards may be included as public open space; and

- (ii) For every two square feet of arcade space provided on the lot, the open space may be reduced by one square foot; and
- (iii) For every four square feet of open lobby space on the lot, the open space may be reduced by one square foot.
- (iv) In the event that the cumulative area of the required yards exceeds the minimum open space requirement for the lot, the resultant cumulative yards may be considered the minimum open space requirement for the lot.

In no event shall the total open space be less than (aa) 25 percent of the lot area or (bb) the cumulative area of the required yards, whichever is greater. In addition, the open space arrangement shall not obstruct or diminish any significant views which are to be preserved, protected or enhanced; shall not obstruct, prevent or interfere with any identified gateways and/or pedestrian ways; and shall be consistent with the intent and objectives of the Waikiki special district.

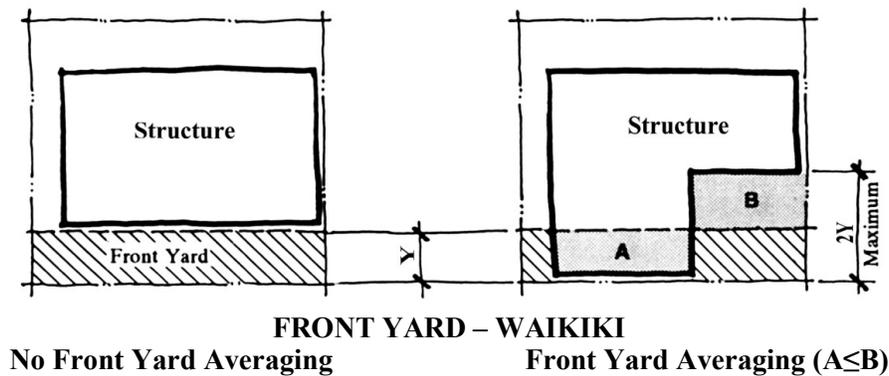
- (B) Off-street Parking. Parking and loading requirements may be adjusted, subject to the submission of a parking management plan that shall be reviewed and approved by the director.
- (C) Height. If the height of an existing structure exceeds the maximum height for the lot, then the height of the existing structure may be retained, provided the new structure or structures:
 - (i) Do not obstruct or diminish any significant views which are to be preserved, protected and enhanced; and/or
 - (ii) Do not obstruct, prevent or interfere with an identified gateway and/or pedestrian way; and
 - (iii) Are consistent with the intent and objectives of the Waikiki special district.
- (2) In case of the accidental destruction of a nonconforming structure devoted to a conforming use which contains multifamily dwelling units, it may be restored to its original condition in accordance with Section 21-4.110.
- (3) Nonconforming uses shall not be limited to “ordinary repairs” or subject to value limits on repairs or renovation work performed. Exterior repairs and renovations which will not modify the arrangement of buildings on a zoning lot may be permitted, provided all special district standards are met.
- (4) Elements of nonconforming structures, including but not limited to, signs, menu displays, awnings and building facades may be renovated, reconfigured, or replaced, provided the work:
 - (A) Results in a reduction of the nonconformity;
 - (B) Is an improvement over the existing condition of the structure;
 - (C) Implements the design intents and requirements of the special district; and
 - (D) Does not increase floor area.
- (5) The floor area of a structure which already meets or exceeds maximum permitted density may be increased to replace or retrofit electrical or mechanical equipment, utilitarian spaces, or improvements specifically required to comply with federal mandates such as the Americans with Disabilities Act (ADA) or National Environmental Policy Act (NEPA), provided:
 - (A) The increase in floor area is relatively insignificant in relation to the existing structure;
 - (B) Adequate screening of building equipment or machinery is provided when necessary to protect the design intents of the special district;
 - (C) The increase does not result in a net loss in required open space, arcades, or landscaping; and
 - (D) Other than for dwelling units, existing on-site parking spaces may be removed, provided:
 - (i) There are no feasible alternatives to the location of the equipment or utility room; and
 - (ii) The number of off-street parking spaces removed is less than (aa) five percent of the total number of existing spaces, if the total number of existing spaces is 100 or less; or (bb) three percent of the total number of existing spaces, if the total number of existing spaces is more than 100.
- (6) Notwithstanding any ordinance to the contrary, nonconforming hotel units may be time sharing units, subject to applicable state law.
- (7) Unless voluntarily abandoned, nonconforming uses which have been temporarily discontinued for purposes of redevelopment and/or renovation, as permitted by this subsection, shall not otherwise be subject to the discontinuation of use provisions enumerated in Section 21-4.110(c)(2).
- (f) Landscaping.

- (1) Any tree six inches or greater in trunk diameter shall not be removed or destroyed except as follows:
 - (A) The tree is not visible from any street, park or other public viewing area.
 - (B) Appropriate development of the site cannot be achieved without removal of the tree.

- (C) The tree is a hazard to the public safety or welfare.
- (D) The tree is dead, diseased or otherwise irretrievably damaged.
- (E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.
- (2) Any tree removed which is visible from any street, park or other public viewing area shall be replaced by an approved tree of a minimum two-inch caliper, except palms which shall have a minimum trunk height of 15 feet, or by alternative approved landscaping material, unless the replacement results in overcrowded vegetation. Larger replacement trees may be required depending on the size of the trees removed.
- (3) Where possible, trees proposed for removal shall be relocated to another area of the project site.
- (4) Parking structures shall be landscaped. Rooftop parking areas shall also be landscaped wherever they are visible to the public.
- (5) Landscaped screening shall be required to prevent undesirable vistas and sight lines, and to reduce the visual impact of blank walls and parked vehicles. Spacing and other design elements shall be determined by species, plant size and mix of plant material.
- (6) Whenever landscaping is required, the use of fragrant, lush, tropical vegetation and native plant species is encouraged.
- (7) All fences and walls exceeding 36 inches in height, except for moss rock walls, shall be landscaped with vine or hedge planting, or other approved vegetation on the street side.
- (8) All landscaped areas shall include an adequate irrigation system.
- (g) Height Regulations.
 - (1) Rooftop Height Exemption. The director may exempt necessary mechanical appurtenances, and utilitarian and architectural features from the height regulations of the special district, provided they are erected only to such height as is necessary to accomplish the purpose they serve, but in no case exceeding 18 feet above the maximum height limit for roof forms and 12 feet above the maximum height limit for all other appurtenances and features. These building elements may be exempted only if the director finds they do not obstruct any significant views which are to be preserved, protected and enhanced and are consistent with the intent and objectives of the Waikiki special district. The design of roof treatment shall be attractive, contextual and an integral part of the building's design scheme. Except for flagpoles and smokestacks, all items listed in Section 21-4.60(c) shall also be exempt from the height provision of this subsection.
 - (2) Coastal Height Setbacks. In addition to the above limits, there is a need to step back tall buildings from the shoreline to maximize public safety and the sense of open space and public enjoyment associated with coastal resources. Accordingly, the following minimum setbacks shall apply to all zoning lots along the shoreline:
 - (A) There shall be a building height setback of 100 feet in which no structure shall be permitted. This setback shall be measured from the certified shoreline; and
 - (B) Beyond the 100-foot line there shall be a building height setback of 1:1 (45 degrees) measured from the certified shoreline. (See Exhibit 21-9.15.)
 - (3) The council by resolution may approve a building that exceeds the building height limits established in Exhibit 21-9.15 and on the zoning map, provided that the council determines that the building with the added height would not be visible within the view cones from the Punchbowl lookouts towards Diamond Head and the horizon line of the ocean or from the Kalakaua Avenue frontage of Fort DeRussy towards the slopes and ridgeline of the Koolau Range, and the building does not exceed a height of 350 feet.
- (h) Parking. Off-street parking shall be provided in accordance with Article 6 and Table 21-6.3. Notwithstanding the foregoing, ground floor and basement uses, other than dwelling uses, and retail establishments and eating establishments on lots less than 10,000 square feet in area, in the Waikiki special district shall be exempt from off-street parking requirements.
- (i) Vending Carts. Outdoor vending carts located at ground level, except for those permitted in required yards, shall be generally screened from view to the general public from any street, sidewalk or public space by landscaping or a wall or fence no less than 42 inches in height, which shall be located at the front property line.

(Added by Ord. 99-12; Am. Ord. 01-66, 03-38, 10-19, 11-30, 17-40, 18-19)

Figure 21-9.1



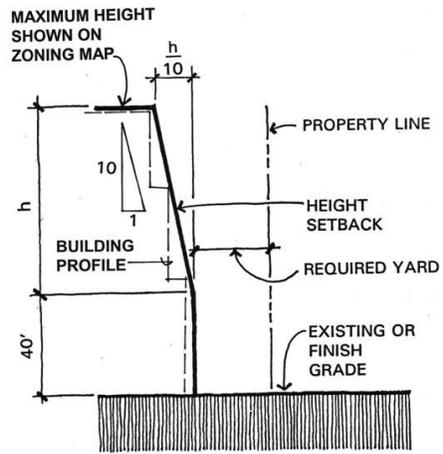
(Added by Ord. 03-38)

Sec. 21-9.80-5 Apartment precinct.

- (a) Permitted Uses. Within the apartment precinct, including the apartment mixed use subprecinct, permitted uses and structures shall be as enumerated in Table 21-9.6(A).
- (b) Development Standards. Uses and structures within the apartment precinct and the apartment mixed use subprecinct shall conform to the development standards enumerated in Table 21-9.6(B).
- (c) Additional Development Standards.
 - (1) Commercial Use Location Within the Apartment Mixed Use Subprecinct. Any of the permitted uses designated in Table 21-9.6(A) as a principal use only within the apartment mixed use subprecinct, either occurring as a single use on a zoning lot or in combination with other uses, shall be limited to the basement, ground floor or second floor of a building.
 - (2) Transitional Height Setbacks. For any portion of a structure above 40 feet in height, additional front, side and rear height setbacks equal to one foot for each 10 feet in height, or fraction thereof, shall be provided. Within the height setback, buildings with graduated, stepped forms shall be encouraged (see Figure 21-9.2).
- (d) Additional Use Standards. Utility installations, Type A, when involving transmitting antennas, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm².

(Added by Ord. 99-12; Am. Ord. 03-38)

Figure 21-9.2
TRANSITIONAL HEIGHT SETBACK – WAIKIKI



(Added by Ord. 03-38)

Sec. 21-9.80-6 Resort mixed use precinct.

- (a) Permitted Uses. Within the resort mixed use precinct, permitted uses and structures shall be as enumerated in Table 21-9.6(A).
- (b) Development Standards. Uses and structures within the resort mixed use precinct shall conform to the development standards enumerated in Table 21-9.6(B).
- (c) Additional Development Standards.
 - (1) Floor Area Bonus.
 - (A) For each square foot of public open space provided, exclusive of required yards, 10 square feet of floor area may be added;
 - (B) For each square foot of open space devoted to pedestrian use and landscape area at ground level provided, exclusive of required yards, five square feet of floor area may be added;
 - (C) For each square foot of arcade area provided, exclusive of required yards, three square feet of floor area may be added; and
 - (D) For each square foot of rooftop landscaped area provided, one square foot of floor area may be added.
 - (2) Transitional Height Setbacks. For any portion of a structure above 40 feet in height, additional front, side and rear height setbacks equal to one foot for each 10 feet in height, or fraction thereof, shall be provided. Within the height setback, buildings with graduated, stepped forms shall be encouraged (see Figure 21-9.2).
- (d) Additional Use Standards. Utility installations, Type A, when involving transmitting antennas, shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm².
(Added by Ord. 99-12; Am. Ord. 03-38, 11-30)

(Sec. 21-9.80-7 Resort commercial precinct. Repealed by Ord. 11-30.)**Sec. 21-9.80-7 Reserved.****Sec. 21-9.80-8 Public precinct.**

- (a) Permitted Uses. Within the public precinct, permitted uses and structures shall be as enumerated in Table 21-9.6(A). Additionally:
 - (1) In the public precinct, public uses and structures may include accessory activities operated by private lessees under supervision of a public agency purely to fulfill a governmental function, activity or service for public benefit and in accordance with public policy; and
 - (2) All structures within the public precinct shall comply with the guidelines established by the urban design controls marked Exhibit 21-9.15, set out at the end of this article.
- (b) Development Standards. Uses and structures within the public precinct shall conform to the development standards enumerated in Table 21-9.6(B). The FAR, height and yard requirements for structures shall be approved by the director.
- (c) Signs shall be approved by the director and shall not exceed a total of 24 square feet in area.
- (d) Utility installations, Type A, involving transmitting antennas shall be fenced or otherwise restrict public access within the area exposed to a power density of 0.1 milliwatt/cm².
(Added by Ord. 99-12)

Sec. 21-9.80-9 Tables for permitted uses and structures, development standards and project classification.

Refer to Table 21-9.6(A) for permitted uses and structures for each precinct. Refer to Table 21-9.6(B) for development standards for each precinct. Refer to Table 21-9.6(C) to determine whether specific categories of projects will be classified as major, minor, or exempt.
(Added by Ord. 99-12)

Table 21-9.6(A)

REVISED ORDINANCES OF HONOLULU

| Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures | | | |
|--|------------------|-------------------------|---------------|
| Use or Structure | Precinct | | |
| | Apartment | Resort Mixed Use | Public |
| Amusement and recreational facilities, indoor | | P | |
| Amusement facilities, outdoor | | C | |
| Antennas, receive-only | Ac | Ac | Ac |
| Art galleries and museums | C (Museums only) | P | |
| Automobile rental establishments (excluding repair facilities and open parking lots) | | P | |
| Automobile service stations, excluding repair facilities | | | |
| Bars, cabarets, nightclubs, taverns ¹ | | P | |
| Bed and breakfast homes | P/c | P/c | |
| Boarding facilities | P | P | |
| Broadcasting facilities | | P | |
| Business services | | P | |
| Commercial parking lots and garages | | P | |
| Convenience stores | P-AMX | P | |
| Dance or music schools | | P | |
| Day-care facilities | C | P | |
| Dwellings, multifamily ² | P | P | |
| Eating establishments ¹ | P-AMX | P | |
| Financial institutions | P-AMX | P | |
| Group living facilities | C | C | |
| Historic structures, use of | C | Cm | Cm |
| Home occupations | Ac | Ac | |
| Hotels | | P | |
| Joint development | Cm | Cm | |
| Joint use of parking | Cm | Cm | |
| Laboratories, medical | | P | |
| Marina accessories | | P | |
| Medical clinics | P-AMX | P | |
| Meeting facilities | C | P | |
| Neighborhood grocery stores | Cm | N/A | |
| Offices | | P | |
| Off-site parking facilities | Cm | Cm | |
| Personal services | P-AMX | P | |
| Photographic processing | | P | |
| Photographic studios | | P | |
| Public uses and structures | P | P | P |

| Table 21-9.6(A) Waikiki Special District Precinct Permitted Uses and Structures | | | |
|---|------------------|-------------------------|---------------|
| Use or Structure | Precinct | | |
| | Apartment | Resort Mixed Use | Public |
| Real estate offices | P-AMX | P | |
| Retail establishments | P-AMX | P | |
| Schools, language | | P | |
| Schools, vocational, provided they do not involve the operation of woodwork shops, machine shops or similar industrial features | | P | |
| Theaters | | P | |
| Time sharing | | P | |
| Transient vacation units | | P/c | |
| Travel agencies | P-AMX | P | |
| Utility installations, Type A | P9 | P9 | P9 |
| Utility installations, Type B | Cm | Cm | Cm |

Ministerial uses:

- Ac = Special accessory use. Also see: Article 10, Accessory use; and Section 21-5.330, Home occupations
- P = Permitted principal use
- P/c = Permitted use subject to standards in Article 5
- P9 = Permitted principal use subject to standards enumerated in Article 9; see Section 21-9.80-5(d), 21-9.80-6(d) or 21-9.80-8(d)
- P-AMX = Within the apartment precinct, a permitted principal use only within the apartment mixed use subprecinct

Discretionary uses:

- Cm = Requires an approved Conditional Use Permit - minor subject to standards in Article 5; no public hearing required
- C = Requires an approved Conditional Use Permit - major subject to standards in Article 5; public hearing required

Other:

- N/A = Not applicable as a land use category in that precinct, since it is already regulated under another land use category.

Note: An empty cell in the above matrix indicates that use or structure is not permitted in that precinct.

- ¹ Provided a solid wall 6 feet in height shall be erected and maintained on any side or rear boundary adjoining the apartment precinct.
- ² Provided that where these uses are integrated with other uses, pedestrian access shall be independent from the other uses, and no building floor shall be used for both dwelling and commercial purposes.

