

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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ACTING DIRECTOR

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DEPUTY DIRECTOR

EUGENE H. TAKAHASHI  
DEPUTY DIRECTOR

August 27, 2018

2017/SDD-11 (JY)

Mr. James Freeman  
FSC Architects  
32 Merchant Street, Suite 208  
Honolulu, Hawaii 96813

Dear Mr. Freeman:

SUBJECT: Special District Permit No. 2017/SDD-11  
Hawaii Ocean Plaza  
1370 Kapiolani Boulevard – Ala Moana  
Tax Map Keys 2-3-016: 018 through 020

The Director of the Department of Planning and Permitting (DPP) has **APPROVED** the above Special District Permit, subject to certain conditions. A copy of the Director's Findings of Fact, Conclusions of Law, and Decision and Order, including conditions of approval and exhibits, are attached.

Any party wishing to appeal the Director's action must submit a written petition to the Zoning Board of Appeals (ZBA) within 30 calendar days from the date of mailing or personal service of the Director's written decision (Zoning Board of Appeals Rules Relating to Procedure for Appeals, Rule 22-2, Mandatory Appeal Filing Deadline). Essentially, the Zoning Board of Appeals' rules require that a petitioner show that the Director based his action on an erroneous finding of a material fact, and/or that the Director acted in an arbitrary or capricious manner, or manifestly abused his discretion. Generally, the ZBA can only consider the evidence previously presented to the Director of the Department of Planning and Permitting (DPP). The filing fee for appeals to the ZBA is \$400 (payable to the City and County of Honolulu).


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Failure to comply with ZBA Rules Chapter 22, Procedure for Appeals, may result in the dismissal of the appeal. Copies of the ZBA rules are available at the DPP. Appeals should be addressed to:

Zoning Board of Appeals  
c/o Department of Planning and Permitting  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, Hawaii 96813

Should you have any further questions on this matter, please contact Joette Yago, of our Urban Design Branch, at 768-8034 or [jyago@honolulu.gov](mailto:jyago@honolulu.gov).

Very truly yours,

  
Kathy K. Sokugawa  
Acting Director

Attachments

/ cc: Hawaii City Plaza, LP (Jay Fang)

DEPARTMENT OF PLANNING AND PERMITTING  
OF THE CITY

STATE OF HAWAII

IN THE MATTER OF THE APPLICATION )  
 )  
 BY )  
 )  
 HAWAII CITY PLAZA, LP )  
 )  
 FOR A )  
 )  
 MAJOR SPECIAL DISTRICT PERMIT )

FILE NO. 2017/SDD-11

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND DECISION AND ORDER

I. GENERAL INFORMATION

A. Basic Information:

PROJECT:	Hawaii Ocean Plaza
APPLICANT/ LANDOWNER:	Hawaii City Plaza, LP (Jay Fang)
AGENT:	FSC Architects (James Freeman)
LOCATION:	1362, 1370, 1374 Kapiolani Boulevard – Ala Moana
TAX MAP KEYS:	2-3-016: 018 through 020
LAND AREA:	1.033 Acres (45,000 Square Feet)
STATE LAND USE:	Urban
EXISTING ZONING:	BMX-3 Commercial Business Mixed Use District
EXISTING USE:	One- and two-story structures with commercial uses
SURROUNDING USES:	Retail, eating and drinking establishments, cabaret, warehouse, and multi-family dwelling units. The future Ala Moana rail transit station is located approximately 350 feet from the subject site.

The conceptual plan for the Project was approved by the City Council under Resolution No. 17-175, CD1 (Resolution), on March 28, 2018, which included preliminary drawings and exhibits. Pursuant to Land Use Ordinance (LUO), Section 21-9.100-5(j), the Department of Planning and Permitting (DPP) will now review the Project in greater detail for final action. This report will analyze the

proposed mixed use development for compliance with the goals, objectives, and development standards of the Transit-Oriented Development (TOD) Special District (SD), per Ordinance No. 17-54 (Ordinance). Ordinance No. 18-10 provides the basis for the affordable housing policy and was in the process of adoption when the Project came before the City Council for review and approval.

The Report and Recommendation associated with the Resolution, along with the Exhibits transmitted by the DPP to the City Council, is on file with the DPP. The Applicant submitted additional schematic plans on June 29, 2018, which are attached as Exhibits A1 through A44, which will be analyzed within this report. The conditions of approval of this TOD SD Permit will be in addition to the conditions of the Resolution.

- B. Proposal: The Applicant proposes to develop an Interim Planned Development-Transit (IPD-T) Project within 350 feet of the future rail transit station at Ala Moana Center. It involves the construction of a 40-story, 400-foot-high mixed-use tower with up to 216 condominium units, 175 hotel units, commercial spaces, recreational amenities, off-street parking, and bicycle parking. A publically-accessible two-way central driveway is proposed, which traverses the subject property between Makaloa Street and Kapiolani Boulevard, and is aligned with Kona Iki Street across Kapiolani Boulevard.

Basement Parking Levels B1 and B2 will be for the commercial uses. Residential bicycle parking will be located at Basement Parking Level B3. Retail commercial spaces, eating and drinking establishments, bar, community room, hotel and condominium lobbies are proposed for the Ground Floor. Floors 2 through 7 will have off-street parking, residential drop-off/pick-up area, residential and hotel lobbies, condominium office, and mail room. Floor 8 will be the roof of the podium which includes residential and hotel amenities such as swimming pools, dog park, playground, putting green, pool deck, barbecue area with cabanas, terrace garden and lawn areas, multi-purpose room, gym, restaurant, and banquet room.

Floors 9 through 15 will have 175 hotel units with 25 units per floor. Level 16 will house additional amenities such as landscaped gardens, home theater, and office space. Floors 17 through 40 will have 216 residential units with nine units per floor. There will be a total of 120 one-bedroom units, 72 two-bedroom units, and 24 three-bedroom units that range in size from 767 to 1,784 square feet of floor area. The tower roof will have a garden, terrace, and photovoltaic panels.

Approximately 33 units or 15 percent of the 216 residential units will be made affordable to those households earning 80 percent and below of the area median income for the area for a minimum of 30 years. These affordable units will be dispersed among nine residential floors that also have market rate units.

The central driveway through the Project will be open to pedestrians, bicyclists, and vehicles. To promote intermodal transportation, pedestrian and bicycle

improvements will be done on Kapiolani Boulevard and Makaloa Street. Existing trees on Kapiolani Boulevard will remain while new shade trees will be added on Makaloa Street in the public right-of-way. The podium façade will be set back from the property line for outdoor dining opportunities with landscape improvements.

## II. FINDINGS OF FACT

On the basis of the evidence presented, the Director of the DPP has found:

- A. Description of Site and Surrounding Uses: The Project site is located in the BMX-3 Community Business Mixed Use District between Kapiolani Boulevard and Makaloa Street in Ala Moana. Both Kapiolani Boulevard and Makaloa Street are owned by the City. This Project consists of three parcels with a combined lot area of 45,000 square feet or 1.033 acres. The site is relatively flat and contains no unusual topographic features. Demolition has commenced on the existing structures.

The surrounding area includes a mixture of commercial uses (e.g., dining, retail, bar, and entertainment establishments) and multi-family dwellings. Across Makaloa Street, to the north, is the Walmart and Sam's Club shopping complex. Across Kapiolani Boulevard, to the south, is 1357 Kapiolani Tower and Kona Iki Street, which leads to Ala Moana Center. Directly to the west are various bar and entertainment establishments. Directly to the east is another proposed IPD-T Project. The greater surrounding area includes multi-family dwellings, commercial centers, churches, schools, and Ala Moana Beach Park. The future rail transit station is located 350 feet to the south of the Project site.

- B. Other Permits and Approvals:

1. Permits required by the City and County of Honolulu include: Surface Encroachment Variance, Sewer Connection, Park Dedication, Construction Plan Approval, Demolition, Trenching and Drain Connection Permits, Grading, Building, and Street Usage Permits. The Project will require subdivision approval to designate easements for public utilities, public access, and/or sidewalks.
2. Approvals required by the State of Hawaii include an Archaeological Inventory Survey Plan, National Pollutant Discharge Elimination System (NPDES) Permit, Construction Noise Permit, and Clean Air Permit.

- C. Environmental Review, Chapter 343, Hawaii Revised Statutes (HRS) and Chapter 25, Revised Ordinances of Honolulu (ROH): The Project is not subject to an assessment under Chapter 343, HRS, the State Environmental Impact Law. The Project is also not within the Special Management Area.

- D. Flood Zone: The site is in Flood Zone X, which are areas determined to be outside the 500-year flood plain, as shown on Flood Insurance Rate Map Community Panel No. 15003C-0362G dated January 19, 2011. Compliance with the flood hazard ordinance is required prior to the issuance of building permits.
- E. Public Agency and Community Comments: Public agency and community comments are documented in the DPP's Report and Recommendation in support of the IPD-T Permit. The Report and Recommendation also contains written testimonies submitted for the DPP's Public Hearing held on March 24, 2017.
- F. Oahu General Plan (GP) and Primary Urban Center Development Plan (PUCDP): The proposal represents a development that is encouraged in an area supported by multi-modal transportation as described by the GP. The proposal stimulates the economy of the area while also providing housing to different levels of income. Because the Project is within the established Pawa area of Honolulu, it provides in-town housing choices for various people while also encouraging a balanced transportation system as visualized in the PUCDP.
- G. Draft Ala Moana Neighborhood TOD Plan: The Ala Moana Neighborhood TOD Plan (TOD Plan) is currently being reviewed by the City Council as Resolution No. 17-314, CD1. The TOD Plan envisions the Ala Moana station area to be a livable urban community and a model for walking, biking, and transit usage.
- H. TOD SD Ordinance No. 17-54: The TOD SD has been adopted, and the general land use and design standards are applicable to the Ala Moana area TOD SD to improve transit use, multimodal transportation, open spaces and parks, and a broad range of housing units. The Ordinance is effective as of April 3, 2018. This does not change the design principles of the TOD SD but will be amended as other TOD station areas are added.
- I. IPD-T Approval, Resolution No. 17-175, CD1: The City Council approved the IPD-T request with conditions relating to height and density, parking, buildable area, community benefits, traffic and pedestrian circulation, landscaping, street improvements, and standard conditions relating to compliance with other rules and regulations.

Through the Resolution, the Applicant received the flexibility to modify density, building height limit, parking, and landscaping. In adopting the Resolution and approving the conceptual Project plan, the City Council concluded that, subject to conditions of approval, the conceptual design is consistent with the goals and objectives of TOD and the provisions enumerated in Section 21-9.100-4 of the LUO. The City Council also concluded that the requested flexibility is commensurate with the contributions described within the Project plan.

- J. Bicycle Parking, Ordinance No. 17-55 (Relating to Miscellaneous LUO Amendments, adopted on October 11, 2017): Section 21-6.150 of the LUO includes bicycle parking standards, such as the number of short- and long-term bicycle parking required, and location and design of the bicycle parking spaces.

### III. ANALYSIS

Since the City Council approved the conceptual plan for the Project, the application will be reviewed in detail for compliance with the TOD SD, as adopted under Ordinance 17-54 for final action by the DPP, pursuant to the LUO Section 21-2.110-2(h). This final approval by the Director is a Major Special District Permit for the Project. Anticipating that the TOD standards will not change with the adoption of Ordinance 18-10, the analysis is based on the TOD SD, Ordinance No. 17-54.

- A. Draft Ala Moana Neighborhood TOD Plan: The Project, as approved in the Resolution, meets the general purpose and intent of the TOD Plan because it will support transit ridership by creating residences, commercial activities, and restaurants within a quarter mile of the future rail transit station in the Ala Moana neighborhood. The Project will help create a livable urban community by incorporating affordable housing units, plaza area, and a variety of alternative transportation improvements.
- B. TOD SD:
1. Use Regulations: Proposed uses for the Project include hotel, multi-family dwellings, offices, meeting facilities, eating and drinking establishments, and/or retail establishments, all of which are permissible within the underlying zoning district.
  2. Specific Use Standards: It should be noted that a Major Conditional Use Permit (CUP) is required when there are more than 180 hotel units. The Applicant proposes 175 hotel units. The hotel units cannot be used for time sharing or transit vacation units. Should the number of hotel units increase to 180 or more through the conversion of residential units, the Applicant is required to apply for a Major CUP. No condition of approval is required.
  3. Density: The TOD SD and TOD Plan will allow a maximum floor area ratio (FAR) of 10.0 on the site, with the approval of an IPD-T Permit. The Resolution established a maximum density of 450,000 square feet or a FAR of 10.0. Building permit plans must show compliance with this limit. The exhibits approved and those submitted with this application, are not detailed sufficiently to show the exact floor area for the Project. Compliance with the Resolution will be confirmed during building permit review and no new condition of approval is required.

4. Height: The TOD SD and TOD Plan also establish a maximum height for the site of 400 feet with the approval of the IPD-T. A maximum height of 400 feet was set by the Resolution. Submitted plans show the rooftop deck at the 400-foot height limit. Pursuant to Section 21-4.60(c) of the LUO, only necessary rooftop structures can exceed the maximum height by 18 feet. Application materials describe the roof top as a garden and terrace for residences. Roof plans show elevator housing and stairs which appear to comply with this provision. However, details of the support trellis for the photovoltaic panels are not provided. The trellis does appear to not exceed 18 feet above the governing height limit of 400 feet. To ensure that the proposed trellis does not add floor area, it should be designed to be as open as possible to only support the photovoltaic panels. This shall be a condition of approval.

5. Street Façade and Building Placement: According to the TOD Plan, a minimum of 70 percent of the building façade should be sited on the buildable area boundary line. Only ground floor outdoor dining on Kapiolani Boulevard may be provided behind the build-to line. Any existing structures, awnings, or architectural features approved by the DPP may encroach into the established setback. Condition E of the Resolution established the buildable area boundary. The application does not show that this condition has been met. To fulfill this condition, the first floor building façade along Kapiolani Boulevard should be moved to the buildable area boundary line at the area proposed for the lobby bar. The buildable area boundary line on Kapiolani Boulevard is 12 feet away from the property line. On Makaloa Street, where the buildable area boundary line is five feet from the property line, the first floor façade should be moved up to that line. In addition, building permit plans should specifically indicate this measurement when submitted for building permit review. This shall be required as a condition of approval.

Submitted plans showed planters, seating areas, and outdoor dining areas along Kapiolani Boulevard and Makaloa Street. However, details on these items were not provided. Furniture and planters should not be used to differentiate private and public property so as to encourage the public to utilize the area as a community benefit. In addition to these items, the Applicant should provide lighting and trash receptacles. Lighting should be shielded to prevent glare onto neighboring properties. Lighting should not be used to call attention to the building but rather to provide safety for users and pedestrians. These shall be conditions of approval.

6. Yard Improvements: Pursuant to the TOD SD, the yard area between the property line and the building façade must be improved with a combination of hard surface and landscaping that does not obstruct pedestrian access to the yard area. Pedestrian amenities, such as benches and publicly



accessible seating, shade trees, portable planters, trash and recycling receptacles, facilities for recharging electronic devices, Wi-Fi service, bicycle facilities, or merchandising displays, may be located in the yard area. Awnings and other sunshade devices may exceed the 36-inch horizontal projection limit established in Section 21-4.30(b). This Project does not show compliance with this condition. Integration of the right-of-way sidewalk with the Project's seating and outdoor dining areas would comply with this condition. On Kapiolani Boulevard, this would involve the removal of the landscaping within the yard areas as well as the elevated seating and outdoor dining areas. The removed landscaping should be added instead to the right-of-way planting strip. The outdoor seating and dining areas should be at the same grade as the sidewalk. In order to satisfy flood requirements, the grade change may occur in the right-of-way planting strip. Similarly, this can happen on Makaloa Street by removing the steps to the outdoor dining area. Removal of the segregation between public and private spaces would greatly enhance the pedestrian experience by providing the same grade for the public right-of-way and the private seating areas. To provide continuity to the neighborhood, the same materials as the public sidewalk should be used. Coordination with the adjacent IPD-T Project (located Diamond Head of the subject Project) should be encouraged to allow seamless transition. These shall be conditions of approval.

7. Height Setback: The LUO street centerline and height setbacks may be modified through the approval of a Planned Development-Transit or IPD-T permit. Condition D of the Resolution established that the Project may encroach into the street centerline and height setbacks. Updated plans are required to meet Condition E of the Resolution, where storefronts are relocated up to the build-to lines, which does not nullify Condition D. Therefore, no new condition of approval is necessary.
8. Entrances: Primary building entrances must be placed along the street frontages. Where multiple businesses are located along the façade of the ground floor of a building, each establishment must have a separate entrance on the street frontage. Furthermore, the TOD SD recommends that at least one entrance be placed for every 50 feet of building façade.

The Project is generally consistent with these standards. However, the Project plans are conceptual and the ultimate building layout of the tenant spaces are subject to change. Therefore, a general condition of approval shall require at least one entrance every 50 feet of the ground floor building façade.

9. Transparency: The submitted plans included elevation drawings showing the ground floor façade. The drawings show floor to ceiling windows on both street frontages. The proposed clear glass will allow some

transparency into the ground floor spaces. No additional condition of approval is required.

10. Blank Walls: Only one building elevation (northwest side) was provided for review. This drawing showed the proposed seven-story podium parking structure as a continuous painted concrete wall for Levels 1 through 7. Continuous blank exterior walls are not allowed along the perimeter, especially when the adjacent properties are low-rise structures. As a condition of approval, the northwest and southeast building elevations shall be re-designed to show some architectural elements or landscaping on the seven-story parking structure.
11. Vehicular Parking and Loading: Condition G of the Resolution set the maximum number of off-street parking spaces at 414 spaces. The Applicant states that 414 off-street parking spaces and six off-street loading spaces will be provided. Condition Q required that vehicular access points be constructed to City standards. Application materials do not clarify that this condition has been met; however, no additional condition of approval is required.
12. Bicycle Parking: The Resolution required the Applicant to provide 28 of the public short-term bicycle stalls near the entrances of the commercial spaces along Makaloa Street and Kapiolani Boulevard. Plans show the location of these short-term bicycle stalls within proximity of the central driveway. As such, this condition has not yet been met.

Section 21-6.150 of the LUO requires short- and long-term bicycle parking spaces for new developments; the number, location, and design of the bicycle spaces are also regulated. Submitted plans did not differentiate between short- and long-term spaces but as residential and public bicycle parking. Based on 141,655 square feet of non-residential area and 216 residential units, the Applicant is required to provide 212 bicycle parking spaces of which 92 spaces are utilized for short-term bicycle parking and the remainder for long-term bicycle parking. The Applicant proposes 211 bicycle parking spaces. (Bikeshare does not count towards the bicycle parking requirements.) The Applicant provided almost the required number of bicycle parking spaces. However, the short-term bicycle parking spaces are concentrated at the central driveway. The IPD-T approval set the minimum number of bicycle parking spaces for short-term bicycle parking. Any additional short-term bicycle parking is not required. As noted above, the Applicant must show the location of the 28 short-term bicycle parking spaces near the entrances to the commercial spaces on Makaloa Street and Kapiolani Boulevard. No additional condition is required.

13. Landscaping: Streetscape improvements are necessary to improve pedestrian connectivity to the rail station, Ala Moana Center, and Ala Moana Park. The submitted landscape plan does not comply with the TOD Plan. Modifications to the landscape plan are required.

Minimal landscaping is shown within the required yards along Kapiolani Boulevard, while no landscaping is provided along the Makaloa Street required yard. On Kapiolani Boulevard, instead of using landscaping to delineate the Applicant's property and the public right-of-way, the Applicant should remove the landscaping within their property and increase the planting strip along Kapiolani Boulevard. This would bring pedestrians closer to the building, which follows the TOD plan, while also allowing a better buffer between pedestrians and vehicular traffic. The planting strip should consist of shrubs less than 30 inches and ground cover. Revised landscaping on Kapiolani Boulevard shall be a condition of approval.

On Makaloa Street, the Applicant proposes street trees, shrubs, ground cover, and to widen the sidewalk to five feet. While the shrubs and ground cover are acceptable, the proposed street trees (Autograph trees) are an invasive species that produce fruit which are hazardous to pedestrians. A more suitable street tree is the Hong Kong Orchid Tree. This type of tree or something similar to the street trees fronting Walmart on Makaloa Street would be acceptable. These shall be conditions of approval.

14. Pedestrian Walkways: Condition H of the Resolution required a safe, well-lit, paved, pedestrian, bicyclist, and vehicular pathway along the central private driveway through the Project. The Applicant should grant the City an easement to allow the central driveway to remain accessible to the public at all hours. Submitted plans differentiate the pathways with material paving for pedestrians and vehicles and sharrows for bicycles. Sections and detailed drawings were not provided to determine if bus turning radii are provided for or if the central driveway is consistent with City street standards. Without this information, it is difficult to quantify if this condition has been met. However apart from submission of the draft easement for review and approval, no additional condition is necessary.

The steps proposed along Kapiolani Boulevard and Makaloa Street are inconsistent with the TOD Plan because they separate the public right-of-way from the Project. In addition, steps or seat walls adjacent to the property line should be recessed two feet to provide a clear pedestrian landing area and keep the sidewalk clear for pedestrian use. As noted above, removal of these elevated sections would provide a cohesive development for the Project and with neighboring properties and, also, protecting pedestrians from vehicular traffic. These conditions are reaffirmed in this section.

15. Signage: Condition N.2 of the Resolution requires the Applicant submit a signage plan which includes wayfinding signage and community room signage identifying the location, hours of operation, and public availability of the community room. A signage plan was not submitted. Signs are subject to the provisions of the LUO. The Applicant must comply with Condition N.2. No additional condition is necessary.

In this SD Permit review, the Project was evaluated against the above TOD SD elements, along with the proposed design standards for the TOD SD areas and the DPP has found that, subject to certain conditions of approval, the Project meets the goals and objectives of TOD, as enumerated in the LUO and the TOD SD.

- C. Other Development Considerations and Conditions of the Resolution: The Resolution contained several conditions of approval that required updated drawings or additional information. New drawings and additional information were submitted as part of this application; the following sections summarize those Project elements and their corresponding conditions of approval.
  1. Condition F of the Resolution requires that the Applicant provide 15 percent or 33 rental dwelling units to those households earning 80 percent and below of the area median income (AMI) for a minimum of 30 years from the date of the certificate of occupancy. The Applicant submitted supplemental information which identifies where these rental units will be located. The affordable units will be located among different levels of the building and be integrated with market rate units. In order to ensure the delivery of the units, prior to the approval of any building permits, the Applicant must execute or cause to be executed an agreement to participate in an affordable housing agreement that is acceptable to the DPP. This is imposed as a condition of approval.
  2. Condition I of the Resolution requires that the Applicant implement water conservation measures at the Project site. The Applicant did not provide information on how they will meet this condition. The Applicant must utilize low flow plumbing fixtures, non-potable water for irrigation, cooling tower conductivity meters and water softening systems. This will be verified during the building permit application process.
  3. Condition O of the Resolution requires that the Applicant be responsible for the litter removal and cleaning of the existing bus stop shelter adjacent to the Project site on Kapiolani Boulevard at no cost to the City. A memorandum of agreement from Department of Transportation Services is imposed as a condition of approval.

4. Condition P.1 of the Resolution required the Applicant to execute an agreement with Bikeshare Hawaii for an on-site bikeshare station which is publicly accessible and does not interfere with pedestrian circulation. Submitted plans show the location of the bikeshare location within the central driveway. If Bikeshare Hawaii agrees to this location, then this condition will be met. A confirmation letter from Bikeshare Hawaii, or its successor, will be required to confirm compliance with the Resolution. This is imposed as a condition of approval.
5. Condition P.2 of the Resolution requires that the Applicant record with the State of Hawaii Bureau of Conveyances or the State of Hawaii Land Court for a public access easement in favor of the City that is accessible to the public at all hours for the life of the structure and requiring that the Applicant maintain the driveway for the life of the structure. A certified copy should be submitted to the DPP. This shall be a condition of approval.
6. Condition U of the Resolution requires that the Applicant receive a development permit for the proposed development within two years from the date of this permit. No additional condition is required.

#### IV. CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Director of the DPP has made the following conclusions:

- A. The Project, subject to certain conditions of approval, will comply with the Resolution No. 17-175, CD1;
- B. The Project concept, as a unified plan, will not adversely affect adjoining uses, and is in the general interest of the public;
- C. The requested Project boundaries and requested flexibility, subject to certain conditions of approval, with respect to development standards and use regulations are consistent with the objectives of TOD and the provisions enumerated in Section 21-9.100-4 of the LUO; and
- D. Upon implementation of the conditions of approval, the requested flexibility with respect to development standards and use regulations is commensurate with the public amenities and community benefits proposed.

## V. DECISION AND ORDER

Based on the Analysis and Conclusions of Law, the Director of the Department of Planning and Permitting (DPP) hereby **APPROVES** the Special District Permit, subject to the following conditions:

- A. Except as modified by these conditions of approval, all work shall be in accordance with the approved conceptual Project plan, as described herein and approved under Resolution No. 17-175, CD1 (Resolution). Any modification of the Project and/or approved conceptual Project plan shall be subject to the prior review of and approval by the Director of the DPP. Minor modifications shall be processed in accordance with Condition V of the Resolution. Major modifications shall require a new Interim Planned Development–Transit and Special District Permit.
- B. Prior to the application for any building permits, the Applicant shall submit the following revised plans to the DPP, Urban Design Branch, for review and approval:
  1. Revised site plan showing: -
    - a. A minimum of 28 bicycle spaces near the entrances to the commercial spaces along Makaloa Street and Kapiolani Boulevard.
    - b. Relocation of outdoor seating and dining areas that includes trash receptacles and exterior lighting.
    - c. Inclusion of the public right-of-way with the Project's outdoor seating and/or dining areas.
    - d. Standard City sidewalk paving material for the public rights-of-way.
    - e. Coordination with the adjacent Diamond Head Project's sidewalks and/or public rights-of-way.
  2. Revised floor plans showing details of the rooftop trellis and showing that the photovoltaic panels are not mounted to a covered trellis.
  3. Revised landscape plans showing:
    - a. Along Kapiolani Boulevard, the removal of landscaping between the private outdoor seating and dining areas and adding landscaping to the existing planting strip.

- b. Proposed street trees on Makaloa Street to be either Hong Kong Orchid Trees or similar to the street trees fronting Walmart on Makaloa Street.
  - 4. Revised elevations and details showing the re-design of the Project's side elevations to not show a continuous blank wall.
- C. Prior to the approval of a foundation permit, the Applicant shall provide updated drawings showing compliance with the following TOD Special District standards:
  - 1. A minimum of 70 percent of the building façade along Makaloa Street and Kapiolani Boulevard must be sited on the buildable area boundary line;
  - 2. One entrance to a commercial establishment along Kapiolani Boulevard and Makaloa Street for every 50 feet of street frontage;
  - 3. An affordable housing agreement that is acceptable to the DPP.
- D. Prior to the issuance of the Certificate of Occupancy, the Applicant must provide:
  - 1. A memorandum of agreement from the Department of Transportation Services confirming maintenance of the existing bus stop shelter adjacent to the Project site on Kapiolani Boulevard.
  - 2. A letter and agreement from Bikeshare Hawaii or its successor confirming the final location(s) of the bikeshare stations required.
  - 3. A certified copy of record from the State of Hawaii Bureau of Conveyances or the State of Hawaii Land Court of a public easement for the central driveway.
- E. For good cause, the Director of the DPP may impose additional requirements and/or amend the above conditions.

Dated at Honolulu, Hawaii, this 27th day of August, 2018.

Department of Planning and Permitting  
City and County of Honolulu  
State of Hawaii

By   
Kathy K. Sokugawa  
Acting Director

Attachments