HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. 25-26, CD1

RESOLUTION

AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE HALE O LĪPOA AFFORDABLE RENTAL HOUSING PROJECT IN ʻAIEA, OʻAHU.

WHEREAS, Līpoa Development LLC (the "Applicant") proposes to develop the Hale O Līpoa affordable rental housing project on approximately 42,000 square feet of land zoned BMX-3 Community Business Mixed-Use District and within the ʻAiea-Pearl City Transit-Oriented Development ("TOD") Special District, located at 98-150 Līpoa Place in ʻAiea, Oʻahu, and identified as Tax Map Key 9-8-014:021, as depicted in Exhibits A, B, C, D-1 through D-10, and E-1 through E-4, attached hereto and incorporated by reference herein (the "Project"); and

WHEREAS, as proposed, the Project involves an eight-story U-shaped building consisting of 153 dwelling units (152 affordable rental units and one manager unit), 147 vehicle parking spaces (two levels of parking), 100 bicycle parking spaces (20 short-term and 80 long-term spaces), two loading spaces (one standard and one large), and amenities including a gym, mailroom, storage rooms, open-air landscaped deck, resource center, and lounge; and

WHEREAS, as proposed, the 152 affordable rental units (studio, one-bedroom, two-bedroom, and three-bedroom units), will be rented under one of two scenarios:

1. If the Project obtains Low Income Housing Tax Credit ("LIHTC") financing, to households earning 60 percent or 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") as follows: 16 units rented to households earning 30 percent or below of the AMI, 16 units rented to households earning 31 percent up to 40 percent of the AMI, and 120 units rented to households earning 41 percent up to 60 percent of the AMI); or

2. If the Project obtains Rental Housing Revolving Fund ("RHRF") financing, to households earning 100 percent or below of the AMI as follows: 32 units rented to households earning 80 percent or below of the AMI, and 120 units rented to households earning 81 percent up to 100 percent of the AMI; and

RESOLUTION

WHEREAS, all 152 affordable rental units will remain affordable for a minimum period of 61 years; and

WHEREAS, the Project is eligible to receive consideration under the City's Rules implementing § 201H-38, Hawaii Revised Statutes ("HRS"), which require that at least 20 percent of a project's total units be available to households earning 80 percent or below of the AMI, and at least 31 percent of a project's total units be available to households earning 81 percent and 120 percent of the AMI, or lower; and

WHEREAS, the City Council ("Council") is empowered and authorized to approve the Project, which may include exemptions from statutes, ordinances, charter provisions, and rules of any government agency relating to planning, zoning, construction standards for subdivision, development and improvement of land, and the construction of units thereon pursuant to HRS §§ 46-15.1 and 201H-38; and

WHEREAS, the Council has reviewed the preliminary plans and specifications for the Project, dated September 6, 2024, prepared by Lowney Architecture (the "Plans and Specifications"), and submitted to the Council by the Department of Planning and Permitting ("DPP") on January 7, 2025, by Departmental Communication 6 (2025); and

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

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

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

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

BE IT RESOLVED by the 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 $314,800.

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

4. Exemption from ROH § 18-3.1(c) and Table 18-A, to allow an exemption from the payment of special assignment inspection fees, estimated at $1,000.

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 $500.

6. Exemption from ROH § 14-2.1(c), to allow an exemption from the payment of trenching permit fees, estimated at $400.

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 as follows:

    a. If the Project is LIHTC financed, attributed to 152 affordable units rented to households earning 60 percent or below of the AMI, estimated at $483,664; or

    b. If the Project is RHRF financed, attributed to 32 affordable units rented to households earning 80 percent or below of the AMI, estimated at $101,824.

8. Deferral from ROH §§ 43-10.1, 43-10.2, and 43-10.3, to allow the deferral of the payment of wastewater system facility charges until the issuance of the certificate of occupancy for the Project as follows:

    a. If the Project is LIHTC financed, attributed to one manager unit, estimated

at $3,182; or

b. If the Project is RHRF financed, attributed to 120 affordable units rented to households earning 81 percent up to 100 percent of the AMI, and one manager unit, estimated at $385,022.

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 $31,480.

BWS Rules and Regulations:

11. Deferral from Sections 1-102 and 2-202 of the BWS Rules and Regulations, to allow a deferral of the payment of the water system facility and installation of water service fees until the installation of the water meter for the Project, estimated at $302,000; provided that all BWS requirements are satisfied. The actual fees to be deferred will be determined by the BWS during its review of the Project's building permit application.

ROH Chapter 21, the Land Use Ordinances ("LUO"):

12. Exemption from ROH § 21-3.120-2(b), Table 21-3.4, and the applicable zoning map, relating to maximum height, to allow for a maximum height of 90 feet (instead of 30 feet). Rooftop structures must conform to ROH § 21-4.60(c).

13. Exemption from ROH § 21-3.120-2(b), Table 21-3.4, relating to density, to allow for a maximum floor area ratio ("FAR") of 3.61 (instead of an FAR of 2.5).

14. Exemption from ROH § 21-3.120-2(b), Table 21-3.4, relating to required yards, to allow the Project to encroach up to 5.33 feet into the east side yard, up to 2 feet into the west side yard, up to 4.33 feet into the south front yard, and up to 3 feet into the north rear yard.

15. Exemption from ROH § 21-3.120-2(c)(2), relating to height setbacks, to allow the Project to encroach up to 5.58 feet into the building height setback along the east property line, up to 5.58 feet into the building height setback along the west property line, up to 5.83 feet into the building height setback along the south property line, and up to 7.17 feet into the building height setback along the north property line.

TOD Special District Standards

16. Exemption from ROH § 21-9.100-8(a)(1)(A), relating to density, to allow a maximum FAR of 3.61 (instead of an FAR of 3.5) without having to obtain a special district permit.

17. Exemption from ROH § 21-9.100-8(a)(1)(D), relating to maximum height, to allow a maximum height of 90 feet (instead of 60 feet) without having to obtain a special district permit.

18. Exemption from ROH § 21-9.100-8(a)(1)(E), relating to the provision of community benefits for projects seeking height or density bonuses, to allow for height and density bonuses without having to provide specific community benefits.

19. Exemption from ROH § 21-9.100-8(a)(3)(D), relating to street façade and building placement, to allow Project flexibility with respect to building placement requirements by encroaching up to 46 feet into the building height setback along the east property line, up to 45 feet into the building height setback along the south property line, up to 43 feet into the building height setback along the north property line, and up to 42 feet into the building height setback along the west property line (a setback of 50 feet is required for any portion of the building above 60 feet in height), as generally shown in attached Exhibits D-7 and D-8).

20. Exemption from ROH § 21-9.100-8(a)(4), relating to building orientation and entrances, access, and location, to allow for Project flexibility with respect to these standards and requirements.

21. Exemption from ROH § 21-9.100-8(a)(6), relating to pedestrian walkways, to allow for Project flexibility with respect to these standards and requirements.

22. Exemption from ROH § 21-9.100-8(c)(1), relating to vehicle parking, to allow the parking garage to be located 9 feet from the front property line (instead of 40 feet).

23. Exemption from ROH § 21-9.100-8(c)(4), relating to active ground floor activities in parking structures, to allow the ground floor of the Project's parking structure to have no active ground floor activities.

Park Dedication Ordinance

24. Exemption from ROH Chapter 22, Article 7, to allow an exemption from park dedication requirements as follows:

    a. If the Project is LIHTC financed, attributed to 152 affordable rental units rented to households earning 60 percent or below of the AMI, and one manager unit, estimated at 16,830 square feet of park space, or the payment of an equivalent in-lieu fee estimated at $2,440,350; or

    b. If the Project is RHRF financed, attributed to 32 affordable units rented to households earning 80 percent or below of the AMI, estimated at 3,520 square feet of park space, or the payment of an equivalent in-lieu fee estimated at $510,400;

    provided that the park dedication requirement attributed to the one manager unit is only exempt if federal or State of Hawai'i funding for the Project, such as the use of low-income housing tax credits, prohibits the use or sale of the manager's dwelling unit as a revenue-generating or profit-generating dwelling unit for the required affordability period, including any extensions thereof; and

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

A. 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, D-1 through D-10, and E-1 through E-4, attached hereto and incorporated by reference herein. Minor modifications to the Project may be approved by the DPP Director. Major modifications will require approval by the City Council.

