



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

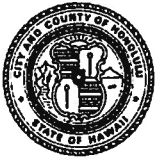
WHEREAS, at least 66 of the 67 rental units will meet the affordability requirements under Chapter 201H of the Hawaii Revised Statutes ("HRS"). Affordability levels for the units at the Project will range from 30 percent to 60 percent of the Area Median Income ("AMI"), for a period of affordability for 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 Jan 17, 2023 by Departmental Communication 43(23); 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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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.



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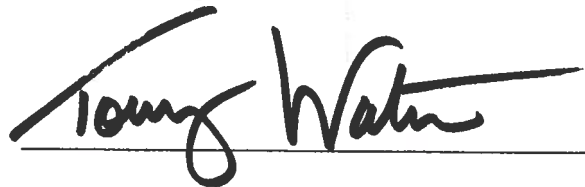
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the Corporation Counsel as being necessary, advisable, or desirable for the purpose of carrying out this resolution; and

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:

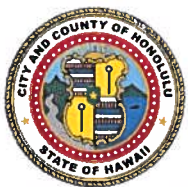
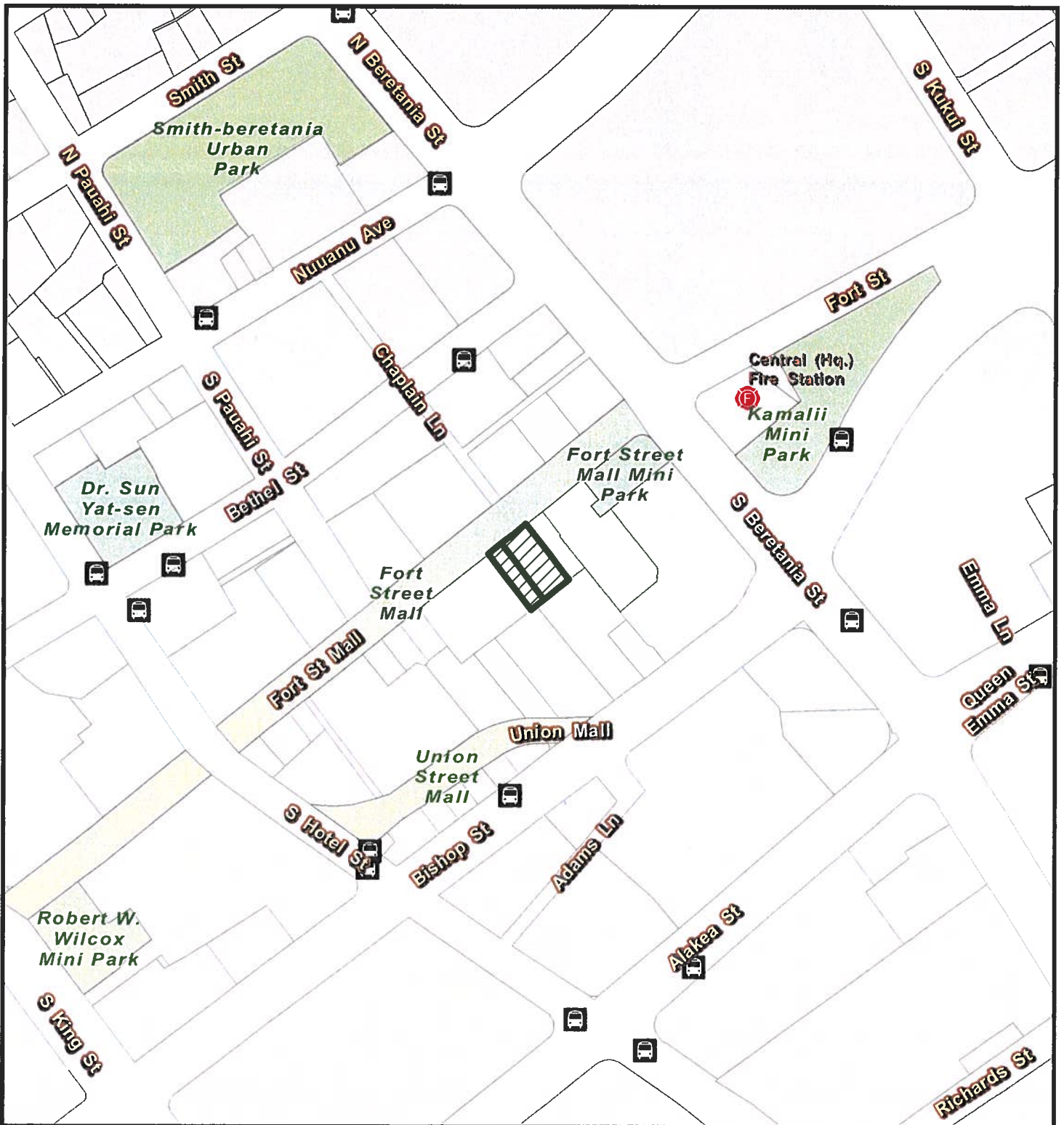
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DATE OF INTRODUCTION:

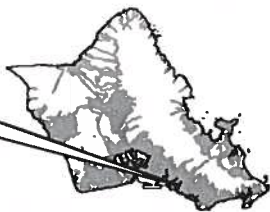
JAN 20 2023

Honolulu, Hawaii

Councilmembers



Project Site



VICINITY MAP

0 100 200 400
Scale in Feet

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



Legend

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

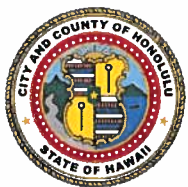
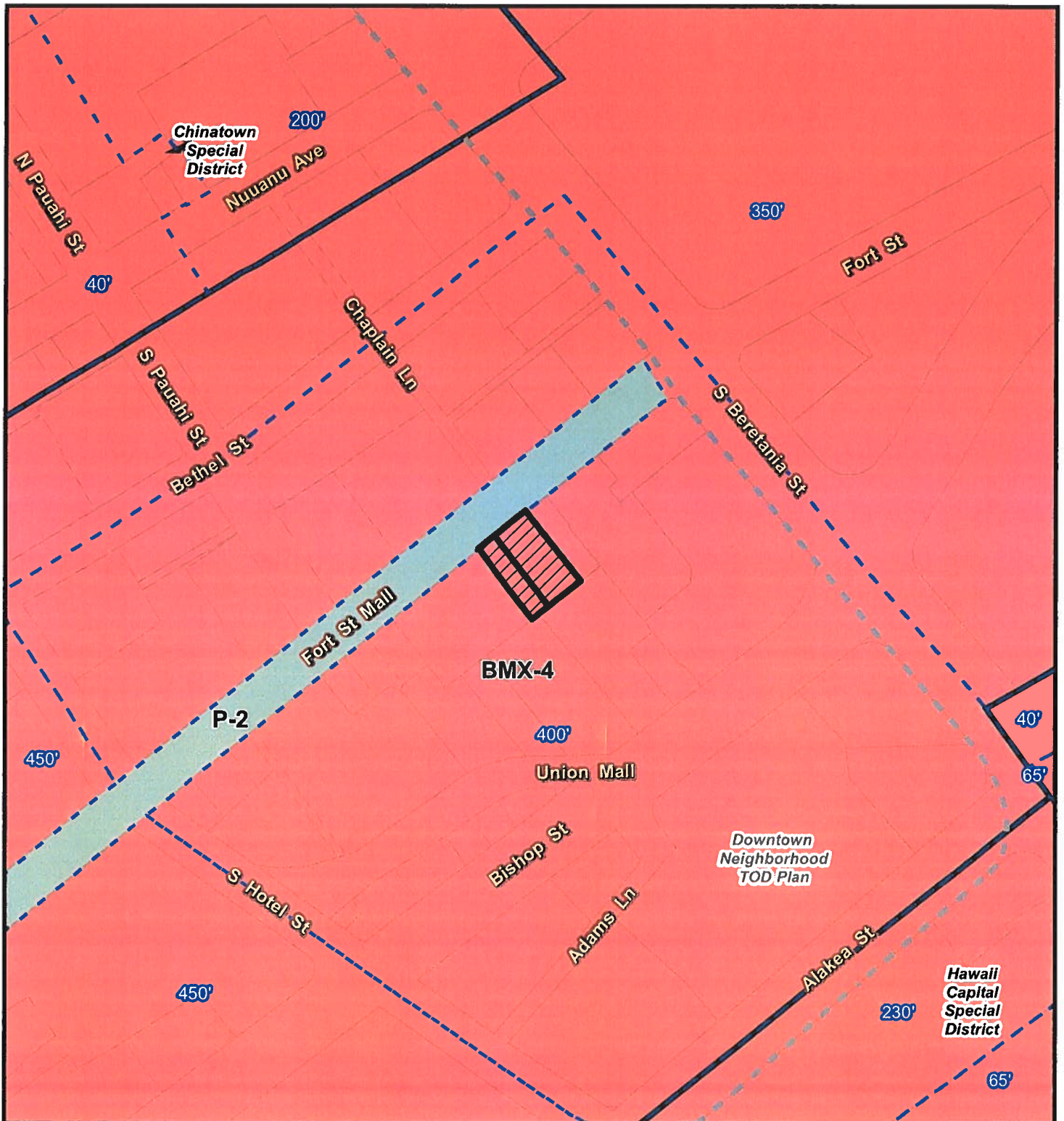
EXHIBIT A

LOCATION MAP

LOCATION: 1155 AND 1159
FORT STREET MALL

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

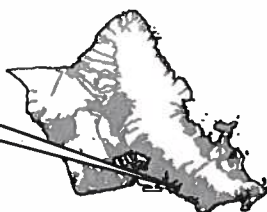
FILE NO.: 2022/GEN-12



0 75 150 300
Scale in Feet

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

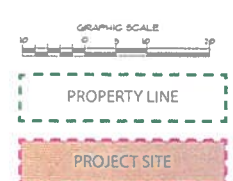
EXHIBIT B

ZONING MAP

LOCATION: 1155 AND 1159
FORT STREET MALL

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

FILE NO.: 2022/GEN-12



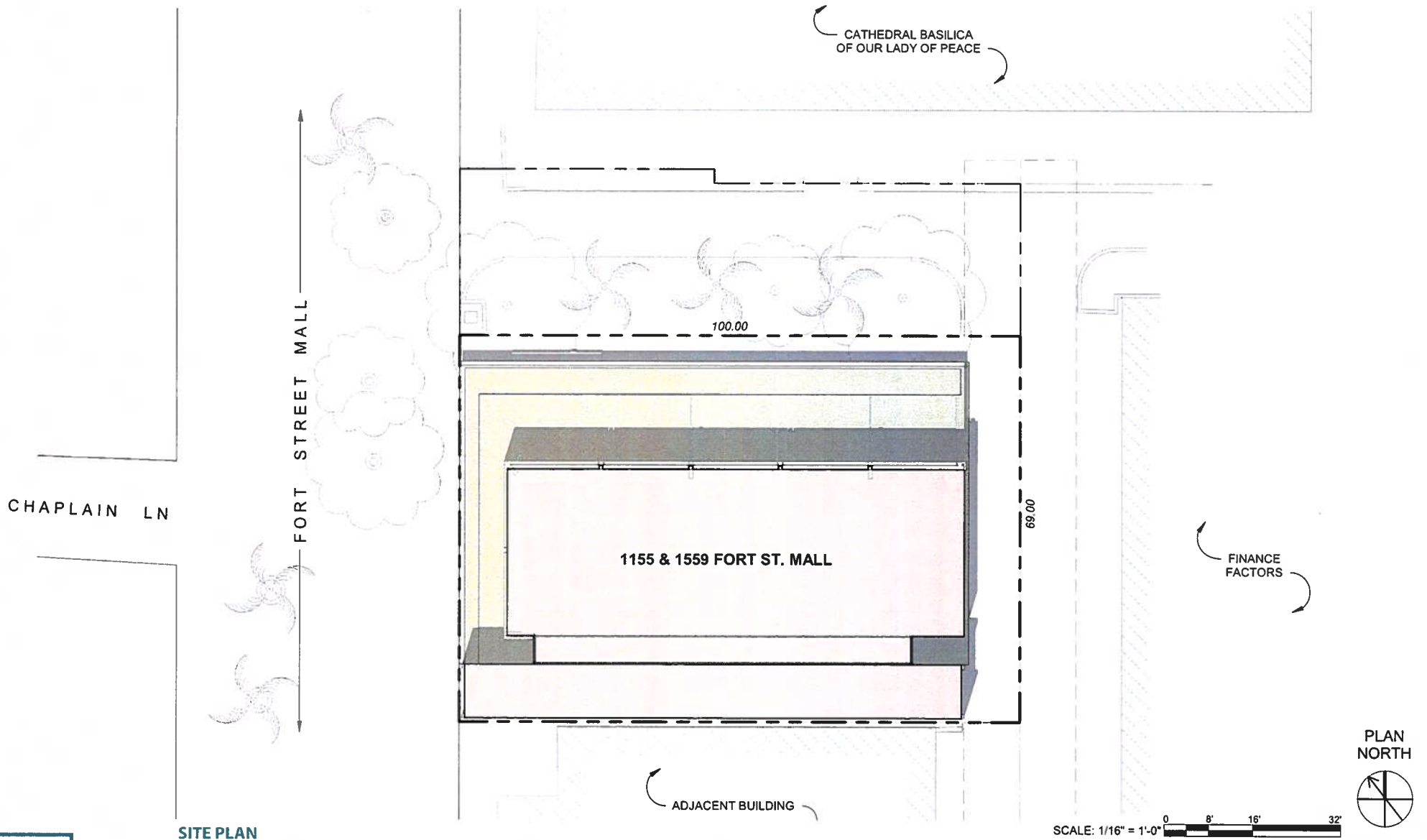
PROPERTY INFORMATION	
TMK:	2 Individual Parcels 2-1-010:033 & 2-1-010:034
Lot Area:	6,900 SF
Zoning Designation:	BMX-4
Height Limit:	400'-0"
Max. FAR:	PROJECT PROPOSING 10.0
Street Setback:	PROJECT PROPOSING Front: 0' Side / Rear: 0'



