

**DEVELOPMENT PERMIT REQUEST  
Presentation Hearing Staff Report**

**KAK 22-024: Ward Village Land Block 2, Project 4  
(Master Plan Permit No.: PL MASP 13.1.3)**

June 1, 2022

**I. REQUEST**

Victoria Ward, Limited ("Applicant") is requesting a Planned Development Permit ("Permit") to construct a new mixed-use high-rise development, Kalae ("Project"). For the Project, the Applicant plans 330 residential units, ground floor retail space, activation of Victoria Ward Park, realignment of Auahi Street at the corner of Ward Avenue and Auahi Street, and associated off-street parking.

The Project site is located within Land Block 2 of the Ward Neighborhood Master Plan ("Ward MP"), which borders Auahi Street to the north ("Mauka"), Victoria Ward Park to the east ("Diamond Head"), Ala Moana Boulevard to the south ("Makai") and Ward Avenue to the west ("Ewa"), and is within the Mauka Area of the Kakaako Community Development District [Tax Map Key No. 2-3-001:133]. The Applicant's Development Permit Application ("Permit Application") was provided to the Hawaii Community Development Authority ("HCDA") members ("Authority") on May 17, 2022, via electronic link to the HCDA website (<https://dbedt.hawaii.gov/hcda/kalae/>).

**II. COMPLETENESS REVIEW, AUTOMATIC APPROVAL AND FILING FEES**

In a letter dated April 21, 2022, the Applicant was informed that the submitted Permit Application for the Project was complete and was notified of the automatic approval date. The letter is attached as Exhibit A. Pursuant to Hawaii Administrative Rules ("HAR") §15-22-23, *Automatic Approvals*, the Permit Application will be deemed automatically approved if no decision is made by the HCDA granting or denying approval within 160 days from the date of the submission of a complete application. Therefore, the automatic approval date is September 28, 2022.

Application fees were paid in accordance with the provisions of HAR §§15-22-111(b) and 15-22-16, and the Applicant has committed to pay its required portion of the public hearing fees when invoiced.

**III. PUBLIC HEARING NOTICE AND COMMUNITY OUTREACH**

Prior to submitting the Permit Application to the HCDA, the Applicant made a public presentation of the Project to the HCDA, where members of the public were afforded the opportunity to provide comments on the Project. On October 26, 2021, the Applicant presented the Project to the Ala Moana/Kakaako Neighborhood Board.

A Notice of Public Hearings for the Project, in accordance with the provisions of §206E-5.6, Hawaii Revised Statutes (“HRS”), was published in the Honolulu Star-Advertiser, The Garden Island, West Hawaii Today, Hawaii Tribune-Herald and Maui News on April 21, 2022. In accordance with the provisions of HRS § 206E-5.6, the President of the Senate and the Speaker of the House of Representatives were notified upon posting of the Notice of Public Hearings. Associations of apartment owners of residential buildings adjacent to the Project, surrounding landowners and businesses, the Ala Moana/Kakaako Neighborhood Board, the Kakaako Business and Landowners Association, and the Kakaako Improvement Association were notified of the public hearings. Various elected officials, State and County agencies, and utility companies that service the area were also notified of the public hearings.

The Notice of Public Hearings was provided to individuals and organizations that have shown interest in the development in Kakaako in the past and have requested that they be kept informed of development activities in the district. A copy of the Notice of Public Hearings is attached as Exhibit B. In accordance with the provisions of HRS §206E-5.5, the Applicant confirmed that it has also notified both owners and lessees of record of real property within a three hundred-foot (300) radius of the Project.

A copy of the Project Application was also posted on HCDA’s website, on April 21, 2022, and the public was encouraged to provide comments regarding the Project.

The deadline for filing for intervention was May 11, 2022. HCDA received no requests for intervention.

#### **IV. WARD NEIGHBORHOOD MASTER PLAN**

The Project is located on Land Block 2 of the Ward MP [permit number PL MASP 13.1.3]. On January 14, 2009, the Ward MP was approved by the HCDA, pursuant to HAR Title 15, Chapter 22, Subchapter 8, entitled “Master Plan Rules”. The Ward MP is vested under HAR Chapter 15-22, *Mauka Area Rules* (“Vested Rules”) that were in effect on January 14, 2009. Therefore, the Project is being reviewed under the Vested Rules.

A Nunc Pro Tunc Order dated May 6, 2009 was approved to resolve a clerical error in the Ward MP Decision and Order. The Nunc Pro Tunc Ward MP Decision and Order (“D&O”) is attached as Exhibit C. Subsequently, and as provided in the D&O, a Master Plan Development Agreement (“MP Development Agreement”) for the Ward MP was entered into on December 30, 2010. The MP Development Agreement is attached as Exhibit D.

On October 10, 2012, the Authority granted declaratory relief through a Declaratory Order relating to Condition No. 4 of the D&O (“Declaratory Order”). The Declaratory Order is attached as Exhibit E.

Approval of the Ward MP is valid until January 14, 2024, which is fifteen (15) years from the original Ward MP Decision and Order issued on January 14, 2009.

As provided in both the Ward MP and the MP Development Agreement, the Ward MP may be implemented in phases through planned developments. The first phase of the Ward MP was comprised of three (3) Planned Development projects (Waiea, Anaha, and Ke Kilohana) that were approved by the HCDA in 2013. All three of those projects have been completed. The second phase of the Ward MP is comprised of four (4) Planned Development projects (Aeo, Aalii, Koula, and Victoria Place - which replaced the Gateway development), which HCDA approved in 2015, 2017, 2018 and 2019 respectively. This Project is part of the third phase of the Ward MP, which also includes the Ulana Ward Village and the Park Ward Village.

Condition No. 5 of the D&O required that, prior to submission of the first individual development permit application for the development projects under the Master Plan, the Applicant shall prepare and submit to the Authority a historic building inventory, a cultural impact assessment, and an archaeological inventory survey plan – all accepted by the State of Hawaii, Department of Land and Natural Resources' ("DLNR") State Historic Preservation Division ("SHPD") or its successor agency. The Applicant has submitted the following documents in satisfaction of Condition No. 5 of the D&O:

- Historic Building Inventory,
- Cultural Impact Assessment, and
- Archaeological Inventory Survey.

HCDA's letter to the Applicant, acknowledging receipt of these documents, is attached as Exhibit F.

Condition No. 10 of the D&O requires that, prior to the submission of the first development permit application for an individual project pursuant to the Master Plan, the Applicant shall conduct a regional traffic study. In addition, at the individual development permit stage, the Applicant shall conduct traffic impact assessments for each development phase.

The Applicant has prepared a regional traffic study for the Ward MP area, in consultation with the City and County of Honolulu (City), Department of Transportation Services, Department of Planning and Permitting – Traffic Branch, and the HCDA. HCDA's letter to the Applicant, acknowledging receipt of these documents, is attached as Exhibit G. The Applicant also prepared traffic impact assessment reports specific to all the individual Ward MP projects proposed to-date, including a report for this Project. The traffic impact assessments for the first and second phases of the Ward MP development are available digitally on the HCDA website. The traffic impact report for this Project is included in the Permit Application Appendices.

Condition No. 12 of the D&O requires that, prior to the submission of the first development permit application for an individual project pursuant to the Ward MP, the Applicant shall provide sustainability guidelines to the HCDA. At the time the Applicant applies for any individual development permit, it shall indicate how the sustainability guidelines shall be implemented for the respective project in the development permit area. The Applicant has prepared and submitted sustainability guidelines for developments covered under the Ward MP. HCDA's letter to the Applicant, acknowledging receipt of the sustainability guidelines, is provided hereto as Exhibit H.

The Applicant has fulfilled the conditions stipulated under the D&O necessary to apply for a development permit under the Ward MP.

