

Authorization George I. Atta

Advertisement Sept. 18, 2015

Public Hearing Sept. 30, 2015

DEPARTMENT OF PLANNING AND PERMITTING

# CITY AND COUNTY OF HONOLULU

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September 14, 2015

## MEMORANDUM

TO: Dean I. Hazama, Chair  
and Members of the Planning Commission

FROM: *George I. Atta*  
George I. Atta, FAICP, Director  
Department of Planning and Permitting

SUBJECT: Transit-Oriented Development Proposed Special District Regulations

In accordance with enabling Ordinance 09-4 relating to Transit-Oriented Development (TOD), the Department of Planning and Permitting (DPP) is pleased to present the Commission with proposed amendments to the following Zoning Maps and Revised Ordinances of Honolulu (ROH) 1990, as amended.

- Chapter 21 Land Use Ordinance (LUO), Sections 21-2, 21-3, 21-5, and 21-9
- Zone Change Proposal for Waipahu and West Loch Station Areas, approximately 282 acres

The subject of this memorandum is an individual proposal. However, the proposed amendments listed above are integrally related to each other so the DPP is submitting them at the same time and recommends they be processed concurrently.

While the proposed bills are accompanied by staff reports and recommendations, the purpose of this memorandum is to frame the amendments within the larger context of the City's TOD efforts. Ordinance 09-4 states, in part, that "... 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." The DPP has followed such a process to develop the Neighborhood TOD Plans and is recommending approval of the proposed zone changes and land use ordinance.

Land Use Planning: The Neighborhood TOD Plans identify opportunities for new development, orderly growth, and improved accessibility around the rail stations. Each Plan covers one to three station areas, and addresses land use, circulation, urban design, housing, community facilities, parking, pedestrian amenities, historic and cultural enhancements, and infrastructure. The Neighborhood TOD Plans are aligned with the General Plan and other development plans.

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The Waipahu and Aiea-Pearl City TOD Plans have been adopted by the City Council, another three are in draft form subject to public review, and another two are in the process of being prepared. The Aiea-Pearl City zoning maps are in development and other zoning maps will be amended after subsequent TOD Plans are adopted by the City Council.

Regulatory Programs: The proposed LUO amendments and zone changes will help direct and manage growth around the rail stations. As explained in the staff reports, one of the most important changes involves rezoning from single uses to mixed uses within ¼- to ½-mile of the rail stations. The City-initiated zone changes will expand the types of allowable uses, and are intended to stimulate development activity around the transit stations. The zoning maps also include revised height limits, with the potential for additional height and density in return for community benefits. The proposed zone changes cover approximately 282 acres for both station areas.

In addition to mixed-use zoning, properties in the TOD areas will be regulated by a new TOD Special District, as described in a separate report. The TOD Special District will apply to each rail station area as the zoning is adopted around each station (except for the two stations in Kakaako under the Hawaii Community and Development Authority jurisdiction). The proposed Ordinance is designed to supplement or modify the underlying zoning district regulations around rail stations to promote TOD, while providing opportunities for review and comment on major projects. It also specifies site layout and ground-floor building design requirements to promote walkable, active streetscapes, and usable public space. These development standards are intended to improve the pedestrian experience around the rail stations, particularly along designated "key streets," which are expected to handle the most pedestrian and business activity.

There are other ways to ensure that station areas are equitable, walkable, and vibrant. For example, as the Commission is aware, the City is proposing a variety of ways to create and/or preserve affordable housing in accordance with the draft *Affordable Housing Strategy*, introduced to the City Council in September 2014. The LUO amendments will rely, in part, upon the *Housing Strategy* for guidance regarding the implementation of certain community benefits.

The DPP will also be proposing amendments to existing regulations governing sidewalk areas in Chapter 14 of the Revised Ordinance of Honolulu, as amended. The intent is to provide opportunities for property owners to pave their private front yards as extensions of the public sidewalk or relocate public sidewalks closer to storefronts; create opportunities for canopies and awnings to extend over pedestrian zones; and provide incentives for improving sidewalk areas in the TOD Special District with consolidated permitting and reduced fees. These amendments will also be coordinated with the Complete Streets Design Manual being developed by the Department of Transportation Services.

Incentive Programs: Various incentives will help ease the burden of implementation. The construction of the rail system is already a major incentive, as is the City-initiated zoning. Other design and financial incentives are being planned. Besides reducing parking requirements and allowing for more extensive and varied use of private property, the TOD Special District will allow for increased height and density, commensurate with community benefits. For larger

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projects that seek more flexibility than a TOD Special District permit can provide, we are proposing a Planned Development – Transit permit, which will function similarly to the existing Interim Planned Development – Transit permit, i.e., it allows modified development standards for projects that provide additional community benefits. A series of financial incentives for the construction of affordable rental housing and infrastructure improvements are also being developed by the Administration.

Participatory Process: The Neighborhood TOD Plans were conceived and prepared with extensive community engagement, including public workshops, advisory committee meetings, community needs surveys, and business outreach. All drafts, data, and final reports are available online. A similar process was followed for the LUO and zoning maps, i.e., impacted property owners were notified and a community meeting was held in Waipahu on November 13, 2014. The Housing Strategy has also been subject to extensive review by stakeholders. The Waipahu Neighborhood Board did not take a position on the zone change proposal.

A similar process involving community meetings and submission of zone change bills will follow the adoption of future Neighborhood TOD Plans. Chapter 21 of the LUO will also need minor revisions as other station areas are added incrementally to the TOD Special District.

The DPP has found the proposed TOD Special District regulations and zone change proposal to be consistent with State and City land use plans and policies. Therefore, the DPP recommends approval. Please review the reports and recommendations and then forward them, together with your findings and recommendation through the Mayor, to the City Council. Thank you for your continued support of these efforts.

Enclosures

cc: Mayor Kirk Caldwell  
Roy K. Amemiya, Jr., Managing Director  
City Council

## **LUO AMENDMENT 2015 RELATING TO THE ESTABLISHMENT OF A TRANSIT-ORIENTED DEVELOPMENT SPECIAL DISTRICT**

### **I. Introduction**

The proposed draft bill will establish a Transit-Oriented Development (TOD) Special District along with related Land Use Ordinance (LUO) amendments to facilitate transit-enhanced neighborhoods around the future rail stations. The proposed development standards, which are designed to create active streetscapes, are straightforward, understandable, and will be easy to administer. They relate primarily to building placement and ground floor design, so that building facades are oriented toward the street, with parking lots behind buildings. The street level will have active uses with large expanses of windows and doors with views into the establishments and seamless transitions between the public and private sidewalks. Street furniture, shade trees, awnings, outdoor dining, and outdoor merchandise displays will all be encouraged. Bicycle racks and pedestrian walkways will be provided to create comfortable and safe ways for people to get around. Mixed use zoning districts will allow multiple uses on a single zoning lot, so the daily needs of residents near the rail stations are available without requiring a vehicle. These basic regulations will stimulate an environment in which large and diverse populations can become active users of the numerous amenities provided in the TOD Special District.

**Enabling Ordinance:** The TOD enabling ordinance (Ordinance No. 09-4) was signed into law on March 25, 2009. The ordinance amended the LUO by establishing rules and directives for the development of neighborhood TOD plans, regulations, and a TOD Special District. The City Council recognized the impact the new rail system will have on communities and sought to ensure that the City would have the tools to properly direct and manage new development. Pursuant to LUO Section 21-9.100-4, the City Council required that the TOD regulations minimally include the following provisions:

- Allowances for a mix of land uses, both vertically and horizontally, including affordable housing.
- 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.
- Elimination or reduction of the number of required off-street parking spaces, including expanded allowances for joint use of parking spaces.
- Design provisions that encourage use of rapid transit, buses, bicycling, walking, and other non-automobile forms of transport that are safe and convenient.
- Guidelines on building orientation and parking location, including bicycle parking.
- Identification of important neighborhood historic, scenic, and cultural landmarks, and controls to protect and enhance these resources.
- Design controls that require human-scale architectural elements at the ground and lower levels of buildings.
- Landscaping requirements that enhance the pedestrian experience, support station identity, and complement adjacent structures.
- Incentives and accompanying procedures, which may include minimum standards and financial incentives, to encourage appropriate and necessary TOD.

**Waipahu Neighborhood TOD Plan:** The City Council approved the Waipahu Neighborhood TOD Plan via Resolution No. 14-47, CD 1, on April 16, 2014. Now the Department of Planning and Permitting (DPP) is introducing a draft bill to establish the TOD Special District. The draft bill includes amendments to Article 2 (Administration and Enforcement), Article 3 (Establishment of Zoning Districts and Zoning District Regulations), Article 5 (Specific Use Development Standards), Article 6 (Off-street Parking and Loading), and Article 9 (Special District Regulations) of the LUO. This draft bill will establish the first two station areas of the TOD Special District: The Waipahu Transit Center and West Loch station areas. In the future, additional station areas will be added to the Special District as subsequent neighborhood TOD plans are approved. A separate bill will be transmitted to the City Council via the Planning Commission with zoning map amendments that will establish mixed-use zoning districts and height limits in the Special District.

**Public Meetings:** On November 13, 2014, the DPP presented the LUO and zoning map amendments during a community meeting at the Waipahu Intermediate School. Property owners impacted by the proposed changes and those within 300 feet of the proposed zone changes were notified of the meeting by mail. The DPP did not receive any written comments related to the proposed LUO amendments, but several community members contacted the DPP by phone requesting additional details regarding the proposed regulations. The main concerns raised by the public include the proposed treatment of nonconformities, the possibility that the zone changes will result in higher property tax incidence, and an increase of on-street parking in neighborhoods close to the stations.

**Public Agency Comments:** The DPP routed the draft regulations to the appropriate City and State agencies. Comment letters were received from the Department of Facility Maintenance, Police Department, Fire Department, Department of Parks and Recreation, Board of Water Supply, and State of Hawaii Department of Education. These comment letters have been addressed in the staff report for the proposed zoning map amendments.

**The New TOD Special District:** There will be a single TOD Special District that will span the rail alignment. Therefore, the development regulations of the TOD Special District will apply to all station areas. "Station area" means the parcels of land around a rail transit station that are subject to the TOD Special District regulations. The station areas will generally consist of zoning lots that are within the Business, Business Mixed Use, Apartment, Apartment Mixed Use, Industrial, and Industrial Mixed Use Districts within a five to ten minute walk of the rail station. The station areas and the boundaries of the TOD Special District will be identified on the exhibits in Article 9 of the LUO. Each station area will have designated key streets, which will be shown on the exhibits. These streets are vital for facilitating a walkable, vibrant, economically active neighborhood in the direct vicinity of the rail station. As there are gateways into the neighborhoods around the rail stations, these streets are expected to handle the largest numbers of pedestrians and business activities. Certain development standards will apply only to zoning lots fronting designated key streets.



In the next sections, we will delineate and explain specific amendments to each article of the LUO.

## **II. Article 2 – Administration and Enforcement**

Article 2 of the LUO sets forth the way the DPP administers permits. It must be modified to add a new permit type: the Planned Development–Transit (PD-T) permit. The PD-T permit option will be available for sites over an acre in size in the TOD Special District. It will follow the basic processing guidelines of the Planned Development–Resort (PD-R), Planned Development–Apartment (PD-A), and Interim PD-T permits, which already exist. The purpose of the planned development process is to provide opportunities for creative redevelopment not possible under a strict adherence to the development standards of the LUO. The PD-T permit will be discussed in greater detail under the changes proposed in Article 9.

## **III. Article 3 – Establishment of Zoning Districts and Zoning District Regulations**

Any changes to Article 3 apply to all zoning lots on Oahu, not just the Special District. We are proposing a handful of changes that are appropriate for all areas of the island because they will enhance development in general.

**Street Setbacks:** Currently, building height and height setbacks in the B-2 Community Business, BMX-3 Business Mixed Use, and IMX-3 Industrial Commercial Mixed Use Districts are limited by the width of the street and the distance between the street centerline and the required yard. This standard has had the effect of pushing buildings farther from the street and, in some cases, limiting the overall maximum height well below the regulatory height limit. For this reason, we propose that the street centerline height setback be eliminated and replaced with the height setbacks currently utilized in the Apartment Districts, which requires that any part of a structure above 40 feet in height be set back one foot for every ten feet in additional height.

**Mixed-Use Buildings:** Structures with integrated commercial and dwelling uses are required to have independent pedestrian access for the residential and commercial uses in the building. We are proposing language to clarify that the independent access may be created mechanically, physically, or through the use of technology. This will explicitly allow landowners to use technological advances and innovative security options to effectively shield various users that may otherwise be incompatible.

## **IV. Article 5 – Off-Site Bicycle Parking**

Article 5 deals with development standards for specific uses. Changes to Article 5 also apply to all zoning lots on Oahu, not just the Special District. The proposed bicycle parking standards will apply island-wide, so the existing conditional use permit for off-site vehicle parking should be expanded to include bicycle parking. Through this requirement off-site bicycle parking can be accommodated off site as long as the location of the bicycle parking is within 200 feet of the primary entrance of the establishment.

## **V. Article 6 – Off-street Parking and Loading**

Bicycle usage enhances the goals of multi-modal transportation and neighborhood vitality. In consultation with the Department of Transportation Services, we are proposing new island-wide bicycle parking requirements. These regulations will apply in the Apartment,

Apartment Mixed Use, Business, and Business Mixed Use Districts across the island when landowners initiate new development or add new floor area to existing buildings.

The required bicycle parking will have minimum standards to ensure that it is safe, easily accessible, secure, and the appropriate size. Both short- and long-term bicycle parking will be required. Short-term bicycle parking is designed for customers and visitors of an establishment and should be convenient, accessible, and located as close as possible to a building’s main entrances. Long-term bicycle parking is secure, weather protected bicycle parking intended for employees, residents, commuters and other visitors who generally stay at a site for several hours, or over night. The bicycle parking requirements are summarized in the following table:

	<b>Short-Term Bicycle Parking</b>	<b>Long-Term Bicycle Parking</b>
<b>Non-Residential Uses</b>	1 space per 2,000 square feet of floor area, or 1 space per 10 vehicle spaces, whichever is greater	1 space per 12,000 square feet of floor area, or 1 space per 30 vehicle spaces, whichever is greater
<b>Residential Uses</b>	1 space for every 10 units or 10 spaces, whichever is greater	1 space for every 2 dwellings or lodging units

**VI. Article 9 – Special District Regulations**

**Minor Changes to Existing TOD Language:** The TOD enabling ordinance constitutes Sections 21-9.100 through 21-9.100-4 of the LUO. We are proposing some changes to these sections to clarify the text, add definitions, and remove portions that have expired or are no longer applicable. For example, references to the “TOD zone” are replaced with the term “TOD Special District.” Also, Section 21-9.100-1, “Creation of TOD development regulations” was completely removed and replaced with “TOD Special District Findings.” Previously, this section directed the DPP to develop TOD regulations, a directive that is repeated in Section 21-9.100-3. It also provided the City Council with an option to develop TOD regulations after January 1, 2010, even if no TOD neighborhood plan had been produced by the DPP. This option is no longer applicable or necessary. Section 21-9.100-3(a), which imposed the 120-day deadline for transmittal of the proposed ordinance establishing the TOD Special District, as well as Section 21-9.100-3(b), which referred back to Section 21-9.100-1 (which will be revoked), have been removed. These changes do not substantially alter the TOD Special District, the development of the neighborhood TOD plans, or the proposed regulations.

