

**DEVELOPMENT PERMIT REQUEST
Modification Hearing Staff Report**

**KAK 23-001: Ward Village Land Block 5, Project 3
(Master Plan Permit No.: PL MASP 13.1.3)**

April 6, 2023

I. MODIFICATION REQUEST

Victoria Ward, Limited (“Applicant”) is requesting a Planned Development Permit (“Permit”) to construct a new mixed-use, high-rise development, Launiu (“Project”). The Project site is bounded by Ala Moana Boulevard to the south (“Makai”), an existing Kamehameha Schools parcel to the west (“Ewa”), Auahi Street to the north (“Mauka”), and Ward Avenue to the east (“Diamond Head”). The Project is located at 928 Ala Moana Boulevard, in the Mauka Area of the Kaka‘ako Community Development District (“KCDD”) [Tax Map Key No. 2-1-056: 001]. The Applicant’s Development Permit Application (“Permit Application”) was provided to the Hawai‘i Community Development Authority (“HCDA” or “Authority”) on March 9, 2023. In addition, a Presentation Hearing Staff Report with exhibits is being transmitted to the Authority Members along with this Modification Hearing Staff Report.

The Applicant is requesting the following modifications:

- A. Modification of § 15-22-62 of the Vested Rules, in order to increase the podium height from forty-five (45) feet to sixty-five (65) feet, and (a) an additional twelve (12) feet for accessory use structures, having a total area less than fifteen percent (15%) of the parking and mixed-use podium roof area; and (b) an additional eighteen (18) feet for structures that will house elevator machinery on the parking and mixed-use podium roof;
- B. Modification of § 15-22-66 of the Vested Rules, in order to adjust the view corridor setback along Ala Moana Boulevard for the parking and mixed-use podium, for approximately ninety-four percent (94%) of the Ala Moana frontage; and
- C. Modification of § 15-22-66 of the Vested Rules, in order to adjust the view corridor setback along Ward Avenue for the parking and mixed-use podium, for the entire (100%) of the Ward Avenue frontage.

A diagram illustrating the view corridor setback requirements in the Vested Rules is attached as Exhibit A.

Images 1 and 2, below, are taken from the Permit Application (Exhibits 15 and 16) and show the proposed height to the top of the podium parapet and the top of the accessory structures.

Image 1

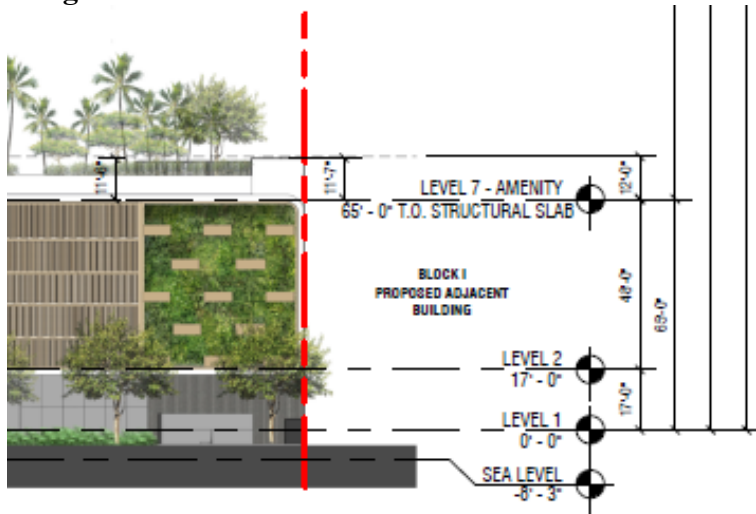
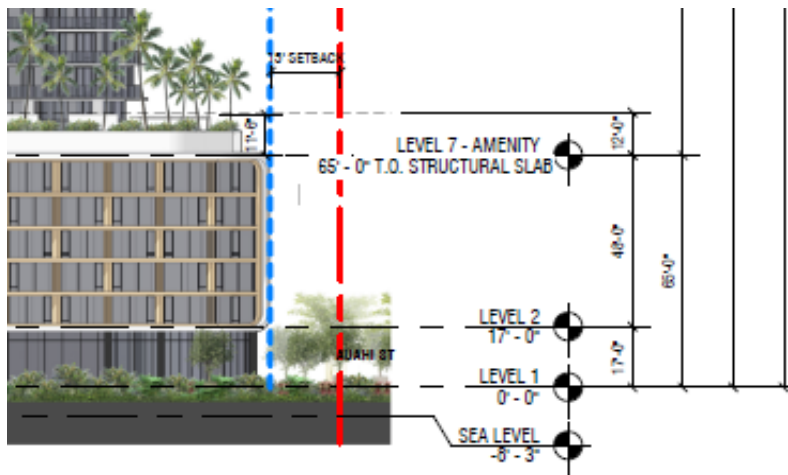


Image 2



Images 3 and 4, below, are taken from the Permit Application (Exhibit 15 and 18). The encroaching structure is clouded in 'red'.

