

REPORT OF THE COMMITTEE ON TRANSPORTATION AND PLANNING

Voting Members:

Gary H. Okino, Chair; Donovan Dela Cruz, Vice-Chair
Nestor Garcia, Rod Tam

Committee Meeting Held
March 5, 2009

Honorable Todd K. Apo
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Transportation and Planning, which considered Bill 10 (2008), CD1, entitled:

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

which passed Second Reading on April 16, 2008, and for which a Public Hearing was held on May 7, 2008, reports as follows:

The purpose of this Bill is to provide for the establishment of transit-oriented development (TOD) special districts, to be known as TOD Zones, and accompanying land use regulations around rapid transit stations. The Bill details the procedures by which TOD Zones can be established, and identifies the minimum land use and development related requirements that should be addressed in the TOD Development Regulations that will apply to each TOD Zone.

Your Committee finds that the Planning Commission, after a public hearing held on January 30, 2008, at which testimony was received in support of and in opposition to the proposal, voted to recommend approval of the proposal in concurrence with the recommendation of the Department of Planning and Permitting (DPP) in the Attachment to Departmental Communication No. 83 (2008).

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON MAR 18 2009

COMMITTEE REPORT NO. 94

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Your Committee finds that at a public hearing held on May 7, 2008, by the City Council, testimony was received in support of the Bill.

Your Committee notes that several CD2 variations of this Bill have been proposed and discussed over the past few months. Based on those previous proposals and discussions, two new CD2 versions were posted for consideration by your Committee at its meeting on March 5, 2009.

The Director of the Department of Planning and Permitting (DPP) testified in support, with minor reservations, of the proposed CD2 version identified as *OCS/022409/09:39/CT*.

Based on DPP's support and subsequent discussion, your Committee amended the Bill to the DPP-supported version, with minor additional changes. As now recommended by your Committee, the Bill differs from the CD1 version as follows:

1. Proposed ROH Section 21-9.100 is amended to expressly state that the purpose of the section is to establish a procedure for the establishment of special districts known as TOD Zones around rapid transit stations to encourage appropriate transit-oriented development, and to include definitions for "TOD Zone" and TOD Development Regulations." Language is included to clarify that where a transit station is located within or adjacent to an existing special district, the TOD Zone provisions may be incorporated in the existing special district provisions. The amendments also expressly provide that if any regulation pertaining to a TOD Zone conflicts with any underlying zoning district or special district regulation, the regulation applicable to the TOD Zone shall take precedence.

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2. A new proposed Section 21-9.100-1 sets forth the procedure for the creation of TOD Development Regulations for each TOD Zone, and their relationship to neighborhood TOD plans. Provision is made for Council initiation, after January 1, 2010, of proposed ordinances establishing a TOD Zone and TOD Development Regulations in the absence of an adopted neighborhood TOD plan.
3. A new proposed Section 21-9.100-2 addresses the creation of neighborhood TOD plans, which shall be approved by the Council by resolution, and which shall serve as the basis for the creation or amendment of a TOD Zone and the TOD Development Regulations applicable thereto.
4. A new proposed Section 21-9.100-3 establishes time periods for DPP processing of proposed ordinances establishing TOD Zones and the TOD Development Regulations applicable thereto. With respect to Council-initiated proposals, the amendments make inapplicable the provisions of Chapter 2, Article 24. However, provision is made for extensions of time that may be requested by the DPP and approved by the Council.
5. A new proposed Section 21-9.100-4 provides a listing of basic land use and development related minimum requirements that should be addressed and included, as appropriate, in the TOD Development Regulations for each TOD Zone.
6. New sections 4 and 5 of the Bill amend ROH Sections 2-24.1 and 21-9.20-6, respectively, to conform to the foregoing.

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

Your Committee on Transportation and Planning is in accord with the intent and purpose of Bill 10 (2008), CD1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as Bill 10 (2008), CD2. (Ayes: Okino, Dela Cruz, Garcia – 3; Noes: None; Excused: Tam - 1.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON MAR 18 2009

COMMITTEE REPORT NO. 94



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.

A vital part of the mass transit project is the opportunity to develop and redevelop key areas of Honolulu to provide additional housing and work opportunities in our growing island. These efforts will allow the city to continue its goal of directing new growth to designated areas while "keeping the country, country." Appropriate transit-oriented development ("TOD") land use regulations along the alignment and around the rapid transit stations will be crucial for these efforts and goals.

It has been consistently noted about successful TOD programs of other cities that community-based input is an important element of TOD programs, and that one specific 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 general land use scheme must be created that provides for a deliberate, inclusive process to plan for TOD 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



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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 rejuvenated community character, 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.

Pursuant to this ordinance, the council will establish special districts around rapid transit stations, to be known as Transit-Oriented Development Zones, 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. However, TOD should avoid loss of existing affordable housing and gentrification of communities.

SECTION 2. Section 13-9.3, Revised Ordinances of Honolulu 1990, as amended, is repealed.

[Sec. 13-9.3 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:

- (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 nonautomobile forms of transport;
- (5) Encourage development of a mixture of market-rate and affordable housing;
- (6) Encourage public-private partnerships in such development;



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- (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. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new Section 21-9.100 and accompanying Sections 21-9.100-1, -2, -3, and -4, to read as follows:

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

- (a) The purpose of this section is to establish a procedure for the establishment of special districts known as TOD Zones around rapid transit stations to encourage appropriate transit-oriented development.
- (b) The regulations applicable to a TOD Zone shall be in addition to underlying zoning district and, if applicable, special district, regulations, and may supplement and modify the underlying regulations. Where a transit station is located within or adjacent to an existing special district, the TOD Zone provisions may be incorporated in the existing special district provisions. If any regulation pertaining to a TOD Zone conflicts with any underlying zoning district or special district regulation, the regulation applicable to the TOD Zone shall take precedence.

