

DEVELOPMENT PERMIT REQUEST

KAK 21-028: Liliuokalani Center

December 7, 2022

I. REQUEST

Liliuokalani Trust (“Applicant”) is requesting a Planned Development Permit (“Permit”) to make interior and exterior improvements to an existing, nonconforming structure (“Project”). The Project site is bounded by South King Street to the north (“Mauka”), Ward Avenue to the east (“Diamond Head”), the Royal Court Condominium tower to the south (“Makai”), and the King Street Catholic Cemetery to the west (“Ewa”). The Project is located at 932 Ward Avenue, Honolulu, Hawaii 96814, in the Mauka Area of the Kakaako Community Development District (“KCDD”) [Tax Map Key No.: 2-1-044: 005] and is subject to the requirements set forth in § 15-27 (Mauka Area Rules) of the Hawaii Administrative Rules (“HAR”). The Applicant’s Development Permit Application (“Permit Application”) was provided to the Hawaii Community Development Authority (“HCDA” or “Authority”) on September 26, 2022. See Exhibit A.

II. COMPLETENESS REVIEW, AUTOMATIC APPROVAL, AND FILING FEES

In accordance with the provisions of § 15-217-85(g) of the Mauka Area Rules, the Permit Application was determined to be complete, and a Certificate of Completeness was issued on October 27, 2022, which is provided hereto as Exhibit B. Note that on the Certificate of Completeness the address for the Project was mistakenly noted as “934 Ward Avenue” when it should be 932 Ward Avenue. The purpose of the completeness review is to determine whether all required information is provided in a Planned Development Permit application. A completeness review does not constitute a determination as to whether an application complies with the provisions of the Mauka Area Rules.

In accordance with the provisions of § 15-217-86, HAR, the Permit Application will be deemed approved if the Authority does not render a decision on the Development Permit application within 180 days from when it is determined to be complete, and the public hearing notice is published. The public hearing notice was published on October 27, 2022, thus establishing an automatic approval date of April 25, 2023.

Records indicate that all filing fees have been paid in accordance with the provisions of § 15-217-93, HAR.

III. PUBLIC HEARING NOTICE AND COMMUNITY OUTREACH

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 October 27, 2022. In accordance with the provisions of § 206E-5.6, HRS, the President of the Senate and the Speaker of the House of

Representatives were notified upon posting of the Notice of Public Hearings. Associations of apartment owners of residential buildings adjacent to the Project, surrounding landowners and businesses, the Ala Moana/Kakaako Neighborhood Board, 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 C. In accordance with the provisions of § 206E-5.5, HRS, 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 the HCDA's website, on October 27, 2022, and the public was encouraged to provide comments regarding the Project.

The deadline for filing for intervention was November 16, 2022. The HCDA received no requests for intervention.

IV. 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

- State Historic Preservation Division ("SHPD"), Department of Land and Natural Resources ("DLNR") - The Applicant has provided a letter dated August 9, 2022, from SHPD, confirming that the Applicant has complied with the requirements of § 6E-42, HRS, for the Project site. A copy of the written confirmation from SHPD is attached hereto as Exhibit D.

City and County of Honolulu

- Department of Planning and Permitting – Wastewater Branch
- Honolulu Board of Water Supply
- Honolulu Fire Department

Utility Companies

- Hawaiian Electric Company, Inc.
- Hawaii Gas
- Hawaiian Telecom, Inc.

The Applicant has included the comments received from these agencies 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 Services

State of Hawaii

- Department of Education
- Statewide Transportation Planning Office
- Department of Transportation, Highways Division
- Department of Transportation, Airports Division
- Department of Health
- Department of Land and Natural Resources

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 Telecom, Inc.
- Spectrum

Comments received on or before November 28, 2022, as part of the Permit Application Review, are attached as Exhibit F and were forwarded to the Applicant,

to be addressed in the Project. Any agency or utility company comment received after November 28, 2022, will be provided to the Authority separate from this report.

