

HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

No. 23-281, CD1

RESOLUTION

AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE WAIPAHU STREET AFFORDABLE RENTAL HOUSING PROJECT IN WAIPAHU, O'AHU.

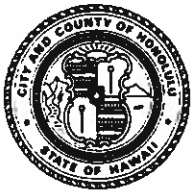
WHEREAS, Michaels Development (the "Applicant") proposes to develop the Waipahu Street affordable rental housing project on approximately 37,000 square feet of land zoned AMX-2 Medium-Density Apartment Mixed Use District, within the Waipahu Transit-Oriented Development Special District, located at 94-069 Waipahu Street in Waipahu, O'ahu, and identified as Tax Map Key 9-4-047:025 (the "Project"); and

WHEREAS, as proposed, the Project involves a 15-story tower (12-story residential tower above a three-story parking podium) consisting of 195 affordable rental dwelling units (one-bedroom, two-bedroom, and three-bedroom units) and one manager's unit, 179 vehicle parking spaces, 118 long-term and short-term bicycle parking spaces, storage rooms, and a mailroom, barbecue pavilion, community garden, fitness loop, dog park, laundry room, multipurpose room, activity room, and fitness center; and

WHEREAS, the 195 affordable dwelling units will be rented to households earning 80 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") as follows: 15 units will be rented to households earning 30 percent or below of the AMI, 160 units will be rented to households earning 31 percent up to 60 percent of the AMI, and 20 units will be rented to households earning 61 percent up to 80 percent of the AMI; and

WHEREAS, all 195 affordable rental units will remain affordable for a minimum period of 65 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 or below of the AMI, and at least 31 percent of a project's total units be available to households earning between 81 percent and 120 percent of the AMI, or lower AMI; and



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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 July 28, 2023, prepared by Lowney Architecture (the "Plans and Specifications"), and submitted to the Council by the Department of Planning and Permitting ("DPP") on November 8, 2023, by Departmental Communication 782 (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

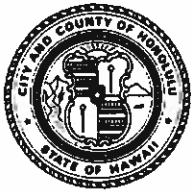
WHEREAS, the Project does not contravene any safety standards, tariffs, or rates and fees approved by the Public Utilities Commission or the Board of Water Supply; and

WHEREAS, the exemptions authorized herein meet the intent of HRS Chapter 201H, and minimum requirements of health and safety; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it approves the Project, which approval includes exemptions from certain requirements for the Project as set forth in the Plans and Specifications for the Project, as follows:

Application Fees:

1. Exemption from § 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 \$667,000.
3. Exemption from ROH § 18A-2.4, to allow an exemption from the payment of grading and grubbing permit fees, estimated at \$560.



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4. Exemption from ROH § 18-3.1 and Table 18-A, to allow an exemption from the payment of special assignment inspection fees, estimated at \$400.
5. Exemption from ROH § 18A-1.6(d), to allow an exemption from the payment of stormwater quality review and erosion control and sediment plan review fees, estimated at \$250.
6. Exemption from ROH § 14-2.1, to allow an exemption from the payment of trenching permit fees, estimated at \$195.

Infrastructure and Public Works Fees and Charges:

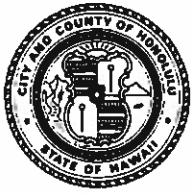
7. Exemption from ROH §§ 43-10.1, 43-10.2 and 43-10.3, to allow an exemption from the payment of wastewater system facility charges attributed to the 195 affordable units rented to households earning 80 percent and below of the AMI, estimated at \$903,084.
8. Deferral from ROH §§ 43-10.1, 43-10.2 and 43-10.3, to allow the deferral until the issuance of a certificate of occupancy for the Project of the payment of wastewater system facility charges attributed to the one manager's unit, estimated at \$4,631.
9. Exemption from ROH § 43-11.12(f), to allow an exemption from the payment of storm drain connection fees, estimated at \$200.

Fire Department Plan Review Fees:

10. Exemption from ROH § 20-1.1(3), to allow an exemption from the payment of Honolulu Fire Department plan review fees, estimated at \$66,700.

Board of Water Supply ("BWS") Rules and Regulations:

11. Deferral from Sections 1-102 and 2-202 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, estimated at \$400,000, until the installation of the water meter; provided that all BWS requirements are satisfied. The actual fees to be deferred will be determined by the BWS during review of the Project's building permit application.



