

PLANNING COMMISSION

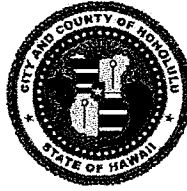
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813

PHONE: (808) 768-8000 • FAX: (808) 768-6041

DEPT. WEB SITE: www.honolulu.gov • CITY WEB SITE: www.honolulu.gov

RICK BLANGIARDI
MAYOR



BRIAN LEE, Chair
RYAN J. K. KAMO, Vice Chair
KEN K. HAYASHIDA
NATHANIEL KINNEY
PANE MEATOOGA III
HILARIE ALOMAR
MELISSA MAY

August 1, 2022

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Waters and Councilmembers:

SUBJECT: Aiea-Pearl City Neighborhood Transit-Oriented Development
(TOD) Land Use Ordinance (LUO) Amendment to the TOD
Special District

The Planning Commission held a public hearing on July 13, 2022 in the above subject matter. No public and written testimonies were received. The public hearing was closed on July 13, 2022.

The Planning Commission voted unanimously 5:0 to recommend approval of amendments to Chapter 21, Revised Ordinances of Honolulu 1990, the LUO, relating to the TOD Special District and its expansion by adding the Aiea-Pearl City TOD neighborhood rail station areas recommended by the Director of the Department of Planning and Permitting (DPP).

Enclosed is the DPP's transmittal to the Planning Commission, additional information that was presented at the public hearing, and the draft Bill.

DEPT. COM. 578

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
August 1, 2022
Page 2

Should you have any questions, please contact me at (808) 768-8007.

Sincerely,



Brian Lee, Chair
Planning Commission

Enclosures

ACKNOWLEDGED:

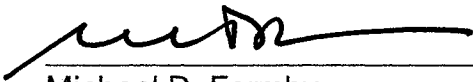


Rick Blangiardi
Mayor

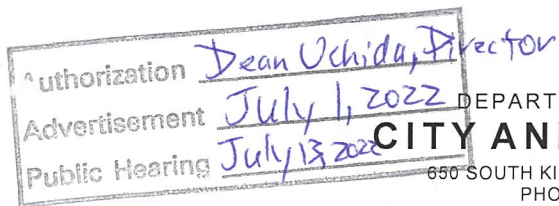
ACKNOWLEDGED:



Dean Uchida, Director
Department of Planning and Permitting

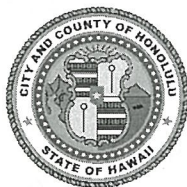


Michael D. Formby
Managing Director



DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
DEPT. WEB SITE: www.honolulu.gov • CITY WEB SITE: www.honolulu.gov

RICK BLANGIARDI
MAYOR



DEAN UCHIDA
DIRECTOR

DAWN TAKEUCHI APUNA
DEPUTY DIRECTOR

June 24, 2022

MEMORANDUM

TO: Brian Lee, Chair
and Members of the Planning Commission

FROM: Dean Uchida, Director *[Signature]*
Department of Planning and Permitting (DPP)

SUBJECT: Aiea-Pearl City Neighborhood Transit-Oriented Development (TOD)
Land Use Ordinance (LUO) Amendment to the TOD Special District

2022 JUN 23 PM 2:13
DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

In accordance with enabling Ordinance 09-4, relating to TOD, we are pleased to transmit two zoning bills to implement the adopted Aiea-Pearl City Neighborhood TOD Plan. These bills cover three additional rail transit station areas and propose the following:

- Zone changes for Halaulani (Leeward Community College), Waiawa (Pearl Highlands), and Kalauao (Pearlridge) station areas, approximately 373 acres; and
- Amendments to Land Use Ordinance (LUO) Article 9 (Revised Ordinances of Honolulu [ROH] Chapter 21) TOD Special District that incorporate the same station areas and certain updates.

Each proposed bill is accompanied by a staff report and recommendations. This memorandum frames the amendments within the larger context of the City's TOD efforts. Ordinance 09-4 states, in part, that "... a general land use scheme must be created that provides for a deliberate, inclusive process to plan for TOD so that well-defined, meaningful, and appropriate regulatory and incentive programs can be adopted for each area around a transit station or type of station." The DPP has followed such a process to develop the neighborhood TOD plans and is recommending approval of the proposed zone changes and LUO amendments.

Land Use Planning

The neighborhood TOD plans identify opportunities for new development, orderly growth, and improved accessibility around the rail transit stations. Each plan covers one to three station areas, and addresses land use, circulation, urban design, housing, community facilities, parking, pedestrian amenities, historic and cultural enhancements, and infrastructure. The neighborhood TOD plans are aligned with the Oahu General Plan and regional development plans. All of the neighborhood TOD plans have been adopted by the City Council.

As discussed in the attached zone change report, the DPP has analyzed all TOD properties along the entire rail transit corridor for sea level rise impacts. If over half of a property is impacted by the referenced 3.2 feet of projected sea level rise, it is being excluded from the TOD Special District and zone changes, even if recommended in its neighborhood TOD plan, since policies and regulations are still being developed to more fully address impacts.

Regulations and Community Benefits

The proposed LUO amendments and zoning map changes will help direct and manage growth around the rail transit stations. One of the most important changes involves rezoning from single to mixed uses. The City-initiated zone changes will expand the types of allowable uses and are intended to stimulate appropriate development activity around the stations.

The proposed TOD zoning for Aiea-Pearl City generally provides additional development rights to incentivize TOD and achieve desired community benefits. Any height increase over the current limits will be a bonus height. Bonus height and density are regulated through the TOD Special District within the LUO and require the provision of community benefits (e.g., affordable housing and streetscape improvements), which help further implement the neighborhood TOD plans.

The TOD Special District is designed to supplement or modify the underlying zoning district regulations to promote TOD (e.g., front yard requirements are relaxed to allow outdoor dining), while providing opportunities for review and comment on major projects. It also specifies site layout and ground-floor building design requirements to promote walkable, active streetscapes, and usable public space. These development standards are intended to improve the pedestrian experience around the rail transit stations, especially along designated "key streets," which are expected to handle the most pedestrian and business activity.

Mr. Brian Lee, Chair
and Members of the Planning Commission
June 24, 2022
Page 3

An island-wide affordable housing requirement (AHR), pursuant to ROH Chapter 38, imposes higher percentages of affordable housing on for-sale residential projects seeking TOD bonuses, among other factors. Whereas prior zone change applicants executed unilateral agreements to provide affordable housing, the AHR will apply to projects in these City-initiated TOD zone change areas that meet the applicability criteria stated in ROH Chapter 38. As mentioned, projects can also provide additional affordable housing as a community benefit to receive bonus height and/or density through TOD permits. Various ordinances have created financial and other incentives to develop affordable housing.

The TOD Special District and zoning were already adopted for the two Waipahu station areas through Ordinances 17-54 and 17-56, respectively. Through this and future submittals, zoning and the TOD Special District will be expanded to incorporate additional station areas, based on the recommendations of the adopted neighborhood TOD plans. Upcoming TOD neighborhood submittals will focus on areas where rail transit is scheduled for initial service.

Participatory Process

The neighborhood TOD plans were developed with extensive community engagement. Further engagement occurred for the LUO and zone change proposals. The Aiea, Pearl City, and Waipahu Neighborhood Boards did not take a position on the proposals. The TOD website (www.honolulu.gov/tod) provides additional opportunities to obtain information and provide input on TOD items, such as projects and proposed regulations.

Recommendation

The DPP has found the LUO and zone change proposals to be consistent with State and City land use plans and policies. Therefore, the DPP recommends approval. Please review the reports and recommendations and then forward them, together with your findings and recommendation through the Mayor, to the City Council.

Thank you for your continued support of these efforts.

Enclosures

cc: Mayor Rick Blangiardi
Michael D. Formby, Managing Director
Council Chair Tommy Waters

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

**LAND USE ORDINANCE AMENDMENTS
RELATING TO THE TRANSIT-ORIENTED DEVELOPMENT SPECIAL DISTRICT**

I. Introduction

The Transit-Oriented Development (TOD) Special District (SD), adopted under Ordinance 17-54, established the overall regulatory framework for the entire rail corridor. It also established development standards to facilitate transit-enhanced neighborhoods around the Waipahu TOD neighborhood rail stations. This proposal will expand the TOD SD by adding the Aiea-Pearl City TOD neighborhood rail station areas, and introducing new regulations based on specific recommendations in the Aiea-Pearl City Neighborhood TOD Plan. Adjustments to the existing regulations based on our experience implementing the TOD SD are also proposed. Most of the proposed changes will apply to the entire TOD SD. Specifically, the proposed amendments to the Land Use Ordinance (LUO) will:

- Add new exhibits to show three new station areas and update the two existing station area exhibits with similar formatting;
- Add a section about the primary design objectives of the areas covered under the TOD Plan;
- Allow for an increased front yard setback on properties along highways and where street trees need to be planted outside of the right-of-way (ROW);
- Identify areas with important view corridors and establish development standards to protect those views;
- Allow modifications to yards, setbacks, street facade, and building placement standards in order to address coastal hazards;
- Establish standards for tower separation and building orientation; and
- Clarify the permit requirements for height and density bonuses.

II. Station Area Names

After the neighborhood TOD plans were created, the Honolulu Authority for Rapid Transportation (HART) led an effort to identify Hawaiian names for the rail stations, which its Board of Directors subsequently adopted. To remain consistent with HART's nomenclature, we have incorporated the Hawaiian rail station names into the draft bill. From west to east, the Hawaiian names (without diacritics to match the Revised Ordinances of Honolulu [ROH] formatting and to continue facilitating permit tracking software) for the five rail stations referenced in the LUO are: Hoaeae (West Loch), Pouhala (Waipahu Transit Center), Halaulani (Leeward Community College [LCC]), Waiawa (Pearl Highlands), and Kalauao (Pearlridge).

III. Aiea-Pearl City Neighborhood TOD Plan

On September 10, 2014, the City Council adopted the Aiea-Pearl City Neighborhood TOD Plan under Resolution No. 14-71, FD1. The TOD Plan area includes the Halaulani (LCC), Waiawa (Pearl Highlands), and Kalauao (Pearlridge) rail station areas. The proposed LUO amendments will expand the TOD SD to include these three station areas. A separate bill with zoning map amendments to establish mixed-use zoning districts and height limits in the same station areas are being transmitted to the City Council via the Planning Commission in concert with these LUO amendments.

The LUO will specify the primary design objectives and priorities of the TOD Plan area, as summarized below:

- Create a major urban center in the Kalauao (Pearlridge) station area;
- Improve walkability in the Waiawa (Pearl Highlands) station area;
- Promote a “college-oriented” neighborhood in the Halaulani (LCC) station area;
- Facilitate the production of new housing units;
- Improve access to regional multi-modal transportation options;
- Promote the Pearl Harbor Historic Trail, waterfront, University of Hawaii Urban Garden Center, and local shopping and dining; and
- Preserve views of Pearl Harbor from Kaonohi Street.

IV. Public Meeting

On January 24, 2018, the Department of Planning and Permitting (DPP) presented the proposed LUO and zoning map amendments during a community meeting at the Pearlridge Elementary School. Property owners impacted by the proposed changes and those within 300 feet of those properties were notified of the meeting by mail. The DPP did not receive any written comments related to the proposed LUO amendments. In general, the meeting attendees had questions relating to proposed maximum heights, environmental review requirements for areas currently in the agricultural district, traffic, and parking.

Even though the last public meeting associated with this proposal was held in 2018, the DPP has since then continued discussing the proposed TOD-related zone changes as part of the Primary Urban Center Development Plan update and in other meetings with the public. Concerns expressed by the public over the years have been addressed in the attached bills.

V. Proposed TOD Height and Density Bonuses

We propose adjustments to height and density bonuses based on the TOD Plan and our experience implementing TOD since the TOD SD was created. The following

bonuses will apply to the entire TOD SD. The draft bill for an ordinance sections in reference to the LUO are underlined with brackets for each proposal.

- Density [Section 21-9.100-8(a)(1)(A)].
Density should be encouraged, not disincentivized, in the TOD SD. However, under Ordinance 17-54, a Major TOD SD Permit is required for density levels that are available with only a building permit for the BMX-3 Community Business Mixed Use District and the B-2 Community Business District outside of the TOD SD. We recommend that this be adjusted by allowing a Floor Area Ratio (FAR) bonus between 2.5 and 3.5 for BMX-3 and B-2 Districts, and 1.2x Base FAR for the Apartment, Apartment Mixed Use, Industrial, and IMX-1 Industrial-Commercial Mixed Use Districts, to be reviewed under a Minor (not Major) TOD SD Permit.

Under the shorter processing time of the Minor SD Permit, the DPP has 45 days to review the project, analyze impacts, evaluate proposed community benefits, and formulate appropriate conditions of approval. A Major TOD SD Permit or Planned Development-Transit (PD-T) Permit would still be required for larger density bonuses.

- Height [Section 21-9.100-8(a)(1)(D)].
Similarly, we believe the current regulations relating to height bonuses are too restrictive. Therefore, we recommend adding the following table:

Maximum Height with a Minor Special District Permit	60 feet over the base height limit; or twice the base height limit, whichever is less
Maximum Height with a Major Special District Permit	120 feet over the base height limit; or three times the base height limit, whichever is less
Maximum Height with a PD-T Permit	More than 120 feet over the base height limit; or more than three times the base height limit, whichever is less

These recommendations are based on the current height limits and available bonuses in the two existing and three proposed station areas. The base height limits in these areas range from 25 to 150 feet. The bonus height limits range from 40 to 350 feet. As an example, a site with a base height limit of 30 feet and a bonus height limit of 90 feet could achieve a height up to 60 feet through a Minor TOD SD Permit (two times the base height threshold being less). To achieve a height over 60 feet up to its height limit of 90 feet, a Major TOD SD Permit would be required (three times the base height threshold being less). No additional height would be available, even through a PD-T Permit, because the maximum height with bonus on the zoning map is capped at 90 feet.

On another site, for example, with a base height limit of 150 feet and a bonus height limit of 350 feet, a landowner could seek up to 210 feet through a

Minor TOD SD Permit (60 feet over the base height threshold being less). A height limit between 210 and 270 feet could be sought through a Major TOD SD Permit (up to 120 feet over the base height threshold being less), and between 270 and 350 feet, a PD-T Permit would be required (more than 120 feet over the base height threshold being less). Again, because 350 feet is the bonus height limit on the zoning map, they cannot exceed this height limit with any TOD permit.

VI. Proposed TOD Development Standards

We propose adjustments to several development standards based on the TOD Plan and our experience implementing TOD since the TOD SD was created. The following standards will apply to the entire TOD SD. Draft bill for an ordinance sections in reference to the LUO are underlined in brackets for each proposal.

- Maximum Setbacks [Sections 21-9.100-8(a)(3)(A) & (C)].
We propose a 15-foot maximum setback for structures fronting Kamehameha and Farrington Highways. The proposed change will allow buildings on lots in the BMX-3, B-2, and IMX-1 Districts to be set back an additional five feet from the current 10-foot maximum setback. This change is designed to allow a larger buffer from the busy highway where necessary, and is scaled to the larger ROW. The minimum setback will remain unchanged.

We also recommend allowing the maximum setback to be enlarged where necessary to provide a tree between the property line and structure when street trees cannot be placed in the ROW (e.g., due to the location of existing infrastructure). In such situations, it will be necessary to provide a tree within the front of the property instead of the street. Under such circumstances it is in the public interest to push the buildings back to provide space for trees. This also aligns with initiatives by the City Council (Resolution 18-55) and Mayor (Directive 20-14) to increase the urban tree canopy. A TOD Street Tree Master Plan is near completion that will provide guidance on tree placement.

