

SUMMARY - PUBLIC HEARING

HAWAII COMMUNITY DEVELOPMENT AUTHORITY  
State of Hawaii  
December 4, 2013 – 9:00 a.m.

ATTENDANCE

Members Present: Mary Alice Evans (DBEDT)  
Randy Grune/Audrey Hidano (DOT)  
Miles Kamimura  
Brian Lee  
Lois Mitsunaga  
Scott Kami (DBF)  
Dean Seki (DAGS)

Members Absent: None

Others Present: Anthony Ching  
Lori Tanigawa (Deputy Attorney General)  
Lindsey Doi, Compliance Assurance & Community Outreach Officer  
Deepak Neupane, Director of Planning & Development - Kakaako  
Shelby Hoota, Program Specialist  
Patricia Yoshino, Secretary  
Holly Hackett (Court Reporter)

A public hearing of the Kakaako members of the Hawaii Community Development Authority (“Authority”), a body corporate and public instrumentality of the State of Hawaii, was called to order by Mr. Brian Lee, Chairperson of the Authority at 9:05 a.m. on Wednesday, December 4, 2013, at the Authority’s principal offices at 461 Cooke Street, Honolulu, Hawaii 96813.

Development Permit Application KAK-13-057: 801 South Street, Phase 2

Chairperson Lee stated that the public hearing was being held under the provisions of §206E-5.6, Hawaii Revised Statutes, to render a decision on the development permit application KAK-13-057 (“Application”) dated June 7, 2013. An initial public hearing was held on October 2, 2013 to allow the development permit application to be presented to the Authority and to provide the public with the opportunity to present oral and/or written testimony. In addition, supplemental comment sessions were held on October 12, 2013, October 15, 2013, November 16, 2013, and November 19, 2013 to provide additional opportunities for the public to present testimony. All oral testimony was recorded by a court report for consideration by the Authority prior to decision making.

Chairperson Lee stated that the applicant is Downtown Capital LLC (“Applicant”), and the project address is 801 South Street. The TMK for the property is: 2-1-47:004. The project proposes to develop a partial city block and will consist of multiple structures including an approximately 46-story residential tower with approximately 410 units and approximately 10-story parking garage.

Notice of the public hearings was published on September 1, 2013, in the Honolulu Star Advertiser. The notice was made available for public review at the office of the Hawaii Community Development Authority (“HCDA”) and on the HCDA website. The landowners, lessees and other stakeholders in the Kakaako District and surrounding communities, state and county agencies, state legislators, Honolulu City Councilmembers, Association of Apartment Owners of residential buildings adjacent to the Project, surrounding landowners and businesses, and various interested community groups and individuals were notified of the hearing by fax and e-mail. In addition, public hearing notice was provided to approximately 285 individuals and organizations that have shown interest in development in Kakaako in the past and requested that they be kept informed of development activities in the district. Pursuant to HRS 206E-5.6, notice was provided to the President of the Senate and Speaker of the House.

#### Staff Report, Findings of Fact and Recommendations

Executive Director Anthony Ching presented staff’s report and recommendations on the Application via a PowerPoint presentation (see Exhibit A). He summarized the public and legislative concerns received regarding the project, and the agency’s response to each concern.

A recess was taken at 9:55 a.m.  
The hearing was reconvened at 10:16 a.m.

Mr. Ching explained how the proposed project was consistent with the Mauka Area Rules regarding building type, thoroughfare plan, open space, landscape, recreation space, tower floor plate, tower orientation, tower separation, flood zone, parking, loading, and public facilities. Modifications were requested regarding building form and height, podium placement, frontage type, green building, and parking access curb cuts. He also explained the historical mitigation commitments made by the Applicant.

The staff report recommended approval for 4 of the 5 modifications requested regarding podium height, build to line, green building requirements, and parking access curb cuts. The staff report recommended denial of the request for modification of frontage types. Approval of the development permit application was recommended with 16 conditions (see Exhibit A).

#### PUBLIC TESTIMONY

Chairperson Lee noted that written testimony on the project had been received as follows: 5 written comments in support, 64 written comments in opposition, 4 written comments, 1 email comment in opposition, 98 HCDA website in support, and 16 HCDA website comments in opposition.

Chairperson Lee explained that any testimony received after 4:30 p.m. on August 20, 2013 was not included in the list read. Persons who submitted written testimony after the deadline were encouraged to sign up to present oral testimony as the HCDA could not guarantee that any written testimony submitted after the deadline would be incorporated into the record.

The following persons provided oral testimony:

1. Representative Scott Saiki, comments
2. David Bills, support
3. Bradley Ho, support
4. Kika Bukowski, support
5. Ariel Salinas, oppose
6. Ricky Tamashiro, support

A recess was taken at 11:00 a.m.

The public hearing was reconvened at 11:40 a.m.

Member Grune exited the meeting at 11:40 a.m. Member Hidano took Member Grune's place as alternate designee from the Department of Transportation.

PUBLIC TESTIMONY- continued

7. Naomi McCreary, support
8. Sherman Louie, support
9. Stefan Lavalley, oppose
10. Eva Gallegos, oppose
11. Cara Kimura, oppose
12. James Gay, oppose
13. Jane Gay, oppose
14. George Outlaw, oppose
15. Ron Okamura, oppose
16. Jesse Ryan Kawela Allen, oppose
17. Grace Ishihara, oppose
18. Louise Black, oppose
19. Daci Armstrong, oppose
20. James Francisco, support
21. Dale Nishikawa, support
22. Kathleen Funk-Linton, support
23. Cindy McMillan, support
24. Al Linton, support
25. Glenn Ida, support

A recess was taken at 12:32 p.m.

The hearing was reconvened at 12:45 p.m.

PUBLIC TESTIMONY- continued

26. Mary Caywood, oppose
27. Yuki Pedersen, oppose
28. Webster Nolan, oppose
29. Scott Wilson, oppose
30. Thomas Woods, Ph.D, oppose
31. Michelle Matson, oppose
32. Wayne Takamine, oppose
33. Matt Johnson, oppose
34. Eric Gay, oppose
35. Paul Cassiday, support

Questions/Discussion by Authority Members during the Testimony Period

Member Mitsunaga noted to Representative Saiki that the Authority had 13 members, but the Legislature changed it to 9 members.

Representative Saiki responded that the Legislature reduced it, but the Governor makes the appointments.

DECISION MAKING

Chairperson Lee polled individual members on whether they had reviewed the record and were prepared to deliberate on the Application. Members Evans, Kami, Kamimura, Mitsunaga and Seki responded in the affirmative. Member Hidano recused herself from decision making.

Chairperson Lee entertained a motion to adopt the staff's findings of fact and recommendation and approve development permit application KAK-13-057 for the Applicant Downtown Capital LLC, for the project located at 801 South Street, Tax Map Key 2-1-47: 004. A motion was made by Member Seki and seconded by Member Evans.

A roll call vote was conducted.

Ayes: Members Evans, Kami, Kamimura, Lee, Mitsunaga, and Seki.

Nays: None

Abstain: Member Hidano

The motion passed 6 to 0 with 1 abstention and 2 excused (2 vacant positions).

ADJOURNMENT

The public hearing was adjourned at 1:30 p.m.

Attachment: Exhibit A - KAK-13-057 Staff Report and Recommendations

Note: The transcript of this meeting contains a verbatim record and should be consulted if additional detail is desired.

# KAK 13-057

801 South Street, Building "B"  
Staff Report – December 4, 2013

Project Rendering



Project Renderings



Kapikani Boulevard Day Rendering



Beach Street Day Rendering

Project Lot Area	84,432 sf
Total Number of Units	410 Units
Open Space	16,603 sf
Recreation Space	23,134 sf
Tower Floor Plate	9,511 sf
Total # of Parking Stalls	788 stalls
Loading Zone	3 stalls
Proposed Floor Area	480,153 sf

## Project Summary

- Public hearing notice for the Project was published in the Honolulu Star-Advertiser on September 1, 2013
- Public Notified of Project and Public Hearings:
  - the President of the Senate
  - the Speaker of the House of Representatives
  - Association of apartment owners of residential buildings adjacent to the Project
  - Surrounding landowners and businesses
  - The Ala Moana/Kaka'ako Neighborhood Board No. 11
  - The Kaka'ako Improvement Association
  - Various elected officials and State and County
  - Approximately 320 individuals and organizations that have shown interest in development in Kaka'ako in the past

### PUBLIC HEARING NOTICE & COMMUNITY OUTREACH

- The Project was presented during a Public Hearing at HCDA on October 2, 2013.
- Supplemental Comment Sessions were held at HCDA on
  - October 12, 2013
  - October 15, 2013
  - November 16, 2013
  - November 19, 2013.
- The Project was presented at the August 27, 2013 Ala Moana/Kaka'ako Neighborhood Board No. 11 meeting
- At the time of preparing this presentation, HCDA staff has received 657 public testimonies in support of the Project and 276 testimonies in opposition of the Project.

### PUBLIC HEARING NOTICE & COMMUNITY OUTREACH

- Incorrect Income Adjustment for Household of Two
- Household Size Assumptions are very Generous
- Mortgage Insurance Underestimated
- Real Property Tax Underestimated
- Association Dues are Unbelievably Low and Indefensible
- Homeowners Insurance is not Included in Calculation
- Utility Costs are not Included
- No One Buys a 2<sup>nd</sup> Parking Unit/1.93 stalls/unit
- An Interest Rate of 2.9%?!

**Public Concern – Fuzzy Math From the Developer**

- Incorrect Income Adjustment for Household of Two
  - 100% AMI for Household of Two = \$69,040
  - Calculated from standard 4-person household by multiplying by a factor of 0.8
  - $\$86,300 \times 0.8 = \$69,040$

**Public Concern – Fuzzy Math From the Developer**

**2013 HUD Area Median Family Income Estimate**

The FY 2013 median family income is estimated as follows:

Area	ACS <sub>2010</sub> 1-Year Estimate	CPI Update Factor	Trending 1.66% for 1.38 years	FY 2013 Area MFI Estimate
Honolulu, HI MSA	\$81,177	1.04117	1.0166 <sup>1.25</sup> = 1.02074	$(\$81,177 \times 1.04117 \times 1.02074) = \$86,271.51$

In keeping with HUD policy, the median family income estimate is rounded to the nearest \$100.

Area	Unrounded FY 2013 MFI Estimate	Rounded FY 2013 MFI Estimate
Honolulu, HI MSA	\$86,271.51	\$86,300

- Household Size Assumptions are very Generous!
  - Units are not sold according to household size
  - Units are sold by the # of bedrooms
  - Price Chart Assumes Certain Maximum Household Size
    - Studio – 2
    - One Bedroom – 3
    - Two Bedroom – 4
  - We Cannot Limit Sale of Units by Household Size as it is a Family's Choice as to what size unit that they purchase

**Public Concern – Fuzzy Math From the Developer**

- To Calculate Sales Price for AMI Class Factors in Formula Include:
  - Mortgage Interest
  - Mortgage Insurance
  - Real Property Tax
  - Association Dues
- Mortgage Insurance Underestimated
  - Calculated as a % of Loan Amount
- Real Property Tax Underestimated
  - Estimated as a function of unit size
- Association Dues are Unbelievably Low and Indefensible
  - As Estimated by the Developer in their Condo Documents
  - Consistent w/other Projects by Applicant
  - Modest Facilities

**Public Concern – Fuzzy Math From the Developer**

- Homeowners Insurance is not Included in Calculation
  - By Rule Not Factored Into Calculation
  - Amount can only be finalized after Purchase of Policy
- Utility Costs are not Included
  - By Rule Not Factored Into Calculation
  - Widely Divergent Figure Depending on Individual Use
- No One Buys a 2<sup>nd</sup> Parking Unit/1.93 stalls/unit
  - Parking Structure – 788 stalls less 78 for Commercial Use-710=1.73
  - Purchase is Choice by Resident
  - Other stalls for public use

**Public Concern – Fuzzy Math From the Developer**





- BWS Does Not Warn of Need for New Source Development
- Power & Telecommunications Don't Report a Problem
- Area Stormwater Drainage is Adequate
  - Improvements to South and Kapiolani
- Wastewater Improvement Along South & Kapiolani Already Conducted
  - System Operations/Maintenance Issues are Present, but a Responsibility of all Rate Payers
- Developers Are Always Required to Take Care of Frontage/Proportional Share of Infrastructure Cost

### **Public Concern – Area Infrastructure Inadequate**

- Public School Facilities Administered by the DOE and their Impact Fee Statute
- Kakaako Does Have Own School District
- As Population (school age) Grows, Developers will be subject to DOE Impact Fee
- Current Household Unit Size = 1.8
- Area Developers are Exploring Voluntary Programs to Assist DOE

### **Public Concern – Public School Facilities**

- Even If Applying 1000 population/2 acres Ratio for 12,000 population, there is nearly 50 acres of park land in Kakaako
- Doesn't Include Adjacent Park Lands
  - Ala Moana Beach Park – 76 acres
  - Thomas Square – 6.5 acres

