



A BILL FOR AN ORDINANCE

RELATING TO PLANNED DEVELOPMENT-RESORT AND PLANNED DEVELOPMENT-APARTMENT PROJECTS.

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

SECTION 1. Purpose. The purpose of this ordinance is to amend certain provisions of the Land Use Ordinance relating to the applicability of Planned Development-Resort ("PD-R") and Planned Development-Apartment ("PD-A") projects.

SECTION 2. Section 21-9.80-4, Revised Ordinances Honolulu 1990 ("General requirements and design controls"), is amended by amending subsection (d) to read as follows:

"(d) Planned Development-Resort (PD-R) and Planned Development-Apartment (PD-A) Projects. The purpose of the PD-R and PD-A options is to provide opportunities for creative redevelopment not possible under a strict adherence to the development standards of the special district. Flexibility may be provided for project density, height, precinct transitional height setbacks, yards, open space and landscaping when timely, demonstrable contributions benefiting the community and the stability, function, and overall ambiance and appearance of Waikiki are produced.

Reflective of the significance of the flexibility represented by this option, it is appropriate to approve projects conceptually by legislative review and approval prior to more detailed review and approval by the department. PD-R and PD-A projects will be subject to the following:

- (1) PD-R and PD-A Applicability.
 - (A) PD-R projects are only permitted in the resort mixed use precinct, and PD-A projects are only permitted in the apartment precinct.
 - (B) The minimum project size is one acre. Multiple lots may be part of a single PD-R or PD-A project if ~~[all lots are under a single owner and/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. Lots may be added to or removed from existing PD-R or PD-A projects upon the application of the owners, lessees, developers or



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other designated representatives of the lots to be added or removed with the written consent of the original applicant for the existing PD-R or PD-A project, or its successor. Applications for the addition or removal of lots shall be processed in accordance with other applicable regulations contained in this Chapter. Lots to be removed shall be able to comply on their own with applicable zoning regulations as a separate project. Multiple lots in a single project must be contiguous, provided that lots that are not contiguous may be part of a single project if all of the following conditions are met:

- (i) The lots are not contiguous solely because they are separated by a street or right-of-way that is not a major street as shown on Exhibit 21-9.15; and
- (ii) Each noncontiguous portion of the project, whether comprised of a single lot or multiple contiguous lots, must have a minimum area of 20,000 square feet, but subject to the minimum overall project size of one acre.

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

- (2) PD-R and PD-A Use Regulations. Permitted uses and structures will be as enumerated for the underlying precinct in Table 21-9.6(A).
- (3) PD-R and PD-A Site Development and Design Standards. The standards set forth by this subdivision are general requirements for PD-R and PD-A projects. When, in the paragraphs below, the standards are stated to be subject to modification or reduction, the modification or reduction must be for the purpose of accomplishing a project design consistent with the goals and objectives of the Waikiki special district and this subsection.
 - (A) In PD-R projects, the maximum project floor area cannot exceed an FAR of 4.0, except:



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- (i) If the existing FAR is greater than 3.33, then an increase in maximum density by up to 20 percent may be allowed, up to but not exceeding a maximum FAR of 5.0; or
- (ii) If the existing FAR is greater than 5.0, then the existing FAR may be the maximum density.

In computing project floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Floor area devoted to acceptable public uses within the project, such as a museum or performance area (e.g., stage or rehearsal area), may be exempt from floor area calculations.

The foregoing maximum densities may be reduced.

- (B) In PD-A projects, the maximum project floor area cannot exceed an FAR of 3.0, except:
 - (i) If the existing FAR is greater than 3.0, then an increase in maximum density by up to 20 percent may be allowed, up to but not exceeding a maximum FAR of 4.0; or
 - (ii) If the existing FAR is greater than 4.0, then the existing FAR may be the maximum density.

In computing project floor area, the FAR may be applied to the zoning lot area, plus one-half the abutting right-of-way area of any public street or alley. Floor area devoted to acceptable public uses within the project, such as a museum or performance area (e.g., stage or rehearsal area), may be exempt from floor area calculations.

The foregoing maximum densities may be reduced.

- (C) The maximum building height is 350 feet, but this standard may be reduced.
- (D) The precinct transitional height setbacks will be as set forth in Table 21-9.6(B), but these standards may be modified.



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- (E) The minimum for yards is 15 feet, but this standard may be modified.
 - (F) The minimum open space is at least 50 percent of the zoning lot area, but this standard may be modified when beneficial public open spaces and related amenities are provided.
 - (G) The landscaping requirements will be as set forth in subsection (f), but these standards may be modified.
 - (H) Except as otherwise provided in this subdivision, all development and design standards applicable to the precinct in which the project is located will apply.
- (4) Approval of PD-R or PD-A Projects.
- (A) Application Requirements. An application for approval of a PD-R or PD-A project must contain:
 - (i) A project name;
 - (ii) A location map showing the project in relation to the surrounding area;
 - (iii) A site plan showing the locations of buildings and other major structures, proposed open space and landscaping system, and other major activities. The site plan must also note property lines, the shoreline, shoreline setback lines, beach access and other public and private access, when applicable;
 - (iv) A narrative description of the overall development and design concept; the general mix of uses; the basic form and number of structures; the estimated number of proposed hotel and other dwelling or lodging units; general building height and density; how the project achieves and positively contributes to a Hawaiian sense of place; proposed public amenities, development of open space and landscaping; how the project achieves a pedestrian orientation; and potential impacts on, but not necessarily limited to, traffic circulation, parking and loading, security, sewers, potable water, and public utilities;



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- (v) An open space plan and integrated pedestrian circulation system;
 - (vi) A narrative explanation of the project's architectural design relating the various design elements to a Hawaiian sense of place and the requirements of the Waikiki special district; and
 - (vii) A parking and loading management plan.
- (B) Procedures. Applications for approval of PD-R or PD-A projects will be processed in accordance with Section 21-2.110-2.
- (C) No project will be eligible for PD-R or PD-A status unless the council has first approved a conceptual plan for the project.
- (D) Guidelines for Review and Approval of the Conceptual Plan for a Project. Prior to its approval of a conceptual plan for a PD-R or PD-A project, the council shall find that the project concept, as a unified plan, is in the general interest of the public, and that:
- (i) Requested project boundaries and design flexibility with respect to standards relating to density (floor area), height, precinct transitional height setbacks, yards, open space and landscaping are consistent with the Waikiki special district objectives and the provisions of this subsection;
 - (ii) Requested flexibility with respect to standards relating to density (floor area), height, precinct transitional height setbacks, yards, open space, and landscaping is commensurate with the public amenities proposed; and
 - (iii) When applicable, there is no conflict with any visitor unit limits for Waikiki as set forth under Chapter 24.
- (E) Deadline for Obtaining Building Permit for Project.
- (i) A council resolution of approval for a conceptual plan for a PD-R or PD-A project must establish a deadline within which the building permit for the project must be obtained. For multiphase projects, deadlines must be established for



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obtaining building permits for each phase of the project. The resolution must provide that the failure to obtain any building permit within the prescribed period will render null and void the council's approval of the conceptual plan and all approvals issued thereunder; provided that in multiphase projects, any prior phase that has complied with the deadline applicable to that phase will not be affected. A revocation of a building permit pursuant to Section 18-5.4 after the deadline will be deemed a failure to comply with the deadline.

- (ii) The resolution must further provide that a deadline may be extended as follows: The director may extend the deadline if the applicant demonstrates good cause, but the deadline cannot be extended beyond one year from the initial deadline without the approval of the council, which may grant or deny the approval in its complete discretion. If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension, which report must include the director's findings and recommendations thereon and a proposed resolution approving the extension. The council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by resolution. If the council fails to take final action on the proposed extension within the first to occur of:
 - (aa) 60 days after the receipt of the director's report; or
 - (bb) the applicant's then-existing deadline for obtaining a building permit, the extension will be deemed denied. The director shall notify the council in writing of any extensions granted by the director that do not require council approval.
- (F) Approval by Director. Upon council approval of the conceptual plan for the PD-R or PD-A project, the application for the project, as approved in concept by the council, will continue to be processed by the director as provided under Section 21-2.110-2. Additional



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documentation may be required by the director as necessary. The following criteria will be used by the director to review applications:

- (i) The project must conform to the approved conceptual plan and any conditions established by the council in its resolution of approval;
- (ii) The project also must implement the objectives, guidelines, and standards of the Waikiki special district and this subsection;
- (iii) The project must exhibit a Hawaiian sense of place. The document "Restoring Hawaianness to Waikiki" (July 1994) and the supplemental design guidebook to be prepared by the director should be consulted by applicants as a guide for the types of features that may fulfill this requirement;
- (iv) The project must demonstrate a high level of compliance with the design guidelines of this special district and this subsection;
- (v) The project must contribute significantly to the overall desired urban design of Waikiki;
- (vi) The project must reflect appropriate "contextual architecture";
- (vii) The project must demonstrate a pedestrian system, open spaces, and landscaping and water features (such as water gardens and ponds) that must be integrated and prominently conspicuous throughout the project site at ground level;
- (viii) The open space plan must provide useable open spaces, green spaces, water features, public places and other related amenities that reflect a strong appreciation for the tropical environmental setting reflective of Hawaii;
- (ix) The system of proposed pedestrian elements must contribute to a strong pedestrian orientation that must be integrated into the overall design of the project, and must enhance the pedestrian experience between the project and surrounding Waikiki areas; and



CITY COUNCIL
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HONOLULU, HAWAII

ORDINANCE 18 - 19
BILL 13 (2018)

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- (x) The parking management plan must minimize impacts upon public streets where possible, must enhance local traffic circulation patterns, and must make appropriate accommodations for all anticipated parking and loading demands. The approved parking management plan will constitute the off-street parking and loading requirements for the project."

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.



CITY COUNCIL
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HONOLULU, HAWAII

ORDINANCE 18-19
BILL 13 (2018)

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SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

[Handwritten signature]

DATE OF INTRODUCTION:

MAR 1 2018

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

[Handwritten signature]

Deputy Corporation Counsel **DENISE W. WONG**

APPROVED this 21st day of June, 2018.

[Handwritten signature]

Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 18 - 19

BILL 13 (2018)

Introduced: 03/01/18 By: IKAIKA ANDERSON

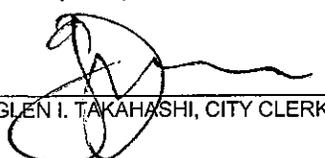
Committee: ZONING AND HOUSING

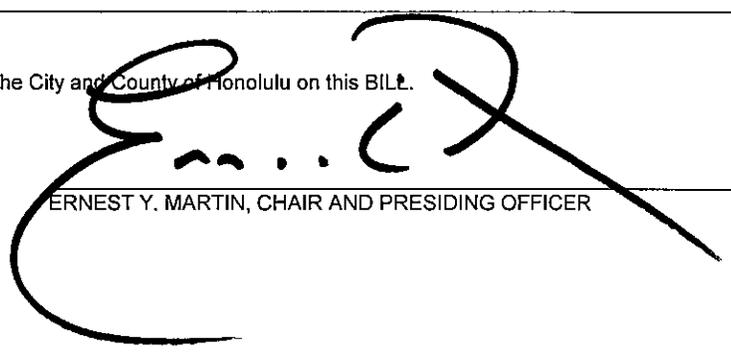
Title: A BILL FOR AN ORDINANCE RELATING TO PLANNED DEVELOPMENT-RESORT AND PLANNED DEVELOPMENT-APARTMENT PROJECTS.

Voting Legend: * = Aye w/Reservations

03/28/18	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PLANNING. 8 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE. 1 ABSENT: ANDERSON.
		<u>CC-93</u> MARTIN - RE-REFERRAL OF BILLS, RESOLUTIONS AND COMMUNICATIONS.
04/14/18	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
04/19/18	ZONING AND HOUSING	CR-149 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING.
04/25/18	COUNCIL/PUBLIC HEARING	CR-149 ADOPTED. BILL PASSED SECOND READING, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING AND HOUSING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.
04/28/18	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
05/24/18	ZONING AND HOUSING	CR-206 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.
06/06/18	COUNCIL	CR-206 ADOPTED AND BILL 13 (2018) PASSED THIRD READING. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MARTIN, MENOR, OZAWA, PINE.

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


ERNEST Y. MARTIN, CHAIR AND PRESIDING OFFICER