

REPORT OF THE COMMITTEE ON ZONING

Voting Members:

Calvin K.Y. Say, Chair; Tyler Dos Santos-Tam, Vice-Chair;
Radiant Cordero, Esther Kia'aina, Matt Weyer

Committee Meeting Held
May 24, 2023

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning, which considered Resolution 23-87 entitled:

"RESOLUTION AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE KAKA'AKO BLOCK C AFFORDABLE RENTAL AND MIXED-USE PROJECT LOCATED AT 404 AND 416 COOKE STREET, HONOLULU, HAWAII 96813, TAX MAP KEY: (1) 2-1-054: 001,"

transmitted by Miscellaneous Communication 225 (2023) ("M-225 (2023)"), dated May 1, 2023, from the Hawaii Housing Finance and Development Corporation ("HHFDC"), and introduced on May 2, 2023, reports as follows:

The purpose of Resolution 23-87 is to authorize, pursuant to Section 201H-38, Hawaii Revised Statutes ("HRS"), exemptions from certain City application fees, and infrastructure or public works fees and charges for Kaka'ako Block C, a high-rise affordable and market-rate housing and mixed-use project located in Kaka'ako (the "Project").

PROCESSING OF APPLICATION

Your Committee notes that this application was transmitted directly to the Council by the HHFDC and was not processed by the Department of Planning and Permitting ("DPP").

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON **JUN 7 2023**

COMMITTEE REPORT NO. **154**

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The HHFDC processed the 201H application, and transmitted to the Council the Project's requested exemptions and preliminary plans and specifications by M-225 (2023).

PROJECT DESCRIPTION

The Project will be an affordable and market-rate rental and for-sale housing and mixed-use project with commercial space on the ground floor. The Project is under the zoning jurisdiction of the Hawaii Community Development Authority ("HCDA"). It will contain a total of 861 dwelling units (consisting of 12 studio live-work units, 1 traditional studio unit, 232 one-bedroom units, 558 two-bedroom units, and 58 three-bedroom units), of which 124 dwelling units (including one manager's unit) will be for rent and 737 dwelling units will be for sale; 519 affordable units will be available to households earning 140 percent and below of the area median income as determined by the U.S. Department of Housing and Urban Development annually for the Honolulu Metropolitan Statistical Area as adjusted for household size ("AMI"), 341 units will be market-rate units, and one unit will be a manager's unit.

The Project involves the construction of Building A (400 feet in height), a 43-story residential tower with 449 affordable and market-rate for-sale units (120 for-sale units at 140 percent or below of the AMI, and 329 for-sale market-rate units); and Building B (301 feet in height), a 23-story residential tower atop a nine-story parking podium with 412 affordable and market-rate rental and for-sale units (one manager's unit, seven rental units at 70 percent or below of the AMI, 73 rental units at 80 percent or below of the AMI, 43 rental units at 100 percent or below of the AMI, 155 for-sale units at 130 percent of the AMI, 121 for-sale units at 140 percent of the AMI, and 12 market-rate for-sale live-work units). Building A and Building B will be connected at the ground floor. All rental dwelling units (except for one manager's unit) will remain affordable for a minimum of 61 years, and all affordable for-sale dwelling units will be subject to the HHFDC's Shared Appreciation Equity Program and 10-Year Buyback Restrictions.

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The Project also involves a parking podium accommodating approximately 1,266 parking spaces (1,141 residential and 125 commercial parking spaces); short-term and long-term bicycle parking spaces; recreational amenities (recreation deck on the parking podium with a pool, spa, fitness center, and community room) available for use by the owners of the for-sale units and their guests (maintenance costs will be borne by these owners); 39,625 square feet of ground floor commercial retail space (ownership retained and managed by Kamehameha Schools), and common areas and circulation space.

REQUESTED EXEMPTIONS

This Resolution approves exemptions from payment of plan review fees, building permit fees, as well as payment of wastewater system facility charges attributed to 80 affordable units that will be rented to households earning 80 percent or below of the AMI, and Honolulu Fire Department plan review fees. This Resolution also defers until the issuance of a certificate of occupancy for Project the payment of wastewater facility charges attributed to 43 affordable units rented to households earning more than 80 percent, up to 100 percent of the AMI; 396 affordable units sold to households earning 130 percent, up to 140 percent of the AMI; 341 market units; and one manager's unit.

This Resolution also defers the payment of water system facility charges and installation of water service fees until the installation of a water meter; 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 its review of the Project's building permit application.

This Resolution also provides an exemption from ROH Chapter 29 relating to the City's affordable housing requirements, to allow the Project to be developed, marketed, and sold in accordance with the HHFDC's affordable housing requirements for projects

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developed under HRS § 201H-38, including pursuant to HRS § 201H-47, §201H-49, and § 201H-50.

Your Committee notes 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, Chapter 21, Revised Ordinances of Honolulu 2021, are needed.

TESTIMONY

At your Committee's meeting on May 24, 2023, the Applicant and Project site landowner Kamehameha Schools provided a brief presentation of the Project and responded to questions from the Councilmembers.

The DPP Director testified in support of the Resolution, but noted that the Project was processed by the HHFDC and was not reviewed by the DPP.

