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October 14, 2016

MEMORANDUM

TO: GAIL MURAYAMA
CLERK, COMMITTEE ON ZONING AND PLANNING

FROM: COUNCILMEMBER BRANDON ELEFANTE *BE*

SUBJECT: PROPOSED CD-1 TO BILL 74 (2015): TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO THE TRANSIT-ORIENTED DEVELOPMENT SPECIAL DISTRICT

Attached for consideration by the Zoning and Planning Committee are proposed amendments to Bill 74 (2015). Please note that the CD-1 proposed here **INCLUDES** the CD-1 changes that have been posted on the Zoning and Planning agenda, but are, as yet, unadopted. The "Summary of Proposed Committee Draft" lists both the CD-1 amendments currently posted to the Zoning and Planning agenda and **NEW additional amendments** including those related to an affordable housing requirement and new language that projects seeking a bonus height of 20 feet or more require a PD-T permit in the TOD Special District as follows:

Posted CD-1 clarification, correction, and housekeeping amendments are found listed as:	NEW clarification, correction, and housekeeping amendments are found listed as:	NEW amendments related to an affordable housing requirement in the TOD Special District are found listed as:	NEW amendments related to requiring a PD-T permit for projects seeking a bonus height of 20 feet or more:
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The new affordable housing standards require all projects proposing 10 or more residential units to obtain a special district permit and provide affordable housing units equal to, or at least 30% of the units in the project. Housing costs may not exceed 120% of the area median income and no less than two-thirds must be affordable to households with incomes not exceeding 100% of the area median income, and no less than one-third must be affordable to households with incomes not exceeding 80% of the area median income. The units must remain affordable for at least 30 years. All units must be on-site or within one-half mile of the identified transit station nearest the project. No in-lieu fees are allowed.

Where density and height bonuses trigger community benefits and affordable housing is provided as a community benefit for a TOD special district permit, those affordable units must be in addition to the base affordable housing requirement.

Projects seeking a bonus height of 20 feet or more require a PD-T permit.

I hope this information assists in understanding the proposed CD-1.

SUMMARY OF PROPOSED COMMITTEE DRAFT:

Bill 74 (2015)

TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE) RELATING TO THE TRANSIT-ORIENTED DEVELOPMENT SPECIAL DISTRICT.

THE PROPOSED CD1 makes the following amendments:

- A. Corrects proposed new Figure 21-2.1 "Permit Application Processing Time" by showing that the Council has 60 days to review Plan Review Use proposals.
- B. Amends the proposed new Section 21-9.20-2(c) to clarify that projects less than one acre in size or that meet the development standards found in Section 21-9.100-8 are Exempt Projects.
- C. Amends proposed new Sections 21-9.20-2(c), 21-9.100-7(d), 21-9.100-11, and Table 21-9.8 ("TOD Special District Project Classification") to require that projects proposing more than 10 residential dwelling or lodging units, or both, must obtain a special district permit.
- D. Amends the proposed new definition of "Active ground floor activities" in Section 21-9.100(c) to include "offices" and "financial institutions".
- E. Amends the proposed new definition of "TOD special district" in Section 21-9.100(c) and adds a new Bill SECTION 11 that designates the TOD special district boundaries.
- F. Amends proposed new Section 21-9.100-7(a) to specify that the corner lot requirements apply to key-street facing façades.
- G. Amends proposed new Section 21-9.100-8(a)(1)(A) to clarify that the maximum FAR will be as prescribed by the underlying zoning district, unless modified through a special district permit or PD-T permit.
- H. Amends proposed new Section 21-9.100-8(a)(1)(D) to provide that projects seeking a bonus height of 20 feet or more require a PD-T permit.
- I. Amends proposed new Section 21-9.100-8(a)(1)(E)(iii) to add language clarifying that where the project proposes more than 10 residential dwelling or lodging units, or both, the affordable or rental units must be in addition to the base affordable housing requirements.
- J. Deletes proposed new Sections 21-9.100-8(a)(3)(E)(iii) and 21-9.100-8(a)(6)(E).

- K. In proposed new Section 21-9.100-8(a)(3)(I), replaces "subsection" with "subdivision."
- L. Amends proposed new Section 21-9.100-8(b)(1) to establish a TOD affordable housing requirement as follows:
- All projects proposing more than 10 residential dwelling or lodging units, or both, must provide affordable housing units in an amount equal to at least 30 percent of the total residential units in the project. "Affordable housing" means housing that is affordable to households with incomes not exceeding 120 percent of the area median income for Honolulu. Of the total number of affordable housing units, no less than two-thirds must be affordable to households with incomes not exceeding 100 percent of the area median income, and no less than one-third must be affordable to households with incomes not exceeding 80 percent of the area median income. The units must remain affordable for at least 30 years.
 - The affordable housing units must be provided on the project site or within one-half mile of the identified Honolulu Rail Transit Project transit station nearest to the project. No other delivery options are allowed, including but not limited to a cash contribution ("in-lieu fee").
 - All affordable units must be delivered prior to the issuance of the certificate of occupancy for the project. For multi-phase projects, the affordable units attributable to each phase must be delivered prior to the issuance of the certificate of occupancy for that phase.
 - The director may adopt rules pursuant to HRS Chapter 91 for the implementation, administration, and enforcement the affordable housing requirement.
- M. Amends proposed new Section 21-9.100-9(a) to clarify that the application requirements apply where a TOD special district permit is sought to modify development standards pursuant to Sections 21-9.100-7 and 21-9.100.
- N. Amends proposed new Section 21-9.100-9(b) to clarify that the subsection applies where a TOD special district permit is sought because the lot is an acre or more in size, or when height or density bonuses are sought.
- O. Amends proposed new Section 21-9.100-9 to add a new subsection (d), which provides that where a special district permit is sought to allow the development of more than 10 residential dwelling or lodging units, or both, the application must show how the base affordable housing requirement is being satisfied. Re-alphabetizes the subsequent subsection.

- P. In re-alphabetized proposed new Section 21-9.100-9(e)(2), clarifies that where affordable housing is provided as a community benefit for a TOD special district permit, it must be in addition to the base affordable housing requirement.
- Q. Amends proposed new Section 21-9.100-10(b)(1) to also include a reference to Section 21-9.100-8(a)(1)(E) (in addition to the reference to Section 21-9.100-9(b)).
- R. Amends proposed new Section 21-9.100-10(c) to add a new subdivision (4), which provides that the base affordable housing requirement must be satisfied, and clarifies that where affordable housing is provided as a community benefit for a TOD special district permit, it must be in addition to the base affordable housing requirement.
- S. Amends proposed new Section 21-9.100-10(d) by adding a new subdivision (11), which requires that if applicable, PD-T applications include a discussion of how the proposed project will satisfy the base affordable housing requirement. Renumbers the subsequent subdivision.
- T. Amends proposed new Section 21-9.100-10(f) to provide that if applicable, PD-T conceptual plans must show how the base affordable housing requirement will be satisfied.
- U. Amends proposed new Section 21-9.100-10(g)(2) to clarify that modification to use regulations would be to allow up to 10 dwelling units in the IMX-1 district.
- V. Amends proposed new Table 21-9.8 ("TOD Special District Project Classification") to clarify that projects seeking a maximum FAR of up to 3.5 are major; projects seeking a bonus height that is less than 20 feet are major; and 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.
- W. Makes miscellaneous technical and non-substantive amendments.



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TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE 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 and intent. The purpose of this ordinance is to establish a special district with appropriate land use standards and guidelines for those areas around the Honolulu Rail Transit Project stations. Transit-oriented development ("TOD") in this special district should be designed to have a positive, robust economic impact, improve transit ridership and the use of multimodal transportation, contribute to open spaces and parks, and provide a broad range of housing units.

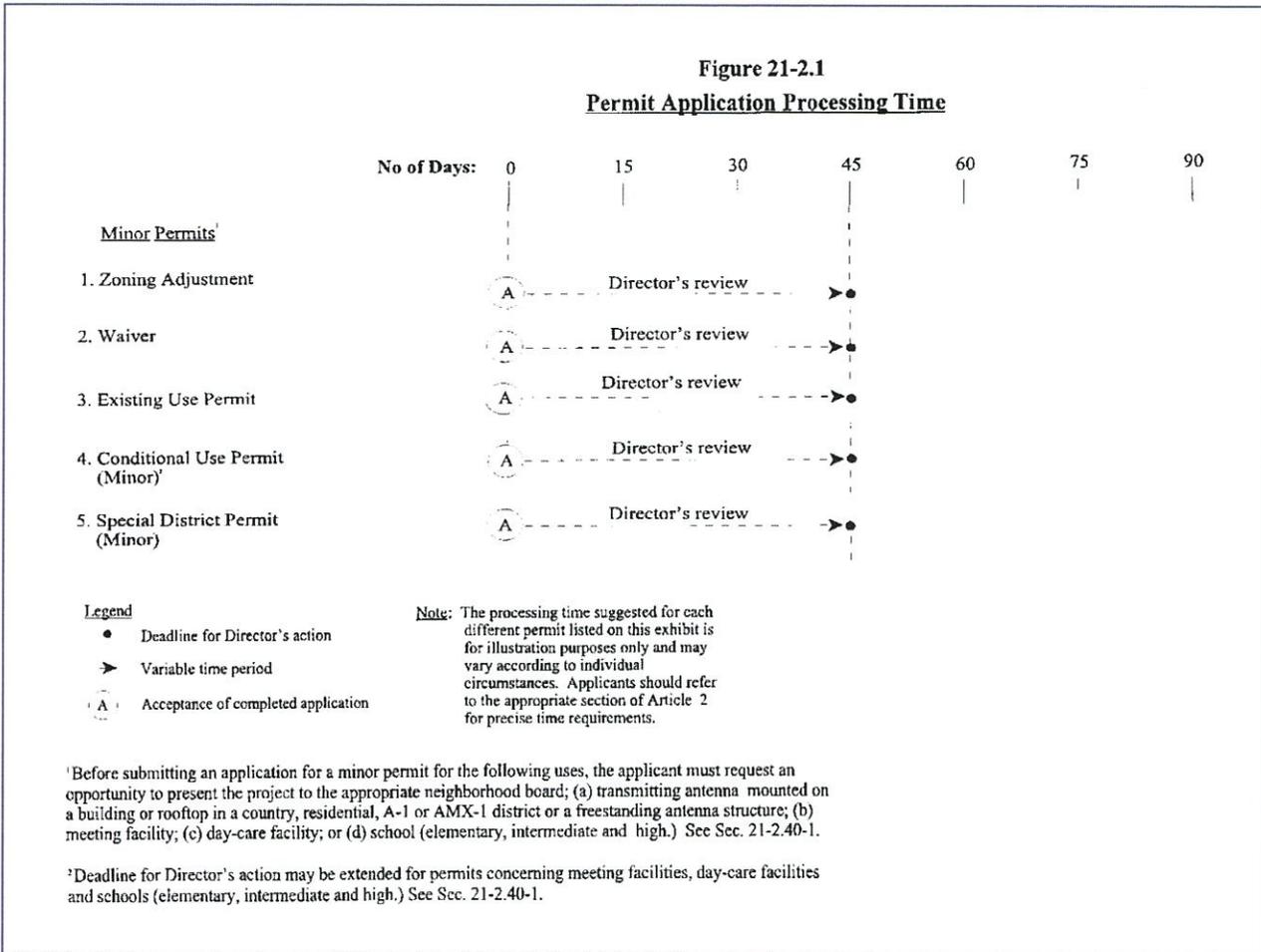
SECTION 2. Figure 21-2.1 ("Permit Application Processing Time"), Revised Ordinances of Honolulu 1990, is repealed and replaced with the following:



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[Figure 21-2.1

Permit Application Processing Time



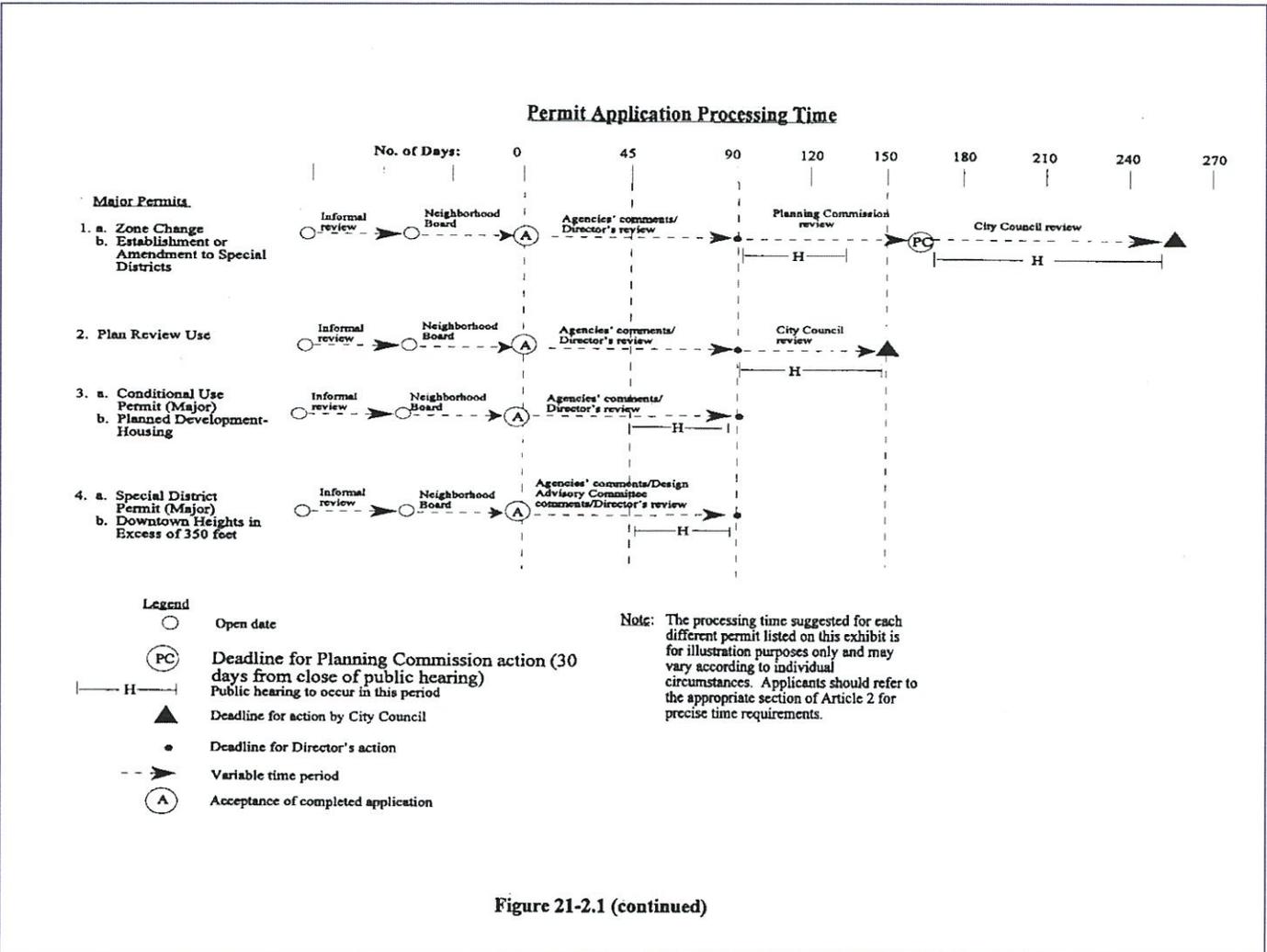


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ORDINANCE _____

BILL 74 (2015), CD1

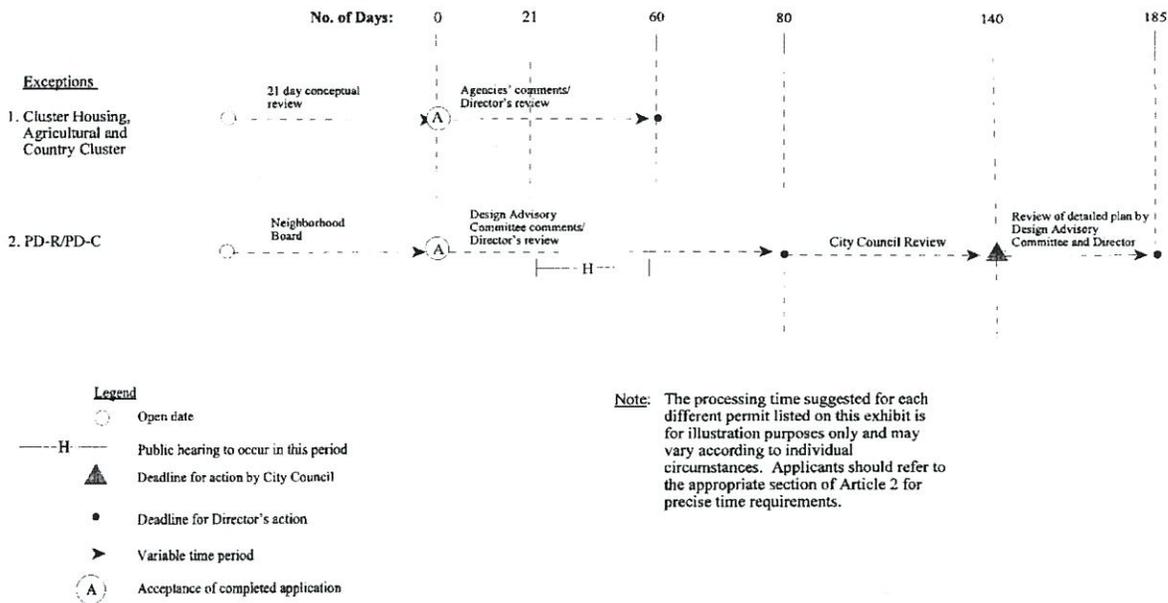
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Figure 21-2.1 (continued)
PERMIT APPLICATION PROCESSING TIME



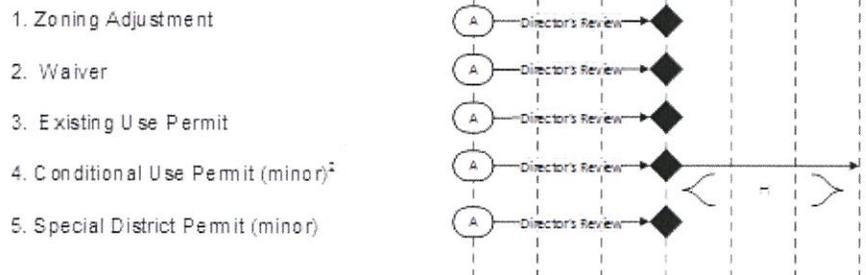


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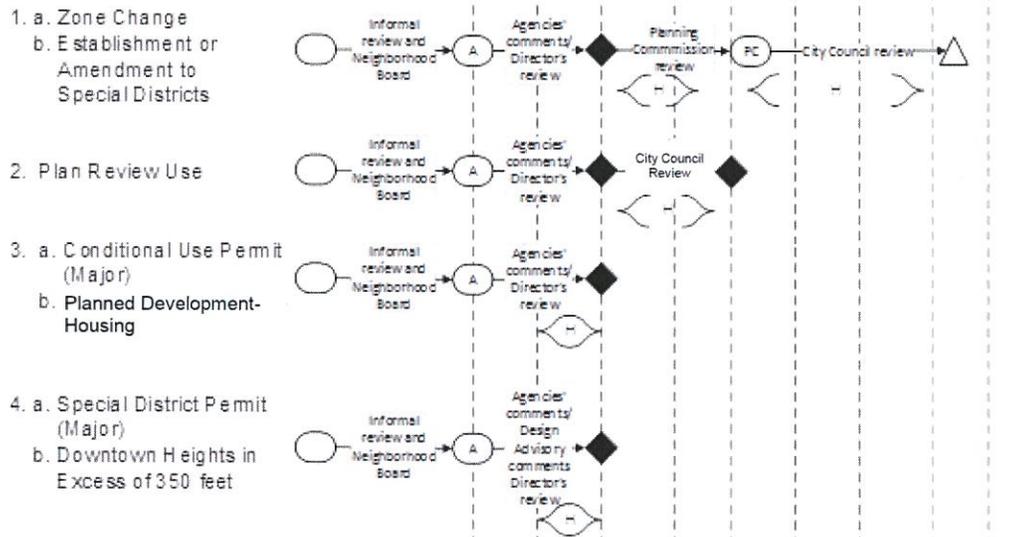
"Figure 21-2.1

PERMIT APPLICATION PROCESSING TIME

Minor Permits¹



Major Permits



Legend

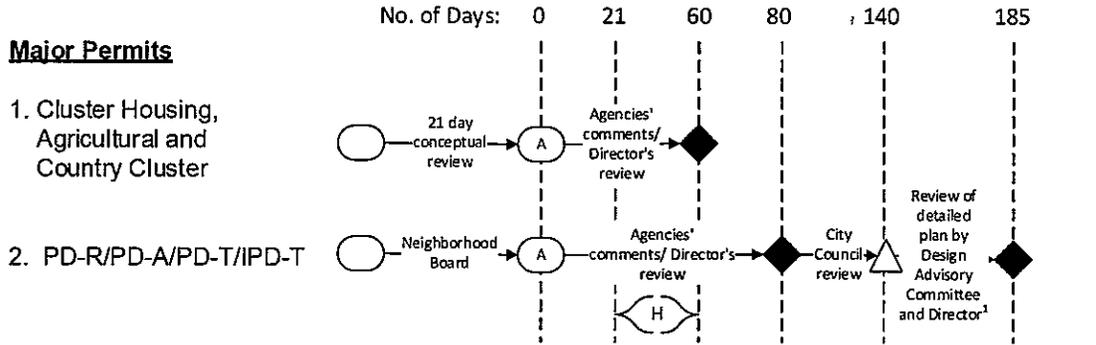
- Open date
- △ Deadline for action by City Council
- (A) Acceptance of completed application
- Variable time period
- ⊖ Public hearing occurring in this period
- (PC) Deadline for action by Planning Commission (30 days from close of public hearing)
- ◆ Deadline for action by the Director

Note: The processing time suggested for each different permit listed on this exhibit is for illustration purposes only and may vary according to individual circumstances. Applicants should refer to the appropriate section of Article 2 for precise time requirements.
¹ Before submitting an application for a minor permit for the following uses, the applicant must request an opportunity to present to the appropriate neighborhood board: (a) transmitting antenna mounted on a building or rooftop in a country, residential, A-1 or AMX-1 District or a freestanding antenna structure; (b) meeting facility; (c) day-care facility; or (d) school (elementary, intermediate and high). See Sec. 21-2.40-1.
² Deadline for Director's action may be extended for permits concerning meeting facilities, day-care facilities and schools (elementary, intermediate and high). See Sec 21-2.40-1.



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Figure 21-2.1 (continued)



Legend

- Open date
- Deadline for action by the Director
- Public hearing occurring in this period
- Variable time period
- Deadline for action by City Council
- Acceptance of completed application

Note: The processing time suggested for each different permit listed on this exhibit is for illustration purposes only and may vary according to individual circumstances. Applicants should refer to the appropriate section of Article 2 for precise time requirements.