B. Prior to the issuance of any building permit for the Project, the Applicant shall submit to the DPP for its review and approval:

1. An overall timeline or phasing plan of the anticipated dates to obtain major building permits for demolition or construction work, including the projected date of occupancy, in a format acceptable to the DPP. The timeline should identify when the construction management plan ("CMP") and traffic management plan ("TMP") 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 periods of traffic, using alternative routes for heavy trucks, provides for on-site or off-site 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 to be implemented during construction; 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 roadway may be restored to its documented condition if its condition deteriorates as a result of the construction-related activities; and

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;

   b. Includes a pedestrian circulation plan that provides accessibility and connectivity to and along the surrounding public sidewalks, street intersections, nearby transit stops, and adjacent properties, and contains the determination of effective sidewalk widths, taking into account the City's Complete Streets initiatives; and

   c. Includes a parking management plan that addresses the locations of pickup and dropoff areas, how delivery trucks would access and egress the Project site, and how these areas will be managed.

C. Approximately one year after the issuance of the certificate of occupancy for the Project, the Applicant shall submit to the DPP for its review and approval:

   1. A post TMP to validate the relative effectiveness of the various TDM strategies identified in the initial TMP; and

   2. A post traffic impact analysis report ("TIAR") that updates the initial TIAR dated May 13, 2024, and prepared by Fehr & Peers, to validate the traffic projections, distribution, and assignment contained in the initial TIAR. If the updated TIAR recommends additional traffic mitigation measures or modifications to address traffic impacts directly attributable to the Project, the Applicant shall implement the updated TIAR recommendations. If the updated TIAR is inconclusive, a second updated TIAR may be required one year after the date of the initial updated TIAR, as the DPP Director determines is necessary.

D. Project driveways and service areas.

   1. All vehicular access points must be constructed as City dropped driveways. Adequate sight distance to pedestrians and other vehicles must be maintained from all driveways. Driveway grades must not exceed

five percent for a minimum distance of 25 feet from the back of the designated pedestrian walkway.

2. Entry gates or guard shacks (if used) must be recessed as far into the Project driveway as necessary to avoid any queuing onto public streets.

3. All loading, trash pickup, and parking areas must be designed so that vehicles enter and exit front first. Turning templates must demonstrate adequate turn-around and maneuvering areas for large vehicles 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 or impact driveway operations.

E. 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 ongoing 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 the 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

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 preliminary plans and specifications submitted to the Council; provided that minor modifications to the design character, building specifications, or landscaping may be approved by the DPP Director if such modifications are consistent with the prevailing neighborhood character; and

RESOLUTION

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 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 E, pursuant to the terms, conditions, and provisions approved as to form and legality by the Department of 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 described above, so long as the documents do not increase, either directly or indirectly, the financial obligations of the City; and

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **25-26, CD1**

RESOLUTION

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; Christopher M. Flaherty, Līpoa Development, LLC, 745 Fort Street, Suite 702, Honolulu, Hawai'i, 96813; and Nainoa J. Watson, 'Ikenākea Development LLC, 745 Fort Street, Suite 702, Honolulu, Hawai'i, 96813.

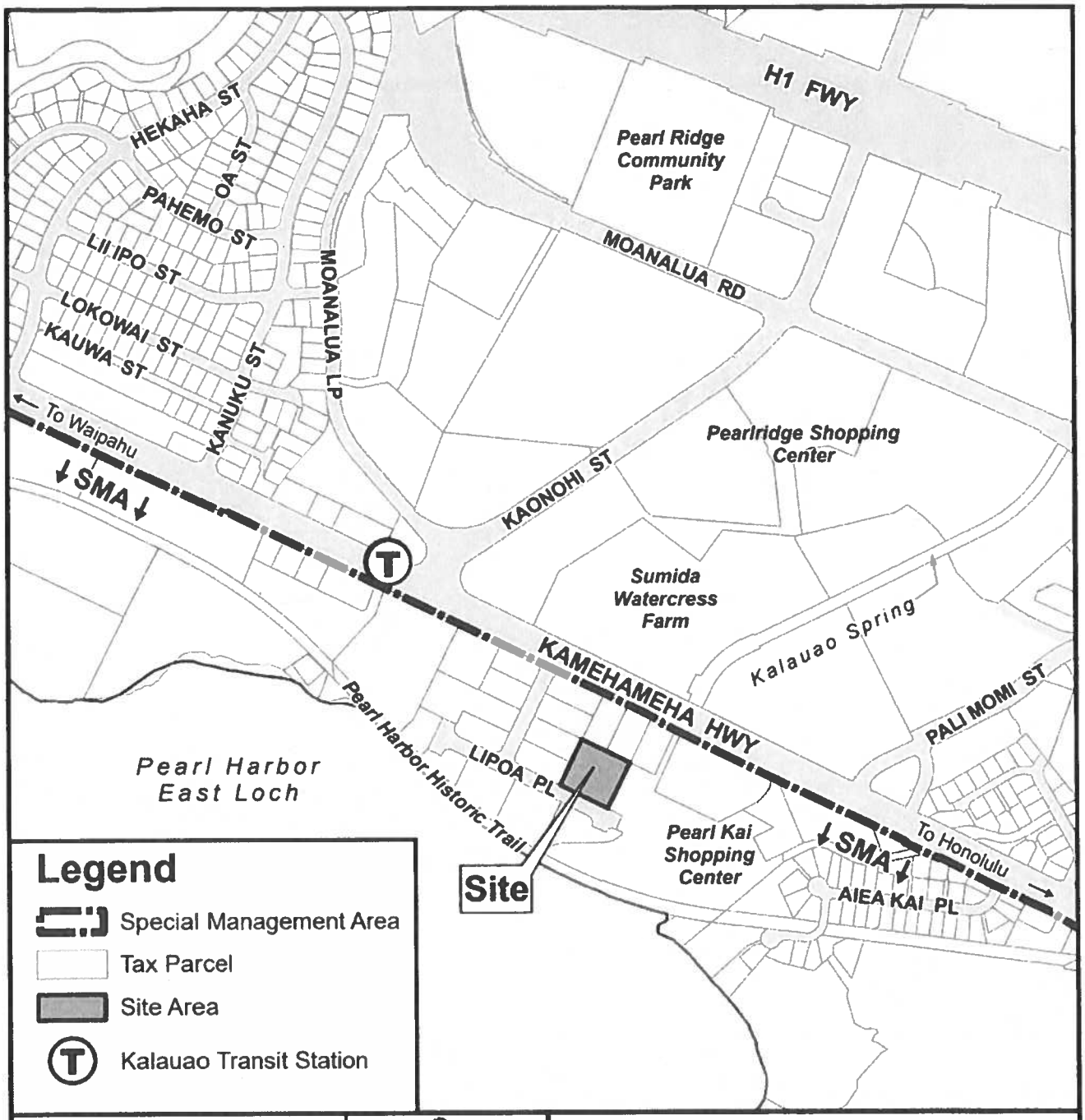
INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

January 9, 2025
Honolulu, Hawai'i

Councilmembers



LOCATION MAP w/ SMA

AIEA

TAX MAP KEY(S): 9-8-014:021

FOLDER NO.: 2024/GEN-18

Prepared by: Honolulu Land Information System (HoLIS) - CS
Department of Planning & Permitting (DPP)
City and County of Honolulu

