

SUMMARY OF PROPOSED COMMITTEE DRAFT:

RESOLUTION 23-83 AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE 690 POHUKAINA AFFORDABLE RENTAL AND MIXED-USE PROJECT LOCATED AT 690 POHUKAINA STREET, HONOLULU, HAWAII 96813, TAX MAP KEY: (1) 2-1-051:041.

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

- A. Amends the resolution title to read as follows:

"AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE POHUKAINA COMMONS AFFORDABLE RENTAL AND MIXED-USE PROJECT IN KAKA'AKO, O'AHU."
- B. In the first WHEREAS clause, clarifies the description of the Project as proposed, and references Exhibits A, B, C-1, C-2, and D-1 through D-4, which are attached to the resolution.
- C. Adds a new second WHEREAS clause to provide that the Project is within the Kaka'ako Community Development District, which is under the planning and zoning jurisdiction of the Hawaii Community Development Authority ("HCDA").
- D. Adds a new third WHEREAS clause to include details of the residential towers in Phases 1 and 2 of the Project, and the parking podium that connects the two residential towers.
- E. Adds a new sixth WHEREAS clause to provide that the HHFDC awarded the Applicant a Rental Housing Revolving Fund ("RHRF") Tier 2 loan for Phase 1 of the Project, which requires the Phase 1 affordable units to be rented to households earning 100 percent and below of the AMI (instead of 120 percent and below of the AMI). If the Project uses the RHRF Tier 2 funds, the 342 affordable units in Phase 1 of the Project proposed to be rented to households earning 120 percent and below of the AMI must instead be rented to households earning 100 percent and below of the AMI; provided that once the Applicant repays the RHRF Tier 2 loan in full, the RHRF Tier 2 loan AMI restrictions would no longer apply.
- F. In the eighth WHEREAS clause, clarifies that the Project involves 5,000 square feet of commercial space on the ground floor, consisting of a public plaza at the corner of Keawe Street and Pohukaina Street. Moves details about the Project's parking podium to the third WHEREAS clause.

- G. Adds a new tenth WHEREAS clause to provide that the exemptions requested by the Applicant include exemptions from the HCDA's planning and zoning requirements, and waiver or deferral of the City fees and charges.
- H. In the BE IT RESOLVED clause:
1. Clarifies that approval of the Project includes exemptions from certain requirements for the Project as set forth in the preliminary plans and specifications for the Project.
 2. In Exemption 4, provides for an exemption from the payment of wastewater system facility charges attributed to 279 affordable units rented to households earning 80 percent and below of the AMI, estimated at \$269,086;
 3. Adds a new Exemption 5 to provide a deferral until the issuance of a certificate of occupancy for Phase 1 of the Project of payment of wastewater system facility charges attributed to 342 affordable units rented to households earning more than 80 percent of the AMI and four manager's units, estimated at \$1,616,289. Renumbers subsequent exemptions.
 4. In renumbered Exemption 7, provides for a deferral (instead of an exemption) from the payment of Board of Water Supply ("BWS") water system facility and installation of water service fees until the installation of the water meter, estimated at \$3,265,920; provided that all BWS requirements are satisfied (the BWS will determine the actual fees to be deferred during review of the Project's building permit application).
 5. Deletes former Exemption 7, relating to an exemption from ROH Chapter 32 ("Affordable Rental Housing"), because the Project is not being developed pursuant to ROH Chapter 32.
 6. Adds a new Exemption 8 to provide that with respect to land uses and development standards, the Project is under the jurisdiction of the HCDA; therefore, no exemptions from the Land Use Ordinance, ROH Chapter 21, are needed.
- I. Adds a new second BE IT FURTHER RESOLVED clause to add the following conditions of approval:
1. Except for the exemptions from certain City application fees and infrastructure or public works fees and charges provided for in the resolution, and the exemptions from certain HCDA Mauka Area Rules development standards listed in the For Action approved by the HHFDC's Board of Directors, the Project must comply with all statutes, ordinances,

charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon; including but not limited to right-of-way improvement requirements.

2. Prior to the issuance of any building permits for the Project, the Applicant is required to submit to the DPP for its review and approval: a timeline or phasing plan, a construction management plan ("CMP"), and a traffic management plan ("TMP").
3. Post traffic impact analysis reports ("TIARs") will be required approximately one year after the issuance of a certificate of occupancy for each Project phase to validate the traffic projections, trip reduction rates, and distribution and assignment data contained in the initial TIAR. The Applicant is required to implement the post TIAR recommendations.
4. Bicycle parking spaces or racks must be located in safe and convenient locations on the Project site.
5. Requirements relating to vehicle access points and driveways, including the construction of vehicular access points as City dropped driveways; adequate sight distance to pedestrians and other vehicles from driveways; driveway grades; recessed entry gates and ticket dispensers; and driveway design that minimizes potential conflict areas between exiting/turning vehicles and bicyclists using the future bicycle lanes to be located on Pohukaina Street and Keawe Street fronting the Project site.
6. All loading, parking, and trash pickup areas must be designed so that vehicles enter and exit front first, with adequate turn-around areas for large vehicles.
7. Corner curb requirements for the intersection of Coral Street and Pohukaina Street, and the intersection of Keawe Street and Halekauwila Street, and a 60-foot right-of-way width requirement for Pohukaina Street.
8. Requirements for the length and width of the porte-cochere to prevent any overflow of vehicles onto Pohukaina Street, and to allow a moving vehicle to safely pass a stationary parked vehicle.
9. The Applicant is required to comply with all Federal Aviation Administration ("FAA") and State Department of Transportation ("HDOT") regulations, rules, requirements, and guidelines regarding development and activities in close proximity to airports and airport runways, including the addition of marking lights as required by the FAA, the avoidance of landscaping that creates a wildlife attraction, and disclosure to all

prospective renters, lessees, or tenants of potential aircraft flight and airport activity and related impacts, including but not limited to noise, fumes, smokes, vibrations, and odors.

