

**OFFICE OF THE MAYOR  
KE KE'ENA O KA MEIA  
CITY AND COUNTY OF HONOLULU**

530 SOUTH KING STREET, ROOM 300 • HONOLULU, HAWAII 96813  
PHONE: (808) 768-4141 • FAX: (808) 768-4242 • WEBSITE: [honolulu.gov](http://honolulu.gov)

RICK BLANGIARDI  
MAYOR  
MEIA



MICHAEL D. FORMBY  
MANAGING DIRECTOR  
PO'O HO'OKELE

KRISHNA F. JAYARAM  
DEPUTY MANAGING DIRECTOR  
HOPE PO'O HO'OKELE

December 26, 2023

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

Dear Mr. Takahashi:

Subject: Approved Bills

The following bills are approved and returned herewith:

Bill 45, (2023), CD2, FD1	Relating to human resources
Bill 50 (2023), CD2	Relating to the transit-oriented development special district.
Bill 51 (2023), CD2	Relating to the rezoning of land situated at Halawa, O'ahu, Hawaii
Bill 56 (2023), CD1, FD1	Relating to a commercial property assessed financing program

Sincerely,

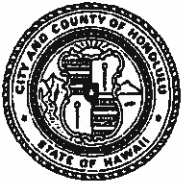
A handwritten signature in black ink that reads "Rick Blangiardi".

Rick Blangiardi  
Mayor

Attachments (4)

**MAYOR'S MESSAGE 254**

23DEC26 AM 9:18 CITY CLERK



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 45 (2023), CD2, FD1

---

**A BILL FOR AN ORDINANCE**

---

RELATING TO HUMAN RESOURCES.

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 powers, duties, and functions of the Director of Human Resources.

SECTION 2. Section 2-6.1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

**"§ 2-6.1 Director of human resources—Additional powers, duties, and functions.**

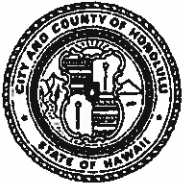
The director shall:

- (1) Prepare and recommend to the civil service commission reasonable regulations to carry out applicable provisions of the charter; ~~and~~
- (2) Examine all applicants for employment and all officers and employees of the city pursuant to any applicable ordinance, civil service laws, and rules then in effect~~[-]; and~~
- (3) Work with other city departments and agencies to compile the report required under § 2-18.7, by prescribing a form containing the information required under § 2-18.7 for each city department or agency to complete, and compiling the information received into a comprehensive report that presents the information in an organized, functional, and useful manner."

SECTION 3. Section 2-18.7, Revised Ordinances of Honolulu 2021, is amended to read as follows:

**"§ 2-18.7 Report on position vacancies.**

- (a) Within five days after the mayor submits to the council the budget documents specified in Charter § 9-102.1, the mayor shall also submit to the council a report on position vacancies in the ~~[city]~~ city's executive branch. The report ~~[shall]~~ must be data-driven and must include, but need not be limited to:
  - (1) ~~[an]~~ An updated listing (as of January 31 of the year of submittal or later) of all vacant positions, by activity, within each city executive branch department and agency, and by position number and position title~~[-];~~



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

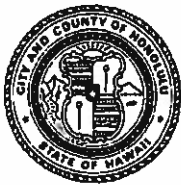
ORDINANCE \_\_\_\_\_

BILL 45 (2023), CD2, FD1

**A BILL FOR AN ORDINANCE**

---

- (2) An updated listing (as of January 31 of the year of submittal or later) of all vacant positions in each city executive branch department and agency that were abolished in the preceding fiscal year;
  - (3) For any vacant position that has been abolished in the preceding fiscal year, the positions, if any, to which the responsibilities of the abolished vacant position have been transferred;
  - (4) A qualitative and quantitative discussion of the impact of the vacant positions in each city executive branch department and agency on the operations and delivery of services for that department or agency; and
  - (5) The steps taken to fill the vacant positions in each city executive branch department and agency, and any challenges encountered.
- (b) For each vacant position, the report ~~[shall]~~ must indicate:
- (1) ~~[the]~~ The amount budgeted for the position in the upcoming fiscal year, including the source of funds;
  - (2) ~~[whether]~~ Whether the position has ever been filled;
  - (3) ~~[if]~~ If the position has at some time been filled, the most recent date on which the position became vacant;
  - (4) ~~[whether]~~ Whether the position is temporary or permanent;
  - (5) Whether the duration of the vacancy is:
    - (A) Three years up to five years;
    - (B) More than five years up to seven years; or
    - (C) More than seven years; and
  - (6) ~~[and whether]~~ Whether and when the position is proposed to be filled or abolished."



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 45 (2023), CD2, FD1

**A BILL FOR AN ORDINANCE**

SECTION 4. 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 5. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters

DATE OF INTRODUCTION:

July 19, 2023

Honolulu, Hawai'i

\_\_\_\_\_  
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

SHANNON M. LAU

APPROVED this 13<sup>th</sup> day of December, 20 23.

Rick Blangiardi

RICK BLANGIARDI, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

BILL 45 (2023), CD2, FD1

Introduced: 07/19/23 By: TOMMY WATERS

Committee: EXECUTIVE MATTERS AND LEGAL  
AFFAIRS (EMLA)

Title: RELATING TO HUMAN RESOURCES.