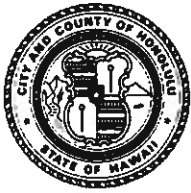
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ROH Chapter 21, the Land Use Ordinance:

12. Exemption from ROH § 21-3.90-1(b), Table 21-3.3, and the applicable zoning map, relating to maximum height, to allow for a maximum building height of 155 feet (instead of 60 feet). Rooftop structures must conform to ROH § 21-4.60(c).
13. Exemption from ROH § 21-3.90-1(b) and Table 21-3.3, relating to density, to allow for a maximum floor area ratio ("FAR") of 5.5 (instead of an FAR of 1.84).
14. Exemption from ROH § 21-3.90-1(b) and Table 21-3.3, relating to building area (lot coverage), to allow for a maximum building area of 80 percent of the zoning lot (instead of 40 percent of the zoning lot).
15. Exemption from ROH § 21-3.90-1(b) and Table 21-3.3, relating to required yards, to allow for a five-foot front yard (instead of a 10-foot front yard).
16. Exemption from ROH § 21-3.90-1(c)(2), relating to height setbacks, to allow the Project to encroach 11 feet into the height setback along the east property line and seven feet along the south property line.
17. Exemption from ROH § 21-6.110, relating to off-street loading space dimensions, to allow the large loading space to be 30 feet long by 12 feet wide, with a 12.5-foot vertical clearance (instead of 35 feet long by 12 feet wide, with a 14-foot vertical clearance), as shown in the attached Exhibits.

Waipahu Transit-Oriented Development Special District:

18. Exemption from ROH § 21-9.100-8(a)(3)(D), relating to street façade and building placement, to allow the Project to encroach 14 feet into the 50-foot setback above 60 feet along the south and east property line.
19. Exemption from ROH § 21-9.100-8(a)(4)(A), relating to building orientation, to allow a building orientation with the short side of the Project's tower parallel to Waipahu Street (instead of the long side of the Project's tower parallel to Waipahu Street).
20. Exemption from ROH § 21-9.100-8(a)(5), relating to building transparency, to allow a minimum of 40 percent of the ground floor façade facing Waipahu Street to have openings (instead of 60 percent of the ground floor façade facing Waipahu Street to have openings).



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21. Exemption from ROH § 21-9.100-8(c)(1), relating to vehicle parking, to allow the parking structure entrance to be located eight feet from the front property line (instead of 40 feet from the front property line).
22. Exemption from ROH § 21-9.100-8(c)(2), relating to loading spaces, to allow loading spaces to be located at the front of the Project site near to the parking structure entrance on Waipahu Street (instead of near to the side or rear of the Project site).
23. Exemption from ROH § 21-9.100-8(c)(4), to allow the ground floor of the parking structure to have no active ground floor activities.
24. Exemption from ROH §§ 21-9.100-9 and 21-9.100-11, relating to Transit-Oriented Development ("TOD") Special District permits, to allow for modifications to the Project's maximum density and height without first obtaining a TOD Special District permit, as shown in the attached Exhibits.

Park Dedication Ordinance:

25. Exemption from ROH Chapter 22, Article 7, to allow an exemption from park dedication requirements attributed to the 195 affordable dwelling units rented to households earning 80 percent or below of the AMI, totaling 21,450 square feet of park space, or payment of an equivalent in-lieu fee estimated at \$2,828,182.50. Park dedication requirements attributed to the one manager's unit, totaling 110 square feet of park space, or payment of an equivalent in-lieu fee estimated at \$14,503.50, may be satisfied by dedicating onsite recreational space that meets City park standards, or by payment of the equivalent in-lieu fee.

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 the plans and drawings labeled as Exhibits A, B, C-1 through C-9, and D-1 through D-3, 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 permits for the Project, the Applicant shall submit to the DPP for its review and approval:

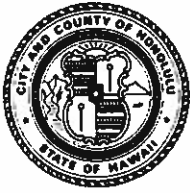


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1. An overall timeline and phasing plan of the anticipated dates to obtain major building permits for demolition and construction work, including the projected date of occupancy, in a format acceptable to the DPP. The timeline must identify when a construction management plan ("CMP"), traffic management plan ("TMP"), and an update and validation to the initial traffic impact analysis ("TIA"), dated July 2023, and prepared by WSP USA, Inc., will be submitted to the DPP for its review and approval.
2. A CMP 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, provides for onsite or offsite staging areas for construction workers and vehicles to limit the use of on-street parking around the Project site, and includes other traffic mitigation measures to address potential impacts on the surrounding neighborhood during Project construction;
 - 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 so that the existing roadway may be restored if its condition deteriorates as a result of the construction-related activities.
3. A TMP that:
 - a. Includes traffic demand management ("TDM") strategies to minimize the number of vehicular trips for daily activities of Project residents; TDM strategies may include carpooling, ride hailing, car sharing, and ride sharing programs; transit, bicycle, and pedestrian incentives; and other similar TDM strategies;