A representative from the HHFDC testified in support of the Resolution.

DISCUSSION OF EXEMPTIONS

In the discussion of the requested exemptions, representatives of the DPP and your Committee's members agreed that the Project would be an important step towards meeting Honolulu's affordable housing goals.

COMMITTEE AMENDMENTS

Your Committee has considered and adopted a CD1 version of the resolution (OCS2023-0467/5/19/2023 5:15 PM), which makes the following amendments:

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- A. Amends the resolution title to read as follows:
- "AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE KAKAAKO BLOCK C AFFORDABLE AND MARKET-RATE HOUSING AND MIXED-USE PROJECT IN KAKA'AKO, O'AHU."
- B. In the first WHEREAS clause, references Exhibits A through C and D-1 through D-6, 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. In the third and fourth WHEREAS clauses, clarifies the description of the Project as proposed.
- E. In the sixth WHEREAS clause, clarifies that as proposed:
1. The parking podium will accommodate 1,141 residential and 125 commercial parking spaces;
 2. The recreational amenities (a recreation deck on the parking podium with a pool, spa, fitness center, and community room) are available for use by the owners of the for-sale units and their guests (maintenance costs will be borne by these owners); and
 3. Kamehameha Schools will retain ownership and manage the 39,625 square feet of ground floor commercial retail space.

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- F. Adds a new eighth 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.
- G. In the 11th WHEREAS clause, provides that the Project's preliminary plans (dated May 1, 2023) and specifications (dated January 24, 2022), were submitted to the Council by the HHFDC on May 1, 2022, by Miscellaneous Communication 225 (2023).
- 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 3, provides for an exemption from the payment of wastewater system facility charges attributable to 80 affordable units that will be rented to households earning 80 percent and below of the AMI, estimated at \$76,608;
 - 3. In Exemption 4, provides for a deferral until the issuance of a certificate of occupancy for Phase 1 of the Project of payment of wastewater system facility charges attributable to 43 affordable units that will be rented to households earning more than 80 percent, up to 100 percent of the AMI; 396 affordable units sold to households earning 130 percent, up to 140 percent of the AMI; 341 market units; and one manager's unit, estimated at \$3,616,967.

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4. Combines Exemptions 6 and 7, and 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 \$1,881,200; provided that all BWS requirements are satisfied (the BWS will determine the actual fees to be waived during its review of the Project's building permit application). Renumbers subsequent exemptions.
5. In renumbered Exemption 7:
 - a. Clarifies that the exemption from ROH Chapter 29 (relating to the City's affordable housing requirements) will allow the Project to be developed, marketed, and sold in accordance with the HHFDC affordable housing requirements for projects developed under HRS § 201H-38, including pursuant to HRS § 201H-47, § 201H-49, and § 201H-50.
 - b. Deletes reference 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:

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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.
2. Prior to undertaking any demolition activities, all hazardous and regulated materials from the buildings, soil, and groundwater on the Project site must be managed or removed and disposed of in accordance with applicable federal, State of Hawai'i, and City regulations.
3. The Project is located within the Kamehameha Schools ("KS") Kaiāulu 'o Kaka'ako Master Plan ("KKMP") and is included in the Traffic Impact Report for the KKMP Increment 2, dated March 2022 (the "March 2022 TIR"). The Applicant and the KS shall implement the recommendations of the March 2022 TIR.
4. The Applicant is required to comply with all Federal Aviation Administration ("FAA") and State of Hawai'i Department of Transportation ("HDOT") regulations, rules, requirements, and guidelines regarding development and activities in close proximity to airports and airport runways, including compliance with FAA requirements in response to the Applicant's submittal of FAA Form 7460-1, the avoidance of landscaping that creates a wildlife attractant, and disclosure to all prospective owners, renters, lessees, or tenants of potential aircraft flight and airport activity and related impacts, including but not limited to noise, fumes, smoke, vibrations, and odors.

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- 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 the construction of the Project commences no later than 48 months after the effective date of the resolution.
- L. Makes miscellaneous technical and nonsubstantive amendments.

COMMITTEE FINDINGS AND RECOMMENDATIONS

Your Committee finds that the housing benefits to be provided by the Project justify the exemptions authorized by this Resolution, as amended in the foregoing CD1. Accordingly, your Committee acts favorably on this Resolution, as amended.

Your Committee on Zoning is in accord with the intent and purpose of Resolution 23-87, as amended herein, and recommends its adoption in the form attached hereto as Resolution 23-87, CD1. (Ayes: Cordero, Dos Santos-Tam, Kia'āina, Say, Weyer – 5; Noes: None.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON

JUN 7 2023

COMMITTEE REPORT NO. **154**



RESOLUTION

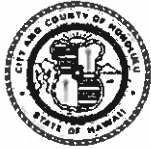
AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE KAKA'AKO BLOCK C AFFORDABLE AND MARKET-RATE HOUSING AND MIXED-USE PROJECT IN KAKA'AKO, O'AHU.

