

**OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI
MAYOR

MICHAEL D. FORMBY
MANAGING DIRECTOR

KRISHNA F. JAYARAM
DEPUTY MANAGING DIRECTOR

October 24, 2022

Mr. Glen Takahashi
City Clerk
Office of the City Clerk
530 South King Street
Honolulu, Hawai'i 96813

Dear Mr. Takahashi:

SUBJECT: Approved Bills

The following bills are approved and returned herewith:

Bill 39, CD2	Relating to the adoption of the State Plumbing Code.
Bill 43, CD1	Relating to administration enforcement of the building, electrical, plumbing, and sidewalk codes.
Bill 45	Relating to the Royal Hawaiian Band.
Bill 46, CD2, FD1	Relating to height limits for rooftop structures.
Bill 49, CD2	Relating to the transit-oriented development special district.
Bill 50, CD1	To rezone land situated at Halawa – Pearl City and Waipahu, O'ahu, Hawai'i.

Sincerely,

A handwritten signature in black ink that reads "Rick Blangiardi".

Rick Blangiardi
Mayor

Attachments (6)

MAYOR'S MESSAGE 202

22 OCT 24 PM 12:38 CITY CLERK



A BILL FOR AN ORDINANCE

RELATING TO THE ADOPTION OF THE STATE PLUMBING CODE.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to adopt the Hawai'i State Plumbing Code, as required by Section 107-28 of the Hawaii Revised Statutes, as amended, subject to local amendments.

SECTION 2. Chapter 19, Revised Ordinances of Honolulu 1990 ("Plumbing Code"), is repealed.

SECTION 3. The Revised Ordinances of Honolulu 1990 is amended by adding a new Chapter 19 to read as follows:

"Chapter 19.

PLUMBING CODE

Article 1. Adoption of the Hawaii State Plumbing Code.

Sec. 19-1.1. Adoption of the Hawaii State Plumbing Code.

The Hawai'i State Plumbing Code adopted by the State Building Code Council on May 19, 2020, which adopts, with modifications, the Uniform Plumbing Code, 28th Edition (2018), 6th Printing including appendices A, B, C, G and I, as copyrighted and published by International Association of Plumbing and Mechanical Officials, 4755 East Philadelphia Street, Ontario, CA 91761-2816, is adopted by reference and made a part hereof, subject to the following amendments:

- (1) Amending Section 101.1. Section 101.1 is amended to read:

101.1 Title. This document shall be known as the "Plumbing Code", may be cited as such, and will be referred to herein as "this code".

- (2) Amending Section 101.2. Section 101.2 is amended to read:

101.2 Scope. The provisions of this code shall apply to the design, construction, erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of plumbing systems within the City and County of Honolulu.



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- (3) Adding Section 102.1. Section 102.1 is added to read:

102.1 Conflicts Between Codes. In general:

- (a) When the provisions of this code conflict with the mechanical code, this code shall prevail.
- (b) When there is a conflict between this code and ROH Chapter 18 concerning the fees or procedural requirements for obtaining a permit required by this code, ROH Chapter 18 shall prevail except as otherwise stated herein.
- (c) When this code conflicts with ROH Chapter 18 regarding the substantive requirements for obtaining a permit required by this code, this code shall prevail except as otherwise stated herein.
- (d) When this code conflicts with ROH Chapter 14, ROH Chapter 14 will prevail.
- (e) Where there is a conflict between a general requirement and a specific requirement in this code, the specific requirement will prevail. The Authority Having Jurisdiction may resolve conflicts between the foregoing requirements based on the general principles in this section when necessary to prevent absurd results, prevent unjustified hardship to the applicant, or protect the health, safety, and welfare of the public.
- (f) When this code conflicts with the manufacturer's installation instructions for plumbing systems, the Authority Having Jurisdiction shall determine the applicable requirements, as necessary for the protection of the public. Where there is a conflict between a general requirement and a specific requirement in this code, the specific requirement shall prevail.
- (g) Except as otherwise stated herein, conflicts of law are to be resolved in accordance with the rules of statutory construction and conflicts of law recognized by Hawaii courts.



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- (4) Adding Section 102.2. Section 102.2 is added to read:

102.2 Existing Installations. Plumbing systems lawfully in existence on the effective date of this ordinance shall be permitted to have their use, maintenance, or repair continued provided that they do not create a hazard to health, safety, or property. If replaced, existing showerheads, kitchen faucets, lavatory faucets, toilets, and urinals shall comply with the water conservation requirements in ROH Chapter 30, Article 4.

- (5) Amending Section 103.1. Section 103.1 is amended by amending the first paragraph to read:

The Authority Having Jurisdiction shall be the director of the department of planning and permitting. In addition to the powers specifically set forth herein, the Authority Having Jurisdiction shall have all powers reasonably necessary to administer and enforce this code, including, without limitation, the powers to render interpretations of this code and adopt and enforce rules that are supplemental to this code.

- (6) Amending Section 104.1. Section 104.1 is amended to read:

104.1 Permits Required. It shall be unlawful to alter, install, repair, or replace a plumbing system regulated by this code except as permitted in ROH Section 18-3.1(b), or to cause the same to be done, without first obtaining a building permit.

In addition to the work exempt from requiring a building permit under this section, the following work does not require a building permit:

- (a) The clearing of stoppages and blocks without the removal or replacement of plumbing systems or parts thereof; and
- (b) The removal and replacement of water closets, shower heads, and faucets without the replacement or rearrangement of valves, pipes, and other plumbing system components.

Exemption from building permit requirements under ROH Section 18-3.1(b) shall not be deemed to grant authorization for work to be done in violation of the other requirements of the code or any other laws or ordinances.

- (7) Deleting Section 104.2. Section 104.2 is deleted.



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(8) Deleting Section 104.3. Section 104.3 is deleted.

(9) Adding Section 104.3. Section 104.3 is added to read:

104.3 Construction Documents. In addition to the requirements provided in ROH Chapter 18, construction documents that are submitted with an application for a permit must:

- (a) Provide a true and accurate description of the work that will be performed;
- (b) Include piping plans with isometric piping diagrams, equipment piping details, equipment schedules, and product information;
- (c) Be drawn to standard architectural scale using floor plans and elevations or standard engineering scale appropriate to site utilities;
- (d) Use text with a minimum height of one-eighth inch; and
- (e) Be prepared, stamped, and signed by a registered design professional (mechanical or civil).

(10) Deleting Section 104.4. Section 104.4 is deleted.

(11) Adding Section 104.4. Section 104.4 is added to read:

104.4 Permit Expiration. A permit issued by the Authority Having Jurisdiction under the provisions of this code shall expire by limitation and become null and void where the work authorized by such permit is not commenced within 180 days from the date of such permit, or where the work authorized by such permit is suspended or abandoned at a time after the work is commenced for a period of 180 days. Before such work is recommenced, a new permit shall first be obtained to do so, and the fee, therefore, shall be one-half the amount required for a new permit for such work; provided that no changes have been made or will be made in the original construction documents for such work; and provided further that such suspensions or abandonment has not exceeded one year.

(12) Deleting Section 104.5. Section 104.5 is deleted.



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- (13) Adding Section 104.5. Section 104.5 is added to read:

104.5 Work Commencing Before Permit Issuance. Where work for which a building permit is required by this code has been commenced without first obtaining a building permit, a special investigation may be required before a building permit is issued for such work.

- (14) Amending Section 105.2.3. Section 105.2.3 is amended to read:

105.2.3 Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the Authority Having Jurisdiction that such work is ready for inspection. A request for inspection may be made in any manner allowed by the Authority Having Jurisdiction but must be made not less than two working days before the desired inspection date. If a request is properly made, the Authority Having Jurisdiction shall not be required to perform the inspection on the requested date, but shall make reasonable efforts to perform the requested inspection on the requested date or as soon thereafter as is practicable under the circumstances.

It shall be the duty of the person requesting inspections, in accordance with this code, to provide access to and means for inspection of such work. After inspection, the Authority Having Jurisdiction shall approve the inspected work if it complies with the requirements of this code and the approved plans for the building permit issued for the work.

As part of any inspection made under this code, the Authority Having Jurisdiction may require verification that the work being inspected was performed by a plumbing journey worker and/or contractor currently licensed in the State of Hawaii. The failure to verify that work under inspection was performed by an appropriately licensed professional will be adequate grounds for the Authority Having Jurisdiction to determine that the work fails inspection.

In addition to any fees payable under ROH Chapter 18, a person requesting an inspection will be required to pay an inspection fee. A person that requests an inspection to occur during normal business hours shall pay the city a fee of \$50 per hour for each hour that is used to perform the inspection, which includes time used to travel to and from the inspection location. A person may also request an inspection to occur outside of normal business hours. A request for an inspection to be conducted outside of normal business hours may be approved or denied at the discretion of the Authority Having Jurisdiction, based on the nature of the work to be inspected and the availability of personnel to perform the



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inspection. The fee for an inspection to be conducted outside of normal business hours is \$75 for each hour that is used to perform the inspection, including time used to travel to and from the inspection location. For the purposes of this section, normal business hours are 8:00 a.m. to 4:00 p.m. on a day on which the city is open for business.

In calculating inspection fees due under this section, the person requesting the inspection will be billed for one hour of time for inspections that take up to one hour and half the hourly rate for each additional half hour or portion thereof used to perform the inspection.

- (15) Amending Section 105.2.4. Section 105.2.4 is amended to read:

105.2.4 Advance Notice. It shall be the duty of the person doing the work authorized by a permit to notify the Authority Having Jurisdiction that such work is ready for inspection. Such notification shall be given not less than two working days before the work is to be inspected. Such notification shall be in writing or by telephone, at the option of the Authority Having Jurisdiction.

- (16) Amending Section 105.2.6. Section 105.2.6 is amended to read:

105.2.6 Reinspections. If an inspection is made by the Authority Having Jurisdiction and additional inspections are necessary because less than all of the work requiring inspection is approved, the Authority Having Jurisdiction may require a reinspection of the work that has not been approved. When a reinspection is required, a reinspection fee will be assessed.

Reinspections may be requested in the same manner as requests for initial inspections under Section 105.2.3 and will be billed in the same manner described therein.

Reinspections will not be provided until all outstanding inspection fees and the fee for reinspection have been paid.

- (17) Adding Section 105.2.7. Section 105.2.7 is added to read:

105.2.7 Plumbing Special Inspection. The Authority Having Jurisdiction may require work governed by this code to be subject to a plumbing special inspection when deemed necessary based on the nature of the work or resources of the Authority Having Jurisdiction. Plumbing special inspections must be performed



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by appropriately registered design professionals currently licensed in the State of Hawaii that are not involved in performing the work that will be inspected.

Plumbing special inspectors are to be hired and paid by the applicant and may be required to provide the Authority Having Jurisdiction with proof of their qualifications to perform the required inspections.

Plumbing special inspectors shall review the approved construction documents prior to the commencement of work and document the performance of work in compliance with the approved construction documents and the requirements of this code in reports that will be provided to the Authority Having Jurisdiction, the applicant, and the registered design professional engineer of record, on request.

When work that is subject to a plumbing special inspection is complete, the plumbing special inspector shall submit a final signed report stating that the inspected work was completed in compliance with the approved construction documents and the requirements of this code.

Plumbing special inspector will provide written documentation to the Authority Having Jurisdiction demonstrating the plumbing special inspector's competence and relevant experience or training in each type of inspection they will perform. Inspector personnel will not be allowed to perform inspections without these qualifications unless directly supervised by the qualified, responsible plumbing special inspector.

(18) Amending Section 106.2. Section 106.2 is amended to read:

106.2 Notices of Violation and Order. Whenever any person, firm, or corporation violates any provision of this chapter, the Authority Having Jurisdiction may serve a notice of violation on the persons deemed responsible for the violation, which may include the owners of the property and building or unit thereof. A notice of violation must be served on the responsible persons by:

- (a) Hand delivery to the responsible person at any location or to another person of suitable age and discretion at the responsible person's workplace or place of residence;
- (b) Certified mail, deliverable to any address at which the responsible person is known to receive mail, with return receipt requested; or



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- (c) If the whereabouts of one or more responsible persons are unknown and cannot be readily ascertained by the Authority Having Jurisdiction, the Authority Having Jurisdiction may, after reasonable efforts to locate and serve the responsible person as provided for in (a) and (b), serve the notice of violation by publishing a copy of the same in a daily or weekly publication of general circulation within in the city, once per week for two consecutive weeks.

A notice of violation must include at least the following information:

- (a) The date of the notice;
- (b) The name of the persons deemed responsible for the violation;
- (c) The section of the code, the rule, or the building permit condition that has been violated;
- (d) A concise statement or description of the violation;
- (e) The deadline for correcting each violation; and
- (f) The name and phone number of the inspector responsible for issuing the notice of violation.

If a violation remains uncorrected after the deadline specified in the notice of violation after the notice of violation is properly served on one or more responsible persons, the Authority Having Jurisdiction may then issue a notice of order to the same persons who were served with the notice of violation.

