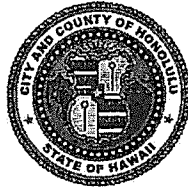


DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 768-6041
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'23JAN20 AM 10:48 CITY CLERK

RICK BLANGIARDI
MAYOR



DAWN TAKEUCHI APUNA
DIRECTOR DESIGNATE

JIRO A. SUMADA
DEPUTY DIRECTOR

January 17, 2023

2022/GEN-12 (MAK)

The Honorable Tommy Waters
Chair and Presiding Officer
and Members
Honolulu City Council
530 South King Street, Room 202
Honolulu, Hawaii 96813

Dear Chair Waters and Councilmembers:

SUBJECT: Request for Exemptions from Development Regulations
Pursuant to Chapter 201H-38, Hawaii Revised Statutes (HRS)
Project: Fort Street Mall Affordable Senior Rental Housing
Landowner: Roman Catholic Church in the State of Hawaii
Applicant: Catholic Charities Housing Development Corporation
Agent: R.M. Towill Corporation (Isaiah Sato)
Location: 1155 and 1159 Fort Street Mall – Honolulu
Tax Map Keys: 2-1-010: 033 and 034

The Catholic Charities Housing Development Corporation is requesting exemptions from the City and County of Honolulu regulations and fees to develop the Fort Street Mall Affordable Senior Rental Housing pursuant to Chapter 201H-38, HRS. The purpose of these regulations is to encourage the development of affordable housing.

Enclosed for your review and action are the Report, Draft Resolution, and a copy of the Plans and Specifications. The enclosed Draft Resolution is to grant exemptions from certain statutes, ordinances, and rules relating to planning, zoning, and permit fees to allow development of the Project.

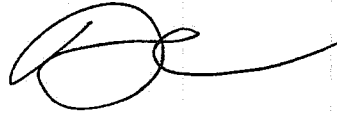
Pursuant to Section 201H-38, HRS, the City Council has 45 days to act on the matter from the date the Department of Planning and Permitting submits the request to the City Council. If the City Council does not act on the request within 45 days, the exemptions will be automatically approved.

DEPT. COM. 43

The Honorable Tommy Waters
Chair and Presiding Officer
And Members
January 17, 2023
Page 2

Should you have any questions, please contact me at (808) 768-8000.

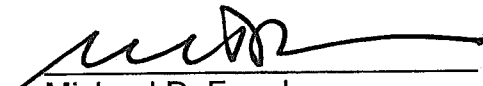
Very truly yours,



Dawn Takeuchi Apuna
Director Designate

Enclosure: DPP Report and Recommendation
Draft Resolution
Plans and Specifications

APPROVED:


Michael D. Formby
Managing Director

DEPARTMENT OF PLANNING AND PERMITTING
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION)
)
 OF)
)
 FORT STREET MALL AFFORDABLE)
 SENIOR RENTAL HOUSING)
)
 CHAPTER 201H, HAWAII REVISED)
 STATUTES (HRS) EXEMPTIONS)
)
 FOR AN)
)
 AFFORDABLE HOUSING PROJECT)
 _____)

FILE NO. 2022/GEN-12 (MAK)

I. APPLICATION

A. Basic Information:

PROJECT:	Fort Street Mall Affordable Senior Rental Housing
LANDOWNER:	Roman Catholic Church in the State of Hawaii
APPLICANT:	Catholic Charities Housing Development Corporation
AGENT:	R.M. Towill Corporation (Isaiah Sato)
LOCATION:	1155 and 1159 Fort Street Mall - Honolulu (Exhibit A)
TAX MAP KEYS:	2-1-010: 033 and 034 (Lots 2, 3, and 4)
LAND AREA:	6,900 square (sq.) feet (ft.)
STATE LAND USE:	Urban District
DEVELOPMENT PLAN AREA:	Primary Urban Center
ZONING:	BMX-4 Central Business Mixed Use District (BMX-4 District)
EXISTING USE:	Vacant two-story commercial/office building
SURROUNDING LAND USE:	Office buildings, meeting facility, personal services, eating and drinking establishments, university buildings, public uses, and multi-family dwellings.

- B. Background: The Department of Planning and Permitting (DPP) determined on August 4, 2022, that the Project was eligible to request exemptions pursuant to Chapter 201H-38, HRS ("201H"). The Applicant submitted the 201H application on September 1, 2022, which was accepted as complete for processing on September 16, 2022. The Applicant requested a 30-day time extension to allow more time to process their request.
- C. Proposal: The Applicant proposes to develop a 17-story, affordable, senior rental housing building with 67 residential units and approximately 17,000 sq. ft. of office space. The office space is currently intended to be utilized by the landowner in perpetuity. The 17-story structure will be approximately 191 ft. The floor area of the structure will be approximately 69,999.43 sq. ft., which amounts to a floor area ratio (FAR) of 10.0. See Exhibits C-1 through C-11 for conceptual plans of the Project, summarized as follows:
- Floor 1 will have a ground floor lobby, office space, management office, a security and fire command room, utility rooms, emergency generator, and trash room.
 - Floors 2 and 3 will have office space.
 - Floor 4 will include the resident manager's unit, case manager office, a laundry room, open deck area, multipurpose room, utility room, and one rental unit.
 - Floors 5 to 17 will have five rental units located on each floor.
 - The average size of the rental units will be 440 sq. ft.
 - No parking, loading, or bicycle spaces are provided.
 - No landscaping will be provided on the ground floor of the site, but the outdoor deck on Floor 4 will include planter boxes.

The Applicant is also proposing to consolidate the three zoning lots (Lot 2, Lot 3, and Lot 4) at a later date.

- D. Affordability Requirements: Of the 67 units, 66 units (98.5 percent) will be reserved below rates accessible to "very low-income households" (60 percent Area Median Income [AMI] or lower), for a period of 61 years, which exceeds the minimum eligibility requirements for 201H projects pursuant to the DPP Rules related to the 201H Housing Program. The table below shows the number and affordability of the dwelling units:

AFFORDABLE UNIT MATRIX		
Restricted at Percent of AMI	Number of Units	Percent of Total Units
30 Percent of AMI	7	10.5
60 Percent of AMI	59	88
TOTAL AFFORDABLE UNITS	66	98.5
Resident Manager Unit	1	1.5
TOTAL NUMBER OF UNITS	67	100

II. FINDINGS OF FACT

On the basis of the evidence presented, the Director has found:

- A. Description of Site and Surrounding Uses: The Project area is a 6,900-sq.-ft. area in the BMX-4 District. The Project area consists of three zoning lots that are contiguous and jointly owned and developed but have not been consolidated through a subdivision action or joint development agreement. The proposed development overlaps the three lots and would ordinarily require a joint development agreement or lot consolidation.

The Project site is bounded by Fort Street Mall to the north, a pedestrian access way and the Cathedral Basilica of Our Lady of Peace ("Church") to the east, a service lane and the Finance Factors Ltd. building to the south, and the Standard Sales Co. building to the west. Fort Street Mall is a pedestrian mall that spans across downtown from South Beretania Street to Queen Street with various commercial retail businesses and eating and drinking establishments on each side. The Church is owned and operated by the Roman Catholic Church. The Finance Factors Ltd. building is a commercial office building and the Standard Sales Co. building serves as the United States Bankruptcy Court for the District of Hawaii. The service lane is comprised of multiple access easements that provides vehicular access to the site from Bishop Street. Other nearby developments include the Hawaii Pacific University downtown campus buildings and multi-family dwellings.

The Project area is currently developed with a vacant two-story commercial and/or office building, which was previously operated by the Roman Catholic Church as offices, storage, multipurpose space, and museum. Built in 1901, the existing building is a portion of the Sacred Heart Convent School that operated onsite until 1937 before it was sold and converted into commercial retail and offices. Subsequent modifications in the 1940s and 1950s have altered and expanded the original building. However, some portions of the original building remain, such as the parapet cornice where the relief molding spells out "A.D. 1859" to commemorate the year of the sisters' arrival and the beginning of the Roman Catholic Church's school, not the date of construction.

The Project's location is in close proximity to a well-connected bus route, multiple bikeshare stations, existing and proposed bike routes, and street bicycle parking. The site is in close proximity to bus stops on Bethel Street, Bishop Street, Hotel Street, and South Beretania Street. Four bikeshare stations are within 600 ft. of the Project site, which are located at the Nuuanu Avenue and Pauahi Street intersection, the Fort Street Mall and South Hotel Street intersection, the Fort Street and South Beretania Street intersection, and Bishop Street fronting the Finance Factors Ltd. building. Hotel Street is a bus and/or bike only designated road, and Fort Street Mall is a future shared use path according to the Oahu Bike Plan. Existing short-term bicycle and moped parking is within the vicinity of the

Project site along Chaplain Lane.

The lot is in Flood Zone X, which includes areas that have been determined to be outside the 0.2 percent annual chance floodplain. The Project is not subject to Chapter 21A, Revised Ordinances of Honolulu 2021 (ROH), relating to construction in flood hazard zones. Data from the Hawaii Sea Level Rise (SLR) Viewer (Viewer) estimates that no portion of the Project area will be impacted by 3.2 ft. of SLR.

B. Chapter 201H, HRS: This application was reviewed in accordance with Section 201H-38, HRS. The Application was determined to be eligible for processing under the City's 201H Program by the DPP on August 4, 2022.

C. Chapter 343, HRS: The Applicant has received an exemption from the environmental document preparation requirements of Chapter 343, HRS pursuant to Hawaii Administrative Rules (HAR) Section 11-200.1-15(c)(10). Under this Section of the HAR, affordable housing projects may be exempt from the environmental document preparation requirements if:

- The use of State or County lands or funds is the sole trigger for compliance with Chapter 343, HRS;
- The proposal conforms to the existing State Land Use Urban Classification;
- The proposal is consistent with the existing county zoning classification that allows housing; and
- The proposal does not require any variances for shoreline setbacks and is not located in an environmentally sensitive area, as stated in HAR Section 11-200.1-11(b)(11).

The Project meets these four requirements and is therefore exempt from the preparation of an environmental document under Chapter 343, HRS. The Project was included in the DPP exemption list published in "*The Environmental Notice*" on September 8, 2022.

D. Plans and Policies:

1. General Plan (GP): The GP is a statement of the long-range policy goals for the City and County of Honolulu. The GP encourages 1) Decent housing for all people on Oahu at prices they can afford near employment centers, 2) The use of innovative residential development types and funding sources, 3) The efficient use of streets and utilities, and 4) The joint public-private ventures to produce affordable housing that is designed for the elderly. The following GP objectives and policies that specifically pertain to the proposed Project are:

- Population (Objective B, Policy 1);

- Housing and Communities (Objective A, Policies 1, 7, 8, 12, 13, and 14); and
- Transportation and Utilities (Objective A, Policies 8, 10, and 11).

These policies of the GP specify the intent for the facilitation of the full development of the Primary Urban Center to:

- Promote higher density redevelopment and the provision of adequate infrastructure;
- Support programs, policies, and strategies that will provide decent and affordable homes for local residents, especially those in the lowest income brackets;
- Provide financial and other incentives to encourage the private sector to build homes for low- and moderate- income residents;
- Encourage and participate in joint public-private development of low- and moderate- income housing;
- Promote higher density, mixed-use development where appropriate, including rail transit-oriented development, to increase the supply of affordable and market housing in convenient proximity to jobs, schools, shops, and public transit;
- Encourage the production and maintenance of affordable rental housing;
- Encourage the provision of affordable housing designed for the elderly and people with disabilities in locations convenient to critical services and to public transit;
- Make transportation services safe and accessible to people with limited mobility: the young, elderly, disabled, and those with limited incomes;
- Reduce traffic congestion and maximize the efficient use of transportation resources by pursuing transportation demand management strategies such as carpooling, telecommuting, flexible work schedules, and incentives to use alternative travel modes; and
- Enhance pedestrian-friendly and bicycle-friendly travel via public and private programs and improvements.

2. Primary Urban Center Development Plan (PUCDP): The PUCDP designates the Project area as “District Commercial” on the Land Use Map (Map A-5). Mixed uses, including appropriately integrated residential facilities, and higher densities are encouraged in these areas. The PUCDP promotes housing choices for livable in-town neighborhoods that are planned for high-density residential and mixed uses by encouraging the redevelopment of small lots with affordable housing for all people that have access to a balanced transportation network of multi-modal mobility options (Section 3.3.2).

3. Downtown Neighborhood Transit-Oriented Development Plan (TOD Plan): The TOD Plan, adopted by the City Council in September 2017, envisions Downtown Honolulu as a livable urban mixed-use community and a model for walking, biking, and transit usage. The Project site is shown on the TOD Plan Concept map (Figure 1-3) as high intensity mixed-use. The site is also shown to be located within the future TOD Special District (Figure 2-4).
 4. Age-Friendly Honolulu Action Plan: The Age-Friendly Honolulu Action Plan, as mentioned in the Age-Friendly City Program adopted by City Council on October 11, 2018, envisions an age-friendly community that embraces and provides housing for older adults.
 5. 2019 Oahu Bike Plan: In 1994, the City Council and Mayor adopted Ordinance 94-39, which directed that a bikeway system master plan for urban Honolulu be prepared and updated every five years. The 2019 Oahu Bike Plan builds off the foundation of the earlier plans to identify specific projects, policies, and programs that will expand bicycle ridership and provide a network of safe, comfortable bikeways attractive to users of all ages and abilities.
- E. Community and Agency Comments: The Applicant presented the Project to the Downtown-Chinatown Neighborhood Board No. 13 (DCNB) on August 4, 2022. The DCNB expressed questions and comments relating to the Project's target affordability, whether there would be any public facilities or green space, how inflation has impacted the Project, and the need for the requested exemptions from certain development standards. The DPP did not receive any community comments during the processing of this request.

The 201H application was routed by the DPP to various public agencies for review and comment. No public agency objected to the Project. The following agencies provided a response to the DPP: Board of Water Supply (BWS), Honolulu Fire Department (HFD), Honolulu Police Department (HPD), Department of Design and Construction, Department of Environmental Services (ENV), Department of Transportation Services (DTS), Department of Facility Maintenance, State of Hawaii Office of Planning and Sustainable Development, and State of Hawaii Department of Transportation.

Applicable comments are incorporated into the Analysis section of this report.

III. REQUESTED EXEMPTIONS AND ANALYSIS

- A. Chapter 201H, HRS Requirements and Exemptions: The Project has demonstrated compliance with the 201H qualifying requirements, as noted in the DPP Notice of Eligibility, dated August 4, 2022. The requested fee exemptions

are summarized in the following sections.

1. Plan Review, Permit, and Utility Fees: The following table summarizes the requested fee exemptions and other adjustments sought for the Project and the approximate related values:

Item	ROH Section	*Estimated Total Fees and Requested Exemptions	*Recommendation
Plan Review and Permit Fees			
Stormwater Quality Review Fee: Erosion Control and Sediment Plan Review Fee	18A-1.6(d) and DPP Rules: Water Quality	\$250	\$250
Trenching	14-2.1(A)	\$195	\$195
Building Permit Plan Review	18-6.1	\$25,000	\$25,000
Special Assignment Inspection ("Courtesy Inspection") Fee	Table 18-A (Ordinance 19-21)	\$2,000	\$2,000
Building Permit Fees	18-6.2	\$85,000	\$85,000
HFD Plan Review Fee	20-1.1(3) 1.12.8	\$8,500	\$8,500
Park Dedication	22-7	\$2,704,458 (6,200 sq. ft.)	\$2,704,458
Consolidation of Land Fee	22-1.1	\$500	\$500
Utility Fees			
Wastewater System Facility Charge	43-10.1, 43-10.2, and 43-10.3	\$305,659.20	\$305,659.20

Item	ROH Section	*Estimated Total Fees and Requested Exemptions	*Recommendation
Private Storm Drain Connection License	43-11.12(f)	\$200	\$200
BWS Water System Facility Charge	Section 1-102 and 2-202(2) and (3) (BWS Rules and Regulations)	\$122,587.29	Defer; BWS will determine eligibility at time of Building Permit
Estimated Totals		\$3,254,349.49	\$3,131,762.20

* The requested fee values are only estimates and may be further adjusted upon the submission of building permits and certification of the Project's affordable units.

The above recommendations will not adversely affect public health and safety and will help reduce the cost of producing affordable housing. Therefore, unless otherwise noted below, we do not object to the requested exemptions. Apart from the requests identified in the table above, no other fee exemptions or deferrals were requested that are under the City Council's purview. For example, exemptions from Hawaiian Electric Company (HECO) fees were not included in the application.

In order to determine compliance with BWS safety standards, tariffs, or rates and fees, the DPP forwarded the application to the BWS for review. The BWS may exempt water system facility charges and new meter costs for up to 500 dwelling units per year. To qualify, the dwelling units must be certified as either affordable or homeless dwelling units by the appropriate City agency, and the certification provided when the building permit application is submitted for review and approval. The BWS specified that the waiver for the affordable housing units will have to be verified and approved during the review of building permits. The BWS also stated that the Applicant will be required to pay water system facilities charges for resource development, transmission, and daily storage for non-qualifying units. As such the DPP recommends deferral of this request.

The estimated value of the exemptions supported by the DPP is about \$3,042,341.

2. Chapter 21, ROH: The following table shows the Project's compliance with development standards of the Land Use Ordinance (LUO) and summarizes the Applicant's requested exemptions:

LUO Standards	LUO Provisions	Project	Recommendation
Minimum Lot Area	5,000 sq. ft.	6,900 sq. ft.	Complies
Maximum Density (FAR)	4.0 FAR	10.0 FAR	Approve with condition
Yards	Front yard: 5 ft. Side and rear yards: 0 ft. All yards must be landscaped	Building encroaches entirely into front yard setback	Approve with condition
Height	400 ft.	191 ft.	Complies
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 may exceed a height that is intersected by a plane over the buildable area that makes an angle of 65 degrees with the horizontal at ground elevation at the center line of the street (see Figure 21-3.9).	Building exceeds height setback	Approve with condition
Off-street Parking	No off-street parking required	No off-street parking provided	Complies
Loading and Dimensions	67 units and approximately 17,000 sq. ft. of office space: One loading space 19- x 8.2-ft.	No loading space provided	Approve with condition
Off-street Bicycle Parking Requirements	Commercial Use Short-term: 1 per 2,000 sq. ft. (9 stalls) Long-term: 1 per 12,000 sq. ft. (1 stall) Residential Use Short-term: 1 for every 10 units (7 stalls) Long-term: 1 for every 2 units (34 stalls)	No short or long-term bicycle parking provided	Partial approval with condition

- a. Business Mixed Use District Development Standards: The Applicant requests exemptions from ROH § 21-3.120-2(b), (c)(1), and (c)(5) for the business mixed use district development standards, relating to maximum density, yards, and height setback

as itemized below.

- i. Maximum Density: The Applicant requests an exemption from ROH § 21-3.120 [Table 21-3.4], to allow a FAR of 10.0 instead of the maximum permitted 4.0 FAR. The BMX-4 District allows for the development of up to a 7.5 FAR provided that sufficient open space or arcade space is located on the site (open space bonus). However, in this case no open space or arcade space is provided. Therefore, with a FAR of 10.0, the density on the site will be more than double what is normally allowed within the BMX-4 District.

The surrounding infrastructure appears to be sufficient to support the added density. The ENV and BWS state that there is adequate sewer and water to support the proposed number of units. Furthermore, the HFD and HPD do not have any concerns with the proposed density of the Project. Therefore, the DPP does not object to the increased density.

The increased density allows for mixed use development that provides affordable units along a prominent pedestrian corridor through the downtown area. The TOD Plan supports the revitalization of Fort Street Mall as a pedestrian-oriented shopping street by allowing residential above retail and office development. While the TOD Plan recommends up to a 7.5 FAR with community benefits such as affordable housing, given the scale of community benefit and fulfillment of multiple TOD planning principals and goals, the proposed density, at 2.5 above the recommended 7.5 FAR, appears reasonable.

The TOD Plan encourages active frontages and requires pedestrian orientated designs where the project is located. Due to the location of the Fire Command, Fire Booster Pump, emergency generator, and utility rooms, only a small portion of the building at ground level provides an active frontage or pedestrian orientated design. Given that the site is situated along a prominent pedestrian corridor, the Applicant should be required to consider the possibility of relocating some of the utilities underground in order to reconfigure the office and residential space on the ground floor. This would provide more office space or similar activities on the ground floor and better activate the ground floor for pedestrians. Additionally, it would also provide more lobby and amenity space, such as bicycle parking, for the tenants. Therefore, the Applicant should submit

documentation that they have discussed relocating the utilities underground with the appropriate government agencies in order to provide more office and amenity space on the ground floor of the Project. This should be a condition of approval.

Furthermore, the facade of the building has very little articulation and little variation in the types of material being used. The Applicant should incorporate design elements to create a better pedestrian experience and break up the feeling of solid walls by treating the facades along the lower levels (Levels 1-4) of the Project. This can be achieved by articulation of the building facade, providing awnings or overhangs, using vertical gardens, or using various color schemes and patterns. This should be a condition of approval.

These two conditions of approval would increase the Project's consistency with the TOD Plan.

- ii. Yards: The existing service lane at the rear of the Project (opposite from Fort Street Mall) provides access to more than two zoning lots, and therefore it is considered a street for development purposes. Given this, a five ft. required yard would apply along Easements D, E, and F (See Exhibit C-3). The plans show that the proposed building encroaches into the required front yard, which is supposed to be landscaped in the BMX-4 District (see Exhibit C-3).

The requested exemption will allow better use of the site, which is in a highly urban area. The existing building already encroaches into the front yard, and circulation along the service lane will remain unchanged. However, the height of the new building will add more bulk along the service lane, which will increase the scale and shadows of the building. As discussed previously, the Applicant should incorporate design elements to ensure the lower levels are pedestrian oriented.

In addition, the TOD Plan encourages that off-street loading zones should be designed to avoid conflicts with pedestrian and bicycle movement by limiting curb cuts, installing signs, and regulating hours of delivery. The Applicant should provide improvements to the service lane, so that it is well-lit and provides good visibility to users. This should be a condition of approval. Given these considerations and

provided the Applicant mitigates the visual scale of the building, we recommend that the yard encroachment for the building be approved.