**TOD Special District Findings and Objectives:** The purpose of the TOD Special District is to create vibrant, mixed-use neighborhoods around future rail stations which will support the use of multi-modal transportation and will direct a large portion of Oahu’s future population growth to the rail corridor, which will in turn reduce pressures to develop in rural agricultural lands, open spaces, and suburban residential areas. Throughout the formation of the standards, our goal was to keep the standards simple, straightforward, and purposeful. As such, we created a system to reward development that follows all of the TOD Special District development standards with a quick, ministerial processing timeline. At the same time, modifications of the development standards can be achieved with a Special District permit so that landowners and developers may continue to enhance existing developments and create opportunities for infill development.

**Use Regulations:** The uses allowed in the Special District will be based on the underlying zoning district, as they are throughout the island, except that in certain areas active uses and activities will be required on the ground floor. Active ground floor activities will encourage pedestrian movement and activate the street level of buildings. They include retail establishments, restaurants, personal service establishments, lobbies for hotels or multi-family dwelling uses, galleries, theaters, and other similar uses and activities. In the IMX-1 Commercial Industrial Mixed Use District, up to ten dwelling units may be permitted per zoning lot. Currently, only caretaker dwellings are permitted in the industrial districts.

**Density:** The maximum permitted density determines how much floor area may be developed on the lot. Density limits are based on the zoning district and the size of the lot. Density is expressed as floor area ratio (FAR), which is a factor that determines the maximum permitted floor area. The FAR may be established as a standard (as in the B-2 and BMX-3 Districts), or derived from a formula based on the lot area (as in the Apartment, Apartment Mixed Use, Industrial, and Industrial Mixed Use Districts). The existing and proposed FAR potential is summarized as follows:

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

**Height:** The Waipahu Neighborhood TOD Plan recommended height limits for each station area. The proposed zoning map amendments generally reflect these proposed heights. In the Waipahu Transit Center and West Loch station areas, most areas will remain unchanged at 60 feet. Some areas farther from the rail stations will be 45 feet. The areas closest to the future West Loch station will have the option to increase the height limit to 90 feet (the bonus height limit) through a Special District permit. The zoning map amendments will show a base height and a parenthetical bonus height to reflect the two proposed height limits. A developer can seek the bonus height limit through a Special District permit or PD-T permit. The increased height limit will need to be justified through the provision of community benefits, which are elements of a development project that will mitigate the impacts of the greater height or density. Examples of community benefits include affordable housing, open space, parks, right-of-way improvements, and facilities that enhance the pedestrian experience and improve multi-modal transportation.

Projects seeking Special District permit approval for height or density bonuses should:

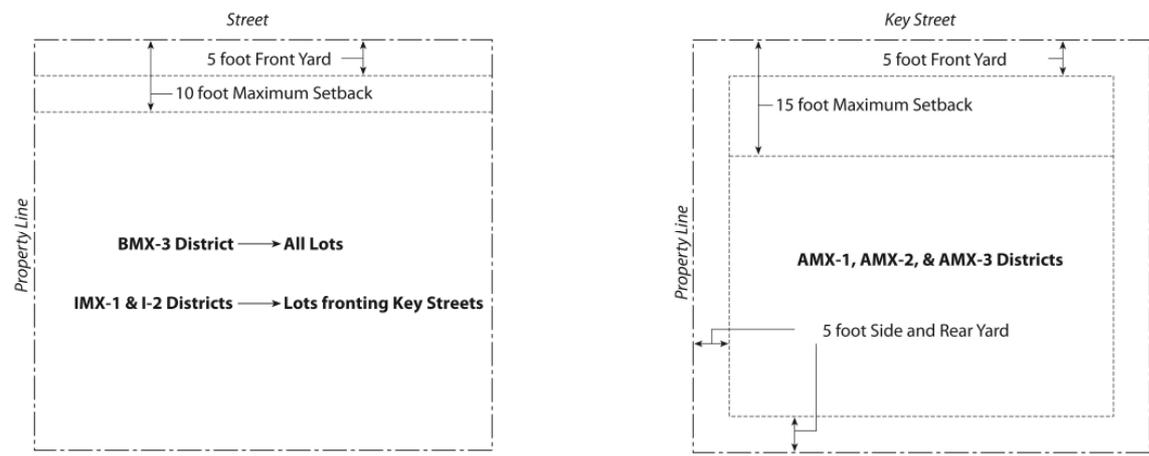
- Improve transit ridership and the use of multi-modal transportation;
- Contribute to open spaces and parks;
- Provide a mix of housing and unit types, including affordable housing, and a range in the number of bedrooms provided; and
- Have a long-term positive, robust economic impact.

In order to approve a Special District permit, the Director of the DPP will need to make the following conclusions:

- Community benefits have been incorporated into the project plan;
- The level of community benefits provided is reasonably proportional to the additional height and/or density;
- The additional FAR and/or height will not be detrimental to the quality of the neighborhood character or urban design, and will not negatively impact any adopted public views; and
- The project will further the goals and objectives of the TOD Special District and the applicable neighborhood TOD plan.

**Yards and Setbacks:** In the TOD Special District, the minimum front yard will be five feet for all zoning lots in the Waipahu and West Loch station areas. In addition to the front yard, certain lots will also have a maximum setback. For purposes of the TOD Special District, the “setback” means the distance from the property line to the front facade of a building. Buildings will need to be placed between the minimum yard and the maximum setback. In the Business and Business Mixed Use Districts, the maximum setback on all streets will be 10 feet. In the Apartment and Apartment Mixed Use Districts, the maximum setback on key streets will be 15 feet. In the Industrial and Industrial Mixed Use Districts, the maximum set back on key streets will be 10 feet. There will be no maximum setback on non-key streets for the Apartment, Apartment Mixed Use, Industrial, or Industrial Mixed Use Districts.

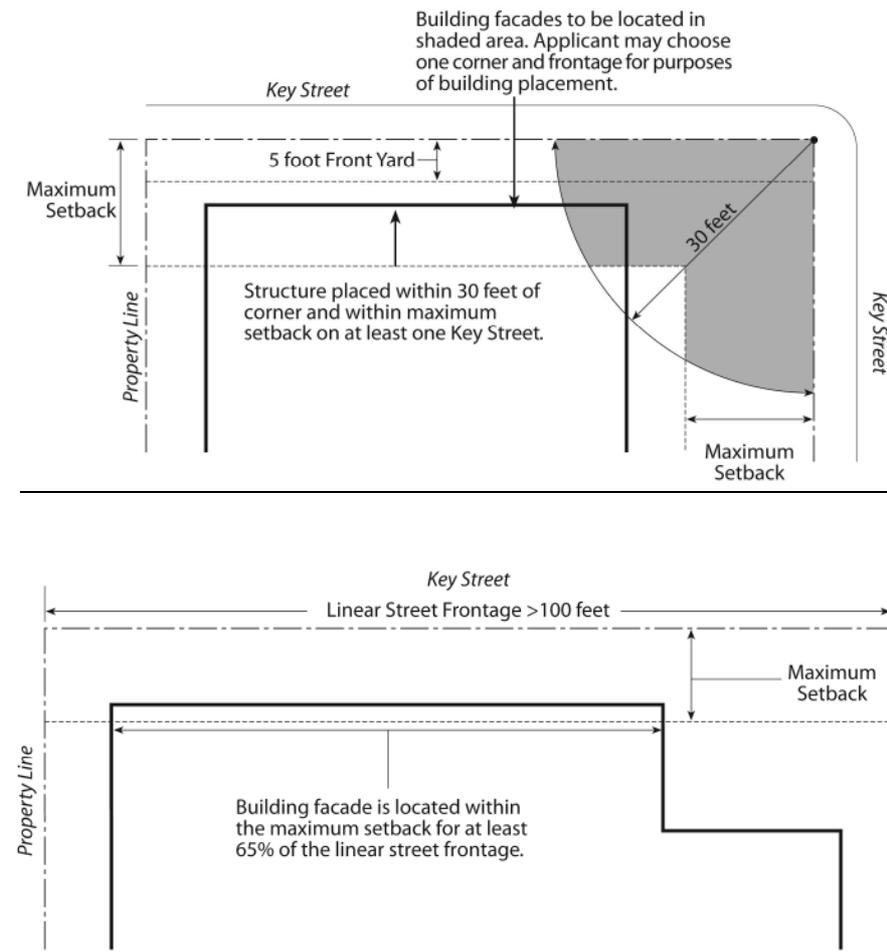
Buildings will be allowed to encroach into the minimum yard without a Special District permit if there is an eight-foot-wide public sidewalk fronting the property or if there are other buildings on the same street that are set back less than five feet from the property line. This will allow new buildings to align with existing buildings to create a continual street frontage.



The setback area will be improved with a combination of hard surface, decorative landscaping, and pedestrian amenities, such as benches and publicly accessible seating, shade trees, portable planters, trash and recycling receptacles, facilities for recharging electronic devices, Wi-Fi service, bicycle facilities, merchandising displays, and outdoor dining. Front yard landscaping, while encouraged for decorative purposes, will no longer be required, other than

for ground floor residential uses. Also, for lots in the Apartment and Apartment Mixed Use Districts, walls and fences within the maximum setback will be limited to three feet in height.

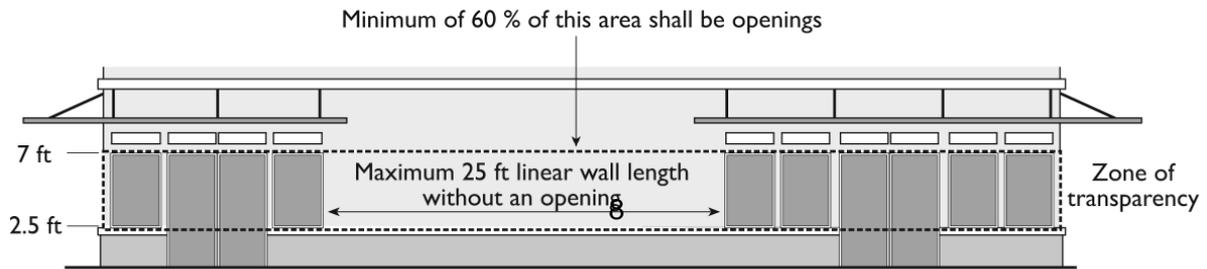
**Street Facade and Building Placement:** On corner lots, buildings will be required to be within 30 feet of the corner. This will help contribute to an activated street and sidewalk area and prevent "dead" space at the corner. Also, buildings will have to be placed within the maximum setback for 65 percent of the linear street frontage on lots with more than 100 feet of street frontage, and for 75 percent on lots with 100 feet of street frontage or less. In other words, most of any given building will have to be close to the front property line. These standards are graphically illustrated as follows:



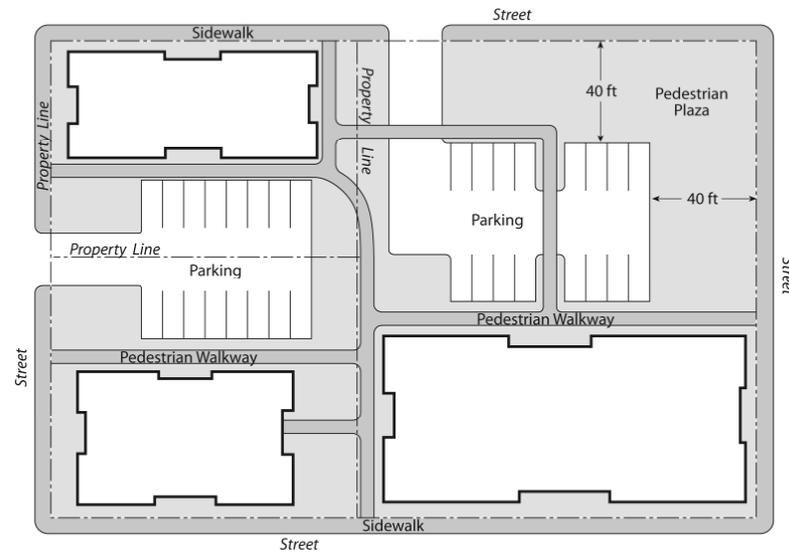
**Building Orientation and Entrances:** Buildings will have to be parallel to the street and primary building entrances will have to be oriented toward the street or adjacent public open spaces. If multiple businesses are located along the ground floor of a single building facing a street, each business will have its own entrance, and there will be at least one entrance for every 50 feet of the building facade facing a public street or pedestrian plaza. All of these standards work toward shifting the orientation of a building away from the parking lot and toward pedestrians.

**Required Openings for Ground Floor Facades:** Another key for achieving the goal of active streetscapes is to require transparent windows and doors along the ground floor of

buildings. At least 60 percent of the building facade area between 2.5 and 7 feet above grade will have to contain windows, doors, or other transparent openings. Further, blank walls cannot extend for more than 25 feet without an opening. The transparent areas must provide views into work, display, sale areas, lobbies, or other active spaces; they cannot be covered, obscured, darkened, or reflective. Structures with dwelling units or industrial uses on the ground floor may be exempt from these standards.



**Pedestrian Walkways:** Pedestrian walkways will be required to create internal connections between a building and parking areas, pedestrian amenities, public sidewalks, other buildings, and, where possible, neighboring properties. These walkways will have to be clearly identified through the use of different paving materials or other visual markings. This will create a safe and effective means for pedestrians to navigate sites, so they do not have to traverse expansive parking areas to enter a building from the sidewalk.



**Affordable Housing Standards:** New residential developments will have to be in compliance with any affordable housing policy adopted by the City Council. Any landowner or developer using affordable housing as a community benefit will have to provide affordable housing above and beyond the minimum requirements of the adopted affordable housing policy. The requirements for affordable housing contributions will reflect those proposed in “Housing Oahu: Affordable Housing Strategic Plan”, introduced to the City Council on September 12, 2014. The housing requirements are designed to prevent gentrification by requiring larger developments to contribute to the creation and sustainability of an affordable housing stock.

**Vehicle Parking:** We propose to remove minimum parking requirements for commercial uses. Rather than providing parking as required by the LUO, developers will be able to evaluate the parking needs of their project and the market, thereby determining the appropriate amount of parking through their own analysis. One of the hallmarks of neighborhoods surrounding rail stations is that transit, bus, bicycle, and foot traffic is so convenient that personal automobiles become less necessary. We are not suggesting that people will suddenly stop driving and owning automobiles, but it may be the case that people who live and/or work near rail stations will want fewer cars per family. Also, removing the parking requirement for commercial uses empowers employers to provide other incentives for people to choose alternate modes of transportation, like transit passes or bicycle sharing memberships. Finally, the financial and spatial commitment to cars and parking can be converted into the exciting revitalization we are seeking in these areas.

For residential uses, we recommend the parking requirement be reduced as follows:

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

In addition to lowering or eliminating parking requirements, the location of parking areas will be prescribed. Parking lots will have to be set back at least 40 feet from front property lines. This requirement, in combination with all of the standards relating to building placement near the street and corner, will effectively locate parking to the side of and behind buildings so parking areas will not interrupt the active streetscape or pedestrian and bicycle routes around the rail transit stations. To further enhance the sidewalks, parking garages will be required to design the ground floor for active uses and set back parking 40 feet.

