

REPORT OF THE COMMITTEE ON ZONING AND PLANNING

Voting Members:

Brandon J.C. Elefante, Chair; Esther Kia'āina, Vice-Chair;
Radiant Cordero, Calvin K.Y. Say

Committee Meeting Held
September 22, 2022

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning and Planning, to which was referred
Bill 49 (2022), CD1 entitled:

"A BILL FOR AN ORDINANCE RELATING TO THE TRANSIT-ORIENTED
DEVELOPMENT SPECIAL DISTRICT,"

which passed Second Reading and was the subject of a Public Hearing held at the
Council meeting on September 7, 2022, reports as follows:

The purpose of Bill 49 (2022), CD1, is to amend the Land Use Ordinance ("LUO")
to add three transit-oriented development ("TOD") rail station areas in the Aiea-Pearl City
Neighborhood TOD Plan area to the TOD special district; add new TOD Special District
regulations based on specific recommendations in the Aiea-Pearl City Neighborhood
TOD Plan; and modify existing TOD special district regulations based on past experience
implementing the TOD special district. The three rail station areas are: Halaulani
(Leeward Community College), Waiawa (Pearl Highlands), and Kalauao (Pearlridge).

The Bill proposes amendments to provisions relating to maximum setback, tower
separation, view corridors, building orientation, coastal hazards, height and density
bonuses, and parking location. In addition, the Bill makes conforming amendments for
clarification purposes and to reflect legislative changes pursuant to Ordinance 17-54,
Ordinance 20-40, and Ordinance 20-41.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON **OCT 5 2022**

COMMITTEE REPORT NO. **258**

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Your Committee finds that the Planning Commission, after a public hearing held on July 13, 2022, at which no public or written testimony was received on the proposed LUO amendment, voted unanimously (5 ayes) to recommend approval of the proposal in concurrence with the recommendation of the DPP in the attachment to Departmental Communication 578 (2022).

Your Committee finds that at a public hearing held on September 7, 2022, by the City Council, testimony offering comments on the proposed LUO amendment was received.

In Committee Report No. 238, which the Council adopted at its meeting on September 7, 2022, your Committee set forth background information on the subject Bill.

At your Committee's meeting on September 22, 2022, the Acting Director of Planning and Permitting testified in support of the Bill.

At your Committee's meeting on September 22, 2022, the University of Hawaii testified in support of the CD2 version of the Bill.

Your Committee received written testimony from the University of Hawaii submitting comments on the Bill.

CITY COUNCIL
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Your Committee has prepared a CD2 version of the bill that makes the following amendments:

- A. Adds a new SECTION 2 of the Bill to amend ROH Sections 21-2.110-2(b) and 21-2.110-2(c) to delete provisions relating to situations where a neighborhood TOD plan for the area has not yet been adopted by the Council. (The Council has adopted all eight of the neighborhood TOD plans (East Kapolei, Waipahu, Aiea-Pearl City, Halawa, Airport, Kalihi, Downtown, and Ala Moana) within the City's jurisdiction. The Kakaako Neighborhood TOD Plan is under the jurisdiction of the Hawaii Community Development Authority.)

Renumbers subsequent Bill SECTIONS.

- B. In renumbered SECTION 4 of the Bill:
1. Amends ROH Section 21-9.100-2(a)(3) to refer to zoning districts or special district precincts (instead of zoning precincts).
 2. Amends ROH Section 21-9.100-2(h)(7) relating to the vision of the Halaulani (Leeward Community College) station area to refer to a college-oriented neighborhood (deletes reference to new housing, services, transportation options, and gathering spaces for students, faculty, and area residents).
- C. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee finds that the Bill, as amended herein, carries out the purpose of the General Plan and Development Plans of the City and is in the best interests of the people of the City and County of Honolulu.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

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COMMITTEE REPORT NO. **258**

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Your Committee on Zoning and Planning recommends that Bill 49 (2022), CD1, as amended herein, pass Third Reading in the form attached hereto as Bill 49 (2022), CD2. (Ayes: Cordero, Elefante, Kia'āina, Say – 4; Noes: None.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

OCT 5 2022

COMMITTEE REPORT NO. 258



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **49 (2022), CD2**

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 21-2.110-2, revised Ordinances of Honolulu 1990 ("Planned development-resort, planned development apartment, planned development-transit, and interim planned development-transit projects"), is amended by amending subsections (b) and (c) to read as follows:

- (b) Preapplication [~~Procedures.~~] procedures. Before the submission of an application, the applicant shall:
- (1) For PD-T and IPD-T projects, attend a pre-application meeting with the department to conduct an informal review of the project, unless the department determines that ~~[such]~~ a meeting is ~~[unnecessary.]~~ not necessary. The applicant shall be prepared to discuss how the project ~~[can]~~ will accomplish the goals and objectives of Section 21-9.100-6 and:
 - (A) ~~The] the~~ approved neighborhood TOD plan for the affected area~~[-~~
or
 - (B) ~~If the neighborhood TOD plan has not yet been approved, the draft neighborhood TOD plan.~~

~~As used in this section, "draft neighborhood TOD plan" means the most current version of the plan then under consideration by the department or the council, commencing with the first public review draft released by the director to the community for review and comment]; and~~

- (2) For all planned-development projects, present the proposal to the neighborhood board ~~[in whose]~~ for the district in which the project ~~[is to]~~ will be located. Notice of the presentation, or the applicant's good faith efforts to make such a presentation, must be given to all owners of properties adjoining the proposed project.



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- (c) For all planned-development projects, upon acceptance of the completed application by the director, the director shall notify the council of the acceptance, ~~[providing]~~ and provide the council with the date of the director's acceptance of the application and a brief description of the proposal contained in the application. The director shall hold a public hearing ~~[concerning]~~ on the conceptual plan for the project ~~[at a date set]~~ no less than 21 nor more than 60 calendar days after the date on which the completed application is accepted, unless the 60-day period is waived by the applicant. ~~[This]~~ The public hearing may be held jointly and concurrently with any other hearing required for the same project. ~~[The]~~ No less than 15 days prior to the public hearing, the director shall give written notice of the public hearing to the neighborhood board ~~[in whose]~~ for the district in which the project ~~[is to]~~ will be located ~~[no less than 15 days prior to the public hearing]~~.

For PD-T and IPD-T projects, a complete application must demonstrate how the project achieves consistency with[:

- (1) ~~The]~~ the approved neighborhood TOD plan for the affected area~~[-or~~
- (2) ~~If the neighborhood TOD plan has not yet been approved, the draft neighborhood TOD plan]~~.

SECTION 3. 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~~[-]~~ regulations 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.]~~



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(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.

"Bike-walk greenway" means shared-use paths or trails for pedestrians, cyclists, and other users of non-motorized 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 TOD 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 TOD 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.



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"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."

"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 4. 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 of or amendment ~~[of a]~~ to the 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



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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;
 - (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,]~~ districts or special district 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.



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- (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.
- (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] Hoaaee (West Loch) station area [will be concentrated] in the area adjacent to the [transit] rail station along Farrington Highway and Leole Street[-]; and

(5) [The plan envisions] Encourage a higher-density commercial center with mixed-use buildings along Farrington Highway, while Leole and Leoku



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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 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."

SECTION 5. 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:



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- (1) ~~[Where an approved neighborhood TOD plan exists for the area, the site]~~
The zoning lot must be [included] located within the proposed TOD special district as shown 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 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;] for the applicable neighborhood TOD plan;
- ~~[(2) Except as provided in subdivision (3), where there is no TOD plan for a station area, a portion of the zoning lot must be within a one-half mile radius of a planned H RTP 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 station area and the zoning lot lines of the project site;~~
- ~~(3)](2)~~ 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)](3)~~ 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:



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- (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]~~ composed of a single zoning lot or multiple contiguous zoning lots, has a minimum area of 10,000 square feet.

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 separate conditional use permit minor for a joint development of multiple lots is required;]~~ without requiring separate approval for consolidation of the zoning lots pursuant to Chapter 22.

~~[(5)]~~(4) The IPD-T project site must be entirely within the state-designated urban district;

~~[(6)]~~(5) 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)]~~(6) 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 TOD 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



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BILL **49 (2022), CD2**

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under and be subject to this section and the applicable use and development standards [~~approved~~] allowed under the approved conceptual plan."

SECTION 6. 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) 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.



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- (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 [number] 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 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</u> <u>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</u> <u>three times the base height limit,</u> <u>whichever is less</u>
<u>Maximum Height with PD-T Approval</u>	<u>More than 120 feet over the base height limit; or</u> <u>more than three times the base height limit,</u> <u>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



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project site or within the same rail 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 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 works 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.