- iii. Height Setback: The maximum height of the Project will be approximately 191 ft., which is well below the 400-ft. height limit. However, the Applicant requests an exemption from ROH § 21-3.120-2(c)(5) [Table 21-3.4], to allow the new building to encroach into the height setback along the service lane between the Project site and the Finance Factors building. Within the BMX-4 District, for 50 percent of a contiguous frontage, no portion of a structure located on a lot that is adjacent to a street may exceed a height that is intersected by a plane over the buildable area that makes an angle of 65 degrees with the horizontal at ground elevation at the center line of the street.

The proposed building will encroach vertically into the height setback by approximately 155 ft. and horizontally by approximately 75 ft. (see Exhibits C-10 and C-11). The encroachment into the height setback allows the Applicant to provide more affordable rental units. However, even though the Applicant is providing a significant community benefit with the affordable units, the encroachments into the setback increase the scale of the building, especially from the pedestrian view point. Therefore, as previously mentioned, the Applicant should utilize color schemes and patterns or use varying materials to create visual articulation to mitigate the scale and massing of the building. This should be a condition of approval.

Existing buildings adjacent to the site also encroach into the BMX-4 District height setback. Therefore, the encroachment is not out of the character with the surrounding area. Given these considerations and provided the Applicant mitigates the visual scale of the building, the DPP does not object to the encroachment into the height setback.

- b. Off-street Loading: ROH § 21-6.110, Table 21-6.5, requires *one* loading space for 20 to 150 multi-family dwellings and *no* loading space for less than 20,000 sq. ft. of office building. The Project's 67 dwelling units and 17,000 sq. ft. of office space would therefore ordinarily require one loading space. The Applicant is requesting an exemption from the required off-street loading space. Additionally, the Applicant is requesting an exemption to allow residential loading on Fort Street Mall, which will be discussed

separately below. The existing service lane, which straddles the Project site and the neighboring lots, is considered a street for purposes of the LUO (see Exhibit C-1). While no off-street loading space is proposed, the service lane provides vehicular access to the site, so loading activities, such as passenger loading and/or unloading, trash pickup, and maintenance of the electrical room and generator could be performed. As previously mentioned, the service lane is comprised of multiple access easements, so while these loading activities could potentially be performed here, it does not constitute a designated off-street loading space for the Project. However, the Traffic Assessment (TA) submitted did not provide enough detail for the DPP Traffic Review Branch (TRB) to perform a sufficient review of the proposed use of the lane. The TA did not include a detailed layout showing how vehicles would maneuver on and off site. Additionally, the TA did not include a description of the commercial component and the estimated number of trips generated. Further, the TA did not account for existing users of the service lane or evaluate potential impacts from the Project development or additional users of the service lane upon project completion.

Given all this, further analysis is required in order to determine whether the service lane can accommodate the increase in traffic. A new TA should be done that includes a detailed layout showing how two-way traffic will be provided, where loading activities will occur, that vehicles are able to safely turnaround and exit without having to reverse out, how many trips are generated by the commercial space, and whether there are any impacts when accounting for the existing users. If the new TA shows that the service lane is able to support the increase in vehicle traffic or if the TA is able to provide recommendations for how to mitigate any potential impacts, then DPP does not object to the reduction in loading space.

- c. Off-street Bicycle Parking Requirements: ROH § 21-6.0(b), Table 21-6.3 requires short-term and long-term bicycle parking spaces be provided for commercial and residential uses. Commercial uses require one short-term space per 2,000 sq. ft. of floor area and one long-term space per 12,000 sq. ft. of floor area. Residential uses require one short-term space for every 10 dwellings and one long-term space for every two dwellings. The Project's 67 dwelling units and 17,000 sq. ft. of office space would require a total of 16 short-term bicycle parking spaces and 35 long-term bicycle parking spaces. The Applicant is requesting an exemption from this provisions in order to provide no short-term or long-term bicycle parking onsite.

According to the Applicant, the inclusion of bicycle parking would require a substantial amount of area on a limited project site. Further, they state the Project's residents will still have the opportunity to use bicycles as the site is within 600 ft. of four bikeshare stations and ample public bicycle parking is available along Fort Street Mall. The Applicant's property manager will also provide information to tenants about what bike parking and infrastructure is available in the area.

While we recognize the desire to provide less bicycle parking as a cost-saving measure, access to active transportation options, particularly in mixed-use communities such as this, are essential to future tenants and particularly when no onsite vehicular parking is being provided. The LUO provision that allows select development to not provide off-street parking is intended to encourage more sustainable and multimodal transportation options in urban areas. Therefore, the Applicant choosing to not provide off-street parking, is supported in kind through compliance with the LUO minimum bicycle parking standards. Additionally, the 2019 Oahu Bike Plan identifies Fort Street Mall as a Priority 2 Shared Use Path project (Project ID 2-108), so demand for bicycle infrastructure is likely to increase in the near future, which may cause offsite availability to fluctuate. Not providing bicycle parking and uncertainty in offsite availability could result in an increase in the number of vehicle trips generated onsite, which may impact traffic and pedestrians in the surrounding area.

Further, the TOD plan calls to enhance pedestrian-friendly and bicycle-friendly travel via public and private programs and improvements. By ensuring that tenants have access to personal bicycle parking promotes ridership along Oahu's bicycle network and healthy active lifestyles for our kupuna. Therefore, the DPP does not support eliminating the bicycle parking requirements for this Project, but does support reducing the number provided. In discussions with the Applicant, about 16 long-term bicycle parking spaces could be added to the fourth floor deck area (see Exhibit C-5). Whether the location and number of spaces provided is adequate should be based on a traffic management plan (TMP), as further discussed below in the section on access, transportation, and circulation. The Applicant should also be encouraged to work with the Department of Parks and Recreation in providing short-term bicycle parking along Fort Street Mall.

Summary of LUO Exemptions: All of the requested exemptions, except for the exemption to reduce bicycle parking, allow for a more efficient use

of the land to meet the housing needs of an underserved population by increasing the development potential for the site through the requested exemptions. The LUO exemption requests are directly related to the provisions of affordable housing onsite. The height setback and maximum density exemptions will allow the Applicant to provide more affordable housing units and a generally appropriate building form considering the location and size of the site. Potential impacts to the surrounding area relating to the Project will be mitigated through the ordinary review of future permits and the application of specific conditions relating to building design elements, off-street loading, and bicycle parking. Subject to these proposed conditions, waiving the above requirements will contribute to a development that generally conforms to the City's plans and policies to promote affordable housing.

3. Chapter 15, ROH: The following table shows the Project's compliance with development standards of the Traffic Code and summarizes the Applicant's requested exemptions:

Traffic Code Standards	Traffic Code Provisions	Project	Recommendation
Fort Street Mall Loading ROH § 15-25.1(b)	[I]t is unlawful for any person to park, or cause to be parked, or to operate or propel, or cause to be operated or propelled, any vehicle (as defined in the traffic code) upon the mall hereinabove established.	Exemption to allow passenger loading activities on Fort Street Mall.	Disapprove

- a. Fort Street Mall Loading: The Applicant is requesting an exemption from ROH § 15-25.1(b), which prohibits vehicles from operating on Fort Street Mall in order to allow residential loading activities similar to the Blaisdell Hotel and Catholic Church. The Applicant is proposing that vehicles enter the mall via Chaplain Lane and exit via Pauahi Street. The loading activities would be in designated areas and under limited time periods as specified in ROH § 15-25.1(b)(2). According to the TA, the proposed development is projected to generate six vehicles per hour (vph) during the AM peak hours and nine vph during the PM peak hour.

As discussed above, the proposed building will have vehicular access via the service lane at the rear of the site, which will be utilized for trash pickup and utility maintenance. Given this and the

fact the Applicant is already requesting an exemption to not provide a loading space, we fail to recognize the necessity for having separate loading areas for “residential” loading activities. The TA anticipates six to nine trips an hour, which would mean that a vehicle is entering and exiting the mall approximately every seven minutes. This defeats the intent of Fort Street Mall being a safe and exclusive path for pedestrians, which could disrupt activity along the mall. Allowing vehicles to enter the mall goes against TOD policies to prioritize pedestrian and bicycle safety. In addition to the service lane, the TA identifies a number of public loading areas in the immediate vicinity that could be used for passenger vehicles and/or ride-sharing services, such as Uber or Lyft. Therefore, the DPP does not support the request to allow residential loading activities along Fort Street Mall and recommends denial of this exemption.

4. Chapter 16A, ROH: The following table shows the Project’s compliance with development standards of the Housing Code and summarizes the Applicant’s requested exemptions:

Housing Code Standards	Housing Code Provisions	Project	Recommendation
Lighting and Ventilation ROH § 16A-4.4(a)	All guest rooms and habitable rooms within a dwelling unit or congregate residence shall be provided with natural light by means of windows or skylights with an area of not less than one-tenth of the floor area of such rooms with a minimum of 10 square feet. Not less than one-half of the required window or skylight area shall be openable to provide natural ventilation.	Exemption to allow an enclosed bedroom without natural light and ventilation.	Disapprove

- a. Lighting and Ventilation: In accordance with ROH § 16A-4.4(a), all habitable rooms within a dwelling unit shall be provided with natural light by means of windows or skylights. The Applicant is requesting an exemption to allow an enclosed bedroom without natural light and ventilation. According to the Applicant, the enclosed bedroom

would allow privacy for tenants, and separation of space from kitchen activities and odors.

We understand that without this exemption the rental units would likely be converted to studios rather than one-bedroom units, which would impact the Project's rental rates. That being said, we fail to see the necessity for this exemption outweighing the minimum housing code requirements of health and safety for our kupuna. Furthermore, according to Age-Friendly Honolulu, older adults need six to eight times more light than a 20-year-old. Proper ventilation is not only necessary for fresh air, but prevents overheating. Older adults are particularly susceptible to overheating, so by enclosing the bedroom, it prevents hot air from escaping and increases the likelihood of dehydration. We recommend that the Applicant remove the doors to the bedroom to ensure that natural light and ventilation are provided. Therefore, we do not support the requested exemption to the Housing Code, Chapter 16A, ROH.

- B. GP, PUCDP, and TOD Plan: Subject to the recommended conditions of approval, the Project is consistent with the GP, PUCDP, and TOD Plan, and supports the specific objectives and policies related to affordable housing production, creative solutions to provide diverse housing options, public-private partnerships, mixed-use development to support alternative transit options in the urban core, and the provision of reduced parking.
- C. Flood Hazard Area and SLR: The site is not susceptible to hazards relating to flooding or SLR, so it meets the provisions of the City's 201H Program Rules that requires the proposal does not require any variances for shoreline setbacks and is not located in an environmentally sensitive area, as stated in HAR § 11-200.1-13(b)(11).
- D. Health, Safety, and Infrastructure: The requested exemptions are not expected to impact the Project's ability to satisfy the basic requirements for health and safety of the residents or the public. The adequacy of the individual infrastructure systems or services are as follows:
 - 1. Water: In a letter dated October 28, 2022, the BWS indicated that the existing water system is adequate to accommodate the proposed development. The BWS noted that the determination is based on current data, and that a final decision on the availability of water will be confirmed during the building permit approval process. The BWS also notes that water conservation measures are required for all proposed developments. These measures include utilization of nonpotable water irrigation using rain catchment, drought tolerant plants, xeriscape landscaping, and the use of Water Sense labeled, ultra-low flow water fixtures and toilets. Additionally, proposed mixed-use developments are required to install

separate water meters and laterals serving the residential and non-residential spaces. Construction drawings should be submitted to the BWS and the construction schedule should be coordinated to minimize impact to the water system. These are standard requirements, so no related condition of approval is proposed.

2. Wastewater: Sewer Connection Application (SCA) No. 2022/SCA-1122 was approved for 67 new multi-family dwelling units and 17,000 sq. ft. of commercial space on October 10, 2022, with the expiration date of October 9, 2024. ENV did not object to the wastewater system facility charge exemption. The Applicant should be aware that a new or revised SCA will be required should the Project be delayed beyond October 2024.
3. Fire: Building and construction permits will be reviewed for compliance with the appropriate codes by the HFD during the review of building permits. The HFD did not object to the request to exempt the Project from review fees.
4. Public Parks and Recreation Facilities: The Applicant is requesting an exemption from the park dedication requirement in order to expedite the permit process. The proposed development is not expected to have negative impacts on any of the public parks or recreational facilities nearby. The proposed 67 units would require about 7,370 sq. ft. of park dedication space, or a park dedication fee of about \$3,214,794. The Project is proposing a 1,170 sq. ft. rooftop multipurpose room that might satisfy a portion of the requirements for park dedication. The exemption from park dedication will allow for more flexible design of recreation spaces, and more expedient review of permits if park dedication fees and applications are waived entirely. Furthermore, Fort Street Mall, Fort Street Mall Mini Park, Kamalii Mini Park, Dr. Sun Yat-Sen Memorial Park, Robert W. Wilcox Mini Park, Smith-Beretania Urban Park, and Union Street Mall are all within a walkable distance from the project site (See Exhibit A). Therefore, the DPP supports the request to exempt the Project from park dedication review and fees.
5. Solid Waste: The Applicant states that solid waste collection will be accommodated onsite by a private collection agency. The trash room is located in the southern corner of the building's first floor and can be accessed via the service lane from Bishop Street (See Exhibit C-3). The Applicant is requesting an exemption to off-street loading due to limited space onsite and that the service lane will be able to accommodate service loading activity. Given that solid waste collection is an essential service, especially in dense urban neighborhoods, it is critical that the Applicant ensure that trash pick-up is feasible. As mentioned previously, further analysis of the service lane is required. The Applicant should be required to ensure that adequate maneuvering is provided so the garbage

trucks do not need to reverse onto Bishop Street and dumpsters do not need to be moved to the street for pick up. This should be a condition of approval.

6. Drainage: The site is currently entirely impervious. New developments must comply with the Water Quality Rules, and the proposal involves Project-wide improvements to storm water management. Therefore, no adverse impacts to drainage are anticipated, and the proposal will likely improve storm water management. This will be confirmed during the review of construction and building permits.
7. Access, Transportation, and Circulation: The Project is accessible to vehicles through an existing service lane on the southeastern edge of the site. It is accessible to pedestrians from Fort Street Mall to the north. The service lane is comprised of multiple access easements and is accessed via Bishop Street between the 1132 Bishop Street basement garage and the Finance Factors building. As previously discussed, service loading activities are being proposed via the service lane and passenger loading via Fort Street Mall.

In August 2022, a TA was completed by Austin, Tsutsumi & Associates, Inc. The TA concluded that the proposed Project is not expected to result in significant transportation impacts, but the proposed development is projected to generate six vph during the AM peak hours and nine vph during the PM peak hour.

The DPP TRB and the DTS had comments and concerns regarding the level detail provided in the TA. Further analysis of the service lane is required to ensure the infrastructure and layout can accommodate both the existing users and those of the proposed Project. Existing users were observed parking in the service lane, which may obstruct vehicles from safely maneuvering in and out of the service lane. Additionally, the TA should further examine the pedestrian, bicycle, and public transit stress and conform levels at the nearby intersections and driveways to corresponding improvements to mitigate these impacts.

In order to ensure that there are no impacts during construction and after completion of the Project, the DPP recommends the following be submitted for review and approval:

- a. A timeline or phasing of the anticipated dates to obtain major building permit(s) for demolition and/or construction work, including the projected date of occupancy.
- b. A construction management plan (CMP).

- c. A TMP that includes traffic demand management (TDM) strategies to minimize the amount of vehicular trips. TDM strategies could include carpooling and ride sharing programs, transit, bicycle and pedestrian incentives and other similar TDM measures. Moped parking and bike parking should be situated in easily accessible locations and in adequate number throughout the project to support the number of units with no vehicular parking. A post TMP will be required approximately one year after the issuance of the certificate of occupancy to validate the relative effectiveness of the various TDM strategies identified in the initial report. Additional bicycle racks should be installed if it is determined there is a latent demand and the existing number of racks are inadequate.
- d. A detailed layout and analysis of the service lane and drop-off and/or pick-up area should be provided. The layout should show how two-way traffic will be provided, demonstrate where and/or how trash trucks, handivan service, delivery vehicles, and other vehicles will do their drop-off and pick-up activities. The layout of the turnaround area should also be provided to assure that all users of the service lane will not have to reverse out. The approved layout should be included in the TMP with a description of the operations and how it will be managed.
- e. The TA should be updated to include a description of the type of commercial components that will occupy the bottom three floors of the building. Trips generated from these components and/or proposed uses should be included in the TA.
- f. The TA should also specify the existing service lane users, and evaluate any potential impacts from the additional users of the service lane from this development. Recommendations to improve the service lane and turnaround area should also be provided.
- g. The TA should also examine the pedestrian, bicycle, and public transit stress and comfort levels at the nearby intersections and driveways with corresponding improvements to mitigate these impacts by applying Complete Street principles. The discussion should include the future growth rate, trip distribution, mode split, and route assignment assumptions used in the TA.

With the above as conditions of approval, the DPP does not anticipate adverse impacts to the surrounding transportation and circulation networks.

- 8. Grading, Grubbing, and Trenching: The Project will not involve major grading activities and construction work will be restricted to the site.

Erosion control measures and best management practices will be implemented to limit pollutant discharge to offsite areas. Required permits will be reviewed by the DPP at the appropriate time for compliance with the relevant regulations.

9. Electrical: HECO will continue to provide electrical service to this area. However, the electrical circuit on Fort Street Mall may not be able to handle the proposed load addition and the electricity may need to come from Beretania Street. Under this scenario, the Applicant would extend the electrical ducts to the nearest HECO point connection on Beretania Street. This will be confirmed during the review of construction and building permits and will not impact the requests for exemptions and waivers.

To ensure efficient implementation and monitoring of the Project, the DPP recommends that the Applicant execute a 201H agreement with the City to ensure ongoing compliance with any Council approved Resolution and the 201H Program. This should be a condition of approval.

IV. CONCLUSION

The Applicant has submitted all required documentation. The Project is consistent with the provisions of Section 201H-38, HRS, as follows:

- A. The Project provides affordable housing units.
- B. Subject to appropriate conditions of approval, the Project will meet the minimum requirements for health and safety.
- C. The Project is in compliance with safety standards, tariffs, rates, and fees approved by the Public Utilities Commission for public utilities or the BWS.

The proposed affordable rental housing Project satisfies the eligibility criteria specified in the HRS Chapter 201H and the City's application requirements.

V. RECOMMENDATION

- A. Proposed Exemptions: Pursuant to the above, the Director of the DPP recommends approval of the requested exemptions from statutes, ordinances, and rules relating to zoning for development and improvement of land, and the construction of units thereon as listed in the Draft Resolution, generally shown in the enclosed Exhibits A, B, and C-1 through C-11, and as summarized in the following:

1. Application Fees and Infrastructure and Public Work Fees and Charges:
 - a. Exemption from ROH § 18A-1.6(d) and the DPP Rules Related to Water Quality, to allow an exemption from payment of storm water quality review fees for the erosion control and sediment plan, estimated at \$250.
 - b. Exemption from ROH § 14-2.1(A), to allow an exemption from payment of trenching permit fees, estimated at \$195.
 - c. Exemption from ROH § 18-6.1, to allow an exemption of payment of building permit plan review fees, estimated at \$25,000.
 - d. Exemption from ROH § 18-6.2, to allow an exemption from the payment of building permit fees, estimated at \$85,000.
 - e. Exemption from Table 18-A of Ordinance 19-21, to allow an exemption from payment of special assignment inspection ("courtesy inspection") fees, estimated at \$2,000.
 - f. Exemption from ROH § 22-1.1, to allow an exemption from payment of consolidation permit fees, estimated at \$500.
 - g. Exemption from ROH § 43-10.3, to allow an exemption of payment of wastewater system facility charges, estimated at \$305,659.20.
 - h. Exemption from ROH § 43-11.12, to allow an exemption from private storm drain connection license fee, estimated at \$200.
2. Fire Department Review Fees: Exemption from ROH § 20-1.1(3) 1.12.8, to allow exemption from HFD plan review fees, estimated at \$8,500.
3. LUO:
 - a. Exemption from ROH § 21-3.120-2(b) and Table 21-3.4, relating to BMX-4 District development standards for maximum density, to allow a FAR of 10.0 instead of the maximum 4.0 FAR, as generally shown in the enclosed exhibits.
 - b. Exemption from ROH § 21-3.120-2(b) and Table 21-3.4, 21-3.120-2(c)(1), and 21-3.120-2(c)(5), relating to BMX-4 District development standards for yards, landscaping, and height setbacks, to allow the building to encroach into the require front yard and height setback along the service lane, and to not be landscaped, as generally shown in the

enclosed exhibits.

- c. Partial Exemption from ROH § 21-6.0(b), relating to required short-term and long-term bicycle parking, to allow the required short-term bicycle parking be waived and the long-term bicycle parking be reduced to 16 stalls, as generally shown in the enclosed exhibits.
 - d. Exemption from ROH § 21-6.110 and Table 21-6.5, relating to required loading spaces, to allow the required loading space be waived, provided that the DPP TRB determines the service lane can safely accommodate service vehicles, the increase in traffic, and any impacts mitigated by the Applicant.
- 4. BWS Rules and Regulations: Deferral from Sections 1-102 and 2-202(2) and (3) of the BWS regulations to allow a deferral of payment of water system facility and installation of water service fees estimated at \$122,587.29; provided that all BWS requirements are satisfied. The actual fees to be waived will be determined by the BWS during review of the Project's building permit application.
- 5. Park Dedication Ordinance Requirements: Exemption from ROH § 22-7, to allow an exemption from park dedication ordinance requirements and payment of an equivalent in-lieu fee, estimated at \$2,704,458 or 6,200 sq. ft. of park dedication area.

B. Conditions of Approval: Pursuant to the above, the Director of the DPP recommends the following conditions:

- 1. 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, B, and C-1 through C-11. Minor changes may be approved by the Director. Major modifications to the site plan will require approval by the City Council.
- 2. Prior to submitting any building permit application for the Project, the Applicant shall submit to the DPP for its review and approval:
 - a. Documentation showing they have discussed with the appropriate government agencies the possibility of relocating utility areas underground in order to provide for better pedestrian-oriented design on the ground floor of the Project, and if it is feasible, revised ground floor plans; and
 - b. Plans that show how the scale and massing of the building has

been mitigated. The Applicant should incorporate design elements to create a better pedestrian experience along the lower levels of the Project. Design elements may include articulation of the building facade, providing awnings or overhangs, using vertical gardens, or using various color schemes and patterns.


3. Prior to the issuance of any building permit for the Project, the Applicant shall submit to the DPP for its review and approval:
 - a. A timeline or phasing of the anticipated dates to obtain major building permit(s) for demolition and/or construction work, including the projected date of occupancy. The timeline must identify when the CMP and the TMP will be submitted for review and approval as well as when the TA was submitted.
 - b. A CMP that identifies the type, frequency, and routing of heavy trucks and construction related vehicles. Every effort should be made to minimize impacts from these vehicles and related construction activities. The CMP should identify and limit vehicular activity related to construction by providing mitigation measures related to traffic and potential neighborhood impacts. Preliminary or conceptual traffic control plans must also be included in the CMP. The Applicant will be required to document the condition of roadways prior to the start of construction activities and provide remedial measures, as necessary, such as restriping, road resurfacing and/or reconstruction if the condition of the roadways has deteriorated as a result of the related construction activities.
 - c. A TMP that includes TDM strategies to minimize the amount of vehicular trips. TDM strategies could include carpooling and ride sharing programs, transit, bicycle and pedestrian incentives and other similar TDM measures. Moped parking and bike parking should be situated in easily accessible locations and in adequate numbers throughout the project to support the number of units with no vehicular parking. A post TMP will be required approximately one year after the issuance of the certificate of occupancy to validate the relative effectiveness of the various TDM strategies identified in the initial report. Additional bicycle racks shall be installed if it is determined there is a latent demand and the existing number of racks are inadequate.
 - d. A detailed layout and analysis of the service lane and drop-off and/or pick-up area must be provided. The layout must show how two-way traffic will be provided, demonstrate where and/or how trash trucks, handivan service, delivery vehicles, and other vehicles will do their drop-off and pick-up activities. The layout of the

turnaround area must also be provided to assure that all users of the service lane will not have to reverse out. The approved layout shall be included in the TMP with a description of the operations and how it will be managed.

- e. An updated TA to include a description of the type of commercial and office components that will occupy the bottom three floors of the building. Trips generated from these components or land uses must be included in the TA. The TA must also specify the existing service lane users, and evaluate any potential impacts from the additional users of the service lane from this development. Recommendations to improve the service lane and turnaround area should also be provided. The TA must also examine the pedestrian, bicycle, public transit stress and comfort levels at the nearby intersections and driveways with corresponding improvements to mitigate these impacts by applying Complete Street principles. The discussion must include the future growth rate, trip distribution, mode split, and route assignment assumptions used in the TA.
- 4. Prior to the issuance of a Certificate of Occupancy for the Project, the Applicant shall submit to the DPP for review and approval a solid waste management plan, which provides for solid waste pickup to be accommodated, and adequate maneuvering areas so refuse trucks are able to enter and exit the Project site in a forward-facing manner.
- C. 201H Agreement: To ensure the efficient implementation and monitoring of the Project, the Director of the DPP further recommends that the City Council require the Applicant to execute a 201H agreement to ensure compliance with the requirements of HRS, Chapter 201H, this Resolution, and the proposal as described in this Report, prior to the issuance of building permits.

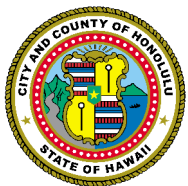
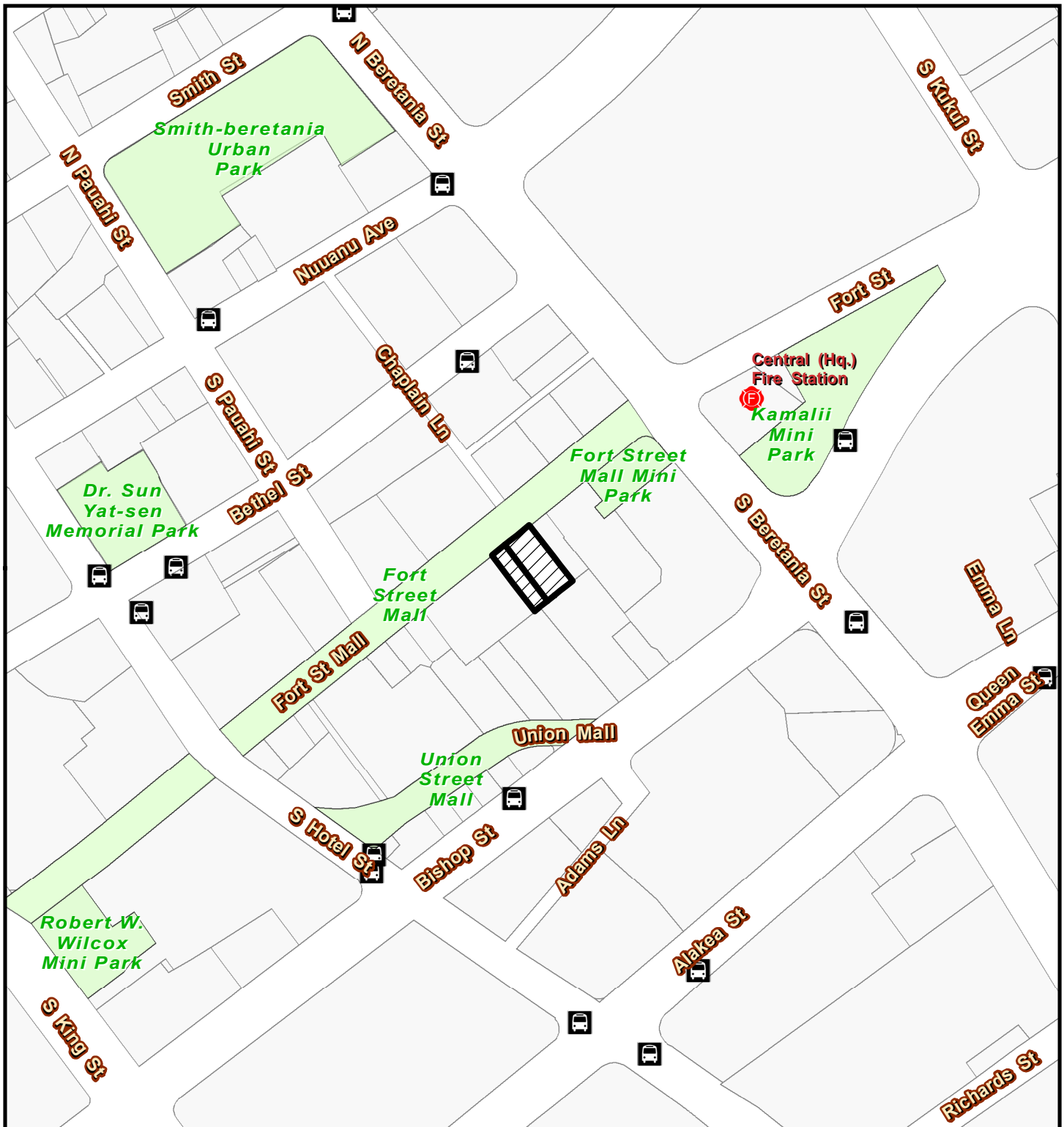
Dated at Honolulu, Hawaii, this 17th day of January 2023.

Department of Planning and Permitting
City and County of Honolulu
State of Hawaii

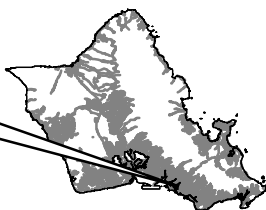
By 

Dawn Takeuchi Apuna
Director Designate

Enclosures: Exhibits A-B C-1 through C-11



Project Site



VICINITY MAP



Note: Data represented on this map is not intended to replace site survey.



Legend





-  Project Site
-  City Park
-  Fire Station
-  Bus Stop

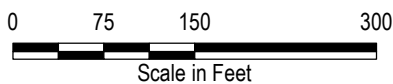
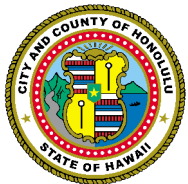
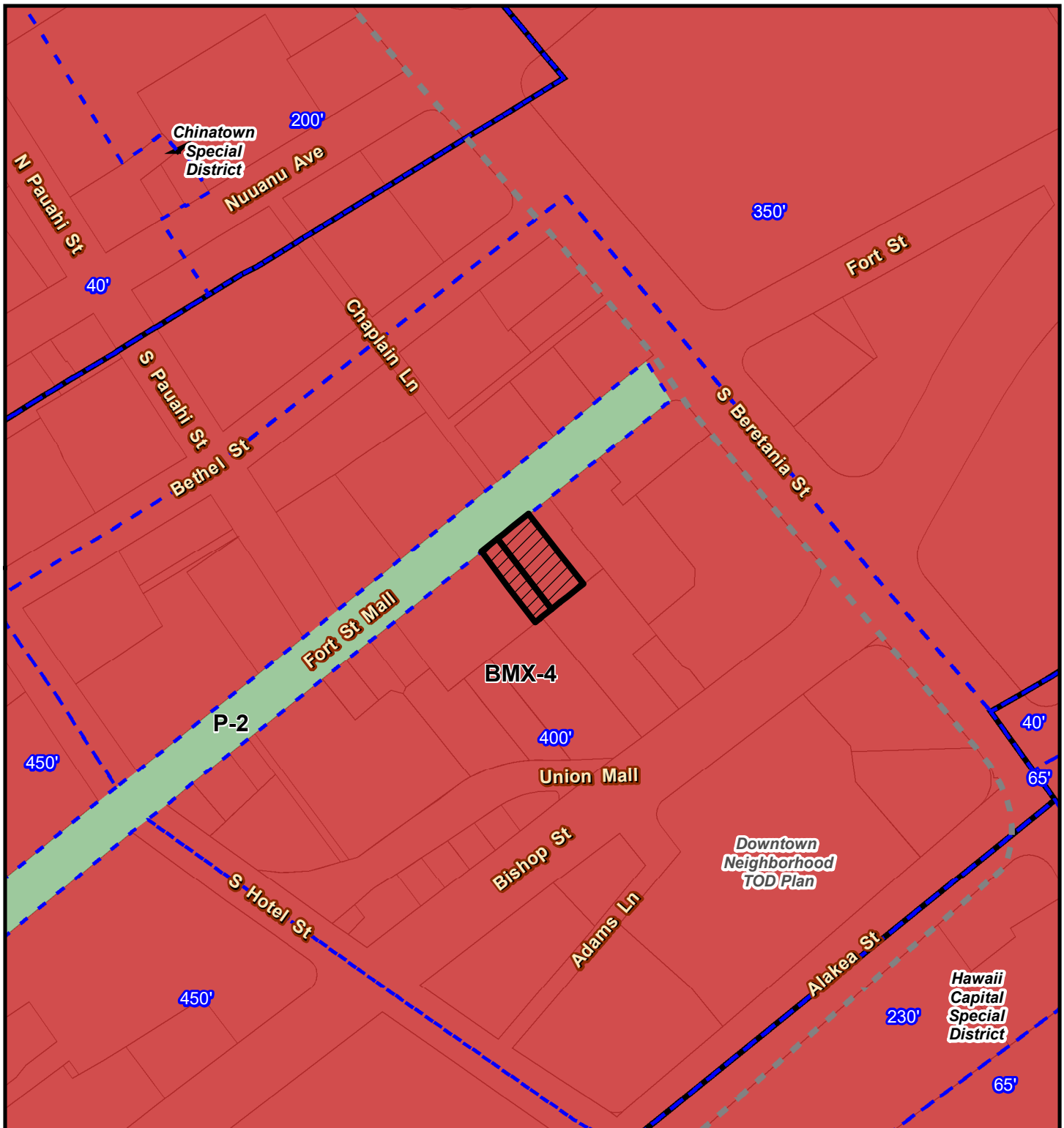
EXHIBIT A

LOCATION MAP

LOCATION: 1155 AND 1159
FORT STREET MALL

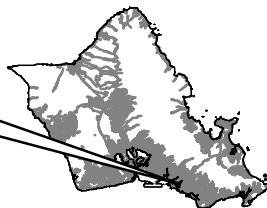
TAX MAP KEY(S):
2-1-010: 033 AND 034

FILE NO.: 2022/GEN-12



Note: Data represented on this map is not intended to replace site survey.

Project Site



VICINITY MAP



Legend

- Project Site
- BMX-4 District
- P-2 District
- Zoning Special District
- Zoning Map Height Limit
- TOD Plan Boundary

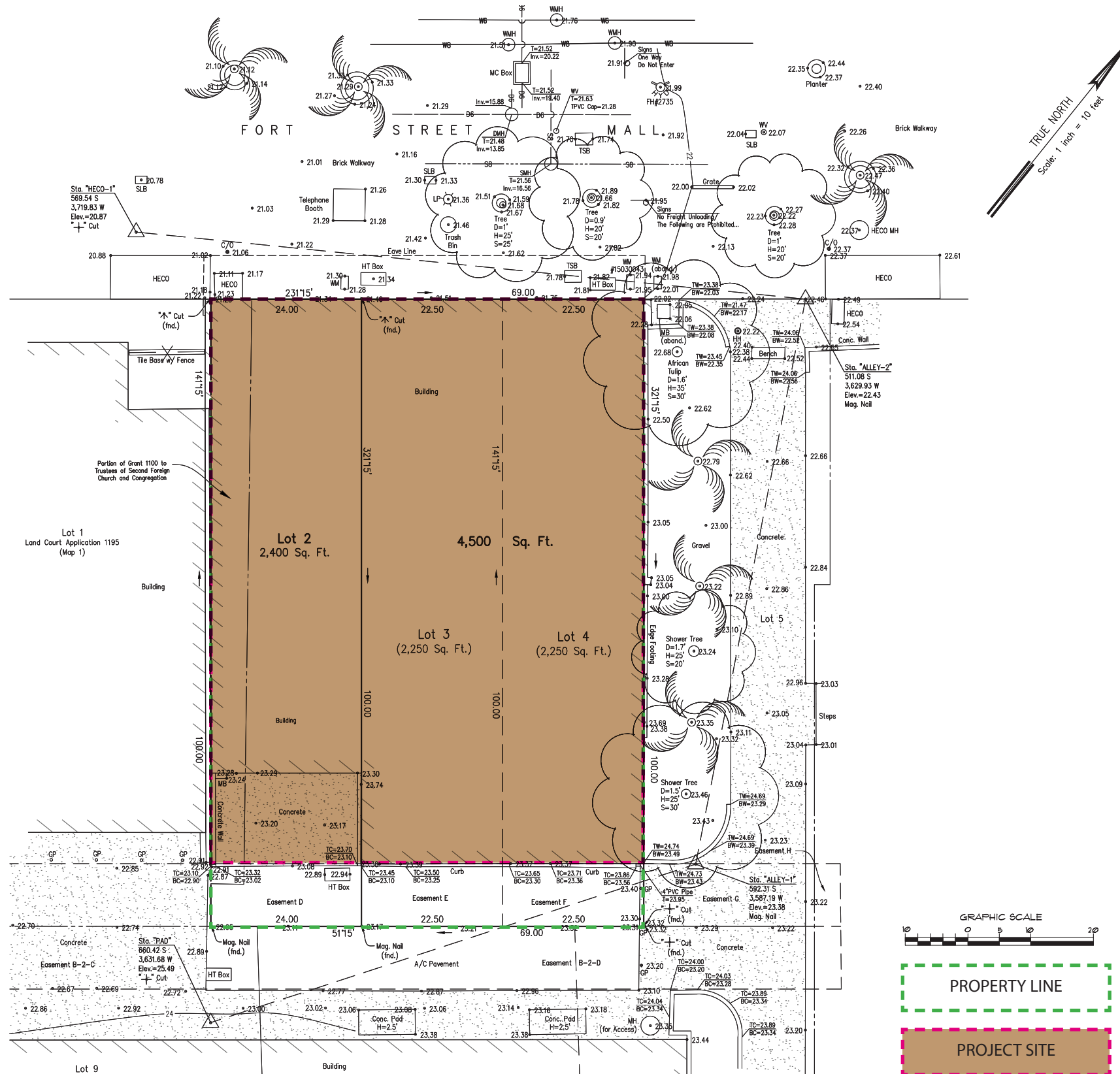
EXHIBIT B

ZONING MAP

LOCATION: 1155 AND 1159
FORT STREET MALL

TAX MAP KEY(S):
2-1-010: 033 AND 034

FILE NO.: 2022/GEN-12



PROPERTY INFORMATION

TMK:

2 Individual Parcels
2-1-010:033 & 2-1-010:034

Lot Area:

6,900 SF

Zoning
Designation:

BMX-4

Height Limit:

400'-0"

Max. FAR:

PROJECT PROPOSING 10.0

Street
Setback:

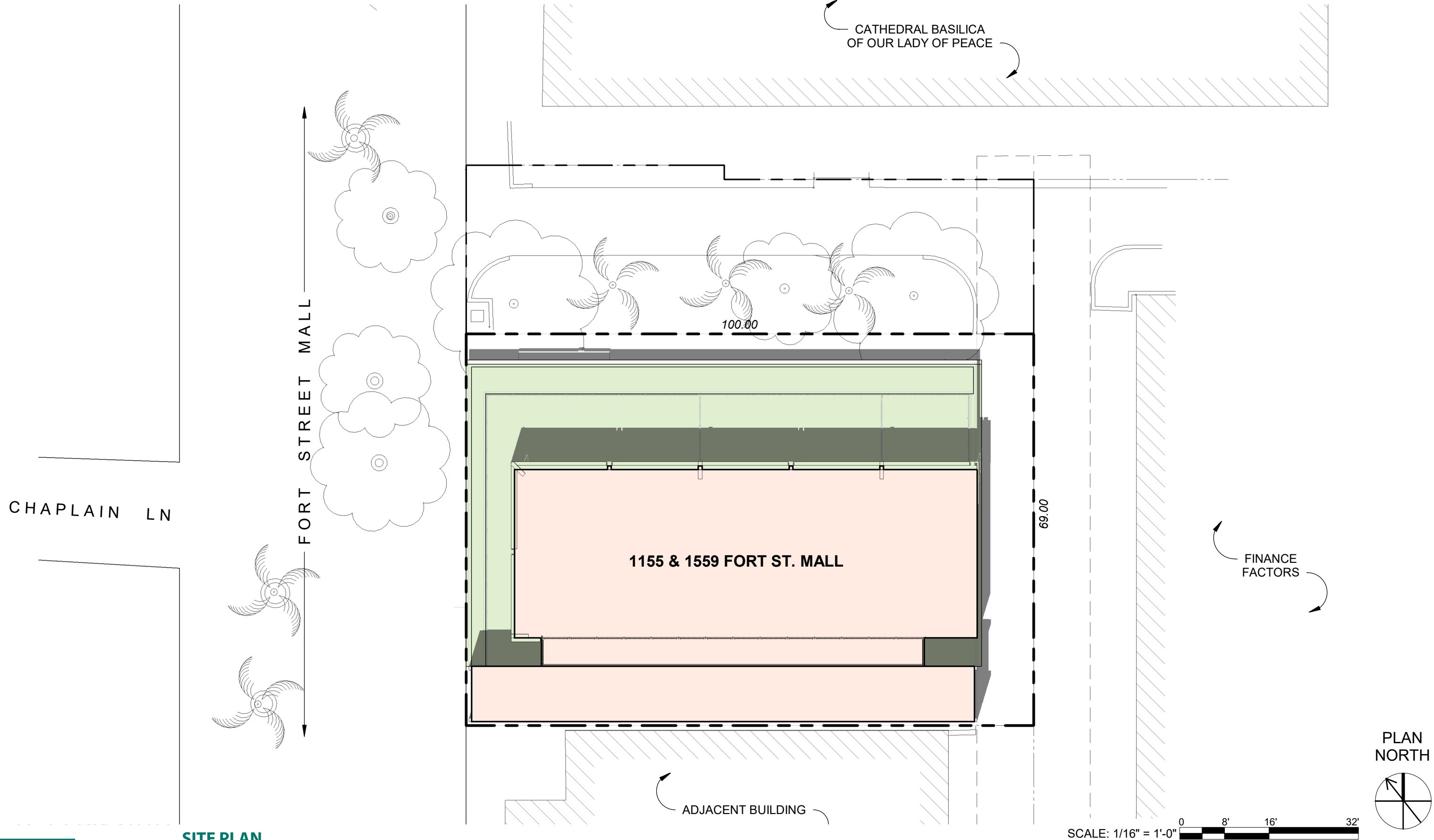
PROJECT PROPOSING
Front: 0'
Side / Rear: 0'



