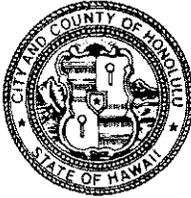


PLANNING COMMISSION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8007 • FAX: (808) 527-6743

MUFI HANNEMANN
MAYOR



KARIN HOLMA, Chair
JAMES C. PACOPAC, Vice-Chair
VICKI GAYNOR
KERRY M. KOMATSUBARA
ANDREW M. JAMILA, JR.
RODNEY KIM
RICHARD C. LIM
BEADIE K. DAWSON

February 13, 2008

The Honorable Barbara Marshall, Chair
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

RECEIVED
FEB 13 10 30 AM '08
CITY CLERK
HONOLULU, HAWAII

Dear Chair Marshall and Councilmembers:

Subject: Bill to Amend Chapter 21, Revised Ordinances of Honolulu 1990
(The Land Use Ordinance), Relating to Transit-Oriented Development

The Planning Commission held a public hearing on January 30, 2008 on the above subject matter. Two people testified in support of the bill, and four in opposition. Written testimony was received from one individual in support. The public hearing was closed on January 30, 2008.

The Planning Commission voted on January 30, 2008, to recommend approval of the request, as recommended by the Director of Planning and Permitting.

Attached is the report of the Director of Planning and Permitting and the original copy of the draft Bill. The minutes will be forwarded under separate cover.

Sincerely,

for Patricia J. Kalapa
Karin Holma, Chair
Planning Commission

APPROVED:

Henry Eng
Henry Eng, FAICP
Director of Planning and Permitting

APPROVED:

Mufi Hannemann
Mufi Hannemann
Mayor

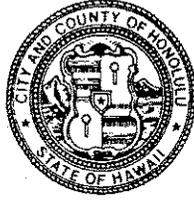
Wayne M. Hashiro
Wayne M. Hashiro, P.E.
Managing Director

KH:pk

Attachments

Authorization	Henry Eng
Advertisement	1-18-08
Public Hearing	1-30-08

MUFI HANNEMANN
MAYOR



HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUE
DEPUTY DIRECTOR

January 22, 2008

MEMORANDUM

TO: KARIN HOLMA, CHAIR
AND MEMBERS OF THE PLANNING COMMISSION

FROM: HENRY ENG, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING *Henry Eng*

SUBJECT: BILLS TO AMEND CHAPTER 21, REVISED ORDINANCES OF
HONOLULU 1990 (THE LAND USE ORDINANCE), RELATING TO
TRANSIT-ORIENTED DEVELOPMENT

Pursuant to Ordinance 06-50, we submit for your review and consideration our bill to amend the Land Use Ordinance (LUO) in support of transit-oriented development (TOD). We are also transmitting three (3) other TOD proposals to amend the LUO, initiated by City Council resolutions for your review and action.

Department's TOD Bill. A TOD bill was mandated by Ordinance 06-50. This Ordinance requires that a transit-oriented development (TOD) zoning ordinance be in place before transit stations can be placed on the Public Infrastructure Maps. Without this map designation, money cannot be appropriated for transit station construction.

We would have liked to defer action on TOD until the final environmental impact statement (FEIS) for the transit project has been accepted. It would include information useful to community groups and others interested in TOD, as well as set the initial ground work on TOD planning. However, the FEIS process is not expected to be completed until the end of 2009, and Ordinance 06-50 precludes us from waiting until then. Under these circumstances, we believe our proposal provides flexibility for the City's TOD program, while complying with this Ordinance.

Enclosed are four (4) documents:

1. Director's Report.
2. Final bill.
3. Draft Bill, originally circulated for public comment in October 2007.

4. Draft TOD Bill FAQ. This "Frequently Asked Questions" handout not only explained the bill, but also the City's TOD program in general. It accompanied the draft bill.

City Council Proposals. Under the Director's Report cited above, the department addresses the City Council's three (3) proposals which make specific changes to zoning provisions. Adopted under Resolution 05-006, CD1, the proposal would reduce parking standards for apartments near transit stations. Under Resolution 05-032, the LUO parking standards would be reduced for all uses close to transit stations. The last proposal, adopted under Resolution 06-273, would allow hotels near any transit station under a conditional use permit.

The department does not support adoption of these measures, as they are not based on a comprehensive analysis, nor on neighborhood-specific issues and concerns. These standards or similar ones may eventually be adopted, but we endorse a community-planning approach first, before making specific recommendations on TOD standards.

Therefore, we recommend approval of the DPP bill to establish transit oriented development special districts and not the separate, specific LUO amendments in the proposed bills attached to the above-referenced City Council resolutions. The DPP approach will establish enabling legislation for subsequent regulations in specific TOD special districts in accordance with the community plan.

HE:js

Attachments

cc: City Council
Deputy Managing Director

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Director's Report
Transit-Oriented Development (TOD)
Amendment to Chapter 21, Revised Ordinances of Honolulu (ROH), Land Use Ordinance
January 22, 2008
City Department of Planning and Permitting
City and County of Honolulu

A. Proposal:

This bill outlines the zoning approach for development around transit stations; namely, special district regulations, which are based on neighborhood-specific TOD plans. Special districts regulations "overlay" existing zoning requirements and are used to address specific land use concerns in neighborhoods where standard zoning regulations are deemed insufficient. Special districts have been used to preserve scenic or panoramic views, restore historic neighborhoods, and renew neighborhood economic vitality. Regulations for transit-oriented development can accomplish these goals as well as support and encourage transit ridership. Special district regulations can be flexible or very specific, depending on the purposes of the regulations. Unless explicitly stated, the regulations are not optional, but apply throughout the specified area.

This bill also sets the planning prerequisites that must occur and the elements that should be considered as special district regulations. It sets forth the general objectives for TOD planning and regulations, recognizing that each transit neighborhood may have unique circumstances, opportunities, and challenges.

It is unusual for Chapter 21, ROH, the section of the City's ordinances assigned to the zoning code, to address neighborhood planning. But for TOD areas, it is crucial to firmly establish the direct relationship between the planning process and the implementing regulations. Alternatively, Section 21-9.100-1 of the proposed bill could be put into another section of the Revised Ordinances of Honolulu, just as the current TOD provisions are in Chapter 13 Public Transit, separated from planning and zoning chapters. A more direct linkage of TOD planning and zoning is important, and therefore, it is recommended that Section 13-9.3 be deleted, and its essence adopted under Chapter 21, ROH.

A fundamental premise of this bill is that any TOD regulations must be based on participation by the broadest range of interests possible, and from earliest planning stages through construction and operation. Experts in transit and TOD planning were consulted; they found that community participation is a key ingredient to successful TOD programs. Therefore, this bill builds on this premise, and provides the broadest flexibility in creating neighborhood-specific regulations (and incentives) for TOD. The difficulty is that the proposed zoning code amendments precede the prerequisite planning. While the City has embarked on TOD planning for two (2) transit station areas in Waipahu, it cannot complete all the neighborhood planning for the almost two (2) dozen stations in the first phase of the transit line.

B. Background:

The proposed bill is intended to comply with Ordinance 06-50 (Exhibit A). This ordinance requires that zoning regulations for transit-oriented development be adopted

before the City Council can place transit station symbols on the Public Infrastructure Maps. Without such map designations, the City Council is unable to appropriate land acquisition or construction funds for transit stations. The City administration intends to submit appropriations for the transit stations in 2008, to be encumbered under Fiscal Year 2008-09. Therefore, this bill must be transmitted to the City Council in early 2008.

C. Compliance with General Plan and Development Plans

1. The bill implements General Plan policies. Under Transportation and Utilities, Objective A:

Policy 7

Promote the use of public transportation as a means of moving people quickly and efficiently, of conserving energy, and of guiding urban development.

Policy 9

Promote programs to reduce dependence on the use of automobiles.

It also supports policies under Physical Development and Urban Design, Objective A:

Policy 5

Provide for more compact development and intensive use of urban lands where compatible with the physical and social character of existing communities.

Policy 6

Encourage the clustering of development to reduce the cost of providing utilities and other public services.

2. The regional Development Plans almost exhaustively recognize and support the relationship between land development and transit. Some policies address improvements in the transit right-of-way, while others address pedestrian interfaces. The following are those excerpts that recognize the relationship between transit and adjacent properties.

- a. Primary Urban Center Development Plan

- i. Section 3.2.2.3 **In-Town Residential Neighborhoods**

“Density. Areas close to transit lines and the major east-west arterials should be zoned for medium-density residential, which may range from 13 to 90 units per acre, or high-density residential mixed use, which may range up to 140 units per acre. Neighborhoods in these zones would also include reinforcing uses which support resident lifestyle and livelihood choices, such as convenience or neighborhood stores, dining establishments, professional and/or business services, or other similar activities.”

- ii. Section 3.5.2 **Policies**

“Implement land use strategies to achieve a balanced transportation system. To improve the quality of life in the Primary Urban Center and to accommodate growth, development initiatives and regulatory controls should promote the growth of sustainable and appropriate alternative urban travel modes such as transit, walking, and bicycling.”

- iii. Section 3.5.3 **Guidelines**

“Identify and stimulate transit-oriented development on potential infill and redevelopment properties within the rapid transit corridor. Examples of development stimulators include tax incentives, development code amendments, and public infrastructure investments.”
- b. Ewa Development Plan
 - i. Section 3.6.3.1 **General Policies**

“**Higher Density Housing Along the Transit Corridor.** To promote use of mass transit, higher-density residential use should be developed along a major rapid transit corridor linking Kapolei with Waipahu and Primary Urban Center communities to the east. High-Density Residential and Commercial uses should be developed at six transit nodes, which would cover a one-quarter-mile radius around major transit stops. Areas along the rapid transit corridor should have housing densities of 25 units per acre, and greater densities are expected within the transit nodes. . . .”

“**Integration of Linear Corridors.** Physical and visual connections between communities should be encouraged through the creative design of transportation and utility corridors and drainage systems.”
 - ii. Section 3.6.3.2 **Guidelines**

“**High Density Residential, Location . . .** High Density Residential is intended to be the predominant form of housing in and near the City of Kapolei and around transit nodes on the planned rapid transit corridor between Waipahu and Kapolei. . . .”
 - iii. Section 4.1.4.2 **Planned Rapid Transit Corridor**

“. . . High density residential and commercial development should be permitted within a one-quarter mile radius (15 minutes walking distance) around the transit station/park-and-ride facility site at the center of the transit node. The objective is to create a land use pattern that would allow residents to minimize use of the private automobile and encourage use of transit for longer trips and walking or biking for short trips.”
 - iv. Section 4.1.7 **Planning Principles**

“**Land Use Planning Anticipating Rapid Transit.** Key to the vision for Ewa is reservation of a rapid transit corridor prior to development and the planning of high-density and high-traffic land uses along the corridor. This strategy will contribute to the feasibility of developing a high-speed transit line and will result in a more mobile, less automobile-dependent community. Planning for all the communities along the proposed transit corridor on Farrington Highway, North-South Road, and Kapolei Parkway should reflect the desire to establish a rapid transit corridor with high density residential and commercial nodes allocated at regular intervals.”
- c. Central Oahu Sustainable Communities Plan
 - i. Section 2.2.7 **Communities Designed to Support Non-Automotive Travel**

"The master-planned residential communities will be designed or redeveloped to support pedestrian and bike use within the community and transit use for trips outside of the community.

An east-west Rapid Transit Corridor through Waipahu will link the Primary Urban Center with the University of Hawaii West Oahu Campus and the City of Kapolei. Medium density residential development will be built along the corridor within walking distance of the *major nodes and transit stops*.

"Medium density residential and commercial development will be developed at two transit nodes whose general locations is indicated on the Public Facilities Map in Appendix A. Transit nodes are meant to be located at activity focal points which would serve as natural points for transferring from one transportation mode to another. . .

"Access to the future rapid transit system from other Central Oahu communities will be provided by mass transit bus service, park and ride facilities, and express bus service running on High Occupancy Vehicle (HOV) lanes. High speed transit will also run along the H-2 Freeway, stretching from Waipahu to Wahiawa."

ii. Section 3.5.1.1 **Anchor Areas**

". . . The **Commercial Anchor** area includes a commercial and light industrial area centered around the intersection of Leoku and Farrington Highway.

"Redevelopment of the area to encourage medium-density, mid-rise mixed use residential/commercial development within one-quarter mile distance of a town center/transit node near the intersection of Leoku and Farrington Highway (as shown on Exhibit 3.3) should be pursued through public-private partnerships. . ."

iii. Section 3.5.2 **Planning Principles**

"Circulation. Vehicular access into and within Waipahu should be improved, and pedestrian, bicycle, and transit facilities should be integrated."

iv. Section 3.5.3.5 **Residential Areas**

"Mid-rise, medium density apartment buildings, including mixed-use developments, should be encouraged in areas within one-quarter mile of future town centers/transit nodes at the intersection of Leoku and Farrington and at the intersection of Waipahu Depot Road and Farrington, with the exception of the Old Town Commercial Area."

v. Section 3.5.3.6 **Circulation Design Guidelines**

"Space for a possible future transit corridor should be reserved along Farrington Highway and higher intensity uses encouraged near future transit nodes along that route."

vi. Section 3.8.1.2 **Higher Density Housing Along the Waipahu-Kapolei Transit Corridor**

"To promote use of mass transit, higher-density residential use should be developed along a major rapid transit corridor linking Waipahu with Kapolei in the west and with Primary Urban Center communities to the east. Medium Density Apartment and Commercial mixed uses should

be developed at two transit nodes, which would cover a one-quarter-mile radius around major transit stops. Areas along the rapid transit corridor should have housing densities of 25 units per acre, and greater densities are expected within the transit nodes. . .”

vii. Section 3.8.2.3 **Medium Density Apartment**

“**Location.** Medium Density Apartment is intended to be the predominant form of housing near two transit nodes in Waipahu on the planned rapid transit corridor, either as a single use or mixed use development. . . .

“**Density.** Allowable building density should accommodate 25 to 90 units per acre. . . .

“**Height.** In Waipahu, Medium Density Apartment building heights in the transit node area centered on the Waipahu Depot Road – Farrington Highway intersection should not exceed 60 feet or the elevation of the roof ridge line of the Waipahu Sugar Mill, whichever is lower. . . .”

viii. Section 3.9.2.4 **Accessibility**

“Commercial centers should incorporate site design and facilities to promote pedestrian, bicycle and transit access. Pedestrian and bicycle access is more important for smaller neighborhood centers, while transit access is more significant for community centers.”

ix. Section 3.9.3.3. **Transit Access**

“All commercial development with more than 1,000 square feet and all employment sites with more than ten employees should be within 1/8th mile of a transit stop.”

x. Section 4.1.5 **General Policies**

“**Reduction in Automobiles Use.** Reliance on the private passenger vehicles should be reduced by:

“. . . Support for medium-density and high-traffic land uses along the Farrington Highway transit corridor, especially within a quarter-mile of the transit nodes. . . .”

xi. Section 4.1.6 **Planning Principles**

“**Land Use Anticipating Dedicated Transit Lanes on Farrington Highway.** Land use planning for Waipahu should emphasize and strengthen Farrington Highway’s role as a transit corridor by:

“Reserving adequate right-of-way and establishing setbacks to allow for establishment of a separate transit right-of-way; and

“Encouraging intensive residential and commercial uses around the two transit nodes and along the transit corridor.”

“**Transit-Oriented Community Street Systems.** Circulation systems within residential communities and commercial centers should emphasize accessibility from residences to bus routes, parks, schools, and commercial centers. Circulation systems should be designed to facilitate bicycle and pedestrian travel, to increase transit use, and to reduce dependence on automobile travel.”

D. Public and Agency Comments:

In mid-October 2007 the department announced the introduction of the draft bill. It sent copies of the bill and an explanatory Fact Sheet to more than 700 individuals and organizations interested in land use planning, including county and state officials, for review and comment. In addition, the availability of the bill was announced at various public meetings and mentioned on the department's website. To be considered in the final draft transmitted to the City Planning Commission, suggested changes and comments were requested to be received by November 30, 2007.

Exhibit B summarizes the substantive comments on the bill itself, received as of November 30, and the department's response, including changes being proposed to the original version. Exhibit C provides copies of all comments received.

E. Related City Council Resolutions

The City Council adopted several resolutions relating to TOD. The following relate to requests for review and evaluation (see Exhibit D for copies):

Resolution 06-118, CD1	Requests DPP to review TOD ordinances of other cities, including Salt Lake City.
Resolution 06-286	Requests DPP to review and use the South Salt Lake City TOD overlay district.
Resolution 06-302	Requests DPP to review Vancouver, British Columbia's "Central Area Plan" legislation.

Other resolutions proposed specific amendments to the Land Use Ordinance (LUO) relating to TOD (refer to Exhibit E). They are:

Resolution 05-006, CD1	Reduces parking standard for multi-family dwellings near transit stations.
Resolution 05-032	Reduces parking requirement by 50 percent (50%) for lots within a quarter-mile of a transit center.
Resolution 06-273	Allow hotels under a conditional use permit if within one (1) mile of a transit center.

The department deferred action on these proposals until a clear transit alignment and stations (and technology) are determined. However, given the necessity of proposing an LUO amendment on TOD at this time, we are providing recommendations on these proposals at this time.

Resolution 06-118, CD1, and 06-286. The department reviewed the Salt Lake City, Utah ordinance, which was included in Resolution 06-286. As reported to the City Council in a status report dated October 27, 2006 (Exhibit F), we do not find the South Salt Lake City useful. That City has a population of less than 25,000 people, and the subject TOD area covers an area about the size of a small airport. Moreover, while it covers several

transit stations, there is only one (1) set of regulations, and landowners can “opt out” of the TOD provisions. We believe that TOD in any of our neighborhoods should consider the characteristics, opportunities, and desires of the host neighborhood and, therefore, cannot agree to a “one size fits all” set of regulations. In addition, we are not supportive of an optional overlay process, and thus, are proposing special district regulations, wherein the provision are mandatory.

The department continues to review the TOD programs and regulations of other cities. In October 2006, the department hosted a tour of four (4) West Coast cities known for TOD programs: Vancouver, British Columbia; Portland, Oregon; San Diego, California; and the San Francisco Bay area. The purpose was to visit various TOD projects and meet with their developers, government agencies, and transit representatives. As reflected in the Investigative Report of the Tour under City Council Communication No 260 (2006), submitted by Councilmembers Gary Okino and Romy Cachola, there is great variety in the types of TOD projects being built, and the kinds of TOD programs available.

We have looked at the Portland TOD ordinance which links public benefits--such as special needs housing day-care facilities and community gardens--with property tax credits. A stronger link between TOD and taxation policies could be a strategy worth exploring for Honolulu.

In addition, the department has hired an urban design consulting firm to assist in the development of the first TOD Neighborhood Plan. It covers the two (2) transit stations in Waipahu. The firm, Van Meter Williams Pollack LLP, has extensive experience in TOD planning and design, including code writing. They will be assisting the department in preparing draft TOD zoning regulations based on their knowledge of cutting edge TOD programs and projects.

Resolution 06-302. We have reviewed the Central Area Plan of Vancouver, British Columbia (Exhibit G). As noted in the Resolution, it shares many of the policies already found in our General Plan. Similar policies can also be found in the regional development plans, and other planning documents, as well as the LUO (e.g., limiting commercial uses in areas designated primarily for housing). Also as noted in the Resolution, the Central Area Plan pays particular attention on office and retail spaces, whereas our plans generally do not. We believe some of the concepts of the Central Area Plan, such as differentiating between small-scale commercial/support uses and regional uses, could be addressed under TOD special districts. Others do not seem applicable, such as when underground links are allowable and for what purposes.

Finally, it must be remembered that Canada does not have the identical planning and zoning framework of American cities. Nor is Vancouver’s land development market similar to that of Oahu. Participants on the tour of TOD projects on the West Coast learned that there is strong political and public support in Vancouver for planning and design review, which we have yet to match. Therefore, the Honolulu approach may inherently have to be different, although we share the same goals.

Resolutions 05-006, CD1, and 05-032. We recognize the principle that development near transit stations should be able to reduce their parking requirement. We also are aware that some cities limit the total number of parking provided, rather than setting minimum standards. Not only do these actions reduce the cost of development, but also encourage transit ridership, and make more efficient use of land.

However, we are recommending that LUO amendment proposals proposed under these Resolutions not move forward. We believe they unnecessarily restrict the city's parking strategies. In some cases, we may want to reduce the parking standard even further than what is proposed under these resolutions. Or, we may want to be able to promote "shared" parking across uses. Or, we may want to tie reduced parking with other incentives, such as employee transit passes. These options should be left open and, in some cases, negotiated at the project level, rather than adopted as across-the-board measures.

Resolution 06-273. The department recommends that this proposal also not move forward. Wholesale allowance of hotel use in any neighborhood is a significant land use change, and could warrant a General Plan and/or development plan amendment first. Through our TOD planning process, if this use is desired for a particular neighborhood, we will address it then. We are committed to drafting TOD zoning regulations based on a comprehensive, open, public planning process, and not on pre-determined "solutions".

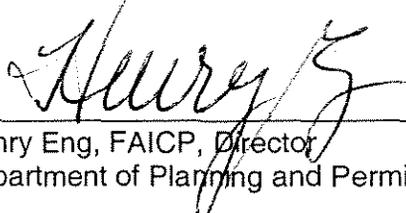
F. CONCLUSION

Based on the foregoing, I recommend that the above proposed LUO amendments under Resolutions 05-006, CD1, 05-032, and 06-273 not be adopted.

The attached draft bill is in compliance with the General Plan and applicable development plans. It is recommended for approval.

DEPARTMENT OF PLANNING & PERMITTING
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

By


Henry Eng, FAICP, Director
Department of Planning and Permitting

HE:js

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A BILL FOR AN ORDINANCE

RELATING TO TRANSIT-ORIENTED DEVELOPMENT

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and Purpose.

The council finds that Honolulu has initiated a major mass transit project that has the potential to fundamentally reshape the form and character of Honolulu. The council has selected a fixed guideway system and the Locally Preferred Alternative ("LPA") for the project under Ordinance 07-01.

Appropriate transit-oriented development ("TOD") land use regulations along the alignment and around the rapid transit stations will be crucial.

It has been consistently noted about successful TOD programs of other cities that community-based input is a necessary element of TOD programs, and that one set of regulations cannot adequately address TOD needs and opportunities across all transit stations. Therefore, to assure that Honolulu will have a successful TOD program, a deliberate, inclusive process to plan for TOD is necessary so that well-defined, meaningful, and appropriate regulatory and incentive programs can be adopted for each area around a transit station or type of station.

This TOD planning and implementation process will implement the Oahu General Plan and applicable regional development plans. Specifically, it will help stem urban sprawl across the city's agricultural and open space lands; encourage the development of livable, walkable communities; and increase transit ridership, thereby promoting the economic, social, and environmental well-being of the city.

With the potential for such a significant and positive change in development patterns, it is crucial that proper planning guidance be given, well before the transit stations are constructed. This will allow for timely community input and to put into place appropriate regulations for TOD before redevelopment occurs.

The council, therefore, finds that to protect the public interest and welfare, the Land Use Ordinance is to be amended to provide guidance on how to determine zoning regulations for areas around each transit station. The planning process shall be open, inclusive and visionary, and shall strive to increase the quality of life through

DPPTOD.B08



A BILL FOR AN ORDINANCE

rejuvenated community character (including “place-making” opportunities), preservation and enhancement of historic, cultural, scenic, natural and other community resources and landmarks, while understanding the relationship between zoning, financing, and real estate market dynamics.

SECTION 2. Section 13-9.3, Revised Ordinances of Honolulu 1990 is amended by deleting the following:

[As used in this article, “transit oriented development ordinance” (“TOD ordinance”) means an amendment to the land use ordinance regulating development at and around transit stations. The TOD ordinance shall:

- (1) Enable a mix of land uses;
- (2) Enable higher densities;
- (3) Eliminate or reduce minimum off-street parking requirements for such development;
- (4) Encourage travel by rapid transit, buses, walking, bicycling, and other non-automobile forms of transport;
- (5) Encourage development of a mixture of market-rate and affordable housing;
- (6) Encourage public-private partnerships in such development;
- (7) Utilize form-based zoning, exemptions, or other alternatives from existing development regulations, and utilize other incentives to encourage such development;
- (8) Encourage activity at a defined community center; and
- (9) Encourage public input in the design of each transit stations so each station reflects unique community design themes, history, or landmarks.]

SECTION 3. Section 21-9, Revised Ordinances of Honolulu 1990 is amended to add a new subsection as follows:

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

Special districts shall be established around rapid transit stations to foster more livable communities that take advantage of the benefits of transit; specifically, reducing transportation costs for residents, businesses, and workers. While taking advantage of more efficient use of land, TOD can provide more walkable, healthier, economically vibrant communities, safe bicycling environments, convenient access to daily household needs as well as special events, and enhancement of neighborhood character, while increasing transit ridership.



A BILL FOR AN ORDINANCE

Each special district shall be based on a neighborhood plan that addresses transit-oriented development. The plans may include more than one station, and may address other community concerns and opportunities.

Where a transit station is located within or adjacent to an existing special district, provisions for TOD shall be added to the existing special district provisions, as recommended by the neighborhood TOD plan.

Sec. 21-9.100-1 Neighborhood TOD plans.

- (a) Prior to the adoption of any TOD special district, there shall be a Neighborhood TOD Plan which serves as the basis for specific special district regulations. Each plan shall address, at minimum, the following:
- (1) The general objectives for the particular TOD special district in terms of overall economic revitalization, neighborhood character, reflecting unique community historic and other design themes. Objectives shall 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) Recommended special district boundaries around each transit station that take into account natural topographic barriers, extent of market interest in redevelopment, and the benefits of transit including the potential to increase transit ridership; typically these boundaries are from ¼ mile to ½ mile from each station. When appropriate, recommendations may define a "core area" and transition boundaries.
 - (3) Recommended zoning controls, including architectural and community design principles, open space requirements, parking standards, and other modifications to existing zoning requirements, or the establishment of new zoning precincts, as appropriate, including density incentives. Form-based zoning may be considered. Prohibition of specific uses shall be considered.
 - (4) Potential opportunities for affordable housing, and as appropriate, with supportive services.
 - (5) 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 planning process shall be inclusive, open to residents, businesses, landowners, community organizations, government agencies, and others.
- (c) The planning process shall consider population, economic, and market analyses and infrastructure analyses, including capacities of water, wastewater, and



A BILL FOR AN ORDINANCE

roadway systems. Where appropriate, public-private partnership opportunities shall be investigated.

- (d) The plan shall be consistent with the applicable regional development plan.
- (e) The plan shall be consistent with any applicable special area plan or community master plan, or make recommendations for revisions to these plans.
- (f) The plan shall be submitted to the applicable neighborhood boards at least forty-five (45) days prior to submittal to the city planning commission. The city planning commission shall hold a public hearing and transmit its recommendations to the city council. The city council shall adopt the plan by resolution within sixty (60) days of receipt, or it shall be deemed adopted.

Sec. 21-9.100-2 TOD special district minimum requirements.

Based on the adopted neighborhood TOD plan, each special district shall include, but not be limited to the following provisions:

- (a) Allowances for a mix of land uses, both vertically and horizontally.
- (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.
- (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 bicycling 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.

SECTION 4. 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 materials, or the underscoring.



A BILL FOR AN ORDINANCE

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

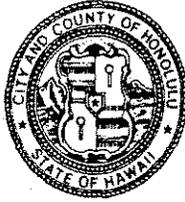
Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

MUFU HANNEMANN, Mayor
City and County of Honolulu

Draft Bill (originally circulated for public
comment in October 2007) and
Draft TOD Bill FAQ

MUFI HANNEMANN
MAYOR



HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUE
DEPUTY DIRECTOR

October 23, 2007

TRANSIT-ORIENTED DEVELOPMENT (TOD)
Draft Planning and Zoning Bill Available for Review

We are pleased to share with you our draft Transit-Oriented Development (TOD) bill. It sets the planning framework for zoning regulations appropriate to individual transit stations.

Also enclosed is an explanation of the bill and our TOD program.

Comments are due by November 30. If you cannot meet this deadline, you may offer your comments directly to the City Planning Commission. The Commission will hold a public hearing, tentatively set for December 12, 2007. For more information on the Planning Commission hearing, please call 768-8007.

If you have any questions on this bill, or the City's TOD program, please contact Kathy Sokugawa of our staff at 768-8053.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Henry Eng".

Henry Eng, FAICP, Director
Department of Planning and Permitting



A BILL FOR AN ORDINANCE

RELATING TO TRANSIT-ORIENTED DEVELOPMENT

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and Purpose.

The council finds that Honolulu is initiating a major transportation project that has the potential to fundamentally reshape the form and character of Honolulu. The council has selected a fixed guideway system and the Locally Preferred Alternative ("LPA") for the Project under Ordinance 07-01.

If rail technology is selected, appropriate transit-oriented development ("TOD") land use regulations along the alignment and around the transit stations will be crucial.

It has been consistently noted about successful TOD program of other cities that community-based input is a necessary element of TOD programs, and that one set of regulations cannot adequately address TOD needs and opportunities across all transit stations. Therefore, for Honolulu to have a successful TOD program, a deliberate, inclusive process to plan for TOD is necessary so that well-defined, meaningful, and appropriate regulatory and incentive programs can be adopted for each area around a transit station or type of station.

This will implement the Oahu General Plan and applicable regional development plans. Specifically, it will help stem urban sprawl across the city's agricultural and open space lands; encourage the development of livable, walkable communities; and increase transit ridership, thereby promoting the economic, social, and environmental well-being of the city.

With the potential for such a significant and positive change in development patterns, it is crucial that proper planning guidance be given, well before the stations are constructed. This will allow for timely community input and to put into place appropriate regulations for TOD before redevelopment occurs.

The council, therefore, finds that to protect the public interest and welfare, the Land Use Ordinance is to be amended to provide guidance as to how to determine zoning regulations for areas around each transit station.

DPPTOD.B07



A BILL FOR AN ORDINANCE

SECTION 2. Section 13-9.3, Revised Ordinances of Honolulu 1990, is amended by deleting the following:

[As used in this article, "transit oriented development ordinance" ("TOD ordinance") means an amendment to the land use ordinance regulating development at and around transit stations. The TOD ordinance shall:

- (1) Enable a mix of land uses;
- (2) Enable higher densities;
- (3) Eliminate or reduce minimum off-street parking requirements for such development;
- (4) Encourage travel by rail transit, buses, walking, bicycling, and other non-automobile forms of transport;
- (5) Encourage development of a mixture of market-rate and affordable housing;
- (6) Encourage public-private partnerships in such development;
- (7) Utilize form-based zoning, exemptions, or other alternatives from existing development regulations, and utilize other incentives to encourage such development;
- (8) Encourage activity at a defined community center; and
- (9) Encourage public input in the design of each transit station so each station reflects unique community design themes, history, or landmarks.]

SECTION 3. Section 21-9, Revised Ordinances of Honolulu 1990, is amended to add a new subsection as follows:

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

Special districts shall be established around rail transit stations to foster more livable communities that take advantage of the benefits of transit; specifically, reducing transportation costs for residents, businesses and workers. While taking advantage of more intense use of land, TOD can provide more walkable communities, convenient access to daily shopping needs as well as special events, and enhancement of neighborhood character.

Each special district shall be based on a neighborhood plan that addresses transit-oriented development. The plans may include more than one (1) station, and may address other community concerns and opportunities.



A BILL FOR AN ORDINANCE

Sec. 21-9.100-1 Neighborhood TOD plans.

- (a) Prior to the adoption of any TOD special district, there shall be a Neighborhood TOD Plan which serves as the basis for specific special district regulations. Each plan shall address, at minimum, the following:
 - (1) The general objectives for the particular TOD special district in terms of overall neighborhood character, reflecting unique community historic and other design themes. Objectives shall 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) Recommended special district boundaries around each transit station that take into account natural topographic barriers, extent of market interest in redevelopment, and potential to increase transit ridership. When appropriate, recommendations may define a "core area" and transition boundaries.
 - (3) Recommended zoning controls, including architectural and community design principles, open space requirements, parking standards, and either modifications to existing zoning requirements or new zoning precincts, as appropriate. Form-based zoning may be considered. Prohibition of specific uses shall be considered.
 - (4) Potential opportunities for affordable housing.
 - (5) General direction on implementation of the recommendations, including the phasing, timing and approximate cost of each recommendation, as appropriate.
- (b) The planning process shall be inclusive, open to residents, businesses, landowners, community organizations, and others.
- (c) The planning process shall consider economic and market analyses and infrastructure analyses, including capacities of water, sewer and roadway systems. Where appropriate, public-private partnership opportunities shall be investigated.
- (d) The plan shall be consistent with the applicable regional development plan.
- (e) The plan shall be consistent with any applicable special area plan or community master plan, or make recommendations for revisions to these plans.
- (f) The plan shall be submitted to the applicable neighborhood boards at least forty-five (45) days prior to submittal to the city planning commission. The city planning commission shall hold a public hearing and transmit its recommendations to the city council. The city council shall adopt the plan by resolution within sixty (60) days of receipt, or it shall be deemed adopted.



A BILL FOR AN ORDINANCE

Sec. 9.100-2 TOD special district minimum requirements.

Based on the adopted neighborhood TOD plan, each special district shall include, but not be limited to, the following provisions:

- (a) Allowances for a mix of land uses, both vertically and horizontally.
- (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.
- (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 rail transit, buses, bicycling, walking, and other non-automobile forms of transport.
- (e) Guidelines on building orientation and parking location
- (f) Identification of important neighborhood historic, scenic and cultural landmarks, and controls for protecting and enhancing 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.

SECTION 4. 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 materials, or the underscoring.



A BILL FOR AN ORDINANCE

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20_____.

MUFU HANNEMANN, Mayor
City and County of Honolulu

Draft TOD Bill
City Department of Planning and Permitting
October 23, 2007

What does the bill propose?

This bill sets the framework for the creation of transit-oriented development zoning regulations. This framework requires the creation of neighborhood TOD plans which outlines recommended zoning regulations, which are part of a series of actions that are necessary for successful TOD projects to occur. Other actions may include financial strategies, capital improvement projects, and private sector initiatives. Once a plan for a neighborhood TOD plan is completed, the recommended zoning regulations will be drafted for that neighborhood, and added to Chapter 21, Revised Ordinances of Honolulu (ROH).

The subject bill takes the zoning-related provisions of Ordinance 06-50, and transfers them from one part of the Revised Ordinances of Honolulu, Chapter 13, to another, Chapter 21, which is the zoning code, more familiarly referred to as the Land Use Ordinance, or LUO.

Why do you need to move the zoning provisions of Ordinance 06-50?

Zoning matters should be found in one place. The current location, under the chapter on public transit, could be "lost" over time by land use planning stakeholders, who do not commonly reference Chapter 13.

The LUO does not include planning prerequisites for other zoning regulations. Why should it do so for TOD regulations?

Wherever TOD research is found, there is a constant theme that successful TOD projects come from community-based planning meeting multiple objectives. We support this concept to the extent that it should be adopted by law. The most convenient and efficient place in the City ordinances would be to create this prerequisite in Chapter 21.

The other alternative would be to amend the respective regional development plans. However, the current development plans already include general policies for transit, and the level of detail reflected in the subject bill, especially the procedural provisions, is not appropriate for long-range policy plans.

What is involved in developing a neighborhood TOD plan?

The process will be an open, deliberative one. It will allow the stakeholders of each neighborhood to speak on desired community goals, opportunities that could come with TOD projects, and the challenges to make the goals happen.

We will look at existing neighborhood conditions, including infrastructure capacities, and compare this with the community's needs and desires. The process will include looking at alternative land use development scenarios and discussing which ones are more appropriate. The process will also identify needed infrastructure improvements and financial incentives and other changes to encourage good TOD.

The plan's recommendations will address land uses, circulation patterns, architecture and community design, housing, parking, pedestrian amenities, and historic and cultural enhancements.

Each plan will be submitted to the City Planning Commission and City Council for consideration.

How long will it take to conduct a neighborhood plan?

Typically, we expect to complete a plan in about a year. The timeframe will vary depending on how many stations are involved, the complexities involved in accommodating growth, and level of interest by all stakeholders.