(c) As used in this section:

“TOD” means transit-oriented development.

“TOD Development Regulations” means the regulations establishing the permitted uses and structures and development standards within a TOD Zone, which shall be established by the council by ordinance, pursuant to the provisions of this section. TOD Development Regulations shall be specific to each TOD Zone and may include both zone and sub-zone specific provisions.

“TOD Zone” means the parcels of land around a rapid transit station subject to the TOD Development Regulations. Generally, the TOD Zone shall include the parcels of land where any portion of each parcel is within 2,000 feet of a transit station, provided



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that for any such parcel, the entire parcel must be within one mile of the transit station; provided further that the council, by ordinance, may include or exclude any parcel from the TOD Zone either upon its own initiation or upon written request of the director.

Sec. 21-9.100-1 Creation of TOD Development Regulations.

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

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

Sec. 21-9.100-2 Neighborhood TOD plans.

(a) For each TOD Zone, the department shall prepare a neighborhood TOD plan which serves as the basis for the creation or amendment of a TOD Zone and the TOD Development Regulations applicable thereto. Each neighborhood TOD plan shall address, at minimum, the following:

- (1) The general objectives for the particular TOD Zone in terms of overall economic revitalization, neighborhood character, and 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) Recommend parcels to be included in the TOD Zone, taking into account natural topographic barriers, extent of market interest in redevelopment, and the benefits of transit including the potential to increase transit ridership.



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- (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. Prohibition of specific uses shall be considered. Form-based zoning may be considered.
- (4) Preservation of existing affordable housing and potential opportunities for new affordable housing, and as appropriate, with supportive services.
- (5) Avoid gentrification of the community.
- (6) General direction on implementation of the recommendations, including the phasing, timing and approximate cost of each recommendation, as appropriate, and new financing opportunities that should be pursued.
- (b) The process of creating neighborhood TOD plans shall be inclusive, open to residents, businesses, landowners, community organizations, government agencies, and others.
- (c) The process shall consider population, economic, and market analyses and infrastructure analyses, including capacities of water, wastewater, and roadway systems. Where appropriate, public-private partnership opportunities shall be investigated.
- (d) The neighborhood TOD plan shall be consistent with the applicable regional development plan.
- (e) To the extent practical, the neighborhood TOD plan shall be consistent with any applicable special area plan or community master plan, or make recommendations for revisions to these plans.
- (f) The neighborhood TOD plan shall be submitted to the council and approval of the plan shall be by council resolution, with or without amendments.

Sec. 21-9.100-3 Processing of proposed ordinances establishing TOD Zones and the TOD Development Regulations applicable thereto.

- (a) If the council approves a neighborhood TOD plan, with or without amendments, the director shall, within 120 days after the approval, submit to the planning



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commission a proposed ordinance establishing a TOD Zone for the applicable neighborhood and the TOD Development Regulations applicable thereto.

- (b) If the council, pursuant to Section 21-9.100-1, initiates a proposed ordinance establishing a TOD Zone and the TOD Development Regulations applicable thereto where no neighborhood TOD plan has been adopted, the director shall, within 120 days after adoption of the resolution initiating the ordinance, submit to the planning commission a report accompanied by the proposed ordinance and any alternative ordinance proposed by the director. The provisions of Chapter 2, Article 24, relating to council proposals to amend the zoning ordinances and the processing thereof by the department, shall not apply to council proposals to establish a TOD Zone and the TOD Development Regulations applicable thereto.

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

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

Sec. 21-9.100-4 TOD Development Regulations minimum requirements.

The TOD Development Regulations for each TOD Zone shall include, but not be limited to, the following provisions:

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



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- (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 bicycle parking.
- (f) Identification of important neighborhood historic, scenic, and cultural landmarks, and controls to protect and enhance these resources.
- (g) Design controls that require human-scale architectural elements at the ground and lower levels of buildings.
- (h) Landscaping requirements that enhance the pedestrian experience, support station identity, and complement adjacent structures.
- (i) Incentives and accompanying procedures, which may include minimum standards and financial incentives, to encourage appropriate and necessary transit-oriented development."

SECTION 4. Section 2-24.1, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 2-24.1 Applicability.

This article shall apply to council proposals to revise or amend:

- (1) The general plan;
- (2) A development plan;
- (3) The zoning ordinances[;], except as otherwise provided by Section 21-9.100-3(b); and
- (4) The subdivision ordinance."



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SECTION 5. Section 21-9.20-6, Revised Ordinances of Honolulu 1990, as amended, is amended to read as follows:

"Sec. 21-9.20-6 Conflicting regulations.

If any regulation pertaining to the special districts conflicts with any provision contained within Article 3, the more restrictive regulation shall take precedence[.]; provided, however, that this section shall not apply to TOD Development Regulations enacted pursuant to Section 21-9.100 and accompanying Sections 21-9.100-1, -2, -3, and -4, which shall take precedence in the event of conflict with any underlying Article 3 provision or special district regulation."

SECTION 6. 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 7. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Barbara Marshall (BR)

DATE OF INTRODUCTION:

February 14, 2008
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