Voting Legend: \* = Aye w/Reservations

07/19/23	INTRO	Introduced.
08/09/23	CCL	Passed first reading.  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
08/22/23	EMLA	Reported out for passage on second reading and scheduling of a public hearing as amended in CD1 form.  CR-228  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
08/25/23	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
09/06/23	CCL/PH	Bill passed second reading as amended, public hearing closed and referred to committee.  8 AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER  1 ABSENT: CORDERO
09/12/23	EMLA	Reported out for passage on third reading as amended in CD2 form.  CR-263  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
09/13/23	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
12/06/23	CCL	Amended to FD1.  OCS2023-1068/11/28/2023 9:07 AM  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
12/06/23	CCL	Committee report adopted and Bill passed third reading.  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY*, TULBA, TUPOLA, WATERS, WEYER*

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



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 50 (2023), CD2

---

**A BILL FOR AN ORDINANCE**

---

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 one additional Honolulu Rail Transit Project station area and to incorporate land use standards and guidelines for that area based on the recommendations in the Halawa Area TOD Plan.

SECTION 2. Section 21-9.100-2, Revised Ordinances of Honolulu 2021, is amended to read as follows:

**"§ 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 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]~~ a specific TOD station area in terms of overall economic revitalization, neighborhood character, and unique community historic and other design themes. Objectives must summarize the desired neighborhood mix of land uses, general land use intensities, circulation strategies, general urban design forms, and cultural and historic resources that form the context for TOD;
  - (2) Parcels recommended to be included in the TOD special district, taking into account natural topographic barriers, extent of market interest in redevelopment, and the benefits of transit, including the potential to increase 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 districts or special district precincts, as appropriate, including density incentives. Prohibition of specific uses must be considered. Form-based zoning may be considered;



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 50 (2023), CD2

---

**A BILL FOR AN ORDINANCE**

---

- (4) Preservation of existing affordable housing and potential opportunities for new affordable housing, ~~[and as appropriate,]~~ with supportive services~~[:]~~ as appropriate;
- (5) Preservation of existing healthcare services. For the 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) Preservation and protection of Native Hawaiian cultural and historic resources, including cultural, historic, and pre-contact sites and monuments;
- ~~[(6)]~~(7) Mitigating gentrification of the community;
- ~~[(7)]~~(8) Consideration of flood hazards, including coastal hazards such as sea level rise, which may affect neighborhood infrastructure and land; and
- ~~[(8)]~~(9) 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 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.
- (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-]~~ explored.
- (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.



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL **50 (2023), CD2**

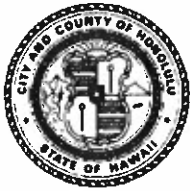
---

**A BILL FOR AN ORDINANCE**

---

- (f) The neighborhood TOD plan must be submitted to the council and approval of the plan ~~[will]~~ must be by council resolution, with or without amendments.
- (g) The primary design objectives of the Waipahu Neighborhood TOD Plan are as follows:
  - (1) Maintain Waipahu's heritage as a former sugar plantation town in the Pouhala (Waipahu Transit Center) station area;
  - (2) Maintain the area's low-rise character and wide range of uses;
  - (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 Street and Farrington Highway;
  - (4) Concentrate development in the Hoaeae (West Loch) station area in the area adjacent to the rail station along Farrington Highway and Leoole Street; and
  - (5) Encourage a higher-density commercial center with mixed-use buildings along Farrington Highway, while Leoole and Leoku 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;





**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 50 (2023), CD2

---

**A BILL FOR AN ORDINANCE**

---

- (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.
- (i) The primary design objectives of the Halawa Area Neighborhood TOD Plan are as follows:
- (1) Develop a TOD-oriented sports and entertainment district tied to a stadium in the Halawa (Aloha Stadium) station area;
  - (2) Establish a gateway corridor connecting the rail station and stadium; and
  - (3) Concentrate an eclectic mix of street-level retail with consistent frontage along Salt Lake Boulevard."

SECTION 3. Section 21-9.100-8, Revised Ordinances of Honolulu 2021 ("General requirements and development standards"), is amended by amending subsection (a) to read as follows:

"(a) *Site 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:



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

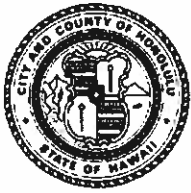
BILL **50 (2023), CD2**

**A BILL FOR AN ORDINANCE**

	<b>BMX-3 and B-2 Districts</b>	<b>Apartment and Apartment [Mixed-Use] Mixed-Use Districts</b>	<b>Industrial and Industrial [Mixed-Use] Mixed-Use Districts</b>
Base FAR	2.5	Refer to Table 21-3.3	Refer to Table 21-3.5
Maximum FAR with Minor Special District Permit	3.5	1.2 x Base FAR	1.2 x Base FAR
Maximum FAR with PD-T Approval	7.0	2.0 x Base FAR	2.0 x Base FAR

- (B) The open space bonus provisions of §§ 21-3.110-1(c) and 21-3.120-2(c) are not applicable.
- (C) In the apartment ~~[mixed-use]~~ mixed-use districts, the maximum commercial use density and location provisions of § 21-3.90-1(c) and Table 21-3.3 may be modified through a special district permit if the proposed development meets the objectives of the TOD special district, as enumerated in § 21-9.100-6.
- (D) *Height.* ~~[For]~~ If the maximum height is not prescribed for a zoning district in this chapter, the allowable height is as prescribed on the zoning map, ~~unless modified through a special district or PD-T permit~~. An applicant may seek approval to exceed the base height limit up to the parenthetical height identified as the bonus height limit on the zoning map, where applicable, through a special district permit or PD-T approval as follows:

Maximum Height with Minor Special District Permit	60 feet over the base height limit; or twice the base height limit, whichever is less
Maximum Height with Major Special District Permit	120 feet over the base height limit; or three times the base height limit, whichever is less



**A BILL FOR AN ORDINANCE**

Maximum Height with PD-T Approval	<del>[More than 120 feet over the base height limit; or more than three times the base height limit, whichever is less]</del> <u>Up to the parenthetical height identified as the bonus height limit on the zoning map</u>
-----------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

- (E) Where a TOD special district permit is sought to achieve height or density bonuses, the degree of flexibility requested must be commensurate to the community benefits the development will provide for the enhancement of the 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 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 project site or within the same rail station area as the project site. Affordable housing provided as a community benefit under this paragraph must be in addition to the affordable housing requirements of Chapter 29, 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



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL **50 (2023), CD2**

---

**A BILL FOR AN ORDINANCE**

---

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.

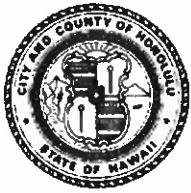
(F) When an applicant seeks to exceed the base height or density limit through a special district permit, the following conclusions must be made:

- (i) Additional project elements that provide community benefits beyond what would otherwise be required have been incorporated into the project plan, as described in § 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 or FAR 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 or FAR will further the goals and objectives of the TOD special district and the applicable neighborhood TOD plan.

(2) *Building area.* Within the TOD special district, the building area standard for zoning lots in the apartment mixed-use and industrial mixed-use districts, as set forth in Tables 21-3.3 and 21-3.5, respectively, are not applicable.

(3) *Yards, setbacks, street facade, and building placement.*

(A) Required yards (in feet) in a TOD special district are as follows:



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 50 (2023), CD2

**A BILL FOR AN ORDINANCE**

Required Yard Standards		B-2 and BMX-3 Districts	Apartment and Apartment [Mixed Use] <u>Mixed-Use</u> Districts	Industrial and Industrial [Mixed Use] <u>Mixed-Use</u> Districts
Minimum Front Setback¹	All Streets	5		
Maximum Front Setback¹	Non-Key Street	10	None	
	Key Street	10	15	10
	Highway²	15		
¹ Front setbacks may be modified pursuant to § 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 that:
    - (aa) A paved public sidewalk at least 8 feet in width fronts the building; or
    - (bb) Other buildings on the same block and sharing the same street frontage are set back less than 5 feet from the property line, and the proposed building location will match the existing 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



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL **50 (2023), CD2**

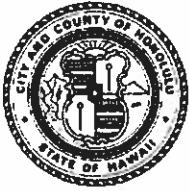
---

**A BILL FOR AN ORDINANCE**

---

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 a corner zoning [~~lots~~] lot fronting at least one key street, buildings must be located within 30 feet of [~~such~~] the 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~~] If 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 § 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:



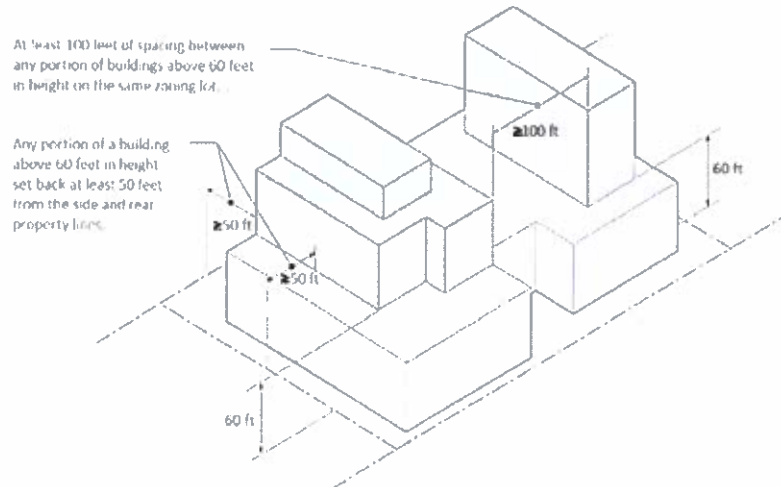
**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_  
BILL 50 (2023), CD2

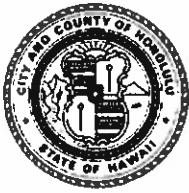
---

**A BILL FOR AN ORDINANCE**

---



- (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 exhibits specified in § 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 ~~[hard surface,]~~ hard surface, 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.



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 50 (2023), CD2

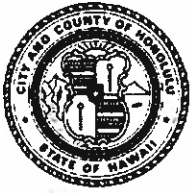
---

**A BILL FOR AN ORDINANCE**

---

- (ii) Awnings and other sunshade devices may exceed the 36-inch horizontal projection limit established in § 21-4.30(b), and may encroach into the right-of-way; provided that they meet all requirements of the building codes and do not conflict with any street tree requirements.
- (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~~] driveways 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 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,~~] hard surface, 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, except for openwork fences that do not exceed 4 feet in height, may be [~~erected~~] installed within the 10-foot setback area. For the purposes of this [~~section,~~] paragraph, "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 shall install street trees, as required by the director.
- (I) The standards of this subdivision may be modified through a special district permit if at least one of the following conclusions may be made:





**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

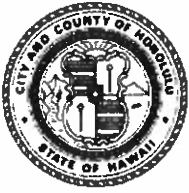
BILL **50 (2023), CD2**

---

**A BILL FOR AN ORDINANCE**

---

- (i) Irregular property lines, zoning lot configuration, coastal hazards as projected using the best available science, or topography of the zoning lot render the yards, setbacks, street facade, or building placement standards infeasible;
  - (ii) The existing built environment is arranged in such a way that the yards, setbacks, street facade, or building placement standards are incompatible or unreasonable, and better overall design 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) The requirements of this subdivision may be modified through a special district permit if irregular property lines, zoning lot configuration, or topography of the 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



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 50 (2023), CD2

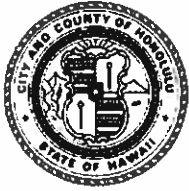
---

**A BILL FOR AN ORDINANCE**

---

above the level of the sidewalk. See Figure 21-9.13. Blank walls 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:

- (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~~]; provided that 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 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~~] that creates visual interest at the pedestrian level and [~~activate~~] activates the sidewalk area.
- (6) *Pedestrian walkways.* Walkways with a minimum 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 zoning lot to each other, to onsite automobile and bicycle parking areas, and to any onsite open space areas or pedestrian amenities. See Figures 21-9.14 and 21-9.15;



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 50 (2023), CD2

**A BILL FOR AN ORDINANCE**

- (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]~~ mixed-use developments on zoning lots 1 acre or more in size whenever possible; and
- (D) Where walkways cross or are parallel to driveways, parking areas, or loading areas, they must be clearly identifiable through the use of different paving materials or other visual markings."

SECTION 4. Section 21-9.100-11, Revised Ordinances of Honolulu 2021 ("TOD special district-project classification"), is amended by amending Table 21-9.8 to read as follows:

"

Table 21-9.8 TOD Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Major modification, <u>major</u> additions, or new construction on sites 1 acre or more in size	M/m	Projects on key streets are major. All others will be minor <del>[, unless the director has determined that the project may result in substantial impacts].</del>
<del>[Alterations or repair on sites 1 acre or more in size]</del>	<del>[E]</del>	
<u>Minor additions to existing structures or construction of new accessory structures on sites 1 acre or more in size</u>	<u>m/E</u>	<u>Projects on key streets are minor. All others will be exempt.</u>
Major modification, <del>[alteration, repair,]</del> additions, or new construction on sites less than 1 acre in size	E	



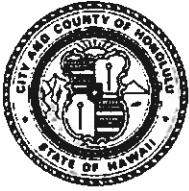
**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 50 (2023), CD2

**A BILL FOR AN ORDINANCE**

Table 21-9.8 TOD Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Interior <u>or</u> exterior repairs, alterations <del>[and]</del> , <u>or</u> renovations to all structures	E	
Modifications to FAR	M/m	See § 21-9.100-8(a)(1)(A). PD-T approval may be required prior to obtaining a major permit.
Modifications to height	M/m	See § 21-9.100-8(a)(1)(D). PD-T approval may be required prior to obtaining a major permit.
Modification to the following standards: <ul style="list-style-type: none"><li>• Yards and setbacks</li><li>• Street facade and building placement</li><li>• Building orientation and entrances</li><li>• Building transparency</li><li>• Number of parking stalls</li><li>• Location of above ground surface parking</li><li>• Location of service area and loading spaces</li><li>• Bicycle parking</li></ul>	m	<del>[Where modifications to the standards are otherwise covered in a major permit, the minor permit is not required.]</del>



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 50 (2023), CD2

**A BILL FOR AN ORDINANCE**

Table 21-9.8 TOD Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
<ul style="list-style-type: none"><li>• The commercial use density and location provisions in the apartment <del>[mixed-use]</del> <u>mixed-use</u> districts</li><li>• Additional commercial density in the apartment <del>[mixed-use]</del> <u>mixed-use</u> districts[-]</li><li>• Reconfiguration of sidewalk area</li></ul>		
Demolition of structures	E	
Residential units in the IMX-1 district	m	
Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters, and other elements in public rights-of-way when part of the development of a zoning lot	m/E	If the director has determined that the project may result in substantial impacts to a TOD special district, a minor permit is required; otherwise exempt.  Where addressed as part of another permit, a minor permit is not required.
Major above-grade infrastructure improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks, and significant improvements to existing parks	m/E	If the director has determined that the project may result in substantial impacts to a TOD special district, a minor permit is required; otherwise exempt.



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 50 (2023), CD2

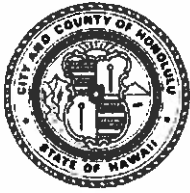
**A BILL FOR AN ORDINANCE**

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

SECTION 5. Section 21-9.100-12, Revised Ordinances of Honolulu 2021, is amended to read as follows:

**"§ 21-9.100-12 TOD special district boundaries.**

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



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL **50 (2023), CD2**

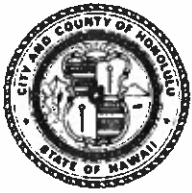
---

**A BILL FOR AN ORDINANCE**

---

- (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.
- (f) The Halawa (Aloha Stadium) station area TOD special district boundaries are designated on Exhibit 21-9.24, set forth at the end of this article."

