

## SUMMARY OF PROPOSED COMMITTEE DRAFT:

### RESOLUTION 23-11 AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE FORT STREET MALL AFFORDABLE SENIOR RENTAL HOUSING PROJECT IN DOWNTOWN HONOLULU.

The **PROPOSED CD1** makes the following amendments:

- A. In the second and third WHEREAS clauses, clarifies the description of the Project.
- B. In the fourth WHEREAS clause, provides that under the City's rules implementing HRS § 201H-38, at least 20 percent (instead of 50 percent) of a project's total unit must be available to households earning 80 percent and below of the AMI, and at least 31 percent of the project's total units must be available to households earning between 81 percent and 120 percent of the AMI, or lower AMI.
- C. In the sixth WHEREAS clause, provides that the Project's preliminary plans and specifications, prepared by R.M. Towill Corporation and Design Partners Incorporated, were submitted to the Council on January 31, 2023, by Departmental Communication 71 (2023).
- D. In Exemption 5, clarifies that the special assignment inspection fee is for a courtesy inspection to allow Project construction to proceed prior to the issuance of a building permit if specified requirements are satisfied.
- E. In Exemption 10, relating to a deferral of the payment of water system facility charges and installation of water fees until the installation of the water meter, provides that the actual fees to be deferred (instead of exempted) will be determined by the Board of Water Supply during review of the Project's building permit application.
- F. Separates Exemption 12 into Exemptions 12 (relating to yards and yard landscaping) and 13 (relating to height setbacks) to reference the LUO sections and requirements, and specify the extent of the exemptions sought. Renumbers subsequent Exemptions accordingly.
- G. In renumbered Exemption 14, provides for an exemption (instead of a partial exemption) from ROH § 21-6.150, relating to required bicycle parking, to allow the Project to provide for no short-term bicycle parking spaces (instead of 16 short-term spaces), and a minimum of 16 long-term bicycle parking spaces (instead of 35 long-term spaces).

- H. In renumbered Exemption 15, relating to required off-street loading spaces, allows the Project to provide for no onsite loading space (instead of one loading space), and deletes the proviso requiring that the DPP Traffic Review Branch determine that the service lane is able to safely accommodate vehicles servicing the Project site.
- I. Adds a new Exemption 16 to provide for an exemption from ROH § 16A-4.4, relating to natural light and ventilation, to allow for artificial or indirect lighting and mechanical ventilation in the bedroom (instead of natural light and ventilation of habitable rooms via windows or skylights). (The International Building Code ("IBC") adopted by the State and the City, allows for lighting and ventilation to be provided to habitable rooms via mechanical ventilation and indirect or artificial lighting; however, the City's Housing Code has not yet been amended to maintain consistency with the updated IBC.) Renumbers subsequent Exemptions.
- J. In renumbered Exemption 17, relating to an exemption from park dedication ordinance requirements, provides that the requirement totals 6,200 (instead of 5,995) square feet of park space, or payment of an equivalent in-lieu fee estimated at \$2,704,458 (instead of \$2,615,037).
- K. Deletes Condition B (relating to evaluating the possibility of relocating utility areas underground, and incorporating design elements to the building façade along the Project's lower levels). Realphabetizes subsequent conditions.
- L. In realphabetized Condition B:
  - 1. In realphabetized Condition B.1, adds that the timeline must identify when the updated traffic assessment will be submitted to the DPP for review and approval.
  - 2. In realphabetized Condition B.3, relating to the traffic management plan ("TMP"), adds that the Applicant is encouraged to work with the Department of Parks and Recreation ("DPR") regarding the DPR's provision of short-term bicycle parking along Fort Street Mall.
  - 3. In realphabetized Condition B.4, requires the Applicant to submit to the DPP for review and approval (prior to the issuance of any building permit for the Project) a loading management plan ("LMP") for the service lane and drop-off and pickup area, prepared by a licensed traffic engineer.
  - 4. In realphabetized Condition B.5, provides that the updated TA must include recommendations to improve the service lane and turnaround area, including but not limited to lighting improvements to the area immediately fronting the Project site to ensure that the area is well-lit and provides good visibility to users.

- M. Adds a new second BE IT FURTHER RESOLVED clause to provide that references to specific statutes, ordinances, or regulations include respective successor statutes, ordinances, or regulations.
- N. Adds a new fourth BE IT FURTHER RESOLVED clause to provide that the resolution is null and void unless development permits are obtained no later than 60 months after the approval date of the resolution.
- O. Makes miscellaneous technical and nonsubstantive amendments.



## 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 approximately 6,900 square feet 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 an existing vacant two-story commercial/office building and constructing a new 17-story tower (191 feet in height) that includes 67 dwelling units and approximately 17,000 square feet of office space; and

WHEREAS, of the 67 dwelling units, 66 affordable units will be available for rent to senior households (55 years of age or older) earning 60 percent or below the U.S. Department of Housing and Urban Development Area Median Income ("AMI") for Honolulu (59 units will be rented to households earning 60 percent or below of the AMI, and seven units will be rented to households earning 30 percent or below of the AMI), and one dwelling unit will be a manager's unit; all affordable units will remain affordable for a minimum of 61 years; and

WHEREAS, the Project is eligible to receive consideration under the City's rules implementing § 201H-38, Hawaii Revised Statutes ("HRS"), which require that at least 20 percent of a project's total units be available to households earning 80 percent and below of the AMI, and at least 31 percent of the project's total units be available to house households earning between 81 percent and 120 percent of the AMI, or lower 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 §§ 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 and Design Partners Incorporated (the "Plans and Specifications"), and submitted to the Council by



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the Department of Planning and Permitting ("DPP") on January 31, 2023 by Departmental Communication 71 (2023); and

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

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

WHEREAS, the Project does not contravene any safety standards, tariffs, or rates, and fees approved by the Public Utilities Commission or the Board of Water Supply ("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 City Council of the City and County of Honolulu that it approves the Project, which approval includes exemptions from certain requirements for the Project as set forth in the Plans and Specifications for the Project, as follows:

Application Fees:

1. Exemption from § 18A-1.6, Revised Ordinances of Honolulu 2021 ("ROH"), and the DPP Rules Related to Water Quality, to allow an exemption from the payment of storm water quality review fees for the erosion control and sediment plan, estimated at \$250.
2. Exemption from ROH § 14-2.1(c), to allow an exemption from the payment of trenching permit fees, estimated at \$195.
3. Exemption from ROH § 18-6.1, to allow an exemption from the 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 ROH § 18-3.1(c) and Table 18-A, to allow an exemption from the payment of special assignment inspection fees for a courtesy inspection (to allow Project construction to proceed prior to the issuance of a building permit if specified requirements are satisfied), estimated at \$2,000.



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6. Exemption from ROH § 22-1.1, to allow an exemption from the payment of subdivision fees for the consolidation of land, estimated at \$500.

### Infrastructure and Public Works Fees and Charges:

7. Exemption from ROH § 43-10.1, § 43-10.2, and § 43-10.3, to allow an exemption from the payment of wastewater system facility charges, estimated at \$305,659.20.
8. Exemption from ROH § 43-11.12(f), to allow an exemption from the payment of private storm drain connection license fees, estimated at \$200.

### Fire Department Plan Review Fees:

9. Exemption from ROH § 20-1.1, Item 3, to allow an exemption from the payment of Honolulu Fire Department plan review fees, estimated at \$8,500.

### Board of Water Supply Rules and Regulations:

10. Deferral from Sections 1-102 and 2-202(2), and 2-202(3) of the Board of Water Supply Rules and Regulations, to allow a deferral of the payment of water system facility charges and installation of water service fees until the installation of the water meter, estimated at \$122,587.29; provided that all Board of Water Supply requirements are satisfied. The actual fees to be deferred will be determined by the Board of Water Supply 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 for a maximum floor area ratio ("FAR") of 10.0 (instead of an FAR of 4.0), as generally shown in the attached Exhibits.
12. Exemption from ROH § 21-3.120-2(b), Table 21-3.4, and ROH § 21-3.120-2(c)(1), relating to BMX-4 District development standards for yards, to allow the Project to encroach into the required 5-foot front yard and to not require landscaping of the yards, as generally shown in the attached Exhibits.
13. Exemption from ROH § 21-3.120-2(b), Table 21-3.4, and ROH § 21-3.120-2(c)(5), relating to BMX-4 District development standards for height



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setbacks, to allow the Project to encroach into the height setback along the service lane (the setback requirement is that for a minimum of 50 percent of any contiguous street frontage, no portion of a structure located on a zoning 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), as generally shown in the attached Exhibits.

14. Exemption from ROH § 21-6.150, relating to required bicycle parking, to allow the Project to provide for no short-term bicycle parking spaces (instead of 16 short-term spaces), and a minimum of 16 long-term bicycle parking spaces (instead of 35 long-term spaces), as generally shown in the attached Exhibits.
15. Exemption from ROH § 21-6.100, relating to required off-street loading spaces, to allow for no onsite loading space (instead of one loading space), as generally shown in the attached Exhibits.

