

**DEVELOPMENT PERMIT REQUEST
Presentation Hearing Staff Report**

KAL 21-005: Gentry Kalaeloa, LLC / Ka‘ulu

December 1, 2021

I. REQUEST

Gentry Kalaeloa, LLC (“Applicant”) is requesting a Development Permit (“Permit Application”) to construct a new residential project, Ka‘ulu, on an approximately 29.8-acre property (“Project”). The Project site is identified as Tax Map Key (“TMK”) parcels (1) 9-1-013:197, 198, and 199. The Project site is bounded by the proposed Kamokila Boulevard Extension (to the west), the realigned Boxer Road/Saratoga Avenue (to the south), Copahee Avenue (to the east) and Franklin Delano Roosevelt Avenue (“FDR”) (to the north). The landowner is Hunt Communities, LLC.

The Permit Application is provided as Exhibit A. The Development Permit is requested in accordance with Chapter 15-215, Hawaii Administrative Rules (“HAR”), Kalaeloa Community Development District (“Kalaeloa CDD”) Rules (“Kalaeloa Rules”) and Chapter 15-216 Kalaeloa Reserved Housing Rules.

II. COMPLETENESS REVIEW, AUTOMATIC APPROVAL AND FILING FEES

Pursuant to §15-215-83, HAR, *Completeness Review*, the Permit Application was deemed complete on October 29, 2021. The Certificate of Completeness is attached as Exhibit B. Pursuant to §15-215-84, HAR, *Automatic Approvals*, the Permit Application will be automatically approved if no decision is made by the Hawaii Community Development Authority (“HCDA” or “Authority”) granting or denying approval within 120 days from the date the Permit Application was deemed complete. The automatic approval date for the Permit Application is February 23, 2022.

Permit Application fees were paid in accordance with the provisions of §15-215-91, HAR, *Fee Schedule*, and the Applicant has committed to pay its required portion of the public hearing fees upon invoice.

III. PUBLIC HEARING NOTICE AND FILING FOR INTERVENTION

In accordance with the provisions of §206E-5.6, Hawaii Revised Statutes (“HRS”), a notice of public hearings (“Notice”) for the Project was published in the Honolulu Star-Advertiser, The Garden Island, Hawaii Tribune-Herald, West Hawaii Today and Maui News on October 29, 2021. In accordance with the provisions of §206E-5.6, HRS, the President of the Senate and the Speaker of the House of Representatives were notified upon posting of the Notice. The Kapolei Chamber of Commerce,

various elected officials, State and County agencies, and utility companies that service the area were also notified of the public hearings.

The Notice was provided to individuals and organizations that have shown interest in the development in Kalaeloa in the past and have requested that they be kept informed of development activities in the district. A copy of the Notice and the Project Application were posted on the HCDA's website, and the public was encouraged to provide comments on the Project.

In accordance with the provisions of §206E-5.5, HRS, the Applicant confirmed that it also notified both owners and lessees of record of real property within a three-hundred-foot radius of the Project.

The deadline for filing for intervention was November 18, 2021, and the HCDA did not receive any request for intervention by the filing deadline.

IV. COMMUNITY OUTREACH

Prior to submitting the Permit Application, the Applicant presented the Project to the HCDA Kalaeloa Board at its March 5, 2021 meeting, where members of the public were afforded the opportunity to provide comments on the Project. On March 24, 2021, September 22, 2021, and October 27, 2021, the Applicant presented the Project to the Makakilo/Kapolei/Honokai Hale Neighborhood Board.

V. GOVERNMENT AGENCY AND UTILITY COMPANY CONSULTATION

The Applicant consulted with the following government agencies and utility companies for initial review and comment on the Project:

State of Hawaii

- Department of Land and Natural Resources, State Historic Preservation Division ("SHPD")

City and County of Honolulu

- Department of Planning and Permitting
- Honolulu Fire Department.

Utility Companies

- Kalaeloa Water Company/Hawaii Water, LLC
- Hawaiian Electric Company, Inc.
- Spectrum

The Applicant included the comments received from these agencies and utility companies as part of the Permit Application. Subsequently, after receiving the Permit

Application and deeming it complete, the HCDA also provided a link to the Permit Application to the following government agencies for review and comment.

Federal

- United States Postal Services

State of Hawaii

- Disability and Communication Access Board
- Department of Education
- Department of Transportation
- Department of Transportation, Highways Division
- Department of Transportation, Airports Division
- Department of Health

City and County of Honolulu

- Department of Transportation Services
- Department of Planning and Permitting
- Honolulu Board of Water Supply
- Department of Environmental Services
- Office of Climate Change, Sustainability, and Resiliency
- Honolulu Authority for Rapid Transportation
- Honolulu Police Department
- Honolulu Fire Department

Comments received as part of the Permit Application review were provided to the Authority and posted on the HCDA website prior to the December 1, 2021 Presentation hearing.

VI. STATE HISTORIC PROPERTY REVIEW

Pursuant to §6E-42, HRS, the HCDA is required to advise SHPD of any project which may affect historic property, aviation artifacts, or burial sites (collectively “Historic Properties”), and prior to HCDA’s approval of a permit for the Project, allow SHPD the opportunity for review and comment on the effect of the proposed Project on Historic Properties. On May 20, 2021, SHPD accepted the Archaeological Monitoring Plan for the Project. SHPD’s acceptance letter is provided in Appendix B of the Permit Application.

VII. PROJECT DESCRIPTION

The proposed Project is a 390-unit residential development consisting of approximately 262 multi-family attached units and approximately 128 single-family detached units. The Project consists of 519,584 square feet (“SF”) of residential floor area, 417,446 SF of open space, 125,042 SF of recreational space with amenities, and

a total of 931 off-street parking stalls in addition to loading and bicycle parking within the Project site.

Land Use and Zoning

The Project site is identified as a Transect 3 - General Urban zone ("T3") in the Kalaeloa Rules. The T3 zone is characterized as mixed use with a commercial emphasis. The residential use proposed for the Project is consistent with the provisions of §15-215-23(b)(3), HAR, T3 zone and Fig. 1.7 Land Use of the Kalaeloa Rules.

Street Trees

Section 15-215-24(b)(1), HAR, *Thoroughfare Plan*, requires the Applicant to plant street trees along designated thoroughfares. Prior to completion of the Project, the Applicant proposes to have the required street trees in the public frontage areas planted along Saratoga Avenue, FDR, and Kamokila Boulevard Extension, which is consistent with Chapter 15-215, Figure 1.5, HAR, *Street Tree Chart*, and Figure 1.10, *Preferred Plant Species*. The Applicant is also required to provide street trees along Copahue Avenue that are consistent with the Street Tree Chart, and they have proposed Buttonwood trees along this thoroughfare.

Building and Frontage Types

Pursuant to §15-215-38, HAR, *Building Type*, and Figure 1.3, Development Standards Summary, the Project proposes Front Yard House (BT.1) and Flex-Loft (BT.5) building types for the single-family homes and multi-family buildings, respectively. Pursuant to §15-215-39, HAR, and Figure 1.6, *Frontage Types*, the Project proposes the Porch & Fence frontage type.

Building Placement

Pursuant to §15-215-41(a), HAR, *Building Placement*, and Figure 1.3, *Development Standards Summary*, the Project is required to be built parallel to the build-to-line and have a front yard build-to-line at or between five (5) to fifteen (15) feet, with a fifty (50) percent minimum frontage occupancy at the build-to-line. There are no side or rear yard setback requirements in the Kalaeloa Rules that are applicable to the Project.

The Project façades are parallel to the build-to-line and are set back approximately ten (10) feet from the adjacent lot line. The Project proposes a frontage occupancy of fifty-one (51) percent or greater, exceeding the fifty (50) percent minimum frontage occupancy requirement.

Building Form – Height & Density

Section 15-215-42, HAR, *Building Form*, and Figure 1.3, *Development Standards Summary*, restricts building heights to sixty (60) feet or below in the T3 zone. The

proposed maximum height of the Project is approximately twenty-eight (28) feet. Attics will range from 8'2" to 9'3", which is within the maximum height of fourteen (14) feet.

Chapter 15-215, Figure 1.3, HAR, *Development Standards Summary*, sets the Project's density to a minimum of ten (10) units per acre and a maximum of twenty (20) units per acre in the T3 zone. The proposed density for the Project is approximately 13 units per acre (390 units / 29.8 acres).

Architectural Standards

Section 15-215-43, HAR, *Architectural Standards*, provides requirements for the following architectural features: balconies, galleries, and arcades; building façades and elevations; fences, walls, and hedges; lighting; roofs; service functions; signage; and windows. The Applicant proposes that the Project will comply with all applicable architectural standards. The following outlines the Project's compliance with the applicable architectural standards in the Kalaeloa Rules.

Regarding §15-215-43(a) and (b), HAR, *Architectural Standards*, balconies will be made of painted wood and changes of exterior texture and materials for building façades will be accompanied by a change in plane.