SITE ANALYSIS | PROPERTY INFORMATION

1155 & 1159 FORT STREET MALL

Exhibit C-1

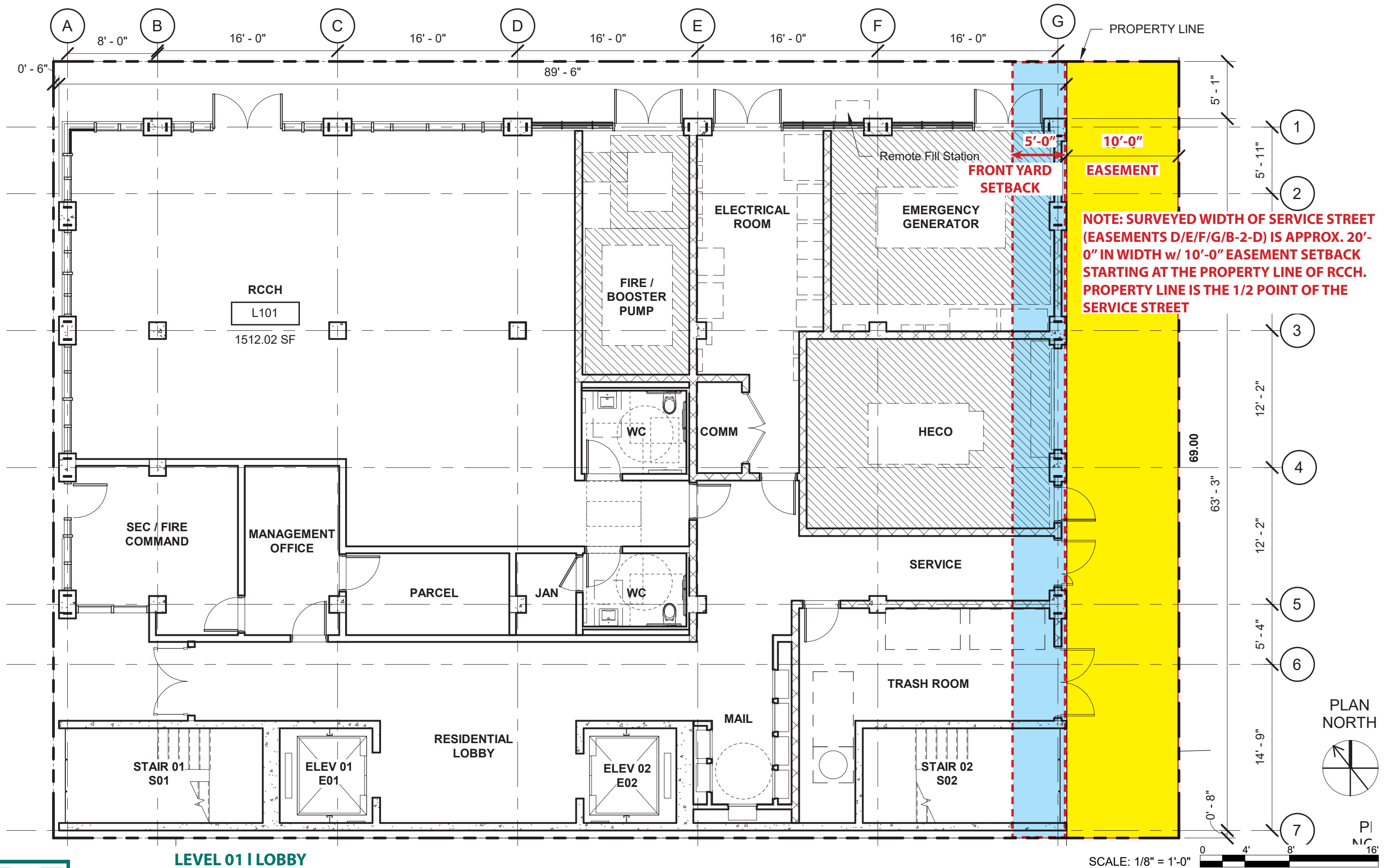


SITE PLAN



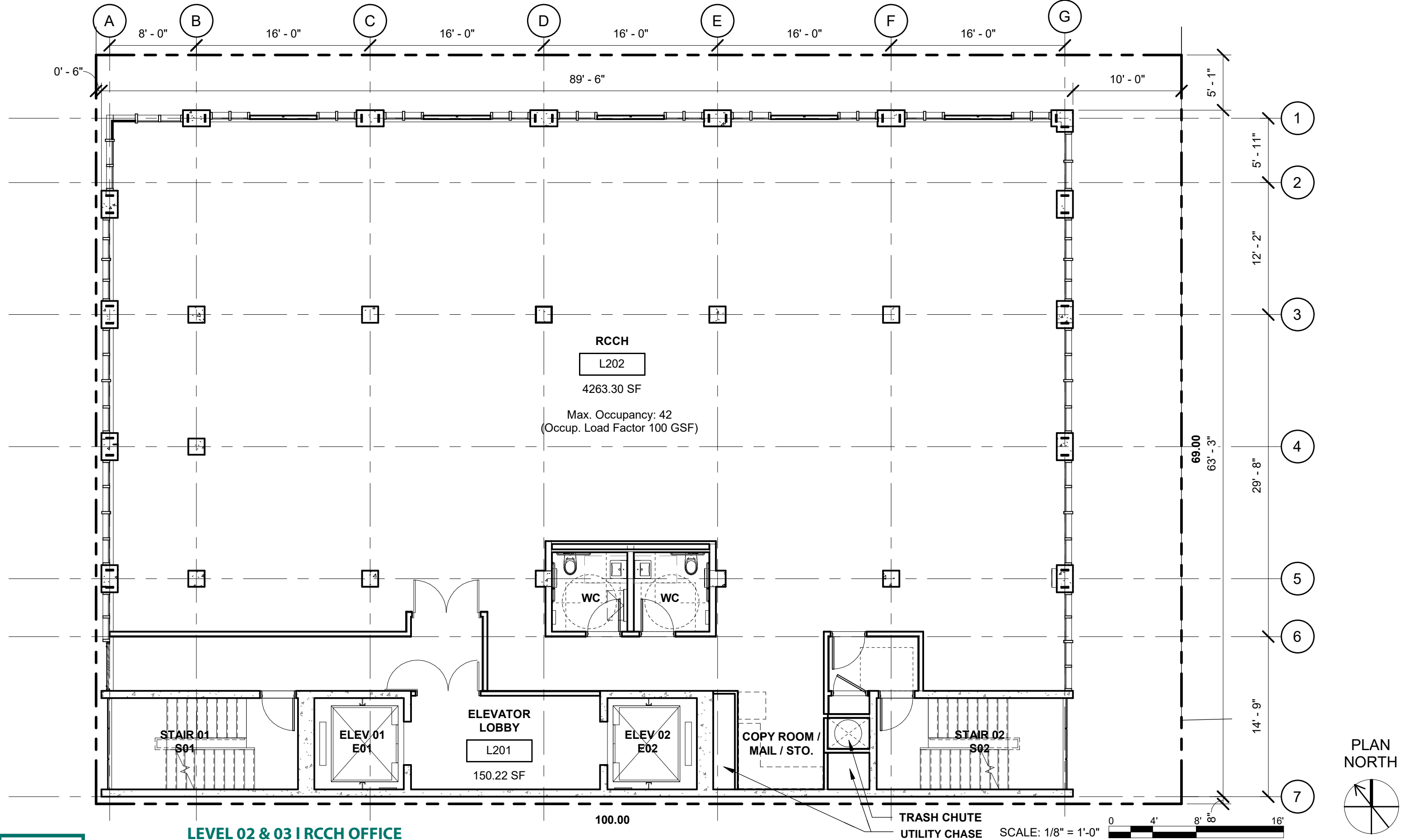
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Exhibit C-2



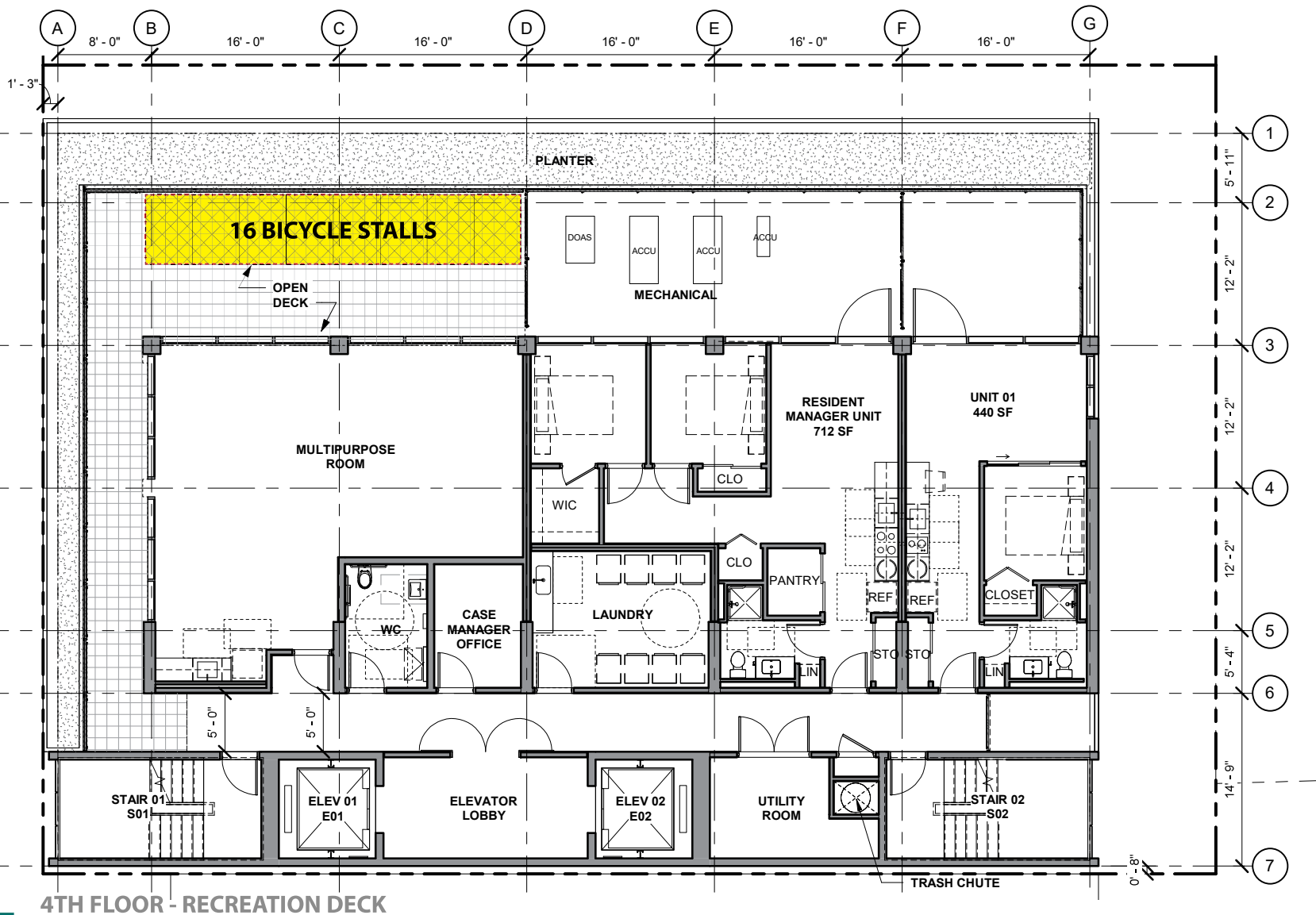
1155 & 1159 FORT STREET MALL

Exhibit C-3



1155 & 1159 FORT STREET MALL

Exhibit C-4

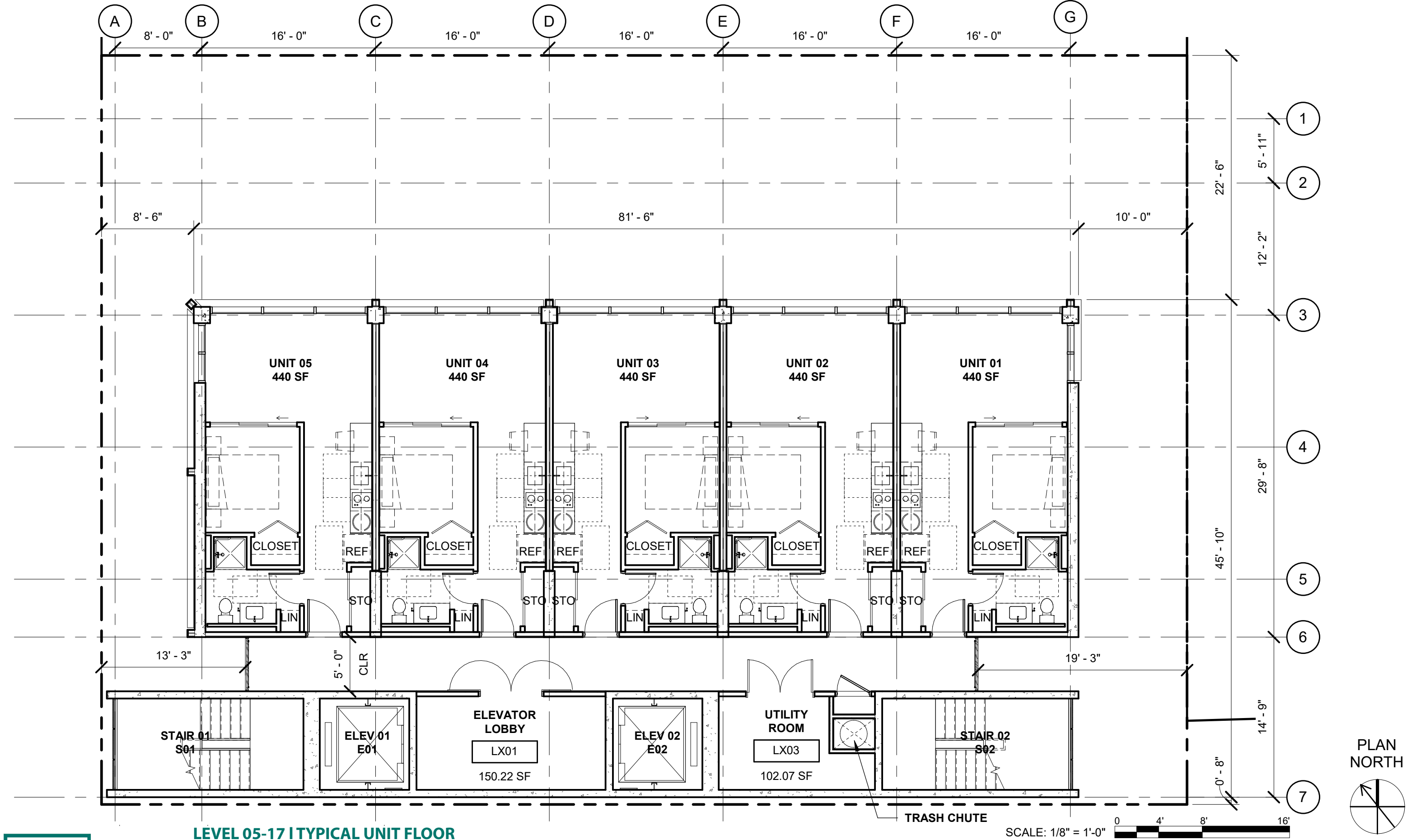


4TH FLOOR - RECREATION DECK



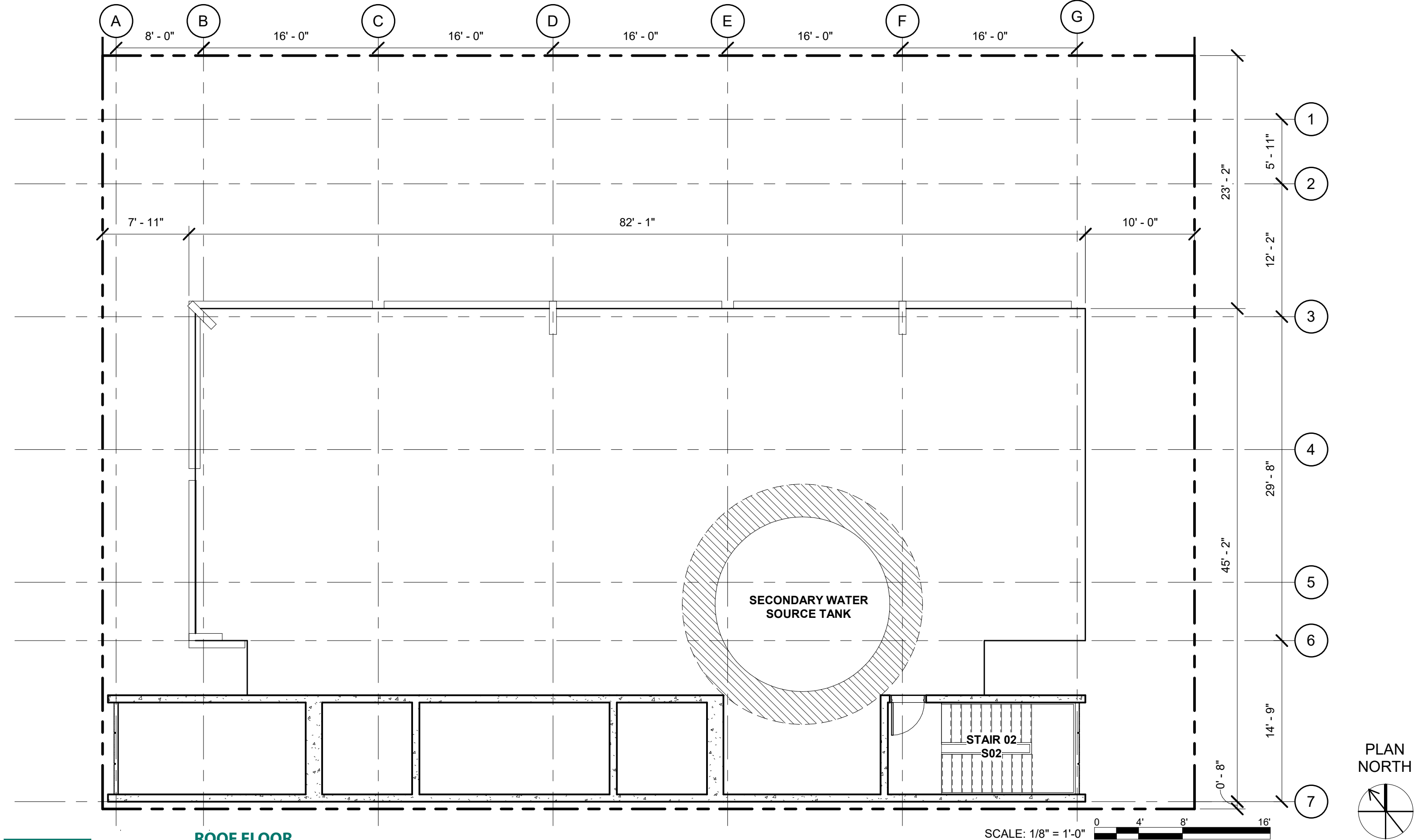
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Exhibit C-5



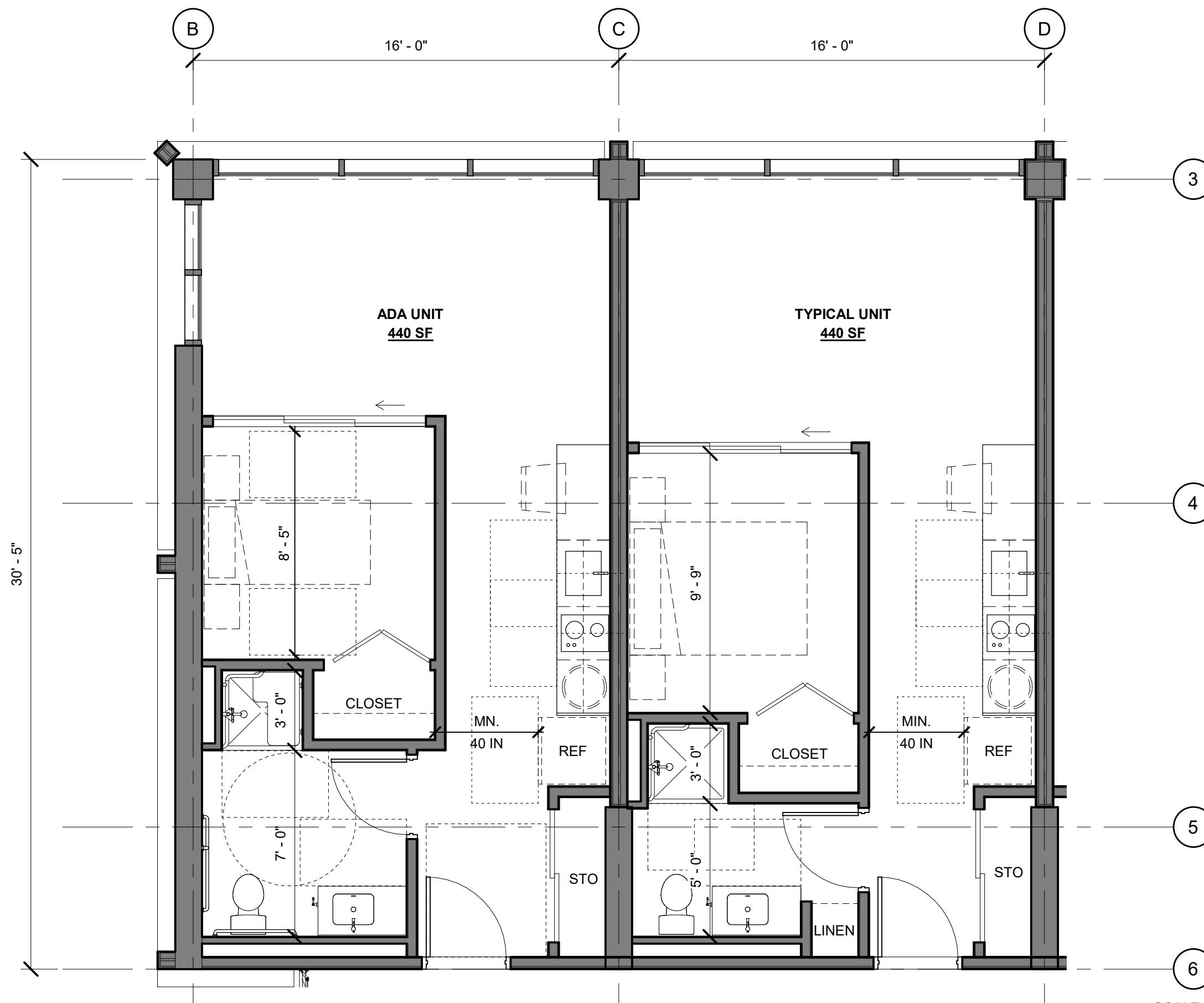
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Exhibit C-6



