Voting Members: Brandon J.C. Elefante, Chair; Esther Kia'āina, Vice-Chair; Radiant Cordero, Calvin K.Y. Say

> Committee Meeting Held April 22, 2021

Honorable Tommy Waters Chair, City Council City and County of Honolulu

Mr. Chair:

Your Committee on Zoning and Planning, to which was referred Resolution 20-174 entitled:

"RESOLUTION APPROVING A CONCEPTUAL PLAN FOR AN INTERIM PLANNED DEVELOPMENT-TRANSIT PROJECT FOR THE KCR DEVELOPMENT CONDOMINIUM AND COMMERCIAL PROJECT,"

as transmitted by Departmental Communication 504 (2020) from the Department of Planning and Permitting ("DPP"), dated June 30, 2020, reports as follows:

The purpose of Resolution 20-174 is to approve the conceptual plan for an interim planned development-transit ("IPD-T") permit application submitted by Evershine III, LLP (the "Applicant") to allow the redevelopment 56,250 square feet of land zoned BMX-3 Community Business Mixed-Use District, with a mixed-use hotel, condo-hotel, apartment, and commercial project, located at 1659, 1661, 1663, 1665, 1667, 1673, 1677, 1679, and 1681 Kapiolani Boulevard and 1646 Kona Street, and identified as Tax Map Keys 2-3-041: 003 and 004 (the "Project").

As initially proposed in the Project's IPD-T permit application, the Project will consist of a 43-story tower with 315 hotel units, 529 condo-hotel units, and 84 affordable rental units, for a total of 928 units. The tower is situated diagonally on the rectangular Project site. The Project will have a total floor area of approximately 557,603 square feet or FAR of 9.92, and a maximum height of 400 feet.

CITY COUNCIL CITY AND COUNTY OF HONOLULU HONOLULU, HAWAII

ADOPTED ON

MAY 5 2021

Voting Members: Brandon J.C. Elefante, Chair; Esther Kia'āina, Vice-Chair; Radiant Cordero, Calvin K.Y. Say

> Committee Meeting Held April 22, 2021 Page 2

Your Committee finds that the purpose of the IPD-T (ROH Section 21-9.100.5) is to "provide opportunities for creative, catalytic redevelopment projects within the rail corridor that would not be possible under a strict adherence to the development standards of [the LUO] prior to the adoption of the TOD neighborhood plans or amendments to [the LUO] relating to the future TOD zones (special districts), or both. Qualifying projects must demonstrably exhibit those kinds of attributes that are capable of promoting highly effective transit-enhanced neighborhoods, including diverse employment opportunities, an appropriate mix of housing types, support for multi-modal circulation, and well-designed publicly accessible and useable spaces. Flexibility may be provided for project uses, density, height and height setbacks, yards, open space, landscaping, streetscape improvements, parking and loading, and signage when timely, demonstrable contributions are incorporated into the project benefiting the community, supporting transit ridership, and implementing the vision established in Section 21-9.100-4." The Council reviews and approves a conceptual plan for an IPD-T project before that project receives a more detailed review and approval from the DPP Director (see also ROH Section 21-2.110-2).

The Applicant is requesting development standard flexibility with respect to the following: allowable density, building height limits, minimum lot coverage, height setbacks, vehicle and bicycle parking requirements, loading requirements, and front yard build-to lines.

In Departmental Communication 504 (2020), the DPP reports that community benefits proposed by the Applicant relating to affordable rental housing units and car-sharing parking may be considered benefits in the general interest of the public.

#### CITY COUNCIL CITY AND COUNTY OF HONOLULU HONOLULU, HAWAII

5 2021

MAY

ADOPTED ON

Voting Members: Brandon J.C. Elefante, Chair; Esther Kia'āina, Vice-Chair; Radiant Cordero, Calvin K.Y. Say

> Committee Meeting Held April 22, 2021 Page 3

The DPP reports that the following community benefits proposed by the Applicant are unacceptable because they would either normally be required for a project of this scale, will not benefit the public at large, or are not sufficient to justify the requested height and density bonuses: small landscaped areas as public open space, street café, amenity decks, extended hour clinic, and convenience store.

The DPP reports that the proposed public benefit value is not commensurate with the increased development value that will be achieved with the requested development standard flexibility relating to allowable density, building height limits, minimum lot coverage, height setbacks, vehicle and bicycle parking requirements, loading requirements, and front yard build-to lines. The DPP therefore recommends that the Applicant provide additional public benefits, including but not limited to: additional affordable rental housing units; a bicycle sharing station; a cash contribution to be used toward complete streets improvements within the Ala Moana Neighborhood Transit-Oriented Development ("TOD") Plan area; free or reduced fare transit passes for Project residents, guests, customer, and employees; and a cash contribution to be used toward City multimodal transportation system improvements.

Your Committee notes that the DPP, after a public hearing held on January 24, 2020, recommends approval of the conceptual plan for the IPD-T subject to conditions set forth in the attachment to Departmental Communication 504 and the Resolution.

At your Committee's meeting on April 22, 2021, the Applicant's agent provided a brief presentation of the Project (see Miscellaneous Communication 275).

The DPP Land Use Permits Division Chief testified in support of a CD1 version of the Resolution proposed by the Committee Chair.

CITY COUNCIL CITY AND COUNTY OF HONOLULU HONOLULU, HAWAII

5 2021

MAY

ADOPTED ON

Voting Members: Brandon J.C. Elefante, Chair; Esther Kia'āina, Vice-Chair; Radiant Cordero, Calvin K.Y. Say

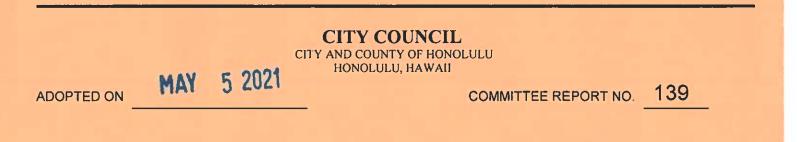
> Committee Meeting Held April 22, 2021 Page 4

At your Committee's meeting on April 22, 2021, Pacific Resource Partnership and the Laborer's Union Local 368 testified in support of the Resolution. Unite Here, Local 5 testified in opposition to the Resolution. One individual offered comments on the Resolution.

Your Committee received written testimony in support of the Resolution from Hawaii Operating Engineers Industry Stabilization Fund; Hawaii Laborers' Union Local 368; Hawaii Regional Council of Carpenters; and the Pacific Resource Partnership. Written testimony in opposition to the Resolution was received from Unite Here Local 5 Hawaii.

Your Committee carefully reviewed the conditions recommended by the DPP for inclusion in the Resolution, as well as additional revisions requested by the Applicant, and prepared a CD1 version of the Resolution that makes the following amendments:

- A. In the resolution title and first WHEREAS clause, clarifies that the Project is a mixed use hotel, condo-hotel, apartment, and commercial development. In the first WHEREAS clause, provides that the DPP accepted the Project's IPD-T application on December 18, 2019 (instead of December 18, 2020).
- B. In the fourth and sixth WHEREAS clauses, provides that the DPP's findings and recommendations on the Project, dated June 30, 2020, were received by the Council as Departmental Communication 504 (2020) on July 10, 2020.
- C. In Condition A, deletes the 10-working-day deadline (after Council adoption of the resolution) for the Applicant to submit to the DPP the Project's updated plans and documents for processing of the Project's major special district permit.



Voting Members: Brandon J.C. Elefante, Chair; Esther Kia'āina, Vice-Chair; Radiant Cordero, Calvin K.Y. Say

> Committee Meeting Held April 22, 2021 Page 5

> > 139

COMMITTEE REPORT NO.

- D. Deletes the provisions of Condition D relating to compliance with height setback and tower separation requirements, and replaces them with provisions allowing the Project to encroach into the height setback requirements of the LUO BMX-3 District and the Ala Moana Neighborhood TOD Plan BMX-3B District, subject to a comprehensive review by the DPP of revised Project plans, and the determination by the DPP that the proposed tower orientation and encroachment into height setback requirements are accurate and have no adverse impacts on adjoining properties or the rail system.
- E. In Condition E, provides that the maximum number of off-street vehicle parking spaces is 500 spaces, excluding ride share parking spaces (instead of 50 percent of the LUO parking requirement for the Project).
- F. In Condition H, adds that the Applicant is required to provide bicycle rack systems to accommodate all of the required short-term and long-term bicycle parking spaces, with bicycle anchoring, security, size, and accessibility satisfying the requirements of the LUO.
- G. Adds a new Condition I.7 to require the Applicant to submit, with the Project's major special district permit application, updated plans and documents showing the tower orientation and encroachments into height setback requirements pursuant to Condition D, including modifications to the Project's plans resulting from the change to the tower orientation and encroachments, including but not limited to the addition of "eyebrows" to address wind issues, a reduction in the amenity deck area, a reduction in open space area, or a change in the area dedicated to commercial uses.

# CITY COUNCIL

CITY AND COUNTY OF HONOLULU HONOLULU, HAWAII

5 2021

MAY

ADOPTED ON

Voting Members: Brandon J.C. Elefante, Chair; Esther Kiaʻāina, Vice-Chair; Radiant Cordero, Calvin K.Y. Say

> Committee Meeting Held April 22, 2021 Page 6

- H. Adds a new Condition I.8 to require the Applicant to submit, with the Project's major special district permit application, updated plans and documents showing building design and floor plans for the onsite affordable rental units, and location, building design, and floor plans for the offsite affordable rental units.
- I. In Condition J.1, provides that the required minimum 169 affordable rental units consists of <u>at least 130 onsite affordable rental units</u>, with the remaining <u>affordable rental units located offsite within the Ala Moana Neighborhood TOD</u> <u>Plan area</u>, to be rented to households earning 80 percent and below of the AMI, and to remain affordable for a minimum of 30 years. Application of the DPP's affordable housing requirement rules, including the room factor calculation, is required.
- J. Adds a new Condition J.6 to provide that prior to the issuance of certificate of occupancy for the Project, the Applicant is required to make a \$1,000,000 cash contribution to the City, to be used toward City multimodal transportation system improvements.
- K. Deletes Conditions K.1 (requiring reorientation of the angled tower to a maukamakai orientation), K.2 (requiring compliance with LUO height setbacks), and K.3 (requiring compliance with the 50-foot tower separation requirement). Condition K.4 becomes Condition K.
- L. In Condition O.3:

MAY

5 2021

1. Deletes the requirement that traffic demand management ("TDM") strategies include a substantial reduction in the availability of parking spaces; and

#### **CITY COUNCIL**

CITY AND COUNTY OF HONOLULU HONOLULU, HAWAII

ADOPTED ON

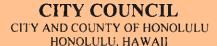
Voting Members: Brandon J.C. Elefante, Chair; Esther Kia'āina, Vice-Chair; Radiant Cordero, Calvin K.Y. Say

> Committee Meeting Held April 22, 2021 Page 7

- 2. Provides that the TDM strategies must include the community benefits required in Condition J.5 (relating to TDM measures to encourage the use of alternate transportation modes to minimize the number of vehicular trips for daily activities of Project residents, guests, customers, and employees).
- M. Revises Condition U to conform to the standard provisions used in IPD-T resolutions relating to Project conformity with the conceptual plans approved in the resolution. Provides an exception to the requirement that the Project conform to the conceptual plan approved by the resolution in order to allow plan modifications regarding tower orientation and encroachment into height setback requirements, and to incorporate the required affordable rental units. Clarifies that any increase in height or density of the Project, <u>or a change of use of the hotel units or condo-hotel units to residential dwelling units</u> will be considered a significant alteration and a change to the conceptual plan.
- N. Adds a BE IT FURTHER RESOLVED clause to include standard Council findings for IPD-T projects.
- O. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee, pursuant to ROH section 21-9.100-5, and in agreement with the conclusion of the DPP in Departmental Communication 504 (2020) and the additional amendments made by the Committee, finds as follows with respect to the conceptual plan for the proposed IPD-T project, as conditioned herein:

1. The Project, as a unified plan, will not adversely affect adjoining uses, and is in the general interest of the public;



5 2021

MAY

ADOPTED ON

Voting Members: Brandon J.C. Elefante, Chair; Esther Kiaʻāina, Vice-Chair; Radiant Cordero, Calvin K.Y. Say

> Committee Meeting Held April 22, 2021 Page 8

- 2. The requested flexibility regarding development standards and use regulations is consistent with the goals and objectives of transit-oriented development;
- 3. The requested flexibility with respect to development standards will be commensurate with the public amenities and community benefits proposed; and
- 4. The public amenities proposed will produce timely, demonstrable benefits to the community, support transit ridership, and implement the vision for transit-oriented development.

Your Committee finds that the time needed for further consideration of Resolution 20-174 may exceed the time limit provided for that consideration. Your Committee therefore recommends that Resolution 20-174 be granted a 65-day extension of time, pursuant to the written request from the Applicant, as detailed in Miscellaneous Communication 259. (Ayes: Cordero, Elefante, Kia'āina, Say – 4; Noes: None.)

Your Committee on Zoning and Planning recommends that Resolution 20-174 and the proposed Resolution 20-174, CD1, attached hereto, be scheduled for a public hearing and be referred back to Committee. (Ayes: Elefante, Kia'āina, Say – 3; Noes: Cordero – 1.)

Respectfully submitted,

CITY COUNCIL CITY AND COUNTY OF HONOLULU HONOLULU, HAWAII

COMMITTEE REPORT NO. 139

ADOPTED ON

MAY 5 2021



HONOLULU, HAWAII

No. 20-174, CD1

### RESOLUTION

APPROVING A CONCEPTUAL PLAN FOR AN INTERIM PLANNED DEVELOPMENT-TRANSIT PROJECT FOR THE KCR DEVELOPMENT MIXED USE HOTEL, CONDO-HOTEL, APARTMENT, AND COMMERCIAL PROJECT.

WHEREAS, on December 18, 2019, the Department of Planning and Permitting ("DPP") accepted the application (File No. 2019/SDD-79) of Evershine III, LLP (the "Applicant") for an Interim Planned Development-Transit ("IPD-T") permit to redevelop 56,250 square feet of land zoned BMX-3 Community Business Mixed Use District with a mixed-use hotel, condo-hotel, apartment, and commercial project in the Ala Moana neighborhood, located at 1659, 1661, 1663, 1665, 1667, 1673, 1677, 1679, and 1681 Kapiolani Boulevard, and 1646 Kona Street, and identified as Tax Map Keys 2-3-041: 003 and 004 (the "Project"); and

WHEREAS, as proposed in the Project's IPD-T permit application, the Project will involve the demolition of the existing commercial structures and the development of a new 43-story tower (eight-level parking podium and 35-story tower) with a maximum height of 400 feet, which will include 315 hotel units, 529 condominium-hotel units, 84 affordable rental housing units, a hotel lobby, private and semi-private residential amenities, ground floor commercial spaces, and other ground floor improvements; and

WHEREAS, on January 24, 2020, the DPP held a public hearing, which was attended by the Applicant, the Applicant's agent, DPP staff members, and approximately eight members of the public; testimony was received from four members of the public at the hearing; and

WHEREAS, on June 30, 2020, the DPP, having duly considered all evidence and reports of said public hearing and the review guidelines established in Sections 21-2.110-2 and 21-9.100-5 of the Land Use Ordinance ("LUO"), completed its report and transmitted its findings and recommendation of approval to the Council by Departmental Communication 504 (2020); and

WHEREAS, the conceptual plan for the Project is set forth in the exhibits attached hereto as Exhibits A-1 through A-5, and B-1 through B-16, and is further described in Departmental Communication 504 (2020), all of which are incorporated herein by this reference; and

WHEREAS, the City Council, having received the findings and recommendation of the DPP on July 10, 2020, and having duly considered the matter, desires to approve the conceptual plan for the Project, subject to the conditions enumerated below; now, therefore,

1



HONOLULU, HAWAII

No. 20-174, CD1

# RESOLUTION

BE IT RESOLVED by the Council of the City and County of Honolulu that the conceptual plan for the IPD-T Project is approved, subject to the following conditions:

- A. Prior to the issuance of a major special district ("SD") permit for the Project, the Applicant shall submit to the DPP Land Use Permits Division for review and approval detailed Project plans, drawings, and other documents demonstrating compliance with the conditions and requirements set forth in this resolution.
- B. The maximum permitted floor area ratio ("FAR") for the Project is 10.0.
- C. The maximum permitted height of the Project is 400 feet. Rooftop structures must conform to LUO Section 21-4.60(c).
- D. Subject to the comprehensive review by the DPP of Project plans submitted by the Applicant pursuant to Condition I.7, and the determination by the DPP that the proposed tower orientation and encroachment into height setback requirements are accurate and have no adverse impacts on adjoining properties or the rail system, the Project may encroach into the height setback requirements as follows:
  - 1. With regard to the Land Use Ordinance BMX-3 District height setback requirements:
    - a. The tower may encroach 2 feet, 11 inches into the Kapiolani Boulevard setback; and
    - b. The tower may encroach 36 feet into the Kona Street setback.
  - 2. With regard to the draft Ala Moana Neighborhood Transient-Oriented Development Plan BMX-3B District height setback requirements:
    - a. The podium may encroach 12 feet into the Kapiolani Boulevard setback;
    - b. The podium may encroach 20 feet, and the tower may encroach 20 feet, into the Kona Street setback; and
    - c. The podium may encroach 9 feet, 4 inches into the west setback;
- E. The maximum number of off-street vehicle parking spaces is 500 spaces (ride share parking spaces are not included in this count).



HONOLULU, HAWAII

No. 20-174, CD1

- F. The minimum number of loading spaces is seven. At least three spaces must be full sized (12 feet x 35 feet, with 14-foot vertical clearance), and at least four spaces must meet the LUO requirement for smaller-sized loading spaces.
- G. All required off-street parking spaces for the hotel units, condo-hotel units, and affordable rental units must be unbundled. No parking spaces dedicated to hotel or residential uses may be sold to owners of those units. The parking spaces may be leased but only for periods not exceeding 10 years.
- H. The Project must include a minimum of 51 short-term and 127 long-term bicycle parking spaces. The Applicant shall provide bicycle rack systems to accommodate all of the required short-term and long-term bicycle parking spaces, with bicycle anchoring, security, size, and accessibility satisfying the requirements of the LUO.
- I. The updated Project plans, drawings, and other documents submitted to the DPP pursuant to Condition A must show the following:
  - 1. Pedestrian-oriented improvements (benches, sitting walls, outdoor dining areas) up to the build-to lines for 70 percent of the frontage along Kapiolani Boulevard.
  - 2. Pedestrian amenities along Kona Street.
  - 3. The pedestrian pathway along Kapiolani Boulevard must be a linear, unobstructed pathway of at least 12 feet in width.
  - 4. Bicycle-sharing station location and details.
  - 5. Location of the car-share area, public access to the car-share area, and wayfinding signage to direct the public to the car-share area.
  - 6. A landscape plan showing the location and types of trees and plants on the Project site.
  - 7. The tower orientation and encroachments into height setback requirements pursuant to Condition D, including modifications to the Project's plans resulting from the change to the tower orientation and encroachments, including but not limited to the addition of "eyebrows" to address wind issues, a reduction in the amenity deck area, a reduction in open space area, or a change in the area dedicated to commercial uses.



No. 20-174, CD1

- 8. With respect to the affordable rental units required by Condition J.1, building design and floor plans for the onsite affordable rental units, and location, building design, and floor plans for the offsite affordable rental units.
- J. The Applicant shall provide the following community benefits:
  - 1. At least 169 affordable rental units, consisting of at least 130 onsite affordable rental units, with the remaining affordable rental units located offsite within the Ala Moana Neighborhood Transit-Oriented Development ("TOD") Plan area, to be rented to households earning 80 percent and below of the area median income ("AMI") for Honolulu, and to remain affordable for a minimum of 30 years. Application of the DPP's affordable housing requirement rules, including the room factor calculation, is required. Compliance with this condition will be confirmed prior to the issuance of any certificate of occupancy ("CO") for the Project.
  - 2. The Applicant shall provide a publicly accessible bicycle-sharing station that is conveniently located on the Project site. The Applicant shall fund, construct, and provide space for the bicycle-sharing station through an agreement with Bikeshare Hawaii, or similar organization partnered with the City for a minimum of 20 docking stations, or as deemed appropriate by the bicycle-sharing organization. The bicycle-sharing agreement must be fully executed prior to the issuance of any CO for the Project.
  - 3. Ten parking spaces dedicated to car-sharing. The car-share spaces must be publicly accessible at all times and include adequate wayfinding signage to direct the public to the car-share spaces.
  - 4. A cash contribution to the City in the total amount of \$94,000, to be used toward complete streets improvements in the Ala Moana Neighborhood TOD Plan area, including but not limited to the construction of a bicycle lane along Kapiolani Boulevard.
  - 5. Traffic Demand Management ("TDM") measures to encourage the use of alternate transportation modes and to minimize the number of vehicular trips for daily activities of Project residents, guests, and employees. The Applicant shall provide free, reduced fare, or reimbursement for transit passes for Project residents, guests, customers, and employees, for a minimum of one year after the hotel portion of the Project commences operation.



No. 20-174, CD1

- 6. Prior to the issuance of a certificate of occupancy for the Project, the Applicant shall make a cash contribution in the amount of \$1,000,000 to the City, to be used toward City multimodal transportation system improvements, as that term is defined in Section 21-9.100-5(g)(3)(B), Revised Ordinances of Honolulu 1990.
- K. The Project's building permit application must reflect the type and location of all short- and long-term bicycle parking. The bicycle parking plans must show more than 50 percent of the short-term bicycle parking spaces located on the ground floor in publicly accessible areas. The remainder of short-term bicycle parking spaces may be located on the second floor in the parking podium, near a publicly accessible elevator or vehicle ramp. Signage directing the public to the second floor podium short-term bicycle parking is required. The long-term bicycle parking spaces must be evenly distributed within the parking podium.
- L. Prior to the issuance of a building permit for the Project, the Applicant shall coordinate with the City Department of Transportation Services ("DTS") and the DPP to:
  - 1. Demonstrate compliance with the City's Complete Streets Manual principles and guidelines.
  - 2. Ensure that all access driveways are designed with pedestrian and bicycle safety measures in place.
  - 3. Contribute \$94,000 to the City for use to construct a bicycle lane on Kapiolani Boulevard, or to fund other complete streets improvements, as provided in Condition J.4.
- M. Prior to the submission of a grading permit application or building permit application for the Project (whichever is submitted first), the Applicant shall submit to the DPP:
  - 1. An archaeological inventory survey ("AIS") report that has been approved the Department of Land and Natural Resources, State Historic Preservation Division ("SHPD"). The Applicant shall implement the approved mitigation protocols identified in the AIS report for all cultural resources (including iwi) discovered on the Project site.
  - 2. A fully-executed right-of-entry agreement from the owner of Kona Street for access rights to use Kona Street.



No. 20-174, CD1

- N. Prior to the submission of a foundation permit application for the Project, the Applicant shall submit to the DPP for review and approval an updated wind study and wind tunnel test to quantify the wind conditions and evaluate the effectiveness of any wind mitigation strategies for public areas. The Applicant shall implement the recommendations of the wind study.
- O. Prior to the issuance of any building permit for the Project, the Applicant shall submit to the DPP for review and approval:
  - 1. A timeline with anticipated dates for obtaining major building permits for demolition and construction work, and the date of occupancy. The timeline must identify submission dates for a construction management plan ("CMP"), traffic management plan ("TMP"), and updates to or validation of the findings of the traffic impact report ("TIR") dated October 2019.
  - 2. A CMP that:
    - a. Identifies the type, frequency, and routing of heavy trucks and construction-related vehicles, and provides remedial measures, as needed;
    - b. Identifies and limits construction-related vehicular activity to nonpeak periods of traffic, using alternate routes for heavy trucks, and providing for on-site or off-site staging areas for construction workers and vehicles;
    - c. Includes preliminary or conceptual traffic control plans; and
    - d. Includes documentation of the condition of roadways prior to the start of construction activities. The Applicant shall restore roadways to their original or improved condition upon completion of Project construction.
  - 3. A TMP that includes TDM strategies to limit vehicular trips for daily activities of Project residents, employees, and guests, and large events held in the Project. Strategies must include incentives to encourage transit use, bicycling, and walking, and include the community benefits required in Condition J.5. The TMP must also include a bicycle and pedestrian circulation plan ("BPCP"), which must show required sidewalk



No. 20-174, CD1

# RESOLUTION

widths, curb specifications, furniture, and pedestrian areas in compliance with the City's Complete Streets Manual.

A post TMP will be required approximately one year after the issuance of a CO for the Project. The post TMP must validate the relative effectiveness of the various TDM strategies identified in the initial TMP.

- 4. An updated TIR, or a separate TIR, to evaluate the impact of the Project on nearby traffic. The Applicant shall coordinate the updated TIR with the DTS and DPP. The updated TIR must:
  - a. Include a pedestrian and multi-modal analysis; and
  - b. Address compliance with the complete streets design concepts and standards.

A post TIR will be required approximately one year after the issuance of the CO. The post TIR must validate the traffic projections, distribution, and assignment contained in the initial TIR. The Applicant shall implement the recommendations of post TIR, in coordination with the DPP.

- P. The Applicant shall provide mitigation measures to control or restrict cut-through traffic between Kona Street and Kapiolani Boulevard (via the driveway on the Diamond Head side of Kona Street, which primarily will be used to access the Project's parking structure).
- Q. The Applicant shall obtain a CO for the affordable rental units prior to the issuance of a CO for the hotel units or condo-hotel units.
- R. The Applicant shall be responsible for coordinating construction of the Project with applicable governmental agencies, and ensuring that the Project complies with all applicable laws and regulations.
- S. Approval of the conceptual plan for the Project does not constitute compliance with LUO or other governmental agency requirements, including building permit approvals. They are subject to separate review and approval. The Applicant shall be responsible for ensuring that the final plans for the Project comply with all applicable LUO and other governmental provisions and requirements.



No. 20-174, CD1

# RESOLUTION

- T. The Applicant shall obtain a building permit for the Project within five years after the date of issuance of a SD permit for the Project. Failure to obtain a building permit within this period will render null and void this resolution and all approvals issued hereunder; provided that this period may be extended as follows:
  - 1. The DPP Director may extend this period if the Applicant demonstrates good cause, but the period must not be extended beyond one year from the initial deadline without the approval of the City Council, which may grant or deny the approval in its complete discretion.
  - 2. If the Applicant requests an extension beyond one year from the initial deadline and the DPP director finds the Applicant has demonstrated good cause for the extension, the Director shall prepare and submit to the Council a report on the proposed extension, which should include the Director's findings and recommendations thereon, and a proposed resolution approving the extension. The Council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by resolution.
  - 3. If the Council fails to take final action on the proposed extension within the first to occur of: (i) 60 days after receipt of the DPP Director's report, or (ii) the Applicant's then-existing deadline for obtaining a building permit; the extension is deemed denied.
- U. The Project must conform to the conceptual plan approved hereby (except for modifications pursuant to Condition I.7 and Condition I.8) and all conditions established herein. Any changes to the conceptual plan will require a new application and approval by the Council. The DPP Director may approve changes to the Project that do not significantly alter the size or nature of the Project, if the changes remain in conformance with the conceptual plan and the conditions herein. Any increase in height or density of the Project, or a change of use of the hotel units or condo-hotel units to multifamily residential dwelling units will be considered a significant alteration and a change to the conceptual plan.

BE IT FURTHER RESOLVED that the Council finds as follows with respect to the conceptual plan for the Project, as conditioned herein:

- A. The Project concept, as a unified plan, is in the general interest of the public;
- B. The requested Project boundaries and requested flexibility with respect to development standards relating to density (floor area), building height limits, lot



HONOLULU, HAWAII

No. 20-174, CD1

# RESOLUTION

coverage, front yards, vehicle and bicycle parking requirements, loading requirements, and height setbacks are generally consistent with the objectives of the transit-oriented development and the provisions enumerated in ROH Section 21-9.100-4;

- C. The requested flexibility with respect to the development standards relating to density (floor area), building height limits, lot coverage, front yards, vehicle and bicycle parking requirements, loading requirements, and height setbacks are commensurate with the public amenities and community benefits proposed; and
- D. The public amenities proposed will produce timely, demonstrable benefits to the community, support transit ridership, and implement the vision established in ROH Section 21-9.100-4; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Dean Uchida, Director of Planning and Permitting, 650 South King Street, 7<sup>th</sup> Floor, Honolulu, Hawaii, 96813; KCR Development, 1296 Kapiolani Boulevard, Suite 2, Honolulu, Hawaii, 96814; and Keith Kurahashi, R. M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawaii, 98619.

INTRODUCED BY:

	Ikaika Anderson (br)
DATE OF INTRODUCTION:	
<u>July 10, 2020</u> Honolulu, Hawaii	Councilmembers