**Nonconformities:** We are proposing to relax nonconformity standards within the Special District because of the difficulty landowners may encounter when existing developments become nonconforming after the adoption of the Special District standards and zoning map amendments. Relaxed nonconformity standards will also allow creative infill development and the enhancement of nonconforming structures. In most cases we do not anticipate any problems because the development standards are becoming more flexible. For example, a mix of uses will be allowed, so existing nonconforming apartment buildings will become conforming uses. Similarly, buildings located less than five feet from the property line will not be considered nonconforming. On the other hand, buildings located behind the maximum setback and parking located within the first 40 feet of the property line will be considered “nonconforming site development.” Nonconforming site development means a zoning lot with structures and uses that comply with underlying zoning district standards, but are not in conformance with all of the standards of the Special District, including, but not limited to, building location, yard and setback requirements, street facades, building orientation and entrances, parking lot design and location, and bicycle parking. We have generated a method by which these new nonconformities can be dealt with and resolved:

- Structures and uses that are nonconforming prior to the adoption of the TOD Special District and that do not conform to the TOD Special District standards are subject to the standard nonconformity provisions of the LUO.
- Nonconforming uses can be expanded to other parts of an existing structure or structures on a lot, but new floor area cannot be developed for a nonconforming use. New development (floor area) shall be occupied by conforming uses.
- Nonconforming structures may be repaired and modified where there is no proposed increase in floor area, but if the structure is destroyed by any means to an extent of more than 90 percent of its replacement cost at the time of destruction, then any reconstruction will have to meet the Special District permit standards (the prevailing threshold is 50 percent of the replacement cost).
- A nonconforming structure may be expanded if the expansion complies with the Special District development standards and does not increase nonconformity.
- Existing structures on lots with nonconforming site development can be repaired and modified without value limits. Where the work involves new floor area or reconfiguration of the site, the new work shall comply with the standards of the Special District.

**TOD Special District Permits:** A project that is compliant with all of the development standards of the Special District on a lot less than an acre in size will not require a Special District permit. In such a case, the project can proceed directly to the ministerial building permit process. On the other hand, when an Applicant seeks additional height or density, or requests to modify one or more Special District development standards, a TOD Special District permit process is available. As discussed in the sections on height and density, where an Applicant seeks height or density bonuses, the application will have to demonstrate how the project is providing community benefits to offset or mitigate the additional height or density. Developers who believe they cannot meet all of the new Special District standards may request to modify the standards when they can show their proposed development is consistent with the goals and objectives of the TOD Special District, and when they show how they will mitigate the impacts associated with the modification. For example, if a landowner cannot locate the building within 10 feet of the front property line because the topography of the site prevents such a location of the structure, the landowner can seek to adjust the maximum setback standard through a Special District permit. Through the permit, the DPP can review the project and seek ways to mitigate the additional setback. For example, a clear pedestrian path to the building will mitigate the additional setback and provide an inviting path from the sidewalk to the building.

Certain projects or sites will require a Special District permit even if no modifications in height, density, or development standards are required. Projects involving development on sites one acre or more in size, residential developments in the IMX-1 Industrial Commercial Mixed Use District, streetscape improvements in the right-of-way, and certain infrastructure improvements will require Special District permits.

Ultimately, we are proposing a system in which a developer who meets all of the development standards along key streets in the Special District can avoid discretionary reviews and proceed directly to a building permit. Only those Applicants seeking modification of the standards and/or height/density bonuses will face a discretionary review process. This will help streamline the review process and will reward those who comply with the Special District standards with faster processing times. Applicants who have difficulty meeting the proposed

standards or who wish to be more creative may apply for a Special District permit to allow some flexibility without a variance.

**PD-T Permit:** The purpose of the PD-T permit is to provide opportunities for creative, innovative redevelopment projects that would not be possible under a strict adherence to the development standards of the LUO. This permit will function similarly to the PD-R and Interim PD-T permits and will be approved by the City Council via resolution. In order to qualify for the PD-T permit, zoning lots must be at least one acre in size. Through a PD-T permit process, an Applicant can request to double the allowable density and attain the bonus height limit shown on the zoning maps. Other development standards, like parking and yard requirements, may also be modified. Through this process the City Council can assess the requested modifications and project scale in order to determine the level of public benefits that would mitigate any impacts related to those modifications. Community benefits like affordable housing, dedicated public gathering places, or a new bicycle lane will be required to mitigate the impacts of granting the higher density and height. Other community benefits proposed by the Applicant may also be considered.

## **VII. Recommendation**

In summary, the proposed TOD Special District and related development standards are consistent with the goals and objectives of the TOD enabling ordinance and will provide an environment within the rail transit station areas that facilitates safe, effective, quality development resulting in fabulous transit-enhanced neighborhoods. The DPP recommends approval of the attached draft bill to establish a TOD Special District.



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL \_\_\_\_\_

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**A BILL FOR AN ORDINANCE**

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

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

SECTION 1. Purpose and intent. The purpose of this ordinance is to establish a special district with appropriate land use standards and guidelines for those areas around the Honolulu Rail Transit Project stations. Transit-oriented development (TOD) in this special district should be designed to have a positive, robust economic impact, improve transit ridership and the use of multimodal transportation, contribute to open spaces and parks, and provide a broad range of housing units.

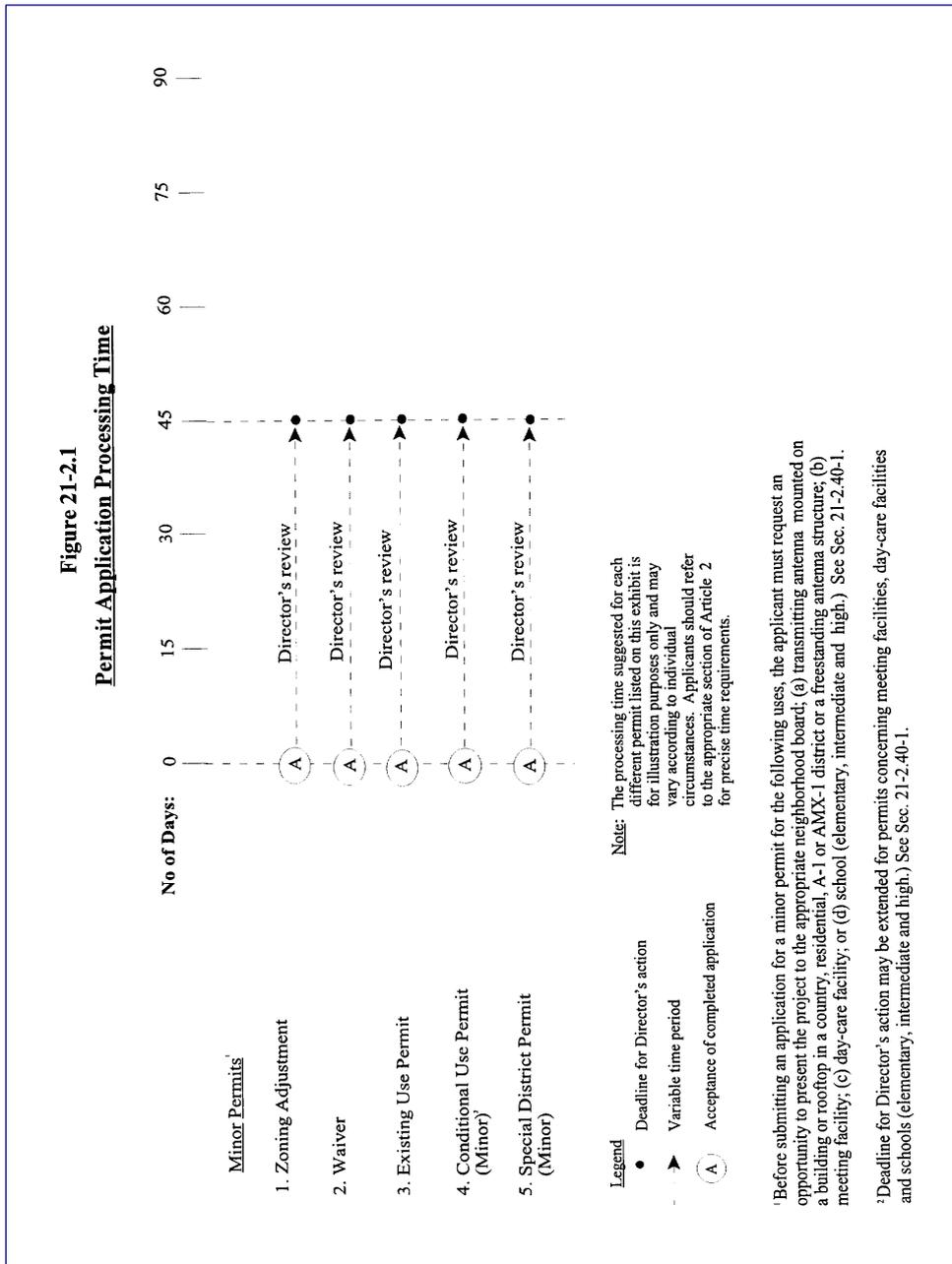
SECTION 2. Figure 21-2.1 ('Permit Application Processing Time'), Revised Ordinances of Honolulu 1990, as amended, is repealed and replaced as follows:

DPPTODSD.B15



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“[Figure 21-2.1 Permit Application Processing Time



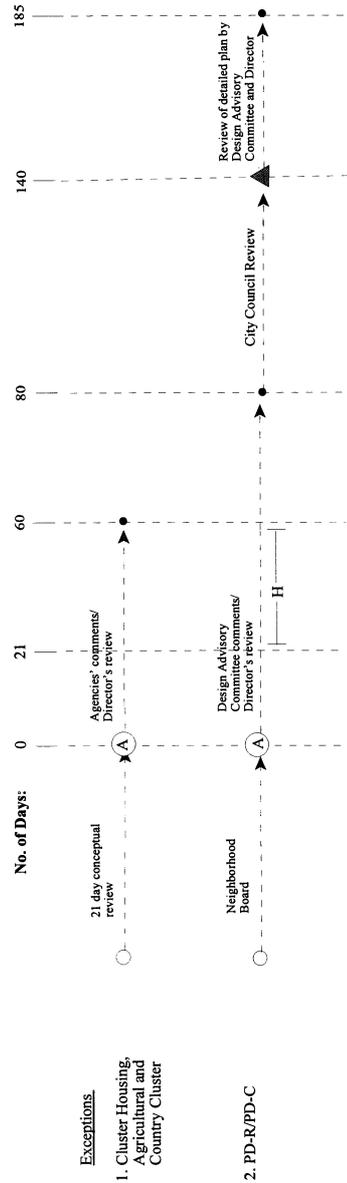




**A BILL FOR AN ORDINANCE**

**Figure 21-2.1 (continued)**

**PERMIT APPLICATION PROCESSING TIME**

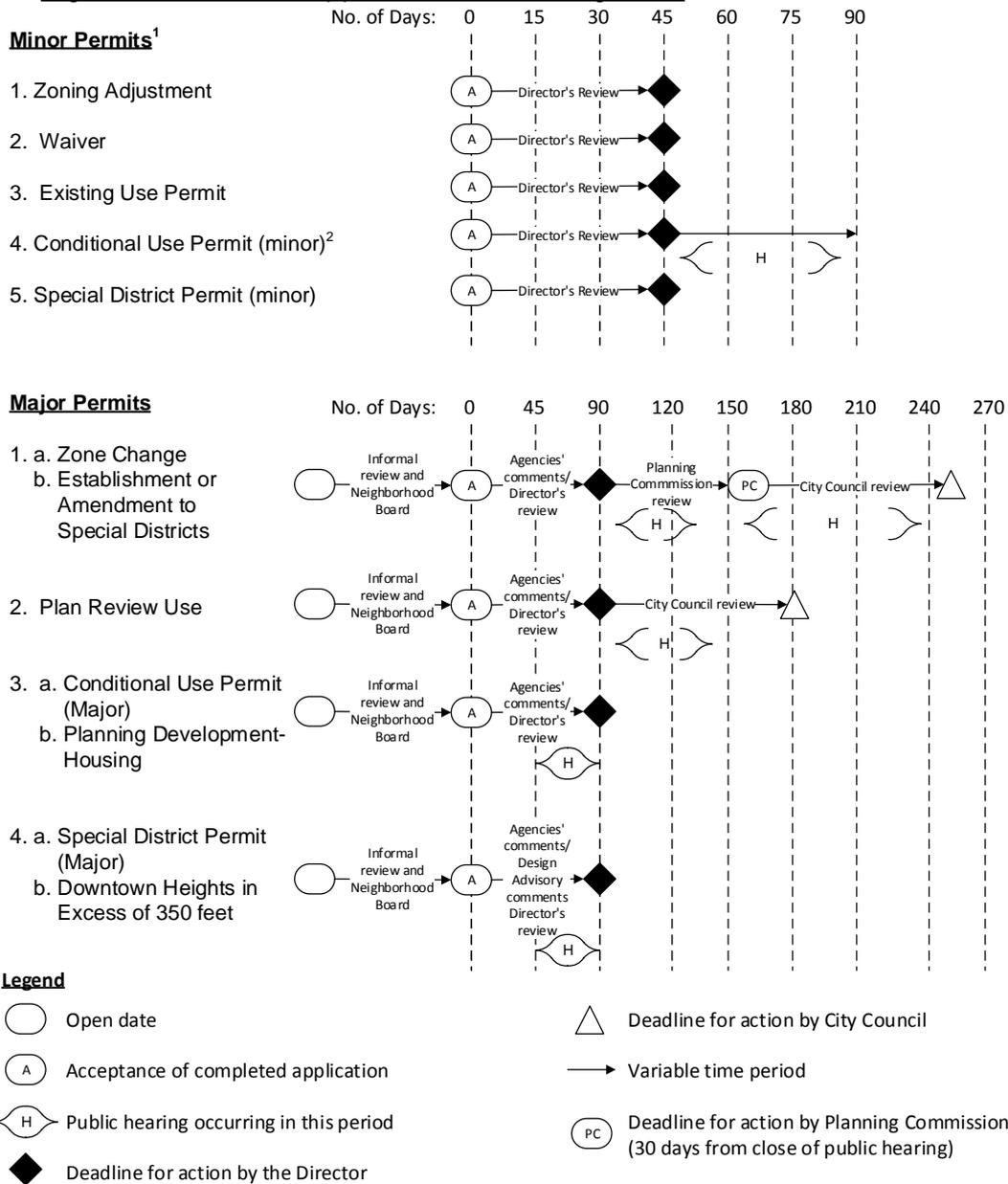


**Note:** The processing time suggested for each different permit listed on this exhibit is for illustration purposes only and may vary according to individual circumstances. Applicants should refer to the appropriate section of Article 2 for precise time requirements.



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**“Figure 21-1 Permit Application Processing Time**



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

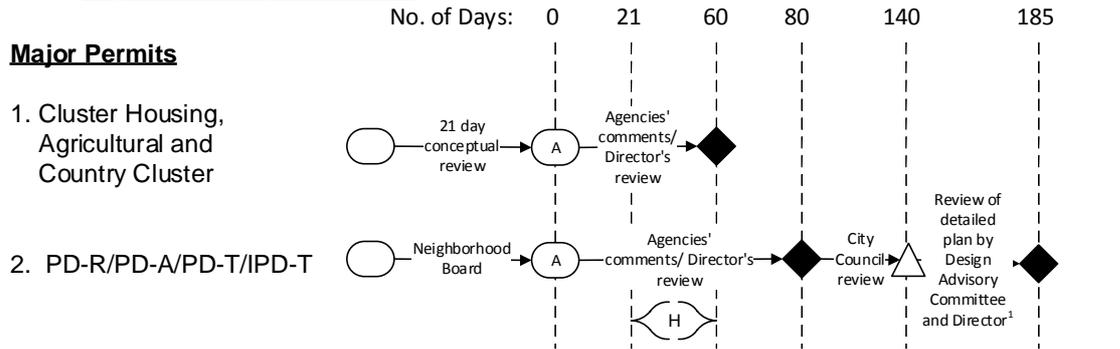
<sup>1</sup> Before submitting an application for a minor permit for the following uses, the applicant must request an opportunity to present to the appropriate neighborhood board; (a) transmitting antenna mounted on a building or rooftop in a country, residential, A-1 or AMX-1 District or a freestanding antenna structure; (b) meeting facility; (c) day-care facility; or (d) school (elementary, intermediate and high). See Sec. 21-2.40-1.