(Added by Ord. 99-12; Am. Ord. 03-38, 11-30, 19-18)

| Table 21-9.6(B) Waikiki Special District Precinct Development Standards | | | | |
|--|----------------------|---|--|-------------------------|
| Development Standard | | Precinct | | |
| | | Apartment | Resort Mixed Use | Public |
| Minimum lot area (square feet) | | 10,000 | 10,000 | n/a |
| Minimum lot width and depth (feet) | | 50 | 50 | |
| Yards¹ (feet) | Front | 15 ² | 15-20 ² | As approved by director |
| | Side and Rear | 10 ² | 0-10 ³ | |
| Maximum density (FAR) apartment precinct only ^{4,5} | | Lot Area (sq. ft.) Less than 20,000 20,000 or more | FAR Calculation FAR = (.00003 x lot area) + 1.3 FAR = 1.9 | |
| Maximum density (FAR) other precincts | | n/a | 1.0 ⁵ | As approved by director |
| Minimum open space (percent of zoning lot) | | FAR less than 1.5 = 35% of lot FAR 1.5 or more = 50% of lot | 0.00 | n/a |
| Open space bonus | Available | No | Yes – See Sec. 21-9.80-6(c)(1) | |
| | Max FAR | n/a | 3.5 ⁵ | |
| Maximum height (feet) | | Per zoning map and Exhibit 21-9.15 or as provided in Sec. 21-9.80-4(g)(3) | | As approved by director |
| Transitional height setbacks | | Per Sec. 21-9.80-5(c)(2) | Per Sec. 21-9.80-6(c)(2) | |

n/a = Not applicable

- ¹ Except for necessary access drives and walkways, all yards shall be landscaped.
- ² An average of 20 feet for zoning lots fronting Kuhio Avenue, Kalakaua Avenue, Ala Moana and Ala Wai Boulevard within the resort mixed use precinct, and an average of 15 feet for all other zoning lots, provided: (1) The average yard may vary between the front property line and twice the minimum front yard so long as the yard area street-side of the required yard is equal to the yard area behind the required yard, (2) the yard configuration shall be integrated to the extent feasible with yards and open spaces provided by adjoining lots, and (3) the undulation of the setback line shall result in a design acceptable by the director (see Figure 21-9.1). In the apartment precinct, required yards on lots that are less than 10,000 square feet in area may be adjusted as follows: (1) porches and entry canopies may project into the required yards by up to 5 feet, and (2) the minimum side and rear yard for buildings that are lower than 40 feet in height is 5 feet, plus 1 foot additional setback for every four feet for building height above 20 feet.
- ³ Except for zoning lots adjoining an apartment precinct, side and rear yards shall not be required. Ten feet where a zoning lot adjoins an apartment precinct, unless there is a parking structure or lot on the adjacent apartment precinct zoning lot located within 10 feet of the common property line for more than 75 percent of the length of the common property line. In this case, there shall not be a required yard.
- ⁴ See Sec. 21-9.80-5(c)(1) for commercial use location standards within the apartment mixed use subprecinct.
- ⁵ In computing the permissible floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Portions of buildings devoted to lanais and balconies shall not count as floor area.

(Added by Ord. 99-12; Am. Ord. 03-38, 11-30)

Table 21-9.6(C)

REVISED ORDINANCES OF HONOLULU

| Table 21-9.6(C) Waikiki Special District Project Classification | | |
|---|------------------------|---|
| Activity/Use | Required Permit | Special Conditions |
| Signs | E | |
| Tree removal over six inches in diameter | m/E | Minor only when visible from a street, park or other public viewing area; otherwise exempt |
| Detached dwellings and duplex units and accessory structures | E | |
| Grading and stockpiling | E | |
| Major modification, alteration, repair or addition to historic structures | M | |
| Minor modification, alteration, repair or addition to historic structures | m | |
| Major exterior repair, alteration or addition to nonhistoric structures | m | |
| Minor exterior repair, alteration or addition to nonhistoric structures, which does not adversely change the character or appearance of the structure | E | |
| Planned development projects (PD-R and PD-A) | M | Prior council approval of conceptual plan required. See Sec. 21-9.80-4(d)(4) |
| Permitted uses and structures under Sections 21-9.80-4(a), uses and activities allowed in required yards and setbacks; 21-9.80-4(e), nonconformity; and 21-9.80-4(g)(1), rooftop height exemption; when not otherwise covered by this table | M/m | Major for the reconstruction of existing nonconforming structures and/or adjustment of open space, off-street parking and/or height provided for nonconforming structures under Section 21-9.80-4(e)(1) |
| Exterior repainting that significantly changes the character or appearance of the structure | M/m | Major for murals exceeding length or width dimensions of 12 feet |
| Interior repairs, alterations and renovations to all structures | E | |
| Demolition of historic structures | M | |
| Demolition of nonhistoric structures | m/E | Minor only when structure is over 50 years old; otherwise exempt |
| Fences and walls | E | |
| Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way | m | |

| Table 21-9.6(C) Waikiki Special District Project Classification | | |
|---|------------------------|--------------------------------|
| Activity/Use | Required Permit | Special Conditions |
| Major above-grade infrastructure* improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks | m | |
| Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work | E | |
| New buildings not covered above | M/m | Minor for accessory structures |

*Notes: “Infrastructure” includes roadways, sewer, water, electrical, gas, cable tv, telephone, drainage and recreational facilities.

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend—Project classification:

- M = Major
- m = Minor
- E = Exempt

(Added by Ord. 99-12; Am. Ord. 03-38)

Sec. 21-9.90 Haleiwa special district.

Established in the late 1800s, Haleiwa town provides a historical encounter with a rural commercial setting which is an integral part of Hawaii's history. It is necessary to preserve and enhance its plantation era character. By designating a special district, it is intended that the character of future developments be compatible with that of the existing community. (Added by Ord. 99-12; Am. Ord. 18-44)

Sec. 21-9.90-1 Objectives.

The objectives of the Haleiwa special district are to:

- (a) Preserve and enhance Haleiwa's existing rural low-rise, human-scaled form and character, especially along Kamehameha Highway and Haleiwa Road.
- (b) Preserve and restore to the extent possible buildings and sites of scenic, historic, cultural, or architectural significance, and encourage new development that is compatible with and complements those buildings and sites, primarily through low building heights, appropriate period design features, and subdued materials and plantation color schemes.
- (c) As entry points to Haleiwa, Weed Junction and Anahulu Bridge should be given special attention through landscaping and painting embellishment, respectively.
- (d) Encourage new development that will complement the significant physical features, waterways, open space, mature trees, and sites in Haleiwa.
- (e) Retain a distinctive pedestrian-oriented commercial area for residents and visitors.

- (f) Provide for safe and pleasant pedestrian and vehicular circulation.
- (g) Enhance the attractiveness and general landscaped open space character of the area.
- (h) Preserve and enhance significant views in Haleiwa, especially those of the Waianae Range and of the ocean from Haleiwa Beach Park, within the highly developed and heavily traveled areas.
- (i) Provide public improvements such as roadways, street lights, street furniture and signage compatible with the rural character of the community, rather than at conventional urban standards.

(Added by Ord. 99-12; Am. Ord. 18-44)

Sec. 21-9.90-2 District boundaries.

The boundaries of the district are designated on Exhibit 21-9.16, set out at the end of this article. The district is generally composed of parcels abutting Kamehameha Highway between Weed Junction south and Puaena Point north.

(Added by Ord. 99-12; Am. Ord. 18-44)

Sec. 21-9.90-3 Significant public views and resources.

The following are significant views within the Haleiwa special district.

- (a) Views of Mount Kaala, the Waianae Range, Lokoea Pond and Waialua Bay from Kamehameha Highway.
- (b) Views of Anahulu Stream from Kamehameha Highway, at the old arched Anahulu (“Haleiwa”) Bridge.
- (c) Views of Paukauila Stream, with landscaped buffer material, from Kamehameha Highway.
- (d) Views of the ocean from Kamehameha Highway.
- (e) Views of other significant features delineated on Exhibit 21-9.18, set out at the end of this article.

(Added by Ord. 99-12; Am. Ord. 18-44)

Sec. 21-9.90-4 Design controls.

Implementation of the district objectives shall consist primarily of use restrictions, building height limitations, yard and landscaping requirements, parking, architectural design requirements, choice of exterior colors, and sign and exterior furniture design controls. Specific regulations are enumerated below.

- (a) Permitted Uses. All uses permitted in the respective underlying zoning district are permitted in the Haleiwa special district.
- (b) Heights.
 - (1) Permitted maximum heights of buildings and structures within the district shall not exceed 30 feet, except as provided under subdivision (2) of this subsection. Where the underlying zoning district has a lower height limit, the lower height limit shall prevail.
 - (2) The director may exempt the following architectural features from the height regulations, provided they are erected only to such height as is necessary to accomplish the purpose which they serve, but in no case may they exceed 12 feet above the maximum height limit. These building elements may be exempted only if the director finds they do not obstruct any significant views that are to be preserved, protected and enhanced, and are consistent with the intent and objectives of the Haleiwa special district.
 - (A) Necessary mechanical appurtenances of the building on which they are erected, provided they are screened from view.
 - (B) Necessary utilitarian features, including stairwell enclosures, ventilators and skylights.
 - (C) Decorative or recreational features, including rooftop gardens, planter boxes, parapet walls or ornamental cornices.
 - (3) Except for flagpoles and smokestacks, all items listed in Section 21-4.60(c) shall also be exempt from the height provisions of this subsection.
- (c) Required Yards.
 - (1) The required front yard for any building or structure shall be 10 feet. Ground level porches, walkways, roof canopies or eaves for other than residential structures may extend a maximum of five feet into the front yard.
 - (2) Business uses and structures, except for service stations shall be located at the front yard setback line for a minimum of 50 percent along the front yard setback line.

- (3) The minimum required setback for any new building or structure from any significant waterways as identified on Exhibit 21-9.18, set out at the end of this article, shall be 20 feet as measured from the water's edge.

(d) Landscaping.

- (1) All required front yards shall be landscaped. A minimum 10-foot-wide buffer landscape strip shall be provided for all service stations, between the Kamehameha Highway property line or street setback lines, whichever is greater, and the service lanes or area.
- (2) The setback area within 20 feet from any significant waterways shall be maintained in an indigenous state. Additional planting material shall be provided in this area to screen any new structures or parking and drive areas as viewed from Kamehameha Highway. This requirement may be reduced for roadways and access drives where visibility is required for the safety of vehicles and pedestrians.
- (3) Street trees shall be provided along Kamehameha Highway and Haleiwa Road in an informal arrangement, planted within front yards or the sidewalk area, and shall be a minimum two-inch caliper. Species shall be chosen from the list shown on Exhibit 21-9.18, set out at the end of this article. Number, spacing and location of trees shall be determined by the director.
- (4) Any tree six inches or greater in trunk diameter shall not be removed or destroyed except as follows:
 - (A) The tree is not visible from any street, park or other public viewing area.
 - (B) Appropriate development of the site cannot be achieved without removal of the tree.
 - (C) The tree is a hazard to the public safety or welfare.
 - (D) The tree is dead, diseased or otherwise irretrievably damaged.
 - (E) The applicant can demonstrate the tree is unnecessary due to overcrowding of vegetation.
- (5) Any tree removed which is visible from any street, park, or other public viewing area shall be replaced by an approved tree of minimum two-inch caliper or by alternative approved landscaping material, unless the replacement results in overcrowded vegetation. Where possible, trees proposed for removal shall be relocated.

(e) Parking.

- (1) Open parking areas of five or more cars shall be screened from view of Kamehameha Highway and adjacent lots and streets by fences, walls, earth berms, depression and/or landscaping a minimum of 48 inches high. This height may be reduced, subject to review and approval of the director, where visibility is required for the safety of vehicles and pedestrians.
- (2) All other landscaping requirements of Section 21-4.70 shall apply.
- (3) Except for necessary access drives, parking and loading spaces shall be prohibited in all required yards.
- (4) Off-street parking and loading shall be located at the side and rear of buildings only.

(f) Architectural Appearance and Character.

- (1) General. The architectural form, scale, and character for new or renovated structures and modifications of existing structures shall be similar to the existing traditional building forms of Haleiwa. Typical characteristics for business districts are low structures with sloped roof canopies or overhanging second floors, false front facades or parapets, metal roofs, ground floors with entrances to the street, wood porches, generous window openings, and small-scale architectural detailing of facades.
- (2) Roofs. Roof projections or canopies shall be provided at the first floor roof level along Kamehameha Highway. Roofs visible from Kamehameha Highway shall have a minimum slope of five inches vertically to 12 inches horizontally. Flat roofs are prohibited in the district except for screened portions to accommodate mechanical equipment or enclosed by parapets or otherwise not visible from within the district. Roof materials shall be limited to wood shingles or shakes, patterned metal, patterned clay or concrete tiles for all sloping roofs visible from the district.
- (3) Sun Control. Awnings shall be either roll up construction, or fixed and projecting. They shall be subdued in color and pattern. Fixed commercially made metal awnings or "modern style" sun control devices are not permitted except by approval of the director in accordance with the purpose and objectives of the district.
- (4) Railings, Fences, and Walls. Within the front yard, railings and fences shall be constructed from wood and refined in detail. Walls exceeding 36 inches in height shall be set back a minimum of 18 inches along Kamehameha Highway and Haleiwa Road and landscaped with vine or hedge planting or other approved vegetation on the street side. The setback and landscaping requirement may be waived by the director if the wall is moss rock or similar material.

- (5) Exterior Lighting. Private light fixtures shall complement the character of the architecture of the district. Lighting shall be subdued so as not to produce glare to surrounding property and public viewing areas. Fluorescent or high intensity lamps shall not be permitted.
 - (6) Exterior Wall Materials. Wall materials shall be subdued and visually compatible with existing materials. Materials should be selected to weather and mature with time and exposure such as stained or natural finish wood, coral, lava rock, watted stucco, field stone and concrete with exposed aggregates, or wood impressions. Board and batten or board on board wood siding walls are particularly encouraged.
 - (7) Colors. Colors for all materials must be natural or earth tones in subdued ranges and combinations, or those that reflect traditional plantation or historical colors. Colors for architectural trim or accent are not subject to this limitation.
 - (8) Street Facades.
 - (A) A minimum of 50 percent of the area of the first floor street facade for business uses shall be devoted to windows and entrances. The area shall be measured along the length of the first floor street facade to a height of eight feet from the finish grade.
 - (B) All glass on street facades shall be transparent and untinted.
 - (9) Walkways. Private walkway and sidewalk material shall be visually compatible with natural materials such as wood planks or concrete with wood impressions or exposed aggregate.
 - (10) Exceptions. Exceptions to the above requirements for architectural appearance and character may be approved by the director if adequate justification for the exception is submitted and the exception requested is consistent with the objectives of the Haleiwa special district.
- (g) Signs.
- (1) Signs shall be designed to enhance the historic and architectural character of Haleiwa. An appropriate sign design would use a carved or sandblasted wood sign with serif-style lettering typical of the turn of the century, incorporating symbols when appropriate, and suspended from canopies or mounted on the building wall.
 - (2) Pole-mounted signs shall be limited to a maximum height of 10 feet.
 - (3) Signs which are self-illuminating, with moving parts, luminous paints, or reflective materials are not permitted. Any illumination should be from a detached source shielded from direct view. Box fluorescent signs shall not be allowed.
 - (4) Notwithstanding the provisions for ground signs under Article 7, one ground sign, not directly illuminated, per zoning lot for identification or directory purposes may be permitted in the required 10-foot front yard, if there are more than three establishments. If it is used as a directory sign for more than three establishments, a maximum 18-square-foot ground sign is permitted.
 - (5) A second business sign on the building frontage for each ground floor establishment may be allowed, provided the sign is a hanging or projecting sign.
 - (6) In lieu of the second business sign described above, a garden sign may be permitted within the required front yard for each ground floor establishment with building frontage, provided parking is not located within the front yard. Garden signs shall be spaced a minimum of 50 feet apart.
- (h) Exterior Furniture. Any exterior furniture located within the public right-of-way by a public agency, or on private property by an owner, lessee or tenant, shall be designed to enhance the rural character of Haleiwa and shall be subject to approval by the director.
- (i) Drive-thru facilities.
- (1) Required off-street parking shall be provided on site.
 - (2) Left turns out of a drive-thru lane onto Kamehameha Highway shall be prohibited.
 - (3) The service area for customers shall be at the rear or side of the structure.
 - (4) Queuing vehicles on drive-thru lanes shall be screened from view of Kamehameha Highway by appropriate landscaping. The director shall approve the landscaping plan.
 - (5) Drive-thru lanes shall be of a length sufficient to ensure that waiting vehicles do not obstruct traffic on Kamehameha Highway.
 - (6) Drive-thru operations shall cease by 10:00 p.m.
 - (7) Drive-thru facilities shall only be permitted on zoning lots along Kamehameha Highway:
 - (A) Between Weed Junction and the cane haul road; and

- (B) Between the northern boundary of the Haleiwa special district and Anahulu Bridge.
- (8) No portion of any drive-thru facility shall be located within 2,000 feet of another drive-thru facility.
- (j) Mobile commercial establishments. Mobile commercial establishments are subject to the following regulations:
- (1) As used in this section:

“Mobile commercial establishment” means a vehicle, with current registration and safety check, used by an itinerant vendor, peddler, or huckster for the sale of food products or other wares. This includes but is not limited to lunch wagons, lunch vans, and food trucks. Excluded are vendors at farmers’ markets, fun fairs, special community events, or other special events where mobile commercial establishments are not the majority of the event and are managed by a regulatory entity. Any vehicle without a current registration and safety check that is used by an itinerant vendor, peddler, or huckster for the sale of food products or other wares will be considered a structure.
 - (2) Mobile commercial establishments are permitted only on business-zoned lots.
 - (3) A minimum of five off-street parking stalls is required for each mobile commercial establishment.
 - (4) A zoning lot with three or more mobile commercial establishments is allowed one ground sign for directory purposes, subject to the requirements of this chapter.
 - (5) Mobile commercial establishments must comply with the color requirements of subdivision (f)(7) of this section. The name of the mobile commercial establishment may be displayed on the vehicle, subject to the color requirements.
 - (6) A mobile commercial establishment must operate on areas where an all-weather surface is provided, outside of the yard areas required in subsection (c).
 - (7) All mobile commercial establishments require a special district permit, which must be site specific. The special district permit for mobile commercial establishments must provide for the following:
 - (A) Adequate restroom facilities for employees. Permanent restroom facilities with wastewater systems are preferred. Portable restroom facilities, if any, must be screened from view of Kamehameha Highway.
 - (B) A traffic circulation and mitigation plan, parking management plan, and pedestrian circulation plan.
 - (C) Operating hours must end no later than 10:00 p.m. daily;
 - (D) Compliance with all mobile commercial establishment and special district regulations and requirements.
 - (8) Mobile commercial establishments in legal operation prior to December 21, 2018 that do not meet the requirements of this subsection may continue operating as a nonconforming use pursuant to section 21-4.110(c) until such time that the mobile commercial establishment obtains a special district permit consistent with this subsection; provided that a mobile commercial establishment must cease operation as a nonconforming use upon any action taken by an owner, lessee, or authorized operator to transfer any interest in the mobile commercial establishment to a third party.
 - (9) Mobile commercial establishments are permitted only on zoning lots along Kamehameha Highway:
 - (A) Between Weed Junction and Paalaa Road; and
 - (B) Between Achiu Lane and Amara Road;

provided that no zoning lot on which a mobile commercial establishment operates may be located within 1,500 feet of another zoning lot on which a mobile commercial establishment operates. This subdivision does not apply to zoning lots on which a mobile commercial establishment operated prior to December 21, 2018.