- Tower Separation [New Section 21-9.100-8(a)(3)(D)(v)].
To preserve views, light, and airflow, and to prevent a “canyon effect” on the street, we recommend new tower separation requirements. Under this standard, any portion of a building over 60 feet in height must be set back a minimum of 50 feet from the side and rear property lines and be spaced 100 feet from any portion of other buildings over 60 feet on the same lot. These standards could be modified with a special district permit on a case-by-case basis for narrow zoning lot configurations following review of their particular merits.

- Building Orientation [New Section 21-9.100-8(a)(3)(D)(vii)].
To further preserve views and air flow, we have added a specific requirement to orient taller buildings in a mauka-makai direction throughout the alignment. This requirement already exists as a planning guideline in the regional development plans and other special districts, so we have incorporated it as a specific standard in the TOD SD.
- Modification of Standards for Coastal Hazards [Section 21-9.100-8(a)(3)(I)].
Coastal hazards, such as sea level rise, are projected to impact many properties throughout the TOD neighborhoods, including in Aiea-Pearl City. Policies and regulations are still being developed to more fully address impacts. As a result, the accompanying TOD zone change proposal (separate report and bill for ordinance) recommended limited changes to these areas for the time being. The accompanying TOD zone change report includes further discussion. However, to allow for TOD on properties projected to be minimally affected, we included coastal hazards as a reason to be able to modify the yards, setbacks, street facade, and building placement standards of the TOD SD.
- Parking [Section 21-9.100-8(c)(1)].
Pedestrian-friendly environments benefit from parking set back from the front property line to allow for buildings to be placed near the sidewalk. This site design also supports businesses through increased interactivity. Due to building lifespans lasting decades, it is imperative not to delay this requirement to avoid new developments causing lasting negative impacts in the TOD neighborhoods.

VII. Housekeeping and Updates

Various changes are proposed to update the TOD section of the LUO for clarification purposes and to reflect other legislative changes since the passage of Ordinance 17-54, Ordinance 20-40, and Ordinance 20-41. For example:

- Removing redundant language about conflicts with the TOD SD which is already specified in LUO Section 21-9.20-6. Unilateral agreement conflicts will be addressed during each TOD neighborhood zone change, and conditional zoning is described in LUO Section 21-2.80.
- Adding an item to consider coastal and other hazards in TOD plans, which serve as the basis for the creation or amendment of the TOD Special District. This item reflects the inclusion of these considerations in the existing TOD plans and elsewhere in policies and regulations, such as in the prior section.
- Mirroring language is proposed for the Interim Planned Development-Transit and PD-T Permits to create consistency with the updated ownership requirements for applicants of Planned Development-Resort and Planned Development-Apartment Permits (Ordinance 18-19).

- Clarifying that affordable dwelling units provided as a community benefit are in addition to the requirements of the ROH Chapter 38 (Affordable Housing Requirement), which serve as the baseline for projects subject to the requirements.
- Specifying that awnings must comply with the Building Code and not conflict with street tree requirements if encroaching into the ROW to ensure public safety while prioritizing shade from street trees.
- Replacing the two existing station area maps to match the three new station area maps' formatting, including the incorporation of the Hawaiian rail station and TOD neighborhood names, and expanding the special district boundary to include the streets adjacent to properties (this will also clarify that street tree requirements apply to them). Properties currently in the TOD SD were not modified.
- Other grammatical changes were made for consistency and clarity.

VIII. Conclusion

The expansion of the TOD SD into the area covered under the TOD Plan builds upon and improves the existing TOD SD. Most significantly, once this draft bill is adopted:

- Three new station areas will be added to the TOD SD;
- The primary design objectives for these stations areas will be spelled out;
- Important view corridors will be identified and regulated;
- Setbacks, tower spacing, and building orientation standards will be established; and
- The permit requirements for height and density bonuses will be adjusted and clarified.

These regulations must balance incentives for development with the City's ability to ensure appropriate development, increase transit ridership, support economic growth and jobs, and mitigate any potential impacts to the neighboring community due to increased height and density. We believe the proposed standards and permit requirements will allow for this balance.

We recommend approval of the draft bill.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

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 three additional Honolulu Rail Transit Project station areas and to incorporate land use standards and guidelines for those areas based on the recommendations in the Aiea-Pearl City Neighborhood TOD Plan.

SECTION 2. Section 21-9.100, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 21-9.100 Transit-oriented development (TOD) special ~~[districts]~~ district.

- (a) The purpose of this section is to establish a TOD special district ~~[around rapid-transit]~~ surrounding rail stations to encourage appropriate transit-oriented development.
- (b) The regulations applicable in the TOD special district are in addition to underlying zoning district and, if applicable, special district, regulations, and may supplement and modify the underlying regulations. If any regulation pertaining to the TOD special district conflicts with any underlying zoning district or special district regulation, the regulation applicable to the TOD special district will take precedence. ~~[If any regulation pertaining to a TOD special district conflicts with another special district regulation or unilateral agreement in effect, the regulation applicable to the other special district or unilateral agreement in effect will take precedence.]~~
- (c) As used in this section:

"Active ground floor activities" means those uses and activities that will encourage pedestrian movement and activate the ground floor of buildings, including retail establishments, restaurants, personal service establishments, offices, financial institutions, lobbies for hotels or multifamily dwelling uses, galleries, theaters, and other similar uses and activities.

DPPTODSD.B22



A BILL FOR AN ORDINANCE

"Bike-walk greenway" means shared-use paths or trails for pedestrians, cyclists, and other users of nonmotorized transportation modes within or adjacent to a TOD special district. Certain development standards will apply only to those zoning lots that abut the bike-walk greenway. Bike-walk greenways are identified on the exhibits set ~~[out]~~ forth at the end of this article.

"Community benefits" means those project elements that will mitigate impacts of greater heights or greater density or modifications to special district development standards. Examples of community benefits include affordable housing, open space, parks, right-of-way improvements, financial contributions to existing community amenities or public uses, and facilities that enhance the pedestrian experience or improve multimodal transportation.

"IPD-T" means an interim planned development-transit project pursuant to Section 21-9.100-5."

"Key streets" means streets within a TOD special district that are most vital to facilitating a walkable, vibrant, economically active neighborhood in the direct vicinity of ~~[the]~~ a rail station. Certain development standards will apply only to those zoning lots fronting a designated key street. The key streets are identified on the exhibits set ~~[out]~~ forth at the end of this article.

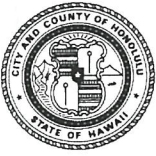
"Nonconforming site development" means a zoning lot with structures or uses that comply with underlying zoning district standards, but are not in conformance with all of the standards of the special district, including~~[-]~~ but not limited to~~[-]~~ building location, yard and setback requirements, street facades, building orientation and entrances, parking lot design and location, and bicycle parking.

"PD-T" means a planned development-transit project pursuant to Section 21-9.100-10."

"Rail station" means an existing or planned rail station identified in the Honolulu Rail Transit Project Environmental Impact Statement, accepted by the Governor of the State of Hawaii on December 16, 2010.

"Setback" means the distance from the property line to the front facade of a building.

"Street tree plan" means a street tree planting plan approved in accordance with the city "Standards and Procedures for the Planting of Street Trees."



A BILL FOR AN ORDINANCE

"TOD" means transit-oriented development.

"TOD development regulations" means the regulations establishing the permitted uses and structures and development standards within a TOD special district, which will be established by the council by ordinance, pursuant to the provisions of this section. TOD development regulations may include provisions specific to certain rail station areas.

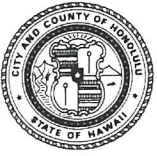
"TOD special district" means that area surrounding ~~[existing and future]~~ rail ~~[transit]~~ stations along the rail alignment and designated in Section 21-9.100-12. Lands within a TOD special district are subject to TOD development regulations.

"TOD station area" or "station area" means the parcels of land around a rail ~~[transit]~~ station subject to the TOD development regulations. Generally, the TOD station area will consist of that land within approximately ~~[one-half mile]~~ 0.5 miles of the related ~~[transit]~~ rail station, which is roughly the distance of a 5- to 10- minute walk from the station, as identified on the exhibits set ~~[out]~~ forth at the end of this article."

SECTION 3. Section 21-9.100-2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 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 or amendment of a 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 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;



A BILL FOR AN ORDINANCE

- (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 precincts, as appropriate, including density incentives. Prohibition of specific uses must be considered. Form-based zoning may be considered;
- (4) Preservation of existing affordable housing and potential opportunities for new affordable housing, and as appropriate, with supportive services;
- (5) Preservation of existing healthcare services. For 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) Mitigating gentrification of the community;
- (7) Consideration of flood hazards, including coastal hazards such as sea level rise, which may affect neighborhood infrastructure and land; and
- ~~[(7)]~~(8) 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 ~~[should]~~ 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.
- (d) The neighborhood TOD plan must be consistent with the applicable regional development plan.



A BILL FOR AN ORDINANCE

(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.

(f) The neighborhood TOD plan must be submitted to the council and approval of the plan will be by council resolution, with or without amendments.

(g) The primary design objectives of the Waipahu Neighborhood TOD Plan are as follows: [-]

~~[(1) The Waipahu Neighborhood TOD Plan was adopted by the council via Resolution No. 14-47, CD1, on April 16, 2014. It includes the West Loch and Waipahu Transit Center station areas.~~

~~[(2) The Waipahu Transit Center station area reflects]~~

(1) Maintain Waipahu's heritage as a former sugar plantation town[-. The area is generally] in the Pouhala (Waipahu Transit Center) station area;

(2) Maintain the area's low-rise [in] character and [contains a] wide range of uses[-. The plan envisions the retention of the];

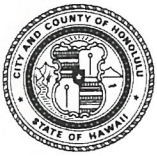
(3) Retain the area's historic low-rise character while providing new retail, office, and residential opportunities in a walkable, mixed-use setting in the areas along Waipahu Depot [Road] Street and Farrington Highway[-];

~~[(3) Development]~~ (4) Concentrate development in the [West Loch] Hoaeae (West Loch) station area [will be concentrated] in the area adjacent to the [transit] rail station along Farrington Highway and Leoole Street[-]; and

(5) [The plan envisions] 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



A BILL FOR AN ORDINANCE

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;
- (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 that provides new housing, services, transportation options, and gathering places for students, faculty, and area residents."

SECTION 4. Section 21-9.100-5, Revised Ordinances of Honolulu 1990 ("Interim planned development-transit (IPD-T) projects"), as amended by Ordinance 20-40 and Ordinance 20-41, is amended by amending subsection (b) to read as follows:

"(b) Eligible zoning lots. IPD-T projects may be permitted on zoning lots that meet the following standards:

- (1) Where an approved neighborhood TOD plan exists for the area, the [site] zoning lot must be included in the maps and figures showing the proposed special district in the plan. Where a neighborhood TOD plan has not yet been adopted by the city council, the [site] zoning lot must be included in the maps and figures showing the anticipated special district included in the draft neighborhood TOD plan at the time the application for the principal project is submitted to the department and accepted as complete;



CITY COUNCIL

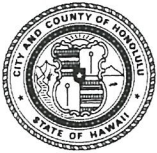
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

- (2) Except as provided in subdivision (3), where there is no neighborhood TOD plan for a station area, a portion of the zoning lot must be within ~~[a one-half-mile radius]~~ 0.5 miles of a ~~[planned H RTP]~~ rail station~~[, as approved by the Honolulu Authority for Rapid Transportation]~~. For purposes of this section, the minimum distance requirement is measured as the shortest straight line distance between the edge of the rail station ~~[area]~~ and the zoning lot lines of the project site;
- (3) For public housing projects, a portion of a zoning lot must be within ~~[a one-mile radius]~~ 1 mile of a ~~[planned H RTP]~~ rail station. This is applicable to station areas with and without a neighborhood TOD plan;
- (4) The minimum project size is 20,000 square feet. Multiple zoning lots may be part of a single IPD-T project if ~~[all of the lots are under single owner 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. Zoning lots may be added to or removed from existing IPD-T projects upon the application of the owners, lessees, developers or other designated representatives of the zoning lots to be added or removed with the written consent of the original applicant for the existing IPD-T project, or its successor. Applications for the addition or removal of zoning lots will be processed in accordance with other applicable regulations of this chapter. Zoning lots to be removed from an IPD-T project must comply with all zoning regulations applicable to that zoning lot separate from the IPD-T project. Multiple zoning lots in a single IPD-T project must be contiguous[.]; provided that zoning lots that are not contiguous may be part of a single IPD-T project if all the following conditions are [met:] satisfied:
- (A) The zoning lots are not contiguous solely because they are separated by a street or right-of-way, ~~[such]~~ so that if the street were to be removed, the zoning lots would be adjacent to each other; and
- (B) Each noncontiguous portion of the IPD-T project[.] site, whether comprised of a single zoning lot or multiple contiguous zoning lots, has a minimum area of 10,000 square feet.



A BILL FOR AN ORDINANCE

When [a] an IPD-T project consists of noncontiguous zoning lots as provided [~~above,~~] in this subdivision, pedestrian walkways, improved streetscapes, or functional design features connecting the separated lots are strongly encouraged to unify the project site. Multiple zoning lots that are part of an approved single IPD-T project will be considered and treated as one zoning lot for purposes of the project, [~~and no~~] without requiring a separate [conditional use] permit[-minor] for [a] the joint development of multiple zoning lots [is required];

- (5) The IPD-T project site must be entirely within the state-designated urban district;
- (6) All eligible zoning lots must be within the apartment, apartment mixed use, business, business mixed use, resort, industrial, or industrial-commercial mixed use districts; provided that this subdivision does not apply to landscape lots, right-of-way lots, or other lots utilized for similar utilitarian (infrastructure) purposes; and
- (7) The TOD special district will be established incrementally, with station areas being added to the TOD special district as the council approves the neighborhood TOD plans and as the subsequent special district regulations are added to this chapter to reflect each TOD station area. Upon the establishment of the TOD special district and its related development regulations, all zoning lots within the station areas that are added to the TOD special district will no longer be eligible for [~~this interim~~] an IPD-T permit, but must henceforth comply with all applicable TOD special district regulations and requirements [~~enumerated by~~] set forth in this chapter; provided that any application for an IPD-T project that has received council approval of its conceptual plan prior to the date of enactment of the ordinance expanding the TOD special district to the station area where the project site is located will continue to be processed under and be subject to this section and the applicable use and development standards [~~approved~~] allowed under the approved conceptual plan."

SECTION 5. Section 21-9.100-8, Revised Ordinances of Honolulu 1990 ("General requirements and development standards"), as amended by Ordinance 20-41, is amended by amending subsections (a), (b), and (c) to read as follows:



A BILL FOR AN ORDINANCE

"(a) Site [~~Development and Design Standards.~~] development and design standards. Development standards are as established for the underlying base zoning district except as provided below.

(1) Density and height.

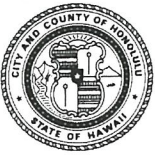
(A) The maximum FAR is as prescribed by the underlying zoning district, unless modified through a special district permit or PD-T permit, through which an applicant may seek approval to exceed the base FAR up to a maximum FAR as follows:

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

(B) The open space bonus provisions of [~~Section~~] Sections 21-3.110-1(c) and 21-3.120-2(c) are not applicable.

(C) In the apartment mixed use districts, the maximum commercial use density and location provisions of Section 21-3.90-1(c) and Table 21-3.3 may be modified through a special district permit [~~where~~] if the proposed development meets the objectives of the TOD special district, as enumerated in Section 21-9.100-6.

(D) Height. [~~The~~] For maximum height not prescribed in this chapter, the allowable height is as prescribed on the zoning map, unless modified through a special district or PD-T permit. [~~Through a special district or PD-T permit, an~~] An applicant may seek approval to exceed the base height up to the parenthetical height identified as the bonus height limit on the zoning map[~~. A PD-T permit is required for projects seeking a bonus height that exceeds the~~].



A BILL FOR AN ORDINANCE

lesser of 50 percent of the total bonus height available, or 50 feet.]
as follows:

<u>Maximum Height with Minor Special District Permit</u>	<u>60 feet over the base height limit; or twice the base height limit, whichever is less</u>
<u>Maximum Height with Major Special District Permit</u>	<u>120 feet over the base height limit; or three times the base height limit, whichever is less</u>
<u>Maximum Height with PD-T Approval</u>	<u>More than 120 feet over the base height limit; or more than three times the base height limit, whichever is less</u>

- (E) Where a TOD special district permit is sought to achieve height or density bonuses, the degree of flexibility requested must be ~~[reasonably related]~~ commensurate to the community benefits the development will provide for the enhancement of the ~~[TOD]~~ 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 ~~[on-site,]~~ 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 station area as the project site. ~~[Where the project proposes more than 10 residential dwelling or lodging units, or both, the affordable for-sale or rental units]~~ Affordable housing provided as a community benefit under this paragraph must be in addition to the affordable housing requirements of Chapter 38[-], which are based on a percentage of the total number of dwelling units in the principal project, and include higher percentages for



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

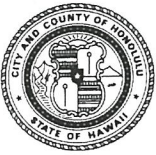
BILL _____

A BILL FOR AN ORDINANCE

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 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 work projects pursuant to HRS Chapter 104.

- (F) When an applicant seeks to exceed the base height or density 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 Section 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 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 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.



A BILL FOR AN ORDINANCE

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

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

Required Yard Standards		B-2 and BMX-3 Districts	Apartment and Apartment Mixed Use Districts	Industrial and Industrial Mixed Use Districts
Minimum Front Setback ¹	All Streets	5 ^[4]		
Maximum Front Setback ¹	<u>Non-Key Street</u>	<u>10</u>	<u>None</u>	
	Key Street	10	15	10
	[Non-Key Street]	10	N/A	N/A]
	<u>Highway²</u>	<u>15</u>		

¹ Front ~~[yard may be reduced,]~~ setbacks may be modified pursuant to ~~[requirements in]~~ Section 21-9.100-8(a)(3)(C).

² For purposes of this subdivision, "highway" refers to Farrington Highway or Kamehameha Highway. This provision prevails where there are other maximum front setbacks.

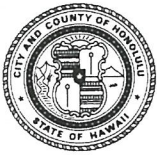
(B) The maximum setback must be measured from the front property line to the exterior face of the building. See Figures 21-9.3 and 21-9.4.

(C) The minimum and maximum front setbacks may be modified as follows:

(i) Buildings may encroach into the front yard provided:

~~[(i)]~~(aa) A paved public sidewalk at least ~~[eight]~~ 8 feet in width fronts the building; or

~~[(ii)]~~(bb) Other buildings on the same block and sharing the same street frontage are set back less than ~~[five]~~ 5 feet from the property line, and the proposed building location will match the existing ~~[setback(s)]~~ setbacks so that the proposed building facade creates a consistent building alignment.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

(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 street trees within the adjacent right-of-way due to limitations such as the location of existing infrastructure.

(D) Street facade and building placement.

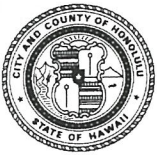
(i) On corner zoning lots fronting at least one key street, buildings must be located within 30 feet of such corner. See Figure 21-9.5.

(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 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 Section 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:



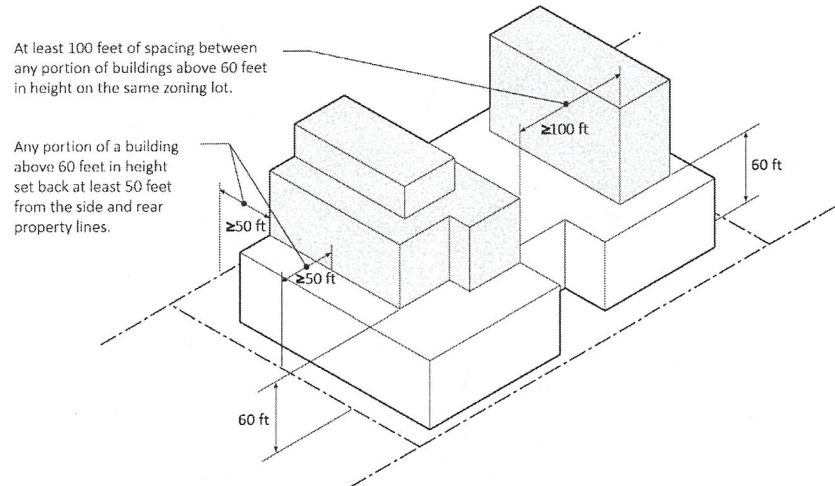
CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE



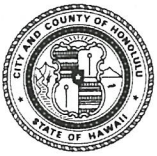
(vi) To preserve important views, no structures greater than 3 feet in height, except for open work fences, may be constructed in the areas identified as view corridors in the Section 21-9.100-12 exhibits. The director may approve uses and structures allowed in standard required yards; provided that no views will be adversely impacted.

(vii) Buildings above 40 feet in height must avoid a long axis aligned in an ewa-Diamond Head 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 hardsurface, 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.

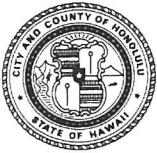
(ii) Awnings and other sunshade devices may exceed the 36-inch horizontal projection limit established in Section 21-4.30(b), and may encroach into the right-of-way;



A BILL FOR AN ORDINANCE

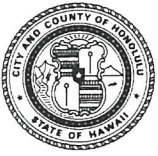
provided that they meet all requirements of the building codes and do not conflict with any street tree requirements.

- ~~[(ii)]~~~~(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 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 ~~[three]~~ 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, 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, ~~[other than]~~ except for openwork fences that do not exceed ~~[four]~~ 4 feet in height, may be erected within the 10-foot setback area. For the purposes of this section, "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 ~~[must]~~ shall install street trees, as required by the director.
- (I) The standards of this subdivision may be modified through a special district permit ~~[where]~~ if at least one of the following conclusions ~~[can]~~ may be made:
- (i) Irregular property lines, zoning lot configuration, coastal hazards as projected using best available science, or topography of the ~~[site]~~ zoning lot render the yards, setbacks, street façade ~~[and]~~, or building placement standards infeasible;



A BILL FOR AN ORDINANCE

- (ii) The existing built environment is arranged in such a way that the yards, setbacks, street facade, ~~[and]~~ or building placement standards are incompatible or unreasonable, and better overall design ~~[can]~~ 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) ~~[These]~~ The requirements of this subdivision may be modified through a special district permit if irregular property lines, zoning lot configuration, or topography of the ~~[site]~~ 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 above the level of the sidewalk. See Figure 21-9.13. Blank walls ~~[cannot]~~ 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:



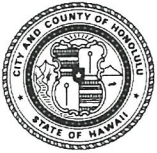
A BILL FOR AN ORDINANCE

- (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 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 ~~[three]~~ 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 visual interest at the pedestrian level and activate the sidewalk area.
- (6) Pedestrian walkways. Walkways with a minimum five-foot unobstructed width must be provided according to the following standards:
 - (A) Pedestrian walkways must create internal connections by connecting all buildings on a ~~[site]~~ zoning lot to each other, to ~~[on-site]~~ onsite automobile and bicycle parking areas, and to any ~~[on-site]~~ onsite open space areas or pedestrian amenities. See Figures 21-9.14 and 21-9.15;
 - (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 developments on zoning lots one acre or more in size whenever possible; and



A BILL FOR AN ORDINANCE

- (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.
- (b) Specific [~~Use Development Standards.~~] use development standards.
- (1) [~~All new development proposing more than 10 residential dwelling or lodging units, or both,~~] Projects must satisfy the applicable affordable housing requirements of Chapter 38.
- (2) Outdoor dining areas are subject to the following:
- (A) A planter or hedge of not more than [~~30 inches~~] 2.5 feet in height may be provided in the required yard to define the perimeter of the outdoor dining area;
- (B) Outdoor dining facilities are limited to chairs, tables, serving devices and umbrellas. When umbrellas are used, they will not be counted against open space calculations; and
- (C) Outdoor dining areas must not be used after 11:00 p.m. or before 7:00 a.m.
- (c) Vehicle parking, loading, and bicycle parking.
- (1) [~~Effective December 1, 2025, at-grade~~] At-grade parking spaces and parking on the ground floor of any structure must not be located within 40 feet of any front property line. See Figures 21-9.8 and 21-9.9. Exceptions may be granted with the approval of a special district permit if the director determines that:
- (A) Buildings are built as close as possible to the public sidewalk; and
- (B) The site is small and constrained such that underground, structured, and surface parking located more than 40 feet from the street frontage could not be accommodated.
- (2) Service areas and loading spaces must be located at the side or rear of the site. This requirement may be modified through a special district permit if the director determines that the size and configuration of the lot make such a requirement infeasible.



A BILL FOR AN ORDINANCE

- (3) Vehicular access must be provided from a secondary street wherever possible and located where it is least likely to impede pedestrian circulation, as approved by the appropriate agencies.
- (4) The ground floor of parking structures on all streets must be designed and used for active ground floor activities within 40 feet of the front property line."

SECTION 6. Section 21-9.100-10, Revised Ordinances of Honolulu 1990 ("Planned development-Transit (PD-T) projects"), is amended by amending subsections (a), (b), and (c) to read as follows:

"(a) Eligibility. PD-T projects may be permitted on zoning lots that meet the following standards:

- (1) PD-T projects are permitted on zoning lots with a minimum project size of [at least] 20,000 square feet. Multiple zoning lots may be part of a single PD-T project if [all of the lots are under a single owner 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. Zoning lots may be added to or removed from existing PD-T projects upon the application of the owners, lessees, developers, or other designated representatives of the zoning lots to be added or removed with the written consent of the original applicant for the existing PD-T project, or its successor. Applications for the addition or removal of zoning lots will be processed in accordance with other applicable regulations in this chapter. Zoning lots to be removed must comply with all zoning regulations applicable to that zoning lot separately from the PD-T project. Multiple zoning lots in a single PD-T project must be contiguous; provided that zoning lots that are not contiguous may be part of a single PD-T project if all of the following conditions are [met:] satisfied:
 - (A) The zoning lots are not contiguous solely because they are separated by a street or right-of-way, so if the street were to be removed, the zoning lots would be adjacent to each other; and

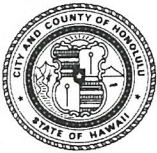


A BILL FOR AN ORDINANCE

- (B) Each noncontiguous portion of the PD-T project, whether comprised of a single zoning lot or multiple contiguous zoning lots, ~~[must have]~~ has a minimum area of 10,000 square feet.

When a PD-T project consists of noncontiguous zoning lots as provided ~~[above,]~~ in this subdivision, pedestrian walkways, improved streetscapes, or ~~[functioning]~~ functional design features connecting the ~~[separated]~~ separate zoning lots are strongly encouraged to unify the project site. Multiple zoning lots that are part of an approved single PD-T project will be considered and treated as one zoning lot for purposes of the project without requiring a separate ~~[conditional-use]~~ permit~~[-minor]~~ for [a] the joint development of multiple zoning lots.

- (2) This subsection does not apply to landscape lots, right-of-way lots, or other lots ~~[utilized]~~ used for similar utilitarian (infrastructure) purposes.
- (b) Standards for ~~[Review.]~~ review.
- (1) All of the development standards of a TOD special district will apply to PD-T projects, ~~[unless]~~ except as otherwise ~~[noted]~~ provided in this section. Greater height and density bonuses are available to PD-T projects and the development standards may be modified in any way that would normally be allowed through a special district permit. The degree of flexibility sought through the PD-T process must be reasonably related to the community benefits provided. The highest degree of flexibility may be authorized by this permit for those projects that demonstrate those standards enumerated in Section 21-9.100-8(a)(1)(E) and described in Section 21-9.100-9(b).
- (2) PD-T projects must be generally consistent with the approved neighborhood TOD plan for the ~~[affected]~~ area.
- (c) Site ~~[Development and Design Standards.]~~ development and design standards. The standards set forth by this subsection are general requirements for PD-T projects. When applicants seek the modification of TOD special district standards, the modification must be for the purpose of accomplishing the goals and objectives of the TOD special district. Also, the modification must be commensurate with the ~~[contributions]~~ community benefits provided in the project plan, and the project must be generally consistent with the neighborhood TOD plan for the area.



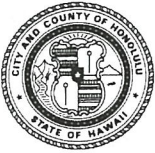
A BILL FOR AN ORDINANCE

- (1) Density. ~~[Pursuant to]~~ The maximum allowable density is specified in Section 21-9.100-8(a)(1)(A)~~[- the maximum allowable density will be as follows:~~
 - ~~(A) In BMX-3 and B-2 districts, the maximum FAR may be up to seven;~~
 - ~~(B) In the apartment and apartment mixed use districts, the maximum FAR may be up to twice that allowed by the underlying zoning district; and~~
 - ~~(C) In the IMX-1 and I-2 districts, the maximum FAR may be up to twice that allowed by the underlying zoning district]~~ by zoning district.
- (2) The maximum height ~~[cannot]~~ must not exceed the bonus height limit shown as the parenthetical number on the zoning maps.
- (3) Transitional height or height setbacks may be modified ~~[where]~~ if adjacent uses and street character will not be adversely affected.
- (4) PD-T projects ~~[proposing more than 10 residential dwelling or lodging units, or both,]~~ must satisfy the applicable affordable housing requirements of Chapter 38. ~~[If affordable]~~ Affordable housing that is provided as a community benefit [to justify flexibility with respect to development standards, the affordable housing] must be in addition to the affordable housing requirements of Chapter 38~~[-]~~, 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."

SECTION 7. Section 21-9.100-11, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 21-9.100-11 TOD special ~~[district-Project]~~ district-project classification.

Refer to Table 21-9.8 to determine whether specific categories of projects will be classified as major, minor, or exempt. For the purposes of this section, in addition to Section 21-9.20-2(c), the term "exempt" means projects that are in full compliance with the standards and objectives of a TOD special district.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

Table 21-9.8 TOD Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Major modification, additions, or new construction on sites one acre or more in size	M/m	Projects on key streets are major. All others will be minor, unless the director has determined that the project may result in substantial impacts.
Alterations or repair on sites one acre or more in size	E	
Major modification, alteration, repair, additions, or new construction on sites less than one acre in size	E	
Interior repairs, alterations and renovations to all structures	E	
Modifications to [height or] FAR	<u>M/m</u>	<u>See Section 21-9.100-8(a)(1)(A). PD-T approval may be required prior to obtaining a major permit.</u> [Projects seeking a maximum FAR of up to 3.5 are major. Projects seeking a bonus height that does not exceed the lesser of 50 percent of the total bonus height available, or 50 feet, are major. All other projects seeking densities or heights beyond the base limits specified in Sections 21-9.100-8(a)(1)(A) and 21-9.100-8(a)(1)(D) are PD-T.]
<u>Modifications to height</u>	<u>M/m</u>	<u>See Section 21-9.100-8(a)(1)(D). PD-T approval may be required prior to obtaining a major permit.</u>



CITY COUNCIL

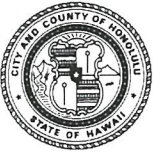
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

Table 21-9.8 TOD Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Modification to the following standards: <ul style="list-style-type: none">• Yards and setbacks• Street facade and building placement• Building orientation and entrances• Building transparency• Number of parking stalls• Location of above ground surface parking• Location of service area and loading spaces• Bicycle parking• The commercial use density and location provisions in the apartment mixed use districts• Additional commercial density in the apartment mixed use districts.• Reconfiguration of sidewalk area	m	Where modifications to the standards are otherwise covered in a major permit, the minor permit is not required.
Demolition of structures	E	
Residential units in the IMX-1 district	m	



A BILL FOR AN ORDINANCE

Table 21-9.8 TOD Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
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.
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. <u>Pursuant to Sections 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. Where a PD-T or major special district permit are otherwise required, a separate minor special district permit is not required.</u></p> <p>Legend: Project classification: M = Major; m = Minor; E = Exempt</p>		

11



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

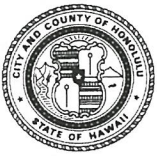
BILL _____

A BILL FOR AN ORDINANCE

SECTION 8. Section 21-9.100-12, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 21-9.100-12 TOD special district boundaries.