<sup>2</sup> Deadline for Director's action may be extended for permits concerning meeting facilities, day-care facilities and schools (elementary, intermediate and high). See Sec 21-2.40-1.



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**Figure 21-1 (continued)**



**Legend**

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

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

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

SECTION 3. Section 21-2.110-2, Revised Ordinances of Honolulu (ROH) 1990, as amended (“Planned development-resort, planned development-apartment, and interim planned development projects”), is amended to read as follows:

“Section 21-2.110-2      Planned development-resort, planned development-apartment, planned development-transit, and interim planned development-transit projects.

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



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- (1) For PD-T and IPD-T projects, attend a pre-application meeting with the department to conduct an informal review of the project, unless the department determines that such a meeting is unnecessary. The applicant shall be prepared to discuss how the project can accomplish the goals and objectives of Section 21-9.100-4 and:
  - (A) The approved neighborhood TOD plan for the affected area; or
  - (B) If the neighborhood TOD plan has not yet been approved, the draft neighborhood TOD plan. As used in this section, "draft neighborhood TOD plan" means the most current version of the plan then under consideration by the department or the council, commencing with the first public review draft released by the director to the community for review and comment; and
  
- (2) For all planned-development projects, [Present] present the proposal to the neighborhood board in whose district the project is to be located. Notice of the presentation, or the applicant's good faith efforts to make such a presentation, shall be given to all owners of properties adjoining the proposed project.
  
- (c) For all planned-development projects, [Upon] upon acceptance of the completed application by the director, the director shall notify the council of the acceptance, providing the council with the date of the director's acceptance of the application and a brief description of the proposal contained in the application. The director shall hold a public hearing concerning the conceptual plan for the project at a date set no less than 21 nor more than 60 calendar days after the date on which the completed application is accepted, unless the 60-day period is waived by the applicant. This hearing may be held jointly and concurrently with any other hearing required for the same project. The director shall give written notice of the public hearing to the neighborhood board in whose district the project is to be located no less than 15 days prior to the public hearing.

For PD-T and IPD-T projects, a complete application shall demonstrate how the project achieves consistency with:

- (1) The approved neighborhood TOD plan for the affected area; or
- (2) If the neighborhood TOD plan has not yet been approved, the draft neighborhood TOD plan.



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



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SECTION 4. Section 21-3.90-1(c), ROH 1990, as amended, (“Apartment mixed use district uses and development standards”) is amended to read as follows:

“(c) Additional Development Standards.

- (1) Except for necessary access drives and walkways, all yards shall be landscaped.
- (2) Optional Yard Siting. In the AMX-2 and AMX 3 districts, parking lots and garages may extend to side and rear property lines, provided the following requirements are met:
  - (A) An area or areas of open space equivalent to the area to be used for parking or accessory use structures are provided elsewhere on the zoning lot. This open space shall be maintained in landscaping, except for drives or walkways necessary for access to adjacent streets. Parking may overhang the open space up to three feet if wheel stops are installed. A minimum of 50 percent of the open space shall be contiguous to the street frontage abutting the zoning lot;
  - (B) Any parking floor in the 10 feet adjacent to the property line shall not be more than four feet above existing grade; and
  - (C) Landscaping required under Section 21-4.70 is provided and maintained.
- (3) Height Setbacks. In the AMX-2 and AMX-3 districts, for any portion of a structure over 40 feet in height, additional side and rear setbacks shall be provided; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-3.3).
- (4) Commercial Use Density and Location.
  - (A) The floor area of any use marked with a superscript-<sup>1</sup> under Table 21-3, either occurring as a single use on a zoning lot or in combination with other uses, shall not exceed an FAR as enumerated in Table 21-3.3, and such floor area shall be counted as part of the total FAR allowed.



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- (B) Where these commercial uses are integrated with dwelling uses, pedestrian access to the dwellings shall be physically, mechanically, or technologically independent from other uses and shall be designed to enhance privacy for residents and their guests. No floor above the ground floor shall be used for both dwelling and commercial purposes.”

SECTION 5. Section 21-3.110-1, Chapter 21, ROH 1990, as amended, (“Business district uses and development standards”) is amended by amending subsection (c) to read as follows:

“(c) Additional Development Standards.

- (1) Except for necessary access drives and walkways, all yards shall be landscaped.
- (2) B-1 District Transitional Height Setback. Where a zoning lot adjoins a zoning lot in a residential district, the residential district height setbacks shall be applicable at the buildable area boundary line of the adjoining side of the B-1 zoning lot (see Figure 21-3.5).
- (3) B-2 District Height Setbacks. Within the B-2 district, any portion of a structure over 40 feet in height shall have additional height setbacks; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-3.3).
- (4) B-2 District Transitional Height Setback.
  - (A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback shall be applicable at the buildable area boundary line of the adjoining side of the B-2 zoning lot (see Figure 21-3.5).
  - (B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, AMX-3 or resort district, no portion of a structure shall exceed 40 feet in height along the buildable area boundary line on the adjoining side of the B-2 zoning lot, provided that additional height



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shall be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback shall be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 21-3.5).

- [(4) Street Setbacks. Within the B-2 district, no portion of a structure shall exceed a height equal to twice the distance from the structure to the vertical projection of the center line of any street (see Figure 21-3.7).]
- (5) Open Space Bonus. Within the B-2 district:
  - (A) For each square foot of public open space provided, five square feet of floor area may be added, exclusive of required yards;
  - (B) For each square foot of arcade area provided, three square feet of floor area may be added, exclusive of required yards; and
  - (C) Maximum density with open space bonuses shall not exceed an FAR as provided under Table 21-3.4.”

SECTION 6. Section 21-3.120-2, Chapter 21, ROH 1990, as amended, (“Business mixed use district uses and development standards”) is amended by amending subsection (c) to read as follows:

“(c) Additional Development Standards.

- (1) Except for necessary access drives and walkways, all yards shall be landscaped.
- (2) BMX-3 District Height Setbacks. Within the BMX-3 district, any portion of a structure over 40 feet in height shall have additional height setbacks; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-3.3).
- (3) BMX-3 District Transitional Height Setbacks.



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(A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback shall be applicable at the buildable area boundary line of the adjoining side of the BMX-3 zoning lot (see Figure 21-3.5).

(B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, AMX-3 or resort district, no portion of a structure shall exceed 40 feet in height along the buildable area boundary line on the adjoining side of the BMX-3 zoning lot, provided that additional height shall be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback shall be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 21-3.5).

[(3)] (4) BMX-4 District Transitional Height Setback. Where a zoning lot adjoins a zoning lot in a residential, apartment, apartment mixed use or resort district, the height setback of the adjoining district shall be applicable at the buildable area boundary line of the adjoining side of the BMX-4 lot (see Figure 21-3.5).

[(4)] (5) BMX-4 District Height Setback. For a minimum of 50 percent of any contiguous street frontage, no portion of a structure located on a lot adjacent to a street shall exceed a height which is intersected by a plane over the buildable area which makes an angle of 65 degrees with the horizontal at ground elevation at the center line of the street (see Figure 21-3.9).

[(5) Street Setbacks and] (6) Street Trees.

[(A) Within the BMX-3 district, no portion of a structure shall exceed a height equal to twice the distance from the structure to the vertical projection of the center line of any street (see Figure 21-3.7)

[(B)] If a street tree plan exists for the street which fronts the project, the applicant shall install a street tree or trees, as required by the director.

(6) BMX-3 District Open Space Bonus.



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- (A) For each square foot of public open space provided, five square feet of floor area may be added, exclusive of required yards;
  - (B) For each square foot of arcade area provided, three square feet of floor area may be added, exclusive of required yards; and
  - (C) Maximum density with open space bonuses shall not exceed an FAR as provided under Table 21-3.4.
- (7) BMX-4 District Open Space Bonus.
- (A) For each square foot of public open space provided, 10 square feet of floor area may be added. If provided, front yards may be included as public open space;
  - (B) For each square foot of arcade area provided, five square feet of floor area may be added;
  - (C) Maximum density with open space bonuses shall not exceed an FAR as provided under Table 21-3.4; and
  - (D) For developments which exceed a height of 350 feet, for each square foot of public open space provided, 10 square feet of floor area may be added below 350 feet of building height or seven square feet of floor area may be added above 350 feet of building height. If provided, front yards may be included as public open space.
- (8) BMX-4 District Heights Above 350 Feet. For developments which exceed a height of 350 feet, but are permitted higher heights on the zoning maps, refer to Section 21-3.120-1.
- (9) Historic Resources Bonus. For developments in the BMX-4 district which exceed a height of 350 feet, refer to Section 21-3.120-1 for provisions relating to additional floor area permitted for preservation of historic resources.”

SECTION 7. Section 21-3.140-1, Revised Ordinances of Honolulu 1990, as amended, (“Industrial-commercial mixed use district uses and development standards”), is amended by amending subsection (c) to read as follows:



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“(c) Additional Development Standards.

- (1) Density. For purposes of this subdivision, uses marked by a superscript <sup>2</sup> in Table 21-3 shall be considered "commercial uses." The maximum FAR for a zoning lot shall be as follows:

<b>Maximum FAR</b>	<b>Provided the following minimum FAR, in aggregate, of the total floor area on the zoning lot is devoted to permitted "noncommercial" principal uses</b>
1.5	0.00
2.0	0.5
2.5	0.75

Except a maximum 2.5 FAR with no limit for floor area devoted to commercial uses shall be applicable to zoning lots of 10,000 square feet or less in areas that were of record on June 14, 1993, or to zoning lots within any technology park so designated in Chapter 24 for which there has been recorded a unilateral agreement pursuant to Section 21-2.70, which includes limitations on the permitted uses in the technology park.

- (2) Transitional Height Setbacks.
- (A) Where a zoning lot adjoins a zoning lot in a residential, A-1 or AMX-1 district, the residential district height setback shall be applicable at the buildable area boundary line of the adjoining side of the IMX-1 zoning lot (see Figure 21-3.5).
- (B) Where a zoning lot adjoins a zoning lot in an A-2, A-3, AMX-2, AMX-3, or resort district, no portion of a structure shall exceed 40 feet in height along the buildable area boundary line on the adjoining side of the IMX-1 zoning lot, provided that additional height shall be permitted if the additional height is set back one foot from the buildable area boundary line for each 10 feet in height or fraction thereof. This setback shall be a continuous plane from the top of the structure to the beginning of the additional height (see Figure 21-3.5).
- (3) [Street Setbacks. On zoning lots adjacent to a street, no portion of a structure shall exceed a height equal to twice the distance from

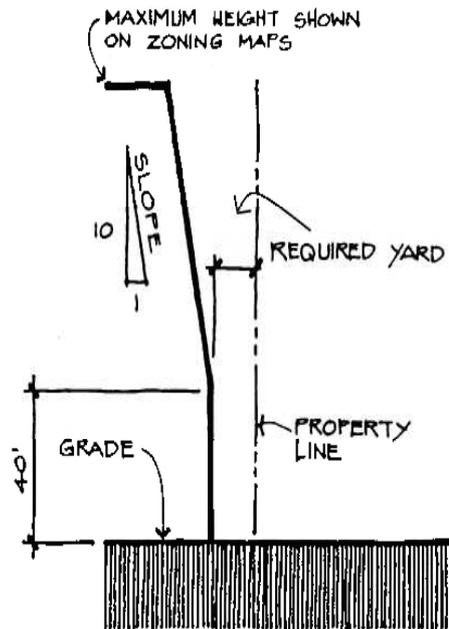


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the structure to the vertical projection of the center line of the street (see Figure 21-3.7).] Height Setbacks. Any portion of a structure over 40 feet in height shall have additional height setbacks; for each 10 feet of additional height or portion thereof, an additional one-foot setback shall be provided. The additional setback shall be a continuous plane from the top of the structure to the height of 40 feet above grade (see Figure 21-3.3)."

SECTION 8. Figure 21-3.3, Revised Ordinances of Honolulu 1990, as amended, is amended as follows:

"Figure 21-3.3  
A-2, A-3, AMX-2, AMX-3, B-2, BMX-3, AND IMX-1  
DISTRICT HEIGHT SETBACK



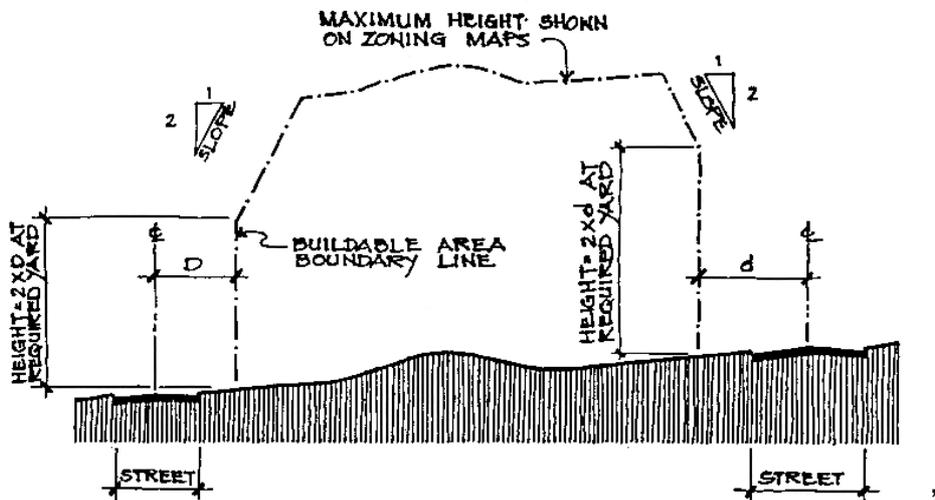
”



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SECTION 9. Figure 21-3.7, Revised Ordinances of Honolulu 1990, as amended, is amended as follows:

“Figure 21-3.7  
STREET SETBACKS ([B-2, BMX-3,] I-2,  
AND 1-3 [AND IMX] DISTRICTS)



SECTION 10. Section 21-5.210, Revised Ordinances of Honolulu 1990, as amended, (“Dwellings, multifamily”) is amended to read as follows:

“Sec. 21-5.210 Dwellings, Multifamily.

In the BMX-3 zoning district, where multifamily dwellings are integrated with other uses, pedestrian access to the dwellings shall be physically, mechanically, or technologically independent from other uses and shall be designed to enhance privacy for residents and their guests.”

SECTION 11. Section 21-5.490, Revised Ordinances of Honolulu 1990, as amended, (“Off-site parking facilities”) is amended by amending subsections (a) and (b) to read as follows:



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“Sec. 21-5.490 Off-site vehicular and bicycle parking facilities.