## **V. GOVERNMENT AGENCY AND UTILITY COMPANY CONSULTATION**

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

### State of Hawaii

- DLNR-SHPD

### City and County of Honolulu

- Department of Planning and Permitting (DPP) – Traffic Review Branch
- DPP – Civil Engineering Branch
- DPP – Wastewater Branch
- Honolulu Board of Water Supply
- Honolulu Fire Department

### Utility Companies

- Hawaiian Electric Company, Inc.
- Hawaii Gas
- Hawaiian Telcom, Inc.
- Spectrum

The Applicant has included the comments received from these agencies and utility companies as part of the Permit Application. Subsequently, after receiving the Permit Application and deeming the application complete, the HCDA also provided a link to the complete Permit Application to the following government agencies and utility companies for review and comment:

### Federal

- United States Postal Service

### State of Hawaii

- 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
- Honolulu Authority for Rapid Transportation
- Honolulu Police Department
- Honolulu Office of Climate Change, Sustainability, and Resiliency
- Honolulu Fire Department

### Utility Companies

- Hawaiian Electric Company, Inc.
- Hawaii Gas
- Hawaiian Telcom, Inc.
- Spectrum

Comments received as part of the Permit Application Review are attached as Exhibit I and were forwarded to the Applicant, to be addressed in the Project.

## **VI. STATE HISTORIC PROPERTY REVIEW**

Pursuant to HRS §6E-42, the HCDA is required to advise SHPD of any project which might affect historic property, aviation artifacts, or a burial site (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. The following documents were provided to SHPD for review:

- Archaeological Inventory Survey Report for the Block B West Project (accepted by SHPD on August 12, 2017), and
- Archaeological Monitoring Plan for the Block B West Project (accepted by SHPD on September 2, 2017).

The HCDA received written documentation from SHPD confirming that the Applicant has complied with the requirements of HRS §6E-42 and HAR Chapter 13-284, and that the

permit issuance process may proceed. Copies of the written confirmation from SHPD are attached hereto as Exhibit J.

## **VII. PROJECT DESCRIPTION**

The Applicant proposes a residential tower with 330 residential units (approximately 533,887 square feet) and a mixed-use platform with approximately 2,144 square feet of ground floor retail space accessible from Auahi Street and Ward Avenue. The platform will have 559 off-street parking spaces for residents and guests, as well as four (4) loading stalls. Also, six (6) off-street parking stalls for the ground floor retail space will be provided across Auahi Street in the district parking lot located at 333 Ward Avenue (The Park Ward Village). The Project and The Park Ward Village shall enter into an off-site parking agreement for the six (6) retail parking stalls.

The development parcel will be approximately 113,705 square feet in area and is adjacent to the planned Victoria Ward Park on the east (Diamond Head) side of the development. The Project site is currently in the location of the former Ward Warehouse parking structure, which consists of a four-story parking structure, and surface parking lot at the corner of Ward Avenue and Auahi Street.

### **Land Use and Zoning**

Subchapter 2 of the Vested Rules establishes land use zones. The Project site is identified as a mixed-use zone commercial emphasis (“MUZ-C”) in the “Land Use Plan” within the Vested Rules. Pursuant to §15-22-113 of the Vested Rules, for any planned development lots of 20,000 square feet or more in size within MUZ-C, no more than sixty percent (60%) of floor area shall be placed in commercial use, and the remaining floor area shall be placed in multi-family dwellings.

Section 15-22-203(b)(1) of the Vested Rules allows for the transfer of floor area and land uses from one development lot to one or more development lots within the master planned areas, subject to certain conditions. Additionally, the D&O and the subsequent Declaratory Order establish a single mixed-use zone (“MUZ”) land use designation, in place of the MUZ-C designation under the Vested Rules. The MUZ designation allows for any percentage of either commercial or residential use to be developed on the Project site. The Applicant proposes residential and commercial use for the Project.

### **Podium/Platform Height**

Section 15-22-62 of the Vested Rules requires that platform heights not exceed forty-five (45) feet. Section 15-22-62(c) of the Vested Rules excludes certain building elements or features and the associated screening from the height requirement, as long as the restrictions of this subsection are met. The Applicant is not requesting a modification to the platform height.

According to the DLNR's flood hazard assesment tool website, the Project site is located in both Federal Emergency Management Agency (FEMA) flood Zone AE (EL 8) and Zone AE (EL 9), with base flood elevations of eight (8) feet and nine (9) feet respectively. The Project should establish the ground level at nine (9) feet plus a minimal factor of safety. The Applicant may add an additional safety factor to the ground level elevation, but should not exceed the regulated podium height of forty-five (45) feet.

### **Density and Tower Height**

Density and height for a planned development is determined by the development lot size using the table referenced in §15-22-116 of the Vested Rules and provided in Table 1 below:

**Table 1: Allowable Building Height, FAR and Tower Footprint**

PLANNED DEVELOPMENTS IN ALL MIXED-USE ZONES MAUKA AREA			
<u>Lot Size (sq. ft.)</u>	<u>Building Height (feet)</u>	<u>FAR</u>	<u>Tower Footprint (sq. ft.)</u>
10,000	65	1.8	5,000
20,000	100	2.0	8,000
40,000	200	2.5	14,000
60,000	300	3.0	15,000
80,000 or more	400	3.5	16,000

The Project site is a portion of a single development lot created by the Land Block 2 Joint Development Agreement, recorded on February 26, 2014 as DOC A-51900683 (“DA”). Therefore, all the parcels included within the JDA will be considered and treated as one development lot under the Vested Rules. A copy of the JDA is attached as Exhibit K. Land Block 2 has an effective development lot area of 355,130 square feet (approximately 8.15 acres). The Project development lot is approximately 113,705 square feet (approximately 2.61 acres).

The Ward MP establishes an FAR of 3.8 (inclusive of the industrial bonus of 0.3 FAR). In addition, §15-22-203(b)(1) of the Vested Rules allows for the transfer of floor area and land uses from one development lot to one or more development lots within the master planned areas, as long as the FAR for any lot to which floor area has been transferred shall not be increased by more than twenty-five percent (25%) of the FAR otherwise allowed for the size of the development lot.

Therefore, with the permitted twenty-five percent (25%) transfer, the maximum allowable FAR for Land Block 2 is 4.75  $[(0.25 * 3.8) + 3.8]$  or 1,686,868 square feet (355,130 square feet \* 4.75) of floor area. As such, the projected floor area of 1,604,200 square feet (inclusive of this proposed Project) and FAR of 4.52 (1,604,200 square feet / 355,130 square feet) for Land Block 2 is consistent with the provisions of the Vested Rules as approved under the Ward MP.

The Project proposes a residential tower consisting of approximately 330 residential units and a parking / mixed-use platform. The total proposed floor area for the Project is 536,031 square feet and, when added to the existing projects on Land Block 2 (with a collective floor area of 1,068,169 square feet), results in a total floor area of 1,604,200 square feet and FAR of approximately 4.52 (1,604,200 square feet / 355,130 square feet), which is within the allowable FAR. The remaining floor area for Land Block 2 is approximately 82,668 square feet. Table 2 below summarizes the floor area allocations for Land Block 2:

**Table 2: Floor area allocations**

Floor Area Allocation for Land Block 2	
Development Lot Area for Land Block 2	355,130 (SF)
Projected Floor Area for Land Block 2	1,604,200 (SF)
Projected Floor Area Ratio for Land Block 2	4.52
Floor Area Allocation on Land Block 2	
Land Block 2, Project 1 (Waiea) (Completed)	522,654 (SF)
Land Block 2, Project 3 (Victoria Place) (Under construction)	545,515 (SF)
Land Block 2, Project 4 (Kalae) (the Project)	536,031 (SF)

The proposed height of the residential tower is 386 feet and an additional eighteen (18) feet for rooftop mechanical equipment enclosures, which is permitted under the Vested Rules.

### **Industrial Use**

As noted in Table 1 above, §15-22-116 of the Vested Rules allows a maximum density of 3.5 FAR for projects with land area of 80,000 square feet or more. This section also provides a 0.3 FAR bonus for any planned development that provides industrial use. Under the Ward MP, the Applicant utilized the 0.3 FAR bonus and established a FAR of 3.8 for all the developments under the Ward MP. As noted under Finding of Fact No. 46 of the D&O, “The Master Plan proposes a mixed-use development including residential, retail, office, commercial, and industrial uses, for total floor area of 9,334,240 square feet, with a floor area ratio (‘FAR’) of 3.8.” In this finding, it was also noted that the Master Plan will provide a minimum of 736,914 square feet of industrial floor area.

The Project does not propose any industrial use; however, as a condition of the D&O for Project 3 (“Aalii”) on Land Block 1, the HCDA noted that prior to the staff approval of the certificate of occupancy for the Aalii project, the Applicant shall submit a development program to provide industrial floor area within the Ward MP for review by the HCDA



Executive Director. In a letter dated June 17, 2021, the HCDA's Executive Director accepted the documents submitted, to meet the corresponding Aalii D&O condition relating to industrial floor area within the Ward MP.