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- (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.
- (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]	40	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 the 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



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location will match the existing [setback(s)] setbacks so that the proposed building facade creates a consistent building alignment.

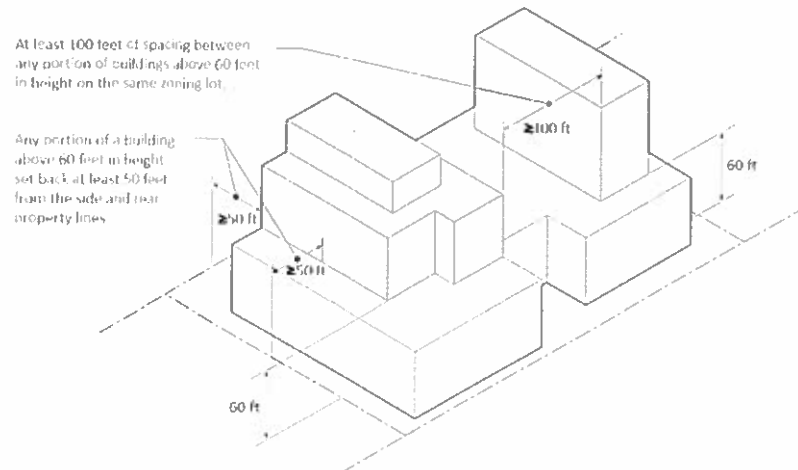
- (ii) Buildings may be located beyond the maximum setback if the additional setback is necessary to provide for a tree within the property because it is not feasible to provide for street trees within the adjacent right-of-way due to limitations such as the location of existing infrastructure.

(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:



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- (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 be oriented with the long axis aligned in a mauka-makai 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;



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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;



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- (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:



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- (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]~~ 5-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]~~ 1 acre or more in size whenever possible; and



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- (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



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permit if the director determines that the size and configuration of the zoning lot make such a requirement infeasible.

- (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 7. 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]~~ area of [at least one acre] 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



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- (B) Each noncontiguous portion of the PD-T project, whether ~~[comprised]~~ composed of a single zoning lot or multiple contiguous zoning lots, ~~[must have]~~ has a minimum area of ~~[20,000]~~ 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 the purposes of the project without requiring ~~[a] separate [conditional use permit minor for a joint development.]~~ approval for consolidation of the zoning lots pursuant to Chapter 22.

- (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]~~ commensurate 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



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plan, and the project must be generally consistent with the neighborhood TOD plan for the area.

- (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 8. 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.



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Table 21-9.8 TOD Special District Project Classification		
Activity/Use	Required Permit	Special Conditions
Major modification, additions, or new construction on sites [one] <u>1</u> 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] <u>1</u> acre or more in size	E	
Major modification, alteration, repair, additions, or new construction on sites less than [one] <u>1</u> acre in size	E	
Interior repairs, alterations and renovations to all structures	E	
Modifications to [height or] FAR	M/ <u>m</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>See Section 21-9.100-8(a)(1)(A). PD-T approval may be required prior to obtaining a major permit.</u>
<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>



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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	



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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. 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.</p> <p>Legend: Project classification: M = Major; m = Minor; E = Exempt</p>		

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SECTION 9. 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.

