



A BILL FOR AN ORDINANCE

TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO INTERIM PLANNED DEVELOPMENT PERMITS FOR TRANSIT-ORIENTED DEVELOPMENT WITHIN CLOSE PROXIMITY TO FUTURE RAIL STATIONS.

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

SECTION 1. Purpose. The purpose of this ordinance is to amend the provisions of the Land Use Ordinance pertaining to the Interim Planned Development-Transit Permit in the future Transit-Oriented Development Special District areas. The amendments will amend the standards for community benefits, such as affordable housing and open space, and include slight changes for other elements of the permit, including permitted uses, eligible zoning lots, landscaping in public open spaces, and flexibility for signage. These changes are expected to streamline and strengthen the existing permit procedures and development standards.

SECTION 2. Section 21-9.100-5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 21-9.100-5 Interim planned development-transit (IPD-T) projects.

- (a) The purpose of the IPD-T permit is to provide opportunities for creative, catalytic redevelopment projects and public housing projects within the rail corridor that would not be possible under a strict adherence to the development standards of this chapter prior to the adoption of the TOD neighborhood plans or amendments to this chapter relating to the future TOD [~~zones (special-districts);~~] special districts, or both.

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 multi-modal circulation, and well-designed publicly accessible and usable spaces. Flexibility may be provided for project uses, 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 established in Section 21-9.100-4.



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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. For the purpose of this section, "public housing project" means a residential or mixed-use development with a significant affordable housing component undertaken by the Hawaii Public Housing Authority or other state or city agency that develops public housing, their lessee, or their designated developer pursuant to a partnership or development agreement.

Prior to the adoption of TOD special district standards, proposed development on sites with at least portions of an eligible zoning lot that are within no more than one-half mile of a future rail station identified in the Honolulu Rail Transit Project (H RTP) Environmental Impact Statement (EIS), accepted by the Governor of the State of Hawaii on December 16, 2010, and any future supplemental EISs for the project, may qualify for an IPD-T permit in the interim, subject to the [following:] provisions of this section.

For the purposes of 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. Council committee drafts of a plan are deemed under consideration by the council after they have been placed on a full council agenda for adoption. Council floor drafts of a plan are deemed under consideration by the council after the council has amended the plan to the floor draft version.

[(a)](b) Eligible zoning lots. IPD-T projects may be permitted on zoning lots that meet the following standards:

(1) Where an approved neighborhood TOD plan exists for the area, the site must be included in the maps and figures showing the proposed special district in the plan. Where a neighborhood TOD plan has not yet been adopted by the city council, the site must be included in the maps and figures showing the anticipated special district included in the draft neighborhood TOD plan at the time the application for the principal project is submitted to the department and accepted as complete;

(2) [A] Except as provided in subdivision (3), where there is no TOD Plan for a station area, a portion of the zoning lot [shall] must be within a one-half-mile radius of a planned H RTP station, as approved by the Honolulu Authority for Rapid Transportation. For purposes of this section, the



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minimum distance requirement ~~[shall be]~~ is measured as the shortest straight line distance between the edge of the station area and the zoning lot ~~[line(s)]~~ lines of the project site~~[-];~~;

(3) For public housing projects, ~~[the distance may be extended to include]~~ a portion of a zoning lot must be within a one-mile radius of a planned H RTP station~~[-];~~. This is applicable to station areas with and without a neighborhood TOD plan;

~~[(2)]~~(4) The minimum project size ~~[shall be]~~ is 20,000 square feet. Multiple lots may be part of a single IPD-T project if all of the lots are under a single owner ~~[and/or]~~ or lessee holding leases with a minimum of 30 years remaining in their terms. Multiple lots in a single project must be contiguous, provided that lots that are not contiguous may be part of a single project if all of the following conditions are met:

- (A) The lots are not contiguous solely because they are separated by a street or right-of-way~~[-];~~, such that if the street were removed, the lots would be adjacent to each other; and
- (B) Each noncontiguous portion of the project, whether comprised of a single lot or multiple contiguous lots, ~~[shall have]~~ has a minimum area of ~~[20,000]~~ 10,000 square feet.

When a project consists of noncontiguous lots as provided above, pedestrian walkways, improved streetscapes, or ~~[functioning]~~ functional design features connecting the separated lots are strongly encouraged to unify the project site. Multiple lots that are part of an approved single IPD-T project ~~[shall]~~ will be considered and treated as one zoning lot for purposes of the project, ~~[provided that]~~ and no separate conditional use permit-minor for a joint development of multiple lots ~~[shall be]~~ is required ~~[therefor];~~

~~[(3)]~~(5) The project site ~~[shall]~~ must be entirely ~~[in]~~ within the state-designated urban district;

~~[(4)]~~(6) All eligible zoning lots ~~[shall]~~ must be ~~[in]~~ within the apartment, apartment mixed use, business, business mixed use, resort, industrial, or industrial-commercial mixed use districts; ~~[except]~~ provided that this subdivision ~~[shall]~~ does not apply to landscape lots, right-of-way lots, or other lots utilized for similar utilitarian (infrastructure) purposes; and



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~~[(5)](7)~~ The TOD special district will be established incrementally, with station areas being added to the TOD special district as the council approves the neighborhood TOD plans and as the subsequent special district regulations are added to this chapter to reflect each station area. Upon the [enactment] establishment of [a] the TOD special district and its related development regulations, all zoning lots within [that TOD special district shall] the station areas that are added to the TOD special district will no longer be eligible for this interim permit, but [shall] must henceforth comply with all applicable TOD special district regulations and requirements enumerated by this chapter; provided that any application for an IPD-T project that has received council approval of its conceptual plan prior to the date of enactment [shall] will continue to be processed under and be subject to this [Section 21-9-100-5] section and the applicable use and development standards approved under the conceptual plan.

~~[(b)]—Standards for review.~~

~~(1)—Significant flexibility and the possibility of increased development potential are being made available to eligible IPD-T projects. The degree of flexibility must be commensurate with the contributions that these projects can provide towards the enhancement of highly effective transit-enhanced neighborhoods, particularly as these contributions relate to the success of TOD. The highest degree of flexibility may be authorized by this permit for those projects which demonstrate:~~

~~(A)—The ability to contribute positively to the economic enhancement of the affected area, particularly with regard to providing a broad mix of uses [and] diverse housing or employment opportunities;~~

~~(B)—The provision of measures or facilities, or both, to promote a highly functioning, safe, interconnected, multi-modal circulation system, supporting easy access to, and effective use of the transit system on a pedestrian scale;~~

~~(C)—The provision of usable, safe, and highly accessible public accommodations, gathering spaces, pedestrian ways, bicycle facilities, or parks; and~~

~~(D)—An appropriate mix of housing and unit types, including a range of affordable and market rate housing, particularly affordable or rental housing, or both, or public housing projects; with qualifying affordable housing being located on the project site or within one-~~



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~~half mile of an identified H RTP transit station, or within one mile of an identified H RTP transit station for public housing projects, subject to the requirements set forth below. For purposes of this section, "affordable housing" shall mean housing that is affordable to households with incomes not exceeding 120 percent of the annual median income for Oahu. Off-site affordable housing is only allowed subject to the following requirements:~~

- ~~(i) At least 50 percent of the total affordable housing requirement for the project, as satisfied pursuant to rules adopted by the department in accordance with HRS Chapter 91 (the "department's affordable housing rules"), must be within the project site;~~
- ~~(ii) Up to 50 percent of the total affordable housing requirement for the project, as satisfied pursuant to the department's affordable housing rules, may be provided on lands that are within one-half mile of an identified H RTP transit station, if:

 - ~~(aa) The units are rental (as opposed to for sale) housing;~~
 - ~~(bb) The rentals meet the affordable housing guidelines for households with incomes not exceeding 60 percent of the "area median income" as defined in the department's affordable housing rules; and~~
 - ~~(cc) The rentals remain affordable for a period of not less than sixty (60) years; and~~~~
- ~~(iii) Up to 35 percent of the total affordable housing requirement for the project, as satisfied pursuant to the department's affordable housing rules, may be provided on lands within one-half mile of an identified H RTP transit station, if:

 - ~~(aa) The units are rental housing;~~
 - ~~(bb) The rentals meet the affordable housing guidelines for households with incomes not exceeding 80 percent of the "area median income" as defined in the department's affordable housing rules; and~~~~



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~~(cc) — The rentals remain affordable for a period of not less than twenty (20) years.~~

~~If the department's affordable housing rules establish separate factors for determining the satisfaction of affordable housing requirements for transit-oriented developments, then satisfaction of the above percentages will be based on those factors.]~~

(c) Review Criteria.

(1) The IPD-T option offers developers opportunities to increase development potential, provided that the project demonstrates and provides community benefits and equitable contributions that benefit the general public, the transit system, and TOD [are demonstrated].

(2) Significant flexibility and the possibility of increased development potential are available to eligible IPD-T projects. The degree of flexibility must be commensurate with the contributions that a project may provide towards the enhancement of highly effective transit-enhanced neighborhoods, particularly as these contributions relate to the success of TOD. The highest degree of flexibility may be authorized by an IPD-T permit for those projects that demonstrate the standards set forth in Section 21-9.100-8(a)(1)(E) and Section 21-9.100-9(b). When an applicant seeks to exceed the base height or density through an IPD-T permit, the conclusions set forth in Section 21-9.100-8(a)(1)(F) must be reached.

~~[(2)](3) Unless otherwise specified in [Section 21-9.100-5] this section,~~ IPD-T projects ~~[shall] must~~ be generally consistent with:

(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.]~~ at the time the application for the principal project is submitted to the department and accepted as complete.



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[(e)](d) Use Regulations.

- (1) Permitted uses and structures for all zoning districts other than the BMX-4 central business mixed use district may be any of those uses permitted in the [BMX-4 central] BMX-3 community business mixed use district; except that [hotels are] a hotel is not permitted on any zoning lot [in an apartment, apartment mixed use, industrial, or industrial commercial mixed use district,] unless it is otherwise in compliance with the standards enumerated by Section [21-5.360(b) (provided that this subdivision does not preclude hotels in the I-2 intensive industrial district and the IMX-1 industrial commercial mixed use district from qualifying as conditional use under Section 21-5.30(a)); and] 21-5.360, or on a lot within the Convention Center Subdistrict of the Ala Moana neighborhood TOD plan;
- (2) Permitted uses and structures in the BMX-4 central business mixed use district will be as specified in Table 21-3; and
- (3) Ground floors and pedestrian-accessible spaces should be utilized to the extent feasible for active uses, such as, but not necessarily limited to outdoor dining, retail, gathering places, and pedestrian-oriented commercial activity. These spaces should also provide public accommodations such as, but not necessarily limited to, benches and publicly accessible seating, shaded areas through either trees or built structures, publicly accessible restrooms, trash and recycling receptacles, facilities for recharging electronic devices, publicly accessible telecommunications facilities, and Wi-Fi service.

[(d)](e) Site Development and Design Standards. The standards set forth [by] in this subsection are general requirements for IPD-T projects. When, in the subdivisions below, the standards are stated to be subject to modification or reduction, the modification or reduction must be for the purpose of accomplishing a project design consistent with the goals and objectives of Section 21-9.100-4 and this subsection. Also, pursuant to subsection [(b)] (c), the modification or reduction in the following standards must be commensurate with the contributions and community benefits provided in the project plan, and the project must be generally consistent with the draft or approved neighborhood TOD plan for the area, unless otherwise specified [below.] in this subsection.

- (1) Density.
 - (A) The maximum floor area ratio (FAR) may be up to twice that allowed by the underlying zoning district or 7.5, whichever is lower;



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provided that where a draft or approved neighborhood TOD plan identifies greater density for the site, a project on that site ~~[must be consistent with]~~ may seek the specified density contained in the plan ~~[and may be considered for that density];~~

- (B) For public housing projects as defined in ~~[Section 21-9-100-5]~~ subsection (a), the FAR cannot exceed 7.5; provided that if the maximum FAR under the draft or approved neighborhood TOD plan is greater than 7.5, then the draft or approved TOD FAR will prevail; and
- (C) For lots in the B-2, BMX-3, BMX-4, and IMX-1 districts, the maximum increase will apply in addition to any eligible density bonuses for the underlying zoning district; that is, the ~~[increase will apply to the zoning lot plus any applicable floor area bonuses.]~~ FAR may be doubled after any FAR bonuses for public open space or arcade space are added to the base FAR.

(2) Height.

- (A) For project sites where there is no draft neighborhood TOD plan, the maximum building height may be up to twice that allowed by the underlying zoning district, or 450 feet, whichever is lower; ~~[and]~~
- (B) Where there is a draft or approved neighborhood TOD plan, the maximum height cannot exceed the maximum height specified in the plan; provided that where existing height limits exceed those in the plans, the existing height limit will prevail~~[-]~~ ; and
- (C) For public housing projects as defined ~~[Section 21-9-100-5,]~~ in this section, the maximum building height may be up to 400 feet unless the maximum height specified in the draft or approved neighborhood TOD plan is higher, in which case the maximum height in the TOD plan will prevail.

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

(4) Buildable Area. Yards and the maximum building area must be as specified by the approved conceptual project plan; provided that building placement will not cause adverse noise, privacy, or wind effects to adjacent uses, and street character will not be adversely affected.



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- (5) Open Space.
 - (A) Project open space [~~will~~] must be as specified in the approved conceptual project plan, with a preference for publicly accessible, highly usable parks and gathering spaces rather than buffering or unusable landscaped areas.
 - (B) Where appropriate, usable open space may be:
 - (i) Transferred to another accessible site within the vicinity of the project that will be utilized as a public park, plaza, or gathering place for the affected community; or
 - (ii) Provided in the form of connections or improvements, or both, to nearby open spaces, pedestrian ways or trails, such as, but not necessarily limited to, streetscape and intersection improvements, pedestrian walkways or bridges, arcades, or promenades;

or both.
 - (C) Where public open space is being offered as a community benefit to achieve height or density bonuses, required yards may be included in the calculation and the landscaping requirement will be reduced to 20 percent of the total area.
- (6) Landscaping and screening standards will be as specified in the approved conceptual project plan and project landscaping must include adjacent rights-of-way. Streetscape landscaping, including street trees or planting strips, or both, should be provided near the edge of the street, rather than adjacent to the building, unless infeasible.
- (7) Parking and loading standards are as follows:
 - (A) The number of parking and loading spaces provided [~~will~~] must be as specified in the approved conceptual project plan;
 - (B) Service areas and loading spaces must be located at the side or rear of the site, unless the size and configuration of the lot renders this infeasible;



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- (C) Vehicular access must be provided from an existing access or driveway, or from a secondary street wherever possible and placed in the location least likely to impede pedestrian circulation; and
 - (D) The provision of car-sharing programs and electric vehicle charging stations is encouraged.
- (8) Bicycle parking must be accommodated on the project site, subject to the following:
- (A) The number of bicycle parking spaces provided ~~[will]~~ must be as specified in the approved conceptual project plan;
 - (B) Long-term bicycle parking must be provided for residents of on-site dwelling units in the form of enclosed bicycle lockers or easily accessible, secure, and covered bicycle storage;
 - (C) Bicycle parking within enclosed parking structures must be located as close as is feasible to an entrance of the facility so that it is visible from the street or sidewalk. The provision of a fenced and gated area for secure bicycle parking within the structure is encouraged;
 - (D) Each bicycle parking space must be a minimum of ~~[15]~~ 24 inches in width and six feet in length, with at least five feet of clearance between bicycle and motor vehicle parking spaces. Each bicycle must be easily reached and movable without moving another bicycle; and
 - (E) The provision of space for bicycle-sharing stations is encouraged either on the exterior of the building or within a parking structure, provided the area is visible and accessible from the street.
- (9) Signs.
- ~~[(A) Sign standards and requirements will be as specified in the approved conceptual project plan. The sign standards and requirements may deviate from the strict sign regulations of this chapter, provided that the flexibility is used to achieve good design, compatibility, creativity, consistency, and continuity in the utilization of signs on a pedestrian scale;~~



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~~(B)~~—All projects must include appropriate measures to accommodate TOD-related way-finding signage that will be considered "public signs" for purposes of Article 7[~~;~~and].

~~[(C)]~~—Where signage is not otherwise specified by the approved conceptual plan for the project, the project signage must comply with the underlying sign regulations of this chapter.]

~~[(e)](f)~~ Affordable Housing Requirements. All projects proposing the construction or conversion of 10 or more for-sale dwelling units must satisfy the requirements of Chapter 38, as the same may be amended or superseded.

(g) Community Benefits.

(1) Community benefits must be proposed in the IPD-T project application to justify height and density bonuses, or to mitigate the impacts related to the modification of TOD special district development standards.

(2) Where community benefits are proposed, they must meet the standards set forth in Section 21-9.100-9(e).

(3) For projects that include a hotel component, the community benefits proposed in the IPD-T project application must include one or both of the following:

(A) Affordable housing provided in addition to any affordable housing requirements applicable to the project under Chapter 38. The affordable housing proposed as community benefits must meet the following minimum requirements:

(i) For-sale affordable dwelling units must be sold to households earning 120 percent and below of the AMI. At least one-half of those units must be sold to households earning 100 percent and below of the AMI;

(ii) For-rental affordable dwelling units must be rented to households earning 80 percent and below of the AMI;

(iii) The affordable dwelling units must remain affordable for a period of at least 30 years;



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(iv) The affordable dwelling units must be marketed as provided in Section 38-1.6 for affordable units required by Chapter 38; and

(v) Application of the department's affordable housing requirement rules, including the room factor calculation, is required. If, after applying the room factor, additional affordable dwelling units are required, the additional required affordable dwelling units must not be created by dividing previously proposed affordable dwelling units into more dwelling units; or

(B) City multimodal transportation system improvements.

For purposes of this subdivision:

"AMI" means the same as defined in Section 38-1.2;

"Hotel" means the same as defined in Section 21-10.1, and includes condo-hotels owned under a condominium property regime; and

"City multimodal transportation system improvements" means improvements associated with the Honolulu rail transit system, the city bus transit system, or the city special transit services. Improvements may include but are not limited to easements on, over, and across private property; construction or maintenance of rail transit stations or bus stations or stops; provision of informational or directional signage; and monetary contributions to fund the cost of such improvements.

(h) Application Requirements. An application for approval of an IPD-T project [shall] must contain:

- (1) A project name;
- (2) A location map showing the project in relation to the future rail station area and the surrounding area;
- (3) A site plan showing property lines, the locations of buildings and other major structures, building access and activity zones, the proposed open space and landscaping system, access and circulation for vehicles, bicycles, and pedestrians, bus or trolley stops, and other major activities;



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- (4) A narrative description of [the]:
 - (A) The overall development and urban design concept; [the]
 - (B) The general mix of uses; [the]
 - (C) The basic form and number of structures; [the]
 - (D) The relationship of buildings to each other and to the streets, and how that is used to create active public space; [the]
 - (E) The estimated number of proposed public and private dwelling or lodging units, affordability restrictions to be observed, and the proposed mix of housing types; [general]
 - (F) General building height and density; [how]
 - (G) How the project achieves and positively contributes to TOD and transit-enhanced neighborhoods; [~~proposed~~]
 - (H) Proposed public amenities and community benefits; [the]
 - (I) The planned development of usable, publicly accessible spaces, accommodations, and landscaping; [~~how~~]
 - (J) How the project supports walking, bicycling, and active living; [~~proposals~~]
 - (K) Proposals to enhance multimodal circulation and access; [~~proposed~~]
 - (L) Proposed off-street parking and loading; and [~~possible~~]
 - (M) Possible impacts on security, public health and safety, infrastructure, and public utilities;

- (5) An open space plan, showing the reservation of land for public, semi-public, and private open space, including parks, plazas, and playgrounds, an integrated circulation system indicating proposed movement of vehicles, goods, pedestrians, and bicyclists within both the project area



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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;

- (6) A narrative explanation of the project's architectural and urban design relating the various design elements to support pedestrian- and transit-oriented development, and a discussion of any impacts to any cultural or historic resources, as well as any public views protected by [~~law or ordinance;~~] state or city laws;
- (7) Details of the project, including proposed floor area, open space, open space bonuses, and maximum FAR;
- (8) A parking and loading management plan or transportation demand management plan, or both;
- (9) 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~~] must be included in the proposal; [and]
- (10) A dollar amount estimate of:
 - (A) The value of requested height bonuses;
 - (B) The value of requested density bonuses; and
 - (C) The cost to the developer for each category of proposed community benefits;

accompanied by an explanation of how the values and costs were calculated.