Image 3 – Ala Moana Boulevard Frontage Encroachment

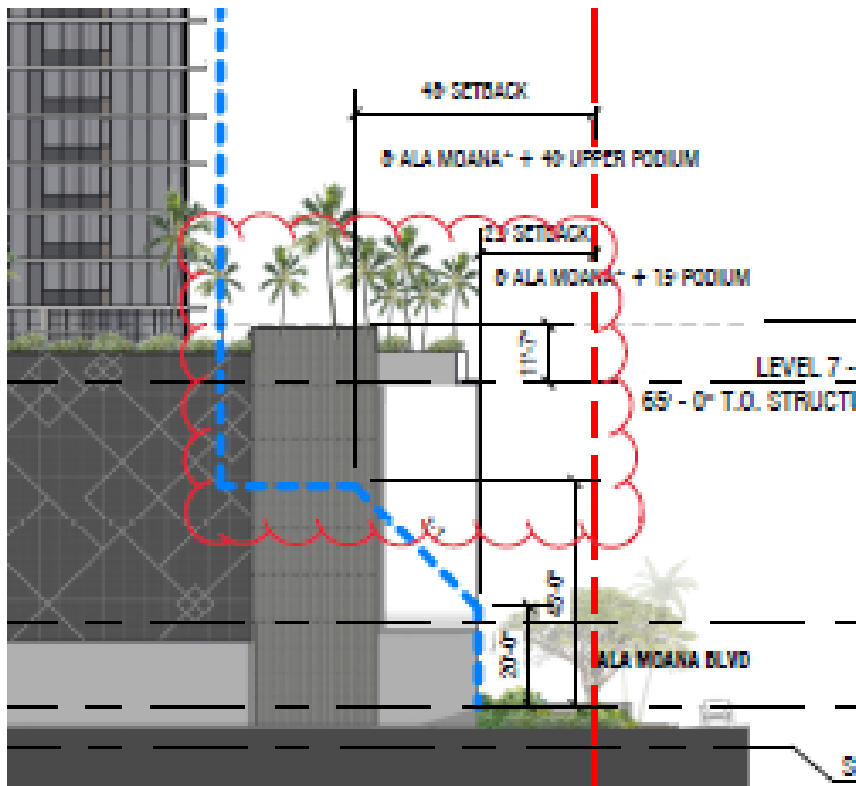


Image 4 – Ward Avenue Frontage Encroachment



Section 15-22-120(7) of the Vested Rules provides that the platform heights may be commensurately modified to exceed forty-five (45) feet where:

1. Subsurface construction is infeasible;
2. Design requirements for ceiling height clearances require height adjustment;
3. Industrial, commercial, residential or community service uses are substantially located within the platform, especially along streets or public spaces; or
4. Significant public facilities or pedestrian features are provided at the street level, especially arcades or publicly accessible open space in excess of the minimum grade-level open space.

Findings of Fact in the Nunc Pro Tunc Ward MP Decision and Order indicate the Applicant's intent to request modification of the platform height from forty-five (45) feet to sixty-five (65) feet along Ala Moana Boulevard and to seventy-five (75) feet along other streets within the KCDD (Findings of Fact #62). The Conclusions of Law section of the Ward Neighborhood Master Plan provides that the Applicant's proposal to modify the Mauka Area Rules may be addressed as part of the planned development review process and shall be evaluated under §15-22-22 of the Vested Rules (Conclusions of Law #13).

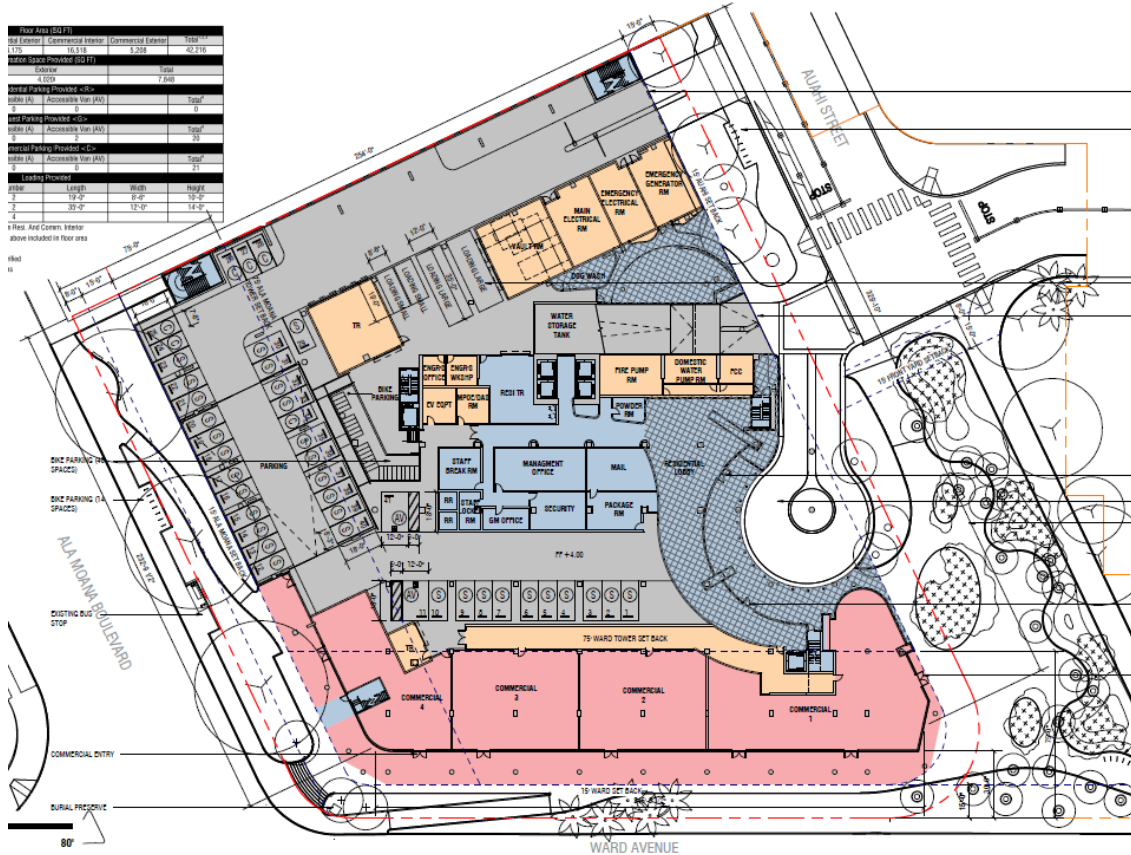
The request for such modification was based on the premise of increasing the podium height allowed for retail, restaurants, office, and residential units to be built within the podium and on moving parking structures up and away from the street.

The Applicant stated that these modifications are being sought to:

1. Preserve and enhance the Mauka–Makai view corridors;
2. Permit various uses within the podium along streets and public spaces;
3. Provide public facilities and features to improve the pedestrian experience at the street level; and
4. To prevent subsurface excavation activities associated with underground parking structures in an area with known subsurface sensitivities, including proximity to the water table.

Image 5, below, was provided by the Applicant in the Permit Application (Exhibit 7). It shows proposed uses within the ground floor of the mixed-use podium. It should be noted that the commercial space are the areas that are colored in red. Most of the ground level of the podium is occupied by parking, back of house uses, residential lobby, access to the Project, and residential drop off area.

Image 5



The Authority shall consider the modification request, pursuant to § 15-22-22 of the Vested Rules which notes that, in order for the Authority to consider the modification of a specific provision, the Applicant must have demonstrated that:

1. The modification would provide flexibility and result in a development that is practically and aesthetically superior to that which could be accomplished with the rigid enforcement of the Vested Rules;
2. The modification would not adversely affect adjacent developments or uses; and
3. The resulting development would be consistent with the intent of the (Vested) Mauka Area Plan.

II. PUBLIC TESTIMONY

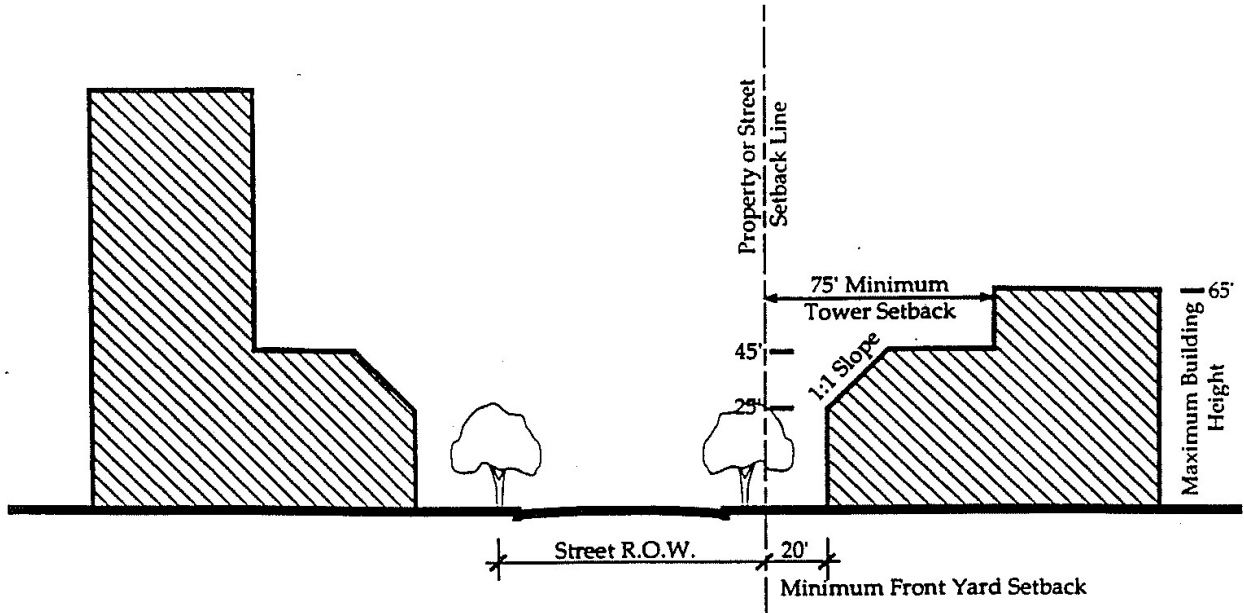
The HCDA staff will provide the Authority with all public testimony received by the submittal deadline, for the Presentation public hearing for the Permit Application.

III. EXHIBITS

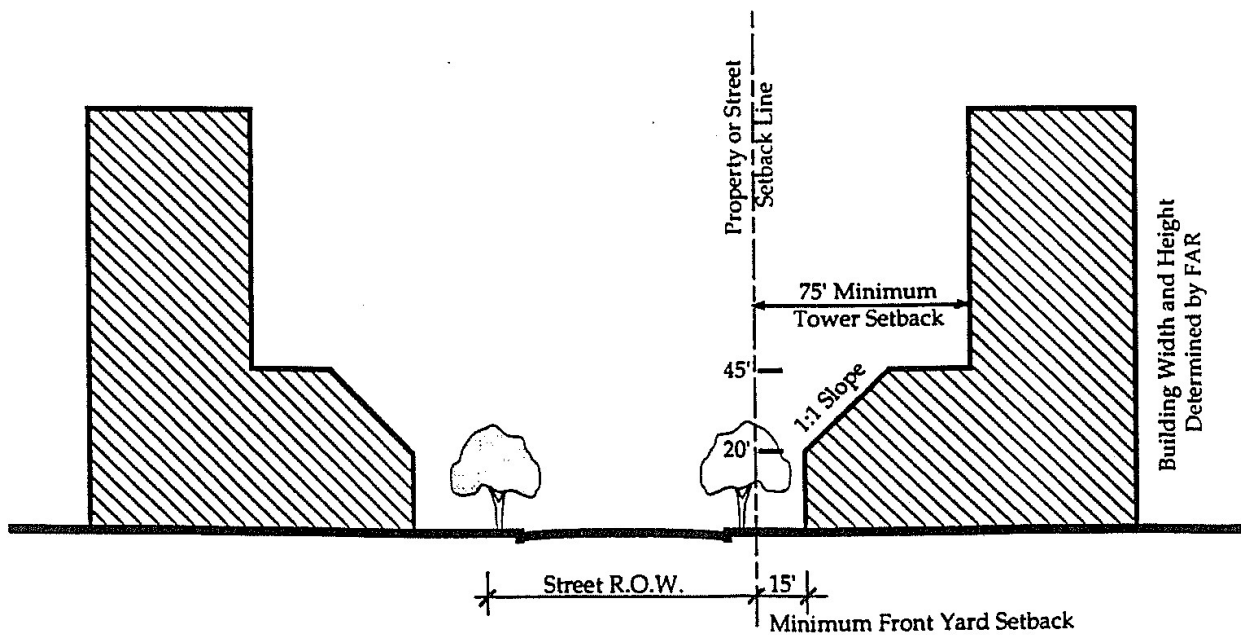
Exhibit A – View Corridor Setback Diagram from the Vested Rules

View Corridor Setbacks

Hawaii Community Development Authority
June, 1994



View Corridor Setback for Developments along Punchbowl, King, or South Streets within the Area Bounded by Punchbowl, King, South and Pohukaina Streets



View Corridor Setback for Developments along the Designated View Corridor Streets in All Other Areas of the Kakaako District