- (a) The distance of the entrance to the vehicular parking facility from the nearest principal entrance of the establishment or establishments involved shall not exceed 400 feet by customary pedestrian routes. The distance of the entrance to the bicycle parking facility from the nearest principal entrance of the establishment or establishments involved shall not exceed 200 feet by customary pedestrian routes.
- (b) When the off-site vehicular or bicycle parking is necessary to meet minimum parking requirements, then a written agreement assuring continued availability of the number of spaces indicated shall be drawn and executed, with a certified copy to be filed with the director. The agreement shall stipulate that if such space is not maintained, or space acceptable to the director substituted, the use, or such portion of the use as is deficient in number of parking spaces, shall be discontinued. The agreement shall be subject to the approval of the corporation counsel.”

SECTION 12. Section 21-6.140, Revised Ordinances of Honolulu 1990, as amended, (“Exceptions to off-street parking and loading requirements”) is amended by amending subsection (b) to read as follows:

“Sec. 21-6.140 Exceptions to off-street parking and loading requirements.

- (b) All buildings and uses, except multifamily dwellings and hotels, which are located within the boundaries of any improvement district for public off-street vehicular or bicycle parking and which have been assessed their share of the cost of the improvement district, shall be exempt from off-street parking and/or bicycle parking requirements of this chapter.”

SECTION 13. Chapter 21, Article 6, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new Section 21-6.150 to read as follows:

“Section 21-6.150                      Bicycle Parking

- (a) Short- and long-term bicycle parking.
  - (1) For the purposes of this chapter, short-term bicycle parking shall mean bicycle parking for customers and visitors of an establishment in convenient, accessible, and visible areas. Short-term bicycle parking



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should be located as close as possible to the entrances of the principal uses on a lot so that it is highly visible and easily identifiable.

(2) For the purposes of this chapter, long-term bicycle parking shall mean secure, weather protected bicycle parking intended for employees, residents, commuters, and other visitors who generally stay at a site for several hours, or overnight.

(b) In the apartment, apartment mixed use, business, and business mixed use districts, bicycle parking shall be provided as required below:

	Short-Term Bicycle Parking	Long-Term Bicycle Parking
Non-Residential Uses	1 space per 2,000 square feet of floor area or 1 space per 10 vehicle spaces, whichever is greater	1 space per 12,000 square feet of floor area or 1 space per 30 vehicle spaces, whichever is greater
Residential Uses	1 space for every 10 units or 10 spaces, whichever is greater	1 space for every 2 dwellings or lodging units

(c) Both short- and long-term bicycle parking shall be provided whenever new floor area, a new dwelling unit, or a new parking structure is proposed.

(d) Anchoring and Security. For each bicycle parking space required, a bicycle rack shall be provided to which a bicycle frame and one wheel can be secured with a high-security U-shaped lock if both wheels are left on the bicycle. If a bicycle can be locked to each side of the rack without conflict, each side may be counted toward a required space.

(e) Size and Accessibility. Each bicycle parking space shall be a minimum of two feet in width and six feet in length and shall be accessible without moving another bicycle. Bicycle parking spaces shall be clear of walls, poles, landscaping (other than ground cover), street furniture, drive aisles, pedestrian ways, and vehicle parking spaces for at least five feet.”



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SECTION 14. Section 21-9.20-2, Revised Ordinances of Honolulu 1990, as amended, (“Major, minor, and exempt projects”) is amended to read as follows:

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

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

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

SECTION 15. Section 21-9.100, Revised Ordinances of Honolulu 1990, as amended, (“Transit-oriented development (TOD) special district”) is amended to read as follows:

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

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



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

(c) As used in this section:

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

“Bike-walk greenway” means shared-use paths or trails for pedestrians, cyclists, and other users of nonmotorized transportation modes within or adjacent to the TOD special district. Certain development standards will apply only to those zoning lots that abut the bike-walk greenway. Bike-walk greenways are identified on the exhibits set out at the end of this section.

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

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

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

“Setback” means the distance from the property line to the front facade of a building.



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“Street Tree Plan” means a Street Tree Planting Plan approved in accordance with the “Standards and Procedures for the Planting of Street Trees.”

“TOD” means transit-oriented development.

“TOD development regulations” means the regulations establishing the permitted uses and structures and development standards within a TOD zone, which shall be established by the council by ordinance, pursuant to the provisions of this section. TOD development regulations [shall be specific to each TOD zone and] may include [both zone and subzone specific] provisions specific to certain station areas.

“TOD special district” means that area surrounding existing and future rail transit stations along the rail alignment identified on the exhibits set out at the end of this section. Land within the TOD special district shall be subject to TOD development regulations.

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

SECTION 16. Section 21-9.100-1, Revised Ordinances of Honolulu 1990, as amended, (“Creation of TOD development regulations”) is repealed and replaced to read as follows:

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

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

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



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council may initiate proposed ordinances establishing a TOD zone and TOD development regulations applicable thereto where no neighborhood TOD plan has been adopted; provided, however, that there shall be a recognition that the use of neighborhood TOD plans shall be the preferred way to create TOD development regulations for each TOD zone and amendments to the development regulations should be considered upon the completion of a neighborhood TOD plan.]

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

SECTION 17. Section 21-9.100-2, Revised Ordinances of Honolulu 1990, as amended, ("Neighborhood TOD plans") is amended to read as follows:

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

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



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circulation strategies, general urban design forms, and cultural and historic resources that form the context for TOD.

- (2) Recommend parcels to be included in the TOD [zone] special district, taking into account natural topographic barriers, extent of market interest in redevelopment, and the benefits of transit including the potential to increase transit ridership.
  - (3) Recommended 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.



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(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.

(g) Waipahu Neighborhood TOD Plan.

(1) The Waipahu Neighborhood TOD Plan was adopted by the City Council via Resolution No. 14-47, CD 1, on April 16, 2014. It includes the West Loch and Waipahu Transit Center station areas.

(2) The Waipahu Transit Center station area reflects Waipahu’s heritage as a former sugar plantation town. The area is generally low-rise in character and contains a wide range of uses. The plan envisions the retention of the historic low-rise character while providing new retail, office, and residential opportunities in a walkable, mixed use setting in the areas along Waipahu Depot Road and Farrington Highway.

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

SECTION 18. Sections 21-9.100-3, Revised Ordinances of Honolulu 1990, as amended, (“Processing of proposed ordinances establishing TOD zones and the TOD development”) is amended to read as follows:

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

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

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



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within 120 days after adoption of the resolution initiating the ordinance, submit to the planning commission a report accompanied by the proposed ordinance and any alternative ordinance proposed by the director. The provisions of Chapter 2, Article 24, relating to council proposals to amend the zoning ordinances and the processing thereof by the department, shall not apply to council proposals to establish a TOD zone and the TOD development regulations applicable thereto. The director may request, and the council may approve, a 60-day extension of the deadline to submit a report and proposed ordinance to the planning commission under the following procedure:

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

SECTION 19. Sections 21-9.100-4, Revised Ordinances of Honolulu 1990, as amended, (“TOD development regulations minimum requirements”) is amended to read as follows:

**“Sec. 21-9.100-4 TOD development regulations minimum requirements.**

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

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



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

SECTION 20. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990, as amended, is amended by adding new sections Section 21-9.100-6 through 21-9.100-11 to read as follows:

**“Sec. 21-9.100-6 TOD special district objectives.**

The objectives of the TOD special district are to:

- (a) Promote an appropriate mixture and density of activity around the rail transit stations in order to maximize the potential for transit ridership and promote alternative modes of transportation to the automobile;
- (b) Allow for more intense and efficient use of land for the mutual reinforcement of public investments and private development;
- (c) Support transit by ensuring connectivity and convenient access, while limiting conflicts between vehicles, pedestrians, bicycles, and transit operations;



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

**Sec. 21-9.100-7 Use Regulations.**

Permitted uses and structures shall be as enumerated in Table 21-3, except as provided below.

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

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

The following standards apply throughout the TOD special district.

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



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(1) Density and Height.

(A) The FAR shall be as prescribed by the underlying zoning district, unless modified through a special district permit or PD-T permit, through which an applicant may seek approval to exceed the base FAR up to a maximum FAR as follows:

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

(B) The open space bonus provisions of Section 21-3.120-2(c) shall not apply.

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

(D) Height. The allowable height shall be as prescribed on the zoning map, unless modified through a special district permit. Through a special district permit, an applicant may seek approval to exceed the base height up to the parenthetical number identified as the bonus height limit on the zoning map.

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



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- (i) The provision of measures or facilities, or both, to promote a highly functioning, safe, interconnected, multimodal circulation system, supporting easy access to, and effective use of the transit system on a pedestrian scale;
- (ii) The provision of open space, particularly usable, safe, and highly accessible public accommodations, gathering spaces, or parks, either on site, within the TOD station area, or at a public park or gathering space within 400 feet of the same TOD station area boundary; and
- (iii) An appropriate mix of housing and unit types, particularly affordable or rental housing, or both, located on the project site or within the same station area as the project site.

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

- (F) When an applicant seeks to exceed the base height and/or density through a special district permit, the following conclusions shall be made:
  - (i) Additional project elements that provide community benefits beyond what would otherwise be required have been incorporated into the project plan, as described in Section 21-9.100-9(b);
  - (ii) The increase in height and/or FAR is reasonably related to the level of community benefits provided;
  - (iii) The additional FAR and/or height will not be detrimental to the quality of the neighborhood character or urban design, and will not negatively impact any adopted public views; and
  - (iv) The provision of community benefits in conjunction with the increase in FAR and/or height will further the goals and objectives of the TOD special district and the applicable neighborhood TOD plan.



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- (2) Building area. Within the TOD special district, the building area standard for zoning lots in the apartment mixed use and industrial mixed use districts, as set forth in Table 21-3.3 and 21-3. 5, respectively, shall not apply.
- (3) Yards, setbacks, street facade, and building placement.
  - (A) Required yards (in feet) in the TOD special district shall be as follows:

<u>Required Yard Standards</u>		<u>B-2 and BMX-3 Districts</u>	<u>Apartment and Apartment Mixed Use Districts</u>	<u>Industrial and Industrial Mixed Use Districts</u>
<u>Minimum Front Setback</u>	<u>All Streets</u>	<u>5<sup>1</sup></u>		
<u>Maximum Front Setback</u>	<u>Key Street</u>	<u>10</u>	<u>15</u>	<u>10</u>
	<u>Non-Key Street</u>	<u>10</u>	<u>N/A</u>	<u>N/A</u>

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

- (B) The maximum setback shall be measured from the front property line to the exterior face of the building. See Figures 21-9.3 and 21-9.4.
- (C) Buildings may encroach into the front yard provided,
  - (i) A paved public sidewalk at least eight feet in width fronts the building; or
  - (ii) Other buildings on the same block and sharing the same street frontage are set back less than five feet from the property line, and the proposed building location will match the existing setback(s) so that the proposed building facade creates a consistent building alignment.



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(D) Street facade and building placement.

- (i) On corner lots fronting at least one key street, buildings shall be located within 30 feet of such corner. See Figure 21-9.5.
- (ii) On a lot with a street frontage of 100 feet or less per frontage, the ground floor building facade shall be placed within the maximum front setback for at least 75 percent of the linear street frontage. See Figure 21-9.6.
- (iii) On a lot with a street frontage greater than 100 feet per frontage, the ground floor building facade shall be placed within the maximum front setback for at least 65 percent of the linear street frontage. See Figure 21-9.7.
- (iv) Where a lot fronts two or more key streets, the applicant may designate one of the streets and/or corners for purposes of street facade and building placement. The structure shall be placed within the maximum setback on at least one key street. Setback improvements must be provided along all key street frontages, as set forth in Section 21-9.100-8(a)(3)(E). See Figures 21-9.8 and 21-9.9.

(E) Setback Improvements.

- (i) For structures within 15 feet of the property line with commercial or industrial uses on the ground floor, the setback area between the property line and the building facade shall be improved with a combination of hardsurface, landscaping that does not obstruct pedestrian access to the setback area, and pedestrian amenities, such as outdoor dining, benches and publicly accessible seating, shade trees, portable planters, trash and recycling receptacles, facilities for recharging electronic devices, Wi-Fi service, bicycle facilities, and/or merchandising displays. Awnings and other sunshade devices may exceed the 36-inch horizontal projection limit established in Section 21-4.30(b).
- (ii) For ground-floor residential uses, covered porches, stoops, and/or lanais may encroach into the required front yard.



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Other portions of the front yard shall be landscaped, except for necessary access drives and walkways.

(iii) Where an applicant proposes right-of-way improvements, the sidewalk area may be reconfigured so that the land directly adjacent to the proposed building becomes the public sidewalk "pedestrian zone," and any street furniture and landscaping is located adjacent to the curb, or in the "furniture zone," as defined in Revised Ordinances of Honolulu Chapter 14 (Public Works and Infrastructure Requirements Including Fees and Services). The pedestrian zone must remain unobstructed, pursuant to the procedures and standards contained in Chapter 14, and the improvements to the sidewalk area must be seamlessly connected to existing improvements to maintain the rhythm of the streetscape.

(F) For lots on key streets in the apartment mixed use districts, walls and fences located between the property line and the front facade of a building set back 15 feet or less shall not exceed three feet in height.

(G) Where a side yard, rear yard, and/or zoning district boundary line abut a designated bike-walk greenway, a 10-foot setback shall be provided. This setback area shall be landscaped or improved with a combination of hardsurface, landscaping, and pedestrian amenities, such as benches, shade trees, water fountains, or bicycle facilities to enhance the greenway user experience. The setback area may also be used for convenience or commercial purposes that support the users of the bike-walk greenway, such as outdoor dining, merchandise displays, bicycle repair stations, and refreshment kiosks. No fences, other than openwork fences that do not exceed four feet, may be erected within the 10-foot setback area. For the purposes of this section, "openwork" shall mean at least 50 percent open.

(H) If a Street Tree Plan or TOD special district street tree plan exists for the street which fronts the project, the applicant shall install street trees, as required by the director.



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

(i) Irregular property lines, lot configuration, or topography of the site render the yards, setbacks, street facade and building placement standards infeasible;

(ii) The existing built environment is arranged in such a way that the yards, setbacks, street facade, and building placement standards are incompatible or unreasonable, and better overall design can be achieved by following existing development patterns; and/or

(iii) The proposed building placement provides for publicly accessible, highly usable parks and/or gathering spaces and will not detract from the purposes of the special district.

(4) Building Orientation and Entrances.

(A) Building facades shall be predominantly oriented to and parallel with the street, property line, or adjacent public spaces. A primary building entrance shall be placed on that street frontage. See Figures 21-9.10 through 21-9.12.

(B) Where multiple businesses are located along the front facade of the ground floor of a building, each establishment shall have a separate entrance on that street frontage.

(C) At least one entrance shall be placed every 50 feet of the building facade facing a street or pedestrian plaza.

(D) These requirements may be modified through a special district permit if irregular property lines, lot configuration, or topography of the site renders them infeasible.

(5) Building Transparency, Blank Wall Limits and Required Openings for Ground-Floor Facades.

(A) Building facades within 20 feet of a front or street-facing property line shall contain windows, doors, or other openings for at least 60



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percent of the building facade area located between 2.5 and 7 feet above the level of the sidewalk. See Figure 21-9.14. Blank walls shall not extend for more than 25 feet in a continuous horizontal plane without an opening on the ground floor of a building, provided:

(i) Along key streets, this provision applies to all buildings, except for the portions of a building with residential dwelling units on the ground floor. Residential lobbies are subject to the transparency standard; and

(ii) Along non-key streets, structures with residential or industrial uses on the ground floor are exempt from this standard.

