



## 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 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); and



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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

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



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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.

### 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.



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### 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:
  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



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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;
  - 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



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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.
  - 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.



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- 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.
  - 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



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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 or specifications 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

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HONOLULU, HAWAII

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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)

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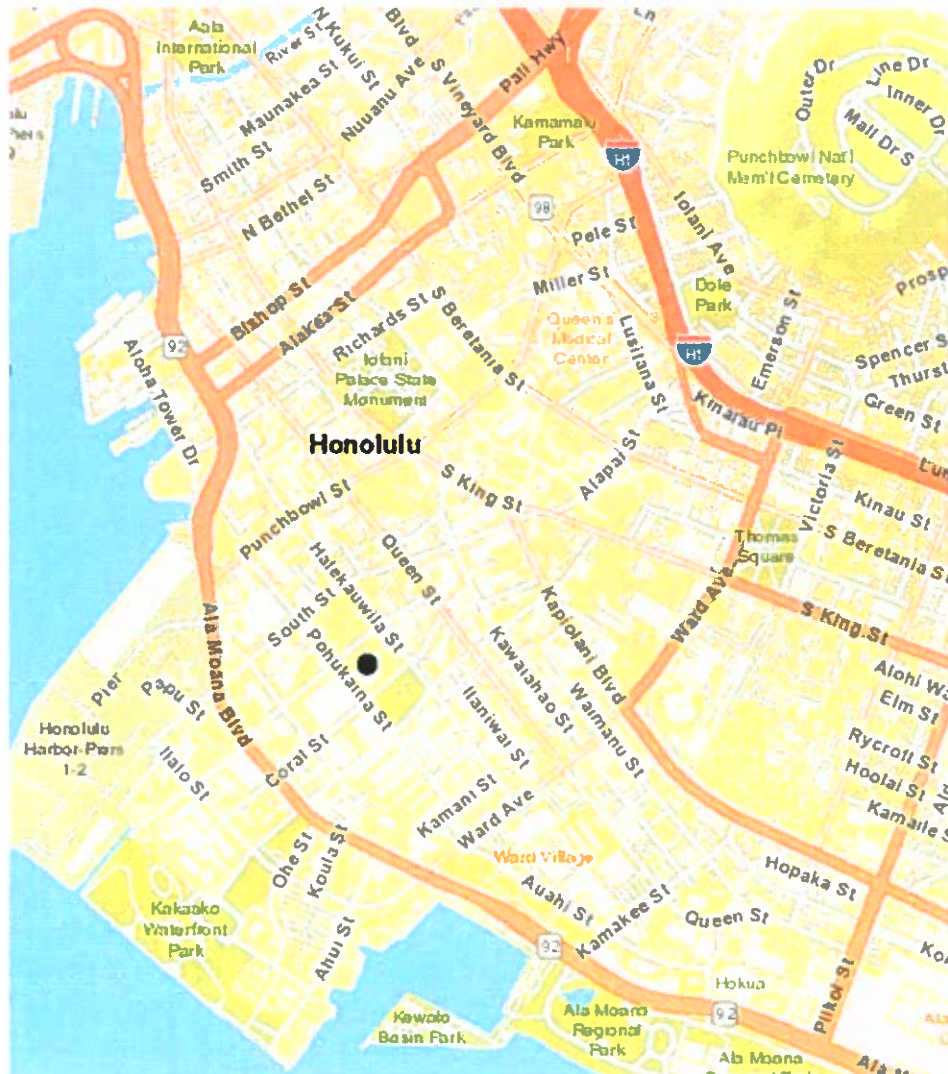
DATE OF INTRODUCTION:

\_\_\_\_\_  
\_\_\_\_\_

April 27, 2023  
Honolulu, Hawai'i

\_\_\_\_\_  
Councilmembers

## LOCATION MAP



## EXHIBIT A

C.S.F. No. 25,233

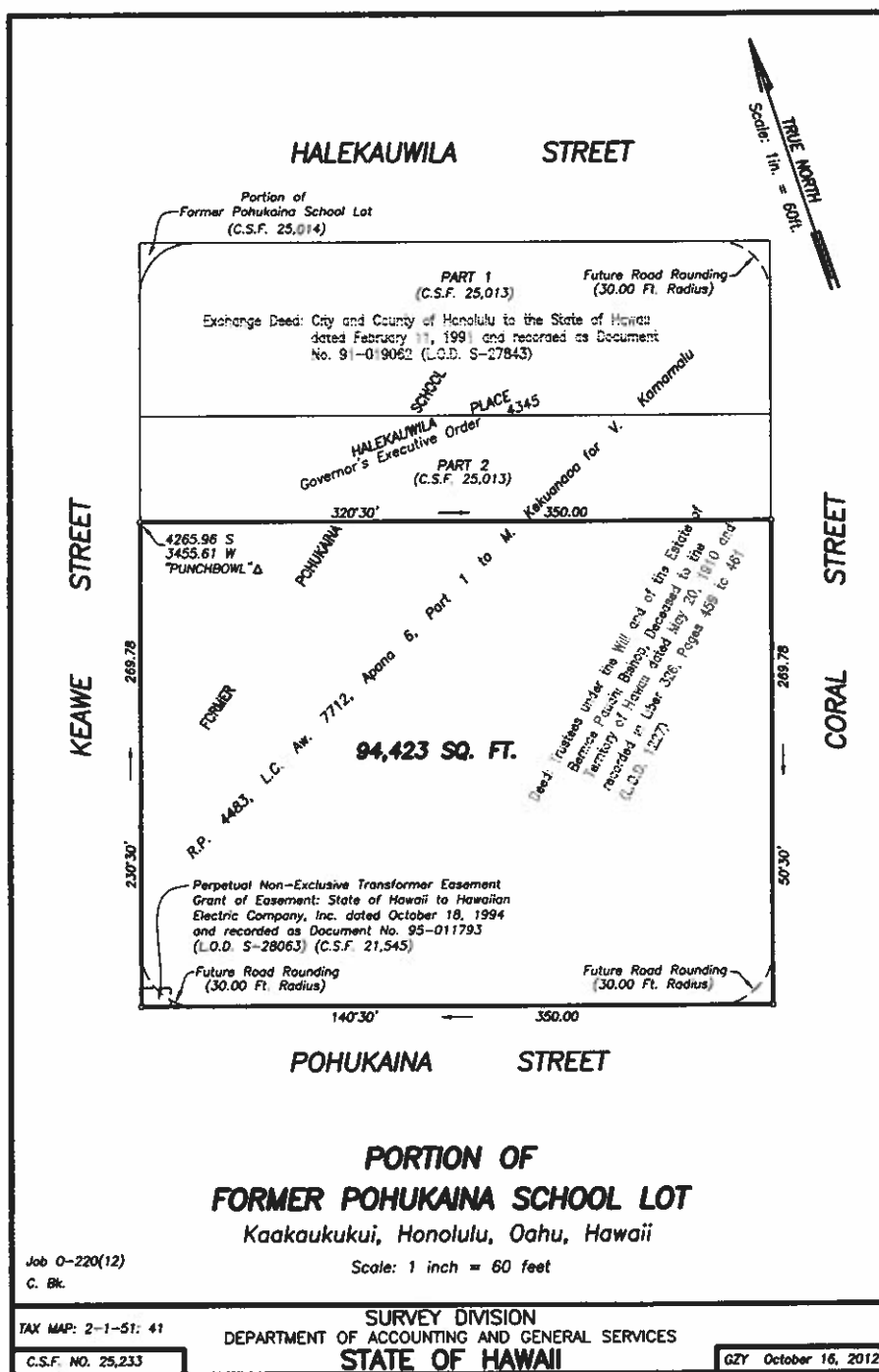


EXHIBIT B

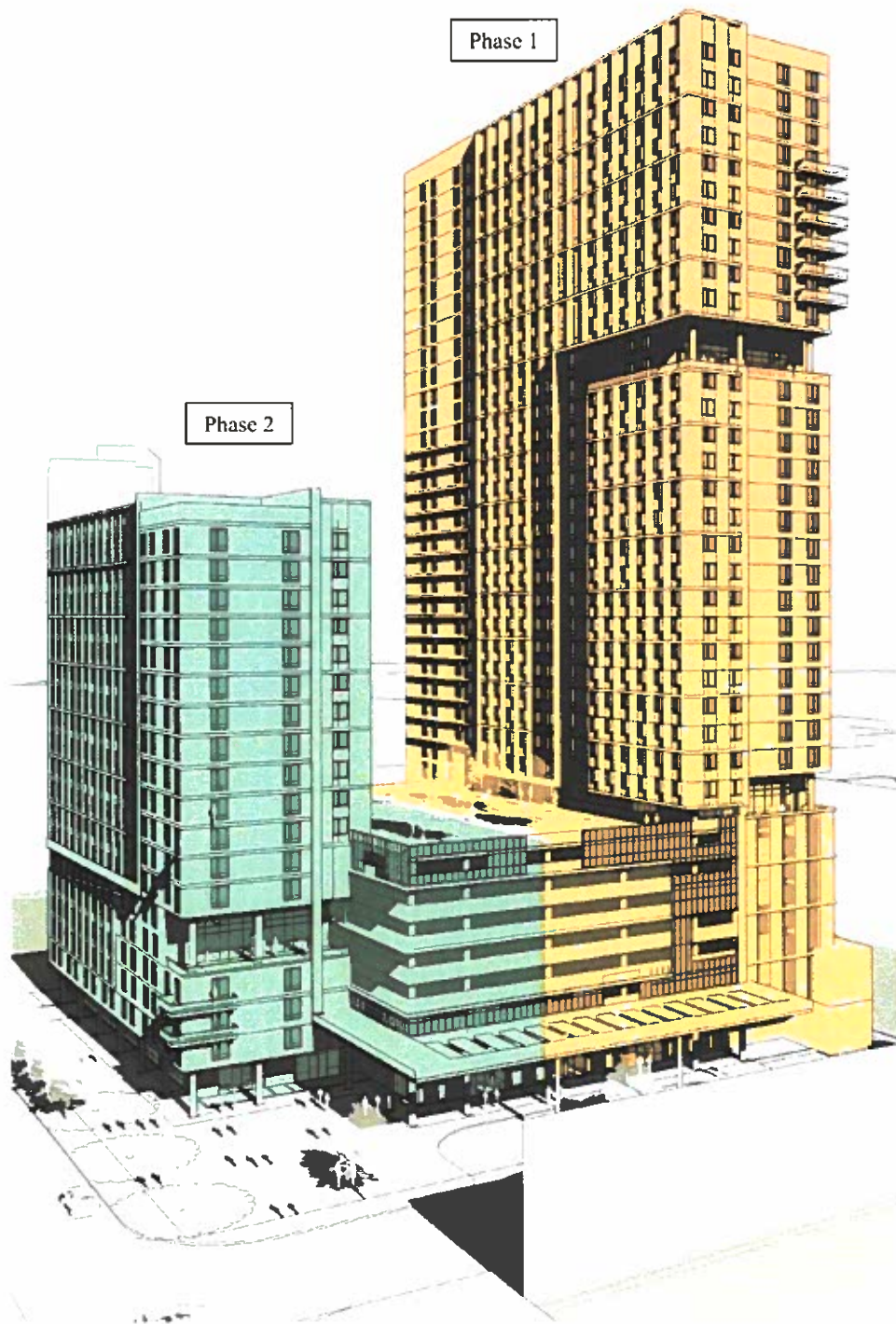
**3-D RENDERING**



**EXHIBIT C-1**



**3-D RENDERING**



**EXHIBIT C-2**

[illegible]**EXHIBIT D-1**

SELECTED PRELIMINARY DRAWINGS  
TYPICAL PARKING GARAGE FLOOR PLAN

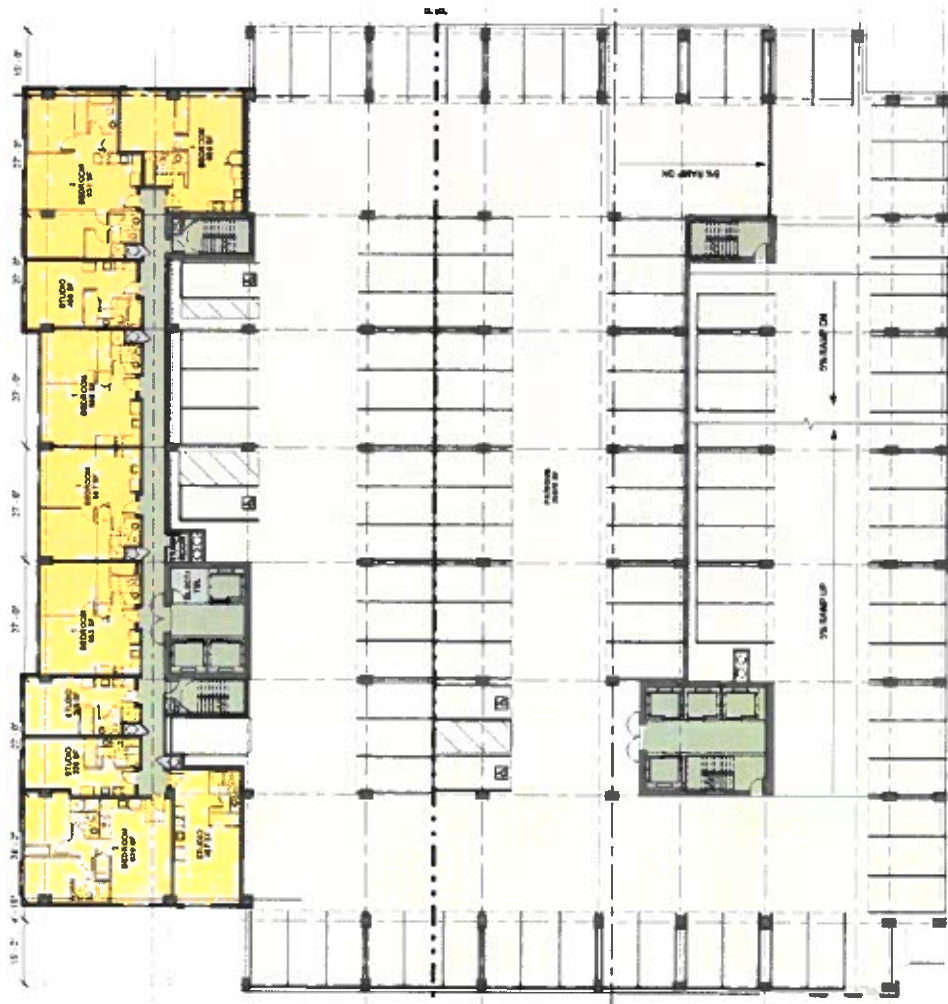


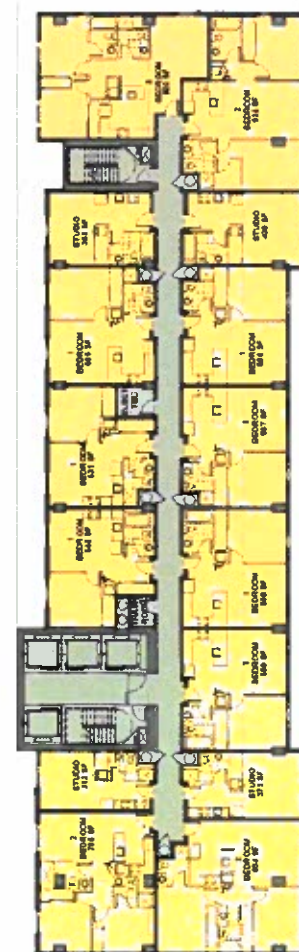
EXHIBIT D-2

SELECTED PRELIMINARY DRAWINGS  
10TH FLOOR PLAN



EXHIBIT D-3



**EXHIBIT D-4**

CITY COUNCIL  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII  
CERTIFICATE

RESOLUTION 23-83, CD1

Introduced: 04/27/23 By: TOMMY WATERS - BY REQUEST Committee: ZONING (ZON)

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

Voting Legend: \* = Aye w/Reservations

04/27/23	INTRO	Introduced.
05/03/23	ZON	Postponed.
		4 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY
		1 ABSENT: WEYER
05/24/23	ZON	Reported out for adoption as amended in CD1 form.
		CR-153
		5 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY, WEYER
06/07/23	CCL	Committee report and Resolution as amended were adopted.
		9 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, SAY, TULBA, TUPOLA, WATERS, WEYER

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this  
RESOLUTION.

  
GLEN I. TAKAHASHI, CITY CLERK

  
TOMMY WATERS, CHAIR AND PRESIDING OFFICER