WHEREAS, Kakaako Block C LLC (the "Applicant"), under the control of Stanford Carr Development, LLC, with the approval of the Hawaii Housing Finance and Development Corporation ("HHFDC"), proposes to develop Kakaako Block C, a high-rise mixed-use project on a 3.66-acre zoning lot located at 404 and 416 Cooke Street in Kaka'ako, Honolulu, O'ahu, and identified as Tax Map Key 2-1-054:001, as depicted in Exhibits A through C and D-1 through D-6, 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 will contain a total of 861 dwelling units (consisting of 12 studio live-work units, 1 traditional studio unit, 232 one-bedroom units, 558 two-bedroom units, and 58 three-bedroom units), of which 124 dwelling units (including one manager's unit) will be for rent and 737 dwelling units will be for sale; 519 affordable units will be available to households earning 140 percent and below of the area median income as determined by the U.S. Department of Housing and Urban Development annually for the Honolulu Metropolitan Statistical Area as adjusted for household size ("AMI"), 341 units will be market-rate units, and one unit will be a manager's unit; and

WHEREAS, as proposed, the Project involves Building A (400 feet in height), a 43-story residential tower with 449 affordable and market-rate for-sale units (120 for-sale units at 140 percent or below of the AMI, and 329 for-sale market-rate units); and Building B (301 feet in height), a 23-story residential tower atop a nine-story parking podium with 412 affordable and market-rate rental and for-sale units (one manager's unit, seven rental units at 70 percent or below of the AMI, 73 rental units at 80 percent or below of the AMI, 43 rental units at 100 percent or below of the AMI, 155 for-sale units at 130 percent of the AMI, 121 for-sale units at 140 percent of the AMI, and 12 market-rate for-sale live-work units); Building A and Building B will be connected at the ground floor; and



RESOLUTION

WHEREAS, all rental dwelling units (except for one manager's unit) will remain affordable for a minimum of 61 years, and all affordable for-sale dwelling units will be subject to the HHFDC's Shared Appreciation Equity Program and 10-Year Buyback Restrictions; and

WHEREAS, as proposed, the Project also involves a parking podium accommodating approximately 1,266 parking spaces (1,141 residential and 125 commercial parking spaces); short-term and long-term bicycle parking spaces; recreational amenities (recreation deck on the parking podium with a pool, spa, fitness center, and community room) available for use by the owners of the for-sale units and their guests (maintenance costs will be borne by these owners); 39,625 square feet of ground floor commercial retail space (ownership retained and managed by Kamehameha Schools ("KS")), and common areas and circulation space; and

WHEREAS, the Project will help address the critical need for affordably priced housing within urban Honolulu 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 Mauka Area Rules (Chapter 15-217, Hawaii Administrative Rules) and the Kakaako Reserved Housing Rules (Chapter 15-218, Hawaii Administrative Rules) (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 (dated May 1, 2023) and specifications (dated January 24, 2022) for the Project, prepared by the Alakea Design Group, LLC, and submitted to the Council by the HHFDC on May 1, 2023, by Miscellaneous Communication 225 (2023); and



RESOLUTION

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 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 Section 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 \$1,925,000.

Infrastructure and Public Works Fees and Charges

3. 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 attributable to 80 affordable units that will be rented to households earning 80 percent or below of the AMI, estimated at \$76,608.
4. 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 the Project of the payment of wastewater system facility charges attributable to 43 affordable units that will be rented to households earning more than 80 percent, up to 100 percent of the AMI; 396 affordable units sold to households earning 130 percent, up to 140 percent of the AMI; 341 market units; and one manager's unit, estimated at \$3,616,967.



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Fire Department Plan Review Fees

5. Exemption from ROH § 20-1.1(3), to allow an exemption from the payment of Honolulu Fire Department plan review fees, estimated at \$192,500.

Board of Water Supply Rules and Regulations

6. 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 a water meter, estimated at \$1,881,200; 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 its review of the Project's building permit application.

City and County of Honolulu's Affordable Housing Requirements

7. Exemption from ROH Chapter 29 relating to the City's affordable housing requirements, to allow the Project to be developed, marketed, and sold in accordance with the HHFDC's affordable housing requirements for projects developed under HRS § 201H-38, including pursuant to HRS § 201H-47, § 201H-49, and § 201H-50.

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 the 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



RESOLUTION

relating to planning, zoning, construction standards for subdivisions, development and improvement of land, and the construction of dwelling units thereon.

- B. Prior to undertaking any demolition activities, all hazardous and regulated materials from the buildings, soil, and groundwater on the Project site must be managed or removed and disposed of in accordance with applicable federal, State of Hawai'i, and City regulations.
- C. The Project is located within the KS Kaiāulu 'o Kaka'ako Master Plan ("KKMP") and is included in the Traffic Impact Report for the KKMP Increment 2, dated March 2022 (the "March 2022 TIR"). The Applicant and the KS shall implement the recommendations of the March 2022 TIR.
- D. The Applicant shall comply with all Federal Aviation Administration ("FAA") and State of Hawai'i 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 comply with all requirements of the FAA in response to the Applicant's submittal (on February 16, 2023) of FAA Form 7460-1 Notice of Proposed Construction or Alteration.
 - 2. The Project must not include landscaping that creates a wildlife attractant, 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 attractant, the Applicant shall immediately mitigate the hazard upon notification by the FAA or the HDOT.
 - 3. The Applicant shall inform all prospective Project owners, renters, lessees, or tenants of potential aircraft flight and airport activity and related impacts, including but not limited to noise, fumes, smoke, 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