A notice of order must contain the same information required for a notice of violation and may impose civil fines of up to \$2,000 per violation, per day for each uncorrected violation that was identified in the notice of violation. In addition, a notice of order must inform the responsible persons that the notice of order may be appealed to the Building Board of Appeals within 30 days of service of the notice of order. Notices of order must be served in the same manner as notices of violation.

Service of a notice of violation or notice of order will be effective:

- (a) On the day hand delivery is made;



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- (b) On the day certified mail is signed for; or
 - (c) On the date the last required publication is made.
- (19) Amending Section 106.3. Section 106.3 is amended to read:

106.3 Criminal Penalties. Any person, firm, or corporation violating any provisions of this code shall be guilty of a misdemeanor; provided that each day such violation continues shall be deemed a separate offense. The penalty for a criminal violation of this code shall be a fine of not more than \$2,000 per violation, imprisonment for not more than one year, or both.

Any officer or inspector designated by the Authority Having Jurisdiction that has been deputized by the chief of police as a special officer for the purpose of enforcing the provisions of the this code may arrest the person responsible for the violation upon a warrant of arrest or issue a citation using a summons and complaint form issued by the State of Hawaii Judiciary for violations of this code. The form and content of such summons and complaint form shall be as adopted or prescribed by the administrative judge of the district court and shall be printed on a form commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and regulations of the State of Hawaii and the city.

- (20) Amending Section 106.4. Section 106.4 is amended to read:

106.4 Stop Orders. If the Authority Having Jurisdiction determines that work is being done in violation of this code or any building permit issued hereunder, the Authority Having Jurisdiction may issue a written stop work order to the owner of the property, building, and building unit and to any persons engaged in or causing the work to be done. Upon service of a stop work order, all persons served with the order must immediately stop work until the Authority Having Jurisdiction authorizes further work.

In addition to the information required for a notice of violation under Section 106.2, a stop work order must contain a concise description of the work that is prohibited by the stop work order. A stop work order may be served in the same manner as a notice of violation or notice of order under Section 106.2. The provisions in Section 106.2 regarding the effective date of service will apply to stop work orders.



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- (21) Adding Section 106.7. Section 106.7 is added to read:

106.7 Effect of a Notice of Order--Right to Appeal. All notices of order issued by the Authority Having Jurisdiction will become final 30 calendar days after the effective date of service. Any person served with a notice of order issued under this code may appeal the notice of order to the Building Board of Appeals before that time. The filing of an appeal will not stay any provision of the notice of order being appealed.

- (22) Adding Section 106.8. Section 106.8 is added to read:

106.8 Judicial Enforcement. The Authority Having Jurisdiction may institute a civil action in any court of competent jurisdiction to enjoin any violation of this code and any rule adopted or building permit issued hereunder.

The Authority Having Jurisdiction may also institute a civil action to enforce the civil fine imposed by a notice of order that has become final. In such cases, the Authority Having Jurisdiction need only show that the notice of violation and notice of order were properly served, that a civil fine was imposed, the amount of the civil fine that it seeks to enforce, and that the civil fine has not been paid.

- (23) Amending Section 107.1. Section 107.1 is amended to read:

107.1 Building Board of Appeals. The Building Board of Appeals constituted under the ROH Chapter 16 shall have the authority hear and determine appeals from the actions of the Authority Having Jurisdiction in the administration and enforcement of this code. The procedures and standards for appeals from the actions of the Authority Having Jurisdiction in the administration and enforcement of this code will be as provided in ROH Chapter 16.

- (24) Deleting Section 107.2. Section 107.2 is deleted.

- (25) Amending Section 203.0. Section 203.0 is amended by amending the definition of "Authority Having Jurisdiction" to read:

Authority Having Jurisdiction. Authority Having Jurisdiction means the Director of Planning and Permitting, of the City and County of Honolulu. When references are to the Health Officer, Health Department or Health, the Authority Having Jurisdiction shall be the Director of Health of the State of Hawaii Department of Health.



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- (26) Amending Section 204.0. Section 204.0 is amended by adding a definition for "Building Code" to read:

Building Code. As defined in ROH Chapter 16.

- (27) Amending Section 205.0. Section 205.0 is amended by adding a definition for "Control Valve" to read:

Control Valve. A control valve is any type of valve which can change the flow rate of water, and includes a compression stop valve.

- (28) Amending Section 206.0. Section 206.0 is amended by adding definitions for "DOH" and "Dwelling" to read:

DOH. DOH means the State of Hawaii Department of Health

Dwelling. A house, apartment, or other place that is intended to provide living accommodations to one or more persons and equipped with amenities for sleeping, cooking, and sanitation

- (29) Amending Section 220.0. Section 220.0 is amended by amending the definition of "Registered Design Professional" to read:

Registered Design Professional. An engineer licensed in the State of Hawaii under Chapter 464 of the Hawaii Revised Statutes, as amended.

- (30) Amending Section 221.0. Section 221.0 is amended by adding a definition of "SPC" to read:

SPC. The Hawaii State Plumbing Code, adopted by the State Building Code Council on May 19, 2020.

- (31) Amending Section 223.0. Section 223.0 is amended by adding a definition of "UPC" to read:

UPC. The 2018 Uniform Plumbing Code, 28th Edition (2018), 6th Printing.

- (32) Amending Section 301.4. Section 301.4 is amended to read:

301.4 Flood Hazard Areas. Plumbing systems that are located in special flood hazard area, floodway area, or flood fringe area identified in ROH Chapter 21A



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must be designed and installed to ensure that water will not enter or accumulate within its components during flooding. Plumbing systems located below the base flood elevation shall be designed and installed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy. All pipe openings shall terminate at an elevation of at least one foot above the base flood elevation unless the drainage system is equipped with an automatic backwater valve in each discharge line passing through the building exterior wall. Fixtures located at a floor level above the base flood elevation shall not discharge through the backwater valve.

- (33) Amending Section 301.5.1. Section 301.5.1 is amended to read:

301.5.1 Permit Application. In addition to the requirements of ROH Chapter 18, the following will apply to applications for building permits involving alternative engineered designs. The registered design professional shall indicate on the design documents that the plumbing system, or part thereof, is an alternative engineered design and note the same in the building permit application. The building permit and permanent permit records must indicate that an alternative engineered design was part of the approved installation. A written request by a registered design professional (mechanical) with the concurrence of the building or project owner must be made to the Authority Having Jurisdiction. The details of this approval shall be recorded and entered in the files of the Authority Having Jurisdiction. Submittals shall be stamped and signed by the registered design professional (mechanical). The registered design professional (mechanical) responsible for the design supervision and construction observation of the plumbing system shall provide a statement that they have personally verified all tests and certifications and, if appropriate, state that the installation complies with the installation requirements.

- (34) Amending Section 301.5.6. Section 301.5.6 is amended to read:

301.5.6 Inspection and Testing. Plumbing Special Inspections, as specified in Section 105.2.7, will be required for work involving alternative engineered designs. The alternative engineered design will be tested and inspected in accordance with the submitted testing and inspection plan and the requirements of this code.

- (35) Adding Section 306.3. Section 306.3 is added to read:

306.3 Industrial Wastewater Discharge Permits. Sanitary sewer systems that require an industrial wastewater discharge permit under ROH Chapter 14 must



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comply with the design and maintenance requirements adopted by the Department of Environmental Services.

- (36) Amending Section 310.4. Section 310.4 is amended to read:

310.4 Use of Vent and Waste Pipes. Except as hereinafter provided in Section 908.0 Wet Venting, Section 909.0 Special Venting for Island Fixtures, Section 910.0 Combination Waste and Vent Systems, no vent pipe shall be used as a soil or waste pipe, nor shall a soil or waste pipe be used as a vent.

- (37) Amending Section 312.3. Section 312.3 is amended to read:

312.3 Building Sewer and Drainage Piping. No building sewer or other drainage piping or part thereof, constructed of materials other than those approved for use under or within a building, shall be installed under or within 5 feet (1.5 m) of any building or structure, less than 1 foot (0.3 m) below the surface of the ground or as approved by the Authority Having Jurisdiction.

- (38) Amending Section 312.7. Section 312.7 is amended to read:

312.7 Fire-Resistant Construction. Piping penetrations of fire-resistance-rated walls, partitions, floors, floor/ceiling assemblies, roof/ceiling assemblies, or shaft enclosures shall be protected in accordance with the requirements of the Building Code.

- (39) Deleting Sections 317.0 and 317.1. Sections 317.0 and 317.1 are deleted.

- (40) Amending Section 408.2. Section 408.2 is amended to read:

408.2 Water Consumption. Showerheads shall have a maximum flow rate of not more than 1.8 gallons per minute (gpm) at 80 psi (6.8 L/m at 552 kPa).

- (41) Amending Section 411.2. Section 411.2 is amended to read:

411.2 Water Consumption. Water closets shall have a maximum consumption not to exceed 1.28 gallons (4.8 liters/minute) of water per flush.



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- (42) Amending Section 411.2.2. Section 411.2.2 is amended to read:

411.2.2 Flushometer Valve Activated Water Closets. Flushometer valve activated water closets shall have a maximum flush volume of 1.28 gallons (4.8 liters) of water per flush.

- (43) Deleting Section 415.2. Section 415.2 is deleted.

- (44) Amending Section 422.0. Section 422.0 is amended to read as follows:

422.0 Minimum Number of Required Fixtures. Plumbing fixtures shall be provided for the type of building occupancy and in the minimum number required in the Building Code.

- (45) Deleting Section 422.1 and Table 422.1. Section 422.1 and Table 422.1 are deleted.

- (46) Amending Section 501.1. Section 501.1 is amended to read:

501.1 Applicability. The regulations of Chapter 5 of this code shall govern the construction, location, and installation of fuel-burning and other types of water heaters heating potable water, together with chimneys, vents, and its connectors. The minimum capacity for storage water heaters shall be in accordance with the first-hour rating listed in Table 501.1(2). No water heater shall be hereinafter installed that does not comply with the manufacturer's installation instructions and the type and model of each size thereof approved by the Authority Having Jurisdiction. A list of accepted water heater appliance standards is referenced in Table 501.1(1). Listed appliances shall be installed in accordance with manufacturer installation instructions.

- (47) Amending Section 601.2. Section 601.2 is amended to read:

601.2 Hot and Cold Water Required. Except where not deemed necessary for safety or sanitation by the Authority Having Jurisdiction, each plumbing fixture shall be provided with an adequate supply of potable running water piped thereto in an approved manner, so arranged as to flush and keep it in a clean and sanitary condition without danger of backflow or cross-connection. Water closets and urinals shall be flushed using an approved flush tank or flushometer valve.

Exception: Listed fixtures that do not require water for their operation and are not connected to the water supply.



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- (48) Adding Section 601.4. Section 601.4 is added to read:

601.4 Private Water Systems. Owners of private water systems are responsible for maintaining the potability of their water systems. This section applies to water systems that are not defined as public water systems as defined by the Health Officer.

- (49) Amending Section 603.5.5. Section 603.5.5 is amended by adding a new subparagraph (4) to read:

- (4) No gravity tank may be directly connected to the city water main. Gravity tanks must be provided with an over-the-rim filler, the orifice or outlet of which must be elevated a distance of 6 inches (152.4 mm) above the overflow. A drain shall be provided at the bottom of the tank.

- (50) Amending Section 603.5.14. Section 603.5.14 is amended by adding new subparagraphs (5) and (6) to read:

- (5) Systems with alarm check valve assembly.

- (6) Systems with booster pump and check valve assembly.

- (51) Amending Section 610.4. Section 610.4 is amended to read:

610.4 Sizing Water Supply and Distribution Systems. Except as otherwise required by the Board of Water Supply, systems within the range of Table 610.4 may be sized as described therein or as provided in Section 610.5 of this code.

- (52) Deleting Sections 612.0 through 612.7. Sections 612.0 through 612.7 are deleted.

- (53) Amending Section 701.2. Section 701.2 is amended by amending subparagraph (2) to read:

- (2) ABS and PVC DWV piping installations must be installed in accordance with applicable standards referenced in Table 701.2, provided that "Firestop Protection" requirements will be determined by the Building Code. Except for single-family dwellings, materials exposed within ducts or plenums must have a flame-spread index of a maximum of 25 and a smoke-developed index maximum of 50, where tested in accordance with



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ASTM E 84 and UL 723. These tests must comply with all requirements of the standards to include the sample size, both for width and length. Plastic pipe may not be tested while filled with water.

- (54) Amending Section 704.3. Section 704.3 is amended to read:

704.3 Commercial Sinks. Sinks in commercial kitchens and food service establishments must comply with the requirements adopted by the Health Officer.

- (55) Adding Section 707.15. Section 707.15 is added to read:

707.15 Residential Cleanouts. All cleanouts located on the ground floor within any residential occupancy shall be extended outside of the building, arranged in an accessible location below the building, or above the floor, and extend no less than 6 inches (152.4 mm) above the flood level rim of the lowest fixture.