SECTION 6. Chapter 21, Article 9, Revised Ordinances of Honolulu 2021 ("Special District Regulations"), is amended by adding a new Exhibit 21-9.24 to read as follows:



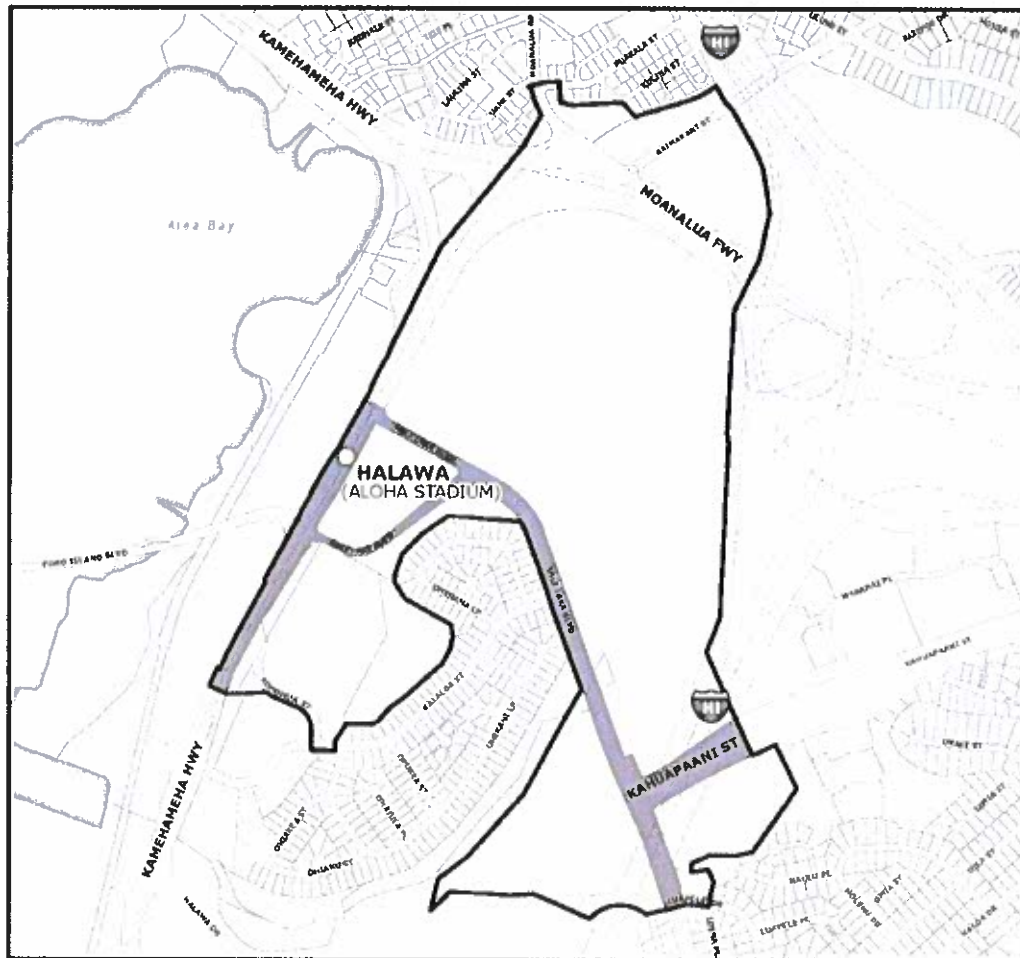
**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 50 (2023), CD2

**A BILL FOR AN ORDINANCE**

**"EXHIBIT 21-9.24**  
**Halawa (Aloha Stadium) Station Area**

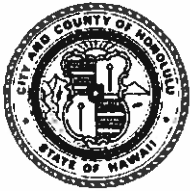


**Halawa TOD Area**

**LEGEND**

-  TOD Special District Boundary
-  Key Street
-  Rail Station





**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 50 (2023), CD2

**A BILL FOR AN ORDINANCE**

SECTION 7. 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 8. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

August 30, 2023

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

**DUANE W.H. PANG**

APPROVED this 13th day of December, 2023.

Rick Blangiardi

RICK BLANGIARDI, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**BILL 50 (2023), CD2**

Introduced: 08/30/23 By: TOMMY WATERS - BY REQUEST Committee: ZONING (ZON)

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

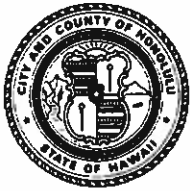
Voting Legend: \* = Aye w/Reservations

08/30/23	INTRO	Introduced.
09/06/23	CCL	Passed first reading.  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
09/13/23	ZON	Reported out for passage on second reading and scheduling of a public hearing as amended in CD1 form.  CR-272  5 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, WEYER
09/22/23	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
10/04/23	CCL/PH	Committee report adopted. Bill passed second reading as amended, public hearing closed and referred to committee.  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
10/11/23	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
10/18/23	ZON	Extension of time reported out for adoption.  CR-292  5 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, WEYER
11/01/23	CCL	Committee report adopted.  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
11/28/23	ZON	Reported out for passage on third reading as amended in CD2 form.  CR-353  5 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, WEYER
12/06/23	CCL	Committee report adopted and Bill passed third reading as amended.  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER

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



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL **51 (2023), CD2**

---

**A BILL FOR AN ORDINANCE**

---

RELATING TO THE REZONING OF LAND SITUATED AT HALAWA, 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, is hereby amended as follows: Land situated near the Kamehameha Highway and Salt Lake Boulevard intersection (Halawa/Aloha Stadium rail station area) in Halawa, Oahu, Hawaii; hereinafter described, is hereby rezoned from the A-1 Low-density Apartment, A-2 Medium-density Apartment, B-1 Neighborhood Business, B-2 Community Business, F-1 Military and Federal Preservation, and R-5 Residential Districts; to the A-1 Low-density Apartment, A-2 Medium-density Apartment, AMX-2 Medium-density Apartment Mixed-Use, AMX-3 High-density Apartment Mixed-Use, B-1 Neighborhood Business, B-2 Community Business, BMX-3 Community Business Mixed-Use, F-1 Military and Federal Preservation, and P-2 General Preservation Districts. The boundaries and heights of said Districts shall be described as shown on the map attached hereto, marked as Exhibit A, and made a part hereof, and further identified as the Tax Map Keys and streets listed on Exhibit A.

