

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE DEPARTMENT OF PLANNING AND PERMITTING AND
THE HONOLULU AUTHORITY FOR RAPID TRANSPORTATION**

This MEMORANDUM OF UNDERSTANDING ("MOU") is entered into and effective as of July 1, 2011, by and between the DEPARTMENT OF PLANNING AND PERMITTING ("DPP"), City and County of Honolulu, and the HONOLULU AUTHORITY FOR RAPID TRANSPORTATION ("HART"), City and County of Honolulu.

WHEREAS, a Honolulu City Charter amendment established HART, effective July 1, 2011; and

WHEREAS, prior to July 1, 2011, transit funds were appropriated to, and encumbered by DPP for purposes of transit-oriented development ("TOD") planning and implementation, including staffing and consultant services; and

WHEREAS, all transit funds will be under the management and control of HART, effective July 1, 2011; and

WHEREAS, both DPP and HART are committed to a smooth transition as of July 1, 2011 in the continuing programs of the fixed guideway rail system ("the Rail Project") and TOD;

NOW, THEREFORE, DPP and HART agree as follows:

1. DPP shall continue its role in developing and implementing TOD plans, zoning, and other land use permits and regulations.
2. DPP shall continue to administer and will fund consultant contracts and staffing for which transit funds were previously appropriated and encumbered prior to July 1, 2011.
3. DPP shall provide advice to HART, and coordinate its plans and regulations with HART, as they may affect the Rail Project.
4. HART shall provide advice to DPP, and coordinate its plans and regulations with DPP to the extent that they may affect land use, abutting properties and infrastructure.
5. DPP shall continue to promote and assist TOD projects, coordinating with landowners, developers, HART and other agencies, as well as community organizations and the general public.

6. DPP shall consult with HART on any development proposals that may have an impact on the operation of the Rail Project.

7. In considering development of lands owned by HART for private use, referred to as "joint development", HART shall consult with DPP with respect to compliance with city TOD planning and zoning.

8. The Rail Project, as a "public use," as defined by the Land Use Ordinance ("LUO"), shall be eligible for waivers under the LUO, and as "a public facility" shall be entitled to all other permitting provisions administered by DPP, which are applicable to other public facilities, including the expedited permitting process agreed to for the Rail Project.

9. To the extent practical and useful, public workshops involving general information and dialogue regarding the Rail Project shall include TOD as part of the agenda. Similarly, any TOD workshop sponsored by DPP shall include the Rail Project as part of the agenda.

10. This MOU shall take effect on July 1, 2011, and shall terminate on June 30, 2012, unless extended by DPP and HART. During the term of the MOU, this MOU may be amended by mutual written agreement of DPP and HART.

IN WITNESS WHEREOF, DPP and HART have executed this Memorandum of Understanding on this day and date first above written.

APPROVED:

DEPARTMENT OF PLANNING AND PERMITTING

By 

DAVID K. TANOUE
Director

HONOLULU AUTHORITY FOR RAPID TRANSPORTATION

By 

KENNETH T. HAMAYASU
Interim Executive Director