We have just started the first plan. This one covers Waipahu, which has two (2) planned transit stations. We expect the final plan to be completed in about a year.

How long will it take to complete all the plans?

At this time, we do not have a set schedule, other than to complete all the plans and have zoning regulations adopted before the transit system is running, by 2012.

Why can't you develop the neighborhood plans all at once?

This is a new initiative for the department, and we want to start off modestly, with one (1) neighborhood, whose processes and experiences become the basis for the plans that follow, keeping in mind that each community's values, needs, and opportunities may be different. In addition, the department is currently seeking additional staffing to handle this new major program.

Will this process and zoning regulations affect Kakaako?

No. By State law, planning and zoning for Kakaako, as well as Kalaeloa, is not under the City's jurisdiction, but under the Hawaii Community Development Authority.

What kind of zoning regulations will be drafted after the neighborhood plans are completed?

We cannot say without completing the neighborhood plans. We are keeping an open mind as we plan for TOD, sensitive to the needs and opportunities of each particular neighborhood.

The subject bill proposes that TOD zoning regulations be adopted as “special districts.” Under the LUO, special districts establish regulations custom-made for the particular neighborhood. For example, there is a Chinatown Special District that provides strong guidance on the architectural elements of each building in Chinatown. In contrast, the Punchbowl and Diamond Head Special Districts are more focused on height limits to preserve public views of these scenic and historic craters. In Waikiki, the special district creates completely unique zoning “precincts” rather than modifying traditional zoning districts.

We have been researching the TOD regulations of other cities. Many TOD regulations allow increased densities and height limits as incentives for TOD. However, in most of our commercial neighborhoods, existing limits are rarely realized; development is far less intense than the regulations allow. In addition, we value our mauka-makai views, and any increases in building height limits will have to address how these views could be affected.

Typical TOD regulations from mainland cities also address parking standards. Some even limit the total number of parking spaces allowed, rather than requiring a minimum number. By having a maximum limit, this further encourages transit ridership, reduces traffic congestion, and reduces construction costs. Still others allow developers to negotiate the number of parking spaces based on the particular uses involved in the project and accompanying “demand management” strategies, such as providing employees with free transit passes, or providing housing for low-income households. At this time, we are open to all alternatives.

Does this mean that every transit station will have its own set of zoning regulations around it?

Possibly. Or, as we complete neighborhood plans, we will see similarities, and may be able to group the regulations for areas with similar TOD plans. In some cities, stations are grouped by “typologies” and regulated accordingly; e.g. there is a set of regulations for suburban town centers, for urban centers, and for the central business district.

In some places, such as Chinatown, there may not be a need for TOD special district per se, but TOD provisions may be added to the existing Chinatown Special District.

Isn't it too early to start the planning for TOD? We haven't even made a decision on what transit technology we will have, nor completed the EIS process, and it will be several years before a transit system is actually running. Neighborhood conditions could change by then.

Under Ordinance 06-50, we must have a TOD zoning ordinance in place before the City Council will appropriate any funds for the construction of transit stations. Since this construction funding request will be submitted in 2008, we must forward the subject TOD bill early next year to City Council, so that it can be adopted in time.

In earlier years, cities did not adopt TOD regulations until after the transit system was in place. However, developers have noticed the value of development around transit stations nationally, and therefore, have realized that planning and investing before the transit system is completed can be a wise decision. Thus, there is a kind of niche development emerging, called "transit-ready" development. To forestall any kind of inappropriate development, it is important to develop the concepts for desirable developments around transit stations, earlier, rather than later. This is another reason why the department advocates for neighborhood plans before adopting zoning regulations.

Some of the incentives used by other cities will need to be put in place here under new rules or ordinances, which will require time to prepare. Thus, it is important that planning for TOD begins now, so that the new rules or ordinances are available when needed. For example, in Portland, property tax exemptions are offered in return for certain land use or public amenities. In addition, we may find that key infrastructure upgrades will need to be in place, and time must be given to plan, design and construct these improvements.

Exhibit A
ORDINANCE 06-50



A BILL FOR AN ORDINANCE

RELATING TO REQUIREMENTS FOR TRANSIT STATIONS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to establish certain requirements for the development of transit stations for a rail transit system and make conforming amendments to the revised ordinances.

SECTION 2. Chapter 13, Revised Ordinances of Honolulu 1990 ("Public Transit"), as amended, is amended by adding a new article to be appropriately designated by the revisor of ordinances and read as follows:

"Article __. Transit Stations

Sec. 13-__1 Application.

This article applies to the development of any transit station for a rail transit system should such a system be selected as the locally preferred alternative for Honolulu pursuant to the requirements of the Federal Transit Administration, U.S. Department of Transportation.

Sec. 13-__2 Requirement.

Prior to:

- (1) The adoption of a public infrastructure map symbol for a transit station pursuant to Chapter 4, Article 8; or
- (2) The budgeting of any funds for the construction of a transit station in the capital improvement budget;

whichever comes first, a transit oriented development ordinance shall first have been enacted that regulates development in the area of the transit station.

Sec. 13-__3 Transit oriented development ordinance.

As used in this article, "transit oriented development ordinance" ("TOD ordinance") means an amendment to the land use ordinance regulating development at and around transit stations. The TOD ordinance shall:



A BILL FOR AN ORDINANCE

- (1) Enable a mix of land uses;
- (2) Enable higher densities;
- (3) Eliminate or reduce minimum off-street parking requirements for such development;
- (4) Encourage travel by rail transit, buses, walking, bicycling, and other non-automobile forms of transport;
- (5) Encourage development of a mixture of market-rate and affordable housing;
- (6) Encourage public-private partnerships in such development;
- (7) Utilize form-based zoning, exemptions, or other alternatives from existing development regulations, and utilize other incentives to encourage such development;
- (8) Encourage activity at a defined community center; and
- (9) Encourage public input in the design of each transit station so each station reflects unique community design themes, history, or landmarks."

SECTION 3. Section 4-8.3, Revised Ordinances of Honolulu 1990 ("Types of infrastructure to be shown on public infrastructure map"), as amended, is amended by amending subsection (a) to read as follows:

"(a) Symbols for the following types of public improvement projects shall be shown on the public infrastructure maps, provided they meet the applicability criteria specified in Section 4-8.4:

- (1) Corporation yard;
- (2) Desalination plant;
- (3) Drainageway (open channel);
- (4) Energy generation facility;
- (5) Fire station;



A BILL FOR AN ORDINANCE

- (6) Government building;
- (7) Golf course (municipal);
- (8) Electrical transmission line and substation (above 46kV but less than 138kV);
- (9) Park;
- (10) Police station;
- (11) Parking facility;
- (12) Water reservoir;
- (13) Sewage treatment plant;
- (14) Solid waste facility;
- (15) Transit corridor;
- (16) Transit station;
- (17) Major collector or arterial roadway;
- [(17)] (18) Sewage pump station; and
- [(18)] (19) Potable water well."

SECTION 4. In Section 3, 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.



A BILL FOR AN ORDINANCE

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY
~~James T. Lee~~
~~John W. ...~~
Aloha Kawanishi
George M. ...
A. ...
C. ...
Nathaniel ...

DATE OF INTRODUCTION:

OCT 19 2006

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Don J. Kitooka

Deputy Corporation Counsel

DISAPPROVED this 1st day of December, 2006.

Mufi Hannemann - VETOED

MUFI HANNEMANN, Mayor
City and County of Honolulu

(OCS/100406/ct)

CITY COUNCIL
 CITY AND COUNTY OF HONOLULU
 HONOLULU, HAWAII
 CERTIFICATE

ORDINANCE 06-50

BILL 82 (2006)

Introduced: 10/19/06 By: DONOVAN DELA CRUZ

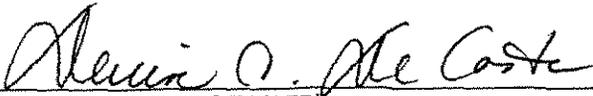
Committee: ZONING

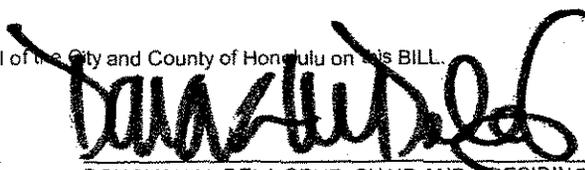
Title: A BILL FOR AN ORDINANCE RELATING TO REQUIREMENTS FOR TRANSIT STATIONS.

Links: [BILL 82 \(2006\)](#)
[CR-452](#)

COUNCIL	10/25/06	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON ZONING.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		
ZONING	10/31/06	CR-452 - BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING.				
SPECIAL COUNCIL	11/1/06	BILL PASSED SECOND READING AND REFERRED TO ZONING COMMITTEE. CR-452 ADDED TO THE AGENDA AND ADOPTED.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM N		
PUBLISH	11/4/06	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-BULLETIN.				
PUBLISH	11/10/06	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-BULLETIN.				
		BILL RE-REFERRED FROM ZONING COMMITTEE TO DIRECT REFERRAL TO COUNCIL FLOOR DUE TO THE TIMELY PASSAGE OF THIS BILL. (CC-235 DATED 11/8/06)				
COUNCIL/PUBLIC HEARING	11/15/06	PUBLIC HEARING CLOSED AND BILL PASSED THIRD READING.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO E	TAM N		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


 DENISE C. DE COSTA, CITY CLERK


 DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER

ORDINANCE NO. 06-50

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

I hereby certify that Bill 82 returned vetoed by the Honorable Mufi Hannemann, Mayor of the City and County of Honolulu, on December 1, 2006, was taken up by the Council for reconsideration on December 22, 2006; and, at the same meeting, APPROVED by the said Council, the veto of the Mayor to the contrary notwithstanding by the following vote:

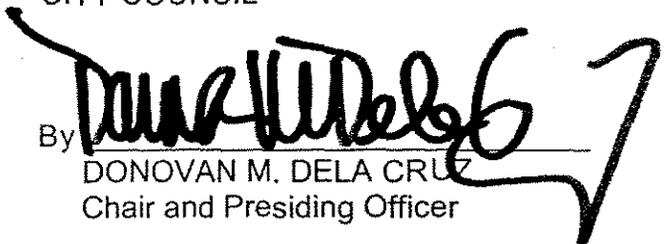
AYES: Councilmembers Apo, Cachola, Djou,
Kobayashi, Marshall, Dela Cruz - 6.

NOES: Councilmembers Garcia, Okino, Tam - 3.

Further, pursuant to Section 3-203 of the Revised Charter of Honolulu and the foregoing action by the said Council, Bill 82 is duly enacted an Ordinance by this certification.

Dated, Honolulu, State of Hawaii, this 22nd day of December, 2006.

CITY COUNCIL

By 
DONOVAN M. DELA CRUZ
Chair and Presiding Officer

ATTEST:

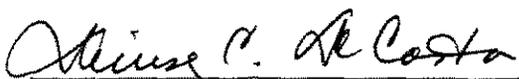

DENISE C. DE COSTA
City Clerk

Exhibit B
SUMMARY OF COMMENTS

Exhibit B
SUMMARY OF COMMENTS RECEIVED ON FIRST DRAFT
 (this does not include comments unrelated to the bill directly)

Commentor	Comment	DPP Response
CITY AGENCIES AND INDIVIDUALS		
DPP In-House Changes		Amend Sec. 21.9-100-1(a)(1): "The general objectives for the particular TOD special district in terms of overall <u>economic revitalization</u> , neighborhood character, reflecting unique community historic and other design themes. . . ."
		Amend Sec. 21.9-100-1(a)(2): "Recommended special district boundaries around each transit station that take into account natural topographic barriers, extent of market interest in redevelopment, and <u>the benefits of transit, including the potential to take advantage of the benefits of transit, including increase in transit ridership.</u> . . ."
		Amend Sec. 21.9-100-1(c): "The planning process shall consider economic and market analyses and infrastructure analyses, including capacities of water, [sewer] <u>wastewater</u> , and roadway systems. . . ."
	Reference to "rail transit."	Replaced with "rapid transit." This is the term recently adopted under the PIM ordinance and used by the development plans.
City Councilmembers Donovan Dela Cruz and Ann Kobayashi	Amend Section 1 Findings and Purpose, paragraph 2: as follows: " <u>When the transit [rail] technology is selected . . .</u> "	Amended paragraph as follows: "[If rail technology is selected,] Appropriate transit-oriented development ("TOD") land use regulations along the alignment

Commentor	Comment	DPP Response
		and around the <u>rapid</u> transit stations will be crucial.”
	Amend Section 21-9.100, paragraph 1 as follows: “Special districts shall be established around [rail] transit stations. . .”	Amended as follows: “Special districts shall be established around [rail] <u>rapid</u> transit stations . . .”
	Amend Section 21-9.100-2(d) as follows: “Design provisions that encourage use of <u>the fixed-guideway system</u> [rail transit], buses, bicycling, walking, and other non-automobile forms of transport.”	For consistency reasons above, revised language to: “Design provisions that encourage use of [rail] <u>rapid</u> transit, buses, bicycling, walking, and other non-automobile forms of transport . . .”
Deborah Kim Morikawa, Dept. of Community Services	Amend Section 21-9.100 as follows: “. . . TOD can provide more walkable communities, <u>enhancement of neighborhood character, and convenient access to daily needs such as medical, dental, in-home and community based support service, commercial, educational, spiritual, social and food services; physical fitness and wellness facilities; and recreational activities and volunteer opportunities which promote community engagement.</u> ”	Redrafted language reads: “. . . TOD can provide more walkable communities, convenient access to daily <u>household</u> needs as well as special events, and enhancement of neighborhood character.” The above is sufficient to provide direction without unduly specifying each desired activity.
	Amend Section 21-9.100.1(a)(4) as follows: “Potential opportunities for affordable housing <u>with supportive services.</u> ”	Agree. Section to read: “Potential opportunities for affordable housing, <u>and as appropriate, with supportive services.</u> ” Not all affordable housing requires supportive services, and this should not unnecessarily limit the kind of affordable housing that could be provided.
	Add Section 21-9.100.1(a)(6) as follows: “ <u>The composition of the resident population and anticipated changes over time.</u> ”	Amend Section 21-9.100-1(c): “The <u>population, economic and market analyses . . .</u> ”
	Add Section 21-9.100-2(i) as follows: “ <u>Design which promotes safety, community interaction, and provides elder friendly amenities such as places to stop and rest.</u> ”	Amend Section 21-9.100-2(d) as follows: “Design provisions that encourage use of rail transit, buses, bicycling, walking, and other non-automobile forms of transport that are safe and convenient.”

Commentor	Comment	DPP Response
	Neighborhood Boards should be the designated "point" of control for development of neighborhood plans relative to TOD.	While we support participation by Neighborhood Boards, they do not have "control" responsibilities, as they are advisory bodies, and they may not have the time to be the point of control.
	To the extent possible, multiple uses in the same building should be allowed.	Section 21-9.100-2(a) already states, "Allowances for a mix of land uses, both vertically and horizontally."
	Incentives should be considered for low-cost housing, especially for the very low-income and older adults.	Section 21-9.100-1(a)(4) already requires neighborhood TOD plans to address opportunities for affordable housing. In addition, Section 21-9.100-2(b) states, "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."
	Areas around stations should provide green space, grocery store, pharmacy, bank/ATM, medical clinic, food court, adult day/child care, parking.	Already addressed under neighborhood plans, under Section 21-9.100-1(a)(3), although not to the level of detail suggested.
STATE AGENCIES AND INDIVIDUALS		
Clyde W. Namu'o, Office of Hawaiian Affairs	Concerned with possible effects of gentrifying local communities. Strategies include community-based approaches toward development. Affordable housing options help ensure local members are not forced out. The possibility of unearthing burials and other cultural resources should be a concern.	Agree with comments. As already noted under Section 21-9.100-1, the bill places heavy attention on a community-based approach, notes opportunities for affordable housing, and acknowledges the need to defer to cultural and historic resources.
Sam Callejo, University of Hawai'i System	Amend section 21-9.100-1(b) as follows: "The planning process shall be inclusive, open to residents, businesses landowners, community organizations, <u>educational</u> institutions and others.	Agree.

Commentor	Comment	DPP Response
<p>E. Gordon Grau, Ph.D., University of Hawai'i Sea Grant College Program</p>	<p>The bill should use ¼- or ½ mile zones around each station.</p>	<p>Agree. Section 21-9.100-1(a)(2) to read: "Recommended special district boundaries around each transit station that take into account natural topographic barriers, extent of market interest in redevelopment, and potential to increase transit ridership; <u>typically these boundaries are from ¼ mile to ½ mile from each station. . .</u>"</p>
	<p>A minimum density or similar wording should be included.</p>	<p>Disagree. Each neighborhood has different levels of existing densities and we believe any increase in density should be decided in a public process, rather than as an across-the-board threshold. Further, existing zoning may already provide significant increase in "intensity" that hasn't been used to date.</p>
	<p>Incentives should be provided to avoid gentrified enclaves. Affordability must be treated as a requirement.</p>	<p>Section 21-9.100-2(b) links density and height limits to affordable housing. We do not agree that affordable housing must be a requirement. There are some neighborhoods that have an imbalance in housing, and would really benefit from more market housing to achieve a better balance. Also, there are some uses—e.g. institutional ones—that cannot easily accommodate any housing.</p>
	<p>Each Neighborhood TOD plan should have a runoff management component.</p>	<p>The city already has Stormwater Management rules that apply to all developments. However, if drainage is a particular concern in a neighborhood, drainage programs and projects can be recommended in the TOD plan.</p>
	<p>Mixed use provisions should be stronger; it is critical that mixed use constitute the majority of TOD districts, and should be required, with incentives for developers</p>	<p>While we agree that neighborhoods surrounding transit stations should have a mixed use character, we do not believe mixed use should be mandatory on a lot-</p>

Commentor	Comment	DPP Response
	who meet mixed use criteria.	by-lot basis. There are some uses, such as schools and other institutions that can provide high levels of transit ridership and neighborhood amenities, but would be considered single uses.
Peter Rappa, University of Hawai'i Environmental Center	The bill does not specifically address urban (reduced) street standards or a focus on pedestrian orientation or urban drainage/water quality concepts.	Duly noted. The TOD plans are not intended to substitute for comprehensive planning, but if particular concerns related to drainage and water quality are raised during the neighborhood planning process as they relate to TOD, then the plan will recommend new programs and projects to address the needs.
	The bill lacks a stand-alone section with a clear definition of transit-oriented development.	Open to concise suggestions, but seems sufficiently addressed under opening paragraph under Section 21-9.100, which states the objectives of the regulations.
	Regarding Page 1, first sentence of paragraph 2, TOD regulations would be crucial whether rail is selected or not.	Amended paragraph as follows: "[If rail technology is selected,] Appropriate transit-oriented development ("TOD") land use regulations along the alignment and around the <u>rapid</u> transit stations will be crucial."
	Key concepts currently in the Section 13-9.3, ROH, have been rearranged under this bill.	Yes.
	Under Section 21-9.100, substitute "intense" with "efficient", and "household" for "shopping".	Agree.
	Add a new paragraph to provide general guidance on the extent of TOD districts to discourage abuse and ensure clarity.	We do not agree with the level of suggested specificity (i.e. "2,640 feet straight-line radius") is appropriate. However, agree to amend Section 21-9.100-1(a)(2): "Recommended special district boundaries around each transit station that take into account natural topographic barriers, extent of

Commentor	Comment	DPP Response
		market interest in redevelopment, and potential to increase transit ridership; <u>typically these boundaries are from ¼ mile to ½ mile from each station.</u>
	It is unclear whether TOD zoning will be an additional layer or whether it will override existing zoning.	TOD zoning would be a type of special districts, like Waikiki. This is why this new section of the LUO is called "Transit-oriented development (TOD) special districts." Thus, as noted in Section 21-9.100-1(a)(3) the TOD regulations could override existing regulations or supplement them.
	Add a new provision that once adopted, the TOD plan shall govern existing zoning, subdivision and policy provisions. Or, the city council shall consider such changes at the time of adoption of the neighborhood plan.	Changes to other plans and codes require separate legislative or rule-making actions. Realistically, the department does not have the resources to draft changes to downstream codes, policies, and standards at the same time the plan itself is being considered.
	There should be an attempt to limit participation to those who live or do business in the community, or at least give community members primacy in developing plans.	Our approach is to be inclusive rather than exclusive. We have people participating in our Waipahu TOD planning process who no longer live there, but continue to care for their "hometown." We see no reason to discourage their participation.
	Add a provision that the city council must adopt implementing ordinances within 60 days or shall be deemed adopted. If this is unworkable, then a provision should be adopted to ensure TOD plans take precedence over existing provisions.	Automatic adoption should not be considered for something as important as this. Where appropriate, TOD plans can direct changes to existing zoning, but we believe the plans will not be detailed enough to serve as code standards.
	Section 9.100-2(c) should mention shared use of parking.	Under the LUO terminology, "joint use of parking" includes shared use.
	Minimum requirements for TOD special districts should include design standards for streets, sidewalks, crosswalks, transit	Details such as these are premature in advance of neighborhood plans.

Commentor	Comment	DPP Response
	interface facilities, on-street parking, bicycle access and other access and circulation elements to ensure "complete streets."	
	Modify Section 9.100-2(h) by adding <u>Urban landscaping . . .</u> "	This clarification may add confusion as there may be a desire to emphasize xeriscape or endemic landscaping or other themes.
	Add provisions for sustainable practices in storm water management.	This is beyond TOD legislation, and better addressed via other regulatory avenues, such as the city's Stormwater Quality Standards. However, a TOD plan can specify storm water management strategies and projects for the subject neighborhood.
OTHERS		
American Planning Association	Provide a definition of "transit-oriented development", such as: TOD is development with a functional relationship to transit allowing it to achieve synergies that are more efficient and cost effective by contributing to increased ridership. TOD implies a collaboration between interests that converge at transit stations, including the transit agency, the local government, private developers, residents, workers and riders. TOD may be any physical development which takes advantage of the foot traffic of transit riders, and which is oriented and designed to integrate with the transit operations in a way that increases ridership. This creates a symbiotic relationship. TOD development is generally compact and dense; includes a mix of uses and is designed with high-quality, pedestrian-oriented urban design	Many of these elements are already in the bill. Rather than dwelling on a definition, the bill focuses on TOD objectives.

Commentor	Comment	DPP Response
	streetscapes.	
	Expand on the benefits on TOD in the purpose section; i.e. provide mobility choice, increase public safety, increase transit ridership, reduces rates of vehicle miles traveled, increase household disposable income by reducing transportation costs, reduce air pollution and energy consumption, conserve land and open space, decrease infrastructure costs, stimulate economic development, contribute to more affordable housing, promote public health by encouraging walking.	Amending Sec. 21-9.100 opening paragraph as follows: “. . . While taking advantage of more efficient use of land, TOD can provide more walkable, <u>healthier, economically vibrant</u> communities, convenient access to daily needs as well as special events, and enhancement of neighborhood character, <u>while increasing transit ridership.</u> ”
	Clarify that TOD zoning will override existing zoning that are already under special districts, such as Waikiki, and whether TOD zoning will override subdivision regulations.	Agree for need to clarify; to reduce potential of conflicting regulations, propose to add new TOD regulations to any existing special district regulations, rather than creating a separate set of regulations. Add new opening paragraph under Section 21-9.100: <u>“Where a transit station is located within or adjacent to an existing special district, provisions for TOD shall be added to the existing special district provisions, as recommended by the neighborhood TOD plan.”</u> TOD zoning will not override the subdivision ordinance and rules. However, under the neighborhood TOD plan, recommendations can be adopted that will direct such changes.
Jackie Boland, AARP Hawaii	Amend Section 21-9.100, 1 st paragraph: “. . . TOD <u>must</u> [can] provide more walkable communities.”	This section describes what TOD objectives are, and is not project review criteria. If a project does not contribute to a more walkable neighborhood, it is not TOD.
	At minimum, there should be at least one	Our neighborhood planning processes

Commentor	Comment	DPP Response
	public meeting for neighborhood TOD planning, with a review committee, and a list-serve of interested groups and individuals who are provided notice of all community meetings at least 2 weeks prior to any meeting.	generally include a minimum of 3 community meetings. However, these proposals seem to extend beyond neighborhood TOD planning, are quite specific, and may overlap the state sunshine law. They may be more appropriate under an ordinance governing general planning processes.
	Amend Section 21-9.100-2(d): "Design provisions that [encourage use of rail transit, buses, bicycling, walking, and other non-automobile forms of transport] <u>ensure safe, comfortable, and convenient travel by foot, bicycle, transit and auto, regardless of age and ability.</u>	Proposal may be over-reaching, as it has no parameters. ADA requirements already cover basic access, but agree to amend provision as follows: "Design provisions that encourage use of [rail] <u>rapid</u> transit, buses, bicycling, walking, and other non-automobile forms of transport <u>that are safe and convenient.</u> "
	Add reservations for affordable housing that ensures a percentage of existing residents can continue to live in the neighborhood and pay the same percentage of their gross income they are paying now, and that there will be a mix of land uses and affordability.	Agree with the sentiment, but this is better addressed in the neighborhood plans themselves. There are some neighborhoods that have an imbalance in housing, and would really benefit from more market housing to achieve a better balance.
	Define the minimum area around station that will be the TOD zone.	Section 21-9.100-1(a)(2) amended: "Recommended special district boundaries around each transit station that take into account natural topographic barriers, extent of market interest in redevelopment, and potential to increase transit ridership; <u>typically these boundaries are from ¼ mile to ½ mile from each station.</u> "
	The neighborhood planning process should address the following in detail: walkable street design elements, the mix of land use with square footage for community services and recreation, and infrastructure to support needs of those with disabilities	The bill addresses these elements except that it will not require standards for community services and recreation, although the plans may do so. Provisions for disabled are already addressed by other laws and regulations.

Commentor	Comment	DPP Response
Charles Carole	<p>and bicyclists.</p> <p>The TOD ordinance should require a listing of existing businesses, residences and type of population characters (sic) in the potential TOD area; require a relocation plan; require financial costs and strategies for CIP and city share of public and private partnership; require TOD plans to be submitted to neighborhoods at least 60 days prior to submittal to city planning commission and require city council to adopt within 90 days of receipt.</p>	<p>It is not clear whether the requested listing would be in the plan or zoning regulations, but individual listings would seem to raise privacy issues.</p> <p>If a relocation plan seems to be in order, this would be covered under Section 21-9.100.1(a)(5). But at this point, the city has no plans to instigate any displacement of businesses and residents to effectuate TOD.</p> <p>Financial costs and strategies are noted under Section 21-9.100.1(a)(5).</p> <p>We disagree with proposed timeframes; current proposals are in keeping with existing policies for other adoption processes.</p>
The Chamber of Commerce of Hawaii	<p>The "Community's" role should include strong voices from the business community.</p>	<p>Agree. Section 21-9.100-1(b) already reflects the desire to include businesses in the planning process.</p>
	<p>Sufficient incentives in the forms of special financing, expedited permitting, bonus density and other means of support will be provided to alleviate risk factors.</p>	<p>"Density incentives" added to Section 21-9.100-1(a)(3).</p> <p>Financing opportunities added to 21-9.100-1(a)(5) section.</p> <p>Permit expediting is beyond the scope of this bill.</p>
	<p>It is not clear who will create the plan and what public input there will be as the plan is being developed.</p>	<p>The plans are expected to be developed by the city. However, the bill does not preclude a landowner, or group of stakeholders from preparing a plan.</p> <p>Section 21-9.100-1(b) clearly states that the planning process shall be inclusive, and open to all, not limited to input at the end of the process.</p>
	<p>Neighborhood plans should be viewed as a long term "end-state" vision which may occur gradually over a long period of time.</p>	<p>Agree that TOD does not generally happen overnight. However, we do not want to encourage these plans to lie dormant; they are intended to be actively</p>

Commentor	Comment	DPP Response
		implemented, although physical construction may not be seen immediately.
	TOD efforts should not take away from needed support in other districts.	Agree. This is not the city's intent, and why we have asked for additional resources to support the TOD program.
	Different standards for each of the transit stations will become a regulatory nightmare for both city staff and landowners/developers.	The city is committed to responding to each neighborhood, and to the extent appropriate, "place-making". Intrinsicly, this implies regulations tailored to the neighborhood. Nevertheless, to the extent that similar standards and incentives can be adopted for different stations, we will attempt to do so.
Kamehameha Schools	The TOD planning process should be structured such that the city and other parties work closely together.	Added to Section 21-9.100-1(b): "The planning process shall be inclusive, open to residents, businesses, landowners, community organizations, <u>government agencies and others.</u> "
	Our goal should include achieving higher performance in our next-generation built environment by incorporating and inventing the best TOD principles and practices for our city.	Our objective is to promote the best TOD principles and practices for our city.
Mitchell S. Nakagawa, Hawaii Bicycling League	Add language to Section 21-9.100-2 to incorporate the design of intergovernmental objectives, such as share of trips by bicycling, pedestrian, and feeder bus routes.	While the intent is to have TOD programs coordinated with transportation plans, it is not the intent to include elements into the TOD plan which fall under other planning efforts, such detailed mobility objectives that go well beyond TOD planning and projects.
	Amend Section 21-9.100-2(e): Guidelines on building orientation, [and] parking location and <u>bicycle parking location.</u> "	Agree as follows: "Guidelines on building orientation and parking location, <u>including bicycle parking.</u> "
	Amend Section 21-9.100, 1 st paragraph: "... TOD can provide more walkable communities, <u>safe bicycling environments,</u>	Agree.

Commentor	Comment	DPP Response
Tom Heinrich	convenient access . . ."	
	Are charter amendments required for TOD?	Planning and zoning functions, including TOD planning and zoning will continue to remain with the Department of Planning and Permitting, so no charter amendment is needed.
	Replace references to "rail transit" with "fixed transit route" or "fixed guideway system."	Reference to "rail transit" has been replaced with "rapid transit."
	It is unconstitutional to require council to set a deadline for city council action, and also a violation of City Charter Sec. 601511 and -1514.	Precedence has been set by the 45-day deadline required for action by city council on affordable housing projects.
	Are the special districts "formal amendments to the LUO at Article 9 or a new article"? Are the TOD plans intended to be formal amendments to the LUO or some lesser status?	The proposed TOD special districts will be added to LUO Article 9. The TOD plans themselves will NOT be included in the LUO, but would be similar in status as our Special Area Plan for Kalaeloa which was adopted by city council resolution, after deliberation by the Planning Commission. The Kalaeloa Special Area Plan includes direction for zoning the area.
	Must the TOD plans be adopted by the city council to be effective? Can the city council make changes or refuse to adopt the plan?	The plans would automatically be approved if the city council takes no action in 60 days. If the city council denies it, the plans would have no official city status, and the department would not initiate any TOD zoning without an approved plan. The city council can refuse to adopt the plan or modify it.
	Amend Page 1, Sec 1, 1 st paragraph: "The council finds that Honolulu [is initiating] <u>has initiated</u> a major <u>mass transit</u> transportation . . . for the [Project] <u>project</u> . . ."	No objection.
Amend Page 1, Section 1, 2 nd Paragraph: "[If rail] Whatever technology is selected[.]"	Amended paragraph as follows: "[If rail technology is selected,] Appropriate	

Commentor	Comment	DPP Response
	for the <u>high-capacity transit fixed guideway system</u> , appropriate transit-oriented development ("TOD") land use regulations along the alignment and around the transit stations will be crucial.	transit-oriented development ("TOD") land use regulations along the alignment and around the <u>rapid</u> transit stations will be crucial."
	Amend Page 1, Section 1, 3 rd Paragraph: "It has been consistently noted about successful TOD programs of other cities . . . Therefore, [for Honolulu to] <u>to assure that Honolulu will</u> have a successful TOD program . . ."	No objection.
	Amend Page 1, Section 1, 4 th paragraph: "This <u>TOD planning process</u> will implement the Oahu General Plan and applicable regional development plans."	Modification: "This <u>TOD planning and implementation process</u> will implement the Oahu General Plan and applicable regional . . ."
	Amend Page 1, Section 1, 5 th paragraph: "With the potential for such a significant and positive change in development patterns, it is crucial that proper planning guidance be given, well before the <u>transit stations</u> are constructed."	No objection.
	Amend Section 21-9.100 to better articulate the principles of transit-oriented development.	Open to specific suggestions.
	There is no description of the process to adopt the TOD special districts.	There are no specific procedures in the LUO for amending the LUO, and there is no reason to make TOD special districts an exception.
	Amend Page 2, Section 3: "[Section 21-9,] Chapter 21, Article 9, Revised Ordinances of Honolulu is amended to add a new [subsection] <u>section</u> as follows: . . ."	Duly noted.
	Amend page 2, Section 21-9.100, 1 st paragraph: "Special districts shall be established around [rail] transit stations to foster . . ."	Reference to "rail transit" has been replaced with "rapid transit."

Commentor	Comment	DPP Response
	Amend Page 2, Section 21-9.100, 2 nd paragraph: "Each special district shall be based on a neighborhood <u>TOD</u> plan that <u>specifically</u> addresses transit-oriented development. [The plans may include more than one (1) station, and], may address other community concerns and opportunities[.], and may include more than one transit station."	Duly noted.
	Amend Page 3, Section 21-9.100-1(a): "Prior to the [adoption] <u>establishment</u> of any TOD special district, there shall be <u>prepared and adopted</u> a [Neighborhood] <u>neighborhood TOD [Plan] plan</u> which serves . . ."	Duly noted.
	Amend Page 3, Section 21-9.100-1(a)(1): ". . . strategies, general urban design forms, and [cultural and] <u>historic, scenic and cultural resources . . .</u> "	Duly noted.
	Add to Page 3, Section 21-9.100-1(a)(2): " <u>A plan may address other community concerns and opportunities.</u> "	Not required. Already covered under second paragraph, under Section 21-9.100.
	Amend Page 3, Section 21-9.100-1(a)(3): "A plan may include more than one transit station."	Not required. Already covered under second paragraph, under Section 21-9.100.
	Amend Page 3, Section 21-9.100-1(a)(3): "Recommended zoning controls, including architectural and community design principles, open space requirements, parking standards, and [either] <u>other</u> modifications to existing zoning requirement or new zoning precincts, as appropriate."	Agree clarification may be useful: "Recommended zoning controls, including architectural and community design principles, open space requirements, parking standards, and [either] <u>other</u> modifications to existing zoning requirement, or the <u>establishment of new zoning precincts, as appropriate.</u> "
	Amend Page 3, Section 21-9.100-1(a)(3): "[Form-based zoning may be considered. Prohibition of specific uses shall be considered.] <u>The prohibition of specific uses and form-based zoning may be</u>	Disagree. The two issues are so divergent that they should be kept separate.

Commentor	Comment	DPP Response
	considered.	
	Amend Page 3, Section 21-90.100-1(c): "Where appropriate, public-private [partnership] <u>partnering</u> opportunities shall be [investigated] <u>evaluated</u> OR <u>explored</u> OR <u>examined</u> ."	Duly noted.
	Amend Page 3, Section 21-9.100-1(f): delete the Arabic numbers in parens, (45) and (60).	Duly noted.
	Amend Page 4 section numbering to Section <u>21-9.100-2</u> .	Agree
	Amend Page 4, Section 21-9.100-2(c): "[Elimination or reduction] <u>Reduction or elimination</u> of the number of required off-street parking spaces, [including expanded] and <u>expansion</u> of allowances for joint use of parking spaces."	Existing language is adequate.
	Amend Page 4, Section 21-9.100-2 (d): "Design provisions that encourage use of [rail] <u>mass transit</u> OR <u>the fixed guideway transit system</u> , buses, [bicycling] <u>bicycles</u> , walking, and other non-automobile forms of transport."	Amended to read as follows: "Design provisions that encourage use of [rail] <u>rapid</u> transit, buses, bicycling, walking, and other . . ."
	Amend Page 4, Section 21-9.100-2(e) by adding period at end of sentence.	Agree.
	Amend Page 4, Section 21-9.100-2(f): "Identification of important neighborhood historic, scenic, and cultural landmarks, and controls [for protecting and enhancing] <u>to protect and enhance these resources</u> ."	Agree.
	Amend Page 4, Section 21-9.100-2(h): "Landscaping requirements that enhance the pedestrian experience, [support] <u>promote transit</u> station identity, and <u>complement adjacent structures</u> ."	Disagree. "Promote" does not convey the same intent as "support".
	Amend Page 4, Section 4: ". . . the revisor of ordinances [need] <u>shall</u> not include the brackets, the bracketed materials, or the	Bill reflects the language used in other ordinances.