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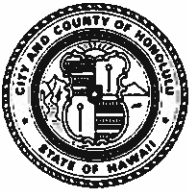
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- b. Includes a pedestrian circulation plan that provides accessibility and connectivity to the surrounding public sidewalks and nearby transit stops, and contains the determination of effective sidewalk widths, taking into account City Complete Streets initiatives; and
 - c. A post TMP will be required approximately one year after the issuance of the Project's certificate of occupancy to validate the relative effectiveness of the various TDM strategies identified in the initial TMP.
- 4. Project plans (including a solid waste management plan and a loading area plan) and a maneuverability study demonstrating that loading activity and trash pickup will not occur on Waipahu Street, and will not interfere with or disrupt the flow of traffic on Waipahu Street.
- 5. Documentation that confirms coordination with the Department of Transportation Services regarding bus stop improvements along Waipahu Street fronting the Project site.
- C. Approximately one year after the issuance of a certificate of occupancy for the Project, the Applicant shall submit to the DPP for its review and approval a post TIA that updates the initial TIA, to validate traffic projections, distribution, and assignment contained in the initial TIA. If the updated TIA recommends additional traffic mitigation measures or modifications to address traffic impacts directly attributable to the Project, the Applicant shall implement the updated TIA recommendations. If the updated TIA is inconclusive, a second updated TIA may be required one year after the date of the updated TIA, as the DPP Director determines is necessary.
- 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 Project's 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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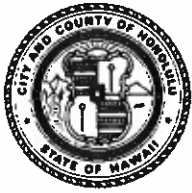
BE IT FURTHER RESOLVED that this resolution is null and void unless construction of the Project commences no later than 60 months after the adoption of this resolution; and

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 preliminary plans and specifications or in granting the 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, so 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 of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i 96813; Michaels Development, 737 Bishop Street, Suite 2020, Honolulu, Hawai'i 96813; and Isaiah Sato, R.M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawai'i 96819.

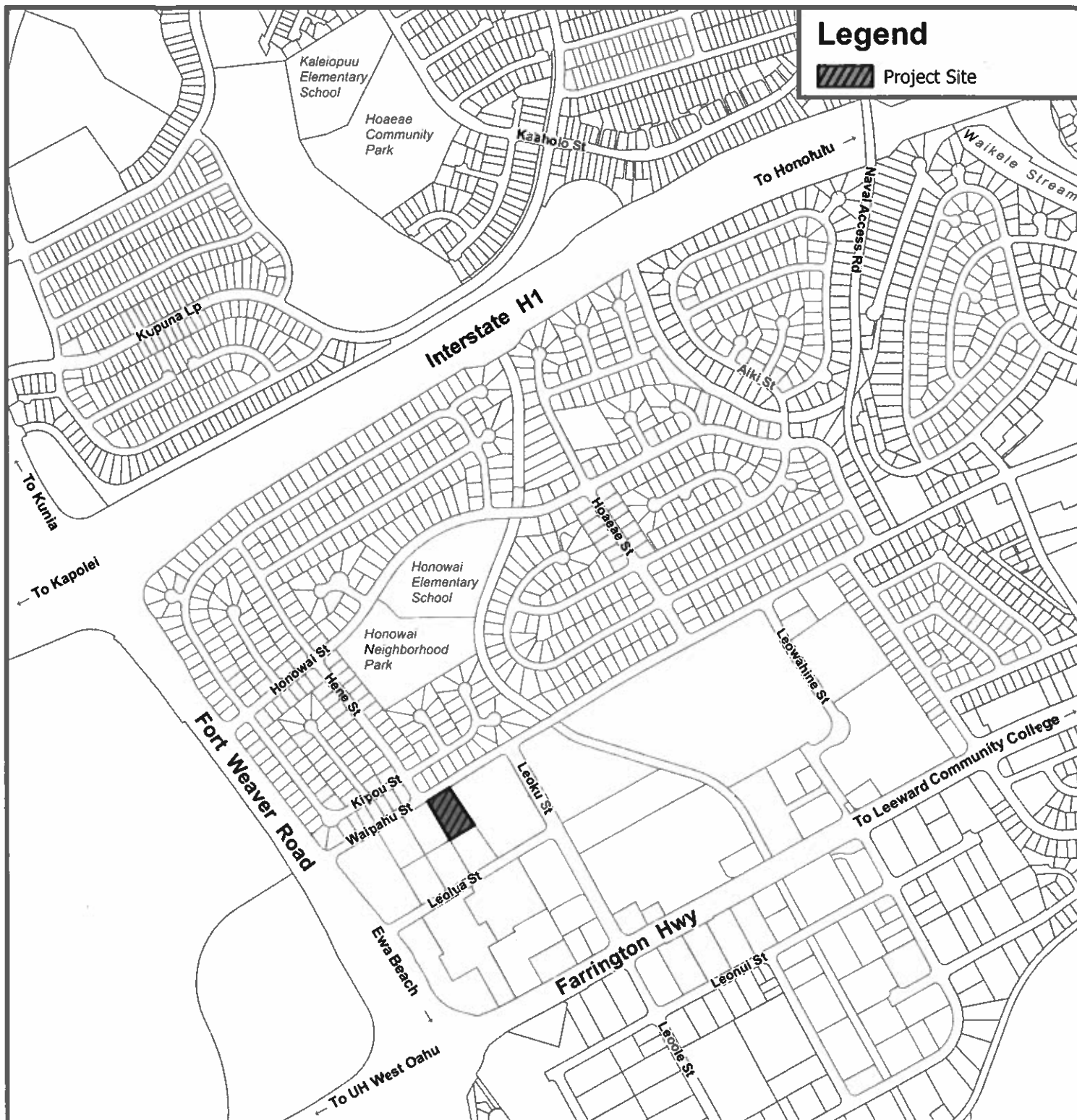
INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