(Added by Ord. 99-12; Am. Ord. 02-19, 18-44)

Sec. 21-9.90-5 Detached dwellings and duplex units.

Detached dwellings and duplex units constructed prior to December 21, 2018 shall be exempt from the requirements of the Haleiwa special district, except for Section 21-9.90-4, subsection (d)(3), (4) and (5), relating to landscaping, subsection (f)(1) relating to general architectural appearance and character, subsection (f)(2) relating to roofs, subsection (f)(4) relating to railings, fences, and walls, and subsection (f)(7) relating to colors. Detached dwellings and duplex units constructed after December 21, 2018, will fall under the category “New buildings not covered above” in Table 21-9.7.

(Added by Ord. 99-12; Am. Ord. 18-44)

Sec. 21-9.90-6 Project classification.

- (a) Refer to Table 21-9.7 to determine whether specific projects will be classified as major, minor, or exempt.
- (b) Projects involving demolition or relocation of structures listed on Exhibit 21-9.17, set out at the end of this article, may be referred to appropriate public or private agencies for review, which may include submittal for review to the state historic preservation office to investigate public and private alternatives to preserve buildings of scenic, historic, cultural or architectural significance consistent with the legislative intent and objectives of this ordinance. If required, such review shall not exceed a period of 90 days, and shall precede acceptance of the application for a special district permit.

(Added by Ord. 99-12; Am. Ord. 18-44)

| Table 21-9.7 Haleiwa Special District Project Classification | | |
|--|------------------------|--|
| Activity/Use | Required Permit | Special Conditions |
| Signs | E | |
| Tree removal over six inches in diameter | m/E | Minor only if visible from Kamehameha Highway or Haleiwa Road |
| Grading and stockpiling | E | |
| Major modification, alteration, repair, or addition to all structures | M/m | Major if listed on Exhibit 21-9.17 and/or if visible from Kamehameha Highway or Haleiwa Road |
| Minor modification, alteration, repair, or addition to historic structures | m | Also includes structures on Exhibit 21-9.17 |
| Exterior repainting that significantly alters the character or appearance of the structure | m/E | Minor if listed on Exhibit 21-9.17 and/or visible from Kamehameha Highway or Haleiwa Road |
| Minor exterior repair, alteration, or addition to nonhistoric structures, which does not adversely change the character or appearance of the structure | E | |
| Interior repairs, alterations, and renovations to all structures | E | |
| Demolition or obstruction of historic structures | M | Also includes structures on Exhibit 21-9.17 |
| Demolition of nonhistoric structures | E | |
| Fences and walls | E | |
| Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters, and other elements in public rights-of-way | m | |

| <p align="center">Table 21-9.7 Haleiwa Special District Project Classification</p> | | |
|---|-----------------|--|
| Activity/Use | Required Permit | Special Conditions |
| Major above-grade infrastructure* improvements not covered elsewhere, including cell towers, new roadways, new substations, new parks, and significant improvements to existing parks | m | |
| Minor above-grade infrastructure* improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work | E | |
| New buildings not covered above and mobile commercial establishments | M/m | Major if visible from Kamehameha Highway or Haleiwa Road |
| Drive-thru facilities | m | |

*Notes: “Infrastructure” includes roadways, sewer, water, electrical, gas, cable TV, telephone, drainage and recreational facilities.

A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.

Legend—Project classification:

- M = Major
- m = Minor
- E = Exempt

(Added by Ord. 99-12; Am. Ord. 02-19, 18-44)

Sec. 21-9.100 Transit-oriented development (TOD) special districts.

- (a) The purpose of this section is to establish a TOD special district around rapid transit stations to encourage appropriate transit-oriented development.
- (b) The regulations applicable in the TOD special district are in addition to underlying zoning district, and, if applicable, special district, regulations, and may supplement and modify the underlying regulations. If any regulation pertaining to the TOD special district conflicts with any underlying zoning district, the regulation applicable to the TOD special district will take precedence. If any regulation pertaining to a TOD special district conflicts with another special district regulation or unilateral agreement in effect, the regulation applicable to the other special district or unilateral agreement in effect will take precedence.
- (c) As used in this section:
 “Active ground floor activities” means those uses and activities that will encourage pedestrian movement and activate the ground floor of buildings, including retail establishments, restaurants, personal service establishments, offices, financial institutions, lobbies for hotels or multifamily dwelling uses, galleries, theaters, and other similar uses and activities.

“Bike-walk greenway” means shared-use paths or trails for pedestrians, cyclists, and other users of non-motorized transportation modes within or adjacent to a TOD special district. Certain development standards will apply only to those zoning lots that abut the bike-walk greenway. Bike-walk greenways are identified on the exhibits set out at the end of this article.

“Community benefits” means those project elements that will mitigate impacts of greater heights or greater density or modifications to special district development standards. Examples of community benefits include affordable housing, open space, parks, right-of-way improvements, financial contributions to existing community amenities or public uses, and facilities that enhance the pedestrian experience or improve multimodal transportation.

“Key streets” means streets within a TOD special district that are most vital to facilitating a walkable, vibrant, economically active neighborhood in the direct vicinity of the rail station. Certain development standards will apply only to those lots fronting a designated key street. The key streets are identified on the exhibits set out at the end of this article.

“Nonconforming site development” means a zoning lot with structures or uses that comply with underlying zoning district standards, but are not in conformance with all of the standards of the special district, including, but not limited to, building location, yard and setback requirements, street facades, building orientation and entrances, parking lot design and location, and bicycle parking.

“Setback” means the distance from the property line to the front facade of a building.

“Street tree plan” means a street tree planting plan approved in accordance with the “Standards and Procedures for the Planting of Street Trees.”

“TOD” means transit-oriented development.

“TOD development regulations” means the regulations establishing the permitted uses and structures and development standards within a TOD special district, which will be established by the council by ordinance, pursuant to the provisions of this section. TOD development regulations may include provisions specific to certain station areas.

“TOD special district” means that area surrounding existing and future rail transit stations along the rail alignment and designated in Section 21-9.100-12. Lands within a TOD special district are subject to TOD development regulations.

“TOD station area” means the parcels of land around a rail transit station subject to the TOD development regulations. Generally, the station area will consist of that land within approximately one-half mile of the related transit station, which is roughly the distance of a 5- to 10- minute walk from the station, as identified on the exhibits set out at the end of this article.

(Added by Ord. 09-4; Am. Ord. 17-54)

Sec. 21-9.100-1 TOD special district findings.

- (a) The City’s rail transit system represents a significant investment by the community to improve mobility and re-shape the urban form. TOD regulations will support the use of multimodal transportation with the creation of vibrant, mixed-use developments and quality community gathering places around transit stations.
- (b) Development along the transit corridor that contains a cohesive and rich mix of uses and a variety of housing types can support the public investment in rail transit and direct a large portion of Oahu’s future population growth to the rail corridor, reducing pressures to develop in rural agricultural lands, open spaces, and suburban residential areas.
- (c) Therefore, it is necessary to establish special controls and allowances that respond to the unique characteristics of TOD and shape development around transit stations to foster more livable communities, respond to local conditions, take full advantage of transit, and support the public’s investment.

(Added by Ord. 09-4; Am. Ord. 17-54)

Sec. 21-9.100-2 Neighborhood TOD plans.

- (a) For each TOD station area or combination of station areas, the department shall prepare a neighborhood TOD plan, which serves as the basis for the creation or amendment of a TOD special district and the TOD development regulations applicable thereto. Each neighborhood TOD plan must address, at minimum, the following:

- (1) The general objectives for the particular TOD station area in terms of overall economic revitalization, neighborhood character, and unique community historic and other design themes. Objectives must summarize the desired neighborhood mix of land uses, general land use intensities, circulation strategies, general urban design forms, and cultural and historic resources that form the context for TOD;
 - (2) Parcels recommended to be included in the TOD special district, taking into account natural topographic barriers, extent of market interest in redevelopment, and the benefits of transit, including the potential to increase transit ridership;
 - (3) Recommended zoning controls, including architectural and community design principles, open space requirements, parking standards, and other modifications to existing zoning requirements, or the establishment of new zoning precincts, as appropriate, including density incentives. Prohibition of specific uses must be considered. Form-based zoning may be considered;
 - (4) Preservation of existing affordable housing and potential opportunities for new affordable housing, and as appropriate, with supportive services;
 - (5) Preservation of existing healthcare services. For purposes of this subdivision, “healthcare services” means the furnishing of medicine, medical or surgical treatment, nursing, hospital service, dental service, optometrical service, complementary health services, or any other necessary services of like character intended to prevent, alleviate, cure or heal human illness, physical disability, or injury;
 - (6) Mitigating gentrification of the community; and
 - (7) The general direction on implementation of the recommendations, including the phasing, timing and approximate cost of each recommendation, as appropriate, and new financing opportunities that should be pursued.
- (b) The process of creating neighborhood TOD plans must be inclusive, open to residents, businesses, landowners, community organizations, government agencies, and others.
 - (c) The process must consider population, economic, and market analyses and infrastructure analyses, including capacities of water, wastewater, and roadway systems. Where appropriate, public-private partnership opportunities must be investigated.
 - (d) The neighborhood TOD plan must be consistent with the applicable regional development plan.
 - (e) To the extent practical, the neighborhood TOD plan must be consistent with any applicable special area plan or community master plan, or make recommendations for revisions to these plans.
 - (f) The neighborhood TOD plan must be submitted to the council and approval of the plan will be by council resolution, with or without amendments.
 - (g) Waipahu Neighborhood TOD Plan.
 - (1) The Waipahu Neighborhood TOD Plan was adopted by the council via Resolution No. 14-47, CD1, on April 16, 2014. It includes the West Loch and Waipahu Transit Center station areas.
 - (2) The Waipahu Transit Center station area reflects Waipahu’s heritage as a former sugar plantation town. The area is generally low-rise in character and contains a wide range of uses. The plan envisions the retention of the historic low-rise character, while providing new retail, office, and residential opportunities in a walkable, mixed-use setting in the areas along Waipahu Depot Road and Farrington Highway.
 - (3) Development in the West Loch station area will be concentrated in the area adjacent to the transit station along Farrington Highway and Leole Street. The plan envisions a higher density commercial center with mixed-use buildings along Farrington Highway, while Leole and Leoku Streets serve as pedestrian-oriented streets with active ground floor activities and pedestrian access to the Pearl Harbor Historic Trail.

(Added by Ord. 09-4; Am. Ord. 17-20, 17-54)

Sec. 21-9.100-3 Processing of proposed ordinances establishing the TOD special district and development regulations applicable thereto.

If the council approves a neighborhood TOD plan, with or without amendments, the director shall submit to the planning commission a proposed ordinance establishing the TOD special district or expanding the existing special district to include the applicable station area(s) and the TOD development regulations applicable thereto.

(Added by Ord. 09-4; Am. Ord. 17-54)

Sec. 21-9.100-4 TOD development regulations minimum requirements.

The TOD development regulations for the TOD special district must include, but need not be limited to, the following provisions:

- (a) Allowances for a mix of land uses, both vertically and horizontally, including affordable housing;
- (b) Density and building height limits that may be tied to the provision of community amenities, such as public open space, affordable housing, and community meeting space;
- (c) Elimination or reduction of the number of required off-street parking spaces, including expanded allowances for joint use of parking spaces;
- (d) Design provisions that encourage use of rapid transit, buses, bicycling, walking, and other non-automobile forms of transport that are safe and convenient;
- (e) Guidelines on building orientation and parking location, including bicycle parking;
- (f) Identification of important neighborhood historic, scenic, and cultural landmarks, and controls to protect and enhance these resources;
- (g) Design controls that require human-scale architectural elements at the ground and lower levels of buildings;
- (h) Landscaping requirements that enhance the pedestrian experience, support station identity, and complement adjacent structures; and
- (i) Incentives and accompanying procedures to encourage appropriate and necessary transit-oriented development, which may include minimum standards, financial incentives, and considerations relating to the ability to contribute positively to the economic enhancement of the affected area and the city, particularly with regard to providing a broad mix of uses, diverse housing, and diverse employment opportunities.

(Added by Ord. 09-4; Am. Ord. 17-54)

Sec. 21-9.100-5 Interim planned development-transit (IPD-T) projects.

The purpose of the IPD-T permit is to provide opportunities for creative, catalytic redevelopment projects and public housing projects within the rail corridor that would not be possible under a strict adherence to the development standards of this chapter prior to the adoption of the TOD neighborhood plans or amendments to this chapter relating to the future TOD zones (special districts), or both. Qualifying projects must demonstrably exhibit those kinds of attributes that are capable of promoting highly effective transit-enhanced neighborhoods, including diverse employment opportunities, an appropriate mix of housing types, support for multi-modal circulation, and well-designed publicly accessible and usable spaces. Flexibility may be provided for project uses, density, height and height setbacks, yards, open space, landscaping, streetscape improvements, parking and loading, and signage when timely, demonstrable contributions are incorporated into the project benefiting the community, supporting transit ridership, and implementing the vision established in Section 21-9.100-4. Reflective of the significance of the flexibility represented by this option, it is appropriate to approve projects conceptually by legislative review and approval prior to a more detailed administrative review and approval by the department. For the purpose of this section, "public housing project" means a residential or mixed-use development with a significant affordable housing component undertaken by the Hawaii Public Housing Authority or other state or city agency that develops public housing, their lessee, or their designated developer pursuant to a partnership or development agreement.

Prior to the adoption of TOD special district standards, proposed development on sites with at least portions of an eligible zoning lot that are within no more than one-half mile of a future rail station identified in the Honolulu Rail Transit Project (H RTP) Environmental Impact Statement (EIS), accepted by the Governor of the State of Hawaii on December 16, 2010, and any future supplemental EISs for the project, may qualify for an IPD-T permit in the interim, subject to the following:

- (a) Eligible zoning lots. IPD-T projects may be permitted on zoning lots that meet the following standards:
 - (1) A portion of the zoning lot shall be within a one-half-mile radius of a planned H RTP station, as approved by the Honolulu Authority for Rapid Transportation. For purposes of this section, the minimum distance requirement shall be measured as the shortest straight line distance between the edge of the station area and the zoning lot line(s) of the project site. For public housing projects, the distance may be extended to include a portion of a zoning lot within a one-mile radius of a planned H RTP station;
 - (2) The minimum project size shall be 20,000 square feet. Multiple lots may be part of a single IPD-T project if all of the lots are under a single owner and/or lessee holding leases with a minimum of 30 years remaining in their terms. Multiple lots in a single project must be contiguous, provided that lots that are not contiguous may be part of a single project if all of the following conditions are met:
 - (A) The lots are not contiguous solely because they are separated by a street or right-of-way; and

- (B) Each noncontiguous portion of the project, whether comprised of a single lot or multiple contiguous lots, shall have a minimum area of 20,000 square feet.

When a project consists of noncontiguous lots as provided above, pedestrian walkways or functioning design features connecting the separated lots are strongly encouraged to unify the project site. Multiple lots that are part of an approved single IPD-T project shall be considered and treated as one zoning lot for purposes of the project, provided that no conditional use permit-minor for a joint development of multiple lots shall be required therefor;

- (3) The project site shall be entirely in the state-designated urban district;
 - (4) All eligible zoning lots shall be in the apartment, apartment mixed use, business, business mixed use, resort, industrial, or industrial-commercial mixed use districts; except that this subdivision shall not apply to landscape lots, right-of-way lots, or other lots utilized for similar utilitarian (infrastructure) purposes; and
 - (5) Upon the enactment of a TOD special district and its related development regulations, all zoning lots within that TOD special district shall no longer be eligible for this interim permit, but shall henceforth comply with all applicable TOD special district regulations and requirements enumerated by this chapter; provided that any application for an IPD-T project that has received council approval of its conceptual plan prior to the date of enactment shall continue to be processed under and be subject to this Section 21-9.100-5 and the applicable use and development standards approved under the conceptual plan.
- (b) Standards for review.
- (1) Significant flexibility and the possibility of increased development potential are being made available to eligible IPD-T projects. The degree of flexibility must be commensurate with the contributions that these projects can provide towards the enhancement of highly effective transit-enhanced neighborhoods, particularly as these contributions relate to the success of TOD. The highest degree of flexibility may be authorized by this permit for those projects which demonstrate:
 - (A) The ability to contribute positively to the economic enhancement of the affected area, particularly with regard to providing a broad mix of uses and diverse housing or employment opportunities;
 - (B) The provision of measures or facilities, or both, to promote a highly functioning, safe, interconnected, multi-modal circulation system, supporting easy access to, and effective use of the transit system on a pedestrian scale;
 - (C) The provision of usable, safe, and highly accessible public accommodations, gathering spaces, pedestrian ways, bicycle facilities, or parks; and
 - (D) An appropriate mix of housing and unit types, including a range of affordable and market rate housing, particularly affordable or rental housing, or both, or public housing projects; with qualifying affordable housing being located on the project site or within one-half mile of an identified H RTP transit station, or within one mile of an identified H RTP transit station for public housing projects, subject to the requirements set forth below. For purposes of this section, "affordable housing" shall mean housing that is affordable to households with incomes not exceeding 120 percent of the annual median income for Oahu. Off site affordable housing is only allowed subject to the following requirements:
 - (i) At least 50 percent of the total affordable housing requirement for the project, as satisfied pursuant to rules adopted by the department in accordance with HRS Chapter 91 (the "department's affordable housing rules"), must be within the project site;
 - (ii) Up to 50 percent of the total affordable housing requirement for the project, as satisfied pursuant to the department's affordable housing rules, may be provided on lands that are within one-half mile of an identified H RTP transit station, if:
 - (aa) The units are rental (as opposed to for sale) housing;
 - (bb) The rentals meet the affordable housing guidelines for households with incomes not exceeding 60 percent of the "area median income" as defined in the department's affordable housing rules; and
 - (cc) The rentals remain affordable for a period of not less than sixty (60) years; and
 - (iii) Up to 35 percent of the total affordable housing requirement for the project, as satisfied pursuant to the department's affordable housing rules, may be provided on lands within one-half mile of an identified H RTP transit station, if:
 - (aa) The units are rental housing;

- (bb) The rentals meet the affordable housing guidelines for households with incomes not exceeding 80 percent of the “area median income” as defined in the department’s affordable housing rules; and
- (cc) The rentals remain affordable for a period of not less than twenty (20) years.