Commentor	Comment	DPP Response
	underscoring.”	
Kiersten Faulkner, Historic Hawai'i Foundation	There should be a statement public policy purpose and intent; the goals and objectives of the planning process should be stated; e.g. preservation of resources, determining appropriate uses, design, densities, public facilities, financing, phasing, and transparent community-based planning process.	Add sentiments to Section 1 of the bill.
	A description of where the plans may be developed should be included.	Typical radius around stations has been added to Section 21-9.100-1(a)(2).
	Pre-existing parameters or assumptions regarding zoning standards, such as densities or uses should be stated.	There are none.
	TOD areas should be considered as part of a Transfer of Development Rights (TDR) program to protect agriculture and rural areas.	The department does not support a regional TDR program involving agricultural lands, because these lands have no urban development rights to give away.
	TOD planning should include knowing the location and capacity, existing and future, of nearby community facilities, such as day care centers, schools, and community centers.	Duly noted.
	Is a minimum requirement for mix of uses necessary? Will each development have a required or target level of mix of housing, commercial or employment?	No. This will be decided through the planning process, the resulting zoning standards, and market forces. We have not found TOD research that advocates that every lot have a prescriptive formula requiring mixing; this is too fine-grained for zoning regulations.
	The infrastructure analysis should include recommendations for financing and phasing.	Section 21-9.100-1(a)(5) addresses this and has been amended to include: “. . . and new financing opportunities.”
	There should be a comprehensive approach to traffic patterns at the outset, including street system, parking, and management strategies.	Some of these elements are part of the planning and engineering and EIS processes already underway. They will also be covered under the neighborhood

Commentor	Comment	DPP Response
		TOD plans, as well as the downstream zoning code and other code changes.
	All special districts should include allowances for receiving transfer of development rights (TDR) from areas designated for historic or natural resource protection.	The Land Use Ordinance already has a TDR program for historic properties. Since 1997, it has only been used once, as a kind of "land-banking" measure, and no floor area has been transferred to date.
	The special districts should have design parameters for the stations.	The design of stations will be determined by DTS.
	The special districts should include identification of significant view sheds, protection of coastal areas and other resources, site locations for community facilities, and building design parameters, and address signs and wayfinding.	The bill allows for these considerations.
Lisa Ferentinos, Kokua Kalihi Valley Comprehensive Family Services	Amend Section 21-9.100-2 to include "complete streets."	There is sufficient provision in the current bill language to address "complete streets."
	A percentage of the existing residents should be assured that they can continue to live in the neighborhood.	We recognize the concerns regarding gentrification, and while we can encourage or require a certain amount of affordable housing, it is difficult to develop zoning controls for specific residents, especially related to rent prices. We do agree that the city can consider incentives to the private sector to retain existing affordable housing.
	Section 21-9.100-1(b) should specify how the development of the plans will be inclusive. There should be at least one public meeting to educate the community and receive public input. Zoning provisions should have multiple opportunities for multi-stakeholders groups to be involved. Consider forming a review committee.	Typically, the department's planning process involves at least 3 community meetings. However, we hesitate to specify a number because we would like to be open to various ways of community participation, and by singling out community-wide meetings, it may inadvertently ignore other methods of participation. Zoning provisions will have multiple opportunities for comment, including public hearings at both the city

Commentor	Comment	DPP Response
		planning commission and city council.
Ronald Lockwood	Amend the bill to acknowledge aging demographics, the housing and transportation needs of this aging population, and the needs of the disabled.	Agree with the comment, but the bill's language is sufficient to address this concern.
	There can be NO net loss in affordable housing. The City must provide incentives to assist the private sector in providing affordable units, and allowing current residents to remain in the community.	Duly noted.
	Development must include sidewalks that are easy to navigate, public restrooms, resting places, building setbacks, ground floor use, few blank walls, and modified sidewalk crossing and design speeds.	Bill language provides for these considerations. Please note, however, that sidewalk crossings and design speeds are beyond the scope of zoning controls.
	The 45-day time required for neighborhood board to comment on the TOD plan should be extended to 90 days.	The 45-day deadline is already the deadline for neighborhood board comments on LUO permits. Further, the plans will be developed in an open process, and all those who participated in the process will be well aware of the final product before the deadline for review is started. Lastly, the neighborhood boards can still comment at the planning commission public hearing, and as many as 5 times at the city council.
	Delete references to "rail."	Reference to "rail" has been replaced with "rapid."
	There should be size mentioned for the size of the TOD district.	Agree. Section 21-9.100-1(a)(2) amended to: "Recommended special district boundaries around each transit station that take into account natural topographic barriers, extent of market interest in redevelopment, and potential to increase transit ridership; <u>typically these boundaries are from ¼ mile to ½ mile from each station.</u> "

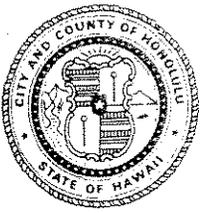
Commentor	Comment	DPP Response
	Infrastructure needs must include mitigation of transit pollution run-off.	DTS is responsible for transit, and will comply with all environmental requirements.
	Green LEED design for transit stations should be included.	DTS is responsible for transit station design.
Julie Shioshita, One Voice for Livable Islands	TOD should include integrated, attractive, safe areas for everyone, including pedestrian and bicycle users; design that promotes healthy activities such as walking and cycling; and designs that accommodate all levels of mobility.	Agree. Existing bill language accommodates comments. Section 219.100-2(d) amended as follows: "Design provisions that encourage use of [rail] <u>rapid</u> transit, buses, bicycling, walking, and other non-automobile forms of transport <u>that are safe and convenient.</u> "
	There should be multiple opportunities for stakeholders to be involved in special district zoning provisions.	The TOD plans will be developed in an open process, and all those who participated in the process will be well aware of the final product before the deadline for review is started. All stakeholders can comment at the planning commission public hearing, and as many as 5 times at the city council.
	Consider forming a review committee, with One Voice for Livable Islands as a member.	Duly noted.
	Maintain a list-serve of interested groups and individuals and provide notice of all community meetings at least two weeks in advance.	Request is duly noted.
	Amend Section 9.100-2 to detail the concept of "Complete Streets."	Current bill language is adequate to provide for this consideration in the planning and zoning processes. Please note, however, that neighborhood plans and zoning codes do not dictate the construction standards for rights-of-way.
	Add policy: "Bicycling and walking facilities will be incorporated into all transportation projects unless exceptional circumstances exist."	The Land Use Ordinance is not the appropriate vehicle for this policy.

Commentor	Comment	DPP Response
Mary Steiner, The Outdoor Circle	Do not increase height limits.	We agree that in some areas, an increase in height limits could intrude into significant public view planes. However, this is not true in all cases, and prefer to have height increases deliberated under the planning process, rather than prohibit them across the board at the outset.
	It is critical to require TOD to install landscaping to soften visual impacts of the projects. Tree removal should require a permit, and for every tree removed, two replacement shade trees should be required.	The bill already requires that landscaping issues must be addressed. Also, as is currently required in other special districts, TOD special districts could require approval for removal of trees of a certain size, and even require replacement(s).
	Sign regulations cannot be compromised.	Sign controls are not mentioned in the bill, but as in other special districts, could be amended, either providing for more signage, or adding further restrictions.
	Require open spaces in the initial planning, and not as afterthoughts.	This is already reflected in Section 21-9.100-1(a)(3) in that open space requirements are to be part of the plan—well before zoning is formulated and building permits are sought.
Katie Anderson, ULI Hawaii	Add “quality of life” and “Place-making opportunities” into Findings and Purpose section.	Agree. Sixth paragraph amended. “. . . <u>The planning process shall be open, inclusive and visionary, and shall strive to increase the quality of life through rejuvenated community character (including “place-making” opportunities), preservation and enhancement of historic, cultural, scenic, natural and other community resources and landmarks, while understanding the relationship between zoning, financing, and real estate market dynamics.</u> ”
	Mention ¼-mile and ½ mile radius as guidelines for primary and secondary TOD planning.	Agree. Section 21-9.100-1(a)(2) amended to: “Recommended special district boundaries around each transit

Commentor	Comment	DPP Response
		station that take into account natural topographic barriers, extent of market interest in redevelopment, and potential to increase transit ridership; <u>typically these boundaries are from ¼ mile to ½ mile from each station.</u> When appropriate, recommendations may define a “core area” and transition boundaries.”
	Is the community’s role advisory only?	Yes.
	What kinds/forms of incentives will be provided to landowners and developers?	At this point, we are open to all suggestions. While we are aware of typical incentives offered in other TOD programs, we are not assuming they are the ones that are needed here; e.g. density bonuses.
	What happens to development plans that are already being developed for properties near planned stations?	We assume this refers to private sector plans, and not the city’s regional development plans. Through the public planning process, we expect developers to share their plans with the greater community, and attempts will be made to incorporate them to the extent that they fulfill TOD objectives.
	Will density allowances under existing zoning be “grandfathered” as a minimum density under TOD zoning?	Such an allowance will be part of the planning and zoning discussions.
	Consider a planning process that will provide for strong market/economic analysis.	Section 21-9.100-1(c) already calls out for economic and market analyses as part of TOD planning.
	Approach TOD as a phased, multi-generational process; don’t try to achieve the “End State Plan” by means of one “mega project.”	Agree.
	Consider an infrastructure systems planning process that can provide critical data to the TOD plans.	Duly noted.
	How will coordinated TOD projects be	We have no pre-made decisions or

Commentor	Comment	DPP Response
	developed for areas with many small land owners?	strategies on redevelopment in areas with small lots, which may not necessarily even be an obstacle to good TOD. All developments, small or large, will have to comply with TOD special district requirements, and to that extent, they will be coordinated. Under the neighborhood planning process, if land assembly is considered imperative, we would consider incentives for private sector assembly.
	Who will write the special district zoning ordinances?	DPP will draft language, which will be commented on by the Planning Commission, and could be modified by the city council.
Jessica Wooley	Each TOD special district should address safe pedestrian and bicycle paths and facilities.	Amended Section 21-9.100-2(d) to underscore safety and convenience of all connections to transit stations.

Exhibit C
ALL COMMENTS RECEIVED



CITY COUNCIL

CITY AND COUNTY OF HONOLULU

HONOLULU, HAWAII 96813-3065 / TELEPHONE 547-7000

OFFICE OF THE CLERK
CITY AND COUNTY OF HONOLULU
CITY & COUNTY OF HONOLULU

07 NOV 30 A8:51

RECEIVED

November 29, 2007

Mr. Henry Eng, Director
Department of Planning and Permitting
City & County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

RE: Transit Oriented Development (TOD) Draft Planning and Zoning Bill

Dear Director Eng:

Listed below for your consideration, are our comments and proposed amendments to the draft TOD bill.

Pursuant to Ordinance 07-001, the Council reserves the right to select the technology for the locally preferred alternative. As the Council has not yet exercised that right, the following amendments are presented to reflect any reference to the technology selections:

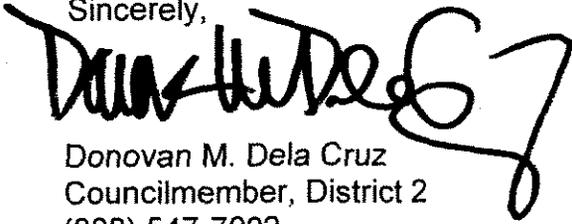
- Section 1. Findings and Purpose—paragraph 2
“When the transit [rail] technology is selected, appropriate transit-oriented development (“TOD”) land use regulations along the alignment and around the transit stations will be crucial.”
- Section 3. Sec. 21-9.100 Transit-oriented development (TOD) special districts—paragraph 1
“Special districts shall be established around [rail] transit stations to foster more livable communities that take advantage of the benefits of transit; specifically, reducing transportation costs for residents, businesses and workers.”
- Section 3. Sec. 9.100-2 TOD special district requirements—paragraph (d)

Mr. Henry Eng
November 29, 2007
Page 2

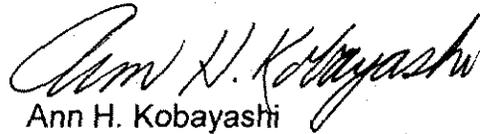
"Design provisions that encourage use of the fixed-guideway system [rail transit], buses, bicycling, walking and other non-automobile forms of transport.

Thank you for the opportunity to comment on the draft bill. Should you have any questions or concerns, please feel free to contact either one us.

Sincerely,



Donovan M. Dela Cruz
Councilmember, District 2
(808) 547-7002

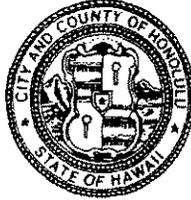


Ann H. Kobayashi
Councilmember, District 5
(808) 547-7005

cc: All Councilmembers
City Planning Commission

DEPARTMENT OF COMMUNITY SERVICES
CITY AND COUNTY OF HONOLULU RECEIVED

715 SOUTH KING STREET, SUITE 311 • HONOLULU, HAWAII 96813 • AREA CODE 808 • PHONE: 768-7762 • FAX: 768-7792



'07 DEC -3 AM 10:05

MUFI HANNEMANN
MAYOR

DEBORAH KIM MORIKAWA
DEPT OF PLANNING DIRECTOR
AND PERMITTING
CITY & COUNTY OF HONOLULU
MARK K. OTO
SENIOR ADVISOR

December 3, 2007

MEMORANDUM

To: Henry Eng, Director
Department of Planning and Permitting

From: 
Deborah Kim Morikawa, Director
Department of Community Services

Subject: Comments on Transit-Oriented Development (TOD) Draft Planning and Zoning Bill

The Honolulu Committee on Aging, an advisory body to the City and County of Honolulu, and its subcommittee, the Planning and Education Subcommittee, was provided an opportunity to review the draft TOD bill. While they were unable to formally meet to adopt recommendations, individual members of the Committee offered comments and observations, and they are summarized and attached herewith.

In addition, in anticipation of demographic changes resulting in increasing percentages of older residents in the City and County of Honolulu and the critical issues that will emerge with a maturing society, we suggest that language be incorporated in the bill that supports and promotes access to supportive services needed to allow them to function with as much independence as possible. Measures which promote wellness and integration will reduce dependency, disability, and unnecessary and increasingly unaffordable medical and long term care costs to society. The following language is suggested:

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

Special districts shall be established ... TOD can provide more walkable communities, enhancement of neighborhood character, and convenient access to daily needs such as medical, dental, in-home and community based support service, commercial, educational, spiritual, social and food services; physical fitness and wellness facilities; and recreational activities and volunteer opportunities which promote community engagement.

Section 21-9.100.1 Neighborhood TOD plans

- (a)(4) Potential opportunities for affordable housing with supportive services.
- (a)(6) The composition of the resident population and anticipated changes over time.

Section 9. 100-2 TOD special district minimum requirements

- (i) Design which promotes safety, community interaction, and provides elder friendly amenities such as places to stop and rest.

Should you have any questions, please contact Mrs. Karen Miyake of our Elderly Affairs Division at 768-7708.

Transit Oriented Bill

Comments provided by EAD staff, HCOA and PEAS committee members were primarily general in nature and not specific to any particular section of the bill.

Comments

- A. There should be a moratorium on new development and redevelopment within $\frac{1}{4}$ to $\frac{1}{2}$ mile of the preferred transit alignment until such time as the Environmental Impact Statement and Preliminary Engineering Plans are completed to allow for thoughtful consideration of the implementation of TOD.
- B. To the extent possible, Historic Districts should be preserved.
- C. Federal Guidelines in regard to transit stations should be used to make sure they are accessible to all.
- D. Initial talks relative to the general guidelines to be developed for TOD should include all citizens, businesses, representatives of the tourist industry as well as tourists, elected officials and other interested parties because this system will bring benefit to all, not just those living along the proposed route. Seniors should be encouraged to actively participate.
- E. Neighborhood Boards should be the designated "point" of control for development of neighborhood plans relative to TOD.
- F. Talks and decisions regarding transit stations that may impact residents of more than one Neighborhood Board should include representatives from all Neighborhood Boards involved.
- G. To the extent possible, multiple uses in the same building (e.g. residential/commercial/retail/medical/long-term care options that support independence) should be allowed in areas in close proximity to the route to encourage use of the transit system.
- H. To the extent possible, incentives should be considered for development of low-cost housing, especially for the very low-income and older adults, in close proximity (within walking distance) to the transit route.
- I. There should be one fee for all modes of transit, similar to what the City has currently implemented during the demonstration project for The Boat.
- J. Feeder buses or shuttles that are ADA compliant should be used in neighborhoods to shuttle residents to the transit stations.
- K. All stations should have a minimum subset of amenities:
 - a. Multiple levels of access to include at a minimum stairs, ramps and elevators. Escalators could be used but should be in addition to elevators and ramps as wheelchairs, strollers, walkers, etc. are not allowed on escalators.
 - b. Restrooms to include ADA accessible requirements.
 - c. Security – This needs to be a warm body. There should be security in the stations and surrounding areas as well as on board the trains.

- d. Information/Cashier to provide information, change depending on the method used for accessing transit system (pass, credit card, cash).
- e. Route Maps to provide information if attendant/security are not available, about station locations, route times.
- f. Lists, routes and times of connecting buses.
- g. Neighborhood Maps at each stations.
- h. PA System – to announce wait times for next train, important information, emergency situations.
- i. Emergency Equipment – 1st aid kit, fire extinguisher, AED.
- j. Trash/Recycling Bins.
- k. Sitting/waiting areas
- L. Architectural Features – Stations should fit in the neighborhood – e.g. if in an historical district, should maintain those standards.
- M. Areas Around Stations – As space allows, provide for commercial/retail space in support of the neighborhood and those using the stations:
 - a. Green space
 - b. Grocery Store
 - c. Pharmacy
 - d. Bank/ATM
 - e. Medical Clinic
 - f. Food Court
 - g. Adult Day/Child Care
 - h. Parking for autos, motorcycles, mopeds and bicycles. If parking is not adjacent to the station, then shuttles to/from the parking areas should be provided.

General Questions

- A. To what extent will the Neighborhood Boards be involved?
- B. How many parcels and how much land area is anticipated to be condemned for the actual transit alignment?
- C. If the City condemns parcels, will the City retain control over the development of those parcels?
- D. Preliminary information indicates that construction is anticipated to begin in 2009 and will be completed in 2012. Is this timeline for the initial route only?
- E. How long will it take to add on the spurs to the airport and Waikiki?

Request

- A. Is there an overlay map that shows the current proposed alignment, Council Districts and the Neighborhood Board districts? If there is, may we have a copy? If not, could one be produced?

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU

RECEIVED

650 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8480 • Fax: (808) 523-4567
Web site: www.honolulu.gov

'07 DEC -6 P3 08

MUFI HANNEMANN
MAYOR

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU



EUGENE C. LEE, P.E.
DIRECTOR
CRAIG I. NISHIMURA, P.E.
DEPUTY DIRECTOR

November 30, 2007

MEMORANDUM

TO: HENRY ENG, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM:  EUGENE C. LEE, P.E., DIRECTOR

SUBJECT: TRANSIT-ORIENTED DEVELOPMENT (TOD)
Draft Planning and Zoning Bill

Thank you for giving us the opportunity to comment on the above Draft Planning and Zoning Bill for the TOD.

The Department of Design and Construction has no comments to offer at this time.

ECL:it (233268)

DEPARTMENT OF EMERGENCY MANAGEMENT
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET
HONOLULU, HAWAII 96813

Mufi Hannemann
MAYOR



November 1, 2007

DEPARTMENT OF
PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

PETER J. S. HIRAI
ACTING DIRECTOR

NOV -2 07 09:40

RECEIVED

TO: HENRY ENG, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: PETER J. S. HIRAI, CEM, ACTING DIRECTOR
DEPARTMENT OF EMERGENCY MANAGEMENT

A handwritten signature in black ink, appearing to read "Peter J. S. Hirai", is written over the "FROM:" line.

SUBJECT: TRANSIT-ORIENTED DEVELOPMENT (TOD)
Draft Planning and Zoning Bill Available for Review

Thank you for the opportunity to review and comment on the above mentioned Transit-Oriented Development (TOD) bill. The Department of Emergency Management does not have any comments at this time.

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd



MUFI HANNEMANN
MAYOR

KENNETH G. SILVA
FIRE CHIEF

ALVIN K. TOMITA
DEPUTY FIRE CHIEF

DEPT. OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

07 NOV 30 A 8:54

RECEIVED

November 29, 2007

**TO: HENRY ENG, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING**

FROM: KENNETH G. SILVA, FIRE CHIEF

**SUBJECT: TRANSIT-ORIENTED DEVELOPMENT (TOD)
DRAFT PLANNING AND ZONING BILL**

The Honolulu Fire Department (HFD) would like to express a few concerns relating to the upcoming TOD bill.

All development should take into account access by our fire apparatuses. Future development and parking restrictions should ensure horizontal and vertical clearance. Means of ingress and egress to areas surrounding transit stations should also be considered.

Responding to emergencies relating to an elevated transport and its associated platforms will bring new strategies to mitigate medical, fire, and rescue calls.

The HFD would like to provide input in future planning meetings and hearings to express our concerns.

Should you have any questions, please contact Assistant Chief Eric L. Adams Jr. of our Planning and Development section at 723-7106.

A handwritten signature in cursive script, appearing to read "Kenneth G. Silva".

KENNETH G. SILVA
Fire Chief

KGS/EA:ms

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843



October 31, 2007

MUFI HANNEMANN, Mayor

RANDALL Y. S. CHUNG, Chairman
SAMUEL T. HATA
ALLY J. PARK
ROBERT K. CUNDIFF
MARC C. TILKER

LAVERNE T. HIGA, Ex-Officio
BARRY FUKUNAGA, Ex-Officio

CLIFFORD P. LUM
Manager and Chief Engineer

DEAN A. NAKANO
Deputy Manager and Chief Engineer

TO: HENRY ENG, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

ATTN: KATHY SOKUGAWA

FROM: for  KEITH S. SHIDA, PRINCIPAL EXECUTIVE
CUSTOMER CARE DIVISION

SUBJECT: YOUR MEMORANDUM OF OCTOBER 23, 2007 REQUESTING
COMMENTS TO THE DRAFT TRANSIT-ORIENTED DEVELOPMENT
BILL

DEPARTMENT OF PLANNING AND PERMITTING
CITY & COUNTY OF HONOLULU

07 NOV -7 P2:55

RECEIVED

We have no objections to the draft Transit-Oriented Development Bill.

If you have any questions, please contact Robert Chun at 748-5443.

LINDA LINGLE
GOVERNOR



RECEIVED

RUSS K. SAITO
COMPTROLLER

BARBARA A. ANNIS
DEPUTY COMPTROLLER

(P)1259.7

'07 NOV -5 P2:06

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96813

NOV - 2 2007

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Mr. Henry Eng, FAICP
Director of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Eng:

Subject: Transit-Oriented Development (TOD)
Draft Planning and Zoning Bill Available for Review

Thank you for the opportunity to review this draft bill. The Department of Accounting and General Services offers no comments on the draft bill but requests that upon approval of this ordinance, we be notified of any Neighborhood TOD Plan that may affect any of our facilities, including our facilities near the Capitol, Aloha Stadium and Waipahu.

If you have any questions, please call me at 586-0400 or have your staff call Mr. Bruce Bennett, of the Public Works Division, at 586-0491.

Sincerely,

RUSS K. SAITO
State Comptroller

LINDA LINGLE
GOVERNOR

MAJOR GENERAL ROBERT G. F. LEE
DIRECTOR OF CIVIL DEFENSE

EDWARD T. TEIXEIRA
VICE DIRECTOR OF CIVIL DEFENSE



PHONE (808) 733-4300
FAX (808) 733-4287

STATE OF HAWAII
DEPARTMENT OF DEFENSE
OFFICE OF THE DIRECTOR OF CIVIL DEFENSE
3949 DIAMOND HEAD ROAD
HONOLULU, HAWAII 96816-4495

November 16, 2007

CITY & COUNTY OF HONOLULU

07 NOV 19 P 1:00

RECEIVED

Mr. Henry Eng, FAICP, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

Dear Mr. Eng:

Thank you for your letter of October 23, 2007, which introduces the Transit-Oriented Development (TOD) draft planning and zoning bill. We appreciate the opportunity to provide comments from a State Civil Defense (SCD) perspective at this early stage of the planning process. We have reviewed the draft bill and provide the following comments:

- 1) When planning the location of transit stops, it is crucial for the safety of the passengers that the stops and surrounding development are built outside of tsunami evacuation zones. The concern is that, during a destructive tsunami, the structure supporting the transit system would become part of the debris field and cause extensive damage, not to mention the loss of the system.
- 2) In order to alert passengers of approaching tsunamis or other hazards, SCD highly recommends that both audible and visual warning displays be included in each transit station. The warning displays should be able to provide emergency information to passengers, including hearing impaired and visually impaired personnel. This warning system would aid in instructing passengers where and how to evacuate should the need arise.
- 3) Due to Homeland Security considerations and for critical infrastructure protection, SCD highly recommends that the transit stations be built with blast barriers designed to prevent automobiles from approaching too closely. Items such as cement planters, etc, incorporated into the design would provide a level of deterrence from attack.

The SCD staff is available at 733-4300 to discuss each of these recommendations in more detail as the transit route and designs progress.

Sincerely,

EDWARD T. TEIXEIRA
Vice Director of Civil Defense

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

November 16, 2007

CITY & COUNTY OF HONOLULU

07 NOV 20 AM 1:35

RECEIVED

Department of Planning & Permitting
City & County of Honolulu
650 South King Street 7th Floor
Honolulu, Hawaii 96813

Attention: Ms. Kathy Sokugawa

Gentlemen:

Subject: Draft Transit-Oriented Development (TOD)

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Engineering Division, Division of State Parks, Commission on Water Resource Management, Division of Boating & Ocean Recreation, Division of Forestry & Wildlife, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,


for Morris M. Atta
Administrator

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RECEIVED
LAND DIVISION

2007 OCT 29 P 3:44

DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 25, 2007

MEMORANDUM

- TO: **DLNR Agencies:**
- Div. of Aquatic Resources
 - Div. of Boating & Ocean Recreation
 - Engineering Division
 - Div. of Forestry & Wildlife
 - Div. of State Parks
 - Commission on Water Resource Management
 - Office of Conservation & Coastal Lands
 - Land Division - Oahu District/Keith Chun

FROM: *Russell Y. Tsuji*
 SUBJECT: *Draft transit-Oriented Development (TOD) bill*
 LOCATION: Island of Oahu
 APPLICANT: City & County of Honolulu, Department of Planning & Permitting

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by November 15, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *[Signature]*
Date: *10/26/07*

OCT26 07am18:46BOR OIU

LINDA LINGLE
GOVERNOR OF HAWAII



Laura H. Thielen
Chairperson
Board of Land and Natural Resources
Commission on Water Resource Management
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07 OCT 26 AIO: 34



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

COMMISSION ON WATER
RESOURCE MANAGEMENT

October 25, 2007

MEMORANDUM

From
TO:

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division - Oahu District/Keith Chun

RECEIVED
LAND DIVISION
2007 NOV -6 P 3:19
MAY 11 2007

To:

FROM: *Russell Y. Tsuji*
SUBJECT: *Draft transit-Oriented Development (TOD) bill*
LOCATION: Island of Oahu
APPLICANT: City & County of Honolulu, Department of Planning & Permitting

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by November 15, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *W. Payne*
Date: *11/06/07*



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

RECEIVED
STATE PARKS DIV

'07 OCT 26 P1:41

October 25, 2007

MEMORANDUM

TO:

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division – Oahu District/Keith Chun

RECEIVED
 LAND DIVISION
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 DEPT OF LAND &
 NATURAL RESOURCES
 STATE OF HAWAII

FROM:

Russell Y. Tsuji
Russell Y. Tsuji

SUBJECT: Draft transit-Oriented Development (TOD) bill

LOCATION: Island of Oahu

APPLICANT: City & County of Honolulu, Department of Planning & Permitting

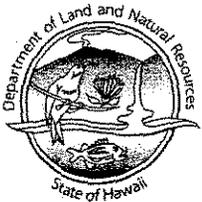
Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by November 15, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *Russell Y. Tsuji*
Date: 10/31/07



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 25, 2007

MEMORANDUM

- TO: **DLNR Agencies:**
- Div. of Aquatic Resources
 - ~~Div. of Boating & Ocean Recreation~~
 - Engineering Division
 - ~~Div. of Forestry & Wildlife~~
 - Div. of State Parks
 - Commission on Water Resource Management
 - Office of Conservation & Coastal Lands
 - Land Division - Oahu District/Keith Chun

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LAND DIVISION
2007 NOV -3 A 3:35
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

107 OCT 26 PM 02:13 ENGINEERING

FROM: *Russell Y. Tsuji*
 SUBJECT: *Draft transit-Oriented Development (TOD) bill*
 LOCATION: Island of Oahu
 APPLICANT: City & County of Honolulu, Department of Planning & Permitting

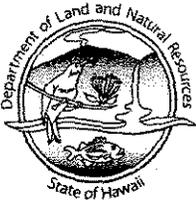
Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by November 15, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *Keith Chun*
 Date: 11/2/07



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

October 25, 2007

MEMORANDUM

- TO: **DLNR Agencies:**
- Div. of Aquatic Resources
 - Div. of Boating & Ocean Recreation
 - Engineering Division
 - Div. of Forestry & Wildlife
 - Div. of State Parks
 - Commission on Water Resource Management
 - Office of Conservation & Coastal Lands
 - Land Division - Oahu District/Keith Chun

RECEIVED
 LAND DIVISION
 2007 OCT 29 P 3:43
 DEPT. OF LAND & NATURAL RESOURCES
 STATE OF HAWAII

FROM: *Russell Y. Tsuji*
 SUBJECT: Draft transit-Oriented Development (TOD) bill
 LOCATION: Island of Oahu
 APPLICANT: City & County of Honolulu, Department of Planning & Permitting

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by November 15, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *Paul J. Conry*
 Date: _____

PAUL J. CONRY, ADMINISTRATOR
DIVISION OF FORESTRY AND WILDLIFE

OCT 29 2007



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

CITY & COUNTY OF HONOLULU

FAX (808) 594-1865
NOV 27 AM 1:46
RECEIVED

November 20, 2007

HRD07/3315

Henry Eng
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, HI 96813

RE: Transit-oriented Development (TOD) Draft Planning and Zoning Bill Available for Review

Dear Mr. Eng,

The Office of Hawaiian Affairs (OHA) is in receipt of your October 23, 2007 letter sharing the City's Transit-oriented Development (TOD) bill and offers the following comments:

The TOD bill takes a positive and forward step toward controlling development in urban Honolulu; especially the urban corridor that now extends from 'Ewa to Hawaii Kai. The introduction of smart growth land use strategies, such as TOD has the potential to preserve and protect against urban sprawl. Poor land use decisions in the past have seen our agricultural and open space areas on O'ahu disappear.

The benefits of TOD development in association with the anticipated fixed guideway system and the Locally Preferred Alternative (LPA) on O'ahu will help shape both planned and existing communities. Proper zoning around the LPAs are one land use tool that will guide TOD.

Our office's only concerns with TOD involve the possible effects of gentrifying local communities. Strategies should include community-based approaches toward redevelopment in existing communities. Affordable housing options for local residents, including repurchasing or leasing options for the local community members are promising solutions to help ensure they will not be forced out of their communities.

Our office is constitutionally mandated to preserve and protect natural and cultural resources on behalf of Native Hawaiians. Any future development or redevelopment plans would have the potential to disturb natural or cultural resources. Redevelopment around urban Honolulu has unearthed numerous cultural resources which have put many Native Hawaiian community members and developers in very difficult situations. Many lessons have been learned from these

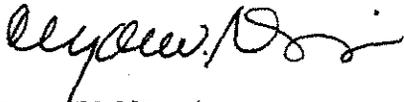
Henry Eng
Department of Planning and Permitting
November 20, 2007
Page 2

redevelopments. For example, the redevelopment of the parcel situated at the current location of the Ke'eaumoku Street Wal-Mart unearthed numerous Native Hawaiian burials. This case is still in litigation. Also, currently, the Whole Foods development on Auahi Street in Kaka'ako have unearthed more than 60 burials and has halted construction numerous times, costing General Growth Properties large sums of money.

In summary, the redevelopment of properties in the urban corridor of Honolulu, in previously disturbed ground, has unearthed numerous burials. With the potential TOD as a result of the LPA, the possibility of unearthing Native Hawaiian burials and other cultural resources should be a concern and a likely possibility in all redevelopment projects as a result of TOD. Proper planning and consultation will help mitigate any conflicts that may arise in the future.

Thank you for the opportunity to comment. If you have further questions or concerns, please contact Jason Jeremiah, Policy Advocate-Preservation, Native Rights, Land and Culture, at (808) 594-1816 or jasonj@oha.org.

Aloha,



Clyde W. Nāmu'o
Administrator

LINDA LINGLE
GOVERNOR



BRENNON T. MORIOKA
ACTING DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

STP 8.2711

December 13, 2007

Mr. Henry Eng
Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, Hawaii 96813

Attention: Ms. Kathy Sokugawa

Dear Mr. Eng:

Subject: Draft Planning and Zoning Bill
Transit-Oriented Development (TOD)

The State Department of Transportation (DOT) submits the following comments on the subject draft bill.

1. The conditional requirements for review and analysis of roadway and infrastructure improvements are appreciated. This allows DOT the opportunity for timely comment on transit alignment and transit station impacts to State highway facilities. Address of DOT concerns will ensure optimal decision-making.
2. The DOT requests to be consulted whenever the transit system/stations cross, abut or are in close proximity to State highways and rights-of-way, regardless of the passage of the bill.

We appreciate your courtesy and cooperation in providing the draft bill for our review and comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brennon T. Morioka".

BRENNON T. MORIOKA, PH.D., P.E.
Acting Director of Transportation

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

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Sam Callejo
Vice President for Administration

'07 DEC -3 A10 :46

November 30, 2007

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Mr. Henry Eng, FAICP, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, HI 96813

Dear Director Eng:

Subject: Transit-Oriented Development (TOD)

Thank you for the opportunity to comment on the draft TOD bill. The University of Hawaii'i will be impacted directly on at least three and possibly five of its O'ahu campuses and therefore are very interested in the development and ramifications of this bill.

As a minimum, we would recommend amending sections (b) and (e) of Section 21-9.100-1 Neighborhood TOD Plans as follows:

(b) - add "educational institutions" after "community organizations."

(e) - add "university campus Long Range Development Plan (LRDP)" after "special area plan."

In addition, although your memo asked us to review and comment on the draft TOD, the University of Hawaii'i would like to encourage the City Council and City Administration to include Transit Stations at the West O'ahu, Leeward Community College and Mānoa campuses. The experts at your symposium who have experienced the development and operations of transit systems all said that it is the right thing to do since you have a very large ridership to a specific destination for a lot of different venues. In addition to our students, faculty and staff the ridership will include the public attending educational, cultural, art and sporting events.

We thank you for this opportunity to be a part of the planning of this historical project.

Respectfully submitted,

Sam Callejo
Vice President for Administration
University of Hawaii'i System

- c: President David McClain
- Vice President John Morton
- Chancellor Virginia Hinshaw, UHM
- Chancellor Gene Awakuni, UHWO
- Chancellor Ramsey Pedersen, HCC
- Interim Chancellor Manuel Cabral, LCC

2444 Dole Street, Bachman Hall
Honolulu, Hawaii'i 96822
Telephone: (808) 956-9922
Fax: (808) 956-9119

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Sea Grant College Program
School of Ocean and Earth Science and Technology

November 30, 2007

Mr. Henry Eng
Director
Department of Planning and Permitting
City and County of Honolulu
650 South King St., 7th Floor
Honolulu, HI 96813

Dear Mr. Eng:

I am writing to offer comments on the draft planning and zoning bill on Transit Oriented Development (TOD). I am very pleased that this bill has been proposed, as it is a critical element in maximizing the potential benefits of a transit system to Oahu. The introduction of enabling legislation to begin the community planning process, and to bring the stakeholders together to participate in it, is extremely timely. TOD will be necessary regardless of whether rail or fixed guideway is ultimately the technology of choice, and the sooner this planning process begins, the better.