Date Prepared: 10/2024

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EXHIBIT A

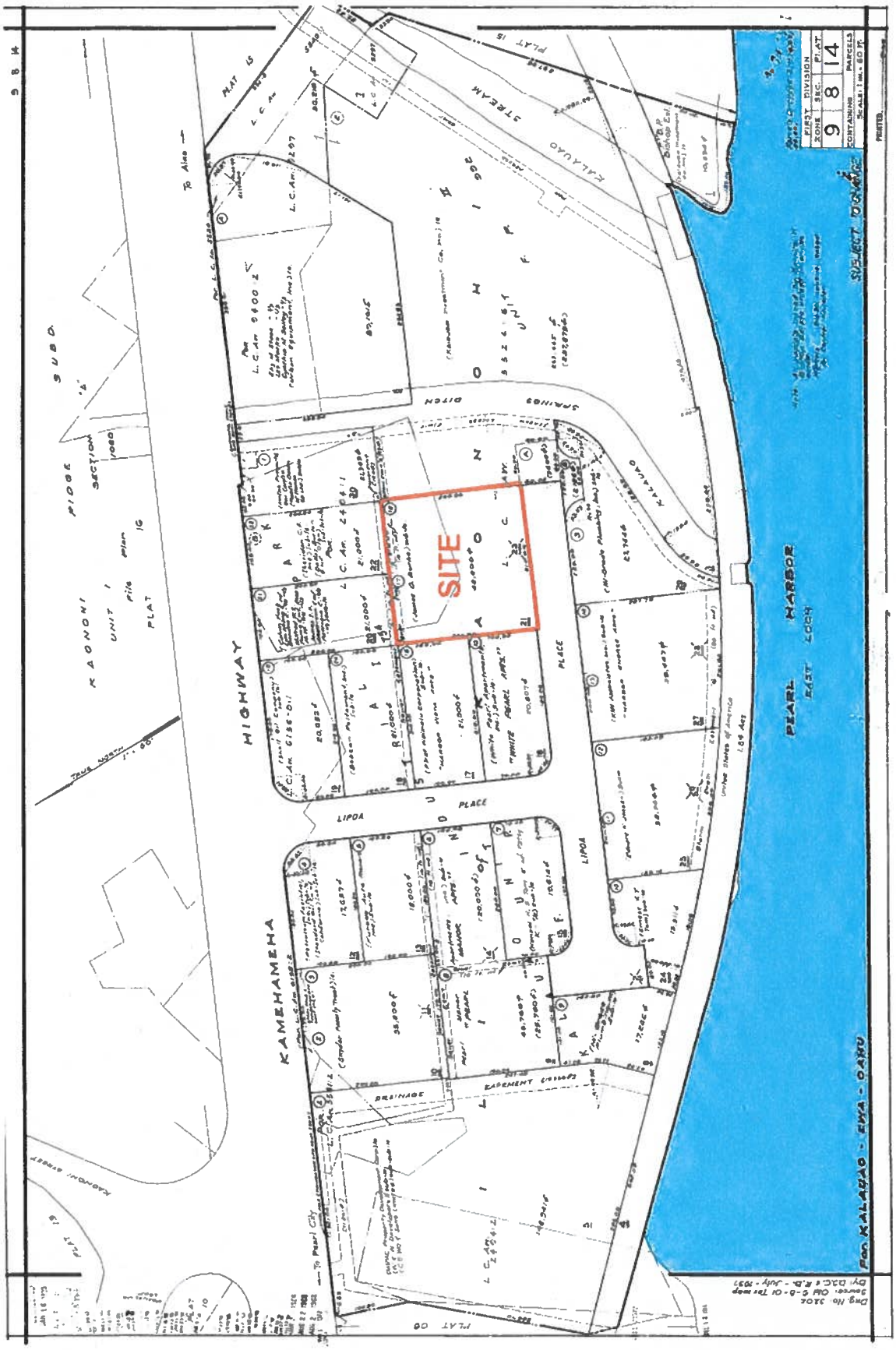
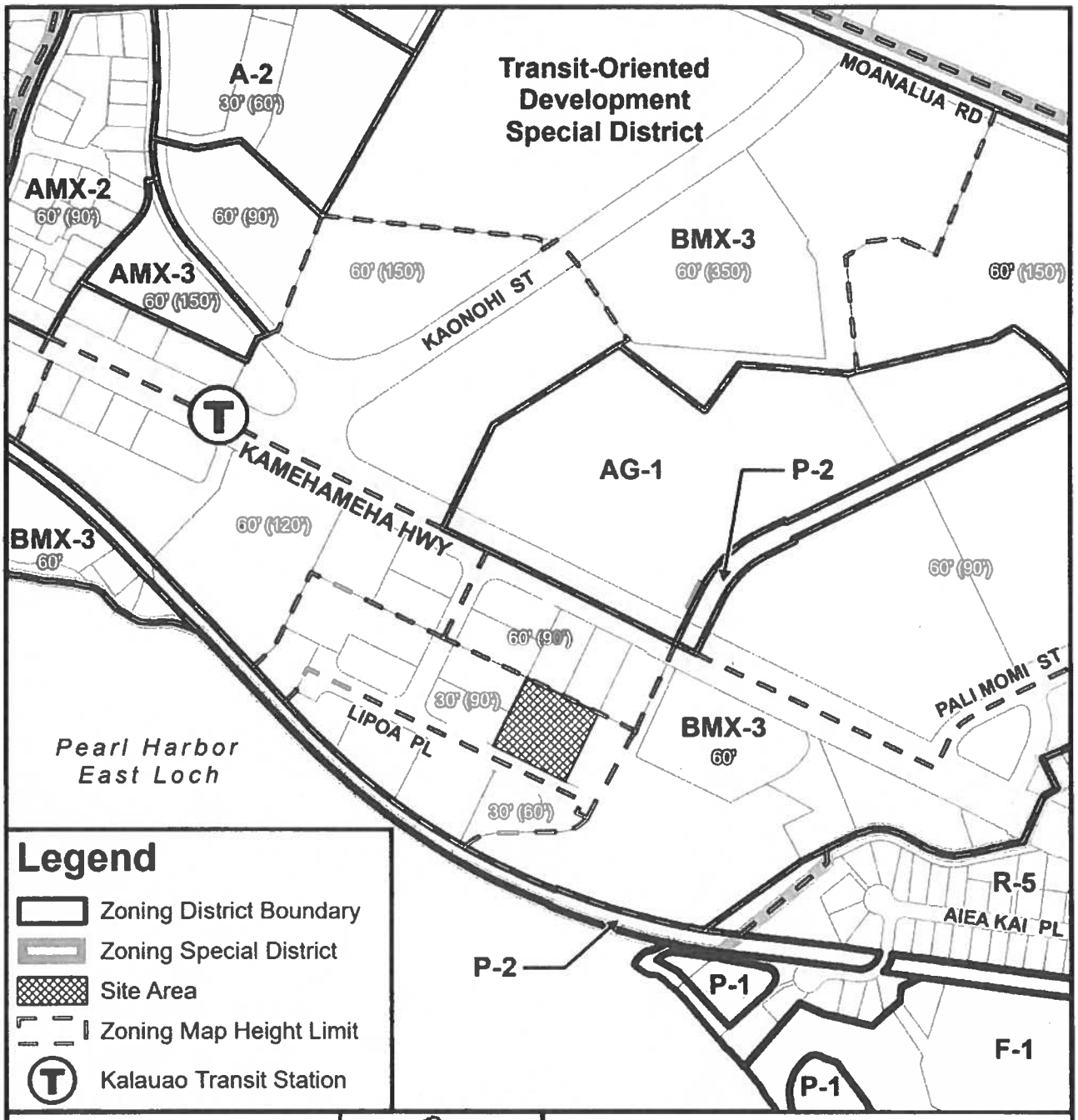


