

**DEVELOPMENT PERMIT REQUEST
Presentation Hearing Staff Report**

**KAK 23-027: Ward Village Land Block 1, Project 6 (Mahana Ward Village)
(Master Plan Permit No.: PL MASP 13.1.3)**

July 5, 2023

I. REQUEST

Victoria Ward, Limited (“VWL” or “Applicant”) is requesting a Planned Development Permit (“Permit”) to construct a new mixed-use, high-rise development, Mahana Ward Village (“Project”). The Project site is bounded by Queen Street to the north (“Mauka”), an existing VWL parcel to the to the east (“Diamond Head”), Halekauwila Street to the south (“Makai”), and Ward Avenue to the west (“Ewa”). The Project is located at 423 Ward Avenue, in the Mauka Area of the Kaka‘ako Community Development District (“KCDD”), Tax Map Key No. (1) 2-3-002:116 (portion). The Applicant’s Development Permit Application (“Permit Application”) was provided to the Hawai‘i Community Development Authority (“HCDA” or “Authority”) on May 19, 2023, via electronic link.

II. COMPLETENESS REVIEW, AUTOMATIC APPROVAL AND FILING FEES

In a letter dated May 30, 2023, the Applicant was informed that the submitted Permit Application for the Project had been deemed complete and was notified of the automatic approval date. The letter is attached as Exhibit A. Pursuant to § 15-22-23, *Automatic Approvals*, Hawai‘i Administrative Rules (“HAR”), 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. The automatic approval date is November 6, 2023.

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

III. PUBLIC HEARING NOTICE AND COMMUNITY OUTREACH

A Notice of Public Hearings for the Project, in accordance with § 206E-5.6, Hawai‘i Revised Statutes (“HRS”), was published in the Honolulu Star-Advertiser, The Garden Island, West Hawaii Today, Hawaii Tribune-Herald and Maui News on June 1, 2023. 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 Kaka‘ako 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 § 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 June 1, 2023, and the public was encouraged to provide comments regarding the Project.

The deadline for filing for intervention was June 21, 2023. The HCDA received no requests for intervention.

IV. WARD NEIGHBORHOOD MASTER PLAN

The Project is located on Land Block 1 of the Ward Neighborhood Master Plan ("Ward MP"), permit number PL MASP 13.1.3. On January 14, 2009, the Ward MP was approved by the HCDA, pursuant to Title 15, Chapter 22, Subchapter 8, HAR, entitled "Master Plan Rules". The Ward MP is vested under Chapter 15-22, HAR, *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 (A'eo, 'A'ali'i, Kō'ula, and Victoria Place – the latter of which replaced the Gateway development), which the HCDA approved in 2015, 2017, 2018 and 2019, respectively. The third phase of the Ward MP is comprised of three (3) Planned Development projects (Park Ward Village, Ulana Ward Village, and Kalae). The current Project is part of the fourth phase of the Ward MP.

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 Hawai‘i, 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 (“DTS”), Department of Planning and Permitting (“DPP”) – Traffic Review Branch, and the HCDA. The 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 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. The 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 Hawai‘i

- DLNR-SHPD. The Applicant has provided a letter from SHPD, dated May 9, 2023, 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 I.

City and County of Honolulu

- DPP – Wastewater Branch
- DPP – Civil Engineering Branch
- DPP – Traffic Review 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 Services

State of Hawai‘i

- 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 Telcom, Inc.
- Spectrum

Comments received on or before June 21, 2023, as part of the Permit Application Review, are attached as Exhibit J and were forwarded to the Applicant, to be addressed in the Project. Any agency or utility company comment received after June 21, 2023 will be provided to the Authority separate from this report.

VI. PROJECT DESCRIPTION

The Applicant proposes a mixed-use, commercial-residential high-rise building with a tower and base platform structure sited on an 80,256 square-foot parcel. The entire Project will have 340 residential units (approximately 423,218 square feet), approximately 16,926 square feet of commercial space, and an onsite parking structure which is expected to include 503 parking stalls and three (3) loading stalls. The Applicant has noted that forty-two (42) off-street parking stalls for the commercial use will be provided in the district parking located at 987 Queen Street ('A'ali'i Ward Village) and 333 Ward Avenue (The Park Ward Village). The Project and 'A'ali'i Ward Village and The Park Ward Village shall enter into an off-site Parking agreement for the forty-two (42) commercial stalls, or the Applicant shall prepare a master off-site parking agreement accounting for all the parking stalls for the development within the Ward MP.

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. The proposed commercial floor area (16,926 square feet) is approximately 4% of the total proposed floor area (423,218 square feet). The Vested Rules limits the commercial use to sixty percent (60%) of the total floor area but does not require a minimum floor area for commercial use.

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 established 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 both 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.

Section 15-22-120(7) of the Vested Rules allows platform heights to be commensurately modified to exceed forty-five feet under certain conditions.

The Applicant is requesting a modification to the allowable platform height. The Project is proposing a parking and mixed-use podium that is seventy-five (75) feet in height, 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 vent pipes, fans, roof access stairwells and structures housing rooftop machinery on the mixed-use podium roof.

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 as 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</u> (sq. ft.)	<u>Building</u> <u>Height</u> (feet)	<u>FAR</u>	<u>Tower</u> <u>Footprint</u> (sq. ft.)
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 1 Joint Development Agreement, recorded on May 11, 2015, as DOC A-56090748 (“JDA”). 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 1 has an effective development lot area of 911,887 square feet (approximately 20.93 acres). The Project TMK, currently at 153,171 square feet, will be subdivided into three parcels, to provide for the current proposed Project and accommodate the future HART rail station and a separate cultural preserve. The Project development lot will be approximately 80,256 square feet (approximately 1.84 acres). The HART rail station parcel will be 61,192 square feet (approximately 1.4 acres) and the cultural preserve will be 11,723 square feet (approximately 0.27 acres).

