

CITY COUNCIL CITY AND COUNTY OF HONOLULU

CITY AND COUNTY OF HONOLULL HONOLULU, HAWAII No. 20 - 270

RESOLUTION

AUTHORIZING EXEMPTIONS FROM CERTAIN REQUIREMENTS RELATING TO THE RESIDENCES AT BISHOP PLACE AFFORDABLE HOUSING PROJECT AT HONOLULU, OAHU, HAWAII, TAX MAP KEYS 2-1-010: 015, 021 TO 024, AND 032.

WHEREAS, the DEG LLC (the "Applicant") proposes to convert an existing 25-story office building into an affordable and market-rate multi-family rental housing project referred to as The Residences at Bishop Place, on 50,680 square feet of land zoned BMX-4 Central Business Mixed Use District, located at 1132 Bishop Street in the Central Business District in Honolulu, and identified by Tax Map Keys 2-1-010: 015, 021 to 024, which is owned by DEG LLC (Douglas Emmett Management) and Tax Map Key 2-1-010: 032, which is owned by Standard Sales Co., as shown generally on the enclosed Exhibits A through U (the "Project"); and

WHEREAS, the Project is a portion of a zoning lot comprised of 12 parcels of land including Tax Map Keys 2-1-010: 011, 013, 017, 039, 041, and 047, pursuant to Conditional Use Permit No. 89/CUP1-19 and the joint development agreement; and

WHEREAS, Zoning Variance No. 96/VAR-53 allowed development on the zoning lot to exceed the density and height limit of the BMX-4 Central Business Mixed Use District to a maximum permitted floor area of 520,230 square feet and a maximum height of 387 feet; and

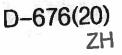
WHEREAS, the Project will consist of 252 affordable rental units (51.1 percent) and 241 market-rate rental units (48.9 percent), recreation amenities, and 321 vehicle parking spaces; and

WHEREAS, Phase 1 consists of 98 units, and Phases 2 and 3 consist of 395 units; and

WHEREAS, the Project's affordable rental units will be available to households earning up to 80 percent and between 80 percent and 120 percent of the area median income ("AMI") for Honolulu, with the majority of apartment rental units available to households earning between 80 and 120 percent AMI; and

WHEREAS, the Project is eligible to receive consideration under the City's rules implementing Section 201H-38 of the Hawaii Revised Statutes (HRS), which require that at least 51 percent of a Project's total units must be available to households earning at or below 120 percent of the AMI; and

WHEREAS, the City Council is empowered and authorized to approve the Project, including exemptions from statutes, ordinances, charter provisions, and rules of





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any government agency relating to planning, zoning, construction standards for subdivision, development and improvement of land, and the construction of units thereon pursuant to Sections 46-15.1 and 201H-38, HRS; and

WHEREAS, the City Council has reviewed the preliminary plans and specifications for the Project, dated August 2019 and June 12, 2020, prepared by Solomon Cordwell Buenz and R. M. Towill Corporation, and submitted to the Council by the Department of Planning and Permitting (DPP) on ____, by Departmental Communication ____; 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 the minimum requirements of health and safety; now, therefore,

BE IT RESOLVED by the City 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 referenced above, as generally identified below (unless otherwise specified, all monetary estimates are based on 493 units), as follows:

Building Permit (BP) Fees:

- 1. Exemption from Section 18-6.1 of the Revised Ordinances of Honolulu 1990 ("ROH"), to allow an exemption from payment of plan review fees for Phases 2 and 3, estimated at \$37,000.
- 2. Exemption from ROH Section 18-6.2, to allow an exemption from payment of BP fees for Phases 2 and 3, estimated at \$186,000.



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Land Use Ordinance ("LUO"):

HONOLULU, HAWAII

- 3. Exemption from LUO Section 21-6.30(d), relating to compact parking spaces, to allow an exemption from the maximum 50 percent compact parking space requirement and to allow 85 percent of the parking spaces to be compact size.
- 4. Exemption from LUO Section 21-6.30(a) and Table 21-6.2, relating to off-street parking requirements in the BMX-4 Central Business Mixed Use District, to allow the Project to provide a minimum of 124 parking spaces rather than the required 493 parking spaces for the multi-family dwellings, which includes tandem spaces which shall count as one parking space.
- 5. Exemption from LUO Section 21-6.120(b), relating to the dimensions of loading spaces, to allow exemption from the off-street loading vertical clearance requirement of one loading space.
- 6. Exemption from LUO Section 21-3.120-2(b) and Table 21-3.4, relating to the Resort, Business and Business Mixed Use Districts development standards, to allow exemptions from the density and height limit of the BMX-4 Central Business Mixed Use District and allow a maximum permitted floor area of 520,730 square feet and a maximum height of 387 feet for the Project.
- Park Dedication:
- 7. Exemption from ROH Section 22, Article 7, to allow exemption from park dedication requirements of approximately 11,185 square feet of private park area and approximately \$291,577 of improvements and amenities.

Fire Department Plan Review Fees:

8. Exemption from ROH Sections 20-1.1(3); and 20-12.8, to allow an exemption from payment of Honolulu Fire Department plan review fees, estimated at \$19,000.

Wastewater System Facility Charge (WSFC):

9. Exemption from ROH Sections 14-10.1 and 14-10.3, to allow the deferral of payment of WSFC, estimated at \$1,191,385, until the issuance of a certificate of occupancy (CO) for the Project.



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Board of Water Supply:

10. Exemption from Sections 1-102, 2-202(2) and 2-202(3) of the Board of Water Supply Rules, to allow the deferral of payment of water system connection charges, estimated at \$112,380 until the issuance of a CO for the Project.

BE IT FURTHER RESOLVED that approval of the foregoing exemptions are subject to the following conditions:

- 1. Prior to the issuance of a BP for Phase 2 or 3 of the Project, the Applicant must obtain approval of access easements to parking and loading spaces and refuse area over and on Tax Map Key (TMK) 2-1-010: 032 in favor of TMK 2-1-010: 024 from the Department of Planning and Permitting (DPP), and record the access easements at the Bureau of Conveyances.
- 2. Prior to the issuance of a BP for Phase 2 or 3 of the Project, the Applicant must submit the following for review and approval:
 - A. To the Department of Transportation Services (DTS) and the DPP, a time line or phasing plan of the anticipated dates to obtain development permits for construction work, including the projected date of occupancy, in a format acceptable to the DPP. The time line must identify when the construction management plan (CMP) and the traffic management plan (TMP) will be submitted for review and approval.
 - B. To the DTS and the DPP, a CMP for the Project. The CMP must identify the type, frequency and routing of heavy trucks and construction-related vehicles. The Applicant shall make every effort to minimize impacts from construction vehicles and related construction activities. The CMP should identify and limit construction-related vehicular activity to periods outside of the peak periods of traffic, utilizing alternative routes for heavy trucks, provisions for either on-site or off-site staging areas for construction-related workers and vehicles to limit the use of on-street parking around the Project site, and other mitigation measures related to traffic and potential neighborhood impacts. The Applicant shall document the condition of roadways prior to the start of construction activities and provide remedial measures, as necessary, such as restriping, road resurfacing and/or reconstruction if the condition of the roadways has deteriorated as a result of the related construction activities.



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- C. To the DTS and the DPP, a TMP that includes traffic demand management (TDM) strategies to minimize the amount of vehicular trips for daily activities and large events, if any. TDM strategies could include carpooling and ride sharing programs, transit, bicycle and pedestrian incentives and other TDM measures. A pedestrian circulation plan must also be included to provide accessibility and connectivity to the surrounding public sidewalks, including Union Mall, Hotel Street, and Fort Street Mall. A post TMP will be required approximately one year after the issuance of a CO for the Project to validate the relative effectiveness of the various TDM strategies identified in the initial TMP.
- D, To the DPP, confirmation of the following site conditions identified in the Traffic Impact Report at time of application for BPs:
 - Maintain sufficient distance for motorists to safely enter and exit all project driveways.
 - Maintain adequate on-site loading and off-loading service areas and prohibit off-site loading operations.
 - Maintain adequate turn-around area for service, delivery, and refuse collection vehicles to maneuver on the Project site to avoid vehicle-reversing maneuvers onto public roadways.
- 3. Prior to the issuance of any BPs for Phase 2 or 3, the Applicant must execute a development agreement with the DPP 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 Hawaii Revised Statutes Chapter 201H and the draft Resolution.
- 4. Prior to the issuance of any BPs for Phase 2 or 3 of the Project, the Applicant must draft and execute an Affordable Housing Agreement with the DPP in accordance with the Affordable Housing Rules, and execute and record a declaration of restrictive covenant that encumbers the site.
- 5. Subsequent to the adoption of the draft Resolution, the Applicant must request rescission of Zoning Variance File No. 96/VAR-53.

BE IT FURTHER RESOLVED that references to specific statutes, ordinances, or regulations include respective successor statutes, ordinances, or regulations; and

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BE IT FURTHER RESOLVED that the exemptions granted for the Project are not transferable to any other real property; 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 City 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 plans and specifications, or in granting the exemptions listed herein; and

BE IT FURTHER RESOLVED that the Director of the DPP is authorized to execute and record the development agreement and affordable housing agreement referenced above, 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 Director of the DPP is authorized to execute any incidental or related documents to carry out the transactions described above, so long as said documents do not increase either directly or indirectly the financial obligations of the City; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to: Kathy K. Sokugawa, Acting Director, Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawaii 96813; DEG LLC, c/o Douglas Emmett Management LLC, 1299 Ocean Avenue, Suite 1000, Santa Monica, California 90401-1063; Standard Sales Co., 1254 Center Street, Honolulu, Hawaii 96816; Keith Kurahashi, R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawaii 96819; Bishop Creative, 6264 Seadrift CV, Malibu, California 90265;



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Muriel Damon, 134 Hotel Street, Honolulu, Hawaii 96813; 1111 FSM Partners, 3435 Waialae Avenue, Room 203, Honolulu, Hawaii 96816; Sea Landing LLC, 531 Stanford Avenue, Palo Alto, California 94306; Downtown KT LLC, 1199 Bishop Street, Unit 21B, Honolulu, Hawaii 96813; Michele Nekota, Director, Department of Parks and Recreation, 1000 Uluohia Street, Suite 309, Kapolei, Hawaii 96707.

INTRODUCED BY:

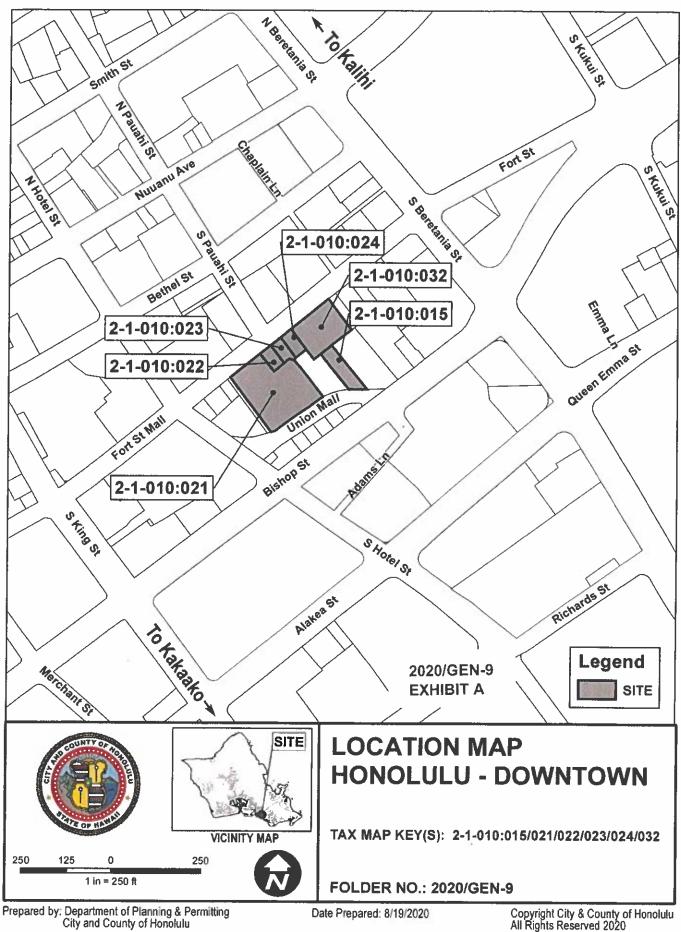
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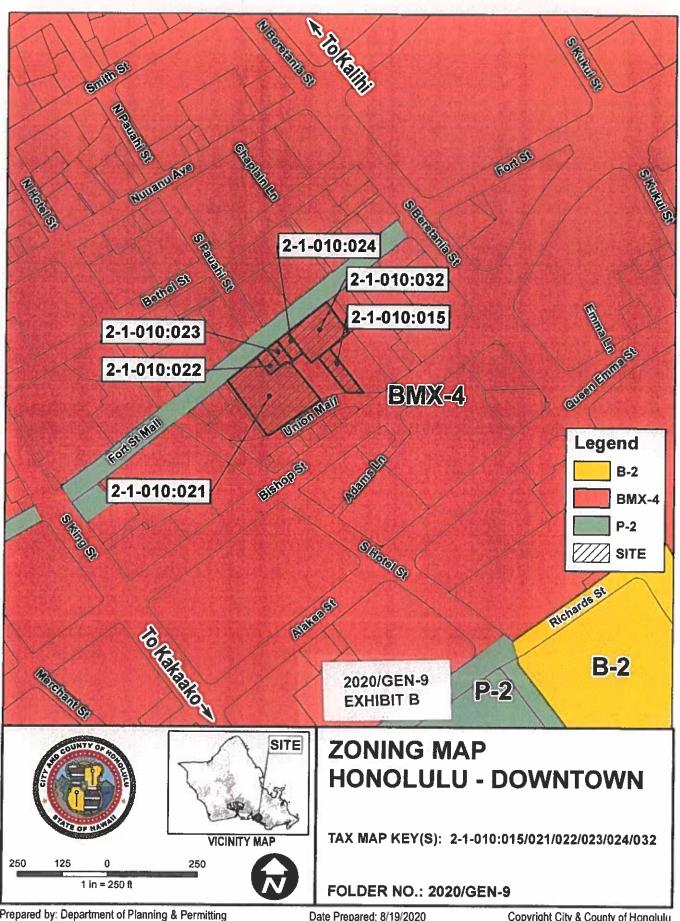
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Councilmembers



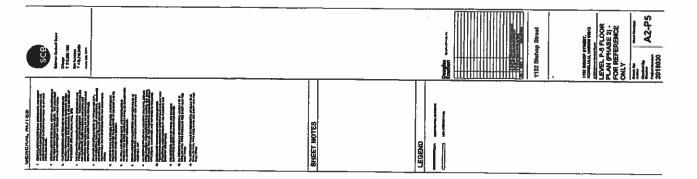
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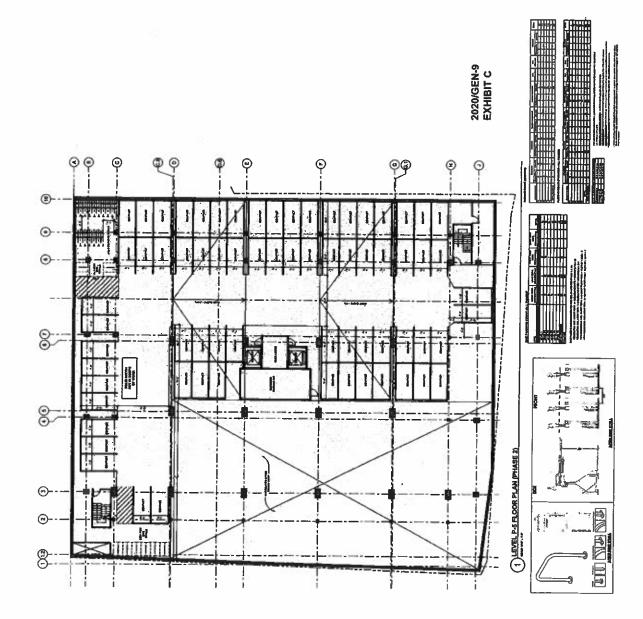


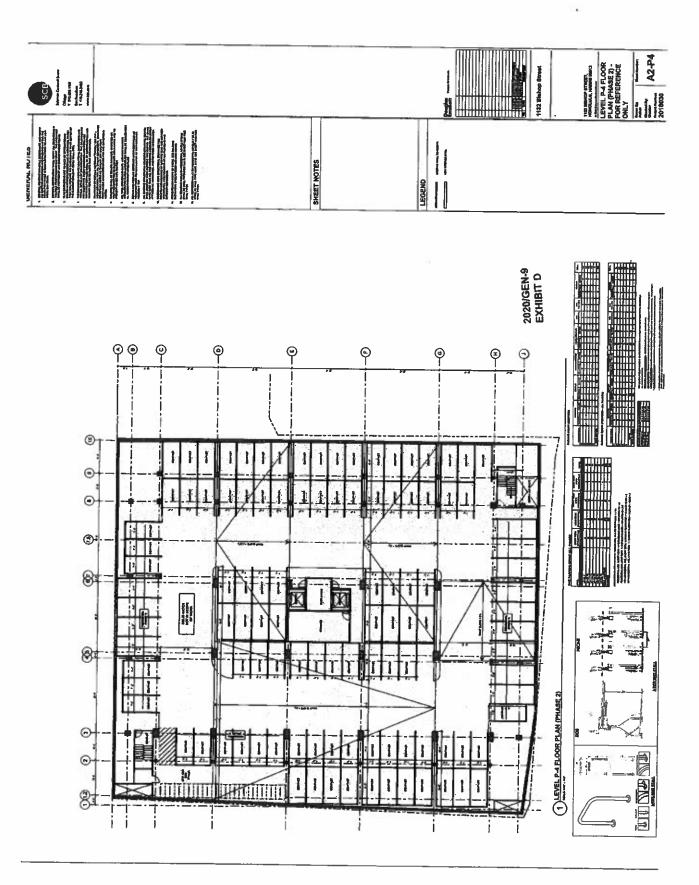
Prepared by: Department of Planning & Permitting City and County of Honolulu

Date Prepared: 8/19/2020

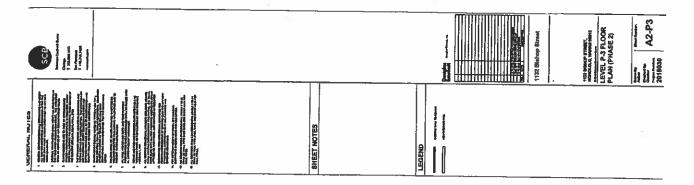
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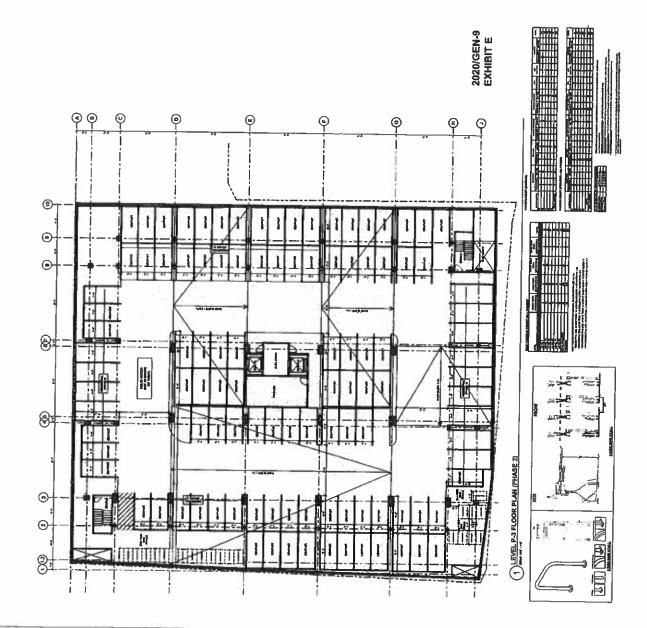




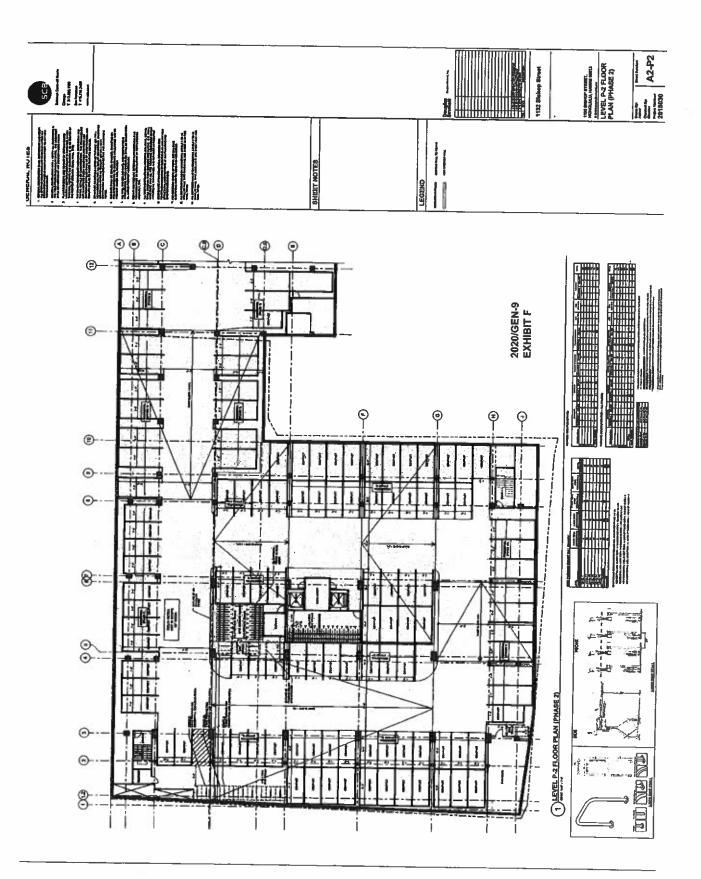


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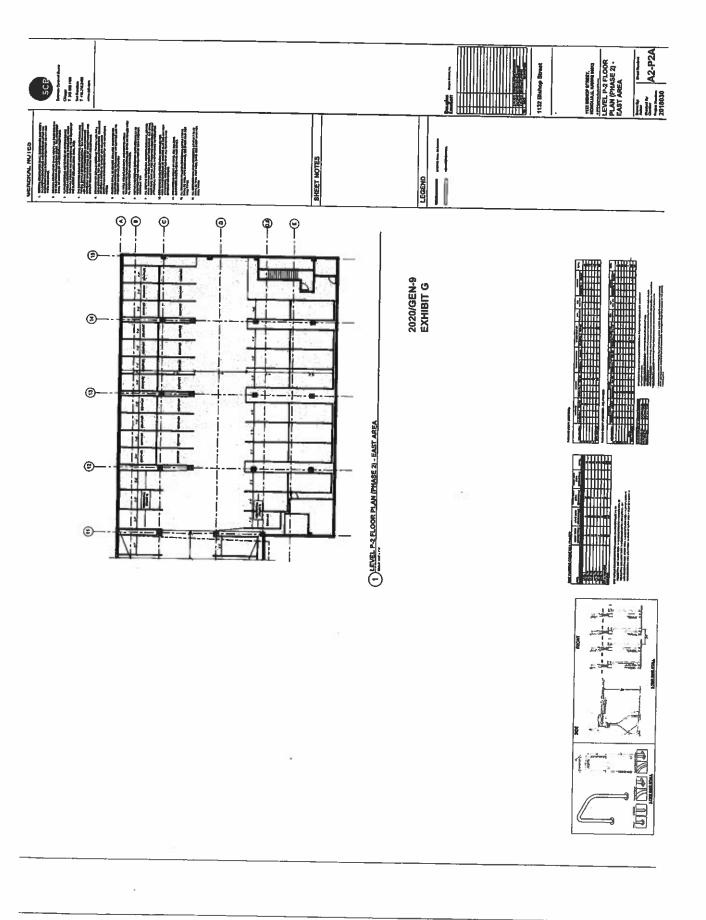


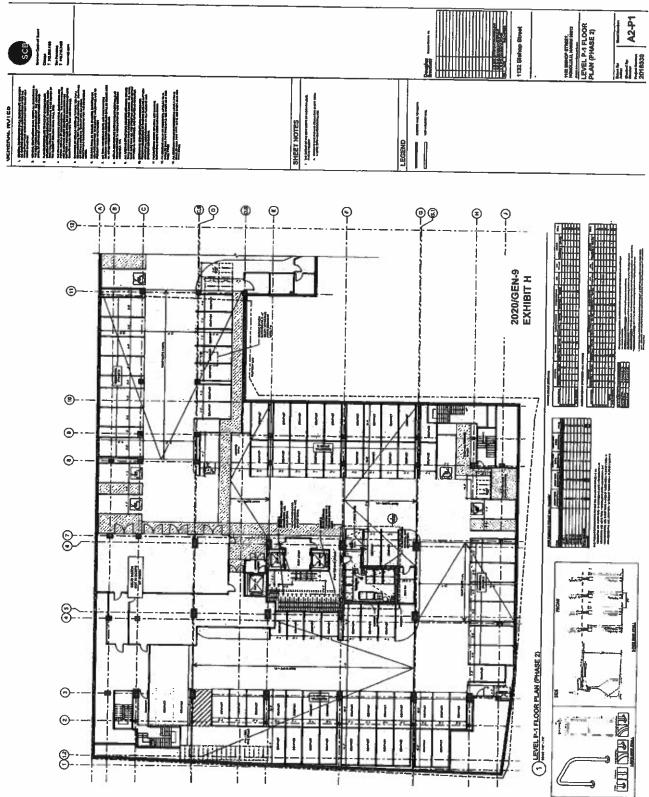
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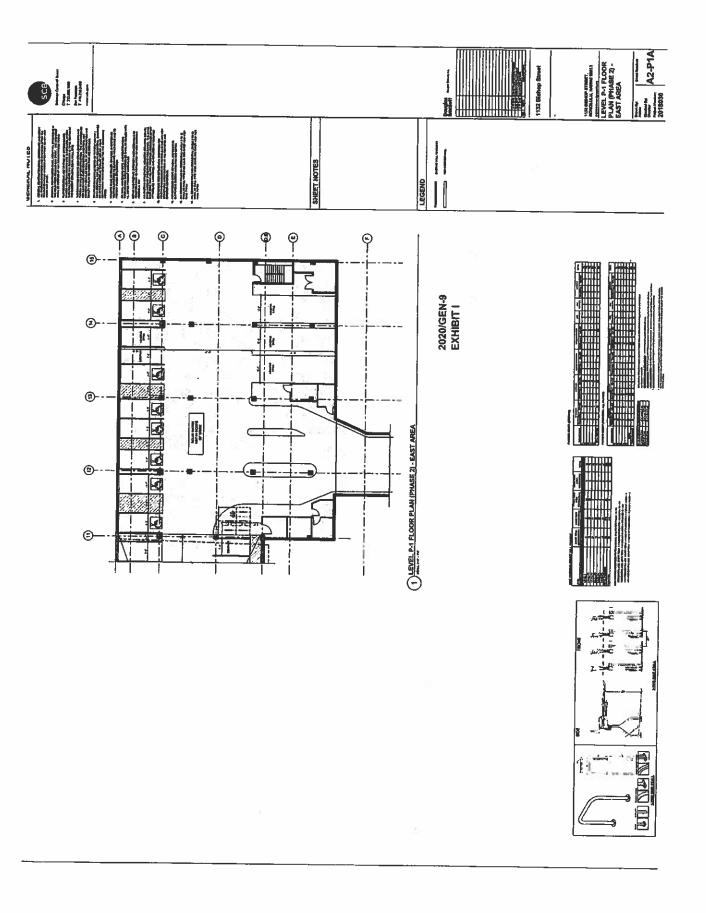
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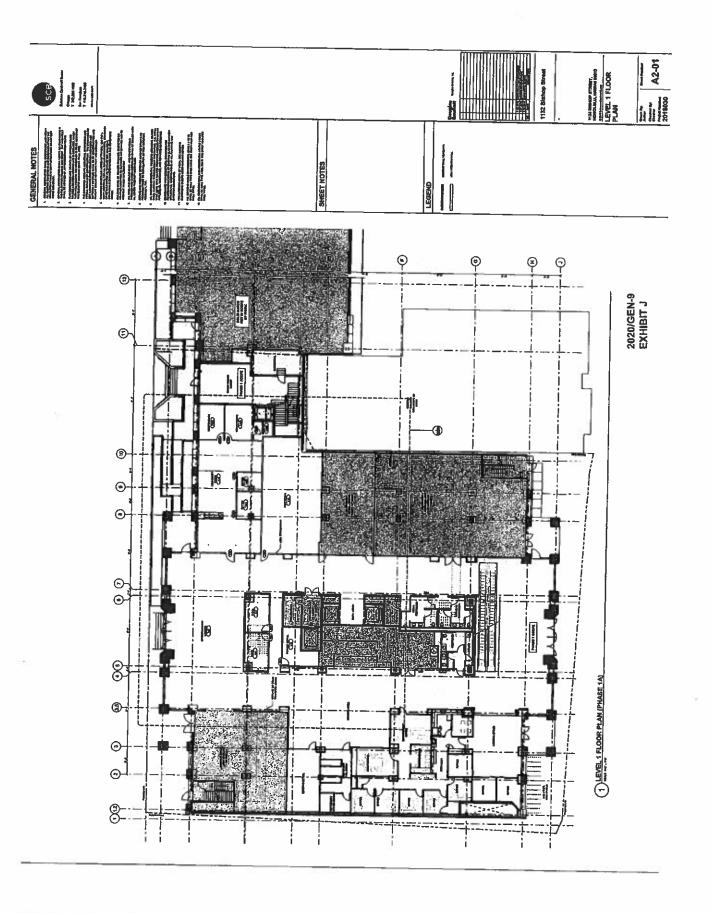
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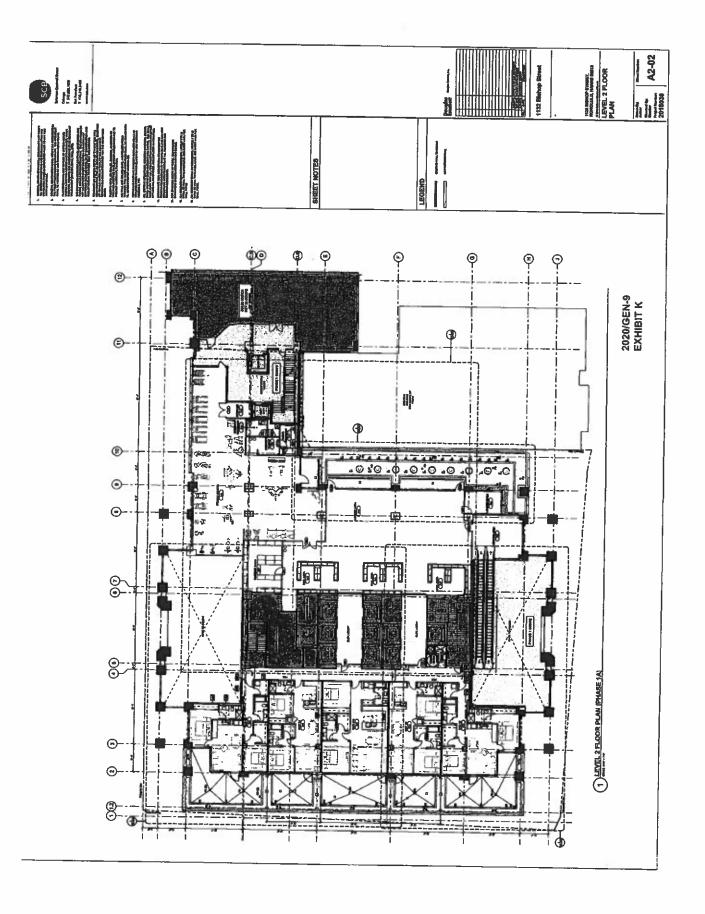