¹ Presentation to the Design Advisory Committee is not required for PD-T and IPD-T projects. See Sec.21-2.110-2(d) and (g).

SECTION 3. Section 21-2.110-2, Revised Ordinances of Honolulu (ROH) 1990, is amended to read as follows:

"Sec. 21-2.110-2 Planned development-resort, planned development-apartment, planned development-transit, and interim planned development-transit projects.

- (a) Applications for approval of planned development-resort (PD-R) and planned development-apartment (PD-A) projects in the Waikiki special district, applications for approval of planned development-transit (PD-T) in a TOD special district, and interim planned development-transit (IPD-T) projects shall be processed by the department in accordance with the following subsections.
- (b) Preapplication 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



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department determines that such a meeting is unnecessary. The applicant shall be prepared to discuss how the project can accomplish the goals and objectives of Section 21-9.100-4 and:

- (A) 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) [Present] For all planned-development projects, present the proposal to the neighborhood board in whose district the project is to be located. Notice of the presentation, or the applicant's good faith efforts to make such a presentation, [shall] must be given to all owners of properties adjoining the proposed project.
- (c) [Upon] For all planned-development projects, upon acceptance of the completed application by the director, the director shall notify the council of the acceptance, providing 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 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 hearing may be held jointly and concurrently with any other hearing required for the same project. The director shall give written notice of the public hearing to the neighborhood board in whose district the project is to 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 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.
- (d) [Except for applications for IPD-T projects,] For PD-R and PD-A projects only, the conceptual plan for the project [shall] must also be presented to the design



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advisory committee for its appropriate recommendations prior to transmittal of the application to the council for a conceptual plan review and approval.

- (e) Upon conclusion of the public hearing and (except for PD-T and IPD-T projects) design advisory committee review, and not more than 80 days after acceptance of the application, unless the applicant waives the 80-day period, the director shall submit a report and recommendations to the council.
- (f) The council shall approve the conceptual plan for the project, in whole or in part, with or without conditions or modifications, by resolution, or shall disapprove the conceptual plan. The council may disapprove the conceptual plan by resolution, but if the council does not take final action within 60 days after its receipt of the application, the application shall be deemed denied. The applicant may request, and the council may approve, an extension of time if [it] the request is made in writing, prior to the requested effective date of the extension. An application for council approval of a conceptual plan for a PD-R, PD-A, PD-T, or IPD-T project may be processed concurrently with development plan amendments under Chapter 24, special management area use permits under Chapter 25, and zoning district changes.
- (g) If the council approves the conceptual plan for the project, the application, as approved in concept by the council, shall continue to be processed for further detailed review and final action by the director.
 - (1) The director shall present the detailed plan for the project to the design advisory committee for its recommendation, except in the case of PD-T and IPD-T projects.
 - (2) Within 45 days of council approval, the director shall approve the application in whole or in part, with or without conditions or modifications, or deny the application, with reasons for final action set in writing to the applicant.
 - (3) The applicant may request in writing to the director an extension of time as may be necessary for good cause.
- (h) A final approval by the director shall be considered a major special district permit for the project, notwithstanding that the application has been processed in accordance with this section and not Section 21-2.40-2."



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SECTION 4. Section 21-9.20-2, Revised Ordinances of Honolulu 1990 ("Major, minor, and exempt projects"), is amended to read as follows:

"Sec. 21-9.20-2 Major, minor, and exempt projects.

All development in any special district [shall be] is classified into one of three categories: major, minor, or exempt. Major and minor projects [shall require] must obtain a special district permit and [shall] must be processed under Sections 21-2.40-2 and 21-2.40-1, respectively. Tables 21-9.1 through [21-9.7 shall] 21-9.8 are to be used by the department as a guide to determine the category of a particular project within each special district.

- (a) Major Permits. These permits are intended for projects that may significantly change the intended character of the special district. All major permits [shall], other than TOD special district permits, will be reviewed by the design advisory committee as specified in Section 21-2.40-2.
- (b) Minor Permits. Minor permits are intended for projects [which] that will have limited impact and are considered minor in nature. The director shall have the right to review and modify such projects.
- (c) Exempt Projects. Exempt projects will have negligible or no impact and therefore do not require review. They include projects [which] that require emergency repairs[,] or interior work, and do not change the exterior appearance of a structure. Except for projects proposing more than 10 residential dwelling or lodging units, or both, within a TOD special district, projects that are less than one acre in area or that do not require discretionary review because they meet the development standards found in Section 21-9.100-8, are also exempt projects."

SECTION 5. Section 21-9.100, Revised Ordinances of Honolulu 1990 ("Transit-oriented development (TOD) special districts"), is amended to read as follows:

"Sec. 21-9.100 Transit-oriented development (TOD) special districts.

- (a) The purpose of this section is to establish [a procedure for the establishment of] a TOD special [districts] district [known as TOD zones] around rapid transit stations to encourage appropriate transit-oriented development.
- (b) The regulations applicable [to a] in the TOD [zone] special district [shall be] are in addition to underlying zoning district and, if applicable, special district, regulations, and may supplement and modify the underlying regulations.



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[Where a transit station is located within or adjacent to an existing special district, the TOD zone provisions may be incorporated in the existing special district provisions.] If any regulation pertaining to [a] the TOD [zone] special district conflicts with any underlying zoning district [or special district regulation], the regulation applicable to the TOD [zone shall] special district will take precedence. If any regulation pertaining to a TOD special district conflicts with another special district regulation, the regulation applicable to the other special district will take precedence.

(c) As used in this section:

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

"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 at the end of this article.

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

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

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



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"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 "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 zone, which [shall] will be established by the council by ordinance, pursuant to the provisions of this section. TOD development regulations [shall be specific to each TOD zone and] may include [both zone and subzone specific] provisions specific to certain 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. Land within a TOD special district are subject to TOD development regulations.

"TOD [zone] station area" means the parcels of land around a [rapid] rail transit station subject to the TOD development regulations. Generally, the [TOD zone shall include the parcels of land where any portion of each parcel is within 2,000 feet of a transit station, provided that for any such parcel, the entire parcel must be within one mile of the transit station; provided further that the council, by ordinance, may include or exclude any parcel from the TOD zone either upon its own initiation or upon written request of the director.] station area will consist of that land within approximately one-quarter to one-half mile of the related transit station, which is roughly the distance of a 5- to 10- minute walk from the station, as identified on the exhibits set out at the end of this article."

SECTION 6. Section 21-9.100-1, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 21-9.100-1 [Creation of] TOD [development regulations.] special district findings.

[For each TOD zone, a set of TOD development regulations shall be created to foster and encourage transit-oriented development and redevelopment of such TOD zone. The TOD development regulations shall include the minimum requirements in Section 21-9.100-4, and may include any other provisions, incentives and restrictions.



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Prior to January 1, 2010, the TOD development regulations for each TOD zone may be based on a neighborhood plan that addresses transit-oriented development ("neighborhood TOD plan"). The plans may include more than one station, and may address other community concerns and opportunities. On or after January 1, 2010, the council may initiate proposed ordinances establishing a TOD zone and TOD development regulations applicable thereto where no neighborhood TOD plan has been adopted; provided, however, that there shall be a recognition that the use of neighborhood TOD plans shall be the preferred way to create TOD development regulations for each TOD zone and amendments to the development regulations should be considered upon the completion of a neighborhood TOD plan.]

- (a) The City and County of Honolulu's rail transit system represents a significant investment by the community to improve mobility and re-shape the urban form. Transit-oriented development regulations will support the use of multimodal transportation with the creation of vibrant, mixed use developments and quality community gathering places around transit stations.
- (b) Development along the transit corridor that contains a cohesive and rich mix of uses and a variety of housing types can support the public investment in rail transit and direct a large portion of Oahu's future population growth to the rail corridor, reducing pressures to develop in rural agricultural lands, open spaces, and suburban residential areas.
- (c) Therefore, it is necessary to establish special controls and allowances that respond to the unique characteristics of TOD and shape development around transit stations to foster more livable communities, respond to local conditions, take full advantage of transit, and support the public's investment."

SECTION 7. Section 21-9.100-2, Revised Ordinances of Honolulu 1990 ("Neighborhood TOD plans"), is amended to read as follows:

"Sec. 21-9.100-2 Neighborhood TOD plans.

- (a) For each TOD [zone] station area or combination of station areas, the department shall prepare a neighborhood TOD plan which serves as the basis for the creation or amendment of a TOD [zone] special district and the TOD development regulations applicable thereto. Each neighborhood TOD plan [shall] must address, at minimum, the following:
 - (1) The general objectives for the particular TOD [zone] station area in terms of overall economic revitalization, neighborhood character, and unique community historic and other design themes. Objectives [shall] must



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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) Recommend parcels to be included in the TOD [zone] special district, taking into account natural topographic barriers, extent of market interest in redevelopment, and the benefits of transit including the potential to increase transit ridership.
 - (3) [Recommended] Recommend zoning controls, including architectural and community design principles, open space requirements, parking standards, and other modifications to existing zoning requirements, or the establishment of new zoning precincts, as appropriate, including density incentives. Prohibition of specific uses [shall] 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) Avoid gentrification of the community.
 - (6) 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 be pursued.
- (b) The process of creating neighborhood TOD plans [shall] must be inclusive, open to residents, businesses, landowners, community organizations, government agencies, and others.
 - (c) The process [shall] must consider population, economic, and market analyses and infrastructure analyses, including capacities of water, wastewater, and roadway systems. Where appropriate, public-private partnership opportunities [shall] must be investigated.
 - (d) The neighborhood TOD plan [shall] must be consistent with the applicable regional development plan.
 - (e) To the extent practical, the neighborhood TOD plan [shall] must be consistent with any applicable special area plan or community master plan, or make recommendations for revisions to these plans.



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

(g) Waipahu Neighborhood TOD Plan.

(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 Waipahu's heritage as a former sugar plantation town. The area is generally low-rise in character and contains a wide range of uses. The plan envisions the retention of the 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 and Farrington Highway.

(3) Development in the West Loch station area will be concentrated in the area adjacent to the transit station along Farrington Highway and Leole Street. The plan envisions a higher density commercial center with mixed use buildings along Farrington Highway, while Leole and Leoku Streets serve as pedestrian-oriented streets with active ground floor activities and pedestrian access to the Pearl Harbor Historic Trail."

SECTION 8. Section 21-9.100-3, Revised Ordinances of Honolulu 1990 ("Processing of proposed ordinances establishing TOD zones and the TOD development regulations applicable thereto"), is amended to read as follows:

"Sec. 21-9.100-3 Processing of proposed ordinances establishing the TOD [zones] special district and [the TOD] development regulations applicable thereto.

[(a)] If the council approves a neighborhood TOD plan, with or without amendments, the director shall[, within 120 days after the approval,] submit to the planning commission a proposed ordinance establishing [a TOD zone for] the TOD special district or expanding the existing special district to include the applicable [neighborhood] station area(s) and the TOD development regulations applicable thereto.

[(b)] If the council, pursuant to Section 21-9.100-1, initiates a proposed ordinance establishing a TOD zone and the TOD development regulations applicable thereto where no neighborhood TOD plan has been adopted, the director shall,



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within 120 days after adoption of the resolution initiating the ordinance, submit to the planning commission a report accompanied by the proposed ordinance and any alternative ordinance proposed by the director. The provisions of Chapter 2, Article 24, relating to council proposals to amend the zoning ordinances and the processing thereof by the department, shall not apply to council proposals to establish a TOD zone and the TOD development regulations applicable thereto.