~~[(10)](11)~~ Any other information deemed necessary by the director to ascertain whether the project meets the requirements of this section.

~~[(A)](i)~~ Procedures. Applications for approval of IPD-T projects [~~shall~~] must be processed in accordance with Section 21-2.110-2. Fees [~~shall~~] will be as enumerated for Planned Development applications in Section 6-41.1(a)(19), provided that the fee [~~shall~~] will be waived for public housing projects.



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~~(g)~~(i) Conceptual Plan for a Project. No project ~~shall~~ will be eligible for IPD-T status unless the council, by resolution, has first approved a conceptual plan for the project. The approved conceptual plan must set forth the allowable uses and the site development and design standards for density, height, transitional height ~~and/or~~ and 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. If uses and standards are not otherwise specified, the uses and standards applicable to the underlying zoning district apply.

~~(h)~~(k) Guidelines for Review and Approval of the Conceptual Plan for a Project. Prior to or concurrently with its approval of a conceptual plan for an IPD-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 development standards and use regulations are consistent with the objectives of TOD and the provisions enumerated in Sec. 21-9.100-4 and ~~Sec. 21-9.100-5 while in effect; and~~ this section as applicable;
- (2) Requested flexibility with respect to development standards and use regulations is commensurate with the public amenities and community benefits proposed~~;~~; and
- (3) The public amenities proposed will produce timely, demonstrable benefits to the community, support transit ridership, and implement the vision established in Section 21-9.100-4 and this section as applicable.

~~(i)~~(l) Deadline for Obtaining Building Permit for Project.

- (1) A council resolution ~~of~~ for approval ~~of~~ of a conceptual plan for an IPD-T project ~~shall~~ must establish a deadline within which the building permit for the project ~~shall~~ must be obtained. For multiphase projects, deadlines must be established for obtaining building permits for each phase of the project. The resolution ~~shall~~ must provide that the failure to obtain any building permit within the prescribed period ~~shall~~ will 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~~ will not be affected. The reordering of phases is permitted with the director's approval as long as the overall completion deadline for



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multiphase projects has not passed. A revocation of a building permit pursuant to Section 18-5.4 after the deadline ~~[shall]~~ will be deemed a failure to comply with the deadline.

- (2) The resolution ~~[shall]~~ must further provide that a deadline may be extended as follows:
 - (A) The director may extend the deadline if the applicant demonstrates good cause, but the deadline ~~[shall not]~~ may not be extended beyond one year from the initial deadline without the approval of the council, which may grant or deny the approval in its complete discretion.
 - (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 report ~~[shall]~~ must include the director's findings and recommendations thereon and a proposed resolution approving the extension.
 - (C) The council may approve the proposed extension or an 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]~~ The applicant's then-existing deadline for obtaining a building permit~~[-];~~

the extension ~~[shall be]~~ is deemed to be denied.
- (3) For public housing projects, the council resolution for approval of a conceptual plan for an IPD-T project ~~[shall]~~ must include a five-year deadline within which the building permit for the first phase of the project ~~[shall]~~ must be obtained. Any extensions beyond this deadline, including extensions for subsequent phases, will be subject to council approval pursuant to the procedures in subdivision (2).



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

~~(f)~~(m) Further Processing by Director. If the council approves the conceptual plan for the IPD-T project, the ~~[application, as approved in concept by the council, shall]~~ applicant shall address the conditions of approval contained in the resolution adopted by the council, and modify the project and related plans accordingly. The applicant shall thereafter submit the revised plans to the department so that the project application may 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]~~ must be used by the director to review applications:

- (1) The project ~~[shall]~~ must conform to the approved conceptual plan and any conditions established by the council in its resolution of approval. Any 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. Any increase in the height or density of the project will be considered a significant alteration and a change to the conceptual plan;
- (2) The project also ~~[shall]~~ must implement the objectives, guidelines, and standards of Section 21-9.100-4 and this section;
- (3) The project ~~[shall]~~ must contribute significantly to the overall desired urban design of TOD areas;
- (4) The project ~~[shall]~~ must demonstrate a pedestrian system, publicly accessible spaces and accommodations, landscaping and other amenities ~~[which shall]~~ that must be integrated into the overall design of the project, and ~~[shall]~~ must enhance the pedestrian experience between the project and surrounding TOD areas;
- (5) The project ~~[shall]~~ must involve a broad mix of uses ~~[or]~~ and other characteristics ~~[, or both, which]~~ that support the economic development and vitality of the affected TOD enhanced neighborhood; ~~[or]~~ and include an appropriate mix of housing types, particularly affordable housing, ~~[and]~~ rental housing, ~~[or both, or]~~ and public housing; and



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- (6) The parking management plan or transportation demand management plan ~~[shall]~~ must support transit ridership and alternative modes of travel and minimize impacts upon public streets where possible."

SECTION 3. Ordinance material to be repealed is bracketed and stricken. 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 material that has been bracketed and stricken, or the underscoring.



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SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Kymberly Pine (br)

DATE OF INTRODUCTION:

January 10, 2019
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel
DUANE W.H. PANG

APPROVED this 25th day of December, 20 20.

Mayor
City and County of Honolulu

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE **20-40**

BILL 2 (2019), CD2, FD1

Introduced: 01/10/19 By: KYMBERLY PINE – BY REQUEST Committee: ZONING, PLANNING AND HOUSING

Title: A BILL FOR AN ORDINANCE TO AMEND CHAPTER 21, REVISED ORDINANCES OF HONOLULU 1990, AS AMENDED (THE LAND USE ORDINANCE), RELATING TO INTERIM PLANNED DEVELOPMENT PERMITS FOR TRANSIT-ORIENTED DEVELOPMENT WITHIN CLOSE PROXIMITY TO FUTURE RAIL STATIONS.

Voting Legend: * = Aye w/Reservations

01/10/19	INTRO	THIS BILL IS A REINTRODUCTION OF <u>BILL 15 (2017)</u> WHICH WILL BE FILED ON FEBRUARY 17, 2019 PURSUANT TO ROH SECTION 1-2.4 WHICH SETS A TWO YEAR FILING PERIOD ON PENDING BILLS.
01/30/19	COUNCIL	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON PLANNING. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI.
		NOTE: THE TEMPORARY APPOINTMENT OF MICHAEL FORMBY TO FILL A VACANCY IN THE OFFICE OF COUNCILMEMBER FOR COUNCIL DISTRICT IV WAS APPROVED ON TUESDAY, FEBRUARY 5, 2019. (refer to <u>RES19-11</u>)
		NOTE: COUNCILMEMBER WATERS TOOK OFFICE ON MONDAY, MAY 6, 2019.
		<u>CC-173</u> ANDERSON - COUNCIL STANDING COMMITTEE ASSIGNMENTS.
		<u>CC-181</u> ANDERSON - RE-REFERRAL OF BILLS, RESOLUTIONS AND COMMUNICATIONS.
06/26/19	ZONING, PLANNING AND HOUSING	CR-204 – EXTENSION OF TIME REPORTED OUT OF COMMITTEE FOR ADOPTION. 4 AYES: KOBAYASHI, MANAHAN, MENOR, WATERS. 1 EXCUSED: ELEFANTE.
07/03/19	COUNCIL	CR-204 WAS ADOPTED. 9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TSUNEYOSHI, WATERS.
09/26/19	ZONING, PLANNING AND HOUSING	BILL POSTPONED IN COMMITTEE. 3 AYES: ELEFANTE, MENOR, WATERS. 2 EXCUSED: KOBAYASHI, MANAHAN.
10/24/19	ZONING, PLANNING AND HOUSING	CR-330 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM. 5 AYES: ELEFANTE, KOBAYASHI, MANAHAN, MENOR, WATERS.
10/26/19	PUBLISH	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.
11/06/19	COUNCIL/PUBLIC HEARING	CR-330 ADOPTED. BILL PASSED SECOND READING AS AMENDED, PUBLIC HEARING CLOSED AND REFERRED TO COMMITTEE ON ZONING, PLANNING AND HOUSING. 7 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, WATERS. 2 ABSENT: ANDERSON, TSUNEYOSHI.
11/09/19	PUBLISH	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR-ADVERTISER.

11/14/19	ZONING, PLANNING AND HOUSING	CR-378 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING. 3 AYES: ELEFANTE, MENOR, WATERS. 2 EXCUSED: KOBAYASHI, MANAHAN.
		<u>CC-388</u> MENOR – RE-REFERRAL FROM COUNCIL BACK TO COMMITTEE ON ZONING, PLANNING AND HOUSING.
12/04/19	COUNCIL	D-789 APPROVED. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, PINE, TSUNEYOSHI, WATERS. 1 ABSENT: MENOR.
02/06/20	ZONING, PLANNING AND HOUSING	BILL POSTPONED IN COMMITTEE. 5 AYES: ELEFANTE, KOBAYASHI, MANAHAN, MENOR, WATERS.
02/27/20	ZONING, PLANNING AND HOUSING	BILL POSTPONED IN COMMITTEE. 4 AYES: ELEFANTE, KOBAYASHI, MANAHAN, MENOR. 1 EXCUSED: WATERS.
03/18/20	COUNCIL	D-156(20) APPROVED. 7 AYES: ANDERSON, FUKUNAGA, KOBAYASHI, MANAHAN, PINE, TSUNEYOSHI, WATERS. 2 ABSENT: ELEFANTE, MENOR.
05/21/20	ZONING, PLANNING AND HOUSING	CR-134(20) – EXTENSION OF TIME REPORTED OUT OF COMMITTEE FOR ADOPTION. 4 AYES: ELEFANTE, KOBAYASHI, MENOR, WATERS. 1 EXCUSED: MANAHAN.
06/03/20	COUNCIL	CR-134(20) ADOPTED. 8 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, PINE, TSUNEYOSHI, WATERS. 1 ABSENT: MENOR.
		NOTE: EFFECTIVE SEPTEMBER 23, 2020, COUNCILMEMBER IKAIKA ANDERSON, REPRESENTING COUNCIL DISTRICT III, RESIGNED FROM OFFICE. [Refer to Communication <u>CC-256(20)</u>] NOTE: THE APPOINTMENT OF ALAN KEKOA TEXEIRA TO FILL A VACANCY IN THE OFFICE OF COUNCILMEMBER FOR COUNCIL DISTRICT III WAS APPROVED ON WEDNESDAY, SEPTEMBER 23, 2020. (refer to <u>RES20-236, FD1</u>) <u>CC-269(20)</u> KOBAYASHI - COUNCIL STANDING COMMITTEE ASSIGNMENTS.
10/22/20	ZONING, PLANNING AND HOUSING	BILL POSTPONED IN COMMITTEE. CR-260(20) – EXTENSION OF TIME REPORTED OUT OF COMMITTEE FOR ADOPTION. 5 AYES: ELEFANTE, MANAHAN, MENOR, TEXEIRA, WATERS
11/05/20	COUNCIL	CR-260(20) ADOPTED. 9 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TEXEIRA, TSUNEYOSHI, WATERS.
11/19/20	ZONING, PLANNING AND HOUSING	CR-309(20) – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING AS AMENDED IN CD2 FORM. 5 AYES: ELEFANTE, MANAHAN, MENOR, TEXEIRA, WATERS

12/09/20

COUNCIL

AMENDED TO FD1 (OCS2020-1224/11/25/20201:41 PM).

9 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TEXEIRA, TSUNEYOSHI, WATERS.

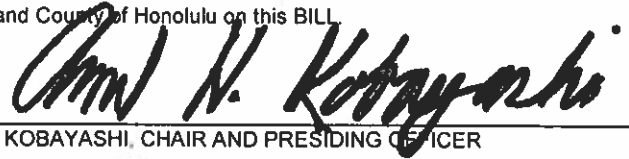
CR-309(20) ADOPTED AND BILL 2 (2019), CD2, FD1 PASSED THIRD READING.

9 AYES: ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR, PINE, TEXEIRA, TSUNEYOSHI, WATERS.

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



GLEN I. TAKAHASHI, CITY CLERK



ANN KOBAYASHI, CHAIR AND PRESIDING OFFICER