EXHIBIT B **FILE NO.: 2024/GEN-18**



PORTION OF
ZONING MAP
HALAWA - PEARL CITY

TAX MAP KEY(S): 9-8-014:021

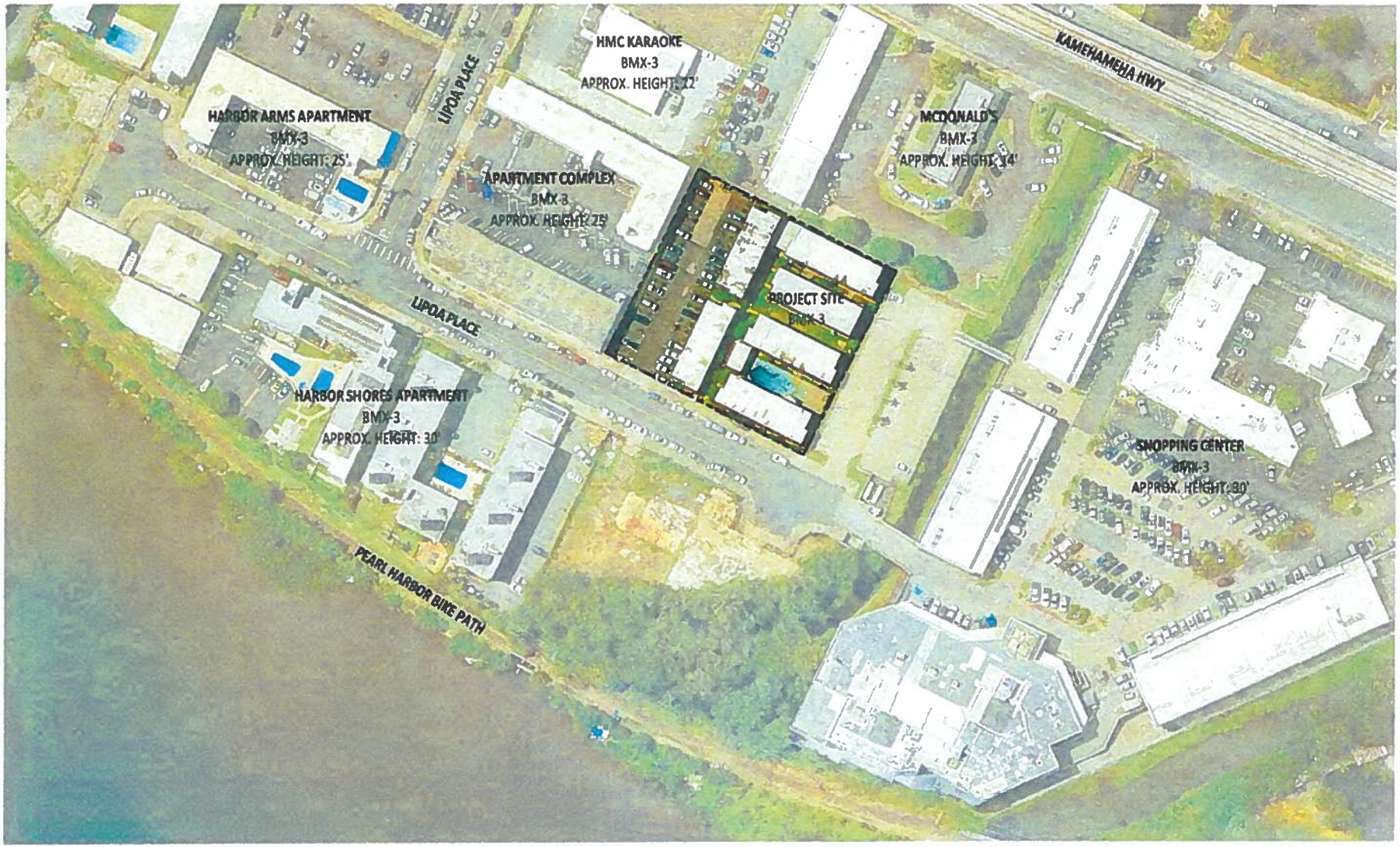
FOLDER NO.: 2024/GEN-18

Prepared by: Honolulu Land Information System (HoLIS) - CS
Department of Planning & Permitting (DPP)
City and County of Honolulu

Date Prepared: 10/2024

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EXHIBIT C



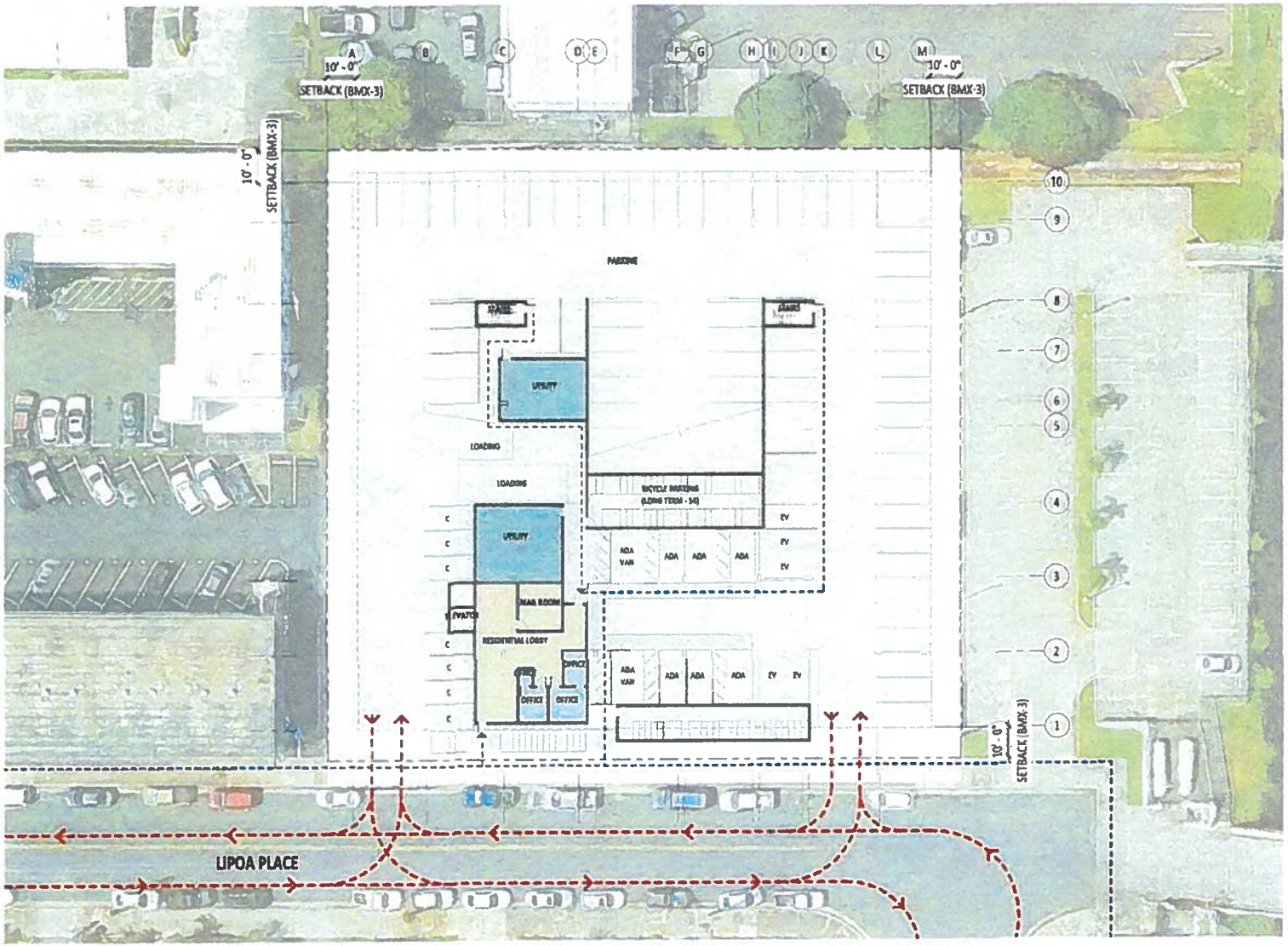
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EXHIBIT D-1