### Housing Code Requirements:

16. Exemption from ROH § 16A-4.4, relating to natural light and ventilation, to allow for artificial or indirect lighting and mechanical ventilation in the bedroom (instead of natural light and ventilation of habitable rooms via windows or skylights).

### Park Dedication Ordinance Requirements:

17. Exemption from ROH Chapter 22, Article 7, to allow an exemption from park dedication ordinance requirements totaling 6,200 square feet of park space, or payment of an equivalent in-lieu fee, estimated at \$2,704,458; and

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, B, and C-1 through C-11, attached hereto and made a part hereof. Minor changes may be approved by the DPP Director. Major modifications to the Project will require approval by the City Council.
- B. Prior to the issuance of any building permit for the Project, the Applicant shall submit to the DPP for its review and approval:



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1. A timeline or phasing of the anticipated dates to obtain major building permits for demolition and construction work, including the projected date of occupancy. The timeline must identify when the construction management plan ("CMP"), traffic management plan ("TMP"), and updated traffic assessment ("TA") will be submitted for review and approval.
2. A CMP that identifies the type, frequency, and routing of heavy trucks and construction-related vehicles. The Applicant shall make every effort to minimize impacts from construction vehicles and related construction activities. The CMP must identify and limit construction-related vehicular activity to periods outside of the peak traffic hours using alternative routes for heavy trucks, provisions for either onsite or offsite staging areas for construction-related workers and vehicles to limit the use of on-street parking around the Project site, and other mitigation measures related to traffic and potential neighborhood impacts. The CMP must also include plans for all work within or affecting public streets and preliminary or conceptual traffic control plans. The Applicant shall document the condition of roadways prior to the start of construction activities and provide remedial measures, as necessary, such as restriping, roadway resurfacing, or roadway reconstruction if the condition of the roadways has deteriorated as a result of the construction-related activities.
3. A TMP that includes traffic demand management ("TDM") strategies to minimize the number of vehicular trips for daily activities. TDM strategies may include carpooling and ride sharing programs; transit, bicycle, and pedestrian incentives; and other similar TDM measures. A post TMP will be required approximately one year after the issuance of the Project's certificate of occupancy ("CO") to validate the relative effectiveness of the various TDM strategies identified in the initial TMP. Bicycle parking spaces or racks must be located in safe and convenient locations on the Project site. If the TDM strategies in the TMP indicate the existing number of bicycle parking spaces or racks is inadequate to meet latent demand, the Applicant shall install additional onsite bicycle parking spaces or racks in safe and convenient locations. The Applicant is encouraged to work with the Department of Parks and Recreation ("DPR") regarding the DPR's provision of short-term bicycle parking along Fort Street Mall.
4. A loading management plan ("LMP") for the service lane and drop-off and pickup area, prepared by a licensed traffic engineer, which shows how two-way traffic will be accommodated, and demonstrates where and how





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refuse trucks, TheHandi-van service, delivery vehicles, and other vehicles will perform drop-off and pickup activities. The layout of the turnaround area must ensure that vehicles servicing the Project site via the service lane are able to safely turn around and exit without having to reverse out. The approved LMP must be included in the TMP.

5. An updated TA (to the initial TA dated August 2022, prepared by Austin, Tsutsumi & Associates) that includes a description of the commercial and office components planned for the lowest three floors of the Project; trips generated from these business components or land uses; identification of existing users of the service lane; evaluation of potential impacts from additional Project use of the service lane and turnaround area; recommendations to improve the service lane and turnaround area, including but not limited to lighting improvements to the area immediately fronting the Project site to ensure that the area is well-lit and provides good visibility to users; an examination of pedestrian, bicycle, public transit stress and comfort levels at the nearby intersections and driveways with recommendations on complete street principles that may be applied to mitigate these impacts; and a discussion of future growth rates, trip distribution, mode split, and route assignment assumptions used in the updated TA. The Applicant shall implement all mitigation measures recommended in the updated TA.
- C. 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 that provides for adequate maneuvering areas so refuse vehicles are able to enter and exit the Project site in a forward-facing manner.
- D. 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 Projects compliance with the requirements of HRS Chapter 201H and this resolution; and

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

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



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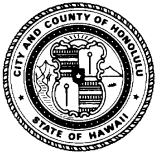
BE IT FURTHER RESOLVED that this resolution is null and void unless development permits are obtained no later than 60 months after the approval date of this resolution; and

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

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

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

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



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BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to Dawn Takeuchi Apuna, Director Designate of Planning and Permitting, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, Hawaii 96813; 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:

Tommy Waters (br)

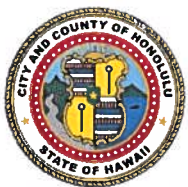
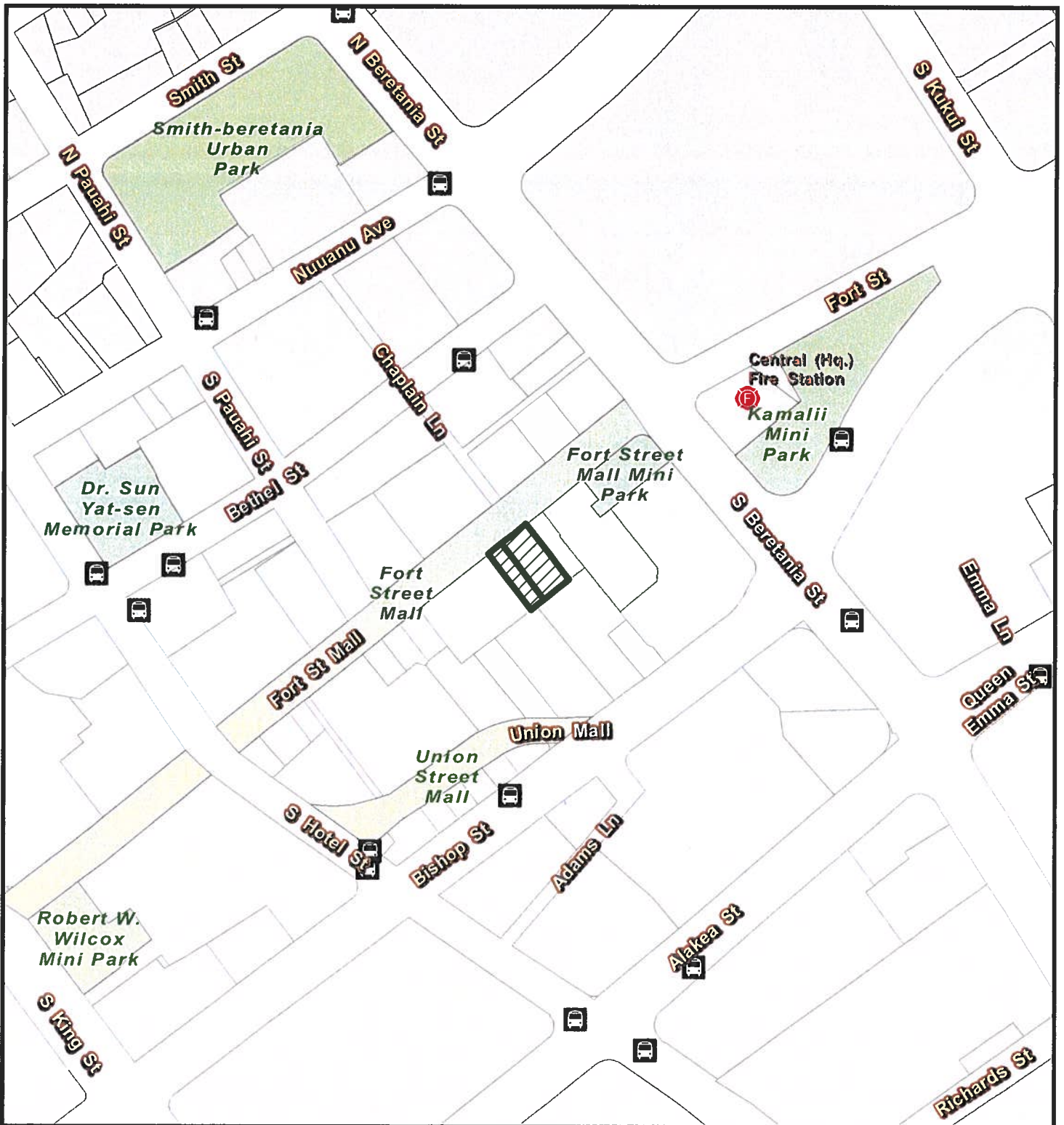
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DATE OF INTRODUCTION:

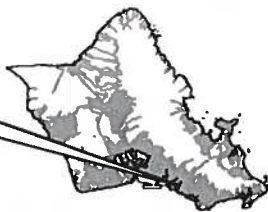
January 20, 2023  
Honolulu, Hawai'i

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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