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HONOLULU, HAWAII

No. 23-87, CD1

RESOLUTION

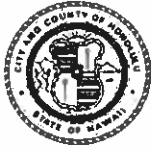
- iii. References to specific statutes, ordinances, or regulations include any respective successor statutes, ordinances, or regulations; and

BE IT FURTHER RESOLVED that this resolution is null and void unless the construction 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



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 23-87, CD1

RESOLUTION

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 Stanford Carr Development, LLC, 1100 Alakea Street, 27th Floor, Honolulu, Hawai'i 96813.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

May 2, 2023
Honolulu, Hawaii

Councilmembers

LOCATION MAP

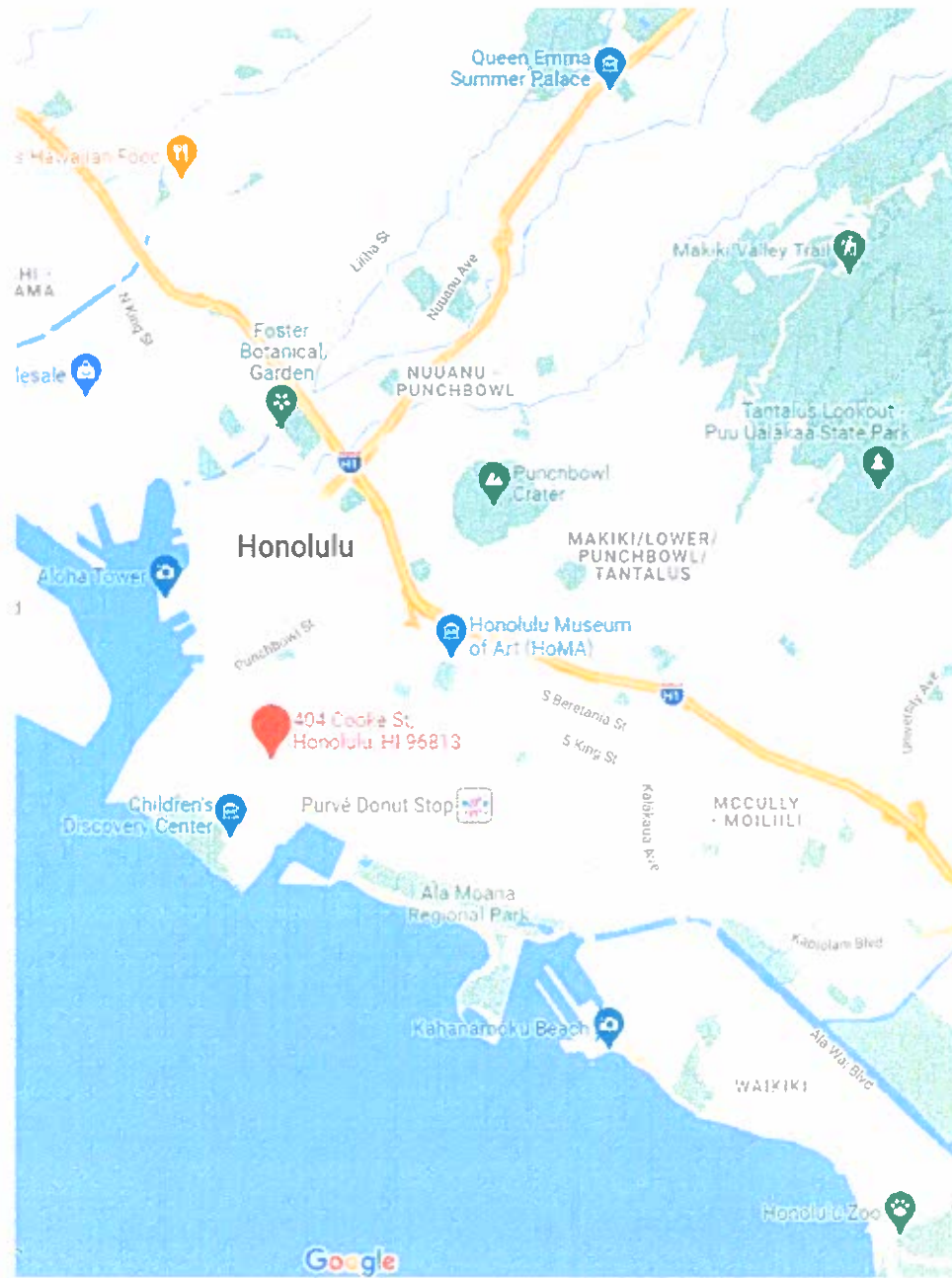


EXHIBIT A

TMK MAP

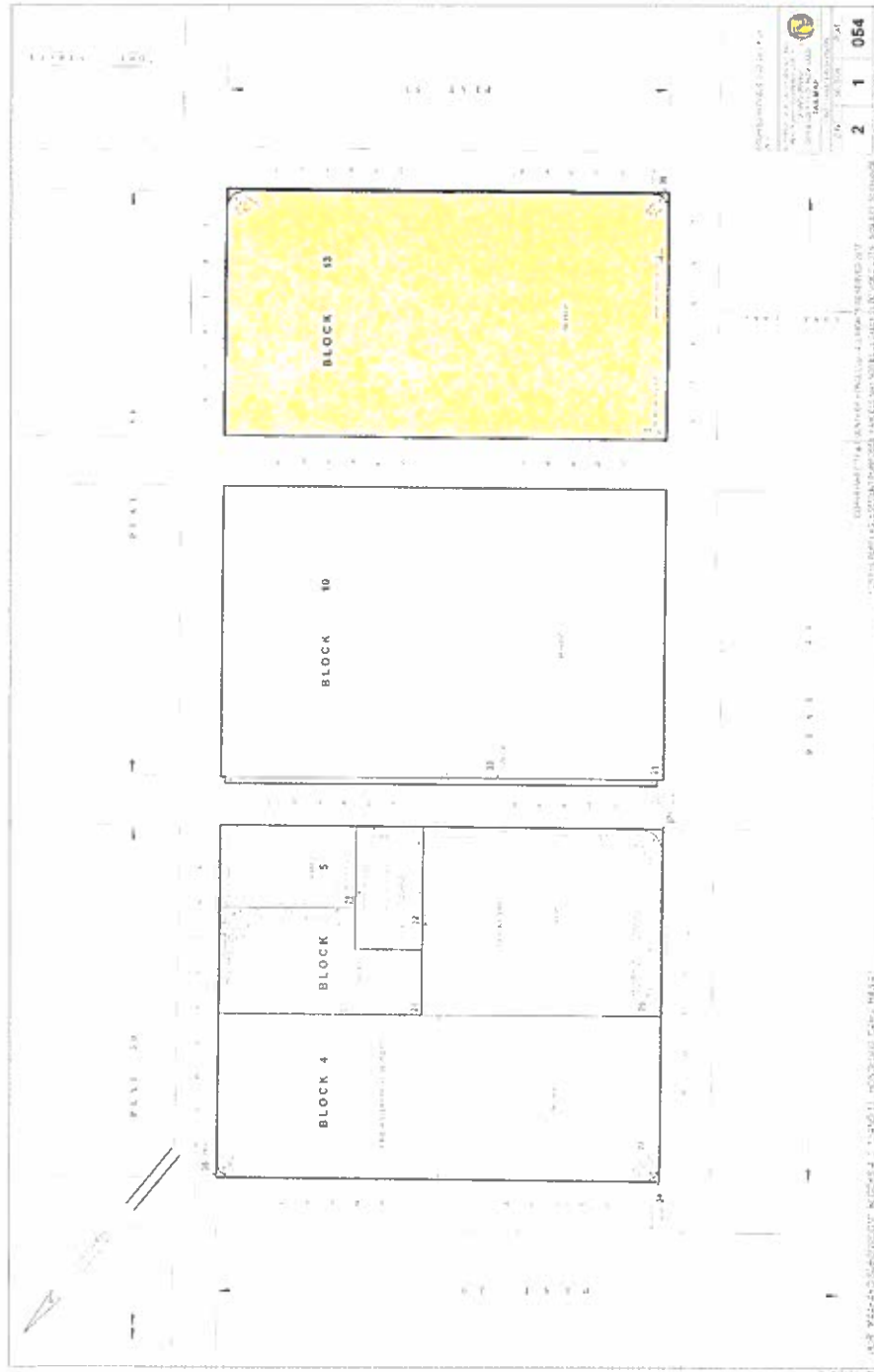


