HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **50 (2023), 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 one additional Honolulu Rail Transit Project station area and to incorporate land use standards and guidelines for that area based on the recommendations in the Halawa Area TOD Plan.

SECTION 2. Section 21-9.100-2, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 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 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~~] a specific 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;

(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 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[~~;~~] as appropriate;

(5) Preservation of existing healthcare services. For the 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) Preservation and protection of Native Hawaiian cultural and historic resources, including cultural, historic, and pre-contact sites and monuments;

[~~(6)~~](7) Mitigating gentrification of the community;

[~~(7)~~](8) Consideration of flood hazards, including coastal hazards such as sea level rise, which may affect neighborhood infrastructure and land; and

[~~(8)~~](9) 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 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.~~] explored.

(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~~] must be by council resolution, with or without amendments.

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

(1) Maintain Waipahu's heritage as a former sugar plantation town in the Pouhala (Waipahu Transit Center) station area;

(2) Maintain the area's low-rise character and wide range of uses;

(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 Street and Farrington Highway;

(4) Concentrate development in the Hoaeae (West Loch) station area in the area adjacent to the rail station along Farrington Highway and Leoole Street; and

(5) 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 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.

(i) The primary design objectives of the Halawa Area Neighborhood TOD Plan are as follows:

(1) Develop a TOD-oriented sports and entertainment district tied to a stadium in the Halawa (Aloha Stadium) station area;

(2) Establish a gateway corridor connecting the rail station and stadium; and

(3) Concentrate an eclectic mix of street-level retail with consistent frontage along Salt Lake Boulevard."

SECTION 3. Section 21-9.100-8, Revised Ordinances of Honolulu 2021 ("General requirements and development standards"), is amended by amending subsection (a) to read as follows:

"(a) *Site 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~~] Mixed-Use Districts**	**Industrial and Industrial [~~Mixed Use~~] 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

(B) The open space bonus provisions of §§ 21-3.110-1(c) and 21-3.120-2(c) are not applicable.

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

(D) *Height.* [~~For~~] If the maximum height is not prescribed for a zoning district in this chapter, the allowable height is as prescribed on the zoning map[~~, unless modified through a special district or PD-T permit~~]. An applicant may seek approval to exceed the base height limit up to the parenthetical height identified as the bonus height limit on the zoning map, where applicable, through a special district permit or PD-T approval as follows:

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~~] Up to the parenthetical height identified as the bonus height limit on the zoning map

(E) Where a TOD special district permit is sought to achieve height or density bonuses, the degree of flexibility requested must be commensurate to the community benefits the development will provide for the enhancement of the 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 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 rail station area as the project site. Affordable housing provided as a community benefit under this paragraph must be in addition to the affordable housing requirements of Chapter 29, 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 <u>limit</u> 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 § 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 <u>or FAR</u> 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 <u>or FAR</u> 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.

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

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

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Required Yard Standards		**B-2 and BMX-3 Districts**	**Apartment and Apartment [~~Mixed Use~~] Mixed-Use Districts**	**Industrial and Industrial [~~Mixed Use~~] Mixed-Use Districts**
Minimum Front Setback[1]	All Streets	5		
Maximum Front Setback[1]	Non-Key Street	10	None	
	Key Street	10	15	10
	Highway[2]	15		

[1] Front setbacks may be modified pursuant to § 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 that:

(aa) A paved public sidewalk at least 8 feet in width fronts the building; or

(bb) Other buildings on the same block and sharing the same street frontage are set back less than 5 feet from the property line, and the proposed building location will match the existing 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.*

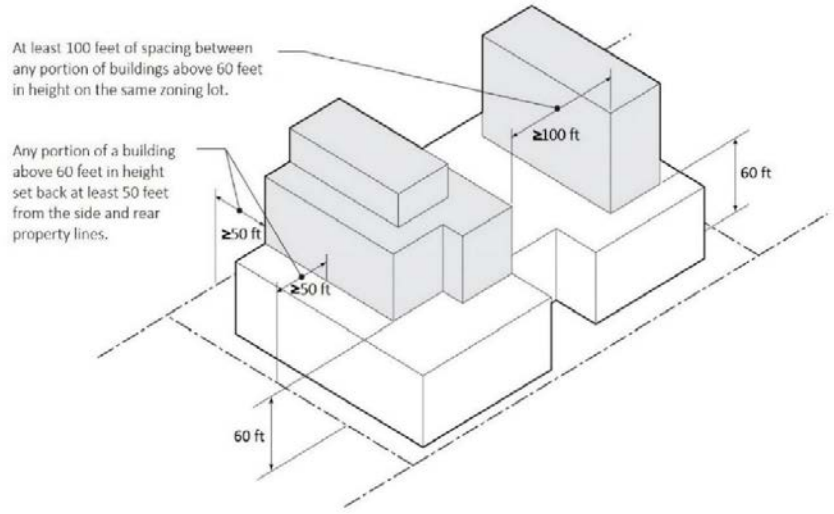
(i) On a corner zoning [~~lots~~] lot fronting at least one key street, buildings must be located within 30 feet of [~~such~~] the corner. See Figure 21-9.5.

(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~~] If 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 § 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:



(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 exhibits specified in § 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,~~] hard surface, 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 § 21-4.30(b), and may encroach into the right-of-way; provided that they meet all requirements of the building codes and do not conflict with any street tree requirements.

(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~~] driveways 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 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,~~] hard surface, 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, except for openwork fences that do not exceed 4 feet in height, may be [~~erected~~] installed within the 10-foot setback area. For the purposes of this [~~section,~~] paragraph, "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 shall install street trees, as required by the director.

(I) The standards of this subdivision may be modified through a special district permit if at least one of the following conclusions may be made:

(i) Irregular property lines, zoning lot configuration, coastal hazards as projected using the best available science, or topography of the zoning lot render the yards, setbacks, street facade, or building placement standards infeasible;

(ii) The existing built environment is arranged in such a way that the yards, setbacks, street facade, or building placement standards are incompatible or unreasonable, and better overall design 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) The requirements of this subdivision may be modified through a special district permit if irregular property lines, zoning lot configuration, or topography of the 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 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:

(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~~]; provided that 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 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~~] that creates visual interest at the pedestrian level and [~~activate~~] activates the sidewalk area.

(6) *Pedestrian walkways.* Walkways with a minimum 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 zoning lot to each other, to onsite automobile and bicycle parking areas, and to any 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~~] mixed-use developments on zoning lots 1 acre or more in size whenever possible; and

(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."

SECTION 4. Section 21-9.100-11, Revised Ordinances of Honolulu 2021 ("TOD special district-project classification"), is amended by amending Table 21-9.8 to read as follows:

"

Table 21-9.8
TOD Special District
Project Classification

Activity/Use	Required Permit	Special Conditions
Major modification, major additions, or new construction on sites 1 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 1 acre or more in size~~]	[~~E~~]	
Minor additions to existing structures or construction of new accessory structures on sites 1 acre or more in size	m/E	Projects on key streets are minor. All others will be exempt.
Major modification, [~~alteration, repair,~~] additions, or new construction on sites less than 1 acre in size	E	

Table 21-9.8 TOD Special District Project Classification		
Activity/Use	**Required Permit**	**Special Conditions**
Interior or exterior repairs, alterations [~~and~~], or renovations to all structures	E	
Modifications to FAR	M/m	See § 21-9.100-8(a)(1)(A). PD-T approval may be required prior to obtaining a major permit.
Modifications to height	M/m	See § 21-9.100-8(a)(1)(D). PD-T approval may be required prior to obtaining a major permit.
Modification to the following standards: • 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	m	[~~Where modifications to the standards are otherwise covered in a major permit, the minor permit is not required.~~]

Table 21-9.8 TOD Special District Project Classification		
Activity/Use	**Required Permit**	**Special Conditions**
• The commercial use density and location provisions in the apartment [~~mixed use~~] mixed-use districts • Additional commercial density in the apartment [~~mixed use~~] mixed-use districts[~~.~~] • Reconfiguration of sidewalk area		
Demolition of structures	E	
Residential units in the IMX-1 district	m	
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.

Table 21-9.8 TOD Special District Project Classification		
Activity/Use	**Required Permit**	**Special Conditions**
Minor above-grade infrastructure improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work	E	
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 §§ 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~~] If a PD-T or major special district permit [~~are~~] is otherwise required, a separate minor special district permit is not required. Legend: Project classification: M = Major; m = Minor; E = Exempt		

"

SECTION 5. Section 21-9.100-12, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"**§ 21-9.100-12 TOD special district boundaries.**

(a) The Hoaeae (West Loch) station area TOD special district boundaries are designated on Exhibit 21-9.19, set forth at the end of this article.