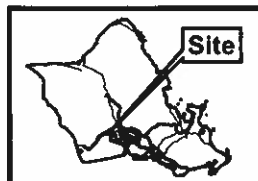
November 9, 2023
Honolulu, Hawai'i

Councilmembers



Legend

 Project Site



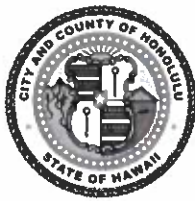
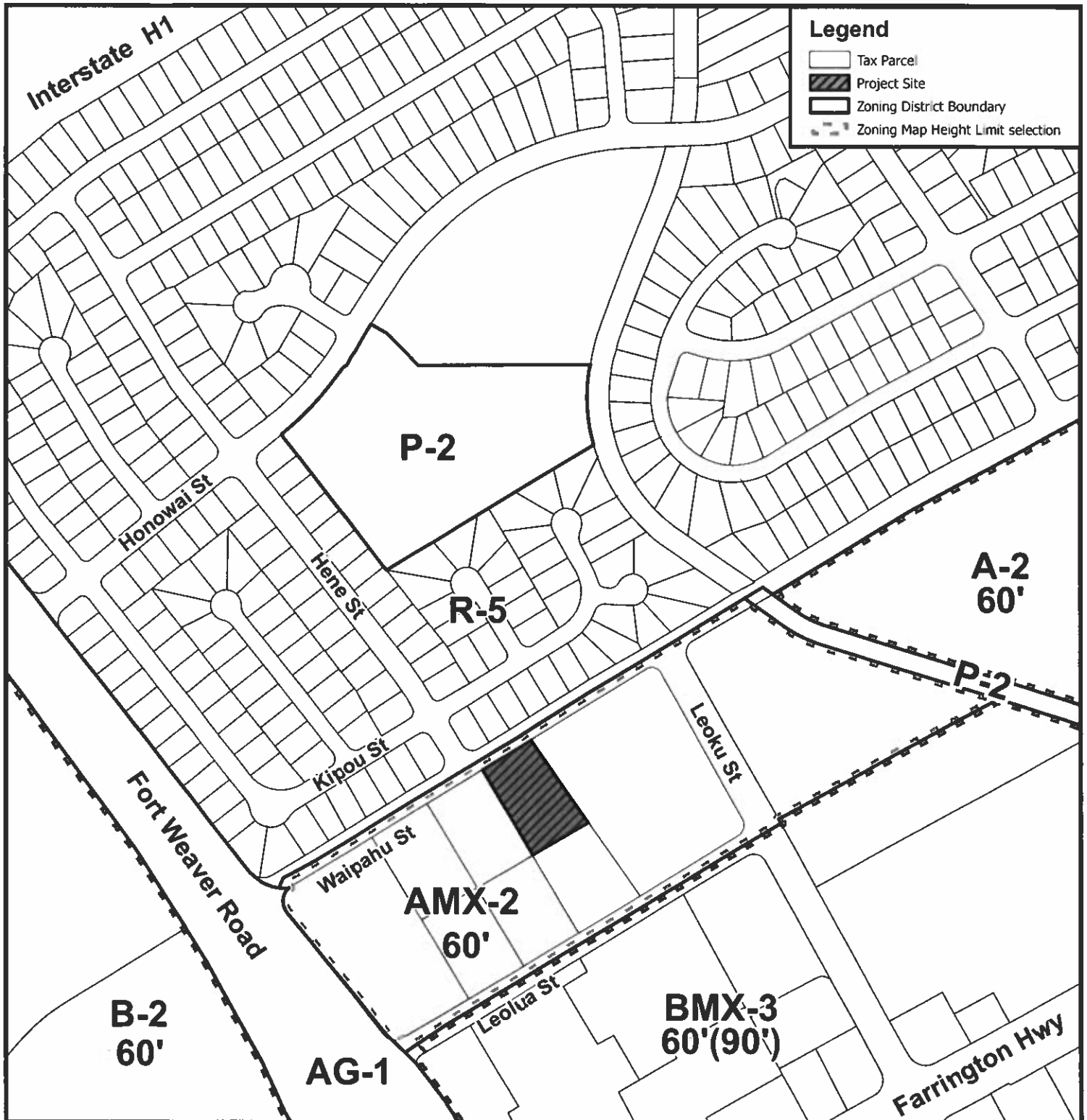
VICINITY MAP