1155 & 1159 FORT STREET MALL

Exhibit C-7



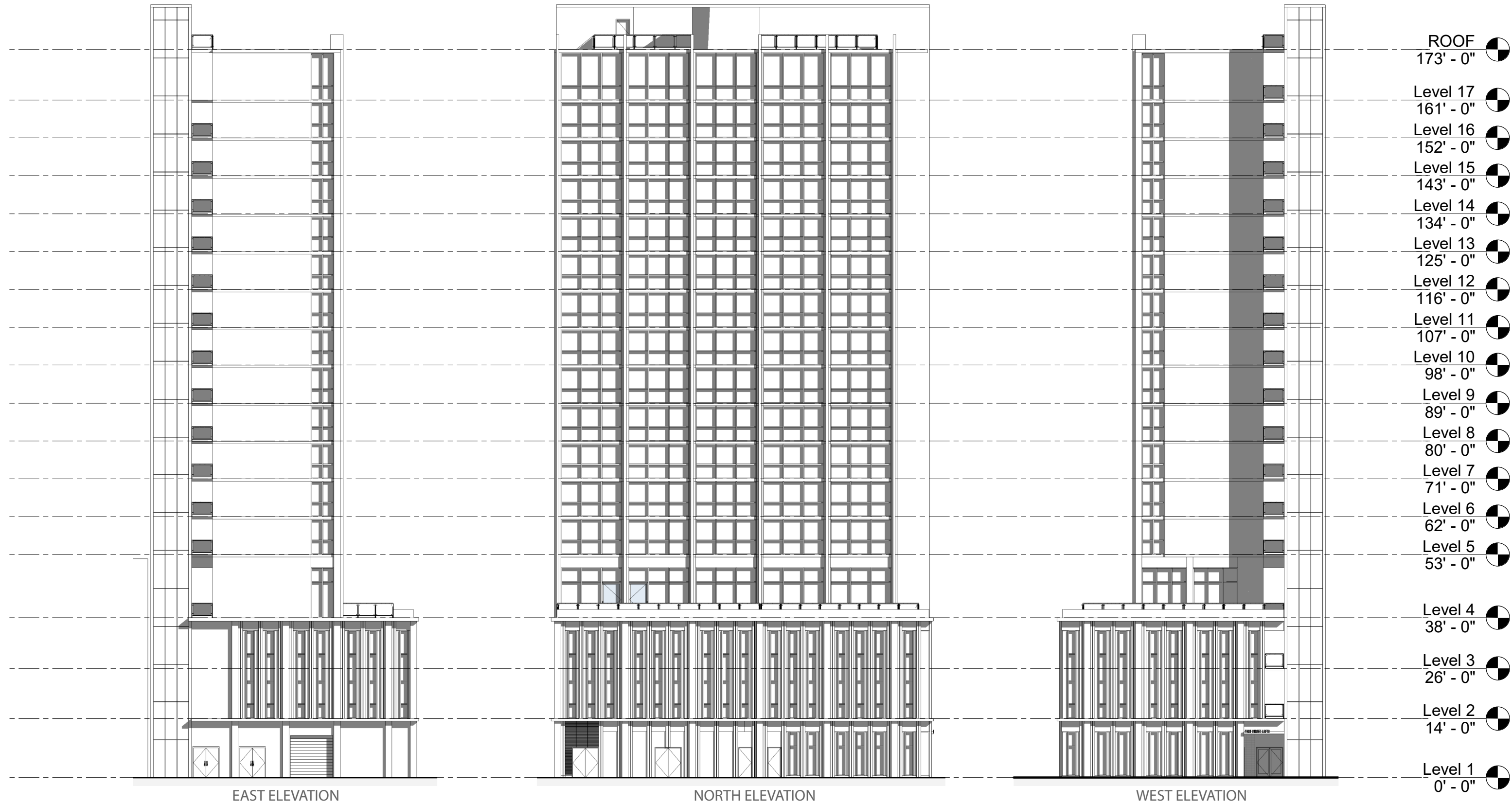
SCALE: 1/4" = 1'-0"

UNIT PLANS



1155 & 1159 FORT STREET MALL

Exhibit C-8



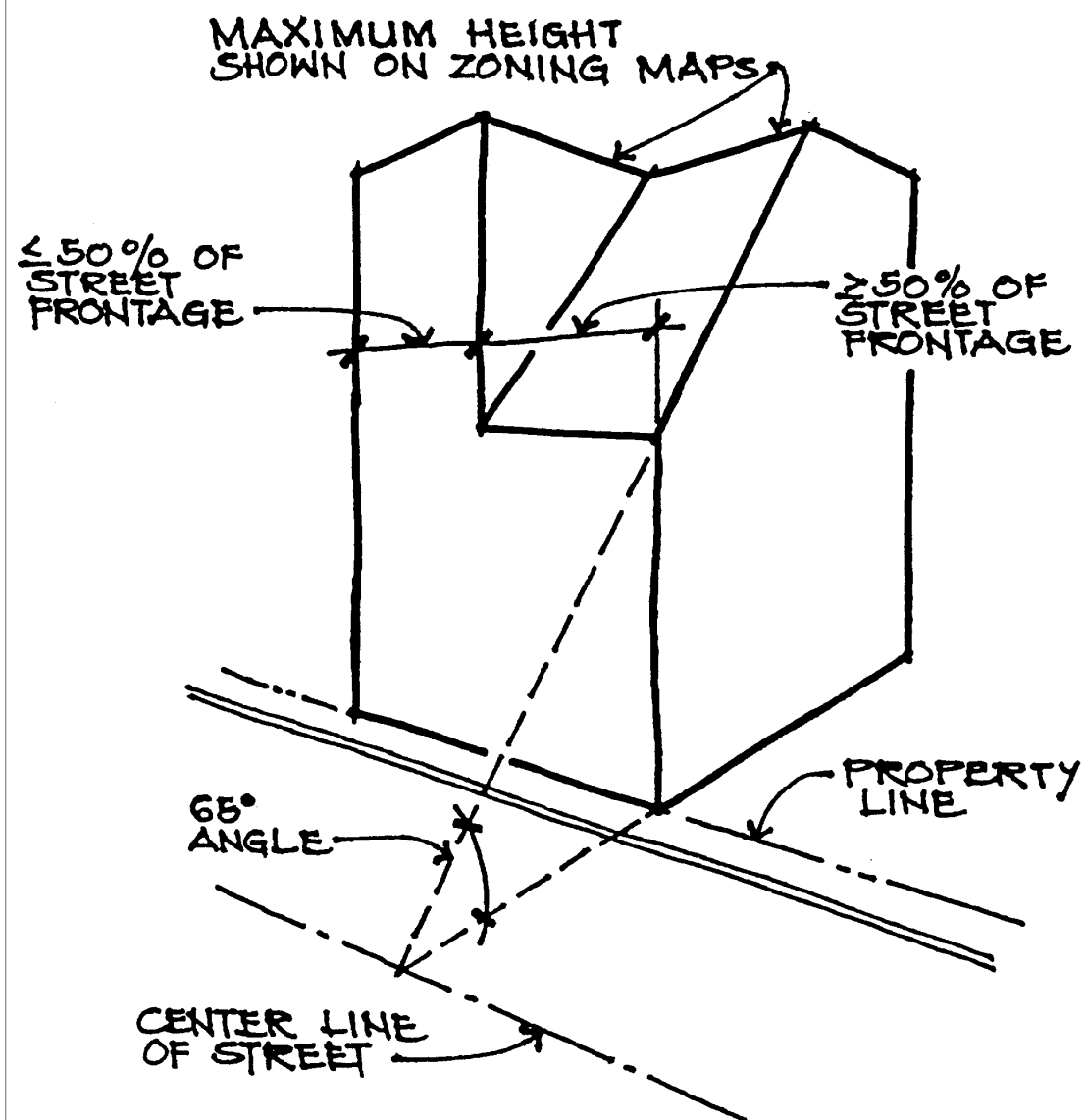
ELEVATIONS

1155 & 1159 FORT STREET MALL

Exhibit C-9



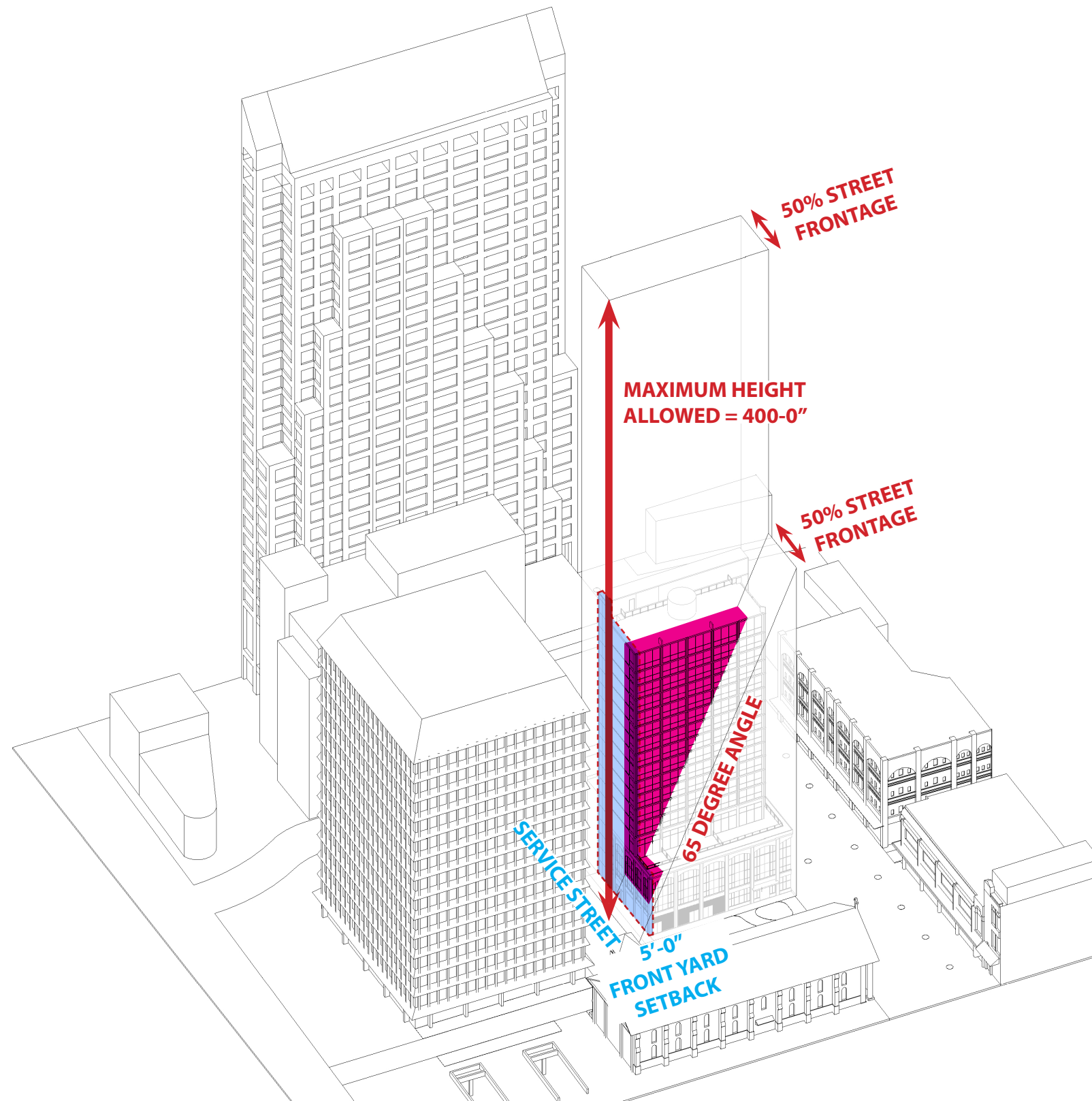
HONOLULU LAND USE ORDINANCE
CHAPTER 21 FIGURE 21-3.9



65 DEGREE ANGLE HEIGHT LIMIT (BMX-4 DISTRICT)

Sec. 21-3.120-2 Business mixed use district uses and development standards.

- (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 may exceed a height that is intersected by a plane over the buildable area that makes an angle of 65 degrees with the horizontal at ground elevation at the center line of the street (see Figure 21-3.9).

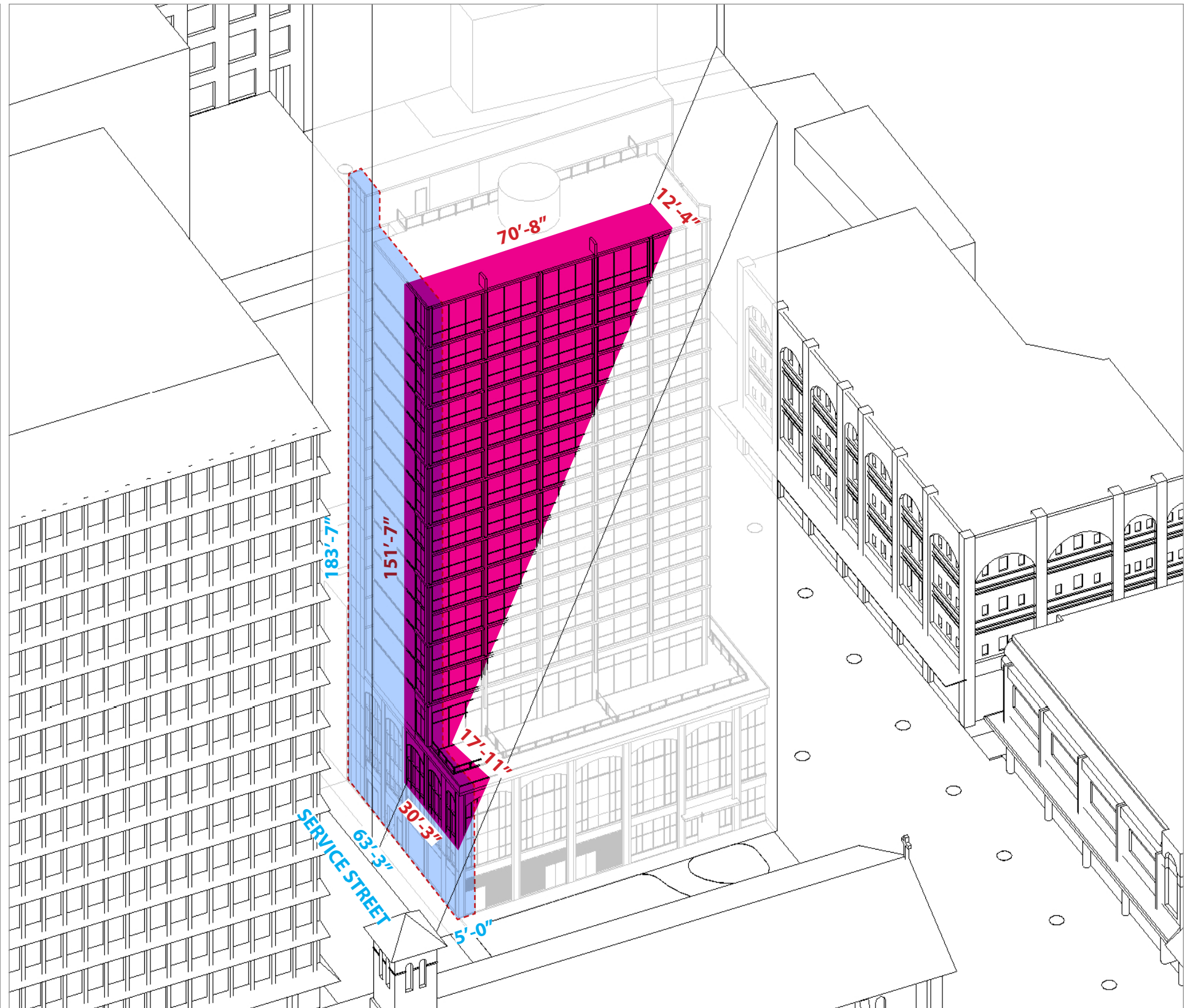
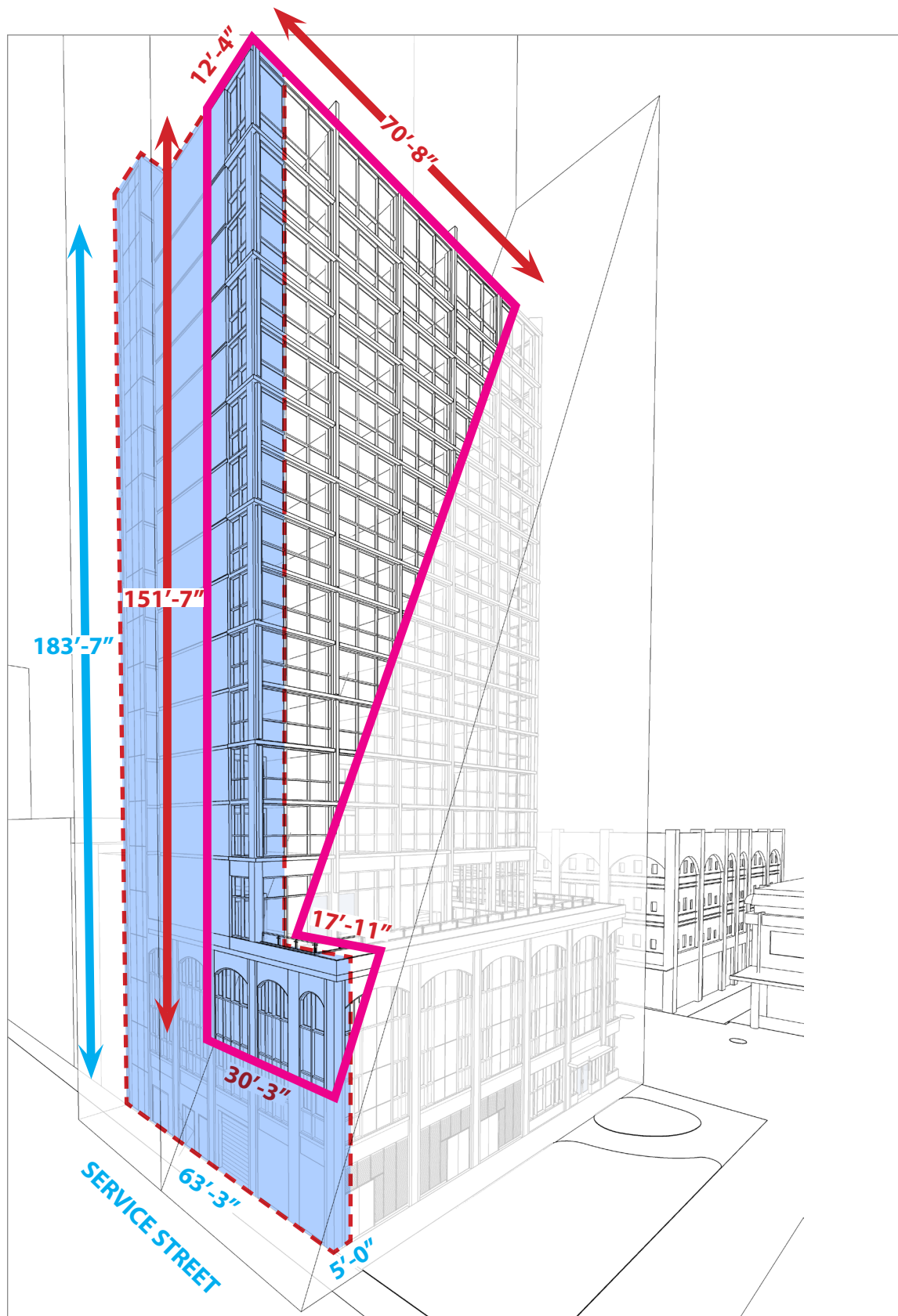


ZONING CONCEPTS | ANGLE SETBACK STUDIES FROM SERVICE STREET



1155 & 1159 FORT STREET MALL

Exhibit C-10

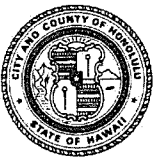


ZONING CONCEPTS | ANGLE SETBACK STUDIES FROM SERVICE STREET



1155 & 1159 FORT STREET MALL

Exhibit C-11



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. _____

RESOLUTION

AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE FORT STREET MALL AFFORDABLE SENIOR RENTAL HOUSING PROJECT IN DOWNTOWN HONOLULU.

WHEREAS, the Catholic Charities Housing Development Corporation (the "Applicant") proposes to develop an affordable senior rental housing Project on about 6,900 square feet (sq. ft.) of land zoned BMX-4 Central Business Mixed Use District ("BMX-4 District") located at 1155 Fort Street Mall and 1159 Fort Street Mall in Honolulu, Oahu, and identified as Tax Map Keys 2-1-010: 033 and 034, (the "Project"); and

WHEREAS, as proposed, the Project will consist of demolishing the existing building and constructing a new tower that includes 67 units and approximately 17,000 sq. ft. of office space. The maximum height for the development will be about 191 ft. (about 17 stories). Of the 67 total units, 66 will be affordable rentals for seniors; and

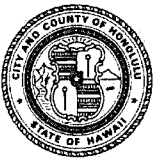
WHEREAS, at least 66 of the 67 rental units will meet the affordability requirements under Chapter 201H of the Hawaii Revised Statutes ("HRS"). Affordability levels for the units at the Project will range from 30 percent to 60 percent of the Area Median Income ("AMI"), for a period of affordability for 61 years; and

WHEREAS, the Project is eligible to receive consideration under the City's Rules implementing Section 201H-38 of the 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 the project's total units must be available to house households earning between 81 percent and 120 percent of the AMI; and

WHEREAS, the City Council ("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 Council has reviewed the preliminary plans and specifications for the Project, dated August, 2022, prepared by R.M. Towill Corporation (the "Plans and Specifications"), and submitted to the Council by the Department of Planning and Permitting ("DPP") on _____, 2023 by Departmental Communication _____; and

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



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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 ("BWS"); and

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

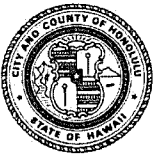
BE IT RESOLVED by the Council of the City and County of Honolulu that it approves the Project, which approval includes exemptions from certain requirements for the Project as set forth in the Plans and Specifications for the Project, as follows:

Application Fees:

1. Exemption from § 18A-1.6, of the Revised Ordinances of Honolulu 2021 ("ROH"), and the DPP Rules Related to Storm Water Quality, to allow an exemption from payment of storm water quality review fees for the erosion control and sediment plan, estimated at \$250.
2. Exemption from ROH § 14-2.1(A), to allow an exemption from payment of trenching permit fees, estimated at \$195.
3. Exemption from ROH § 18-6.1, to allow an exemption of payment of building permit plan review fees, estimated at \$25,000.
4. Exemption from ROH § 18-6.2, to allow an exemption from the payment of building permit fees, estimated at \$85,000.
5. Exemption from Table 18-A of Ordinance 19-21, to allow an exemption from special assignment inspection (courtesy inspection) fees, estimated at \$2,000.
6. Exemption from ROH § 22-1.1, to allow an exemption from the payment of consolidation of land filing fees estimated at \$500.