SECTION 2. Existing unilateral agreements applicable to affected areas within the boundaries of the said Districts, as shown on the map attached hereto, marked as Exhibit A, 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 78-105, Unilateral Agreement Conditions 1, 6, 7, 9, 10, and 11; and
2. Ordinance 89-72, the Unilateral Agreement in its entirety.



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 51 (2023), CD2

**A BILL FOR AN ORDINANCE**

SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

August 30, 2023

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

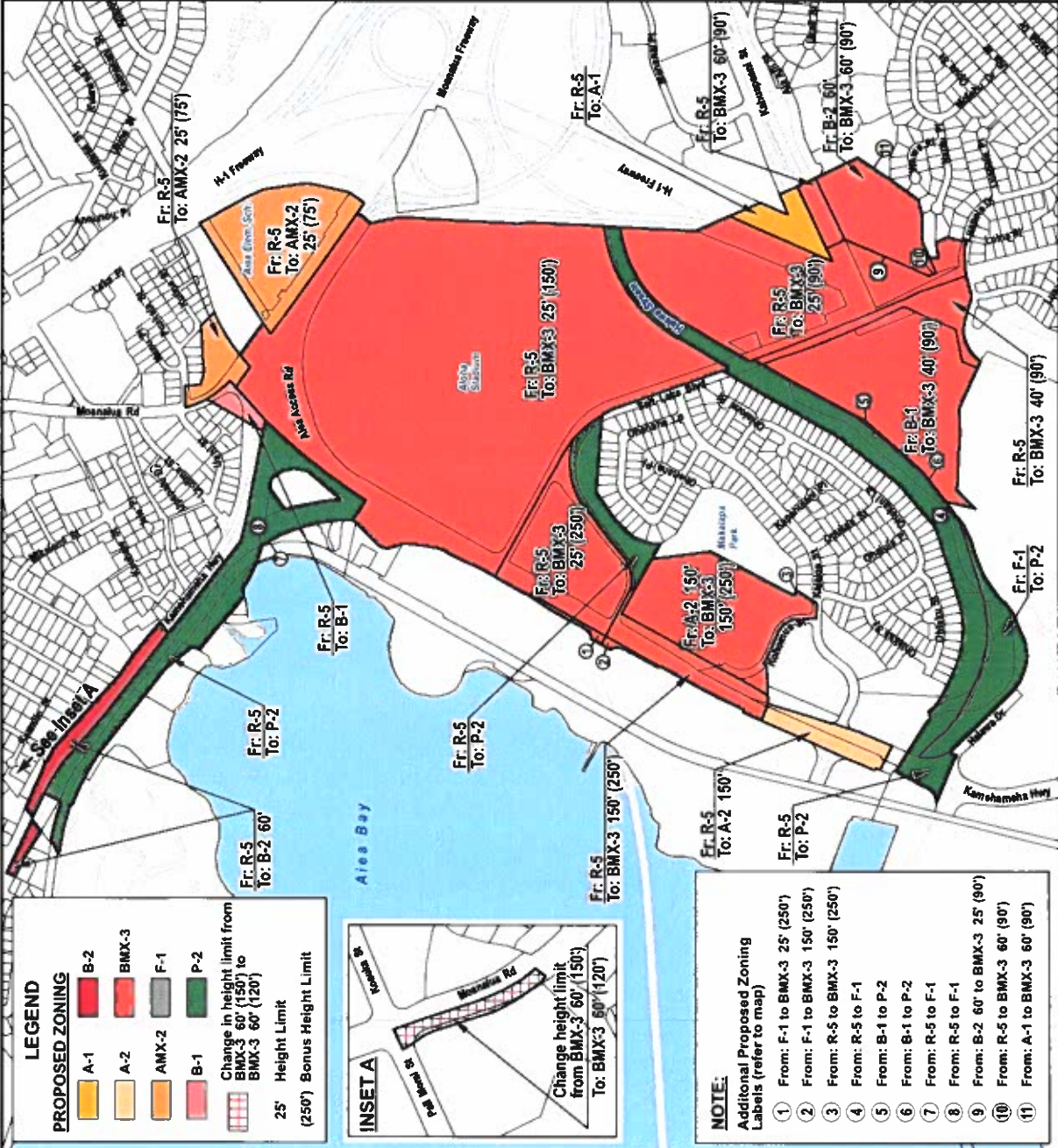
  
\_\_\_\_\_  
Deputy Corporation Counsel

**DUANE W.H. PANG**

APPROVED this 13<sup>th</sup> day of December, 2023.