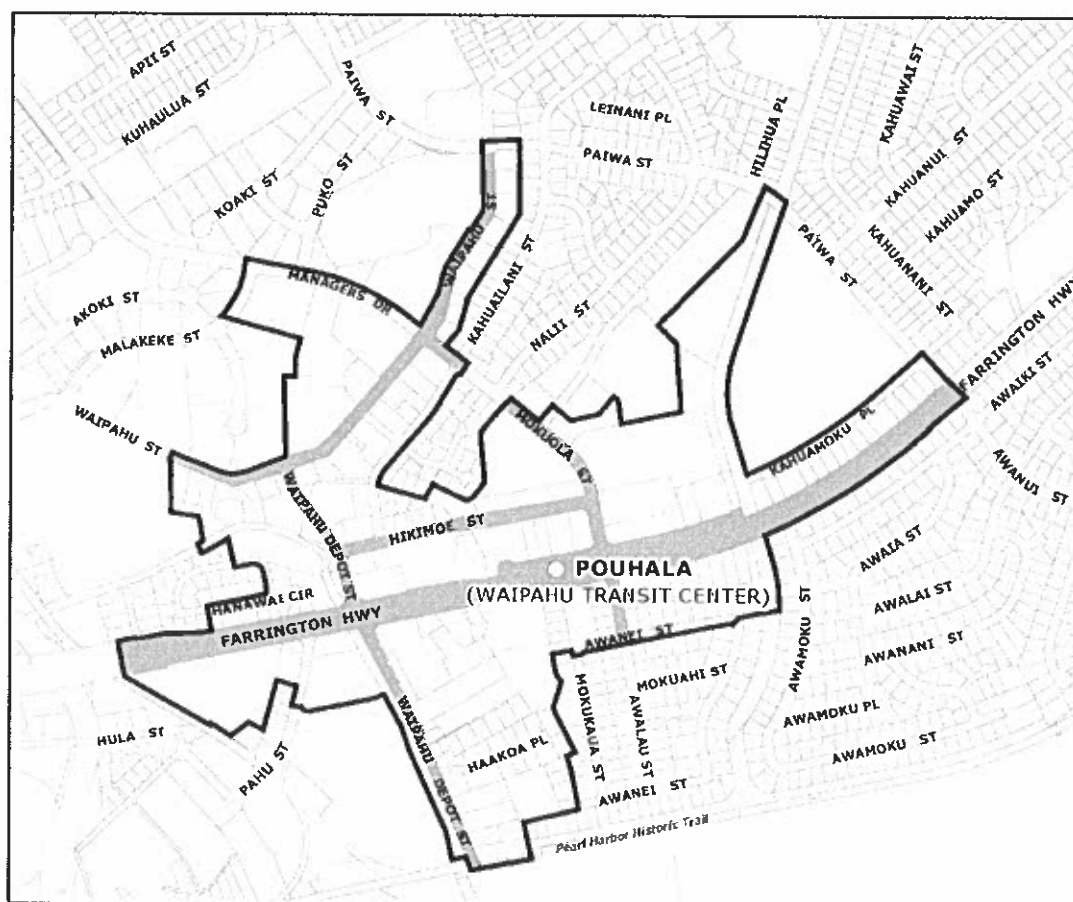
- (a) The ~~[West Loch Station]~~ Hoaeae (West Loch) station area TOD special district boundaries are designated on Exhibit 21-9.19, set ~~[out]~~ forth at the end of this article.
- (b) The ~~[Waipahu Transit Center Station]~~ Pouhala (Waipahu Transit Center) station area TOD special district boundaries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



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SECTION 11. 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:

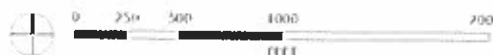
"EXHIBIT 21-9.20
Pouhala (Waipahu Transit Center) Station Area