Infrastructure and Public Works Fees and Charges:

7. Exemption from ROH § 43-10.3, to allow an exemption from the payment of wastewater system facility charges, estimated at \$305,659.20.



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8. Exemption from ROH § 43-11.12, to allow an exemption from the payment of storm drain connection license fees, estimated at \$200.

Fire Department Review Fees:

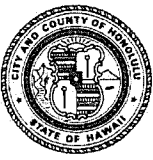
9. Exemption from ROH § 20-1.1(3) 1.12.8, to allow exemption from Honolulu Fire Department plan review fees estimated at \$8,500.

BWS Rules and Regulations:

10. Deferral from Sections 1-102 and 2-202(2) and (3) of the BWS Rules and Regulations to allow a deferral of payment of water system facility charges and installation of water service fees estimated at \$122,587.29 until the installation of the water meter; provided that all BWS requirements are satisfied. The actual fees to be waived will be determined by the BWS during review of the Project's building permit application.

Land Use Ordinance:

11. Exemption from ROH § 21-3.120-2(b) and Table 21-3.4, relating to BMX-4 District development standards for maximum density, to allow a floor area ratio (FAR) of 10.0 instead of the maximum 4.0 FAR, as generally shown in the enclosed exhibits.
12. Exemption from ROH § 21-3.120-2(b) and Table 21-3.4, 21-3.120-2(c)(1), and 21-3.120-2(c)(5), relating to BMX-4 District development standards for yards, landscaping, and height setbacks, to allow the building to encroach into the require front yard and height setback along the service lane, and to not be landscaped, as generally shown in the enclosed exhibits.
13. Partial Exemption from ROH § 21-6.40(b), relating to required short-term and long-term bicycle parking, to allow the required short-term bicycle parking be waived and the long-term bicycle parking be reduced to 16 stalls, as generally shown in the enclosed exhibits.
14. Exemption from ROH § 21-6.110 and Table 21-6.5, relating to required loading spaces, to allow the required loading space be waived, provided that the DPP Traffic Review Branch determines the service lane can safely accommodate service vehicles, the increase in traffic, and any impacts mitigated by the Applicant.



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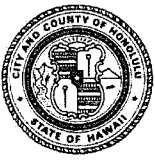
RESOLUTION

Park Dedication Ordinance:

15. Exemption from ROH § 22-7, Article 7, to allow an exemption from park dedication ordinance requirements and payment of an equivalent in-lieu fee, estimated at \$2,704,458 or 6,200 sq. ft. of park dedication area.

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 through B and C-1 through C-11, attached hereto and made a part hereof. Minor changes may be approved by the Director. Major modifications to the site plan will require approval by the City Council.
- B. Prior to submitting any building permit application for the Project, the Applicant shall submit to the DPP for its review and approval:
 1. Documentation showing they have discussed with the appropriate government agencies the possibility of relocating utility areas underground in order to provide for better pedestrian-oriented design on the ground floor of the Project, and if it is feasible, revise the ground floor plans; and
 2. Plans that show how the visual scale and massing of the building will be mitigated. The Applicant should incorporate design elements to create a better pedestrian experience along the lower levels of the Project. Design elements may include articulation of the building facade, providing awnings or overhangs, using vertical gardens, or using various color schemes and patterns.
- C. Prior to the issuance of any building permit for the Project, the Applicant shall submit to the DPP for its review and approval:
 1. A timeline or phasing of the anticipated dates to obtain major building permit(s) for demolition and construction work including the projected date of occupancy. The timeline must identify when the construction management plan ("CMP") and the traffic management plan ("TMP") will be submitted to the DPP for review and approval.



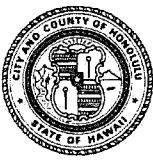
CITY COUNCIL

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RESOLUTION

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, and/or 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. TDM strategies could include carpooling and ride sharing programs, transit, bicycle, and pedestrian incentives and other similar TDM measures. Moped parking and bike parking should be situated in easily accessible locations and in adequate number throughout the Project to support the number of units with no vehicular parking. A post TMP will be required approximately one year after the issuance of the certificate of occupancy to validate the relative effectiveness of the various TDM strategies identified in the initial report. Additional bicycle racks shall be installed if it is determined there is a latent demand and the existing number of racks are inadequate.
4. A detailed layout and analysis of the service lane and drop-off and/or pick-up area must be provided. The layout must show how two-way traffic will be provided, demonstrate where and/or how trash trucks, handivan service, delivery vehicles, and other vehicles will do their drop-off and pick-up activities. The layout of the turnaround area must also be provided to assure that all users of the service lane will not have to reverse out. The approved layout shall be included in the TMP with a description of the operations and how it will be managed.
5. An updated Traffic Assessment ("TA") to include a description of the type of commercial and office components that will occupy the bottom three floors of the building. Trips generated from these components or land uses must be included in the TA. The TA must also specify the existing



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service lane users, and evaluate any potential impacts from the additional users of the service lane from this development. Recommendations to improve the service lane and turnaround area should also be provided. The TA must also examine the pedestrian, bicycle, public transit stress and comfort levels at the nearby intersections and driveways with corresponding improvements to mitigate these impacts by applying Complete Street principles. The discussion must include the future growth rate, trip distribution, mode split, and route assignment assumptions used in the TA.

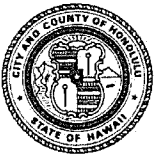
- D. Prior to the issuance of a certificate of occupancy for the Project, the Applicant shall submit to the DPP for review and approval a solid waste management plan, which provides for solid waste pick-up to be accommodated, and adequate maneuvering areas so refuse trucks are able to enter and exit the Project site in a forward-facing manner.
- E. 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 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 shall be deemed approved if those plans and specifications do not substantially deviate from the Plans submitted to the Council; provided that minor modifications to the design character or specifications of the building, and/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 Plans or in granting these exemptions; and

BE IT FURTHER RESOLVED that the City and County of Honolulu, the DPP, and the Applicant, are authorized to execute and record the future 201H Agreement, pursuant to the terms, conditions, and provisions approved as to form and legality by



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the Corporation Counsel as being necessary, advisable, or desirable for the purpose of carrying out this resolution; and

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

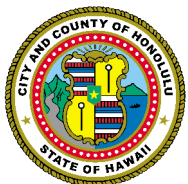
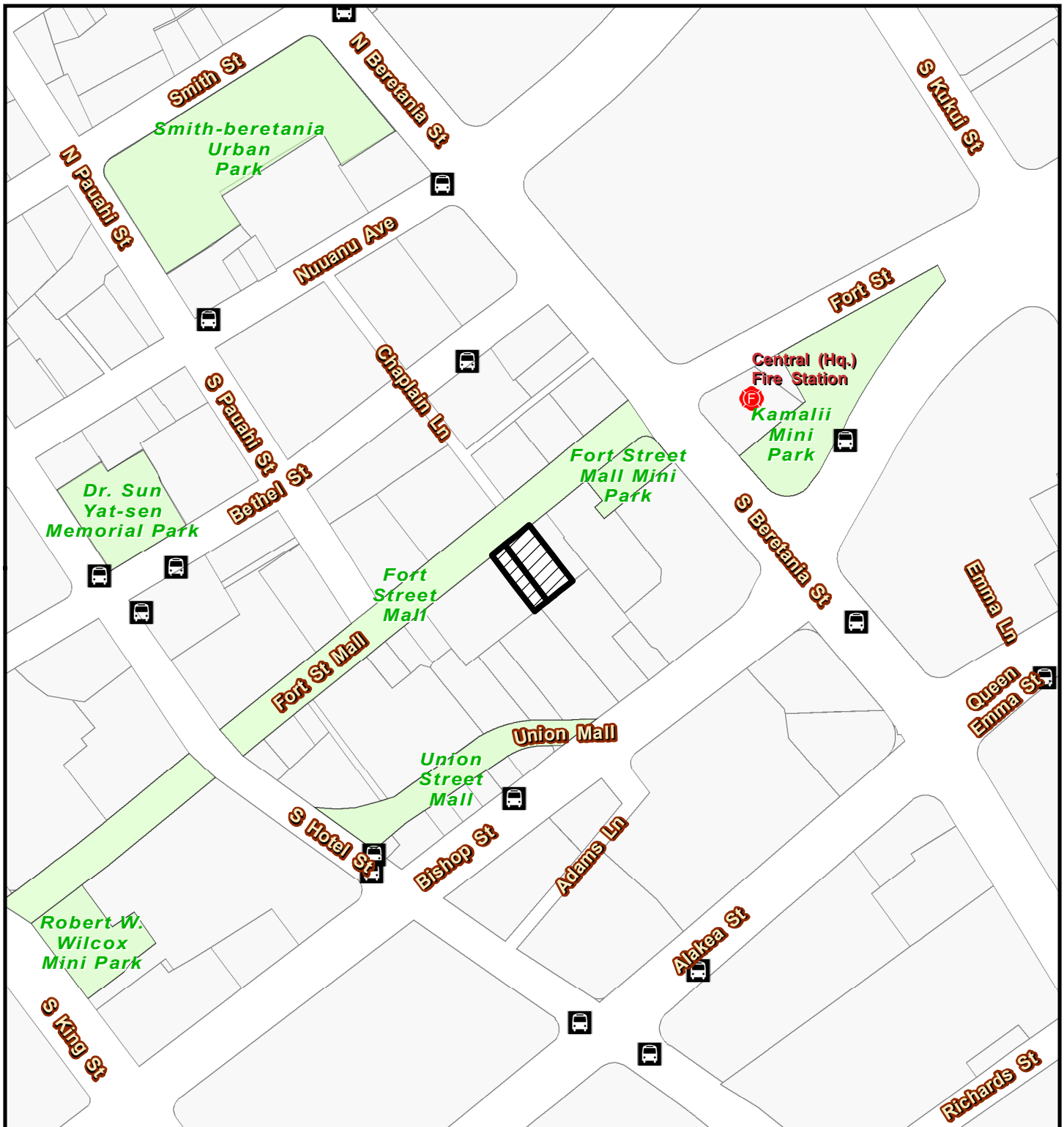
BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to Dawn Takeuchi Apuna, Director Designate of Planning and Permitting; Catholic Charities Housing Development Corporation, 1822 Keeaumoku Street, Honolulu, Hawaii 96822; and Isaiah Sato, R.M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawaii 96819.

INTRODUCED BY:

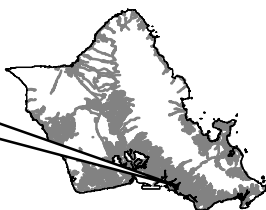
DATE OF INTRODUCTION:

Honolulu, Hawaii

Councilmembers



Project Site



VICINITY MAP



Note: Data represented on this map is not intended to replace site survey.



Legend





-  Project Site
-  City Park
-  Fire Station
-  Bus Stop

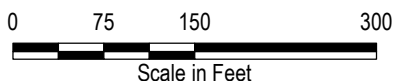
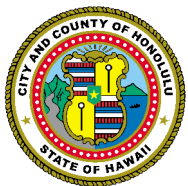
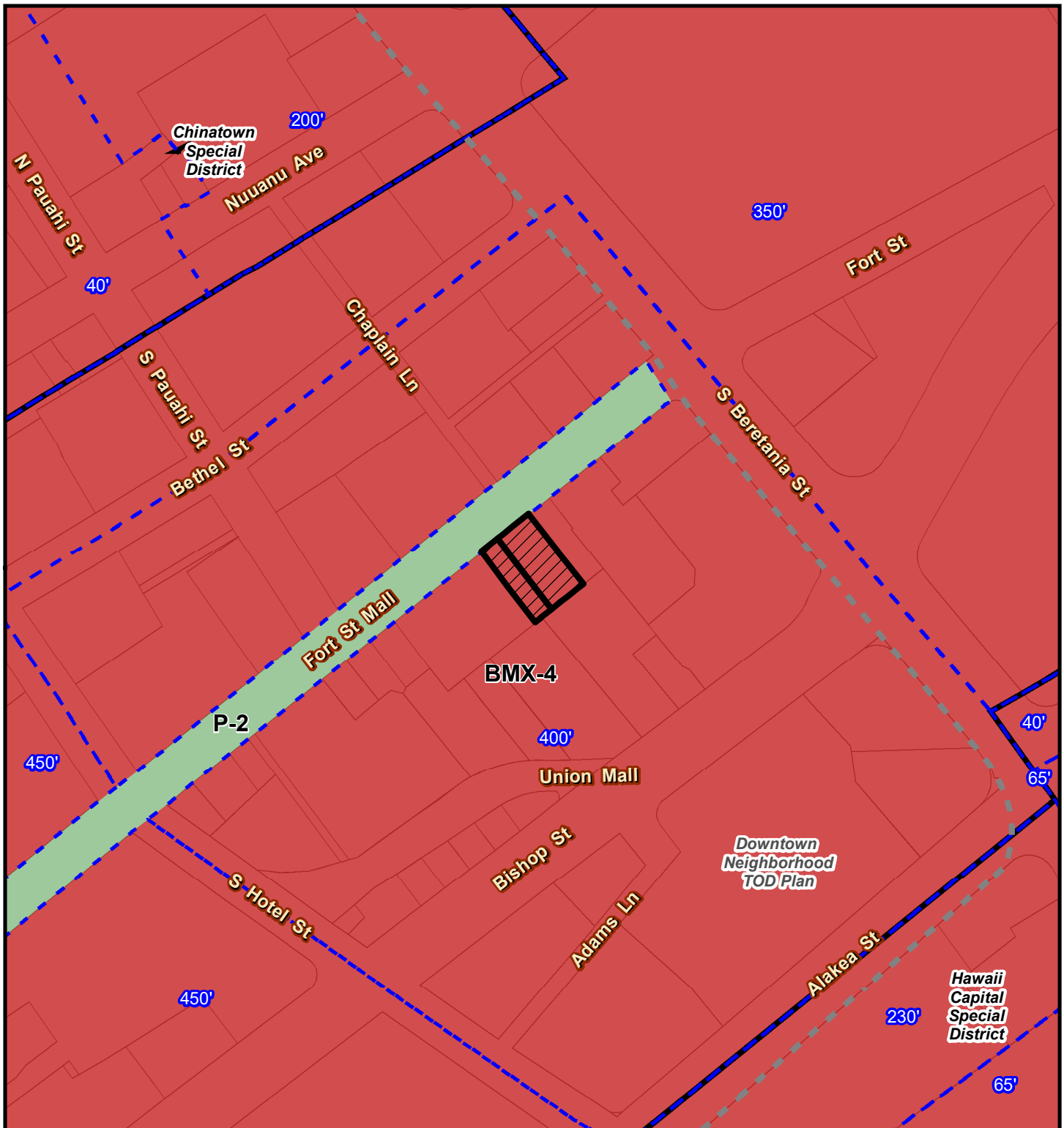
EXHIBIT A

LOCATION MAP

LOCATION: 1155 AND 1159
FORT STREET MALL

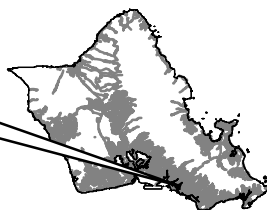
TAX MAP KEY(S):
2-1-010: 033 AND 034

FILE NO.: 2022/GEN-12



Note: Data represented on this map is not intended to replace site survey.

Project Site



VICINITY MAP



Legend

- Project Site
- BMX-4 District
- P-2 District
- Zoning Special District
- Zoning Map Height Limit
- TOD Plan Boundary

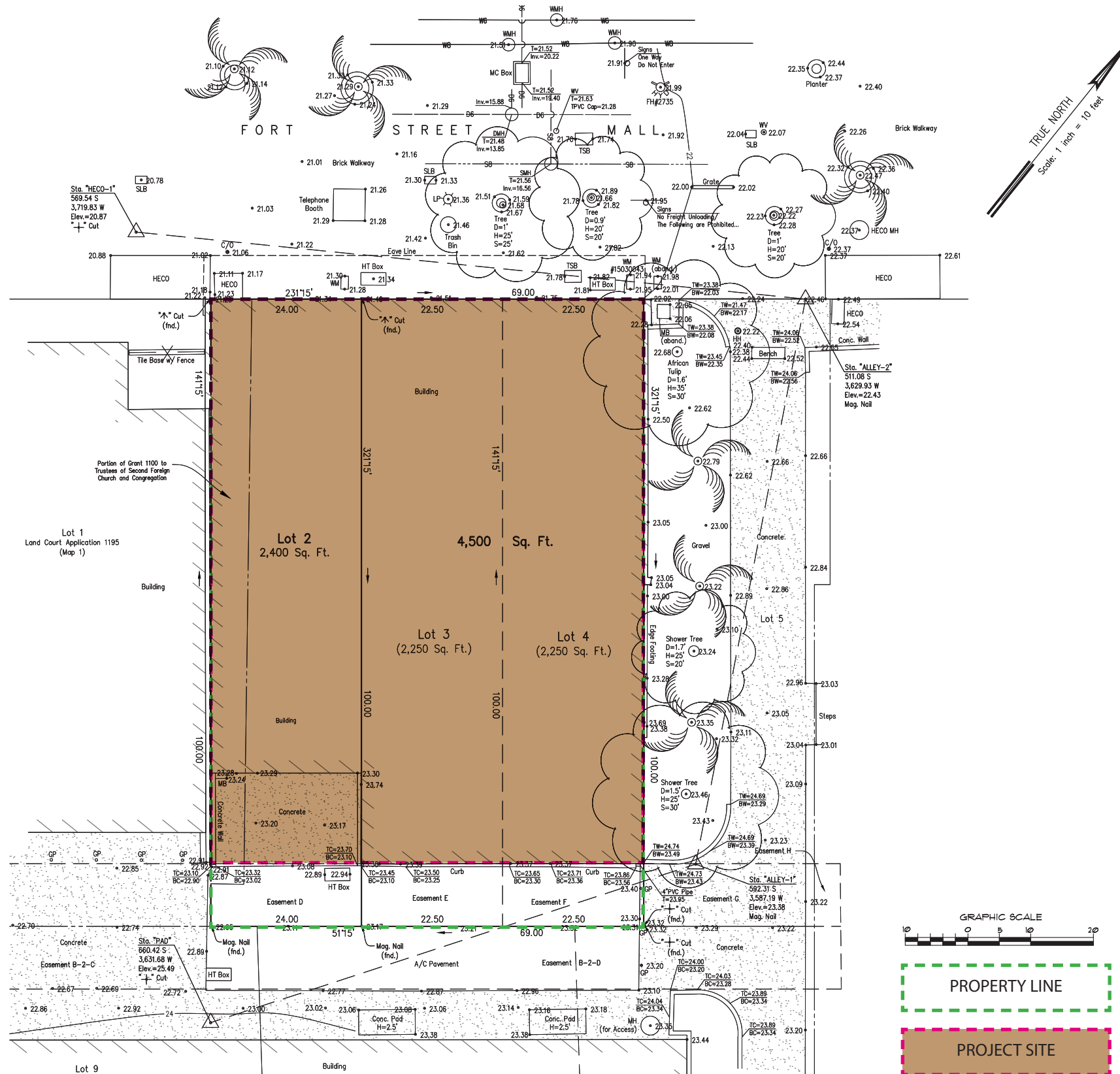
EXHIBIT B

ZONING MAP

LOCATION: 1155 AND 1159
FORT STREET MALL

TAX MAP KEY(S):
2-1-010: 033 AND 034

FILE NO.: 2022/GEN-12



PROPERTY INFORMATION

TMK:

2 Individual Parcels
2-1-010:033 & 2-1-010:034

Lot Area:

6,900 SF

Zoning
Designation:

BMX-4

Height Limit:

400'-0"

Max. FAR:

PROJECT PROPOSING 10.0

Street
Setback:

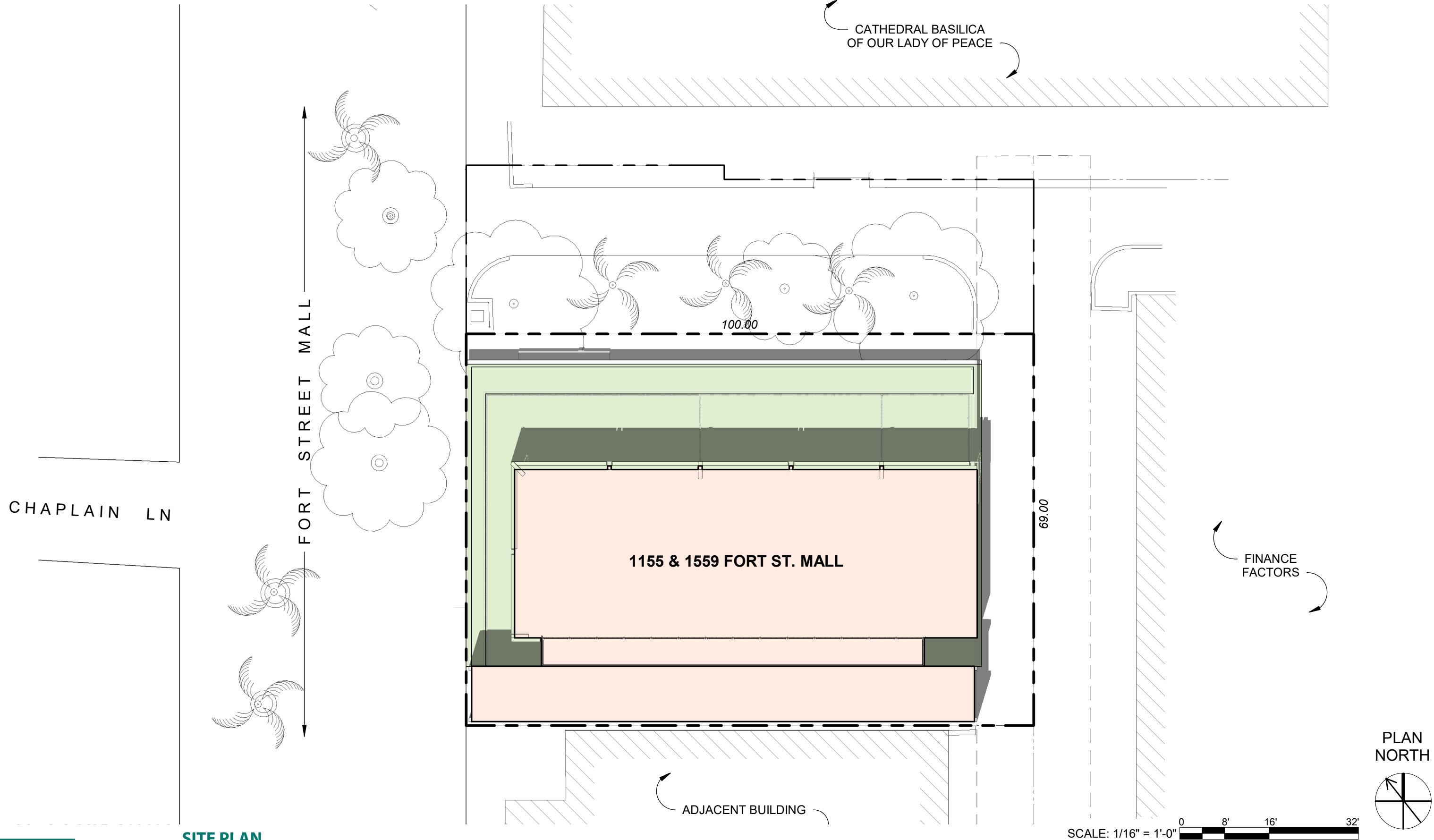
PROJECT PROPOSING
Front: 0'
Side / Rear: 0'