V. DESIGN REVIEW

As provided by §15-217-80(f), HAR, a Design Advisory Board (“DAB”) was convened to review the Permit Application and provide comments. The DAB included the following members:

- Kevin Sakoda, HCDA DAB Member
- Hazel Go, HCDA DAB Member
- Kevin Wilcock, HCDA DAB Member

Comments provided by the DAB were shared with the Applicant and are provided hereto as Exhibit E.

VI. DEVELOPMENT PERMIT PROCEDURES

Pursuant to § 15-217-80(c), HAR, and Figure 1.1, developments within the KCDD require a Development Permit that is subject to Authority review and approval. Chapter 206E-5.6, HRS, requires that when rendering a decision regarding the acceptance of a developer’s proposal to develop lands under the Authority’s control, the Authority shall render its decision at a public hearing separate from the hearing at which the proposal was presented. This essentially requires that the Authority conduct two separate public hearings in rendering a decision regarding a Development Permit.

Chapter 15-217-80(d), HAR, requires the following Findings of Fact in approval of a Development Permit:

- A. **Consistency with the Mauka Area Plan:** That the Project complies with and advances the goals, policies and objectives of the Mauka Area Plan;
- B. **Consistency with the Mauka Area Rules:** That the Project proposal will protect, preserve, or enhance desirable neighborhood characteristics through compliance with the standards and guidelines of the Mauka Area Rules; and
- C. **Compatibility of the Mauka District:** That the Project proposal will not have a substantial adverse effect on the surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area.

Chapter 15-217-80(f), HAR, provides that in reviewing a Development Permit application, the Authority may convene a Design Review.

VII. PROJECT DESCRIPTION

The Applicant is proposing an adaptive reuse of an existing nine-level structure (eight levels above ground and one basement parking level below), previously partially occupied by the Honolulu Club, to be used as the flagship center for the Liliuokalani Trust. This 116-foot-tall structure (measured from grade) has a building footprint of 23,214 square feet and a floor area of 85,132 square feet. The Applicant is proposing to increase the floor area to 97,305 square feet (an increase by 12,173 square feet or 14.3 percent).

Project Site

The site has three existing driveways — two on Ward Avenue that provide access to the porte cochere and the parking garage, and one on South King Street that serves an existing service bay. The Project site, which is approximately 32,725 square feet, includes a narrow triangular portion of approximately 1,940 square feet that stretches in front of the Royal Court Condominium. Similarly, there is an approximately 770 square foot portion of the City and County of Honolulu’s street right-of-way at the corner of South King Street and Ward Avenue that is currently landscaped and is intended to be incorporated into the future landscape design of the Project. The Applicant has obtained a Surface Encroachment Authorization for the proposed landscaping and ongoing maintenance of this portion of the street right-of-way from the City’s Department of Planning and Permitting.

Compliance with Mauka Area Rules

As the Project is a renovation of an existing, legal non-conforming structure, it does not comply with the following provisions of the Mauka Area Rules:

- Subchapter 2 (Regulating plan and Neighborhood Zones);
- Subchapter 3 (Thoroughfare Plan and Standards);
- Subchapter 4 (Area-Wide Standards);
- Building Type;
- Frontage Type; and
- Building Massing.

Off-Street Parking

Chapter 15-217-63, HAR, provides off-street parking and loading requirements. The total off-street parking requirement for the Project is 46 parking stalls. The Applicant is proposing to provide 164 parking stalls. At least fifty percent (50%) of the required off-street parking stalls (23 stalls) are required to be standard-sized parking stalls. The Applicant is proposing one hundred twenty-six (126) standard stalls, thirty-one (31) compact stalls, and seven (7) ADA parking stalls. The following table summarizes the number of parking stalls required by each land use in the Project and the actual number of parking stalls proposed in the Project.

Table 1: Required Off-Street Parking

Land Use	Requirement	Student No. or Floor Area	Minimum Required	Provided
Educational Facility				
Education	0.9 stall / 10 students	330 students	30	
Office	1/ 450 SF	7,237 SF	16	
Support	N/A	21,016 SF	0	
Circulation	N/A	31,650 SF	0	
TOTAL			46	164

Bicycle Parking

Chapter 15-217-63(m), HAR, requires short-term and long-term bicycle parking be provided, and that bicycle parking shall be provided within forty (40) feet of the principal entry point. The Project is providing both short-term and long-term bicycle parking within 400-foot of the principal entrance. As the Mauka Area Rules do not specify the number of parking stalls that a project needs to provide, the Applicant is proposing one (1) short-term bicycle parking per ten (10) vehicle parking spaces and one (1) long-term bicycle parking per thirty (30) vehicle parking. The Project is providing sixteen (16) short-term bicycle parking on the ground floor along Ward Avenue, on the southern edge of the property, and sixteen (16) long-term parking stalls on the second floor, on the northeast corner of the parking garage.

Off-Street Loading

Loading requirements are associated with uses and floor area. Pursuant to § 15-217-63(l), HAR, for civic support, educational and civic uses, three (3) loading stalls for floor area ranging between 50,0001 to 100,000 square feet are required. When one or more loading spaces are required, the minimum horizontal dimensions of at least half of the required spaces shall be 12 feet x 35 feet and have a vertical clearance of at least fourteen (14) feet. The balance of the required spaces shall have a horizontal dimension of at least 19 feet x 8.5 feet and a vertical clearance of at least ten (10) feet. The Project proposes approximately 97,305 square feet of educational and civic support use and therefore the off-street loading requirement for the Project is three (3) stalls. The Project will satisfy this requirement using the existing three (3) nonconforming loading spaces. Two of these loading stalls have a measurement of 8.5 feet x 19 feet and have a vertical clearance of nine (9) feet, and one of the loading stalls has a measurement of 12 feet x 35 feet and has a vertical clearance of thirteen and half (13.5) feet.

Circulation and Driveways

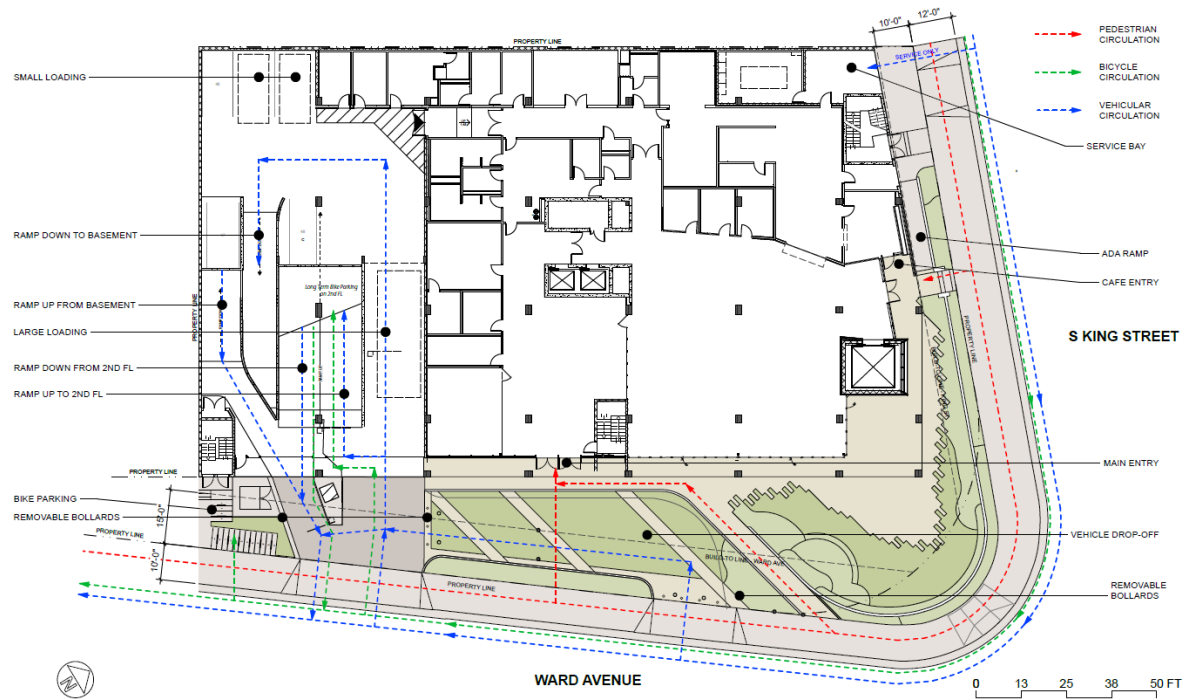
The Project has two (2) existing driveways, entering and exiting from Ward Avenue, and one (1) existing driveway off South King Street that serves the existing service bay. The Applicant is making use of all three existing driveways; however, primary vehicular access will be provided by the two existing driveways off Ward Avenue. The southern driveway along Ward Avenue, which is internally connected to the porte cochere, will be for accessing the parking garage; whereas the northern driveway along Ward Avenue, which is an entry only driveway, will be only to access the porte cochere, to be used only by authorized vehicles, and it is designated for pick-up and drop offs of students by shuttles. The Applicant has noted that, when not in use, removable bollards will be placed at both ends of the porte cochere. The Applicant has noted that the driveway off South King Street, which is only to be used to access the service bay to serve the fueling and servicing of the building's emergency generator and pumping of the oil-water separator, will seldom be used (three to four times per year) and will require that vehicles reverse into the dock from the first lane on South King Street. The Applicant has stated that, to mitigate any issues relating to reverse entering off South King Street, a Liliuokalani Trust staff will be available to direct traffic while the service vehicle is reversing into the stall.

The Applicant proposes for pedestrians to access the Project off Ward Avenue through the main entry and lobby on the ground floor, at street level. Another pedestrian access to the Project is off South King Street, which provides direct access to the café. In addition, the Applicant has noted that there will be portions of the day when the Innovation Lounge might open its large window walls connecting to the landscaped terrace, permitting seating for the café patrons.

The Applicant proposes bike access, both to the short-term and long-term bicycle parking, off Ward Avenue.

Image 1, below, was provided by the Applicant, Figure 6. Image 1 shows the vehicular, bicycle, and pedestrian circulation.

Image 1

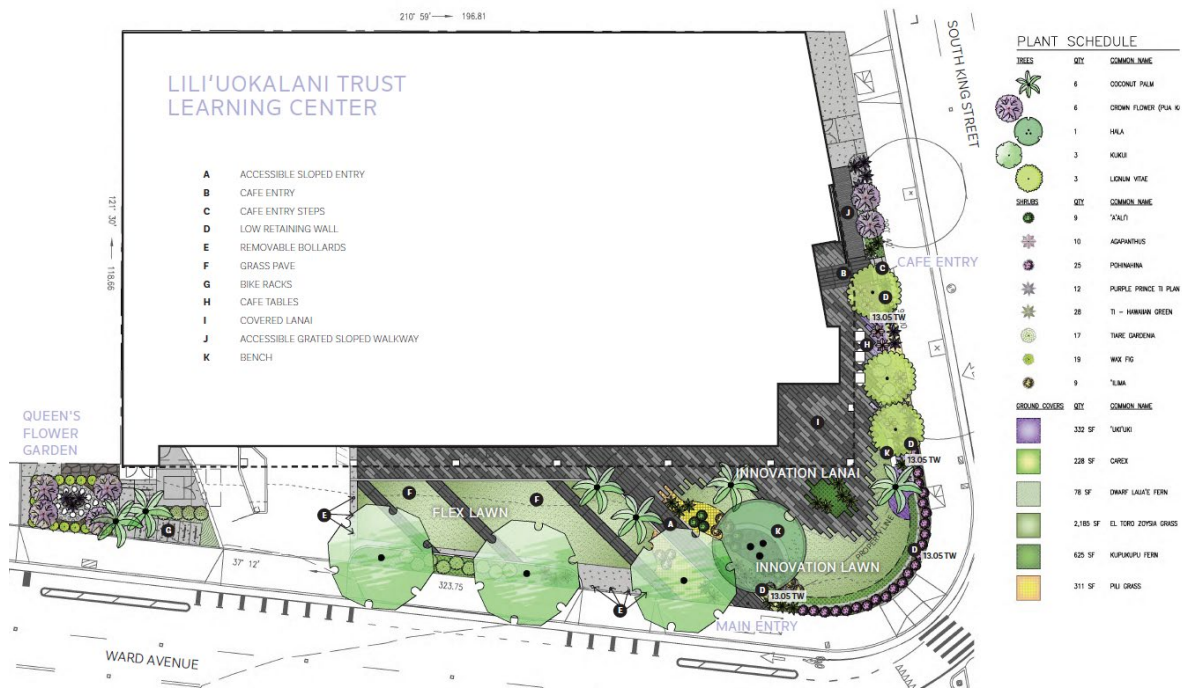


Landscaping

The Project proposes to plant native species and will provide a low-flow permanent irrigation system to support the maintenance of the landscaped areas, pursuant to § 15-217-56, HAR. It should be noted that, at the corner of Ward Avenue and South King Street, the landscaped area will extend to the City's sidewalk and encroach onto the City's right-of-way. The Applicant has provided a Surface Encroachment Agreement that has been executed with the Department of Planning and Permitting.

Image 2 below was provided by the Applicant, Figure 5. Image 2 shows the proposed landscaping plan.

Image 2



Relocation

The Applicant has established intentions to give a minimum of 60 days' prior written notice to the current tenants and provide relocation assistance. In addition, where feasible, the Applicant will work with a commercial broker to assist the existing businesses to locate alternative spaces.

VIII. NONCONFORMITY

The existing building associated with the Project is considered a nonconforming structure, which is defined in the Mauka Area Rules as, "a building or structure that was lawfully erected prior to the effective date of the adoption or amendment of this chapter (November 11, 2011) but no longer complies with all the regulations applicable to the mauka area as a result of adoption or amendment of this chapter or government action associated with eminent domain." Pursuant to § 15-217-91(e) of the Mauka Area Rules, nonconforming structures may be occupied, operated, and maintained in a state of good repair. Chapter 15-217-91(e)(4) of the Mauka Area Rules allows for alteration or enlargement of nonconforming structures without compliance with all provisions of the Mauka Area Rules subchapter 2 (regulating plan and neighborhood zones), subchapter 3 (thoroughfare plan and neighborhood standards) and subchapter 4 (area wide standards), provided that:

- (A) The floor area of the proposed construction does not exceed twenty-five percent of the floor area of the structure as it legally existed on February 27, 1982, excluding proposed demolitions;

- (B) The proposed construction does not encroach into a frontage area;
- (C) The proposed construction does not exceed forty-five feet in height;
- (D) The proposed construction does not affect neighboring properties;
- (E) The parking requirements of this chapter are satisfied for the area proposed to be constructed; and
- (F) The area created by the proposed construction is a permitted use.

The Project complies with the above conditions (A) through (F), respectively, as follows:

- (A) The Project complies, as the Project building was built in 1980 and it is only adding 12,173 square feet (a 14.3 percent increase), increasing the floor area from 85,132 square feet to 97,305 square feet;
- (B) The Project complies, as there are no proposed additions associated with the Project;
- (C) The Project complies, as there are no proposed additions associated with the Project;
- (D) The Project complies, since the proposed improvements will not affect neighboring properties;
- (E) The Project is providing more parking stalls than is required by the Mauka Area Rules.
- (F) The Project complies, as it is a permitted use.

IX. PUBLIC TESTIMONY

At the time of submitting this report, the HCDA staff has not received any public testimony related to the Project Application.

Attachments: Exhibit A – Development Permit Application
 Exhibit B – Certificate of Completeness
 Exhibit C – Notice of Public Hearings
 Exhibit D – SHPD Letter
 Exhibit E – Design Review Comments
 Exhibit F – Agency and Utility Companies Comments