(b) The Pouhala (Waipahu Transit Center) station area TOD special district boundaries are designated on Exhibit 21-9.20, set 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.

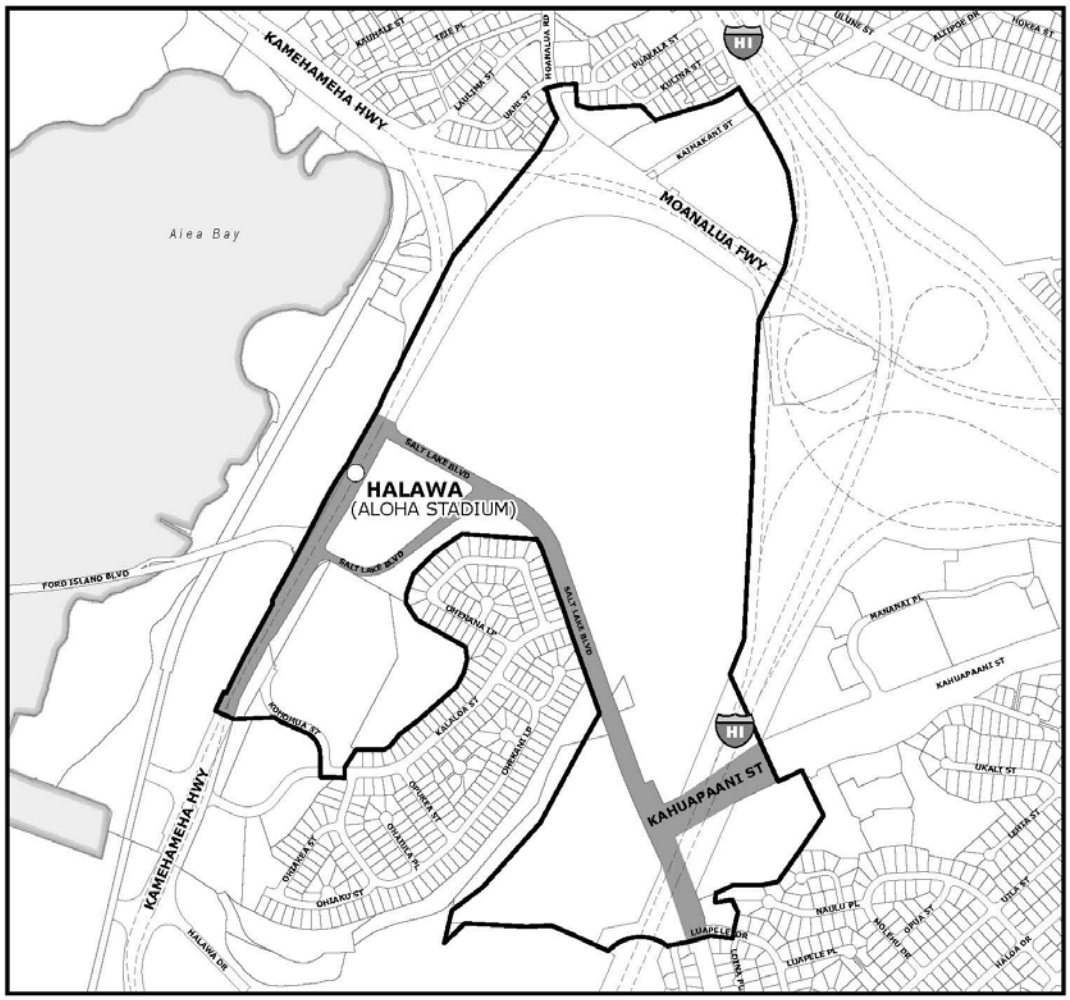
(e) The Kalauao (Pearlridge) station area TOD special district boundaries are designated on Exhibit 21-9.23, set forth at the end of this article.

(f) The Halawa (Aloha Stadium) station area TOD special district boundaries are designated on Exhibit 21-9.24, set forth at the end of this article."

SECTION 6. Chapter 21, Article 9, Revised Ordinances of Honolulu 2021 ("Special District Regulations"), is amended by adding a new Exhibit 21-9.24 to read as follows:

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"EXHIBIT 21-9.24
Halawa (Aloha Stadium) Station Area



Halawa TOD Area

0 500 1,000 2,000
FEET

LEGEND

TOD Special District Boundary

Key Street

Rail Station

"

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SECTION 7. 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 8. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

August 30, 2023
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