SITE ANALYSIS | PROPERTY INFORMATION

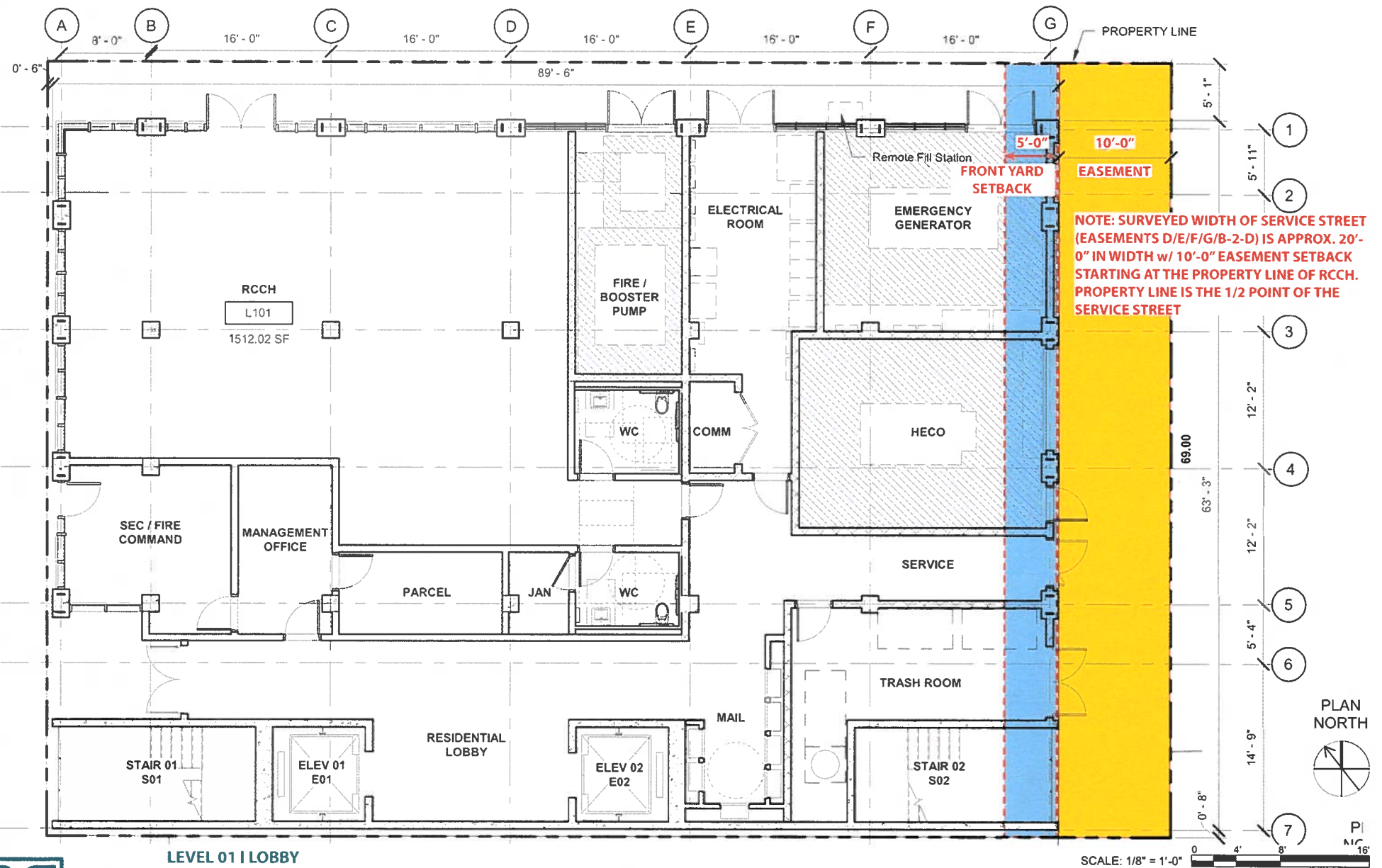
1155 & 1159 FORT STREET MALL

Exhibit C-1



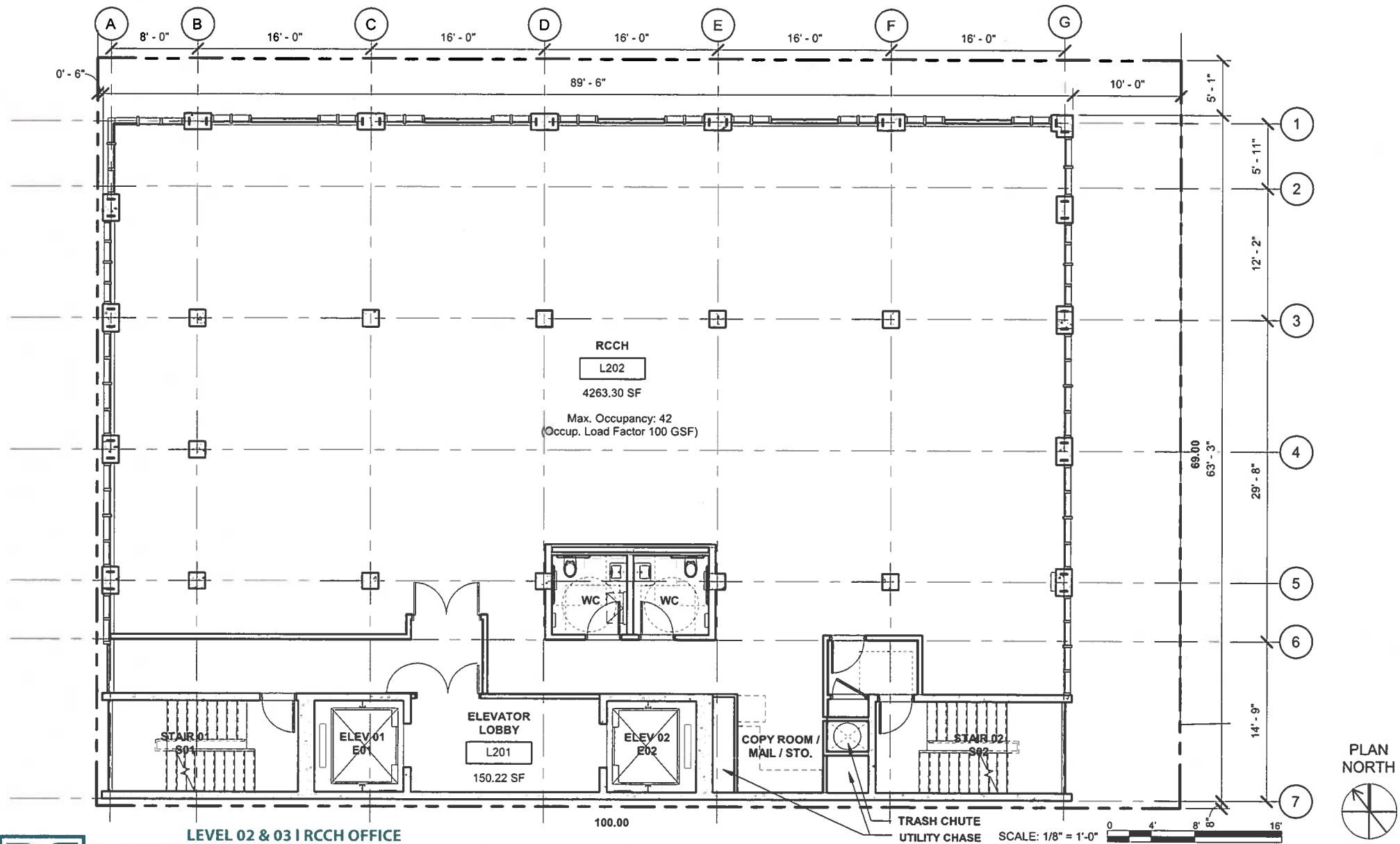
1155 & 1559 FORT STREET MALL