The director may request, and the council may approve, a 60-day extension of the deadline to submit a report and proposed ordinance to the planning commission under the following procedure:

- (1) Within the existing deadline, the director shall submit to the council a request for an extension of the deadline and an interim report describing the status of the director's processing of the council proposal and the reasons that additional time is needed for processing.
- (2) The council may approve or deny the proposed extension by adoption of a committee report. If the council fails to take final action on the proposed extension within 45 days after receipt of the director's request, or the existing deadline, whichever occurs first, the extension shall be deemed denied.
- (3) If an extension of the deadline is approved by the council, the director may thereafter request subsequent extensions of the deadline in accordance with the procedure described above.]"

SECTION 9. Section 21-9.100-4, Revised Ordinances of Honolulu 1990 ("TOD development regulations minimum requirements"), is amended to read as follows:

"Sec. 21-9.100-4 TOD development regulations minimum requirements.

The TOD development regulations for [each] the TOD [zone] special district [shall] must include, but need not be limited to, the following provisions:

- (a) Allowances for a mix of land uses, both vertically and horizontally, including affordable housing.
- (b) Density and building height limits that may be tied to the provision of community amenities, such as public open space, affordable housing, and community meeting space.



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- (c) Elimination or reduction of the number of required off-street parking spaces, including expanded allowances for joint use of parking spaces.
- (d) Design provisions that encourage use of rapid transit, buses, bicycling, walking, and other non-automobile forms of transport that are safe and convenient.
- (e) Guidelines on building orientation and parking location, including bicycle parking.
- (f) Identification of important neighborhood historic, scenic, and cultural landmarks, and controls to protect and enhance these resources.
- (g) Design controls that require human-scale architectural elements at the ground and lower levels of buildings.
- (h) Landscaping requirements that enhance the pedestrian experience, support station identity, and complement adjacent structures.
- (i) Incentives and accompanying procedures, which may include minimum standards and financial incentives, to encourage appropriate and necessary transit-oriented development."

SECTION 10. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990 ("Special District Regulations"), is amended by adding new Sections 21-9.100-6 through 21-9.100-11 to read as follows:

"Sec. 21-9.100-6 TOD special district objectives.

The objectives of a TOD special district are to:

- (a) Promote an appropriate mixture and density of activity around the rail transit stations in order to maximize the potential for transit ridership and promote alternative modes of transportation to the automobile;
- (b) Allow for more intense and efficient use of land for the mutual reinforcement of public investments and private development;
- (c) Support transit by ensuring connectivity and convenient access, while limiting conflicts among vehicles, pedestrians, bicycles, and transit operations;
- (d) Establish standards for buildings and sites that provide quality urban design that attracts and encourages pedestrian activity;



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- (e) Provide a high level of streetscape amenities that create a comfortable environment for pedestrians, bicyclists, and other uses, such as walkways, street furniture, street trees, and human-scale architectural features;
- (f) Promote an appropriate mix of housing types, including affordable housing and/or rental housing; and
- (g) Promote quality publicly accessible and useable spaces and gathering places.

Sec. 21-9.100-7 Use regulations.

Permitted uses and structures are as enumerated in Table 21-3, except as provided below:

- (a) In the business mixed use district, the ground floor of buildings facing a key street, public open space, or transit station must be designed and used for active ground floor activities, as defined in Section 21-9.100(c), for at least 80 percent of the ground-floor building frontage. On corner lots, this requirement must be met on each key-street-facing facade.
- (b) In the apartment mixed use district the ground floor of the building frontage facing any key street, public open space, or transit station must be designed and used as residential dwelling units or active ground floor activities, as defined in Section 21-9.100(c). On corner lots, this requirement must be met on each key-street-facing facade.
- (c) Up to 10 dwelling units may be permitted per zoning lot above the ground floor in the IMX-1 industrial commercial mixed use district, subject to a special district permit. Accessory caretaker dwellings do not require a special district permit.
- (d) All projects proposing more than 10 residential dwelling or lodging units, or both, require a special district permit.

Sec. 21-9.100-8 General requirements and development standards.

The following standards apply throughout a TOD special district:

- (a) Site Development and Design Standards. Development standards are as established for the underlying base district except as provided below.



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(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:

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

(B) The open space bonus provisions of Section 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 the proposed development meets the objectives of the TOD special district, as enumerated in Section 21-9.100-6.

(D) Height. 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 applicant may seek approval to exceed the base height up to the parenthetical number identified as the bonus height limit on the zoning map. Projects seeking a bonus height of 20 feet or more require a PD-T permit.

(E) Where a TOD special district permit is sought to achieve height and/or density bonuses, the degree of flexibility requested must be reasonably related to the community benefits the development will provide for the enhancement of the TOD area. The highest degree of flexibility may be authorized for those projects which demonstrate:



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- (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 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, 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 or rental housing, or both, located on the project site or within the same station area as the project site. Where the project proposes more than 10 residential dwelling or lodging units, or both, the affordable or rental units must be in addition to the base affordable housing requirements pursuant to Section 21-9.100-8(b)(1).

The above notwithstanding, the completed project must be able to contribute positively to the economic enhancement of the affected area, particularly with regard to providing a broad mix of uses and diverse employment opportunities.

- (F) When an applicant seeks to exceed the base height and/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(b);
 - (ii) The increase in height and/or FAR is reasonably related to the level of community benefits provided;
 - (iii) The additional FAR and/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 and/or height will further the goals and



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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 Table 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:

<u>Required Yard Standards</u>		<u>B-2 and BMX-3 Districts</u>	<u>Apartment and Apartment Mixed Use Districts</u>	<u>Industrial and Industrial Mixed Use Districts</u>
<u>Minimum Front Setback</u>	<u>All Streets</u>	<u>5¹</u>		
<u>Maximum Front Setback</u>	<u>Key Street</u>	<u>10</u>	<u>15</u>	<u>10</u>
	<u>Non-Key Street</u>	<u>10</u>	<u>N/A</u>	<u>N/A</u>

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

- (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) Buildings may encroach into the front yard provided:
 - (i) A paved public sidewalk at least eight feet in width fronts the building; or
 - (ii) Other buildings on the same block and sharing the same street frontage are set back less than five feet from the property line, and the proposed building location will match the existing setback(s) so that the proposed building facade creates a consistent building alignment.
- (D) Street facade and building placement.



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- (i) On corner 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 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 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 lot fronts two or more key streets, the applicant may designate one of the streets and/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.
- (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, and/or merchandising displays. Awnings and other sunshade devices may exceed the 36-inch horizontal projection limit established in Section 21-4.30(b).
 - (ii) For ground-floor residential uses, covered porches, stoops, and/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.



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- (F) For 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 feet in height.
- (G) Where a side yard, rear yard, and/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 openwork fences that do not exceed four 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 which fronts the project, the applicant must install street trees, as required by the director.
- (I) The standards of this subdivision may be modified through a special district permit where at least one of the following conclusions can be made:
- (i) Irregular property lines, lot configuration, or topography of the site render the yards, setbacks, street facade and building placement standards infeasible;
 - (ii) The existing built environment is arranged in such a way that the yards, setbacks, street facade, and building placement standards are incompatible or unreasonable, and better overall design can be achieved by following existing development patterns; and/or
 - (iii) The proposed building placement provides for publicly accessible, highly usable parks and/or gathering spaces and will not detract from the purposes of the special district.



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- (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 requirements may be modified through a special district permit if irregular property lines, lot configuration, or topography of the site 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 21-9.14. Blank walls cannot extend for more than 25 feet in a continuous horizontal plane without an opening on the ground floor of a building, provided:
 - (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 feet deep.



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- (C) Modifications to the building transparency standard may be approved through a special district permit provided:
- (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, and/or provide canopies and awnings in such a manner as to create visual interest at the pedestrian level and activate the sidewalk area.
- (6) Pedestrian walkways. Walkways with a minimum five-foot unobstructed width must be provided according to the following standards.
- (A) Pedestrian walkways must create internal connections by connecting all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site 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 lots one acre or more in size whenever possible.
 - (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.
- (1) All new development of residential dwelling or lodging units, or both, must comply with the following affordable housing policy.
 - (A) All projects proposing more than 10 residential dwelling or lodging units, or both, must provide affordable housing units in an amount equal to at least 30 percent of the total residential units in the project. "Affordable housing" means housing that is affordable to



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households with incomes not exceeding 120 percent of the area median income for Honolulu. Of the total number of affordable housing units, no less than two-thirds must be affordable to households with incomes not exceeding 100 percent of the area median income, and no less than one-third must be affordable to households with incomes not exceeding 80 percent of the area median income. The units must remain affordable for at least 30 years. For purposes of this requirement, multiple projects on adjacent parcels being developed as part of a unified development scheme are considered a single project.

- (B) The affordable housing units must be provided on the project site or within one-half mile of the identified Honolulu Rail Transit Project transit station nearest to the project. No other delivery options are allowed, including but not limited to a cash contribution ("in-lieu fee").
- (C) All affordable units must be delivered prior to the issuance of the certificate of occupancy for the project. For multi-phase projects, the affordable units attributable to each phase must be delivered prior to the issuance of the certificate of occupancy for that phase.
- (D) The director may adopt rules pursuant to HRS Chapter 91 for the implementation, administration, and enforcement of this subdivision.

(2) Outdoor dining areas are subject to the following:

- (A) A planter or hedge of not more than 30 inches 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.
- (C) Outdoor dining areas must not be used after 11 p.m. or before 7 a.m.

(c) Vehicle Parking, Loading, and Bicycle Parking.

(1) Number and location of off-street parking spaces.



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(A) There are no minimum parking requirements for non-residential uses.

(B) The minimum parking requirement for residential dwelling units is as follows:

<u>Off Street Parking Requirements for Dwelling or Lodging Units</u>	
<u>Floor area of unit</u>	<u>Requirement</u>
<u>300 sq. ft. or less</u>	<u>0</u>
<u>301 – 600 sq. ft.</u>	<u>0.5</u>
<u>601 – 800 sq. ft.</u>	<u>0.75</u>
<u>Over 800 sq. ft.</u>	<u>1</u>

(C) The parking requirements may be reduced through a special district permit where the following conclusions can be made:

(i) The application demonstrates how the anticipated transportation demand of the future residents and users of the project site will be accommodated; and

(ii) A parking and transportation demand analysis demonstrates that a modification of the parking requirements will not be detrimental to the surrounding neighborhood. The analysis must include (1) an inventory of all on- and off- street parking spaces within the vicinity of the project site, (2) a survey of current and anticipated parking space utilization, and (3) a survey of the current and anticipated use of other modes of transportation. The analysis should also consider strategies such as shared parking agreements, bicycle facilities, bicycle sharing stations, car-sharing, and/or improved pedestrian mobility.

(2) At-grade parking spaces and parking on the ground floor of any structure cannot 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 finds that:



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- (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 cannot be accommodated.
- (3) Service areas and loading spaces must be located at the side or rear of the site. This requirement may be modified through a special district permit if the director finds that the size and configuration of the lot make such a requirement infeasible.
- (4) 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.
- (5) 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.
- (6) Bicycle Parking.
 - (A) A covered, single-story, stand-alone bicycle parking structure will not be considered floor area for the purposes of FAR calculation.
 - (B) Bicycle parking within enclosed parking structures must be located as close as is feasible to an entrance of the facility so that it is visible from the street or sidewalk. Where the bicycle parking is not visible from the front entrance, signage indicating the location of bicycle parking must be utilized. The provision of a fenced and gated area for secure bicycle parking within the structure is encouraged.
 - (C) The bicycle parking standards in Section 21-6.150 may be modified through a special district permit if the director finds that there is adequate bicycle parking in the immediate vicinity, including, but not limited to, public bicycle parking in the right-of-way or private bicycle parking on nearby lots, if such parking is both perpetually accessible to the users of the project location, and designed in such a way that pedestrians and cyclists can easily recognize the availability of the bicycle parking.