The Ward MP establishes a floor area ratio (“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 other development lots within the master planned areas, as long as the FAR for any receiving lot shall not be increased by more than twenty-five percent (25%) that would otherwise be allowed based on its size.

Therefore, with the permitted twenty-five percent (25%) transfer, the maximum allowable FAR for Land Block 1 is 4.75 $[(0.25 * 3.8) + 3.8]$ or 4,331,463.25 square feet (911,887 square feet * 4.75) of floor area. As such, the projected floor area of 3,205,975 square feet (inclusive of this proposed Project) and FAR of 3.52 (3,205,975 square feet / 911,887 square feet) for Land Block 1 is consistent with the provisions of the Vested Rules, as approved under the Ward MP.

The Project proposes a residential tower consisting of approximately 340 residential units and a parking / mixed-use platform with 16,926 square feet of commercial space. The total proposed floor area for the Project is 423,218 square feet and, when added to the existing projects on Land Block 1 (with a collective floor area of 2,782,757 square feet), results in a total floor area of 3,205,975 square feet and FAR of approximately 3.52 (3,205,975 square feet / 911,887 square feet), which is within the allowable FAR. Table 2, below, summarizes the floor area allocations for Land Block 1.

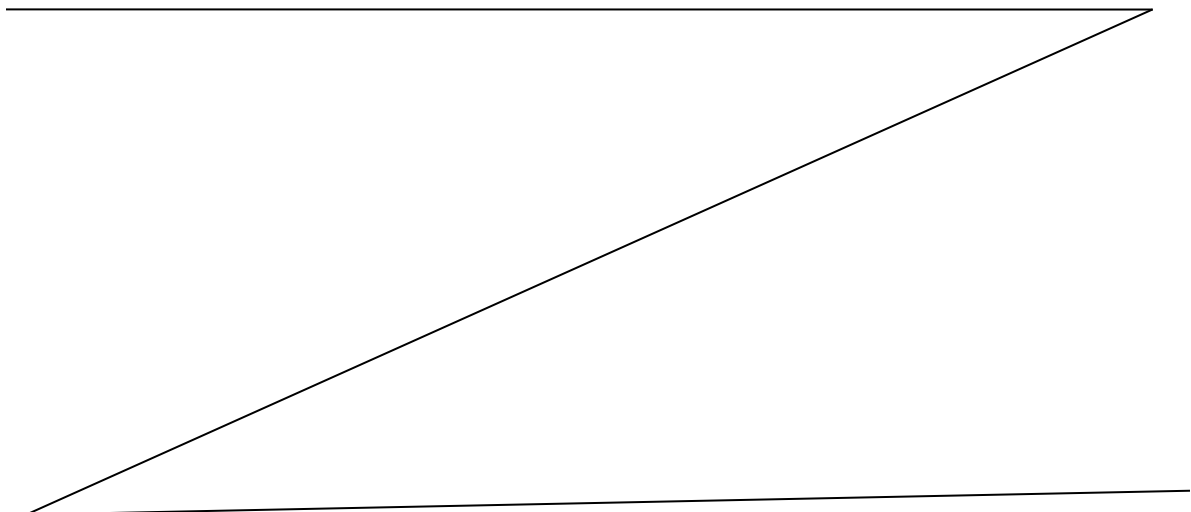


Table 2: Floor Area Allocations

Floor Area Allocation for Land Block 1	
Development Lot Area for Land Block 1	911,887 (SF)
Projected Floor Area for Land Block 1	3,205,975 (SF)
Projected Floor Area Ratio for Land Block 1	3.52
Floor Area Allocation on Land Block 1	
Land Block 1 – Ward Entertainment Center (Existing)	213,840 (SF)
Land Block 1, Project 2 – A‘eo (Existing)	624,701 (SF)
Land Block 1, Project 3 - ‘A‘ali‘i (Existing)	598,616 (SF)
Land Block 1, Project 4 – Ko‘ula (Existing)	684,487 (SF)
Land Block 1, Project 5 – The Park Ward Village (Under Construction)	661,113 (SF)
Land Block 1, Project 6 – Mahana (Proposed Project)	423,218 (SF)
Total of Floor Area Allocated on Land Block 1 to Date	3,205,975 (SF)

The proposed height of the residential tower is 347’ 9” with 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 an FAR of 3.8 for all the developments under the Ward MP. As noted under Finding of Fact No. 46 of the D&O for the Ward MP, “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- and as reflected in the FAR- 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 (“ ‘A‘ali‘i ”) on Land Block 1, the HCDA noted that, prior to the staff approval of the certificate of occupancy for the ‘A‘ali‘i project, the Applicant shall submit for the HCDA Executive Director’s review a development program to provide industrial floor area within the Ward MP. In a letter dated June 17, 2021, the HCDA’s Executive Director accepted the documents submitted, to meet the corresponding ‘A‘ali‘i D&O condition relating to industrial floor area within the Ward MP.

To date, within the Ward MP, an industrial floor area of 179,014 square feet has been provided and 30,404 square feet of industrial floor area is approved. The Applicant is forecasting to provide 70,019 square feet of industrial floor area on Land Block 6. Therefore, with the existing and approved developments, the Ward MP will have a total industrial floor area of 279,437 square feet, which is in deficit of 457,477 square feet of industrial floor area

(736,914 square feet – 279,437 square feet). Table 3, below, summarizes the industrial floor area provided and forecasted for the Ward MP.