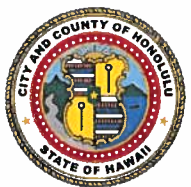
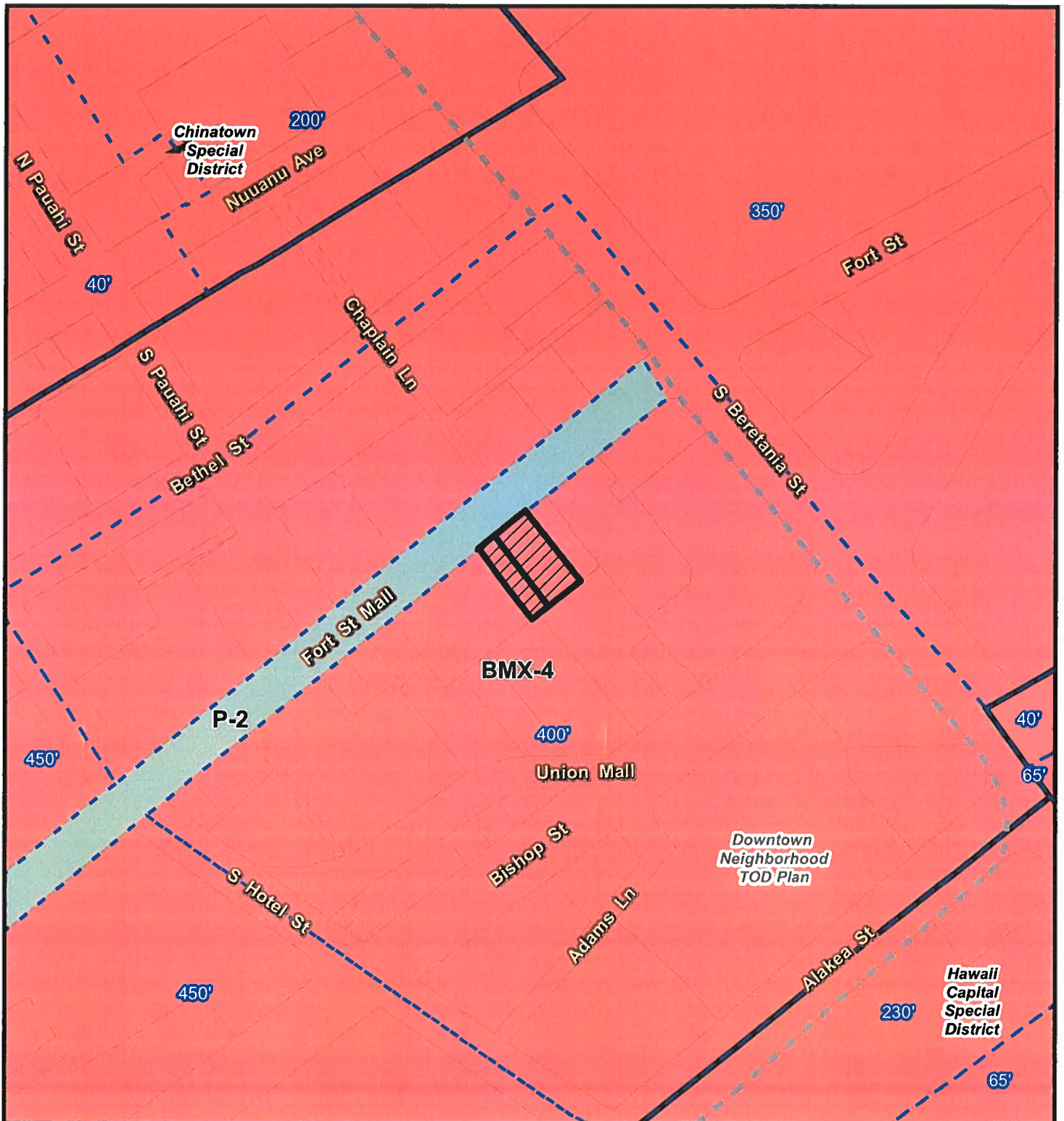
## LOCATION MAP