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- (d) Nonconformities. The provisions of Section 21-4.110 apply, except as provided in this subsection.
- (1) Structures and uses that are nonconforming prior to the adoption of a TOD special district and that do not conform to the TOD special district standards are subject to the provisions of Section 21-4.110.
 - (2) Uses which became nonconforming with the adoption of a TOD special district and zoning map amendments may be expanded to other parts of an existing structure or structures on a lot provided no new floor area devoted to such nonconforming use is proposed.
 - (3) Structures which became nonconforming with the adoption of a TOD special district and zoning map amendments may be repaired and modified where there is no proposed increase in floor area. Structural repairs that do not enlarge or extend the structure, and exterior repairs and renovations which will not modify the arrangement of buildings on the lot may be allowed, provided that if any portion of a nonconforming structure is destroyed by any means to an extent of more than 90 percent of its replacement cost at the time of destruction, it cannot be reconstructed except in conformity with the provisions of this chapter.
 - (4) The addition of floor area on a structure which became nonconforming with the adoption of a TOD special district and zoning map amendments may be allowed, provided the proposed development complies with all applicable development standards or does not increase the nonconformity.
 - (5) Existing structures on lots with nonconforming site development may be repaired and modified, and will not be subject to value limits on repairs or renovation work performed. Where the work involves new floor area or reconfiguration of the site, the new work must comply with the standards of the TOD special district.
 - (6) Where proposed improvements to nonconforming structures or nonconforming site development meet the standards of the underlying zoning but not the TOD special district standards, the applicant may seek a special district permit to allow the development where the director can find:
 - (A) The proposed development is not detrimental to the special district, surrounding neighborhood, and/or streetscape; and



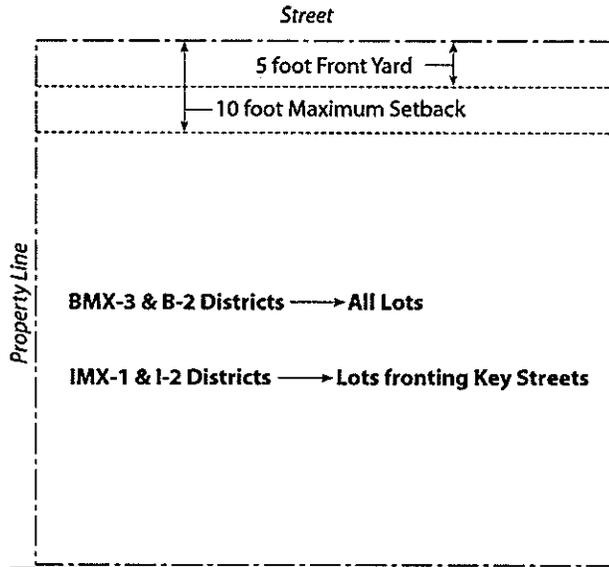
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(B) The proposal includes measures to mitigate the impacts of the proposed development, or provides other community benefits to increase the conformity of the site overall with the special district standards.

(e) Signage. TOD-related way-finding signage will be considered "public signs" for purposes of Article 7.

Figure 21-9.3

YARDS AND MAXIMUM SETBACKS ON ALL STREETS IN THE BMX-3 BUSINESS MIXED USE AND B-2 COMMUNITY MIXED USE DISTRICTS AND ON KEY STREETS IN THE IMX-1 INDUSTRIAL COMMERCIAL MIXED USE AND I-2 INTENSIVE INDUSTRIAL DISTRICTS

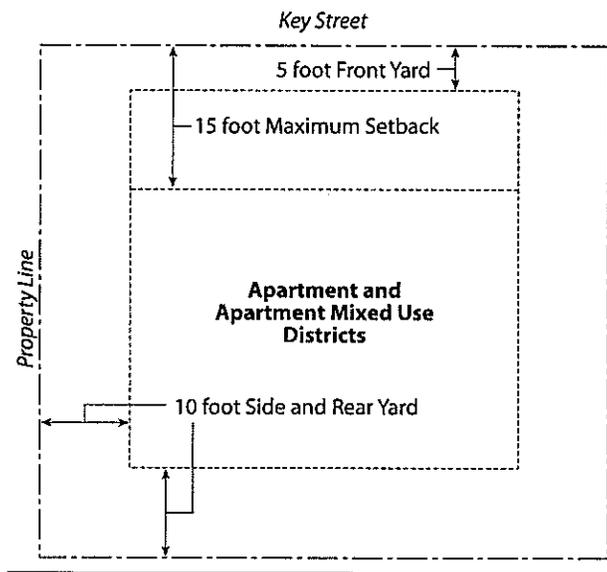




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Figure 21-9.4

YARDS AND MAXIMUM SETBACKS ON KEY STREETS,
APARTMENT MIXED USE DISTRICTS





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Figure 21-9.5

BUILDING FACADE PLACEMENT ON CORNER LOTS FRONTING TWO KEY STREETS

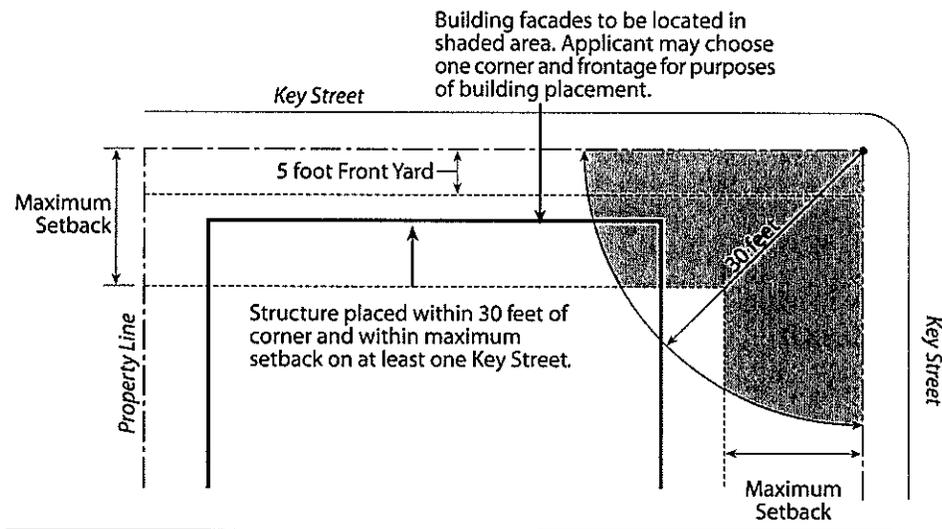
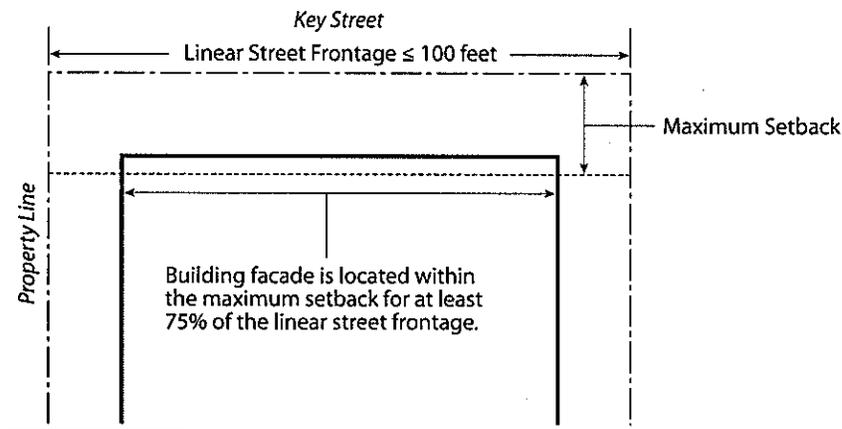