SITE ANALYSIS | PROPERTY INFORMATION

1155 & 1159 FORT STREET MALL

Exhibit C-1

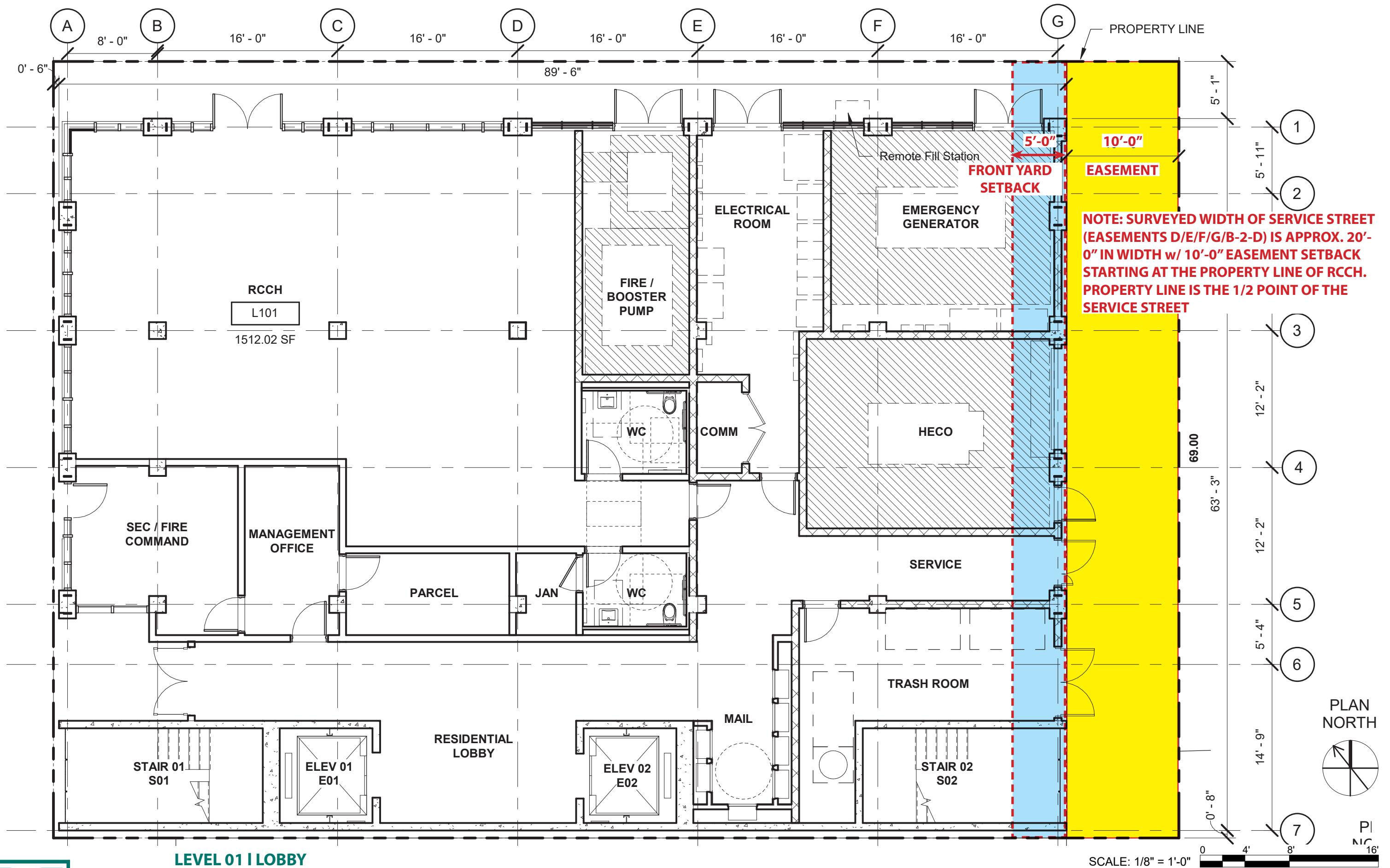


SITE PLAN



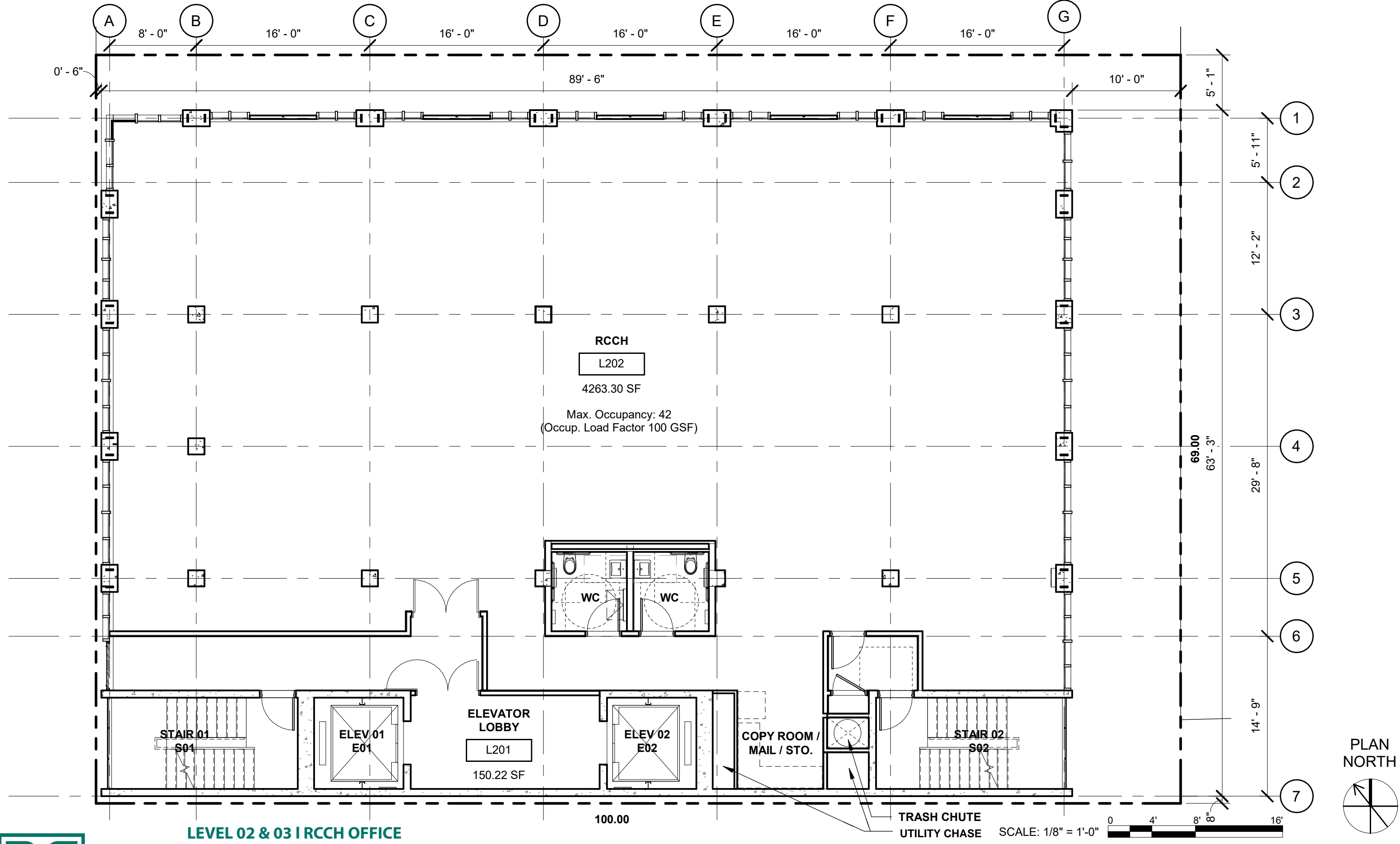
1155 & 1159 FORT STREET MALL

Exhibit C-2



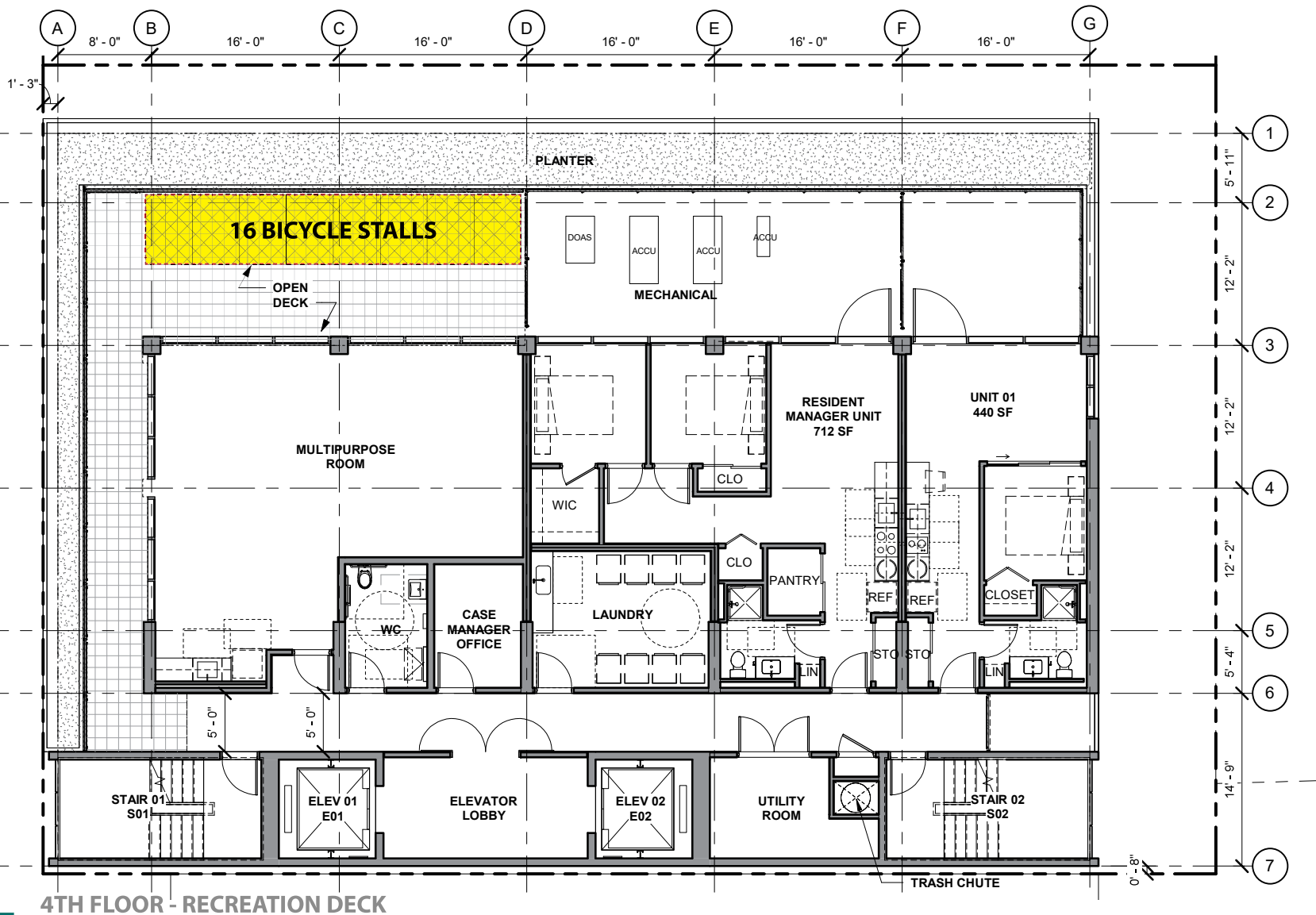
1155 & 1159 FORT STREET MALL

Exhibit C-3



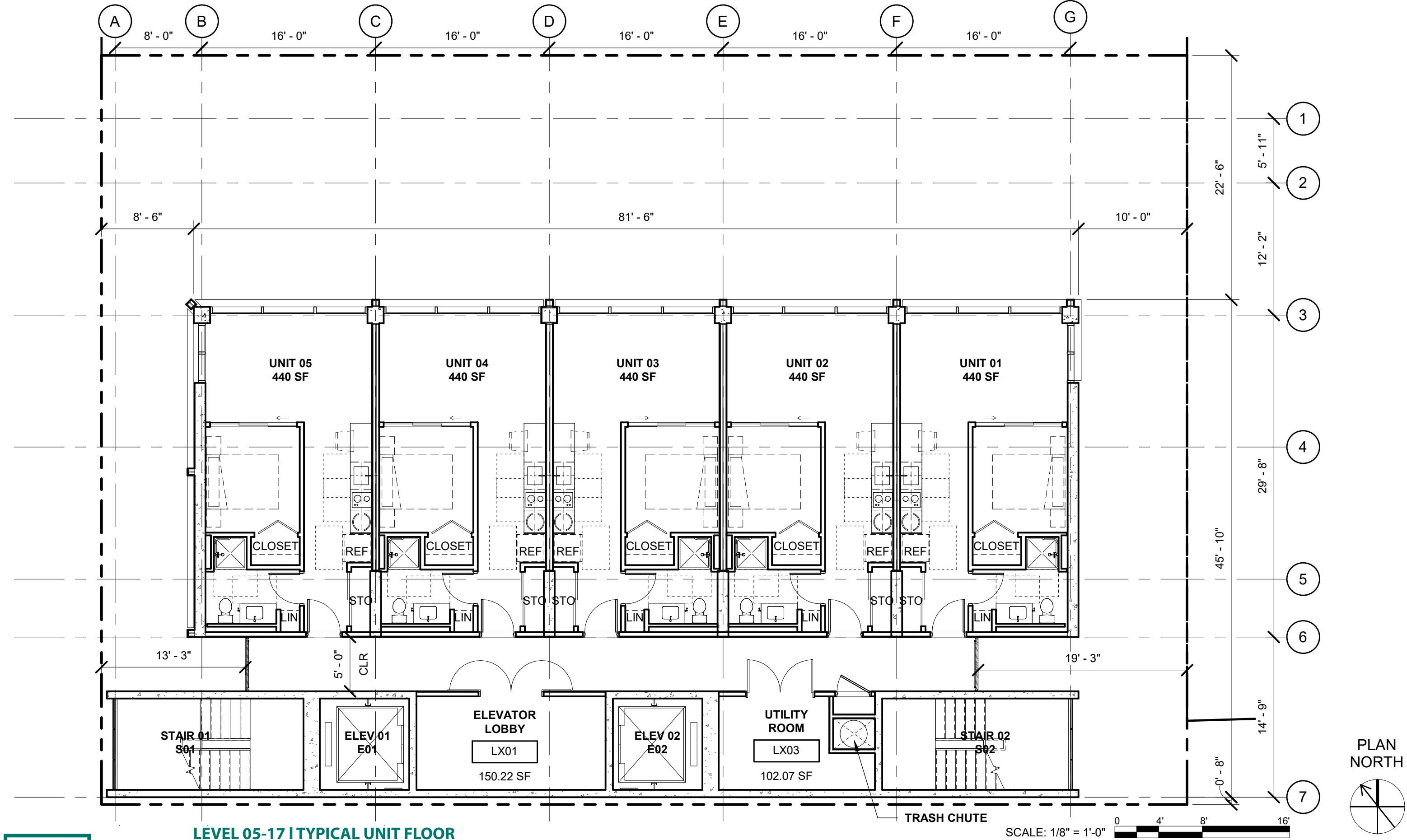
1155 & 1159 FORT STREET MALL

Exhibit C-4



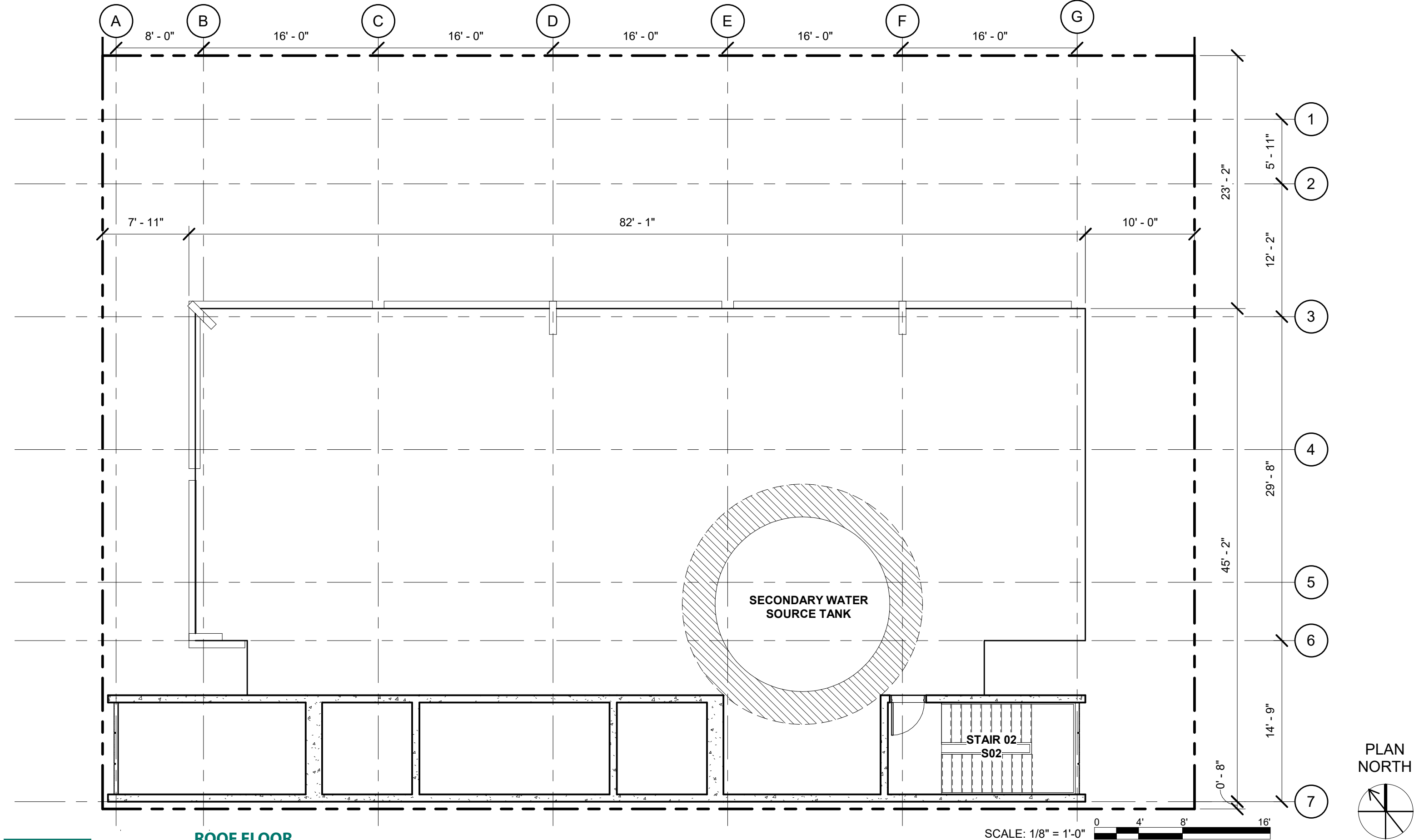
1155 & 1159 FORT STREET MALL

Exhibit C-5



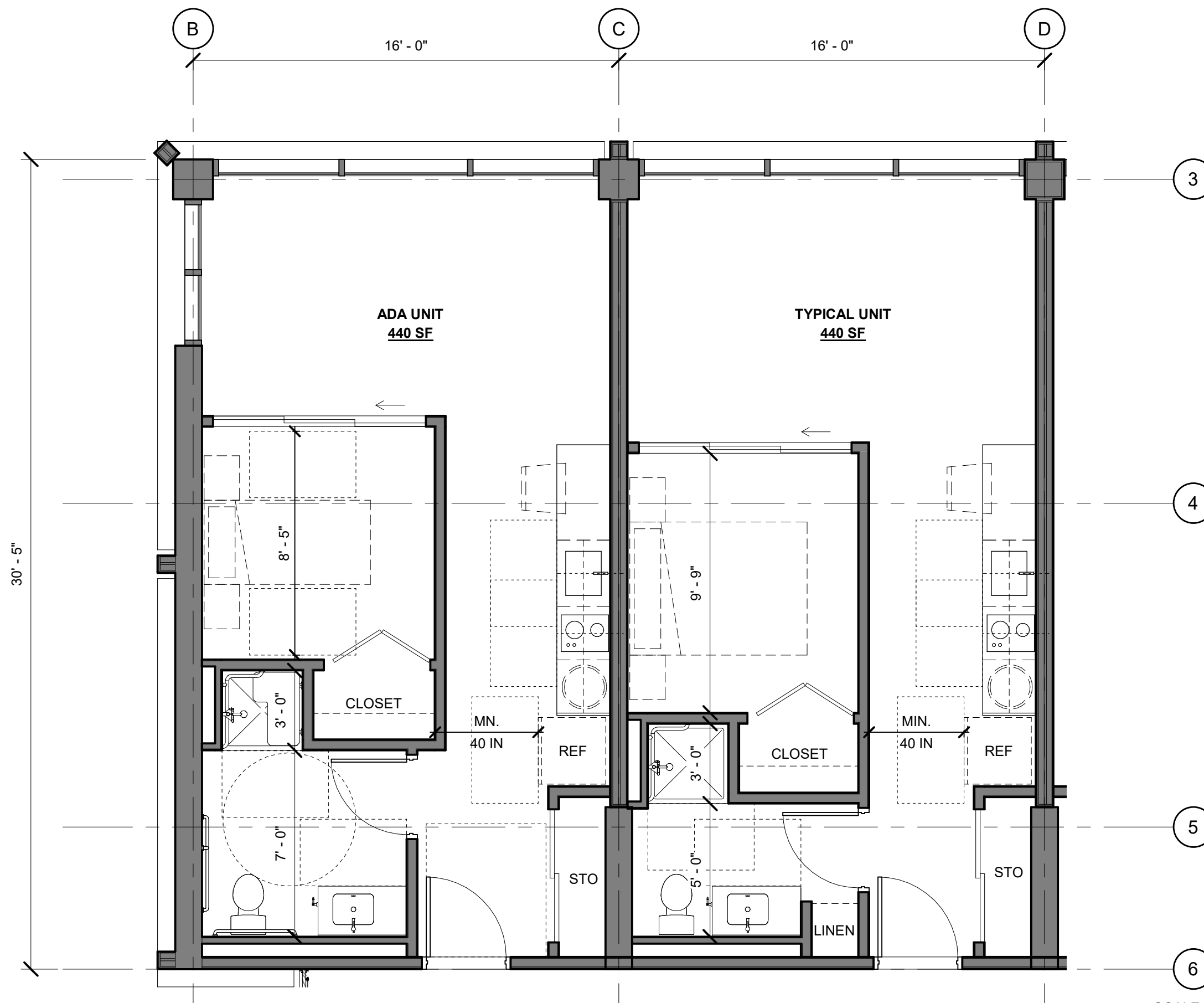
1155 & 1159 FORT STREET MALL

Exhibit C-6



1155 & 1159 FORT STREET MALL

Exhibit C-7



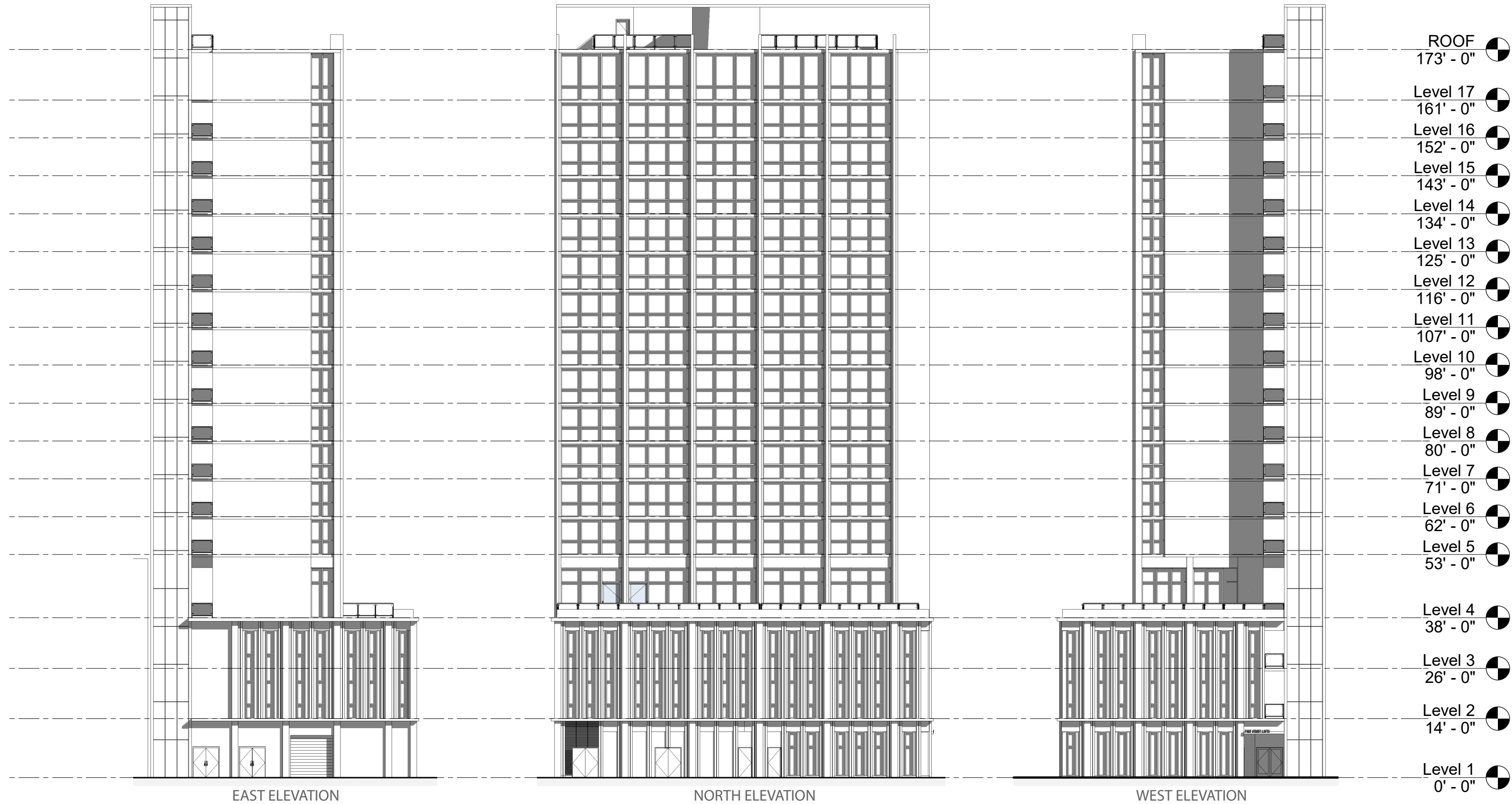
SCALE: 1/4" = 1'-0"

UNIT PLANS



1155 & 1159 FORT STREET MALL

Exhibit C-8



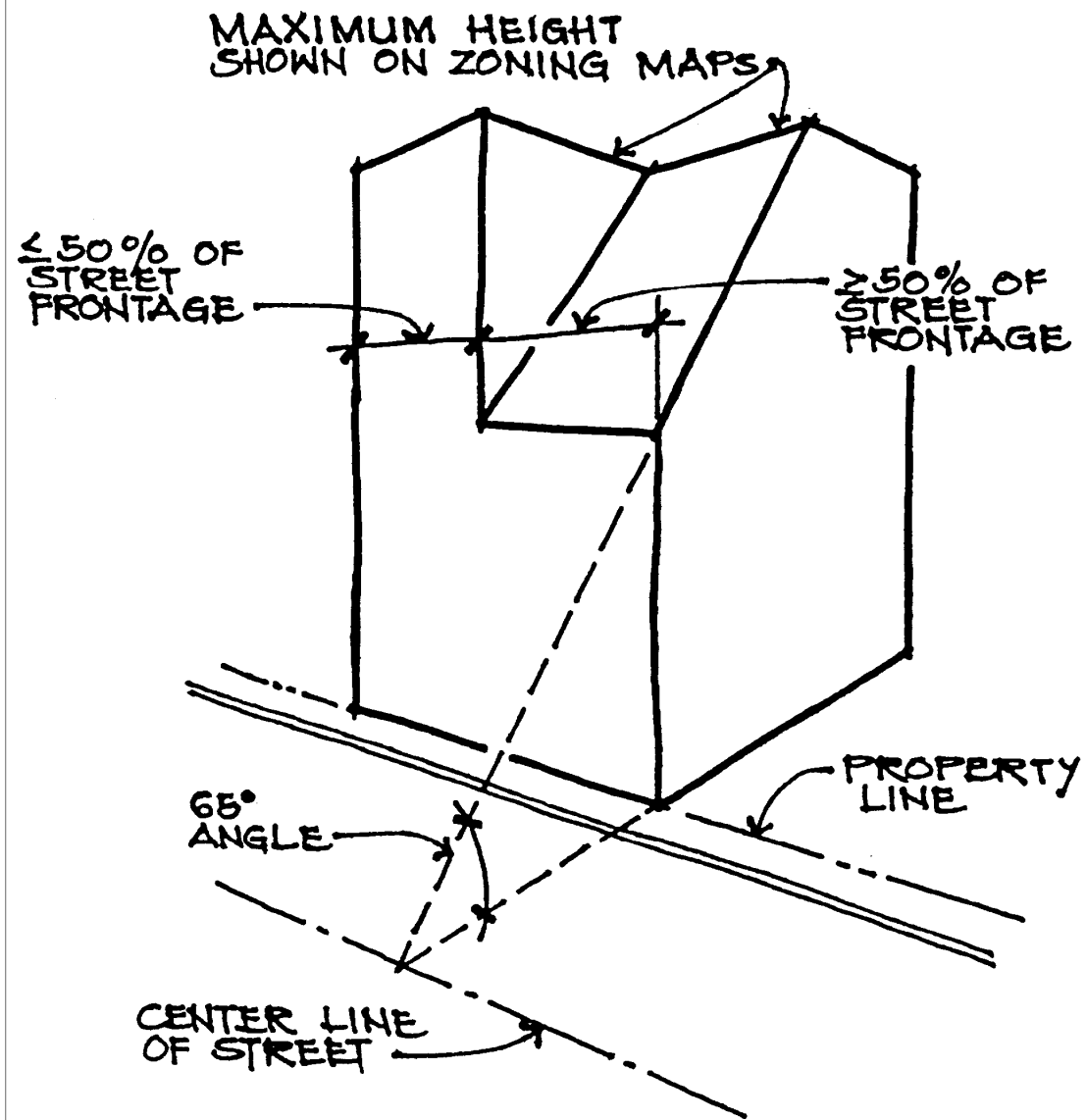
ELEVATIONS

1155 & 1159 FORT STREET MALL