LOCATION: 1155 AND 1159  
FORT STREET MALL

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

FILE NO.: 2022/GEN-12



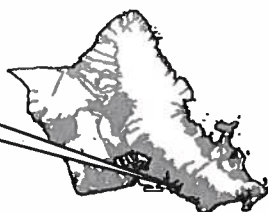


0 75 150 300

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

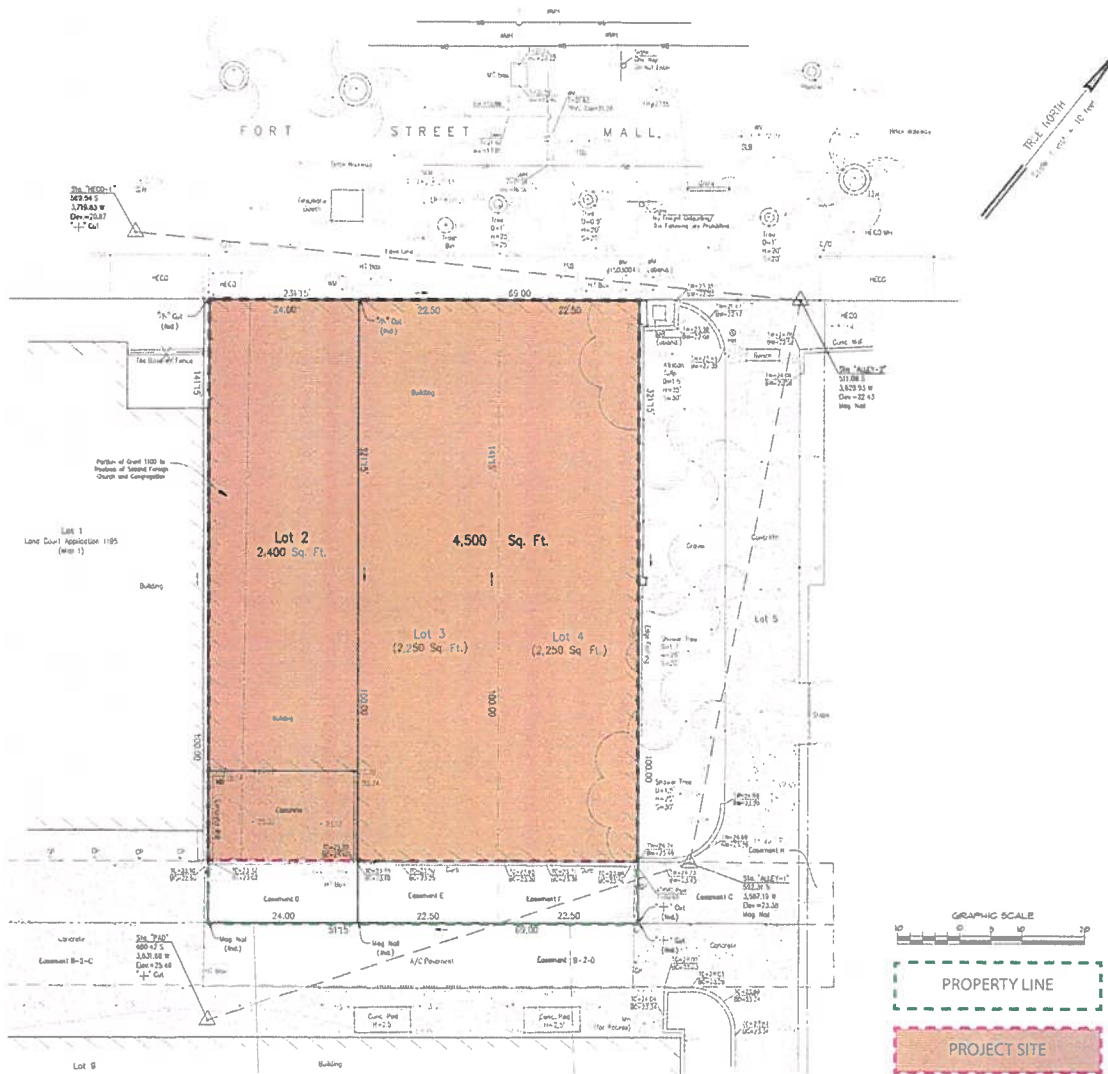
EXHIBIT B

## ZONING MAP

LOCATION: 1155 AND 1159  
FORT STREET MALL

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

FILE NO.: 2022/GEN-12

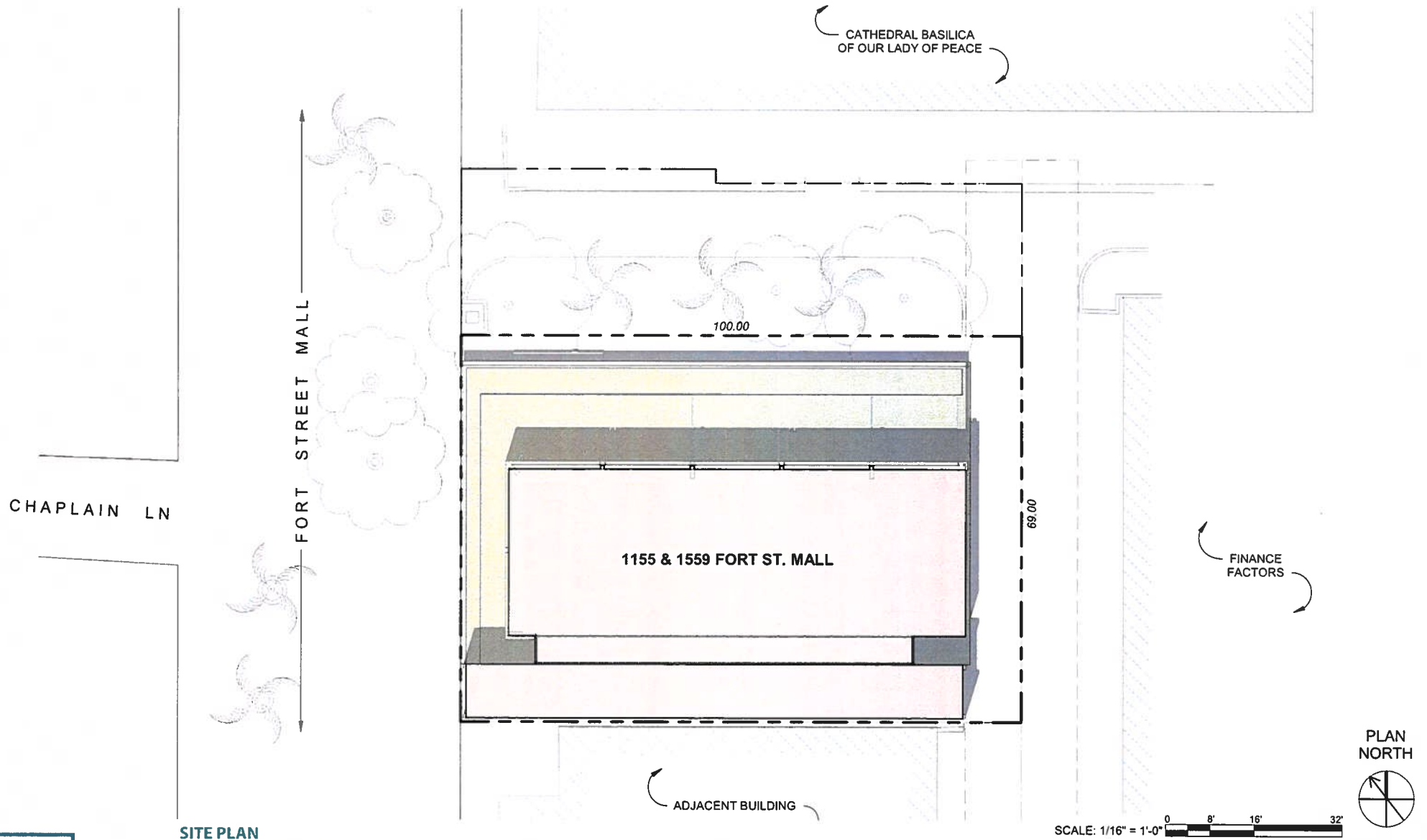


PROPERTY INFORMATION	
TMK:	2 Individual Parcels 2-1-010:033 & 2-1-010:034
Lot Area:	6,900 SF
Zoning Designation:	BMX-4
Height Limit:	400'-0"
Max. FAR:	PROJECT PROPOSING 10.0
Street Setback:	PROJECT PROPOSING Front: 0' Side / Rear: 0'