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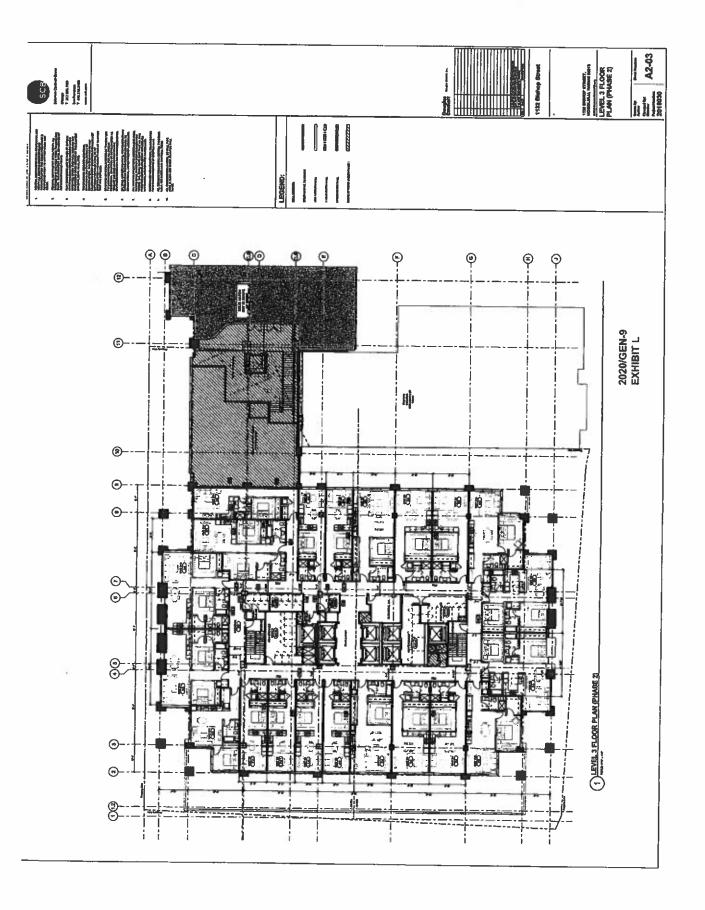
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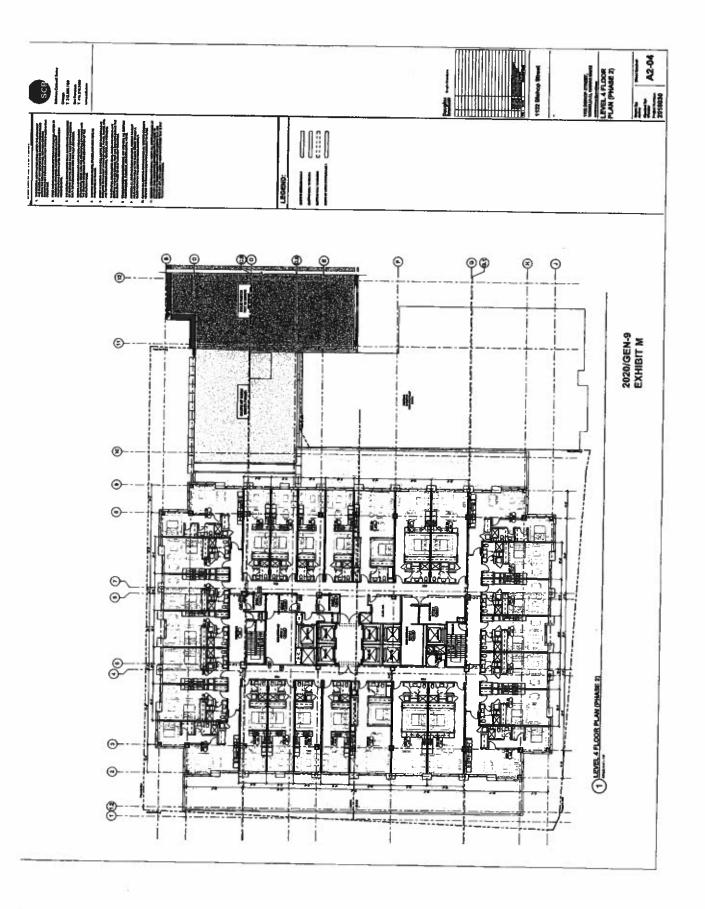


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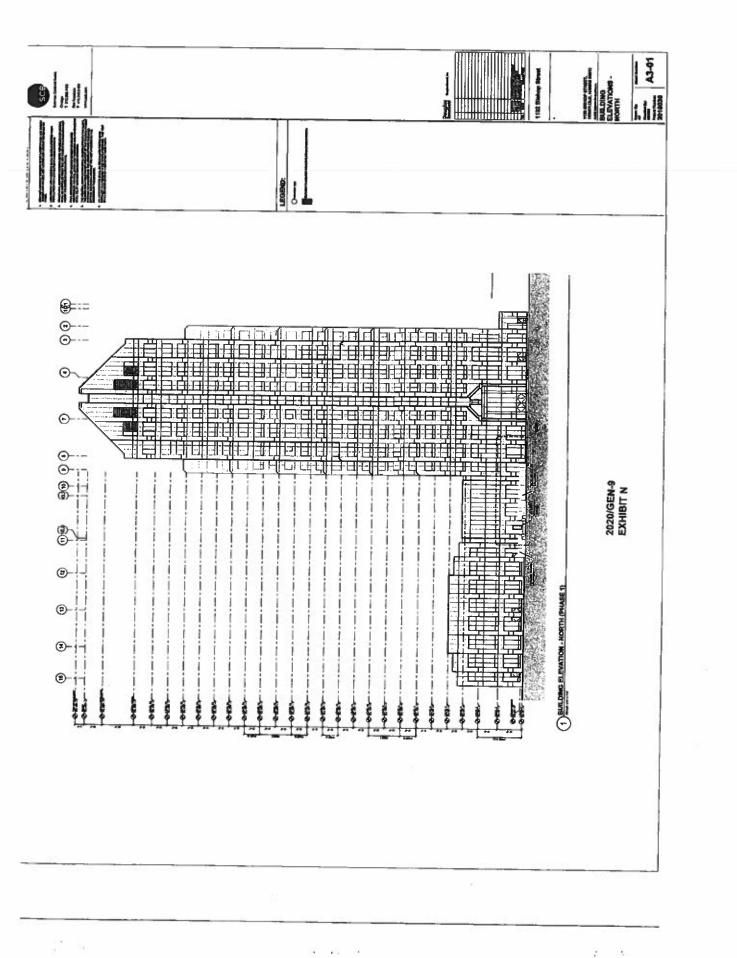
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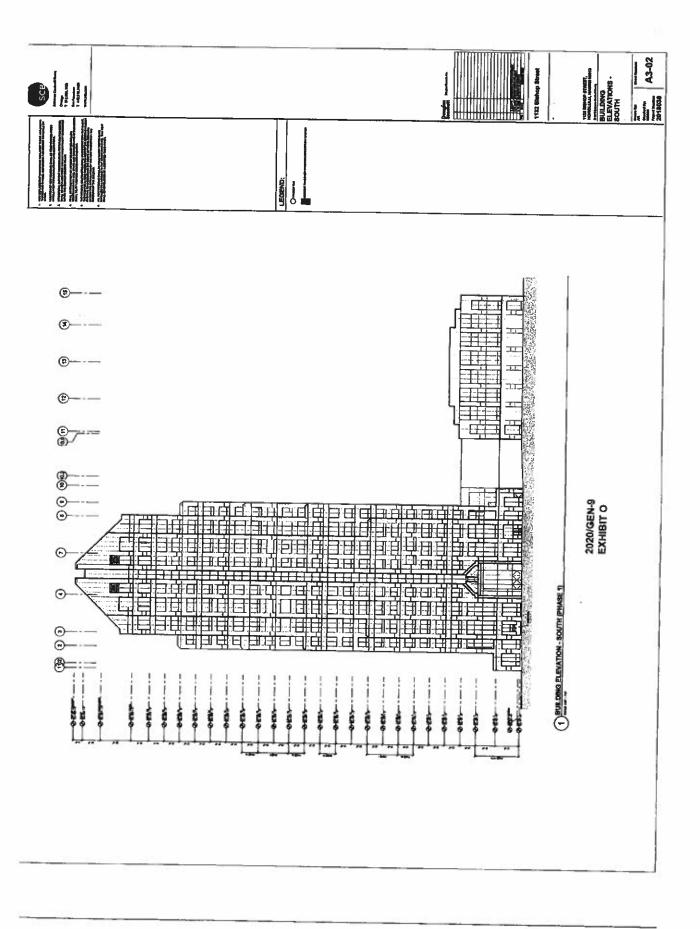