Exhibit C-9



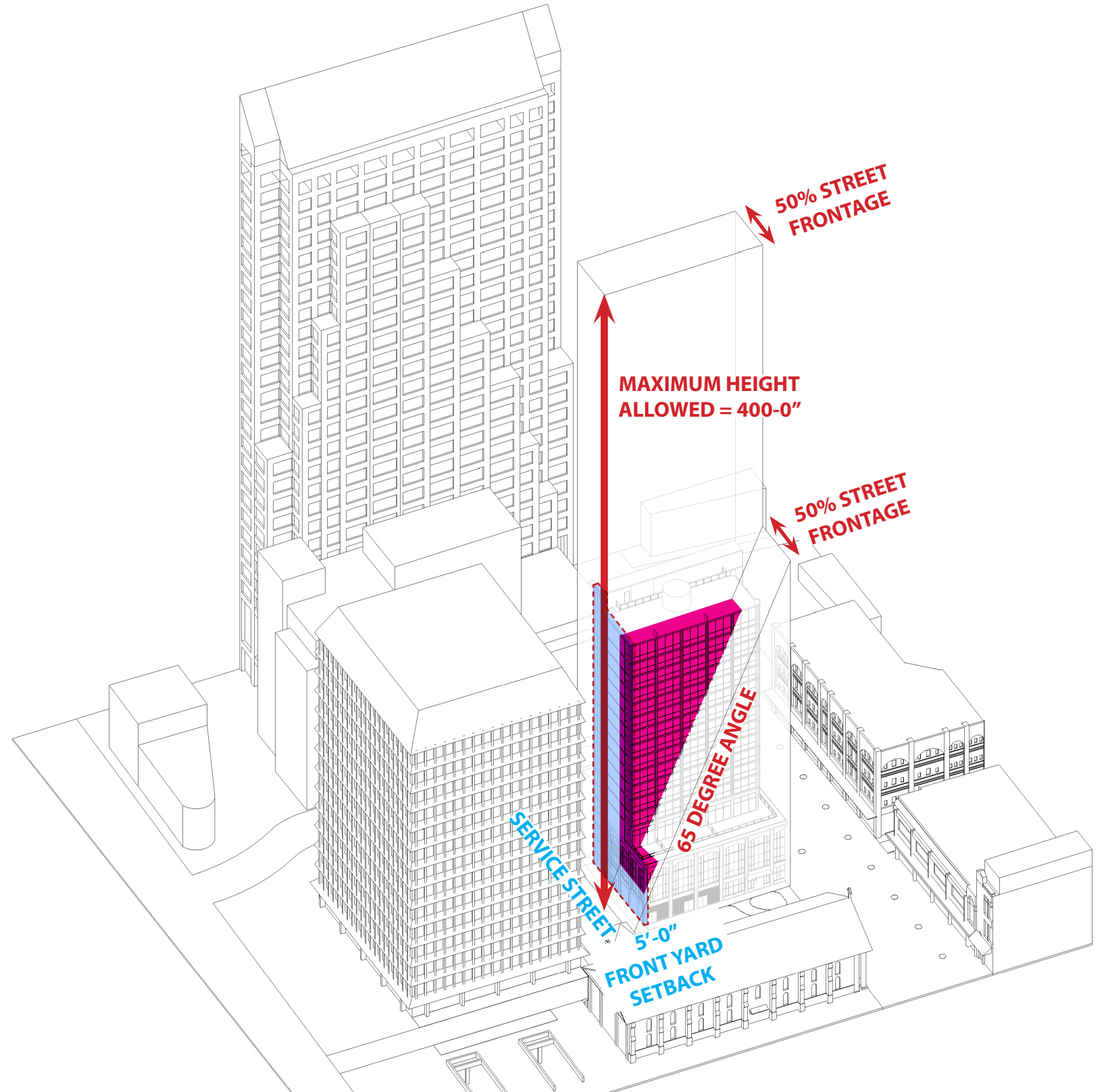
HONOLULU LAND USE ORDINANCE
CHAPTER 21 FIGURE 21-3.9



65 DEGREE ANGLE HEIGHT LIMIT (BMX-4 DISTRICT)

Sec. 21-3.120-2 Business mixed use district uses and development standards.

- (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 may exceed a height that is intersected by a plane over the buildable area that makes an angle of 65 degrees with the horizontal at ground elevation at the center line of the street (see Figure 21-3.9).

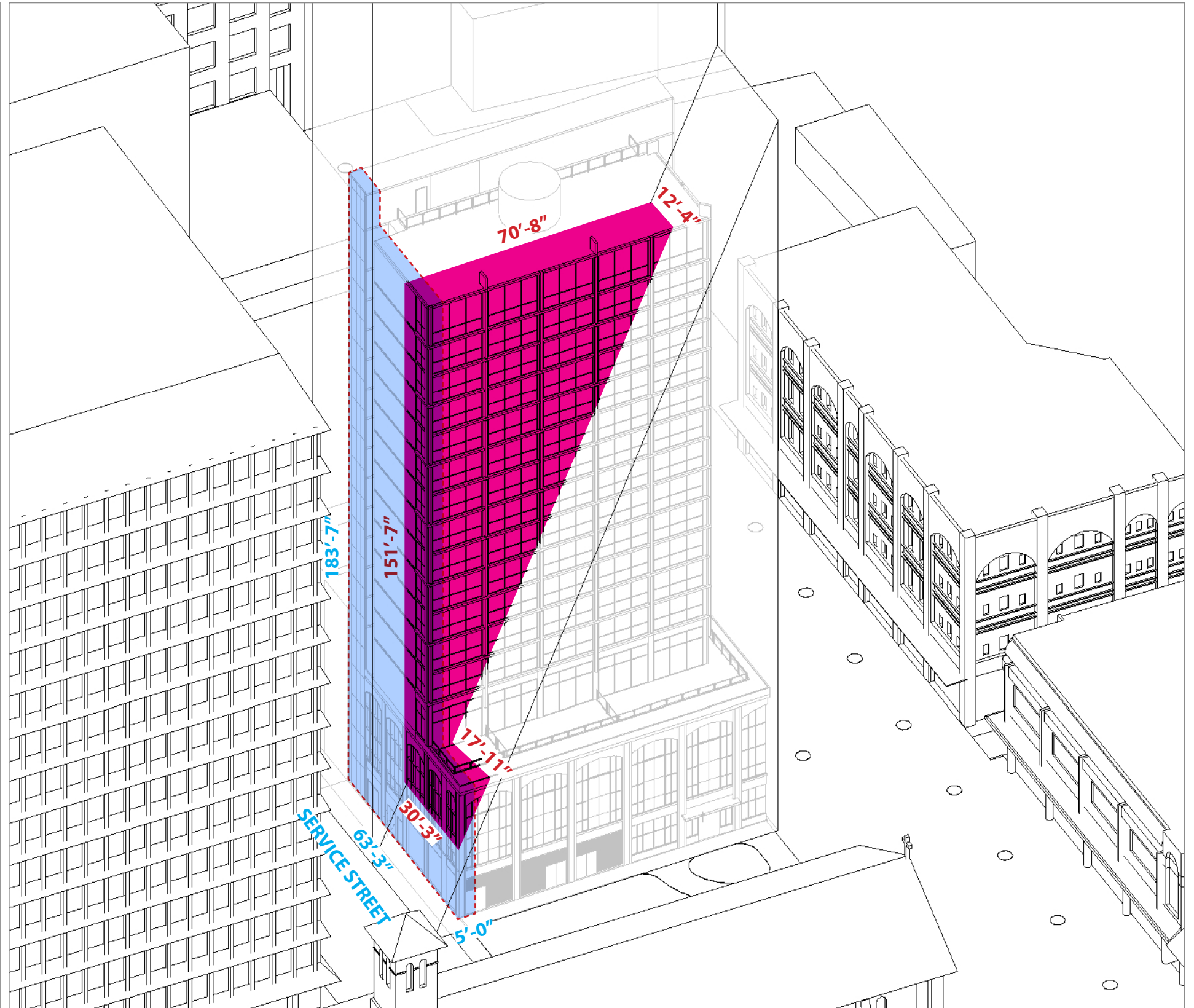
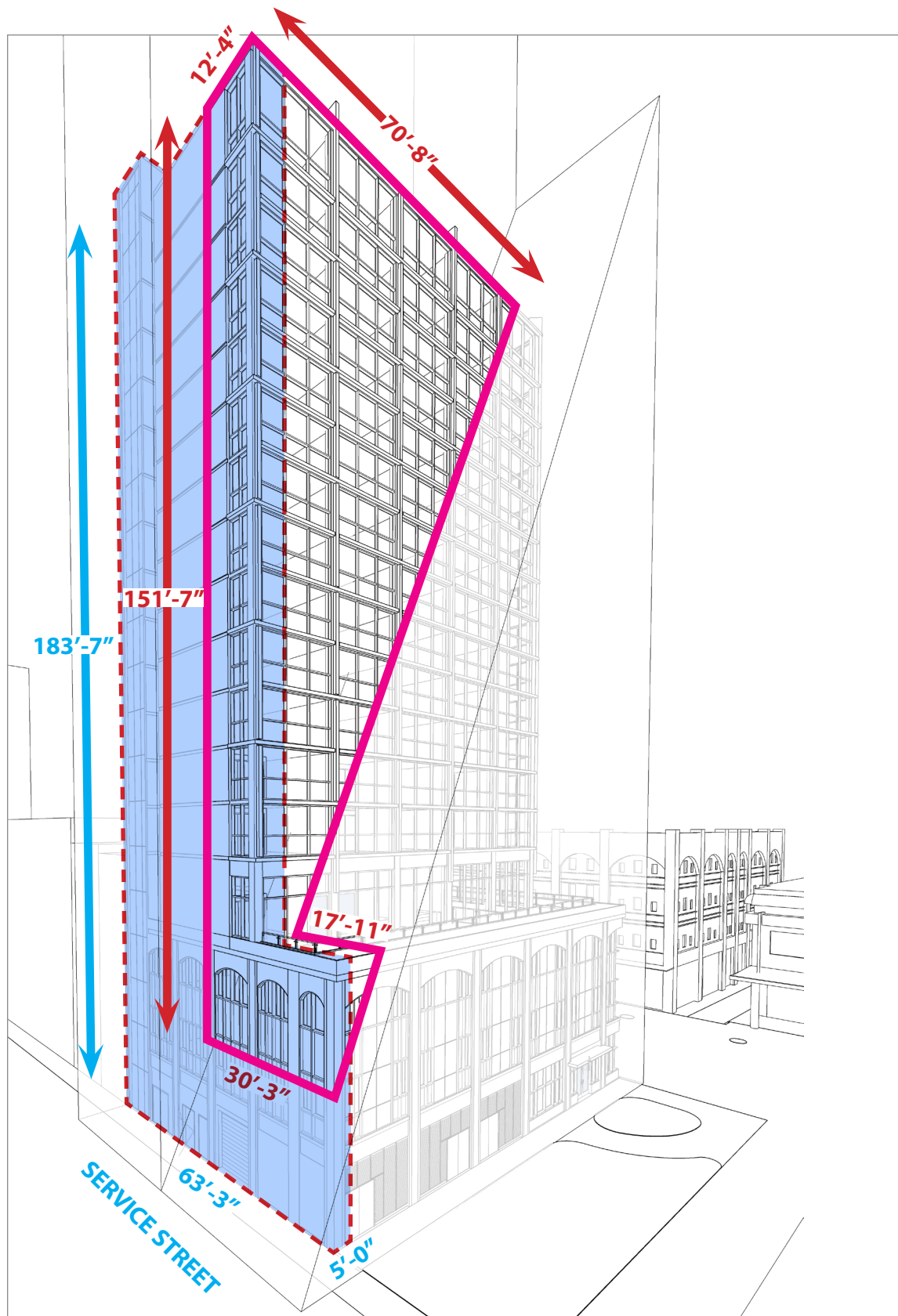


ZONING CONCEPTS | ANGLE SETBACK STUDIES FROM SERVICE STREET



1155 & 1159 FORT STREET MALL

Exhibit C-10



ZONING CONCEPTS | ANGLE SETBACK STUDIES FROM SERVICE STREET



1155 & 1159 FORT STREET MALL

Exhibit C-11