Exhibit C-2



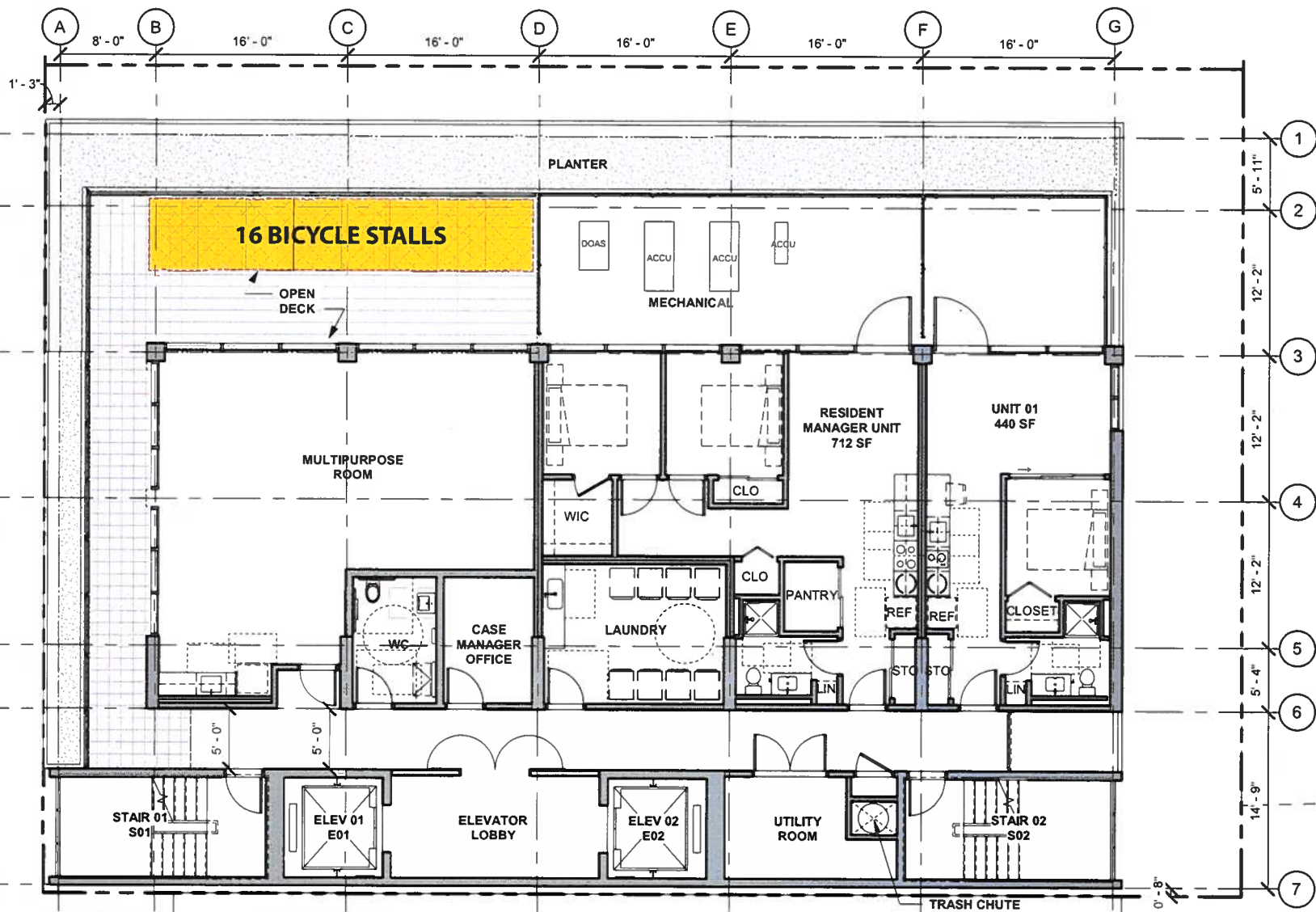
1155 & 1159 FORT STREET MALL

Exhibit C-3



1155 & 1159 FORT STREET MALL

Exhibit C-4

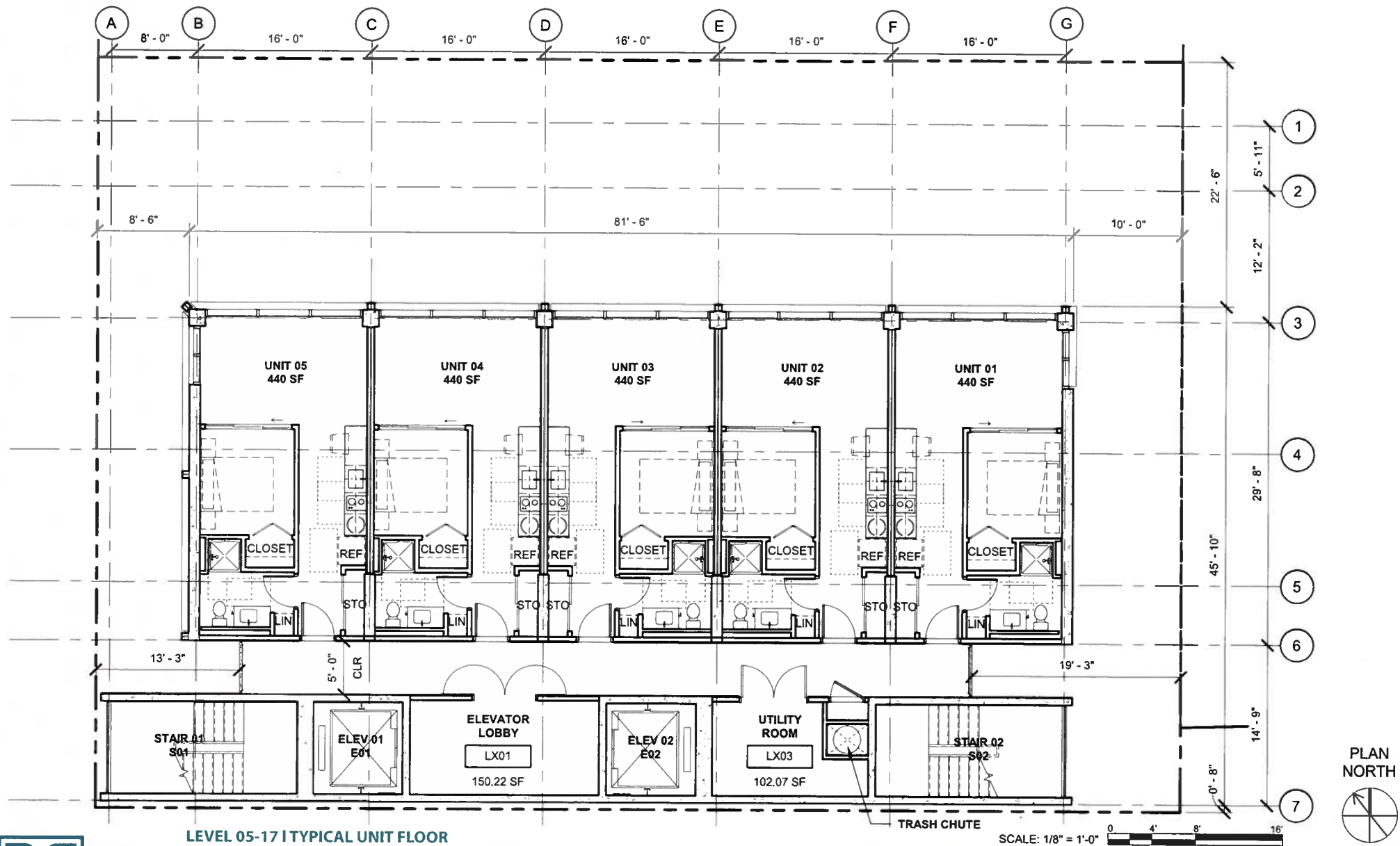