- J. In the third BE IT FURTHER RESOLVED clause, adds that references to the HCDA include any successor agency.
- K. In the fourth BE IT FURTHER RESOLVED clause, clarifies that the resolution is null and void unless construction of Phase 1 of the Project commences no later than 48 months after the effective date of the resolution.
- L. In the sixth BE IT FURTHER RESOLVED clause, provides that minor modifications to the preliminary plans and specifications that may be approved by the HHFDC do NOT include modifications to the building specifications (only includes modifications to the design character of the building or landscaping).
- M. Makes miscellaneous technical and nonsubstantive amendments.



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. **23-83, CD1**

PROPOSED

RESOLUTION

AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE POHUKAINA COMMONS AFFORDABLE RENTAL AND MIXED-USE PROJECT IN KAKA'AKO, O'AHU.

WHEREAS, Highridge Costa Development Company, LLC (the "Applicant"), with co-developer Form Partners, LLC, and with the approval of the Hawaii Housing Finance and Development Corporation ("HHFDC"), proposes to develop Pohukaina Commons, a high-rise mixed-use project on a 1.525-acre portion of a 2.168-acre zoning lot owned by the State of Hawai'i ("State"), located at 690 Pohukaina Street in Kaka'ako, Honolulu, O'ahu, and identified as Tax Map Key (1) 2-1-051:041, as depicted in Exhibits A, B, C-1, C-2, and D-1 through D-4, attached hereto and made a part hereof (the "Project"); and

WHEREAS, the Project is within the Kaka'ako Community Development District, which is under the planning and zoning jurisdiction of the Hawaii Community Development Authority ("HCDA"), pursuant to Chapter 206E, Hawaii Revised Statutes ("HRS"); and

WHEREAS, as proposed, the Project involves a 39-story residential tower with 429 rental units (constructed in Phase 1 on the southeast side of the Project site) and an 18-story residential tower with 192 rental units (constructed in Phase 2 on the northwest side of the Project site); the first nine floors of each tower will include portions of a connecting parking podium with a total of 870 parking spaces (the Project will use 760 parking spaces and 110 parking spaces will be retained by the HHFDC for future use by the State Department of Education in connection with a separate educational facility on the remaining 0.643-acre portion of the zoning lot); and

WHEREAS, as proposed, the Project will contain a total of 625 dwelling units (consisting of 173 studio units, 287 one-bedroom units, 144 two-bedroom units, and 21 three-bedroom units); all dwelling units (except for four manager units) will be rented to households earning 120 percent or below of the area median income determined by the U.S. Department of Housing and Urban Development annually for the Honolulu Metropolitan Statistical Area as adjusted for household size ("AMI") (21 units at 30 percent or below of the AMI, 21 units at 50 percent or below of the AMI, 151 units at 60 percent or below of the AMI, 86 units at 80 percent or below of the AMI, 342 units at 120 percent or below of the AMI, and four manager's units); and

WHEREAS, the HHFDC awarded the Applicant a Rental Housing Revolving Fund ("RHRF") Tier 2 loan for Phase 1 of the Project, which requires the Phase 1 affordable units to be rented to households earning 100 percent or below of the AMI (instead of 120 percent and below of the AMI); if the Project uses the RHRF Tier 2



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funds, the 342 affordable units in Phase 1 of the Project proposed to be rented to households earning 120 percent or below of the AMI must instead be rented to households earning 100 percent or below of the AMI; provided that once the Applicant repays the RHRF Tier 2 loan in full, the RHRF Tier 2 loan AMI restrictions would no longer apply; and

WHEREAS, all units (except for four manager's units) will remain affordable for the duration of the 75-year ground lease from the HHFDC; and

WHEREAS, the Project also involves short-term and long-term bicycle parking spaces, recreational amenities for residents, 5,000 square feet of commercial space on the ground floor (a public plaza at the corner of Keawe Street and Pohukaina Street), and common areas and circulation space; and

WHEREAS, the Project will help address the critical need for affordably priced rental housing within Honolulu's urban core in convenient proximity to a range of educational facilities, employment centers, and multiple shopping, dining, and family services opportunities; and

WHEREAS, the exemptions requested by the Applicant include exemptions from the HCDA's planning and zoning requirements, and waiver or deferral of the City fees and charges; and

WHEREAS, on April 13, 2023, the HHFDC Board of Directors, by approval of a For Action, approved the Project with its proposed exemptions, including certain exemptions from the HCDA's Mauka Area Rules (Hawaii Administrative Rules 15-217) and the Kaka'ako Reserved Housing Rules (Hawaii Administrative Rules 15-218) (collectively, the "HCDA Rules") as listed in the For Action; 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 governmental agency relating to planning, zoning, construction standards for subdivision, development and improvement of land, and the construction of dwelling units thereon pursuant to HRS § 201H-38; and

WHEREAS, the Council has reviewed the preliminary plans and specifications for the Project dated March 28, 2023, prepared by SVA Architects, Inc., and submitted to the Council by the HHFDC on April 26, 2023; 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 requested exemptions meet minimum requirements of health and safety; 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; 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 preliminary plans and specifications for the Project, as follows:

Application Fees

1. Exemption from § 18-6.1, Revised Ordinances of Honolulu 2021 ("ROH"), to allow an exemption from the payment of plan review fees, estimated at \$25,000.
2. Exemption from ROH § 18-6.2, to allow an exemption from the payment of building permit fees, estimated at \$1,084,300.
3. Exemption from ROH § 18A-2.4, to allow an exemption from the payment of grading and grubbing permit fees, estimated at \$1,165 and \$890, respectively.

Infrastructure and Public Works Fees and Charges

4. 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 attributed to 279 affordable units (86 affordable units in Phase 1 and 193 units in Phase 2) rented to households earning 80 percent or below of the AMI, estimated at \$269,086.
5. Deferral from ROH § 43-10.1, § 43-10.2, and § 43-10.3, to allow a deferral until the issuance of a certificate of occupancy for Phase 1 of the Project of the payment of wastewater system facility charges attributed to 342 affordable units rented to households earning more than 80 percent of the AMI and four manager's units (342 affordable units and three manager's units in Phase 1, and one manager's unit in Phase 2), estimated at \$1,616,289.



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Fire Department Plan Review Fees

6. Exemption from ROH § 20-1.1(3) to allow an exemption from the payment of Honolulu Fire Department plan review fees, estimated at \$108,430.

Board of Water Supply Rules and Regulations

7. Deferral from Sections 1-102, 2-202(2), and 2-202(3) of the Board of Water Supply Rules and Regulations, to allow a deferral from the payment of water system facility charges and installation of water service fees until the installation of the water meter, estimated at \$3,265,920; 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

8. With respect to land uses and development standards, the Project is under the jurisdiction of the HCDA; therefore, no exemptions from the Land Use Ordinance, ROH Chapter 21, are needed; and

BE IT FURTHER RESOLVED that the Project includes exemptions from the HCDA Rules as listed in the For Action approved by HHFDC's Board of Directors on April 13, 2023; and

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

- A. Except for the exemptions from certain City application fees and infrastructure or public works fees and charges provided herein, and the exemptions from certain HCDA Mauka Area Rules development standards listed in the For Action approved by the HHFDC's Board of Directors, the Project must comply with all statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon; including but not limited to right-of-way improvement requirements.
- B. Prior to the issuance of any building permits for the Project, the Applicant shall submit to the Department of Planning and Permitting ("DPP") for its review and approval:



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1. An overall timeline or phasing plan that includes the components of each Project phase, and a timeline for each phase with anticipated dates to obtain major building permits for demolition and construction work, including the projected date of occupancy for that phase, in a format acceptable to the DPP. The timeline for each phase must identify when the construction management plan ("CMP") and traffic management plan ("TMP") will be submitted to the DPP.
2. A CMP (submitted prior to the issuance of demolition building permits for major construction work for each phase) that:
 - a. Identifies the type, frequency, and routing of heavy trucks and construction-related vehicles, and provides remedial measures to minimize impacts from construction vehicles and construction-related activities;
 - b. Identifies and limits construction-related vehicular activity to periods outside of the peak traffic hours using alternative routes for heavy trucks, and provides for either onsite or offsite staging areas for construction-related workers and vehicles to limit the use of on-street parking surrounding the Project site;
 - c. Includes plans for all work within or affecting public streets, and preliminary or conceptual traffic control plans; and
 - d. Includes documentation of the condition of roadways prior to the start of construction activities and provides remedial measures, as necessary, such as restriping, road resurfacing, or roadway reconstruction if the condition of the roadways has deteriorated as a result of the construction-related activities.
3. A TMP (submitted prior to the issuance of a temporary certificate of occupancy for each phase) that must include transportation mode share performance targets and a schedule for achieving such targets relating to:
 - a. Traffic demand management ("TDM") strategies to minimize the number of vehicular trips for daily activities by tenants and employees, which may include carpooling and ride sharing programs; transit, bicycle, and pedestrian incentives; and other similar TDM strategies;



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- b. A pedestrian circulation plan and bicycle circulation plan that provides accessibility and connectivity to surrounding public sidewalks, bus stops, crossings at street intersections, and the future rail station; and a determination of effective sidewalk widths taking into account the increased pedestrian activity and the City's Complete Streets initiatives; and
 - c. Post TMPs required after the near-term build-out of Phase 1 and after the full build-out of Phase 2 to validate the relative effectiveness of the various TDM strategies identified in the initial TMP.
- C. Post traffic impact analysis reports ("TIARs") will be required approximately one year after the issuance of a certificate of occupancy for each Project phase to validate the traffic projections, trip reduction rates, and distribution and assignment data contained in the initial TIAR. The Applicant shall prepare the post TIARs in consultation with the Department of Transportation Services ("DTS") and the DPP. If the post TIAR for any Project phase recommends additional traffic mitigation measures or modifications to address traffic impacts directly attributable to the Project, the Applicant shall implement the post TIAR recommendations.
- D. Bicycle parking spaces or racks must be located in safe and convenient locations on the Project site.
- E. Vehicular access points and driveways.
 - 1. All vehicular access points must be constructed as City dropped driveways.
 - 2. Adequate sight distance to pedestrians and other vehicles must be maintained from all driveways.
 - 3. Driveway grades must not exceed five percent for a minimum distance of 25 feet from the Project site property line.
 - 4. Entry gates and ticket dispensers must be recessed as far into the driveway as necessary to avoid queuing of vehicles onto the public streets.



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5. All driveways must be designed to minimize potential conflict areas between exiting/turning vehicles and bicyclists using the future bicycle lanes to be located on Pohukaina Street and Keawe Street fronting the Project site.
- F. All loading, parking, and trash pickup areas must be designed so that vehicles enter and exit front first. Adequate turn-around areas for large vehicles must be provided on the Project site, and the layout of parking spaces in the loading and trash pickup areas must not interfere with large vehicle turning maneuvers.
- G. A 30-foot property line radii with a 28-foot curb radii must be provided at the intersection of Coral Street and Pohukaina Street, and the intersection of Keawe Street and Halekauwila Street. A 60-foot right-of-way width is required for Pohukaina Street.
- H. The length of the porte-cochere must be designed to prevent any overflow of vehicles onto Pohukaina Street, and the porte-cochere must be wide enough to allow a moving vehicle to safely pass a stationary parked vehicle. A minimum 20-foot width is typically acceptable for this maneuver, including provisions for vehicles turning into and out of the porte-cochere. Vehicle-turning templates and a queuing layout must be used to demonstrate that the anticipated types of vehicles using the porte-cochere will be adequately accommodated. To ensure that vehicles do not cue onto Pohukaina Street, the TMP must address minimizing the average dwell time for users of the porte-cochere.
- I. The Applicant shall comply with all Federal Aviation Administration ("FAA") and State Department of Transportation ("HDOT") regulations, rules, requirements, and guidelines regarding development and activities in close proximity to airports and airport runways.
 1. The Project must include marking lights as required by the FAA in response to the Applicant's submittal of FAA Form 7460-1 Notice of Proposed Construction or Alteration.
 2. The Project must not include landscaping that creates a wildlife attraction, which may become a hazard to aircraft operations (see FAA Advisory Circular 150/5200-33C Hazardous Wildlife Attractants on or Near Airports). If the Project's landscaping creates a wildlife attraction, the Applicant shall immediately mitigate the hazard upon notification by the FAA or HDOT.