Table 3: Industrial Floor Area

Industrial Floor Area Accounting	
Land Block 5, Block G – Industrial (Existing)	160,280 (SF)
Land Block 6, Block P – Industrial (Existing)	18,734 (SF)
Land Block 5, Project 2 – Ulana, Industrial (Under Construction)	30,404 (SF)
Subtotal of Industrial Floor Area Provided and Approved to Date	209,418 (SF)
Land Block 6 – Industrial (Forecasted)	70,019 (SF)
Total of Industrial Floor Area Provided, Approved and Forecasted to Date	279,437 (SF)

As noted above, the current forecast for 279,437 square feet of industrial floor area is only a portion of the anticipated 736,914 square feet. As such, the full 0.3 FAR bonus cannot be added to the base FAR of 3.5; but rather, only a portion of it can be applied. The originally anticipated industrial floor area divided by the net development area of the Master Plan yields the previously referenced bonus FAR of 0.3 (736,914 square feet / 2,456,379 square feet). Since the amount of industrial floor area has been reduced from this original commitment, the proportional reduction in the bonus FAR yields a possible industrial bonus FAR of 0.114 (279,437 square feet / 2,456,379 square feet). When added to the base FAR of 3.5, this amount of industrial FAR bonus yields a final possible FAR of 3.614 (0.114 + 3.5). Including the possible FAR transfer of up to 25% from another lot within the Master Plan, as described in the previous section, the maximum allowable FAR on Land Block 1 is 4.517 (1.25 * 3.614). The projected FAR for Land Block 1, including Mahana Ward Village, is 3.52, which is less than 4.517. Therefore, the Project complies without need of the bonus FAR.

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 15,134 square feet, which is below the maximum allowable footprint of 16,000 square feet for a lot of 80,000 square feet or more, and therefore complies with the requirement.

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 or openings facing side or rear property lines. The Project site has four boundary edges. The site is bounded by and has front yards on Queen Street and Ward Avenue. Per the requirement, fifteen (15) foot front yards are provided parallel to the street right-of-way. Since the eastern (Diamond Head) side of Mahana Ward Village shares a boundary with another project ('A'ali'i) within the same development lot as the subject proposal (Land Block 1), no setback is required. Halekauwila Street, along the southern (makai) boundary, is a private street. As a private street, no side or rear yard is required along this frontage. This is consistent with all other existing, approved developments along this street.

Open Space

Open space for the Project, as provided in § 15-22-64(c)(1) of the Vested Rules, 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. Open space compliance requirements are to be at a master plan level, and not on a block-by-block basis.

The open space required for the Project is 8,026 square feet (80,256 square feet * 0.1). The Project proposes to provide approximately 10,905 square feet of open space on site at ground level.

To date, the Applicant has agreed to provide 82,294 square feet of open space on Land Block 1, which is equal to approximately 9 percent (9%) of the total development lot area (911,887 square feet). Inclusive of the open space allotted for this Project, the existing projects and projects under construction (including the Park Ward Village and the Mauka expansion of Victoria Ward Park), there will be a total of 152,563 square feet of open space on Land Block 1. This equals approximately seventeen percent (17%) of the total development lot area for Land Block 1 (911,887 square feet). Table 4, below, summarizes the open space for Land Block 1.

Table 4: Open Space

Open Space Required for Land Block 1	
Land Block 1 Development Lot Area	911,887 (SF)
Open Space Required (10%)	91,189 (SF)
Existing and Under Construction Open Space Land Block 1	
Land Block 1 – Ward Entertainment Center (Existing)	2,859 (SF)
Land Block 1, Project 2 – A‘eo (Existing)	5,047 (SF)
Land Block 1, Project 3 - ‘A‘ali‘i (Existing)	9,905 (SF)
Land Block 1, Project 3 – Victoria Ward Park - Mauka	55,263 (SF)
Land Block 1, Project 4 – Ko‘ula (Existing)	9,220 (SF)
Subtotal of Existing and Under Construction Open Space	82,294 (SF)
Proposed Open Space for Land Block 1	
Land Block 1, Project 5 – The Park Ward Village	22,198 (SF)
Land Block 1, Project 5 – Victoria Ward Park – Mauka Expansion	37,166 (SF)
Land Block 1, Project 6 – Mahana (Proposed Project)	10,905 (SF)
Subtotal of Proposed Open Space	70,269 (SF)
Total Open Space Provided with Proposed Open Space	152,563 (SF)
Proposed Open Space Surplus for Land Block 1	61,374 (SF)

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 340 dwelling units, thus requiring a minimum of 18,700 square feet of recreation space. The Project proposes approximately 47,900 square feet of recreation space, to be provided on the ground floor and 8th floor.

Off-Street Parking

Section 15-22-67 of the Vested Rules provides off-street parking requirements. To meet the commercial parking requirement for the Project, the Applicant proposes providing 42 off-site parking stalls at ‘A‘ali‘i Ward Village (987 Queen Street) and The Park Ward Village (333 Ward Avenue). This will reduce the amount of parking to be accommodated within the podium of Mahana Ward Village, thereby allowing more space for residential units to be accommodated within the podium and for the streetscape to have only one curb cut to access parking for the Project. The following table summarizes the number of parking stalls required by each land use in the Project, as per the Vested Rules, and the actual number of parking stalls proposed in the Project.

Table 5: Required Off-Street Parking

Land Use	Requirement	Unit or Floor Area	Minimum Required	Provided
Residential				
600 SF or Less	0.9 stall / unit	56 units	51	
Between 600-800 SF	1.13 stall / unit	156 units	177	
800 SF or More	1.35 stall / unit	128 units	173	
Guest (for residential visitors)			-	12
Subtotal			401	491
Commercial				
Eating/Drinking Area	0.9 stall / 300 SF	5,958 SF	18	
Kitchen & Accessory Area	1 stall / 444 SF	3,069 SF	7	
Commercial and Other	1 stall / 444 SF	7,386 SF	17	
Subtotal			42	*
TOTAL			443	503

*Applicant proposes providing 42 off-site parking stalls at 'A'ali'i Ward Village (987 Queen Street) and The Park Ward Village (333 Ward Avenue).

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 503 spaces will include 452 standard sized spaces, 10 compact spaces, 20 tandem spaces, 8 ADA accessible spaces, and 1 ADA van accessible space.

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 406,292 square feet of floor area, three (3) off-street loading stalls are required. For the commercial uses of 16,926 square feet of floor area, two (2) off-street loading stalls are required. An adjustment of up to fifty percent (50%) is allowed, per § 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.

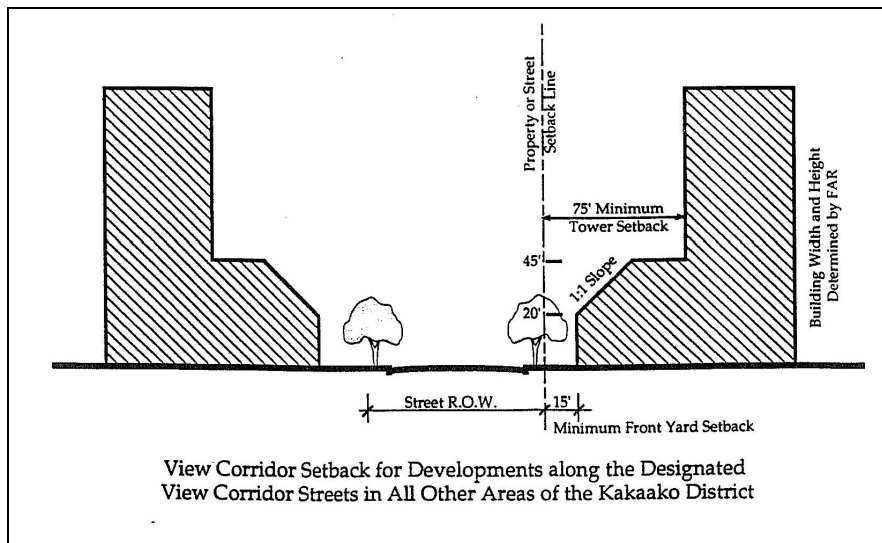
Additionally, § 15-22-68(d)(3) of the Vested Rules requires that each loading space be unobstructed and shall be arranged so that any vehicle might be moved without moving another. The Project complies with the access requirements.

The Project proposes to provide a total of three (3) off-street loading stalls. All three (3) stalls are proposed at a minimum size of 12 feet x 35 feet, with a minimum vertical clearance of 14 feet.

View Corridors

View corridor streets, as provided for in § 15-22-66 of the Vested Rules, require the tower element of a planned development to be set back by a minimum of seventy-five (75) feet from the property line that is parallel to a view corridor. Other structures higher than forty-five (45) feet are required to follow a 1:1 sloped setback, beginning at a height of twenty (20) feet and at a 15-foot front yard distance. The building envelope diagram, below, in Image 1, describes the view corridor setback requirements.

Image 1: Building Envelope Indicating View Corridor Setback



The Project tower fronts two streets: Ward Avenue and Halekauwila Street. Ward Avenue is designated in the “View Corridor Streets” exhibit of the Vested Rules as a view corridor street. The Project boundary proposes to meet the Vested Rules requirement for a minimum setback of seventy-five (75) feet from the Project site boundary parallel to Ward Avenue by placing the podium at a setback of seventy-nine (78’6”) feet from the boundary along Ward Avenue.

Building Orientation, Tower Spacing, and Circulation

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

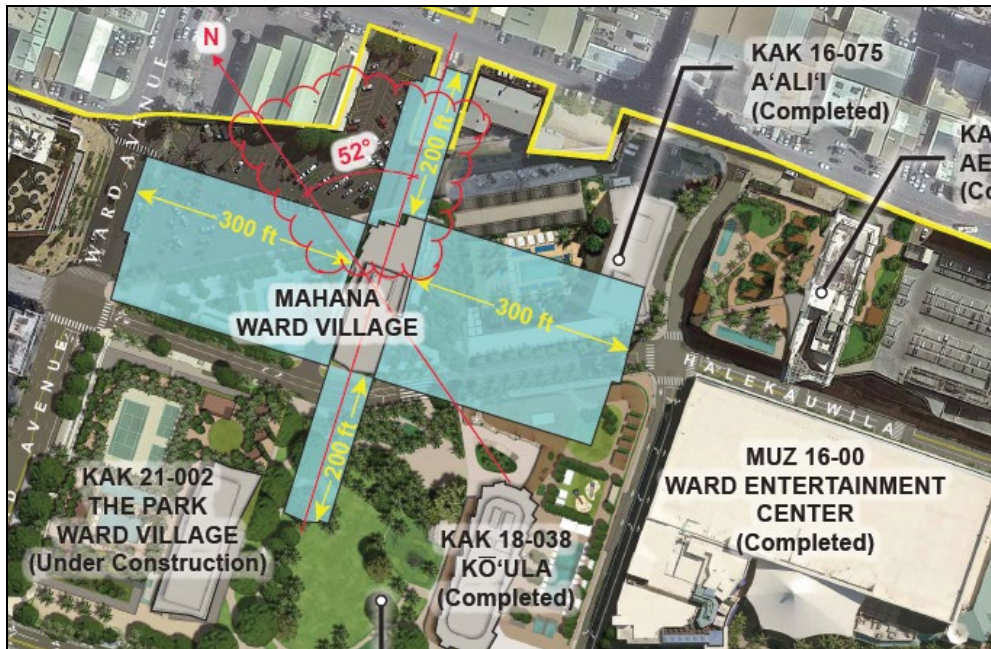
Section 15-22-143(a)(2) of the Vested Rules requires that, to the extent practicable, the tower portion of the structure be oriented between thirty-five (35) and sixty-five (65) degrees west of south. The long axis of the Project tower is shown to be approximately fifty-two (52) degrees east of north in a Mauka-Makai orientation. This is an error, as shown below and called out in red bubble, below. The Applicant has confirmed that the angle is, in fact, 52 degrees west of south, and therefore complies with this standard. This corrected

exhibit will be added to the Project application as *errata*. See Image 2, below, for the original submittal.

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 parallel side of the Project tower is not separated from the nearest towers by at least three hundred (300) feet.

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. Image 2, below, is taken from the Permit Application Exhibit 28. The diagram illustrates that, on the Diamond Head side, the parallel side of the proposed tower is not separated by a distance of at least three hundred (300) feet from the adjacent tower ('A'ali'i). The standard is not a mandatory but rather required "to the extent practicable." The proposed alignment is acceptable, considering the angle of the tower within the parcel and the inherent site constraints.

Image 2: Tower Spacing



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. The public facilities dedication requirement for commercial floor area is three percent (3%) of the total proposed commercial floor area.

The Project’s residential floor area of 406,292 square feet requires a public facilities dedication of 16,252 square feet (406,292 square feet * 4 percent), and the Project commercial floor area of 16,926 square feet requires a public facilities dedication of 508 square feet (16,926 square feet * 3 percent), for a total public facilities dedication requirement of 16,760 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. A summary of public facilities dedication requirements 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, is provided in Table 6 below.

Table 6: Public Facilities Dedication

Ward MP Public Facilities Dedication (“PFD”)	
Credit from Pre-Ward MP Projects	39,581 (SF)
PFD Provided After Ward MP (To Date)	
Projects	Area (SF)
Land Block 2-Project 1 (Waiea): Sidewalk along Ala Moana Boulevard	521
Land Block 3-Project 1 (Anaha): Sidewalk along Queen Street	353
Land Block 3-Project 1 (Anaha): Sidewalk along Auahi Street	431
Land Block 3-Project 1 (Anaha): Sidewalk along Auahi Street	496
Land Block 3-Project 1 (Anaha): Sidewalk along Queen Street	902
Land Block 5-Project 1 (Ke Kilohana): Right-of-way along Ilaniwai Street	1,785
Halekauwila Street Dedication to HCDA	37,261
Land Block 1 – Lot B: Roadway Easement	53,062
Land Block 1-Project 3 (‘A‘ali‘i): Sidewalk Easement P-3A	6,034
Land Block 1-Lot B: Sidewalk Easement P-4	5,773
Land Block 1-Project 2 (Ae‘o): Sidewalk Easement A-1	6,387
Land Block 1-Project 2 (Ae‘o): Sidewalk Easement P-1	5,992
Land Block 1-Project 2 (Ae‘o): Sidewalk Easement P-2	312
Land Block 1-Project 4 (Kō‘ula): Sidewalk Easement P-5-A	2,146
Land Block 1-Project 4 (Kō‘ula): Sidewalk Easement P-11-A	384
Subtotal of PFD Provided to Date	121,839
Total PFD Provided to Date Inclusive of the Pre-Ward MP Projects	161,420 SF

Table 6 (continued)

Proposed (Pending) Public Facilities Dedications (To Date)	
Projects	Area (SF)
Land Block 2-Project 3 (Victoria Place): VW Park makai area	59,052
Land Block 2-Project 3 (Victoria Place): Sidewalk Easement P-4	3,300
Land Block 1-Project 5 (The Park Ward Village): Auahi Street Realignment Lot G	12,306
Land Block 1-Project 5 (The Park Ward Village): Roadway Easement A-8	10,241
Land Block 1-Project 5 (The Park Ward Village): Roadway Easement P-10	2,433
Land Block 1-Project 5 (The Park Ward Village): VW Park mauka area, Easement B	92,429
Land Block 1-Project 5 (The Park Ward Village): Sewer Easement S-3	9,502
Land Block 1-Lot F: N-West Sewer Easement S-1	11,476
Land Block 1-Lot F: N-West Sidewalk Easement P-9	2,566
Subtotal of Pending PFD	203,305
Required Public Facilities Dedication (To Date)	
Project	Area (SF)
Land Block 2-Project 1 (Waiea)	20,831
Land Block 3-Project 1 (Anaha)	25,796
Land Block 5-Project 1 (Ke Kilohana)	3,092
Land Block 1-Project 2 (Ae'o)	24,107
Land Block 1-Project 3 ('A'ali'i)	20,163
Land Block 1-Project 4 (Kō'ula)	26,796
Land Block 1-Project 3 (Victoria Place)	21,822
Land Block 5-Project 2 (Ulana Ward Village)	208
Land Block 1-Project 5 (The Park Ward Village)	26,205
Land Block 2-Project 4 (Kalae)	21,420
Land Block 5-Project 3 (Launiu)	26,496
Subtotal of Required PFD to Date	216,936
Required PFD for the Project: Land Block 1-Project 6 (Mahana Ward Village)	16,760
Subtotal of Required PFD to Date Inclusive of the Project	233,696
Remaining Balance Not Including Pending PFD	-72,276
Remaining Balance After the Dedication of Pending PFD	131,029

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 shall, for a planned development containing multi-family dwelling units on a development lot of at least 20,000 square feet, 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 'A'ali'i project, and proposes an additional 697 units in the Ulana Ward Village project, for a total of 1,222 reserved housing units. The total residential units in the Ward MP, including the proposed Project as well as the forthcoming Blocks D and E projects, will equal 5,845; requiring 1,169 reserved housing units. After the delivery of Ulana Ward Village, a credit of approximately 53 reserved housing units will be available to offset the reserved housing requirements for future projects.

Table 7, below, 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, the proposed Projects at Blocks D and E (both are Block 4, Project 1), and the proposed Land Block 5, Project 2 development (Ulana Ward Village).

Table 7: Reserved Housing Units

Reserved Housing Requirement		
Projects	Residential Units	Reserved Housing Provided to Date
Land Block 2-Project 1 (Waiea) ¹	177	0
Land Block 3-Project 1 (Anaha)	318	0
Land Block 5-Project 1 (Ke Kilohana)	424	375
Land Block 1-Project 2 (Ae‘o)	466	0
Land Block 1-Project 3 (‘A‘ali‘i)	751	150
Land Block 1-Project 3 (Kō‘ula) ²	570	0
Land Block 2-Project 3 (Victoria Place)	350	0
Land Block 5-Project 2 (Ulana Ward Village)	697	697
Land Block 1-Project 5 (Park Ward Village)	546	0
Land Block 2-Project 4 (Kalae)	330	0
Land Block 5-Project 3 (Launiu)	486	0
Land Block 1-Project 6 (Mahana)	340	0
Land Block 4-Project 1 (Block D) - PENDING	242	0
Land Block 4-Project 1 (Block E) - PENDING	148	0
Total Residential Units	5,845	-
Reserved Units Required (20%)		1,169
Total Reserved Units Provided to Date	-	1,222
Reserved Housing Balance		53

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 Kō‘ula 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 is vacant except for a remnant surface parking lot. The Applicant has stated that this parking lot does not provide any required parking for any of the Ward MP developments.

Modifications to the Provisions of the Vested Rules

Sections 15-22-22 and 15-22-120 of the Vested Rules provide for modification of specific provisions of the Vested Rules. The Applicant is requesting the following modification:

Modification of § 15-22-62 of the Vested Rules, to increase the parking and mixed-use podium height from forty-five (45) feet to seventy-five (75) 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.

The images below, illustrating the areas of modification request (see the red callout bubbles), are taken from the Permit Application.

Image 3 – North elevation, height modification request (Exhibit 19)



Image 4 – South elevation, height modification request (Exhibit 21)



Findings of Fact in the D&O indicate the Applicant’s intention to request modification of the platform height from forty-five (45) feet to seventy-five (75) feet within the KCDD (Findings of Fact #62). The Conclusions of Law section of the Ward MP provides that the Applicant’s proposal to modify 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 modification request will be discussed and considered in further detail at a separate Modification Public Hearing scheduled for July 6, 2023.

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.

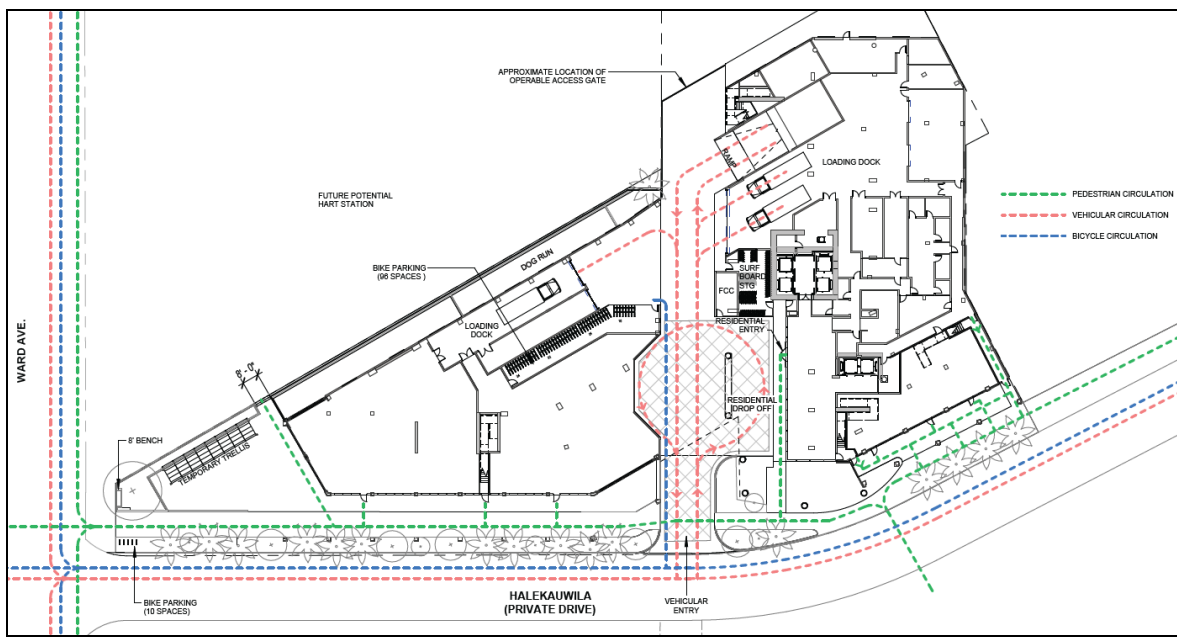
The Applicant proposes a single driveway, entering and exiting from Halekauwila Street. This driveway, on the makai side of the podium, leads to both the residential drop-off and parking structure and the ground level loading areas. The Authority shall determine if the proposed driveway system along Halekauwila Street is efficient, safe, and convenient.

The single curb cut and access drive utilizes the existing sanitary sewer and concrete drain easements, which is required to have 24-foot vertical clearance and 25-foot horizontal clearance. An operable gate will be located at the terminus of this drive, at the mauka side of Mahana Ward Village, but will remain closed with the exception of allowing access for utility work within the easements.

The Applicant proposes a bike circulation path from the Halekauwila Street driveway to the interior bike storage area (96 stalls) located inside of the podium structure. Additionally, ten bicycle parking stalls will be provided at the street level near Ward Avenue.

Image 5, below, was provided by the Applicant as Exhibit 6. It shows vehicular, bicycle, and pedestrian circulation. The vehicular circulation is shown in red, pedestrian circulation is shown in green, and bicycle circulation is shown in blue.

Image 5 – Circulation Plan



Streetscapes

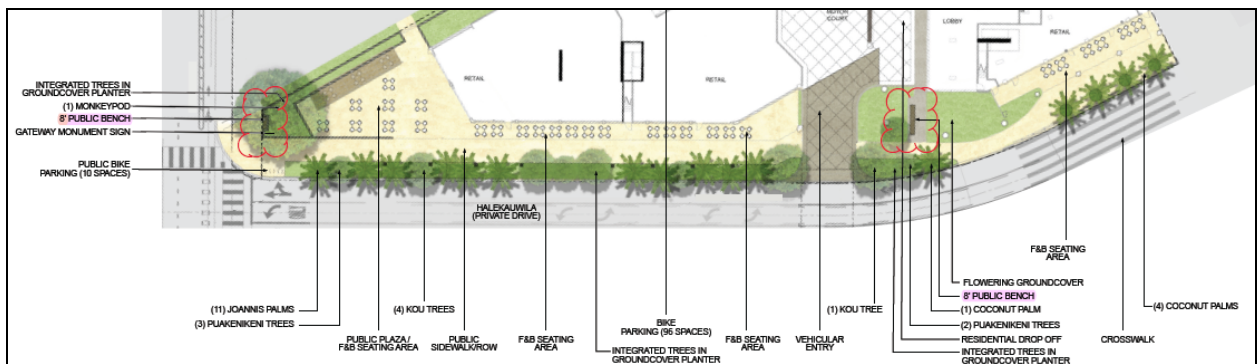
Section 15-22-142(a) of the Vested Rules requires that the size and number of curb cuts be minimized to reduce conflicts between pedestrians and vehicles. Section 15-22-142(b) of the Vested Rules requires that centralized trash storage be located either within the building or within a screened enclosure outside the building. Section 15-22-142(c)(1) of the Vested Rules requires any benches to be located in an area receiving shade. Section 15-22-142(c)(1) requires a bus stop shelter be provided where bus stops are located.

The Project proposes one curb cut along Halekauwila Street. This driveway will serve both loading and residential parking access purposes. The 42 parking spaces required for commercial uses within the podium will be met off-site at 'A'ali'i Ward Village (987 Queen Street) and The Park Ward Village (333 Ward Avenue), which allows Mahana Ward Village to meet all required parking needs for the Project with just one curb cut access. The Executive Director shall determine if the proposed two (2) curb cuts are acceptable.

The Applicant is proposing seating areas along both street frontages. Along the Ward Avenue frontage, the public seating will activate the gateway at the public plaza near the future HART station, to be located at the intersection of Ward Avenue and Halekauwila Street. Along the Halekauwila Street frontage, this will provide public seating along the arcade containing mostly licensed area seating (i.e., non-public). The arcade along Halekauwila Street, as well as the public plaza, will include licensable areas containing street furniture for outdoor dining. See Image 6, below (Exhibit 5 of the Permit Application, Landscape Plan) for the streetscape amenities.

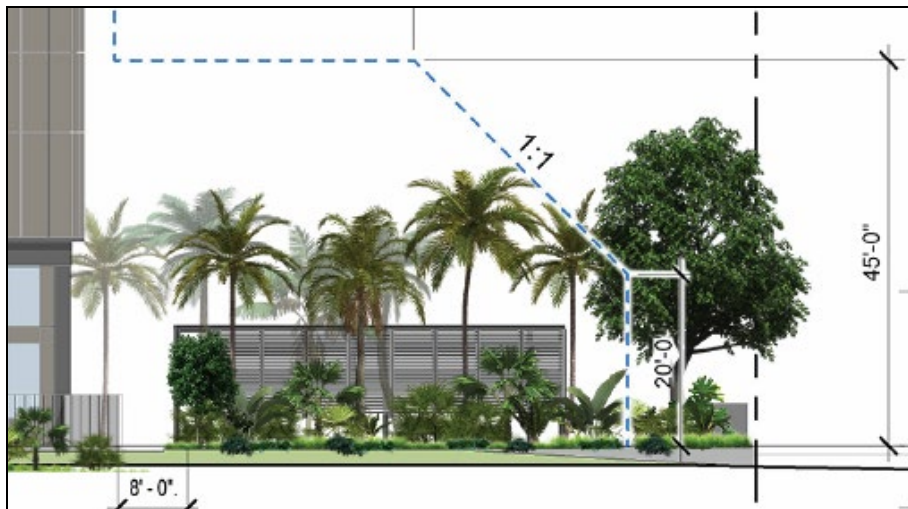
No streetscape activation is planned for the mauka side of Mahana Ward Village, as the HART rail line and guideway will be located along and above this frontage.

Image 6: Streetscape Amenities



At the intersection of Ward Avenue and Halekauwila Street, the Project proposes a public plaza, including a monkeypod tree, 8' public bench and monument, near the future HART rail station to create a gateway at this corner of the district. Direct access to the HART station will be provided in the future, when its site design has been determined. A trellis will be placed temporarily, during the intervening years, to provide shade and mitigate the wind for users of the plaza. The wind impacts will be better attenuated following the construction of the guide way and station, just mauka of the plaza. Image 7, below, shows the temporary trellis.

Image 7: Streetscape Amenity: Temporary Trellis



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) inches caliper, except coconut palms which shall have a minimum trunk height of fifteen (15) feet.

The Project proposes various trees along Halekauwila Street and Ward Avenue. The Applicant proposes one tree along the Queen Street frontage, due to the future HART rail line close-in to that frontage. Exhibit 5 of the Permit Application, shown above as Image 6, shows the proposed landscaping locations and species.

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 area (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 Ward MP calls for the provision of a variety of sizes, shapes and proportions to the open spaces throughout the MP area. The subject parcel extends mauka in a narrow strip to accommodate the existing sanitary sewer easement, connecting to Queen Street. The frontage along Queen Street is approximately 40 feet in length and currently is fenced, allowing only construction traffic into the site. Once the parcel subdivision is complete and the future HART station has been developed, this land use at this parcel frontage will be determined and developed. In the interim, the Applicant proposes that the fenceline be moved back approximately 50 feet from the sidewalk, to allow for activation of the streetscape in this area as a pocket park or other open space that will enhance the pedestrian realm.

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

The hearing officer's proposed Findings of Fact, Conclusions of Law, and Decision and Order for the Ward MP, approved on January 14, 2009, documents the following as findings of fact or conclusions of law;

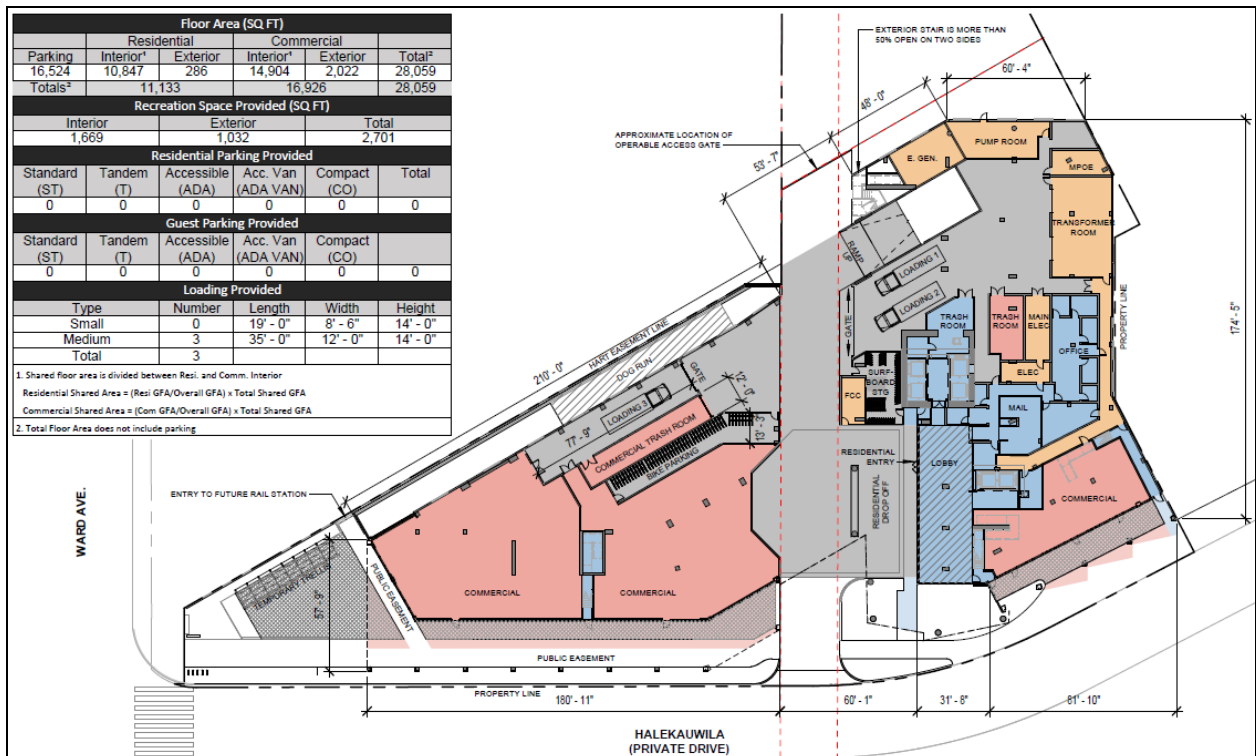
Findings of Fact No. 48: "Streetscapes: ...To mitigate the unsightliness of structured parking, the Plan anticipates extensive use of "liners" which are buildings designed to have aesthetically pleasing facades and to provide interaction with pedestrian traffic at ground level."

Findings of Fact No. 48: "Streetscapes: 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.”

The Application includes commercial “liners” in conjunction with residential space in the podium, above, to screen and mitigate the unsightliness of the parking structure and to promote pedestrian activity. See Image 8, below, for the commercial allocation of space at the ground level. The Applicant proposes the use of liners at the ground level fronting the public plaza along Ward Avenue and along Halekauwila Street. The Project also proposes an arcade along the entire frontage of Halekauwila Street (with a ceiling height of 22’6” and a combined dining and sidewalk area of 20-feet deep) as a pedestrian promenade.

Image 8: Ground-Level Commercial



The Project proposes a podium height of seventy-five (75) feet, and reduced commercial parking, which will provide more space for residential units within the parking structure, thereby enhancing the pedestrian experience by replacing the by-right parking levels with residential development closer to the ground floor.

Findings of Fact No. 85: “High Capacity Transit Corridor and Station: The City and County of Honolulu’s (“C&C”) High Capacity Transit proposal could have a major impact on the proposed Master Plan. The C&C’s current preferred transit route is situated within the mauka portion of the master plan area... As part of individual project development permit applications for this area, a more detailed transit route and station location shall be addressed and incorporated.”

The Project proposes several elements to accommodate the future rail line adjacent to Mahana Ward Village, including guardrails along the recreation deck above the guide way; providing an access seamlessly linking the future station to the public plaza on the subject parcel as well as Victoria Ward Park; and designing the gateway inside the public plaza to create a sense of arrival into Ward Village and easy wayfinding to and from the station.

VII. CONDITIONS

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

VIII. PUBLIC TESTIMONIES

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.

IX. 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 – Letters of Acceptance from SHPD

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

Exhibit J – Comments from Government Agencies

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]