(B) Openings fulfilling this requirement shall be designed to provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.

(C) Modifications to the building transparency standard may be approved through a special district permit provided:

(i) The proposed use has unique operational characteristics for which the required windows and openings are incompatible, such as in the case of a cinema or theater; and

(ii) Street-facing building facades will exhibit architectural relief and detail, and will be enhanced with landscaping and street furniture, and/or provide canopies and awnings in such a manner as to create visual interest at the pedestrian level and activate the sidewalk area.

(6) Pedestrian Walkways. Walkways with a minimum five-foot unobstructed width shall be provided according to the following standards.

(A) Pedestrian walkways shall create internal connections by connecting all buildings on a site to each other, to on-site automobile and bicycle parking areas, and to any on-site open space areas or pedestrian amenities. See Figures 21-9.14 and 21-9.15.



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- (B) Pedestrian walkways shall connect the principal pedestrian entryway to a sidewalk on each street frontage.
- (C) Direct and convenient access shall be provided to neighboring properties from commercial and mixed use developments on lots one acre or more in size whenever possible.
- (D) Where walkways cross or are parallel to driveways, parking areas, or loading areas, they shall be clearly identifiable through the use of different paving materials or other visual markings.
- (E) Where a special district permit is required for a project and a sidewalk or walkway adjacent to the public right-of-way is provided, the walkway shall be designed to comply with Chapter 14 requirements for the "sidewalk area", including the "pedestrian zone", "furniture zone", "frontage zone" and "curb zone". The on-site walkway shall integrate seamlessly with the sidewalk area in the right-of-way. New street furniture shall be placed in locations designed to maintain the rhythm of the streetscape. The location of street trees, planting strips, street lighting and other above-ground utilities and fixtures shall be installed in accordance with existing ordinances and regulations. Other street furniture, such as benches and bicycle racks, shall be located where they are needed based on existing and anticipated uses and pedestrian practices, and where they can promote transit-oriented development, as determined by the director.

(b) Specific Use Development Standards

- (1) All new development of residential dwellings and/or lodging units shall be in compliance with any affordable housing policy adopted by the city council, as may be applicable.
- (2) Outdoor dining areas are subject to the following:
  - (A) A planter or hedge of not more than 30 inches in height may be provided in the required yard to define the perimeter of the outdoor dining area.



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(B) Outdoor dining facilities shall be limited to chairs, tables, serving devices and umbrellas. When umbrellas are used, they shall not be counted against open space calculations.

(C) Outdoor dining areas shall not be used after 11 p.m. or before 7 a.m.

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

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

(A) There shall be no minimum parking requirement for non-residential uses.

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

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

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

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

(ii) A parking and transportation demand analysis demonstrates that a modification of the parking requirements will not be detrimental to the surrounding neighborhood. The analysis shall include (1) an inventory of all on- and off- street parking spaces within the vicinity of the project site, (2) a survey of



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current and anticipated parking space utilization, and (3) a survey of the current and anticipated use of other modes of transportation. The analysis should also consider strategies such as shared parking agreements, bicycle facilities, bicycle sharing stations, car-sharing, and/or improved pedestrian mobility.

- (2) At-grade parking spaces and parking on the ground floor of any structure shall not be located within 40 feet of any front property line. See Figures 21-9.8 and 21-9.9. Exceptions may be granted with the approval of a special district permit if the director finds that:
- (A) Buildings are built as close as possible to the public sidewalk; and
  - (B) The site is small and constrained such that underground, structured, and surface parking located more than 40 feet from the street frontage cannot be accommodated.
- (3) Service areas and loading spaces shall be located at the side or rear of the site. This requirement may be modified through a special district permit if the director finds that the size and configuration of the lot make such a requirement infeasible.
- (4) Vehicular access shall be provided from a secondary street wherever possible and located where it is least likely to impede pedestrian circulation, as approved by the appropriate agencies.
- (5) The ground floor of parking structures on all streets shall be designed and used for active ground floor activities within 40 feet of the front property line.
- (6) Bicycle Parking.
- (A) A covered, single-story, stand-alone bicycle parking structure shall not be considered floor area for the purposes of FAR calculation.
  - (B) Bicycle parking within enclosed parking structures shall be located as close as is feasible to an entrance of the facility so that it is visible from the street or sidewalk. Where the bicycle parking is not visible from the front entrance, signage indicating the location of



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bicycle parking shall be utilized. The provision of a fenced and gated area for secure bicycle parking within the structure is encouraged.

(C) The bicycle parking standards in Section 21-6.150 may be modified through a special district permit if the director finds that there is adequate bicycle parking in the immediate vicinity, including, but not limited to, public bicycle parking in the right-of-way or private bicycle parking on nearby lots, if such parking is both perpetually accessible to the users of the project location, and designed in such a way that pedestrians and cyclists can easily recognize the availability of the bicycle parking.

(d) Nonconformities. The provisions of Section 21-4.110 shall apply, except as provided in this subsection.

(1) Structures and uses that are nonconforming prior to the adoption of the TOD special district and that do not conform to the TOD special district standards are subject to the provisions of Section 21-4.110.

(2) Uses which became nonconforming with the adoption of the TOD special district and zoning map amendments may be expanded to other parts of an existing structure or structures on a lot provided no new floor area devoted to such nonconforming use is proposed.

(3) Structures which became nonconforming with the adoption of the TOD special district and zoning map amendments may be repaired and modified where there is no proposed increase in floor area. Structural repairs that do not enlarge or extend the structure, and exterior repairs and renovations which will not modify the arrangement of buildings on the lot may be allowed, provided that if any portion of a nonconforming structure is destroyed by any means to an extent of more than 90 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

(4) The addition of floor area on a structure which became nonconforming with the adoption of the TOD special district and zoning map amendments may be allowed, provided the proposed development complies with all applicable development standards or does not increase the nonconformity.



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- (5) Existing structures on lots with nonconforming site development may be repaired and modified, and shall not be subject to value limits on repairs or renovation work performed. Where the work involves new floor area or reconfiguration of the site, the new work shall comply with the standards of the TOD special district.
- (6) Where proposed improvements to nonconforming structures or nonconforming site development meet the standards of the underlying zoning but not the TOD special district standards, the applicant may seek a special district permit to allow the development where the director can find:
- (A) The proposed development is not detrimental to the special district, surrounding neighborhood, and/or streetscape, and
- (B) The proposal includes measures to mitigate the impacts of the proposed development, or provides other community benefits to increase the conformity of the site overall with the special district standards.
- (e) Signage. TOD-related way-finding signage shall be considered “public signs” for purposes of Article 7.

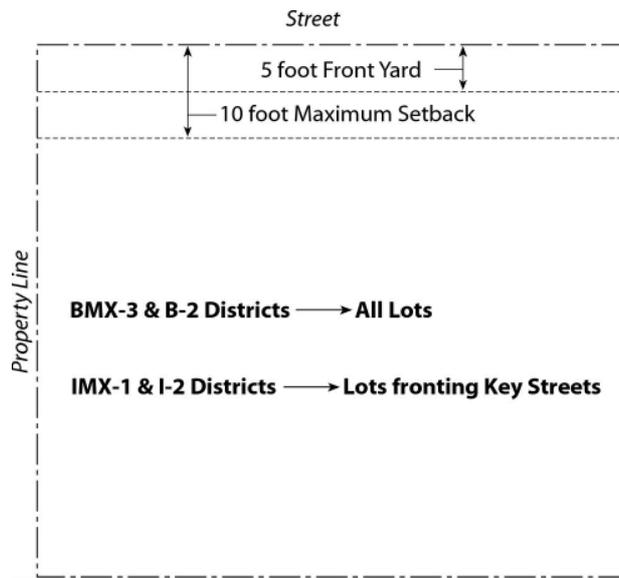


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Figure 21-9.3 Yards and maximum setbacks on all streets in the BMX-3 business mixed use and B-2 community mixed use districts and on key streets in the IMX-1 industrial commercial mixed use and I-2 intensive industrial districts





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Figure 21-9.4 Yards and maximum setbacks on key streets, apartment mixed use districts

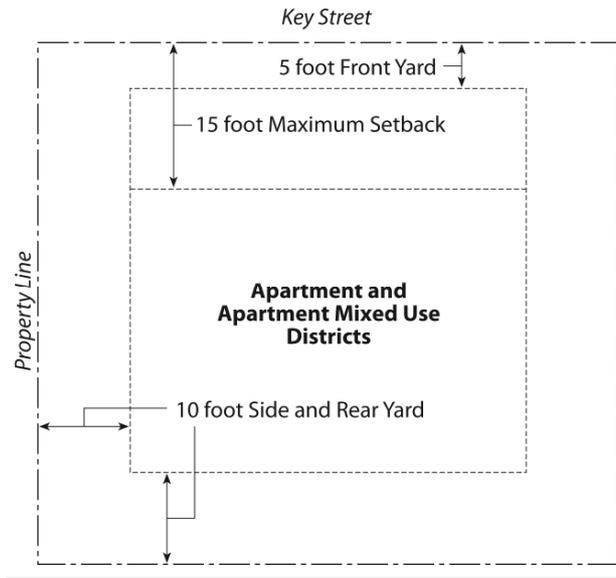
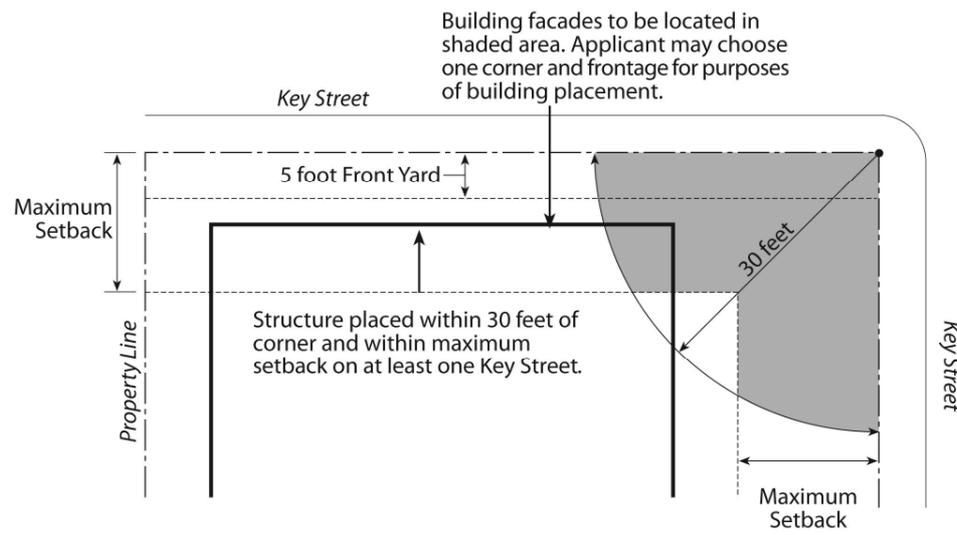


Figure 21-9.5 Building facade placement on corner lots fronting two key streets





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Figure 21-9.6 Building facade placement on lots 100 feet and less.

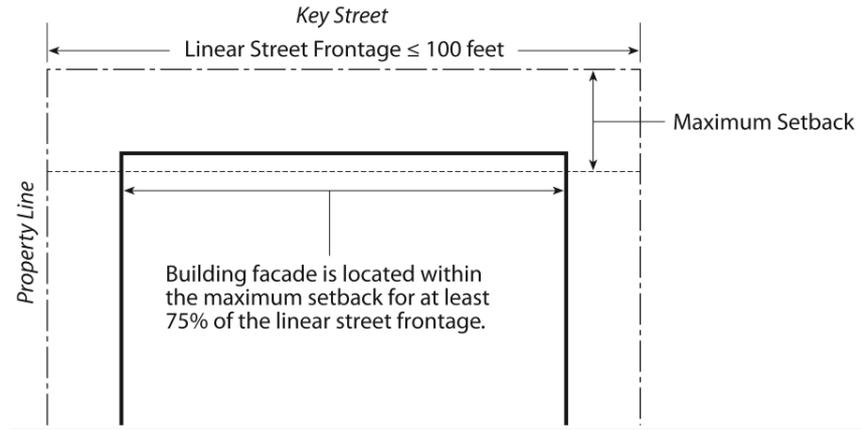
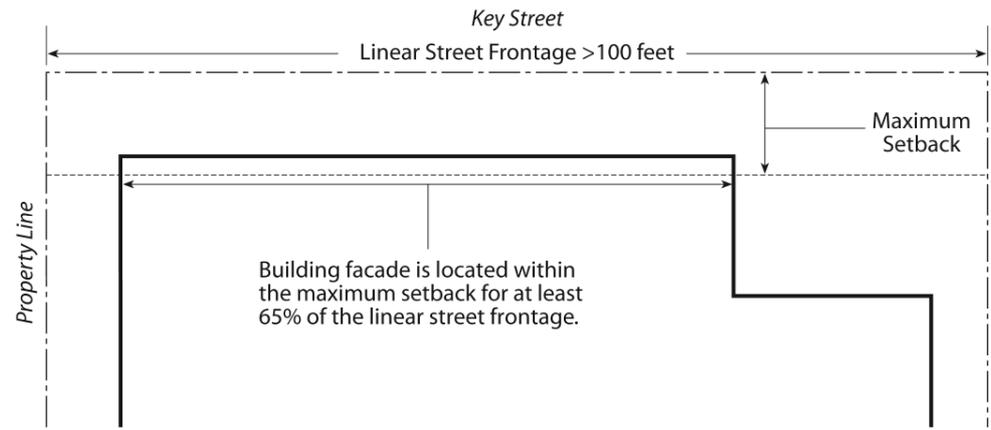


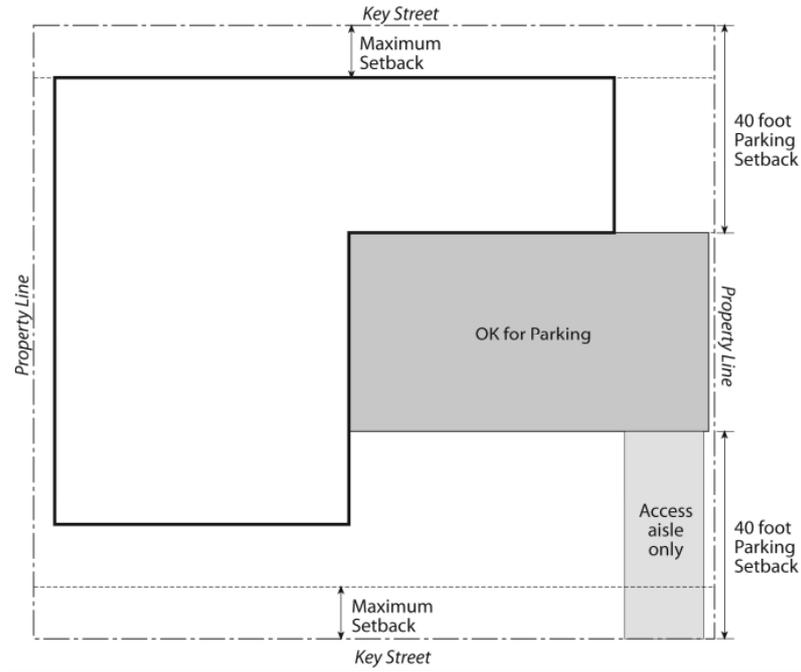
Figure 21-9.7 Building facade placements on lots greater than 100 feet





