No.	22-240 ,	CD1	

AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE KUHIO PARK TERRACE LOW-RISES AND KUHIO HOMES REDEVELOPMENT IN KALIHI.

WHEREAS, the Michaels Development (the "Applicant") proposes to redevelop an affordable multi-family rental housing project on approximately 9.78 acres of land owned by the State of Hawaii, Hawaii Public Housing Authority ("HPHA"), located at 1430 Ahonui Street, 1449 Ahonui Street, and 1474 Linapuni Street in Kalihi, Oahu, and identified as Tax Map Keys 1-3-039:003, 006, and 008 (the "Project"); and

WHEREAS, as proposed, the Project consists of 650 dwelling units in eight buildings ranging from 40 to 175 feet in height, and will be developed in three phases – Phase 1 involves a total of 266 units (one 8-story 111-unit building, one 6-story 59-unit building, and two 6-story 48-unit buildings); Phase 2 involves one 16-story 268-unit tower; and Phase 3 involves three 4-story buildings with a total of 116 units. The Project also includes approximately 202 off-street parking spaces, bicycle parking spaces (325 long-term and 65 short-term), community gathering areas, community gardens, play areas, sports fields, a multi-modal fitness loop for bicycles and pedestrians, and six amenity buildings that include laundry facilities and restrooms; and

WHEREAS, as proposed, the Project will consist of 585 affordable dwelling units available for rent to households earning 60 percent and below of the area median income ("AMI") for Honolulu (520 units at 60 percent of the AMI, and 65 units at 30 percent of the AMI); and 65 units (including two manager units) will be market-rate units. All affordable dwelling units will remain affordable for a minimum of 60 years; and

WHEREAS, the Applicant has requested that the Project's affordable units be available for rent to households earning 80 percent (instead of 60 percent) and below of the AMI. In October 2022, the U.S. Department of the Treasury finalized rules that allow an income averaging test ("IAT") to be used for the low-income housing tax credit ("LIHTC") program – under the AIT, LIHTC properties may be rented to households earning up to 80 percent of the AMI, so long as the average rent and income limit for designated units does not exceed 60 percent of the AMI;

WHEREAS, the Project is eligible to receive consideration under the City's rules implementing Section 201H-38 of the Hawaii Revised Statutes ("HRS"), which require that at least 20 percent of a project's total units must be available to households earning at or below 80 percent of the AMI, and at least 31 percent of a project's total units must be available to households earning between 81 percent and 120 percent of the AMI; and

No.	22-240,	CD1	

WHEREAS, the City Council is empowered and authorized to approve the Project which may include exemptions from statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivision, development and improvement of land, and the construction of units thereon pursuant to HRS Sections 46-15.1 and 201H-38; and

WHEREAS, the City Council has reviewed the preliminary plans and specifications for the Project dated May 14, 2022, prepared by Lowney Architecture (the "Plans and Specifications"), and submitted to the Council by the Department of Planning and Permitting ("DPP") on October 10, 2022, by Departmental Communication 724 (2022); and

WHEREAS, the Project is consistent with the housing and community development goals and objectives of the City; and

WHEREAS, the granting of the exemptions is necessary for the timely and successful implementation of the Project; and

WHEREAS, the Project does not contravene any safety standards, tariffs, or rates and fees approved by the Public Utilities Commission or the Board of Water Supply; and

WHEREAS, the exemptions authorized herein meet the intent of HRS Chapter 201H, and minimum requirements of health and safety; now, therefore,

BE IT RESOLVED by the City Council of the City and County of Honolulu that it approves the Project, which approval includes exemptions from certain requirements for the Project as set forth in the Plans and Specifications for the Project, as follows:

Application Fees:

- 1. Exemption from Section 14-14.4, Revised Ordinances of Honolulu 1990 ("ROH"), to allow an exemption from the payment of grading and grubbing permit fees, estimated at \$2.000.
- 2. Exemption from ROH Section 18-6.1, to allow an exemption from the payment of building permit plan review fees, estimated at \$75,000.
- 3. Exemption from ROH Table No. 18-A, to allow an exemption from the payment of special assignment inspection (courtesy inspection) fees, estimated at \$8,000.

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- 4. Exemption from ROH Section 18-6.2, to allow an exemption from the payment of building permit fees, estimated at \$1,450,933.
- 5. Exemption from ROH Sections 21-5.380, to allow an exemption from the payment of conditional use permit fees for the joint development of multiple zoning lots, estimated at \$600.
- 6. Exemption from ROH Section 22-1.1, to allow an exemption from the payment of subdivision permit fees, estimated at \$600.
- 7. Exemption from ROH Section 14-13.6(d) and the DPP's Rules Related to Water Quality, to allow an exemption from the payment of storm water quality review fees for the erosion and sediment control plan, estimated at \$750.

Infrastructure and Public Works Fees and Charges:

- 8. Exemption from ROH Sections 14-10.1, 14-10.2, and 14-10.3, to allow an exemption from the payment of wastewater system facility charges attributed to the Project's affordable units, estimated at \$1,984,006.08 for 585 affordable units, or \$2,197,668.27 for 648 affordable units; and to allow the deferral of payment of wastewater system facility charges attributed to the Project's market-rate units until issuance of a certificate of occupancy for Phase 1 of the Project, estimated at \$220,445.12 for 65 market-rate units, or \$6,782.83 for two market-rate units.
- 9. Exemption from ROH Section 14-12.12, to allow an exemption from the payment of the private storm drain connection license fee, estimated at \$600.

Fire Department Review Fees:

10. Exemption from ROH Section 20-1.1, Item (3), to allow an exemption from the payment of Honolulu Fire Department plan review fees, estimated at \$145,093.

Land Use Ordinance ("LUO"):

11. Exemption from LUO Section 21-3.80-1(b) and Table 21-3.3, relating to maximum height, to allow for a maximum height of 175 feet for Building E (instead of 150 feet).

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- 12. Exemption from LUO Section 21-3.80-1(b) and Table 21-3.3, relating to maximum density, to allow for a maximum floor area ratio ("FAR") of 2.0 (instead of an FAR of 1.9).
- 13. Exemption from LUO Section 21-3.80-1(b) and Table 21-3.3, relating to front, side, and rear yards, to allow portions of the sidewalks and parking spaces to be within the required yard setbacks, as generally shown in the attached exhibits.
- 14. Exemption from LUO Section 21-3.80-1(c)(1) and (2), relating to the landscaping of yards and parking setbacks, to allow for some parking and loading spaces to overhang into the required yards, as generally shown on the attached exhibits.
- 15. Exemption from LUO Sections 21-4.70(a) and 21-6.80(b), relating to landscaping and screening for parking lots adjacent to a right-of-way, and surface parking site planning, respectively, to allow surface parking lots, service areas, and loading spaces to be unscreened from streets and public spaces, and exempt the Project from certain canopy tree and hedge requirements.
- 16. Exemption from LUO Section 21-5.380, relating to the joint development of two or more adjacent zoning lots, to allow the zoning lots composing the Project site to be jointly developed and treated as one zoning lot without a minor conditional use permit.
- 17. Exemption from LUO Section 21-6.130, relating to off-street loading space dimensions, to allow for nine loading spaces measuring 19 feet by 8.2 feet (instead of one loading space measuring 35 feet by 12 feet, and three loading spaces measuring 19 feet by 8.2 feet).

Building and Energy Conservation Codes:

- 18. Exemption from ROH Section 32-1.1(20), Section C406.8.1, relating to electric vehicle charger ready requirements, to allow the Project to provide four electric vehicle charger ready parking spaces (instead of the required 50 electric vehicle charger ready parking spaces).
- 19. Exemption from ROH Section 16-1.1(39), Section 501.3.1.1, relating to the Honolulu Fire Department apparatus access road dimension requirements, to allow the Project's fire apparatus access road to have an unobstructed clearance width of 18 feet (instead of 20 feet); provided that all Project buildings must be equipped with a current NFPA 13-compliant automatic sprinkler system.

No. 22-240, CD1	
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Board of Water Supply Rules and Regulations:

20. Deferral from Sections 1-102 and 2-202(2) and (3) of the Board of Water Supply Rules and Regulations, to allow a deferral of payment of water system facility and installation of water service fees estimated at \$1,619,441; provided that all Board of Water Supply requirements are satisfied. The actual fees to be waived will be determined by the Board of Water Supply during review of the Project's building permit application.

Park Dedication Ordinance Requirements:

21. Exemption from ROH Chapter 22, Article 7, to allow an exemption from park dedication ordinance requirements attributed to the Project's affordable units, estimated at an equivalent in-lieu fee of \$6,670,521 for 585 affordable units, or \$7,388,884.80 for 648 affordable units.

BE IT FURTHER RESOLVED that the Project is approved subject to the following conditions:

- A. Except as modified herein, development must be in general conformance with the approved Project, as described herein and shown on plans and drawings labeled as Exhibits A and B-1 through B-17, attached hereto and made a part hereof. Minor modifications may be approved by the DPP Director. Major modifications to the Project will require approval by the City Council.
- B. Project affordable units must be available for rent to households earning 80 percent and below of the AMI for Honolulu; provided that all affordable units must comply with the final U.S. Department of the Treasury rules (October 2022) relating to the income averaging test ("IAT") for the low-income housing tax credit ("LIHTC") program, including the requirement that the average of the designated imputed income limitations for the rent-restricted units must not exceed 60 percent of the AMI.
- C. Prior to issuance of any building permits for buildings in Phase 3 of the Project, plans must be updated to show that the Linapuni Street and Ahonui Street satisfy City roadway standards, including parking standards, or the Hawaii Public Housing Authority shall obtain ownership of the streets from the City via a quitclaim deed. If the Hawaii Public Housing Authority elects to obtain ownership of Linapuni Street and Ahonui Street, or any portion thereof, the Hawaii Public Housing Authority shall be responsible for the maintenance and repair of the portions of the streets that it owns.

No. <u>22-240, CD1</u>	No.	22-240, CD1	
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- D. Prior to the issuance of any building permits for the Project, the Applicant shall submit to the DPP for its review and approval:
 - 1. A time line or phasing of the anticipated dates to obtain major building permit(s) for demolition and construction work, including the projected date of occupancy, in a format acceptable to the DPP. The time line should identify when the Construction Management Plan ("CMP") and the Traffic Management Plan ("TMP") will be submitted to the DPP for its review and approval.
 - 2. A CMP that identifies the type, frequency, and routing of heavy trucks and construction-related vehicles. The Applicant shall make every effort to minimize impacts from construction vehicles and related construction activities. The CMP must identify and limit construction-related vehicular activity to periods outside of the peak traffic hours using alternative routes for heavy trucks, provisions for either onsite or offsite staging areas for construction-related workers and vehicles to limit the use of on-street parking around the Project site, and other mitigation measures related to traffic and potential neighborhood impacts. The CMP must also include plans for all work within or affecting public streets and preliminary or conceptual traffic control plans. The Applicant shall document the condition of roadways prior to the start of construction activities and provide remedial measures, as necessary, such as restriping, road resurfacing or roadway reconstruction if the condition of the roadways has deteriorated as a result of the construction-related activities.
 - 3. A TMP that includes Traffic Demand Management ("TDM") strategies to minimize the number of vehicular trips for daily activities. TDM strategies may include carpooling and ride sharing programs; transit, bicycle, and pedestrian incentives; and other similar TDM strategies. The TMP must include a pedestrian circulation plan that provides accessibility and connectivity to the surrounding public sidewalks. A post TMP will be required approximately one year after the issuance of the certificate of occupancy ("CO") to validate the relative effectiveness of the various TDM strategies identified in the initial TMP.

No.	<u>22-240,</u> CD1	

- E. Prior to the issuance of a certificate of occupancy for the residential buildings included as part of Phase 1 of the Project, the Applicant shall submit to the DPP for its review and approval a parking management plan for the Project that addresses how the limited onsite parking for Project residents will be managed and enforced.
- F. The Applicant must submit an updated traffic impact assessment report ("TIAR") approximately one year after the issuance of the certificate of occupancy to validate the traffic projections, distribution, and assignment contained in the initial TIAR (dated April 2022). If additional traffic mitigation measures or modifications are necessary to support related traffic impacts directly attributable to the Project, the Applicant shall implement the updated TIAR recommendations. If the findings of the updated TIAR are inconclusive, a second updated TIAR may be required one year after the date of the first updated TIAR, as the DPP Director determines is necessary.
- G. Prior to the issuance of any building permit for the Project, the Applicant shall execute a 201H Agreement with the DPP Director that includes terms, conditions, and provisions to facilitate the efficient development and monitoring of the Project, and to ensure the Project's compliance with the requirements of HRS Chapter 201H and this resolution.

BE IT FURTHER RESOLVED that references to specific statutes, ordinances, or regulations include respective successor statutes, ordinances, or regulations; and

BE IT FURTHER RESOLVED that the exemptions granted for this Project are not transferable to any other real property; and

BE IT FURTHER RESOLVED that the final plans and specifications for the Project constitute the zoning, building, and construction standards for the Project and are approved if those plans and specifications do not substantially deviate from the preliminary plans and specifications submitted to the City Council; provided that minor modifications to the design character or specifications of the building or landscaping may be approved by the DPP, if such modifications are consistent with the prevailing neighborhood character; and

BE IT FURTHER RESOLVED that no action may be prosecuted or maintained against the City and County of Honolulu, its officials or employees, on account of actions taken by them in reviewing or approving the preliminary plans and specifications or in granting these exemptions listed herein; and

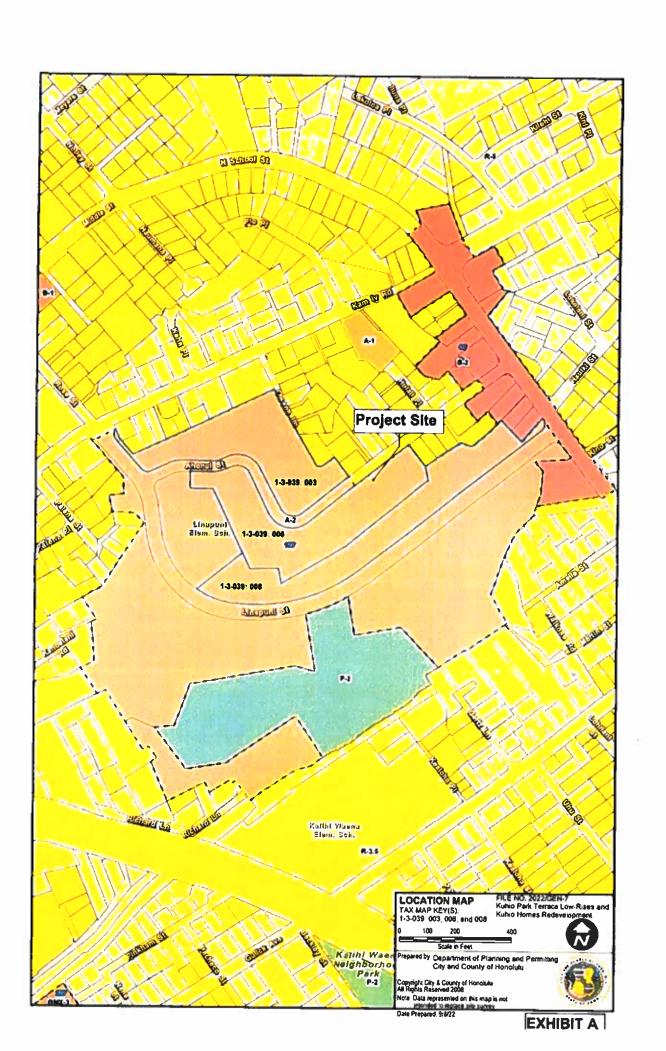
No.	22-240 ,	CD1

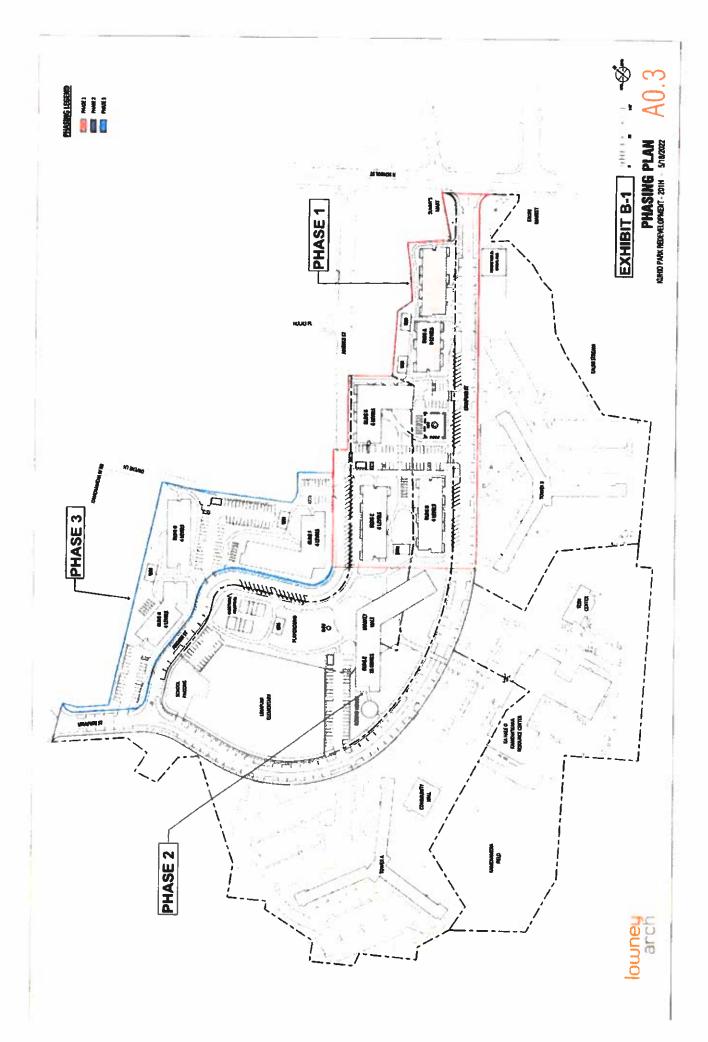
BE IT FURTHER RESOLVED that the DPP Director is authorized to execute and record the 201H Agreement referenced in Condition G, pursuant to the terms, conditions, and provisions approved as to form and legality by the Corporation Counsel as being necessary, advisable, or desirable for the purpose of carrying out this resolution; and

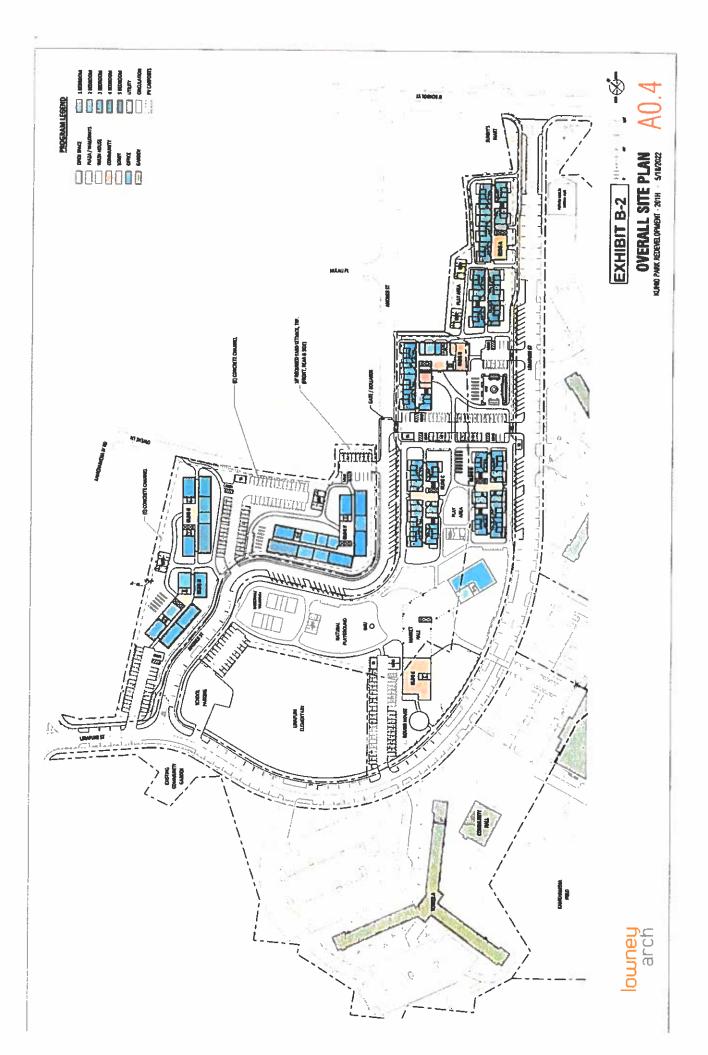
BE IT FURTHER RESOLVED that the DPP Director is hereby authorized to execute any incidental or related documents to carry out the transactions, described above; provided that said documents do not increase, either directly or indirectly, the financial obligations of the City; and

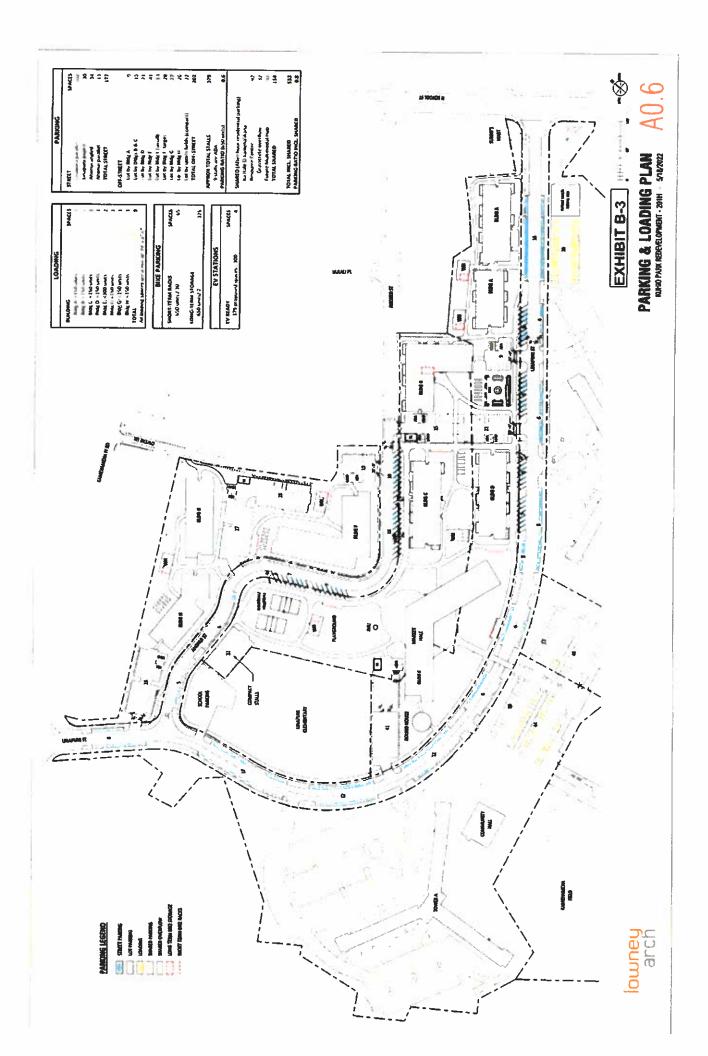
BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Dawn Takeuchi Apuna, Acting Director of Planning and Permitting; Hakim Ouansafi, Executive Director, Hawaii Public Housing Authority, 1002 North School Street, Honolulu, Hawaiii 96817; Michaels Development, 737 Bishop Street, Suite 2020, Honolulu, Hawaiii 96813; and Greg Nakai, PBR Hawaii & Associates, 1001 Bishop Street, Suite 650, Honolulu, Hawaiii 96813.