AERIAL VIEW G0.8

HALE O LIPOA - 09/06/2024



CIRCULATION LEGEND

- VEHICULAR CIRCULATION
- PEDESTRIAN CIRCULATION
- LOBBY ENTRANCE

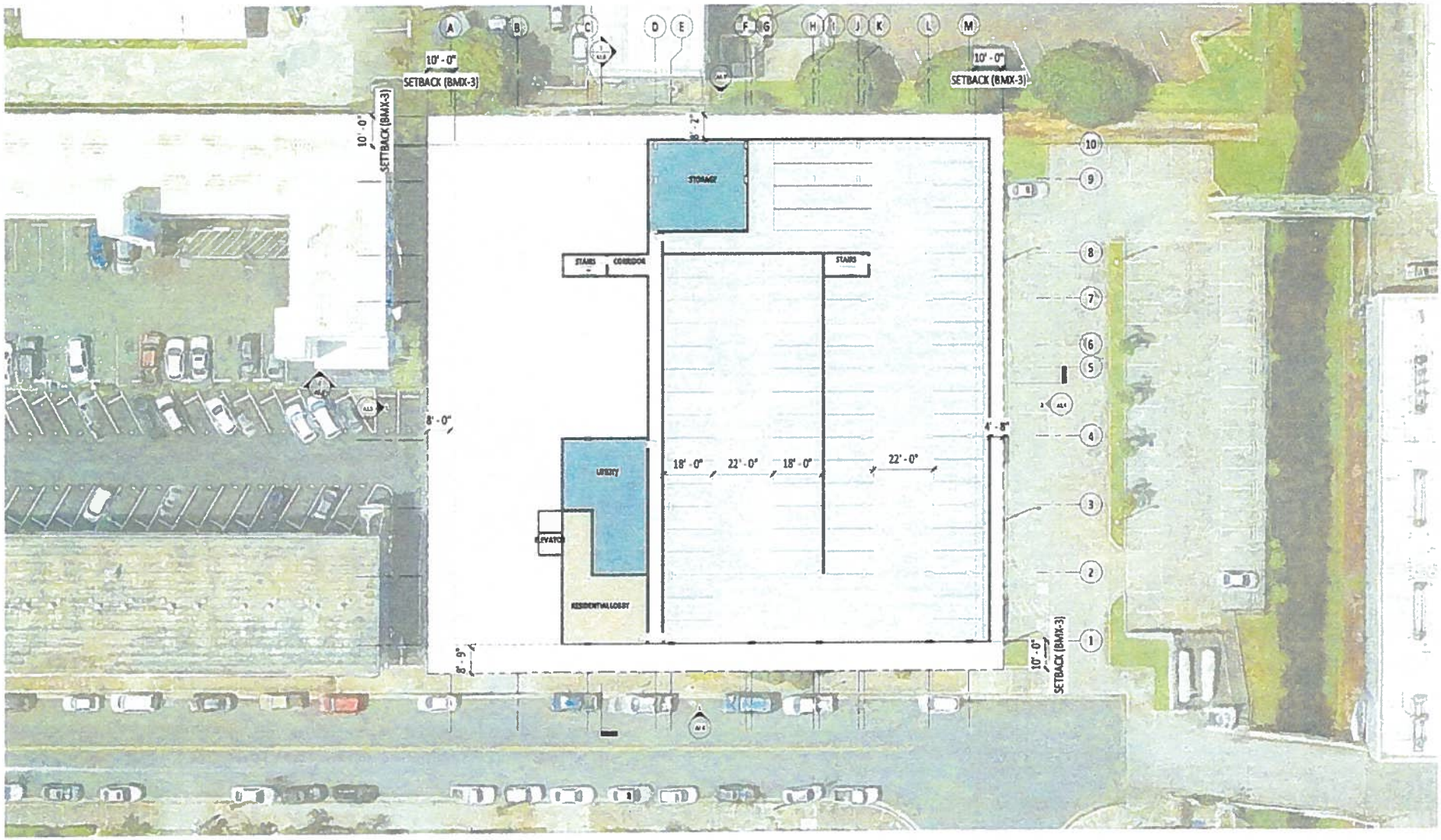
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EXHIBIT D-2

CIRCULATION A0.3

HALE O LIPOA - 09/06/2024



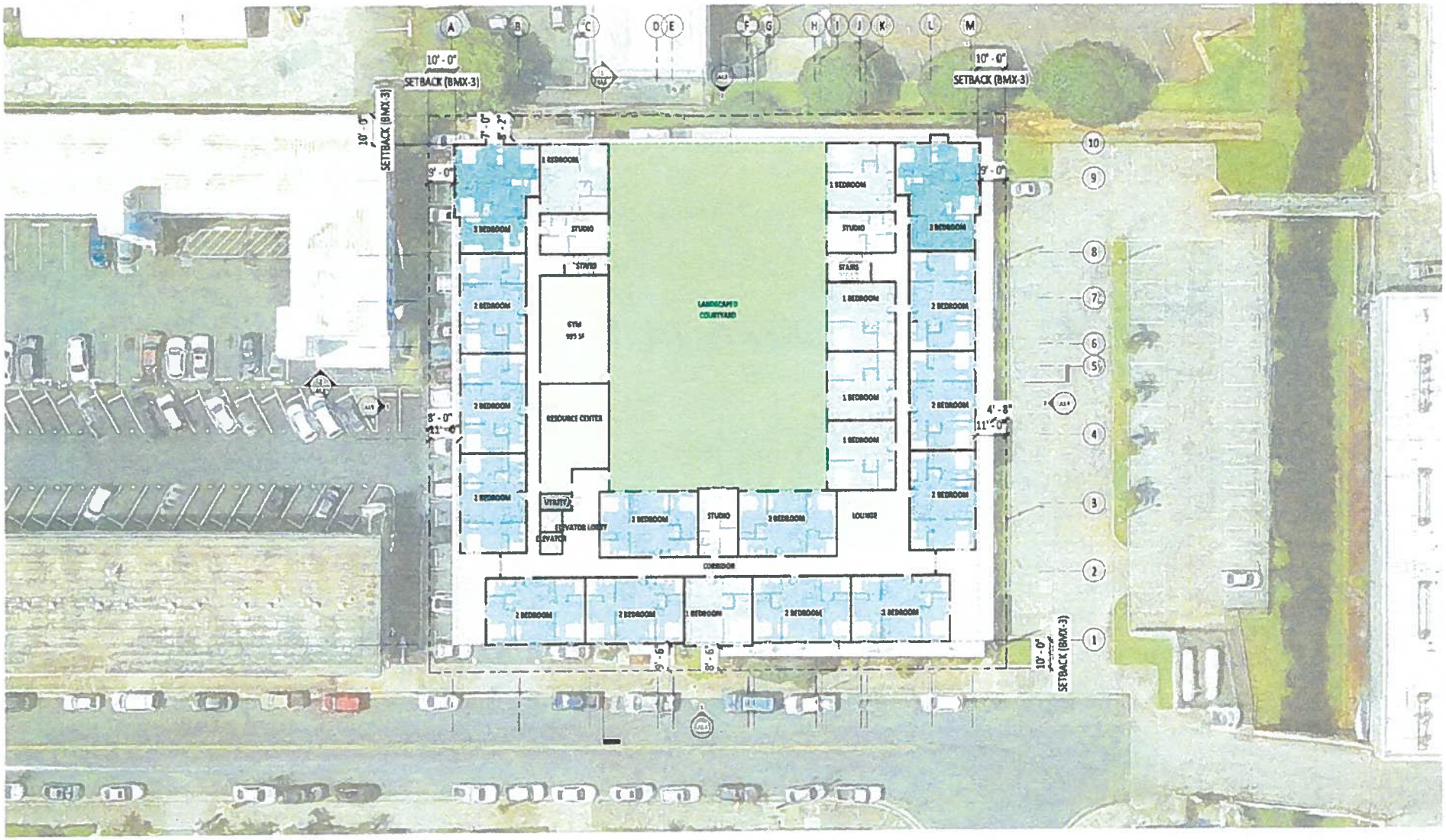
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EXHIBIT D-3