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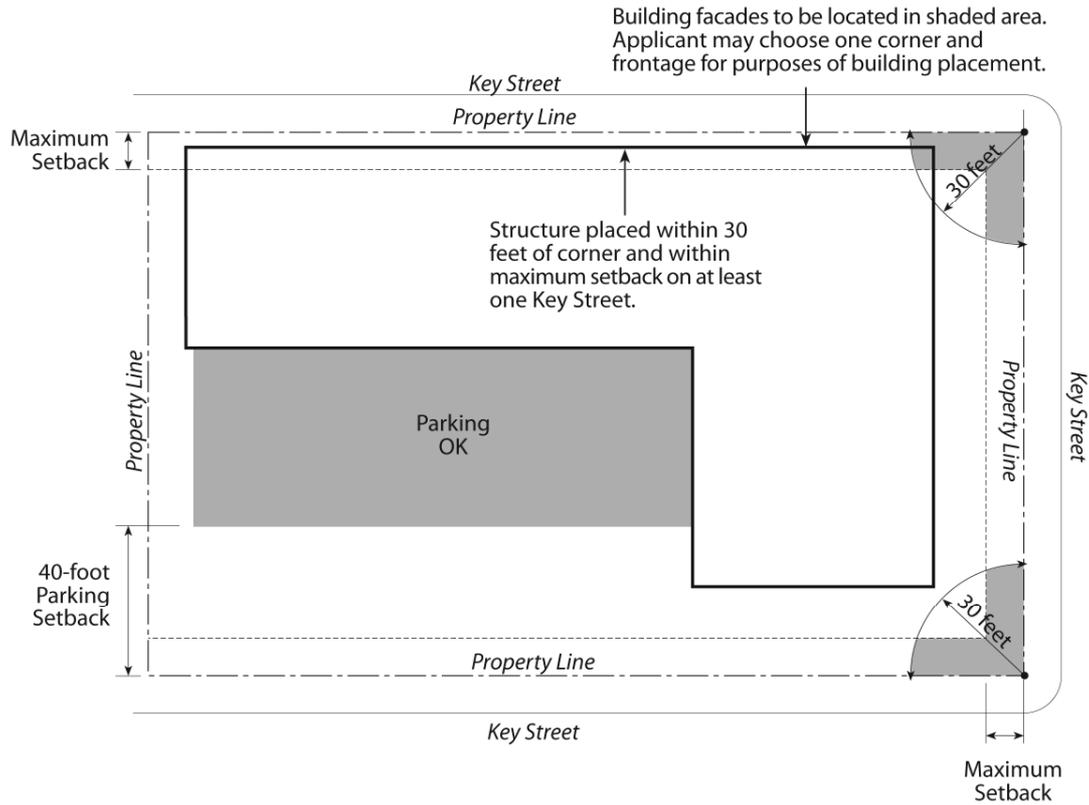
Figure 21-9.8 Building facade and parking placement on lots fronting two key streets





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Figure 21-9.9 Building facade and parking placement on lots fronting three key streets





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Figure 21-9.10 Primary and secondary building entrances

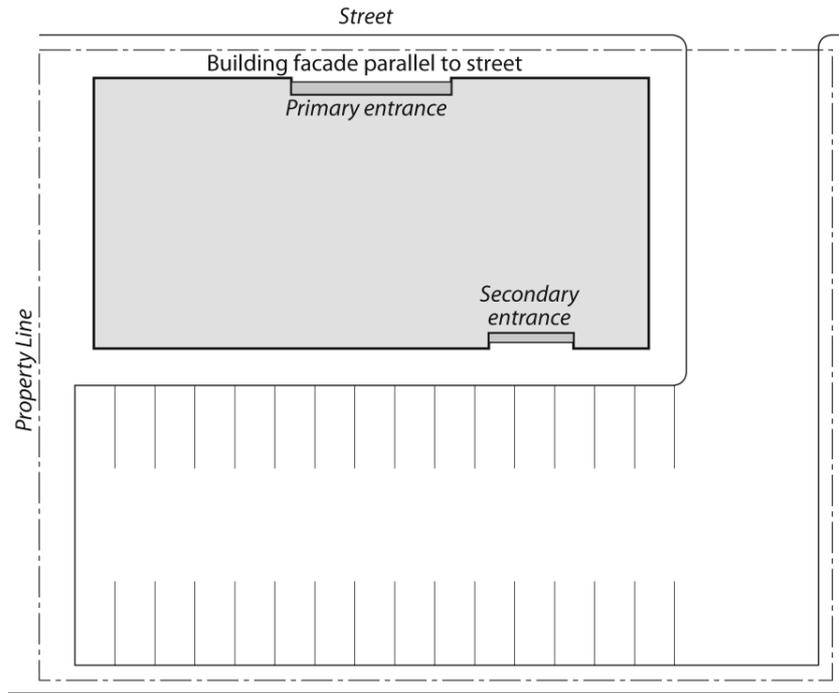
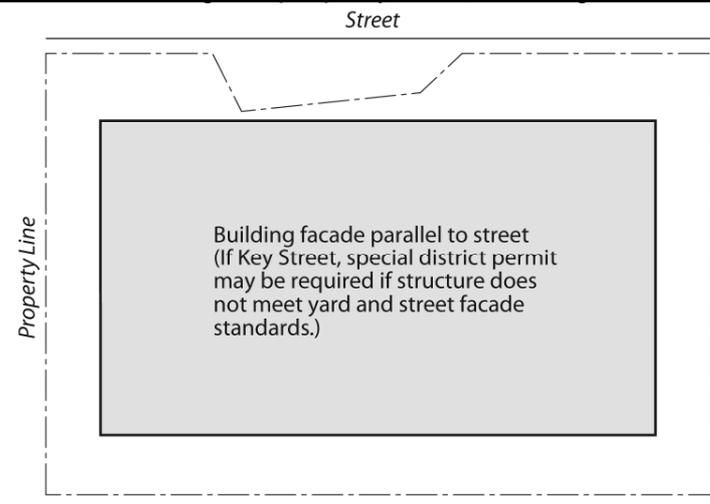


Figure 21-9.11 For lots with irregular property lines, building facades parallel to streets





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Figure 21-9.12 Primary entrances should face the street

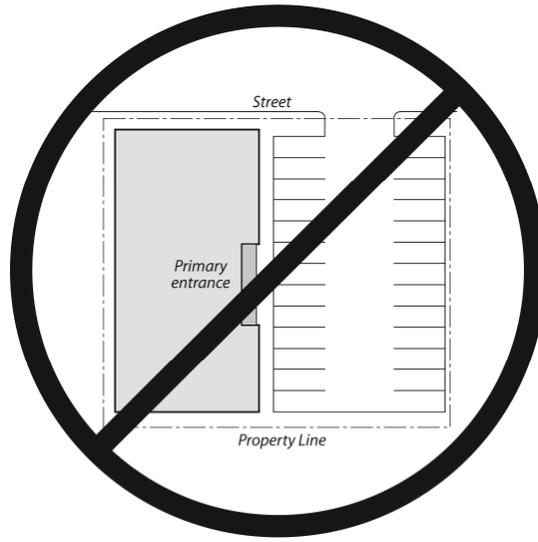
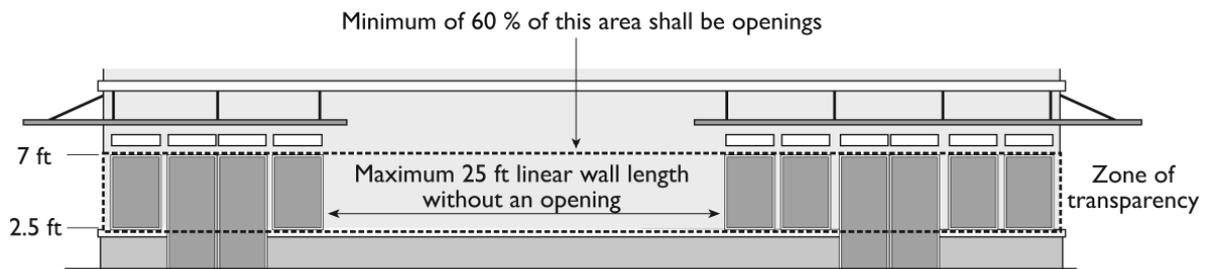


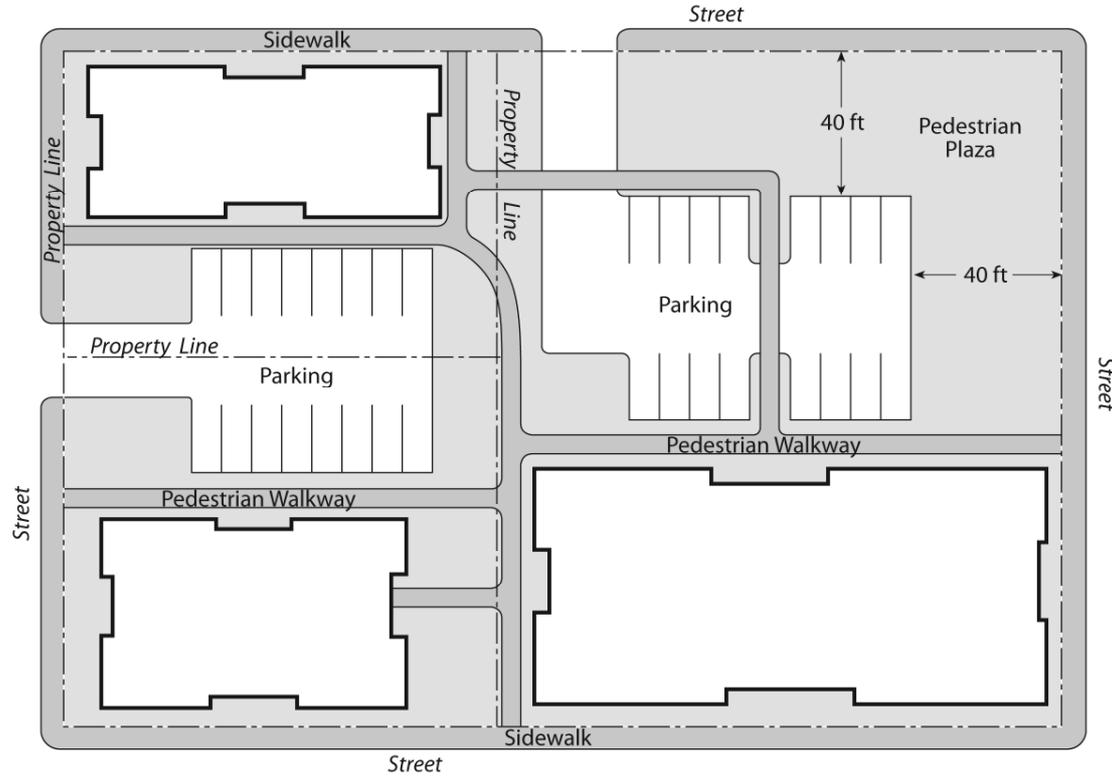
Figure 21-9.13: Building transparency





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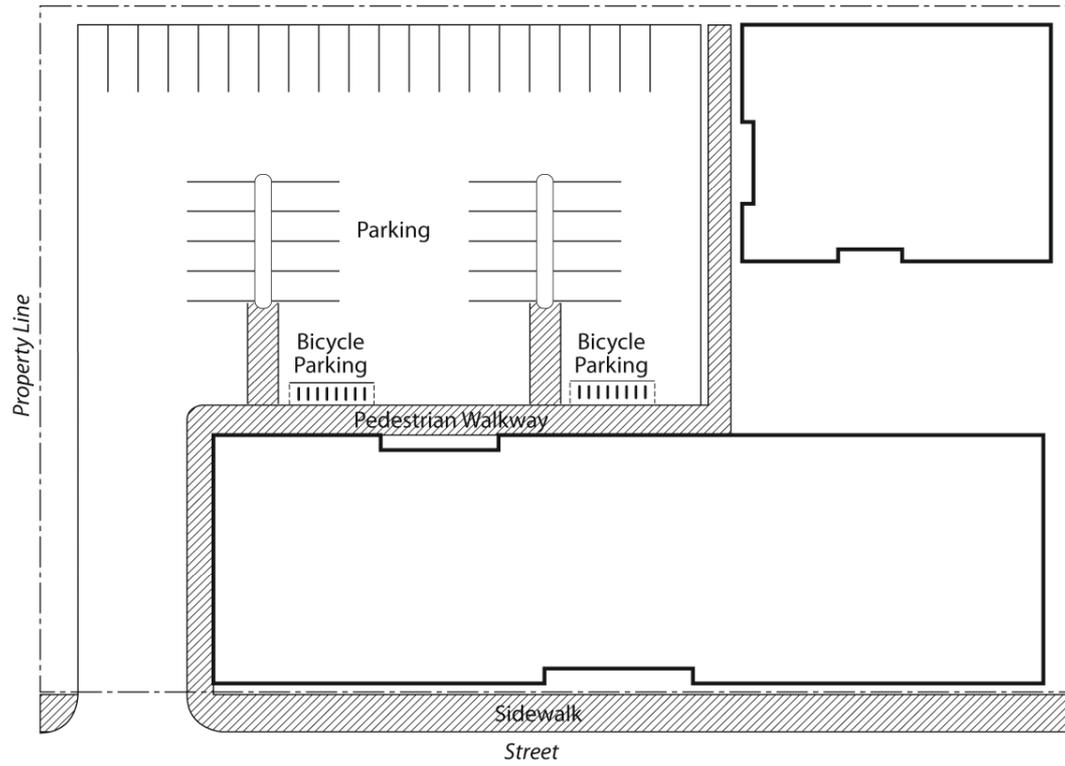
Figure 21-9.14 Pedestrian walkway connectivity across zoning lots





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Figure 21-9.15 Pedestrian walkways within a zoning lot



**Sec. 21-9.100-9    TOD Special District Permits.**

- (a) Where a TOD special district permit is sought to modify the standards of this section, the application shall show that:
  - (1) The proposed project is generally consistent with the neighborhood TOD plan for the area; and
  - (2) The proposed project meets the findings identified under each specific development standard for which modification is sought.
  
- (b) Where a TOD special district permit is sought because the lot is an acre or more in size, the proposed development shall have a cohesive overall design that meets goals and objects of the TOD special district, pursuant to Sections



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21-9.100-4 and 21-9.100-6, and is generally consistent with the neighborhood TOD plan for the area. The project plan shall show how the development positively contributes to the neighborhood transportation network, including pedestrian paths and connectivity. The application shall also show how the proposed development generates active uses and streetscapes, and contributes to neighborhood vitality.

(c) Where a special district permit is sought to allow residential units in the IMX-1 industrial commercial mixed use district, the application shall show how the residential units will be integrated into the neighborhood and how any potential conflicts among the industrial, commercial, and residential uses will be mitigated. Additionally, the application shall provide a review of the adequacy of public utilities and facilities, including sewer, water, and roadway systems, for the proposed dwelling units, and, where necessary, a plan to upgrade any utilities that are inadequate for the proposed use.

(d) Community benefits shall be proposed in the TOD special district permit application to justify height and density bonuses, or to mitigate the impacts related to the modification of TOD special district development standards. Where community benefits are proposed, they shall meet the following standards:

(1) Where open space is provided as a community benefit for a TOD special district permit, it shall meet the following minimum qualifications:

(A) The area dedicated to open space shall be at least 2,000 contiguous square-feet, or an area equal to at least five percent of the maximum permitted floor area on the lot, not including floor area bonuses being sought, whichever is greater.