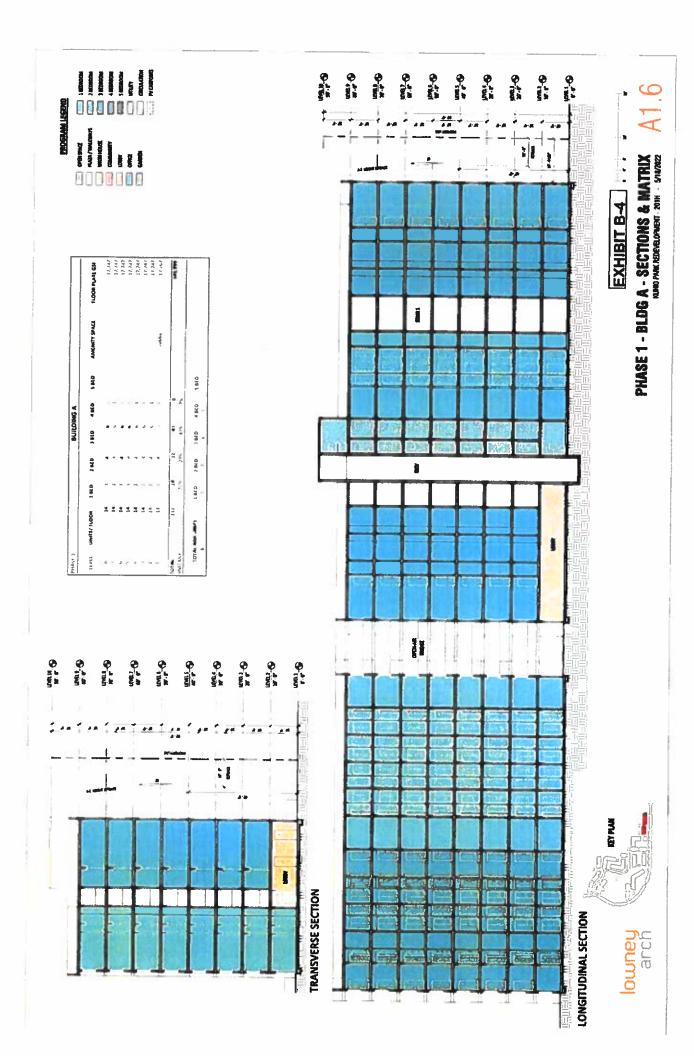
	INTRODUCED BY:
	Tommy Waters (br)
	3
DATE OF INTRODUCTION:	
October 11, 2022	
Honolulu, Hawai'i	Councilmembers