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3. The Applicant shall inform all prospective Project renters, lessees, or tenants of potential aircraft flight and airport activity and related impacts, including but not limited to noise, fumes, smokes, vibrations, and odors; and

BE IT FURTHER RESOLVED that as used in this resolution:

- i. References to the HHFDC include any successor agency;
- ii. References to the HCDA include any successor agency; and
- iii. References to specific statutes, ordinances, or regulations include any respective successor statutes, ordinances, or regulations; and

BE IT FURTHER RESOLVED that this resolution is null and void unless construction of Phase 1 of the Project commences no later than 48 months after the effective date of this resolution; and

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

BE IT FURTHER RESOLVED that the final plans and specifications for the Project constitute the zoning, building, construction, and subdivision standards for the Project, and are approved if those plans and specifications do not substantially deviate from the preliminary plans and specifications submitted to the Council; provided that minor modifications to the design character of the building or landscaping may be approved by the HHFDC 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 its employees, on account of the actions taken by them in reviewing or approving the plans and specifications, or in granting the exemptions listed herein; and



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BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Hawaii Housing Finance and Development Corporation, 677 Queen Street, Suite 300, Honolulu, Hawai'i 96813; and Highridge Costa Development Company, LLC, 330 W. Victoria Street, Gardena, CA 90248.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

April 27, 2023
Honolulu, Hawai'i

Councilmembers

LOCATION MAP

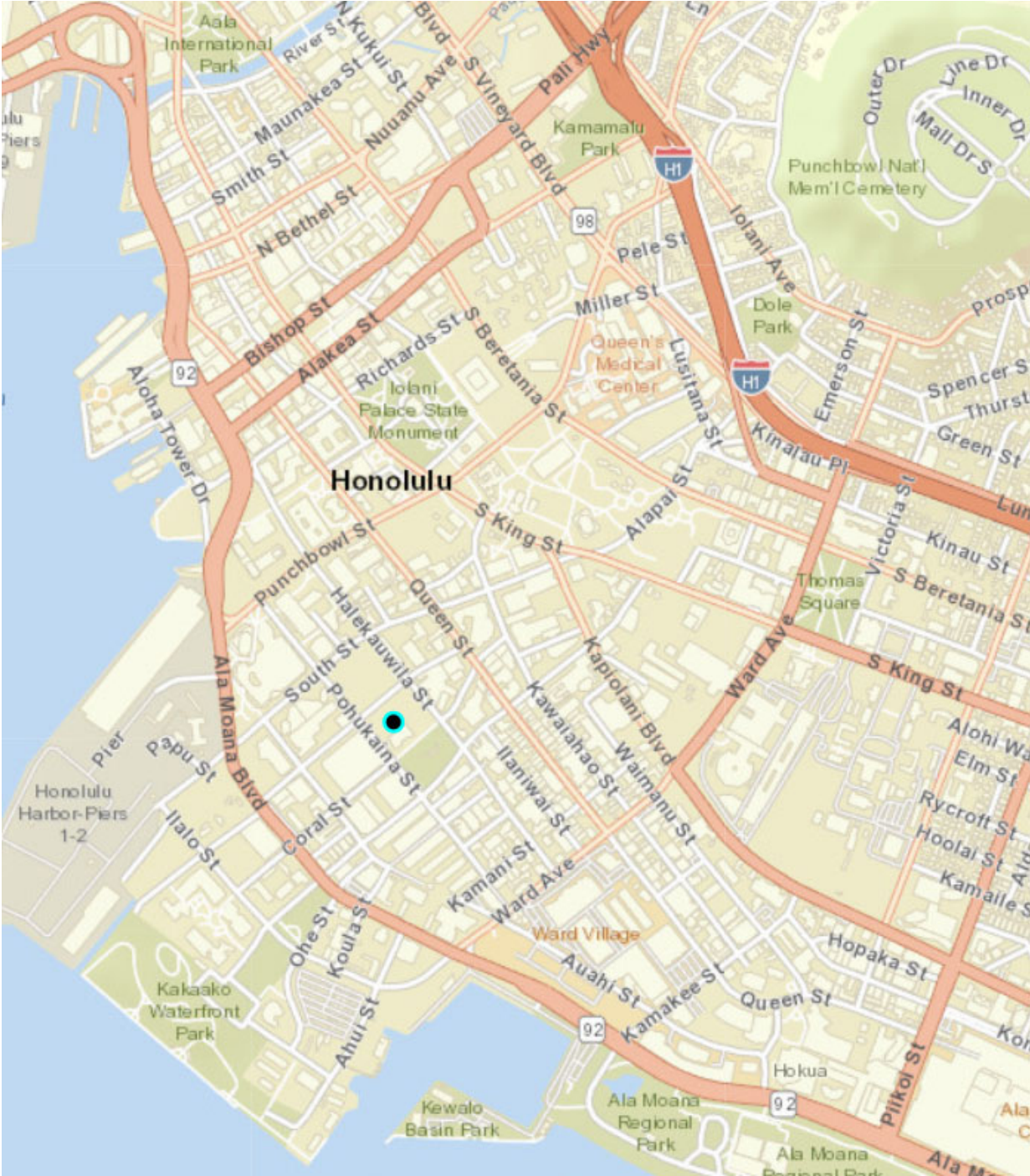
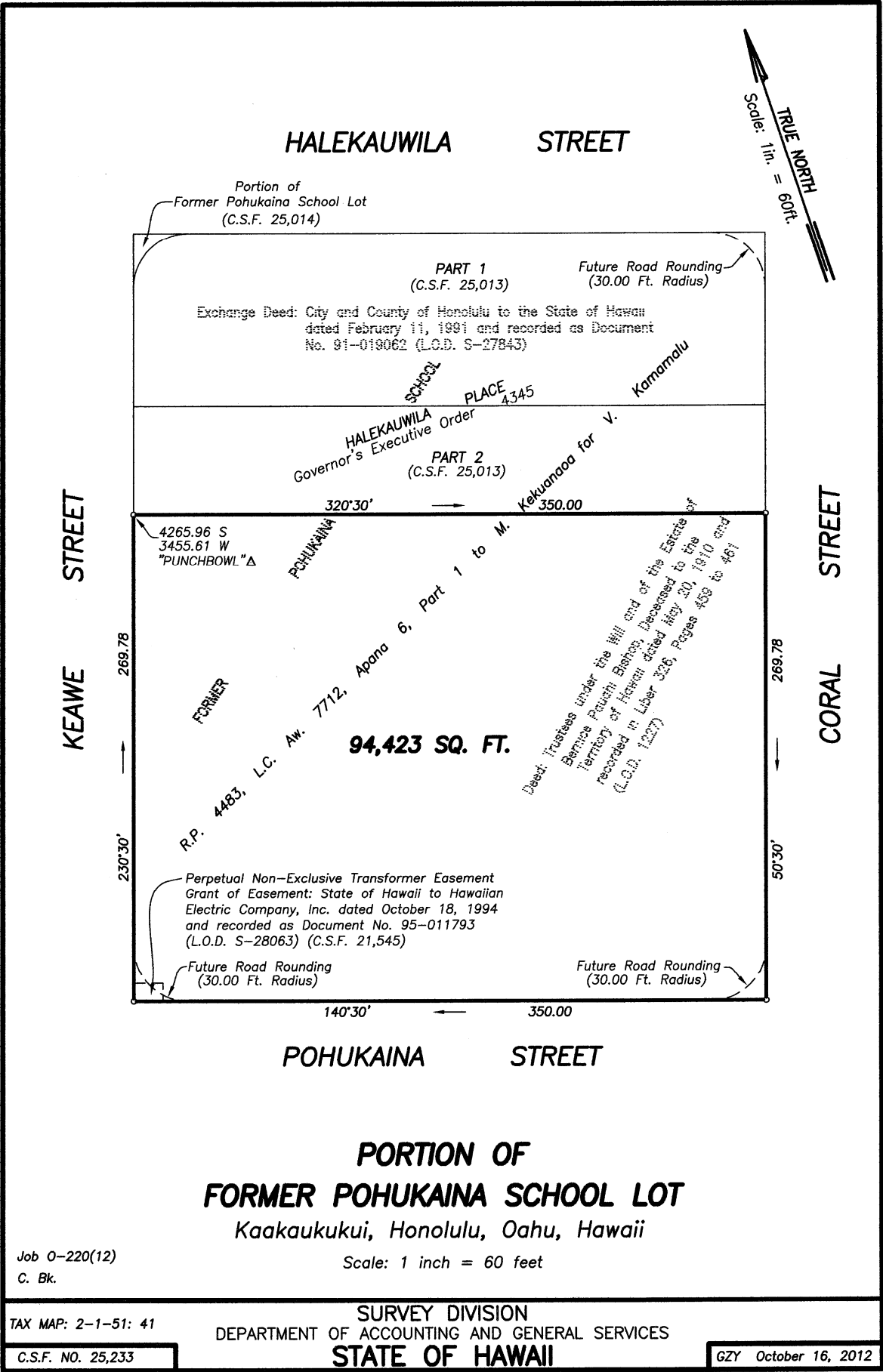