Overall, the bill as drafted is very good, reflecting a strong awareness of the important themes and subjects that must be addressed by a TOD special district planning process. Its emphasis on community involvement in the design of the TOD special districts will enable the affected neighborhoods to define development around their transit stops in a way that is most likely to produce a set of outcomes that are acceptable to each TOD special district's stakeholders.

I believe the bill could use some specific improvements that would provide clearer instructions to the participants in these discussions. Incorporating the following five points will help provide more solid "ground rules" for the participants in TOD special district planning process, and provide greater certainty to developers who will eventually have to navigate the approval and construction process. In the attached appendix, I have also provided some additional points which may constitute a more detailed approach to the TOD ordinance than is practical at this time, but may enhance the product of these public meetings and the subsequent permitting process.

1. TOD Special District Size

The bill should provide an initial benchmark definition of how large the TOD special districts will be, rather than leave this up to the community process. Research from other regions

demonstrates that a large share of residents and workers take transit within ¼ mile radius (about a seven-minute walk) of each station. Within a ½ mile, significant numbers still walk to the station given the right conditions and land-use policy benchmarks. However, the ½-mile standards should probably differ from those in the ¼ mile zone. This model has been successful in a number of other places at ensuring a smooth transition from the more intensive development near stations to the detached single family neighborhoods that often surround them.

When developing their vision for these neighborhoods, stakeholders should know exactly what area is under consideration in each case. This would save a lot of time and confusion at the beginning of these meetings trying to decide how big the TOD special district should be, and what is included and excluded. It will also make it easier for potential stakeholders to decide whether they should participate in the process or not.

I recommend that the bill use either one or both of the benchmarks for ¼- and ½-mile zones around each station in Section 21-9.100-1. These can be considered as starting points for the TOD special district planning process and adjusted to local conditions during that process if necessary.

2. Density and Intensity

TOD succeeds when it produces high-quality centers of more compact development that make transit use attractive and convenient. The bill currently has density as a requirement [Sec.9.100-2 (b)] and permits negotiations on height limits conditional on the provision of affordable housing and other amenities, but does not define any specific targets. For transit systems to be cost effective, average residential density in a corridor needs to be at least 9 households per acre. Development of 20 to 30 units per acre immediately surrounding a station can help achieve this ridership base while preserving the suburban character of many neighborhoods.

Explicitly defining a minimum density in legislation could stir some controversy. However, it can be constructed in a way that minimizes this potential. First, it could be paired with a requirement that 10% of the overlay zone be set aside for public open space. Second, a companion guidebook with images of well designed projects with an average density matching the criteria thresholds could be developed for the neighborhood planning process. If no specific minimums are included in the ordinance, more compact development around transit stops will become extremely difficult to achieve around some stations. In some cases a smaller number of vocal residents will likely see any multi-story building or non-residential use as undermining their neighborhood character. The key for a successful policy is demonstrating how transit-supportive density can be done in a way that enhances neighborhoods.

For these reasons, I suggest you provide some language in the minimum requirements in Section 9.100-2 to ensure that some increased density is permitted in the TOD Special District. I also suggest you use the word "intensity" or "more compact development" rather than the word "density" whenever possible, since these terms carry less baggage.

3. Housing Affordability

The cost of housing is a serious issue. Skyrocketing house prices and rents have made living in many parts of Honolulu impossible to many people, including middle-income workers such as teachers, police, nurses and firefighters, who provide essential services. Together with students and recent college graduates, elderly people living on fixed incomes, they are forced to the edges of the city. There, they expend large percentages of their paychecks commuting back into town for work, recreation, education, and services.

In other parts of the country, TOD special districts have experienced skyrocketing property values and rents, as these neighborhoods are increasingly desirable places to live. This could easily happen in Honolulu if we do not make provisions to provide housing at a variety of price points. TOD special districts should not become gentrified enclaves, but should provide housing for all the people who currently work, play, and learn in these communities. A variety of incentives can be provided to ensure this happens, such as accelerated permitting and density bonuses for mixed price-point housing. Affordability must be treated as a requirement if TOD is to be successful, else property values will drive out of these neighborhoods many of the people TOD is intended to serve.

I recommend that "housing at a mix of price points" or "housing affordability" be included in the list of TOD special district minimum requirements in Section 9.100-2.

4. Urban Drainage and Water Quality

Declining water quality is a serious and growing source of concern on Oahu. The vast areas of paved or otherwise hardened surface in Honolulu rapidly move runoff into the city storm sewers, carrying contaminants, sediment, and debris out into the ocean. There, they degrade water quality, endangering public health, our coral reefs and other ecosystems, and the tourist industry. The associated lack of recharge to aquifers, although not an immediate source of worry on Oahu, is reaching crisis levels on Maui and will become problem for Honolulu in the future. Of more immediate concern, recent flooding events in the past few years have highlighted the need to take runoff into consideration when planning the urban landscape, particularly with respect to extreme precipitation events.

Because of this, the development of the TOD districts in Honolulu should take the opportunity to address the various strategies that can reduce or limit the negative impacts of runoff. There are some very simple, low-cost, and non-intrusive techniques for retention and treatment of stormwater, including grass swales, ponds, and sidewalk plantings. More complex techniques include the use of green roofs to reduce runoff from building surfaces. All of these have the added benefit of adding natural features and aesthetic value to the urban landscape.

I suggest that you either add language to the TOD special district minimum requirements in Section 9.100-2 stating that each Neighborhood TOD Plan have a runoff management component, or add the words "reduce or eliminate runoff from roofs, roads, sidewalks and other impervious surfaces" to subsection (b).

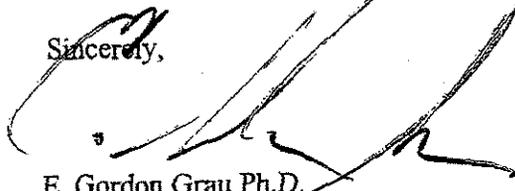
5. Mixed Use

The mixed use requirement needs to be stronger. The current phrase "Allowances for a mix of land uses" in section 9.100-2 (a) could still allow zoning that prohibited mixed use on most of a TOD special district. Currently, the zoning regime in Honolulu allows the segregation of land for exclusive use, which is incompatible with TOD. It is critical that mixed use constitute the majority of these districts, particularly in the immediate vicinity of the station. I suggest that you amend Sec.9.100-2 (a) to say "Mixed land uses for all land within the ¼ mile boundary, and at least 50% of the land between the ¼ mile boundary and the ½ mile boundary." I also suggest that there be density bonuses, accelerated permitting, and other incentives provided for developers who meet mixed use criteria.

To summarize, I want to emphasize that the overall bill is extremely good and applaud your efforts to incorporate the most critical principles of smart growth. It will provide a strong foundation for and guidance to the TOD special district development process. I urge you to consider and include the recommended changes listed above, as they will augment the legislation by providing more structure and stronger language to guide that process. The attached appendix includes additional points that should be addressed at some point in the TOD special district development process, although not necessarily in this bill.

I appreciate the opportunity to comment on the bill. I am available to meet with you to discuss this further or answer any questions you may have. I can be contacted at 956-7031.

Sincerely,



E. Gordon Grau Ph.D.
Professor, Department of Zoology and
Director, University of Hawaii Sea Grant College Program

APPENDIX

1. Accelerated Permitting

Even if a Neighborhood TOD plan has been accepted by the applicable neighborhood boards and the City Planning Commission and the City Council, each TOD special district will have to go through the permitting process. This in itself could become extremely arduous procedure involving significant re-review of all the components of each Neighborhood TOD plan, and I urge you to provide for an accelerated permitting process or a parallel permitting process with dedicated staff to undertake the approval of designs and construction projects covered by these plans.

2. Parking

The bill addresses parking explicitly in Sec.9.100-2(c). This issue is central to any TOD ordinance or discussion as it directly affects the degree to which a community is pedestrian-friendly. Off-street parking must be minimized or even eliminated, particularly in downtown areas, because land use must be oriented towards concentrating people, not cars, around the transit stops.

That being said, there may be certain stops along the transit route, particularly at the extreme western end, where the availability of parking may enhance ridership. At the periphery of the system, regular users may be more likely to drive from more far-flung parts of Oahu on the Leeward Side and the North Shore, and want to park near the stops and ride the rest of the way into Honolulu. These drivers should be encouraged to use transit where possible, and providing them parking may be the most effective way, (although the re-routing of buses should be considered first). For this reason, the language requiring the reduction or elimination of off-street parking may be inappropriate for certain transit stops and perhaps made more flexible so that specific stops can acquire permission for limited parking, providing they can provide sufficient proof that ridership will increase and cars will be removed from the roads as a result.

3. Other vehicle-related issues

The principle of reduced parking in the TOD special districts should be extended to include other uses of the land which are largely vehicle-driven and not people-efficient. These uses could include:

- Drive-through fast-food establishments
- Gas stations
- Sales or rental of motorized vehicles
- Auto repair shops
- Car washes
- Boat storage
- Boat repair
- Warehouses and self-storage

In addition, workplaces that subsidize parking and don't support transit use will divert workers away from the transit system. In some TOD plans, employers in the TOD zones are required to reduce parking, charge for parking, or offer employees partially- or fully-

subsidized transit passes. Requirements that address these kinds of workplace incentives help to boost ridership and reduce traffic around transit stops. Tax incentives can also be offered that accomplish the same objective.

4. Pedestrian Issues and Complete Streets

Current subdivision regulations and related practices in the City require overly wide, high-speed streets and insufficient accommodation for pedestrians and cyclists, as well as greenery and street trees. These streets are unsafe, create an unpleasant environment for pedestrians and bicyclists and are frequently underserved by the bus system. As a result, they encourage the use of cars and discourage the use of alternatives. It must be made clear in the bill that the TOD districts are subject to a different set of standards so that these kinds of high-speed corridors do not negatively impact the drive to greater utilization of the transit system.

The bill should either cite standards or require the TOD special district planning process to develop standards for roads, crosswalks, sidewalks, bike lanes, bus stops, parking, traffic calming strategies, and other items critical to enhancing the pedestrian experience. These standards, often referred to by the planning community as "complete streets" should also include plans for how vehicles, pedestrians, bicyclists, and other users of the transit system would move in and out of the TOD special districts and connect with other parts of the city.

5. Preservation of Open Space

The first of the ten Principles of Smart Growth is the preservation of open space, farmland, natural beauty, and critical environmental areas. As TOD takes place and denser development occurs, it must serve to enhance the natural beauty of and quality of life in Hawaii. The neighborhoods in Honolulu along the transit route that will benefit from increased density need parks, outdoor gathering places, street trees, and other natural amenities to provide break up the increasingly urban landscape. Although the landscaping and landmarks requirements in the current bill touch on this, there is no statement of principle or language requiring that open space be preserved or created for public use. The bill would be strengthened with the insertion of the phrase "and existing and potential open space" after the word "landmarks" in Sec. 9.100-2 (f).



UNIVERSITY
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MĀNOA

November 29, 2007

RG:0141

Mr. Henry Eng, Director
Department of Planning and Permitting
650 South King Street
Honolulu, Hawaii 96813

Dear Mr. Eng:

Draft Transit-Oriented Development Ordinance
City and County of Honolulu

The Environmental Center review of the draft Transit-Oriented Development Ordinance was conducted with the assistance of Peter Flachsbart, Urban and Regional Planning; Olwen Huxley, Sea Grant; and Jim Charlier, Charlier Associates.

General Comments

The Federal Transit Administration (FTA) considers transit-supportive land use an important criterion for making capital investment funding decisions on 'new starts' public transit projects. FTA's Office of Planning released a set of guidelines and standards on this subject (Office of Planning, 2004). As a result, cities that are planning high-capacity transit systems are now taking a serious look at transit oriented development (TOD) to improve their chances to secure federal funds. For example, both Denver and Seattle compiled case studies of TOD, which are posted on city web sites, to inform the planning process for their transit projects. We believe it would be wise for Department of Planning and Permitting (DPP) to compile a set of case studies of TOD relevant to Honolulu.

The FTA policy change acknowledges that rail investments alone cannot induce transit-oriented development. For example, over \$14 billion was invested in mass transit in the state of California between 1990 and 2000. During the past 30 years, California built more new rail systems, more miles of track, and more transit stations than any other state in America. It has also produced a record number of new TODs in California's major cities. Even so, the dominant land use around the majority of the major bus and rail stations in California is still conventional, automobile-oriented development (e.g., a park-and-ride lot) that does not take full advantage of proximity to high-quality

transit service or provide good pedestrian access to transit stations. Hence, while interest in TOD is significant and growing, the reality is that 'good TOD' is the 'exception and not the rule' at most major transit stations in California (Parker et al., 2002).

In general, this ordinance represents an important and positive step for the City. Developing a TOD ordinance could be an important element of improving the long term sustainability of Honolulu and could, over time, reduce confusion in the development community about what is expected and what will be allowed. The emphasis on community involvement at the neighborhood level seems wise and necessary and would enable land owners, developers and the City to work together with citizens to solve site-specific concerns and issues - a significant improvement over the "submit and review" process in place today.

The proposed ordinance reflects a strong awareness of the important themes and subjects that must be addressed by a TOD special district planning process. Its emphasis on community involvement in the design of the TOD special districts will enable the affected neighborhoods to define development around their transit stops in a way that is most likely produce a set of outcomes that are acceptable to each TOD special district's stakeholders. However, though it talks about: mix of uses; increased density; affordable housing; reduced parking; which is good, it does not specially address urban [reduced] street standards or a focus on pedestrian orientation or urban drainage/water quality concepts. All of these are key parameters to enable successful TOD environments.

In addition, the ordinance lacks a stand-alone section with a clear definition of transit-oriented development. Perhaps the DPP omitted a definition of TOD from the bill, because the planning literature offers many definitions of TOD, in part because there is a wide variety of transit-oriented development in cities with transit. However, this obstacle has not prevented other cities in the United States from adopting a definition of TOD. Cervero et al (2004) compiled definitions of TOD from ten metropolitan areas of the United States, as shown in Table 1 attached to this review. While most definitions of TOD focus on design characteristics of transit-supportive environments, some definitions are based on smart-growth and sustainability principles. Therefore, it should be possible for DPP to craft a working definition of TOD for Honolulu.

In addition to our general comments, we have the following specific comments:

Section 1. Findings and Purpose

The "Findings and Purpose" is very important, because it allows the ordinance to be upheld in court should the bill be challenged. This section appears to be adequate, but it could be strengthened by adding language that recognizes more of the benefits of TOD, as summarized in Table 2 (see attachment).

On page 1 the first sentence of paragraph 2 reads: "If rail technology is selected, appropriate transit-oriented development ("TOD") and use regulations along the alignment and around the transit stations will be crucial."

Such regulations would be crucial whether rail is selected or not. Also, the City should make sure that TOD is not tied unnecessarily to technology so that your ordinance can work in the future as Honolulu continues to grow its transit network. TOD represents a fundamental set of principles that applies to all high capacity transit modes. We suggest terminology such as: "Regardless of which specific transit technology is serving the station area or corridor, appropriate transit-oriented development ("TOD") land use regulations along the alignment and around the transit stations will be crucial."

Section 2.

This section of the bill amends Section 13-9.3 of the 1990 Revised Ordinances of Honolulu (ROH). The rationale for this amendment is explained in the Q&A attachment. The amendment transfers the "zoning-related provisions of Ordinance 06-50" from Chapter 13, which is the public transit portion of the ROH, to Chapter 21, which is the Land Use Ordinance (LUO) portion of the ROH. The amendment deletes nine statements that could be interpreted as a definition of TOD. The bill does not actually transfer the deleted language verbatim to Chapter 21. Instead, the bill first establishes TOD special districts in Section 21-9.100 of SECTION 3 of the bill and eight minimum requirements of these districts in Section 9.100-2. Four of the minimum requirements of Section 9.100-2, i.e., statements (a) through (d), appear to correspond closely to statements (1) through (4), respectively, of the deleted Section 13-9.3.

Statements (5) through (9) of Section 13-9.3 were not transferred to Section 9.100-2. These five statements are as follows:

- (5) Encourage development of a mixture of market-rate and affordable housing;
- (6) Encourage public-private partnerships in such development;
- (7) Utilize form-based zoning, exemptions, or other alternatives from existing development regulations, and utilize other incentives to encourage such development;
- (8) Encourage activity at a defined community center;
- (9) Encourage public input in the design of each transit station so each station reflects unique community design themes, history, or landmarks.

However, key concepts embodied in these deleted statements appear to surface in Section 21-9.100.1 of SECTION 3 of the bill, which states that a Neighborhood TOD Plan shall be prepared prior to the adoption of any TOD special district. The bill states that each Neighborhood TOD Plan shall have five minimum components, as listed in Section 21-9.100.1(a), and that the planning process shall comply with five requirements, which are stated as items (b) through (f) of Section 21-9.100.1. Taken together, these five components and five requirements appear to capture all five of the deleted

statements of Section 13-9.3, except perhaps statement (8), which encourages activity at a defined community center.

Section 3

Section 21-9.100 Transit-oriented development (TOD) special districts begins with this paragraph: "Special districts shall be established around rail transit stations to foster more livable communities that take advantage of the benefits of transit; specifically, reducing transportation costs for residents, businesses and workers. While taking advantage of more intense use of land, TOD can provide more walkable communities, convenient access to daily shopping needs as well as special events, and enhancement of neighborhood character."

We suggest changing the word "intense" highlighted above to "efficient." (Intense carries negative connotation and does not embody any specific design concept. The real objective is efficiency.) We suggest changing the phrase "shopping needs" to "household needs." The opportunity represented by mixed use density around transit stations extends to a wide range of daily household travel – work, school and recreation – in addition to retail shopping. We also suggest that a paragraph be added to providing general guidance on the extent of TOD districts. This will help discourage abuse and also ensure clarity in terms of the City's intent.

Suggested language could be as follows:

"TOD special districts shall generally be limited to areas within 2,640 feet (straight-line radius) from transit stations. Actual boundaries may vary to reflect topography and landscape, neighborhood boundaries, barriers such as major freeways and arterial streets, and market considerations. Special districts may be divided into a core area and a surrounding transit influence area with different plan provisions as appropriate. Proposed special districts that are much larger than 2,640 feet in radius shall require specific justification based on transportation efficiency."

We note that research from other regions demonstrates that a large share of residents and workers take transit within a quarter mile radius (about a seven-minute walk) of each station. Within a half mile, significant numbers still walk to the station given the right conditions and land-use policy benchmarks. However, the half-mile standards should probably differ from those in the quarter-mile zone. This model has been successful in a number of other places at ensuring a smooth transition from the more intensive development near stations to the detached single family neighborhoods that often surround them. The core area and a transition boundary suggested in Section 21-9.100-1 (a)(2) could be defined as falling within the quarter-mile and half-mile radius respectively with some provision to adjust those limits according to the topography around the station.

Section 21-9.100-1 Neighborhood TOD plans includes a list of topics to be addressed in the neighborhood planning leading up to TOD district designation. It is unclear from this section

November 29, 2007

Page 5

whether the TOD zoning will be an additional layer or whether it will override existing zoning in areas that are already special districts, such as in Waikiki. Also, it's not clear whether the new TOD ordinance will override subdivision regulations. We suggest adding an item to this list:

"(X) Recommended design standards for streets, sidewalks and crosswalks, transit interface facilities, on-street parking, bicycle access and related elements of public infrastructure required for access and circulation within the TOD district to ensure 'complete streets' and good pedestrian environments."

We further recommend clarifying the intent of adoption with respect to existing City policies, regulations and ordinances. This could be accomplished by adding a new lettered paragraph after current paragraph (e) as follows:

"(x) Once adopted by city council, the provisions of any neighborhood TOD plan shall govern within that district, replacing relevant existing zoning, subdivision and policy provisions. As such the TOD district will become an overlay district within the city with specific governing provisions unique to that district."

We also suggest current paragraph (3) of part (a) be modified by adding the following underlined text:

"(3) Recommended zoning controls, including architectural and community design principles, open space requirements, parking standards, and either modifications to existing zoning requirements or new zoning precincts and subdivision regulations, as appropriate. Form-based zoning may be considered. Prohibition of specific uses shall be considered."

Existing zoning and subdivision regulations have led to the urban sprawl with its negative impacts on O'ahu. Given Hawaii's dependence on foreign oil and the potential new threats to the state from global climate change, many planners and other social commentators feel that urban sprawl is not sustainable. Urban sprawl entails excessive energy, environmental, economic and social costs that will negatively affect future generations (Newman and Kenworthy, 1999; Kunstler, 2005). These costs are more severe on an island such as O'ahu, where planners must accommodate population growth with limited land and public funds for highway improvements and infrastructure extensions for new subdivisions. On the other hand, compromise may be necessary when TOD special districts occur in areas that are already special districts.

Section 21-9.100-1 Neighborhood TOD plans(b) allows for the planning process to be inclusive, open to residents businesses, landowners, community organizations and others. There is no limit to who might participate in the community planning processes. This allows people living outside the community to come to the planning meeting to develop neighborhood TOD plans. There

November 29, 2007
Page 6

should be some attempt to limit participation to those who live or do business in the community or at least to give community members primacy in developing plans.

In Section 21-9.100-1 Neighborhood TOD plans(c), we suggest inserting the word demographics to the list of factors that should be considered in the planning process.

It is unclear how Section 9.100-2 TOD special district minimum requirements would actually work. The intent should be that the neighborhood TOD plan would be implemented by the City and thus would overwrite existing zoning, subdivision and other provisions and policies. Since under current proposed language the neighborhood plans would be adopted by resolution, there would be further work to do to put in place the provisions of the plans.

We suggest adding new sentences to Section 9.100-2 before the first sentence that currently reads: "Based on the adopted neighborhood TOD plan, each special district shall include, but not be limited to, the following provisions" as follows:

"At the time of adoption by city council of any neighborhood TOD plan, council shall also consider and adopt an ordinance setting specific zoning, subdivision, facility design and other provisions within the TOD district. Such ordinance shall faithfully implement all of the key and relevant provisions of the neighborhood TOD plan and shall create a regulatory environment that is unique to each TOD district."

It may also be appropriate to add another sentence similar to the provision in the plan section along these lines:

"The city council shall adopt the ordinance within sixty (60) days of receipt, or it shall be deemed adopted."

If this is unworkable procedurally, then some similar provision should be drafted to ensure that TOD district plans take precedence over existing provisions of ordinances, regulations and policies. Otherwise there would be potential that the plans developed cooperatively with neighborhoods and land owners would not be truly implemented.

We suggest that paragraph (c) of Section 9.100-2 be modified to add the underlined text:

"(c) Elimination or reduction of the number of required off-street parking spaces, including expanded allowances for shared use and joint use of parking spaces."

We suggest adding a new item to this list as follows:

"(x) Design standards for streets, sidewalks and crosswalks, transit interface facilities, on-street parking, bicycle access and related elements of public infrastructure required

for access and circulation within the TOD district to ensure 'complete streets' and good pedestrian environments."

We suggest modifying paragraph (h) by adding the underlined words:

"(h) Urban landscaping requirements that enhance the pedestrian experience, support station identity, and complement adjacent structures."

Finally, we suggest adding a new paragraph as follows:

"(x) Standards for sustainable practices in storm water management that reduce off-site flows and protect water quality."

Unresolved Issues

The planning literature suggests that TOD is a fragile real estate product that faces major barriers to successful implementation. Supportive parking and land-use and policies, such as overlay zoning (i.e., an ordinance that stipulates the density and type of future development permitted in station areas) are all essential for TOD to occur properly. Supportive parking and land-use policies, which are all about place-making, are just as important as decisions on transportation engineering in shaping urban form.

We are not sure that the city's proposed neighborhood TOD planning process or the plans that they will produce will comply with FTA's *Guidelines and Standards for Assessing Transit-Supportive Land Use*. Furthermore, we are not sure whether the proposed planning process will adequately address the following issues, which were identified in *The New Transit Town: Best Practices in Transit-Oriented Development* (edited by Hank Dittmar and Gloria Ohland, 2004).

Land Assembly. A TOD serves as both a transit station node and a place in its own right. Some TODs may require more than a single parcel. In such locations, property ownership may be fragmented and assembly of multiple parcels may be difficult. High land costs and fragmented land ownership patterns may be an impediment to infill development. This raises the following question: To what extent should the City & County of Honolulu help assemble parcels of land at station locations?

Financing. How will increased property values be captured and spent at identified TOD locations? In what locations and under what circumstances should the city finance infrastructure and public improvements to demonstrate its commitment to TOD? Should the city make funding for key infrastructure contingent on transit-supportive design and/or provision of affordable housing by the private sector?

Building Intensity and Scale. Some cities have overlay districts for TOD that set minimum floor area ratios (FARs), minimum lot area per unit and minimum heights and/or massing. Other cities have set minimum or average densities for TOD projects to encourage transit ridership. Still others have density bonuses to promote affordable housing. Honolulu's TOD bill leaves these issues up to those who participate in the neighborhood planning process. We believe that neighborhood plans will vary greatly on how much density and mixed-use will be proposed.

Land Use Mix. What is an appropriate land use mix in Honolulu for different types of TODs? Should it include both a horizontal and vertical land use mix (i.e., residential over either retail or office use)? Should land uses that encourage pedestrian activity be permitted as "of right" with no or minimal discretionary review? Should mixed-use zoning districts provide incentives for affordable housing by allowing projects by-right if they have a certain percentage of floor area devoted to residential uses? A "by-right" approach may reduce the planning approval time for mixed-use projects.

Transit Integration. How will land uses in Honolulu interface with the city's proposed elevated transit stations. Customized TOD projects in other cities often integrate transit facilities and land uses on site. They involve detailed and lengthy planning that is shared among many private entities and public agencies. Smaller and midsize TOD projects may have walking access to transit stations, but do not incorporate transit stations. In either case, Honolulu's zoning ordinance will need to address how tracks and stations integrate with surrounding land uses.

Parking Policy. Good TODs typically ban surface parking lots between buildings to encourage more pedestrian activity and greater transit use. Thus, small businesses that depend on parking for their clients will likely oppose such restrictions in the neighborhood planning process. The city ought to take the lead in determining what parking policies and standards will better support transit ridership. For example, the city of Vancouver, British Columbia, reduced its parking standard from 1.35 stalls to 1.04 stalls per dwelling unit, because a parking study showed that TODs in Vancouver generally required only 0.6 to 0.7 stalls per dwelling unit. This reduction enabled the developer of a 27.3-acre TOD (i.e., Collingwood Village) at SkyTrain's Joyce Station to save hundreds of thousands of dollars. The developer (Concert Properties) of this TOD spent the savings on station area streetscape and security improvements for the community.

Final Comments

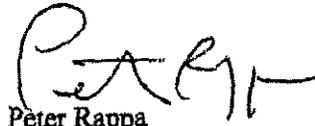
Dittmar and Ohland (2004) found that many first-generation TODs were in fact transit-adjacent developments (TADs). These TADs often fell short of expectations, because of significant barriers to TOD implementation. But these barriers can be surmounted by enlightened public policies on infrastructure provision, land use planning, parking policy, and zoning. We support the concept of a TOD ordinance, because it represents an attempt to comply with the federal requirement to adopt land use policies that support the city's rail transit project. We hope that our comments will assist the City in meeting FTA expectations.

November 29, 2007

Page 9

Adopting supportive land use policies will be very difficult, because there are considerable opportunities for conflict over this issue. Transit agencies, land use planners, and policy makers often have very different goals, priorities, and constraints. Transit agencies favor stations in locations that will maximize ridership and fare-box revenues, and minimize construction cost. In contrast, city planners want to build communities around the stations, while city council members often resist the land use zoning changes that are necessary for TOD, especially if most of their constituents oppose higher densities and mixed land use. In addition, zoning changes that favor TOD can lead to displacement of existing residents and businesses around stations. Fortunately, the TOD bill assumes "that community-based input is a necessary element of TOD programs..." (p. 1). It calls for an inclusive planning process that is "open to residents, businesses, landowners, community organizations and others" (p. 3). Dittmar and Ohland (2004) recommend that collaborative planning efforts should also include governmental agencies, land use planners, developers, and lenders.

Sincerely,



Peter Rappa
Environmental Review Coordinator

cc: Peter Flachsbart
Olwen Huxley
Jim Charlier
James Moncur, Water Resources Research Center

References

Arrington, G.B. and Terry Parker. 2003. *Statewide Transit-Oriented Development Study: Factors for Success in California's Transit-Oriented Development*. California Department of Transportation, California Department of Transportation, Sacramento, California.

Cervero, Robert et al. 2004. *Transit-Oriented Development in the United States: Experiences, Challenges, and Prospects*. Transit Cooperative Research Program Report No. 102, Transportation Research Board, Washington, D.C.

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Office of Planning. 2004. *Guidelines and Standards for Assessing Transit-Supportive Land Use*. Federal Transit Administration, Washington, D.C.

Parker, Terry, Mike McKeever, G. B. Arrington, Janet Smith-Heimer, et al. 2002. *Statewide Transit-Oriented Development Study: Factors for Success in California, Final Report*, California Department of Transportation, Business, Transportation and Housing Agency, Sacramento, California.

Table 1. Transit Agency Definitions of TOD.

<u>Transit Agency</u>	<u>Definitions</u>
ATLANTA: Metropolitan Atlanta Rapid Transit Authority (MARTA)	Broad concept that includes any development that benefits from its proximity to a transit facility and that generates significant transit ridership.
ASPEN: Roaring Fork Transportation Authority Colorado	Land development pattern that provides a high level of mobility and accessibility by supporting travel by walking, bicycling, and public transit.
BALTIMORE: Maryland Transit Administration	A relatively high-density place with a mixture of residential, employment, shopping, and civic uses located within an easy walk of a bus or a rail transit center. The development design gives preference to the pedestrian and bicyclist.
CHARLOTTE: Charlotte Area Transit System	High-quality urban environments that are carefully planned and designated to attract and retain ridership. Typically, TODs provide for a pedestrian-friendly environment.
NEW JERSEY: New Jersey Transit Corporation (NJ TRANSIT)	An environment around a transit stop or station that supports pedestrian and transit use, created by providing a mix of land uses in a safe, clean, vibrant, and active place.
CHICAGO: Regional Transportation Authority of Northeast Illinois (RTA)	Development influenced by and oriented to transit service that takes advantage of the market created by transit patrons.
ORLANDO: Central Florida Regional Transportation Authority (LYNX)	A sustainable, economically viable, livable community with a balanced transportation system where walking, biking, and transit are as valued as the automobile.
SALT LAKE CITY: Utah Transit Authority (UTA)	Projects that enhance transit use, improve the quality of service provided to Authority riders, or generate revenue for the purpose of supporting public transit.
SAN FRANCISCO: Bay Area Rapid Transit Authority (BART)	Moderate- to higher-density development, located within an easy walk of a major transit stop, generally with a mix of residential, employment, and shopping opportunities designed for pedestrians without excluding automobiles. TOD can be new construction or redevelopment of one or more buildings whose design and orientation facilitate transit use.
WASHINGTON, D.C.: Washington Metropolitan Area Transit Authority (WMATA)	Projects near transit stops which incorporate the following smart-growth principles: reduce automobile dependence; encourage high shares of pedestrian and bicycle access trips in transit; help to foster safe station environments; enhance physical connections to transit stations from surrounding areas; and provide a vibrant mix of land-use activities.

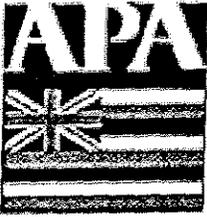
Source: Carvero et al., 2004.

Table 2. The Benefits of TOD.

A recent study, *Factors for Success in California's Transit-Oriented Development*, commissioned by the California Department of Transportation, identified the following 10 potential benefits of TOD. The study cites research showing that TOD can:

1. **Provide mobility choices.** By creating "activity nodes" linked by transit, TOD provides important mobility options, very much needed in congested metropolitan areas. This also allows young people, the elderly, people who prefer not to drive, and those who don't own cars the ability to get around.
2. **Increase public safety.** By creating active places that are busy through the day and evening and providing "eyes on the street," TOD helps increase safety for pedestrians, transit users, and many others.
3. **Increase transit ridership.** TOD improves the efficiency and effectiveness of transit service investments by increasing the use of transit near stations by 20 to 40 percent, and up to five percent overall at the regional level.
4. **Reduce rates of vehicle miles traveled (VMT).** Vehicle travel in California has increased faster than the state's population for years. TOD can lower annual household rates of driving 20-40 percent for those living, working, and/or shopping within transit stations areas.
5. **Increase households' disposable income.** Housing and transportation are the first and second largest household expenses, respectively. TOD can free-up disposable income by reducing the need for more than one car and reducing driving costs, saving \$3000-\$4000 per year.
6. **Reduce air pollution and energy consumption rates.** By providing safe and easy pedestrian access to transit, TOD allows households to lower rates of air pollution and energy consumption. Also, TODs can help households reduce rates of greenhouse gas emissions by 2.5 to 3.7 tons per year.
7. **Conserve resource lands and open space.** Because TOD consumes less land than low-density, auto-oriented growth, it reduces the need to convert farmland and open spaces to development.
8. **Play a role in economic development.** TOD is increasingly used as a tool to revitalize aging downtowns and declining urban neighborhoods, and to enhance tax revenues for local jurisdictions.
9. **Contribute to more affordable housing.** TOD can aid to the supply of affordable housing. It was recently estimated that housing costs for land and structures can be significantly reduced through more compact growth patterns.
10. **Decrease local infrastructure costs.** TOD can reduce costs for water, sewage, and roads to local governments and property owners by up to 25 percent.

Source: Arrington and Parker (2001).



hawai'i chapter

of the

american planning

association

p.o. box 557

honolulu

hawai'i

96809

www.hawaiiapa.org

December 4, 2007

Chair Diane Peters-Nguyen and Members of the
City and County of Honolulu Planning Commission
c/o Department of Planning and Permitting
750 South King Street, 7th Floor
Honolulu, HI 96813

Testimony on Transit-Oriented Development Draft Bill

The Hawai'i Chapter of the American Planning Association supports the draft bill initiated by the Department of Planning and Permitting related to transit-oriented development. We would like to suggest the following modifications which we believe would strengthen this bill.

1. **Provide a definition of "transit-oriented development" in the bill;** for example:

Transit-oriented development (TOD) is development with a functional relationship to transit allowing it to achieve synergies that are more efficient and cost effective by contributing to increased ridership. TOD implies a collaboration between interests that converge at transit stations, including the transit agency, the local government, private developers, residents, workers and riders.

TOD may be any commercial, retail, office, residential and other physical development around transit stations which takes advantage of the foot traffic of transit riders, and which is oriented and designed to integrate with the transit operations in a way that increases ridership. This creates a symbiotic relationship. TOD development is generally compact and dense; it includes a mix of uses and it is designed with high-quality, pedestrian-oriented urban design streetscapes.

2. **Expand on the benefits of TOD in the purpose and intent section of the bill;** for example:

- *Provide mobility choices.*
- *Increase public safety by creating active places through the day.*
- *Increase transit ridership.*
- *Reduce rates of vehicle miles traveled.*
- *Increase households' disposable income by reducing transportation costs.*
- *Reduce air pollution and energy consumption rates.*
- *Conserve resource lands and open space by encouraging compact development.*
- *Decrease local infrastructure costs through more compact development.*
- *Stimulate economic development.*
- *Contribute to more affordable housing.*
- *Promote public health by encourage walking.*

3. **Clarify that the TOD zoning adopted as part of the neighborhood plan will override existing zoning in areas that are already special districts, such as in Waikiki, and whether it will also override subdivision regulations.** We believe the latter is particularly important with respect to land assembly and the design of streets.

founded in 1962, the
hawai'i chapter has over
300 members, including
planning officials, public
and private sector planners,
and community advocates,
on the major islands
across the state

e mālama pono i ka 'āina;
nānā mai ke ola
take good care of the land;
it grants you life

*Honolulu Planning Commission
Testimony on Transit-Oriented Development Draft Bill
December 4, 2007*

Thank you for the opportunity to comment on this bill. APA Hawaii Chapter remains committed to working with the City towards the successful rebuilding of Honolulu through transit.