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



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

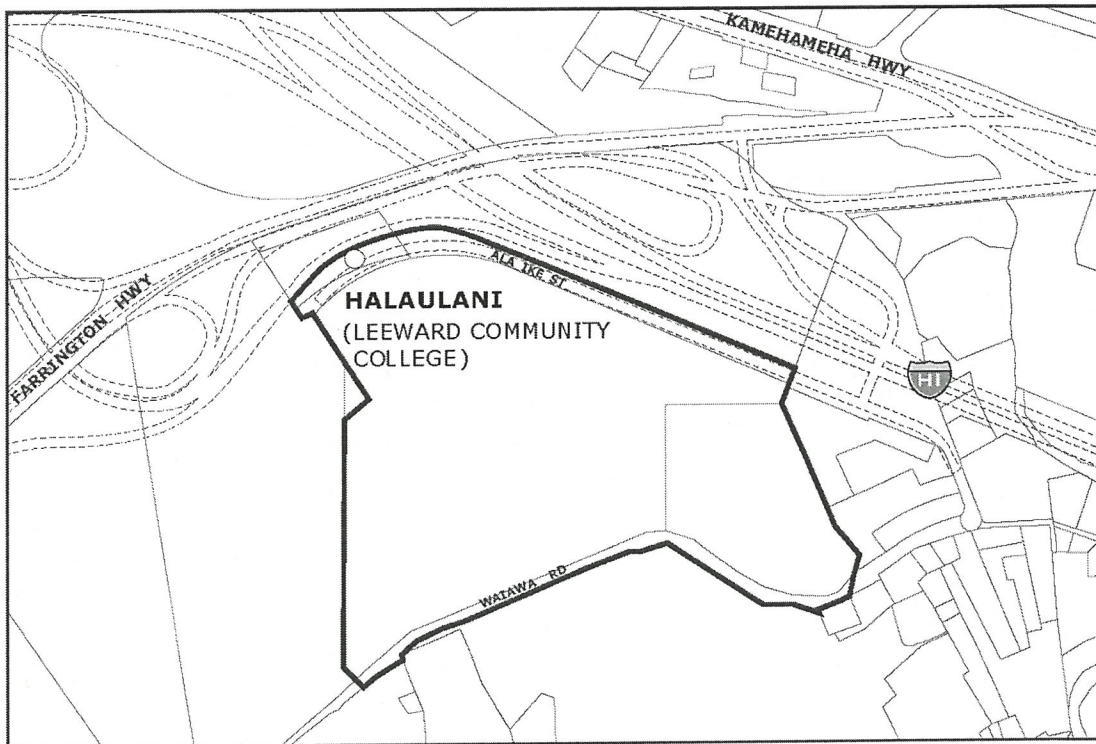
BILL _____

A BILL FOR AN ORDINANCE

SECTION 11. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990 ("Special District Regulations"), is amended by adding a new Exhibit 21-9.21 to read as follows:

"EXHIBIT 21-9.21

Halaulani (Leeward Community College) Station Area



Aiea-Pearl City TOD Neighborhood

LEGEND

-  TOD Special District Boundary
-  Rail Station



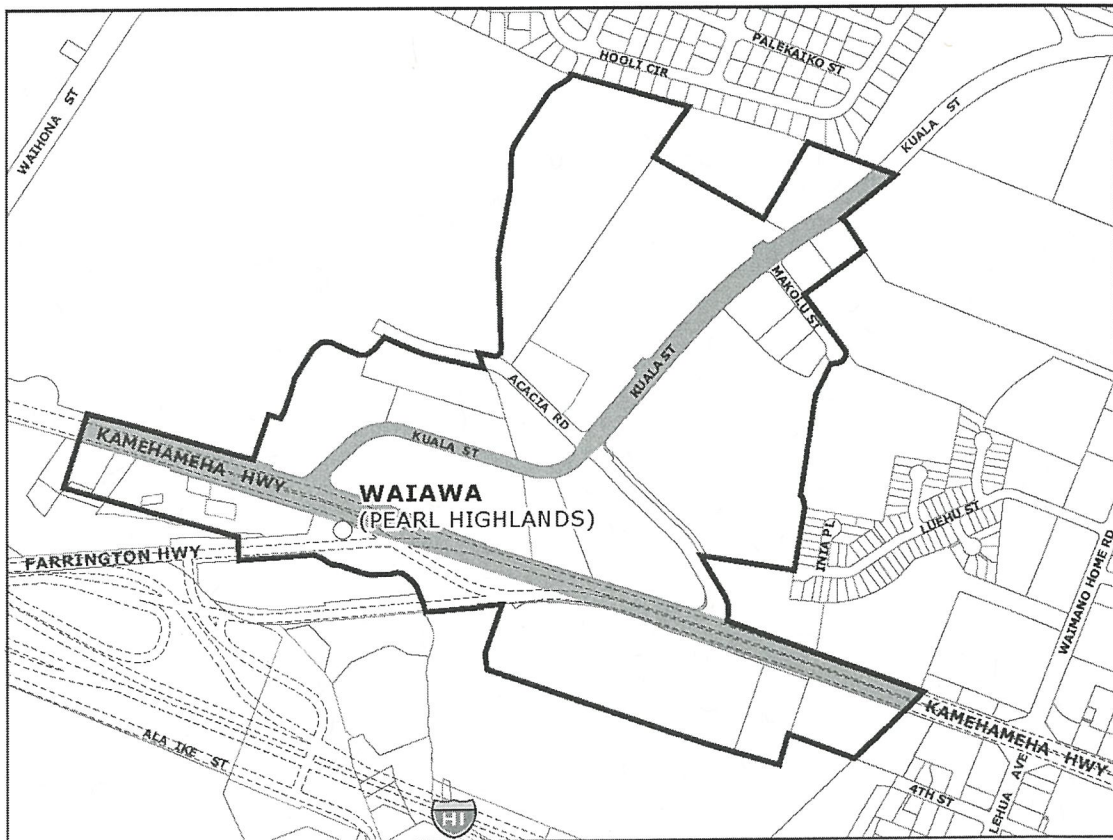
11



A BILL FOR AN ORDINANCE

SECTION 12. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990 ("Special District Regulations"), is amended by adding a new Exhibit 21-9.22 to read as follows:

"EXHIBIT 21-9.22
Waiawa (Pearl Highlands) Station Area



Aiea-Pearl City TOD Neighborhood

LEGEND

-  TOD Special District Boundary
-  Key Street
-  Rail Station

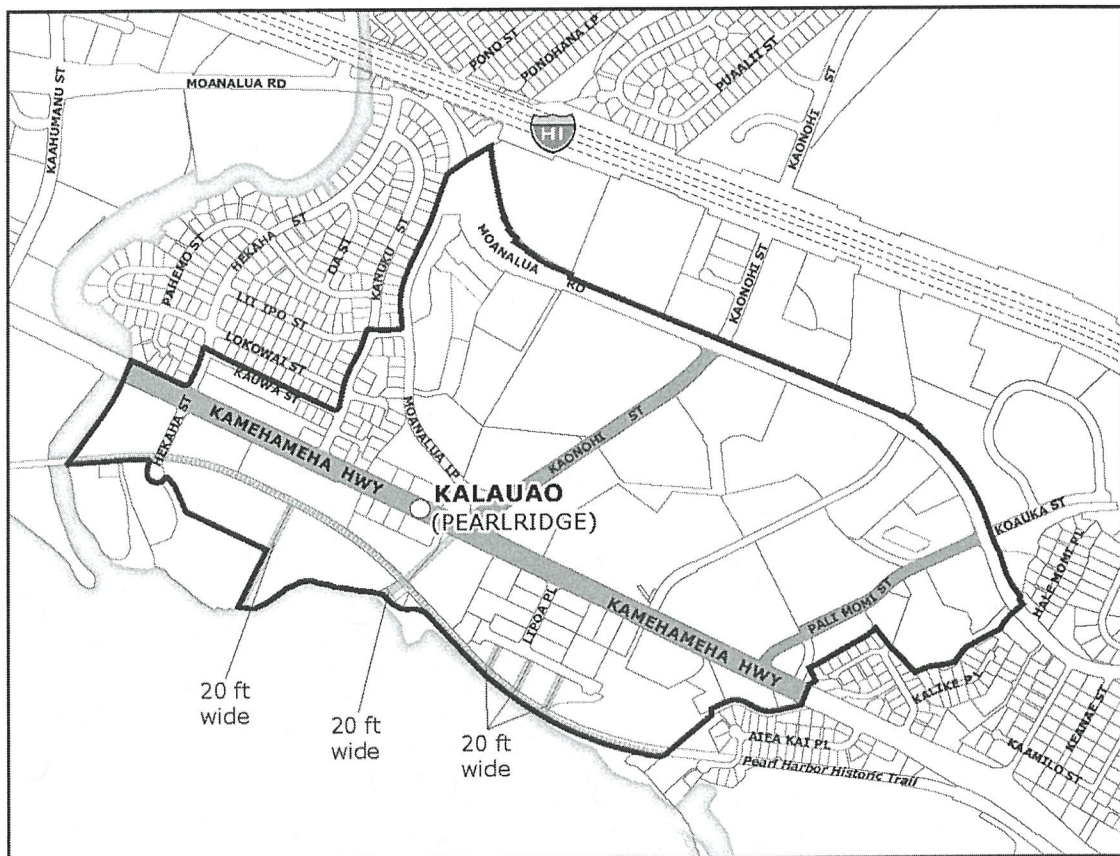




A BILL FOR AN ORDINANCE


SECTION 13. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990 ("Special District Regulations"), is amended by adding a new Exhibit 21-9.23 to read as follows:

"EXHIBIT 21-9.23
Kalauao (Pearlridge) Station Area



Aiea-Pearl City TOD Neighborhood

LEGEND

-  TOD Special District Boundary
-  Key Street
-  Bike-Walk Greenway
-  Pearl Harbor View Corridors
-  Rail Station





CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

SECTION 14. 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
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

SECTION 15. This ordinance takes effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

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

ADDITIONAL
INFORMATION
FROM DEPT. OF
PLANNING AND
PERMITTING TO
PLANNING
COMMISSION
JULY 13, 2022

Aiea-Pearl City

City and County of Honolulu



TOD Special District & Zoning

Planning Commission

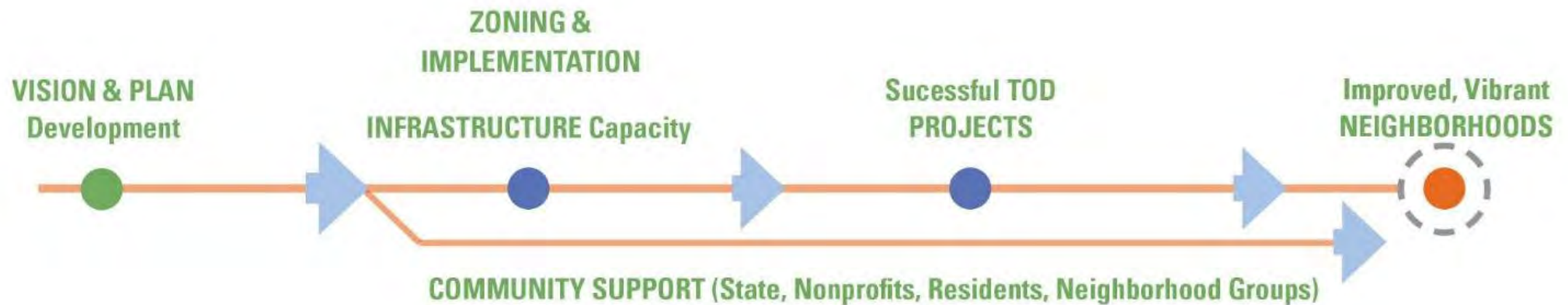
July 13, 2022

Presentation Outline

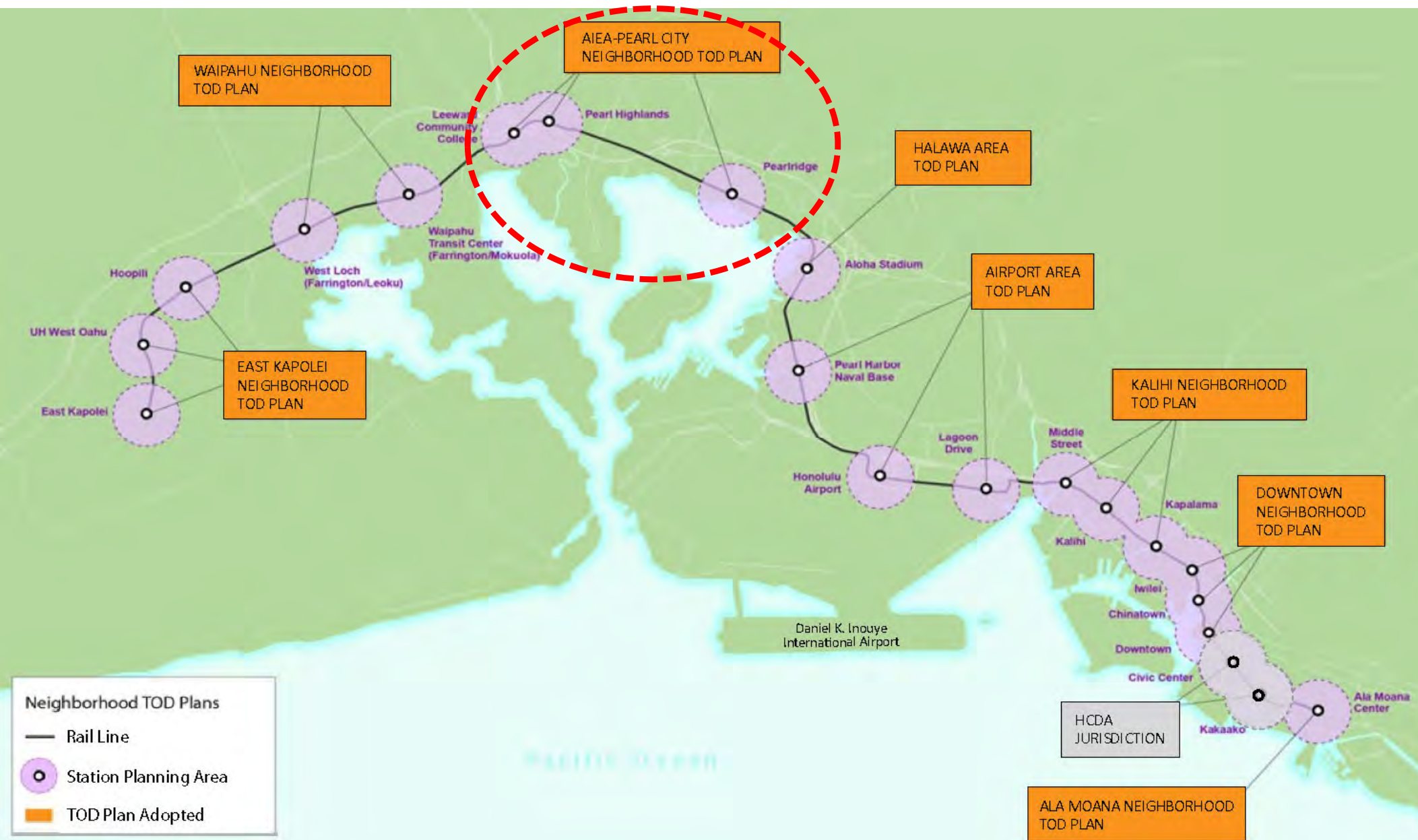
- TOD Program Overview
- Planning and Research Background
- Proposed Zone Changes
- Proposed Special District