Figure 21-9.6

BUILDING FACADE PLACEMENT ON LOTS 100 FEET AND LESS

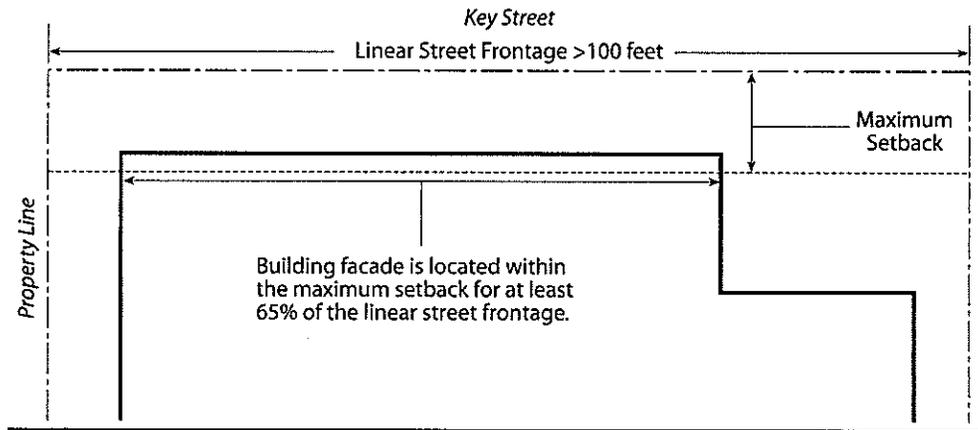




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Figure 21-9.7

BUILDING FACADE PLACEMENTS ON LOTS GREATER THAN 100 FEET

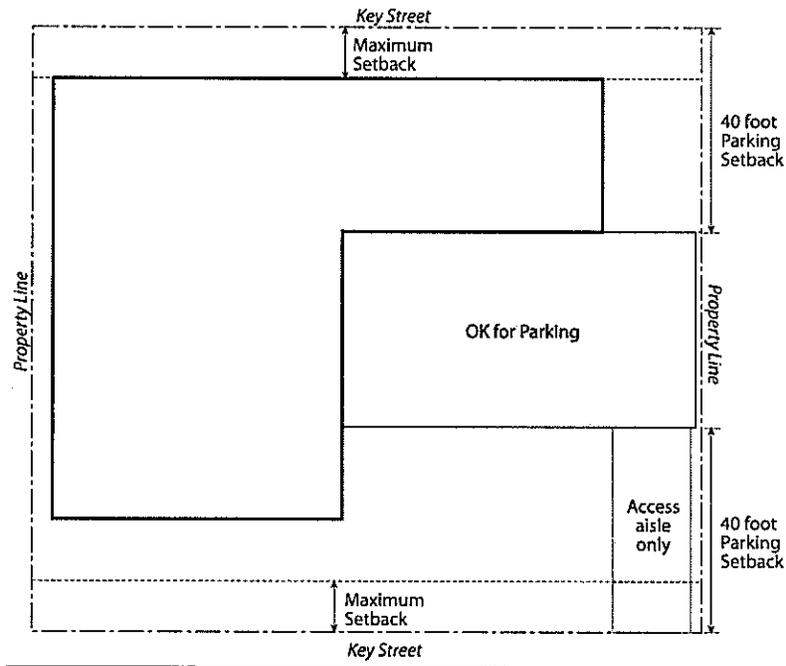




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Figure 21-9.8

**BUILDING FACADE AND PARKING PLACEMENT ON LOTS
 FRONTING TWO KEY STREETS**

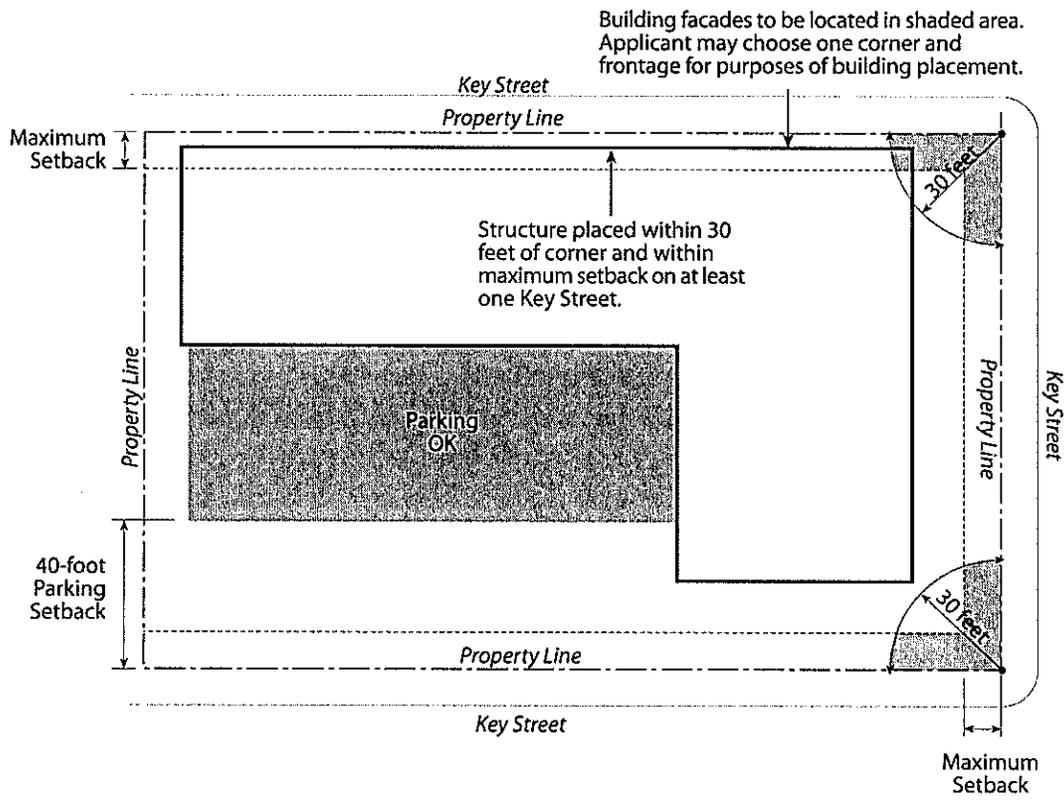




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Figure 21-9.9

**BUILDING FACADE AND PARKING PLACEMENT ON LOTS
FRONTING THREE KEY STREETS**

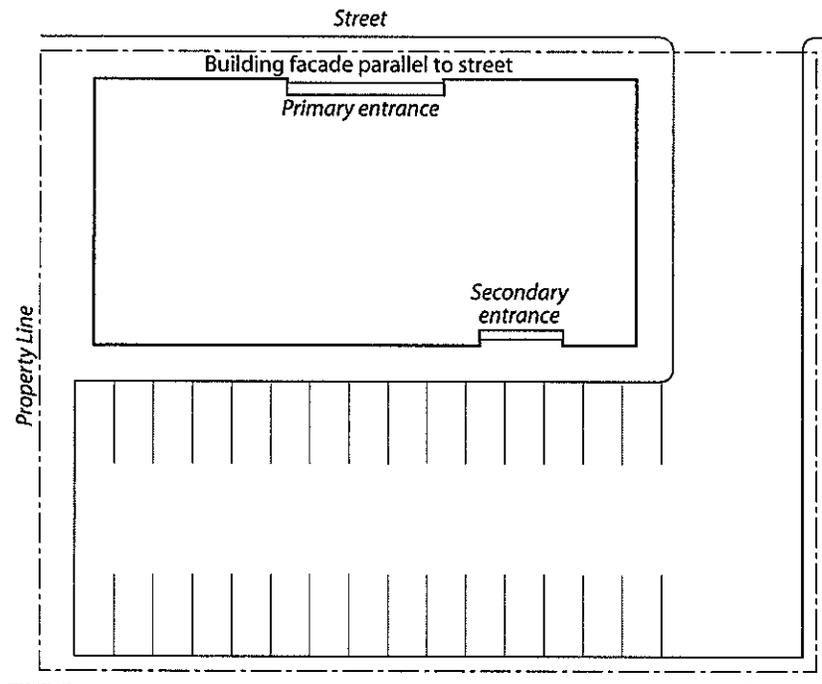




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Figure 21-9.10

PRIMARY AND SECONDARY BUILDING ENTRANCES

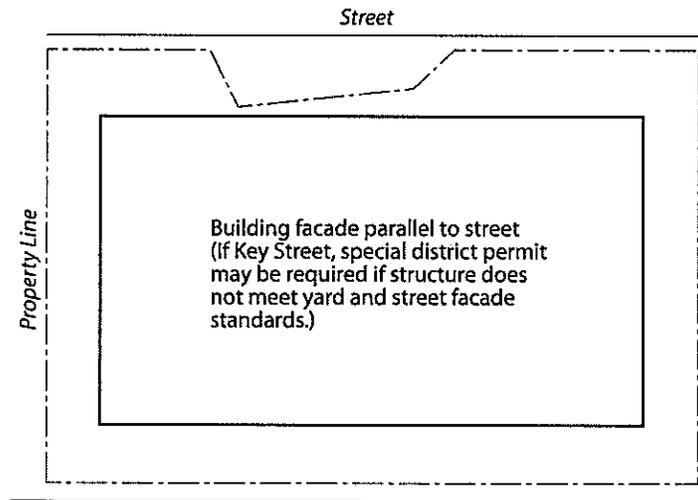




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Figure 21-9.11

FOR LOTS WITH IRREGULAR PROPERTY LINES,
BUILDING FACADES PARALLEL TO STREETS





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Figure 21-9.12

PRIMARY ENTRANCES SHOULD FACE THE STREET

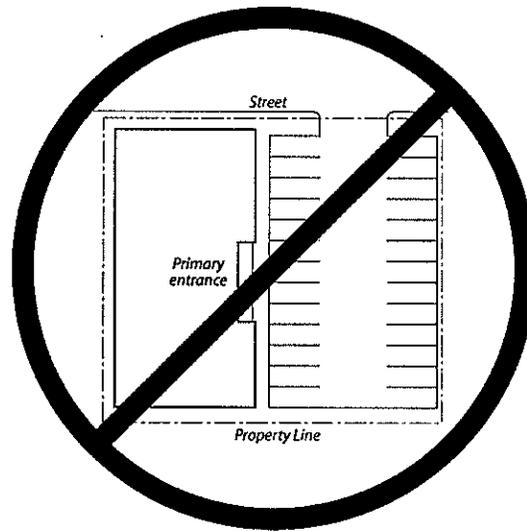
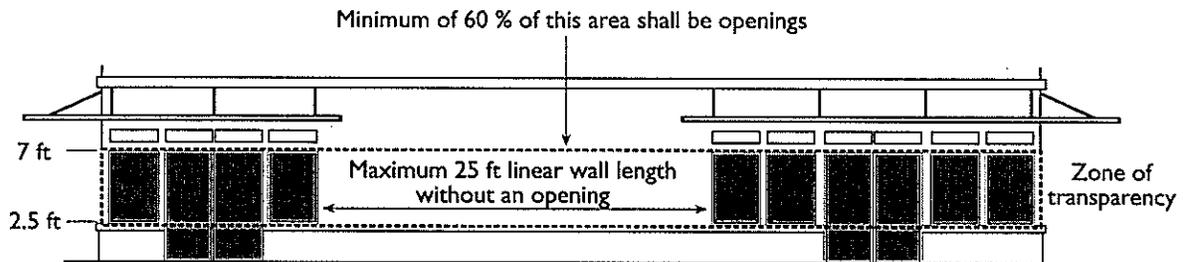


Figure 21-9.13

BUILDING TRANSPARENCY

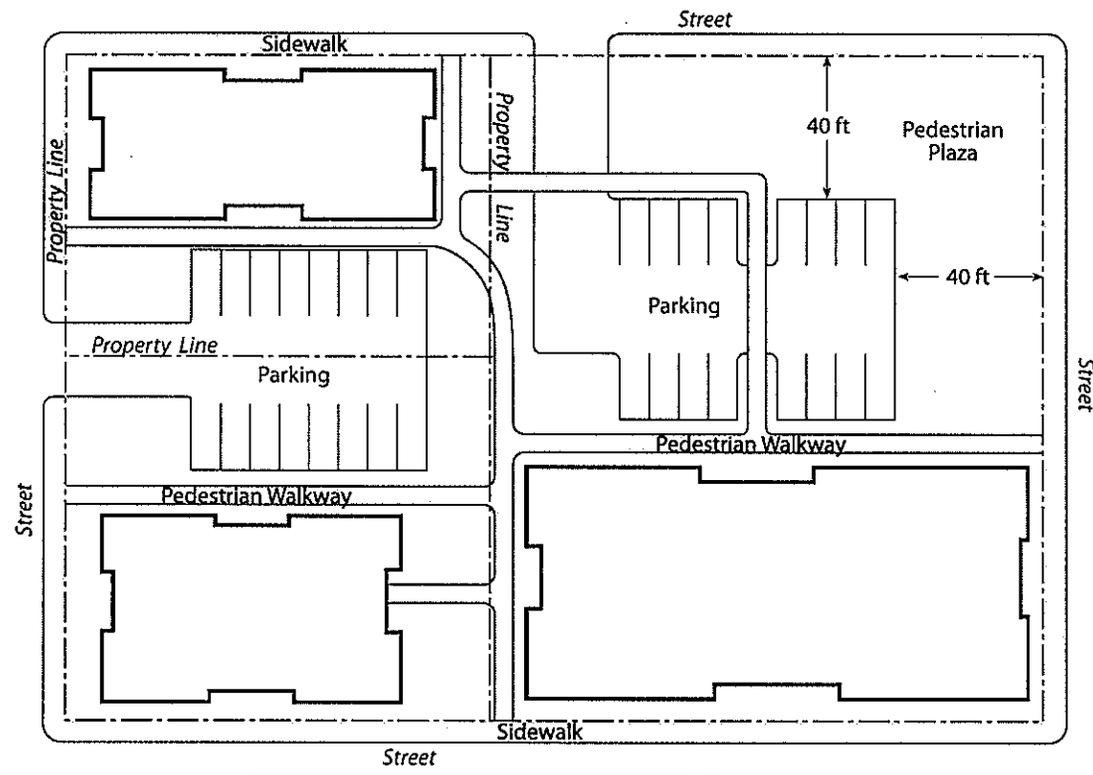




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Figure 21-9.14

PEDESTRIAN WALKWAY CONNECTIVITY ACROSS ZONING LOTS

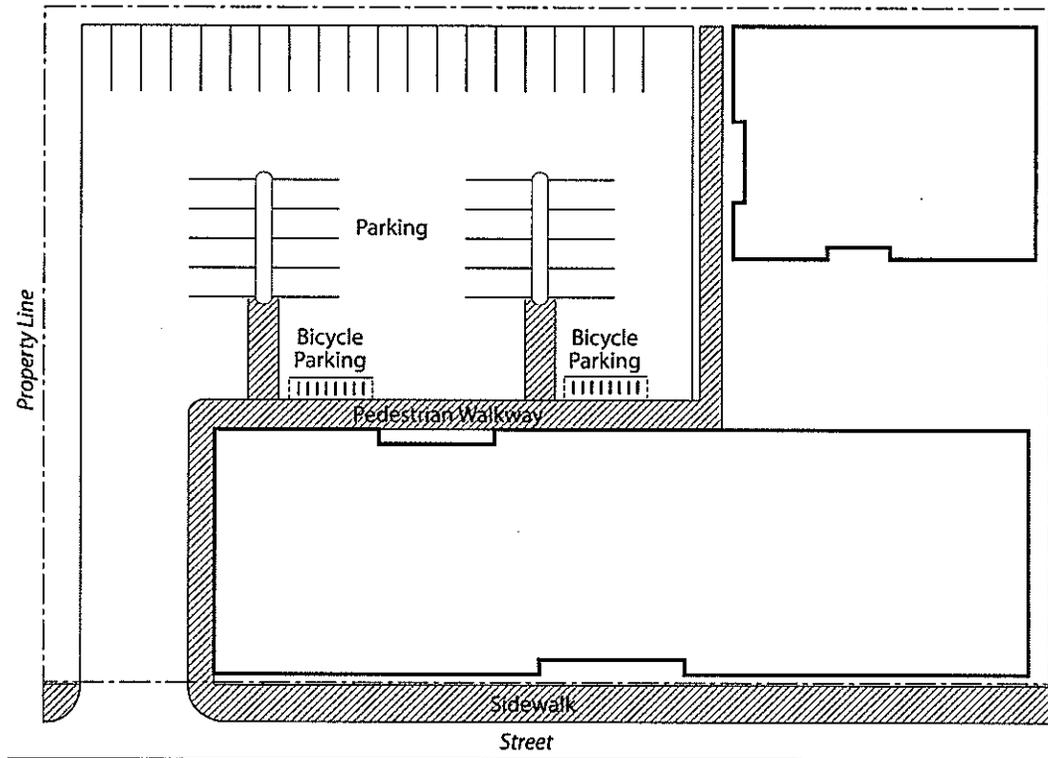




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Figure 21-9.15

PEDESTRIAN WALKWAYS WITHIN A ZONING LOT



Sec. 21-9.100-9 TOD special district permits.