#### SITE ANALYSIS | PROPERTY INFORMATION

1155 & 1159 FORT STREET MALL

**Exhibit C-1**

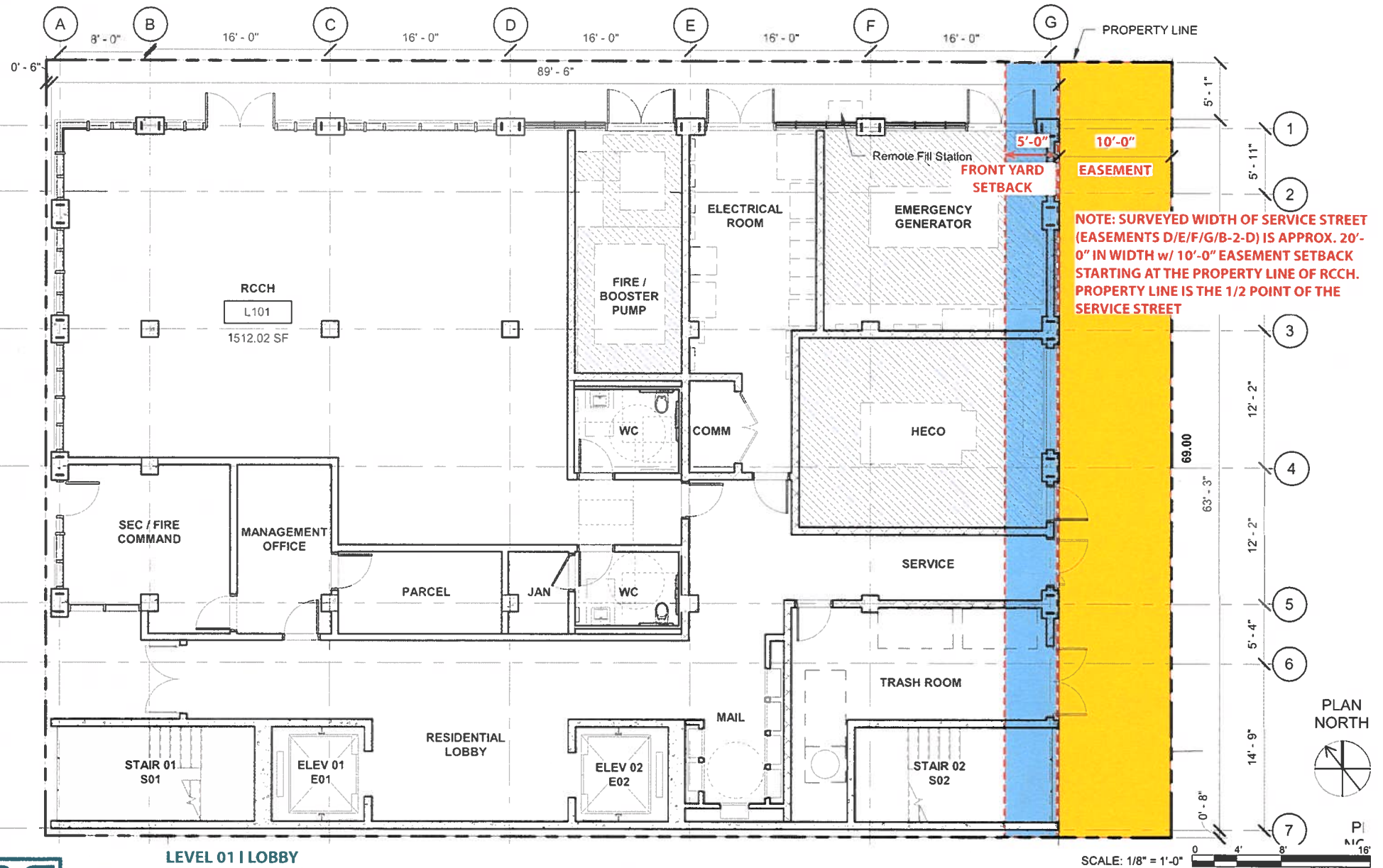


SITE PLAN

1155 & 1559 FORT STREET MALL

Exhibit C-2

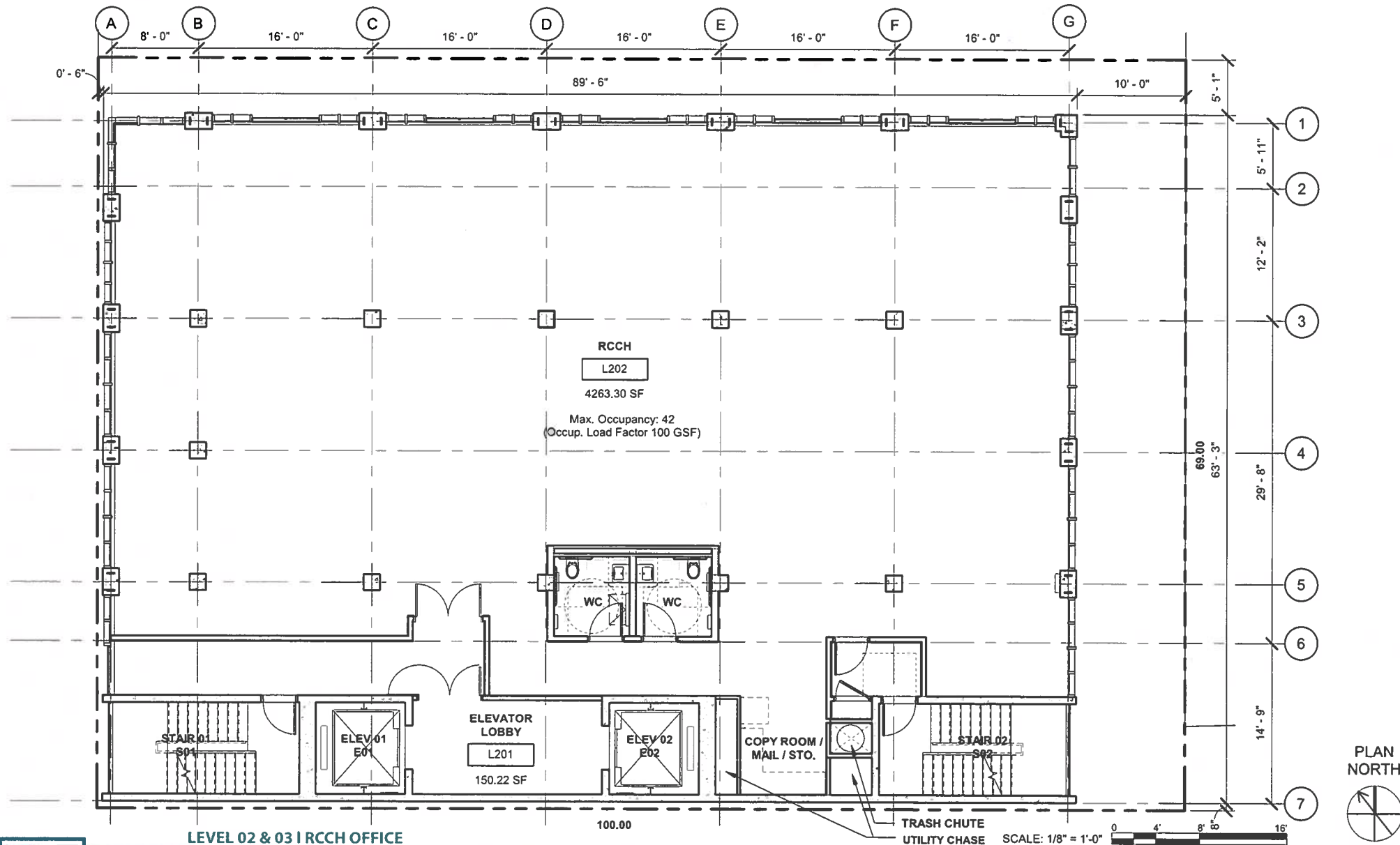




1155 & 1159 FORT STREET MALL

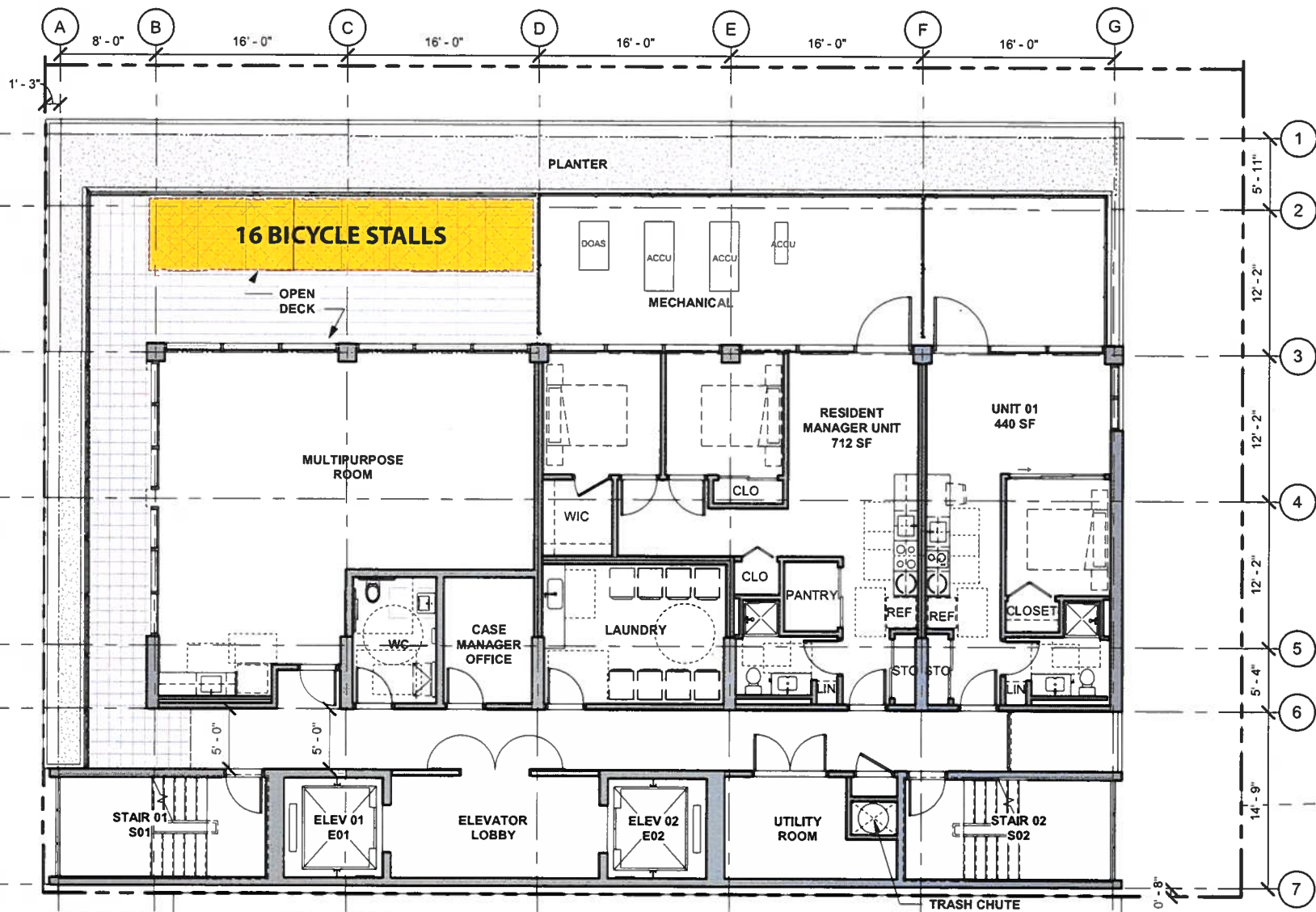