Sincerely,



Ralph Portmore, AICP
APA Hawaii Chapter President

Cheryl D. Soon, FAICP

John P. Whalen, FAICP

Co-Chairs, APA Transit Committee

November 29, 2006

Mr. Henry Eng, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

DEPT. OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

07 NOV 30 P1:37

RECEIVED

Dear Mr. Eng:

Subject: Transit-Oriented Development (TOD) Bill

The TOD ordinance shall:

- (1) require a listing of existing businesses, residences and type of population characters in the potential TOD area;
- (2) require a relocation plan for these businesses and residents;
- (3) require a financial costs and strategies for capital improvement projects and the City share of public and private partnerships;
- (4) require the neighborhood TOD plans to be submitted to the applicable neighborhood boards at least sixty (60) days prior to submitted to the city planning commission;
- (5) require the city council to adopt the neighborhood plan by resolution within ninety (90) days of receipt.

Thank for your consideration to these comments.

Sincerely,



Charles H. Carole
1310 Heulu Street, Apt. 1002
Honolulu, Hawaii 96822
(808)5310-2503
chcarole@hotmail.com



*The Chamber of
Commerce of Hawaii*

Since 1850

November 30, 2007

Mr. Henry Eng, FAICP, Director
Dept. of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, HI 96813

Attn: Ms. Kathy Sokugawa

Thank you very much for the opportunity review and comment on your draft Transit-Oriented Development (TOD) bill. I am Christine Camp, Chair of the Land Use and Transportation Committee of The Chamber of Commerce of Hawaii. Our membership comprises of over 1,100 member companies with over 250,000 employees. The quality of life for our workforce is of utmost concern and we strongly support mass transit to help ease traffic issues within the City and County of Honolulu.

We commend your staff for crafting a well-prepared ordinance. While we are in general agreement with most of the language, we had a few added comments and felt that it would be most helpful to incorporate our comments directly unto your proposed bill. Please note that the underscored highlighted language is the Chamber's proposed draft. The underscored non-highlighted language is the base document that the City is proposing as the TOD ordinance.

In addition to the proposed language changes to the draft ordinance, we would like to share with you the following concerns that were expressed by the business community and we hope that you will find ways to address the concerns expressed as we move forward in this process:

- We hope that "Community's" role will include strong voices from the business community.
- We hope that the "Community's" desires be balanced to avoid resulting in "takings" of private property.
- We hope that sufficient incentives in forms of special financing, expedited permitting, bonus density and other means of support will be provided to land owners and developers to alleviate the risk factors inherent in these undertaking.
- As written, it is not clear who will create the plan and what public input there will be if any as the plan is being developed. This is an important timeline consideration. It appears that public input is requested after the plan is created. This exposes the process to derailment by a vocal minority after the planning effort. Economic stakeholders should be responsible for the process in addition to the general community at large.

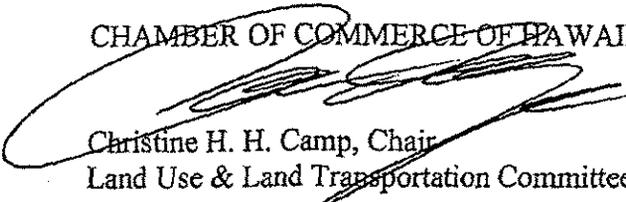
Henry Eng
November 30, 2007
Page 2 of 2

- We believe that neighborhood plans should be viewed as a long-term “end-state” vision, which may occur gradually over a long period of time.
- We are concerned about loss of growth opportunities for properties not on the transit alignment and hope that TOD efforts will not take away from the needed support in other districts.
- We are concerned that there will be different standard for each of transit stations (similar to dealing with different urban design plans for various communities) has been and will become more of a regulatory nightmare for both City staff and land owners/developers.

The Chamber of Commerce is ready and available to participate and provide economic stakeholders’ points of view. We will remain committed to being engaged in this process. Again, thank you for including the “Voice of Business” in this commenting process.

Respectfully submitted,

CHAMBER OF COMMERCE OF HAWAII



Christine H. H. Camp, Chair
Land Use & Land Transportation Committee

cc: Committee Members
Building Industry Association – Dean Uchida, Govt. Affairs Chair
NAIOP – Jim Mee, Govt. Affairs Chair
LURF – David Arakawa, Executive Director
Hawaii Developers Council – Fred Berg, President
Pacific Resource Partnership/Carpenters Union- Kyle Chock, E.D.
General Contractors Association- Lance Wilhelm, Member
Urban Land Institute- Bruce Tsuchida, Transportation Committee Chair



A BILL FOR AN ORDINANCE

RELATING TO TRANSIT-ORIENTED DEVELOPMENT

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and Purpose.

The council finds that Honolulu's High-Capacity Transit Corridor Project will fundamentally reshape the form and character of Honolulu. The council has selected a fixed guideway system and the Locally Preferred Alternative ("LPA") for the Project under Ordinance 07-01.

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The project, which essentially is a growth management tool, will focus future growth along the designated transit corridor. Thus, transitioning the existing land use ordinance to a more appropriate transit-oriented development ("TOD") land use regulations both along the alignment and around the transit stations will be crucial in planning the future for Honolulu.

It has been consistently noted about successful TOD program of other cities that community-based input is a necessary element of TOD programs, and that one set of regulations cannot adequately address TOD needs and opportunities across all transit stations. Therefore, for Honolulu to have a successful TOD program, a deliberate, inclusive process to plan for TOD is necessary so that well-defined, meaningful, and appropriate regulatory and incentive programs can be adopted for each area around a transit station or type of station.

This will implement the Oahu General Plan and applicable regional development plans. Specifically, it will help stem urban sprawl across the city's agricultural and open space lands; encourage the development of livable, walkable communities; and increase transit ridership, thereby promoting the economic, social, and environmental well-being of the city.

With the potential for such a significant and positive change in development patterns, it is crucial that proper planning guidance be given, well before the stations are constructed. This will allow for timely community input and to put into place appropriate regulations for TOD before redevelopment occurs.

The council, therefore, finds that to protect the public interest and welfare, the Land Use Ordinance is to be amended to provide guidance how to determine zoning regulations for areas around each transit station.



A BILL FOR AN ORDINANCE

SECTION 2. Section 13-9.3, Revised Ordinances of Honolulu 1990 is amended by deleting the following:

[As used in this article, "transit oriented development ordinance" ("TOD ordinance") means an amendment to the land use ordinance regulating development at and around transit stations. The TOD ordinance shall:

- (1) Enable a mix of land uses;
- (2) Enable higher densities;
- (3) Eliminate or reduce minimum off-street parking requirements for such development;
- (4) Encourage travel by rail transit, buses, walking, bicycling, and other non-automobile forms of transport;
- (5) Encourage development of a mixture of market-rate and affordable housing;
- (6) Encourage public-private partnerships in such development;
- (7) Utilize form-based zoning, exemptions, or other alternatives from existing development regulations, and utilize other incentives to encourage such development;
- (8) Encourage activity at a defined community center; and
- (9) Encourage public input in the design of each transit stations so each station reflects unique community design themes, history, or landmarks.]

SECTION 3. Section 21-9, Revised Ordinances of Honolulu 1990 is amended to add a new subsection as follows:

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

Special districts shall be established around rail transit stations to foster more livable communities that take advantage of the benefits of transit; specifically, reducing transportation costs for residents, businesses and workers. While taking advantage of more efficient use of land, TOD can provide more walkable communities, convenient access to daily household needs as well as special events, and enhancement of neighborhood character.

Implementation of the special districts recognizes the long-term commitment and partnership required between the public and private sectors for a successful TOD. Stations will be developed as the market and transit system matures over time. All special districts shall provide mechanisms for implementation of the specific elements of the plans overtime, and must contain provisions that will accommodate the fluctuations in market conditions.

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A BILL FOR AN ORDINANCE

Each special district shall be based on a neighborhood plan that addresses transit-oriented development. The plans may include more than one station, and may address other community concerns and opportunities.

TOD special districts shall generally be limited to the "Transit Influence Areas" usually located within 2,640 feet (1/2 Mile straight line radius) from transit stations. Actual boundaries may vary to reflect topography and landscape, neighborhood boundaries, barriers such as major freeways and arterial streets, and market considerations. Special districts may be divided into a "Core Area" (1/4 Mile straight line radius from the transit station) and a surrounding transit influence area with different plan provision as appropriate. Proposed special districts that are much larger than 2,640 feet in radius shall require specific justification based on transportation efficiency.

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Each special district shall also consider alternative financing techniques that would encourage and assist development with the transit influence area. These would include but are not limited to: community facility districts, tax increment financing, special improvement districts, and other public-private partnership financing tools.

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A BILL FOR AN ORDINANCE

Sec. 21-9.100-1 Neighborhood TOD plans.

- (a) Prior to the adoption of any TOD special district, there shall be a Neighborhood TOD Plan which serves as the basis for specific special district regulations. Each plan shall address, at minimum, the following:
 - (1) The general objectives for the particular TOD special district in terms of overall neighborhood character, reflecting unique community historic and other design themes. Objectives shall 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) Recommended special district boundaries around each transit station that take into account natural topographic barriers, extent of market interest in redevelopment, and potential to increase transit ridership. When appropriate, recommendations may define a "core area" and transition boundaries.
 - (3) Recommended zoning controls, including architectural and community design principles, open space requirements, parking standards and either modifications to existing zoning requirements or new zoning precincts and subdivision regulations, as appropriate. Form-based zoning may be considered. Prohibition of specific uses shall be considered.
 - (4) Potential opportunities for affordable housing.
 - (5) General direction on implementation of the recommendations, including the phasing, timing and approximate cost of each recommendation, as appropriate.
 - (6) Recommended design standards for streets, sidewalks and crosswalks, transit interface facilities, on-street parking, bicycle access and related elements of public infrastructure required for access and circulation within the TOD district to ensure 'complete streets' and good pedestrian environments.
 - (7) Recommended development incentives (i.e. density bonuses, government supported off-site infrastructure and improvements, etc.) to attract the capital investment and minimize the risk required for a successful TOD.
- (b) The planning process shall be inclusive, open to residents, businesses, landowners, community organizations, and others.
- (c) The planning process shall consider economic and market analyses and infrastructure analyses, including capacities of water, sewer and roadway systems. Where appropriate, public-private partnership opportunities shall be investigated.

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A BILL FOR AN ORDINANCE

- (x) The plan shall include prioritizing capital improvement projects (CIP) that would provide increased water, sewer, roadway and drainage infrastructure capacity for areas identified as deficient in the plan.
- (d) The plan shall be consistent with the applicable regional development plan.
- (e) The plan shall be consistent with any applicable special area plan or community master plan, or make recommendations for revisions to these plans.
- (f) The plan shall be submitted to the applicable neighborhood boards at least forty-five days prior to submittal to the city planning commission. The city planning commission shall hold a public hearing and transmit its recommendations to the city council. The city council shall adopt the plan by resolution within 60 days of receipt, or it shall be deemed adopted.
- (g) Once adopted by the city council, the provisions of any neighborhood TOD plan shall govern within that district, replacing relevant existing zoning, subdivision and policy provisions. As such, the TOD district will become an overlay district within the city with specific governing provisions unique to that district.

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Sec. 9.100-2 TOD special district minimum requirements.

At the time of adoption by city council of any neighborhood TOD plan, the council shall also consider and adopt an ordinance setting specific zoning, subdivision, facility design and other provisions within the TOD district. Such ordinance shall faithfully implement all of the key relevant provisions of the neighborhood TOD plan and shall create a regulatory environment that is unique to each TOD district.

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Based on the adopted neighborhood TOD plan, each special district shall include, but not be limited to the following provisions:

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- (a) Allowances for a mix of land uses, both vertically and horizontally.
- (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.
- (c) Elimination or reduction of the number of required off-street parking spaces, including expanded allowances for shared use and joint use of parking spaces.
- (d) Design provisions that encourage use of rail transit, buses, bicycling, walking, and other non-automobile forms of transport.
- (e) Guidelines on building orientation and parking location
- (f) Identification of important neighborhood historic, scenic and cultural landmarks, and controls for protecting and enhancing these resources.
- (g) Design controls that require human-scale architectural elements at the ground and lower levels of buildings.

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A BILL FOR AN ORDINANCE

- (h) Urban landscaping requirements that enhance the pedestrian experience, support station identity, and complement adjacent structures.
- (i) Design standards for streets, sidewalks and crosswalks, transit interface facilities, on-street parking, bicycle access and related elements of public infrastructure required for access and circulation within the TOD district to ensure 'complete streets' and good pedestrian environments.
- (j) Standards for sustainable practices in storm water management that reduce off-site flows and protect water quality.
- (k) The city council shall adopt the ordinance within sixty (60) days of receipt, or it shall be deemed adopted.

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SECTION 4. 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 materials, or the underscoring.



A BILL FOR AN ORDINANCE

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

MUFU HANNEMANN, Mayor
City and County of Honolulu



3442 Waiialae Ave. #1, Honolulu, HI 96816 808.735.5756 voice 808.735.7989 fax
bicycle@hbl.org www.hbl.org

November 30, 2007

Henry Eng, FAICP Director
Department of Planning and Permitting
650 South King St., 7th Floor
Honolulu, HI 96813

Dear Director Eng,

It is with great excitement and anticipation that the Hawaii Bicycling League submits its comments on the Transit-Oriented Development Draft Planning and Zoning bill.

We believe that one of the greatest advantages to living in Hawaii should be the choice of bicycling, walking, and riding transit. The planning, urban design, and transit investment from the City and County of Honolulu design is commendable.

The Hawaii Bicycling League supports transit-oriented concepts proposed by the City and County of Honolulu and makes the following recommendations and concept elaborations.

Specific recommendations:

- Section 9.100-2 Revised Ordinances of Honolulu (d): Add language incorporating the design of intergovernmental objectives to establish and evaluate the provisions. For example, TOD ridership objectives; share of trips by bicycling, pedestrians, and feeder bus routes.
- Section 9.100-2 Revised Ordinances of Honolulu (e): Amend language to read "Guidelines on building orientation, parking location, and bicycle parking location".
- Section 21-9.100 TOD Special Districts: Amend language to read "While taking advantage of more intense use of land, TOD can provide more walkable communities, safe bicycling environments, convenient access to daily shopping needs as well as special events, and enhancement of neighborhood character.

Thank you for the opportunity to comment the growth management of our future. Each member of our community is a stake-holder and I would be pleased to help contribute in any way.

Sincerely,

Mitchell S. Nakagawa
Executive Director
Hawaii Bicycling League
(p) 808.735.5756 (e) mitchell@hbl.org

TO: Henry Eng, FAICP, Director Tel 768-8000
CC: Kathy Sokugawa, Chief, Planning Division Tel 768-8053

Department of Planning & Permitting
City & County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawaii 96813

FROM: Tom Heinrich *JTH* Cell 551-4098
2426 Armstrong Street Tel 586-6460
Honolulu, Hawaii 96822-1932

DATE: November 30, 2007 Friday

RE: **Comments on Draft Bill "Relating to Transit-Oriented Development"**
(DPP Draft Document DPPTOD.B07 - copy attached for reference)

Aloha! Thank you for the opportunity to offer comments on the draft bill entitled "Relating to Transit-Oriented Development" that was distributed with your letter and "FAQ Report" dated October 23, 2007. I understand that a public hearing on this matter will be scheduled before the Planning Commission in the near future.

I make these comments in my individual capacity only and not as a member of the Manoa Neighborhood Board No. 7, as the board has not considered the draft bill. Certainly my area is keenly interested in the application of transit-oriented development concepts and the opportunity for public-private partnering in redevelopment activities, especially as the Locally Preferred Alternative as adopted by the City Council under Ordinance 07-01 includes future service by the mass transit fixed guideway system to the University of Hawaii at Manoa.

General Comments

1. City Charter - Adequate or Amendments Advised? Please review the Revised Charter of the City & County of Honolulu 1973 (RCH) to determine whether any amendments to Article VI, Chapter 15 (Department of Planning and Permitting may also be appropriate, independent of the present draft bill related to transit-oriented development (TOD)).

Subordinate to the general plan and development plans, is any additional language advised to identify "community plans" (e.g., as prepared for Waipahu and the McCully-Mo'ili'ili-Manoa areas) or "neighborhood transit-oriented development (TOD) plans"? Or is the language of RCH Sections 6-1503(e) & (f) sufficient on this point?

Also please evaluate whether the language of RCH Section 6-1511(4) is sufficient if the "neighborhood TOD plans" (NTODP) requirement is implemented as proposed in draft Section 21-9.100-1 (or does RCH Section 6-1503(e) cover NTODPs?).

By the continued evolution of the planning framework for the City & County of Honolulu -- general plan, development/sustainable community plans, master plans (e.g., parks, bicycle, water resources), community/neighborhood plans, special districts (Land Use Ordinance Article 9), and the proposed "neighborhood TOD plans" -- and the increased formal role of public/community input for collaborative neighborhood planning, should the basic elements of this planning framework be more specifically expressed in the Charter? See especially the relationship between RCH Sections 6-1503, 6-1504, 6-1507, 6-1508, 6-1509, 6-1510, 6-1511, 6-1512, and 6-1514.

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CITY & COUNTY OF HONOLULU

2. Terminology: Transit-Oriented, Not Technology-Oriented. For the general applicability of the proposed amendments to the Land Use Ordinance (LUO) (Chapter 21, Revised Ordinances of Honolulu (ROH) 1990), the terms used to refer to the transit system and its route should be broad in applicability and ignore the actual technology of the system.

The official name of the mass transit project is "Honolulu High-Capacity Transit Corridor Project" (see the November 2007 "Honolulu On The Move" newsletter published by the Department of Transportation Services). The proposed ordinance addresses "transit-oriented development" in proximity to a "fixed route" or "fixed guideway system" that implements a mass transit project. **The technology of the mass transit system** – whether bus-based, light or heavy rail, monorail, mag-lev, or something else -- **is irrelevant and should NOT be referred to in the draft bill language**, unless limited to the Section 1 Findings and Purpose discussion.

It is appropriate to state that the NTODPs are to be established in relation to the fixed transit route or fixed guideway system; it is not appropriate to state "the rail system" or "rail transit stations". Please avoid the unnecessary lightening rods and favor proper technical drafting of the proposed ordinance language.

**3. Clarification of Adoption Process Necessary;
Present Interference with Legislative Branch Prerogative.**

At page 3, Section 21-9.100-1(f) is the statement that "(t)he city council shall adopt the plan by resolution within sixty (60) days of receipt, or it shall be deemed adopted." I believe that this statement is unconstitutional in general and specifically violates the process set forth at RCH Sections 6-1511 & 6-1514.

The legislative branch (City Council) may impose procedural deadlines on executive branch agencies if a law is duly enacted; executive branch agencies cannot impose such deadlines on the legislative branch for the agency's work product, nor can the City Council limit the prerogative of a future City Council in its deliberations on a matter.

RCH Section 6-1511(1) sets forth the adoption process for "the general plan or revisions thereof by resolution and development plans or amendments thereto by ordinance." As the proposed Section 21-9.100 is for the establishment of special districts – otherwise covered by ROH Chapter 21, Article 9, both RCH Section 6-1511(1) and RCH Section 6-1514 relating to the enactment of "zoning ordinances" apply – i.e., any NTODP to be effective must be adopted by ordinance, not by resolution.

Clarification is needed. Are the TOD special districts (**TODSD**) intended to be formal amendments to the LUO at Article 9 or a new article? Are the neighborhood TOD plans (**NTODP**) intended to be formal amendments to the LUO or some lesser status – like the development plans? The proposed Section 21-9.100 must articulate the status of the TODSDs and NTODPs to be able to determine the proper process for their preparation, adoption, and consequent legal status.

Two elements are not specifically stated in the draft Section 21-9.100-1:

- (1) whether the NTODP must be adopted by the City Council to be effective; and
- (2) that the City Council has the prerogative to either (a) not adopt the NTODP as presented to it, or (2) make changes to the NTODP on its own initiative.

Section 21-9.100-1(a) states that "(p)rior to the adoption of any TOD special district, there shall be a neighborhood TOD plan." The process for its preparation is then described, concluding with subsection (f) setting forth two alternatives for the formal adoption of an NTODP – (1) affirmative action by the City Council within a 60 day time period; or (2) automatic adoption if the City Council fails for any reason to adopt the NTODP within the 60 day time period.

What if the City Council (1) for any reason cannot take final action within the 60 day period; (2) wants to make changes to the NTODP; or (3) disapproves by vote or otherwise and rejects the NTODP as presented?

The discussion to the first question posed in the "FAQ Report" dated October 23, 2007 -- "What does the bill propose?" -- states that "(o)nce a plan for a neighborhood TOD plan is completed, the recommended zoning regulations will be drafted for that neighborhood, and added to Chapter 21, Revised Ordinances of Honolulu (ROH)."

Could an NTODP otherwise be an "internal" agency planning document that is prepared in accordance with an "inclusive planning process" and then serves as the basis for a TOD special district ordinance? Or if City Council approval is necessary to establish the NTODP as a legal basis for a TOD special district, then **both** the NTODP and TODSD should be adopted by the same process required for both development plans and zoning ordinances – by the enactment of ordinances in accordance with RCH Article III, Chapter 2.

Until the overall process is further clarified, it seems that at least Section 21-9.100-1(f) must be appropriately rewritten to reflect the process set forth at RCH Sections 6-1511 & 6-1514, and to not impose a deadline on the City Council.

Drafting Comments

NOTE: [Bracketed] material is proposed to be deleted.
Underscored material is proposed to be added.
OR indicates an alternative choice of wording.

1. Page 1, Section 1, 1st Paragraph: Style change to consistently use the past tense in the first paragraph and technical changes for clarity – so that the first paragraph would read:

The council finds that Honolulu [is initiating] has initiated a major mass transit transportation project that has the potential to fundamentally reshape the form and character of Honolulu. The council has selected a fixed guideway system and the Locally Preferred Alternative ("LPA") for the [Project] project under Ordinance 07-01.

2. Page 1, Section 1, 2nd Paragraph: Style change consistent with my General Comment No. 2 above – so that the second paragraph would read:

[If rail] Whatever technology is selected[,] for the high-capacity transit fixed guideway system, appropriate transit-oriented development ("TOD") land use regulations along the alignment and around the transit stations will be crucial.

3. Page 1, Section 1, 3rd Paragraph, Line 1: Correction to the plural – so that line 1 would read:

It has been consistently noted about successful TOD programs of other cities that . . .

4. Page 1, Section 1, 3rd Paragraph, Line 4: Style change for readability -

Therefore, [for Honolulu to] to assure that Honolulu will have a successful TOD program, . . .

5. Page 1, Section 1, 4th Paragraph, Line 1: Style change for clarity -

This TOD planning process will implement . . .

6. Page 1, Section 1, 5th Paragraph, Line 2: Style consistency - so that the end of the sentence would read:

. . . , well before the transit stations are constructed.

7. Pages 2-4, Section 3: Is the proposed Section 21-9.100 complete in setting forth the process necessary to create the TOD special districts?

Section 21-9.100 begins with statements of the principles that "special districts shall be established around transit stations to foster more livable communities," and that "each special district shall be based on a neighborhood transit-oriented development plan." Also included in this first section is narrative concerning the benefits of transit and transit-oriented development.

If the narrative language is truly necessary for inclusion in Section 21-9.100, it should be better written to succinctly articulate the principles of 'transit-oriented development' (see several of the Power Point summary slides that were presented at the November 13, 2007 Transit Symposium during the morning sessions) and/or 'smart growth.'

Then Section 21-9.100-1 sets forth the process for the preparation and adoption of neighborhood TOD plans.

Then Section 21-9.100-2 sets forth the minimum requirements for TOD special districts.

What seems to be missing is any description of the process for the adoption of the TOD special districts. Section 21-9.100-1 includes both the minimum requirements of an NTODP and the process for its preparation and adoption. Section 21-9.100-2 sets forth only the minimum requirements of a TODSD; there is no further section.

For completeness of expression of the process in the proposed ordinance, the process for the preparation and adoption of a TODSD should be stated - either in one section like Section 21-9.100-1 does for NTODPs or an additional section to follow Section 21-9.100-2. At present, the overall concept for the establishment of TODSDs is not fully set forth in the draft bill.

8. Page 2, Section 3, Line 1: Technical correction as no "Section 21-9" exists - so that the first sentence would read:

[Section 21-9,] Chapter 21, Article 9, Revised Ordinances of Honolulu 1990, is amended to add a new [subsection] section as follows:

9. Page 2, Section 21-9.100, 1st Paragraph, Line 1: Style change consistent with my General Comment No. 2 above – so that the first line would read:

Special districts shall be established around [rail] transit stations to foster more . . .

10. Page 2, Section 21-9.100, 2nd Paragraph: Technical changes to (1) provide consistency of terminology, especially as this is the first use of the term "neighborhood TOD plan" which is then set forth in the following Section 21-9.100-1; (2) leave out Arabic numerals where they are merely repetition of written words (see Drafting Comment No. 18 below); and (3) reorders the sentence by the relative importance of the plan elements – so that Lines 1-2 would read:

Each special district shall be based on a neighborhood TOD plan that specifically addresses transit-oriented development[. The plans may include more than one (1) station, and], may address other community concerns and opportunities[.], and may include more than one transit station.

11. Page 3, Section 21-9.100-1(a), Lines 1-2: Technical changes, especially to complete the statement of process steps – so that lines 1-2 would read:

Prior to the [adoption] establishment of any TOD special district, there shall be prepared and adopted a [Neighborhood] neighborhood TOD [Plan] plan which serves . . .

12. Page 3, Section 21-9.100-1(a)(1), Line 5: Style consistency with Page 4, Section 21-9.100-2(f) -- so that line 5 would read:

. . . strategies, general urban design forms, and [cultural and] historic, scenic, and cultural resources . . .

13. Page 3, Section 21-9.100-1(a)(1), Line 6: Add sentence to assure that statement in Paragraph 2 of Section 21-9.100 (see Drafting Comment No. 10 above) properly appears in Section 21-9.100-1 for a "one-stop list" of NTODP elements:

A plan may address other community concerns and opportunities.

14. Page 3, Section 21-9.100-1(a)(2), Line 5: Add sentence to assure that statement in Paragraph 2 of Section 21-9.100 (see Drafting Comment No. 10 above) properly appears in Section 21-9.100-1 for a "one-stop list" of NTODP elements:

A plan may include more than one transit station.

15. Page 3, Section 21-9.100-1(a)(3), Lines 2-3: Correction based on context of vocabulary – so that lines 2-3 would read:

design principles, open space requirements, parking standards, and [either] other modifications to existing zoning requirements or new zoning precincts, as appropriate.

16. Page 3, Section 21-9.100-1(a)(3), Lines 4-5: Style and technical change for consistency and proper use of the terms "shall" and "may" – so that lines 4-5 would read:

appropriate. [Form-based zoning may be considered. Prohibition of specific uses shall be considered.] The prohibition of specific uses and form-based zoning may be considered.

17. Page 3, Section 21-9.100-1(c), Lines 3-4: Style and vocabulary choices – so that the last sentence of subsection (c) may read:

Where appropriate, public-private [partnership] partnering opportunities shall be [investigated] evaluated OR explored OR examined.

18. Page 3, Section 21-9.100-1(f), Lines 2 & 5: Technical change in accordance with Chapter 3, Section 10(a) & (b) of the Hawaii Legislative Drafting Manual, 9th edition (State of Hawaii Legislative Reference Bureau, 2003), page 25 – spell out numbers generally, and leave out figures where they are merely repetition of written words; therefore:

Delete the Arabic numbers stated in parentheses – "(45)" at line 2 and "(60)" at line 5.

19. Page 3, Section 21-9.100-1(f), Lines 4-5: Technical corrections necessary as adoption of an NTODP apparently cannot be by resolution – see discussion at General Comment No. 3 above.

20. Page 4, Line 1: Correct the section number to read: Sec. 21-9.100-2.

21. Page 4, Lines 9-10, Subsection (c): Technical and style changes -- reorder the beginning of the sentence and word changes to be more consistent with the first sentence of the section – so that subsection (c) would read:

(c) Reduction or elimination of the number of required off-street parking spaces, [including expanded] and expansion of allowances for joint use of parking spaces.

22. Page 4, Line 11, Subsection (d): Remove reference to "rail" and technical change – so that subsection (d) would read:

(d) Design provisions that encourage use of [rail] mass transit OR the fixed guideway transit system, buses, [bicycling] bicycles, walking, and other non-automobile forms of transport.

23. Page 4, Line 13, Subsection (e): Add period at end of sentence.

24. Page 4, Lines 14-15, Subsection (f): Style and technical changes – so that subsection (f) would read:

(f) Identification of important neighborhood historic, scenic, and cultural landmarks, and controls [for protecting and enhancing] to protect and enhance these resources.

25. Page 4, Lines 18-19, Subsection (h): Style change - so that subsection (h) would read:

(h) Landscaping requirements that enhance the pedestrian experience, [support] promote transit station identity, and complement adjacent structures.

26. Page 4, Lines 23-24, Section 4: Technical change - so that the last part of the sentence would read:

... the revisor of ordinances [need] shall not include the brackets, the bracketed materials, or the underscoring.

Thank you for your consideration of these comments.

Tom Heinrich



A BILL FOR AN ORDINANCE

RELATING TO TRANSIT-ORIENTED DEVELOPMENT

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and Purpose.

The council finds that Honolulu is initiating a major transportation project that has the potential to fundamentally reshape the form and character of Honolulu. The council has selected a fixed guideway system and the Locally Preferred Alternative ("LPA") for the Project under Ordinance 07-01.

If rail technology is selected, appropriate transit-oriented development ("TOD") land use regulations along the alignment and around the transit stations will be crucial.

It has been consistently noted about successful TOD program of other cities that community-based input is a necessary element of TOD programs, and that one set of regulations cannot adequately address TOD needs and opportunities across all transit stations. Therefore, for Honolulu to have a successful TOD program, a deliberate, inclusive process to plan for TOD is necessary so that well-defined, meaningful, and appropriate regulatory and incentive programs can be adopted for each area around a transit station or type of station.

This will implement the Oahu General Plan and applicable regional development plans. Specifically, it will help stem urban sprawl across the city's agricultural and open space lands; encourage the development of livable, walkable communities; and increase transit ridership, thereby promoting the economic, social, and environmental well-being of the city.

With the potential for such a significant and positive change in development patterns, it is crucial that proper planning guidance be given, well before the stations are constructed. This will allow for timely community input and to put into place appropriate regulations for TOD before redevelopment occurs.

The council, therefore, finds that to protect the public interest and welfare, the Land Use Ordinance is to be amended to provide guidance as to how to determine zoning regulations for areas around each transit station.

DPPTOD.B07



A BILL FOR AN ORDINANCE

SECTION 2. Section 13-9.3, Revised Ordinances of Honolulu 1990, is amended by deleting the following:

[As used in this article, "transit oriented development ordinance" ("TOD ordinance") means an amendment to the land use ordinance regulating development at and around transit stations. The TOD ordinance shall:

- (1) Enable a mix of land uses;
- (2) Enable higher densities;
- (3) Eliminate or reduce minimum off-street parking requirements for such development;
- (4) Encourage travel by rail transit, buses, walking, bicycling, and other non-automobile forms of transport;
- (5) Encourage development of a mixture of market-rate and affordable housing;
- (6) Encourage public-private partnerships in such development;
- (7) Utilize form-based zoning, exemptions, or other alternatives from existing development regulations, and utilize other incentives to encourage such development;
- (8) Encourage activity at a defined community center; and
- (9) Encourage public input in the design of each transit station so each station reflects unique community design themes, history, or landmarks.]

SECTION 3. Section 21-9, Revised Ordinances of Honolulu 1990, is amended to add a new subsection as follows:

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

Special districts shall be established around rail transit stations to foster more livable communities that take advantage of the benefits of transit; specifically, reducing transportation costs for residents, businesses and workers. While taking advantage of more intense use of land, TOD can provide more walkable communities, convenient access to daily shopping needs as well as special events, and enhancement of neighborhood character.

Each special district shall be based on a neighborhood plan that addresses transit-oriented development. The plans may include more than one (1) station, and may address other community concerns and opportunities.



A BILL FOR AN ORDINANCE

Sec. 21-9.100-1 Neighborhood TOD plans.

- (a) Prior to the adoption of any TOD special district, there shall be a Neighborhood TOD Plan which serves as the basis for specific special district regulations. Each plan shall address, at minimum, the following:
- (1) The general objectives for the particular TOD special district in terms of overall neighborhood character, reflecting unique community historic and other design themes. Objectives shall 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) Recommended special district boundaries around each transit station that take into account natural topographic barriers, extent of market interest in redevelopment, and potential to increase transit ridership. When appropriate, recommendations may define a "core area" and transition boundaries.
 - (3) Recommended zoning controls, including architectural and community design principles, open space requirements, parking standards, and either modifications to existing zoning requirements or new zoning precincts, as appropriate. Form-based zoning may be considered. Prohibition of specific uses shall be considered.
 - (4) Potential opportunities for affordable housing.
 - (5) General direction on implementation of the recommendations, including the phasing, timing and approximate cost of each recommendation, as appropriate.
- (b) The planning process shall be inclusive, open to residents, businesses, landowners, community organizations, and others.
- (c) The planning process shall consider economic and market analyses and infrastructure analyses, including capacities of water, sewer and roadway systems. Where appropriate, public-private partnership opportunities shall be investigated.
- (d) The plan shall be consistent with the applicable regional development plan.
- (e) The plan shall be consistent with any applicable special area plan or community master plan, or make recommendations for revisions to these plans.
- (f) The plan shall be submitted to the applicable neighborhood boards at least forty-five (45) days prior to submittal to the city planning commission. The city planning commission shall hold a public hearing and transmit its recommendations to the city council. The city council shall adopt the plan by resolution within sixty (60) days of receipt, or it shall be deemed adopted.



A BILL FOR AN ORDINANCE

Sec. 9.100-2 TOD special district minimum requirements.

Based on the adopted neighborhood TOD plan, each special district shall include, but not be limited to, the following provisions:

- (a) Allowances for a mix of land uses, both vertically and horizontally.
- (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.
- (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 rail transit, buses, bicycling, walking, and other non-automobile forms of transport.
- (e) Guidelines on building orientation and parking location
- (f) Identification of important neighborhood historic, scenic and cultural landmarks, and controls for protecting and enhancing 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.

SECTION 4. 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 materials, or the underscoring.



A BILL FOR AN ORDINANCE

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Councilmembers

Honolulu, Hawaii

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

MUFU HANNEMANN, Mayor
City and County of Honolulu

HISTORIC HAWAII FOUNDATION

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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RECORDED

November 9, 2007

Henry Eng, FAICP
Director, Department of Planning and Permitting
City and County of Honolulu
650 S. King Street, 7th Floor
Honolulu, HI 96813

RE: Transit Oriented Development Draft Planning and Zoning Bill

Dear Mr. Eng:

Thank you for the opportunity to comment on the Draft Planning and Zoning Bill for Transit Oriented Development.

The Department of Planning and Permitting should be commended for its commitment to complete neighborhood-scale transit oriented development plans to serve as the basis of the special district regulations in station areas. O'ahu's communities are unique and distinctive in their history, character, architecture and context. The specific area plans will allow for these characteristics to be described, protected and enhanced as new infrastructure and development are added to the areas.

While the specific Neighborhood TOD Plans and the resulting special district regulations are to be determined for the individual communities, the planning framework will be set by the new ordinance. Historic Hawai'i Foundation recommends that the bill include the following:

1. A statement of public policy purpose and intent. What are the goals and objectives of the planning processes? This section should include goals such as protecting and enhancing community character; providing for preservation of historic, cultural, natural and community resources; determining appropriate uses, design guidelines and densities; determining location and type of public facilities; determining necessary infrastructure; and determining financing and phasing of infrastructure. It should also state the intent and desire of the City to facilitate inclusive and transparent community-based planning processes.
2. Applicability. A description of where the Neighborhood TOD Plans may be developed should be included. If the actual station areas are currently unknown (or may be expanded), parameters for determining the applicability should be included. These should include known triggers (such as within a certain distance of a planned station area) or timing issues (such as other planned infrastructure or development).
3. A statement of general land use and development goals to be addressed by the area plans. Does the Department have parameters or assumptions for transit-oriented development that need to be addressed at the neighborhood or station area scale? If there are basic requirements that need to be met—types of uses, minimum or maximum densities, affordable housing, public facilities, etc.—these should be made explicit at the beginning of the planning process.