TOD Program Overview



Neighborhood TOD Planning



TOD Plan Principles

- Create access and views to water and Pearl Harbor Historic Trail
- Encourage workforce housing
- Create a comfortable and lively pedestrian environment
- Provide multimodal access to and from the stations
- Develop new and enhance existing open space amenities

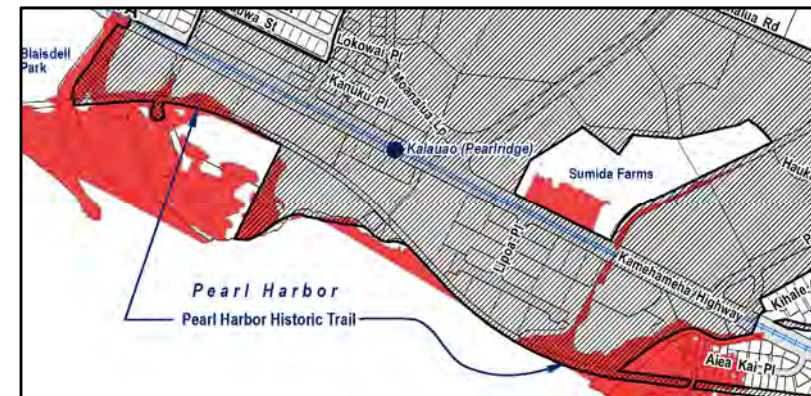


TOD Special District – Primary Design Objectives

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
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
7. Promote the vision of the **Halaulani** (Leeward Community College) station area as a **college-oriented neighborhood** that provides new housing, services, transportation options, and gathering places for students, faculty, and area residents

Coastal Hazards Considerations

- Relatively new area of study with limited guidance
- No TOD Special District or zoning proposed if property over 50% impacted by projected sea level rise
- TOD Special District and limited zoning proposed if property under 50% impacted by projected sea level rise
- Site layout modification possible through TOD Special District permit if coastal hazards, such as sea level rise, impact site
- Reviewing projects on impacted properties on case-by-case basis as more policies and regulations being developed



Proposal Overview

- 3 rail station areas
 - Halaulani (LCC), Waiawa (Pearl Highlands), Kalauao (Pearlridge)
- Extending TOD Special District
 - Key street and view corridor designations
 - Permits bonus FAR and height for community benefits
- Zone changes to allow more mixed uses
 - Maximum base and bonus heights listed on map
 - Heights taper downslope and away from station

Public Participation

- Aiea-Pearl City TOD Plan
 - 4 public workshops
 - Planning Commission public hearing
 - City Council public hearing → adopted via Resolution 14-71, FD1
- Aiea-Pearl City TOD Special District Regulations and Zoning
 - Notification letters to affected property owners
 - Zone change properties
 - Special district properties
 - Properties within 300 feet
 - Standard RFCs: neighborhood boards, agencies, community orgs
 - Public workshop: January 2018
 - Planning Commission public hearing: July 2022
 - City Council public hearing: TBD

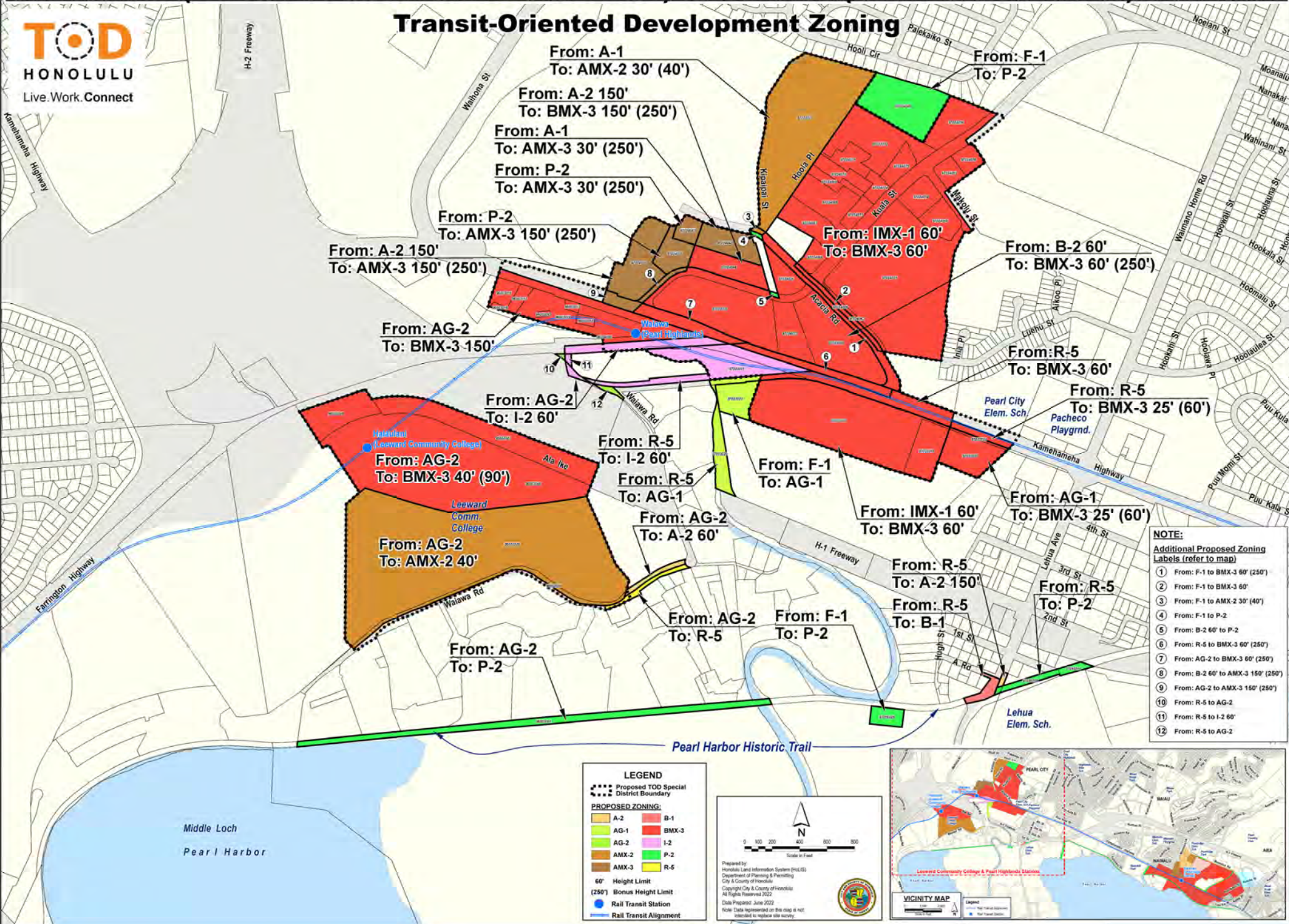
Proposed Zoning Map Changes

- Not all areas from TOD Plan being rezoned
- Incorporating mixed use zoning
 - Commercial activities at street level, residential on upper floors
 - Enliven town centers
 - ✓ Streets used at different times of the day
 - ✓ People can live, work, play, and shop in same area
- Building heights
 - Up to 90 feet in Halaulani (LCC) station area
 - Up to 250 feet in Waiawa (Pearl Highlands) station area
 - Up to 350 feet in Kalauao (Pearlridge) station area
 - Slight increases following public input
 - Community benefits required to utilize bonus heights

Mixed Use Zoning Districts

- Apartment Mixed Use (AMX)
 - Allows some commercial uses in areas where mostly apartments are (or will be) located.
- Business Mixed Use (BMX)
 - Allows residential uses close to employment and retail.

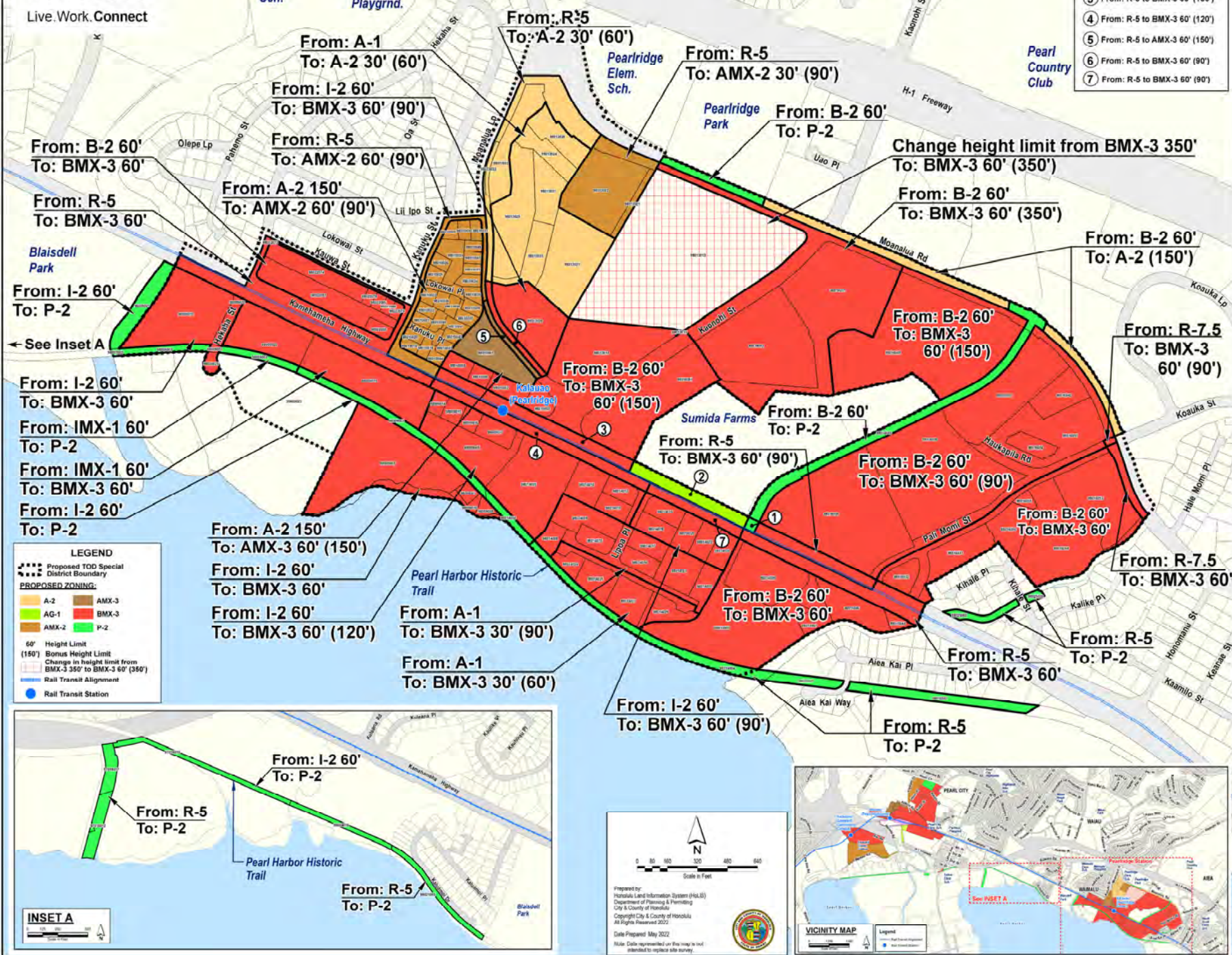




KALAUAO (PEARLRIDGE) STATION Transit-Oriented Development Zoning

NOTE: Additional Proposed Zoning Labels (refer to map)

- ① From: R-5 to P-2
- ② From: R-5 to AG-1
- ③ From: R-5 to BMX-3 60' (150')
- ④ From: R-5 to BMX-3 60' (120')
- ⑤ From: R-5 to AMX-2 60' (150')
- ⑥ From: R-5 to BMX-3 60' (90')
- ⑦ From: R-5 to BMX-3 60' (90')



TOD Special District – Objectives

- Mixture of density and activity
- Maximize transit ridership
- Alternative modes of transportation
- Connectivity and convenient access
- Quality urban design
- Streetscape amenities
- Mix of housing: affordable and rental
- Publicly accessible/useable spaces
- Economic enhancement



TOD Special District – Features

- Regulates building placement and site layout/function, not design focused
 - Buildings near sidewalk/street, parking in back
 - Active ground floor uses and transparency
- Off-street parking optional near transit (TOD areas)
- Density and height bonuses
 - Exchanged for community benefits (e.g., affordable housing, streetscape improvements, parks)
- Skip to building permit if can comply with standards
 - Applies to new things, not existing
 - Permits for activity/use (e.g., increasing density or height)

Community Benefits

Project elements that will mitigate impacts of greater heights, greater densities, or modifications to special district development standards.

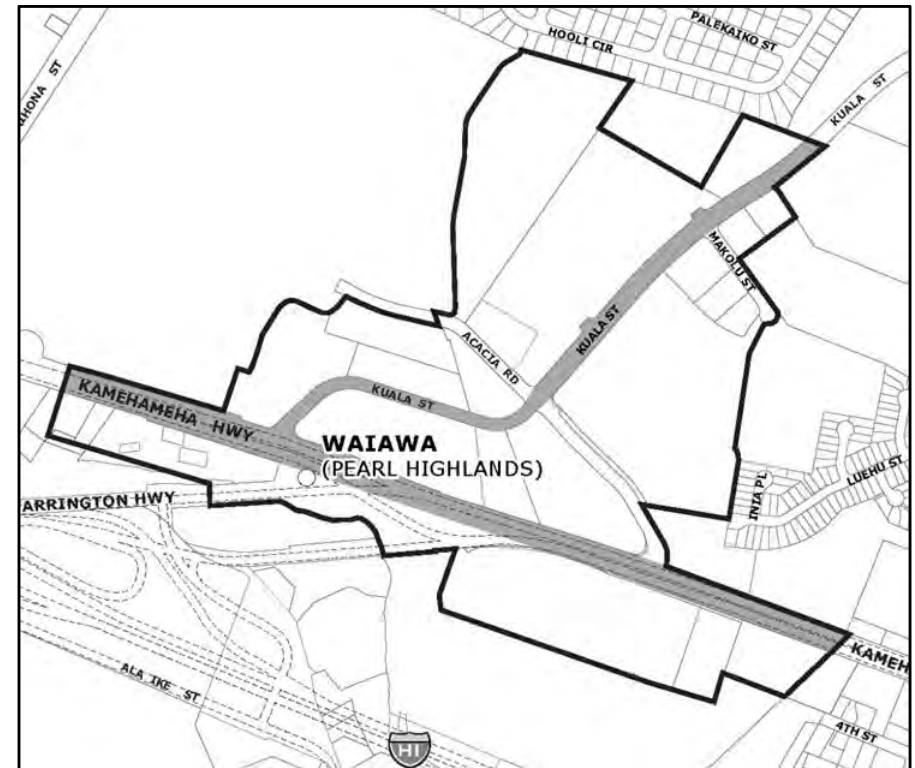
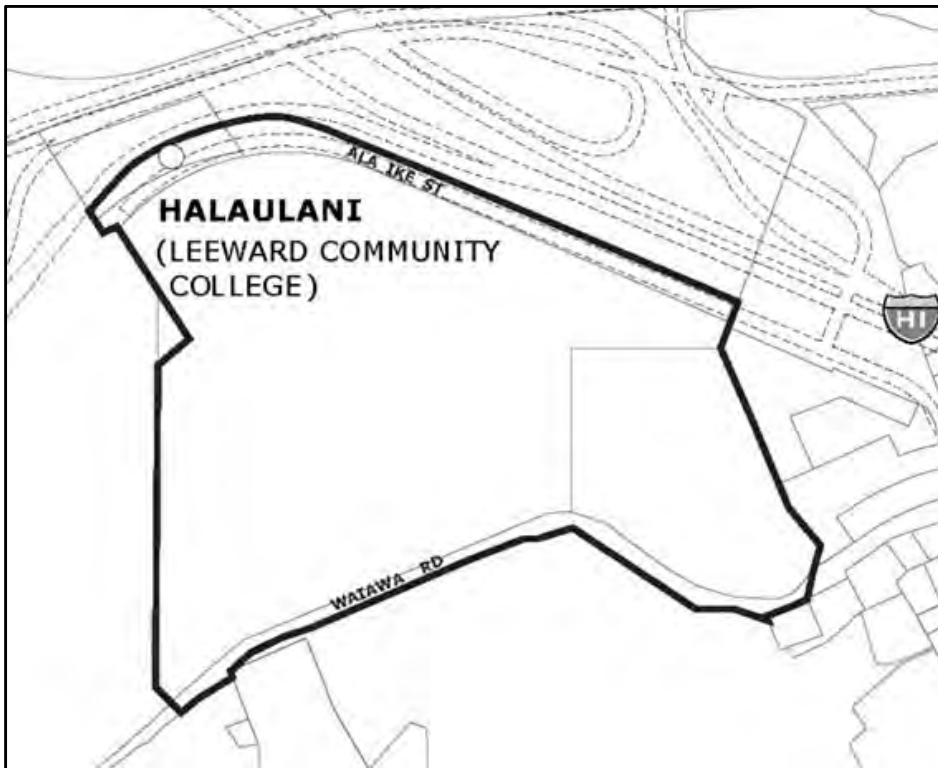
- Affordable housing
- Open space and parks
- Right-of-way improvements
- Financial contributions to existing community amenities or public uses
- Facilities that enhance multi-modal transportation and the pedestrian experience