SECOND FLOOR PLAN A0.8

HALE O LIPOA - 09/06/2024



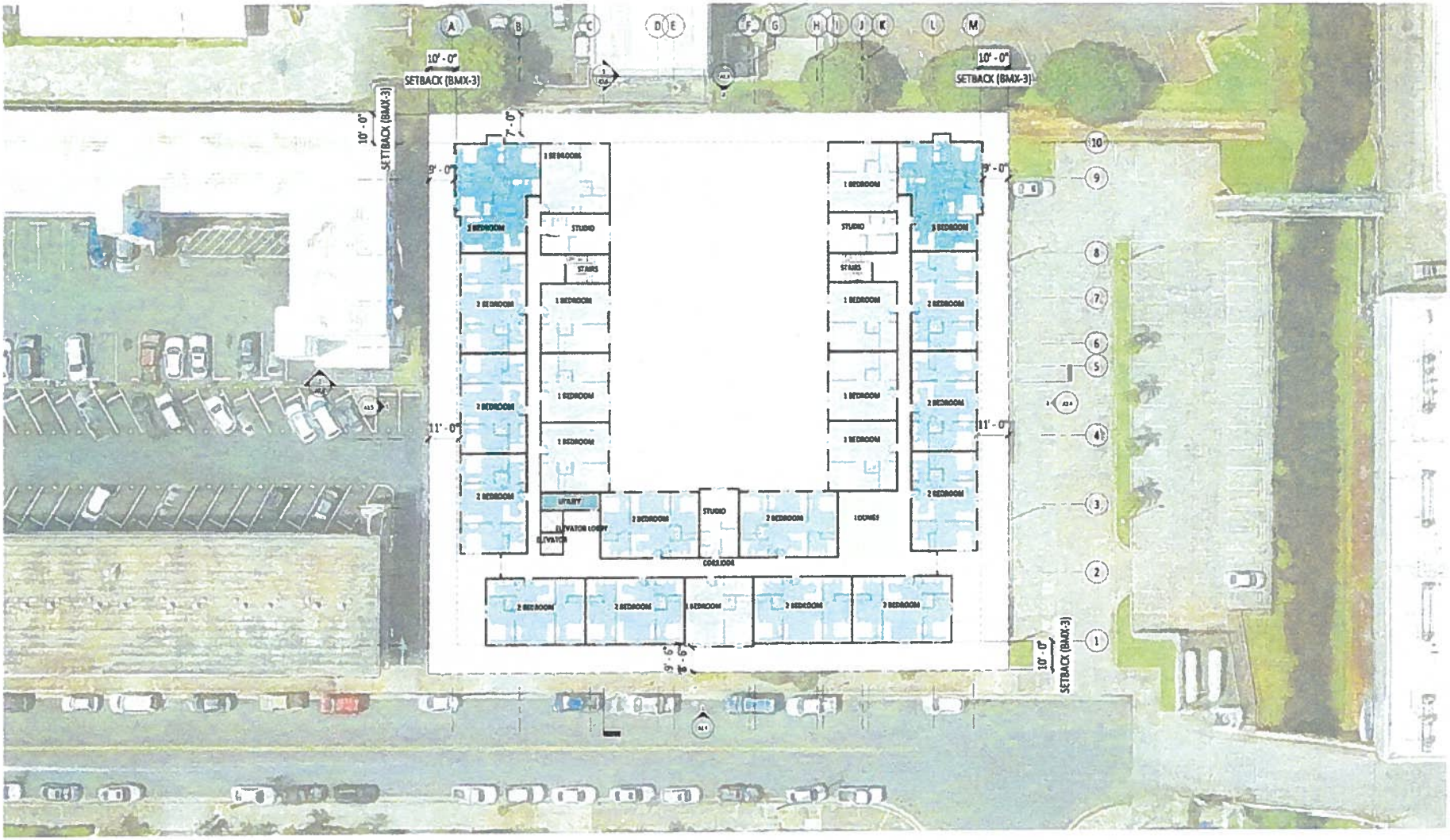
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EXHIBIT D-4

PODIUM FLOOR PLAN A0.9

HALE O LIPOA - 09/06/2024



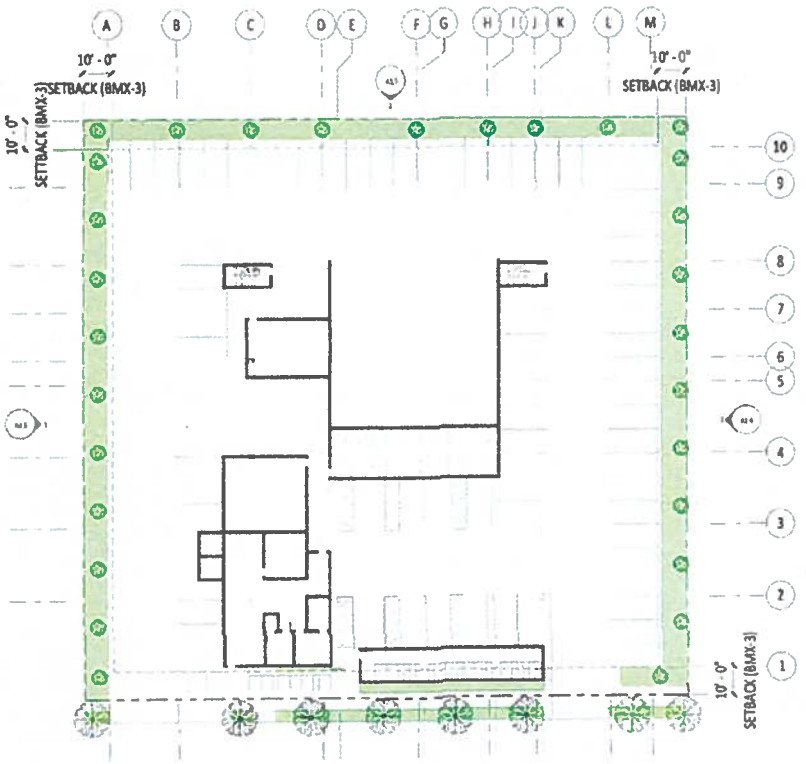
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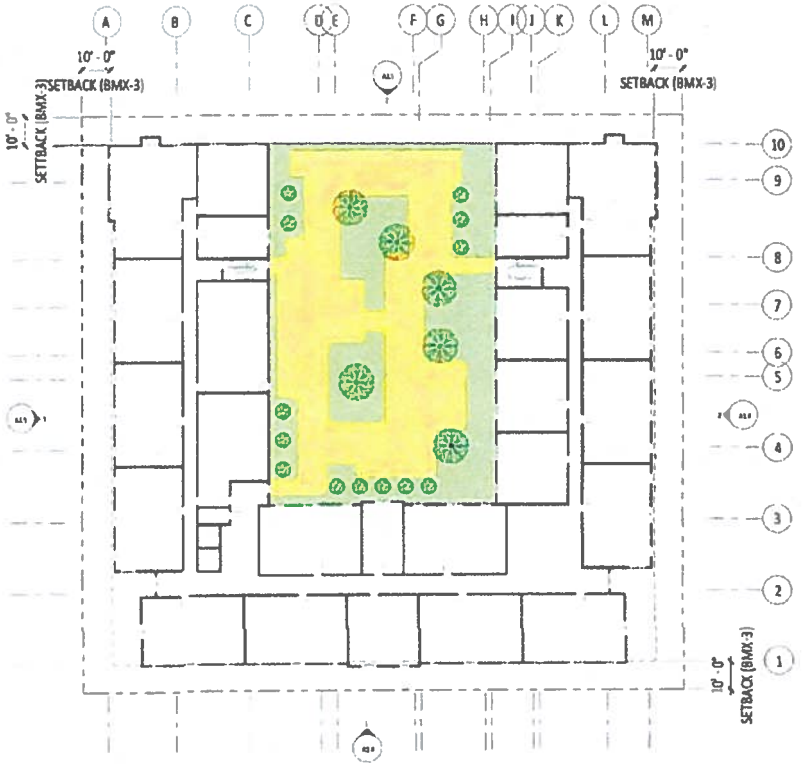
EXHIBIT D-5