**Exhibit C-3**





1155 & 1159 FORT STREET MALL

Exhibit C-4

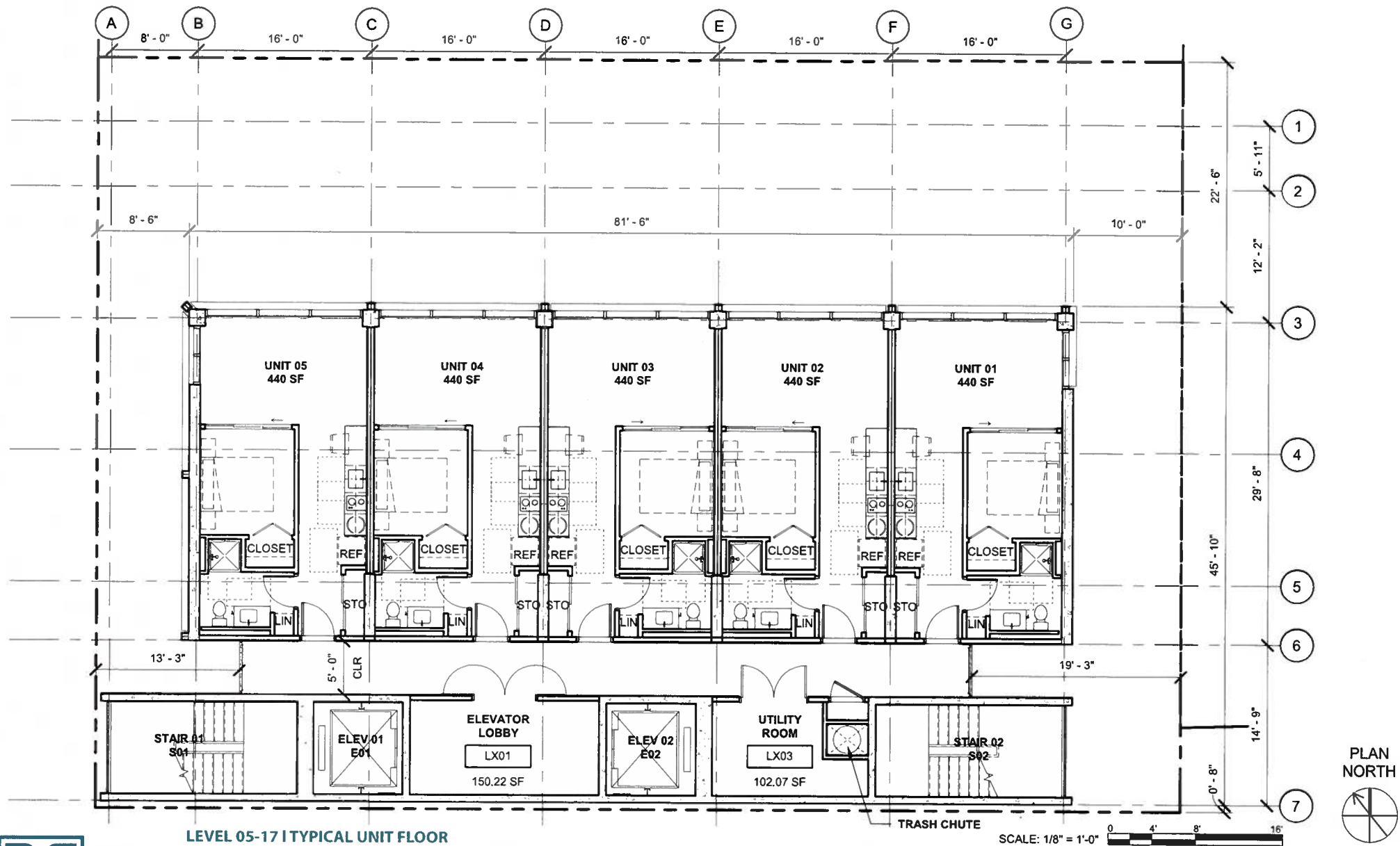


4TH FLOOR - RECREATION DECK



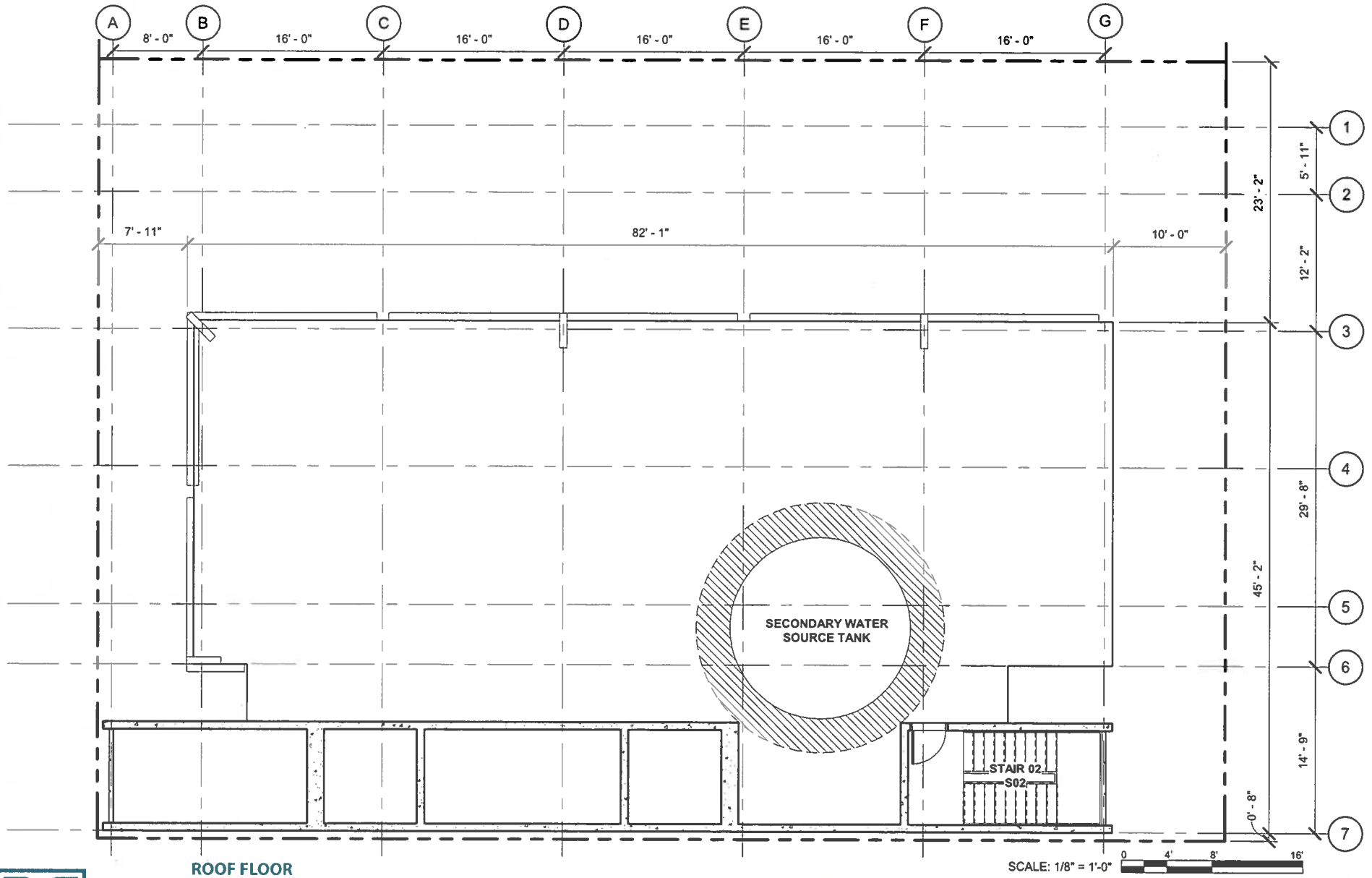
1155 & 1159 FORT STREET MALL

**Exhibit C-5**



1155 & 1159 FORT STREET MALL

**Exhibit C-6**



ROOF FLOOR

SCALE: 1/8" = 1'-0"