4TH FLOOR - RECREATION DECK



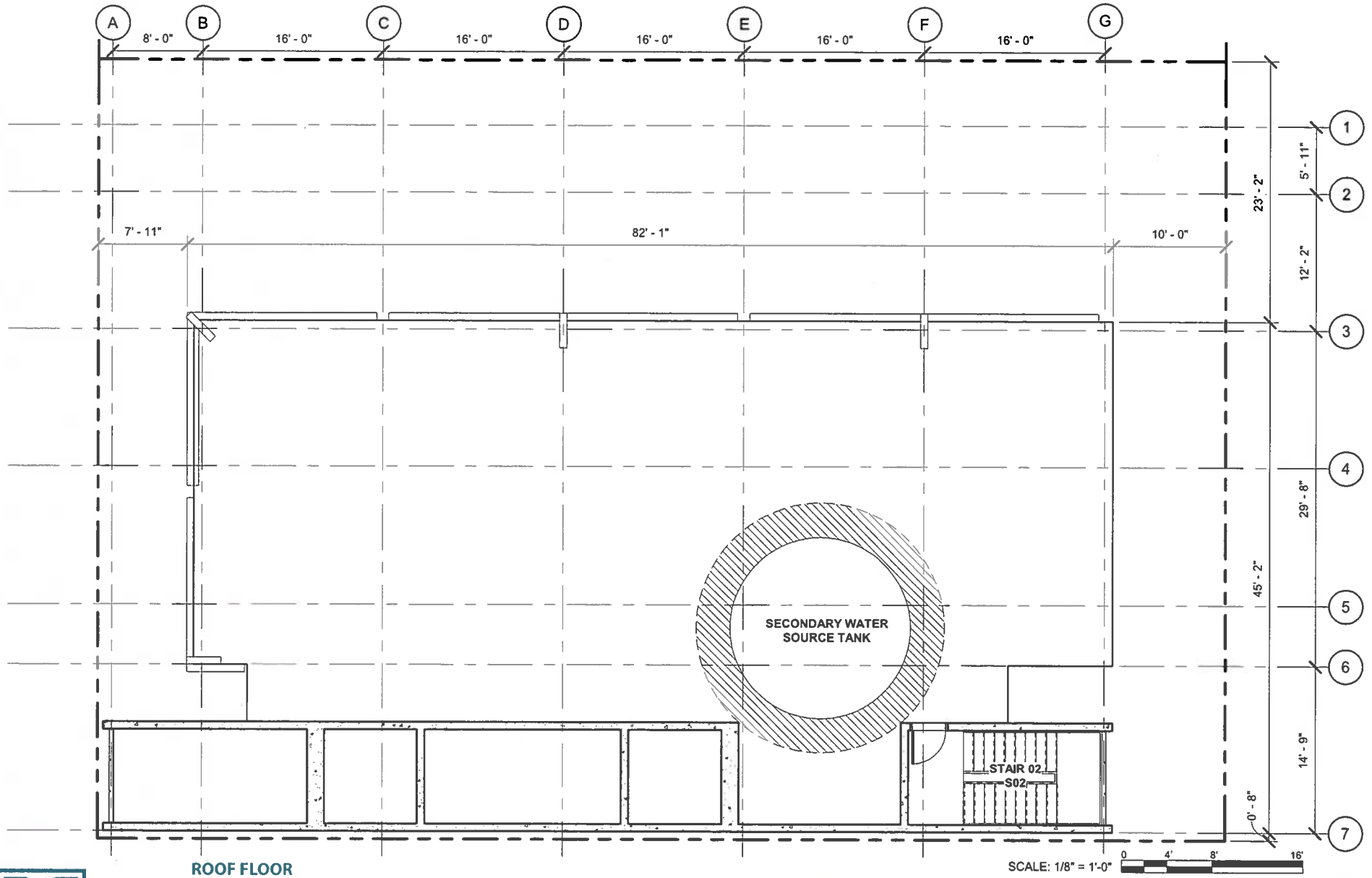
1155 & 1159 FORT STREET MALL

Exhibit C-5



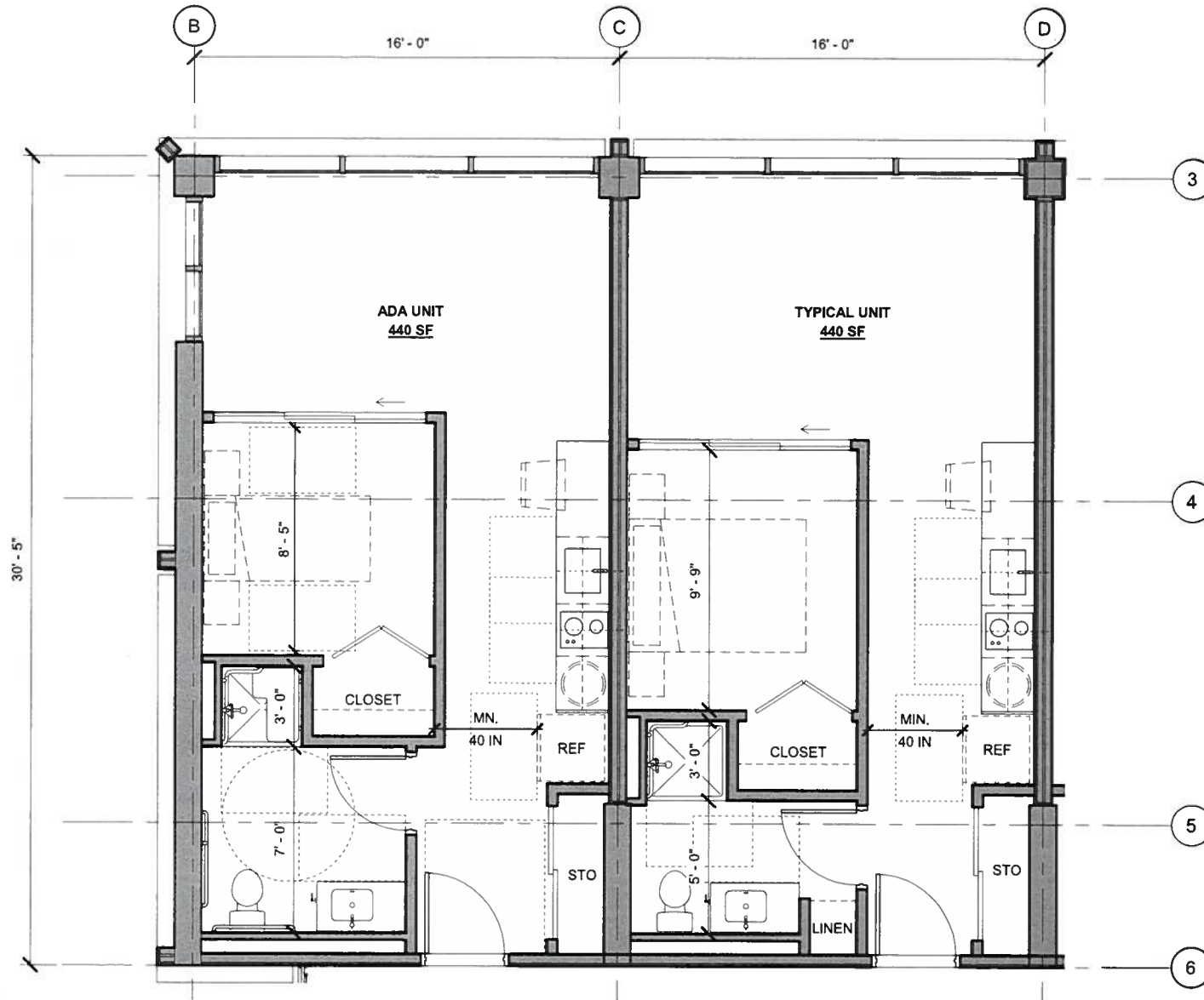
1155 & 1159 FORT STREET MALL

Exhibit C-6