  
\_\_\_\_\_  
RICK BLANGIARDI, Mayor

City and County of Honolulu



**PORTION OF  
ZONING MAP NO. 7  
HALAWA - PEARL CITY  
Halawa Station Area**

**APPLICANT: DEPARTMENT OF PLANNING & PERMITTING**

**TAX MAP KEYS:**

9-8-015: por. 1  
9-8-016: por. 53  
9-8-019: 6  
9-9-002: por. 4, 29, 35, 38  
9-9-003: 23, 24, 49, 51, 55,  
56, 61, 62, 64,  
por. 66, 68, 70, 71, 72  
9-9-004: por. 2, 3, por. 4, 6,  
por. 24  
9-9-005: 4, 20  
9-9-012: 1, por. 4, por. 6,  
por. 10, por. 11, 45  
9-9-043: 29  
9-9-048: 98  
9-9-076: 7

**AFFECTED STREETS:**

Aiea Access Rd. (portion), Kahuapaani St. (portion),  
Kaimakani St. (portion), Kalaloa St. (portion),  
Kamehameha Hwy. (portion), Kohomua St. (portion),  
Luapele Dr. (portion), Moanalua Rd. (portion),  
Pali Momi St. (portion), Salt Lake Blvd. (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.

Where Halawa Stream is not defined by a parcel, the P-2 District along that portion shall be interpreted to extend 50 feet from each side of the channel centerline.

**FOLDER NO.: 2022/GEN-2**

**LAND AREA: APPROXIMATELY 226.71 ACRES**

**PREPARED BY: HONOLULU LAND INFORMATION SYSTEM  
DEPARTMENT OF PLANNING & PERMITTING  
CITY AND COUNTY OF HONOLULU**

**PUBLIC HEARING PLANNING COMMISSION CITY COUNCIL**

**Scale in Feet**

**ORD. NO. 2022/2-3**

**EFF. DATE: BILL**

EXHIBIT A

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**BILL 51 (2023), CD2**

Introduced: 08/30/23 By: TOMMY WATERS - BY REQUEST Committee: ZONING (ZON)

Title: RELATING TO THE REZONING OF LAND SITUATED AT HALAWA, OAHU, HAWAII.

Voting Legend: \* = Aye w/Reservations

08/30/23	INTRO	Introduced.
09/06/23	CCL	Passed first reading.  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
09/13/23	ZON	Reported out for passage on second reading and scheduling of a public hearing as amended in CD1 form.  CR-273  5 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, WEYER
09/22/23	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
10/04/23	CCL/PH	Committee report adopted. Bill passed second reading as amended, public hearing closed and referred to committee.  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
10/11/23	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
10/18/23	ZON	Extension of time reported out for adoption.  CR-293  5 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, WEYER
11/01/23	CCL	Committee report adopted.  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
11/28/23	ZON	Reported out for passage on third reading as amended in CD2 form.  CR-354  5 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, WEYER
12/06/23	CCL	Committee report adopted and Bill passed third reading as amended.  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER

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





**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL **56 (2023), CD1, FD1**

---

**A BILL FOR AN ORDINANCE**

---

RELATING TO A COMMERCIAL PROPERTY ASSESSED FINANCING PROGRAM.

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

**SECTION 1. Purpose.** The purpose of this ordinance is to authorize a commercial property assessed financing program for financing certain qualifying improvements.

This ordinance uses the term "C-PACE," which is a term used nationally to refer to Commercial Property Assessed Clean Energy financing programs. However, the improvements authorized by Hawai'i state law and this ordinance to be financed in this manner also include, in addition to clean energy improvements, certain infrastructure necessary to upgrade the handling of sewage from cesspools to septic systems, aerobic treatment units, or connections to sewer systems, efficiency technology improvements, resiliency measures, and other improvements approved by the Hawai'i Green Infrastructure Authority.

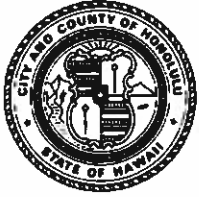
Chapter 196, Part IV, Hawaii Revised Statutes, authorizes a commercial property assessed financing program in Hawai'i that provides to owners who seek to make qualifying improvements on qualifying property access to nontraditional financing for their projects. C-PACE financing is secured by the owner's voluntary agreement to repay the financing through non-ad valorem special tax assessments levied against a qualifying property, similar to a real property tax lien. After due consideration, the City Council finds that this program is a potential tool to address critical issues, such as aging cesspools, the need for fire sprinkler systems, energy and water efficiency, clean energy generation, and resilience, improves the general welfare of, and promotes economic growth in, the City and County of Honolulu.

**SECTION 2.** Chapter 2, Revised Ordinances of Honolulu 2021 ("The Mayor and Executive Agencies—Additional Powers, Duties, and Functions"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

**"ARTICLE \_\_: COMMERCIAL PROPERTY ASSESSED FINANCING PROGRAM**

**§ 2-\_\_1 Definitions.**

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning:



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL **56 (2023), CD1, FD1**

---

**A BILL FOR AN ORDINANCE**

---

**C-PACE Administration Agreement.** The program administration agreement to be negotiated and entered into by the city and the program administrator with respect to the administration of the C-PACE program.

**C-PACE Assessment.** A non-ad valorem special tax assessment levied on qualifying property that secures the repayment of the C-PACE financing, as provided in this article and the C-PACE administration agreement.

**C-PACE Financing.** Financing approved by the program administrator and the C-PACE lender in favor of an owner of a qualifying property to finance a qualifying improvement in accordance with this article and the C-PACE administration agreement.