4. Transfer of Development Rights. Transit-oriented development provides an opportunity for higher densities and a greater mix of uses than in less compact developments. Thus, they provide an ideal receiving area for the City's Transfer of Development Rights program. By tying higher densities in appropriate areas to protection and preservation of agriculture and rural areas elsewhere on O'ahu, both types of communities benefit. The opportunity for TDR donating and receiving areas should be determined during the planning process and integrated with other regulatory systems.
5. Public Facilities: The success of transit oriented development depends on having a critical mass of people and activities within walking distance (about 1/4-mile) surrounding a transit stop. The activities need to include not only jobs and shopping, but also community facilities. The land use mix needs to include child care and senior centers, schools, libraries, parks, fire and police stations, and community centers. This necessitates knowing the location and capacity of nearby facilities and whether or not they are adequate for both the existing and the projected population.
6. Mix of Uses: the TOD special district requirements include allowances for mix of land uses. However, allowing mixed use does not necessarily result in mixed use development. Is there a minimum requirement for mix of uses that is necessary? Will each development have a required or target level for mix of housing, commercial or employment? Are there minimum or maximum distances between horizontal mixed uses? If so, this should be explicit in the planning framework and integrated into the phasing plan.
7. Infrastructure Financing and Phasing: The infrastructure analysis should include recommendations for financing and phasing. It is unlikely that all infrastructure will be constructed simultaneously and it may need to be phased. If so, the appropriate trigger should be established (construction timing, density of development, etc.). In addition, appropriate financing mechanisms should be evaluated, including special assessments or tax increment financing.
8. Streets, Traffic Demand Management and Maximum Parking: an assumption of transit-oriented development is that the primary transportation systems will be public transit and walking or bicycling, with a lesser mode split with the automobile. As such, a comprehensive approach to traffic patterns needs to be determined at the outset. This includes the street system and connections to surrounding areas, location and type of parking (including parking minimums and maximums), and management strategies to allow for successful integration of all modes of transportation. Opportunities for creative transportation systems should also be explored to allow for the full range of options to be investigated.
9. Special District Minimum Requirements. HHF concurs with the basic requirements included in the special district provisions. We are especially pleased to note the inclusion of paragraph (f) requiring identification and protection of historic, scenic and cultural landmarks. In addition to the requirements listed, we also recommend that all special districts include allowances for receiving transfer of development rights from areas designated for historic or natural resource protection; design parameters for stations; identification and protection of significant view sheds; protection of coastal areas and other natural resources; site planning that includes locations for community facilities and public

art; building design parameters that address materials, bulk, mass, scale, location of entries and windows, and compatibility with historic context (where applicable); and parameters for building signs and neighborhood wayfinding.

Thank you again for the opportunity to comment on the proposed planning and zoning framework for transit oriented development. We look forward to continuing the dialogue. Please let me know if you have any questions or concerns.

Very truly yours,

A handwritten signature in cursive script that reads "Kiersten Faulkner".

Kiersten Faulkner, AICP
Executive Director



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November 20, 2007

Mr. Henry Eng, Director
Planning and Permitting Department
City & County of Honolulu
650 S. King Street
Honolulu, HI 96813

Dear Mr. Eng,

The Honolulu Board of REALTORS® appreciates the packet of information and the opportunity to provide feedback on the Transit-Oriented Development Draft Planning/Zoning Bill and the recent draft bills on vacation rentals and bed-and-breakfast units.

Both draft bills are of great interest to the REALTOR® community and the people of the Oahu. To be educated on the issue and participate in the responsible manner, we would like to invite you or one of your staff, David Tanoue or Kathy Sokugawa to attend our December HBR City Affairs Committee meeting to present information and allow for questions and answers.

Our meeting is planned for Monday, December 10, 2007 at 2:00 p.m. at the Honolulu Board of REALTORS® Office on 12th Avenue in Kaimuki. We hope that you would consider giving us some of your time to be on our agenda. If this date and time, does not fit your schedule, please provide us some alternatives to consider.

Jane Stubenberg and I appreciate your consideration of our invitation.

Please contact Nelson Higa, HBR Staff, at 792-7832 to confirm attendance.

Again, thank you for allow us the opportunity to be part of shaping an important pieces of legislation.

Sincerely,

Joe Paikai
Chair, City Affairs Committee



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KAMEHAMEHA SCHOOLS

11/30/2007

Mr. Henry Eng, FAICP, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th floor
Honolulu, Hawaii 96813
Sent via email: heng@honolulu.gov

Dear Mr. Eng:

**RE: TRANSIT-ORIENTED DEVELOPMENT (TOD)
Draft Planning and Zoning Bill Available for Review**

Kamehameha Schools encourages and supports the spirit and intent of the city's draft bill. We share the smart growth and other sound principles discussed in the draft bill.

As a landowner in the project area, we are enthused with helping the city create an increasingly vibrant and active community. Our efforts and hopes are to develop our lands in such a way as to contribute to the overall well-being and beauty of the city.

One comment would be that the TOD planning process be structured such that the city, landowners, and stakeholders work closely together, especially given the projects' complexity and long term impacts. Another comment would be that our goals include achieving higher performance in our next-generation built environment by incorporating—and inventing, if need be—the best TOD principles and practices for our city.

We also encourage the city to assure landowners that they may play, if they choose, a prominent role in the development of the fleshing out of this bill and related bills. Finally, we encourage the city to craft a good collaborative structure with the community to help the process be as fruitful and community building as possible.

We look forward to working with you on this significant undertaking.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mike Dang", written over a horizontal line.

Mike Dang
Director of Planning & Development

November 29, 2007

Henry Eng, FAICP, Director
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, HI 96813

RE: COMMENTS ON TOD DRAFT PLANNING AND ZONING BILL

Dear Director Eng and members of the City Planning Commission,

Thank you for requesting comments on the draft bill to create a planning framework for TOD zoning. This bill has the potential to encourage community design that will result in healthier citizens if provisions are required to ensure safe and convenient travel by foot, bicycle, transit, and auto, regardless of age and ability. Under section 9.100-2 – please revise letter (d) to incorporate the concept of Complete Streets into the ordinance. For example: "Design provisions that ensure safe, comfortable, and convenient travel by foot, bicycle, transit and auto, regardless of age and ability. In particular, the design of the street network should encourage use of rail transit, buses, bicycling, walking, and other non-automobile forms of transit."

In a community like Kalihi there is a real danger that Transit Oriented Development could lead to gentrification and displacement of lower and middle income families. We are happy to see that Sec. 21-9.100-1 specifies that a plan will include "Potential opportunities for affordable housing." However, the bill as currently written does not ensure that there will be no net loss in housing for lower income families. We request that you add explicit language for affordable housing that ensures a percentage of the existing residents can continue to live in the neighborhood and pay the same percentage of their gross income that they are paying now and that there will be a mix of housing types and price points. We encourage the City/County to investigate the use of density bonuses, tax breaks, and other incentives to aid the private sector in providing affordable units in high-priced TOD markets.

Under section 21-9-100 (b), please specify how the development of neighborhood TOD plans will be inclusive. The public process begun in Waipahu should be continued at the same level for each station area with adequate funding. At a minimum, there must be at least one public meeting after notice to the community in each of the special districts to educate the community and receive public input. When it is time to craft the actual TOD district language for the zoning regulations there should be multiple opportunities for multi-stakeholder groups to be involved. Please consider forming a review committee made up of stakeholder groups representing aging, children, business, cycling, disabilities, public health, and the community at large.

Sincerely,



Lisa Ferentinos
Program Coordinator, Active Living By Design
Kokua Kalihi Valley Comprehensive Family Services
2239 N. School St., Honolulu HI 96819

Mr. Henry Eng, Director
Department of Planning & Permitting
650 South King Street, 7th floor
Honolulu, HI 96813

RECEIVED

'07 DEC -3 A10 :44

Dear Mr. Eng,

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Thank you for the opportunity to comment on the draft Transit-Oriented Development (TOD) bill. I look forward to the Planning Committee hearing tentatively set for December 12th. My comments at this time are personal as the McCully – Moiliili Neighborhood Board will be taking up this issue at its regular December 6th meeting.

The McCully – Moiliili neighborhoods already have a 65 + years population of 17% today. In thirteen (13) years, 2020, we confidently forecast this growing to 25% of our residents. This places us well ahead of state projections on aging.

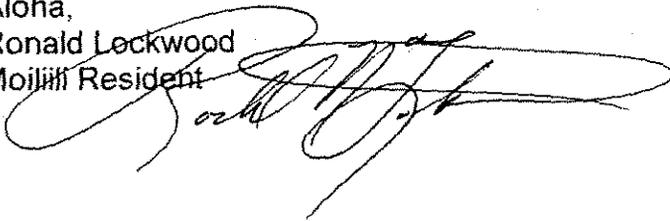
It is imperative that this demographic be part of the TOD bill as we look at a variety of transportation and housing options including:

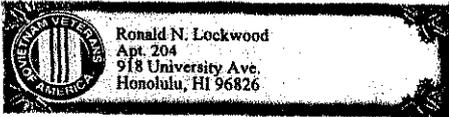
1. Proximity of housing to retail and services, including pharmacies, doctors, clinics and grocery stores.
2. That our fixed-income seniors find an adequate supply of affordable housing options having been integrated into our housing and land use policies.
3. Specifically, there can be NO net loss in units affordable for those making less than 30% of the median family income (US); for those making 30 - 50% (affordable rental market); and those making 50 - 70% (affordable housing market). The City & County of Honolulu must investigate density bonuses, tax incentives and other opportunities to assist the private sector in providing affordable units, and that the City & County of Honolulu must work with these developers and communities during the design and construction phases to allow current residents the opportunity to remain in the community.
4. Accommodations must be included in this TOD for our disabled citizens, both older and younger. Age-related disabilities include loss of eye-sight, hearing loss, assistance in walking including balance. Our younger neighbors include wounded/disabled veterans, and those whom have suffered birth defects, health-related problems, or accidents. Accommodations must include safe and comfortable walking environments on sidewalks that are easy to navigate; public restrooms; seats (not benches) and other resting places. Designs must also include building set backs, ground floor use – few blank walls; sidewalk widths; street widths with modified pedestrian crossings; and specific design speeds.

5. Neighborhood Boards are according to this draft TOD, have only ONE opportunity to comment upon the Neighborhood TOD plan under section 21-9.100-1 (f) with this "at least 45-day provision". This does not include time enough for comments from business organizations, churches, schools, AOA's and other community organizations. Meetings with such groups must be held at different times/days and various locations. Your draft TOD section 21-9.100 (b) requires and calls for this to "be inclusive, open to residents, businesses, landowners, community organizations and others." I request that 21-9.100 (f) be changed to ninety (90) days. Funding to hold such meetings, translate documents, bring in interpreters, copy documents and maps need clarification as these funds are NOT in my Neighborhood Board budget. As a point of information, our elementary and middle schools are currently instructing children speaking 30+ languages other than English.
6. The word "rail" is used on pages 1 and 2 of this document. Perhaps this should be removed at this time.
7. In section 21-9.100 there is no mention for the size of the "Special District ... established around transit station." A guideline of ¼ mile, or a 5 – 8 minute walk, is what I have heard consistently from the Transit Symposium speakers. For McCully – Moiliili seniors this ¼ mile walk can take up to 15 minutes. I suggest the ¼ mile radius being the TOD standard and included in the TOD language. Clarification on the size of the zone will greatly assist in neighborhood planning and station planning.
8. Infrastructure needs must include mitigation of transit pollution run-off; inclusion of green LEED design for transit stations; storm water run-off and flood control mitigation.

Once again, thank you for this opportunity to speak to this draft TOD bill.

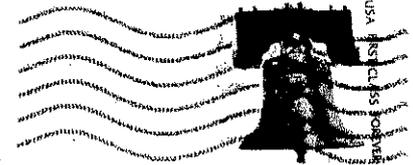
Aloha,
Ronald Lockwood
Moiliili Resident





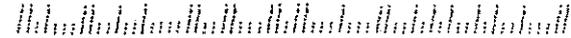
HONOLULU HI 968

30 NOV 2007 PM 5 L



Mr Henry Eng, Director
Dept. of Planning & Permitting
650 S. King Street, 7th floor
Honolulu, HI 96813

88813+8078 0034



One Voice for Livable Islands

P.O. Box 2577, Honolulu, HI 96813

RECEIVED

'07 DEC -3 AIO :44

November 30, 2007

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Mr. Henry Eng, Director
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, HI 96813

Dear Mr. Eng:

On behalf of the network organizations representing One Voice for Livable Islands, we appreciate the opportunity to comment on the proposed Transit Oriented Development (TOD) Draft Planning and Zoning Bill. We applaud the City and County's commitment to planning developments around transit stations that will serve all members of the community, including cyclists and pedestrians. It is our sincere hope that One Voice will be able to contribute during the transit and TOD planning process.

One Voice for Livable Islands is a working network of community organizations committed to advancing Honolulu's Charter Amendment 8: to make Honolulu a pedestrian and bicycle safe community. The pedestrian and bicycle communities are active users of transit and it is of keen interest to our respective memberships to ensure that transit oriented development includes:

- Integrated areas for everyone, including pedestrian and bicycle users;
- Design that promotes healthy activities such as walking and cycling. Accessible, attractive, and active areas for pedestrian and bicycle users around transit stops and within the immediate commercial and residential areas surrounding the stations;
- Safe and accessible areas for cyclists to park their bikes at transit stations and nearby business districts; and
- Design to accommodate all levels of mobility, including persons with disabilities. Use of design elements that allow safe and easy access for people with restricted movement have the shared impact on keeping pedestrians and cyclists safe around auto traffic and at crossing intersections.

Earlier this month, One Voice for Livable Islands completed a series of training workshops on Creating Great Communities through Public Involvement. Staff from the City Department of Transportation Services participated in the workshop. This advocacy

training emphasized involving citizen participation at the earliest stages of project planning to achieve the best possible design for all potential users.

One Voice is specifically interested in section 21-9-100 (b), which describes an inclusive process for input by the community on the development of neighborhood TOD plans. When the actual language for Transit Oriented Development districts is drafted, we hope that there will be multiple opportunities for stakeholder groups to be involved. Please consider:

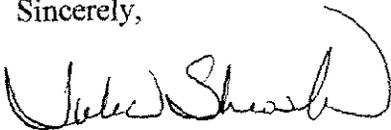
1. Forming a review committee made up of stakeholder groups representing seniors, children, business, bicycle users, persons with disabilities, public health advocates, and the community at-large. Please consider One Voice For Livable Islands as a resource to serve on this committee.
2. Maintaining a list-serve of interested groups and individuals and providing notice of all community meetings at least two weeks in advance.

Under section 9.100-2, TOD special district minimum requirements, please consider including appropriate language in the ordinance to detail the concept of Complete Streets design practices. This inclusion would ensure the needs of all users during the planning and construction of new transit infrastructure at each station area.

It is commonly recognized that people are more likely to bike or walk where it is safe to do so. Active, people-friendly areas are both an economic and a community benefit in new development areas. Furthermore, the U.S. Department of Transportation has adopted a policy to encourage state and local agencies to be inclusive and comprehensive in their designs. We propose adoption of their recommended policy: "Bicycling and walking facilities will be incorporated into all transportation projects unless exceptional circumstances exist."

We appreciate the opportunity to comment on the proposed TOD Draft Planning and Zoning Bill. One Voice for Livable Islands seeks to collaboratively work with the Department of Planning and Permitting to encourage the best design practices for pedestrian and bicycle users at all future transit stations.

Sincerely,



Julie Shiohita
Convener



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RECEIVED

THE OUTDOOR CIRCLE

'07 DEC -3 P1:11

November 30, 2007

DEPT OF PLANNING
AND PERMITTING
CITY & COUNTY OF HONOLULU

Mr. Henry Eng, Director
Department of Planning and Permitting
City and County of Honolulu
650 South King Street
Honolulu, HI 96813

RE: Transit Oriented Development (TOD) Draft Planning and Zoning Bill

Aloha Henry:

The Outdoor Circle offers the following suggestions for the draft bill referenced above:

- **No increase in height limits.** The view planes for thousands of Honolulu residents will be substantially interrupted by the transit project as it is currently proposed. Increasing height limits for TOD will potentially create unacceptable intrusions on the visual environment and violate the valued tradition of maintaining Honolulu's mauka-makai view planes.
- **Mandatory landscaping and green space.** Because most of the transit route will be in urban areas it will be critical to require TOD to install landscaping that will soften the visual impacts of the projects and make them more inviting for public use. It will also be imperative to require permits for tree removals in TOD areas and to require two replacement shade trees for every one tree removed by permit.
- **No relaxed sign provisions.** The city cannot allow Honolulu's long standing sign ordinances to be compromised. Several generations of Honolulu families have benefited from the City's commitment to prohibit excessive and inappropriate advertising and signage on O'ahu. These restrictions must be maintained and even strengthened to prevent TOD from becoming an unacceptable eyesore in our communities. The proposed ordinance should state this in its purpose or Honolulu will see its sign ordinances erode.
- **Require open space.** It is critical that TOD be done in a manner that is inviting and user friendly for all residents of O'ahu. To that end, the bill should require that open spaces such as plazas, pocket parks, etc be required in the initial planning, not as afterthoughts. These enhancements will help lure residents to the TOD areas, increase the aesthetics of the areas and prevent overdevelopment.

Thank you for your consideration and please don't hesitate to contact us for clarification or inquires about these suggestions

Respectfully,

Mary Steiner
CEO

rom: ulihawaii [mailto:ulihawaii@hawaii.rr.com]
ent: Thursday, November 29, 2007 5:16 PM
o: Sokūgawa, Kathy K.
c: Bruce Tsuchida; David Miller
subject: ULI Hawaii Comments on Draft TOD Planning and Zoning Bill

Dear Kathy,

Thank you very much for taking the time to answer questions on the Draft TOD Planning and Zoning Bill earlier this week.

Please find our comments on the Draft TOD Planning and Zoning Bill 2007, which are in addition to a forthcoming letter of support for the bill.

Consider adding in "Findings and Purpose" section:

- TOD objectives regarding "quality of life" and "Placemaking opportunities"

Consider adding to the section on "Neighborhood TOD Plans"

- Brief mention of 1/4 mile and 1/2 mile radius as guidelines for primary and secondary TOD planning

Some related concerns that will need to be addressed as TOD details are developed:

- Community role: advisory only? What happens if the community wants a plan that would result in "takings" of private property?
- What kinds/forms of incentives will be provided to land owners and developers?
- What happens to development plans that are already being developed for properties near planned stations?
- Will density allowances under existing zoning be "grandfathered" as a minimum density under the new TOD zoning for an area?
- Consider a planning process that will provide for strong market/economic analysis
- Approach TOD as a phased, multi-generational process: don't try to achieve the "End State Plan" by means of one "mega-project."
- Consider establishing an infrastructure systems planning process that can provide critical data to the TOD neighborhood plans
- For already urbanized areas like Waipahu or Kalihi, how to develop coordinated TOD project(s), given many small land owners?
- Who will write the special district zoning ordinances -- DPP? the new "Transit Authority"?

Katie Anderson
ULI Hawaii
Coordinator@Hawaii.uli.org
<http://www.Hawaii.uli.org>
(808) 291-0727
Fax: (808) 590-2430
P.O. Box 1060
Honolulu, HI 96808

11/30/2007

ULI Hawaii

100 West Street, Suite 1000
Honolulu, HI 96813
Phone: (808) 531-1212
Fax: (808) 531-1213
Email: info@ulihawaii.org
www.ulihawaii.org

November 27, 2007

Mr. Henry Eng, FAICP, Director
Department of Planning & Permitting
City & County of Honolulu
650 S. King Street, 7th Floor
Honolulu HI 96813

Subject: **Transit-Oriented Development (TOD) Bill**

To Whom It May Concern:

On behalf of the Urban Land Institute (ULI), Hawaii District Council, I wish to express ULI's support for the City's Department of Planning and Permitting's (DPP) proposed Transit-Oriented Development (TOD) Bill (2007). This bill expresses a multitude of "best practice" concepts which have proved successful in creating rich quality of life environments throughout the country.

The bill's "best practice" goals and objectives include encouraging:

- Unique community historic and other design themes.
- A mix of land uses.
- Transportation modes, including rail, bus, walking and cycling.
- Form-based zoning.
- Density increases to create community benefits.
- Incentives to encourage beneficial development features.
- Public-private partnerships.

In essence, the proposed bill is a text book for the creation of exciting and meaningful development, proposed through an inclusive planning process open to all sectors of the community.

To quote The Urban Land Institute's

Principles for Successful Development Around Transit:

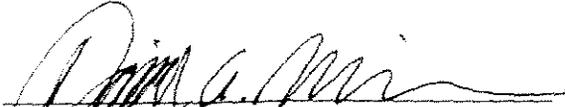
- Apply the Power of Partnerships.
- Think Development When Thinking about Transit
- Build a Place, Not a Project.
- Making It Better with a Vision.

City Planning Commission
November 29, 2007
Page 2

We believe the DPP's proposed Bill will lay the groundwork for these principles... and for appropriate and exciting TOD development in the future.

Sincerely,

For and on Behalf of the Urban Land Institute, Hawaii District Council

A handwritten signature in black ink, appearing to read "David A. Miller", written over a horizontal line.

David A. Miller, AIA
District Council Chair

Sakamoto, Judith J.

From: Marques, Stephanie A on behalf of Dept. of Planning & Permitting
Sent: Monday, December 03, 2007 3:23 PM
To: Sokugawa, Kathy K.
Cc: Sakamoto, Judith J.
Subject: FW: Attn: Henry Eng, FAICP Director, RE: TOD bill

Kathy,

Please...

Thanks,
Stephanie

From: Jessica Wooley [mailto:jessicawooley100@yahoo.com]
Sent: Friday, November 30, 2007 6:03 PM
To: info@honoluluodpp.org
Cc: mitchell@hbl.org
Subject: Attn: Henry Eng, FAICP Director, RE: TOD bill

November 30, 2007

Comments RE: Transportation-Oriented Development Draft Planning
and Zoning Bill Available for Review (via email only)

Dear Mr. Eng:

Thank you for your work to support the Transit-Oriented Development ("TOD") Draft Planning and Zoning Bill. I applaud the City and County members and the Mayor for their efforts as well.

As you move forward to finalize the TOD bill, please consider emphasizing the importance of making our neighborhoods and transit stations accessible for pedestrians and bicycles, and safe. As it is, so much of our transportation system neglects these transportation choices - to the detriment of our health, our time, our economy, and our use of resources. People walk and bike when it is safe and facilities are available. This requires that adequate thought be given to paths, cars are kept safely distanced and/or slowed when near pedestrians or bicycles, covered areas for resting and parking bicycles are widely available, and security needs are addressed. Each of these items should be included specifically in the requirements for each TOD special district -- Section 21-9.100, each neighborhood TOD plan -- Section 21-9.100-1, and TOD special district minimum requirements -- Section 9.100-2.

People have been clamoring for more pedestrian and bicycle facilities -- and safe options for them to travel out of their car. Please continue to demonstrate your leadership on this issue and fulfill the many hopes so many people have to walk and bike safely in and around their homes, businesses, shopping and recreational areas.

Mahalo for your time and consideration.

Sincerely,

Jessica Wooley

Exhibit D

RESOLUTIONS REQUESTING STUDY



RESOLUTION

REQUESTING THE DEPARTMENT OF PLANNING AND PERMITTING TO REVIEW THE TRANSIT ORIENTED ZONING ORDINANCES OF OTHER MUNICIPALITIES AND EVALUATE THEIR APPLICABILITY TO THE CITY.

WHEREAS, pursuant to Ordinance 05-027, a general excise and use tax surcharge was established by the city to fund operating and capital costs of public transportation within the city; and

WHEREAS, the city is proceeding to implement the Honolulu High-Capacity Transit Corridor Project, which involves studying how to improve the transit in the highly congested east-west corridor between Kapolei and the University of Hawaii at Manoa; and

WHEREAS, the project schedule for the Honolulu High-Capacity Transit Corridor Project calls for the council to select a locally preferred alternative before the end of 2006, which will be followed by Draft Environmental Impact Statement preparation and a request for Federal Transit Administration approval to begin preliminary engineering; and

WHEREAS, other municipalities that have established or are in the process of establishing mass transit corridors have enacted bylaws or ordinances relating to the creation of transit oriented zoning districts in order to encourage new development that would focus on mass transit and pedestrian traffic, rather than automobile traffic; and

WHEREAS, transit oriented zoning districts typically have the following purposes:

- Encourage a mix of moderate and high density development within walking distance of transit stations to increase transit ridership,
- Create a pedestrian friendly environment to encourage walking, bicycling and transit use,
- Provide an alternative to traditional development by emphasizing mixed use, pedestrian oriented development,
- Create a neighborhood identity that promotes pedestrian activity, human interactions, safety and livability,
- Encourage building reuse and infill to create higher densities,



RESOLUTION

- Reduce auto dependency and roadway congestion by locating multiple destinations and trip purposes within walking distance of one another, and
- Provide a range of housing options for people of different income levels and at different stages of life;

and

WHEREAS, for example, the Salt Lake City Council recently enacted Ordinance No. 76 of 2005, which created transit oriented zoning districts in Salt Lake City; and

WHEREAS, the council finds that in view of the implementation of the Honolulu High-Capacity Transit Corridor Project, as well as other mass transit oriented initiatives, it would be appropriate to consider the development of land use regulations that would encourage the use of public transit rather than the automobile as a primary means of transportation; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the department of planning and permitting is requested to review the transit oriented zoning district ordinances of other municipalities, including but not limited to, Salt Lake City, and evaluate their applicability to the city; and

BE IT FURTHER RESOLVED that the department of planning and permitting is requested to present a status report of its investigation and findings to the council no later than ninety days following the adoption of this Resolution and a final report, including its recommendations to the council, at a date to be determined upon the department's presentation of its initial report; and



RESOLUTION

BE IT FINALLY RESOLVED that a copy of this Resolution be transmitted to the managing director and the director of planning and permitting.

INTRODUCED BY:

Donovan Dela Cruz

DATE OF INTRODUCTION:

March 22, 2006
Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 06-118, CD1

Introduced: 03/22/06 By: DONOVAN DELA CRUZ

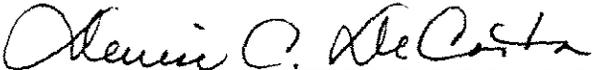
Committee: TRANSPORTATION

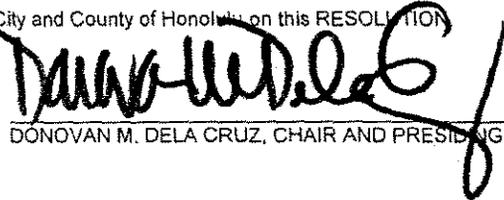
Title: RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND PERMITTING TO REVIEW THE TRANSIT ORIENTED ZONING ORDINANCES OF OTHER MUNICIPALITIES AND EVALUATE THEIR APPLICABILITY TO THE CITY.

Links: [RES06-118](#)
[RES06-118, CD1](#)

TRANS	03/30/06	CR-192 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION AS AMENDED IN CD1 FORM.			
COUNCIL	04/12/06	RESOLUTION AS AMENDED (RES06-118, CD1) AND CR-192 ADOPTED.			
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y	

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION


DENISE C. DE COSTA, CITY CLERK


DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER



RESOLUTION

URGING THE CITY ADMINISTRATION TO SUBMIT PROPOSED LEGISLATION ENACTING A TRANSIT-ORIENTED DEVELOPMENT OVERLAY DISTRICT AS AN AMENDMENT TO THE LAND USE ORDINANCE.

WHEREAS, transportation woes, traffic congestion and the absence of reliable mass transit persist as growing problems for residents and visitors on Oahu; and

WHEREAS, Honolulu now has a new opportunity to address these problems, because:

- Last year the state legislature passed H.B. No. 1309, H.D.2, S.D.2, C.D.1, which was enacted into law as Act 247 on July 13, 2005 and authorizes counties to levy a county surcharge on state tax to fund public transportation systems in their respective counties;
- On August 10, 2005, the Council of the City and County of Honolulu ("council") passed Bill 40, FD1, CD2, which was signed into law by the mayor as Ordinance 05-027 on August 23, 2005 and establishes a general excise tax surcharge pursuant to Act 247;
- On June 7, 2006, the council passed Bill 33, CD1, which was signed into law by the mayor as Ordinance 06-37 on June 23, 2006 and creates a fund to receive and expend monies for the operating or capital costs of a locally preferred alternative for a mass transit project; and
- Bill 57, which authorizes a \$5 million guarantee of payment to the Department of Taxation or its vendor for the assessment, collection, and administration of the county surcharge on state tax commencing on January 1, 2007, is poised for passage by the council on August 16, 2006;

and

WHEREAS, the above state and city legislative actions have positioned Honolulu to move forward on the creation of an approved mass-transit system; and

WHEREAS, the city department of transportation services is currently conducting a transportation analysis that will, by November 1, 2006, recommend a locally preferred alternative among four choices:



RESOLUTION

- A fixed rail system;
- An elevated roadway;
- A managed road for buses; or
- An alternative to build no new mass-transit system;

and

WHEREAS, zoning and land use considerations will figure prominently in the development of a new mass-transit system, including zoning for development around transit stations, referred to as transit-oriented development ("TOD"); and

WHEREAS, TODs are:

- Compact, mixed-use developments situated at and around transit stops;
- A mix of land-uses, such as residential, office, retail, civic uses and entertainment within easy walking and biking distance from a transit station (generally within a ¼ to ½ mile radius around a station); and
- A means to encourage transit ridership, discourage sprawl, and foster community among Honolulu residents;

and

WHEREAS, Honolulu's land use ordinance ("LUO") currently does not contain zoning districts specifically intended for TOD; and

WHEREAS, the goal of TOD zoning is to provide regulations that allow and encourage transit-oriented development and walkable communities, and define appropriate land uses, site planning and building design characteristics, thereby creating strategically planned station areas that promote the economic, social, and environmental well-being of a city; and

WHEREAS, an oft-used TOD zoning approach is the creation of a TOD overlay district that retains existing zoning classifications as a base and, when applied, modifies the standards, such as floor area ratio, density, and setbacks, needed to foster transit-oriented development and may permit a mix of land uses; and



RESOLUTION

WHEREAS, a TOD overlay district is flexible enough to work for new development, but is ideally suited for existing neighborhoods where a variety of zoning classifications currently exist around future transit station sites, because it allows for TOD in these neighborhoods without the need for the wholesale rezoning of existing parcels; and

WHEREAS, a TOD overlay district does not in itself change the underlying zoning until requested by an applicant, and approved by the Planning Commission and the council; and

WHEREAS, other U.S. cities have implemented mass-transit systems using TOD overlay districts, including Phoenix, Arizona; Raleigh, North Carolina; and Salt Lake City, Utah; and

WHEREAS, the South Salt Lake City municipal code, Title 17, Chapter 17.66, established a Transit Oriented Development Overlay District "to encourage property owners to develop their property using transit oriented design principles through the use of incentives while preserving rights under the existing district designation," a copy of which is attached as "Exhibit A"; and

WHEREAS, the council finds that a TOD overlay district would be desirable and would increase the likelihood of success in Honolulu's current efforts to create a new mass-transit system; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the administration is urged to submit no later than November 1, 2006 proposed legislation enacting a transit-oriented development overlay district as an amendment to the land use ordinance; and

BE IT FURTHER RESOLVED that the administration is urged to review and use the attached Exhibit A (South Salt Lake City municipal code, Title 17, Chapter 17.66) as a model for amending Honolulu's land use ordinance by creating a transit-oriented development overlay district; and



RESOLUTION

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the department of planning and permitting, department of transportation services, planning commission, managing director, and the mayor.

INTRODUCED BY:

~~Justin A. ...~~
~~Barbara Marshall~~
~~Anna Kalyanathi~~
~~Maui ...~~
~~Ray ...~~
~~...~~
~~...~~
~~...~~

DATE OF INTRODUCTION:

AUG 16 2006
Honolulu, Hawaii

Councilmembers

**South Salt Lake City
Municipal Code**

Title 17 Zoning Code

Title 17- Zoning Code

Chapter 17.66 Transit Oriented Development Overlay District

17.66.010	Purpose
17.66.020	Applicability
17.66.030	Definitions
17.66.040	Uses
17.66.050	Special Provisions
17.66.060	Regulations
17.66.070	Shared Parking Table

Title 17 ZONING

Chapter 17.66 Transit Oriented Development (TOD) Overlay District

17.66.010 Purpose.

The purpose of the Transit Oriented Development (TOD) Overlay District is to encourage property owners to develop their property using transit oriented design principles through the use of incentives while preserving rights under the existing district designation.

The TOD District is established:

1. to promote new, well-integrated residential, commercial, office, institutional and other employment center development close to TRAX and transit stations, while protecting and enhancing existing development;
2. to ensure that new development takes advantage of compatible, higher density, transit friendly, design opportunities in close proximity to transit systems in order to provide options for economic development and diversity;
3. to encourage pedestrian orientation and human scale in new development and provide public infrastructure that supports transit use and mixed-use development;
4. to manage parking and vehicular access utilizing shared parking and driveway access to avoid pedestrian conflicts; and
5. to encourage, through design, configuration, and mix of buildings and activities, a pedestrian-oriented environment which provides settings for social interaction and active community life.

17.66.020 Applicability.

A property owner may elect follow the provisions of the TOD zone to develop property. In doing so, the property may be entitled to more permitted and conditional use options, increased densities and building height, decreased setbacks and decreased parking requirements. To take advantage of such increased entitlements, additional design-related criteria will be required.

Although the underlying zoning remains in place, the TOD District designation encourages mixed-use development close to TRAX and transit systems while enhancing and complementing existing and adjacent development.

An applicant must follow the provisions of either the underlying district or the TOD District. All applications are subject to design review.

17.66.30 **Definitions.**

The following terms are used throughout this chapter as defined below.

1. *Intensive Office* means office uses which meet one or more of the following criteria:
 - a. offices with a substantially large ratio of the number of employees per square foot of floor area,
 - b. offices which have extended hours of business, or
 - c. offices which have an unusually high number of visitors.
2. *General Office* means all other office uses that do not fall under the criteria for Intensive Office.
3. *Mixed Use* is a type of land use which provides for a variety of uses while consisting of greater than 50 percent residential land uses, and not less than 10 percent of a secondary use.

17.66.040 **Uses.**

The TOD area should contain a mix of complementary uses. Complementary land uses are those that offer goods and services at different times of day, and provide a consolidated "one-stop" area for people to live, work, shop and participate in entertainment and community activities in close proximity to one another. Complementary land uses are located in a neighborhood that has been designed to accommodate pedestrians, bikes, busses and trains, reduces dependence on the automobile, thereby reducing traffic congestion and the need for additional parking areas. The TOD illustrative plan should be used as a guideline for determining what uses are most appropriate. All permitted and conditional uses in the base district shall be considered conditional uses under the TOD Overlay District, unless specified as permitted below:

1. Permitted Uses: The following uses are permitted within the TOD Overlay District:
 - a. single family, duplex, and multiple family dwellings;
 - b. single family accessory dwellings;
 - c. child care;
 - d. retail and service commercial without drive-up window, and not exceeding 15,000 square feet;
 - e. home occupations;
 - f. parks and trails;
 - g. general office;
 - h. financial institutions without drive-up window;
 - i. health care and dental offices and clinics, not including hospitals;
 - j. art galleries;
 - k. restaurants without drive-up window;

- l. transportation facilities.
 - m. parking structures that do not front directly onto a public right-of-way; and
 - n. mixed use developments that include otherwise permitted uses;
2. Conditional Uses: The following uses are conditional uses within the TOD Overlay District:
- a. package agency;
 - b. animal hospitals;
 - c. entertainment centers;
 - d. hotels and motels;
 - e. master planned developments;
 - f. municipal facilities;
 - g. hospitals
 - h. intensive office;
 - i. private clubs;
 - j. religious institutions;
 - k. any private or public parking lot or structure not otherwise permitted or associated with a permitted use under Permitted Uses;
 - l. radio stations;
 - m. commercial recreational facilities;
 - n. retail and service commercial with drive-up windows or 24 hour use, and not otherwise permitted under Permitted Uses;
 - o. theaters, auditoriums and assembly halls; and
 - p. shopping centers.
3. Prohibited Uses: The following uses are prohibited, even if allowed in the base district, to encourage compact development, to facilitate pedestrian activities, and to minimize land-expansive use:
- a. commercial parking lots;
 - b. storage facilities;
 - c. storage or salvage yards.
4. The Overlay District shall not allow uses that are otherwise prohibited in the base district, unless specifically noted as a permitted or conditional use above.
5. The applicant may specify additional limitations or details regarding the proposed uses in a rezoning application.