1155 & 1159 FORT STREET MALL

Exhibit C-7



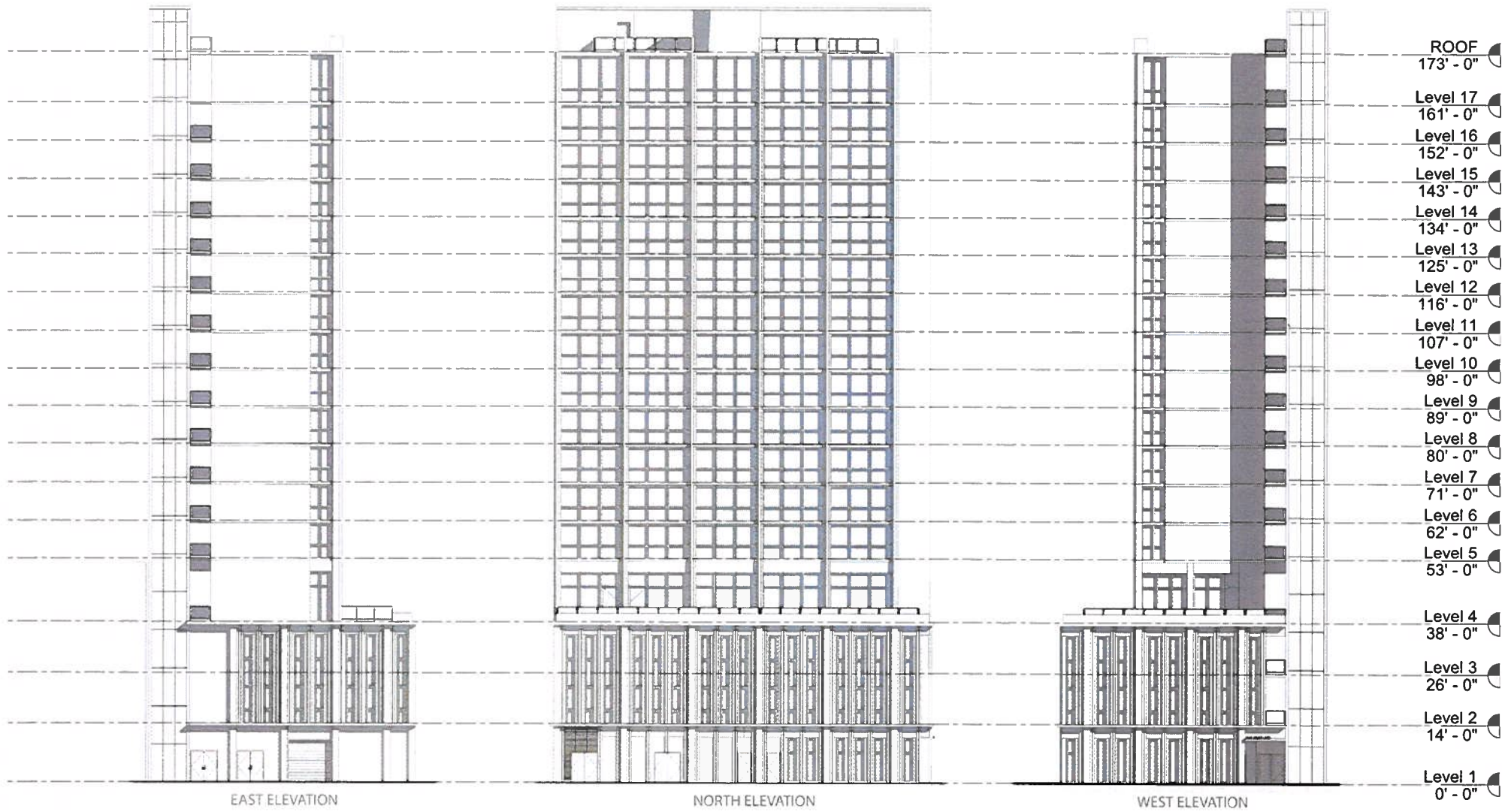
UNIT PLANS

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



1155 & 1159 FORT STREET MALL

Exhibit C-8