Waipahu TOD Neighborhood

LEGEND

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

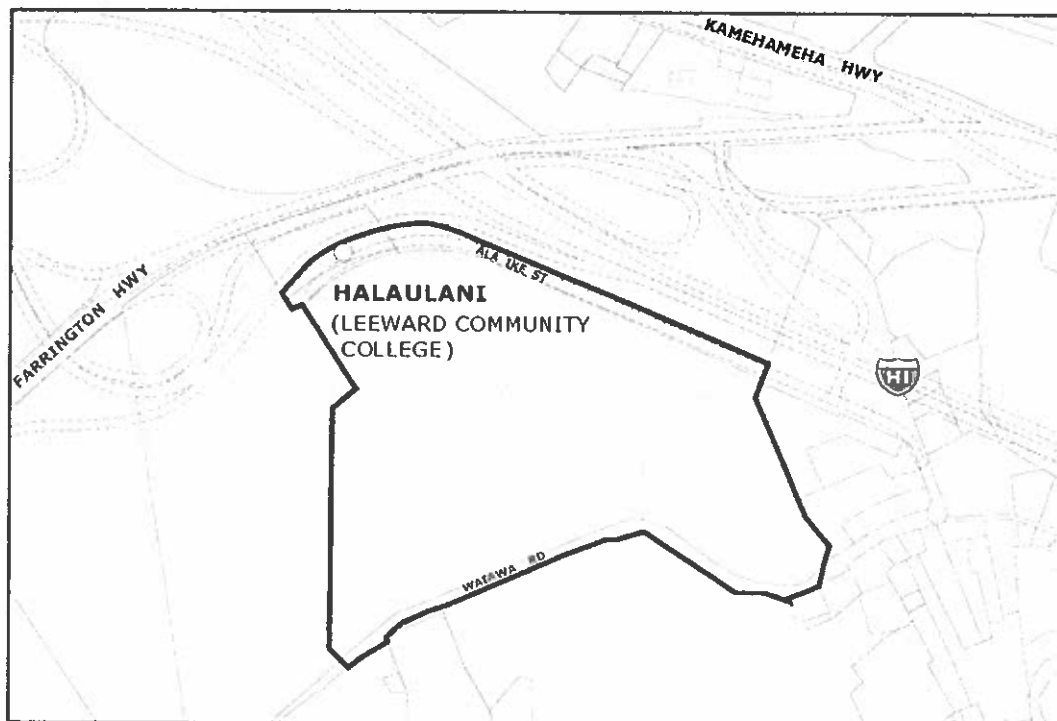




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SECTION 12. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990 ("Special District Regulations"), is amended by adding a new Exhibit 21-9.21 to read as follows:

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



Aiea-Pearl City TOD Neighborhood

LEGEND

— TOD Special District Boundary

○ Rail Station



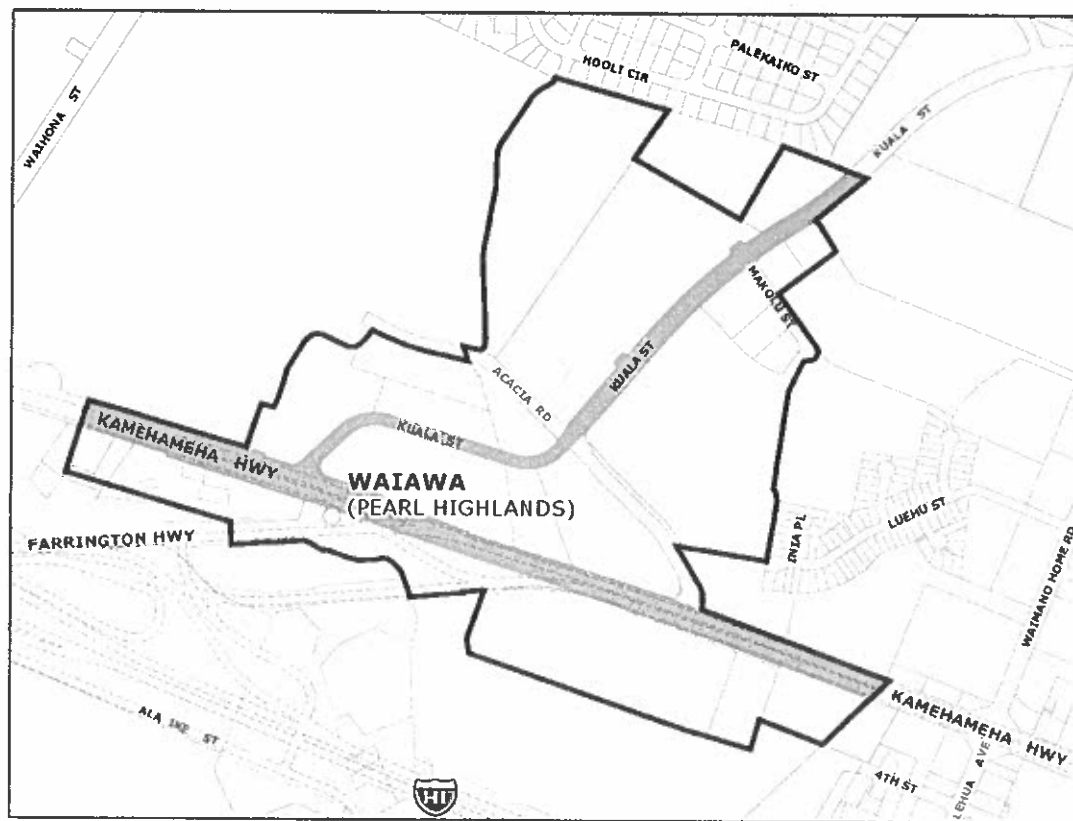
”



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SECTION 13. 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:

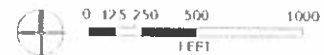
"EXHIBIT 21-9.22
Waiawa (Pearl Highlands) Station Area



Aiea-Pearl City TOD Neighborhood

LEGEND

-  TOD Special District Boundary
-  Key Street
-  Rail Station





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SECTION 15. 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.

SECTION 16. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

August 4, 2022

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

Rick Blangiardi, Mayor
City and County of Honolulu