LOCATION MAP WAIPAHU

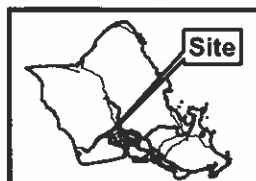
TAX MAP KEY(S): 9-4-047:025
FOLDER NO.: 2023/GEN-6

0 500 1,000 2,000
Distance In Feet





0 400 800
Distance In Feet



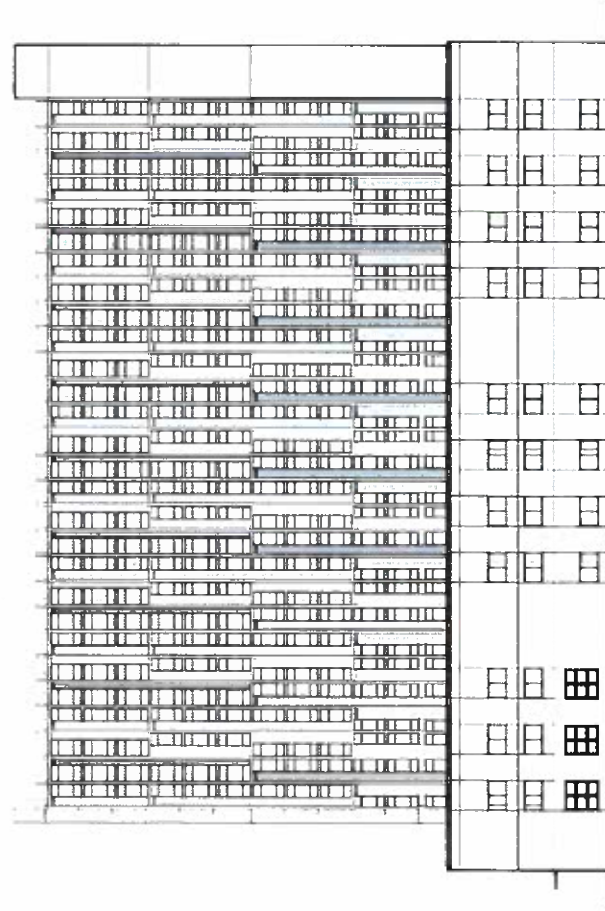
VICINITY MAP



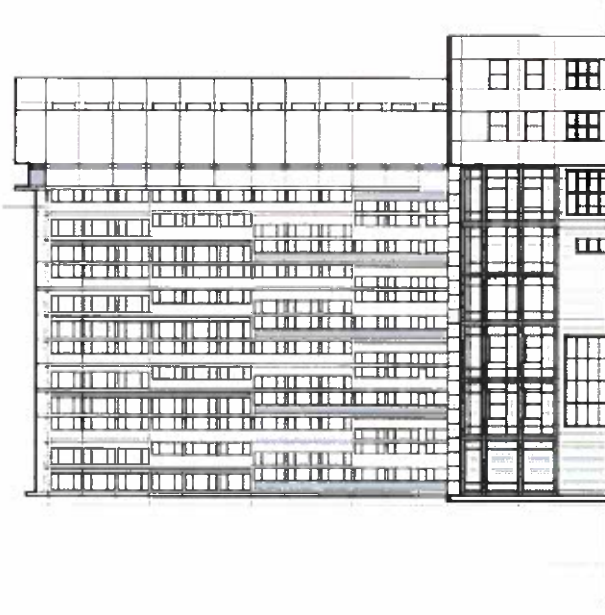
PORTION OF ZONING MAP

Waipahu

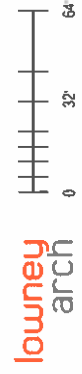
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FOLDER NO.: 2023/GEN-6



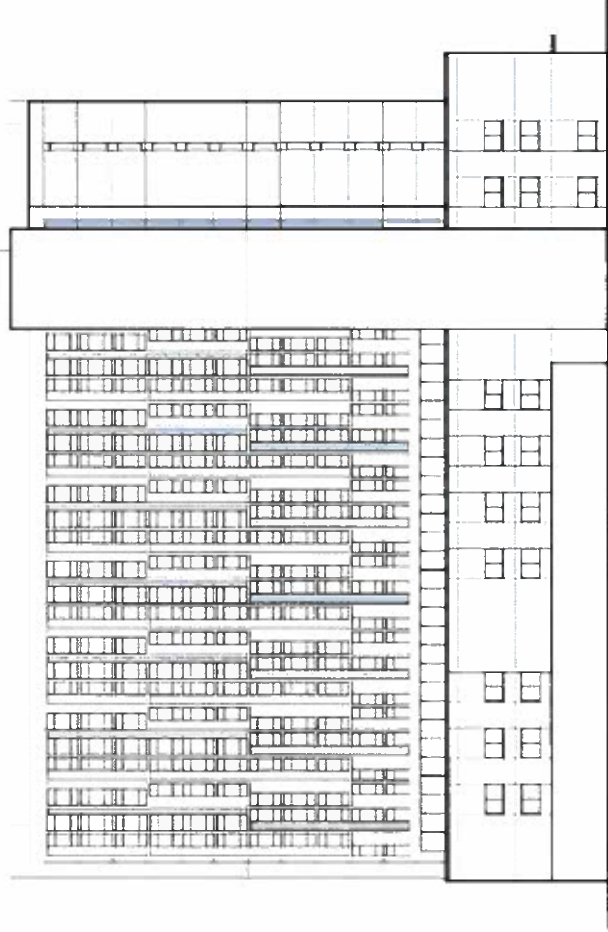
2 SIDE / WEST ELEVATION
1/32" = 1'-0"