Section 15-215-43(c), HAR, *Architectural Standards*, provides fencing requirements applicable to the Project. The Project proposes that all fences, walls, and hedges will be a maximum of 6'-0" in any side or rear yard and a maximum of 3'-0" in front yards facing the four major surrounding streets. Fences facing the four surrounding thoroughfares will be constructed of vinyl or aluminum, which will be compatible with the principal buildings.

Section §15-215-43(d), HAR, *Architectural Standards*, provides illuminated lighting requirements at all entrances and passageways. Project entrances, passageways, and other landscaped areas will include pedestrian-scaled, tamperproof lights. All exterior lighting sources for the Project will be downcast and will not spill over to abutting properties.

Pursuant to §15-215-43(e), HAR, *Architectural Standards*, the Project roofs will be finished with light colors.

Section 15-215-43(f), HAR, *Architectural Standards*, provides requirements for service functions and utilities. The Project proposes that recycling and trash bins will be provided to individual homeowners and will be stored in enclosed garages or within private fenced areas.

Section 15-215-43(h), HAR, *Architectural Standards*, provides requirements for exterior windows. The Project's windows will not be highly reflective or a mirrored glass material.

Section 15-215-43(h)(2), HAR, *Architectural Standards*, requires that the visible light transmission ("VLT") level of windows on the ground floor shall be seventy percent (70%) or greater and on all other floors the VLT level shall be fifty percent (50%) or greater. The Project proposes that glazing will be consistent with the HCDA Executive Director's rule interpretation INT 2-21, which was provided in accordance with §15-215-5(i), HAR, *Rules of Interpretation*. The Applicant is currently targeting VLT levels of approximately 40 to 50 percent for both the first and second floor glazing, which the Applicant anticipates will be the highest reasonably possible VLT level for appropriate glazing of the units while still complying with the solar heat gain coefficient requirements of the State of Hawaii Energy Conservation Code, §3-181.1, HAR.

Landscape

Section 15-215-44, HAR, *Landscape*, provides landscaping requirements applicable to the Project. All required yards will be landscaped, new plantings will be selected from Chapter 15-215, Figure 1.10, HAR, *Preferred Plant Species*. All required landscaping and trees will have a compliant automatic irrigation system.

Recreation Space

Pursuant to §15-215-45(a)(3), HAR, *Recreation Space*, the Project shall provide 55 SF of recreation space per dwelling unit. The current proposal includes 390 dwelling units. Therefore, the recreation space required for the Project is 21,450 SF (55 SF x 390 units). The Applicant proposes to provide approximately 125,042 SF of recreation space for the Project, which is equivalent to 320 SF of recreation space per unit. The Applicant proposes that the recreation space will include the following features: a play structure, picnic areas with seating and tables, exercise equipment, lawn areas for play and games, a shade trellis, and meandering trails.

Open Space

Section 15-215-46, HAR, *Open Space*, and Figures BT.1.C and BT.5.D, require a minimum of twenty percent (20%) of each lot to be provided as open space, with at least one-third of the requirement to be provided at grade. The open space shall also maintain a minimum 20-foot dimension on any one side. This creates an open space requirement for the Project of 259,618 SF (1,298,088 SF x 20%). The Applicant proposes to provide 417,446 SF of open space at grade, which is approximately 32% of the lot area.

Parking and Loading

Section 15-215-47, HAR, *Parking and Loading*, and Figure 1.9, *Parking*, establish the parking and loading requirements applicable to the Project. For the detached dwelling units, the Kalaeloa Rules require two spaces be provided per unit; therefore, the Project must include at least 256 parking spaces (2 spaces x 128 units) for the single-family homes. For the multi-family dwelling units, the Project is required to provide 328 spaces (1.25 spaces x 262 units). The Project is required to provide two loading spaces; however, three spaces will be provided. The Project will provide a total of 931 off-street parking spaces. This includes 256 for the detached dwellings, 524 for the multi-family dwellings, and 151 spaces for off-street resident and visitor parking.

Short- and long-term bicycle parking is proposed in the Project pursuant to §15-215-47(m), HAR, including corrals in all recreation areas and space for bicycles within all private garages for individual units.

The Project will comply with all parking and loading requirements in the Kalaeloa Rules regarding the size, access, and locations of parking amenities.

Green Building

Section 15-215-48, HAR, *Green Building*, provides green building requirements for projects in the Kalaeloa CDD. The Project is proposing to comply with this section of the Kalaeloa Rules through the Leadership in Energy and Environmental Design (“LEED”) rating system; specifically, the LEED-Homes (version 4) rating system. The Project will be constructed to achieve a minimum level of LEED-Homes “Gold,” including points to meet the minimum Kalaeloa Rule requirements for controlling stormwater runoff, heat island reduction, and water efficient landscaping.

Large Lot Developments

Section 15-215-62, HAR, *Large Lot Development*, provides standards for developing large lots that are equal to or greater than 140,000 SF, by dividing them into smaller pedestrian-oriented blocks and achieving an interconnected block network with walkable block lengths. According to Kalaeloa Rules, the Project site is considered a large lot.

The Project is proposing to comply with this section of the Kalaeloa Rules by:

- dividing the lot to create pedestrian-oriented blocks;
- connecting new thoroughfares to existing thoroughfares;
- retaining 15'-wide minimum passageways between building elevations;
- ensuring that all new passageways will be ungated and accessible to the public;
- providing alley access to service and parking areas within each new block;

- providing principle entrances for residences off a new or existing thoroughfare or passageway; and
- providing mid-block pedestrian passageways that connect through the block and do not abut an alley.

Historical and Cultural Sites

Section 15-215-63, HAR, *Historical and Cultural Sites*, provides standards for the protection of historically and culturally significant sites. In compliance with these requirements, the Applicant has provided a letter dated May 20, 2021 from SHPD that confirms the agency's acceptance of the Archeological Monitoring Plan and describes the requirements to follow as construction commences.

Public Facilities Dedication

Section 15-215-64, HAR, *Dedication of Public Facilities*, provides standards for the dedication of land for public facilities. The minimum dedication requirement is four (4) percent of the total residential floor area, exclusive of floor area devoted to reserved housing units and their associated proportional common areas. The Project proposes a total of 519,584 SF of residential floor area, of which 104,802 SF will be provided as reserved housing. Therefore, 414,782 SF (519,584 SF – 104,802 SF) of floor area is subject to this dedication requirement. The Applicant is required to provide 16,591 SF (414,782 SF x 4%) of land as public facilities dedication for the Project. The Applicant is proposing to dedicate 18,958 SF of land in the form of additional right-of-way along FDR, for future road widening projects, which exceeds the requirement by 2,367 SF.

Reserved Housing

Kalaeloa Reserved Housing Rules § 15-216-17, HAR, *Requirements of Reserved Housing Units*, requires that every application for a development permit containing multi-family dwelling units on a lot of at least 40,000 gross SF shall construct and reserve at least twenty percent (20%) of the total residential floor area as reserved housing units.

This Project will include a total residential floor area of 519,584 SF, resulting in a reserved housing floor area requirement of 103,917 SF (519,584 SF x 20%). The Project proposes providing 104,802 SF of reserved housing, which translates to approximately 87 reserved housing units. The Applicant proposes satisfying this requirement by providing the reserved housing units within the Flex Loft 8-Plex and 6-Plex building types (*i.e.*, none will be in the Front Yard House building type). The reserved housing units will also be dispersed across the entirety of the development, as opposed to clustered together.

VIII. DEVELOPMENT PERMIT PROCEDURES

Pursuant to §15-215-78, HAR, *Improvement and Development Permits*, and Figure 1.1, *Approval Requirements Matrix*, developments within the Kalaeloa CDD are required to obtain a Development Permit that is subject to Authority review and approval. Section 206E-5.6, HRS, requires that when rendering a decision regarding the acceptance of a developer's proposal to develop lands under the Authority's control, the Authority shall render its decision at a public hearing separate from the hearing at which the proposal was presented. This essentially requires that the Authority conduct two separate public hearings in rendering a decision regarding a Development Permit.

Section 15-215-78(e), HAR, *Improvement and Development Permits*, requires the following findings of fact in approval of a Development Permit:

- (1) **Consistency with the Kalaeloa Master Plan:** That the Project complies with and advances the goals, policies, and objectives of the Kalaeloa Master Plan;
- (2) **Consistency with the Kalaeloa Rules:** That the Project complies with the Kalaeloa Rules; and
- (3) **Compatibility of the Kalaeloa CDD:** That the Project proposal will not have a substantial adverse effect on the surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area.

The Applicant's proposed findings, in response to the requirements listed above, are provided in Table 7 of the Permit Application.

IX. PUBLIC TESTIMONIES

All Project-related public testimony that was submitted by noon on the day prior to the presentation public hearing was provided to the Authority and posted on HCDA's website.

Attachments:

Exhibit A – KAL 21-005 Permit Application

Exhibit B - Certificate of Completeness