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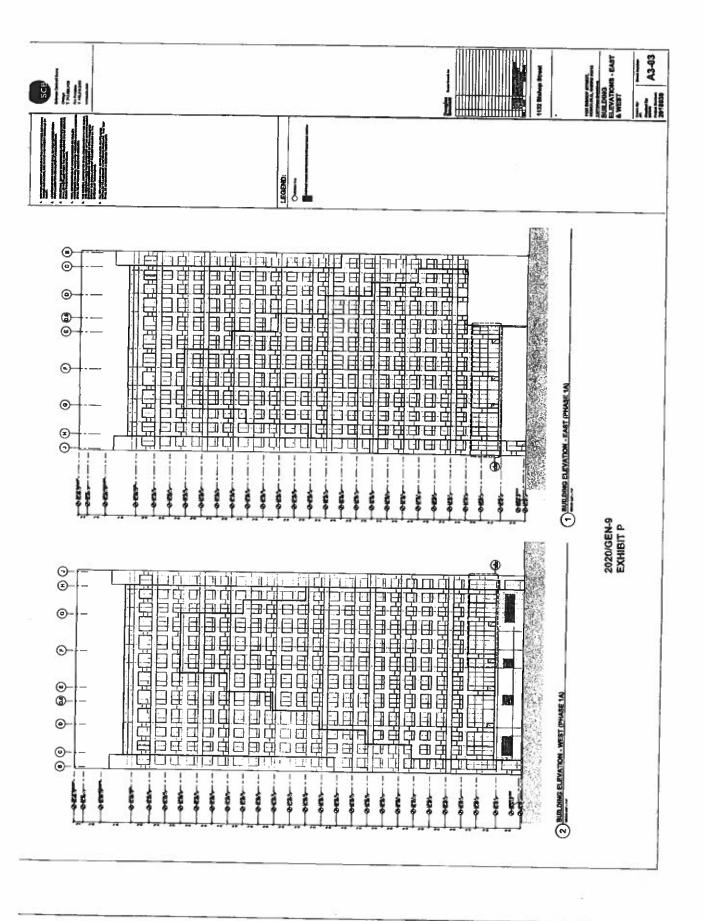
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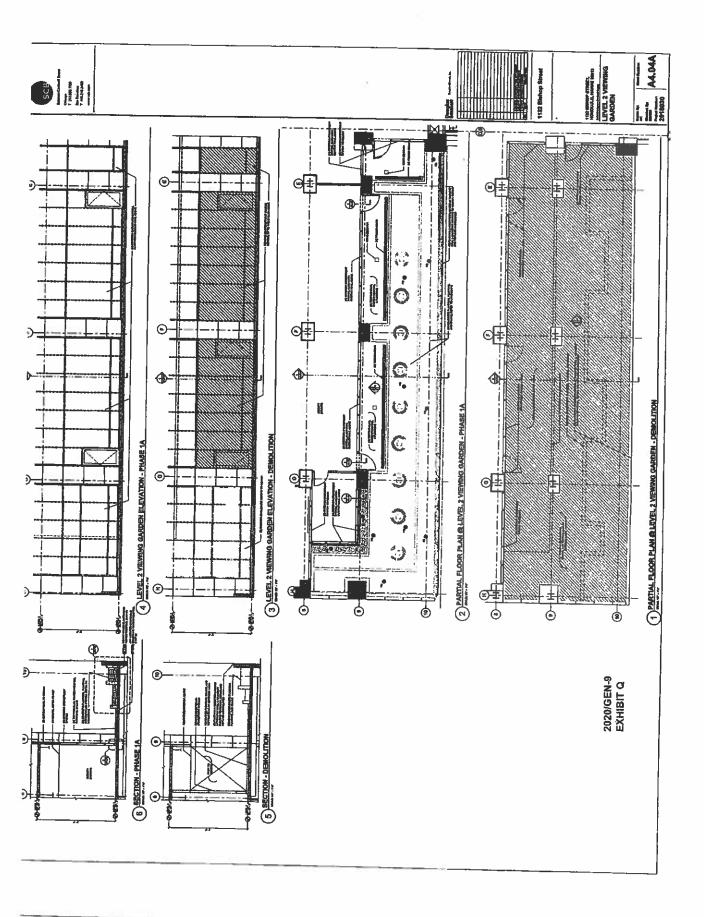