EXHIBIT A



3-D RENDERING



EXHIBIT C-1

3-D RENDERING

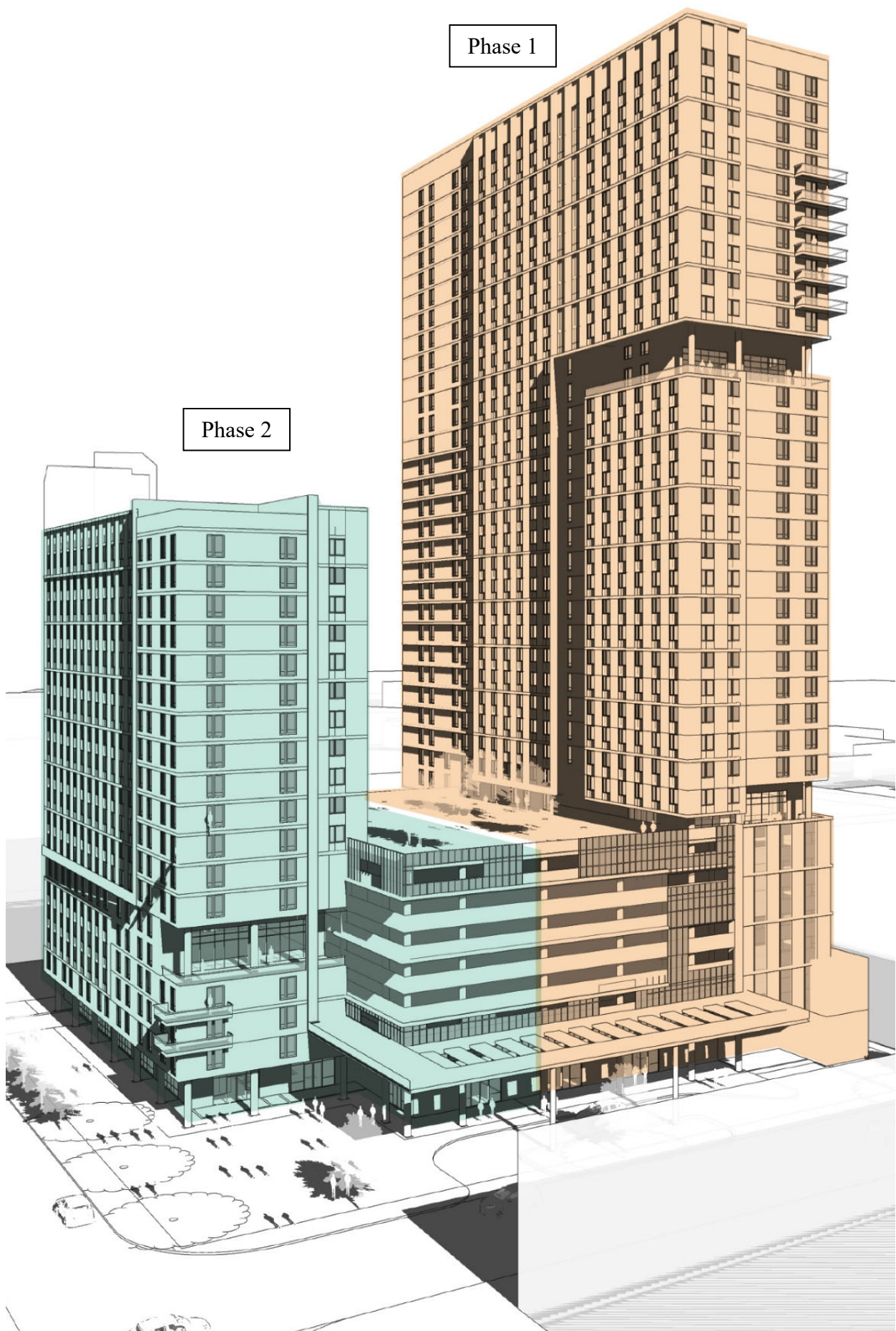
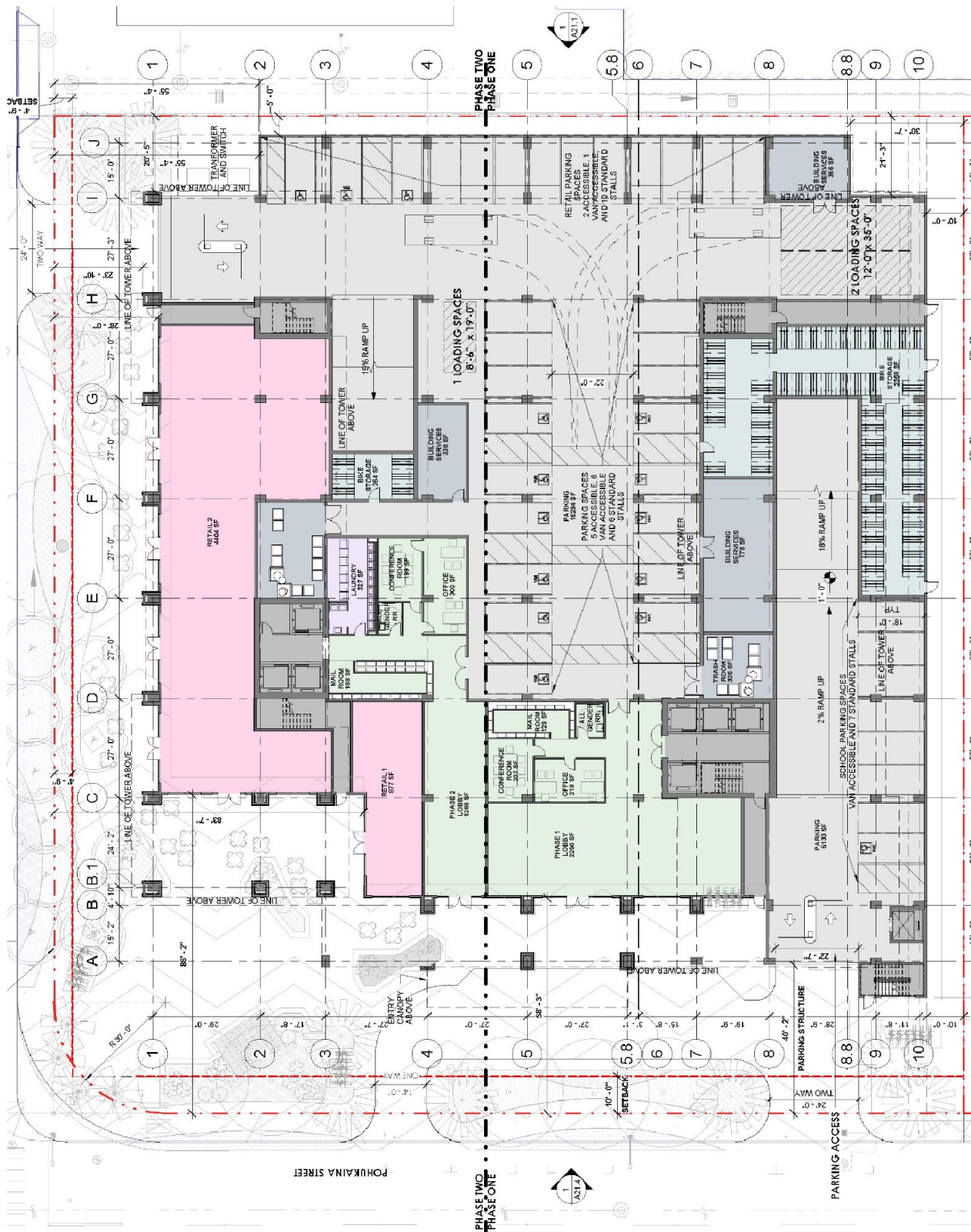


