

A BILL FOR AN ORDINANCE

TO ADOPT THE REVISED PRIMARY URBAN CENTER DEVELOPMENT PLAN FOR THE CITY AND COUNTY OF HONOLULU.

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

SECTION 1. The purpose of this ordinance is to repeal the existing Development Plan for the Primary Urban Center, Chapter 24, Article 2, Revised Ordinances of Honolulu 2021, and to adopt a new Article 2 incorporating the revised Primary Urban Center Development Plan.

This development plan ordinance adopts a revised development plan for the Primary Urban Center that presents a vision for the Primary Urban Center's future development consisting of policies, guidelines, and conceptual schemes that will serve as a policy guide for more detailed zoning maps and regulations, and for public and private sector investment decisions.

This ordinance is enacted pursuant to the powers vested in the City and County of Honolulu by Chapter 46 and § 226-58, Hawaii Revised Statutes (HRS).

SECTION 2. Article 2, Chapter 24, Revised Ordinances of Honolulu 2021 ("Primary Urban Center"), is repealed.

SECTION 3. Chapter 24, Revised Ordinances of Honolulu 2021 ("Development Plans"), is amended by adding a new Article 2 to read as follows:

"Article 2. Primary Urban Center

§ 24-2.1 Definitions.

Unless the context otherwise requires, the following definitions govern the construction of this article.

Department or Department of Planning and Permitting. The department of planning and permitting of the city.

Development. Any public improvement project, or any public or private project requiring a zoning map amendment.



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Development Plan or Sustainable Communities Plan. A plan document for a given geographic area that consists of conceptual schemes for implementing and accomplishing the development objectives and policies of the general plan for the several parts of the city.

Director. The director of planning and permitting.

PUC DP. The Primary Urban Center Development Plan attached hereto as Exhibit A and made a part hereof.

Environmental Assessment or EA. A written evaluation prepared in compliance with the environmental council's procedural rules and regulations implementing HRS Chapter 343 to determine whether an action may have a significant environmental effect.

Environmental Impact Statement or EIS. An informational document prepared in compliance with the environmental council's procedural rules and regulations implementing HRS Chapter 343, which discloses the environmental effects of a proposed action, effects of a proposed action on the economic and social welfare of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects.

Finding of No Significant Impact or FONSI. A determination based on an environmental assessment that the subject actions will not have a significant effect, and therefore will not require the preparation of an environmental impact statement.

Functional Plan. The public facility and infrastructure plans prepared by public agencies to further implement the vision, policies, and guidelines set forth in the Primary Urban Center Development Plan.

General Plan. The general plan of the city as defined by Charter § 6-1508.

Planning Commission. The planning commission of the city.

Project Master Plan. A conceptual plan that covers all phases of a development project. The project master plan consists of that portion of an environmental assessment or environmental impact statement that illustrates and describes how the



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project conforms to the vision for Primary Urban Center, and the relevant policies and guidelines for the site, the surrounding lands, and the region.

Significant Zone Change. A zone change that involves at least one of the following:

- (1) Any change in zoning of 10 or more acres of land to a low-density apartment zoning district from a less intensive zoning district;
- (2) Any change in zoning of two or more acres of land to a medium-density or high-density apartment zoning district from a less intensive zoning district;
- (3) Any change in zoning of five or more acres of land to the resort, business, industrial, apartment mixed use, business mixed use, or industrial mixed use zoning district from a less intensive zoning district; or
- (4) Any development that would have a major social, environmental, or policy impact, or major cumulative impacts due to a series of applications in the same area.

Special Area or Adaptation Area. A designated area within the Primary Urban Center Development Plan area that requires detailed planning efforts beyond what is contained in the Primary Urban Center Development Plan.

Special Area Plan. A plan for a special area or adaptation area.

Unilateral Agreement. A conditional zoning agreement made pursuant to § 21-2.80 or any predecessor or successor provision that imposes conditions on a landowner or developer's use of the property at the time of the enactment of an ordinance for a zoning change.

Vision. The future outlook for the Primary Urban Center region extending out to the year 2040 and beyond that entails the creation of a community growth boundary; an open space network to protect and enhance the region's environmental, cultural and scenic resources; smart, livable, neighborhoods with a range of housing choices; an efficient and balanced transportation network; and provision of adequate infrastructure and community facilities to address the anticipated impacts of climate change and to meet the Primary Urban Center's future needs.



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§ 24-2.2 Applicability and intent.

- (a) The Primary Urban Center Development Plan includes the coastal plain that extends along O'ahu's southern shore from Wai'alaie-Kāhala in the east to Pearl City in the west, and from the shoreline to the westerly slopes of the Ko'olau mountain range.
- (b) It is the intent of the Primary Urban Center Development Plan to provide a guide for orderly and coordinated public and private sector development in a manner that is consistent with applicable general plan provisions, including the full development of the Primary Urban Center through higher-density redevelopment in urban areas designated for such uses, and the concentration of economic activity and government services.
- (c) The provisions of this article and the Primary Urban Center Development Plan are not regulatory. Rather, they are established with the explicit intent of providing a coherent vision to guide all new public and private sector development within Primary Urban Center. This article shall guide any development for Primary Urban Center, public investment in infrastructure, zoning and other regulatory procedures, and the preparation of the city's annual capital improvement program budget.

§ 24-2.3 Adoption of the Primary Urban Center Development Plan.

- (a) This article is adopted pursuant to Charter § 6-1509 and provides a self-contained development plan document for the Primary Urban Center. Upon the effective date of this ordinance, all proposed developments will be evaluated against how well they fulfill the vision for the Primary Urban Center enunciated in the Primary Urban Center Development Plan and how closely they satisfy the policies and guidelines selected to implement that vision.
- (b) The plan entitled, "Primary Urban Center Development Plan," attached to this ordinance as Exhibit A, is hereby adopted by reference and made a part of this article.
- (c) Chapter 24, Article 1, entitled "Development Plan Common Provisions," in its entirety, is no longer applicable to the Primary Urban Center Development Plan area. This article and the Primary Urban Center Development Plan, as adopted



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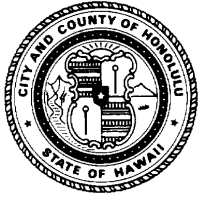
by reference in this article, supersedes any and all common provisions previously applicable to the Primary Urban Center area.

§ 24-2.4 Existing zoning and subdivision ordinances, approvals, and applications.

- (a) All existing subdivisions and zoning approved prior to the effective date of this ordinance for projects, including but not limited to those subject to unilateral agreements, continue to remain in effect following the enactment of this ordinance.
- (b) Subdivision and zoning ordinances applicable to the Primary Urban Center Development Plan area enacted prior to the effective date of this ordinance continue to regulate the use of land within demarcated zones of the Primary Urban Center Development Plan area until such time as the subdivision and zoning ordinances may be amended to be consistent with the revised Primary Urban Center Development Plan.
- (c) Notwithstanding adoption of the Primary Urban Center Development Plan, applications for subdivision actions and land use permits accepted by the department for processing prior to the effective date of this ordinance continue to be subject only to applicable ordinances and rules and regulations in effect at the time the application is accepted as complete for processing.

§ 24-2.5 Consistency.

- (a) In the performance of their prescribed powers, duties, and functions, all city agencies shall conform to and implement the policies and provisions of this article and the Primary Urban Center Development Plan. Pursuant to Charter § 6-1511.3, public improvement projects, subdivision, and zoning ordinances must be consistent with the Primary Urban Center Development Plan.
- (b) Any questions of interpretation regarding the consistency of a proposed development with the provisions of the Primary Urban Center Development Plan and the objectives and policies of the general plan will ultimately be resolved by the council.



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- (c) In determining whether a proposed development is consistent with the Primary Urban Center Development Plan, the responsible agency shall primarily take into consideration the extent to which the development is consistent with the vision, goals, policies, and guidelines set forth in the Primary Urban Center Development Plan.
- (d) Whenever there is a question regarding consistency between existing subdivision or zoning ordinances, including any unilateral agreement, and the Primary Urban Center Development Plan, the existing subdivision or zoning ordinances shall prevail until such time as they may be amended to be consistent with the Primary Urban Center Development Plan.

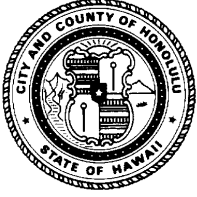
§ 24-2.6 Implementation.

The Implementation of this article relating to the Primary Urban Center Development Plan will be accomplished by:

- (1) Initiating amendments to zoning maps and the Revised Ordinances of Honolulu to achieve consistency with the vision, goals, policies, and guidelines of the Primary Urban Center Development Plan;
- (2) Guiding public investment in infrastructure through functional plans that support the vision of the Primary Urban Center Development Plan;
- (3) Guiding development in special areas of critical concern through the formation of special area plans; and
- (4) Incorporating the Primary Urban Center Development Plan priorities through the public infrastructure map, and the city's annual budget process.

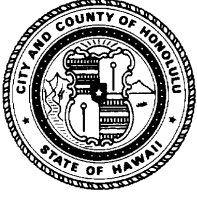
§ 24-2.7 Zone change applications.

- (a) All zone change applications relating to land in the Primary Urban Center Development Plan area will be reviewed by the department for consistency with the general plan, the Primary Urban Center Development Plan, and any applicable special area plan.



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- (1) The director shall recommend either approval, approval with changes, or denial. The director's written review of the application will become part of the zone change report, which will be sent to the planning commission and the city council.
 - (2) A project master plan shall be part of an EA or EIS for any project involving a significant zone change. The director shall review the project master plan for its consistency with the Primary Urban Center Development Plan.
 - (3) Any development or phase of development already covered by a project master plan that has been fully reviewed under the provisions of this article does not require a new project master plan; provided that the director determines the proposed zone change is generally consistent with the existing project master plan for the affected area.
 - (4) If a final EIS has already been accepted for a development, including one accepted prior to the effective date of this ordinance, then a subsequent project master plan is not required for the development.
- (b) Projects that involve a significant zone change will be required to submit an EA to the department prior to an application for a zone change being accepted. Any development or phase of a development that has already been assessed under the National Environmental Policy Act (NEPA), HRS Chapter 343 (Hawai'i Environmental Policy Act or HEPA), Chapter 25, or the provisions of this article, and for which a FONSI has been filed or a required EIS has been accepted, is not subject to further EA or EIS requirements under the article, unless otherwise required by NEPA or HEPA.
 - (c) The department shall review the EA, and based on review of the EA, the director shall determine whether an EIS will be required or whether a FONSI will be issued.
 - (d) If an EIS is required, the EIS must be accepted by the director prior to the acceptance of a zone change application.
 - (e) Zone changes must be processed in accordance with this section and all applicable requirements under Chapter 21.



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§ 24-2.8 Annual capital improvement program review.

Annually, the director shall work jointly with the director of budget and fiscal services and applicable city agencies to review all projects in the city's capital improvement program, and budget for compliance and consistency with the general plan, the Primary Urban Center Development Plan and other development plans, any applicable special area plan provisions, and the appropriate functional plans. The director shall prepare a written report of findings to be submitted to the council in accordance with Charter § 6-1503.

§ 24-2.9 Ten-year review.

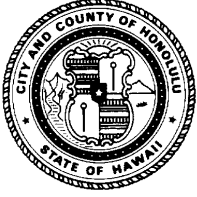
- (a) The department shall conduct a comprehensive review of the Primary Urban Center Development Plan, adopted by reference in § 24-2.3(b), every 10 years subsequent to the effective date of this ordinance, and shall report its findings and recommended revisions, if any, to the council.
- (b) The Primary Urban Center Development Plan will be evaluated to assess the appropriateness of the plan's regional vision, goals, policies, guidelines, and implementing actions, as well as its consistency with the general plan.
- (c) Nothing in this section should be construed as prohibiting the processing of a revision to the Primary Urban Center Development Plan at any time in the event either the director or council recommends consideration of such a revision, pursuant to the Charter.

§ 24-2.10 Authority.

Nothing in this article shall be construed as an abridgment or delegation of the responsibility of the director, or of the inherent legislative power of the council, to review or revise the Primary Urban Center Development Plan pursuant to the Charter and the procedures set forth in this article.

§ 24-2.11 Severability.

If any provision of this article or the application thereof to any person or property or circumstances is held invalid, such invalidity does not affect the validity of the other provisions or applications of this article that may be given effect without the invalid



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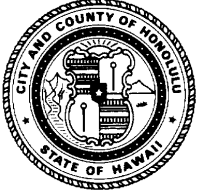
provision or application, and to this end the provisions of this article are declared to be severable.

§ 24-2.12 Conflicting provisions.

Any provision contained in this article as it pertains to land within the Primary Urban Center Plan area, prevails should there be any conflict with the common provisions or any other provisions under Chapter 24."

SECTION 4. Effective date of the Primary Urban Center Development Plan. The City Clerk is hereby directed to date the Primary Urban Center Development Plan attached as Exhibit A to this ordinance with the effective date of this ordinance.

SECTION 5. In SECTION 3 of this ordinance, the Revisor of Ordinances shall, pursuant to the Revisor of Ordinances' authority under § 1-16.3(b)(1), Revised Ordinances of Honolulu 2021, replace the phrase "effective date of this ordinance" with the actual effective date. The Revisor of Ordinances shall, pursuant to the Revisor's authority under SECTION 2 of Ordinance 23-7, update the Reporting Requirements Table to delete the reporting requirements repealed by SECTION 2 of this ordinance and include the reporting requirements enacted by SECTION 3 of this ordinance.



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

ORDINANCE _____

BILL 24 (2024), CD2

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SECTION 6. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

April 11, 2024
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 ____.

RICK BLANGIARDI, Mayor
City and County of Honolulu