REPORT OF THE COMMITTEE ON ZONING

Voting Members:
Calvin K.Y. Say, Chair; Tyler Dos Santos-Tam, Vice-Chair;
Radiant Cordero, Esther Kia'āina, Matt Weyer

Committee Meeting Held
June 21, 2023

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

Mr. Chair:

Your Committee on Zoning, to which was referred Resolution 23-62 entitled:

"RESOLUTION APPROVING A CONCEPTUAL PLAN FOR AN INTERIM PLANNED DEVELOPMENT-TRANSIT (IPD-T) PROJECT FOR THE 1538 KAPIOLANI TOWER PROJECT,"

as transmitted by Departmental Communication 260 (2023) from the Department of Planning and Permitting ("DPP"), dated April 12, 2023, reports as follows:

The purpose of Resolution 23-62 is to approve a conceptual plan for an Interim Planned Development-Transit ("IPD-T") project by JL Ala Moana LLC ("Applicant"), for the 1538 Kapi'olani Tower 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 2-3-021:006 ("the Project").

As proposed by the Applicant, the Project will include the demolition of existing commercial structures and the development of a 40-story (400 feet in height) structure consisting of a seven-story parking podium and 33-story residential tower, with 331 for-sale market-rate dwelling units (studio, one-bedroom, two-bedroom, and three-bedroom units), approximately 8,719 square feet of commercial space, approximately 3,183 square feet of open space, a porte cochere, amenity and recreation decks, short-term and long-term bicycle parking and bicycle-sharing stations, vehicle parking spaces and car-share spaces, ground floor pedestrian improvements, and streetscape and right-of-way improvements.

As proposed by the Applicant, the Project includes 101 affordable rental units at two offsite locations: approximately 64 affordable rental units will be provided by converting an existing office building to an apartment building at 765 Amana Street (approximately 500 feet from the Project site), and approximately 37 affordable rental units will be provided by constructing a new low-rise apartment building at 1564 Kalākaua Avenue (approximately 0.5 mile from the Project site); both locations are within the Ala Moana Neighborhood TOD Plan area.

Your Committee finds that pursuant to § 21-9.100.5, Revised Ordinances of Honolulu 2021 ("ROH"), the purpose of an IPD-T project 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 Land Use Ordinance ("LUO") prior to the adoption of the TOD neighborhood plans or TOD special district regulations relating to the future TOD special district, 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 the neighborhood transportation network, and implementing the vision for the TOD special district established in ROH §§ 21-9.100-4 and 21-9.100-6. 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.

The Applicant is requesting flexibility with respect to the following:

1. An increased the height limit and floor area ratio ("FAR");

2. Modification to the height setback requirements;

3. Reduced side yard requirements; and

4. Flexibility from the Ala Moana Neighborhood TOD Plan, dated August 2021, relating to:

   A. Height setback requirements along Kapiolani Boulevard; and

   B. Off-street parking space requirements.

In Departmental Communication 260 (2023) the DPP reports that the following **public benefits proposed by the Applicant** may be considered benefits in the general interest of the public, subject to certain conditions:

1. Affordable housing: 36 off-site affordable rental units (22 units will be reserved for households earning 80 percent or below of the area median income ("AMI") for an affordability period of 30 years, and 14 units will be reserved for households earning 100 percent or below of the AMI for an affordability period of 15 years). The DPP recommends that all affordable community benefit units be reserved for households earning 80 percent or below of the AMI for an affordability period of 30 years, and subject to applicability of the room factor pursuant to the City's Affordable Housing Rules.

2. Car-share spaces: The provision of at least nine car-sharing parking spaces across the Project site and the two offsite affordable housing locations (six spaces at 1538 Kapiolani Boulevard, two at 765 Amana

Street, and one at 1564 Kalakaua Avenue). The DPP recommends that a minimum of 10 car-share spaces be provided as a community benefit.

3. Bikeshare: The provision of two bikeshare stations, with an unspecified number of bicycles at 765 Amana Street and 1564 Kalakaua Avenue. The DPP recommends a minimum of 40 bicycles and docking spaces be provided across the Project site and the two off-site affordable housing locations, and the Applicant is required to enter into an agreement with a City-approved bikeshare organization.

The DPP reports that the following **public benefits proposed by the Applicant do not qualify** as benefits in the general interest of the public:

1. The provision of a City public access easement to serve as a midblock access pathway between Kapiolani Boulevard and Makaloa Street. The DPP reports that the thoroughfare does not include public amenities and doubles as an access driveway to ground floor retail parking spaces and two of the Project's required loading spaces.

The **Applicant has requested that** the Project's parking podium be allowed to encroach 3 feet into the 20-foot above the ground floor height setback along Kapi'olani Boulevard, and the maximum number of off-street vehicle parking spaces be increased from 414 spaces to 466 spaces. The **Applicant has also offered to provide an additional public benefit** in the form of a cash contribution to the City in the amount of $160,000, to be used toward constructing future bicycle lanes and pedestrian walkways in the vicinity of the Project site or the Affordable Rental sites, or toward complete streets improvements to the Ala Moana Neighborhood TOD Plan area, or any combination thereof.

Your Committee notes that the DPP, after a public hearing held on January 25, 2023, recommends approval of the conceptual plan for the IPD-T subject to the conditions set forth in the attachment to Departmental Communication 260 (2023) and the Resolution.

At your Committee's meeting on June 21, 2023, the Applicant and the Applicant's Agent provided a short presentation of the proposed Project and responded to questions from the Councilmembers.

The DPP Director and DPP staff testified in support of the Project, but indicated concerns with provisions in the proposed CD1 version of the Resolution that would allow the Project's parking podium to encroach 3 feet into the 20-foot above the ground floor height setback along Kapi'olani Boulevard, and increase the maximum number of off-street vehicle parking spaces to 466 spaces (instead of 414 spaces). The DPP Director and DPP staff responded to questions from Councilmembers.

At your Committee's meeting on June 21, 2023, Kapalama NSW and IBEW 1186 testified in support of the Resolution. UNITE HERE Local 5 testified in opposition to the Resolution.

Your Committee received written testimony in support of the Resolution from BKF & Associates LLC, Central Pacific Bank, Hawaii Regional Council of Carpenters, First Hawaiian Bank, Aon Risk Services, Inc. of Hawaii, Commercial Plumbing Inc., Vive Hospitality LLC, Pineapple Tweed Public Relations & Marketing, Hawaii Masons' and Plasterers' Unions Stabilization Fund, General Contractors Association of Hawaii, Chamber of Commerce Hawaii, Pacific Resource Partnership, IBEW Local Union 1186, Albert C. Kobayashi, Inc., AREA, and 91 individuals. Written testimony in opposition to the Resolution was received from UNITE HERE Local 5.

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

A. Amends the resolution title to read as follows:

"APPROVING A CONCEPTUAL PLAN FOR AN INTERIM PLANNED DEVELOPMENT-TRANSIT PROJECT FOR THE 1538 KAPI'OLANI TOWER MIXED-USE DEVELOPMENT."

B. In the second and third WHEREAS clauses, clarifies the description of the Project.

C. Adds a new third WHEREAS clause to provide details on the Project's proposed 101 affordable rental units that are being provided at two offsite locations.

D. In the fifth, sixth, and seventh WHEREAS clauses, provides that the DPP completed its findings and recommendation for the Project on April 12, 2023, which was received by the Council on April 18, 2023, as Departmental Communication 260 (2023).

E. Deletes Condition D, which would have NOT allowed the parking podium to encroach into the 20-foot above the ground floor height setback along Kapi'olani Boulevard, and would have required the Applicant to submit to the DPP updated plans showing that the parking podium complies with the height setback along Kapi'olani Boulevard. Realphabetizes subsequent conditions.

F. In realphabetized Condition D, clarifies that the residential tower or parking podium may encroach into the BMX-3 District height setback requirements as specified in Condition D.

1. In Condition D.2, provides that the parking podium may encroach 13 feet (instead of 3 feet) into the Makaloa Street height setback.

2. In Condition D.4, provides that the parking podium may encroach 13 feet (instead of 3 feet) into the height setback along the western property line.

3. Adds a new Condition D.5 to provide that the parking podium may encroach 3 feet into the 20-foot above the ground floor height setback along Kapi'olani Boulevard.

G. Adds a new Condition E to provide that the Project may encroach 10 feet into the BMX-3 District eastern and western side yard requirements (the Project does not provide any side yards). Realphabetizes subsequent conditions.

H. In realphabetized Condition G:

1. In relaphabetized Condition G.1, clarifies the Project's affordable rental housing requirements under ROH Chapter 29 and as a community benefit to offset the Project's height and density bonuses. Clarifies that an affordable housing agreement must be executed and recorded with the State Bureau of Conveyances or the Land Court of the State of Hawaii, or both, as appropriate.

2. In realphabetized Condition G.3, clarifies that a car-share plan is required under Condition H.7, and a signage plan is required under Condition L.

I. In realphabetized Condition H:

1. Deletes realphabetized Condition H.1, which would have required that the updated parking podium design and layout comply with the 20-foot height setback requirement along Kapi'olani Boulevard and accommodate a maximum 414 off-street vehicle parking spaces. Renumbers subsequent provisions in Condition H.

2. In realphabetized and renumbered Condition H.1, requires details showing the number and location of the 38 short-term and 224 long-term bicycle parking spaces and bikeshare stations. Requires all short-term bicycle parking spaces to be located on the ground floor in visible and easily identifiable areas near building entrances. Also requires specification of bicycle rack types for the short-term and long-term bicycle parking spaces, and the location of wayfinding signage for the short-term bicycle parking spaces.

3. In realphabetized and renumbered Condition H.2, clarifies that the updated floor plans must include preliminary dwelling unit calculations pursuant to the DPP's Affordable Housing Rules, indicating how the number and type of affordable rental units provided pursuant to ROH Chapter 29 and as a community benefit pursuant to Condition G.1 were calculated to comply with the room factor and unit mix requirements.

4. Adds a new Condition H.4 to require updated Project plans that accurately show height setback encroachments along the eastern and western property lines.

5. Adds a new Condition H.5 to require details showing how the porte cochere parking spaces will be used and how traffic control through the porte cochere will be managed.

6. Adds a new Condition H.6 to require details showing the relocation of the planter boxes within the 22-foot wide pedestrian walkway along Kapiʻolani Boulevard so they do not interfere with usable space, and indicating how the pedestrian walkway space will be activated.

7. Adds a new Condition H.7 to require details showing the number and location of the 10 car-share parking spaces and vehicles.

J. In realphabetized Condition I, requires that the Applicant commit in writing to implement all mitigation measures and protocols for archaeological historic properties and cultural resources recommended in the Archaeological Inventory Survey ("AIS"), including but not limited to the discovery of iwi on the Project site. Alternatively, the Applicant may submit to the DPP a copy of a letter from the State Historic Preservation Division ("SHPD") indicating that an AIS is not required.

K. In realphabetized Condition J, clarifies that the update to the Project's preliminary wind study, dated July 25, 2022, must include a wind tunnel test to quantify the wind conditions and evaluate the effectiveness of any wind mitigation strategies for public areas identified in the preliminary wind study, including the Project's amenity and recreation decks. Requires the Applicant to implement the recommendations of the updated wind study.

L. In realphabetized Condition K:

1. In realphabetized Condition K.1, provides that the timeline must be in a format acceptable to the DPP, and that the initial traffic impact analysis report was dated October 2022.

2. In realphabetized Condition K.2, clarifies the items that must be included in the construction management plan.

3. In realphabetized Condition K.3, clarifies the items that must be included in the traffic management plan.

4. In realphabetized Condition K.4, provides that the initial traffic impact analysis report ("TIAR") was prepared by Wilson Okamoto Corporation. Requires the Applicant to implement recommendations of the updated (or initial and separate supplemental) and post TIARs.

M. Adds a new Condition L to provide that prior to the issuance of a certificate of occupancy ("CO") for the Project's commercial tenants, the Applicant is required to submit to the DPP for review and approval a signage plan, including wayfinding signage located on the Project site and in the rights-of-way with directions to the future Kālia Rail Station, bus stops, taxi stands, car-share areas, bikeshare facilities, regional attractions, public parks, onsite public gathering places, and significant cultural resources in the vicinity of the Project site.

N. Adds a new Condition M to provide that development of 765 Amana Street and 1564 Kalākaua Avenue (the "Affordable Rental sites") must comply with all applicable LUO standards and requirements. If an Affordable Rental site is being developed pursuant to ROH Chapter 32 ("Affordable Rental Housing"), development of that site must comply with the standards and requirements of ROH Chapter 32.

O. Adds a new Condition N to provide that prior to the issuance of any building permits for the Project, the Applicant is required to make a cash contribution to the City in the amount of $160,000, to be used toward constructing future bicycle lanes and pedestrian walkways in the vicinity of the Project site or the Affordable Rental sites, or toward complete streets improvements to the Ala Moana Neighborhood TOD Plan area, or any combination thereof. Realphabetizes subsequent conditions.

P. Conforms realphabetized Condition Q to the standard language for IPD-T resolutions relating to the deadline for the Applicant to obtain a building permit for the Project, and extensions of that deadline.

Q. Conforms realphabetized Condition R to the standard language for IPD-T resolutions relating to conformance with the Project's conceptual plan, and provides an exception to comply with Condition H, which requires that the Project's application for a Major Special District Permit include certain updated plans and documents.

R. Adds a new first BE IT FURTHER RESOLVED clause to provide findings of the Council regarding the Project's conceptual plan, as conditioned in the resolution, as follows:

1. The Project concept, as a unified plan, is in the general interest of the public;

2. The requested Project boundaries and requested flexibility with respect to development standards relating to maximum building height, maximum density, height setbacks, and side yards are generally consistent with the objectives of transit-oriented development and the provisions enumerated in ROH §§ 21-9.100-8(a)(1)(E), 21-9.100-8(a)(1)(F), and 21-9.100-9(b);

3. The requested flexibility with respect to development standards relating to maximum building height, maximum density, height setbacks, and side yards are commensurate with the public amenities and community benefits proposed;

4. The Project's additional density and height will not be detrimental to the quality of the neighborhood character or urban design, and will not negatively impact any adopted public views; and

5. The public amenities and community benefits proposed will produce timely, demonstrable benefits to the community, support a neighborhood transportation network, and implement the vision established in ROH §§ 21-9.100-4 and 21-9.100-6.

S. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee, pursuant to ROH § 21-9.100-5, and in agreement with the conclusion of the DPP in Departmental Communication 260 (2023), and with 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 concept, as a unified plan, is in the general interest of the public;

2. The proposed Project boundaries and requested flexibility with respect to development standards relating to maximum building height, maximum density, height setbacks, and side yards are generally consistent with the objectives of transit-oriented development and the provisions enumerated in ROH §§ 21-9.100-8(a)(1)(E), 21-9.100-8(a)(1)(F), and 21-9.100-9(b);

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3. The requested flexibility with respect to development standards relating to maximum building height, maximum density, height setbacks, and side yards are commensurate with the public amenities and community benefits proposed;

4. The Project's additional density and height will not be detrimental to the quality of the neighborhood character or urban design, and will not negatively impact any adopted public views; and

5. The public amenities and community benefits proposed will produce timely, demonstrable benefits to the community, support a neighborhood transportation network, and implement the vision established in ROH §§ 21-9.100-4 and 21-9.100-6.

Your Committee on Zoning recommends that Resolution 23-62, and the proposed Resolution 23-62, CD1, attached hereto, be scheduled for a public hearing and be referred back to Committee. (Ayes: Dos Santos-Tam, Kia'āina, Say, Weyer – 4; Noes: None; Absent: Cordero – 1.)

Respectfully submitted,

Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON JUL 12 2023

COMMITTEE REPORT NO. 188

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 23-62, CD1

RESOLUTION

APPROVING A CONCEPTUAL PLAN FOR AN INTERIM PLANNED DEVELOPMENT-TRANSIT PROJECT FOR THE 1538 KAPI'OLANI TOWER MIXED-USE DEVELOPMENT.

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

WHEREAS, as proposed, the Project involves the demolition of existing commercial structures and the development of a 40-story (400 feet in height) structure consisting of a seven-story parking podium and 33-story residential tower, with 331 for-sale market-rate dwelling units (studio, one-bedroom, two-bedroom, and three-bedroom units), approximately 8,719 square feet of commercial space, approximately 3,183 square feet of open space, a porte cochere, amenity and recreation decks, short-term and long-term bicycle parking and bicycle-sharing stations, vehicle parking spaces and car-share spaces, ground floor pedestrian improvements, and streetscape and right-of-way improvements; and

WHEREAS, as proposed, the Project involves the provision of 101 affordable rental units at two offsite locations: approximately 64 affordable rental units will be provided by converting an existing office building to an apartment building at 765 Amana Street (approximately 500 feet from the Project site), and approximately 37 affordable rental units will be provided by constructing a new low-rise apartment building at 1564 Kalākaua Avenue (approximately 0.5 mile from the Project site); both locations (the "Affordable Rental sites") are within the Ala Moana Neighborhood TOD Plan area; and

WHEREAS, on January 25, 2023 the Department of Planning and Permitting ("DPP") held a public hearing on the Project, which was attended by the Applicant, the Applicant's agent, staff members of the DPP and the Department of Information Technology ("DIT"), and approximately 19 members of the public; four members of the public testified at the public hearing; and

RESOLUTION

WHEREAS, on April 12, 2023, the DPP, having duly considered all evidence and reports of said public hearing and the review guidelines established in §§ 21-2.110-2 and 21-9.100-5, Revised Ordinances of Honolulu 2021 ("ROH"), 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 A-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 April 18, 2023, 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 Project is approved, subject to the following conditions:

A. After City Council approval of the conceptual plan 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 Project plans and drawings.

B. The maximum floor area ratio ("FAR") for the Project is 10.0.

C. The maximum height of the Project is 400 feet. Rooftop structures must conform to the requirements in ROH § 21-4.60(c).

D. The Project may encroach into BMX-3 District height setback requirements as follows:

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

   2. The residential tower may encroach 23 feet and the parking podium may encroach 13 feet into the Makaloa Street height setback;

   3. The residential tower may encroach 25 feet and the parking podium may encroach 3 feet into the height setback along the eastern property line;

4. The parking podium may encroach 13 feet into the height setback along the western property line; and

5. The parking podium may encroach 3 feet into the 20-foot above the ground floor height setback along Kapi'olani Boulevard.

E. The Project may encroach 10 feet into the BMX-3 District eastern and western side yard requirements (the Project does not provide any side yards).

F. The maximum number of off-street vehicle parking spaces for the Project is 466 parking spaces.

G. The Applicant shall provide the following community benefits:

1. In addition to the affordable housing units required under ROH Chapter 29 ("Affordable Housing Requirements"), a minimum of 36 affordable rental units (or 8.7 percent of the total number of Project dwelling units, taking into account adjustments required under the DPP's Affordable Housing Rules) must be available for rent to households earning 80 percent or below of the median income determined by the U.S. Department of Housing and Urban Development annually for the Honolulu Metropolitan Statistical Area as adjusted for household size ("AMI"), for a minimum period of 30 years. Application of the Affordable Housing Rules is required, including the room factor calculation and the requirement that the affordable unit mix be similar to the Project's market-rate unit mix. Compliance with this condition must be confirmed prior to the issuance of any certificate of occupancy ("CO") for the Project, by the execution of an affordable housing agreement, which must be recorded with the State Bureau of Conveyances or the Land Court of the State of Hawaii, or both, as appropriate.

2. Bikeshare stations capable of accommodating at least 40 bicycles. The bikeshare stations must be publicly accessible, conveniently located, and may be distributed among the Project site and the Affordable Rental sites. Prior to issuance of a CO for the Project, the Applicant shall submit to the DPP evidence of the execution of a bikeshare agreement with a City-approved bikeshare program.

3. A minimum of 10 car-share parking spaces and vehicles must be provided, and may be distributed among the Project site and the Affordable Rental sites. The car-share spaces must be publicly accessible at all times (not limited to use by Project residents). Adequate wayfinding signage must be provided to direct the public to the car-share parking spaces and vehicles. A car-share plan is required under Condition H.7, and a signage plan is required under Condition L).

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

1. Details showing the number and location of the 38 short-term and 224 long-term bicycle parking spaces and bikeshare stations. All short-term bicycle parking spaces must be located on the ground floor, and must be visible, easily identifiable, and conveniently located near building entrances. The details must specify bicycle rack types for the short-term and long-term bicycle parking spaces, and include the location of wayfinding signage for the short-term bicycle parking spaces.

2. Updated floor plans with preliminary dwelling unit calculations pursuant to the DPP's Affordable Housing Rules, indicating how the number and type of affordable rental units provided pursuant to ROH Chapter 29 and as a community benefit pursuant to Condition G.1 were calculated to comply with the room factor and unit mix requirements.

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

4. Updated Project plans that accurately show height setback encroachments along the eastern and western property lines.

5. Details showing how the porte cochere parking spaces will be used and how traffic control through the porte cochere will be managed.

6. Details showing the relocation of the planter boxes within the 22-foot wide pedestrian walkway along Kapi'olani Boulevard so they do not interfere with usable space, and indicating how the pedestrian walkway space will be activated.

7. Details showing the number and location of the 10 car-share parking spaces and vehicles.

I. Prior to submitting an application for any grading permit or building permit for the Project, whichever occurs first, the Applicant shall submit to the DPP a copy of an Archaeological Inventory Survey ("AIS") report that has been approved by the State Historic Preservation Division ("SHPD"), and commit in writing to implement all mitigation measures and protocols for archaeological historic properties and cultural resources recommended in the AIS, including but not limited to the discovery of iwi on the Project site. Alternatively, the Applicant may submit to the DPP a copy of a letter from SHPD indicating that an AIS is not required.

J. Prior to submitting an application for any foundation permit for the Project, the Applicant shall submit to the DPP for review and approval a wind study that updates the Project's preliminary wind study, dated July 25, 2022, and includes a wind tunnel test to quantify the wind conditions and evaluate the effectiveness of any wind mitigation strategies for public areas identified in the preliminary wind study, including the Project's amenity and recreation decks. The Applicant shall implement the recommendations of the updated wind study.

K. 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, including the anticipated date of occupancy, in a format acceptable to the DPP. The timeline must identify when a construction management plan ("CMP"), traffic management plan ("TMP"), and updates to or validation of the findings of the traffic impact analysis report ("TIAR") dated October 2022, will be submitted to the DPP for review and approval.

2. A CMP that:

a. Identifies the type, frequency, and routing of heavy trucks and construction related vehicles, and provides remedial measures to minimize impacts from construction vehicles and construction-related activities;

b. Identifies and limits construction-related vehicular activity to periods outside of the peak traffic hours using alternative routes for heavy trucks, and provides for onsite or offsite staging areas for construction workers and vehicles to limit the use of on-street parking around the Project site;

c. Includes plans for all work within or affecting public streets, and preliminary or conceptual traffic control plans; and

d. Includes documentation of the condition of roadways prior to the start of construction activities and provides remedial measures, as necessary, such as restriping, road resurfacing, or roadway reconstruction so that the existing roadway may be restored if its condition deteriorates as a result of the construction-related activities.

3. A TMP that includes transportation mode share performance targets and a schedule for achieving such targets relating to:

a. Traffic demand management ("TDM") strategies to minimize the number of vehicular trips by Project residents, employees, and guests for daily activities and large events. TDM strategies may include a substantial reduction in the availability of parking spaces; carpooling and ride-sharing programs; transit, bicycle, and pedestrian incentives; and other similar measures.

b. A bicycle and pedestrian circulation plan that provides accessibility and connectivity to the surrounding public sidewalks and street intersections, and determines effective sidewalk widths and shows the layout of curb, furniture, and pedestrian areas based on complete streets principles.

c. A post TMP, required approximately one year after the issuance of a CO for the Project, to validate the relative effectiveness of the various TDM strategies identified in the initial TMP.

4. An update to the initial TIAR dated October 2022 (prepared by Wilson Okamoto Corporation), or a separate supplemental TIAR, to include traffic impact data and analysis for the development of the 1564 Kalākaua Avenue site, and to evaluate compliance with complete streets principles. The Applicant shall coordinate the updated (or separate supplemental) TIAR with the Department of Transportation Services ("DTS") and the DPP. A post TIAR will be required approximately one year after the issuance of a CO for the Project to validate the traffic projections, distribution, and assignment contained in the updated (or initial and separate supplemental) TIAR. The Applicant shall implement recommendations of the updated (or initial and separate supplemental) and post TIARs, in coordination with the DPP.

L. Prior to the issuance of a CO for the Project's commercial tenants, the Applicant shall submit to the DPP for review and approval a signage plan, including wayfinding signage located on the Project site and in the rights-of-way with directions to the future Kālia Rail Station, bus stops, taxi stands, car-share areas, bikeshare facilities, regional attractions, public parks, onsite public gathering places, and significant cultural resources in the vicinity of the Project site.

M. Development of the Affordable Rental sites must comply with all applicable LUO standards and requirements. If an Affordable Rental site is being developed pursuant to ROH Chapter 32 ("Affordable Rental Housing"), development of that site must comply with the standards and requirements of ROH Chapter 32.

N. Prior to the issuance of any building permits for the Project, the Applicant shall make a cash contribution to the City in the amount of $160,000, to be used toward constructing future bicycle lanes and pedestrian walkways in the vicinity of the Project site or the Affordable Rental sites, or toward complete streets improvements to the Ala Moana Neighborhood TOD Plan area, or any combination thereof.

O. The Applicant shall be responsible for coordinating construction of the Project and the Affordable Rental sites with applicable governmental agencies, and ensuring that development of the Project and the Affordable Rental sites comply with all applicable laws and regulations.

P. Approval of the Project's conceptual plan does not constitute compliance with Land Use Ordinance ("LUO") or other governmental agency requirements, including but not limited to grading permit and 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.

Q. The Applicant shall obtain a building permit for the Project within five years after the date of issuance of a Major 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 may 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 that 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 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. Sixty days after receipt of the DPP Director's report; or

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

    the extension will be deemed denied.

R. The Project must conform to the conceptual plan (except to comply with Condition H) approved hereby and all conditions established herein. Any changes to the conceptual plan (except to comply with Condition H) 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 the height or density of the Project will be considered a significant alteration and change to the conceptual plan; and

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

1. The Project concept, as a unified plan, is in the general interest of the public;

2. The requested Project boundaries and requested flexibility with respect to development standards relating to maximum building height, maximum density, height setbacks, and side yards are generally consistent with the objectives of transit-oriented development and the provisions enumerated in ROH §§ 21-9.100-8(a)(1)(E), 21-9.100-8(a)(1)(F), and 21-9.100-9(b);

3. The requested flexibility with respect to development standards relating to maximum building height, maximum density, height setbacks, and side yards are commensurate with the public amenities and community benefits proposed;

4. The Project's additional density and height will not be detrimental to the quality of the neighborhood character or urban design, and will not negatively impact any adopted public views; and

5. The public amenities and community benefits proposed will produce timely, demonstrable benefits to the community, support a neighborhood transportation network, and implement the vision established in ROH §§ 21-9.100-4 and 21-9.100-6; and

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

No. 23-62, CD1

RESOLUTION

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to Dawn Takeuchi Apuna, Director of Planning and Permitting, 650 South King Street, 7th Floor, Honolulu, Hawai'i, 96813; Isaiah Sato, R.M. Towill Corporation, 2024 North King Street, Suite 200, Honolulu, Hawai'i, 96819; and Timothy Lee, 1538 Kapi'olani LLC, 1440 Kapi'olani Boulevard, Suite 1509, Honolulu, Hawai'i 96814.

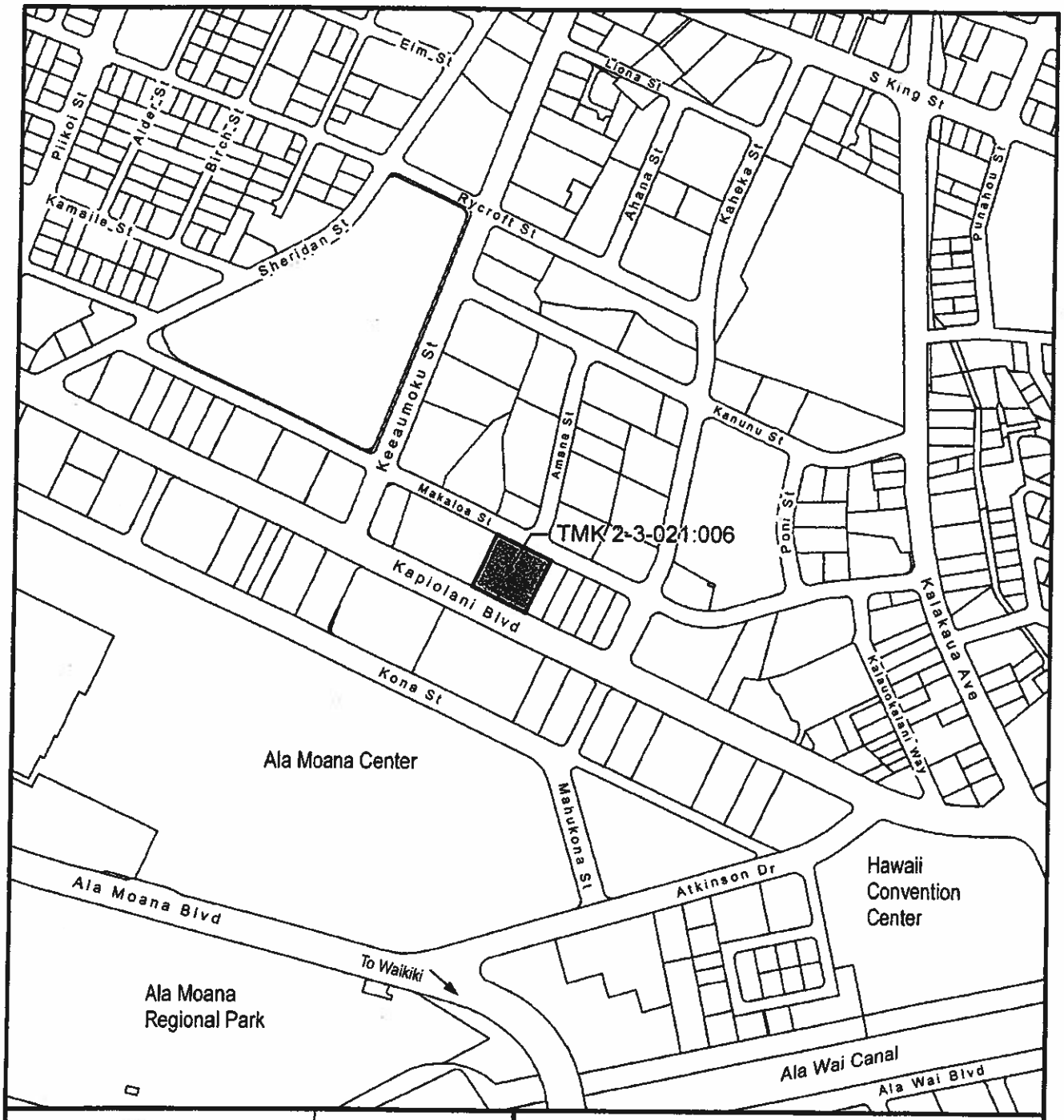
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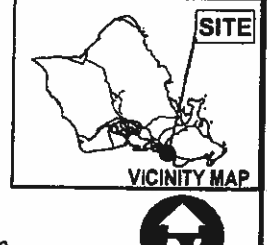
Tommy Waters (br)

DATE OF INTRODUCTION:

April 20, 2023
Honolulu, Hawaii

Councilmembers





0 500 1,000
Scale in feet

LOCATION MAP

Ala Moana

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

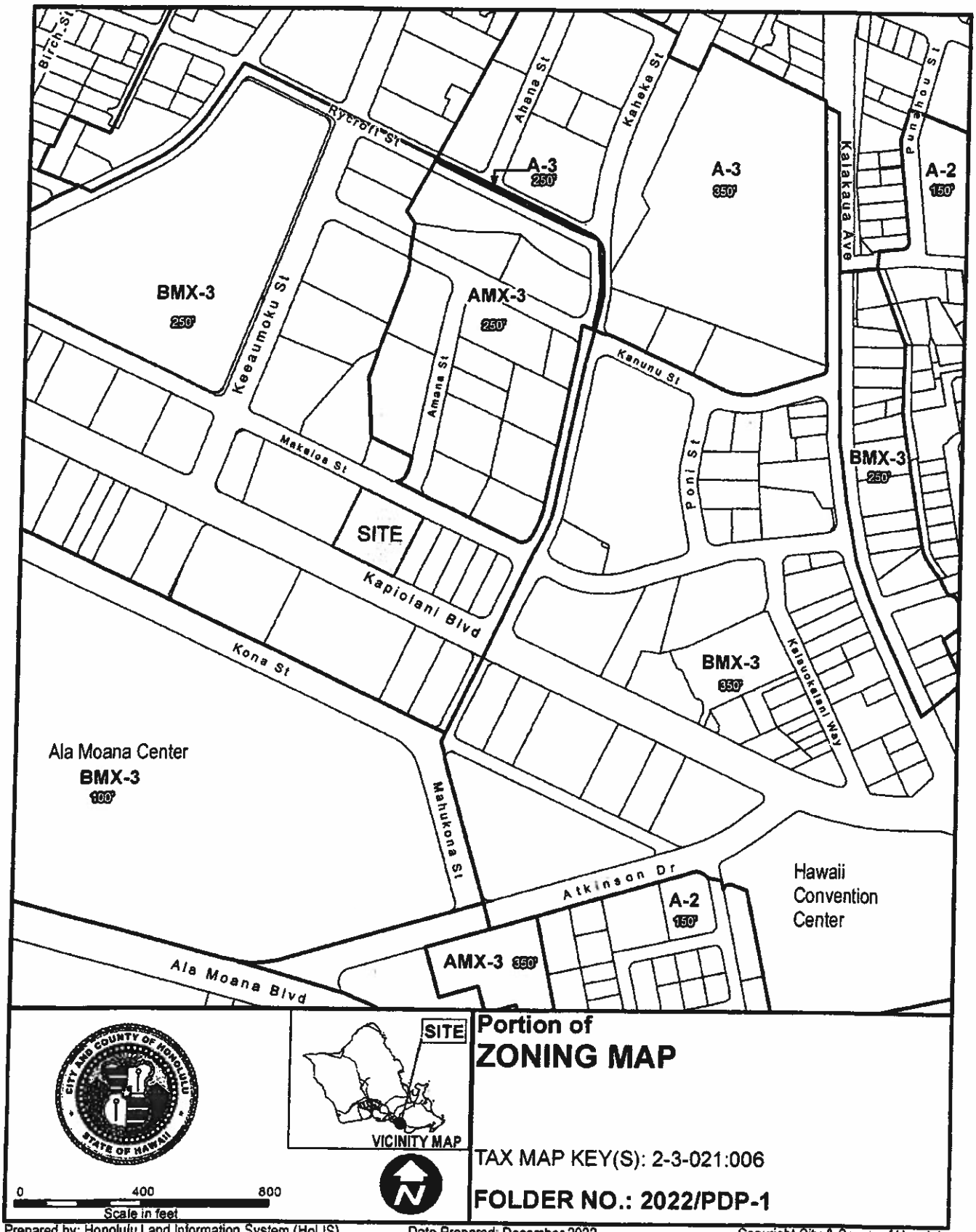
FOLDER NO.: 2022/PDP-1

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-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

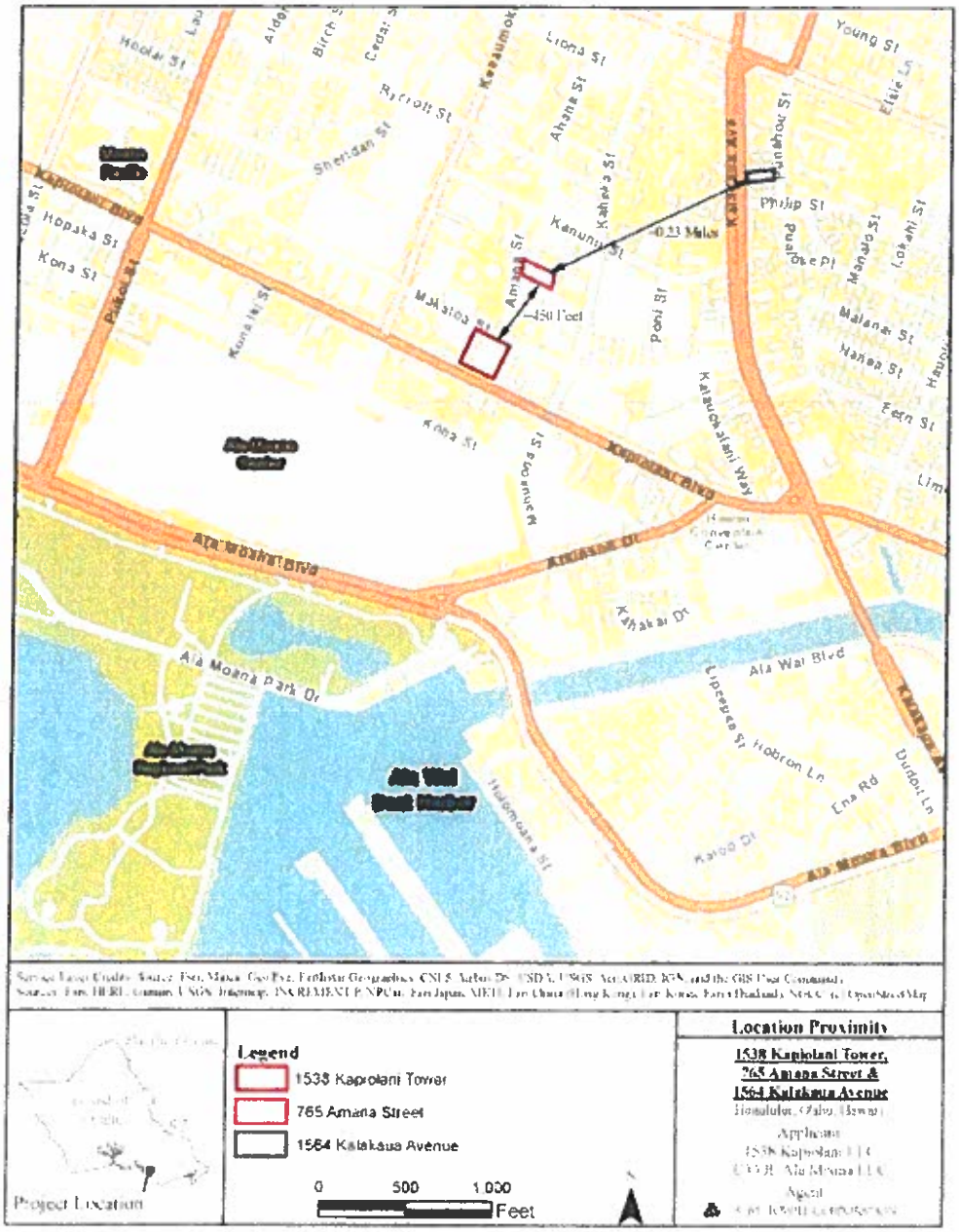
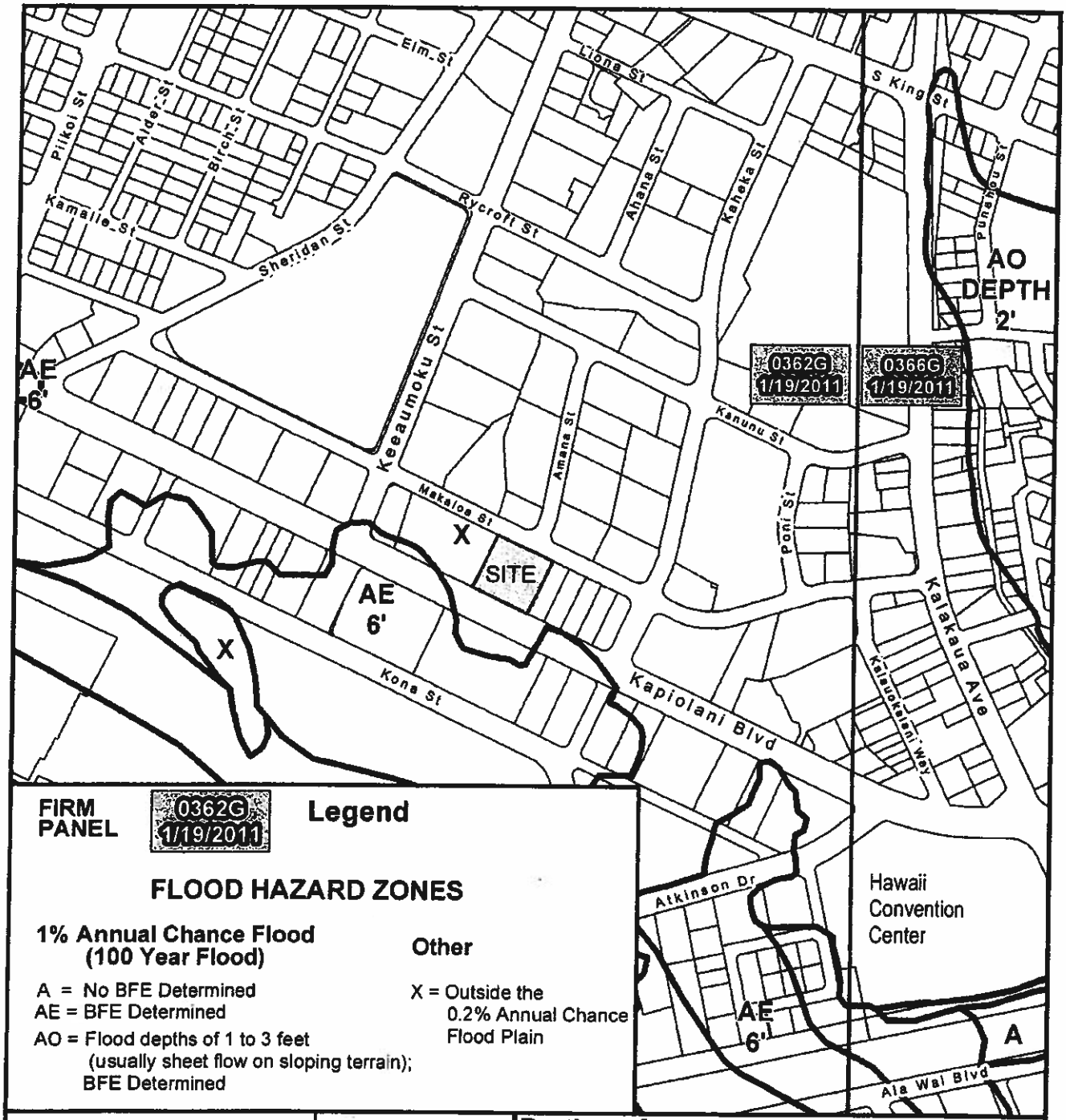

Young St
Elsie Ln
Piikoi St
Kapiolani Blvd
Hopaka St
Kona St
Pohukaina St
Sheridan St
Ahana St
Kahoa St
Kawaumoku St
Liona St
Kanunu St
Amana St
Makaloa St
0.23 Miles
450 Feet
Punchbowl St
Philip St
Lokahi St
Malana St
Hanoa St
Kona St
Kalakaua Ave
Kalauokalani Way
Ala Wai Blvd
Kahakai Dr
Ala Moana Park Dr
Ala Moana Blvd
Kaiolu St
Ena Rd
Dudoit Ln
Hobron Ln
Lipoa St
Halekauwila St
Ala Wai Small Boat Harbor
Project Location
Legend
1538 Kapiolani Tower
765 Amana Street
1564 Kalakaua Avenue
0
500
1,000
Feet
Location Proximity
1538 Kapiolani Tower,
765 Amana Street &
1564 Kalakaua Avenue
Honolulu, Oahu, Hawaii
Applicant:
1538 Kapiolani LLC
CCGR Ala Moana LLC
Agent:

EXHIBIT A-3



FIRM PANEL 0362G 1/19/2011

Legend

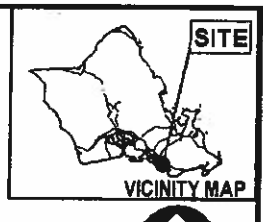
FLOOD HAZARD ZONES

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

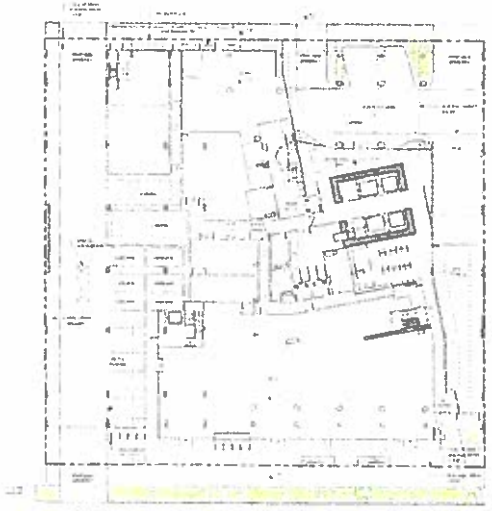
Prepared by: Honolulu Land Information System (HoLIS)
Department of Planning & Permitting
City and County of Honolulu

Date Prepared: December 2022

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EXHIBIT A-4

EXHIBIT B-1



NOT FOR CONSTRUCTION

SITE PLAN

IPDT100

EXHIBIT B-2



NOT FOR CONSTRUCTION

IPDT101

Ground Floor Plan

EXHIBIT B-3

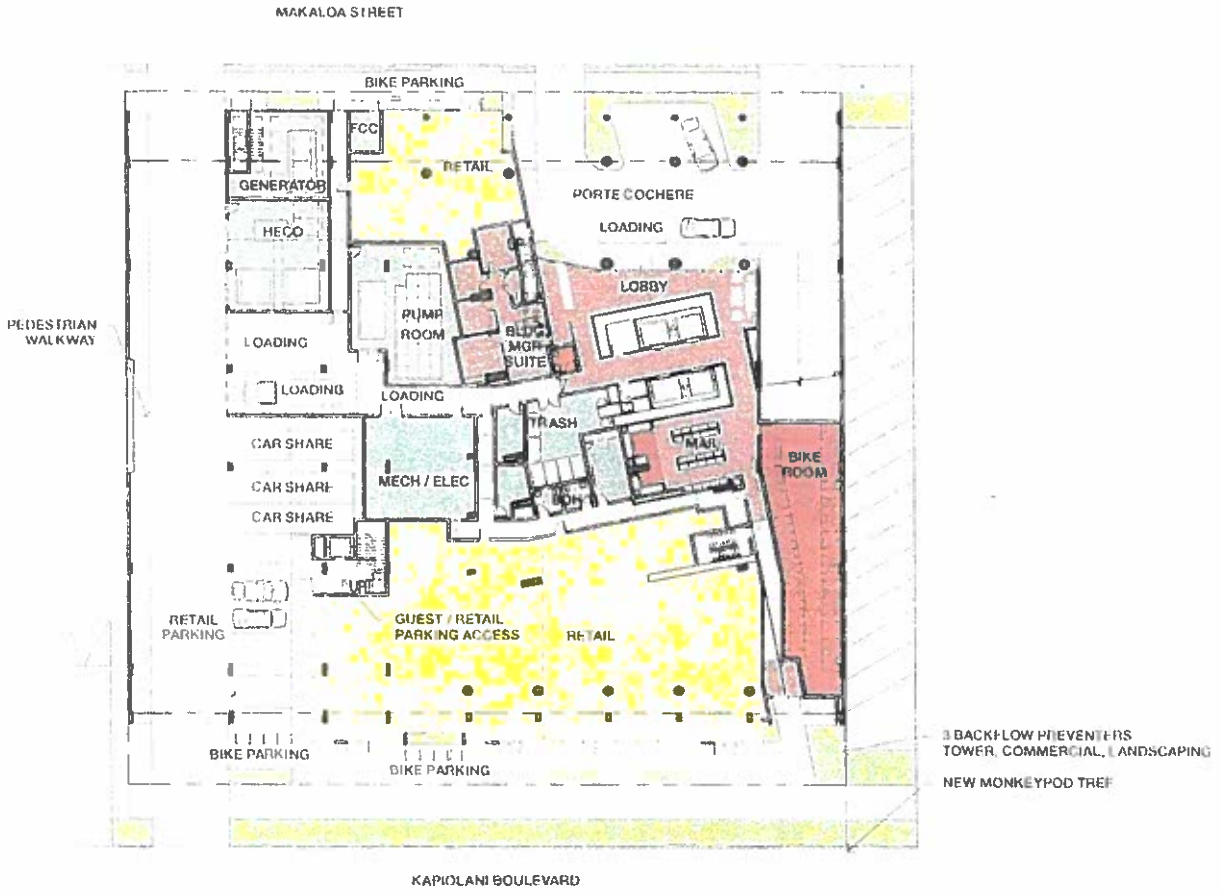
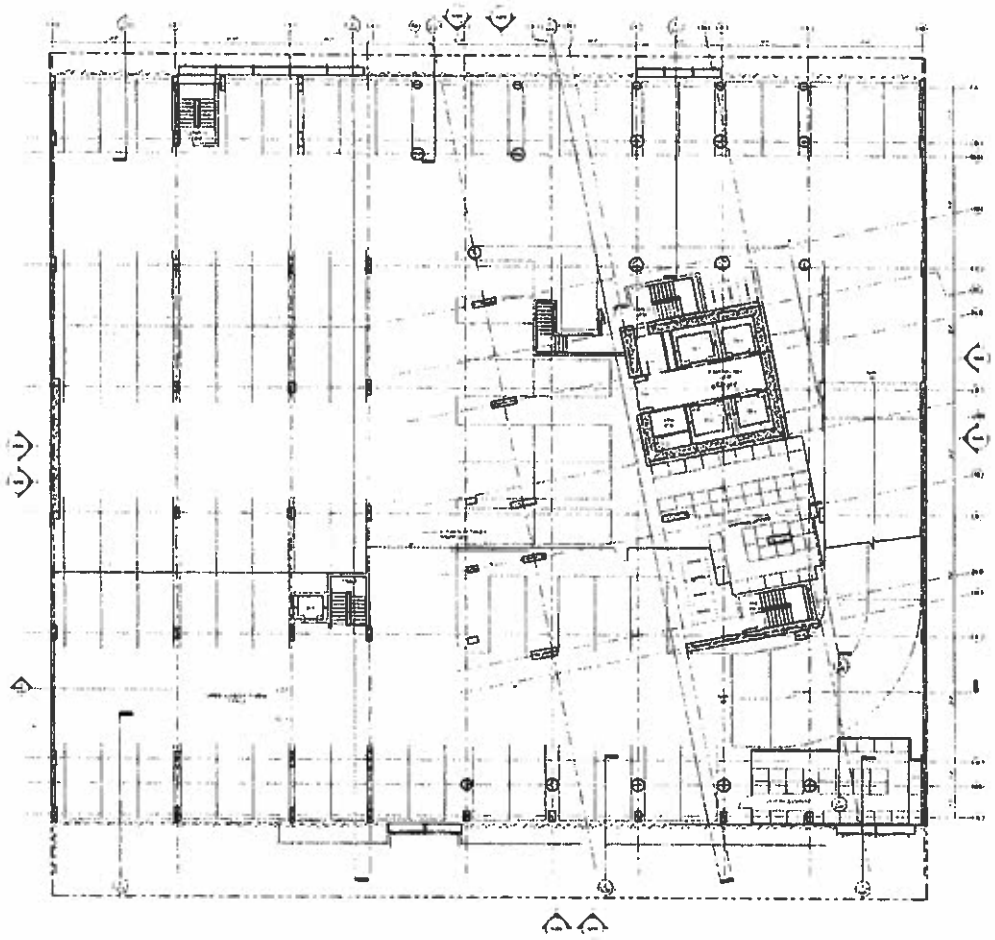


EXHIBIT B-4

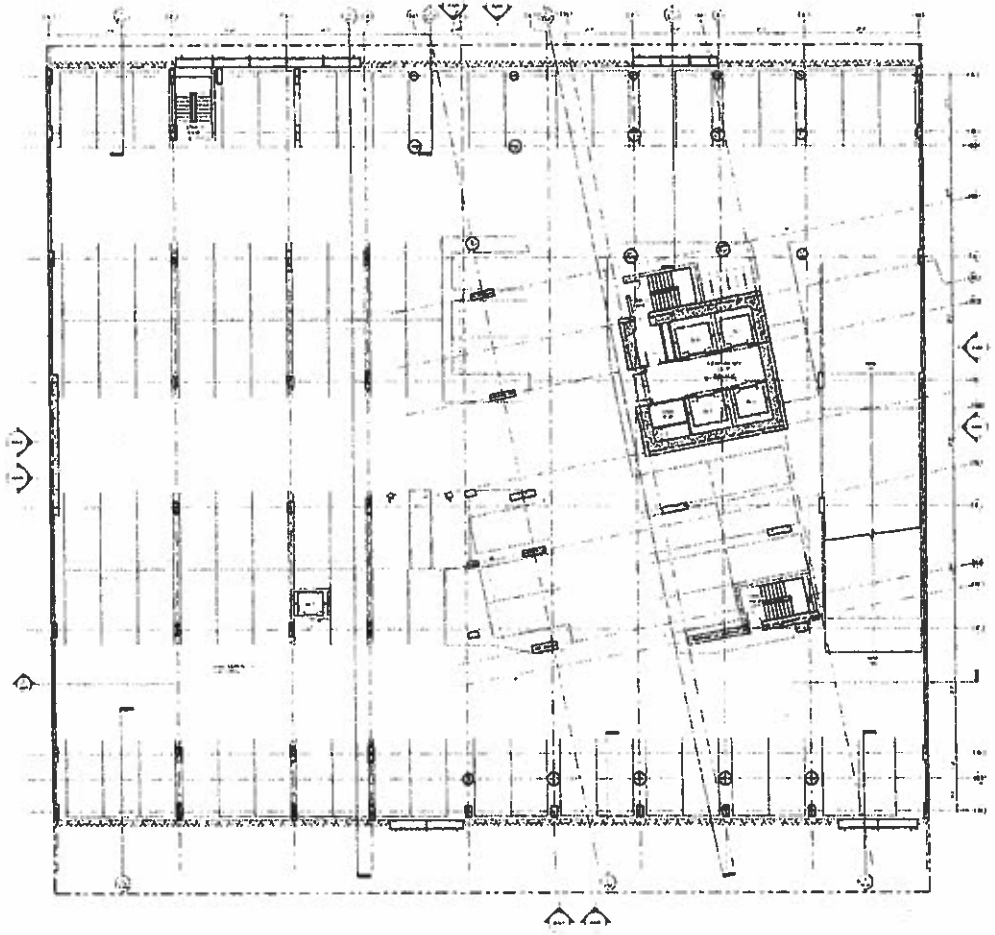


NOT FOR CONSTRUCTION

FLOOR PLAN - LEVEL 02

IPDT102

EXHIBIT B-5



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

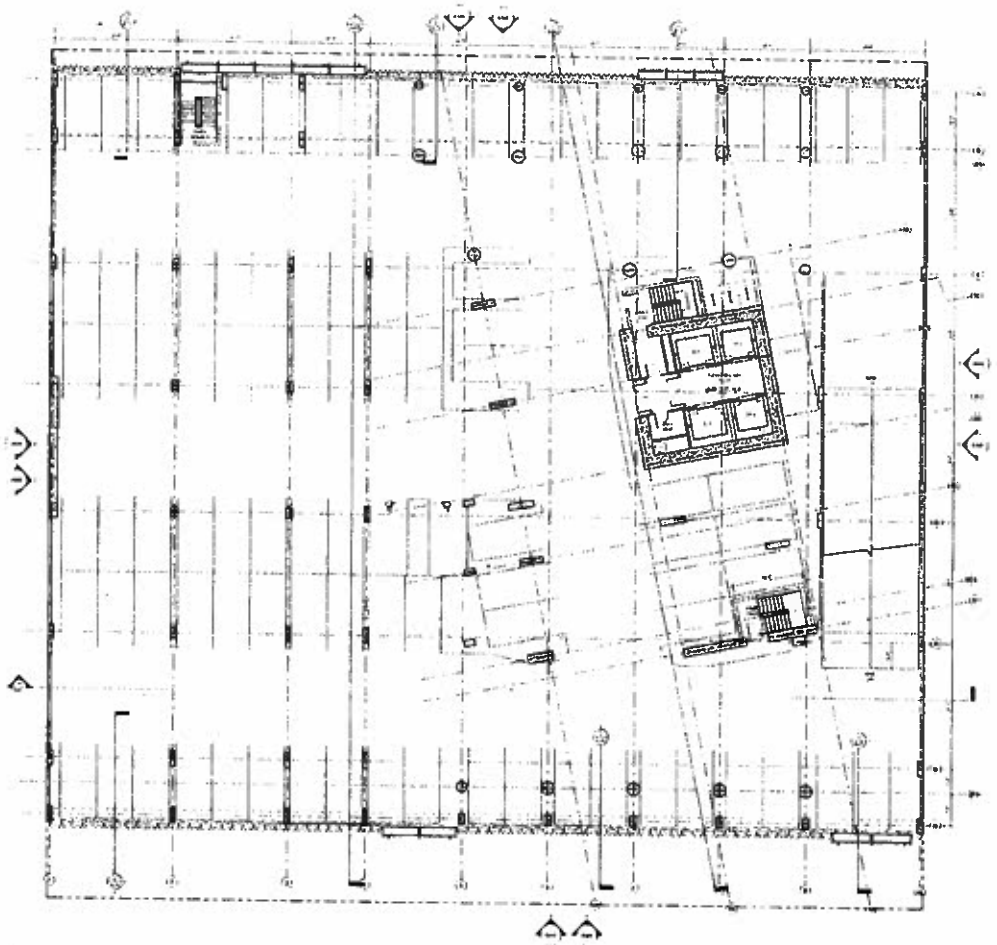
1538 Kapiolani

NOT FOR CONSTRUCTION

FLOOR PLAN - LEVEL 03

IPDT103

EXHIBIT B-6



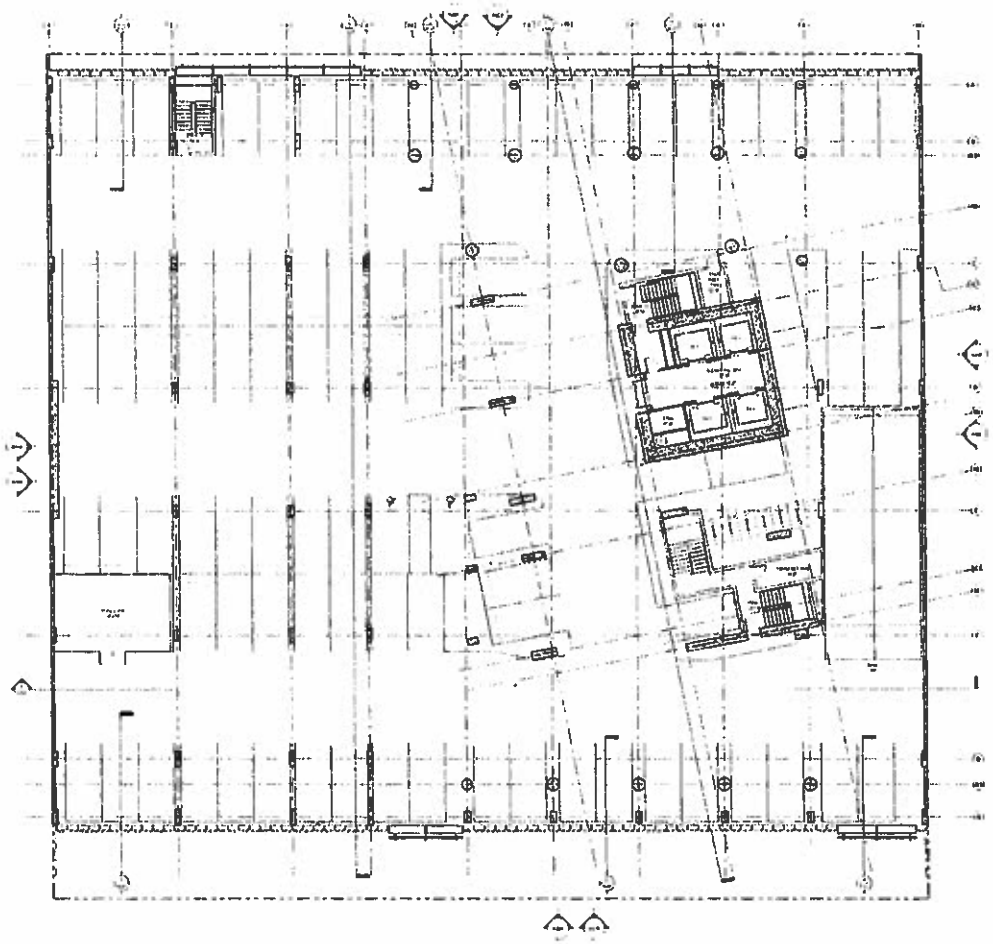
1538 Kapiolani

NOT FOR CONSTRUCTION

FLOOR PLAN - LEVELS 04-05

IPDT104

EXHIBIT
B-7



FLOOR PLAN - LEVEL 06

1538 Kapiolani

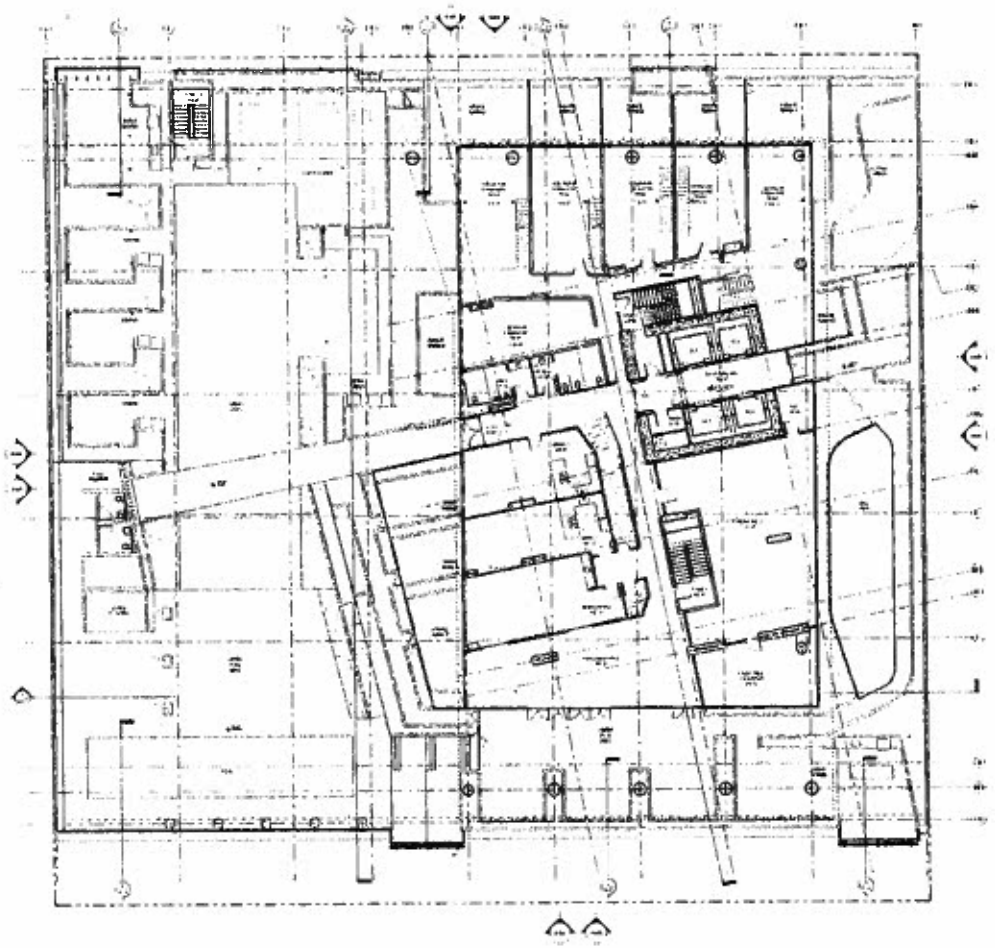
NOT FOR CONSTRUCTION

FLOOR PLAN - LEVEL 06

IPDT106

EXHIBIT B-8

1538 Kapiolani



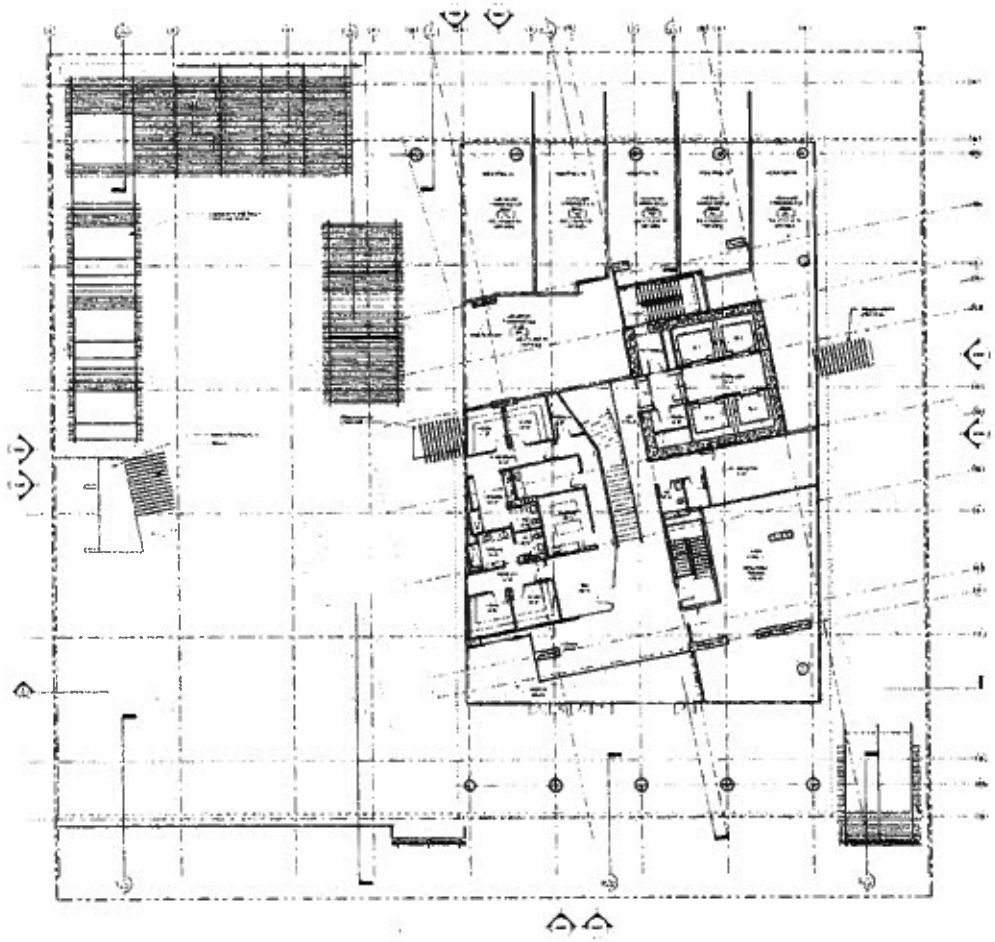
NOT FOR CONSTRUCTION

FLOOR PLAN - LEVEL 07 AMENITY

IPDT107

EXHIBIT B-9

1538 Kapiolani

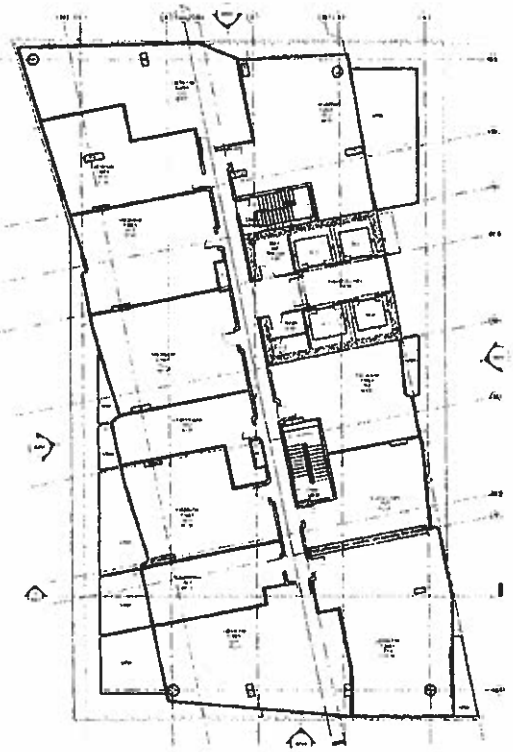


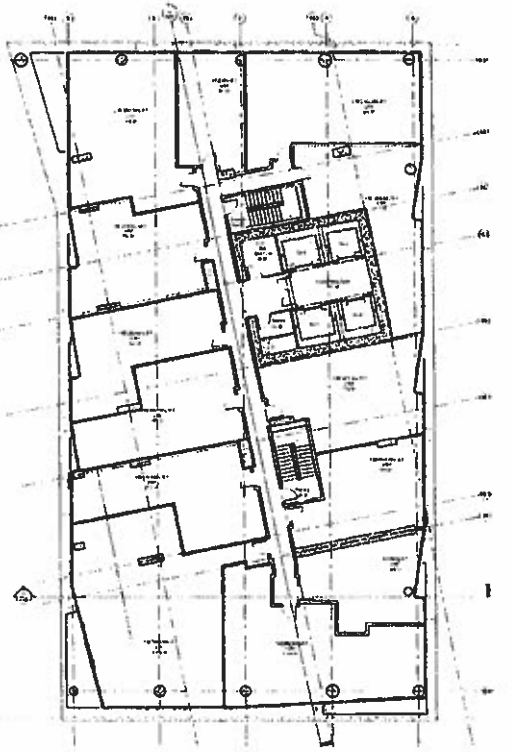
NOT FOR CONSTRUCTION

FLOOR PLAN - LEVEL 08 AMENITY

IPDT108

EXHIBIT B-10



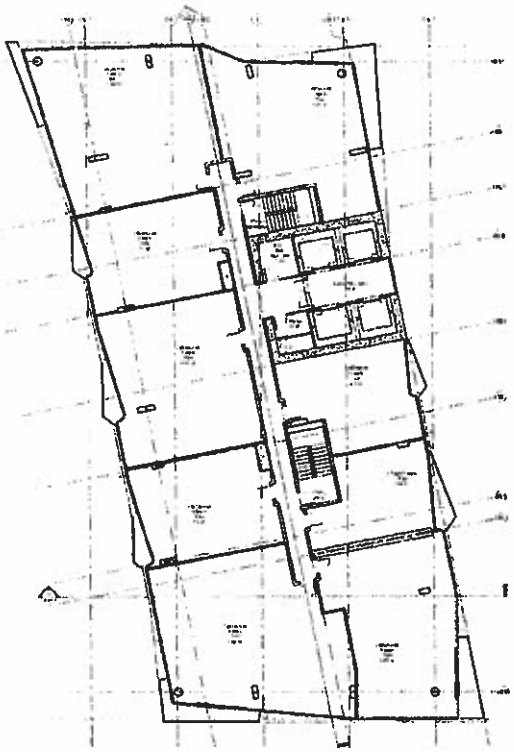


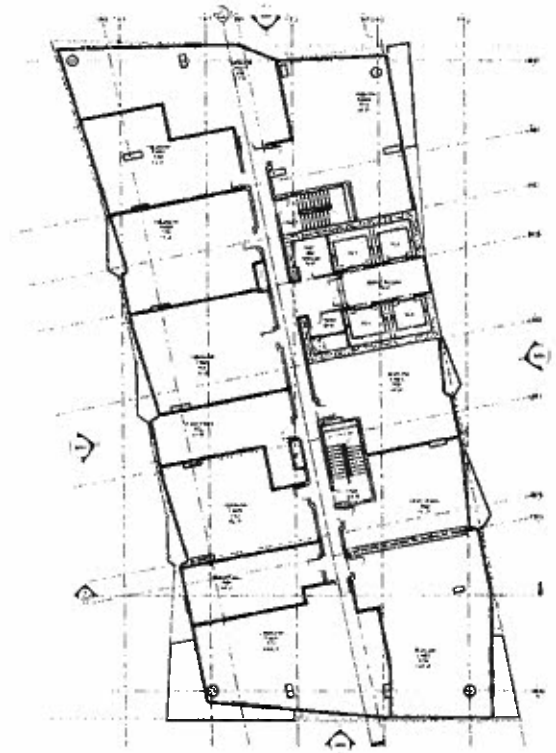
NOT FOR CONSTRUCTION

FLOOR PLAN - LEVELS 09-15

IPDT109

EXHIBIT B-11





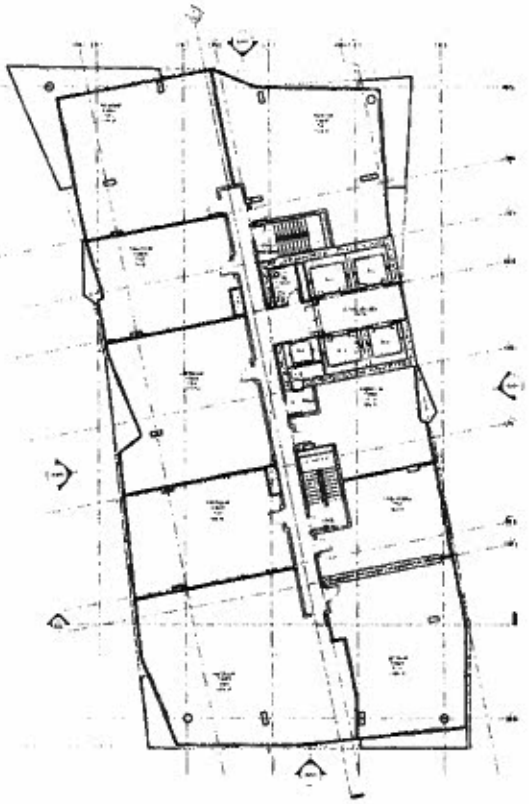
1538 Kapiolani

NOT FOR CONSTRUCTION

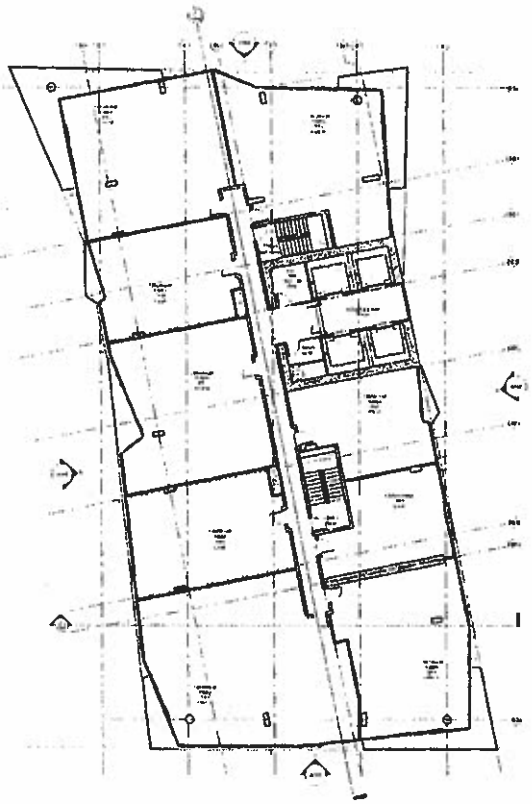
FLOOR PLAN - LEVELS 16-33

IPDT116

EXHIBIT B-12



FLOOR PLAN - LEVEL 37



FLOOR PLAN - LEVELS 34-36

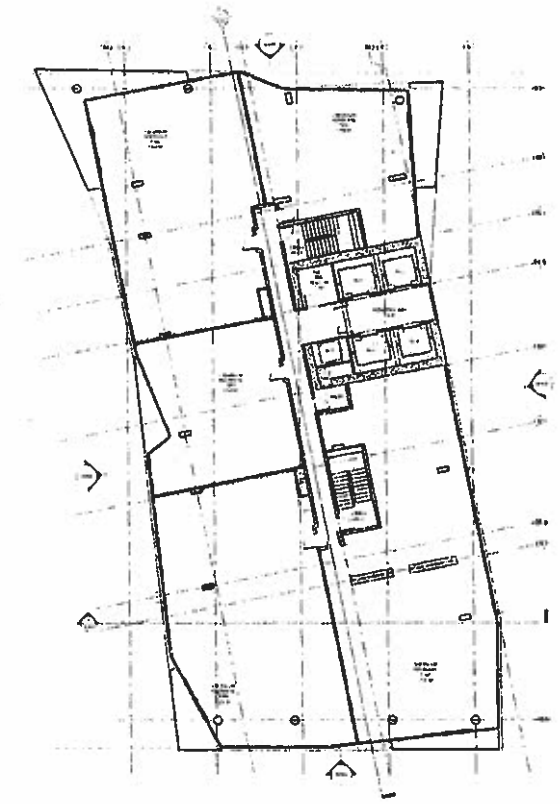
1538 Kapiolani

NOT FOR CONSTRUCTION

FLOOR PLAN - LEVELS 34-37

IPDT134

EXHIBIT B-13



FLOOR PLAN - LEVEL 38 & LEVEL 39

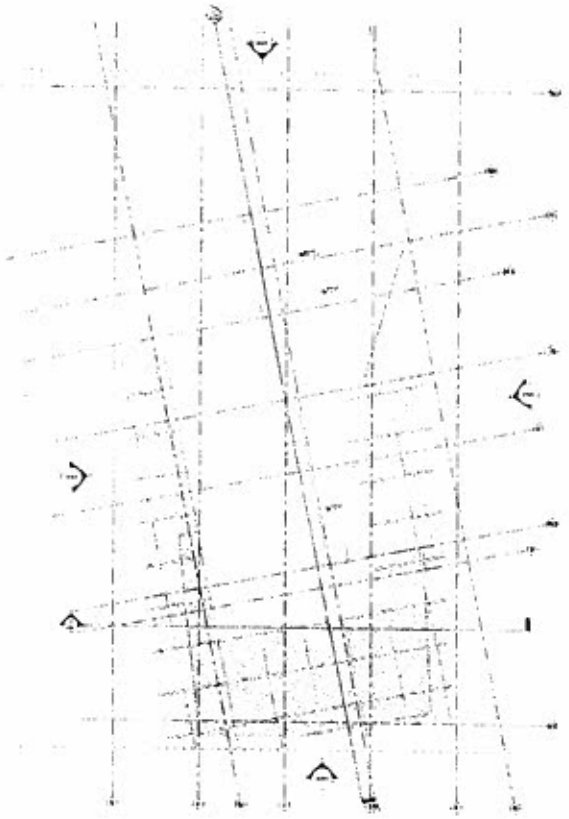
1538 Kapiolani

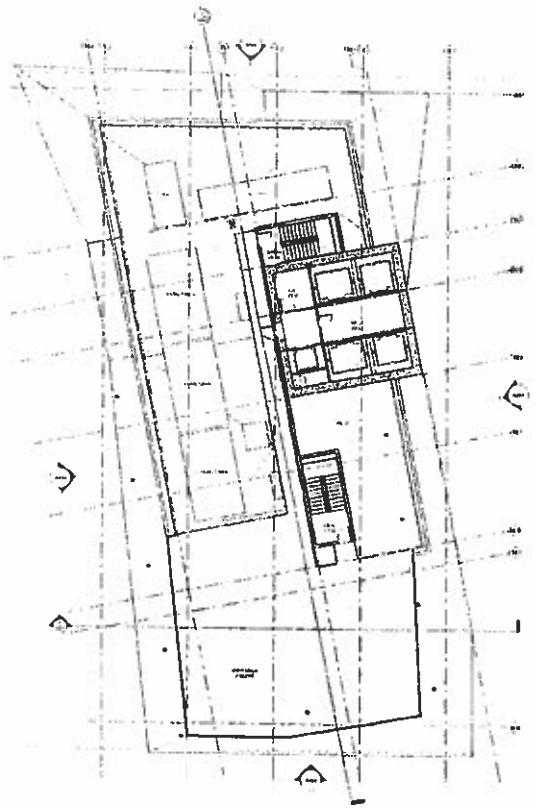
NOT FOR CONSTRUCTION

FLOOR PLAN - LEVELS 38-39

IPDT138

EXHIBIT
B-14





NOT FOR CONSTRUCTION

MECH PENTHOUSE AND ROOF PLANS

IPDT140

Setback Elevations | LUO Requirement

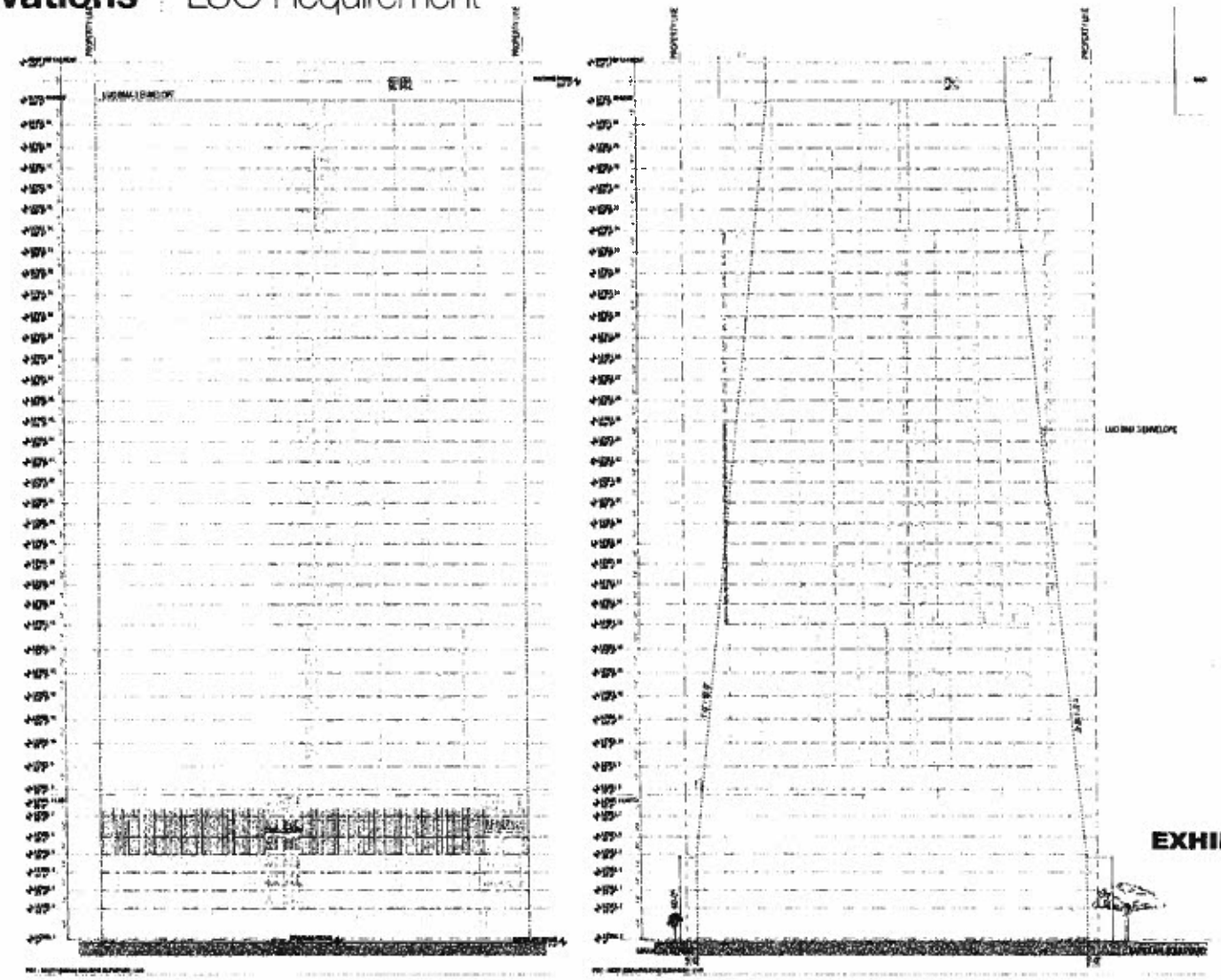
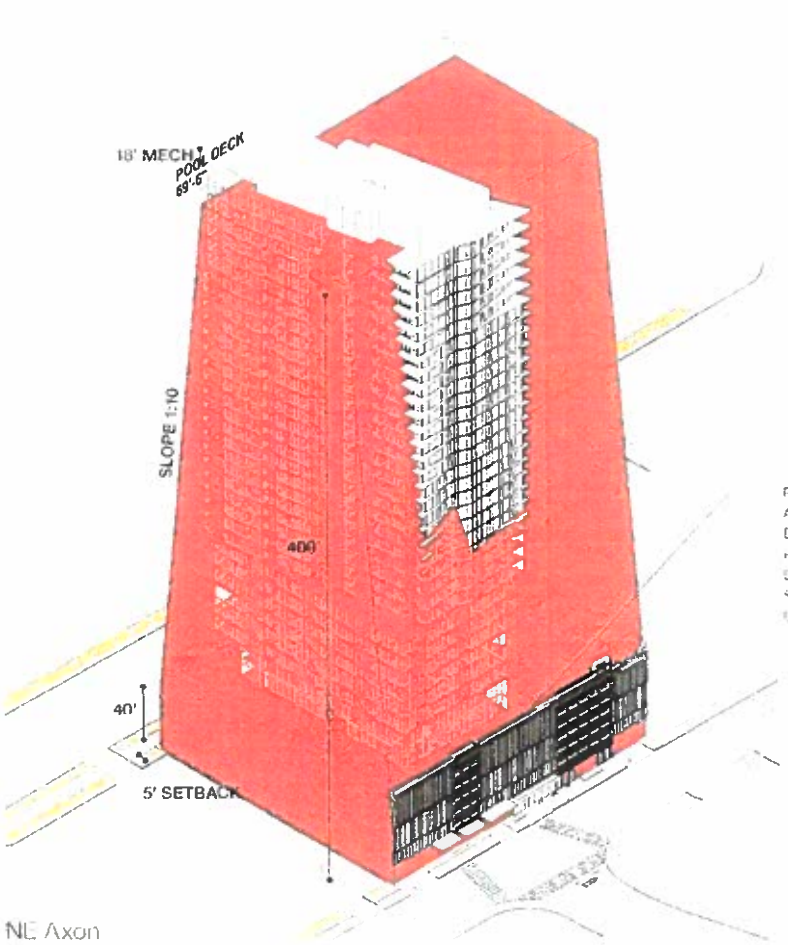


EXHIBIT B-15

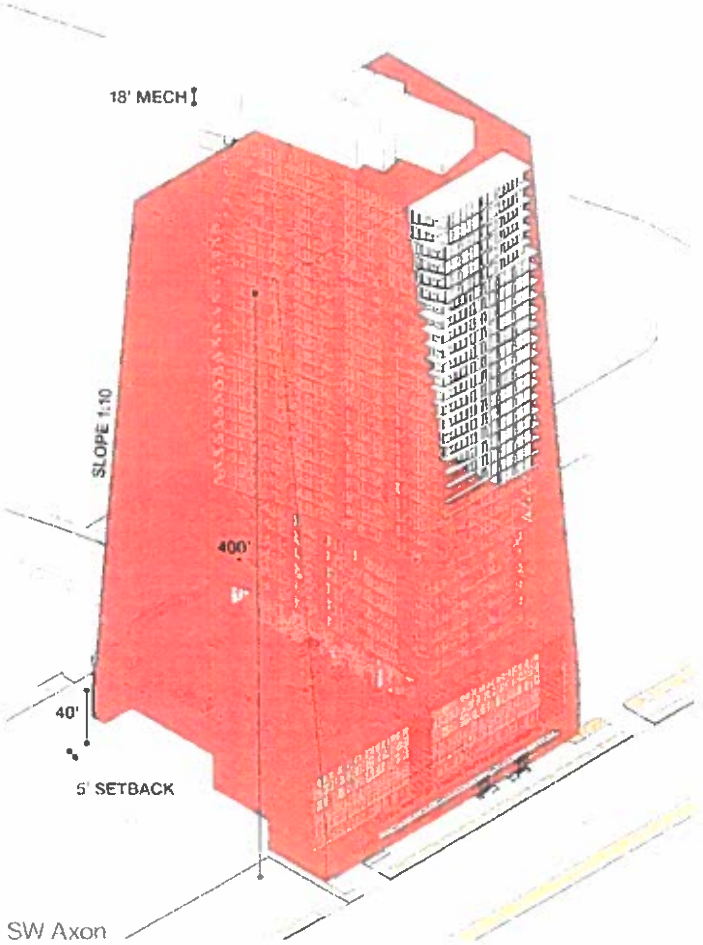
Setback Diagram | LUO Requirement

EXHIBIT B-16



NE Axon

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



SW Axon

Setback Elevations | TOD Requirement

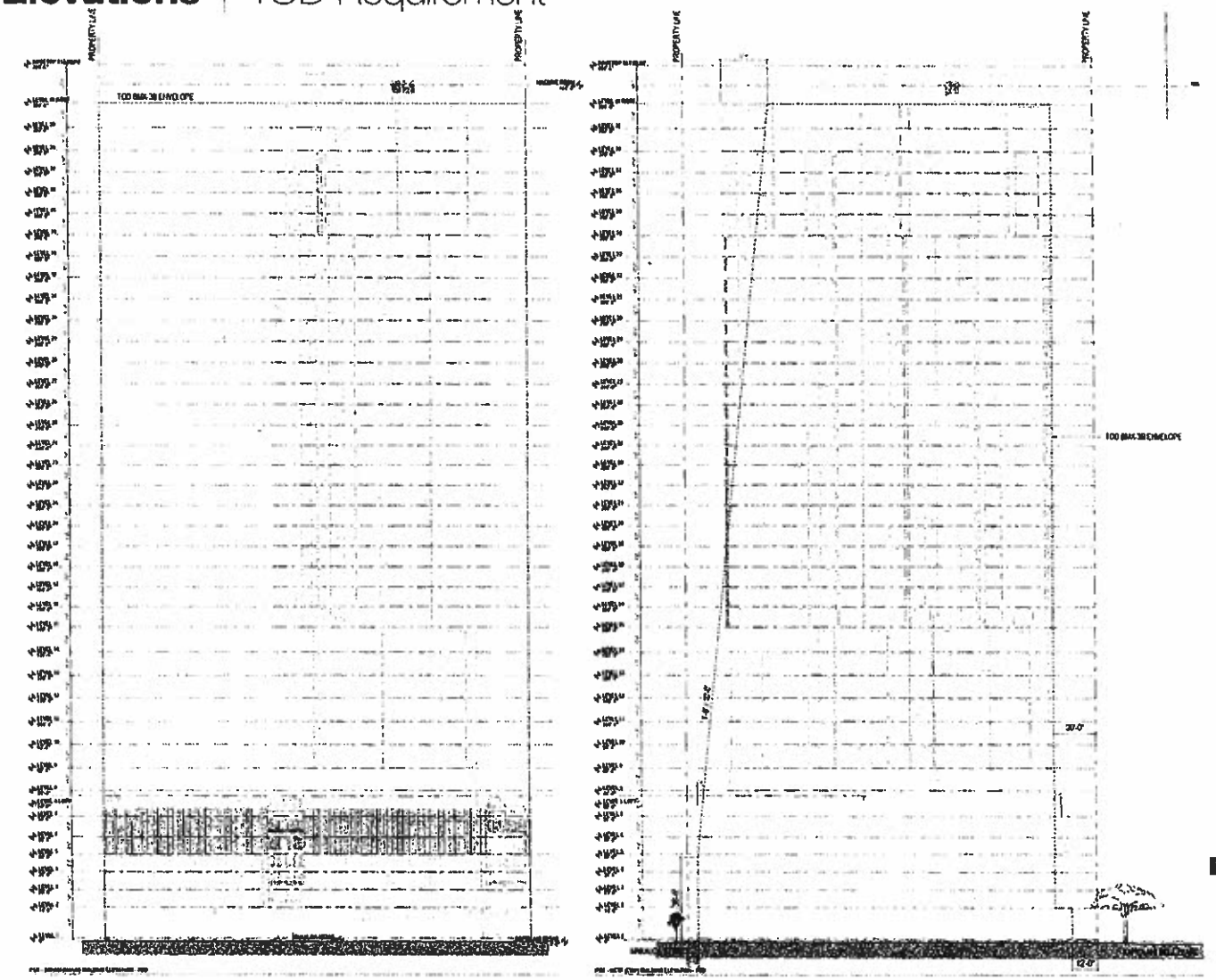
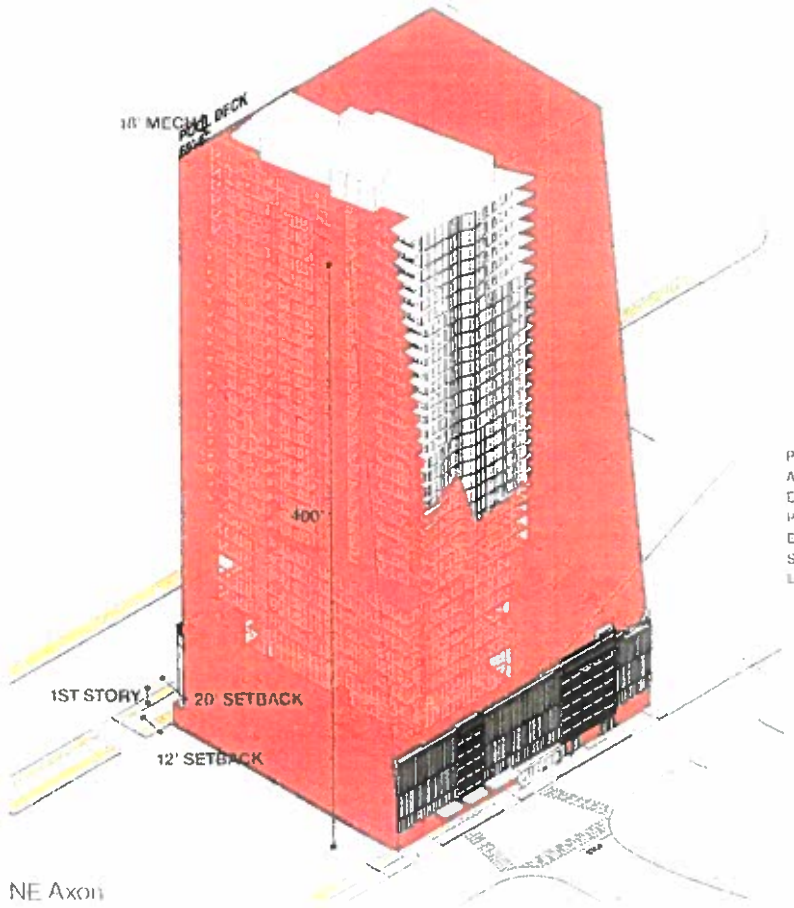


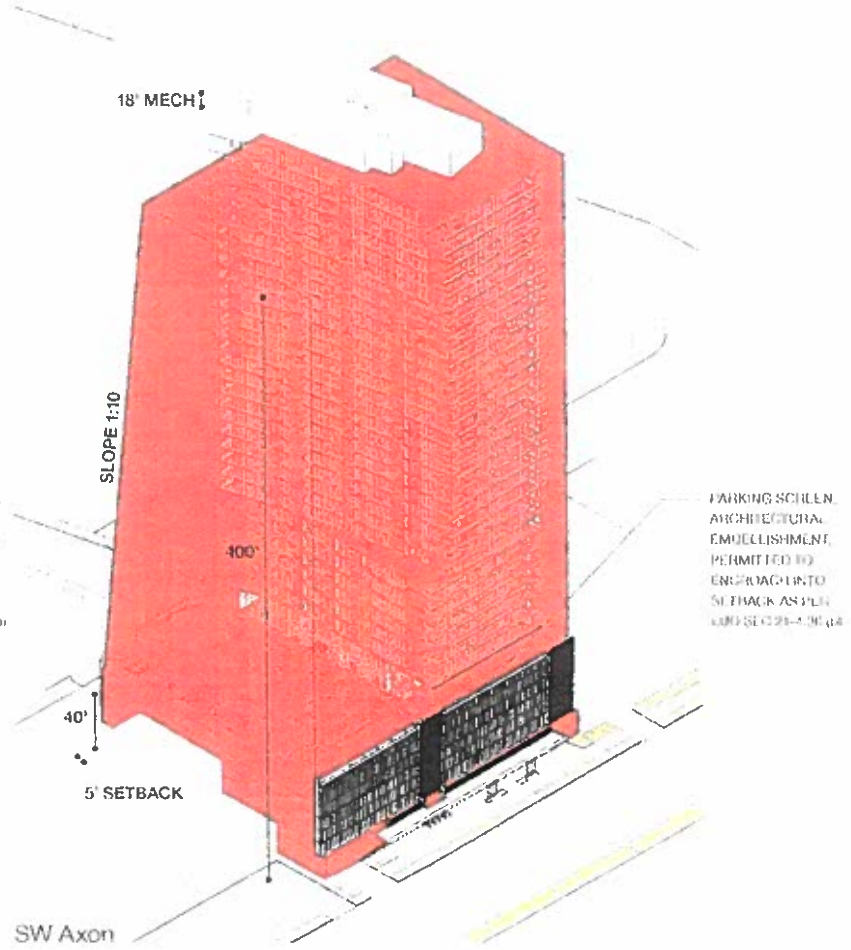
EXHIBIT B-17

Setback Diagram | TOD Requirement

EXHIBIT B-18



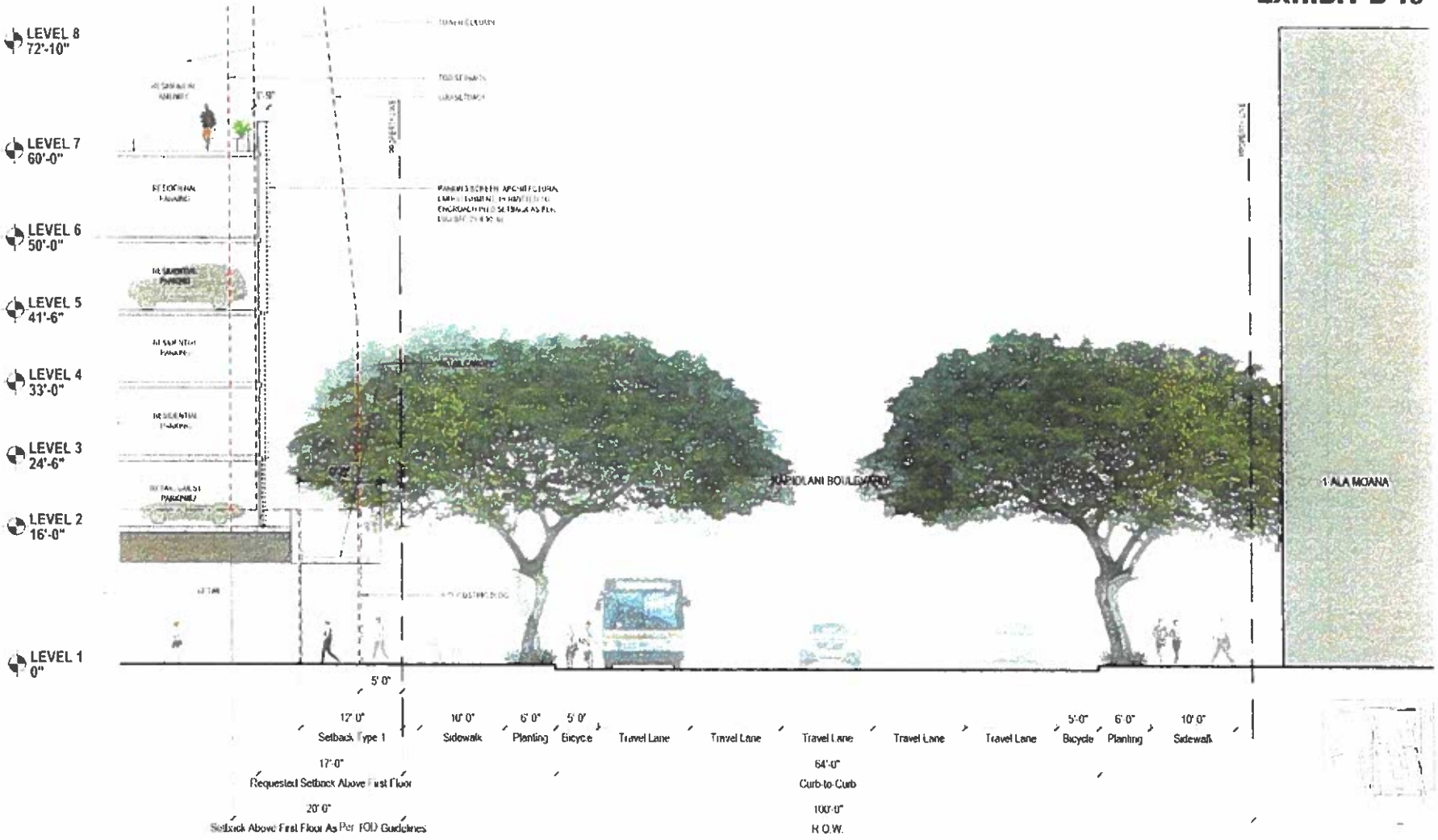
NE Axon



SW Axon

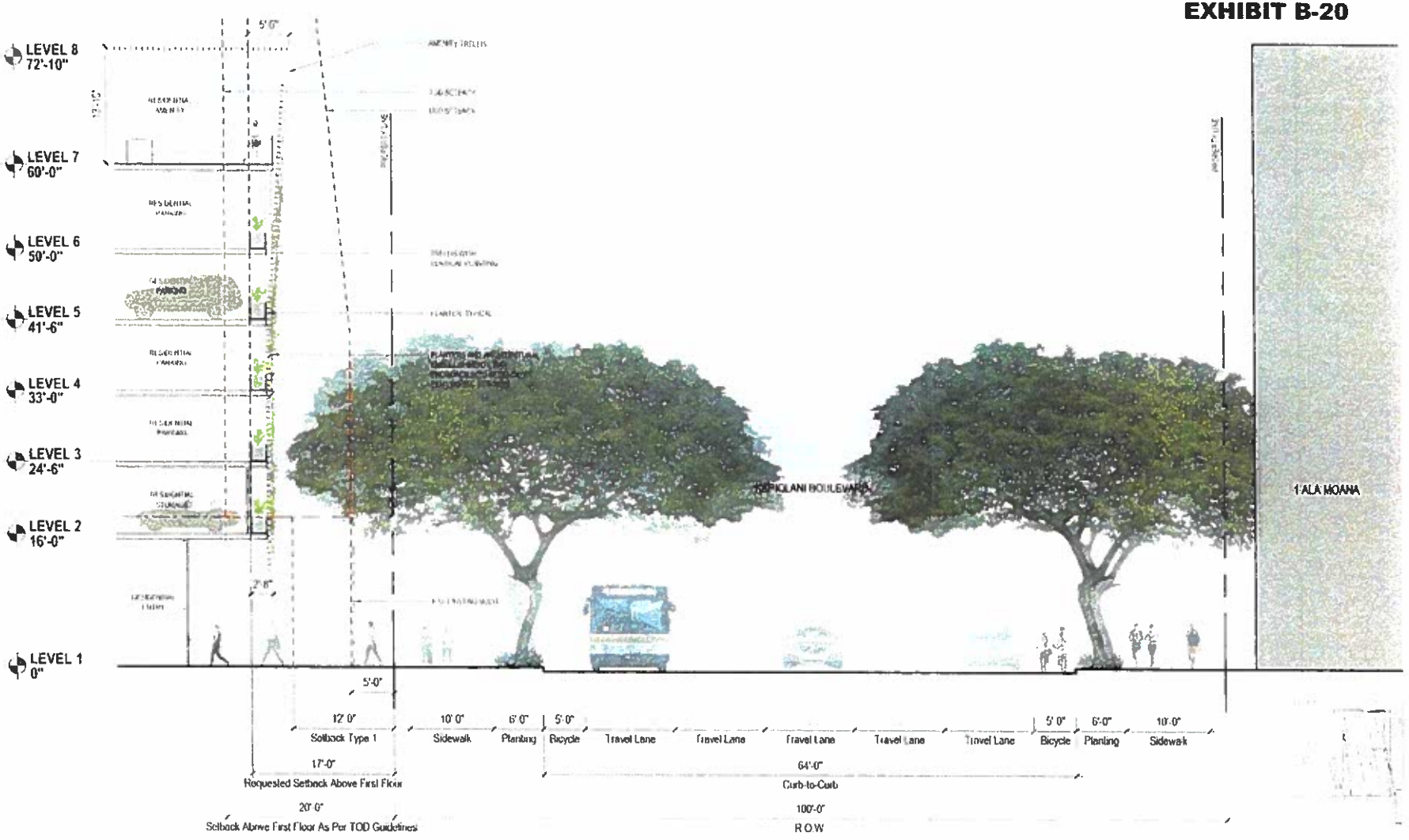
Streetscape Section | Kapiolani Boulevard

EXHIBIT B-19



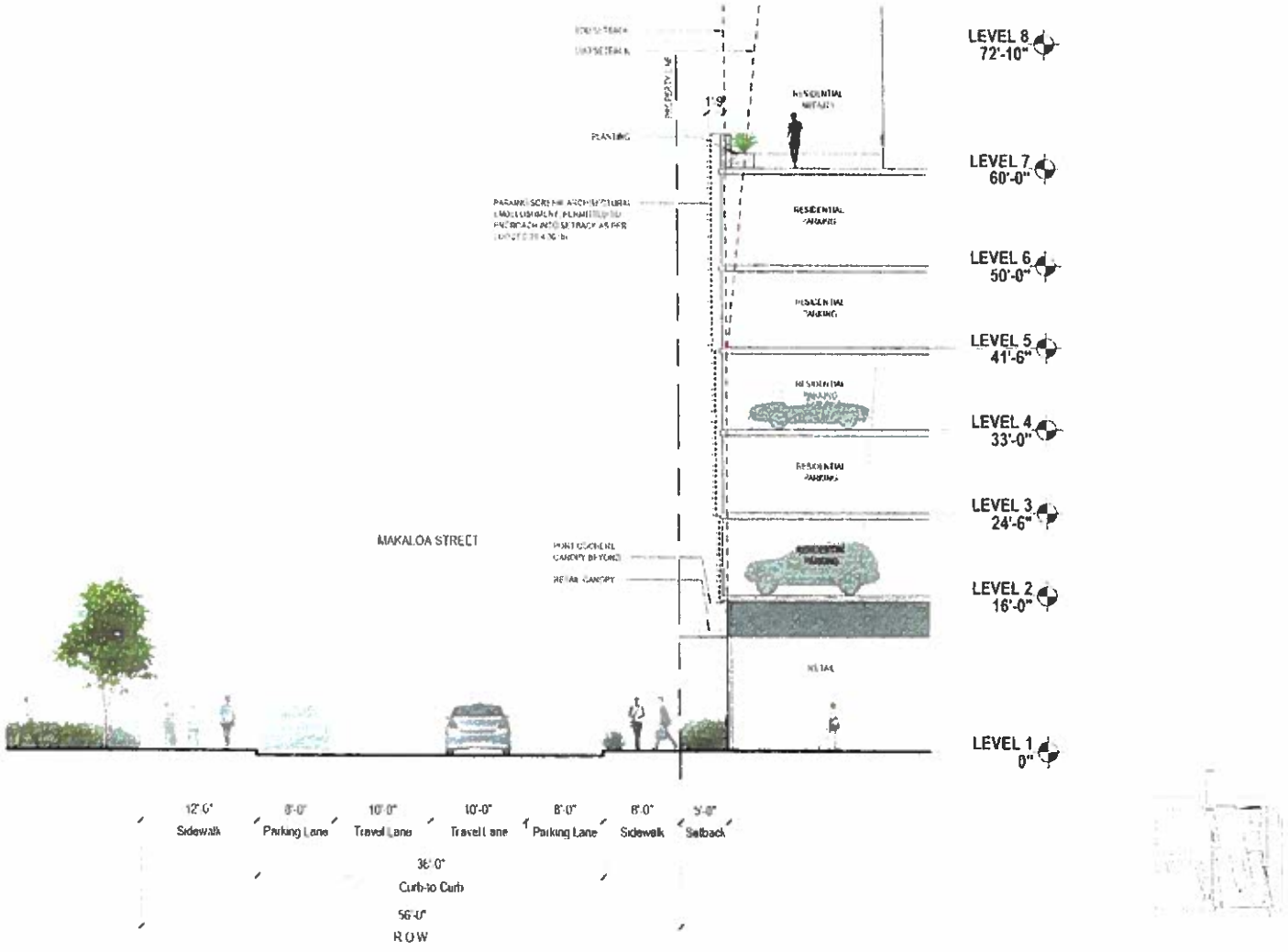
Streetscape Section | Kapiolani Boulevard

EXHIBIT B-20



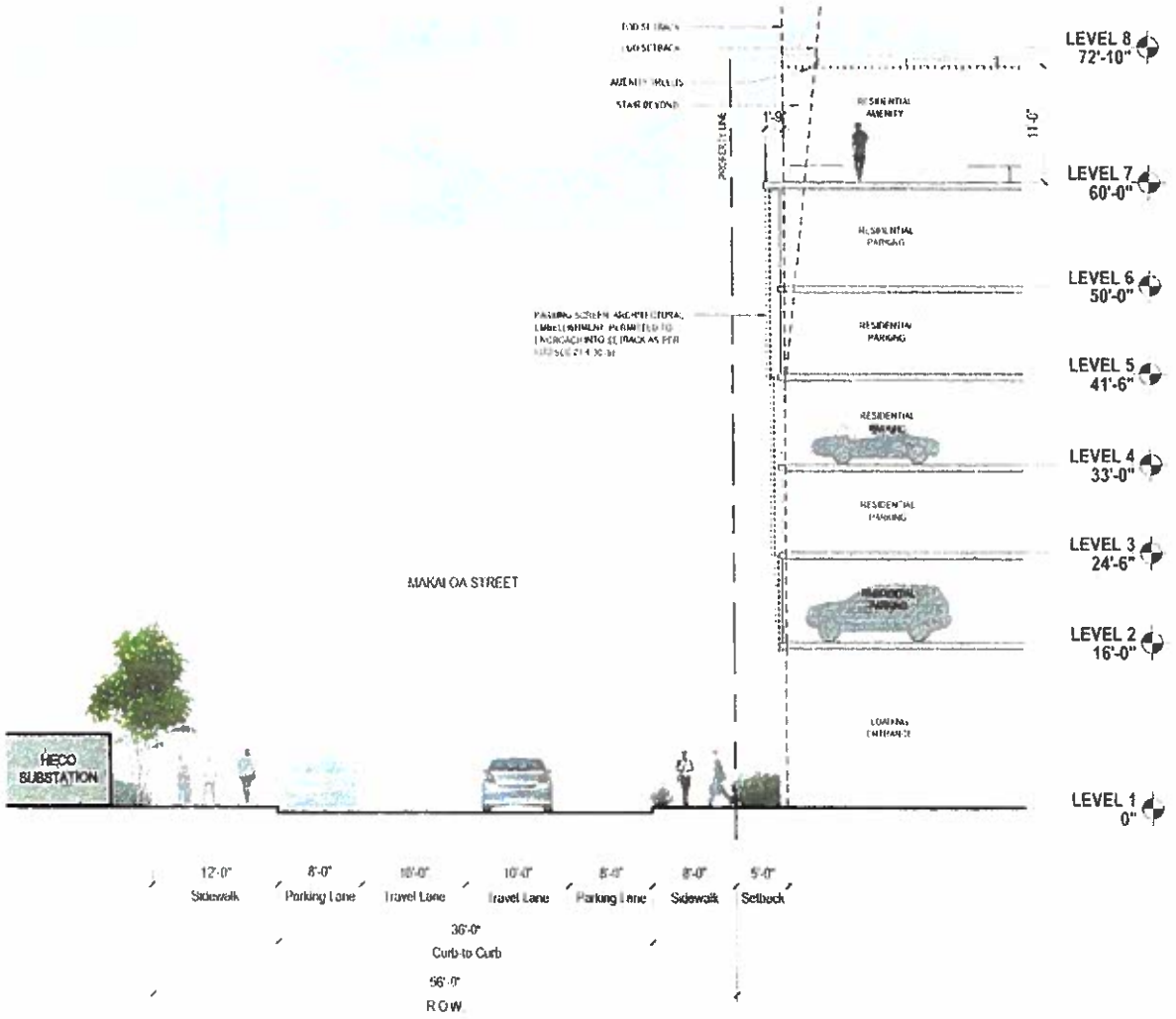
Streetscape Section | Makaloa Street

EXHIBIT B-21



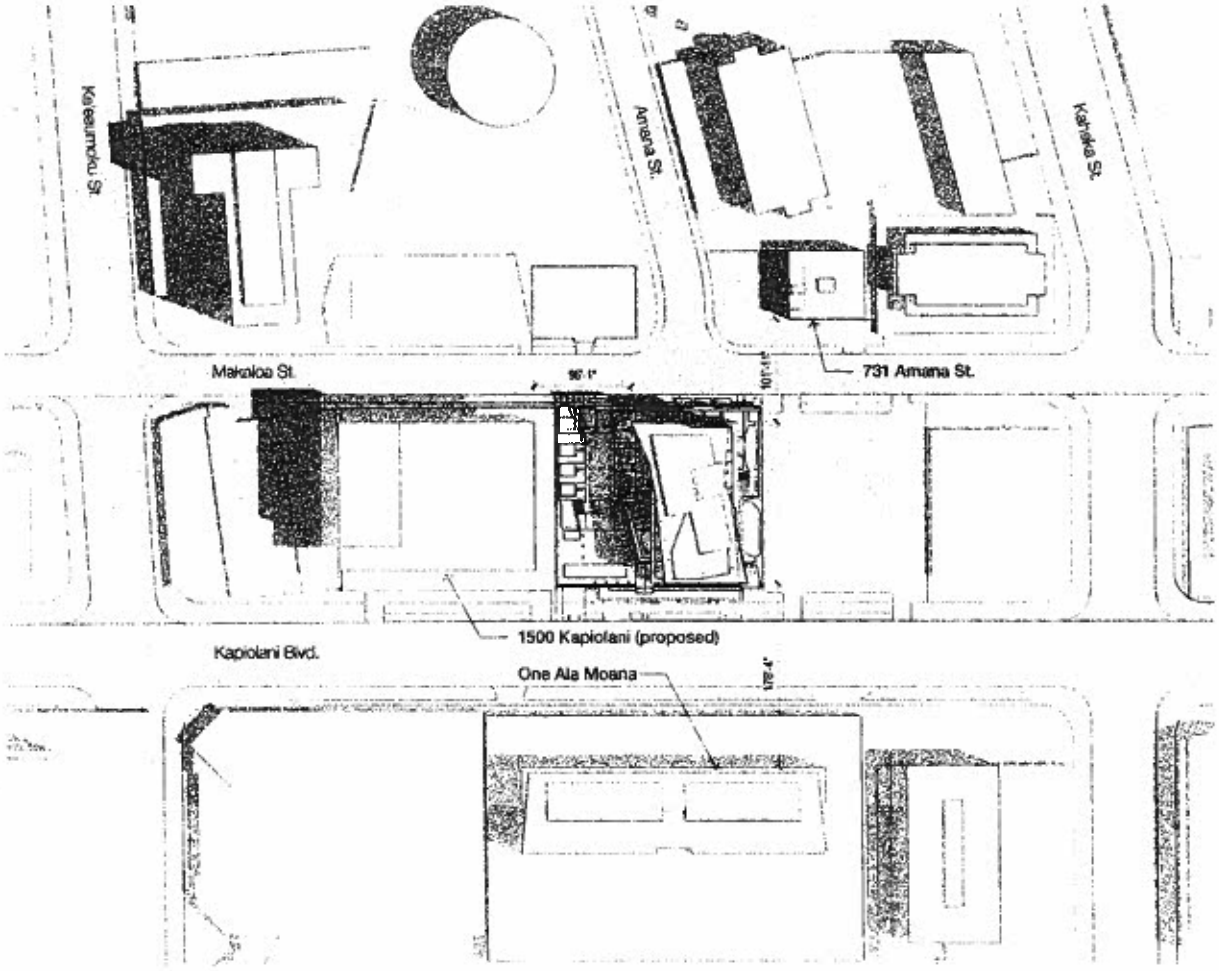
Streetscape Section | Makaloa Street

EXHIBIT B-22



Tower Proximity

EXHIBIT B-23



Renderings

EXHIBIT B-24





Renderings

EXHIBIT B-25





1538 Kapiolani Boulevard

October 27, 2022

JL Development LLC Bohlin Cywinski Jackson Benjamin Woo Architects

Pedestrian and Vehicular Thoroughfares

EXHIBIT B-26



Open Space Diagram



EXHIBIT B-27