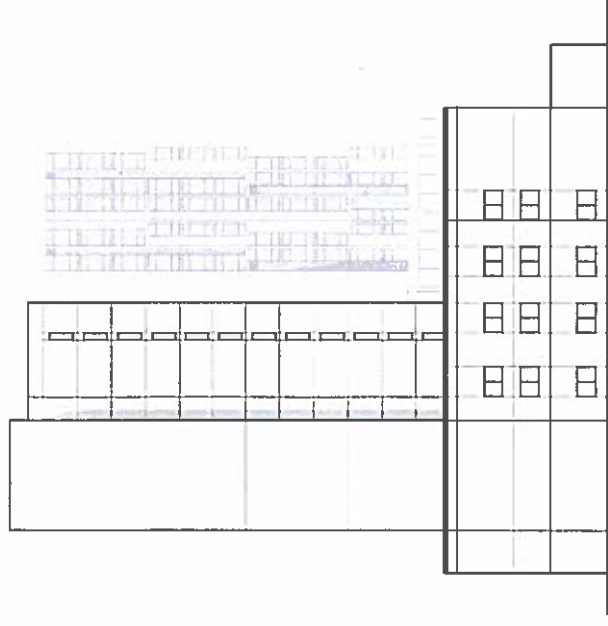
1 FRONT / NORTH ELEVATION
1/32" = 1'-0"



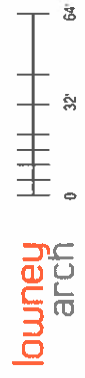
BUILDING ELEVATIONS **A11**
Waipahu St. Affordable Housing - 201H - 07/28/2023



2 SIDE / EAST ELEVATION
1/32" = 1'-0"



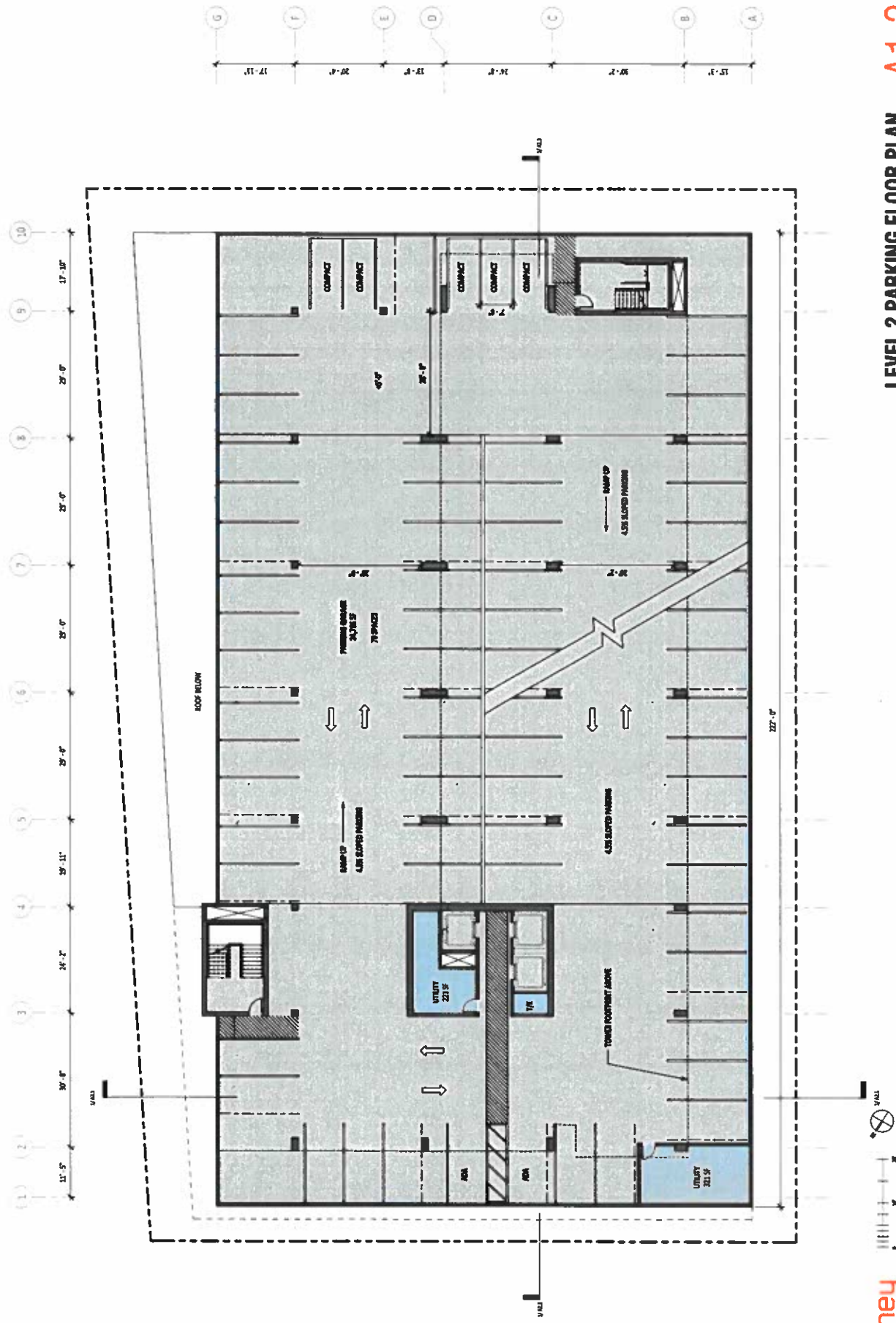
1 REAR / SOUTH ELEVATION
1/32" = 1'-0"