- (56) Amending Section 710.6. Section 710.6 is amended to read:

710.6 Backwater Valves. Backwater valves, gate valves, fullway ball valves, unions, motors, compressors, air tanks, and other mechanical devices required by this section must be located where they will be accessible for inspection and repair. Unless continuously exposed, these items must be enclosed in a masonry pit fitted with an adequately sized removable cover or other approved compartment.

Backwater valves must:

- (a) Have bodies of cast-iron, plastic, brass, or other approved materials;
- (b) Have noncorrosive bearings, seats, and self-aligning discs; and
- (c) Be constructed so as to ensure a positive mechanical seal. Backwater valves must remain open during periods of low flows to avoid screening of solids and shall not restrict capacities or cause excessive turbulence during peak loads. Unless otherwise listed, valve access covers must be a bolted type with gasket, and each valve must bear the manufacturer's name cast into the body and the cover.



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- (57) Amending Section 713.1. Section 713.1 is amended to read:

713.1 Where Required. A building in which plumbing fixtures are installed and premises having drainage piping thereon must be connected to a public or private sewer, except as provided in ROH Chapter 14.

- (58) Deleting Section 713.2. Section 713.2 is deleted.

- (59) Amending Section 713.3. Section 713.3 is amended to read:

713.3 Public Sewer. The rearrangement or subdivision of a lot into smaller parcels will not be deemed adequate cause to permit the construction of a private sewage disposal system.

- (60) Deleting Section 713.4. Section 713.4 is deleted.

- (61) Amending Section 713.5. Section 713.5 is amended to read:

713.5 Permit. No permit shall be issued for the installation, alteration, or repair of a private sewage disposal system, or part thereof, on a lot for which a connection with a public sewer is available. It is unlawful for any person to use or connect to the public sewer system without first obtaining the written approval of the Authority Having Jurisdiction.

- (62) Amending Section 713.7. Section 713.7 is amended to read:

713.7 Installation. The installation of building sewers receiving building permits from the Authority Having Jurisdiction must comply with this code. Where a building sewer is lawfully installed without a building permit by the Authority Having Jurisdiction and regulated by ROH Chapter 14, the provisions of this code, relating to building sewers, do not apply.

- (63) Adding Section 713.8. Section 713.8 is added to read:

713.8 Building Sewer Construction. Building sewer construction shall conform to the requirements for main line sewers as set forth in the City and County of Honolulu Wastewater System Design Standards, dated July 2017, and ROH Chapter 14, as amended, when either of the following conditions exists:



A BILL FOR AN ORDINANCE

- (1) Where the Authority Having Jurisdiction requires such construction because of the character or quantity of the sewage or industrial waste to be discharged.
- (2) Where the sewer will be dedicated to the City and County of Honolulu.
- (64) Deleting Sections 714.1 through 714.3. Sections 714.1 through 714.3 are deleted.
- (65) Amending Section 718.3. Section 718.3 is amended to read:
- 718.3 Protection from Damage.** No building sewer or other drainage piping or part thereof, which is constructed of materials other than those approved for use under or within a building, may be installed within 5 feet (1.5 m) of any part of a building or structure, nor less than 1 foot (305 mm) below the surface of the ground. The provisions of this section include structures such as porches and steps, whether covered or uncovered; breezeways; roofed porte cocheres; roofed patios; carports; covered walkways; covered driveways; and similar structures or appurtenances.
- (66) Amending Section 722.2. Section 722.2 is amended by adding the following exception to read:
- Exception:** An abandoned cesspool is allowed to be used as an overflow receptor for a sewage sump with pump discharge when approved by the Authority Having Jurisdiction.
- (67) Amending Section 804.1. Section 804.1 is amended to read:
- 804.1 Standpipe Receptors.** Plumbing fixtures or other receptors receiving the discharge of indirect waste pipes may be approved and must be of such shape and capacity as to prevent splashing or flooding. Where approved, such fixtures and receptors must be located in a readily accessible location for inspection and cleaning. No standpipe receptor for a clothes washer may extend more than 30 inches (762 mm) above its trap. No standpipe receptor for a clothes washer may be less than 18 inches (457 mm) above its trap. No trap for a clothes washer standpipe receptor may be installed below the floor. Stand pipe receptors must be roughed in not less than six inches (152 mm) and not more than 18 inches (457 mm) above the floor. No indirect waste receptor may be installed in a toilet room, closet, cupboard, or storeroom, nor in a portion of a building not in general use by the occupants thereof; except standpipes for clothes washers may be



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permitted to be installed in toilet and bathroom areas where the clothes washer is installed in the same room. Indirect drain receptors for air conditioning condensate drain lines must be accessible without the use of tools or equipment for inspection and cleaning and are allowed to be installed in toilet or bathroom areas.

- (68) Amending Section 809.1. Section 809.1 is amended to read:

809.1 General. Drinking fountains may be permitted to be installed with indirect waste. Outdoor drinking fountains located beyond 200 feet from the nearest sanitary drainage system may be allowed to discharge into a dry well in accordance with the dry well detail of the Department of Parks and Recreation.

- (69) Amending Section 814.5. Section 814.5 is amended to read:

814.5 Point of Discharge. Air-conditioning condensate waste pipes must connect indirectly, except where permitted in Section 814.6, to the drainage system through an air gap or air break to trapped and vented receptors, dry wells, leach pits, or the tailpiece of plumbing fixtures. A condensate drain must be trapped in accordance with the appliance manufacturer's instructions or as approved by the Authority Having Jurisdiction. Dry wells shall have an inner pipe diameter greater than or equal to the total excavated depth to the bottom of fill.

- (70) Amending Section 903.1. Section 903.1 is amended by amending subparagraph (2) to read:

- (2) ABS and PVC DWV piping installations shall be in accordance with the "Firestop Protection" requirements of the Building Code. Except for a single-family dwelling, materials exposed within ducts or plenums shall have a flame-spread index of not more than 25 and a smoke-developed index of not more than 50 where tested in accordance with ASTM E84 or UL 723. These tests shall comply with all requirements of the standards to include the sample size, both for width and length. Plastic pipe shall not be tested filled with water.

- (71) Deleting Section 908.2. Section 908.2 is deleted.

- (72) Deleting Section 911.0. Section 911.0 is deleted.



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- (73) Amending Section 1201.1. Section 1201.1 is amended to read:

1201.1 Applicability. The regulations of this chapter shall govern the installation of fuel gas piping in or in connection with a building, structure or within the property lines of premises up to 5 pounds-force per square inch (psi) (34 kPa) for natural gas and 10 psi (69 kPa) for undiluted propane, other than service pipe.

- (74) Deleting Sections 1203.0 through 1203.4. Sections 1203.0 through 1203.4 are deleted.

- (75) Deleting Sections 1204.1 and 1204.2. Sections 1204.1 and 1204.2 are deleted.

- (76) Amending Section 1204.3. Section 1204.3 is amended to read:

1204.3 Unlawful. It is unlawful for a gas supplier or person acting as a gas supplier to furnish gas or to cause gas to be turned on before the gas system has passed final inspection.

- (77) Amending Section 1208.1. Section 1208.1 is amended to read:

1208.1 Installation of Piping System. The Authority Having Jurisdiction may require a piping plan before proceeding with installation. The piping plan must show the proposed location of piping, the size of different branches, the various load demands, and the location of the point of delivery. Gas meters may not be located under a window, under interior or exterior stairways, or in engine, boiler, heater, or electric meter rooms.

- (78) Amending Section 1210.2. Section 1210.2 is amended to read:

1210.2 Installation of Piping. Piping installed above ground shall be securely supported and located where it will be protected from physical damage. All exposed gas piping must be kept at least six inches (152 mm) above grade or structure. Where passing through an exterior wall, the piping must be protected against corrosion by coating or wrapping with an inert material approved for such applications. The piping must be sealed around its circumference at the point of the exterior penetration to prevent the entry of water, insects, and rodents. Where piping is encased in a protective pipe sleeve, the annular spaces between the gas piping and the sleeve and between the sleeve and the wall opening must be sealed.



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- (79) Amending Section 1319.4. Section 1319.4 is amended to read:

1319.4 Approval. In addition to requirements imposed by ROH Chapter 18, plans for medical gas and vacuum systems must be stamped and signed by a registered design professional (mechanical or electrical). The registered design professional (mechanical or electrical) responsible for the design and construction observation of the medical gas and vacuum system must, upon project completion, provide a statement to the Authority Having Jurisdiction indicating that they have personally verified that the as-built system complies with the approved plans and other requirements of this code. Medical gas and vacuum systems must be tested and inspected by a Plumbing Special Inspector.

- (80) Deleting Chapter 14. Chapter 14 is deleted.

- (81) Amending Section 1501.2. Section 1501.2 is amended to read:

1501.2 System Design. Alternate water source systems must be designed by a registered design professional (mechanical or civil) licensed to perform building and site plumbing design work. Components, piping, and fittings used in an alternate water source system must be specified in plans and construction documents. The registered design professionals (mechanical and/or civil) are responsible for the design and observation of the alternate water source system and must, upon project completion, provide a statement to the Authority Having Jurisdiction indicating that they have personally verified that the as-built system complies with the approved plans and the requirements of this code. Alternate water source systems must be tested and inspected by a Plumbing special inspector.

Exception:

When a project is exempt from the licensing requirements of HRS Chapter 464, the registered design professional is not required for single-family dwelling alternate water source systems where outlets, piping, and system components are located on the exterior of the building, and there are no connections to the house plumbing.

- (82) Amending Section 1501.7. Section 1501.7 is amended to read:

1501.7 Minimum Water Quality Requirements. The minimum water quality for alternate water source systems shall meet the applicable water quality requirements for the intended application as determined by the Health Officer.



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- (83) Amending Section 1503.9.2. Section 1503.9.2 is amended to read:

1503.9.2 Gray Water Pipe and Fitting Materials. Aboveground and underground building drainage and vent pipe and fittings for gray water systems must comply with the requirements for aboveground and underground sanitary building drainage and vent pipe and fittings in this code. These materials shall extend not less than 5 feet (1.5 m) outside the building.

- (84) Amending Section 1505.1. Section 1505.1 is amended to read:

1505.1 General. The provisions of this section apply to the installation, construction, alteration, and repair of reclaimed (recycled) water systems intended to supply uses such as water closets, urinals, trap primers for floor drains and floor sinks, aboveground and subsurface irrigation, and other uses approved by the Authority Having Jurisdiction.

- (85) Amending Section 1602.2. Section 1602.2 is amended to read:

1602.2 Plumbing Plan Submission. No permit for a rainwater catchment system shall be issued until complete plumbing plans, with data satisfactory to the Authority Having Jurisdiction, have been submitted and approved. Nonpotable rainwater catchment systems must be stamped and signed by a registered design professional engineer (mechanical or civil), licensed to perform building and site plumbing design work, respectively. The registered design professional engineer (mechanical or civil) is responsible for the design supervision and construction observation of the nonpotable rainwater catchment systems and must provide the Authority Having Jurisdiction with a statement indicating that the as-built system complies with the approved plans and requirements of this code. Nonpotable rainwater catchment systems must be tested and inspected by a plumbing special inspector."

SECTION 4. The Revisor of Ordinances shall, pursuant to the Revisor's authority under ROH Section 1-16.3(b)(1), replace the phrase "effective date of this ordinance" or similar phrase used in the codified language of this ordinance with the actual date on which the ordinance takes effect.



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A BILL FOR AN ORDINANCE

SECTION 5. This ordinance takes effect 90 days after its approval; provided that in the interim period after approval, applicants for a Plumbing Code permit may use the Plumbing Code adopted hereby as an alternative to the existing Plumbing Code.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

June 14, 2022
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Brad T. Saito
Deputy Corporation Counsel
BRAD T. SAITO

APPROVED this 24th day of October, 2022.

Rick Blangiardi
RICK BLANGIARDI, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

BILL 39 (2022), CD2

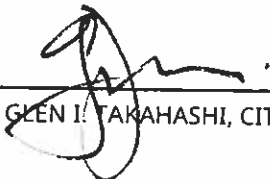
Introduced: 06/14/22 By: TOMMY WATERS - BY REQUEST Committee: ZONING AND PLANNING (ZP)

Title: RELATING TO THE ADOPTION OF THE STATE PLUMBING CODE.

Voting Legend: * = Aye w/Reservations

06/14/22	INTRO	Introduced.
07/06/22	CCL	Passed first reading. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
08/25/22	ZP	Reported out for passage on second reading and scheduling of a public hearing as amended in CD1 form. CR-226 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
08/26/22	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
09/07/22	CCL/PH	Committee report adopted. Bill passed second reading as amended, public hearing closed and referred to committee. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
09/14/22	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
09/22/22	ZP	Reported out for passage on third reading as amended in CD2 form. CR-255 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
10/05/22	CCL	Committee report adopted and Bill passed third reading as amended. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO ADMINISTRATIVE ENFORCEMENT OF THE BUILDING,
ELECTRICAL, PLUMBING, AND SIDEWALK CODES.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to address the administrative enforcement of the building, electrical, plumbing, and sidewalk codes.

