CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 23-62

RESOLUTION

APPROVING A CONCEPTUAL PLAN FOR AN INTERIM PLANNED DEVELOPMENT-TRANSIT (IPD-T) PROJECT FOR THE 1538 KAPI'OLANI TOWER PROJECT.

WHEREAS, on December 5, 2022, the Department of Planning and Permitting ("DPP") accepted the application (DPP Reference Number 2022/PDP-1) of 1538 Kapi'olani LLC (herein referred to as the "Applicant") for an IPD-T Permit to redevelop 40,166 square feet of land with a mixed-use development project in the Ala Moana Neighborhood Transit Oriented Development (TOD) Plan Area on land zoned BMX-3 Community Business Mixed-Use District (BMX-3 District), located at 1538 Kapi'olani Boulevard, and identified as Tax Map Key(s) 2-3-021: 006 (herein referred to as the "Project"); and

WHEREAS, the Project will include the demolition of the existing commercial structures and the development of a new tower, with a maximum height of 400 feet, which includes 331 for-sale housing units, approximately 8,719 square feet of commercial space, and other ground floor pedestrian improvements; and

WHEREAS, on January 25, 2023 the DPP held a Public Hearing which was attended by the Agent, Applicant and its representatives, City staff, and approximately 19 members of the public; with four of them providing testimony; and

WHEREAS, on **04/12/23**, the DPP, having duly considered all evidence and reports of said public hearing and the review guidelines established in the Revised Ordinances of Honolulu 2021 ("ROH"), Sections 21-2.110-2 and 21-9.100-5, completed its report and transmitted its findings and recommendation of approval to the Council by Departmental Communication **260** (2023); and

WHEREAS, the conceptual plan for the Project is set forth in the exhibits attached hereto as Exhibits A-1 through 4 and B-1 through B-27, and is further described in Departmental Communication **260** (2023), all of which are incorporated herein by this reference; and

WHEREAS, the City Council, having received the findings and recommendation of the DPP on **04/18/23**, and having duly considered the matter, desires to approve the conceptual plan for the Project, subject to the conditions enumerated below; now, therefore,

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

A. After City Council approval of the IPD-T Permit for the Project, the Applicant shall submit to the DPP for review and approval, an application for a Major Special District (SD) Permit, including detailed plans and drawings of the Project.

B. The maximum floor area ratio for the Project is 10.0.

C. The maximum height of the Project is 400 feet. Rooftop structures must conform to Land Use Ordinance (LUO) Section 21-4.60(c).

D. Except for the architectural embellishments located on the façade of the parking podium along Kapi'olani Boulevard, the structure shall not encroach into the 20-foot above the ground floor height setback along Kapi'olani Boulevard. As such, the Applicant must provide updated plans that show compliance with the TOD Plan height setback along Kapi'olani Boulevard.

E. The tower may encroach into height setback requirements as follows:

1. With regard to the LUO BMX-3 District height setback requirements:

a. The tower may encroach 22 feet into the Kapi'olani Boulevard height setback;

b. The tower may encroach 23 feet and the podium may encroach three ft. into the Makaloa Street height setback;

c. The tower may encroach 25 feet and podium may encroach three ft. into the height setback along the eastern property line; and

d. The podium may encroach three feet into the height setback along the western property line.

F. The maximum number of vehicle parking spaces for the Project is no more than 414 spaces as recommended by the TOD Plan.

G. The following community benefits must be provided:

1. In addition to the affordable housing units required under Chapter 29, ROH, at least 36 affordable rental units, or 8.7 percent of all units when taking into account the Affordable Housing Rules, must be dedicated as affordable housing to families earning no more than 80 percent of the area median income for Honolulu, for a period of no less than 30 years. Application of the Affordable Housing Rules, including the room factor and a unit mix similar to the market-rate component is required. Compliance with this condition will be confirmed prior to the issuance of any certificate of occupancy (CO) with the

approval of an Affordable Housing Agreement, which shall be recorded with the Bureau of Conveyances.

2. Bikeshare stations capable of holding at least 40 bicycles must be conveniently located on the sites and publicly accessible. These bikeshare stations may be distributed among the main Project site and the two off-site affordable locations. Prior to issuance of a CO, evidence of an agreement with a City-approved bikeshare program shall be submitted to the DPP.

3. A minimum of 10 car-share parking spaces and vehicles must be provided on the sites. The car-share spaces must be publicly accessible at all times and not limited to use by residents of the Project. The car-share spaces and vehicles may be distributed among the main Project site and the two, off-site affordable housing locations. Adequate wayfinding signage must be provided to direct the public to the car-share spaces.

H. The application for the Major SD Permit must include updated plans and documents showing the following:

1. Parking structure design and layout that complies with the parking maximum recommended by the TOD Plan.

2. Bike parking and bikeshare station details.

3. Updated floor plans with preliminary affordable housing rules and community benefit (bonus) housing unit calculations showing compliance with the above conditions related to affordable housing.

4. Details of right-of-way improvements, including details of the materials, finish, and color of the sidewalk areas.

I. Prior to applying for a grading permit or building permit, whichever comes first, the Applicant must submit an Archaeological Inventory Survey report that has been approved by the State Historic Preservation Division (SHPD), and commit to the approved mitigation and protocols for all cultural resources, including iwi, identified on site; or otherwise, provide a letter from SHPD confirming one is not necessary.

J. Prior to applying for a foundation permit, the Applicant must submit an updated wind study 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.

K. Prior to approval of a building permit, the Applicant must submit for approval:

1. A timeline with anticipated dates for obtaining major building permits for demolition and construction work, including the anticipated date of occupancy. This will also identify when a Construction Management Plan (CMP), Traffic Management Plan (TMP), and updates to or validation of the findings of the Traffic Impact Report (TIR) will be submitted.

2. The CMP should:

   a. Identify the type, frequency, and routing of heavy trucks and construction related vehicles, and provide remedial measures, as necessary;

   b. Identify and limit vehicular activity related to construction outside the peak periods of traffic, utilizing alternate routes for heavy trucks, provisions for on-site or off-site staging areas for construction workers and vehicles;

   c. Include preliminary or conceptual traffic control plans; and

   d. Include the condition of roadways prior to the start of construction activities so that the existing roadway can be restored to their original or improved condition upon completion.

3. The TMP should include Traffic Demand Management (TDM) strategies to limit vehicular trips for daily activities and large events. Measures should include a substantial reduction in the availability of parking spaces, incentives for transit, bicycle, and walking to minimize the amount of vehicular trips for daily activities by residents and employees, and a Bicycle and Pedestrian Circulation Plan (PCP). The PCP should determine the necessary sidewalk widths and curb, furniture, and pedestrian areas pursuant to the Complete Streets Manual. A post TMP will be required approximately one year after the issuance of the CO to validate the relative effectiveness of the various TDM strategies identified in the initial report.

4. The TIR should be updated, or a separate analysis done, to evaluate the impact of the Project with 1564 Kalākaua Avenue. The updated study should be coordinated with the Department of Transportation Services (DTS) and DPP to provide a pedestrian and multi-modal analysis and to discuss compliance with "Complete Streets" design concepts. A post TIR will be required approximately one year after the issuance of the CO to validate the

traffic projections, distribution, and assignment contained in the initial TIR. The recommendations of the report should be implemented, in coordination with the DPP. The Applicant must coordinate with the DPP and DTS to ensure that the design of these intersections meets Complete Streets standards and serves all users.

L. The Applicant is responsible for the coordination with applicable public agencies and compliance with applicable regulations for the construction of the proposed Project.

M. Approval of this IPD-T Permit does not constitute compliance with other LUO or governmental agencies' requirements, including building permit approval. They are subject to separate review and approval. The Applicant should be responsible for ensuring that the final plans for the Project approved under this permit comply with all applicable LUO and other governmental provisions and requirements.

N. The Applicant must obtain a Building Permit for the Project within five years of the date of the Major SD Permit. Failure to obtain a Building Permit within this period should render this approval null and void, provided that this period may be extended as follows:

1. The Director of the DPP may extend this period if the Applicant demonstrates good cause, but the period should 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 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. The Council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by adoption of a committee report or resolution.

3. If the Council fails to take final action on the proposed extension within the first to occur of:

    a. 60 days after receipt of the Director's report; or

    b. The Applicant's then-existing deadline for obtaining a building permit.

    the extension should be deemed denied.

O. Construction should be in general conformity with the approved plans on file with the DPP. Any change in the size or nature of the Project which significantly alters the proposed development should require a new application. Any change which does not significantly alter the proposed Project should be considered a minor modification and, therefore, permitted under this resolution, upon review and approval of the Director of the DPP.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 23-62

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Dawn Takeuchi Apuna, Director, Department of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i, 96813; Isaiah Sato, R.M. Towill Corporation, 2021 North King Street, Suite 200, Honolulu, Hawai'i, 96819; Timothy Lee, 153 Kapi'olani LLC, 1440 Kapi'olani Boulevard, Suite 1509, Honolulu, Hawai'i 96814

INTRODUCED BY:

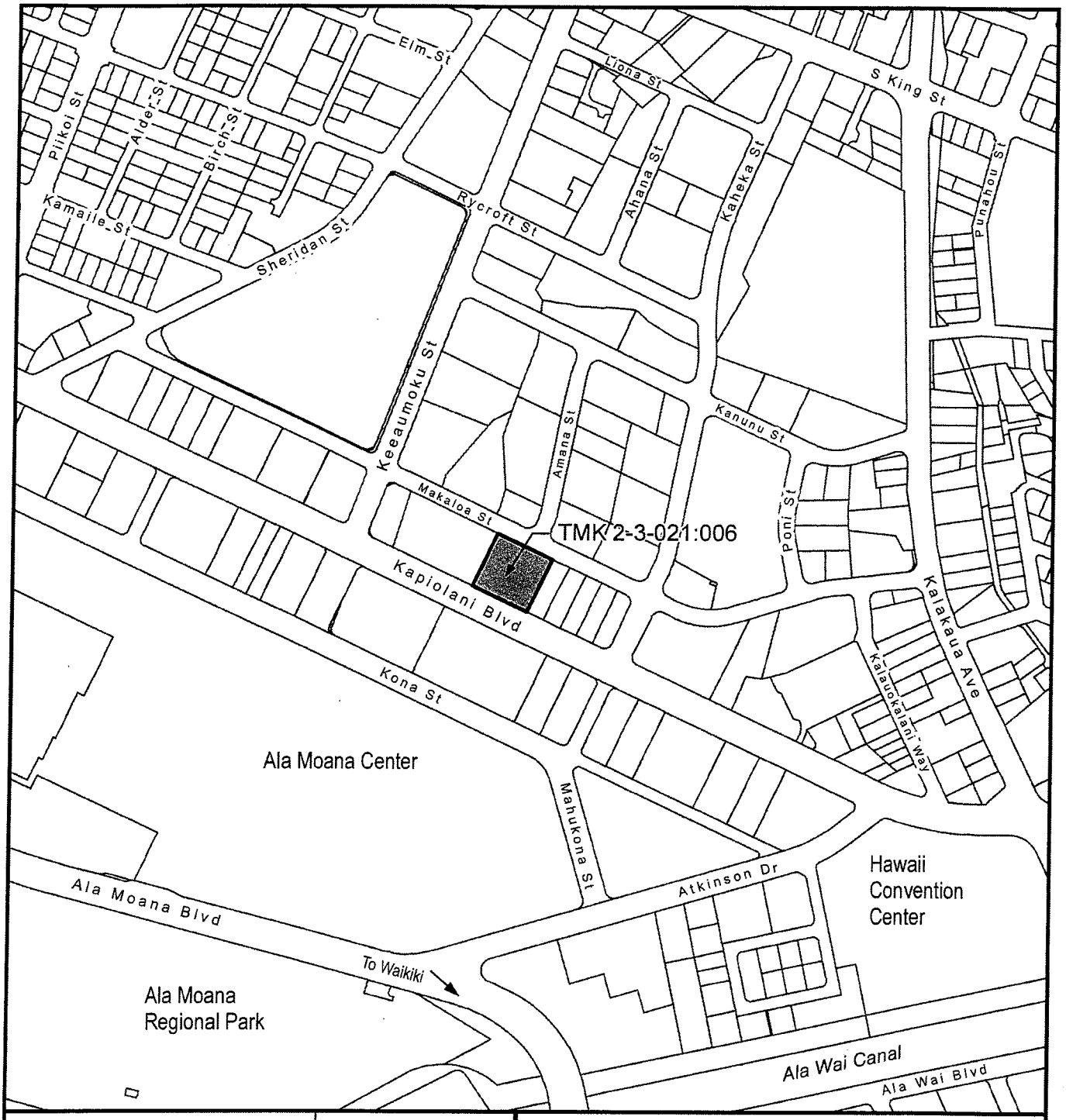
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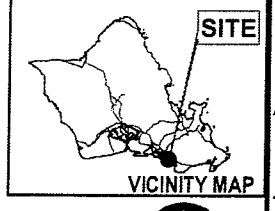
DATE OF INTRODUCTION:

APR 20 2023

Honolulu, Hawaii

Councilmembers





0 500 1,000
Scale in feet

LOCATION MAP

Ala Moana

TAX MAP KEY(S): 2-3-021:006

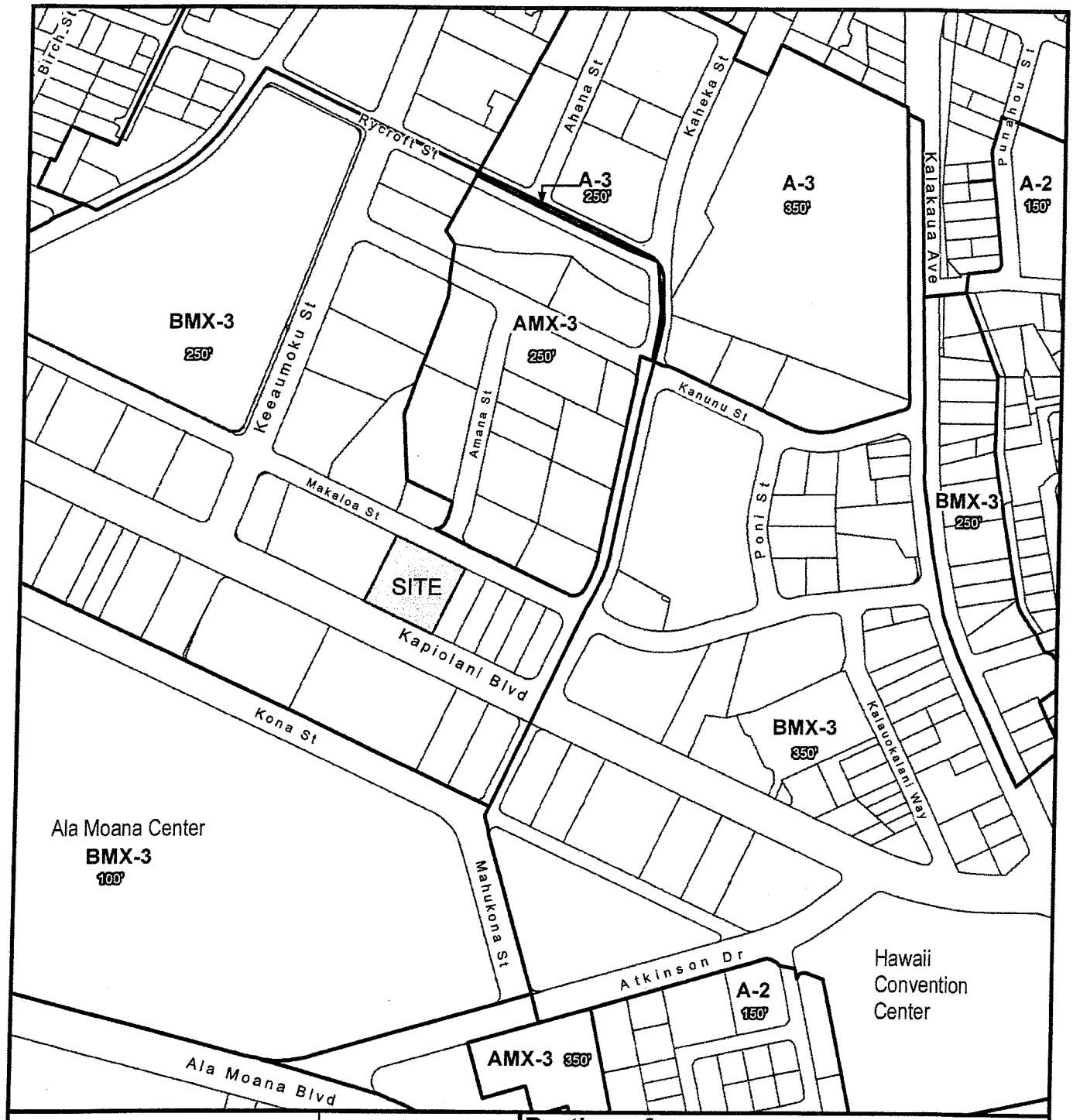
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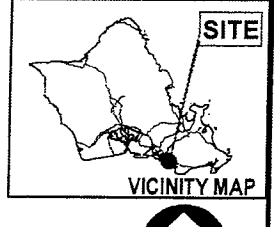
Prepared by: Honolulu Land Information System (HoLIS)
Department of Planning & Permitting
City and County of Honolulu

Date Prepared: December 2022

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EXHIBIT A-1





0 400 800
Scale in feet

Portion of ZONING MAP

TAX MAP KEY(S): 2-3-021:006

FOLDER NO.: 2022/PDP-1

Prepared by: Honolulu Land Information System (HoLIS)
Department of Planning & Permitting
City and County of Honolulu

Date Prepared: December 2022

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EXHIBIT A-2



Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGDC, (c) OpenStreetMap



Legend

- 1538 Kapiolani Tower
- 765 Amana Street
- 1564 Kalakaua Avenue

0 500 1,000 Feet

N

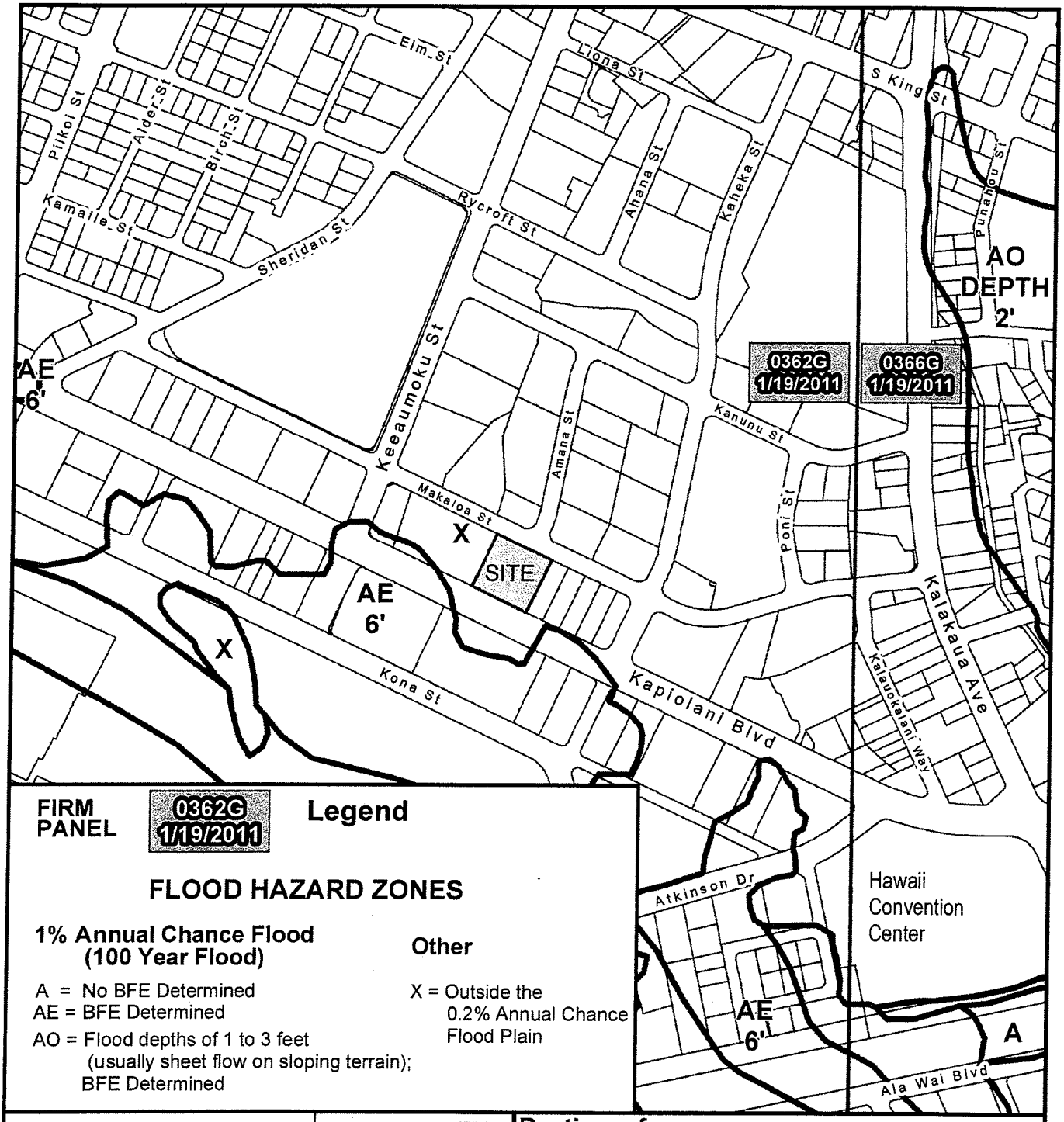
Location Proximity

1538 Kapiolani Tower, 765 Amana Street & 1564 Kalakaua Avenue
Honolulu, Oahu, Hawai'i

Applicant:
1538 Kapiolani LLC
C/O JL Ala Moana LLC

Agent:
R. M. TOWILL CORPORATION

EXHIBIT A-3



FIRM PANEL 0362G 1/19/2011

Legend

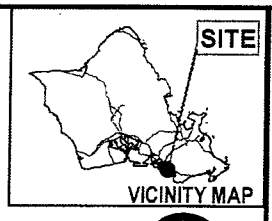
FLOOD HAZARD ZONES

1% Annual Chance Flood (100 Year Flood)

A = No BFE Determined
AE = BFE Determined
AO = Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); BFE Determined

Other

X = Outside the 0.2% Annual Chance Flood Plain



0 500 1,000
Scale in feet

Portion of
FLOOD MAP
FIRM Panels 0326G & 0366G
Dated 1/19/2011

TAX MAP KEY(S): 2-3-021:006

FOLDER NO.: 2022/PDP-1

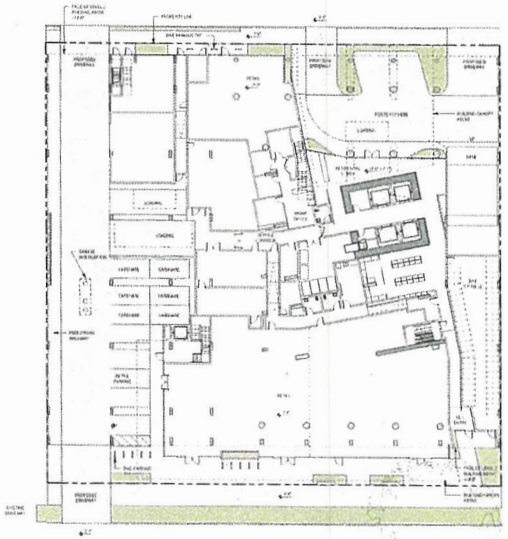
Prepared by: Honolulu Land Information System (HoLIS)
Department of Planning & Permitting
City and County of Honolulu

Date Prepared: December 2022

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EXHIBIT A-4

EXHIBIT B-1



SITE PLAN

1538 Kapiolani

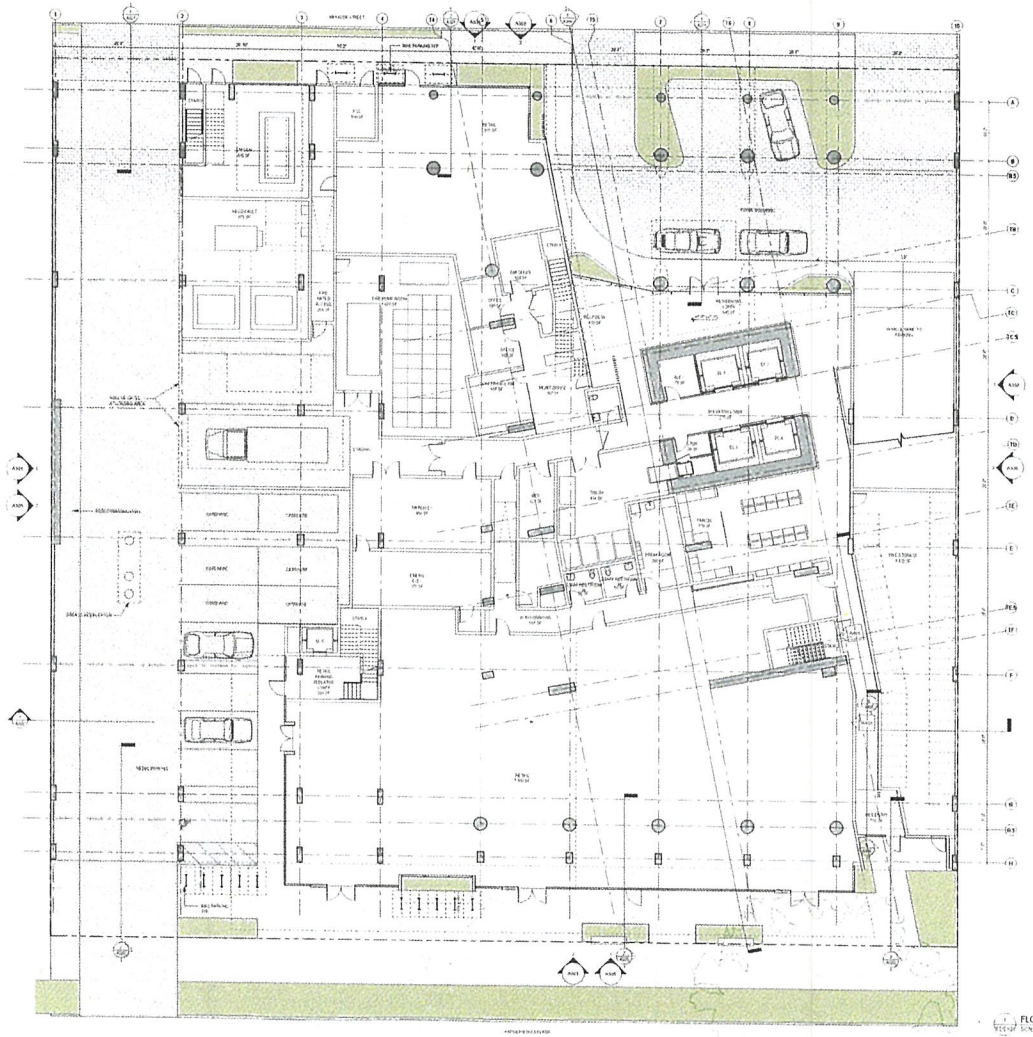
NOT FOR CONSTRUCTION

DESIGN DEVELOPMENT

SITE PLAN

IPDT100

EXHIBIT B-2



FLOOR PLAN - LEVEL 01

1538 Kapiolani

NOT FOR CONSTRUCTION

DESIGN DEVELOPMENT

FLOOR PLAN - LEVEL 01

IPDT101

Ground Floor Plan

EXHIBIT B-3

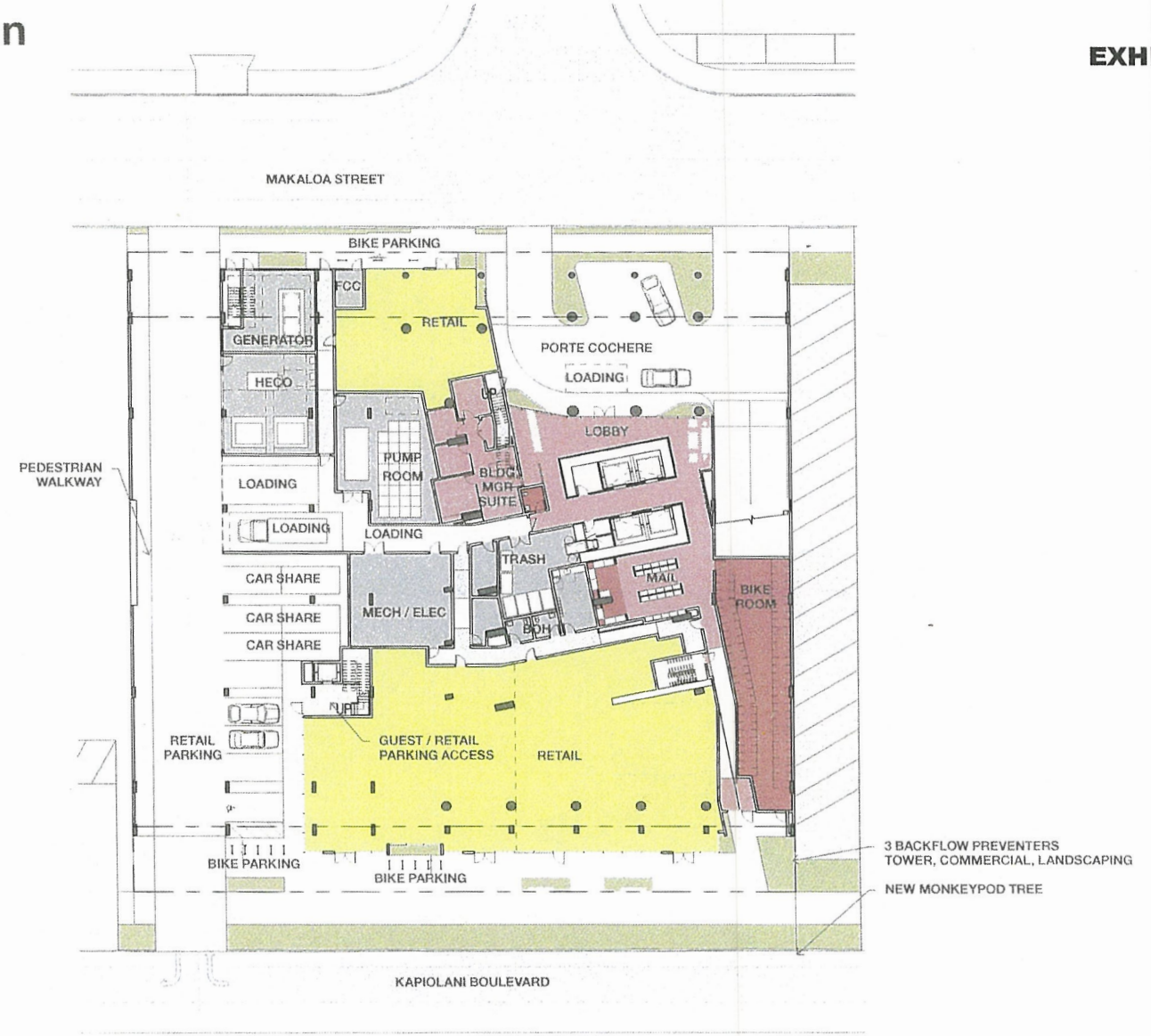
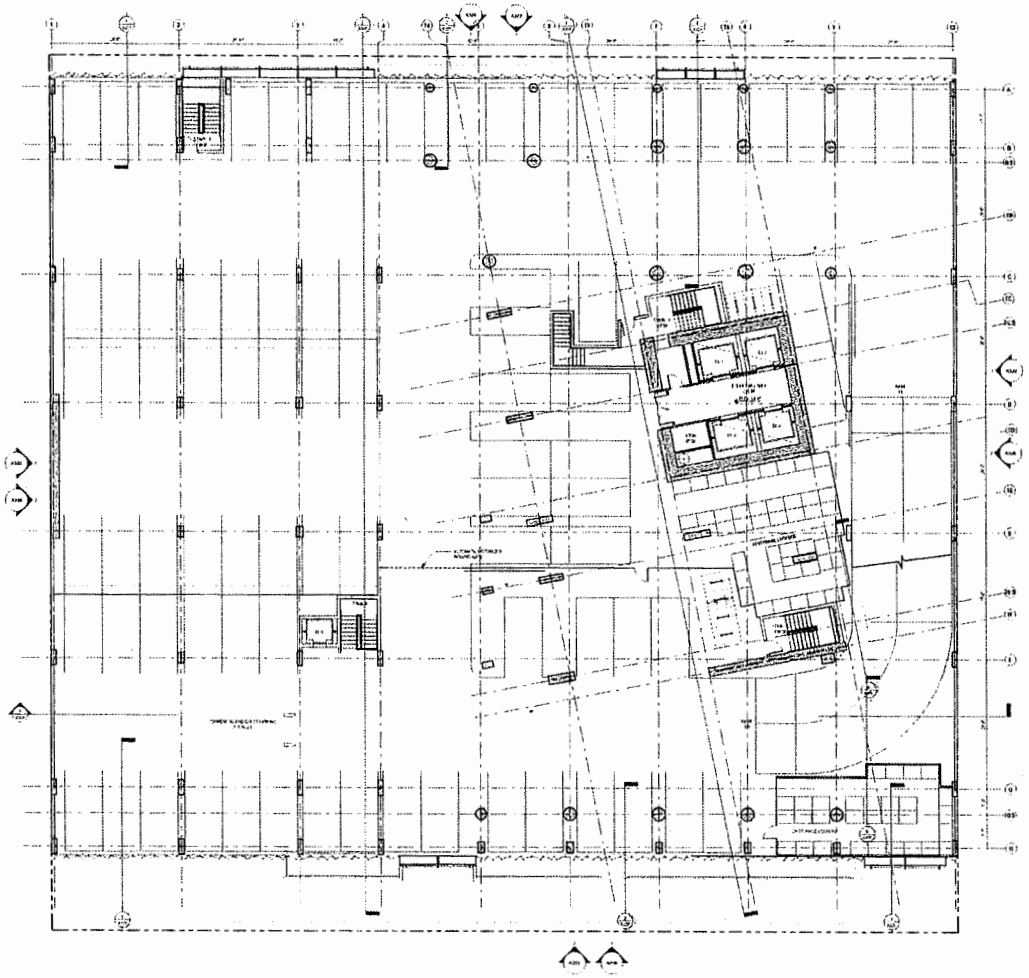


EXHIBIT B-4



FLOOR PLAN - LEVEL 02

1538 Kapiolani

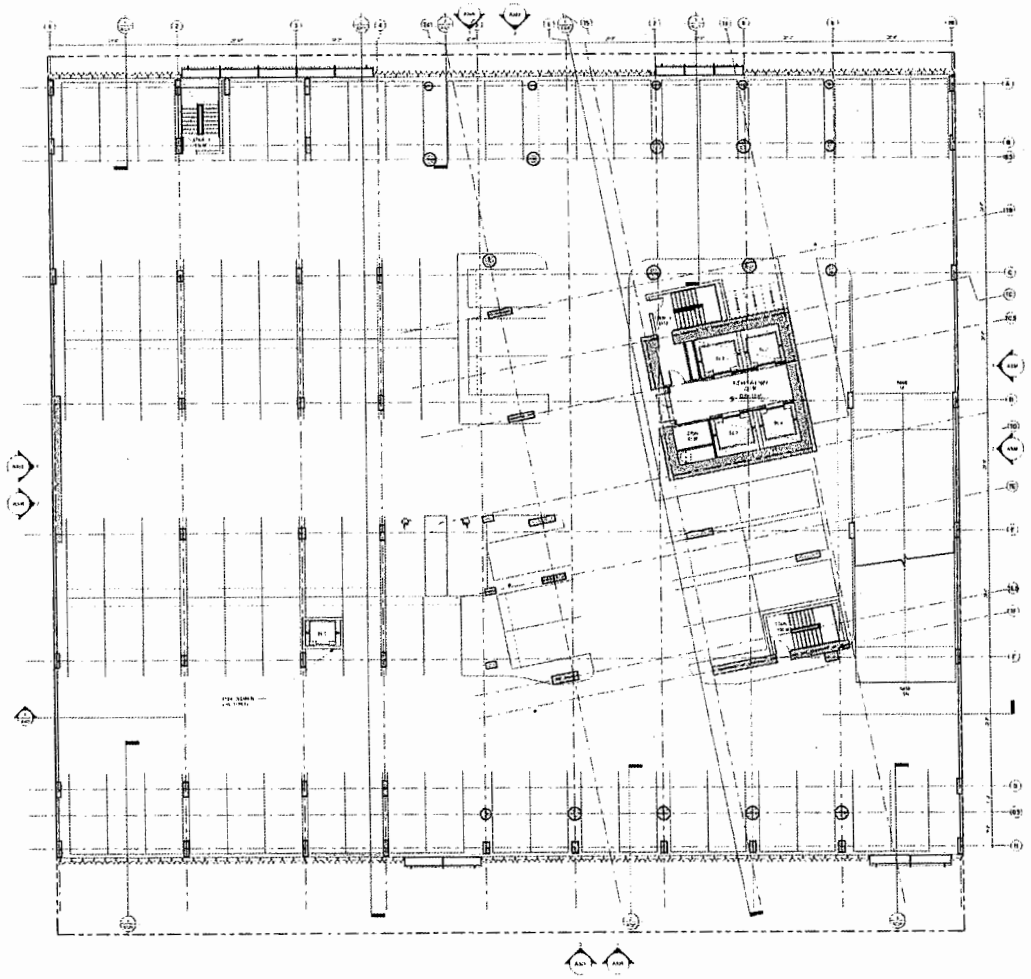
NOT FOR CONSTRUCTION

DESIGN DEVELOPMENT

FLOOR PLAN - LEVEL 02

IPDT102

EXHIBIT B-5



FLOOR PLAN - LEVEL 03 (LEVELS 4 & 5 SIMILAR)

1538 Kapiolani

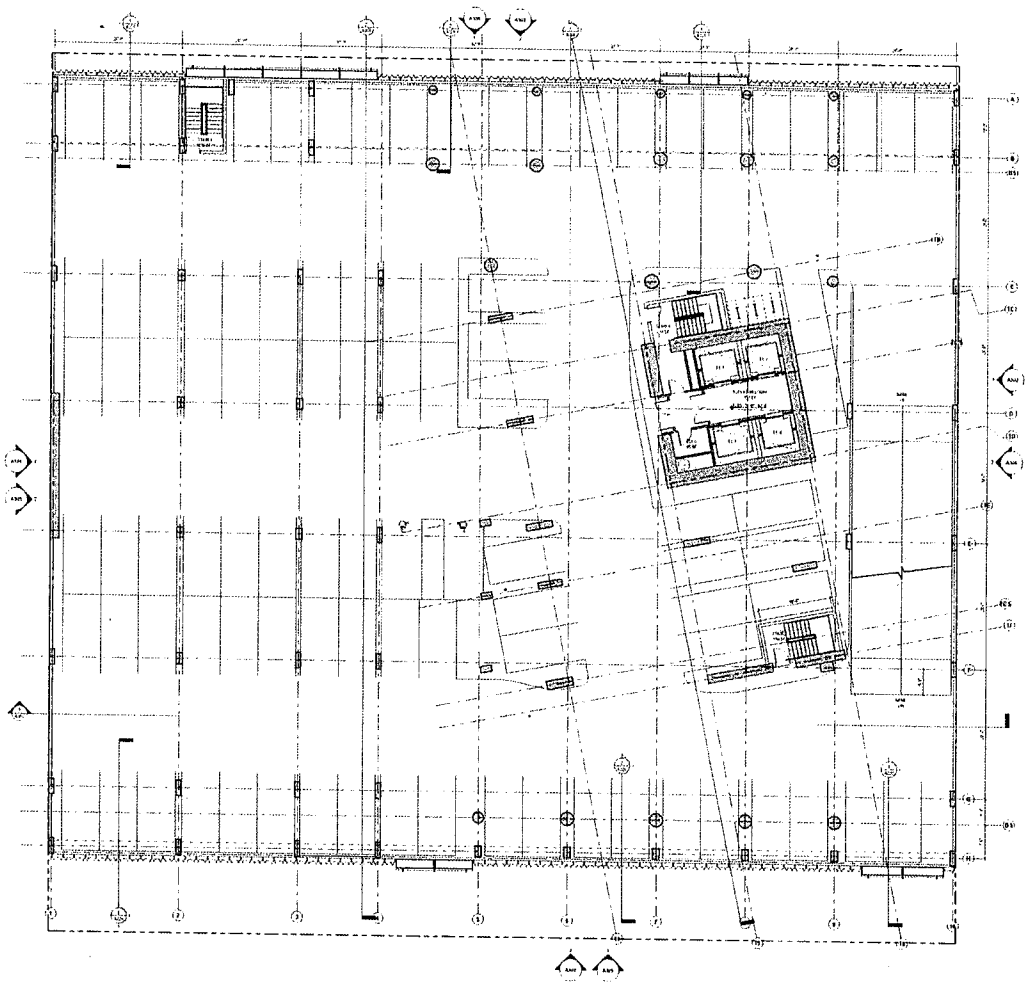
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DESIGN DEVELOPMENT

FLOOR PLAN - LEVEL 03

IPDT103

EXHIBIT B-6



LEVEL 4 (LEVEL 5 SIM)

1538 Kapiolani

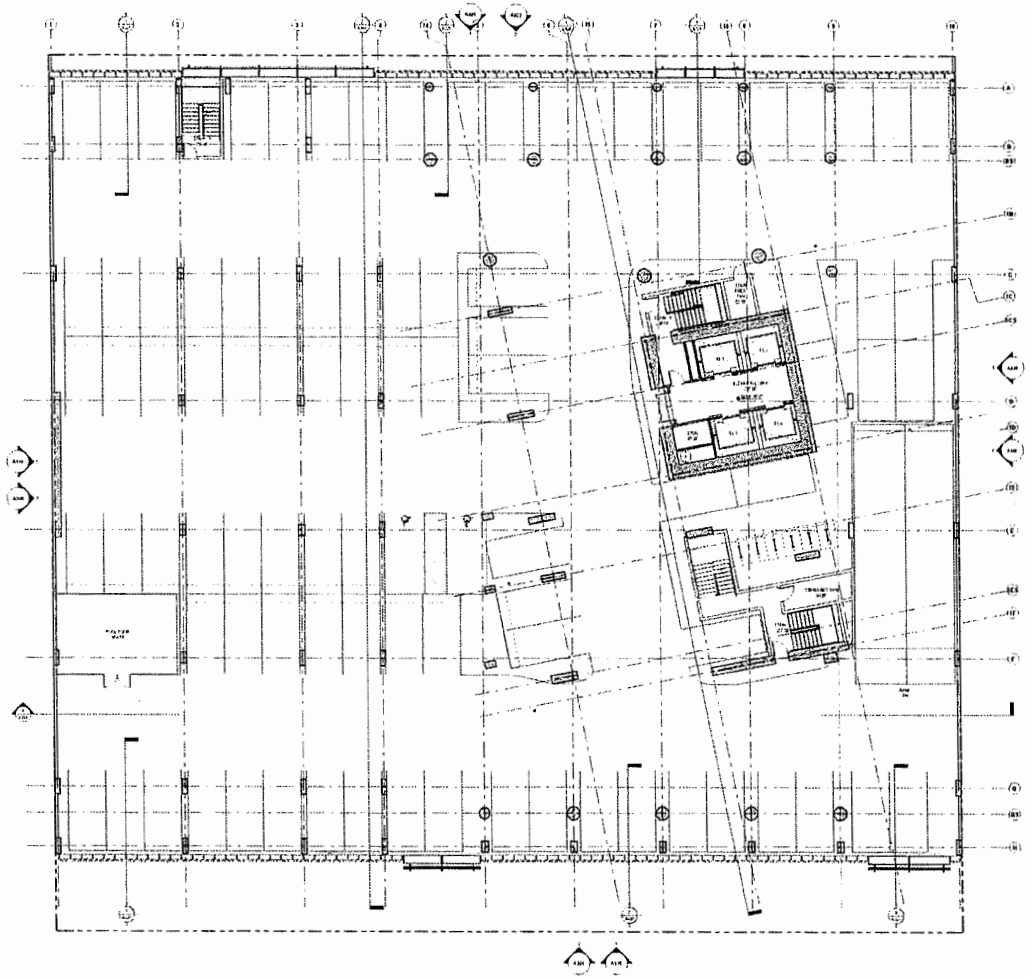
NOT FOR CONSTRUCTION

DESIGN DEVELOPMENT

FLOOR PLAN - LEVELS 04-05

IPDT104

EXHIBIT
B-7



FLOOR PLAN - LEVEL 06

1538 Kapiolani

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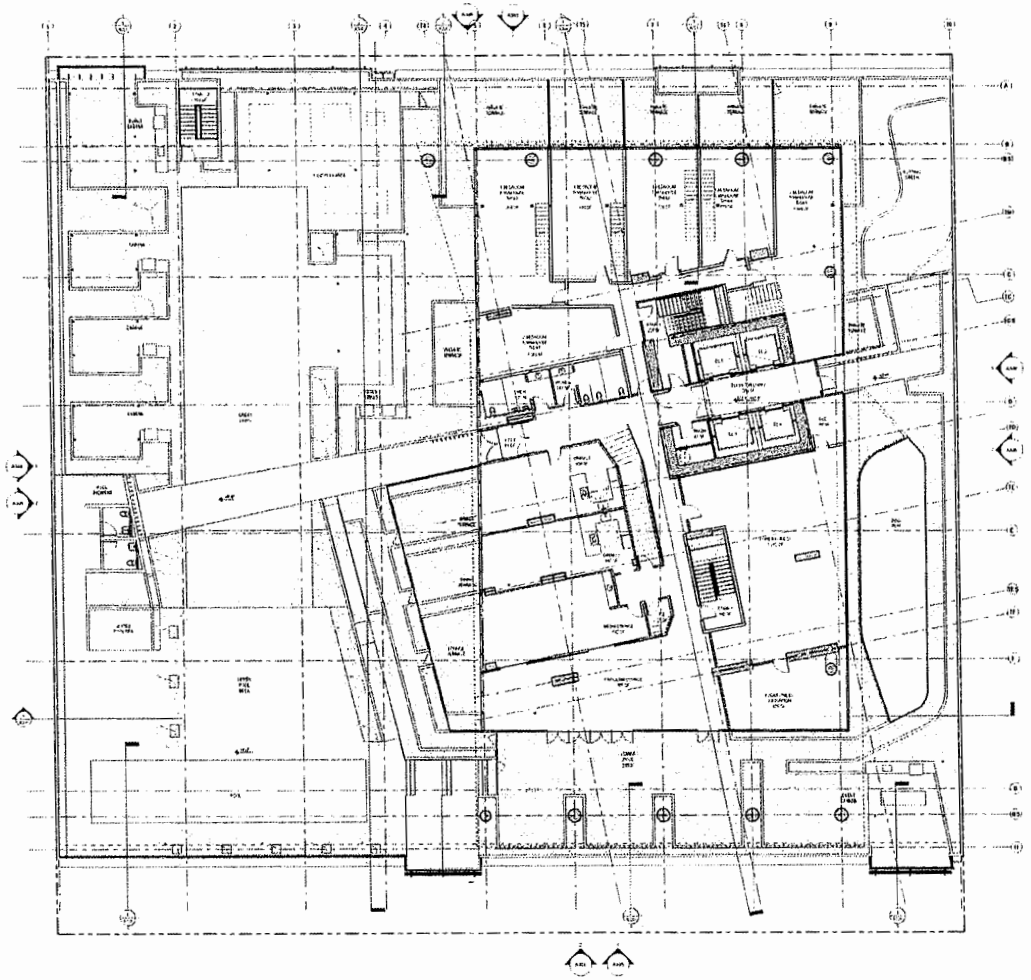
DESIGN DEVELOPMENT

FLOOR PLAN - LEVEL 06

IPDT106

EXHIBIT B-8

1538 Kapiolani



LEVEL 7_Print - IPDT

NOT FOR CONSTRUCTION

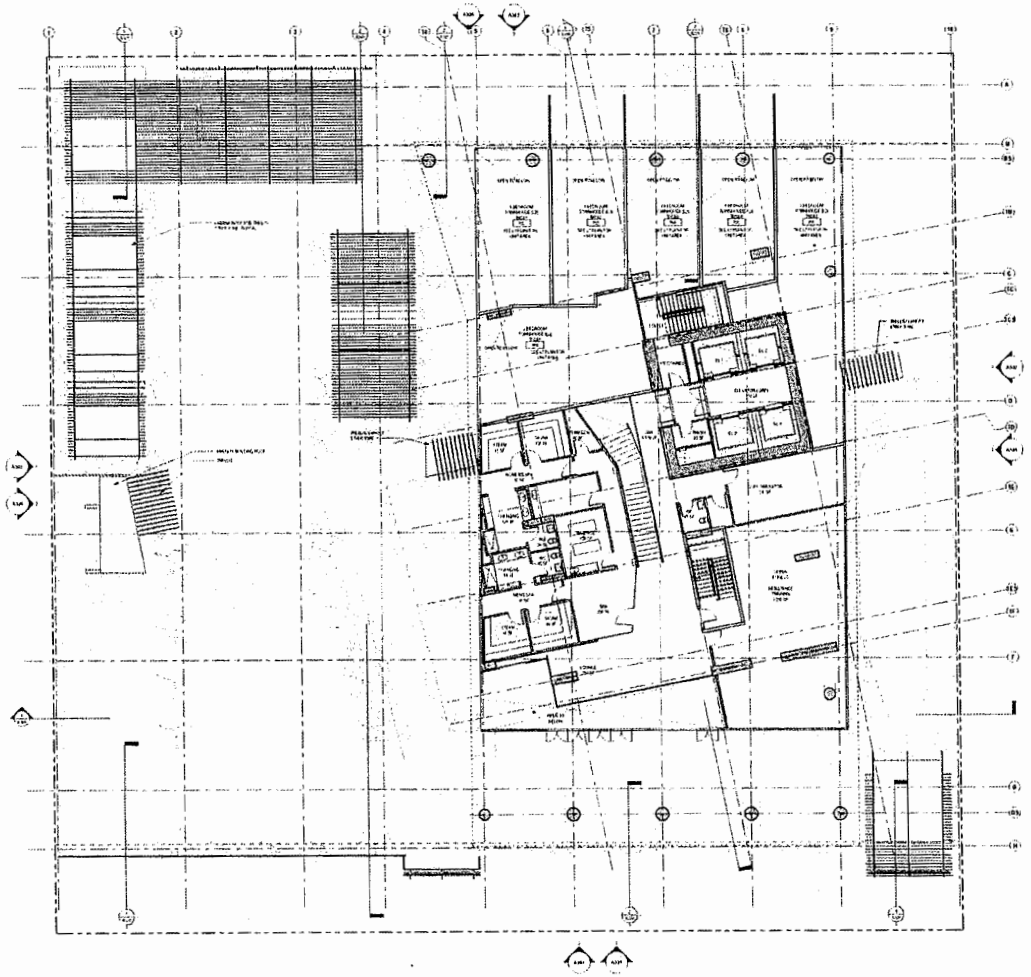
DESIGN DEVELOPMENT

FLOOR PLAN - LEVEL 07 AMENITY

IPDT107

EXHIBIT B-9

1538 Kapiolani



FLOOR PLAN - LEVEL 08 AMENITY

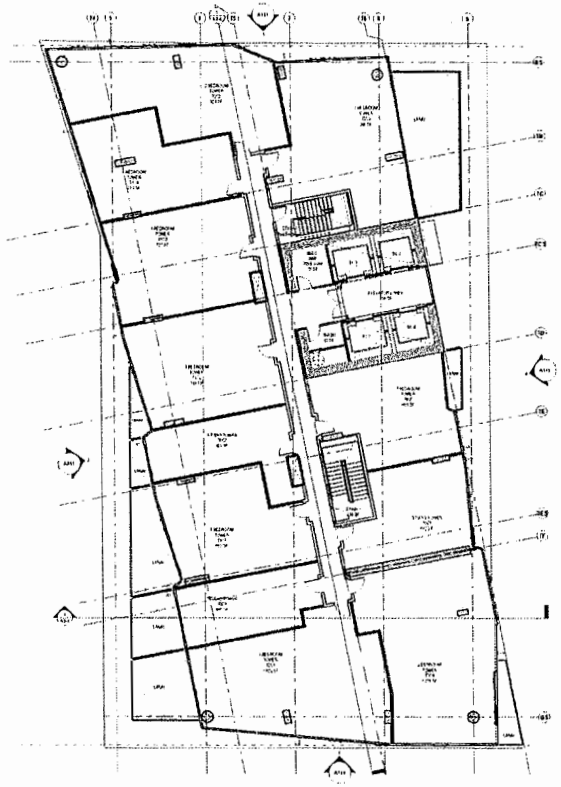
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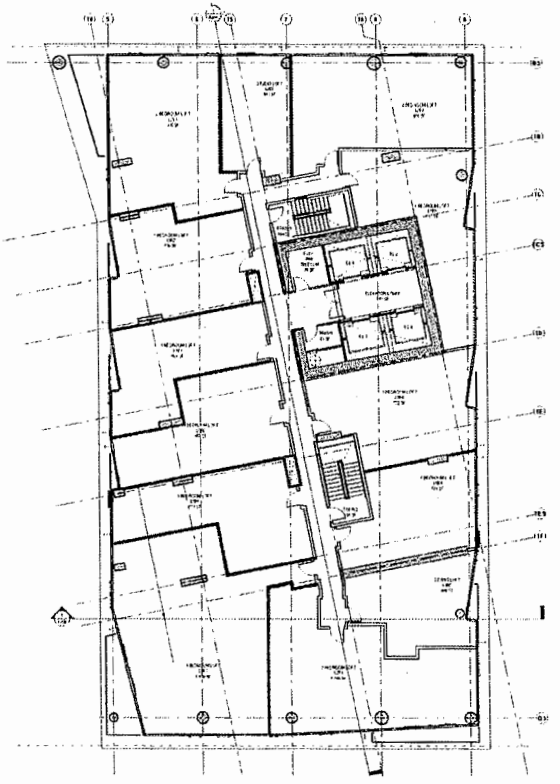
FLOOR PLAN - LEVEL 08 AMENITY

IPDT108

EXHIBIT B-10



FLOOR PLAN - LEVEL 15



FLOOR PLAN - LEVEL 09 (LEVELS 10 - 14 SIM)

1538 Kapiolani

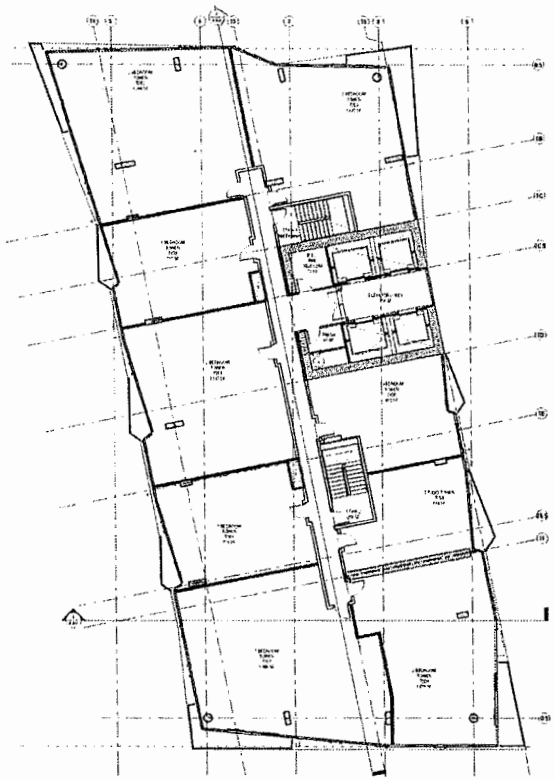
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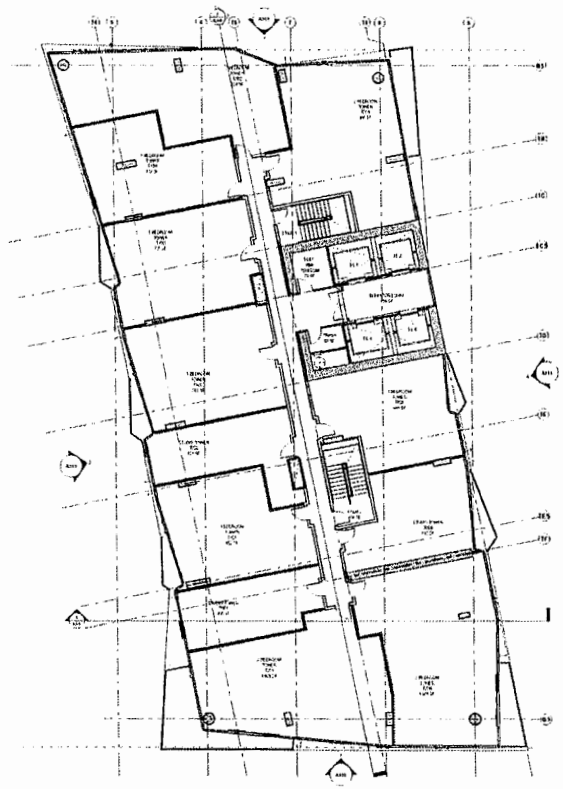
FLOOR PLAN - LEVELS 09-15

IPDT109

EXHIBIT B-11



FLOOR PLAN - LEVELS 25-33



FLOOR PLAN - LEVELS 16-24

1538 Kapiolani

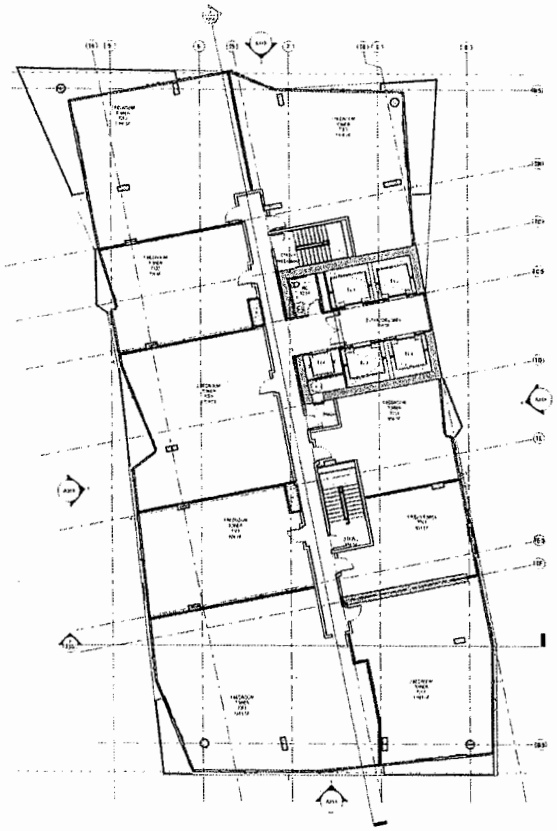
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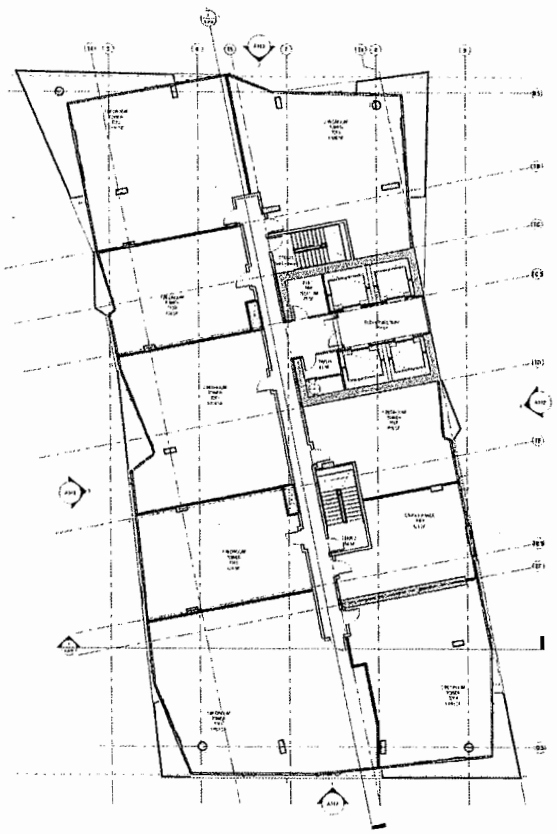
FLOOR PLAN - LEVELS 16-33

IPDT116

EXHIBIT B-12



FLOOR PLAN - LEVEL 37



FLOOR PLAN - LEVELS 34-36

1538 Kapiolani

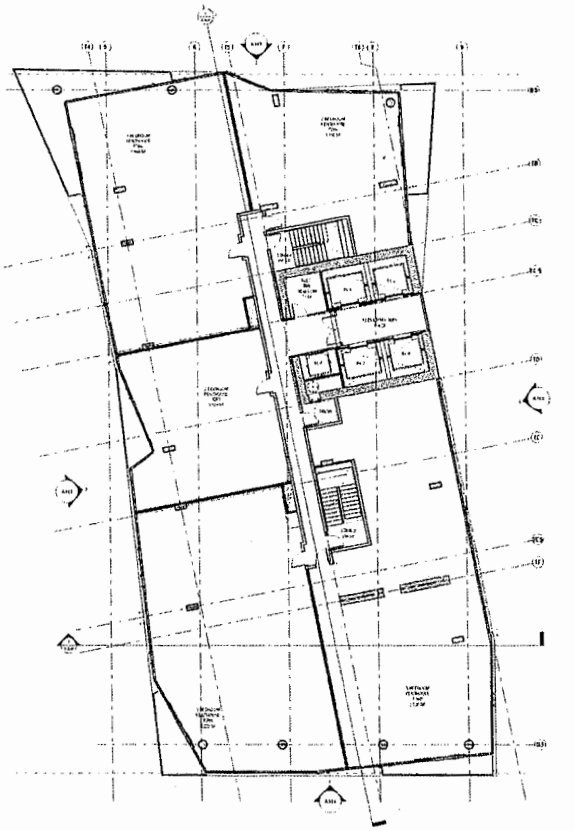
NOT FOR CONSTRUCTION

DESIGN DEVELOPMENT

FLOOR PLAN - LEVELS 34-37

IPDT134

EXHIBIT B-13



FLOOR PLAN - LEVEL 38 (LEVEL 39 SIM)

1538 Kapiolani

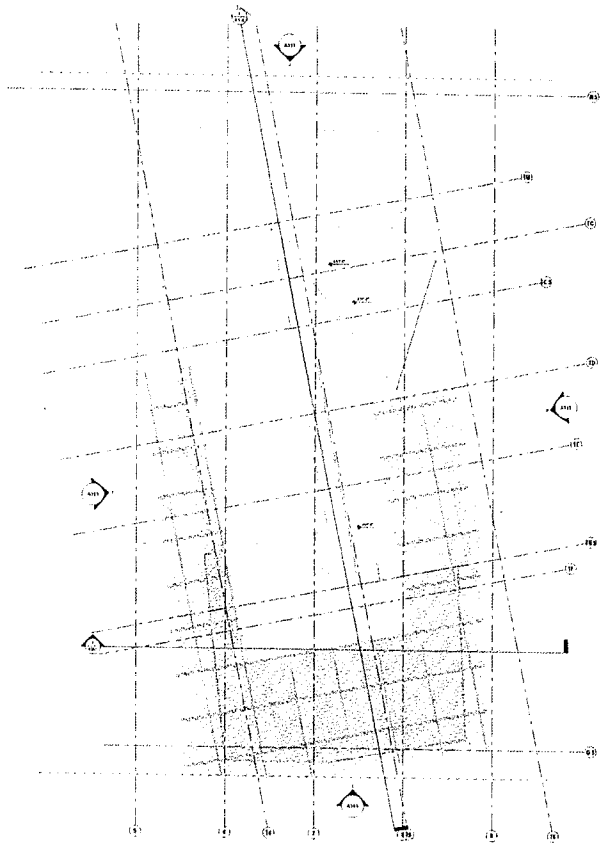
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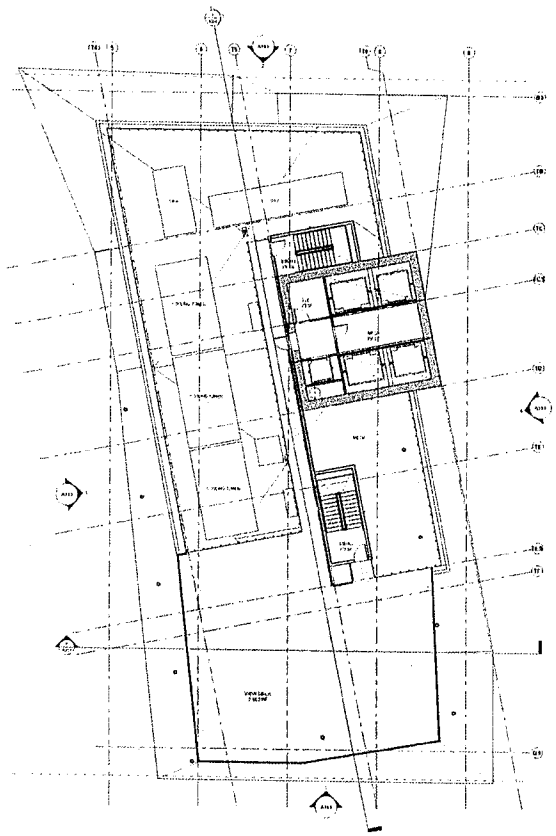
FLOOR PLAN - LEVELS 38-39

IPDT138

EXHIBIT B-14



LEVEL 41 MECH ROOF - IPDT



LEVEL 40 ROOF

1538 Kapiolani

NOT FOR CONSTRUCTION

DESIGN DEVELOPMENT

MECH PENTHOUSE AND ROOF PLANS

IPDT140

Setback Elevations | LUO Requirement

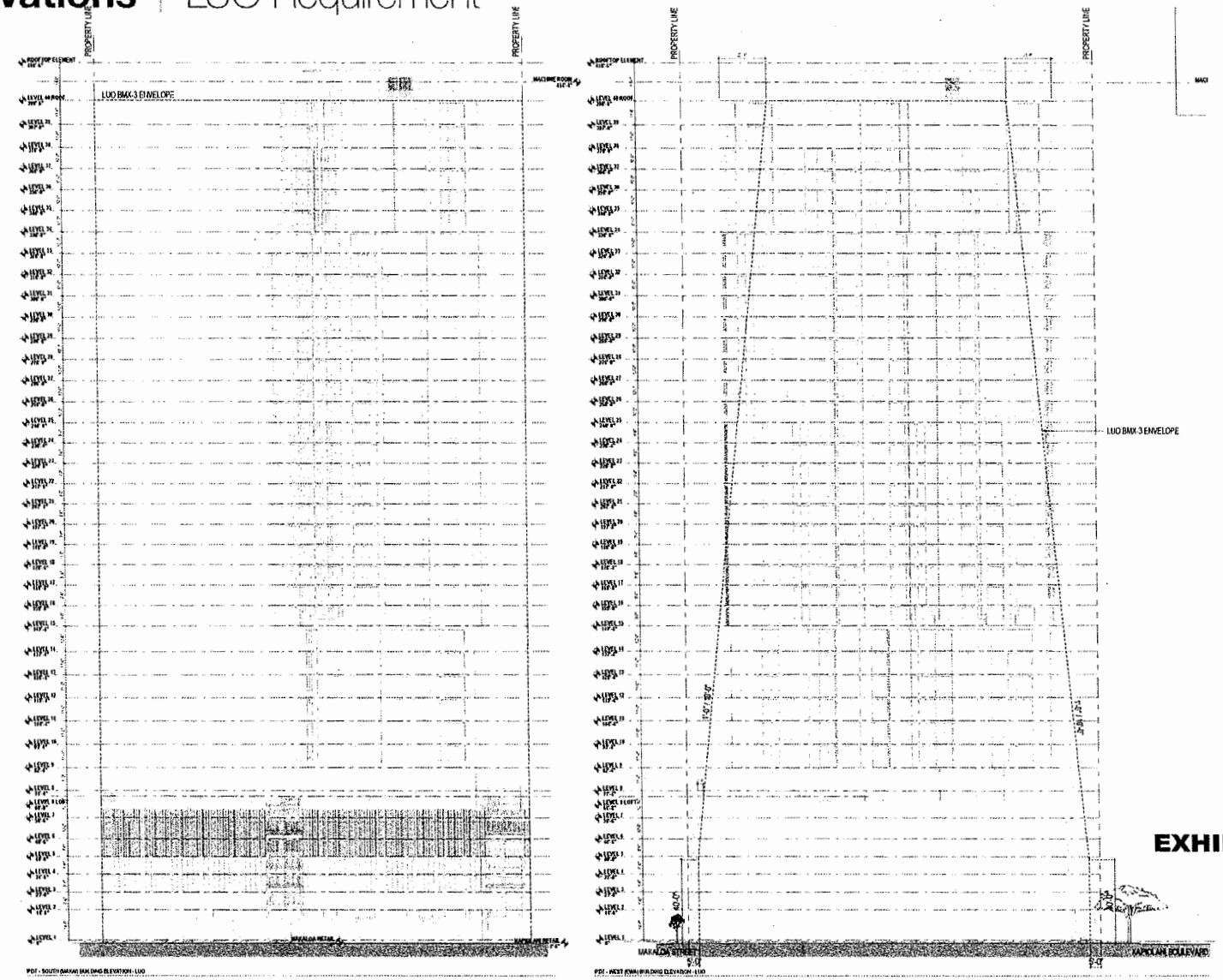
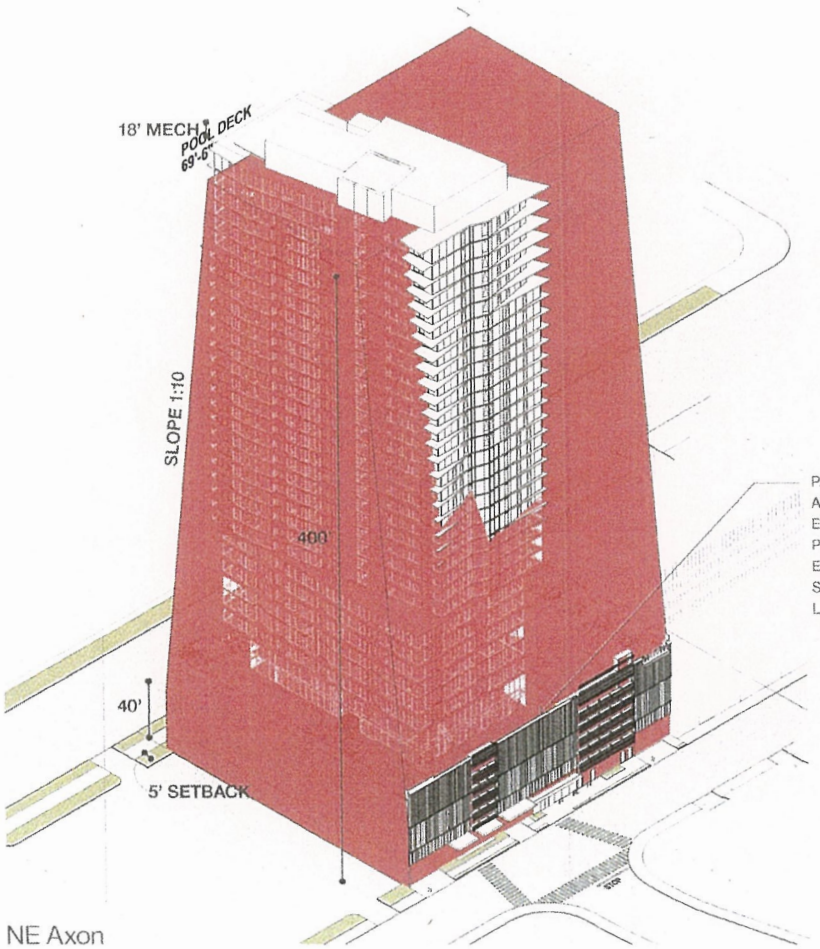


EXHIBIT B-15

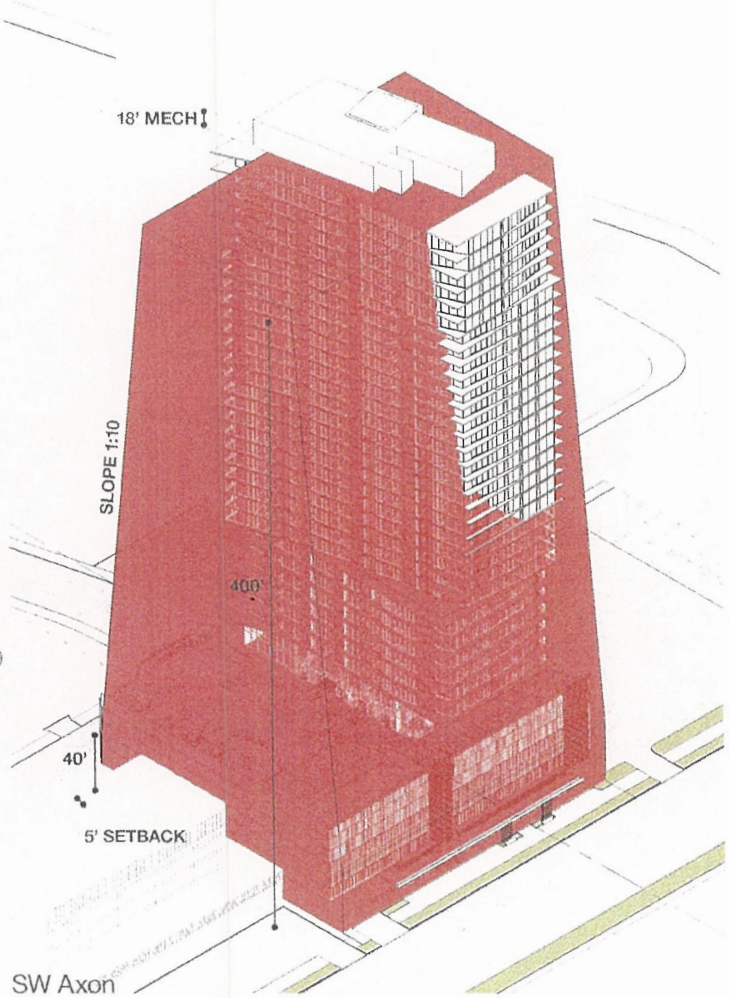
Setback Diagram | LUO Requirement

EXHIBIT B-16



NE Axon

PARKING SCREEN, ARCHITECTURAL EMBELLISHMENT, PERMITTED TO ENCROACH INTO SETBACK AS PER LUO SEC 21-4.30 (b)



SW Axon

Setback Elevations | TOD Requirement

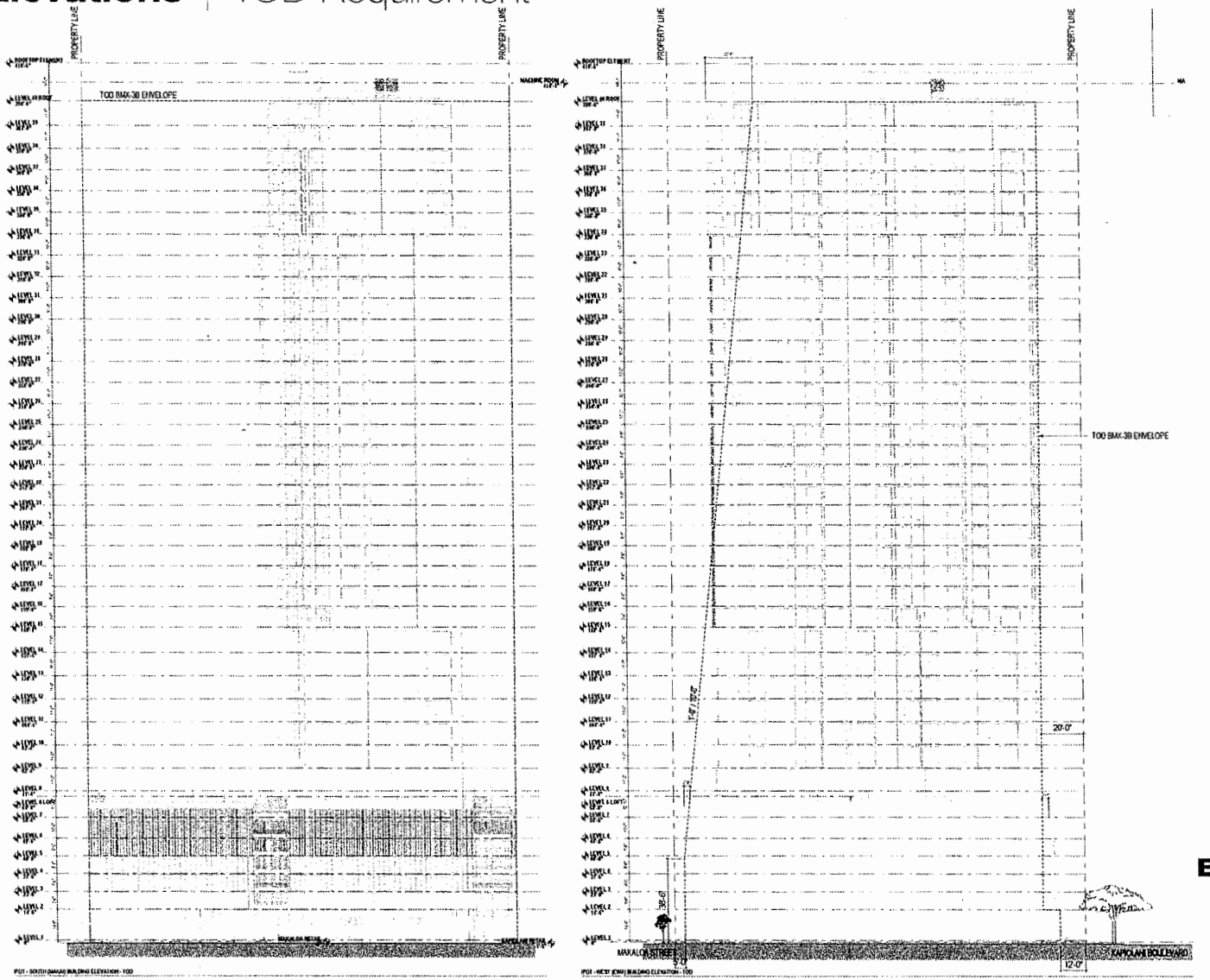
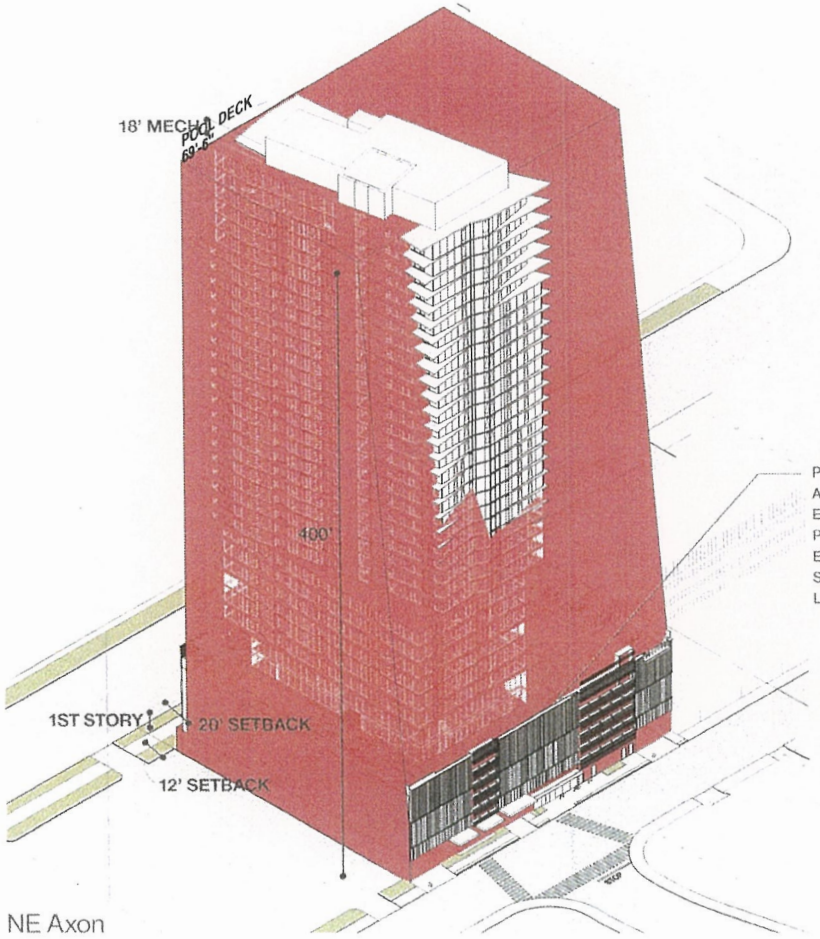


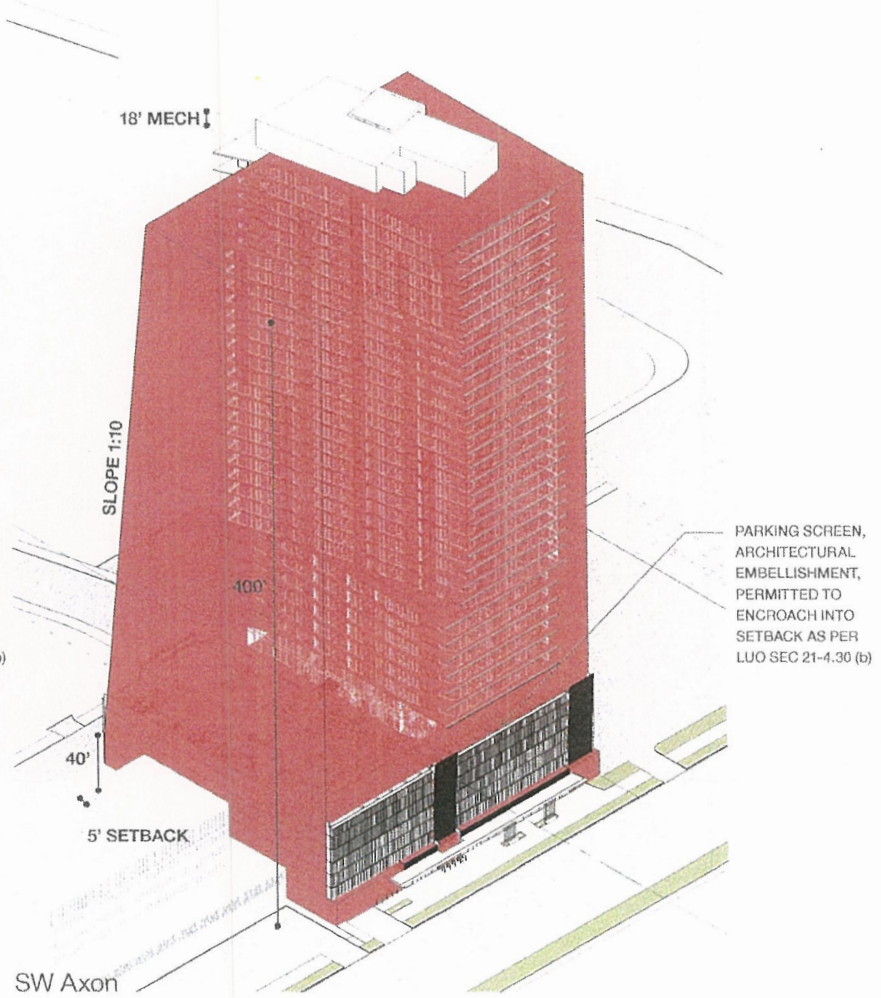
EXHIBIT B-17

Setback Diagram | TOD Requirement

EXHIBIT B-18



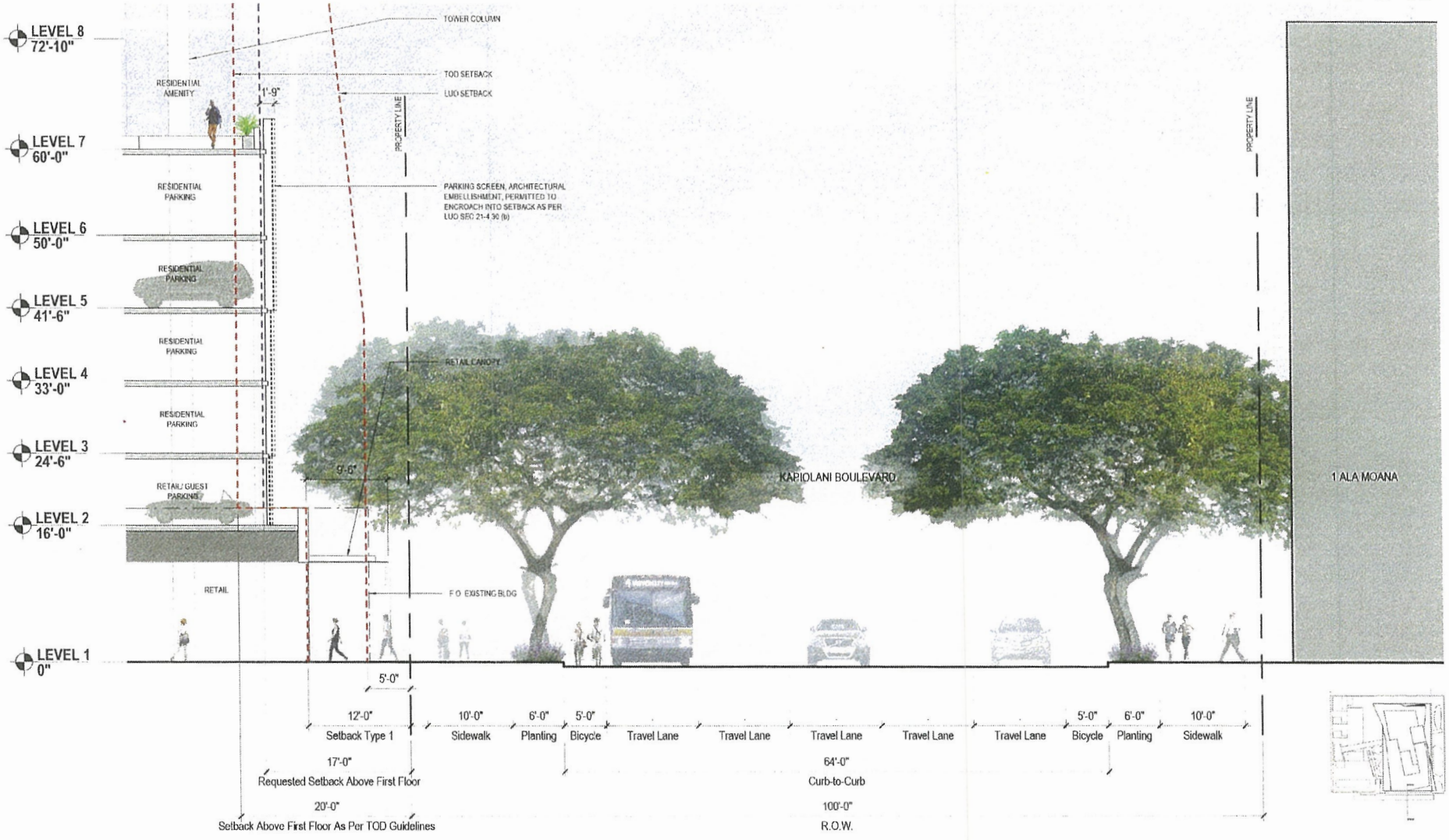
NE Axon



SW Axon

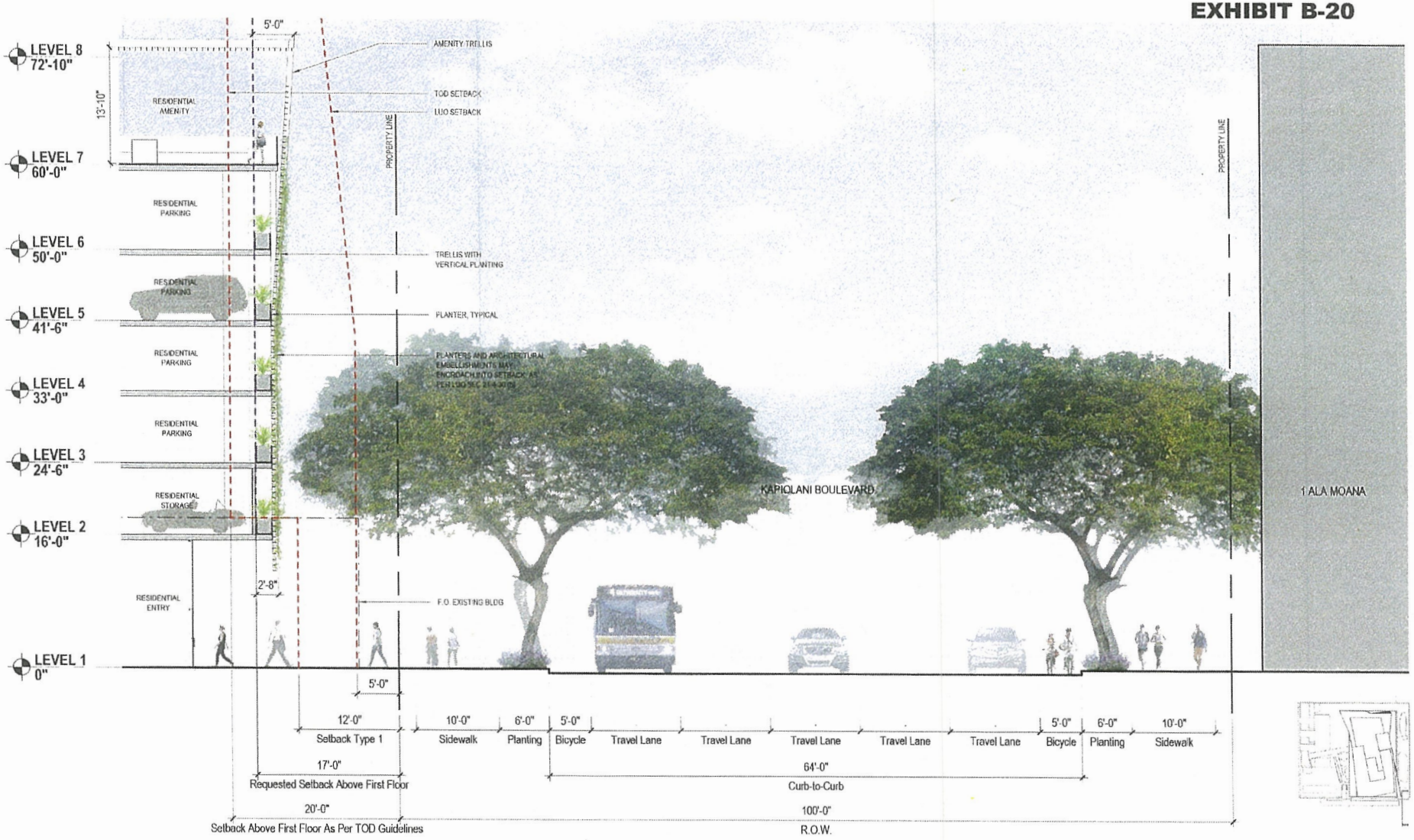
Streetscape Section | Kapiolani Boulevard

EXHIBIT B-19



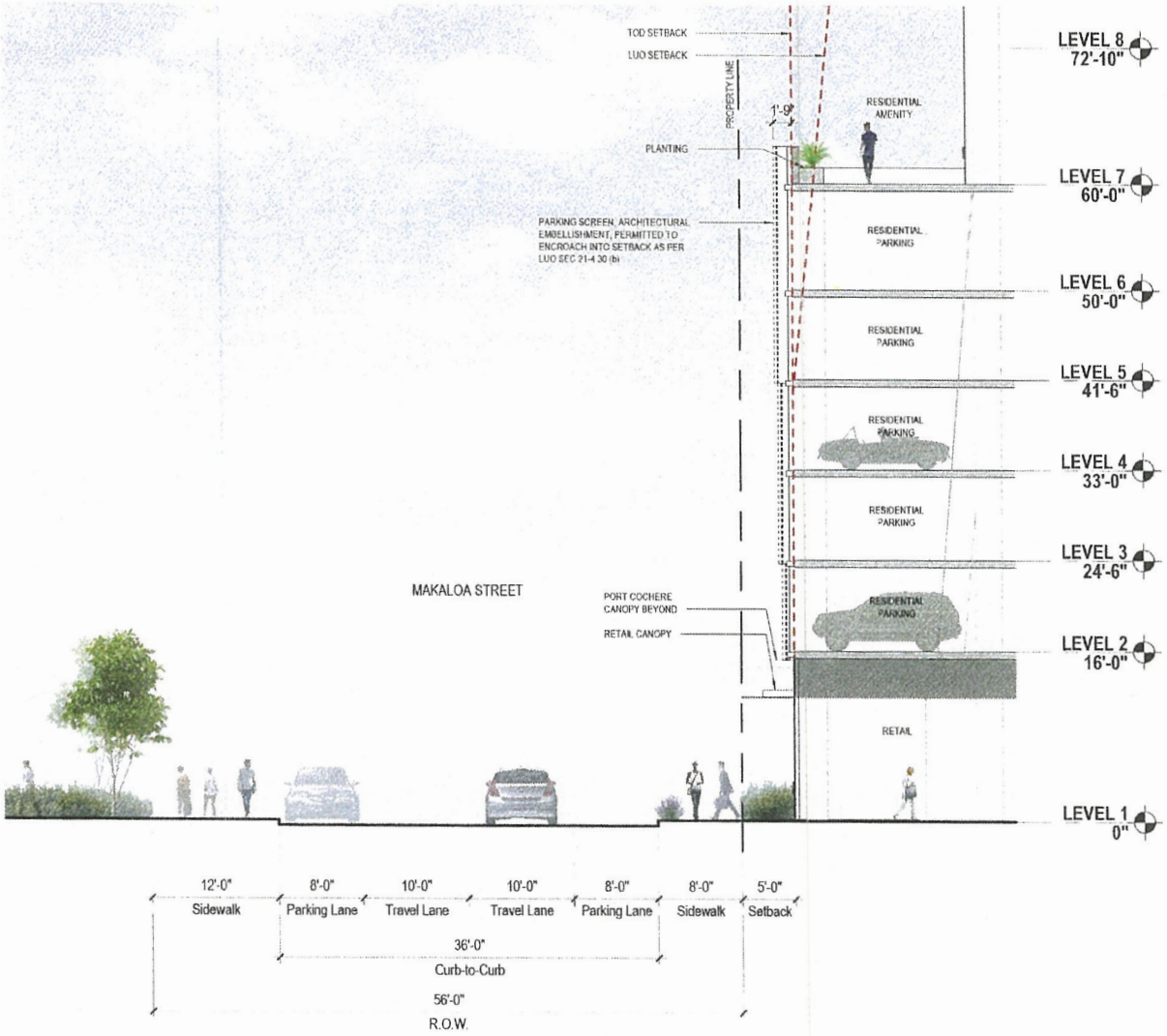
Streetscape Section | Kapiolani Boulevard

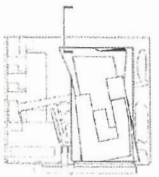
EXHIBIT B-20



Streetscape Section | Makaloa Street

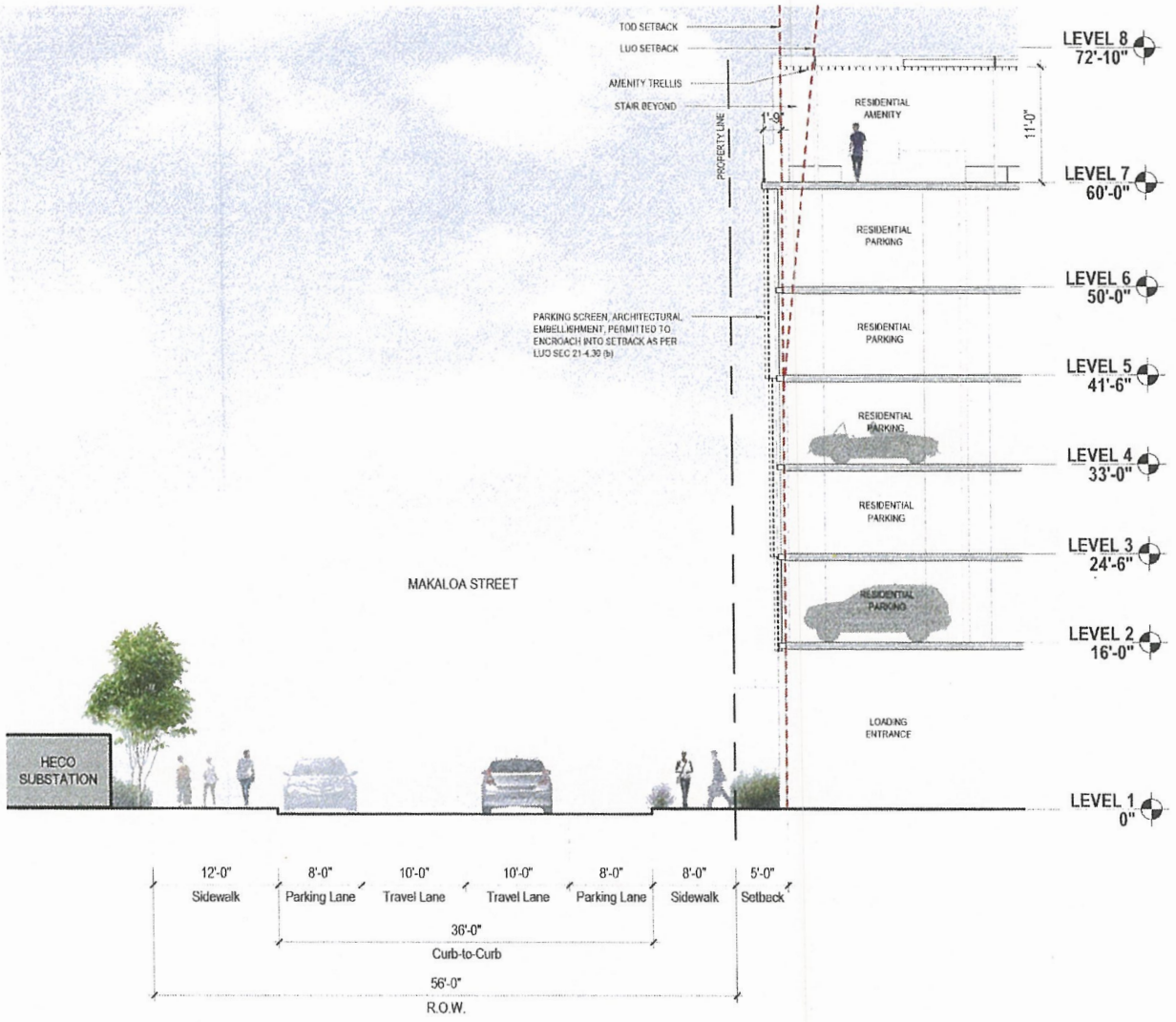
EXHIBIT B-21





Streetscape Section | Makaloa Street

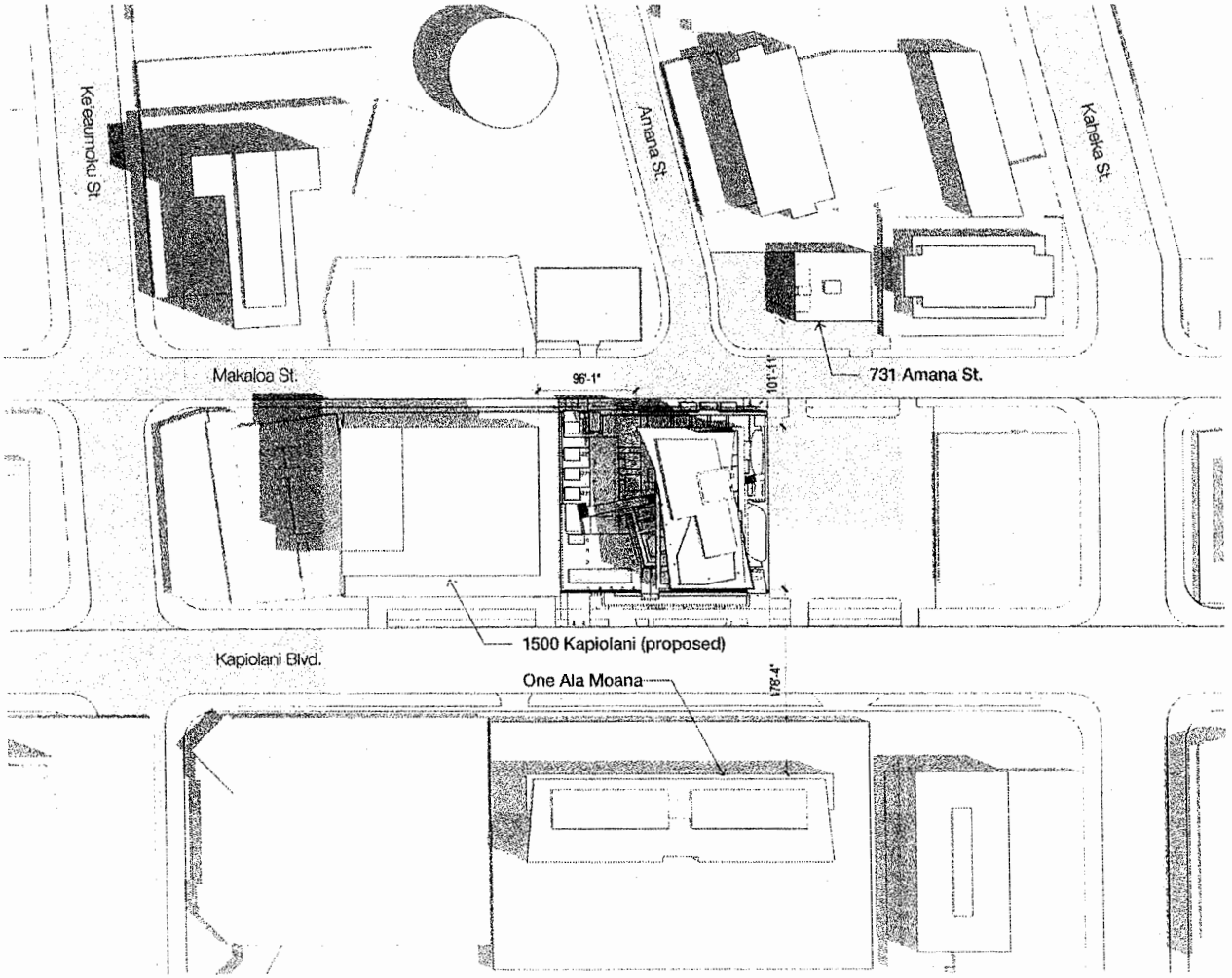
EXHIBIT B-22





Tower Proximity

EXHIBIT B-23



Renderings

EXHIBIT B-24



Kapiolani looking East



Kapiolani looking West

Renderings

EXHIBIT B-25



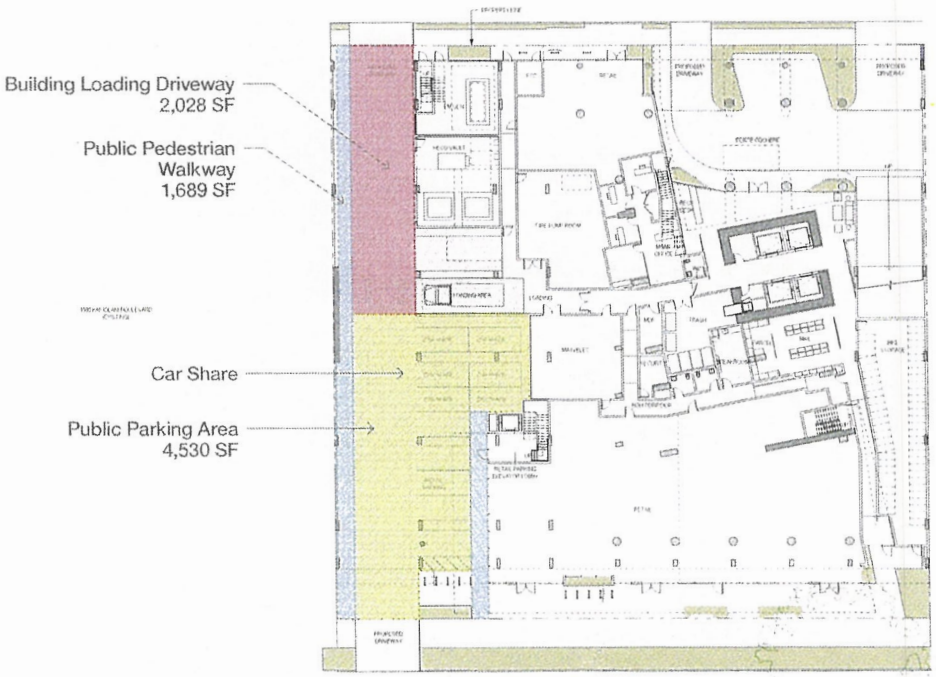
Amana looking Makai



Makaloa looking East

Pedestrian and Vehicular Thoroughfares

EXHIBIT B-26



Open Space Diagram

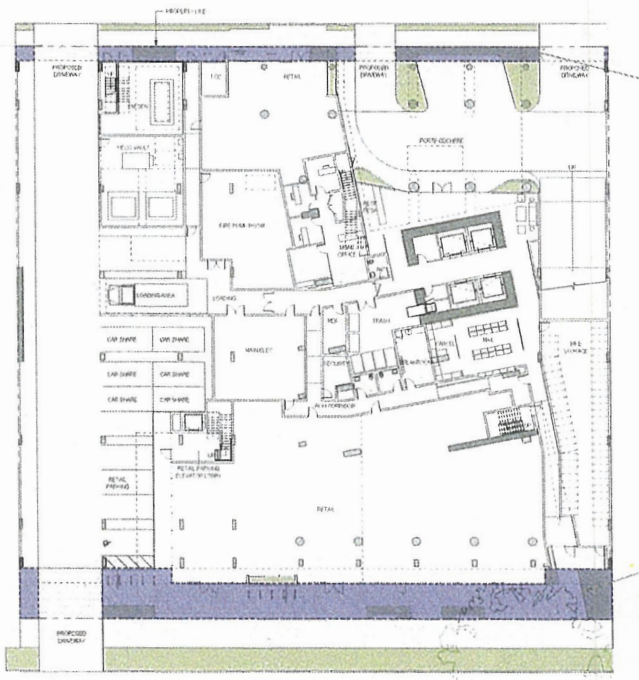


EXHIBIT B-27