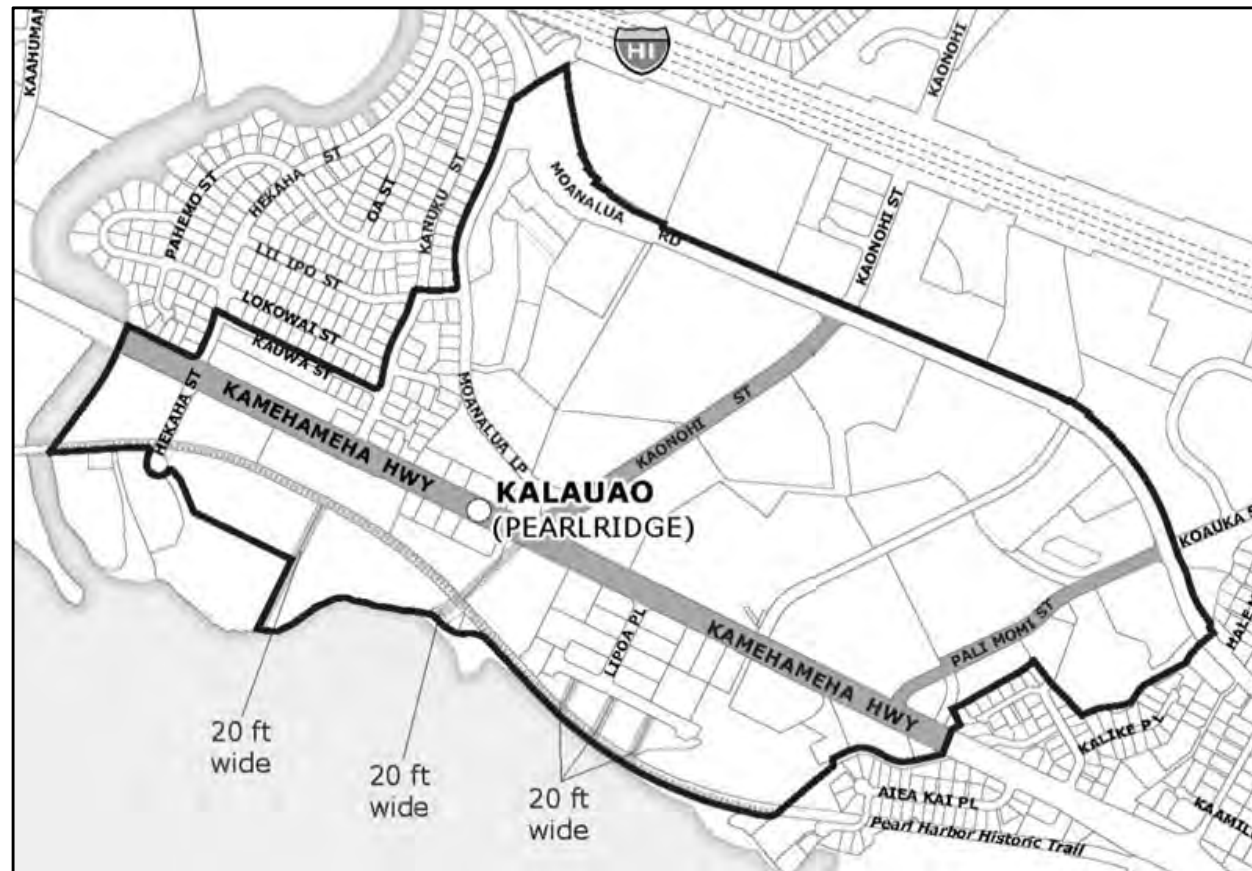
TOD Special District – Nonconformities

A series of thin, wavy, light green lines that sweep across the top of the slide, just below the title.

- Nonconforming Structures: Up to 90% replacement value, new floor area must comply
- Nonconforming Uses: May be expanded on site, but no new floor area allowed
- Nonconforming Site Development: Repairs okay, but new structures must comply

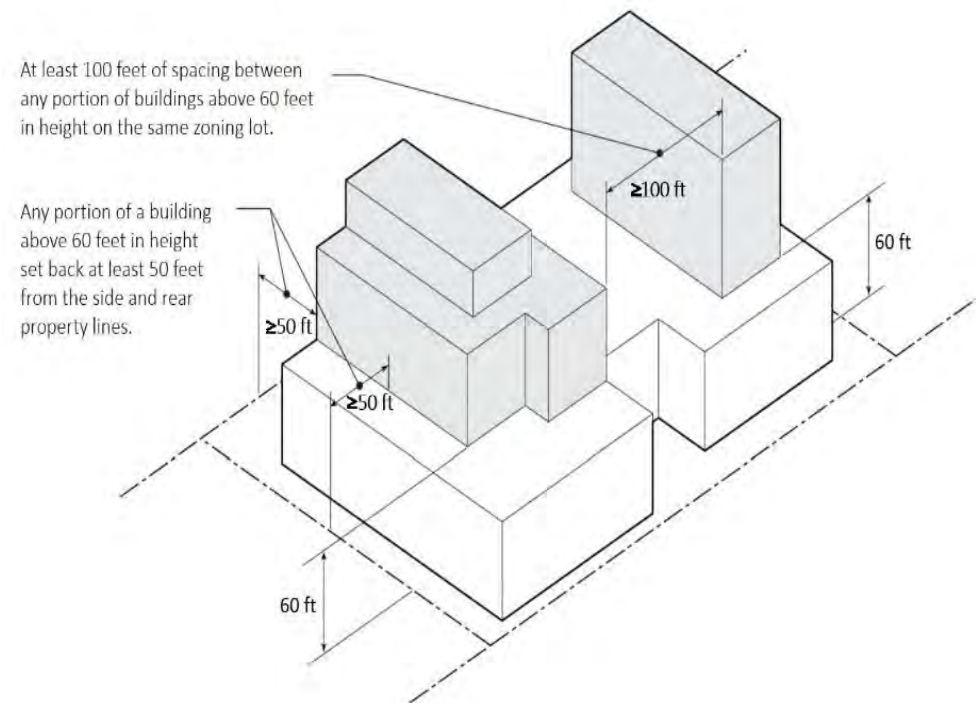
Proposed TOD Special District & Key Streets





TOD Special District – Proposed Setbacks & Orientation

- Max front setback along Highways: 15 feet
- Buildings above 60 feet: setback 50 feet from side and rear, or 100 feet between towers
- Setback modifications under certain circumstances
- Buildings above 40 feet: mauka-makai alignment



TOD Special District – Proposed FAR & Height Bonuses

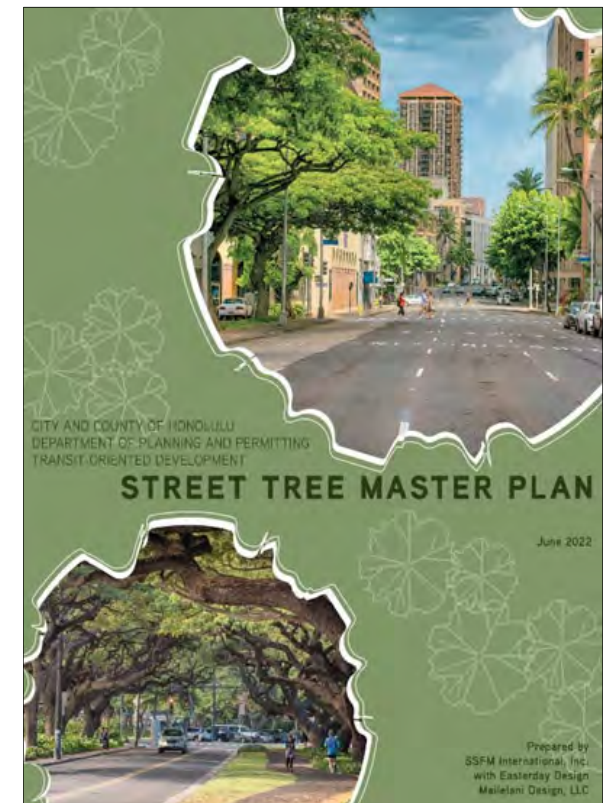
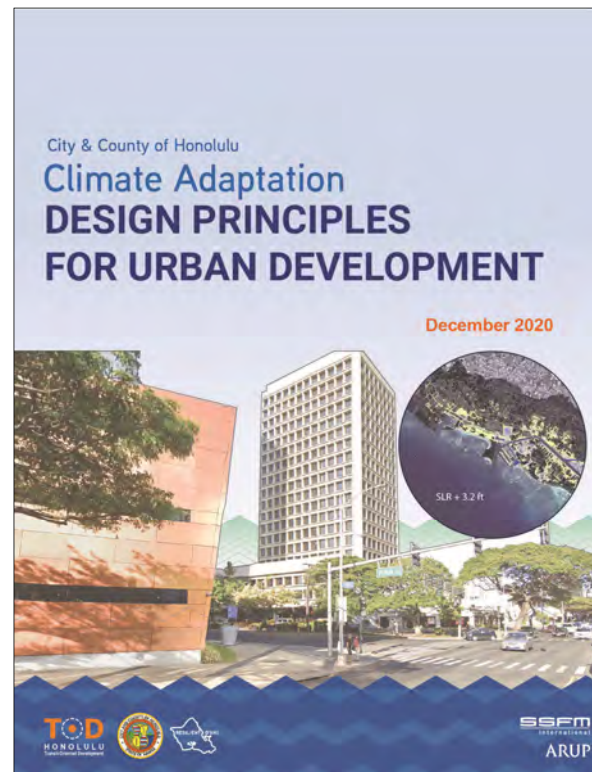
Floor Area Ratios

	BMX-3 and B-2 Districts	Apartment and Apartment Mixed Use Districts	Industrial and Industrial Mixed Use Districts
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

Heights

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
Maximum Height with PD-T Approval	More than 120 feet over the base height limit; or more than three times the base height limit, whichever is less

Developer Resources



www.honolulu.gov/tod/projects/dev-resources

Mahalo!

Questions / Comments?

www.honolulu.gov/tod



Facebook: TODHonolulu



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 three additional Honolulu Rail Transit Project station areas and to incorporate land use standards and guidelines for those areas based on the recommendations in the Aiea-Pearl City Neighborhood TOD Plan.

SECTION 2. Section 21-9.100, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 21-9.100 Transit-oriented development (TOD) special ~~[districts]~~ district.

- (a) The purpose of this section is to establish a TOD special district ~~[around rapid transit]~~ surrounding rail stations to encourage appropriate transit-oriented development.
- (b) The regulations applicable in the TOD special district are in addition to underlying zoning district and, if applicable, special district, regulations, and may supplement and modify the underlying regulations. If any regulation pertaining to the TOD special district conflicts with any underlying zoning district or special district regulation, the regulation applicable to the TOD special district will take precedence. ~~[If any regulation pertaining to a TOD special district conflicts with another special district regulation or unilateral agreement in effect, the regulation applicable to the other special district or unilateral agreement in effect will take precedence.]~~
- (c) As used in this section:

"Active ground floor activities" means those uses and activities that will encourage pedestrian movement and activate the ground floor of buildings, including retail establishments, restaurants, personal service establishments, offices, financial institutions, lobbies for hotels or multifamily dwelling uses, galleries, theaters, and other similar uses and activities.



A BILL FOR AN ORDINANCE

"Bike-walk greenway" means shared-use paths or trails for pedestrians, cyclists, and other users of nonmotorized transportation modes within or adjacent to a TOD special district. Certain development standards will apply only to those zoning lots that abut the bike-walk greenway. Bike-walk greenways are identified on the exhibits set ~~[out]~~ forth at the end of this article.

"Community benefits" means those project elements that will mitigate impacts of greater heights or greater density or modifications to special district development standards. Examples of community benefits include affordable housing, open space, parks, right-of-way improvements, financial contributions to existing community amenities or public uses, and facilities that enhance the pedestrian experience or improve multimodal transportation.

"IPD-T" means an interim planned development-transit project pursuant to Section 21-9.100-5."

"Key streets" means streets within a TOD special district that are most vital to facilitating a walkable, vibrant, economically active neighborhood in the direct vicinity of ~~[the]~~ a rail station. Certain development standards will apply only to those zoning lots fronting a designated key street. The key streets are identified on the exhibits set ~~[out]~~ forth at the end of this article.

"Nonconforming site development" means a zoning lot with structures or uses that comply with underlying zoning district standards, but are not in conformance with all of the standards of the special district, including~~[-]~~ but not limited to~~[-]~~ building location, yard and setback requirements, street facades, building orientation and entrances, parking lot design and location, and bicycle parking.

"PD-T" means a planned development-transit project pursuant to Section 21-9.100-10."

"Rail station" means an existing or planned rail station identified in the Honolulu Rail Transit Project Environmental Impact Statement, accepted by the Governor of the State of Hawaii on December 16, 2010.

"Setback" means the distance from the property line to the front facade of a building.

"Street tree plan" means a street tree planting plan approved in accordance with the city "Standards and Procedures for the Planting of Street Trees."



A BILL FOR AN ORDINANCE

"TOD" means transit-oriented development.

"TOD development regulations" means the regulations establishing the permitted uses and structures and development standards within a TOD special district, which will be established by the council by ordinance, pursuant to the provisions of this section. TOD development regulations may include provisions specific to certain rail station areas.

"TOD special district" means that area surrounding [~~existing and future~~] rail [~~transit~~] stations along the rail alignment and designated in Section 21-9.100-12. Lands within a TOD special district are subject to TOD development regulations.

"TOD station area" or "station area" means the parcels of land around a rail [~~transit~~] station subject to the TOD development regulations. Generally, the TOD station area will consist of that land within approximately [~~one-half mile~~] 0.5 miles of the related [~~transit~~] rail station, which is roughly the distance of a 5- to 10- minute walk from the station, as identified on the exhibits set [~~out~~] forth at the end of this article."