If the department's affordable housing rules establish separate factors for determining the satisfaction of affordable housing requirements for transit-oriented developments, then satisfaction of the above percentages will be based on those factors.

The IPD-T option offers developers opportunities to increase development potential, provided equitable contributions that benefit the general public, the transit system, and TOD are demonstrated.

- (2) Unless specified in Section 21-9.100-5, IPD-T projects shall be generally consistent with:
 - (A) The approved neighborhood TOD plan for the affected area; or
 - (B) If the neighborhood TOD plan has not yet been approved, the draft neighborhood TOD plan. As used in this section, "draft neighborhood TOD plan" means the most current version of the plan then under consideration by the department or the council, commencing with the first public review draft released by the director to the community for review and comment.
- (c) Use Regulations.
 - (1) Permitted uses and structures may be any of those uses permitted in the BMX-4 central business mixed use district; except that hotels are not permitted on any zoning lot in an apartment, apartment mixed use, industrial, or industrial-commercial mixed use district, unless it is otherwise in compliance with the standards enumerated by Section 21-5.360(b) (provided that this subdivision does not preclude hotels in the I-2 intensive industrial district and the IMX-1 industrial-commercial mixed use district from qualifying as a conditional use under Section 21-5.30(a)); and
 - (2) Ground floors and pedestrian-accessible spaces should be utilized to the extent feasible for active uses, such as, but not necessarily limited to outdoor dining, retail, gathering places, and pedestrian-oriented commercial activity. These spaces should also provide public accommodations such as, but not necessarily limited to, benches and publicly accessible seating, shaded areas through either trees or built structures, publicly accessible restrooms, trash and recycling receptacles, facilities for recharging electronic devices, publicly accessible telecommunications facilities, and Wi-Fi service.
- (d) Site Development and Design Standards. The standards set forth by this subsection are general requirements for IPD-T projects. When, in the subdivisions below, the standards are stated to be subject to modification or reduction, the modification or reduction must be for the purpose of accomplishing a project design consistent with the goals and objectives of Section 21-9.100-4 and this subsection. Also, pursuant to subsection b, the modification or reduction in the following standards must commensurate with the contributions provided in the project plan, and the project must be generally consistent with the draft or approved neighborhood TOD plan for the area, unless otherwise specified below.
 - (1) Density.
 - (A) The maximum floor area ratio (FAR) may be up to twice that allowed by the underlying zoning district or 7.5, whichever is lower; provided that where a draft or approved neighborhood TOD plan identifies greater density for the site, a project on that site must be consistent with the specified density contained in the plan and may be considered for that density;
 - (B) For public housing projects as defined in Section 21-9.100-5, the FAR cannot exceed 7.5; provided that if the maximum FAR under the draft or approved neighborhood TOD plan is greater than 7.5, then the draft or approved TOD FAR will prevail; and
 - (C) For lots in the B-2, BMX-3, BMX-4, and IMX-1 districts, the maximum increase will apply in addition to any eligible density bonuses for the underlying zoning district; that is, the increase will apply to the zoning lot plus any applicable floor area bonuses.
 - (2) Height.
 - (A) For project sites where there is no draft neighborhood TOD plan, the maximum building height may be up to twice that allowed by the underlying zoning district, or 450 feet, whichever is lower; and
 - (B) Where there is a draft or approved neighborhood TOD plan, the maximum height cannot exceed the maximum height specified in the plan; provided that where existing height limits exceed those in the plans, the existing height limit will prevail.
 - (C) For public housing projects as defined in Section 21-9.100-5, the maximum building height may be up to 400 feet unless the maximum height specified in the draft or approved neighborhood TOD plan is higher, in which case the maximum height in the TOD plan will prevail.

- (3) Transitional height or street setbacks may be modified where adjacent uses and street character will not be adversely affected.

- (4) Buildable Area. Yards and the maximum building area must be as specified by the approved conceptual project plan; provided that building placement will not cause adverse noise, privacy or wind effects to adjacent uses, and street character will not be adversely affected.
- (5) Open Space.
 - (A) Project open space will be as specified in the approved conceptual project plan, with a preference for publicly accessible, highly usable parks and gathering spaces rather than buffering or unusable landscaped areas.
 - (B) Where appropriate, usable open space may be:
 - (i) Transferred to another accessible site within the vicinity of the project that will be utilized as a public park, plaza, or gathering place for the affected community; or
 - (ii) Provided in the form of connections or improvements, or both, to nearby open spaces, pedestrian ways or trails, such as, but not necessarily limited to, streetscape and intersection improvements, pedestrian walkways or bridges, arcades, or promenades; or both.
- (6) Landscaping and screening standards will be as specified in the approved conceptual project plan and project landscaping must include adjacent rights-of-way. Streetscape landscaping, including street trees or planting strips, should be provided near the edge of the street, rather than adjacent to the building, unless infeasible.
- (7) Parking and loading standards are as follows:
 - (A) The number of parking and loading spaces provided will be as specified in the approved conceptual project plan;
 - (B) Service areas and loading spaces must be located at the side or rear of the site, unless the size and configuration of the lot renders this infeasible;
 - (C) Vehicular access must be provided from an existing access or driveway, or from a secondary street whenever possible and placed in the location least likely to impede pedestrian circulation; and
 - (D) The provision of car-sharing programs and vehicle charging stations is encouraged.
- (8) Bicycle parking must be accommodated on the project site, subject to the following:
 - (A) The number of bicycle parking spaces provided will be as specified in the approved conceptual project plan;
 - (B) Long-term bicycle parking must be provided for residents of on-site dwelling units in the form of enclosed bicycle lockers or easily accessible, secure, and covered bicycle storage;
 - (C) Bicycle parking within enclosed parking structures must be located as close as is feasible to an entrance of the facility so that it is visible from the street or sidewalk. The provision of a fenced and gated area for secure bicycle parking within the structure is encouraged;
 - (D) Each bicycle parking space must be a minimum of 15 inches in width and six feet in length, with at least five feet of clearance between bicycle and vehicle parking spaces. Each bicycle must be easily reached and movable without moving another bicycle; and
 - (E) The provision of space for bicycle-sharing stations is encouraged either on the exterior of the building or within a parking structure, provided the area is visible and accessible from the street.
- (9) Signs.
 - (A) Sign standards and requirements will be as specified in the approved conceptual project plan. The sign standards and requirements may deviate from the strict sign regulations of this chapter; provided that the flexibility is used to achieve good design, compatibility, creativity, consistency, and continuity in the utilization of signs on a pedestrian scale;
 - (B) All projects must include appropriate measures to accommodate TOD-related way-finding signage that will be considered “public signs” for purposes of Article 7; and
 - (C) Where signage is not otherwise specified by the approved conceptual plan for the project, the project signage must comply with the underlying sign regulations of this chapter.
- (e) Application Requirements. An application for approval of an IPD-T project shall contain:
 - (1) A project name;
 - (2) A location map showing the project in relation to the future rail station area and the surrounding area;
 - (3) A site plan showing property lines, the locations of buildings and other major structures, building access and activity zones, the proposed open space and landscaping system, access and circulation for vehicles, bicycles, and pedestrians, bus or trolley stops, and other major activities;

- (4) A narrative description of the overall development and urban design concept; the general mix of uses; the basic form and number of structures; the relationship of buildings to each other and to the streets, and how that is used to create active public space; the estimated number of proposed public and private dwelling or lodging units, affordability restrictions to be observed, and the proposed mix of housing types; general building height and density; how the project achieves and positively contributes to TOD and transit-enhanced neighborhoods; proposed public amenities and community benefits; the planned development of usable, publicly accessible spaces, accommodations and landscaping; how the project supports walking, bicycling, and active living; proposals to enhance multimodal circulation and access; proposed off-street parking and loading; and possible impacts on security, public health and safety, infrastructure and public utilities;
 - (5) An open space plan, showing the reservation of land for public, semi-public, and private open space, including parks, plazas, and playgrounds, an integrated circulation system indicating proposed movement of vehicles, goods, pedestrians, and bicyclists within both the project area and adjacent areas, including streets and driveways, sidewalks and pedestrian ways, bicycle lanes, bicycle tracks, and multi-use paths, off-street parking, and loading areas;
 - (6) A narrative explanation of the project's architectural and urban design relating the various design elements to support pedestrian- and transit-oriented development, and a discussion of any impacts to any cultural or historic resources, as well as any public views protected by law or ordinance;
 - (7) Details of the project, including proposed floor area, open space, open space bonuses, and maximum FAR;
 - (8) A parking and loading management plan or transportation demand management plan, or both;
 - (9) A wind and shadow study to analyze the effects of mid-rise and high-rise structures, particularly anticipated effects at the ground level. Where adverse effects are anticipated, mitigative measures shall be included in the proposal; and
 - (10) Any other information deemed necessary by the director to ascertain whether the project meets the requirements of this section.
- (f) Procedures. Applications for approval of IPD-T projects shall be processed in accordance with Section 21-2.110-2. Fees shall be as enumerated for Planned Development applications in Section 6-41.1(a)(19), provided that the fee shall be waived for public housing projects.
- (g) Conceptual Plan for a Project. No project shall be eligible for IPD-T status unless the council has first approved a conceptual plan for the project. The approved conceptual plan must set forth the allowable uses and the site development and design standards for density, height, transitional height and/or street setbacks, yards, open space, landscaping and screening, parking and loading, bicycle parking, and signs, if the uses and standards depart from the uses and standards applicable in the underlying zoning district. If uses and standards are not otherwise specified, the uses and standards applicable to the underlying zoning district apply.
- (h) Guidelines for Review and Approval of the Conceptual Plan for a Project. Prior to or concurrently with its approval of a conceptual plan for an IPD-T project, the council shall find that the project concept, as a unified plan, is in the general interest of the public, and that:
- (1) Requested project boundaries and requested flexibility with respect to development standards and use regulations are consistent with the objectives of TOD and the provisions enumerated in Sec. 21-9.100-4 and Sec. 21-9.100-5 while in effect; and
 - (2) Requested flexibility with respect to development standards and use regulations is commensurate with the public amenities and community benefits proposed.
- (i) Deadline for Obtaining Building Permit for Project.
- (1) A council resolution of approval for a conceptual plan for an IPD-T project shall establish a deadline within which the building permit for the project shall be obtained. For multiphase projects, deadlines must be established for obtaining building permits for each phase of the project. The resolution shall provide that the failure to obtain any building permit within the prescribed period shall render null and void the council's approval of the conceptual plan and all approvals issued thereunder; provided that in multiphase projects, any prior phase that has complied with the deadline applicable to that phase shall not be affected. The reordering of phases is permitted with the director's approval as long as the overall

completion deadline for multiphase projects has not passed. A revocation of a building permit pursuant to Section 18-5.4 after the deadline shall be deemed a failure to comply with the deadline.

- (2) The resolution shall further provide that a deadline may be extended as follows:
 - (A) The director may extend the deadline if the applicant demonstrates good cause, but the deadline shall not be extended beyond one year from the initial deadline without the approval of the council, which may grant or deny the approval in its complete discretion.
 - (B) If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension, which report shall include the director's findings and recommendations thereon and a proposed resolution approving the extension.
 - (C) The council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by resolution.
 - (D) If the council fails to take final action on the proposed extension within the first to occur of (i) 60 days after the receipt of the director's report or (ii) the applicant's then-existing deadline for obtaining a building permit, the extension shall be deemed to be denied.
- (3) For public housing projects, the council resolution for approval of a conceptual plan for an IPD-T project shall include a five-year deadline within which the building permit for the first phase of the project shall be obtained. Any extensions beyond this deadline, including extensions for subsequent phases, will be subject to council approval pursuant to the procedures in subdivision (2).
- (4) The director shall notify the council in writing of any extensions granted by the director that do not require council approval.
- (j) Further Processing by Director. If the council approves the conceptual plan for the IPD-T project, the application, as approved in concept by the council, shall continue to be processed by the director as provided under Section 21-2.110-2. Additional documentation may be required by the director as necessary. The following criteria shall be used by the director to review applications:
 - (1) The project shall conform to the approved conceptual plan and any conditions established by the council in its resolution of approval. Any change to the conceptual plan will require a new application and approval by the council. The director may approve changes to the project that do not significantly alter the size or nature of the project, if the changes remain in conformance with the conceptual plan and any conditions established by the council. Any increase in the height or density of the project will be considered a significant alteration and a change to the conceptual plan;
 - (2) The project also shall implement the objectives, guidelines, and standards of Section 21-9.100-4 and this section;
 - (3) The project shall contribute significantly to the overall desired urban design of TOD areas;
 - (4) The project shall demonstrate a pedestrian system, publicly accessible spaces and accommodations, landscaping and other amenities which shall be integrated into the overall design of the project, and shall enhance the pedestrian experience between the project and surrounding TOD areas;
 - (5) The project shall involve a broad mix of uses or other characteristics, or both, which support the economic development and vitality of the affected TOD enhanced neighborhood; or include an appropriate mix of housing types, particularly affordable housing and rental housing, or both, or public housing; and
 - (6) The parking management plan or transportation demand management plan shall support transit ridership and alternative modes of travel and minimize impacts upon public streets where possible.

(Added by Ord. 14-10; Am. Ord. 16-26, 17-40)

Sec. 21-9.100-6 TOD special district objectives.

The objectives of a TOD special district are to:

- (a) Promote an appropriate mixture and density of activity around the rail transit stations in order to maximize the potential for transit ridership and promote alternative modes of transportation to the automobile;
- (b) Allow for more intense and efficient use of land for the mutual reinforcement of public investments and private development;
- (c) Support transit by ensuring connectivity and convenient access, while limiting conflicts among vehicles, pedestrians, bicycles, and transit operations;

- (d) Establish standards for buildings and sites that provide quality urban design that attracts and encourages pedestrian activity;

- (e) Provide a high level of streetscape amenities that create a comfortable environment for pedestrians, bicyclists, and other uses, such as walkways, street furniture, street trees, and human-scale architectural features;
 - (f) Promote an appropriate mix of housing types, including affordable housing and rental housing;
 - (g) Promote quality publicly accessible and usable spaces and gathering places; and
 - (h) Contribute positively to the economic enhancement of the affected area and the city, particularly with regard to providing a broad mix of uses, diverse housing, and diverse employment opportunities.
- (Added by Ord. 17-54)

Sec. 21-9.100-7 Use regulations.

Permitted uses and structures are as enumerated in Table 21-3, except as provided below:

- (a) In the business mixed-use district, the ground floor of buildings facing a key street, public open space, or transit station must be designed and used for active ground floor activities, as defined in Section 21-9.100(c), for at least 80 percent of the ground-floor building frontage. On corner lots, this requirement must be met on each key-street-facing facade.
- (b) In the apartment mixed-use district the ground floor of the building frontage facing any key street, public open space, or transit station must be designed and used as residential dwelling units or active ground floor activities, as defined in Section 21-9.100(c). On corner lots, this requirement must be met on each key-street-facing facade.
- (c) Up to 10 dwelling units may be permitted per zoning lot above the ground floor in the IMX-1 industrial commercial mixed use district, subject to a special district permit. Accessory caretaker dwellings do not require a special district permit.

(Added by Ord. 17-54)

Sec. 21-9.100-8 General requirements and development standards.

The following standards apply throughout a TOD special district:

- (a) Site Development and Design Standards. Development standards are as established for the underlying base district except as provided below.
 - (1) Density and height.
 - (A) The maximum FAR is as prescribed by the underlying zoning district, unless modified through a special district permit or PD-T permit, through which an applicant may seek approval to exceed the base FAR up to a maximum FAR as follows:

| | BMX-3 and B-2 Districts | Apartment and Apartment Mixed Use Districts | Industrial and Industrial Mixed Use Districts |
|--|--------------------------------|--|--|
| Base FAR | 2.5 | Refer to Table 21-3.3 | Refer to Table 21-3.5 |
| Maximum FAR with Major Special District Permit | 3.5 | 1.2 x Base FAR | 1.2 x Base FAR |
| Maximum FAR with PD-T Permit | 7.0 | 2.0 x Base FAR | 2.0 x Base FAR |

- (B) The open space bonus provisions of Section 21-3.120-2(c) are not applicable.
- (C) In the apartment mixed use districts, the maximum commercial use density and location provisions of Section 21-3.90-1(c) and Table 21-3.3 may be modified through a special district permit where the proposed development meets the objectives of the TOD special district, as enumerated in Section 21-9.100-6.

