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# A BILL FOR AN ACT

RELATING TO COMMUNITY PLANNING.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended  
2 by adding a new part to be appropriately designated and to read  
3 as follows:

4                               **"PART       .    PLANNING DISTRICTS**

5           **§46-A Findings and purpose.** The legislature finds that  
6 successful planning for growth requires reducing sprawl and  
7 creating more compact urban developments in existing and new  
8 communities that offer a high quality of life for a broad range  
9 of household types. Further, well-designed and well-integrated  
10 higher-density development can significantly reduce dependency  
11 on cars. Benefits are even greater when jobs and retail are  
12 incorporated with the housing. Mixed-use neighborhoods make it  
13 easier for people to park their car in one place and accomplish  
14 several tasks, which not only reduces the number of car trips  
15 required but also reduces overall parking needs for the  
16 community and our carbon imprint. The purpose of this part is  
17 to facilitate commercial and residential development of an  
18 exceptional level of quality on land adjacent to public



1 transportation stations and centers by creating a "fast track"  
2 process and reduced up-front costs that will in turn act as  
3 catalytic projects for neighborhood reinvestment.

4 **§46-B Definitions.** As used in this part, unless otherwise  
5 indicated by the context:

6 "Action" or "action taken" means approval, approval with  
7 modification, or disapproval.

8 "Application" means the preliminary plans and  
9 specifications for an exceptional planning project and includes  
10 materials, such as plans, information, or specifications,  
11 submitted to a planning agency at the request of the agency. A  
12 planning agency may adopt rules pursuant to chapter 91 to  
13 further specify materials that shall be deemed part of an  
14 application for purposes of this part.

15 "Exceptional planning project" or "project" means a  
16 project, as defined by the county, that is located wholly within  
17 a planning district and responds to transit ridership goals.

18 "Legislative body" means the legislative body of the county  
19 to which a qualified developer submits an application or final  
20 plans and specifications for an exceptional planning project.



1 "Planning agency" or "agency" means the planning agency of  
2 a county to which a qualified developer submits an application  
3 for an exceptional planning project.

4 "Program" means a transit or main-street redevelopment  
5 program established pursuant to section 46-H, as made applicable  
6 to a county through adoption by that county.

7 "Qualified developer" means a person, corporation,  
8 organization, partnership, association, or other legal entity  
9 that is:

- 10 (1) Licensed to do business in the State; and  
11 (2) Bonded and in good standing in an amount to be  
12 determined by the respective legislative body of each  
13 county.

14 **§46-C Planning districts.** There are established planning  
15 districts that shall consist of:

- 16 (1) An area within a one-half-mile radius from a county-  
17 designated rail transit station or as designated by  
18 the county to achieve density and ridership goals;  
19 (2) An area within a one-quarter-mile radius from a  
20 county-designated bus transit station or center or as  
21 designated by the county to achieve density and  
22 ridership goals;



1 (3) The area between the two county-designated rail  
2 transit stations located nearest to the Honolulu  
3 International Airport or as designated by the county  
4 to achieve density and ridership goals; or

5 (4) A main-street redevelopment project suitable for  
6 development by community financed projects or business  
7 improvement districts.

8 The land use commission shall classify or reclassify all  
9 planning districts as an urban district under section 205-2.

10 **§46-D Exceptional planning projects; application by**  
11 **developer; review.** (a) A qualified developer may submit to the  
12 planning agency an application for approval of an exceptional  
13 planning project within a planning district. An application,  
14 excluding an application for a main-street redevelopment  
15 project, shall include a transit ridership study that shall  
16 demonstrate the need for development to achieve desired goals  
17 for transit ridership and overall land use density. Upon  
18 receipt of the application, the planning agency shall review the  
19 application and secure any additional information that the  
20 agency deems necessary for the purpose of taking action. The  
21 planning agency shall take action within forty-five days of  
22 receipt of the application; provided that the time to take



1 action may be extended up to ten days for good cause. Within  
2 the additional ten days, the planning agency shall notify the  
3 developer of the action taken.

4 (b) The planning agency shall forward the application with  
5 its action to the legislative body. The legislative body shall  
6 have forty-five days from the date of receipt of the planning  
7 agency's actions to approve, approve with conditions, or  
8 disapprove the application by resolution. If on the forty-sixth  
9 day the legislative body has not taken action on the  
10 application, it shall be deemed to have been approved.

11 **§46-E Indemnity.** No action shall be prosecuted or  
12 maintained against any county, its officials, or employees on  
13 account of actions taken by them in reviewing, approving,  
14 modifying, or disapproving the application or plans and  
15 specifications of an exceptional planning project.

16 **§46-F State incentives; exemptions.** Exceptional planning  
17 projects approved by the legislative body shall receive the  
18 following incentives:

- 19 (1) Exemption from all state fees associated with land  
20 development, including highway access fees;  
21 (2) Exemption from school impact fees; and



1           (3) Exemption from section 343-5(a)(1), as it relates to  
2           the use of state or county lands.

3           **§46-G County incentives; exemptions.** Exceptional planning  
4 projects approved by the legislative body shall receive  
5 exemptions from the zone change process, compliance with zoning  
6 standards, and impact fees pursuant to section 264-123.  
7 Additionally, the counties shall adopt any other incentives it  
8 deems appropriate to be granted to exceptional planning  
9 projects.

10          **§46-H Transit or main-street redevelopment program.** (a)  
11 Any county with a planning district may establish transit or  
12 main-street redevelopment program. The program shall include  
13 community-based planning for transit or main-street  
14 redevelopment, strategies for infrastructure upgrades to support  
15 development and redevelopment, and minimum urban design and site  
16 plan guidelines.

17          (b) In developing its program, the county shall consider  
18 establishing or may establish minimum eligibility criteria for  
19 exceptional planning projects, including but not limited to:

- 20           (1) Minimum and maximum project sizes;  
21           (2) Requiring a mix of commercial and residential uses;



- 1           (3) Establishing workforce and affordable housing
- 2                 requirements;
- 3           (4) Proposing parking ratios below any existing required
- 4                 ratio and a maximum cap on the total number of parking
- 5                 spaces, proposing a centralized public or private
- 6                 parking structure, or proposing a transportation plan
- 7                 with innovative parking solutions;
- 8           (5) Creating street level activities, such as retail and
- 9                 public gathering areas, including early evening hour
- 10                activities; and
- 11           (6) Providing community benefits including off-site open
- 12                 space, on-site social services space, and major off-
- 13                 site infrastructure upgrades.

14           (c) Any county participating in the program shall adopt  
 15 ordinances, rules, or regulations as necessary for the purposes  
 16 of this section.

17           **§46-I Adoption of rules.** A planning agency may adopt  
 18 rules pursuant to chapter 91 that are necessary to effectuate  
 19 the purposes of this part."

20           SECTION 2. In codifying the new sections added by section  
 21 1 of this Act, the revisor of statutes shall substitute

1 appropriate section numbers for the letters used in designating  
2 the new sections in this Act.

3 SECTION 3. This Act shall take effect on July 1, 2020.

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**Report Title:**

Hawaii Community Development Authority; State-wide Planning

**Description:**

Establishes planning districts and creates a process for developers to apply for residential and commercial exceptional planning projects. Establishes the transit or main-street redevelopment program. Authorizes state and county incentives for exceptional planning projects. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