EXHIBIT C-2

EXHIBIT D-1



SELECTED PRELIMINARY DRAWINGS
TYPICAL PARKING GARAGE FLOOR PLAN

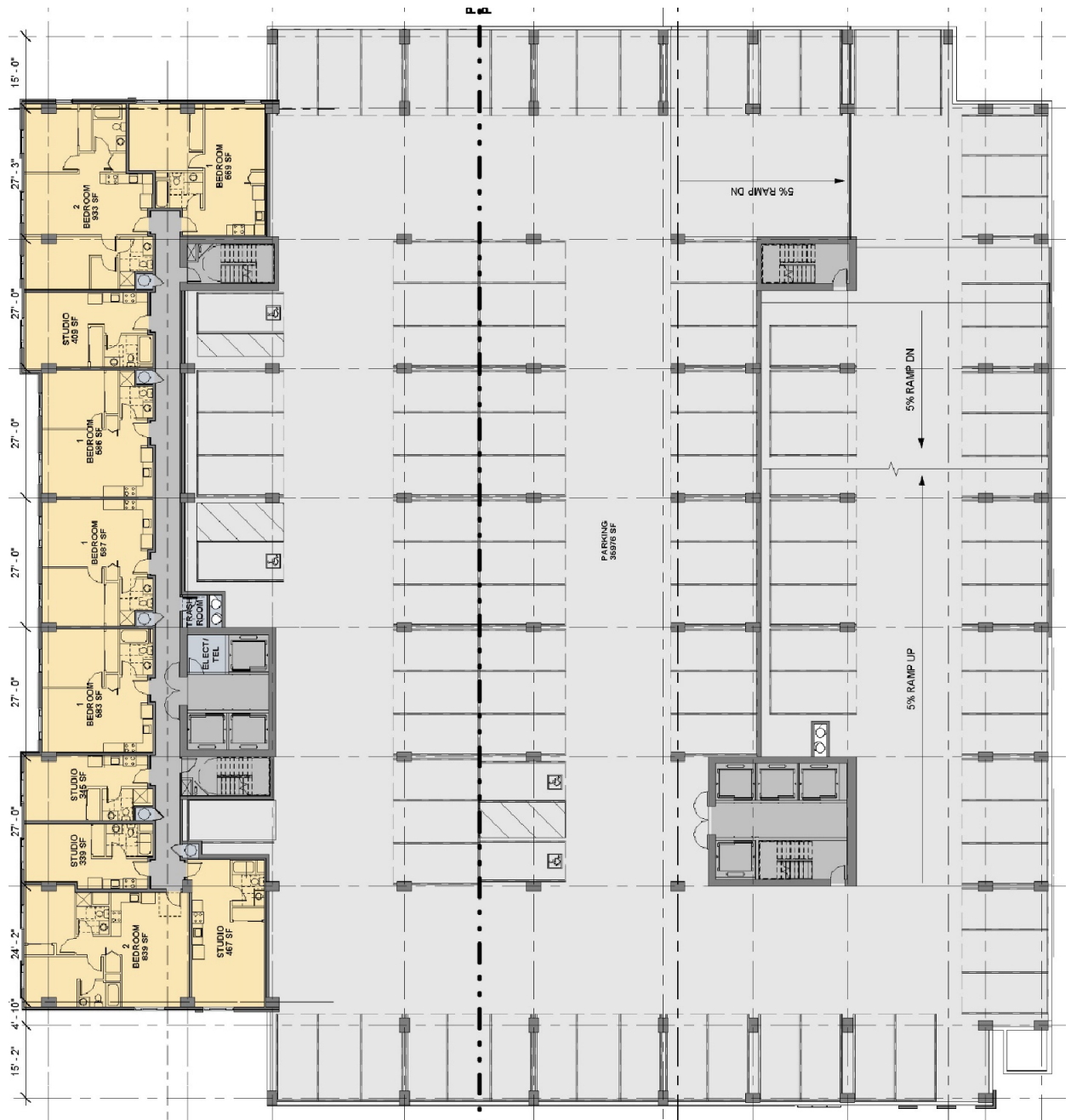


EXHIBIT D-2

SELECTED PRELIMINARY DRAWINGS