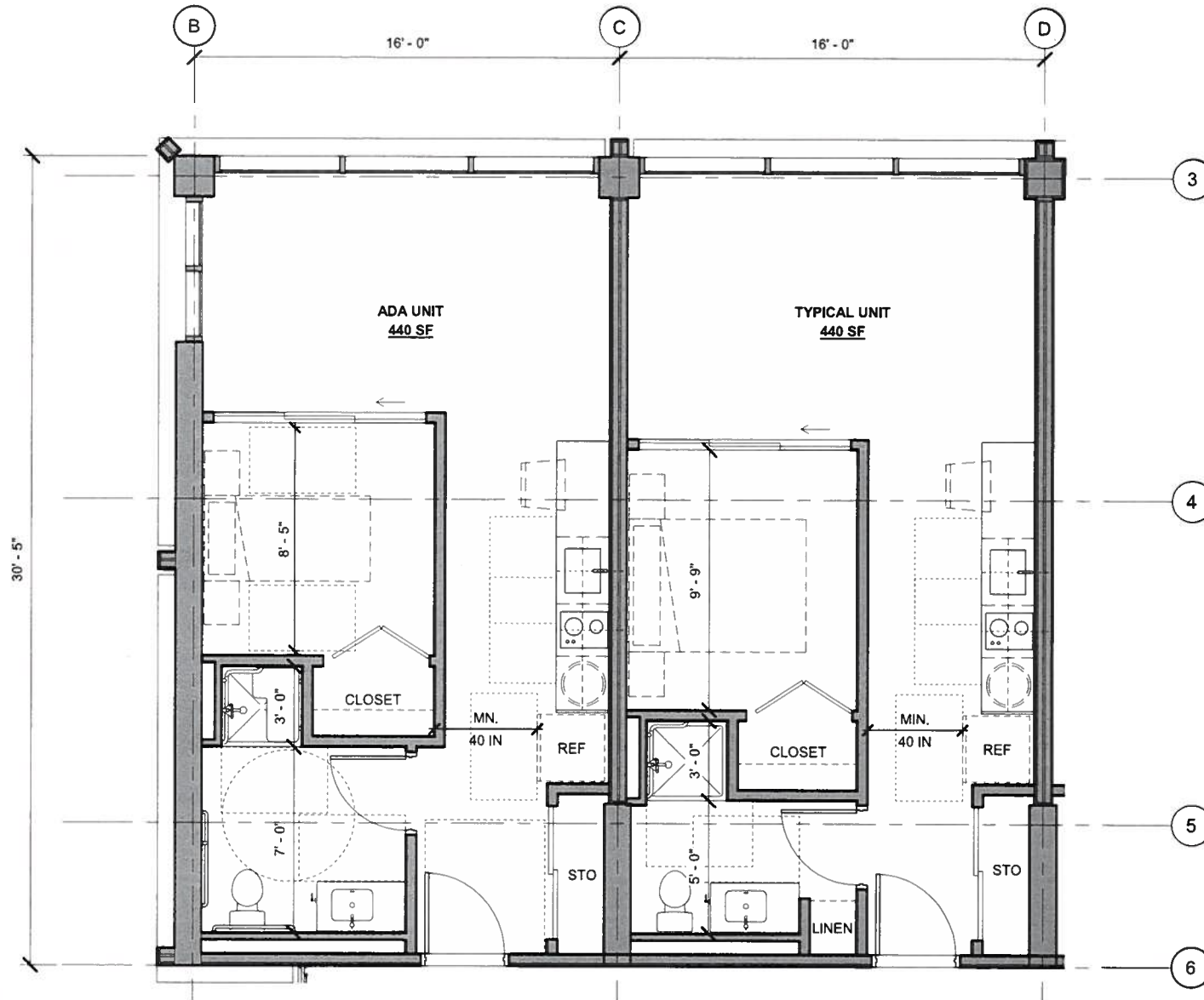


PLAN  
NORTH



1155 & 1159 FORT STREET MALL

**Exhibit C-7**



UNIT PLANS

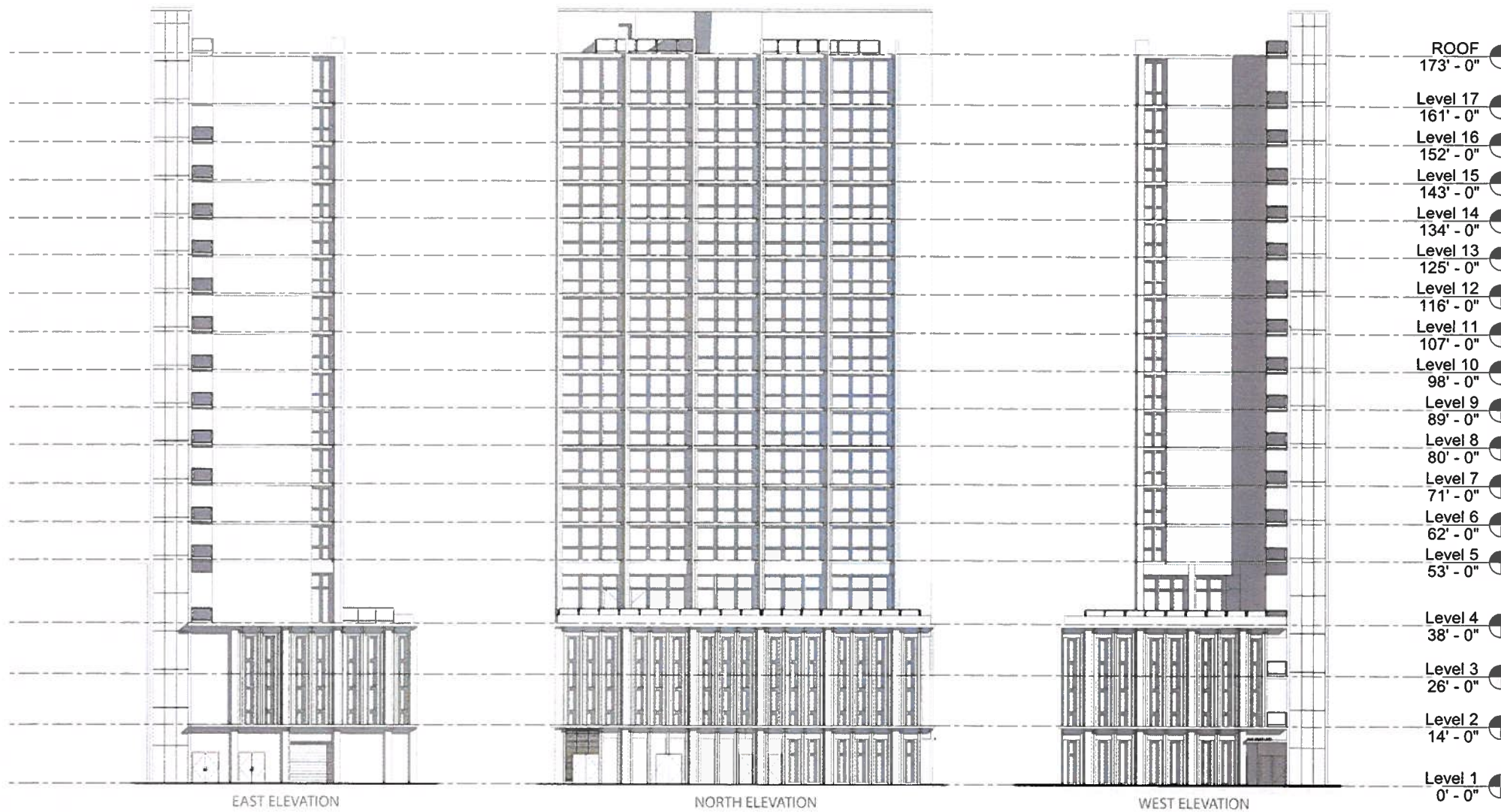
SCALE: 1/4" = 1'-0"