SECTION 2. Section 18-7.4, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 18-7.4 Administrative enforcement.

In lieu of or in addition to enforcement pursuant to Section 18-7.3, if the building official determines that any person, firm, or corporation is not complying with a notice of violation, the building official may have the party responsible for the violation served, by mail or delivery, with an order pursuant to this section.

(a) Contents of the Order.

- (1) The order may require the party responsible for the violation to do any or all of the following:
 - (A) Correct the violation within the time specified in the order;
 - (B) Except as provided in subsection (e)(2), [Pay] pay a civil fine not to exceed \$2,000 in the manner, at the place, and before the date specified in the order; and
 - (C) Pay a civil fine not to exceed \$2,000 per day for each day in which the violation persists, in the manner and at the time and place specified in the order.
- (2) The order ~~[shall]~~ must advise the party responsible for the violation that the order ~~[shall]~~ will become final 30 calendar days after the date of its delivery. The order ~~[shall]~~ must also advise that the building official's action may be appealed to the building board of appeals.

- (b) Service of Notice of Order. A notice of order must be served upon responsible persons either personally or by certified mail. However, if the whereabouts of such persons are unknown and the same cannot be ascertained by the building



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official in the exercise of reasonable diligence and the building official provides an affidavit to that effect, then a notice of order may be served by publishing the same once each week for two consecutive weeks in a daily or weekly publication in the city pursuant to HRS Section 1-28.5.

- (c) **Effect of Order—Right to Appeal.** The provisions of the order issued by the building official under this section [~~shall~~] will become final 30 calendar days after the date of the delivery of the order. The party responsible for the violation may appeal the order to the building board of appeals as provided in Chapter 16. The appeal must be received in writing on or before the date on which the order becomes final. However, an appeal to the building board of appeals [~~shall~~] will not stay any provision of the order.
- (d) **Judicial Enforcement of Order.** The building official may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued pursuant to this section. Where the civil action has been instituted to enforce the civil fine imposed by said order, the building official need only show that the notice of violation and order were served, that a civil fine was imposed, the amount of the civil fine imposed, and that the fine imposed has not been paid.
- (e) **Three Orders Within a Three-Year Period.** If a person incurs three final orders under this section within a period of three years relating to a detached one- or two-family dwelling, as those terms are used in Chapter 16, then:
 - (1) For a period of three years from the date the third order becomes final, the building official may not accept any application for a permit under this chapter from the person; and
 - (2) The civil fine for any subsequent violation by the person within three years of the preceding violation will be \$10,000. The building official may not reduce or waive any portion of the civil fine issued pursuant to this subdivision.

A notice of order that has been appealed will be deemed final when it has been sustained upon appeal.

Any person who has incurred three final orders under this section within a three-year period may not circumvent the application of this subsection through the use of third persons, including employees and agents, and any third person knowingly aiding a person in the circumvention of this subsection shall be subject to the fine prescribed in subdivision (2)."



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SECTION 3. Ordinance material to be deleted is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the bracketed and stricken material, or the underscoring.

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters

DATE OF INTRODUCTION:

June 29, 2022

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

BRAD T. SAITO

APPROVED this 24th day of October, 2022.

RICK BLANGIARDI, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

BILL 43 (2022), CD1

Introduced: 06/29/22 By: TOMMY WATERS

Committee: ZONING AND PLANNING (ZP)

Title: RELATING TO ADMINISTRATIVE ENFORCEMENT OF THE BUILDING, ELECTRICAL, PLUMBING, AND SIDEWALK CODES.

Voting Legend: * = Aye w/Reservations

06/29/22	INTRO	Introduced.
07/06/22	CCL	Passed first reading. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
07/14/22	ZP	Reported out for passage on second reading and scheduling of a public hearing. CR-181 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
07/29/22	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
08/10/22	CCL/PH	Committee report adopted. Bill passed second reading, public hearing closed and referred to committee. 8 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TULBA, TUPOLA, WATERS 1 ABSENT: TSUNEYOSHI
08/25/22	ZP	Reported out for passage on third reading. CR-229 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
09/07/22	CCL	Recommitted. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
09/22/22	ZP	Reported out for passage on third reading as amended in CD1 form. CR-256 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
10/05/22	CCL	Committee report adopted and Bill passed third reading as amended. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


GLEN I. TAKAHASHI, CITY CLERK


TOMMY WATERS, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO THE ROYAL HAWAIIAN BAND.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Founded in 1836 by order of King Kamehameha III, the Royal Hawaiian Band is the only full-time municipal band in the country. The Royal Hawaiian Band functions as a concert band, a marching band, and a glee club ensemble, representing the City and County of Honolulu at various public events. The Royal Hawaiian Band is also available to perform at private functions, for television, radio, movies, or recordings, or for vessel arrivals or departures for a performance fee.

The purpose of this ordinance is to update the performance fees of the Royal Hawaiian Band, which have not been updated in 20 years or longer, to better reflect the cost of putting on such performances.

SECTION 2. Section 2-15.2, Revised Ordinances of Honolulu 1990 ("Fees for services"), is amended by amending subsection (a) to read as follows:

"(a) The following are the fees to be assessed for any performance by the Royal Hawaiian Band of the city:

- ~~[(1) Private function.....\$1,200.00 for the first hour, and thereafter, \$150.00 for each 15 minutes or fraction thereof.~~
- ~~[(2) Television, radio, movies or recordings.....\$150.00 per 15 minutes or fraction thereof, plus royalties and residuals.~~
- ~~[(3) Vessel arrival or departure.....\$300.00 for each performance.~~
- ~~[(4) Public or semi-public function.....No fee.]~~



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	<u>Performance Type</u>	<u>Fee</u>
(1)	<u>Private function</u>	<u>\$2,500 for the first hour, and thereafter, \$250 for each 15 minutes or fraction thereof.</u>
(2)	<u>Television, radio, movies, or recordings</u>	<u>\$250 per 15 minutes or fraction thereof, plus royalties and residuals.</u>
(3)	<u>Vessel arrival or departure</u>	<u>\$500 for each performance.</u>
(4)	<u>Public or semi-public function</u>	<u>No fee."</u>

SECTION 3. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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BILL 45(2022)

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SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

A. Fyola

DATE OF INTRODUCTION:

JUL 27 2022

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Reid Yamashiro
Deputy Corporation Counsel
REID YAMASHIRO

APPROVED this 24th day of October, 20 22.

Rick Blangiardi

RICK BLANGIARDI, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

BILL 45 (2022)

Introduced: 07/27/22 By: ANDRIA TUPOLA

Committee: BUDGET (BUD)

Title: RELATING TO THE ROYAL HAWAIIAN BAND.

Voting Legend: * = Aye w/Reservations

07/27/22	INTRO	Introduced.
08/10/22	CCL	Passed first reading. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
08/24/22	BUD	Reported out for passage on second reading and scheduling of a public hearing. CR-210 5 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY, TUPOLA 1 EXCUSED: TSUNEYOSHI
08/26/22	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
09/07/22	CCL/PH	Committee report adopted. Bill passed second reading, public hearing closed and referred to committee. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
09/14/22	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
09/21/22	BUD	Reported out for passage on third reading. CR-247 6 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY, TSUNEYOSHI, TUPOLA
10/05/22	CCL	Committee report adopted and Bill passed third reading. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

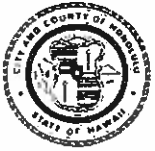
I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER



A BILL FOR AN ORDINANCE

RELATING TO HEIGHT LIMITS FOR ROOFTOP STRUCTURES.

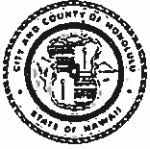
BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to increase the proliferation of rooftop solar panels by allowing rooftop solar panels to be placed above rooftop equipment and allowing the creation of new rooftop gathering space underneath rooftop solar panels.

SECTION 2. Section 21-4.60, Revised Ordinances of Honolulu 1990 ("Heights"), is amended by amending subsections (c) and (d) to read as follows:

"(c) The following structures and associated screening ~~[shall be]~~ are exempt from zoning district height limits under the following specified restrictions:

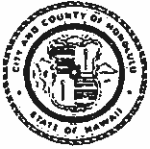
- (1) Vent pipes, fans, roof access stairwells, and structures housing rooftop machinery, such as elevators and air conditioning, not to exceed 18 feet above the governing height limit~~[-except];~~ provided that structures housing rooftop machinery on detached dwellings and duplex units ~~[shall not be]~~ are not exempt from zoning height limits.
- (2) Chimneys, which may also project into required height setbacks.
- (3) Safety railings not to exceed 42 inches above the governing height limit.
- (4) Utility Poles and Antennas. The council finds and declares that there is a significant public interest served in protecting and preserving the aesthetic beauty of the city. Further, the council finds that the indiscriminate and uncontrolled ~~[erection,]~~ installation, location, and height of antennas ~~[can be and]~~ are detrimental to the city's appearance and~~[-therefore,]~~ image; ~~[that this can cause]~~ may result in significant damage to the community's sense of well-being, particularly in residential areas~~[,];~~ and ~~[can further harm the economy of the city with its tourist trade]~~ may have negative economic impacts to the city's tourism industry, which relies heavily on the city's physical appearance. However, the council also finds that there is a need for additional height for certain types of utility poles and antennas, and that there is a clear public interest served by ensuring that those transmissions and receptions providing the public with power and ~~[telecommunications]~~ telecommunication services are unobstructed. Therefore, in accord with the health, safety, and aesthetic objectives ~~[contained]~~ set forth in Section 21-1.20, and ~~[in view of the particular]~~



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considering the public interest needs associated with certain types of
[telecommunications] power and telecommunication services:

- (A) Utility poles and broadcasting antennas ~~[shall]~~ must not exceed 500 feet from existing grade.
- (B) Antennas associated with utility installations ~~[shall]~~ must not exceed 10 feet above the governing height limit~~[-, but]~~; provided that in residential districts where utility lines are predominantly located underground, the governing height limit [shall] will apply.
- (C) Receive-only antennas ~~[shall]~~ must not exceed the governing height limit, except as provided under Section 21-2.140-1.
- (5) Spires, flagpoles, and smokestacks, not to exceed 350 feet from existing grade.
- (6) One antenna for an amateur radio station operation per zoning lot, not to exceed 90 feet above existing grade.
- (7) Wind machines, where permitted~~[-]~~; provided that each machine [shall] must be set back from all property lines [one foot for each foot of height, measured from the highest vertical extension of the system.] pursuant to the standards in Article 5.
- (8) Any energy-savings ~~[device,] devices,~~ including heat pumps and solar ~~[collectors,] panels,~~ not to exceed ~~[five] 5~~ feet above the governing height limit~~[-]~~; provided that solar panels on buildings other than detached dwellings or duplex units must not exceed 12 feet above the governing height limit. The area underneath rooftop solar panels installed pursuant to this subdivision must not be enclosed and will not be counted as floor area.
- (9) Construction and improvements in certain flood hazard districts, as ~~[specified] set forth~~ in Sections 21-9.10-6 and 21-9.10-7.
- (10) Farm structures in agricultural districts, as specified in Article 3.
- (d) The following structures and associated screening may be placed on top of an existing building ~~[which] that~~ is nonconforming with respect to height, under the following specified restrictions:



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- (1) Any energy-savings [~~device;~~] devices, including heat pumps and solar [~~collectors;~~] panels, not to exceed [~~42~~] 5 feet above the height of the [~~building;~~] rooftop; provided that solar panels on buildings other than detached dwellings or duplex units must not exceed 12 feet above the height of the rooftop. The area underneath rooftop solar panels installed pursuant to this subdivision must not be enclosed and will not be counted as floor area.
- (2) Safety railings not to exceed 42 inches above the height of the [~~building;~~] rooftop."

SECTION 3. Section 21-4.100, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 21-4.100 Outdoor lighting.

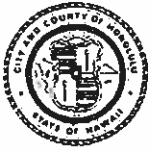
For any commercial, industrial, or outdoor recreational development, outdoor lighting [shall] must be shielded with full cut-off fixtures to eliminate direct illumination to any adjacent country, residential, apartment, apartment mixed use, or resort zoning district. For a rooftop gathering space that is not enclosed, outdoor lighting must be shielded, with full cut-off fixtures to eliminate direct illumination beyond the rooftop gathering space.

SECTION 4. Section 21-10.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by amending the definition of "Floor area" to read as follows:

""Floor area" means the area of all floors of a structure excluding unroofed areas, measured from the exterior faces of the exterior walls or from the center line of party walls dividing a structure. The floor area of a structure, or portion thereof, [~~which~~] that is not enclosed by exterior walls [~~shall be~~] is the area under the covering, roof, or floor above [~~which~~] that is supported by posts, columns, partial walls, or similar structural members [~~which~~] that define the wall line (see Figure 21-10.4).