10TH FLOOR PLAN

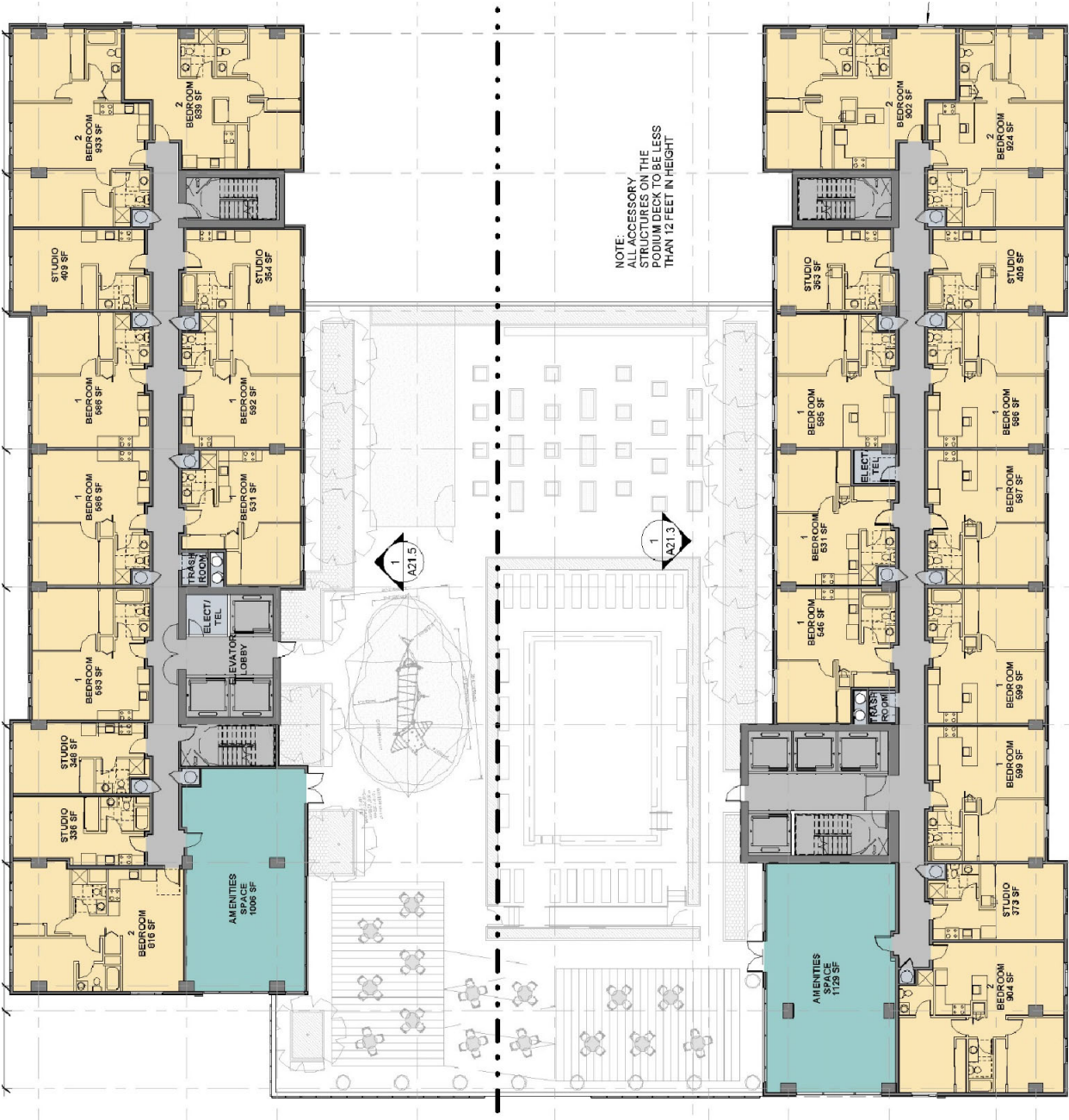


EXHIBIT D-3

SELECTED PRELIMINARY DRAWINGS
TYPICAL TOWER FLOOR PLAN

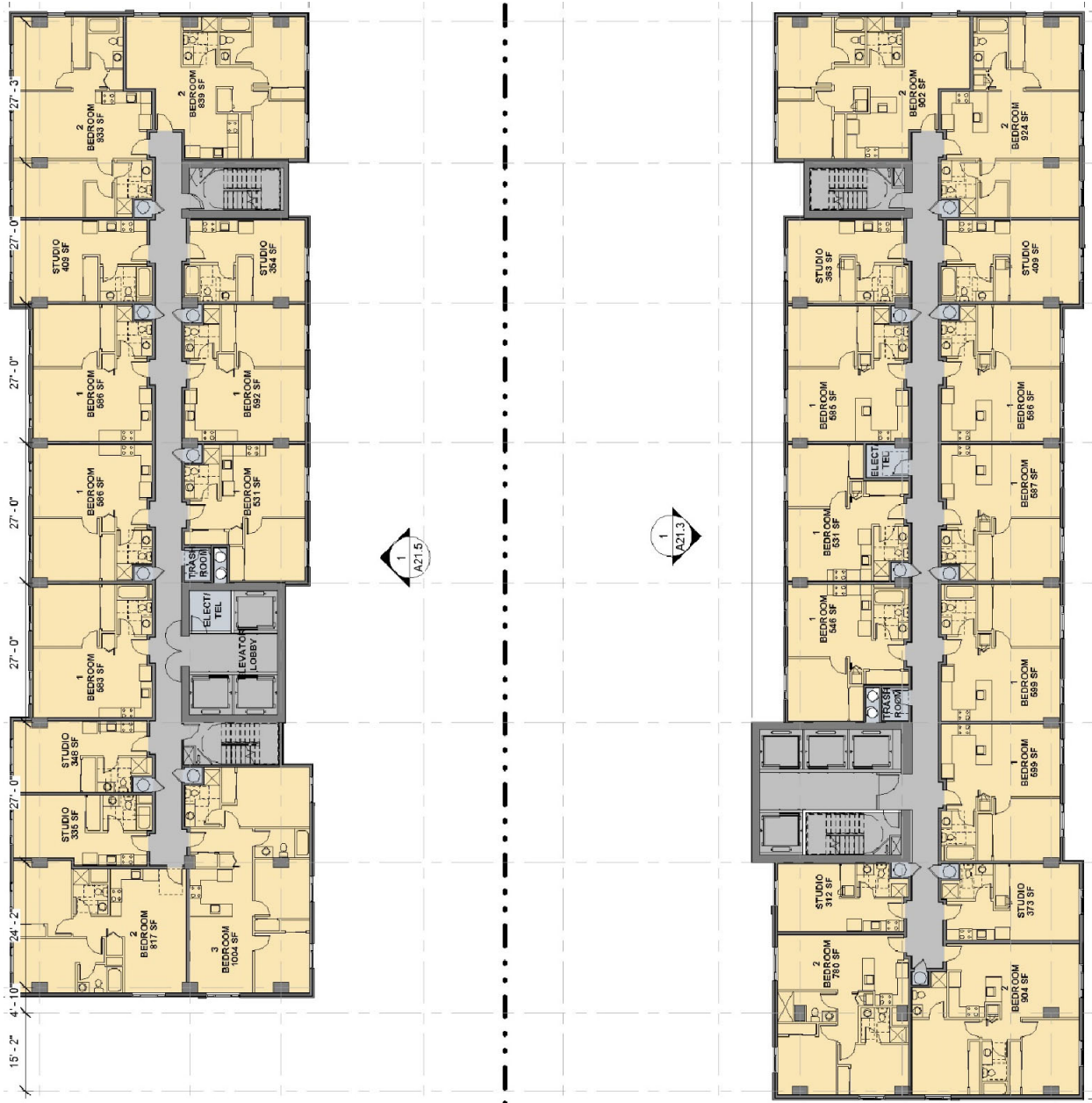


EXHIBIT D-4