REPORT OF THE COMMITTEE ON ZONING & PLANNING

Voting Members:
Esther Kiaʻāina, Chair; Tommy Waters, Vice-Chair;
Radiant Cordero, Val A. Okimoto, Andria Tupola

Committee Meeting Held
August 27, 2026

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

Mr. Chair:

Your Committee on Zoning & Planning, which considered Bill 38 (2026) entitled:

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

transmitted by Departmental Communication 318 (2026), dated May 6, 2026, from the Planning Commission, and which passed First Reading at the Council meeting on June 3, 2026, reports as follows:

The purpose of Bill 38 (2026) is to amend the Land Use Ordinance ("LUO"), Chapter 21, Revised Ordinances of Honolulu 2021 ("ROH"), to add the three Skyline station areas that are within the East Kapolei Neighborhood Transit-Oriented Development Plan ("East Kapolei TOD Plan") area to the Transit-Oriented Development Special District ("TOD Special District"), and incorporate land use development standards and guidelines for these areas.

The Bill amends the TOD Special District regulations in LUO Article 9 to expand the TOD Special District to include the Kualakaʻi (East Kapolei), Keoneʻae (University of Hawaiʻi West Oʻahu), and Honouliuli (Hoʻopili) station areas.

The Bill also modifies existing regulations that apply to the entire TOD Special District, and adds certain provisions applicable only the East Kapolei station areas.

HONOLULU CITY COUNCIL
Ke Kanihela o ke Kalana o Honolulu
CITY AND COUNTY OF HONOLULU

ADOPTED ON SEP 9 2026

COMMITTEE REPORT NO. 248(26)

Specifically, the Bill:

1. Adds the three East Kapolei station areas to the TOD Special District, includes an exhibit depicting the station areas, and sets forth the primary design objectives for each of the three station areas.

2. Within the three East Kapolei station areas, includes a height exemption of up to 200 feet to accommodate safety nets and poles that are accessory to recreation facilities, including a compact golf entertainment venue; provided that the project site is 2,000 feet or farther from a station area.

3. Modifies the TOD Special District permit requirements for sites of one acre or more to require a minor (instead of a major) special district permit for major modifications, major additions, or new construction, and provides an exemption from obtaining a TOD Special District permit for minor additions to existing structures or construction of new accessory structures. This change is intended to streamline permitting without compromising necessary project reviews.

4. Provides an exemption from obtaining a TOD Special District permit for projects subject to Plan Review Use approval, such as hospitals, prisons, airports, and universities.

At your Committee's meeting on August 27, 2026, the DPP Land Use Permitting Division Chief provided a presentation on the proposed LUO amendment, and responded to questions from Councilmembers.

The Committee Chair mentioned that the State Department of Education ("DOE") submitted written testimony stating that the DOE is planning a new elementary school and a new high school within the Honouliuli (Ho'opili) station area. The DOE indicated that public school campuses have operational, safety, and security requirements that differ and potentially conflict with the TOD development standards intended for commercial, residential, and mixed-use developments. The DOE requested the following amendments to LUO Article 9:

- Amend Exhibit 21-9.25 be amended to exclude the proposed public high school site from the TOD Special District boundary;
- Amend ROH § 21-9.100-2 to add as a design objective the coordination between the City and the Department of public schools within the Honouliuli (Ho'opili) station area; and
- Amend ROH § 21-9.100-7 to provide flexibility for TOD development standards relating to building placement and setbacks, surface parking location, bus loading and unloading facilities, student drop-off and pick-up areas, campus access and circulation, and security fencing and related safety infrastructure.

In response to the Committee Chair's question of whether the DPP has any responses or comments addressing the DOE's requests, the DPP Land Use Permitting Division Chief stated that the DPP is willing to meet with the DOE to discuss the DOE's suggested amendments before the Bill is referred back to Committee. While the high school is located on the periphery of the East Kapolei TOD Plan area, the elementary school is located in the middle of the East Kapolei TOD Plan area. The DOE could also apply for a zoning waiver, which could provide for some flexibility, since public schools are public facilities.

The Committee Chair also mentioned that D.R. Horton is developing a master-planned community within and around the Honouliuli (Ho'opili) and Keone'ae (UH West O'ahu) station areas. D.R. Horton submitted testimony expressing concerns with conflicts between the LUO and the Subdivision Ordinance regarding the undergrounding of utilities. According to D.R. Horton, the LUO requires the undergrounding of all utility lines within the East Kapolei TOD Plan area, but the Subdivision Ordinance only requires the undergrounding of utility lines of 15 kilovolts or less, but not electric distribution and transmission systems exceeding 15 kilovolts.

In response to the Committee Chair's question of whether there is a conflict between the LUO and the Subdivision Ordinance, which requirement takes precedence, and whether any conflict should be clarified in the Bill, the DPP Land Use Permitting Division Chief stated that the TOD Special District regulations require the undergrounding of all utility lines for land located within the TOD Special District. The Subdivision Ordinance applies more broadly to areas outside of the TOD Special District if land has been subdivided, and includes more detail as to what type of utility lines need to be underground. The DPP is willing to meet with D.R. Horton and Hawaiian Electric Company, Inc. to discuss the matter before the Bill is referred back to Committee.

In response to a question regarding maintaining cohesiveness between TOD Special District requirements and the planned University Village in the Keone'ae (UH West O'ahu) station area, the DPP Land Use Permitting Division Chief stated that the University Village could be part of the University of Hawai'i West Oahu's Plan Review Use ("PRU") process, because one of the Bill amendments provides that PRU approvals do not require a special district permit. The PRU process involves an overall evaluation of the entire University of Hawai'i West O'ahu campus.

In response to a question of whether off-street parking is optional or required within the TOD Special District, and whether parking maximums should be imposed, the DPP Land Use Permitting Division Chief stated that off-street parking for commercial and multi-unit dwelling uses are not required within the Primary Urban Center Development Plan area or the 'Ewa Development Plan area. At the time the TOD Special District regulations were being drafted, there were existing parking minimums, and the DPP considered including parking maximums, but believed it would be difficult to administer. Now that segments of Skyline are operational, the DPP is willing to evaluate the number of parking spaces developers are providing in the TOD Special District even though there is no parking requirement, and that may inform what a possible parking maximum could be.

The DPP Land Use Permitting Division Chief clarified that when a new special district permit is required, there is a determination of whether a major or minor special district permit is required. While a new project may require a major special district permit, a major modification to an existing building may require a minor special district permit.

The Hawai'i Regional Council of Carpenters and one individual testified in support of the Bill. The Hawai'i State Department of Education offered comments on the Bill.

Your Committee received written testimony in support of the Bill from the University of Hawai'i, Hawai'i Regional Council of Carpenters, Hawai'i State Department of Education, the State Department of Land and Natural Resources Land Division, and one individual. D.R. Horton Hawai'i and Inspire Church submitted comments on the Bill.

Your Committee believes that additional public testimony at the public hearing recommended herein to be scheduled on this Bill will provide further assistance to your Committee and to the Council in their deliberations on this Bill.

REPORT OF THE COMMITTEE ON ZONING & PLANNING

Voting Members:
Esther Kia'āina, Chair; Tommy Waters, Vice-Chair;
Radiant Cordero, Val A. Okimoto, Andria Tupola

Your Committee on Zoning & Planning is in accord with the intent and purpose of Bill 38 (2026) and recommends that it pass Second Reading, be scheduled for public hearing, and be referred back to Committee. (Ayes: Cordero, Kia'āina, Okimoto, Tupola, Waters – 5; Noes: None.)

Respectfully submitted,

Esther Kia'aina

Committee Chair