### **Public Concern – Not Enough Park Space!**

- Modification from 65' to 107'
  - Surrounding Buildings are approximately 400'
  - Stalls Needed for Project Residents, Commercial Tenants and Public
  - Parking Structure Does Not Intrude into South Street View Corridor or any View Corridor
  - Adjacent Parking Structure is Approximately the Same Height

### **Public Concern – Parking Structure Is Too High!**

- Royal Capitol Plaza – 299 units
- Imperial Plaza – 261 units
- Keola Lai – 350 units
- Phase One – 635 units
- Current Kakaako Population – 12,000 (2010 Census)
- Projected 2030 Plan Population – 30,000 +

### **Public Concern – Too Many People/Too Dense!**

- Located on Bus Line/Next to Alapai Transit Station
- Convenient Walking/Bike Distance to Capitol/Downtown and Other Destinations
- Kapiolani/South Street Intersection
  - Level of Service C – Stable Flow, At or Near Free Flow
  - LOS A – Free Flow
  - LOS B – Reasonably Free Flow
  - LOS D – Approaching Unstable Flow
  - LOS E – Unstable Flow
  - LOS F – Forced or Breakdown Flow

### **Public Concern – Too Much Traffic!**

- **Proposed Height of Phase 2 Tower ≈ 400'**
  - As Allowed by Parcel Size & Current Rule
  - Identical to Neighboring Towers
- **Neighboring Towers ARE NOT w/in Mauka-Makai Axis**
  - Tower Separation Rules – No Less Than 80'
  - Distances to Other Towers 167 (RCP), 158' (Phase One)
- **Proposed Tower DOES NOT Intrude into Public View Corridors (South Street)**

### **Public Concern – Tower Heights, Views, Spacing**

- **Project Access is too close to Lexus facility. Pedestrian Safety is Impacted**
  - Pedestrian/Driver Safety Features to be Installed
- **EMS Response Time is a Concern**
  - Although Queen's Medical Center & Straub is Close
- **Too Many People in the Area Has Public Health Issues**
- **People Can See Directly Into Neighboring Units 150+' Away**
- **At 150+ ' Distances, Air Circulation, Shadows Can Impact Quality of Life**

### **Public Concern – Concerns for Health & Safety!**

- **Current Mauka Planning Process Initiated in May 2003**
- **Draft Mauka Plan Presented to Authority in October 2006**
- **Public Review Process**
  - 14+ Public, Focus Groups, Advisory Group Meetings, Website Comments conducted & solicited from Oct 2005 to January 2007
- **Supplemental EIS Compiled Aug 2007 to May 2009**
- **Mauka Area Rulemaking Based on Mauka Area Plan**
  - May 2009 to Oct 2011
  - 14+ Public, Advisory, Stakeholder, Coalition Regulatory Review Board Meetings/Hearings

### **Public Concern – Too Rushed! Not Enough Planning!**

- **Two Formal Noticed Public Hearings**
- **Four Supplemental Public Hearings on Week Nights and Week End Days**
  - Court Reporter Compiled Verbatim Record for Members
- **No One Turned Away for Lack of Opportunity to Testify**
- **Many Repeat Testimony Offered**

### **Legislative Concern – Hearings Before the Members!**

- **Authority is Entitled to Nine Members**
  - There is Currently Only Seven Members
- **By Law & Rule, Quorum to Do Business is 5 Members**
- **Authority Only Conducts Business When Quorum is Achieved**
- **The Eighth County Appointee Has Just Been Named by the Governor**
- **The Appointment of the Ninth Member (Cultural Specialist) is Pending Before the Governor**
  - The Lack of a Cultural Specialist Doesn't Impact the Ability of the Authority to Conduct Its Business

### **Legislative Concern – Authority is not Duly Composed!**

- **City Agencies Issue "Conditional Approval" for Project Applications**
  - HCDA Must Rely on City Agency Determinations w/respect to Infrastructure Questions
  - City Agencies are Solely Responsible for those Determinations
- **Developers Are Always Responsible for Paying Its "Fair Share" for Infrastructure Improvements Dictated by the City**
- **Failure to Comply w/City Approvals & Conditions would shut down a developer**

### **Legislative Concern – Reliance on Conditional Approvals**

- The Development Permit application was sent to the following Agencies on August 28, 2013 for review and comment:

**State of Hawaii**

- State Historic Preservation Division ("SHPD"), Department of Land and Natural Resources ("DLNR"),
- Department of Education ("DOE"),
- Department of Transportation ("DOT"), Highways Division, and
- Department of Transportation, Airports Division.

**City and County of Honolulu ("City")**

- Department of Transportation Services ("DTS"),
- Department of Planning and Permitting ("DPP"),
- Department of Environmental Services ("DES"), and
- Honolulu Board of Water Supply ("BWS").

- Agency Meeting held on September 16, 2013

**State and County Agencies Consultation**

**Design Advisory Board (DAB) Members:**

- Mr. Deepak Neupane, P.E., AIA (HCDA Director of Planning and Development),
- Ms. Lois Mitsunaga, (HCDA Board Member), and
- Mr. Tom Schnell, AICP (professional expert and Kaka'ako resident).

- Design review was held on August 22, 2013
- Some DAB Comments Were Subsequently Integrated As Conditions of Approval

**Design Review**

**Design Advisory Board (DAB) Comments Integrated As Conditions:**

- South Street Driveway/Drop Off Should Be Made Into Plaza w/Paving & Provision for Street Furniture
  - Redesigned Layout to be Reviewed/Approved by HCDA ED
- Façade of Parking Structure Broken Up by Designing Louver Fenestration
  - The 2 public frontages of the structure will be concealed by aluminum louvers
- General Pedestrian Circulation For Project Could Be Improved
  - Mid-Block Connection that offers a Publically Accessible Passage from South Street Driveway/Dropoff

**Design Review Board Comments**

- Project will comply with Subchapter 4 of the Kaka'ako Reserved Housing Rules, titled: "Workforce Housing"
- Will Offer for sale at least seventy-five percent (75%) of the residential units as workforce housing
- Will Conform to Unit Floor Area Limits
- Will Not Utilize Any Government Subsidy
- Applicable to Workforce Housing Projects, the Authority may consider modifications to the provisions of the HAR, Chapter 217, Title 15, Mauka Area Rules

**Ch. 217 Mauka Area Rule Compliance**

- Density is Typically Capped at 3.5 FAR
- FAR = Floor Area Ratio
- Workforce housing projects are eligible for a density bonus of 100%, which is only to be used toward the construction of workforce housing
- Allowable Density, inclusive of commercial floor area, is Set At 6.48 FAR for Subject Parcel
- Proposed Development = 5.68 FAR

**Notes – Proposed Density**

**HCDA Rules**

	Ch. 217 Plan & Rule	Proposed Project	Comments
<b>Building Type</b>	Podium High Rise	Podium High Rise	Parking Podium separated from the Tower - Allowable
<b>Building Form &amp; Height</b>	400' Tower 35'-65' Podium	400' Tower 107' Podium*	*Modification Request for Podium Height
<b>Podium Placement</b>	Build-to-Lines Kapiolani Blvd: 5'-15' South St: 15'	Build-to-Lines Kapiolani Blvd: 22'* South St: 58'	*Modification Request for Build-to-Lines. South Street is a view corridor street with 50' feet setback

## HCDA Rules

	Ch. 217 Plan & Rule	Proposed Project	Comments
Frontage Type	Terrace Frontage 3' Maximum Fence Height	Frontage with alternative landscaping that what is required and a 6' high fence*	*Modification Request for Frontage Type
Thoroughfare Plan	2 Thoroughfares, South Street and Kapiolani Blvd.	Project Complies except for Street Tree Requirement - Proposing a Monkey Pod Tree on South St.	
Open Space	15% of lot	16,603 sf = 19.6% of lot	
Landscape	Native and/or Adaptive Species	Native and/or Adaptive Species	
Recreation Space	55 sf / dwelling unit 410 units = 22,550 sf	6,531 sf indoors 16,603 outdoors Total = 23,134	

## HCDA Rules

	Ch. 217 Plan & Rule	Proposed Project	Comments
Tower Floor Plate	10,222 sf	9,511 sf	
Tower Orientation	Oriented in the Mauka - Makai Direction: Long Edge is Parallel to South Street	Long Edge is Parallel to South Street	
Tower Separation	Min. 300' from adjacent towers in the Mauka-Makai Axis and Min. 80' from other towers	158' from the adjacent 801 South Street tower & 167' from Royal Capital Plaza, which are not in the Project Mauka-Makai Axis	
Green Building	LEED or Equivalent	Green Building, but not compliant	*Modification Request for Green Building

## HCDA Rules

	Ch. 217 Plan & Rule	Proposed Project	Comments
Flood Zone	Flood Zone X - No Requirements	Flood Zone X - Outside of .2% annual chance of 500-year flood	
Parking	590 stalls	788 stalls	The 177 surplus stalls will be made available for public monthly rental
Parking Access	22' from Property Line	6'-3" from the Property Line*	*Modification Request for Curb Cut
Loading	2 stalls	3 stalls	
Public Facilities Dedication	Workforce Housing Projects are exempt	Exempt	

- The Applicant is proposing that a portion of the parking Podium for the Project be allowed to encroach into the development lot (TMK: 2-1-047: 003) for Phase A of 801 South Street project.
- The Applicant has proposed creating an easement document for a portion of the Project's parking podium that will encroach on the development lot for Phase A of the 801 South Street project and that the easement document will run with the land and will be recorded with the Bureau of Conveyances.

## Encroaching Elements

- The Honolulu Advertiser building (aka News Building) is not among the historic resources that have been identified in the 2011 Mauka Area Plan for preservation, rehabilitation, or restoration. However, a 2005 Historic Architecture Assessment examined the property based on the National Register of Historic Places criteria and determined it "retains the majority of its integrity of location, design, setting, materials, workmanship, feeling and association".
- The Applicant has indicated that they intend to demolish a portion of the Honolulu Advertiser building and preserve only the portion of the building that is currently under the red tile roof.

## Historical and Cultural Sites

- The Applicant submitted a Historic Mitigation Plan to HCDA on November 13, 2013. HCDA shared the mitigation plan and its own recommendations with the State Historic Preservation Division (SHPD).
- The Applicant intends to preserve many critical historical elements in the public office portion of the News Building, as referenced in the 2005 Historic Architecture Assessment by Mason Architects.
- The Applicant has specified the extent of demolition of non-critically important historic elements, referencing the 2005 report by Mason Architects.
- The Applicant proposes demolition of some elements that are identified as "character-defining features" in the 2005 report by Mason Architects that are located in the printshop portion of the News Building.

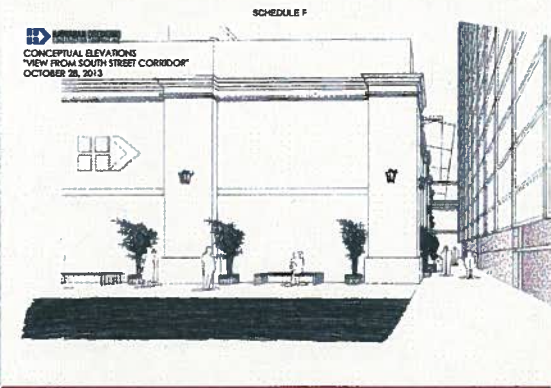
## Historical Mitigation Commitments

- The Applicant has indicated plans for stabilizing, resurfacing and weatherproofing the connecting face between proposed demolition area and remaining structure.
- The Applicant has proposed to salvage materials from the demolition for possible reuse in restoration of the remaining structure.
- The Applicant has proposed to complete and submit a structural analysis for the proposed demolition.
- The Applicant has provided additional information for a future connection between the remaining structure and the proposed parking structure. The proposed parking structure aims to provide parking to the future occupancy of the remaining historical structure.
- The Applicant has indicated that a final verification of preservation will be done upon "phase 3" renovation of the remaining structure.

## Historical Mitigation Commitments

- The Applicant will disclose the mitigation plan with any buyer of the remaining historical structure.
- The Applicant has a signed letter of intent from the Hawaii Dredging Construction Company to purchase the structure for future renovation and relocation of their office headquarters.
- The Applicant will establish a Protection Plan for the Designated Phase 3 Project Area During Demolition

## Historical Mitigation Commitments



- Subchapter 4, §15-218-55(e) of the Kaka'ako Reserved Housing Rules provides that, "In approving development permit for a qualified workforce housing project the authority may consider modification(s) to the provisions of Hawaii administrative rules, chapter 217, title 15, mauka area rules."
- The Applicant is requesting 5 modifications.

## Request for Modification

- The Applicant is requesting the following modifications:
  - Podium Height
  - Build-to-Line
  - Green Building Requirements
  - Parking Access Curb Cuts
  - Frontage Types

## Modifications Requested

- Figure NZ.2 (D) of the Mauka Area Rules requires that podium heights shall be between 30 - 65 feet.
- The podium element of the Project is eleven (11) floors with a height of 107 feet.
- Figure BT.10 of the Mauka Area Rules permits a parking podium that is detached from the podium high-rise building.
- Staff recommends approval.

### **Modification #1** **Increase of Podium Height**

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- Staff recommends approval.
- Staff finds that the additional height of parking garage does not impede the goals, policies and objectives of the Mauka Area Plan. It does not adversely impact protection, preservation, or enhancement of neighborhood characteristics. The modification request, if approved by the Authority, will not have a substantial adverse effect on surrounding land uses

### **Modification #1** **Increase of Podium Height**

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- Section 15-217-53 and Figure NZ.2-1 of the Mauka Area Rules require build-to-lines of five (5) to ten (10) feet along Kapiolani Boulevard.
- The Project proposes to have build-to-lines of twenty-one (21) feet nine (9) inches along Kapiolani Boulevard.
- The Applicant's request for modification of frontage type along Kapiolani Boulevard is in error. Instead, it should be modification of build-to-line. If considered and approved by the Authority, approval will automatically require that the Applicant provide a terrace front frontage along Kapiolani Boulevard except along the existing Honolulu Advertiser building.
- Staff recommends approval.

### **Modification #2** **Increase Build-to-line**

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- Staff recommends approval.
- The Project shall be consistent with Figure FT.8 and provisions of §15-217-55(e) of the Mauka Area Rules. Any fence along South Street and Kapiolani Boulevard shall not exceed maximum height limits of three (3) feet.
- All frontage type requirements for a Terrace Front frontage along Kapiolani Boulevard shall be in accordance with Figure FT.8 and provisions of §15-217-39(e)(2) of the Mauka Area Rules.

### **Modification #2** **Increase Build-to-line**

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- Section 15-217-59 of the Mauka Area Rules requires new buildings to follow base green building standards established by the LEED rating system or comparable green building evaluation systems.
- The Applicant is requesting modification from provisions of §15-217-59 of the Mauka Area Rules.
- Staff recommends modification of the request.

### **Modification #3** **Remove Green Building Requirements**

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- Staff recommends Approval w/Modification
- Applicant to Provide Documentation of its Efforts to Achieve at a Minimum 3 LEED Credits
- Applicant May Provide Documentation to the Authority in lieu of Actually Qualifying for Above Mentioned 3 LEED Credits How Implementing Green Building Practices Prove to be Cost Prohibitive for this Project.
  - In this way, the Authority might better understand how to ensure that sustainable development does not jeopardize the delivery of workforce housing.

### **Modification #3** **Remove Green Building Requirements**

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- Section 15-217-63(c)(3) of the Mauka Area Rules requires that curb cuts shall be set back a minimum of twenty-two (22) feet from adjacent properties.
- The Project proposes location of vehicular access at Kapiolani Boulevard with curb cuts placed six (6) feet three (3) inches from the adjacent property line.
- Staff recommends approval.

#### **Modification #4** **Reduce Parking Access Separation from Adjacent Properties**

- **Staff recommends approval.**
  - Staff finds that although the proposed location for the curb cut does not conform to minimum distances from property lines, this location is optimal so as to mitigate congestion at the intersection of Kapiolani Boulevard and South Street.
  - Staff also finds that the proposed curb cut location will not likely have an impact on the adjacent properties, and will avoid clustering with existing adjacent curb cuts.
  - Staff finds that the proposed curb cut allows continuity with approved plans for the first phase and will jointly realize a through-block alley along the Diamond Head site boundary connecting Kapiolani Boulevard and Kawaihaao Street.

#### **Modification #4** **Reduce Parking Access Separation from Adjacent Properties**

- Modification of provisions of §15-217-39(3), and Figure FT.8 to propose alternative landscaping than what is required for a Terrace Front frontage type.
- Modification of §15-217-55(e)(1), and Figure FT.8 of the Mauka Area Rules to propose an increase in fence height to six (6) feet, from a maximum three (3) feet allowed for terrace front frontage type along Kapiolani Boulevard.
- Staff recommends denial.

#### **Modification #5** **Frontage Type Requirements**

- **Staff recommends denial.**
  - It is staff's opinion that any fence along South Street and Kapiolani Boulevard shall not exceed maximum height limits of three (3) feet.
  - Landscaping standards for Kapiolani Boulevard should be maintained.
  - All frontage type requirements for a Terrace Front frontage along Kapiolani Boulevard shall be in accordance with Figure FT.8 and provisions of §15-217-39(e)(2) of the Mauka Area Rules.

#### **Modification #5** **Frontage Type Requirements**

- HCDA staff recommends approval of the Development Permit application conditional to the following:
  1. Record a Condominium Property Regime ("CPR") that establishes 801 South St, Phase B and News Building Project areas, in substantial compliance with representations contained in the Applicant's Phase B Development Permit application and its November 12, 2013 submittal regarding - 801 South St, Building B Project and the former News Building TMK: (1)2-1-047: 004 (Parcel).
  2. Document and record with the Bureau of Conveyances an easement that runs with the land for the portion of the proposed parking podium upon the development lot which encroaches on the Phase A lot of the 801 South Street Project.

#### **Staff Recommendations**

- HCDA staff recommends approval of the Development Permit application conditional to the following:
  3. Revise the fencing along Kapiolani Boulevard to not exceed maximum limits of three (3) feet, and to be consistent with Figure FT.8 and §15-217-55(e) of the Mauka Area Rules.
  4. Revise the fencing along South Street, and between the first phase (Building A) and the proposed Project (Building B), to provide a mid-block connection that is un-gated and undivided and offers a publically-accessible passageway directly from the South Street drop-off driveway.
  5. Redesign the proposed drop-off driveway as a plaza space in order to mediate the functional need for temporary parking with the planning requirement for creating pedestrian-oriented street frontages. The redesigned layout shall be reviewed and approval by the HCDA Executive Director, consistent with §15-217-80(e) of the Mauka Area Rules, and prior to HCDA approval of the building permit.

#### **Staff Recommendations**

- HCDA staff recommends approval of the Development Permit application conditional to the following:

6. *Locate short-term bicycle parking on the ground floor in an area that is accessible and separate from vehicle traffic.*
7. *Design and execute all appropriate traffic safety measures (e.g., flashing lights signage to signal an approaching vehicle, etc.) to promote driver awareness and pedestrian safety.*
8. *Coordinate construction with the Honolulu Authority for Rapid Transportation, and keep the surrounding stakeholders apprised of any transportation impacts.*
9. *Conduct a Traffic Impact Assessment Report ("TIAR") to evaluate potential traffic issues in the affected Kaka'ako and Kapiolani districts, and also to address any short- and long-term mitigation transportation need.*

### **Staff Recommendations**

- HCDA staff recommends approval of the Development Permit application conditional to the following:

10. *Install repeater facilities on the roof of the proposed residential tower mutually acceptable to the Applicant and HECO be included as a condition of approval.*
11. *Provide documentation of efforts, in lieu of achieving, a minimum three (3) LEED credits including at least one (1) point in Sustainable Sites - Storm water Design (Quality Control or Quantity Control), at least one (1) point in Sustainable Sites - Heat Island Effect (Non-roof or Roof) and at least one (1) point in Water Efficiency - Water Efficient Landscaping, consistent with §15-217-59 of the Maui Area Rules. Specifically, note how implementing widely-accepted "green" building practices prove to be cost prohibitive for this Project and would jeopardize the primary goal of developing workforce housing.*

### **Staff Recommendations**

- HCDA staff recommends approval of the Development Permit application conditional to the following:

12. *Implement the Mitigation Plan in substantial compliance with its representations.*
13. *Prepare and submit an architectural recordation in accordance with Historic American Buildings Surveys Historic American Engineering Records ("HABS" "HAER") standards for Level 2 prior to demolition of the News Building*
14. *Disclose to any buyer of the News Building the significance of the exterior and interior character defining features of the retained portion of the building, provide "as-built plans and specifications" of the new exterior walls, provide the prospective buyers a copy of the Mason Architects, Inc.'s News Building Historic Architecture Assessment dated June 2005 and the emphasize importance of retaining an architect familiar with the rehabilitation and preservation of historic buildings.*

### **Staff Recommendations**

- HCDA staff recommends approval of the Development Permit application conditional to the following:

15. *Conduct an assessment to determine if any materials in the portion of the News Building to be demolished can be salvaged and reused in the remaining portion of the building, and make reasonable effort to incorporate materials from the portion of the News Building that will be demolished into renovation of the remaining portion the building, and if that is not practical, make reasonable effort to donate such material to a reuse contractor.*

### **Staff Recommendations**

- HCDA staff recommends approval of the Development Permit application conditional to the following:

16. *Establish a Protection Plan, in the course of executing the Mitigation Plan, to protect historic elements of the retained portions of the News Building and the Protection Plan be submitted in writing to the HCDA prior to demolition. The Protection Plan shall include a protected area around the News Building and restrict the intrusion of other improvements into the building. The details of the Protection Plan shall be provided in the CPR document recorded with the Bureau of Conveyances and enforceable by its terms.*

### **Staff Recommendations**

- HCDA staff recommends approval of the Development Permit Application

### **Staff Recommendations**