- (D) Height. The allowable height is as prescribed on the zoning map, unless modified through a special district or PD-T permit. Through a special district or PD-T permit, an applicant may seek approval to exceed the base height up to the parenthetical number identified as the bonus height limit on the zoning map. A PD-T permit is required for projects seeking a bonus height that exceeds the lesser of 50 percent of the total bonus height available, or 50 feet.
- (E) Where a TOD special district permit is sought to achieve height or density bonuses, the degree of flexibility requested must be reasonably related to the community benefits the development will provide for the enhancement of the TOD area. The highest degree of flexibility may be authorized for those projects that demonstrate:
 - (i) The provision of measures or facilities, or both, to promote a highly functioning, safe, interconnected, multimodal circulation system, supporting easy access to, and effective use of the transit system on a pedestrian scale;
 - (ii) The provision of open space, particularly usable, safe, and highly accessible public accommodations, gathering spaces, or parks, either on site, within the TOD station area, or at a public park or gathering space within 400 feet of the same TOD station area boundary; and
 - (iii) An appropriate mix of housing and unit types, particularly affordable for-sale or rental housing, or both, located on the project site or within the same station area as the project site. Where the project proposes more than 10 residential dwelling or lodging units, or both, the affordable for-sale or rental units must be in addition to the affordable housing requirements of Chapter 38.

The above notwithstanding, the completed project must be able to contribute positively to the economic enhancement of the affected area and the city, particularly with regard to providing a broad mix of uses, diverse housing, and diverse employment opportunities, including, but not limited to, whether the construction workforce employed on all phases of the project will be paid no less than the prevailing minimum wages established for public works projects pursuant to HRS Chapter 104.

- (F) When an applicant seeks to exceed the base height or density through a special district permit, the following conclusions must be made:
 - (i) Additional project elements that provide community benefits beyond what would otherwise be required have been incorporated into the project plan, as described in Section 21-9.100-9(e);
 - (ii) The increase in height or FAR is reasonably related to the level of community benefits provided;
 - (iii) The additional FAR or height will not be detrimental to the quality of the neighborhood character or urban design, and will not negatively impact any adopted public views; and
 - (iv) The provision of community benefits in conjunction with the increase in FAR or height will further the goals and objectives of the TOD special district and the applicable neighborhood TOD plan.
- (2) Building area. Within the TOD special district, the building area standard for zoning lots in the apartment mixed-use and industrial mixed-use districts, as set forth in Tables 21-3.3 and 21-3.5, respectively, are not applicable.
- (3) Yards, setbacks, street facade, and building placement.
 - (A) Required yards (in feet) in a TOD special district are as follows:

| Required Yard Standards | | B-2 and BMX-3 Districts | Apartment and Apartment Mixed Use Districts | Industrial and Industrial Mixed Use Districts |
|-------------------------|-------------|-------------------------|---|---|
| Minimum Front Setback | All Streets | 5 ¹ | | |
| Maximum Front | Key Street | 10 | 15 | 10 |

| | | | | |
|---------|----------------|----|-----|-----|
| Setback | Non-Key Street | 10 | N/A | N/A |
|---------|----------------|----|-----|-----|

¹ Front yard may be reduced, pursuant to requirements in Section 21-9.100-8(a)(3)(C).

- (B) The maximum setback must be measured from the front property line to the exterior face of the building. See Figures 21-9.3 and 21-9.4.
- (C) Buildings may encroach into the front yard provided:
 - (i) A paved public sidewalk at least eight feet in width fronts the building; or
 - (ii) Other buildings on the same block and sharing the same street frontage are set back less than five feet from the property line, and the proposed building location will match the existing setback(s) so that the proposed building facade creates a consistent building alignment.
- (D) Street facade and building placement.
 - (i) On corner lots fronting at least one key street, buildings must be located within 30 feet of such corner. See Figure 21-9.5.
 - (ii) On a lot with a street frontage of 100 feet or less per frontage, the ground floor building facade must be placed within the maximum front setback for at least 75 percent of the linear street frontage. See Figure 21-9.6.
 - (iii) On a lot with a street frontage greater than 100 feet per frontage, the ground floor building facade must be placed within the maximum front setback for at least 65 percent of the linear street frontage. See Figure 21-9.7.
 - (iv) Where a lot fronts two or more key streets, the applicant may designate one of the streets or corners for purposes of street facade and building placement. The structure must be placed within the maximum setback on at least one key street. Setback improvements must be provided along all key street frontages, as set forth in Section 21-9.100-8(a)(3)(E). See Figures 21-9.8 and 21-9.9.
- (E) Setback improvements.
 - (i) For structures within 15 feet of the property line with commercial or industrial uses on the ground floor, the setback area between the property line and the building facade must be improved with a combination of hardsurface, landscaping that does not obstruct pedestrian access to the setback area, and pedestrian amenities, such as outdoor dining, benches and publicly accessible seating, shade trees, portable planters, trash and recycling receptacles, facilities for recharging electronic devices, Wi-Fi service, bicycle facilities, or merchandising displays. Awnings and other sunshade devices may exceed the 36-inch horizontal projection limit established in Section 21-4.30(b).
 - (ii) For ground-floor residential uses, covered porches, stoops, or lanais may encroach into the required front yard. Other portions of the front yard must be landscaped, except for necessary access drives and walkways.
- (F) For lots on key streets in the apartment mixed-use districts, walls and fences located between the property line and the front facade of a building set back 15 feet or less must not exceed three feet in height.
- (G) Where a side yard, rear yard, or zoning district boundary line abuts a designated bike-walk greenway, a 10-foot setback must be provided. This setback area must be landscaped or improved with a combination of hardsurface, landscaping, and pedestrian amenities, such as benches, shade trees, water fountains, or bicycle facilities to enhance the greenway user experience. The setback area may also be used for convenience or commercial purposes that support the users of the bike-walk greenway, such as outdoor dining, merchandise displays, bicycle repair stations, and refreshment kiosks. No fences, other than openwork fences that do not exceed four feet in height, may be erected within the 10-foot setback area. For the purposes of this section, “openwork” means at least 50 percent open.
- (H) If a street tree plan or TOD special district street tree plan exists for the street that fronts the project, the applicant must install street trees, as required by the director.
- (I) The standards of this subdivision may be modified through a special district permit where at least one of the following conclusions can be made:
 - (i) Irregular property lines, lot configuration, or topography of the site render the yards, setbacks, street facade and building placement standards infeasible;

- (ii) The existing built environment is arranged in such a way that the yards, setbacks, street facade, and building placement standards are incompatible or unreasonable, and better overall design can be achieved by following existing development patterns; or

- (iii) The proposed building placement provides for publicly accessible, highly usable parks or gathering spaces, and will not detract from the purposes of the special district.
- (4) Building orientation and entrances.
 - (A) Building facades must be predominantly oriented to and parallel with the street, property line, or adjacent public spaces. A primary building entrance must be placed on that street frontage. See Figures 21-9.10 through 21-9.12.
 - (B) Where multiple businesses are located along the front facade of the ground floor of a building, each establishment must have a separate entrance on that street frontage.
 - (C) At least one entrance must be placed every 50 feet of the building facade facing a street or pedestrian plaza.
 - (D) These requirements may be modified through a special district permit if irregular property lines, lot configuration, or topography of the site renders them infeasible.
- (5) Building transparency, blank wall limits and required openings for ground-floor facades.
 - (A) Building facades within 20 feet of a front or street-facing property line must contain windows, doors, or other openings for at least 60 percent of the building facade area located between 2.5 and 7 feet above the level of the sidewalk. See Figure 21-9.13. Blank walls cannot extend for more than 25 feet in a continuous horizontal plane without an opening on the ground floor of a building, provided:
 - (i) Along key streets, this provision applies to all buildings, except for the portions of a building with residential dwelling units on the ground floor. Residential lobbies are subject to the transparency standard; and
 - (ii) Along non-key streets, structures with residential or industrial uses on the ground floor are exempt from this standard.
 - (B) Openings fulfilling this requirement must be designed to provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
 - (C) Modifications to the building transparency standard may be approved through a special district permit provided:
 - (i) The proposed use has unique operational characteristics for which the required windows and openings are incompatible, such as in the case of a cinema or theater; and
 - (ii) Street-facing building facades will exhibit architectural relief and detail, and will be enhanced with landscaping and street furniture, or provide canopies and awnings in such a manner as to create visual interest at the pedestrian level and activate the sidewalk area.
- (6) Pedestrian walkways. Walkways with a minimum five-foot unobstructed width must be provided according to the following standards:
 - (A) Pedestrian walkways must create internal connections by connecting all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities. See Figures 21-9.14 and 21-9.15;
 - (B) Pedestrian walkways must connect the principal pedestrian entryway to a sidewalk on each street frontage;
 - (C) Direct and convenient access must be provided to neighboring properties from commercial and mixed use developments on lots one acre or more in size whenever possible; and
 - (D) Where walkways cross or are parallel to driveways, parking areas, or loading areas, they must be clearly identifiable through the use of different paving materials or other visual markings.
- (b) Specific Use Development Standards.
 - (1) All new development proposing more than 10 residential dwelling or lodging units, or both, must satisfy the affordable housing requirements of Chapter 38.
 - (2) Outdoor dining areas are subject to the following:
 - (A) A planter or hedge of not more than 30 inches in height may be provided in the required yard to define the perimeter of the outdoor dining area;
 - (B) Outdoor dining facilities are limited to chairs, tables, serving devices, and umbrellas. When umbrellas are used, they will not be counted against open space calculations; and

(C) Outdoor dining areas must not be used after 11:00 p.m. or before 7:00 a.m.

(c) Vehicle Parking, Loading, and Bicycle Parking.

(1) Number and location of off-street parking spaces.

(A) There are no minimum parking requirements for non-residential uses.

(B) The minimum parking requirement for residential dwelling units is as follows:

| Off-Street Parking Requirements for Dwelling or Lodging Units | |
|---|-------------|
| Floor area of unit | Requirement |
| 300 sq. ft. or less | 0 |
| 301 - 600 sq. ft. | 0.5 |
| 601 - 800 sq. ft. | 0.75 |
| Over 800 sq. ft. | 1 |

(C) The parking requirements may be reduced through a special district permit where the following conclusions can be made:

(i) The application demonstrates how the anticipated transportation demand of the future residents and users of the project site will be accommodated; and

(ii) A parking and transportation demand analysis demonstrates that a modification of the parking requirements will not be detrimental to the surrounding neighborhood. The analysis must include: (1) an inventory of all on- and off- street parking spaces within the vicinity of the project site; (2) a survey of current and anticipated parking space utilization; and (3) a survey of the current and anticipated use of other modes of transportation. The analysis should also consider strategies such as shared parking agreements, bicycle facilities, bicycle sharing stations, car-sharing, and improved pedestrian mobility.

(2) At-grade parking spaces and parking on the ground floor of any structure cannot be located within 40 feet of any front property line. See Figures 21-9.8 and 21-9.9. Exceptions may be granted with the approval of a special district permit if the director finds that:

(A) Buildings are built as close as possible to the public sidewalk; and

(B) The site is small and constrained such that underground, structured, and surface parking located more than 40 feet from the street frontage cannot be accommodated.

(3) Service areas and loading spaces must be located at the side or rear of the site. This requirement may be modified through a special district permit if the director finds that the size and configuration of the lot make such a requirement infeasible.

(4) Vehicular access must be provided from a secondary street wherever possible and located where it is least likely to impede pedestrian circulation, as approved by the appropriate agencies.

(5) The ground floor of parking structures on all streets must be designed and used for active ground floor activities within 40 feet of the front property line.

(6) Bicycle Parking.

(A) A covered, single-story, stand-alone bicycle parking structure will not be considered floor area for the purposes of FAR calculation.

(B) Bicycle parking within enclosed parking structures must be located as close as is feasible to an entrance of the facility so that it is visible from the street or sidewalk. Where the bicycle parking is not visible from the front entrance, signage indicating the location of bicycle parking must be utilized. The provision of a fenced and gated area for secure bicycle parking within the structure is encouraged.

- (C) The bicycle parking standards in Section 21-6.150 may be modified through a special district permit if the director finds that there is adequate bicycle parking in the immediate vicinity, including, but not limited to, public bicycle parking in the right-of-way or private bicycle parking on nearby lots, if such parking is both perpetually accessible to the users of the project location, and designed in such a way that pedestrians and cyclists can easily recognize the availability of the bicycle parking.
- (d) Nonconformities. The provisions of Section 21-4.110 apply, except as provided in this subsection.
- (1) Structures and uses that are nonconforming prior to the adoption of a TOD special district and that do not conform to the TOD special district standards are subject to the provisions of Section 21-4.110.
 - (2) Uses that became nonconforming with the adoption of a TOD special district and zoning map amendments may be expanded to other parts of an existing structure or structures on a lot provided no new floor area devoted to such nonconforming use is proposed.
 - (3) Structures that became nonconforming with the adoption of a TOD special district and zoning map amendments may be repaired and modified where there is no proposed increase in floor area. Structural repairs that do not enlarge or extend the structure, and exterior repairs and renovations that will not modify the arrangement of buildings on the lot may be allowed, provided that if any portion of a nonconforming structure is destroyed by any means to an extent of more than 90 percent of its replacement cost at the time of destruction, it cannot be reconstructed, except in conformity with the provisions of this chapter.
 - (4) The addition of floor area on a structure that became nonconforming with the adoption of a TOD special district and zoning map amendments may be allowed, provided the proposed development complies with all applicable development standards or does not increase the nonconformity.
 - (5) Existing structures on lots with nonconforming site development may be repaired and modified, and will not be subject to value limits on repairs or renovation work performed. Where the work involves new floor area or reconfiguration of the site, the new work must comply with the TOD special district uses and standards in Sections 21-9.100-7 and 21-9.100-8.
 - (6) Where proposed improvements to nonconforming structures or nonconforming site development meet the standards of the underlying zoning but not the TOD special district uses and standards in Sections 21-9.100-7 and 21-9.100-8, the applicant may seek a special district permit to allow the development where the director can find:
 - (A) The proposed development is not detrimental to the special district, surrounding neighborhood, or streetscape; and
 - (B) The proposal includes measures to mitigate the impacts of the proposed development, or provides other community benefits to increase the conformity of the site overall with the special district standards.
- (e) Signage. TOD-related way-finding signage will be considered “public signs” for purposes of Article 7.
(Added by Ord. 17-54)

REVISED ORDINANCES OF HONOLULU

Figure 21-9.3

YARDS AND MAXIMUM SETBACKS ON ALL STREETS IN THE BMX-3 BUSINESS MIXED-USE AND B-2 COMMUNITY MIXED-USE DISTRICTS AND ON KEY STREETS IN THE IMX-1 INDUSTRIAL COMMERCIAL MIXED-USE AND I-2 INTENSIVE INDUSTRIAL DISTRICTS

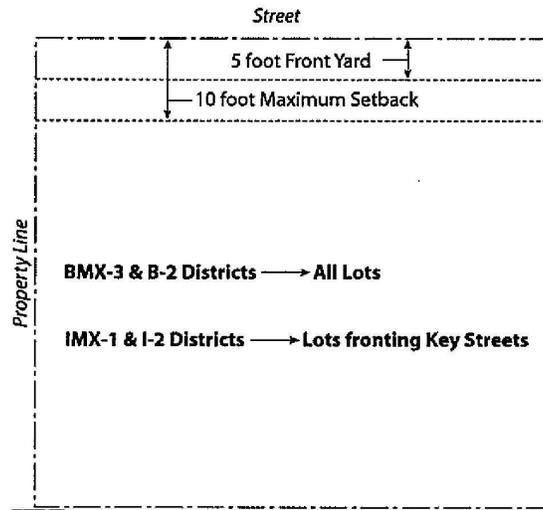
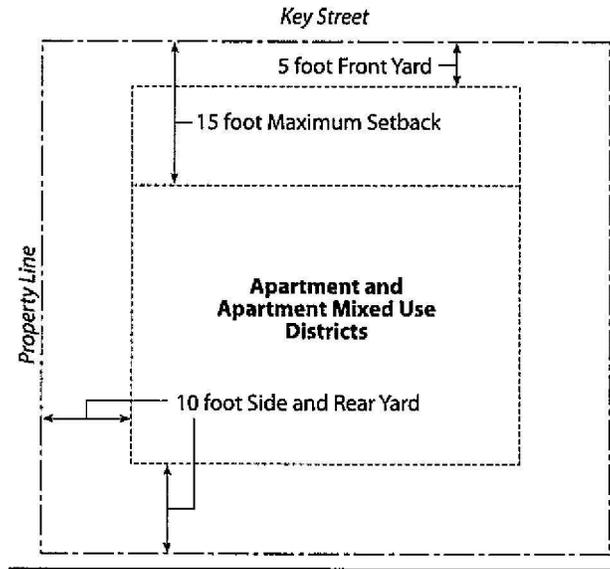