- (a) Where a TOD special district permit is sought to modify development standards pursuant to Sections 21-9.100-7 and 21-9.100-8, the application must show that:
- (1) The proposed project is generally consistent with the neighborhood TOD plan for the area; and
 - (2) The proposed project meets the findings identified under each specific development standard for which modification is sought.
- (b) Where a TOD special district permit is sought because the lot is an acre or more in size, or when height or density bonuses are sought, the proposed



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development must have a cohesive overall design that meets the goals and objectives of the TOD special district, pursuant to Sections 21-9.100-4 and 21-9.100-6, and is generally consistent with the neighborhood TOD plan for the area. The project plan must show how the development positively contributes to the neighborhood transportation network, including pedestrian paths and connectivity. The application must also show how the proposed development generates active uses and streetscapes, and contributes to neighborhood vitality.

- (c) Where a special district permit is sought to allow residential units in the IMX-1 industrial commercial mixed use district, the application must show how the residential units will be integrated into the neighborhood and how any potential conflicts among the industrial, commercial, and residential uses will be mitigated. Additionally, the application must provide a review of the adequacy of public utilities and facilities, including sewer, water, and roadway systems, for the proposed dwelling units, and, where necessary, a plan to upgrade any utilities that are inadequate for the proposed use.
- (d) Where a special district permit is sought to allow the development of more than 10 residential dwelling or lodging units, or both, the application must show how affordable housing is being provided to satisfy the requirements of Section 21-9.100-8(b)(1).
- (e) Community benefits must be proposed in the TOD special district permit application to justify height and density bonuses, or to mitigate the impacts related to the modification of TOD special district development standards. Where community benefits are proposed, they must meet the following standards:
- (1) Where open space is provided as a community benefit for a TOD special district permit, it must meet the following minimum qualifications:
- (A) The area dedicated to open space must be at least 2,000 contiguous square-feet, or an area equal to at least five percent of the maximum permitted floor area on the lot, not including floor area bonuses being sought, whichever is greater.
- (B) The land dedicated to open space may include required yards, provided all open space must have a minimum average width and depth of 20 feet and a slope no greater than 10 percent across the open space.
- (C) Quality open space will involve publicly accessible, highly usable parks and gathering spaces. These spaces should be pedestrian-



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oriented and provide public accommodations such as, but not necessarily limited to, benches and seating, shaded areas, restrooms, trash and recycling receptacles, facilities for recharging electronic devices, telecommunications facilities, and bicycle facilities. Open space must be surfaced with a combination of trees, landscaped groundcover, and hardscape materials. It must include benches or other seating, shade structures, drinking fountains, water features, public art, trash receptacles, information kiosks, performance areas, or other similar amenities.

(D) The open space may be provided on-site, off-site within the same special district, or through a combination of both.

(2) Where affordable housing is provided as a community benefit for a TOD special district permit, it must be in addition to the base affordable housing requirements pursuant to Section 21-9.100-8(b)(1).

(3) Where streetscape improvements are provided as a community benefit for a TOD special district permit, the improvements must be in compliance with any adopted "complete streets" guide, manual, or ordinance.

Sec. 21-9.100-10 Planned development–Transit (PD-T) projects.

The purpose of the PD-T permit is to provide opportunities for creative, catalytic redevelopment projects within a TOD special district that would not be possible under a strict adherence to the development standards of this chapter. Qualifying projects must demonstrably exhibit those kinds of attributes that are capable of promoting highly effective transit enhanced neighborhoods, including diverse employment opportunities, an appropriate mix of housing types, support for multimodal circulation, and well-designed publicly accessible and usable spaces. Flexibility may be provided for density, height and height setbacks, yards, open space, landscaping, streetscape improvements, parking and loading, and signage when timely, demonstrable contributions are incorporated into the project benefiting the community, supporting transit ridership, and implementing the vision, goals, and objectives of the TOD special district. Reflective of the significance of the flexibility represented by this option, it is appropriate to approve projects conceptually by legislative review and approval prior to a more detailed administrative review and approval by the department.

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



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- (1) PD-T projects are permitted on zoning lots with a minimum project size of at least one acre. Multiple lots may be part of a single PD-T project if all of the lots are under a single owner and/or lessee holding leases with a minimum of 30 years remaining in their terms. Multiple lots in a single project must be contiguous, provided that lots that are not contiguous may be part of a single project if all of the following conditions are met:
- (A) The lots are not contiguous solely because they are separated by a street or right-of-way; and
- (B) Each noncontiguous portion of the project, whether comprised of a single lot or multiple contiguous lots, must have a minimum area of 20,000 square feet.

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

- (2) This section does not apply to landscape lots, right-of-way lots, or other lots utilized for similar utilitarian (infrastructure) purposes.

(b) Standards for Review.

- (1) All of the development standards of a TOD special district will apply to PD-T projects, unless otherwise noted in this section. Greater height and density bonuses are available to PD-T projects and the development standards may be modified in any way that would normally be allowed through a special district permit. The degree of flexibility sought through the PD-T process must be reasonably related to the community benefits provided. The highest degree of flexibility may be authorized by this permit for those projects which 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. 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



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the purpose of accomplishing the goals and objectives of the TOD special district. Also, the modification must be commensurate with the contributions provided in the project plan, and the project must be generally consistent with the neighborhood TOD plan for the area.

(1) Density. Pursuant to 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.

(2) The maximum height cannot exceed the bonus height limit shown as the parenthetical number on the zoning maps.

(3) Transitional height and/or height setbacks may be modified where 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 requirements of Section 21-9.100-8(b)(1). If affordable housing is provided as a community benefit to justify flexibility with respect to development standards, it must be in addition to the base requirements in Section 21-9.100-8(b)(1).

(d) Application Requirements. An application for approval of a PD-T project must contain:

(1) A project name;

(2) A location map;

(3) A site plan showing property lines, the locations of buildings and the other major structures on the same and adjacent lots, building access and activity zones, the proposed open space and landscaping system, access and circulation for vehicles, bicycles, and pedestrians, bus or trolley stops, and other major activities;



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- (4) A narrative description of the overall development and urban design concept; the building height and density; the basic form and number of structures; the relationship of buildings to each other and the streets; the general mix of uses; the estimated number of proposed dwelling or lodging units; the proposed mix of housing types; the ways the project positively contributes to TOD; the ways the project is consistent with the applicable neighborhood TOD plan; the usable, publically-accessible space and landscape plans; how the project supports walking, bicycling and active living; proposals to enhance multimodal circulation and access; the proposed off-street parking and loading; and the possible impacts on security, public health and safety, infrastructure and public utilities;
- (5) Details of the project, including calculations of proposed floor area, FAR, height limits, open spaces, landscaped areas, areas dedicated to parking, and any other significant calculations;
- (6) A narrative description of the proposed public amenities and community benefits the project will provide. The narrative must describe how the amenities and benefits are commensurate with the design flexibility being requested, and how they will benefit the TOD special district and the neighborhood;
- (7) An open space plan, showing the reservation of land for public, semi-public, and private open space, including parks, plazas, and playgrounds, and an integrated circulation system plan, showing the proposed movement of vehicles, goods, pedestrians, and bicyclists within the project area and adjacent areas, including streets and driveways, sidewalks and pedestrian ways, bicycle lanes, bicycle tracks, and multi-use paths, off-street parking, and loading areas;
- (8) A discussion of any impacts to any cultural or historic resources, as well as any public view protected by law or ordinance;
- (9) A parking and loading management plan or transportation demand management plan, or both;
- (10) A wind and shadow study to analyze the effects of mid-rise and high-rise structures, particularly anticipated effects at the ground level. Where adverse effects are anticipated, mitigative measures must be included in the proposal;



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- (11) If applicable, a discussion of how the proposed project will satisfy the base affordable housing requirements of Section 21-9.100-8(b)(1); and
- (12) Any other information deemed necessary by the director to ascertain whether the project meets the requirements of this section.
- (e) Procedures. Applications for approval of PD-T projects will be processed in accordance with Section 21-2.110-2. Fees will be as enumerated for Planned Development application in Section 6-41.1(a)(19).
- (f) Conceptual Plan for a Project. The council must approve the conceptual plan for the project before the final PD-T permit approval can be granted. The approved conceptual plan must set forth the allowable uses and the site development and design standards for density, height, transitional height and/or street setbacks, yards, open space, landscaping and screening, parking and loading, bicycle parking, and signs if the uses and standards depart from the uses and standards applicable in the underlying zoning district or TOD special district. If applicable, the approved conceptual plan must also show how the affordable housing requirements of the project will be satisfied.
- (g) Guidelines for Review and Approval of the Conceptual Plan for a Project. Prior to or concurrently with its approval of a conceptual plan for a PD-T project, the council shall find that the project concept, as a unified plan, is in the general interest of the public, and, that:
- (1) Requested project boundaries and requested flexibility with respect to TOD special district development standards and use regulations are consistent with the objectives of TOD and this section; and
- (2) Requested flexibility with respect to development standards and use regulations to allow up to 10 dwelling units in the IMX-1 district is commensurate with the public amenities and community benefits proposed.
- (h) Deadline for Obtaining Building Permit for a Project.
- (1) A council resolution approving a conceptual plan for a PD-T project must establish a deadline within which the building permit for the project must be obtained. For multiphase projects, deadlines must be established for obtaining building permits for each phase of the project. The resolution must provide that the failure to obtain any building permit within the prescribed period will render null and void the council's approval of the



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conceptual plan and all approvals issued thereunder; provided that in multiphase projects, any prior phase that has complied with the deadline applicable to that phase will not be affected. A revocation of a building permit pursuant to Section 18-5.4 after the deadline will be deemed a failure to comply with the deadline.

(2) The resolution must further provide that a deadline may be extended as follows:

(A) The director may extend the deadline for one year if the applicant demonstrates good cause.

(B) If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension, which must include the director's finding, recommendations and a proposed resolution approving the extension.

(C) The council may approve the proposed extension or any extension for a shorter or longer period, or deny the proposed extension by resolution.

(D) If the council fails to take final action on the proposed extension within the first to occur of (i) 60 days after the receipt of the director's report or (ii) the applicant's then-existing deadline for obtaining a building permit, the extension will be deemed to be denied.