EXHIBIT B

3-D RENDERINGS



EXHIBIT C

SELECTED PRELIMINARY DRAWINGS
CONCEPTUAL SITE PLAN

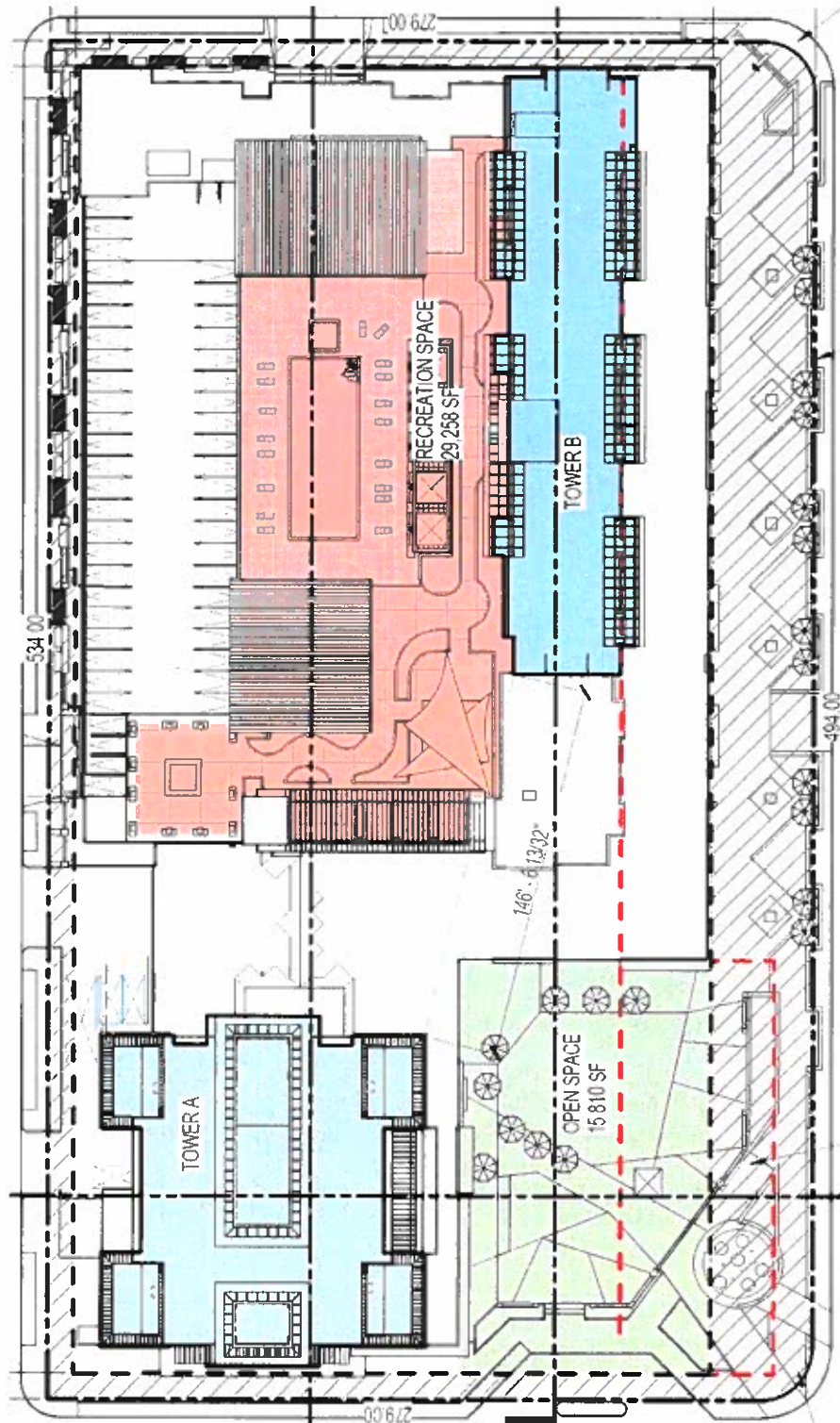


EXHIBIT D-1

SELECTED PRELIMINARY DRAWINGS LANDSCAPE PLAN

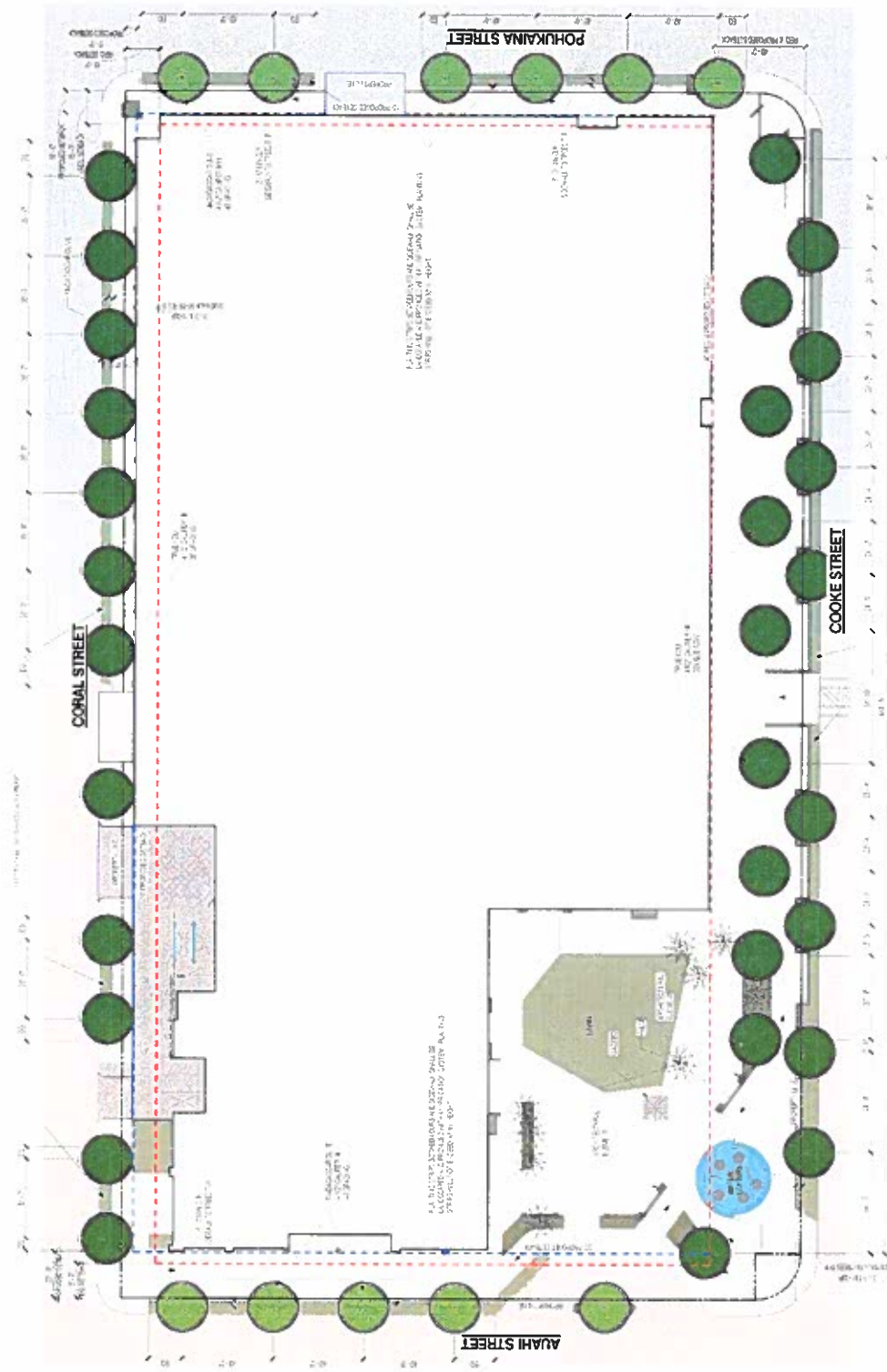


EXHIBIT D-2

SELECTED PRELIMINARY DRAWINGS GROUND FLOOR PLAN

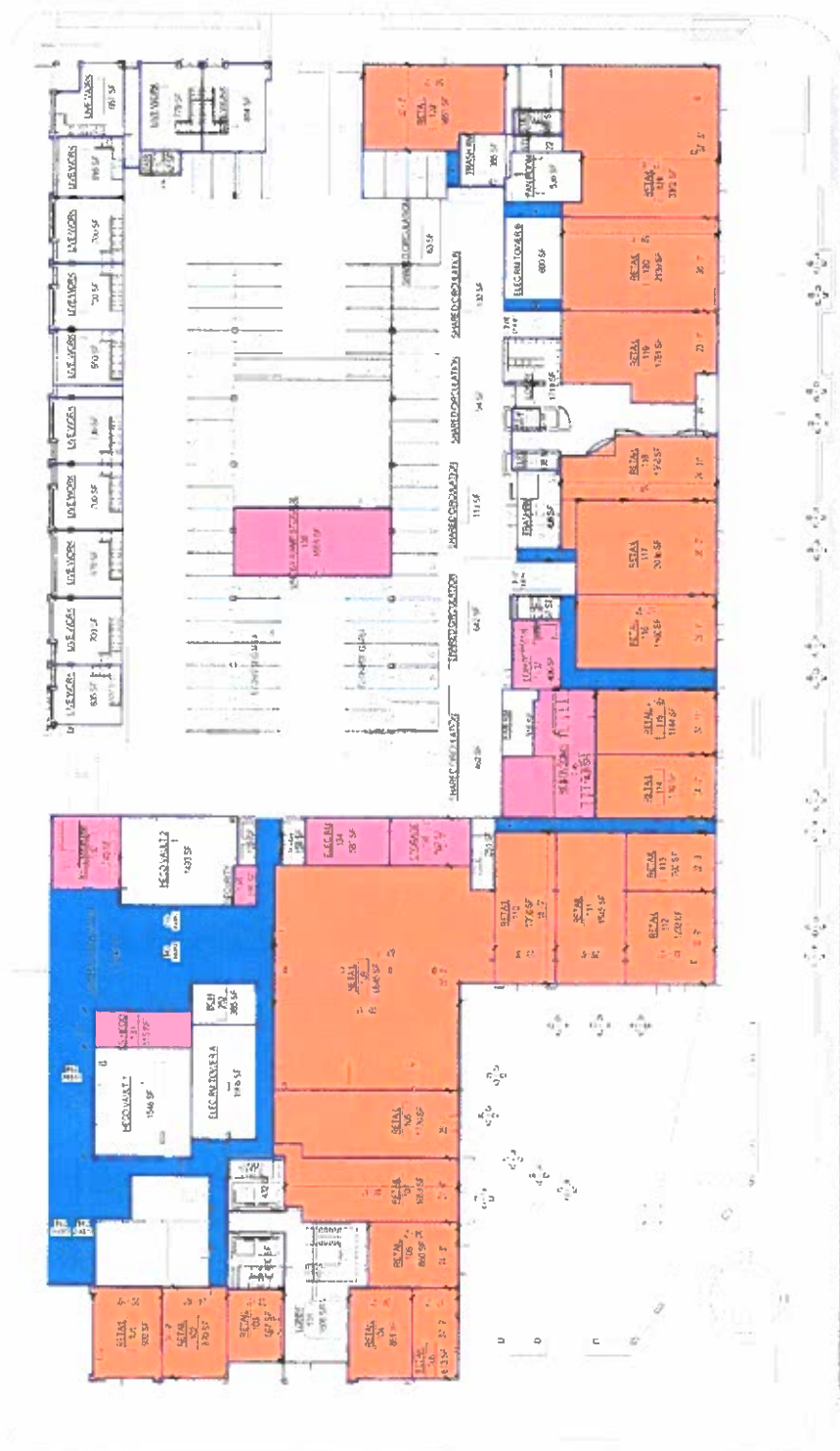


EXHIBIT D-3

**SELECTED PRELIMINARY DRAWINGS
TYPICAL BUILDING B PODIUM PLAN**