TYP RESIDENTIAL LEVEL 4-8 PLAN A1.0

HALE O LIPOA - 09/06/2024



2 GROUND FLOOR LANDSCAPE PLAN



1 PODIUM LEVEL LANDSCAPE PLAN

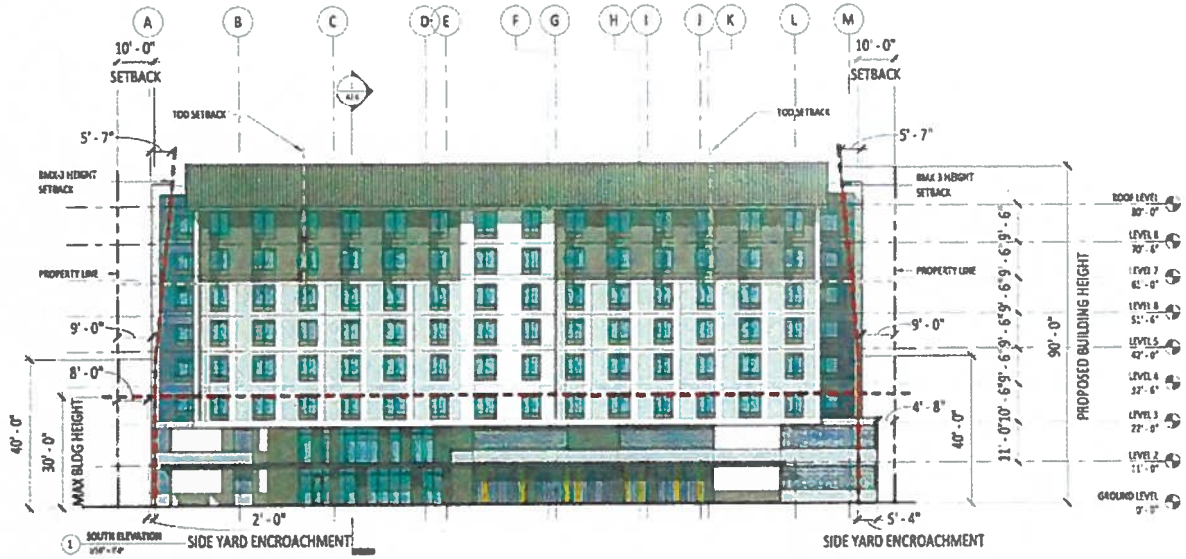
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EXHIBIT D-6

CONCEPTUAL LANDSCAPE PLAN A0.6

HALE O LIPOA - 09/06/2024





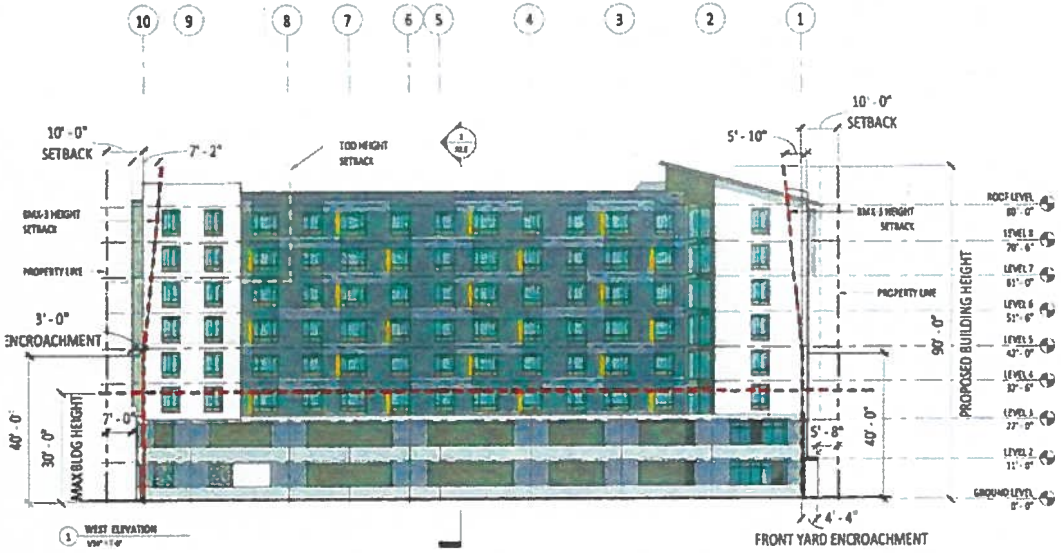
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EXHIBIT D-7

BUILDING ELEVATIONS A1.4

HALE O LIPOA - 09/06/2024





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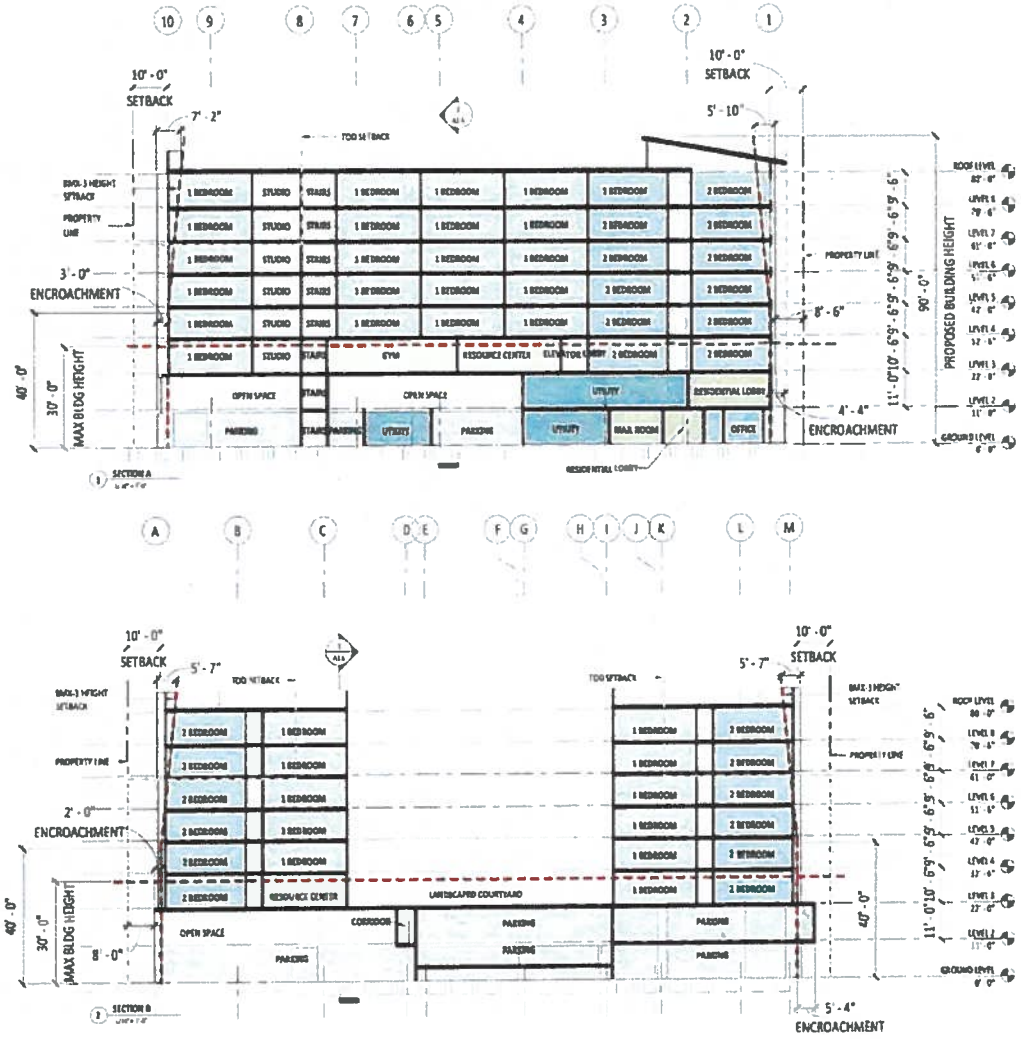
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EXHIBIT D-8