### **Tower Footprint**

The maximum allowable tower footprint for a planned development is determined by the development lot size, using the table referenced in §15-22-116 of the Vested Rules. The Project is proposing a maximum tower footprint of approximately 15,481 square feet, which is less than the maximum allowable tower footprint of 16,000 square feet.

### **Front, Side and Rear Yard**

Section 15-22-63.1 of the Vested Rules requires a front yard setback of fifteen (15) feet. Section 15-22-63.2 of the Vested Rules requires a minimum side and rear yard setback of ten (10) feet for structures containing windows and openings facing side or rear property lines.

The Project site is a development parcel within the larger joint development Land Block 2. The site is partially bounded on the north by Auahi Street, to the west by Ward Avenue, and to the south by Ala Moana Boulevard. Auahi Street, Ward Avenue, and Ala Moana Boulevard are treated as front yards. Per requirement, fifteen (15) feet front yards are provided parallel to the street right-of-way. Since the east side of the Project site is bounded by a continuation of the jointly developed Land Block 2 development lot, no side or rear yards are required or present.

Section 15-22-63(d)(1) of the Vested Rules allows structures not more than thirty (30) inches in height within front yards. The Applicant is not requesting a modification to the front yard requirements.

### **Open Space**

Open space for the Project shall be the lower of either ten percent (10%) of the lot area or twenty-five percent (25%) of the lot area less the required yards as provided in §15-22-64(c)(1) of the Vested Rules. Within the Ward MP, the Applicant projects providing 106,055 square feet of open space for Land Block 2, which is equal to approximately thirty percent (30%) of the total development lot area, before the end of the last phase of development for the development lot.

The open space required for the Project is 11,371 square feet (113,705 square feet \* 10 percent). The Project proposes to provide approximately 19,282 square feet of open space on site, or approximately 16.9 percent (16.9%) of the lot area.

**Table 3: Open Space**

<b>Open Space Required for Land Block 2</b>	
Land Block 2 Development Lot Area	355,130 (SF)
<b>Open Space Required (10%)</b>	<b>35,513 (SF)</b>
<b>Open Space Provided for Land Block 2</b>	
Land Block 2, Project 1 (Waiea)	13,667 (SF)
Land Block 2, Project 3 (Victoria Place)	14,054 (SF)
Land Block 2, Project 3 (Victoria Ward Park – Makai)	59,052 (SF)
Land Block 2, Project 4 (Kalae)	19,282 (SF)
<b>Total Provided with Proposed Project</b>	<b>106,055 (SF)</b>
<b>Proposed Open Space Surplus for Land Block 2</b>	<b>70,542 (SF)</b>

### **Recreation Space**

A minimum of fifty-five (55) square feet of recreation space per dwelling unit is required for the Project, pursuant to §15-22-65(b) of the Vested Rules. The Project proposes to have a total of 330 dwelling units, thus requiring a minimum of 18,150 square feet of recreation space. The Project proposes approximately 71,689 square feet of recreation space.

### **Off-Street Parking**

Section 15-22-67 of the Vested Rules establishes the off-street parking requirement for the Project. The Vested Rules require a minimum of 445 spaces be provided (including 439 spaces for residential use, three (3) spaces for eating and drinking use, and three (3) spaces for kitchen and accessory use). The Project proposes a total of 559 spaces residential, all of which will be provided on site. The remaining six (6) spaces for eating and drinking, and kitchen and accessory use will be provided off-site at the district parking lot located at Park Ward Village project. The Applicant shall enter into an off-site parking agreement with The Park Ward Village and comply with §15-22-67(h) of the Vested Rules. The distance from the entrance of the parking facility at the Project is within four hundred (400) feet of the nearest principal parking entrance of The Park Ward Village. This is in compliance with §15-22-67 (h)(1)(A) of the Vested Rules.

Fifty percent (50%) or more of the required off-street parking stalls are required to be standard-sized stalls, except that dwelling units may have up to fifty percent (50%) compact spaces. The Applicant has noted that the Project's 559 spaces will include 484 standard-sized spaces, 44 tandem spaces, 9 ADA accessible spaces, 2 ADA van accessible spaces, and 20 guest spaces.

**Table 4: Off-Street Parking**

Land Use	Requirement	Unit or Floor Area	Minimum Required	Provided
<b>Residential</b>				559
600 SF or Less	0.9 stall / unit	0 units	0	
Between 600 to 799 SF	1.13 stall / unit	33 units	38	
800 SF or More	1.35 stall / unit	297 units	401	
<b>Commercial</b>				*6
Eating/Drinking Area	.9 stall / 300 SF	1,000 SF	3	
Kitchen & Accessory Areas	1 stall / 444 SF	1,44 SF	3	
<b>TOTAL</b>			<b>445</b>	<b>559</b>

\*Applicant proposes off-site parking at The Park Ward Village.

### **Off-Street Loading**

The off-street loading requirements for the Project are provided in §15-22-68 of the Vested Rules. For the residential use of 533,887 square feet of floor area, four (4) off-street loading stalls are required. For the commercial uses of 2,144 square feet of floor area, one (1) off-street loading stall is required. An adjustment of up to 50 percent is allowed in §15-22-68(e) when the spaces serve two or more uses; accordingly, a total of three (3) loading spaces are required for the Project.

The Project proposes to provide a total of four (4) off-street loading stalls. Two (2) stalls are proposed at a minimum size of 12 feet x 35 feet, with a minimum vertical clearance of 14 feet. The remaining two (2) stalls are proposed at a minimum size of 8-1/2 feet x 19 feet.

### **View Corridors**

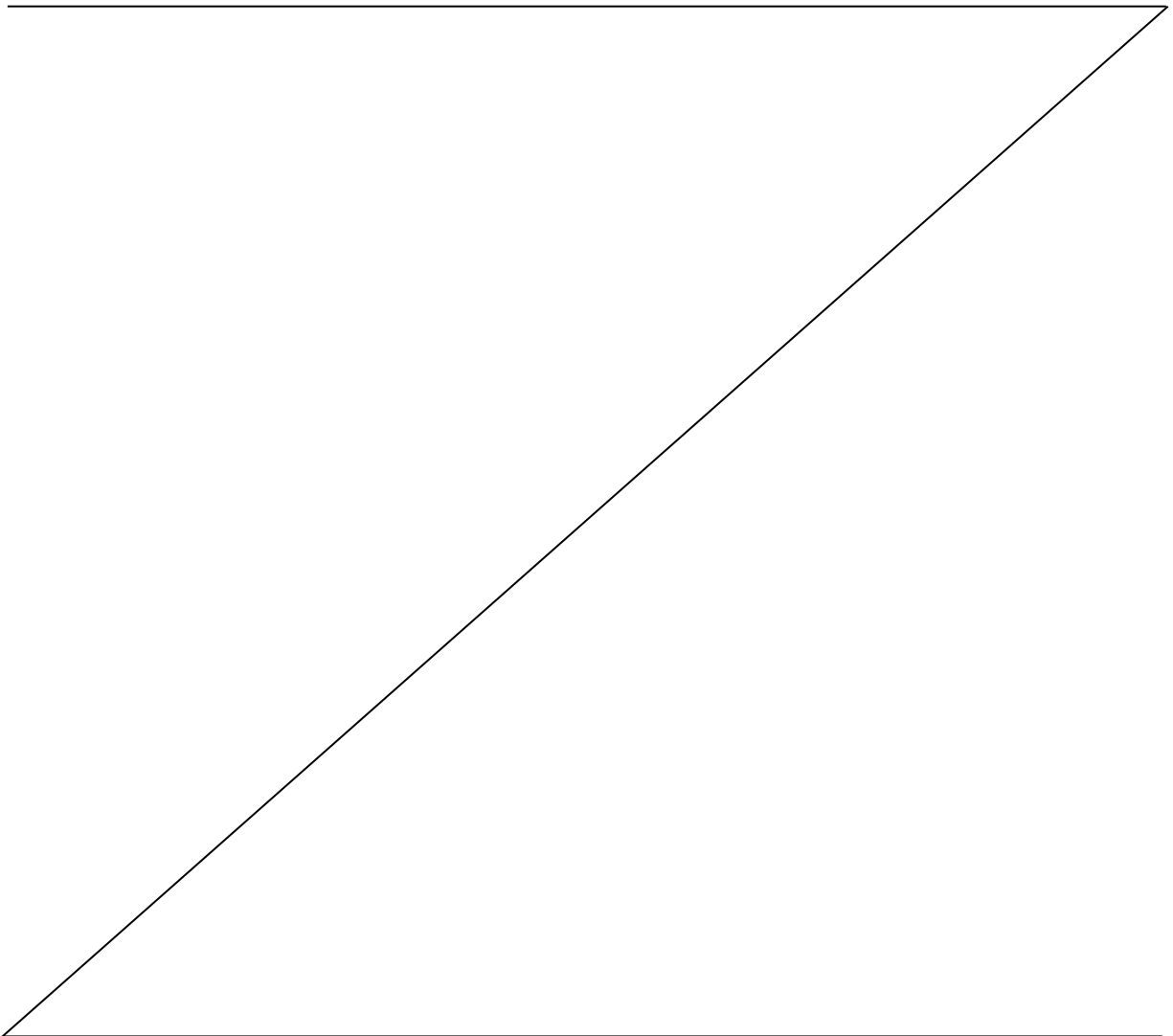
Section 15-22-66 of the Vested Rules establishes provisions for view corridor streets within the Mauka Area. View corridor streets are identified in the “View Corridor Streets” exhibit of the Vested Rules, and the setback requirements are set forth in the “View Corridor Setbacks” exhibit of the rules. Both Ala Moana Boulevard and Ward Avenue are designated as “View Corridor Streets” in the vested rules.

There is also a requirement for a 1:1 setback above twenty (20) feet, to a height of forty-five (45) feet, for platforms along view corridor streets. The Project proposes a podium height of forty-five (45) feet. The Applicant has not requested modifications to the view corridor requirements.

Section 15-22-66(a) of the Vested Rules states that the purpose of the view corridors are to protect the scenic views of the mountains, sea, and sky, to provide visual relief of building

masses, and to allow light and air at the street level. The Permit Application indicates structures and architectural elements that encroach into the view corridor along Ward Avenue and Ala Moana Boulevard. The encroachments along the Ward Avenue view corridor are the canopies that extend from the podium facade above ground level, and structures located on the Level 5 – Amenity Deck. The encroachments along the Ala Moana Boulevard view corridor are the canopies extending from the tower above the amenity deck, and the structure located on the Level 5 – Amenity Deck. These encroachments are not permitted within the designated view corridors streets and should be removed from the Application.

Images 1 and 2, below, are taken from the Permit Application Exhibits 3 and 19, respectively. The encroaching structures in question are clouded in red on the images.



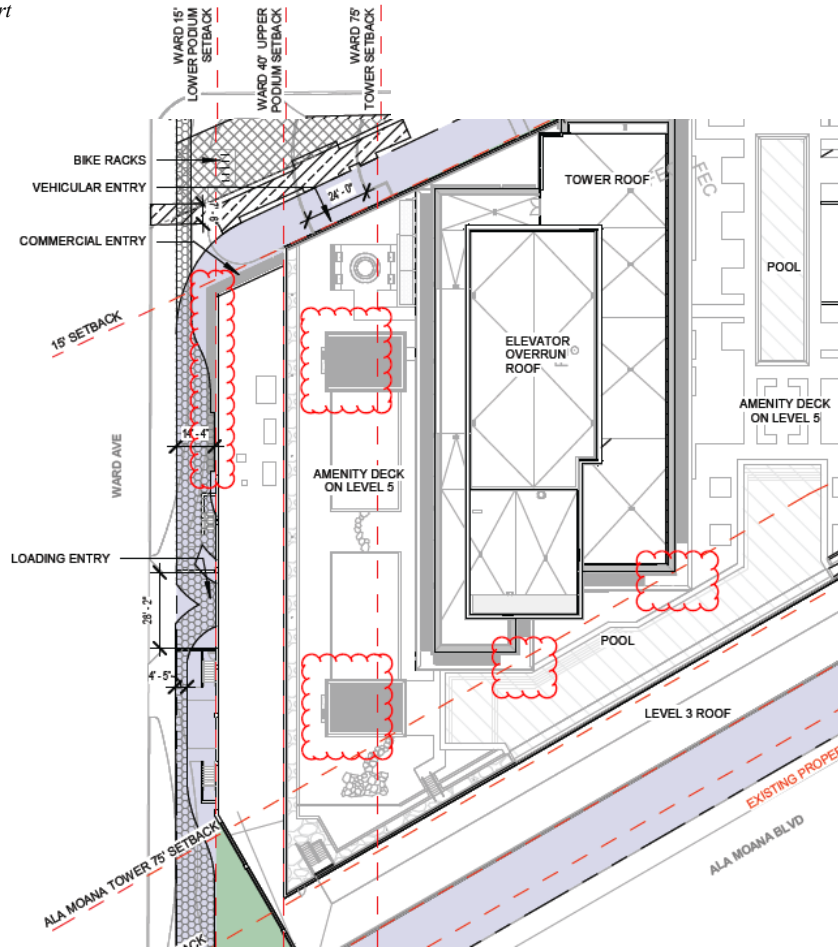


Image 1

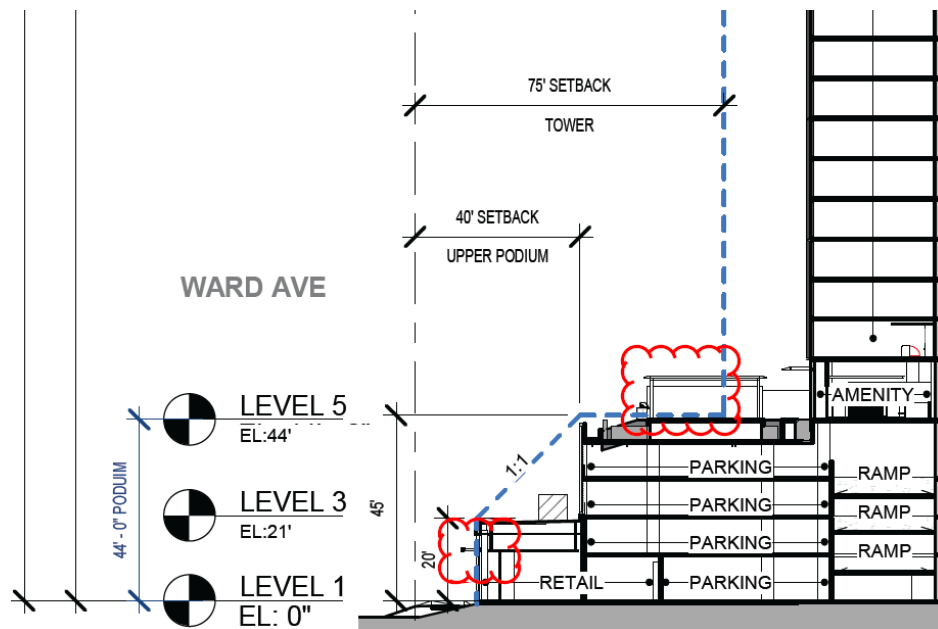


Image 2

### **Building Orientation, Tower Spacing, and Circulation**

Section 15-22-143 of the Vested Rules establishes requirements for building orientation, tower spacing, and circulation.

Section 15-22-143(a)(2) of the Vested Rules requires that, to the extent practicable, the tower portion of the structure be oriented between thirty-five (35) and sixty-five (65) degrees west of south. The long axis of the Project tower is approximately 51.87 degrees west of south in a Mauka-Makai orientation.

Section 15-22-143(b)(1) of the Vested Rules requires that, to the extent practicable, the parallel sides of adjacent towers shall be separated by a distance of at least three hundred (300) feet. The long side of the Project tower is at least three hundred (300) feet from the nearest tower.

Section 15-22-143(b)(2) of the Vested Rules requires that, to the extent practicable, there should be at least two hundred (200) feet between the short side of the towers. The short side of the Project tower is at least two hundred (200) feet from the nearest tower.

### **Public Facilities Dedication**

Section 15-22-73 of the Vested Rules establishes requirements for public facilities dedication. The public facilities dedication requirement for residential floor area is four percent (4%) of the total proposed residential floor area, exclusive of floor area devoted to reserved housing units and their associated common areas, and the public facilities dedication requirement for commercial floor area is three percent (3%) of the total proposed commercial floor area.

The Project residential floor area of 533,887 square feet requires a public facilities dedication of 21,355.48 square feet ( $533,887 \text{ square feet} \times 4 \text{ percent}$ ), and the Project commercial floor area of 2,144 square feet requires a public facilities dedication of 64.32 square feet ( $2,144 \text{ square feet} \times 3 \text{ percent}$ ), for a total public facilities dedication requirement of 21,420 square feet.

The Applicant is not proposing to provide any public facilities within the Project. However, the Applicant is proposing to use the public facilities dedication already scheduled to be provided within the Ward MP. The following table provides a summary of public facilities dedication requirement for the various development projects under the Ward MP that have been approved by the Authority, public facilities dedication credit accumulated by the Applicant, and public facilities dedication that are proposed and pending:

WARD VILLAGE PUBLIC FACILITIES DEDICATION		
	<b>Credit from Pre-Ward Village MP Projects [a]</b>	<b>39,581 sf</b>
<b>Public Facilities Dedications (To Date)</b>		
	<b>Projects</b>	<b>Area</b>
KAK 13-036 [LB2-P1] Waiea [Doc A-52480775] - Sidewalk along Ala Moana Boulevard		521 sf
KAK 13-037 [LB3-P1] Anaha [Doc A-52480776] - Sidewalk along Queen Street		353 sf
KAK 13-037 [LB3-P1] Anaha [Doc A-52480777] - Sidewalk along Auahi Street		496 sf
KAK 13-037 [LB3-P1] Anaha [Doc A-52480777] - Sidewalk along Auahi Street		431 sf
KAK 13-037 [LB3-P1] Anaha [Doc A-52480779] - midblock		902 sf
KAK 13-038 [LB5-P1] Ke Kilohana [Doc A-52480780] - R.O.W. along Ilaniwai Street		1,785 sf
Halekauwila Street Dedication to HCDA [Doc A-55070352]		37,261 sf
LB1: 2017/SUB-40 Lot D, Esmt A-7 [Doc A-68720631] - Roadway Easement		53,062 sf
KAK 16-075 [LB1-P3] Aalii [Doc A-69270954] - Sidewalk Easement P-3A		6,034 sf
LB1: 2017/SUB-40 Lot B [Doc A-68720628] - Sidewalk Easement P-4		5,773 sf
KAK 18-038 [LB1-P4] Koula [Doc A-74390207] - Sidewalk Easement P-5		2,186 sf
KAK 14-074 [LB1-P2] Aeo [Doc A-75230480] - Sidewalk Easement A-1		6,387 sf
KAK 14-074 [LB1-P2] Aeo [Doc A-75230480] - Sidewalk Easement P-1		5,992 sf
KAK 14-074 [LB1-P2] Aeo [Doc A-75230480] - Sidewalk Easement P-2		312 sf
	<b>Subtotal of Public Facilities Dedication Provided to Date [b]</b>	<b>121,495 sf</b>
<b>Total Credits &amp; Dedications Provided to Date [a + b]</b>		<b>161,076 sf</b>
<b>Proposed (Pending) Public Facilities Dedications (To Date)</b>		
KAK 18-038 [LB1-P4] Koula Doc A-75800492 - Sidewalk Easement P-5 cancellation		(2,186) sf
KAK 18-038 [LB1-P4] Koula Doc A-75800492 - Sidewalk Easement P-5-A		2,146 sf
KAK 18-038 [LB1-P4] Koula unrecorded - Sidewalk Easement P-11-A		384 sf
KAK 19-069 [LB2-P3] Victoria Place Doc A-7890271 - VW Park makai area, Lot 39-F-1		59,052 sf
KAK 19-069 [LB2-P3] Victoria Place Doc A-80560369 - Sidewalk Easements P-4		3,300 sf
KAK 21-002 [LB1-P5] The Park Ward Village Doc A-75650263 - Auahi Street Realignment Lot G		12,306 sf
KAK 21-002 [LB1-P5] The Park Ward Village Doc A-75650263 - Roadway Easement A-8		10,241 sf
KAK 21-002 [LB1-P5] The Park Ward Village Doc A-75650263 - Sidewalk Easement P-10		2,433 sf
KAK 21-002 [LB1-P5] The Park Ward Village Doc A-75650263 - VW Park mauka area, Easement B		92,429 sf
KAK 21-002 [LB1-P5] The Park Ward Village Doc A-77760254 - Sewer Easement S-3		9,502 sf
LB1: 2020/SUB-207, Lot F Doc A-77760254 - N-West Sewer Easement S-1		11,476 sf
LB1: 2019/SUB-109, Lot F Doc A-75650263 - N-West Sidewalk Easement P-9		2,368 sf
	<b>Subtotal of Pending Public Facilities Dedication [c]</b>	<b>203,451 sf</b>
<b>Total Dedications Provided / Pending [a + b + c]</b>		<b>364,527 sf</b>
<b>Required Public Facilities Dedication (To Date)</b>		
	<b>Projects</b>	<b>Dedication</b>
	<b>Area</b>	
KAK 13-036 [LB2-P1] Waiea		20,831 sf
KAK 13-037 [LB3-P1] Anaha		25,796 sf
KAK 13-038 [LB5-P1] Ke Kilohana		3,092 sf
KAK 14-074 [LB1-P2] Aeo		24,107 sf
KAK 16-075 [LB1-P3] Aalii		20,163 sf
KAK 18-038 [LB1-P4] Koula		26,796 sf
KAK 19-069 [LB2-P3] Victoria Place		21,821 sf
KAK 21-001 [LB5-P2] Ulana Ward Village		207 sf
KAK 21-002 [LB1-P5] The Park Ward Village		26,983 sf
	<b>Subtotal</b>	<b>169,796 sf</b>
Block B [LB2-P4] Kalae		21,420 sf
	<b>Subtotal of Required Public Facilities Dedication to Date</b>	<b>191,216 sf</b>
<b>Remaining Balance Not Including Pending Public Facilities Dedications</b>		<b>(30,140 sf)</b>
<b>Remaining Balance after Pending Public Facilities Dedications</b>		<b>173,311 sf</b>

As noted in Condition No. 6 of the D&O, the Applicant needs to satisfy a public facilities dedication requirement that is estimated to be 330,053 square feet of land. Per Finding of Fact No. 61 of the D&O, the 330,053 square feet of land for public facilities will include 225,678 square feet of land for public facilities that will include new streets (including typical sidewalks), pedestrian walkways (in addition to typical sidewalks), public plazas, and a mass transit connection, while the remainder of 104,375 square feet of land for public facilities will consist of community facilities, utility and infrastructure improvements and public parking.

Per Condition No. 8 of the D&O, the Applicant shall designate a Ward Neighborhood Commons (a public amenity) that shall be at least 150,000 square feet, and the Applicant shall provide capital improvements, day to day maintenance, and security. This Ward Neighborhood Commons will include the public plazas and pedestrian walkways in blocks one (1) and two (2) of the public facilities plan and open spaces on blocks one (1) and two (2) of the open space plan, as indicated in the Master Plan Application Addendum (dated September 12, 2008). The Applicant proposes to meet the requirements tied to the Ward Neighborhood Commons, through the construction of Victoria Ward Park (Mauka and Makai).

### **Reserved Housing**

Section 15-22-115 of the Vested Rules requires that every applicant for a planned development containing multi-family dwelling units on a development lot of at least 20,000 square feet shall provide at least twenty percent (20%) of the total number of dwelling units in the development for sale or rental to qualified persons, as determined by the Authority. The reserved housing requirement is calculated as a running total for each proposed project under the Ward MP. The reserved housing requirements will be based on the unit counts provided under the Development Permits for each of the projects.

The Applicant has provided 375 reserved housing units in the Ke Kilohana project, 150 units in the Aalii project, and proposes an additional 697 units in the Ulana Ward Village project, for a total of 1,222 reserved housing units. KAK 22-001 (Ulana Ward Village) proposes to provide approximately 697 reserved housing units, which will meet the reserved housing requirements for KAK 18-038 (Koula), KAK 19-069 (Victoria Place), KAK 22-002 (The Park Ward Village), and the Project. After the delivery of Ulana Ward Village, a credit of approximately 296 reserved housing units will be available to offset the reserved housing requirements for future projects.

The following table is a summary of the total number of residential units and the reserved housing units required for approved projects within the Ward MP. The table also includes the proposed Project, and the proposed Land Block 5, Project 2 development (Ulana Ward Village).



Reserved Housing		
Project	Residential Units	Reserved Housing Units Provided
<i>KAK 13-036 [LB2-P1] Waiea</i>	*177	0
<i>KAK 13-037 [LB3-P1] Anaha</i>	318	0
<i>KAK 13-038 [LB5-P1] Ke Kilohana</i>	424	375
<i>KAK 14-074 [LB1-P2] Aeo</i>	466	0
<i>KAK 16-075 [LB1-P3] Aalii</i>	751	150
<i>KAK 18-038 [LB1-P4] Koula</i>	570	0
<i>KAK 19-069 [LB2-P3] Victoria Place</i>	350	0
<i>KAK 21-001 [LB5-P2] Ulana Ward Village</i>	697	697
<i>KAK 21-002 [LB1-P5] The Park Ward Village</i>	546	0
<i>KAK 22-024 [LB2-P4] Kalae</i>	<u>330</u>	<u>0</u>
<b>Total Residential Units</b>	<b>4629</b>	<b>1222</b>
<b>Reserved Housing Units Required (20%)</b>		<b>926</b>
<b>Projected Reserved Housing Units Surplus Balance</b>		<b>296</b>

Note 1: The Waiea Planned Development Permit was issued for 177 units, which is used as the basis for the associated Reserved Housing requirement. Note however that, due to post Development Permit unit combinations by buyers, the final built condition is 174 units.

Note 2: The Koula Planned Development Permit was issued for 570 units, however, the unit count has been reduced to 566 units in the 01/31/2020 Building Permit plan set.

### **Relocation Assistance**

Section 15-22-85 of the Vested Rules requires the Applicant to give at least 60 days' prior notice to any tenant who will be displaced. Similarly, Condition No. 11 of the D&O requires that the Applicant provide relocation assistance to affected tenants, first, by relocating businesses to other spaces within the Ward MP area, to the extent feasible, and if infeasible by working with a commercial broker to assist these businesses in locating alternative space.

The Project site currently accommodates the former Ward Warehouse four-story parking structure. This is currently utilized as parking for construction workers and contractors for a variety of projects for the Applicant. The Applicant plans to relocate the parking to other parcels nearby. No tenants are affected by the removal of the parking structure.

### **Circulation Plan and Driveways**

Section 15-22-86 (4) of the Vested Rules states that, in reaching its determination on an application for a planned development permit, the Authority shall consider whether the vehicular circulation system, including access, off-street parking and loading, is so designed as to provide an efficient, safe, and convenient transportation system.

The Applicant proposes two (2) driveways entering and exiting from Auahi Street. The first driveway leads to the parking structure at the Ewa (west) side of the podium. The second driveway leads to the residential drop-off located at the Diamond Head (east) side of the

podium. Pursuant to the Vested Rules, the Authority shall determine if the proposed driveway system along Auahi Street is efficient, safe, and convenient.

The Applicant proposes a bike circulation path from the Auahi Street driveway to the interior bike storage area located inside of the podium structure. Pursuant to the Vested Rules, the Authority shall determine if the proposed bike circulation path through the parking structure is efficient, safe, and convenient.

Image 3, below, was provided by the Applicant in its Permit Application, Exhibit 5. The driveways off of Auahi Street are colored in grey on the image. The bike circulation path is indicated with a 'blue' dashed line. The bike storage area is clouded in 'red'.



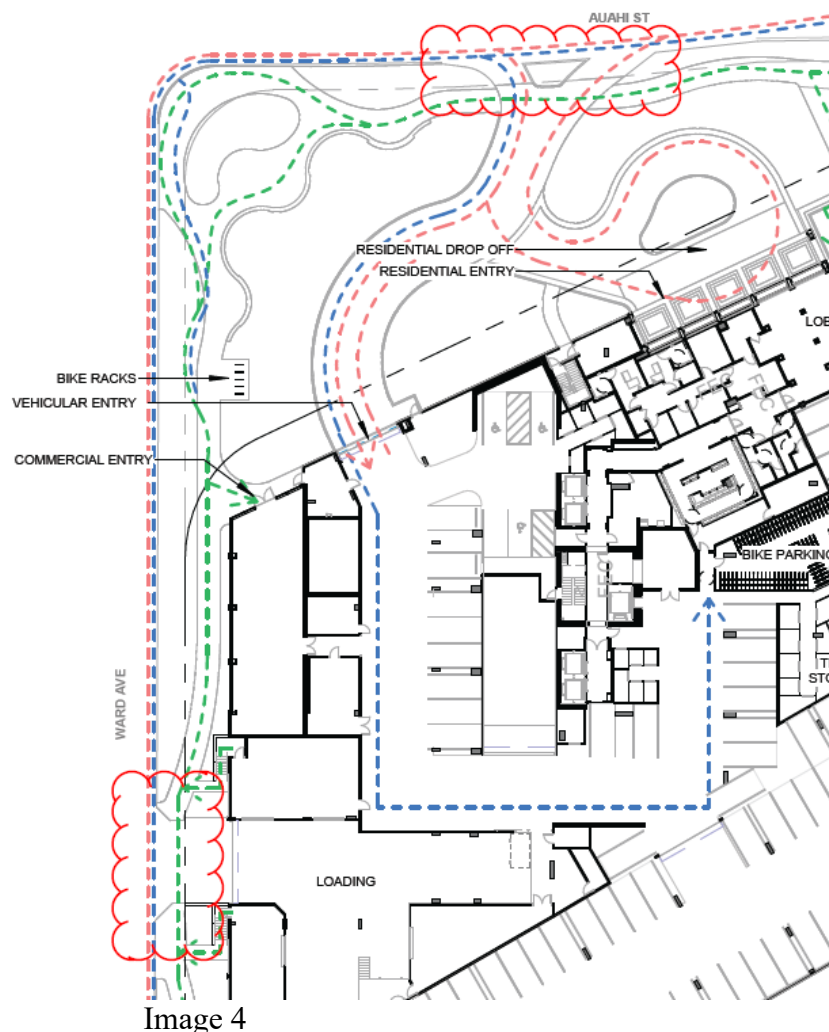
Image 3

## **Streetscapes**

Section 15-22-142(a) of the Vested Rules states that curb cuts are permitted upon approval by the executive director. In his review, the executive director shall find that the curb cut will not result in conflict between pedestrian and vehicular circulation and will result in a good, overall site plan.

The Applicant proposes three curb cuts for the Project. One (1) on Ward Avenue, for mainly loading purposes and two (2) on Auahi Street, mainly for motor vehicle access to the parking structure and residential drop-off. Bikes share access to the parking structure along side motor vehicles. The executive director shall determine if the proposed curb cuts are acceptable.

Image 4, below, was provided by the Applicant in its Permit Application, Exhibit 5. The three curb cuts are clouded in 'red'.



### **Landscaping**

Section 15-22-144(b) of the Vested Rules states that all development applicants shall provide street trees within the public right-of-way or the front yard setback area along all street frontages. Trees shall be planted in a linear pattern parallel to the street and shall be a minimum of four and one-half (4 ½) inch caliper, except coconut palms which shall have a minimum trunk height of fifteen (15) feet.

The Permit Application indicates that there is a major section of Ward Avenue that does not propose street trees within the public right-of-way. The Applicant has noted on Exhibit 4 of the Permit Application that this area has no street trees due to the Hawaiian Electric Company ("HECO") underground infrastructure improvements along Ward Avenue. This does not preclude alternative installations of street trees or added protection installed to prevent damage to HECO underground infrastructure by street tree planting. The Applicant should include street tree planting along Ward Avenue, in compliance with the Vested Rules. In the past, HCDA has considered alternative planting measures when underground utilities preclude street trees from being planted in the required locations. The Applicant is not requesting modifications to the street tree requirements.

### **Consistency with the Ward Neighborhood Master Plan**

Section 15-22-200(d) of the Vested Rules states that a further purpose of this subchapter is to allow greater flexibility in the development of lots within master planned areas than would otherwise be possible through the normal lot-by-lot development approach. Such flexibility is intended to encourage integrated developments and secure better overall planning for extensive land holdings, while recognizing that full development of the area over time would occur incrementally in accordance with the planned development and base zone development requirements in effect at the time of master plan approval.

The stated flexibility allowed in §15-22-200(d) is intended to encourage integrated developments and secure better overall planning for extensive land holdings. It is also recognized that the full development of the Ward MP over time would occur incrementally with the planned development requirements in effect at the time of the approval of the Ward MP. The Project should be reviewed as to how it is integrated into the overall planning of the Ward MP.

The executive summary of the Ward MP states that the Central Plaza of Ward Neighborhood (now Victoria Ward Park) will become a “lively urban gathering place that sings with the mele of children, celebrates the art, history and culture of Hawaii, and provides inspiring views of the harbor and ocean”. It further states, “As part of the first phase of development, it should set the tone for great things to come. Shopping and dining experiences can become a part of the street level, with a blend of office and residential spaces on the levels above. Encompassing 3.25 acres, the Central Plaza can be a magnet for family gatherings,

community events and multi-cultural celebrations. More than 250 yards in length, and with a public space larger than two football fields in size, the Plaza will extend and open to Kewalo Basin, creating views that bridge the sea and the city.”

Image 5, below, was taken from the Ward MP, page 6.



Image 5

The executive summary of the Ward MP states that Auahi Street, “becomes the main link bringing the entire Neighborhood together. It would be a pedestrian-friendly boulevard lined with trees, gardens, open seating areas and outdoor art. The residential and commercial components would blend seamlessly within the overall design of the community. Urban dwellers will be able to find shopping, restaurant and entertainment venues just steps from their doorways.”



Image 6, below, was taken from the Ward MP, page 7.



Image 6

Design Strategy 1 of the Ward MP describes Victoria Ward Park (former Central Plaza) “to serve as the community’s outdoor living room. This public space is designed to accommodate multiple uses including civic and cultural activities and special events. The linear organization of the space will offer pedestrians opportunities to stroll, shop, dine and gather in an inviting landscaped environment. Retail, commercial, dining and entertainment venues serve to activate the open spaces.”

Image 7, below, was taken from the Ward MP, page 31. It depicts the site layout for the Victoria Ward Park (formerly the Central Plaza). The Project is clouded in 'red'.



Image 7

Design Strategy 2 of the Ward MP describes Auahi Street as, “a great pedestrian-oriented urban promenade and shopping street, a landscaped spine full of activity and character.”

Image 8, below, was taken from the Ward MP, page 28.



Image 8

The Applicant proposes no ground level commercial/retail space facing the Victoria Ward Park (Makai) – formerly the Central Plaza, facing Ala Moana Boulevard, or along the Auahi Street portion of the Project, except at the corner of Ward Avenue and Auahi Street. The majority of this proposed commercial space is facing Ward Avenue as well as residential uses, including the residential lobby, along Auahi Street. An image of that proposed commercial space can be found on page 26 of the Permit Application. A plan of the commercial space can be found in Permit Application Exhibit 6 – Floor Plan, Ground Level. The Applicant proposes to develop a commercial outdoor kiosk space located in the Makai (south) portion of the Victoria Ward Park, adjacent to the Project at the Diamond Head (east) portion of the Project lot. The kiosks are proposed by the Applicant to activate the Makai side of Auahi Street and Victoria Ward Park. The proposed outdoor kiosk space is not part of the Project site, but is a proposed commitment by the Applicant.

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Image 9 was taken from the Permit Application, page 26.



Image 9

Image 10 was taken from the Permit Application, page 14, and depicts the proposed outdoor kiosk area at Victoria Ward Park (Makai).



Image 10

Image 11 was taken from Exhibit 6 of the Permit Application. The proposed ground floor commercial space is clouded in 'red', the proposed outdoor kiosk area is clouded in 'green', and the residential lobby is labeled on the plan.

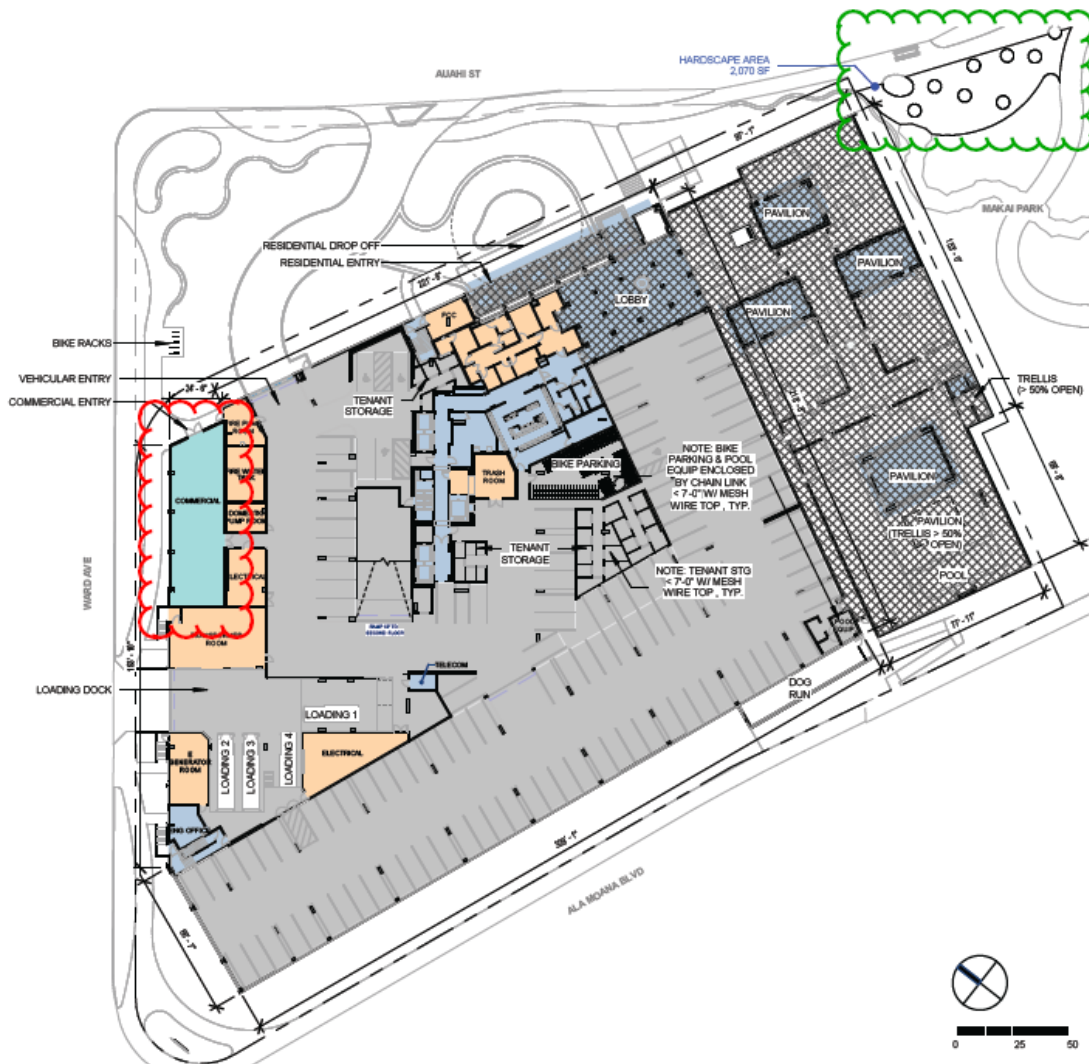


Image 11

Design Strategy 2 of the Ward MP describes the streetscape design to, “Strongly define an identity for the three key intersections along Ala Moana Boulevard, marking them as gateways into the district and Central Kakaako on the mauka edge. The landscape character will provide a sense of arrival into Ward Neighborhood. The streetscape design will also create an identity for the pedestrian network within the community.” The Applicant proposes to install gateway signage on the Ward Avenue and Ala Moana Boulevard corner of the Project.



Image 12 was taken from the Ward MP, page 29.