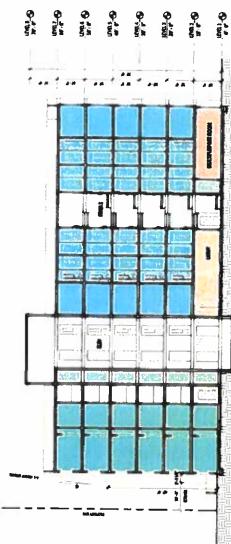


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EXHIBIT B-6

PHASE 1 - BLDG B - SECTIONS & MATRIX INTERPREDING THE STREET

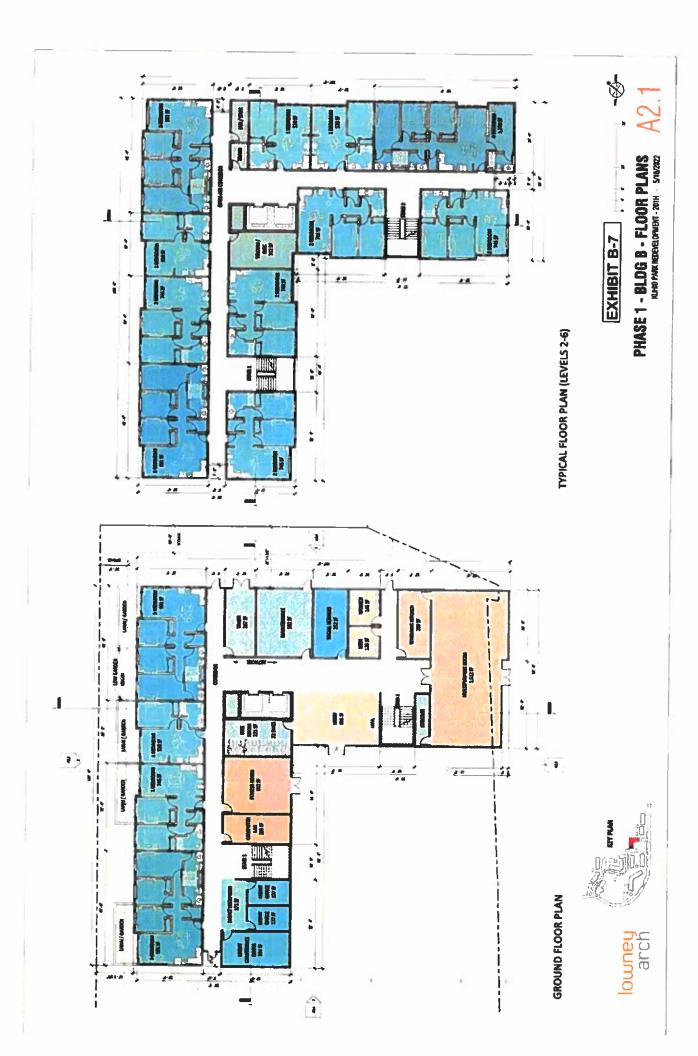


SECTION 2



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SECTION 1



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PHASE 1 - BLDG C - SECTIONS & MATRIX
INTERPREDICTIONS & MATRIX



LONGITUDINAL SECTION

TRANSVERSE SECTION





PHASE 1 - BLDG C - FLOOR PLANS
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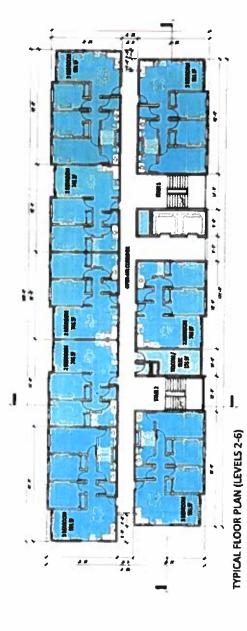
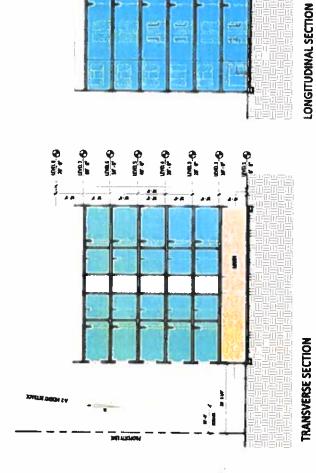


EXHIBIT B-9 lì **:** ____. . **GROUND FLOOR PLAN** Ì 1



PHASE 1 - BLDG D - SECTIONS & MATRIX INFORMER OF STATE STATEMENT S EXHIBIT B-10

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PHASE 1 - BLDG D - FLOOR PLANS ALTHO PARK REDEGLOWER : 2014 - 5/14/2022





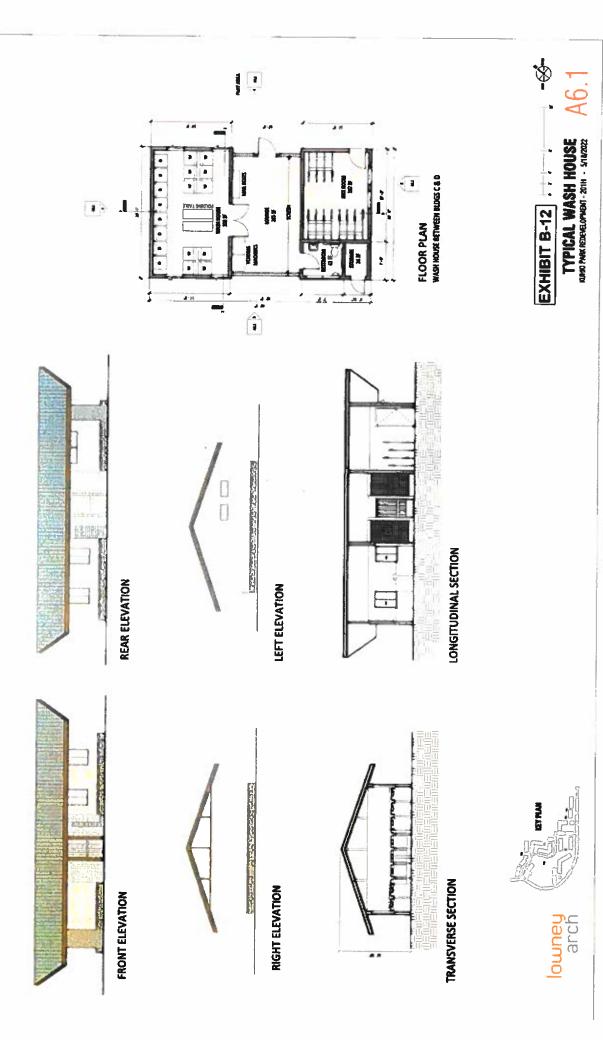


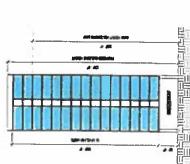


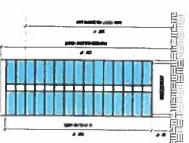
EXHIBIT 8-13

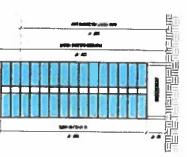
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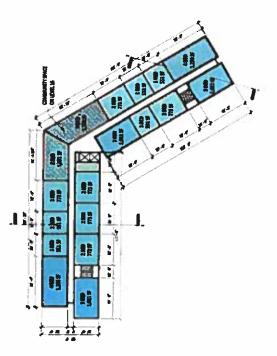














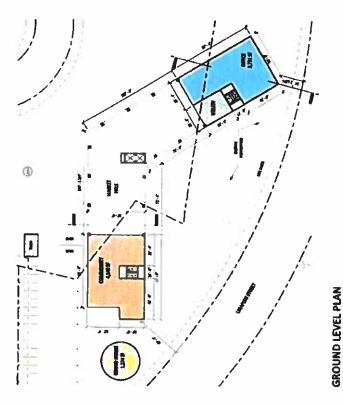
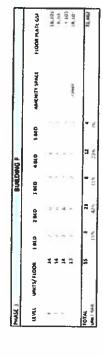