Figure 21-9.4

YARDS AND MAXIMUM SETBACKS ON KEY STREETS,
APARTMENT AND APARTMENT MIXED-USE DISTRICTS



LAND USE ORDINANCE

Figure 21-9.5

BUILDING FACADE PLACEMENT ON CORNER LOTS FRONTING TWO KEY STREETS

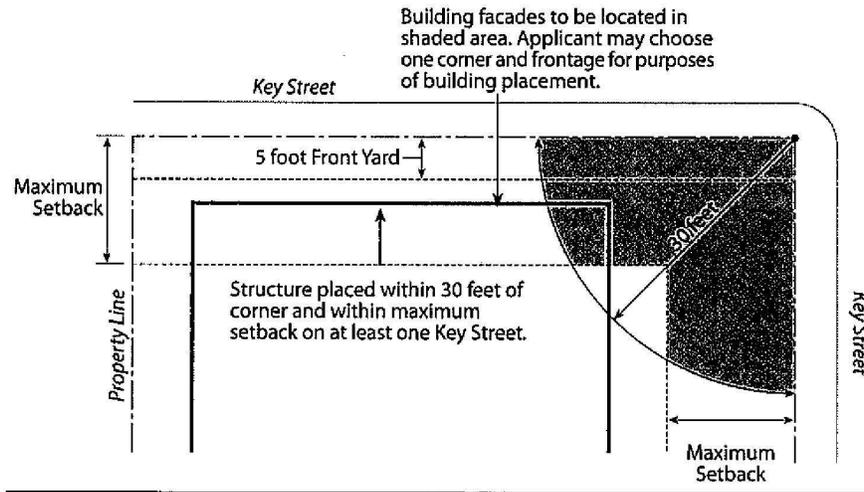
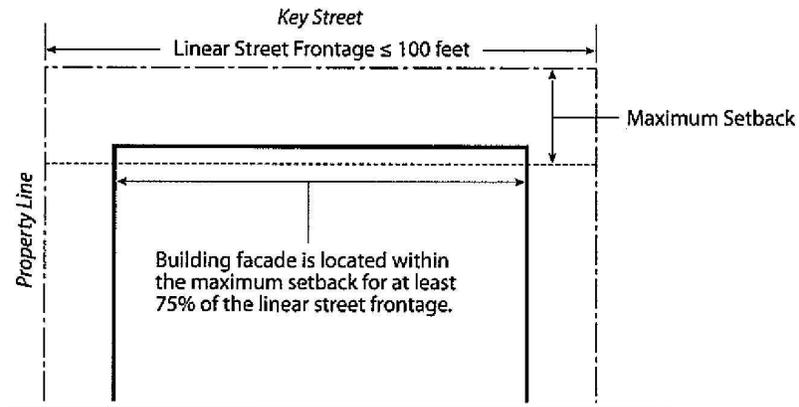


Figure 21-9.6

BUILDING FACADE PLACEMENT ON LOTS 100 FEET OR LESS



REVISED ORDINANCES OF HONOLULU

Figure 21-9.7

BUILDING FACADE PLACEMENTS ON LOTS GREATER THAN 100 FEET

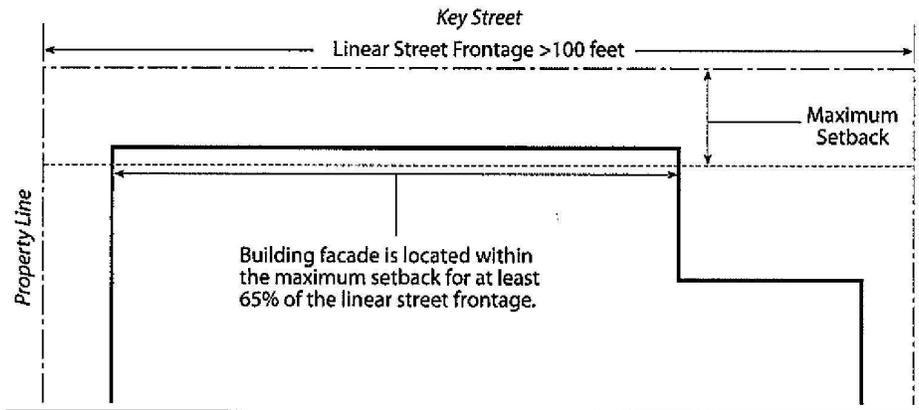
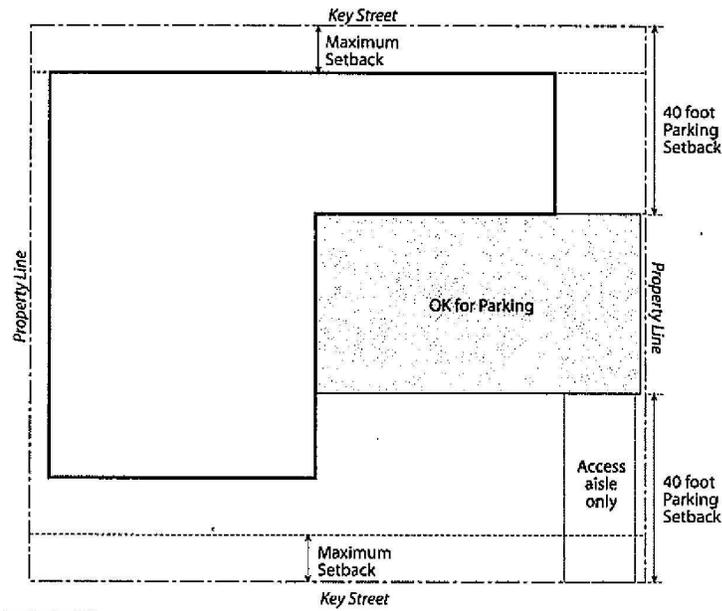


Figure 21-9.8

BUILDING FACADE AND PARKING PLACEMENT ON LOTS FRONTING TWO KEY STREETS



LAND USE ORDINANCE

Figure 21-9.9

**BUILDING FACADE AND PARKING PLACEMENT ON LOTS
FRONTING THREE KEY STREETS**

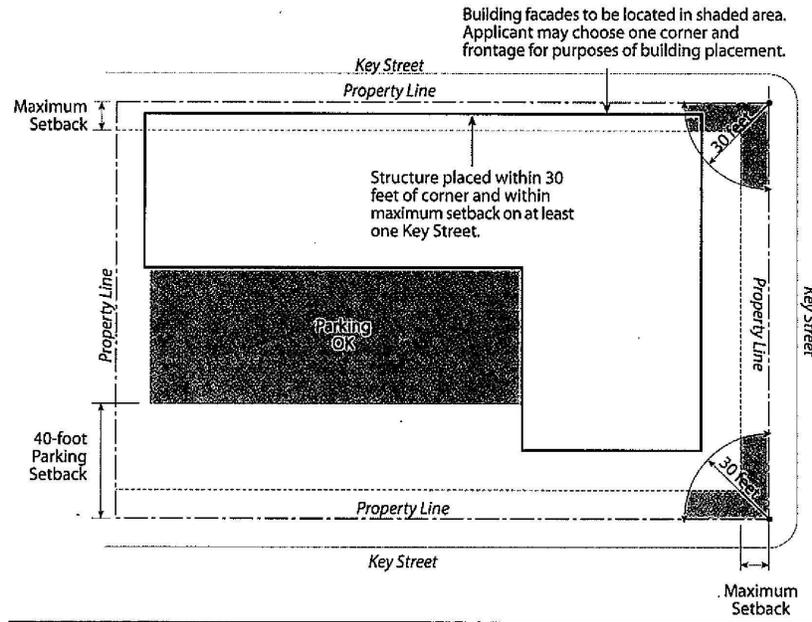
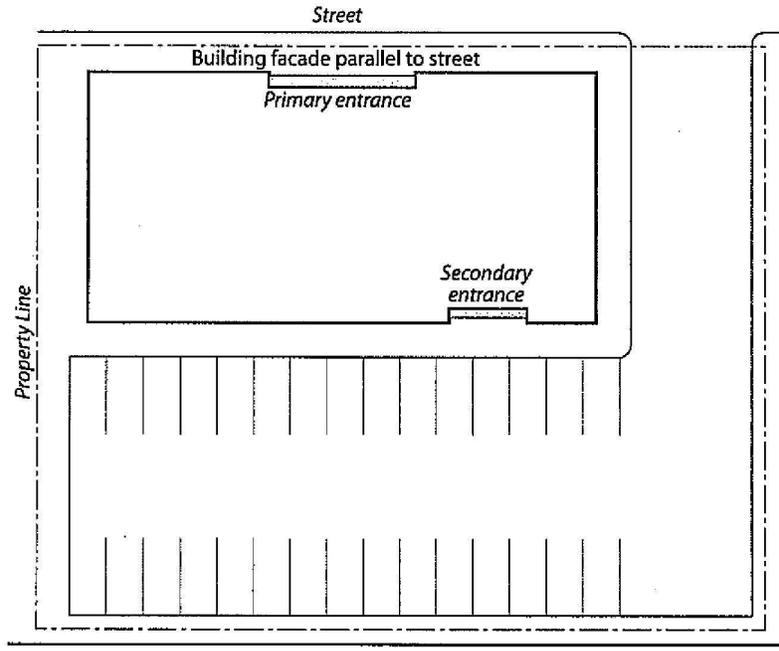


Figure 21-9.10

PRIMARY AND SECONDARY BUILDING ENTRANCES



21-188.19

(Honolulu Supp. No. 31, 10-2019)

REVISED ORDINANCES OF HONOLULU

Figure 21-9.11

FOR LOTS WITH IRREGULAR PROPERTY LINES,
BUILDING FACADES PARALLEL TO STREETS

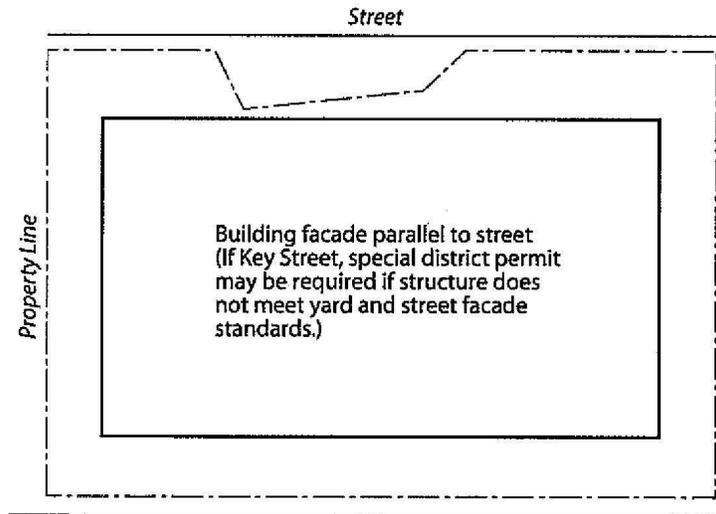
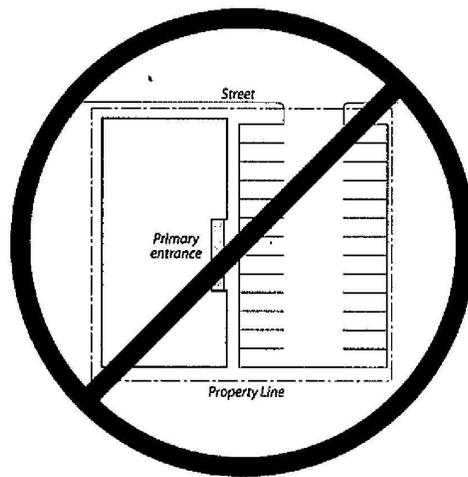


Figure 21-9.12

PRIMARY ENTRANCES SHOULD FACE THE STREET



LAND USE ORDINANCE

Figure 21-9.13

BUILDING TRANSPARENCY

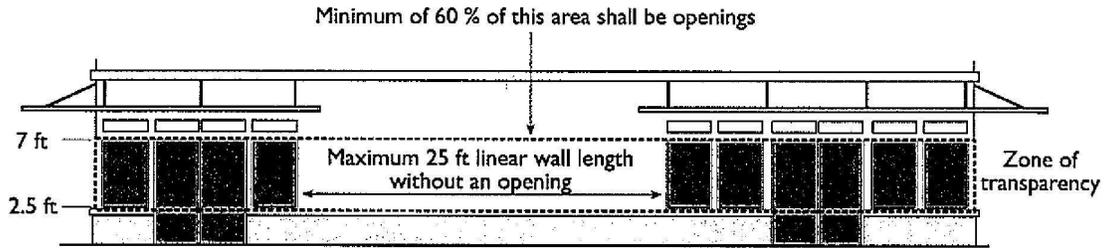


Figure 21-9.14

PEDESTRIAN WALKWAY CONNECTIVITY ACROSS ZONING LOTS

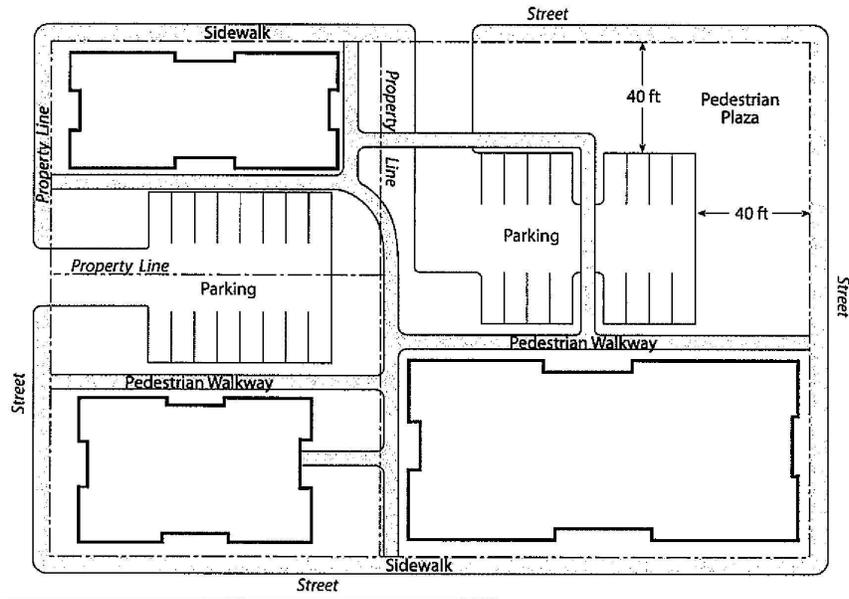
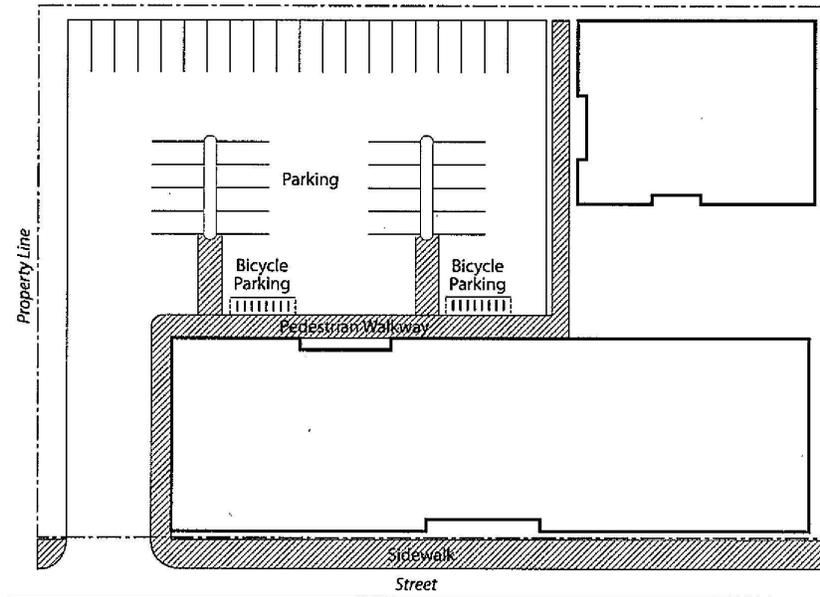


Figure 21-9.15

PEDESTRIAN WALKWAYS WITHIN A ZONING LOT**Sec. 21-9.100-9 TOD special district permits.**

- (a) Where a TOD special district permit is sought to modify development standards pursuant to Sections 21-9.100-7 and 21-9.100-8, the application must show that:
 - (1) The proposed project is generally consistent with the neighborhood TOD plan for the area; and
 - (2) The proposed project meets the findings identified under each specific development standard for which modification is sought.
- (b) Where a TOD special district permit is sought because the lot is an acre or more in size, or when height or density bonuses are sought, the proposed development must have a cohesive overall design that meets the goals and objectives of the TOD special district, pursuant to Sections 21-9.100-4 and 21-9.100-6, and is generally consistent with the neighborhood TOD plan for the area. The project plan must show how the development positively contributes to the neighborhood transportation network, including pedestrian paths and connectivity. The application must also show how the proposed development generates active uses and streetscapes, and contributes to neighborhood vitality.
- (c) Where a special district permit is sought to allow residential units in the IMX-1 industrial commercial mixed-use district, the application must show how the residential units will be integrated into the neighborhood and how any potential conflicts among the industrial, commercial, and residential uses will be mitigated. Additionally, the application must provide a review of the adequacy of public utilities and facilities, including sewer, water, and roadway systems, for the proposed dwelling units, and, where necessary, a plan to upgrade any utilities that are inadequate for the proposed use.
- (d) Where a special district permit is sought and the project proposes to develop more than 10 residential dwelling or lodging units, or both, the application must show how the affordable housing requirements of Chapter 38 will be satisfied.

- (e) Community benefits must be proposed in the TOD special district permit application to justify height and density bonuses, or to mitigate the impacts related to the modification of TOD special district development standards. Where community benefits are proposed, they must meet the following standards:

- (1) Where open space is provided as a community benefit for a TOD special district permit, it must meet the following minimum qualifications:
 - (A) The area dedicated to open space must be at least 2,000 contiguous square-feet, or an area equal to at least five percent of the maximum permitted floor area on the lot, not including floor area bonuses being sought, whichever is greater;
 - (B) The land dedicated to open space may include required yards, provided all open space must have a minimum average width and depth of 20 feet and a slope no greater than 10 percent across the open space;
 - (C) Quality open space will involve publicly accessible, highly usable parks and gathering spaces. These spaces should be pedestrian-oriented and provide public accommodations, such as, but not necessarily limited to, benches and seating, shaded areas, restrooms, trash and recycling receptacles, facilities for recharging electronic devices, telecommunications facilities, and bicycle facilities. Open space must be surfaced with a combination of trees, landscaped groundcover, and hardscape materials. It must include benches or other seating, shade structures, drinking fountains, water features, public art, trash receptacles, information kiosks, performance areas, or other similar amenities; and
 - (D) The open space may be provided on-site, off-site within the same special district, or through a combination of both;
- (2) Where affordable housing is provided as a community benefit for a TOD special district permit, the affordable housing must be in addition to the affordable housing requirements of Chapter 38; and
- (3) Where streetscape improvements are provided as a community benefit for a TOD special district permit, the improvements must be in compliance with any adopted “complete streets” guide, manual, or ordinance.