17.66.050 Special Provisions.

- 1. Access Management: All new development and an expansion by more than 25 percent of an existing building mass or site size shall comply with the following access management standards:
 - a. All curb cuts for pedestrian access shall orient toward each street frontage.

- b. All newly installed driveways for commercial uses shall be jointly shared or adequately spaced, as determined under design review.
 - c. All newly installed driveways for commercial uses shall align with any existing commercial access across the street where direct access is not prohibited by a raised median or other traffic device.
 - d. New development or conversion of an existing residential use to a commercial use shall not allow parking that would result in users backing onto public rights of way.
 - e. Existing, non-conforming driveways within the zone shall be retired upon construction of a new building.
 - f. Shared driveways between and among parcels are encouraged and allowed if the parties execute and record an easement in a form approved by the City Attorney to ensure access in perpetuity for both parcels.
2. Building Design Standards: The following are general guidelines for building design within the TOD Overlay. Additional area specific standards in the *Millcreek Station Area Plan and Design Guidelines* and the *Central Pointe Station Area Plan and Design Guidelines* provide additional requirements that are incorporated herein. In the event of any conflicting standard, the site specific standards shall prevail.
- a. **Design Intent**: Design standards are necessary to achieve the desired goals for TOD areas. These areas require more attention to design than development in many other parts of the City. In the TOD Overlay District there will be an emphasis on architectural detail and human-scale design. The focus will be on promoting street-level activity by designing multi-modal streets, designing to achieve pedestrian scale, avoiding blank walls and monolithic massing, and providing pedestrian amenities throughout the area such as lighting, seating areas, bike racks, etc. Pedestrian and bicycle routes in these areas should include an extensive sidewalk system on both sides of the street where possible. There should be numerous connections to the transit station. Public and private parks and plazas should be well-integrated into the area.

All new development must present an attractive, coordinated, streetscape; incorporate architectural and site-design elements appropriate to a pedestrian scale, incorporate interior pedestrian access between structures to minimize pedestrian travel through parking areas and provide for the safety and convenience of pedestrians by constructing pedestrian crossings with contrasting colored and/or raised walks.

Commercial buildings shall be designed with ground floor architectural separation to enhance street activity and “walkability.” All proposed building designs must

incorporate an expansive use of windows, balconies, canopies, terraces, or other design features, which are oriented to the street and other pedestrian accesses, to maximize the pedestrian interface.

- b. **Facade Variation:** Facade variation under the TOD Overlay should generally follow the following guidelines. However, other variations may be considered as part of the design review process. Each facade facing a public right of way or a pedestrian pathway shall shift horizontally at least two feet for every 30 linear feet, and vertically at least four feet for every 30 linear feet. No facade facing a public right of way or a pedestrian path shall be blank for more than 20 feet.
 - c. **Fenestration:** Building fenestration should follow site-specific design guidelines, and should encourage and enhance the pedestrian environment. Building material should be consistent with architectural styling. Ground level facades that front toward public ways should have a minimum of 40 percent fenestration, with not more than 10 percent obscure glazing or translucent panels.
 - d. **Building Orientation:** Entrances of all structures should front onto public streets. Additional entrances that may front onto a pedestrian way and pedestrian-oriented plaza may be allowed. Structures on corner lots may provide an entrance on each street frontage. Access from parking areas may be via lighted, mid-block passageways to the street. Secondary entries may be placed at the rear of street-facing buildings.
 - e. **Roof Design:** Use ENERGY STAR roof-compliant, high-reflectance AND high emissivity roofing for a minimum of 75 percent of roof surface, install a vegetated roof for at least 50 percent of the roof area.
3. **Site Design Standards:** The following are general guidelines for site design within the TOD Overlay. Additional area specific standards in the *Millcreek Station Area Plan and Design Guidelines* and the *Central Pointe Station Area Plan and Design Guidelines* provide additional requirements that are incorporated herein. In the event of any conflicting standard, the site specific standards shall prevail.
- a. **Parking Location:** Orient parking towards sides and rear of buildings, where possible. Use shared parking with other adjacent uses. New parking lots shall include provisions for cross easement, reciprocal access drives with existing or future adjacent parking lots as described under Access Management.
 - b. **Minimum Parking Requirements:** The minimum number of parking spaces shall be determined by the use as indicated elsewhere in this zoning code.
 - c. **Maximum Parking Allowed:** Notwithstanding any other provision of this code, the maximum number of parking stalls shall not exceed 3 per 1000 square feet for any use except as permitted by Planning Commission.

- d. **Allowable Parking Reductions:** An applicant for new development or the expansion by more than 25 percent of an existing building or site size in the zone must provide off-street parking with adequate provision for ingress and egress by automobiles and other motorized vehicles. A reduction of required parking of up to 25% is permitted upon meeting the standards outlined in the accompanying table for shared parking with dissimilar adjacent uses and/or provision for increased transit ridership. Mixed-use developments shall use the accompanying table to determine an appropriate number of parking stalls based on the proportions and mix of uses. Additional parking reductions may be permitted by Planning Commission determination.
- e. **Pedestrian Controls:** Pedestrian paths and crossings in parking lots should be provided, and should be articulated with contrasting colored paving materials, used consistently throughout the area.
- f. **Interior Landscaping and Shading of Parking Lots:** Parking areas should include interior landscaped islands and peninsulas that equal a minimum of 15 percent of the area of the parking lot. Landscaping islands should be a minimum of 6 feet across in any direction. Light-colored materials (reflectance of at least 0.3) shall be used for at least 30 percent of the site's non-roof impervious surfaces, especially in areas of concentrated pedestrian activity. Trees shall be planted in interior or perimeter landscaping areas such that they provide shading of at least 30 percent of the parking lot within five years of growth. This shading requirement may be reduced to 10 percent if the entire paving surface is concrete or other light colored paving material. No interior landscaping or shading is required for decks of parking structures. Islands should be landscaped with low-maintenance, non-turf ground covers capable of withstanding extreme climate conditions, including heat and piling of snow.
- g. **Landscaping Buffers:** All parking lots shall have a perimeter landscaping buffer not less than 6 feet, except where prohibited by site constraints and approved by Planning Commission.
- h. **General Landscaping Requirements:** Except for yards or areas dedicated to specific outdoor functions, landscaping should include low-maintenance, non-turf ground covers. Deciduous trees are desirable in areas near parking lots and pedestrian paths, and near the south and west faces of buildings. Consideration should also be given to locating trees and low shrubs to shade and screen mechanical equipment. Effort should be made to landscape with native and/or drought-tolerant species.

Tall shrubs or trees with low canopies, including evergreen species, should not be used in areas where they will limit sight lines at intersections or pedestrian crossings, or where they will create dark corners or hiding places around buildings or parking lots.

- i. **Water-efficient landscaping:** The use of potable water for landscape irrigation shall be limited. Irrigation with potable water shall be reduced 50 – 100 percent over conventional means by use of a high-efficiency irrigation technology, or use of captured rain or recycled site water.
 - j. **Lighting:** Properties within the TOD overlay zone are subject to the following provisions to reduce lighting impact and conserve energy:
 - i. Illuminating Engineering Society of North America (IESNA) footcandle level requirements (as stated in the Recommended Practice Manual: Lighting for Exterior Environments) shall not be exceeded.
 - ii. Interior and exterior lighting shall be designed so that zero direct-beam illumination leaves the building site.
 - k. **Erosion Control:** Erosion control shall follow these standards in order to reduce negative impacts on water and air quality:
 - i. Site sediment and erosion control plan shall be submitted and followed that conforms to best management practices as stated in the EPA's Storm Water Management for Construction Activities.
 - ii. Loss of soil by storm-water run-off and/or wind erosion shall be prevented during construction.
 - iii. Topsoil shall be protected for reuse.
 - iv. Sedimentation of storm sewer or receiving streams and/or air pollution by dust and particulate matter shall be prevented.
 - v. Soil shall be stabilized using measures such as temporary seeding, permanent seeding, and mulching.
4. **Street Frontage Design Standards:** In addition to the Site Design Standards above, the following are general guidelines for design of street frontages within the TOD Overlay. Additional area specific standards in the *Millcreek Station Area Plan and Design Guidelines* and the *Central Pointe Station Area Plan and Design Guidelines* provide additional requirements that are incorporated herein. In the event of any conflicting standard, the site specific standards shall prevail.
- a. **Affronting Building Facades:** Buildings fronting onto the street should meet the standards outlined in this chapter.
 - b. **Paving Materials:** Pedestrian crossings should be articulated with contrasting colored materials used consistently throughout the district. Walks and paths should be paved in materials that are durable and do not create tripping hazards. All road surfaces should be paved according to site-specific design guidelines or in accordance with adopted standards.

- c. **Landscaping:** Center median and parking strips should be landscaped with low-maintenance, non-turf ground covers. Effort should be made to landscape with native and/or drought-tolerant species.
- d. **Lighting:** Lighting fixtures should be designed to direct light toward pedestrian ways. Lighting fixture styles should be scaled appropriately for pedestrians, and should be used consistently throughout the district to provide visual continuity. Posts and standards should be placed to avoid creating hazards for pedestrians or vehicles.

17.66.060 Regulations.

- 1. **Setbacks:** Certain setbacks are indicated as area specific standards in the *Millcreek Station Area Plan and Design Guidelines* and the *Central Pointe Station Area Plan and Design Guidelines*. In the absence of specific referenced standards for any setback condition, the following shall apply:
 - a. **Front:** The front yard setback shall comply with the standards outlined through the design review process, but shall not exceed 20 feet.
 - i. Corner Lot Rule: Corner lots have 2 front yards.
 - ii. For setbacks less than 10 feet, an additional setback of up to 5 feet may be allowed for the inclusion of an outdoor dining area, up to 40 percent of the building frontage
 - iii. Off-street parking is not allowed in the front yard setback, except for private residential drives. Parking is not allowed in landscaped setbacks.
 - iv. Setbacks must be landscaped and maintained.
 - v. Setbacks may incorporate tree wells, street furniture and planter boxes.
 - vi. Street-facing courtyards are exempt from setback requirements.
 - b. **Rear:** The minimum rear-yard setback shall comply with the standards outlined through the design review process, but not less than 6 feet. Rear Setbacks are subject to the following provisions:
 - i. Corner Lot Rule: corner lots have no rear yard, except irregular shaped corner lots, which shall have setbacks as approved by Planning Commission
 - ii. Stairs and Balconies: outside stairways and balconies may be allowed to project into the rear yard under the design review process.
 - iii. Projections: skylights, sills, cornices, chimneys, flues, eaves, and ornamental feature may project into the rear yard upon design review approval.
 - iv. Setbacks must be landscaped and maintained.
 - c. **Side:** There is no side-yard setback.
 - d. **Build-To Line:** The front yard setback is the build-to-line.

2. Height: Buildings within the TOD Overlay Zone are subject to the following height limitations, except as approved by Planning Commission:
 - a. **Commercial Buildings**: Commercial buildings shall be two to three stories. Heights measured from the average finished grade shall not be less than 25 feet to the eave or cornice, nor greater than 45 feet to the eave or cornice or more than 55 feet to the ridge of a sloped roof.
 - b. **Residential Buildings**: Residential buildings shall be two to four stories. Heights measured from the average finished grade shall not be less than 20 feet to the eave or cornice, nor greater than 45 feet to the eave or cornice or more than 55 feet to the ridge of a sloped roof.
 - c. **Mixed-Use**: Mixed-Use buildings shall be two to five stories. Heights measured from the average finished grade shall not be less than 25 feet to the eave or cornice, nor greater than 65 feet to the eave or cornice, or more than 75 feet to the ridge of a sloped roof.
 - d. **Height Relative to Adjacent Residential Uses**: Notwithstanding any other provision of this section, no building within 50 feet of an adjacent single-family or duplex dwelling shall be more than three stories or 35 feet higher than such dwelling.
3. Recycling and Resource Reuse: The following standards shall be followed in order to facilitate the reduction of waste generated by development and the occupants of buildings:
 - a. Provide an easily accessible area that serves the entire building or development for the separation, storage, and collection of materials for recycling, including (at a minimum) paper, glass, plastics, and metals.
 - b. 50 percent (by weight) of total construction waste, including demolition of existing buildings, should be salvaged or recycled.

17.66.070 Shared Parking Table.

The following table represents general parking demands for common uses at different times of the day and different days of the week. Provisions for any use not indicated should be determined by the most similar use, or by establishing similar criteria for that specific use as approved by Planning Commission.

Schedule of Shared Parking						
General Use Classification	Weekdays			Weekends		
	Midnight – 7:00 am	7:00 am – 6:00 pm	6:00 pm – Midnight	Midnight – 7:00 am	7:00 am – 6:00 pm	6:00 pm – Midnight
Office/Light Industrial	5%	100%	5%	0%	5%	0%
Retail	0%	100%	80%	0%	100%	60%
Restaurant	50%	70%	100%	70%	45%	100%
Hotel	100%	65%	100%	100%	65%	100%
Residential	100%	50%	80%	100%	75%	75%
Theater/Entertainment	5%	20%	100%	5%	50%	100%
Place of Worship	0%	30%	50%	0%	100%	75%

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 06-286

Introduced: 08/16/06 By: CHARLES DJOU

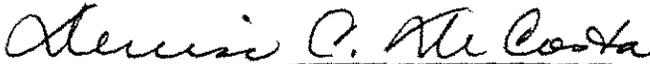
Committee: ZONING

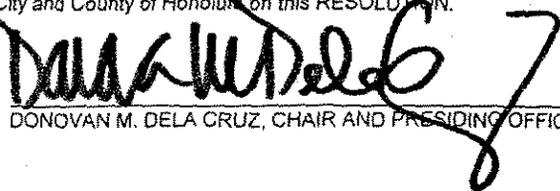
Title: RESOLUTION URGING THE CITY ADMINISTRATION TO SUBMIT PROPOSED LEGISLATION ENACTING A TRANSIT-ORIENTED DEVELOPMENT OVERLAY DISTRICT AS AN AMENDMENT TO THE LAND USE ORDINANCE.

Links: [RES06-286](#)

ZONING	08/22/06	CR-398 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.				
COUNCIL	09/06/06	RESOLUTION AND CR-398 ADOPTED.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO N	TAM Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


DENISE C. DE COSTA, CITY CLERK


DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER



RESOLUTION

REQUESTING THE DEPARTMENT OF PLANNING AND PERMITTING TO REVIEW VANCOUVER, BRITISH COLUMBIA'S "CENTRAL AREA PLAN" LEGISLATION AND RECOMMEND APPROPRIATE MEANS BY WHICH THE CITY MAY INCORPORATE SIMILAR CONCEPTS.

WHEREAS, in 1991, the City Council of Vancouver, British Columbia, adopted Central Area Plan ("CAP") legislation that provided a land use policy framework for the city's central area; and

WHEREAS, the CAP's general vision was of smaller, more focused office areas in the city's core downtown district surrounded by high density residential neighborhoods; and

WHEREAS, specific CAP policies include:

- Concentrating the major office zoned area of the city into a more compact, high amenity central business district centered on transit with activity from mixed uses and access to the waterfront;
- Increasing housing density in the downtown area outside of the central business district to reduce commuting times and congestion;
- Creating a high level of amenity in residential neighborhoods through urban design controls, restrictions on incompatible uses, and investment in public amenities;
- Ensuring adequate and compatible locations for business support service and industrial activities near downtown; and
- Facilitating a variety of street-fronting shopping districts throughout the central area by limiting the size of retail developments and focusing the location of retail zoning;

and



RESOLUTION

WHEREAS, elements of the CAP are relevant to certain objectives and policies of the city's general plan, including:

Physical Development and Urban Design:

- Objective A: To coordinate changes in the physical environment of Oahu to ensure that all new developments are timely, well-designed, and appropriate for the areas in which they will be located.
- Policy 5: Provide for more compact development and intensive use of urban lands where compatible with the physical and social character of existing communities.
- Policy 7: Locate new industries and new commercial areas so that they will be well related to their markets and suppliers, and to residential areas and transportation facilities.
- Objective D: To create and maintain attractive, meaningful, and stimulating environments throughout Oahu.
- Policy 6: Provide special design standards and controls that will allow more compact development and intensive use of lands in the primary urban center.

Housing:

- Objective C: To provide the people of Oahu with a choice of living environments which are reasonably close to employment, recreation and commercial centers and which are adequately served by public utilities.
- Policy 3: Encourage residential development near employment centers.

and

WHEREAS, the council finds that it would be beneficial for the city to review the city of Vancouver's CAP legislation and consider incorporating relevant concepts into the city's land use policies; now, therefore,



RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that the department of planning and permitting is requested to review Vancouver's "Central Area Plan" legislation and recommend appropriate means, including amendment of the city's land use ordinance, by which the city may incorporate concepts similar to those found in Vancouver's legislation that the department deems meritorious; and

BE IT FURTHER RESOLVED that the department of planning and permitting is requested to submit its findings to the council no later than three months following the adoption of this Resolution; and

BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the department of planning and permitting, managing director, and the mayor.

INTRODUCED BY:

[Handwritten Signature]

DATE OF INTRODUCTION:

SEP 08 2006

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 06-302

Introduced: 09/08/06 By: CHARLES DJOU

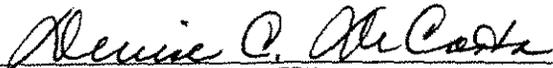
Committee: ZONING

Title: RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND PERMITTING TO REVIEW VANCOUVER, BRITISH COLUMBIA'S "CENTRAL AREA PLAN" LEGISLATION AND RECOMMEND APPROPRIATE MEANS BY WHICH THE CITY MAY INCORPORATE SIMILAR CONCEPTS.

Links: [RES06-302](#)

ZONING	10/31/06	CR-454 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.				
COUNCIL	11/15/06	RESOLUTION AND CR-454 ADOPTED.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO E	TAM Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


DENISE C. DE COSTA, CITY CLERK

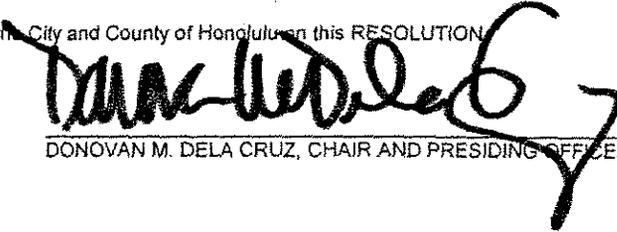

DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER

Exhibit E
RESOLUTIONS REQUESTING LUO
AMENDMENTS



RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), AS AMENDED, RELATING TO TRANSIT-ORIENTED MULTI-FAMILY DWELLINGS.

WHEREAS, increased density and improved integration of housing development and transit services are two policies identified in the development plans for the Primary Urban Center, Ewa, and Central Oahu as essential for increasing the affordability of housing choices, creating a balanced transportation system, and preserving open space; and

WHEREAS, transit-oriented development reduces the need for private automobile trips thereby allowing residents and workers to reduce costs of gas, parking, and automobile purchase and maintenance, and encourages the use of transit for commuting and leisure purposes; and

WHEREAS, creating incentives for transit-oriented development within the land use ordinance will support the above policies of the development plans; and

WHEREAS, Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973, as amended (RCH), provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, Section 6-1513, RCH, further provides that "[a]ny such revision or amendment shall be referred to the director and the planning commission by resolution, which resolution shall be accompanied by supporting documentation sufficient to satisfy the director's usual requirements for the commencement of processing"; and

WHEREAS, for the purposes of the RCH, the term "zoning ordinances" refers both to the codification of land use standards in the Land Use Ordinance and to ordinances zoning and rezoning particular parcels of property (Section 6-1514, RCH); and

WHEREAS, it is the desire of the City Council that the Director of Planning and Permitting and Planning Commission process the proposed amendment to Chapter 21, Revised Ordinances of Honolulu (ROH) 1990, as amended, attached hereto as Exhibit "A"; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting is directed, pursuant to Section 6-1513 of the



RESOLUTION

Revised Charter of the City and County of Honolulu 1973, as amended, to process the proposed amendment to Chapter 21, ROH 1990 (the Land Use Ordinance), attached hereto as Exhibit "A," in the same manner as if the proposal had been proposed by the Director; and

BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director's report and the proposed Land Use Ordinance amendment to the Planning Commission; and

BE IT FINALLY RESOLVED that the Clerk is directed to transmit certified copies of this resolution and the Exhibit attached hereto to the Director of Planning and Permitting and the Planning Commission of the City and County of Honolulu.

INTRODUCED BY:

Donovan Dela Cruz

DATE OF INTRODUCTION:

January 5, 2005

Honolulu, Hawaii

Councilmembers

EXHIBIT A



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO TRANSIT-ORIENTED MULTI-FAMILY DWELLINGS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to facilitate the integration of transit services with certain new developments on Oahu. This is to make housing choices more affordable, encourage utilization of the city's mass transportation system, and protect open space.

SECTION 2. Chapter 21, Article 5, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new section to be designated by the revisor of ordinances and to read as follows:

"Sec. 21-5. Transit-oriented multi-family dwellings.

Within AMX-1, AMX-2, AMX-3, BMX-3, and BMX-4 districts, multi-family dwellings shall be deemed to be transit-oriented multi-family dwellings when they are located within one quarter mile of a major transit route. Major transit routes shall be designated by the director of transportation services by rules adopted pursuant to HRS Chapter 91 and represent permanent links with the highest levels of service in the city's public transit system wherein large numbers of passengers are carried and public transit vehicles operate at peak hour headways of 20 minutes or less."

SECTION 3. Table 21-6.1, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:



A BILL FOR AN ORDINANCE

"Table 21-6.1 Off-street Parking Requirements	
Use¹	Requirement²
AGRICULTURE	
Agricultural products processing (major or minor); animal products processing; centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets; sale and service of machinery used in agricultural production; sawmills; and storage and sale of seed, feed, fertilizer and other products essential to agricultural production.	1 per 1,500 square feet
ANIMALS	
Kennels, commercial	1 per 400 square feet, but no less than 4
COMMERCE AND BUSINESS	
Automotive and boat parts and services, but not storage and repair; automobile and boat sales and rentals; catering establishments; dance or music schools; financial institutions; home improvement centers; laboratories (medical or research); medical clinics; offices, other than herein specified; personal services; photographic processing; photography studios; plant nurseries; retail establishments other than herein specified; and veterinary establishments	1 per 400 square feet
Bowling alleys	3 per alley
Business services	1 per 500 square feet



A BILL FOR AN ORDINANCE

Use ¹	Requirement ²
Convenience stores; and sales: food and grocery stores (including neighborhood grocery stores)	1 per 300 square feet
Data processing facilities	1 per 800 square feet
Drive-thru facilities (window or machine)	5 stacking spaces
Eating and drinking establishments (including bars, nightclubs, taverns, cabarets, and dance halls)	1 per 300 square feet, provided the total floor area of all eating and drinking establishments comprises 50 percent or more of the floor area developed on the zoning lot. Otherwise, 1 per 400 square feet, including outdoor dining areas.
Laundromats, cleaners: coin operated	1 per 2 washing machines
Sales: appliance, household and office furniture; machinery; and plumbing and heating supply	1 per 900 square feet
Self-storage facilities	1 per 2,000 square feet
Shopping centers ³	1 per 300 square feet
Skating rinks	1 for each 4 skaters of the rink's maximum capacity or 1 per 1,500 square feet of skating surface, whichever is greater.
DWELLINGS AND LODGINGS	
Boarding facilities	2 plus 0.75 per unit
Consulates	1 per dwelling or lodging unit, plus 1 per 400 square feet of office floor area, but not less than 5
Dwellings, detached, duplex and farm	2 per unit plus 1 per 1,000 square feet over 2,500 square feet (excluding carport or garage)



A BILL FOR AN ORDINANCE

Use ¹	Requirement ²	
Dwellings, multifamily, except transit-oriented multi-family	Floor Area of Dwelling or Lodging Units	Required Parking per Unit
	600 sq. ft. or less	1
	More than 600 but less than 800 sq. ft.	1.5
	800 sq. ft. and over	2
	Plus 1 guest parking stall per 10 units for all projects	
Dwellings, transit-oriented multi-family	Floor Area of Dwelling or Lodging Units	Required Parking per Unit
	600 sq. ft. or less	1
	More than 600 but less than 800 sq. ft.	1
	800 sq. ft. and over	1
Hotels: dwelling units	1 per unit	
Hotels: lodging units; and lodging units	0.75 per unit	
INDUSTRIAL		
Food manufacturing and processing; freight movers; heavy equipment sales and rentals; linen suppliers; manufacturing, processing and packaging (light or general); maritime-related sales, construction, maintenance and repairing; motion picture and television studios; petroleum processing; port facilities; publishing plants for newspapers, books and magazines; salvage, scrap and junk storage and processing; storage yards; warehousing; waste disposal and processing; and wholesale and retail establishments dealing primarily in bulk materials delivered by or to ship, or by ship and truck in combination	1 per 1,500 square feet	
Repair establishments, major	1 per 300 square feet	



A BILL FOR AN ORDINANCE

Use ¹	Requirement ²
Repair establishments, minor	1 per 500 square feet
Wholesaling and distribution	1 per 1,000 square feet
OUTDOOR RECREATION	
Boat launching ramps	10 per launching ramp
Golf driving ranges	2 per tee stall
Marinas	1 per 2 moorage stalls
Recreation facilities, outdoor and indoor, involving swimming pools and sports played on courts	1 per 200 square feet, plus 3 per court, e.g., racquetball, tennis or similar
SOCIAL AND CIVIC SERVICE	
Art galleries, museums and libraries	1 per 400 square feet
Auditoriums, funeral homes/mortuaries, meeting facilities, sports arenas, and theaters	1 per 75 square feet of assembly area or 1 per 5 fixed seats, whichever is greater
Day-care facilities	1 for each 10 care recipients of design capacity
Schools: elementary and intermediate	1 for each 20 students of design capacity, plus 1 per 400 square feet of office floor space
Schools: high, language, vocational, business, technical, and trade; business colleges	1 for each 10 students of design capacity, plus 1 per 400 square feet of office floor space
TRANSPORTATION AND PARKING	
Automobile service stations	3 per repair stall
Car washing, mechanized	10 standing spaces for waiting vehicles for each car wash rack



A BILL FOR AN ORDINANCE

Use ¹	Requirement ²
UTILITIES AND COMMUNICATIONS	
Broadcasting stations	1 per 400 square feet
<p>PARKING TO BE DETERMINED BY THE DIRECTOR</p> <p>Agriculture - aquaculture; composting (major or minor); crop production; forestry; and roadside stands.</p> <p>Animals - game preserves; livestock grazing; livestock production (major or minor); livestock veterinary services; and zoos.</p> <p>Commerce and business - amusement and recreation facilities, indoor and outdoor; home occupations; plant nurseries; and trade or convention centers.</p> <p>Dwellings and lodgings - group living facilities.</p> <p>Industrial - base yards; explosive and toxic chemical manufacturing, storage and distribution; and resource extraction.</p> <p>Outdoor recreation - amusement facilities, outdoor (motorized and not motorized); botanical gardens; golf courses; recreation facilities, outdoor and indoor, other than as herein specified; and marina facilities.</p> <p>Social and civic service - cemeteries and columbaria; hospitals; prisons; public uses and structures; universities and colleges.</p> <p>Transportation and parking - airports; heliports; helistops; and truck terminals.</p> <p>Utilities and communications - broadcasting antennas; receive-only antennas; utility installations (Type A or B); and wind machines.</p> <p>Miscellaneous - All other uses not herein specified</p>	As determined by the director

Notes:

1. Where a proposed use is not specifically listed above, or it falls under more than one use listed above, the director will review the proposed use and, based on the characteristics of the use, determine its equivalent and applicable off-street parking and loading requirements.
2. All references to square feet refer to floor area.
3. Parking standards for individual uses shall prevail if they are not part of a commercial use that meets the definition of "shopping center."



A BILL FOR AN ORDINANCE

SECTION 4. New ordinance 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 underscoring.

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 2005.

MUFU HANNEMANN, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 05-006, CD1

Introduced: 1/5/05 By: DONOVAN DELA CRUZ

Committee: ZONING

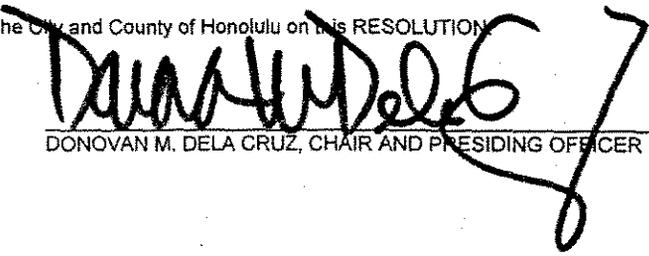
Title: RESOLUTION PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), AS AMENDED, RELATING TO TRANSIT-ORIENTED MULTI-FAMILY DWELLINGS.

Links: [RES 05-006](#)
[RES 05-006, CD1](#)

Zoning	2/8/05	Resolution deferred in Zoning Committee.
Zoning	3/1/05	CR-67 – Resolution reported out of committee for adoption as amended in CD1 form.
Council	3/16/05	Resolution and CR-67 adopted. Apo..... Y Cachola Y Dela Cruz... Y Djou Y Garcia..... Y Kobayashi..... Y Marshall Y Okino..... Y Tam Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION


DENISE C. DE COSTA, CITY CLERK


DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER



RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), AS AMENDED, RELATING TO TRANSIT CENTERS.

WHEREAS, Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973, as amended (RCH), provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, Section 6-1513, RCH, further provides that "[a]ny such revision or amendment shall be referred to the director and the planning commission by resolution, which resolution shall be accompanied by supporting documentation sufficient to satisfy the director's usual requirements for the commencement of processing"; and

WHEREAS, for the purposes of the RCH, the term "zoning ordinances" refers both to the codification of land use standards in the Land Use Ordinance and to ordinances zoning and rezoning particular parcels of property (Section 6-1514, RCH); and

WHEREAS, it is the desire of the City Council that the Director of Planning and Permitting and Planning Commission process the proposed amendment to Chapter 21, Revised Ordinances of Honolulu (ROH) 1990, as amended, attached hereto as Exhibit "A"; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the Director of Planning and Permitting is directed, pursuant to Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973, as amended, to process the proposed amendment to Chapter 21, ROH 1990 (the Land Use Ordinance), attached hereto as Exhibit "A," in the same manner as if the proposal had been proposed by the Director; and

BE IT FURTHER RESOLVED that the Director of Planning and Permitting is directed to inform the Council upon the transmittal of the Director's report and the proposed Land Use Ordinance amendment to the Planning Commission; and



RESOLUTION

BE IT FINALLY RESOLVED that the Clerk is directed to transmit certified copies of this Resolution and the Exhibit attached hereto to the Director of Planning and Permitting and the Planning Commission of the City and County of Honolulu.

INTRODUCED BY

[Handwritten Signature]

DATE OF INTRODUCTION:

FEB 03 2005

Honolulu, Hawaii

Councilmembers

(OCS/012105/ct)

EXHIBIT A



A BILL FOR AN ORDINANCE

RELATING TO PARKING.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to encourage the use of transit centers. Specifically, this ordinance encourages such usage by reducing the off-street parking requirements for zoning lots in business and business mixed use districts that are located within one quarter mile of a transit center.

SECTION 2. Section 21-6.30, Revised Ordinances of Honolulu 1990 is amended to read as follows:

"Sec. 21-6.30 Method of determining number.

- (a) To determine the required number of off-street parking spaces, floor area shall be as defined in Article 10 of this chapter, except that for the purposes of this section, basement floor area shall be included as floor area for parking purposes when it is devoted to uses having a parking requirement specified in Tables 21-6.1, 21-6.2 and 21-6.3.
- (b) When computation of the total required parking spaces for a zoning lot results in a fractional number with a major fraction (i.e., 0.5 or greater), the number of spaces required shall be the next highest whole number.
- (c) In stadiums, sports arenas, meeting facilities, and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 24 inches of width shall be counted as a seat for the purpose of determining requirements for off-street parking.
- (d) All required parking spaces shall be standard-sized parking spaces, except that duplex units, detached dwellings and multifamily dwellings may have up to 50 percent compact spaces.
- (e) All spaces, other than for one- and two-family dwellings, shall be individually marked if more than four spaces are required. Compact spaces shall be labeled "compact only."
- (f) When a building or premises include uses incidental or accessory to a principal use, the total number of spaces shall be determined on the basis of the parking requirements of the principal use(s).



A BILL FOR AN ORDINANCE

- (g) Parking requirements for conversion or development of hotels to condominium ownership other than in the resort district shall be as follows:
- (1) One parking space per dwelling unit or lodging unit.
 - (2) One parking space per 800 square feet for any accessory uses.
 - (3) This subsection shall not apply so long as the structure continues in hotel use.
- (h) For zoning lots in the business and business mixed use zoning districts, when an entire zoning lot is located within one quarter mile of a transit center, the off-street parking requirements as determined by Tables 21-6.1 and 21-6.2 shall be reduced by 50 percent.

SECTION 3. Section 21-10.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by adding a new definition of "Transit center" to read as follows:

"Transit center" means a bus stop facility designated by the department of transportation services as a transit center. A transit center is a facility that functions as a hub location for circulator, express or local bus service routes.

SECTION 4. 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 materials, or the underscoring.



A BILL FOR AN ORDINANCE

SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 2005.

MUFU HANNEMANN, Mayor
City and County of Honolulu

(OCS/012105/ct)

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 05-032

Introduced: 2/3/05 By: DONOVAN DELA CRUZ

Committee: ZONING

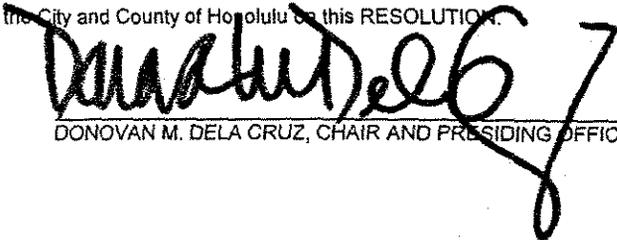
Title: RESOLUTION PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), AS AMENDED, RELATING TO TRANSIT CENTERS.

Links: [RES 05-032](#)

Zoning	3/1/05	CR-68 – Resolution reported out of committee for adoption.
Council	3/16/05	Resolution and CR-68 adopted. Apo Y Cachola Y Dela Cruz... Y Djou Y Garcia..... Y Kobayashi..... Y Marshall Y Okino..... Y Tam Y

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


DENISE C. DE COSTA, CITY CLERK


DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER



RESOLUTION

PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), AS AMENDED, TO ALLOW HOTEL USE NEAR TRANSIT CENTERS.

WHEREAS, Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973, as amended (RCH), provides that "[a]ny revision of or amendment to the zoning ordinances may be proposed by the council and shall be processed in the same manner as if proposed by the director [of planning and permitting]"; and

WHEREAS, Section 6-1513, RCH, further provides that "[a]ny such revision or amendment shall be referred to the director and the planning commission by resolution, which resolution shall be accompanied by supporting documentation sufficient to satisfy the director's usual requirements for the commencement of processing"; and

WHEREAS, for the purposes of the RCH, the term "zoning ordinances" refers both to the codification of land use standards in the land use ordinance and to ordinances zoning and rezoning particular parcels of property (Section 6-1514, RCH); and

WHEREAS, it is the desire of the council that the director of planning and permitting and Planning Commission process the proposed amendment to Chapter 21, Revised Ordinances of Honolulu (ROH) 1990, as amended, attached hereto as Exhibit "A"; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the director of planning and permitting is directed, pursuant to Section 6-1513 of the Revised Charter of the City and County of Honolulu 1973, as amended, to process the proposed amendment to Chapter 21, ROH 1990 (the land use ordinance), attached hereto as Exhibit "A," in the same manner as if the proposal had been proposed by the director; and

BE IT FURTHER RESOLVED that the director of planning and permitting is directed to inform the council upon the transmittal of the director's report and the proposed land use ordinance amendment to the Planning Commission; and



RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution and the Exhibit attached hereto be transmitted to the director of planning and permitting and the Planning Commission of the City and County of Honolulu.