Excluded from the floor area are:

- (1) Parking structures, including covered driveways and accessways, porte cocheres, and parking attendant booths;
- (2) Attic areas with head room less than [~~seven~~] 7 feet;
- (3) Basements;



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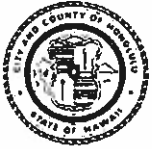
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- (4) Lanais;
- (5) Projections such as sunshade devices and architectural embellishments ~~[which]~~ that are decorative only;
- (6) Areas covered by roofing treatment to screen ~~[roof-top]~~ rooftop machinery only; and
- (7) Areas underneath rooftop solar panels or unsupported building overhangs, provided the area is not otherwise enclosed."

SECTION 5. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

August 1, 2022

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel

BRAD T. SAITO

APPROVED this 24th day of October, 20 22.



RICK BLANGIARDI, Mayor
City and County of Honolulu

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CERTIFICATE

BILL 46 (2022), CD2, FD1


Introduced: 08/01/22 By: TOMMY WATERS - BY REQUEST Committee: ZONING AND PLANNING (ZP)

Title: RELATING TO HEIGHT LIMITS FOR ROOFTOP STRUCTURES.

Voting Legend: * = Aye w/Reservations

08/01/22	INTRO	Introduced.
08/10/22	CCL	Passed first reading. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
08/25/22	ZP	Reported out for passage on second reading and scheduling of a public hearing as amended in CD1 form. CR-230 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
08/26/22	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
09/07/22	CCL/PH	Committee report adopted. Bill passed second reading as amended, public hearing closed and referred to committee. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
09/14/22	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
09/22/22	ZP	Reported out for passage on third reading as amended in CD2 form. CR-257 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
10/05/22	CCL	Amended to FD1. OCS2022-0782/9/28/2022 10:27 AM 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
10/05/22	CCL	Committee report adopted and Bill passed third reading. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER



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BILL 49 (2022), CD2

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RELATING TO THE TRANSIT-ORIENTED DEVELOPMENT SPECIAL DISTRICT.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to expand the transit-oriented development ("TOD") special district to include three additional Honolulu Rail Transit Project station areas and to incorporate land use standards and guidelines for those areas based on the recommendations in the Aiea-Pearl City Neighborhood TOD Plan.

SECTION 2. Section 21-2.110-2, revised Ordinances of Honolulu 1990 ("Planned development-resort, planned development apartment, planned development-transit, and interim planned development-transit projects"), is amended by amending subsections (b) and (c) to read as follows:

- (b) Preapplication [~~Procedures.~~] procedures. Before the submission of an application, the applicant shall:
- (1) For PD-T and IPD-T projects, attend a pre-application meeting with the department to conduct an informal review of the project, unless the department determines that ~~[such]~~ a meeting is ~~[unnecessary.]~~ not necessary. The applicant shall be prepared to discuss how the project ~~[can]~~ will accomplish the goals and objectives of Section 21-9.100-6 and[

(A) ~~The]~~ 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]; and~~

- (2) For all planned-development projects, present the proposal to the neighborhood board ~~[in whose]~~ for the district in which the project ~~[is to]~~ will be located. Notice of the presentation, or the applicant's good faith efforts to make such a presentation, must be given to all owners of properties adjoining the proposed project.



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- (c) For all planned-development projects, upon acceptance of the completed application by the director, the director shall notify the council of the acceptance, ~~[providing]~~ and provide the council with the date of the director's acceptance of the application and a brief description of the proposal contained in the application. The director shall hold a public hearing ~~[concerning]~~ on the conceptual plan for the project ~~[at a date set]~~ no less than 21 nor more than 60 calendar days after the date on which the completed application is accepted, unless the 60-day period is waived by the applicant. ~~[This]~~ The public hearing may be held jointly and concurrently with any other hearing required for the same project. ~~[The]~~ No less than 15 days prior to the public hearing, the director shall give written notice of the public hearing to the neighborhood board ~~[in whose]~~ for the district in which the project ~~[is to]~~ will be located ~~[no less than 15 days prior to the public hearing]~~.

For PD-T and IPD-T projects, a complete application must demonstrate how the project achieves consistency with:

- (1) ~~—The]~~ the approved neighborhood TOD plan for the affected area~~[-or~~
- (2) ~~—If the neighborhood TOD plan has not yet been approved, the draft neighborhood TOD plan]~~.

SECTION 3. Section 21-9.100, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 21-9.100 Transit-oriented development (TOD) special ~~[districts.]~~ district.

- (a) The purpose of this section is to establish a TOD special district ~~[around rapid transit]~~ surrounding rail stations to encourage appropriate transit-oriented development.
- (b) The regulations applicable in the TOD special district are in addition to underlying zoning district~~[-]~~ regulations 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 or special district regulation, 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.]~~



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(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]~~ forth at the end of this article.

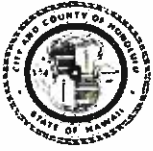
"Community benefits" means those project elements that will mitigate impacts of greater heights or greater density or modifications to TOD special district development standards. Examples of community benefits include affordable housing, open space, parks, right-of-way improvements, financial contributions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

"IPD-T" means an interim planned development-transit project pursuant to Section 21-9.100-5.

"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]~~ a rail station. Certain development standards will apply only to those zoning lots fronting a designated key street. The key streets are identified on the exhibits set ~~[out]~~ forth 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 TOD 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.

"PD-T" means a planned development-transit project pursuant to Section 21-9.100-10.



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"Rail station" means an existing or planned rail station identified in the Honolulu Rail Transit Project Environmental Impact Statement, accepted by the Governor of the State of Hawaii on December 16, 2010.

"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 city "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 rail 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" or "station area" means the parcels of land around a rail ~~[transit]~~ station subject to the TOD development regulations. Generally, the TOD station area will consist of that land within approximately ~~[one-half mile]~~ 0.5 miles of the related ~~[transit]~~ rail station, which is roughly the distance of a 5- to 10- minute walk from the station, as identified on the exhibits set ~~[out]~~ forth at the end of this article."

SECTION 4. Section 21-9.100-2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"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 of or amendment ~~[of a]~~ to the TOD special district and the TOD development regulations applicable thereto. Each neighborhood TOD plan must address, at minimum, the following:

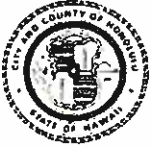
- (1) The general objectives for the particular TOD station area in terms of overall economic revitalization, neighborhood character, and unique



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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 rail and bus 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,~~] districts or special district 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;
 - (7) Consideration of flood hazards, including coastal hazards such as sea level rise, which may affect neighborhood infrastructure and land; and
 - ~~[(7)]~~(8) 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~~] may be pursued.
- (b) The process of creating neighborhood TOD plans must be inclusive, open to residents, businesses, landowners, community organizations, government agencies, and others.



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- (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) The primary design objectives of the Waipahu Neighborhood TOD Plan are as follows: [-]
 - ~~[(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]~~
 - (1) Maintain Waipahu's heritage as a former sugar plantation town~~[-The area is generally]~~ in the Pouhala (Waipahu Transit Center) station area;
 - (2) Maintain the area's low-rise [in] character and [contains a] wide range of uses[-The plan envisions the retention of the];
 - (3) Retain the area's 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]~~ Street and Farrington Highway~~[-];~~
 - ~~[(3) Development]~~ (4) Concentrate development in the ~~[West Loch]~~ Hoaeae (West Loch) station area ~~[will be concentrated]~~ in the area adjacent to the ~~[transit]~~ rail station along Farrington Highway and Leole Street~~[-]; and~~
 - (5) [The plan envisions] Encourage a higher-density commercial center with mixed-use buildings along Farrington Highway, while Leole and Leoku



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Streets serve as pedestrian-oriented streets with active ground floor activities and pedestrian access to the Pearl Harbor Historic Trail.

(h) The primary design objectives of the Aiea-Pearl City Neighborhood TOD Plan are as follows:

- (1) Develop the Kalauao (Pearlridge) station area as a major urban center and regional destination with opportunities for new high-density residential and commercial development that enhance access and views to the area's natural features;
- (2) Preserve views of Pearl Harbor from Kaonohi Street;
- (3) Create additional housing units, improved access and amenities along the Pearl Harbor Historic Trail, and new waterfront open spaces in the area makai of Kamehameha Highway;
- (4) Transform the existing parking lots and low-density commercial uses near the Waiawa (Pearl Highlands) station area into a walkable, pedestrian-oriented environment by allowing new high-density development;
- (5) Promote the area as an attractive place to live and work by emphasizing and improving amenities like the Pearl Harbor Historic Trail, the University of Hawaii Urban Garden Center, and the wide variety of local shopping and dining;
- (6) Improve access to regional transportation options, especially pedestrian and bicycle access to the Pearl Harbor Historic Trail from public streets; and
- (7) Promote the vision of the Halaulani (Leeward Community College) station area as a college-oriented neighborhood."

SECTION 5. Section 21-9.100-5, Revised Ordinances of Honolulu 1990 ("Interim planned development-transit (IPD-T) projects"), as amended by Ordinance 20-40 and Ordinance 20-41, is amended by amending subsection (b) to read as follows:

"(b) Eligible zoning lots. IPD-T projects may be permitted on zoning lots that meet the following standards:



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- (1) ~~[Where an approved neighborhood TOD plan exists for the area, the site]~~
The zoning lot must be [included] located within the proposed TOD special district as shown in the maps and figures [showing the proposed special district in the plan. Where a neighborhood TOD plan has not yet been adopted by the city council, the site must be included in the maps and figures showing the anticipated special district included in the draft neighborhood TOD plan at the time the application for the principal project is submitted to the department and accepted as complete;] for the applicable neighborhood TOD plan;
- ~~[(2) Except as provided in subdivision (3), where there is no TOD plan for a station area, a portion of the zoning lot must be within a one-half mile radius of a planned HRTTP station, as approved by the Honolulu Authority for Rapid Transportation. For purposes of this section, the minimum distance requirement is measured as the shortest straight line distance between the edge of the station area and the zoning lot lines of the project site;~~
- ~~(3)~~(2) For public housing projects, a portion of a zoning lot must be within ~~[a one-mile radius]~~ 1 mile of a ~~[planned HRTTP]~~ rail station~~[. This is applicable to station areas with and without a neighborhood TOD plan];~~
- ~~[(4)]~~(3) The minimum project size is 20,000 square feet. Multiple zoning lots may be part of a single IPD-T project if ~~[all of the lots are under single owner or lessee holding leases with a minimum of 30 years remaining in their terms]~~ 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. Zoning lots may be added to or removed from existing IPD-T projects upon the application of the owners, lessees, developers or other designated representatives of the zoning lots to be added or removed with the written consent of the original applicant for the existing IPD-T project, or its successor. Applications for the addition or removal of zoning lots will be processed in accordance with other applicable regulations of this chapter. Zoning lots to be removed from an IPD-T project must comply with all zoning regulations applicable to that zoning lot separate from the IPD-T project. Multiple zoning lots in a single IPD-T project must be contiguous[.]; provided that zoning lots that are not contiguous may be part of a single IPD-T project if all the following conditions are [met:] satisfied:



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- (A) The zoning lots are not contiguous solely because they are separated by a street or right-of-way, ~~[such]~~ so that if the street were to be removed, the zoning lots would be adjacent to each other; and
- (B) Each noncontiguous portion of the IPD-T project~~[-]~~ site, whether ~~[comprised]~~ composed of a single zoning lot or multiple contiguous zoning lots, has a minimum area of 10,000 square feet.

When ~~[a]~~ an IPD-T project consists of noncontiguous zoning lots as provided ~~[above,]~~ in this subdivision, pedestrian walkways, improved streetscapes, or functional design features connecting the separated lots are strongly encouraged to unify the project site. Multiple zoning lots that are part of an approved single IPD-T project will be considered and treated as one zoning lot for purposes of the project, ~~[and no separate conditional use permit minor for a joint development of multiple lots is required;]~~ without requiring separate approval for consolidation of the zoning lots pursuant to Chapter 22.

~~[(5)]~~(4) The IPD-T project site must be entirely within the state-designated urban district;

~~[(6)]~~(5) All eligible zoning lots must be within the apartment, apartment mixed use, business, business mixed use, resort, industrial, or industrial-commercial mixed use districts; provided that this subdivision does not apply to landscape lots, right-of-way lots, or other lots utilized for similar utilitarian (infrastructure) purposes; and

~~[(7)]~~(6) The TOD special district will be established incrementally, with station areas being added to the TOD special district as the council approves the neighborhood TOD plans and as the subsequent TOD special district regulations are added to this chapter to reflect each TOD station area. Upon the establishment of the TOD special district and its related development regulations, all zoning lots within the station areas that are added to the TOD special district will no longer be eligible for ~~[this interim]~~ an IPD-T permit, but must henceforth comply with all applicable TOD special district regulations and requirements ~~[enumerated by]~~ set forth in 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 of the ordinance expanding the TOD special district to the station area where the project site is located will continue to be processed



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under and be subject to this section and the applicable use and development standards ~~[approved]~~ allowed under the approved conceptual plan."