**C-PACE Financing Agreement.** The financing contract under the C-PACE program, by and among one or more C-PACE lenders, one or more owners of qualifying property, and the program administrator for the acquisition or installation of qualifying improvements.

**C-PACE Lender or Lender.** A financial institution as defined in HRS § 412:1-109 or a private or public lender approved by the program administrator to originate C-PACE financing agreements, and which may include any successor or assignee of the lender as provided in the C-PACE financing agreement.

**C-PACE Program.** A program to finance qualifying improvements on qualifying properties that are repaid through C-PACE assessments levied and collected in accordance with this article and the C-PACE administration agreement, to the extent permitted by law.

**Director.** The director of budget and fiscal services or the director's designee.

**Program Administrator.** The Hawaii Green Infrastructure Authority, an instrumentality of the State of Hawai'i.

**Program Guidelines.** A comprehensive document setting forth the procedures, eligibility rules, restrictions, program fees and costs, responsibilities, and other requirements applicable to the governance and administration of the C-PACE program.

**Qualifying Improvement.** A septic system or aerobic treatment unit system or connection to sewer systems, clean energy technology, efficiency technology, resiliency measure, or other improvement approved by the program administrator that is or will be affixed to or connected to a building, facility, or real property.





**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL **56 (2023), CD1, FD1**

---

**A BILL FOR AN ORDINANCE**

---

***Qualifying Property* or *Property*.** Has the same meaning as "commercial property" as defined in HRS § 196-61.

**§ 2-\_\_\_.2 C-PACE program.**

The C-PACE program is authorized for the purpose of financing certain qualifying improvements provided under this article. The C-PACE program shall be available throughout the city, provided that the owner of the qualifying property, the qualifying property, the proposed qualifying improvements, and the C-PACE lender all qualify for the C-PACE program, as determined by the program administrator.

**§ 2-\_\_\_.3 Participation in program—Limited obligations of the city—Program administrator.**

- (a) Subject to the provisions of this article and the C-PACE administration agreement, the city may participate in the C-PACE program established within the city and administered by the program administrator.
- (b) The obligations of the city with respect to the C-PACE program are limited to those described in this article and the C-PACE administration agreement. The obligations of the city may include the following: the levy of C-PACE assessments, collection and payment to the program administrator of amounts collected, and the enforcement of liens for delinquent C-PACE assessments. The city may assign or delegate any of its obligations as provided by this article and the C-PACE administration agreement, to the extent permitted by law. The city shall have no other obligations with respect to the C-PACE program or any C-PACE financing agreement, and no responsibility for amounts owed under any C-PACE financing agreement.
- (c) The responsibilities of the program administrator include those described in this article and the C-PACE administration agreement. The responsibilities of the program administrator may include the following: creating the program guidelines and modifying the program guidelines as necessary, processing C-PACE applications to determine eligibility for C-PACE financing and related qualifying improvements, promoting the C-PACE program, certifying that prospective C-PACE lenders are eligible to participate in the C-PACE program, and billing, collection, and enforcement of C-PACE assessments.



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL **56 (2023), CD1, FD1**

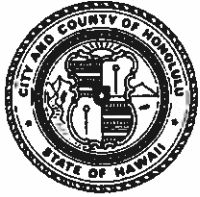
---

**A BILL FOR AN ORDINANCE**

---

**§ 2-\_\_4 C-PACE administration agreement with program administrator.**

- (a) The city's participation in the C-PACE program must be in accordance with the C-PACE administration agreement negotiated and entered into by the city, acting through the director, and the program administrator prior to the execution of the first C-PACE contract within the city.
- (b) The director shall present the proposed C-PACE administration agreement negotiated with the program administrator to the council for its review and approval by resolution prior to the agreement taking effect."



**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
CITY AND COUNTY OF HONOLULU

ORDINANCE \_\_\_\_\_

BILL 56 (2023), CD1, FD1

**A BILL FOR AN ORDINANCE**

SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

Matt Weyer

Tommy Waters

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

September 20, 2023

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Karen Lee

Deputy Corporation Counsel

**KAREN K. LEE**

APPROVED this 13th day of December, 2023.

Rick Blangiardi

RICK BLANGIARDI, Mayor  
City and County of Honolulu

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

**BILL 56 (2023), CD1, FD1**

Introduced: 09/20/23 By: MATT WEYER  
TOMMY WATERS Committee: HOUSING, SUSTAINABILITY AND  
HEALTH (HSH)

Title: RELATING TO A COMMERCIAL PROPERTY ASSESSED FINANCING PROGRAM.

Voting Legend: \* = Aye w/Reservations

09/20/23	INTRO	Introduced.
10/04/23	CCL	Passed first reading.  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
10/18/23	HSH	Reported out for passage on second reading and scheduling of a public hearing.  CR-305  5 AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, TULBA, WEYER
10/20/23	PUBLISH	Public hearing notice published in the Honolulu Star-Advertiser.
11/01/23	CCL/PH	Bill passed second reading, public hearing closed and referred to committee.  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
11/08/23	PUBLISH	Second reading notice published in the Honolulu Star-Advertiser.
11/28/23	HSH	Reported out for passage on third reading as amended in CD1 form.  CR-362  5 AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, TULBA, WEYER
12/06/23	CCL	Amended to handcarried FD1.  OCS2023-1114/12/6/2023 10:58 AM  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER
12/06/23	CCL	Committee report adopted and Bill passed third reading.  9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER

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