INTRODUCED BY:

[Handwritten Signature]

DATE OF INTRODUCTION:

AUG 03 2006

Honolulu, Hawaii

Councilmembers

EXHIBIT A



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____ **(2006)**

A BILL FOR AN ORDINANCE

RELATING TO PERMITTING HOTELS NEAR TRANSIT CENTERS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to amend the Land Use Ordinance to permit the development of hotels near major transit centers.

SECTION 2. Table 21-3, Revised Ordinances of Honolulu 1990, as amended ("Master Use Table"), is amended by amending the "Dwellings and Lodgings" category to read as follows:

"TABLE 21-3 MASTER USE TABLE

In the event of any conflict between the text of this Chapter and the following table, the text of the Chapter shall control. The following table is not intended to cover the Waikiki Special District, please refer to Table 21-9.6(A).

KEY: Ac = Special accessory use subject to standards in Article 5
 Cm = Conditional Use Permit-minor subject to standards in Article 5; no public hearing required (see Article 2 for exceptions)
 C = Conditional Use Permit-major subject to standards in Article 5, public hearing required
 P = Permitted use
 P/c = Permitted use subject to standards in Article 5
 PRU = Plan Review Use

USES (Note: Certain uses are defined in Article 10.)	ZONING DISTRICTS																			
	P-2	AG-1	AG-2	Country	R-20, R-10	R-7.5, R-5, R-3.5	A-1	A-2	A-3	AMX-1	AMX-2	AMX-3	Resort	B-1	B-2	BMX-3	BMX-4	I-1	I-2	I-3

DWELLINGS AND LODGINGS																					
Boarding facilities							P	P	P	P	P	P					P	P			
Consulates				P/c	P/c		P	P	P	P	P	P	P	P	P	P	P	P			
Duplex units					P	P	P	P	P	P	P	P	P				P				
Dwellings, owner's or caretaker's, accessory														Ac	Ac		Ac	Ac	Ac	Ac	Ac
Dwellings for cemetery caretakers	Ac		Ac																		
Dwellings, detached, one-family				P	P	P	P	P	P	P	P	P	P				P				
Dwellings, detached, two-family					P	P	P	P	P	P	P	P	P				P				
Dwellings, multifamily							P	P	P	P	P	P	P				P/c	P			
Farm dwellings		P/c	P/c																		
Group living facilities		C	C	C	C	C	C	C	C	C	C	C					C	Cm			
Guest houses (R-20 only)					Ac																
Hotels													P			Cm	Cm	P		Cm	Cm
Roomers/Rooming				Ac	Ac	Ac															
Special needs housing for the elderly							C	C	C	C	C	C					C	C			
Time sharing								P/c					P								
Transient vacation units								P/c					P								
Vacation cabins	Cm																				



A BILL FOR AN ORDINANCE

SECTION 3. Section 21-5.360, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 21-5.360 Hotels.

(a) [Hotels] Except as otherwise permitted in subsection (b), hotels shall be permitted in the I-2 intensive industrial district and IMX-1 industrial-commercial mixed use district provided:

[(a)](1) They are within one-half mile by the usual and customary route of vehicular travel from the principal entrance of an airport utilized by commercial airlines, having regularly scheduled flights. For Honolulu International Airport, the principal entrance shall be the intersection of Paiea Street and Nimitz Highway.

[(b)](2) They have frontage on a major or secondary street or highway.

[(c)](3) They have a minimum lot area of 15,000 square feet and minimum lot width of 70 feet.

[(d)](4) The maximum floor area ratio shall be 2.0.

[(e)](5) Parking requirements of at least one space per two lodging or dwelling units shall be provided.

[(f)](6) Front yards shall have a minimum depth of 10 feet, and except for necessary driveways, shall be maintained in landscaping.

[(g)](7) Signs shall conform to the sign [requirements] regulations applicable within the B-2 community business district [regulations].

(b) Hotels shall be permitted in the B-2 community business district, BMX-3 community business mixed use district, I-1 limited industrial district, I-2 intensive industrial district, and IMX-1 industrial-commercial mixed use district provided:

(1) They are within one mile of a major transit center.

(2) Parking requirements of at least one space per two lodging or dwelling units shall be provided.



A BILL FOR AN ORDINANCE

(3) Signs shall conform to the sign requirements applicable within the B-2 community business district regulations.

SECTION 4. Section 21-10.1, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new definition of "Major Transit Center" to read as follows:

"Major transit center" means a facility so designated by the department of transportation services that functions as a principal hub for the city's public transit system, whether service is by bus, rail, or ferry."

SECTION 5. 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 Honoulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL _____ (2006)

A BILL FOR AN ORDINANCE

SECTION 6. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 2006.

MUFU HANNEMANN, Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 06-273

Introduced: 08/03/06 By: DONOVAN DELA CRUZ

Committee: ZONING

Title: RESOLUTION PROPOSING AN AMENDMENT TO CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990 (THE LAND USE ORDINANCE), AS AMENDED, TO ALLOW HOTEL USE NEAR TRANSIT CENTERS.

Links: [RES06-273](#)

ZONING	08/22/06	CR-395 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION.				
COUNCIL	09/06/06	RESOLUTION AND CR-395 ADOPTED.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


DENISE C. DE COSTA, CITY CLERK

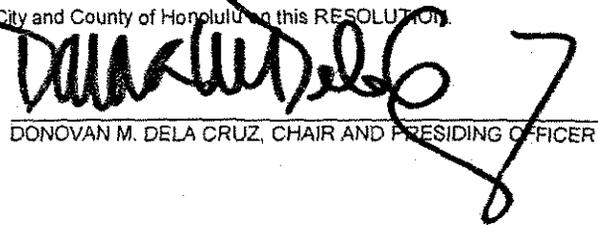
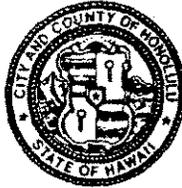

DONOVAN M. DELA CRUZ, CHAIR AND PRESIDING OFFICER

Exhibit F
DPP RESPONSE TO
RESOLUTIONS 06-118, CD1, AND 06-286
October 27, 2006

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 523-4432 • FAX: (808) 527-6743
DEPT. WEB SITE: www.honolulu.dpp.org • CITY WEB SITE: www.honolulu.gov

MUFI HANNEMANN
MAYOR



HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUÉ
DEPUTY DIRECTOR

October 27, 2006

The Honorable Donovan M. Dela Cruz, Chair
and Members of the City Council
Honolulu City Council
530 South King Street
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Councilmembers:

Subject: Resolutions 06-06-118, CD-1, and 06-286 re: Transit Oriented Development

This status report is provided in response to Resolutions 06-118, CD-1, and 06-286, relating to Transit Oriented Development (TOD) legislation. You will note that this report is limited in scope, in large part because expending significant public resources on developing TOD policies prior to the Council actually selecting fixed-rail as the locally preferred alternative would be premature. Also, initial development of the proposed rail line is primarily intended to meet the needs of commuters to travel within the corridor.

We must emphasize that planning is critical to using rapid transit as a land use management tool and to maximize the potential for TOD success. Properly done, TOD can be a strong tool in supporting and implementing our growth management policies and maintaining our urban growth boundaries and important open spaces. To maximize the potential for TOD success, a long-term land use policy must be developed with the collaboration of the affected communities.

This fact was made even clearer by the recent transit tours of Vancouver, Denver, Portland, and San Diego. In each of these cities, community participation was key to successful TOD planning. In addition, clearly defined TOD goals, priorities, and established policies relating to pedestrian and bicycling as complementary modes of transportation were critical in successful TOD planning. Developing these key components requires considerable time and resources.

For these reasons, the Department of Planning and Permitting (DPP) cannot support any effort forcing hastily conceived TOD land use legislation or advocating the speedy adoption of TOD legislation from other locales. Moreover, concerns that TOD land use policies need to

The Honorable Donovan M. Dela Cruz, Chair,
and Members of the City Council
October 27, 2006
Page 2 of 8

be established as a prerequisite for the City Council to select the locally preferred alternative do not seem justified based upon information gained on first-hand examinations of successful rail systems.

The MAX Light Rail System in Portland, for example, has often been considered the "gold standard" for transit oriented development. In particular, the town of Orenco in the City of Hillsboro is recognized as an example of successful TOD planning and implementation. Orenco is a 199-acre pedestrian-oriented community located near the Orenco light rail station (MAX Blue Line) and was voted the Best Planned Community by the National Association of Home Builders in 1999. Each of the TOD tours included a visit to Orenco.

Construction of the MAX Blue Line began in 1992 and was completed in September 1998. Interim zoning, intended to prevent development of incompatible or undesirable projects until the final zoning could be promulgated, along the MAX Blue Line was enacted in 1993, well after the Blue Line alignment had been selected and even after construction started in 1992. The interim zoning was later replaced in 1998 with the permanent comprehensive TOD planning documents. Selection of the very popular and successful MAX Blue Line preceded TOD land use legislation along the route.

A critical step in developing TOD planning policies is the establishment of TOD typology, i.e., defining TOD for Honolulu, its context, and goals. The City of Denver eloquently states how important establishing TOD typology is:

The standard definition of TOD -- a mix of uses at various densities within walking distance of transit stations -- tends to force a one-size-fits-all solution onto the different types of sites served by transit and different types of transit that serve communities. But cities and regions are sophisticated and diverse places with a multitude of conditions to serve. The types of projects that might be appropriate in older neighborhoods close to downtown are different from those that might work in new and growing areas, even with similar density goals. The TOD "typology" ... is an attempt to recognize the important differences among places and destinations within regions and then to identify appropriate performance and descriptive benchmarks for these places. Transit-Oriented Development Strategic Plan, City & County of Denver, August 2, 2006 at 18-19 (emphasis added).

The TOD typology for the City & County of Denver (as well as its overall strategic policies for TOD) were developed well after the alignment was approved and included looking at each station area and its surroundings, as well as considering proposed development plans and approved projects in the vicinity.

Resolution 06-286, which urged the DPP to use the South Salt Lake City's TOD overlay district as "a model for amending Honolulu's land use ordinance," could greatly impede the development of successful TOD planning and opportunities. South Salt Lake City has a population of approximately 23,000 people encompassing an area about the size of the Salt Lake City Airport. Because of its small size, its TOD zoning (Title 17, Chapter 17.66 of the Municipal Code) is a "one size fits all" TOD planning document and does not evaluate each

transit stop for TOD potential. In fact, the code allows a land-owner to opt in or out of the TOD overlay. Having such an option can be disastrous to maximizing TOD success by still allowing low-density development and non-complementary uses around transit stations.

Lastly, the TRAX Salt Lake Line was proposed in the early 1990s and completed in 1999. The South Salt Lake City overlay district was not enacted until 2001 and 2002, clearly after the Salt Lake alignment was selected.

There seems to be no rational basis to require TOD legislation prior to the Council's decision on the Alternatives Analysis. Indeed, the Alternatives Analysis report is specifically prepared to provide sufficient information and data for the Council to select a specific project design concept and determine the scope of the project. Interjecting complex land use policies and regulations for consideration with the Alternatives Analysis determination may confuse the public and detract from the immediate priority or goal of selecting the locally preferred alternative.

Over the past several weeks, members of the City administration and Council, as well as interested members of the development community, visited several mainland cities to observe and learn about rail transit, various transit systems, and just as importantly, land use development relating to transit. These cities included Vancouver, Portland, Denver, and San Diego. Currently, the DPP Director and several senior planners are on a "scanning tour" funded by the Federal Transit Administration (FTA), which also includes the City of San Francisco.

During the course of that investigation, it was made evident that TOD will not happen on its own around transit stops. In order to achieve uses, densities, improvements, and architecture that will successfully encourage the creation of transit communities, the government must work with the individual communities to solicit their input and provide developers with incentives and creative financial assistance to ensure that these projects are marketable and profitable.

The FTA-funded tour of transit cities is just one of the preliminary steps the Department is taking in developing a comprehensive TOD strategic plan, which we hope will be a guide for prioritizing the planning and implementation activities of the City related to land use management and TOD. Other TOD initiatives that are ongoing at the Department include:

- Creation of an in-house TOD team consisting of LUO administrators, community designers, and long-range policy planners who meet regularly on prospective projects, share research materials, and so forth.
- Reviewing TOD documents from other jurisdictions, including:
 - Vancouver, Canada
 - Portland, Oregon
 - Denver, Colorado
 - San Diego, California
 - San Francisco Bay Area
 - Arlington, Virginia
 - Salt Lake City, Utah

- Participation in video conferences on TOD with the American Planning Association.
- Acquiring a library of reference materials.
- Researching the viability of tax increment financing, community financing districts, and TOD in Honolulu.
- Secured Federal Transit Administration (FTA) funds for a TOD scanning tour in October 2006 that visited:
 - Vancouver (successful TOD, downtown, mixed mobility)
 - Portland ("gold standard" of TOD)
 - Bay Area (mixed types of host communities and different transit types)
 - San Diego (mixed types of TOD, including station within a building, and stop on university campus)

The purpose of the tour was to visit TOD sites and meet with key stakeholders—government agencies, developers, and nonprofit organizations. Participants included private sector representatives to stimulate discussions on programs and elements appropriate to Honolulu. A travel report for submittal to the FTA will be prepared.

- Ongoing discussions with developers on their expectations about TOD and TOD regulations, incentives, and so forth, and how their entitlements can support transit.
- Preparing FY07-08 operating budget request specifically for TOD support to include staffing and consultant assistance.
- Creating study maps on:
 - Transit alignment and station alternatives with underlying zoning.
 - Transit alignment and station alternatives with underutilized lands within a half mile of stations.
 - Transit alignment and station alternatives with larger properties and landowners around stations identified.
- Developing TOD "typology," based on station locations, zoning, and redevelopment potential. Searching for prototype TOD programs and regulations in other cities that match these scenarios.
- Completed general assessment of sewer capacity around scenario stations.
- Will initiate request to Board of Water Supply of water supply capacity (existing and planned) around proposed stations.

Based on the preliminary information, the Department has begun creating transit area scenarios that will be used as the foundation for discussion and problem solving in our development of Honolulu's TOD policies.

No.	Description	Location	Current Zoning	TOD Goals	Issues
1	New transit oriented community development	East Kapolei area new low- to mid-rise mixed use developments, including new college campus. Land near or along alignment owned by DR Horton, Hawaiian Home Lands, UH.	Agriculture	Develop transit friendly, "complete" communities to inspire ridership and reduce inter-regional traffic flow from west side.	Defining public sector versus private sector roles.
2	Park and ride facilities	Integrating feeder populations at stations in Kapolei, Waipahu, Aiea, Pearl City, and other locations via park and ride, walk, and/or bus.	Various	Promote ridership from local area and central island.	Current H2 to H1/Kamehameha Highway roadways not conducive to easy on/off access.
3	Airport	Airport station.	I-2; SMA; Under Plan Review Use requirement	Promote usage by tourists to and from hotels and local travel, especially by airport area employees.	Opportunity to create partnership with SDOT, and airport tenants.
4	Industrial Area	Kalihi - Industrial area along Nimitz Highway. Waipahu - Industrial area along Farrington Highway.	Industrial	Mixed use community revitalization, OR Industrial intensification, OR Industrial Mixed Use Revitalization.	Commitment to community revitalization, or continue with current zoning and develop more intense industrial activity.

No.	Description	Location	Current Zoning	TOD Goals	Issues
5	Older single family and apartment residential area	McCully St area bound by Kalakaua Ave, University Ave, South King St and Kapiolani Blvd.	Primarily A-2 Medium Density Apartment	Offer higher quality of life, not cumulatively higher densities per se.	Residents resistant to change. The design of transit system can enhance or detract from existing neighborhood character. Affordable housing.
6	Established high density downtown commercial area with hotels, restaurants, shops	Waikiki Downtown Kakaako	Various Resort Zoning BMX-4 Mixed Use Not our jurisdiction	Encourage private sector investment in high-density mixed use areas, and assure increased housing choices and quality of life benefits.	Affordable housing. Develop public places, open space networks, and other district amenities.
7	University campus	University of Hawaii Manoa Campus	R-5, but regulated by Plan Review Use Permit issued by City Council	Integrate TOD projects with university plans that address housing and parking shortages.	Little public lands beyond campus on which to develop TOD.

As you can see, our first step is not the development of new zoning regulations under the Land Use Ordinance. There are myriad other issues that need to be worked out, and base information collected. Most importantly, however, and as representatives of other jurisdictions have stated, there must be serious dialogue with the communities that will be affected. Zoning regulations, and for that matter financial incentives and requirements, are products of the process, not the start of the process.

While there have been scores of local community meetings to date on transit, we understand that these informational meetings were not focused on TOD, especially as it might be applied to particular station stops. We would like to begin that dialogue in earnest once the decision to adopt a rail system is made, and that is why community involvement will be imperative as we move forward with the department's TOD initiatives. Our visits to the various mainland cities underscored the wisdom and validity of this course of action:

- Work with the community:
 - Formulate landowner/developer working groups to identify key necessary incentives that would promote TOD; regionally and/or by station sites.
 - Development of community planning and outreach program to ensure community-based planning effort around each station.
 - Continue ongoing collaborative efforts with other city departments and agencies; i.e., Department of Transportation Services, Department of Information Technology, Department of the Corporation Counsel, etc.
 - Formulate resident working groups to identify key improvements and amenities they would like from TOD regionally and/or by station sites.
 - Identify non-profit organizations that are, or want to become stakeholders; e.g. community development corporations, regionally and/or by station sites.
 - Hold combined meetings; develop station scenarios.
 - Develop a communication process; e.g. website, newsletter, mailing lists, etc.

- Determine TOD regulatory strategy:
 - Complete research on other cities' strategies, and what would work for Honolulu
 - Options:
 - Overlay district – one size fits all
 - Special districts – different tools for different neighborhoods
 - Incentives: reduced parking, increased density
 - Permit type; hearing requirements
 - Requirements to consider: design review, minimum density, affordable housing-sales and rentals, mixed use, open space, pedestrian amenities, "green" building standards, traffic impact analysis.

- Determine whether interim measures are necessary:
 - Discourage "under-development" that would preclude timely redevelopment at moderate to intense density.
 - Discourage housing evictions around stations.
 - Discourage small lot subdivisions around stations.
 - Discourage urban sprawl to areas not impacted directly by transit stations.

- Determine relationship with financial strategies:
 - Improvement district.
 - Community facilities district.
 - Tax increment financing district.
 - Impact fees.
 - Assessment of various City assets and federal and state grant assistance programs available to encourage TOD.
 - Fare box policies – e.g., authorize/require certain types of developments to offer free bus passes.
 - Advertising privileges.
 - Combinations of above.

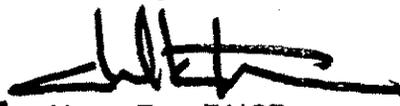
The Honorable Donovan M. Dela Cruz, Chair,
and Members of the City Council
October 27, 2006
Page 8 of 8

- Determine extent to which City will exercise eminent domain to further TOD.
- Explore possibility of telecommunications site leasing.
- Complete detailed infrastructure assessment; local and collection systems:
 - Identify deficiencies, key CIP, and ideal construction scheduling.
 - Develop public-private partnership projects.
 - Determine state participation: funding, construction, etc.
 - Pursue appropriate federal funding sources.
- Draft zoning ordinance, as appropriate:
 - Internal department review.
 - Public review.
 - City Planning Commission hearing.
 - City Council adoption as ordinance, LUO amendment.
- Develop projects:
 - Identify sites with willing landowners and developers and work cooperatively on achieving TOD through public-private partnerships.

We hope that this status report gives you an idea of how the Department has begun establishing the foundation for comprehensive TOD legislation in the near future. If the City Council selects fixed-rail as the locally preferred alternative, you can be assured that the Department is poised to move forward and take on what we expect will be a challenging, yet rewarding, experience.

Thank you very much for the opportunity to present this information.

Sincerely,



for Henry Eng, FAICP

Director of Planning and Permitting

HE:sm

cc: The Honorable Mufi Hannemann, Mayor

Exhibit G
CENTRAL AREA PLAN,
VANCOUVER BRITISH COLUMBIA



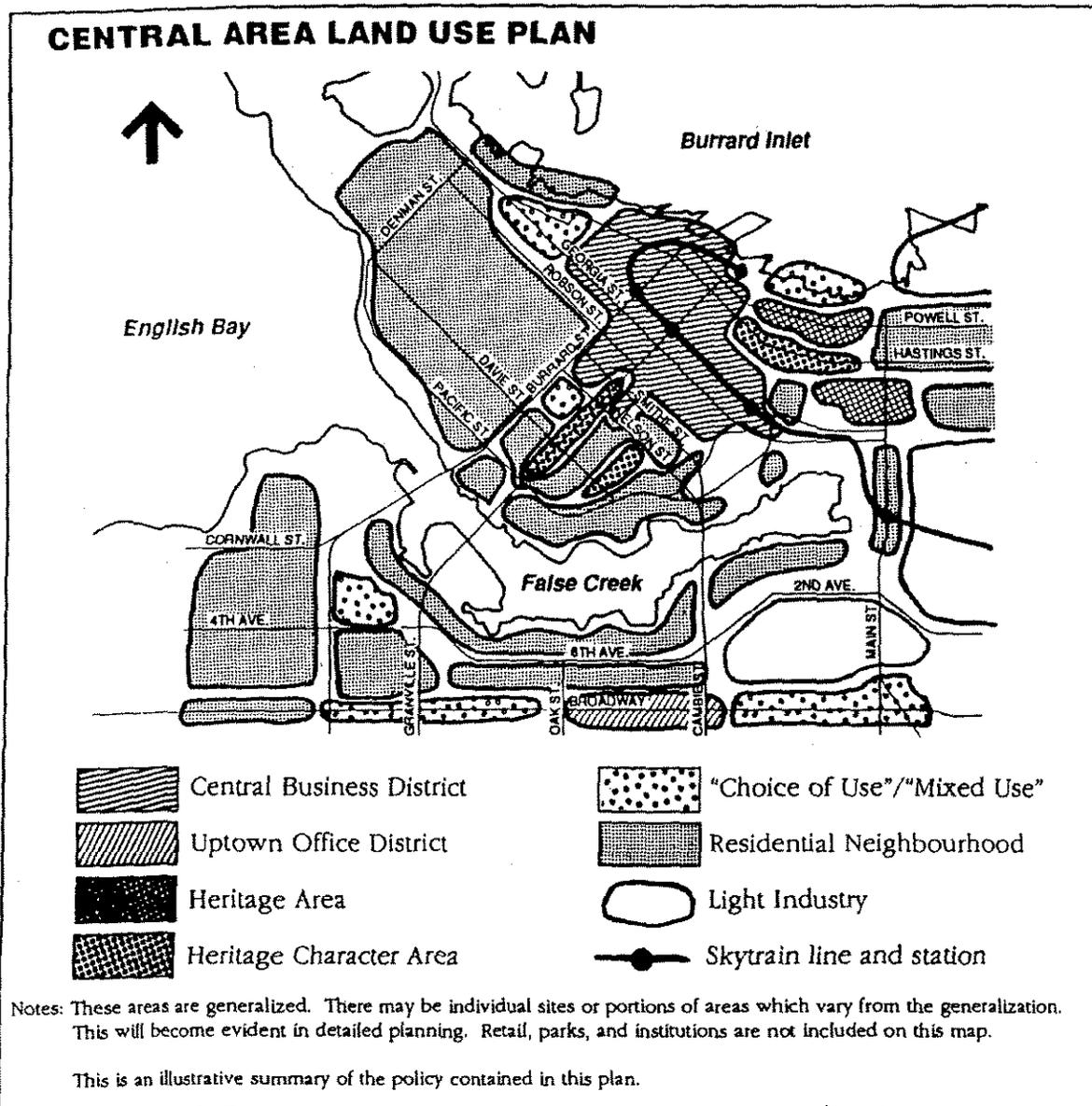
City of Vancouver *Land Use and Development Policies and Guidelines*

Community Services, 453 W. 12th Ave Vancouver, BC V5Y 1V4 ☎ 873.7344 fax 873.7060

planning@vancouver.ca

CENTRAL AREA PLAN: GOALS AND LAND USE POLICY

Adopted by City Council December 3, 1991



Contents

	Page
Office Policy	1
Business Support Services Policy	1
Housing Policy	1
Livability Policy	1
Retail Policy	2

The following land use policies and actions are extracted from the **Central Area Plan: Goals and Land Use Policy** and generally apply to the entire Central Area as shown on the map on the cover page. The numbers preceding the following policies correspond to those in the Plan. Area specific policies and actions are available in separate documents.

Office Policy

Policy 1.4 Improve Office-Transportation Capacity Balance

Improve the balance between office and transportation capacity. Consider more stringent growth controls only if proven necessary.

Action: Seek reductions in office zoned capacity in areas outside defined CBD and Uptown.

Business Support Services Policy

Policy 2.1 Provide Support Service Opportunities with Residential and Commercial

Provide a variety of opportunities, in appropriate commercial and residential areas and where supportive of other policies in this Plan, for support services to continue to locate close to the central business district.

Actions: Allow limited (and compatible) small-scale commercial/support uses in selected residential areas, especially where an alternative to housing units is desired on the lower floors for livability purposes.

Recognize that protecting areas with heritage character can also provide location opportunities for support services - particularly Gastown, Yaletown and Victory Square.

Housing Policy

Policy 3.4 Seek Housing Diversity

Seek opportunities for housing diversity in new areas. Encourage housing for families with children wherever possible.

Action: Continue to seek housing diversity - rental tenure and affordability and family housing where suitable - as part of area planning for new housing areas. (Implementation strategies include requirements as part of comprehensive redevelopment plans and development levies for areas with multiple ownership.)

Policy 3.6 Use Development Levies

Use development levies to help provide for community needs in areas being rezoned as new neighbourhoods; until levies are in place, determine strategies to obtain needed amenities.

Actions: Continue Council's initiative to establish development levies for community needs in areas being rezoned to new neighbourhoods.

When considering increased housing densities for new areas, require community amenity contributions as a condition of site specific rezoning.

Livability Policy

Policy 4.1 Provide Variety of Densities

Select area densities based on a range of considerations including design, supporting services, demographics, and past experience. Provide variations in density to create areas with different residential character and to serve different lifestyles.

Actions: Incorporate a variety of densities in sub-area planning in the central area. Approach rezoning of areas to FSR 2.5+ with regard to area history and existing conditions; specific design considerations; area suitability and opportunity for different lifestyles; the availability of, or ability to provide, supporting facilities and services; and experience with similar areas.

Refine and expand existing high-density livability guidelines for use in developing area zoning, guidelines, and policies, as well as for evaluating individual projects where appropriate area regulations and guidelines do not exist.

Policy 4.4 Limit Mixes

Limit incompatible mixes and create most housing in areas identified as primarily residential neighbourhoods.

Actions: Encourage housing mostly in areas that will be predominantly housing rather than housing as a minor use among other uses.

In areas designated as primarily housing, limit restaurant, retail, and entertainment uses; ensure that the list of minor commercial uses permitted will be compatible with housing; and develop design solutions to address concerns such as restaurant noise and odours.

Retail Policy

Policy 5.1 Limit Retail Concentration

Promote a variety of retail districts by limiting retail concentration. Require impact studies/market analyses for any proposals to add retail zoned capacity or to build new retail developments of more than 100,000 square feet.

Actions: Define retail as a separate use in the by-laws and assign to it a density that generally permits up to two levels of street-oriented retail. (Street-fronting department stores may exceed two levels, as may some internally-oriented retail.)

As with Coal Harbour, International Village, and False Creek North, retail critiques or impact studies should be commissioned by the City to evaluate retail proposals and the proponents' market studies, by answering the following types of questions: what amount of retail is justified and under what assumptions; what critical mass is necessary relative to existing comparable areas; and what impact is expected on other existing or desired retail areas.

Policy 5.3 Ensure Retail Contributes to Public Streets

Ensure that retail contributes primarily to street activity and to the streets as the significant public spaces.

Actions: Integrate this policy into central area by-laws and guidelines, using the criteria described below to assess proposals for retail that is not traditional street-fronting.

Encourage development proposals to meet the following criteria:

- A small mall can provide some variety to a shopping street where it is a limited amount relative to its context and does not alter the street-fronting pattern of its retail district.
- A small amount of underground retail that accompanies a major office building in the corporate core (not located on a street requiring retail) can serve as a day-to-day convenience for the building's employees.
- Special opportunities may exist at unique waterfront locations to bring public activities close to the water through speciality retail developments.
- There may be a special opportunity to create a unique new public space in a strategic downtown location, reinforced by shops and restaurants. "Public space" must be defined carefully. Essentially, a public space should be as public as a sidewalk.
- There are opportunities for retail to facilitate the retention of heritage buildings. The Landing, Sinclair Centre, and City Square are examples. Such projects should be designed to be as street-fronting as possible.

Policy 5.4 Seek Council Direction on Special Cases

Where a retail proposal is a significant increase to retail capacity and includes a significant amount of retail that is not solely street-fronting, but in the opinion of the Director of Planning may meet the criteria outlined in Policy 5.3, the Director of Planning

may seek direction from Council before proceeding with impact studies and other detailed evaluation. Where a retail proposal does not meet the criteria, but in the opinion of the Director of Planning may warrant further discussion, the Director of Planning will also seek Council advice before proceeding with impact studies and detailed evaluation.

Action: Include this policy in central area by-laws and guidelines.

Policy 5.5 Limit Underground Links

Permit underground links only for rapid transit and only for limited distances, to sites immediately adjacent to or directly or diagonally across the street from the transit station. Limit retail in links.

Actions: Integrate policy into central area by-laws and guidelines.

Discourage proposals which contravene this policy.

Policy 5.7 Create Interest on Non-Retail Streets

On streets without retail, enhance pedestrian interest and comfort through other means.

Action: Continue to pay particular attention to the design of the lower pedestrian levels of developments when developing area plans and guidelines and through the development permit process.



A BILL FOR AN ORDINANCE

RELATING TO TRANSIT-ORIENTED DEVELOPMENT

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Findings and Purpose.

The council finds that Honolulu has initiated a major mass transit project that has the potential to fundamentally reshape the form and character of Honolulu. The council has selected a fixed guideway system and the Locally Preferred Alternative ("LPA") for the project under Ordinance 07-01.

Appropriate transit-oriented development ("TOD") land use regulations along the alignment and around the rapid transit stations will be crucial.

It has been consistently noted about successful TOD programs of other cities that community-based input is a necessary element of TOD programs, and that one set of regulations cannot adequately address TOD needs and opportunities across all transit stations. Therefore, to assure that Honolulu will have a successful TOD program, a deliberate, inclusive process to plan for TOD is necessary so that well-defined, meaningful, and appropriate regulatory and incentive programs can be adopted for each area around a transit station or type of station.

This TOD planning and implementation process will implement the Oahu General Plan and applicable regional development plans. Specifically, it will help stem urban sprawl across the city's agricultural and open space lands; encourage the development of livable, walkable communities; and increase transit ridership, thereby promoting the economic, social, and environmental well-being of the city.

With the potential for such a significant and positive change in development patterns, it is crucial that proper planning guidance be given, well before the transit stations are constructed. This will allow for timely community input and to put into place appropriate regulations for TOD before redevelopment occurs.

The council, therefore, finds that to protect the public interest and welfare, the Land Use Ordinance is to be amended to provide guidance on how to determine zoning regulations for areas around each transit station. The planning process shall be open, inclusive and visionary, and shall strive to increase the quality of life through

DPPTOD.B08



A BILL FOR AN ORDINANCE

rejuvenated community character (including "place-making" opportunities), preservation and enhancement of historic, cultural, scenic, natural and other community resources and landmarks, while understanding the relationship between zoning, financing, and real estate market dynamics.

SECTION 2. Section 13-9.3, Revised Ordinances of Honolulu 1990 is amended by deleting the following:

[As used in this article, "transit oriented development ordinance" ("TOD ordinance") means an amendment to the land use ordinance regulating development at and around transit stations. The TOD ordinance shall:

- (1) Enable a mix of land uses;
- (2) Enable higher densities;
- (3) Eliminate or reduce minimum off-street parking requirements for such development;
- (4) Encourage travel by rapid transit, buses, walking, bicycling, and other non-automobile forms of transport;
- (5) Encourage development of a mixture of market-rate and affordable housing;
- (6) Encourage public-private partnerships in such development;
- (7) Utilize form-based zoning, exemptions, or other alternatives from existing development regulations, and utilize other incentives to encourage such development;
- (8) Encourage activity at a defined community center; and
- (9) Encourage public input in the design of each transit stations so each station reflects unique community design themes, history, or landmarks.]

SECTION 3. Section 21-9, Revised Ordinances of Honolulu 1990 is amended to add a new subsection as follows:

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

Special districts shall be established around rapid transit stations to foster more livable communities that take advantage of the benefits of transit; specifically, reducing transportation costs for residents, businesses, and workers. While taking advantage of more efficient use of land, TOD can provide more walkable, healthier, economically vibrant communities, safe bicycling environments, convenient access to daily household needs as well as special events, and enhancement of neighborhood character, while increasing transit ridership.



A BILL FOR AN ORDINANCE

Each special district shall be based on a neighborhood plan that addresses transit-oriented development. The plans may include more than one station, and may address other community concerns and opportunities.

Where a transit station is located within or adjacent to an existing special district, provisions for TOD shall be added to the existing special district provisions, as recommended by the neighborhood TOD plan.

Sec. 21-9.100-1 Neighborhood TOD plans.

- (a) Prior to the adoption of any TOD special district, there shall be a Neighborhood TOD Plan which serves as the basis for specific special district regulations. Each plan shall address, at minimum, the following:
- (1) The general objectives for the particular TOD special district in terms of overall economic revitalization, neighborhood character, reflecting unique community historic and other design themes. Objectives shall 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) Recommended special district boundaries around each transit station that take into account natural topographic barriers, extent of market interest in redevelopment, and the benefits of transit including the potential to increase transit ridership; typically these boundaries are from ¼ mile to ½ mile from each station. When appropriate, recommendations may define a "core area" and transition boundaries.
 - (3) Recommended zoning controls, including architectural and community design principles, open space requirements, parking standards, and other modifications to existing zoning requirements, or the establishment of new zoning precincts, as appropriate, including density incentives. Form-based zoning may be considered. Prohibition of specific uses shall be considered.
 - (4) Potential opportunities for affordable housing, and as appropriate, with supportive services.
 - (5) 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 planning process shall be inclusive, open to residents, businesses, landowners, community organizations, government agencies, and others.
- (c) The planning process shall consider population, economic, and market analyses and infrastructure analyses, including capacities of water, wastewater, and



A BILL FOR AN ORDINANCE

roadway systems. Where appropriate, public-private partnership opportunities shall be investigated.

- (d) The plan shall be consistent with the applicable regional development plan.
- (e) The plan shall be consistent with any applicable special area plan or community master plan, or make recommendations for revisions to these plans.
- (f) The plan shall be submitted to the applicable neighborhood boards at least forty-five (45) days prior to submittal to the city planning commission. The city planning commission shall hold a public hearing and transmit its recommendations to the city council. The city council shall adopt the plan by resolution within sixty (60) days of receipt, or it shall be deemed adopted.

Sec. 21-9.100-2 TOD special district minimum requirements.

Based on the adopted neighborhood TOD plan, each special district shall include, but not be limited to the following provisions:

- (a) Allowances for a mix of land uses, both vertically and horizontally.
- (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.
- (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 bicycling 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.

SECTION 4. 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 materials, or the underscoring.



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SECTION 5. This ordinance shall take effect upon its approval.

INTRODUCED BY:

DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

MUFU HANNEMANN, Mayor
City and County of Honolulu