



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



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Ref. No.: KAK 12-109

August 19, 2015

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Ryan Harada
Downtown Capital LLC
215 North King Street, Suite 1000
Honolulu, Hawaii 96817

Dear Mr. Harada:

Re: Development Permit KAK 12-109 – 801 South Street, Building A
("Project") Window and Development Permit Compliance

Pursuant to §15-219-99, Hawaii Administrative Rules ("HAR"), this is to notify you that you are in violation of the terms and conditions of the above-mentioned Development Permit ("Permit").

As you are aware, the Hawaii Community Development Authority ("HCDA") approved the Permit for the Project, subject to certain terms and conditions.

Section VII of the Permit requires the Project to be constructed in accordance with HAR Chapter 15-217, often referred to as the Mauka Area Rules. Section 15-217-55(k)(2) of the Mauka Area Rules requires that the windows at ground level have a visible light transmission ("VLT") of 70% or greater and above the ground level have a VLT of fifty percent (50%) or greater. On August 5, 2015, Downtown Capital LLC submitted a petition for waiver or suspension of Section 15-217-55(k)(2) of the Mauka Area Rules as it pertains to the Project. The VLT information provided in the petition indicates that the windows on the Project do not meet the VLT requirement of the Mauka Area Rules. Inasmuch as the Project's windows do not conform to HCDA's Mauka Area Rules, the Project's continued use of such windows constitutes a violation of the terms and conditions of the Permit. We therefore request that any and all non-conforming windows which were installed be removed and replaced no later than ninety (90) calendar days from the date of this notice.

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Pursuant to HAR §15-219-99(e), you may appeal to the Authority within thirty (30) days of your receipt of this notice of violation. An appeal to the Authority shall not stay any notice or any fines imposed thereby.

Should you have any questions regarding this matter, please feel free to contact Mr. Deepak Neupane, P.E., AIA, Director of Planning and Development, at 594-0338.

Sincerely,

A handwritten signature in black ink, appearing to read "Aedward Los Banos".

Aedward Los Banos
Acting Executive Director

ALB/DN:ak