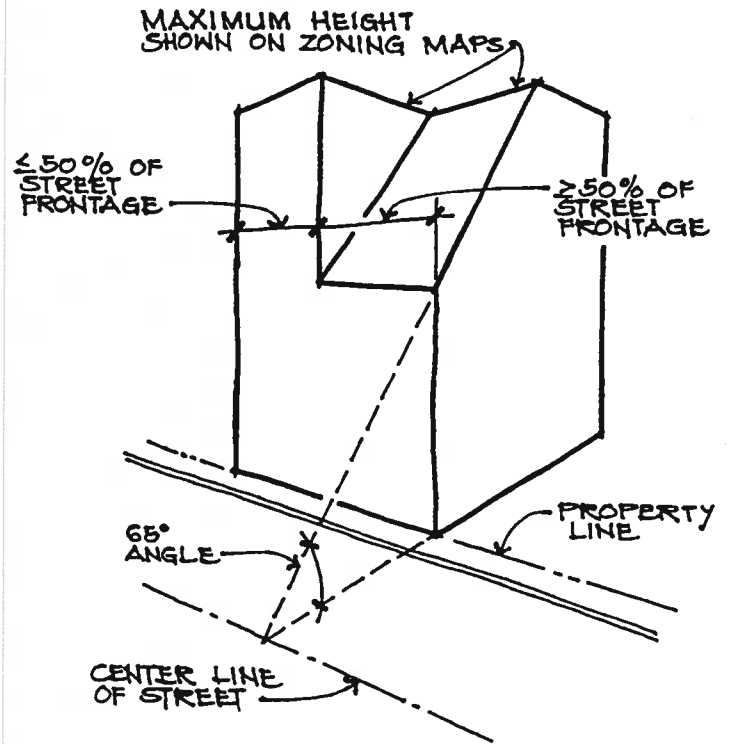
ELEVATIONS



1155 & 1159 FORT STREET MALL

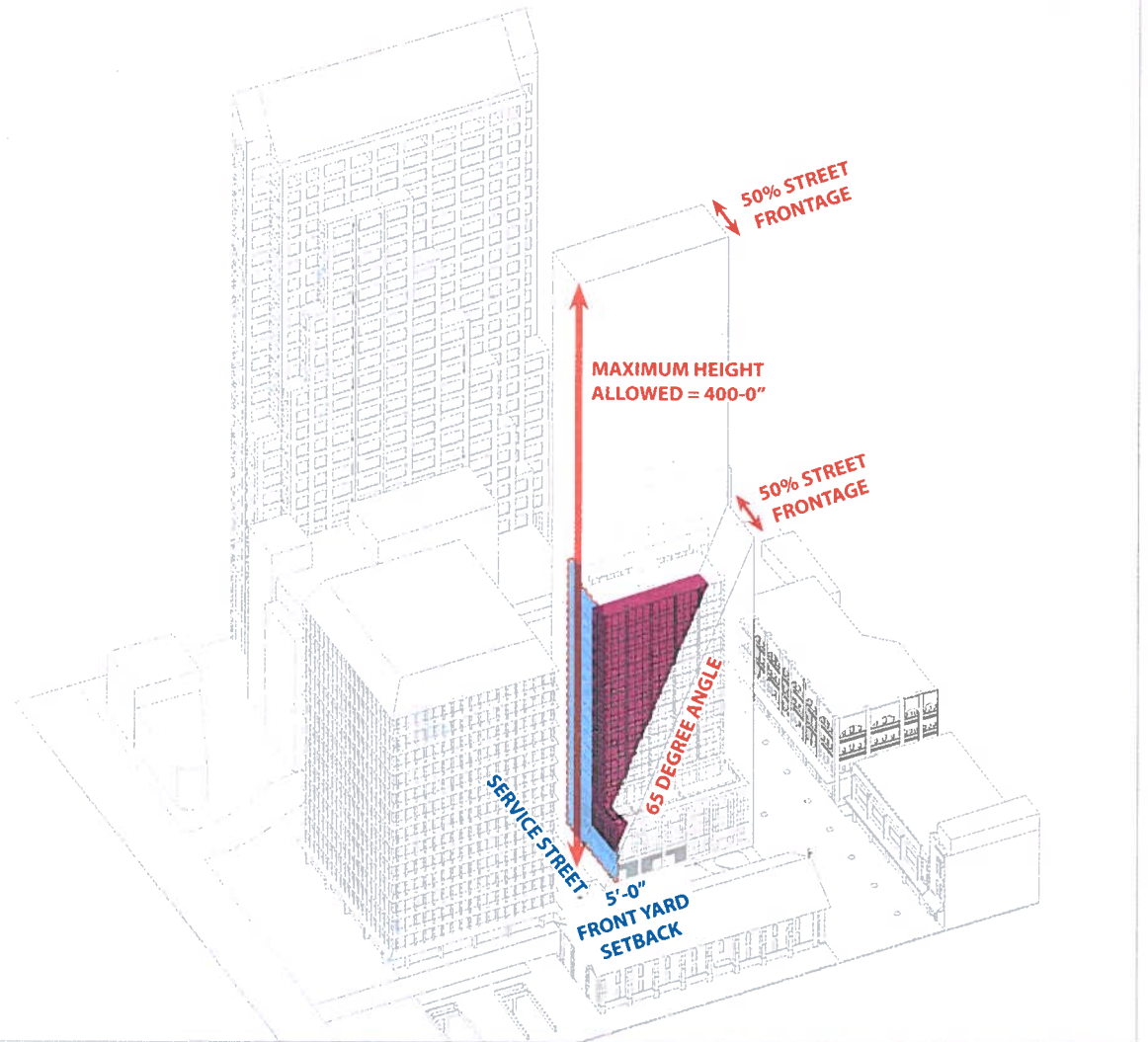
Exhibit C-9

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).