SECTION 6. Section 21-9.100-8, Revised Ordinances of Honolulu 1990 ("General requirements and development standards"), as amended by Ordinance 20-41, is amended by amending subsections (a), (b), and (c) to read as follows:

"(a) Site ~~[Development and Design Standards]~~ development and design standards. Development standards are as established for the underlying base zoning 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] <u>Minor</u> Special District Permit	3.5	1.2 x Base FAR	1.2 x Base FAR
Maximum FAR with PD-T [Permit] <u>Approval</u>	7.0	2.0 x Base FAR	2.0 x Base FAR

(B) The open space bonus provisions of ~~[Section]~~ Sections 21-3.110-1(c) and 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]~~ if the proposed development meets the objectives of the TOD special district, as enumerated in Section 21-9.100-6.



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- (D) Height. ~~[The]~~ For maximum height not prescribed in this chapter,
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]~~ An applicant may seek approval
to exceed the base height up to the parenthetical ~~[number]~~ height
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.]~~ as follows:

<u>Maximum Height with Minor Special District Permit</u>	<u>60 feet over the base height limit, or twice the base height limit, whichever is less</u>
<u>Maximum Height with Major Special District Permit</u>	<u>120 feet over the base height limit, or three times the base height limit, whichever is less</u>
<u>Maximum Height with PD-T Approval</u>	<u>More than 120 feet over the base height limit, or more than three times the base height limit, whichever is less</u>

- (E) Where a TOD special district permit is sought to achieve height or
density bonuses, the degree of flexibility requested must be
~~[reasonably related]~~ commensurate to the community benefits the
development will provide for the enhancement of the ~~[TOD]~~
surrounding 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 rail and bus 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,]~~ onsite, 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



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project site or within the same rail 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]~~ Affordable housing provided as a community benefit under this paragraph must be in addition to the affordable housing requirements of Chapter 38[-], which are based on a percentage of the total number of dwelling units in the principal project, and include higher percentages for IPD-T, PD-T and TOD special district projects seeking bonus height or density, or both.

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.



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(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 ¹	All Streets	5 ⁽⁴⁾		
Maximum Front Setback ¹	<u>Non-Key Street</u>	10	None	
	Key Street	10	15	10
	Non-Key Street	40	N/A	N/A
	<u>Highway²</u>	15		

¹ Front ~~[yard may be reduced;]~~ setbacks may be modified pursuant to ~~[requirements in]~~ Section 21-9 100-8(a)(3)(C).

² For the purposes of this subdivision, "highway" refers to Farrington Highway or Kamehameha Highway. This provision prevails where there are other maximum front setbacks.

(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) The minimum and maximum front setbacks may be modified as follows:

(i) Buildings may encroach into the front yard provided:

~~[(i)]~~(aa) A paved public sidewalk at least ~~[eight]~~ 8 feet in width fronts the building; or

~~[(ii)]~~(bb) Other buildings on the same block and sharing the same street frontage are set back less than ~~[five]~~ 5 feet from the property line, and the proposed building



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location will match the existing ~~[setback(s)]~~ setbacks so that the proposed building facade creates a consistent building alignment.

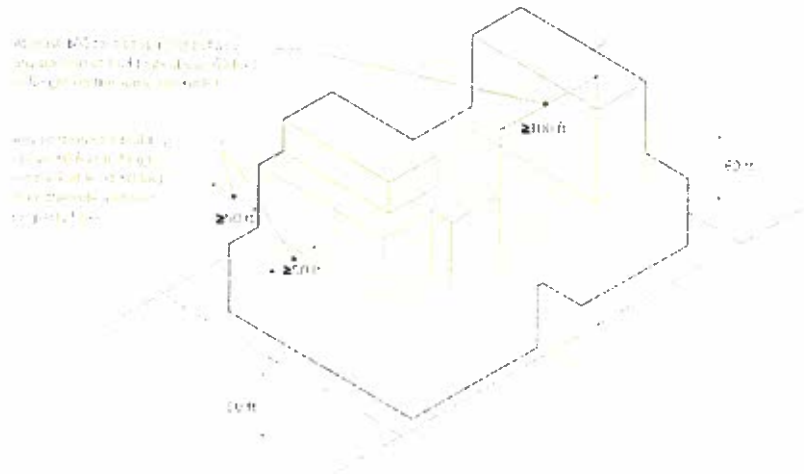
- (ii) Buildings may be located beyond the maximum setback if the additional setback is necessary to provide for a tree within the property because it is not feasible to provide for street trees within the adjacent right-of-way due to limitations such as the location of existing infrastructure.

(D) Street facade and building placement.

- (i) On corner zoning 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 zoning 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 zoning 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 zoning 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.
- (v) Any portion of a building above 60 feet in height must be set back at least 50 feet from the side and rear property lines, and spaced at least 100 feet from any portion of other buildings above 60 feet in height on the same zoning lot, as depicted in the following illustration:



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- (vi) To preserve important views, no structures greater than 3 feet in height, except for open work fences, may be constructed in the areas identified as view corridors in the Section 21-9.100-12 exhibits. The director may approve uses and structures allowed in standard required yards; provided that no views will be adversely impacted.
- (vii) Buildings above 40 feet in height must be oriented with the long axis aligned in a mauka-makai direction.

(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.
- (ii) Awnings and other sunshade devices may exceed the 36-inch horizontal projection limit established in Section 21-4.30(b), and may encroach into the right-of-way;



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provided that they meet all requirements of the building codes and do not conflict with any street tree requirements.

- ~~[(ii)]~~[(iii)] 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 zoning 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]~~ 3 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]~~ except for openwork fences that do not exceed ~~[four]~~ 4 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]~~ shall install street trees, as required by the director.
- (I) The standards of this subdivision may be modified through a special district permit ~~[where]~~ if at least one of the following conclusions ~~[can]~~ may be made:
- (i) Irregular property lines, zoning lot configuration, coastal hazards as projected using best available science, or topography of the ~~[site]~~ zoning lot render the yards, setbacks, street façade ~~[and]~~, or building placement standards infeasible;



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- (ii) The existing built environment is arranged in such a way that the yards, setbacks, street facade, ~~[and]~~ or building placement standards are incompatible or unreasonable, and better overall design ~~[can]~~ may 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 TOD 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]~~ The requirements of this subdivision may be modified through a special district permit if irregular property lines, zoning lot configuration, or topography of the ~~[site]~~ zoning lot 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]~~ must not extend for more than 25 feet in a continuous horizontal plane without an opening on the ground floor of a building, provided~~[:]~~ that:



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- (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]~~ 3 feet deep.
- (C) Modifications to the building transparency standard may be approved through a special district permit; provided~~[-]~~ that:
 - (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]~~ 5-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]~~ zoning lot to each other, to ~~[on-site]~~ onsite automobile and bicycle parking areas, and to any ~~[on-site]~~ onsite 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 zoning lots ~~[one]~~ 1 acre or more in size whenever possible; and



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- (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.]~~ use development standards.
 - (1) ~~[All new development proposing more than 10 residential dwelling or lodging units, or both.]~~ Projects must satisfy the applicable 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]~~ 2.5 feet 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) ~~[Effective December 1, 2025, at-grade]~~ At-grade parking spaces and parking on the ground floor of any structure must not 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 determines 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 could not be accommodated.
 - (2) 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



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permit if the director determines that the size and configuration of the zoning lot make such a requirement infeasible.

- (3) 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.
- (4) 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."

SECTION 7. Section 21-9.100-10, Revised Ordinances of Honolulu 1990 ("Planned development-Transit (PD-T) projects"), is amended by amending subsections (a), (b), and (c) to read as follows:

"(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]~~ area of [at least one acre] 20,000 square feet. Multiple zoning 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]~~ 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. Zoning lots may be added to or removed from existing PD-T projects upon the application of the owners, lessees, developers, or other designated representatives of the zoning lots to be added or removed with the written consent of the original applicant for the existing PD-T project, or its successor. Applications for the addition or removal of zoning lots will be processed in accordance with other applicable regulations in this chapter. Zoning lots to be removed must comply with all zoning regulations applicable to that zoning lot separately from the PD-T project. Multiple zoning lots in a single PD-T project must be contiguous; provided that zoning lots that are not contiguous may be part of a single PD-T project if all of the following conditions are [met:] satisfied:

- (A) The zoning lots are not contiguous solely because they are separated by a street or right-of-way, so if the street were to be removed, the zoning lots would be adjacent to each other; and



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- (B) Each noncontiguous portion of the PD-T project, whether ~~[comprised]~~ composed of a single zoning lot or multiple contiguous zoning lots, ~~[must have]~~ has a minimum area of ~~[20,000]~~ 10,000 square feet.

When a PD-T project consists of noncontiguous zoning lots as provided ~~[above,]~~ in this subdivision, pedestrian walkways, improved streetscapes, or ~~[functioning]~~ functional design features connecting the ~~[separated]~~ separate zoning lots are strongly encouraged to unify the project site. Multiple zoning lots that are part of an approved single PD-T project will be considered and treated as one zoning lot for the purposes of the project without requiring ~~[a] separate [conditional use permit minor for a joint development.]~~ approval for consolidation of the zoning lots pursuant to Chapter 22.

- (2) This subsection does not apply to landscape lots, right-of-way lots, or other lots ~~[utilized]~~ used for similar utilitarian (infrastructure) purposes.
- (b) Standards for ~~[Review.]~~ review.
- (1) All of the development standards of a TOD special district will apply to PD-T projects, ~~[unless]~~ except as otherwise ~~[noted]~~ provided 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]~~ commensurate 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.]~~ 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]~~ community benefits provided in the project



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plan, and the project must be generally consistent with the neighborhood TOD plan for the area.

- (1) Density. ~~[Pursuant to]~~ The maximum allowable density is specified in 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.]~~ by zoning district.
- (2) The maximum height ~~[cannot]~~ must not exceed the bonus height limit shown as the parenthetical number on the zoning maps.
- (3) Transitional height or height setbacks may be modified ~~[where]~~ if 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 applicable affordable housing requirements of Chapter 38. ~~[If affordable]~~ Affordable housing that 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~~[-]~~, which are based on a percentage of the total number of dwelling units in the principal project, and include higher percentages for IPD-T, PD-T, and TOD special district projects seeking bonus height or density, or both.

SECTION 8. Section 21-9.100-11, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 21-9.100-11 TOD special ~~[district-Project]~~ 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.



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Table 21-9.8 TOD Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Major modification, additions, or new construction on sites [one] 1 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] 1 acre or more in size	E	
Major modification, alteration, repair, additions, or new construction on sites less than [one] 1 acre in size	E	
Interior repairs, alterations and renovations to all structures	E	
Modifications to [height or] FAR	M/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.] See Section 21-9.100-8(a)(1)(A). PD-T approval may be required prior to obtaining a major permit.
<u>Modifications to height</u>	<u>M/m</u>	See Section 21-9.100-8(a)(1)(D). PD-T approval may be required prior to obtaining a major permit.



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Table 21-9.8 TOD Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
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	



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Table 21-9.8 TOD Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
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.
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. Pursuant to Sections 21-2.110-2, 21-9.100-8(a)(1)(A), and 21-9.100-8(a)(1)(D), PD-T approval may be required prior to obtaining a major special district permit. Where a PD-T or major special district permit are otherwise required, a separate minor special district permit is not required.</p> <p>Legend: Project classification: M = Major; m = Minor; E = Exempt</p>		



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SECTION 9. Section 21-9.100-12, Revised Ordinances of Honolulu 1990, is amended to read as follows:

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

- (a) The ~~[West Loch Station]~~ Hoaeae (West Loch) station area TOD special district boundaries are designated on Exhibit 21-9.19, set ~~[out]~~ forth at the end of this article.
- (b) The ~~[Waipahu Transit Center Station]~~ Pouhala (Waipahu Transit Center) station area TOD special district boundaries are designated on Exhibit 21-9.20, set ~~[out]~~ forth at the end of this article.
- (c) The Halaulani (Leeward Community College) station area TOD special district boundaries are designated on Exhibit 21-9.21, set forth at the end of this article.
- (d) The Waiawa (Pearl Highlands) station area TOD special district boundaries are designated on Exhibit 21-9.22, set forth at the end of this article.
- (e) The Kalauao (Pearlridge) station area TOD special district boundaries are designated on Exhibit 21-9.23, set forth at the end of this article."



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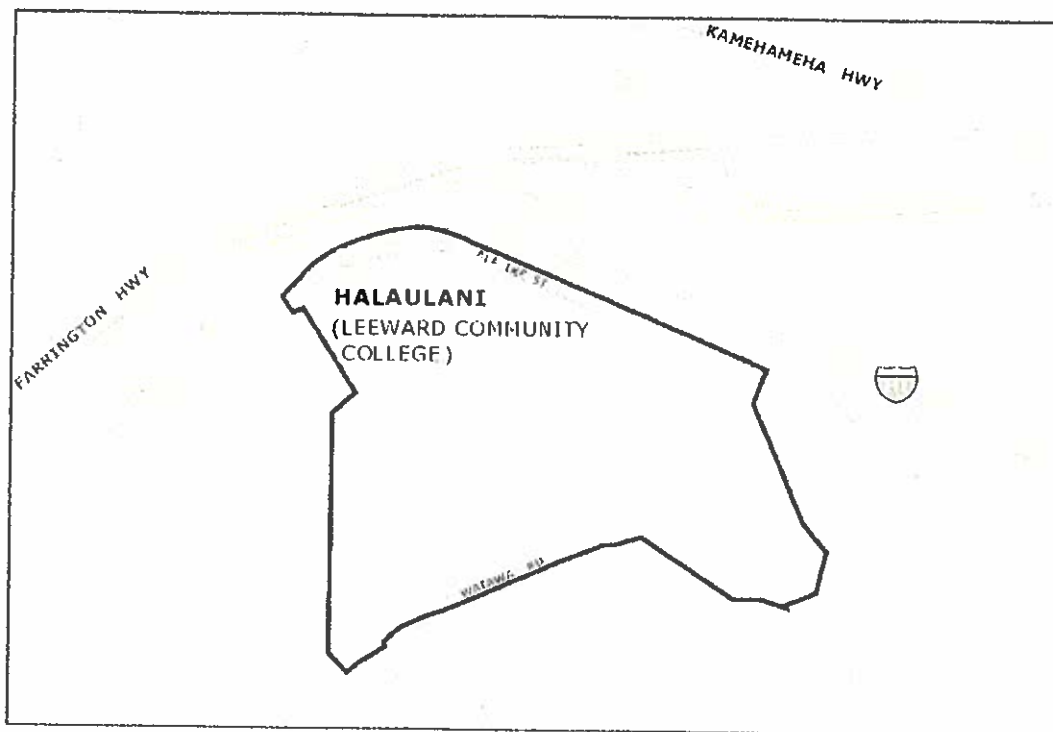
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SECTION 12. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990 ("Special District Regulations"), is amended by adding a new Exhibit 21-9.21 to read as follows:

**"EXHIBIT 21-9.21
Halaulani (Leeward Community College) Station Area**



Aiea-Pearl City TOD Neighborhood

LEGEND

- TOD Special District Boundary
- Rail Station





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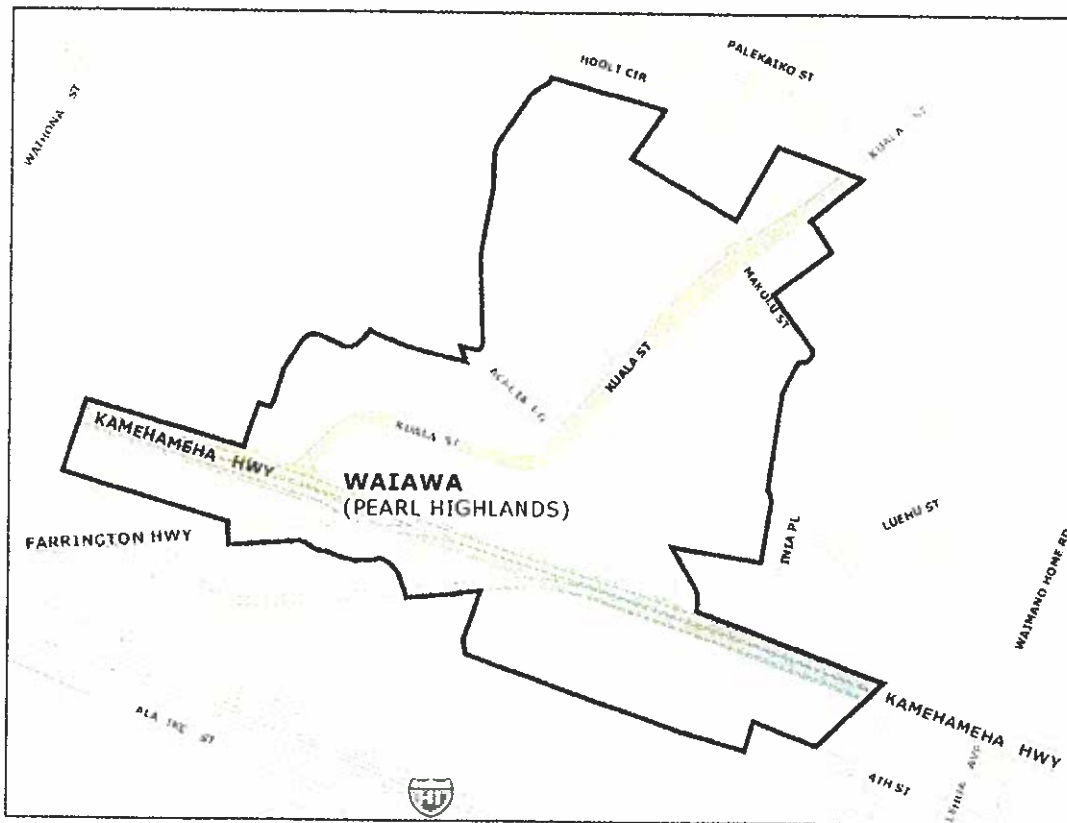
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SECTION 13. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990 ("Special District Regulations"), is amended by adding a new Exhibit 21-9.22 to read as follows:

**"EXHIBIT 21-9.22
Waiawa (Pearl Highlands) Station Area**



Aiea-Pearl City TOD Neighborhood

LEGEND

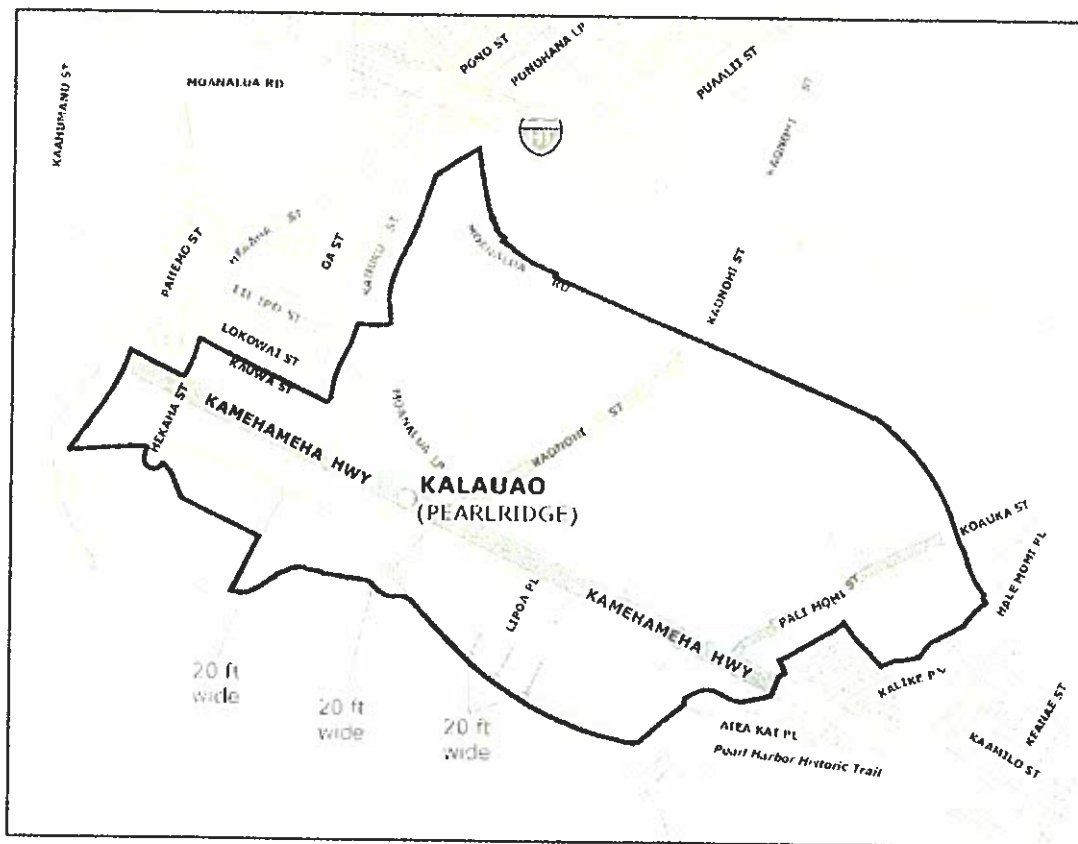
- TOD Special District Boundary
- Key Street
- Rail Station



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SECTION 14. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990 ("Special District Regulations"), is amended by adding a new Exhibit 21-9.23 to read as follows:

"EXHIBIT 21-9.23
Kalauao (Pearlridge) Station Area



Aiea-Pearl City TOD Neighborhood

LEGEND

- TOD Special District Boundary
- Key Street
- Bike-Walk Greenway
- Pearl Harbor View Corridors
- Rail Station





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SECTION 15. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.

SECTION 16. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

August 4, 2022

Honolulu, Hawai'i

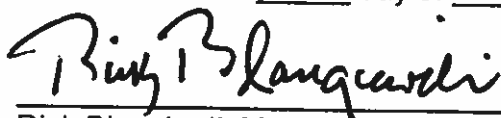
Councilmembers

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel

ERICA C. OSTERKAMP

APPROVED this 24th day of October, 2022.



Rick Blangiardi, Mayor
City and County of Honolulu

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CERTIFICATE

BILL 49 (2022), CD2


Introduced: 08/04/22 By: TOMMY WATERS - BY REQUEST Committee: ZONING AND PLANNING (ZP)

Title: RELATING TO THE TRANSIT-ORIENTED DEVELOPMENT SPECIAL DISTRICT.

Voting Legend: * = Aye w/Reservations

08/04/22	INTRO	Introduced.
08/10/22	CCL	Passed first reading. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
08/26/22	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
08/31/22	ZP	Reported out for passage on second reading and scheduling of a public hearing as amended in CD1 form. CR-238 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
09/07/22	CCL/PH	Committee report adopted. Bill passed second reading as amended, public hearing closed and referred to committee. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA*, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
09/14/22	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
09/22/22	ZP	Reported out for passage on third reading as amended in CD2 form. CR-258 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
10/05/22	CCL	Committee report adopted and Bill passed third reading as amended. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

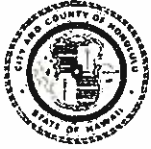
I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER



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HONOLULU, HAWAII

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BILL **50 (2022), CD1**

A BILL FOR AN ORDINANCE

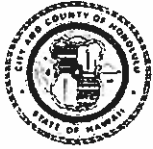
TO REZONE LAND SITUATED AT HALAWA – PEARL CITY AND WAIPAHU, OAHU, HAWAII.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Zoning Map No. 7 (Halawa – Pearl City), Ordinance 86-133, and Zoning Map No. 8 (Waipahu), Ordinance 86-110, are hereby amended as follows: Land situated near the **Leeward Community College** (Halaulai/Leeward Community College rail station area) and **Kamehameha Highway and Farrington Highway intersection** (Waiawa/Pearl Highlands rail station area) in Pearl City, Oahu, Hawaii; and near the **Kamehameha Highway and Kaonohe Street intersection** (Kalauao/Pearlridge rail station area) in Aiea, Oahu, Hawaii; hereinafter described, are hereby rezoned from the F-1 Military and Federal Preservation, P-2 General Preservation, AG-1 Restricted Agricultural, AG-2 General Agricultural, R-5 Residential, R-7.5 Residential, A-1 Low-density Apartment, A-2 Medium-density Apartment, B-2 Community Business, BMX-3 Community Business Mixed Use, I-2 Intensive Industrial, and IMX-1 Industrial-Commercial Mixed Use Districts; to the P-2 General Preservation, AG-1 Restricted Agricultural, R-5 Residential, A-2 Medium-density Apartment, AMX-2 Medium-density Apartment Mixed Use, AMX-3 High-density Apartment Mixed Use, B-1 Neighborhood Business, BMX-3 Community Business Mixed Use, and I-2 Intensive Industrial Districts. The boundaries and heights of said Districts shall be described as shown on the maps attached hereto, marked "Exhibit A" and "Exhibit B," and made a part hereof, and further identified as the Tax Map Keys and streets listed on the exhibits.

SECTION 2. Existing unilateral agreements applicable to affected areas within the boundaries of said Districts, as shown on the maps attached hereto, marked "Exhibit A" and "Exhibit B," shall remain in full force and effect, including all unilateral agreement conditions, except for the unilateral agreements or portions thereof specified below, which are hereby rendered null and void:

1. Ordinance 79-52, Unilateral Agreement Conditions 1 and 2;
2. Ordinance 82-1, the Unilateral Agreement in its entirety;
3. Ordinance 98-15, Unilateral Agreement Condition 1;
4. Ordinance 02-13, Unilateral Agreement Condition 2.b(3); and
5. Ordinance 04-04, Unilateral Agreement Conditions 1.a and 3.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

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SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

August 4, 2022
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel

ERICA C. OSTERKAMP

APPROVED this 24th day of October, 20 22.