SECTION 3. Section 21-9.100-2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 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 or amendment of a 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 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;



A BILL FOR AN ORDINANCE

- (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 precincts, as appropriate, including density incentives. Prohibition of specific uses must be considered. Form-based zoning may be considered;
- (4) Preservation of existing affordable housing and potential opportunities for new affordable housing, and as appropriate, with supportive services;
- (5) Preservation of existing healthcare services. For 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) Mitigating gentrification of the community;
- (7) Consideration of flood hazards, including coastal hazards such as sea level rise, which may affect neighborhood infrastructure and land; and
- ~~[(7)]~~(8) 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 ~~[should]~~ 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.
- (d) The neighborhood TOD plan must be consistent with the applicable regional development plan.



A BILL FOR AN ORDINANCE

- (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.
- (f) The neighborhood TOD plan must be submitted to the council and approval of the plan will be by council resolution, with or without amendments.
- (g) The primary design objectives of the Waipahu Neighborhood TOD Plan are as follows: [-]
- ~~[(1) — The Waipahu Neighborhood TOD Plan was adopted by the council via Resolution No. 14-47, CD1, on April 16, 2014. It includes the West Loch and Waipahu Transit Center station areas.~~
- ~~(2) The Waipahu Transit Center station area reflects]~~
- (1) Maintain Waipahu's heritage as a former sugar plantation town[-. The area is generally] in the Pouhala (Waipahu Transit Center) station area;
- (2) Maintain the area's low-rise [in] character and [contains a] wide range of uses[-. The plan envisions the retention of the];
- (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 [Road] Street and Farrington Highway[-];
- ~~[(3) — Development]~~ (4) Concentrate development in the [West Loch] Hoaeae (West Loch) station area [will be concentrated] in the area adjacent to the [transit] rail station along Farrington Highway and Leoole Street[-]; and
- (5) [The plan envisions] 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



A BILL FOR AN ORDINANCE

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;
- (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 that provides new housing, services, transportation options, and gathering places for students, faculty, and area residents."

SECTION 4. Section 21-9.100-5, Revised Ordinances of Honolulu 1990 ("Interim planned development-transit (IPD-T) projects"), as amended by Ordinance 20-40 and Ordinance 20-41, is amended by amending subsection (b) to read as follows:

"(b) Eligible zoning lots. IPD-T projects may be permitted on zoning lots that meet the following standards:

- (1) Where an approved neighborhood TOD plan exists for the area, the [site] zoning lot must be included in the maps and figures showing the proposed special district in the plan. Where a neighborhood TOD plan has not yet been adopted by the city council, the [site] zoning lot must be included in the maps and figures showing the anticipated special district included in the draft neighborhood TOD plan at the time the application for the principal project is submitted to the department and accepted as complete;



A BILL FOR AN ORDINANCE

- (2) Except as provided in subdivision (3), where there is no neighborhood TOD plan for a station area, a portion of the zoning lot must be within ~~[a one-half mile radius]~~ 0.5 miles of a ~~[planned H RTP]~~ rail station~~[, as approved by the Honolulu Authority for Rapid Transportation]~~. For purposes of this section, the minimum distance requirement is measured as the shortest straight line distance between the edge of the rail station ~~[area]~~ and the zoning lot lines of the project site;
- (3) For public housing projects, a portion of a zoning lot must be within ~~[a one-mile radius]~~ 1 mile of a ~~[planned H RTP]~~ rail station. This is applicable to station areas with and without a neighborhood TOD plan;
- (4) The minimum project size is 20,000 square feet. Multiple zoning lots may be part of a single IPD-T project if ~~[all of the lots are under single owner 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. Zoning lots may be added to or removed from existing IPD-T projects upon the application of the owners, lessees, developers or other designated representatives of the zoning lots to be added or removed with the written consent of the original applicant for the existing IPD-T project, or its successor. Applications for the addition or removal of zoning lots will be processed in accordance with other applicable regulations of this chapter. Zoning lots to be removed from an IPD-T project must comply with all zoning regulations applicable to that zoning lot separate from the IPD-T project. Multiple zoning lots in a single IPD-T project must be contiguous[,]; provided that zoning lots that are not contiguous may be part of a single IPD-T project if all the following conditions are [met:] satisfied:
- (A) The zoning lots are not contiguous solely because they are separated by a street or right-of-way, ~~[such]~~ so that if the street were to be removed, the zoning lots would be adjacent to each other; and
- (B) Each noncontiguous portion of the IPD-T project~~[,]~~ site, whether comprised of a single zoning lot or multiple contiguous zoning lots, has a minimum area of 10,000 square feet.



A BILL FOR AN ORDINANCE

When [a] an IPD-T project consists of noncontiguous zoning lots as provided [~~above,~~] in this subdivision, pedestrian walkways, improved streetscapes, or functional design features connecting the separated lots are strongly encouraged to unify the project site. Multiple zoning lots that are part of an approved single IPD-T project will be considered and treated as one zoning lot for purposes of the project, [~~and no~~] without requiring a separate [conditional use] permit[-minor] for [a] the joint development of multiple zoning lots [is required];

- (5) The IPD-T project site must be entirely within the state-designated urban district;
- (6) All eligible zoning lots must be within the apartment, apartment mixed use, business, business mixed use, resort, industrial, or industrial-commercial mixed use districts; provided that this subdivision does not apply to landscape lots, right-of-way lots, or other lots utilized for similar utilitarian (infrastructure) purposes; and
- (7) The TOD special district will be established incrementally, with station areas being added to the TOD special district as the council approves the neighborhood TOD plans and as the subsequent special district regulations are added to this chapter to reflect each TOD station area. Upon the establishment of the TOD special district and its related development regulations, all zoning lots within the station areas that are added to the TOD special district will no longer be eligible for [~~this interim~~] an IPD-T permit, but must henceforth comply with all applicable TOD special district regulations and requirements [~~enumerated by~~] set forth in this chapter; provided that any application for an IPD-T project that has received council approval of its conceptual plan prior to the date of enactment of the ordinance expanding the TOD special district to the station area where the project site is located will continue to be processed under and be subject to this section and the applicable use and development standards [~~approved~~] allowed under the approved conceptual plan."

SECTION 5. Section 21-9.100-8, Revised Ordinances of Honolulu 1990 ("General requirements and development standards"), as amended by Ordinance 20-41, is amended by amending subsections (a), (b), and (c) to read as follows:



A BILL FOR AN ORDINANCE

- "(a) Site ~~[Development and Design Standards.]~~ 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:

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

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



A BILL FOR AN ORDINANCE

~~lesser of 50 percent of the total bonus height available, or 50 feet.]~~
as follows:

<u>Maximum Height with Minor Special District Permit</u>	<u>60 feet over the base height limit; or twice the base height limit, whichever is less</u>
<u>Maximum Height with Major Special District Permit</u>	<u>120 feet over the base height limit; or three times the base height limit, whichever is less</u>
<u>Maximum Height with PD-T Approval</u>	<u>More than 120 feet over the base height limit; or more than three times the base height limit, whichever is less</u>

- (E) Where a TOD special district permit is sought to achieve height or density bonuses, the degree of flexibility requested must be ~~[reasonably related]~~ commensurate to the community benefits the development will provide for the enhancement of the ~~[TOD]~~ 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 ~~[on-site,]~~ 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 station area as the project site. ~~[Where the project proposes more than 10 residential dwelling or lodging units, or both, the affordable for-sale or rental units]~~ Affordable housing provided as a community benefit under this paragraph must be in addition to the affordable housing requirements of Chapter 38[-], which are based on a percentage of the total number of dwelling units in the principal project, and include higher percentages for



A BILL FOR AN ORDINANCE

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 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 work projects pursuant to HRS Chapter 104.

- (F) When an applicant seeks to exceed the base height or density 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 Section 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 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 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.



A BILL FOR AN ORDINANCE

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

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

Required Yard Standards		B-2 and BMX-3 Districts	Apartment and Apartment Mixed Use Districts	Industrial and Industrial Mixed Use Districts
Minimum Front Setback ¹	All Streets	5 ⁽⁴⁾		
Maximum Front Setback ¹	<u>Non-Key Street</u>	<u>10</u>	<u>None</u>	
	Key Street	10	15	10
	[Non-Key Street]	10	N/A	N/A
	<u>Highway²</u>	<u>15</u>		

¹ Front ~~[yard may be reduced,]~~ setbacks may be modified pursuant to ~~[requirements in]~~ Section 21-9.100-8(a)(3)(C).

² For 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:

~~[(i)]~~ (aa) A paved public sidewalk at least ~~[eight]~~ 8 feet in width fronts the building; or

~~[(ii)]~~ (bb) Other buildings on the same block and sharing the same street frontage are set back less than ~~[five]~~ 5 feet from the property line, and the proposed building location will match the existing ~~[setback(s)]~~ setbacks so that the proposed building facade creates a consistent building alignment.



A BILL FOR AN ORDINANCE

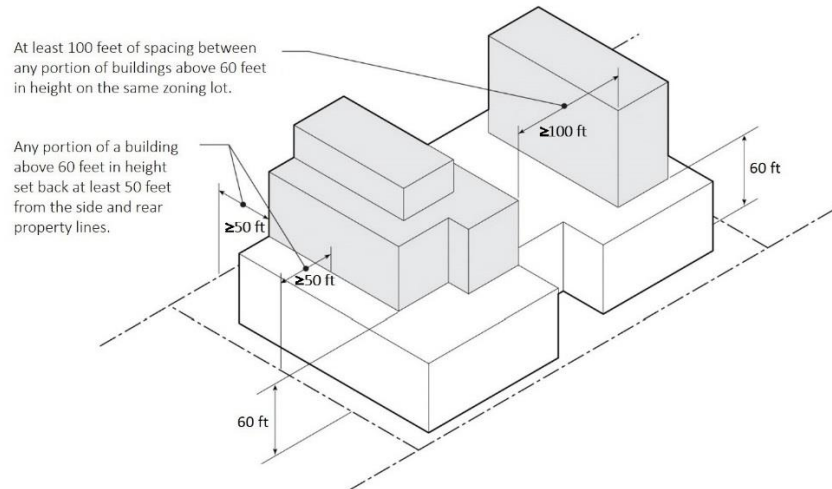
- (ii) Buildings may be located beyond the maximum setback if the additional setback is necessary to provide for a tree within the property because it is not feasible to provide for street trees within the adjacent right-of-way due to limitations such as the location of existing infrastructure.

(D) Street facade and building placement.

- (i) On corner zoning lots fronting at least one key street, buildings must be located within 30 feet of such 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 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 Section 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:



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 Section 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 avoid a long axis aligned in an ewa-Diamond Head 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 hardsurface, 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.

(ii) Awnings and other sunshade devices may exceed the 36-inch horizontal projection limit established in Section 21-4.30(b), and may encroach into the right-of-way;



A BILL FOR AN ORDINANCE

provided that they meet all requirements of the building codes and do not conflict with any street tree requirements.

~~[(ii)]~~[(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 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 ~~[three]~~ 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, 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, ~~[other than]~~ except for openwork fences that do not exceed ~~[four]~~ 4 feet in height, may be erected within the 10-foot setback area. For the purposes of this section, "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 ~~[must]~~ shall install street trees, as required by the director.
- (I) The standards of this subdivision may be modified through a special district permit ~~[where]~~ if at least one of the following conclusions ~~[can]~~ may be made:
- (i) Irregular property lines, zoning lot configuration, coastal hazards as projected using best available science, or topography of the ~~[site]~~ zoning lot render the yards, setbacks, street façade ~~[and]~~ or building placement standards infeasible;



A BILL FOR AN ORDINANCE

- (ii) The existing built environment is arranged in such a way that the yards, setbacks, street facade, ~~[and]~~ or building placement standards are incompatible or unreasonable, and better overall design ~~[can]~~ 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) ~~[These]~~ The requirements of this subdivision may be modified through a special district permit if irregular property lines, zoning lot configuration, or topography of the ~~[site]~~ 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 above the level of the sidewalk. See Figure 21-9.13. Blank walls ~~[cannot]~~ 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:



A BILL FOR AN ORDINANCE

- (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 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 [~~three~~] 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 visual interest at the pedestrian level and activate the sidewalk area.
- (6) Pedestrian walkways. Walkways with a minimum five-foot unobstructed width must be provided according to the following standards:
 - (A) Pedestrian walkways must create internal connections by connecting all buildings on a [~~site~~] zoning lot to each other, to [~~on-site~~] onsite automobile and bicycle parking areas, and to any [~~on-site~~] onsite open space areas or pedestrian amenities. See Figures 21-9.14 and 21-9.15;
 - (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 developments on zoning lots one acre or more in size whenever possible; and



A BILL FOR AN ORDINANCE

- (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.
- (b) Specific [~~Use Development Standards.~~] use development standards.
 - (1) [~~All new development proposing more than 10 residential dwelling or lodging units, or both,~~] Projects must satisfy the applicable affordable housing requirements of Chapter 38.
 - (2) Outdoor dining areas are subject to the following:
 - (A) A planter or hedge of not more than [~~30 inches~~] 2.5 feet in height may be provided in the required yard to define the perimeter of the outdoor dining area;
 - (B) Outdoor dining facilities are limited to chairs, tables, serving devices and umbrellas. When umbrellas are used, they will not be counted against open space calculations; and
 - (C) Outdoor dining areas must not be used after 11:00 p.m. or before 7:00 a.m.
- (c) Vehicle parking, loading, and bicycle parking.
 - (1) [~~Effective December 1, 2025, at-grade~~] At-grade parking spaces and parking on the ground floor of any structure must not be located within 40 feet of any front property line. See Figures 21-9.8 and 21-9.9. Exceptions may be granted with the approval of a special district permit if the director determines that:
 - (A) Buildings are built as close as possible to the public sidewalk; and
 - (B) The site is small and constrained such that underground, structured, and surface parking located more than 40 feet from the street frontage could not be accommodated.
 - (2) Service areas and loading spaces must be located at the side or rear of the site. This requirement may be modified through a special district permit if the director determines that the size and configuration of the lot make such a requirement infeasible.



A BILL FOR AN ORDINANCE

- (3) Vehicular access must be provided from a secondary street wherever possible and located where it is least likely to impede pedestrian circulation, as approved by the appropriate agencies.
- (4) The ground floor of parking structures on all streets must be designed and used for active ground floor activities within 40 feet of the front property line."

SECTION 6. Section 21-9.100-10, Revised Ordinances of Honolulu 1990 ("Planned development-Transit (PD-T) projects"), is amended by amending subsections (a), (b), and (c) to read as follows:

"(a) Eligibility. PD-T projects may be permitted on zoning lots that meet the following standards:

- (1) PD-T projects are permitted on zoning lots with a minimum project size of ~~[at least]~~ 20,000 square feet. Multiple zoning lots may be part of a single PD-T project if ~~[all of the lots are under a single owner 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. Zoning lots may be added to or removed from existing PD-T projects upon the application of the owners, lessees, developers, or other designated representatives of the zoning lots to be added or removed with the written consent of the original applicant for the existing PD-T project, or its successor. Applications for the addition or removal of zoning lots will be processed in accordance with other applicable regulations in this chapter. Zoning lots to be removed must comply with all zoning regulations applicable to that zoning lot separately from the PD-T project. Multiple zoning lots in a single PD-T project must be contiguous; provided that zoning lots that are not contiguous may be part of a single PD-T project if all of the following conditions are ~~[met:]~~ satisfied:
 - (A) The zoning lots are not contiguous solely because they are separated by a street or right-of-way, so if the street were to be removed, the zoning lots would be adjacent to each other; and



A BILL FOR AN ORDINANCE

- (B) Each noncontiguous portion of the PD-T project, whether comprised of a single zoning lot or multiple contiguous zoning lots, ~~[must have]~~ has a minimum area of 10,000 square feet.

When a PD-T project consists of noncontiguous zoning lots as provided ~~[above,]~~ in this subdivision, pedestrian walkways, improved streetscapes, or ~~[functioning]~~ functional design features connecting the ~~[separated]~~ separate zoning lots are strongly encouraged to unify the project site. Multiple zoning lots that are part of an approved single PD-T project will be considered and treated as one zoning lot for purposes of the project without requiring a separate ~~[conditional use]~~ permit~~[-minor]~~ for [a] the joint development of multiple zoning lots.