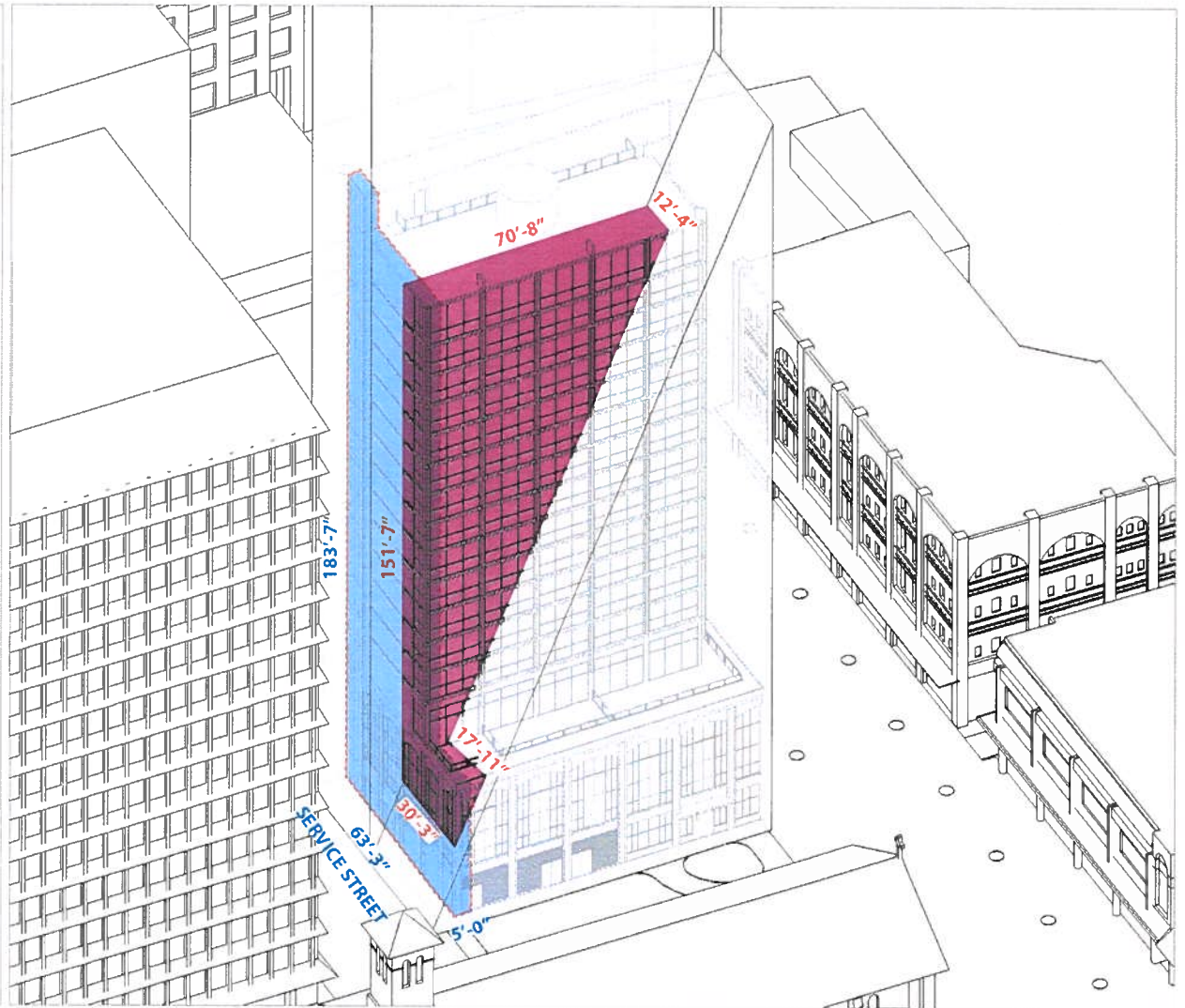
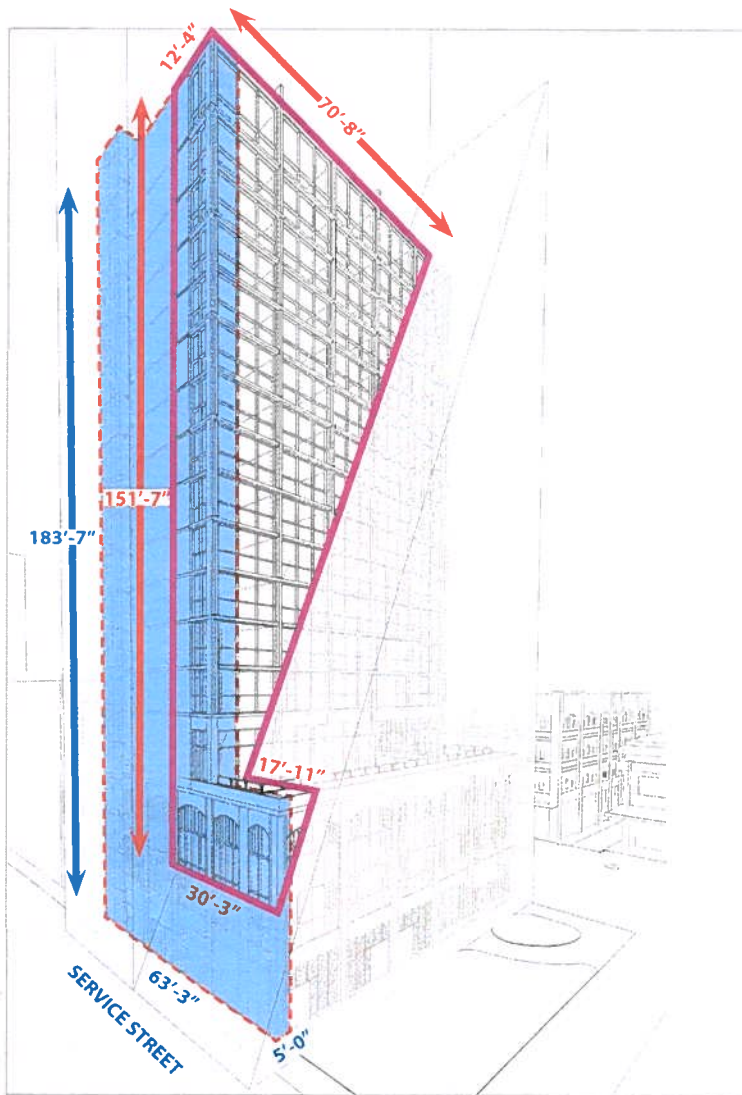


ZONING CONCEPTS | ANGLE SETBACK STUDIES FROM SERVICE STREET



1155 & 1159 FORT STREET MALL

Exhibit C-10



ZONING CONCEPTS | ANGLE SETBACK STUDIES FROM SERVICE STREET



1155 & 1159 FORT STREET MALL

Exhibit C-11