(E) The director shall notify the council in writing of any extensions granted by the director that do not require council approval.

(i) Further Processing by Director. If the council approves the conceptual plan for the PD-T project, the application, as approved in concept by the council, will continue to be processed by the director as provided under Section 21-2.110-2. Additional documentation may be required by the director as necessary. The following criteria must be used by the director to review applications:

(1) The project must conform to the approved conceptual plan and any conditions established by the council in its resolution of approval. Any significant change to the conceptual plan will require a new application.



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and approval by the council. The director may approve changes to the project that do not significantly alter the size or nature of the project, if the changes remain in conformance with the conceptual plan and any conditions established by the council; and

(2) The project must implement the goals and objectives of this section.

Sec. 21-9.100-11 TOD special 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, but does not include projects proposing to develop more than 10 residential dwelling or lodging units, or both.

<u>Table 21-9.8 TOD Special District Project Classification</u>		
<u>Activity/Use</u>	<u>Required Permit</u>	<u>Special Conditions</u>
<u>Major modification, additions, or new construction on sites one acre or more in size</u>	<u>M/m</u>	<u>Projects on key streets are major. All others will be minor, unless the director has determined that the project may result in substantial impacts.</u>
<u>Alterations or repair on sites one acre or more in size</u>	<u>E</u>	
<u>Major modification, alteration, repair, additions, or new construction on sites less than one acre in size</u>	<u>E</u>	
<u>Interior repairs, alterations and renovations to all structures</u>	<u>E</u>	



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<u>Table 21-9.8</u> <u>TOD Special District</u> <u>Project Classification</u>		
<u>Activity/Use</u>	<u>Required Permit</u>	<u>Special Conditions</u>
<u>Modifications to height and/or FAR</u>	<u>M</u>	<u>Projects seeking a maximum FAR of up to 3.5 are major. Projects seeking a bonus height that is less than 20 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>
<u>Modification to the following standards:</u> <ul style="list-style-type: none"> • <u>Yards and setbacks</u> • <u>Street facade and building placement</u> • <u>Building orientation and entrances</u> • <u>Building transparency</u> • <u>Number of parking stalls</u> • <u>Location of above ground surface parking</u> • <u>Location of service area and loading spaces</u> • <u>Bicycle parking</u> • <u>The commercial use density and location provisions in the apartment mixed use districts</u> • <u>Additional commercial density in the apartment mixed use districts.</u> • <u>Reconfiguration of sidewalk area</u> 	<u>m</u>	<u>Where modifications to the standards are otherwise covered in a major permit, the minor permit is not required.</u>



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<u>Table 21-9.8</u> <u>TOD Special District</u> <u>Project Classification</u>		
<u>Activity/Use</u>	<u>Required Permit</u>	<u>Special Conditions</u>
<u>Demolition of structures</u>	<u>E</u>	
<u>Residential units in the IMX-1 district</u>	<u>m</u>	
<u>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</u>	<u>m/E</u>	<u>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.</u> <u>Where addressed as part of another permit, a minor permit is not required.</u>
<u>Major above-grade infrastructure improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks</u>	<u>m/E</u>	<u>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.</u>
<u>Minor above-grade infrastructure improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work</u>	<u>E</u>	
<u>Development of more than 10 residential dwelling or lodging units, or both.</u>	<u>M</u>	<u>Major or PD-T Permit for those projects proposing to develop more than 10 residential dwelling or lodging units, or both.</u>
<u>A special district permit is not required for activities and uses classified as exempt, as well as other project types that do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.</u>		



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<u>Table 21-9.8</u> <u>TOD Special District</u> <u>Project Classification</u>		
<u>Activity/Use</u>	<u>Required Permit</u>	<u>Special Conditions</u>
<u>Legend: Project classification: M = Major; m = Minor; E = Exempt</u>		

SECTION 11. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990 ("Special District Regulations"), is amended by adding a new Sections 21-9.100-12 to read as follows:

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

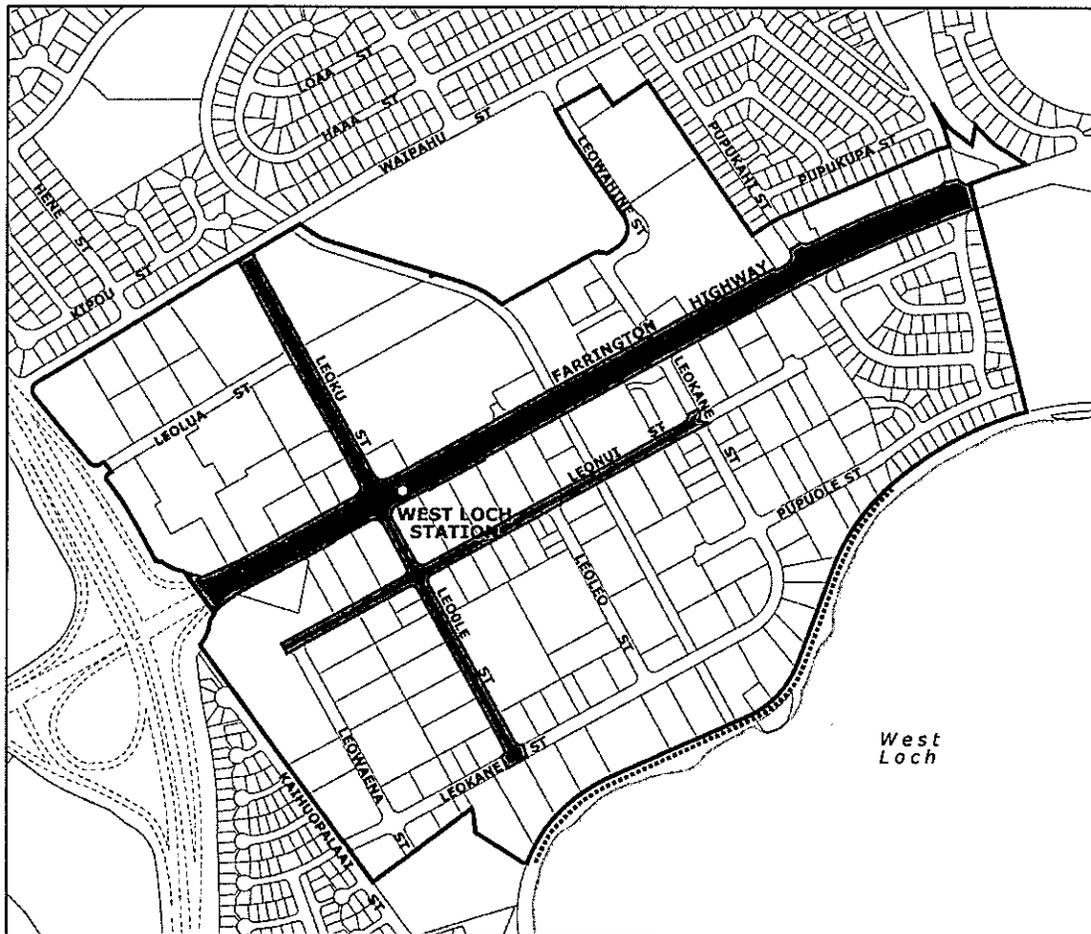
- (a) The West Loch Station area TOD special district boundaries are designated on Exhibit 21-9.19, set out at the end of this article.
- (b) The Waipahu Transit Center Station area TOD special district boundaries are designated on Exhibit 21-9.20, set out at the end of this article."



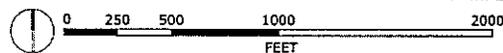
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SECTION 12. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990 ("Special District Regulations"), is amended by adding an Exhibit 21-9.19 to read as follows:

"EXHIBIT 21-9.19 West Loch Station Area



West Loch Station Area



LEGEND

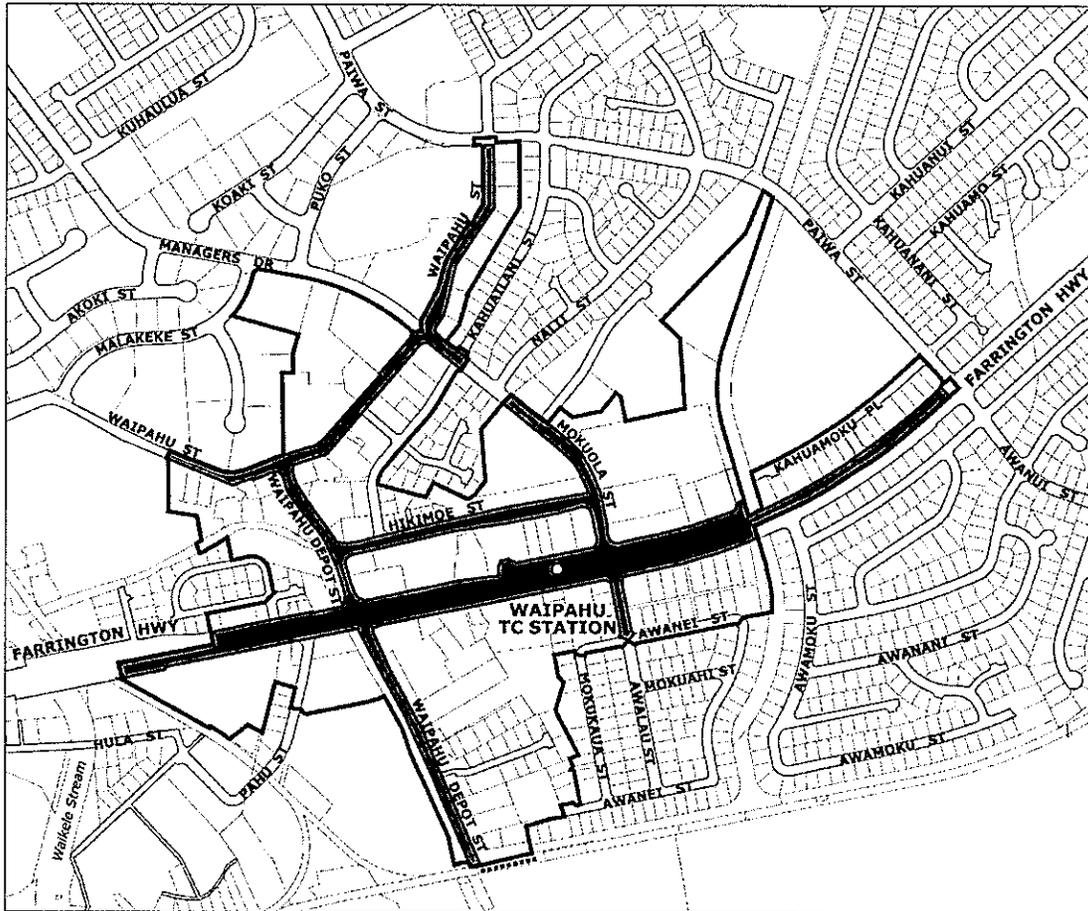
-  TOD Special District Boundary
-  Key Street
-  Bike-Walk Greenway



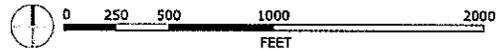
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SECTION 13. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990 ("Special District Regulations"), is amended by adding an Exhibit 21-9.20 to read as follows:

"EXHIBIT 21-9.20 Waipahu Transit Center Station Area



Waipahu TC Station Area



LEGEND

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



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SECTION 14. Ordinance material to be repealed is bracketed. 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 bracketed material, or the underscoring.

SECTION 15. This Ordinance takes effect upon its approval.

INTRODUCED BY:

Ernest Martin (br)

DATE OF INTRODUCTION:

October 21, 2015
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20____.

KIRK CALDWELL, Mayor
City and County of Honolulu