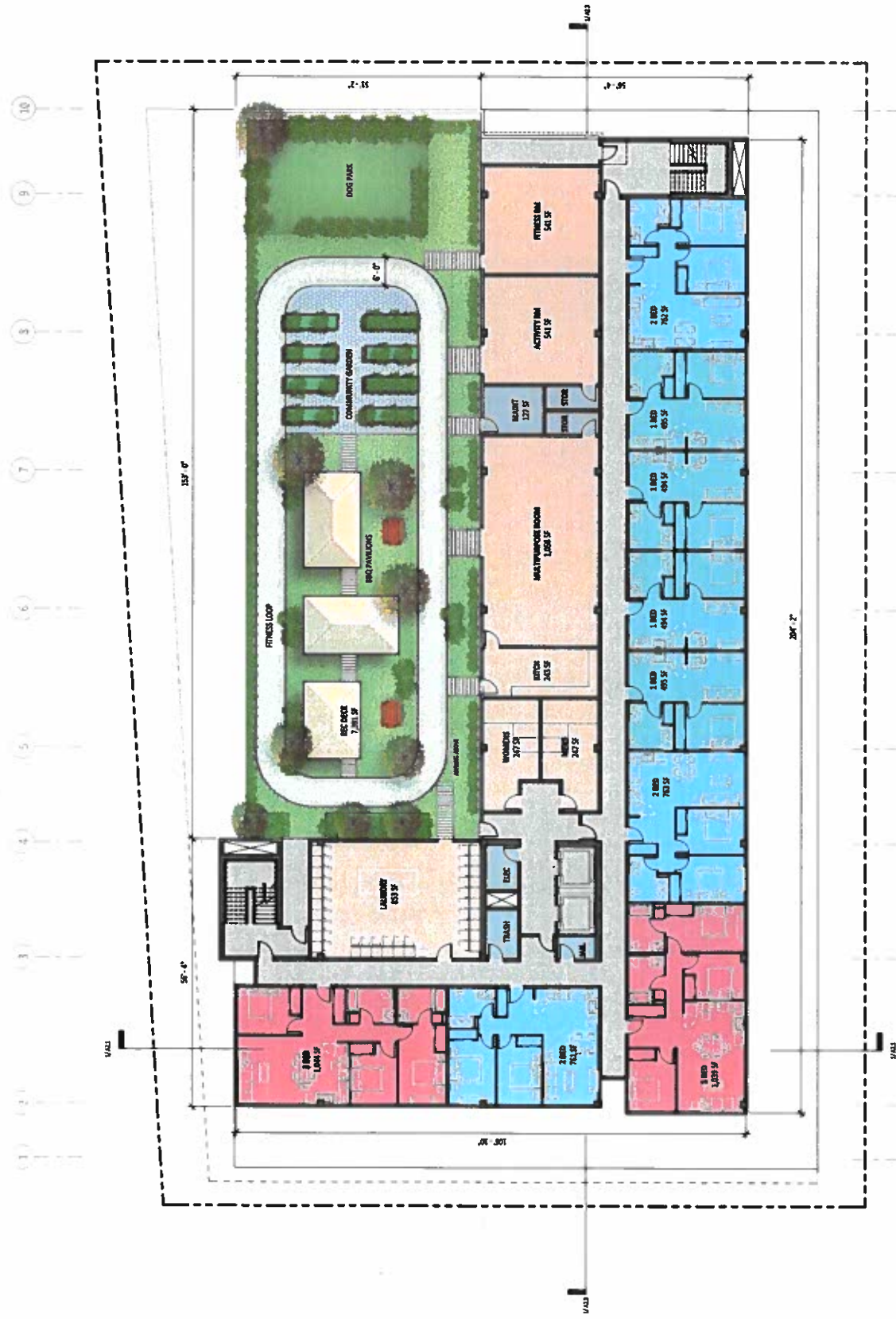
BUILDING ELEVATIONS
Wajapatu St. Affordable Housing 281H - 07/28/2023