1155 & 1159 FORT STREET MALL

**Exhibit C-8**





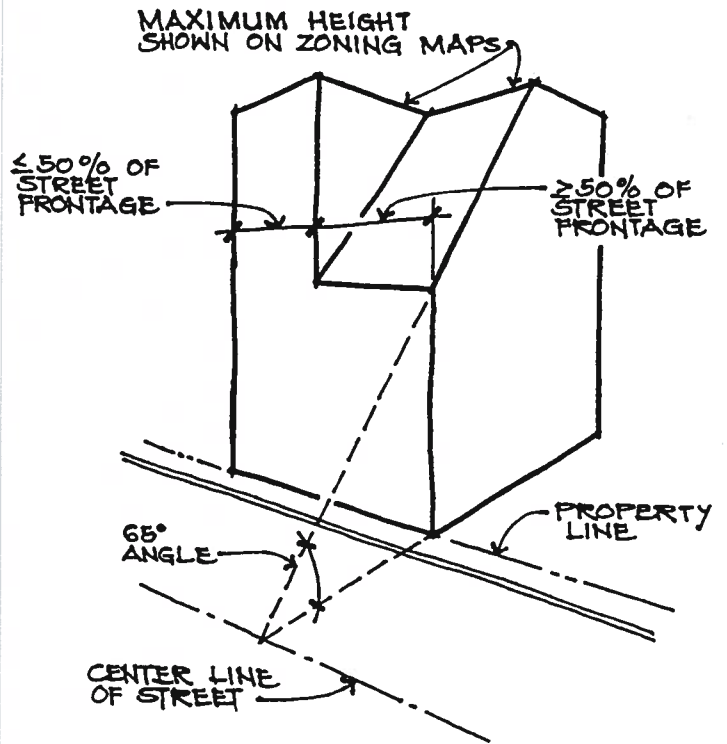
#### ELEVATIONS



1155 & 1159 FORT STREET MALL

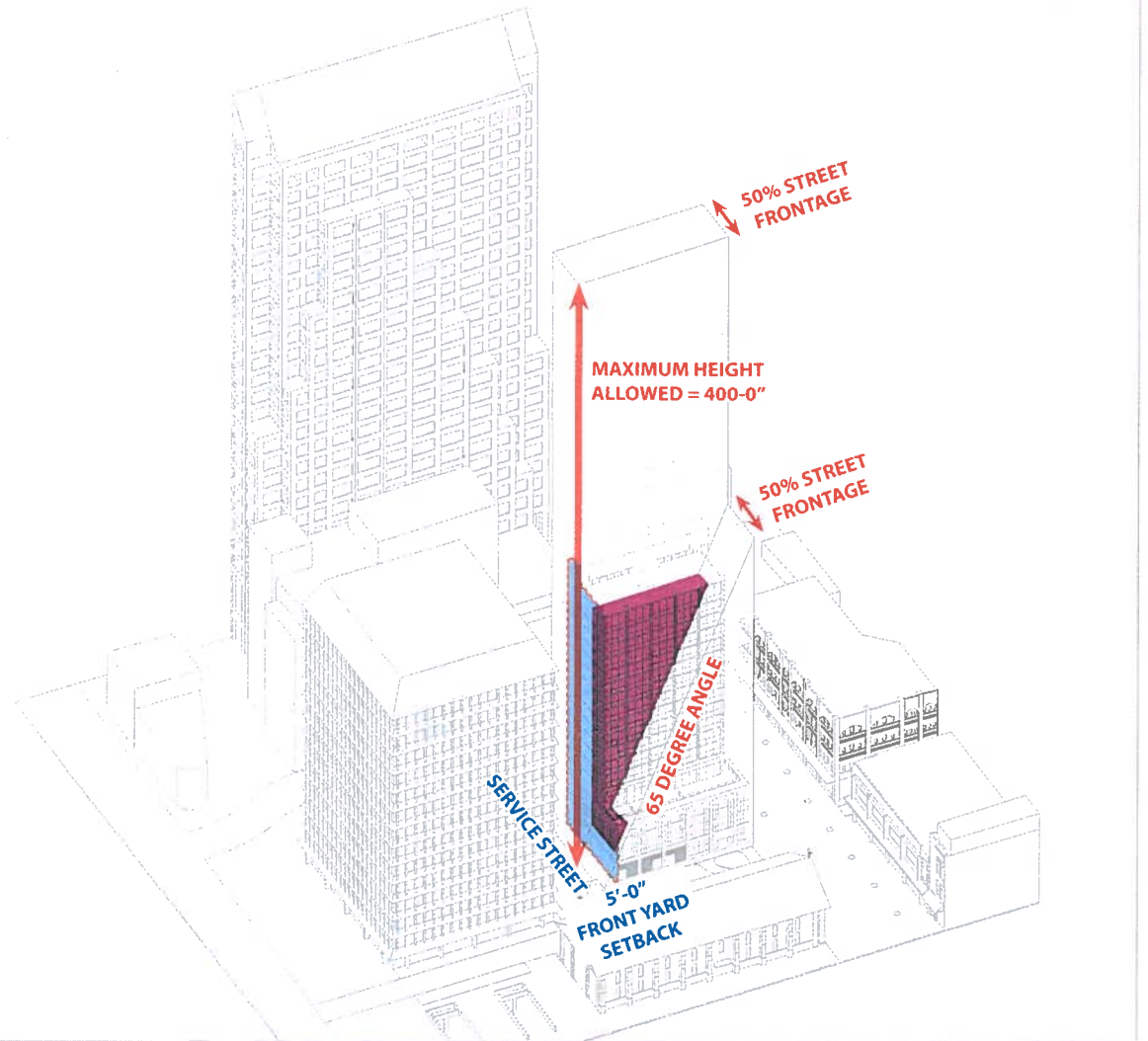
**Exhibit C-9**

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).

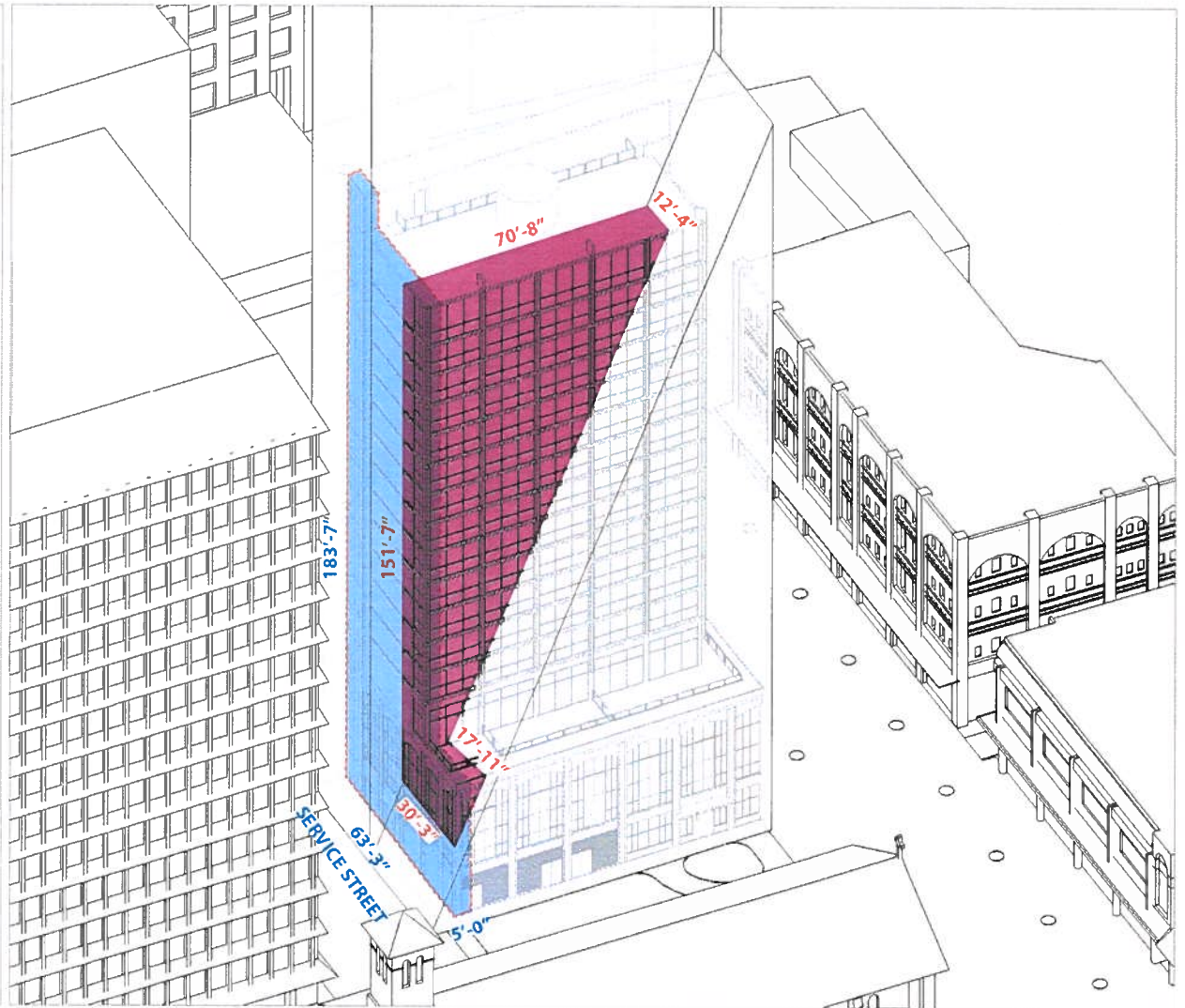
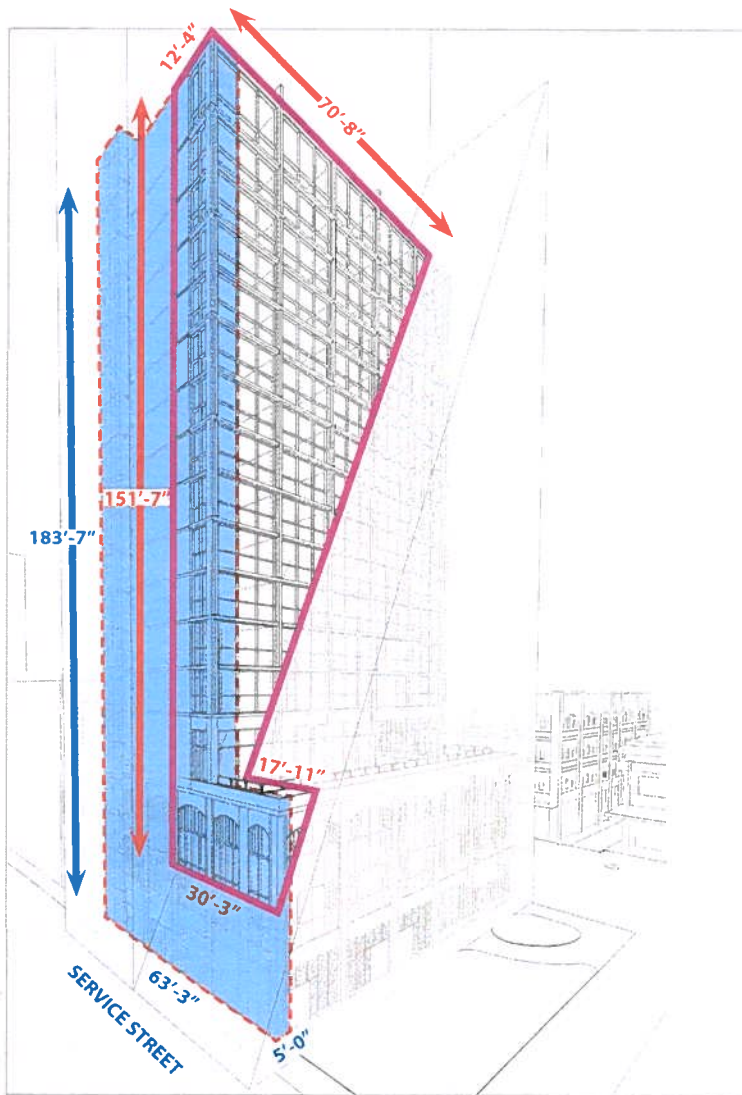


ZONING CONCEPTS | ANGLE SETBACK STUDIES FROM SERVICE STREET



1155 & 1159 FORT STREET MALL

Exhibit C-10



ZONING CONCEPTS | ANGLE SETBACK STUDIES FROM SERVICE STREET



1155 & 1159 FORT STREET MALL

**Exhibit C-11**