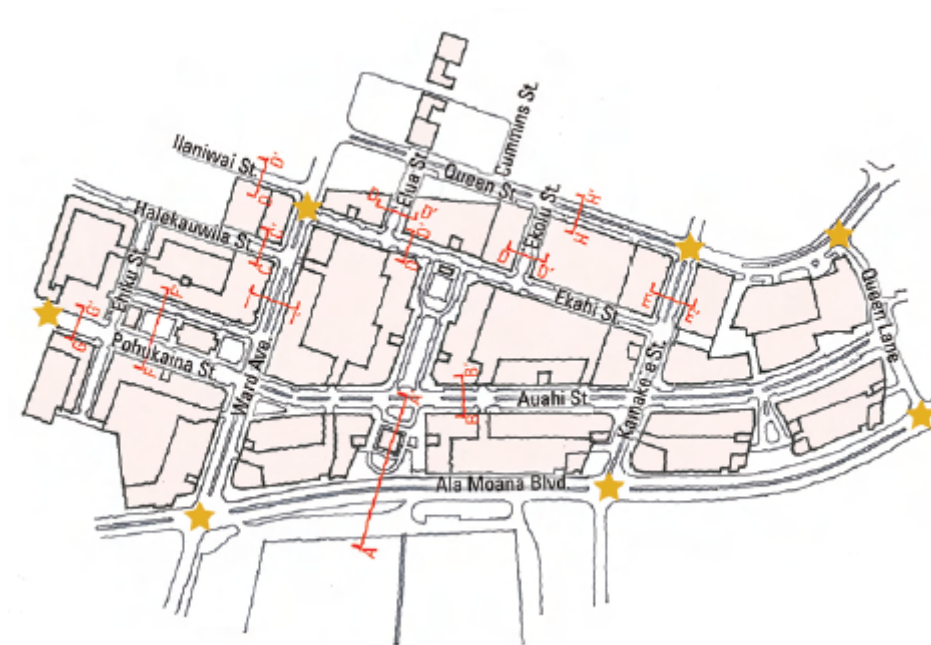


Image 12

Image 13 was taken from the Ward MP, page 51. It depicts an example of a ‘gateway’.



Gateway example

Image 13

As part of the Permit Application, the Applicant proposes to landscape the corner of Ward Avenue and Ala Moana Boulevard as a 'gateway' to Ward Village. The illustration provided in the Permit Application shows plantings of different levels and a sculpture.

Image 14 was taken from the Permit Application, page 8.



Image 14

The Ward MP states that the, "Delivery of the public amenities rests on the ability to develop with higher density, leaving space for parks, wider landscaped streets and stunning views. It is important to remain flexible in how the development strategies can be implemented over the next 20-plus years. The phasing and mix of uses developed in the Ward Neighborhood will depend on changing market and social conditions. (Ward MP, page 53)"

The 'Street Level' plan included on page 57 of the Ward MP illustrates the street level functions of the Ward MP. The illustration is noted as, "for illustrative purposes only. Plan subject to change." The illustrative plan includes indication of street level retail, residential/office, and structured parking space. In the proposed Project location, the illustrative plan shows the majority of the street level designated as retail space. The structured parking is lined on all sides of the Project by retail or residential/office space.

Image 15 was taken from the Ward MP, page 57. The proposed Project is clouded in 'red'. The retail space is indicated in 'orange'. The residential/office space is indicated in 'green'. The structured parking is indicated in 'tan' color.



Image 15

The Project Application includes Appendix B – Ward Village Street Level Plan, which illustrates the current and projected use of space at the street level in the Ward MP. Included in the plan is a statement by the Applicant, “This figure depicts Kalae in the context of plans and approximate areas of uses previously approved by HCDA pursuant to the Ward Neighborhood Master Plan, and VWL’s projected plans and approximate areas of uses consistent with the master plan as of the date of this permit application. This figure illustrates one possible future development scenario, is subject to change, and does not represent a commitment to provide the future developments and uses as shown.”

Image 16 was taken from Appendix B of the Permit Application. The proposed Project is clouded in ‘red’. The retail space is indicated in ‘orange’. The residential space is indicated in ‘yellow’. The industrial space is indicated in ‘purple’. Architectural screening is indicated with a ‘dashed line’.





Image 16

Drinking fountains are listed as part of the Ward MP development strategies. Page 72 of the Ward MP states, “Drinking fountains offer a place for respite and refreshment. Consideration should be paid to location of drinking fountains in relation to adjacent activities and recreational uses. Drinking fountains should be considered as potential art opportunities and should comply with all local codes and regulations and ADA.”

No drinking fountains are proposed in this permit Application, but should be provided throughout the Ward MP area.

**Consistency with the Ward Neighborhood Master Plan Findings of Fact, Conclusions of Law, and Decision and Order**

The Findings of Fact, Conclusions of Law, and Decision and Order for the Ward MP, approved on January 14, 2009, document the following as findings of fact or conclusions of law.

Findings of Fact No. 48, “Streetscapes: Major design objectives of the Master Plan include connected public spaces, a pedestrian supportive environment including the redesign of Auahi Street as a landscaped promenade, preservation of Mauka-Makai view corridors and an enhanced roadway network with canopy trees and pedestrian amenities. See Petitioner's Exhibit 5 (Staff Findings), at 3. To mitigate the unsightliness of structured parking, the Plan anticipates extensive use of "liners" which are buildings designed to have aesthetically pleasing facades and to provide interaction with pedestrian traffic at ground level.”

Findings of Fact No. 72, “Urban Form: Urban form refers to the physical layout and design of a development. A major focus of the Master Plan is to create gathering places in the

neighborhood. It also attempts to improve the pedestrian experience and foster an urban village lifestyle. Much of the off-street parking will be located in parking structures, which are proposed to be screened from view by retail/office and residential liners, up to the 65-foot or 75-foot level, depending on the location. The retail use at the street level will promote pedestrian activity. The proposed design concepts will significantly improve the quality of the urban environment. Many of the platform levels will also include a certain amount of landscaping to serve as resident and employee recreation areas. The urban form proposed by the Master Plan consists of creating public spaces, pedestrian promenades, parking podiums with liner facades, and towers ranging from 105 to 400 feet in height, creating a varied skyline.”

It is stated that “liners” will be used in conjunction with retail, office, and residential space to screen and mitigate the “unsightliness of structured parking”, and “promote pedestrian activity”. The Applicant proposes limited use of liners for the Project. The Applicant does not propose the use of “liners” along Ala Moana Boulevard, along major portions of Ward Avenue, or along major portions of Auahi Street. A walled recreation area, for residents’ use only, is proposed for the portion of the Project located along Victoria Ward Park (Makai). The Applicant does propose use of architectural screening along Ala Moana Boulevard and Ward Avenue to screen the parking structure. The Applicant also proposes the installation of commercial kiosk space adjacent to the Project, as part of the Victoria Ward Park (Makai) development and will help provide a similar function as the previously proposed podium liner by activating that portion of the Victoria Ward Park.

Conclusions of Law No. 10, notwithstanding the physical development parameters of the proposed master planned area provided by the Petitioner, each proposed development shall be subject to applicable development rules on a project-by-project basis.

As stated in Conclusions of Law No. 10, each project shall be subject to applicable development rules. Past approval of development projects or components of development projects aren’t necessarily precedent for the applicability of development rules in the review of the current Permit Application.

## **VIII. CONDITIONS**

Section 15-22-119 of the Vested Rules states that the Authority may attach to a planned development permit conditions which may concern any matter subject to regulation under this chapter.

## **IX. PUBLIC TESTIMONIES**

HCDA staff will provide the Authority all public testimony received by the submittal deadline, for the Presentation public hearing for the Permit Application.

## **X. EXHIBITS**

Exhibit A - Completeness and Automatic Approval Letter

Exhibit B – Notice of Public Hearings

Exhibit C – Ward MP, Nunc Pro Tunc, Findings of Fact, Conclusions of Law, and Decision and Order

Exhibit D – Master Plan Development Agreement

Exhibit E – Declaratory Order Relating to Condition No. 4

Exhibit F – HCDA’s Letters of Receipt for Documents in Satisfaction of Condition No. 5 of the D&O

- Historic Building Inventory
- Cultural Impact Assessment, and
- Archaeological Inventory Survey

Exhibit G – HCDA’s Letters of Receipt for Documents in Satisfaction of Condition No. 10 of the D&O

- Regional Traffic Study; and Individual Traffic Impact Assessments

Exhibit H – HCDA’s Letters of Receipt for Documents in Satisfaction of Condition No. 12 of the D&O

- Sustainability Guidelines

Exhibit I – Comments from Government Agencies

Exhibit J – Letters of Acceptance from SHPD

- SHPD’s 6E-42, HRS, Determination Letter

Exhibit K – Joint Development Agreement approved by the HCDA Executive Director and filed with the Bureau of Conveyances as a covenant running with the land [DOC A-56090748].