(Added by Ord. 17-54)

Sec. 21-9.100-10 Planned development-Transit (PD-T) projects.

The purpose of the PD-T permit is to provide opportunities for creative, catalytic redevelopment projects within a TOD special district that would not be possible under a strict adherence to the development standards of this chapter. Qualifying projects must demonstrably exhibit those kinds of attributes that are capable of promoting highly effective transit enhanced neighborhoods, including diverse employment opportunities, an appropriate mix of housing types, support for multimodal circulation, and well-designed publicly accessible and usable spaces. Flexibility may be provided for density, height and height setbacks, yards, open space, landscaping, streetscape improvements, parking and loading, and signage when timely, demonstrable contributions are incorporated into the project benefiting the community, supporting transit ridership, and implementing the vision, goals, and objectives of the TOD special district stated in Section 21-9.100-6. Reflective of the significance of the flexibility represented by this option, it is appropriate to approve projects conceptually by legislative review and approval prior to a more detailed administrative review and approval by the department.

- (a) Eligibility. PD-T projects may be permitted on zoning lots that meet the following standards:
 - (1) PD-T projects are permitted on zoning lots with a minimum project size of at least one acre. Multiple lots may be part of a single PD-T project if all of the lots are under a single owner or lessee holding leases with a minimum of 30 years remaining in their terms. Multiple lots in a single project must be contiguous; provided that lots that are not contiguous may be part of a single project if all of the following conditions are met:
 - (A) The lots are not contiguous solely because they are separated by a street or right-of-way; and
 - (B) Each noncontiguous portion of the project, whether comprised of a single lot or multiple contiguous lots, must have a minimum area of 20,000 square feet.

When a project consists of noncontiguous lots as provided above, pedestrian walkways or functioning design features connecting the separated lots are strongly encouraged to unify the project site. Multiple lots that are part of an approved single PD-T project will be considered and treated as one zoning lot for purposes of the project without requiring a separate conditional use permit-minor for a joint development.

- (2) This subsection does not apply to landscape lots, right-of-way lots, or other lots utilized for similar utilitarian (infrastructure) purposes.

- (b) Standards for Review.
- (1) All of the development standards of a TOD special district will apply to PD-T projects, unless otherwise noted in this section. Greater height and density bonuses are available to PD-T projects and the development standards may be modified in any way that would normally be allowed through a special district permit. The degree of flexibility sought through the PD-T process must be reasonably related to the community benefits provided. The highest degree of flexibility may be authorized by this permit for those projects that demonstrate those standards enumerated in Section 21-9.100-8(a)(1)(E) and described in Section 21-9.100-9(b).
 - (2) PD-T projects must be generally consistent with the approved neighborhood TOD plan for the affected area.
- (c) Site Development and Design Standards. The standards set forth by this subsection are general requirements for PD-T projects. When applicants seek the modification of TOD special district standards, the modification must be for the purpose of accomplishing the goals and objectives of the TOD special district. Also, the modification must be commensurate with the contributions provided in the project plan, and the project must be generally consistent with the neighborhood TOD plan for the area.
- (1) Density. Pursuant to Section 21-9.100-8(a)(1)(A), the maximum allowable density will be as follows:
 - (A) In BMX-3 and B-2 districts, the maximum FAR may be up to seven;
 - (B) In the apartment and apartment mixed use districts, the maximum FAR may be up to twice that allowed by the underlying zoning district; and
 - (C) In the IMX-1 and I-2 districts, the maximum FAR may be up to twice that allowed by the underlying zoning district.
 - (2) The maximum height cannot exceed the bonus height limit shown as the parenthetical number on the zoning maps.
 - (3) Transitional height or height setbacks may be modified where adjacent uses and street character will not be adversely affected.
 - (4) PD-T projects proposing more than 10 residential dwelling or lodging units, or both, must satisfy the affordable housing requirements of Chapter 38. If affordable housing is provided as a community benefit to justify flexibility with respect to development standards, the affordable housing must be in addition to the affordable housing requirements of Chapter 38.
- (d) Application Requirements. An application for approval of a PD-T project must contain:
- (1) A project name;
 - (2) A location map;
 - (3) A site plan showing property lines, the locations of buildings and the other major structures on the same and adjacent lots, building access and activity zones, the proposed open space and landscaping system, access and circulation for vehicles, bicycles, and pedestrians, bus or trolley stops, and other major activities;
 - (4) A narrative description of the overall development and urban design concept; the building height and density; the basic form and number of structures; the relationship of buildings to each other and the streets; the general mix of uses; the estimated number of proposed dwelling or lodging units; the proposed mix of housing types; the ways the project positively contributes to TOD; the ways the project is consistent with the applicable neighborhood TOD plan; the usable, publicly-accessible space and landscape plans; how the project supports walking, bicycling, and active living; proposals to enhance multimodal circulation and access; the proposed off-street parking and loading; and the possible impacts on security, public health and safety, infrastructure and public utilities;
 - (5) Details of the project, including calculations of proposed floor area, FAR, height limits, open spaces, landscaped areas, areas dedicated to parking, and any other significant calculations;
 - (6) A narrative description of the proposed public amenities and community benefits the project will provide. The narrative must describe how the amenities and benefits are commensurate with the design flexibility being requested, and how they will benefit the TOD special district and the neighborhood;
 - (7) An open space plan, showing the reservation of land for public, semi-public, and private open space, including parks, plazas, and playgrounds, and an integrated circulation system plan, showing the proposed movement of vehicles, goods, pedestrians, and bicyclists within the project area and adjacent

areas, including streets and driveways, sidewalks and pedestrian ways, bicycle lanes, bicycle tracks, and multi-use paths, off-street parking, and loading areas;

- (8) A discussion of any impacts to any cultural or historic resources, as well as any public view protected by law or ordinance;
 - (9) A parking and loading management plan or transportation demand management plan, or both;
 - (10) A wind and shadow study to analyze the effects of mid-rise and high-rise structures, particularly anticipated effects at the ground level. Where adverse effects are anticipated, mitigative measures must be included in the proposal;
 - (11) If applicable, a discussion of how the proposed project will satisfy the affordable housing requirements of Chapter 38; and
 - (12) Any other information deemed necessary by the director to ascertain whether the project meets the requirements of this section.
- (e) Procedures. Applications for approval of PD-T projects will be processed in accordance with Section 21-2.110-2. Fees will be as enumerated for Planned Development applications in Section 6-41.1(a)(19).
- (f) Conceptual Plan for a Project. The council must approve the conceptual plan for the project before the final PD-T permit approval can be granted. The approved conceptual plan must set forth the allowable uses and the site development and design standards for density, height, transitional height and street setbacks, yards, open space, landscaping and screening, parking and loading, bicycle parking, and signs if the uses and standards depart from the uses and standards applicable in the underlying zoning district or TOD special district. If applicable, the approved conceptual plan must also show how the proposed project will satisfy the affordable housing requirements of Chapter 38.
- (g) Guidelines for Review and Approval of the Conceptual Plan for a Project. Prior to or concurrently with its approval of a conceptual plan for a PD-T project, the council shall find that the project concept, as a unified plan, is in the general interest of the public, and, that:
- (1) Requested project boundaries and requested flexibility with respect to TOD special district development standards and use regulations are consistent with the TOD special district objectives stated in Section 21-9.100-6, and this section; and
 - (2) Requested flexibility with respect to development standards and use regulations to allow up to 10 dwelling units in the IMX-1 district is commensurate with the public amenities and community benefits proposed.
- (h) Deadline for Obtaining Building Permit for a Project.
- (1) A council resolution approving a conceptual plan for a PD-T project must establish a deadline within which the building permit for the project must be obtained. For multiphase projects, deadlines must be established for obtaining building permits for each phase of the project. The resolution must provide that the failure to obtain any building permit within the prescribed period will render null and void the council's approval of the conceptual plan and all approvals issued thereunder; provided that in multiphase projects, any prior phase that has complied with the deadline applicable to that phase will not be affected. A revocation of a building permit pursuant to Section 18-5.4 after the deadline will be deemed a failure to comply with the deadline.
 - (2) The resolution must further provide that a deadline may be extended as follows:
 - (A) The director may extend the deadline for one year if the applicant demonstrates good cause;
 - (B) If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension, which must include the director's finding, recommendations and a proposed resolution approving the extension;
 - (C) The council may approve the proposed extension or any extension for a shorter or longer period, or deny the proposed extension by resolution;
 - (D) If the council fails to take final action on the proposed extension within the first to occur of:
 - (i) 60 days after the receipt of the director's report; or
 - (ii) The applicant's then-existing deadline for obtaining a building permit;the extension will be deemed to be denied; and
 - (E) The director shall notify the council in writing of any extensions granted by the director that do not require council approval.

- (i) Further Processing by Director. If the council approves the conceptual plan for the PD-T project, the application, as approved in concept by the council, will continue to be processed by the director as provided under Section 21-2.110-2. Additional documentation may be required by the director as necessary. The following criteria must be used by the director to review applications:
- (1) The project must conform to the approved conceptual plan and any conditions established by the council in its resolution of approval. Any significant change to the conceptual plan will require a new application and approval by the council. The director may approve changes to the project that do not significantly alter the size or nature of the project, if the changes remain in conformance with the conceptual plan and any conditions established by the council; and
 - (2) The project must implement the goals and objectives of this section.
- (Added by Ord. 17-54)

Sec. 21-9.100-11 TOD special district–Project classification.

Refer to Table 21-9.8 to determine whether specific categories of projects will be classified as major, minor, or exempt. For the purposes of this section, in addition to Section 21-9.20-2(c), the term “exempt” means projects that are in full compliance with the standards and objectives of a TOD special district.

LAND USE ORDINANCE 21-9.100-11

| Table 21-9.8 TOD Special District Project Classification | | |
|---|------------------------|---|
| Activity/Use | Required Permit | Special Conditions |
| Major modification, additions, or new construction on sites one acre or more in size | M/m | Projects on key streets are major. All others will be minor, unless the director has determined that the project may result in substantial impacts. |
| Alterations or repair on sites one acre or more in size | E | |
| Major modification, alteration, repair, additions, or new construction on sites less than one acre in size | E | |
| Interior repairs, alterations and renovations to all structures | E | |
| Modifications to height or FAR | M | Projects seeking a maximum FAR of up to 3.5 are major. Projects seeking a bonus height that does not exceed the lesser of 50 percent of the total bonus height available, or 50 feet, are major. All other projects seeking densities or heights beyond the base limits specified in Sections 21-9.100-8(a)(1)(A) and 21-9.100-8(a)(1)(D) are PD-T. |
| Modification to the following standards: <ul style="list-style-type: none"> • Yards and setbacks • Street facade and building placement • Building orientation and entrances • Building transparency • Number of parking stalls • Location of above ground surface parking • Location of service area and loading spaces • Bicycle parking • The commercial use density and location provisions in the apartment mixed use districts • Additional commercial density in the apartment mixed use districts. • Reconfiguration of sidewalk area | m | Where modifications to the standards are otherwise covered in a major permit, the minor permit is not required. |
| Demolition of structures | E | |
| Residential units in the IMX-1 district | m | |
| Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way when part of the development of a zoning lot | m/E | If the director has determined that the project may result in substantial impacts to a TOD special district, a minor permit is required; otherwise exempt. Where addressed as part of another permit, a minor permit is not required. |
| Major above-grade infrastructure improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks | m/E | If the director has determined that the project may result in substantial impacts to a TOD special district, a minor permit is required; otherwise exempt. |

| Table 21-9.8 TOD Special District Project Classification | | |
|--|-----------------|--------------------|
| Activity/Use | Required Permit | Special Conditions |
| Minor above-grade infrastructure improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work | E | |
| <p>A special district permit is not required for activities and uses classified as exempt, as well as other project types that do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.</p> <p>Legend: Project classification: M = Major; m = Minor; E = Exempt</p> | | |

(Added by Ord. 17-54)

Sec. 21-9.100-12 TOD special district boundaries.

- (a) The West Loch Station area TOD special district boundaries are designated on Exhibit 21-9.19, set out at the end of this article.
- (b) The Waipahu Transit Center Station area TOD special district boundaries are designated on Exhibit 21-9.20, set out at the end of this article.

(Added by Ord. 17-54)

{Exhibits 21-9.1 through 21-9.10}

LAND USE ORDINANCE

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EXHIBIT 21-9.10-A

CHINATOWN SPECIAL DISTRICT HISTORIC AND ARCHITECTURALLY SIGNIFICANT STRUCTURES

Tax Map Key

Address1

Building Name

1-7-01: 2

55 N. Nimitz Hwy.

Pier 13 & 14

1-7-02: 2

800 Nuuanu Ave.
Fisher Hawaii Building

1-7-02: 4

State of Hawaii (shops)

1-7-02: 4

925 Maunakea St.
Fireboat Fire Station

1-7-02: 8

83 N. King St.
Goodwill Industries

1-7-02: 9,45

75 N. King St.
D. Dam/N. Tam

1-7-02: 11

900 Maunakea St.
M. Kawahara & T. Sato

1-7-02: 13

128 N. Nimitz Hwy.
C. Q. Yee Hop (stone)

1-7-02: 16

905 Kekaulike St.
Nimitz & Kekaulike

1-7-02: 17,18
915 Kekaulike St.,
937 Kekaulike St.
King & Kekaulike

1-7-02: 19,21
943 Kekaulike St.,
125 N. King St.
Fish Market

1-7-02: 23
101 N. King St.
Bank of Hawaii

1-7-02: 24
950 Maunakea St.
Dentist

1-7-02: 25
922 Maunakea St.
J. H. Schnack

1-7-02: 26
902 Kekaulike St.
Holau Market

1-7-02: 28
175 N. King St.
McCandless

1-7-02: 29
165 N. King St.
Musashiya

1-7-02: 34
145 N. King St.
Oahu Market

1-7-02: 35
2 Marin St.
T. R. Foster/Spaghetti-2 Bldg.

1-7-02: 39
1 N. King St.
One North King

1-7-02: 40
928 Nuuanu Ave.
Nippu Jiji

1-7-02: 45
69 N. King St.
Oka

1-7-03: 1
2 N. King St.

Hocking Hotel

1-7-03: 2
36 N. King St.
United Chinese Society

1-7-03: 4,97
39 N. Hotel St.
Swing Club

1-7-03: 5
29 N. Hotel St.
29-31 Hotel Street

1-7-03: 6
15 N. Hotel St.
Nuuanu Shops

1-7-03: 7
1 N. Hotel St.
Gallery

1-7-03: 8
1044 Nuuanu Ave.
McCandless Property

1-7-03: 9
1038 Nuuanu Ave.
Kim Chow

1-7-03: 10
72 N. King St.
Hawaii National Bank

1-7-03: 11
80 N. King St.
Lum Yip Kee

1-7-03: 12
90 N. King St.
Lee & Young

1-7-03: 15
61 N. Hotel St.
Bath Palace

1-7-03: 15
61 N. Hotel St.
Mendonca (makai)

1-7-03: 16
51 N. Hotel St.
Mendonca (small, corner)

1-7-03: 18,90
92

116 N. King St.
D & B's Lunch

1-7-03: 19
124 N. King St.
Uptown Jewelers

1-7-03: 25
119 N. Hotel St.
Lum Yip Kee 1936

1-7-03: 26
111 N. Hotel St.
Wo Fat

1-7-03: 28
1020 Kekaulike St.
Arita Store

1-7-03: 28
1020 Kekaulike St.
Kekaulike Building

1-7-03: 29,66
170 N. King St.
Lee Building

1-7-03: 30,31
72-74
178 N. King St.,
182 N. King St.
N. King & River Streets

1-7-03: 32
165 N. Hotel St.
Wong Building

1-7-03: 33
159 N. Hotel St.
LDCST BenevSoc

1-7-03: 37
102 N. Hotel St.
Siu Building

1-7-03: 42
158 N. Hotel St.
Wong

1-7-03: 45
175 N. Pauahi St.
Komeya Apartments

1-7-03: 48
1138 Maunakea St.
Sumida Building 1926

1-7-03: 49
1130 Maunakea St.
Lum Yip Kee 1920

1-7-03: 50
1110 Maunakea St.
Lee Building

1-7-03: 51
54 N. Hotel St.
Mendonca
1-7-03: 52
1125 Maunakea St.
Ket On Society

1-7-03: 55
65 N. Pauahi St.
Barbershop

1-7-03: 56
2 N. Hotel St.
Encore Saloon Building

1-7-03: 57
24 N. Hotel St.
24 Hotel Street (Mel's)

1-7-03: 58
30 N. Hotel St.
Risque

1-7-03: 59
42 N. Hotel St.
Kuo Min Tang

1-7-03: 59
42 N. Hotel St.
Young Market

1-7-03: 59
50 N. Hotel St.
Mini Garden

1-7-03: 62
1126 Nuuanu Ave.
Love's Bakery

1-7-03: 63
1136 Nuuanu Ave.
McCandless Block

1-7-03: 64
1118 Nuuanu Ave.
Lai Fong

1-7-03: 66,29
158 N. King St.
United Press, Ltd.

1-7-03: 75
136 N. King St.
L. Ah Leong

1-7-03: 76
1034 Maunakea St.
Cindy's Leis

1-7-03: 81
1021 Smith St.