Rick Blangiardi, Mayor
City and County of Honolulu

ZONING MAP NO. 7 & 8
HALAWA - PEARL CITY & WAIPAHU
Halaulani (Leeward Community College) and
Waiawa (Pearl Highlands) Station Areas

APPLICANT: DEPARTMENT OF PLANNING & PERMITTING

TAX MAP KEYS:

9-6-003: por. 1, 12, 13, por. 14, 15, por. 16, 17, por. 18,
por. 39, por. 43, 48, 49
9-6-004: por. 6
9-7-016: 28
9-7-018: por. 10
9-7-020: 59
9-7-023: 1, 17, 18, por. 20, 21
9-7-024: por. 6, por. 27, 28, 32-35, por. 36, 40, 43,
44, 51, 56, 58, 59, 62-64, 66-75

AFFECTED STREETS:

A Rd. (portion), Acacia Rd. (portion),
Ala Ike (portion), Farrington Highway (portion),
Hoola Pl., Kamahameha Highway (portion),
Kipapa St., Kula St. (portion), Lehua Ave. (portion),
Makolu St., Waiala Rd. (portion)

NOTES:

Zoning districts without a height limit shown are subject to that district's maximum height, as specified in Chapter 21 of the ROH.

Zoning district boundaries shall be interpreted to follow the street centerline of the existing roadway when illustrated as such on the map.

FOLDER NO : 2016/GEN-2

LAND AREA: APPROXIMATELY 190.81 ACRES

PREPARED BY: DEPARTMENT OF PLANNING & PERMITTING
CITY AND COUNTY OF HONOLULU
PUBLIC HEARING PLANNING COMMISSION CITY COUNCIL

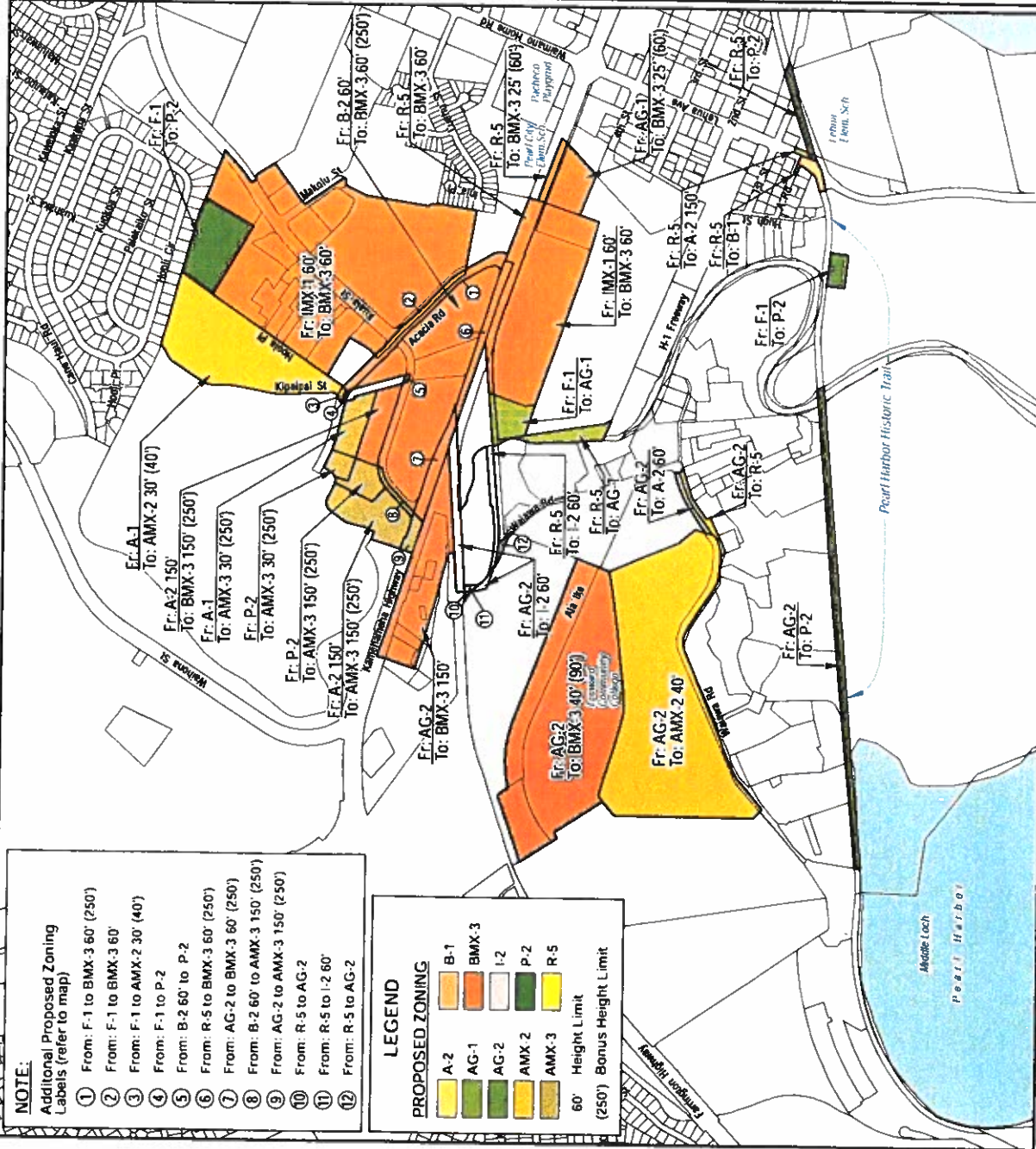


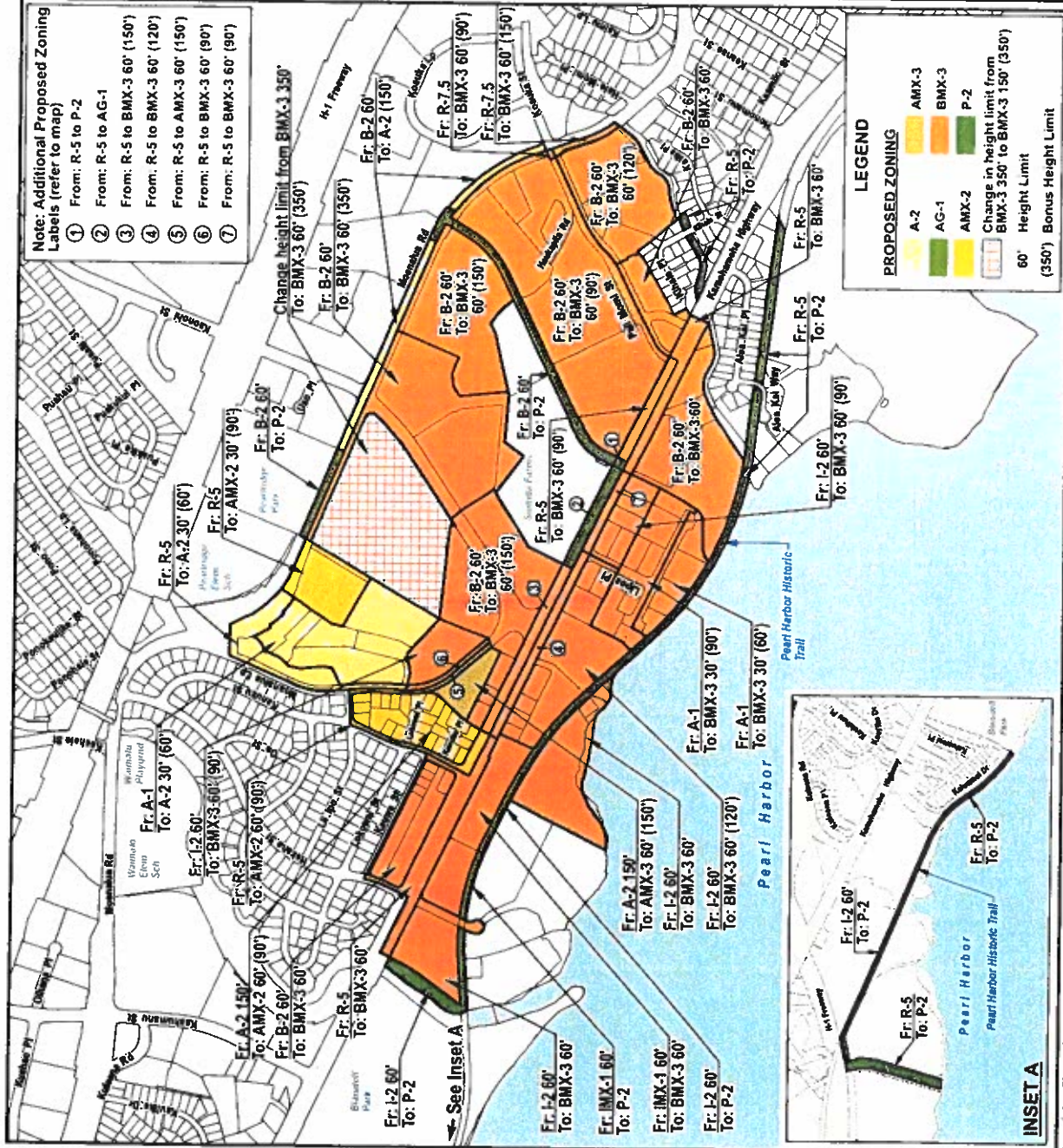
ORD. NO.

EFF. DATE:

718

2016JZ-7





**PORTION OF
ZONING MAP NO. 7
HALAWA - PEARL CITY
Kalauao (Pearlridge) Station Area**

APPLICANT: DEPARTMENT OF PLANNING & PERMITTING
TAX MAP KEYS:

- 9-7-018: por. 10, por. 12, 17
- 9-8-004: 16
- 9-8-007: por. 2
- 9-8-009: 1, 3, 5, 7, 8, 10-12, 14-17, 20-22, 25
- 9-8-010: 1-3, 6, 9, 18-26, 29-32, 34-44, 47, 48
- 9-8-013: 13-15, 20-25, 30, 31-33
- 9-8-014: 3-10, 12, 13, 15-22, 24, 25, 27, 29, 30
- 9-8-015: 44, 45, 47
- 9-8-016: 29-32, 37, 42, por. 45, 49, 51-53, por. 54, 55-58
- 9-8-021: 55
- 9-8-022: por. 72, 74, 78-81, 85, 86
- 9-8-025: 30, 60

AFFECTED STREETS:

Haukapila Rd., Hekaha St. (portion),
Kamehameha Highway (portion), Kanuku Pl.,
Kanuku St. (portion), Kaonohi St. (portion), Kauwa St.,
Lii Ipo St. (portion), Lipoa Pl., Lokowai Pl.,
Moanalua Lp. (portion), Moanalua Rd. (portion),
Pali Momi St.

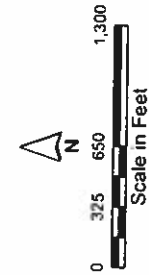
NOTES:

Zoning districts without a height limit shown are subject to that district's maximum height, as specified in Chapter 21 of the ROH.
Zoning district boundaries shall be interpreted to follow the street centerline of the existing roadway when illustrated as such on the map.

FOLDER NO.: 2016/GEN-2

LAND AREA: APPROXIMATELY 192.23 ACRES

**PREPARED BY: DEPARTMENT OF PLANNING & PERMITTING
CITY AND COUNTY OF HONOLULU
PUBLIC HEARING PLANNING COMMISSION CITY COUNCIL**



ORD. NO. 2016/2-3
EFF. DATE: BILL

EXHIBIT B

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

BILL 50 (2022), CD1

Introduced: 08/04/22 By: TOMMY WATERS - BY REQUEST Committee: ZONING AND PLANNING (ZP)

Title: TO REZONE LAND SITUATED AT HALAWA - PEARL CITY AND WAIPAHU, OAHU, HAWAII.

Voting Legend: * = Aye w/Reservations

08/04/22	INTRO	Introduced.
08/10/22	CCL	Passed first reading. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
08/26/22	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
08/31/22	ZP	Reported out for passage on second reading and scheduling of a public hearing. CR-239 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
09/07/22	CCL/PH	Committee report adopted. Bill passed second reading, public hearing closed and referred to committee. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS
09/14/22	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
09/22/22	ZP	Reported out for passage on third reading as amended in CD1 form. CR-259 4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
10/05/22	CCL	Committee report adopted and Bill passed third reading as amended. 9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, WATERS

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.



GLEN I. TAKAHASHI, CITY CLERK



TOMMY WATERS, CHAIR AND PRESIDING OFFICER