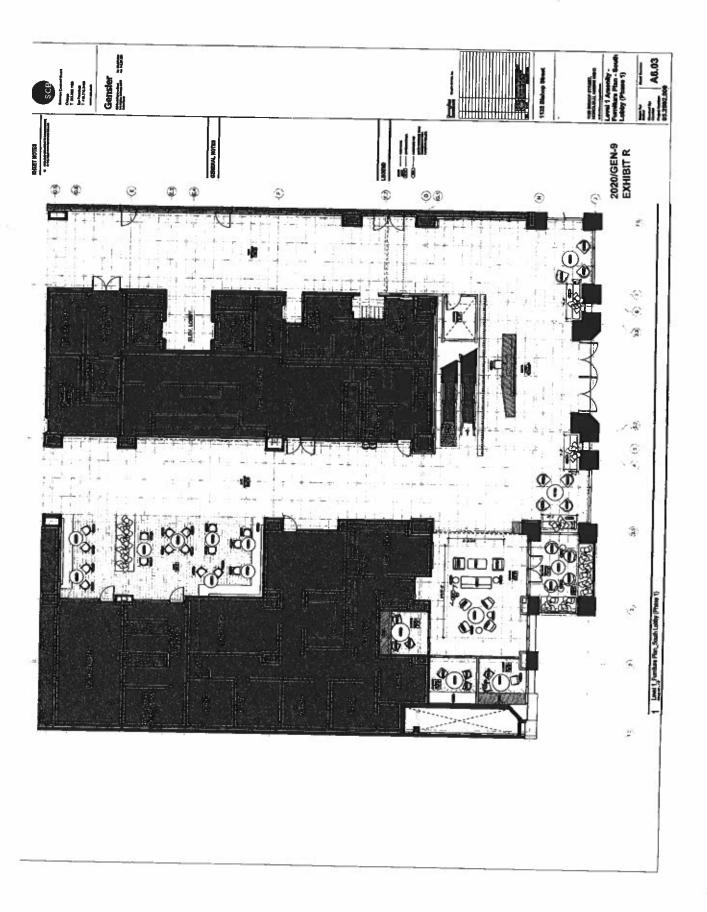
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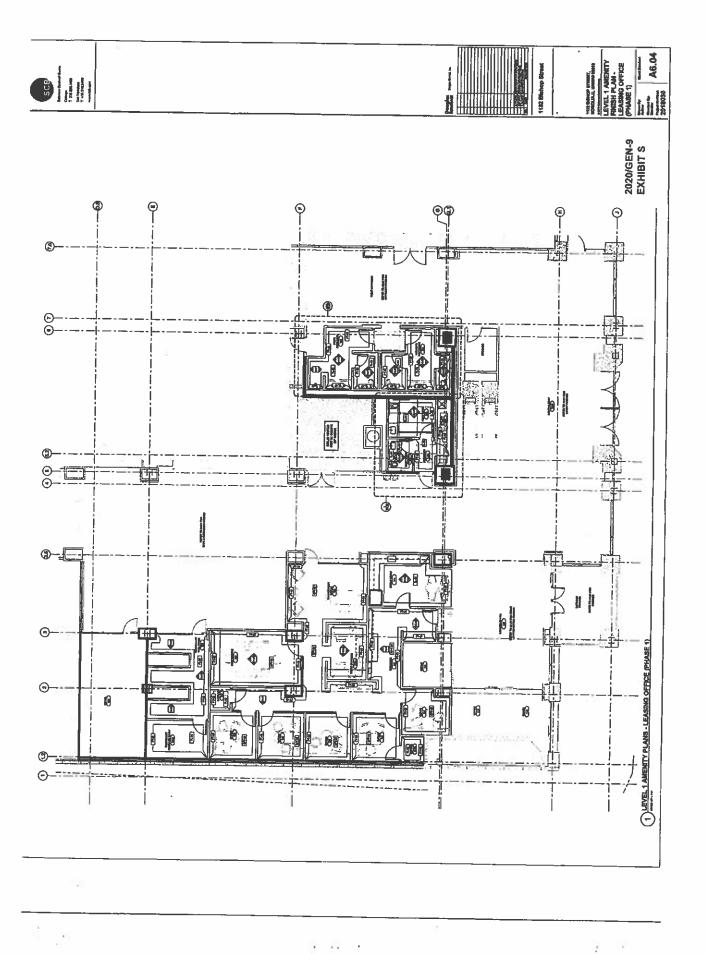
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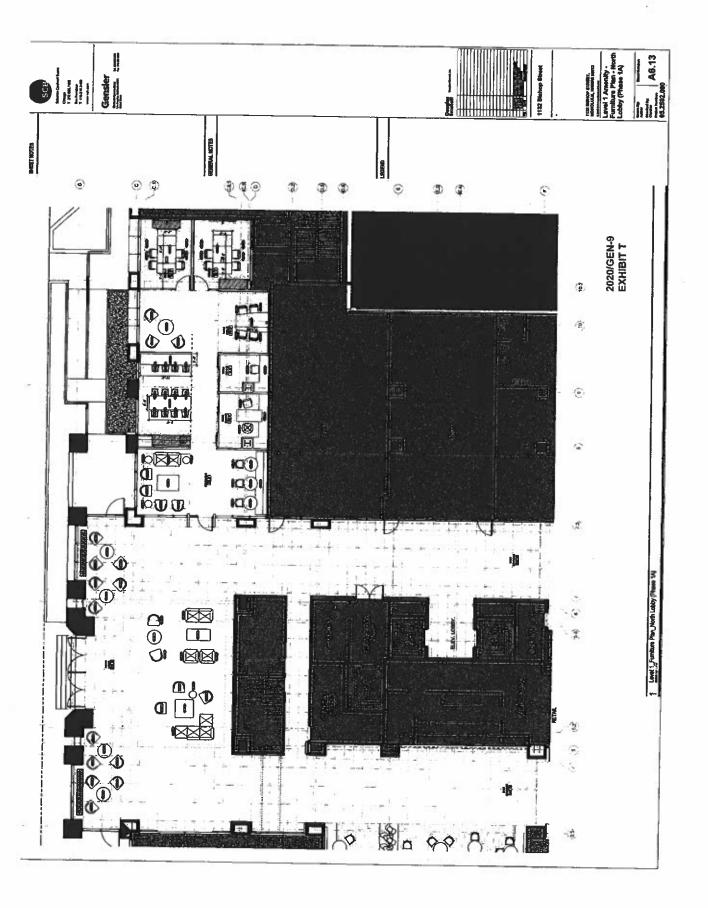
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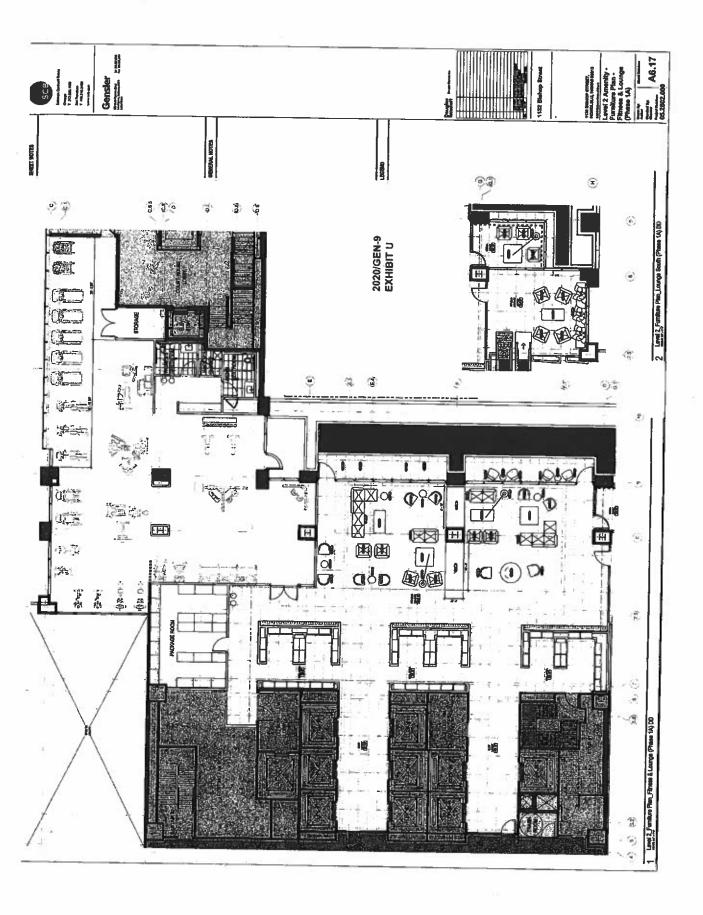
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