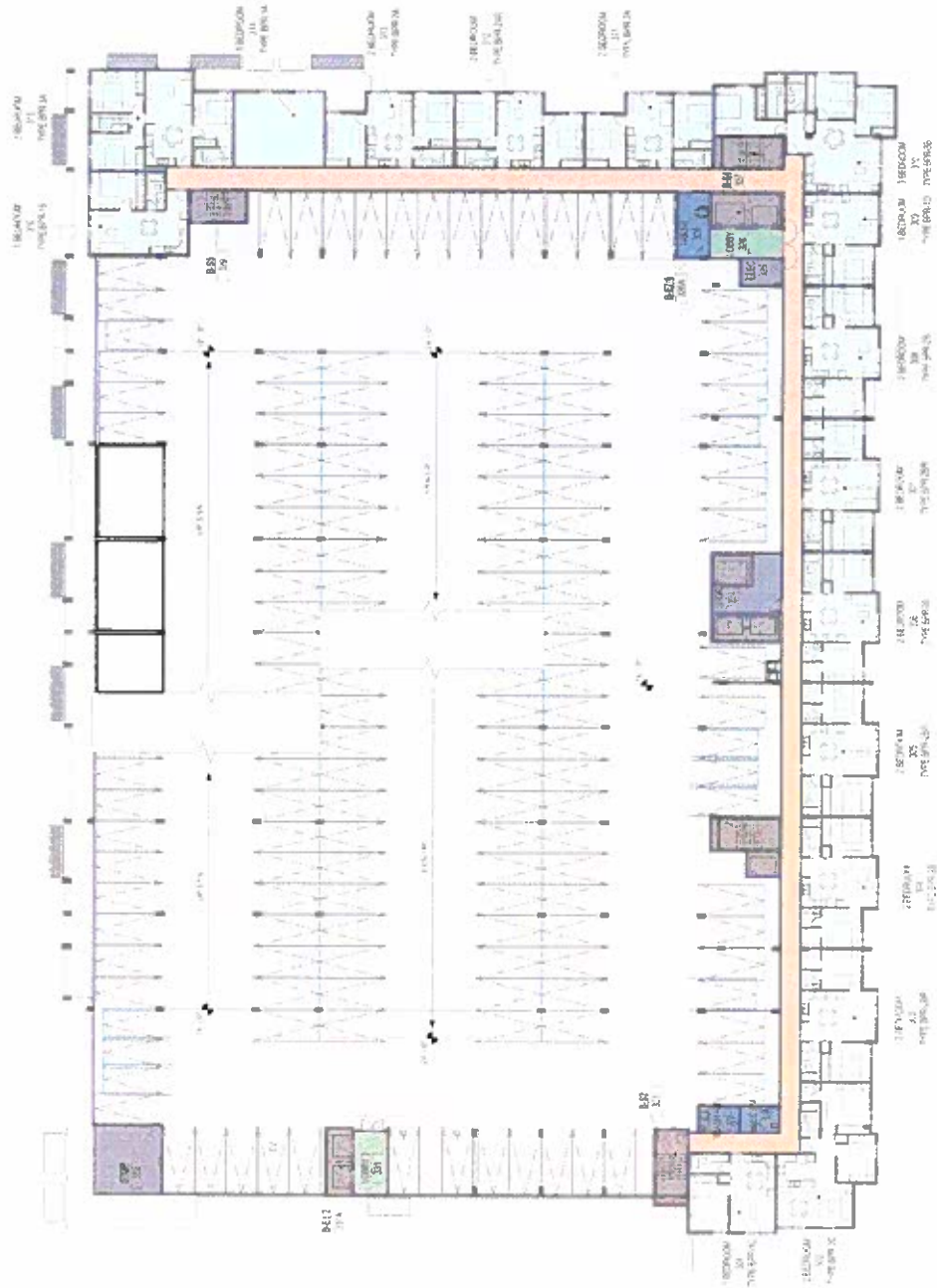


EXHIBIT D-4

The site plan illustrates the layout of the proposed development. Key features include:

- PARKING AREA:** Located on the left side of the site, adjacent to the road.
- POOL DECK:** A large rectangular area in the center-left of the site.
- MULTI-RECREATION DECK:** Located to the right of the pool deck, featuring various recreational facilities.
- CABANA'S:** A row of cabana structures situated between the pool deck and the boat lift area.
- BOAT LIFT:** A designated area for boat lifting, located on the right side of the site.
- ROAD:** A road runs along the left boundary of the site.
- RIVER:** A river runs along the right boundary of the site.
- North Arrow:** A north arrow is positioned near the center of the plan, pointing towards the top of the page.

EXHIBIT D-5