A12





LEVEL 2 PARKING FLOOR PLAN
WAIPANU ST AFFORDABLE HOUSING - 09/27/2023



lowney
arch

LEVEL 4 AMENITY FLOOR PLAN
WAIPAHU ST AFFORDABLE HOUSING - 09/27/2023

WAIPAHU ST AFFORDABLE HOUSING - 09/27/2023

EXHIBIT C-6









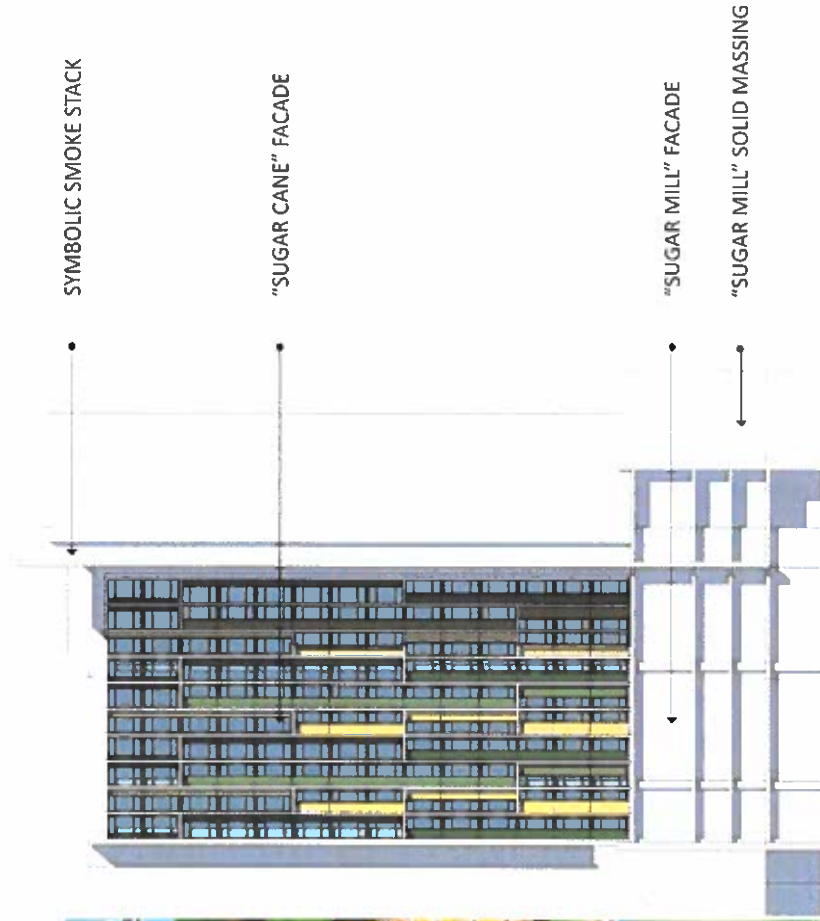
"SUGAR MILL" (BASE)

- HISTORIC SUGAR MILL IN WAIPAHU
- EXPOSED STEEL FRAMEWORK AND SIMPLE SOLID MASSING
- SYMBOLIC SMOKE TOWER



"SUGAR CANE" (TOWER)

- SUGAR CANE FIELD SHOWS OVERALL GRADATION OF COLOR AND TEXTURE
- EMPHASIS ON VERTICAL PROPORTIONS
- VARIATIONS OF COLOR WITHIN EACH SUGAR CANE



MAIN ELEVATION



EXHIBIT D-2

CONCEPT RENDERING

A15

Waipahu St Affordable Housing - 201H - 07/07/2023

lowney
arch



lowney
arch

EXHIBIT D-3

CONCEPT RENDERING

A16

Warpaint St Affordable Housing - 2014 - 07/07/2023

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 23-281, CD1

Introduced: 11/09/23 By: TOMMY WATERS - BY REQUEST Committee: ZONING (ZON)

Title: AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE WAIPAHU STREET AFFORDABLE RENTAL HOUSING PROJECT IN WAIPAHU, O'AHU.

Voting Legend: * = Aye w/Reservations

11/09/23	INTRO	Introduced.
11/28/23	ZON	Reported out for adoption as amended in CD1 form. CR-360 4 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, SAY 1 ABSENT: WEYER
12/06/23	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