BUILDING ELEVATIONS A1.5

HALE O LIPOA - 09/06/2024

EXHIBIT D-9



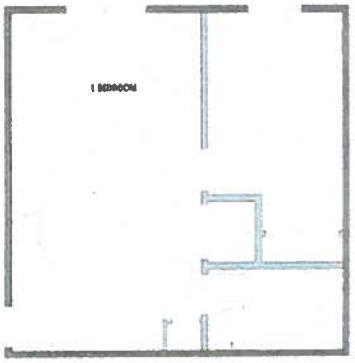
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SECTIONS A1.6

HALE O LIPOA - 09/06/2024

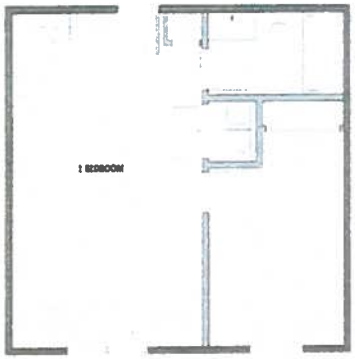
EXHIBIT D-10



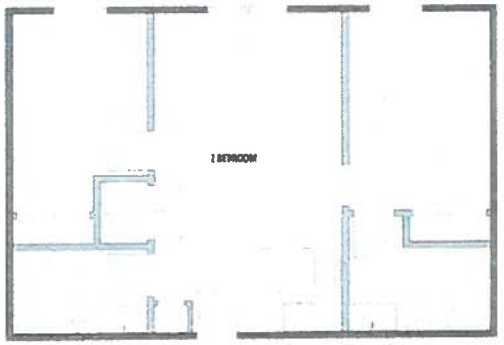
1 BEDROOM - TYPE 2
~638 SF



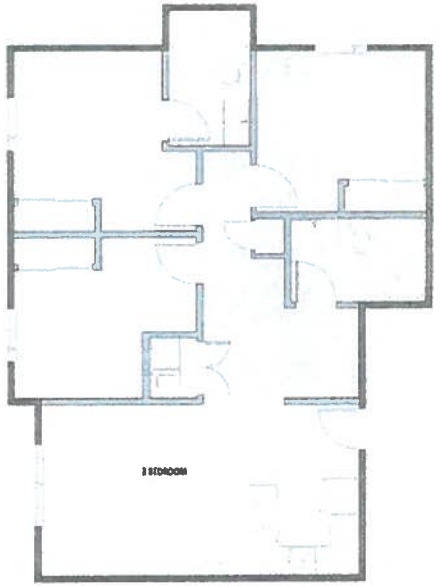
STUDIO
~370 SF



1 BEDROOM
~638 SF



2 BEDROOM
~882 SF



3 BEDROOM
~1,127 SF

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'IKENAKEA

UNIT PLANS A1.7

HALE O LIPOA - 09/06/2024



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'IKENAKEA

EXHIBIT E-1

3D VIEWS A1.8

HALE O LIPOA - 09/06/2024



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EXHIBIT E-2

3D VIEWS A1.9

HALE O LIPOA - 09/06/2024



Figure 2-19: Project Rendering showing visual simulation on Lipoa Place toward Diamond Head



Figure 2-20: Project Rendering showing visual simulation from shoreline toward Diamond Head

EXHIBIT E-3

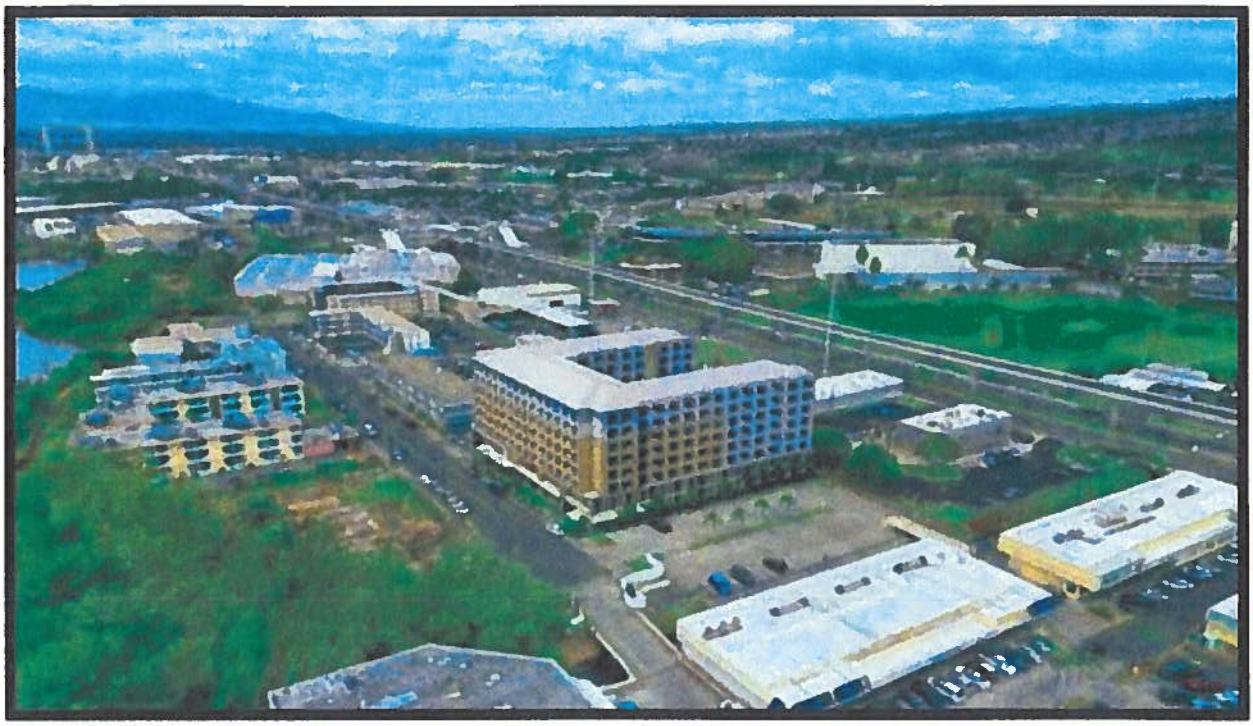


Figure 2-21: Project Rendering showing visual simulation from shoreline toward Ewa



Figure 2-22: Project Rendering showing visual simulation from Kamehameha Highway toward Pearl Harbor

EXHIBIT E-4

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 25-26, CD1

Introduced: 01/09/25 By: TOMMY WATERS - BY REQUEST Committee: ZONING (ZON)

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

Voting Legend: * = Aye w/Reservations

01/09/25	INTRO	Introduced.
01/16/25	ZON	Amended to CD1. 4 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO 1 ABSENT: WEYER
01/16/25	ZON	Reported out for adoption as amended in CD1 form. CR-13 3 AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO 1 NO: CORDERO 1 ABSENT: WEYER
01/29/25	CCL	Committee report and Resolution as amended were adopted. 7 AYES: DOS SANTOS-TAM, KIA'ĀINA, OKIMOTO, TULBA, TUPOLA, WATERS, WEYER 1 NO: CORDERO 1 ABSENT: NISHIMOTO

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