- (2) This subsection does not apply to landscape lots, right-of-way lots, or other lots ~~[utilized]~~ used for similar utilitarian (infrastructure) purposes.
- (b) Standards for ~~[Review.]~~ review.
- (1) All of the development standards of a TOD special district will apply to PD-T projects, ~~[unless]~~ except as otherwise ~~[noted]~~ provided in this section. Greater height and density bonuses are available to PD-T projects and the development standards may be modified in any way that would normally be allowed through a special district permit. The degree of flexibility sought through the PD-T process must be reasonably related to the community benefits provided. The highest degree of flexibility may be authorized by this permit for those projects that demonstrate those standards enumerated in Section 21-9.100-8(a)(1)(E) and described in Section 21-9.100-9(b).
- (2) PD-T projects must be generally consistent with the approved neighborhood TOD plan for the ~~[affected]~~ area.
- (c) Site ~~[Development and Design Standards.]~~ development and design standards. The standards set forth by this subsection are general requirements for PD-T projects. When applicants seek the modification of TOD special district standards, the modification must be for the purpose of accomplishing the goals and objectives of the TOD special district. Also, the modification must be commensurate with the ~~[contributions]~~ community benefits provided in the project plan, and the project must be generally consistent with the neighborhood TOD plan for the area.



A BILL FOR AN ORDINANCE

- (1) Density. ~~[Pursuant to]~~ The maximum allowable density is specified in Section 21-9.100-8(a)(1)(A)[, the maximum allowable density will be as follows:
 - ~~(A) In BMX-3 and B-2 districts, the maximum FAR may be up to seven;~~
 - ~~(B) In the apartment and apartment mixed use districts, the maximum FAR may be up to twice that allowed by the underlying zoning district; and~~
 - ~~(C) In the IMX-1 and I-2 districts, the maximum FAR may be up to twice that allowed by the underlying zoning district]~~ by zoning district.
- (2) The maximum height ~~[cannot]~~ must not exceed the bonus height limit shown as the parenthetical number on the zoning maps.
- (3) Transitional height or height setbacks may be modified ~~[where]~~ if adjacent uses and street character will not be adversely affected.
- (4) PD-T projects ~~[proposing more than 10 residential dwelling or lodging units, or both,]~~ must satisfy the applicable affordable housing requirements of Chapter 38. ~~[If affordable]~~ Affordable housing that is provided as a community benefit [to justify flexibility with respect to development standards, the affordable housing] must be in addition to the affordable housing requirements of Chapter 38~~[-]~~, 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."

SECTION 7. Section 21-9.100-11, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 21-9.100-11 TOD special ~~[district-Project]~~ district-project classification.

Refer to Table 21-9.8 to determine whether specific categories of projects will be classified as major, minor, or exempt. For the purposes of this section, in addition to Section 21-9.20-2(c), the term "exempt" means projects that are in full compliance with the standards and objectives of a TOD special district.



A BILL FOR AN ORDINANCE

Table 21-9.8 TOD Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Major modification, additions, or new construction on sites one acre or more in size	M/m	Projects on key streets are major. All others will be minor, unless the director has determined that the project may result in substantial impacts.
Alterations or repair on sites one acre or more in size	E	
Major modification, alteration, repair, additions, or new construction on sites less than one acre in size	E	
Interior repairs, alterations and renovations to all structures	E	
Modifications to [height or] FAR	M/m	<u>See Section 21-9.100-8(a)(1)(A).</u> <u>PD-T approval may be required prior to obtaining a major permit.</u> [Projects seeking a maximum FAR of up to 3.5 are major. Projects seeking a bonus height that does not exceed the lesser of 50 percent of the total bonus height available, or 50 feet, are major. All other projects seeking densities or heights beyond the base limits specified in Sections 21-9.100-8(a)(1)(A) and 21-9.100-8(a)(1)(D) are PD-T.]
<u>Modifications to height</u>	M/m	<u>See Section 21-9.100-8(a)(1)(D).</u> <u>PD-T approval may be required prior to obtaining a major permit.</u>



A BILL FOR AN ORDINANCE

Table 21-9.8 TOD Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Modification to the following standards: <ul style="list-style-type: none">• Yards and setbacks• Street facade and building placement• Building orientation and entrances• Building transparency• Number of parking stalls• Location of above ground surface parking• Location of service area and loading spaces• Bicycle parking• The commercial use density and location provisions in the apartment mixed use districts• Additional commercial density in the apartment mixed use districts.• Reconfiguration of sidewalk area	m	Where modifications to the standards are otherwise covered in a major permit, the minor permit is not required.
Demolition of structures	E	
Residential units in the IMX-1 district	m	



A BILL FOR AN ORDINANCE

Table 21-9.8 TOD Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
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.
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. <u>Pursuant to Sections 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. Where a PD-T or major special district permit are otherwise required, a separate minor special district permit is not required.</u></p> <p>Legend: Project classification: M = Major; m = Minor; E = Exempt</p>		

11



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

SECTION 8. Section 21-9.100-12, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 21-9.100-12 TOD special district boundaries.

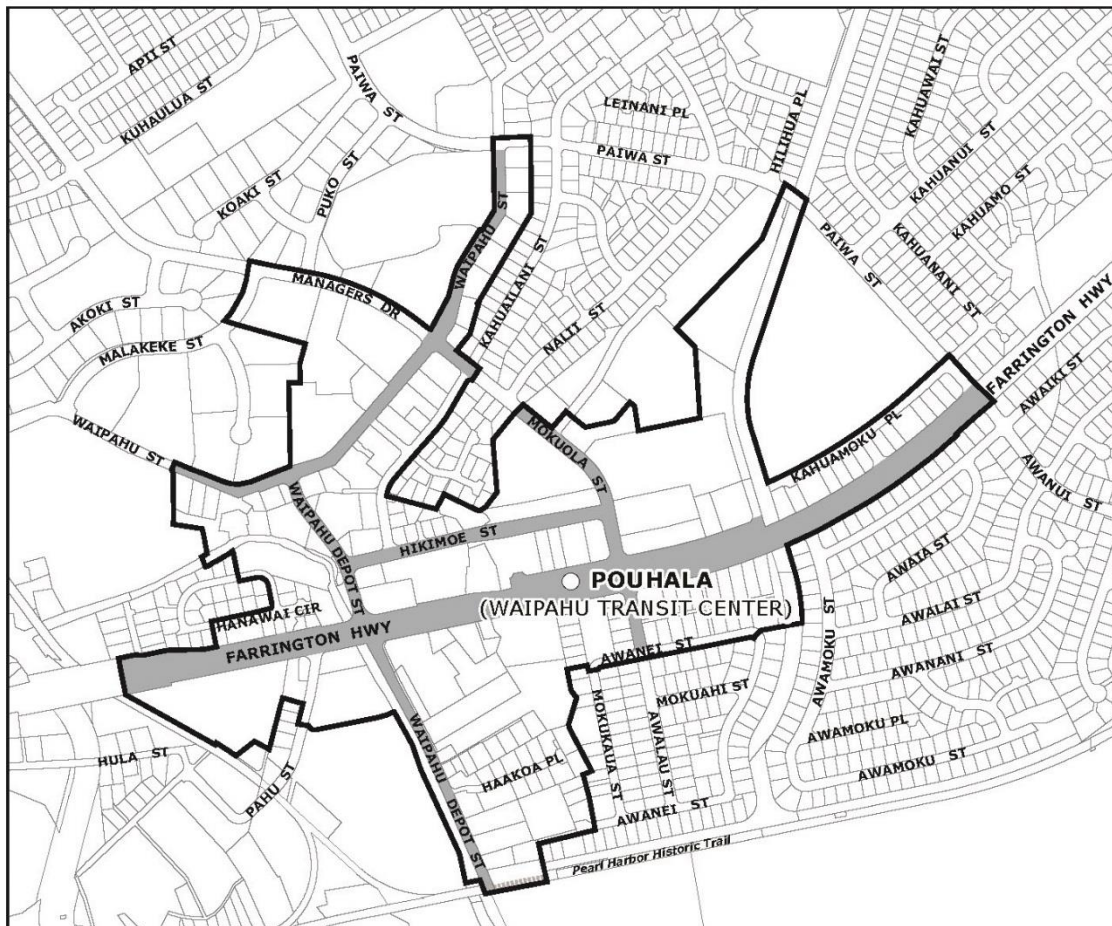
- (a) The ~~[West Loch Station]~~ Hoaeae (West Loch) station area TOD special district boundaries are designated on Exhibit 21-9.19, set ~~[out]~~ forth at the end of this article.
- (b) The ~~[Waipahu Transit Center Station]~~ Pouhala (Waipahu Transit Center) station area TOD special district boundaries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



A BILL FOR AN ORDINANCE

SECTION 10. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990 ("Special District Regulations"), is amended by replacing Exhibit 21-9.20 with a new Exhibit 21-9.20 to read as follows:

"EXHIBIT 21-9.20
Pouhala (Waipahu Transit Center) Station Area



Waipahu TOD Neighborhood

LEGEND

- TOD Special District Boundary
- Key Street
- Bike-Walk Greenway
- Rail Station





CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

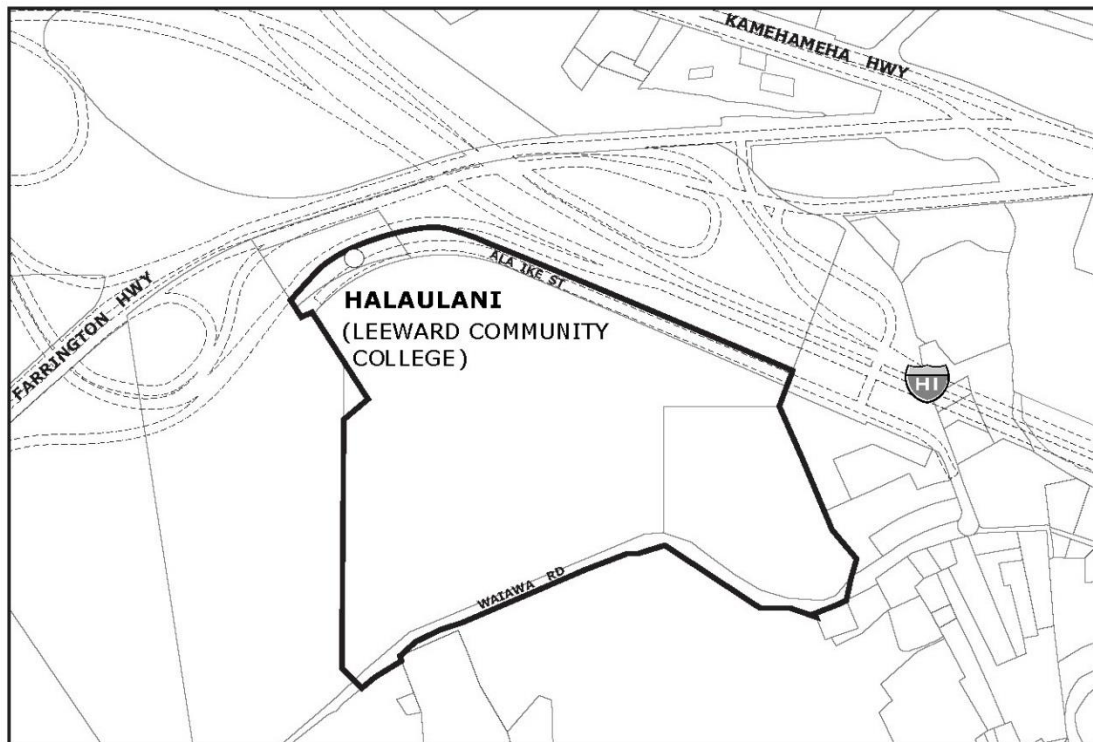
ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

SECTION 11. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990 ("Special District Regulations"), is amended by adding a new Exhibit 21-9.21 to read as follows:

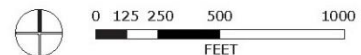
"EXHIBIT 21-9.21
Halaulani (Leeward Community College) Station Area



Aiea-Pearl City TOD Neighborhood

LEGEND

- TOD Special District Boundary
- Rail Station



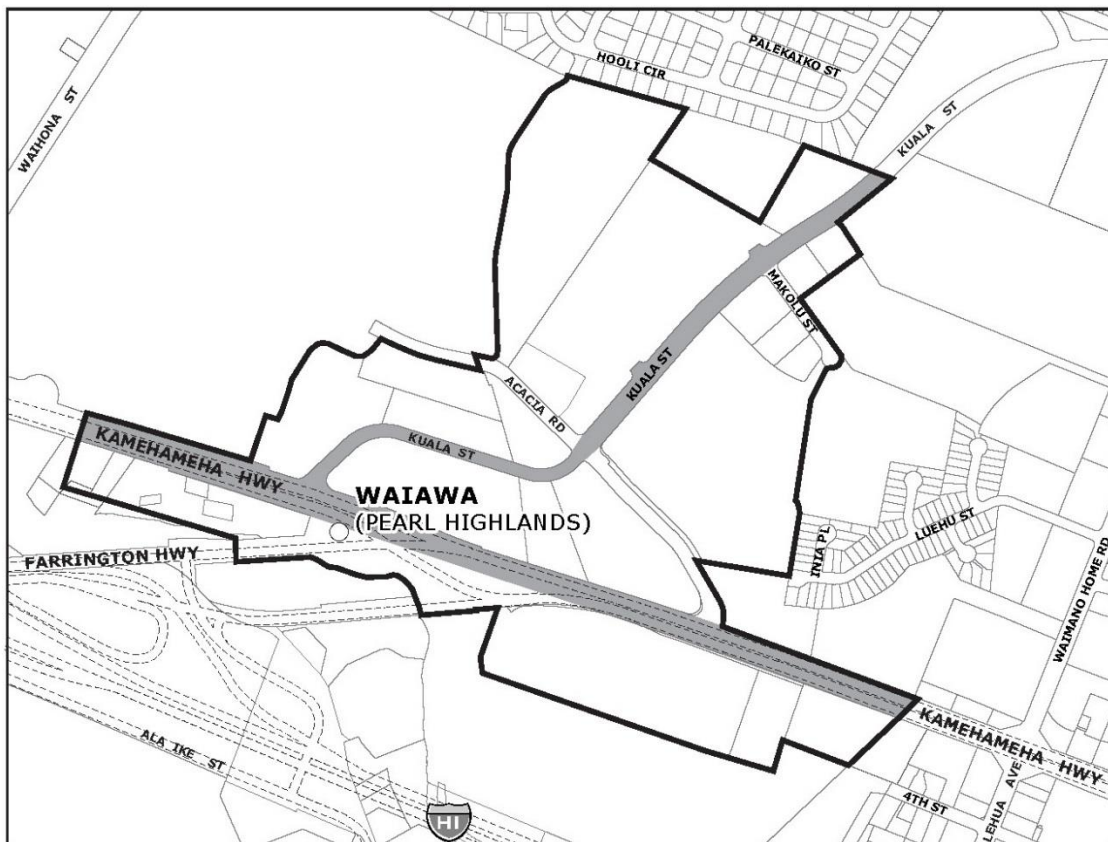
"



A BILL FOR AN ORDINANCE

SECTION 12. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990 ("Special District Regulations"), is amended by adding a new Exhibit 21-9.22 to read as follows:

"EXHIBIT 21-9.22
Waiawa (Pearl Highlands) Station Area



Aiea-Pearl City TOD Neighborhood

LEGEND

-  TOD Special District Boundary
-  Key Street
-  Rail Station



11



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____

A BILL FOR AN ORDINANCE

SECTION 14. 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.



A BILL FOR AN ORDINANCE

SECTION 15. This ordinance takes effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

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