(B) The land dedicated to open space may include required yards, provided all open space shall have a minimum average width and depth of 20 feet and a slope no greater than 10 percent across the open space.

(C) Quality open space will involve publicly accessible, highly usable parks and gathering spaces. These spaces should be pedestrian-oriented and provide public accommodations such as, but not necessarily limited to, benches and seating, shaded areas, restrooms, trash and recycling receptacles, facilities for recharging electronic devices, telecommunications facilities, and bicycle



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facilities. Open space shall be surfaced with a combination of trees, landscaped groundcover, and hardscape materials. It shall include benches or other seating, shade structures, drinking fountains, water features, public art, trash receptacles, information kiosks, performance areas, or other similar amenities.

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

(2) Where affordable housing is provided as a community benefit for a TOD special district permit, it shall be in addition to the base requirement pursuant to any adopted housing strategy and/or policy.

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

**Sec. 21-9.100-10 Planned Development – Transit (PD-T) Projects.**

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

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

(1) PD-T projects shall be permitted on zoning lots with a minimum project size of at least one acre. Multiple lots may be part of a single PD-T project if all of the lots are under a single owner and/or lessee holding leases with



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a minimum of 30 years remaining in their terms. Multiple lots in a single project must be contiguous, provided that lots that are not contiguous may be part of a single project if all of the following conditions are met:

- (A) The lots are not contiguous solely because they are separated by a street or right-of-way; and
- (B) Each noncontiguous portion of the project, whether comprised of a single lot or multiple contiguous lots, shall have a minimum area of 20,000 square feet.

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

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

(b) Standards for review.

- (1) All of the development standards of the TOD special district shall apply to PD-T projects, unless otherwise noted in this section. Greater height and density bonuses are available to PD-T projects and the development standards may be modified in any way that would normally be allowed through a special district permit. The degree of flexibility sought through the PD-T process must be reasonably related to the community benefits provided. The highest degree of flexibility may be authorized by this permit for those projects which demonstrate those standards enumerated in Section 21-9.100-9(b).
- (2) PD-T projects shall be generally consistent with the approved neighborhood TOD plan for the affected area.

(c) Site Development and Design Standards. The standards set forth by this subsection are general requirements for PD-T projects. When applicants seek the modification of TOD special district standards, the modification shall be for the purpose of accomplishing the goals and objectives of the TOD special



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district. Also, the modification shall be commensurate with the contributions provided in the project plan, and the project shall be generally consistent with the neighborhood TOD plan for the area.

(1) Density. Pursuant to Section 21-9.100-8(a)(1)(A), the maximum allowable density shall be as follows:

(A) In BMX-3 and B-2 districts the maximum FAR may be up to seven;

(B) In the apartment and apartment mixed use districts, the maximum FAR may be up to twice that allowed by the underlying zoning district; and

(C) In the IMX-1 and I-2 districts, the maximum FAR may be up to twice that allowed by the underlying zoning district.

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

(3) Transitional height and/or height setbacks may be modified where adjacent uses and street character will not be adversely affected.

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

(1) A project name;

(2) A location map;

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

(4) A narrative description of the overall development and urban design concept; the building height and density; the basic form and number of structures; the relationship of buildings to each other and the streets; the general mix of uses; the estimated number of proposed dwelling or lodging units; the proposed mix of housing types; the ways the project



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positively contributes to TOD; the ways the project is consistent with the applicable neighborhood TOD plan; the usable, publically- accessible space and landscape plans; how the project supports walking, bicycling and active living; proposals to enhance multimodal circulation and access; the proposed off-street parking and loading; and the possible impacts on security, public health and safety, infrastructure and public utilities;

- (5) Details of the project, including calculations of proposed floor area, FAR, height limits, open spaces, landscaped areas, areas dedicated to parking, and any other significant calculations;
- (6) A narrative description of the proposed public amenities and community benefits the project will provide. The narrative shall describe how the amenities and benefits are commensurate with the design flexibility being requested, and how they will benefit the TOD special district and the neighborhood;
- (7) An open space plan, showing the reservation of land for public, semi-public, and private open space, including parks, plazas, and playgrounds, and an integrated circulation system plan, showing the proposed movement of vehicles, goods, pedestrians, and bicyclists within the project area and adjacent areas, including streets and driveways, sidewalks and pedestrian ways, bicycle lanes, bicycle tracks, and multi-use paths, off-street parking, and loading areas;
- (8) A discussion of any impacts to any cultural or historic resources, as well as any public view protected by law or ordinance;
- (9) A parking and loading management plan or transportation demand management plan, or both;
- (10) A wind and shadow study to analyze the effects of mid-rise and high-rise structures, particularly anticipated effects at the ground level. Where adverse effects are anticipated, mitigative measures shall be included in the proposal; and
- (11) Any other information deemed necessary by the director to ascertain whether the project meets the requirements of this section.



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- (e) Procedures. Applications for approval of PD-T projects shall be processed in accordance with Section 21-2.110-2. Fees shall be as enumerated for Planned Development application in Section 6-41.1(a)(19).
- (f) Conceptual Plan for a Project. City Council must approve the conceptual plan for the project before the final PD-T permit approval can be granted. The approved conceptual plan must set forth the allowable uses and the site development and design standards for density, height, transitional height and/or street setbacks, yards, open space, landscaping and screening, parking and loading, bicycle parking, and signs, if the uses and standards depart from the uses and standards applicable in the underlying zoning district or TOD special district.
- (g) Guidelines for Review and Approval of the Conceptual Plan for a Project. Prior to or concurrently with its approval of a conceptual plan for a PD-T project, the council shall find that the project concept, as a unified plan, is in the general interest of the public, and that:
- (1) Requested project boundaries and requested flexibility with respect to TOD special district development standards and use regulations are consistent with the objectives of TOD and this section; and
  - (2) Requested flexibility with respect to development standards and use regulations is commensurate with the public amenities and community benefits proposed.
- (h) Deadline for Obtaining Building Permit for Project.
- (1) A council resolution of approval for a conceptual plan for a PD-T project shall establish a deadline within which the building permit for the project shall be obtained. For multiphase projects, deadlines shall be established for obtaining building permits for each phase of the project. The resolution shall provide that the failure to obtain any building permit within the prescribed period shall render null and void the council's approval of the conceptual plan and all approvals issued thereunder; provided that in multiphase projects, any prior phase that has complied with the deadline applicable to that phase shall not be affected. A revocation of a building permit pursuant to Section 18-5.4 after the deadline shall be deemed a failure to comply with the deadline.



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- (2) The resolution shall further provide that a deadline may be extended as follows:
- (A) The director may extend the deadline for one year if the applicant demonstrates good cause.
  - (B) If the applicant requests an extension beyond one year from the initial deadline and the director finds that the applicant has demonstrated good cause for the extension, the director shall prepare and submit to the council a report on the proposed extension, which shall include the director's finding, recommendations and a proposed resolution approving the extension.
  - (C) The council may approve the proposed extension or any extension for a shorter or longer period, or deny the proposed extension, by resolution.
  - (D) If the council fails to take final action on the proposed extension within the first to occur of (i) 60 days after the receipt of the director's report or (ii) the applicant's then-existing deadline for obtaining a building permit, the extension shall be deemed to be denied.
  - (E) The director shall notify the council in writing of any extensions granted by the director that do not require council approval.
- (i) Further Processing by Director. If the council approves the conceptual plan for the PD-T project, the application, as approved in concept by the council, shall continue to be processed by the director as provided under Section 21-2.110-2. Additional documentation may be required by the director as necessary. The following criteria shall be used by the director to review applications:
- (1) The project shall conform to the approved conceptual plan and any conditions established by the council in its resolution of approval. Any significant change to the conceptual plan will require a new application and approval by the council. The director may approve changes to the project that do not significantly alter the size or nature of the project, if the changes remain in conformance with the conceptual plan and any conditions established by the council;



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(2) The project shall implement the objectives and goals of this section:

**Sec. 21-9.100-11 TOD Special District – Project Classification.**

Refer to Table 21-9.8 to determine whether specific categories of projects will be classified as major, minor, or exempt. For the purposes of this section, in addition to Section 21-9.20(c), the term “exempt” means projects that are in full compliance with the standards and objectives of the TOD special district.

<u>Table 21-9.8 TOD Special District Project Classification</u>		
<u>Activity/Use</u>	<u>Required Permit</u>	<u>Special Conditions</u>
<u>Major modification, additions, or new construction on sites one acre or more in size</u>	<u>M/m</u>	<u>Projects on key streets shall be major. All others shall be minor, unless the director has determined that the project may result in substantial impacts.</u>
<u>Alterations or repair on sites one acre or more in size</u>	<u>E</u>	
<u>Major modification, alteration, repair, additions, or new construction on sites less than one acre in size</u>	<u>E</u>	
<u>Interior repairs, alterations and renovations to all structures</u>	<u>E</u>	
<u>Modifications to height and/or FAR</u>	<u>M/m</u>	<u>Major (PD-T Permit) for those projects seeking the maximum possible heights identified on the zoning maps and densities identified in Section 21-9.8(a)(1)(A).</u>



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<u>Table 21-9.8</u> <u>TOD Special District</u> <u>Project Classification</u>		
<u>Activity/Use</u>	<u>Required Permit</u>	<u>Special Conditions</u>
<u>Modification to the following standards:</u> <ul style="list-style-type: none"> <li>• <u>Yards and setbacks</u></li> <li>• <u>Street facade and building placement</u></li> <li>• <u>Building orientation and entrances</u></li> <li>• <u>Building transparency</u></li> <li>• <u>Number of parking stalls</u></li> <li>• <u>Location of above ground surface parking</u></li> <li>• <u>Location of service area and loading spaces</u></li> <li>• <u>Bicycle parking</u></li> <li>• <u>The commercial use density and location provisions in the apartment mixed use districts</u></li> <li>• <u>Additional commercial density in the apartment mixed use districts.</u></li> <li>• <u>Reconfiguration of sidewalk area</u></li> </ul>	<u>m</u>	<u>Where modifications to the standards are otherwise covered in a major permit, the minor permit is not required.</u>
<u>Demolition of structures</u>	<u>E</u>	
<u>Residential units in the IMX-1 District</u>	<u>m</u>	
<u>Streetscape improvements, including street furniture, light fixtures, sidewalk paving, bus shelters and other elements in public rights-of-way when part of the development of a zoning lot.</u>	<u>m/E</u>	<u>If the director has determined that the project may result in substantial impacts to the TOD special district, a minor permit is required; otherwise exempt.</u>



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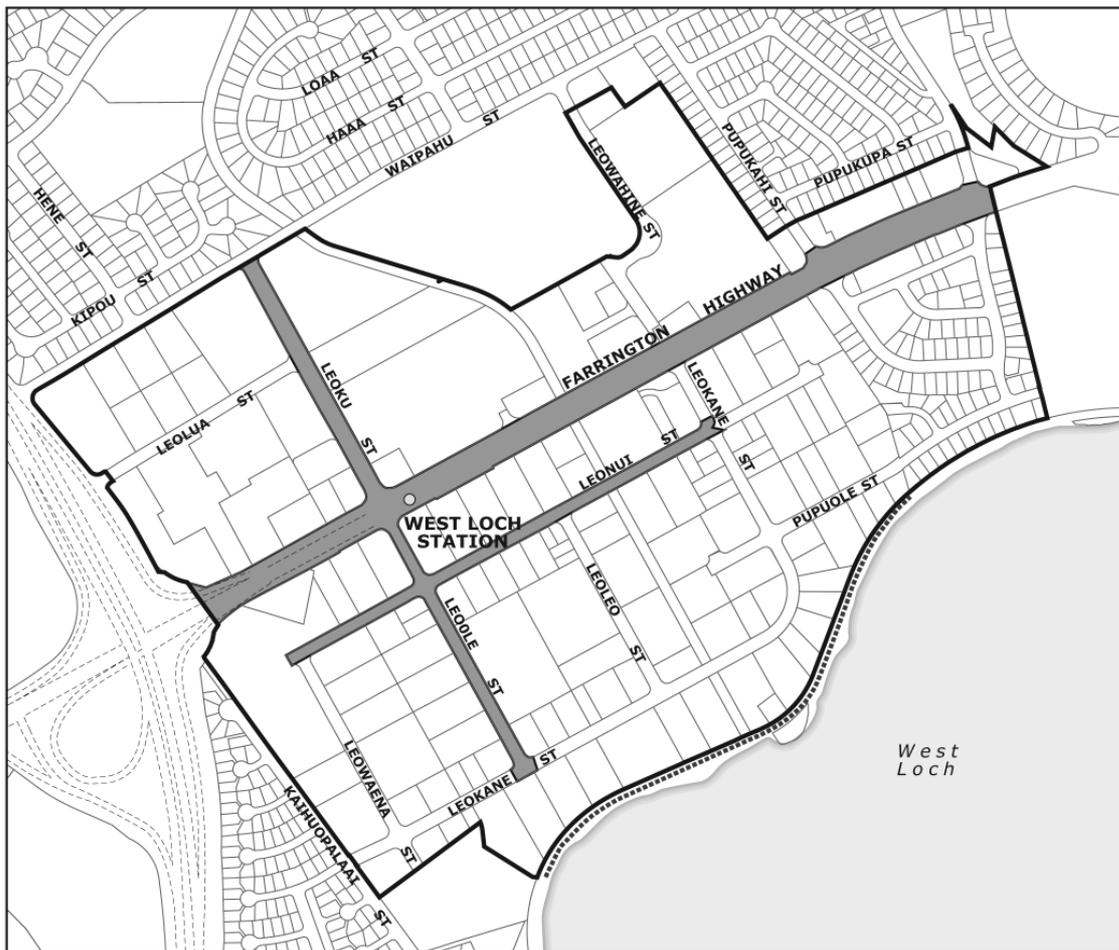
<u>Table 21-9.8</u> <u>TOD Special District</u> <u>Project Classification</u>		
<u>Activity/Use</u>	<u>Required Permit</u>	<u>Special Conditions</u>
		<u>Where addressed as part of another permit, a minor permit is not required.</u>
<u>Major above-grade infrastructure improvements not covered elsewhere, including new roadways, road widenings, new substations, new parks and significant improvements to existing parks</u>	<u>m/E</u>	<u>If the director has determined that the project may result in substantial impacts to the TOD special district, a minor permit is required; otherwise exempt.</u>
<u>Minor above-grade infrastructure improvements not covered elsewhere; all below-grade infrastructure improvements; and all emergency and routine repair and maintenance work</u>	<u>E</u>	
<p><u>A special district permit is not required for activities and uses classified as exempt, as well as other project types which do not fall into one of the categories listed above. These activities and uses, however, must still conform to the applicable objectives and standards of the special district. This conformance will be determined at the building permit application stage.</u></p> <p><u>Legend: Project classification: M = Major; m = Minor; E = Exempt"</u></p>		



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SECTION 21. Chapter 21, Article 9, Revised Ordinances of Honolulu 1990, as amended, is amended by adding a new exhibit Exhibit 21-9.19, to read as follows:

“Exhibit 21-9.19 West Loch Station Area



**West Loch Station Area**



**LEGEND**

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

”





**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_

BILL \_\_\_\_\_

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SECTION 23. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material, or the underscoring.

SECTION 24. This ordinance shall take effect upon its approval.

INTRODUCED BY:

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE OF INTRODUCTION:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Honolulu, Hawaii

\_\_\_\_\_  
Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu