

SUMMARY OF PROPOSED COMMITTEE DRAFT:

RESOLUTION 20-170 APPROVING AN EXTENSION TO OBTAIN BUILDING PERMITS FOR AN INTERIM PLANNED DEVELOPMENT-TRANSIT PROJECT AT 1500 KAPIOLANI BOULEVARD, APPROVED BY RESOLUTION NO. 17-221, CD1.

THE PROPOSED CD1 makes the following amendments:

- A. Amends the title to provide that the resolution amends Resolution 17-221, CD1.
- B. Amends the first WHEREAS clause to clarify the description of the Project.
- C. Adds a new third WHEREAS clause to provide that Resolution 17-221, CD1, required that a building permit for the Project be issued within two years after the date a major special district permit is issued for the Project, resulting in a December 26, 2019, deadline.
- D. In the fourth WHEREAS clause, clarifies that prior to the December 26, 2019, deadline to obtain a building permit for the Project, the DPP approved a one-year extension of the deadline (as allowed under Resolution 17-221, CD1), resulting in a December 26, 2020, deadline.
- E. In the fifth WHEREAS clause, clarifies that the DPP, having considered the information provided by the Applicant regarding the requested extension of time, completed its report and transmitted its findings and recommendation of approval to the Council by D-499 (2020).
- F. In Condition A, provides that except as modified by the conditions set forth in the resolution, the Project must:
 - 1. Conform to the conceptual plan for the Project approved under Resolution 17-221, CD1;
 - 2. Comply with the conditions of approval set forth in Resolution 17-221, CD1; and
 - 3. Comply with the conditions of approval set forth in the Project's special district permit.

In addition, clarifies that changes to the Project that do not significantly alter the size or nature of the Project and remain in conformance with the conceptual plan and all conditions of approval will be processed in accordance with Condition U of Resolution 17-221, CD1; and any significant modification to the size or nature of the Project will require a new IPD-T permit application and special district permit. A change of use of the condominium-hotel units to multi-family dwelling

units will be considered a significant modification and a change to the conceptual plan.

- G. In Condition B, provides that the updated plans that must be submitted to the DPP for review and approval within one year after adoption of the resolution must demonstrate compliance with LUO requirements; Resolution 17-221, CD1, conditions; and transit-oriented development regulations.
- H. In Condition C, provides that the affordable housing agreement that must be submitted to the DPP for review and approval within two years after adoption of the resolution must demonstrate compliance with the affordable housing requirements of Condition F of Resolution 17-221, CD1.
- I. In Condition D, clarifies that prior to the marketing and sale of the condo-hotel units, the Applicant shall submit to the DPP for review and approval draft condominium property regime documents that include statements informing prospective buyers that the condominium-hotel units are restricted to hotel use, and the conversion of condominium-hotel units into multi-family dwelling units is prohibited.

Deletes provisions relating to obtaining a building permit for any change of use and complying with all applicable laws and regulatory requirements because Condition A requires a new IPD-T permit application and special district for any change of use of the condominium-hotel units to multi-family dwelling units.

- J. In Condition E, adds that the \$500,000 cash contribution is in addition to Condition J.1 of Resolution 17-221, CD1, which requires an analysis and construction (if warranted) of a Barnes all-pedestrian crosswalk, and leading-pedestrian interval traffic signals at the intersection of Kapiolani Blvd. and Keeaumoku Street.
- K. Amends Condition F to allow the DPP Director to amend the conditions in the Project's special district permit to implement the conditions in the resolution.
- L. Adds a BE IT FURTHER RESOLVED clause to provide that all other provisions of Resolution 17-221, CD1, are ratified and confirmed, and remain in full force and effect.
- M. Makes miscellaneous technical and nonsubstantive amendments.



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AMENDING RESOLUTION 17-221, CD1, TO EXTEND THE DEADLINE TO OBTAIN A BUILDING PERMIT FOR AN INTERIM PLANNED DEVELOPMENT-TRANSIT PROJECT AT 1500 KAPIOLANI BOULEVARD.

WHEREAS, on September 16, 2017, the City Council, by adoption of Resolution 17-221, CD1, approved a conceptual plan for an interim planned development-transit ("IPD-T") project proposed by Manaolana AREP III Holdings, LLC (the "Applicant"), to redevelop 78,973 square feet of land zoned BMX-3 Community Business Mixed Use District in the Ala Moana Neighborhood Transit-Oriented Development ("TOD") Plan area, located at 1460, 1470, 1488, and 1500 Kapiolani Boulevard, formerly identified as Tax Map Key Nos. 2-3-021: 007 through 010, and now identified as Tax Map Key Nos. 2-3-021: 043 and 044, with a mixed use, condo-hotel, residential, and commercial project (the "Project"); and

WHEREAS, on December 26, 2017, the Department of Planning and Permitting ("DPP") reviewed and approved detailed plans for the Project by issuing a major special district permit pursuant Section 21-110-2(h) of the Revised Ordinances of Honolulu 1990 ("ROH"); and

WHEREAS, Resolution 17-221, CD1, required that a building permit for the Project be issued within two years after the date a major special district permit is issued for the Project, resulting in a December 26, 2019, deadline; and

WHEREAS, prior to the December 26, 2019 deadline to obtain a building permit for the Project, the DPP approved a one-year extension of the deadline (as allowed under Resolution 17-221, CD1), resulting in a December 26, 2020, deadline; and

WHEREAS the Applicant requests a three-year extension of the December 26, 2020 deadline to obtain a building permit for the Project, due to the COVID-19 pandemic's severe impacts on the community, economy, financial industry, and tourism industry, which have resulted in delays in obtaining Project funding and required permits; and

WHEREAS, the DPP, having considered the information provided by the Applicant regarding the requested extension of time, completed its report and transmitted its findings and recommendation of approval to the Council by Departmental Communication 499 (2020), which is incorporated herein by this reference; and

WHEREAS, the City Council, having received the findings and recommendation of the DPP on July 9, 2020, and having duly considered the matter, desires to approve



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the requested three year extension of time to obtain a building permit for the Project, subject to the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that Resolution 17-221, CD1, is amended to extend the deadline to obtain a building permit for the Project to December 26, 2023, subject to the following conditions:

- A. Except as modified by these conditions of approval, the Project must:
1. Conform to the conceptual plan for the Project approved under Resolution 17-221, CD1;
 2. Comply with the conditions of approval set forth in Resolution 17-221, CD1; and
 3. Comply with the conditions of approval set forth in the Project's special district permit.

Changes to the Project that do not significantly alter the size or nature of the Project and remain in conformance with the conceptual plan and all conditions of approval will be processed in accordance with Condition U of Resolution 17-221, CD1. Any significant modification to the size or nature of the Project will require a new IPD-T permit application and special district permit. A change of use of the condominium-hotel units to multi-family dwelling units will be considered a significant modification and a change to the conceptual plan.

- B. Within one year after the date of adoption of this resolution, the Applicant shall submit to the DPP for review and approval updated plans required under Condition 2 of the Project's special district permit, which demonstrate compliance with LUO requirements; Resolution 17-221, CD1, conditions; and transit-oriented development regulations.
- C. Within two years after the date of adoption of this resolution, the Applicant shall submit to the DPP for review and approval a draft affordable housing agreement required under Condition 5 of the Project's special district permit, which demonstrates compliance with the affordable housing requirements of Condition F of Resolution 17-221, CD1.
- D. The Project's condominium property regime documents must include statements informing prospective buyers that the condominium-hotel units are restricted to hotel use, and the conversion of condominium-hotel units into multi-family



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dwelling units is prohibited. Prior to the marketing and sale of condominium-hotel units, the Applicant shall submit to the DPP for review and approval draft condominium property regime documents.

- E. Prior to issuance of a building permit for the Project, the Applicant shall make a \$500,000 cash contribution to the City and County of Honolulu to facilitate coordinated Complete Streets improvements in the Ala Moana Neighborhood TOD Plan area, such as bicycle lanes and other improvements intended to improve the Complete Streets network.

The \$500,000 cash contribution is in addition to Condition J.1 of Resolution 17-221, CD1, which requires an analysis and construction (if warranted) of a Barnes all-pedestrian crosswalk, and leading-pedestrian interval traffic signals at the intersection of Kapiolani Boulevard and Keeaumoku Street; and

- F. The DPP Director may amend the conditions in the Project's special district permit to implement the conditions in this resolution; and

BE IT FURTHER RESOLVED that all other provisions of Resolution 17-221, CD1, are ratified and confirmed, and remain in full force and effect; and



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BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Kathy K. Sokugawa, Acting Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; Manaolana AREP III Holdings LLC, 11111 Santa Monica Boulevard, Suite 2250, Los Angeles, California, 90025-7201; and Keith Kurahashi, R.M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawaii, 98619-3494.

INTRODUCED BY:

Ikaika Anderson (br)

DATE OF INTRODUCTION:

July 10, 2020

Honolulu, Hawaii

Councilmembers