1-7-03: 83
21 N. Hotel St.
Club Hubba Hubba

1-7-03: 84-89
1023 Maunakea St.
Chung Chong Yuen

1-7-03: 96
1120 Maunakea St.
Colusa Building (part of Maunakea Marketplace)

1-7-03: 98
1128 Smith St.
1128 Smith Street

1-7-04: 1
1150 Nuuanu Ave.
Four Seas Chop Suey

1-7-04: 8
1162 Nuuanu Ave.
Bo San Ton

1-7-04: 9
1158 Nuuanu Ave.
Oweco World Travel

1-7-04: 11
1149 Maunakea St.
Yanin Ltd. Building

Tax Map Key Address1 Building Name

1-7-04: 13
1159 Maunakea St.
Tsung Tsin Association

1-7-04: 16
1165 Maunakea St.
Old Jailhouse (stone building)

1-7-04: 18
83 N. Beretania St.
Hai On Tong

1-7-04: 19
73 N. Beretania St.
79 N. Beretania Street

1-7-04: 21,22
53 N. Beretania St.
OK Restaurant (2 sections)

1-7-04: 25
1146 Smith St.
Golden Harvest

1-7-04: 28
1152 Maunakea St.
Minatoya Sukiyaki

1-7-04: 36
171 N. Beretania St.
Fong Building

2-1-02: 12
901 Bethel St.
Kamehameha V Building

2-1-02: 19
63 Merchant St.
Bishop Bank Building

2-1-02: 20
51 Merchant St.
Melcher Building

2-1-02: 24,57
842 Bethel St.
Old Honolulu Police Station
(Walter Murray Gibson Building)

2-1-02: 32
924 Bethel St.
The Friend

2-1-02: 33
908 Bethel St.
Honolulu Publishing Co.

2-1-02: 34
16 Merchant St.

2-1-02: 35
2 Merchant St.
Royal Saloon

2-1-02: 37
923 Nuuanu Ave.
Wing Wo Tai

2-1-02: 42
2 S. King St.
King's Court/First Federal

2-1-03: 16
1121 Nuuanu Ave.
McLean Block

2-1-03: 17
2 S. Hotel St.
Perry Block 1888

2-1-03: 18
1129 Nuuanu Ave.
Pantheon Bar

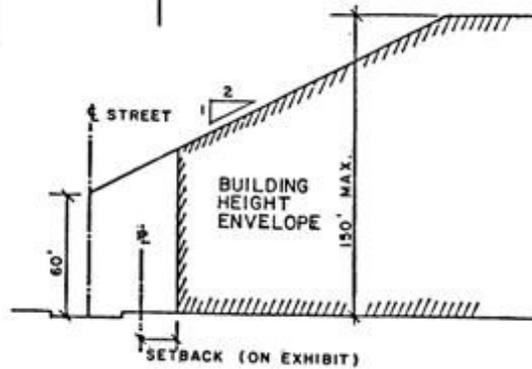
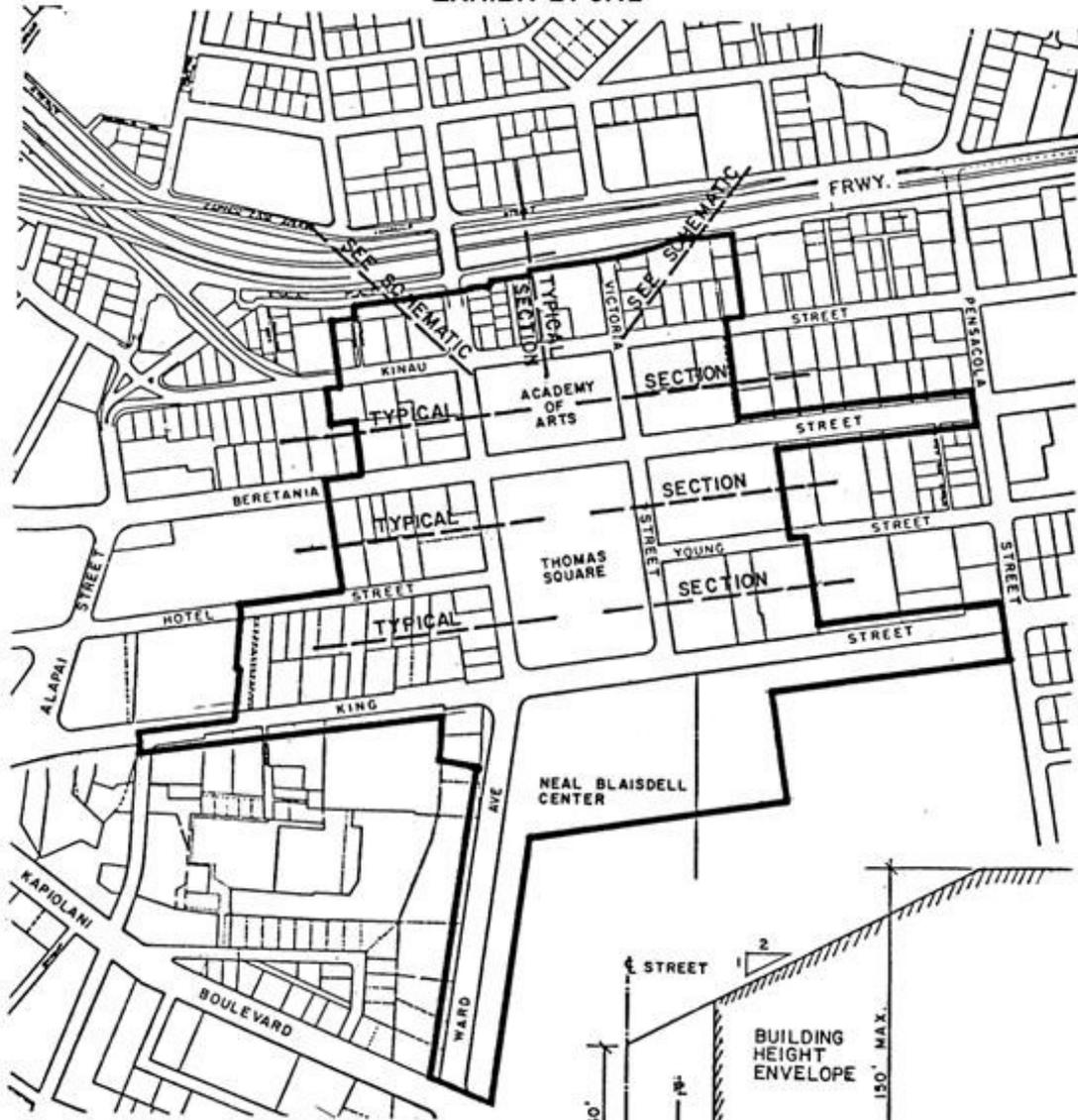
In the event the listed addresses are not consistent with the tax map keys or building names, the tax map keys and building names shall prevail.
(Am. Ord. 10-19)

{Exhibit 21-9.11}

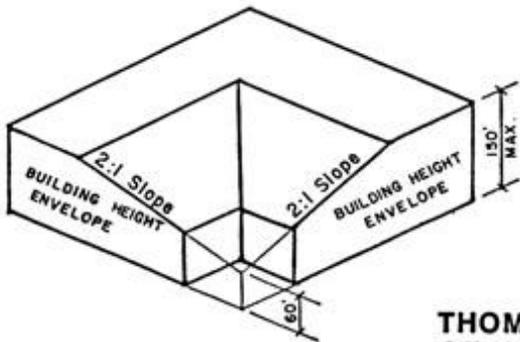
LAND USE ORDINANCE

REVISED ORDINANCES OF HONOLULU
REVISED ORDINANCES OF HONOLULU

EXHIBIT 21-9.12

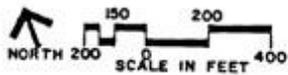


TYPICAL SECTION
BUILDING ENVELOPE CONTROL DIAGRAM
NOT TO SCALE



SCHEMATIC DIAGRAM
NOT TO SCALE

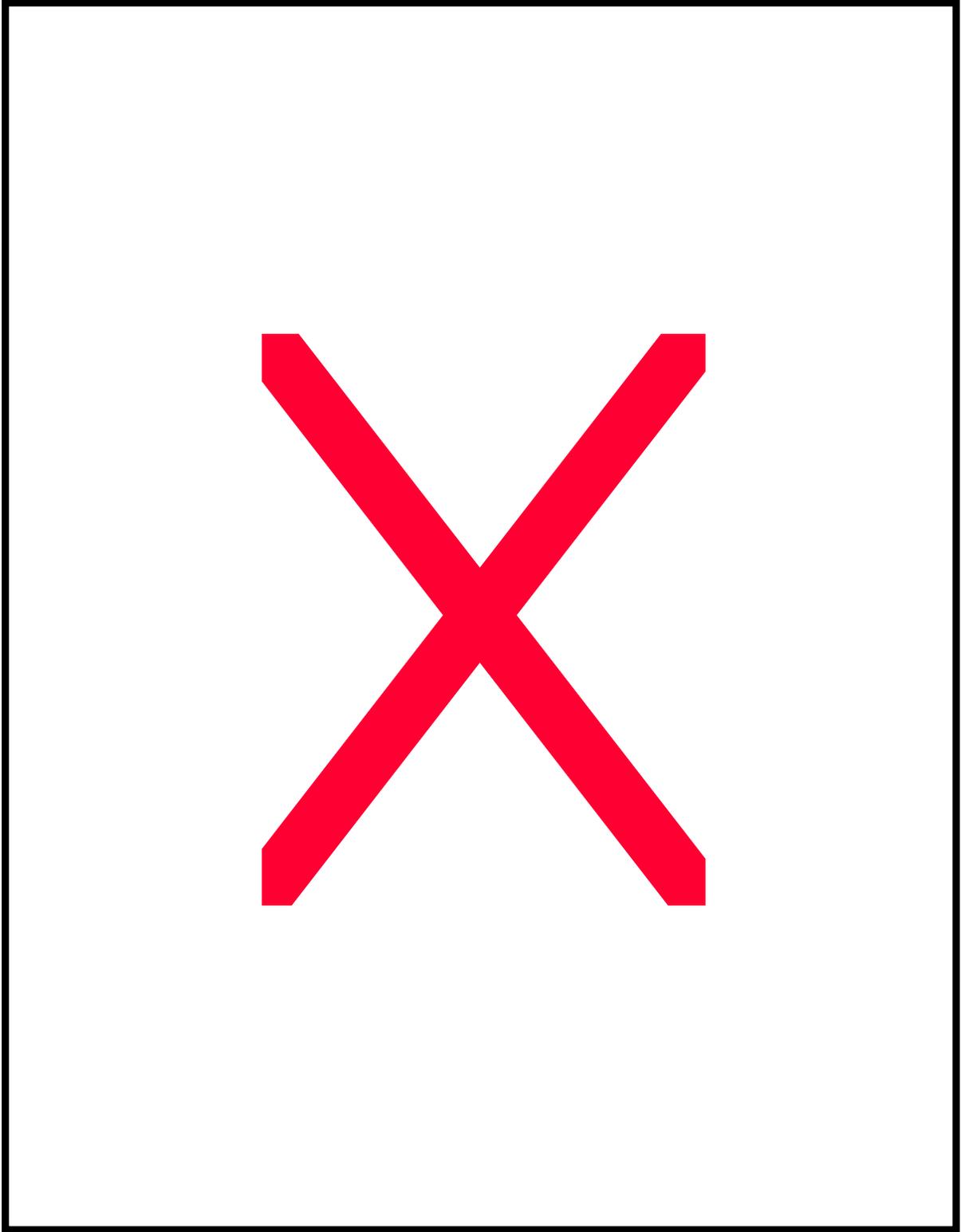
THOMAS SQUARE/HONOLULU ACADEMY OF ARTS SPECIAL DISTRICT
BUILDING ENVELOPE HEIGHT CONTROLS



LAND USE ORDINANCE

EXHIBIT 21-9.13A

Modification to Waikiki Special District Zoning Precincts



REVISED ORDINANCES OF HONOLULU

LAND USE ORDINANCE

EXHIBIT 21-9.14*

REVISED ORDINANCES OF HONOLULU

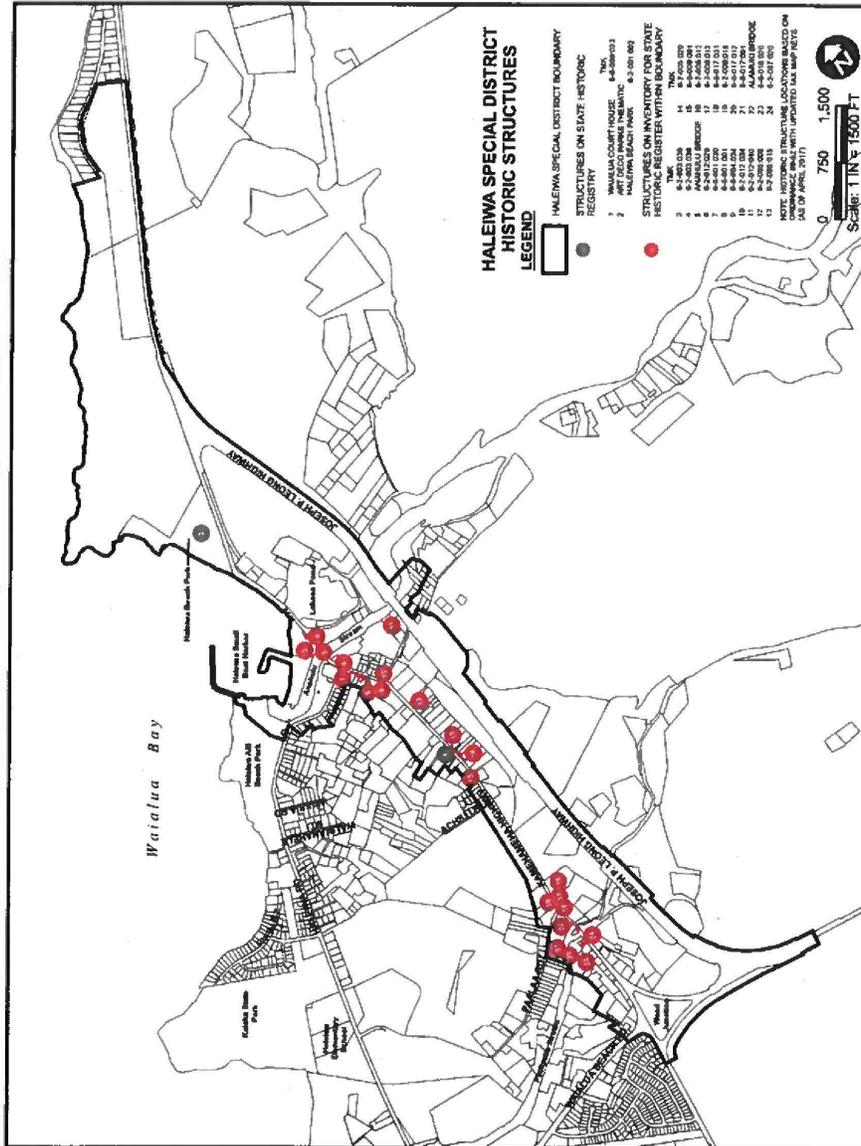
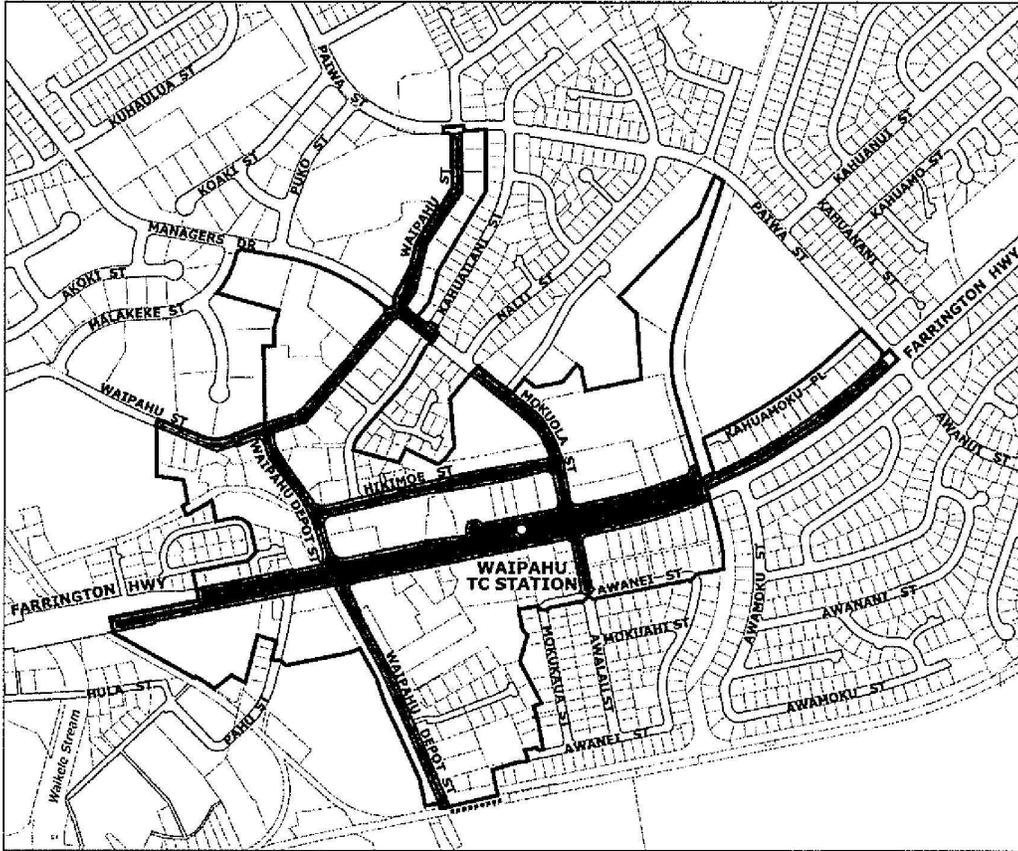


EXHIBIT 21-9-17

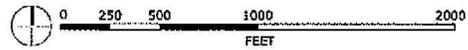
(Added by Ord. 18-44)

LAND USE ORDINANCE

EXHIBIT 21-9.20 Waipahu Transit Center Station Area



Waipahu TC Station Area



LEGEND

- TOD Special District Boundary
- Key Street
- Bike-Walk Greenway

(Added by Ord. 17-54)