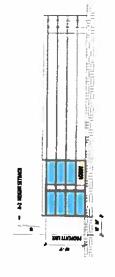






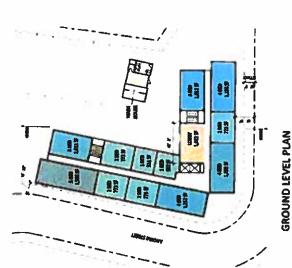
EXHIBIT B-14





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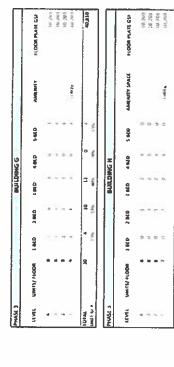
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EXHIBIT B-15

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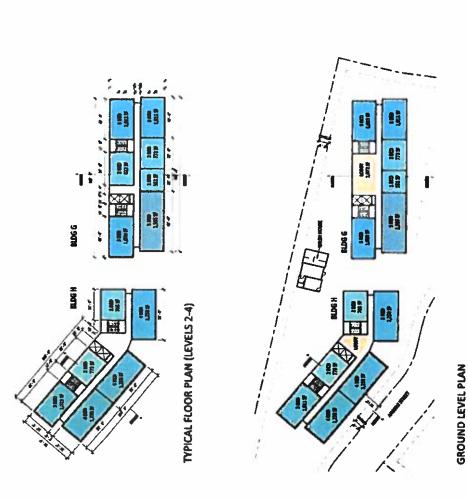


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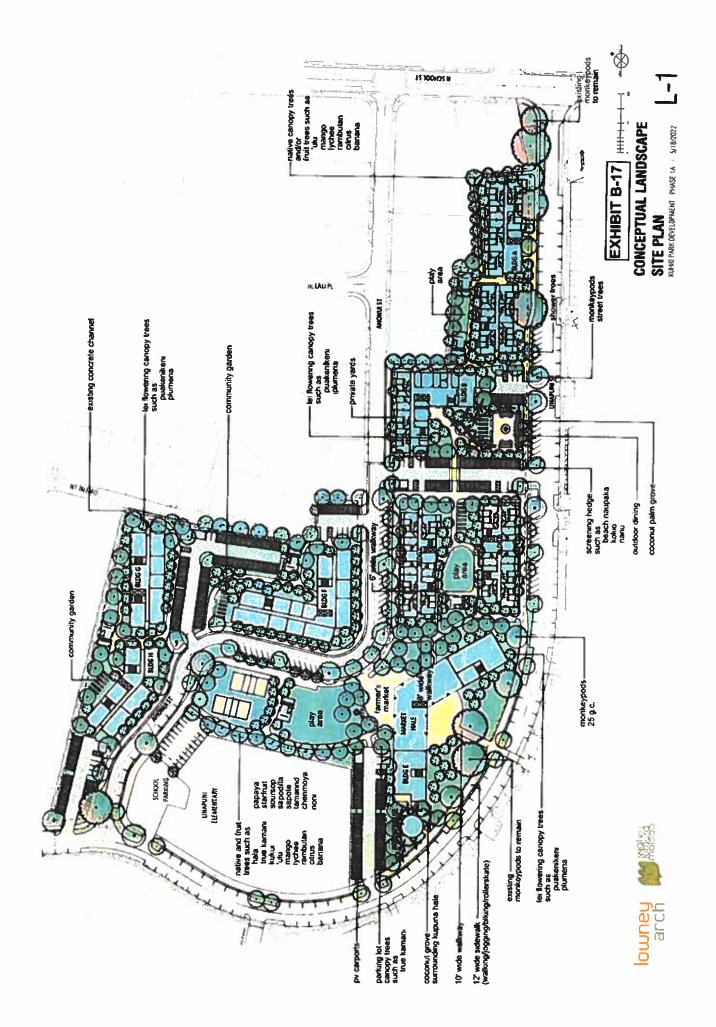
EXHIBIT B-16

PHASE 3 - BLDGS G & H









CITY COUNCIL CITY AND COUNTY OF HONOLULU HONOLULU, HAWAII CERTIFICATE

RESOLUTION 22-240, CD1

Introduced:

10/11/22

TOMMY WATERS - BY REQUEST

Committee: ZONING AND PLANNING (ZP)

Title:

AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE KUHIO PARK TERRACE LOW-RISES AND KUHIO HOMES REDEVELOPMENT IN KALIHI.

Voting Legend: * = Aye w/Reservations

10/11/22	INTRO	Introduced.
10/20/22	ZP	Reported out for adoption as amended in CD1 form.
		CR-292
		4 AYES: CORDERO, ELEFANTE, KIA'ĀINA, SAY
11/02/22	CCL	Committee report and Resolution as amended were adopted.
		9 AYES: CORDERO, ELEFANTE, FUKUNAGA, KIA'ĀINA, SAY, TSUNEYOSHI, TULBA, TUPOLA, 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 RESOLUTION.

SHI, CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER